



AGENDA

GENERAL MEETING

Tuesday 3 December 2019

commencing at 10.30am

Strathpine Chambers
220 Gympie Road, Strathpine

COUNCILLOR:

NOTICE IS HEREBY GIVEN, that a General Meeting of the Moreton Bay Regional Council will be held on Tuesday 3 December 2019 commencing at 10.30am in Strathpine Chambers, 220 Gympie Road, Strathpine to give consideration to the matters listed on this agenda.

Graeme Kanofski
Acting Chief Executive Officer

28 November 2019

Membership = 13
Mayor and all Councillors

Quorum = 7

[Agenda for public distribution](#)

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1. OPENING PRAYER

2. ATTENDANCE & APOLOGIES

Attendance:

Cr Allan Sutherland (Mayor) (Chairperson)

Apologies:

Suspended:

Under section 182A of the *Local Government Act 2009* Cr Adrian Raedel is currently suspended from office.

3. MEMORIALS OR CONDOLENCES

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

4. CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

General Meeting - 26 November 2019 (Pages 19/2392 to 19/2463)

RESOLUTION that the minutes of the General Meeting held 26 November 2019, be confirmed.

Attachment #1 Unconfirmed Minutes - General Meeting 26 November 2019

5. PRESENTATION OF PETITIONS

(Addressed to the Council and tabled by Councillors)

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

6. CORRESPONDENCE

Receipt of correspondence addressed to the Council and tabled by the Chief Executive Officer

7. COMMUNITY COMMENT

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

8. NOTIFIED MOTIONS

Consideration of any motion notified by a Councillor to the Chief Executive Officer at least 5 days before the meeting at which the motion is to be moved.

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

(s262 of the Local Government Regulation 2012)

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

10. 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 Session Chairperson and designated Spokesperson for the respective portfolio, is as follows:

Session	Spokesperson
1 Governance	Cr Allan Sutherland (Mayor)
2 Planning & Development	Cr Mick Gillam
3 Corporate Services	Cr Matt Constance
4 Asset Construction & Maintenance	Cr Adam Hain
5 Parks, Recreation & Sport	Cr Koliانا Winchester
6 Lifestyle & Amenity	Cr Denise Sims
7 Economic Development, Events & Tourism	Cr Peter Flannery
8 Regional Innovation	Cr Darren Grimwade

1 GOVERNANCE SESSION

(Cr A Sutherland, Mayor)

ITEM 1.1

DELEGATION - COUNCIL'S RECESS PERIOD - 13 DECEMBER 2019 TO 20 JANUARY 2020 - REGIONAL

Meeting / Session: 1 GOVERNANCE
Reference: A19371168 : 20 November 2019
Responsible Officer: DD (Manager Executive Services (FCS Exec Services))

Executive Summary

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

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

OFFICER'S RECOMMENDATION

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

"Pursuant to Section 257 of the *Local Government Act 2009*, the Council's powers and duties under the *Local Government Act 2009* be delegated to the Chief Executive Officer in consultation with the Mayor, and as required during the Council's recess period from 13 December 2019 to 20 January 2020 inclusive."

ITEM 1.1 DELEGATION - COUNCIL'S RECESS PERIOD - 13 DECEMBER 2019 TO 20 JANUARY 2020 - REGIONAL - A19371168 (Cont.)

REPORT DETAIL

1. Background

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

2. Explanation of Item

Consequently, Council Delegation Council-002 should be amended to give the Chief Executive Officer Council's powers and duties under the *Local Government Act 2009* in consultation with the Mayor, and as required during the Council's recess period from 13 December 2019 to 20 January 2020 inclusive.

3. Strategic Implications

3.1 Legislative/Legal Implications

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

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications Nil identified

3.4 Risk Management Implications Nil identified

3.5 Delegated Authority Implications

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

3.6 Financial Implications Nil identified

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

3.9 Social Implications Nil identified

3.10 Consultation / Communication

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

ITEM 1.2

ADOPTION OF COUNCIL POLICY - KOALA CONSERVATION - REGIONAL

Meeting / Session: 1 GOVERNANCE
Reference: A19244562: 18 November 2019 **Refer Supporting Information A16820755**
Responsible Officer: RM, Manager Environmental Services (CES, Environmental Services)

Executive Summary

Council regularly reviews its Policies for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents.

The purpose of this report is to seek Council's consideration of the following policy, as appearing in the supporting information to this report:

- Policy 2150-003 - Koala Conservation

OFFICER'S RECOMMENDATION

That the following policy be adopted, as appearing in the supporting information to this report:

- Policy 2150-003 - Koala Conservation

ITEM 1.2 ADOPTION OF COUNCIL POLICY - KOALA CONSERVATION - REGIONAL - A19244562 (Cont.)

REPORT DETAIL

1. Background

In accordance with the review triggers, Council reviews its Policies for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents.

2. Explanation of Item

Objective: The objective of this Policy is to develop and implement strategies that support the long-term viability of the koala population across the Moreton Bay Region.

Policy Summary: Council will work in partnership with the community, industry and the Queensland Government to:

1. Identify, establish and enhance koala habitat and wildlife corridors to support koala populations, movement and dispersal.
2. Manage the impact of development and Council managed projects on the koala population, in accordance with Council's legislative and regulatory obligations and responsibilities.
3. Undertake and support conservation initiatives, including innovative research and community projects that enhance koala welfare and population viability.
4. Build community awareness of the value of koala conservation initiatives.

Overview of amendments: Amendments have been made to the definitions and policy statements to align with relevant legislation, definitions and administrative amendments.

The Policy articulates Council's ongoing commitment to koala conservation across the region and aligns with Council's corporate plan and State Government legislation.

3. Strategic Implications

3.1 Legislative/Legal Implications

These policies have been developed in accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012*.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

Council regularly reviews its Policies for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents.

3.4 Risk Management Implications Nil identified

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications Nil identified

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications

Council delivers a range of koala conservation initiatives including habitat conservation and restoration projects, support for koala disease research and threat mitigation, including road retrofits and wild dog management. This policy supports the continued implementation of these environmental strategies supporting the long-term viability of the koala population across the Moreton Bay Region.

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ITEM 1.2 ADOPTION OF COUNCIL POLICY - KOALA CONSERVATION - REGIONAL - A19244562 (Cont.)

3.9 Social Implications Nil identified

3.10 Consultation / Communication

MBRC all Councillors, EMT and relevant Council officers have been consulted in the preparation of this report.

SUPPORTING INFORMATION

Ref: [A16820755](#)

The following list of supporting information is provided for:

ITEM 1.2

ADOPTION OF COUNCIL POLICY - KOALA CONSERVATION - REGIONAL

#1 Policy 2150-003 - Koala Conservation

ITEM 1.2 - ADOPTION OF COUNCIL POLICY - KOALA CONSERVATION - REGIONAL (Cont.)

#1 Policy 2150-003 - Koala Conservation



Policy: 2150-003

Koala Conservation

Head of Power

Local Government Act 2009

Related Legislation

Nature Conservation Act 1992
Planning Act 2016

Objective

The objective of this Policy is to develop and implement strategies that support the long-term viability of the koala population across the Moreton Bay Region.

Definitions

Development has the meaning defined in the *Planning Act 2016*.

Community projects means projects initiated, managed and delivered by community groups with in-principle, in kind or financial support from Council.

Council managed projects means projects initiated, managed and delivered by Council

Elected Member means the Mayor and all Councillors.

Employee means all employees of Council, whether employed on a permanent, temporary, or part-time basis and includes volunteers and employees of businesses and entities contracted to provide services to, or on behalf of Council.

Application

This policy applies to all Council operations, projects , programs and processes.

Policy Statement

Council will work in partnership with the community, industry and the Queensland Government to:

1. Identify, establish and enhance koala habitat and wildlife corridors to support koala populations, movement and dispersal.
2. Manage the impact of development and Council managed projects on the koala population, in accordance with Council's legislative and regulatory obligations and responsibilities.
3. Undertake and support conservation initiatives, including innovative research and community projects that enhance koala welfare and population viability.
4. Build community awareness of the value of koala conservation initiatives.

ITEM 1.2 - ADOPTION OF COUNCIL POLICY - KOALA CONSERVATION - REGIONAL (Cont.)



Policy: 2150-003 - Koala Conservation

Related Documents

This Policy complements and is to be implemented in conjunction with other Council policies, directives and relevant documents published by other agencies including, but not limited to:

- Corporate Plan 2017-2022
- Community Plan 2011-2021
- SEQ Regional Plan 2017
- Nature Conservation (Koala) Conservation Plan 2017

Review Triggers

This Policy will be reviewed for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents. Reviews of this policy will occur as required, or at least once every two years.

Responsibility

This Policy is to be:

- (1) implemented by all Elected Members and employees; and
- (2) reviewed and amended in accordance with the "Review Triggers" by the Manager Environmental Services.

Policy: 2150-003		Official Version: A9675227	
Koala Conservation			
Document Control			
Version / Reviewed	Version Adoption (Council meeting / Minute Page) Reviewed (revision comment)	Date	Word version reference
Version 1	Coordination Committee (10/707)	30.03.10	A9035873
Version 2	DRAFT	xx.xx.2019	A15816718

**ITEM 1.3
PROGRESS REPORT - ORGANISATIONAL REVIEW IMPLEMENTATION -
REGIONAL**

Meeting / Session: 1 GOVERNANCE
Reference: A19359194 : 18 November 2019 - Refer **Confidential Supporting
Information A19399769**
Responsible Officer: BD, Change Facilitator (CEOs Office)

Executive Summary

At its General Meeting on 19 September 2019 Council received an Outcomes Report from Grassroots Connections Australia providing a detailed Organisational Review and a series of recommendations to address the identified areas of concern.

This report provides an update on the progress towards implementing the recommendations of the Outcomes Report

OFFICER'S RECOMMENDATION

1. That the Implementation Progress Report by Grassroots Connections Australia outlining the actions taken and progress to date in implementing the findings of the Organisational Review be received and noted.
2. That Council resolves to release the Grassroots Connections Australia Progress Report to the public.

*ITEM 1.3 PROGRESS REPORT - ORGANISATIONAL REVIEW IMPLEMENTATION - REGIONAL - A19359194
(Cont.)*

REPORT DETAIL

1. Background

In February 2019 Council engaged Grassroots Australia to undertake an organisational review of Moreton Bay Regional Council.

On 19 September, Council resolved to endorse the terms of reference for stage 2 of the Organisational review and to make the Outcomes Report public.

The following resolution appears on Minute Page 19/2086 of the Special General Meeting of Council held on 19 September 2019:

Ex. Special General Meeting held 19 September 2019 (MP 19/2086):

RECOMMENDATION

1. That Council receive the Grassroots Connections Australia Outcomes Report for Moreton Bay Regional Council and endorse the terms of reference for Phase 2 of this review as outlined in section 5.2 of this report.
2. That a Project Management Group be established to oversee the implementation of the recommendations from Phase 1 of the review and to report back to Council on a regular basis as to the progress of Phase 2 of the review.
3. That Council resolve to release the Grassroots Connections Australia Outcomes Report to the public.

2. Explanation of Item

In accordance with recommendation 2, Greg Hoffman of Grassroots Connections Australia has provided a progress report, which is provided as Confidential Supporting Information #1.

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 Nil identified
- 3.4 Risk Management Implications
A detailed risk management profile has been developed and guides the implementation of the project.
- 3.5 Delegated Authority Implications Nil identified
- 3.6 Financial Implications
There is a sufficient allowance within the current operational budget to meet the costs of the implementation program. Any longer-term outcomes will be subject to future budget deliberations.
- 3.7 Economic Benefit Implications Nil identified
- 3.8 Environmental Implications Nil identified
- 3.9 Social Implications Nil identified
- 3.10 Consultation / Communication Nil identified

SUPPORTING INFORMATION

Ref: A19399769

The following list of supporting information is provided for:

ITEM 1.3

PROGRESS REPORT - ORGANISATIONAL REVIEW IMPLEMENTATION - REGIONAL

Confidential #1 Grassroots Connections Australia Progress Report

ITEM 1.4

DISCRETIONARY FUNDS - BRIBIE ISLAND BOWLS CLUB INC - DIVISION 12

Meeting / Session: 1 GOVERNANCE
Reference: A19396345 : 25 November 2019
Responsible Officer: LK, Executive Support Officer (FCS Executive Services)

Executive Summary

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

An eligible application for discretionary funds has been received from the Bribie Island Bowls Club Inc for the 'Bribie Island Bowls Club's New Years' Eve Markets and Light Show'. Division 12 discretionary funds were allocated to this event in 2018/19.

Under section 182A of the *Local Government Act 2009* Cr Adrian Raedel is currently suspended from office and is unable to approve the allocation of discretionary funds.

This report seeks Council's direction in relation to a contribution from Division 12 discretionary funds for this event.

OFFICER'S RECOMMENDATION

That the application by Bribie Island Bowls Club Inc under Council's Discretionary Funds Policy, for the 'Bribie Island Bowls Club's New Years' Eve Markets and Light Show', be approved in the amount of \$1,500 from the Division 12 allocation.

ITEM 1.4 DISCRETIONARY FUNDS - BRIBIE ISLAND BOWLS CLUB INC - DIVISION 12 - A19396345 (Cont.)

REPORT DETAIL

1. Background

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

Unless otherwise approved by Council, each financial year community organisations are eligible to apply for a maximum of \$10,000 and \$3,000 in discretionary funds to the Mayor and Councillors respectively. Community organisations may apply for discretionary funds to both the Mayor and Councillors up to a maximum of \$13,000 in total each financial year.

2. Explanation of Item

Under section 182A of the *Local Government Act 2009* Cr Adrian Raedel is currently suspended from office and is unable to approve the allocation of discretionary funds.

The Department of Local Government, Racing and Multicultural Affairs have advised that in this instance where a Councillor is unable to consider this application for discretionary funds, the funding request should be considered by Council at its General Meeting.

Bribie Island Bowls Club Inc has applied for \$7,000 under the Discretionary Funds Policy for the 'Bribie Island Bowls Club's New Years' Eve Markets and Light Show'. This festive event provides an opportunity for community involvement within the Moreton Bay Region and it is anticipated for approximately 30,000 people to attend. The funds will be used for security, entertainment and light show, and other event related expenditure.

A total of \$1,000 was allocated from Division 12 discretionary funds to this event in 2018/19. It is important to note that historically this event was delivered by the Bribie Island District Community Appeal Inc.

In relation to funding for the 2019/20 event, the Mayor and Councillors have indicated support through their respective discretionary funds as outlined below:

Division	Amount
Cr Allan Sutherland - Mayor	\$1,000
Cr Brooke Savige - Division 1	\$3,000
Cr Peter Flannery - Division 2	\$500
Cr Adam Hain - Division 3	\$1,000

3. Strategic Implications

3.1 Legislative / Legal Implications Nil identified

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

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

3.4 Risk Management Implications Nil identified

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications Nil identified
Appropriate funds have been provided in the 2019/20 budget and the applications for funding are eligible under the 2019/20 Discretionary Funds guidelines.

Moreton Bay Regional Council

ITEM 1.4 DISCRETIONARY FUNDS - BRIBIE ISLAND BOWLS CLUB INC - DIVISION 12 - A19396345 (Cont.)

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

3.9 Social Implications Nil identified

3.10 Consultation / Communication

The Acting Chief Executive Officer, Director Finance and Corporate Services and Manager Executive Services have been consulted in relation to the preparation of this report.

**ITEM 1.5
DOLPHIN STADIUM PROJECT - REGIONAL COMMUNITY PROJECT GRANT -
REGIONAL**

Meeting / Session: 1 GOVERNANCE
Reference: A19271587 : 30 October 2019 - **Refer Supporting Information A19281704**
Responsible Officer: MM, Manager Community Services, Sport and Recreation (CES Community Services, Sport & Recreation)

Ministerial Approval for Councillors to participate

At the General Meeting of 6 November 2019 (page 19/2294), this matter was not able to be decided as a majority of Councillors at the meeting had informed the meeting about personal interests in the item under section 175E(2) of the *Local Government Act 2009* (the Act) and s175E(6) (that would otherwise have permitted the matter to be delegated under s257 of the Act), did not apply as a community grant of this type can only be granted under Council's Community Grants Policy by resolution of Council.

To this end the matter was held in abeyance to seek Ministerial Approval under s175F of the Act, to allow conflicted councillors to participate or be present to decide the matter.

By correspondence dated 26 November 2019, the Hon Stirling Hinchliffe MP, Minister for Local Government, Racing and Multicultural Affairs, advised that after considering the real or perceived conflicts of interest disclosed by Councillors, the Mayor and Councillors have been provided with a written notice granting them approval to participate in discussions and make decisions in relation to the application for \$2.5million funding by the Redcliffe District Rugby League Football Club Inc, towards the third and final stage of the Club's stadium project.

The original report is re-provided for Council's consideration, as follows.

Executive Summary

Council's financial support has been instrumental in enabling the development of Stages 1 and 2 (the Des Webb Stand and the Eastern Grandstand) of the Dolphin Stadium Project, which has provided seating for nearly 7000 spectators. Since the official opening of Stage 1 in August 2016, Dolphin Stadium has played host to a range of sporting events, attracting thousands of participants and spectators to the area.

Council has received a request from the Redcliffe District Rugby League Football Club Inc. to provide a further funding contribution of \$2.5 million towards a third and final stage of the development, being construction of the Northern Grandstand, additional and upgraded change facilities, a field upgrade (field 1) and ancillary items such as scoreboard displays. Estimated at a total cost of \$6 million, the project will increase the seating capacity of Dolphin Stadium to 10,000.

Funding commitments towards the project totalling \$3.5 million have been received by the club from the Federal Government. The proposed Council contribution referred to in this report would be contingent upon the Redcliffe District Rugby League Football Club Inc. receiving this funding in the full amount.

This report seeks Council's consideration of the requested \$2.5 million funding contribution (grant) towards the delivery of Stage 3 of the Dolphin Stadium project. Should Council wish to provide this funding contribution, this report also seeks Council's approval to provide this grant under Council's Community Grants Policy as a Regional Community Project Grant. Furthermore, Council would be required to make provision for this grant in its 2019/20 budget.

*ITEM 1.5 DOLPHIN STADIUM PROJECT - REGIONAL COMMUNITY PROJECT GRANT - REGIONAL - A19271587
(Cont.)*

OFFICER'S RECOMMENDATION

1. That having taken into account the matters for consideration under Council's Community Grants Policy, Council considers that Stage 3 of the Dolphin Stadium Project will deliver significant regional public benefits.
2. That subject to recommendation 3, Council provide a \$2,500,000 grant to Redcliffe District Rugby League Football Club Inc. towards the delivery of Stage 3 of the Dolphin Stadium Project.
3. That the grant (referred to in recommendation 2) be provided under Council's Community Grants Policy as a Regional Community Project Grant, noting that the grant is contingent upon the Redcliffe District Rugby League Football Club Inc. securing a \$3,500,000 contribution towards the project from the Federal Government.
4. That provision be made in the 2019/20 financial year budget for the grant referred to in recommendation 2.
5. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the funding agreement and any required variations of the funding agreement on the Council's behalf, as described in this report.

*ITEM 1.5 DOLPHIN STADIUM PROJECT - REGIONAL COMMUNITY PROJECT GRANT - REGIONAL - A19271587
(Cont.)*

REPORT DETAIL

1. Background

The Dolphin Stadium Project was originally conceived to bring a facility to the Moreton Bay Region capable of hosting National Rugby League fixtures, and to fill the gap of mid-sized boutique stadiums in Queensland. The aim for the stadium is to be a year-round venue of choice, not only for rugby league, but soccer, rugby union, touch football, gridiron and any other event that can be played on a rectangular surface.

After an Expression of Interest process, Dolphin Stadium was successful in securing the Rugby League Intrust Super Cup Grand Final for 2019-2021. This is the first time the Grand Final has been held away from Suncorp Stadium in seven years, and the event was at capacity with over 8000 tickets sold. Supporting Information #1 of this report provides a more detailed list of significant sporting events (not including Intrust Super Cup Fixtures) held at Dolphin Stadium between 2017 and 2019, as well as events secured by the club to-date for 2020.

The Redcliffe District Rugby League Football Club Inc. has advised that the completion of the third and final stage on the Dolphin Stadium Project will bring seating capacity to 10,000 and enable the club to be a contender for larger and more diverse sporting events, including NRL fixtures, Women's State of Origin and larger scale soccer events such as FFA Cup finals. Importantly, the stage will also enable events to be hosted with suitable amenities for female athletes, a priority for the club given the significant growth of female participation.

Further to the improved capacity to attract major sporting events and fixtures to the Region, the club have also advised of their intent to explore diversifying the range of events at Dolphin Stadium to include entertainment and leisure content.

2. Explanation of Item

Council has received a request from Redcliffe District Rugby League Football Club Inc. for Council to provide a \$2.5M financial contribution (grant) towards the third and final stage of the Dolphin Stadium Project. This stage will include:

- A 3170 seat grandstand at the northern end of the stadium;
- Additional change facilities suitable for female athletes with direct access to Dolphin Stadium and the second field behind Dolphin Stadium;
- Upgrade to existing change facilities to make them suitable for female athletes;
- Amenities to cater for additional patrons;
- Upgrade of field 1 to enable use as a playing field, rather than a warm-up field; and
- Ancillary items such as scoreboard displays.

Under the provision of Council's Community Grants Policy, Council may, by resolution, provide a 'Regional Community Project Grant' to a community organisation where it determines there is significant regional public benefit. In determining regional public benefit, Council is required to give consideration to the following:

- Relevance of the proposed project to Council's vision for the Moreton Bay Region;
- Alignment of the proposed project to the role and functions of Council, including demonstrated economic, community, cultural, sporting or environmental benefits to the Moreton Bay Region;
- Capacity of the community organisation to successfully deliver the proposed project;
- The community organisation's financial contribution towards the project;
- Availability of funds and value for money; and
- The specific circumstance associated with the need for Council support.

With consideration to the community, sporting and economic contributions that Dolphin Stadium makes to the Moreton Bay Region, Council may consider that the project will deliver significant regional public benefits.

ITEM 1.5 DOLPHIN STADIUM PROJECT - REGIONAL COMMUNITY PROJECT GRANT - REGIONAL - A19271587
(Cont.)

Should Council wish to provide a Regional Community Project Grant to Redcliffe District Rugby League Football Club Inc. in support of Stage 3 works, it is recommended that:

- the grant be contingent upon the club's receipt of \$3.5 million in funding from the Federal Government; and
- a funding agreement be executed between the two parties, and a full funding acquittal undertaken for all funded works.

3. Strategic Implications

3.1 Legislative / Legal Implications

Council's Community Grants Program is administered in accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012*.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

Council's Community Grants Program is administered in accordance with its Community Grants Policy (2150-030).

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 funding agreement between Council and Redcliffe District Rugby League Football Club Inc.

3.6 Financial Implications

As per Recommendation 4 of this report, Council will be required to make provision in its 2019/20 budget for the proposed \$2,500,000 Regional Community Project Grant to Redcliffe District Rugby League Football Club Inc. towards the third and final stage of Dolphin Stadium Project.

3.7 Economic Benefit Implications

Dolphin Stadium provides significant economic benefit to the Moreton Bay Region. The stadium has the ability to host significant sporting events that contribute to increased tourism and expenditure in the Moreton Bay Region.

Moreton Bay Industry and Tourism (MBRIT) have estimated an average spend of \$278 per day for each visitor to Dolphin Stadium.

3.8 Environmental Implications Nil identified

3.9 Social Implications

Dolphin Stadium provides a significant contribution towards both the social and sports offering of the Moreton Bay Region. Further, the Redcliffe District Rugby League Football Club Inc provides support and sporting pathways for various clubs and their members throughout the region, including: Albany Creek Crushers; North Lakes Kangaroos; Moreton Bay Raiders; Burpengary Jets; Dayboro Cowboys; Narangba Rangers; Beachmere Juniors; Pine Rivers Bears; Bribie Island & District Junior Rugby League; and Caboolture Snakes.

3.10 Consultation / Communication

Redcliffe District Rugby League Football Club Inc.
Correspondence from Redcliffe District Rugby League Football Club Inc. to Council.

SUPPORTING INFORMATION

Ref: [A19281704](#)

The following list of supporting information is provided for:

ITEM 1.5

DOLPHIN STADIUM PROJECT - REGIONAL COMMUNITY PROJECT GRANT - REGIONAL

#1 Dolphin Stadium Past and Future Events (additional to Intrust Super Cup Fixtures)

ITEM 1.5 - DOLPHIN STADIUM PROJECT - REGIONAL COMMUNITY PROJECT GRANT - REGIONAL (Cont.)

#1 Dolphin Stadium Past and Future Events (additional to Intrust Super Cup Fixtures)

Year	Event
2017	<ul style="list-style-type: none"> • Murri Carnival • Brisbane Broncos V Cronulla Sharks NRL Trial (8,500 spectators)
2018	<ul style="list-style-type: none"> • Commonwealth Championships (17 teams from 11 nations in Men's U23, Women's and Physical Disability competitions) • FFA Cup Brisbane Roar V Melbourne City (record FFA attendance of over 6,500) • GIO Cup Final • Karyn Murphy Cup • Touch Rugby League Championship • Touch Rugby League State of Origin • W League Brisbane Roar V Western Sydney Wanderers
2019	<ul style="list-style-type: none"> • Australian Secondary Schools Rugby League Championship U15 Championships • Queensland Residents V NSW Residents • FFA Cup Brisbane Roar V Central Coast Mariners • Karyn Murphy Cup • Intrust Super Cup Grand Final (29th September 2019) • Australian Schoolboys V New Zealand School Boys (29th September 2019) • Christian Soccer Federation National Tournament (29th September- 4th October) • Hyundai A-League Brisbane Roar V Melbourne City (17th November 2019) • Sunbowl Gridiron (30th November 2019)
2020	<ul style="list-style-type: none"> • Brisbane Broncos V Gold Coast Titans NRL Trial (29th February) • Hyundai A-League Brisbane Roar V Perth Glory (23rd February) • Hyundai A-League Brisbane Roar V Newcastle Jets (12th April) • Australian Secondary Schools Rugby League U15 & U18 Championship (secured 2020/21)

ITEM 1.6
THE MILL AT MORETON BAY – DEVELOPMENT LEASE - REGIONAL

Meeting / Session: 1 GOVERNANCE
Reference: A19397957 : 27 November 2019 – Refer **Confidential Supporting Information A19403092 and A19403094**
Responsible Officer: JH, Manager Legal Services (CEO Legal)

Executive Summary

This report recommends that Council enter into a development lease and precinct development oversight agreement with the beneficial enterprise established by Council to better ensure that the Mill Precinct is properly and optimally developed (**Beneficial Enterprise**).

These documents are the “operative documents” under which the Beneficial Enterprise is given the authority and capability to undertake oversight of the development within the Mill Precinct.

OFFICER’S RECOMMENDATION

1. That Council authorises Council’s Chief Executive Officer (**CEO**) to apply for any Ministerial exemption as may be required under section 236(1)(f) of the *Local Government Regulation 2012*, to permit Council to enter into a development lease with the Beneficial Enterprise, (including the exercise of the rights under the lease), the terms of which are generally in accordance with the lease annexed to this report and appearing as confidential supporting Information #1.
2. That subject to the Ministerial exemption referred to in paragraph 1 being granted, Council resolves:
 - a. to enter into a development lease and precinct development oversight agreement with the Beneficial Enterprise generally in accordance with the draft documents annexed and appearing as confidential supporting information #1 and #2 to this report (**Operative Documents**); and
 - b. that the CEO is authorised to finalise the Operative Documents and to make such amendments as are required by the terms of any Ministerial exemption together with amendments as reasonably determined by the CEO and to complete and enter into ancillary agreements or documents as necessary to give effect to those documents.
3. That Council notes that once finalised, the development lease will be made publicly available.
4. That Council’s CEO be authorised to do all other things necessary to give effect to these recommendations.

ITEM 1.6 THE MILL AT MORETON BAY – DEVELOPMENT LEASE - REGIONAL - A19397957 (Cont.)

REPORT DETAIL

1. Background

On 26 November 2019, (pages 19/2405-19/2406) Council resolved to conduct the Beneficial Enterprise by forming and otherwise participating in a corporation limited by shares which will benefit, or can reasonably be expected to benefit, the whole of Council's local government area because it will better provide for the Mill Precinct to be properly and optimally developed.

Council resolved that the Beneficial Enterprise should be governed by a constitution and statement of corporate intent (**Governance Documents**). These Governance Documents set out various "operating procedures" with which the Beneficial Enterprise must comply.

This report recommends that a development lease and precinct development oversight agreement be entered between Council and the Beneficial Enterprise. These documents will be the "operative documents" under which the Beneficial Enterprise is given the authority and capability to undertake oversight of the development within the Mill Precinct.

2. Explanation of Item

Development Lease

Under the terms of the development lease, Council will provide tenure over the Mill Precinct to the Beneficial Enterprise for the overall development period.

The development lease will (amongst other things):

- allow the Beneficial Enterprise to provide certainty of tenure to proposed developers of the Mill Precinct;
- allow the Beneficial Enterprise to provide tenure to developers through development sub-leases, or early access licenses to permit developer due diligence of relevant areas;
- contain an option in favour of the Beneficial Enterprise to acquire land within the Mill Precinct, but only for the purposes of the objectives set out in the Governance Documents. This provides commercial certainty to end developers that they will be able to secure ownership of their site, subject to the terms of their negotiated development agreement;
- contain a power of attorney by Council in favour of the Beneficial Enterprise to enter documents:
 - to give effect to these development oversight delegations. These documents may include subdivision documents, plans, boundary re-alignment documents, surrenders for road purposes etc.; and
 - sale contracts with take-out parties pursuant to the relevant development agreements for development lots and on exercise of the nomination and option arrangements.
- contain in connection with the option, the sale contract for development lots. This contract is proposed to be on usual REIQ terms, but with limitations that Council is only warranting it has title to the land. Council will give no other warranties regarding the land; the buyer buys the lot on an 'as is where is' basis.

Precinct Development Oversight Agreement

Under the precinct development oversight agreement (**PDOA**), Council will effectively delegate obligations to the Beneficial Enterprise in respect of the design and master planning approval and oversight of the development of the Mill Precinct for the purpose of fulfilling the objectives set out in the Governance Documents.

ITEM 1.6 THE MILL AT MORETON BAY – DEVELOPMENT LEASE - REGIONAL - A19397957 (Cont.)

For example, the PDOA will require the Beneficial Enterprise to (amongst other things):

- finalise the design, obtain master planning approvals, tender and procure contractors for non-private works, manage contractors undertaking non-private works, select appropriate parties to develop areas of the Mill Precinct consistent with the objectives set out in the Governance Documents;
- undertake and oversee all marketing of the Mill Precinct, which will include doing any marketing or market research activity reasonably required to sell development lots within the Mill Precinct;
- oversee development in the Mill Precinct. This will include the selection of developers for private development on Mill Precinct land (consistent with the objectives set out in the Governance Documents) and the negotiation of development agreements with them;
- manage on behalf of Council, all obligations under all existing agreements in connection with the Mill Precinct (including remediation works contract and arrangements with USC);
- manage on behalf of Council, the community works on the environmental precinct. For these purposes and to enable the optimisation of the Mill Precinct, the Beneficial Enterprise will be granted a license and authority to manage the boundary between the Mill Precinct and the environmental precinct. The Beneficial Enterprise must substantially maintain the integrity of the existing environmental precinct as a community precinct;
- be responsible for community consultation regarding development of the Mill Precinct.

The Beneficial Enterprise may also establish stakeholder reference groups so that in addition to prudent individual consultation with stakeholders, a broader group may be brought together to provide input into the Beneficial Enterprise's proposals for the Mill Precinct.

3. Strategic Implications

By entering the development lease and PDOA with the Beneficial Enterprise, Council will transfer effective control of the development of the Mill Precinct to the Beneficial Enterprise.

Pursuant to the Governance Documents, the Beneficial Enterprise will be controlled by an expert independent board of directors, with significant experience in areas which are relevant to the optimal development of the Mill Precinct.

Whilst the Beneficial Enterprise will be given autonomy to deliver outcomes in respect the Mill Precinct (provided that this is consistent with the Governance Documents) Council will maintain a degree of oversight via its role as assessment manager and also via its appointed representative on the board of directors (Council's Chief Executive Officer).

It is noted that Council will gain any profits derived from any eventual dealings with the Council-owned land within the Mill Precinct.

3.1 Legislative / Legal Implications

Section 236(1)(f) of the *Local Government Regulation 2012* provides an exception whereby the Council may dispose of a valuable non-current asset other than by tender or auction if the Minister exempts the local government from the need to do so. This report recommends that an application to the Minister for such an exemption be made (so that Council can enter the lease with the Beneficial Enterprise and deal with the land the subject of that lease).

3.2 Corporate Plan / Operational Plan

Creating Opportunities: Local jobs for residents - an innovative and thriving economy. It is estimated in the relevant PDA document that the Mill at Moreton Bay will deliver 6,000 future local jobs.

ITEM 1.6 THE MILL AT MORETON BAY – DEVELOPMENT LEASE - REGIONAL - A19397957 (Cont.)

3.3 Policy Implications Nil identified

3.4 Risk Management Implications

It is prudent to ensure that the Beneficial Enterprise is governed appropriately. Council officers have liaised with subject matter experts from Queensland Treasury Corporation (**QTC**) in this regard. QTC has made several suggestions regarding how the Beneficial Enterprise should be governed. Council officers will work to ensure that QTC's suggestions are implemented.

3.5 Delegated Authority Implications

It is recommended that Council's Chief Executive Officer be authorised (or delegated power to) do all things necessary to give effect to the recommendations in this report.

3.6 Financial Implications

Funding arrangements relevant to the Beneficial Enterprise will be the subject of a further report to Council.

3.7 Economic Benefit Implications

The optimal development of the Council-owned land is expected to generate almost \$1 billion in economic benefit to the Region. Specific economic benefits are outlined in further detail in the PDA Development Scheme.

3.8 Environmental Implications

The Beneficial Enterprise will not be given the power to sub-lease any rights to developers in respect of environmental precinct land. Council will continue to fulfil its environmental obligations in respect of that land.

3.9 Social Implications Nil identified

3.10 Consultation / Communication

Herbert Smith Freehills law firm

Council workshops (8 October 2019, 14 November 2019, 26 November 2019)

Community consultation was undertaken as part of the PDA process

SUPPORTING INFORMATION

Ref: [A19403092](#) and [A19403094](#)

The following list of supporting information is provided for:

ITEM 1.6

THE MILL AT MORETON BAY – DEVELOPMENT LEASE - REGIONAL

Confidential #1 Development Lease

Confidential #2 Mill Precinct Development Oversight Agreement

2 PLANNING & DEVELOPMENT SESSION

(Cr M Gillam)

ITEM 2.1

DA/16702/2007/VCHG/3 - REQUEST TO CHANGE (OTHER) - MATERIAL CHANGE OF USE FOR MULTIPLE DWELLINGS (158 DWELLINGS) AND FOOD AND DRINK OUTLET LOCATED AT 2 & 8 GAYUNDAH ESP, WOODY POINT - DIVISION 6

APPLICANT: Nicolas Daoud & Co Pty Ltd
OWNER: Nicolas Daoud & Co Pty Ltd.

Meeting / Session: 2 Planning & Development (Cr M Gillam)
Reference: A19309052 : 3 December 2019 - **Refer Supporting Information A19309236 and A19308894**
Responsible Officer: LMT, Principal Planner (PED Development Services)

Executive Summary

APPLICATION DETAILS	
Applicant:	Nicolas Daoud & Co Pty Ltd (Nicolas Daoud – sole director)
Lodgement Date:	20 April 2019
Properly Made Date:	31 May 2019
Confirmation Notice Date:	6 June 2019
Information Request Date:	18 June 2019
Info Response Received Date:	20 September 2019 (following extension of Response period)
Public Notification Dates:	27 September 2019 - 21 October 2019
No. of Submissions:	Properly Made: 173 (28 support / 145 opposed)
Decision Due Date:	12 December 2019
Prelodgement Meeting Held:	Informal discussions held

PROPERTY DETAILS	
Division:	Division 6
Property Address:	2 & 8 Gayundah Esplanade, Woody Point
RP Description	Lot 12 RP808977, Lot 99 RP30270, Lot 101 RP30270
Land Area:	6,917m ²
Property Owner	Nicolas Daoud & Co Pty Ltd (Nicolas Daoud – sole director)

STATUTORY DETAILS	
Planning Legislation:	<i>Planning Act 2016</i>
Planning Scheme:	Moreton Bay Regional Council Planning Scheme (Version 2 - effective 3 July 2017)
Planning Locality / Zone	General Residential Zone – Urban Neighbourhood Precinct
Category of Assessment:	Request to Change (Other) Approval - Impact Assessment

ITEM 2.1 DA/16702/2007/VCHG/3 - REQUEST TO CHANGE (OTHER) - MATERIAL CHANGE OF USE FOR MULTIPLE DWELLINGS (158 DWELLINGS) AND FOOD AND DRINK OUTLET LOCATED AT 2 & 8 GAYUNDAH ESP, WOODY POINT - DIVISION 6 - A19309052 (Cont.)

The site at 2 & 8 Gayundah Esplanade, has an area of 6,917m² (0.69 ha) and three road frontages. This is the key landmark site for Woody Point due to its position at the Woody Point peninsula, its size and its location with frontage to a District Collector Road Gayundah Esplanade / Lilla Street. This is the original location of the Palace Hotel, diagonally opposite the “Gayundah” wreck and across from the Gayundah Arboretum Park with the associated active transport path network. Development on this site will be visible from Clontarf and Shorncliffe.

The MBRC Planning Scheme identifies this land as being in the General Residential Zone - Urban Neighbourhood Precinct, being the highest order residential area. From the Zone Code, the Planning Scheme anticipates that the “scale and density of development facilitates an efficient land use pattern that supports compact, walkable and sustainable communities that are well connected to centres, community and social infrastructure.” Town Planning and design principles support the location of a significant iconic development on this site, from which other development in the locality will take a subordinate, less prominent form.

On 19 August 2008, Council granted the original approval for DA/1670/2007/DA, being a Material Change of Use - Development Permit for Hotel, Food Service and Multiple Dwelling over land at 2 Gayundah Esplanade. Subsequent change and extension applications have been approved, expanding the development site to include 8 Gayundah Esplanade, and extending the currency period of the development approval. The existing approval permits 174 apartments and a ground floor restaurant located in 9 and 10 storey (RL 39.1m - approx. 30m) high buildings which have prominent form to each of the road frontages.

This development application, being a request for a change (other) to the existing approval, seeks approval for a revised building design and an overall reduction in yield, being 158 apartments and ground floor restaurant (195m² GFA). The Hotel aspect of development is also proposed to be removed. In contrast to the existing approval, which had a block bulk design of 9-10 storeys across all three road frontages, the revised design grades from 3 storeys at the lower order Kate Street, up to 11, then 13, then 15 storeys (45m), creating a focal point at the corner of Gayundah Esplanade and Lilla Street. Being a Multiple Dwelling in excess of 21m (Building Height Overlay), this Change application triggered public notification and attracted 173 properly made submissions (28 support and 145 opposed).

This application is a request for a Change (Other) in relation to an existing approval. As the application relates to an aspect of development that is subject to Impact Assessment, the *Planning Act 2016* requires Council as assessment manager to undertake an assessment in relation to the assessment benchmarks and any matter prescribed by a regulation and may carry out an assessment against any other relevant matter.

In this instance, the proposed development involves a Multiple Dwelling that exceeds 21m with reference to the Building Heights Overlay and thus triggers Impact Assessment. However, Multiple Dwelling is an anticipated use in the General Residential Zone - Urban Neighbourhood Precinct. Within the assessment benchmarks, the Building Heights Overlay is only mentioned as an Example E3, that is, one way of partially complying with PO3. High rise character is specifically referenced in Performance Outcome PO3 of the General Residential Zone - Urban Neighbourhood Precinct Code.

Development of a landmark development, taller than surrounding buildings, is appropriate for this site. A number of factors are relevant to the assessment of this application including Zone, Precinct, local context in relation to built form, natural features, size of the allotments, road frontage to higher order roads, proximity to recreation areas and pathways. There are very limited numbers of properties in Moreton Bay Region that share similar characteristics.

While the proposed development includes additional height, it is not uniformly tall. The proposed development includes a range of building heights and a reduction in the previously approved number of units. A new application over different land would also be subject to rigorous assessment in relation to the relevant assessment benchmarks. In this way, approval of this development would not represent a precedent which would be applicable broadly.

Moreton Bay Regional Council

ITEM 2.1 DA/16702/2007/VCHG/3 - REQUEST TO CHANGE (OTHER) - MATERIAL CHANGE OF USE FOR MULTIPLE DWELLINGS (158 DWELLINGS) AND FOOD AND DRINK OUTLET LOCATED AT 2 & 8 GAYUNDAH ESP, WOODY POINT - DIVISION 6 - A19309052 (Cont.)

While the proposal does not comply with all Examples within these Codes, the application has demonstrated compliance with the Performance Outcomes and Overall Outcomes. In this way, the proposed change complies with the Assessment Benchmarks.

OFFICER'S RECOMMENDATION

- A. That Council, in accordance with the *Planning Act 2016*, approves the development application being a Request to Change (Other) - Material change of Use for Multiple Dwellings (158 Dwellings) and Food & Drink Outlet, located at 2 & 8 Gayundah Esplanade, Woody Point on land described as Lot 12 RP808977, Lot 99 RP30270, and Lot 101 RP30270, subject to the following plans/documents and conditions:

Approved Plans and Documents (Replacing the previous table of approved Plans/Documents - DA/16075/2007/VCHG/2)			
Plan / Document Name	Reference Number	Prepared By	Dated
Executive Summary	-	Rothelowman	Received 20/9/19
Amended Scheme - Energy Efficiency	-	Rothelowman	Received 20/9/19
Staging - Amended Staging Diagram	-	Rothelowman	Received 20/9/19
Staging - Amended Staging Plans (pg 1)	-	Rothelowman	Received 20/9/19
Staging - Amended Staging Plans (pg 2)	-	Rothelowman	Received 20/9/19
Materiality and Buildability	-	Rothelowman	Received 20/9/19
Cover Sheet	TP00.00 P3	Rothelowman	12/9/19
Development Summary	TP00.01 P5	Rothelowman	12/9/19
Schedule of Accommodation / Site Cover	TP00.02 P5	Rothelowman	12/9/19
Proposed Site Plan	TP00.04 P3	Rothelowman	12/9/19
Basement 01 Floor Plan	TP01.01 P5	Rothelowman	12/9/19
Lower Ground Floor Plan	TP01.02 P4	Rothelowman	12/9/19
Upper Ground Floor Plan	TP01.03 P5	Rothelowman	30/10/19
Level 01 Floor Plan	TP01.04 P4	Rothelowman	12/9/19
Level 02-10 Floor Plan	TP01.05 P5	Rothelowman	12/9/19
Level 11-12 Floor Plan	TP01.06 P4	Rothelowman	12/9/19
Level 13-14 Floor Plan	TP01.07 P4	Rothelowman	12/9/19
Roof Plan	TP01.08 P3	Rothelowman	12/9/19
Southern Elevation	TP02.02 P3	Rothelowman	12/9/19
East Elevation	TP02.03 P3	Rothelowman	12/9/19
Section A	TP03.01 P4	Rothelowman	12/9/19
Landscape Design 3.1 Lower Ground Floor Plan	DA04	Form Landscape Architects	17/8/19

Moreton Bay Regional Council

ITEM 2.1 DA/16702/2007/VCHG/3 - REQUEST TO CHANGE (OTHER) - MATERIAL CHANGE OF USE FOR MULTIPLE DWELLINGS (158 DWELLINGS) AND FOOD AND DRINK OUTLET LOCATED AT 2 & 8 GAYUNDAH ESP, WOODY POINT - DIVISION 6 - A19309052 (Cont.)

Approved Plans and Documents (Replacing the previous table of approved Plans/Documents - DA/16075/2007/VCHG/2)			
Plan / Document Name	Reference Number	Prepared By	Dated
Landscape Design 3.2 Upper Ground Floor Plan	DA04	Form Landscape Architects	17/8/19
Landscape Design 3.3 Green Core Detail Floor Plan	DA04	Form Landscape Architects	17/8/19
Landscape Design Structure Diagrams - Deep Planting	DA04	Form Landscape Architects	17/8/19
Landscape Design - Structure Diagrams - Podium Planting	DA04	Form Landscape Architects	17/8/19
Sections and Elevations 4.1 Section 01 - Entry via corner of Gayundah Esplanade & Lilla St	DA04	Form Landscape Architects	17/8/19
Sections and Elevations - 4.2 Section 02 - Private Terrace on Gayundah Esplanade	DA04	Form Landscape Architects	17/8/19
Sections and Elevations - 4.3 Section 03 - Private Terrace to Rear of Site	DA04	Form Landscape Architects	17/8/19
Sections and Elevations 4.5 Section 05 - Private Access via Kate St	DA04	Form Landscape Architects	17/8/19
Sections and Elevations - 4.6 Section 06 - Private Access via Lilla Street	DA04	Form Landscape Architects	17/8/19
Sections and Elevations 4.7 Section 07 - Green Core (pg1)	DA04	Form Landscape Architects	17/8/19
Sections and Elevations 4.7 Section 07 - Green Core (pg2)	DA04	Form Landscape Architects	17/8/19
Sections and Elevations 4.8 South Elevation (pg 1)	DA04	Form Landscape Architects	17/8/19
Sections and Elevations 4.8 South Elevation (pg 2)	DA04	Form Landscape Architects	17/8/19
Sections and Elevations 4.9 East Elevation	DA04	Form Landscape Architects	17/8/19

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ITEM 2.1 DA/16702/2007/VCHG/3 - REQUEST TO CHANGE (OTHER) - MATERIAL CHANGE OF USE FOR MULTIPLE DWELLINGS (158 DWELLINGS) AND FOOD AND DRINK OUTLET LOCATED AT 2 & 8 GAYUNDAH ESP, WOODY POINT - DIVISION 6 - A19309052 (Cont.)

Approved Plans and Documents (Replacing the previous table of approved Plans/Documents - DA/16075/2007/VCHG/2)			
Plan / Document Name	Reference Number	Prepared By	Dated
Sections and Elevations 4.10 West Elevation	DA04	Form Landscape Architects	17/8/19
Design Details 5.2 Material and Finishes	DA04	Form Landscape Architects	17/8/19
Design Details 5.3 Planting Palette	DA04	Form Landscape Architects	17/8/19
Design Details Planning Palette	DA04	Form Landscape Architects	17/8/19
Environmental Noise Impact Assessment	18BRA0177 R01_3	TTM	16/09/2019
Site Based Stormwater Management Plan	19011 - SBSMP/1	Morgan Consulting Engineers	27/3/2019
Traffic and Transport Assessment (letter)	17BRT0322	TTM consulting	17/9/2019

Amended Plans and Documents Required			
Plan / Document Name	Reference Number	Prepared By	Dated
North Elevation (Refer Condition 2)	TP02.01 P2	Rothelowman	12/9/19
West Elevation (Refer Condition 2)	TP02.04 P3	Rothelowman	12/9/19
Sections and Elevations 4.4 Section 04-Recreation Terrace (Refer Condition 2)	DA04	Form Landscape Architects	17/8/19
Waste Assessment	18BRW0043	TTM Consulting	17/9/19

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
1	Approved Plans and/or Documents	
	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
2	Amended Plans	
A	Provide the following to Council for approval: <ol style="list-style-type: none"> 1. an amended North Elevation Plan 2. an amended West Elevation Plan 3. a new plan showing the southern wall of the Stage 1 tower. 	Prior to Stage 1 Building Works approval.

