



# AGENDA

## GENERAL MEETING

**Wednesday 28 April 2021**

commencing at 9.30am

Strathpine Chambers  
220 Gympie Road, Strathpine

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**COUNCILLOR:**

NOTICE IS HEREBY GIVEN, that a General Meeting of the Moreton Bay Regional Council will be held on Wednesday 28 April 2021 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

22 April 2021

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**Membership = 13**  
Mayor and all Councillors

**Quorum = 7**

[Agenda for public distribution](#)

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## **STATEMENT - ATTENDEES AND LIVESTREAMING**

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

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

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

### **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 - 31 March 2021 (Pages 21/202 to 21/384)**

**RESOLUTION** that the minutes of the General Meeting held 31 March 2021, be confirmed.

***Attachment #1 Unconfirmed Minutes - General Meeting 31 March 2021***

### **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

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There are no participants in the Community Comment session for this meeting.

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

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*(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

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

### 10.1. Declarable Conflict of Interest - Cr Darren Grimwade

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Pursuant to s150EQ of the *Local Government Act 2009*, Cr Darren Grimwade informed the meeting of a declarable conflict of interest in matters relating to development application DA/2021/1181 located at Anzac Avenue, Petrie as Mr Shane Newcombe is a friend of Cr Grimwade and Director of Newcombe Holdings Pty Ltd the owners of the land.

**Cr Grimwade has indicated he will not participate in decisions relating to DA/2021/1181 including discussion, debate and voting and will elect to leave future meetings.**

### 10.2. Declarable Conflict of Interest - Cr Darren Grimwade

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Pursuant to s150EQ of the *Local Government Act 2009*, Cr Darren Grimwade informed the meeting of a declarable conflict of interest in matters relating to development application DA/2021/1043 located at Boundary Road, Narangba. The applicant, Lindsay Packer was a political donor in Cr Grimwade's 2020 election campaign, donating \$750 to the Councillor on 2 March 2020.

**Cr Grimwade has indicated he will not participate in decisions relating to DA/2021/1043 including discussion, debate and voting and will elect to leave future meetings.**

### 10.3. Declarable Conflict of Interest - Cr Darren Grimwade

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Pursuant to s150EQ of the *Local Government Act 2009*, Cr Darren Grimwade informed the meeting of a declarable conflict of interest in matters relating to development application DA/2021/1375 located at Bribie Island Road, Sandstone Point as Rob Comiskey is a friend of Cr Grimwade and Director of Bribie Waters Pty Ltd, the owners of the land.

**Cr Grimwade has indicated he will not participate in decisions relating to DA/2021/1375 including discussion, debate and voting and will elect to leave future meetings.**



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

*(as referred by the Chief Executive Officer)*

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

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

Session	Portfolio 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

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**1 GOVERNANCE & ENGAGEMENT SESSION**

**(Cr P Flannery, Mayor)**

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**ITEM 1.1**

**PETRIE SUBURB BOUNDARY CHANGE PROPOSAL**

*Meeting / Session:* 1 GOVERNANCE & ENGAGEMENT  
*Reference:* 61666756 : 23 February 2021 - **Refer Supporting Information 61666755**  
*Responsible Officer:* DD, Manager Governance and Executive Services (FCS Governance & Executive Services)

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**Executive Summary**

The purpose of this report is to seek Council approval for the Chief Executive Officer to prepare and submit a submission on behalf of Council to the Queensland Government proposing a change to the Petrie suburb boundary so that it includes the majority of The Mill at Moreton Bay site which includes the University Precinct.

**OFFICER'S RECOMMENDATION**

That the Chief Executive Officer prepare a submission on behalf of Council to the Queensland Government proposing a change to the Petrie suburb boundary so that it includes the majority of The Mill at Moreton Bay site.

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ITEM 1.1 PETRIE SUBURB BOUNDARY CHANGE PROPOSAL - 61666756 (Cont.)

## REPORT DETAIL

### 1. Background

On 22 July 2020, Council considered a general business item proposing that in order to avoid confusion into the future, the "MILLovate site" (the majority of The Mill at Moreton Bay site) should be located in the suburb of Petrie, rather than being located across the two suburbs of Petrie and Kallangur.

The following resolution appears on minute page 20/1436 of the General Meeting held 22 July 2020:

#### RESOLUTION

That the Chief Executive Officer prepare a report to Council on the possible boundary changes in the MILLovate site.

A further Council Briefing was held on 4 November 2020 to consider the processes involved for making a suburb boundary change. The outcome of the briefing was for a report to be submitted to the General Meeting for consideration of a boundary change for the suburb of Petrie to include the majority of The Mill at Moreton Bay site.

### 2. Explanation of Item

In order to ensure that the majority of The Mill at Moreton Bay site is located in the suburb of Petrie, rather than being located across the two suburbs of Petrie and Kallangur, it is proposed that Council prepares a suburb boundary change submission to the Queensland Government.

#### 2.1 Area affected

Supporting information 1 and 2 include two maps showing the current and proposed boundary of Petrie respectively.

The proposal impacts the following Council-owned land parcels only:

- SP 309926 - Lots 1, 2, 3 and 5;
- SP 27046 - Lot 101;
- SP 204478 - Lot 2; and
- SL 10426 - Lot 15.

The owners of land parcels SP 242303 - Lot 1 and SP 275545 - Lot 33 adjacent to Dohles Rocks Road and Russell Street will also be consulted about their possible inclusion in Petrie. Should the landowners be supportive of this proposal, the boundary between Petrie and Kallangur in the north - east would include the railway line, Dohles Rocks Road and Russell Street, Kallangur.

#### 2.2 Legal framework

In accordance with the *Place Names Act 1994*, the Queensland State Government has the exclusive power to make decisions about whether to amend a suburb boundary. The Minister for Natural Resources, Mines and Energy (DNRME) has jurisdiction to receive submissions from members of the community proposing a suburb boundary amendment, and to make decisions on those submissions. Council has no legal authority to amend a suburb boundary or make decisions on submissions put forward by others.

Council's role in the suburb boundary amendment process is limited to the following:

- Council may make a submission to the State Government to request amendment of a suburb boundary; or
- Council may provide a letter of support to a third party who intends to make a submission to the State Government to request amendment of a suburb boundary.

DNRME provides some general guidance on preferred boundary features. Table 1 below considers this advice against both the status quo and the option of moving the Petrie suburb boundary.

ITEM 1.1 PETRIE SUBURB BOUNDARY CHANGE PROPOSAL - 61666756 (Cont.)

**Table 1 - General DNRME guidance on boundary changes against each option**

In general boundaries should:	Option 1 - Status Quo (no boundary change)	Option 2 - Moving the Petrie suburb boundary to include the majority of The Mill at Moreton Bay site
1. Align to property (cadastral) boundaries or easily distinguishable community or physical boundaries, such as breaks in residential development or zoning, open space areas, ridges, creeks, flood plains, major road centrelines, railways, canals or pipelines	The boundary currently follows Yebri Creek.	The north-eastern boundary would follow the alignment of Dohles Rocks Road (major road).
2. Be positioned to include areas of similar character and similar functional relationships in the same locality wherever possible	The Mill at Moreton Bay site sits within the broader priority development area.	The areas included in The Mill at Moreton Bay site may serve a similar function in the future.
3. Contain no gaps or overlaps	There are no gaps or overlaps.	There are no gaps or overlaps.
4. Not define a locality as an 'island' within another locality—all localities should share a boundary with at least 2 other localities or at least 1 other locality and a state or coastal boundary	An island does not exist currently.	An island will not be created, and it will share a boundary with the suburb of Kallangur.
5. Not extend beyond local government or state boundaries	The locations are entirely in the Moreton Bay Regional Council LGA.	The locations are entirely in the Moreton Bay Regional Council LGA.
6. Not segment land parcels or adjacent properties in common ownership	There is currently no segmentation of land parcels or properties.	The proposal does not segment land parcels or adjacent properties in common ownership as all the parcels are owned by Moreton Bay Regional Council.
7. Not segment roads into different localities except where it is unavoidable for very long roads (this does not include dividing a road along the centreline where that road has been identified as a distinguishable barrier suitable for a boundary).	There is currently no segmentation of roads into different localities.	The proposal does not segment any existing roads.

Should Council wish to proceed with the submission, consultation will be undertaken with affected properties, noting that the proposal mainly impacts Council-owned land parcels. Subject to consultation outcomes, a submission to DNRME will then be prepared and include the following:

- the reason for suggesting the change (e.g. any anticipated benefit to the community);
- a map detailing the existing and proposed suburb boundaries;
- a list of the addresses that will be directly affected by the amendment; and
- documentation showing results of consultation with affected properties.

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## ITEM 1.1 PETRIE SUBURB BOUNDARY CHANGE PROPOSAL - 61666756 (Cont.)

The State Government would then consider the submission and undertake formal community consultation prior to making a decision.

### 2.3 Process following State Government decision

DNRME will notify Council of the decision on the submission. If the submission is supported, DNRME will also arrange for the amendment to be gazetted.

Following the receipt of this notification, Council would then be responsible for:

- notifying any affected property owners thanking them for participating in the consultation and advising them of the outcome;
- making any necessary changes to signage associated with the suburb boundary amendment; and
- updating its Name and Address Register (NAR), associated systems and mapping accordingly.

## 3. **Strategic Implications**

### 3.1 Legislative / Legal Implications

In accordance with the *Place Names Act 1994*, the Queensland State Government has the exclusive power to make decisions about whether to amend a suburb boundary. The Minister for Natural Resources, Mines and Energy (DNRME) has jurisdiction to receive submissions from members of the community proposing a suburb boundary amendment, and to make decisions on those submissions. Council has no legal authority to amend a suburb boundary or make decisions on submissions put forward by others.

Council's role in the suburb boundary amendment process is limited to the following:

- Council may make a submission to the State Government to request amendment of a suburb boundary; or
- Council may provide a letter of support to a third party who intends to make a submission to the State Government to request amendment of a suburb boundary.

### 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

The proposal is expected to have a positive impact on the community by reducing the potential for confusion about the location of new commercial developments within The Mill at Moreton Bay site.

3.8 Environmental Implications  Nil identified

### 3.9 Social Implications

The proposal is expected to promote the development of communities of interest at The Mill at Moreton Bay site within the one suburb of Petrie.

*ITEM 1.1 PETRIE SUBURB BOUNDARY CHANGE PROPOSAL - 61666756 (Cont.)*

3.10 Human Rights Implications

The proposed suburb boundary amendment does not impact any persons' human rights.

3.11 Consultation / Communication

Consultation with the Department of Natural Resources and Mines has informed the development of this report. Additional community consultation will be undertaken with the owners of affected properties.

**SUPPORTING INFORMATION**

**Ref: [61666755](#)**

The following list of supporting information is provided for:

**ITEM 1.1  
PETRIE SUBURB BOUNDARY CHANGE PROPOSAL**

***#1 Current Suburb Boundaries***

***#2 Proposed Suburb Boundaries***

**ITEM 1.2  
FINANCIAL AND CONTRACTUAL DELEGATION TO CHIEF EXECUTIVE OFFICER -  
QUARTER ENDING 31 MARCH 2021**

*Meeting / Session:* 1 GOVERNANCE & ENGAGEMENT  
*Reference:* 61864630 : 9 April 2021 - **Refer Supporting Information 61864654**  
*Responsible Officer:* DD, Manager Governance & Executive Services (FCS Governance & Executive Services)

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**Executive Summary**

At its meeting of 5 August 2020, Council delegated its powers to the Chief Executive Officer to authorise expenditure of money up to and including the amount of \$25,000,000 as well as power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges, subject to certain criteria.

In accordance with specified criteria, this report provides detail of contracts in excess of \$500,000 for the quarter ending 31 March 2021.

**OFFICER'S RECOMMENDATION**

That Council notes the report provided in supporting information #1 detailing contracts in excess of \$500,000 which the Chief Executive Officer has entered into for the quarter ending 31 March 2021 under Council delegation (Council-163).



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ITEM 1.2 FINANCIAL AND CONTRACTUAL DELEGATION TO CHIEF EXECUTIVE OFFICER - QUARTER ENDING 31 MARCH 2021 - 61864630 (Cont.)

**REPORT DETAIL**

**1. Background**

Council revised the Chief Executive Officer's financial and contractual delegations at its meeting of 5 August 2020. The purpose of the review was to implement a system to better reflect operational needs and enable efficient and effective decisions to be made.

The Chief Executive Officer was authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging any of the particular contracts and any required variations of the contracts on Council's behalf.

**2. Explanation of Item**

The following resolution appears on minute page 20/1454-55 of the General Meeting held 5 August 2020.

- |   |
|---|
| <ol style="list-style-type: none"><li>1. That pursuant to section 257 of the <i>Local Government Act 2009</i>, Council delegates to the Chief Executive Officer its power to authorise expenditure of money up to and including the amount of \$25,000,000 subject to the following criteria:<ol style="list-style-type: none"><li>a) the expenditure is in accordance with the <i>Local Government Act 2009</i>;</li><li>b) the expenditure has been provided for in Council's annual budget, except in the case of genuine emergency or hardship where the budget does not make provision; and</li><li>c) the expenditure is not materially greater than the budget allocation.</li></ol></li><li>2. That pursuant to section 257 of the <i>Local Government Act 2009</i>, Council delegates to the Chief Executive Officer its 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, subject to the following criteria:<ol style="list-style-type: none"><li>a) the contract has been formed in accordance with the <i>Local Government Act 2009</i> and Council's Procurement Policy;</li><li>b) the expenditure under the contract has been provided for in Council's annual budget, except in the case of genuine emergency or hardship where the budget does not make provision;</li><li>c) any contract greater than the budget allocation is to be reported to Council; and</li><li>d) details of contracts in excess of \$500,000 to be reported to Council on a quarterly basis.</li></ol></li><li>3. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging any of the above contracts and any required variations of the contracts on Council's behalf.</li></ol> |
|---|

All delegations are subject to any limitations of the *Local Government Act 2009* and Local Government Regulation 2012, Council's budget, and Council's Procurement Policy (where applicable).

Any contracts entered into under delegation Council-163, that exceed \$500,000, must be reported to the Council on a quarterly basis.

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ITEM 1.2 FINANCIAL AND CONTRACTUAL DELEGATION TO CHIEF EXECUTIVE OFFICER - QUARTER ENDING 31 MARCH 2021 - 61864630 (Cont.)

### 3. Strategic Implications

#### 3.1 Legislative/Legal Implications

Under s257 of the *Local Government Act 2009* (Act), the Council may, by resolution, delegate powers given to it under the Act or any other Act, to the Chief Executive Officer. The Council cannot delegate a power that an Act states must be exercised by resolution.

Details of contracts awarded by Council worth \$200,000 or more, are published on the Council's website in accordance with Section 237 of the *Local Government Regulation 2012*.

#### 3.2 Corporate Plan / Operational Plan

Governance & Leadership: Efficient and effective management of Council's operations.

#### 3.3 Policy Implications

Exercising of the delegation must be in accordance with Council's Procurement Policy.

#### 3.4 Risk Management Implications

The regular review of delegations to the CEO will ensure that Council's delegations are up-to-date and accord with legislation.

Reporting of contracts entered into exceeding \$500,000 keeps Council informed of decisions made under delegation by the Chief Executive Officer.

#### 3.5 Delegated Authority Implications

Council's financial and contractual delegation to the Chief Executive Officer enables efficient and effective decisions to be made, with a greater number of tenders being awarded and contracts entered into in a timely manner, without requiring a Council resolution.

#### 3.6 Financial Implications

All expenditure under delegation Council-163 must be provided for in Council's annual budget, except in the case of genuine emergency or hardship where the budget does not make provision.

3.7 Economic Benefit  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 the Chief Executive Officer.

**SUPPORTING INFORMATION**

**Ref: [61864654](#)**

The following list of supporting information is provided for:

**ITEM 1.2  
FINANCIAL AND CONTRACTUAL DELEGATION TO CHIEF EXECUTIVE OFFICER - QUARTER  
ENDING 31 MARCH 2021**

***#1 Decisions made by CEO under delegation 163 for contracts in excess of \$500,000 for quarter ending 31 March 2021***

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**2 INFRASTRUCTURE PLANNING SESSION**

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**(Cr A Hain)**

No items for consideration.

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**3 ENGINEERING, CONSTRUCTION & MAINTENANCE SESSION**

**(Cr B Savige)**

**ITEM 3.1**

**TENDER - MANGO HILL - CAPESTONE BOULEVARD / ST BENEDICT'S CLOSE - PEDESTRIAN SIGNALS**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* 61853982 : 1 April 2021 - Refer **Confidential Supporting Information**  
**61842173**  
*Responsible Officer:* MM, Project Manager (ECM Project Management)

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**Executive Summary**

Tenders were called for the 'Mango Hill - Capestone Boulevard / St Benedict's Close - Pedestrian Signals (MBRC010654)' project. The tender closed on the 9<sup>th</sup> March 2021 with a total of three tenders received, all of which were conforming.

It is recommended that Council award the tender for 'Mango Hill - Capestone Boulevard / St Benedict's Close - Pedestrian Signals (MBRC010654)' project to AllenCon Pty Ltd for the sum of \$277,957.00 (excluding GST) as this tender was evaluated as representing the overall best value offer to Council.

**OFFICER'S RECOMMENDATION**

1. That the tender for the 'Mango Hill - Capestone Boulevard / St Benedict's Close - Pedestrian Signals (MBRC010654)' project be awarded to AllenCon Pty Ltd for the sum of \$277,957.00 (excluding GST).
2. That the Council enters into an agreement with AllenCon 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 AllenCon Pty Ltd for the 'Mango Hill - Capestone Boulevard / St Benedict's Close - Pedestrian Signals (MBRC010654)' 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 AllenCon Pty Ltd for the project, Council commits to the provision of an additional \$135,000 in the 21-22 FY quarter one 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.

ITEM 3.1 TENDER - MANGO HILL - CAPESTONE BOULEVARD / ST BENEDICT'S CLOSE - PEDESTRIAN SIGNALS - 61853982 (Cont.)

**REPORT DETAIL**

**1. Background**

The project is located at the intersection of Capestone Boulevard and St Benedict's Close, Mango Hill. The project scope includes the design and construction of a pedestrian signalisation on the south-eastern leg of the roundabout. Council has tested the operation of signals through a temporary set of signals since October 2020. This project replaces the hired temporary signals with permanent signals to improve the safety of pedestrians crossing Capestone Boulevard on a permanent basis.

Design and construction of the project is expected to take 20 weeks. Design will commence in May 2021 and take 15 weeks to complete, including an allowance of 6 weeks for Energex approvals.

The recommended tenderer submitted that the actual on-site construction will take approximately 3 weeks, with the remaining time being taken up with design and lead time for the traffic signal poles and the signal controller box. The 3-week on-site works will be programmed to be undertaken just prior and during the September 2021 school holidays.



Figure 1 - Project Locality

**ITEM 3.1 TENDER - MANGO HILL - CAPESTONE BOULEVARD / ST BENEDICT'S CLOSE - PEDESTRIAN SIGNALS - 61853982 (Cont.)**

**2. Explanation of Item**

Tenders for the 'Mango Hill - Capestone Boulevard / St Benedict's Close - Pedestrian Signals (MBRC010654)' project closed on the 9<sup>th</sup> March 2021 with a total of 3 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. The received tenderers and evaluation scores are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE (Pre Local Preference)	EVALUATION SCORE (Post Local Preference)
1	AllenCon Pty Ltd	96.28	103.78
2	Mi Electric Pty Ltd ATF The Morris Family Trust	94.48	98.23
3	Allroads Pty Ltd	83.88	83.88

**AllenCon Pty Ltd ('AC')** - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience. A tender clarification meeting was held on the 24<sup>th</sup> March 2021, at which AC demonstrated their relevant experience, methodology, understanding, and capability in delivering the project. AC provided examples of similar projects including - Victoria Avenue and King Street signalisation (valued at \$1.6M), Klinger Avenue and Boardman Street partial signalisation (valued at \$200,000), Brays Road and Tesch Road signalisation (valued at \$800,000) and recently Mango Hill Boulevard East and Bonnet Parade signalisation (valued at \$800,000) for Moreton Bay Regional Council.

**Mi Electric Pty Ltd ATF The Morris Family Trust ('MFT')** - submitted a comprehensive and well-presented tender, demonstrating their project experience; however, there was no additional benefit for the higher price.

**Allroads Pty Ltd ('AR')** - submitted a comprehensive and well-presented tender, demonstrating their project experience; however, there was no additional benefit for the higher price.

**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*.

**3.2 Corporate Plan / Operational Plan**

This project is consistent with the Corporate Plan outcome - Safe, efficient, reliable and integrated transport network.

**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.

**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.

ITEM 3.1 TENDER - MANGO HILL - CAPESTONE BOULEVARD / ST BENEDICT'S CLOSE - PEDESTRIAN SIGNALS - 61853982 (Cont.)

*Financial Risks:*

A third party review of financial status has been carried out and the AllenCon Pty Ltd was rated 'satisfactory'.

*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 to ensure the safety and wellbeing 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. An allowance for wet weather (5 days) is included in the recommended tenderer's construction program.
- 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. The recommended tenderer indicated that the ordering of traffic poles and signal box will not be on the critical path and would order these materials whilst the Energex approval phase is underway.
- g. The time allowed for Energex approvals of 6 weeks could be longer depending on the approval processes and workload of Energex.
- h. There are no Development Approvals associated 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 \$3.2M, 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

Council have allocated a total of \$180,000 in the 2020/21 at the Quarter 1 budget review process in the Capital Projects Program, with \$30,000 for design and \$150,000 for construction. All financial information provided below is excluding GST.

Planning and survey 20/21	\$	5,411.00
Tender Price	\$	277,957.00
Contingency (10%)	\$	27,795.70
<u>QLeave (0.575%)</u>	\$	<u>1,598.25</u>

**Total Project Cost** **\$ 312,761.95**

Estimated ongoing operational/maintenance costs \$2,300.00 per F/Y.

The budget amount for this project is insufficient. \$135,000 to be included in the draft 21-22 FY Capital Projects budget allocation for this project.



*ITEM 3.1 TENDER - MANGO HILL - CAPESTONE BOULEVARD / ST BENEDICT'S CLOSE - PEDESTRIAN SIGNALS - 61853982 (Cont.)*

3.7 Economic Benefit Implications

The current intersection is a source of traffic delays and safety risk, both of which have economic implications including lost productivity and cost to community. The signals have the potential to reduce these costs and off an economic benefit by reducing delays and potential for injury, most notably for a vulnerable road user group of pedestrians including school children.

3.8 Environmental Implications

An Environmental Management Plan will be provided to Council by AllenCon Pty Ltd, detailed in the management of environmental matters affecting the project during construction. The Environmental Management Plan will be monitored by Project Management during the construction phase.

3.9 Social Implications

The upgrade to signals will provide a safer and more connected local community and catchment that includes schools and trains station. Further benefit is improved safety of pedestrians including school children and train patrons as crossing Capestone Boulevard will be greatly improved by signals that control their movement and oncoming traffic.

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 commencement of works and project signs displayed on site four weeks prior to construction. Direct communication with the school will be undertaken in the lead up to the 3-week on-site works and daily communication will be maintained by the project manager with the school. Weekly email updates will be provided for the Divisional Councillor. The Divisional Councillor has been consulted and is supportive of the project.

**SUPPORTING INFORMATION**

**Ref: 61842173**

The following list of supporting information is provided for:

**ITEM 3.1**

**TENDER - MANGO HILL - CAPESTONE BOULEVARD / ST BENEDICT'S CLOSE - PEDESTRIAN SIGNALS**

***Confidential #1 Tender Evaluation***

### ITEM 3.2

## TENDER - DECEPTION BAY - DECEPTION BAY COMMUNITY HALL - BUILDING UPGRADE

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* 61716460 : 13 April 2021 - Refer **Confidential Supporting Information 61716621**  
*Responsible Officer:* RN, Senior Project Manager (ECM Project Management)

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### Executive Summary

Tenders were called for the 'Deception Bay - Deception Bay Community Hall - Building Upgrade (MBRC010621)' project. The tender closed on the 24<sup>th</sup> March 2021 with a total of 4 tenders received, of which 3 were conforming and one non-conforming.

It is recommended that Council award the tender for 'Deception Bay - Deception Bay Community Hall - Building Upgrade (MBRC010621)' project to Badge Constructions (QLD) Pty Ltd for the sum of \$3,685,370.00 (excluding GST) as this tender was evaluated as representing best overall value to Council.

The project has received \$2,500,000 in funding from the Federal Government's LRCIP2 program.

### OFFICER'S RECOMMENDATION

1. That the tender for the 'Deception Bay - Deception Bay Community Hall - Building Upgrade (MBRC010621)' project be awarded to Badge Constructions (QLD) Pty Ltd for the sum of \$3,685,370.00 (excluding GST).
2. That the Council enters into an agreement with Badge Constructions (QLD) 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 Badge Constructions (QLD) Pty Ltd for the 'Deception Bay - Deception Bay Community Hall - Building Upgrade (MBRC010621)' 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 Badge Constructions (QLD) Pty Ltd for the project, Council commits to the provision of \$4,500,000 in budget allocation for the project in the 21-22 FY Capital Projects budget.
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.

ITEM 3.2 TENDER - DECEPTION BAY - DECEPTION BAY COMMUNITY HALL - BUILDING UPGRADE - 61716460  
(Cont.)

**REPORT DETAIL**

**1. Background**

The project is located at Deception Bay Community Complex, 2 Raymond Terrace, Deception Bay. The project scope includes demolition of the existing community hall and the construction of a new district level community hall at Deception Bay, inclusive of an integral space for Meals on Wheels. The objective of the project is to increase the capacity of the facility by creating new flexible and separately hireable spaces and improving the functionality and efficiency of the hall while including the stage and theatre aspects of the old hall. This project will deliver a fit for purpose community hall, capable of delivering the growing demand for social and community services in this area.

Construction will commence June 2021 and take 30 weeks to complete, including allowances for lead times and wet weather 15 days.



Figure 2 - Project Locality

**2. Explanation of Item**

Tenders for the 'Deception Bay - Deception Bay Community Hall - Building Upgrade (MBRC010621)' project closed on the 24<sup>th</sup> March 2021 with a total of 4 submissions received, three of which were conforming, with one submission 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. The received tenderers and evaluation scores are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE (Pre-Local Preference)	EVALUATION SCORE (Post Local Preference)
1	Badge Constructions (QLD) Pty Ltd	100.00	107.50
2	Bli Bli Nominees Constructions Pty Ltd (trading as BBN Constructions)	95.52	95.52
3	NF Corbett Pty Ltd	84.21	84.21
4	Stuart Saw Constructions	non-conforming	non-conforming

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*ITEM 3.2 TENDER - DECEPTION BAY - DECEPTION BAY COMMUNITY HALL - BUILDING UPGRADE - 61716460  
(Cont.)*

**Badge Constructions (QLD) Pty Ltd ('BC')** - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience. A tender clarification meeting was held on the 12<sup>th</sup> April 2021, at which BC demonstrated their relevant experience, methodology, understanding, and capability in delivering the project. BC provided examples of similar projects including - Kallangur Community Hub (\$1.8M) for QBuild; Sunshine Coast Recreation Centre Camp A Redevelopment (\$5.2M) for Dept of Housing and Public Works; and Coomera Community Centre (\$23.5M) for the Gold Coast City Council.

The tender from BC was the lowest priced offer and achieved the highest evaluation score pre and post local preference application. The evaluation panel recommends that the tender from BC represents the best overall value offer to Council.

**Bli Bli Nominees Constructions Pty Ltd, trading as BBN Constructions ('BBN')** - submitted a comprehensive and well-presented tender, demonstrating their project experience; however, there was no additional benefit for the higher price.

**NF Corbett Pty Ltd ('NFC')** - submitted a comprehensive and well-presented tender, demonstrating their project experience; however, there was no additional benefit for the higher price.

**Stuart Saw Constructions ('SSC')** - non-conforming, (did not achieve the required third party financial review).

### 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*.

#### 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/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.

#### 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 Badge Constructions (QLD) Pty Ltd was rated a '*sound outcome*'

##### *Construction Risks:*

- i. 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.

*ITEM 3.2 TENDER - DECEPTION BAY - DECEPTION BAY COMMUNITY HALL - BUILDING UPGRADE - 61716460  
(Cont.)*

- j. The recommended tenderer has indicated their understanding of the project site to ensure the safety and wellbeing of all during the works.
- k. 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.
- l. An allowance for wet weather (15 days) is included in the recommended tenderer's construction program.
- m. The procurement risks relating to this project are considered low as there is adequate lead time for the recommended tenderer to procure the relevant project construction materials. At the tender clarification meeting, the recommended tenderer did not raise any COVID-19 related impacts which would affect material supply chains and overall time delivery of the project works.
- n. There are no external Development Approvals associated with, or impacting 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 exceeds the delegated limit and is therefore reported to Council for consideration.*

**3.6 Financial Implications**

Council has allocated a total of \$4,655,000 in the Capital Projects Program towards this project, with \$155,000 for design in the 20-21 FY and a further \$4,500,000 identified in the draft 21-22 FY Capital Projects budget for construction. The project has received \$2,500,000 in funding from the Federal Government's LRCIP2 program. All financial information provided below is excluding GST.

Design	\$	163,758.00
Tender Price (Construction)	\$	3,685,370.00
Contingency (10%)	\$	368,537.00
<u>QLeave (0.575%)</u>	\$	<u>21,190.88</u>
<b><u>Total Project Cost</u></b>	<b>\$</b>	<b><u>4,238,855.88</u></b>

Estimated ongoing operational/maintenance costs \$66,000.00 per F/Y.

The budget amount for this project is sufficient.

**3.7 Economic Benefit Implications**

The delivery of the project will provide employment opportunities to local contractors and service providers, while ensuring that the community receive value for money through adherence with Council's procurement policies.

**3.8 Environmental Implications**

An Environmental Management Plan will be provided to Council by Badge Constructions (QLD) Pty Ltd, detailed in the management of environmental matters affecting the project during construction. The Environmental Management Plan will be monitored by Project Management during the construction phase.

*ITEM 3.2 TENDER - DECEPTION BAY - DECEPTION BAY COMMUNITY HALL - BUILDING UPGRADE - 61716460  
(Cont.)*

3.9 Social Implications

Community halls facilitate the interaction, socialisation and involvement of residents in community life, for positive health and well-being outcomes. The availability of community halls enables the provision of community-based events, private functions and activities that require access to a suitable shared space on a temporary or regular basis in a cost-efficient manner. The delivery of this project will improve the amenity for users of Deception Bay Community Hall to a district level facility, with multi-functional hireable spaces to encourage additional utilisation.

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 commencement of works and project signs displayed on site four weeks prior to construction. Weekly email updates will be provided for the Divisional Councillor and include twice weekly webpage updates. The Divisional Councillor has been consulted and is supportive of the project.

**SUPPORTING INFORMATION**

**Ref: 61716621**

The following list of supporting information is provided for:

**ITEM 3.2**

**TENDER - DECEPTION BAY - DECEPTION BAY COMMUNITY HALL - BUILDING UPGRADE**

***Confidential #1 Tender Evaluation***



**ITEM 3.3**

**TENDER - PETRIE - NARANGBA ROAD - ROAD REHABILITATION**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* 61903439: 3 March 2021 - Refer **Confidential Supporting Information - 61683418**  
*Responsible Officer:* HM, Senior Project Manager (ECM Project Management)

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**Executive Summary**

Tenders were called for the 'Petrie - Narangba Road - Road Rehabilitation (MBRC010632)' project. The tender closed on the 23 February 2021 with a total of six tenders received, three of which were confirming, with three non-conforming.

It is recommended that Council award the tender for 'Petrie - Narangba Road - Road Rehabilitation (MBRC010632)' to AllenCon Pty Ltd for the sum of \$3,209,539.05 (excluding GST) as this tender was evaluated as representing best overall value to Council.

The project has received \$2,490,000.00 in funding from the Federal Government's Queensland Black Spot Program.

**OFFICER'S RECOMMENDATION**

1. That the tender for the 'Petrie - Narangba Road - Road Rehabilitation (MBRC010632)' project be awarded to AllenCon Pty Ltd for the sum of \$3,209,539.05 (excluding GST).
2. That the Council enters into an agreement with AllenCon 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 AllenCon Pty Ltd for the 'Petrie - Narangba Road - Road Rehabilitation (MBRC010632)' project and any required variations of the agreement on Council's behalf.
4. 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.

ITEM 3.3 TENDER - PETRIE - NARANGBA ROAD - ROAD REHABILITATION - 61903439 (Cont.)

**REPORT DETAIL**

**1. Background**

The 'Petrie - Narangba Road - Road Rehabilitation (MBRC010632)' project is located at Narangba Road, Torrens Road and Eucumbene Drive, in Petrie and Kurwongbah.



**Figure 1 Site Location**

The 'Petrie - Narangba Road - Road Rehabilitation (MBRC010632)' project combines the following four Capital Works projects;

- 107718 Petrie - Narangba Road - Road Rehabilitation
- 101255 Kurwongbah - Narangba/Torrens Roads - Intersection Upgrade
- 107595 Petrie - Narangba Road/Eucumbene Drive - Intersection Upgrade Blackspot Project
- 108744 Kurwongbah - Torrens Road - Fauna Crossing Infrastructure Installation

The 'Petrie - Narangba Road - Road Rehabilitation (MBRC010632)' project scope includes the signalisation of Narangba Road intersections at both Torrens Road and Eucumbene Drive. The project works will include; pavement rehabilitation and widening, new traffic islands, line marking, road furniture, concrete footpaths, kerb ramps, bicycle ramps, street lighting, traffic signals, landscaping, driveway reinstatements, stormwater infrastructure upgrades and green infrastructure including a fauna rope cage crossing of Torrens Road, fauna exclusion fencing and line marking.

The objectives of the project are to improve traffic capacity and address high crash statistics to improve safety for all road users, addressing safe passage for wildlife, increase driver wildlife awareness and to decrease wildlife-vehicle collision.

*ITEM 3.3 TENDER - PETRIE - NARANGBA ROAD - ROAD REHABILITATION - 61903439 (Cont.)*

The project will also renew the existing road pavement which is currently showing significant signs of pavement failures.

There is a current industry wide supply issue associated with the supply of steel reinforced concrete drainage pipes, which will likely influence the construction start date. The current estimated start date is early September 2021. Once commenced, the construction is expected to take 20 weeks to complete, including allowance for wet weather (21 days).

The works will be undertaken as a combination of day and night works to minimise impact on road users.

An offset planting project will be tendered and completed separately to this tender. The tree removals required will be carried out as part of the broader project (this tender).

**2. Explanation of Item**

Tenders for the 'Petrie - Narangba Road - Road Rehabilitation (MBRC010632)' project closed on the 23 February 2021 with a total of six tenders received, three of which were confirming, with three 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. The received tenderers and evaluation scores are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE (Pre Local Preference)	EVALUATION SCORE (Post Local Preference)
1	AllenCon Pty Ltd	98.05	105.55
2	HEH Civil Pty Ltd	97.34	97.34
3	ALLROADS Pty Ltd	93.64	93.64
4	Ryan Civil Contracting Pty Ltd	Non-conforming	Non-conforming
5	CES CIVIL SEQ Pty Ltd	Non-conforming	Non-conforming
6	Humes (Australia) Pty Ltd	Non-conforming	Non-conforming

**AllenCon Pty Ltd ('AC')** - submitted a comprehensive and well-presented tender, demonstrating their project experience and capability in delivering the project. A tender clarification meeting was held on the 12 April 2021, at which AC demonstrated their relevant experience, methodology, understanding of the project and capability in delivering the project. AC provided examples of similar projects completed for Moreton Bay Regional Council (MBRC) including Pumicestone Road Upgrade - Caboolture (\$4.5M), Samford Road Cycle and Pedestrian Pathway - Samford (\$2.7M), Victoria Avenue and King Street Intersection Upgrade and Signalisation – Woody Point (\$1.7M), Saraband Drive Road Rehabilitation - Eatons Hill (\$875K) and Bonnet Parade Intersection Upgrade - Mango Hill (\$790K).

The tender from AC achieved the highest evaluation score pre and post local preference application, representing the best overall value offer to Council and is the recommendation of the panel.

**HEH Civil Pty Ltd ('HEH')** - submitted a comprehensive and well-presented tender, demonstrating their project experience and capability in delivering the project; however, there was no additional benefit for the higher price. A tender clarification meeting was held on the 13 April 2021, at which HEH demonstrated their relevant experience, methodology, understanding of the project and capability in delivering the project; however, there was no additional benefit for the higher price.

**ALLROADS Pty Ltd ('ALLROADS')** - submitted a comprehensive and well-presented tender, demonstrating their project experience and capability in delivering the project; however, there was no additional benefit for the higher price.

**Ryan Civil Contracting Pty Ltd (RCC')** - were deemed non-conforming as they did not achieve the required third-party financial review criteria.

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ITEM 3.3 TENDER - PETRIE - NARANGBA ROAD - ROAD REHABILITATION - 61903439 (Cont.)

**CES CIVIL SEQ Pty Ltd ('CES')** - were deemed non-conforming as they did not achieve the required third-party financial review criteria.

**Holcim (Australia) Pty Ltd ('HA')** - submitted a non-conforming tender (provided product pricing only).

### 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.

#### 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/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.

#### 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 AllenCon Pty Ltd was rated 'sound'.

##### Construction Risks:

- a. The recommended tenderer will provide a project management plan comprising of a program of works, traffic management plan, safety management plan, environmental management plan, tree management plan, quality management plan and consultation management plan as part of the contract which will detail how they will plan, establish and manage project construction risks which will be reviewed and audited by Project Management.
- b. The works will be undertaken as a combination of day and night works to minimise impact on road users.
- c. The procurement risk of this project relates to the current industry wide supply issue for drainage steel reinforced concrete drainage pipes, which will likely influence the construction start date. The current estimated start date is early September 2021.
- d. COVID-19: The recommended tenderer does not foresee any current COVID-19 supply chain related risk to materials supply at this time. Risk to site personnel will be addressed in AllenCon Pty Ltd safety management plan.
- e. Dilapidation inspections will be conducted prior to works commencing to record the existing condition of assets and again after construction to record any change.
- f. There are no development approval risks associated with or impacting this tender.

ITEM 3.3 TENDER - PETRIE - NARANGBA ROAD - ROAD REHABILITATION - 61903439 (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 \$3.2M, providing the expenditure has been provided for in Council's annual budget.

*The cost of this project exceeds the delegated limit and is therefore reported to Council for consideration.*

3.6 Financial Implications

Council has allocated a total of \$5,621,537.00 in the Capital Project Program for this project, with \$180,000.00 in the 18-19 FY; \$690,000.00 in the 19-20 FY, \$4,751,537.00 in the 20-21 FY. The project has received \$2.49M in funding through the Federal Government's Queensland Black Spot Program. All financial information below is excluding GST.

Design 18/19	\$ 180,912.76
Design 19/20	\$ 140,053.11
Design 20/21	\$ 441,498.03
Energex Relocations	\$ 54,762.85
TPG Relocations	\$ 94,651.80
Tender Price (Construction)	\$3,209,539.05
Contingency (10%)	\$ 320,954.01
QLeave (0.575%)	\$ 18,454.86
ADAC (Estimate)	\$ 30,000.00
Telstra Relocations (Estimate)	\$ 5,000.00
Offset Planting (Estimate)	\$ 50,000.00
<b><u>Total Project Cost</u></b>	<b><u>\$4,545,826.47</u></b>

Federal Queensland Black Spot Program	\$2,490,000.00
<b><u>Net Cost to Council</u></b>	<b><u>\$2,055,826.47</u></b>

Estimated ongoing operational/maintenance costs \$ 19,090.00 per F/Y.

The budget amount for this project is sufficient. \$750,000 will be reduced from the current draft 21-22FY Capital Projects budget allocation for this project.

3.7 Economic Benefit Implications

The broader project has received Federal Government road safety 'Black Spot' funding. Amongst the eligibility criteria is a benefit-cost ratio (BCR). Eligible projects require a minimum BCR of 1. These two projects exceeded that minimum, indicating an economic benefit is expected through crash reduction and associated costs. While not subject of same BCR testing, the fauna crossing is expected to also reduce crash rates, namely vehicle fauna strikes, again reducing associated costs including vehicle damage and fauna treatment. The rehabilitation of road pavement will extend the pavement life by accommodating expected pavement impact of traffic through the next 20-years, with the economic benefit expected to occur by reduced Council maintenance costs over this same project life.

3.8 Environmental Implications

The project will improve safe passage for wildlife and increase driver wildlife awareness, aimed at decreasing wildlife-vehicle collisions. An offset planting project will be tendered and completed separately to this tender for tree removals required as part of the project. The recommended tenderer submitted a Construction Environmental Management Plan as part of the tender submission. The plan details the management of onsite environmental matter affecting the project during construction. All management plans will be reviewed and monitored by Project Management.

*ITEM 3.3 TENDER - PETRIE - NARANGBA ROAD - ROAD REHABILITATION - 61903439 (Cont.)*

3.9 Social Implications

The social impacts during construction will be managed, including minimising traffic delays via traffic control and, where possible, working outside of peak times. Some night works will be required to minimise disruption to traffic. Once operating, the upgrade will introduce new benefits to the local community, not least being safer intersections and improved pedestrian and cycling facilities, including off road paths and on-road space for cycling, providing for a more connected and safer network and 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. Council's decision in this circumstance may affect a person's property rights, including a person's right to not be arbitrarily deprived of their property. Officers consider that Council's decision in this circumstance (if it reflects the officer's recommendation) is compatible with (and does not limit) a person's property rights because there are sound and lawful reasons for the acquisition as set out in this report.

3.11 Consultation / Communication

A detailed Communication Management Plan has been prepared for this 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. Weekly e-mail updates to the Divisional Councillor, and weekly project updates on the Council website. The Divisional Councillor has been consulted and is supportive of the project.

**SUPPORTING INFORMATION**

**Ref: 61683418**

The following list of supporting information is provided for:

**ITEM 3.3**

**TENDER - PETRIE - NARANGBA ROAD - ROAD REHABILITATION**

***Confidential #1 Tender Evaluation***

**ITEM 3.4  
TERMINATION OF AN EXPRESSIONS OF INTEREST CAMPAIGN (DATA CENTRE)  
AT THE PETRIE MILL SITE**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* 61914378 : 21 April 2021  
*Responsible Officer:* PC, Project Director - The Mill (ECM Major Projects)

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**Executive Summary**

The purpose of this report is to seek Council's approval to terminate the Expressions of Interest (EOI) process approved by Council at the General Meeting held 22 July 2020 (MP. 20/1428).

Based on the responses received to the EOI it is recommended that Council not proceed to a Request for Tender process based on a shortlist of candidates from the EOI process.

**OFFICER'S RECOMMENDATION**

1. That Council terminates the Expression of Interest process before progressing to the stage of inviting further written tenders for the disposal of the land described in this report.
2. That the Chief Executive Officer be authorised to do all things necessary to give effect to recommendation 1.



**ITEM 3.4 TERMINATION OF AN EXPRESSIONS OF INTEREST CAMPAIGN (DATA CENTRE) AT THE PETRIE MILL SITE - 61914378 (Cont.)**

**REPORT DETAIL**

**1. Background**

This report relates to property identified on the concept plan provided in this report (Land).

At Council’s General Meeting held on 22 July 2020, it was resolved to market the land for a Data Centre Development as part of an EOI Campaign. The resolution was based on Council Briefings provided on 20 and 27 May 2020 by the Major Projects team which highlighted that approaches had been made by several data centre operators looking to locate north of the greater Brisbane area.

It was anticipated that the EOI process would enable Council to consider tenders from a shortlist of EOI respondents who have submitted a clear plan and demonstrated an ability to achieve Council’s desired outcomes for the Land. The EOI process was managed by external agents (CBRE) and was formally advertised in the Financial Review and other industry publications. Whilst there was a high level of enquiry during the campaign, only two responses were received to progress with written tenders for the disposal of the Land.

Based on the responses to the EOI it is recommended that Council should not accept tenders at this stage that would lead to disposal of the subject site for the purposes of a Data Centre development.

**2. Explanation of Item**

This report seeks to terminate the EOI process. This will enable the land, associated with the EOI process, to be marketed in line with Millovate’s ongoing master planning development and marketing activities. It is anticipated that this will ensure there is an opportunity in the future to achieve the specific outcomes for the site originally envisaged by Council.

Notwithstanding, the lower than anticipated response to the EOI Campaign the site at Petrie remains well located geographically for integration with surrounding fibre networks, noting there has been a recent shift in this sector seeking more diversity of data centre locations.

The below image indicates the proposed location of the ≈ 0.7ha data centre site, which is located adjacent to the proposed Energex sub-station (subject to ongoing discussions regarding the Heads of Agreement). This location provides good connectivity for data and power and is removed from the central activation areas within the broader precinct.

A concept plan defining the Land is provided below.



*ITEM 3.4 TERMINATION OF AN EXPRESSIONS OF INTEREST CAMPAIGN (DATA CENTRE) AT THE PETRIE MILL SITE - 61914378 (Cont.)*

### **3. Strategic Implications**

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

Section 228 of the Local Government Regulation allows Council to dispose of a valuable non-current asset via a tender process following an Expressions of Interest campaign. It is proposed to terminate this process based on the responses not meeting sound contracting principles or Council's desired outcomes for the Land.

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

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

#### **3.3 Policy Implications**

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

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

There is no risk associated with the recommendation.

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

As noted in the recommendation.

#### **3.6 Financial Implications**

Appropriate financial considerations will be applied by Millovate in future dealings with the land.

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

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

#### **3.8 Environmental Implications**

There are no environmental implications arising from this report, however, the subsequent tender process could help to introduce technologies to reduce the carbon footprint of the development.

#### **3.9 Social Implications**

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

#### **3.10 Human Rights Implications**

Nil identified

#### **3.11 Consultation / Communication**

Major Projects  
Chief Executive Officer  
Deputy Chief Executive Officer  
Councillor for Division 8  
Legal Services

### ITEM 3.5

#### TENDER - GRAHAM ROAD - ROAD AND INTERSECTION UPGRADE

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* 61794111 : 19 April 2021 - Refer **Confidential Supporting Information**  
**61764121**  
*Responsible Officer:* HM, Senior Project Manager (ECM Project Management)

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#### Executive Summary

Tenders were called for the 'Morayfield - Graham Road - Road and Intersection Upgrade (MBRC010633)' project. The tender closed on the 9 March 2021 with a total of twelve tenders received, eight of which were conforming, with four tenders non-conforming.

It is recommended that Council award the tender for the 'Morayfield - Graham Road - Road and Intersection Upgrade (MBRC010633)' project to Civlec PTY LTD, trading as GRC Civil for the sum of \$4,578,254.38 (excluding GST) as this tender was evaluated as representing best overall value to Council.

The project has received \$703,000.00 in funding from the Federal Government's Queensland Black Spot Program.

#### OFFICER'S RECOMMENDATION

1. That the tender for the 'Morayfield - Graham Road - Road and Intersection Upgrade (MBRC010633)' project be awarded to Civlec PTY LTD, trading as GRC Civil for the sum of \$4,578,254.38 (excluding GST).
2. That the Council enters into an agreement with Civlec PTY LTD, trading as GRC Civil 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 Civlec PTY LTD, trading as GRC Civil for the 'Morayfield - Graham Road - Road and Intersection Upgrade (MBRC010633)' project and any required variations of the agreement on Council's behalf.
4. That the budget allocation for the project in the draft 21-22 Capital Projects budget be reduced by \$750,000, from \$4.1M to \$3.35M.
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.

ITEM 3.5 TENDER - GRAHAM ROAD - ROAD AND INTERSECTION UPGRADE - 61794111 (Cont.)

**REPORT DETAIL**

**1. Background**

The 'Morayfield - Graham Road - Road and Intersection Upgrade (MBRC010633)' project combines the construction of the following Capital Works projects:

- 101318 Morayfield - Graham Road - Road and Intersection Upgrade
- 107591 Morayfield - Graham Road/Lomandra Drive - Intersection Upgrade – Blackspot

The 'Morayfield - Graham Road - Road and Intersection Upgrade (MBRC010633)' project scope includes the upgrade of Graham Road from existing two-lane cross section to four lanes, as well as the signalisation of intersections at Lomandra Drive, Glenwood Drive and Laver Street. Hargraves intersection will also be upgraded, however, will not be signalised. The existing Morayfield East State School car park will also be upgraded as part of the project works which also involves providing new School bus stop infrastructure along Glenwood Drive.

The project works will include; pavement rehabilitation and widening, new traffic islands, line marking, road furniture, concrete footpaths, kerb ramps, street lighting, traffic signals, landscaping, driveway reinstatements and stormwater infrastructure upgrades. The project works will improve road safety and capacity, plus improve pedestrian and cyclist amenity and their safety.

There is a current industry wide supply delay for steel reinforced concrete pipes, which will likely influence the construction start date. The current estimated start date is late May 2021. Once commenced, the construction is expected to take 42 weeks to complete, including allowance for procurement lead times and wet weather (13 days).

The works will be undertaken as a combination of day and night works to minimise impact on road users, maintain Morayfield East State School access and with consideration to student safety. Works relating to Morayfield East State School car park will be undertaken during the September 2021 school holidays and the December 2021 to January 2022 school holidays.

An offset planting project will be tendered and completed separately to this tender for tree removals required as part of the project.



Figure 1 - Site Location

ITEM 3.5 TENDER - GRAHAM ROAD - ROAD AND INTERSECTION UPGRADE - 61794111 (Cont.)

**2. Explanation of Item**

Tenders for the 'Morayfield - Graham Road - Road and Intersection Upgrade (MBRC010633)' project closed on the 9 March 2021 with a total of twelve tenders received, eight of which were conforming and four 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. The received tenderers and evaluation scores are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE (Pre Local Preference)	EVALUATION SCORE (Post Local Preference)
1	Civlec PTY LTD, trading as GRC Civil	96.67	104.17
2	ALLROADS Pty Ltd - Alternative Tender	94.67	102.17
3	ALLROADS Pty Ltd - Conforming	96.58	96.58
4	HEH Civil Pty Ltd	93.01	93.01
5	Alder Constructions Pty Ltd	92.51	92.51
6	BMD CONSTRUCTIONS PTY LTD	85.67	85.67
7	Civil Mining & Construction Pty Ltd	84.93	84.93
8	Hazell Bros (QLD) Pty Ltd	79.88	79.88
9	Ryan Civil Contracting Pty Ltd	Non-conforming	Non-conforming
10	G&H Plant Hire Pty Ltd, trading as G&H Civil Contractors	Non-conforming	Non-conforming
11	ATF SKC Trust, trading as Superior Kerb & Concreting Pty Ltd	Non-conforming	Non-conforming
12	Holcim (Australia) Pty Ltd	Non-conforming	Non-conforming

**Civlec PTY LTD, trading as GRC Civil (GRC')** - submitted a comprehensive and well-presented tender, demonstrating their project experience and capability in delivering the project. A tender clarification meeting was held on the 29 March 2021, at which GRC demonstrated their relevant experience, methodology, understanding of the project and capability in delivering the project. GRC provided examples of similar projects completed for Moreton Bay Regional Council (MBRC) including Scarborough Road Rehabilitation - Scarborough (\$1.44M), Main Street / Mackie Road / Mumford Road Intersection Upgrade - Narangba (\$740K); as well as Nicklin Way Bus Priority (\$5.187M) for the Department of Transport and Main Roads and Yandina Traffic Calming (\$850K) for Sunshine Coast Regional Council.

The tender from Civlec PTY LTD T/A GRC Civil achieved the highest evaluation score pre and post local preference application, presenting the best overall value offer to Council and is the recommendation of the panel.

**ALLROADS Pty Ltd, Alternative Tender ('ALLROADS A')** - submitted a comprehensive and well-presented tender, demonstrating their project experience and capability in delivering the project, however, the alternative tender did not allow for any night works, which are considered as being required to minimise disruption to traffic.

**ALLROADS Pty Ltd, Conforming ('ALLROADS C')** - submitted a comprehensive and well-presented tender, demonstrating their project experience and capability in delivering the project; however, there was no additional benefit for the higher price.

**Ryan Civil Contracting Pty Ltd ('RCC')** - were deemed non-conforming as they did not achieve the required third-party financial review criteria.

**G&H Plant Hire Pty Ltd, trading as G&H Civil Contractors ('G&H')** - submitted a non-conforming tender (did not provide a tender including stormwater pipes).

**ATF SKC Trust, trading as Superior Kerb & Concreting Pty Ltd ('SKC')** - submitted a non-conforming tender (provided pricing for sub-component of works only).

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ITEM 3.5 TENDER - GRAHAM ROAD - ROAD AND INTERSECTION UPGRADE - 61794111 (Cont.)

**Holcim (Australia) Pty Ltd ('HA')** - submitted a non-conforming tender (provided product pricing only).

### 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*.

#### 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/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.

#### 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 Civlec PTY LTD, trading as GRC Civil was rated '*very strong*'.

##### Construction Risks:

- a. The recommended tenderer will provide a project management plan comprising of a program of works, traffic management plan, safety management plan, environmental management plan, tree management plan, quality management plan and consultation management plan as part of the contract which will detail how they will plan, establish and manage project construction risks which will be reviewed and audited by Project Management.
- b. The works will be undertaken as a combination of day and night works to minimise impact on road users, maintain Morayfield East State School access and with consideration to student safety. Works relating to Morayfield East State School car park will be undertaken during the September 2021 and December 2021 to January 2022 school holidays to minimise impact on the School.
- c. The procurement risk of this project relates to the current industry wide supply delay for steel reinforced concrete drainage pipes, which will likely influence the construction start date. The current estimated start date is late May 2021.
- d. COVID-19: The recommended tenderer does not foresee any current COVID-19 supply chain related risk to materials supply at this time. Risk to site personnel will be addressed in Civlec PTY LTD, trading as GRC Civil safety management plan.
- e. Dilapidation inspections will be conducted prior to works commencing to record the existing condition of assets and again after construction to record any change.
- f. There are no development approval risks relating to or impacting this project.

ITEM 3.5 TENDER - GRAHAM ROAD - ROAD AND INTERSECTION UPGRADE - 61794111 (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 \$3.2M, providing the expenditure has been provided for in Council's annual budget.

*The cost of this project exceeds the delegated limit and is therefore reported to Council for consideration.*

3.6 Financial Implications

Council has allocated a total of \$6,856,791.00 in the Capital Project Program for this project, with \$200,000.00 in the 18-19 FY; \$300,000.00 in the 19-20 FY; \$2,256,791.00 in the 20-21 FY and a further \$4,100,000.00 identified in the draft 21-22 FY Capital Project Program. The project has received \$703,000 in funding from the Federal Government's Queensland Black Spot Program. All financial information below is excluding GST.

Design 18/19	\$ 184,212.25
Design 19/20	\$ 121,209.46
Design 20/21	\$ 178,125.28
Energex Relocations 20/21	\$ 297,109.78
Tender Price (Construction)	\$ 4,578,254.38
Contingency (10%)	\$ 457,825.44
QLeave (0.575%)	\$ 26,324.96
Unitywater Relocations (Estimate)	\$ 27,000.00
Telstra Relocations (Estimate)	\$ 12,750.00
Offset Planting (Estimate)	\$ 10,000.00

**Total Project Cost** **\$ 5,892,811.55**

Federal Queensland Black Spot Program \$ 703,000.00

**Net Cost to Council** **\$ 5,189,811.55**

Estimated ongoing operational/maintenance costs \$ 49,750.00 per F/Y.

The budget amount for this project is sufficient. Based upon the information above, the 21-22 FY draft Capital Project Program budget allocation for this project can be reduced by \$750,000, from \$4.1M to \$3.35M.

3.7 Economic Benefit Implications

The Lomandra Drive intersection upgrade has received Federal Government road safety 'Black Spot' funding. Amongst the eligibility criteria is a benefit-cost ratio (BCR). Eligible projects require a minimum BCR of 1. This project exceeds that minimum, indicating an economic benefit is expected through crash reduction and associated costs. And while not subject of same BCR testing the full upgrade project, being between Lomandra Drive and Hargrave Street, is expected to provide economic benefits as related to improved travel time and general road user safety.

3.8 Environmental Implications

An offset planting project will be tendered and completed separately to this tender for tree removals required as part of the project. The recommended tenderer submitted a Construction Environmental Management Plan as part of the tender submission. The plan details the management of onsite environmental matter affecting the project during construction. All management plans will be reviewed and monitored by Project Management.

*ITEM 3.5 TENDER - GRAHAM ROAD - ROAD AND INTERSECTION UPGRADE - 61794111 (Cont.)*

3.9 Social Implications

The social impacts during construction will be managed, including minimising traffic delays via traffic control and, where possible, detours and working outside of peak times. The works will be undertaken as a combination of day and night works to minimise impact on road users, maintain Morayfield East State School access and with consideration to student safety.

Once operating, the upgrade will introduce new benefits to the local community, not least being safer intersections and improved pedestrian and cycling facilities, including off road paths and on-road space for cycling, providing for a more connected and safer network and community.

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

A detailed Communication Management Plan has been prepared for this 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. Weekly e-mail updates to the Divisional Councillor, and weekly project updates on the Council website. Morayfield East State School have been consulted in the design phase through regular progress meetings and email correspondence which will continue throughout construction. The Divisional Councillor has been consulted and is supportive of the project.



**SUPPORTING INFORMATION**

**Ref: 61764121**

The following list of supporting information is provided for:

**ITEM 3.5**

**TENDER - GRAHAM ROAD - ROAD AND INTERSECTION UPGRADE**

***Confidential #1 Tender Evaluation***

**4 PLANNING SESSION**

(Cr D Grimwade)

**ITEM 4.1**

**DA/42671/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE**

**APPLICANT:** ITK Enterprises P/L C/- Atomic Town Planning  
**OWNER:** Jamie M McLeod and Daniel A Cornish & Sarah-Jane P Cornish

*Meeting / Session:* 4 PLANNING  
*Reference:* 61575355 : 4 February 2021 – Refer Supporting Information 61815816, 61834941 & 61831045  
*Responsible Officer:* Jacques Janse Van Rensburg (Planner) Development Services

**Executive Summary**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	ITK Enterprises P/L c/- Atomic Town Planning
<b>Lodgement Date:</b>	22 December 2020
<b>Properly Made Date:</b>	22 December 2020
<b>Confirmation Notice Date:</b>	13 January 2021
<b>Information Request Date:</b>	28 January 2021
<b>Info Response Received Date:</b>	12 February 2021
<b>Public Notification Dates:</b>	19 February 2021 to 12 March 2021
<b>No. of Submissions:</b>	Properly Made: 1 Not Properly Made: 2
<b>Decision Due Date:</b>	7 May 2021
<b>Prelodgement Meeting Held:</b>	Yes - PRE/5799

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	D02
<b>Property Address:</b>	1 & 3 Laver Street, Morayfield
<b>RP Description</b>	Lot 1 & 2 RP192457
<b>Land Area:</b>	2,007m <sup>2</sup>
<b>Property Owner</b>	Jamie M McLeod, Daniel A Cornish & Sarah-Jane P Cornish

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	Planning Act 2016
<b>Planning Scheme:</b>	MBRC Planning Scheme V4
<b>Planning Locality / Zone</b>	General Residential Zone - Suburban Neighbourhood Precinct
<b>Level of Assessment:</b>	Impact Policy Neutral

This application seeks a Material Change of Use- Development Permit for a Child care centre at 1 & 3 Laver Street, Morayfield described as Lots 1 & 2 on RP192457. The site is within the General Residential Zone - Suburban Neighbourhood and currently contains Dwelling houses. The applicant is proposing a two (2) level building with an approximate 831.5m<sup>2</sup> gross floor area (GFA), and a site coverage of approximately 984m<sup>2</sup> (49% of site) which, will cater for 114 childcare places. The proposal requires Impact assessment as the site is not located within a Community Activities and Neighbourhood Hubs Overlay.

**ITEM 4.1 DA/42671/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 61575355 (Cont.)**

The site is located on the intersection of Graham Road (Council sub-arterial) and Laver Street (Council local collector). The location is directly opposite from Morayfield East State School and it has access to primary and secondary active transport networks. The unsignalised intersection carries high traffic volumes at times and it is stated that waiting times to turn right, can cause queuing back into the respective roads. It should be noted, upgrade works to the intersection is planned to start in April 2021 and will include the signalisation of the intersection.

With regards to the proposed Child care centre building, the bulk of the building will be located to the western section of the site and will include outdoor play areas on level 1, in addition to the ground level outdoor play areas. The building will comply with the Planning Scheme in terms of setbacks, height and site coverage and will be constructed with a high-quality architectural design presenting to the street. Furthermore, the proposal includes appropriate acoustic attenuation on the site boundaries and around the outdoor play areas on level 1. Notably, the outdoor play areas on level 1 will contain screening from the neighbouring properties.

The application was publicly advertised with three (3) submissions received. The proposed development is considered to accord with the intent of the MBRC Planning Scheme and is recommended to be approved subject to conditions.

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

**OFFICER'S RECOMMENDATION**

- A. That Council, in accordance with the *Planning Act 2016* the development application be approved for a Material Change of Use – Development Permit for Childcare Centre at 1 & 3 Laver Street Morayfield, described as Lot 1 & 2 RP 192457, subject to the following plans/documents and conditions:

<b>Approved Plans and Documents</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Cover Page	TP-000 Rev B	Alto Architects Pty Ltd	12/02/2021
Site Plan	TP-100 Rev B	Alto Architects Pty Ltd	12/02/2021
Ground Plan	TP-200 Rev B	Alto Architects Pty Ltd	12/02/2021
Upper Level	TP-201 Rev B	Alto Architects Pty Ltd	12/02/2021
Building South & West Elevation	TP-400 Rev B	Alto Architects Pty Ltd	12/02/2021
Building East & West Elevation	TP-401 Rev B	Alto Architects Pty Ltd	12/02/2021
Landscape Concept Plan – Overall Site	Sheet 1 Rev B	Mark Baldock Landscape Architect	12/02/2021
Landscape Concept Plan	Sheet 2 Rev B	Mark Baldock Landscape Architect	12/02/2021
Landscape Concept Plan	Sheet 3 Rev B	Mark Baldock Landscape Architect	12/02/2021
Landscape Concept Plan	Sheet 4 Rev B	Mark Baldock Landscape Architect	12/02/2021
Acoustic Assessment	2020416 R01A	Acoustic Works	17/11/2020
Waste Management Program	Appendix D, RTE 20332	Rytenskild Traffic Engineering	12/02/2021
Engineering Report & Stormwater Management Plan	20276-ENG-B Rev B	VT Consulting Engineers	03/02/2021

## Moreton Bay Regional Council

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**ITEM 4.1 DA/42671/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 61575355 (Cont.)**

CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
<b>DEVELOPMENT PLANNING</b>	
<b>1</b>	<b>Approved Plans and/or Documents</b>
	Undertake development in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.
	Prior to commencement of use and to be maintained at all times.
<b>2</b>	<b>Operating Capacity</b>
	Ensure the capacity of the Childcare centre is limited to a maximum of one hundred-and-fourteen (114) children on site at any one time.
	Prior to commencement of use and to be maintained at all times.
<b>3</b>	<b>Street Numbering and Building Names</b>
	Prominently display street numbers and any building names at the road frontage of the site, to enable identification by emergency services.
	Prior to commencement of use and to be maintained at all times.
<b>4</b>	<b>On-Site Car Spaces</b>
A	Provide vehicle spaces on the site in accordance with the approved plans.
	Prior to commencement of use and to be maintained at all times.
B	Provide for the manoeuvring of vehicles on site, generally in accordance with the approved plan. Car spaces, access lanes and driveways shown on the approved plan must not be used for any other purpose.
	Prior to commencement of use and to be maintained at all times.
<b>5</b>	<b>Bicycle Parking Facilities</b>
	Install secure bicycle parking facilities for a minimum of four (4) bicycles.  Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic management - Part 11: Parking.
	Prior to commencement of use and to be maintained.
<b>6</b>	<b>Electrical Transformer</b>
	Ensure that where electrical transformers are located in the front setback (only where an internal road is not proposed) it is screened so that the transformer is not visible from any road frontage and achieves the following: 1. A combination of screening device and landscaping; 2. The screening device is constructed of durable, weather resistant materials; and 3. Is integrated with the design of the development and positively contributes to the streetscape. Note: The use of barbed wire or metal prongs is not permitted.
	Prior to the commencement of the use and to be maintained at all times.
<b>7</b>	<b>External Lighting</b>
A	Install external lighting in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.
	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting).
	Prior to commencement of use.

## Moreton Bay Regional Council

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**ITEM 4.1 DA/42671/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 61575355 (Cont.)**

<b>8</b>	<b>Pedestrian Lighting</b>	
A	Install lighting in any pedestrian areas that require illumination in accordance with AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified person that lighting for pedestrian areas satisfies the intent of AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use.
<b>9</b>	<b>Acoustic Attenuation Measures</b>	
A	Provide the acoustic attenuation measures as specified in the approved Acoustic report.	Prior to the commencement of the use and to be maintained at all times.
B	Outdoor play areas are limited to use between the hours of 7am and 7pm.	At all times.
C	Provide certification from a suitably qualified person that the attenuation measures have been installed/implemented in accordance with the specifications of the Acoustic Assessment prepared by Acoustic Works.	Prior to the commencement of the use.
<b>10</b>	<b>Waste Management Plan</b>	
A	Implement the approved waste management program;  Note: This development will use 1.1 m <sup>3</sup> bins serviced at the kerbside of Laver Street.	Prior to commencement of use.
B	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	Prior to commencement of use and to be maintained at all times.
C	Provide a bin wash down facility connected to sewer as per SC 6.20 Planning Scheme Policy - Waste.	Prior to commencement of use and to be maintained at all times.
<b>11</b>	<b>Fencing</b>	
	<ol style="list-style-type: none"> <li>1. Provide semi-transparent fencing to the Laver Street boundary of the site to enable passive surveillance of public areas. Fencing is to have a minimum height of 1.2 metres and a maximum height of 1.5 metres and a minimum 50% transparency. This requirement excludes the part of the frontage notes as “Babie’s Outdoor Play” on the approved plans.</li> <li>2. Provide all other fencing and screening is in accordance with the approved plans and Acoustic Assessment Report.</li> </ol>	Prior to commencement of the use, and to be maintained at all times.
<b>12</b>	<b>Landscaping Plan</b>	
A	Provide landscaping on site generally in accordance with the approved Landscape Concept Plan. Ensure that landscaping along the Laver Street frontage is of a height, to not obscure sight lines of motorists leaving the site.	Prior to commencement of use.
B	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.	Prior to the commencement of use.
C	Maintain the landscaping.	At all times.
<b>13</b>	<b>Vehicle Encroachment</b>	

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	Protect all landscaped areas and pedestrian paths adjoining any car parking areas from vehicular encroachment by wheel stops, kerbing or similar barrier approved by the Council.	Prior to commencement of use.
<b>14</b>	<b>Screening of Loading Facilities / Plant Areas</b>	
	Screen all loading/unloading facilities, plant areas, refuse storage and other outdoor storage facilities on the site from direct view from any adjoining road or public space.	Prior to commencement of use.
<b>15</b>	<b>Street Trees</b>	
	Provide street trees within the development in accordance with Planning scheme policy - Integrated design Appendix D - Landscaping.	Prior to commencement of use.
<b>16</b>	<b>Electricity</b>	
	Provide underground electricity to the development.	Prior to commencement of use.
<b>17</b>	<b>Water and/or Sewerage</b>	
	Submit to Council a Certificate of Completion or Provisional Certificate of Completion (for each stage where there are stages) for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming: <ul style="list-style-type: none"> <li>1. a reticulated water supply network connection is available to the land;</li> <li>2. a sewerage network connection is available to the land; and</li> <li>3. all the requirements of Unitywater have been satisfied.</li> </ul>	Prior to commencement of use.
<b>18</b>	<b>Fibre Ready Telecommunications – Single</b>	
A	Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with NBN Co Guideline New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs as amended, that: <ul style="list-style-type: none"> <li>1. Extends the service drop conduit from the property boundary to the external Premises Connection Device (PCD) or the likely location of the PCD; and</li> <li>2. Extends a communications conduit with drawstring from the external PCD or the likely location of the PCD to the internal Fibre Wall Outlet (FWO) or the likely location of the FWO.</li> </ul>	Prior to commencement of use.
B	Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done.  Note: A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.	Prior to commencement of use.
<b>19</b>	<b>Telecommunications Internal Wiring</b>	
A	Install internal wiring (Category 6 or better) within the building from the expected location of any future Network Termination Device (NTD) for High Speed Broadband (based on the recommended locational criteria in the NBN Co Guideline (MDU Building Design Guide OR New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs) to the same connection points in the building that would have been or have been installed	Prior to commencement of use.

