



# MINUTES

## GENERAL MEETING

**Tuesday 11 February 2020**

commencing at 10.30am

Caboolture Chambers  
2 Hasking Street, Caboolture

**ENDORSED GM20200218**

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**4. A) CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING**

**General Meeting - 11 February 2020 (Pages 20/183 to 20/252)**

**RESOLUTION**

**Moved by Cr Koliانا Winchester**

**Seconded by Cr Julie Greer**

**CARRIED 11/0**

**That the minutes of the General Meeting held 11 February 2020 be confirmed.**

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## 1. OPENING PRAYER

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The Acting Mayor recited the Opening Prayer and invited Councillors to join him in the recitation of the Lord's Prayer.

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## 2. ATTENDANCE & APOLOGIES

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### **Attendance:**

Cr Mike Charlton (Acting Mayor) (Chairperson)  
Cr Brooke Savige  
Cr Peter Flannery  
Cr Adam Hain  
Cr Julie Greer  
Cr James Houghton  
Cr Koliانا Winchester  
Cr Denise Sims  
Cr Mick Gillam  
Cr Matthew Constance  
Cr Darren Grimwade

### **Suspended:**

Under section 175K (previously section 182A) of the *Local Government Act 2009* Cr Allan Sutherland (Mayor) and Cr Adrian Raedel are currently suspended from office

### **Officers:**

Chief Executive Officer	(Mr Greg Chemello)
Deputy CEO/Director Engineering, Construction & Maintenance	(Mr Tony Martini)
Director Community & Environmental Services	(Mr Bill Halpin)
Director Finance & Corporate Services	(Ms Donna Gregory)
Director Infrastructure Planning	(Mr Andrew Ryan)
Director Planning	(Mr David Corkill)
Manager Development Services	(Mr Dan Staley)
Accounting Services Manager	(Mr Denis Crowe)
Financial Operations Manager	(Mr Jason Linsdell)
Team Leader Planning	(Ms Amy White)
Manager Environmental Services	(Ms Robyn Moffat)
Coordinator Infrastructure Planning	(Ms Elissa McConaughy)
Meeting Support	(Larissa Kerrisk)

### **Apologies:**

Nil

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## 3. MEMORIALS OR CONDOLENCES

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

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#### 4. A) CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

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##### **General Meeting - 4 February 2020 (Pages 20/153 - 20/180)**

##### **RESOLUTION**

Moved by Cr Matt Constance

Seconded by Cr Koliana Winchester

**CARRIED 11/0**

That the minutes of the General Meeting held 4 February 2020, be confirmed.

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#### 5. PRESENTATION OF PETITIONS

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

There were no petitions tabled.

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#### 6. CORRESPONDENCE

There was no correspondence tabled.

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#### 7. COMMUNITY COMMENT

Cr Mike Charlton (Acting 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.

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##### **7.1. Community Comment: Noel Wendt - Bribie Gardens Waterway (A19673313)**

Mr Noel Wendt addressed the Council in respect of Bribie Gardens Waterway, making the following points:

- Dissatisfaction with Council's management of the public lake and reserve and Council's inability to manage the waterway and its associated lock and weir.
- The impact of waterfront residents' enjoyment of the waterway and spoiling the reputation of the estate.
- The impact of property values and increased difficulty selling properties due to the waterway not being managed operationally or environmentally.
- Bribie Gardens residents are required to pay for the entire maintenance of the public lake and waterway which serves as a drainage system for the majority of Bongaree of approximately 1,200 properties.
- The maintenance levy continues to increase each year to cover replacement of the lock and weir.
- The rigid system for pontoon leases and public liability insurance makes it difficult to have facilities for boats, restricts sales and the transfer of properties.
- Council's maintenance of the waterway falls short of a Trustee empowered by the State Government.
- The fortnightly boat patrol to remove floating debris is not enough with residents cleaning up in the interim, screens are not fitted to 35 stormwater drains and Council has ceased routine water quality monitoring.
- The recent major maintenance shutdown of the lock and weir included closure of the lock which blew out to almost double the time predicted to carry out work at 10 weeks, and over 25% in cost. Four months later faults in the lock are trapping people and preventing access to the Moreton Bay.

## **7.2. Community Comment: Dean Teasdale - Development and the Planning Scheme (A19673368)**

Mr Dean Teasdale addressed the Council in respect of development and the planning scheme in the Moreton Bay region.

- Moreton Bay is one of the fastest growing regions which brings challenges and opportunities.
- The challenge of planning for population growth is putting a strain on current infrastructure, reduced block sizes, supply and demand, job competition, and the environment becoming a secondary consideration. Another challenge is good governance of and by local government.
- Council needs to ensure that the planning process gets out of the courtroom and back into council meetings. A legal bill of approximately \$7 million which includes planning matters is unacceptable.
- A prohibition of major planning decisions comes into effect when Council moves into caretaker mode when the election is announced on 22 February 2020.
- That Councillors look beyond the players and acknowledge the long term positive or negative permanence of approved planning applications. Consideration given to whether an application complies with the planning scheme and a decision to approve or refuse an application will create a better region in the future. Council's Infrastructure Planning for example takes consideration to 15 years into the future.
- Council to review the number of planning decisions made under delegation. Council recently had a 13-week period in which no development application decisions were made.
- Democratic representation, social inclusion, meaningful community engagement and better notification to the community of development applications.
- Open planning meetings for submissions to be heard and for Councillors to have the opportunity to ask questions and engage on the floor of Council.
- When planning process and policies of Council addresses balanced growth and development then the protection and enhancement of lifestyle and the local environment can be realised.

