



AGENDA

GENERAL MEETING

Wednesday 12 May 2021

commencing at 9.30am

Caboolture Chambers
2 Hasking Street, Caboolture

COUNCILLOR:

NOTICE IS HEREBY GIVEN, that a General Meeting of the Moreton Bay Regional Council will be held on Wednesday 12 May 2021 commencing at 9.30am in Caboolture Chambers, 2 Hasking Street, Caboolture to give consideration to the matters listed on this agenda.

Greg Chemello
Chief Executive Officer

6 May 2021

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

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

2. OPENING PRAYER / REFLECTION

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

3. ATTENDANCE & APOLOGIES

Attendance:

Cr Peter Flannery (Mayor) (Chairperson)

Apologies:

4. MEMORIALS OR CONDOLENCES

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

5. CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

General Meeting - 28 April 2021 (Pages 21/385 - 21/544)

RESOLUTION that the minutes of the General Meeting held 28 April 2021, be confirmed.

Attachment #1 Unconfirmed Minutes - General Meeting 28 April 2021

6. PRESENTATION OF PETITIONS

(Addressed to the Council and tabled by Councillors)

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

7. CORRESPONDENCE

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

7.1. Response to Petition: Clem Kellar - Request for underground power on Gayundah Esplanade, Woody Point (61918936)

At the General Meeting held 31 March 2021, Council received a petition from Clem Kellar regarding underground power on Gayundah Esplanade, Woody Point between 10 Gayundah Esplanade and Ellen Street.

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

Attachment #1 Petition response letter - Clem Kellar

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

(s262 of the Local Government Regulation 2012)

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

9. COMMUNITY COMMENT

The following residents/ratepayers, having made the appropriate application in accordance with Council's Community Comment Session Policy (2150-062), have been approved to participate in this session.

REMINDER TO PARTICIPANTS BY THE CHAIRPERSON

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

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

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

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

9.1. Community Comment: Julia Nuske - Funding to address Planning Scheme issues (61979732)

As approved by the Chief Executive Officer, Julia Nuske has been invited to address the Council in respect of substantial and adequate funds needed to be allocated in MBRC's upcoming budget to address issues and problems in MBRC's current Planning Scheme.

10. CONFLICTS OF INTEREST NOTIFIED TO THE CEO

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

10.1. Prescribed Conflict of Interest - Cr Peter Flannery (Mayor)

Pursuant to s150EQ of the *Local Government Act 2009*, Cr Peter Flannery (Mayor) informed the meeting of a prescribed conflict of interest in matters relating to development application DA/2021/1043 located at Boundary Road, Narangba. Packer Leather Pty Ltd, owned by Lindsay Packer, the applicant, was a political donor in Cr Flannery's 2020 election campaign, totalling \$3000 on 19 February 2020.

Cr Flannery will not participate in decisions relating to DA/2021/1043 including discussion, debate and voting and will leave future meetings.

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

(as referred by the Chief Executive Officer)

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

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

Session	Portfolio Councillor	Deputy Portfolio Councillor
1 Governance & Engagement	Cr P Flannery (Mayor)	Cr D Sims (Deputy Mayor)
2 Infrastructure Planning	Cr A Hain	C T Latter
3 Engineering, Construction & Maintenance	Cr B Savige	Cr C Tonks
4 Planning	Cr D Grimwade	Cr K Winchester / Cr M Booth
5 Community & Environmental Services	Cr M Gillam	Cr S Ruck
6 Finance & Corporate Services	Cr M Constance	Cr J Shipway

1 GOVERNANCE & ENGAGEMENT SESSION

(Cr P Flannery, Mayor)

ITEM 1.1

AGREEMENT - COLLABORATIVE SCENARIO-PLANNING STUDY FOR ECONOMIC DEVELOPMENT

Meeting / Session: 1 GOVERNANCE & ENGAGEMENT
Reference: 61967023 : 4 May 2021 **Refer Confidential Supporting Information 61969313**
Responsible Officer: KH, Economic Intelligence Manager (CEO Economic Development)

Executive Summary

In February 2021, Council adopted the Moreton Bay Regional Economic Development Strategy (REDS), providing pathways to foster economic development in the region.

The aspirational goals set out in the REDS of a \$40 billion economy, through business attraction and job creation of 100,000 new jobs, and a target to be one of the top 10 regional innovation hubs in Australia, reflect the REDS being implemented within relatively stable economic conditions.

While wide reaching major economic shocks are not anticipated over the life of the REDS, the recent impacts of COVID-19 have highlighted the importance of alternative scenario-planning for remote but possible future unexpected changes in demographic, economic, technological and climate patterns.

Formal scenario-planning involves the collective identification of alternative possible scenarios, analysis of consequences – both direct effects (on adequacy of public and private investments) and broader implications for urban growth and economic development. As such, it is one way to de-risk some of the uncertainty that can complicate the execution of the REDS.

University of the Sunshine Coast (USC) personnel have extensive experience in leading scenario-planning for government and have a strong interest in partnering with Council to undertake a collaborative scenario-planning project, to assist in empowering our economic development collaborators through a process of scenario building and contingency planning.

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 position of USC in the region. Additionally, through a partnership agreement, USC will be a co-investor in the cost of the research project, thereby delivering a greater value for money for the ratepayer.

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.

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 the agreement with University of the Sunshine Coast for the work specified in this report and any required variations of the agreement on Council's behalf.

ITEM 1.1 AGREEMENT - COLLABORATIVE SCENARIO-PLANNING STUDY FOR ECONOMIC DEVELOPMENT - (Cont.)

REPORT DETAIL

1. Background

With the adoption of the REDS by Council in February 2021, the region is embarking on an ambitious transformation of our regional and economic development prosperity over the next twenty years.

While private and public sector actors may agree on the overall ambition, future risks and uncertainty could significantly complicate the execution of the REDS and achievement of the 2041 aspirational overall targets. Collaborative scenario-planning provides a set of tools that can increase engagement and understanding, help envision and mitigate risk and surface additional opportunities for growth and inclusion. Historically, scenario-planning was predominately used by multi-nationals or global organisations, such as the OECD. However, the COVID-19 pandemic has disrupted the perceived environmental stability and raised awareness of how planning environments can be uncertain and unpredictable. As a consequence, private and public sector decision-makers and leaders are now using scenario-planning to provide a way to assert control over uncertain environments by identifying assumptions about the future and considering alternative responses.

It is anticipated that the scenarios contemplated under this project will be underpinned by the megatrends identified by Dr Stefan Hajkowitz from CSIRO, which outline a general assessment of the directions of future development and provide a foundation for future-oriented thinking. Scenario building, in this context will involve focusing on the tensions between the megatrends and the related uncertainties; for example, "what will be the response to the impacts of ageing?".

USC has expressed an interest in collaborating and co-investing with Council in undertaking research relating to collaborative scenario-planning in economic and community areas. USC is well positioned to undertake research to guide the research and work of collaborative scenario-planning for our economic prosperity.

This work will complement the implementation of the REDS with current and future action plans on the development to foster the Bigger, Bolder, Brighter goals.

2. Explanation of Item

This project is focused on supporting the Moreton Bay region to realise its transformation ambition and managing and mitigating risks of uncertainty through scenario-planning. The regional focus and approach is novel at a local government level for collaborative scenario development.

It will involve five phases as follows:

1. Exploring the scenario dimensions that will inform the scenario-making process.
2. Developing scenario narratives and artefacts that reflect three possible futures.
3. Influencing stakeholder audiences to engage with these alternative scenarios.
4. Monitoring and evaluating the unfolding reality against the key indicators of the developed scenarios.
5. Determining the role of narrative scenarios in regional economic transformation.

The scenario-planning process and evaluation would be led by a highly experienced leader in the field, Dr Harry Dugmore, supported by a research team who bring complementary expertise and are embedded in the region, namely Dr MJ de Villiers Scheepers, CI ECR and Dr Anthony Grace.

Through this study, the Economic Development Division would be better positioned to adapt policy, program and services in response to economic shocks, thereby minimising the potential impact on local businesses and residents.

It is proposed that this project be implemented over an 18 month period to 2022.

A partnership arrangement with USC offers better value for money for rate payers, compared to a full fee-for-service procured research projects.

ITEM 1.1 AGREEMENT - COLLABORATIVE SCENARIO-PLANNING STUDY FOR ECONOMIC DEVELOPMENT -
(Cont.)

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.

Council will enter into a formal partnership agreement with USC, which will be reviewed by Legal Services before it is executed.

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 Council 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

Costs associated with this partnership are contained in Confidential supporting information #1.

Funds have been allocated in the 2020/21 budget and the draft 2021/22 budget.

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

3.9 Social Implications Nil identified

3.10 Human Rights Implications Nil identified

3.11 Consultation / Communication

Chief Economic Development Officer
Economic Intelligence Manager

SUPPORTING INFORMATION

Ref: 61969313

The following list of supporting information is provided for:

ITEM 1.1

AGREEMENT - COLLABORATIVE SCENARIO-PLANNING STUDY FOR ECONOMIC DEVELOPMENT

Confidential #1 Agreement

ITEM 1.2

AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA) 27TH NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT (NGA)

Meeting / Session: 1 GOVERNANCE & ENGAGEMENT
Reference: 61956144 : 27 April 2021
Responsible Officer: KR, Executive Support Officer (CEOs Office)

Executive Summary

The purpose of this report is to determine Councillor attendance to the Australian Local Government Association (ALGA) 27th National General Assembly of Local Government (NGA) to be held at the National Convention Centre, Canberra from 20-23 June 2021.

OFFICER'S RECOMMENDATION

1. That Councillors Tony Latter and Cath Tonks be authorised to attend the Australian Local Government Association (ALGA) 27th National General Assembly of Local Government (NGA).
2. That the Chief Executive Officer arrange for officer attendance at this assembly as appropriate.
3. Council's direction is sought on designation of Council's voting delegate.

ITEM 1.2 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA) 27TH NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT (NGA) - 61956144 : (Cont.)

REPORT DETAIL

1. Background

Advice has been received that the Australian Local Government Association (ALGA) 27th National General Assembly of Local Government (NGA) will be held at the National Convention Centre, Canberra from 20-23 June 2021. Councillors Tony Latter and Cath Tonks have expressed an interest in attending.

2. Explanation of Item

The theme of this year's NGA is 'Working Together for Our Communities' and will discuss various topics including the work local government is doing to drive a locally lead recovery from the COVID-19 epidemic.

The National General Assembly is a unique opportunity to advocate to the Australian Government for financial support, particularly the Financial Assistance Grants provided by the Commonwealth, being essential for councils and their communities.

The program/topics include:

- How working collaboratively helps councils and communities to get results in cost-effective and innovative ways; Share knowledge and lessons learned about approaches and models that build resilience, overcome adversity, and grow local economies;
- Discover initiatives that can be integrated into current council operations and maintained in the longer term; and
- Identify ways to effectively engage your local community and businesses in creative, community-focused activities that build local capacity and capability.

Council has one voting entitlement that can either be designated or shared between Council's attendees.

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 2020/21 budget.

3.7 Economic Benefit Implications
Topics associated with the assembly will address a range of economic issues relevant to a local government context.

3.8 Environmental Implications
Topics associated with the assembly will address a range of environmental issues relevant to a local government context.

3.9 Social Implications
Topics associated with the assembly will address a range of social implications relevant to a local government context.

ITEM 1.2 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA) 27TH NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT (NGA) - 61956144 : (Cont.)

3.10 Human Rights Implications Nil identified

3.11 Consultation / Communication

Consultation was undertaken with Councillors, the Chief Executive Officer and the Executive Leadership Team.

2 INFRASTRUCTURE PLANNING SESSION

(Cr A Hain)

ITEM 2.1

DECEPTION BAY - MAINE TERRACE - PROPOSED NAMING OF MAUREEN TURPIN PARK

Meeting / Session: 2 INFRASTRUCTURE PLANNING
Reference: 61915349 : 20 April 2021
Responsible Officer: BS, Senior Business Systems Officer (IP Parks & Recreation Planning)

Executive Summary

An application has been received requesting that an area of parkland, located at 12 Maine Terrace, Deception Bay, be named in recognition of the late Maureen Turpin. This report provides Council with background information relevant to the application and recommends that Lot 6, SP127966 be named 'Maureen Turpin Park'.

OFFICER'S RECOMMENDATION

1. That having regard to the information provided within this report and subject to the outcome of public advertising, the naming of Lot 6, SP127966 as 'Maureen Turpin Park', be approved.
2. That public advertising of the proposal to name the park be undertaken via appropriate digital and print media platforms, having a distribution covering the general vicinity of the subject park, and on Council's website, with public submissions open for a period of 28 days.
3. That should adverse submissions be received as a result of public advertising; the matter be referred to Council in a subsequent report.

ITEM 2.1 DECEPTION BAY - MAINE TERRACE - PROPOSED NAMING OF MAUREEN TURPIN PARK - 61915349
(Cont.)

REPORT DETAIL

1. Background

An application has been received by Council requesting that Lot 6, SP127966 (refer Figure 1), located at 12 Maine Terrace, Deception Bay, be named in recognition of Maureen Turpin.



Figure 1: 12 Maine Terrace, Deception Bay proposed to be named 'Maureen Turpin Park'.

2. Explanation of Item

The application to name a park under Council control was lodged by MP, Chris Whiting on behalf of Mr Richard Turpin (son of Maureen). The application was made to recognise the contributions made by Maureen to the Deception Bay community.

Information received from the applicant notes the following in respect of Mrs Turpin:

- *Helped establish the first kindergarten in Deception Bay in the early 1960's,*
- *Raised funds for the kindergarten, Deception Bay State School, Local Rural Fire Station and Ambulance,*
- *Helped establish the first chemist in Deception Bay,*
- *Opened the first book exchange prior to the library opening,*
- *Supported local community members by supplying food and clothing.*

Under Policy No: 11-2150-039, Naming of Council Owned or Administered Buildings, Structures and other Assets (excluding roads), applicants are required to provide documentation to substantiate the good character of the person or persons being acknowledged. This application has been supported by Division 5 Councillor, Sandra Ruck and State MP, Chris Whiting, with letters of support also received from Rickie Sweet (daughter) and Bernice Klinger (Deception Bay Kindergarten).

The recommendation to name the area after Ms Turpin complies with the Council's policy guideline as outlined below:

- Names of respected community members of considerable service who are, or were resident or working within the region;

*ITEM 2.1 DECEPTION BAY - MAINE TERRACE - PROPOSED NAMING OF MAUREEN TURPIN PARK - 61915349
(Cont.)*

Council internal policy requires that any proposal to name an area of parkland be advertised in local newspapers for a period of up to 28 days during which time submissions can be received. This process allows Council to assess any possible objections to the proposed naming. Other suitable digital media outlets will also be utilised where local print newspapers are not in existence.

The signage for this proposed naming would be installed in a suitable location in the park on Bay Avenue.

A history board is proposed to be installed in conjunction with the new signage to explain the connection Ms Turpin had with the land. The proposed wording is as follows:

“Maureen was an active volunteer within the Deception Bay community who gave freely of her time to many charities and community initiatives.”

3. Strategic Implications

3.1 Legislative / Legal Implications Nil identified

3.2 Corporate Plan / Operational Plan
Valuing Lifestyle: Quality recreation and cultural opportunities - places to discover, learn, play and imagine.

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

3.4 Risk Management Implications Nil identified

3.5 Delegated Authority Implications
Subject to no adverse submissions being received, the matter should be referred to the Director Engineering Construction and Maintenance for implementation.

3.6 Financial Implications
The estimated cost of fabricating and installing a new sign in accordance with the Draft Park and Open Space Signage Guidelines is approximately \$2,000.

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

3.9 Social Implications
Formal naming will provide improved awareness of, and the ability to recognise distinct locations within the region.

3.10 Human Rights Implications Nil identified

3.11 Consultation / Communication
The proposed naming is supported by the Division 5 Councillor and State MP, Chris Whiting.

3 ENGINEERING, CONSTRUCTION & MAINTENANCE SESSION

(Cr B Savige)

ITEM 3.1

TENDER - PETRIE MILL REDEVELOPMENT - SUPPLY OF BULK FILL

Meeting / Session: 3 ENGINEERING, CONSTRUCTION & MAINTENANCE
Reference: 61774489 : 21 April 2021 - Refer **Confidential Supporting Information**
61680388, 61774490
Responsible Officer: JM, Engineer (ECM Major Projects)

Executive Summary

Tenders were invited for the 'Petrie Mill Redevelopment – Supply of Bulk Fill (MBRC010444)' project for the purpose of supplying material to support revegetation of large areas of land to achieve the Federal Government's Environment Protection and Biodiversity Conservation (EPBC) referral (2016/7839) requirements. The tender closed on 22 December 2020 with three tenders received, all of which were conforming.

It is recommended that Council award the tender for the 'Petrie Mill Redevelopment – Supply of Bulk Fill (MBRC010444)' project to Timms Haulage Pty Ltd for the sum of \$3,515,000 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

OFFICER'S RECOMMENDATION

1. That the tender for 'Petrie Mill Redevelopment – Supply of Bulk Fill (MBRC010444)' project be awarded to Timms Haulage Pty Ltd for the sum of \$3,515,000 (excluding GST).
2. That the Council enters into an agreement with Timms Haulage 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 Timms Haulage Pty Ltd for the 'Petrie Mill Redevelopment – Supply of Bulk Fill (MBRC010444)' 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 3.1 TENDER - PETRIE MILL REDEVELOPMENT - SUPPLY OF BULK FILL - 61774489 (Cont.)

REPORT DETAIL

1. Background

This tender is an essential part of the Petrie Mill Redevelopment project as it facilitates the revegetation commitments made under the Federal Government’s EPBC Act approval and meets Moreton Bay Regional Council’s (MBRC) commitment made in the Priority Development Area (PDA) of providing 110 hectares of Conservation and Koala Habitat area.

The conditions of EPBC 2016/7839 (approval date of 6-9-2017) compensate for the requirement to clear 22 hectares of vegetation as part of the remediation process currently being undertaken by Orora. These conditions set out that MBRC, as the approval holder, must: (a) rehabilitate a minimum of 26 hectares of land with primary offset planting areas; and (b) dedicate a minimum of 74 hectares of land for rehabilitation within supplementary habitat restoration areas.

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

The tender involves the supply of approximately 190,000m³ of suitable bulk fill materials to support koala habitat revegetation. MBRC will supply the fill, which Orora will place. The material will be supplied progressively over a 12-month period. MBRC engaged a soil scientist to develop the soil specification requirements to ensure the material will support the trees species palette proposed and worked closely with MBRC’s Major Projects and Environmental Services officers.

2. Explanation of Item

Tenders were invited for the ‘*Petrie Mill Redevelopment – Supply of Bulk Fill (MBRC010444)*’ project for the supply of 190,000m³ of suitable bulk fill material to support koala habitat revegetation. The tender closed on the 22 December 2020 with three tenders received, all of which were conforming. The local preference criteria was applied. All tenders and their final evaluation scores are tabled below (ranked from high to lowest).

RANK	TENDERER	EVALUATION SCORE (Pre Local Preference)	EVALUATION SCORE (Post Local Preference)
1	Timms Haulage Pty Ltd	100.00	111.25
2	EPH Contracts (QLD) Pty Ltd	93.15	93.15
3	Boral Resources (QLD) Pty Ltd	78.84	78.84

Timms Haulage Pty Ltd (‘TH’) - submitted a detailed tender and demonstrated their methodology and experience on projects of a similar scale and complexity. At the tender clarification meeting held on the 12 March 2021, TH provided further detail on their experience, quality of product and pricing, as well as their understanding of site-specific contamination requirements which fall under *Environmental Protection Act 1994 (Qld)*. The Timms Haulage tender was the lowest priced and was considered by the panel to provide the best overall value to MBRC.

EPH Contract (QLD) Pty Ltd (‘EPH’) - submitted a detailed tender and demonstrated their quality of product and experience on projects of a similar scale and complexity. Multiple source sites were proposed within the submission though provided no additional benefit to offset the higher prices.

Boral Resources (QLD) Pty Ltd (‘BR’) - submitted a detailed tender and demonstrated their quality of product and experience on projects of a similar scale and complexity. Boral Resources tender price was significantly higher than the other submissions. This is reflected in the Evaluation Score. There were no additional benefits provided with the offer to offset the higher prices.

ITEM 3.1 TENDER - PETRIE MILL REDEVELOPMENT - SUPPLY OF BULK FILL - 61774489 (Cont.)