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	for telephone and television connections; including but not limited to sleep rooms, staff rooms, reception, offices and the like.	
B	Provide certification to Council from the installer or an RPEQ engineer (electrical engineer) that the works and infrastructure required in (a) above has been done.  Note: A template for certification is available from council for the purpose of this condition.	Prior to commencement of use.
<b>20</b>	<b>Amalgamation of Lots</b>	
	Amalgamate Lot 1 RP 192457 and Lot 2 RP 192457 into one (1) lot.	Prior to commencement of use.
<b>DEVELOPMENT ENGINEERING</b>		
<b>21</b>	<b>Replace Existing Council Infrastructure</b>	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.	Prior to commencement of use.
<b>22</b>	<b>Alterations and Relocation of Existing Services</b>	
	Ensure any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of an entity engaged in the provision of public utility services is to be carried out with the development and at no cost to Council unless agreed to in writing by the Council.	Prior to commencement of use.
<b>23</b>	<b>Stormwater</b>	
	Carry out the development to ensure that adjoining properties, reserves and roads are protected from ponding or nuisance from stormwater as a result of any works undertaken.	To be maintained at all times.
<b>24</b>	<b>Stormwater Management</b>	
A	Implement and maintain the works identified in the approved Engineering Report & Stormwater Management Plan. <ul style="list-style-type: none"> <li>• All Stormwater quality improvement devices must be appropriately maintained as per manufactures standards for the lifetime of the development.</li> <li>• Equivalents of EnviroPods 200 (filter baskets) are not acceptable unless a revised Stormwater Management Plan with maintenance details is provided to and approved by Council.</li> </ul>	Prior to commencement of use and then to be maintained at all times.
B	Submit certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that the works have been built in accordance with the approved Engineering Report & Stormwater Management Plan.	Prior to commencement of use.
<b>25</b>	<b>Construction Management Plan</b>	
A	Submit and have approved by Council, a Construction Management Plan (CMP) prepared by the Principal Contractor. The CMP is to outline, in sufficient detail, the processes that will be employed to minimise impacts on	Not less than two (2) weeks prior to commencement of

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	<p>the surrounding community during construction. These processes are to cover the following:</p> <ol style="list-style-type: none"> <li>1. Material delivery and storage locations</li> <li>2. Waste locations and collection details</li> <li>3. Construction office accommodation</li> <li>4. Contractor / tradesman vehicle parking arrangements</li> <li>5. Works that may make audible noise outside of 6:30am to 6:30pm any business day or Saturday.</li> </ol> <p>The CMP may include a site layout drawing identifying these areas.</p> <p>The CMP needs to reflect any staging requirements.</p> <p>Notes:</p> <ol style="list-style-type: none"> <li>1. Council will generally only approve early starts for large concrete pours during summer (e.g. monolithic concrete pours for basements and suspended floor slabs).</li> <li>2. Traffic control measures may need to be put in place for the duration of the construction works to control contractor / tradesman vehicle parking arrangements, this should be documented within the CMP.</li> <li>3. Materials unloading and loading must occur on-site unless prior written approval is given by Council.</li> <li>4. All construction office accommodation and associated temporary buildings is to be contained within the site or on a nearby site.</li> </ol>	works. To be maintained current at all times.
	B Implement the approved Construction Management Plan (CMP) and keep a copy of the approved CMP on site at all times during construction.	At all times during construction of the development.
<b>26</b>	<b>Development Access</b>	
	A Construct a driveway crossover to service the proposed development in accordance with the approved plans and documents of development and MBRC Standard Drawing RS-051.	Prior to commencement of use.
	B Amend the existing Laver Street line marking and signage, to signify <i>No Parking</i> along the development frontage (with the exception of refuse vehicle requirements), in accordance with the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD), Australian Standards and the MBRC Planning Scheme current at the time of the construction.	Prior to commencement of use.
	C Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	Prior to commencement of use.
<b>27</b>	<b>Existing Driveway Crossovers</b>	
	Remove completely the redundant existing driveway crossovers fronting the development site on the Laver Street. Reinstate all disturbed areas (including kerb and channel and footpaths) to Council's standards current at the time of development.	Prior to commencement of use.
<b>28</b>	<b>Access, Internal Roadways, Parking and Servicing Areas</b>	
	A Design and construct sealed (concrete or bitumen) accesses, internal roadways, parking and servicing areas (and associated works), in accordance with the approved plans and documents of development, the Department of Transport and Main Roads Manual of Uniform Traffic Control	Prior to commencement of use and to be maintained at all times.



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	Devices (MUTCD), Australian Standards and the MBRC Planning Scheme current at the time of the building works application.	
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	Prior to commencement of use.
<b>29</b>	<b>Service Vehicle Access</b>	
	Signpost the development Laver Street frontage to the east of the access crossover as a loading zone for <i>refuse vehicle only</i> to allow a 12.5 metre long rear loading refuse vehicle to service the development from the kerbside.	Prior to commencement of use.

### ADVICES

<b>1</b>	<b>Aboriginal Cultural Heritage Act 2003</b>
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. The Act provides blanket protection of Aboriginal cultural heritage sites and places, including significant areas and objects, as well as archaeological remains. The Act also recognises that Aboriginal cultural heritage parties are key stakeholders in the assessment and management of Aboriginal cultural heritage.</p> <p>Under the Act, if a proposed activity involves disturbance of the ground surface, cultural heritage Duty of Care must be considered. This involves consideration of whether an activity is <i>likely</i> to harm Aboriginal cultural heritage. This may require involvement from the relevant Aboriginal cultural heritage party.</p> <p>Cultural heritage Duty of Care compliance ultimately lies with the person or entity conducting the activity, and penalty provisions apply for failing to fulfil this Duty of Care.</p> <p>Council strongly advises that before undertaking the land use activity, you refer to the <a href="#">cultural heritage duty of care - Department of Aboriginal and Torres Strait Islander Partnerships (Queensland Government)</a> for further information regarding the responsibilities of the developer.</p>
<b>2</b>	<b>Adopted Charges</b>
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 8) dated 14 August 2018 or as amended apply to this development approval.</p> <p>From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval.</p> <p>Payment of Infrastructure Charges is to be in accordance with the Infrastructure Charges Notice issued with this development approval and any Infrastructure Charges Notice issued by Unitywater. From 1 July 2014, all Infrastructure Charges for infrastructure networks controlled by Unitywater (eg. water and/or sewerage) regardless of when the Infrastructure Charges Notice was issued are to be paid directly to Unitywater while Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.</p>
<b>3</b>	<b>Food Premises - Food Business Licence Advice</b>
	<p>In accordance with the Food Act 2006 the following must be submitted to Council prior to the commencement of construction or fit out of any licensable food business:</p> <ol style="list-style-type: none"> <li>1. An application for food business licence.</li> <li>2. Plans and elevations (refer to note below).</li> </ol>

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	<p>3. Supporting documentation. 4. Relevant fee.</p> <p>Note: The application is assessed against the provisions of the <i>Food Act 2006, Australia and New Zealand Food Standards Code and AS 4674 – Design, construction and fit-out of food premises (or equivalent)</i>.</p>
<b>4</b>	<b>Signage</b>
	<p>Ensure all signage on the site is established on the site either:</p> <p style="padding-left: 20px;">1. In accordance with the Requirements for accepted development of the Advertising Devices Code; OR</p> <p style="padding-left: 20px;">2. In accordance with any Operational Works - Development Permit for an Advertising Device.</p>

- B. That the Council report for this application be published to the website as Council's statement of reasons in accordance with Section 63 (5) of the *Planning Act 2016*.
- C. That the following information be included in the Decision Notice.

**Decision Notice information**

	Details to Insert
<b>Application Type</b>	Material Change of Use Development Permit for Child Care Centre
<b>Relevant Period of Approval</b>	Material Change of Use – 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>	Not applicable
<b>Other Necessary Permits</b>	<ul style="list-style-type: none"> <li>• Building Works – Development Permit</li> </ul>
<b>Codes for Accepted Development</b>	Not applicable
<b>Referral Agencies</b>	There are no Referral Agencies
<b>Submissions</b>	There was one (1) properly made submission about this application.

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**REPORT DETAIL**

**1. Background**

On 18 November 2020, Council’s delegate provided advice to the applicant for a Material Change of Use - Child Care Centre. The current proposal is generally consistent with the advice provided.

**2. Explanation of Item**

The proposal is for a Child care centre at 1 & 3 Laver Street, Morayfield located on the intersection of Graham Road (Council sub-arterial) and Laver Street (Council local collector). The location is directly opposite from Morayfield East State School also, it has access to primary and secondary active transport networks. The unsignalised intersection carries high traffic volumes at times and it is stated that waiting times to turn right, can cause queuing back into the respective roads. It should be noted, upgrade works to the intersection is planned to start in April 2021 and will include the signalisation of the intersection.

The applicant is proposing a two (2) level building with an approximate 831.5 GFA, and a site coverage of 984m<sup>2</sup> (49% of site) which will cater for 114 child care places. The bulk of the building will be contained to the western section of the site and will include outdoor play areas on level 1, in addition to the ground level outdoor play areas. The building will comply with the Planning Scheme in terms of setbacks, height and site coverage and will be constructed with a high-quality architectural design presenting to the streetscape. Furthermore, the proposal includes appropriate acoustic attenuation on the site boundaries and around the outdoor play areas on level 1. Notably, the outdoor play areas on level 1 will contain screening from the neighbouring properties.

**2.1 Description of the Site and Surrounds**

The site is located on the intersection of a Council Sub- Arterial and Council Local Collector road and is within the General Residential Zone - Suburban Neighbourhood Precinct. The site currently contains two Dwelling houses and associated structures.

The surrounding land to the north, east and south is contained within the same precinct and contains Dwelling houses. Directly adjoining to the north, is a public walkway which allows access to a public park from Grahams Road. Furthermore, the Morayfield East State School is situated directly to the west.

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

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

These Assessment Benchmarks are prescribed as being contained in:

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

<b>Applicable Assessment Benchmarks:</b>	<p><u>State Planning Policy</u></p> <ul style="list-style-type: none"> <li>• State Planning Policy, Part E</li> </ul> <p><u>Regional Plan</u></p> <ul style="list-style-type: none"> <li>• South East Queensland Regional Plan</li> </ul> <p><u>From Schedule 10 of the Regulation: (delete NA items)</u></p> <ul style="list-style-type: none"> <li>• Part 10: Koala Habitat Area – Schedule 11 of the <i>Planning Regulation 2017</i></li> <li>• Part 16: Development outside SEQ Urban Footprint – Schedule 10 Part 16 of the <i>Planning Regulation 2017</i></li> <li>• Part 8: Local Heritage Place – Schedule 2 of the <i>Queensland Heritage Regulation 2015</i></li> </ul>
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	<ul style="list-style-type: none"> <li>Part 14: Particular Reconfiguration of a Lot – Schedule 12 of the <i>Planning Regulation 2017</i></li> <li>Part 2: Brothels – Schedule 3 of the <i>Prostitution Regulation 2014</i></li> <li>Part 5: Devolved ERAs – <i>Environmental Protection Act 1994</i></li> <li>Part 17: Prescribed Tidal Works – Schedule 4A of the <i>Coastal Protection and Management Regulation 2003</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>	Nil

2.2.1 State Planning Policy

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

<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
<b>Assessment benchmarks - water quality</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
<b>Assessment benchmarks - natural hazards, risk and resilience</b>		
Applicable to Development	SPP Requirement	Comment
Yes	Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district: (1) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.	A Flood hazard area - Local Government flood mapping area intersects the site under the SPP Mapping. Notably, the site contains no Flood Hazard Overlay Mapping under the MBRC Planning Scheme. Subsequently, the proposal has been assessed and has been determined to comply.

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	<p>All natural hazard areas:</p> <p>(2) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(3) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.</p> <p>(4) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</p> <p>(5) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</p>	
<b>Assessment benchmarks - strategic airports and aviation facilities</b>		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable

2.2.2 *South East Queensland Regional Plan*

The site is located in the Urban Footprint.

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

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

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

2.3.1 *Strategic Framework*

An assessment against the Strategic Framework is not required by the development proposal.

2.3.2 *Assessment of Applicable Codes*

Code Compliance Summary

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

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

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Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Zone/ Local Plan Code</b>		
General Residential Zone Code - Suburban Neighbourhood Precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO67

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

2.3.3 Performance Outcome Assessment

Performance Outcome	Example
<b>General Residential Zone Code - Suburban Neighbourhood Precinct</b>	
<p><b>PO67</b></p> <p>Community activities:</p> <p>a) are located to:</p> <ul style="list-style-type: none"> <li>i. cluster with other non-residential activities to form a neighbourhood hub (this may include being located within or adjacent to an existing neighbourhood hub); or</li> <li>ii. if establishing a new neighbourhood hub (as described in the PO below) be on a main street;</li> </ul> <p>b) are located on allotments that have appropriate area and dimensions for the siting of:</p> <ul style="list-style-type: none"> <li>i. buildings and structures;</li> <li>ii. vehicle servicing, deliveries, parking, manoeuvring and circulation;</li> <li>iii. landscaping and open space including buffering;</li> </ul> <p>c) are of a small scale, having regard to the surrounding character;</p> <p>d) are serviced by public transport;</p> <p>e) do not negatively impact adjoining residents or the streetscape.</p>	No example provided.
<i>Performance Outcome Assessment</i>	
<p>The proposal includes a two (2) level building constructed to a high architectural standard and is in accordance with the Planning Scheme in terms of setbacks, site cover and height. The proposal also contains appropriate noise attenuation and screening treatments. Furthermore, the site is located on the intersection of a Council sub-arterial and a Council local-collector.</p>	

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Performance Outcome	Example
As a consequence, the proposal is of suitable scale, it has regard to the surrounding character and will not negatively impact adjoining residents or the streetscape also, it will be serviced by public transport.	
With regards to Performance Outcome PO67 section a), a Neighbourhood hub is defined in the Planning Scheme as:	
<i>A cluster of non-residential uses. A conveniently located public place that is recognised and valued in the local community as a gathering place for people, and an access point for a wide range of community activities, programs, services and events. Includes, a lot shown on Overlay map - Community activities and neighbourhood hubs.</i>	
Notably, the proposal is for a Child care centre located on a site that does not cluster with other non-residential activities to form a neighbourhood hub also, it is not establishing a new neighbourhood hub. However, it is recognised that the proposed Childcare centre is located opposite Morayfield State School where there are likely to be synergies between the two sites.	
As a consequence, the proposal will not comply with Performance Outcome PO67 and will require an assessment of the Overall Outcomes.	

2.3.4 Overall Outcome Assessment

The development proposal does not comply with Performance Outcome PO69 of the General Residential Zone Code - Suburban Neighbourhood Precinct. Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows;

6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
a) The suburban neighbourhood precinct consists of a primarily residential urban fabric providing predominantly low density, low rise, detached housing on a variety of lot sizes with a maximum site density of 15 dwellings per hectare or a maximum site density of 75 dwellings per hectare if complying with b. v. below.	NA	The proposal seeks a Child care centre use over two (2) lots, in an area with predominantly single Dwelling house residential lots.
b) Residential activities consist of: <ul style="list-style-type: none"> <li>i. Detached dwelling houses, predominantly on traditional lots;</li> <li>ii. Detached dwelling houses on narrow lots and Dual Occupancies where they are dispersed within the streetscape or are located within easy walking distance to services (centre, public transport</li> </ul>	NA	The proposal is not for a residential activity.

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6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<ul style="list-style-type: none"> <li>iii. node, community facilities) or park; Domestic outbuildings are subordinate in appearance and function to the dwelling;</li> <li>iv. Retirement facilities, Residential care facilities, and Relocatable home parks are located within easy walking distance of a centre;</li> <li>v. Multiple dwellings, Rooming accommodation, short-term accommodation and tourist park only establish where they will support a higher order or district centre or a train station by being adjacent (within 400m walking distance) to that higher order or district centre or train station.</li> <li>vi. The built form of concentrated residential uses and managed communities (e.g. multiple dwellings, retirement facilities, residential care facilities, relocatable home parks are designed to integrate with the surrounding neighbourhood.</li> </ul>		
<ul style="list-style-type: none"> <li>c) The design, siting and construction of residential uses are to:                             <ul style="list-style-type: none"> <li>i. contribute to an attractive streetscape with priority given to pedestrians;</li> <li>ii. encourage passive surveillance of public spaces;</li> <li>iii. result in privacy and residential amenity consistent with the low density residential character of the area;</li> <li>iv. provide a diverse and attractive built form;</li> <li>v. provide a low rise built form compatible with its surrounds;</li> </ul> </li> </ul>	NA	The proposal is not for a residential use.



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6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<ul style="list-style-type: none"> <li>vi. incorporate sub-tropical urban design principles that respond to local climatic conditions;</li> <li>vii. incorporate sustainable practices including maximising energy efficiency and water conservation;</li> <li>viii. incorporate natural features and respond to site topography;</li> <li>ix. cater for appropriate car parking and manoeuvring areas on site;</li> <li>x. be of a scale and density consistent with the low density residential character of the area;</li> <li>xi. provide urban services such as reticulated water, sewerage, sealed roads, parks and other identified infrastructure.</li> </ul>		
d) Home based business can only be established where the scale and intensity of the activity does not detrimentally impact upon the character and amenity associated with the surrounding area. Specifically, Home based business does not include the sale or restoration of more than 4 vehicles in any calendar year or, undertake a mechanical repairs or panel beating activity associated with a business at the subject premises	NA	The proposal is not for a Home based business.
e) Non-residential uses in the suburban neighbourhood precinct take the form of community activities, corner stores, neighbourhood hubs or local centres.	Yes	The proposal is for a Child care centre notably, the use is included as a community activity.
f) Community activities: <ul style="list-style-type: none"> <li>i. establish in a location that may be serviced by public transport;</li> <li>ii. do not negatively impact adjoining residents or the streetscape;</li> </ul>	Yes	The proposal locates the use on the corner of a Council sub-arterial and a Council local collector road readily serviced by public transport. Furthermore, the Child care centre building presents with a high quality architectural design, to the road frontages and the setback, height and site coverage is

ITEM 4.1 DA/42671/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 61575355 (Cont.)

6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<p>iii. do not undermine the viability of existing or future centres.</p>		<p>in accordance with the Planning Scheme. In addition to the above, it is considered that the applicant has established a need and that the approval of this use, will not undermine the viability of existing or future centres.</p>
<p>g) Corner stores may establish as standalone uses (not part of a neighbourhood hub) where:</p> <p>i. the store is of a scale that remains subordinate to all centres and neighbourhood hubs within the region;</p> <p>ii. clear separation from existing neighbourhood hubs and centres within the network are maintained to reduce catchment overlap. The corner store should not be within 1600m of another corner store, neighbourhood hub or centre measured from the centre of the corner store, neighbourhood hub or centre;</p> <p>iii. they are appropriately designed and located to include active frontages.</p>	NA	<p>The use is not included in a corner store.</p>
<p>h) Retail and commercial activities (excluding Service stations):</p> <p>i. cluster with other non-residential uses (excluding corner stores) forming a neighbourhood hub;</p> <p>ii. are centred around a 'Main Street' central core fostering opportunities for social and economic exchange;</p> <p>iii. are of a small scale, appropriate for a neighbourhood hub;</p> <p>D. Note - Retail and commercial uses that will result in a new or existing neighbourhood hub</p>	NA	<p>The use is not for a Retail and commercial activity.</p>

## Moreton Bay Regional Council

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**ITEM 4.1 DA/42671/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 61575355 (Cont.)**

<b>6.2.6.2.1. Purpose - Suburban neighbourhood precinct</b>		
<b>Overall Outcomes</b>	<b>Complies Y/N</b>	<b>Comments</b>
<p>expanding to a scale and function</p> <p>E. consistent with a Local centre are to be assessed as if establishing a new Local centre. Refer to the Centre zone code for relevant</p> <p>F. assessment benchmarks.</p> <p>iv. do not negatively impact adjoining residents or the streetscape;</p> <p>v. are subordinate in function and scale to all centres within the region.</p>		
<p>i) Service stations:</p> <p>i. establish where they will not disrupt, fragment or negatively impact active frontages (e.g. within a neighbourhood hub);</p> <p>ii. establish on heavily trafficked roads where the amenity of surrounding residential uses is already subject to impacts by road vehicle noise;</p> <p>iii. establish in locations that will not have a negative impact on the street environments intended to include active frontages (e.g. Neighbourhood hubs or centres);</p> <p>iv. do not negatively impact adjoining residents or the streetscape;</p> <p>v. ancillary uses or activities only service the convenience needs of users.</p>	NA	The use is not a Service station.
<p>j) The design, siting and construction of non-residential uses:</p> <p>i. maintains a human scale, through appropriate building heights and form;</p> <p>ii. provides attractive, active frontages that maximise pedestrian activity along road frontages, movement</p>	Yes	The Child care centre building presents with a high quality architectural design, to the road frontages and the setback, height and site coverage is in accordance with the Planning Scheme. The design and landscaping will ensure that the use maintains a human scale whilst, allowing for sufficient casual surveillance of public spaces. In addition, the proposal locates the use along readily available active transport

ITEM 4.1 DA/42671/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 61575355 (Cont.)

6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<p>corridors and public spaces (excluding Service stations);</p> <p>iii. provides for active and passive surveillance of road frontages, movement corridors and public spaces;</p> <p>iv. promotes active transport options and ensures an oversupply of car parking is not provided;</p> <p>v. locates car parking so as not to dominate the street;</p> <p>vi. does not result in large internalised shopping centres (e.g. large blank external walls with tenancies only accessible from within the building) surrounded by expansive areas of surface car parking.</p>		<p>routes and car parking will be sufficiently screened from adjoining areas.</p>
<p>k) Neighbourhood hub expansion (into adjoining lots) or the establishment of a new neighbourhood hub only occurs where:</p> <p>i. it is of a scale that remains subordinate to all centres within the region;</p> <p>G. <i>Note - Retail and commercial uses that will result in a new or existing neighbourhood hub expanding to a scale and function more consistent with a Local centre are to be assessed as if establishing a new Local centre. Refer to the Centre zone code for relevant assessment criteria.</i></p> <p>ii. the expansion (into adjoining lots) will strengthen the existing neighbourhood hub as an important neighbourhood activity node;</p> <p>iii. clear separation from existing neighbourhood hubs and centres within the network are maintained to reduce</p>	<p>NA</p>	<p>The proposal does not include a Neighbourhood hub expansion and it will not create a new Neighbourhood hub.</p>

ITEM 4.1 DA/42671/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 61575355 (Cont.)

6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<p>catchment overlap. New neighbourhood hubs are to service a currently unserviced catchment. The centre of a neighbourhood hub should not be located within 1600m of another neighbourhood hub or centre measured from the centre of each hub or centre;</p> <p>iv. for a new neighbourhood hub, it is located on sub-arterial or collector road;</p> <p>v. they are appropriately designed and located to include active frontages around a 'main street' core and are staged where relevant to retain key (highly accessible) sites for long term development</p>		
<p>l) General works associated with the development achieves the following:</p> <p>i. new development is provided with a high standard of services to meet and support the current and future needs of users of the site, including roads, street lighting services, telecommunications and reticulated electricity (underground wherever possible), water and sewerage (where available);</p> <p>ii. the development manages stormwater to:</p> <p>A. ensure the discharge of stormwater does not adversely affect the quality, environmental values or ecosystem functions of downstream receiving waters;</p>	Yes	Appropriately conditioned the proposed development will provide a high standard of service to meet and support the current and future needs of the users of the site.

ITEM 4.1 DA/42671/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 61575355 (Cont.)

6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<p>B. prevent stormwater contamination and the release of pollutants;</p> <p>C. maintain or improve the structure and condition of drainage lines and riparian areas;</p> <p>D. avoid off-site adverse impacts from stormwater.</p> <p>iii. the development does not result in unacceptable impacts on the capacity and safety of the external road network;</p> <p>iv. the development ensures the safety, efficiency and useability of access ways and parking areas;</p> <p>v. site works including earthworks are managed to be safe and have minimal impacts on adjoining or adjacent premises, the streetscape or the environment.</p>		
m) Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke	Yes	The proposed development will be conditioned to contain appropriate noise attenuation measure to not cause a nuisance to adjoining properties.
n) Noise generating uses are designed, sited and constructed to minimise the transmission of noise to appropriate levels and do not cause environmental harm or nuisance	Yes	The proposed development will be conditioned to contain appropriate noise attenuation measure to not cause a nuisance to adjoining properties.
o) Noise sensitive uses are designed, sited and constructed so as not to be subject to unacceptable levels of noise.	Yes	The proposed use is located in an area where it will not be subjected to unacceptable levels of noise.
p) Development in a Water supply buffer is undertaken in a manner which contributes to the maintenance and enhancement where possible	NA	The proposal is not located within the water supply buffer, therefore the overall outcome is not applicable.

ITEM 4.1 DA/42671/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 61575355 (Cont.)

6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
of water quality to protect the drinking water and aquatic ecosystem environmental values in those catchments.		
<p>q) Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:</p> <ul style="list-style-type: none"> <li>i. adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;</li> <li>ii. ensuring no further instability, erosion or degradation of the land, water or soil resource;</li> <li>iii. when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.</li> <li>iv. maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through: <ul style="list-style-type: none"> <li>A. the provision of replacement, restoration, rehabilitation planting and landscaping;</li> </ul> </li> </ul>	Y	The proposed development is not contained within an area subject to constraint, limitation or environmental value.

ITEM 4.1 DA/42671/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 61575355 (Cont.)

6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<p>B. the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;</p> <p>C. the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014</p> <p>v. protecting native species and protecting and enhancing species habitat;</p> <p>vi. protecting and preserving the natural, aesthetic, architectural historic and cultural values of significant trees, places, objects and buildings of heritage and cultural significance;</p> <p>vii. establishing effective separation distances, buffers and mitigation measures associated with identified infrastructure to minimise adverse effects on sensitive land uses from odour, noise, dust and other nuisance generating activities;</p> <p>viii. establishing, maintaining and protecting appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat;</p> <p>ix. ensuring it promotes and does not undermine the ongoing viability, integrity, operation, maintenance and safety of identified infrastructure;</p> <p>x. ensuring effective and efficient disaster management response and recovery capabilities;</p>		



ITEM 4.1 DA/42671/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 61575355 (Cont.)

6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
xi. where located in an overland flow path: <ul style="list-style-type: none"> <li>A. development siting, built form, lay out and access responds to the risk presented by the overland flow and minimises risk to personal safety;</li> <li>B. development is resilient to the impacts of overland flow by ensuring the siting and design accounts for the potential risks to property associated with the overland flow;</li> <li>C. development does not impact on the conveyance of the overland flow for any event up to and including the 1% AEP for the fully developed upstream catchment;</li> <li>D. development directly, indirectly and cumulatively avoid an increase in the severity of overland flow and potential for damage on the premises or other premises, public lands, watercourses, roads or infrastructure.</li> </ul>		
r) Development in the Suburban neighbourhood precinct includes 1 or more of the following: ...	Y	Child care centre is a listed use in the relevant table.

ITEM 4.1 DA/42671/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 61575355 (Cont.)

6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
s) Development in the Suburban neighbourhood precinct does not include any of the following:	Y	Child care centre is not listed use in the relevant table.
t) Development not listed in the tables above may be considered on its merits and where it reflects and supports the outcomes of the zone...	NA	The development is listed in the table under section r).

Based on the assessment above, the proposal is consistent with all of the Overall Outcomes of the code(s) and is therefore taken to be consistent with the purposes of the code.

2.4 Trunk Infrastructure

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

2.4.1 Levied Charge

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

2.4.2 Levied Charge Credit

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

(a) Lawful use of land

An assessment of existing and previous lawful uses of the land has determined that a credit amount of \$18,136.02 exists per lot and, has been calculated based on the existing residential use of the land and the proportional split stated in Table 3 of the CR.

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

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

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

The credit available under this option is \$18,136.02 per lot, based on the proportional split stated in Table 3 of the CR. This adopted charge rate is the prescribed amount in Schedule 16 of the Planning Regulation 2017 as at 11 August 2017. This rate will be automatically indexed in accordance with section 112 of the Act.

2.4.3 Levied Charge Offset or Refund

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

2.4.4 Additional Trunk Infrastructure Costs

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

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ITEM 4.1 DA/42671/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 61575355 (Cont.)

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

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

2.6 Referrals

2.6.1 *Council Referrals*

**2.6.1.1 Development Engineering**

*Traffic, Access & Parking*

1. The intersection of Graham Road and Laver Street is subject to an imminent upgrade. Construction of a signalised intersection, with pedestrian crossings on road legs, is anticipated to begin in April 2021.

A Traffic Impact Assessment, dated 12 February 2021 prepared by Rytenskiid, was submitted in response to Council's Information Request. The TIA responded to Council's queries with respect to:

- Access location in relation to the intersection;
- Queuing on Laver St intersection approach;
- Queuing on site entry;
- Turn warrants assessment, as due to the proximity of the future signalised intersection any potential queuing on entry to the site should be avoided. This identified no proper turn lane is required;
- Any impacts of on-street waste collection and proposed parking controls.

Development Engineering consider the findings of the submitted TIA suitable to support the proposed development against the relevant requirements of the Planning Scheme.

Site access is proposed via new crossover on Laver St. This report recommends conditioning the removal of both crossovers on Laver St with the kerb & channel to be reinstated. The construction of new crossover is to be in accordance with plans and RS-051.

*Stormwater / Flooding*

The development site is not covered by a mapped flood overlay area or overland flow path.

Stormwater quantity requirements are achieved with drainage to legal point of discharge proposed at the existing road drainage pit in front of Lot 1 on Laver St.

Stormwater quality requirements can be achieved. While the development does not trigger the stormwater quality requirements of the SPP, the development proposal must include appropriate quality improvement measures based on Best Practice Water Sensitive Urban Design (WSUD).

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ITEM 4.1 DA/42671/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 61575355 (Cont.)

A Stormwater Management Plan (Rev B), dated February 2021 by VT Consulting Engineers, was submitted in response to the Council's Information Request. The revised SMP's stormwater quality proposals are generally acceptable for the site, subject to standard conditions.

*Other*

Construction Management - Due to site being located on the corner of a sub-arterial and a local collector road, and the need for consideration of peak school zone traffic and pedestrian movement, a condition is recommended that a Construction Management Plan be prepared and submitted to Council for approval.

**2.6.1.2 Environmental Health**

*Lighting*

It is recommended that conditions are included to ensure suitable lighting is installed.

*Noise*

An Acoustic Assessment prepared by Acoustic Works dated 17 November 2020, report number 2020416 R01A, was submitted in support of the application and recommends barriers on the ground level and a barrier around the play deck on the first floor that are considered acceptable. As a consequence, the recommendations of this report include a condition that the development be undertaken in accordance with the acoustic report.

*Waste Management*

A waste management program has been provided and is acceptable for the proposed use. This development will use bulk 1.1 cubic metre bins wheeled to the kerbside of Laver Street. As a consequence, the recommendations of this report include a condition that the development be undertaken in accordance with the waste management program.

*Food Premises - Food Business Licence*

The development may incorporate a licensable food business under the Food Act 2006 that will have specific structural requirements. As a consequence, the recommendations of this report include an advice for a Food Business Licence.

**2.6.2 Referral Agencies**

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

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

**2.6.2.2 Advice Agencies**

There were no Advice Agencies involved in assessing this application.

**2.6.2.3 Third Party Agencies**

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

**2.7 Public Consultation**

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

- (a) Public Notification was served on all adjoining landowners on 17 February 2021.
- (b) The development application was advertised in the Courier Mail on 18 February 2021.
- (c) A notice in the prescribed form was posted on the relevant land on 18 February 2021 and maintained for a period of 15 business days for the Graham Road frontage and 14 business days for the Laver Street frontage.

ITEM 4.1 DA/42671/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 61575355 (Cont.)

2.7.2 Submissions Received

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

Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax		1
	Petition		
Not Properly Made	Letter, Email, Fax		2
	Petition		
<b>Total</b>			<b>3</b>

The matters raised within the submissions are outlined below:

Assessment of Submissions
<b><u>Issue – Traffic and Pedestrian Safety</u></b>
<b><u>Discussion</u></b>
<p>All submissions raised concerns with regards to the impact of additional traffic turning from Graham Road into Laver Street also, entering Graham Road from Laver Street. It is stated that the intersection is busy with vehicles having to wait for an opportune time to turn right consequently, that this creates unsafe traffic conditions for vehicles and pedestrians. The pedestrian school crossing located on Grahams Road approximately 50.0m north from the Laver Street intersection was specifically mentioned as a safety hazard for pedestrians. The concern was raised that vehicles leaving Laver Street could, either back up waiting for the pedestrians to clear or, it can place the pedestrians at risk. Also, that children might be at risk crossing the Child care centre's driveway crossover. Another concern was raised about the additional traffic from construction crews, during the construction phase.</p> <p>The Traffic Impact Assessment (TIA) provided by the applicant, investigated queueing and delay times, both external and internal to the site. Council's engineer assessed the TIA and noted:</p> <ul style="list-style-type: none"> <li>- The effect of delays would be experienced internally on the development site;</li> <li>- The proposed location of the cross over on Laver Street is reasonable and will ensure sufficient onsite parking whilst, having negligible impacts externally;</li> <li>- The unsignalised current peak morning and afternoon queue time is approximately 6.0m with a delay of approximately three (3) seconds;</li> </ul> <p>In addition to the above it should be noted, signalisation upgrades of the Graham Road and Laver Street intersection is due to start in April 2021. This upgrade will provide signalised crossing for pedestrians on all four (4) crossing whilst, the school crossing located 50.0m north upwards on Graham Road, will be removed.</p> <p>With regards to the concerns raised about children having to cross the driveway crossover on Laver Street, it will be a recommendation of this report to include conditions requiring fencing to be sufficiently transparent and landscaping to be of a height, as to not obscure sight lines of drivers leaving the site.</p> <p>With regards to the concerns raised about traffic generated by construction crews, it will be a recommendation of this report to include a condition requiring the submission and approval of a Construction Management Plan (CMP). This CMP would need to identify, manage and minimise potential issues during the construction phase of the development.</p> <p>This is not sufficient grounds for refusal of the application.</p>

ITEM 4.1 DA/42671/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 61575355 (Cont.)

<b>Assessment of Submissions</b>
<b><u>Issue – Traffic and Pedestrian Safety</u></b>
<b><u>Issue – Amenity</u></b>
<p><b><u>Discussion</u></b></p> <p>Concerns were raised about how the proposed building will negatively impact on the amenity of the area including;</p> <ul style="list-style-type: none"> <li>- Visual bulk of the building and that it might impact traffic sight lines;</li> <li>- Privacy and sunlight access to adjoining Dwellings; and</li> <li>- Noise from vehicles parking and construction vehicles.</li> </ul> <p>The Childcare centre is proposed to be contained within a two-storey building to be constructed over Lot 1 and Lot 2. The bulk of the building will be included within Lot 1 and this includes the indoor play and office areas whilst, Lot 2 will contain the ground level car parking and the outdoor play areas on level one. The building will be at a maximum height of 8.5m with the following aspects:</p> <ul style="list-style-type: none"> <li>- Build to boundary on the Graham Road frontage;</li> <li>- The building present as a high-quality architectural design with articulation on the Graham Road and Laver Street frontage;</li> <li>- Approximately 4.0m to the public footpath to the northern boundary;</li> <li>- Approximately 7.53m to the eastern side boundary adjoining a residential single storey house;</li> <li>- Site coverage of 49%; and</li> <li>- Screening and acoustic walls around the outdoor play areas on level one.</li> </ul> <p>In addition to the above, the proposal includes 2.0m high acoustic timber fences on the northern and eastern boundaries.</p> <p>With regards to the above, the proposal is consistent with the Planning Scheme and it is considered that the building will not negatively impact on the amenity of the surrounding areas.</p> <p>This is not sufficient grounds for refusal of the application.</p>

Additional concerns were raised with regards to property devaluation, noise of alarms as people may break into the Child care centre and, air pollution from vehicles parking. Notably, these are not planning considerations.

**2.7.3 Notice of Compliance**

The Notice of Compliance was received by Council on 17 March 2021. The Notice of Compliance identifies that the public notification requirements for the development application were not correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

Specifically, the notices were posted on both the Graham Road and Laver Street frontages on the 18<sup>th</sup> of February 2021. However, upon removing the notices on the 14<sup>th</sup> of March 2021, the applicant found that the notice on the Laver Street frontage was removed by an unknown third party. The applicant could determine that this notice was removed during the course of the evening of the 11<sup>th</sup> of March 2021 or, during the course of the day on 12 March 2021, being the last day of the public notification.

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ITEM 4.1 DA/42671/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 61575355 (Cont.)

However, in accordance with section 53 (3) of the *Planning Act 2016* the Council may assess and decide the application despite this non-compliance if the Council “*is satisfied any non-compliance has not;*

- (a) *adversely affected the public’s awareness of the existence and nature of the application;*  
*or*
- (b) *restricted the public’s opportunity to make properly made submissions about the application.”*

In giving this matter consideration, Council can assess and decide the application as;  
*It was considered that the non compliance did not adversely affect the publics awareness of the existence and nature of the application given;*

- (i) the notice was maintained on Graham Road, the primary frontage, for the full period additionally,
- (ii) that the notice was maintained for at least 14 days on the secondary road frontage, being Laver Street.
- (iii) The public notice complied with all other aspects of the public notification process.

2.8 Other Matters  
None identified.

**3. Strategic Implications**

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications                     Nil identified

3.5 Delegated Authority Implications                     Nil identified

3.6 Financial Implications

- a) In the event that an appeal is made to the Planning & Environment Court against Council’s decision, the Council will incur additional costs in defending its position.
- b) If approved, there will be 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 2.7

**SUPPORTING INFORMATION**

**Ref: [61815816](#), [61834941](#) & [61831045](#)**

The following list of supporting information is provided for:

**ITEM 4.1**

**DA/42671/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE**

**#1 Aerial**

**#2 Zoning Map**

**#3 Locality Plan**

**#4 Town Planning Submission - Project Summary**

**#5 Submissions**



**ITEM 4.2**

**DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS)**

**APPLICANT: P3 Projects Pty Ltd and GM Enterprises Australia Pty Ltd C/- RPS**  
**OWNER: P3 Projects Pty Ltd Tte and GM Enterprises Australia Pty Ltd Tte**

Meeting / Session: 4 PLANNING  
Reference: 61551737 : 1 February 2021 – Refer Supporting Information 61750696 & 61697882  
Responsible Officer: NT, Senior Planner (PL Development Services)

**Executive Summary**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	P3 Projects Pty Ltd and GM Enterprises Australia Pty Ltd C/- RPS
<b>Lodgement Date:</b>	15 October 2020
<b>Properly Made Date:</b>	2 November 2020
<b>Confirmation Notice Date:</b>	6 November 2020
<b>Information Request Date:</b>	18 November 2020
<b>Info Response Received Date:</b>	21 December 2021
<b>Public Notification Dates:</b>	6 January 2021 to 28 January 2021
<b>No. of Submissions:</b>	Properly Made: 34 Not Properly Made: 5
<b>Decision Due Date:</b>	6 April 2021
<b>Prelodgement Meeting Held:</b>	Yes (PRE/5617 held 15 July 2020)

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 1
<b>Property Address:</b>	13 South Esplanade BONGAREE QLD 4507
<b>RP Description</b>	Lot 503 B6321
<b>Land Area:</b>	1012m <sup>2</sup>
<b>Property Owner</b>	GM Enterprises Australia Pty Ltd

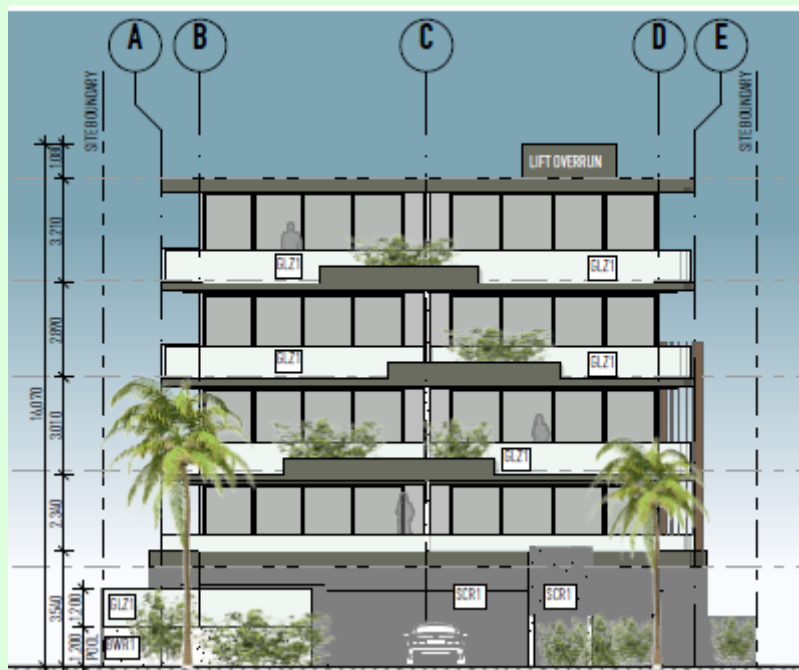
<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	<i>Planning Act 2016</i>
<b>Planning Scheme:</b>	MBRC Planning Scheme
<b>Planning Locality / Zone</b>	General residential zone - Next generation neighbourhood precinct
<b>Level of Assessment:</b>	Impact and Consistent

This application seeks a Material Change of Use - Development Permit for Multiple Dwellings (8 Dwellings) at 13 South Esplanade, Bongaree. It is proposed to construct a five storey apartment building with a maximum building height of 16.08m above natural ground level. The proposal includes on-site carparking for eighteen (18) vehicles provided under the building at ground level. The proposal includes eight (8) three-bedroom dwellings and a site density of 79 dwellings per hectare.

The site is included within the General Residential zone - Next Generation Neighbourhood Precinct and within the Suburban Neighbourhood Place type under the Strategic Framework of the Moreton Bay Regional Council Planning Scheme (MBRC Planning Scheme). Further the site is mapped as being located within the Balance flood planning area and Medium risk storm tide inundation area.

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The design of the proposed building allows for the habitable rooms of the proposed building to be above the Flood Planning Level of 3.3AHD. While most of the building satisfies the maximum building height limit of 15 metres, the lift over run area extends above this and the proposal is therefore seeking a performance solution in relation to building height. Under the Building Height definition of the MBRC Planning Scheme, a lift overrun is excluded from the measurement of building height. However, the *Planning Regulation 2017* states that the building height is the distance between the ground level and highest point of the building. On the 8 November 2019 with the introduction of the *Planning (Regulated Requirements and Other Matters) Amendment Regulation 2019*, this resulted in the Planning Regulation 2017 definition taking precedence over the planning scheme definition. Therefore, the lift over run area is included in the measurement of building height.



The 1.08m roof encroachment results from the lift overrun which sits to the south of building. The additional height resulting from the lift overrun is negligible and will not unreasonably impose upon the surrounding area or result in amenity impacts (i.e. scale, bulk and overshadowing) to adjoining properties. Having regard to the broader locality/wider context, the slight increase in height will also not interrupt significant view corridors.

The proposed development results in a site density of 79 dwellings per hectare instead of 15 - 75 dwellings per hectare suggested for the General Residential - Next Generation precinct. This represents the difference of approximately one (1) additional dwelling (7 dwellings verses 8 dwellings proposed) without effecting the built form.

The application was publicly advertised with thirty-nine (39) submissions received, including thirty-four (34) properly made submissions and five (5) not properly made submissions. The proposed development seeks performance solutions in relation to building height, density, site cover and setbacks, however this report will demonstrate the proposal is not an overdevelopment of the site, but rather provides a high quality built form outcome that is appropriate for the site having regard to expected medium density outcomes envisaged by the planning scheme. An assessment against the provisions of the MBRC Planning Scheme has been completed in detail and careful consideration has been given to the submissions lodged in relation to the application. It is noted that the planning scheme does not provide prescriptive measures that are to be strictly applied, rather a performance-based assessment has been carried out, accordingly, the application is recommended to be approved, subject to conditions.

## Moreton Bay Regional Council

**ITEM 4.2 DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 61551737 (Cont.)**

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

**OFFICER'S RECOMMENDATION**

- A. That Council, in accordance with the *Planning Act 2016*, approves the development application for a Material Change of Use - Development Permit for Multiple Dwellings (8 Dwellings) at 13 South Esplanade, Bongaree, described as Lot 503 B6321, subject to the following plans/documents and conditions:

<b>Amended Plans Required</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Site Plan	DA 005 REV 1.4	P3 Projects Pty Ltd	07/10/2020
Ground Floor Plan	DA 006 REV 1.4	P3 Projects Pty Ltd	07/10/2020
First Floor Plan	DA 007 REV 1.4	P3 Projects Pty Ltd	07/10/2020
Second Floor Plan	DA 008 REV 1.4	P3 Projects Pty Ltd	07/10/2020
Third Floor Plan	DA 009 REV 1.4	P3 Projects Pty Ltd	07/10/2020
Fourth Floor Plan	DA 010 REV 1.4	P3 Projects Pty Ltd	07/10/2020
Roof Plan	DA 011 REV 1.4	P3 Projects Pty Ltd	07/10/2020
East and South Elevations	DA 012 REV 1.4	P3 Projects Pty Ltd	07/10/2020
West and North Elevations	DA 013 REV 1.4	P3 Projects Pty Ltd	07/10/2020
Sections	DA 014 REV 1.4	P3 Projects Pty Ltd	07/10/2020
Perspectives	DA 015 REV 1.4	P3 Projects Pty Ltd	07/10/2020
Perspectives	DA 016 REV 1.4	P3 Projects Pty Ltd	07/10/2020
Perspectives	DA 017 REV 1.4	P3 Projects Pty Ltd	07/10/2020

<b>CONDITION</b>		<b>TIMING</b>
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>1.</b>	<b>Approved Plans and/or Documents</b>	
	Undertake development in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>2.</b>	<b>Amended Plan Required</b>	
A	Submit amended proposal plans incorporating the following: <ul style="list-style-type: none"> <li>i. On the elevations and sections clearly depict natural ground level relative to Australian Height Datum, demonstrating the proposal results in a building height no higher than 16.08m (to the top of the lift overrun);</li> <li>ii. Delete the proposed car wash bay at the rear of the site and relocate the proposed swimming pool from the front setback to the rear of the building;</li> </ul>	Prior to any approval of Building Works.

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**ITEM 4.2 DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 61551737 (Cont.)**

<b>CONDITION</b>		<b>TIMING</b>
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
	<ul style="list-style-type: none"> <li>iii. Include landscaping opportunities within the front setback at the location of the proposed swimming pool (which is to be relocated to the rear);</li> <li>iv. Annotate details of any proposed front fencing, ensuring it does not exceed 1.2m in height;</li> <li>v. Increase the setback of the building from the north boundary of the site to a minimum of 3.0m for Floors 1-4, with the exception of the balcony associated with the living/dining room and protruding ceiling hoods which may remain setback at 1.8m;</li> <li>vi. Orientate the rear balcony associated with the Multi-purpose room for Units 1, 3, 5 and 7 to the rear (east) of the site rather than directly facing north;</li> <li>vii. Provide semi-transparent screening to the north side of the balconies off the Master Bedroom and Multipurpose rooms associated with Units 1, 3, 5 and 7;</li> <li>viii. Setback the proposed fire hydrant and meterbox atleast 1.5m from the front boundary of the site; and</li> <li>ix. Annotate that the rear (eastern) boundary fence is to be constructed to atleast 50% permeable to ensure it does not impede storm tide flows.</li> </ul>	
B	Obtain approval from Council for the amended proposal plans in accordance with (A) above.	Prior to any approval of Building Works.
C	Implement the requirements and recommendations of the approved plan(s). The approved amended plan(s) will form part of the approval.	Prior to the commencement of use.
<b>3.</b>	<b>Community Management Statement</b>	
	<p>Ensure that any Community Management Statement for the development reflects the following:</p> <ul style="list-style-type: none"> <li>4. Car parking provisions;</li> <li>5. Landscaping requirements;</li> <li>6. Communal Open Space and Recreation areas (including pool area);</li> <li>7. Bin storage requirements and collection locations;</li> <li>8. Stormwater Management requirements; and</li> <li>9. Flood Emergency Management Plan.</li> </ul>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>4.</b>	<b>On-Site Car Spaces</b>	
A	Provide on-site car parking as generally shown on the approved plans.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
B	Provide for the manoeuvring of vehicles on site, generally in accordance with the approved plan. Car spaces, access lanes and driveways shown on the approved plan must not be used for any other purpose.	
<b>5.</b>	<b>Bicycle Parking Facilities</b>	

ITEM 4.2 DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 61551737 (Cont.)

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
	<p>Install secure bicycle parking facilities for a minimum of eight (8) bicycles for residents.</p> <p>Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic management - Part 11: Parking.</p>	<p>Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.</p>
<b>6.</b>	<b>Electrical Transformer</b>	
	<p>Ensure that where electrical transformers are located in the front setback it is screened so that the transformer is not visible from any road frontage and achieves the following:</p> <ul style="list-style-type: none"> <li>i. A combination of screening device and landscaping;</li> <li>ii. The screening device is constructed of durable, weather resistant materials; and</li> <li>iii. Is integrated with the design of the development and positively contributes to the streetscape.</li> </ul> <p>Note: The use of barbed wire or metal prongs is not permitted.</p>	<p>Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.</p>
<b>7.</b>	<b>Clothes Drying Facilities</b>	
	<p>Provide external clothes drying facilities that are screened from adjoining properties and the street or provide an electric clothes dryer within each dwelling.</p>	<p>Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.</p>
<b>8.</b>	<b>Privacy Screening</b>	
A	<p>Provide privacy screening or alternate treatments where:</p> <ul style="list-style-type: none"> <li>i. Habitable room windows or balconies of above ground floor dwellings directly face another habitable room or balconies on the same site or an adjoining site that are within 9m; and</li> <li>ii. Provide semi-transparent screening to the north side of the balconies off the Master Bedroom and Multipurpose rooms associated with Units 1, 3, 5 and 7.</li> </ul>	<p>A&amp;B Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.</p>
B	<p>Treatments may consist of one or more of the following:</p> <ul style="list-style-type: none"> <li>i. Sill heights at a minimum of 1.5 metres above floor level; or</li> <li>ii. Fixed, tinted or opaque glazing in at least any part of the fixed window or balcony balustrading between the floor level of the dwelling or balcony and 1.5m for windows and 1.2m for balconies; or</li> <li>iii. Sliding external screens (e.g. louvered panels), of durable weather resistant materials and with a maximum of 50% transparency.</li> </ul>	

## Moreton Bay Regional Council

**ITEM 4.2 DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 61551737 (Cont.)**

CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
<b>9. Street Numbering and Building Names</b>	
Install dwelling and street numbering and lockable mail boxes. Ensure street numbers and any building names are prominently displayed to enable identification by emergency services.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
<b>10. Internal Fire System</b>	
Note: This condition (including items A-E) does not apply to buildings that are required by the Building Code of Australia to have a fire hydrant system complying with Australian Standard AS 2419.1 (2005) – Fire Hydrant Installations or other fire fighting facilities which provide equivalent protection.	
A External fire hydrant facilities are provided on site to the standard prescribed under the relevant parts of Australian Standard AS2419.1 (2005) - Fire Hydrant Installations.	Prior to commencement of the use or Council's endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
B A continuous path of travel having the following characteristics is provided between the vehicle access point to the site and each external fire hydrant and hydrant booster point on the land: <ul style="list-style-type: none"> <li>5. An unobstructed width of no less than 3.5m;</li> <li>6. An unobstructed height of no less than 4.8m;</li> <li>7. Constructed to be readily traversed by a 17 tonne HRV fire brigade pumping appliance;</li> <li>8. An area for a fire brigade pumping appliance to stand within 20m of each fire hydrant and 8m of each hydrant booster point.</li> </ul>	
C On-site fire hydrant facilities are maintained in effective operating order in a manner prescribed in Australian Standard AS1851 (2013) - Routine service of fire protection systems and equipment.	At all times.
D For development that contains on-site fire hydrants external to buildings: <ul style="list-style-type: none"> <li>i. Those external hydrants can be seen from the vehicular entry point to the site; or</li> <li>ii. A sign identifying the following is provided at the vehicular entry to the site: <ul style="list-style-type: none"> <li>o The overall layout of the development (to scale);</li> <li>o Internal road names (where used);</li> <li>o All communal facilities (where provided);</li> <li>o The reception area and on-site manager's office (where provided);</li> <li>o External hydrants and hydrant booster points;</li> <li>o Physical constrains within the internal roadway system which would restrict access by fire fighting appliances to external hydrants and hydrant booster points; and</li> </ul> </li> </ul>	Prior to commencement of the use or Council's endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.

ITEM 4.2 DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 61551737 (Cont.)

CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
<ul style="list-style-type: none"> <li>o Maintained in effective operating order in a manner prescribed in Australian Standard AS1851 (2013) - Routine service of fire protection systems and equipment.</li> </ul>	
<p>E For development that contains on-site fire hydrants external to the building, those hydrants are identified by way of marker posts and raised reflective pavement markers in the manner prescribed in the technical note Fire hydrant indication system produced by the Queensland Department of Transport and Main Roads.</p>	
<b>11. External Lighting</b>	
<p>A Install external lighting in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.</p>	<p>Prior to commencement of use or endorsement of any Community Management Statement whichever comes first and to be maintained at all times.</p>
<p>B Provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting).</p>	<p>Prior to commencement of use or endorsement of any Community Management Statement whichever comes first.</p>
<b>12. Pedestrian Lighting</b>	
<p>A Install lighting in any pedestrian areas that require illumination in accordance with AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.</p>	<p>Prior to commencement of use or endorsement of any Community Management Statement whichever comes first and to be maintained at all times.</p>
<p>B Provide certification from a suitably qualified person that lighting for pedestrian areas satisfies the intent of AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.</p>	<p>Prior to commencement of use or endorsement of any Community Management Statement whichever comes first.</p>
<b>13. Waste Management Plan</b>	
<p>A Implement the approved waste management arrangements identified on the approved plan.</p> <p>Note: This development will use 2 x 1.1 m<sup>3</sup> bins serviced at the kerbside of South Esplanade.</p>	<p>Prior to commencement of use.</p>
<p>B Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.</p>	<p>Prior to commencement of use and to be maintained at all times.</p>

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**ITEM 4.2 DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 61551737 (Cont.)**

CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
D Provide a bin wash down facility connected to sewer as per SC 6.20 Planning Scheme Policy - Waste.	Prior to commencement of use and to be maintained at all times.
<b>14. Acoustic Attenuation Barrier</b>	
A Construct an acoustic barrier that: <ul style="list-style-type: none"> <li>i. is located the full length of the northern and southern fence lines;</li> <li>ii. is at least 1.8 metres in height above the finished level of the car park. The fence must taper from 1.8 metres in height to 1.2metres in height between the building façade and front boundary of the site;</li> <li>iii. achieves a surface area density not less than 10 kg/m<sup>2</sup>; and</li> <li>iv. has no air gaps (including at the base and between panels).</li> </ul>	Prior to the commencement of the use and to be maintained at all times.
B Provide certification from a suitably qualified acoustic consultant that the barrier has been constructed in accordance with the specifications of (A) above.	Prior to the commencement of the use.
<b>15. Noise Management Program</b>	
A Submit a noise management program for the operation of the swimming pool to ensure noise nuisances to surrounding uses do not occur. The plan will include but is not limited to: <ul style="list-style-type: none"> <li>i. Hours of a day the pool is available to patrons;</li> <li>ii. Use of machinery and pool cleaning equipment;</li> <li>iii. A process for ensuring residents are aware of the noise management plan.</li> </ul>	Prior to the commencement of the use and to be maintained at all times.
B Obtain approval from Council for the noise management program in accordance with (A) above.	Prior to the commencement of the use.
C Implement the approved noise management program.	At all times.
<b>16. Landscaping</b>	
A Implement landscaping generally in accordance with the approved site layout, and generally in accordance with the approved plans and Planning Scheme Policy - Integrated Design Appendix D - Landscaping:	Prior to commencement of use or Council endorsement of any community management statement, whichever occurs first.
B Implement landscaping onsite in accordance with (A) above.	
C Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.	
D Maintain the landscaping.	At all times.



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**ITEM 4.2 DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 61551737 (Cont.)**

CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
<b>17. Vehicle Encroachment</b>	
Protect all landscaped areas and pedestrian paths adjoining any car parking areas from vehicular encroachment by wheel stops, kerbing or similar barrier approved by the Council.	Prior to commencement of use or endorsement of any Community Management Statement whichever comes first.
<b>18. Screening of Loading Facilities / Plant Areas</b>	
Screen any loading/unloading facilities, plant areas, refuse storage and other outdoor storage facilities on the site from direct view from any adjoining road, waterway or public space.	Prior to commencement of use or endorsement of any Community Management Statement whichever comes first.
<b>19. Water and/or Sewerage</b>	
Submit to Council a Certificate of Completion or Provisional Certificate of Completion for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming: <ul style="list-style-type: none"> <li>i. A reticulated water supply network connection is available to the land; and</li> <li>ii. A sewerage network connection is available to the land; and</li> <li>iii. All the requirements of Unitywater have been satisfied.</li> </ul>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
<b>20. Fibre Ready Telecommunications – Multi</b>	
A Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with NBN Co Guideline MDU Building Design Guide as amended, that: <ul style="list-style-type: none"> <li>i. Includes a suitable building entrance facility (lead-in) from the property boundary to the building entrance; and</li> <li>ii. Has suitable space and access for the installation, maintenance and repair of all elements up to and including the Network Termination Device (NTD) and Power Supply Unit (PSU) or the likely location of a NTD and PSU for each dwelling / tenancy; and</li> <li>iii. A conduit with draw string, from either the telecommunication room or riser/closet location to each NTD or the likely location of each NTD.</li> </ul>	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
B Provide certification to Council from the Installer or an RPEQ engineer (electrical engineer) that the works and infrastructure required in (A) above has been done.  Note: The location or the likely location of the NTD is determined by the owner in consultation with the electrician/electrical engineer. NBN Co have guidelines available to help determine the best location. A template for certification is available from Council for the purpose of this condition.	

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**ITEM 4.2 DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 61551737 (Cont.)**

CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
<b>21. Telecommunications Internal Wiring</b>	
A Install internal wiring (Category 6 or better) within each dwelling from the expected location of any future Network Termination Device (NTD) for High Speed Broadband (based on the recommended locational criteria in the NBN Co Guideline (MDU Building Design Guide for New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs) to the same connection points in the dwelling that would have been or have been installed for telephone and television connections; including but not limited to bedrooms, family/living rooms, and study/office.	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
B Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done. Note: A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.	
<b>22. Electricity</b>	
A Provide an underground electricity supply to the development.	Prior to commencement of use or prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan), whichever occurs first and for (A) to be maintained.
B All existing overhead power lines are to be relocated underground for the full frontage of the site. The works will consist of the power lines between post 92492 and 92493 being transitioned underground.	
C Submit certification from a licensed surveyor, Registered Professional Engineer of Queensland (RPEQ) or registered building surveyor that: <ul style="list-style-type: none"> <li>i. required works prescribed in (A) above has been completed;</li> <li>ii. required works prescribed in (B) above has been completed;</li> <li>iii. any electricity supply connection to the building is wholly contained in the lot it serves; and</li> <li>iv. any electricity connections and infrastructure made redundant by the development is removed with the land reinstated.</li> </ul>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>23. Storage</b>	
Ensure a storage area is provided to each unit in accordance with the approved plans at a minimum capacity of 8m <sup>3</sup> .	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>DEVELOPMENT ENGINEERING</b>	

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CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
<b>24. Replace Existing Council Infrastructure</b>	
Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
<b>25. Alterations and Relocation of Existing Services</b>	
Ensure any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of an entity engaged in the provision of public utility services is to be carried out with the development and at no cost to Council unless agreed to in writing by the Council.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
<b>26. Stormwater</b>	
Carry out the development to ensure that adjoining properties, reserves and roads are protected from ponding or nuisance from stormwater as a result of any works undertaken.	To be maintained at all times.
<b>27. Stormwater Management</b>	
A Implement and maintain the works identified in the approved Stormwater Management Plan.	Prior to commencement of use and then to be maintained at all times.
B Submit and have approved by Council, a development application for operational works for stormwater infrastructure to service the development (external works only).  Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the approved plans and documents of development and the MBRC Planning Scheme current at the time of the operational works application.	Prior to commencement of works associated with this condition.
C Construct the stormwater infrastructure to service the development at no cost to Council and in accordance with the approved plans and documents of development.  This condition has been imposed under section 145 of the <i>Planning Act 2016</i> .	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
D Submit certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that the internal works have been built in accordance with the approved Stormwater Management Plan.  Note: The development is below the thresholds for receiving waters under State interest - stormwater quality of the State Planning Policy. It is recommended that the development implements best practice measures for stormwater quality	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.

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CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
management e.g. leaf guards on the roofwater downpipes and field inlet baskets to capture litter and coarse sediment which can be incorporated in the building design and construction.	
<b>28. Construction Management Plan</b>	
<p>A Submit and have approved by Council, a Construction Management Plan (CMP) prepared by the Principal Contractor. The CMP is to outline, in sufficient detail, the processes that will be employed to minimise impacts on the surrounding community during construction. These processes are to cover the following:</p> <ul style="list-style-type: none"> <li>9. Material delivery and storage locations</li> <li>10. Waste locations and collection details</li> <li>11. Construction office accommodation</li> <li>12. Contractor / tradesman vehicle parking arrangements</li> <li>13. Works that may make audible noise outside of 6:30am to 6:30pm any business day or Saturday.</li> </ul> <p>The CMP may include a site layout drawing identifying these areas.</p> <p>The CMP needs to reflect any staging requirements.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>iii. Dewatering directly into Council's stormwater system (pipes or overland flow) without appropriate water quality treatment/improvement is not acceptable</li> <li>iv. Traffic control measures may need to be put in place for the duration of the construction works to control contractor / tradesman vehicle parking arrangements, this should be documented within the CMP</li> <li>v. Materials unloading and loading must occur on-site.</li> </ul> <p>All construction office accommodation and associated temporary buildings is to be contained within the site.</p>	Not less than two (2) weeks prior to commencement of works. To be maintained current at all times.
B Implement the approved Construction Management Plan (CMP) and keep a copy of the approved CMP on site at all times during construction.	At all times during construction of the development.
<b>29. Erosion and Sediment Control</b>	
Implement an Erosion and Sediment Control Plan prepared by an experienced Certified Professional in Erosion and Sediment Control (CPESC) in accordance with the International Erosion Control Association Australasia (IECA) Best Practice and Sediment Control document.	Prior to commencement of works and to be maintained current at all times during construction.
<b>30. Acid Sulfate Soils</b>	
A Prepare an Acid Sulfate Soil Investigation Report and if required an Acid Sulfate Soils Management Plan. The reports and analysis are to be undertaken in accordance with the MBRC Planning Scheme and prepared by a suitably qualified person.	Prior to the commencement of works.

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CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
<p><b>B</b> Implement the requirements and recommendations of the Acid Sulfate Soil Management Plan.</p> <p>All testing and monitoring is to be undertaken in accordance with the MBRC Planning Scheme.</p>	While site works are occurring.
<p><b>C</b> Provide certification from a suitably qualified person that all works have been undertaken in accordance with the Acid Sulfate Soil Management Plan.</p>	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
<p>Note:</p> <p>Council will only accept a 'suitably qualified person' as being either a Registered Professional Engineer of Queensland (RPEQ) or Environmental/Soil Scientist with current professional membership status at a relevant organisation (e.g. ASSSI, AIG; EIANZ; GSA) and has obtained a minimum of five (5) years professional experience in the field of acid sulfate soils.</p>	
<b>31. Driveway Crossover</b>	
<p>Construct a driveway crossover in accordance with the approved plans and documents of development and MBRC Standard Drawing RS-051.</p>	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
<p>Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.</p>	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
<b>32. Existing Driveway Crossover</b>	
<p>Remove completely all redundant driveway crossovers fronting the development site on South Esplanade. Reinstate all disturbed areas (including kerb and channel) to Council's standards current at the time of development.</p>	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
<b>33. Access, Internal Roadways, Parking and Servicing Areas</b>	
<p>Design and construct sealed (concrete or bitumen) accesses, internal roadways, parking and servicing areas (and associated works), in accordance with the approved plans and documents of development, the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD), Australian Standards and the MBRC Planning Scheme current at the time of the building works application.</p>	Prior to commencement of use or endorsement of any community management statement, whichever occurs first, and to be maintained at all times.
<p>Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.</p>	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.

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**ITEM 4.2 DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 61551737 (Cont.)**

CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
<b>34. Minimum Flood Planning Level</b>	
Design and construct the habitable floor level to at least the Council adopted Flood Planning Level (FPL). The FPL for this site at the time of approval is 3.3m AHD.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
<b>35. Structural Engineering Design Report</b>	
A Prepare a Structural Engineering Design Report. This report is to be prepared by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the MBRC Planning Scheme.	Prior to building works approval.
B Provide RPEQ certification to the Building Certifier that the works have been designed in accordance with the recommendations of the Structural Engineering Design Report.	Prior to building works approval.
C Construct the works in accordance with the RPEQ certified design and the recommendations of the Structural Engineering Design Report.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
<b>36. Building Below the Flood Planning Level</b>	
Construct building works below the Council adopted Flood Planning Level (FPL) from materials with a high water resistance and ensure that essential electrical services are located above the FPL. The FPL for this site at the time of approval is 3.3m AHD.  Notes: 1. The Queensland Government Fact Sheet 'Rebuilding after a flood' provides information about water resilient products and building techniques. Available at <a href="http://www.hpw.qld.gov.au">www.hpw.qld.gov.au</a> . 2. An essential electrical service includes services defined as utilities in Mandatory Part 3.5 – Construction of buildings in flood hazard areas of the Queensland Development Code	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.