## **8. NOTIFIED MOTIONS**

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There were no notified motions.

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

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*(s262 of the Local Government Regulation 2012)*

There were no notices of motion.



## 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 Mike Charlton (Acting 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 Kolianna 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 M Charlton, Acting Mayor)

#### ITEM 1.1

#### CARETAKER PERIOD ARRANGEMENTS - DELEGATION TO CHIEF EXECUTIVE OFFICER - REGIONAL

Meeting / Session: 1 GOVERNANCE  
Reference: A19613539 : 28 January 2020  
Responsible Officer: DD, Manager Executive Services (FCS Executive Services)

#### Executive Summary

The Caretaker Period for the upcoming quadrennial local government elections is expected to commence on Saturday 22 February 2020 and Council will conduct its final meeting for the current term on Tuesday, 25 February 2020.

This report recommends that the powers given to the Council under legislation be delegated to the Chief Executive Officer for the period 26 February 2020 until the end of the election as determined by the Electoral Commission Queensland.

#### RESOLUTION

Moved by Cr Adam Hain

Seconded by Cr Peter Flannery

CARRIED 11/0

1. That subject to those limitations under sections 90B and 257(2) and (3) of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer the powers given to the Council under the *Local Government Act 2009* and any other legislation for the period 26 February 2020 until the conclusion of this year's local government election for the Moreton Bay Region as determined by the Electoral Commission Queensland.
2. That the Chief Executive Officer report to the incoming council at the post-election meeting about decisions made under the delegation in Recommendation 1.

ITEM 1.1 CARETAKER PERIOD ARRANGEMENTS - DELEGATION TO CHIEF EXECUTIVE OFFICER - REGIONAL  
- A19613539 (Cont.)

## OFFICER'S RECOMMENDATION

1. That subject to those limitations under sections 90B and 257(2) and (3) of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer the powers given to the Council under the *Local Government Act 2009* and any other legislation for the period 26 February 2020 until the conclusion of this year's local government election for the Moreton Bay Region as determined by the Electoral Commission Queensland.
2. That the Chief Executive Officer report to the incoming council at the post-election meeting about decisions made under the delegation in Recommendation 1.

## **REPORT DETAIL**

### **1. Background**

Council will hold its final meeting for the current term on 25 February 2020. This will leave a period from that date until the end of the election where the Chief Executive Officer may be required to make decisions that would otherwise be made by the Council.

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

It is appropriate for the Council to delegate its powers to the Chief Executive Officer to ensure the continued operation of Council during an extended period when the Council will not be meeting. This delegation does not extend to a power that legislation specifies must be exercised by resolution.

It should also be noted that the restrictions imposed on Council during the caretaker period under s90B of the *Local Government Act 2009* (Prohibition on major policy decision in caretaker period) will apply to this delegation.

Any decisions taken during this period will be reported to the incoming Council.

### **3. Strategic Implications**

#### 3.1 Legislative/Legal Implications

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

When powers are properly delegated to the Chief Executive Officer, these powers are subject to the same restrictions that may be imposed on the Council. For example, the Chief Executive Officer could not make a "major policy decision" in terms of s90B of the Act during the caretaker period without firstly obtaining Ministerial approval.

#### 3.2 Corporate Plan / Operational Plan

Strengthening Communities: Office of the CEO - overall leadership and coordination of council activities.

#### 3.3 Policy Implications Nil identified

#### 3.4 Risk Management Implications Nil identified

#### 3.5 Delegated Authority Implications

Delegation to be prepared giving delegated authority to the Chief Executive Officer to make decisions in relation to the operation of Council during the caretaker period.

*ITEM 1.1 CARETAKER PERIOD ARRANGEMENTS - DELEGATION TO CHIEF EXECUTIVE OFFICER - REGIONAL  
- A19613539 (Cont.)*

3.6 Financial Implications

To be in accordance with the adopted budget.

3.7 Economic Benefit  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications  Nil identified

3.10 Consultation / Communication

The Council, Chief Executive Officer and Directors were consulted in the preparation of this report.

**ATTENDANCE**

Mr Dan Staley attended the meeting at 10.47am for discussion on Items 2.1 and 2.2.

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**2 PLANNING & DEVELOPMENT SESSION**

**(Cr M Gillam)**

**ITEM 2.1  
TEMPORARY DELEGATION OF AUTHORITY FOR CARETAKER PERIOD -  
REGIONAL**

*Meeting / Session:* 2 PLANNING & DEVELOPMENT  
*Reference:* A19620079 : 29 January 2020  
*Responsible Officer:* Kate Wilson, Senior Development Planner (PL Development Services)

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**Executive Summary**

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

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

Due to the upcoming local government elections, a caretaker period applies to ensure that there are no significant policy decisions made near the end of the council term that bind future elected councils. The Caretaker Period for the upcoming quadrennial local government elections is expected to commence on Saturday 22 February 2020 and Council will conduct its final meeting for the current term on Tuesday, 25 February 2020.