3. Strategic Implications

3.1 Legislative / Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

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

3.4 Risk Management Implications

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

Environmental Implications

The scope of works submission includes management in relation to geotechnical and soil science requirements. The recommended contractor shall work within the limitations of the specifications and environmental regulatory obligations.

Social Implications

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

Regulatory Implications

Under the Federal Government EPBC Referral (2016/7839), MBRC as a listed Approval holder must revegetate the land and this material will facilitate the requirements of the Referral conditions.

Performance Outcomes

The contract specifications require the contractor to provide evidence of achieving specific quality criteria for acceptance prior to importation of materials to site. Supply rates provide for the progressive delivery of filled areas to council, subsequently allowing revegetation of the site to be undertaken (by others).

Weather

The tender document requires the tenderers to include their own inclement weather allowances and assume wet weather risk. Suitable stockpile 'buffers' are also allowed for on-site to ensure Orora's program dates are not impacted by any supply issues.

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.

Moreton Bay Regional Council

ITEM 3.1 TENDER - PETRIE MILL REDEVELOPMENT - SUPPLY OF BULK FILL - 61774489 (Cont.)

3.6 Financial Implications

Council has allocated \$25M in 20-21FY towards the Petrie Mill Redevelopment Program. All financial information below is excluding GST.

Tender Price	\$ 3,515,000
Less Payment by Orora 190,000 @ \$16.99 per cubic metre	<u>\$ (3,228,100)</u>
Net Project Cost	\$ 430,030 =====

3.7 Economic Benefit Implications

The Mill development has significant regional economic benefits and the revegetation commitment to the site is a catalyst for key environmental outcomes for the site which in turn provide 'The Mill at Moreton Bay' PDA.

3.8 Environmental Implications

The project will facilitate the re-establishment of open space and regional ecosystems for local fauna and community.

3.9 Social Implications

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

3.10 Human Rights Implications Nil identified

3.11 Consultation / Communication

The works will be managed by Council's Major Projects team in line with communication policies and protocols.

SUPPORTING INFORMATION

Ref: [61680388](#), [61774490](#)

The following list of supporting information is provided for:

ITEM 3.1

TENDER - PETRIE MILL REDEVELOPMENT - SUPPLY OF BULK FILL

Confidential #1 Tender Evaluation

Confidential #2 Financial Implications

4 PLANNING SESSION

(Cr D Grimwade)

ITEM 4.1

DA/41917/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR RELOCATABLE HOME PARK AT 46-54, 70 & ACCESS PREVENTION STRIP - AMY STREET, MORAYFIELD DESCRIBED AS LOT 12 SP224736, LOT 22 SP220446 & LOT 37 SP 150798

APPLICANT: THE TRUSTEE OF THE SERENITAS TRUST C/- RPS AUSTRALIA EAST PTY LTD
OWNERS: WEI PING CHEN, SERENITAS COMMUNITIES HOLDINGS PTY LTD TTE & MORETON BAY REGIONAL COUNCIL

Meeting / Session: 4 PLANNING
Reference: 61573924 : 4 February 2021 **Refer Supporting Information 61815642, 61902949 & 61904998**
Responsible Officer: JJVR, Planner (PL, Development Services)

Executive Summary

APPLICATION DETAILS	
Applicant:	The Trustee of the Serenitas Trust C/- RPS Australia East Pty Ltd
Lodgement Date:	30 September 2020
Properly Made Date:	21 October 2020
Confirmation Notice Date:	27 October 2020
Information Request Date:	9 November 2020
Info Response Received Date:	1 February 2021
Public Notification Dates:	9 February to 4 March 2021
No. of Submissions:	Properly Made: 2 Not Properly Made: 0
Decision Due Date:	12 May 2021
Prelodgement Meeting Held:	Yes - PRE/5687

PROPERTY DETAILS	
Division:	Division 3
Property Address:	46-54, 70 & Access Prevention Strip, Amy Street, Morayfield
RP Description	Lot 2 SP224736, Lot 22 SP220446 & Lot 37 SP150798
Land Area:	157,446m ²
Property Owner	Wei Ping Chen, Serenitas Communities Holdings Pty Ltd Tte, Moreton Bay Regional Council

STATUTORY DETAILS	
Planning Legislation:	<i>Planning Act 2016</i>
Planning Scheme:	MBRC Planning Scheme
Planning Locality / Zone	General Residential Zone – Next Generation Neighbourhood Precinct Limited Development Zone
Level of Assessment:	Impact Policy Neutral

ITEM 4.1 DA/41917/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR RELOCATABLE HOME PARK AT 46-54, 70 & ACCESS PREVENTION STRIP - AMY STREET, MORAYFIELD DESCRIBED AS LOT 12 SP224736, LOT 22 SP220446 & LOT 37 SP 150798 - 61573924 (Cont.)

This application seeks a Material Change of Use - Development Permit for Relocatable Home Park primarily situated at 46-54, 70 & Access Prevention Strip Amy Street Morayfield, formally described as Lot 2 SP224736 (Lot 2), Lot 22 SP220446 (Lot 22) and Lot 37 SP150798 (Access Prevention Strip [APS]). The applicant is proposing thirty-two (32) Relocatable Dwelling units (villas) and a community facility building. The northern part of the Lot contains limited clusters of vegetation and no environmental overlays whilst, the southern part of the Lot contains significant native vegetation and includes environmental and flood overlays. Furthermore, this southern part of the Lot contains LGIP Stormwater Network Trunk (Riparian Corridor) with the majority of this (3.62 ha) transferred to Council.

The proposal locates the thirty-two (32) villas to the northern part of the Lot and a community facility located approximately 140.0m south of the Amy Street frontage along the western side boundary. The community facility will be connected to the Dwellings by way of a footpath and it is proposed to have a connection to 70 Amy Street (Lot 22 SP220446) in future. This requires Lot 22 to be part of the application. Notably, no development is proposed in the areas intersected by environmental overlays whilst, development in areas intersected by flood overlays is limited to the pedestrian footpath connecting the community facility and the villas. The applicant proposes to complete the development over four (4) stages:

Stage 1A	Twelve (12) villas
Stage 1B	Six (6) villas
Stage 1C	Fourteen (14) villas
Stage 1D	Community facility

A Relocatable home park is a consistent use in the General Residential Zone - Next Generation Neighbourhood however, this proposal requires Impact assessment as the Lot exceeds the maximum lot size of 3,000m². The proposal will result in a medium density development, approximately twenty-six 26 Dwellings per ha, and will locate six (6) villas along Amy Street. *Notably, the density of the development, is on the lower end of what is defined as a medium density development.* These six (6) villas will be orientated towards Amy Street with direct street access. Additionally, a 2.0m wide internal landscaping buffer is proposed on the Serenity Street frontage.

This layout onto Amy Street is proposed as it will ensure an active street frontage whilst, increasing casual surveillance notably, the current casual surveillance along Amy Street is limited considering the lots on the northern side of the street. In addition, the layout onto Serenity Way supports a buffer that will assist in screening the comparatively higher density development, from the residential lots to the east. The existing residential lots in Serenity Way offer sufficient casual surveillance along this frontage. It is further, noted that the proposal seeks to dedicate land as road reserve to ensure Serenity Way is properly constructed along the development frontage with kerb, channel and footpath. This will provide for an ultimate road reserve width of 16.5m.

Based on the dwelling designs, the proposal includes both single car and double car spaces. However, a condition is recommended that at least 75% of the dwellings include a double car space. This would result in twenty-four (24) dwellings having a double car space and eight (8) dwellings having either a single or double car spaces. In addition, six (6) visitor spaces are proposed on site. This will ensure that at least sixty-two (62) car spaces are provided on site which is significantly more than the thirty-two (32) spaces required by the planning scheme.

The application was publicly advertised with two (2) 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 the 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.

Moreton Bay Regional Council

ITEM 4.1 DA/41917/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR RELOCATABLE HOME PARK AT 46-54, 70 & ACCESS PREVENTION STRIP - AMY STREET, MORAYFIELD DESCRIBED AS LOT 12 SP224736, LOT 22 SP220446 & LOT 37 SP 150798 - 61573924 (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 Relocatable Home Park at 46-54 Amy Street Morayfield, described as Lot 2 SP224736, subject to the following plans/documents and conditions:

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Environmental Response	IR Response DA/41917/2020/V2L- Item 4 & 5	28° South Environmental	16/12/2020
Adria 1 Site Plan	C-ASM (Sheet 1 of 17) Rev F	Ausmar	7/7/2020
Adria 1 Floor Plan	C-ASM (Sheet 2 of 17) Rev F	Ausmar	7/7/2020
Adria 1 Elevations	C-ASM (Sheet 3 of 17) Rev F	Ausmar	7/7/2020
Adria 1 Elevations	C-ASM (Sheet 4 of 17) Rev F	Ausmar	7/7/2020
Adria 1 Roof Plan	C-ASM (Sheet 5 of 17) Rev F	Ausmar	7/7/2020
Adria 2 Site Plan	C-ASM (Sheet 1 of 17) Rev F	Ausmar	7/7/2020
Adria 2 Floor Plan	C-ASM (Sheet 2 of 17) Rev F	Ausmar	7/7/2020
Adria 2 Elevations	C-ASM (Sheet 3 of 17) Rev F	Ausmar	7/7/2020
Adria 2 Elevations	C-ASM (Sheet 4 of 17) Rev F	Ausmar	7/7/2020
Adria 2 Roof Plan	C-ASM (Sheet 5 of 17) Rev F	Ausmar	7/7/2020
Adria Tandem 2 Site Plan	C-ASM (Sheet 1 of 17) Rev A	Ausmar	14/7/2020
Adria Tandem 2 Floor Plan	C-ASM (Sheet 2 of 17) Rev A	Ausmar	14/7/2020
Adria Tandem 2 Elevations	C-ASM (Sheet 3 of 17) Rev A	Ausmar	14/7/2020
Adria Tandem 2 Elevations	C-ASM (Sheet 4 of 17) Rev A	Ausmar	14/7/2020
Adria Tandem 2 Roof Plan	C-ASM (Sheet 5 of 17) Rev A	Ausmar	14/7/2020
Alexandria 2 - HIP Site Plan	C-ASM (Sheet 1 of 17) Rev E	Ausmar	7/7/2020
Alexandria 2 - HIP Floor Plan	C-ASM (Sheet 2 of 17) Rev E	Ausmar	7/7/2020
Alexandria 2 - HIP Elevations	C-ASM (Sheet 3 of 17) Rev E	Ausmar	7/7/2020
Alexandria 2 - HIP Elevations	C-ASM (Sheet 4 of 17) Rev E	Ausmar	7/7/2020

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Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Alexandria 2 - HIP Roof Plan	C-ASM (Sheet 5 of 17) Rev E	Ausmar	7/7/2020
Dunbar 1 Site Plan	C-ASM (Sheet 1 of 17) Rev J	Ausmar	22/7/2020
Dunbar 1 Floor Plan	C-ASM (Sheet 2 of 17) Rev J	Ausmar	22/7/2020
Dunbar 1 Elevations	C-ASM (Sheet 3 of 17) Rev J	Ausmar	22/7/2020
Dunbar 1 Elevations	C-ASM (Sheet 4 of 17) Rev J	Ausmar	22/7/2020
Dunbar 1 Roof Plan	C-ASM (Sheet 5 of 17) Rev J	Ausmar	22/7/2020
Gracemere Site Plan	C-ASM (Sheet 1 of 17) Rev B	Ausmar	10/8/2020
Gracemere Floor Plan	C-ASM (Sheet 2 of 17) Rev B	Ausmar	10/8/2020
Gracemere Elevations	C-ASM (Sheet 4 of 17) Rev B	Ausmar	10/8/2020
Gracemere Elevations	C-ASM (Sheet 5 of 17) Rev B	Ausmar	10/8/2020
Gracemere Roof Plan	C-ASM Rev B	Ausmar	10/8/2020
Headingly 1 Site Plan	C-ASM (Sheet 1 of 17) Rev G	Ausmar	7/7/2020
Headingly 1 Floor Plan	C-ASM (Sheet 2 of 17) Rev G	Ausmar	7/7/2020
Headingly 1 Elevations	C-ASM (Sheet 3 of 17) Rev G	Ausmar	7/7/2020
Headingly 1 Elevations	C-ASM (Sheet 4 of 17) Rev G	Ausmar	7/7/2020
Headingly 1 Roof Plan	C-ASM (Sheet 5 of 17) Rev G	Ausmar	7/7/2020
Headingly 2.5 Site Plan	C-ASM (Sheet 1 of 17) Rev E	Ausmar	7/7/2020
Headingly 2.5 Floor Plan	C-ASM (Sheet 2 of 17) Rev E	Ausmar	7/7/2020
Headingly 2.5 Elevations	C-ASM (Sheet 3 of 17) Rev E	Ausmar	7/7/2020
Headingly 2.5 Elevations	C-ASM (Sheet 4 of 17) Rev E	Ausmar	7/7/2020
Headingly 2.5 Roof Plan	C-ASM (Sheet 5 of 17) Rev E	Ausmar	7/7/2020
Headingly 2 Site Plan	C-ASM (Sheet 1 of 17) Rev G	Ausmar	7/7/2020
Headingly 2 Floor Plan	C-ASM (Sheet 2 of 17) Rev G	Ausmar	7/7/2020

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Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Headingly 2 Elevations	C-ASM (Sheet 3 of 17) Rev G	Ausmar	7/7/2020
Headingly 2 Elevations	C-ASM (Sheet 4 of 17) Rev G	Ausmar	7/7/2020
Headingly 2 Roof Plan	C-ASM (Sheet 5 of 17) Rev G	Ausmar	7/7/2020
Marion 1.5 Site Plan	C-ASM (Sheet 1 of 19) Rev C	Ausmar	7/7/2020
Marion 1.5 Floor Plan	C-ASM (Sheet 2 of 19) Rev C	Ausmar	7/7/2020
Marion 1.5 Elevations	C-ASM (Sheet 3 of 19) Rev C	Ausmar	7/7/2020
Marion 1.5 Elevations	C-ASM (Sheet 4 of 19) Rev C	Ausmar	7/7/2020
Marion 1.5 Roof Plan	C-ASM (Sheet 5 of 19) Rev C	Ausmar	7/7/2020
Marion 1 Site Plan	C-ASM (Sheet 1 of 19) Rev C	Ausmar	7/7/2020
Marion 1 Floor Plan	C-ASM (Sheet 2 of 19) Rev C	Ausmar	7/7/2020
Marion 1 Elevations	C-ASM (Sheet 3 of 19) Rev C	Ausmar	7/7/2020
Marion 1 Elevations	C-ASM (Sheet 4 of 19) Rev C	Ausmar	7/7/2020
Marion 1 Roof Plan	C-ASM (Sheet 5 of 19) Rev C	Ausmar	7/7/2020
Marion 2 Site Plan	C-ASM (Sheet 1 of 19) Rev D	Ausmar	7/7/2020
Marion 2 Floor Plan	C-ASM (Sheet 2 of 19) Rev D	Ausmar	7/7/2020
Marion 2 Elevations	C-ASM (Sheet 3 of 19) Rev D	Ausmar	7/7/2020
Marion 2 Elevations	C-ASM (Sheet 4 of 19) Rev D	Ausmar	7/7/2020
Marion 2 Roof Plan	C-ASM (Sheet 5 of 17) Rev D	Ausmar	7/7/2020
Strathmore 1 Site Plan	C-ASM (Sheet 1 of 17) Rev E	Ausmar	7/7/2020
Strathmore 1 Floor Plan	C-ASM (Sheet 2 of 17) Rev E	Ausmar	7/7/2020
Strathmore 1 Elevations	C-ASM (Sheet 3 of 17) Rev E	Ausmar	7/7/2020
Strathmore 1 Elevations	C-ASM (Sheet 4 of 17) Rev E	Ausmar	7/7/2020
Strathmore 1 Roof Plan	C-ASM (Sheet 5 of 17) Rev E	Ausmar	7/7/2020

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Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Strathmore 2 Site Plan	C-ASM (Sheet 1 of 17) Rev E	Ausmar	7/7/2020
Strathmore 2 Floor Plan	C-ASM (Sheet 2 of 17) Rev E	Ausmar	7/7/2020
Strathmore 2 Elevations	C-ASM (Sheet 3 of 17) Rev E	Ausmar	7/7/2020
Strathmore 2 Elevations	C-ASM (Sheet 4 of 17) Rev E	Ausmar	7/7/2020
Strathmore 2 Roof Plan	C-ASM (Sheet 5 of 17) Rev E	Ausmar	7/7/2020
Proposed Community Facility - Part/Site Locality Plan	2020-20 SD01 P2 Page 1	Blueline Architecture	28/09/2020
Proposed Community Facility - Site Plan	2020-20 SD02 P2 Page 2	Blueline Architecture	28/09/2020
Proposed Community Facility - Floor Plan	2020-20 SD03 P2 Page 3	Blueline Architecture	28/09/2020
Proposed Community Facility - Elevations	2020-20 SD04 P2 Page 4	Blueline Architecture	28/09/2020
Proposed Community Facility - Elevations	2020-20 SD04 P2 Page 5	Blueline Architecture	28/09/2020
Proposed Community Facility - Perspective	2020-20 SD06 P2 Page 6	Blueline Architecture	28/09/2020
Typical Materials/Finishes	2020-20 SD07 Page 7	Blueline Architecture	28/09/2020

Plans to be Amended			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	146561 – 06 Rev: C	RPS	31/03/2021
Stormwater Management Report (Revision B)	S20-047	Westera Partners	26/11/2020
Landscape Design Report	[Issue F] PR146809	RPS	01/02/2021
Bushfire Management Plan	Revision 2	Ecological Natural Area Management	28/09/2020

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING - ALL STAGES		
1.	Approved Plans and/or Documents	
	Undertake development in accordance with the approved plans and/or documents. These plans and/or documents will form part of	Prior to the commencement of use for each respective stage and to be maintained

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	CONDITION	TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING - ALL STAGES		
	the approval, unless otherwise amended by conditions of this approval.	at all times.
2.	Amended Site Plan Required	
A	<p>Submit an amended Site Plan incorporating the following:</p> <ol style="list-style-type: none"> 1. Indicate the Community facility building to be developed as part of Stage 1D. 2. Include a building envelope to be located within the Community facility location, ensuring that buildings and access (public and vehicle) are setback as far as possible from environmental areas and corridors to allow for rehabilitation of degraded areas of mapped environmental areas and corridors as per the approved Landscape Concept Plans. <p>The Building Envelope is to be separated from the closest edge to the adjacent mapped medium bushfire intensity area (taking into consideration proposed revegetation areas) by a distance (APZ width) that achieves a radiant heat flux level of 10 kW /m² or less at all development footprint (as per the recommendation provided within the SPP Technical Reference Guide - Bushfire Resilient Communities, 2019); and</p> <p><i>Note: the above provision will need to be supported by a Bushfire Hazard assessment, prepared by a suitably qualified person</i></p> <ol style="list-style-type: none"> 3. Provide supporting Refuse Service HRV Swept Path Assessment plans that reflect the proposed site access arrangement and demonstrate achievement of the following: <ol style="list-style-type: none"> i. Provide a driveway opening with sufficient width to allow HRV access with vehicle body clearances; ii. Any driver-initiated card reading device operating the gates located clear of the service vehicle turn path including vehicle body clearances; and iii. A minimum 12.5 m entry queuing length provided within the development clear of the gate. 	Prior to approval of any Building Works or Operational Works application.
B	Obtain approval from Council for the amended Site Plan in accordance with (A) above.	Prior to approval of any Operational Works or Building Works application.