### ADVICES

<b>1. <i>Aboriginal Cultural Heritage Act 2003</i></b>
<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. Under the Act, indigenous parties are key in assessing cultural heritage significance.</p> <p>The <i>Aboriginal Cultural Heritage Act 2003</i> establishes a Duty of Care for indigenous cultural heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting the activity.</p> <p>Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care.</p> <p>Those proposing an activity that involves additional surface disturbance beyond that which has already occurred on the proposed site need to be mindful of the Duty of Care requirement.</p>

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	<p>Details of how to fulfil the Duty of Care are outlined in the Duty of Care Guidelines gazetted with the Act.</p> <p>Council strongly advises that you contact the relevant state agency to obtain a copy of the Duty of Care Guidelines and further information on the responsibilities of developer under the terms of the <i>Aboriginal Cultural Heritage Act 2003</i>.</p>
<b>2.</b>	<b>Adopted Charges</b>
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 8) dated 14 December 2017 or as amended apply to this development approval.</p> <p>From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval.</p> <p>Payment of Infrastructure Charges is to be in accordance with the Infrastructure Charges Notice issued with this development approval and any Infrastructure Charges Notice issued by Unitywater. From 1 July 2014, all Infrastructure Charges for infrastructure networks controlled by Unitywater (eg. water and/or sewerage) regardless of when the Infrastructure Charges Notice was issued are to be paid directly to Unitywater while Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.</p>

- B. That the Council report for this application be published to the website as Council's statement of reasons in accordance with Section 63 (5) of the *Planning Act 2016*.
- C. That the following information be included in the Decision Notice.

**Decision Notice information**

	<b>Details to Insert</b>
<b>Application Type</b>	Material Change of Use - Development Permit for Multiple Dwellings (8 dwellings)
<b>Relevant Period of Approval</b>	Material Change of Use – 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>	Not applicable
<b>Other Necessary Permits</b>	Operational Works – Stormwater (external)
<b>Codes for Accepted Development</b>	Not applicable
<b>Referral Agencies</b>	There are no Referral Agencies
<b>Submissions</b>	There were 34 properly made submissions about this application, and 5 not properly made submissions. A total of 39 submissions were received.

**ITEM 4.2 DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 61551737 (Cont.)**

**REPORT DETAIL**

**1. Background**

On 15 July 2020, a Prelodgement Meeting (PRE/5617) was held with the Applicant to discuss the proposed development.

**2. Explanation of Item**

This application seeks a Material Change of Use - Development Permit for Multiple Dwellings (8 Dwellings) at 13 South Esplanade, Bongaree. It is proposed to construct a five storey apartment building with a maximum building height of 16.08m above natural ground level. The proposal includes on-site carparking for eighteen (18) vehicles provided under the building at ground level. The proposal includes eight (8) three-bedroom dwellings and a site density of 79 dwellings per hectare.

Due to the minor encroachment of the building height resulting from the lift overrun, the proposal has triggered Impact Assessment rather than Code Assessable.

**2.1 Description of the Site and Surrounds**

Directions	Planning Scheme Zone	Current Land Use
North	General residential - Next generation neighbourhood precinct	Single dwelling and associated outbuildings
South	General residential - Next generation neighbourhood precinct	Multiple Dwelling within a three storey building called 'Chnook Place'
East	Recreation and open space	Melsa Park
West	Nil.	Beach/Ocean

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

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

These Assessment Benchmarks are prescribed as being contained in:

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

<b>Applicable Assessment Benchmarks:</b>	<u>State Planning Policy</u> <ul style="list-style-type: none"> <li>• State Planning Policy, Part E</li> </ul> <u>Regional Plan</u> <ul style="list-style-type: none"> <li>• South East Queensland Regional Plan</li> </ul>
<b>SEQ Regional Plan Designation:</b>	Urban Footprint
<b>Koala Habitat Designation:</b>	Nil



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2.2.1 State Planning Policy

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

<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
<b>Assessment benchmarks - water quality</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
<b>Assessment benchmarks - natural hazards, risk and resilience</b>		
Applicable to Development	SPP Requirement	Comment
Yes	<p>Erosion prone areas within a coastal management district:</p> <p>(1) Development does not occur in an erosion prone area within a coastal management district unless the development cannot feasibly be located elsewhere as is:</p> <p>(a) coastal dependent development; or</p> <p>(b) temporary, readily relocatable or able to be abandoned development; or</p> <p>(c) essential community infrastructure; or</p> <p>(d) minor redevelopment of an existing permanent building or structure that cannot be relocated or abandoned.</p> <p>(2) Development permitted in (1) above, mitigates the risks to people and property to an acceptable or tolerable level.</p>	<p>The site is within an erosion prone area outside the coastal management district under the State mapping.</p> <p>An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.</p> <p>The site is entirely covered by the erosion prone areas under the State mapping. There is no other location suitable on the site for the proposed building. The carpark is proposed at ground level, as a free draining, open area</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>The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</p>	<p>allowing flow of flood water. This also ensures there is no increase in the severity of the natural hazard.</p> <p>The proposed dwellings are recommended to be at a finished floor level of at least 3.3m AHD to protect property and persons during storm events. All habitable rooms are proposed above 4.75m AHD (from first floor and above).</p> <p>The recommendations of this report include a condition with respect to ensuring the design and built form account for the potential risks of the coastal hazard event. This ensures that the proposed building work can withstand the coastal hazard event through the requirement for a structural engineering report.</p>
<b>Assessment benchmarks - strategic airports and aviation facilities</b>		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable

2.2.2 South East Queensland Regional Plan

The site is located in the Urban Footprint designation.

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

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

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

2.3.1 Strategic Framework

In accordance with section 1.7.2 of the planning scheme, the development proposal requires assessment against the Strategic Outcomes within the Strategic Framework given that the proposed development does not meet the required site density listed in Overall Outcomes section 1.a of the Next generation neighbourhood precinct where site densities between 15 and 75 dwellings per hectare are supported.

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

The site is also located within the Suburban neighbourhood Place type of the MBRC Planning Scheme. A summary of the relevant themes and the applicable Strategic Outcomes under the Themes for the planning scheme are discussed as follows:

Strategic Outcome	Complies	Assessment
<b>3.3.3 Natural Hazards and Adaptation</b>		
<p><i>The resilience of communities, development, essential infrastructure, natural environments and economic sectors to natural hazards including projected changes in weather is increased.</i></p> <ol style="list-style-type: none"> <li>1. Respond to the risk from natural hazards, including projected changes in weather, by avoiding areas with high exposure and establishing adaptation strategies to minimise vulnerability to riverine flooding, storm tide, coastal erosion, bushfires and landslides;</li> <li>2. Respond to the risk from natural hazards, including projected changes in weather, by establishing adaptation strategies to minimise vulnerability to heatwaves and high temperatures, reduced and more variable rainfall, cyclones and severe winds, and severe storms and hail; and</li> <li>3. Recognise and respond to changes in urban climates due to land use conversion and urban heat island effect from</li> </ol>	<p><b>Yes</b></p>	<p>The proposed development has been designed to accommodate habitable floor levels well above storm tide inundation levels. The flood planning level for the site is 3.3AHD and all the dwellings are located above this level.</p>

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Strategic Outcome	Complies	Assessment
increased development intensity.		
<b>3.4.3 - Coastal Management</b>		
<p><i>The natural values of all coastal areas, including Bribie Island, Pumicestone Passage, Deception Bay, Redcliffe Peninsula, Hays Inlet and the Pine Rivers estuary and their associated coastal features and processes will be maintained, protected and enhanced.</i></p> <ol style="list-style-type: none"> <li>1. The Region's coastal areas will be managed to ensure ecological health, maintenance of natural physical processes and continued enjoyment by the community;</li> <li>2. Development within the coastal areas will avoid or minimise impacts on coastal resources and environmental values, and avoid increasing the exposure of coastal communities to adverse coastal hazard impacts;</li> <li>3. Preferred land use, developments and activities in the coastal area will be those that maintain groundwater levels to prevent or minimise alterations to the natural hydrological regime; prevent or minimise the release or export of surface run-off that contains nutrients of concern; and incorporate best practice stormwater and wastewater quality management, including water sensitive urban design and sediment controls;</li> <li>4. Land with potential to cater for the landward retreat of coastal habitats and species at risk from predicted inundation will be protected through appropriate land use allocation; and</li> </ol>	<b>Yes</b>	<p>The proposed development will avoid impacts upon coastal resources by seeking to construct habitable floors above the Flood Planning Level. Further, a condition is recommended relating to structural engineering report to withstand tidal inundation events. A further condition is recommended to address potential acid sulfate soil disturbance, although this is unlikely given the development does not seek to cut or fill significant amounts of earth across the site.</p>

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Strategic Outcome	Complies	Assessment
5. Coastal environments and associated development are protected from the acid and metal contamination associated with the disturbance of acid sulfate soils.		
<b>3.14.8.4 Theme - Settlement pattern and urban form</b>		
Development across a Suburban neighbourhood place type is characterised by a net residential density of 11 dwellings per hectare or development occurs in a manner that is consistent with the surrounding settlement pattern, specifically considering the interface with adjoining properties;	<b>Yes</b>	<p>The proposed development has a net residential density of 79 dwellings per hectare, exceeding the characterised density of 11 dwellings per hectare within the Suburban Place type.</p> <p>However, the site is within the General residential zone - Next generation neighbourhood precinct, allowing a higher site density of 15 to 75 dwellings per hectare. The proposal exceeds this density requirement by seeking eight (8) dwellings rather than seven (7). It is acknowledged that the proposal could achieve the same built form outcome with seven (7) dwellings by proposing a single penthouse on the top floor of the development. In this respect, the additional impact resulting from one (1) additional dwelling is not considered significant in terms of the overall impact of the development.</p>

Code Compliance Summary

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

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

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Zone/ Local Plan Code</b>		
General residential zone code - Next generation neighbourhood precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO1, PO2, PO4, PO7
<b>Overlay Codes</b>		
Flood hazard overlay code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Nil.

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Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
Coastal hazard overlay code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Nil.
<b>Development Codes</b>		
Residential uses code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO15

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

2.3.2 Performance Outcome Assessment

Performance Outcome	Example
<b>General residential zone code - Next generation neighbourhood precinct</b>	
<p><b>PO1</b></p> <p>The Next generation neighbourhood precinct has a low to medium residential density of between 15 and 75 dwellings per ha (site density).</p>	No example provided.
<i>Performance Outcome Assessment</i>	
<p>The applicant seeks to establish eight (8) multiple dwellings within the subject site, on a 1,012m<sup>2</sup> parcel of land, resulting in 79 dwellings per hectare. It is noted that a proposal of seven (7) dwellings would achieve the site density requirement.</p> <p>In this instance, the proposed development cannot achieve or be conditioned to achieve the Performance Outcome (PO1) and assessment against the relevant Overall Outcomes of the General residential zone - Next generation precinct Code is required and is undertaken later in this report.</p>	
<p><b>PO2</b></p> <p>Buildings and structures have a height that:</p> <p>a. is consistent with the low to medium rise character of the Next Generation Neighbourhood precinct;</p> <p>Editor's note - There are circumstances where the Next generation neighbourhood precinct is intended to have a low rise character or a medium to high rise character. These circumstances are identified as having a maximum building height less than 12m or more than 12m on Overlay map - Building heights respectively. Alternatives are to be considered</p>	<p><b>E2</b></p> <p>Building height does not exceed:</p> <p>a. that mapped on Overlay map – Building heights; or</p> <p>b. for domestic outbuildings, including free standing carports and garages, 4m and a mean height not exceeding 3.5m.</p>

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Performance Outcome	Example
<p>in relation to the intended low rise or medium to high rise character for that specific area</p> <ul style="list-style-type: none"> <li>b. responds to the topographic features of the site, including slope and orientation;</li> <li>c. is not visually dominant or overbearing with respect to the streetscape, street conditions (e.g. street width) or adjoining properties;</li> <li>d. positively contributes to the intended built form of the surrounding area;</li> </ul> <p>Note - To demonstrate compliance with the above a visual impact assessment may be required in accordance with Planning scheme policy - Residential design. Visual impact assessments will require the consideration of all built form matters (e.g. height, setbacks, site cover, building bulk and mass, articulation, roof form and other design aspects) from a variety of perspectives to ascertain if the proposal will result in a positive contribution.</p> <ul style="list-style-type: none"> <li>e. responds to the height of development on adjoining land where contained within another precinct or zone.</li> </ul> <p>Note - Refer to Planning scheme policy - Residential design for details and examples.</p>	
<b>Performance Outcome Assessment</b>	
<p>The applicant seeks to establish a residential building with a maximum Building height of 16.08 metres. Under the MBRC Planning Scheme building height is set out by the Overlay map – Building heights and for this site a maximum building height of 15 metres is shown. As such, the proposal seeks a performance solution in relation to Example (E2) and requires assessment against the Performance Outcome (PO2).</p> <p>Performance Outcome (PO2 (a.)) requires buildings and structures to have a height consistent with the low to medium rise character of the Next Generation Neighbourhood precinct. The “Note” at the end of the Performance Outcome giving direction to <i>Planning scheme policy - Residential design (PSP-RD)</i> for details and examples. Of relevance is PSP-RD section 3.3.7 - Multiple dwelling - low rise apartment and PSP-RD section 3.3.8 Multiple dwelling - medium rise apartment that establishes two (2) development typologies with a “Typical Height” of 2-3 storeys for low rise and 4-6 storeys for medium rise apartments.</p> <p>The applicant seeks to establish a five storey building with maximum building height of 16.08 metres above natural ground level. The building design seeks to include a lift overrun above 15.00 metres to allow the operation of the lift. The lift overrun is not considered to be a dominant feature on the building and given its location approximately 19m from the front boundary and 4.0m from the south boundary, will have limited visibility from the streetscape and negligible amenity impacts upon adjoining properties.</p>	

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Performance Outcome	Example	
<p>In this instance, the proposed development achieves the Performance Outcome (PO2).</p>		
<p><b>PO4</b></p> <p>Residential buildings and structures are setback to:</p> <ul style="list-style-type: none"> <li>a. be consistent with the low to medium density next generation neighbourhood character intended for the area, where buildings are positioned closer to the footpath to create more active frontages and maximise private open space at the rear;</li> <li>b. result in development not being visually dominant or overbearing with respect to the streetscape and the adjoining sites;</li> <li>c. maintain private open space areas that are of a size and dimension to be usable and functional;</li> <li>d. maintain the privacy of adjoining properties;</li> <li>e. ensure parked vehicles do not restrict pedestrian and traffic movement and safety;</li> <li>f. limit the length, height and openings of boundary walls to maximise privacy and amenity on adjoining properties;</li> <li>g. provide adequate separation to particular infrastructure and waterbodies to minimise adverse impacts on people, property, water quality and infrastructure;</li> <li>h. ensure built to boundary walls do not create unusable or inaccessible spaces and do not negatively impact the streetscape character, amenity or functionality of adjoining properties.</li> </ul> <p>Note - Refer to Planning scheme policy - Residential design for details and examples.</p>	<p><b>E4.1</b></p> <p>Setbacks (excluding built to boundary walls) comply with Table 6.2.6.3.3 'Setbacks' - Setback (Residential uses).</p> <p>Note - greater setbacks may be required if the lot adjoins an environmental corridor or area (Refer to values and constraints for details).</p> <hr/> <p><b>E4.2</b></p> <p>Buildings (excluding class 10 buildings and structures) ensure that built to boundary walls are:</p> <ul style="list-style-type: none"> <li>a. only established on lots having a primary frontage of 18m or less and where permitted in Table 6.2.6.3.4;</li> <li>b. of a length and height not exceeding that specified in Table 6.2.6.3.4 'Built to boundary walls (Residential uses)';</li> <li>c. setback from the side boundary: <ul style="list-style-type: none"> <li>i. if a plan of development provides for only one built to boundary wall on the one boundary, not more than 200mm; or</li> <li>ii. if a built to boundary wall may be built on each side of the same boundary, not more than 20mm;</li> </ul> </li> <li>d. on the low side of a sloping lot.</li> </ul> <p>Editor's note - Lots containing built to boundary walls should also include an appropriate easement to facilitate the maintenance of any wall within 600mm of a boundary. For boundaries with built to boundary walls on adjacent lots a 'High Density Development Easement' is recommended; or for all other built to boundary walls a 'easement for maintenance purposes' is recommended.</p>	
<p><i>Performance Outcome Assessment</i></p>		
<p>The proposed building results in the following boundary setbacks:</p>		
<p><b>MBRC Frontage Primary</b></p>	<p><b>Proposed</b></p>	<p><b>Achieves Example</b></p>



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Performance Outcome	Example	
Wall <4.5m high - 3 metres to Wall	6 metres to Wall	Yes
Wall 4.5m - 8.5m high - 3 metres to Wall	6.5 metres to Wall	Yes
Wall >8.5m high - 6.00 metres to Wall	6.5 metres to Wall	Yes
<b>Side to OMP and Wall</b>		
Wall <4.5m high - 1.5 metres to Wall	1.5m to the car park wall (northern boundary) and 1.610 to the car park wall (southern boundary)	Yes
Wall 4.5m - 8.5m high - 2 metres to Wall	1.8m to balcony / 3m to wall (northern boundary) and 1.9m to balcony / 3m to wall (southern boundary)	No - the proposed balconies along the north and south sides of the lot do not achieve the example.
Wall >8.5m high - Min 2m up to 8.5m in height; plus 0.5 for every 3m in height or part thereof over 8.5 metres	1.8m to balcony/3.157m to wall (northern boundary) and 1.9m to balcony/3m to wall (southern boundary)	No - the proposed balconies and walls along the north and south sides of the lot do not achieve the example.
<b>Rear to OMP and Wall.</b>		
Wall <4.5m - 1.5 metres to Wall	6.7 metres to wall	Yes
Wall 4.5m - 8.5m - 2 metres to Wall	6.45 metres to wall	Yes
Wall >8.5m - 5 metres to wall	6.45 metres to wall	Yes

The proposed development is considered to achieve the Performance Outcome.

Particular consideration is given to PO4(b)

*Buildings are setback to result in development not being visually dominant or overbearing with respect to the streetscape and the adjoining sites.*

The applicant seeks to establish a building that achieves the primary frontage and rear setbacks to the site. However, in relation to the side setback the applicant seeks to establish a reduced setback to the balcony for each unit. The walls of the building are generally setback to achieve the example. It is the balconies which result in a performance solution. Submissions lodged in relation to the application have raised concerns about these setbacks, including the resulting visual impact (overbearing) and privacy concerns. A condition is recommended to amend the proposal plans to increase the setback of balconies from the north boundary to 3.0m in line with the wall. The exception being, the balcony associated with the main kitchen/dining room at the front of the building. The north facing balcony associated with this kitchen/dining room can remain setback at 1.8m. This is because, the balcony at this location is only 1.3m deep and is not a highly useable dimension, rather the balcony adds articulation to the building and it considered acceptable.

ITEM 4.2 DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 61551737 (Cont.)

Performance Outcome	Example										
<p>Particular consideration is given to PO4(d)</p> <p><i>Buildings are setback to maintain the privacy of adjoining properties.</i></p> <p>As outlined above, a condition is recommended to ensure the proposed balconies at the north boundary achieve the example, with the exception of the balcony associated with the kitchen/dining room for each dwelling. Given the dimension of this balcony being only 1.3m deep, it is not a highly useable space and it is considered the occupants of the units will be more likely to dwell on the front balcony (rather than the north facing side balcony) to take advantage of water views. In this respect, this balcony is not considered to be a privacy concern.</p> <p>In this instance, the proposed development achieves the Performance Outcome (PO4)</p>											
<p><b>PO7</b></p> <p>Residential buildings and structures will ensure that site cover:</p> <ol style="list-style-type: none"> <li>does not result in a site density that is inconsistent with the character of the area;</li> <li>does not result in an over development of the site;</li> <li>does not result in other elements of the site being compromised (e.g. Setbacks, open space etc);</li> <li>reflects the low to medium density character intended for the area.</li> </ol> <p>Note - Refer to Planning scheme policy - Residential design for details and examples.</p>	<p><b>E7</b></p> <p>Site cover (excluding eaves, sun shading devices, patios, balconies and other unenclosed structures) does not exceed the specified percentages in the table below.</p> <table border="1" data-bbox="853 1081 1370 1375"> <thead> <tr> <th data-bbox="853 1081 1123 1205">Building height</th> <th data-bbox="1123 1081 1370 1205">Lot Size</th> </tr> <tr> <td></td> <th data-bbox="1123 1160 1370 1205">1001- 2500m<sup>2</sup></th> </tr> </thead> <tbody> <tr> <td data-bbox="853 1205 1123 1261">8.5m or less</td> <td data-bbox="1123 1205 1370 1261">60%</td> </tr> <tr> <td data-bbox="853 1261 1123 1317">&gt;8.5m -12.0m</td> <td data-bbox="1123 1261 1370 1317">50%</td> </tr> <tr> <td data-bbox="853 1317 1123 1375">Greater than 12.0m</td> <td data-bbox="1123 1317 1370 1375">40%</td> </tr> </tbody> </table> <p>Note - Refer to Planning scheme policy - Residential design for method of calculation.</p>	Building height	Lot Size		1001- 2500m <sup>2</sup>	8.5m or less	60%	>8.5m -12.0m	50%	Greater than 12.0m	40%
Building height	Lot Size										
	1001- 2500m <sup>2</sup>										
8.5m or less	60%										
>8.5m -12.0m	50%										
Greater than 12.0m	40%										
<p><i>Performance Outcome Assessment</i></p>											
<p>The applicant seeks to establish a site cover of 64% with a fairly uniform footprint over each level.</p> <p>Performance Outcome (PO7) requires a site cover that does not result in a site density that is inconsistent with the character of the area. The Site density for the Next generation neighbourhood precinct has a low to medium residential density of between 15 and 75 dwellings per ha. In this instance, the applicant seeks to establish a site density of 79 dwellings per hectare - one dwelling more than required to meet 75 dwellings per hectare. It is further noted that if the built form remained the same, with the top floor consisting of a single penthouse, rather than two dwellings as proposed, the density could comply.</p> <p>Appropriately conditioned Performance Outcome PO7(b-d) are achieved. It is acknowledged that the proposal is seeking performance solutions in relation to site cover, setbacks, height and density, but these must be explored in detail and not prescriptively applied to achieve 'compliance'. A performance-based assessment of these variances sees that the impacts are acceptable having regard to the anticipated built form in this location and the interface with adjoining properties. The planning scheme supports a medium density outcome on this site.</p>											

ITEM 4.2 DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 61551737 (Cont.)

Performance Outcome	Example
<p>The proposed building is of high architectural merit with curved balconies, variation in architectural elements, materials and finishes.</p> <p>In this instance, the proposed development can achieve the Performance Outcome (PO7) therefore no further assessment against the relevant Overall Outcomes of the General residential zone - Next generation precinct Code is required.</p>	
Residential uses Code	
<p><b>PO15</b></p> <p>Walls are sited and designed to minimise negative impacts on internal and external amenity and create visual interest by incorporating articulation and architectural treatments.</p>	<p><b>E15</b></p> <p>The maximum length of any wall is 15m. Walls or parts of walls that include a change in direction of 1m or more are measured separately.</p>
Performance Outcome Assessment	
<p>The applicant seeks to establish eight (8) multiple dwellings within the subject site and has demonstrated a high level of design through articulation, visual interest and architectural treatments.</p> <p>In this instance, the proposed development has demonstrated compliance with Performance Outcome (PO15) and assessment against the relevant Overall Outcomes of the Residential uses code is not required.</p>	

2.3.3 Overall Outcome Assessment

The development proposal does not comply with Performance Outcome PO1 of the Next generation neighbourhood code relating to site density. Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows;

6.2.6.3 Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<p>1.a. The Next generation neighbourhood precinct supports site densities between 15 and 75 dwellings per hectare.</p>	No	<p>The applicant seeks to achieve a site density of 79 dwellings per hectare. In this instance, the proposed building does not achieve the overall outcome. However, it is noted that in order to comply with the density, the number of dwellings would need to be reduced from 8 to 7 dwellings.</p>
<p>1.b. Neighbourhoods will have a mix of residential uses, tenure and densities on a variety of lot sizes providing housing choice and affordability for different lifestyle choices and life stages to meet diverse community needs.</p>	Yes	<p>The applicant seeks to establish a residential building for the purpose a Multiple dwelling over the site providing an additional residential use, providing housing choice for life stages to meet diverse community needs.</p> <p>In this instance, the proposed development to construct a residential building for a Multiple dwelling achieves the Overall Outcome.</p>

ITEM 4.2 DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 61551737 (Cont.)

6.2.6.3 Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
1.c. Neighbourhoods are designed to provide well-connected, safe and convenient movement and open space networks through interconnected streets and active transport linkages that provide high levels of accessibility between residences, open space areas and places of activity.	Yes	The proposal seeks to provide deep balconies overlooking the waterfront which will contribute to overlooking open spaces areas and activity.
1.d. Medium to high density uses (e.g. Multiple dwelling <sup>(49)</sup> , Relocatable home park <sup>(62)</sup> , Residential care facility <sup>(65)</sup> , Retirement facility <sup>(67)</sup> , Rooming accommodation <sup>(69)</sup> , Short-term accommodation <sup>(77)</sup> ) are located in proximity to a range of services and public transport stops(s) or station(s).	Yes	The site is located within proximity to a range of services and public transport with the Local centre zone area to the north of the site (First Avenue).  In this instance, the site achieves the Overall Outcome.
1.e. The design, siting and construction of residential uses are to: <ul style="list-style-type: none"> <li>i. contribute to an attractive streetscape with priority given to pedestrians;</li> <li>ii. encourage passive surveillance of public spaces;</li> <li>iii. results in privacy and residential amenity consistent with the low to medium density residential character intended for the area;</li> <li>iv. provide a diverse and attractive built form;</li> <li>v. orientate to integrate with the street and surrounding neighbourhood;</li> <li>vi. incorporate sub-tropical urban design principles that respond to local climatic conditions;</li> <li>vii. incorporate sustainable practices including maximising energy efficiency and water conservation;</li> <li>viii. incorporate natural features and respond to site topography;</li> <li>ix. cater for appropriate car parking and manoeuvring areas on-site;</li> <li>x. be of a scale and density consistent with the low to medium density residential character intended for the area;</li> </ul>	Yes	The applicant seeks to establish a residential building with a medium density residential character. The proposed building design will contribute to an attractive streetscape with priority given to pedestrians. The proposed building will provide passive surveillance of public spaces with each unit having private open space/balconies orientated to overlook the streetscape.  The building includes sub-tropical urban design principles that respond to local climatic conditions to capture prevailing winds.  There are no existing natural features on the site, other than the flood constraint which has been appropriately mitigated.  The proposal seeks to provide more than double the necessary on-site parking.  The scale and density of the proposal is consistent with the medium density character intended for the area.  Necessary infrastructure networks are achieved. A condition is recommended to require the existing above ground electricity is undergrounded which will enhance

ITEM 4.2 DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 61551737 (Cont.)

6.2.6.3 Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<ul style="list-style-type: none"> <li>xi. provide urban services such as reticulated water, sewerage, sealed roads, parks and other identified infrastructure;</li> <li>xii. ensure domestic outbuildings are subordinate in appearance and function to the dwelling.</li> </ul>		the foreshore aesthetic for the greater community.
1.f. Home based business can only be established where the scale and intensity of the activity does not detrimentally impact upon the character and amenity associated with the surrounding area. Specifically, Home based business does not include the sale or restoration of more than 4 vehicles in any calendar year or, undertake a mechanical repairs or panel beating activity associated with a business at the subject premises.	n.a	The proposal does not include a home based business, therefore the overall outcome is not applicable.
1.g. Non-residential uses in the next generation neighbourhood precinct take the form of community activities, corner stores, neighbourhood hubs or local centres.	n.a	The proposal does not include a non-residential use, therefore the overall outcome is not applicable.
1.h. Community activities: <ul style="list-style-type: none"> <li>i. establish in a location that may be serviced by public transport;</li> <li>ii. do not negatively impact adjoining residents or the streetscape;</li> <li>iii. do not undermine the viability of existing or future centres.</li> </ul>	n.a	The proposal does not include a community activity, therefore the overall outcome is not applicable.
1.i. Corner stores may establish as a standalone use (not part of a neighbourhood hub) where: <ul style="list-style-type: none"> <li>i. the store is of a scale that remains subordinate to all centres and neighbourhood hubs within the region;</li> <li>ii. clear separation from existing neighbourhood hubs and centres within the network are maintained to reduce catchment overlap. The corner store should not be</li> </ul>	n.a	The proposal does not include a corner store, therefore the overall outcome is not applicable.

ITEM 4.2 DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 61551737 (Cont.)

6.2.6.3 Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<p>within 1600m of another corner store, neighbourhood hub or centre measured from the centre of the corner store, neighbourhood hub or centre;</p> <p>iii. they are appropriately designed and located to include active frontages.</p>		
<p>1.j. Retail and commercial activities (excluding Service stations):</p> <p>i. cluster with other non-residential uses (excluding corner stores) forming a neighbourhood hub;</p> <p>ii. are centred around a 'Main Street' central core fostering opportunities for social and economic exchange;</p> <p>iii. are of a small scale, appropriate for a neighbourhood hub;</p> <p>iv. do not negatively impact adjoining residents or the streetscape;</p> <p>v. are subordinate in function and scale to all centres within the region.</p>	n.a	The proposal does not include a retail or commercial activity, therefore the overall outcome is not applicable.
<p>1.k. Service stations:</p> <p>i. establish where they will not disrupt, fragment or negatively impact active frontages (e.g. within a neighbourhood hub);</p> <p>ii. establish on heavily trafficked roads where the amenity of surrounding residential uses is already subject to impacts by road vehicle noise;</p> <p>iii. establish in locations that will not have a negative impact on the street environments intended to include active frontages (e.g. Neighbourhood hubs or centres);</p> <p>iv. do not negatively impact adjoining residents or the streetscape;</p>	n.a	The proposal does not include a service station, therefore the overall outcome is not applicable.

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6.2.6.3 Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
v. ancillary uses or activities only service the convenience needs of users.		
1.l. The design, siting and construction of non-residential uses:  i. maintains a human scale, through appropriate building heights and form; ii. provides attractive, active frontages that maximise pedestrian activity along road frontages, movement corridors and public spaces (excluding Service stations); iii. provides for active and passive surveillance of road frontages, movement corridors and public spaces; iv. promotes active transport options and ensures an oversupply of car parking is not provided; v. locates car parking so as not to dominate the street; vi. does not result in large internalised shopping centres <sup>(76)</sup> (e.g. large blank external walls with tenancies only accessible from within the building) surrounded by expansive areas of surface car parking.	n.a	The proposal does not include a non-residential use, therefore the overall outcome is not applicable.
1.m. Neighbourhood hub expansion (into adjoining lots) or the establishment of a new neighbourhood hub only occurs where:  i. it is of a scale that remains subordinate to all centres within the region; ii. the expansion (into adjoining lots) will strengthen the existing neighbourhood hub as an important neighbourhood activity node; iii. clear separation from existing neighbourhood hubs and centres within the network are maintained to reduce catchment overlap.	n.a	The proposal does not include a neighbourhood hub, therefore the overall outcome is not applicable.

ITEM 4.2 DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 61551737 (Cont.)

6.2.6.3 Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<p>New neighbourhood hubs are to service a currently unserviced catchment. The centre of a neighbourhood hub should not be located within 1600m of another neighbourhood hub or centre measured from the centre of each hub or centre;</p> <p>iv. for a new neighbourhood hub, it is located on sub-arterial or collector road;</p> <p>v. they are appropriately designed and located to include active frontages around a 'main street' core and are staged where relevant to retain key (highly accessible) sites for long term development.</p>		
<p>1.n. General works associated with the development achieves the following:</p> <p>i. new development is provided with a high standard of services to meet and support the current and future needs of users of the site, including roads, street lighting services, telecommunications and reticulated electricity (underground wherever possible), water and sewerage (where available);</p> <p>ii. the development manages stormwater to:</p> <p>A. ensure the discharge of stormwater does not adversely affect the quality, environmental values or ecosystem functions of downstream receiving waters;</p> <p>B. prevent stormwater contamination and the release of pollutants;</p> <p>C. maintain or improve the structure and condition of drainage lines and riparian areas;</p> <p>D. avoid off-site adverse impacts from stormwater.</p>	Yes	<p>Appropriately conditioned the proposed development will provide a high standard of service to met and support the current and future needs of the users of the site. A condition is recommended to require the developer to underground the existing above ground power for the frontage of the site which will enhance the streetscape and foreshore area.</p> <p>Council's development engineers have assessed the stormwater and storm tide impacts and are satisfied the development appropriately deals with these matters.</p>



ITEM 4.2 DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 61551737 (Cont.)

6.2.6.3 Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<p>iii. the development does not result in unacceptable impacts on the capacity and safety of the external road network;</p> <p>iv. the development ensures the safety, efficiency and useability of access ways and parking areas;</p> <p>v. site works including earthworks are managed to be safe and have minimal impacts on adjoining or adjacent premises, the streetscape or the environment.</p>		
<p>1.o. Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke.</p>	Yes	<p>The applicant seeks to establish a residential building for the purpose of a Multiple dwelling.</p> <p>In this instance, the proposed use achieves the Overall Outcome.</p>
<p>1.p. Noise generating uses are designed, sited and constructed to minimise the transmission of noise to appropriate levels and do not cause environmental harm or nuisance.</p>	n.a	<p>The proposal is not a noise generating use, therefore the overall outcome is not applicable.</p>
<p>1.q. Noise sensitive uses are designed, sited and constructed so as not to be subject to unacceptable levels of noise.</p>	n.a	<p>The proposed development will not be subject to unacceptable levels of noise.</p>
<p>1.r. Development in a Water supply buffer is undertaken in a manner which contributes to the maintenance and enhancement where possible of water quality to protect the drinking water and aquatic ecosystem environmental values in those catchments.</p>	n.a	<p>The proposal is not located within the water supply buffer, therefore the overall outcome is not applicable.</p>
<p>1.s. Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:</p> <p>i. adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;</p> <p>ii. ensuring no further instability, erosion or degradation of the land, water or soil resource;</p>	Y	<p>The subject site is located within the mapped Riparian and Wetland Setback overlay due to the proximity to Melsa Park and Bongaree Creek to the north/east of the site.</p> <p>The proposed development has been suitably setback from the waterway and demonstrated compliance with the overall outcome.</p>

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6.2.6.3 Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<p>iii. when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.</p> <p>iv. maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:</p> <p>A. the provision of replacement, restoration, rehabilitation planting and landscaping;</p> <p>B. the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;</p> <p>C. the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.</p> <p>v. protecting native species and protecting and enhancing species habitat;</p> <p>vi. protecting and preserving the natural, aesthetic, architectural historic and cultural values of significant trees, places, objects and buildings of heritage and cultural significance;</p> <p>vii. establishing effective separation distances, buffers and mitigation measures associated with identified infrastructure to minimise adverse effects on sensitive land uses from odour, noise, dust and other nuisance generating activities;</p> <p>iii. establishing, maintaining and protecting appropriate buffers to waterways, wetlands, native</p>		

ITEM 4.2 DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 61551737 (Cont.)

6.2.6.3 Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
vegetation and significant fauna habitat; ix. ensuring it promotes and does not undermine the ongoing viability, integrity, operation, maintenance and safety of identified infrastructure; x. ensuring effective and efficient disaster management response and recovery capabilities; xi. where located in an overland flow path: A. development siting, built form, layout and access responds to the risk presented by the overland flow and minimises risk to personal safety; B. development is resilient to the impacts of overland flow by ensuring the siting and design accounts for the potential risks to property associated with the overland flow; C. development does not impact on the conveyance of the overland flow for any event up to and including the 1% AEP for the fully developed upstream catchment; D. development directly, indirectly and cumulatively avoid an increase in the severity of overland flow and potential for damage on the premises or other premises, public lands, watercourses, roads or infrastructure.		
1.t. Development in the Next generation neighbourhood precinct includes 1 or more of the following:  Multiple Dwelling ....	Y	The proposed development for Multiple Dwellings is a consistent use within the Next generation neighbourhood precinct.
1.u. Development in the Next generation neighbourhood precinct does not include any of the following: ....	Y	The proposed development does not include a use not acceptable for the Next generation neighbourhood precinct.

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6.2.6.3 Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
1.v. Development not listed in the tables above may be considered on its merits and where it reflects and supports the outcomes of the zone.	n.a	The proposed development is listed as an acceptable use for the Next generation neighbourhood precinct, therefore does not require assessment against the overall outcome.

Based on the assessment above, the proposal is inconsistent with one (1) of the Overall Outcomes of the code(s). Therefore, in accordance with section 1.7.2 of the MBRC Planning Scheme, an assessment against the Strategic Framework is set out in section 2.3.1 of this report.

2.4 Trunk Infrastructure

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

2.4.1 Levied Charge

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

2.4.2 Levied Charge Credit

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

- (a) Use of the Premises for a Purpose Equivalent to its Current Use  
The site is currently occupied by two cottages. Refer to (e) below.
- (b) Payment of previous charges or contributions  
There is no record of a previous charge or contribution having been made in relation to the land in accordance with section 14 of the CR. Accordingly, the credit available under this option is \$0.00.
- (c) Lawful use of land  
There is no current existing lawful use of the land or record of a previous lawful use of the land that is no longer taking place. Accordingly, the credit available under this option is \$0.00.
- (d) Other development able to occur without a development permit  
There is no other development able to be lawfully carried out without a development permit (including a development permit for Building Works). Accordingly, the credit available under this option is \$0.00
- (e) The adopted charge for a residential lot (applied equally to non-residential development)  
The credit available under this option is \$31,090.32 based on the proportional split stated in Table 3 of the CR.

2.4.3 Levied Charge Offset or Refund

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

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**2.4.4 Additional Trunk Infrastructure Costs**

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

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

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

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

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

**2.6 Referrals**

**2.6.1 Council Referrals**

**2.6.1.1 Development Engineering**

**Development Layout**

The proposal plans indicate a permeable surface for the car wash bay. The car wash bay needs to discharge wastewater from car washing activities to sewer and therefore cannot be comprised of a permeable surface. It is recommended that the development be conditioned to submit amended proposal plans incorporating the modifications required for the car wash bay. However, it is noted that conditions are recommended requiring deletion of the carwash bay to provide for relocation of the swimming pool to the rear of the site.

**Traffic, Access & Parking**

Vehicular access to the development is proposed via a new driveway on the middle frontage. The site has an existing driveway on the southern frontage which will not be utilised. It is recommended that the development be conditioned to remove any redundant driveway and reinstate the verge.

**Stormwater**

The documentation provided with the application includes a stormwater management section within the Engineering Services Report prepared by Inertia Engineering. The report provides stormwater calculations that indicate that the proposed development will not significantly increase the stormwater discharge. The report concludes that stormwater detention is not required. The development is proposed to discharge roofwater on South Esplanade through a new stormwater connection. A new gully pit is proposed to be constructed over the existing stormwater pipe on South Esplanade. This will trigger an application for Operational Works.

The development is below the thresholds for receiving waters under State interest - stormwater quality of the State Planning Policy. It is recommended that the development implements best practice measures for stormwater quality management to minimise the opportunity to introduce pollutants to the immediate downstream discharge point. The stormwater management section in the report states that best practice measures for stormwater quality management will be adopted where practical.

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**Coastal / Flood hazards**

The Council's Flood Check Development Report indicates a Defined Flood Event (DFE) level from storm tide of 3.0m AHD and a Flood planning level of 3.3m AHD for the site (outside the erosion prone area). The 1% AEP flood level is identified as 1.7m AHD. The site has an existing elevation of approximately 1.5m to 1.7m AHD and currently drains to Melsa Park at the rear. All units are proposed above 4.75m AHD (from first floor and above); therefore, will be built above the Flood Planning Level. The car park is proposed at natural ground level, at 1.7m AHD, as a free draining open area to allow the flow of flood water. The pool is located at ground level. Conditions are recommended specifying the minimum required habitable floor level and requiring any buildings works below the Flood Planning Level to be constructed from materials with high-water resistance and any essential electrical services are located above the Flood Planning Level. A condition is recommended requiring the rear boundary (eastern) fence to be constructed to at least 50% permeability so as to not impeded tidal waters.

The entire site is mapped within the Medium risk storm tide inundation area under the Coastal Hazard Overlay. Part of the above ground pool is located within the Erosion Prone area under the Coastal Hazard Overlay (although it is noted that the pool is recommended to be relocated to the rear outside of the Erosion Prone Area). The Coastal Hazard Overlay Code requires developments in the Erosion Prone Area and Medium risk storm tide inundation area are in accordance with a Site Based (Localised) Coastal Engineering report from a suitably qualified Registered Professional Engineer Queensland, which identifies the coastal hazard and the structural approach to be utilised for the building work, and a Structural Engineering Design Report, which ensures that the building work and any associated earthworks are capable of withstanding the nature of the coastal hazard event to which the building will be subject. The reports are to be prepared in accordance with the Planning Scheme Policy - Flood Hazard, Coastal hazard and Overland flow. It is recommended that the development be conditioned to require a Structural Engineering Design Report for the development to be provided to the private building certifier.

**Flood Emergency Management**

South Esplanade at the site frontage will be subjected to storm tide flooding with a flood depth up to 1.25m in a defined flood event. This means that exit from the site and entrance to the building including access to emergency services will be restricted during major storm tide flood events. The car park is proposed on-grade at natural ground level, below the Flood Planning Level, and will be subject to flooding. A Flood Emergency Management Plan was provided in support of the development and is acceptable. The Flood Emergency Management Plan provides a flood risk assessment and treatment measures to mitigate the risks. It is recommended that the development be conditioned to inform the body corporate and unit owners about the Flood Emergency Management Plan and their roles and responsibilities as detailed in the plan.

**Acid Sulfate Soils**

The site is mapped as land at or below 5m AHD under Council's Acid sulfate soils overlay map. The existing elevation of the land is approximately 1.5m to 1.7m AHD. Earthworks are proposed being generally excavation associated with foundations, stormwater and the above ground swimming pool. The development may trigger the requirement of the single State Planning Policy (SPP) and the MBRC Planning Scheme for acid sulfate soils. It is recommended that the development be conditioned to manage acid sulfate soils.

**2.6.1.2 Environmental Health**

**Lighting**

It is recommended that conditions are included to ensure suitable lighting is installed.

**ITEM 4.2 DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 61551737 (Cont.)**

**Waste Management**

A plan identifies a suitable location for the bin enclosure where the bins can be serviced by Council's contractor. The recommendations of this report include a condition that the development be undertaken in accordance with the plan and current policy.

**Noise**

Noise from the car park and swimming pool has the potential to impact on the amenity of the neighbouring properties. In lieu of an acoustic report it is appropriate that measures to control the impacts are implemented. As a consequence the recommendations of this report include two conditions. One is for the construction of an acoustic barrier with a specified height, density and location along the north and south boundaries of the site, and the second will require a noise management plan for the swimming pool.

**2.6.2 Referral Agencies**

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

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

**2.6.2.2 Advice Agencies**

There were no Advice Agencies involved in assessing this application.

**2.6.2.3 Third Party Agencies**

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

**2.7 Public Consultation**

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

- (a) Public Notification was served on all adjoining landowners on 4 January 2021.
- (b) The development application was advertised in the Bribie weekly (online) on 5 January 2021.
- (c) A notice in the prescribed form was posted on the relevant land on 5 January 2021 and maintained for a period of 15 business days until 28 January 2021.

**2.7.2 Submissions Received**

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

Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax		32
	Petition	29 and 10	2
Not Properly Made	Letter, Email, Fax		5
	Petition		0
<b>Total</b>			<b>39</b>

The matters raised within the submissions are outlined below:

Assessment of Submissions
<p><b><u>Issue – Alignment with local character</u></b></p> <ul style="list-style-type: none"> <li>• Style and mass of proposed development being incompatible with “cottage by the sea”.</li> <li>• Proposed development design not representative of Bribie’s existing spirit and the Islands ethos.</li> </ul>

ITEM 4.2 DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 61551737 (Cont.)

<p><b>Assessment of Submissions</b></p>
<p><b><u>Discussion</u></b></p> <p>Submissions raise concerns regarding the visual presentation of the proposed development. In particular, there is concern that the overall design of the development is not aligned with the values and character defining Bribie Island. The applicant has noted the proposed development has integrated many modern design principals into its overall finish, with careful site analysis to respond to the local neighbourhood climate and natural landscape.</p> <p>The architecture of the proposed development includes curved edges which softens the buildings structure and represents the coastal environment. Additionally, the materials used include fibre cement cladding and timber vertical screening which are typically part of the coastal vernacular. Planter boxes and landscaped balconies have been proposed which will also assist in softening the appearance of the building. The applicant has acknowledged the harsh coastal environment and presents a variety of materials in the proposal which will be durable, contribute to the existing urban design along South Esplanade and have an appealing modern twist.</p> <p>However, it is acknowledged that the scale of the development will be significantly greater than anything existing in the streetscape (with the exception of the apartment building currently being constructed at 35 South Esplanade). However, the planning scheme does not anticipate development to be consistent with the existing single storey fibro fishing cottages currently located on site and in the surrounds. The planning scheme clearly supports a medium density outcome 4-6 storeys in height. In this respect, the character of the area is expected to change.</p> <p>This is not a reason for refusal of application.</p>
<p><b><u>Issue - Building height</u></b></p> <ul style="list-style-type: none"> <li>• <b>Development not adhering to the applicable code.</b></li> <li>• <b>Proposed development building height exceeds 15m.</b></li> <li>• <b>Potential overshadowing of surrounding premises.</b></li> </ul>
<p><b><u>Discussion</u></b></p> <p>Building height is a concern listed within the submissions opposing the development. In accordance with Example E2 of the Next generation neighbourhood precinct code as part of the performance outcomes table states that building height should not exceed that mapped on the overlay map – building heights. The subject site is mapped under the Building height overlay as 15 metres maximum. However, according to the proposed development plans and planning report, the development exceeds the 15m, reaching 16.080m. It is acknowledged that the proposal plans do not accurately reflect natural ground level relative to Australian Height Datum. A condition is recommended to amend the proposal plans in this respect. Regardless, the overall height of the building is clearly dimensioned at 16.08m to the top of the lift overrun.</p> <p>Despite being inconsistent with Example E2, the applicant states that the building itself achieves a 15 metre height, with only the lift overrun that results in the exceedance of building height. Considering this, Performance Outcome PO2 makes no note of building height limits but communicates the importance of positively responding to the existing surrounding area and not resulting in visual dominance or overbearing the streetscape or adjoining properties.</p> <p>Noting that much of the building is consistent with the 15m building height limit, and the height exceedance is only minor and will not be readily visible in the streetscape, the</p>



ITEM 4.2 DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 61551737 (Cont.)

<p><b>Assessment of Submissions</b></p>
<p>building is not considered visually dominant or overbearing in respect to the adjoining properties. The lift overrun will also not result in unreasonable overshadowing impacts to the south given its relatively small size and the setback of the proposed and adjoining building to the south.</p> <p>This is not a reason for refusal of application.</p>
<p><b>Issue - Setback</b></p> <ul style="list-style-type: none"> <li>• <b>Proposed development is under the setback requirements.</b></li> <li>• <b>Potential overshadowing of surrounding premises.</b></li> <li>• <b>Potential for loss of privacy.</b></li> </ul>
<p><b><u>Discussion</u></b></p> <p>Submitters are concerned that the proposed development does not comply with the minimum setback requirements noted in E4.1 of the Next generation neighbourhood precinct code and the residential design policy – minimum of 6m from frontage, 5m from the rear of the property, and 3.5m on either side for side setbacks.</p> <p>The proposed setbacks on the side boundaries are setback approximately 1.8m from the balcony and 3m from the walls, both being less than that of the suggested setbacks outlined in E4.1. However, despite the development proposal not satisfying E4.1, the proposal does demonstrate compliance with Performance Outcome PO4 of the Next generation neighbourhood precinct code, subject to a condition requiring some of the balconies at the northern side of the building being further setback further than currently proposed (i.e increasing the setback from 1.8m to 3.0m for balconies associated with the master bedroom and multi-purpose room).</p> <p>The next generation neighbourhood is characterised in the residential design policy as providing a diverse mix of dwelling types. A Multiple Dwelling is expected development within the next generation neighbourhood precinct and therefore is supported through the code. Furthermore, the proposed development implements the concept of active frontage through its design and layout with large balconies overlooking the waterfront. Performance Outcome 4 outlines an expectation for a low to medium density <i>intended</i> character. That is, the planning scheme does not expect redevelopment of the land to reflect the existing low scale character.</p> <p>The proposed building includes a high degree of articulation and architectural features which avoids solid blank walls and instead presents a building of high architectural merit. It is acknowledged that the scale of the building will be significant compared to the adjoining properties, particularly the existing cottage to the north of the site. However, if the proposed building strictly met the suggested setbacks it would still present as overbearing compared to the existing single storey dwelling to the north. The variation in the built form, as proposed, will ensure that the building is visually interesting and not overbearing having regard to the intended character.</p> <p>Submitters have raised concerns about potential overshadowing impacts. The proposed building will result in shadow falling to the west (over the road) in the morning and to the east (over Melsa Park vegetation) in the afternoon. However, the predominant shadows will be to the south, particularly during midday. To the south of the site is an existing three storey apartment building that includes north facing windows. The proposed development will most likely result in shadow over this building for some part of the day given the height</p>

ITEM 4.2 DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 61551737 (Cont.)

**Assessment of Submissions**

of the proposed building and the location of the adjoining building. However, it is noted there will be in excess of 6.0m separation between the proposed building and the adjoining building to the south. In this respect, the setbacks proposed are considered acceptable and shadowing impacts limited.

It is acknowledged that the submitters have raised privacy concerns relating to overlooking. The proposed building is seeking to deliver luxury apartments with a large number of windows and balconies proposed, to maximise views of the waterfront. There are a number of windows and balconies on the south elevation of the building, however, these are predominantly screened from the adjoining three storey apartment building to the south. Further, there are a large number of windows and balconies on the north side of the building. A condition has been included to partly address submissions by requiring two of the three balconies on each level to be further setback (i.e from 1.8m to 3.0m setback) as well as screening to the side (north side) of these balconies. It has further been conditioned that the balconies associated with the multipurpose room for each dwelling on the north side are orientated towards the rear (east facing rather than north facing). There will still be a number of north facing windows without screening proposed. However, given these windows are located on Level 1 and above, views from the proposed dwellings will be directed over the roof and beyond that of the adjoining property to the north. For this reason, conditions have not been recommended to unnecessarily enclose/screen these windows.

This is not a reason for refusal of application.

**Issue - Site Coverage**

- **The site coverage exceeds the limit stated within the planning scheme code.**
- **Minimal opportunity for green/open space within the proposed development.**

**Discussion**

Various submissions addressed the concern of site cover associated with the proposed development. The proposed development site cover, as stated in the planning report, is 64%, with a uniform floor plate. Example E7 in the Next generation neighbourhood precinct code states the following in relation to site cover:

*Site cover (excluding eaves, sun shading devices, patios, balconies and other unenclosed structures) does not exceed the specified percentages in the table below.*

Building height	Lot Size
	1001- 2500m <sup>2</sup>
8.5m or less	60%
>8.5m -12.0m	50%
Greater than 12.0m	40%

However, the proposal proves to be compliant with the benchmarks listed within Performance Outcome PO7 of the same code as previously outlined in this report. The

ITEM 4.2 DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 61551737 (Cont.)

<p><b>Assessment of Submissions</b></p>
<p>applicant notes that the proposed development complies with PO7 being “consistent with the surrounding residential area, with particular reference to 27 South Esplanade”. Council Officers do not accept the view that the proposed site cover is consistent with the surrounding residential area. The proposed building will be of significant scale, with the only comparable building being the one currently under construction at 35 South Esplanade. However, the scale of the proposed building is consistent with the intended character for the area. Further, while it is appreciated that the site cover is much greater than anticipated by the example, particularly for the fifth storey of the building, this is because the building does not step in as it gets higher (similar to a wedding cake). In this respect, the significant building articulation and depth provided by large balconies lend support to the uniform floor plate.</p> <p>This is not a reason for refusal of application.</p>
<p><b>Issue - Frontage and Streetscape</b></p> <ul style="list-style-type: none"> <li>• <b>Lack of landscaping design and strategies to soften the development.</b></li> <li>• <b>Narrow space for green/open space along the frontage.</b></li> <li>• <b>Increasing the urban heat island effect.</b></li> <li>• <b>Increase of on-street car parking.</b></li> <li>• <b>Width of the proposed driveway being 6m, wider than that of surrounding properties.</b></li> </ul>
<p><b>Discussion</b></p> <p>Submitters have raised concerns regarding the frontage of the proposed development and its potential impacts on the streetscape of South Esplanade. The proposal is currently providing a landscaping total of 8.2% over the site within two (2) separate areas, incorporating deep planting. These deep planting landscaped spaces are provided at both the front and rear of the premises and exceeds the required 5% stated in Table 9.3.2.3 Example E10.2 of the Residential uses code. It is agreed with the submissions that the surrounding area is characterised by open and well landscaped frontages with minimal or low front fencing. In this respect, there is a shared concern that the front setback does not provide sufficient opportunities for landscaping to contribute to the streetscape and soften the impact of the building as experienced by a pedestrian walking past the site. As such, a condition is recommended to relocate the proposed swimming pool (and associated high fencing) to the rear of the site to provide greater opportunities for landscaping and either low or no front fencing.</p> <p>On-street parking will not see a great increase as the provided on-site parking exceeds the required 8 spaces. The proposed development will provide the development with 18 parking spaces, leaving sufficient room for vehicle parking on site.</p> <p>The driveway width is proposed to be 6m wide at the property boundary, narrowing to 5.5m at the kerb. The width of the proposed crossover concerns submitters as it is wider than many of the surrounding driveway widths and will limit green space and nesting opportunities for birds. Submitters also raised concerns regarding urban heat island effects. A condition has been recommended to ensure the proposed crossover achieves Council's standards.</p> <p>This is not a reason for refusal of application.</p>
<p><b>Issue - Degradation of Amenity</b></p> <ul style="list-style-type: none"> <li>• <b>Potential loss of natural breezes and airflow for cooling.</b></li> </ul>

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<p><b>Assessment of Submissions</b></p> <ul style="list-style-type: none"> <li>• <b>Potential for the proposed pool to increase noise levels.</b></li> <li>• <b>Potential for light pollution as a result of size and density of development.</b></li> </ul>
<p><b><u>Discussion</u></b></p> <p>Performance Outcome PO11 of the Next generation neighbourhood precinct code states that the amenity of the area and adjacent sensitive land uses should be protected from impacts of dust, odour, noise, light, chemicals, and other environmental nuisances.</p> <p>Submitters have raised concerns about the potential loss of amenity through noise and light pollution coming from the proposed development. In particular, there are concerns with potential noise coming from the pool positioned at the front of the property. It is noted that a single dwelling development could include a pool in this location without the need for planning approval. However, it is recognised that the location of the pool is inconsistent with the front landscaped character of the area and would limit landscaping opportunities as well as result in high front and side boundary fencing. As such, a condition has been recommended which requires the swimming pool to be relocated to the rear of the site. Further a pool management plan has also been recommended as a condition. It is worth noting that a pool would be managed under a Community Management Plan (CMP) by Body Corporate.</p> <p>Submitters are concerned with the potential loss of natural breezes and airflow resulting in the proposed development. In reference to the planning report, the development has been architecturally designed to prioritise natural light and promote the easy flow of bay breezes into and through the site. Natural breezes and airflow will therefore not be comprised as a result of the development.</p> <p>Submitters are concerned about the light pollution generated by the development. It is acknowledged that the building includes a large number of windows - which is expected for a site fronting the water. However, these windows are generally setback in accordance with the scheme requirements. Lighting associated with the ground floor carpark will be somewhat screened by proposed acoustic fencing along the north and south boundaries of the site.</p> <p>This is not a reason for refusal of application.</p>
<p><b><u>Issue - Density</u></b></p> <ul style="list-style-type: none"> <li>• <b>Pressure on existing infrastructure with increased use.</b></li> <li>• <b>Potential increase of traffic.</b></li> <li>• <b>Development not adhering to density benchmarks.</b></li> </ul>
<p><b><u>Discussion</u></b></p> <p>The proposed development has a density of approximately 79 dwellings per hectare which exceeds the general criteria for density in the Next generation neighbourhood precinct. Various submissions have stated concern over this as the code states, with reference to PO1, that next generation neighbourhood precincts have a low to medium residential density of between 15-75 dwellings per hectare (6.2.6.3 MBRC Planning Scheme). In order to comply with the density requirement, the number of dwellings would need to reduce by 1 dwelling, from 8 to 7 dwellings. This is a very minor difference between the development outcome. It is noted that if the development were reduced in density the development footprint and external design would not necessarily be altered by this outcome (i.e Unit 7</p>

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<p><b>Assessment of Submissions</b></p> <p>could be a penthouse across the entire top floor). The increase in one (1) dwelling is not considered to result in an overdevelopment of the site.</p> <p>Therefore, as the density exceedance is of a minor scale, the proposed development offers a high standard of residential amenity, and is generally consistent with the expected development outcome for medium density development within the Next generation neighbourhood precinct, the development does not present a reason for refusal in this instance.</p>
<p><b>Issue - Diminishment of local heritage and culture</b></p> <ul style="list-style-type: none"> <li>• Removal of existing cottages.</li> <li>• Potential damage and disturbance to indigenous relics.</li> </ul>
<p><b>Discussion</b></p> <p>While it is appreciated that the existing two cottages on the land may be valued by the local community from a historical perspective, the subject site has no heritage and landscape character overlay in accordance with the MBRC Overlays and is not registered with the State Government as a Heritage site, therefore are not relevant to the proposed development.</p> <p>This is not a reason for refusal of application.</p>
<p><b>Issue - Drainage and Runoff</b></p> <ul style="list-style-type: none"> <li>• Discharge into riparian areas (Williams Creek).</li> <li>• Waste from carwash distributed into Williams Creek.</li> </ul>
<p><b>Discussion</b></p> <p>Concerns over the effect of additional stormwater to the health of Williams Creek and wastewater discharge from the car wash bay have been raised.</p> <p>The development is below the thresholds for receiving waters under State interest - stormwater quality of the State Planning Policy to require a stormwater quality management plan from the development. However, the development will be required to implement best practice measures for stormwater quality management to minimise the opportunity to introduce pollutants to the creek.</p> <p>The car wash bay being comprised of a permeable surface as shown on the proposal plans is not acceptable. The car wash bay is required to have a finished surface similar with the adjoining car park and internal footpath and to discharge wastewater to sewer. A condition has been recommended to delete the proposed car wash bay to allow for relocation of the swimming pool to the rear.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p><b>Issue - Stormwater drainage and runoff</b></p> <ul style="list-style-type: none"> <li>• Discharge into riparian areas (Williams Creek).</li> </ul>
<p><b>Discussion</b></p> <p>A submitter raised concerns the proposal will result in an increase to stormwater discharge into Williams Creek located behind the rear boundary of the site that could pose a flood hazard to adjoining properties.</p> <p>The proposed development is supported with a stormwater management report, which indicates that the proposed development will not significantly increase the stormwater</p>

ITEM 4.2 DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 61551737 (Cont.)

<p><b>Assessment of Submissions</b></p> <p>discharge. The development proposes to discharge all roofwater to the existing drainage line on South Esplanade via a new stormwater gully pit. The remaining portion of the development without roof will discharge towards the rear in a similar manner as the existing property.</p> <p>The proposed ground floor carpark will remain open and will not impede tidal waters. Additionally, a condition has been recommended to require the rear boundary fence to be constructed with permeability to not impede tidal waters.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p><b><u>Issue - Flooding</u></b></p>
<p><b><u>Discussion</u></b></p> <p>A submitter has raised a concern regarding the additional flood hazard to surrounding properties and the flood hazard on the development itself particularly on the proposed carpark below the Flood Planning Level.</p> <p>The site is currently mapped as a storm tide inundation area, as well as the nearby properties. Earthworks are proposed being generally excavation associated with foundations, stormwater and the above ground swimming pool. The development does not propose filling of the land.</p> <p>The future (Year 2100) maximum property flood and storm tide levels are 1.7m AHD and 3.0m AHD, respectively. The carpark is proposed at ground level on 1.7m AHD as a free draining open area. This will allow the flow of flood water to continue to drain naturally through the site. The MBRC Planning Scheme does not require non-habitable rooms like a carpark to be built to the Flood Planning Level (3.3m AHD for the subject site). However, the development is supported with a Flood Emergency Management Plan to address the flood risk of the proposed carpark. The plan details the required actions from the body corporate and residents before the flood, when the flood is likely, during a flood and after the flood to ensure future flood risks associated with the carpark inundation are mitigated.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p><b><u>Issue - Development access</u></b></p>
<p><b><u>Discussion</u></b></p> <p>A submitter issue was raised regarding the width of the driveway being 6m, wider than that of surrounding properties.</p> <p>Example E8.2 of the Residential uses code specifies a maximum driveway crossover width of 5.5m for a shared driveway. The development proposes a 5.5m wide driveway crossover, as shown on the Ground Floor Plan, that complies with the requirement. A 5.5m wide driveway crossover will facilitate two-way movement, preventing cars from standing on South Esplanade when another car is exiting the driveway.</p> <p>This is not sufficient grounds for refusal of the application.</p>

*ITEM 4.2 DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 61551737 (Cont.)*

**2.7.3 Notice of Compliance**

The Notice of Compliance was received by Council on 29 January 2021. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

**2.8 Other Matters**  
None identified.

**3. Strategic Implications**

**3.1 Legislative/Legal Implications**

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

**3.2 Corporate Plan / Operational Plan**

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

**3.3 Policy Implications**

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

**3.4 Risk Management Implications**

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

**3.5 Delegated Authority Implications**

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

**3.6 Financial Implications**

- a) In the event that an appeal is made to the Planning & Environment Court against Council's decision, the Council will incur additional costs in defending its position.
- b) If approved, the decision notice will include an Infrastructure Charges Notice.

**3.7 Economic Benefit Implications**

Appropriate development supports the growing Moreton Bay region.

**3.8 Environmental Implications**

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

**3.9 Social Implications**

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

**3.10 Human Rights Implications**

The development does not result in any Human Rights implications.

**3.11 Consultation / Communication**

Refer to clause 2.7.

**SUPPORTING INFORMATION**

**Ref: [61750696](#) & [61697882](#)**

The following list of supporting information is provided for:

**ITEM 4.2**

**DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS)**

**#1 *Locality Plan***

**#2 *Aerial Image***

**#3 *Plans***

**#4 *Submissions***



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**5 COMMUNITY & ENVIRONMENTAL SERVICES SESSION**

**(Cr M Gillam)**

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**ITEM 5.1**

**TELECOMMUNICATIONS LEASE - DOHLES ROCKS ROAD, GRIFFIN**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* 61482373 : 18 January 2021 - **Refer Supporting Information 61482381**  
*Responsible Officer:* AS, Manager Property Services (CES Property & Commercial Services)

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**Executive Summary**

This report seeks Council's approval for the provision of a lease to Telstra Corporation Ltd (*Telstra*) for its existing telecommunications facility on the terms outlined in this report.

**OFFICER'S RECOMMENDATION**

1. That the exception contained in section 236(1)(c)(vi) of the *Local Government Regulation 2012* (Qld) applies to the Council regarding the disposal of the property referred to in this report.
2. That Telstra be granted a new lease for the existing telecommunications facility located on part of Lot 2, Dohles Rocks Road, Griffin (being Lot 2 on RP139690) on the terms outlined in this report.
3. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

ITEM 5.1 TELECOMMUNICATIONS LEASE - DOHLES ROCKS ROAD, GRIFFIN - 61482373 (Cont.)

**REPORT DETAIL**

**1. Background**

Lot 2, Dohles Rocks Road, Griffin [Lot 2 on RP139690] (*the Land*) - Division 6 is Council freehold land and is the location of the Griffin Environmental Reserve. An overview of the Land is provided at *Supporting Information #1*.

Telstra previously held a registered lease over part of the Land having an area of 300m<sup>2</sup> adjoining Dohles Rocks Road which has expired (*refer Supporting Information #2*).

Telstra has requested a new lease over the previous lease area on which the existing facility is located, now described as Lease A on SP314839. The new lease area is proposed to be of the same size and location as the previous lease area. A survey plan indicating the new lease area is attached (*refer Supporting Information #3*), together with an aerial map indicating the location of the new lease area (*refer Supporting Information #4*).

The core commercial terms of the proposed new lease are outlined below:

Core Term	Description
<b>Term</b>	Ten (10) years
<b>Commencement Date</b>	1 May 2020
<b>Tentative Expiry Date</b>	30 April 2030
<b>Option</b>	Nil
<b>Rent</b>	\$22,000.00 plus GST for the first year of the Term
<b>Rent Review Mechanism</b>	3% fixed increase on the anniversary of the Commencement Date
<b>Permitted Use</b>	For the maintenance and operation of a telecommunications network and telecommunications service
<b>Lease Terms &amp; Conditions</b>	To be based on Council's registered Standard Terms for freehold telecommunications leases, as negotiated.

The proposed new lease terms have been negotiated and agreed by Council and Telstra.

**2. Explanation of Item**

A Council resolution is required to grant the new lease to Telstra, which is to be based on Council's registered standard freehold telecommunications lease terms (as negotiated) and on the core commercial terms as outlined above.

Council must comply with the *Local Government Act 2009* (Qld) and the *Local Government Regulation 2012* (Qld) when it disposes of valuable non-current assets, which includes leases of land. 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 lease for a telecommunication 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**

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 lease for a telecommunication tower. Council may only rely on that exception if, before granting a lease, it resolves that the exception applies.

*ITEM 5.1 TELECOMMUNICATIONS LEASE - DOHLES ROCKS ROAD, GRIFFIN - 61482373 (Cont.)*

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

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 initial annual rental in the amount of \$22,000 plus GST, which will increase annually by 3% for the term 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

This is a lease for an existing facility, so no consultation has been required in this instance.

**SUPPORTING INFORMATION**

**Ref: 61482381**

The following list of supporting information is provided for:

**ITEM 5.1**

**TELECOMMUNICATIONS LEASE - DOHLES ROCKS ROAD, GRIFFIN**

***#1 Overview of land***

***#2 Previous Lease Area***

***#3 New Lease Area***

***#4 Location of New Lease Area***

**ITEM 5.2**

**NEW LEASE - MORETON BAY LIONS AUSTRALIAN FOOTBALL SPORTS CLUB INC**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* 61688970 : 21 January 2021 - **Refer Supporting Information 61688971**  
*Responsible Officer:* CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

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**Executive Summary**

This report seeks Council's approval for the provision of a trustee lease to Moreton Bay Lions Australian Football Sports Club Inc at Moreton Bay Central Sports Complex, 1305A Bruce Highway, Burpengary (refer Supporting Information #1). The proposed lease will take effect following the surrender of the existing lease agreement at this location with AFL Queensland Limited.

**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, Moreton Bay Lions Australian Football Sports Club Inc be granted a trustee lease over an area at 1305A Bruce Highway, Burpengary (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 grant of this lease is subject to AFL Queensland Limited surrendering its existing lease at this location.
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.

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ITEM 5.2 NEW LEASE - MORETON BAY LIONS AUSTRALIAN FOOTBALL SPORTS CLUB INC - 61688970 (Cont.)

## REPORT DETAIL

### 1. Background

Since 1 March 2014, AFL Queensland Limited (AFLQ) has held a trustee lease with Council over a clubhouse building and adjacent areas located at Moreton Bay Central Sports Complex, 1305A Bruce Highway, Burpengary (refer Supporting Information #1). The resident club, Moreton Bay Lions Australian Football Club Inc (the Lions) have occupied the site under a shared use arrangement with AFLQ for the purpose of running football.