As 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.

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**RESOLUTION**

**Moved by Cr Matt Constance**

**Seconded by Cr James Houghton**

**CARRIED 11/0**

1. That subject to recommendation 3, 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. precinct and Sector Plans for North Lakes.
2. That the delegation of powers under recommendation 1 does not include any major policy decision.
3. That the delegation of powers made under recommendation 1 operate for the period 26 February 2020 until the conclusion of this year's local government election for the Moreton Bay Region as determined by the Electoral Commission Queensland.
4. That a report be presented to Council outlining any delegations exercised under this temporary delegation once the delegation ceases.

*ITEM 2.1 TEMPORARY DELEGATION OF AUTHORITY FOR CARETAKER PERIOD - REGIONAL - A19620079*  
(Cont.)

## OFFICER'S RECOMMENDATION

1. That subject to recommendation 3, 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. precinct and Sector Plans for North Lakes.
2. That the delegation of powers under recommendation 1 does not include any major policy decision.
3. That the delegation of powers made under recommendation 1 operate for the period 26 February 2020 until the conclusion of this year's local government election for the Moreton Bay Region as determined by the Electoral Commission Queensland.
4. That a report be presented to Council outlining any delegations exercised under this temporary delegation once the delegation ceases.

## **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.

In accordance with section 90B of the *Local Government Act 2009*, a local government must not make a major policy decision during a caretaker period for the local government. A major policy decision is defined under PA as being a decision on a development application that includes a variation request that proposes to:

- vary the category of development or assessment;
- vary the assessment benchmarks for accepted development;
- facilitate development resulting in a greater demand on infrastructure than Council anticipated; or
- a change to a variation approval (not considered to be a minor change).

### **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 Precinct and Sector Plans for North Lakes where a decision is required during the election caretaker period for the period 26 February 2020 until the conclusion of this year's local government election for the Moreton Bay Region as determined by the Electoral Commission Queensland.

ITEM 2.1 TEMPORARY DELEGATION OF AUTHORITY FOR CARETAKER PERIOD - REGIONAL - A19620079  
(Cont.)

**3. Strategic Implications**

3.1 Legislative / Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

Nil identified

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

In order for non-delegated applications to be approved within the specified time as per the *Integrated Planning Act 1997*, the *Sustainable Planning Act 2009*, the *Planning Act 2016* and the *Economic Development Act 2012*, it is suggested that delegated authority be granted to the Chief Executive Officer during the election caretaker period 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

Nil identified

**ATTENDANCE**

Ms Amy White attended the meeting at 11.04am for discussion on Item 2.2.

**ITEM 2.2**

**DA/39443/2019/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY LOCATED AT 28 FERNLEA AVENUE, SCARBOROUGH - DIVISION 5**

**APPLICANT:** Cyber Design & Drafting C/- DTS Group Qld Pty Ltd

**OWNER:** Mr Jason N P Wholton and Mrs Louise Wholton

Meeting / Session: 2 PLANNING & DEVELOPMENT

Reference: A19563599 : 15 January 2020 - Refer Supporting Information A19563606, A19563631, A19564524

Responsible Officer: TS, Planner (PL Development Services)

**Executive Summary**

This report has been provided to Council as the matter is inconsistent with the Instrument of Delegation under the *Local Government Act 2009* and therefore Council is the authorised entity to decide the development application.

<b>APPLICANTION DETAILS</b>	
<b>Applicant:</b>	Cyber Design & Drafting
<b>Lodgment Date:</b>	25 September 2019
<b>Decision Due Date:</b>	11 February 2020
<b>No. of Submissions:</b>	Properly made: 88 Not Properly Made: 3

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 5
<b>Property Address:</b>	28 Fernlea Avenue, SCARBOROUGH QLD 4020
<b>RP Description</b>	Lot 2 RP 79886
<b>Land Area:</b>	627 m <sup>2</sup>
<b>Property Owner</b>	Mr Jason N P Wholton and Mrs Louise Wholton

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

The proposed development is for a Material Change of Use - Development Permit for a Dual Occupancy at 28 Fernlea Avenue, Scarborough formally described as Lot 2 RP79886. The proposed Dual Occupancy will be attached (side by side) and constructed as a two-storey development containing the following:

- Three (3) Bedrooms
- Two (2) car garage
- Laundry
- Two bathrooms and an additional toilet
- Open plan lounge, dining room and kitchen
- Upper storey deck
- Study nook
- Ground floor external private open space
- Landscaping and areas of deep planting
- Vehicle access via two (2) separate 3.0m wide crossovers from Fernlea Ave

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ITEM 2.2 DA/39443/2019/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY LOCATED AT 28 FERNLEA AVENUE, SCARBOROUGH - DIVISION 5 - A19563599 (Cont.)

Dual Occupancies are a consistent use within the Suburban Neighbourhood Precinct however, as it is on a lot under 1000m<sup>2</sup> the application is Impact Assessable. The application was publicly advertised with 88 properly made submissions received. The proposed development is considered to be consistent with the intent of the MBRC Planning Scheme and is recommended to be approved, subject to conditions.

This report has been provided to Council as the matter is inconsistent with the Instrument of Delegation under the *Local Government Act 2009* and therefore Council is the authorised entity to decide the development application.