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING - ALL STAGES		
C	Implement the requirements and recommendations of the approved plan(s). The approved amended plan(s) will form part of the approval.	Prior to commencement of use.
3.	Develop in Stages	
	Develop the site generally in accordance with the stages identified on the approved plans in consecutive order. Development must comply with each condition of the development approval as it relates to each stage, unless otherwise stated in the condition.	Prior to the commencement of use for each respective stage.
4.	On-Site Car Spaces	
A	Provide on-site car parking in accordance with the following: <ol style="list-style-type: none"> 1. Twenty-four dwellings are to have at least (2) car spaces per dwelling; 2. Eight dwellings at least one car space per dwelling. 3. Six (6) visitor spaces of which two (2) are to be in Stage 1A and four (4) in Stage 1B; Note: At the completion of Stage 1C a minimum of sixty-two (62) car spaces must be located on site which includes the six (6) visitor spaces.	Prior to the commencement of use for each respective stage as specified in the condition and to be maintained.
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 the commencement of use for each respective stage and to be maintained at all times.
5.	Bicycle Parking Facilities	
	Install secure bicycle parking facilities for a minimum of one (1) bicycle per Relocatable Dwelling. Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic management - Part 11: Parking.	Prior to the commencement of use for each respective stage and to be maintained at all times.
6.	Bicycle Storage Facilities	
	Provide for each unit a bicycle storage space of no less than 1.43m ³ (based on dimensions of 1200mm (height) x 700mm (width) x 1700mm (length)). The spaces are to be protected from the weather and located either within the buildings or in a dedicated secure structure for residents of the development.	Prior to the commencement of use for each respective stage and to be maintained at all times.
7.	Electrical Transformer	
	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: <ol style="list-style-type: none"> 1. A combination of screening device and landscaping; 	Prior to the commencement of use for each respective stage and to be maintained at all times.

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING - ALL STAGES		
	<p>2. The screening device is constructed of durable, weather resistant materials; and</p> <p>3. Is integrated with the design of the development and positively contributes to the streetscape.</p> <p>Where an internal road is proposed the transformer is to be located at the end of the roadway internal to the site with provision made for maintenance access through the site.</p> <p>Note: The use of barbed wire or metal prongs is not permitted</p>	
8.	Clothes Drying Facilities	
	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 for each respective stage and to be maintained at all times.
9.	Privacy Screening	
A	<p>Provide privacy screening or alternate treatments where:</p> <p>1. 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/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.</p>	Prior to the commencement of use for each respective stage and to be maintained at all times.
B	<p>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. Sliding external screens (e.g. louvered panels), of durable weather resistant materials and with a maximum of 50% transparency.</p>	Prior to the commencement of use for each respective stage and to be maintained at all times.
10.	Materials and Finishes to Driveway and External Car Parking Spaces	
	<p>Construct the driveway and visitor parking spaces of materials and finishes to soften the visual impact of these areas. In order to achieve the above, one or a combination of the following is to be used:</p> <p>1. coloured aggregate;</p> <p>2. coloured asphalt;</p> <p>3. brick pavers;</p> <p>4. approved porous surfacing; and/or</p> <p>5. banding patterns in the surface design.</p>	Prior to the commencement of use for each respective stage and to be maintained at all times.

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING - ALL STAGES		
	<p>Notes:</p> <ol style="list-style-type: none"> 1. Council may approve other materials and finishes that are compatible with the objectives of this requirement. 2. Driveways and parking areas must not be surfaced with the same material, unless different colours, textures or borders are used to differentiate between them. 3. The use of a plain concrete finish for the driveways and parking areas is not acceptable. 	
11.	Street Numbering and Building Names	
	Install dwelling and street numbering and lockable mail boxes conveniently located at the road frontage of the site. Ensure street numbers and any building names are prominently displayed at the road frontage of the site, to enable identification by emergency services.	Prior to the commencement of use for each respective stage and to be maintained at all times.
12.	Mail Boxes	
	<ol style="list-style-type: none"> (a) Where units have frontage to Amy Street, install individual lockable mail boxes at the road frontage for each Relocatable Dwelling unit. (b) For units which do not have frontage to Amy Street, install lockable mail boxes conveniently located at the road frontage of the site. 	Prior to the commencement of use for each respective stage and to be maintained at all times.
13.	Relocatable Dwelling Numbering	
	Install Relocatable Dwelling numbering prominently located at the entrance to each individual Relocatable Dwelling. Where Relocatable Dwellings have frontage to Amy Street, Relocatable Dwelling numbering should also be viewable from the street.	Prior to the commencement of use for each respective stage and to be maintained at all times.
14.	Identification Display Board	
	<p>Install at each vehicular entry to the site a display board meeting the following criteria:</p> <ol style="list-style-type: none"> 1. Constructed from permanent and durable material; 2. located in a visually prominent position; 3. lighting to allow for 24 hour viewing; and 4. contains an accurate site plan showing: <ul style="list-style-type: none"> o The overall layout of the development to scale; o The internal access ways, visitor car parks and residential dwellings; o Any physical constraints that would restrict emergency vehicles; o The names of the access ways (if applicable); 	Prior to commencement of use and to be maintained at all times.

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING - ALL STAGES		
	<ul style="list-style-type: none"> ○ The numbers of each unit if an internal numbering system has been used in the development; ○ The location of the manager's dwelling, ○ The location and name of facilities; ○ The location of fire hydrants and any water storage; ○ The position of the site identification diagram in relation to its surroundings with the words "You Are (x) Here" highlighted and related to that position. <p>Note: Assistance with the content of the diagram may be obtained from the Department of Emergency Services.</p>	
15.	Internal Fire System	
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 the commencement of use for each respective stage and to be maintained at all times.
B	<p>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:</p> <ol style="list-style-type: none"> 1. An unobstructed width of no less than 3.5m; 2. An unobstructed height of no less than 4.8m; 3. Constructed to be readily traversed by a 17 tonne HRV fire brigade pumping appliance; 4. An area for a fire brigade pumping appliance to stand within 20m of each fire hydrant and 8m of each hydrant booster point. 	Prior to the commencement of use for each respective stage and to be maintained at all times.
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.	Prior to the commencement of use for each respective stage and to be maintained at all times.
D	<p>For development that contains on-site fire hydrants external to buildings:</p> <ol style="list-style-type: none"> 1. Those external hydrants can be seen from the vehicular entry point to the site; or 2. A sign identifying the following is provided at the vehicular entry to the site: <ul style="list-style-type: none"> ○ The overall layout of the development (to scale); ○ Internal road names (where used); ○ All communal facilities (where provided); ○ The reception area and on-site manager's office (where provided); ○ External hydrants and hydrant booster points; ○ Physical constrains within the internal roadway system which would restrict access by fire fighting appliances to external hydrants and hydrant booster points; and ○ Maintained in effective operating order in a manner prescribed in Australian Standard AS1851 (2013) - 	Prior to the commencement of use for each respective stage and to be maintained at all times.

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MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT	
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	Routine service of fire protection systems and equipment.
E	<p>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> <p>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.</p>
16.	Pedestrian Lighting
A	<p>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>
B	<p>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>
17.	Waste Management Program Required
	<p>Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.</p>
18.	Amended Landscaping Plans Required
A	<p>Provide amended landscape plans including the following requirements:</p> <ul style="list-style-type: none"> i. The layout is to accord with the approved site plan; ii. Semi-transparent fencing between the southern boundary of proposed Relocatable Dwellings 27 to 32 (inclusive), the Community facility and the Open Space (Public) to enable passive surveillance of public areas. Fencing is to have a minimum height of 1.2 metres and a maximum height of 1.8 metres and a minimum 50% transparency. In addition, include bollards delineating the private open space from the public open space; iii. Minimum of 1.5m landscaping strip within the site along Amy Street where not conflicting with a driveway crossover or pedestrian access;

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	<ul style="list-style-type: none"> iv. Minimum of 2.0m landscaping strip within the site along Serenity Way. v. Details of proposed fencing to Serenity Way adjacent to dwellings 6-32. The fence is to be recessed behind the 2.0m landscape buffer. Fencing should be a maximum of 1.8m high and be constructed of capped and stained timber paling. vi. Details of any proposed fencing to Amy Street adjacent to dwellings 1-6. Fencing is to be high quality, a maximum of 1.8m in height and at least 85% transparent. 	
B	Obtain approval from Council for the amended Landscape Plans in accordance with (A) above.	Prior to approval of any Operational Works or Building Works application.
C	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.	Prior to the commencement of use for each respective stage and to be maintained at all times.
D	Maintain the landscaping.	Prior to the commencement of use for each respective stage and to be maintained at all times.
19.	Vehicle Encroachment	
	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 the commencement of use for each respective stage and to be maintained at all times.
20.	On Site Services	
	Ensure garbage bin areas, rainwater tanks, hot water tanks, gas bottles and air conditioners are: <ul style="list-style-type: none"> 1. Located in the rear setback; or 2. located in the side setbacks and include screening (e.g. fencing or landscaping) from view of any road frontage; or 3. entirely underground where located in the front setback. Note: Rainwater tanks are not permitted within easements.	Prior to the commencement of use for each respective stage and to be maintained at all times.
21.	Street Trees	
	Provide street trees within Amy Street and Serenity Way adjacent to the site frontages in accordance with Planning scheme policy - Integrated design Appendix D - Landscaping.	Prior to the commencement of use for each respective stage and to be maintained at all times.
22.	Water and/or Sewerage	
	Submit to Council a Certificate of Completion or Provisional Certificate of Completion (for each stage where there are stages) for	Prior to the commencement of use for each respective

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	the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming: <ol style="list-style-type: none"> 1. a reticulated water supply network connection is available to the land; and 2. a sewerage network connection is available to the land; and 3. all the requirements of Unitywater have been satisfied. 	stage and to be maintained at all times.
23.	Fibre Ready Telecommunications – Multi	
A	Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with NBN Co Guideline MDU Building Design Guide as amended, that: <ol style="list-style-type: none"> 1. Includes a suitable building entrance facility (lead-in) from the property boundary to the building entrance; and 2. 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 unit / tenancy>; and 3. A conduit with draw string, from either the telecommunication room or riser/closet location to each NTD or the likely location of each NTD. 	Prior to the commencement of use for each respective stage and to be maintained at all times.
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.	Prior to the commencement of use for each respective stage and to be maintained at all times.
24.	Telecommunications Internal Wiring	
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 OR 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 the commencement of use for each respective stage and to be maintained at all times.
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 the commencement of use for each respective stage and to be maintained at all times.

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25. Electricity	
<ol style="list-style-type: none"> 1. Provide underground electricity to each Dwelling unit; 2. Underground existing above ground electricity adjacent to the frontages of the site; and 3. Provide evidence (e.g. Certificate for Electricity Supply to Subdividers with Agreement Number or Certificate of Supply) demonstrating that an underground electricity supply network has been provided. 	Prior to the commencement of use for each respective stage and to be maintained at all times.
26. Reticulated Gas	
<p>Provide, if available within 200 metres of the subject site, evidence demonstrating that:</p> <ol style="list-style-type: none"> 1. A reticulated gas connection is unavailable to the site; or 2. a reticulated gas connection has been provided to each Relocatable dwelling. 	Prior to the commencement of use for each respective stage and to be maintained at all times.
27. Trunk Infrastructure – Land (Lot 2 SP224736 – 46 Amy Street)	
<p>A Transfer to Council trunk infrastructure land shown as “Open Space (Public)” on the plans to be approved having a minimum area of 3.622ha, to Council in Fee simple on Trust, at no cost to the Council, for the purposes of Trunk Stormwater Corridor.</p> <p>This condition has been imposed under Section 128 of the <i>Planning Act 2016</i>.</p>	Prior to the commencement of use of Stage 1B.
<p>B At the time of transferring the land to Council , provide certification from a suitably qualified person that the land is free from declared weed species and any waste/debris and is in accordance with the approved Ecological Restoration Plan.</p>	Prior to the commencement of use of Stage 1B
28. Trunk Infrastructure – Land (Lot 22 SP 220446 - 70 Amy Street)	
<p>A Transfer land mapped as below the 1% AEP (1 in 100 year flood) to Council in Fee Simple on Trust for Stormwater purposes having a minimum area of 41,278.50m².</p> <p>This condition has been imposed under Section 128 of the <i>Planning Act 2016</i>.</p>	Prior to the commencement of use of Stage 1B.
<p>B At the time of transferring the land to Council, provide certification from a suitably qualified person that the land is free from declared weed species and any waste/debris and is in accordance with the approved Ecological Restoration Plan.</p>	Prior to the commencement of use of Stage 1B.
29. Road Dedication - Walkers Road (Lot 22 SP 220446 - 70 Amy Street)	
<p>A Dedicate land for the purposes of road reserve having a minimum area of 1,200.00m².</p>	Prior to the commencement of use of Stage 1A.

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MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
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	This condition has been imposed under Section 128 of the <i>Planning Act 2016</i> .	
30.	Vegetation Management Plan	
A	<p>Submit to and obtain approval from Council for a Vegetation Management Plan prepared in accordance with Council's Planning Scheme Policy - Environmental Areas and Corridors, section 6.8 and by a suitably qualified person.</p> <p>The plan must be prepared in accordance with AS4970-2009 - Protection of Trees on Development Sites and include scaled plans and supporting documentation that provides for, but is not limited to, the following:</p> <ul style="list-style-type: none"> - Identification of all vegetation and tree protection zones within and adjacent to the development site that may be impacted by the development and justification for treatment intent (remove-x retain -<input checked="" type="checkbox"/> prune -p) 	Prior to any site works occurring.
B	Carry out works in accordance with the approved Vegetation Management Plan.	At all times.
31.	Extent of Vegetation Clearing	
A	<p>Undertake vegetation clearing only within the development footprint of approved buildings and structures and their associated parking and access areas as identified on the approved plan(s) of development. No additional clearing of native vegetation is permitted beyond the development footprint.</p> <p><i>Note: the location and construction of the proposed pedestrian pathway which will link the development areas in the north to the Community facility, is to avoid native vegetation clearing.</i></p>	At all times.
B	Clearing of native vegetation must not occur within koala habitat areas or impact on the tree protection zone of vegetation within adjoining premises.	At all times.
32.	Disposal of Cleared Vegetation	
	Chip, shred or tub grind cleared native vegetation and spread as mulch outside of any areas identified to be maintained as low fuel loads in an approved Bushfire Management Plan or dispose of at an authorised waste facility.	At all times.

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	Any hollows observed in cleared vegetation must be salvaged and installed as nest boxes in trees within the property or other location agreed with Council.	
33.	Temporary Exclusion Fencing	
	Delineate areas where vegetation is proposed to be retained with exclusion fencing to prevent accidental damage. Delineation and fencing is to be undertaken in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites.	While site works are occurring.
34.	Ecological Restoration Plan Required	
	Submit to Council for approval an Ecological Restoration Plan for the proposed balance Lot and Riparian Corridors as identified in the Approved Revised Conceptual Rehabilitation Plan (Attachment 4 of Environmental matter Information Response, prepared by 28 South Environmental, dated 16 th December 2020). The plan must be prepared by a suitably qualified person and in accordance with Planning Scheme Policy - Environmental Areas and Corridors.	Prior to approval of any Operational Works or Building Works application.
	Implement the requirements of the approved plan.	Prior to the commencement of use of Stage 1B.
35.	Management of Wildlife - Standard	
A	Carry out approved vegetation clearing under the supervision of a Fauna Spotter Catcher holding a valid Rehabilitation Permit from the relevant State Government Agency.	During vegetation clearing.
B	The fauna spotter, who must hold a current licence and rehabilitation permit to undertake following operations, does the following: <ol style="list-style-type: none"> 1 undertakes a wildlife load reduction measures through the pre-clearing trapping and relocation of wildlife 1-3 days prior to the approved clearing being conducted; 2 at sites that support potential koala habitat (fodder/habitat trees) conducts a site inspection the night before and the morning that the clearing will commence to identify fauna species and fauna habitat, using binoculars or a spotting scope when observing trees larger than 4.0 metres tall; 3 clearly marks (flag) vegetation found to contain fauna or fauna habitat (such as tree hollows, arboreal termite mounds, stick nests or possum drays with flagging tape), and visually and verbally communicate this information to the tree feller to ensure flagged trees are not felled until authorised by the fauna manager; and 	As indicated before and during vegetation clearing.

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4 works in conjunction with a professional tree feller in the removal of any vegetation identified for removal.	
C Vegetation and rubble piles are not left to serve as a refuge for displaced or roaming wildlife through the implementation of the following measures: 1 immediately (within 12 hours) remove or destroy such materials; or old (>12 hours) piles of felled vegetation are treated as potential wildlife habitat and inspected by a fauna spotter catcher prior to removal or destruction.	As indicated.
D The type of equipment used is matched to the specific clearing task to minimise the risk of death or injury to fauna. The use of bulldozers must be limited to low or regrowth vegetation that has been thoroughly inspected by a fauna spotter and is found to contain no fauna or potential habitat. Bulldozers are not to be used on any tree that may contain fauna or potential fauna habitat.	During vegetation clearing.
E Preserve valuable habitat features such as large fallen logs, log piles, rock piles or outcrops wherever practicable through the translocation and re-establishment in coordination with the wildlife spotter. The replacement of natural tree hollows occurs through the replacement with artificial hollows at a rate of a species dependent, per ha rate to be determined based upon the size of the retention area. Replacements should be erected prior to the commencement of clearing works and placed within suitable habitat. If additional tree hollows are discovered and removed during clearing works replacements should be erected within 24 hours of hollow loss.	As indicated.
36. No Net Loss of Fauna Habitat	
Development must not result in the net loss of fauna habitat. Where development results in the loss of a Habitat Tree (trees greater than 80cm in diameter at 1.3m above ground height), development must provide replacement fauna nesting boxes at the following rate: - One (1) nest box for every hollow removed, with a minimum of three (3) nest boxes for each habitat tree removed; or - Where hollows have not yet formed, three (3) nest boxes for every habitat tree removed.	Prior to commencement of use.
37. Nest Box Management Plan	
A Where development does result in the loss of a Habitat Tree, submit and obtain approval from Council for a nest box management plan with details of the proposed construction, installation methods and GPS location for each nest box for Council's records. The plan must	Prior to any vegetation clearing.

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<p>be prepared in accordance with Council's Planning scheme policy - Environmental areas and corridors and by a suitably qualified person and include details of proposed maintenance and protocols for replacing fallen or broken nest boxes. Include any additional information that may be relevant such as:</p> <ul style="list-style-type: none"> - Exact number of habitat trees and number of hollows to be impacted, - Assessment of replacement hollows required as per 'No Net Loss of Fauna Habitat' condition requirements, - Assessment of target species, - Requirements for the target species, - Nest box types - design and sizes, - Installation technique, - Proposed location of installed nest box including GPS location and owner's consent, - Installation timeframes which provide for installation prior to the commencement of clearing wherever possible, otherwise within 7 days of clearing; and - Monitoring and maintenance regime details, including protocols for replacing fallen or broken next boxes. <p>Nest boxes must be maintained for a minimum of 12 months post installation.</p>	
<p>B If nest box installation is proposed within a Council park, provide written confirmation from Council's Coordinator Parks and Recreation Planning that Council agrees to the installation of the nest boxes within Council park.</p> <p><i>Note: The agreement may require the payment of a maintenance bond refundable after the satisfactory completion of the 12 months maintenance period.</i></p>	Prior to any vegetation clearing.
<p>C Provide a copy of written permission to enter from Council's Operations Technical Services team.</p>	Prior to any vegetation clearing.
38.	Amended Bushfire Management Plan Required - Community Facility
<p>A Submit an amended Bushfire Management Plan to determine the location of a building envelope for the proposed Community facility. The amended Bushfire Management Plan is to be prepared by a suitably qualified person in accordance with applicable legislation and have regard to approved revegetation and conservation areas. Management measures are to be identified on the Bushfire Management Plan to reduce the level of fire hazard for a vulnerable use. These methods must include but are not limited to firebreaks and fuel reduction zones as per the recommendations under section 9.4 of the technical reference guide for the SPP - <i>Bushfire Resilient Communities</i> (2019),</p>	Prior to approval of any Building Works or Operational Works application.