When Council resolved to provide tenure over the newly constructed Australian Rules Football precinct at Moreton Bay Central Sports Complex to AFLQ, at the time, it was considered the best tenure option for Council and the local clubs being Caboolture Australian Football Club and Caboolture Lions Junior Australian Football Club (now jointly known as Moreton Bay Lions Australian Football Club Inc).

AFLQ's involvement at the site has provided a solid foundation for the management, maintenance and programming of the venue. Further, it has enabled AFLQ to work closely with the Lions to build the club's site and venue management capabilities.

### 2. Explanation of Item

In March 2020, AFLQ advised Council of its intention to surrender its existing lease over the site. This decision was made due to the trade and financial impacts of COVID-19.

In preparation for the future tenure changes resulting from AFLQ's lease surrender, Council engaged a consultant to undertake a business plan for the facility. The aim of this report was to develop a comprehensive asset management plan and budget, and to validate the Lions' organisational and financial capacity to take on the responsibilities of the lease.

Following completion of the business plan, and the Lions' consideration thereof, the Lions advised Council of their in-principle agreement to take over the lease once surrendered by AFLQ. Accordingly, it is recommended that Council approves the provision of a lease to the existing site user, Moreton Bay Lions Australian Football Club Inc., over the revised lease area identified in Supporting Information #1. This revised area includes the clubhouse building and an adjacent coaches box and storage building which services the AFL precinct. Further, it is recommended that the provision of this lease be in accordance with the terms and conditions of Council's Community Leasing Policy (2150-079) and be subject to AFL Queensland Limited surrendering their existing lease at this location.

### 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

*ITEM 5.2 NEW LEASE - MORETON BAY LIONS AUSTRALIAN FOOTBALL SPORTS CLUB INC - 61688970 (Cont.)*

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 provision of a lease to Moreton Bay Lions Australian Football Club Inc will provide the organisation with the 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 this report.

3.11 Consultation / Communication

AFL Queensland Limited  
Moreton Bay Lions Australian Football Club Inc  
Councillor Mark Booth (Division 2)

**SUPPORTING INFORMATION**

**Ref: 61688971**

The following list of supporting information is provided for:

**ITEM 5.2**

**NEW LEASE - MORETON BAY LIONS AUSTRALIAN FOOTBALL SPORTS CLUB INC**

***#1 Moreton Bay Central Sports Complex - AFL Qld Ltd (AFLQ) - current lease area, and Moreton Bay Lions Australian Football Sports Club Inc (Lions) - Proposed lease areas***



**ITEM 5.3**

**NEW LEASE - LIONS CLUB OF MORAYFIELD & DISTRICTS INC**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* 61767843 : 16 March 2021 - **Refer Supporting Information 61769825**  
*Responsible Officer:* CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

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**Executive Summary**

This report seeks Council's approval for the provision of a lease to the Lions Club of Morayfield & Districts Inc at the Burpengary Community and Cultural Complex, 1 Maitland Road, Burpengary East (Division 2) (refer to Supporting Information #1). The proposed lease would enable the club to proceed with the construction of a storage shed to support their operations.

**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, The Lions Club of Morayfield & Districts Inc be granted a lease over an area at 1 Maitland Road, Burpengary East (refer Supporting Information) for a period aligning with the expiry of their existing lease at this location (30 November 2021).
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 - LIONS CLUB OF MORAYFIELD & DISTRICTS INC - 61767843 (Cont.)*

## **REPORT DETAIL**

### **1. Background**

Since 1 December 2016, The Lions Club of Morayfield & Districts Inc (the Club) has held tenure with Council over an area at the Burpengary Community and Cultural Complex, 1 Maitland Road, Burpengary East (refer Supporting Information #1) for the purpose of operating a Lions Club.

In September 2020, the Club were successful in an application for State Government funding towards the construction of a new storage shed. The proposed storage shed would enable the Club to consolidate all of their existing storage into the one location adjacent to their clubhouse at Burpengary Community and Cultural Complex.

In accordance with Council's Community Leasing Policy (2150-079) and Community Leasing - Improvement Works and Area Amendment Policy Directive (2160-026), community group tenants of Council facilities must obtain Council approval for any proposed improvement to the facility or site where they hold a lease, licence or permit. This approval is sought via the lodgement of an Improvement Works Application (IWA) to Council.

Under Council's Community Leasing - Improvement Works and Area Amendment Policy Directive (2160-026), IWAs are assessed by Council officers and generally determined by the Chief Executive Officer (or his/her delegate) under delegated authority from the Council. However, where the proposed improvement will require an amendment to the group's lease, licence of permit area of greater than 20% of their existing area of tenure, or 250m<sup>2</sup>, Council approval at a General Meeting is required.

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

The Club has lodged an IWA to Council for the construction of a new storage shed, which is proposed to be located outside of its existing lease area (refer Supporting Information #1). This application has been assessed by Council's key stakeholder departments, with no objections received.

For the Club to proceed with its proposed storage shed, Council would need to amend the Club's area of tenure by providing an additional lease over the area where the shed is to be constructed (refer Supporting Information #1). The size of the additional lease area required would be approximately 89m<sup>2</sup>, which represents an increase of 35% to the Club's existing area of tenure. In accordance with Council's Community Leasing - Improvement Works and Area Amendment Policy Directive, the provision of this additional lease area cannot be approved under delegated authority to the Chief Executive Officer and requires consideration by Council at a General Meeting.

Accordingly, this report recommends that Council approves the granting of an additional lease to the Club, 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 aligned with the term of the Club's existing lease at this location (30 November 2021).

### **3. Strategic Implications**

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

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

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

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

#### **3.3 Policy Implications**

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

*ITEM 5.3 NEW LEASE - LIONS CLUB OF MORAYFIELD & DISTRICTS INC - 61767843 (Cont.)*

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 provision of a lease to The Lions Club of Morayfield & Districts Inc will provide the organisation with the 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 this report.

3.11 Consultation / Communication

The Lions Club of Morayfield & Districts Inc  
Councillor Booth (Division 2)

**SUPPORTING INFORMATION**

**Ref: 61769825**

The following list of supporting information is provided for:

**ITEM 5.3**

**NEW LEASE - LIONS CLUB OF MORAYFIELD & DISTRICTS INC**

***#1 1 Maitland Road, Burpengary East - Lions Club of Morayfield & Districts Inc - Existing lease area and proposed new lease area***

**ITEM 5.4  
PROPOSED LEASE FOR TELECOMMUNICATIONS FACILITY - LES HUGHES  
SPORTING COMPLEX**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* 61694199 : 7 April 2021 - Refer **Supporting Information 61694223**  
*Responsible Officer:* AS, Manager Property Services (CES Property & Commercial Services)

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**Executive Summary**

This report seeks Council's approval for the provision of a lease to Optus Mobile Pty Limited ACN 054 365 696 (*Optus*), for the purpose of a telecommunications facility on the terms outlined in this report.

**OFFICER'S RECOMMENDATION**

1. That the exception contained in section 236(1)(c)(vi) of the *Local Government Regulation 2012* (Qld) applies to the Council regarding the disposal of the property referred to in this report;
2. That Optus be granted a lease over Lease X in Lot 1 on RP211434 on SP315999 on the terms outlined in this report; and
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 5.4 PROPOSED LEASE FOR TELECOMMUNICATIONS FACILITY - LES HUGHES SPORTING COMPLEX - 61694199 (Cont.)*

**REPORT DETAIL**

**1. Background**

Les Hughes Sporting Complex [Lot 1 on RP211434] (the *land*) - Division 8, is Council freehold land, an overview of the land is attached (*refer Supporting Information #1*).

Council has previously entered into consecutive registered leases with Optus for part of the land, identified as Lease T on SP132888, for the installation of a telecommunications network and service. The most recent lease expired in August 2020, consequently Optus has continued tenancy on holding over terms.

Optus has arranged an updated survey of the lease area, now described as Lease X on SP315999. A survey plan identifying the new lease area is attached (*refer Supporting Information #2*), together with an aerial photo indicating the location of the new lease area (*refer Supporting Information #3*).

Optus has now requested a new lease over the new lease area, with the lease terms to be based on Council's registered standard freehold telecommunications lease and the commercial terms as outlined below:

Core Term	Description
<b>Term</b>	Ten years
<b>Commencement Date</b>	24 August 2020
<b>Expiry Date</b>	23 August 2030
<b>Option</b>	Nil
<b>Rent</b>	\$22,000 plus GST for the first year of the Term
<b>Rent Review Mechanism</b>	3% fixed increase on the anniversary of the Commencement Date
<b>Permitted Use</b>	For the maintenance and operations of a telecommunications tower and associated infrastructure

The proposed lease terms have been negotiated and agreed by Council and Optus.

**2. Explanation of Item**

A Council resolution is required to grant the new lease to Optus, which is to be based on Council's registered standard freehold telecommunications lease terms (as negotiated) and on the core commercial terms as outlined above.

Council must comply with the *Local Government Act 2009* (Qld) and the *Local Government Regulation 2012* (Qld) (*Regulation*) when it disposes of valuable non-current assets, which includes leases of land. 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 lease for a telecommunication tower.

Council may only rely on that exception if, before granting a lease, it resolves that the exception applies.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

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 lease for a telecommunications tower. Council may only rely on that exception if, before granting a lease, it resolves that the exception applies.

**3.2 Corporate Plan / Operational Plan**

Creating Opportunities: Digital literacy and commerce - a digital region.

*ITEM 5.4 PROPOSED LEASE FOR TELECOMMUNICATIONS FACILITY - LES HUGHES SPORTING COMPLEX - 61694199 (Cont.)*

3.3 Policy Implications  Nil identified

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications

In accordance with Officer's Recommendation 3 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary to execute the new lease.

3.6 Financial Implications

Council will receive an initial annual rental in the amount of \$22,000 plus GST, which will increase annually by 3% for the term 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 a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that Council's decision in this circumstance (if it reflects the officer's recommendation) is compatible with (and does not limit) a person's human rights.

3.11 Consultation / Communication

As the telecommunications facility has been established at the site for a substantial number of years, it has not been considered necessary to undertake any new consultation.

**SUPPORTING INFORMATION**

**Ref: [61694223](#)**

The following list of supporting information is provided for:

**ITEM 5.4**

**PROPOSED LEASE FOR TELECOMMUNICATIONS FACILITY - LES HUGHES SPORTING COMPLEX**

***#1 Overview of Land***

***#2 New Lease Area***

***#3 Aerial of New Lease Area***



**ITEM 5.5**  
**PROPOSED LEASE FOR TELECOMMUNICATIONS TOWER**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* 61784336 : 15 April 2021 - **Refer Supporting Information 61784337**  
*Responsible Officer:* AS, Manager Property Services (CES Property & Commercial Services)

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**Executive Summary**

This report seeks Council's approval for the provision of a lease to Vodafone Network Pty Ltd ACN 081 918 461 (*Vodafone*), for the purpose of a telecommunications tower on the terms outlined in this report.

**OFFICER'S RECOMMENDATION**

1. That the exception contained in section 236(1)(c)(vi) of the *Local Government Regulation 2012* (Qld) applies to the Council regarding the disposal of the property referred to in this report.
2. That Vodafone be granted a lease over Lease A in Lot 1 on RP130438 on SP137886 on the terms outlined in this report.
3. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

ITEM 5.5 PROPOSED LEASE FOR TELECOMMUNICATIONS TOWER - 61784336 (Cont.)

**REPORT DETAIL**

**1. Background**

65 Barber Road, Ferny Hills [Lot 1 on RP130438] (*the Land*) - Division 10 is freehold land owned by Council. An overview of the Land can be seen at Supporting Information #1.

Council has previously entered into consecutive registered leases with Hutchinson 3G Australia Pty Limited (*Hutchinson*) for part of the Land identified as Lease A on SP137886 (*Lease Area*) for the installation of a telecommunications network and service (*Original Leases*). In 2009, Hutchinson merged with Vodafone.

A survey plan showing the Lease Area may be found at Supporting Information #2, together with an aerial photo indicating the location of the Lease Area shown at Supporting Information #3.

The current lease has expired with no option available for the extension of the lease term. Accordingly, Vodafone has remained as lessee of the premises on holding over terms.

Vodafone has now requested a new lease over the lease area, with the lease terms to be based on Council's registered standard freehold telecommunications lease and the commercial terms as outlined below:

Core Term	Description
<b>Term</b>	Ten years
<b>Commencement Date</b>	7 September 2019
<b>Expiry Date</b>	6 September 2029
<b>Option</b>	Nil
<b>Rent</b>	\$22,000 plus GST for the first year of the Term
<b>Rent Review Mechanism</b>	3% fixed increase on the anniversary of the Commencement Date
<b>Permitted Use</b>	For the maintenance and operations of a telecommunications tower and associated infrastructure

The proposed lease terms have been negotiated and agreed by Council and Vodafone.

**2. Explanation of Item**

Vodafone has requested a new lease over a previously leased area, upon which a telecommunications tower has been established for a substantial number of years.

A Council resolution is required to grant the new lease to Vodafone, which is to be based on Council's registered standard freehold telecommunications lease terms (as negotiated) and on the core commercial terms as outlined above. Council's independent valuer has determined that the rental amount reflects a fair and reasonable market rate.

Council must comply with the *Local Government Act 2009 (Qld)* and the *Local Government Regulation 2012 (Qld) (Regulation)* when it disposes of valuable non-current assets, which includes leases of land. 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 lease for a telecommunication tower. Council may only rely on that exception if, before granting a lease, it resolves that the exception applies.

**3. Strategic Implications**

3.1 Legislative / Legal Implications

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 lease for a telecommunication tower. Council may only rely on that exception if, before granting a lease, it resolves that the exception applies.

3.2 Corporate Plan / Operational Plan

Creating Opportunities: Digital literacy and commerce - a digital region.

*ITEM 5.5 PROPOSED LEASE FOR TELECOMMUNICATIONS TOWER - 61784336 (Cont.)*

3.3 Policy Implications  Nil identified

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications

In accordance with Officer's Recommendation 3 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary to execute the new lease.

3.6 Financial Implications

Council will receive an initial annual rental in the amount of \$22,000 plus GST, which will increase annually by 3% for the term 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 a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that Council's decision in this circumstance (if it reflects the officer's recommendation) is compatible with (and does not limit) a person's human rights.

3.11 Consultation / Communication

Director Community and Environmental Services

**SUPPORTING INFORMATION**

**Ref: [61784337](#)**

The following list of supporting information is provided for:

**ITEM 5.5  
PROPOSED LEASE FOR TELECOMMUNICATIONS TOWER**

***#1 Overview of Land***

***#2 Survey Plan of Lease Area***

***#3 Aerial View of Lease Area***

**ITEM 5.6  
COMMUNITY OPERATIONAL SUPPORT GRANT - ROYAL SOCIETY FOR THE  
PREVENTION OF CRUELTY TO ANIMALS (QUEENSLAND)**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* 61882355 : 16 April 2021 - **Refer Supporting Information 61899107**  
*Responsible Officer:* MM, Manager Community Services, Sport and Recreation (CES Community Services, Sport and Recreation)

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**Executive Summary**

'Operation Wanted' is the Royal Society for the Prevention of Cruelty to Animals (Queensland) Limited's (RSPCA) primary desexing program for cats and dogs, conducted each year between 1 June and 31 August.

Based on the program's track record of success in the Moreton Bay Region, it is recommended that Council continue its financial support towards the initiative through the provision of a Community Operational Support Grant to the RSPCA, in the amount of \$18,700, for the 2021 program. Such a grant would enable the continuation of the program in the Moreton Bay region through to 1 September 2021.

**OFFICER'S RECOMMENDATION**

1. That Council approve a Community Operational Support Grant to Royal Society for the Prevention of Cruelty to Animals (Queensland) Limited (RSPCA), in the amount of \$18,700, towards the 2021 'Operation Wanted' program.
2. That Council enters into a funding agreement with RSPCA for the 2021 'Operation Wanted' program.
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 funding agreement on Council's behalf, as described in this report.

*ITEM 5.6 COMMUNITY OPERATIONAL SUPPORT GRANT - ROYAL SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (QUEENSLAND) - 61882355 (Cont.)*

**REPORT DETAIL**

**1. Background**

'Operation Wanted' is the RSPCA's premier annual desexing program, delivered between 1 June and 31 August each year. The program involves the RSPCA supporting participating veterinary clinics to offer a 20% discount on dog and cat desexing for the three month period; and delivery of a state-wide marketing campaign designed to drive mass participation in the program.

The program has been delivered by the RSPCA for six years in collaboration with over 150 veterinary clinics and 24 Queensland local governments. Since its launch, over 100,000 animals across the state have been desexed through the program.

For the past five years, Moreton Bay Regional Council has participated in the 'Operation Wanted' program. In 2020, a financial contribution of \$18,700 was made by Council towards the program, which resulted in:

- 17 participating veterinary clinics;
- 1,575 desexed dogs (15% of the State total); and
- 893 desexed cats (14% of the State total).

For further information regarding the results of the 2020 'Operation Wanted' program, please refer to Supporting Information #1 of this report.

**2. Explanation of Item**

On 24 February 2021, Council received a request from the RSPCA seeking the continuation of the 'Operation Wanted' program in the Moreton Bay Region for the 2021 calendar year. Should Council wish to continue its participation, a financial contribution to RSPCA of \$18,700, in the form of a grant, will be required.

Under the provisions of Council's Community Grants Policy (No. 2150-030), Council may provide a Community Operational Support Grant to a community organisation for the delivery of services or activities that provide a public benefit to residents of the Moreton Bay Region. To be eligible for receipt of a Community Operational Support Grant, the recipient community organisation must be based in the Moreton Bay Region and/or be able to demonstrate that its services/activities will provide significant benefits to residents of the region.

Officers from Council's Customer Response and Community Services, Sport and Recreation departments have considered RSCPA's request for continued financial support towards the 'Operation Wanted' program in 2021. This consideration included both an assessment of the community benefits expected from the program in 2021, and the eligibility of the proposal under Council's Community Grants Policy. Table 2.1 below provides an overview of the assessment findings.

Table 2.1 - Officer's Assessment

<b>Policy Eligibility</b>	<p><u>Organisation</u> The RSPCA is an eligible non-profit community organisation that is both based within the Moreton Bay Region, and provides significant services/activities that benefit residents of the region. These community benefits are provided through its animal adoption program, welfare services and the provision of pound management services on behalf of Council.</p> <p><u>Activity / Service</u> The 'Operation Wanted' Program will provide public benefits to residents of the Moreton Bay region, and accordingly is considered an activity/service eligible for receipt of a Community Operational Support Grant from Council.</p>
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*ITEM 5.6 COMMUNITY OPERATIONAL SUPPORT GRANT - ROYAL SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (QUEENSLAND) - 61882355 (Cont.)*

<b>Community Benefits</b>	<p>The Australian Veterinary Association (AVA) identifies surgical desexing as an important tool in reducing unwanted companion animals in the community, particularly when combined with relevant education and awareness programs. The AVA further cites that desexing can assist in:</p> <ul style="list-style-type: none"> <li>• controlling companion animal populations;</li> <li>• reducing behavioural problems in animals (such as free-ranging and some aggressive behaviours) which can cause public nuisance; and</li> <li>• reducing the prevalence of some diseases in animal populations.</li> </ul> <p>The 'Operation Wanted' program has demonstrated its success in increasing the number of animals desexed and registered within the Moreton Bay Region.</p>
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With consideration to the demonstrated community benefits associated with the 'Operation Wanted' program, it is recommended that Council continue its participation in the program for 2021. Accordingly, this report recommends that Council approve the provision of a Community Operational Support Grant to the RSPCA, in the amount of \$18,700.

**3. Strategic Implications**

3.1 Legislative / Legal Implications

Council's Community Grants programs are administered in accordance with the Local Government Act 2009 and the Local Government Regulation 2012.

3.2 Corporate Plan / Operational Plan

Strengthening Communities: Safe neighbourhoods - a safe and resilient community.

3.3 Policy Implications

The Community Operational Support Grant proposed by this report will be provided in accordance with Council's Community Grants Policy (No. 2150-030).

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications

As per Officer's Recommendation 3 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary to execute the funding agreement between Council and the RSPCA.

3.6 Financial Implications

Sufficient funds (\$18,700) for the continuation of the 'Operation Wanted' Program in 2021 are provided for in Council's existing 2020/21 Customer Response department operational budget.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications

The 'Operation Wanted' program provides benefits to the Moreton Bay community through increased desexing rates, which leads to a reduction in unwanted litters, behavioural problems and some animal diseases.

*ITEM 5.6 COMMUNITY OPERATIONAL SUPPORT GRANT - ROYAL SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (QUEENSLAND) - 61882355 (Cont.)*

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

- Relevant Council departments
- RSPCA



**SUPPORTING INFORMATION**

**Ref: 61899107**

The following list of supporting information is provided for:

**ITEM 5.6**

**COMMUNITY OPERATIONAL SUPPORT GRANT - ROYAL SOCIETY FOR THE PREVENTION OF  
CRUELTY TO ANIMALS (QUEENSLAND)**

***#1 Operation Wanted 2020 Desexing Campaign Results***

**ITEM 5.7**  
**PROPOSED LEASE TENANCY B, LEVEL 4 - THE CORSO, NORTH LAKES**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* 61762908 : 14 April 2021 - **Refer Supporting Information 61762984 and Confidential Supporting Information 61887578**  
*Responsible Officer:* AS, Manager Property Services (CES Property & Commercial Services)

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**Executive Summary**

This report seeks Council's approval to grant a lease, on the terms outlined in this report, for Tenancy B, Level 4, The Corso, North Lakes (Division 4) to Finpower Australia Pty Limited ABN 61 117 510 773 (**Finpower**).

**OFFICER'S RECOMMENDATION**

1. That the grant of a lease for Tenancy B, Level 4, The Corso, North Lakes be approved on the terms outlined in this report.
2. That the exception contained in the Local Government Regulation 2012, s236(1)(e) apply to the Council on the disposal of the property referred to in Recommendation 1.
3. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

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ITEM 5.7 PROPOSED LEASE TENANCY B, LEVEL 4 - THE CORSO, NORTH LAKES - 61762908 (Cont.)

**REPORT DETAIL**

**1. Background**

Council has previously issued a tender for all tenancies on Level 4 and 5 at The Corso, North Lakes, but no satisfactory tenders were received.

Finpower has submitted an offer to lease Tenancy B, Level 4, at The Corso, North Lakes. An indicative plan of the Tenancy B lease area is attached (*refer Supporting Information #1 and #2*). The core terms of the new lease are also attached (*refer Confidential Supporting Information #3*).

Council's commercial agent has been consulted regarding Finpower's offer of rent for Tenancy B, Level 4, prior to Council agreeing to terms for a new lease. Council's commercial agent confirmed the rental rate represented fair market value for Tenancy B, Level 4.

**2. Explanation of Item**

Council's approval is sought to grant a lease of Tenancy B, Level 4 The Corso, North Lakes, to Finpower on the core terms as outlined above.

Council must comply with the Local Government Act 2009 ("the Act") and the Local Government Regulation 2012 ("the Regulation") when it disposes of valuable non-current assets, including leases of land.

Section 236(1)(e) of the Regulation allows Council to dispose of a valuable non-current asset if the grant of a lease has been previously offered by tender or auction, but a lease has not been entered into. Council may only rely on that exception if, before granting a lease, it resolves that the exception applies, and the consideration for the disposal would be equal to or more than the market value of the land or the interest in land.

**3. Strategic Implications**

3.1 Legislative / Legal Implications

Council may dispose of a valuable non-current asset, other than by tender or auction if it is able to rely on an exception contained in section 236 of the Regulation. In the present case, the Council proposes to rely on the exception contained in section 236(1)(e) of the Regulation.

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

In accordance with Officer's Recommendation 3 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary to execute the new lease.

3.6 Financial Implications

The term of the lease and the associated rental details are as per Confidential Supporting Information #3.

3.7 Economic Benefit Implications

Nil identified

3.8 Environmental Implications

Nil identified

3.9 Social Implications

Nil identified

*ITEM 5.7 PROPOSED LEASE TENANCY B, LEVEL 4 - THE CORSO, NORTH LAKES - 61762908 (Cont.)*

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Legal Services Department

**SUPPORTING INFORMATION**

Ref: [61762984](#); [61887578](#)

The following list of supporting information is provided for:

**ITEM 5.7**

**PROPOSED LEASE TENANCY B, LEVEL 4 - THE CORSO, NORTH LAKES**

**#1 Overview of Land**

**#2 Lease Area**

***Confidential* #3 Core terms of new lease**

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**6 FINANCE & CORPORATE SERVICES SESSION**

**(Cr M Constance)**

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**ITEM 6.1**

**AUDITOR-GENERAL INTERIM OBSERVATION REPORT 2020/21**

*Meeting / Session:* 6 FINANCE & CORPORATE SERVICES  
*Reference:* 61851324 : 6 April 2021 - **Refer Supporting Information 61850896**  
*Responsible Officer:* DC, Accounting Services Manager (FCS Accounting Services)

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**Executive Summary**

The purpose of this report is to present the Auditor-General's interim observation report relating to the audit of Council's Financial Statements for 2020/21.

**OFFICER'S RECOMMENDATION**

That the Auditor-General's interim observation report relating to the audit of Council's 2020/21 Financial Statements be received.

## ITEM 6.1 AUDITOR-GENERAL INTERIM OBSERVATION REPORT 2020/21 - 61851324 (Cont.)

### REPORT DETAIL

#### 1. Background

The Auditor-General must prepare an observation report about the audit of a local government's financial statements in accordance with section 54 of the *Auditor-General Act 2009*.

In accordance with the Local Government Regulation 2012, the Mayor must present the Auditor-General's observation report about the audit of the Council.

#### 2. Explanation of Item

The audit of Council's Financial Statements for 2020/21 occurs over a number of phases. Queensland Audit Office (QAO) commenced planning work in December 2020 with the interim audit undertaken from mid-February to early March 2021.

The purpose of the interim audit is to assess Council's internal controls and whether they are operating effectively.

The supporting information includes an assessment of Council's internal control framework and a summary of control deficiencies identified to date.

Page 3 of the supporting information details one new deficiency identified during the interim audit phase with page 4 providing updates on deficiencies identified during the 2019/20 audit.

As outlined in the supporting information on page 3 the one new deficiency identified during the interim audit has been resolved. Of the six deficiencies identified during the 2019/20 audit, three have been resolved with the remaining three expected to be resolved between now and the end of the financial year.

Full details are provided in the supporting information.

Additional information is provided on page 5 and 6 of the supporting information regarding areas of audit focus and the milestones outlined in the audit plan.

In accordance with section 213(3) of the Local Government Regulation 2012 the Mayor must present the Auditor-General's observation report at the next ordinary meeting of the local government.

#### 3. Strategic Implications

##### 3.1 Legislative / Legal Implications

The observation report is a report prepared by the Auditor-General in accordance with section 54 of the *Auditor-General Act 2009*.

In accordance with section 213(3) of the Local Government Regulation 2012, the Mayor must present the Auditor-General's observation report at the next ordinary meeting of the local government.

##### 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

The Auditor-General's Observation Report assesses the risks and possible implications associated with deficiencies and matters observed during the audit of the financial statements. Observations identified can be significant deficiencies, deficiencies, financial reporting matters or other matters. Management provides responses to recommendations suggested in the observation report which have a due date for completion with a view to reducing or eliminating the risk associated with the observations raised.

*ITEM 6.1 AUDITOR-GENERAL INTERIM OBSERVATION REPORT 2020/21 - 61851324 (Cont.)*

- 3.5 Delegated Authority Implications  Nil identified
- 3.6 Financial Implications  
The QAO Audit Fee was estimated to be in the amount of \$240,000 (exclusive of GST) at the time the External Audit Plan was agreed to with Council in January 2021. As at the date of this report there is no change to the estimate.
- 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  
Chief Executive Officer, Director Finance and Corporate Services, Manager Governance and Executive Services, Financial Operations Manager.



**SUPPORTING INFORMATION**

**Ref: 61850896**

The following list of supporting information is provided for:

**ITEM 6.1**

**AUDITOR-GENERAL INTERIM OBSERVATION REPORT 2020/21**

***#1 Queensland Audit Office - 2021 Interim Observation Report***

**ITEM 6.2**  
**MONTHLY FINANCIAL REPORTING PACKAGE - 31 MARCH 2021**

*Meeting / Session:* 6 FINANCE & CORPORATE SERVICES  
*Reference:* 61892069 : 14 April 2021 **Refer supporting information 61892077**  
*Responsible Officer:* JG, Coordinator Corporate Accounting (FCS Accounting Services)

---

**Executive Summary**

The purpose of this report is to present the Financial Reporting Package for the year to date period ending 31 March 2021.

**OFFICER'S RECOMMENDATION**

That the Financial Reporting Package for the year to date period ending 31 March 2021 be received.

*ITEM 6.2 MONTHLY FINANCIAL REPORTING PACKAGE - 31 MARCH 2021 - 61892069 (Cont.)*

## **REPORT DETAIL**

### **1. Background**

The Financial Reporting Package for the month ending 31 March 2021 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:

- Statement of Revenues and Expenses
- Capital Expenditure by Portfolio Program
- Balance Sheet and Cash Flows
- Treasury Report

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

The year to date Financial report as at the end of March 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 February which is shown alongside the original adopted budget in the report where applicable.

#### Operating Result (page 1)

As at 31 March 2021 operating revenue was \$393.2 million compared to operating expenses of \$344.3 million thus representing an operating surplus of \$48.9 million, which is in line with expectations.

#### Operating Revenues (page 1)

The third quarter rates and utility charges were levied in late December. Rates and utility charges represent the bulk of the revenue recognised thus far being \$248.2 million equating to approximately 75% of the budgeted rate and utility charge revenue for the year.

Fees and Charges revenue was budgeted on the conservative side with expected decreases resulting from the COVID 19 pandemic, however this has not eventuated with revenues derived from building, plumbing, development and waste services performing above original budget targets.

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 largely expected to be a timing difference with spend expected to increase over the coming months.

Depreciation expenses and finance costs are tracking to budget.

## ITEM 6.2 MONTHLY FINANCIAL REPORTING PACKAGE - 31 MARCH 2021 - 61892069 (Cont.)

### Capital Revenue (page 1)

Infrastructure cash contributions from developers has trended above budget expectations and as a result was increased to \$45.0m as part of the Quarter 2 quarterly review. In total \$39.1 million has been received to date, representing 76.0% of the total budgeted amount.

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 budget was increased during the quarterly review process from \$29.9m to \$39.4m. Actuals are currently tracking below this, but additional capital funding is expected to be received during the remainder of the financial year.

### 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. This is reflected in the movement of the orange revenue line from July to March as it moves closer to the linear trend. The Quarter 4 Rate levy has been delayed 3 weeks until late April, so the usual increase in revenue for March has not occurred.

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 \$135.4 million after the first nine months of 2020/21 and represents 54.1% 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 \$135.4 million, there are committed costs (orders placed for works) in the amount of \$92.2 million bringing the total cost to \$227.6 million of the current \$250 million program (91% of the capital program committed).

The associated *capital expenditure progress % to date by portfolio program* graph tracks the percentage spend by portfolio program compared to the budget to date. The orange line represents the year to date budget at 75% highlighting the linear budget spend to March 2021. Variations across the programs are normal as capital project delivery is not linear in nature so timing differences are expected.

### 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 \$354.6 million for March. The forecast for the end of June 2021 is currently \$252 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 \$2.3 million. Interest rates on offer are quite low in the current market with deposit terms of less than 3 years offering interest rates of less than 1% per annum. The weighted average return on all investments for Council is now sitting at 0.81%.

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*ITEM 6.2 MONTHLY FINANCIAL REPORTING PACKAGE - 31 MARCH 2021 - 61892069 (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 \$325 million of cash at call with the remaining \$30 million maturing over next 3 to 12 months.

The QIC Growth Fund is currently valued at \$115 million as at the end of March. Council originally invested \$100 million in this fund in June 2018.

Council's total debt position has decreased (\$370m to \$342m) as repayments were made in September, December and March. 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.

### **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 March 2021, Council's operating surplus is \$49.0 million while capital expenditure amounted to \$135.4 million.

#### **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: 61892077**

The following list of supporting information is provided for:

**ITEM 6.2**

**MONTHLY FINANCIAL REPORTING PACKAGE - 31 MARCH 2021**

***#1 Monthly Financial Report - as at 31 March 2021***

**ITEM 6.3**  
**QUARTER 3 OPERATIONAL PLAN REVIEW**

*Meeting / Session:* 6 FINANCE & CORPORATE SERVICES  
*Reference:* 61909458 : 20 April 2021 - **Refer Supporting Information 61909180**  
*Responsible Officer:* DC, Accounting Services Manager (FCS Accounting Services)

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**Executive Summary**

The purpose of this report is to present the Quarter 3 Operational Plan Review for 2020/21

**OFFICER'S RECOMMENDATION**

That the Quarter 3 Operational Plan Review for 2020/21 be received.

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ITEM 6.3 QUARTER 3 OPERATIONAL PLAN REVIEW - 61909458 (Cont.)

## REPORT DETAIL

### 1. Background

Every financial year Council must prepare and adopt an annual operational plan. The plan must be reported upon at regular intervals of not more than three months. The Quarter 3 report on the Operational Plan for 2020/21 is presented with an assessment of Council's achievements as measured against key performance indicators (KPI's) along with an accompanying commentary (where applicable) for each Department of Council.

### 2. Explanation of Item

The third quarter report on the Operational Plan provides non-financial information on Council's organisational performance. Included in this report are key performance indicator targets and associated achievements with accompanying commentary (where appropriate) relevant to the KPI's and other significant operational matters

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

In accordance with section 174 of the *Local Government Regulation 2012* the Council is required to prepare and report on a quarterly basis the progress towards implementing the annual Operational Plan.

#### 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

Operationally there are a wide number of risks that can impact on the delivery of the Operational Plan. These risks are recorded in the Council's Enterprise Risk Management Register and managed accordingly by each Department.

#### 3.5 Delegated Authority Implications

Nil identified

#### 3.6 Financial Implications

Nil identified

#### 3.7 Economic Benefit Implications

The Operational Plan contributes to the Corporate Plan in achieving three key themes. Economic benefit implications relate to the theme of:

- Creating Opportunities

Delivered through two key strategies:

- Develop a sustainable, innovative and thriving economy that creates valuable employment for residents, protects the region's high quality of life and provides a prosperous future for residents.
- Develop projects which deliver strategic opportunities for the Moreton Bay Region.

#### 3.8 Environmental Implications

The Operational Plan contributes to the Corporate Plan in achieving three key themes. Environmental implications relate to the theme of:

- Valuing Lifestyle

Delivered through three key strategies:



*ITEM 6.3 QUARTER 3 OPERATIONAL PLAN REVIEW - 61909458 (Cont.)*

- Maintain sustainable waste management for the Moreton Bay Region.
- Maintain and enhance the health of the natural environment.
- Protect public assets and maintain environmental standards through management of the stormwater network, coastal areas and waterways.

3.9 Social Implications

The Operational Plan contributes to the Corporate Plan in achieving three key themes. Social implications relate to the theme of:

- Strengthening Communities

Delivered through three key strategies:

- Develop a strong and inclusive community.
- Provide residents opportunity to participate and engage with their community.
- Maintain a lifestyle enhanced and protected by local law.

3.10 Human Rights Implications

Nil identified

3.11 Consultation / Communication

The Executive Leadership Team, Managers and other key Council officers were involved in preparing the quarterly report.

**SUPPORTING INFORMATION**

**Ref: 61909180**

The following list of supporting information is provided for:

**ITEM 6.3  
QUARTER 3 OPERATIONAL PLAN REVIEW**

***#1 Q3 Operational Plan Review***

**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**

**ACQUISITION OF EASEMENT FOR SEWERAGE RISING MAIN**

**Meeting / Session:** 5 COMMUNITY & ENVIRONMENTAL SERVICES

**Reference:** 8 April 2021 - Refer **Confidential Supporting Information**  
AS, Manager Property Services (CES Property & Commercial Services)

**Responsible Officer:**

---

**Basis of Confidentiality**

Pursuant to s254J(3) of the Local Government Regulation 2012 (Qld), clause (g), as the matter relates to 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 an easement over part of a property to protect Council's interests and maintenance rights over a sewerage rising main which services the South Pine Sporting Complex at Cribb Road, Brendale (Division 9).

**ITEM C.2 – CONFIDENTIAL**  
**COMMERCIAL ADVERTISING ON BUS SHELTERS**

**Meeting / Session:** 2 INFRASTRUCTURE PLANNING

**Reference:** 31 March 2021 - Refer **Confidential Supporting Information**  
HG, Coordinator Transport Network Management (IP Integrated Transport Planning)

**Responsible Officer:** Planning

**Basis of Confidentiality**

Pursuant to s254J(3) of the Local Government Regulation 2012, clause (g), as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

**Executive Summary**

Council has an existing Street Furniture Agreement with Adshel Street Furniture Pty Limited (Adshel), now owned by oOh!media Limited (oOh!media), to supply and maintain bus shelters at agreed sites. The contract was established in May 2006 between the then Redcliffe City Council and Adshel and is due to expire in May 2021 (refer confidential supporting information #1).



Figure 1: Adshel shelter at Woody Point, Redcliffe

A Tender Consideration Plan (Plan) has been prepared under section 230 of the Local Government Regulation 2012 (Qld) to extend the existing contract and enter into a contractual arrangement with oOh!media for a period of one year as an exception to the usual requirement for a written tender process (refer supporting information).

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**14b. CONFIDENTIAL GENERAL BUSINESS**

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No items for consideration.



# MINUTES

## GENERAL MEETING

**Wednesday 31 March 2021**

commencing at 9:37am

Caboolture Chambers  
2 Hasking Street, Caboolture

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**Membership = 13**  
Mayor and all Councillors

**UNCONFIRMED**

LIST OF ITEMS

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## **STATEMENT - ATTENDEES AND LIVESTREAMING**

Before opening the meeting, the Mayor advised that today's meeting was being conducted via TEAMS to comply with the lock-down restrictions that were currently in place.

Due to technical limitations it was not able to simultaneously livestream this Teams meeting.

This meeting would be recorded and would be made available on the council's website following the meeting.

The Mayor opened the meeting and handed over to Cr Mark Booth for the Acknowledgement of Country and Opening Prayer / Reflection.

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

Cr Mark Booth provided the Acknowledgement of Country.

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

Cr Mark Booth provided the opening prayer / reflection for the meeting.

---

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

#### **Attendance:**

Cr Peter Flannery (Mayor) (Chairperson)  
Cr Brooke Savige  
Cr Mark Booth  
Cr Adam Hain  
Cr Jodie Shipway  
Cr Sandra Ruck  
Cr Karl Winchester  
Cr Denise Sims (Deputy Mayor)  
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)
Chief Economic Development Officer	(Mr Paul Martins)
Manager Strategy & Engagement	(Mr Joshua O'Keefe)
Chief Legal Counsel	(Ms Kate Draper)
Manager Governance & Executive Services	(Mr Darren Dallinger)

#### **Apologies:**

Cr Mick Gillam

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#### 4. MEMORIALS OR CONDOLENCES

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Cr Sandra Ruck made mention of the late **Alan Robert Bridger**, a long-time Deception Bay resident, who passed away on 20 March.

Alan was proud of his military service and was an active member of the Royal Aust Air Force Association for many years. He was always making things for his children such as doll houses, toy boxes, cubby houses, toolboxes, rocking horses, etc. Alan was a gently spoken, kind-hearted giant who would be sadly missed.

Cr Cath Tonks referred to the late **Michael Ives** who passed away in early-March.

Michael was an amazing stalwart of the Albany Creek GPS Rugby Union Club. As well as being a tireless worker for the Club, Michael also coached, refereed, volunteered, and was a successful Committee Member; Junior Vice President; Senior Vice President; and President (2016 – 2018). Michael was a value-based leader and championed an enduring family-based club culture. This was recognised in 2019 when both Michael and his wife Nicole were voted Honorary Life Members.

Cr Tonks conveyed Council's condolences to Michael's wife Nicole and his family Rebecca, Tom and Josh.

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

---

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

---

##### General Meeting - 17 March 2021 (Pages 21/157 to 21/201)

##### RESOLUTION

Moved by Cr Karl Winchester

Seconded by Cr Tony Latter

CARRIED 12/0

That the minutes of the General Meeting held 17 March 2021, be confirmed.

---

#### 6. PRESENTATION OF PETITIONS

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

##### 6.1. **Petition: Clem Kellar - Undergrounding Power Gayundah Esplanade, Woody Point (61798492)**

---

Cr Karl Winchester tabled a petition containing 46 signatures, received from Clem Kellar, reading as follows:

*"We the undersigned ratepayers and local residents present this petition to apply for underground power on Gayundah Esplanade, Woody Point between No. 10 Gayundah Esplanade and Ellen Street. The reasons for our request are as follows:*

1. *Gayundah Esplanade is a main tourist drive and a representation of our beautiful Peninsula. It is a major viewing area for visitors and local residents, including being a great spot to view the Brisbane to Gladstone yacht race. The existing above ground power is an eyesore and detracts from the natural beauty of the area. Concealing electricity cables always makes an area more attractive.*

6.1. Petition: Clem Kellar - Underground Power on Gayundah Esplanade, Woody Point (61798492)

2. *The existing power lines are a safety issue, as this section of the waterfront is unprotected and subject to very wild weather and strong winds. It would be safer to have underground power, which minimizes the risks associated with electricity and reduces the likelihood of unplanned power interruptions due to adverse weather conditions.*
3. *The above ground power poles are also a traffic hazard, as they obstruct our view of oncoming traffic when reversing from our driveways. In Queensland cars hitting poles costs over \$45 million a year, speeding is common along this stretch of road and the poles are very close to the curb.*
4. *The power lines are also a hazard in relation to trees, either when trees are being pruned or from falling onto the power lines during severe weather.*
5. *Two of the power poles have recently been marked for replacement, at considerable cost.*
6. *The residents have been paying very high rates for a long time to live here and would like to have an unobstructed view, it is about time to move with the times and upgrade to underground power. In an area where we have paid a premium in property values, we feel underground power is a basic amenity.*
7. *Over the years we have seen the Moreton Bay Regional Council make some good improvements along the waterfront. There are already some sections of the waterfront with underground power, please continue with these upgrades which will save money in the long run as it requires less maintenance.*
8. *We understand that the Optus cables are no longer required with the advent of NBN, and request they be removed also as they are considerably lower than the power lines.*

*We thank you for your consideration and look forward to your reply to these matters.”*

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

## **7. CORRESPONDENCE**

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Council noted the following responses to petitions tabled:

**7.1. Response to Petition: Noela Shaw - Alleged Dog Attack - Biggs Avenue, Beachmere (61743498)**

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At the General Meeting held 28 October 2020, Council received a petition from Noela Shaw relating to an alleged dog attack at Biggs Avenue, Beachmere.

A copy of Council's response to the Chief Petitioner was provided for Council's information.

**7.2. Response to Petition: Luka Janes-Doherty - Continue support for Birralee Child Care Centre (61686071)**

---

At the General Meeting held 3 February 2021, Council received a petition from Luka Janes-Doherty requesting Council continue support for Birralee Child Care Centre.

A copy of Council's response to the Chief Petitioner was provided for Council's information.

**7.3. Response to Petition: Deborah Harrison - Nathan Road, Newport Pedestrian Crossing (61660768)**

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At the General Meeting held 17 February 2021, Council received a petition from Deborah Harrison requesting Council to urgently install a pedestrian crossing in Nathan Road, Kippa-Ring.

A copy of Council's response to the Chief Petitioner was provided for Council's information.

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## 8. COMMUNITY COMMENT

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There were no participants in the Community Comment session for this meeting.

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

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*(s262 of the Local Government Regulation 2012)*

There were no Notices of Motion.

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## 10. CONFLICTS OF INTEREST NOTIFIED TO THE CEO

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

The following previously declared conflicts of interest were noted for respective items on today's agenda:

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### 10.1. Declarable Conflict of Interest (previously notified) Cr Sandra Ruck - Item 2.2

---

Item 2.2 - Queens Beach North Dog Off-Leash Area

Cr Sandra Ruck referred to a previously declared conflict of interest (General Meeting 20 January 2021, Page 21/3) in relation to the amended trial arrangements for Queens Beach North proposed dog off-leash area - **at which Council resolved that Cr Sandra Ruck may participate in the discussion and debate, however must leave the meeting when the matter is voted on.**

---

### 10.2. Declarable Conflict of Interest (previously notified) Cr Darren Grimwade - Item C.2

---

Item C.2 - Preferred Supplier - SLR Consulting Australia Pty Ltd

Cr Darren Grimwade referred to a previously declared conflict of interest (General Meeting 28 October 2020, Page 20/1856) in relation to a current Planning Scheme amendment which includes an investigation the subject of this item.

**In line with that declaration, Cr Grimwade will retire from the meeting for that item.**

---

### 10.3. Declarable Conflict of Interest (previously notified) Cr Peter Flannery (Mayor) - Item C.2

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Item C.2 - Preferred Supplier - SLR Consulting Australia Pty Ltd

Cr Peter Flannery (Mayor) referred to a previously declared conflict of interest (General Meeting 12 November 2020, Page 20/1866) in relation to a current Planning Scheme amendment which includes an investigation the subject of this item.

**In line with that declaration, Cr Flannery (Mayor) will retire from the meeting for that item.**



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

*(as referred by the Chief Executive Officer)*

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

***Today's meeting will be facilitated and Chaired by the Mayor, Cr Peter Flannery.***

**Session**

- 1 Governance & Engagement**
- 2 Infrastructure Planning**
- 3 Engineering, Construction & Maintenance**
- 4 Planning**
- 5 Community & Environmental Services**
- 6 Finance & Corporate Services**

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**1 GOVERNANCE & ENGAGEMENT SESSION**

**(Cr P Flannery, Mayor)**

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**ITEM 1.1**

**2021 MEETING SCHEDULE - AMENDMENT**

*Meeting / Session:* 1 GOVERNANCE & ENGAGEMENT  
*Reference:* 61551107 : 18 March 2021  
*Responsible Officer:* KC, Team Leader Executive Support (FCS Governance & Executive Services)

---

**Executive Summary**

Pursuant to s254B(1) of the Local Government Regulation 2012, Council must, at least once in each year, adopt and publish a notice of the days and times when its General (ordinary) meetings, and ordinary Standing Committee meetings, will be held.

At its General Meeting of 12 November 2020, the Meeting Schedule for the period January to December 2021 was adopted.

The purpose of this report is to recommend an amendment to the adopted 2021 Meeting Schedule to bring forward the Special Meeting to adopt the 2021/22 Budget.

---

**RESOLUTION**

---

Moved by Cr Mark Booth

Seconded by Cr Sandra Ruck

**CARRIED 12/0**

1. That the 2021 Meeting Schedule be amended by rescheduling the Special Meeting (adoption of 2021/22 Budget) from 25 June 2021 to 18 June 2021 commencing at 9.00am in the Strathpine Council Chambers.
2. That the amendment to the adopted Meeting Schedule for the period January to December 2021 be published on Council's website in accordance with s254B(4) of the Local Government Regulation 2012, and be displayed in each of Council's administration buildings.

ITEM 1.1 2021 MEETING SCHEDULE - AMENDMENT - 61551107 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the 2021 Meeting Schedule be amended by rescheduling the Special Meeting (adoption of 2021/22 Budget) from 26 June 2021 to 18 June 2021 commencing at 9.00am in the Strathpine Council Chambers.
2. That the amendment to the adopted Meeting Schedule for the period January to December 2021 be published on Council's website in accordance with s254B(4) of the Local Government Regulation 2012, and be displayed in each of Council's administration buildings.

**REPORT DETAIL**

**1. Background**

The 2021 Meeting Schedule was adopted by Council at its General Meeting of 12 November 2020 (P. 20/1877).

As required, the meeting schedule is displayed on Council's website and in each of the Council's administration buildings.

**2. Explanation of Item**

Subsequent to the adoption of the 2021 Meeting Schedule, further consideration has been given to the days/times necessary to accommodate budget deliberations. In line with these considerations, it is recommended that the adoption of the 2021/22 Budget be brought forward to Friday 18 June 2021.

As required, Council must publicly notify any change to the days and times of its meetings in the same way as the days and times were previously notified, pursuant to s254B (4) of the Local Government Regulation 2012.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Council meetings are conducted in accordance with the Local Government Regulation 2012. Amendments to the publicised schedule must be notified as required under s254B (4) 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**  Nil identified

**3.6 Financial Implications**  Nil identified

**3.7 Economic Benefit Implications**  Nil identified

**3.8 Environmental Implications**  Nil identified

**3.9 Social Implications**  Nil identified

*ITEM 1.1 2021 MEETING SCHEDULE - AMENDMENT - 61551107 (Cont.)*

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

The proposed amendment to the 2021 Meeting Schedule has been prepared in consultation with the Mayor and Councillors and Chief Executive Officer.

UNCONFIRMED

**ITEM 1.2**

**2021 ASIA PACIFIC CITIES SUMMIT & MAYOR'S FORUM SPECIAL EDITION**

*Meeting / Session:* 1 GOVERNANCE & ENGAGEMENT  
*Reference:* 61778461 : 16 March 2021  
*Responsible Officer:* KR, Executive Support Officer (CEOs Office)

**Executive Summary**

The purpose of this report is to seek Council approval for Cr Peter Flannery (Mayor) and to attend in the 2021 Asia Pacific Cities Summit & Mayor's Forum Special Edition (2021APCS Special Edition) to be held in Brisbane from 8-12 September 2021.

Approval is also sought for officer attendance at this Summit to be arranged as appropriate by the Chief Executive Officer.

**RESOLUTION**

Moved by Cr Karl Winchester

Seconded by Cr Matt Constance

**CARRIED 12/0**

1. That Cr Peter Flannery (Mayor) be authorised as Council's delegate to attend the 2021 Asia Pacific Cities Summit & Mayor's Forum Special Edition to be held in Brisbane from 8-12 September 2021.
2. That officer attendance at this Summit be arranged as appropriate by the Chief Executive Officer.

ITEM 1.2 2021 ASIA PACIFIC CITIES SUMMIT & MAYOR'S FORUM SPECIAL EDITION - 61778461 (Cont.)

## OFFICER'S RECOMMENDATION

1. That Cr Peter Flannery (Mayor) be authorised as Council's delegate to attend the 2021 Asia Pacific Cities Summit & Mayor's Forum Special Edition to be held in Brisbane from 8-12 September 2021.
2. That officer attendance at this Summit be arranged as appropriate by the Chief Executive Officer.

## **REPORT DETAIL**

### **1. Background**

Advice has been received that the 2021 Asia Pacific Cities Summit & Mayor's Forum Special Edition (2021APCS Special Edition) will be held in Brisbane from 8-12 September 2021. Councillor Peter Flannery (Mayor) has expressed an interest in attending this Summit.

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

As this is the first Special Edition of the Summit, items addressed will include the COVID-19 pandemic and its impact on local government, society and lifestyle. It will also be one of the first opportunities for leaders to connect since the crisis and discuss how the local government landscape has been redefined.

The overarching theme of the 2021APCS Special Edition is 'Redefining Cities through Opportunities and Challenges', with sub-themes consisting of:

- Healthy Cities - strengthening agility, wellbeing and sustainability;
- Vibrant Cities - celebrating and enhancing creativity, diversity and tourism;
- Connected Cities - redefining connections and movement; and
- Intelligent Cities - harnessing and supporting talent, innovation and business.

### **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 Professional Development Policy 2150-089.

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications  
Appropriate funds have been provided in the draft 2021/22 budget.

3.7 Economic Benefit Implications  
Topics associated with the conference will address a range of economic challenges facing local government.

3.8 Environmental Implications  
Topics associated with the conference will address a range of environmental challenges facing local government.

ITEM 1.2 2021 ASIA PACIFIC CITIES SUMMIT & MAYOR'S FORUM SPECIAL EDITION - 61778461 (Cont.)

3.9 Social Implications

Topics associated with the conference will address a range of social challenges facing local government.

3.10 Human Rights Implications

Nil identified

3.11 Consultation / Communication

Consultation was undertaken with the Mayor and Chief Executive Officer.

UNCONFIRMED

**ITEM 1.3**  
**AGREEMENT - FOOD AND AGRIBUSINESS NETWORK**

*Meeting / Session:* 1 GOVERNANCE & ENGAGEMENT  
*Reference:* 61798779 : 23 March 2021 - **Refer Supporting Information 61799716**  
*Responsible Officer:* SM, Principal Industry Lead (CEO Economic Development)

**Executive Summary**

In February 2021, Moreton Bay Regional Council adopted the Regional Economic Development Strategy (REDS) which highlighted the food and agribusiness sector as one of four key priority industries for the Moreton Bay Region. Council received a proposal from the Food and Agribusiness Network (FAN) to provide funding for a three-year period to support FAN's development of a Moreton Bay food and agribusiness cluster.

Given FAN's established network and engagement across the broader region, it would be difficult for another network group to acquire the specialised knowledge and connection with food and agribusiness businesses and stakeholders within the Moreton Bay region that FAN has built up at a regional and national level over the last five years.

It is therefore recommended that FAN be engaged to provide ongoing support to Council in the delivery of industry engagement and service delivery to the Moreton Bay food and agribusiness sector.

This matter is reported to Council as section 235(b) of the Local Government Regulation 2012 requires Council resolution regarding procurement of services where it is satisfied that it would be impractical or disadvantageous for quotes or tenders to be invited because of the specialised or confidential nature of the services that are sought.

**RESOLUTION**

Moved by Cr Adam Hain

Seconded by Cr Mark Booth

CARRIED 12/0

1. That in accordance with section 235(b) of the Local Government Regulation 2012, Council is satisfied that because of the specialised nature of the services to be provided it would be impractical or disadvantageous for the Council to seek quotes for the services.
2. That Council enters into an agreement with the Food and Agribusiness Network (FAN) 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 FAN for the work specified in this report and any required variations of the agreement on Council's behalf.



*ITEM 1.3 AGREEMENT - FOOD AND AGRIBUSINESS NETWORK - 61798779 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That in accordance with section 235(b) of the Local Government Regulation 2012, Council is satisfied that because of the specialised nature of the services to be provided it would be impractical or disadvantageous for the Council to seek quotes for the services.
2. That Council enters into an agreement with FAN 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 FAN for the work specified in this report and any required variations of the agreement on Council's behalf.

## **REPORT DETAIL**

### **1. Background**

The Food and Agribusiness Network (FAN) is a not-for-profit industry led cluster that fosters a dynamic and supportive ecosystem for its members and facilitates growth opportunities for the Greater Sunshine Coast region's food and agribusiness industry, currently encompassing Moreton Bay, Sunshine Coast, Noosa and Gympie LGA's.

The establishment of the FAN itself, was an outcome of the Sunshine Coast Regional Economic Development Strategy and the food and agribusiness community expanded it to encompass neighbouring local government areas noting the amount of collaboration and partnership that was already happening and could be expanded upon, with the right framework.

Due to the growth that FAN has experienced over the past five years, FAN's Board has endorsed a new operating model to drive future growth and sustainability, whereby FAN will establish regional clusters in each region where it has a geographical footprint. Initially, this will be the four regional clusters of Moreton Bay, Sunshine Coast, Noosa and Gympie, with the potential to go beyond these regions.

FAN is seeking an initial three-year partnership with Moreton Bay Regional Council (MBRC) to establish, implement and partner with FAN to drive the growth and success of FAN Moreton Bay. A dedicated FAN cluster for Moreton Bay, will have a level of focus and specialisation that was not possible under FAN's previous Greater Sunshine Coast remit. In turn this will enable FAN, in partnership with MBRC, to deliver more opportunities for the region's food and agribusiness industry.

A Council briefing was conducted on 24 March 2021 for the purpose of sharing information and providing advice/views to Council on the matter. The outcome of the briefing was to submit the report to Council for consideration.

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

The MBRC REDS was adopted in February 2021 and highlighted the food and agribusiness sector as one of four key priority industries for the Moreton Bay Region. The food and agribusiness sector contributed just under \$1b to the Moreton Bay Regional economy in 2018/19 employing approximately 3,000 people. Additionally, agriculture has been an important part of the local economy, with the region producing 57% of Queensland's strawberries and 32% of the state's pineapples as well as world famous seafood, such as Moreton Bay bugs, prawns and crabs. While there are opportunities to continue expanding in these areas, there are also new areas to explore including oyster and seaweed production, more intensive agriculture, further value-adding and processing opportunities, and production of a range of food and beverage products. Additionally, with region building projects such as Wamuran Irrigation Scheme and the SEQ Northern Freight Terminal, the region will be well equipped to support the growth and future capability of local food and agribusiness.

*ITEM 1.3 AGREEMENT - FOOD AND AGRIBUSINESS NETWORK - 61798779 (Cont.)*

Council's contribution to the growth of the region's food and agribusiness sector will be dependent on quality engagement and targeted, strategic service delivery. To support the bigger, bolder, brighter direction of the REDS, the industry advancement team will focus on building local business capability and provide support and opportunities for business retention, expansion and job creation. Collaboration with regional stakeholders and industry engagement experts is critical to this work and council should seek to leverage such organisations across the region and partnering with FAN will enable targeted focus and effort by government and industry on a range of priorities.

MBRC received a proposal from FAN seeking a funding commitment of \$25,000 per year over the next three years (Jan 2021-Dec 2023) to establish, implement and partner with FAN to support a dedicated FAN Cluster for the Moreton Bay LGA (FAN Moreton Bay).

FAN's vision is to actively contribute to doubling the food and agribusiness industry's value by 2030 in the regions where they operate. FAN already boast successful outcomes including:

- a member base of over 300 businesses;
- an audience of over 8,000 across FAN communication and social channels;
- 12 member businesses from the Moreton Bay region - secured in 2020, while operating from the Sunshine Coast;
- featured Moreton Bay specific activity in over 90 posts on FAN social channels;
- facilitating opportunities for members to connect through monthly member meet ups, trade show support, FANConnect news sharing and FAN Member Private Facebook Group; and
- organising the Meet the Makers (MtM) event from 2019-2021. MtM is South East Queensland's largest food and beverage trade event, showcasing fresh produce and food & beverage products from Moreton Bay, Sunshine Coast, Noosa and Gympie. MBRC sponsored MtM21 on March 15, 2021 which supported 10 Moreton Bay food producers to exhibit on the day and connect with retail buyers and industry stakeholders.

Entering a direct contract with FAN is the efficient way to ensure that the support required for growth of the food and agribusiness sector across the region is enhanced. With the current lack of both an existing food and agribusiness industry network or general chamber of commerce in the locations of the regions where food growers and manufacturers predominantly operate, council would benefit from leveraging a respected and successful industry group like FAN which has a state and national reputation in this space and will assist in advocacy efforts for industry on important issues.

At this point in time, it would be difficult for another network group to form as well as acquire the specialised knowledge and established connection with businesses and food and agribusiness stakeholders within the Moreton Bay region which FAN has built up.

This report recommends that Council enter into a contract with FAN to carry out work/services across the Moreton Bay food and agribusiness sector to the amount of \$25,000 per year for three years from April 2021-April 2023.

### **3. Strategic Implications**

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

Under the Local Government Regulation 2012, Council must seek quotes prior to entering into a contract for services with a supplier expected to be worth between \$15,000 and \$200,000 in a financial year, or over the proposed term of the contractual arrangement. This general requirement is subject to several limited exceptions.

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

ITEM 1.3 AGREEMENT - FOOD AND AGRIBUSINESS NETWORK - 61798779 (Cont.)

3.2 Corporate Plan / Operational Plan

Creating Opportunities: Local jobs for residents - an innovative and thriving economy.

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

3.3 Policy Implications  Nil identified

3.4 Risk Management Implications

Seeking a consultant who does not have the existing food and agribusiness connections and established profile across the region could increase Council's exposure to –

- delay the growth opportunities for the food and agribusiness sector as an industry group/consultancy builds a regional network.

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications

Council would provide financial support to FAN in the way of \$25,000 per year for three years dated from April 2021-April 2023.

Total cost for a three-year support period = \$75,000

Funding is available within the Economic Development budget for this initiative.

3.7 Economic Benefit Implications

In council supporting FAN, a Moreton Bay food and agribusiness cluster will deliver:

- deeper and broader engagement with members in the Moreton Bay LGA;
- providing greater insights and understanding;
- profile, leverage and add value to council and industry related activities;
- increase program of activities that are aligned to the industry's priorities and needs in the region;
- increase profiling of the capabilities of Moreton Bay's food and agribusiness industry - locally, nationally and internationally; and
- support the direction of the REDS to achieve economic growth in working towards the bigger, brighter, bolder goals for MBRC.

3.8 Environmental Implications  Nil identified

3.9 Social Implications  Nil identified

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

Chief Economic Development Officer  
Head of Industry Advancement

**ITEM 1.4  
AGREEMENT - REGIONAL REPUTATION AS FACILITATOR OF ECONOMIC  
DEVELOPMENT STUDY**

*Meeting / Session:* 1 GOVERNANCE & ENGAGEMENT  
*Reference:* 61798781 : 23 March 2021 - **Refer Supporting Information 61798784**  
*Responsible Officer:* KH, Manager Economic Intelligence (CEO Economic Development)

**Executive Summary**

In February 2021, Council adopted the Moreton Bay Regional Economic Development Strategy (REDS).

Throughout the development of the REDS, a lack of identity and regional reputation was highlighted by stakeholders as one of the key challenges in promoting the region's unique proposition for economic development and new investment attraction. Consequently, delivering a competitive regional business identity was identified as a priority action for the implementation of the REDS.

In order to ensure targeted and effective branding, messaging and imagery that fosters a positive and resilient reputation for Moreton Bay Region, as a competitive business destination, Council's Economic Development Division wish to collaborate with the University of the Sunshine Coast (USC) to undertake a study on Regional Business Reputation as a Facilitator of Economic Development for the Moreton Bay Region.

The specialised experience and knowledge required to deliver the necessary outcomes cannot be easily or practically duplicated by private consultancies or other universities given the unique positioning of USC in the region and the complimentary studies USC has already undertaken for other local government areas. Additionally, through a partnership arrangement, USC will be a co-investor in the cost of the research project, thereby delivering greater value for money for the rate payer.

This matter is reported to Council as section 235(b) of the Local Government Regulation 2012 requires Council resolution to purchase goods and services from a single supplier without seeking competitive quotations.

**RESOLUTION**

Moved by Cr Tony Latter

Seconded by Cr Denise Sims (Deputy Mayor)

**CARRIED 12/0**

1. That in accordance with section 235(b) of the Local Government Regulation 2012, Council is satisfied that because of the specialised nature of the services to be provided it would be impractical or disadvantageous for the Council to seek quotes for the services.
2. That Council enters into a partnership agreement with University of the Sunshine Coast 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 a partnership agreement with USC for the work specified in this report and any required variations of the agreement on Council's behalf.

ITEM 1.4 AGREEMENT - REGIONAL REPUTATION AS FACILITATOR OF ECONOMIC DEVELOPMENT STUDY - 61798781 (Cont.)

## OFFICER'S RECOMMENDATION

1. That in accordance with section 235(b) of the Local Government Regulation 2012, Council is satisfied that because of the specialised nature of the services to be provided it would be impractical or disadvantageous for the Council to seek quotes for the services.
2. That Council enters into a partnership agreement with University of the Sunshine Coast 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 a partnership agreement with USC for the work specified in this report and any required variations of the agreement on Council's behalf.

## **REPORT DETAIL**

### **1. Background**

With the adoption of the REDS by Council in February 2021, the region is embarking on a transformation of our regional and economic development prosperity over the next twenty years.

During the stakeholder consultation for the development of the REDS, Council received feedback that there was a lack of identity and regional business reputation for the Moreton Bay Region. Further, feedback also included that stakeholders were often unclear about what the Region is and where it is going, along with concern that the Moreton Bay Region's is predominately seen as a location sandwiched between Brisbane and the Sunshine Coast.

With this feedback acknowledged as a key challenge through our stakeholder engagement, the Economic Development Division has identified that business reputation building requires targeted campaigns and continuous evaluation of the impact and effectiveness of such on the Region's reputation as a destination for knowledge-based industries. As USC has previously undertaken research relating to corporate and community reputation building, it is well positioned to undertake research to guide the development and evolution of the Region's reputation from a business attraction, retention and growth perspective.

This work will complement the implementation of the REDS existing action plan deliverables, including the delivery of competitive regional business identity campaigns to foster the Bigger, Bolder, Brighter goals.

A Council briefing was conducted on 24 March 2021 for the purpose of sharing information and providing advice/views to Council on the matter. The outcome of the briefing was to submit the report to Council for consideration.

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

The REDS acknowledge that the Moreton Bay Region, being the third largest local government area in Australia (by population), is at a disadvantage due to a lack of coherent regional identity and reputation as a business destination relative to the neighbouring Brisbane and Gold Coast Councils (the first and second largest Councils in Australia by population).

The aim of this study is to identify criteria and indicators, and to develop a measurement framework to assess and benchmark regional business reputation. The study will ascertain how the Moreton Bay Region is portrayed in the media; assess and benchmark local business residents' perceptions, as well as national business perceptions of Moreton Bay Region's business identity.

Through this study, the hallmarks for a positive regional reputation will be identified, as will key characteristics for reputational resilience. Tactics and content for reputation building will be identified and actioned; and, the changes in Moreton Bay Region's reputation will be assessed over a four-year period, to inform the REDS strategy and action plan for the long term.

*ITEM 1.4 AGREEMENT - REGIONAL REPUTATION AS FACILITATOR OF ECONOMIC DEVELOPMENT STUDY - 61798781 (Cont.)*

The opportunity to work with USC will ensure a robust research methodology for gathering essential evidence to inform and contribute to future directions for developing and delivering competitive regional business identity campaigns.

It is proposed that a four-year study be undertaken to 2024, allowing for continuous review and implementation of preliminary finding throughout the course of the study. As such, reputation building campaigns undertaken over this period will be continuously evaluated for effectiveness of impact.

A partnership arrangement with USC offers better value for money for rate payers, compared to a full fee-for-service procured research project.

This work program also enhances the strategic partnership with USC and its Petrie Campus at The Mill and enables collaboration with a range of staff and executive. The research findings and measures will be shared across Council and used to support other programs and in future funding submissions to both the State and Federal Governments.

### **3. Strategic Implications**

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

Under the Local Government Regulation 2012, Council must seek quotes prior to entering into a contract for services with a supplier expected to be worth between \$15,000 and \$200,000 in a financial year, or over the proposed term of the contractual arrangement. This general requirement is subject to several limited exceptions.

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

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

Creating Opportunities: Local jobs for residents - an innovative and thriving economy.

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

#### **3.3 Policy Implications**

Given the work required and the extensive specialist experience and knowledge offered by the supplier it would not be advantageous for MBRC to go to the market to complete this work.

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

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

#### **3.5 Delegated Authority Implications                    Nil identified**

#### **3.6 Financial Implications**

The contract with University of the Sunshine Coast will be costed to the specific budget number relating to this work.

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

Without a vibrant and growing economy, there would be a lack of jobs, income and wealth, which in turn would cause a number of far reaching social and community issues. The work that is undertaken in the REDS strategy provides a framework of actions to ensure a strong and vibrant local economy including the creation of jobs which will lead to economic and community benefits for the region.

#### **3.8 Environmental Implications                    Nil identified**

ITEM 1.4 AGREEMENT - REGIONAL REPUTATION AS FACILITATOR OF ECONOMIC DEVELOPMENT STUDY - 61798781 (Cont.)