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**RESOLUTION**

**Moved by Cr James Houghton**

**Seconded by Cr Julie Greer**

**CARRIED 8/3**

*Crs Peter Flannery, Koliana Winchester and Adam Hain voted against the motion*

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



ITEM 2.2 DA/39443/2019/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY LOCATED AT 28 FERNLEA AVENUE, SCARBOROUGH - DIVISION 5 - A19563599 (Cont.)

**OFFICER'S RECOMMENDATION**

- That Council, in accordance with the *Planning Act 2016*, approve the development application for a Material Change of Use - Development Permit for Dual Occupancy at 28 Fernlea Avenue, Scarborough described as Lot 2 79886, subject to the following Plans/documents and conditions:

<b>Approved Plans and Documents</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Proposed Site Plan	18214 sheet 2 of 8 Revision F	Cyber Drafting & Design	18/09/2019
Proposed Ground Floor Plan	18214 sheet 3 of 8 Revision F	Cyber Drafting & Design	18/09/2019
Proposed First Floor Plan	18214 sheet 4 of 8 Revision F	Cyber Drafting & Design	18/09/2019
Proposed Elevations west & North	18214 sheet 5 of 8 Revision F	Cyber Drafting & Design	18/09/2019
Elevations east & South	18214 sheet 6 of 8 Revision F	Cyber Drafting & Design	18/09/2019
3 D Perspectives	18214 sheet 7 of 8 Revision F	Cyber Drafting & Design	18/09/2019
Sections	18214 sheet 8 of 8 Revision F	Cyber Drafting & Design	18/09/2019

**Conditions**

<b>CONDITION</b>		<b>TIMING</b>
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>1</b>	<b>Approved Plans and/or Documents</b>	
	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to commencement of use and to be maintained at all times.
<b>2</b>	<b>Community Management Statement</b>	
	Ensure that the Community Management Statement for the development reflects the following: <ol style="list-style-type: none"> <li>Car parking provisions;</li> <li>Landscaping requirements;</li> <li>Open Space and Recreation areas; and</li> <li>Bin storage requirements and collection locations.</li> </ol>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>3</b>	<b>Extent of Dwellings</b>	
	Develop the Dual Occupancy as two (2) Dwellings each 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.

ITEM 2.2 DA/39443/2019/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY LOCATED AT 28 FERNLEA AVENUE, SCARBOROUGH - DIVISION 5 - A19563599 (Cont.)

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>4</b>	<b>Clothes Drying Facilities</b>	
	Provide external clothes drying facilities that are screened from adjoining properties and the street.	Prior to commencement of use and to be maintained at all times.
<b>5</b>	<b>Privacy Screening</b>	
A	Provide privacy screening or alternate treatments where: <ol style="list-style-type: none"> <li>1. Habitable room windows or balconies of 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</li> <li>2. Habitable room windows or balconies that overlook private recreation areas of other dwellings on the same site or an adjoining site.</li> </ol>	Prior to the commencement of the use and to be maintained at all times.
B	Treatments may consist of one or more of the following: <ol style="list-style-type: none"> <li>1. Sill heights at a minimum of 1.5 metres above floor level; or</li> <li>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</li> <li>3. Sliding external screens (e.g. louvered panels), of durable weather resistant materials and with a maximum of 50% transparency.</li> </ol>	Prior to the commencement of the use and to be maintained at all times.
<b>6</b>	<b>Street Numbering and Building Names</b>	
	Install dwelling and street numbering and lockable mail boxes conveniently located at the road frontage of the site. Ensure street numbers and any building names are prominently displayed at the road frontage of the site, to enable identification by emergency services.	Prior to commencement of use and to be maintained at all times.
<b>7</b>	<b>Front Fencing</b>	
	Ensure that any front fencing is constructed to no less than 50% transparency and a maximum height of 1.2 metres.	Prior to commencement of the use and to be maintained at all times.
<b>8</b>	<b>Screen Fencing</b>	
A	Construct a screen fence along the Northern, Eastern and Southern boundaries of the site where none already exists. 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. Fencing along the Northern and Southern sides of the site that extends beyond the main building line is to taper to 1.2 metres; and	Prior to the commencement of the use or endorsement of any Community Management Statement whichever comes first and to be maintained at all times.
B	Construct a screen fence between the private open spaces of each dwelling to the Dual Occupancy of the site. 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