Moreton Bay Regional Council

GENERAL MEETING - 497
3 December 2019

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Agenda

ITEM 2.1 DA/16702/2007/VCHG/3 - REQUEST TO CHANGE (OTHER) - MATERIAL CHANGE OF USE FOR MULTIPLE DWELLINGS (158 DWELLINGS) AND FOOD AND DRINK OUTLET LOCATED AT 2 & 8 GAYUNDAH ESP, WOODY POINT - DIVISION 6 - A19309052 (Cont.)

	Each plan is to reduce the area of unbroken white walls by amending the materials and/or colours and including opportunities for vertical gardens/landscaping.	
B	Provide to Council for approval an amended Recreation Terrace Elevation - Landscape Plan which includes the acoustic barrier to be provided along the northern boundary.	Prior to Stage 1 Building Works approval.
3	Community Management Statement	
	Ensure that the Community Management Statement for the development reflects the following: <ol style="list-style-type: none"> 1. Car parking provisions; 2. Landscaping requirements; 3. Communal Open Space and Recreation areas; 4. Bin storage requirements and collection locations; and 5. Stormwater Management requirements. 	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
4	Extent of Dwellings and non-residential uses	
A	Develop the Dwellings on the site as follows: <ol style="list-style-type: none"> 1. Thirteen (13) dwellings containing two (2) bedrooms; 2. One hundred and forty-five (145) dwellings containing three (3) or more bedrooms. <p>Note: The Manager's office and associated Back of House form part of the residential use. Use of these areas for non-residential uses is not anticipated by this approval.</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.
B	Ensure the non-residential uses on the site are limited to the following Gross Floor Areas; <ol style="list-style-type: none"> 1. 195m² to be utilised for Food and drink outlet. 	
5	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.	
6	Bicycle Parking Facilities	
	Install secure bicycle parking facilities for a minimum of one-hundred and fifty eight (158) bicycles for residents and one (1) for staff/visitors associated with non-residential tenancy. <p>Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic management - Part 11: Parking.</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.
7	Electrical Transformer	
	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: <ol style="list-style-type: none"> 1. A combination of screening device and landscaping; 	Prior to the commencement of use or Council endorsement of any Community Management

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	<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>Note: The use of barbed wire or metal prongs is not permitted.</p>	Statement, whichever occurs first and to be maintained at all times.
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 or Council endorsement of any Community Management Statement, whichever occurs first 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 or Council endorsement of any Community Management Statement, whichever occurs first 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>	
10	Street Numbering and Building Names	
	Install dwelling and street numbering and lockable mail boxes. Ensure street numbers and any building names are prominently displayed to enable identification by emergency services.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
11	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.	

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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"> 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. 	
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"> 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"> 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 prescribed in the technical note Fire hydrant indication system produced by the Queensland Department of Transport and Main Roads.	
12	External Lighting	
A	Install external lighting in accordance with AS4282-1997 - (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.

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B	Provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282-1997 - (Control of the Obtrusive Effects of Outdoor Lighting).	Prior to commencement of use or endorsement of any Community Management Statement whichever comes first.
13	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.
14	Waste Management Program Required	
A	Submit an amended waste management program in accordance with SC 6.20 Planning Scheme Policy - Waste.	Prior to submitting an application for building works.
B	Obtain approval from Council for the waste management program in accordance with (A) above.	
C	Implement the approved waste management program.	Prior to commencement of use or endorsement of any Community Management Statement whichever comes first and to be maintained at all times.
D	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	At all times.
15	Acoustic Attenuation Measures	
A	Provide the following acoustic attenuation measures as specified in the Environmental Noise Impact Assessment prepared by TTM: 1. Acoustic barriers. 2. Mechanical plant and equipment that is designed, sited and acoustically treated in order to achieve the specified noise limits. 3. Management strategies specified in section 7.2 of the report.	Prior to the commencement of the use and to be maintained at all times.
B	Provide certification from a suitably qualified person that condition A1 and 2 and the structural requirements in A3 have been installed/implemented in accordance with the specifications of the Environmental Noise Impact Assessment.	Prior to the commencement of the use.
16	Landscaping	
A	Provide landscaping on site generally in accordance with the approved Landscape Concept Plans and Planning Scheme	Prior to commencement of use or Council endorsement

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	Policy - Integrated Design Appendix D - Landscaping, including the provision of street trees.	of any community management statement, whichever occurs first.
B	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.	
C	Maintain the landscaping.	At all times.
17	Configuration of Lots	
	Amalgamate Lot 12 RP808977, Lot 99 RP30270, Lot 101 RP30270 into a single title or alternatively undertake a standard/building format plan which reflects the approved development.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first.
18	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: <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. 	Prior to the commencement of use of each stage or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
19	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 / 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 commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
B	Provide certification to Council from the Installer or an RPEQ engineer (electrical engineer) that the works and infrastructure required in (A) above has been done. Note: The location or the likely location of the NTD is determined by the owner in consultation with the electrician/electrical engineer. NBN Co have guidelines available to help determine the best location. A template for certification is available from Council for the purpose of this condition.	

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20	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 for New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs) to the same connection points in the dwelling that would have been or have been installed for telephone and television connections; including but not limited to bedrooms, family/living rooms, and study/office for dwellings and receptions, staff rooms, offices and the like for non-residential land uses.	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
B	Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done. Note: A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.	
21	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	Submit certification from a licensed surveyor, Registered Professional Engineer of Queensland (RPEQ) or registered building surveyor that any electricity connections and infrastructure made redundant by the development is removed with the land reinstated.	
22	Building Height	
	Provide certification from a suitably qualified person verifying the building height does not exceed 45m AHD as per the administrative definition of 'height' as contained within the Moreton Bay Regional Council Planning Scheme.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
23	Storage Facilities	
	Provide a storage area of 8m ³ per dwelling. Each storage area must be clearly allocated to individual units. Note - Storage areas can be co-located in garages, allocated car park areas in basements; or incorporated into building design. This storage area is not located within the dwelling.	Prior to commencement of use or endorsement of any Community Management Statement whichever comes first and to be maintained.

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24	Commercial Tenancy Front Glazing	
	Ensure a minimum a of 50% of the ground floor non-residential tenancies incorporates windows or glazing that is to remain transparent, uncovered and free of signage.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
25	Premises Hours of Operation - Non-Residential Uses and Multiple Dwelling Communal Recreation Area	
	<ol style="list-style-type: none"> 1. Limit the hours of operation of the pool area to between the hours of 7am and 6pm. 2. Any gates allowing access to the communal / pool areas are to be maintained and installed with soft close gate hardware to minimise gate noise. 3. Usage of the communal areas other than the pool is to be limited to only 7am - 10pm. 4. The Food and Drink Outlet tenancy hours of operation is limited to: <ul style="list-style-type: none"> • 6:00am to 9:00pm Sunday to Thursday; and • 6:00am to 10:00pm Friday & Saturday 	At all times.
DEVELOPMENT ENGINEERING		
26	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 each stage or endorsement of any community management statement, whichever occurs first.
27	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 of each stage or endorsement of any community management statement, whichever occurs first.
28	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.

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29	Stormwater Management	
A	Implement and maintain the works identified in the approved Stormwater Management Plan.	Prior to commencement of use of Stage 1 or endorsement of any community management statement, whichever occurs first and then to be maintained.
B	Construct 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 of Stage 1 or endorsement of any community management statement, whichever occurs first.
C	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 of Stage 1 or endorsement of any community management statement, whichever occurs first.
30	Pathways	
	Construct, at no cost to Council, a new 2.0 metre wide reinforced concrete pathway along the full development frontage of Kate Street, Lilla St and Gayundah Esplanade. (Note that existing approx. 1.2m footpath along Lilla St and Gayundah Espl to be reconstructed to new standard) This condition has been imposed under section 145 of the <i>Planning Act 2016</i> .	Prior to commencement of use of Stage 1 or endorsement of any community management statement, whichever occurs first.
31	Construction Management Plan	
A	Submit and have approved by Council, a Construction Management Plan (CMP) prepared by the Principal Contractor. The CMP is to outline, in sufficient detail, the processes that will be employed to minimise impacts on the surrounding community during construction. These processes are to cover the following: <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. The CMP may include a site layout drawing identifying these areas. The CMP needs to reflect any staging requirements.	Not less than two (2) weeks prior to commencement of works for each stage. To be maintained current at all times.

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	<p>Notes:</p> <p>6. Council will generally only approve early starts for large concrete pours during summer (e.g. monolithic concrete pours for basements and suspended floor slabs)</p> <p>7. Dewatering directly into Council's stormwater system (pipes or overland flow) without appropriate water quality treatment/improvement is not acceptable</p> <p>8. 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</p> <p>9. Materials unloading and loading must occur on-site unless prior written approval is given by Council.</p> <p>10. All construction office accommodation and associated temporary buildings is to be contained within the site or on a nearby site.</p>	
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.
32	Erosion and Sediment Control	
	Implement an Erosion and Sediment Control Plan prepared by an experienced Certified Professional in Erosion and Sediment Control (CPESC) in accordance with the International Erosion Control Association Australasia (IECA) Best Practice and Sediment Control document.	Prior to commencement of works for Stage 1 or endorsement of any Community Management Statement whichever comes first and to be maintained current at all times during construction.
33	Acid Sulfate Soils	
A	Prepare an Acid Sulfate Soil Investigation Report and if required an Acid Sulfate Soils Management Plan. The reports and analysis are to be undertaken in accordance with the MBRC Planning Scheme and prepared by a suitably qualified person.	Prior to the commencement of works for Stage 1.
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>	While site works are occurring.
C	<p>Provide certification from a suitably qualified person that all works have been undertaken in accordance with the Acid Sulfate Soil Management Plan.</p> <p><i>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.</i></p>	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.

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34	Driveway Crossover	
A	Construct a 7.0m driveway crossover in accordance with the approved plans and documents of development and MBRC Standard Drawing/s RS-051.	Prior to commencement of use of Stage 1 or endorsement of any community management statement, whichever occurs first.
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 or endorsement of any community management statement, whichever occurs first.
35	Existing Driveway Crossover	
	Remove completely all redundant driveway crossovers fronting the development site on. Reinstate all disturbed areas (including kerb and channel) to Council's standards current at the time of development.	Prior to commencement of use of Stage 1 or endorsement of any community management statement, whichever occurs first.
36	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 of Stage 1 or endorsement of any community management statement, whichever occurs first.
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.	
37	Refuse Collection - Path and Pram Ramp	
A	Provide a concrete pathway and pram ramp in accordance with the approved plans.	Prior to commencement of use of Stage 1 or endorsement of any community management statement, whichever occurs first.
B	Signpost the development road frontage in the approved location as a loading zone with time restrictions to allow a 12.5 metre long rear loading refuse vehicle to service the development from the kerbside.	Prior to commencement of use of Stage 1 or endorsement of any community management statement, whichever occurs first.

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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	Food Premises - Food Business Licence Advice
	<p>In accordance with the <i>Food Act 2006</i> 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>

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4	Food Premises - Commercial Exhaust Canopy
	A food business may require a commercial exhaust canopy that would be required to comply with AS 1668.2-2012 The use of ventilation and air conditioning in buildings - Mechanical ventilation in buildings. An exhaust canopy can have an impact on the visual amenity of a building and cause noise and vibration issues that may affect the location and design of a food business.

- 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	Request to Change (Other) - Material Change of Use - Development Permit for Multiple dwelling (158 dwellings), and Food and Drink Outlet
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	Building Works – Development Permit Operational Works - Development Permit
Codes for Accepted Development	Not applicable
Referral Agencies	Not applicable
Submissions	There were 173 properly made submissions about this application.

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REPORT DETAIL

1. Background

The subject land comprises 2 & 8 Gayundah Esplanade, Woody Point. The land at 2 Gayundah Esplanade is vacant land that previously contained the Palace Hotel. The land at 8 Gayundah Esplanade contains an existing house.

On 19 August 2008, Council granted the original approval for DA/1670/2007/DA, being a Material Change of Use - Development Permit for Hotel, Food Service and Multiple Dwelling over land at 2 Gayundah Esplanade.

On 17 August 2011, the relevant period of the approval was extended until 20 August 2014.

On 10 September 2014, the relevant period of the approval was extended until 20 August 2017.

On 14 February 2017, the relevant period of the approval was extended until 20 August 2020.

On 9 January 2018, a separate Development Application for a Material Change of Use for Multiple Dwelling was approved over both this property and the adjacent property (2 and 8 Gayundah Esplanade, Woody Point) for the additional 27 Multiple Dwelling units. (DA/34976/2017/V2M).

On 9 January 2018, a Change Application (for a Minor Change) was approved to facilitate the integration of the additional 27 units approved under DA/34976/2017/V2M with this development approval. As part of the change, consequential amendments were made to the approval. (DA/16705/2017/VCHG/1).

As a result, DA/16705/2017/VCHG/1 and DA/34976/2017/V2M are now a single cohesive development.

On 2 August 2018, a Change Application (Minor Change) was approved (DA/16705/2007/VCHG/2). This change involved an amended stormwater management arrangement. This approval has an overall built form of 9-10 storeys with building bulk to each of the three road frontages. The development comprised Multiple Dwellings (174 units) and non-residential tenancies totalling 409m².

2. Explanation of Item

2.1 Description of the Site and Surrounds

The site at 2 & 8 Gayundah Esplanade, has an area of 6,917m² (0.69 ha) and three road frontages. This is the key landmark site for Woody Point due to its position at the Woody Point peninsula, its size and its location with frontage to a District Collector Road Gayundah Esplanade / Lilla Street. This is the original location of the Palace Hotel, diagonally opposite the "Gayundah" wreck and across from the Gayundah Arboretum Park with the associated active transport path network. Development on this site will be visible from Clontarf and Shorncliffe.

The MBRC Planning Scheme identifies this land as being in the General Residential Zone - Urban Neighbourhood Precinct, being the highest order residential area. From the Zone Code, the Planning Scheme anticipates that the "scale and density of development facilitates an efficient land use pattern that supports compact, walkable and sustainable communities that are well connected to centres, community and social infrastructure." Town Planning and design principles support the location of a significant iconic development on this site, from which other development in the locality will take a subordinate, less prominent form.

The land is predominantly vacant land, with the exception of the existing house located on 8 Gayundah Esplanade. The land ranges from approximately 12m AHD at Gayundah Esplanade to approximately 7m AHD at the corner of Kate Street and Lilla Street.

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Gayundah Esplanade and Lilla Street are Council District Collector Roads which also form part of Council's Active Transport Network. There is a bus stop opposite the site on Gayundah Esplanade.

Kate Street is an Access Street.

Directions	Planning Scheme Zone	Current Land Use
North	General Residential Zone - Urban Neighbourhood Precinct (Next General Precinct beyond Alfred Street)	<ul style="list-style-type: none"> • 2 storey units circa 1972 (to Kate Street) <ul style="list-style-type: none"> ○ Beyond are 2 storey units circa 1992 • 2 storey house circa 2000 (to Gayundah Esp) <ul style="list-style-type: none"> ○ Beyond are 2 storey units circa 1997
South	Lilla Street (District Collector) General Residential Zone - Urban Neighbourhood Precinct	<ul style="list-style-type: none"> • Lilla Street <ul style="list-style-type: none"> ○ Beyond is 1A Lilla Street - Multiple Dwellings approved to 27m excl. lift overrun (unconstructed); and ○ 5 Lilla Street - Multiple Dwellings - approximately 27m high ○ Beyond these are 36 Woodcliffe Cres - Multiple Dwellings with height to approx. 25m. • Southeast beyond Lilla Street / Gayundah Esplanade corner - waterfront - containing the "Gayundah" wreck
East	Gayundah Esplanade (District Collector) Recreation and Open Space Zone with waterfront beyond	<ul style="list-style-type: none"> • Gayundah Esplanade • Bus stop serviced regularly from 5:59am - 5:53pm weekdays (8:20am - 5:20pm weekends) • Gayundah Arboretum Park
West	Kate Street (Access Street) General Residential Zone - Urban Neighbourhood Precinct with Recreation and Open Space Zone beyond.	<ul style="list-style-type: none"> • Kate Street <ul style="list-style-type: none"> ○ Mix of older 1-2 storey houses ○ Units beyond

As shown by the above table, the subject site is located within an area intended for development consistent with the General Residential Zone - Urban Neighbourhood Precinct, being the highest order residential precinct in the MBRC Planning Scheme.

Recent development, such as 36 Woodcliffe Crescent, 5 Lilla Street and 1A Lilla Street comprise Multiple Dwellings ranging in height from 25 - 27m excluding lift overruns and similar.

The area still contains older housing stock constructed in 2000 and older, with the majority being older buildings. The scale of lots containing older dwellings range from 396m² - 1,214m². The subject site is 6,917m², being significantly larger than the largest of the remaining lots in the locality.

2.2 Proposal Description

2.2.1 *Proposal details*

On 24 April 2019, the applicant lodged this development application, being a request for a change (other) to the existing approval, seeking approval for a revised building design, removal of the Hotel aspect of development, and an overall reduction in yield, Multiple Dwellings (158 units reduced from 174 units) and Food & Drink Outlet (195m² reduced from 409m²). In contrast to the existing approval, which had a block bulk design of 9-10 storeys, the revised design grades from 3 storeys at the lower

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order Kate Street, up to 11, then 13, then 15 storeys (45m), creating a focal point at the corner of Gayundah Esplanade and Lilla Street.

The focal point at this key landmark corner is intended to be emphasised at ground level by providing a replica of the "Gayundah" within an open space at this corner, reflected with an inverse void the entire height of the building. The restaurant tenancy is proposed to be relocated to this corner, with terraces on either side of the landscaped open corner.

While the previously approved development includes curving balconies and articulation, anticipated in the Scenic Amenity Overlay area, it includes a materials palette that is not distinct to Woody Point. It could be argued that the previously approved design echoes similar buildings on the Gold Coast or Sunshine Coast, or Moreton Bay.

By contrast, the revised architectural design strongly integrates elements drawn from the historic Gayundah boat and the Palace Hotel. From the Rothelowman Architect's Report:

"The HMQS Gayundah has historical significance for the Peninsula, the State and the Nation. The proposal seeks to allow the building to be of its place through reference to the history of the locality. It is proposed that this will be expressed through both form-making and materiality/colour seeking to engage with the shipwreck directly adjacent."

And

"The site was until recently occupied by the Palace Hotel. This building was constructed in circa 1909. It formed an important public purpose for the area. We believe that opportunity lies in referencing some of the original features of this once beautiful structure within the proposal. Of particular interest to us are the Victorian Era filigree/ decorations and the notion of a 'widow's walk' seemingly existent in the original building."

The resulting design complies with the Scenic Amenity Overlay requirements with regard to building design elements. It also draws strongly on local history, built form characteristics and materials. In addition to the proposed historic sculpture, the proposal uses rust coloured materials, large vertical blades, balconies, and vertical elements which echo traditional wooden battens. The banded awning at ground level to the tenancy is reflective of the more recent version of the Palace Hotel.

In summary, the Multiple Dwelling component comprises (158 Units) being eight (8) town house style units and the remainder being apartments. In total, this aspect of the proposal includes:

- Thirteen (13) dwellings containing two (2) bedrooms;
- One hundred and forty-five (145) dwellings containing three (3) or more bedrooms;
- Three hundred and sixteen (316) car parking spaces (equivalent to 2 per unit), being double the MBRC Planning Scheme requirement;
- Landscaped communal space which includes a pool, garden area, deck and alfresco dining area and amenities; and
- Manager's office.

The Food & Drink Outlet tenancy is provided with 11 car parking spaces, being above the range of car parking required by the MBRC Planning Scheme.

The applicant's report notes that the Food and Drink Outlet tenancy hours of operation would be limited to:

- 6am to 9pm Sunday to Thursday; and
- 6am to 10pm Friday & Saturday

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An Environmental Noise Assessment Report was provided in support of the development application. It recommends a 2.2m high acoustic barrier between the communal area and the adjoining land to the north. The report also recommends management measures including limited hours of use/operation:

- Pool Area - 7am - 6pm
- Communal Area (not pool) 7am - 10pm
- Waste Collection 7am - 6pm
- Bin Movement 7am - 10pm

A Traffic Impact Assessment was provided in support of the development application. The proposed development involves an overall reduction in the number of units from 174 (approved) to 158 (proposed) and a reduction in the scale of non-residential tenancy area from 409m² to 195m². The report stating that the proposed traffic generation will be less than the previously approved development. A single vehicle access to the site is proposed via Lilla Street which leads to semi-basement and basement parking.

The proposed building is intended to include a number of energy efficiency design initiatives including:

- Performance glazing façade
- Energy efficient air conditioners
- Energy efficient LED lamps
- An energy metering system for monitoring demand
- Lifts with high efficiency drives
- Solar water heating
- Rainwater harvesting for landscape irrigation
- Water efficient fixtures to reduce potable water demand
- Dedicated recycling facilities
- Bio-retention system to manage stormwater quality
- Proximity to services including the Woody Point centre and the Belvedere Hotel; and
- Provision of infrastructure to cater for electric cars.

The proposed development involves removal of the existing house and established tree at 8 Gayundah Esplanade. Neither the tree or house are mapped as having significance under the MBRC Planning Scheme and they are permitted to be removed under the existing approval.

2.2.2 Staging

The proposed development is intended to be delivered in two stages. The first stage comprises the entire basement and semi-basement carpark, four (4) town house style units, two (2) of the five (5) towers and the central common area.

The second stage area, fronting Lilla Street, is to be used during construction.

The second stage comprises the remainder of the development including four (4) town house style units, the remaining three (3) towers and the Food & Drink tenancy.

Conditions have been recommended to ensure that the development contributes to the public realm, is constructed in an orderly way and avoids the appearance of large blank walls between the delivery of Stage 1 and Stage 2:

- Provision of new 2m wide footpath and street trees to all three (3) road frontages;
- Construction Management Plan - to be approved and implemented; and
- Southern side of stage 1 tower (adjoining Stage 2 boundary) to include colour variation to reduce appearance of large blank wall.

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2.3 Assessment Benchmarks related to the *Planning Regulation 2017*

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

These Assessment Benchmarks are prescribed as being contained in:

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

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:	The land is not located in a Priority Koala Assessable Development Area. Moreton Bay Regional Council is located within Koala Conservation Plan District A requiring spotters during tree clearing.

2.3.1 *State Planning Policy*

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

Assessment benchmark - livable communities		
Applicable to Development	SPP requirement	Comment
Yes	(1) Development ensures fire hydrants are installed and located to enable fire services to access water safely, effectively and efficiently. (2) Road widths, and construction within the development, are adequate for fire emergency vehicles to gain access to a safe working area close to buildings and near water supplies whether or not on-street parking spaces are occupied. (3) Fire hydrants are suitable identified so that fire services can locate them at all hours.	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply. The recommendations of this report include a condition of development that internal fire systems are installed within the development where required.

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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	<p>(1) Development is located, designed, constructed and operated to avoid or minimize adverse impacts on environmental values arising from</p> <p>(a) altered stormwater quality and hydrology</p> <p>(b) waste water</p> <p>(c) the creation or expansion of non-tidal artificial waterways</p> <p>(d) the release and mobilization of nutrients and sediments.</p> <p>(2) Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2)</p> <p>(3) Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.</p>	<p>An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.</p> <p>1(a) and (b) The application included a Site Based Stormwater Management Plan (SBSMP) which addresses stormwater quality. It is recommended that the development be conditioned to manage stormwater in accordance with this report.</p> <p>(c) Not applicable. The site does not contain or create a waterway.</p> <p>(d) Erosion and sediment control practices will manage sediment and are recommended as a condition.</p> <p>(2) Council's engineering review of the proposed development identified that the proposal complies.</p> <p>(3) Not applicable. The site is not located in a water supply buffer area.</p>

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Assessment benchmarks - natural hazards, risk and resilience		
Applicable to Development	SPP Requirement	Comment
Yes	<p>Erosion prone areas within a coastal management district:</p> <ul style="list-style-type: none"> (1) Development does not occur in an erosion prone area within a coastal management district unless the development cannot feasibly be located elsewhere as is: <ul style="list-style-type: none"> (a) coastal dependent development; or (b) temporary, readily relocatable or able to be abandoned development; or (c) essential community infrastructure; or (d) minor redevelopment of an existing permanent building or structure that cannot be relocated or abandoned. (2) Development permitted in (1) above, mitigates the risks to people and property to an acceptable or tolerable level. <p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <ul style="list-style-type: none"> (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>All natural hazard areas:</p> <ul style="list-style-type: none"> (4) Development supports and does not hinder disaster management response or recovery capacity and capabilities. (5) Development directly, indirectly and cumulatively avoids an 	<p>(1) Not applicable - State mapping shows that the Coastal Management District and Erosion Prone Area about the boundary, but are not on the subject site. Council's Erosion Prone Area mapping differs from the State mapping, showing a small area of approximately 1m wide in the south eastern corner of the site. This application is a Change to the existing approval and there is no increase in the development footprint in this area. The proposed new design provides an open landscaped space at this location.</p> <p>(2) Not applicable.</p> <p>(3) The MBRC Planning Scheme Flood Hazard Overlay identifies approximately 1m of the south east corner as Balance Flood Area. As above, this application is a Change to the existing approval and there is no increase in the development footprint in this area. The proposed new design provides an open landscaped space at this location. In this way, the development avoids risks to people and property.</p> <p>(4) The site has three (3) road frontages, providing ready disaster management access.</p> <p>(5) The area mapped as being constrained is very small (approximately 1m wide on the south east corner). This area is</p>

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Assessment benchmarks - natural hazards, risk and resilience		
Applicable to Development	SPP Requirement	Comment
	<p>increase in the severity of the natural hazard and the potential for damage on the site or to other properties.</p> <p>(6) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</p> <p>(7) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</p>	<p>predominantly a landscaped open space and the development is to be undertaken in accordance with the SBSMP. The application is a Request to Change the existing approval, reducing the overall development yield. In this way, the development avoids increases in the severity of natural hazards.</p> <p>(6) Further to Response (5) above, conditions have been recommended to ensure compliance with a Construction Management Plan, SBSMP and Erosion Sediment Control practices. Also, the development involves Multiple Dwellings and a Food and Drink Outlet. These uses are not anticipated to involve hazardous materials in their operation.</p> <p>(7) The mapped hazard area is very small part of 2 Gayundah Esplanade, being vacant urban land that does not contain natural features (vegetation or waterway).</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>
Assessment benchmarks - strategic airports and aviation facilities		
Applicable to Development	SPP Requirement	Comment
Yes	(1) Development and associated activities do not create a permanent or temporary physical or transient intrusion into a strategic airport's operational airspace, unless the	<p>The land is located within the Wildlife Hazard Buffer Area.</p> <p>1) The development is not within the operational</p>

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Assessment benchmarks - natural hazards, risk and resilience		
Applicable to Development	SPP Requirement	Comment
	intrusion is approved in accordance with the relevant federal legislation.	airspace area and will not intrude.
	(2) Development and associated activities do not include light sources or reflective surfaces that could distract or confuse pilots within a light restriction zone or lighting area buffer.	2) The site is not within the light restriction zone.
	(3) Emissions do not significantly increase air turbulence, reduce visibility or compromise the operation of aircraft engines in a strategic airport's operational airspace.	3) The site is not within the operational airspace area.
	(4) Development and associated activities do not attract wildlife hazards within a wildlife hazard buffer zone.	4) The proposed development does not involve an activity which will attract wildlife.
	(5) Development and associated activities within a building restricted area do not interfere with the function of aviation facilities.	5) The proposed development will not interfere with aviation functions.
	(6) Development does not increase the risk to public safety within a public safety area.	6) The site is not within a public safety area.
	Development within the 20 ANEF contour or greater is appropriately located and designed to prevent adverse impacts from aircraft noise.	7) The site is not within the 29 ANEF contour.

2.3.2 South East Queensland Regional Plan

The site is located in the Urban Footprint designation.

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

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

2.4.1 Categories of Development and Assessment - Assessment Benchmarks

The proposed change to the existing approval involves land within the General Residential Zone - Urban Neighbourhood Precinct. With reference to MBRC Planning Scheme Table 5.5.6.4 - the Categories of Development and Assessment are as follows:

- MCU being Food and Drink Outlet (Retail and Commercial Activity) in a mixed use building - tenancy less than 250m² - **Code Assessment**
 - General Residential Zone Code

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- MCU being Multiple Dwelling - in building exceeding Building Height Overlay - **Impact Assessment**
 - MBRC Planning Scheme, particularly
 - General Residential Zone Code
 - Residential Uses Code
- Coastal Hazard Overlay (Erosion Prone Area - approx. 1m wide in southeast corner) - **Code Assessment**
 - Coastal Hazard Overlay Code
- Flood Hazard Overlay (Balance Flood Area - approx. 1m wide in in southeast corner) - **No Change**
 - Flood Hazard Overlay Code

Accordingly, the Request to Change (Other) application is subject to **Impact Assessment**.

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

2.4.2 Strategic Framework

The strategic framework sets the policy direction for the planning scheme and forms the basis for ensuring appropriate development occurs within the planning scheme area for the life of the planning scheme.

The Strategic Framework 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 located within the Urban Neighbourhood place type of the MBRC Planning Scheme. This is the highest order residential place type.

The applicable Strategic Outcomes under the Themes for the planning scheme are discussed as follows:

Strategic Outcome	Complies	Assessment
3.3 Theme - Sustainability and Resilience		
<p>3.3.1 Strategic Outcome - Integrate sustainability with land planning decision-making <i>Design and site development and infrastructure using sustainability and urban design principles to reflect the Region's subtropical climate, reinforce local character and achieve innovation and design excellence.</i></p> <p>1. All development, including buildings and infrastructure, will incorporate subtropical design principles, including orientation, siting and</p>	<p>Yes</p>	<p>The proposed development integrates sustainability features by virtue of the location and proposed built form.</p> <p>The subject land is located opposite a regularly serviced bus stop. Also, the property fronts roads that form part of Council's existing Active Transport network. In this way, the proposed development reduces vehicle reliance.</p> <p>1. The applicant's architectural report details the sustainability features that have been integrated into the proposed</p>

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Strategic Outcome	Complies	Assessment
<p>passive climate control, in the planning, design and delivery process to minimise land consumption and service costs and improve design of new development.</p> <p>2. The design and orientation of all buildings and allotments will take advantage of the Region's climate and reduce the use of energy, especially for cooling and heating, in accordance with sub-tropical design principles and climate smart initiatives;</p>		<p>development. These are summarised in Section 2.2.1 of this report. The proposed development is infill development in an area with existing services. In this way the development minimises land consumption and service costs. The proposed development includes the provision of a 2m wide path and landscaping along all three (3) road frontages, contributing to infrastructure that supports pedestrian movement in the subtropical climate.</p> <p>2. The revised building design incorporates height on the eastern side of the development, reducing in scale to the west. The orientation increases access to sun for the communal area and neighbouring properties as compared to the existing approved development.</p> <p>The revised design includes shade through the use of blades, articulation and landscaping. The individual unit design also facilitates cross ventilation.</p> <p>Other energy efficiency measures are summarised in Section 2.2.1 of this report.</p>
<p>3.3.2 Strategic Outcome - Reduce greenhouse gas emissions <i>Greenhouse gas emissions are reduced from development, land management and other planning decisions in the region.</i></p> <p>3. Reduce greenhouse gas emissions from transport fuel consumption by adopting patterns of urban development that reduce the need to travel and the distance travelled and by facilitating an increase in provision of active and public transport alternatives.</p> <p>4. Improve energy efficiency through siting, design, construction and use of demand management technologies to reduce greenhouse gas emissions from electricity use;</p>	<p>Yes</p>	<p>The proposed development reflects the principles of reducing greenhouse gas emissions by being located in an established area that is serviced by public transport and active transport infrastructure.</p> <p>The proposed building has been designed to incorporate sub-tropical design features to minimise reliance on energy usage. Other energy efficiency measures are summarised in Section 2.2.1 of this report.</p>
<p>3.3.3 Strategic Outcome - Natural hazards and adaptation <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> <p>1. Respond to the risk from natural hazards, including projected changes in weather, by</p>	<p>Yes</p>	<p>The proposed development is responsive to natural hazards by ensuring the development would be constructed outside the mapped hazard constraint areas.</p>

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Strategic Outcome	Complies	Assessment
avoiding areas with high exposure and establishing adaptation strategies to minimise vulnerability to riverine flooding, storm tide, coastal erosion, bushfires and landslides;		
<p>3.3.4 Strategic Outcome - Responding to oil supply vulnerability <i>Identify people, economic sectors and areas that are at risk due to oil supply vulnerability and increase their resilience to the effects of oil supply vulnerability.</i></p> <p>1. Manage risks and reduce impacts on people, economic sectors and areas from the effects of oil supply vulnerability by:</p> <ul style="list-style-type: none"> a. Designing development to encourage walking, cycling and public transport use to access local shopping facilities and employment locations, and early provision of public transport services; b. ensuring transport infrastructure and service investment actively reduces oil dependence, particularly for trips that could be undertaken by public or active transport; and c. reducing the length of trips and dependence on oil by localising access to goods, services and employment opportunities. 	Yes	<p>The proposed development responds to oil supply vulnerability by being located within an established area that is serviced by public transport and active transport infrastructure and in proximity to established and future local services and places of activity.</p> <p>The proposed development would encourage active transport through the provisions of bicycle parking spaces for each dwelling and associated with the commercial tenancy.</p>
<p>3.3.5 Strategic Outcome - Land, air and noise <i>The adverse effects of development on land, air quality and noise levels are avoided in the first instance, mitigated and managed to within acceptable levels and environmental harm is avoided.</i></p> <p>4. Development does not lead to environmental harm or nuisance through unacceptable levels of noise.</p>	Yes	<p>Potential noise generation from the development can be appropriately attenuated by incorporating the recommendations from the submitted Environmental Noise Assessment Report. In this way, the development will not lead to environmental harm associated with noise.</p>
3.4 Theme - Natural Environment and Landscape		
<p>3.4.3 Strategic Outcomes - Coastal Management <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>	Yes	<p>The proposed development can be undertaken without detrimental impact to the natural values of the coastal areas. In particular, this application seeks approval of a change to the existing approval, sharing a similar development footprint. Conditions relating to sediment and erosion control have been recommended to ensure that construction and operation of the development will protect the surrounding environment.</p>
<p>3.4.4 Strategic Outcomes - Regional landscape areas <i>Healthy, diverse and productive rural and coastal landscapes are maintained and enhanced, for</i></p>	Yes	<p>The development will enhance the multiple environmental, recreational, cultural and scenic amenity values of the coastal landscape.</p>

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Strategic Outcome	Complies	Assessment
<p><i>their multiple environmental, recreational, cultural, economic and scenic amenity values.</i></p>		
<p>3.4.5 Strategic Outcomes - Scenic Amenity <i>Recognise and promote landscape values and scenic amenity across the Region.</i> 1. Important scenic amenity areas, view corridors and viewpoints are protected</p>	<p>Yes</p>	<p>The subject site is located within the Scenic Amenity Overlay - Locally Important. This is the <u>key landmark site</u> for Woody Point due to its position at the Woody Point peninsula, its size and its location with frontage to a District Collector Road Gayundah Esplanade / Lilla Street. This is the original location of the Palace Hotel, diagonally opposite the "Gayundah" wreck and across from the Gayundah Arboretum Park with the associated active transport path network. Development on this site will be visible from Clontarf and Shorncliffe.</p> <p>This application seeks a change from the previously approved development, being a 9-10 storey block style development to a redistributed building which steps from 3 storeys at Kate Street, to 11 storeys, then 13 storeys, then 15 storeys (45m), narrowing each step. In this way, the building is designed to sit well in the context of the surrounding neighbourhood and recreation areas, while drawing attention to this landmark Woody Point site. The design draws on the local history and character of the area and includes features identified in the Zone Code for development in the Scenic Amenity Overlay.</p>
<p>3.5 Theme - Strong Communities</p>		
<p>3.5.3 Strategic Outcome - Sense of place and identity <i>The built form contributes to a sense of place and identity.</i> 2. All new prominent building projects in the Region's higher order centres and transit communities will contribute to the creation of high-quality public spaces;</p>	<p>Yes</p>	<p>As noted above, the site is a key landmark location and the building has been designed to reflect the history, character and prominence of the location. While the site is not in a Centre Zone, it is located in the Urban Neighbourhood Precinct, being the highest order residential precinct. The site is located at the corner of two District Collector roads, opposite a frequently serviced bus stop.</p> <p>2. The proposed development will contribute to the sense of place by providing a high quality built form, associated quality landscaping and an open landscaped space on the main corner, containing a scale replica of the Gayundah and history information (an</p>

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Strategic Outcome	Complies	Assessment
<p>4. The valuable features, landscape character, built environment and land use pattern across the Region contributes to the creation of a distinct sense of place and identity for the Region and individual communities through respect for natural significant landscape features, local values, local climatic considerations and the use of traditional building materials and forms.</p>		<p>outcome supported by the local Save the Gayundah group). The development also includes the provision of footpaths and landscaping to each road frontage.</p> <p>4. The building design draws on the features of the surrounding context, the Gayundah wreck, the Woody Point peninsula, and the former Palace Hotel (original and more recent iteration). In this way the development responds to the prominence of the property, addressing the landmark corner and waterway.</p> <p>The proposed development design draws on the history and character of the local area including features such as the replica Gayundah sculpture at ground level, integration of the rust colour throughout the development. The ground level awning echoes a similar form from the recent iteration of the Palace Hotel. The vertical battens below the awning, and the notion of a widow's walk balcony have been drawn from the original Palace Hotel. The variation in building height means that the Kate Street frontage reflects the scale of development on the lower order road, while the pinnacle of the tower is located toward the landmark corner of Gayundah Esplanade and Lilla Street.</p> <p>Importantly, the proposed development involves a change to the previously approved built form. The revised design redistributes the building bulk to provide a range of housing types, including 3 storey town house style units to Kate Street and part of Lilla Street, reflecting the scale of dwellings on the lower order Kate Street.</p>
<p>3.5.4 Strategic Outcome - Open space network <i>Provision of a well connected, diverse and accessible public open space network.</i></p> <p>1. Accessible, diverse and quality useable open space that provides for the health, recreation and leisure needs of the current and future communities is maintained and enhanced;</p>	<p>Yes</p>	<p>1. The land is opposite the Gayundah Arboretum Park and close to other recreation areas and the popular Belvedere. The proposal will contribute to the well connected network by upgrading the footpath and associated landscaping to each road frontage. The proposal also provides a new Food and Drink Outlet which will contribute to the availability of services for those using the parks.</p>
<p>3.5.7 Strategic Outcome - Housing choice and affordability</p>	<p>Yes</p>	<p>1. The anticipated population growth in Margate - Woody Point is currently estimated to increase by approximately</p>

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Strategic Outcome	Complies	Assessment
<p><i>A variety of housing options is provided to meet diverse community needs and achieve housing choice and affordability.</i></p> <p>1. Council's planning initiatives are primarily aimed at increasing population in close proximity to services, public transport and employment to make the overall cost of living more affordable by reducing overall lifestyle costs, particularly transport costs, energy costs by requiring services and facilities close to where people live;</p> <p>3. New housing developments will be planned, designed and delivered taking into account the neighbourhood and place type, existing and future housing needs in the area, and the connectivity and accessibility required to create a walkable neighbourhood and encourage active transport;</p>		<p>1,000 by 2026 (based on QLD Government Population Projections and 2016 population base). The land is located within the Urban Residential Precinct, being the highest order residential precinct. Multiple Dwellings are consistent in this Precinct. The land is located opposite a frequently serviced bus stop and active transport network. The building also has a number of energy efficiency measures included. Furthermore, the ground floor Food and Drink Outlet will service residents in the area and visitors to the park opposite.</p> <p>3. The proposed change to the existing approval increases the amount of housing choice by providing town house style units to the lower order Kate Street and part of Lilla Street. The remainder of the building provides a range of unit sizes, heights and orientations. The proposed front path upgrade will contribute to the walkable neighbourhood.</p>
<p>3.6 Theme - Settlement Pattern and Urban Form</p>		
<p>3.6.1 Strategic Outcome - Compact urban form within the urban footprint <i>A more compact urban form is developed within the urban footprint by a program of urban design and sustainability principles aimed at increasing the jobs and people per hectare in targeted locations (to help achieve Council's long term 70% local employment target), creating walkable communities, and a viable quality transit system.</i></p> <p>1. A more efficient land use and development pattern will be achieved progressively over time by:</p> <ul style="list-style-type: none"> b. encouraging more intense development and a greater mix of uses at targeted locations within the Urban Footprint; c. requiring new development to be integrated into existing neighbourhoods in a spatially cohesive manner to help create walkable communities with an emphasis being placed on active transport and access by transit; and <p>2. Ensure that new development and redevelopment in established urban areas</p>	<p>Yes</p>	<p>1.b. While the proposed development involves an overall reduction in yield, the proposed development provides density in an appropriate location, within the Urban Footprint and MBRC General Residential Zone - Urban Neighbourhood Precinct (highest order), on the corner of two District Collector Roads, opposite open space and opposite a regularly serviced bus stop.</p> <p>c. The proposed revised design results in an overall reduction in yield and redistributed building bulk. The outcome is a reduction in building bulk to the lower order Kate Street with 3 storey townhouses. At the more prominent, landmark corner of Gayundah Esplanade and Lilla Street, the building height is increased. This puts the primary entrance for the majority of dwellings opposite the frequently serviced bus stop and active transport network.</p> <p>2. As noted above, the development has been redesigned to reflect the history and character of Woody Point. This is an established urban area.</p>

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Strategic Outcome	Complies	Assessment
<p>reinforces the strengths and individual character of the urban area in which the development occurs;</p>		
<p>3.6.4 Strategic Outcome - Transit oriented communities <i>New development that is in close proximity to existing and proposed public transport stops and stations contributes to the use and viability of public transport, the use of active transport and the development of walkable neighbourhoods by providing well designed and appropriate higher density and mixed use development.</i></p> <p>1. Encourage higher density and intensity of mixed use development of sites within 800 metres of existing or planned railway stations and undertake land use and transport planning concurrently and sequence development with timely infrastructure provision.</p>	<p>Yes</p>	<p>1. While the proposed change reduces the previously approved yield, it still constitutes 158 units on land of 6,917m² being equivalent to 228 dwellings per hectare. As the highest order Residential Precinct, the Urban Neighbourhood Precinct is intended to achieve a minimum 75 dwellings per hectare. In this way, the proposal complies with this intent. This site is regularly serviced by bus, throughout the week. The area is surrounded by established infrastructure.</p>
<p>3.6.5 Strategic Outcome - Infill development <i>Council will seek to increase residential densities and employment opportunities within the urban corridor and specifically within and adjoining activity centres and public transport in order to maximise access to and use of services and facilities and opportunities for use of public transport, walking and cycling and also adjacent to areas of high scenic amenity e.g. waterfront, environmental areas with high standards of amenity and accessible open space.</i></p> <p>1. Council will focus higher density and mixed-use development in higher order centres and public transport nodes and corridors; 2. Council will also seek to encourage diversity in housing types throughout the urban area through the development of vacant and underutilised residential land in suburban areas to achieve greater housing choice and new suburban residential development within walking distance of local centres or neighbourhood hubs and bus stops; 3. Council will also seek to encourage diversity in housing types throughout the urban area through the development of vacant and underutilised residential land in suburban areas (not included in dot points one and two above) to achieve greater housing choice and new suburban residential development within walking distance of local centres or neighbourhood hubs and bus stops;</p>	<p>Yes</p>	<p>1. As above, the proposal complies by providing high density in proximity to public transport and two District Collector roads. 2. The proposed development seeks to change the previously approved unit development, increasing variation in housing type by providing town house style units to Kate Street and part of Lilla Street.</p> <p>3. The subject site has been vacant for a number of years. It is understood that the applicant intends to proceed with construction of this development if approved.</p> <p>5. The site is well located with regard to existing infrastructure.</p>

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Strategic Outcome	Complies	Assessment
<p>5. Ensure the provision of appropriate infrastructure is planned for and provided to support additional population in infill areas;</p> <p>6. Respond to natural hazards through adaptation measures that reduce the hazard risks and support additional population and economic development in infill areas, without placing additional vulnerable land uses at risk.</p>		<p>6. The site is largely outside of mapped constraint areas. A narrow area (approx. 1m wide) at the corner of Gayundah Esplanade and Lilla Street is mapped as being subject to Coastal Hazard (Erosion) and Flood Hazard (Balance Area). This is a very small section of the site. The proposed change application reflects the footprint of the previously approved development, predominantly avoiding the constraint mapped corner.</p>
Theme - Employment Location		
<p>3.7.1 Strategic Outcome - Diversification of the local economy <i>Develop a diversified local economy that retains local jobs and builds on regional and sub-regional competitive advantages and specialisations.</i></p> <p>1. Support expansion of the local business sector required to support and service continued population growth in the Region.</p>	Yes	<p>The proposed provision of 195m² GFA Food and Drink Outlet as part of a mixed-use development will support expansion of the local business sector and service population growth in the Region.</p>
Theme - Integrated Transport		
<p>3.10.1 Strategic Outcome - Integrated transport and land-use planning <i>Plan for a more compact settlement pattern and urban form to encourage sustainable travel patterns: reducing the need to make trips by any motorised form and to reduce the length of motorised trips.</i></p> <p>1. Support transit-oriented communities at locations with high frequency public transport services and access to good quality and safe cycling and walking routes;</p> <p>2. Sufficient infrastructure is provided to connect communities and increase self-containment in the region;</p> <p>3. Reduce the length and reduce the frequency of car trips;</p> <p>4. Reduce the length and increase the frequency of public transport trips;</p>	Yes	<p>1, The site is located opposite a frequently serviced bus stop and fronting the existing active transport network.</p> <p>2. The site has ready access to infrastructure.</p> <p>3. The development of a mixed-use development at this location, close to public transport, paths and active transport network and parks will reduce reliance on vehicles. The proposal also includes infrastructure to cater for electric cars.</p> <p>4. The development is located in an established urban area, well serviced by public transport. This will encourage residents to use the service more frequently.</p>