3.9 Social Implications  Nil identified

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication  
Chief Economic Development Officer  
Manager Economic Intelligence

UNCONFIRMED

**2 INFRASTRUCTURE PLANNING SESSION****(Cr P Flannery, Mayor)****ITEM 2.1****WASTE SERVICES ASSET MANAGEMENT PLAN**

*Meeting / Session:* 2 INFRASTRUCTURE PLANNING  
*Reference:* 61715582 : 31 March 2021 - **Refer Supporting Information 61650849**  
*Responsible Officer:* JF, Asset Management Manager (IP Asset Management)

**Executive Summary**

The purpose of this report is to present the Waste Services Asset Management Plan to Council for adoption. Waste service assets represent a significant risk should they not be maintained appropriately. The waste services asset portfolio has a total estimated value of \$216.1 million across 28 facilities, and services 350,000 waste and recycling wheelie bins distributed to over 173,000 households and businesses.

The Waste Services Asset Management Plan (AMP) proposes that Council should retain the current operations, maintenance and recycling activity budget (\$10.5M p.a.), the current reactive maintenance budget (\$34K p.a.), and the current programmed maintenance budget (\$107K p.a.). The AMP also proposes that Council retain the current capital budget for new/upgrade/renewal assets of \$65.5M over 10 years then increase the capital budget by \$1.5 million p.a. from financial year 2031 onwards to allow for increased renewal expenditure.

The capital funding increases beyond year 2031 will ensure the existing asset base is maintained to an adequate condition. This will significantly reduce the risk of asset failures, health and safety risks and will minimise the likelihood of expensive lump sum replacement expenditure in the future.

**RESOLUTION****Moved by Cr Jodie Shipway****Seconded by Cr Matt Constance****CARRIED 12/0**

1. **That the Waste Services Asset Management Plan be adopted, as tabled.**
2. **That provision be made in the next long term financial forecast for the capital funding required beyond financial year 2031 (FY2031) to progressively improve and upgrade the Council's waste service assets to meet the standards of service outlined in the Waste Services Asset Management Plan. The budget allocation recommendations are:**
  - a) **Retain the current operations, maintenance and recycling activity budgets of \$10.5M per annum.**
  - b) **Retain the current reactive maintenance budget of \$34,000 per annum.**
  - c) **Retain the current programmed maintenance budget of \$107,000 per annum.**
  - d) **Retain the current capital budget for new/upgrade/renewals up to FY2030 (i.e. \$65.5M over 10 years) and then increase by \$1.50M per annum from FY2031 onwards for renewal expenditure.**



ITEM 2.1 WASTE SERVICES ASSET MANAGEMENT PLAN - 61715582 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the Waste Services Asset Management Plan be adopted, as tabled.
2. That provision be made in the next long term financial forecast for the capital funding required beyond financial year 2031 (FY2031) to progressively improve and upgrade the Council's waste service assets to meet the standards of service outlined in the Waste Services Asset Management Plan. The budget allocation recommendations are:
  - a) Retain the current operations, maintenance and recycling activity budgets of \$10.5M per annum.
  - b) Retain the current reactive maintenance budget of \$34,000 per annum.
  - c) Retain the current programmed maintenance budget of \$107,000 per annum.
  - d) Retain the current capital budget for new/upgrade/renewals up to FY2030 (i.e. \$65.5M over 10 years) and then increase by \$1.50M per annum from FY2031 onwards for renewal expenditure.

**REPORT DETAIL**

**1. Background**

A Council briefing was conducted on 17 March 2021 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:

- The Waste Services Asset Management Plan to be submitted to a General Meeting for consideration of adoption.

As part of the ongoing development of Council's asset management planning, a Waste Services Asset Management Plan (AMP) has been developed. The AMP outlines Council's approach to the management of waste services assets located throughout the Moreton Bay Regional Council (MBRC) region. The AMP communicates the current and future requirements for the maintenance, replacement and additional assets necessary to deliver sustainable, regulatory compliant, waste services to the Moreton Bay community within appropriate levels of service. The plan also provides the basis for long-term financial planning, including provisions for improvement initiatives that ensure physical assets keep pace with population growth and waste to landfill reduction targets.

The Council's waste services asset portfolio has a total estimated value of \$216.1 million across 28 facilities, and services 350,000 waste and recycling wheelie bins distributed to over 173,000 households and businesses. Table 1 summarises the Council's waste services assets, the range of expected useful lives for each asset type, average age, and current replacement cost.

Asset Type Description	Quantity	Expected Useful Life (Years)	Current Average Age (Years)	Current Replacement Cost
Barriers and retaining walls	436	20 - 50	4.2	\$8,076,680
Buildings and shelters	844	20 - 50	9.4	\$17,368,712
Fleet	58	5 - 15	6.2	\$9,700,000
Gas extraction	482	10 - 100	13.1	\$12,309,430
Kerbside Bins	350,000	10 - 15	7.0	\$15,800,000
Landfill cells	26	10 - 100	10.6	\$77,970,477

ITEM 2.1 WASTE SERVICES ASSET MANAGEMENT PLAN - 61715582 (Cont.)

Asset Type Description	Quantity	Expected Useful Life (Years)	Current Average Age (Years)	Current Replacement Cost
Leachate systems	45	15 - 100	11.8	\$12,861,528
Lighting, security and CCTV	86	15 - 100	10.3	\$979,784
Monitoring Systems	92	10 - 50	9.7	\$10,375,000
Other waste facility infrastructure	399	10 - 25	7.0	\$27,807,098
Plant & Equipment	60	10 - 80	15.7	\$610,982
Portable and Attractive Items	214	5 - 10	3.8	\$200,000
Ro Ro Bins	80	20 - 80	9.7	\$1,417,530
Roads, pathways and paved areas	440	20 - 70	4.0	\$5,493,245
Stormwater	395	30 - 70	7.5	\$10,792,450
Water and Sewer Services	90	10 - 50	6.2	\$1,051,444
Weighbridges	38	10 - 20	5.3	\$3,344,376
<b>Total</b>	<b>353,785</b>			<b>\$216,158,736</b>

Table 1 - Current Replacement Cost by Waste Services Asset Type

The two Figures below shows the age profile and condition rating for the Council's waste service assets, which indicates the number of assets and their total current replacement cost within each age band, and the current condition. As age reflects the year in which the assets were built, the profile also indicates the pattern in which they were acquired over time.

The last 10 years has seen by far the largest number of waste service asset acquisitions, around 68% of the portfolio's current replacement cost, gained after Council amalgamation. Due to the relatively low age of the asset base, the asset condition ratings are understandably ranging from very good to fair.

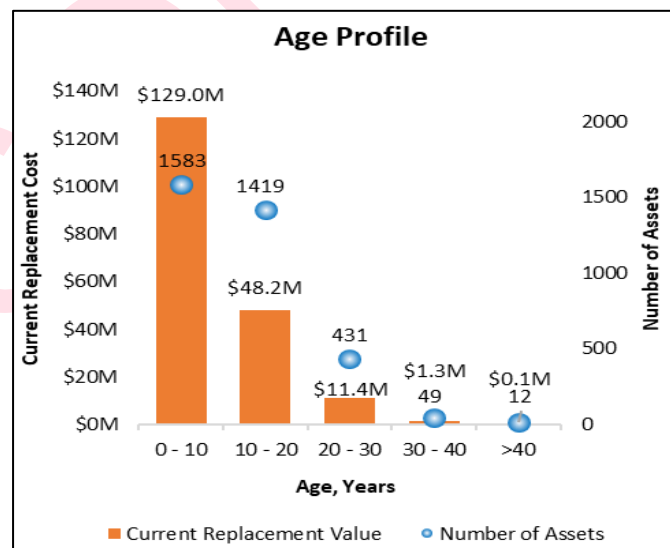


Figure 1 - Asset Age Profile

ITEM 2.1 WASTE SERVICES ASSET MANAGEMENT PLAN - 61715582 (Cont.)

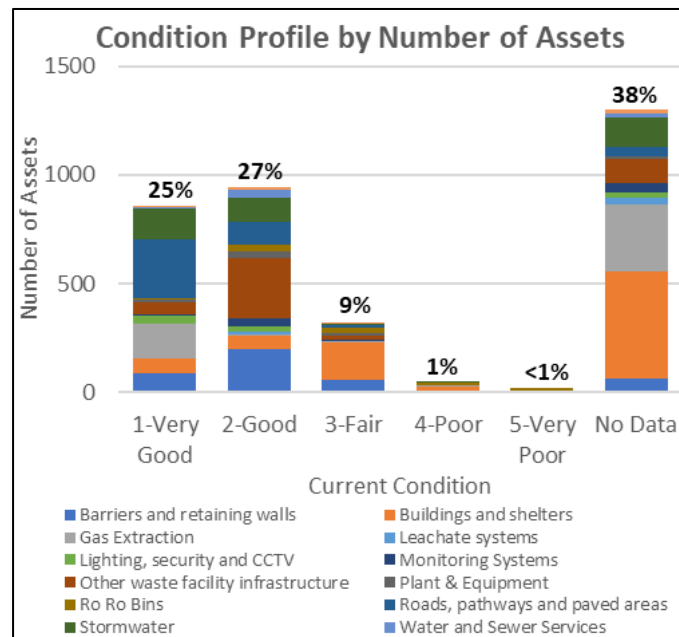


Figure 2 - Asset Condition Profile

As of October 2020, 175,811 general waste bins and 174,062 recycling bins are being serviced across 173,000 properties in the Moreton Bay Region. The 2019/20 overall recycling achievement of 56.33% was accomplished against a target of 44.9%, which put Waste Services on track to achieving the 2025 Queensland Government and Council goal of a recycling rate of 60%.

Under Queensland legislation, waste disposal and recycling activities along with transfer stations are environmentally relevant activities regulated by the Department of Environment and Science. This agency is also responsible for compliance audits and enforcement action should authorised conditions not be met. Development of new waste disposal sites or transfer stations and amendments of existing licences, such as increases to landfill disposal capacity, trigger several key waste and planning legislation which require renewed assessment by the relevant State agencies. Compliance with legislation, regulatory audits, and achieving strategic and government targets are of fundamental importance to Council in achieving the required levels of service to the community.

The Waste Services Asset Management Plan has been provided as supporting information and outlines plan information in further detail.

**2. Explanation of Item**

The Waste Services 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 waste service 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)

ITEM 2.1 WASTE SERVICES ASSET MANAGEMENT PLAN - 61715582 (Cont.)

**Condition**

Understanding the condition of Council's waste service assets is important for their effective management. A condition assessment was carried out in June 2019 for above ground assets only. A condition 1 rating is very good with a condition 5 rating meaning an asset is in a very poor condition. The intervention level, or trigger for renewal or replacement is generally after an asset reaches Condition 4 or below. The condition profile in Figure 2 illustrates that 52% of waste assets are in a healthy state of good to very good condition, while 9% are in fair condition. A small proportion of assets (less than 2%) are in poor/very poor condition. Poor condition assets do not necessarily demand immediate replacement but will need ongoing monitoring and will potentially attract higher maintenance costs.

**Key Issues**

- The predictive modelling shows that under current funding levels, there is an increased risk of a large quantity of waste service assets reaching condition state 4 and 5 over the next 10 to 15 years.
- An increase in the capital expenditure funding beyond financial year 2030 is required to maintain the current levels of service provided by waste service assets.
- The current maintenance funding is appropriate to maintain levels of service, but reactive and proactive maintenance will need to be system driven, to ensure optimised management of maintenance activities across the waste service asset portfolio.
- Continued regional growth will put pressure on the existing waste service assets and long-term planning is essential to ensure that appropriate waste service assets are accessible to all parts of the MBRC community.
- The impact of climate change, evolving waste treatment and recycling technologies along with the rapidly changing regional, state, national and international waste regulatory framework require constant review of waste management plans and strategies to remain sustainable into the future.
- There is a greater demand for recycling within the community, along with increasing landfill diversion and recycling targets, which are set by government.
- Introduction of Energy from Waste (EfW), currently at the tender stage, is vital to achieve waste reduction target and prolong the life of Council's landfills. The proposed EfW facility will then extend the life of the landfills significantly as disposal to cells would drop by more than 40%. This in turn affects when new cells need to be constructed and reduces the new capital works required post 2030.

**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:

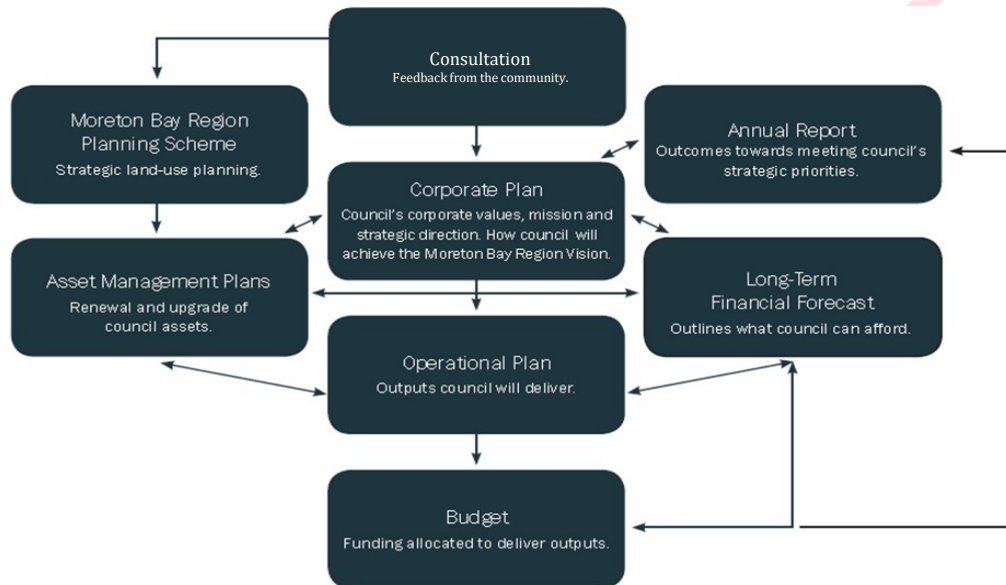
- (a) *provide for strategies to ensure the sustainable management of the assets mentioned in the local government's asset register and the infrastructure of the local government; and*
- (b) *state the estimated capital expenditure for renewing, upgrading and extending the assets for the period covered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

ITEM 2.1 WASTE SERVICES ASSET MANAGEMENT PLAN - 61715582 (Cont.)

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 AMP’s have direct linkages with other corporate documents as illustrated in the diagram below:



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

As mentioned above, these plans inform Council’s Long Term Financial Forecast (LTFF) 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 9<sup>th</sup> December 2020.

3.4 Risk Management Implications

Risk management associated with waste service assets are included in the plan.

3.5 Delegated Authority Implications                     Nil identified

3.6 Financial Implications

An analysis was carried out to determine the future condition of the waste portfolio with the recommended budget and benchmarked to the current average annual renewal budget. The Figure below illustrates the weighted average condition for the whole portfolio over time. With the current funding the condition of the assets will decline to a point that in around 2060 the portfolio as a whole will risk failing to meet the required standard. With the recommended funding the overall portfolio will continue to meet service level and strategic objectives.

ITEM 2.1 WASTE SERVICES ASSET MANAGEMENT PLAN - 61715582 (Cont.)

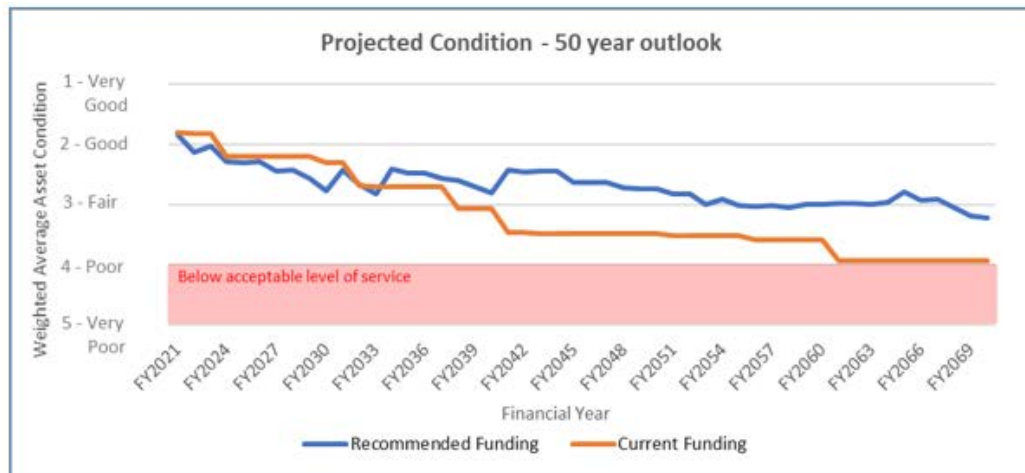


Figure 4 - Asset Projected Condition Outlook

The recommended total budget allocations are outlined below:

- Retain the current operations, maintenance and recycling activity budgets of **\$10.5M per annum**
- Retain the current reactive maintenance budget of **\$34,000 per annum**.
- Retain the current programmed maintenance budget of **\$107,000 per annum**.
- Retain the current capital budget for new/upgrade/renewals up to FY2030 (ie \$65.5M over 10 years) and then increase by **\$1.50M per annum** from FY2031 onwards for renewal expenditure

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

As per Council’s strategic asset management framework, it is imperative that Council adopts a more proactive approach to managing 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, 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 waste service assets supports economic growth across the region. Additionally, a well-managed waste service 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 waste service assets assists in improving environmental outcomes.

ITEM 2.1 WASTE SERVICES ASSET MANAGEMENT PLAN - 61715582 (Cont.)

3.9 Social Implications

The timely and cost-effective management of MBRC's waste service 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, asset owners and Councillors have been consulted in the preparation of this plan.

## **ITEM 2.2 - DECLARATION OF INTEREST**

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

Cr Sandra Ruck referred to a previously declared conflict of interest (General Meeting 20 January 2021, Page 21/3) in relation to the amended trial arrangements for Queens Beach North proposed dog off-leash area - **at which Council resolved that Cr Sandra Ruck may participate in the discussion and debate, however must leave the meeting when the matter is voted on.**

Cr Sandra Ruck remained in the meeting for the discussion and debate.

## **ITEM 2.2 QUEENS BEACH NORTH DOG OFF LEASH AREA TRIAL OUTCOMES**

Meeting / Session: 2 INFRASTRUCTURE PLANNING  
Reference: 61739242 : 9 March 2021 - Refer Supporting Information 61809723  
Responsible Officer: WM, Parks and Recreation Planning Manager (IP Parks & Recreation Planning)

### **Executive Summary**

The purpose of this report is to advise Council of the outcomes of the community survey regarding the Queens Beach North Dog Off-Leash Area (DOLA) trial. At the close of the trial period, 2452 survey responses were received with 77% of respondents in favour of making the arrangement permanent.

It is notable that both those in support and against the proposal agreed on the need for the implementation of appropriate control measures and signage.

### **RESOLUTION**

**Moved by Cr Darren Grimwade**

**Seconded by Cr Tony Latter**

**CARRIED 9/2**

*Crs Winchester and Hain voted against the motion*

*Cr Sandra Ruck had declared a conflict of interest and had left the meeting in line with Council resolution and was not present when the vote was taken on the matter*

- 1. That Council endorse the designation of part of Queens Beach North as a 24-hour, permanent dog off-leash area seven days a week, taking effect from 1 April 2021.**
- 2. That the extent of the designated dog off-leash area be defined as outlined in Figure 1.**
- 3. That appropriate regulatory and advisory signage be installed to ensure patrons are aware of the extents of the area and obligations for use of the facility.**
- 4. That Council make a budget adjustment at the Quarter 3 budget review to meet the costs associated with new signage as outlined in the report.**



ITEM 2.2 QUEENS BEACH NORTH DOG OFF LEASH AREA TRIAL OUTCOMES - 61739242 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That Council endorse the designation of part of Queens Beach North as a 24-hour, permanent dog off-leash area seven days a week, taking effect from 1 April 2021.
2. That the extent of the designated dog off-leash area be defined as outlined in Figure 1.
3. That appropriate regulatory and advisory signage be installed to ensure patrons are aware of the extents of the area and obligations for use of the facility.
4. That Council make a budget adjustment at the Quarter 3 budget review to meet the costs associated with new signage as outlined in the report.

**REPORT DETAIL**

**1. Background**

At its General Meeting on 9 December 2020 (Page 20/2067), Council endorsed an amendment to the trial arrangements for dog off leash activities at Queens Beach North, Scarborough. The Council resolution was as follows:

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.

The new trial area commenced on 10 December 2020 .

During the trial period, a public consultation process was undertaken commencing on 10 December 2020 and concluding on 19 February 2021, including a community survey. The preliminary findings of the survey were presented to Council recently.

A Council briefing was conducted on 3 March 2021 for the purpose of sharing information and providing advice/views to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

**The CEO noted the way forward:**

That the Mayor issue a media release, noting the completion of the survey, identifying the key issues raised, and that a report to Council will be provided on the 31 March 2021.

A further Council Briefing to be held on 24 March 2021 to discuss the DOLA guidelines, costs, hours of operation and enforcement.

A report to be submitted to the General Meeting on 31 March 2021 for consideration of the Queens Beach North Dog Off-Leash area.

**Table 1 - Outcome of 3 March 2021 Council Briefing.**

## ITEM 2.2 QUEENS BEACH NORTH DOG OFF LEASH AREA TRIAL OUTCOMES - 61739242 (Cont.)

Since the 3 March 2021 briefing, the survey data has been fully collated and analysed; the final results will be available on Council's website following this meeting.

In total, 2452 survey responses were received over the 10-week consultation period. 77% of those surveyed support making the Queens Beach North DOLA permanent. A summary of the survey responses and analysis of the results are contained in the supporting information to this report.

Key issues are summarised below:

- There were large differences in opinion between dog owners and non-dog owners, with dog owners being more supportive and positive towards the amenities and more positive on questions about how practical it is for dogs and people to share space effectively
- Areas of common interest revolve around better enforcement of the rules - dog owners and non-dog owners both agreed strongly on this.

Specific issues included:

- Clarity and visibility of signage
- Dog waste and general cleanliness (e.g. picking up dog waste, availability of bags/bins)
- Restriction of off-leash areas to the beach (e.g. ensuring dogs are on-leash in other areas like the park) and a desire for constrained hours of operation
- Safety and people sharing space with dogs (i.e. young children and families at risk of injury/being frightened)
- Behaviour of dogs (e.g. fighting, being adequately supervised and controlled by owners)



Extent of the proposed dog off leash area 357m.  
(approximately 68m shorter than trial area)



Extent of the recent trial dog off leash area 425m.

Figure 1. Proposed dog off leash area and trial dog off leash area

ITEM 2.2 QUEENS BEACH NORTH DOG OFF LEASH AREA TRIAL OUTCOMES - 61739242 (Cont.)

In order to reduce impact on adjacent properties, an adjustment to the southern boundary is recommended (Figure 2). The adjusted boundary is 68m north of the trial boundary and has utilised the existing steps to provide a physical reference point as well as an access point, to create a clearer demarcation for the boundary location.



Figure 2 Detail of southern boundary (reduced by 68m)

**2. Explanation of Item**

Queens Beach North has been subject to dog off-leash activity for more than 3 years under various trial arrangements, and the activity has proven to be extremely popular both with locals and visitors . Analysis of the survey data has shown that demand is predominately locally driven, with 66% of patrons reported living within 5km of Queens Beach North.

There are approximately 108 registered dogs within the streets immediately adjacent to the facility and in the Scarborough area there are approximately 1,184 registered dogs. In the suburb of Redcliffe, there are approximately 1,293 registered dogs. The total number of registered dogs combined for Divisions 5 and 6 is approximately 11,219, indicating there is strong demand for facilities which cater to the needs of dog owners.

Of the patrons surveyed, 23% use the facility up to 3 times weekly, 15% use the beach every day and 12% use it every second day. By deduction, it might therefore be reasonable to assume that more than 962 dog owning patrons are utilising the facility multiple times per week.

ITEM 2.2 QUEENS BEACH NORTH DOG OFF LEASH AREA TRIAL OUTCOMES - 61739242 (Cont.)

Residents living close to the beach raised concerns regarding noise and hours of use. It should be acknowledged that living adjacent to a regional recreation area such as this will lead to some additional noise and inconvenience that is greater than a typical suburban residential situation. Officers are of the view that restricting activities on the beach within defined hours may disadvantage some patrons and be difficult to enforce. Council officers support maintaining the current approach to regulatory patrols and education to ensure dogs are managed effectively when using the off-leash area.

Improved signage is considered essential in advising patrons of the rules of operation for use of the area. Signage will also enable appropriate enforcement for any breaches of Council's current Local Laws. It is estimated that supply and installation of new information and regulatory signage would cost approximately \$10,000.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

The Dog Off-Leash activity needs to be conducted in accordance with Council's existing Local Laws.

#### 3.2 Corporate Plan / Operational Plan

Valuing Lifestyle: Quality recreation and cultural opportunities - places to discover, learn, play and imagine.

#### 3.3 Policy Implications

Nil identified

#### 3.4 Risk Management Implications

Conducting the use in accordance with the provisions of the draft Dog Off-Leash Area Guideline will assist in mitigating risks to the community.

#### 3.5 Delegated Authority Implications

Delegated authority for regulatory activities and enforcement where required, rests with Council's Regulatory Services Department.

#### 3.6 Financial Implications

The cost associated with additional signage is estimated at approximately \$10,000.

#### 3.7 Economic Benefit Implications

Nil identified

#### 3.8 Environmental Implications

The establishment of a single and centrally located DOLA (*on beach*), will reduce the likelihood of environmental impacts at other beaches on the Redcliffe Peninsula.

#### 3.9 Social Implications

There will be positive benefits for social interaction amongst dog owners.

#### 3.10 Human Rights Implications

Nil identified

#### 3.11 Consultation / Communication

A community survey has been undertaken to determine the level of community support for the proposed use. Of the 2542 survey respondents, there was 77% support for the activity being made permanent.

A communications plan will need to be implemented to inform local residents and survey respondents (who wished to be contacted) of the Council decision.

### ATTENDANCE

Cr Sandra Ruck returned to the meeting at 10:30 AM after voting on Item 2.2.

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**3 ENGINEERING, CONSTRUCTION & MAINTENANCE SESSION (Cr P Flannery, Mayor)**

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**ITEM 3.1****TENDER - REDCLIFFE - REDCLIFFE WAR MEMORIAL SWIMMING POOL - FILTRATION SYSTEMS**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* 61638156 : 17 February 2021 - Refer **Confidential Supporting Information 61584587**  
*Responsible Officer:* RN, Senior Project Manager (ECM Project Management)

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**Executive Summary**

Tenders were called for the 'Redcliffe - Redcliffe War Memorial Swimming Pool - Filtration Systems (MBRC010607)' project. The tender closed on the 10<sup>th</sup> February 2021 with a total of five tenders received, of which all were conforming.

It is recommended that Council award the tender for the 'Redcliffe - Redcliffe War Memorial Swimming Pool - Filtration Systems (MBRC010607)' project to TJ Commercial Aquatics Qld Pty Ltd for the sum of \$624,563.00 (excluding GST) as this tender was evaluated as representing value to Council.

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**RESOLUTION**

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Moved by Cr Karl Winchester

Seconded by Cr Brooke Savage

CARRIED 12/0

1. That the tender for the 'Redcliffe - Redcliffe War Memorial Swimming Pool - Filtration Systems (MBRC010607)' project be awarded to TJ Commercial Aquatics Qld Pty Ltd for the sum of \$624,563 (excluding GST).
2. That the Council enters into an agreement with TJ Commercial Aquatics Qld 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 TJ Commercial Aquatics Qld Pty Ltd for the 'Redcliffe - Redcliffe War Memorial Swimming Pool - Filtration Systems (MBRC010607)' 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 TJ Commercial Aquatics Qld Pty Ltd for the project, Council commits to the provision of (a) an additional \$155,000 in the 20/21 FY quarter three financial review process; and (b) the draft 21-22FY budget allocation of \$150,000.
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.

ITEM 3.1 TENDER - REDCLIFFE - REDCLIFFE WAR MEMORIAL SWIMMING POOL - FILTRATION SYSTEMS - 61638156 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the tender for the 'Redcliffe - Redcliffe War Memorial Swimming Pool - Filtration Systems (MBRC010607)' project be awarded to TJ Commercial Aquatics Qld Pty Ltd for the sum of \$624,563 (excluding GST).
2. That the Council enters into an agreement with TJ Commercial Aquatics Qld 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 TJ Commercial Aquatics Qld Pty Ltd for the 'Redcliffe - Redcliffe War Memorial Swimming Pool - Filtration Systems (MBRC010607)' 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 TJ Commercial Aquatics Qld Pty Ltd for the project, Council commits to the provision of (a) an additional \$155,000 in the 20/21 FY quarter three financial review process and (b) the draft 21-22FY budget allocation of \$150,000.
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.

**REPORT DETAIL**

**1. Background**

The project is located at the Redcliffe War Memorial Swimming Pool, 50 Sydney Street, Redcliffe. The complex comprises three pools, namely the 50 metre, the learn-to-swim and the toddlers pools. Currently all three pools are serviced by a single filtration system.

The project's scope of works comprises the construction of a separate filtration, sanitation and heating system for the learn-to-swim pool and modifications to the existing filtration system to service the 50 metre and toddlers' pools. The project will improve the filtration system performance and reliability at the centre, providing isolation of the 50m / Toddlers Pools from that of the Learn to Swim Pool.

Construction will commence in April 2021 and take 17 weeks to complete, including allowance for lead times and wet weather.

ITEM 3.1 TENDER - REDCLIFFE - REDCLIFFE WAR MEMORIAL SWIMMING POOL - FILTRATION SYSTEMS - 61638156 (Cont.)



Figure 1 - Project Locality

2. Explanation of Item

Tenders for the 'Redcliffe - Redcliffe War Memorial Swimming Pool - Filtration Systems (MBRC010607)' project closed on the 10<sup>th</sup> February 2021 with a total of five 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. The received tenderers and evaluation scores are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE (Pre Local Preference)	EVALUATION SCORE (Post Local Preference)
1	TJ Commercial Aquatics Qld Pty Ltd	100.00	103.75
2	Baldwin Water Technologies Pty Ltd	95.30	95.30
3	Platinum Aquatics	89.92	89.92
4	Alto Pacific Pty Ltd	75.30	75.30
5	Ozcrete Pools Pty Ltd	68.05	68.05

**TJ Commercial Aquatics Qld Pty Ltd ('TJ')** - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience. A tender clarification meeting was held on the 15<sup>th</sup> February 2021, at which TJ demonstrated their relevant experience, methodology, understanding, and capability in delivering the project. TJ provided examples of similar projects including - Pittsworth Pool & Filtration Upgrade (\$881,000), Learn to Swim Pool Construction - Mt Ommaney (\$671,000) and Glennie College Toowoomba - Learn to Swim Pool (\$371,000) for the Glennie College.

The tender from TJ was the lowest priced offer and achieved the highest evaluation score pre and post local preference application. The evaluation panel recommends that the tender from TJ represents the best overall value offer to Council.

ITEM 3.1 TENDER - REDCLIFFE - REDCLIFFE WAR MEMORIAL SWIMMING POOL - FILTRATION SYSTEMS - 61638156 (Cont.)

**Baldwin Water Technologies Pty Ltd ('BWT')** - submitted a comprehensive and well-presented tender, demonstrating their project experience; however, there was no additional benefit for the higher price.

**Platinum Aquatics ('PA')** - submitted a comprehensive and well-presented tender, demonstrating their project experience; however, there was no additional benefit for the higher price.

**Alto Pacific Pty Ltd ('AP')** - submitted a comprehensive and well-presented tender, demonstrating their project experience; however, there was no additional benefit for the higher price.

**Ozcrete Pools Pty Ltd ('OP')** - submitted a comprehensive and well-presented tender, demonstrating their project experience; however, there was no additional benefit for the higher price.

### 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*.

#### 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/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.

#### 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 successful tenderer was rated as a 'sound' outcome.

##### *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 the natural environment and surrounding properties to ensure the safety and wellbeing 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.



ITEM 3.1 TENDER - REDCLIFFE - REDCLIFFE WAR MEMORIAL SWIMMING POOL - FILTRATION SYSTEMS - 61638156 (Cont.)

- 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. 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.
- e. An allowance for wet weather (5 days) is included in the recommended tenderer's construction program.
- f. The 50m pool is currently operational. The recommended tenderer will provide management plans for noise and dust control while undertaking construction works. Out of operational hours works will be undertaken for those construction activities that create the greatest noise to mitigate impact on users.
- g. There are no Development Approvals impacting 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 \$620,000 with \$470,000 in the 20/21 FY Capital Projects Program and a further \$150,000 identified in the draft 21/22 Capital Projects Program for this project. All financial information provided below is excluding GST.

Design	\$ 85,018.00
Tender Price (Construction)	\$ 624,563.00
Contingency (10%)	\$ 62,456.30
QLeave (0.575%)	<u>\$ 3,591.24</u>
<b>Total Project Cost</b>	<b><u>\$ 775,628.54</u></b>

Estimated ongoing operational/maintenance costs \$ 14,880.00 per F/Y

The budget amount for this project is insufficient. To allow this project to continue, Council commits to the provision of an additional \$155,000 in the 20-21 FY quarter three financial review process and the draft budget allocation of \$150,000 in the 21-22 FY.

3.7 Economic Benefit Implications

The project will separate the filtration and heating systems of the learn to swim pools within the centre, enabling more efficient temperature isolation and control, thereby saving energy costs.

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 Environmental Management Plan will be monitored by Project Management during the construction phase.

3.9 Social Implications

The project will allow for increased temperatures in the learn to swim leading to specific swimming activities to be undertaken at similar times and to promote increased patronage to participate in swimming activities.

ITEM 3.1 TENDER - REDCLIFFE - REDCLIFFE WAR MEMORIAL SWIMMING POOL - FILTRATION SYSTEMS - 61638156 (Cont.)

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. Weekly email updates will be provided for the Divisional Councillor. The Divisional Councillor has been consulted and is supportive of the project.

UNCONFIRMED

**ITEM 3.2****TENDER – KALLANGUR - OLD GYMPIE ROAD (ANZAC AVENUE TO VINEY AVENUE) - INTERSECTION AND ROAD UPGRADE (SERVICE CORRIDOR AND PRELIMINARY AND DETAILED DESIGN)**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* 61664297 : 18 March 2021 - Refer **Confidential Supporting Information 61605227**  
*Responsible Officer:* PR, Project Manager (ECM Project Management)

**Executive Summary**

Tenders were called from the Local Buy Pre-Qualified Supplier Panel for Engineering & Environmental (BUS262-0317) for the service corridor planning, preliminary and detail design of the 'Kallangur - Old Gympie Road (Anzac Avenue to Viney Avenue) - Intersection and Road Upgrade (VP221353)' project with tenders closing on the 2 February 2021, with a total of five tenders received, all of which were conforming.

It is recommended that the tender for the 'Kallangur - Old Gympie Road (Anzac Avenue to Viney Avenue) - Intersection and Road Upgrade (VP221353)' project be awarded to Stantec Australia Pty Ltd, for the sum of \$233,760.00 (excluding GST) as this tender represents the best overall value to Council.

The Local Preference Policy was not applied, as the contract was procured via Local Buy Pre-Qualified Suppliers Contract BUS262-0317 Engineering and Environment and in line with Council's Procurement policy.

**RESOLUTION**

Moved by Cr Mark Booth

Seconded by Cr Tony Latter

CARRIED 12/0

1. That the tender for the 'Kallangur - Old Gympie Road (Anzac Avenue to Viney Avenue) - Intersection and Road Upgrade (VP221353)' project for service corridor planning, preliminary and detail design be awarded to Stantec Australia Pty Ltd for the sum of \$233,760 (excluding GST).
2. That the Council enters into an agreement with Stantec Australia 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 Stantec Australia Pty Ltd for the 'Kallangur - Old Gympie Road (Anzac Avenue to Viney Avenue) - Intersection and Road Upgrade (VP221353)' 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 Stantec Australia Pty Ltd for the project, Council commits to the provision of an additional \$142,000 in the 20/21 FY quarter three financial review process.

ITEM 3.2 TENDER – KALLANGUR - OLD GYMPIE ROAD (ANZAC AVENUE TO VINEY AVENUE) - INTERSECTION AND ROAD UPGRADE (SERVICE CORRIDOR AND PRELIMINARY AND DETAILED DESIGN) - 61664297 (Cont.)

### OFFICER'S RECOMMENDATION

1. That the tender for the 'Kallangur - Old Gympie Road (Anzac Avenue to Viney Avenue) - Intersection and Road Upgrade (VP221353)' project for service corridor planning, preliminary and detail design be awarded to Stantec Australia Pty Ltd for the sum of \$233,760 (excluding GST).
2. That the Council enters into an agreement with Stantec Australia 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 Stantec Australia Pty Ltd for the 'Kallangur - Old Gympie Road (Anzac Avenue to Viney Avenue) - Intersection and Road Upgrade (VP221353)' 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 Stantec Australia Pty Ltd for the project, Council commits to the provision of an additional \$142,000 in the 20/21 FY quarter three financial review process.

### **REPORT DETAIL**

#### **1. Background**

Old Gympie Road is classified as an arterial road within the Moreton Bay Regional Council (MBRC) road hierarchy. The traffic volumes for Old Gympie Road (Anzac Avenue to Viney Avenue) in 2020 was approximately 12,000 vehicles per day. Council's strategic traffic model estimates 19,500 vehicles per day by 2031.

This forecast traffic growth is representative of increased development pressures, predicted population growth and the regional importance of the road corridor, which is further burdened by extra traffic when the Bruce Highway is congested, as is occurring increasingly. MBRC is progressing a series of upgrades/stages to Old Gympie Road, which are at various levels of progress.

The project includes widening the road corridor to a 4-lane median divided carriageway, signalling the intersections at Viney Avenue and Storey Road and upgrading the following:

- Stormwater drainage infrastructure;
- Pathways;
- On-road cycling lanes;
- Landscaping; and
- Street lighting.

The design commission, the subject of this report, concerns a section of Old Gympie Road from the Anzac Avenue intersection to approximately 140m north of the intersection with Viney Avenue, Kallangur. Nearby land uses are residential, with a significant section adjacent to a state primary school (see Figure 1).

While designs for seven sections of Old Gympie Road upgrade are at varying levels of progress, it has been identified, that planning for the service corridor across the seven sections (of Old Gympie Road) would benefit from a total service corridor configuration and design perspective. The relevant service authorities are supportive of this approach as mutual efficiencies are sought to be achieved.

The Anzac to Viney section will have the preliminary design finalised June 2021, with detailed design progressed during the 2021-22 financial year, with physical services relocation and construction proposed to follow.

ITEM 3.2 TENDER – KALLANGUR - OLD GYMPIE ROAD (ANZAC AVENUE TO VINEY AVENUE) - INTERSECTION AND ROAD UPGRADE (SERVICE CORRIDOR AND PRELIMINARY AND DETAILED DESIGN) - 61664297 (Cont.)

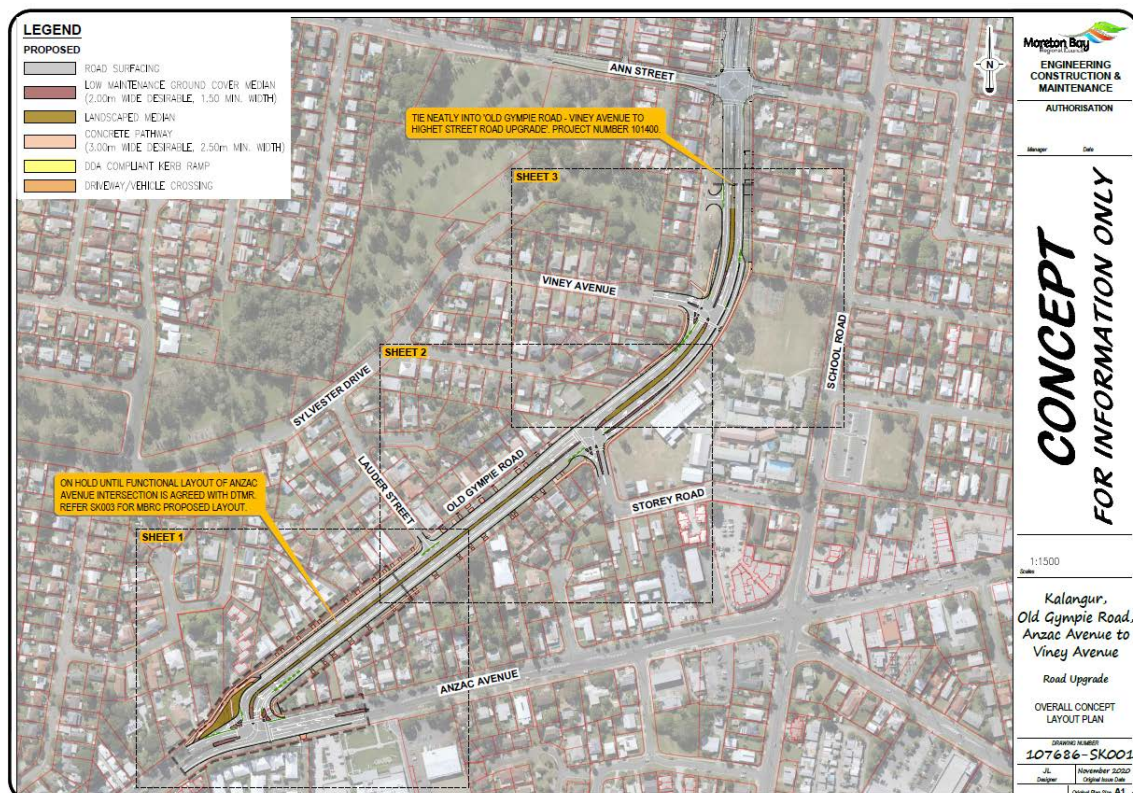


Figure 1 – Concept/Locality Plan (Anzac to Viney)

2. Explanation of Item

Tenders for the service corridor planning, preliminary and detail design for the ‘Kallangur - Old Gympie Road (Anzac Avenue to Viney Avenue) - Intersection and Road Upgrade (VP221353)’ project closed on 2 February 2021, with a total of five tenders received all of which were conforming. The tenders were assessed by the assessment panel in accordance with Council’s Purchasing Policy and the selection criteria as set out in the tender documents.

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

RANK	TENDERER	EVALUATION SCORE
1	Stantec Australia Pty Ltd	94.04
2	GHD Pty Ltd	90.74
3	Tonkin Consulting	90.30
4	ADG Engineers (Aust) Pty Ltd	67.07
5	KN Group Pty Ltd	57.65

**Stantec Australia Pty Ltd (‘SA’)** - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience. A tender clarification meeting was held on 19 February 2021, at which SA demonstrated their relevant experience, methodology, understanding of the project and capability in delivering the project by the specified completion date. SA provided examples of relevant project experience including Oakey Flat Road, Morayfield - Road Upgrade 3 (project construction estimate \$11,000,000 excl. GST), Morayfield - Graham Road - Road and Intersection Upgrade - Planning (project construction estimate \$2,000,000 excl. GST), Jollys Lookout, Mount Nebo Road, Road Remediation – Segments 2, 3, 4 and 17 – Detail Design (project construction estimate \$4,000,000 excl. GST) and 1044 Mount Nebo Road Curve Upgrade, Jolly’s Lookout - Road Safety Improvement Project, and Mount Nebo Road near Darcy Kelly Road Intersection - Mount Nebo - Road Safety Improvement Project (project construction estimate \$800,000 excl. GST) all for Moreton Bay Regional Council.

*ITEM 3.2 TENDER – KALLANGUR - OLD GYMPIE ROAD (ANZAC AVENUE TO VINEY AVENUE) - INTERSECTION AND ROAD UPGRADE (SERVICE CORRIDOR AND PRELIMINARY AND DETAILED DESIGN) - 61664297 (Cont.)*

The tender from SA was the lowest price offered and achieved the highest evaluation score. The evaluation panel recommends that the tender from Stantec Australia Pty Ltd represents the best overall value offer to Council.

**GHD Pty Ltd ('GHD')** - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience, however there were no additional benefits for the higher price.

**Tonkin Consulting Pty Ltd ('TC')** - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience, however there were no additional benefits for the higher price.

The Local Preference Policy was not applied, as the contract was procured via Local Buy Pre-Qualified Suppliers Contract BUS262-0317 Engineering and Environment and in line with Council's Procurement policy.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Due to the nature of the work, Council sourced the tender for the work through the Vendor Panel system to a Local Buy Pre-Qualified Supplier Panel for Engineering & Environmental (BUS262-0317) 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.

#### 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.

The Local Preference Policy was not applied, as the contract was procured via Local Buy Pre-Qualified Suppliers Contract BUS262-0317 Engineering & Environment and in line with Council's Procurement policy.

#### 3.4 Risk Management Implications

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

##### Financial Risk:

The project has been procured via Local Buy Pre-Qualified Suppliers Contract BUS262-0317 Engineering and Environment.

##### Design Risks:

- a. Design and associated documentation will be reviewed at a number of milestones by a number of relevant Council staff throughout the service corridor, preliminary and detailed design phases to ensure that the required design outcomes have been achieved prior to plan signing.
- b. Early engagement with service authorities will be undertaken to ensure any service alterations / relocations are approved by the relevant service authority.
- c. Early engagement with Environmental authorities and Cultural Heritage authorities will be undertaken to ensure any associated approvals are arranged and considered through design development.

ITEM 3.2 TENDER – KALLANGUR - OLD GYMPIE ROAD (ANZAC AVENUE TO VINEY AVENUE) - INTERSECTION AND ROAD UPGRADE (SERVICE CORRIDOR AND PRELIMINARY AND DETAILED DESIGN) - 61664297 (Cont.)

- d. Council will undertake and complete community consultation during March using the concept included in this report. A community engagement strategy will be developed with Council's Community Engagement section to discuss design options with relevant stakeholders to achieve desired outcomes.
- e. There are no COVID-19 related matters which will adversely impact 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 is greater than the budget allocation and is therefore reported to Council for consideration.*

3.6 Financial Implications

Council has allocated a total of \$175,000 in the 20/21 Capital Projects Program for the design of this project. All financials below are excluding GST.

Concept Design (internal)	\$ 13,115.52
Pavement Design (external)	\$ 46,149.00
Preliminary and Detail Design (this contract)	\$ 233,760.00
Contingency (10%)	\$ <u>23,376.00</u>
<u>Total Project Cost</u>	<u>\$ 257,136.00</u>

The budget amount for this project is insufficient. To allow this project to continue, and for Council to enter into the agreement with Stantec Australia Pty Ltd for the project, Council commits to the provision of an additional \$142,000 in the quarter three financial review process.

3.7 Economic Benefit Implications

The broader project is expected to have significant economic benefits by providing additional traffic lane capacity to cater for population and traffic growth.

3.8 Environmental Implications

Environmental impacts will be further identified and mitigated through the development of the design as part of this contract.

3.9 Social Implications

Ongoing community engagement will be undertaken to keep the community engaged and informed as the project progresses. A community engagement strategy will be developed with Council's Community Engagement section.

3.10 Human Rights Implications

The concept design of the Anzac and Old Gympie Road intersection shows potential land acquisition. Land acquisitions will be further identified, then sought to be mitigated through the development of the design as part of this contract.

3.11 Consultation / Communication

A detailed communication plan has been prepared for this project.

Council will liaise directly with the public and various other external stakeholders throughout this project (including but not limited to; State Government, service authorities, cultural heritage and local community groups). A community engagement strategy and detailed communication plan will be developed with Council's Community Engagement section. The Divisional Councillor has been consulted and is supportive of the project.

**ITEM 3.3  
TENDER - DECEPTION BAY - JOSEPH CRESCENT - COMMUNITY FACILITIES  
STAGE 1**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* 61770512 : 16 March 2021 - Refer **Confidential Supporting Information 61741683**  
*Responsible Officer:* AM, Project Engineer (ECM Project Management)

**Executive Summary**

Tenders were called for the 'Deception Bay - Joseph Crescent - Community Facilities Stage 1 (MBRC010681)' project. The tender closed on 9 March 2021 with a total of five tenders received, three of which were conforming.

It is recommended that the tender for 'Deception Bay - Joseph Crescent - Community Facilities Stage 1 (MBRC010681)' project be awarded to Murphy Builders Qld Pty Ltd for the sum of \$2,265,053 (excluding GST) as this tender represents the best overall value to Council.

The 'Deception Bay - Joseph Crescent - Community Facilities Stage 1' project has received \$600,000 funding from the State Government's Unite and Recover Community Stimulus Package (URCSP) program.

**RESOLUTION**

Moved by Cr Sandra Ruck

Seconded by Cr Mark Booth

CARRIED 12/0

1. That the tender for the 'Deception Bay - Joseph Crescent - Community Facilities Stage 1 (MBRC010681)' project be awarded to Murphy Builders Qld Pty Ltd for the sum of \$2,265,053 (excluding GST).
2. That the Council enters into an agreement with Murphy Builders Qld 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 Murphy Builders Qld Pty Ltd for the 'Deception Bay - Joseph Crescent - Community Facilities Stage 1 (MBRC010681)' project and any required variations of the agreement on Council's behalf.
4. 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.
5. That to allow this project to continue, and for Council to enter an arrangement with Murphy Brothers Qld Pty Ltd for the project, Council commits to the provision of (a) an additional \$500,000 in the quarter three financial review process; and (b) the \$500,000 budget allocation for this project as included in the draft 21-22 Capital Projects Budget.



*ITEM 3.3 TENDER - DECEPTION BAY - JOSEPH CRESCENT - COMMUNITY FACILITIES STAGE 1 - 61770512*  
(Cont.)

## OFFICER'S RECOMMENDATION

1. That the tender for the 'Deception Bay - Joseph Crescent - Community Facilities Stage 1 (MBRC010681)' project be awarded to Murphy Builders Qld Pty Ltd for the sum of \$2,265,053 (excluding GST).
2. That the Council enters into an agreement with Murphy Builders Qld 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 Murphy Builders Qld Pty Ltd for the 'Deception Bay - Joseph Crescent - Community Facilities Stage 1 (MBRC010681)' project and any required variations of the agreement on Council's behalf.
4. 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.
5. That to allow this project to continue, and for Council to enter an arrangement with Murphy Brothers Qld Pty Ltd for the project, Council commits to the provision of (a) an additional \$500,000 in the quarter three financial review process and (b) the \$500,000 budget allocation for this project as included in the draft 21-22 Capital Projects Budget.

## **REPORT DETAIL**

### **1. Background**

The project involves the former DPI Fisheries site, Joseph Crescent Deception Bay. The project scope includes construction of a new community facility including a community meeting space for a maximum of 40 people, with kitchenette / canteen space, toilets, pathways, off-street car park bays and limited landscaping. The objective of the project is to provide a multi-purpose community meeting and activity space as part of a staged development of the site.

Construction will commence in April 2021 and take 38 weeks to complete which includes allowances for wet weather.

To comply with the external funding requirement, earthworks, slab and framing of the building are the elements of the project required to be completed by 30 June 2021, which is in line with the program of works pending further wet weather from April to June 2021.

ITEM 3.3 TENDER - DECEPTION BAY - JOSEPH CRESCENT - COMMUNITY FACILITIES STAGE 1 - 61770512  
(Cont.)



Figure 2: Joseph Crescent Community Facility Locality Plan

**2. Explanation of Item**

Tenders for the 'Deception Bay - Joseph Crescent - Community Facilities Stage 1 (MBRC010681)' project closed on 9 March 2012 with five tenders received, three of which were conforming. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

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

RANK	TENDERER	EVALUATION SCORE (Pre Local Preference)	EVALUATION SCORE (Post Local Preference)
1	Murphy Builders Qld Pty Ltd	97.14	104.64
2	Intrec Management (QLD) Pty Ltd	93.79	93.79
3	Peter Fardoulys Pty Ltd, trading as Fardoulys Constructions	93.01	93.01
4	Auzcon Pty Ltd	Non-conforming	Non-conforming
5	Stuart Saw	Non-conforming	Non-conforming

*ITEM 3.3 TENDER - DECEPTION BAY - JOSEPH CRESCENT - COMMUNITY FACILITIES STAGE 1 - 61770512  
(Cont.)*

**Murphy Builders Qld Pty Ltd ('MB')** - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience. A tender clarification meeting was held on 16 March 2021, at which MB demonstrated their relevant experience, methodology, understanding of the project and capability in delivering the project. MB provided examples of similar projects including Samford Parklands Community Building (valued at 2.84M); Coolum Beach Civic Centre (valued at \$1.3M); and Kawana Forrest Community Centre (valued at \$600,000) for the Sunshine Coast Council.

The tender from MB achieved the highest evaluation score pre and post local preference application. The evaluation panel recommends that the tender from MB represents the best overall value offer to Council.

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

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

**Auzcon Pty Ltd and Stuart Saw** submitted non-conforming tenders - that did not meet the satisfactory external third party financial review requirements.

### 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 - active recreation opportunities.

#### 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.

#### 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 'very strong'.

##### *Construction Risks:*

- a. The recommended tenderer will provide a program of works, staging plans, traffic management plans, safety management plan, environmental management plan, and quality management documentation as part of the contract to detail how they will plan, establish and manage project construction risks which will be reviewed and audited by Project Management.

ITEM 3.3 TENDER - DECEPTION BAY - JOSEPH CRESCENT - COMMUNITY FACILITIES STAGE 1 - 61770512  
(Cont.)

- b. The recommended tenderer has indicated their understanding of the project site and the proximity of the natural environment and surrounding properties to ensure the safety and wellbeing 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 recommended tenderer has been provided a copy of the Development Approval conditions to be complied with throughout the project. There are no other Development Approvals that impact this project.
- e. A Dilapidation report will be conducted prior to works commencing 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 \$2,191,253 for this project, with \$75,000 in the 19-20 FY Capital Projects Program for planning, \$1,616,253 in the 20-21 FY Capital Projects Program for design and the commencement of construction and identified a further \$500,000 in the draft 21-22 FY Capital Projects Program. Council has received \$600,000 from the State Government's Unite and Recover Community Stimulus Package (URCSP). All financial information provided below is excluding GST.

Planning 19/20	\$	58,747.00
Design 20/21	\$	119,691.00
Tender Price (Construction)	\$	2,265,053.32
Contingency (10%)	\$	226,505.33
QLeave (0.575%)	\$	13,024.06
Construction Phase Consultants	\$	5,000.00
		-----
Total Project Cost	\$	2,688,020.71
		=====
State Govt's URCSP funding program	\$	600,000.00
Net Project Cost	\$	2,088,020.71

As a result of the State Govt's URCSP package the net cost of the project to MBRC is \$2,088,020.71, compared with the project cost of \$2,599,612.71 without the funding.

Estimated ongoing operational/maintenance costs \$57,570 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 Murphy Builders Qld Pty Ltd for the project, Council commits to the provision of an additional \$500,000 in the quarter 3 20-21 budget review process and also commits to the \$500,000 in the draft 21-22 FY Capital Project Program.

3.7 Economic Benefit Implications

This park and building development involves many facets of construction including earthworks, community building construction, services provision, planting, internal road and car parks and pavements. It is envisaged that many trades and suppliers will be involved which will create employment and therefore economic benefits in the region.

ITEM 3.3 TENDER - DECEPTION BAY - JOSEPH CRESCENT - COMMUNITY FACILITIES STAGE 1 - 61770512  
(Cont.)

3.8 Environmental Implications

The positive impact of this project is that the former DPI Fisheries site, which has laid dormant for many years, will be activated with this new community building. The site is set in an environmentally sensitive area along a coastal foreshore with mangrove plant communities to the east and north. The building's low profile has been designed to fit into this setting with minimal environmental and visual impact. The assortment of buildings and vast areas of impermeable bitumen surfacing from the former DPI site have been removed and replaced with lawns and gardens.

3.9 Social Implications

This park development will engender a positive social impact as it will create a hub and meeting space for the local 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. Weekly email updates will be provided to the Divisional Councillor. There will also be a dedicated project webpage established which will be updated weekly. The Divisional Councillor has been consulted and are supportive of the project.

**ITEM 3.4**

**TENDER - KIPPA-RING - KLINGNER ROAD / BOARDMAN ROAD - INTERSECTION UPGRADE**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* 61709996 : 10 March 2021 - Refer **Confidential** Supporting Information  
**61608167**  
*Responsible Officer:* SAM, Principal Engineer (ECM Project Management)

**Executive Summary**

Tenders were invited for the 'Kippa-Ring - Klingner Road / Boardman Road - Intersection Upgrade (MBRC010463)' project. The tender closed on 3 February 2021, with a total of 6 tenders received, all of which were conforming.

It is recommended that Council award the contract to Pentacon Pty Ltd for the sum of \$3,588,105.44 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

The Federal Government is contributing \$4M towards this project (non-COVID-19 funding).

**RESOLUTION**

Moved by Cr Karl Winchester

Seconded by Cr Jodie Shipway

CARRIED 12/0

1. That the tender for the 'Kippa-Ring - Klingner Road / Boardman Road - Intersection Upgrade (MBRC010463)' project be awarded to Pentacon Pty Ltd for the sum of \$3,588,105.44 (excluding GST).
2. That the Council enters into an agreement with Pentacon 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 Pentacon Pty Ltd for the 'Kippa-Ring - Klingner Road / Boardman Road - Intersection Upgrade (MBRC010463)' project and any required variations of the agreement on Council's behalf.
4. 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 3.4 TENDER - KIPPA-RING - KLINGNER ROAD / BOARDMAN ROAD - INTERSECTION UPGRADE - 61709996 (Cont.)

### OFFICER'S RECOMMENDATION

1. That the tender for the 'Kippa-Ring - Klingner Road / Boardman Road - Intersection Upgrade (MBRC010463)' project be awarded to Pentacon Pty Ltd for the sum of \$3,588,105.44 (excluding GST).
2. That the Council enters into an agreement with Pentacon 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 Pentacon Pty Ltd for the 'Kippa-Ring - Klingner Road / Boundary Road - Intersection Upgrade (MBRC010463)' project and any required variations of the agreement on Council's behalf.
4. 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**

This project is located at the intersection of Klingner and Boardman Roads, Kippa-Ring. The scope of works includes signalling the 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. The objective of this project is to increase capacity and reduce delays at this key intersection to improve the efficiency of the trunk network.

The Federal Government is contributing \$4M towards this project (non-COVID-19 funding).

Service relocation works started in February 2021 with Energex poles being relocated. Further service relocation will continue this financial including Telstra, APA Gas and Unitywater. The recommended tenderer will order materials such as pipes in early April 2021 upon award of contract. Construction is expected to commence in July 2021 and take 19 weeks to complete and includes an allowance for wet weather.

ITEM 3.4 TENDER - KIPPA-RING - KLINGNER ROAD / BOARDMAN ROAD - INTERSECTION UPGRADE - 61709996 (Cont.)

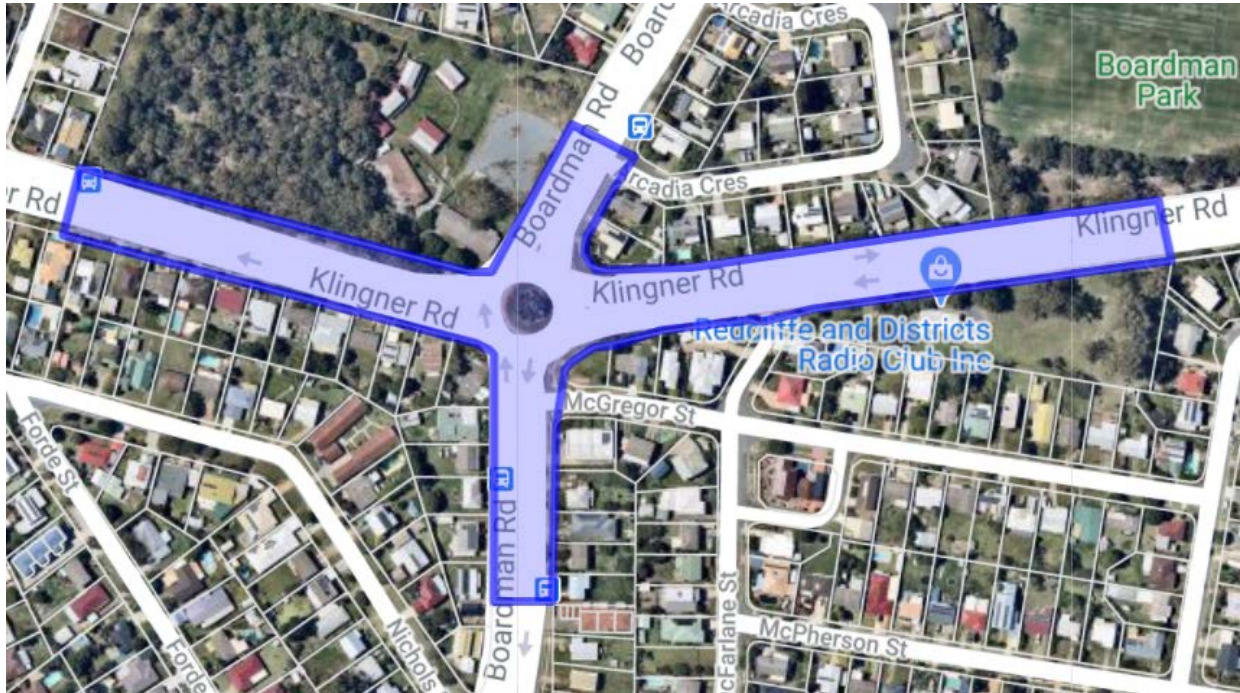


Figure 1: Locality Plan - location of works

2. Explanation of Item

Tenders for the 'Kippa-Ring - Klingner Road / Boardman Road - Intersection Upgrade (MBRC010463)' project closed on 3 February 2021, with a total of 6 tenders received, all 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 tenders 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	Pentacon Pty Ltd	95.12	102.62
2	Allroads Pty Ltd	94.50	94.50
3	Ryan Civil Contracting Pty Ltd	92.12	92.12
4	HEH Civil Pty Ltd	90.97	90.97
5	CES Civil SEQ Pty Ltd	87.53	87.53
6	Auzcon Pty Ltd	67.37	67.37

**Pentacon Pty Ltd ('Pentacon')** - submitted a conforming tender and demonstrated their experience on projects of similar scale and complexity. At the tender clarification meeting held on 1 March 2021, Pentacon provided further detail to their methodology, confirmed an overall construction duration of 19 weeks (including an allowance for wet weather) and demonstrated an understanding of the project's requirements in regards to traffic flow and management of service providers. Pentacon detailed their work program and detailed their traffic management for the construction of the new signalised intersection.



ITEM 3.4 TENDER - KIPPA-RING - KLINGNER ROAD / BOARDMAN ROAD - INTERSECTION UPGRADE - 61709996 (Cont.)

All works will be constructed during the day with traffic to be managed based upon recorded traffic volumes that were provided at tender. Two-way traffic will always be provided with the number of lanes depending on the time of day and volume of traffic. Pentacon have completed the following projects; Hilton Terrace Corridor Upgrade for Noosa Council (\$3.5m), Counter Road Upgrade for Gympie Regional Council (\$1.9m), Creekside Boulevard Roundabout Improvements for Sunshine Coast Regional Council (\$1.1m).

The evaluation panel recommends that the tender from Pentagon represents the best overall value offer to Council.

**Allroads Pty Ltd ('Allroads')** - submitted a comprehensive tender and demonstrated their construction methodology and experience on projects of a similar scale and complexity. The tendered construction program of works is 22 weeks duration plus rain days. There were no additional benefits for the higher price.

**Ryan Civil Contracting Pty Ltd ('Ryan')** - submitted a comprehensive tender and demonstrated their construction methodology and experience on projects of a similar scale and complexity. The tendered construction program of works was of 26 weeks' duration including an allowance for rain days. There were no additional benefits for the higher price.

### 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: Diverse transport options - an integrated regional transport network.

#### 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.

#### 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 financial assessment has been carried out and the recommended tenderer was rated 'sound'.

##### Construction Risks:

- a. The recommended tenderer will provide a program of works, Traffic, 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 and monitored by Council's Project Management section.
- b. The recommended tenderer has provided a 19-week construction program, including an allowance for weather delays as part of their tender program. The recommended tenderer has not identified any supply issues, including COVID-19 related matters associated with this project, other than lead times for stormwater drainage pipes, which will be ordered upon award of this contract.

ITEM 3.4 TENDER - KIPPA-RING - KLINGNER ROAD / BOARDMAN ROAD - INTERSECTION UPGRADE - 61709996 (Cont.)

- c. Communications with Kabi Kabi will be maintained via updates of the construction progress by Council's Cultural Heritage Planning Officer and Project Management.
- d. A Cultural Heritage Induction will be undertaken by the recommended tenderer before any works are undertaken on site, overseen by Project Management.
- e. There are no Development Approvals impacting 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 is greater than the CEO delegation and is therefore reported to Council for consideration.*

3.6 Financial Implications

Council has allocated a total of \$5,700,894 over the course of the 19-20FY, 20-21FY and 21-22FY's Capital Projects Program, with \$250,000 for planning and design (19-20FY), \$550,894 for service relocations(20-21FY) and \$4,900,000 (current allocation for 21-22FY) for construction. The Federal Government is contributing \$4M towards this project (non-COVID-19 funding). All financials below are excluding GST.

Design 19/20	\$ 199,106.00
Design 20/21	\$ 176,678.09
Energex 20/21	\$ 306,351.65
NBN 20/21	\$ 31,669.59
Telstra (Estimated Construction Cost)	\$ 110,000.00
Unitywater (Estimated Construction Cost)	\$ 150,000.00
APA Gas (Estimated Construction Cost)	\$ 725,000.00
Tender Price (Construction)	\$ 3,588,105.44
Contingency (10%)	\$ 358,810.54
<u>QLeave (0.575%)</u>	<u>\$ 20,631.61</u>

**Total Project Cost** **\$ 5,666,352.92**

Federal Funding \$ 4,000,000.00

**Nett cost to Council** **\$ 1,666,352.92**

Estimated ongoing operational/maintenance costs \$50,000 per F/Y.

The budget amount for this project is sufficient.

3.7 Economic Benefit Implications

The signalised intersection will improve traffic flow at the intersection, extend the pavement life and accommodate expected traffic growth.

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 Environmental Management Plan will be monitored and audited by project management during construction.

3.9 Social Implications

The intersection signalisation has been designed to improve the safety, rideability and structural integrity of the pavement for all road users ensuring road network reliability.

*ITEM 3.4 TENDER - KIPPA-RING - KLINGNER ROAD / BOARDMAN ROAD - INTERSECTION UPGRADE - 61709996 (Cont.)*

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

The residents adjacent to the works will be notified of the works and expected construction timeframe three weeks prior to commencement via a project notice, project signage, door knocking. Variable message boards will be displayed on at each approach two weeks prior to the commencement of construction works. These variable message boards will be used to advise motorists of changes throughout the construction duration. The detailed communications plan will include a Councillor weekly email update and website page with weekly updates. The Divisional Councillor has been consulted and is supportive of the project.

UNCONFIRMED

**ITEM 3.5  
TENDER - FERNY HILLS - FERNY HILLS AQUATIC CENTRE - AMENITIES  
UPGRADE**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* 61793969 : 22 March 2021 - Refer **Confidential** Supporting Information  
**61756326**  
*Responsible Officer:* GM, Project Manager (ECM Project Management)

**Executive Summary**

Tenders were called for the 'Ferny Hills - Ferny Hills Aquatic Centre - Amenities Upgrade (MBRC010687)' project. The tender closed on the 11th March 2021 with a total of six tenders received, all six were conforming.