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B	Obtain approval from Council for the amended Bushfire Management Plan in accordance with (A) above.	Prior to approval of any Building Works or Operational Works application.
C	Implement the requirements and recommendations of the approved Bushfire Management Plan.	At all times.
DEVELOPMENT ENGINEERING		
39.	Amended Plan - Stormwater Management	
	<p>Submit and have approved by Council, an amended Stormwater Management Plan (SMP) prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ). The SMP is to demonstrate that stormwater can be managed on/from the subject land in accordance with the MBRC Planning Scheme. The following specific amendments are to be included:</p> <ul style="list-style-type: none"> a) Provide a MUSIC catchment plan; b) Include the entire area of the proposed community facility in the MUSIC model and attach the latest development layout plan in the SMP. (The community facility has an area of 2,730m² as indicated on the Site Plan; however, only an area of 500m² was adopted in the model); c) Confirm the number of SPEL Stormsacks for the residential site and amend the SMP (report, drawings, model) accordingly. Table 4 of the report indicates 7 SPEL Stormsacks while the drawings and the MUSIC model indicates 10; and d) Indicate clearly the type SPEL filter cartridges (EMC 45) on the stormwater layout plan. 	Prior to obtaining Building Works approval.
40.	Replace Existing Council Infrastructure	
	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 for each stage.
41.	Alterations and Relocation of Existing Services	
	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 for each stage.
42.	Stormwater	

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	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 for each stage.
43.	Stormwater Management	
A	Implement and maintain the works identified in the approved Stormwater Management Plan.	Prior to commencement of use for each stage 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 Stormwater Management Plan.	Prior to commencement of use for each stage.
44.	Council Road – Amy Street	
A	<p>Submit and have approved by Council, a development application for operational works for the following:</p> <p>1. All frontage roads and associated works. The frontage works are as follows:</p> <ul style="list-style-type: none"> • Amy Street – Modified Living Residential <ol style="list-style-type: none"> 1. Kerb and channel (development side); 2. Road widening - minimum 5.0m wide pavement from the road centreline to the new kerb. This is to contain a 3.0m wide travel lane and a 2.0m wide parking lane; and 3. 5.0m wide verge containing a 2.5m wide concrete pathway, 1.5m wide front verge and 1.0m rear verge. <p>Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the approved plans and documents of development and the MBRC Planning Scheme current at the time of the operational works application.</p>	Prior to commencement of works associated with this condition for Stage 1A.
B	<p>Construct, at no cost to Council and in accordance with the approved plans and documents the approved frontage works to Amy Street.</p> <p>This condition has been imposed under section 145 of the <i>Planning Act 2016</i>.</p>	Prior to commencement of use of Stage 1A.
45.	Pathway – Amy Street	
A	<p>Construct, at no cost to Council, a 2.5 metre wide reinforced concrete pathway along the full development frontage on Amy Street.</p> <p>This condition has been imposed under section 145 of the <i>Planning Act 2016</i>.</p>	Prior to commencement of use of Stage 1A.
46.	Construction Management Plan	

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MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT	
DEVELOPMENT PLANNING - ALL STAGES	
<p>A</p> <p>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> <ol style="list-style-type: none"> 1. Material delivery and storage locations; 2. Waste locations and collection details; 3. Construction office accommodation; 4. Contractor / tradesman vehicle parking arrangements; 5. Works that may make audible noise outside of 6:30am to 6:30pm any business day or Saturday. <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"> 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); 2. Dewatering directly into Council's stormwater system (pipes or overland flow) without appropriate water quality treatment/improvement is not acceptable; 3. 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; 4. Materials unloading and loading must occur on-site unless prior written approval is given by Council; 5. All construction office accommodation and associated temporary buildings is to be contained within the site or on a nearby site. 	<p>Not less than two (2) weeks prior to commencement of works for each stage. To be maintained current at all times.</p>
<p>B</p> <p>Implement the approved Construction Management Plan (CMP) and keep a copy of the approved CMP on site at all times during construction.</p>	<p>At all times during construction of the development for each stage.</p>
47.	Erosion and Sediment Control
	<p>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.</p>
48.	Earth Retaining Structures
<p>A</p> <p>Design all earth retaining structures within private land in accordance with Australian Standards, Building Code requirements and MBRC</p>	<p>Prior to commencement of works associated with this condition for each stage.</p>

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CONDITION	TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT	
DEVELOPMENT PLANNING - ALL STAGES	
	<p>Planning scheme current at the time of the building works application and the following:</p> <ol style="list-style-type: none"> 1. The minimum design life (the period assumed in design for which a structure or structural element is required to perform its intended purpose without replacement or major structural repairs) for the earth retaining structure that is specified in Table 3.1 of Australian Standard AS4678; 2. Earth retaining structures within the land and around areas of cut on or near the boundaries of the site must be designed to allow for live and dead loads associated with the land/premise's current occupancy use.
B	<p>Construct all earth retaining structures within private land in accordance with Australian Standards, Building Code requirements and approved plans and documents of development.</p> <p>Prior to commencement of use for each stage.</p>
C	<p>Provide written certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that the design, construction and materials comply with this condition.</p> <p>Prior to commencement of use for each stage.</p>
49.	Driveway Crossover
A	<p>Construct a driveway crossover to proposed development in accordance with the approved plans and documents of development and MBRC Standard Drawing RS-051.</p> <p>Prior to commencement of use for the first stage.</p>
B	<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> <p>Prior to commencement of use for the first stage.</p>
50.	Access, Internal Roadways, Parking and Servicing Areas
A	<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> <p>Temporary turning space must be provisioned for the design vehicle at the end of the roadway for Stages 1B/1C.</p> <p>Prior to commencement of use for each stage and to be maintained at all times.</p>
B	<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> <p>Prior to commencement of use for each stage.</p>
51.	Minimum Flood Planning Level
	<p>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 9.95m AHD.</p> <p>Prior to commencement of use for each stage.</p>

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CONDITION	TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT	
DEVELOPMENT PLANNING - ALL STAGES	
52.	Extinguish Access Restriction Strip
	Dedicate as road reserve the existing Access Restriction Strip (Lot 37 on SP150798) that extends along the Amy Street frontage free of any costs and compensation to Council.
	Prior to commencement of use of Stage 1A.
53.	Building Below the Flood Planning Level (Elevated Boardwalk)
	Construct building works (elevated boardwalk/pedestrian crossing) 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 9.95m AHD.
	Prior to commencement of use for Stage 1B.
	Notes: <ol style="list-style-type: none"> 1. The Queensland Government Fact Sheet 'Rebuilding after a flood' provides information about water resilient products and building techniques. Available at www.hpw.qld.gov.au. 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
54.	Structural Engineering Design Report
A	Prepare a Structural Engineering Design Report for the elevated boardwalk. 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 for Stage 1B.
B	Provide RPEQ certification to the Building Certifier that the works have been designed in accordance with the recommendations of Structural Engineering Design Report.
	Prior to building works approval for Stage 1B.
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 for Stage 1B.
55.	Council Road – Serenity Way
A	Submit and have approved by Council, a development application for operational works for the following: 1. All frontage roads and associated works. The frontage works are as follows: <ol style="list-style-type: none"> 1. Serenity Way – Modified Access Residential <ol style="list-style-type: none"> a) Kerb and channel (development side); b) Road widening - minimum 4.0m wide pavement from the road centreline to the new kerb; and c) 5.0m wide verge containing a 2.5m wide concrete pathway, 1.5m wide front verge and 1.0m rear verge.
	Prior to commencement of works associated with this condition for Stage 1C.

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CONDITION	TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT	
DEVELOPMENT PLANNING - ALL STAGES	
	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.
B	Construct, at no cost to Council and in accordance with the approved plans and documents Serenity Way frontage works. This condition has been imposed under section 145 of the <i>Planning Act 2016</i> .
56.	Pathway – Serenity Way
A	Construct, at no cost to Council, a 2.5 metre wide reinforced concrete pathway along the full development frontage on Serenity Way. This condition has been imposed under section 145 of the <i>Planning Act 2016</i> .
57.	Driveway Crossover – Lot 6
A	Construct a driveway crossover to proposed Lot 6 in accordance with the approved plans and documents of development and MBRC Standard Drawing RS-049 and RS-050, particularly outside the 6.0m setback from the kerb tangent of Amy Street/Serenity Way intersection. OR Construct a shared driveway crossover to proposed Lots 5 and 6 in accordance with the approved plans and documents of development and MBRC Standard Drawing RS-049 and RS-050, particularly outside the 6.0m setback from the kerb tangent of Amy Street/Serenity Way intersection.
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.

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ADVICES	
1.	Aboriginal Cultural Heritage Act 2003
	<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 cultural heritage duty of care - Department of Aboriginal and Torres Strait Islander Partnerships (Queensland Government) for further information regarding the responsibilities of the developer.</p>
2.	Adopted Charges
	<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>
3.	Environmental Protection Act
	It remains the duty of care of the person undertaking an activity not to cause Environmental Harm as defined under the <i>Environmental Protection Act 1994</i> .
4.	Nature Conservation (Koala) Conservation Plan
	<p>The premise is located in Koala District A.</p> <p>The <i>Nature Conservation (Koala) Conservation Plan 2017</i> requires that the clearing of koala habitat trees in District A must be carried out as outlined in Part 3 of the plan including:</p> <ol style="list-style-type: none"> 1 Compliance with the sequential clearing conditions outlined in Section 10 of the plan; 2 If in a Koala Habitat Area - Koala spotter needed for clearing, in a koala habitat area, koala habitat trees having a trunk of a diameter of more than 10cm at 1.3m above the ground.
5.	Nature Conservation (Wildlife Management) Regulation

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	In Queensland, the Nature Conservation (Wildlife Management) Regulation 2006 legislates that it is an offence to tamper with an animal breeding place that is being used by a protected animal to incubate or rear the animal's offspring. For any proposed activity that will impact on breeding places of protected animals that are classified as extinct, in the wild, endangered, vulnerable, near threatened (EVNT), special least concern, colonial breeder or least concern, a Species Management Plan (or Damage Mitigation Permit if the person removing or tampering holds a DMP for the relevant species) for that species will be required. Animal breeding places include obvious structures such as bird nests and tree hollows, as well as more cryptic places such as amphibian or reptile habitat where breeding takes place.
6.	Waterway barrier
	The proposed pedestrian pathway which will link the development areas in the north to the Community facility must comply with the relevant provisions under the Fisheries Act for Waterway Barrier Works at the operational works stage.

- 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
Application Type	Material Change of Use Development Permit for Relocatable Home Park (32 Units)
Relevant Period of Approval	Material Change of Use – 6 years
Section 64(5) Deemed Approval	Not applicable
Superseded Planning Scheme	Not applicable
Variation approval affecting the Planning Scheme	Not applicable
Other Necessary Permits	<ul style="list-style-type: none"> • Operational Works – Development Permit • Building Works – Development Permit
Codes for Accepted Development	Not applicable
Referral Agencies	There are no Referral Agencies
Submissions	There were two (2) properly made submissions about this application.

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REPORT DETAIL

1. Background

70 Amy Street, Morayfield (Lot 22 SP220446)

On 12 December 2016, Council's Delegate approved a Reconfiguring a Lot - Development Permit for Subdivision (1 into 6 Lots) (Negotiated Decision - DA/32403/2016/V3RM). This approved a 1 into 6. subdivision locating five (5) proposed general residential lots adjacent to Everglades Drive, on the western boundary of the Lot. Further, it contained a park and a balance lot (Lot 800).

On 26 May 2017, Council's Delegate approved Material Change of Use - Development Permit for Relocatable Home Park (134 Relocatable Dwellings and a Manager's Residence) (Negotiated Decision - DA/32510/2016/V2L). This approved a Relocatable Home Park on Lot 800. A further four (4) minor changes have been approved for this development approval. It should be noted, the applicant is currently seeking a Change Other over this Lot which, includes increasing the number of Relocatable Dwellings from one-hundred-and-thirty-four (134) to one-hundred-and-forty-three (143). The additional nine (9) Dwellings are to be located over the five (5) remaining lots approved as part of DA/32403/2016/V3RM.

46-54 Amy Street, Morayfield (Lot 2 SP224736)

On 16 July 2018, Council's Delegate provided pre-lodgement advice on a proposed Reconfiguring a Lot – Development Permit for Subdivision (1 into 37 lots) (PRE/4617). The proposal required changes to enable Council support.

On 17 October 2018, Council's Delegate provided pre-lodgement advice on a proposed Reconfiguring a Lot – Development Permit for Subdivision (1 into 24 lots) (PRE/4790). The proposal required changes to enable Council support.

On 26 August 2020, Council's Delegate provided pre-lodgement advice on a proposed Material Change of Use for Relocatable Home Park (43 dwelling units). The current application is generally consistent with the proposal in the pre-lodgement.

2. Explanation of Item

The proposal is for Relocatable home park within the General Residential Zone - Next Generation Neighbourhood. This includes thirty-two (32) single storey villas to be located within the northern part of Lot 2 (the Lot) and, a community facility to be located towards the middle of the western side boundary. The southern part of the Lot is subject to flooding and is to be transferred to Council as Trunk land for stormwater corridor.

A Material Change of Use for a Relocatable Home Park is assessable development - Code Assessment where:

- it meets the example that achieves aspects of the performance outcome for building heights; and
- on a lot of 3,000m² or less.

The proposed development is on a lot of more than 3,000m² and as a consequence, is Impact assessable.

With regards to the above, the proposed development achieves the aspects of the performance outcomes for density and building height and is consistent with the character of a low-rise Multiple Dwelling development. Additionally, the proposed community facility will be centrally located and not visible from the street frontage.

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2.1 Description of the Site and Surrounds

The site is located within the General Residential Zone – Next Generation Neighbourhood to the north and the Limited Development Zone to the south. The northern part of the site is mostly disturbed and obtains access from Amy Street whilst, the southern part of the site is flood prone and contains significant native vegetation. Notably, the development is located on the northern part of the site, within the General Residential Zone.

The site is located directly south of an existing one-hundred-and-fifty (150) beds Residential Care Facility at 49 Amy Street and south-east of an approved one-hundred-and-fifty-four (154) Multiple Dwelling development at 102 Caboolture River Road (obtaining access of Amy Street). The land to the east consists of single residential dwellings within the General Residential Zone – Next Generation Neighbourhood, located along Serenity Way.

In addition to the above, the proposed and existing development obtains access to a higher order road, Caboolture River Road, either through Amy Street or Ben Street.

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.

Applicable Assessment Benchmarks:	<p><u>State Planning Policy</u></p> <ul style="list-style-type: none"> • State Planning Policy, Part E <p><u>Regional Plan</u></p> <ul style="list-style-type: none"> • South East Queensland Regional Plan <p><u>From Schedule 10 of the Regulation:</u></p> <ul style="list-style-type: none"> • Part 10: Koala Habitat Area – Schedule 11 of the <i>Planning Regulation 2017</i>
SEQ Regional Plan Designation:	<ul style="list-style-type: none"> • Urban Footprint
Koala Habitat Designation:	<ul style="list-style-type: none"> • Priority Koala Assessable Development Area

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:

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Assessment benchmark - livable communities		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmark - mining and extractive resources		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmarks - water quality		
Applicable to Development	SPP requirement	Comment
Yes	<ol style="list-style-type: none"> 1) Development is located, designed, constructed and operated to avoid or minimize adverse impacts on environmental values arising from: a) altered stormwater quality and hydrology; b) wastewater; c) the creation or expansion of non-tidal artificial waterways; and d) the release and mobilization of nutrients and sediments. 2) Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2). 3) Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values. 	The proposal includes a use for an urban propose involving a land area of greater than 2,500m ² and with an impervious area greater than 25% of the net developable area. Notably, this has been assessed under the MBRC Planning Scheme and it will be a recommendation of this report requiring an updated Stormwater Management Plan that will accord with the relevant performance outcome and above SPP requirement.
Assessment benchmarks - natural hazards, risk and resilience		
Applicable to Development	SPP Requirement	Comment
Yes	<p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <ol style="list-style-type: none"> (1) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level. <p>All natural hazard areas:</p>	SPP Mapping indicates a Flood Hazard Area – Local Government Flood Mapping Area over the site. Notably, the site is mapped by the Flood Hazard Overlay under the MBRC Planning Scheme. It should be noted, the development is located outside of the Medium and High-Risk Flood Hazard Overlay. Consequently, the proposal has been assessed

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	<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>	<p>and is in accordance with the MBRC Planning Scheme Flood Hazard Overlay Code. It is noted that floor levels of the proposed dwellings will be constructed above the Flood Planning Level.</p>
Assessment benchmarks - strategic airports and aviation facilities		
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.

2.2.3 Schedule 10, Part 10 of the Regulation – Koala Habitat in SEQ Region

The development is assessable development on premises located within a koala Priority area and, will not interfere with koala habitat. As a consequence, the regulation requires the Assessment manager to assess the proposal against the assessment benchmarks stated in schedule 11, part 2.

An assessment has been made against these benchmarks and the proposal is considered to comply, subject to a recommended condition ensuring the proposed pedestrian connection between the development and the community facility building being constructed without impacting on protected koala vegetation.

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

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

2.3.1 Strategic Framework

The proposal is generally consistent with the Strategic Framework.

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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.

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
Zone/ Local Plan Code		
General Residential Zone Code - Next Generation Neighbourhood precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Zone/ Local Plan Code		
Limited Development Zone Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Overlay Codes		
Flood Hazard Overlay Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Development Codes		
Residential Uses Code	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO8 PO15

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

2.3.3 Performance Outcome Assessment

Performance Outcome	Example
Residential Uses Code	
PO8 Driveways, pedestrian entries and internal access ways are located and designed to: <ul style="list-style-type: none"> a. provide lawful access; b. not detract from the creation of active street frontages and positively contribute to the intended streetscape character; c. not negatively impact adjoining uses; 	E8.1 Dual occupancies ⁽²¹⁾ provide: <ul style="list-style-type: none"> a. For individual driveways, a maximum crossover width of 4m or For a shared driveway a maximum crossover width of 5m;

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Performance Outcome	Example
<p>d. provide a safe pedestrian environment;</p> <p>e. not result in excessive crossovers and hardstand areas;</p> <p>f. provide safe access onto an appropriate order road;</p> <p>g. not interfere with infrastructure owned by Council or a utility provider;</p> <p>h. allow adequate space for on-street parking;</p> <p>i. allow adequate space for street planting and street trees;</p> <p>j. allow for garbage collection and street infrastructure.</p> <p>Note - Refer to Planning scheme policy - Integrated design for details and examples.</p>	<p>b. a maximum of one crossover per street frontage; or where more than 1 crossover per street frontage, they are to be at least 12m apart to allow for on-street parking and street trees.</p> <p>Note - Refer to Planning scheme policy - Residential design for details and examples.</p> <p>Note - Laneway development provides access from the lane only in accordance with laneway development provisions AO27-AO29.</p> <hr/> <p>E8.2</p> <p>For a shared driveway development provides a maximum crossover width of 5.5m;</p> <p>OR</p> <p>For individual driveways:</p> <p>a. a maximum of 1, 3m wide crossover for every 7.5m of primary road frontage;</p> <p>b. where more than two driveway crossovers are provided per street frontage, crossovers are paired up and separated by a minimum distance of 6m to facilitate on-street parking and street trees.</p> <p>Note - Refer to Planning scheme policy - Residential design for details and examples.</p> <p>Note - Development on a laneway provides access from the lane only in accordance with laneway development provisions.</p> <hr/> <p>E8.3</p> <p>Where dwellings have access via a shared driveway the driveway is set back a minimum of 3m from a side boundary.</p> <p>OR</p> <p>Where the development includes at least one ground floor dwelling, the shared driveway may be located 1m from the side boundary.</p>

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Performance Outcome	Example
	Note - Refer to Planning scheme policy - Integrated design for details and examples.
	E8.4 Development provides vehicular crossovers that comply with Planning scheme policy - Integrated design.
	E8.5 Driveways do not include a reversing bay, manoeuvring area or visitor parking spaces (other than tandem spaces) in the front setback.
<i>Performance Outcome Assessment</i>	
The applicant is proposing an entry and exit access of 3.5m in width respectively, with a 2.0m separation. This does not meet Example E8.2. Notably, this will be the only two crossovers for the development on a road frontage of approximately 110.0m and, will not result in excessive crossovers and hardstand areas. It is recommended that the alternative proposal be accepted as complying with the Performance Outcome.	
PO15 Walls are sited and designed to minimise negative impacts on internal and external amenity and create visual interest by incorporating articulation and architectural treatments.	E15 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.
<i>Performance Outcome Assessment</i>	
The Headingly 1 house design contains a wall of approximately 15.9m (with no change in direction of 1.0m or more). The non-compliance is considered minor furthermore, it will be orientated internally to the site and will not impact existing residences. It is recommended to accept the alternative solution as satisfying the Performance Outcome.	

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 in 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.*

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**Note: The applicant seeks flexibility in 2- or 3-bedroom housing options being built by future residents. An Infrastructure Charges Notice can be provided which indicates the highest rate (3 bedroom or more dwelling) for all thirty-two (32) Dwellings. The total number of 2- and 3-bedroom dwellings per stage can be finalized by an Infrastructure Charges Payment Plan if the yield of unit type differs from the Infrastructure Charges Notice.*

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) 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 \$18,136.02 exists and has been calculated based on the existing residential use of the land and the proportional split stated in Table 3 of the CR.