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Strategic Outcome	Complies	Assessment
5. Increase the length and increase the frequency of walking and cycling trips;		5. The Woody Point locality is well serviced by an established active transport network. The proposal includes providing improved paths along the property frontage, encouraging use of the network. The site is also within walking distance of the popular Belvedere Hotel.
<p>3.10.2 Strategic Outcome - Accessibility <i>Ensure all people in the Region have access to a range of travel options that reflect their budget, their needs and their lifestyle.</i></p> <p>1. Residents in urban areas have access to a wide range of quality and affordable transport options;</p> <p>3. Ensure the planning and development of urban areas supports walking, cycling and public transport;</p>	Yes	<p>1. Future residents would have access to a wide range of quality and affordable transport options.</p> <p>3. The proposed development would support walking, cycling and public transport usage by being located on a primary active transport route, and opposite a public transport stop. In addition, a condition is recommended requiring the upgrade and expansion of a footpath adjoining all three of the site's frontages.</p>
<p>3.10.4 Strategic Outcome - Safety and quality <i>Influence sustainable travel behaviour by creating attractive places to walk and cycle.</i></p> <p>2. Activate areas to encourage a sense of community, creating a feeling of safety and encouraging more people to walk;</p> <p>5. Provide best practice design of the transport network to reduce accidents and improve safety, particularly related to pedestrians and cyclists.</p>	Yes	<p>The proposed development has access to an existing active transport network that is safe and attractive.</p> <p>2. The proposed development will improve the network with new paths along the road frontages, associated landscaping and an improved pedestrian interface.</p> <p>5. Traffic impact assessment has determined that the proposal complies with the relevant standards.</p>
3.14 .10 Urban neighbourhood Place Type		
Strategic Outcome	Complies	Assessment
<p>3.14.10.1 Specific Outcomes - Sustainability and resilience</p> <p>1. Development responds to local climate conditions by providing shade in summer and solar access in winter, minimising heat and glare, allowing breezes, encouraging outdoor living, and reducing the need for mechanical cooling heating and ventilation;</p> <p>2. Allotments and road ways retain high value vegetation which contribute to maintaining and increasing native flora and fauna habitat forming part of the green infrastructure network;</p>	Yes	<p>1. The revised design responds to the season transit of the sun, providing vertical and horizontal shading. Also, by providing the lower built form to the west of the site, and the taller element to the east, the design maximises access to the sun. The units are designed to provide cross-ventilation. The proposed building and landscaping have been designed to provide a pleasant environment.</p> <p>2. The proposed development involves removal of the established tree at 8 Gayundah Esplanade. The tree is not mapped as having significance under the MBRC Planning Scheme and it is permitted to be removed under the existing</p>

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Strategic Outcome	Complies	Assessment
<p>3. Development incorporates the use of appropriate renewable energy and low emission technologies to minimise energy requirements; and</p> <p>4. Development is designed to avoid exposure to flood and storm tide inundation events and coastal erosion.</p>		<p>approval. The proposal includes quality landscaping.</p> <p>3. The architect's report details the energy efficiency measures to be implemented as a part of this development.</p> <p>4. The subject site contains a small area, approximately 1m wide near the south east corner mapped as Coastal Hazard (Erosion Prone) and Flood Hazard (Balance Area). The proposal seeks a change to the existing approval, however the proposed development reflects the previously approved footprint. The development provides an open area at the south eastern corner. The building is set back from this corner. In this way, the development avoids exposure to hazards. The development site is separated from the source of the hazard (the ocean) by a District Collector Road. On this basis, the hazard is not anticipated to impact on the site.</p>
<p>3.14.10.2 Specific Outcomes - Natural environment and landscape</p> <p>1. The green infrastructure network is incorporated into the design of new development and rehabilitated in accordance with green infrastructure network detailed maps, where possible. Where vegetation is to be cleared in order to achieve high quality urban design outcomes and offsets are required these are to be located within identified environmental offset areas;</p> <p>2. Where appropriate existing trees are protected to allow for the ongoing provision of ecosystem services and complemented by the private 'greening' of yard space on private property, continuity of the visual green network, and to create and complement the urban character of the place;</p>	<p>Yes</p>	<p>1. The site is largely vacant of vegetation. There are trees in the yard of 8 Gayundah Esplanade, including a large fig tree, but they are not mapped as having environmental significance. The previous approval allows for the development of the entire site, including removal of the house and vegetation. The revised design has an expanded landscape area, contributing to the overall green infrastructure network. The development also involves the delivery of Multiple Dwellings in close proximity to the existing parks networks, being a positive urban development outcome.</p> <p>2. While this change application does not include retention of trees, the revised landscaping increases the area of green space previously approved. Landscaping adjoining the public realm is also improved under the revised proposal, contributing to the urban character of the place.</p> <p>3. The proposed landscaping illustrates functionality and the proposal is intended to respect the ecological function of the area by planting local species, capturing and using rainwater for irrigation of</p>

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Strategic Outcome	Complies	Assessment
<p>3. Urban design outcomes, such as street trees, squares, embellished parks and formal landscaping, necessary to create a safe, comfortable and functional quality living environment will have priority over, but consideration of, ecological function; and</p> <p>4. Protected areas and natural waterways provide passive recreational opportunities that do not compromise the environmental values of these areas.</p>		<p>landscaping and undertaking stormwater and erosion control measures.</p> <p>4. The site does not include a protected or natural waterway. However, the abovementioned practices will ensure that the development does not detract from the nearby waterway or parkland.</p>
<p>3.14.10.3 Specific Outcomes - Strong communities</p> <p>1. Open spaces are predominantly formalised local and civic parks located within the public realm, and furnished with infrastructure that contributes to a sense of place and provides the main recreational space for residents and visitors;</p> <p>2. An extensive network of safe and easily accessed tree lined open space; paths and streets connect the whole neighbourhood together and provide access to adjoining places;</p> <p>3. Where the Urban neighbourhood includes a railway station, or future railway station, the station precinct will have well designed and interconnected open space and active transport networks;</p> <p>4. Sporting, recreational and leisure facilities that are land extensive are placed in accessible locations on the periphery of this place type or in an adjacent place type; and</p>	<p>Yes</p>	<p>1. Noted. No parks are proposed in this instance, but the site is opposite a park. The open landscaped space at the road frontage of the focal corner of the development is proposed to contain a sculpture of the Gayundah, linking strongly with the history of the area.</p> <p>2. The proposal includes the provision of a 2m wide pedestrian path along the road frontages of the development site. The path will be lined by street trees.</p> <p>3. No railway station is proposed at present.</p> <p>4. The Gayundah Arboretum Park is located in accordance with this provision.</p>
<p>3.14.10.4 Specific Outcomes - Settlement pattern and urban form</p> <p>1. Community activities (schools, pre-schools, child care centres, places of worship, community health services and other community activities) are designed to have a low rise built form on landscape sites. They may be clustered together, in or adjacent to local centres or neighbourhood hubs, or dispersed within the area. Where they are dispersed within the area they are located on main through streets or central intersections;</p>	<p>Yes</p>	<p>1. The proposal does not include a community activity use.</p> <p>2. The locality does not have a railway station.</p>

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Strategic Outcome	Complies	Assessment
<p>2. Where the Urban neighbourhood includes a railway station, development will focus on an area within 5 to 10 minute walking distance from the station (400m 'core' and 800m 'frame' notional distance from the station) and the station precincts will comprise a walkable and readily-identifiable central core characterised by a mix of complementary uses;</p> <p>3. Urban neighbourhoods will be vibrant and attractive places with attractive streetscapes, active frontages facing onto the street and architecturally designed development;</p> <p>4. Diversity in housing types, tenures and sizes is provided taking into consideration the Urban neighbourhood's proximity to services and facilities. The predominant form of dwellings will be medium density dwelling types;</p> <p>5. Buildings address the street and non-residential uses have active street frontages;</p> <p>6. Higher density residential development is focused around the fringe of Activity centres and at public transport nodes and within walking distance of quality, well serviced parkland;</p> <p>7. Urban neighbourhoods have a sense of enclosure at the street level provided by minimal building setbacks and high quality urban design;</p>		<p>3. This application seeks approval of a change to the previously approved built form and associated landscaping. The proposal illustrates the provision of attractive landscaped pedestrian interfaces. For example, the previously approved design sat parallel to the street frontage and immediately tall and solid across the frontage. By contrast, the proposed tower design steps in an out along the road frontage, creating undulations of landscaping and then built form. Awnings, inspired by the former Palace Hotel, are provided to the front entry of the building, providing a pedestrian scale to the building. Along Kate Street and part of Lilla Street, the development is characterised by 3 storey town house style units, with associated landscaping. In this way, the proposal will contribute to an attractive streetscape.</p> <p>4. Amending the previous design, the proposal includes a mix of town house style units and apartments, ranging in the number of bedrooms provided and the height within the building.</p> <p>5. The proposed development provides active street frontages with a mix of balconies, awnings, entrances and restaurant terraces.</p> <p>6. The proposed development and adjoining Urban Neighbourhood Precinct land is located across the road from a large park and frequently serviced bus stop. It is within walking distance of the popular Belvedere Hotel and approximately 1,600m from Redcliffe Centre. As the site is located on the Primary Active Transport network, this is an appropriate location for higher density residential development. Importantly, this application seeks approval for a change to an existing approval, which has a slightly higher yield.</p> <p>7. As noted above, the proposed design has an improved streetscape outcome. Development has minimal building</p>

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Strategic Outcome	Complies	Assessment
<p>8. The streets are grid-based and connected in a way that enhances legibility and that can support redevelopment and change of use over time;</p> <p>9. Development across an Urban neighbourhood place type has a minimum land use intensity of 60 people and/or jobs per hectare (for people this equates to a minimum net residential density of 30 dwellings per hectare);</p> <p>10. Low density development such as dual occupancies and small lot housing are not located in an Urban neighbourhood; and</p> <p>11. The character of an Urban neighbourhood will substantially change over time from the character of the area in 2012. High quality urban design outcomes and amenity have priority over existing character.</p> <p>12. Retail and commercial uses are limited to:</p> <ul style="list-style-type: none"> a. existing and future local centres or neighbourhood hubs identified in the planning scheme (e.g. Overlay map - Neighbourhood hubs and community activities); or b. new local centres or neighbourhood hubs or the expansion of a local centre or neighbourhood hub if the urban place type does not adjoin an Activity centre (e.g. Clontarf, Woody Point, Scarborough), or if on land adjoining or opposite a train station; or c. small scale convenience retail, personal services or speciality retail if in a mixed use building. <p>13. Retail and commercial activities where mentioned above will only be supported where the following can be met:</p> <ul style="list-style-type: none"> a. it is of a scale that remains subordinate to higher order and district centres within the region and only provides for day-to-day convenience retail, local services and community activities; b. the expansion will strengthen the existing local centre or neighbourhood hub as an important neighbourhood activity node, does not fragment the 		<p>setbacks but is designed in such a way as to facilitate landscaping.</p> <p>8. No new streets are proposed.</p> <p>9. The development has a density of approximately 228 dwellings per hectare. As this criteria is a minimum, the proposal complies.</p> <p>10. The proposal does not involve low density development.</p> <p>11. The proposed development is a high quality design to be located on the key landmark site for Woody Point. While the intended character of the area is anticipated to change, it is a positive contribution that the design has varying scales, from 3 storey town house style units at the lower order Kate Street, up to a taller 15 storey aspect at the prominent Gayundah Esplanade Lilla Street corner.</p> <p>12 - The proposed development involves a small scale tenancy as part of a mixed use building in accordance with option c.</p> <p>13a. The scale of the tenancy is subordinate to that provided in centres and is suitable for catering to the local area.</p>

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Strategic Outcome	Complies	Assessment
<p>intensity of uses and ensures that sufficient demand exists within the existing catchment;</p> <ul style="list-style-type: none"> c. a new local centre is to service an unserviced catchment and is located to form 15 minute walkable neighbourhoods, with the Local centre central to that neighbourhood; d. they are appropriately designed to have high quality urban design outcomes. 		
<p>3.14.10.5 Specific Outcomes - Employment Location</p> <ul style="list-style-type: none"> 1. Local employment opportunities are provided in the Urban neighbourhood, in the form of home based businesses, and opportunities in neighbourhood hubs and Activity centres adjoining this place type. 	Yes	Noted
<p>3.14.10.6 Specific Outcomes - Integrated transport</p> <ul style="list-style-type: none"> 1. Main through streets provide access to schools, local shops, neighbourhood and district sports and recreation facilities and are the main bus routes through the area; 2. Where the Urban neighbourhood includes a railway station development within the station precinct will support the activity centres network and the overall transport system, integrating all transit and active transport modes to encourage increased public transport patronage; 3. Urban neighbourhoods provide convenient, safe and legible access at the pedestrian scale by being compact places with an extensive network of paths and streets; 4. Each residence is within walking distance to public transport that is frequent, with short trips to the nearest activity centre and integrated transport hub; 	Yes	<p>1. Noted</p> <p>2. Not applicable</p> <p>3. The proposal includes the provision of upgraded pedestrian paths.</p> <p>4. The site is opposite a regularly serviced bus stop.</p>
<p>3.14.10.7 Specific Outcomes - Infrastructure</p> <ul style="list-style-type: none"> 1. Urban neighbourhoods have the level of service of infrastructure provision necessary to support growth, increased intensity of activity and adaptation to 	Yes	1. The locality has ready access to services.

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Strategic Outcome	Complies	Assessment
change over time and to create a safe, vibrant and attractive public realm; and 2. Urban neighbourhood places include electricity, gas, telecommunications and high speed broadband to support residential and business needs.		2. Infrastructure connections are available to the site.
3.14.10.8 Specific Outcomes - Water management 1. Adequate potable water supply, sewerage and appropriate stormwater infrastructure is provided to create a safe environment during rain events whilst protecting receiving environments; 2. Water sensitive urban design measures are incorporated into development including the retention and rehabilitation of riparian vegetation; and 3. The potable water supply catchments and storage areas are protected and maintained in a fit state for continued water quality and economically efficient potable water storage or water harvesting purposes.	Yes	1. The site has ready access to potable water 2. The proposal integrates water sensitive urban design through plant choice and through the use of rainwater harvesting for irrigation. 3. Noted

To summarise the above assessment against the relevant provisions of the Strategic Framework of the MBRC Planning Scheme, the proposal demonstrates compliance with the relevant strategic outcomes.

2.4.3 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, Urban neighbourhood precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO3, PO8, PO66 PO73, PO108
Development Codes		
Residential uses code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	N/A

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Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
Overlay Codes		
Coastal hazard overlay code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	N/A
Flood hazard overlay code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	N/A

2.4.4 Performance Outcome Assessment

Performance Outcome	Example
General Residential Zone - Urban Neighbourhood Precinct	
<p>PO3 Buildings and structures have a height that:</p> <p>a. is consistent with the medium to high rise character of the Urban precinct;</p> <p>b. responds to the topographic features of the site, including slope and orientation;</p> <p>c. is not visually dominant or overbearing with respect to the streetscape;</p> <p>d. responds to the height of development on adjoining land where contained within another precinct or zone.</p>	<p>E3 Building height:</p> <p>a. is within the minimum and maximum 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>
<i>Performance Outcome Assessment</i>	
<p>The Building Heights Overlay maps the subject site as being within the max 21m min 5m area. The previously approved development had a maximum height of RL39.1m - approx. 30m, expressed as a near uniform bulk of 9-10 storeys. The proposed revised building design involves a reduced yield and redistributed building bulk ranging from 3 storeys at Kate Street, stepping up to 11 storeys, 13 storeys and 15 storeys (45m) at the tallest.</p>	

ITEM 2.1 DA/16702/2007/VCHG/3 - REQUEST TO CHANGE (OTHER) - MATERIAL CHANGE OF USE FOR MULTIPLE DWELLINGS (158 DWELLINGS) AND FOOD AND DRINK OUTLET LOCATED AT 2 & 8 GAYUNDAH ESP, WOODY POINT - DIVISION 6 - A19309052 (Cont.)

Performance Outcome	Example																											
	<p>The proposed development does not achieve Example E3. However, it does comply with Performance Outcome PO3.</p> <p>PO3a. Planning Scheme Policy - Residential Design identifies a “high rise apartment” is 7+ storeys. The existing approval is for 9-10 storey buildings. The proposed 3-15 storey range includes a townhouse style component that is consistent with “low rise apartments” and taller components towards Gayundah Esplanade comprising “high rise apartments”. In this way, the proposed change to the existing approval involves a similar type of development “high rise apartments”, as anticipated in the Urban Neighbourhood Precinct.</p> <p>PO3b. The proposed development slopes down to the west. The built form design wraps the car parking basement with the 3 storey town house style units ensuring a positive streetscape outcome at the pedestrian scale. The subject site is a landmark site for Woody Point, with the most prominent location being the corner of Gayundah Esplanade and Lilla Street. The building height climaxes at this point, reflecting the topography of the site and surrounds.</p> <p>PO3c. Notwithstanding that high rise is an anticipated built form in this Precinct, the previously approved built form had a bulky, tall appearance at the pedestrian scale. By contrast, the revised architectural design has reduced the overall development yield and redistributed the building bulk. At Kate Street and part of Lilla Street, the town house style units have landscaping, balconies and entrances interfacing with the street. The proposed new tower design steps in an out along the road frontage, creating undulations of landscaping and then built form. Awnings, inspired by the former Palace Hotel, are provided to the front entry of the building, providing a pedestrian scale to the building. In this way, the proposal will contribute to an attractive streetscape.</p> <p>The reduction in building bulk to Kate Street and Lilla Street mean that in comparison to the previously approved development, the revised design will be less dominating. Importantly, as above, high rise is anticipated in this precinct. And as noted in the Strategic Framework, <i>The character of an Urban neighbourhood will substantially change over time from the character of the area in 2012. High quality urban design outcomes and amenity have priority over existing character.</i></p> <p>PO3d - Not applicable. The site is not adjacent to land in another precinct or zone.</p> <p>In summary, while the height of the building triggers Impact Assessment, and involves an alternative to the example, the development complies with the Performance Outcome PO3 - Height.</p>																											
<p>PO8 Residential buildings and structures will ensure that site cover:</p> <p>a. does not result in a site density that is inconsistent with the character of the area;</p> <p>b. does not result in an over development of the site;</p> <p>c. does not result in other</p>	<p>E8 <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" data-bbox="579 1574 1447 2000"> <thead> <tr> <th rowspan="2"></th> <th colspan="6">Lot Size</th> </tr> <tr> <th>300m² or less</th> <th>301-400m²</th> <th>401-500m²</th> <th>501-1000m²</th> <th>1001-2500m²</th> <th>Greater than 2501m²</th> </tr> </thead> <tbody> <tr> <td>8.5m or less</td> <td>75%</td> <td>70%</td> <td>60%</td> <td>60%</td> <td>60%</td> <td>60%</td> </tr> <tr> <td>>8.5m to 12.0m</td> <td>50%</td> <td>50%</td> <td>60%</td> <td>50%</td> <td>50%</td> <td>50%</td> </tr> </tbody> </table>		Lot Size						300m ² or less	301-400m ²	401-500m ²	501-1000m ²	1001-2500m ²	Greater than 2501m ²	8.5m or less	75%	70%	60%	60%	60%	60%	>8.5m to 12.0m	50%	50%	60%	50%	50%	50%
	Lot Size																											
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ITEM 2.1 DA/16702/2007/VCHG/3 - REQUEST TO CHANGE (OTHER) - MATERIAL CHANGE OF USE FOR MULTIPLE DWELLINGS (158 DWELLINGS) AND FOOD AND DRINK OUTLET LOCATED AT 2 & 8 GAYUNDAH ESP, WOODY POINT - DIVISION 6 - A19309052 (Cont.)

Performance Outcome	Example						
elements of the site being compromised (e.g. Setbacks, open space etc); d. ensures that buildings and structures reflect the attached medium to high density urban character.	>12.0m to 21m	N/A	N/A	50%	50%	40%	40%
	>21m to 27m	N/A	N/A	N/A	N/A	35%	35%
	Greater than 27m	N/A	N/A	N/A	N/A	25%	25%
<i>Performance Outcome Assessment</i>							
<p>The subject site is greater than 2,501m². The previously approved development exceeded the anticipated site cover (approx. 39%), presenting as consistent bulk to each of the three road frontages for the upper 8 storeys.</p> <p>The revised building design proposed as a part of this application has reduced the overall number of units and redistributed the building bulk so that it presents as a tapered site cover. The building is compliant with site cover up to 27m (being 28% rather than the Example table 35%).</p> <p>Level 9 and Level 10 have a site cover of 28%, being slightly above the Example 25%. Level 11 and Level 12 narrow to 19.6%. Level 13 and Level 14 narrow to 9.6%.</p> <p>With reference to Performance Outcome PO8, the proposed development involves a site cover outcome that is consistent with the character of the area, does not result in an over development of the site, or compromising setbacks or open space. The building is consistent with the intended high density urban character of the General Residential Zone - Urban Neighbourhood Precinct.</p> <p>In this way, the proposal complies with PO8.</p>							
PO66 The number of car parking spaces is managed to: a. avoid significant impacts on the safety and efficiency of the road network;	E66.1 Car parking is provided in accordance with Table 6.2.6.4.5 'Car parking spaces'.						

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Performance Outcome	Example
<p>b. avoid an oversupply of car parking spaces;</p> <p>c. avoid the visual impact of large areas of open car parking from road frontages and public areas;</p> <p>d. promote active and public transport options;</p> <p>e. promote innovative solutions, including on-street parking and shared parking areas.</p> <p>Note - Refer to Planning scheme policy - Integrated transport assessment for guidance on how to achieve compliance with this outcome.</p>	
<p><i>Performance Outcome Assessment</i></p>	
<p>The proposed development involves an alternative solution because the proposed Food and Drink Outlet provides 11 car parking spaces, exceeding the maximum car parking rate by 1 car parking space.</p> <p>With reference to Performance Outcome PO66, one (1) additional car parking space will not create a significant impact on the safety or efficiency of the road network, does not constitute an oversupply of car parking supply, and does not pose a negative visual impact. The one (1) additional space will not diminish interest in use of public transport. The proposal does not rely on on-street parking.</p> <p>In this way, the proposal complies with PO66.</p>	

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Performance Outcome	Example
<p>PO73 The hours of operation minimise adverse amenity impacts on adjoining sensitive land uses.</p>	<p>E73 Hours of operation do not exceed 6:00am to 9:00pm Monday to Sunday.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The applicant's report states: The hours of operation for the food and drink outlet (restaurant) are proposed as:</p> <ul style="list-style-type: none"> • 6:00am to 9:00pm Sunday to Thursday; and • 6:00am to 10:00pm Friday & Saturday <p><i>It is noted the alternate solution is only sought in relation to the 10pm close on Friday and Saturday evenings which is considered to be consistent and compatible with businesses operating in other mixed use developments in the Urban Neighbourhood precincts. The position of the restaurant which faces the parkland/foreshore ensures any noise associated with the use does not impact negatively upon adjoining residents in compliance with the PO.</i></p> <p>The applicant provided an Environmental Noise Assessment Report in support of the proposed development. This report and its recommendations have been recommended for inclusion in the conditions of approval. Implementation of these measures will ensure that the proposed development minimises any adverse impacts on adjoining sensitive land uses. In this way, the proposal complies with PO73.</p>	
<p>PO108 Development provides and maintains a suitable setback from waterways and wetlands that protects natural and environmental values. This is achieved by recognising and responding to the following matters:</p> <ul style="list-style-type: none"> a. impact on fauna habitats; b. impact on wildlife corridors and connectivity; c. impact on stream integrity; d. impact of opportunities for revegetation and rehabilitation planting; 	<p>E108 Development does not occur within:</p> <ul style="list-style-type: none"> a. 50m from top of bank for W1 waterway and drainage line b. 30m from top of bank for W2 waterway and drainage line c. 20m from top of bank for W3 waterway and drainage line d. 100m from the edge of a Ramsar wetland, 50m from all other wetlands.

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Performance Outcome	Example
<i>e. edge effects.</i>	
<i>Performance Outcome Assessment</i>	
<p>The very south-eastern corner of the site, adjacent to the corner of Gayundah Esplanade and Lilla Street, is mapped within the Riparian and Wetland Setbacks Overlay.</p> <p>This application seeks a change to the existing approval and the development has a similar building footprint. The mapping is for the purposes of a buffer. In between the site and the water are a road and parkland.</p> <p>The applicant notes that the development will have a <i>“negligible impact on the wetland. Stormwater from the development is designed to comply with the relevant standards including the water quality objectives of the SPP and there are no negative ecological impacts or edge effects associated with the proposal, nor is there considered to be an opportunity for any valuable revegetation on the site to support the nearby wetland. I</i></p> <p>In this way the proposed development complies with PO108</p>	

2.4.5 Overall Outcome Assessment

Where the development does not comply with the example, the development has been demonstrated to comply with the Performance Outcome. Therefore, a detailed assessment in relation to the Overall Outcomes is not warranted in this instance.

However, with reference to the Overall Outcomes for the General Residential Zone - Urban Neighbourhood Precinct, Multiple Dwelling is a consistent use in this Precinct. Food and Drink Outlet is consistent where included in a mixed use building. Accordingly, the proposed uses are anticipated uses in this Precinct.

With regard to height, the General Residential Zone Code - Urban Neighbourhood Precinct Code Overall Outcomes state:

- *“The scale and density of development facilitates an efficient land use pattern that supports compact, walkable and sustainable communities that are well connected to centres, community and social infrastructure.”*
- *“The design siting and construction of residential uses are to:”....” be of a scale and density consistent with the medium to high density residential character of the area”*

The Planning Scheme Policy - Residential Design identifies a “high rise apartment” is 7+ storeys. The existing approval is for 9-10 storey buildings. The proposed 3-15 storey range includes a townhouse style component that is consistent with “low rise apartments” and taller components towards Gayundah Esplanade comprising “high rise apartments”. In this way, the proposed change to the existing approval involves a similar type of development “high rise apartments”, as anticipated in the Urban Neighbourhood Precinct.

The Urban Neighbourhood Precinct is intended to become “compact, walkable and sustainable communities that are well connected to centres, community and social infrastructure”. The anticipated population growth in Margate - Woody Point is currently estimated to increase by approximately 1,000 by 2026 (based on QLD Government Population Projections and 2016 population base). The proposed development is located with frontage to a higher order District Collector Road, across from a large recreation area and Primary Active Transport network connection. In this way, the proposed development is appropriately located and will assist in meeting the anticipated demand for future residents.

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The site at 2 & 8 Gayundah Esplanade, has an area of 6,917m² (0.69 ha) and three road frontages. This is the key landmark site for Woody Point due to its position at the Woody Point peninsula, its size and its location with frontage to a District Collector Road Gayundah Esplanade / Lilla Street. This has been a landmark site for decades, being the original location of the Palace Hotel, diagonally opposite the “Gayundah” wreck and across from the Gayundah Arboretum Park with the associated active transport path network. Development on this site will be visible from Clontarf and Shorncliffe. Accordingly, it is an appropriate development for an iconic development.

In contrast to the existing approval, which had a block bulk design of 9-10 storeys, the revised design grades from 3 storeys at the lower order Kate Street, up to 11, then 13, then 15 storeys (45m), creating a focal point at the corner of Gayundah Esplanade and Lilla Street.

The focal point at this key landmark corner is intended to be emphasised at ground level by providing a replica of the “Gayundah” within an open space at this corner, reflected with an inverse void the entire height of the building. The restaurant tenancy is proposed to be relocated to this corner, with terraces on either side of the landscaped open corner.

The revised design also includes the provision of attractive landscaped pedestrian interfaces. The previously approved design sat parallel to the street frontage and immediately tall and solid across the frontage. By contrast, the proposed tower design steps in and out along the road frontage, creating undulations of landscaping and then built form. Awnings, inspired by the former Palace Hotel, are provided to the front entry of the building, providing a pedestrian scale to the building. Along Kate Street and part of Lilla Street, the development is characterised by 3 storey town house style units, with associated landscaping. In this way, the proposal will contribute to an attractive streetscape.

While the proposed development includes building heights up to 15 storeys (45m), it is not uniformly tall. The stepped building design means that the development will ease back from the focal corner, stepping down to the east and north, acting as the anchor for future development of high and medium rise buildings, as well as existing and approved development in the context.

The combination of factors that make this a landmark site (size, multiple frontages, location, zone/precinct, and proximity to existing services) are rare. As such the proposed development will not result in a precedent.

2.4.5 Other Relevant Matters Assessment

In accordance with section 45(5) of the *Planning Act 2016*, for a development application requiring Impact Assessment, the assessment:

(a) must be carried out:

(i) against the assessment benchmarks in a categorising instrument for the development; and

(ii) having regard to any matters prescribed by regulation for this subparagraph; and

(b) may be carried out against, or having regard to, any other relevant matter, other than a person’s personal circumstances, financial or otherwise.

Examples of another relevant matter—

- a planning need;*
- the current relevance of the assessment benchmarks in the light of changed circumstances;*
- whether assessment benchmarks or other prescribed matters were based on material errors.*

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As this application involves a Change (Other) to the existing approval (most recently DA/16705/2007/VCHG/2), the previous approval forms part of the relevant matters. The revised architectural design has been assessed in consideration of the previously approved development and represents an improved outcome which will create a landmark building contributing to the sense of place at Woody Point.

2.5 Trunk Infrastructure

In accordance with section 4 of the Moreton Bay Regional Council Planning Scheme, the subject site is located in the identified Priority Infrastructure Area. Infrastructure charges applying to the land, where applicable, are to be applied in accordance the Council's Charges Resolution No. 8 commencing on 14 August 2018 (CR).

2.5.1 *Levied Charge*

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

2.5.2 *Levied Charge Credit*

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

(a) Purpose equivalent to the current use

The land contains a dwelling and vacant land respectively. Accordingly, this aspect is not applicable.

(b) Payment of previous charges or contributions

There is a 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 \$106,575.00.

(c) Lawful use of land

With reference to the existing approval over 2 Gayundah Esplanade, and the associated payments of infrastructure charges for 147 dwellings, noting that no further approvals are required to undertake this development, an assessment of existing and previous lawful uses of the land has determined that a credit amount equivalent to 147 dwellings exists and has been calculated based on:

- 35 x 2 bedroom (35 x \$12,574.08) = \$440,092.80
- 112 x 3+ bedrooms (112 x \$17,603.73) = \$1,971,617.76

(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.

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

The credit available under this option is (3 Lots) \$52,811.19 based on the proportional split stated in Table 3 of the CR.

2.5.3 Levied Charge Offset or Refund

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

2.5.4 Additional Trunk Infrastructure Costs

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

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

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

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

2.6 Recording of particular approvals on the MBRC Planning Scheme

Not applicable.

2.7 Referrals

2.7.1 Council Referrals

2.7.1.1 Development Engineering

Traffic, Access & Parking

The Applicant has provided a traffic and transport assessment by TTM dated 17th Sept 2019. The report demonstrated that the proposal satisfactorily complies with the planning scheme and provides for refuse collection to be from the street. The proposal has a reduction in units from the current approval and thus an expected minor reduction in traffic generation compared with the current approval.

The proposed access remains from Lilla St as per the current approval.

Stormwater / Flooding

The applicant provided a report by Morgan Consulting dated 27th March 2019 which has been assessed by council's specialist and found to meet council planning scheme requirements

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Acid Sulfate Soils

Excavation and works are proposed below 5m AHD, an Acid Sulfate Investigation is required to be undertaken and if required an Acid Sulfate Soils Management Plan prepared.

2.7.1.2 Environmental Health

Acoustic Amenity

An Environmental Noise Impact Assessment prepared by TTM dated 16 September 2019 was submitted in support of the application. The assessment has considered relevant noise sources and their impacts to surrounding sensitive uses. Some activities related to refuse management and car door closures and the communal bbq/pool areas were predicted to be above the established noise limits in some circumstances. A combination of acoustic barriers and management strategies have been recommended as amelioration measures. The findings of the report are accepted. As a consequence, the recommendations of this report include a condition that the development be undertaken in accordance with the acoustic report.

Waste Management

A waste management program by TTM has been provided and reviewed. It is determined to not be in accordance with the current planning scheme policy - waste. An amended waste management program is to be submitted with consideration to the following matters -

The program identifies that waste from commercial activities will be serviced by a private contractor. All waste for this site i.e. residential and commercial, will be serviced by the Council contractor.

Waste chutes cannot be used for recycling.

A condition will be provided requiring an amended waste management program.

2.7.2 Referral Agencies

2.7.2.1 Concurrence Agencies

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

2.7.2.2 Advice Agencies - Energex

Nil

2.7.2.3 Third Party Agencies

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

2.8 Public Consultation

2.8.1 Public Notification Requirements under the Development Assessment Rules

- (a) Public Notification was served on all adjoining landowners on 25 September 2019.
- (b) The development application was advertised in the Redcliffe & Bayside Herald on 26 September 2019.

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- (c) A notice in the prescribed form was posted on the relevant land on 26 September 2019 and maintained for a period of fifteen (15) business days until 21 October 2019.

2.8.2 Submissions Received

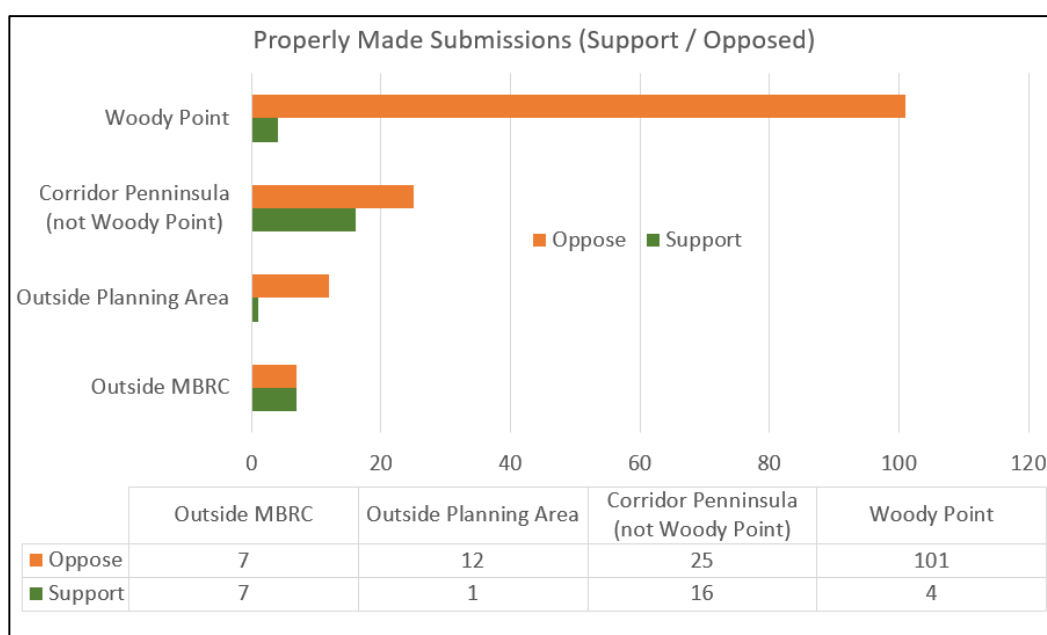
Council received the following types of submissions in respect to this development application.

	Petition style template letter	Individual	Total
Support	20	8	28
Opposed	136	9	145
			173 Submissions

In summary, the key issues raised in submissions were:

- Multiple Dwelling and Food and Drink uses consistent with the expectations for development in the Zone and Precinct.
- Building Height - support and opposition
- Building Design - support and opposition
- Amenity concerns to neighbour
- Traffic and Car parking
- Infrastructure Upgrades
 - Lack of existing infrastructure - who is going to pay for upgrades
 - Existing road network needs to be upgraded / changed
 - Suggested improvements to the road network in the area
- Submitter confused by the application reference numbers due to applications lodged in 2007 and 2017. Questions of the standing of the existing approval.
- Proposal involves removal of existing Queenslander

As illustrated below, 105 (60.1%) of submissions were made by Woody Point Residents. The remainder (39.9%) were made by residents outside of Woody Point.



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Each submission matter has been considered in detail. In summary, none of the matters raised in submissions have identified reasons for refusal of the application.

However, it is noted that the rear of the main building as viewed from Kate Street involves blank areas which could be addressed through conditions of approval.

A summary of the submissions and Development Services responses is provided below.

Assessment of Submissions
<p>Issue 1 - The proposed Material Change of Use (Change) - Multiple Dwellings and Food & Drink Outlet <i>(Issue 1 focusses on the uses themselves - Building Height and Design are addressed separately in Issue 2 and 3)</i></p>
<p>The proposed change to the existing approval involves Multiple Dwellings (158 units reduced from 174 units) and Food & Drink Outlet (195m² reduced from 409m²).</p>
<p><u>Submissions (For and Against)</u></p> <ol style="list-style-type: none"> 1. Multiple Dwelling and Food and Drink uses consistent with the expectations for development in the Zone and Precinct. 2. Address a shortage of food and drink outlet in the vicinity 3. Concern that there are a number of other apartments - is there the demand? 4. Beneficial to provide additional accommodation and restaurants in this area. 5. New investment in the area will support small business. 6. New development won't support small business. 7. There are vacant tenancies and no need for further business 8. "An increase in population will go a long way to supporting struggling local businesses in Woody Point, Margate and Redcliffe." 9. Additional jobs, contributing to the local economy. 10. "This development will encourage the future financial wellbeing of current struggling small business in the Woody Point, Margate and Clontarf areas." 11. Additional jobs for local young people (Redcliffe Youth Space Executive Manager) 12. Construction jobs are good for local companies. 13. "Luxury townhouses will add value to the area".
<p>Discussion</p> <p>The site is located in the General Residential Zone - Urban Neighbourhood Precinct. With reference to the General Residential Zone - Urban Neighbourhood Precinct Code Overall Outcomes, Multiple Dwelling is a consistent use in this Precinct. Food and Drink Outlet is consistent where included in a mixed use building.</p> <p>Further, the Overall Outcomes identify that the Urban Neighbourhood Precinct is intended to become "compact, walkable and sustainable communities that are well connected to centres, community and social infrastructure". The anticipated population growth in Margate - Woody Point is currently estimated to increase by approximately 1,000 by 2026 (based on QLD Government Population Projections and 2016 population base). The proposed development is located with frontage to a higher order District Collector Road, across from a large recreation area and Primary Active Transport network connection. In this way, the proposed development is appropriately located and will assist in meeting the anticipated demand for future residents.</p>

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The proposed development was previously approved for Multiple Dwelling Units and Food & Drink Outlet on this site. While the proposal reduces the number of units by 16 and reduces the scale of the restaurant tenancy to 195m², the proposal is of a scale that will contribute to dwellings and services in the area.

Some submissions have noted impacts to small business. The proposed Food and Drink Outlet formed part of the previous approval. The proposal involves reducing the scale of the tenancy. Therefore, the proposed changes to the Food and Drink Outlet will not have additional impacts to small business.

Some submissions noted the economic benefits of the proposed development. This application seeks a Change to the existing approval, reducing the number of units by 16. As the proposed Multiple Dwelling use is consistent with the intent for the Precinct and does not intensify the number of units, economic assessment is not relevant to assessment of this application.

This is not a reason for refusal of the application.

Issue 2 - Building Height - Support and Opposition

The existing approval permits the development of 9 and 10 storey buildings to a maximum height of RL39.1m - approx. 30m above ground level, with the bulk of the development presenting to each frontage.

The revised building heights (3 - 15 storeys) are illustrated at Attachment 2. The plans show a blue line illustrating the previously approved building scale in comparison to the proposed built form.

Submissions (For and Against)

1. Some residents prefer not to live in high rise
2. Out of proportion with existing area
3. Prominent location - high building on high location, visible from great distances
4. Appropriate location to celebrate the views
5. Proposal in relation to context
 - a. *"The elevated position of this land will accentuate this imposing building and it will tower above the surrounding high rises/homes and is excessive."*
 - b. *"Three storey townhouse and 6 storey units would be more considerate to the neighbours and built right would be much more desirable to buyers."*
 - c. Proposal will *"dominate low level residential area."*
6. Support for town houses, stepped design, but not maximum height
7. Inconsistency with Building Heights Overlay
8. Inconsistency with the medium to high density character
9. Inconsistency with residential density anticipated in the Urban Neighbourhood Precinct.
10. Overshadowing
 - a. Increase
 - i. Neighbouring sites
 - ii. Public realm including the Gayundah wreck
 - iii. Reduced access to sunlight
 - b. Decrease to Kate Street
11. Privacy
12. Concern with potential precedent for further development in the area.

ITEM 2.1 DA/16702/2007/VCHG/3 - REQUEST TO CHANGE (OTHER) - MATERIAL CHANGE OF USE FOR MULTIPLE DWELLINGS (158 DWELLINGS) AND FOOD AND DRINK OUTLET LOCATED AT 2 & 8 GAYUNDAH ESP, WOODY POINT - DIVISION 6 - A19309052 (Cont.)

Issue 2 - Building Height - Support and Opposition

Discussion

As detailed below, while the Building Heights Overlay triggers Impact Assessment for Multiple Dwellings which exceed the Building Heights Overlay figures, the proposal achieves compliance with the height provisions detailed in the Overall Outcomes and Performance Outcome PO3 of the General Residential Zone Code - Urban Neighbourhood Precinct Code.

Consistency with Intent for Woody Point Urban Precinct

Some submitters have identified that they would not prefer to live in high-rise buildings and that the proposed development is out of proportion with the existing area.

This application seeks a change to the approved development, reducing the overall yield of the development (refer Issue 1), and redistributing the bulk of the development away from the lower order Kate Street to create a new focal point at the corner of Gayundah Esplanade and Lilla Street (District Collector Roads). The proposed change to the existing approval 3-15 storey range includes a townhouse style component addressing the lower order Kate Street, providing a range of residential outcomes that have an improved relationship to the existing dwellings in the area.

The subject site is unusual in that it has minimal neighbouring properties due to the location in proximity to the Woody Point peninsula. By shifting the focus of the building height and ground floor restaurant to the Gayundah Esplanade / Lilla Street corner, the development minimises impacts to adjoining neighbours and creates a physical landmark. Submissions were received in support and against this aspect.

The Planning Scheme identifies this area as General Residential Zone Code - Urban Neighbourhood Precinct. The Planning Scheme anticipates the development of high rise multiple dwelling developments in this Precinct ($\leq 21\text{m}$ (approx. 7 storeys) Code Assessment; $>21\text{m}$ subject to Impact Assessment, but not inconsistent).

With regard to height, the General Residential Zone Code - Urban Neighbourhood Precinct Code Overall Outcomes state:

- *“The scale and density of development facilitates an efficient land use pattern that supports compact, walkable and sustainable communities that are well connected to centres, community and social infrastructure.”*
- *“The design siting and construction of residential uses are to:”...” be of a scale and density consistent with the medium to high density residential character of the area”*

The Planning Scheme Policy - Residential Design identifies a “high rise apartment” is 7+ storeys. The existing approval is for 9-10 storey buildings. The proposed 3-15 storey range includes a townhouse style component that is consistent with “low rise apartments” and taller components towards Gayundah Esplanade comprising “high rise apartments”. In this way, the proposed change to the existing approval involves a similar type of development “high rise apartments”, as anticipated in the Urban Neighbourhood Precinct.

In particular, Performance Outcome PO3 - Building Height (Residential Uses) states:
“PO3 Buildings and structures have a height that:

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Issue 2 - Building Height - Support and Opposition

- a. *is consistent with the medium to high rise character of the Urban neighbourhood precinct;*
- 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;*
- d. *responds to the height of development on adjoining land where contained within another precinct or zone."*

While the Building Heights Overlay identifies the site as being within the Max 21 & Min 5 area, the General Residential Zone Code - Urban Neighbourhood Precinct Code only refers to this level as an Example E3. The Example identifies one way of achieving compliance with the Performance Outcome PO3. As it is not referenced in the Performance Outcomes or Overall Outcomes, the building can exceed the height nominated in the Building Heights Overlay and still comply with the Code.

Prominence of Location / Building

The subject site has prominence in the locality due to its combined area, ground level and proximity to the foreshore. The site is located on a large (6,917m²) site with frontage to Gayundah Esplanade and Lilla Street (being Council District Collector Roads) and the lower order Kate Street. The highest location of the Woody Point Peninsula is at 15m AHD. The subject land is approximately 10m AHD, meaning a relatively reduced visual impact from a distance. Nevertheless, the position of the site, near the southernmost end of Woody Point means that development on the site will be highly visible, as approved and, more so, as proposed. Importantly, with reference to the quoted Overall Outcomes and Performance Outcomes above, visibility of a development is not contrary to the MBRC Planning Scheme.

Refer Issue 3 - Building Design

Density

While the proposed development involves taller elements, the development yield is reduced, reducing density.

Overshadowing

The previously approved development involved buildings with 9-10 storeys and prominence to each of the road frontages.

By reducing the building height to Kate Street, access to sunlight is increased and overshadowing reduced as compared to the existing approval. The proposal involves a built form which steps down to the northern boundary on the Gayundah Esplanade frontage. The building orientation, with the tallest component on the east of the site, means that overshadowing to external properties is minimised. The focal (tallest) part of the proposed new building design is located away from adjoining land, minimising overshadowing.

Furthermore, as illustrated by the Landscape Concept Plan, Attachment 3, the proposal has an open form, communal open space. As a result, the proposal reduces overshadowing as compared to the approved design.

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Issue 2 - Building Height - Support and Opposition

Privacy

The architectural design of the revised proposal orientates private open space to provide privacy between dwellings (within and external to the site). Increased numbers of dwellings will increase the number of residents, however, as noted in Issue 1 above, high rise apartments are consistent with the intended outcomes for this precinct. Furthermore, the proposal reduces the numbers of units and improves balcony design and orientation, improving privacy. Screening is used as an integrated feature of the building design.

Concern About Creating Precedents

As noted above, development of a landmark development, taller than surrounding buildings, is appropriate for this site. A number of factors are relevant to the assessment of this application including Zone, Precinct, local context in relation to built form, natural features, size of the allotments, road frontage to higher order roads, proximity to recreation areas and pathways. There are very limited numbers of properties in Moreton Bay Region that share similar characteristics.

While the proposed development includes additional height, it is not uniformly tall. The proposed development includes a range of building heights and a reduction in the previously approved number of units.

A new application over different land would also be subject to rigorous assessment in relation to the relevant assessment benchmarks.

In this way, approval of this development would not represent a precedent which would be applicable broadly.

This is not a reason for refusal of the application.

Issue - Building Design (For / Against)

The subject site is located in the Scenic Amenity Overlay - Locally Important and the building is proposed to involve high rise apartments on a prominent location. Accordingly, the architectural design is a key issue that has formed part of Council's assessment and has been raised in submissions (for and against the proposed change).

The existing approval permits 174 apartments and a ground floor restaurant located in 9 and 10 storey (RL39.1m - approx. 30m) buildings which have prominent form with near consistent height to each of the road frontages.

The revised architectural design brings a focus to the corner with Gayundah Esplanade by relocating the restaurant to this corner, installing a sculpture which draws upon the history of the Gayundah wreck, and elevates the building height to 15 storey (45m). By contrast, fronting the lower order Kate Street and part of the Lilla Street frontage, are eight 3 storey townhouse style dwellings.

Submissions in support of the proposal can be summarised as:

1. Note the reduced overall number of dwellings
2. Better urban design than the existing approved development.
3. In favour of the proposed change to the location of the restaurant.

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Issue - Building Design (For / Against)

4. The design will enhance the area.
5. Aesthetically pleasing (from resident of Double Bay apartments)
6. Superior outcome in the urban context, an improvement on the previous approval
7. *“The amended proposal would minimise the “concrete” canyon” effect which would be evident along the Lilla Street frontage of the existing approval (full height 9 storeys all along one side and full height 9 storeys all along the other side with “Double Bay” apartments and the new building a 1 Lilla Street).”*
8. Architecture will enhance the area.
9. Inclusion of sculpture of the “Gayundah” will attract locals and tourists.
10. *“With its commitment to preserving the memory of the nearby shipwrecked H.M.Q.S. Gayundah, by way of a scale model of the ship to be prominently featured in the forecourt of the hotel, it will honour the memory of a ship that saved Queensland from an Imperial Russian invasion in the 1880’s. Thereby enabling Queensland’s and Australia’s proud maritime history to be remembered, well into the future.”*
11. *“We love that they are preserving our local history by incorporating a replica Gayundah in the design”.*

(Refer Building Design Discussion below)

Submissions opposed to the proposed design can be summarised as:

1. Don’t want the area to look like the Gold Coast.
2. Ultra Modern inconsistent with character of Woody Point
3. Should have a tropical beach style, timber, colour palette and materials that won’t look dated.
4. Little regard to the rear view of the building - plain design.
5. Doesn’t reflect the local street pattern / streetscape
6. Impact to skyline

Discussion

Building Design is addressed in the MBRC Planning Scheme within the General Residential Zone - Urban Neighbourhood Precinct Code, the Residential Uses Code and the Planning Scheme Policies, particularly PSP Residential Design.