It is recommended that the tender for the 'Ferny Hills - Ferny Hills Aquatic Centre - Amenities Upgrade (MBRC010687)' project be awarded to Kimini Constructions Pty Ltd for the sum of \$470,161.18 (excluding GST) 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.

This project has received \$100,000 in funding from the State Government's Working for Queensland (W4Q) COVID-19 funding program.

**RESOLUTION**

Moved by Cr Matt Constance

Seconded by Cr Darren Grimwade

CARRIED 12/0

1. That the tender for 'Ferny Hills - Ferny Hills Aquatic Centre - Amenities Upgrade (MBRC010687)' be awarded to Kimini Constructions Pty Ltd for the sum of \$470,161.18 (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 'Ferny Hills - Ferny Hills Aquatic Centre - Amenities Upgrade (MBRC010687)' and any required variations of the agreement on Council's behalf.
4. 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.
5. 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 \$275,000 in the quarter three financial review process.

ITEM 3.5 TENDER - FERNY HILLS - FERNY HILLS AQUATIC CENTRE - AMENITIES UPGRADE - 61793969  
(Cont.)

## OFFICER'S RECOMMENDATION

1. That the tender for 'Ferry Hills - Ferry Hills Aquatic Centre - Amenities Upgrade (MBRC010687)' be awarded to Kimini Constructions Pty Ltd for the sum of \$470,161.18 (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 'Ferry Hills - Ferry Hills Aquatic Centre - Amenities Upgrade (MBRC010687)' and any required variations of the agreement on Council's behalf.
4. 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.
5. 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 \$275,000 in the quarter three financial review process.

## **REPORT DETAIL**

### **1. Background**

The project is located the Ferry Hills Aquatic Centre, 52 Ferry Way, Ferry Hills. The project scope includes the upgrade of public amenities to include a new hot water system and refurbishment of the current amenities.

This project has originated as a result of inspections of multiple pool amenities across the MBRC. The current facilities consist of male, female amenities and change rooms as well as separate PWD facilities. Deficiencies include a lack of a hot water system which supplies hot water to all showers. The facilities are aged, in need of a refurbishment and updated configuration.

Construction is proposed to commence in April/May 2021 and take 8 weeks to complete which includes an allowance for wet weather.

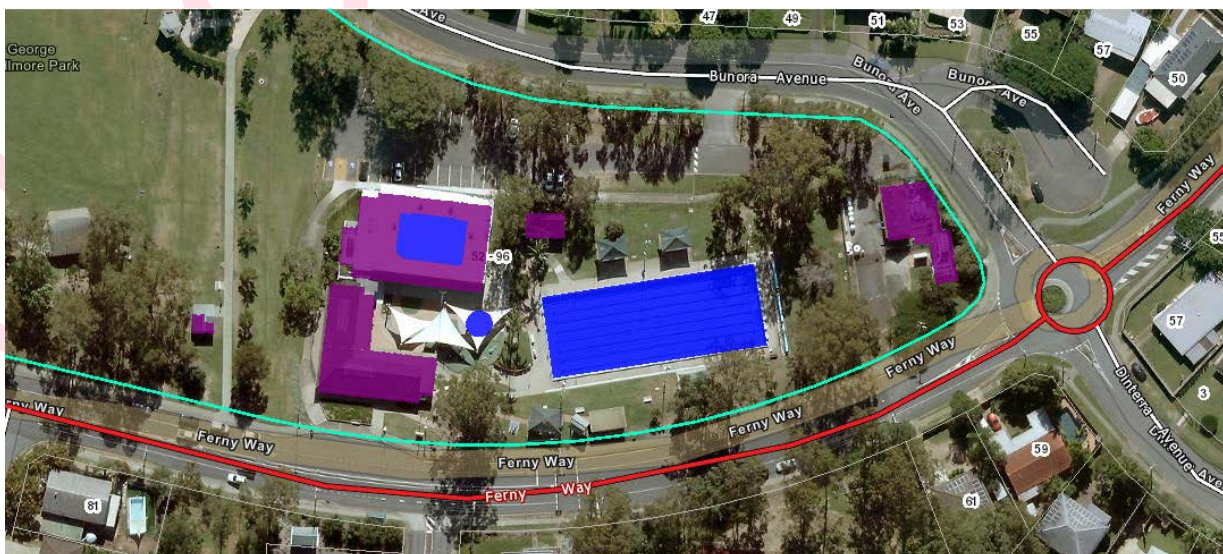


Figure 1 - Locality Plan

ITEM 3.5 TENDER - FERNY HILLS - FERNY HILLS AQUATIC CENTRE - AMENITIES UPGRADE - 61793969  
(Cont.)

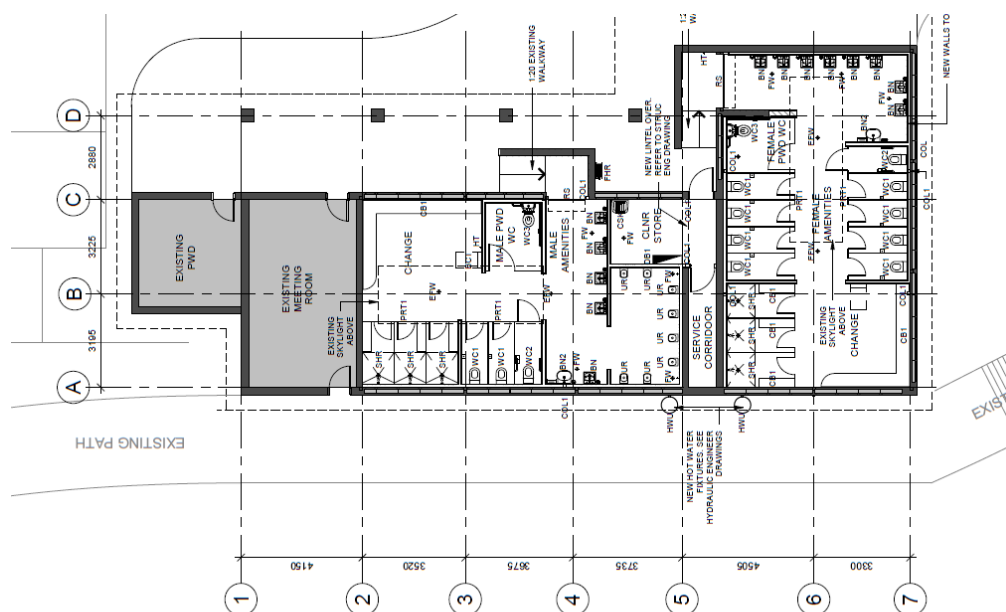


Figure 2 - Plan View

2. Explanation of Item

Tenders for the 'Ferny Hills - Ferny Hills Aquatic Centre - Amenities Upgrade (MBRC010687)' project closed on the 11<sup>th</sup> March 2021 with six 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.

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	96.06	111.06
2	Quadric Pty Ltd	98.30	105.80
3	Fitout and Refurbishment Australia Pty Ltd	92.68	96.43
4	Kane Constructions (Qld) Pty Ltd, trading as Arete Australia	95.79	95.79
5	Future Fitouts Qld Pty Ltd t/a Future Fitouts	91.34	91.34
6	NF Corbett Pty Ltd	80.88	80.88

**Kimini Constructions Pty Ltd ('KC')** - submitted a comprehensive and well-presented tender with a well-prepared Methodology/Strategy and demonstrating relevant similar project experience and the capacity, knowledge and experience to successfully complete this project on time. A tender clarification meeting was held on 23<sup>rd</sup> March 2021, KC demonstrated their relevant experience, methodology, understanding and capability in delivering the project.

ITEM 3.5 TENDER - FERNY HILLS - FERNY HILLS AQUATIC CENTRE - AMENITIES UPGRADE - 61793969  
(Cont.)

KC provided examples of similar projects including - John Scott Park, Samford Village – Demolition and construction of amenities block (valued at \$246k) and Albany Creek Leisure Centre - Gym & Amenities refurbishment (valued at 85k) for MBRC and Gladstone Electorate Office - Demo of internal office and complete refit (valued at \$186k).

The tender from KC was the second lowest price offered and achieved the highest evaluation score. The evaluation panel recommends that the tender from Kimini Constructions Pty Ltd represents the best overall value offer to Council.

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

**Fitout and Refurbishment Australia Pty Ltd ('FARA')** - 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, trading as Arete Australia ('AA')** - submitted a comprehensive and well-presented tender, demonstrating their project experience: however, there were no additional benefits for the higher price.

**Future Fitouts Qld Pty Ltd t/a Future Fitouts ('FF')** - submitted a comprehensive and well-presented tender, demonstrating their project experience: however, there were no additional benefits for the higher price.

**NF Corbett Pty Ltd ('NFC')** - 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 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/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.

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 3.5 TENDER - FERNY HILLS - FERNY HILLS AQUATIC CENTRE - AMENITIES UPGRADE - 61793969  
(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 the natural environment and surrounding properties to ensure the safety and wellbeing 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. 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.
- e. The project has an approved Development Approval.
- f. Dilapidation inspections will be conducted prior to works commencing on surrounding 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 \$3.2M, 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 \$290,000 in the 20/21 FY Capital Projects Program with \$100,000 in funding from the State Government's Working for Queensland (W4Q) COVID-19 funding program towards the project. All financial information provided is excluding GST.

Design	\$ 46,070.00
Tender Price (construction)	\$ 470,161.18
Contingency (10%)	\$ 47,016.12
QLeave (0.575%)	\$ <u>2,703.43</u>
 Total Project Cost	 \$ <u>565,950.73</u>
 Federal Govt. COVID-19 Funding	 \$ 100,000.00
Net Project Cost	\$ 465,950.73



ITEM 3.5 TENDER - FERNY HILLS - FERNY HILLS AQUATIC CENTRE - AMENITIES UPGRADE - 61793969  
(Cont.)

As a result of the State Government's Working for Queensland (W4Q) COVID-19 funding program the net cost of the project to MBRC is \$465,950.73, compared with a project cost of \$565,950.73 without the funding.

This project was brought forward by 12 months as a result of the funding program.

Estimated ongoing operational/maintenance costs: \$1,410 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 Kimini Constructions Pty Ltd for the project, Council commits to the provision of an additional \$275,000 in the quarter three financial review process.

3.7 Economic Benefit Implications

The attraction to the Aquatic Centre will be greatly enhanced by further increasing patronage to the area and improved facilities for family / event days.

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 upgrade of the Amenities at Ferny Hills Aquatic Centre will provide equal opportunity and accessibility, for all community groups. The increased facility will foster greater community participation and wellbeing.

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. Weekly email updates will be provided for the Divisional Councillor. The Local Councillor has been consulted and is supportive of the projects.

**ITEM 3.6**

**TENDER - STRATHPINE - PINE RIVERS PARK - PARK DEVELOPMENT**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* 61662697 : 18 March 2021 - Refer **Confidential Supporting Information**  
**61659635**  
*Responsible Officer:* CB, Project Engineer (ECM Project Management)

**Executive Summary**

Tenders were called for the 'Strathpine - Pine Rivers Park – Park Development (MBRC010640)' project with tenders closing on the 16 February 2021 with a total of five tenders received, three of which were conforming.

It is recommended that the tender for 'Strathpine - Pine Rivers Park – Park Development (MBRC010640)' project be awarded to THE LANDSCAPE CONSTRUCTION COMPANY PTY LTD, for the sum of \$613,337.00 (excluding GST) as this tender represents the best overall value to Council.

The project has received \$641,760 in funding from the Federal Government's LCRIP1 (COVID-19) program.

**RESOLUTION**

Moved by Cr Cath Tonks

Seconded by Cr Jodie Shipway

CARRIED 12/0

1. That the tender for 'Strathpine - Pine Rivers Park – Park Development (MBRC010640)' project be awarded to THE LANDSCAPE CONSTRUCTION COMPANY PTY LTD, for the sum of \$613,337.00 (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 'Strathpine - Pine Rivers Park – Park Development (MBRC010640)' project and any required variations of the agreement on Council's behalf.
4. To allow this project to continue, Council commits to the provision of an additional \$60,000 in the 20-21 FY 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.

ITEM 3.6 TENDER - STRATHPINE - PINE RIVERS PARK - PARK DEVELOPMENT - 61662697 (Cont.)

## OFFICER'S RECOMMENDATION

1. That the tender for 'Strathpine - Pine Rivers Park – Park Development (MBRC010640)' project be awarded to THE LANDSCAPE CONSTRUCTION COMPANY PTY LTD, for the sum of \$613,337.00 (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 'Strathpine - Pine Rivers Park – Park Development (MBRC010640)' project and any required variations of the agreement on Council's behalf.
4. To allow this project to continue, Council commits to the provision of an additional \$60,000 in the 20-21 FY 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.

## **REPORT DETAIL**

### **1. Background**

The project is located at Pine Rivers Park, Gympie Road, Strathpine. The project scope includes the construction of three large picnic shelters, BBQ's, furniture and landscaping. The objective of the project is to provide additional picnic facilities suitable for larger groups and small-scale events adjacent existing play facilities.

Construction will commence in April 2021 and take 12 weeks to complete which includes an allowance for wet weather (3 days) and is currently programmed to be completed by 30 June 2021.



Figure 1 - Locality Plan

ITEM 3.6 TENDER - STRATHPINE - PINE RIVERS PARK - PARK DEVELOPMENT - 61662697 (Cont.)

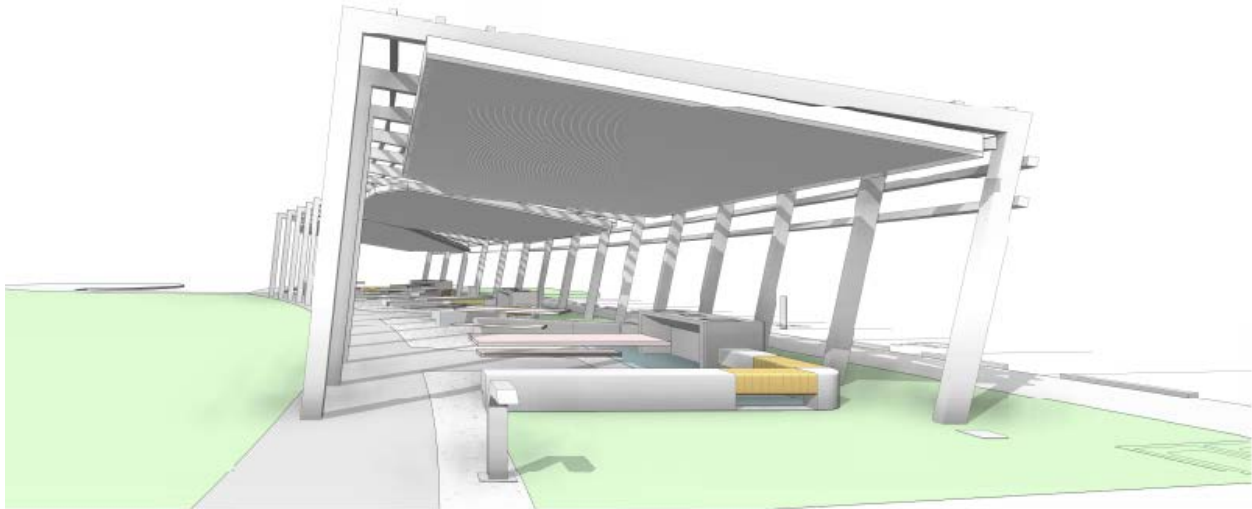


Figure 2 - Perspective 1



Figure 3 - Perspective 2

**2. Explanation of Item**

Tenders were called for the 'Strathpine - Pine Rivers Park – Park Development (MBRC010640)' project, with tenders closing on the 16 February 2021, with a total of five tenders received, three of which were conforming.

ITEM 3.6 TENDER - STRATHPINE - PINE RIVERS PARK - PARK DEVELOPMENT - 61662697 (Cont.)

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	The Landscape Construction Company Pty Ltd	100.00	111.25
2	IDEC Solutions Pty Ltd	70.42	70.42
3	Commercialscares Pty Ltd	48.66	48.66
4	Auzcon Pty Ltd	Non-conforming	Non-conforming
5	IF Construction Pty Ltd	Non-conforming	Non-conforming

**THE LANDSCAPE CONSTRUCTION COMPANY ('TLCC')** - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience. A tender clarification meeting was held on 16 March 2021, at which TLCC demonstrated their relevant experience, methodology, understanding of the project and capability in delivering the project. TLCC provided examples of relevant project experience including Caboolture to Wamuran Rail Trail (valued at \$2.1M), Pine Rivers Shade Structure at Strathpine (valued at \$153,000) for Moreton Bay Regional Council (MBRC) and Montague Markets (valued at \$4.0m) for Pradella Group.

The tender from TLCC was the lowest priced offer and achieved the highest evaluation score pre and post local preference application. The evaluation panel recommends that the tender from TLCC represents the best overall value offer to Council.

**IDEC SOLUTIONS ('IS')** - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience, however there were no additional benefits for the higher price.

**COMMERCIALSCAPES ('CS')** - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience, however there were no additional benefits for the higher price.

**AUZCON ('Auzcon')** - submitted a non-conforming tenderer (did not obtain a satisfactory external financial report).

**IF Construction ('IFC')** - submitted a non-conforming tenderer (did not include the mandatory tender documentation).

### 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 - active recreation opportunities.

#### 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 3.6 TENDER - STRATHPINE - PINE RIVERS PARK - PARK DEVELOPMENT - 61662697 (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'.

- 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 natural environment and surrounding properties 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. 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.
- e. The project is not impacted by any Development Approvals.

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 \$675,000 in the 20-21 FY Capital Works Program, with \$641,760 provided from the Federal COVID-19 LCRIP1 funding program towards the project.

Design	\$	57,699.00
Tender Price (Construction)	\$	613,337.00
Contingency (10%)	\$	61,333.70
<u>QLeave Costs (0.575%)</u>	\$	<u>3,526.69</u>
<b><u>Total Project Cost</u></b>	<b>\$</b>	<b><u>735,896.39</u></b>
Federal Government funding (COVID-19)	\$	641,760.00
Net Cost to Council	\$	94,136.39
Estimated ongoing maintenance costs		\$15,187.50 per F/Y.

The budget amount for this project is insufficient. To allow this project to continue, Council commits to the provision of an additional \$60,000 in the 20-21 FY quarter three financial review process.

3.7 Economic Benefit Implications

The attraction to the park will be greatly enhanced by further increasing patronage to the area and improved facilities for family / event days and will benefit local businesses of the region.

ITEM 3.6 TENDER - STRATHPINE - PINE RIVERS PARK - PARK DEVELOPMENT - 61662697 (Cont.)

3.8 Environmental Implications

The successful tenderer will provide an environmental management plan that will be monitored by project management. The outcome of this project is the installation of lush understorey planting, green roof / screens and evergreen shade trees, to create a uniquely green, cool and shadier picnic facility.

3.9 Social Implications

The park aims to engender a positive social impact and create a unique picnic hub for social activity and gatherings especially for large families and to celebrate events.

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 signs displayed on site two weeks prior to construction. Weekly email updates will be provided to the Divisional Councillor and weekly updates with project updates, including photographs, will be provided weekly about the project's progress on Council's website. The local councillor has been consulted and is supportive of the project.

**ITEM 3.7****TENDER - MOUNT NEBO - MOUNT NEBO ROAD NEAR JOLLY'S LOOKOUT POINT  
- ROAD SAFETY UPGRADE**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* 61779124 : 18 March 2021 - Refer **Confidential Supporting Information 61791260**  
*Responsible Officer:* DM, Senior Project Manager (ECM Project Management)

**Executive Summary**

Tenders were called for the 'Mount Nebo - Mount Nebo Road near Jolly's Lookout Point - Road Safety Upgrade (MBRC010323)' project. Tenders closed on 4 March 2021 with a total of eight tenderers providing eleven submissions, ten of which were conforming.

It is recommended that the tender for 'Mount Nebo - Mount Nebo Road near Jolly's Lookout Point - Road Safety Upgrade (MBRC010323)' project be awarded to HEH Civil Pty Ltd, for the sum of \$2,356,658.00 (excluding GST) as this tender represents the best overall value to Council.

The project has received \$2,000,000 in funding from the Federal Government's Black Spot program.

**RESOLUTION**

Moved by Cr Darren Grimwade

Seconded by Cr Cath Tonks

CARRIED 12/0

1. That the tender for the 'Mount Nebo - Mount Nebo Road near Jolly's Lookout Point - Road Safety Upgrade (MBRC010323)' project be awarded to HEH Civil Pty Ltd for the amount of \$2,356,658.00 (excluding GST).
2. That the Council enters into an agreement with HEH Civil 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 HEH Civil Pty Ltd for the 'Mount Nebo - Mount Nebo Road near Jolly's Lookout Point - Road Safety Upgrade (MBRC010323)' 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 HEH Civil Pty Ltd for the project, Council commits to the provision of an additional \$1,250,000 in the 20-21 FY quarter 3 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.



ITEM 3.7 TENDER - MOUNT NEBO - MOUNT NEBO ROAD NEAR JOLLY'S LOOKOUT POINT - ROAD SAFETY UPGRADE - 61779124 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the tender for the 'Mount Nebo - Mount Nebo Road near Jolly's Lookout Point - Road Safety Upgrade (MBRC010323)' project be awarded to HEH Civil Pty Ltd for the amount of \$2,356,658.00 (excluding GST).
2. That the Council enters into an agreement with HEH Civil 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 HEH Civil Pty Ltd for the 'Mount Nebo - Mount Nebo Road near Jolly's Lookout Point - Road Safety Upgrade (MBRC010323)' 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 HEH Civil Pty Ltd for the project, Council commits to the provision of an additional \$1,250,000 in the 20-21 FY quarter 3 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.

**REPORT DETAIL**

**1. Background**

The project is located over a 330-metre section of Mount Nebo Road near Jolly's Lookout Point, Mount Nebo. The scope includes road reconstruction and widening with a sealed shoulder on the outside of the curve, construction of a concrete v-drain, installation of guardrail and removal of several roadside hazards and improve edge lines and enhanced delineation using guideposts and chevron alignment markers and the road reconstruction and widening will be supported by a precast retaining wall structure up to 3.5 metres in height on the downhill side of the road with micro piles. The objective of the project is to improve safety for all users and address an identified crash trend which is eligible and has since been submitted for 2020/21 black spot funding.

Construction will commence in April 2021 and take 21 weeks to complete which includes an allowance for wet weather and is currently programmed to be completed by September 2021.



ITEM 3.7 TENDER - MOUNT NEBO - MOUNT NEBO ROAD NEAR JOLLY'S LOOKOUT POINT - ROAD SAFETY UPGRADE - 61779124 (Cont.)

**2. Explanation of Item**

Tenders for the 'Mount Nebo - Mount Nebo Road near Jolly's Lookout Point - Road Safety Upgrade (MBRC010323)' project closed on the 4 March 2021 with a total of a total of eight tenderers providing eleven submissions, ten of which were conforming. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

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

RANK	TENDERER	EVALUATION SCORE (Pre Local Preference)	EVALUATION SCORE (Post Local Preference)
1	HEH Civil Pty Ltd	98.80	110.05
2	Alder Constructions Pty Ltd Conforming (Gabion Option)	95.56	103.06
3	ALLROADS Pty Ltd Conforming (Gabion Option)	94.92	102.42
4	Alder Constructions Pty Ltd Alternative 1 (Magnum Stone Wall Option)	91.00	98.50
5	Aramira Civil Engineering Pty Ltd	87.35	87.35
6	Australian Marine & Civil Pty Ltd	86.32	86.32
7	Hall Contracting Pty Ltd	74.65	74.65
8	Auzcon Pty Ltd Alternative 1 (No-fines concrete wall)	69.64	69.64
9	Auzcon Pty Ltd Conforming (Magnumstone wall)	65.93	65.93
10	McIlwain Civil Engineering Pty Ltd	51.02	51.02
11	ALLROADS Pty Ltd Alternative 1 (Random Rock)	Non-Conforming	Non-conforming

**HEH Civil Pty Ltd ('HEH')** - submitted a comprehensive and well-presented tender demonstrating a comprehensive design and construct solution for the retaining wall system as well as relevant similar project experience. A tender clarification meeting was held on 16 March 2021, at which HEH demonstrated their relevant experience, methodology, understanding of the project and capability in delivering the project. HEH provided comprehensive supporting evidence of their design and construct solution and were able to demonstrate that it reduces the risk of latent conditions impacting on their overall tender price and duration. The solution also reduced the impact on the expected footprint of the works and impacts to the existing road during construction. HEH provided examples of similar projects including Maleny Road Intersection Upgrade at Bald Knob on the Landsborough Maleny Road (valued at \$543,000) and Harley Street Intersection Upgrade (valued at \$12.2M) for the Department of Transport and Main Roads.; Oakey Flat Road & Intersection Upgrade (valued at \$4.5M) for Moreton Bay Regional Council; Briggs Road - Pavement Rehabilitation Works (valued at \$1.8M) for the Ipswich City Council. The nominated subcontractors have demonstrated experience with the use of the proposed design and construct retaining wall solution.

The tender from HEH achieved the highest evaluation score pre and post local preference application. The evaluation panel recommends that the tender from HEH represents the best overall value offer to Council.

**ALLROADS Pty Ltd Conforming ('Allroads')** - submitted a comprehensive and well-presented tender, demonstrating their project experience. A tender clarification meeting was held on 16 March 2021, at which Allroads demonstrated their relevant experience and methodology. The retaining wall system nominated by this contractor included the provision for extra costs in the event that a suitable foundation layer was located lower than expected. Based on MBRC previous experience with projects on Mount Nebo Road, latent conditions including unsuitable soil strata / rock are a high risk for these types of projects. While all tenderers were required to make assumptions based on the geotechnical information provided it was deemed that the solution nominated by Allroads introduced a higher risk of variation costs and project delays than the solution provided by the recommended tenderer.

ITEM 3.7 TENDER - MOUNT NEBO - MOUNT NEBO ROAD NEAR JOLLY'S LOOKOUT POINT - ROAD SAFETY UPGRADE - 61779124 (Cont.)

**Alder Constructions Pty Ltd ('AC')** - submitted a comprehensive and well-presented tender, demonstrating their project experience. A tender clarification meeting was held on 11 March 2021, at which AC demonstrated their relevant experience and methodology. The retaining wall system nominated by this contractor included the provision for extra costs in the event that a suitable foundation layer was located lower than expected. Based on MBRC previous experience with projects on Mount Nebo Road, latent conditions including unsuitable soil strata / rock are a high risk for these types of projects. While all tenderers were required to make assumptions based on the geotechnical information provided it was deemed that the solution nominated by AC introduced a higher risk of variation costs and project delays than the solution provided by the recommended tenderer.

**ALLROADS Pty Ltd Conforming ('Allroads')** submitted non-conforming alternative tender - that was withdrawn by Allroads during the tender clarification stage.

### 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: Diverse transport options - an integrated regional transport network.

#### 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.

#### 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'.

- 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 natural environment and surrounding properties to ensure the safety and well-being of all during the works. The recommended tenderer has indicated their understanding of the geotechnical issues and risks associated with the project site. They have adequately allowed for a design and construct solution that includes micro piles to meet the project outcomes.
- 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. There remains a procurement risks relating to this project due to the large lead times associated with Steel Reinforced Concrete Pipes (SRCP).

ITEM 3.7 TENDER - MOUNT NEBO - MOUNT NEBO ROAD NEAR JOLLY'S LOOKOUT POINT - ROAD SAFETY UPGRADE - 61779124 (Cont.)

The successful tenderer has advised that the procurement risks are considered low due to the very small quantity of pipes required (7m in total). 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.

- d. Based on MBRC previous experience with projects on Mount Nebo Road, latent conditions including unsuitable soil strata / rock are a high risk for these types of projects. To avoid cost overruns during construction the contingency for this project has been increased to 30%.

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 originally allocated \$1,775,000 for this project in the 20-21 FY Capital Projects Program for construction of this project. During the design phase the 90% construction estimate was determined to be \$2,773,845 and the additional funds were determined to be sourced at the quarter three (Q3) budget review process. Council initially received \$1,775,000 in funding from the Black Spot Funding Program and has been successful in obtaining a further \$225,000 in December 2020, totalling \$2,000,000 from the Federal Government's Black Spot Funding Program. All financial information provided below is excluding GST.

Design 19/20	\$	19,830.00
Design 20/21	\$	74,190.00
Tender Price (Construction)	\$	2,356,658.00
Contingency (30%)	\$	706,997.40
QLeave (0.575%)	\$	13,550.78
ADAC Survey	\$	5,500.00
Telstra Relocation	\$	48,053.11
Offset Planting	\$	12,640.00
<u>Construction Phase Consultants</u>	<u>\$</u>	<u>8,000.00</u>
<b><u>Total Project Cost</u></b>	<b><u>\$</u></b>	<b><u>3,245,419.29</u></b>
Black Spot Funding program	\$	2,000,000.00
Net Project Cost	\$	1,245,419.29

As a result of the Black Spot Funding program the net cost of the project to MBRC is approximately \$1,250,000, compared with the project cost of \$3,245,419.29 without the funding.

Estimated ongoing operational/maintenance costs \$ 27,750 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 HEH Civil Pty Ltd for the project, Council commits to the provision of an additional \$1,250,000 in the 20-21 FY quarter 3 financial review process.

3.7 Economic Benefit Implications

The project provides an improved corridor for carriage of goods and delivery of services for the local community and recreational facilities for travelling public.

ITEM 3.7 TENDER - MOUNT NEBO - MOUNT NEBO ROAD NEAR JOLLY'S LOOKOUT POINT - ROAD SAFETY UPGRADE - 61779124 (Cont.)

3.8 Environmental Implications

The recommended tenderer has indicated in their methodology the environmental controls and management that will be adopted during construction. An environmental management plan will be submitted and reviewed prior to construction to demonstrate in further detail how the contractor will consider and manage the sensitive environmental requirements of this site.

3.9 Social Implications

The project provides a positive impact by maintaining amenity while enhancing safe access for the local community and travellers through this scenic rural area.

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 sent out to affected residents 2 weeks prior to construction and project signs displayed on site two weeks prior to construction. Weekly email updates will be provided to the Divisional Councillor. The local councillor has been consulted and is supportive of the project.

**ITEM 3.8****TENDER - DELANEYS CREEK - DELANEYS CREEK COMMUNITY HALL - BUILDING UPGRADE**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* 61734248 : 11 March 2021 Refer **Confidential Supporting Information 61705045**  
*Responsible Officer:* CB, Project Engineer (ECM Project Management)

**Executive Summary**

Tenders were called for the 'Delaneys Creek - Delaneys Creek Community Hall - Building Upgrade (MBRC010693)' project. Tenders closed on the 2 March 2021 with a total of one tender received, which was conforming.

It is recommended that the tender for the 'Delaneys Creek - Delaneys Creek Community Hall - Building Upgrade (MBRC010693)' project be awarded to Fitout and Refurbishment Australia Pty Ltd, for the sum of \$326,800.00 (excluding GST) as this tender represents the best overall value to Council.

The project has secured \$170,000 in funding from the State Government's Working for Queensland (W4Q) COVID-19 funding program.

**RESOLUTION**

Moved by Cr Tony Latter

Seconded by Cr Brooke Savige

CARRIED 12/0

1. That the tender for the "Delaneys Creek - Delaneys Creek Community Hall - Building Upgrade (MBRC010693)" project be awarded to Fitout and Refurbishment Australia Pty Ltd, for the sum of \$326,800 (excluding GST).
2. That the Council enters into an agreement with Fitout and Refurbishment Australia 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 Fitout and Refurbishment Australia Pty Ltd for the "Delaneys Creek - Delaneys Creek Community Hall - Building Upgrade (MBRC010693)" project and any required variations of the agreement on Council's behalf.
4. 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.
5. To allow this project to continue, Council commits to the provision of an additional \$165,000 in the 20-21 FY quarter three financial review process.

ITEM 3.8 TENDER - DELANEYS CREEK - DELANEYS CREEK COMMUNITY HALL - BUILDING UPGRADE - 61734248 (Cont.)

## OFFICER'S RECOMMENDATION

1. That the tender for the *“Delaneys Creek - Delaneys Creek Community Hall - Building Upgrade (MBRC010693)”* project be awarded to Fitout and Refurbishment Australia Pty Ltd, for the sum of \$326,800 (excluding GST).
2. That the Council enters into an agreement with Fitout and Refurbishment Australia 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 Fitout and Refurbishment Australia Pty Ltd for the *“Delaneys Creek - Delaneys Creek Community Hall - Building Upgrade (MBRC010693)”* project and any required variations of the agreement on Council's behalf.
4. 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.
5. To allow this project to continue, Council commits to the provision of an additional \$165,000 in the 20-21 FY quarter three financial review process.

## **REPORT DETAIL**

### **1. Background**

The project is located at the Delaneys Creek Community Hall, 219 Mt Mee Road, Delaneys Creek. The project scope includes the upgrade of the hall, specifically, the works include:

- Improved pathway access to entry;
- A Disability Accessible Parking Bay (DAPB);
- Upgrading handrails on ramp to current standards;
- Improving access to the hall stage;
- Upgrading main entry door and signage to current standards; and
- Strengthening roof truss system including replacing the roof sheeting on the eastern and western planes (to allow solar panel installation as part of a future project).

The objective of the project is to improve the function and safety of the hall while maintaining the heritage value of the facility.

The original hall is 115 years old, servicing Delaneys Creek and surrounds. The existing deficiencies include non-compliant access and a roof structure not capable of solar panel installation. The expected outcome of the project is to provide a safe and accessible hall for the local community.

Construction will commence in April 2021 and take 12 weeks to complete which includes an allowance for wet weather and is currently programmed to be completed by 30 June 2021.

The project has secured \$170,000 in funding from the State Government's Working for Queensland (W4Q) COVID-19 funding program.

ITEM 3.8 TENDER - DELANEYS CREEK - DELANEYS CREEK COMMUNITY HALL - BUILDING UPGRADE - 61734248 (Cont.)



Figure 1 - Delaneys Creek Hall Locality Plan



Figure 2 - Side Perspective

**2. Explanation of Item**

Tenders for the ‘Delaneys Creek - Delaneys Creek Community Hall - Building Upgrade (MBRC010693)’ project closed on the 2 March 2021 with a total of one tender received, which was 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	Fitout and Refurbishment Australia Pty Ltd	100	103.75

**Fitout and Refurbishment Australia Pty Ltd (‘FARA’)** - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience. A tender clarification meeting was held on 10 March 2021, at which FARA demonstrated their relevant experience, methodology, understanding of the project and capability in delivering the project. FARA provided examples of relevant project experience including Redlands College E Block infill at Redlands (valued at \$550k); and UQ Biosciences Forecourt at St Lucia (valued at \$1.2m); and 7 Austral Avenue at Graceville (valued at \$750k), all for private entities.



ITEM 3.8 TENDER - DELANEYS CREEK - DELANEYS CREEK COMMUNITY HALL - BUILDING UPGRADE - 61734248 (Cont.)

FARA's submission was determined to provide value for money to Council when compared to general rates for construction taken from Rawlinsons *Australian Construction Handbook* estimating refurbishment of smaller buildings in Brisbane at \$710-860/m<sup>2</sup>. The Delaneys Creek Community Hall upgrade has a gross floor area of 423m<sup>2</sup> with the inclusion of the car park. The tendered construction price is \$326,800 therefore the rate per m<sup>2</sup> is \$773/m<sup>2</sup>.

There are significant works involved in this hall upgrade including works to the roof structure, roof sheeting, structural columns, staircases, car park, balustrading and doorways.

It is noted that rural location of the building may have been a deterrent to tenderers in addition to current market conditions. This may have contributed to the submission of only one tender for this project.

### 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.

#### 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'.

- e. 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.
- f. The recommended tenderer has indicated their understanding of the project site and the proximity of the natural environment and surrounding properties to ensure the safety and well-being of all during the works.
- g. 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. The procurement risks relating to this project are considered low as there is adequate lead time for the recommended tenderer to procure the relevant project construction materials. At the tender clarification meeting, the recommended tenderer did not raise any COVID-19 related impacts which would affect material supply chains and overall time delivery of the project works.
- h. The project is not impacted by any Development Approvals.
- i. Dilapidation inspections will be conducted prior to works commencing on building and surrounding areas to record the existing condition of assets and again after construction to record any change.

ITEM 3.8 TENDER - DELANEYS CREEK - DELANEYS CREEK COMMUNITY HALL - BUILDING UPGRADE - 61734248 (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 \$3.2M, 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 \$220,000 in the 20-21 FY Capital Works Program, with \$170,000 provided from the Works for Queensland (W4Q) towards the project.

Design 20/21	\$	22,215.00
Tender Price (Construction)	\$	326,800.00
Contingency (10%)	\$	32,680.00
QLeave (0.575%)	\$	1,879.10
<b>Total Project Cost</b>	<b>\$</b>	<b>383,574.10</b>
Works for Queensland (W4Q) funding	\$	170,000.00
<b>Net Project cost to Council</b>	<b>\$</b>	<b>213,574.10</b>

Estimated ongoing operational/maintenance costs \$4,120 per F/Y.

The budget amount for this project is insufficient. To allow this project to continue, Council commits to the provision of an additional \$165,000 in the 20/21 FY quarter three financial review process.

3.7 Economic Benefit Implications

The upgrade will increase the ability of the hall to be hired and improve its functionality. Funds generated by increased use will assist the hall committee with management and operational expenses.

3.8 Environmental Implications  Nil identified

3.9 Social Implications

The community hall is a hub for local activity and provides a positive space for members of the community to meet, socialise and connect with one another. The upgrade proposed to the hall will improve functionality and accessibility for the local community and visitors to Delaneys Creek.

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 sent out to affected residents 2 weeks prior to construction 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. The local councillor has been consulted and is supportive of the project.

**ADJOURNMENT**

The meeting adjourned at 10:53 AM for morning tea.

The meeting resumed at 11:25 AM.

**4 PLANNING SESSION**

(Cr P Flannery, Mayor)

**ITEM 4.1****DA/41356/2020/V2N - MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY AND BUILDING WORKS – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY - 6 GOSHAWK COURT, CABOOLTURE****APPLICANT: TAL GP Pty Ltd Tte C/- Property Projects Australia****OWNER: TAL GP Pty Ltd Tte**

Meeting / Session: 4 PLANNING

Reference: 61533602 : 28 February 2021 – Refer Supporting Information 61798175, 61619130, 61622917

Responsible Officer: NT, Senior Planner (PL Development Services)

**Executive Summary**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	TAL GP Pty Ltd Tte C/- Property Projects Australia
<b>Lodgement Date:</b>	23 July 2020
<b>Properly Made Date:</b>	28 July 2020
<b>Confirmation Notice Date:</b>	5 August 2020
<b>Information Request Date:</b>	20 August 2020
<b>Info Response Received Date:</b>	1 October 2020
<b>Public Notification Dates:</b>	8 October 2020 to 29 October 2020
<b>No. of Submissions:</b>	Properly Made: 3 Not Properly Made: Nil.
<b>Decision Due Date:</b>	17 February 2021
<b>Prelodgement Meeting Held:</b>	Yes (DA/4754/2011/PRE)

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 3
<b>Property Address:</b>	6 Goshawk Court, Caboolture
<b>RP Description</b>	Lot 20 SP 300113
<b>Land Area:</b>	2080 m <sup>2</sup>
<b>Property Owner</b>	TAL GP Pty Ltd Tte

<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>	General residential zone - Next generation neighbourhood precinct
<b>Level of Assessment:</b>	Impact and Policy Neutral

This application seeks a Material Change of Use - Development Permit for Car Wash and Service Industry and Building Works - Development Permit for Car Wash and Service Industry situated at the abovementioned property. It is proposed to develop a car wash, dog wash and laundromat within the subject site.

ITEM 4.1 DA/41356/2020/V2N - MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY AND BUILDING WORKS – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY - 6 GOSHAWK COURT, CABOOLTURE - 61533602 (Cont.)

The application was publicly advertised with three (3) submissions received. The proposed development does not accord with the intent of the Moreton Bay Planning Scheme and is recommended to be refused, as expressed in the Overall Outcomes of the Next generation neighbourhood precinct.

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

## RESOLUTION

Moved by Cr Adam Hain

Seconded by Cr Tony Latter

CARRIED 12/0

- A. That Council, in accordance with the *Planning Act 2016*, refuses the development application for a Material Change of Use - Development Permit for Car Wash and Service Industry and Building Works - Development Permit for Car Wash and Service Industry at 6 Goshawk Court, Caboolture, described as Lot 20 SP 300113 for the following reasons of refusal.

### Reasons for Refusal

1. The proposed development will have a significant amenity impact.

#### Particulars

- (a) the proposal includes significant acoustic barriers which will negatively impact the streetscape, adjacent residences and adjacent childcare centre; and
- (b) the proposal relies upon high acoustic barriers to mitigate noise impacts and these barriers will not maintain human scale on the subject site and adjacent allotments; and

#### Relevant Assessment Benchmarks

- Strategic Outcome 3.14.9.4 (8) - Settlement and Urban Form
- Overall Outcomes J, L and O - General residential zone code - Next generation neighbourhood precinct
- Performance Outcome PO72 - General residential zone code - Next generation neighbourhood precinct

2. The proposed development is for non-residential development in a residential zone and does not take the form of a community activity, corner store or neighbourhood hub or local centre. The use is therefore inconsistent with the purpose of the zone and precinct which envisages residential activities supported by a range of community uses and small-scale services, facilities and infrastructure to cater for local residents.

#### Particulars

- (a) The proposed development provides for non-residential uses which are not consistent with the non-residential uses anticipated in this precinct;
- (b) The proposed uses, car wash, dog wash and laundromat, do not function as community activities or small-scale services;
- (c) The proposed uses cater to more than just local residents; and
- (d) The proposed uses do not create a neighbourhood hub.

ITEM 4.1 DA/41356/2020/V2N - MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY AND BUILDING WORKS – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY - 6 GOSHAWK COURT, CABOOLTURE - 61533602 (Cont.)

**Relevant Assessment Benchmarks**

- Overall Outcome G - General residential zone code - Next generation neighbourhood precinct
- Overall Outcome J - General residential zone code - Next generation neighbourhood precinct
- Overall Outcome T - General residential zone code - Next generation neighbourhood precinct
- Overall Outcome V - General residential zone code - Next generation neighbourhood precinct

- B. That the Council report for this application be published to the website as Council's statement of reasons in accordance with Section 63 (5) of the *Planning Act 2016*.
- C. That the following information be included in the Decision Notice.

**Decision Notice information**

	<b>Details to Insert</b>
<b>Application Type</b>	Material Change of Use - Development Permit for Car Wash and Service Industry and Building Works - Development Permit for Car Wash and Service Industry
<b>Relevant Period of Approval</b>	Not applicable
<b>Section 64(5) Deemed Approval</b>	Not applicable
<b>Superseded Planning Scheme</b>	Not applicable
<b>Variation approval affecting the Planning Scheme</b>	Not applicable
<b>Other Necessary Permits</b>	Not applicable
<b>Codes for Accepted Development</b>	Not applicable
<b>Referral Agencies</b>	There are no Referral Agencies
<b>Submissions</b>	There were 3 properly made submissions about this application.

ITEM 4.1 DA/41356/2020/V2N - MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY AND BUILDING WORKS – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY - 6 GOSHAWK COURT, CABOOLTURE - 61533602 (Cont.)

OFFICER'S RECOMMENDATION

- A. That Council, in accordance with the *Planning Act 2016*, refuses the development application for a Material Change of Use - Development Permit for Car Wash and Service Industry and Building Works - Development Permit for Car Wash and Service Industry at 6 Goshawk Court, Caboolture, described as Lot 20 SP 300113 for the following reasons of refusal.

**Reasons for Refusal**

1. The proposed development will have a significant amenity impact.

Particulars

- (c) the proposal includes significant acoustic barriers which will negatively impact the streetscape, adjacent residences and adjacent childcare centre; and
- (d) the proposal relies upon high acoustic barriers to mitigate noise impacts and these barriers will not maintain human scale on the subject site and adjacent allotments; and

Relevant Assessment Benchmarks

- Strategic Outcome 3.14.9.4 (8) - Settlement and Urban Form
- Overall Outcomes J, L and O - General residential zone code - Next generation neighbourhood precinct
- Performance Outcome PO72 - General residential zone code - Next generation neighbourhood precinct

2. The proposed development is for non-residential development in a residential zone and does not take the form of a community activity, corner store or neighbourhood hub or local centre. The use is therefore inconsistent with the purpose of the zone and precinct which envisages residential activities supported by a range of community uses and small-scale services, facilities and infrastructure to cater for local residents.

Particulars

- (e) The proposed development provides for non-residential uses which are not consistent with the non-residential uses anticipated in this precinct;
- (f) The proposed uses, car wash, dog wash and laundromat, do not function as community activities or small-scale services;
- (g) The proposed uses cater to more than just local residents; and
- (h) The proposed uses do not create a neighbourhood hub.

Relevant Assessment Benchmarks

- Overall Outcome G - General residential zone code - Next generation neighbourhood precinct
- Overall Outcome J - General residential zone code - Next generation neighbourhood precinct
- Overall Outcome T - General residential zone code - Next generation neighbourhood precinct
- Overall Outcome V - General residential zone code - Next generation neighbourhood precinct

- B. That the Council report for this application be published to the website as Council's statement of reasons in accordance with Section 63 (5) of the *Planning Act 2016*.

ITEM 4.1 DA/41356/2020/V2N - MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY AND BUILDING WORKS – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY - 6 GOSHAWK COURT, CABOOLTURE - 61533602 (Cont.)

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

**Decision Notice information**

	<b>Details to Insert</b>
<b>Application Type</b>	Material Change of Use - Development Permit for Car Wash and Service Industry and Building Works - Development Permit for Car Wash and Service Industry
<b>Relevant Period of Approval</b>	Not applicable
<b>Section 64(5) Deemed Approval</b>	Not applicable
<b>Superseded Planning Scheme</b>	Not applicable
<b>Variation approval affecting the Planning Scheme</b>	Not applicable
<b>Other Necessary Permits</b>	Not applicable
<b>Codes for Accepted Development</b>	Not applicable
<b>Referral Agencies</b>	There are no Referral Agencies
<b>Submissions</b>	There were 3 properly made submissions about this application.

**REPORT DETAIL**

**1. Background**

On 29 May 2017, a Reconfiguring a Lot - Development Permit for Subdivision (1 into 3 Lots) - 2 Stages was approved by Council's delegate (DA/34191/2017/V3RS). This subdivision created the subject site (Lot 20 SP300113), and the two adjacent lots which have since been developed into a Service Station (Lot 21 SP300113) and Child Care Centre (Lot 1 SP298061).

However, there have been no development applications lodged over the subject site prior or since the creation of the lot.

One prelodgement meeting with Council officers (3 October 2018) and received prelodgement advice (9 October 2018). The focus of queries and responses was centred on the use being inconsistent with the MBRC Planning Scheme Overall Outcomes and requiring assessment against the Strategic Framework of the Planning Scheme and consideration of submissions received during the notification period.

**2. Explanation of Item**

**2.1 Proposal Details**

The applicant has lodged a Development Application with Council to establish a car wash, dog wash and laundromat facility on the existing vacant parcel. The proposal includes five (5) wash bays, six (6) vacuum bays, while providing 5 additional car spaces on site.

ITEM 4.1 DA/41356/2020/V2N - MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY AND BUILDING WORKS – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY - 6 GOSHAWK COURT, CABOOLTURE - 61533602 (Cont.)

2.2 Description of the Site and Surrounds

Directions	Planning Scheme Zone	Current Land Use
North	General residential zone - Next generation neighbourhood precinct	Single dwelling houses and associated outbuildings (Pumicestone Road)
South	General residential zone - Next generation neighbourhood precinct	Single dwelling houses and associated outbuildings (Goshawk Court)
East	General residential zone - Next generation neighbourhood precinct	Service Station
West	General residential zone - Next generation neighbourhood precinct	Child Care Centre

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

2.3.1 *State Planning Policy*

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

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



ITEM 4.1 DA/41356/2020/V2N - MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY AND BUILDING WORKS – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY - 6 GOSHAWK COURT, CABOOLTURE - 61533602 (Cont.)

Applicable to Development	SPP requirement	Comment
No	None	Not applicable
<b>Assessment benchmarks - water quality</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
<b>Assessment benchmarks - natural hazards, risk and resilience</b>		
Applicable to Development	SPP Requirement	Comment
Yes	<p>Erosion prone areas within a coastal management district:</p> <p>(1) Development does not occur in an erosion prone area within a coastal management district unless the development cannot feasibly be located elsewhere as is:</p> <p>(a) coastal dependent development; or</p> <p>(b) temporary, readily relocatable or able to be abandoned development; or</p> <p>(c) essential community infrastructure; or</p> <p>(d) minor redevelopment of an existing permanent building or structure that cannot be relocated or abandoned.</p> <p>(2) Development permitted in (1) above, mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(3) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>All natural hazard areas:</p> <p>(4) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p>	<p>An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.</p>

ITEM 4.1 DA/41356/2020/V2N - MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY AND BUILDING WORKS – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY - 6 GOSHAWK COURT, CABOOLTURE - 61533602 (Cont.)

	<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 designation.

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

2.4 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 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.*

ITEM 4.1 DA/41356/2020/V2N - MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY AND BUILDING WORKS – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY - 6 GOSHAWK COURT, CABOOLTURE - 61533602 (Cont.)

An assessment against section 3.14.9 specific to the Next generation neighbourhood 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>3.14.9.1 Theme - Sustainability and Resilience</b>		
<i>Buildings on small to medium sized lots and in medium density developments are interspersed with private open space and trees and respond to local climate conditions by allowing flow of breezes, natural ventilation and light;</i>	<b>Yes</b>	The proposed development has provided no private open space or trees to respond to local climate conditions. It is noted that the proposal is not for a residential use, therefore private open space is not a requirement, however the proposal consists of approximately 10% landscaping, with the remainder of the site a hardstand surface, or building.  However, the proposal consists of significant open buildings to allow flow of breezes, ventilation and light.
<i>Residential developments are designed to allow footpaths suitable for extensive native vegetation and appropriate shade trees;</i>	<b>N.A</b>	The proposed development is not for residential purposes.
<i>Dwellings are to be designed and sited so as to minimise energy requirements and provide a high standard of residential amenity; and</i>	<b>N.A</b>	The proposed development is not for residential purposes.
<i>Development is designed to avoid exposure to flood and storm tide inundation events and coastal erosion.</i>	<b>Yes</b>	The proposed development has taken into consideration the existing Flood hazard - Balance area overlay applicable to the subject site, and demonstrated it is compliant with the Planning Scheme requirements.
<b>3.14.9.2 Theme - Natural Environment and Landscape</b>		
<i>Open space network incorporates natural and semi-natural parklands that form part of environmental corridors within the green infrastructure network;</i>	<b>N.A</b>	The proposed development has not included open space or green infrastructure.
<i>The green infrastructure network is incorporated into the design of new development and rehabilitated in accordance with green infrastructure network detailed maps. Where native vegetation is to be cleared in order to achieve high quality urban design outcomes and offsets are required these are to be located within environmental offset areas as identified in Planning scheme policy - Environmental areas and</i>	<b>N.A</b>	The proposed development has not included open space or green infrastructure.

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Strategic Outcome	Complies	Assessment
<i>corridors, 11.3 Offset receiving site location hierarchy;</i>		
<i>Open space and natural environmental areas within these areas are complemented by the private 'greening' of yard space on private property and street trees. Residents experience a high level of on-site residential amenity; and</i>	<b>N.A</b>	The proposed development is not for residential purposes.
<i>Development is designed to incorporate natural features and respond to topography.</i>	<b>N.A</b>	The subject site is vacant and relatively flat with no vegetation to consider and design around.
<b>3.14.9.3 Theme - Strong Communities</b>		
<i>Schools, pre-schools, child care centres, place of worship, community health services and other community activities provide informal and safe meeting places for residents whilst serving daily convenience needs;</i>	<b>N.A</b>	The proposal including a car wash, dog wash and laundromat are not community activities.
<i>An extensive range of active and passive open space and recreation areas for use by local residents are an integral part of these places within walking distance of most homes along lineal green corridors and tree lined streets; and</i>	<b>N.A</b>	The proposed development has not included open space or green infrastructure.
<i>Informal recreation experiences are predominantly provided, with formal recreation opportunities provided in some circumstances.</i>	<b>N.A</b>	The proposal does not include recreational opportunities.
<b>3.14.9.4 Theme - Settlement Pattern and Urban Form</b>		
<i>Next generation places cater for a mix of dwellings on a variety of lot sizes, small lot/zero lot line housing, rear lane housing, dual occupancies, medium density residential units and housing for older persons;</i>	<b>N.A</b>	The proposed development is not for residential purposes.
<i>Development across a Next generation neighbourhood place type has a minimum site density of 15 dwellings per hectare or a minimum net residential density of 10 dwellings per hectare;</i>	<b>N.A</b>	The proposed development is not for residential purposes.
<i>Adaptable housing is encouraged in response to changing housing needs;</i>	<b>N.A</b>	The proposed development is not for residential purposes.
<i>Community activities (schools, pre-schools, child care centres, places of worship, community health services and other community activities) are designed to have a low rise built form on landscape sites. They may be clustered together, in or adjacent to neighbourhood hubs or local centres, or dispersed within the area. Where they are dispersed within the area</i>	<b>N.A</b>	The proposed uses are not defined as a community activity.

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Strategic Outcome	Complies	Assessment
<p><i>they are located on main through streets or central intersections;</i></p>		
<p><i>Buildings address the street and non-residential uses have active street frontages;</i></p>	<p><b>Yes</b></p>	<p>The proposal has demonstrated that the laundromat building will address Goshawk Court and provide an active frontage to the street frontage.</p> <p>It is noted that the proposal also includes a 1.8m acoustic barrier along the frontage. However, this could be constructed of alternative materials to ensure the active frontage is maintained.</p>
<p><i>At least one local centre or neighbourhood hub is conveniently located within the neighbourhood. Local centres and neighbourhood hubs create a series of 15 minute walkable neighbourhoods. Convenient locations for local centres and neighbourhood hubs are on main through streets or on central intersections and within a 15 minute walking distance and responsive to active transport;</i></p>	<p><b>N.A</b></p>	<p>The proposed development is not for residential purposes. However, it is noted that an existing neighbourhood hub is located within walking distance to the subject site.</p>
<p><i>Development for the expansion (into adjoining lots) of a local centre or neighbourhood hub, or the establishment of a new local centre or neighbourhood hub, will only be supported where the following can be met:</i></p> <ul style="list-style-type: none"> <li><i>a. it is of a scale that remains subordinate to higher order and district centres within the region and only provides for day-to-day convenience retail, local services, and community activities;</i></li> <li><i>b. it is conveniently located on a main through street and/or adjoins or is opposite to a public transport node;</i></li> <li><i>c. the expansion will strengthen the existing local centre or neighbourhood hub as an important neighbourhood activity node and does not fragment the intensity of uses;</i></li> <li><i>d. a new local centre or neighbourhood hub is to service an unserved catchment and is located to form 15 minute walkable neighbourhoods, with the local centre or neighbourhood hub central to that neighbourhood;</i></li> </ul>	<p><b>N.A</b></p>	<p>The proposed non-residential uses do not form a new or extension to an existing neighbourhood hub.</p>

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Strategic Outcome	Complies	Assessment
<i>e. they are appropriately designed to have high quality urban design outcomes.</i>		
<i>New development should have regard to the existing character of the Next generation neighbourhood, however high quality urban design outcomes have priority.</i>	<b>No</b>	The proposed development has provided elements of high quality urban design to be consistent with the existing non-residential uses within Goshawk Court.  However, the proposal has proposed significant acoustic barriers to comply with noise mitigation measures required to operate on site. These requirements include 3 metre high acoustic barriers around the perimeter of the site which would significantly impact the urban design outcomes of the streetscape and adjoining residents and childcare centre.
<b>3.14.9.5 Theme - Employment Location</b>		
<i>Next generation neighbourhoods have appropriate local employment opportunities in the form of home based businesses and opportunities within a local centre or neighbourhood hub.</i>	<b>No</b>	The proposed development would encourage employment opportunities for the local area, however does not form part of a neighbourhood hub or local centre.
<b>3.14.9.6 Theme - Integrated Transport</b>		
<i>Next generation neighbourhoods have a well-connected, permeable, legible and grid-like network of streets and active transport linkages that provide direct and easily understood choices of routes to walk, cycle, take public transport and drive to multiple destinations within the neighbourhood. Cul-de-sacs are not the dominant form of street network;</i>	<b>N.A</b>	The proposal does not include the requirement for active transport linkages or new street connections.
<i>The active transport network is integrated with public transport infrastructure so that all homes are within 400metres of a bus stop; and</i>	<b>N.A</b>	The proposal does not include the requirement for active transport linkages or new street connections.
<i>Local centres, local concentrations of employment and other local attractors are within 15 minutes of all residents by walking, cycling or public transport.</i>	<b>N.A</b>	The proposal is not a local centre.
<b>3.14.9.7 Theme - Infrastructure</b>		
<i>Next generation neighbourhoods have the level of service of infrastructure provision necessary to support growth, increased intensity of activity and adaptation to change over time and to create a safe and attractive public realm; and</i>	<b>N.A</b>	The proposal does not provide infrastructure for the growth of the neighbourhood.
<i>Next generation neighbourhood places include electricity, gas, telecommunications and high speed</i>	<b>Yes</b>	The land is serviced by electricity, gas, telecommunications and high speed broadband

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Strategic Outcome	Complies	Assessment
<i>broadband to support residential and business needs.</i>		
<b>3.14.9.8 Theme - Water Management</b>		
<i>Adequate potable water supply, sewerage and appropriate stormwater infrastructure is provided to create a safe environment during rain events whilst protecting receiving environments; and</i>	<b>Yes</b>	The land is adequately serviced by water supply, sewerage and stormwater infrastructure.
<i>Water sensitive urban design measures are incorporated into development, including, where possible, the retention and rehabilitation of riparian vegetation to protect and enhance the water quality in the Region's waterways and drinking water catchments.</i>	<b>Yes</b>	The subject site is compliant with the best management practices for water sensitive urban design.

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>		
General residential zone code - Next generation neighbourhood precinct	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO72
<b>Overlay Codes</b>		
Flood hazard overlay code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Nil.

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

2.4.3 Performance Outcome Assessment

Performance Outcome	Example
<b>General residential zone code - Next generation neighbourhood precinct</b>	
<i>Performance Outcome Assessment</i>	

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Performance Outcome	Example
<p><b>PO72</b></p> <p>All buildings exhibit a high standard of design and construction, which:</p> <ul style="list-style-type: none"> <li>a. add visual interest to the streetscape (e.g. variation in materials, patterns, textures and colours, cantilevered awning);</li> <li>b. enable differentiation between buildings;</li> <li>c. contribute to a safe environment;</li> <li>d. incorporate architectural features within the building facade at the street level to create human scale (e.g. cantilevered awning);</li> <li>e. include building entrances that are readily identifiable from the road frontage;</li> <li>f. locate and orientate to favour active and public transport usage by connecting to pedestrian footpaths on the street frontage and adjoining sites;</li> <li>g. incorporate appropriate acoustic treatments, having regard to any adjoining residential uses;</li> <li>h. facilitate casual surveillance of all public spaces.</li> </ul>	<p>No example provided.</p>
<i>Performance Outcome Assessment</i>	
<p>The proposed development is required to demonstrate a high standard of design and construction in order to comply with Performance Outcome PO72. While there are a number of features of the development that are considered well designed and considerate of visual interest, there are key elements of the development that would detract from the overall high visual standards required under the MBRC Planning Scheme.</p> <ul style="list-style-type: none"> <li>a. The proposed development provides visual interest to the streetscape through the design of the proposed laundromat demonstrating a variation of material, textures and colours. However, the remainder of the frontage is dominated by a 1.2 metre high acoustic barrier.</li> <li>b. The proposed uses are clearly defined, and each building is separated as required by the performance outcome.</li> <li>c. The proposed development could contribute to a safe environment, however demonstration on the provided plans has been limited. However, through conditions it would be possible for the development to demonstrate how pedestrian safety would be enhanced across the site. Furthermore, internal drive through would demonstrate appropriate safety measures to ensure vehicle and pedestrian safety onsite.</li> <li>d. The proposed development has included architectural features such as an awning over the dog wash bay, building articulation and varied heights between buildings. However, the proposal also includes 3 metre high acoustic barriers around a large portion of the lot perimeter. These barriers, which are not proposed to be screened by vegetation and landscaping, would be a significant feature of the site, and not designed to human scale.</li> </ul>	



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Performance Outcome	Example
	<p>e. The proposed development provides appropriate and identifiable entrance to the site and aspect of each use.</p> <p>f. The proposed laundromat has been designed to front the existing pedestrian footpath in order to encourage connectivity between the proposal and neighbouring uses.</p> <p>g. As mentioned above, the proposed development includes the use of substantial acoustic barriers to enable the development to proceed without detrimental noise impacts in accordance with the Acoustic Report provided by Acoustic Works. However, these are substantial barriers that would have a detrimental impact on the surrounding sites, including the residential lot to the north.</p> <p>h. The proposed laundromat will provide casual surveillance to the street.</p> <p>The proposed development exhibits a number of positive elements of design, however the proposed acoustic barriers do not enable the development to achieve the purpose of the Performance Outcome. As the proposal does not comply with this Performance Outcome, an assessment against the Overall Outcomes is required and discussed in the following section of this report.</p>

#### 2.4.4 Overall Outcome Assessment

6.2.6.3 Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
1.a. The Next generation neighbourhood precinct supports site densities between 15 and 75 dwellings per hectare.	N/A	The proposed development is not for residential purposes, therefore the Overall Outcome does not apply.
1.b. Neighbourhoods will have a mix of residential uses, tenure and densities on a variety of lot sizes providing housing choice and affordability for different lifestyle choices and life stages to meet diverse community needs.	N/A	The proposed development is not for residential purposes, however, the existing neighbourhood provides a mix of residential and non-residential uses. However, the Overall Outcome does not apply.
1.c. Neighbourhoods are designed to provide well-connected, safe and convenient movement and open space networks through interconnected streets and active transport linkages that provide high levels of accessibility between residences, open space areas and places of activity.	Yes	The proposed development will not alter the existing connectivity, movement and open space networks provided within the surrounding area. The proposed development will maintain connectivity between residential and non-residential uses located within Goshawk Court.
1.d. Medium to high density uses (e.g. Multiple dwelling <sup>(49)</sup> , Relocatable home park <sup>(62)</sup> , Residential care facility <sup>(65)</sup> , Retirement facility <sup>(67)</sup> , Rooming accommodation <sup>(69)</sup> , Short-term accommodation <sup>(77)</sup> ) are located	N/A	The proposed development is not for residential purposes; therefore the Overall Outcome does not apply.

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6.2.6.3 Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
in proximity to a range of services and public transport stops(s) or station(s).		
<p>1.e. The design, siting and construction of residential uses are to:</p> <ul style="list-style-type: none"> <li>i. contribute to an attractive streetscape with priority given to pedestrians;</li> <li>ii. encourage passive surveillance of public spaces;</li> <li>iii. results in privacy and residential amenity consistent with the low to medium density residential character intended for the area;</li> <li>iv. provide a diverse and attractive built form;</li> <li>v. orientate to integrate with the street and surrounding neighbourhood;</li> <li>vi. incorporate sub-tropical urban design principles that respond to local climatic conditions;</li> <li>vii. incorporate sustainable practices including maximising energy efficiency and water conservation;</li> <li>viii. incorporate natural features and respond to site topography;</li> <li>ix. cater for appropriate car parking and manoeuvring areas on-site;</li> <li>x. be of a scale and density consistent with the low to medium density residential character intended for the area;</li> <li>xi. provide urban services such as reticulated water, sewerage, sealed roads, parks and other identified infrastructure;</li> <li>xii. ensure domestic outbuildings are subordinate in appearance and function to the dwelling.</li> </ul>	N/A	The proposed development is not for residential purposes; therefore the Overall Outcome does not apply.

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6.2.6.3 Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
1.f. Home based business can only be established where the scale and intensity of the activity does not detrimentally impact upon the character and amenity associated with the surrounding area. Specifically, Home based business does not include the sale or restoration of more than 4 vehicles in any calendar year or, undertake a mechanical repairs or panel beating activity associated with a business at the subject premises.	N/A	The proposed development does not include a Home Based Business; therefore the Overall Outcome does not apply.
1.g. Non-residential uses in the next generation neighbourhood precinct take the form of community activities, corner stores, neighbourhood hubs or local centres.	No	<p>The proposed development is a non-residential use, including a car wash, dog wash and laundromat. However, these proposed uses are not community activities, a corner store, neighbourhood hub or local centre.</p> <p>A neighbourhood hub, local centre or community activities are intended to provide convenience and localized services to the surrounding neighbourhood and its residents. The proposed uses may have a non-residential component, however a car wash, dog wash and laundromat are not community uses, and do not provide a neighbourhood hub function to the surrounding area.</p> <p>The subject site is located between two commercial uses, however the proposed development combined with existing uses do not form a community function that a neighbourhood hub relies upon. Therefore, the proposed development does not form part of a neighbourhood hub, local centre or community activity and does not comply with the Overall Outcome.</p>
1.h. Community activities: <ul style="list-style-type: none"> <li>i. establish in a location that may be serviced by public transport;</li> <li>ii. do not negatively impact adjoining residents or the streetscape;</li> </ul>	N/A	The proposed car wash, dog wash and laundromat are not community activities; therefore the Overall Outcome does not apply.