(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. 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

This site is affected by Trunk Infrastructure in accordance with the Plans for Trunk Infrastructure in the Local Government Infrastructure Plan in the Moreton Bay Regional Council Planning Scheme. The trunk infrastructure identified on this site is as follows:

Trunk Infrastructure Network	Network Identifier
Stormwater Infrastructure - Riparian Corridor	CAB_SSC_RC

It is recommended to include a condition in the development approval requiring the trunk infrastructure item to be delivered by the development.

Trunk Infrastructure Land Dedication

Riparian Corridor

The proposal plan includes an area of 3.622 ha (shown as Open Space [Public] as per figure a) to be dedicated to Council as open space. Lot 2 forms part of the Stormwater network established along Sheepstation Creek and tributaries, as per Council's LGIP, and contains 'constrained' land' as defined in the CR.

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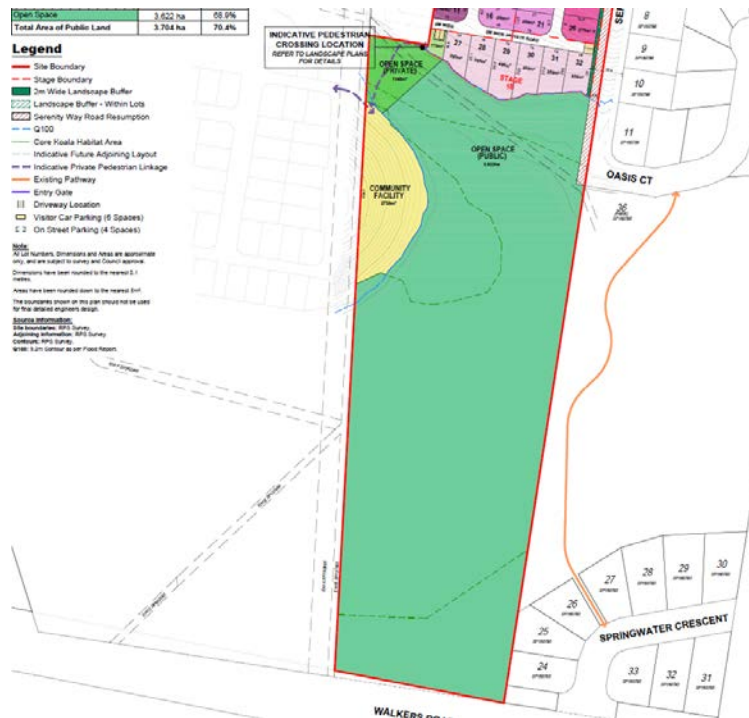


Figure a

Council officers have determined that the appropriate break up of constrained and unconstrained land is as follows:

Constraints	Area
Constrained Land	36,220m ²
Total	36,220m²

The Charges Resolution Implementation Policy provides the rates to which offsets are to be calculated. For this location, unconstrained land is provided at the following rates:

Constrained land valuations

Category	Land more than 10,001m ² and up to 50,000m ² in area.	\$/m ² (10,001m ² and up to 50,000m ² in area)	Area	Offset
Base land value	\$41,050.00	-	10,001m ²	\$41,050.00
Plus for each m ² over	-	\$2.05	26,219m ²	\$53,748.95
Total			36,220m²	\$94,798.95

The total recommended value of trunk infrastructure (land dedication) offset is **\$94,798.95**.

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

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- (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

The site has frontage to Amy Street, Serenity Way and Walkers Road. An access restriction strip (Lot 37 on SP150798) is present along the Amy Street frontage. It is recommended that the development be conditioned to extinguish this access restriction strip.

The primary site access will be provided from Amy Street via a new driveway crossover and internal private access road. The proposed development access as shown on the Site Plan was not supported with Refuse Service HRV Swept Path Assessment plans that match the proposed Site Plan and an HRV entry swept path that does not encroach in the landscape areas. The current Site Plan may require amendment once the swept path assessment is updated. Therefore, it is recommended that the development be conditioned to provided amended Refuse Service HRV Swept Path Assessment plans and Site Plan.

The access driveway crossover for proposed Dwelling 6 will be from Amy Street and may be located within the 6.0m setback from the kerb tangent of Amy Street/Serenity Way intersection. AS2890.1 prohibits a vehicle crossing within 6.0m from the tangent point of the kerb returns. It is recommended that the development be conditioned to provide a driveway crossover for proposed Lot 6 in accordance with AS2890.1. Alternatively, a shared driveway crossover for proposed Lots 5 and 6 may be provided if a dedicated compliant driveway crossover for Lot 6 is not possible.

Both Amy Street and Serenity Way are not constructed to current standards along the development's full frontage and neighbouring frontage on 56 Amy Street. Amy Street has a 20.0m road reserve, which should satisfy a Living Residential road typology. It is noted that this typology is consistent with the approved development on 70 Amy Street. However, a modified Living Residential typology is recommended to improve the current function and safety on Amy Street. Frontage upgrade that includes a 3.0m wide traffic lane and a 1.0m widening to allow for informal on-street parking should be provided on Amy Street frontage and is recommended as a condition.

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Serenity Way is classified as a Living Residential road in accordance with Planning Scheme Policy - Integrated Design - Appendix A. The Serenity Way frontage has been proposed as an Access Residential typology consistent with the prelodgement meeting advice. This typology should be accepted in this instance since the eastern section of Serenity Way is already constructed. Also, a pedestrian pathway that is wider than what is specified for a Living Residential typology will be required. Serenity Way has an approximately 11.7m road reserve which is below the 16.5m preferred reserve width for an Access Residential typology. Road dedication to achieve the 16.5m reserve width has been proposed as shown on the Site Plan and is supported.

The mapped Secondary Active Transport route through 70 Amy Street is proposed to be diverted along the development's Amy Street and Serenity Way frontages. In accordance with Section 8 of Planning Scheme Policy - Integrated Design - Appendix A, this will require an upgrade to a 2.5m wide pathway instead of the standard widths for Living and Access Residential road typologies. The 2.5m wide pathway can be achieved by relaxing the front verge to 1.5m and the rear verge to 1.0m for both road frontages. It is noted that the rear verge of Serenity Way will be bounded by a 2.0m wide landscape buffer within the development. Also, there is an existing pedestrian pathway network to the west and east of the site i.e. on 70 Amy Street frontage and on Oasis Court, which links Oasis Court to Springwater Crescent. The new pedestrian pathway should be connected to this existing pathway network. As such, it is recommended that the development be conditioned to provide road upgrade works on Amy Street and Serenity Way.

Access is not proposed with the balance land area fronting Walkers Road. Walkers Road currently has a reserve width of 35m along the site frontage. This aligns with Council's road typology for Walkers Road, which is Sub-arterial with a preferred reserve width of 30m. Therefore, road resumption is not required on Walkers Road frontage.

Ben Street will be utilised by the development and other adjoining developments to access Caboolture River Road. Ben Street has been upgraded recently by the development west of Amy Street (102 Caboolture River Road). The roadworks includes kerb and channel on the western side, 2 travel lanes approximately 6m wide and table drain on the eastern side. The development cannot reasonably be required to provide additional upgrade works for Ben Street. Further, it is noted that the ultimate configuration and intersection upgrades for Caboolture River Road are not yet determined and are being considered more broadly by Council.

The development is supported with a Traffic Impact Assessment Report prepared by Lambert & Rehbein. The report provides traffic information and analysis that demonstrates that the development does not impact on the local road network. It is noted that the development does not trigger intersection upgrade on Caboolture River Road/Ben Street and Caboolture River Road/Amy Street.

Stormwater

A Stormwater Management Report prepared by Wester Partners was provided in support of the proposed development. The report has generally demonstrated that the proposed development achieves the stormwater quantity and quality objectives of the planning scheme, subject to some minor amendments as recommended by condition.

Therefore, the recommendations of this report include the submission of an amended stormwater management plan.

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Flood hazard

The Defined Flood Event (DFE) level for the site is 9.2m AHD and the Flood Planning Level (FPL) is 9.95m AHD. The proposed finished levels of the are indicated to be above 10.0m. A pedestrian path connection to community facility and adjoining Relocatable home park on 70 Amy Street is proposed as shown on the plan. Part of the elevated boardwalk may be constructed below the FPL. Conditions are recommended specifying the minimum required habitable floor level and requiring any non-habitable areas below the Flood Planning Level to be constructed of resilient materials.

The site is mapped within the Medium and High Risk flood hazard areas and Balance flood planning area of the Flood hazard overlay. The proposed units are clear of the Medium and High Risk flood hazard areas. The elevated boardwalk is proposed within the Medium flood hazard area. Earthworks are not proposed with the balance land area fronting Walkers Road.

Table 8.2.2.4 of the of the Flood hazard overlay code does not permit filling in the Medium flood hazard area except for the creation of stormwater infrastructure such as detention basins, bioretention and levees. It is expected that pier and pole construction will be utilised for the elevated boardwalk to allow unobstructed flow through the creek during a major flood event and inundation.

The Flood Hazard overlay code requires developments to be resilient to a flood hazard event by ensuring design and built form account for the potential risks of the flood hazard event. New buildings within the medium risk area require a structural engineering design capable of withstanding the nature of the hazard(s) to which the building will be subject, to be supported by a report (or multiple reports) prepared by a Registered Professional Engineer Queensland that identifies the flood hazard and the structural approach to be utilised. The report is 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 elevated boardwalk to be provided to the private building certifier.

2.6.1.2 Environmental Health

Noise

Given the location and nature of the proposal there are no anticipated adverse noise impacts to sensitive uses.

Waste Management

Waste management arrangements for this development are adequate and a waste management program is not required. This development will use wheelie bins for each dwelling serviced on the internal road. As a consequence, the recommendations of this report include a condition that the development be undertaken in accordance with SC 6.20 Planning scheme policy - Waste. Further, conditions are recommended ensuring on-site Heavy Rigid Vehicle manouevring can be accommodated on site.

2.6.1.3 Environmental Planning

The majority of the proposed development is located within the north of the site away from areas of ecological significance. The proposed community facility is located in the west of the site and revised state mapping indicates that the community facility is located in an area clear of environmental significance. The only part of the development that will be located within a High Value Environmental Area is the proposed pedestrian pathway connecting the residential area with the community facility. The proposed pedestrian pathway is designed to avoid native vegetation clearing and will be a raised boardwalk to avoid impacts to overland flow.

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However, the BMP has not included an in-depth assessment of the proposed community facility. Nor has the BMP included consideration of the proposed revegetation provisions to the east of the community facility area.

Therefore, to ensure the bushfire clearing requirements for the community facilities area does not impact on revegetation areas, it will be conditioned for the site plans to be amended to include a building envelope to be located within the community facility. The Building Envelope is to be separated from the closest edge to the adjacent mapped medium bushfire intensity area (taking into consideration proposed revegetation areas) by a distance (APZ width) that achieves a radiant heat flux level of 10 kW /m2 or less at all development footprint (as per the recommendation provided within the SPP Technical Reference Guide - Bushfire Resilient Communities, 2019). This requirement will need to be supported by an amended Bushfire Hazard assessment, prepared by a suitably qualified person.

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 10 February 2021.
- (b) The development application was advertised in the City North News (Online) on 8 February 2021.
- (c) A notice in the prescribed form was posted on the relevant land on 8 February 2021 and maintained for a period of 19 business days until 5 March 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		2
	Petition		
Not Properly Made	Letter, Email, Fax		
	Petition		
Total			2

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The matters raised within the submissions are outlined below:

Assessment of Submissions		
<u>Issue - Inadequate Public Notification onsite signage provided</u>		
<u>Discussion</u>		
<p>Both submissions raised the location of the signs on Amy Street and Serenity Way as a concern stating it was placed at such a location, that a limited number of residents would have seen it. One submission stated that the sign on Amy Street was obscured by parked cars and greenery also, that Council's website notes that a mailbox drop should have occurred to advise residents of the development (and that this has not occurred). The other submission also noted three weeks is not a sufficient time for notification.</p> <p>With regards to the above, the Development Assessment Rules requires that a public notice must be placed on, or within a reasonable distance of, the road frontage/s for the premises, ensuring that it is clearly visible from the road.</p> <p>The applicant has provided a location map and photographs indicating that the notices were placed in accordance with the requirements (See figure x). In addition, the Development Assessment Rules do not require a mail drop and the applicant has provided a Notice of Compliance with Public Notification.</p> <p>This is not a reason for refusal of the application.</p>		
<u>Issue - Parking</u>		
<u>Discussion</u>		
<p>Both submissions raised concerns regarding the impact of the development on on-street parking and this is a valid concern having regard to existing car parking demand and future development anticipated to occur in the immediate area.</p> <p>It is stated that parking is limited on Amy Street and that vehicles being parked close to the western side of the Serenity Way intersection, obscures sight lines to the west for drivers turning right into Amy Street. The submitters are concerned that the development will remove available on street parking whilst increasing parking demand. It is stated that this will result in vehicles having to park to the east of the Serenity Way intersection also, that it will increase parking in Serenity Way itself. It is stated that this will obstruct sight lines to both directions additionally, it will obstruct traffic flow in Serenity Way. Notably, Serenity Way currently has an insufficient pavement width to accord with Planning Scheme Policy relating to road typology.</p> <p>It is acknowledged that the development will both limit and increase the demand of on-street parking.</p> <p>With regards to increasing the demand, it should be noted that the proposal is considered low to medium density and the density is consistent with what is anticipated under the planning scheme. Additionally, the proposal includes on site car parking spaces at approximately 188% the required rate under the Planning Scheme (see Table below).</p>		
	PS Requirement	Proposal
Dwelling Density per Ha	15 - 75 dwellings (low to medium density)	26 dwellings (medium density)

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On-site Parking	32 parking spaces (1 per dwelling)	62 parking spaces
<p>With regards to limiting on-street parking spaces, a Reconfiguration of a Lot would be Code Assessable and lots as narrow as 7.5m wide, could have access to Amy Street and Serenity Way under the code.</p>		
<p>In contrast, the current proposal only includes up to eight (8) crossovers onto Amy Street and no access onto Serenity Way. Additionally, it will be a recommendation of this report to include conditions requiring the applicant to:</p> <ul style="list-style-type: none"> - provide four (4) demarcated on street parking spaces on Amy Street; and - upgrade the Serenity Road Frontage which will include widening the pavement to 8.0m. 		
<p>This is not a reason for refusal of the application.</p>		
<p><u>Issue - Traffic</u></p>		
<p><u>Discussion</u></p>		
<p>The submissions raised concerns that the additional traffic from the thirty-two (32) dwellings will increase the waiting time to enter Amy Street, Caboolture River Road and Morayfield Road. Specific concerns were raised with regards to turning right into Caboolture River Road and the time taken to clear the intersection at the Caboolture River Road and Morayfield Road.</p>		
<p>The application was supported with a Traffic Impact Assessment Report that provides traffic information and analysis for the development. The report confirms that the Caboolture River Road/Ben Street intersection will theoretically operate well below the practical capacity (degree of saturation <0.80) for an unsignalised intersection for both AM and PM peak periods in the opening year 2022- and 10-year post development, 2032. In addition, the development generated traffic will have a minor impact during both peak hours, resulting in minimal increases in degree of saturation, average delay and queue lengths on all approaches of the intersection. As such, mitigation measures e.g. signalisation of the intersection, are not identified and will not be required. Further, it is noted that Council Officers are looking more broadly at the long-term configuration of Caboolture River Road and associated intersections. Until the ultimate design undertaken, it would be unreasonable to condition signalisation of this intersection when it may end up being redundant works in the future. The traffic report has noted that Council's Local Government Infrastructure Plan (LGIP) currently includes a future infrastructure upgrade for Caboolture River Road. The report considers that the LGIP may rationalise movements at Caboolture River Road/Amy Street intersection. In particular, the future upgrade may result to Caboolture River Road/Amy Street T-intersection operating as a Left in/Left out intersection considering the limited intersection separation distance between Caboolture River Road/Amy Street and Caboolture River Road/Lorebury Street intersections. This scenario was used in the ultimate design traffic scenario for 2032. It is noted that the future road upgrade is the subject of an ongoing planning by Council and details are yet to be finalised. Any modification on existing intersection arrangements is yet to be confirmed.</p>		
<p>This is not sufficient reason for refusal of the application.</p>		
<p><u>Issue - Stormwater Run Off</u></p>		
<p><u>Discussion</u></p>		
<p>Concerns were raised that the development will increase stormwater run-off into Sheep Station Creek and that in the past, the creek has breached Oasis Court.</p>		

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The site is currently mapped as containing a large flood path from Sheep Station Creek, that trends in a general north-west - west-east direction throughout the immediate area and across nearby properties. The proposed development is supported with a Stormwater Management Report that provides stormwater calculations and analysis. Stormwater detention for the development is proposed to be provided through a combined underground treatment/detention tank to maintain the waterway stability objective of the State Planning Policy. The report demonstrates that the proposed development will not significantly increase the stormwater discharge to Sheep Station Creek nor increase the current flood extent.

This is not a reason for refusal of the application.

Issue - Wildlife

Discussion

Concerns were raised about the removal of trees along the Serenity Way boundary also, how the development will impact on wildlife including Koala's, Kangaroos and various native birds.

The southern part of the Lot contains significant vegetation and is intersected by environmental overlay whilst, the northern part of the Lot contains limited clusters of vegetation with no environmental overlay. Notably, the development proposes to remove trees on the northern part of the Lot, outside of any environmental overlay. It will be a recommendation of this report requiring that:

- the vegetation will not result in a net loss of habitat, and,
- vegetation should be cleared in accordance with Australian Standards, this requires that wildlife be protected whilst vegetation is cleared.

In addition to the above, the applicant is required to transfer the trunk infrastructure land which contains most of the southern part of the Lot, to Council. This land includes the significant vegetation with environmental overlays. This creates an opportunity for Council to consolidate this land with Walkers Road Reserve to the east subsequently, expanding the habitat for the wildlife under Council management. This should result in an acceptable outcome under the Planning Scheme.

It is acknowledged that the proposal will result in the removal of trees adjacent to Serenity Way. However, these trees are not listed as significant or protected under any environmental overlay. However, this is necessary to properly construct Serenity Way with extended pavement, kerb, channel and footpath. Further a condition is recommended requiring a 2.0m wide landscaped buffer to be planted in front of the proposed fence to the development.

This is not a reason for refusal of the application.

An additional concern was raised regarding how property value might be negatively impacted, due to the development. As this is not a planning matter, it was not included in the table above.

2.7.3 Notice of Compliance

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

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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 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) An infrastructure charges notice will be issued if the development is approved.

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

This report includes a condition recommending the transfer of 3.62 hectares of open space (trunk drainage corridor) to Council. This land contains significant vegetation and forms part of Sheep Station Creek tributary.

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: [61815642](#), [61902949](#) & [61904998](#)

The following list of supporting information is provided for:

ITEM 4.1

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#1 Aerial

#2 Zoning Map

#3 Locality Plan

#4 Management Plans

#5 Submissions

5 COMMUNITY & ENVIRONMENTAL SERVICES SESSION

(Cr M Gillam)

ITEM 5.1

INFLATABLE WATER PARK - PELICAN PARK, CLONTARF - MANAGEMENT AGREEMENT EXTENSION

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES
Reference: 61939801 : 28 April 2021 **Refer Confidential Supporting Information 61939125**
Responsible Officer: TD, Public Health and Permits Manager (CES Customer Response)

Executive Summary

QSplash Pty Ltd (AquaSplash) currently hold a Water Park Management Agreement (WPMA) from Council to operate an inflatable water park at Pelican Park, Clontarf, which is due to expire on 30 June 2021.

AquaSplash have sought an extension past the current WPMA expiry date in consideration of the premature closure of the water park in 2020 and subsequent reduction in participant numbers due to COVID-19 and associated Queensland Government Health Directives.

At the commencement of the agreement the operator outlaid significant expense on infrastructure to establish the inflatable water park. Due to the impacts of COVID-19 the costing model used to establish the infrastructure across the duration of the agreement has been impacted.

OFFICER'S RECOMMENDATION

1. That Council adopts the Tender Consideration Plan as tabled for the granting of a one-year extension of the Water Park Management Agreement with Q Splash Pty Ltd.
2. That the Chief Executive Officer be authorised to negotiate, make, amend, sign and discharge a contract in accordance with the Tender Consideration Plan as tabled, on Council's behalf.