General Residential Zone - Urban Neighbourhood Precinct Code Performance Outcome PO109 requires that *“Building design responds to the bayside location and complements the particular bayside character and amenity by adopting and incorporating a range of architectural character elements.”*

The associated Example E109d. states

“where over 12m in height, the building design includes the following architectural character elements:

- i. curving balcony edges and walls, strong vertical blades and wall planes;*
- ii. balcony roofs, wall articulation expressed with different colours, curves in plan and section, and window awnings;*
- iii. roof top outlooks, tensile structures as shading devices;*
- iv. lightweight structures use white frame elements in steel and timber, bold colour contrast.”*

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Issue - Building Design (For / Against)

Not like the Gold Coast - Woody Point Inspired Design

The most frequent comment made in submissions, was that they don't want the area to look like the Gold Coast.

While the previously approved development includes curving balconies and articulation, anticipated in E109d, it includes a materials palette that is not distinct to Woody Point. It could be argued that the previously approved design echoes similar buildings on the Gold Coast or Sunshine Coast, or Moreton Bay.

By contrast, the revised architectural design strongly integrates elements drawn from the historic Gayundah boat and the Palace Hotel. From the Rothelowman Architect's Report:

"The HMQS Gayundah has historical significance for the Peninsula, the State and the Nation. The proposal seeks to allow the building to be of its place through reference to the history of the locality. It is proposed that this will be expressed through both form-making and materiality/colour seeking to engage with the shipwreck directly adjacent."

And

"The site was until recently occupied by the Palace Hotel. This building was constructed in circa 1909. It formed an important public purpose for the area. We believe that opportunity lies in referencing some of the original features of this once beautiful structure within the proposal. Of particular interest to us are the Victorian Era filigree/ decorations and the notion of a 'widow's walk' seemingly existent in the original building."

The resulting design complies with the requirements of E109d. with regard to building design elements. It also draws strongly on local history, built form characteristics and materials in compliance with the requirements of Performance Outcome PO109. In addition to the proposed historic sculpture, the proposal uses rust coloured materials, large vertical blades, balconies, and vertical elements which echo traditional wooden battens. The banded awning at ground level to the tenancy is reflective of the more recent version of the Palace Hotel.

Character of Woody Point

The proposed development will be a Multiple Dwelling of new construction and will include modern features such as a high quality landscaped communal recreation area at the ground level.

While submissions criticised this development for being modern and not in character with Woody Point, it is noted that the revised architectural design draws more strongly on the character and history of Woody Point than the previously approved development. Moreover, the MBRC Planning Scheme residential design criteria requires buildings to respond *"to the bayside location and complements the particular bayside character and amenity by adopting and incorporating a range of architectural character elements"*.

The development integrates architectural character elements:

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Issue - Building Design (For / Against)

- Townhouse style units to Kate Street and part of Lilla Street that reflect the scale of housing in the vicinity;
- Subtropical landscaping in outdoor private and communal open space;
- Ground level batten treatment below the upper balconies, echoing the original Palace Hotel.

Further, with reference to Example E109d above, this development does so by integrating a number of character elements including:

- Tower design elements including:
 - Individual curving balconies with balustrading reminiscent of existing dwellings;
 - Vertical blade elements which contrast against the glazing and rust coloured building materials to the front of the building.
 - Balcony roofs and shade structures;
 - Building articulation, providing twisted orientation which creates privacy, and visual interest while maximising views from the building;
 - Roof top outlooks have not been proposed, however, the intent is met through the provision of high rise balconies;
 - Mix of materials including colour contrast and light weight structures.

Skyline / Rear View

Submissions raised concerns with the appearance of the development in relation to the skyline and rear view. As noted above, the development of this site as a major landmark is consistent with planning principles and the provisions of the MBRC Planning Scheme. In this way, it is an appropriate impact on the skyline.

With regard to the rear view of the property, from Kate Street, the previously approved development met Kate Street with a 9-10 storey building. The proposed development significantly reduces the scale of development to Kate Street, presenting instead with 3 storey townhouse style units.

However, it is acknowledged that there are blank walls on the rear of the development. It is recommended that this be addressed with conditions requiring the applicant to submit a revised plan showing variation in materials, form or green wall to improve the visual appearance of this aspect of the development.

This is not a reason for refusal of the application.

Issue 4 - Amenity and Neighbouring Properties

Due to its location on the peninsula, the subject site has a small number of neighbouring properties. A small number raised specific concerns regarding impacts to their amenity (for and against).

1. Common room / Multipurpose room close to 10 Kate Street may pose acoustic impacts.
2. Additional development will impact on “*peaceful enjoyment of the Lions Park arboretum*”
3. The land was previously used as an entertainment venue/pub

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Issue 4 - Amenity and Neighbouring Properties

Discussion

Common Room / Multipurpose Room

It is recommended that the applicant carry out the development in accordance with the Environmental Noise Assessment Report. In particular, this report recommends the construction of an acoustic barrier between the communal recreation area and the neighbouring property at 10 Kate Street.

Impact on Peace Lions Park Arboretum / Previous Palace Hotel Use

This application seeks a change to the existing approval. The proposal reduces the overall yield as compared to the previously approved development. Therefore, the proposed development will not involve additional impacts to the enjoyment of this public recreation area.

In addition to the responses above, it is relevant to note that the subject site was formerly the Palace Hotel, being an entertainment venue / hotel.

This is not a reason for refusal of the application.

Issue - Traffic and Car Parking

In summary, the traffic and car parking matters raised in submissions were as follows:

1. Car parking shortfalls in the area
 - a. popularity of the area as a destination.
 - b. Increasing number of unit developments in the area (only required to provide 1 space per dwelling)
2. Car parking demand for the Food and Drink Outlet
 - a. reduced from former approval
3. Car parking demand for visitors
4. Increase in traffic flow and associated noise.
5. Relative reduction in traffic impacts due to reduction in yield and reduced restaurant tenancy size.
6. Concern with entry / egress location at Lilla Street - raising safety concerns.
7. Suggested Left in / Left out access

Discussion

The proposed development involves an overall reduction in yield. Accordingly, traffic and car parking impacts will be reduced.

The proposal exceeds the minimum car parking requirements of the MBRC Planning Scheme:

- Required minimum 1 space/unit (158 spaces) - Proposed 316 spaces for residential component, being equivalent to 2 spaces per unit.
- Required range 1/20m² - 1/30m² non-residential GFA (min 6.5 - max 9.5 spaces) - Proposed 11 spaces for the restaurant, being above the range of car parking required for this use.

The number of car parking spaces has reduced for the Food and Drink Outlet, reflecting the reduction in area of this tenancy.

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Issue - Traffic and Car Parking

The Applicant has provided a traffic and transport assessment. The report demonstrated that the proposal satisfactorily complies with the planning scheme, with servicing to be from the street.

This is not a reason for refusal of the application.

Issue - Infrastructure Upgrades

Submissions identified the following matters with regard to infrastructure.

1. Lack of existing infrastructure - who is going to pay for upgrades
2. Existing road network needs to be upgraded / changed
3. Suggested improvements to the road network in the area

Discussion

The proposed development requires payment of Infrastructure Charges which contribute to the delivery of infrastructure upgrades in the area. Furthermore, the development will provide an upgraded footpath around the road frontage.

As noted above the Applicant has provided a traffic and transport assessment in support of the proposed development. Furthermore, the proposed change to the existing approval involves a reduction in the overall yield of the development. Accordingly, impacts associated with the development will be reduced.

Suggested improvements to the road network in the area, such as reducing the overall speed limit to 40km / hr, are not the responsibility of the applicant. This feedback has been provided to Council's Integrated Transport Planning and Design Team for future consideration.

This is not a reason for refusal of the application.

Issue - Other matters

1. One submitter was confused by the application reference numbers due to applications lodged in 2007 and 2017. Questions of the standing of the existing approval.

Discussion

The original application was lodged in 2007 over 2 Gayundah Esplanade, hence the reference number of the original application and subsequent change applications have this included in their application reference number e.g. DA/16705/2007/VCHG/3.

There was an application for Multiple Dwellings that was lodged over 8 Gayundah Esplanade in 2017 and then subsequently combined with the original development, acquiring the reference number as above.

This application now seeks to change the approval over 2 & 8 Gayundah Esplanade to reflect the new building design.

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2. Proposal involves removal of existing Queenslander

Discussion

The existing approval over the land includes the removal of the existing house. The house is not listed as being subject to Local or State Heritage listing and is not required by the MBRC Planning Scheme to be retained. The proposed change retains the footprint of the existing approval, including removal of the existing house.

This is not a reason for refusal of the application.

2.8.3 Notice of Compliance

The Notice of Compliance was received by Council on 22 September 2019. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

2.9 Other Matters

None identified.

3. **Strategic Implications**

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

The proposal is consistent with the existing Moreton Bay Region planning provisions and relevant policies. The General Residential Zone - Urban Neighbourhood Precinct is the highest order residential precinct. The Building Heights Overlay identifies this site as Max 21m & Min 5m. However, in the Urban Neighbourhood Precinct, the Overall Outcomes and Performance Outcomes anticipate high rise development and do not prescribe a height cap.

The Building Heights Overlay forms part of the Categories of Assessment, triggering Impact Assessment including formal public notification if a Multiple Dwelling exceeds the nominated height. This is appropriate engagement with the community to seek their comment on tall development. However, as noted in the Strategic Framework "*The character of an Urban neighbourhood will substantially change over time from the character of the area in 2012. High quality urban design outcomes and amenity have priority over existing character.*"

While the proposed development includes building heights up to 15 storeys (45m), it is not uniformly tall. The proposed development includes a range of building heights and a reduction in the previously approved number of units. A new application over different land would also be subject to rigorous assessment in relation to the relevant assessment benchmarks. In this way, approval of this development would not represent a precedent which would be applicable broadly.

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.

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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) Should the application be approved, Infrastructure Charges are applicable.

3.7 Economic Benefit

Appropriate development supports the growing Moreton Bay region. The proposal provides a variety of housing types and a local Food and Drink Outlet, contributing accommodation and employment opportunities on land with good access to established infrastructure (District Collector Roads), frequently serviced bus stop, parkland, active transport network and services.

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. The proposed development will include a number of sustainability and energy efficiency measures including:

- Performance glazing façade
- Energy efficient air conditioners
- Energy efficient LED lamps
- An energy metering system for monitoring demand
- Lifts with high efficiency drives
- Solar water heating
- Rainwater harvesting for landscape irrigation
- Water efficient fixtures to reduce potable water demand
- Dedicated recycling facilities
- Bio-retention system to manage stormwater quality
- Proximity to services including the Woody Point centre and the Belvedere Hotel; and
- Provision of infrastructure to cater for electric cars.

Residents will be provided with dedicated bike storage areas. Given the site's proximity to the active transport network, parks and Redcliffe centre, residents can reduce reliance on cars. The energy efficiency measures reduce electricity requirements. Rainwater harvesting and the use of water efficient fixtures reduce water consumption. Accordingly, the proposed development is a positive example of sustainable development practices.

3.9 Social Implications

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

3.10 Consultation / Communication

Refer to clause 2.8.

SUPPORTING INFORMATION

Ref: [A19309236](#) and [A19308894](#)

The following list of supporting information is provided for:

ITEM 2.1

DA/16702/2007/VCHG/3 - REQUEST TO CHANGE (OTHER) - MATERIAL CHANGE OF USE FOR MULTIPLE DWELLINGS (158 DWELLINGS) AND FOOD AND DRINK OUTLET LOCATED AT 2 & 8 GAYUNDAH ESP, WOODY POINT - DIVISION 6

#1 Architectural Report and Proposal Plans

#2 Submissions

ITEM 2.2 TEMPORARY DELEGATION OF AUTHORITY - REGIONAL

Meeting / Session: 2 PLANNING & DEVELOPMENT
Reference: A19356041 : 18 November 2019
Responsible Officer: SH, Divisional Project Coordinator (PED Development Services)

Executive Summary

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

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

As the Council is in recess from 13 December 2019 up to and including 20 January 2020, the *Integrated Planning Act 1997*, the *Sustainable Planning Act 2009*, the *Planning Act 2016* and the *Economic Development Act 2012* require decisions to be made within specific periods, it is recommended the Council delegate authority to the CEO for those matters currently not delegated, during this period.

OFFICER'S RECOMMENDATION

1. That subject to recommendation 2, pursuant to section 257 of the *Local Government Act 2009*, Council delegate its powers under the *Integrated Planning Act 1997*, the *Sustainable Planning Act 2009*, the *Planning Act 2016* and *Economic Development Act 2012* to the Chief Executive Officer to decide:
 - (a) impact assessable development applications under the Moreton Bay Regional Council Planning Scheme for which submissions have been received;
 - (b) impact assessable development applications and/or Plan of Developments under The Mill at Moreton Bay Priority Development Area Development Scheme for which submissions have been received;
 - (c) development applications for preliminary approval;
 - (d) development applications for preliminary approval that include a variation approval; and
 - (e) precinct and Sector Plans for North Lakes.
2. That the delegation of powers made under recommendation 1 operate between 13 December 2019 up to and including 20 January 2020.
3. That the Divisional Councillor and the Spokesperson for Planning and Development be advised prior to the Chief Executive Officer exercising his delegated authority.
4. That a report be presented to Council outlining any delegations exercised under this temporary delegation once the delegation ceases.

ITEM 2.2 TEMPORARY DELEGATION OF AUTHORITY - REGIONAL - A19356041 (Cont.)

REPORT DETAIL

1. Background

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

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

2. Explanation of Item

In order to comply with the timeframes specified in IPA, SPA, PA and EDA, it is suggested that delegated authority be granted for the Chief Executive Officer to decide those impact assessable applications with submissions, Preliminary Approvals and Preliminary Approvals including Variation Requests and Precinct and Sector Plans for North Lakes where a decision is required during the Council recess from 13 December 2019 up to and including 20 January 2020.

3. Strategic Implications

3.1 Legislative / Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

Nil identified

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

3.6 Financial Implications

Nil identified

3.7 Economic Benefit Implications

Nil identified

3.8 Environmental Implications

Nil identified

3.9 Social Implications

Nil identified

3.10 Consultation / Communication

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

3 CORPORATE SERVICES SESSION

(Cr M Constance)

No items for consideration.

4 ASSET CONSTRUCTION & MAINTENANCE SESSION

(Cr A Hain)

ITEM 4.1

**BURPENGARY - BURPENGARY REGIONAL AQUATIC LEISURE CENTRE (BRALC)
- HEATBANK RENEWAL - DIVISION 2**

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A19297830: 5 November 2019 - Refer **Confidential Supporting Information A19200868**
Responsible Officer: BB, Manager Project Management (ECM Project Management)

Executive Summary

Tenders were invited for the 'Burpengary - BRALC - Heatbank Renewal (MBRC009135)' project. The tender closed on 10 October 2019, with five tenders received, two of which were non-conforming.

It is recommended that Council award the contract to Sunbather Pty Ltd for the sum of \$406,570 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

OFFICER'S RECOMMENDATION

1. That the tender for 'Burpengary - BRALC - Heatbank Renewal (MBRC009135)' be awarded to Sunbather Pty Ltd for the amount of \$406,570 (excluding GST).
2. That the Council enters into an agreement with Sunbather 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 Sunbather Pty Ltd for 'Burpengary - BRALC - Heatbank Renewal (MBRC009135)' and any required variations of the agreement on Council's behalf.

ITEM 4.1 BURPENGARY - BURPENGARY REGIONAL AQUATIC LEISURE CENTRE (BRALC) - HEATBANK RENEWAL - DIVISION 2 - A19297830 (Cont.)

REPORT DETAIL

1. Background

The project is located at Burpengary Regional Aquatic Leisure Centre (BRALC), 1 Aquatic Centre Drive, Burpengary. The project scope includes the replacement of two heat pumps to the 50m pool (to maintain pool water temperature at 28 degrees) and the 25m pool (32 degrees). The objective of the project is to provide a safe and reliable pool operation. The project will commence mid-February 2020 while the heat pumps are not required.

This project has originated as a result of the age and condition of the heat pumps. The expected outcome of the project is to provide swimming pool users with adequate heating to these swimming pools. The design specification for the new heat banks was undertaken by the consulting engineers with the objective to have a reliable Australian-made product able to cope with the demands of the new pool infrastructure.

The works are proposed to be undertaken in mid-February 2020 to minimise the heat loss during the changeover period. The onsite works are expected to take five weeks.



Figure 1 - Location of works - Burpengary Regional Aquatic Leisure Centre

2. Explanation of Item

Tenders were invited for the 'Burpengary - BRALC - Heatbank Renewal (MBRC009135)' project. The tender closed on 10 October 2019, with five tenders received, two of which were non-conforming. The tender submissions were assessed by an evaluation panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

ITEM 4.1 BURPENGARY - BURPENGARY REGIONAL AQUATIC LEISURE CENTRE (BRALC) - HEATBANK RENEWAL - DIVISION 2 - A19297830 (Cont.)

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

RANK	TENDERER	EVALUATION SCORE
1	Sunbather Pty Ltd (Alternative)	94.29
2	Sunbather Pty Ltd	44.44
3	Evo Industries Australia Pty Ltd	39.76
4	Alto Pacific Pty Ltd	Non-conforming
5	Alto Pacific Pty Ltd (Alternative)	Non-conforming

Sunbather Pty Ltd - Alternative (Sunbather) submitted a conforming tender and the assessment panel were then able to assess their alternative tender. The alternative tender demonstrated an outcome that meets the heating requirement of the two pools but at less cost to Council. Sunbather demonstrated their methodology and experience on projects of a similar scale and complexity. Sunbather has undertaken the construction of similar projects including the heat pumps at Ipswich City Council pool - valued at \$200,000, Logan City Council pool - valued at \$150,000 and MBRC Murrumba Downs pool - valued at \$70,000. At a tender clarification meeting held on 28 October 2019, Sunbather demonstrated their understanding and methodology to complete this project, including their understanding of the requirement to maintain the pool temperature during change over. In the tender clarification meeting, Sunbather supplied the documentation from Rheem that the Alternative tender would meet the required set points for both pools.

Sunbather Pty Ltd (Sunbather) submitted a comprehensive tender and demonstrated their installation methodology and experience on projects of a similar scale and complexity. At a tender clarification meeting on 28 October 2019, Sunbather demonstrated their understanding and methodology to complete this project; however, there were no additional benefits to Council for the higher price.

Evo Industries Australia Pty Ltd (Evo) submitted a comprehensive tender and demonstrated their installation methodology and experience on projects of a similar scale and complexity. However, there were no additional benefits for the higher price.

The non-conforming tender did not meet the requirements of the technical specification for a conforming tender and subsequently the alternative tender from the same contractor was then non-conforming as per clause 12.7 of the conditions of tender.

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

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

ITEM 4.1 BURPENGARY - BURPENGARY REGIONAL AQUATIC LEISURE CENTRE (BRALC) - HEATBANK RENEWAL - DIVISION 2 - A19297830 (Cont.)

3.4 Risk Management Implications

A detailed risk management plan has been prepared. The project risk has been assessed and the following issues identified. The manner in which the identified risks are to be managed is detailed below.

Financial Risks:

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

Construction Risks:

- a. The recommended tenderer (contractor) will provide a detailed program of works, a staging plan, environmental management plan and safety plans and will be required to meet relevant workplace health and safety requirements as part of the contract, including safe work method statements.
- b. The contractor has demonstrated their understanding of constructability challenges and their technical capability to complete the works in this environment.
- c. The contractor has provided a program with an allowance (14 days) for wet weather days as part of their tender program.
- d. There are no Development Approvals relating to this site or project.

Procurement Risks:

- a. The supply of heat bank units for this project requires a lead time of eight weeks from the time of ordering as noted in the contractor tender clarification meeting. The construction is to commence mid-February 2020 and take four weeks on-site to complete.

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications

Council has allocated a total of \$490,000 in the 19-20 FY Capital Projects Program for this project (108129).

Design 19-20	\$ 12,861.00
Tender Price (Construction)	\$ 406,570.00
Contingency (10%)	\$ 40,657.00
QLeave (0.475%)	\$ 1,931.00

Total Project Cost	\$ 462,019.00
	=====
 Estimated ongoing operational/maintenance costs	 \$ 3,500.00 per F/Y

The budget amount for this project is sufficient.

3.7 Economic Benefit

This project will assist in maximising the use of the facility and reduce the risk of the current lease holders being unable to use the pools for purposes which require heated water. The new heat banks will be cheaper to run than the previous units over their 10-year life span.

3.8 Environmental Implications

An Environmental Management Plan will be provided to Council by the recommended tenderer, detailing the management of environmental matters affecting the project during construction.

ITEM 4.1 BURPENGARY - BURPENGARY REGIONAL AQUATIC LEISURE CENTRE (BRALC) - HEATBANK RENEWAL - DIVISION 2 - A19297830 (Cont.)

3.9 Social Implications

The new heat banks will contribute to the provision of suitable facilities, which promote a healthy lifestyle to the community.

3.10 Consultation / Communication

A detailed communication plan has been prepared. Communication strategies include project notices, project signs, direct communication with facility user groups and weekly updates to the Divisional Councillor which will be implemented once the tender is awarded. The Divisional Councillor has been consulted and is supportive of the project.

SUPPORTING INFORMATION

Ref: [A19200868](#)

The following list of supporting information is provided for:

ITEM 4.1

**BURPENGARY - BURPENGARY REGIONAL AQUATIC LEISURE CENTRE (BRALC) - HEATBANK
RENEWAL - DIVISION 2**

Confidential #1 Tender Evaluation

ITEM 4.2
SAMFORD VALLEY - SAMFORD PARKLANDS - COMMUNITY BUILDING DEVELOPMENT - DIVISION 11

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A19305223 : 15 November 2019 - Refer **Confidential Supporting Information A19304875**
Responsible Officer: BB, Manager Project Management (ECM Project Management)

Executive Summary

Tenders were invited for the 'Samford Valley - Samford Parklands - Community Building Development (MBRC009164)' project. The tender closed on 6 November 2019 with a total of eleven conforming tenders and one non-conforming tender received.

It is recommended that Council award the contract to Murphy Builders QLD Pty Ltd for the sum of \$2,840,056.72 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

OFFICER'S RECOMMENDATION

1. That the tender for the *Samford Valley - Samford Parklands - Community Building Development* project (MBRC009164) be awarded to Murphy Builders QLD Pty Ltd for the sum of \$2,840,056.72 (excluding GST).
2. That the Council enters into an agreement with Murphy Builders QLD Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Murphy Builders QLD Pty Ltd for the *Samford Valley - Samford Parklands - Community Building Development* project (MBRC009164) and any required variations of the agreement on Council's behalf.

*ITEM 4.2 SAMFORD VALLEY - SAMFORD PARKLANDS - COMMUNITY BUILDING DEVELOPMENT - DIVISION 11
- A19305223 (Cont.)*

REPORT DETAIL

1. Background

The project is located at Samford Parklands, 2204 Mount Samson Road and involves construction of a community hub intended to support a diverse range of community activities including a community library, community group tenancy spaces (e.g. for food distribution and support services), kitchen facilities, amenities, offices and shared use meeting/activity spaces.



Figure 1: Artist's impression - Samford community building development

This project is linked to the *108365 Samford Valley - Samford Community Hub - Demolition* project involving demolition of 13 former Commonwealth Scientific and Industrial Research Organisation (CSIRO) buildings, some of which were used up until recently as a Council depot. The buildings were in a dilapidated condition and contained asbestos. The contract for demolition of these works is nearing practical completion, expected in early December 2019.

The construction of the new Samford Parklands Community Hub includes:

- Site preparation, earthworks and general civil works.
- Construction of Samford Parklands Community Hub, including:
 - New sections of access road
 - New car parking areas
 - Pedestrian pathways
 - Community library space
 - Community group tenancy spaces
 - Shared-use areas
 - Offices
 - Kitchen and ancillary spaces
 - Amenities
 - Verandah that surrounds entire building
- New connection to utilities, including water, sewage treatment, power and telecommunications
- Internal fit out (excluding loose furniture)
- Landscaping

Works for the building project will be of 26 weeks' duration which includes an allowance for wet weather and are scheduled to commence in February 2020 with completion by October 2020.

ITEM 4.2 SAMFORD VALLEY - SAMFORD PARKLANDS - COMMUNITY BUILDING DEVELOPMENT - DIVISION 11
- A19305223 (Cont.)

The project is jointly funded by the Federal Government’s Building Better Regions Fund which will provide a funding contribution for the project up to the value of \$2,225,250.

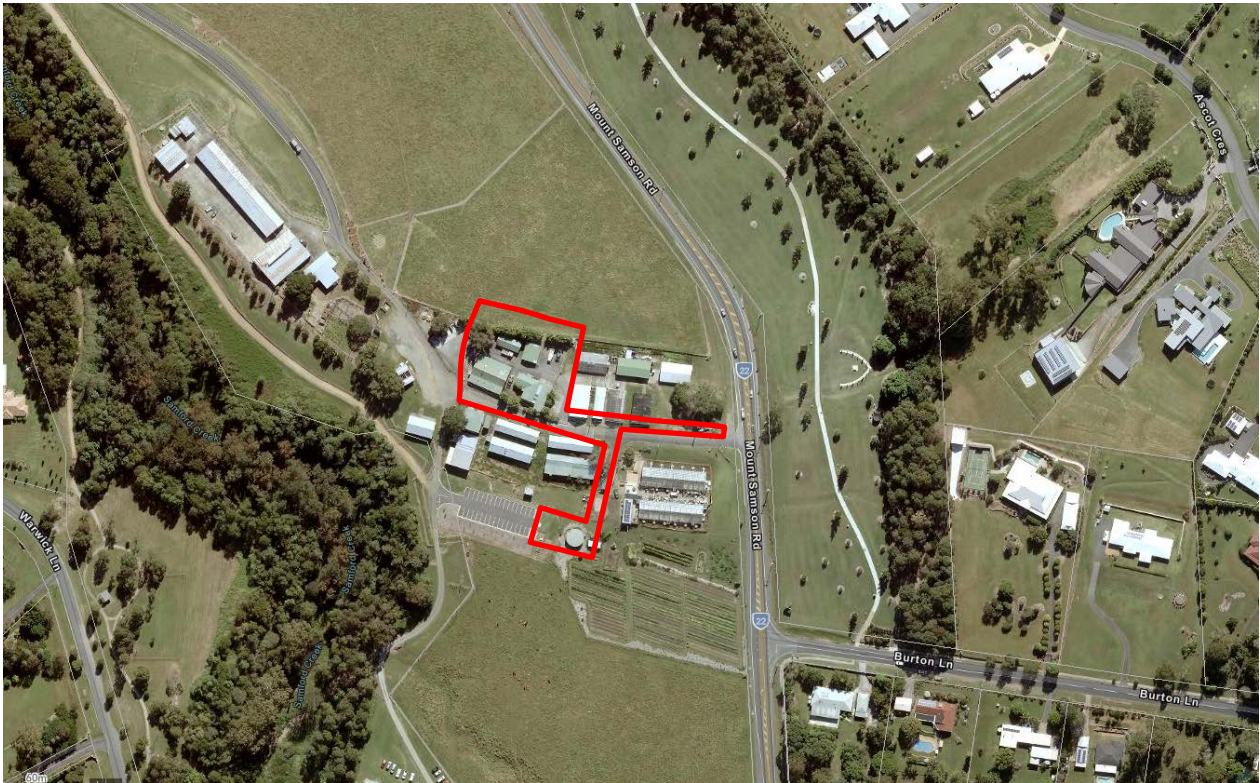


Figure 2 - Locations of works - Samford Parklands

2. Explanation of Item

Tenders were invited for the ‘Samford Valley - Samford Parklands - Community Building Development project (MBRC009164)’ and closed on 6 November 2019, with eleven conforming tenders and one non-conforming tender received. The tenders were assessed by the assessment panel in accordance with Council’s Purchasing Policy and the selection criteria as set out in the tender documents.

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

RANK	TENDERER	EVALUATION SCORE
1	Murphy Builders QLD Pty Ltd	99.31
2	Cornerstone Building Developments Australia Pty Ltd	98.55
3	I.C.M. Construction (QLD) Pty Ltd	95.94
4	Ri-con Contractors Pty Ltd	94.34
5	Box & Co Pty Ltd	93.63
6	MAW Group (Aust) Pty Ltd T/as Oasis Construction (Aust)	92.75
7	Cooper & Small Pty Ltd	90.25

ITEM 4.2 SAMFORD VALLEY - SAMFORD PARKLANDS - COMMUNITY BUILDING DEVELOPMENT - DIVISION 11
- A19305223 (Cont.)

RANK	TENDERER	EVALUATION SCORE
8	LEAF Building Group Pty Ltd	89.87
9	NF Corbett Pty Ltd	87.39
10	RCQ Projects Pty Ltd trading as RCQ Construction	86.90
11	Verve Constructions (QLD) Pty Ltd	73.70
12	Hanson Construction Materials Pty Ltd	Non-conforming

Murphy Builders QLD Pty Ltd (Murphy) submitted a comprehensive tender. A tender clarification meeting was held on 15 November 2019, at which Murphy demonstrated their relevant experience, methodology, understanding of the project and capability in delivering the project. Murphy has recently undertaken construction work for the Sunshine Coast Council at the Kawana Forest Community Centre valued at \$602,000, the Mooloolaba Holiday Park valued at \$4,255,000 and the Aurora Boulevard Park Clubhouse Construction valued at \$418,000 for Moreton Bay Regional Council. The panel evaluated the tender from Murphy as the best overall value submission and was also the lowest price.

Cornerstone Building Developments Australia Pty Ltd (Cornerstone) submitted a comprehensive tender. A tender clarification meeting was held on 18 November 2019 at which Cornerstone demonstrated their relevant experience, methodology, understanding of the project and capability in delivering the project; however, there were no additional benefits for the higher price.

I.C.M. Construction (QLD) Pty Ltd (ICM) submitted a comprehensive tender. A tender clarification meeting was held on 18 November 2019 at which ICM demonstrated their relevant experience, methodology, understanding of the project and capability in delivering the project; however, there were no additional benefits for the higher price.

The non-conforming tender did not provide the mandatory tender documentation.

3. Strategic Implications

3.1 Legislative / Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

This project 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 is minimised is detailed below.

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

ITEM 4.2 SAMFORD VALLEY - SAMFORD PARKLANDS - COMMUNITY BUILDING DEVELOPMENT - DIVISION 11
- A19305223 (Cont.)

Construction Risks:

- a. The recommended contractor will provide a program of works, traffic management plan, safety management plan and environmental plan as part of the contract to identify and detail how it will manage and mitigate project construction risks.
- b. The recommended contractor has demonstrated their understanding of the project site and the need to manage the impact of the works and the ability for lessees and the community to access the surrounding parklands.
- c. The recommended contractor has indicated that their program of works takes into consideration the provision of appropriate resources to be able to complete the project works efficiently.
- d. Inclement weather may impact on the duration of the works in the early stages of the project, particularly earthworks and works prior to installation of roofing. An allowance for wet weather is included in the contractor's construction duration.
- e. There is some risk associated with the presence of a layer of fly ash under access roads; however, a rate has been sought for removal of contaminated material if encountered.
- f. There are no development approval risks relating to this contract.
- g. There are no procurement risks relating to this contract. The timeframe from awarding the contract and commencement of works has been clarified with the contractor and there is sufficient lead time for material procurement so as not to delay the project.

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications

Council has allocated a total of \$3,750,000 for this project. Council originally allocated \$500,000 in the 2018/19 FY Capital Projects Program for design, with \$3,250,000 in the 2019/20 FY Capital Projects Program for construction of the project. All financial information below is excluding GST. Unexpended funds from 2018/19 financial year have been reprovisioned to the current 2019/20 financial year. The Federal Government's Building Better Regions Fund will provide a funding contribution for the project up to the value of \$2,225,250.

18/19 design	\$ 185,474.00
19/20 design	\$ 138,004.00
Tender price (construction)	\$ 2,840,056.72
Contingency (15%)	\$ 426,008.51
Consultancy services	\$ 63,705.00
QLeave (0.475%)	\$ 13,490.27

Total project cost	\$3, 666,738.50
	=====
 Estimated ongoing operational/maintenance costs	 \$40,000 per F/Y

The budget amount for this project is sufficient.

3.7 Economic Benefit Implications

The project strengthens the Samford Parklands precinct, providing a community hub replacing redundant infrastructure.

3.8 Environmental Implications

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

*ITEM 4.2 SAMFORD VALLEY - SAMFORD PARKLANDS - COMMUNITY BUILDING DEVELOPMENT - DIVISION 11
- A19305223 (Cont.)*

3.9 Social Implications

The proposed Samford Parklands Community Hub is an innovative concept that will increase local social capital and enhance community cohesion within the Moreton Bay Region. This community space will be a thriving hub for both residents and visitors to enjoy through the provision of multiple community activities in a new facility located within the attractive Samford Parklands setting.

3.10 Consultation / Communication

A detailed communication plan has been prepared for this project. Communication strategies include project notices, project signs, website/online updates, fortnightly email updates to the Divisional Councillor and direct communication will be implemented once the tender is awarded. The Divisional Councillor has been consulted and is supportive of the project.

SUPPORTING INFORMATION

Ref: [A19304875](#)

The following list of supporting information is provided for:

**ITEM 4.2
SAMFORD VALLEY - SAMFORD PARKLANDS - COMMUNITY BUILDING DEVELOPMENT -
DIVISION 11**

Confidential #1 Tender Evaluation

ITEM 4.3
STORMWATER INFRASTRUCTURE - RENEWAL AND UPGRADE PROGRAM -
VARIOUS LOCATIONS - DIVISIONS 3, 6 & 9

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A19353388 : 19 November 2019 - Refer **Confidential Supporting Information A19263339**
Responsible Officer: BB, Manager Project Management (ECM Project Management)

Executive Summary

Tenders were invited from Council's pre-qualified Civil Construction Panel (MBRC008453) for the 'Stormwater Infrastructure - Renewal and Upgrade Program - Various Locations (MBRC008453/VP158357)' project. The request for tenders closed on 24 October 2019 with a total of three conforming and three alternative tenders received.

It is recommended that Council award the contract to AllenCon Pty Ltd for the sum of \$231,584.24 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

OFFICER'S RECOMMENDATION

1. That the tender for the 'Stormwater Infrastructure - Renewal and Upgrade Program - Various Locations' project (MBRC008453/VP158357) be awarded to AllenCon Pty Ltd for the sum of \$231,584.24 (excluding GST).
2. That the Council enters into an agreement with AllenCon Pty Ltd as described in this report.
3. 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 'Stormwater Infrastructure - Renewal and Upgrade Program - Various Locations' project (MBRC008453/VP158357) and any required variations of the agreement on Council's behalf.

ITEM 4.3 STORMWATER INFRASTRUCTURE - RENEWAL AND UPGRADE PROGRAM - VARIOUS LOCATIONS - DIVISIONS 3, 6 & 9 - A19353388 (Cont.)

REPORT DETAIL

1. Background

The project is located at the four locations, as outlined below:

- Caboolture - Bounty Drive - works include the demolition and replacement of aging defective stormwater pipes and manholes and the renewal of existing pipes via the pipe relining method.
- Margate - Cutts Street - works include the upgrade of aging stormwater pits and the renewal of existing pipes via the pipe relining method.
- Redcliffe - Marine Parade - works include the demolition and replacement of aging defective stormwater pipes and the renewal of existing pipes via the pipe relining method.
- Strathpine - Brahms Street - works include the renewal of an aging defective stormwater pipe via the pipe relining method.

The project is expected to commence in January 2020 and take six weeks to complete, including an allowance for wet weather; with one location to be completed before works commence on the next location.



Figure 1 - Bounty Drive - Caboolture - Locality Plan

ITEM 4.3 STORMWATER INFRASTRUCTURE - RENEWAL AND UPGRADE PROGRAM - VARIOUS LOCATIONS - DIVISIONS 3, 6 & 9 - A19353388 (Cont.)



Figure 2 - Cutts Street - Margate - Locality Plan



Figure 3 - Marine Parade - Redcliffe - Locality Plan

ITEM 4.3 STORMWATER INFRASTRUCTURE - RENEWAL AND UPGRADE PROGRAM - VARIOUS LOCATIONS - DIVISIONS 3, 6 & 9 - A19353388 (Cont.)



Figure 4 - Brahms Street - Strathpine - Locality Plan

2. Explanation of Item

Tenders were invited from Council's pre-qualified Civil Construction Panel (MBRC008453) for the 'Stormwater Infrastructure - Renewal and Upgrade Program - Various Locations (MBRC008453/VP158357)' project and closed on 24 October 2019, with six conforming tenders received. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

Council requested an alternative option for the Brahms Street, Strathpine location to provide a full structural reline of the 525mm diameter stormwater pipe versus the conforming tender which called for localised structural patching of the defect. The alternative would allow the full renewal of the asset for a design life of 50 years plus, resulting in lower construction risks and ease of maintenance for operational staff.

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

RANK	TENDERER	EVALUATION SCORE
1	AllenCon Pty Ltd (alternative)	98.10
2	AllenCon Pty Ltd (conforming)	97.07
3	Queensland Civil Group Pty Ltd (conforming)	83.46
4	Queensland Civil Group Pty Ltd (alternative)	81.51
5	AUZCON PTY LTD (conforming)	66.99
6	AUZCON PTY LTD (alternative)	66.86

ITEM 4.3 STORMWATER INFRASTRUCTURE - RENEWAL AND UPGRADE PROGRAM - VARIOUS LOCATIONS - DIVISIONS 3, 6 & 9 - A19353388 (Cont.)

AllenCon Pty Ltd - alternative (AllenCon) demonstrated previous experience on Council stormwater renewal projects and other civil construction projects within the Moreton Bay Region including, Petrie - Joora Avenue - Stormwater upgrade (\$1.25M) and Eatons Hill - Queen Elizabeth Drive - Road Rehabilitation (\$820k). A tender clarification meeting was held on 7 November 2019 where AllenCon confirmed their project methodology and the pipe rehabilitation products. AllenCon confirmed that design life for the alternative full structural relining was expected to last 100 years. The evaluation panel recommend that the benefits of the full structural reline made AllenCon's alternative tender the best overall offer to Council as the repair lifecycle is greater. Further, there are reduced construction risks and greater ease of maintenance for operational staff.

AllenCon Pty Ltd - conforming (AllenCon) demonstrated previous experience on Council stormwater renewal projects and other civil construction projects within the Moreton Bay Region. A tender clarification meeting was held on 7 November 2019 where AllenCon confirmed their project methodology and the pipe rehabilitation products. AllenCon confirmed that design life for the conforming tender was expected to last 50 years.

Queensland Civil Group Pty Ltd - conforming (QCG) demonstrated their understanding of the project via a detailed submission. QCG also demonstrated some previous stormwater projects for other Councils; however, there were no additional benefits for the higher price.

3. Strategic Implications

3.1 Legislative / Legal Implications

Council sought quotations via Council's Prequalified Civil Construction Panel (MBRC008453) for the work through Vendor Panel in accordance with the *Local Government Act 2009*.

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Creating Opportunities: Well-planned growth - a sustainable and well-planned community.

3.3 Policy Implications

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

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

3.4 Risk Management Implications

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

Financial Risks:

Council sought tenders from the Council's pre-qualified Civil Construction Panel (MBRC008453).

Construction Risks:

- a) The recommended contractor will provide, for all work locations, a program of works, traffic management plan, safety management plan and environmental plan as part of the contract to identify and detail how it will manage and mitigate project construction risks. The contractor shall use suitable barricading to secure the sites and employ traffic controllers for on road works.
- b) Marine Parade, Redcliffe - the contractor will prepare a traffic management plan to be approved by the Department of Transport and Main Roads and adhere to their requirements, to be outlined in a future prestart meeting. The tender specified this location will be completed as night works. All surrounding residents shall be notified two weeks in advance with direct communication and negotiation with the Mon Komo hotel.

ITEM 4.3 STORMWATER INFRASTRUCTURE - RENEWAL AND UPGRADE PROGRAM - VARIOUS LOCATIONS - DIVISIONS 3, 6 & 9 - A19353388 (Cont.)

- c) Bounty Drive, Caboolture - in conjunction with a site-specific environmental management plan, the contractor shall be required to employ specialist wildlife spotters due to the works location near a known Platypus habitat. A project arborist shall also be employed to provide a tree management plan and on-site tree management of the work area.
- d) Brahms Street, Strathpine - the works are situated within a Queensland Rail (QR) carpark. Council will apply for the relevant property access permit and the contractor shall adhere to QR requirements. The tender specified that this location be completed on the weekend only due to the rail carpark being full on weekdays.
- e) The recommended contractor has demonstrated their understanding of constructability challenges and their technical capability to complete the works to a high quality.
- f) There are no procurement risks identified with this project. Pipe rehabilitation sub-contractors will be coordinated by the principal contractor.
- g) There are no Development Approvals associated with this project.

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications

Council has allocated a total of \$293,000 (excluding GST) in the 19-20 Capital Projects Program, budget numbers 105636, 105339, 105376 & 105361.

Tender Price (Construction)	\$ 231,584.24
Contingency (10%)	\$ 23,158.42
Qleave (0.475%)	\$ 1,100.00

Total Project Cost	\$ 255,842.66
	=====

Estimated ongoing operational/maintenance costs \$600 per F/Y

The budget allocation is sufficient.

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

3.9 Social Implications

The Bounty Drive project location will have the largest impact to local residents where existing stormwater infrastructure has failed, causing the road level to collapse and sink holes to form in the road surface.

3.10 Consultation / Communication

A detailed communication plan has been prepared and involves distribution of project notices two weeks prior to the commencement of works, project signage placed four weeks prior to the commencement of works, direct communication and VMS boards for road works. The local councillors will be emailed commencement and finish updates for each location as the work progresses. The Divisional Councillors have been consulted and are supportive of the project.

SUPPORTING INFORMATION

Ref: A19263339

The following list of supporting information is provided for:

ITEM 4.3

**STORMWATER INFRASTRUCTURE - RENEWAL AND UPGRADE PROGRAM - VARIOUS
LOCATIONS - DIVISIONS 3, 6 & 9**

Confidential #1 Tender Evaluation

ITEM 4.4

BRENDALE - SOUTH PINE INDOOR SPORTING COMPLEX - INDOOR SPORTING COMPLEX EXTENSION AND RUGBY UNION BUILDING UPGRADE - DIVISION 9

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A19365061 : 19 November 2019 - Refer **Confidential Supporting Information A19153493**
Responsible Officer: BB, Manager Project Management (ECM Project Management)

Executive Summary

Tenders were invited for the 'Brendale - South Pine Indoor Sporting Complex - Indoor Sporting Complex Extension and Rugby Union Building Upgrade' (MBRC009106). The tender closed on 7 November 2019 with a total of nine conforming tenders received.

It is recommended that Council award the contract to Bli Bli Nominees Constructions Pty Ltd (trading as BBN Constructions) for the sum of \$14,055,468 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

OFFICER'S RECOMMENDATION

1. That the tender for 'Brendale - South Pine Indoor Sporting Complex - Indoor Sporting Complex Extension and Rugby Union Building Upgrade (MBRC009106)' be awarded to Bli Bli Nominees Constructions Pty Ltd (trading as BBN Constructions) for the sum of \$14,055,468 (excluding GST).
2. That the Council enters into an agreement with Bli Bli Nominees Constructions Pty Ltd (trading as BBN Constructions) as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Bli Bli Nominees Constructions Pty Ltd (trading as BBN Constructions) for the 'Brendale - South Pine Indoor Sporting Complex - Indoor Sporting Complex Extension and Rugby Union Building Upgrade (MBRC009106)' and any required variations of the agreement on Council's behalf.
4. That to allow the project to continue, Council commits an additional \$460,000 from the draft 2020/21 Capital Projects budget towards the project 'Brendale - South Pine Indoor Sporting Complex - Indoor Sporting Complex Extension and Rugby Union Building Upgrade (MBRC009106)' in addition to the current \$10.7M identified in the draft 2020/21 Capital Projects Program.

ITEM 4.4 BRENDALE - SOUTH PINE INDOOR SPORTING COMPLEX - INDOOR SPORTING COMPLEX EXTENSION AND RUGBY UNION BUILDING UPGRADE - DIVISION 9 - A19365061 (Cont.)

REPORT DETAIL

1. Background

The Indoor Sports Centre project is located at the South Pine Sporting Complex (SPSC), 620 South Pine Road, Brendale. The scope of works includes the extension of the indoor sports centre building to accommodate an additional three lit courts. The courts and surrounding spaces will satisfy requirements at club, regional, state and international levels to host tournaments for a variety of sports. Works will also include supporting infrastructure such as spectator area/s, offices, multipurpose function room/events space with supporting servery facilities, retractable grand stand seating, storage areas, change rooms, officials' rooms, drug testing room, first aid rooms and amenities to cater for the expected patrons of the fully developed indoor centre facility. Provision of car parking spaces, taxi rank and loading zone in accordance with the DA conditions will also be required. The objective of the project is to provide additional playing space for indoor sports and a venue with the ability to attract major indoor sporting events and associated revenues.

The Rugby Union project is located at South Pine Sports Complex, 620 South Pine Road, Brendale. The project scope includes the demolition of the existing rugby union clubhouse building and the construction of a new single storey clubhouse. The new clubhouse will include four change rooms, two officials' rooms, a first aid room, gym space, spectator amenities, canteen with cold room and dry store, BBQ area, storerooms, merchandise room, ancillary facilities and separate club meeting rooms for the Albany Creek GPS Junior Rugby Union Club and the South Pine Touch Football Association. The objective of the Rugby Union project is to construct a clubhouse for the Albany Creek GPS Junior Rugby Union Club, with accommodation for the South Pine Touch Football Association.

Works are programmed to commence in early February 2020 and take 52 weeks including an allowance for wet weather. The facility will continue to operate during the construction works except for a 2-3 week duration when the dividing wall separating the existing building and the extension is constructed. The Rugby Union will be provided with temporary facilities in the adjacent car park with limited canteen facilities for the duration that these will be required.



Figure 1: Locality Plan - site of works

ITEM 4.4 BRENDALE - SOUTH PINE INDOOR SPORTING COMPLEX - INDOOR SPORTING COMPLEX EXTENSION AND RUGBY UNION BUILDING UPGRADE - DIVISION 9 - A19365061 (Cont.)



Figure 2: Perspective view



Figure 3: Perspective view

2. Explanation of Item

Tenders were invited for the 'Brendale - South Pine Indoor Sporting Complex - Indoor Sporting Complex Extension and Rugby Union Building Upgrade (MBRC009106)' project. The tender closed on 7 November 2019 with a total of nine conforming tenders received. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

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

RANK	TENDERER	EVALUATION SCORE
1	Bli Bli Nominees Constructions Pty Ltd (trading as BBN Constructions)	100.00
2	Evans Built Pty Ltd	98.04
3	Kane Constructions (QLD) Pty Ltd	97.64
4	FDC Construction & Fitout (QLD) Pty Ltd	97.30
5	Multi Span Australia Group Pty Ltd	94.95
6	Alder Constructions Pty Ltd	91.15
7	Leaf Building Group Pty Ltd	89.64
8	Main Constructions (Building) Pty Ltd	85.21
9	NF Corbett Pty Ltd	81.39

ITEM 4.4 BRENDALE - SOUTH PINE INDOOR SPORTING COMPLEX - INDOOR SPORTING COMPLEX EXTENSION AND RUGBY UNION BUILDING UPGRADE - DIVISION 9 - A19365061 (Cont.)