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6.2.6.3 Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
iii. do not undermine the viability of existing or future centres.		
<p>1.i. Corner stores may establish as a standalone use (not part of a neighbourhood hub) where:</p> <ul style="list-style-type: none"> <li>i. the store is of a scale that remains subordinate to all centres and neighbourhood hubs within the region;</li> <li>ii. clear separation from existing neighbourhood hubs and centres within the network are maintained to reduce catchment overlap. The corner store should not be within 1600m of another corner store, neighbourhood hub or centre measured from the centre of the corner store, neighbourhood hub or centre;</li> <li>iii. they are appropriately designed and located to include active frontages.</li> </ul>	N/A	The proposed car wash, dog wash and laundromat does not include the function of a corner store; therefore the Overall Outcome does not apply.
<p>1.j. Retail and commercial activities (excluding Service stations):</p> <ul style="list-style-type: none"> <li>i. cluster with other non-residential uses (excluding corner stores) forming a neighbourhood hub;</li> <li>ii. are centred around a 'Main Street' central core fostering opportunities for social and economic exchange;</li> <li>iii. are of a small scale, appropriate for a neighbourhood hub;</li> <li>iv. do not negatively impact adjoining residents or the streetscape;</li> <li>v. are subordinate in function and scale to all centres within the region.</li> </ul>	No	<p>The proposal would not comply with the requirements of the overall outcome 1.j.</p> <ul style="list-style-type: none"> <li>i. The proposed development whilst clustering with other non-residential uses does not form a neighbourhood hub. The proposed uses do not provide community activities, programs, services or events to the neighbourhood, and will not provide a local community gathering place for residents. Therefore, is inconsistent with the overall outcome.</li> <li>ii. The proposed development does not provide a social or economic benefit to the surrounding neighbourhood, and the design of the existing and proposed non-residential uses do not form a 'main street' function as Goshawk Court is a residential cul-de-sac. Therefore, is inconsistent with the overall outcome.</li> </ul>

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6.2.6.3 Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
		<p>iii. The proposal is not considered a small-scale development. The proposal includes a significant portion of the site being impervious surfaces, with the main car wash structure approximately 6m in height and acoustic fencing around the majority of the site boundaries approximately 3m. The proposed development will have a significant impact on design and amenity for the surrounding area. Therefore is inconsistent with the overall outcome.</p> <p>iv. The proposed development will negatively impact the adjoining residents and streetscape as a result of the proposed design of the development, including 3m acoustic fencing and 6m car wash structures. The proposal will have significant acoustic barriers in order to comply with acceptable noise levels for the surrounding existing uses. However, the proposed acoustic fences will have a detrimental impact upon the streetscape and neighbouring allotments with the size and bulk of the structures being a significant amenity impact. Furthermore, Goshawk Court is a residential cul-de-sac which is primarily residential in nature, therefore acoustic measures are paramount to reduce impacts to the existing and future residents. Therefore, is inconsistent with the overall outcome.</p> <p>v. The proposed function of the site would be subordinate in function and scale to other centres within the region. A larger hub exists to the north east of the subject site, which has a primary function to the surrounding neighbourhood and surrounding residents.</p> <p>The proposed development therefore does not comply with the Overall Outcome.</p>

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6.2.6.3 Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<p>1.k. Service stations:</p> <ul style="list-style-type: none"> <li>i. establish where they will not disrupt, fragment or negatively impact active frontages (e.g. within a neighbourhood hub);</li> <li>ii. establish on heavily trafficked roads where the amenity of surrounding residential uses is already subject to impacts by road vehicle noise;</li> <li>iii. establish in locations that will not have a negative impact on the street environments intended to include active frontages (e.g. Neighbourhood hubs or centres);</li> <li>iv. do not negatively impact adjoining residents or the streetscape;</li> <li>v. ancillary uses or activities only service the convenience needs of users.</li> </ul>	N/A	The proposed development does not include a service station; therefore, the Overall Outcome does not apply.
<p>1.l. The design, siting and construction of non-residential uses:</p> <ul style="list-style-type: none"> <li>i. maintains a human scale, through appropriate building heights and form;</li> <li>ii. provides attractive, active frontages that maximise pedestrian activity along road frontages, movement corridors and public spaces (excluding Service stations);</li> <li>iii. provides for active and passive surveillance of road frontages, movement corridors and public spaces;</li> <li>iv. promotes active transport options and ensures an oversupply of car parking is not provided;</li> <li>v. locates car parking so as not to dominate the street;</li> <li>vi. does not result in large internalised shopping centres<sup>(76)</sup> (e.g. large blank external walls with tenancies</li> </ul>	N	<p>The proposed development has demonstrated some level of considered design, siting and construction however, the proposal includes elements of design that are detrimental to the surrounding area, therefore is not compliant with the Overall Outcome.</p> <ul style="list-style-type: none"> <li>i. The proposed acoustic barriers are predominantly 3m in height around the perimeter of the site. The proposed acoustic fencing will appear overbearing and dominate the streetscape and surrounding area as it is unable to achieve human scale. The surrounding areas will be significantly impacted as result of the proposal by way of the predominant structures on site which do not maintain human scale and the existing low scale structures.</li> <li>ii. The proposed development does maintain the existing pedestrian connectivity along the frontage of the site. In addition, the proposed</li> </ul>

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6.2.6.3 Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
only accessible from within the building) surrounded by expansive areas of surface car parking.		<p>laundromat is designed to actively address the frontage and maximise pedestrian activity. However, the majority of the site is for the proposed car wash, which does not involve pedestrian activity or access. Therefore, the active frontage is minimal in comparison to the function of the whole site. The proposal has managed to provide some attractive elements to the streetscape, particularly from the proposed laundromat structure, however the proposed acoustic fencing draws the eye away from these elements due to their overbearing nature.</p> <p>iii. The proposed laundromat is designed to actively front Goshawk Court and provide passive surveillance of the surrounding area. However, as mentioned previously, the laundromat forms only a small portion of the subject site, with the car wash the dominant use of the land. The car wash has not been designed with active or passive surveillance of the road frontage in consideration. Therefore, the proposal has minor elements of compliance with this overall outcome point, however does not carry across the entirety of the site or development.</p> <p>iv. The proposed car wash encourages the use of personal vehicles as opposed to encouraging public transport options. However, the development has not provided an oversupply of car parking, despite the predominant area of the site being hard stand.</p> <p>v. The proposed car parking on site has been located behind a 1.2 metre acoustic barrier to screen the parks for the street frontage. However, the proposed fence height is a dominant feature in itself.</p> <p>vi. The proposed use will not result in a large internalized shopping</p>

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6.2.6.3 Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
		centre with a large expansive area of car parking.
<p>1.m. Neighbourhood hub expansion (into adjoining lots) or the establishment of a new neighbourhood hub only occurs where:</p> <ul style="list-style-type: none"> <li>i. it is of a scale that remains subordinate to all centres within the region;</li> <li>ii. the expansion (into adjoining lots) will strengthen the existing neighbourhood hub as an important neighbourhood activity node;</li> <li>iii. clear separation from existing neighbourhood hubs and centres within the network are maintained to reduce catchment overlap. New neighbourhood hubs are to service a currently unserviced catchment. The centre of a neighbourhood hub should not be located within 1600m of another neighbourhood hub or centre measured from the centre of each hub or centre;</li> <li>iv. for a new neighbourhood hub, it is located on sub-arterial or collector road;</li> <li>v. they are appropriately designed and located to include active frontages around a 'main street' core and are staged where relevant to retain key (highly accessible) sites for long term development.</li> </ul>	N/A	The proposed development would not result in an expansion or establishment of a new neighbourhood hub.
<p>1.n. General works associated with the development achieves the following:</p> <ul style="list-style-type: none"> <li>i. new development is provided with a high standard of services to meet and support the current and future needs of users of the</li> </ul>	Y	The proposed development could be appropriately conditioned to comply with the high standard of generally works requirements to comply with the Overall Outcome.



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6.2.6.3 Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<p>site, including roads, street lighting services, telecommunications and reticulated electricity (underground wherever possible), water and sewerage (where available);</p> <p>ii. the development manages stormwater to:</p> <p>A. ensure the discharge of stormwater does not adversely affect the quality, environmental values or ecosystem functions of downstream receiving waters;</p> <p>B. prevent stormwater contamination and the release of pollutants;</p> <p>C. maintain or improve the structure and condition of drainage lines and riparian areas;</p> <p>D. avoid off-site adverse impacts from stormwater.</p> <p>iii. the development does not result in unacceptable impacts on the capacity and safety of the external road network;</p> <p>iv. the development ensures the safety, efficiency and useability of access ways and parking areas;</p> <p>v. site works including earthworks are managed to be safe and have minimal impacts on adjoining or adjacent premises, the streetscape or the environment.</p>		
<p>1.o. Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke.</p>	No	<p>The proposal is a very noise dominant use with the operation of the car wash and vacuum bays resulting in significant noise levels. The proposal includes 3 metre fencing around the majority of the subject site, except where proposed 1.2 metre fencing is proposed along the frontage and adjacent to the existing service station.</p> <p>Therefore, the proposal can comply with the acceptable levels of aerosol, fumes, light, noise, odour, particles and</p>

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6.2.6.3 Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
		<p>smoke to comply with the overall outcomes, the results have significant impacts on the overall design outcome of the site.</p> <p>The proposed acoustic fencing required to comply will not be a height of human scale, will have a significant amenity impact on the residents to the north and child care centre to the west. Therefore, the proposal does not comply with the overall outcome.</p>
1.p. Noise generating uses are designed, sited and constructed to minimise the transmission of noise to appropriate levels and do not cause environmental harm or nuisance.	Y	The applicant has provided an acoustic report to demonstrate that the noise generating uses on site would be able to achieve appropriate levels and would not cause environmental harm or nuisance, through the provision of acoustic barriers and materials. However due to these substantial acoustic barrier requirements, the development would compromise the amenity of the streetscape and adjoining properties.
1.q. Noise sensitive uses are designed, sited and constructed so as not to be subject to unacceptable levels of noise.	N/A	The proposal does not include a noise sensitive use therefore the Overall Outcome is not applicable.
1.r. Development in a Water supply buffer is undertaken in a manner which contributes to the maintenance and enhancement where possible of water quality to protect the drinking water and aquatic ecosystem environmental values in those catchments.	N/A	The proposed development does not impact the Water Supply Buffer, therefore the Overall Outcome is not applicable.
<p>1.s. Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:</p> <p>i. adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;</p>	Y	The site is located outside mapped overlays which would subject the land to constraints and limitations, therefore the proposal complies with the Overall Outcome in this instance.

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6.2.6.3 Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<ul style="list-style-type: none"> <li>ii. ensuring no further instability, erosion or degradation of the land, water or soil resource;</li> <li>iii. when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.</li> <li>iv. maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:                             <ul style="list-style-type: none"> <li>A. the provision of replacement, restoration, rehabilitation planting and landscaping;</li> <li>B. the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;</li> <li>C. the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.</li> </ul> </li> <li>v. protecting native species and protecting and enhancing species habitat;</li> <li>vi. protecting and preserving the natural, aesthetic, architectural historic and cultural values of significant trees, places, objects and buildings of heritage and cultural significance;</li> <li>vii. establishing effective separation distances, buffers and mitigation measures associated with identified infrastructure to minimise adverse effects on sensitive land uses from odour,</li> </ul>		

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6.2.6.3 Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<p>iii. noise, dust and other nuisance generating activities; establishing, maintaining and protecting appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat;</p> <p>ix. ensuring it promotes and does not undermine the ongoing viability, integrity, operation, maintenance and safety of identified infrastructure;</p> <p>x. ensuring effective and efficient disaster management response and recovery capabilities;</p> <p>xi. where located in an overland flow path:</p> <p>A. development siting, built form, layout and access responds to the risk presented by the overland flow and minimises risk to personal safety;</p> <p>B. development is resilient to the impacts of overland flow by ensuring the siting and design accounts for the potential risks to property associated with the overland flow;</p> <p>C. development does not impact on the conveyance of the overland flow for any event up to and including the 1% AEP for the fully developed upstream catchment;</p> <p>D. development directly, indirectly and cumulatively avoid an increase in the severity of overland flow and potential for damage on the premises or other premises, public lands, watercourses, roads or infrastructure.</p>		
<p>1.t. Development in the Next generation neighbourhood precinct includes 1 or more of the following: .....</p>	No	The proposed development, including car wash and service industry, are not listed under the consistent uses for a Next generation neighbourhood precinct.

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6.2.6.3 Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
		<p>However, in accordance with the overall outcome, a service industry is plausible where located within a Neighbourhood hub. However, as previously discussed the proposal does not form a neighbourhood hub, nor is it an existing hub, the proposal would expand onto. Therefore, both uses are inconsistent uses within the Next generation neighbourhood.</p> <p>The Next generation neighbourhood anticipates predominately residential uses, but also non-residential uses that support convenience and community activities for residents. The proposed uses do not form a convenience or community activity purposes that will enrich the lifestyle or function for residents. Therefore, the proposed uses do not comply with Overall Outcome.</p>
1.u. Development in the Next generation neighbourhood precinct does not include any of the following: ....	Y	The proposed development, car wash and service industry are not listed as inconsistent uses. Therefore, the proposal is compliant with the Overall Outcome.
1.v. Development not listed in the tables above may be considered on its merits and where it reflects and supports the outcomes of the zone.	No	<p>As the proposed uses are not listed under 1.t. or 1.u. of the Overall Outcomes above, the proposed uses are to be assessed based on their own merits and the General residential zone overall outcomes.</p> <p>The proposed uses do not support the outcomes of the zone. Specifically, the purpose of the General Residential zone is to provide for residential activities supported by a range of community uses and small-scale services, facilities and infrastructure that cater to local residents.</p> <p>This is of most significance as the proposal does not provide for community uses. The proposal is not considered to be small-scale with the structures inconsistent with human scale. The proposal does not cater to local residents but will cater to a much wider catchment. Therefore, the proposed uses do not comply with Overall Outcome.</p>

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Based on the assessment above, the proposal is inconsistent with the Overall Outcomes of the code.

In addition, section 45 (5) of the *Planning Act 2016* states the assessment may be carried out against, or having regard to, any other relevant matter other than a person's personal circumstances, financial or otherwise. There are no other relevant matters that warrant approval of the application.

2.5 Recording of particular approvals on the MBRC Planning Scheme

Not Applicable in this instance.

2.6 Referrals

2.6.1 *Council Referrals*

**2.6.1.1 Development Engineering**

**Traffic, Access & Parking**

Access is proposed via a new driveway from Goshawk Court. Sight distance at the access point for both directions is satisfactory. Proposed access and internal car parking and turning arrangements comply with the requirements of Australian Standards AS2890.1. A submitted Traffic Impact Assessment by Rytenschild Traffic Engineering have satisfactorily addressed issues of Car parking supply and design; Access, servicing arrangements and provision for pedestrians.

The Pumicestone Road / Goshawk Court intersection has been channelised and includes Type AUL and CHR turn treatments. The overall impact of this development on the road network is not significant and as the intersection works were driven by the Service Station use.

Goshawk Court is an existing local road providing access to residential and commercial properties. As part of adjacent developments on each side, the section of Goshawk Court between Pumicestone Road and the western end of the existing child care centre has been widened to a collector standard road with a pavement width of 8.5 metres. No further upgrading of Goshawk Court frontage works is required.

**Stormwater / Flooding**

The amended Stormwater Management Report submitted in response to Council's request for information is acceptable. Existing site stormwater flows towards the north-western corner of the site into an existing field inlet located within an existing drainage easement created at RAL stage of a previous development. Stormwater drainage from the development is proposed to be collected internally and discharged to the existing stormwater field inlet. However, the applicant failed to address stormwater quality treatment measures, however this could be conditioned if the development were to be approved.

**2.6.1.2 Environmental Health**

**Lighting**

If the development were to be approved, it could include conditions to ensure suitable lighting is installed.

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**Waste Management**

A plan identifies a suitable location for the bin enclosure. These can be serviced by a private contractor and the arrangements are adequate.

**Noise**

An amended Acoustic Report prepared by Acoustic Works dated 24 September 2020, report number 2019409 Revision R01D, was submitted in response to an information request. The report recommends acoustic barriers that are 1.2m, 2.4m and 3.0m in height. If the application were to be approved, conditions would be recommended ensuring the development be undertaken in accordance with the acoustic report recommendations.

2.6.2 Referral Agencies

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

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

**2.6.2.2 Advice Agencies**

There were no Advice Agencies involved in assessing this application.

**2.6.2.3 Third Party Agencies**

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

2.7 Public Consultation

2.7.1 Public Notification Requirements under the Development Assessment Rules

- (a) Public Notification was served on all adjoining landowners on 6 October 2020.
- (b) The development application was advertised in the Caboolture Herald on 7 October 2020.
- (c) A notice in the prescribed form was posted on the relevant land on 7 October 2020 and maintained for a period of 15 business days until 29 October 2020.

2.7.2 Submissions Received

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

Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax		3
	Petition		0
Not Properly Made	Letter, Email, Fax		0
	Petition		0
<b>Total</b>			<b>3</b>

The matters raised within the submissions are outlined below:

Assessment of Submissions
<p><b>Issue - Access to adjacent allotments to the north</b></p> <ul style="list-style-type: none"> <li>• Development of the subject site will restrict future access to the allotments to the north; and</li> <li>• No access allowed to Pumicestone Road for adjoining properties to the north.</li> </ul>

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<p align="center"><b>Assessment of Submissions</b></p>
<p><b>Discussion</b></p> <p>Submissions have raised concerns with the development of the subject site without consideration of the potential development and access for the allotments to the north of the site. Should the northern allotments seek to develop they may have restricted access to Pumicestone Road in accordance with the MBRC Planning Scheme which seeks to limit access to sub-arterial roads. However, discussions between Council Officers and the land owners to the north has confirmed in writing that further development of the sites to the north may be able to consider access to Pumicestone Road, rather than requiring a dedicated access through the subject site. Further, given the small size of the subject site and the nature of the proposed use, it would not be reasonable to require the site to provide for a dedicated access to the adjoining land to the north.</p> <p>This is not a reason for refusal of the application.</p>
<p><b>Issue - Traffic</b></p> <ul style="list-style-type: none"> <li>• Potential inappropriate car parking and traffic safety impacts in Goshawk Court, a narrow residential cul-de-sac;</li> <li>• Potential conflicts between motor vehicles and pedestrians (children, parents, grand-parents and staff) to the adjoining Child Care Centre (and going to the 7 Eleven shop);</li> <li>• Traffic sensitive Child Care Centre in a narrow cul-de-sac carrying about 500vpd. Potential amenity, traffic safety and other land-use related conflicts.</li> <li>• Ingress and egress to the site;</li> <li>• Waste collection manoeuvrability;</li> <li>• Lack of consideration for larger vehicles</li> <li>• No manoeuvring paths for motor/mobile homes/larger vehicles;</li> <li>• Lacks traffic assessment for residential outcomes intended for the site;</li> <li>• Sensitivity consideration of cul-de-sac access from non-residential vehicles;</li> <li>• Pedestrian access/impacts;</li> <li>• Children safety.</li> </ul>
<p><b>Discussion</b></p> <p>The proposed development has been assessed against the MBRC Planning Scheme traffic and car parking requirements. In accordance with Table SC7.0.1 – Car Parking of the Moreton Bay Regional Council Planning Scheme the proposal yields a requirement for 10 onsite car spaces. The proposal provides a total of 11 spaces, and therefore satisfies Council's on-site carparking requirements.</p> <p>The geometric layout of the proposed parking facilities has been designed to comply with the relevant requirements specified in AS2890.1: 2004 and the provided turning paths demonstrate that the proposal is consistent with the Australian Standards and complies with the scheme.</p> <p>The first 160 meters of the Goshawk Court is impacted by the existing child care centre and service station, which resulted in an 8-metre sealed road upgrade, however the remainder of the road remains a rural residential access road.</p> <p>Section 6.3 of the Traffic Assessment submitted with the information request response addresses capacity of Goshawk Court to the development access and demonstrates that</p>



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**Assessment of Submissions**

the traffic generated by the proposal is compatible with the design of Goshawk Court to the development access and will not impact on the road or intersection capacity or operation. However, it is noted that Goshawk Court has not yet been developed to its full residential potential which will potentially result in more residential traffic in the future. Goshawk Court may technically, by engineering standards, be able to accommodate the additional traffic generated by the development, however, a concentration of non-residential uses yielding high vehicle trips is of concern (i.e childcare centre traffic, service station traffic and proposed development traffic from carwash) for the residential nature of Goshawk Court.

The proposed uses will not alter the pedestrian connectivity and has given consideration to pedestrian movement. The existing concrete footpath along the frontage serves as a defined pedestrian link to the service station and child care centre. It is assumed that minors will be accompanied by an adult when utilising this pathway link for the child's safety. However, to ensure all pedestrians are visible to cars when existing the subject site, the proposed fencing has been tapered within the front portion of the north western boundary. The fence reduces from 2.4m high down to 1.2m high where approaching the pedestrian footpath and is in accordance with the planning scheme requirement for fencing within the front setback. Therefore, the proposal has demonstrated that safety of pedestrian movements, including children, has been taken into consideration. Section 5.0 of the Traffic Assessment submitted with the information request response demonstrates that adequate sightlines for the access and to the pedestrian path are provided.

The traffic assessment has indicated that the waste collection vehicle may require reversing across car spaces on site to allow manoeuvring. However sufficient space is available on site to enable manoeuvring that would not impact the car spaces if required. However, waste collection is to be managed by the site operators therefore issues can be mitigated by an onsite manager including the collection occurring in off-peak times between 7am and 6pm as per the servicing hours recommended in the acoustic assessment. Further to the above, given that waste servicing will likely be carried outside peak operating times, the truck can reverse into the carwash queue area and complete the manoeuvre without having to drive over staff parking bays.

It is noted that the conflict of a vehicle trailing another vehicle propped to turn right into the 7/11 is not introduced with the proposal, as the operating periods of the existing childcare centre also overlap the operating times of the 7/11. Nevertheless, the proposal is expected to generate in the order of 24 vehicles during peak operating periods. Based on the turn warrants analysis at the 7/11 access, the proposal does not warrant additional treatment as a result of the added demand on Goshawk Court.

Although there is a potential for a vehicle to turn right into the 7/11 whilst the trailing vehicle is intended for the childcare centre or car wash, the low-speed environment of Goshawk Court, and proximity of the 7/11 access to the intersection (approx. 40 metres) would allow trailing vehicles to react in time to stop safely behind the propped vehicle before proceeding. It is not expected that the right turn demand into the 7/11 would result in a queue exceeding 1 -2 vehicles during peak operating periods. On this basis it is considered that the proposal will not have an adverse impact on the safety and operation of the existing 7/11 access on Goshawk Court, and it is unlikely that a queue would form that extends to the Pumicestone Road / Goshawk Court intersection.

Any turnaround provision for larger vehicles past the facility towards the end of Goshawk Court is not deemed warranted as it will be very rare occurrence as there is room on site to accommodate vehicles to stand and await the use of the wash bays.

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<p><b>Assessment of Submissions</b></p>
<p>A submission raises concern regarding the traffic impacts the development may have on the surrounding residents and the child care centre to the west of the site. However, the applicant has demonstrated that the proposed development and overall site layout can cater to the vehicle manoeuvres anticipated for the site, including those of larger vehicles anticipated for the site.</p> <p>This is not a reason for refusal of the application.</p>
<p><b>Issue - Noise Impacts</b></p>
<ul style="list-style-type: none"> <li>• Effects on the child care centre and associated visitors;</li> <li>• Hours of operation (24/7) result in operations;</li> <li>• Waste collection during hours of child care centre; and</li> <li>• Location of car wash adjacent to child care playground.</li> </ul>
<p><b>Discussion</b></p>
<p>The applicant has provided an acoustic report with the development application to provide acoustic measures for the proposed uses on the site. These measures include acoustic fences and acoustic walls. It is acknowledged that the report has provided comments that would allow the development to operate 24 hours, 7 days a week, the proposal will only operate from 7am to 10pm daily. These hours of operation could be conditioned on any development permit to ensure the operation does not exceed the acceptable times of operation.</p> <p>The proposed development is to provide a variety of acoustic measures to prevent acoustic impacts on the adjoining lots, including the child care centre to the north west. A 3 metre high acoustic fence is proposed along the adjoining boundary, which has demonstrated an appropriate level of amelioration. However, a 3 metre boundary fence is a substantial height and would be out of character with the residential area. Furthermore, it would present visual bulk impacts and would have a significant visual amenity impact on surrounding uses. The residential allotment to the north and child care centre to the west in particular would be substantially impacted by such a large fence.</p> <p>It is noted that the proposed timeframe of waste collection is standard operation hours for waste collection. These standard hours of operation would apply regardless of the proposed use. It should be noted that the acoustic fencing proposed would mitigate significant disruption from the waste collection on adjoining uses.</p> <p>Concern raised over the Waste Collection Vehicle (WCV) will generally service the development outside of peak operating periods and will therefore be able to traverse over car parks when negotiating the site. Those vehicular movements are one off movements, the waste collection vehicle a 12.5m HRV would be the largest vehicle to service the site. Most collections happen under private arrangement and before the A.M peak period. It is reasonable for larger vehicles to cross the lane with due care when egressing.</p> <p>Although the use does not mention RV's a vehicle compatible to a 12.5m HRV can manoeuvre on site and utilise washdown bays. The site has been designed as a car wash and any limitations on the types of vehicles that can access the car wash can be promoted by the operator.</p> <p>The proposed acoustic measures may be appropriate for the proposed uses; however, the amenity outcomes resulting from the acoustic barriers would be substantial internal and external to the site. Therefore, this is a reason for refusal of the application.</p>

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<p align="center"><b>Assessment of Submissions</b></p>
<p><b>Issue - Proposed Use</b></p> <ul style="list-style-type: none"> <li>• Anticipated a residential use not commercial;</li> <li>• Car wash prohibited in the General residential zone;</li> <li>• Use not associated with existing Service Station and therefore not an acceptable outcome.</li> </ul>
<p><b>Discussion</b></p> <p>In accordance with the MBRC Planning Scheme, a Car Wash and Service Industry are impact assessable uses within the General residential zone - Next generation neighbourhood precinct Table of Assessment. The proposed uses are not listed in the Overall Outcomes of the Zone code, but in accordance with point (v) of the Overall Outcomes can be assessed based upon the merit of the proposal.</p> <p>The subject site is currently a vacant parcel of land between a service station and child care centre, with larger residential lots to the north. The proposed development for a car wash, dog wash and laundromat are non-residential uses between two existing non-residential uses. However, whilst the site is 'sandwiched' between two non-residential uses, it does not automatically follow that development of the site must encompass a non-residential development. Yes, this fact, would lend support to a non-residential use, however, consideration must be given to the residential zoning of the land and expectations from adjoining properties which expressed concern about the proposed land uses. Furthermore, non-residential development could include community uses and not necessarily an intensive land use such as a carwash servicing beyond the immediate local area.</p> <p>This is a reason for refusal of the application.</p>
<p><b>Issue - Neighbourhood Hub</b></p> <ul style="list-style-type: none"> <li>• Inconsistent with the scheme requirements for a use providing for the local neighbourhood;</li> <li>• Inconsistent to be labelled 'neighbourhood hub';</li> <li>• Not a 'gathering place for people'.</li> </ul>
<p><b>Discussion</b></p> <p>In accordance with the MBRC Planning Scheme, a neighbourhood hub is defined as a cluster of non-residential uses.</p> <div style="border: 1px solid black; padding: 2px; margin: 5px 0;"> <p><small>A cluster of non-residential uses. A conveniently located public place that is recognised and valued in the local community as a gathering place for people, and an access point for a wide range of community activities, programs, services and events. Includes, a lot shown on Overlay map - Community activities and neighbourhood hubs.</small></p> </div> <p>The proposed car wash, dog wash and laundromat do not on their own or in conjunction with existing adjoining uses constitute a 'neighbourhood hub' as they do not provide a public space that would be valued in the local community. Therefore, it is agreed that the proposal is not considered a 'neighbourhood hub'.</p> <p>This is a reason for refusal of the application.</p>

*2.7.3 Notice of Compliance*

The Notice of Compliance was received by Council on 30 October 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.

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2.8 Other Matters

None identified.

3. **Strategic Implications**

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

The proposal is inconsistent with the existing Moreton Bay Region planning provisions in respect to expectations for a residential area and is recommended for refusal.

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications

In the event that an appeal is made to the Planning & Environment Court against Council's decision, the Council will incur additional costs in defending its position.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications  Nil identified

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

Refer to clause 2.7.

**ITEM 4.2**

**DA/41507/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING AT 19 MURRAY STREET, WOORIM DESCRIBED AS LOT 20 W75317**

**APPLICANT: Mark Hams C/- Murray & Associates (QLD) Pty Ltd**

**OWNER: Alisha Radford and Mark Hams**

Meeting / Session: 4 PLANNING  
Reference: 61532689 : 5 March 2021 – Refer Supporting Information 61732992, 61612852, 61613101, 61613674  
Responsible Officer: DR, Development Planner (PL Development Services)

**Executive Summary**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Mark Hams C/- Murray & Associates (QLD) Pty Ltd
<b>Lodgement Date:</b>	13 August 2020
<b>Properly Made Date:</b>	17 August 2020
<b>Confirmation Notice Date:</b>	18 August 2020
<b>Information Request Date:</b>	25 August 2020
<b>Info Response Received Date:</b>	25 November 2020
<b>Public Notification Dates:</b>	7 December 2020 - 13 January 2021
<b>No. of Submissions:</b>	Properly Made: 5 Not Properly Made: 0
<b>Decision Due Date:</b>	15 March 2021
<b>Prelodgement Meeting Held:</b>	No

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	01
<b>Property Address:</b>	19 Murray Street, Woorim
<b>RP Description</b>	Lot 20 W75317
<b>Land Area:</b>	720m <sup>2</sup>
<b>Property Owner</b>	Alisha Radford and Mark Hams

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	<i>Sustainable Planning Act 2009</i>
<b>Planning Scheme:</b>	Moreton Bay Regional Council Planning Scheme
<b>Planning Locality / Zone</b>	General residential zone (Next generation neighbourhood precinct)
<b>Level of Assessment:</b>	Impact Assessable

This application seeks a Material Change of Use - Development Permit for a Multiple Dwelling (3 dwellings) situated at 19 Murray Street, Woorim and described as Lot 20 W75317. It is proposed to construct a new dwelling with two (2) established dwellings existing within a two-storey building.

The new dwelling contains four (4) bedrooms and an open kitchen/ living/ dining room. The new dwelling is proposed to the rear (west) of the existing building and will obtain vehicle access via a separate driveway onto Winnett Street. The proposal includes two (2) open onsite car parking spaces within the driveway. The existing two (2) dwellings will retain a single on-site car space each within the existing carport.

*ITEM 4.2 DA/41507/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING AT 19 MURRAY STREET, WOORIM DESCRIBED AS LOT 20 W75317 - 61532689 (Cont.)*

The site is within the General Residential zone - Next Generation Neighbourhood Precinct and the Suburban Neighbourhood Place type under the Strategic Framework of the Moreton Bay Regional Council Planning Scheme (MBRC Planning Scheme). Further, the site is mapped as being located within the Medium risk flood hazard area and Balance flood planning area. The site is also located within the Building Heights Overlay with a suggested maximum building height of 15m.

The proposed design of the new dwelling is elevated (pier footings) to ensure habitable rooms achieve the minimum defined flood planning level whilst maintaining a low building height just under 6.0m.

The application was publicly advertised with five (5) properly made submissions received opposing the development. Therefore, this report is being presented to the Council for decision as the proposal has raised community concerns and in accordance with the delegations to Council officers, the Divisional Councillor has requested that the development application be determined by the Council instead of under Council officer delegation.

An assessment against the provisions of the MBRC Planning Scheme has been completed in detail and as a result the areas of non-compliance are not sufficient to warrant refusal of the application and have been addressed under the Strategic framework. Accordingly, the application is recommended to be approved, subject to conditions.

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**RESOLUTION**

**Moved by Cr Brooke Savige**

**Seconded by Cr Jodie Shipway**

**CARRIED 12/0**

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

ITEM 4.2 DA/41507/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING AT 19 MURRAY STREET, WOORIM DESCRIBED AS LOT 20 W75317 - 61532689 (Cont.)

**OFFICER'S RECOMMENDATION**

- A. That Council, in accordance with the *Planning Act 2016*, approves the development application for a Material change of use - Development Permit for Multiple dwellings (3 Dwellings) at 19 Murray Street, Woorim, described as Lot 20 W75317, subject to the following plans/documents and conditions:

<b>Approved Plans and Documents</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
SITE PLAN	PRO 753 Sheet Number A-02 Rev A	Evoke Architects	22/07/2020
PROPOSED FLOOR PLAN	PRO 753 Sheet Number A-03 Rev A	Evoke Architects	22/07/2020
PROPOSED ROOF PLAN	PRO 753 Sheet Number A-04 Rev A	Evoke Architects	22/07/2020
PROPOSED ELEVATIONS (North and East)	PRO 753 Sheet Number A-05 Rev A	Evoke Architects	22/07/2020
PROPOSED ELEVATIONS (South and West)	PRO 753 Sheet Number A-06 Rev A	Evoke Architects	22/07/2020
3D	PRO 753 Sheet Number A-07 Rev A	Evoke Architects	22/07/2020
Site Based Flood Report for Proposed Additional Dwelling Located At 19 Murray Street Woorim (Lot 20 On W5317)	CIV02610 (MO/ne)	CONTOUR	29/10/2020

<b>CONDITION</b>		<b>TIMING</b>
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>1.</b>	<b>Approved Plans and/or Documents</b>	
	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>2.</b>	<b>Community Management Statement</b>	

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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
	Ensure that any Community Management Statement for the development reflects the following: <ol style="list-style-type: none"> <li>1. Car parking provisions;</li> <li>2. Landscaping requirements;</li> <li>3. Communal Open Space and Recreation areas;</li> <li>4. Bin storage requirements and collection locations;</li> <li>5. Stormwater Management requirements; and</li> <li>6. Flood design requirements of the new Dwelling Unit.</li> </ol>	Prior to the endorsement of any Community Management Statement.
<b>3.</b>	<b>Extent of Dwellings Units - Multiple Dwelling (3 Units)</b>	
	Ensure the Dwellings on the site are maintained and constructed as follows: <ol style="list-style-type: none"> <li>1. Two (2) dwellings containing two (2) bedrooms; and</li> <li>2. One (1) dwelling containing four (4) bedrooms.</li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
<b>4.</b>	<b>On-Site Car Spaces</b>	
A	Provide on-site car parking as generally shown on the approved plans.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
B	Provide for the manoeuvring of vehicles on site, generally in accordance with the approved plan. Car spaces, access lanes and driveways shown on the approved plan must not be used for any other purpose.	
<b>5.</b>	<b>Bicycle Parking Facilities</b>	
	Install securely one (1) bicycle parking facilities for each three (3) Dwelling units.  Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic management - Part 11: Parking.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
<b>7.</b>	<b>Clothes Drying Facilities</b>	
	Provide external clothes drying facilities that are screened from adjoining properties and the street or provide an electric clothes dryer within each dwelling.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
<b>8.</b>	<b>Privacy Screening</b>	
A	Provide privacy screening or alternate treatments where: <ol style="list-style-type: none"> <li>1. Habitable room windows or balconies of the proposed new dwelling directly face another habitable room or</li> </ol>	A&B Prior to the commencement of use or Council endorsement of



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CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
<b>DEVELOPMENT PLANNING</b>	
<p>balconies on the same site or an adjoining site that are within 9m; and/or</p> <p>2. Habitable room windows or balconies that overlook private recreation areas of other dwellings on the same site or an adjoining site. This includes providing a privacy screen to the top of the stair landing from the dining room of the new dwelling.</p>	<p>any Community Management Statement, whichever occurs first and to be maintained at all times.</p>
<p>B Treatments may consist of one or more of the following:</p> <p>1. Sill heights at a minimum of 1.5 metres above floor level; or</p> <p>2. Fixed, tinted or opaque glazing in at least any part of the fixed window or balcony balustrading between the floor level of the dwelling or balcony and 1.5m for windows and 1.2m for balconies; or</p> <p>3. Fixed external screens (e.g. louvered panels), of durable weather resistant materials and with a maximum of 50% transparency.</p>	
<b>10. Street Numbering and Building Names</b>	
<p>Install dwelling and street numbering including mail boxes. Ensure street numbers and any building names are prominently displayed to enable identification by emergency services.</p> <p>Note: For the existing two (2) Dwelling units; compliance is achieved if there are existing numbers and mail boxes clearly visible from the street frontage.</p>	<p>Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.</p>
<b>11. Screen Fencing</b>	
<p>Maintain a screen fence along the perimeter of the site. Unless an alternative design is agreed to with the owners of the adjoining lands, the screen fence is to be 1.8 metres in height and constructed of treated timber.</p>	<p>Prior to the commencement of the use or endorsement of any Community Management Statement whichever comes first and to be maintained at all times.</p>
<b>12. Private Open Space Delineation</b>	
<p>1. Provide screen fencing at a maximum height of 1.8m separating private open space areas of the new dwelling and the existing two (2) dwellings currently on site.</p> <p>2. Ensure all new fencing within the medium flood hazard overlay is at least 50% permeable for the flow of water during flood events.</p>	<p>Prior to commencement of use or endorsement of any Community Management Statement whichever comes first and to be maintained at all times.</p>
<b>13. Waste Management</b>	
<p>Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.</p>	<p>Prior to commencement of use and to be maintained at all times.</p>

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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>15.</b>	<b>Water and/or Sewerage</b>	
	Submit to Council a Certificate of Completion or Provisional Certificate of Completion for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming: <ol style="list-style-type: none"> <li>1. A reticulated water supply network connection is available to the land; and</li> <li>2. A sewerage network connection is available to the land; and</li> <li>3. All the requirements of Unitywater have been satisfied.</li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
<b>16.</b>	<b>Fibre Ready Telecommunications – Single (New Dwelling only)</b>	
A	Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with NBN Co Guideline New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs as amended, that: <ol style="list-style-type: none"> <li>1. Extends the service drop conduit from the property boundary to the external Premises Connection Device (PCD) or the likely location of the PCD; and</li> <li>2. Extends a communications conduit with drawstring from the external PCD or the likely location of the PCD to the internal Fibre Wall Outlet (FWO) or the likely location of the FWO.</li> </ol>	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
B	Provide certification to Council from the installer or an RPEQ engineer (electrical engineer) that the works and infrastructure required in (a) above has been done.  Note: A template for certification is available from council for the purpose of this condition.	
<b>17.</b>	<b>Telecommunications Internal Wiring (New Dwelling only)</b>	
A	Install internal wiring (Category 6 or better) within each dwelling unit from the expected location of any future Network Termination Device (NTD) for High Speed Broadband (based on the recommended locational criteria in the NBN Co Guideline (MDU Building Design Guide for New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs) to the same connection points in the dwelling that would have been or have been installed for telephone and television connections; including but not limited to bedrooms, family/living rooms, and study/office for dwellings and receptions, staff rooms, offices and the like for non-residential land uses.	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
B	Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done.	

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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
	Note: A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.	
<b>18.</b>	<b>Electricity</b>	
A	Provide underground electricity supply to the new dwelling.	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
B	Submit certification from a licensed surveyor, Registered Professional Engineer of Queensland (RPEQ) or registered building surveyor that any electricity connections and infrastructure made redundant by the development is removed with the land reinstated.	
<b>20.</b>	<b>Storage</b>	
	Ensure storage area is provided to each unit at a minimum capacity of 8m <sup>3</sup> .  Note - Storage areas can be co-located in carports/ garages; or incorporated into building design. This storage area excludes parts of the dwelling used in conjunction with a habitable room (e.g. wardrobes in bedrooms) or where performing an integral part in the rooms use (e.g. cupboards in the kitchen or laundry).	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first and is to be maintained.
<b>21.</b>	<b>Street Trees</b>	
	Provide a street tree adjacent to the frontage of the new dwelling in Winnett Street in accordance with Planning scheme policy - Integrated design Appendix D - Landscaping.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>DEVELOPMENT ENGINEERING</b>		
<b>22.</b>	<b>Replace Existing Council Infrastructure</b>	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of construction works, to a standard which is consistent with Council's standards.	Prior to commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>23.</b>	<b>Alterations and Relocation of Existing Services</b>	
	Any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of the telecommunications authority, electricity authorities, the Council or other person engaged in the provision of public	Prior to commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.

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CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
<b>DEVELOPMENT PLANNING</b>	
utility services is to be carried with the development and at no cost to Council.	
<b>24. New Driveway Crossover</b>	
<p>Construct a driveway crossover in accordance with the approved plans and documents of development and MBRC Standard Drawing RS-049 &amp; RS-050.</p> <p>Note: The location and construction of the driveway must not compromise, damage or impact upon any existing stormwater infrastructure fronting the lot.</p>	<p>Prior to commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.</p>
<b>25. Stormwater</b>	
<ol style="list-style-type: none"> <li>1. Ensure that stormwater from the proposed development is lawfully discharged from the subject land without causing nuisance and annoyance to any person; and</li> <li>2. Carry out the development to ensure that adjoining properties, reserves and roads are protected from ponding or nuisance from stormwater as a result of any works undertaken.</li> </ol>	<p>At all times.</p>
<b>26. Minimum Floor Level</b>	
<p>Design and construct the habitable floor level for the proposed dwelling to at least the Council adopted Flood Planning Level (FPL). The FPL for this site at the time of approval is 4.8m AHD.</p>	<p>Prior to commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.</p>
<b>27. Building Below the Flood Planning Level</b>	
<p>Construct any stairs and fencing structures below the Council adopted Flood Planning Level (FPL) from materials with a high water resistance and ensure that essential electrical services are located above the FPL.</p> <p>The FPL for this site at the time of approval is 4.8m AHD. Filling is not permitted within the area mapped as Medium risk flood hazard area under Council's Flood Hazard Overlay Code.</p> <p>Notes: 1. The Queensland Government Fact Sheet 'Rebuilding after a flood' provides information about water resilient products and building techniques. Available at <a href="http://www.hpw.qld.gov.au">www.hpw.qld.gov.au</a>. 2. An essential electrical service includes services defined as utilities in Mandatory Part 3.5 – Construction of buildings in flood hazard areas of the Queensland Development Code.</p>	<p>Prior to commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.</p>

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- B. That the Council report for this application be published to the website as Council's statement of reasons in accordance with Section 63 (5) of the *Planning Act 2016*.
- C. That the following information be included in the Decision Notice.

**Decision Notice information**

	Details to Insert
<b>Application Type</b>	Material Change of Use - Development Permit for Multiple dwellings (3 Dwellings)

<b>ADVICES</b>	
<b>1.</b>	<b>Aboriginal Cultural Heritage Act 2003</b>
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. Under the Act, indigenous parties are key in assessing cultural heritage significance.</p> <p>The <i>Aboriginal Cultural Heritage Act 2003</i> establishes a Duty of Care for indigenous cultural heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting the activity.</p> <p>Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care.</p> <p>Those proposing an activity that involves additional surface disturbance beyond that which has already occurred on the proposed site need to be mindful of the Duty of Care requirement.</p> <p>Details of how to fulfil the Duty of Care are outlined in the Duty of Care Guidelines gazetted with the Act.</p> <p>Council strongly advises that you contact the relevant state agency to obtain a copy of the Duty of Care Guidelines and further information on the responsibilities of developer under the terms of the <i>Aboriginal Cultural Heritage Act 2003</i>.</p>
<b>2.</b>	<b>Adopted Charges</b>
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 8) dated 14 December 2017 or as amended apply to this development approval.</p> <p>From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval.</p> <p>Payment of Infrastructure Charges is to be in accordance with the Infrastructure Charges Notice issued with this development approval and any Infrastructure Charges Notice issued by Unitywater. From 1 July 2014, all Infrastructure Charges for infrastructure networks controlled by Unitywater (eg. water and/or sewerage) regardless of when the Infrastructure Charges Notice was issued are to be paid directly to Unitywater while Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.</p>

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	Details to Insert
<b>Relevant Period of Approval</b>	Material Change of Use – 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>	Not applicable
<b>Other Necessary Permits</b>	Building Works – Development Permit (Building Act)
<b>Codes for Accepted Development</b>	Not applicable
<b>Referral Agencies</b>	There are no Referral Agencies
<b>Submissions</b>	There were five (5) properly made submissions about this application.

## REPORT DETAIL

### 1. Background

Based on the application material, the site currently contains two (2) existing Dwellings within a two-storey building. The downstairs unit comprises of two-bedrooms, one bathroom, living room and kitchen. The upstairs unit also comprises of two bedrooms, one bathroom, kitchen, lounge room and dining room with a large balcony. The units share a downstairs laundry (x2) and a double carport.

### 2. Explanation of Item

#### 2.1 Proposed Details

This application seeks a Material Change of Use - Development Permit for a Multiple Dwelling (3 dwellings) situated at 19 Murray Street, Woorim and described as Lot 20 W75317. It is proposed to construct a new dwelling with two (2) established dwellings existing within a two storey building.

The new dwelling contains four (4) bedrooms and an open kitchen/ living/ dining room. The new dwelling is proposed to the rear (west) of the existing building and will obtain vehicle access via a separate driveway onto Winnett Street. The proposal includes two (2) open onsite car parking spaces within the driveway. The existing two (2) dwellings will retain a single on-site car space each within the existing carport.

#### 2.2 Description of the Site and Surrounds

The site is within the General residential zone and the Next generation neighbourhood zone precinct. The topography of the site is relatively flat at approximately 4AHD. The medium risk flood hazard overlay affects the middle of the site and the side property boundary to the east.

The surrounding properties are as follows:

Directions	Planning Scheme Zone	Current Land Use
North	General residential - Next generation neighbourhood precinct	Dual Occupancy and Single Dwelling houses
South	General residential - Next generation neighbourhood and	Single Dwelling houses

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Directions	Planning Scheme Zone	Current Land Use
	Suburban neighbourhood precincts	
East	General residential - Next generation neighbourhood precinct	Single Dwelling houses
West	General residential - Suburban neighbourhood precincts	Single Dwelling houses

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>	<p><u>State Planning Policy</u></p> <ul style="list-style-type: none"> <li>• State Planning Policy, Part E</li> </ul> <p><u>Regional Plan</u></p> <ul style="list-style-type: none"> <li>• South East Queensland Regional Plan</li> </ul> <p><u>From Schedule 10 of the Regulation:</u></p> <ul style="list-style-type: none"> <li>• Not applicable</li> </ul>
<b>SEQ Regional Plan Designation:</b>	<ul style="list-style-type: none"> <li>• Urban Footprint</li> </ul>
<b>Koala Habitat Designation:</b>	Nil

2.3.1 *State Planning Policy*

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

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

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<b>Assessment benchmarks - water quality</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
<b>Assessment benchmarks - natural hazards, risk and resilience</b>		
Applicable to Development	SPP Requirement	Comment
Yes	<p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(8) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>All natural hazard areas:</p> <p>(9) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(10) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.</p> <p>(11) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</p> <p>(12) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</p>	<p>An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply through recommended conditions.</p>
<b>Assessment benchmarks - strategic airports and aviation facilities</b>		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable



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2.3.2 South East Queensland Regional Plan

The site is located in the Urban Footprint designation.

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

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

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

2.4.1 Strategic Framework

In accordance with section 1.7.2 of the planning scheme, the development proposal requires assessment against the Strategic Outcomes within the Strategic Framework; because the proposal cannot comply with the Overall Outcomes of the Flood hazard overlay code relating to development in the medium risk flood hazard area.

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 is based on a 20-year planning horizon and is based on Council's analysis of the issues and opportunities facing the region including State interests, the application of the *South East Queensland Regional Plan 2009-2031* (SEQ Regional Plan 2009) provisions to the Region, and Council's strategic direction for the future.

The site is located within the Suburban Neighbourhood Place type of the MBRC Planning Scheme and within the Coastal Communities and Bribie island Planning Area. The proposal complies with the relevant Strategic Outcomes of the twelve themes and of particular relevance, Strategic Outcome - natural hazard and adaption:

<b>Theme: 3.3 Sustainability and Resilience</b>		
<b>3.3.3 Strategic Outcome - Natural hazard and adaption</b>		
The resilience of communities, development, essential infrastructure, natural environments and economic sectors to natural hazards including projected changes in weather is increased.		
<b>Strategic Outcomes to achieve above</b>	<b>Assessment</b>	<b>Complies</b>
Respond to the risk from natural hazards, including projected changes in weather, by avoiding areas with high exposure and establishing adaptation strategies to minimise vulnerability to riverine flooding, storm tide, coastal erosion, bushfires and landslides;	<p>The proposal seeks to respond to the mapped flood risk by adopting a building design catering to the mapped medium flood risk area on the site.</p> <p>The pier and pole construction of the Dwelling unit ensures safety of persons and property and therefore minimising vulnerability to the low risk flooding. The dwelling includes all habitable floors are constructed above the adopted Flood Planning level of 4.8AHD.</p>	Yes

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	A recommendation of this report is to ensure the proposal is built as shown on the approved plans which addresses the flood risk.	
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In this regard the proposal complies under the Strategic Framework assessment.

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;

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

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Zone/ Local Plan Code</b>		
General residential zone code - Next generation neighbourhood precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO4, PO17
<b>Development Codes</b>		
Residential uses code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO2, PO5
<b>Overlay Codes</b>		
Flood hazard overlay code	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO10

The assessment of the development proposal against the Performance Outcomes of the applicable code(s) is discussed below in section 2.4.3.

2.4.3 Performance Outcome Assessment

Performance Outcome	Example
<b>General Residential zone code - Next generation neighbourhood precinct</b>	
PO4: Residential buildings and structures are setback to:  a. be consistent with the low to medium density next generation neighbourhood character intended for the area, where buildings are positioned closer to the footpath to create	E4.1 Setbacks (excluding built to boundary walls) comply with Table 6.2.6.3.3 Setbacks - Setbacks (Residential uses).

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Performance Outcome	Example
<p>more active frontages and maximise private open space at the rear;</p> <p>b. result in development not being visually dominant or overbearing with respect to the streetscape and the adjoining sites;</p> <p>c. maintain private open space areas that are of a size and dimension to be usable and functional;</p> <p>d. maintain the privacy of adjoining properties;</p> <p>e. ensure parked vehicles do not restrict pedestrian and traffic movement and safety;</p> <p>f. limit the length, height and openings of boundary walls to maximise privacy and amenity on adjoining properties;</p> <p>g. provide adequate separation to particular infrastructure and waterbodies to minimise adverse impacts on people, property, water quality and infrastructure</p> <p>h. ensure built to boundary walls do not create unusable or inaccessible spaces and do not negatively impact the streetscape character, amenity or functionality of adjoining properties.</p>	
<i>Performance Outcome Assessment</i>	
<p>As required under E4.1 above, the minimum setbacks to the side and rear boundaries from a wall or outermost projection (OMP) are 1.5m. This is based on a wall height of 3.5m (2.6m + 900mm stumped above the natural ground).</p> <p>The proposal seeks an alternative side setback to the OMP of the proposed structure by proposing a reduced setback of 1.26m from the eave and 0.96m from the stairs along the north eastern side boundary.</p> <p>All remaining setbacks to the front, side and rear boundaries to the proposed walls and OMP along the northern rear setback achieve the example and are over the minimum 1.5m setback requirement.</p> <p>The proposal is considered to achieve the Performance Outcome. The stairs and eaves provide access to the house, and shade/ protection from the rain/ sun glare. Visual bulk and privacy impacts are considered minimal. The encroachment of the stairs and eaves are determined to have very minimal impact upon the adjoining property in terms of visual dominance. The majority of the new dwelling, including walls, is setback in excess of 1.5, proposed at 1.8m from the side boundary. The stairwell consists of a small structure providing an area of transition, rather than a place to dwell. A condition has been recommended to ensure the top landing of the staircase is screened at the side to limit direct views.</p>	
<p>PO17 The layout of the development does not compromise: a. the development of the road network in the area; b. the function or safety of the road network; c. the capacity of the road network.</p>	<p>E17.4 The development layout allows forward vehicular access to and from the site.</p>
<i>Performance Outcome Assessment</i>	

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Performance Outcome	Example
<p>The proposed driveway into two (2) car spaces is proposed for the new Dwelling. This means it is likely a vehicle will reverse from these parked spaces.</p> <p>The location of the parked vehicle spaces at the front of the new Dwelling would not compromise the road network in the area or the function, safety and capacity of the road network itself. It is not a high order road but an access street for the residents in the immediate area. There is sufficient site distances and an appropriate speed limit to manage vehicle movements from this location. In this regard, the performance outcome has been addressed and the impacts of a vehicle exiting backwards leaving the site are minimal in the overall function of the road network.</p>	
Residential Uses Code	
<p>PO2 Dwellings are provided with private open space that is:</p> <ul style="list-style-type: none"> <li>a) of a size and dimension that is useable and functional relative to the residential use (e.g. permanent or non-permanent);</li> <li>b) directly accessible from the dwelling;</li> <li>c) located to ensure residents of dwellings and neighbouring dwellings experience a high level of residential amenity;</li> <li>d) free of objects or structures that reduce or limit functionality (e.g. air conditioning units, hot water systems etc);</li> <li>e) where on the ground level , private and physically located away from and not adjacent to a road unless: <ul style="list-style-type: none"> <li>i. adjoining a laneway or other public spaces; OR</li> <li>ii. for the purpose of solar optimisation (orientated to maximise the northerly aspect), adjoining an access street or an unconstructed road that is not intended to be constructed as a road; and <ul style="list-style-type: none"> <li>A. is designed to form part of the building (not an appendage to the building); and</li> <li>B. is screened for privacy.</li> </ul> </li> </ul> </li> </ul> <p>Screening must:</p> <ul style="list-style-type: none"> <li>1. be of a high architectural standard and design;</li> <li>2. not dominate the majority of the street frontage;</li> <li>3. not reduce or inhibit the activation of the street frontage by blocking or restricting overlooking from habitable room windows, front doors and</li> </ul>	<p>E2 requires Dwellings to have a clearly defined, private outdoor living space that is:</p> <ul style="list-style-type: none"> <li>(a) A minimum of 12m<sup>2</sup> in area and a 2.4m dimension in all directions for ground and above ground level dwellings with 2 bedrooms or more.</li> <li>(b) accessed from a living area;</li> <li>(c) if private open space is located at ground level: i. it is screened for privacy from adjoining dwellings; ii. it is located to the rear or side of the dwelling behind the main building line and not within the primary frontage setback.</li> <li>(d) for above ground dwellings that adjoin the street, minimum private open space areas (balconies) are orientated to the street, or for dwellings that do not adjoin the street, balconies face north or east;</li> <li>(e) minimum open space area and dimensions are clear of any utility and non-recreational structure (including but not limited to driveways, air-conditioning units, water tanks, storage structures, refuse storage areas and retaining structures).</li> </ul>

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Performance Outcome	Example
<p>4. pedestrian access points to each dwelling; and be setback behind landscaping (streetscape enhancement landscaping, not simple solid screen landscaping).</p>	
<i>Performance Outcome Assessment</i>	
<p>The existing Dual Occupancy has sufficient private outdoor living areas with one Dwelling having a large balcony facing Murray Street and both Dwellings sharing the ground level open space area.</p> <p>The proposal plan does not show each of the three (3) dwellings having a clearly defined private outdoor living space. Therefore, a condition has been recommended to provide opportunity for the new Dwelling to delineate their own private outdoor living space from the outdoor areas of the existing dwellings on site.</p> <p>This will achieve compliance the performance outcome and maintain the resident’s private outdoor recreational needs.</p>	
<p>PO5 Car parking areas do not adjoin the street frontage or public open space areas or a designed to:</p> <ul style="list-style-type: none"> <li>a) no dominate the street frontage;</li> <li>b) maintain active frontages;</li> <li>c) contribute to the intended character of the streetscape;</li> <li>d) no compromise on-site landscaping.</li> </ul>	<p>E5.2 For townhouses: a. parking spaces gain access via internal driveways; or b. car parking areas are located behind the front of the building.</p>
<i>Performance Outcome Assessment</i>	
<p>The proposal seeks to locate two (2) vehicle parking spaces within the frontage of the new Dwelling. However, these car spaces are open in nature and will not dominate the frontage. The dwelling will still sufficiently address the frontage. Further, it is noted that it is not uncommon in the surrounding area for carspaces and carports to be located in the front setback area. In this regard, the performance outcome has been achieved.</p>	
<b>Flood Hazard Code</b>	
<p>PO10 Development maintains personal safety at all times, such that:</p> <ul style="list-style-type: none"> <li>(a) a vulnerable land use (flood and coastal) is not located in the High risk flood hazard area or Medium risk flood hazard area;</li> <li>(b) new buildings are not located in the High risk flood hazard area included in the Limited development zone;</li> <li>(c) a residential accommodation building is located in the following:</li> </ul>	<p>No example provided</p>

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Performance Outcome	Example
(i) Balance flood planning area; OR (ii) The Medium risk area where located in the Medium risk storm tide inundation area of the Coastal hazard overlay or Balance coastal planning area of the Coastal hazard overlay;  (d) Evacuation capability from the development or other premises is not hindered or made more complicated and there is no significant additional burden placed on emergency services personnel;  (e) The isolation of persons in the Defined Flood Event is avoided.	
<i>Performance Outcome Assessment</i>	
The proposed development complies with most of the performance outcome sub-categories stated above. However, it cannot comply with item C (ii) as the development is within the Flood Hazard Medium risk area only and not the Medium risk storm tide, therefore not satisfying compliance with respect to food risk.  In this regard, the proposal is required to be assessed under the Overall outcomes of the Flood hazard overlay code.	

2.4.4 Overall Outcome Assessment

The development proposal does not comply with Performance outcome 10 of the Flood hazard overlay code. Therefore, the proposal is required to be assessed against the Overall outcomes of the code. The assessment indicated the proposal complies with all the outcomes except for Overall Outcome C below:

Section 8.2.2.2 Flood hazard Overlay Code		
Overall Outcomes	Complies Y/N	Comments
C: Development in the Medium risk area manages and mitigates the tolerable risk of flood hazard by ensuring that: i. a material change of use is only for the following uses if consistent with the overall outcomes of the applicable zone and precinct and the risk to people, property and infrastructure located on the premises and other premises is avoided or mitigated: A Dwelling house; or B. Outdoor sport and recreation; or C. Park; or D. Permanent plantation; or E. Cropping (where involving forestry for wood production); or F. Tourist park; or	N	The proposed land use definition is Multiple Dwelling. In this regard, the proposal cannot comply with the overall outcome as it is not listed in the uses accepted in the medium risk area.

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G. Home based business; or H. Non-residential uses where not involving a vulnerable land use (flood and coastal).		
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Based on the assessment above, the proposal is inconsistent with one (1) of the Overall Outcomes of the Flood hazard overlay code. Therefore, in accordance with section 1.7.2 of the MBRC Planning Scheme, an assessment against the Strategic Framework is set out in section 2.4.1 of this report. Section 2.41 of this report demonstrates the proposal is consistent with the outcomes sought by the Planning Scheme in relation to mitigating risk from flood hazard.

## 2.5 Trunk Infrastructure

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

### 2.5.1 *Levied Charge*

In accordance with section 10 of the CR, a Levied Charge is applicable to the development proposal and has been charged for one additional dwelling.

### 2.5.2 *Levied Charge Credit*

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

#### (a) Payment of previous charges or contributions

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

#### (b) Lawful use of land

An assessment of existing and previous lawful uses of the land has determined that a credit amount of \$43,181.00 exists and has been calculated based on the existing Dual Occupancy currently established on site.

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

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

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

The credit available under this option is \$18,136.02 based on the proportional split stated in Table 3 of the CR.

### 2.5.3 *Levied Charge Offset or Refund*

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

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#### 2.5.4 Additional Trunk Infrastructure Costs

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

- (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.

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

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

Not Applicable in this instance.

#### 2.7 Referrals

##### 2.7.1 *Council Referrals*

##### **2.7.1.1 Development Engineering**

##### Traffic, Access & Parking

The proposed access and parking layout is generally satisfactory and satisfies relevant standards.

The traffic generation from this development will not trigger any adverse impact on the surrounding road network.

The operation and safety of the proposed site access meets Council's requirements for vehicle movements. The access, parking and driveway meets the performance outcome requirements of Planning Scheme.

It should be noted that the proposed new driveway and the retention of the existing driveway has been assessed will not impact on the road network. However, recommendations of the report include a condition to ensure the new driveway construction complies with the approved plans.

##### Stormwater

There has been no assessment of the likely increases in stormwater flow rates of the development as an additional dwelling on piers is determined pre and post development stormwater flow rates will be negligible.

##### Flood Hazard

An assessment of the proposal was made to address the overlay code requirements. The proposed habitable areas of the units are proposed higher than the defined flood planning level determined for the subject site. The current defined flood planning level is 4.8m AHD; and the proposal seeks a floor level at 5.2m AHD.



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**2.7.1.2 Environmental Health**

Waste Management

The applicant advised each dwelling will have their own waste and recycling bins that are to be stored in each dwelling's private open space areas and collected by Council. This arrangement is acceptable as the frontages of Winnett Street and Murray Street have sufficient room for all six (6) bins for Council's kerbside collection.

A condition has been recommended to ensure the proposal manages waste in accordance with SC 6.20 Planning Scheme Policy - Waste.

2.7.2 Referral Agencies

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

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

**2.7.2.2 Advice Agencies**

There were no Advice Agencies involved in assessing this application.

**2.7.2.3 Third Party Agencies**

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

2.8 Public Consultation

2.8.1 Public Notification Requirements under the Development Assessment Rules

- (d) Public Notification was served on all adjoining landowners on 3 December 2020.
- (e) The development application was advertised in The Bribie Weekly on 4 December 2020.
- (f) A notice in the prescribed form was posted on the relevant land on 4 December 2020 and maintained for a period of 15 business days until 14 January 2021.

It should be noted under the Planning Act 2016; a business day does not include a day between 20 December of a year and 5 January of the next year.

2.8.2 Submissions Received

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

Type		Number of Signatures	Number of Submissions
Properly Made	Email,	6	5
	Petition	-	-
Not Properly Made	Letter, Email, Fax	-	-
	Petition	-	-
<b>Total</b>		<b>6</b>	<b>5</b>

The matters raised within the submissions are outlined below:

Assessment of Submissions
<b>Issue</b> Increase in congestion at the corner of Murray and Winnet Street due to increased vehicles and on street parking.

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<b>Assessment of Submissions</b>
Insufficient on-site parking.
<p><b>Discussion</b></p> <p>The proposal has included two (2) additional parking spaces within the site for the parking needs of the additional Dwelling. This is one space more than required by the MBRC Planning Scheme. Furthermore, the proposal does not reduce the existing on-site parking for the existing two (2) dwellings on site (one car space each).</p> <p>The traffic generated by the additional Dwelling will be negligible and well within the carrying capacity of both Winnett and Murray Streets. This is not a sufficient reason for refusal of the application.</p>
<b>Issue</b>
Streetscape appeal is reduced and the proposal will negatively affect the ambience and liveability of the street
<p><b>Discussion</b></p> <p>The proposed development is sympathetic to the adjoining properties by maintaining a low rise built form similar to a single storey house under 6.0m in building height and achieving a medium density of 41.6 dwellings per hectare. It should be noted that the MBRC Planning Scheme supports the site to have a site density between 15 and 75 dwellings per hectare under the Next generation neighbourhood precinct. This type of development is expected to occur within this site and surrounding properties to the north and east which are also of the same zone and precinct.</p> <p>The proposed dwelling will result in the removal of some vegetation from the site, none of which is protected under the Planning Scheme and could be removed today at the owner's discretion. A condition is recommended that the developer install a new street tree to the Winnett Street frontage.</p> <p>The proposed dwelling, whilst intensifying the site as anticipated by the planning scheme, appropriately addresses the street frontage and will present a built form consistent with the character of homes in the area. The interface of the proposed new dwelling directly addresses Winnett Street through the use of the large balcony entrance and windows; and thus, contributing to a positive streetscape amenity and casual surveillance.</p> <p>This is not sufficient reason for refusal of the application.</p>
<b>Issue</b>
Amenity concerns - Setback and height encroachment from the property boundary would block views, breeze flow and affect privacy
<p><b>Discussion</b></p> <p>The building height overlay mapping indicates a maximum building height of 15.0m for the site. The proposed building height of the new Dwelling unit is under 6.0m. The proposal is well within the maximum building height for the site.</p> <p>The proposal seeks a 0.96m setback from the stairs and 1.26m setback from the eaves in lieu of the 1.5m required side setback distance to OMP of the building. It is determined to have negligible impacts onto the adjoining properties as these structures function more as access into the house and protection from rain and the sun rather than habitable spaces which have more potential for impacts onto neighbouring properties. The proposed new Dwelling is detached from the existing structures providing avenues for views and breezes.</p> <p>Further, recommendations of the report include conditions for privacy screening or alternate treatments where habitable room windows or balconies overlook private recreation areas of other dwellings on the same site or an adjoining site.</p>

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<p><b>Assessment of Submissions</b></p> <p>This is not sufficient reasons for refusal of the application.</p>
<p><b>Issue</b> Introduction of backpacker, hostel or similar income-producing accommodation (temporary accommodation)</p>
<p><b>Discussion</b> The application seeks a Multiple dwelling which is not temporary accommodation such as Rooming accommodation.</p> <p>In accordance with the <i>Planning Regulation 2017</i>, Multiple dwelling means a residential use of premises involving 3 or more dwellings, whether attached or detached, for separate households.</p> <p>It is noteworthy that this application is only triggered for impact assessment due to being located within the mapped medium risk flood hazard area. Its land use, design and siting of structures are consistent with the Next generation neighbourhood precinct and sympathetic to the nearby Suburban neighbourhood precinct properties. A condition has been recommended to reflect the number of dwellings, being three (3) and how many bedrooms they are able to contain for clarity of the use and bedroom limit. Should the owner of the site intend to use the site for backpackers accommodation, this would require a new Development Application to be lodged with Council. This is not sufficient reasons for refusal of the application.</p>
<p><b>Issue</b> Exacerbated congestion leading to noise impacts, litter and disruption including security issues</p>
<p><b>Discussion</b></p> <p>The proposed development does intensify the use of the site, which will potentially result in more incidental noise. However, the proposed density is anticipated by the planning scheme. Currently the site appears to be securely fenced by timber fencing at the boundaries of the site. A condition of development will require the maintenance of the existing screen fence along the perimeter of the site to manage noise and privacy. Recommendations of this report include conditions for appropriate waste management to occur on site. This is not sufficient reason for refusal of the application.</p>
<p><b>Issue</b> Removal of existing vegetation / trees and therefore, a loss of habitat and shade. Loss of shade will increase overall heat and drying out of public and private spaces.</p>
<p><b>Discussion</b> The site is not mapped within an Environmental Area overlay or protected under Schedule 10 of the Regulations for Koala habitat protection. Furthermore, the site does not contain any habitat trees as defined by the planning scheme. In this respect, none of the vegetation on site is provided protection by state or local planning legislation. However, a condition has been recommended which requires the developer to plant a new street tree on Winnett Street.</p> <p>This is not sufficient reason for refusal of the application.</p>
<p><b>Issue</b> The existing flats may require Caboolture Council checks on fire walls and approvals before more development. I object to the new material change of use because the plans</p>

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<p><b>Assessment of Submissions</b></p> <p>are only proposed and feel many amendment and changes will occur. Our other questions and concerns are:</p> <ul style="list-style-type: none"><li>- Does Caboolture Council allow two crossovers on the one property?</li><li>- Does Caboolture Council allow removal houses across the Bribie bridge?</li></ul> <p>Does Caboolture Council allow removal houses on an already developed property?</p>
<p><b>Discussion</b></p> <p>The existing structures when built would have required to comply with the requirements at that time of approval. This application is for the land use component to be considered; not the building work. Should this land use for a Multiple dwelling be approved all aspects of the development would need to comply with the <i>Building Act 1975</i> under a Building works application (which includes firewall assessment).</p> <p>Should the application be approved any future changes to the plans may require further applications subject to the <i>Planning Act 2016</i>.</p> <p><u>Crossover matters:</u> Under the assessment of the Moreton Bay Regional Council; the proposal to have two (2) crossovers on the one property as shown on the approved plan is acceptable in this regard as it would not create an unsafe scenario. It is noted that the frontage to Winnett Street is approximately 40m wide where two crossovers will not dominate the frontage and will still allow for sufficient on-street parking in front of the site.</p> <p><u>Removable House matters</u> There are no planning scheme requirements of how the removal house is to cross the Bribie bridge. This would be under a transport permit under separate legislation outside of Council and with the Department of main roads, police and pilots.</p> <p>Subject to the above site density; the removal house on an already developed property is an acceptable form of structure to be defined as a Multiple Dwelling land use.</p> <p>This is not sufficient reason for refusal of the application.</p>

2.8.3 Notice of Compliance

The Notice of Compliance was received by Council on 15 January 2021. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

2.9 Other Matters

None identified.

3. **Strategic Implications**

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

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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

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) Should the application be approved, the approval will include an infrastructure Charges Notice.

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 2.8.