ITEM 5.1 INFLATABLE WATER PARK - PELICAN PARK, CLONTARF - MANAGEMENT AGREEMENT EXTENSION - 61939801 (Cont.)

REPORT DETAIL

1. Background

On 3 October 2017 Council adopted its Redcliffe Foreshore Masterplan Activation Strategy which identified a site for a "Large" (on water) activity in the waters off Pelican Park, Clontarf.

On 2 November 2017, Council officers made application to the State for a Marine Park Permit for a *Pelican Park inflatable aqua park*. A decision notice and permit were issued for one-year, ceasing on 30 June 2019. Upon further application, Council was granted a renewal of the Marine Park Permit expiring 30 June 2025.

In September 2018, Council entered into a three-year WPMA, including a one-year trial period, with AquaSplash to manage and operate a water park at Pelican Park, Clontarf. The expiry date for this agreement is 30 June 2021.

The water park currently operates from 1 September to 30 April each year and is presently subject to COVID-19 Queensland Health directives.

A Council briefing was conducted on 10 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, providing the outcomes is provided below:

- Report to be brought to Council for consideration to extend the current agreement Council has in place with Aqua Splash for a further 12 months;
- Noted the current Marine Park permit for the site will need to be re-applied for after 2025.

2. Explanation of Item

COVID-19 has impacted the operation of the inflatable water park, including an early end to the 2019/20 season. The continuing impacts of COVID-19 raise concerns in regard to the viability of the water park to potential operators, including limitations on numbers of participants as health directives change as well as the general down-turn in the event, tourism and recreation sector.

Officers consider that three options are available to Council with regard to the operation of a water park at Pelican Park, Clontarf, namely:

1. On expiry of the current agreement on 30 June 2021 cease the operation of a water park at this location.
2. Instigate a new tender process for the provision of an inflatable water park in the Moreton Bay Region.
3. Council could prepare and adopt a Tender Consideration Plan (TCP) under which it can extend the current agreement with AquaSplash for a further 12 months - *refer Confidential Supporting Information #1*.

Cease the operation of the water park option

Officers are of the view that the continued operation of the water park is an important attraction and economic contributor to the region and a one-year extension will enable the activity to re-establish post COVID-19 and allow time for the general event, tourism and recreation sector to recover.

New Tender Process

With current restrictions and uncertainty surrounding the ongoing impacts of COVID19, officers are of the view that the operation of the water park may not be an attractive or viable opportunity for prospective tenderers.

ITEM 5.1 INFLATABLE WATER PARK - PELICAN PARK, CLONTARF - MANAGEMENT AGREEMENT EXTENSION - 61939801 (Cont.)

Tender Consideration Plan

A one-year extension to the current agreement will provide time for the recovery of this sector and promote a more competitive process should Council wish to continue with the operation of a water park via a competitive tender process post 30 June 2022.

3. Strategic Implications

3.1 Legislative / Legal Implications

The Tender Consideration Plan has been prepared in accordance with section 230 of the Local Government Regulation 2012 (Qld).

This section allows Council to depart from the ordinary request for tender process based upon market considerations or considerations relevant to the supply relationship. The exemption can only be invoked by Council resolution.

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

Officers expect that water park operators in Queensland will be adversely affected by the impact of COVID-19 into the foreseeable future. Whilst this presents a risk of those operators being unable to operate in the region, supporting AquaSplash's continued operation of the water park under the terms is expected to minimise that risk.

3.5 Delegated Authority Implications

Pursuant to recommendation 3, officers recommend that Council's Chief Executive Officer be delegated authority to execute a contract in accordance with the Tender Consideration Plan.

3.6 Financial Implications

Nil identified

3.7 Economic Benefit Implications

The inflatable water park has supported the local economy both directly and via flow on effects, i.e. supply chain and increased consumption.

3.8 Environmental Implications

Nil identified

3.9 Social Implications

Nil identified

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Legal Services
Economic Development

SUPPORTING INFORMATION

Ref: 61939125

The following list of supporting information is provided for:

ITEM 5.1

**INFLATABLE WATER PARK - PELICAN PARK, CLONTARF - MANAGEMENT AGREEMENT
EXTENSION**

Confidential #1 Tender Consideration Plan – Q Splash Pty Ltd

6 FINANCE & CORPORATE SERVICES SESSION

(Cr M Constance)

No items for consideration.

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

Consideration of notified general business items (including reports on significant regional achievements) or responses to questions taken on notice.

13a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL

No items for consideration.

13b. CONFIDENTIAL GENERAL BUSINESS

No items for consideration.



MINUTES

GENERAL MEETING

Wednesday 28 April 2021
commencing at 9.34am

Strathpine Chambers
220 Gympie Road, Strathpine

Membership = 13
Mayor and all Councillors

UNCONFIRMED

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STATEMENT - ATTENDEES AND LIVESTREAMING

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

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

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

1. ACKNOWLEDGEMENT OF COUNTRY

Cr Sandra Ruck provided the Acknowledgement of Country.

2. OPENING PRAYER / REFLECTION

Cr Sandra Ruck provided the opening prayer / reflection for the meeting.

3. ATTENDANCE & APOLOGIES

Attendance:

Cr Brooke Savige
Cr Mark Booth
Cr Adam Hain
Cr Jodie Shipway
Cr Sandra Ruck
Cr Karl Winchester
Cr Denise Sims (Deputy Mayor)
Cr Mick Gillam
Cr Cath Tonks
Cr Matt Constance
Cr Darren Grimwade
Cr Tony Latter

Chief Executive Officer
Director Community & Environmental Services
Director Finance & Corporate Services
Director Infrastructure Planning
Director Planning
Chief Economic Development Officer

Manager Governance and Executive Services
Manager Project Management
Manager Development Services
Coordinator Planning Assessment
Senior Legal Officer

Meeting Support

(Mr Greg Chemello)
(Mr Bill Halpin)
(Ms Donna Gregory)
(Mr Andrew Ryan)
(Mr David Corkill)
(Mr Paul Martins)

(Darren Dallinger)
(Lee Purchase)
(Dan Staley)
(Amy White)
(Elton Morais)

(Kim Reid)

Apologies:

Cr Peter Flannery (Mayor) (Chairperson)

4. MEMORIALS OR CONDOLENCES

Cr Denise Sims (Deputy Mayor) made mention of the late **Reverend Allan Charles Male** who recently passed away, aged 85 years. Reverend Male started his first ministry in Victoria, moving to the Moreton Bay Region in 1972 and was involved in many roles during his lifetime; twice honoured with a member of the Order of Australia (OAM) and was a Knight of the Order of St John of Jerusalem.

Cr Sims conveyed Council's sincere condolences to Allan's wife, children, grandchildren and great-grandchildren.

5. CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

General Meeting - 31 March 2021 (Pages 21/202 to 21/384)

RESOLUTION

Moved by Cr Karl Winchester

Seconded by Cr Sandra Ruck

CARRIED 12/0

That the minutes of the General Meeting held 31 March 2021, be confirmed.

6. PRESENTATION OF PETITIONS

(Addressed to the Council and tabled by Councillors)

6.1. Petition: Cheryl Williams - Reduction of speed, noise abatement and painting of pedestrian crossings along Prince Edward Parade, Redcliffe (61857119)

Cr Winchester tabled a petition containing 70 signatures, received from Cheryl Williams reading as follows:

"We, the undersigned residents of Moreton Bay Regional Council, request that Council:

Petition to Council requesting reduction of speed, noise abatement and painting of pedestrian crossings along Prince Edward Parade, Redcliffe."

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

6.2. Petition: Jason and Mandy Ferriday - Keep Deadwood Pizza at Wamuran Produce and Hardware site (61942529)

Cr Latter tabled a petition containing 198 signatures, received from Jason and Mandy Ferriday reading as follows:

“Keep Deadwood Pizza at Wamuran Produce and Hardware site.”

Council received the petition, referring it to the Director Community and Environmental Services for investigation and report to Council, if required.

6.3. Petition: Glenys Anderson - Coffee and Food Vending Machines in Solander Esplanade, Banksia Beach be removed to another location (61927725)

Cr Savage tabled a petition containing 20 signatures, received from Glenys Anderson reading as follows:

“We the undersigned request that the parking area site 10A being used for coffee and food vending machines in Solander Esplanade Banksia Beach be removed to another location immediately for the following reasons:

- *Noise*
- *Proximity to houses*
- *Duration*
- *Fumes and health*
- *Car parks*
- *Compliance*
- *Safety*
- *Why here”*

Council received the petition, referring it to the Director Community and Environmental Services for investigation and report to Council, if required.

7. CORRESPONDENCE

There was no correspondence tabled at the meeting.

8. COMMUNITY COMMENT

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

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

(s262 of the Local Government Regulation 2012)

There were no Notices of Motion.

10. CONFLICTS OF INTEREST NOTIFIED TO THE CEO

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

10.1. Declarable Conflict of Interest - Cr Darren Grimwade

Pursuant to s150EQ of the *Local Government Act 2009*, Cr Darren Grimwade informed the meeting of a declarable conflict of interest in 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

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

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.

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

(as referred by the Chief Executive Officer)

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

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

Session	Portfolio Councillor	Deputy Portfolio Councillor
1 Governance & Engagement	Cr P Flannery (Mayor)	Cr D Sims (Deputy Mayor)
2 Infrastructure Planning	Cr A Hain	C T Latter
3 Engineering, Construction & Maintenance	Cr B Savige	Cr C Tonks
4 Planning	Cr D Grimwade	Cr K Winchester / Cr M Booth
5 Community & Environmental Services	Cr M Gillam	Cr S Ruck
6 Finance & Corporate Services	Cr M Constance	Cr J Shipway

ATTENDANCE

Mr Darren Dallinger attended the meeting at 9.53am for discussion on Item 1.1.

1 GOVERNANCE & ENGAGEMENT SESSION

(Cr P Flannery, Mayor)

**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)

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.

RESOLUTION

Moved by Cr Jodie Shipway

Seconded by Cr Matt Constance

CARRIED 12/0

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.

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

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.

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.

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

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.

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.

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

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.

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.

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

- 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.
- 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.

ATTENDANCE

Mr Darren Dallinger retired from the meeting at 10.00am after Item 1.1.

**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)

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.

RESOLUTION

Moved by Cr Karl Winchester
Seconded by Cr Jodie Shipway

CARRIED 12/0

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).

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

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).

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.

- 1. That pursuant to section 257 of the *Local Government Act 2009*, 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:
 - a) the expenditure is in accordance with the *Local Government Act 2009*;
 - 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
 - c) the expenditure is not materially greater than the budget allocation.**
- 2. That pursuant to section 257 of the *Local Government Act 2009*, 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:
 - a) the contract has been formed in accordance with the *Local Government Act 2009* and Council's Procurement Policy;
 - 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;
 - c) any contract greater than the budget allocation is to be reported to Council; and
 - d) details of contracts in excess of \$500,000 to be reported to Council on a quarterly basis.**
- 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.**

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

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.

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.

2 INFRASTRUCTURE PLANNING SESSION

(Cr A Hain)

No items for consideration.

UNCONFIRMED

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)

Executive Summary

Tenders were called for the 'Mango Hill - Capestone Boulevard / St Benedict's Close - Pedestrian Signals (MBRC010654)' project. The tender closed on the 9th 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.

RESOLUTION

Moved by Cr Jodie Shipway
Seconded by Cr Tony Latter

CARRIED 12/0

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.)

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.

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.

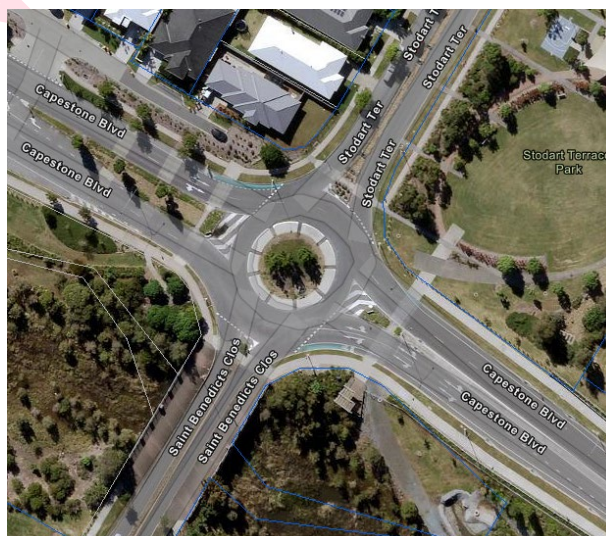


Figure 1 - Project Locality

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 9th 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 24th 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
QLLeave (0.575%)	\$	<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.

**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)

Executive Summary

Tenders were called for the 'Deception Bay - Deception Bay Community Hall - Building Upgrade (MBRC010621)' project. The tender closed on the 24th 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.

RESOLUTION

Moved by Cr Sandra Ruck

Seconded by Cr Jodie Shipway

CARRIED 12/0

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.)*

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.

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

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

2. Explanation of Item

Tenders for the 'Deception Bay - Deception Bay Community Hall - Building Upgrade (MBRC010621)' project closed on the 24th 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

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 12th 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.

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

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.
- 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>

Total Project Cost **\$ 4,238,855.88**

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

The budget amount for this project is sufficient.

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

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.

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.

ATTENDANCE

Mr Lee Purchase attended the meeting at 10.10am for discussion on Item 3.3.

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)

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.

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Cath Tonks

CARRIED 12/0

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.)

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.

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

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

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.

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-confirming. 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.

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

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.

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.

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

- 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.

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
Total Project Cost	\$4,545,826.47

Federal Queensland Black Spot Program	\$2,490,000.00
Net Cost to Council	\$2,055,826.47

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 20-21FY 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.

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

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.

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.

ATTENDANCE

Mr Lee Purchase left the meeting at 10.15am after Item 3.3.

**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)

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.

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Mark Booth

CARRIED 12/0

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.)

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.

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 Millovote 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

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

- 3.11 Consultation / Communication
Major Projects
Chief Executive Officer
Deputy Chief Executive Officer
Councillor for Division 8
Legal Services

UNCONFIRMED

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)

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.

RESOLUTION

Moved by Cr Mark Booth

Seconded by Cr Tony Latter

CARRIED 12/0

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.)

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.

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.

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



Figure 1 - Site Location

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

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

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).

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.

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

3.4 Risk Management Implications

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

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
<u>Total Project Cost</u>	<u>\$ 5,892,811.55</u>

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

Federal Queensland Black Spot Program	\$ 703,000.00
<u>Net Cost to Council</u>	<u>\$ 5,189,811.55</u>
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.

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.

ATTENDANCE

Mr Dan Staley and Ms Amy White attended the meeting at 10.17am for discussion on Items 4.1 and 4.2.

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

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

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

STATUTORY DETAILS	
Planning Legislation:	Planning Act 2016
Planning Scheme:	MBRC Planning Scheme V4
Planning Locality / Zone	General Residential Zone - Suburban Neighbourhood Precinct
Level of Assessment:	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 831.5m² gross floor area (GFA), and a site coverage of approximately 984m² (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.

RESOLUTION

Moved by Cr Mark Booth

Seconded by Cr Cath Tonks

CARRIED 12/0

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

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

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:

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
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	Rytenschild Traffic Engineering	12/02/2021
Engineering Report & Stormwater Management Plan	20276-ENG-B Rev B	VT Consulting Engineers	03/02/2021

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
1	Approved Plans and/or Documents	
	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.
2	Operating Capacity	
	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.
3	Street Numbering and Building Names	
	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.
4	On-Site Car Spaces	
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.

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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.
5	Bicycle Parking Facilities	
	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.
6	Electrical Transformer	
	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.
7	External Lighting	
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.
8	Pedestrian Lighting	
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.
9	Acoustic Attenuation Measures	
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.
10	Waste Management Plan	
A	Implement the approved waste management program; Note: This development will use 1.1 m ³ bins serviced at the kerbside of Laver Street.	Prior to commencement of use.

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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.
11	Fencing	
	<ol style="list-style-type: none"> 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. 2. Provide all other fencing and screening is in accordance with the approved plans and Acoustic Assessment Report. 	Prior to commencement of the use, and to be maintained at all times.
12	Landscaping Plan	
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.
13	Vehicle Encroachment	
	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.
14	Screening of Loading Facilities / Plant Areas	
	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.
15	Street Trees	
	Provide street trees within the development in accordance with Planning scheme policy - Integrated design Appendix D - Landscaping.	Prior to commencement of use.
16	Electricity	
	Provide underground electricity to the development.	Prior to commencement of use.
17	Water and/or Sewerage	
	<p>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:</p> <ol style="list-style-type: none"> 1. a reticulated water supply network connection is available to the land; 2. a sewerage network connection is available to the land; and 3. all the requirements of Unitywater have been satisfied. 	Prior to commencement of use.

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18	Fibre Ready Telecommunications – Single	
A	<p>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:</p> <ol style="list-style-type: none"> 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 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. 	Prior to commencement of use.
B	<p>Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done.</p> <p>Note: A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.</p>	Prior to commencement of use.
19	Telecommunications Internal Wiring	
A	<p>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 for telephone and television connections; including but not limited to sleep rooms, staff rooms, reception, offices and the like.</p>	Prior to commencement of use.
B	<p>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.</p> <p>Note: A template for certification is available from council for the purpose of this condition.</p>	Prior to commencement of use.
20	Amalgamation of Lots	
	Amalgamate Lot 1 RP 192457 and Lot 2 RP 192457 into one (1) lot.	Prior to commencement of use.
DEVELOPMENT ENGINEERING		
21	Replace Existing Council Infrastructure	
	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.
22	Alterations and Relocation of Existing Services	
	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.

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23	Stormwater	
	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.
24	Stormwater Management	
A	<p>Implement and maintain the works identified in the approved Engineering Report & Stormwater Management Plan.</p> <ul style="list-style-type: none"> • All Stormwater quality improvement devices must be appropriately maintained as per manufactures standards for the lifetime of the development. • 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. 	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.
25	Construction Management Plan	
A	<p>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> <ol style="list-style-type: none"> 1. Material delivery and storage locations 2. Waste locations and collection details 3. Construction office accommodation 4. Contractor / tradesman vehicle parking arrangements 5. Works that may make audible noise outside of 6:30am to 6:30pm any business day or Saturday. <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"> 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). 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. 3. Materials unloading and loading must occur on-site unless prior written approval is given by Council. 4. All construction office accommodation and associated temporary buildings is to be contained within the site or on a nearby site. 	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.
26	Development Access	

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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.
27	Existing Driveway Crossovers	
	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.
28	Access, Internal Roadways, Parking and Servicing Areas	
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 Devices (MUTCD), Australian Standards and the MBRC Planning Scheme current at the time of the building works application.	Prior to commencement of use and to be maintained at all times.
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.
29	Service Vehicle Access	
	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

1	Aboriginal Cultural Heritage Act 2003
	<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>

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	Council strongly advises that before undertaking the land use activity, you refer to the cultural heritage duty of care - Department of Aboriginal and Torres Strait Islander Partnerships (Queensland Government) for further information regarding the responsibilities of the developer.
2	Adopted Charges
	<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>
3	Food Premises - Food Business Licence Advice
	<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"> 1. An application for food business licence. 2. Plans and elevations (refer to note below). 3. Supporting documentation. 4. Relevant fee. <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>
4	Signage
	<p>Ensure all signage on the site is established on the site either:</p> <ol style="list-style-type: none"> 1. In accordance with the Requirements for accepted development of the Advertising Devices Code; <p>OR</p> <ol style="list-style-type: none"> 2. In accordance with any Operational Works - Development Permit for an Advertising Device.

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
Application Type	Material Change of Use Development Permit for Child Care Centre
Relevant Period of Approval	Material Change of Use – 6 years

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	Details to Insert
Section 64(5) Deemed Approval	Not applicable
Superseded Planning Scheme	Not applicable
Variation approval affecting the Planning Scheme	Not applicable
Other Necessary Permits	<ul style="list-style-type: none"> Building Works – Development Permit
Codes for Accepted Development	Not applicable
Referral Agencies	There are no Referral Agencies
Submissions	There was one (1) properly made submission about this application.

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 984m² (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.

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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.

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

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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Assessment benchmarks - water quality		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmarks - natural hazards, risk and resilience		
Applicable to Development	SPP Requirement	Comment
Yes	<p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(1) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>All natural hazard areas:</p> <p>(2) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(3) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.</p> <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>	<p>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.</p>
Assessment benchmarks - strategic airports and aviation facilities		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable

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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.