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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
		comes first and to be maintained at all times.
<b>9</b>	<b>Waste Management</b>	
	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	Prior to commencement of use and to be maintained at all times.
<b>10</b>	<b>Landscaping Dual Occupancy</b>	
	Provide landscaping to both dwellings that is to include as a minimum: <ol style="list-style-type: none"> <li>1. Top dressing and turf to all areas that are not landscaped or paved; and</li> <li>2. A landscape strip with an average depth of 1.0 metres that abuts the front boundary and runs for the entire length of the front property boundary for each dwelling, excluding driveway access areas.</li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>11</b>	<b>On Site Services</b>	
	Ensure garbage bin areas, rainwater tanks, hot water tanks, gas bottles and air conditioners are: <ol style="list-style-type: none"> <li>1. Located in the rear setback; or</li> <li>2. located in the side setbacks and include screening (e.g. fencing or landscaping) from view of any road frontage; or</li> <li>3. entirely underground where located in the front setback.</li> </ol> <p>Note: Rainwater tanks are not permitted within easements.</p>	Prior to commencement of use and to be maintained.
<b>12</b>	<b>Water and/or Sewerage</b>	
	Submit to Council a Certificate of Completion or Provisional Certificate of Completion (for each stage where there are stages) for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming: <ol style="list-style-type: none"> <li>1. a reticulated water supply network connection is available to the land; and</li> <li>2. a sewerage network connection is available to the land; and</li> <li>3. all the requirements of Unitywater have been satisfied.</li> </ol>	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first.
<b>13</b>	<b>Fibre Ready Telecommunications – Single</b>	
A	Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with NBN Co Guideline New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs as amended, that: <ol style="list-style-type: none"> <li>1. Extends the service drop conduit from the property boundary to the external Premises Connection Device (PCD) or the likely location of the PCD; and</li> <li>2. Extends a communications conduit with drawstring from the external PCD or the likely location of the PCD to the</li> </ol>	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.

## Moreton Bay Regional Council

*ITEM 2.2 DA/39443/2019/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY LOCATED AT 28 FERNLEA AVENUE, SCARBOROUGH - DIVISION 5 - A19563599 (Cont.)*

<b>CONDITION</b>	<b>TIMING</b>	
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
	internal Fibre Wall Outlet (FWO) or the likely location of the FWO.	
B	Provide certification to Council from the installer or an RPEQ engineer (electrical engineer) that the works and infrastructure required in (a) above has been done.  Note: A template for certification is available from council for the purpose of this condition.	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
<b>14</b>	<b>Telecommunications Internal Wiring</b>	
A	Install internal wiring (Category 6 or better) within each dwelling from the expected location of any future Network Termination Device (NTD) for High Speed Broadband (based on the recommended locational criteria in the NBN Co Guideline (MDU Building Design Guide OR New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs) to the same connection points in the dwelling that would have been or have been installed for telephone and television connections; including but not limited to bedrooms, family/living rooms, and study/office.	Prior to 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.	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
<b>15</b>	<b>Electricity</b>	
	Electricity to the Dual Occupancy is to be via a single overhead connection or via underground connection.  Note: Private property poles are not accepted.	To be maintained at all times.
<b>DEVELOPMENT ENGINEERING</b>		
<b>16</b>	<b>Replace Existing Council Infrastructure</b>	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
<b>17</b>	<b>Alterations and Relocation of Existing Services</b>	
	Ensure any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of an entity engaged in the provision of public utility services is to be carried out with the development and at no cost to Council unless agreed to in writing by the Council.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.

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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>18</b>	<b>Stormwater</b>	
	Carry out the development to ensure that adjoining properties, reserves and roads are protected from ponding or nuisance from stormwater as a result of any works undertaken.	To be maintained at all times.
<b>19</b>	<b>Driveway Crossover</b>	
	Construct driveway crossovers to the site in accordance with the approved plans and documents of development and MBRC Standard Drawings RS-049 & RS050.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
<b>20</b>	<b>Existing Driveway Crossover</b>	
	Remove completely all redundant driveway crossovers fronting the development site on Fernlea Avenue. Reinstate all disturbed areas (including kerb and channel) to Council's standards current at the time of development.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.

ADVICES	
<b>1</b>	<b>Aboriginal Cultural Heritage Act 2003</b>
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. The Act provides blanket protection of Aboriginal cultural heritage sites and places, including significant areas and objects, as well as archaeological remains. The Act also recognises that Aboriginal cultural heritage parties are key stakeholders in the assessment and management of Aboriginal cultural heritage.</p> <p>Under the Act, if a proposed activity involves disturbance of the ground surface, cultural heritage Duty of Care must be considered. This involves consideration of whether an activity is <i>likely</i> to harm Aboriginal cultural heritage. This may require involvement from the relevant Aboriginal cultural heritage party.</p> <p>Cultural heritage Duty of Care compliance ultimately lies with the person or entity conducting the activity, and penalty provisions apply for failing to fulfil this Duty of Care.</p> <p>Council strongly advises that before undertaking the land use activity, you refer to the <a href="#">cultural heritage duty of care - Department of Aboriginal and Torres Strait Islander Partnerships (Queensland Government)</a> for further information regarding the responsibilities of the developer.</p>
<b>2</b>	<b>Adopted Charges</b>
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 8) dated 14 August 2018 or as amended apply to this development approval.</p> <p>From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval.</p>

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<b>ADVICES</b>	
	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.

2. 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*.
3. That the following information be included in the Decision Notice.

**Decision Notice**

	<b>Details to Insert</b>
<b>Application Details</b>	MBRC Planning Scheme
<b>Application Type</b>	Material Change of Use - Development Permit for Dual Occupancy
<b>Other Necessary Permits</b>	Building Works – Development Permit
<b>Currency Period of Approval</b>	Material Change of Use – 6 years
<b>Section 64(5) Deemed Approval</b>	Not applicable
<b>Variation Approval</b>	Not applicable
<b>Assessment Benchmarks</b>	MBRC Planning Scheme <ul style="list-style-type: none"> <li>• General Residential Zone, Suburban Neighbourhood Precinct Code; and</li> <li>• Residential Uses Code</li> </ul>
<b>Other Relevant Assessment Matters</b>	Not applicable.
<b>Reasons for the Decision</b>	Assessment Report
<b>Reasons for Approval Despite Non-Compliance with Assessment Benchmarks</b>	Not applicable.
<b>Referral Agencies</b>	There are no Referral Agencies
<b>Submissions</b>	There were eighty-eight (88) properly made submissions about this application.
<b>Other Details</b>	Assessment Report

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**REPORT DETAIL**

**1. Background**

On 25 March 2019 a Prelodgement Meeting was held, the proposal is consistent with advice provided at the meeting.