Bli Bli Nominees Constructions Pty Ltd - trading as BBN Constructions (BBN) submitted a comprehensive tender. At a tender clarification meeting on 18 November 2019, BBN confirmed their capability and methodology to complete the project. BBN have previously undertaken works for Council on the new SES Depot, Bunya - valued at \$2.5M and the Kinsellas Sports Field Clubhouse - valued at \$1.3M, in addition to similar sized sports projects for the state government and other local government authorities. These include Lake Kawana Community Centre for the former Caloundra City Council valued at \$11.2M, Multi-Purpose Sports Halls for the Queensland Government valued at \$12.5M and the Corbould Park Race Track for the Queensland Government valued at \$10M. The assessment panel evaluated the offer from BBN as providing the best overall value to Council.

Evans Built Pty Ltd (Evans) submitted a comprehensive tender. Evans' submission confirmed their capability to complete the project. At a tender clarification meeting on 18 November 2019, Evans confirmed their capability and methodology to complete the project; however, there were no additional benefits for the higher price.

Kane Constructions (QLD) Pty Ltd (Kane) submitted a comprehensive tender. Kane's submission confirmed their capability to complete the project. At a tender clarification meeting on 15 November 2019, Kane confirmed their capability and methodology to complete the project; however, there were no additional benefits for the higher price.

FDC Construction & Fitout (QLD) Pty Ltd (FDC) submitted a comprehensive tender. FDC's submission confirmed their capability to complete the project. At a tender clarification meeting on 18 November 2019, FDC confirmed their capability and methodology to complete the project; however, there were no additional benefits for the higher price.

Multi Span Australia Group Pty Ltd (Multi Span) submitted a comprehensive tender. Multi Span's submission confirmed their capability to complete the project. At a tender clarification meeting on 15 November 2019, Multi Span confirmed their capability and methodology to complete the project; however, there were no additional benefits for the higher price.

3. Strategic Implications

3.1 Legislative / Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

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.

Financial Risks:

A third party review of financial status has been carried out and the successful tenderer was rated '*conditionally acceptable*'.

ITEM 4.4 BRENDAL - SOUTH PINE INDOOR SPORTING COMPLEX - INDOOR SPORTING COMPLEX EXTENSION AND RUGBY UNION BUILDING UPGRADE - DIVISION 9 - A19365061 (Cont.)

Construction Risks:

- a. The contractor will provide a program of works, traffic management plan and safety plan and will be required to fence off the areas where construction is being undertaken to meet relevant workplace health and safety requirements as part of the contract.
- b. The recommended contractor has demonstrated their understanding of the project site and the need to manage the impact of the works and the ability for the continued use of the existing Indoor Sports Hall except for a defined shutdown for temporary works within this area.
- c. The recommended contractor has indicated that their program of works takes into consideration the provision of appropriate resources to be able to complete the project works efficiently.
- d. The Development Application for these works is currently being finalised with Council's Development Services section.
- e. There are low level procurement risks associated with this project. The contractor has identified suitable lead times within their program and will submit orders for equipment upon award of the contract.

Wet weather risk:

The tender has allowed for 20 days of wet weather throughout the duration of the works.

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications

Council allocated \$600,000 in the 2018/19 FY Capital Projects Program for design, with \$2M in the 2019/20 FY Capital Projects Program for construction and identified a further \$10.7M in the draft 2020/21 FY Capital Projects Program for the Brendale - South Pine Indoor Sporting Complex - Indoor Sporting Complex Extension project. (Total of \$13.3M)

Council allocated \$235,000 in the 2018/19 FY Capital Projects Program for design, with \$1.5M in the 2019/20 FY Capital Projects Program for construction and identified a further \$500,000 in the draft 2020/21 FY Capital Projects Program for the Rugby Union Building Upgrade project (Total of \$2.235M) Total for both projects combined \$15.535M).

All financial information associated with this section is exclusive of GST.

Design 18/19 & 19/20	\$ 723,346.00
Tender Price Construction	\$14,055,468.00
Contingency (7.5%)	\$ 1,054,160.00
QLeave(0.475%)	\$ 66,763.47
Consultant's RFQ responses	\$ 95,000.00

Total Project Cost	\$15,994,737.47
	=====

Estimated ongoing operational/maintenance costs \$125,000 per F/Y.

The budget amounts for this project are insufficient. Additional funds of \$460,000 will be required in the 2020/21 FY, budget number 101806, to complete this project.

3.7 Economic Benefit Implications

The new multi-use sporting facilities will have the capability to host local, district, state and national level sporting and community events. The potential revenue earned through the activation of the spaces will assist lessee South Pine Sports Association Inc with the ongoing management and maintenance of the facilities.

*ITEM 4.4 BRENDALE - SOUTH PINE INDOOR SPORTING COMPLEX - INDOOR SPORTING COMPLEX
EXTENSION AND RUGBY UNION BUILDING UPGRADE - DIVISION 9 - A19365061 (Cont.)*

3.8 Environmental Implications

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

As part of the site preparation for the construction of the Indoor Sports Centre extension, the removal of 2 koala habitat trees is required for the construction. Offset tree levy contribution will be provided as identified in the draft Development Approval.

3.9 Social Implications

The construction of the regional South Pine Indoor Sports Centre Extension and Rugby Union Clubhouse will provide state of the art, accessible and universal facilities that support sport, recreation, physical activity and event opportunities for local Moreton Bay residents of all ages and abilities.

3.10 Consultation / Communication

A detailed communications plan has been prepared. Project signs will be implemented four weeks prior to site works. Project notices will be implemented in early January 2020 to allow the South Pine Sporting Association to distribute to users and sporting groups. Weekly project updates via email will be provided to the Divisional Councillor. The Divisional Councillor has been consulted and is supportive of the project and the consultation plan.

SUPPORTING INFORMATION

Ref: [A19153493](#)

The following list of supporting information is provided for:

ITEM 4.4

**BRENDALE - SOUTH PINE INDOOR SPORTING COMPLEX - INDOOR SPORTING COMPLEX
EXTENSION AND RUGBY UNION BUILDING UPGRADE - DIVISION 9**

Confidential #1 Tender Evaluation

ITEM 4.5

TENDER - 2019/20 ROAD REJUVENATION PROGRAM (MBRC008957) - REGIONAL

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A19292040 : 1 November 2019 - Refer Supporting Information A19292175 and **Confidential** Supporting Information A18969926, A18969927, A18969932
Responsible Officer: SF, Roads Engineer (ECM Asset Maintenance)

Executive Summary

Tenders were called for the '19-20 Asphalt Enrichment and Rejuvenation Program - Region Wide (MBRC008957)' through LG Tender Box. The tender contained three separable portions based on divisions across the region. Tenders closed on 14 August 2019, with submissions received from four companies for one or more of the separable portions.

It is recommended that the tender for the '19-20 Asphalt Enrichment and Rejuvenation Program - Region Wide (MBRC008957)' be awarded as follows, as these offers represent the best overall value to Council.

Separable Portion 1 - That the tender for the Asphalt Enrichment and Rejuvenation Program in Divisions 1,2,3 and 12 be awarded to BMR Quarries Pty Ltd (trading as Roadwork Industries) for the sum of \$171,477.50 (excl. GST).

Separable Portion 2 - That the tender for the Asphalt Enrichment and Rejuvenation Program in Divisions 4,5,6 and 7 be awarded to BMR Quarries Pty Ltd (trading as Roadwork Industries) for the sum of \$204,584.30 (excl. GST).

Separable Portion 3 - That the tender for the Asphalt Enrichment and Rejuvenation Program in Divisions 8,9,10 and 11 be awarded to BMR Quarries Pty Ltd (trading as Roadwork Industries) for the sum of \$188,506.55 (excl. GST).

OFFICER'S RECOMMENDATION

1. That the tender for the '19-20 Asphalt Enrichment and Rejuvenation Program - Region Wide (MBRC008957)' - Separable Portion 1, (Divisions 1, 2, 3 and 12) be awarded to BMR Quarries Pty Ltd (trading as Roadwork Industries) for the sum of \$171,477.50 (excl. GST).
 - a) That the Council enters into an agreement with BMR Quarries Pty Ltd (trading as Roadwork Industries) as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with BMR Quarries Pty Ltd (trading as Roadwork Industries) for the '19-20 Asphalt Enrichment and Rejuvenation Program - Region Wide (MBRC008957)' - Separable Portion 1, (Divisions 1, 2, 3 and 12) and any required variations of the agreement on Council's behalf.
2. That the tender for the '19-20 Asphalt Enrichment and Rejuvenation Program - Region Wide (MBRC008957)' - Separable Portion 2, (Divisions 4, 5, 6 and 7) be awarded to BMR Quarries Pty Ltd (trading as Roadwork Industries) for the sum of \$204,584.30 (excl. GST).
 - a) That the Council enters into an agreement with BMR Quarries Pty Ltd (trading as Roadwork Industries) as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with BMR Quarries Pty Ltd (trading as Roadwork Industries) for the '19-20 Asphalt Enrichment and Rejuvenation Program - Region Wide (MBRC008957)' - Separable Portion 2, (Divisions 4, 5, 6 and 7) and any required variations of the agreement on Council's behalf.

ITEM 4.5 TENDER - 2019/20 ROAD REJUVENATION PROGRAM (MBRC008957) - REGIONAL - A19292040 (Cont.)

3. That the tender for the '*19-20 Asphalt Enrichment and Rejuvenation Program - Region Wide (MBRC008957)*' - Separable Portion 3, (Divisions 8 ,9, 10 and 11) be awarded to BMR Quarries Pty Ltd (trading as Roadwork Industries) for the sum of \$188,506.55 (excl. GST).
 - a) That the Council enters into an agreement with BMR Quarries Pty Ltd (trading as Roadwork Industries) as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with BMR Quarries Pty Ltd (trading as Roadwork Industries) for the '*19-20 Asphalt Enrichment and Rejuvenation Program - Region Wide (MBRC008957)*' - Separable Portion 3, (Divisions 8 ,9, 10 and 11) and any required variations of the agreement on Council's behalf.

ITEM 4.5 TENDER - 2019/20 ROAD REJUVENATION PROGRAM (MBRC008957) - REGIONAL - A19292040 (Cont.)

REPORT DETAIL

1. Background

The '19-20 Asphalt Enrichment and Rejuvenation Program - Region Wide (MBRC008957)' tender involves the application of a preservation treatment to existing asphalt road surfaces across the region. This treatment protects against bitumen oxidation and prolongs aggregate retention within the existing bituminous surface and is recommended to be undertaken halfway through the asset's economical life.

2. Explanation of Item

Tenders were called for the '19-20 Asphalt Enrichment and Rejuvenation Program - Region Wide (MBRC008957)'. Tenders closed on 14 August 2019, with submissions received from four companies for one or more of the separable portions. Due to current programmed works, Downer EDI Works Pty Ltd formally withdrew their submission for all three portions and were not assessed during the evaluation process. The tender is a schedule of rates contract and offers were assessed by a selection panel in accordance with Council's Procurement Policy and the selection criteria set out in the tender documentation.

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

Separable Portion 1 - Asphalt Enrichment and Rejuvenation - Divisions 1, 2, 3 and 12

Rank	Tenderer	Evaluation Score
1	BMR Quarries Pty Ltd (trading as Roadwork Industries) - Alternate Offer	97.09
2	BMR Quarries Pty Ltd (trading as Roadwork Industries)	96.06
3	Colas Solutions Pty Ltd	87.64
4	Fulton Hogan Industries Pty Ltd	75.11

Separable Portion 2 - Asphalt Enrichment and Rejuvenation - Divisions 4, 5, 6 and 7

Rank	Tenderer	Evaluation Score
1	BMR Quarries Pty Ltd (trading as Roadwork Industries) - Alternate Offer	97.09
2	BMR Quarries Pty Ltd (trading as Roadwork Industries)	96.03
3	Colas Solutions Pty Ltd	87.51
4	Fulton Hogan Industries Pty Ltd	75.84

Separable Portion 3 - Asphalt Enrichment and Rejuvenation - Divisions 8, 9, 10 and 11

Rank	Tenderer	Evaluation Score
1	BMR Quarries Pty Ltd (trading as Roadwork Industries) - Alternate Offer	97.09
2	BMR Quarries Pty Ltd (trading as Roadwork Industries)	95.92
3	Colas Solutions Pty Ltd	86.74
4	Fulton Hogan Industries Pty Ltd	76.32

ITEM 4.5 TENDER - 2019/20 ROAD REJUVENATION PROGRAM (MBRC008957) - REGIONAL - A19292040 (Cont.)

BMR Quarries Pty Ltd - trading as Roadwork Industries (BMR) This company provided a quality submission, clearly setting out its ability to deliver the program, and demonstrated the required level of knowledge, experience and resources required to undertake these works. BMR have undertaken similar works for other local governments in Queensland and NSW. An alternate offer was submitted which utilises a lighter spray rate and exclusion of sand. Although the alternate offer was the highest scoring in all three portions, it was determined that the financial benefits of a lighter application were outweighed by the reduction in residual product on the road and subsequent longer life and therefore the conforming offer was preferred. Over all separable portions, BMR provided the lowest priced offers and received the highest evaluation scores in all instances.

Colas Qld Pty Ltd (Colas) This company provided a quality submission, clearly setting out its ability to deliver the program, and demonstrated the required level of knowledge, experience and resources required to undertake these works. Colas has performed similar works for Council in previous years to a satisfactory standard. The offer from Colas was the second lowest price received for all three separable portions.

Fulton Hogan Industries Pty Ltd (Fulton Hogan) The tender submissions received from Fulton Hogan were acceptable and outlined their experience and capability required to undertake these works. Fulton Hogan has performed similar works for Council in previous years to a satisfactory standard. Fulton Hogan did not receive the highest evaluation score for any of the three separable portions as their tendered prices were the highest in all instances and were not deemed value for money.

3. Strategic Implications

3.1 Legislative / Legal Implications

Due to the value of the work being greater than \$200,000, a tender process was undertaken through LG Tenderbox.

3.2 Corporate Plan / Operational Plan

Valuing Lifestyle: Healthy natural environment - a clean and healthy environment.

3.3 Policy Implications

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

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

3.4 Risk Management Implications

A third-party review of financial status has been undertaken on the successful tenderers, with BMR Quarries Pty Ltd (trading as Roadwork Industries) receiving a rating of 'satisfactory' which has confirmed that they have the capability and financial capacity to carry out these tendered works.

Potential impacts on local traffic, bus routes and waste collection services have been identified as major risks for these projects. The mitigation strategies to minimise these risks are detailed below:

Impact on local traffic - The contractor will develop and present approved site-specific traffic management plans and approved traffic guidance schemes for each of the locations to be completed under the contract. Traffic speeds will be reduced within the extent of the works to ensure safe passage for road users and construction activities.

Impact on bus services - The contractor's traffic management methods will permit buses to maintain their normal routes. In addition to notifying affected residents, the contractor will notify relevant bus companies of the resurfacing works and the effect the works may have on services. Some projects may be undertaken at night to avoid peak traffic times and minimise disruption during school pick up times and business operating hours.

ITEM 4.5 TENDER - 2019/20 ROAD REJUVENATION PROGRAM (MBRC008957) - REGIONAL - A19292040 (Cont.)

Impact on waste collection services - The successful contractor will be provided with bin collection days for each of the roads listed on the rejuvenation program. The contractor's programs will be developed taking into account the bin collection days.

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications

Council has allocated \$750,000 (excl. GST) in the 2019/20 Capital Projects program for road rejuvenation works across the region. The total value of the tenders received is:

Total of recommended tenders	\$ 564,568.35
Contingency (10%)	\$ 56,456.84
QLeave	\$ 2,682.00

Total cost	\$ 623,707.19
	=====

Works will be completed by the end of May 2020.

There are sufficient funds for this program in the allocated budget.

3.7 Economic Benefit Implications

The road rejuvenation works will address pavement surface quality, extend the life of the pavements and reduce recurrent maintenance costs on the scheduled roads.

3.8 Environmental Implications

The tender assessment included a review of the preferred contractors' environmental policies and procedures regarding environmental protection. The contractors have suitable environmental policies and procedures in place to undertake the works.

3.9 Social Implications

The works will improve vehicle safety and the roads' structural integrity.

3.10 Consultation / Communication

Consultation with residents will be undertaken utilising Councillor's Project Notices. Direct communication with Translink and all emergency services, advising of the timing of the upcoming road works, will be undertaken once the contract has been awarded and a finalised program of works has been provided by the successful contractor.

Pre-emptive Variable Message Signage will be utilised and displayed prior to and throughout several larger select projects, to notify road users. Contractor is to provide written advice to all affected residents two days prior to projects being undertaken.

SUPPORTING INFORMATION

Ref: [A19292175](#) and Confidential Supporting Information [A18969926](#), [A18969927](#), [A18969932](#)

The following list of supporting information is provided for:

ITEM 4.5

TENDER - 2019/20 ROAD REJUVENATION PROGRAM (MBRC008957) - REGIONAL

#1 Location of Works

Confidential #2 Tender Evaluation - Separable Portion 1

Confidential #3 Tender Evaluation - Separable Portion 2

Confidential #4 Tender Evaluation - Separable Portion 3

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ITEM 4.5 - TENDER - 2019/20 ROAD REJUVENATION PROGRAM (MBRC008957) - REGIONAL (Cont.)

#1 Location of Works

Division	Suburb	Location of Works	Area [m ²]
Separable Portion 1			
1	Banksia Beach	Eagles Landing	3440.2
1	Banksia Beach	Seaeagle Place	1793.4
1	Banksia Beach	Raptor Parade	6784
1	Banksia Beach	Wingbet Court	323
1	Banksia Beach	Baza Place	1283.4
1	Banksia Beach	Cosmos Avenue	9843.8
1	Banksia Beach	Seafarer Place	585.9
1	Banksia Beach	Tradewinds Drive	2637.2
1	Banksia Beach	Windward Place	312.5
2	Morayfield	Redcedar Place	2812.4
2	Morayfield	Kamala Street	1304.1
2	Morayfield	Leatherwood Street	1925.6
2	Morayfield	Sapelli Street	1638
2	Morayfield	Lacebark Street	1148.4
2	Morayfield	Kalungi Court	530
2	Burpengary	Zeus Drive	3359.2
2	Burpengary	Mayleen Court	686.4
2	Burpengary	Hilton Court	1200.8
2	Burpengary	Chopin Court	1501
3	Caboolture	Joyner Circuit	7332
3	Caboolture	Boyland Street	2172.5
3	Caboolture	Duffield Crescent	2921.2
3	Caboolture	Crawford Street	986.1
3	Caboolture	Stopford Street	894.9
3	Caboolture	Crooks Street	1199.3
3	Caboolture	Bothwell Place	585.2
3	Caboolture	Moorhead Street	4644
3	Caboolture	Harkin Street	1568.7
3	Caboolture	McAndrew Street	3336.3
3	Caboolture	Hopkins Chase	996.8
3	Bellmere	Daintree Street	4077
3	Bellmere	Peggy Road	3222.4
3	Bellmere	Glennis Court	418.6
12	Wamuran	Alexandra Parade	3180.1
12	Wamuran	Muller Court	752.4
12	Wamuran	Bonnie View Court	2091.9
12	Wamuran	Montana Drive	2104.2
12	Wamuran	Riverdene Court	504
12	Wamuran	Alabama Court	1169.2
12	Bellmere	Clementine Street	4730
12	Bellmere	Imperial Street	259.2
12	Bellmere	Peacherine Circuit	3711.8
12	Bellmere	Tangelo Court	468
12	Bellmere	Seville Street	3123.6
12	Bellmere	Bernice Street	1056.4
12	Bellmere	Anissa Court	434.5

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ITEM 4.5 - TENDER - 2019/20 ROAD REJUVENATION PROGRAM (MBRC008957) - REGIONAL (Cont.)

Division	Suburb	Location of Works	Area [m ²]
Separable Portion 2			
4	North Lakes	Conway Court	631.8
4	North Lakes	Wyperfield Court	1140
4	North Lakes	Litchfield Court	1254.4
4	North Lakes	Kalbarri Court	918
4	North Lakes	Glorious Court	569.8
4	North Lakes	Glenrock Parade	3372.6
4	North Lakes	Washpool Street	869
4	North Lakes	Kalamunda Street	972
4	North Lakes	Brookfield Street	1200
4	North Lakes	Canundra Street	1158
4	North Lakes	Brockman Street	1284
4	North Lakes	Morwell Crescent	1409.1
4	North Lakes	Willandra Parade	2054
4	North Lakes	Conjola Street	986.1
4	North Lakes	Currawinya Street	828
4	North Lakes	Wollemi Street	1305.4
4	North Lakes	Byfield Street	1188
4	North Lakes	Lochern Court	981.5
4	North Lakes	Heathcote Avenue	2365.9
4	North Lakes	Moorrinya Circuit	1896
4	North Lakes	Dorrigo Court	665.6
4	North Lakes	Whitfield Crescent	2424
4	North Lakes	Malanda Court	769.6
5	Rothwell	Forestlea Court	591.6
5	Rothwell	Bellbrook Court	782
5	Rothwell	Summerfields Street	811.8
5	Rothwell	Oakmont Street	3884.4
5	Kippa-Ring	Taronga Street	2234.4
5	Kippa-Ring	Willoughby Court	921.2
5	Kippa-Ring	Iluka Court	910.8
5	Kippa-Ring	Kareela Court	1485.7
5	Kippa-Ring	Cremorne Court	2997
5	Kippa-Ring	Kirribilli Street	1822.5
5	Kippa-Ring	St Ives Court	504
5	Kippa-Ring	Nelson Court	456
5	Kippa-Ring	Foxtan Court	515.2
5	Kippa-Ring	Featherstone Street	2038.2
5	Kippa-Ring	Wanganui Street	2272.4
5	Kippa-Ring	Taupo Street	1360.8
5	Kippa-Ring	Pegasus Street	3314.2
6	Margate	Tramore Street	3753
6	Woody Point	Ernest Street	6479
6	Margate	Ernest Street	6479
6	Woody Point	Kate Street	11008.4
6	Woody Point	Alfred Street	3192.6
6	Clontarf	Watson Street	1425
6	Clontarf	Weaber Street	1440
6	Clontarf	Enoch Street	2789.8
7	Narangba	Saltwater Circuit	8862.4
7	Narangba	Geordon Street	924.6
7	Narangba	Corzac Street	1274
7	Narangba	Toledo Drive	2545.6
7	Narangba	Carmen Court	315
7	Narangba	Devlin Road	2040
7	Narangba	Julia Street	1798.2
7	Narangba	Sophie Street	1092
7	Narangba	Lucy Court	453.9
7	Dakabin	Sheperdson Street	2448
7	Dakabin	Leigh Crescent	1976.4
7	Dakabin	Braxlaw Crescent	2542.4
7	Dakabin	Sullivan Street	969.9
7	Dakabin	Surround Street	5257.6
7	Dakabin	Hiraji Place	245.7
7	Dakabin	Gunsynd Drive	639.2

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ITEM 4.5 - TENDER - 2019/20 ROAD REJUVENATION PROGRAM (MBRC008957) - REGIONAL (Cont.)

Division	Suburb	Location of Works	Area [m ²]
Separable Portion 3			
8	Warner	Everest Street	2263
8	Warner	Edmund Court	844.2
8	Warner	Michael David Drive	3396.6
8	Warner	Lukla Court	809.2
8	Warner	Muir Court	877.5
8	Warner	Norgay Court	804
8	Warner	Swan Parade	5940
8	Warner	Capabella Court	777
8	Warner	Ontario Drive	2334
8	Warner	Michigan Circuit	2004
8	Warner	Silvabank Court	714
8	Warner	Winnipeg Street	1086
8	Warner	Barambah Circuit	2586
9	Albany Creek	Country Club Drive	4324.8
9	Albany Creek	Pinehurst Court	915
9	Albany Creek	Muirfield Court	516.6
9	Albany Creek	Balswidden Street	2227.5
9	Albany Creek	Cuthbert Street	2487.1
9	Eatons Hill	Birmingham Street	557.6
9	Eatons Hill	Cassinia Court	1285.2
9	Eatons Hill	Rivergum Drive	2077
9	Eatons Hill	Eddy Court	382.2
9	Eatons Hill	Shallows Court	625.6
9	Eatons Hill	Crossing Drive	729.6
9	Eatons Hill	Tributary Court	998.2
9	Eatons Hill	Confluence Court	1360.3
9	Eatons Hill	Elderberry Court	1510.4
9	Albany Creek	Faheys Road West	4993.2
9	Albany Creek	Tibbits Close	1035.3
9	Albany Creek	Scenic Close	2374.6
9	Albany Creek	Ridway Street	489.1
9	Albany Creek	Lee Close	462
9	Albany Creek	Lowai Court	1529.6
9	Albany Creek	Chickowee Street	1871.1
9	Albany Creek	Chowchilla Street	4568
9	Albany Creek	Toorie Court	430.5
9	Albany Creek	Prion Court	1012
9	Albany Creek	Wylah Court	1802
10	Bunya	Breen Drive	9227.2
10	Bunya	Dunn Court	1516.4
10	Bunya	Greer Court	752
10	Bunya	Rinn Avenue	2166
10	Bunya	Dudley Court	1222
10	Bunya	Carter Court	643.8
10	Bunya	Hoare Court	1630.2
10	Bunya	Clapham Court	922.5
11	Narangba	MacDonald Drive	10337.6
11	Narangba	Geneva Crescent	1713.6
11	Narangba	Birrabeen Court	1260
11	Narangba	Picton Crescent	5637.6
11	Narangba	Tahoe Place	600.4
11	Narangba	Saint Clair Court	1554.9
11	Highvale	Woodanga Drive	4438.4
11	Highvale	Meadowood Close	2426.4
11	Highvale	Baywood Court	802.5
11	Highvale	Cavalier Court	1101.6

ITEM 4.6

SAMFORD VILLAGE - JOHN SCOTT PARK - AMENITIES RENEWAL - DEMOLITION AND CONSTRUCTION - DIVISION 11

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A19369620: 6 November 2019 - Refer **Confidential Supporting Information A19220631**
Responsible Officer: MK, Principal Engineer Buildings and Facilities (IP Directorate)

Executive Summary

Tenders were invited for the “*Samford Village - John Scott Park - Amenities Renewal - Demolition and Construction (MBRC008988)*” project. The tender closed on the 9th October 2019 with a total of 8 conforming tenders received and 1 non-conforming submission.

The tender was for a primary contract which included the demolition and associated construction works for the project.

It is recommended that Council awards the primary contract for the “*Samford Village - John Scott Park - Amenities Renewal - Demolition and Construction (MBRC008988)*” to Kimini Constructions Pty Ltd, for the sum of \$246,615.11 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

OFFICER’S RECOMMENDATION

1. That the tender for “*Samford Village - John Scott Park - Amenities Renewal - Demolition and Construction (MBRC008988)*” be awarded to Kimini Constructions Pty Ltd for \$246,615.11 (excluding GST).
2. That the Council enters into an agreement with Kimini Constructions Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Kimini Constructions Pty Ltd for “*Samford Village - John Scott Park - Amenities Renewal - Demolition and Construction (MBRC008988)*” and any required variations of the agreement on Council's behalf.

ITEM 4.6 SAMFORD VILLAGE - JOHN SCOTT PARK - AMENITIES RENEWAL - DEMOLITION AND CONSTRUCTION - DIVISION 11 - A19369620 (Cont.)

REPORT DETAIL

1. Background

The “Samford Village - John Scott Park - Amenities Renewal - Demolition and Construction (MBRC008988)” project is located within John Scott Park, at 33 Main St, Samford Village QLD 4520.

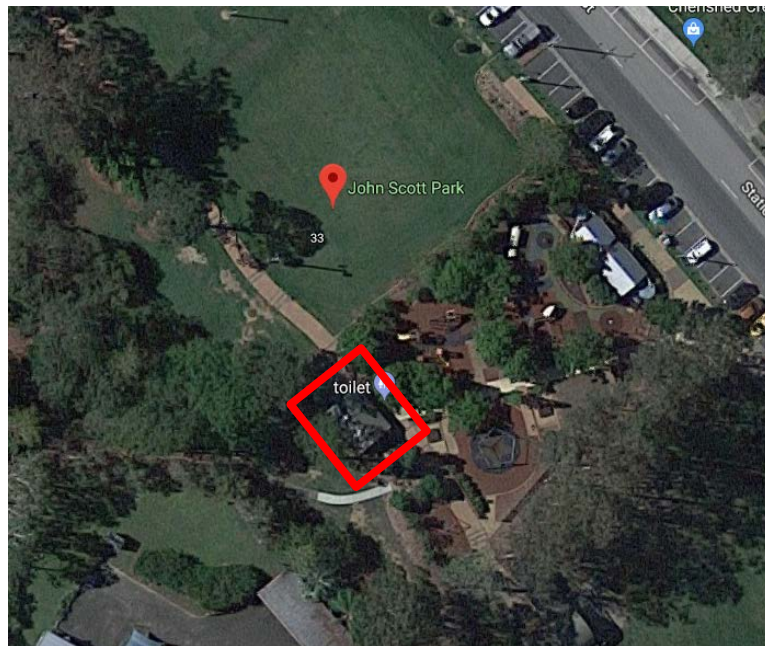


Figure 1 - Location of Works

John Scott Park is a popular park situated in Samford Village. The park covers an area of approximately 7,500m². The park is surrounded by shopping centres, restaurants and cafes which attract patrons to the park. As well as this, there is a BMX track, a large park and stage area are located within the park.

Council has received customer service requests and complaints in the past regarding the condition of the existing facility, with concerns raised that it is in an unsavoury condition and inadequate to cater for the level of demand. A photo of the existing amenities is shown in Figure 2.

ITEM 4.6 SAMFORD VILLAGE - JOHN SCOTT PARK - AMENITIES RENEWAL - DEMOLITION AND CONSTRUCTION - DIVISION 11 - A19369620 (Cont.)



Figure 2 - Existing Amenities at John Scott Park

Council therefore committed to an allocation of funding in the 19/20 financial years budget to upgrade and renew the existing facility.

The project scope comprises of the demolition of the existing public amenities, followed by the construction of new public amenities in the same location. The new facility will have an increased number of cubicles, upgrading to 4 unisex ambulant & 1 DDA compliant accessible cubical. The cubicles will be self-locking on an adjustable timer and will blend into the features of the park.

The floor plan for the amenities building can be seen below:

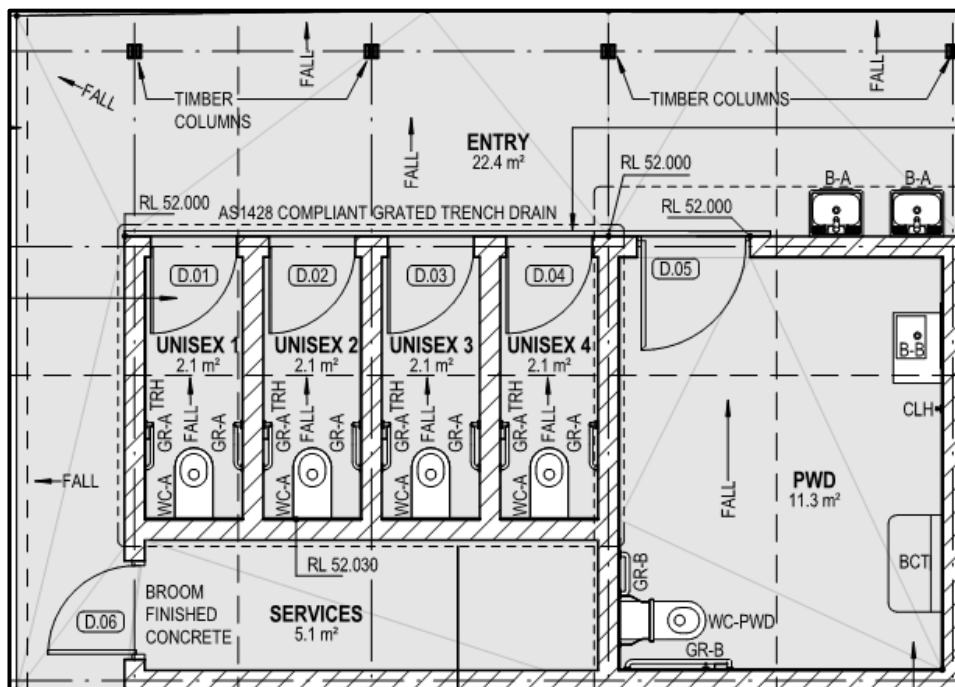


Figure 3 - Floor Plan of the new Amenities Building

ITEM 4.6 SAMFORD VILLAGE - JOHN SCOTT PARK - AMENITIES RENEWAL - DEMOLITION AND CONSTRUCTION - DIVISION 11 - A19369620 (Cont.)

The amenities building has been designed using Crime Prevention Through Environmental Design (CPTED) principles in order to reduce maintenance, vandalism and cleaning costs. Materials have been selected which negate the use of constant artificial lighting, and colours which promote cleanliness.

The cubicles will be self-locking by utilising an electronic locking system. A separate project is also progressing separately to install smart technology to provide capacity for remote opening and closing of the facility as well as to report on water usage and potential damage to the facility.

A 3D rendering of the new facility can be seen below in Figure 4.



Figure 4 - 3D Rendering of New Amenities Facility at John Scott Park.

Works have been scheduled to commence at the start of February 2020. This ensures that the community can host all Christmas and Australia Day celebrations in the park, and the works will not commence until normal operating school hours have resumed.

2. Explanation of Item

Tenders for the “Samford Village - John Scott Park - Amenities Renewal - Demolition and Construction (MBRC008988)” project closed on the 9th of October with a total of eight (8) conforming tenders and one (1) non-conforming received. The tenders were assessed by the assessment panel in accordance with Council’s Purchasing Policy and the selection criteria as set out in the tender documents.

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

Rank	Tenderer	Evaluation Score
1	Kimini Constructions	97.85
2	Hawley Constructions	90.71
3	NF Corbett	89.76
4	Caspian Building Services	80.35

ITEM 4.6 SAMFORD VILLAGE - JOHN SCOTT PARK - AMENITIES RENEWAL - DEMOLITION AND CONSTRUCTION - DIVISION 11 - A19369620 (Cont.)

Rank	Tenderer	Evaluation Score
5	Myriad Constructions	79.31
6	Leaf Building Group	73.20
7	Emmit Builders	68.74
8	Verve Constructions	67.26
-	Bishton Group	Non-conforming

Kimini Constructions submitted a tender which extensively covered all evaluation criteria and all mandatory criteria. This included a detailed methodology and strategy, Gantt chart, and details of 3 previous relevant projects. Kimini Constructions attended a clarification meeting which was held on the 23rd of October 2019.

Kimini Constructions provided a detailed Gantt Chart which outlines the construction period from February to May 2020. Kimini Constructions are also a local Moreton Bay Region contractor which are situated in Brendale.

Hawley Constructions submitted a comprehensive tender and demonstrated their methodology and experience on projects of a similar scale and complexity at a tender clarification meeting held on 14 November 2019. Hawley provided compliant construction program.

NF Corbett submitted a comprehensive tender and demonstrated their methodology and experience on projects of a similar scale and complexity; however, there were no additional benefits for the higher price.

The non-conforming tenderer did not attend the mandatory site meeting.

3. Strategic Implications

3.1 Legislative / Legal Implications

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

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: 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.

3.4 Risk Management Implications

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

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

ITEM 4.6 SAMFORD VILLAGE - JOHN SCOTT PARK - AMENITIES RENEWAL - DEMOLITION AND CONSTRUCTION - DIVISION 11 - A19369620 (Cont.)

Construction Risks:

- a. The recommended contractor will provide a detailed program of works, a staging plan, site specific traffic management, environmental management and safety plans. Work areas will be isolated to protect site personnel, the public, and to meet workplace health and safety requirements.
- b. The contractor has demonstrated their understanding of constructability challenges and their technical capability to complete the works at this location.

Wet weather delays

The tender document required tenderers to include an allowance for inclement weather within their tendered construction time line. The allowance is based upon the Bureau of Meteorology Rainfall Graph for the Brisbane area. The contractor has provided an initial program of works with an inclusion of estimated wet weather days for the months of February to May 2020.

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications

Council has allocated \$505,815 in this FY for the John Scott Park Amenities project.

Design	\$ 44,120.00
Tender Price (Construction)	\$ 246,615.11
Contingency (10%)	\$ 24,661.51

Total Project Cost	\$ 315,396.62
	=====

Estimated ongoing operational/maintenance costs \$ 5,600 per F/Y.

This project will be debited to job/project number 106436.

The budget amount for this Project is sufficient.

3.7 Economic Benefit Implications

The new facilities will be self-locking. This will provide Council with an Economic Benefit as they will not have to pay a security contractor to lock and unlock the facilities.

3.8 Environmental Implications

An Environmental Management Plan will be provided by the successful tenderer, detailing the management of environmental matters affecting the project during construction.

3.9 Social Implications

The social implications for this project in relation to the Council are positive. By renewing this building, we will be providing the community with new amenities facilities

3.10 Consultation / Communication

Building & Facilities Planning will be in continuous communication with the Principal Contractor. Communication strategies include weekly site visits to gather updates from the contractor. In addition to this, the relevant stakeholders will be given consistent updates on the projects progress which can then be passed on to the community.

SUPPORTING INFORMATION

Ref: [A19220631](#)

The following list of supporting information is provided for:

ITEM 4.6

SAMFORD VILLAGE - JOHN SCOTT PARK - AMENITIES RENEWAL - DEMOLITION AND CONSTRUCTION - DIVISION 11

Confidential #1 Tender Evaluation

ITEM 4.7

MERV EWART RESERVE- SIDELING CREEK REHABILITATION - DIVISIONS 7 & 11

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A19334390 : 12 November 2019 - Refer **Confidential Supporting Information A19311815**
Responsible Officer: EH, Team Leader Operations (ECM Asset Maintenance)

Executive Summary

Tenders were called for 'Merv Ewart Reserve - Sideling Creek Rehabilitation (MBRC008470)' project through vendor panel VP101525 using arrangement 'MBRC008470 - Natural Area Weed Control and Revegetation Services'. The project comprises of 5ha of riparian rehabilitation including weed management and revegetation over a two-year period. This project is scheduled for completion by June 2021. Tenders closed on 28 October 2019 with two conforming submissions received.

It is recommended that the tender for 'Merv Ewart Reserve - Sideling Creek Rehabilitation (MBRC008470)' project be awarded to Evolve Environmental Solutions Pty Ltd for the total contract amount of \$274,817.25 (excluding GST) as this offer represents best overall value to Council.

OFFICER'S RECOMMENDATION

1. That the tender for 'Merv Ewart Reserve - Sideling Creek Rehabilitation (MBRC008470)' project be awarded to Evolve Environmental Solutions Pty Ltd for the amount of \$274,817.25 (excluding GST).
2. That the Council enters into an agreement with Evolve Environmental Solutions Pty Ltd described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Evolve Environmental Solutions Pty Ltd for 'Merv Ewart Reserve - Sideling Creek Rehabilitation (MBRC008470)' project and any required variations of the agreement on Council's behalf.

ITEM 4.7 MERV EWART RESERVE- SIDELING CREEK REHABILITATION - DIVISIONS 7 & 11 - A19334390 (Cont.)

REPORT DETAIL

1. Background

Tenders were called for 'Merv Ewart Reserve - Sideling Creek Rehabilitation (MBRC008470)' project which comprises of 5ha of riparian rehabilitation including weed management and revegetation over a two-year period. This project is scheduled for completion by June 2021. Rehabilitation extends approximately 600 lineal metres along Sideling Creek and comprises of two management areas located at Merv Ewart Reserve, Petrie and North Pine Country Club / Old Petrie Town, Whiteside. Tenders closed on 28 October 2019 with two conforming submissions received.

The Merv Ewart Reserve riparian rehabilitation project has been identified and designed under Council's Infrastructure Planning Scheme and Total Water Management Strategy.

The project area is identified under the MBRC Planning Scheme:

- Environmental area overlay: High Value Area of local and state significance.
- Bushfire Hazard overlay: Medium Potential Bushfire Intensity and Potential Impact Buffer area.
- Landslide Hazard overlay: attributed to Sideling Creek western embankment.

The koala habitat value of the project area is identified as 'High Value Bushland' under the State Planning Regulatory Provision.

The project is associated with strategic targets of:

- Shaping SEQ- South East Queensland Regional Plan 2017; Goal 5: Live, Element 4: Working with natural systems.
- Managing Natural Assets for a Prosperous South East Queensland 2014-2031 described natural resource management targets.

2. Explanation of Item

This project was procured through Vendor Panel (VP101525), using arrangement MBRC008470 - Natural Area Weed Control and Revegetation Services. This tender was advertised twice through Vendor Panel and was open to three suitably qualified contractors; however, Council only received two responses. Aust Care Environmental Services did not submit an offer for this tender due to private matters at the time of the tender. The offers received did support value for money, demonstrating cost savings against preferred supplier panel rates. Analysis of labour rates against on ground production rates is reasonable and adequate for weed diversity, density and management techniques required to ensure desired environmental outcomes.

The responses were assessed by a selection panel in accordance with Council's Procurement Policy and the selection criteria set out in the tender documentation

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

RANK	TENDERER	EVALUATION SCORE
1	Jaru Services Pty Ltd	100
2	Evolve Environmental Solutions Pty Ltd	91.31

Jaru Services Pty Ltd (JS) submitted a quality tender and demonstrated their capability and capacity to undertake riparian rehabilitation as outlined in the specification and in accordance with industry standards. JS demonstrated a high level of competency and have well qualified field staff and waterway-based project experience and provided concise project-based methodology as part of their tender submission. The offer from JS was the lowest priced offer and received the highest evaluation score. *(Post-evaluation a third-party financial risk assessment was undertaken on JS, which indicated a below satisfactory level of risk in undertaking the works associated with this tender and therefore this offer was deemed a delivery risk to Council and not recommended).*

ITEM 4.7 MERV EWART RESERVE- SIDELING CREEK REHABILITATION - DIVISIONS 7 & 11 - A19334390 (Cont.)

Evolve Environmental Solutions Pty Ltd (EES) submitted a comprehensive tender demonstrating their ability to deliver the project as required. The submission from EES met all criteria outlined in the tender specification, being suitably experienced in riparian rehabilitation. EES currently undertake weed maintenance under the regional natural areas' maintenance contract across multiple park complexes within the region. EES have also undertaken large scale rehabilitation projects inclusive of waterbody management and environmental offsets. The offer from EES was the highest priced offer and received the second highest evaluation score. The evaluation panel is confident in EES's ability to deliver the required works to a high standard and is therefore recommended as the best value to Council.

3. Strategic Implications

3.1 Legislative / Legal Implications

The legislative responsibilities pertaining to riparian / waterway rehabilitation include:

- *Environmental Protection Act 1994* and *Environmental Protection (Water) Policy 2009* - management of pollutants and water quality against acceptable water quality parameters.
- *Nature Conservation Act 1992* - 'Matters of State Environmental Significance' wildlife habitat (threatened and special least concern animal). Species include Koala and Platypus.
- *Biosecurity Act 1994* - to administer Council's 'General Biosecurity Obligation' and management of declared restricted matter.
- *Agricultural Chemicals Distribution Control Act 1996* - Management of herbicide application on Council controlled land.
- *Environmental Protection and Biodiversity Conservation Act 1999* - 'Matters of National Environmental Significance' for threatened species.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

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

The project will be undertaken in accordance with:

- Policy No: 35-2150-003 Koala Conservation
- Policy No: 12-2150-044 Sustainability
- Policy No: 13-2150-059 Pesticide Use- Regional

3.4 Risk Management Implications

The project is assessed as low risk management implications for social, environmental, operational and financial impacts. The mitigation of risks and associated impacts is detailed below:

- a) The rehabilitation project has been developed with targeted requirements of key performance indicators and quantifiable outcomes.
- b) Tenderers' qualifications, experience and personnel have been assessed to standards relating to ecological restoration:
 - i) South East Queensland Ecological Restoration Framework.
 - ii) National Standards for the practice of ecological restoration in Australia.

A third-party review of financial status has been carried out and the successful tenderer, Evolve Environmental Solutions Pty Ltd, was rated *sound*, which has affirmed they have the capability and financial capacity to deliver this project.

3.5 Delegated Authority Implications Nil identified

ITEM 4.7 MERV EWART RESERVE- SIDELING CREEK REHABILITATION - DIVISIONS 7 & 11 - A19334390 (Cont.)

3.6 Financial Implications

The recommended tenderer's submission for the project totals \$274,817.25 (excl. GST) which is within the budget allocation.

Works are expected to commence in January 2020 and extend over the period of the 2019-2020 and 2020-2021 financial years.

3.7 Economic Benefit Implications

The economic benefit of the project is increased land useability, improved land value and lower long-term maintenance costs.

3.8 Environmental Implications

The project aims to achieve targets of environmental management by:

- Managing key threats and impacts to biodiversity i.e. management of high impact weed species.
- Maintaining and enhancing biodiversity.
- Protection of threatened and special least concerned species wildlife species.
- Management of MBRC priority listed species.
- Maintaining endangered Regional Ecosystem (12.3.16) and of concern (12.3.7 /12.3.11) to a trajectory of remnant status.
- Improving and maintaining ecosystem processes.
- Enhancing ecological resilience.
- Enhancing green and linkage corridors.
- Improving opportunities for wildlife movement.
- Reducing the risk of wildfire events through reduction of ladder fuels i.e. *Lantana camara*.
- Managing water quality outcomes through prevention of erosion during flood events and reduction in sediment and nutrient loads.

Actions and delivery of the project will be undertaken in accordance with:

- Australian and New Zealand guidelines for fresh and marine water quality
- South East Queensland Ecological Restoration Framework
- National standards for the practice of ecological restoration in Australia
- Moreton Bay Regional Council Total Water Cycle Management Plan
- Managing priority species listed in Council's Priority Species of the Moreton Bay Region

3.9 Social Implications

The program is beneficial by maintaining and enhancing social values inclusive of:

- Land accessibility.
- Maintaining and improving scenic amenity.
- Opportunity for nature-based recreation.
- Opportunity for ecological studies.
- Supporting North Pine Country Park Bushcare Group and North Pine Country Club.
- Protection of cultural and spiritual values (WW2 cultural heritage site subject to memorial service).
- Improved resource efficiency towards natural area asset maintenance.

3.10 Consultation / Communication

Consultation for this project was undertaken with the Councillors for Divisions 7 and 11, and stakeholders including representatives from:

- Drainage, Waterways and Coastal Planning
- Environmental Services- Bushcare
- Asset Maintenance
- Old Petrie Town YMCA
- North Pine Country Park Bushcare Group

SUPPORTING INFORMATION

Ref: A19311815

The following list of supporting information is provided for:

ITEM 4.7

MERV EWART RESERVE- SIDELING CREEK REHABILITATION - DIVISIONS 7 & 11

Confidential #1 Tender Evaluation

5 PARKS, RECREATION & SPORT SESSION

(Cr K Winchester)

ITEM 5.1

**ARANA HILLS - LESLIE PATRICK PARK - ALL ABILITIES PLAYGROUND PLAQUE
INSTALLATION - DIVISION 10**

Meeting / Session: 5 PARKS, RECREATION & SPORT

Reference: A19380065 : 22 November 2019

Responsible Officer: WM, Parks and Recreation Planning Manager (IP Parks & Recreation Planning)

Executive Summary

The report seeks Council's support for the installation of three plaques in the newly constructed Hills District All Abilities Playground. The Division 10 Councillor has requested that plaques be installed as a means of providing acknowledgement of the involvement of local children with disabilities in the development of concepts for the park design. There is general alignment with Policy No: 12-2150-063 - Personal Tributes in Parks and Public Open Space (excluding roads); however, the policy is typically used in legacy situations where there has been significant and ongoing involvement.