**ITEM 4.3  
MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST  
NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO. 1 S18 TAILORED  
AMENDMENT STATE INTEREST REVIEW AND PUBLIC CONSULTATION**

*Meeting / Session:* 4 PLANNING  
*Reference:* 61708244 : 3 March 2021 - Refer Supporting Information 61768593,  
61768637, 61768655, 61768675, 61768591, 61768645, 61768651, 61768862,  
61769424, 61769427, 61769428, 61769430  
*Responsible Officer:* CT, Coordinator Caboolture West (PL Strategic Planning & Place Making)

**Executive Summary**

At its General Meeting on 9 December 2020, Council resolved 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.

The proposed planning scheme amendment for NDP1 will provide a statutory framework to facilitate urban development and deliver critical infrastructure in the first neighbourhood development plan area of the Caboolture West Local Plan. It will also allow for the proper assessment of multiple development applications lodged in this area.

Council officers have undertaken engagement with internal stakeholders, Unitywater and relevant State agencies in preparing the proposed amendment for NDP1. The proposed planning scheme amendment supports a range of housing outcomes, a local centre, a State primary school, a district sports park and local park network and green network precinct primarily along the Caboolture River corridor.

On 23 February 2021, Council was briefed on matters raised during early State agency engagement on the proposed planning scheme amendment and the process required to obtain a tailored amendment notice under Section 18 (S18) of the *Planning Act* (the *Act*). Feedback was also sought on the proposed S18 process, indicative timeframes and communications strategy to be included in the request provided to the Chief Executive of the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) for their consideration.

On 25 February 2021, the Chief Executive Officer wrote to the Chief Executive of DSDILGP advising of Council's intent to make a tailored amendment under S18(2) of the *Act* to the MBRC Planning Scheme. On 11 March 2021, the Chief Executive of DSDILGP provided a notice (the *Notice*) under S18(3) of the *Act* to Council outlining the process for making a proposed S18 planning scheme amendment, as well as the communications strategy that Council must implement.

At a Council briefing held on 23 March 2021, officers provided an overview of the next steps in the proposed planning scheme amendment, including the timeline and scope of the public consultation phase, and the proposed amendment content.

Council officers have received the feedback from the Council and the purpose of this report is for Council officers to recommend Council approve to proceed to State interest review and public consultation on the proposed planning scheme amendment for NDP1.

ITEM 4.3 MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO. 1 S18 TAILORED AMENDMENT STATE INTEREST REVIEW AND PUBLIC CONSULTATION - 61708244 (Cont.)

**RESOLUTION**

Moved by Cr Tony Latter

Seconded by Cr Mark Booth

CARRIED 12/0

1. That the Chief Executive Officer be authorised to write to the Chief Executive of the Department of State Development, Infrastructure, Local Government and Planning under section 18 of the *Planning Act 2016* and advise that Council intends to:
  - a) Amend the planning scheme by following the process in the Notice;
  - b) Commence the State interest review and public consultation processes concurrently in accordance with the Notice.
2. That the Chief Executive Officer be authorised to make administrative and editorial changes to the proposed planning scheme amendment and any associated documentation, if required, prior to submitting to the Chief Executive of the Department of State Development, Infrastructure, Local Government and Planning.
3. That the Chief Executive Officer be authorised to commence the State interest review and public consultation processes concurrently in accordance with the Notice.
4. That the Chief Executive Officer be authorised to do all things reasonable and necessary in order to follow the process in the Notice in order to complete the State interest review and public consultation processes.

ITEM 4.3 MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO. 1 S18 TAILORED AMENDMENT STATE INTEREST REVIEW AND PUBLIC CONSULTATION - 61708244 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the Chief Executive Officer be authorised to write to the Chief Executive of the Department of State Development, Infrastructure, Local Government and Planning under section 18 of the *Planning Act 2016* and advise that Council intends to:
  - a) Amend the planning scheme by following the process in the Notice;
  - b) Commence the State interest review and public consultation processes concurrently in accordance with the Notice.
2. That the Chief Executive Officer be authorised to make administrative and editorial changes to the proposed planning scheme amendment and any associated documentation, if required, prior to submitting to the Chief Executive of the Department of State Development, Infrastructure, Local Government and Planning.
3. That the Chief Executive Officer be authorised to commence the State interest review and public consultation processes concurrently in accordance with the Notice.
4. That the Chief Executive Officer be authorised to do all things reasonable and necessary in order to follow the process in the Notice in order to complete the State interest review and public consultation processes.

**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. The Planning Scheme identifies NDP1 as the first neighbourhood development plan area for Caboolture West.

The following resolution appears on Minute Page 20/2130 of the General Meeting of Council held on 9 December 2020:

Ex. General Meeting held 9 December 2020 (MP. 20/2130)

**RESOLUTION**

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.

On 25 February 2021, the Chief Executive Officer wrote to the Chief Executive of Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) advising of Council's intent to make a tailored amendment to the Moreton Bay Regional Council Planning Scheme under s18(2) of the *Act*.

Concurrently, officers have been working on a proposed new Planning Scheme Policy (PSP) as part of the proposed planning scheme amendment. PSPs are documents contained in a Planning Scheme that support the Planning Scheme with relevant guidance information.



*ITEM 4.3 MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO. 1 S18 TAILORED AMENDMENT STATE INTEREST REVIEW AND PUBLIC CONSULTATION - 61708244 (Cont.)*

On 11 March 2021, the Chief Executive of DSDILGP provided a notice (the Notice) under s18(3) of the Act to Council outlining the process for making a proposed s18 planning scheme amendment, as well as the communications strategy that Council must implement.

At a Council briefing held on 23 March 2021, officers provided an overview of the proposed planning scheme amendment and process outlined in the Notice. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

*The CEO noted the way forward:*

*A report will be submitted to the General Meeting for consideration to proceed to concurrent State interest review and public notification in accordance with the Notice.*

## **2. Explanation of Item**

The proposed planning scheme amendment will provide a statutory framework to facilitate urban development and deliver critical infrastructure in the first neighbourhood development plan area of the Caboolture West Local Plan. It will also allow for the proper assessment of multiple development applications lodged in this area.

The proposed planning scheme amendment includes a plan for NDP1, supporting local plan code provisions and a supplementary new PSP (the subject of a separate report). This provides planning provisions to support a range of housing outcomes, a local centre, a State primary school, a district sports park and local park network and green network precinct primarily along the Caboolture River corridor.

The Notice outlines the steps for making the proposed amendment. In accordance with Step 1 (Planning and preparation), Council have prepared the proposed planning scheme amendment and consulted with State agencies while preparing the proposed amendment.

In accordance with Steps 4 and 5 of the Notice, Council will now commence a concurrent State interest review and public consultation phase.

### Step 4 (Notice to commence State interest review)

The Notice includes specific actions under Step 4 for Council to give a notice to the Chief Executive of DSDILGP to commence the State interest review. The notice is to include:

- (a) an electronic copy of the proposed amendment in the format identified by DSDILGP;
- (b) a written statement addressing the State interests in the South East Queensland Regional Plan 2017 (ShapingSEQ) and State Planning Policy 2017 (SPP) which includes—
  - a. how the State interests are integrated in the proposed amendment;
  - b. reasons why any State interests have not been integrated in the proposed amendment;
  - c. any State interests that are not relevant;
- (c) a written statement about how the key elements of a planning scheme mentioned in section 16(1) of the Act have been addressed and if the proposed amendment is consistent with the regulated requirements in the Planning Regulation 2017 (the Planning Regulation);
- (d) the proposed communications strategy given with the notice under section 18(2) of the Planning Act;
- (e) any background studies or reports that informed the preparation of the proposed amendment;
- (f) any natural hazards, risk and resilience evaluation report prepared in regard to the SPP;
- (g) any draft feasible alternatives report prepared for a planning change made to reduce the risk of natural hazards, including details of the potentially affected premises and any relevant supporting information;
- (h) shapefiles of any mapping;

*ITEM 4.3 MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO. 1 S18 TAILORED AMENDMENT STATE INTEREST REVIEW AND PUBLIC CONSULTATION - 61708244 (Cont.)*

- (i) a summary of consultation with State agencies during the confirmation of State interest review, the outcome of the consultation and any changes made to the proposed amendment as a result of the consultation;
- (j) any other information considered relevant by the local government.

Step 5 (c) - Commence public notification

The specific actions under Step 5(c) of the Notice outline that Council must give public notice about the proposed planning scheme amendment in accordance with:

- (a) the public notice requirements prescribed in the *Planning Act*, Schedule 2, definition of public notice, paragraph (b);
- (b) schedule 4 of MGR (Ministers Guidelines and Rules); and
- (c) the communications strategy described in Part B, section 4.3 of the Notice.

The Notice also outlines public notification must be undertaken for a period of at least 20 business days.

The proposed amendments to the planning scheme document will appear as follows:

- Words with yellow highlight will identify content that is proposed to be added.
- Words with red strikethrough will identify content that is proposed to be removed.

The amended planning scheme and maps will be available during public notification. The proposed new PSP will also be available at this time.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Progression of the proposed planning scheme amendment has been undertaken in accordance with the *Act* and the process prescribed in the Notice. This report represents Steps 4 and 5 (Concurrent State interest review and public consultation) in the Notice for the progression of proposed 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 to support the holistic and efficient delivery of land use, design, infrastructure and community-based outcomes and the proper assessment of development applications. Neighbourhood Development Plans provide the framework for the orderly and efficient delivery of this growth area over its projected 40-year lifecycle.

**3.4 Risk Management Implications**

The proposed planning scheme amendment will also support the proper assessment of development applications in NDP1 and assist in reducing the risk of inappropriate development occurring within the Caboolture West local plan area.

**3.5 Delegated Authority Implications**

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

**3.6 Financial Implications**

The consultation costs of the proposed amendment are provided in the current budget.

*ITEM 4.3 MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO. 1 S18 TAILORED AMENDMENT STATE INTEREST REVIEW AND PUBLIC CONSULTATION - 61708244 (Cont.)*

3.7 Economic Benefit Implications

The proposed planning scheme amendment will support the proper assessment of development applications in NDP1 and will assist in attracting appropriate growth in this part of the region.

3.8 Environmental Implications

Well planned growth will better manage the environmental outcomes identified in NDP1.

3.9 Social Implications

Well planned growth supports positive social outcomes within Caboolture West and the 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 in accordance with the Communications Strategy in the Notice.

3.11 Consultation / Communication

The proposed planning scheme amendment has been discussed internally within Council along with State agencies and Unitywater. They are now proposed to go on public consultation for community feedback and formal State interest review. Council will then consider the State and community feedback received, including potential changes to the proposed amendment content.

**ITEM 4.4  
MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST  
NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO. 1 (NEW) PLANNING  
SCHEME POLICY AND PUBLIC CONSULTATION**

*Meeting / Session:* 4 PLANNING  
*Reference:* 61765565 : 16 March 2021 : **Refer Supporting Information 61790272**  
*Responsible Officer:* CT, Coordinator Caboolture West (PL Strategic Planning & Place Making)

**Executive Summary**

At its General Meeting on 9 December 2020 (Minute Page 20/2130) Council resolved:

*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.*

The proposed planning scheme amendment (the subject of a separate report) for Neighbourhood Development Plan (NDP1) will provide a statutory framework to facilitate urban development and deliver critical infrastructure in the first neighbourhood development plan area of the Caboolture West Local Plan. It will also allow for the proper assessment of multiple development applications lodged in this area.

Concurrently with the proposed planning scheme amendment, a new planning scheme policy (PSP) is also proposed. The proposed PSP supports the planning scheme amendment content by providing an overview of the land use and infrastructure planning rationale in preparing the proposed Neighbourhood Development Plan (NDP1).

As required by the Minister's Guidelines and Rules (MGR), new PSPs are required to undergo public notification but not a State interest review process. It is proposed that the new PSP will go on public consultation as part of the proposed planning scheme amendment for NDP1.

This purpose of this report is for Council officers to recommend Council make a proposed new PSP, publicly consult concurrently with the proposed planning scheme amendment for NDP1, and in accordance with the process prescribed in MGR.

**RESOLUTION**

**Moved by Cr Tony Latter**

**Seconded by Cr Jodie Shipway**

**CARRIED 12/0**

- 1. That the Council decide to make a new Planning Scheme Policy in accordance with section 22 of the *Planning Act 2016* and the Minister's Guidelines and Rules.**
- 2. That the Chief Executive Officer be authorised to prepare the proposed planning scheme policy.**
- 3. That the Chief Executive Officer be authorised to commence the public consultation process on the proposed planning scheme policy in accordance with section 22 of the *Planning Act 2016*.**
- 4. That the Chief Executive Officer be authorised to do all things reasonable and necessary in order to comply with the public consultation process on the proposed planning scheme policy in accordance with section 22 of the *Planning Act 2016* and the Minister's Guidelines and Rules.**
- 5. That the Chief Executive Officer be authorised to make administrative and editorial changes to the proposed planning scheme policy and any associated documentation, if required, prior to commencing public notification.**

ITEM 4.4 MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO. 1 (NEW) PLANNING SCHEME POLICY AND PUBLIC CONSULTATION - 61765565 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the Council decide to make a new Planning Scheme Policy in accordance with section 22 of the *Planning Act 2016* and the Minister's Guidelines and Rules.
2. That the Chief Executive Officer be authorised to prepare the proposed planning scheme policy.
3. That the Chief Executive Officer be authorised to commence the public consultation process on the proposed planning scheme policy in accordance with section 22 of the *Planning Act 2016*.
4. That the Chief Executive Officer be authorised to do all things reasonable and necessary in order to comply with the public consultation process on the proposed planning scheme policy in accordance with section 22 of the *Planning Act 2016* and the Minister's Guidelines and Rules.
5. That the Chief Executive Officer be authorised to make administrative and editorial changes to the proposed planning scheme policy and any associated documentation, if required, prior to commencing public notification.

**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. The Planning Scheme identifies NDP1 as the first neighbourhood development plan area for Caboolture West.

The following resolution appears on Minute Page 20/2130 of the General Meeting of Council held on 9 December 2020:

Ex. General Meeting held 9 December 2020 (MP. 20/2130)

**RESOLUTION**

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.

On 25 February 2021, the Chief Executive Officer wrote to the Chief Executive of Department of State Development, Infrastructure, Local Government & Planning (DSDILGP) advising of Council's intent to make a tailored amendment to the Moreton Bay Regional Council Planning Scheme under s18(2) of the *Act*.

Concurrently, officers have been working on a proposed new PSP as part of the proposed planning scheme amendment. PSPs are documents contained in a Planning Scheme that support the Planning Scheme with relevant guidance information.

At a Council briefing held on 23 March 2021, officers provided an overview of the proposed new PSP as part of broader briefing on the proposed planning scheme amendment and process outlined in the Notice. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

ITEM 4.4 MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO. 1 (NEW) PLANNING SCHEME POLICY AND PUBLIC CONSULTATION - 61765565 (Cont.)

*The CEO noted the way forward:*

*A report will be submitted to the General Meeting for consideration to proceed to concurrent State interest review and public notification in accordance with the Notice.*

New PSPs are required to be publicly notified but not required to undergo a State interest review process.

## 2. Explanation of Item

The proposed new PSP supports the proposed planning scheme amendment for NDP1. Specifically, it provides an overview of the land use and infrastructure planning rationale in preparing the proposed Neighbourhood Development Plan (NDP1).

Section 22 of the *Planning Act 2016* and Chapter 3 of the MGR outline the various actions that Council is required to undertake to propose a new PSP. These include:

- Council must decide to make or amend a PSP
- Council must prepare the proposed PSP
- Council must carry out public consultation on the proposed PSP

Public consultation for a proposed new PSP is required for a minimum of 20 business days.

Public consultation of the new PSP is proposed to run concurrently with the proposed planning scheme amendment for NDP1 for 20 business days. A Notice must be prepared that is consistent with the public notice requirements prescribed in Schedule 4 of the MGR.

Like the Notice for the proposed planning scheme amendment, the Notice for the proposed new PSP must be displayed in the Council's public office/s and be available on Council's website.

## 3. Strategic Implications

### 3.1 Legislative / Legal Implications

Progression of the proposed new PSP has been undertaken in accordance with the *Planning Act 2016* and the process prescribed in the MGR.

### 3.2 Corporate Plan / Operational Plan

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

### 3.3 Policy Implications

The proposed new PSP will support the proposed planning scheme amendment for NDP1 by providing an overview of the land use and infrastructure planning rationale in preparing the Neighbourhood Development Plan (NDP1).

### 3.4 Risk Management Implications

The proposed new PSP will support the proper assessment of development applications in NDP1 and assists in reducing the risk of inappropriate development occurring within the Caboolture West local plan area.

### 3.5 Delegated Authority Implications

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

### 3.6 Financial Implications

The consultation costs of the proposed amendment are provided in the current budget.

### 3.7 Economic Benefit Implications

The proposed new PSP will support the proper assessment of development applications in NDP1 and will assist in attracting appropriate growth in this part of the region.

*ITEM 4.4 MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO. 1 (NEW) PLANNING SCHEME POLICY AND PUBLIC CONSULTATION - 61765565 (Cont.)*

3.8 Environmental Implications

Well planned growth will better manage the environmental outcomes identified in NDP1.

3.9 Social Implications

Well planned growth supports positive social outcomes within Caboolture West and the 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 in accordance with the Communications Strategy in the S18 Notice to avoid any duplication of process and confusion with the community.

3.11 Consultation / Communication

The proposed new PSP will go on public consultation for community feedback. Council will then consider the community feedback received, including potential changes to the new PSP.

**ITEM 4.5**  
**APPROACH TO ESTABLISHING FUTURE NAME(S) FOR CABOOLTURE WEST**

*Meeting / Session:* 4 PLANNING  
*Reference:* 61726051 : 22 March 2021  
*Responsible Officer:* DC, Director Planning (PL Directorate)

**Executive Summary**

At its meeting of 3 February 2021, Council resolved that the Chief Executive Officer provide a report on a recommended approach to establishing future name(s) for Caboolture West and that the report include an approach for engagement with existing and surrounding landowners and residents and other stakeholders stating:

1. That the Chief Executive Officer provide a report by the end of March on a recommended approach to establish future name(s) for Caboolture West.
2. That the report include an approach for engagement with the existing and surrounding landowners and residents and other stakeholders.

'Caboolture West' as a name has emerged in a range of planning documents since 2009 and it represents a 'planning and administrative name' rather than a name which reflects either existing or future community identity.

It is timely, given the anticipated emergence of the first communities in this area to reflect on the naming of the NDP1 area and the wider Caboolture West area.

A group of the land development landowners, coordinated by Stockland have sought a proposal from respected specialist consultants to undertake such a process, titled the "Caboolture West Place Naming and Branding Project".

It is considered there is merit in collaborating in this project and contributing financially and in-kind to its development.

**RESOLUTION**

Moved by Cr Tony Latter

Seconded by Cr Denise Sims (Deputy Mayor)

CARRIED 12/0

1. That Council agree to participate in the Caboolture West Place Naming and Branding Project (as described in this report as the "Hoyne Project") in the Caboolture West area with a view to establishing a new name(s) for the Caboolture West Local Plan area.
2. That Council provide a financial contribution of up to \$15,000 Ex GST towards the completion of this project, and in-kind support in the form of senior officer time to contribute to the project Steering Committee.
3. That the Chief Executive Officer give further consideration and advice to Council on the nature of community engagement required in the development of potential name options.



ITEM 4.5 APPROACH TO ESTABLISHING FUTURE NAME(S) FOR CABOOLTURE WEST - 61726051 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That Council agree to participate in the Caboolture West Place Naming and Branding Project (as described in this report as the "Hoyne Project") in the Caboolture West area with a view to establishing a new name(s) for the Caboolture West Local Plan area.
2. That Council provide a financial contribution of up to \$15,000 Ex GST towards the completion of this project, and in-kind support in the form of senior officer time to contribute to the project Steering Committee.
3. That the Chief Executive Officer give further consideration and advice to Council on the nature of community engagement required in the development of potential name options.

**REPORT DETAIL**

**1. Background**

The name 'Caboolture West' was first identified in the 2009 SEQ Regional Plan and since this time, the area has been identified both in regional plans, as a declared Master Planned Area and major growth area. The Caboolture West Local Plan area was first included in the 2016 MBRC Planning Scheme.

Caboolture West is an area anticipated to accommodate in the order of 70,000 residents over the course of the coming decades. The first release area of this community, Neighbourhood Development Plan Area No. 1 (NDP1), is advancing with planning amendments and development applications emerging. NDP1 alone has the potential to be home to 6,500 - 7,500 residents, the scale of a suburb in its own right.

Caboolture West is also regularly used by the media when referring to development projects and investment opportunities in the Caboolture West Local Plan area.

The establishment of a potential new name or names for the Caboolture West Local Plan Area presents opportunities to:

- Preserve the identity of existing communities within existing localities and suburbs to avoid this identity being impacted by the significant urban growth anticipated within Caboolture West, and
- Create a distinct identity for the emerging communities as a point of difference from surrounding residential areas and communities, and
- Explore the development of a name or names that embodies the vision and aspirations for the area.

A Council briefing was conducted on 24 March 2021 for the purpose of sharing information and providing advice/views to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

**The CEO noted the way forward:**

A council report be submitted to the General Meeting for consideration of participation and financial contribution in the Caboolture West Place Naming and Branding Project (known as the "Hoyne Project") to investigate the renaming of Caboolture West.

Further consideration be given to the community engagement required.

**2. Explanation of Item**

Like Council and the surrounding community, land development landowners within Caboolture West are interested in establishing a name or names for the area which have meaning and establish and foster a future community identity, respecting the connection that existing landowners and residents outside the Caboolture West area have to existing suburb and locality names.

ITEM 4.5 APPROACH TO ESTABLISHING FUTURE NAME(S) FOR CABOOLTURE WEST - 61726051 (Cont.)

It is understood that landowners outside the Caboolture West Local Plan area are concerned that the identity of their existing suburbs and localities will be subsumed by the considerable urban growth anticipated to occur within Caboolture West. This identity is strongly linked to long standing suburb and locality names which have considerable local meaning and history.

Coupled with this, land development landowners in the Local Plan area are mindful that Caboolture West as a name was derived primarily as a "planning and administrative name" and is not underpinned by a strong connection with identity or the future communities of the area.

An opportunity now exists, prior to the first communities emerging, for a naming strategy and names to be identified that can contribute to creating identity for Caboolture West and areas within, including NDP Area No.1, which is supported by Council, existing communities, land development landowners and other stakeholders.

2.1 Landowners Proposal - "Caboolture West Place Naming and Branding Project"

A group of the land development landowners, coordinated by Stockland have sought a proposal from respected specialist consultants in this area "Hoyne" consulting to undertake such a process, titled the "Caboolture West Place Naming and Branding Project".

There is merit in Council participating in this project (herein referred to as the "Hoyne Project") on the proviso that suitable community engagement can be achieved informing the outcomes, in order for Council to be satisfied that the outcomes have sufficient community support and community benefit to warrant any potential proposal for the change of place names under the *Place Names Act, 1994*. Any changes to names will require formal consideration by Council and a resolution to refer the proposed name(s) to the State Government for their determination under the *Place Names Act, 1994*.

Officers from across Council have met to discuss the suitability of the Hoyne Project to achieve the outcomes sought by the above resolution. A meeting of Hoyne, Council and representatives of the land development landowners occurred on the 22<sup>nd</sup> March 2021 where the methodology was further discussed.

This process is currently being funded collectively by land development landowners. It has been proposed by the landowners that should Council wish to be involved in the Hoyne Project that consideration be given to a financial contribution to the project costs in the order of up to \$15,000 ex GST, and involvement of senior officers in the Steering Group overseeing the project.

While the detail of the Hoyne Project approach, at the time of writing of this report, is yet to be finalized to reflect the discussion of the meeting of 22 March 2021, it is apparent that the methodology proposed provides a suitable opportunity to achieve the objectives being sought by Council, with the above proviso regarding the extent of community engagement. Indeed, it would not be advantageous for Council to commence a process separate to that being initiated by the land development landowners given the potential for confusion and conflict that this may cause.

Under the proposed methodology, it is intended that the stakeholder and community engagement approach be defined as part of the initial phase of the project. As such, at this stage it is not possible to determine whether or not the approach ultimately preferred and required by Council may require additional expenditure in order to complete, and whether or not this engagement occurs within or in parallel to the Hoyne proposed project, or through other means. This will not be apparent until such time as the initial scoping stage has been completed and considered by Council officers.

Notwithstanding this uncertainty, there is merit in collaborating in the "Hoyne Project" and contributing financially and in-kind to its development.

ITEM 4.5 APPROACH TO ESTABLISHING FUTURE NAME(S) FOR CABOOLTURE WEST - 61726051 (Cont.)

The opportunity afforded by the Hoyne Project, and its proposed scope provides an opportunity to participate in a process that will derive future identity for the communities of Caboolture West. The methodology proposed by the Hoyne Project is as follows:

- Stage 1
  - Inception Meeting
  - Site visit
  - Document Review
  - Preparation of Engagement Brief
- Stage 2
  - Place, Brand, Strategy and Positioning
- Stage 3
  - Naming and Post Brand Concept
- Stage 4
  - Design and Development

The 'Preparation of the engagement brief' task in Stage 1 is proposed to define the scope and method with which stakeholder engagement will occur. At present this has not been costed in the fee proposal. Should Council resolve to participate in the Hoyne Project, and through this scoping task seek to advance specific community engagement outcomes to inform potential name options, it is foreseeable that further funding may be required.

Internal engagement with Council's Community Engagement Department will consider the extent of engagement required and whether or not this will be achieved through the Hoyne Project, or additional specific parallel activities or through the vehicle of other planned Council engagement activities.

The outcome of the Hoyne Project process will be recommended name or names for Caboolture West and areas within Caboolture West. It is possible that Council may seek to do further engagement with either affected landowners or more broadly before advancing any changes to place names as per the *Place Names Act, 1994*.

Whether or not further community engagement activity is required it is considered that there is sufficient rationale for Council to participate in the Hoyne Project as it is currently defined and to make a financial contribution to that project on behalf of the community of up to \$15,000 ex GST and in kind as described in this report.

**3. Strategic Implications**

3.1 Legislative / Legal Implications

Nil Legislative / Legal Implications in participating in the Hoyne Project however any subsequent changes to the place names within the Caboolture West Local Plan area will need to occur in accordance with the *Place Names Act, 1994*.

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

It has been requested that Council consider a financial contribution to the delivery of the Hoyne Project in the order of up to \$15,000 ex GST. It is possible that should Council require additional community engagement, there may be further funding implications. At this stage these requirements have not been scoped and therefore the extent of these funding implications is unknown.

ITEM 4.5 APPROACH TO ESTABLISHING FUTURE NAME(S) FOR CABOOLTURE WEST - 61726051 (Cont.)

3.7 Economic Benefit Implications

Transitioning the naming of Caboolture West from a “planning and administrative name” to a name(s) that create distinct identity for the future communities of the area will likely assist economic development outcomes in this future major growth area.

3.8 Environmental Implications

Nil identified

3.9 Social Implications

Creating distinct local names and identity for the future communities of the Caboolture West area will contribute to the creation and fostering of these communities’ identity. Addressing existing local rural and rural residential residents’ concerns that the future urban area will subsume their locality and place names and therefore their distinct local identity, will assist these communities to retain that identity.

3.10 Human Rights Implications

Nil identified

3.11 Consultation / Communication

This report has been prepared in consultation with the Chief Executive Officer, Strategy and Engagement, Community Engagement, Economic Development and Planning staff.

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**5 COMMUNITY & ENVIRONMENTAL SERVICES SESSION**

(Cr P Flannery, Mayor)

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**ITEM 5.1**

**SPECIALISED SUPPLIER CONTRACT LAKESIDE PARK - NOISE MONITORING**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* 61767943 : 16 March 2021  
*Responsible Officer:* TD, Public Health and Permits Manager (CES Customer Response)

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**Executive Summary**

Under section 235(b) of the *Local Government Regulation 2012* Council may, by resolution, purchase goods and services from a single supplier without seeking competitive quotations. Such purchases may only be made where the local government is satisfied that because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders.

Accordingly, this matter is reported to Council for resolution.

This report seeks Council's approval that in accordance with section 235(b) of the *Local Government Regulation 2012*, Council is satisfied that Simpson Engineering Group (SEG) is the only supplier practically able to deliver the required specialised web-based noise monitoring services.

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**RESOLUTION**

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Moved by Cr Sandra Ruck

Seconded by Cr Brooke Savige

CARRIED 12/0

1. That in accordance with section 235(b) of the *Local Government Regulation 2012*, that because of the specialised or confidential nature of the web-based noise monitoring services that are sought from Simpson Engineering Group (SEG), it would be impractical or disadvantageous for Council to invite quotes or tenders.
2. That the Council enters into an agreement with Simpson Engineering Group as described in this report for the provision of web-based noise monitoring services.
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 Simpson Engineering Group for the provision of web-based noise monitoring services, as described in this report, and any required variations of the agreement on Council's behalf.

ITEM 5.1 SPECIALISED SUPPLIER CONTRACT LAKESIDE PARK - NOISE MONITORING - 61767943 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That in accordance with section 235(b) of the Local Government Regulation 2012, that because of the specialised or confidential nature of the web-based noise monitoring services that are sought from Simpson Engineering Group (SEG), it would be impractical or disadvantageous for Council to invite quotes or tenders.
2. That the Council enters into an agreement with Simpson Engineering Group as described in this report for the provision of web-based noise monitoring services.
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 Simpson Engineering Group for the provision of web-based noise monitoring services, as described in this report, and any required variations of the agreement on Council's behalf.

**REPORT DETAIL**

**1. Background**

In December 2015 Council sought quotes from three acoustic consultants and engaged Simpson Engineering Group (SEG) to implement a noise monitoring regime at the Lakeside raceway.

In implementing the noise monitoring regime, SEG designed specialist software to ensure the noise monitoring measures complied with the requirements of the *Environmental Protection Act 1994* and met the expectations of the Queensland Ombudsman's recommendations.

In June 2017 following the successful implementation of the noise monitoring regime, Council entered into a specialised supplier contract with SEG to provide ongoing maintenance to equipment, updates to software and expert advice as required. This contract expired at the end of February 2021.

**2. Explanation of Item**

Under the provisions of section 235(b) of the *Local Government Regulation 2012*, Council may enter into a medium-sized contract with a provider without seeking additional quotes if, it is satisfied that because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous to invite quotes or tenders.

SEG was identified as the single supplier who maintains the capability of providing specialised noise monitoring relevant to open air event motor racing. SEG also provides bespoke noise monitoring and recording software that allows for real time monitoring and information sharing via a web-based portal.

As the software is designed and owned by SEG, without engaging SEG as a provider, maintaining the current and required level of specialised monitoring, assessment and information sharing is considered impractical.

It is recommended that SEG be endorsed as a specialised services supplier for a three-year period commencing 1 May 2021.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Section 235(b) *Local Government Regulation 2012* states that a local government may enter into a contractual arrangement without first inviting written quotes or tenders if the local government is satisfied that because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders.

ITEM 5.1 SPECIALISED SUPPLIER CONTRACT LAKESIDE PARK - NOISE MONITORING - 61767943 (Cont.)

- 3.2 Corporate Plan / Operational Plan  
Strengthening Communities: Strong local governance - strong leadership and governance.
- 3.3 Policy Implications  
The endorsement of the contract is in accordance with Council's Procurement Policy 2150-006.
- 3.4 Risk Management Implications  
The use of a specialist consultant will assist in monitoring compliance with the *Environmental Protection Act 1994*.
- 3.5 Delegated Authority Implications  
The value of the contract is within the financial delegation of the Manager Customer Response.
- 3.6 Financial Implications  
The service will be undertaken utilising operational funds from within the Customer Response budget.
- 3.7 Economic Benefit Implications                     Nil identified
- 3.8 Environmental Implications                     Nil identified
- 3.9 Social Implications                                 Nil identified
- 3.10 Human Rights Implications  
Under the *Human Rights Act 2019 (Qld)*, Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human rights implications relevant to Council's decision.
- 3.11 Consultation / Communication  
Legal Services

**ITEM 5.2**  
**PROPOSED LEASE FOR TELECOMMUNICATIONS FACILITY**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* 61660504 : 19 February 2021 - **Refer Supporting Information 61660507**  
*Responsible Officer:* AS, Manager Property Services (CES Property & Commercial Services)

**Executive Summary**

This report seeks Council's approval for the provision of a lease to Optus Mobile Pty Limited ACN 054 365 696 (**Optus**), for the purpose of a telecommunications facility on the terms outlined in this report.

This matter is reported to Council as section 236(2) of the Local Government Regulation 2012 requires Council resolution to apply the exception under section 236(1)(c)(vi) to dispose of a valuable non-current asset if the grant of a lease is for the purpose of a lease for a telecommunication tower.

**RESOLUTION**

Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Mark Booth

CARRIED 12/0

1. That the exception contained in section 236(1)(c)(vi) of the *Local Government Regulation 2012* (Qld) applies to the Council regarding the disposal of the property referred to in this report.
2. That Optus be granted a lease over Lease O in Lot 5 on RP147522 on SP321023 on the terms outlined in this report.
3. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.



ITEM 5.2 PROPOSED LEASE FOR TELECOMMUNICATIONS FACILITY - 61660504 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the exception contained in section 236(1)(c)(vi) of the *Local Government Regulation 2012* (Qld) applies to the Council regarding the disposal of the property referred to in this report.
2. That Optus be granted a lease over Lease O in Lot 5 on RP147522 on SP321023 on the terms outlined in this report.
3. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

**REPORT DETAIL**

**1. Background**

2-4 Timms Road, Everton Hills [Lot 5 on RP147522] (Land) - Division 10 - is freehold land owned by Council. An overview of the Land can be seen at *Supporting Information #1*.

Council previously entered into consecutive registered lease numbers 705166692, 705166693, 705166696 and 705166698 with Hutchinson 3G Australia Pty Ltd for part of the Land identified as Lease A on SP146275 (Former Lease Area) for the installation of a telecommunications facility (Original Leases). The Original Leases were transferred to Optus on 31 January 2003.

Given the effluxion of time since the Original Leases were first registered, Optus has arranged a new survey of the Former Lease Area, resulting in the new lease area being described as Lease O on SP321023 (New Lease Area). The New Lease Area has the same dimensions (55m<sup>2</sup>) as the Former Lease Area. A survey plan showing the New Lease Area may be found at *Supporting Information #2*, together with an aerial indication of the location of the New Lease Area shown at *Supporting Information #3*.

The Original Leases are due to expire on 31 October 2021 with no options available for the extension of the lease term.

Optus has now requested a new lease over the New Lease Area, with the lease terms to be based on Council's registered standard freehold telecommunications lease and the commercial terms as outlined below:

Core Term	Description
<b>Term</b>	Ten years
<b>Commencement Date</b>	1 November 2021
<b>Expiry Date</b>	31 October 2031
<b>Option</b>	Nil
<b>Rent</b>	\$22,000 plus GST for the first year of the Term
<b>Rent Review Mechanism</b>	3% fixed increase on the anniversary of the Commencement Date
<b>Permitted Use</b>	For the maintenance and operations of a telecommunications tower and associated infrastructure

The proposed lease terms have been negotiated and agreed by Council and Optus.

**2. Explanation of Item**

A Council resolution is required to grant the new lease to Optus, which is to be based on Council's registered standard freehold telecommunications lease terms (as negotiated) and on the core commercial terms as outlined above.

ITEM 5.2 PROPOSED LEASE FOR TELECOMMUNICATIONS FACILITY - 61660504 (Cont.)

Council must comply with the *Local Government Act 2009* (Qld) and the *Local Government Regulation 2012* (Qld) (Regulation) when it disposes of valuable non-current assets, which includes leases of land. 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 lease for a telecommunications tower. Council may only rely on that exception if, before granting a lease, it resolves that the exception applies.

**3. Strategic Implications**

3.1 Legislative / Legal Implications

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 lease for a telecommunication tower. Council may only rely on that exception if, before granting a lease, it resolves that the exception applies.

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

3.5 Delegated Authority Implications

In accordance with 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 initial annual rental in the amount of \$22,000 plus GST, which will increase annually by 3% for the term 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 a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that Council's decision in this circumstance (if it reflects the officer's recommendation) is compatible with (and does not limit) a person's property rights because this is an arms-length commercial negotiation between 2 parties.

3.11 Consultation / Communication

As the telecommunications facility has been established at the site for a substantial number of years, it has not been considered necessary to undertake any new consultation.

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**6 FINANCE & CORPORATE SERVICES SESSION**

**(Cr P Flannery, Mayor)**

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**ITEM 6.1**

**MONTHLY FINANCIAL REPORTING PACKAGE - 28 FEBRUARY 2021**

*Meeting / Session:* 6 FINANCE & CORPORATE SERVICES  
*Reference:* 61759036 : 15 March 2021 - **Refer Supporting Information 61749135**  
*Responsible Officer:* JG, Coordinator Corporate Accounting (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 28 February 2021.

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**RESOLUTION**

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**Moved by Cr Matt Constance**

**Seconded by Cr Jodie Shipway**

**CARRIED 12/0**

**That the Financial Reporting Package for the year to date period ending 28 February 2021 be received.**

ITEM 6.1 MONTHLY FINANCIAL REPORTING PACKAGE - 28 FEBRUARY 2021 - 61759036 (Cont.)

## OFFICER'S RECOMMENDATION

That the Financial Reporting Package for the year to date period ending 28 February 2021 be received.

### **REPORT DETAIL**

#### **1. Background**

The Financial Reporting Package for the month ending 28 February 2021 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 February 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 February which is shown alongside the original adopted budget in the report where applicable.

#### Operating Result (page 1)

As at 28 February 2021 operating revenue was \$377.0 million compared to operating expenses of \$296.8 million thus representing an operating surplus of \$80.2 million, which is in line with expectations.

#### Operating Revenues (page 1)

The third quarter rates and utility charges were levied in late December. Rates and utility charges represent the bulk of the revenue recognised thus far being \$248.2 million equating to approximately 75% of the budgeted rate and utility charge revenue for the year.

Fees and Charges revenue was budgeted on the conservative side with expected decreases resulting from the COVID-19 pandemic, however this has not eventuated with revenues derived from building, plumbing, development and waste services performing above original budget targets. The amended budget reflects a forecast increase in fees and charges revenue.

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.

*ITEM 6.1 MONTHLY FINANCIAL REPORTING PACKAGE - 28 FEBRUARY 2021 - 61759036 (Cont.)*

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.

Capital Revenue (page 1)

Infrastructure cash contributions from developers exceeded the budget after the first eight months, consequently the budget was amended to \$45m during the month. In total \$36.8 million has been received to date, representing 81.9% of the total budgeted amount.

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.

The Capital grants and subsidies budget has been increased over the first two quarters to reflect additional funding expected during the year. Revenue received to date is tracking below the budget, but as projects reach completion toward the end of the financial year the bulk of these grant funds will be forthcoming.

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. This is reflected in the movement of the orange revenue line from July to February as it moves closer to the linear trend.

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 \$118.8 million after the first eight months of 2020/21 and represents 47.49% 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 \$118.8 million, there are committed costs (orders placed for works) in the amount of \$86.2 million bringing the total cost to \$205.0 million of the current \$250 million program (82.0% of the capital program committed).

The associated *capital expenditure progress % to date by portfolio program* graph tracks the percentage spend by portfolio program compared to the budget to date. The orange line represents the year to date budget at 67% highlighting the linear budget spend to February 2021. Variations across the programs are normal as capital project delivery is not linear in nature so timing differences are expected.

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 \$392.6 million for February. The forecast for the end of June 2021 is currently \$252 million.

ITEM 6.1 MONTHLY FINANCIAL REPORTING PACKAGE - 28 FEBRUARY 2021 - 61759036 (Cont.)

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 \$2.1 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 0.81%.

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 \$343 million of cash at call with the remaining \$50 million maturing over next 3 to 12 months.

The QIC Growth Fund is currently valued at \$112 million as at the end of February. Council originally invested \$100 million in this fund in June 2018.

Council's total debt position has decreased (\$370m to \$352m) as repayments were made in September and December. 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.

### 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. These risks are addressed during each quarterly budget review to understand any potential impact on Council's performance and position.

3.5 Delegated Authority Implications  Nil identified

#### 3.6 Financial Implications

As at the end of February 2021, Council's operating surplus is \$80.2 million while capital expenditure amounted to \$118.8 million.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications  Nil identified

*ITEM 6.1 MONTHLY FINANCIAL REPORTING PACKAGE - 28 FEBRUARY 2021 - 61759036 (Cont.)*

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication  
Director Finance and Corporate Services

**ADJOURNMENT**

The meeting adjourned at 12:01 PM to correct technical difficulties (recording paused).

The meeting resumed at 12:04PM (recording resumed).

UNCONFIRMED

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**ITEM 6.2**  
**COUNCIL'S INSURANCE POLICY**

*Meeting / Session:* 6 FINANCE & CORPORATE SERVICES  
*Reference:* 61767888 : 11 March 2021 - **Refer Supporting Information 61233589;**  
**61236336**  
*Responsible Officer:* JG, Coordinator Corporate Accounting (FCS Accounting Services)

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**Executive Summary**

The purpose of this report is to recommend that Council adopt an updated Insurance Policy (2150-060) and supporting information as outlined in this report.

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**RESOLUTION**

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**Moved by Cr Matt Constance**  
**Seconded by Cr Cath Tonks**

**CARRIED 12/0**

**That Council adopt the Insurance Policy (2150-060) and supporting information as presented in this report.**



ITEM 6.2 COUNCIL'S INSURANCE POLICY - 61767888 (Cont.)

## OFFICER'S RECOMMENDATION

That Council adopt the Insurance Policy (2150-060) and supporting information as presented in this report.

## **REPORT DETAIL**

### **1. Background**

Historically, Council has always had a requirement under its Insurance Policy (2150-060) that suppliers wishing to do business with Council hold a Public and Products Liability Insurance Policy that listed Council as an "Interested Party" under certain circumstances.

The concept of "Interested Party" means that whilst Council is not a party to the actual insurance contract and cannot receive and give notices under the policy, Council retains a right to recover under the supplier's policy if required.

A Council briefing was conducted on 10 March 2021 for the purpose of discussing proposed changes to Council's Insurance Policy (2150-060) in relation to the abovementioned requirement. In line with Council's decision-making framework, a summary of the minutes of the briefing is provided below:

*The proposed changes to the policy were noted. A report should be prepared for the 31 March 2021 General Meeting, for consideration to adopt the proposed changes.*

It is not necessary in all cases for suppliers to list Council as an "Interested Party" on their Public Liability and Product Liability insurance policies. This requirement adds complexity and unnecessary cost for suppliers when obtaining insurance and is an impediment to engaging suppliers.

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

The proposal to remove the "interested party" requirement on suppliers is due to the difficulty suppliers are experiencing in the marketplace in having Council listed as an "interested party" on their Public and Products Liability Insurance Policy. Insurance companies are reluctant to provide the service of listing interested parties and from the supplier's perspective it adds additional costs to their insurance premium which is ultimately passed onto Council.

Additionally, the "Interested Party" requirement is seen by suppliers as an impediment to doing business with Council.

However, it is important to note that for risks assessed as "extreme" as per Council's Insurance Risk Matrix (Supporting Information #2), the requirement for Council to be listed as an interested party will remain.

### **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  
Council's Insurance Policy 2150-060 will be amended to remove the requirement for Council to be listed as an "Interested Party" for most suppliers.

3.4 Risk Management Implications  
Council would lose its "right to recover" under the supplier's insurance. However, this is mitigated due to Council having its own insurance coverage, and the supplier is still required to maintain their own Public and Products Liability insurance.

ITEM 6.2 COUNCIL'S INSURANCE POLICY - 61767888 (Cont.)

- 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 officers from procurement, governance and executive services, and legal services were consulted in the preparation of this report.

UNCONFIRMED

**ITEM 6.3**  
**RATES AND CHARGES - FINANCIAL HARDSHIP POLICY**

*Meeting / Session:* 6 FINANCE & CORPORATE SERVICES  
*Reference:* 61777619 : 18 March 2021 - **Refer Supporting Information 61697194**  
*Responsible Officer:* JL, Financial Operations Manager (FCS Financial Operations)

**Executive Summary**

The current COVID-19 financial hardship support measures for ratepayers, which were made available to ratepayers in response to the impact of the COVID-19 pandemic are due to expire on 31 March 2021.

In place of these measures, it is recommended that Council adopts a rates hardship policy which provides a framework to identify ratepayers experiencing financial hardship and provides targeted support.

The purpose of this report is to seek Council's consideration of Policy 2150-113 Rates and Charges - Financial Hardship.

**RESOLUTION**

Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Jodie Shipway

CARRIED 12/0

1. That the Rates and Charges - Financial Hardship Policy (2150-113), as provided in the supporting information to this report, be adopted.
2. That pursuant to section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer the right to:
  - a) determine a ratepayer's eligibility for the support under the Rates and Charges - Financial Hardship Policy (2150-113);
  - b) enter into repayment plans with eligible ratepayers; and
  - c) determine the form and duration of the repayment plan agreement.
3. Pursuant to section 120(1)(c) of the *Local Government Regulation 2012*, Council is satisfied that payment of rates or charges will cause hardship to ratepayers eligible for support under the Rates and Charges - Financial Hardship Policy (2150-113) for the duration of the agreed repayment plan.
4. That Council grants a rates concession under section 121 and 122 of the *Local Government Regulation 2012*:
  - a) to any ratepayers considered eligible for support under the Rates and Charges - Financial Hardship Policy (2150-113); and
  - b) limited to the period of up to 12 months per repayment plan, with interest on overdue rates and charges not applicable for the duration of the repayment plan agreement.

ITEM 6.3 RATES AND CHARGES - FINANCIAL HARDSHIP POLICY - 61777619 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the Rates and Charges - Financial Hardship Policy (2150-113), as provided in the supporting information to this report, be adopted.
2. That pursuant to section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer the right to:
  - a) determine a ratepayer's eligibility for the support under the Rates and Charges - Financial Hardship Policy (2150-113);
  - b) enter into repayment plans with eligible ratepayers; and
  - c) determine the form and duration of the repayment plan agreement.
3. Pursuant to section 120(1)(c) of the *Local Government Regulation 2012*, Council is satisfied that payment of rates or charges will cause hardship to ratepayers eligible for support under the Rates and Charges - Financial Hardship Policy (2150-113) for the duration of the agreed repayment plan.
4. That Council grants a rates concession under section 121 and 122 of the *Local Government Regulation 2012*:
  - a) to any ratepayers considered eligible for support under the Rates and Charges - Financial Hardship Policy (2150-113); and
  - b) limited to the period of up to 12 months per repayment plan, with interest on overdue rates and charges not applicable for the duration of the repayment plan agreement.

**REPORT DETAIL**

**1. Background**

In response to the impact that COVID-19 pandemic was having on the community, a Mayoral Minute was adopted by Council at its General Meeting of 13 May 2020 (page 20/787) which outlined a range of COVID-19 support measures. These measures included the following support for ratepayers who were experiencing trouble paying their rates and charges:

- the suspension of interest on overdue rates and charges for the period 1 April to 30 September 2020; and
- the ability for ratepayers who are experiencing financial difficulty to enter into a payment plan to pay off their outstanding rates; and
- the suspension of collection activities in relation to overdue rates and charges for the period 1 April to 30 September 2020.

At the General Meeting of 16 September 2020 (page 20/1722) Council resolved to extend these support arrangements for a further six months for the period 1 October 2020 to 31 March 2021.

In addition to extending the existing support measures the Council report of 16 September 2020 recommended the development of a permanent rates hardship policy to assist ratepayers still requiring assistance beyond 31 March 2021.

A Council briefing was conducted on 10 March 2021 for the purpose of sharing the draft policy. In line with Council's decision-making framework, a summary of the minutes of the briefing, is provided below:

*The Rates and Charges - Financial Hardship Policy be noted as presented with a report to come to Council for endorsement of the policy in the coming weeks.*

ITEM 6.3 RATES AND CHARGES - FINANCIAL HARDSHIP POLICY - 61777619 (Cont.)

**2. Explanation of Item**

The objective of the Rates and Charges - Financial Hardship Policy (2150-113) is to provide a framework to identify and provide assistance to ratepayers who are experiencing financial hardship due to an unexpected event or unforeseen changes and are having difficulty paying rates.

The Rates and Charges - Financial Hardship Policy (2150-113), is designed to support the ratepayers through the period of financial hardship by relaxing penalties and ongoing collection activities and for the ratepayer to commit to a plan to pay off outstanding rates and charges over an agreed period of time. The policy is primarily designed to provide short term support to those experiencing financial hardship who intend to pay their rates and charges but cannot do so in full by the due date.

Generally, the support offered under the policy is for residential property owners who reside in the property for which the application is for. The maximum period of support provided under the policy per application is twelve months. In extenuating circumstances at the conclusion of the first support period, eligible ratepayers still experiencing financial hardship may apply for support for a second period of up to twelve months. The maximum period of support is two years per instance of financial hardship.

**3. Strategic Implications**

3.1 Legislative / Legal Implications

Council's Policies are established and maintained in accordance with the *Local Government Act 2009*.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

This report seeks the adoption of Policy 2150-113 - Rates and Charges - Financial Hardship.

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications

As outlined in the recommendation, a delegation to the CEO under section 257 of the *Local Government Act 2009* will be required to allow the identification of eligible ratepayers and payment plan terms.

3.6 Financial Implications

The total cost to Council is dependent on the number of properties that are determined to be eligible for support; however taking into account the eligibility criteria and the defined period in which support under the policy is provided, the cost is not anticipated to be significant.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications

The support provided under the policy will assist ratepayers experiencing financial hardship.

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

Governance and Executive Services, Legal Services, Councillors (Briefing held 10 March 2021)

**ITEM 6.4  
MICROSOFT LICENSING RENEWAL**

*Meeting / Session:* 6 FINANCE & CORPORATE SERVICES  
*Reference:* 61755595: 12 March 2021  
*Responsible Officer:* SA, ICT Infrastructure and GIS Coordinator (FCS Information & Communication Technology)

**Executive Summary**

In 2018 Council entered into a Microsoft Enterprise Agreement for the licencing of a range of Microsoft products such as Windows 10 and Office 365. This three-year agreement is about to expire and is due for renewal.

A selective tender process was undertaken to appoint a Microsoft Licensing Provider for the next three years to transact all Microsoft sales. It is recommended that Council award the contract to Insight Enterprises Australia.

**RESOLUTION**

Moved by Cr Matt Constance

Seconded by Cr Mark Booth

CARRIED 12/0

1. That the tender for a Microsoft Licensing Solutions Provider be awarded to Insight Enterprises Australia for three years at an annual cost of \$1,362,746, totalling \$4,088,237 (ex GST).
2. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Insight Enterprises Australia and any required variations of the agreement on Council's behalf.

ITEM 6.4 MICROSOFT LICENSING RENEWAL - 61755595 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the tender for a Microsoft Licensing Solutions Provider be awarded to Insight Enterprises Australia for three years at an annual cost of \$1,362,746, totalling \$4,088,237 (ex GST).
2. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Insight Enterprises Australia and any required variations of the agreement on Council's behalf.

**REPORT DETAIL**

**1. Background**

The Microsoft Enterprise Agreement (EA) is a three-year licensing agreement which offers attractive volume pricing for Microsoft software to organisations with 500 or more users. In addition to volume pricing the EA also provides a range of benefits such as technical support, training, simplified license management and the flexibility to respond to a changing technological landscape by having access to the latest versions of Microsoft software.

In 2018 Council entered into a Microsoft EA for the licensing of a range of Microsoft products such as Windows 10 and Office 365. With that agreement due to expire, it is important for the continuity of services that Council renews its enterprise licensing agreement.

**2. Explanation of Item**

Microsoft does not sell its software directly to large organisations such as councils and government departments. To procure Microsoft software Council needs to purchase through a Microsoft Licensing Solution Provider (LSP).

A selective tender process was undertaken to appoint a LSP using a whole-of-government standing offer arrangement for the provision of Microsoft products and associated licensing solution provider services (ICTSS.1308).

A total of two submissions were received and reviewed by the assessment panel in accordance with Council's purchasing policy and the criteria set out in the tender documents.

All tenders with their weightings are tabled below (ranked from highest to lowest):

Rank	Tenderer	Evaluation Score
1	Insight Enterprises Australia	99.57
2	Data#3 Limited	96.36

Insight Enterprises Australia received the highest ranking from the selection panel as it met all of council's requirements and provided the best value for money.

Data#3 Limited received the second ranking from the selection panel as it met all of council's requirements and was the next best priced submission.

Both entities have registered offices in Brisbane.

ITEM 6.4 MICROSOFT LICENSING RENEWAL - 61755595 (Cont.)

**3. Strategic Implications**

3.1 Legislative / Legal Implications

Council will be entering into an agreement with Microsoft under a whole-of-government standing offer Arrangement: ICTSS.13.08. In accordance with section 235(f) of the Local Government Regulation 2012, the Council may enter into a contractual arrangement without first inviting written quotes or tenders if the contract is made under an arrangement with a government agency. Given the value of this contract, a selective tender process was undertaken.

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Creating Opportunities: Digital literacy and commerce - a digital region.

3.3 Policy Implication

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

3.4 Risk Management Implications  Nil identified

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 at \$3.2M, providing the expenditure has been provided for in Council's annual budget.

The cost of this project exceeds the delegated limit and is therefore presented to Council for consideration.

This report seeks that the Chief Executive Officer be authorised to sign the Microsoft Enterprise Agreement on the Council's behalf and to execute all associated documents that may be necessary to give effect to the agreement.

3.6 Financial Implications

The Microsoft LSP contract is over a 3-year term with annual costs of \$1,362,746, totalling \$4,088,237 (ex GST). Further negotiations will be made with the successful tenderer to ensure that appropriate licencing levels are purchased for Council, which may result in some cost savings.

This cost has been budgeted.

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 Procurement Department was consulted during this process.



**ITEM 6.5**  
**APPROVAL OF 2020/21 BUDGET FOR MILLOVATE PTY LTD**

*Meeting / Session:* 6 FINANCE & CORPORATE SERVICES  
*Reference:* 61743828 : 10 March 2021 - **Refer Supporting Information 61743955;**  
**(Confidential) 61816425**  
*Responsible Officer:* DG, Director (FCS Directorate)

**Executive Summary**

Millovate Pty Ltd is a wholly owned company of Council established for the purpose of carrying out the development of the 'Mill Precinct'. Council provides financial support and assistance to allow the company to undertake its activities.

The purpose of this report is to seek approval to provide funding to Millovate to allow them to operate for the remainder of this financial year pursuant to their funding request.

**RESOLUTION**

Moved by Cr Jodie Shipway

Seconded by Cr Denise Sims (Deputy Mayor)

**CARRIED 12/0**

1. Council note that a funding request for \$639,000 from Millovate Pty Ltd was received pursuant to clause 2.2 of the Support Deed.
2. The Council approve the allocation of existing budget totalling \$339,000 (excluding salaries and Board expenses) to Millovate Pty Ltd for 2020/21 to allow it to meet its operating objectives.

ITEM 6.5 APPROVAL OF 2020/21 BUDGET FOR MILLOVATE PTY LTD - 61743828 (Cont.)

### OFFICER'S RECOMMENDATION

1. Council note that a funding request for \$639,000 from Millovate Pty Ltd was received pursuant to clause 2.2 of the Support Deed.
2. The Council approve the allocation of existing budget totalling \$339,000 (excluding salaries and Board expenses) to Millovate Pty Ltd for 2020/21 to allow it to meet its operating objectives.

### **REPORT DETAIL**

#### **1. Background**

Council has established a wholly-owned commercial entity - Millovate Pty Ltd - to lead the vision and development of its strategic land parcel at the Petrie Mill Site. Millovate will drive the development of 65 hectares of freehold land within the Mill Precinct.

#### **2. Project governance/roles and responsibilities**

A summary of the relevant governance structure between Council and Millovate is included as **confidential supporting information** to this paper.

One of the legal documents establishing Millovate is a Support Deed which details the process and governance around funding approvals for Millovate.

#### **3. Explanation of Item**

Council provides financial support and assistance to allow the company to undertake its activities. To that end, Millovate have requested a budget of \$639,000 as detailed in Supporting Information #1 and #2, for the period March to June 2021.

The CEO of Millovate attended a Council briefing on Wednesday 24 March 2021 to outline Millovate's funding request. The following was noted as the way forward:

*In the absence of a Business Plan Council was supportive of providing Millovate with a budget of \$339,000 (for the remainder of this financial year).*

It is suggested that the funds provided to Millovate be reduced from \$639,000 to \$339,000 which comprises of:

- \$109,000 for marketing, consultation, website and digital design
- \$130,000 for strategic planning, economic development and other relevant consultancies/research projects
- \$100,000 for the Integrated Health Village Development Strategy

The original funding request submitted by Millovate included an allocation of funds to undertake additional development strategies. It is recommended that the funding request for one of these items - the Integrated Health Village - is complementary to prior work undertaken by Council in this area and the State Government's election commitment for a satellite hospital. The remaining items will be considered upon the receipt of the business plan for Millovate such that the need and alignment to business objectives is clear.

#### **4. Strategic Implications**

##### **4.1 Legislative / Legal Implications**

A Support Deed has been executed that outlines how financial support and assistance will be provided to Millovate. Clause 2.2 of the Support Deed allows Millovate to request funding from Council outside an approved budget and business plan. Further it states that Council is under no obligation to approve the funding request.

ITEM 6.5 APPROVAL OF 2020/21 BUDGET FOR MILLOVATE PTY LTD - 61743828 (Cont.)

4.2 Corporate Plan / Operational Plan

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

4.3 Policy Implications

Nil identified

4.4 Risk Management Implications

There is a risk that Millovate may not use the funds for their intended purpose. This risk is being mitigated through appropriate oversight and governance procedures.

4.5 Delegated Authority Implications

The CEO has authority to approve this funding within delegation, however to ensure transparency, this report is being brought to Council for approval.

4.6 Financial Implications

The \$339,000 can be absorbed within the existing operating budget as such no budget amendment is required. It should be noted that this amount excludes salaries and Board expenses. Funding for 2021/22 and beyond will be considered as part of Council's budgetary processes.

4.7 Economic Benefit Implications

The development of the Mill Precinct is part of the Regional Economic Development Strategy endorsed by Council.

4.8 Environmental Implications

Nil identified

4.9 Social Implications

Nil identified

4.10 Human Rights Implications

Nil identified

4.11 Consultation / Communication

Chief Executive Officer  
Chief Legal Counsel

## 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.*

### ITEM 12.1 REGIONAL ITEMS

#### Acknowledgement of response - recent rain event, COVID testing and lock-down

Council commended the efforts and cooperation of staff, sporting groups and members of the community in not only their response to the recent rain event, but also the current lock-down restrictions and establishment of a COVID drive-through testing venue at South Pine Sporting Complex.

#### Beverley Park Upgrade, Griffin

Sunday 28 March saw the opening of the Beverley Park Upgrade, Griffin. Cr Denise Sims (Deputy Mayor) and Cr Peter Flannery (Mayor) attended and commented on how the event was a true representation of a multi-cultural community.

**13. CLOSED SESSION**

*(s254J of the Local Government Regulation 2012)*

*Consideration of confidential officers' reports as referred by the Chief Executive Officer and confidential general business matters as raised at the meeting.*

**CLOSED SESSION**

**RESOLUTION**

Moved by Cr Tony Latter

Seconded by Cr Cath Tonks

**CARRIED 12/0**

**That Council move into closed session pursuant to the provisions of s254J of the Local Government Regulation 2012 to discuss Items C.1 to C.3.**

The closed session commenced at 12:15 PM (recording paused).

**OPEN SESSION**

**RESOLUTION**

Moved by Cr Cath Tonks

Seconded by Cr Jodie Shipway

**CARRIED 12/0**

**That Council resume in open session and that the following motions be considered.**

The open session (recording) resumed at 12:18 PM.

**ITEM C.1 - DECLARATION OF INTEREST**

**Declarable Conflict of Interest - Cr Tony Latter**

Pursuant to s150EQ of the *Local Government Act 2009*, Cr Tony Latter informed the meeting of a declarable conflict of interest in Item C.1 as Cr Latter's brother (Scott Latter) is a landowner and resident in the street the subject of item C.1.

**However, Cr Tony Latter has considered his position and is firmly of the opinion that he could participate in the decision including discussion, debate and voting on the matter in the public interest.**

**Councillor seeking to participate in the decision - eligible Councillors must decide**

**RESOLUTION**

Moved by Cr Adam Hain

Seconded by Cr Brooke Savige

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 Tony Latter 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 Cath Tonks Cr Matt Constance Cr Darren Grimwade Cr Tony Latter</p>	<p><b>AGAINST:</b> Nil</p>
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*Cr Tony Latter having declared a conflict of interest was not eligible to vote*

**Cr Tony Latter remained in the meeting.**

**CLOSED SESSION**

**RESOLUTION**

Moved by Cr Cath Tonks

Seconded by Cr Jodie Shipway

**CARRIED 12/0**

**That Council move into closed session pursuant to the provisions of s254J of the Local Government Regulation 2012 to discuss Items C.1 to C.3.**

The closed session commenced at 12:21 PM (recording paused).

**ATTENDANCE**

Cr Adam Hain left the meeting at 12:33 PM during discussion on Item C.1.

Cr Flannery (Mayor) and Cr Grimwade were present during closed session for discussion on Items C.1 and C.3, however retired from the meeting at 12:33PM whilst Item C.2 was discussed, in line with respective previously declared conflicts of interest (refer section 10.1 - Page 21/205).

*The Deputy Mayor (Cr D Sims) assumed the Chair at this time.*

**OPEN SESSION**

**RESOLUTION**

Moved by Cr Jodie Shipway

Seconded by Cr Brooke Savage

**CARRIED 9/0**

*Cr Grimwade and Cr Flannery (Mayor) had declared a conflict of interest in Item C.2 and had retired from the meeting*

**That Council resume in open session and that the following motions be considered.**

The open session (recording) resumed at 12:39 PM.

*It was noted that Cr Adam Hain had left the meeting during closed session.*

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**14a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL**

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*Item C.2 was brought forward for Council consideration whilst Cr Flannery (Mayor) and Cr Grimwade remained retired from the meeting having declared respective conflicts of interest (Page 21/205).*

**ITEM C.2 – CONFIDENTIAL**

**PREFERRED SUPPLIER - SLR CONSULTING AUSTRALIA PTY LTD**

**Meeting / Session:** 4 PLANNING

**Reference:** 61662432 : 18 March 2021

**Responsible Officer:** AJ, Coordinator Planning Scheme (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 following 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 SLR Consulting Pty Ltd ('SLR'), a large multidisciplinary environmental and engineering firm, via a LG Tender Box Request to undertake specialised consulting services. Since this time, SLR and sub-consultant/s have acquired extensive experience and knowledge about the subject matter, including an appreciation of the key issues and detailed information.

SLR's specialist knowledge and experience on the project cannot be easily and practically duplicated by other consultancies within the timeframes required to suit the project schedule.

It is recommended that SLR be engaged to provide ongoing support to Council in the required studies and preparation of subsequent reports and recommendations.

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**RESOLUTION**

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**Moved by Cr Tony Latter**

**Seconded by Cr Mark Booth**

**CARRIED 9/0**

*Cr Peter Flannery (Mayor) and Cr Darren Grimwade had declared a conflict of interest and had retired from the meeting*

- 1. That, in accordance with section 235(b) of the Local Government Regulation 2012, because of the specialised nature of the services sought it would be impractical or disadvantageous for Council to invite quotes or tenders for the services.**
- 2. That Council enters into an agreement with SLR Consulting 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 SLR Consulting Pty Ltd for the work specified in this report and any required variations of the agreement on Council's behalf.**
- 4. That additional funds be made available at the quarterly review for the delivery of these services.**

**ATTENDANCE**

Cr Peter Flannery (Mayor) and Cr Darren Grimwade returned to the meeting at 12:42 PM after consideration of Item C.2.

***The Mayor resumed the Chair at that time.***



**ITEM C.1 – CONFIDENTIAL**  
**PROPERTY ACQUISITION**

**Meeting / Session:** 2 INFRASTRUCTURE PLANNING

**Reference:** 61553268 : 6 January 2021 - Refer **Confidential Supporting Information**  
61553468, 61553501, 61553503; 61553635, 61553661, 61553676

**Responsible Officer:** AG, Principal Transport Planner (IP Integrated Transport Planning)

**Basis of Confidentiality**

Pursuant to s245J of the Local Government Regulation 2012, clause (3)(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 proceed to acquire land to maintain the integrity of Council's road asset.

**RESOLUTION**

Moved by Cr Mark Booth

Seconded by Cr Brooke Savage

CARRIED 11/0

1. That Council delegates to the Chief Executive Officer the power to negotiate and finalise the purchase of the land described in this confidential report. (Land)
2. That failing a negotiated purchase of the Land on terms satisfactory to the Chief Executive Officer, Council delegates the power to the Chief Executive Officer to take the Land for road purposes by way of compulsory acquisition in accordance with the requirements of the Acquisition of Land Act 1967 (Act) which includes, without limitation, the power to prepare, serve and amend a notice of intention to resume.
3. That if no objections are received, Council delegates the power to the Chief Executive Officer to make an application to the Minister for Natural Resources, Mines and Energy to take the Land under section 9 of the Act.
4. That Council delegates authority to the Chief Executive Officer to settle the claims for compensation if the Land is compulsorily acquired.
5. That Council authorises the Chief Executive Officer to do all other things that are necessary to give effect to the taking of the Land.

**ITEM C.3 – CONFIDENTIAL**

**2032 OLYMPIC AND PARALYMPIC GAMES - DELIVERY PARTNER ARRANGEMENTS**

**Meeting / Session:** 1 GOVERNANCE & ENGAGEMENT

**Reference:** 61799311: 23 March 2021

**Responsible Officer:** KD, Chief Legal Counsel (CEO Legal)

**Basis of Confidentiality**

Pursuant to s254J(3) of the Local Government Regulation 2012, clause (e), as the matter involves legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

**Executive Summary**

Council has been requested to enter into a Delivery Partner Guarantee Deed, which will commit Council to providing support, in the form of public services, use of venues and funding contributions to the State and other entities for the purposes of hosting the 2032 Olympic and Paralympic Games (**Games**).

The purpose of this report is to:

1. provide Councillors with an overview of:
  - a) the background and structure of the Brisbane 2032 proposal to host the Games; and
  - b) the obligations that will be imposed on Council under the Delivery Partner Guarantee Deed; and
2. seek a resolution to approve Council providing its commitment and support to the hosting of the Games, including by entry into the Delivery Partner Guarantee Deed.

**RESOLUTION**

Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Tony Latter

CARRIED 11/0

1. That Council provide its commitment and support to the election of Brisbane, Queensland as the Host City of the Games.
2. That Council enter into the Delivery Partner Guarantee Deed and any associated documents.
3. That the Chief Executive Officer, acting on advice from the Chief Legal Counsel, be authorised to take all action necessary, including, but not limited to, negotiating, making, amending, signing, discharging and managing the Delivery Partner Guarantee Deed, any associated documents and any required variations of the Deed on Council's behalf.

**14b. CONFIDENTIAL GENERAL BUSINESS**

No items for consideration.

#### 14. CLOSURE

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There being no further business the Chairperson closed the meeting at 12:46 PM.

#### CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 21/202 to 21/384 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 31 March 2021.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

#### CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Wednesday 28 April 2021.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

\_\_\_\_\_  
Councillor Peter Flannery  
Mayor