**2. Explanation of Item**

**2.1 Proposal Details**

The proposed development is for a Material Change of Use - Development Permit for a Dual Occupancy at 28 Fernlea Avenue, Scarborough formally described as Lot 2 RP79886. The proposed Dual Occupancy will be attached (side by side) and constructed as a two-storey development containing the following:

- Three (3) Bedrooms
- Two (2) car garage
- Laundry
- Two bathrooms and an additional toilet
- Open plan lounge, dining room and kitchen
- Upper storey deck
- Study nook
- Ground floor external private open space
- Landscaping and areas of deep planting
- Vehicle access via two (2) separate 3.0m wide crossovers from Fernlea Ave

**2.2 Description of site and surrounds**

The site currently contains a detached dwelling house with an ancillary domestic storage shed and is used for residential purposes.

Directions	Planning Scheme Zone	Current Land Use
North	General Residential Zone Suburban Neighbourhood Precinct	Dwelling Houses
	General Residential Zone Next Generation Neighbourhood Precinct	Dwelling Houses, Dual Occupancy and Multiple Dwellings
South	General Residential Zone Suburban Neighbourhood Precinct	Dwelling Houses
East	General Residential Zone Suburban Neighbourhood Precinct	Dwelling Houses
West	General Residential Zone Next Generation Neighbourhood Precinct	Dwelling House and Multiple Dwelling

**2.3 Assessment of Benchmarks related to the Planning Regulation 2017**

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.

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

2.3.1 State Planning Policy

<b>Assessment benchmarks - livable communities</b>	
Applicable to Development	SPP requirement
No	None
<u>Comment</u> Not applicable.	
<b>Assessment benchmarks - mining and extractive resources</b>	
Applicable to Development	SPP requirement
No	None
<u>Comment</u> Not applicable.	
<b>Assessment benchmarks - water quality</b>	
Applicable to Development	SPP requirement
No	None
<u>Comment</u> Not applicable.	
<b>Assessment benchmarks - natural hazards, risk and resilience</b>	
Applicable to Development	SPP requirement
Yes	<p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(1) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>All natural hazard areas:</p> <p>(2) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(3) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.</p> <p>(4) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</p>



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	(5) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.
<u>Comment</u> An assessment of the proposed development has been undertaken, and the proposal has been determined to comply. The site is mapped on the states mapping for Flood hazard area - Local Government flood mapping area however it is not covered under any MBRC mapping.	
<b>Assessment benchmarks - strategic airports and aviation facilities</b>	
Applicable to Development	SPP requirement
No	None
<u>Comment</u> Not applicable.	

2.3.2 South East Queensland Regional Plan

The site is located in the Urban Footprint. The development proposal is for a residential development 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 Strategic Framework

The proposal is generally consistent with the Strategic Framework.

2.4.2 Assessment of Applicable Codes

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

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

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Zone/ Local Plan Code</b>		
General Residential Zone Code - Suburban Neighbourhood precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO47
<b>Development Codes</b>		
Residential Uses Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO5, PO8

The assessment of the development proposal against the Performance Outcomes of the applicable codes is discussed below in section 2.4.3.

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2.4.3 Performance Outcome Assessment

Performance Outcome	Example
<b>General Residential Zone Code - Suburban Neighbourhood precinct</b>	
<i>Performance Outcome Assessment</i>	
<b>PO47</b> Dual Occupancies are infrequent and dispersed within the streetscape and are not located within 200m (measured along the street alignment) of a lot containing an existing, approved or a properly made application for a Dual Occupancy.	<b>E47</b> Are located on lots with an area of 1000m <sup>2</sup> or greater.
<i>Performance Outcome Assessment</i>	
<p>Example E47 of the General Residential Zone Code - Suburban Neighbourhood Precinct provides that Dual Occupancies are located on site with an area of 1000m<sup>2</sup> or greater, as the proposed development does not meet the example assessment against the Performance Outcome PO47 is required</p> <p>Whilst Dual Occupancies are not common in the surrounding area and with the proposal are considered to be suitably dispersed, the proposed Dual Occupancy is located approximately 65m from an existing Dual Occupancy. As such, the proposal does not achieve the 200m separation required by the Performance Outcome.</p> <p>As the proposal does not comply with this Performance Outcome, an assessment against the Overall Outcomes is required and discussed in the following section of this report.</p>	