In this instance, it is not intended to use the full names of the children concerned, rather only first or last names with a reference to specific parts of the play space. The suggested wording requested by the Division 10 Councillor is as below:

- Jude's Jungle
- Williams' Peak (applies to the Williams Brothers)
- Kelly's Corner

Plaques are intended to be made of engraved stainless steel, 150mm long and 50mm wide, located on furniture and or sandstone seat blocks.

OFFICER'S RECOMMENDATION

1. That having regard for the information contained in this report, Council endorse the installation of acknowledgement plaques in the Hills District All Abilities Playground in accordance with Policy No: 12-2150-063 - Personal Tributes in Parks and Public Open Space (excluding roads).
2. That an acknowledgement letter be provided to the participating children thanking them for their support in developing ideas for the playground design.
3. That having regard for the plaques being associated with children's names, Council waives the customary advertising period required by the Personal Tributes in Parks and Public Open Space (excluding roads) Policy Directive.

ITEM 5.1 ARANA HILLS - LESLIE PATRICK PARK - ALL ABILITIES PLAYGROUND PLAQUE INSTALLATION - DIVISION 10 - A19380065 (Cont.)

REPORT DETAIL

1. Background

During the development of concepts for the Hills District All Abilities Playground, the Division 10 Councillor, with the support of Council officers, engaged with disability groups and a small number of local families who have children with disabilities. Several families were enthusiastic supporters of the project and participating children provided input on design ideas. The Division 10 Councillor has requested that small plaques be installed at places within the playground that align with their characters and or interests within the play space.

2. Explanation of Item

The installation of tribute / acknowledgement plaques within open space are typically required to adhere to Policy No: 12-2150-063 - Personal Tributes in Parks and Public Open Space (excluding roads) and the associated Policy Directive. In this instance, the proposed plaques comply generally with the policy. The motivation for installation of plaques is understood to be borne out of a desire to provide a more discrete acknowledgement of the support of children with disabilities. The children who have provided assistance are local to the area and expected to be regular users of the facility.

An extract of the relevant Council Policy is reproduced below indicating the criteria typically applied to the installation of plaques.

It is the opinion of Council officers that, in this instance, there is a clear association between the individuals and the location and that they have provided some contribution to the project albeit at a low level. It would not be reasonable to expect any more substantive support noting the children are of school age.

Other interpretive type plaques are being installed within the park including some braille signs to assist visually impaired persons in navigating through the space.

APPENDIX 1 - GUIDELINES FOR THE CONSIDERATION OF SUITABLE PERSONS

General

All requests are to be consistent with the overarching values, ethical principles, and current standards of Council, stakeholders and the local and wider community.

It is acknowledged there may be instances where names proposed could be considered offensive or discriminatory by some. Such instances could include reflecting the names of persons be they given, family or nicknames. However, Council asserts its adopted view that these names have a right to be recognised and each proposal shall be considered on its merit.

Proposals to give recognition to specific members of the community through the installation of a park tribute must be able to establish an association between that individual and the location or provide other justification such as that person's notable contribution to the community.

The following will be considered for their relevance:

- a) Respected community members of considerable service who are / were resident or working within the area;
- b) Where a substantial parcel of land has been gifted or bequeathed as public open space by an individual (not including land dedicated to Council as part of a development approval), a request for personal tribute acknowledging that benefactor may be favourably considered;
- c) Persons having made a significant financial or "in kind" contribution to the park or reserve;
- d) Persons with a historical connection to the land or area;
- e) Names of persons may include 'nicknames'.

ITEM 5.1 ARANA HILLS - LESLIE PATRICK PARK - ALL ABILITIES PLAYGROUND PLAQUE INSTALLATION - DIVISION 10 - A19380065 (Cont.)

The form of acknowledgement includes only first and or last names and the specific plaques are proposed to be located within parts of the play space that hold personal meaning to the children involved through their participation in providing feedback on the design of the project. The children are not aware that plaques are proposed to be installed and it is intended that this will add to the sense of discovery through play with an added bonus of personal connection with the play environment. Being local to the area, it is expected the children will be regular users of the facility.

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
Policy No: 12-2150-063 - Personal Tributes in Parks and Public Open Space (excluding roads)
- 3.4 Risk Management Implications Nil identified
- 3.5 Delegated Authority Implications Nil identified
- 3.6 Financial Implications
The plaques are to be funded from the project budget allocation and are of modest cost.
- 3.7 Economic Benefit Implications Nil identified
- 3.8 Environmental Implications Nil identified
- 3.9 Social Implications
Acknowledgement of the involvement of the three children is likely to lead to a positive social benefit; however, the use of only first names is intended to retain anonymity for the children. It is possible other community members might seek a similar arrangement for installation of plaques at other parks; however, Council officers consider this to be a low risk.
- 3.10 Consultation / Communication
Council officers have undertaken consultation with the children during development of design concepts, with the support of the Division 10 Councillor.

ITEM 5.2
NEW LEASES - CABOOLTURE SPORTS CLUB LIMITED - DIVISION 3

Meeting / Session: 5 PARKS, RECREATION & SPORT
Reference: A17604958 : 14 November 2019 - **Refer Supporting Information A17605154**
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 and a freehold lease to Caboolture Sports Club Limited at Grant Road Sports and Community Complex, 21 Trilby Street, Morayfield and 28 Grant Road, Morayfield and 52 Grant Road, Caboolture South.

The proposed leases would take effect following the organisation's surrender of its existing leases at this location and prior to the commencement of construction works associated with the development of a new indoor training facility for cricket.

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 4 and 5, Caboolture Sports Club Limited be granted a trustee lease over an area located across the properties of 21 Trilby Street, Morayfield and 28 Grant Road, Morayfield (refer Supporting Information #1) for a period of ten years.
3. That subject to recommendation 4 and 5, Caboolture Sports Club Limited be granted a freehold lease over an area at 52 Grant Road, Caboolture South (refer Supporting Information #1) for a period of ten years.
4. That the terms and conditions of the leases be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
5. That the granting of these leases be subject to Caboolture Sports Club Limited surrendering its existing leases at this location.
6. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the leases and any required variations of the leases on the Council's behalf, as described in this report.

ITEM 5.2 NEW LEASES - CABOOLTURE SPORTS CLUB LIMITED - DIVISION 3 - A17604958 (Cont.)

REPORT DETAIL

1. Background

Since 1 September 2016, the Caboolture Sports Club Limited has held the following leases with Council for the purposes of conducting sporting activities:

- a trustee lease over a clubhouse and storage sheds located at 28 Grant Road, Morayfield, as well as an ancillary area located at 21 Trilby Street, Morayfield (refer Supporting Information #1); and
- a freehold lease over storage sheds at 52 Grant Road, Caboolture South (refer Supporting Information #1).

The Caboolture Sports Club Limited has identified a need for an indoor training facility for cricket located at the site and has obtained Development Approval for the project to proceed.

2. Explanation of Item

For Caboolture Sports Club Limited to construct the proposed indoor training facility for cricket, the following works and amended tenure arrangements will need to be implemented.

Works

- Demolition of three existing sheds from the site (refer Supporting Information #2);
- Relocation of one existing storage shed and two water tanks (refer Supporting Information #2); and
- Construction of the proposed new indoor training facility in the area identified in Supporting Information #1.

Amended Tenure Arrangements

- Caboolture Sports Club Limited will be required to surrender its existing trustee and freehold leases at this location (refer Supporting Information #1); and
- Council will be required to issue new trustee and freehold leases over the revised areas identified in Supporting Information #1. These areas include the location of the proposed new indoor training facility for cricket, the existing sports clubhouse and the location of the storage shed and water tanks once relocated.

Under Council's Community Leasing Policy, organisations investing significant funds towards the development of a facility can request that extended tenure be considered by Council. Caboolture Sports Club Limited have completed a Request for Extended Tenure Application citing that the organisation will be contributing an estimated \$700,000 towards the completion of the \$1.2 million indoor training facility project.

Generally, tenure agreements of five (5) years are provided to community organisations under Council's Community Leasing Policy, however with consideration to the value of the club's proposed contribution (circa \$700,000), an extended tenure period of ten (10) years is considered appropriate. Accordingly, this report recommends that Council approve the provision of two leases, under the terms and conditions of Council's Community Leasing Policy, over the areas identified in Supporting Information #1 for a period of ten (10) years, subject to the Caboolture Sports Club Limited surrendering its existing leases at this location.

3. Strategic Implications

3.1 Legislative / Legal Implications

The proposed trustee 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.

Moreton Bay Regional Council

ITEM 5.2 NEW LEASES - CABOOLTURE SPORTS CLUB LIMITED - DIVISION 3 - A17604958 (Cont.)

3.3 Policy Implications

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

3.4 Risk Management Implications Nil identified

3.5 Delegated Authority Implications

As per recommendation 6 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary to execute the new lease.

3.6 Financial Implications Nil identified

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

3.9 Social Implications

The issuing of new leases to Caboolture Sports Club Limited will provide the club with additional facilities to support its operations.

3.10 Consultation / Communication

Councillor Hain (Division 3)
Relevant Council departments
Caboolture Sports Club Limited
Grant Road Sports and Community Complex Inc.

SUPPORTING INFORMATION

Ref: [A17605154](#)

The following list of supporting information is provided for:

ITEM 5.2

NEW LEASES - CABOOLTURE SPORTS CLUB LIMITED - DIVISION 3

#1 Grant Road Sports and Community Complex - 21 Trilby Street, Morayfield, 28 Grant Road, Morayfield and 52 Grant Road, Caboolture South - current lease areas and proposed new lease areas

#2 Grant Road Sports and Community Complex - 28 Grant Road, Morayfield and 52 Grant Road, Caboolture South - Location of sheds to be demolished and proposed location of relocated storage shed and water tanks

ITEM 5.2 - NEW LEASES - CABOOLTURE SPORTS CLUB LIMITED - DIVISION 3 (Cont.)

#1 Grant Road Sports and Community Complex - 21 Trilby Street, Morayfield, 28 Grant Road, Morayfield and 52 Grant Road, Caboolture South - current lease areas and proposed new lease areas



ITEM 5.2 - NEW LEASES - CABOOLTURE SPORTS CLUB LIMITED - DIVISION 3 (Cont.)

#2 Grant Road Sports and Community Complex - 28 Grant Road, Morayfield and 52 Grant Road, Caboolture South - Location of sheds to be demolished and proposed location of relocated storage shed and water tanks



6 LIFESTYLE & AMENITY SESSION

(Cr D Sims)

ITEM 6.1

SOLE SUPPLIER - COMMUNITY INFORMATION SUPPORT SERVICES LTD - REGIONAL

Meeting / Session: 6 LIFESTYLE & AMENITY
Reference: A19300751 : 4 November 2019
Responsible Officer: NS, Coordinator Community & Cultural Programs (CORP Executive Services)

Executive Summary

Under section 235(a) of the Local Government Regulation 2012, Council may, by resolution, purchase goods and services from a single supplier without seeking competitive quotations. Such purchases may only be made where the local government is satisfied that there is only one supplier who is reasonably available.

This report seeks Council's approval that in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Community Information Support Services Ltd is the sole supplier who is reasonably available for the provision of a fit for purpose online community directory platform.

OFFICER'S RECOMMENDATION

1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Community Information Support Services Ltd is the only supplier who is reasonably available for the provision of a fit for purpose online community directory platform.
2. That Council enters into an agreement with Community Information Support Services Ltd for the provision of a fit for purpose online community directory platform 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 Community Information Support Services Ltd for the provision of a fit for purpose online community directory platform and any required variations of the agreement on Council's behalf.

ITEM 6.1 SOLE SUPPLIER - COMMUNITY INFORMATION SUPPORT SERVICES LTD - REGIONAL - (Cont.)

REPORT DETAIL

1. Background

Community lifestyle and wellbeing is enhanced through access to information and connection to community services. Council offers a community directory service on its website to connect residents with community organisations and groups in their local area. However, a recent review has found that the online directory is not a reliable resource of information and that its functionality does not meet contemporary standards and community expectations.

In consultation with Council's Information and Communication Technology (ICT) unit, investigations regarding the capacity of Council's existing suite of ICT systems to deliver the specific system requirements of a contemporary online community directory were undertaken. The outcome of these investigations was that Council's existing systems could not effectively and cost efficiently deliver the required platform, and accordingly that an externally managed software solution was required.

2. Explanation of Item

Community Information Support Services Ltd provides an online platform, My Community Directory, for community, sport, arts and cultural organisations and creative practitioners to list their services, and for councils to access up-to-date community information for planning, referral and research purposes. The online platform has been developed with the specific requirements of government in mind and membership is specifically marketed to local governments.

The My Community Directory platform is currently utilised by the majority of South-East Queensland local governments including, but not limited to: Brisbane City Council, City of Gold Coast, Logan City Council, City of Ipswich, Toowoomba Regional Council and Redland City Council.

Community Information Support Services Ltd is considered to be the only supplier that is reasonably available to deliver an online community directory platform (My Community Directory) that meets Council's desired systems requirements. Accordingly, no opportunity exists for Council to seek competitive quotations for the supply of this service.

If Council were to subscribe to the My Community Directory platform (annual membership subscription), the following key benefits would be achieved:

- Reduced cost to Council in the delivery of Community Directory services;
- Improved customer experience for community organisation listing on the directory;
- Improved quality of listings for directory users;
- Increased visibility of directory listings through online searches;
- Increased listings by community organisations throughout the region; and
- Increased Council access to data regarding the community and cultural services sectors.

My Community Directory is procured via an annual membership fee, calculated on a population-based subscription model and membership is auto-renewed but may be ceased at any time. Community Information Support Services Ltd. has quoted Council \$34,925 for the initial year, which includes customization and data migration, and \$31,750 for subsequent years.

Under the provisions of section 235(a) of the Local Government Regulation 2012, Council may enter into a contract with a provider without seeking additional quotes, if it is satisfied that there is only one supplier who is reasonably available.

3. Strategic Implications

3.1 Legislative / Legal Implications

Section 235(a) of the Local Government Regulation 2012 states that a local government may enter into a medium-sized contractual arrangement without first inviting written quotes if the local government resolves it is satisfied that there is only one supplier who is reasonably available.

ITEM 6.1 SOLE SUPPLIER - COMMUNITY INFORMATION SUPPORT SERVICES LTD - REGIONAL - (Cont.)

3.2 Corporate Plan / Operational Plan

Strengthening Communities: Healthy and supportive communities - a healthy and inclusive community.

3.3 Policy Implications

The recommendation of this report is in accordance with Council's Procurement Policy 2150-006.

3.4 Risk Management Implications

Council's provision of a community directory assumes a responsibility to manage and moderate high quality and accurate listings and deliver a high level of service to community organisations, groups and residents. Incorrect, incomplete and inaccurate listings pose a reputational risk to Council.

My Community Directory is a fit-for-purpose online platform that is resourced by Community Information Support Services Ltd to meet the contemporary information needs and service expectations of the growing communities within the Moreton Bay Region.

3.5 Delegated Authority Implications

The value of the contract is within the financial delegation of the Manager Community Services, Sport and Recreation.

3.6 Financial Implications

There is currently no allocation for the annual My Community Directory membership fee within the Community Services, Sport and Recreation Department's budget, a provision of \$34,925 in the 2019/20 budget and \$31,750 in subsequent budgets will be required to achieve the service.

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

3.9 Social Implications

Community lifestyle and wellbeing is enhanced through access to information and connection to community services. My Community Directory provides a fit-for-purpose online platform to meet the information needs and service expectations of the growing communities within the Moreton Bay Region. My Community Directory also enables Council to access information to assist plan and respond to community needs, trends and service gaps.

3.10 Consultation / Communication

MBRC Financial and Project Services Department
MBRC Business Change Working Group
Director - Community and Environmental Services
Council Workshop - 7 November 2019

7 ECONOMIC DEVELOPMENT, EVENTS & TOURISM SESSION

(Cr P Flannery)

No items for consideration.

8 REGIONAL INNOVATION SESSION

(Cr D Grimwade)

No items for consideration.

11. GENERAL BUSINESS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE

Consideration of general business matters as raised at the meeting, or responses to questions taken on notice.

12. CLOSED SESSION

(s275 of the Local Government Regulation 2012)

Consideration of confidential officers' reports as referred by the Chief Executive Officer and confidential general business matters as raised at the meeting.

12a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL

ITEM C.1 – CONFIDENTIAL

PETRIE MILL REDEVELOPMENT STAGE 1 ACTIVATION WORKS - DIVISION 7

Meeting / Session: 4 Asset Construction & Maintenance (Cr A Hain)
Reference: A19389120 : 11 November 2019 - Refer **Confidential Supporting Information A19389122**
Responsible Officer: PC, Project Director, The Mill (ECM Major Projects)

Basis of Confidentiality

Pursuant to s275 (1) of the Local Government Regulation 2012, clause (e), as the matter involves contracts proposed to be made by the Council.

Executive Summary

As part of the Petrie Mill Redevelopment project, the Stage 1 civil works were commissioned to service the University of the Sunshine Coast (USC) and the greater Mill Development. This package of works included the road network, public utilities and landscaping was awarded to Shadforth (contract MBRC007974).

The infrastructure works required to support the USC opening in February 2020 are well advanced and will be completed to align with USC's opening date. In addition to the Stage 1 scope, MBRC is working closely with USC to ensure the best amenity outcome is achieved for the precinct's general appearance as at the February 2020 opening. In particular, this is focused on addressing the vast open spaces surrounding the Foundation Facility building with landscape and screening elements to provide more intimate and activated spaces.

MBRC have sought design concepts from our lead urban design consultant, Archipelago, and together with USC's master plan architects and Activation consultants, Freestate, have proposed a series of elements focusing on a higher order pedestrian connection to USC from Petrie Station and entry experience from Gympie Road.

Given Semester 1 is in approximately 10 weeks' time, it is critical that the project team obtain Council endorsement for the proposed activation works quickly to allow for procurement, construction and establishment to occur in time for the USC opening in February 2020.

As a new open tender process could not be completed before the New Year, the only feasible delivery method to meet the required timeframe relies on Council approving a variation to the existing contractual arrangement including extensive schedule of rates with the incumbent contractor, Shadforth, which is the subject of this Tender Consideration Plan.

ITEM C.2 – CONFIDENTIAL

THE MILL AT MORETON BAY GUIDANCE MATERIAL: STREETSCAPE GUIDELINES AND CIVIC SPACE AND PARK GUIDELINES - CONSIDERATION OF SUBMISSIONS AND GUIDELINES ADOPTION - DIVISION 7

Meeting / Session: 2 PLANNING & DEVELOPMENT

Reference: A18998414 : 30 October 2019 - Refer **Confidential Supporting Information A19219635, A19219636 and A19219637**

Responsible Officer: AG, Acting Team Leader (PED Strategic Planning)

Basis of Confidentiality

Pursuant to s275 (1) of the Local Government Regulation 2012, clause (h), as the matter involves other business for which a public discussion would be likely to prejudice the interests of the Council or someone else, or enable a person to gain a financial advantage.

Executive Summary

At its General Meeting on 20 August 2019, Council resolved as follows:

1. That the Council decides to make *The Mill at Moreton Bay Guidance Material: (Draft) Streetscape Guidelines and (Draft) Civic Space and Park Guidelines (the draft guidelines)*.
2. That the Chief Executive Officer be authorised to commence public consultation on the draft guidelines adopting a similar process for making or amending Planning Scheme Policies under the Minister's Guidelines and Rules.
3. That the Chief Executive Officer be authorised to do all things reasonable and necessary to undertake public consultation of the draft guidelines.

Public consultation on *The Mill at Moreton Bay Guidance Material: (Draft) Streetscape Guidelines and (Draft) Civic Space and Park Guidelines* (the proposed guidelines) was undertaken from 26 August to 20 September 2019 (20 business days), utilising a similar process for making or amending Planning Scheme Policies under the Minister's Guidelines and Rules.

The purpose of this report is to seek Council's approval to notify submitters about the outcomes of the submission consideration process, and adopt and set a commencement date for the proposed guidelines.

Note: Public consultation on the proposed guidelines was undertaken at the same time as consultation for the Outdoor Recreation Plan by the Parks and Recreation Planning (PRP) Department. The Strategic Planning and Place Making Department have liaised closely with the PRP Department about submissions that were relevant to the Outdoor Recreation Plan and visa-versa. Both items are listed for Council's consideration at today's meeting.

ITEM C.3 – CONFIDENTIAL

**PETRIE MILL REDEVELOPMENT STAGE 1 - MASTER PLAN MODIFICATIONS -
DIVISION 7**

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE

Reference: A19078845 : 22 November 2019 Refer **Confidential** Supporting Information
A19078846, A19049946

Responsible Officer: TC, Coordinator Project Planning and Design (ECM Major Projects)

Basis of Confidentiality

Pursuant to s275(1) of the Local Government Regulation 2012, clause (e), as the matter involves contracts proposed to be made by the Council.

Executive Summary

A master plan review of the Petrie Mill Redevelopment Project was undertaken by Archipelago. The review outcomes and way forward were presented to Council at a workshop on 4 July 2019, the outcomes being that there were significant benefits to be made through the modification of some elements that would realise more flexibility in the staging of the development going forward and provide improved amenity, legibility in the road hierarchy, adaptability to accommodate varied built form outcomes and redundancy in the network to activate streets for events.

The master plan modifications required design amendments to some Stage 1 works. The resulting scope of design work was divided into two portions; portion one being the more critical path items affecting the University of the Sunshine Coast, with separable portion two representing the balance of Stage 1 (non-USC) work.

ITEM C.4 – CONFIDENTIAL

QUOTE OR TENDER CONSIDERATION PLAN FOR THE SUPPLY AND OPERATION OF SMART CITY DEVICES AND SENSORS - REGIONAL

Meeting / Session: 8 Regional Innovation (Cr D Grimwade)

Reference: A19235826 : 24 October 2019 - Refer **Confidential** Supporting Information
A19394920

Responsible Officer: JP, Chief Digital Officer (CORP Directorate)

Basis of Confidentiality

Pursuant to s275 (1) of the Local Government Regulation 2012, clause (e), as the matter involves contracts proposed to be made by the Council.

Executive Summary

Council has an existing contract with a supplier of smart city infrastructure. The smart city infrastructure is intended to support the installation of smart city devices and sensors. Council does not currently have a contract in place for the supply of these devices and sensors.

Officers consider that because of the nature of these devices and sensors, engaging in an ordinary procurement process each time Council wishes to purchase devices and sensors is likely give rise to negative consequences for Council (including unnecessary operational, administrative and other costs).

Officers consider that a quote or tender consideration plan for the supply of these devices and sensors would afford Council greater efficiency (both in terms of time and cost) when entering into contracts for the supply of the devices and sensors.

This report recommends that Council decides to make (and adopt) a quote or tender consideration plan for the supply of smart city devices and sensors.

ITEM C.5 – CONFIDENTIAL

**GRASSROOTS CONNECTIONS AUSTRALIA - OUTCOMES REPORT - STAFFING
SHORTFALLS - REGIONAL**

Meeting / Session: 3 Corporate Services (Cr M Constance)

Reference: A19397617 : 25 November 2019 Refer **Confidential** Supporting Information
A19401404

Responsible Officer: AM, Director Engineering Construction and Maintenance (ECM Directorate)

Basis of Confidentiality

Pursuant to s275 (1) of the Local Government Regulation 2012, clause (c), as the matter involves the local government's budget.

Executive Summary

This report identifies that there are 153 critical roles requiring recruitment over the course of the 19-20 and 20-21 financial years. The issue of resourcing of the Moreton Bay Regional Council (MBRC) organisation arose from the Grassroots Connections Australia 'Outcomes Report for MBRC - Scoping Study for Council's Organisational Review'.

12b. CONFIDENTIAL GENERAL BUSINESS

No items for consideration.



MINUTES

GENERAL MEETING

Tuesday 26 November 2019
commencing at 10.38am

Caboolture Chambers
2 Hasking Street, Caboolture

UNCONFIRMED

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1. OPENING PRAYER

The Mayor recited the Opening Prayer and invited Councillors to join him in the recitation of the Lord's Prayer.

2. ATTENDANCE & APOLOGIES

Attendance:

Cr Allan Sutherland (Mayor) (Chairperson)
Cr Brooke Savige
Cr Peter Flannery
Cr Adam Hain
Cr Julie Greer
Cr Koliانا Winchester
Cr Denise Sims
Cr Mick Gillam
Cr Mike Charlton (Deputy Mayor)
Cr Matthew Constance
Cr Darren Grimwade

Officers:

Acting Chief Executive Officer	(Mr Graeme Kanofski)
Director Engineering, Construction & Maintenance	(Mr Tony Martini)
Director Community & Environmental Services	(Mr Bill Halpin)
Director Finance & Corporate Services	(Ms Donna Gregory)
Director Planning	(Mr Mike Pickering)
Director Infrastructure Planning	(Mr Andrew Ryan)
Manager Executive Services	(Mr Darren Dallinger)
Manager Strategy & Engagement	(Mr Joshua O'Keefe)
Manager Legal Services	(Mr John Hall)
Manager Development Services	(Mr Dan Staley)
Team Leader Planning	(Ms Amy White)
Meeting Support	(Hayley Kenzler)

Apologies:

Cr James Houghton

Suspended:

Under section 182A of the *Local Government Act 2009* Cr Adrian Raedel is currently suspended from office.

3. MEMORIALS OR CONDOLENCES

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

4. A) CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

General Meeting - 19 November 2019 (Pages 19/2354 19/2391)

RESOLUTION

Moved by Cr Koliانا Winchester

Seconded by Cr Matt Constance

CARRIED 11/0

That the minutes of the General Meeting held 19 November 2019, be confirmed.

5. PRESENTATION OF PETITIONS

(Addressed to the Council and tabled by Councillors)

5.1. Petition - Lease to 'Better Together' - Lagoon Creek Café (A19382148)

Cr Adam Hain tabled a petition containing 11 signatures, received from Deb Griesheimer, reading as follows:

"We, the undersigned residents of Moreton Bay Regional Council, request that Council: Nominate Better Together as the lead leaseholder of the entire facility at 1/11 Toovey Street, Caboolture including the shed that is adjacent to where they have been operating the Lagoon Creek Café since 2012 because:

(1) It invested \$50,000 to complete construction of the adjacent shed in 2011. (2) It has paid the majority of costs related to utilities and amenities for a period of 8 years. (3) It is a small grassroots organisation which has delivered supports to the value of \$6.6 million to people with disabilities in the Moreton Bay region over 10 years. (4) It has facilitated in excess of 17,850 hours of paid employment for local people with disabilities through CCWC and the Lagoon Creek Café on this site since 2012. (5) It has injected up to \$1 million into the local economy through its award winning Skilling Queenslanders for Work Projects since 2016 assisting 295 disadvantaged local people and achieving 80% employment outcomes. (6) With more available space onsite it can facilitate the creation of additional employment for people with disabilities, increase the amount of supports they provide in the community and develop programs which meet the needs of people in Moreton Bay."

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

6. CORRESPONDENCE

There was no correspondence tabled.

7. COMMUNITY COMMENT

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

7. Community Comment Cont'd

7.1. Community Comment: Scott Morcombe (A19396436)

Mr Scott Morcombe addressed the Council in respect of DA/39443/2019/V2D - 28 Fernlea Avenue Scarborough, making the following points:

- Concerns regarding no consultation with the community
- Length of time to provide objections (Code Assessment Document not provided until 21 November)
- The following concerns regarding non-compliance:
 - Dual Occupancies
 - Site cover (residential uses)
 - Garage openings
 - Access and driveways
 - Landscaping
 - Casual Surveillance
- Significant number of local community object to the DA
- Not in keeping with the Planning Scheme
- Concerns that the DA breaches zoning requirements

Cr Allan Sutherland (Mayor) thanked Mr Morcombe for attending the Community Comment Session, advising that Mr Morcombe's question in relation to the extension of time for objections would be taken on notice.

7.2. Community Comment: Julia Nuske (A19362111)

Julia Nuske addressed the Council in respect of DA/16705/2007/VCHG/3 - 2 Gayundah Esplanade, Woody Point, making the following points:

- Concerns with breaching the Planning Scheme (45metre height)
- 11 retail car parking spaces not sufficient - needs to be increased
- The proposed development is out of character for the area
- Provided a comparison to car parking issues experienced in Nundah, Brisbane
- Developers increasingly lodging applications that are outside the Planning Scheme requirements
- Footprint concerns
- No opportunity for community objections
- Urged the Council to refuse the development application as it does not comply with the Planning Scheme

Cr Allan Sutherland (Mayor) thanked Ms Nuske for attending the Community Comment Session.

7.3. Community Comment: Veronica Wingrove (A19396435)

Veronica Wingrove addressed the Council in respect of Council's Local Laws and animal management, making the following points:

- Lengthy process regarding case - impacted significantly on her family
- Concerns with management of the case
- Unqualified comments by some members of the community
- Felt let-down by Council and ultimately Queensland Civil and Administrative Tribunal (QCAT)
- Thanked Council for its zero-tolerance policy regarding irresponsible dog ownership

7.3 Community Comment Veronica Wingrove Cont'd

- Requested future considerations for Council:
 - Uniformity regarding the management of keeping of animals
 - Consistency regarding the management of animal attack incidents
 - Clear escalation process for victims / a process for victims on what to expect during the investigation
 - Formal written notification to victim, including outcome of investigation and review/appeal rights written into the *Animal Management (Cats and Dogs) Act 2008* (AMCDA) legislation
 - Clear identification of dangerous dogs in public at all times
 - Dangerous dog owners to be required to self-report incidents
 - Formal notification to local residents within a radius advising of a dangerous dog living nearby

Cr Allan Sutherland (Mayor) thanked Ms Wingrove for attending the Community Comment Session.

8. NOTIFIED MOTIONS

There were no notified motions.

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

(s262 of the Local Government Regulation 2012)

There were no notices of motion.

10. 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 Session Chairperson and designated Spokesperson for the respective portfolio, is as follows:

Session	Spokesperson
1 Governance	Cr Allan Sutherland (Mayor)
2 Planning & Development	Cr Mick Gillam
3 Corporate Services	Cr Matt Constance
4 Asset Construction & Maintenance	Cr Adam Hain
5 Parks, Recreation & Sport	Cr Koliانا Winchester
6 Lifestyle & Amenity	Cr Denise Sims
7 Economic Development, Events & Tourism	Cr Peter Flannery
8 Regional Innovation	Cr Darren Grimwade

ATTENDANCE

Mr Darren Dallinger attended at 11.09am for discussion on Item 1.1.

1 GOVERNANCE SESSION

(Cr A Sutherland, Mayor)

ITEM 1.1

DISCRETIONARY FUNDS - ELIMBAH SPORTS AND RECREATION ASSOCIATION - DIVISION 12

Meeting / Session: 1 GOVERNANCE
Reference: A19354948 : 15 November 2019
Responsible Officer: LK, Executive Support Officer (CORP Executive Services)

Executive Summary

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

An eligible application for discretionary funds has been received for Division 12 from the Elimbah Sports and Recreation Association Inc for the 'Elimbah Santa Run' (see attached application).

Under section 182A of the *Local Government Act 2009* Cr Adrian Raedel is currently suspended from office and is unable to approve the allocation of discretionary funds.

This report seeks Council's direction in relation to this application for Division 12 discretionary funds from the Elimbah Sports and Recreation Association Inc.

RESOLUTION

Moved by Cr Adam Hain

Seconded by Cr Peter Flannery

CARRIED 11/0

That the application by Elimbah Sports and Recreation Association Inc under Council's Discretionary Funds Policy, for the 'Elimbah Santa Run', be approved in the amount of \$1,500 from the Division 12 allocation.

ITEM 1.1 DISCRETIONARY FUNDS - ELIMBAH SPORTS AND RECREATION ASSOCIATION - DIVISION 12 - A19354948 (Cont.)

OFFICER'S RECOMMENDATION

That the application by Elimbah Sports and Recreation Association Inc under Council's Discretionary Funds Policy, for the 'Elimbah Santa Run', be approved in the amount of \$1,500 from the Division 12 allocation.

REPORT DETAIL

1. Background

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

Unless otherwise approved by Council, each financial year community organisations are eligible to apply for a maximum of \$10,000 and \$3,000 in discretionary funds to the Mayor and Councillors respectively. Community organisations may apply for discretionary funds to both the Mayor and Councillors up to a maximum of \$13,000 in total each financial year.

2. Explanation of Item

Under section 182A of the *Local Government Act 2009* Cr Adrian Raedel is currently suspended from office and is unable to approve the allocation of discretionary funds.

The Department of Local Government, Racing and Multicultural Affairs have advised that in this instance where a Councillor is unable to consider this application for discretionary funds, the funding request should be considered by Council at its General Meeting.

Elimbah Sports and Recreation Association Inc has applied for \$1,500 under the Discretionary Funds Policy for the 'Elimbah Santa Run'. This festive event involves will provide an opportunity for community involvement within the Moreton Bay Region.

3. Strategic Implications

3.1 Legislative / Legal Implications Nil identified

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

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

3.4 Risk Management Implications Nil identified

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications
Appropriate funds have been provided in the 2019/20 budget and the applications for funding are eligible under the 2019/20 Discretionary Funds guidelines.

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

ITEM 1.1 DISCRETIONARY FUNDS - ELIMBAH SPORTS AND RECREATION ASSOCIATION - DIVISION 12 - A19354948 (Cont.)

3.9 Social Implications Nil identified

3.10 Consultation / Communication

The Acting Chief Executive Officer, Director Finance and Corporate Services and Manager Executive Services have been consulted in relation to the preparation of this report.

ATTENDANCE

Mr Darren Dallinger left the meeting at 11.09am after Item 1.1.

Mr Joshua O'Keefe attended the meeting at 11.09am for discussion on Item 1.2.

**ITEM 1.2
COUNCIL OF MAYORS (SEQ) - SOUTH EAST QUEENSLAND 2032 OLYMPIC AND
PARALYMPIC GAMES - REGIONAL**

Meeting / Session: 1 GOVERNANCE
Reference: A19374234. : 19 November 2019 - **Refer Supporting Information A19370390**
Responsible Officer: JO, Manager Strategy and Engagement (CEO Strategy & Engagement)

Executive Summary

Since 2015 Council of Mayors South East Queensland (Council of Mayors) has been leading ongoing investigations into economic, infrastructure and legacy opportunities stemming from a South East Queensland 2032 Olympic and Paralympic Games.

The Queensland Government and Australian Government have both made financial contributions towards this work. To date, Moreton Bay Regional Council is the only Council of Mayors member council that is not a project partner, and has not made a financial contribution towards this project.

Moreton Bay Regional Council has been identified as a potential host region for a combined South East Queensland 2032 Olympic and Paralympic Games bid. Accordingly, Council of Mayors has requested Council become an equal partner in this project and provide a financial contribution of \$158,000 (ex gst).

RESOLUTION

Moved by Cr Mike Charlton (Deputy Mayor)

Seconded by Cr Mick Gillam

CARRIED 11/0

That Council become an equal partner in the South East Queensland 2032 Olympic and Paralympic Games project through a financial contribution of \$158,000 (ex GST) to the Council of Mayors (SEQ).

ITEM 1.2 COUNCIL OF MAYORS (SEQ) - SOUTH EAST QUEENSLAND 2032 OLYMPIC AND PARALYMPIC GAMES - REGIONAL - A19374234. (Cont.)

OFFICER'S RECOMMENDATION

That Council become an equal partner in the South East Queensland 2032 Olympic and Paralympic Games project through a financial contribution of \$158,000 (ex GST) to the Council of Mayors (SEQ).

REPORT DETAIL

1. Background

Since 2015 Council of Mayors has been leading ongoing investigations into economic, infrastructure and legacy opportunities stemming from a South East Queensland 2032 Olympic and Paralympic Games.

The Queensland Government and Australian Government have both made financial contributions towards this work. To date, Moreton Bay Regional Council is the only Council of Mayors member council that is not a project partner and has not made a financial contribution towards this project.

2. Explanation of Item

Council of Mayors believe a 2032 Olympic and Paralympic Games has the potential to catalyse government to deliver the infrastructure needed to support South East Queensland's population, create jobs and stimulate the economy.

The 2000 Sydney Olympics generated \$20 billion in economic value and it is estimated that the tourism benefit alone of a 2032 Olympic and Paralympic Games would be approximately \$22 billion.

Initial work by Council of Mayors has identified opportunity for Moreton Bay Region as a host region for a combined South East Queensland 2032 Olympic and Paralympic Games bid. This presents significant pre-games training, games-related business and tourism opportunities for the Moreton Bay Regional Council area.

Accordingly, Council of Mayors has requested Council become an equal partner in this project and provide a financial contribution of \$158,000 (ex GST).

3. Strategic Implications

3.1 Legislative / Legal Implications Nil identified

3.2 Corporate Plan / Operational Plan
Creating Opportunities: Local jobs for residents - an innovative and thriving economy.

3.3 Policy Implications Nil identified

3.4 Risk Management Implications Nil identified

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications
At this time Council of Mayors is seeking a financial contribution of \$158,000 (ex gst) from Council.

3.7 Economic Benefit Implications
Council of Mayors believe an Olympic and Paralympic Games has the potential to deliver significant economic benefit for the regional and state economy, including the creation of local jobs.

ITEM 1.2 COUNCIL OF MAYORS (SEQ) - SOUTH EAST QUEENSLAND 2032 OLYMPIC AND PARALYMPIC GAMES - REGIONAL - A19374234. (Cont.)

3.8 Environmental Implications Nil identified

3.9 Social Implications

An Olympic and Paralympic Games has the potential to deliver legacy opportunities for Moreton Bay Region, as well as positive social impacts for community, health and sport participation.

3.10 Consultation / Communication

Councillors have been provided a briefing by the Council of Mayors.

ATTENDANCE

Mr Joshua O'Keefe left the meeting at 11.18am after Item 1.2.

Mr John Hall attended at 11.18am for discussion on Item 1.3.

ITEM 1.3 - STATEMENT OF LEGAL POSITION

Following the receipt of legal advice that as agenda item 1.3 is administrative in nature and could not be perceived as having any substantive impact on any donor to the Moreton Futures Trust, no personal interests need be declared by any Councillor in relation to this item.

ITEM 1.3 - CLARIFICATION BY THE ACTING CHIEF EXECUTIVE OFFICER

The Acting Chief Executive Officer clarified that reference to 'officers' in paragraph 1 and 2 of the Executive Summary of the below report means 'Moreton Bay Regional Council Officers'.

ITEM 1.3

THE MILL AT MORETON BAY - GOVERNANCE STRUCTURE - REGIONAL

Meeting / Session: 1 GOVERNANCE

Reference: A19370311 : 20 November 2019 - Refer **Confidential Supporting Information**

Responsible Officer: RD, Legal Officer (CEO Legal)

Executive Summary

Following consultation with Queensland Treasury Corporation (**QTC**) and expert legal advisers Herbert Smith Freehills (**HSF**) officers recommend that Council resolves to conduct a beneficial enterprise in respect of Council-owned lots within the Mill Precinct at the Mill at Moreton Bay Priority Development Area (**PDA**). The beneficial enterprise will implement Council's vision, provide corporate governance and risk management and maximise investor confidence in the site.

Officers consider that the beneficial enterprise which is the subject of this report will benefit, or can reasonably be expected to benefit, the whole of Council's local government area because it will better provide for the PDA to be properly and optimally developed to provide the benefits estimated in the PDA of 6,000 jobs and generate almost \$1 billion economic benefit to the greater Moreton Bay Region.

MOTION

Moved by Cr Allan Sutherland (Mayor)

Seconded by Cr Mike Charlton (Deputy Mayor)

1. That Council resolve to conduct a beneficial enterprise which is directed at benefitting the whole of its local government area by forming and otherwise participating in a corporation limited by shares which is governed in accordance with the principles set out in this report and reflected in the drafts of
 - a) the constitution annexed at confidential supporting Information #1; and
 - b) the statement of corporate intent annexed at confidential supporting information #2.

(Governance Documents)

and authorises the Chief Executive Officer to finalise the drafting of and enter into the Governance Documents in a manner which is generally consistent with this report.

2. That Council authorises the appointment of Council's Chief Executive Officer as the initial director of the beneficial enterprise and for them to undertake all relevant and incidental actions arising and powers pursuant to that appointment.
3. That Council resolves to provide the financial support necessary to the corporation for it to engage:
 - a) an independent recruiter to source the balance of the first full board of directors of the beneficial enterprise in accordance with the Governance Documents; and

ITEM 1.3 THE MILL AT MORETON BAY - GOVERNANCE STRUCTURE - REGIONAL - A19370311 (Cont.)

- b) an independent professional services firm in consultation with QTC to ensure that an appropriate governance and risk management framework is put in place in respect of the beneficial enterprise at a suitable time; and

otherwise carry out the activities provided in each resolution herein.

4. That Council authorises the Chief Executive Officer to do all other things necessary to give effect to these recommendations, including to form establish and set up the initial operation of the corporation.

RESOLUTION

Moved by Cr Allan Sutherland (Mayor)

Seconded by Cr Mike Charlton (Deputy Mayor)

CARRIED 11/0

That the speech to be conducted by the Mayor be recorded in the Minutes.

Cr Allan Sutherland (Mayor) Speech (A19392978)

"In over a quarter of a century in local government I have witnessed and been a part of many momentous occasions.

With the benefit of experience, many grey hairs and even hindsight, I now reflect on some of those moments that were not apparent to me at the time, as being momentous.

Today I believe is one of those days.

We have the opportunity to show leadership and make a decision for future generations.

The recommendations before you today if adopted, will establish a beneficial enterprise to recruit qualified experts to ensure we make the right decisions, decisions in the community's interest to develop the land appropriately at the Mill site.

And, that we continue to do things like our world-renowned koala protection and monitoring program in conjunction with the University of the Sunshine Coast. We need this balance.

We need jobs, we need social and economic opportunities. This is an opportunity on a parcel of land 50% bigger than the Brisbane CBD to create a new CBD on the northside of Brisbane.

We have the opportunity to create the next Silicon Valley.

We have the opportunity to create places for people to work and play so they may continue to live in the Region if they choose to, so they can be close to their families.

So, they don't have to sit in traffic every day leaving children in childcare for longer every week of every year.

This is about taking a leadership role and making a decision, this is what being elected is all about.

Today we seek to establish a beneficial enterprise - one of almost 80 in the state.

This is not unique, but it is also not Ipswich.

We will not be stacking the Board with councillors and council officers and we are not handing over land.

ITEM 1.3 THE MILL AT MORETON BAY - GOVERNANCE STRUCTURE - REGIONAL - A19370311 (Cont.)

The composition of our board will be experts in their respective fields who are reflective of, and representative of, our community.

To this end we have engaged expert legal advice in Herbert Smith Freehills - currently working on SunCentral Maroochydore PDA, at the Sunshine Coast and have previously worked on Boggo Road and the RNA Showgrounds.

We have worked collaboratively with Queensland Treasury Corporation and we will continue to seek their advice.

Both know the pitfalls of some beneficial enterprises, so we don't make the same mistakes some others have. This is in the public interest.

Speaking of reflective of our community, Queensland's Chief Entrepreneur Leanne Kemp has said: "I'm a proud Moreton Bay Region local and this is exactly the kind of big-picture thinking that's needed for us to become a real player in SEQ, by properly planning to be a first-mover in the digital future of our state."

However, today I have read unbalanced reporting. Which is disappointing.

But one thing I know to be fundamentally true, is this is council's vision - a journey that we have been on for almost a decade.

I believe this is also the community's vision. It was apparent to me at a business lunch earlier this year, when, during a Q&A session when I was asked what the council would do about the land around the university.

I spoke to the vision about protecting it.

Protecting it from political cycles.

Protecting it to show confidence to business to invest and create jobs and economic opportunity.

And, most importantly, to protect it for our community. We immediately moved to the next question and I started to hear applause. And, after applause came cheers.

This to me was a defining moment in front of 600 business people from all over our Region, that we were on to a winner.

Australia's leading demographer, Bernard Salt has said:

"I absolutely do think it's the right thing for the local Council to get right behind the university and the railway and anything else that delivers job opportunities and fluidity to this part of southeast Queensland.

"At the end of the day it's about more than just maintaining the status quo, you have a responsibility in elected political office to think about the future.

"I would not want to see this region in the 2020s and 2030s develop as a dormitory suburb of Brisbane. I'd actually want my kids to have the option of having a fulfilling career locally.

Quest have reported that they understand that not all councillors are in favour of this proposal. And that is fine, perfectly fine. That is your entitlement as an elected representative of your community to vote in their interest.

ITEM 1.3 THE MILL AT MORETON BAY - GOVERNANCE STRUCTURE - REGIONAL - A19370311 (Cont.)

I would say this to you:

- *Stand up and be counted*
- *Stand up and explain why you are voting against this report and the recommendations contained herein*
- *Don't stand on the fence, show leadership and show to the community why you do not believe this is in their best interest.*

Councillors, I believe today we have the opportunity to make a leadership decision. In twenty years' time, people will say we took a leadership decision and created a momentous occasion for our children and grandchildren."

AMENDMENT MOVED

Cr Mike Charlton (Deputy Mayor) moved the following amendment to Officers recommendation 1:

1. That Council resolve to conduct a beneficial enterprise which is directed at benefitting the whole of its local government area by forming and otherwise participating in a corporation limited by shares which is governed in accordance with the principles set out in this report and reflected in the drafts of
 - a) the constitution annexed at confidential supporting Information #1; and
 - b) the statement of corporate intent annexed at confidential supporting information #2.

(Governance Documents)

and authorises the Chief Executive Officer to finalise the drafting of and enter into the Governance Documents in a manner which is generally consistent with this report. That once finalised, Council will look at making the Constitution of the Beneficial Enterprise publicly available.

Seconded by Cr Mick Gillam

The amendment was put to the vote and declared **CARRIED 11/0**

THE AMENDMENT BECOMES THE MOTION, and was put:

RESOLUTION

Moved by Cr Mike Charlton (Deputy Mayor)

Seconded by Cr Mick Gillam

CARRIED 9/2

Cr Brooke Savige and Cr Denise Sims voted against the motion

1. That Council resolve to conduct a beneficial enterprise which is directed at benefitting the whole of its local government area by forming and otherwise participating in a corporation limited by shares which is governed in accordance with the principles set out in this report and reflected in the drafts of
 - a) the constitution annexed at confidential supporting Information #1; and
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(Governance Documents)

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ITEM 1.3 THE MILL AT MORETON BAY - GOVERNANCE STRUCTURE - REGIONAL - A19370311 (Cont.)