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
Zone/ Local Plan Code		
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
General Residential Zone Code - Suburban Neighbourhood Precinct	
PO67 Community activities: a) are located to: 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	No example provided.

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Performance Outcome	Example
<ul style="list-style-type: none"> ii. if establishing a new neighbourhood hub (as described in the PO below) be on a main street; b) are located on allotments that have appropriate area and dimensions for the siting of: <ul style="list-style-type: none"> i. buildings and structures; ii. vehicle servicing, deliveries, parking, manoeuvring and circulation; iii. landscaping and open space including buffering; c) are of a small scale, having regard to the surrounding character; d) are serviced by public transport; e) do not negatively impact adjoining residents or the streetscape. 	
<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> <p>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.</p> <p>With regards to Performance Outcome PO67 section a), a Neighbourhood hub is defined in the Planning Scheme as:</p> <p><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></p> <p>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.</p> <p>As a consequence, the proposal will not comply with Performance Outcome PO67 and will require an assessment of the Overall Outcomes.</p>	

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;

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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"> i. Detached dwelling houses, predominantly on traditional lots; 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 node, community facilities) or park; iii. Domestic outbuildings are subordinate in appearance and function to the dwelling; iv. Retirement facilities, Residential care facilities, and Relocatable home parks are located within easy walking distance of a centre; 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. vi. The built form of concentrated residential uses and managed communities (e.g. multiple 	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
<p>dwellings, retirement facilities, residential care facilities, relocatable home parks are designed to integrate with the surrounding neighbourhood.</p>		
<p>c) The design, siting and construction of residential uses are to:</p> <ul style="list-style-type: none"> i. contribute to an attractive streetscape with priority given to pedestrians; ii. encourage passive surveillance of public spaces; iii. result in privacy and residential amenity consistent with the low density residential character of the area; iv. provide a diverse and attractive built form; v. provide a low rise built form compatible with its surrounds; vi. incorporate sub-tropical urban design principles that respond to local climatic conditions; vii. incorporate sustainable practices including maximising energy efficiency and water conservation; viii. incorporate natural features and respond to site topography; ix. cater for appropriate car parking and manoeuvring areas on site; x. be of a scale and density consistent with the low density residential character of the area; xi. provide urban services such as reticulated water, sewerage, sealed roads, parks and other identified infrastructure. 	NA	The proposal is not for a residential use.
<p>d) Home based business can only be established where the scale and intensity of the</p>	NA	The proposal is not for a Home based business.

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
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		
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: i. establish in a location that may be serviced by public transport; ii. do not negatively impact adjoining residents or the streetscape; iii. do not undermine the viability of existing or future centres.	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 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.
g) Corner stores may establish as standalone uses (not part of a neighbourhood hub) where: i. the store is of a scale that remains subordinate to all centres and neighbourhood hubs within the region; 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,	NA	The use is not included in a corner store.

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>neighbourhood hub or centre;</p> <p>iii. they are appropriately designed and located to include active frontages.</p>		
<p>h) Retail and commercial activities (excluding Service stations):</p> <p>i. 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 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>	NA	The use is not for a Retail and commercial activity.
<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</p>	NA	The use is not a Service station.

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
<ul style="list-style-type: none"> iii. subject to impacts by road vehicle noise; 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); iv. do not negatively impact adjoining residents or the streetscape; v. ancillary uses or activities only service the convenience needs of users. 		
<p>j) The design, siting and construction of non-residential uses:</p> <ul style="list-style-type: none"> 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 (e.g. large blank external walls with tenancies only accessible from within the building) surrounded by expansive areas of surface car parking. 	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 routes and car parking will be sufficiently screened from adjoining areas.
<p>k) Neighbourhood hub expansion (into adjoining lots) or the establishment of a new</p>	NA	The proposal does not include a Neighbourhood hub expansion and it will not create a new Neighbourhood hub.

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>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 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>	Yes	Appropriately conditioned the proposed development will provide a high standard of

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>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 style="margin-left: 40px;">A. ensure the discharge of stormwater does not adversely affect the quality, environmental values or ecosystem functions of downstream receiving waters;</p> <p style="margin-left: 40px;">B. prevent stormwater contamination and the release of pollutants;</p> <p style="margin-left: 40px;">C. maintain or improve the structure and condition of drainage lines and riparian areas;</p> <p style="margin-left: 40px;">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</p>		<p>service to meet and support the current and future needs of the users of the site.</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
minimal impacts on adjoining or adjacent premises, the streetscape or the environment.		
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 of water quality to protect the drinking water and aquatic ecosystem environmental values in those catchments.	NA	The proposal is not located within the water supply buffer, therefore the overall outcome is not applicable.
q) Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by: <ul style="list-style-type: none"> 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; ii. ensuring no further instability, erosion or degradation of the land, water or soil resource; iii. when located within a Water buffer area, complying with the Water 	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>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 style="padding-left: 40px;">A. the provision of replacement, restoration, rehabilitation planting and landscaping;</p> <p style="padding-left: 40px;">B. the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;</p> <p style="padding-left: 40px;">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</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>vii. heritage and cultural significance; 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> <p>xi. where located in an overland flow path: A. development siting, built form, lay out 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</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>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>		
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.
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.

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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;

- (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.

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

A Traffic Impact Assessment, dated 12 February 2021 prepared by Rytenskild, 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).

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.

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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.

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		
Total			3

The matters raised within the submissions are outlined below:

Assessment of Submissions
<u>Issue – Traffic and Pedestrian Safety</u>
<u>Discussion</u>
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

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

Assessment of Submissions
Issue – Traffic and Pedestrian Safety
<p>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"> - The effect of delays would be experienced internally on the development site; - The proposed location of the cross over on Laver Street is reasonable and will ensure sufficient onsite parking whilst, having negligible impacts externally; - The unsignalised current peak morning and afternoon queue time is approximately 6.0m with a delay of approximately three (3) seconds; <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>
Issue – Amenity
Discussion
<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"> - Visual bulk of the building and that it might impact traffic sight lines; - Privacy and sunlight access to adjoining Dwellings; and - Noise from vehicles parking and construction vehicles. <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"> - Build to boundary on the Graham Road frontage; - The building present as a high-quality architectural design with articulation on the Graham Road and Laver Street frontage; - Approximately 4.0m to the public footpath to the northern boundary; - Approximately 7.53m to the eastern side boundary adjoining a residential single storey house; - Site coverage of 49%; and

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

Assessment of Submissions
Issue – Traffic and Pedestrian Safety
<p>- Screening and acoustic walls around the outdoor play areas on level one. 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 18th of February 2021. However, upon removing the notices on the 14th 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 11th of March 2021 or, during the course of the day on 12 March 2021, being the last day of the public notification.

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.

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

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

ATTENDANCE

Mr Darren Dallingier returned to the meeting at 10.58am during discussion on Item 4.2.

ITEM 4.2

DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 13 SOUTH ESPLANADE BONGAREE

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

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

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

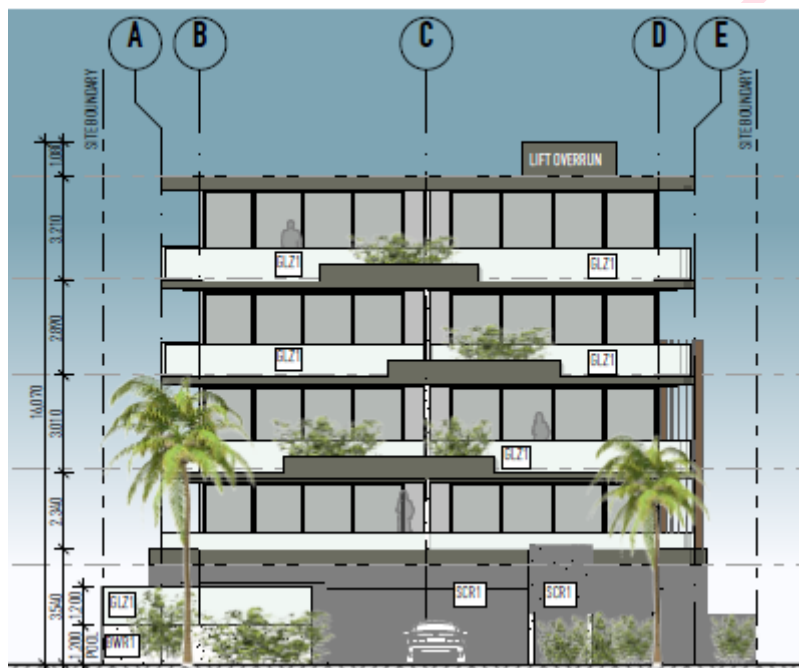
STATUTORY DETAILS	
Planning Legislation:	Planning Act 2016
Planning Scheme:	MBRC Planning Scheme
Planning Locality / Zone	General residential zone - Next generation neighbourhood precinct
Level of Assessment:	Impact and Consistent

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.

ITEM 4.2 DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 13 SOUTH ESPLANADE BONGAREE - 61551737 (Cont.)

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.

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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.

MOTION

Moved by Cr Mick Gillam
Seconded by Cr Jodie Shipway

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

RESOLUTION

Moved by Cr Brooke Savige
Seconded by Cr Jodie Shipway

CARRIED 12/0

The Council defer discussion on the matter to a later stage of the meeting to enable legal advice to be obtained.

ADJOURNMENT

The meeting adjourned at 11.04am for morning tea.

The meeting resumed at 11.35am.

ATTENDANCE

Mr Elton Morais (Senior Legal Officer) was present when the meeting resumed, for discussion on Item 4.2

Council resumed discussion on Item 4.2, as deferred previously in the meeting.

ITEM 4.2 - RESUMED

DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 13 SOUTH ESPLANADE BONGAREE

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)

The Chief Executive Officer informed Council that he supported the Officers' recommendations in the matter as they were, in his view, based on appropriate application of the performance based planning framework.

The Chief Executive Officer noted that a number of Councillors had raised various issues and concerns during debate, which he summarized as two categories:

- a significant variation from the provisions of the Planning Scheme in relation to site coverage; and
- a range of other matters including building height, set back and wall length that, in the Chief Executive Officer's view would individually be regarded as being "generally in accordance" with the Planning Scheme, but collectively could be regarded as an over-development of the site.

The Chief Executive Officer (supported by legal advice) presented the options available to Council to further consider the matter, being to:

- Adopt the officers' recommendations as detailed in the report;
- Adopt the officers' recommendations and amend relevant condition/s to make the application more substantially compliant with the Planning Scheme;
- Defer the decision to enable further negotiations with the applicant (noting there is a risk that the applicant may elect to proceed to court and file an appeal against the Council for a "deemed refusal"); or
- Refuse the officers' recommendations and provide the statutory reasons for that refusal (noting the risk that the applicant may then file an appeal against the Council in the Planning & Environment Court).

Variation to Original Motion

As the mover of the original motion, Cr Mick Gillam sought to vary his original motion by including an additional condition under condition 2 A Amended Plan Required, as follows:

That the Officer's Recommendation be adopted as detailed in the report, with amendment to condition 2 A Amended Plan Required by including an additional clause - being clause x. as follows:

2.	<i>Amended Plan Required</i>	
A	x. <i>The submitted plan for the top floor be amended and a proposal submitted for a single unit in its stead to reflect the site coverage and density consistent with the Next Generation Zoning.</i>	<i>Prior to any approval of Building Works</i>

ITEM 4.2 - RESUMED DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 13 SOUTH ESPLANADE BONGAREE - 61551737 (Cont.)

The Chief Executive Officer clarified that no broader debate on the agenda item could occur until the seconder of the original motion (Cr Jodie Shipway) had agreed to the variation.

After obtaining clarification that the suggested additional clause under condition 2 A was lawful under the Planning Scheme, Cr Jodie Shipway agreed to the variation to the original motion as outlined by Cr Gillam noting a change of terminology from 'single unit' to 'single dwelling', and debate on the matter resumed.

Following debate, the **AMENDED MOTION** was put to the vote (as follows):

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Jodie Shipway

CARRIED 12/0

That the Officer's Recommendation be adopted as detailed in the report, with amendment to condition 2 A Amended Plan Required by including an additional clause - being clause x.:

2.	Amended Plan Required	Timing
A	x. The submitted plan for the top floor be amended and a proposal submitted for a single dwelling in its stead to reflect the site coverage and density consistent with the Next Generation Zoning.	Prior to any approval of Building Works

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:

Amended Plans Required			
Plan / Document Name	Reference Number	Prepared By	Dated
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

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
1.	Approved Plans and/or Documents	
	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.
2.	Amended Plan Required	
A	Submit amended proposal plans incorporating the following: <ul style="list-style-type: none"> 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); 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; iii. Include landscaping opportunities within the front setback at the location of the proposed swimming pool (which is to be relocated to the rear); iv. Annotate details of any proposed front fencing, ensuring it does not exceed 1.2m in height; 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 	Prior to any approval of Building Works.

ITEM 4.2 - RESUMED DA/42055/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (8 DWELLINGS) - 13 SOUTH ESPLANADE BONGAREE - 61551737 (Cont.)

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
	the living/dining room and protruding ceiling hoods which may remain setback at 1.8m; vi. Orientate the rear balcony associated with the Multipurpose room for Units 1, 3, 5 and 7 to the rear (east) of the site rather than directly facing north; 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; viii. Setback the proposed fire hydrant and meterbox atleast 1.5m from the front boundary of the site; and 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.	
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.
3.	Community Management Statement	
	Ensure that any Community Management Statement for the development reflects the following: 4. Car parking provisions; 5. Landscaping requirements; 6. Communal Open Space and Recreation areas (including pool area); 7. Bin storage requirements and collection locations; 8. Stormwater Management requirements; and 9. Flood Emergency Management Plan.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
4.	On-Site Car Spaces	
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.	
5.	Bicycle Parking Facilities	
	Install secure bicycle parking facilities for a minimum of eight (8) bicycles for residents. 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.

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CONDITION	TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT	
6. Electrical Transformer	
<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"> i. A combination of screening device and landscaping; ii. The screening device is constructed of durable, weather resistant materials; and iii. Is integrated with the design of the development and positively contributes to the streetscape. <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>
7. Clothes Drying Facilities	
<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>
8. Privacy Screening	
<p>A Provide privacy screening or alternate treatments where:</p> <ul style="list-style-type: none"> 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 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. 	<p>A&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>
<p>B Treatments may consist of one or more of the following:</p> <ul style="list-style-type: none"> i. Sill heights at a minimum of 1.5 metres above floor level; or 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 iii. Sliding external screens (e.g. louvered panels), of durable weather resistant materials and with a maximum of 50% transparency. 	
9. Street Numbering and Building Names	
<p>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.</p>	<p>Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and</p>

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
		to be maintained at all times.
10.	Internal Fire System	
	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: <ol style="list-style-type: none"> 5. An unobstructed width of no less than 3.5m; 6. An unobstructed height of no less than 4.8m; 7. Constructed to be readily traversed by a 17 tonne HRV fire brigade pumping appliance; 8. An area for a fire brigade pumping appliance to stand within 20m of each fire hydrant and 8m of each hydrant booster point. 	
C	On-site fire hydrant facilities are maintained in effective operating order in a manner prescribed in Australian Standard AS1851 (2013) - Routine service of fire protection systems and equipment.	At all times.
D	For development that contains on-site fire hydrants external to buildings: <ol style="list-style-type: none"> i. Those external hydrants can be seen from the vehicular entry point to the site; or ii. A sign identifying the following is provided at the vehicular entry to the site: <ul style="list-style-type: none"> o The overall layout of the development (to scale); o Internal road names (where used); o All communal facilities (where provided); o The reception area and on-site manager's office (where provided); o External hydrants and hydrant booster points; o Physical constrains within the internal roadway system which would restrict access by fire fighting appliances to external hydrants and hydrant booster points; and o Maintained in effective operating order in a manner prescribed in Australian Standard AS1851 (2013) - Routine service of fire protection systems and equipment. 	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.
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	

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
	prescribed in the technical note Fire hydrant indication system produced by the Queensland Department of Transport and Main Roads.	
11.	External Lighting	
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 or endorsement of any Community Management Statement whichever comes first 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 or endorsement of any Community Management Statement whichever comes first.
12.	Pedestrian Lighting	
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 or endorsement of any Community Management Statement whichever comes first 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 or endorsement of any Community Management Statement whichever comes first.
13.	Waste Management Plan	
A	Implement the approved waste management arrangements identified on the approved plan. Note: This development will use 2 x 1.1 m ³ bins serviced at the kerbside of South Esplanade.	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.
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.
14.	Acoustic Attenuation Barrier	
A	Construct an acoustic barrier that:	Prior to the commencement of the

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
	<ul style="list-style-type: none"> i. is located the full length of the northern and southern fence lines; 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; iii. achieves a surface area density not less than 10 kg/m²; and iv. has no air gaps (including at the base and between panels). 	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.
15.	Noise Management Program	
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"> i. Hours of a day the pool is available to patrons; ii. Use of machinery and pool cleaning equipment; iii. A process for ensuring residents are aware of the noise management plan. 	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.
16.	Landscaping	
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.
17.	Vehicle Encroachment	
	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

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CONDITION	TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT	
	Management Statement whichever comes first.
18. Screening of Loading Facilities / Plant Areas	
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.
19. Water and/or Sewerage	
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"> i. A reticulated water supply network connection is available to the land; and ii. A sewerage network connection is available to the land; and iii. All the requirements of Unitywater have been satisfied. 	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
20. Fibre Ready Telecommunications – Multi	
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"> i. Includes a suitable building entrance facility (lead-in) from the property boundary to the building entrance; and 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 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. 	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.	
21. Telecommunications Internal Wiring	
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	Prior to commencement of use or Council's endorsement of any Community Management

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
	(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.	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.	
22.	Electricity	
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"> i. required works prescribed in (A) above has been completed; ii. required works prescribed in (B) above has been completed; iii. any electricity supply connection to the building is wholly contained in the lot it serves; and iv. any electricity connections and infrastructure made redundant by the development is removed with the land reinstated. 	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
23.	Storage	
	Ensure a storage area is provided to each unit in accordance with the approved plans at a minimum capacity of 8m ³ .	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
DEVELOPMENT ENGINEERING		
24.	Replace Existing Council Infrastructure	
	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

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
		management statement, whichever occurs first.
25.	Alterations and Relocation of Existing Services	
	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.
26.	Stormwater	
	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.
27.	Stormwater Management	
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 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.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
28.	Construction Management Plan	

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
A	<p>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"> 9. Material delivery and storage locations 10. Waste locations and collection details 11. Construction office accommodation 12. Contractor / tradesman vehicle parking arrangements 13. Works that may make audible noise outside of 6:30am to 6:30pm any business day or Saturday. <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"> iii. Dewatering directly into Council's stormwater system (pipes or overland flow) without appropriate water quality treatment/improvement is not acceptable 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 v. Materials unloading and loading must occur on-site. <p>All construction office accommodation and associated temporary buildings is to be contained within the site.</p>	<p>Not less than two (2) weeks prior to commencement of works. To be maintained current at all times.</p>
B	<p>Implement the approved Construction Management Plan (CMP) and keep a copy of the approved CMP on site at all times during construction.</p>	<p>At all times during construction of the development.</p>
29.	Erosion and Sediment Control	
	<p>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.</p>	<p>Prior to commencement of works and to be maintained current at all times during construction.</p>
30.	Acid Sulfate Soils	
A	<p>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.</p>	<p>Prior to the commencement of works.</p>
B	<p>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>	<p>While site works are occurring.</p>

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
C	Provide certification from a suitably qualified person that all works have been undertaken in accordance with the Acid Sulfate Soil Management Plan.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
	Note: 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.	
31.	Driveway Crossover	
	Construct a driveway crossover in accordance with the approved plans and documents of development and MBRC Standard Drawing RS-051.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
	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 or endorsement of any community management statement, whichever occurs first.
32.	Existing Driveway Crossover	
	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.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
33.	Access, Internal Roadways, Parking and Servicing Areas	
	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.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first, and to be maintained at all times.
	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 or endorsement of any community management statement, whichever occurs first.
34.	Minimum Flood Planning Level	
	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

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
		management statement, whichever occurs first.
35.	Structural Engineering Design Report	
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.
36.	Building Below the Flood Planning Level	
	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 www.hpw.qld.gov.au . 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	
1.	Aboriginal Cultural Heritage Act 2003
	<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>

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	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> .
2.	Adopted Charges
	<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

	Details to Insert
Application Type	Material Change of Use - Development Permit for Multiple Dwellings (8 dwellings)
Relevant Period of Approval	Material Change of Use – 6 years
Section 64(5) Deemed Approval	Not applicable
Superseded Planning Scheme	Not applicable
Variation approval affecting the Planning Scheme	Not applicable
Other Necessary Permits	Operational Works – Stormwater (external)
Codes for Accepted Development	Not applicable
Referral Agencies	There are no Referral Agencies
Submissions	There were 34 properly made submissions about this application, and 5 not properly made submissions. A total of 39 submissions were received.