<b>Residential Uses Code</b>							
<b>PO5</b> Car parking areas do not adjoin the street frontage or public open space areas, or are designed to: <ul style="list-style-type: none"> <li>a. not dominate the street frontage;</li> <li>b. maintain active frontages;</li> <li>c. contribute to the intended character of the streetscape;</li> <li>d. not compromise on-site landscaping.</li> </ul>	<b>E5.1</b> Garage and carport openings are no greater than: <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>Primary lot frontage</th> <th>Covered car space opening(s) per street frontage and location of car parking areas</th> </tr> </thead> <tbody> <tr> <td><b>15m or greater</b></td> <td> <ul style="list-style-type: none"> <li>a. 3m for every 7.5m of street frontage;</li> <li>b. every 6m of opening is separated by a minimum of 6m</li> </ul> </td> </tr> <tr> <td><b>Less than 15m</b></td> <td> <ul style="list-style-type: none"> <li>a. Single level: 3.0m wide;</li> <li>b. Double level: 6.0m and recessed 1.0m behind the front wall or balcony of upper level.</li> </ul> </td> </tr> </tbody> </table> <p style="text-align: center;">OR</p>	Primary lot frontage	Covered car space opening(s) per street frontage and location of car parking areas	<b>15m or greater</b>	<ul style="list-style-type: none"> <li>a. 3m for every 7.5m of street frontage;</li> <li>b. every 6m of opening is separated by a minimum of 6m</li> </ul>	<b>Less than 15m</b>	<ul style="list-style-type: none"> <li>a. Single level: 3.0m wide;</li> <li>b. Double level: 6.0m and recessed 1.0m behind the front wall or balcony of upper level.</li> </ul>
Primary lot frontage	Covered car space opening(s) per street frontage and location of car parking areas						
<b>15m or greater</b>	<ul style="list-style-type: none"> <li>a. 3m for every 7.5m of street frontage;</li> <li>b. every 6m of opening is separated by a minimum of 6m</li> </ul>						
<b>Less than 15m</b>	<ul style="list-style-type: none"> <li>a. Single level: 3.0m wide;</li> <li>b. Double level: 6.0m and recessed 1.0m behind the front wall or balcony of upper level.</li> </ul>						

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Performance Outcome	Example
	<ul style="list-style-type: none"> <li>a. For a laneway lot (Single or double level): 6m wide</li> </ul>
<i>Performance Outcome Assessment</i>	
<p>Example E5.1 outlines that for a lot with a frontage 15m or greater every 6m of opening is separated by a minimum of 6m. As the proposed Dual Occupancy is attached it does not provide a separation of 6m with a total garage door opening of 9.6 m along the frontage (two double garages side by side). Therefore, assessment against the Performance Outcome is required</p> <p>The deck of the first storey overhangs the garages by approximately 1m which reduces the dominance of the garages on the street. The Dual Occupancies are two storeys which further reduces the impact of the garage doors as there is a floor above and the location of the deck provides an active interface with the street.</p> <p>The garage opening does not compromise landscaping with a landscaping strip provided along the frontage of the site.</p> <p>The garage door is setback behind the main building as the deck above overhangs the garage. Unit 1 is also setback behind Unit 2 which breaks up the appearance of the garage doors and provides variation in the building line.</p> <p>The proposed development is considered to comply with the Performance Outcome.</p>	
<p><b>PO8</b> Driveways, pedestrian entries and internal access ways are located and designed to:</p> <ul style="list-style-type: none"> <li>a. provide lawful access;</li> <li>b. not detract from the creation of active street frontages and positively contribute to the intended streetscape character;</li> <li>c. not negatively impact adjoining uses;</li> <li>d. provide a safe pedestrian environment;</li> <li>e. not result in excessive crossovers and hardstand areas;</li> <li>f. provide safe access onto an appropriate order road;</li> <li>g. not interfere with infrastructure owned by Council or a utility provider;</li> <li>h. allow adequate space for on-street parking;</li> </ul>	<p><b>E8.1</b> Dual occupancies provide:</p> <ul style="list-style-type: none"> <li>a. a maximum crossover width of 4m or for a shared driveway a maximum crossover width of 5m;</li> <li>b. a maximum of one crossover per street frontage; or where more than 1 crossover per street frontage, they are to be at least 12m apart to allow for on-street parking and street trees.</li> </ul>

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Performance Outcome	Example
<ul style="list-style-type: none"> <li>i. allow adequate space for street planting and street trees;</li> <li>j. allow for garbage collection and street infrastructure.</li> </ul>	
<i>Performance Outcome Assessment</i>	
<p>The proposed Dual Occupancy includes two driveways at a width of 3m each which is below the 4m maximum of the Residential Uses Code Example E8.1. However, the two driveways are not separated by at least 12m therefore assessment against the corresponding Performance Outcome is required.</p> <p>The proposed driveways provide lawful access and do not detract from the active street frontage nor do they negatively impact on the adjoining uses. The proposed driveways are 3m wide at the crossover increasing in width at the garage opening to allow for manoeuvring in and out of the garage.</p> <p>The driveways do not result in excessive hardstand as they narrow to a width of 3m at the property boundary and allow for landscaping and turfed area along the frontage of the site.</p> <p>The design allows for space within the frontage for street trees, garbage collection and street infrastructure. Additionally, the on-street parking is not reduced by the driveways as there is no parking permitted on the eastern side of the street where the driveways will be located.</p> <p>The location of the driveways will not impact on pedestrian safety and there is sufficient space within the driveway for a third parking space to be provided for each of the dwellings within the Dual Occupancy.</p> <p>The proposed development is considered to comply with the Performance Outcome.</p>	