2. That Council authorises the appointment of Council's Chief Executive Officer as the initial director of the beneficial enterprise and for them to undertake all relevant and incidental actions arising and powers pursuant to that appointment.
3. That Council resolves to provide the financial support necessary to the corporation for it to engage:
 - a. an independent recruiter to source the balance of the first full board of directors of the beneficial enterprise in accordance with the Governance Documents; and
 - b. an independent professional services firm in consultation with QTC to ensure that an appropriate governance and risk management framework is put in place in respect of the beneficial enterprise at a suitable time; andotherwise carry out the activities provided in each resolution herein.
4. That Council authorises the Chief Executive Officer to do all other things necessary to give effect to these recommendations, including to form establish and set up the initial operation of the corporation.

ITEM 1.3 THE MILL AT MORETON BAY - GOVERNANCE STRUCTURE - REGIONAL - A19370311 (Cont.)

OFFICER'S RECOMMENDATION

1. That Council resolve to conduct a beneficial enterprise which is directed at benefitting the whole of its local government area by forming and otherwise participating in a corporation limited by shares which is governed in accordance with the principles set out in this report and reflected in the drafts of
 - a) the constitution annexed at confidential supporting Information #1; and
 - b) the statement of corporate intent annexed at confidential supporting information #2.

(Governance Documents)

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3. That Council resolves to provide the financial support necessary to the corporation for it to engage:
 - a) an independent recruiter to source the balance of the first full board of directors of the beneficial enterprise in accordance with the Governance Documents; and
 - b) an independent professional services firm in consultation with QTC to ensure that an appropriate governance and risk management framework is put in place in respect of the beneficial enterprise at a suitable time; and
 - c) otherwise carry out the activities provided in each resolution herein.
4. That Council authorises the Chief Executive Officer to do all other things necessary to give effect to these recommendations, including to form establish and set up the initial operation of the corporation.

REPORT DETAIL

1. Background

The Mill at Moreton Bay comprises numerous lots within a declared Priority Development Area (**PDA**). Some of these lots are owned by Council.

The Mill at Moreton Bay comprises numerous lots within a declared Priority Development Area (**PDA**). Some of these lots are owned by Council.

Development has commenced on some Council-owned lots pursuant to development agreements between Council and the University of the Sunshine Coast (**USC**). Other Council-owned lots remain vacant.

Council's vision is to deliver optimal development or "activation" of the vacant Council-owned lots to complement the USC development and to create a world-class development for the benefit of the whole government area.

Over time, various mechanisms have been considered by Council to better ensure the optimal development of the Council-owned lots (and the PDA generally). During this consideration, input has been received from various stakeholders and experts.

The mechanism which has widely been regarded as the most appropriate in this circumstance is the establishment of a beneficial enterprise under the *Local Government Act 2009*.

ITEM 1.3 THE MILL AT MORETON BAY - GOVERNANCE STRUCTURE - REGIONAL - A19370311 (Cont.)

2. Explanation of Item

Each priority development area is developed differently, with various mechanisms used to promote, facilitate and carry out the development.

Each of these mechanisms affords a Council a varying degree of control and flexibility over the development of a PDA, but ultimately the aim is to achieve an over-arching development outcome.

The "beneficial enterprise mechanism" recommended for adoption in this report is similar (but not identical) to that one used by the Sunshine Coast Regional Council which established SunCentral Maroochydore Pty Ltd to promote, facilitate, carry out and control the development, disposal and management of land within the Maroochydore City Centre Priority Development Area.

External advisers with expertise in mechanisms used to develop PDAs (including advisers who have considerable experience derived from their involvement with SunCentral as well as other PDAs within South East Queensland) have been engaged by (and have briefed) Council.

The result of that briefing was that Council was accepting of a report being submitted to it which sought a resolution to establish a beneficial enterprise in accordance with the documents annexed to this report.

3. Strategic Implications

If Council wishes to establish the beneficial enterprise as recommended, then the enterprise will be responsible for overseeing the appropriate development of the Mill Precinct land within the PDA in accordance with the rights obligations set out in the statement of corporate intent.

Some further steps will be necessary to enable this to occur in practice. For example, Council would need to grant a development lease and other supporting agreements (as necessary) to the beneficial enterprise over the relevant land. This matter is expected to be the subject of a further report to Council once Council has received further advice from its relevant urban planning and architectural consultant.

Importantly (and this differs to other beneficial enterprise mechanisms established by other Councils) it is noted at this stage that:

- Council is not transferring freehold ownership of the Council-owned lots to the enterprise;
- Council will be gaining any profits derived from any eventual dealings with the Council-owned land; and
- Whilst the enterprise will be given the autonomy considered appropriate to deliver outcomes in respect of the development of the Council-owned land within the PDA (provided that this is consistent with Council's vision through the statement of corporate intent and other supporting documents) Council will maintain a degree of oversight in its capacity as assessment manager and also via its appointed representative on the board of directors (Council's Chief Executive Officer).

3.1 Legislative / Legal Implications

Under section 40 of the *Local Government Act 2009* (LGA) Council may conduct a beneficial enterprise (which includes forming a corporation limited by shares) for the benefit of the whole, or part of its local government area. The Department of Local Government, Racing and Multicultural Affairs has released public guidance clarifying that Council does not require Treasurer's approval under the *Statutory Bodies Financial Arrangements Act 1982* to establish the enterprise because Council has already been given the express power to do so under the LGA. Notwithstanding that, Council officers have been in dialogue with QTC (given its experience in matters similar to this one) and its officers have peer reviewed the documents annexed to this report which have been prepared by HSF.

3.2 Corporate Plan / Operational Plan

Creating Opportunities: Local jobs for residents - an innovative and thriving economy. It is estimated in the PDA document that the Mill at Moreton Bay will deliver 6,000 future local jobs.

ITEM 1.3 THE MILL AT MORETON BAY - GOVERNANCE STRUCTURE - REGIONAL - A19370311 (Cont.)

3.3 Policy Implications Nil identified

3.4 Risk Management Implications

There is a risk that the enterprise will fail to achieve optimal development of the Council-owned land. However, that risk would still exist even if the enterprise was not established. Officers consider that the imposition of obligations on the enterprise as set out in the statement of corporate intent will serve to reduce the risk of the enterprise failing to achieve its aims and objectives.

3.5 Delegated Authority Implications

It is recommended that Council's Chief Executive Officer be authorised (or delegated power to) do all things necessary to give effect to recommendation 1 (above).

3.6 Financial Implications

QTC has kindly agreed to peer review the documents annexed to this report at no cost as they see the benefit in providing good governance arrangements, greater risk management for Council and economic investment in the Region. HSF has been procured under a State Government panel arrangement at a discounted rate pursuant to the Legal Services budget. Funding arrangements relevant to the enterprise will be the subject of a further report to Council.

3.7 Economic Benefit Implications

The optimal development of the Council-owned land is expected to generate almost \$1 billion in economic benefit to the Region. Specific economic benefits are outlined in further detail in the PDA Development Scheme.

3.8 Environmental Implications Nil identified

3.9 Social Implications Nil identified

3.10 Consultation / Communication

QTC
HSF and other law firms
Council workshops (8 October 2019, 14 November 2019)
Community consultation was undertaken as part of the PDA process

ATTENDANCE

Mr John Hall left the meeting at 11.55am after Item 1.3.

Mr Dan Staley and Ms Amy White attended the meeting at 11.55am for discussion on Item 2.1.

2 PLANNING & DEVELOPMENT SESSION

(Cr M Gillam)

ITEM 2.1

DA/33296/2016/VCHC/2 - CHANGE (OTHER) APPLICATION - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (26 DWELLINGS), LOCATED AT 4-8 SUTTON STREET, REDCLIFFE - DIVISION 6

APPLICANT: Shorebrook Developments Pty Ltd C/- Urban Strategies Pty Ltd
OWNER: Shorebrook Developments Pty Ltd

Meeting / Session: 2 PLANNING & DEVELOPMENT
Reference: A19297723 : 4 November 2019 – Refer Supporting Information A19308793, A19308896 & A19308929
Responsible Officer: CA, Planner (PED Development Services)

Executive Summary

APPLICATION DETAILS	
Applicant:	Shorebrook Developments Pty Ltd C/- Urban Strategies Pty Ltd
Lodgement Date:	13 August 2019
Properly Made Date:	30 August 2019
Confirmation Notice Date:	5 September 2019
Information Request Date:	No Information Request Issued
Info Response Received Date:	Not applicable
Public Notification Dates:	20 September 2019 - 14 October 2019
No. of Submissions:	Properly Made: 3 Not Properly Made: 0
Decision Due Date:	10 December 2019
Prelodgement Meeting Held:	Yes

PROPERTY DETAILS	
Division:	Division 6
Property Address:	4-8 Sutton Street, Redcliffe
RP Description	Lots 417-419 RP30380
Land Area:	1,215m ²
Property Owner	Shorebrook Developments Pty Ltd

STATUTORY DETAILS	
Planning Legislation:	Planning Act 2016
Planning Scheme:	MBRC Planning Scheme
Planning Locality / Zone	General Residential Zone - Urban Neighbourhood Precinct
Level of Assessment:	Impact and Consistent

The Applicant has submitted a Change (Other) Application relating to an existing approval for a Material Change of Use - Development Permit for Multiple Dwelling at 4-8 Sutton Street, Redcliffe, formally described as Lots 417-419 RP30380.

ITEM 2.1 DA/33296/2016/VCHC/2 - CHANGE (OTHER) APPLICATION - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (26 DWELLINGS), LOCATED AT 4-8 SUTTON STREET, REDCLIFFE - DIVISION 6 - A19297723 (Cont.)

The changes proposed to the original approval consist of the following:

- Increase in height from 27m to 28.18m (mapped as 27m on Overlay Map - Building Heights)
- Reduction in the number of dwellings from twenty-eight (28) to twenty-six (26)
- Addition of two (2) car spaces - 43 spaces are proposed to be provided
- Change in unit typology
 - From: 20 x 2 bedroom units and 8 x 3 bedroom units
 - To: 12 x 2 bedroom units and 14 x 3 bedroom units
- Minor adjustments to the internal layout
- Minor changes to architectural features of the building

Although the changes proposed are relatively minor in nature and are generally compliant with the Planning Scheme, the application is subject to Impact Assessment due to the building height exceeding that mapped on Overlay Map - Building Height.

The Planning Act 2016 requires Council, as the assessment manager, to assess and decide the Change Application in the context of the development approval. In terms of assessing this Change Application, the matters for assessment (assessment benchmarks) are only those relevant to the proposed changes. Therefore, the development in its entirety has not been re-assessed in this instance, with only the proposed changes addressed.

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.

RESOLUTION

Moved by Cr Mike Charlton (Deputy Mayor)

Seconded by Cr Matt Constance

Cr Koliana Winchester voted against the motion

CARRIED 10/1

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

ITEM 2.1 DA/33296/2016/VCHC/2 - CHANGE (OTHER) APPLICATION - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (26 DWELLINGS), LOCATED AT 4-8 SUTTON STREET, REDCLIFFE - DIVISION 6 - A19297723 (Cont.)

OFFICER'S RECOMMENDATION

- A. That Council, in accordance with the *Planning Act 2016*, approves the development application for a Material Change of Use - Development Permit for Multiple Dwelling (26 Dwellings) at 4-8 Sutton Street, Redcliffe, described as Lots 417-419 RP30380, subject to the following plans/documents and conditions:

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Cover Page	DA000	Think Tank Architects	06/08/2019
Cover Page 2	DA001 Revision A	Think Tank Architects	02/08/2019
Cover Page 3	DA002 Revision B	Think Tank Architects	02/08/2019
Cover Page 4	DA003 Revision B	Think Tank Architects	02/08/2019
Locality Plan	DA90 Revision B	Think Tank Architects	02/08/2019
Site Plan	DA100 Revision B	Think Tank Architects	02/08/2019
Ground Floor	DA201 Revision E	Think Tank Architects	02/08/2019
Level 1	DA202 Revision C	Think Tank Architects	02/08/2019
Level 2-3	A203 Revision G	Think Tank Architects	30/10/2019
Level 4	DA204 Revision C	Think Tank Architects	02/08/2019
Level 5	DA205 Revision B	Think Tank Architects	02/08/2019
Level 6-7	DA206 Revision B	Think Tank Architects	02/08/2019
Level 8	DA207 Revision B	Think Tank Architects	02/08/2019
Sections	DA301 Revision C	Think Tank Architects	02/08/2019
Sections	DA302 Revision C	Think Tank Architects	02/08/2019
Elevations	DA401 Revision B	Think Tank Architects	02/08/2019
Elevations	DA402 Revision B	Think Tank Architects	02/08/2019
Areas	DA501 Revision B	Think Tank Architects	02/08/2019
Areas	DA502 Revision C	Think Tank Architects	02/08/2019
Perspectives	DA701 Revision B	Think Tank Architects	02/08/2019
Perspectives	DA702 Revision B	Think Tank Architects	02/08/2019
Perspectives	DA703 Revision B	Think Tank Architects	02/08/2019
Transformer Detail	A902 Revision J	Think Tank Architects	26/02/2018
Stormwater Management Plan	MC284_R002_2 Rev 2	Motus Consulting	10/05/2017
Traffic Advice Letter	RTEref: 19158	Rytenskiid Traffic Engineering	25/07/2019

Conditions

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
1	Approved Plans and/or Documents	
	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to the commencement of use or Council endorsement of any Community Management

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CONDITION		TIMING
		Statement, whichever occurs first and to be maintained.
2	Community Management Statement	
	Ensure that the Community Management Statement for the development reflects the following: <ol style="list-style-type: none"> 1. Car parking provisions; 2. Landscaping requirements; 3. Communal Open Space and Recreation areas; 4. Bin storage requirements and collection locations; and 5. Stormwater Management requirements. 	Prior to lodging a request for Compliance Assessment of subdivision plans.
3	Extent of Dwellings	
	Develop the Dwellings on the site as follows: <ol style="list-style-type: none"> 1. Twelve (12) Dwellings containing two (2) bedrooms; and 2. Fourteen (14) Dwellings containing three (3) bedrooms. 	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first, and to be maintained.
4	On-Site Car Spaces	
A	Provide car parking spaces on site generally in accordance with the approved plans.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first, 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 or Council endorsement of any Community Management Statement, whichever occurs first, and to be maintained.
5	Bicycle Parking Facilities	
	Install secure bicycle parking facilities for a minimum of twenty-six (26) bicycles. 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.
6	Configuration of Lots	
	Amalgamate Lots 417, 418 and 419 on RP30380 into a single title. OR Lodge a Community Management Statement associated with a community-titled subdivision application with Council for endorsement.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first.

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CONDITION		TIMING
7	Removal/ Demolition of Buildings	
A	Remove / demolish the existing Dwelling Houses located on the land.	Prior to works commencing on site.
B	Maintain the site in a clean and manageable state.	Prior to works commencing on site.
8	Electrical Transformer	
	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: <ol style="list-style-type: none"> 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. <p>Note: The use of barbed wire or metal prongs is not permitted</p>	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.
9	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 commencement of the use or Council's endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
10	Privacy Screening	
A	Provide privacy screening or alternate treatments where: <ol style="list-style-type: none"> 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 2. Habitable room windows or balconies that overlook private recreation areas of other dwellings on the same site or an adjoining site. 	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	Treatments may consist of one or more of the following: <ol style="list-style-type: none"> 1. Sill heights at a minimum of 1.5 metres above floor level; or 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 3. Sliding external screens (e.g. louvered panels), of durable weather resistant materials and with a maximum of 50% transparency. 	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.
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	Prior to commencement of the use or Council's

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CONDITION		TIMING
	street numbers and any building names are prominently displayed at the road frontage of the site, to enable identification by emergency services.	endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
12	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 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"> 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 commencement of the use or Council's endorsement of any Community Management Statement, whichever occurs first, 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.	At all times.
D	For development that contains on-site fire hydrants external to buildings: <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"> 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	Prior to commencement of the use or Council's

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CONDITION		TIMING
	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. 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.	endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
13	Front Fencing	
	Ensure that any front fencing is constructed to: <ol style="list-style-type: none"> 1. no less than 0% transparent and does not exceed 1.2 metres in height; or 2. no less than 50% transparent and does not exceed 1.5 metres in height; or 3. no less than 85% transparent and does not exceed 1.8metres in height 	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.
14	Screen Fencing	
	Construct a screen fence along the north, south and east boundaries of the site where a fence does not already exist. The fence should also have a 150mm clearance from natural ground level to ensure the external catchment flows traversing the site are not blocked. Unless an alternative design is agreed to with the owner of the adjoining land, the screen fence is to be 1.8 metres in height and constructed of treated timber.	Prior to the commencement of the use or endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
15	External Lighting	
A	Install external lighting in accordance with AS4282-1997 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.	Prior to the commencement of the use or endorsement of any Community Management Statement, whichever occurs 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 AS4282-1997 - (Control of the Obtrusive Effects of Outdoor Lighting).	Prior to the commencement of the use or endorsement of any Community Management Statement, whichever occurs first.
16	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 the commencement of the use or endorsement of any Community Management Statement, whichever occurs 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 the commencement of the use or endorsement of any Community Management Statement, whichever occurs first.

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CONDITION		TIMING
		Management Statement, whichever occurs first.
17	Waste Management Plan	
A	Implement the approved waste management arrangements identified on the approved plan. Note: This development will use 4 x 1.1 m ³ bins serviced at the kerbside of Sutton Street.	Prior to the commencement of the use or endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
B	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	At all times.
C	Provide a bin wash down facility connected to sewer as per SC 6.20 Planning Scheme Policy - Waste.	Prior to the commencement of the use or endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
18	Landscaping	
A	Provide landscaping on site generally in accordance with the approved plans and Planning Scheme Policy - Integrated Design Appendix D - Landscaping: The landscaping must also include the following: <ol style="list-style-type: none"> 1. Vegetation to screen the understory of the building (area between natural ground and finished ground floor level) from view from the street frontage and from adjoining properties to achieve a minimum 50% visual permeability. 2. Screen vegetation adjoining the solid walls along the northern, eastern and southern boundaries of the site to minimize the visual impact of these walls. 3. Screening shrubs within the planter boxes along the southern edge of balconies on level 2 that minimise the potential for overlooking of adjoining properties. 	Prior to commencement of use or Council endorsement of any community management statement, whichever occurs first.
B	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.	Prior to the commencement of use or Council endorsement of any community management statement, whichever occurs first.
C	Maintain the landscaping.	At all times.
19	On Site Services	
	Ensure garbage bin areas, rainwater tanks, hot water tanks, gas bottles and air conditioners are: <ol 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 	Prior to commencement of use or endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.

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CONDITION		TIMING
	<p>3. entirely underground where located in the front setback.</p> <p>Note: Rainwater tanks are not permitted within easements.</p>	
20	Water and/or Sewerage	
	<p>Submit to Council a Certificate of Completion or Provisional Certificate of Completion 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; and 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 or endorsement of any Community Management Statement, whichever occurs first.
21	Existing Telecommunications Infrastructure	
	<p>Provide a 'Telecommunications Infrastructure Provisioning Confirmation' or a 'Telecommunications Network Infrastructure Notification' letter from a telecommunications carrier licensed under the <i>Telecommunications Act 1997</i> (e.g. Telstra) confirming that telecommunications carrier has been engaged to install telecommunications infrastructure within the proposed development.</p>	Prior to commencement of use or endorsement of any Community Management Statement, whichever occurs first.
22	Fibre Ready Telecommunications – Multi	
A	<p>Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with NBN Co Guideline MDU Building Design Guide as amended, that:</p> <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; 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 commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
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: 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.</p>	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
23	Telecommunications Internal Wiring	
A	<p>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</p>	Prior to commencement of use or Council's endorsement of any

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CONDITION		TIMING
	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.	Community Management Statement, whichever occurs first.
B	Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done. Note: A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
24	Provision of Electricity	
A	Provide underground electricity to the site.	Prior to the commencement of the use or endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
B	Provide evidence (e.g. Certificate for Electricity Supply) demonstrating that an underground electricity supply network has or will be provided.	Prior to the commencement of the use or endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
25	No Net Loss of Fauna Habitat	
	Development does not result in the net loss of fauna habitat. Where development does result in the loss of a Habitat Tree (as defined in the administrative definitions of the MBRC Planning Scheme), development will provide replacement fauna nesting boxes at the following rate: <ol style="list-style-type: none"> 1. One (1) nest box for every hollow removed; or 2. Where hollows have not yet formed in trees greater than 80cm in diameter at 1.3m height, three (3) nest boxes are required for every habitat tree removed. 	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
26	Building Height	
	Provide certification from a suitably qualified person verifying the building height does not exceed 28.18m as per the administrative definition of 'height' as contained within the Moreton Bay Regional Council Planning Scheme.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
27	Enclosed car parking areas	
A	The internal car parking areas at Ground Floor and Level 1 along the side and rear elevations are to be fully enclosed, with the exception of the front elevation.	Prior to the commencement of use or Council endorsement of any

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CONDITION		TIMING
	The front elevation is to be appropriately screened and generally in accordance with the approved plan. The side and rear elevations are to incorporate appropriate architectural treatments, including patterns and colours, generally in accordance with the approved plan.	Community Management Statement, whichever occurs first, and to be maintained at all times.
B	Provide certification from a suitably qualified person confirming the proposed ventilation methods has no impact on the amenity of surrounding properties.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
28	Storage Facilities	
	Provide a storage area of 8m ³ per dwelling. Each storage area must be clearly allocated to individual units. Note - Storage areas can be co-located in garages, allocated car park areas in basements; or incorporated into building design. This storage area is not located within the dwelling.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
CONDITION		TIMING
DEVELOPMENT ENGINEERING		
29	Acid Sulfate Soil Investigation and Management	
A	Undertake an Acid Sulfate Soil Investigation, to be prepared by a qualified person. Soil sampling and analysis must be undertaken in accordance with procedures specified in Planning Scheme Policy - Acid Sulfate Soils. The investigation must provide information on the depth and extent of any acid sulfate soils on site within this stage of development, as well as the severity of acid sulfate soils relevant to the proposed disturbance.	Prior to the commencement of site works.
B	Prepare an Acid Sulfate Soil Management Plan for Council approval. All waters, including stormwater runoff, groundwater seepage and leachate from acid sulfate soils, must achieve the following quality prior to release from the site: <ol style="list-style-type: none"> 1. A pH range of 6.5-8.5 pH units. 2. 50mg/L maximum TSS concentration 3. 0.3mg/L maximum total iron concentration 4. 0.2mg/L maximum total aluminium concentration 5. No visible plume at either the point of release from the site or within a waterway. 	Prior to the commencement of site works.
C	Implement the requirements and recommendations of any Council approved Acid Sulfate Soil Management Plan required by (B) above. Undertake verification testing at the rate of one sample per 200m ³ throughout the duration of the excavation phase of the development. The verification testing must be undertaken by a qualified person using the SPOCAS or Chromium Reducible	While site works are occurring.

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CONDITION		TIMING
	<p>Sulphur testing suite, and the results must be submitted to Council for appraisal when requested during construction and prior to commencement of use.</p> <p>Groundwater monitoring is to be undertaken at a minimum of one location external to the area of excavation with the exact location to be agreed at the prestart meeting with Council's delegate.</p> <p>Groundwater monitoring is to be undertaken prior to works commencing and weekly throughout construction for the following parameters:</p> <ol style="list-style-type: none"> 1. Level (in m AHD) 2. pH 3. Electrical conductivity <p>Results must be submitted to Council for appraisal when requested during construction and prior to commencement of use and must demonstrate that groundwater quality has not been adversely impacted by the works.</p>	
D	<p>Submit a Validation Report to Council at the completion of the site works. The validation report is to demonstrate compliance with the approved Acid Sulfate Soils Management Plan.</p>	Prior commencement of use.
	<p>Note:</p> <p>Council will only accept a 'qualified person' as being one of the following:</p> <ol style="list-style-type: none"> 1. Registered Professional Engineer of Queensland (RPEQ); or 2. Environmental/Soil Scientist with current professional membership status at a relevant organisation (e.g. ASSSI, AIG; EIANZ; GSA) <p>Having met the above requirements, obtained a minimum of five (5) years professional experience in the field of acid sulfate soils.</p>	
30	Replace Existing Council Infrastructure	
	<p>Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of construction works, to a standard which is consistent with Council's standards.</p>	Prior to commencement of use.
31	Alterations and Relocation of Existing Services	
	<p>Any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of the telecommunications authority, electricity authorities, the Council or other person engaged in the provision of public utility services is to be carried with the development and at no cost to Council.</p>	Prior to commencement of use.
32	Construction Management Plan	

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CONDITION		TIMING
A	<p>Submit a Construction Management Plan (CMP) prepared by a suitably qualified person. The CMP is required to ensure the development works (including all construction, demolition and excavation) do not adversely affect the health, safety, amenity, traffic or environment in the surrounding area. The plan is to include (but is not limited to) at least the following:</p> <ul style="list-style-type: none"> • Proposed construction program; • Public safety, amenity and site security; • Operating Hours, Noise and Vibration Controls; • Air & dust management; • Stormwater runoff, erosion & sediment control; • Waste & materials refuse management; • Traffic management; • Construction materials delivery & storage; • Construction office accommodation; • Contractor's vehicle parking arrangements. • Management of dewatering within ASS areas. 	Not less than six (6) weeks prior to any works commencing on site.
B	Obtain approval from Council for the Construction Management Plan.	Prior to works commencing on site.
C	Implement the approved Construction Management Plan and keep a copy of the CMP on site at all times during construction.	At all times during construction of the development.
	<p>Notes:</p> <ul style="list-style-type: none"> • The CMP should be based on the following: • Council will generally only approve early starts for large concrete pours (e.g. monolithic concrete pours for basements and suspended floor slabs) during summer. • Dewatering directly into Council's stormwater system (pipes or overland flow) without appropriate water quality treatment/improvement is not acceptable. • Materials unloading and loading must occur on-site unless prior written approval is given by Council. • All construction office accommodation and associated temporary buildings is to be contained within the site or on a nearby site. 	
33	Access, Internal Roadways, Parking and Servicing Areas	
A	<p>Design, construct and maintain, all line-marking, accesses, internal roadways, parking and servicing areas, in accordance with the approved plan(s) of layout, MUTCD and Australian Standard AS2890, except for the reduced height clearances over proposed car park spaces 37 and 38 in accordance with the rystenskild traffic engineers letter dated 25 July 2019, with appropriate signage to be provided. The works must be designed, constructed and maintained in accordance with good engineering practices and Council's Planning Scheme requirements unless conditioned otherwise.</p> <p>Note: Maximum pavement slopes for parking modules for People with Disabilities is maximum of 1:40.</p>	Prior to commencement of use and to be maintained.

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CONDITION		TIMING
B	As an additional control to improve the car park operation install convex mirrors at the corners of circulation aisles and ramps, to improve visibility between opposing vehicles.	Prior to commencement of use and to be maintained.
C	Provide certification from an RPEQ that all works have been designed and constructed in accordance with this permit condition.	Prior to commencement of use.
34	Driveway Crossover	
	<p>The driveway crossover from the constructed road to the site must be designed and built as a General Wide Flaired Heavy Duty Vehicle Crossing in accordance with IPWEA standard drawing RS-051, with levels complying with Council Standard Road Verge profile.</p> <p>Provide certification from an RPEQ that all works have been designed and constructed in accordance with this permit condition.</p> <p>Notes:</p> <ol style="list-style-type: none"> The internal access works must be designed to ensure the correct line, level and layout is achieved for the driveway crossover. Council will not accept driveway crossovers that do not conform to the above requirements. 	Prior to commencement of use.
35	Overland Flow Management	
	<p>Provide measures to properly manage overland flows draining to and through the land to ensure no nuisance or annoyance is created to any person or premises as a result of the development. The development must not result in ponding on adjacent land, redirection of overland flows to other premises and blockage of an overland flow relief path for flows exceeding the design flows for any underground system within the development.</p> <p>Note:</p> <p>The current design standards and relevant planning scheme codes are:</p> <ol style="list-style-type: none"> Planning Scheme Policy Integrated Design; Works Code. 	Prior commencement of use and to be maintained at all times.
36	Site Based Stormwater Management (Multiple Dwelling Developments)	
A	The Stormwater Management Strategy (SMS) provided in support of the application is approved as demonstrating that stormwater from the site can be discharged in accordance with Council's planning scheme and design standards.	Note only.
C	Install on-site stormwater management measures in accordance with the approved SMS and Council's planning scheme and design standards.	Prior to commencement of use.

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CONDITION		TIMING
	<p>Detailed design of the stormwater management works shall conform to the approved SMS.</p> <p>Provide Council with "As Built" drawings and specifications of the stormwater management (quality and quantity mitigation) devices certified by an RPEQ.</p> <p>Provide certification from an RPEQ that all works have been designed and constructed in accordance with this permit condition.</p>	
D	The landowner is responsible for the ongoing operation and maintenance of the stormwater management devices to ensure the design discharge parameters are maintained for the life of the approved development.	At all times after commencement of the use.
E	The stormwater quality devices located within the development are to be maintained at regular intervals after commencement of the use by a suitably qualified contractor. A certificate of compliance from the maintenance contractor is to be kept on site and made available to Council Officers upon successful completion of each maintenance procedure. Maintenance certificates are to be kept on site for a minimum of 2 years.	Ongoing at maintenance intervals not exceeding the maintenance specifications in the approved SMS from the commencement of the use.
F	Approved wording is to be included in the documentation/community management statement to bind the future owners and/or body corporate to undertaking the maintenance, repair and reporting for the on-site stormwater management devices.	Prior to commencement of use.
37	Stormwater Drainage - Lawful Discharge	
	Ensure that stormwater from the proposed development is lawfully discharged from the subject land without causing nuisance and annoyance to any person.	At all times.
38	Pedestrian Pathways	
	<p>Construct a 2.0 metre wide reinforced concrete pathway in accordance with Council's standards at the following locations</p> <ul style="list-style-type: none"> To the full frontage of the development site. <p>Provide to Council for review and approval "Surveyed As Constructed drawings" and a digital ADAC file of the concrete pathway.</p> <p>This condition has been imposed under section 665 of the Sustainable Planning Act 2009.</p>	Prior to commencement of use.
39	Emergency Management Procedure Manual	
A	Prepare and make available, on site a site specific emergency management procedure manual. The manual is to outline roles and responsibilities, evacuation routes (where applicable) and management actions to manage the safety of all occupants on the site during a major flood and/or storm tide event.	Prior to commencement of the use.

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CONDITION		TIMING
B	Regularly review and update the manual where appropriate to ensure consistency with Council's disaster management planning for Redcliffe.	To be maintained.
40	Structural Engineering Design Report	
A	Prepare a Structural engineering design report in accordance with Planning Scheme Policy Flood hazard, Coastal hazard and Overland flow to satisfy the requirements of the Flood Hazard Overlay code.	Prior to any approval of Building Works.
B	Construct the building works in accordance with the Structural engineering design report.	At all times during construction.
	Note: The Structural engineering design report is to be prepared by an RPEQ with appropriate experience in structural engineering and design.	
41	Building Materials Below the Flood Planning Level	
A	Building works which are below the Flood Planning Level are to be constructed from materials with a high water resistance.	Prior to commencement of use.
B	No filling is permitted within the area mapped as Medium/High risk flood hazard area under Council's Flood Hazard Overlay Code.	At all times
	Notes: <ol style="list-style-type: none"> 1. The Flood Planning Level used for development can be obtained from the relevant section of the Flood Check Development Report available via Council's website: www.moretonbay.qld.gov.au. The current Flood Planning Level for this site is 3.7m AHD. 2. 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. 	

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>

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ADVICES	
	<p>Details of how to fulfil the Duty of Care are outlined in the Duty of Care Guidelines gazetted with the Act.</p> <p>Council strongly advises that you contact the relevant state agency to obtain a copy of the Duty of Care Guidelines and further information on the responsibilities of developer under the terms of the <i>Aboriginal Cultural Heritage Act 2003</i>.</p>
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>

- 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 Dwelling
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

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	Details to Insert
Referral Agencies	There are no Referral Agencies
Submissions	There were three (3) properly made submissions about this application.

REPORT DETAIL

1. Background

On January 2008, Council approved an application for a Material Change of Use - Development Permit for Dwelling Units (24 dwelling units) – DA/16527/2007/DA. This has since lapsed.

On 14 June 2016, Council approved an application for a Material Change of Use – Development Permit for Multiple Dwelling (22 Units) – DA/30365/2015/V2M. This application is still current as it is within its currency period.

On 5 September 2017, Council approved an application for a Material Change of Use - Development Permit for Multiple Dwelling (28 Units) - DA/33296/2016/V2M.

On 19 March 2019, Council's Delegate approved a Change (Minor) Application to the previously approved Material Change of Use - Development Permit for Multiple Dwelling (28 Dwellings) - DA/33296/2016/VCHG/1). This Change (Other) Application seeks to change this approval.

2. Explanation of Item

2.1 Proposal Details

This application seeks to make changes to an existing development approval for a Material Change of Use - Development Permit for Multiple Dwelling at 4-8 Sutton Street, Redcliffe.

The changes proposed to the original approval consist of the following:

- Increase in height from 27m to 28.18m (mapped as 27m on Overlay Map - Building Heights)
- Reduction in the number of dwellings from twenty-eight (28) to twenty-six (26)
- Addition of two (2) car spaces - 43 spaces are proposed to be provided
- Change in unit typology
 - From: 20 x 2 bedroom units and 8 x 3 bedroom units
 - To: 12 x 2 bedroom units and 14 x 3 bedroom units
- Minor adjustments to the internal layout
- Minor changes to architectural features of the building

All other aspects of the development remain unchanged as per the original approval.

It is noted that the site is mapped under Overlay Map - Flood Hazard as being within the Medium Risk flood hazard area and within a Drainage Investigation Area, as well as within the Balance Area of the Coastal Hazard Overlay. The assessment benchmarks of both the Flood Hazard and Coastal Hazard Overlay Codes have previously been addressed, with all existing conditions relating to the overlays to remain.

2.2 Description of the Site and Surrounds

The development sites are currently vacant.

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Directions	Planning Scheme Zone	Current Land Use
North	General Residential Zone Urban Neighbourhood Precinct	Dwelling House
South	General Residential Zone Urban Neighbourhood Precinct	Dwelling House
East	General Residential Zone Urban Neighbourhood Precinct	Dwelling House
West	General Residential Zone Urban Neighbourhood Precinct	Dwelling House & Multiple Dwelling

2.3 Assessment Benchmarks related to the Planning Regulation 2017

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

These Assessment Benchmarks are prescribed as being contained in:

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

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:	<ul style="list-style-type: none"> • Urban Footprint
Koala Habitat Designation:	Nil

2.3.1 State Planning Policy

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

Assessment benchmark - livable communities		
Applicable to Development	SPP requirement	Comment
Yes	(1) Development ensures fire hydrants are installed and located to enable fire services to access water safely, effectively and efficiently. (2) Road widths, and construction within the development, are adequate for fire emergency vehicles to gain access to a safe working area close to buildings and near water supplies whether or not on-street parking spaces are occupied.	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply. The recommendations of this report includes a condition of development that internal fire systems are

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	(3) Fire hydrants are suitable identified so that fire services can locate them at all hours.	installed within the development where required.
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>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>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 mapped as a Medium Risk Area under Council's Flood Hazard Overlay and Balance Area of Council's Coastal Hazard Overlay. The existing approval contains conditions relating to the preparation of an emergency management manual and the submission of a structural engineering design report. These existing conditions will be recommended to remain as part of this Change Application.</p>

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	<p>(4) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(5) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.</p> <p>(6) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</p> <p>(7) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</p>	
Assessment benchmarks - strategic airports and aviation facilities		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable

2.3.2 *South East Queensland Regional Plan*

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

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

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

2.4.1 *Strategic Framework*

An assessment against the Strategic Framework is not required by the development proposal as it has been determined that compliance with the relevant Performance Outcomes can be achieved.

2.4.2 *Assessment of Applicable Codes*

Code Compliance Summary

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

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

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Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
Zone/ Local Plan Code		
General Residential Zone Code - Urban Neighbourhood Precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO3 Note: The assessment benchmarks within this code were addressed as part of the original development approval. Only the proposed changes have been assessed as part of this application.
Overlay Codes		
Flood Hazard Overlay Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Note: The assessment benchmarks within this code were addressed as part of the original development approval. Only the proposed changes have been assessed as part of this application.
Coastal Hazard Overlay Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Note: The assessment benchmarks within this code were addressed as part of the original development approval. Only the proposed changes have been assessed as part of this application.
Development Codes		
Residential Uses Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Note: The assessment benchmarks within this code were addressed as part of the original development approval. Only the proposed changes have been assessed as part of this application.

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

2.4.3 Performance Outcome Assessment

Performance Outcome	Example
General Residential Zone Code - Urban Neighbourhood Precinct	
PO3 Buildings and structures have a height that: <ol style="list-style-type: none"> is consistent with the medium to high rise character of the Urban neighbourhood precinct; responds to the topographic features of the site, including slope and orientation; is not visually dominant or overbearing with respect to the streetscape; responds to the height of development on adjoining land where contained within another precinct or zone. 	E3 Building height: <ol style="list-style-type: none"> is within the minimum and maximum mapped on Overlay map – Building heights; or for domestic outbuildings, including free standing carports and garages, 4m and a mean height not exceeding 3.5m.

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Performance Outcome	Example
Note - Refer to Planning scheme policy - Residential design for details and examples.	
<i>Performance Outcome Assessment</i>	
<p>The applicant is proposing an alternative solution to allow an overall building height of 28.18m, in lieu of the suggested building height of 27m as identified by Overlay Map - Building Heights.</p> <p>The proposed change seeks to increase height by 1.18m. This increase in height has resulted from slight increases in the floor to ceiling height for each level as well as introducing a slight pitch to the roof form. Importantly, the increase in height is located to the centre of the pitched roof with the majority of the building being approximately 27m. As such, the additional height when viewed from external to the site will be negligible and will not result in amenity impacts (i.e. scale, bulk and overshadowing) to adjoining properties. Further, having regard to the broader locality/wider context, the slight increase in height will not interrupt significant view corridors given it relates to a small part of the roof.</p> <p>Although the proposed built form exceeds the suggested maximum height limit as per Example E3 of the zone code, the corresponding Performance Outcome, PO3, requires buildings and structures have a height that is consistent with the medium to high rise character of the Urban neighbourhood precinct. Planning Scheme Policy - Residential Design outlines medium rise being 4-6 storeys and high rise being 7 or more storeys. The proposed development provides 9 storeys and is therefore consistent with a high rise apartment as outlined within the Planning Scheme Policy.</p> <p>Further, the use of a podium level and entrance awning at the front of the building are positive design features used to establish a 'human scale', minimising the dominance of built form with respect to the streetscape. At the pedestrian level, in front of the site, the proposed change is unlikely to be noticeable.</p> <p>Therefore, compliance with the Performance Outcome is achieved.</p>	

2.5 Trunk Infrastructure

In accordance with section 4 of the Moreton Bay Regional Council Planning Scheme, the subject site is located in the identified Priority Infrastructure Area. Infrastructure charges applying to the land, where applicable, are to be applied in accordance the Council's Charges Resolution No. 8 commencing on 14 August 2018 (CR).

2.5.1 Levied Charge

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

2.5.2 Levied Charge Credit

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

(a) Payment of previous charges or contributions

There is no record of a previous charge or contribution having been made in relation to the land in accordance with section 14 of the CR. Accordingly, the credit available under this option is \$0.00

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(b) Lawful use of land

There is a previous lawful use of the land being three (3) Dwelling houses. Accordingly, the credit available under this option is \$50,960.16 (\$17,603.73 per lot), based on 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 \$17,603.73 per lot based on the proportional split stated in Table 3 of the CR. Therefore, a total credit of \$52,811.19 is available.

2.5.3 Levied Charge Offset or Refund

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

2.5.4 Additional Trunk Infrastructure Costs

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

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

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

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

2.6 Recording of particular approvals on the MBRC Planning Scheme

Not Applicable in this instance.

2.7 Referrals

2.7.1 Council Referrals

2.7.1.1 Development Engineering

The application was referred to Development Engineering for review and comment. It has been recommended that the submitted traffic advice letter provided by Rystenschild Traffic Engineering, dated 25 July 2019, be included within the approved documents table. It has also been recommended that all conditions of the existing permit remain, with a minor amendment to Condition 34A requiring appropriate signage over proposed car parking spaces 37 and 38 due to reduced height clearances.

2.7.1.2 Environmental Health

The application was referred to Environmental Health for review and it has been recommended that all existing conditions relating to lighting and waste management remain.

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2.7.2 Referral Agencies

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

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

2.7.2.2 Advice Agencies

There were no Advice Agencies involved in assessing this application.

2.7.2.3 Third Party Agencies

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

2.8 Public Consultation

2.8.1 Public Notification Requirements under the Development Assessment Rules

- (a) Public Notification was served on all adjoining landowners on 18 September 2019.
- (b) The development application was advertised in the Redcliffe and Bayside Herald on 19 September 2019.
- (c) A notice in the prescribed form was posted on the relevant land on 19 September 2019 and maintained for a period of at least 15 business days, until 14 October 2019.

2.8.2 Submissions Received

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

Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax		3
	Petition		0
Not Properly Made	Letter, Email, Fax		0
	Petition		0
Total			3

The matters raised within the submissions are outlined below:

Assessment of Submissions
<p>Issue - Building Height</p> <ul style="list-style-type: none"> • The submissions raise concern regarding the proposed building height as it exceeds the maximum building height of 27m. The submissions outlined that the increased height will impact on privacy and that the overshadowing created from the built form will affect the gardens of adjoining residents and that the reduction in sunlight and ventilation will create a loss of amenity. Further, the loss of breezes due to the increased height and that these impacts will be detrimental to the quality of life of the adjoining residents. • The submissions were concerned with the following statement: <i>"The building height as amended is considered to be consistent with the medium to high rise character of the Urban Neighbourhood Precinct, noting that the development shall continue to read as 9 storeys like the majority of multi-storey developments within the vicinity of the site."</i> <p>The submitters noted that the above statement is in contradiction to section E iv. of planning code: - orientate to integrate with the street and surrounding neighbourhood. The submitters outlined that the proposed building height does not integrate with the character of the surrounding neighbourhood due to the existing low-density dwellings</p>

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Assessment of Submissions
that surround the proposed development and that the height is already too high for a residential suburb.
<p>Discussion</p> <p>This Change Application proposes to increase the building height from the previously approved height of 27m to 28.18m. It is recognised that the increased height exceeds that mapped on Overlay Map - Building Height, being 27m.</p> <p>Although the proposal is unable to comply with the suggested building height as per Example E3 of the zone code, the corresponding Performance Outcome, PO3, requires buildings and structures have a height that is consistent with the medium to high rise character of the Urban neighbourhood precinct. The submissions raised concern with the statement relating to the building height being consistent with the medium to high rise character of the Urban neighbourhood precinct. However, it is recognised that Planning Scheme Policy - Residential Design outlines medium rise being 4-6 storeys and high rise being 7 or more storeys. The proposed development provides 9 storeys and is therefore consistent with a high rise apartment as outlined within the Planning Scheme Policy. It is acknowledged that the proposed building will not integrate with the existing character of the neighbourhood which typically contains one and two storey dwellings. However, it is noted that the character of the area is likely to undergo significant change in the future with the area contained within the Urban Neighbourhood Precinct, the Planning Scheme's most high density/built form precinct.</p> <p>It is acknowledged that the proposed building with an overall maximum height of 28.18m would result in overshadowing and impact on breezes. However, although exceeding the suggested building height by 1.18m, the increased height is considered minor in nature and is within the expectations for the extent of overshadowing and impact on breezes envisaged by the Planning Scheme for the Urban Neighbourhood Precinct. Further, the proposed building complies with the suggested minimum setbacks, with the exception of a minor encroachment to the front boundary setback for an entrance awning and covered car parking spaces, as well as a set of external stairs from the ground floor car parking area on the southern boundary and a planter box along the southern boundary of Level 2.</p> <p>With regards to privacy, a condition would be recommended requiring adequate privacy treatments be placed on habitable room windows or balconies that overlook the private recreation of other dwelling on adjoining sites.</p> <p>This is not a reasons for refusal of the application.</p>
<p>Issue - Car Parking</p> <ul style="list-style-type: none"> • The submissions raise concern regarding the number of car parking spaces proposed to be provided noting that the provision of 39 car parks is not sufficient to cater for 26 dwellings containing two (2) and three (3) bedrooms and that this will lead to: <ul style="list-style-type: none"> ○ cars parking on Sutton Street, being a narrow road, which will lead to congestion that will spread to surrounding streets; ○ congestion on the streets will impact on the access of emergency services; ○ additional cars on the street may be targeted by vandals; • The submitters noted that additional car parking should be provided as it can be assumed that these larger units will be occupied by families and couples, the most of which will have two or even three cars per family. Reference was made to the Australian Bureau of Statistics (ABS) 2016 Census data that indicated the majority of Australians have two or more motor vehicles.

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<p>Assessment of Submissions</p> <ul style="list-style-type: none"> The submissions raise concern regarding the reduction in visitor parking bays from five (5) to four (4), therefore leading to additional on-street parking and compounding the problem of congestion, noise and fumes.
<p>Discussion</p> <p>This Change Application proposes to increase on site car parking spaces from forty-one (41) to forty-three (43), consisting of thirty-nine (39) resident spaces and four (4) visitor spaces. An increase in car parking is proposed even through a reduction of two (2) dwellings is sought as part of this application.</p> <p>The proposed car parking on site exceeds the minimum number of car parking spaces suggested by the Planning Scheme by seventeen (17) spaces. In addition, a total of twenty-six (26) bicycle parking spaces are to be provided to encourage the use of active transport and reduce the reliance on provide vehicles. As a result, the likely impact on existing on-street parking congestion is considered minimal. The likely peak period for on street parking would be expected to be in the evenings and on weekends, outside of the hours of when refuse collection typically occurs.</p> <p>Vandalism of vehicles parked on the street is a matter for the police and not a relevant planning consideration.</p> <p>This is not a reason for refusal of the application.</p>
<p>Issue - Building Design</p> <ul style="list-style-type: none"> The submissions raise concern regarding the inclusion of a deck adjacent to 2 Sutton Street, setback approximately 1m from the southern boundary. The submission outlines that the inclusion of the deck above ground will impact on privacy due to being able to see over the fence and that the position of the deck and the reduced setback is inappropriate. Concern regarding the proximity to the side boundary of 10 Sutton Street has been raised, noting that there will be a loss of privacy due to overlooking created by the development and that the noise from the additional dwellings will be intolerable. Concern has been raised relating to the total height of the car parking area (Ground Floor and Level 1). The submitter notes that the total height of these 2 levels is the same as the adjacent property and that there are several large windows on this side directly adjacent to the parking levels of the proposed complex. Further, the submitter notes that they will lose the use of the windows in the main living and outdoor areas should the proposed car park be built as per plan. A submitter has recommended that the car parking areas be fully enclosed by concrete walls all around and that the fence on the northern side boundary be at least 1.8m to 2m high. Further, the submitter has requested that fumes do not come out of extraction fans towards their property. The submitter also raised concerns relating to noise and light disturbance from car parking areas. Submissions acknowledged that the car park has been enclosed on its sites and that this will reduce issues arising from the fume, sound and light nuisance from cars. However, it has been requested that appropriate ventilation of the car parks be installed.
<p>Discussion</p> <p>This Change Application does not seek to alter the already approved setbacks of the built form. Further, no changes are sought to the ground floor and level 1 car parking areas. It is noted that in accordance with Condition 28A of the current development approval, the car</p>

ITEM 2.1 DA/33296/2016/VCHC/2 - CHANGE (OTHER) APPLICATION - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (26 DWELLINGS), LOCATED AT 4-8 SUTTON STREET, REDCLIFFE - DIVISION 6 - A19297723 (Cont.)