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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.

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

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2.2.1 State Planning Policy

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

Assessment benchmark - livable communities		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmark - mining and extractive resources		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmarks - water quality		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmarks - natural hazards, risk and resilience		
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>
Assessment benchmarks - strategic airports and aviation facilities		
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
3.3.3 Natural Hazards and Adaptation		
<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"> 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; 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 3. Recognise and respond to changes in urban climates due to land use conversion and urban heat island effect from 	<p>Yes</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.		
3.4.3 - Coastal Management		
<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"> 1. The Region's coastal areas will be managed to ensure ecological health, maintenance of natural physical processes and continued enjoyment by the community; 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; 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; 4. Land with potential to cater for the landward retreat of coastal habitats and species at risk from predicted inundation will be protected through appropriate land use allocation; and 	<p>Yes</p>	<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 as 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.		
3.14.8.4 Theme - Settlement pattern and urban form		
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;	Yes	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. 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.

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
Zone/ Local Plan Code		
General residential zone code - Next generation neighbourhood precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO1, PO2, PO4, PO7
Overlay Codes		
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.
Development Codes		
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
General residential zone code - Next generation neighbourhood precinct	
<p>PO1</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 1,012m² 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>PO2</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>E2</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"> b. responds to the topographic features of the site, including slope and orientation; c. is not visually dominant or overbearing with respect to the streetscape, street conditions (e.g. street width) or adjoining properties; d. positively contributes to the intended built form of the surrounding area; <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"> e. responds to the height of development on adjoining land where contained within another precinct or zone. <p>Note - Refer to Planning scheme policy - Residential design for details and examples.</p>	
Performance Outcome Assessment	
<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>PO4</p> <p>Residential buildings and structures are setback to:</p> <ul style="list-style-type: none"> 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; b. result in development not being visually dominant or overbearing with respect to the streetscape and the adjoining sites; c. maintain private open space areas that are of a size and dimension to be usable and functional; d. maintain the privacy of adjoining properties; e. ensure parked vehicles do not restrict pedestrian and traffic movement and safety; f. limit the length, height and openings of boundary walls to maximise privacy and amenity on adjoining properties; g. provide adequate separation to particular infrastructure and waterbodies to minimise adverse impacts on people, property, water quality and infrastructure; 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>Note - Refer to Planning scheme policy - Residential design for details and examples.</p>	<p>E4.1</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>E4.2</p> <p>Buildings (excluding class 10 buildings and structures) ensure that built to boundary walls are:</p> <ul style="list-style-type: none"> a. only established on lots having a primary frontage of 18m or less and where permitted in Table 6.2.6.3.4; b. of a length and height not exceeding that specified in Table 6.2.6.3.4 'Built to boundary walls (Residential uses)'; c. setback from the side boundary: <ul style="list-style-type: none"> i. if a plan of development provides for only one built to boundary wall on the one boundary, not more than 200mm; or ii. if a built to boundary wall may be built on each side of the same boundary, not more than 20mm; d. on the low side of a sloping lot. <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>MBRC Frontage Primary</p>	<p>Proposed</p>	<p>Achieves Example</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
Side to OMP and Wall		
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.
Rear to OMP and Wall.		
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.

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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>PO7</p> <p>Residential buildings and structures will ensure that site cover:</p> <ol style="list-style-type: none"> does not result in a site density that is inconsistent with the character of the area; does not result in an over development of the site; does not result in other elements of the site being compromised (e.g. Setbacks, open space etc); reflects the low to medium density character intended for the area. <p>Note - Refer to Planning scheme policy - Residential design for details and examples.</p>	<p>E7</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 1084 1370 1375"> <thead> <tr> <th data-bbox="853 1084 1123 1205">Building height</th> <th data-bbox="1123 1084 1370 1205">Lot Size</th> </tr> <tr> <td></td> <td data-bbox="1123 1160 1370 1205">1001- 2500m²</td> </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">>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 ²	8.5m or less	60%	>8.5m -12.0m	50%	Greater than 12.0m	40%
Building height	Lot Size										
	1001- 2500m ²										
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>											

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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>PO15</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>E15</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>

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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 ⁽⁴⁹⁾ , Relocatable home park ⁽⁶²⁾ , Residential care facility ⁽⁶⁵⁾ , Retirement facility ⁽⁶⁷⁾ , Rooming accommodation ⁽⁶⁹⁾ , Short-term accommodation ⁽⁷⁷⁾) 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"> i. contribute to an attractive streetscape with priority given to pedestrians; ii. encourage passive surveillance of public spaces; iii. results in privacy and residential amenity consistent with the low to medium density residential character intended for the area; iv. provide a diverse and attractive built form; v. orientate to integrate with the street and surrounding neighbourhood; vi. incorporate sub-tropical urban design principles that respond to local climatic conditions; vii. incorporate sustainable practices including maximising energy efficiency and water conservation; viii. incorporate natural features and respond to site topography; ix. cater for appropriate car parking and manoeuvring areas on-site; x. be of a scale and density consistent with the low to medium density residential character intended for the area; 	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

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6.2.6.3 Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<ul style="list-style-type: none"> xi. provide urban services such as reticulated water, sewerage, sealed roads, parks and other identified infrastructure; xii. ensure domestic outbuildings are subordinate in appearance and function to the dwelling. 		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"> i. establish in a location that may be serviced by public transport; ii. do not negatively impact adjoining residents or the streetscape; iii. do not undermine the viability of existing or future centres. 	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"> i. the store is of a scale that remains subordinate to all centres and neighbourhood hubs within the region; ii. clear separation from existing neighbourhood hubs and centres within the network are maintained to reduce catchment overlap. The corner store should not be 	n.a	The proposal does not include a corner store, 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
<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.		
<p>1.l. The design, siting and construction of non-residential uses:</p> <ul style="list-style-type: none"> 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⁽⁷⁶⁾ (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.
<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"> 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.

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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>

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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>		

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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.

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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
Total			39

The matters raised within the submissions are outlined below:

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

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<p>Assessment of Submissions</p>
<p><u>Discussion</u></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><u>Issue - Building height</u></p> <ul style="list-style-type: none"> • Development not adhering to the applicable code. • Proposed development building height exceeds 15m. • Potential overshadowing of surrounding premises.
<p><u>Discussion</u></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>

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<p>Assessment of Submissions</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>Issue - Setback</p> <ul style="list-style-type: none"> • Proposed development is under the setback requirements. • Potential overshadowing of surrounding premises. • Potential for loss of privacy.
<p>Discussion</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>

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Assessment of Submissions										
<p>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.</p> <p>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.</p> <p>This is not a reason for refusal of application.</p>										
<p>Issue - Site Coverage</p> <ul style="list-style-type: none"> • The site coverage exceeds the limit stated within the planning scheme code. • Minimal opportunity for green/open space within the proposed development. 										
<p>Discussion</p> <p>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:</p> <p><i>Site cover (excluding eaves, sun shading devices, patios, balconies and other unenclosed structures) does not exceed the specified percentages in the table below.</i></p> <table border="1"> <thead> <tr> <th rowspan="2">Building height</th> <th>Lot Size</th> </tr> <tr> <th>1001- 2500m²</th> </tr> </thead> <tbody> <tr> <td>8.5m or less</td> <td>60%</td> </tr> <tr> <td>>8.5m -12.0m</td> <td>50%</td> </tr> <tr> <td>Greater than 12.0m</td> <td>40%</td> </tr> </tbody> </table> <p>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</p>		Building height	Lot Size	1001- 2500m ²	8.5m or less	60%	>8.5m -12.0m	50%	Greater than 12.0m	40%
Building height	Lot Size									
	1001- 2500m ²									
8.5m or less	60%									
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Greater than 12.0m	40%									

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<p>Assessment of Submissions</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>Issue - Frontage and Streetscape</p> <ul style="list-style-type: none"> • Lack of landscaping design and strategies to soften the development. • Narrow space for green/open space along the frontage. • Increasing the urban heat island effect. • Increase of on-street car parking. • Width of the proposed driveway being 6m, wider than that of surrounding properties.
<p>Discussion</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>Issue - Degradation of Amenity</p> <ul style="list-style-type: none"> • Potential loss of natural breezes and airflow for cooling.

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<p>Assessment of Submissions</p> <ul style="list-style-type: none"> • Potential for the proposed pool to increase noise levels. • Potential for light pollution as a result of size and density of development.
<p><u>Discussion</u></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><u>Issue - Density</u></p> <ul style="list-style-type: none"> • Pressure on existing infrastructure with increased use. • Potential increase of traffic. • Development not adhering to density benchmarks.
<p><u>Discussion</u></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>Assessment of Submissions</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>Issue - Diminishment of local heritage and culture</p> <ul style="list-style-type: none"> • Removal of existing cottages. • Potential damage and disturbance to indigenous relics.
<p>Discussion</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>Issue - Drainage and Runoff</p> <ul style="list-style-type: none"> • Discharge into riparian areas (Williams Creek). • Waste from carwash distributed into Williams Creek.
<p>Discussion</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>Issue - Stormwater drainage and runoff</p> <ul style="list-style-type: none"> • Discharge into riparian areas (Williams Creek).
<p>Discussion</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>

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<p>Assessment of Submissions</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>Issue - Flooding</p>
<p>Discussion</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>Issue - Development access</p>
<p>Discussion</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>

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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.

ATTENDANCE

Mr Dan Staley and Ms Amy White left and Mr Darren Dallinger retired from the meeting at 11.55am after Item 4.2.

ITEM 5.1 - DECLARATION OF INTEREST

Conflict of Interest (Previously Notified) - Cr Darren Grimwade - Telstra Corporation Limited

Cr Darren Grimwade referred to a previously declared conflict of interest (General Meeting 25 November 2020) in relation to Telstra Corporation Limited who is the recommended lessee for this item.

As previously decided by Council, Cr Grimwade is permitted to participate in any decisions relating to Telstra including discussion, debate and voting on matters in the public interest.

Cr Grimwade remained in the meeting.

5 COMMUNITY & ENVIRONMENTAL SERVICES SESSION

(Cr M Gillam)

**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)

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.

RESOLUTION

Moved by Cr Jodie Shipway
Seconded by Cr Adam Hain

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 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.)

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.

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 300m² 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
Term	Ten (10) years
Commencement Date	1 May 2020
Tentative Expiry Date	30 April 2030
Option	Nil
Rent	\$22,000.00 plus GST for the first year of the Term
Rent Review Mechanism	3% fixed increase on the anniversary of the Commencement Date
Permitted Use	For the maintenance and operation of a telecommunications network and telecommunications service
Lease Terms & Conditions	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.

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

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.

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 At 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.

**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)

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.

RESOLUTION

Moved by Cr Mark Booth

Seconded by Cr Adam Hain

CARRIED 12/0

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendations 3 and 4, 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.

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

OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendations 3 and 4, 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.

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.

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

3. Strategic Implications

3.1 Legislative / Legal Implications

The proposed lease will be registered with the Department of Natural Resources, Mines and Energy in accordance with the *Land Act 1994*.

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications Nil identified

3.5 Delegated Authority Implications

As per Officer's Recommendation 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)

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)

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.

RESOLUTION

Moved by Cr Mark Booth

Seconded by Cr Tony Latter

CARRIED 12/0

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendations 3, 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.)

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.

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 or permit area of greater than 20% of their existing area of tenure, or 250m², 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 89m², 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).

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

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).

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)

**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)

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.

RESOLUTION

Moved by Cr Tony Latter

Seconded by Cr Cath Tonks

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 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.)

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.

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
Term	Ten years
Commencement Date	24 August 2020
Expiry Date	23 August 2030
Option	Nil
Rent	\$22,000 plus GST for the first year of the Term
Rent Review Mechanism	3% fixed increase on the anniversary of the Commencement Date
Permitted Use	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.

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

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.

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.

**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)

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.

RESOLUTION

Moved by Cr Matt Constance

Seconded by Cr Sandra Ruck

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 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.)

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.

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
Term	Ten years
Commencement Date	7 September 2019
Expiry Date	6 September 2029
Option	Nil
Rent	\$22,000 plus GST for the first year of the Term
Rent Review Mechanism	3% fixed increase on the anniversary of the Commencement Date
Permitted Use	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.

ITEM 5.5 PROPOSED LEASE FOR TELECOMMUNICATIONS TOWER - 61784336 (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 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.

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

**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)

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.

RESOLUTION

Moved by Cr Jodie Shipway

Seconded by Cr Karl Winchester

CARRIED 12/0

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.)

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.

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.

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

Table 2.1 - Officer's Assessment

Policy Eligibility	<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>
Community Benefits	<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"> • controlling companion animal populations; • reducing behavioural problems in animals (such as free-ranging and some aggressive behaviours) which can cause public nuisance; and • reducing the prevalence of some diseases in animal populations. <p>The 'Operation Wanted' program has demonstrated its success in increasing the number of animals desexed and registered within the Moreton Bay Region.</p>

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.

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

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.

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

**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)

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).

RESOLUTION

Moved by Cr Jodie Shipway

Seconded by Cr Matt Constance

CARRIED 12/0

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.

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

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.

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

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

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

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

ATTENDANCE

Mr Darren Dallinger returned to the meeting at 12.05pm during discussion on Item 6.1.

6 FINANCE & CORPORATE SERVICES SESSION

(Cr M Constance)

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)

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.

RESOLUTION

Moved by Cr Jodie Shipway

Seconded by Cr Tony Latter

CARRIED 12/0

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.)

OFFICER'S RECOMMENDATION

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

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

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

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.

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.

ATTENDANCE

Mr Darren Dallinger left the meeting at 12.07pm after Item 6.1.

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.

RESOLUTION

Moved by Cr Jodie Shipway
Seconded by Cr Cath Tonks

CARRIED 12/0

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.)

OFFICER'S RECOMMENDATION

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

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:

- 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 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.

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

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.

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.

ITEM 6.2 MONTHLY FINANCIAL REPORTING PACKAGE - 31 MARCH 2021 - 61892069 (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 \$2.3 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%.

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.

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

- 3.7 Economic Benefit Implications Nil identified
- 3.8 Environmental Implications Nil identified
- 3.9 Social Implications Nil identified
- 3.10 Human Rights Implications Nil identified
- 3.11 Consultation / Communication
Director Finance and Corporate Services

UNCONFIRMED

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)

Executive Summary

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

RESOLUTION

Moved by Cr Cath Tonks

Seconded by Cr Sandra Ruck

CARRIED 12/0

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

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

OFFICER'S RECOMMENDATION

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

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.

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

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:

- 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.

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

**ITEM 12.1
ANZAC DAY COMMEMORATIVE SERVICES**

Cr Denise Sims (Deputy Mayor) made mention of the ANZAC Day Commemorative Services held throughout the Moreton Bay Region, requesting that a letter of thanks be sent to the RSL Sub-Branched and volunteer groups who assisted in the running of these events.

RESOLUTION

Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Sandra Ruck

CARRIED 12/0

That a letter of thanks jointly signed by the Mayor and the respective Divisional Councillor, be forwarded to the RSL Sub-Branched and volunteer groups who assisted in the running of ANZAC Day Commemorative Services throughout the region.

Cr Adam Hain commended Council's Economic Development Department on its delivery of the **Regional Economic Development Strategy (REDS) Introduction Session**, saying it was a terrific initiative and that staff almost reflected directly with the residents views which was great to see.

13. CLOSED SESSION

(s254J of the Local Government Regulation 2012)

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.2.

The closed session commenced at 12.17pm (livestreaming paused).

OPEN SESSION

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Cath Tonks

CARRIED 12/0

That Council resume in open session and that the following motions be considered.

The open session (livestreaming) resumed at 12.21pm.

14a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL

ITEM C.1 – CONFIDENTIAL

ACQUISITION OF EASEMENT FOR SEWERAGE RISING MAIN

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES

Reference: 61576812 : 8 April 2021 - Refer **Confidential** Supporting Information
61576533

Responsible Officer: AS, Manager Property Services (CES Property & Commercial Services)

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).

RESOLUTION

Moved by Cr Jodie Shipway

Seconded by Cr Cath Tonks

CARRIED 12/0

1. That Council delegates to the Chief Executive Officer, the power to negotiate and finalise the acquisition of an interest over that part of the land required for the easement for a sewerage rising main as described in this confidential report;
2. That Council authorises the Chief Executive Officer to do all things necessary to give effect to the acquisition of an interest over that part of the land required for the easement for a sewerage rising main.

ITEM C.2 – CONFIDENTIAL
COMMERCIAL ADVERTISING ON BUS SHELTERS

Meeting / Session: 2 INFRASTRUCTURE PLANNING

Reference: 61884551 : 31 March 2021 - Refer **Confidential Supporting Information 61884534, 61889519 & 61884555**

Responsible Officer: HG, Coordinator Transport Network Management (IP Integrated Transport 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).

ITEM C.2 – CONFIDENTIAL COMMERCIAL ADVERTISING ON BUS SHELTERS - 61884551 (Cont.)

RESOLUTION

Moved by Cr Karl Winchester

Seconded by Cr Adam Hain

CARRIED 12/0

1. That Council decides to prepare a Tender Consideration Plan for a contractual arrangement with oOh!media Limited to extend the existing Street Furniture Agreement with Adshel Street Furniture Pty Limited for a period of one year.
2. That the Tender Consideration Plan for a contractual arrangement with oOh!media Limited to proceed with the existing Street Furniture Agreement for a period of one year as tabled be adopted.
3. That Council enters into an agreement with oOh!media Limited to proceed with the existing Street Furniture Agreement for a period of one year.
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 variation of the agreement with oOh!media Limited to proceed with a variation to the existing Street Furniture Agreement for a period of one year.

14b. CONFIDENTIAL GENERAL BUSINESS

No items for consideration.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 21/385 to 21/544 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 28 April 2021.

Greg Chemello
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Wednesday 12 May 2021.

Greg Chemello
Chief Executive Officer

Councillor Peter Flannery
Mayor



Phone: (07) 3205 0555
Our Ref: 61798492; 61918936
Date: 30 April 2021

Mr Clem Kellar



Dear Mr Kellar,

Underground Power on Gayundah Esplanade, Woody Point

I refer to your petition lodged by you as the Principal Petitioner and tabled to Council on 31 March 2021 regarding underground power on Gayundah Esplanade, Woody Point between 10 Gayundah Esplanade and Ellen Street.

I would like to advise you and your fellow petitioners that the infrastructure referred to is neither Council owned or managed and is the responsibility of Energex and associated communications authorities.

Council acknowledges the benefits of undergrounding existing overhead power lines however, due to the high cost of doing so, typically prioritises such works where there is a significant strategic benefit to the wider region. This would include major projects such as streetscape and civic centre improvements where the enhanced amenity can be made available to a large proportion of the community and flow on economic benefits can be achieved.

Areas where power has been undergrounded along foreshores are typically promoted where picnic infrastructure, play and other recreation facilities are provided with high levels of community activation. In this instance, the poles are on the landward side of the road which is almost devoid of potential street tree conflicts, and foreshore facilities are located at the bottom of the slope on the bay side.

Council acknowledges the tourist drive appeal of the esplanade however cannot justify the significant cost at this location when assessed against other similar road landscapes with scenic views on the Redcliffe Peninsula or elsewhere across the region.

In regard to perceived traffic hazard, the presence of the power poles at this location is consistent with other residential areas across the region, and as such your request is unable to be supported by Council.

Moreton Bay Regional Council

GENERAL MEETING - 529

12 May 2021

Supporting Information

Attachment #1 Petition response letter - Clem Kellar (61918936)

As the Principal Petitioner, can you please pass on the above information to other petitioners as required. Should you require further information it is respectfully suggested that you make contact with Energex who are the asset owner of the poles.

Yours sincerely



Andrew Ryan
Director Infrastructure Planning
Infrastructure Planning

cc: *Councillor Winchester - Division 6*