<p>Assessment of Submissions</p> <p>parking areas are required to be enclosed along the side and rear elevations with the front elevation to be appropriately screened. This condition would remain and need to be complied with should the Change Application be approved.</p> <p>Further, Condition 28B requires certification to be submitted to Council from a suitably qualified person confirming the proposed ventilation methods have no impact on the amenity of the surrounding properties. This condition would also remain and need to be complied with should the Change Application be approved.</p> <p>This is not a reason for the refusal of the application.</p>
<p>Issue - Refuse Storage</p> <ul style="list-style-type: none"> Concern has been raised relating to the location of the refuse storage area proposed against the boundary of 10 Sutton Street. The submitter notes that refuse storage on their side of the property is unacceptable as they have large windows which will make it very uncomfortable to use these windows for fresh air. The submitter recommends that the storage be removed from this side or be completely enclosed so that the odour and site of the refuse does not affect the quality of living currently enjoyed.
<p>Discussion</p> <p>This Change Application does not seek to relocate the bin storage area as approved within the current approval. The bin storage, therefore, remains on the southern side of the internal driveway positioned away from neighbouring properties.</p> <p>The bin wash facility is proposed to be slightly repositioned within the ground floor car parking area, however remains along the northern boundary of the site, behind a solid wall and infrequently used, therefore unlikely to result in an amenity impact (both visual and odour) to the adjoining property along the northern boundary.</p> <p>This is not a refusal for the refusal of the application.</p>
<p>Issue - Construction Activities</p> <ul style="list-style-type: none"> Concern has been raised regarding the potential of deep drilling at the initial stage of the development that will continue for a prolonged period of time. The submitter noted that this can adversely affect the structure of their property due to the development being in such close proximity. A submitter noted that their property experienced a lot of rattling of windows when the huge complex at 12 Sutton Street was being constructed, a building that is a block away. A submitter as advised that they have no option but to get before (already done) and after Dilapidation Reports and should there be any structural damage to their property, immediate legal action will be taken. A submitter has requested that the Engineer's Report of the proposed complex be put online as soon as possible, and that notification be sent once this has been actioned so that they may access it. Concern has been raised relating to the noise, dust and disturbance during building and that should the need to accommodate elsewhere during office hours they will be seeking costs of re-location and ongoing operational costs of working away from their usual work place at 10 Sutton Street, Redcliffe.
<p>Discussion</p> <p>Condition 33 of the current development approval requires the submission of a Construction Management Plan to Council for assessment prior to any works commencing on site. The Construction Management Plan is required to include measures to ensure the development works (including all construction, demolition and excavation) do not adversely affect the</p>

ITEM 2.1 DA/33296/2016/VCHC/2 - CHANGE (OTHER) APPLICATION - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (26 DWELLINGS), LOCATED AT 4-8 SUTTON STREET, REDCLIFFE - DIVISION 6 - A19297723 (Cont.)

Assessment of Submissions

health, safety, amenity, traffic or environment in the surrounding area. This condition would remain and need to be complied with should the Change Application be approved.

Any damage to adjoining properties that may occur as a result of construction activities would be a civil matter between the developer and the property owner. Any engineering plans and reporting would occur after detailed design and would be assessed by a private building certifier. There is no requirement for this information to be made available on line however the submitter may wish to liaise with the developer or building certifier for details, once available.

This is not a reason for refusal of the application.

2.8.3 Notice of Compliance

The Notice of Compliance was received by Council on 15 October 2019. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

2.9 Other Matters
None identified.

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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) Should the application be approved, Infrastructure Charges are applicable.

3.7 Economic Benefit Implications

Appropriate development supports the growing Moreton Bay region.

3.8 Environmental Implications

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

ITEM 2.1 DA/33296/2016/VCHC/2 - CHANGE (OTHER) APPLICATION - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (26 DWELLINGS), LOCATED AT 4-8 SUTTON STREET, REDCLIFFE - DIVISION 6 - A19297723 (Cont.)

3.9 Social Implications

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

3.10 Consultation / Communication

Refer to clause 2.8.

ATTENDANCE

Mr Dan Staley and Ms Amy White left the meeting at 12.06pm after Item 2.1.

ITEM 2.2 - STATEMENT OF LEGAL POSITION

Following the receipt of legal advice that as agenda item 2.2 is administrative in nature and could not be perceived as having any substantive impact on any donor to the Moreton Futures Trust, no personal interests need be declared by any Councillor in relation to this item.

ITEM 2.2

PROPOSED THE MILL AT MORETON BAY GUIDANCE MATERIAL: DRAFT PUBLIC ART GUIDELINES AND PUBLIC CONSULTATION - DIVISION 7

Meeting / Session: 2 PLANNING & DEVELOPMENT
Reference: A19296686 : 4 November 2019 - Refer Supporting Information A19364093
Responsible Officer: NS, Coordinator Community & Cultural Programs (CES Community Services, Sport & Recreation)

Executive Summary

The purpose of this report is to seek Council's approval to commence public consultation on "The Mill at Moreton Bay: (Draft) Public Art Guidelines".

RESOLUTION

Moved by Cr Denise Sims

Seconded by Cr Matt Constance

CARRIED 11/0

That the Chief Executive Officer be authorised to commence public consultation (as described in this report) on "The Mill at Moreton Bay: (Draft) Public Art Guidelines" annexed at Supporting Information #1.

ITEM 2.2 PROPOSED THE MILL AT MORETON BAY GUIDANCE MATERIAL: DRAFT PUBLIC ART GUIDELINES AND PUBLIC CONSULTATION - DIVISION 7 - A19296686 (Cont.)

OFFICER'S RECOMMENDATION

That the Chief Executive Officer be authorised to commence public consultation (as described in this report) on "The Mill at Moreton Bay: (Draft) Public Art Guidelines" annexed at Supporting Information #1.

REPORT DETAIL

1. Background

The Mill Priority Development Area's (PDA) Development Scheme (DS) commenced on 18 August 2017. The DS identifies that public art that is appropriate to the origins, history and character of the area will contribute to the uniqueness and richness of The Mill.

The DS includes specific allowance for the making of 'Guidance Material', and the following action is included in the document's 'Implementation Strategy':

Strategy 4.6, Action 2

"Develop additional guidance material as needed to assist in communicating the criteria within the development scheme (for example street profiles and cross sections)."

Officers have developed The Mill 'Draft Streetscape Guidelines' and 'Draft Civic Space and Park Guidelines', for the Mill Central and part of the Mill Green, to provide more detail on achieving exemplary urban, streetscape, civic space, and park design. These draft guidelines illustrate where public art is required, however provide no further guidance in relation to the types of public art to be delivered or the overall outcomes sought.

Accordingly, draft Public Art Guidelines for The Mill at Moreton Bay Priority Development Area (PDA) have been developed to assist in communicating the vision and requirements of public art to developers, relevant contractors (such as urban planners, architects, landscape architects, artists and designers), and set expectations for the community. Council's Development Services team will use the guidelines as an assessment resource, providing further detail to the Mill PDA Criteria.

Officers seek Council approval to commence public consultation on the draft guidelines as provided in Supporting Information #1, adopting a similar process for making or amending Planning Scheme Policies under the Minister's Guidelines and Rules.

2. Explanation of Item

The draft guidelines will support the DS in delivering high-quality public art outcomes across The Mill PDA area, and enable Council to influence the type and character of public art commissions delivered by developers and other parties at The Mill. The draft guidelines will do this by, amongst other things, communicating the vision for public art at The Mill, the curatorial rationale and themes to be utilised in artwork commissions, and the assessment and approval processes for public art projects.

Whilst the *Economic Development Act 2012* provides no guidance on public notification processes for the making of guidance material, the Guidelines will operate in a similar manner to a Planning Scheme Policy under the *Planning Act 2016* - in that it will support the operation of the Development Scheme. Accordingly, it is proposed that the guidelines be publicly notified using a similar process for making or amending Planning Scheme Policies under the Minister's Guidelines and Rules. This will involve:

- publishing the proposed draft guidelines on the Council's website; and
- publishing, at least once in a newspaper circulating in the area of the relevant local government, a notice—

ITEM 2.2 PROPOSED THE MILL AT MORETON BAY GUIDANCE MATERIAL: DRAFT PUBLIC ART GUIDELINES AND PUBLIC CONSULTATION - DIVISION 7 - A19296686 (Cont.)

- (i) stating that the proposed draft guidelines are published on the Council's website and available for inspection at Council's Strathpine and Caboolture offices; and
- (ii) inviting persons to make submissions, within a period of at least 20 business days, about the proposed draft guidelines.

Officers propose extended consultation dates of Friday 29 November 2019 to Wednesday 29 January 2020.

Feedback/ submissions will be considered by Council following the consultation period, before final adoption of the guidelines.

3. Strategic Implications

3.1 Legislative / Legal Implications Nil identified

3.2 Corporate Plan / Operational Plan
Creating Opportunities: Well-planned growth - a sustainable and well-planned community.

3.3 Policy Implications
The draft guidelines will provide clarity and further detail to implement the DS.

3.4 Risk Management Implications
Providing guidance material for the PDA reduces the risk of inappropriate and poor quality public art outcomes.

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications
The consultation costs of the proposed draft guidelines are provided for in the current budget.

3.7 Economic Benefit Implications
The draft guidelines provide further detail to support the DS, which promotes economic benefits to the region. The potential economic benefits of public art at The Mill include, but are not limited to:

- Attracting investment and business; and
- Creating a cultural tourism destination.

3.8 Environmental Implications
The draft guidelines provide further detail to support the DS, which promotes environmental benefits.

3.9 Social Implications
The draft guidelines provide further detail to support the DS, which promotes positive social outcomes.

The potential social benefits of public art at The Mill include:

- Creating a strong cultural identity;
- Creating a sense of place;
- Animating public spaces and places;
- Celebrating community cultures; and
- Responding to the area's Aboriginal and historic heritage.

ITEM 2.2 PROPOSED THE MILL AT MORETON BAY GUIDANCE MATERIAL: DRAFT PUBLIC ART GUIDELINES AND PUBLIC CONSULTATION - DIVISION 7 - A19296686 (Cont.)

3.10 Consultation / Communication

The draft guidelines have been informed by public art consultancy *CreativeMove* who were engaged to research the historical, cultural, social and environmental context of the location and to recommend curatorial themes, artwork opportunities, and planning and management arrangements for public art throughout the PDA.

Internal and external stakeholders, including Kabi Kabi First Nation Traditional Owners Native Title Claim Group, were consulted throughout the research phase.

Internal stakeholders, including Development Services and Strategic Planning, provided expert advice that informed the development of the draft guidelines.

The draft guidelines are now proposed to go on public consultation for community feedback.

3 CORPORATE SERVICES SESSION

(Cr M Constance)

No items for consideration.

4 ASSET CONSTRUCTION & MAINTENANCE SESSION

(Cr A Hain)

ITEM 4.1

FERNY HILLS SWIMMING POOL HEAT PUMP REPLACEMENT - DIVISION 10

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A19306632 : 15 November 2019 - Refer **Confidential Supporting Information A19346158**
Responsible Officer: MK, Principle Engineer Building and Facilities (IP Infrastructure Planning)

Executive Summary

Council invited tenders for the “Ferry Hills Swimming Pool - Heat Pump Replacement (MBRC008361)” project. The tender was evaluated on the 14th November 2019, with a total of six conforming tenders received.

The project scope includes the demolition and renewal works for two heat pumps for the 50 metre pool at the Ferry Hills Swimming Pool Complex, as the existing heat pumps are in very poor condition. The new heat pumps will allow the pool to be sufficiently heated and to be in service all year round.

It is recommended that Council awards the primary contract for the “Ferry Hills Swimming Pool - Heat Pump Replacement (MBRC008361)” to Sunbather Pty Ltd for the sum of \$222,240.00 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

RESOLUTION

Moved by Cr Matt Constance

Seconded by Cr Mike Charlton (Deputy Mayor)

CARRIED 10/0

Cr Koliانا Winchester had briefly retired from the meeting was not present when the vote was taken

1. That the tender for the “Ferry Hills Swimming Pool - Heat Pump Replacement (MBRC008361)” be awarded to Sunbather Pty Ltd for the amount of \$224,240.00 (excluding GST).
2. That the Council enters into an agreement with Sunbather 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 Sunbather Pty Ltd for the “Ferry Hills Swimming Pool - Heat Pump Replacement (MBRC008361)” and any required variations of the agreement on Council's behalf.

ITEM 4.1 FERNY HILLS SWIMMING POOL HEAT PUMP REPLACEMENT - DIVISION 10 - A19306632 (Cont.)

OFFICER'S RECOMMENDATION

1. That the tender for the "Ferry Hills Swimming Pool - Heat Pump Replacement (MBRC008361)" be awarded to Sunbather Pty Ltd for the amount of \$224,240.00 (excluding GST).
2. That the Council enters into an agreement with Sunbather 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 Sunbather Pty Ltd for the "Ferry Hills Swimming Pool - Heat Pump Replacement (MBRC008361)" and any required variations of the agreement on Council's behalf.

REPORT DETAIL

1. Background

The "Ferry Hills Swimming Pool - Heat Pump Replacement (MBRC008361)" project is located at the Ferry Hill Swimming Pool Complex at Ferry Way, Ferry Hills, Queensland.



Figure 1: Location of Works - Ferry Hills Swimming Pool

The outcome of this project is to ensure that the 50 metre pool is sufficiently heated such that it is able to be in service all year round. Currently the pool closes for winter. The heat pumps currently installed at the 50 metre pool at Ferry Hills Swimming Pool are reaching their end of life and are due for renewal. The heat pumps that are in operation currently are not achieving the desired water temperature, which has raised complaints from the pool management and the public. This is due to fact that the heat pumps are leaking water and there are multiple defects in the system.

GHD were engaged as an engineering consultant to provide an assessment on the heating requirements required for the 50 metre pool to be operational and sufficiently heated all year round. GHD provided engineering drawings and the technical specification to be issued for tender.

ITEM 4.1 FERNY HILLS SWIMMING POOL HEAT PUMP REPLACEMENT - DIVISION 10 - A19306632 (Cont.)

The heat pumps renewal scope of works includes the demolition and removal of the existing heat pump equipment and installation of two new heat pumps. The works include all associated plumbing and electrical works to tie the new heat pumps and control gear into the existing plumbing and electrical services. (See Figure 2). The heat pumps will have provision to connect to Council’s IELVS Building Management System for remote heat pump monitoring and alarm management. The integration into IELVS is outside of the scope of works for this tender.

Works will require 12 weeks to complete, which includes the lead time for heat pump manufacture and delivery to site, and the construction works on site. Following the completion of the works, the heat pumps will be handed over to Council and Ferny Hill’s Swimming Pool management and will include all supporting documentation and certification. Sunbather Pty Ltd will provide on-site training for management staff and Council in the correct operation of the new heat pumps.

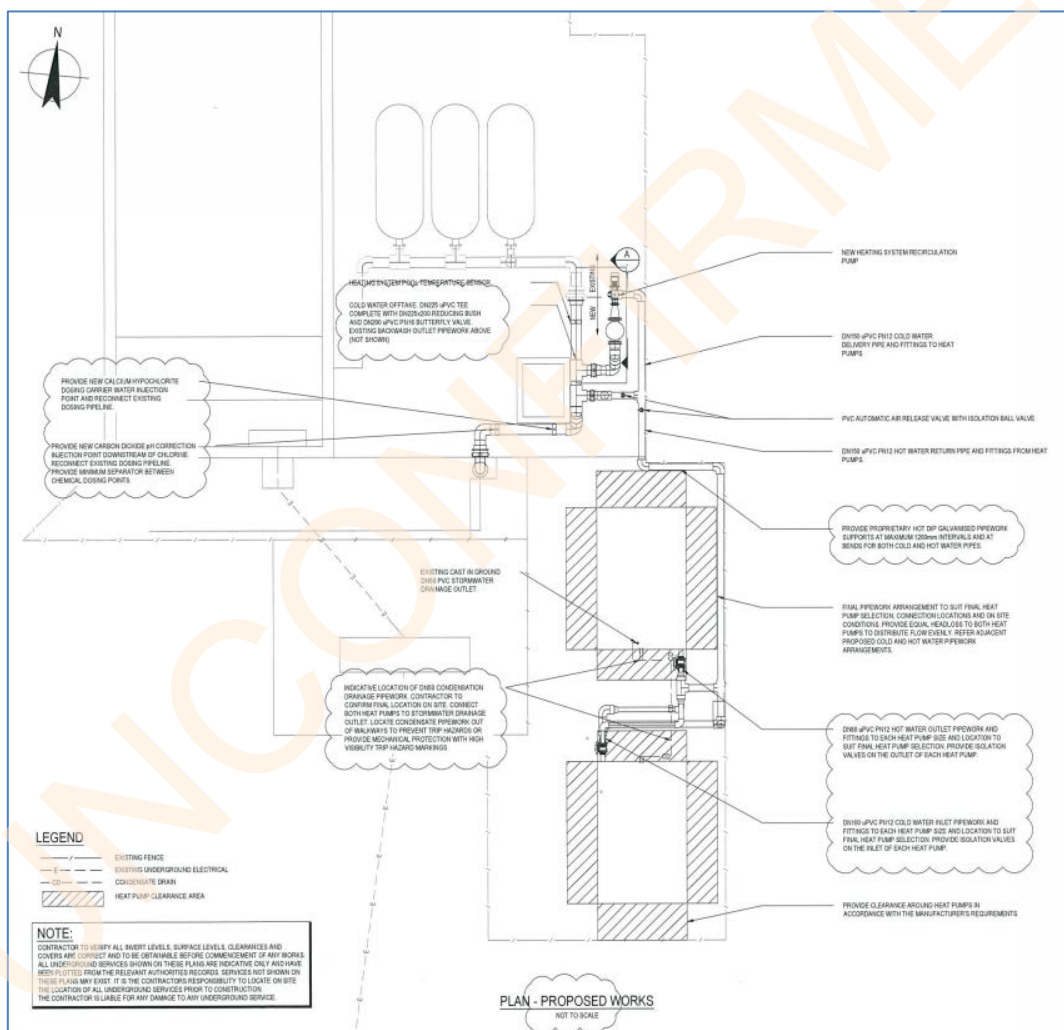


Figure 2: Ferny Hills Swimming Pool - 50m Pool Heat Pumps Replacement Proposed Plan

2. Explanation of Item

Tenders were invited for the “*Ferny Hills Swimming Pool - Heat Pump Replacement (MBRC008631)*” project. The tenders were evaluated on the 14th November 2019 with a total of six tenders. All six companies that provided a tender were conforming. The responses were assessed by the assessment panel in accordance with Council’s Purchasing Policy and the selection criteria set out in the tender documentation.

ITEM 4.1 FERNY HILLS SWIMMING POOL HEAT PUMP REPLACEMENT - DIVISION 10 - A19306632 (Cont.)

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

Table 2 - Tenderer's Evaluation Scores

RANK	TENDERER	EVALUATION SCORE
1	Sunbather Pty Ltd	100.00
2	Platinum Aquatics Australia	86.15
3	Alto Pacific Pty Ltd	83.70
4	QIS Energy Conservation Systems Pty Ltd	80.60
5	Evo Industries Pty Ltd	77.42
6	EDRESS Pty Ltd	54.54

The following observations of tenders were made by the assessment team:

Sunbather Pty Ltd submitted a tender which extensively covered all evaluation criteria and mandatory criteria. This included a detailed methodology and strategy, Gantt Chart and work health & safety management. Sunbather Pty Ltd have previously undertaken similar work for local government including the installation of heat pumps with commercial pool covers at the Murrumba Downs Swimming Pool for Council. Sunbather have also undertaken similar heat pump installation works for other Council's within South-East Queensland including Ipswich City Council and Logan City Council.

At a tender clarification meeting with Sunbather Pty Ltd, they demonstrated their understanding and methodology to complete this project to conform with the technical specification. The construction duration is 12 weeks inclusive of the required lead time of the heat pumps manufacture and delivery, wet weather allowance and the installation of the heat pumps and the associated plumbing and electrical works on site at the Ferny Hills Swimming Pool.

Platinum Aquatics Australia submitted a comprehensive tender and demonstrated their ability and experiences on smaller heat pump projects. The proposed heat pumps and equipment to be installed conformed to the technical specification. However, there were no additional benefits for the higher price.

Alto Pacific Pty Ltd submitted a comprehensive tender and demonstrated their ability and experiences on other pool projects. Their proposed heat pumps and associated equipment to be installed met the required technical specifications. However, there were no additional benefits for the higher price.

QIS Energy Conservation Systems Pty Ltd submitted a comprehensive tender and demonstrated their ability and experiences on similar projects and the proposed heat pumps and associated equipment to be installed met the required technical specifications. However, QIS's tender submission provided no additional benefits for the higher price.

Evo Industries Pty Ltd submitted a comprehensive tender, with the equipment selection meeting the technical specification by installing 3 smaller heat pumps, rather than 2 stated in the specification. However, Evo's tender submission provided no additional benefits for the higher price.

EDREES Pty Ltd submitted a satisfactory tender, with the equipment selection meeting the required specification however, EDREE's tender submission did not provide a detailed delivery plan and their tender submission provided no additional benefits for the higher price.

ITEM 4.1 FERNY HILLS SWIMMING POOL HEAT PUMP REPLACEMENT - DIVISION 10 - A19306632 (Cont.)

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

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

3.4 Risk Management Implications

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

Financial Risk:

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

Construction Method/Complexity Risks:

- a. The recommended contractor will provide a detailed program of works, a staging plan with lead times for critical equipment, site specific traffic management, environmental management and safety plans. Work areas will be isolated to protect site personnel, the public, and to meet workplace health and safety requirements.
- b. The contractor has demonstrated their understanding of constructability challenges and their technical capability to complete the works at this location and within a limited timeframe.
- c. There are no Development Approvals relating to this site or project.

Site Operation Risks:

- a. The recommended contractor has advised that they will work closely with Council and the pool management at the Ferny Hills Swimming Pool to minimise disruptions to day-to-day operations

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications

\$18,231.00 was spent in 18/19 FY for the 50 metre pool heat pump design.

Council has allocated a total of \$311,832 for this project in the 19-20 FY.

Tender Price (Construction)	\$222,240.00
Contingency (10%)	\$22,224.00

Total Project Cost	\$244,464.00
	=====
Estimated ongoing operational/maintenance costs	\$5,500.00 per F/Y.

This project will be debited to job/project number 101991.

The budget allocation for this project is sufficient.

ITEM 4.1 FERNY HILLS SWIMMING POOL HEAT PUMP REPLACEMENT - DIVISION 10 - A19306632 (Cont.)

3.7 Economic Benefit

The intention of this project is for Council to be able to operate the heat pumps for the 50 metre pool all year round, as it so determines, which will assist in maximising the use of the facility and reduce the risk of the current lease holders being unable to use the pools for purposes which require heated water.

3.8 Environmental Implications

An Environmental Management Plan will be provided by the successful tenderer, detailing the management of environmental matters affecting the project during construction.

3.9 Social Implications

The project will have a positive social impact to the Ferny Hills community, by allowing full utilisation of the 50m pool as it will be sufficiently heated and is able to be operational all year round. This assists the community to promote healthy lifestyles.

3.10 Consultation / Communication

Building & Facilities Planning will be in continuous communication with the Principal Contractor. Communication strategies include weekly updates from the contractor regarding the heat pumps manufacture lead time and installation progress. Weekly site visits will occur to get regular updates on construction progress. In addition, Property & Commercial Services will be given constant updates on the project's progress.

**ITEM 4.2
BEACHMERE COMMUNITY CENTRE DEVELOPMENT - DIVISION 2**

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A19341139 : 2 October 2019 - Refer **Confidential** Supporting Information
A19349529
Responsible Officer: MK, Principal Engineer Buildings and Facilities (IP Directorate)

Executive Summary

Tenders were invited for the “*Beachmere Community Centre Development (MBRC008651)*” project. The Request for Tender closed on 17 September 2019 with a total of 6 conforming tenders received.

The tender comprised of the primary works and four optional extras; Option 1 (operable wall), Option 2 (entry ramp veranda), Option 3 (vinyl function room floor) and Option 4 (refurbished amenities). A fire hydrant will also be installed in the carpark as part of the project however these works will be undertaken by a separate specialist contractor.

It is recommended that Council includes Option 1 (operable wall between activity room 1 and 2), Option 3 (vinyl function room floor) and Option 4 (refurbished male and female amenities) as part of the contract as this will provide Council with an improved and versatile facility to meet the Beachmere community’s needs.

It is recommended that Council awards the contract for the “*Beachmere Community Centre Development (MBRC008651)*” to Quadric Pty Ltd, for the sum of \$563,510.70 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

RESOLUTION

Moved by Cr Peter Flannery

Seconded by Cr Brooke Savige

CARRIED 11/0

1. That the tender for “*Beachmere Community Centre Development (MBRC008651)*” be awarded to Quadric Pty Ltd for the amount of \$563,510.70 (excluding GST), which includes Option 1 (operable wall between activity room 1 and 2), Option 3 (vinyl function room floor) and Option 4 (refurbished male and female amenities).
2. That the Council enters into an agreement with Quadric Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Quadric Pty Ltd for “*Beachmere Community Centre Development (MBRC008651)*” and any required variations of the agreement on Council’s behalf.

ITEM 4.2 BEACHMERE COMMUNITY CENTRE DEVELOPMENT - DIVISION 2 - A19341139 (Cont.)

OFFICER'S RECOMMENDATION

1. That the tender for "Beachmere Community Centre Development (MBRC008651)" be awarded to Quadric Pty Ltd for the amount of \$563,510.70 (excluding GST), which includes Option 1 (operable wall between activity room 1 and 2), Option 3 (vinyl function room floor) and Option 4 (refurbished male and female amenities).
2. That the Council enters into an agreement with Quadric Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Quadric Pty Ltd for "Beachmere Community Centre Development (MBRC008651)" and any required variations of the agreement on Council's behalf.

REPORT DETAIL

1. Background

In March 2018, the community facility located at 10-26 Biggs Avenue, Beachmere was handed back to Council for management. The facility had previously been occupied by the Returned Service League of Australia (Queensland Branch) Beachmere Sub Branch Inc. under a lease agreement with Council and was utilised primarily as a food and beverage venue.

Following the facility's return to Council, a community facility needs assessment and planning process was undertaken to determine future community use of the building. As an outcome of this process, it was determined that the facility be repurposed as a multi-purpose community centre/hall which is to be managed by a non-profit community organisation on behalf of Council, under a Hall Management Agreement.

A Council meeting on 4 December 2018 recommended that Beachmere Area Network Group Inc. (BANG) be appointed to manage the community facility under a Hall Management Agreement for a five-year term commencing after the redevelopment works have been completed.

A budget allocation was provided in the 2018/19 and 2019/20 Council budgets to fund the redevelopment works. The budget allocation covers the detailed design of the redeveloped building as well as the corresponding construction works.



Figure 1 - Location of Community Centre

ITEM 4.2 BEACHMERE COMMUNITY CENTRE DEVELOPMENT - DIVISION 2 - A19341139 (Cont.)

The detailed design of the community centre has been completed incorporating significant input from BANG, as well as all relevant stakeholders within Council.

The floor plan of the redeveloped community centre is shown below in Figure 2 and comprises of the following areas:

- Area in blue - Six separate leasable areas
- Area in purple - Disaster Management store room
- Area in red - Bowls Club shared office
- Area in green - Shared amenities and cleaners store room

All leasable areas will have access to the amenities via swipe card including the bowls club whom occupy the adjacent shed and bowls greens.

The community centre will form part of Council's disaster management facilities network. Future works will include the installation of a generator capable of supplying electricity to the building during power outages.

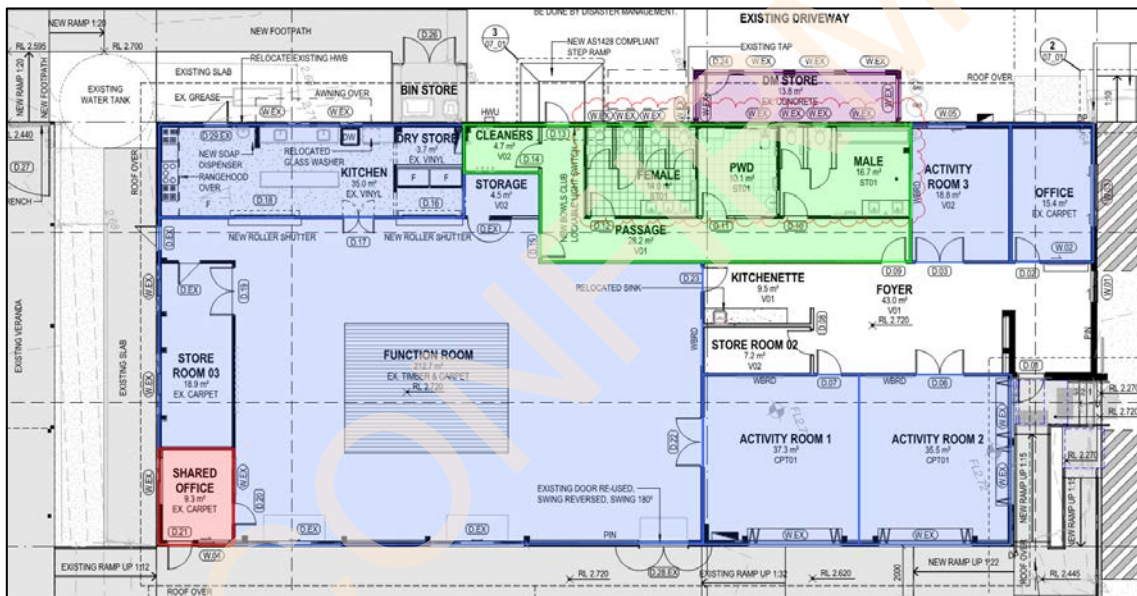


Figure 2 - Floor Plan

Tenderers were requested to provide prices for the base works as well as the four optional extras giving Council the ability to select desirable works based on the prices received and stakeholder feedback. The optional extras consist of Option 1 (operable wall between activity room 1 and 2), Option 2 (design and construction of front entry ramp veranda), Option 3 (vinyl flooring in function room) and Option 4 (refurbished male and female amenities).

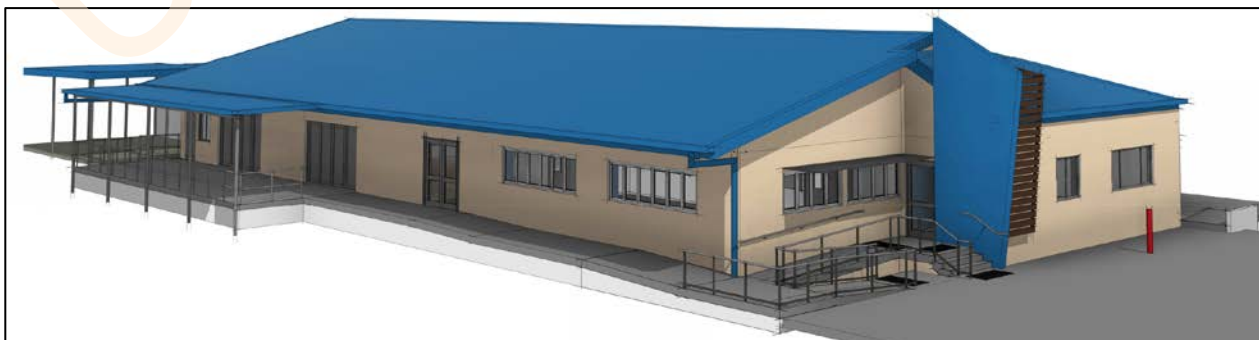


Figure 3 - Artist's Impression

ITEM 4.2 BEACHMERE COMMUNITY CENTRE DEVELOPMENT - DIVISION 2 - A19341139 (Cont.)

2. Explanation of Item

Tenders for the “*Beachmere Community Centre Development (MBRC008651)*” project closed on 17 September 2019 with a total of six conforming tenders and zero non-conforming tenders. A site inspection for all tenderers was mandatory. The tenders were assessed by the assessment panel in accordance with Council’s Purchasing Policy and the selection criteria as set out in the tender documents.

All tenderers and their evaluation scores are tabled below (ranked from highest to lowest). Stakeholder feedback indicated that Option 1, Option 3 and Option 4 are requested to be included as part of the contract therefore these evaluation scores reflect this.

Table 1 - Tender Evaluation Scores

RANK	TENDERER	EVALUATION SCORE
1	Quadric Pty Ltd	98.88
2	Kane Constructions (QLD) Pty Ltd T/A Arete Australia	97.82
3	Intrec Management Pty Ltd	94.04
4	Premis Solutions Pty Ltd	93.78
5	NF Corbett Pty Ltd	90.76
6	LEAF Building Group Pty Ltd	85.30

Quadric Pty Ltd (Quadric) submitted a comprehensive tender and demonstrated its methodology and experiences on projects of a similar scale and complexity. Quadric has undertaken similar sized refurbishment works for various school buildings around South-East Queensland demonstrating its ability to manage construction works for a government agency. At a tender clarification meeting held on 12 November 2019, Quadric demonstrated its understanding and methodology to complete the project including management of the site and the adjacent bowls club. Quadric has indicated the construction duration will be 10 weeks inclusive of wet weather. The assessment panel evaluated the offer from Quadric as providing the best overall value to Council.

Kane Constructions (QLD) Pty Ltd T/A Arete Australia (Arete) submitted a comprehensive tender and demonstrated its ability on projects of a similar scale and complexity. Arete has undertaken similar works for other Councils within South-East Queensland including Sunshine Coast Council, Noosa Shire Council, and Gold Coast City Council. At a tender clarification meeting on 9 October 2019, Arete demonstrated its understanding and methodology to complete the project including management of the site and the adjacent bowls club. The construction duration is 13 weeks inclusive of wet weather. Arete offers no additional benefits to Council for the higher price.

Intrec Management Pty Ltd (Intrec) submitted a comprehensive tender and demonstrated its ability on projects of a similar scale and complexity. Intrec has completed similar works for Moreton Bay Regional Council including the refurbishment of Bribie Island Library and The Corso Level 4 Tenancy Split. The construction duration is 14 weeks inclusive of wet weather. Intrec offers no additional benefits to Council for the higher price.

3. Strategic Implications

3.1 Legislative / Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

ITEM 4.2 BEACHMERE COMMUNITY CENTRE DEVELOPMENT - DIVISION 2 - A19341139 (Cont.)

3.3 Policy Implications

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

- Council's Procurement Policy 2150-006
- Local Government Act 2009
- Local Government Regulation 2012

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 Risk:

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

Construction Risks:

- a. The recommended contractor will provide a detailed program of works, a staging plan, site specific traffic management, environmental management and safety plans. Work areas will be isolated to protect site personnel, the public, and to meet workplace health and safety requirements.
- b. The contractor has demonstrated its understanding of constructability challenges and its technical capability to complete the works at this location.

Wet weather delays

- a. The Request for Tender documents required tenderers to include an allowance for inclement weather within their tendered construction time line. The allowance is based upon the Bureau of Meteorology Rainfall Graph for the Brisbane area. The contractor has provided an initial program of works with an inclusion of estimated wet weather days.

3.5 Delegated Authority Implications

No delegated authority implications arising as a direct result of this report.

3.6 Financial Implications

Council has allocated a total of \$1,000,000 for this project. \$49,841.50 has been spent in FY18/19 for the planning/design and the remaining \$950,158.50 is for the remaining planning/design as well as the construction phase of the project in FY19/20.

Planning/Design	\$ 84,240.09
Tender price - inclusive of Options 1,3 & 4 (Construction Contract)	\$ 563,510.70
Contingency (10%)	\$ 56,351.07
Fire Hydrant (Separate Construction Contract)	\$ 130,000.00
Contingency (10%)	\$ 13,000.00
	=====
Total Project Cost	\$ 847,101.86
	=====

Estimated ongoing operational/maintenance costs: \$ 15,000.00 per F/Y

This project will be debited to job/project number 107754.
The budget amount for this Project is sufficient.

3.7 Economic Benefit Implications

The project provides Council with a leasable facility and will bring the building back to full utilisation for the Beachmere community.

ITEM 4.2 BEACHMERE COMMUNITY CENTRE DEVELOPMENT - DIVISION 2 - A19341139 (Cont.)

3.8 Environmental Implications

An Environmental Management Plan will be provided by the successful tenderer, detailing the management of environmental matters affecting the project during construction.

3.9 Social Implications

The project will have a positive social impact to the Beachmere community by allowing full utilisation of the building's spaces by community groups. The building will also be DDA compliant once works have been completed.

3.10 Consultation / Communication

Building & Facilities Planning will be in continuous communication with the principal contractor throughout the entire project. Communication strategies include weekly site visits to gather updates from the contractor. Communication strategies include consistent updates to the Community Services Sports & Recreation team which will be passed onto BANG and the bowls club, as required.

5 PARKS, RECREATION & SPORT SESSION

(Cr K Winchester)

No items for consideration.

6 LIFESTYLE & AMENITY SESSION

(Cr D Sims)

No items for consideration.

7 ECONOMIC DEVELOPMENT, EVENTS & TOURISM SESSION

(Cr P Flannery)

No items for consideration.

8 REGIONAL INNOVATION SESSION

(Cr D Grimwade)

ITEM 8.1

TRANSFER OF LAND TO UNITYWATER - DIVISION 12

Meeting / Session: 8 REGIONAL INNOVATION
Reference: A19327723 : 11 November 2019 - **Refer Supporting Information A19327751**
Responsible Officer: CL, Property Officer (CES Property & Commercial Services)

Executive Summary

This report seeks Council's approval to dispose of a property located at 5 Manordowns Drive, D'Aguilar (Lot 105 on SP224581) to Unitywater.

RESOLUTION

Moved by Cr Adam Hain

Seconded by Cr Peter Flannery

CARRIED 11/0

1. That the exception contained in section 236(1)(b)(i) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That Council approves the sale of the Council property detailed 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 contract of sale on the Council's behalf, as described in this report.

ITEM 8.1 TRANSFER OF LAND TO UNITYWATER - DIVISION 12 - A19327723 (Cont.)

OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(b)(i) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That Council approves the sale of the Council property detailed 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 contract of sale on the Council's behalf, as described in this report.

REPORT DETAIL

1. Background

5 Manordowns Drive, D'Aguilar (Lot 105 on SP224581) is a 209m² parcel of Council-owned land used entirely by Unitywater for the purposes of a pump station. Unitywater records indicate that this land was incorrectly excluded from the Transfer of Assets Scheme in 2010.

2. Explanation of Item

The property houses a Unitywater pump station, and is considered to have no practical use for Council. Presently, Unitywater relies on its rights under the *SEQ Water (Distribution & Retail Restructuring) Act 2009* to access the existing infrastructure. Council's departments have been consulted and the consensus is that a transfer of the entire Lot 105 is appropriate given the small area of the existing lot, and that it is more cost effective than a boundary realignment.

The transfer of the property for a nominal amount is deemed appropriate as it has been identified that the property was incorrectly retained by Council in 2010 following the Transfer of Asset Scheme.

Unitywater is to pay all fees and stamp duty associated with the transfer. Consultation with Unitywater has confirmed in-principle support to assume ownership of the property on these general terms.

3. Strategic Implications

3.1 Legislative / Legal Implications

Section 236(1)(b)(i) of the Regulation provides an exception whereby the Council may dispose of a valuable non-current asset other than by tender or auction if the valuable non-current asset is disposed of to a government agency. The Council may only rely on that exception, if before granting the transfer of land, it resolves that the exception applies.

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

As noted in Recommendation 3.

3.6 Financial Implications

Nil identified

3.7 Economic Benefit Implications

Nil identified

ITEM 8.1 TRANSFER OF LAND TO UNITYWATER - DIVISION 12 - A19327723 (Cont.)

3.8 Environmental Implications Nil identified

3.9 Social Implications Nil identified

3.10 Consultation / Communication
Financial Services Department
Legal Services Department
Infrastructure Planning Department

UNCONFIRMED

11. GENERAL BUSINESS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE

**ITEM 11.1
REGIONAL EVENTS**

Cr Adam Hain advised of his attendance at the **Caboolture Christmas Carols** held Saturday 24 November 2019 at Centenary Lakes, Caboolture, its second year held at that location which Cr Hain stated had proven to be a great move.

Cr Hain also noted Cr Peter Flannery's address to the community at the Carols, making special mention of the local Rural Fire Brigade and that the proceeds of what would have been the Christmas Fireworks across the Moreton Bay Region being donated to the Bushfire Appeal, was very well received.

Cr Adam Hain recently attended the **Caboolture Orchid Society's 50th Anniversary**.

Cr Koliana Winchester reported on the **Division 5 and 6 Teddy Bears Picnic** held Friday 22 November 2019, saying that there had been a great turnout by the local community and that in particular, the Woody Point business owners commended the success of the event.

**ITEM 11.2
MORETON BAY REGION STATE EMERGENCY SERVICE UNIT AWARDS**

Cr Denise Sims reported on the Moreton Bay Region State Emergency Service Unit Awards held Friday 22 November 2019, an event recognising SES members who voluntarily provide a service to the community.

RESOLUTION

Moved by Cr Denise Sims

Seconded by Cr Peter Flannery

CARRIED 11/0

That a Mayoral letter of congratulation be sent to the local State Emergency Services (SES) branches and the Local Controller, Moreton Bay SES Unity Henk van den Ende, thanking them for their service, noting the recent Moreton Bay Region SES Unit Awards that recognised the importance of this service provided to the community.

**ITEM 11.3
BRIBIE ISLAND LIONS - CAMP QUALITY**

Cr Brooke Savige attended the Annual Camp Quality Christmas event hosted by the Bribie Island Lions, also attended by many Lions Clubs from across the Moreton Bay Region. The event provides support to families experiencing challenges.

RESOLUTION

Moved by Cr Brooke Savige

Seconded by Cr Peter Flannery

CARRIED 11/0

That a Mayoral letter of congratulation be sent to the Bribie Island Lions, thanking them for their tireless efforts in hosting the annual Camp Quality Christmas event held on Bribie Island.

**ITEM 11.4
INSTALLATION OF CCTV CAMERAS - MORETON BAY REGIONAL COUNCIL
CEMETERIES**

Cr Peter Flannery requested that Council investigate a rolling program (prioritised) of CCTV and security upgrades at cemeteries and memorial gardens throughout the Region.

RESOLUTION

Moved by Cr Peter Flannery

Seconded by Cr Mike Charlton (Deputy Mayor)

CARRIED 11/0

That Council investigate a rolling program of CCTV and security upgrades at cemeteries and memorial gardens throughout the Moreton Bay Region.

**ITEM 11.5
DECLARATION OF INTEREST - COUNCIL WORKSHOPS: DEVELOPMENT LEASE
OVER LAND AT THE MILL SITE**

Conflict of Interest - Declaration - Cr Allan Sutherland (Mayor)

Pursuant to s175E of the *Local Government Act 2009*, Cr Allan Sutherland (Mayor), declared a perceived conflict of interest in an upcoming matter to be workshopped and which may be the subject of Council decisions - namely the Development Lease over land at The Mill site. I declare that Philip Usher Constructions donated \$10,000 to Moreton Futures Trust in 2016.

Cr Sutherland sought advice from the Department of Local Government, Racing and Multicultural Affairs and the Office of the Independent Assessor about previous complaints made to the Office of the Independent Assessor (OIA) about this donation.

However, Cr Sutherland has considered his position and is firmly of the opinion that he could participate in the debate and discussions on the matter in the public interest.

Conflict of Interest - Declaration - Cr Julie Greer

Pursuant to s175E of the *Local Government Act 2009*, Cr Julie Greer declared a perceived conflict of interest in an upcoming matter to be workshopped and which may be the subject of Council decisions - namely the Development Lease over land at The Mill site. Philip Usher Constructions who owns land across the river to The Mill and which is included in the Priority Development Area, was a contributor to Moreton Futures Trust who in turn contributed part of the \$2488.35 to Cr Greer's 2016 election campaign.

However, Cr Greer has considered her position and is firmly of the opinion that she could participate in the debate and discussions on the matter in the public interest.

Conflict of Interest - Declaration - Cr Peter Flannery

Pursuant to s175E of the *Local Government Act 2009*, Cr Peter Flannery declared a perceived conflict of interest in an upcoming matter to be workshopped and which may be the subject of Council decisions - namely the Development Lease over land at The Mill site. During the Councillor's 2016 Election campaign, he received in-kind support in the amount of \$160 from Philip Usher Constructions who owns land across the river to The Mill and which is included in the Priority Development Area, and was one of nine businesses in total who made a donation to Moreton Futures Trust.

However, Cr Peter Flannery has considered his position and is firmly of the opinion that he could participate in the debate and discussions on the matter in the public interest.

Other Councillors who are entitled to vote must decide

Pursuant to s175E(3) of the Local Government Act 2009, the other Councillors who are entitled to vote at the meeting having been informed about Councillors personal interests in an upcoming matter to be workshopped and which may be the subject of council decisions - namely the Development Lease over land at The Mill site and the Councillors have stated their intention to not voluntarily leave the meeting, and in accordance with s175E(4) the other Councillors must decide whether the Councillors have a real or perceived conflict of interest in the matter and what action the Councillors must take.

Moved by Cr Mick Gillam

Seconded by Cr Mike Charlton (Deputy Mayor)

CARRIED 8/0

That in accordance with s175E(4) of the Local Government Act 2009, Cr Allan Sutherland (Mayor), Cr Julie Greer and Cr Peter Flannery have a perceived conflict of interest in an upcoming matter to be workshopped and which may be the subject of council decisions - namely the Development Lease over land at The Mill site, however, may participate in the meeting including voting on the matter as it is considered that this is in the public interest.

12. CLOSED SESSION

(s275 of the Local Government Regulation 2012)

Consideration of confidential officers' reports as referred by the Chief Executive Officer and confidential general business matters as raised at the meeting.

As Council did not seek to discuss the confidential detail of Item C.1, the meeting remained in open session and the following motions were moved.

12a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL

ITEM C.1 – CONFIDENTIAL

TRUSTEE LEASE FOR TELECOMMUNICATIONS PURPOSES - MORETON BAY REGIONAL COUNCIL TO OPTUS - DIVISION 1

Meeting / Session: 7 Economic Development, Events & Tourism (Cr P Flannery)

Reference: A19134431 : 7 November 2019 - Refer **Confidential Supporting Information A19134430**

Responsible Officer: JH, Technical Officer - Property Services (CES Property & Commercial Services)

Basis of Confidentiality

Pursuant to s275(1) of the Local Government Regulation 2012, clause (e), as the matter involves contracts proposed to be made by the Council.

Executive Summary

This report seeks Council's approval for the provision of a lease to Optus Mobile Pty Limited (Optus) for the purpose of installing a telecommunications facility (Facility) on the terms outlined in this report.

RESOLUTION

Moved by Cr Brooke Savige

Seconded by Cr Mick Gillam

CARRIED 11/0

1. That the exception contained in section 236(1)(c)(vi) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the property referred to in this report.
2. That Optus be granted a trustee lease over Lease P in SP307979 in respect of Lot 12 on SP100033 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.

12b. CONFIDENTIAL GENERAL BUSINESS

No items for consideration.

13. CLOSURE

There being no further business the meeting closed at 12.31pm.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 19/2392 to 19/2463 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 26 November 2019.

Graeme Kanofski
Acting Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Tuesday 3 December 2019.

Graeme Kanofski
Acting Chief Executive Officer

Councillor Allan Sutherland
Mayor