2.4.4 Overall Outcomes Assessment

The development proposal does not comply with Performance Outcome PO47 of the General Residential Zone Code Suburban Neighbourhood Precinct. Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows;

6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
The suburban neighbourhood precinct consists of a primarily residential urban fabric providing predominantly low density, low rise, detached housing on a variety of lot sizes with a maximum site density of 15 dwellings per hectare or a maximum site density of 75 dwellings per hectare if complying with b. v. below.	Y	The proposed development is a Dual Occupancy which is a low density, low rise residential development. Whilst the proposal is not detached and results in a site density of 32 dwellings/ha, the proposal is not an overdevelopment of the site with all setbacks and overall height complying with scheme requirements. The outcome suggests

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6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
		'predominantly' and does not mandate in every instance that dwellings must be detached or achieve a maximum density of 15 dwellings/ha. In this instance, the proposed development achieves built form, setbacks and height which could be achieved with a single large dwelling developed on the site.
Residential activities consist of: <ul style="list-style-type: none"> <li>i. Detached dwelling houses, predominantly on traditional lots;</li> <li>ii. Detached dwelling houses on narrow lots and Dual Occupancies where they are dispersed within the streetscape or are located within easy walking distance to services (centre, public transport node, community facilities) or park;</li> <li>iii. Domestic outbuildings are subordinate in appearance and function to the dwelling;</li> <li>iv. Retirement facilities, Residential care facilities, and Relocatable home parks are located within easy walking distance of a centre;</li> <li>v. Multiple dwellings, Rooming accommodation, short-term accommodation and tourist park only establish where they will support a higher order or district centre or a train station by being adjacent (within 400m walking distance) to that higher order or district centre or train station.</li> <li>vi. The built form of concentrated residential uses and managed communities (e.g. townhouse developments, retirement facility, residential care facility, relocatable home parks) are designed to integrate with the surrounding neighbourhood.</li> </ul>	Y	The proposed development is a Dual Occupancy which is located within walking distance of a number of parks, including the foreshore.
The design, siting and construction of residential uses are to:	Y	The proposed Dual Occupancy provides low density residential development that maintains

ITEM 2.2 DA/39443/2019/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY LOCATED AT 28 FERNLEA AVENUE, SCARBOROUGH - DIVISION 5 - A19563599 (Cont.)

6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<ul style="list-style-type: none"> <li>i. contribute to an attractive streetscape with priority given to pedestrians;</li> <li>ii. encourage passive surveillance of public spaces;</li> <li>iii. result in privacy and residential amenity consistent with the low density residential character of the area;</li> <li>iv. provide a diverse and attractive built form;</li> <li>v. provide a low rise built form compatible with its surrounds;</li> <li>vi. incorporate sub-tropical urban design principles that respond to local climatic conditions;</li> <li>vii. incorporate sustainable practices including maximising energy efficiency and water conservation;</li> <li>viii. incorporate natural features and respond to site topography;</li> <li>ix. cater for appropriate car parking and manoeuvring areas on site;</li> <li>x. be of a scale and density consistent with the low density residential character of the area;</li> <li>xi. provide urban services such as reticulated water, sewerage, sealed roads, parks and other identified infrastructure.</li> </ul>		<p>the amenity of the area. The development incorporates subtropical design and creates opportunities for passive surveillance. At two storeys, the development is low rise and consistent with the scale of large homes in the area.</p> <p>The Dual Occupancy provides for appropriate parking, provides urban services and is consistent with the anticipated character of the area.</p>
Non-residential uses in the suburban neighbourhood precinct take the form of community activities, corner stores, neighbourhood hubs or local centres	N/A	The proposed development is residential.
<p>Community activities:</p> <ul style="list-style-type: none"> <li>i. establish in a location that may be serviced by public transport;</li> <li>ii. do not negatively impact adjoining residents or the streetscape;</li> <li>iii. do not undermine the viability of existing or future centres.</li> </ul>	N/A	The proposed development is residential.
<p>Corner stores may establish as standalone uses (not part of a neighbourhood hub) where:</p> <ul style="list-style-type: none"> <li>i. the store is of a scale that remains subordinate to all centres and neighbourhood hubs within the region;</li> <li>ii. clear separation from existing neighbourhood hubs and centres</li> </ul>	N/A	The proposed development is residential.

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6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<p>within the network are maintained to reduce catchment overlap. The corner store should not be within 1600m of another corner store, neighbourhood hub or centre measured from the centre of the corner store, neighbourhood hub or centre;</p> <p>iii. they are appropriately designed and located to include active frontages.</p>		
<p>Retail and commercial activities (forming part of a neighbourhood hub):</p> <p>i. cluster with other non-residential uses (excluding corner stores) forming a neighbourhood hub;</p> <p>ii. are centred around a 'Main Street' central core fostering opportunities for social and economic exchange;</p> <p>iii. are of a small scale, appropriate for a neighbourhood hub;</p> <p>iv. do not negatively impact adjoining residents or the streetscape;</p> <p>v. are subordinate in function and scale to all centres within the region.</p>	N/A	The proposed development is residential.
<p>The design, siting and construction of non-residential uses:</p> <p>i. maintains a human scale, through appropriate building heights and form;</p> <p>ii. provides attractive, active frontages that maximise pedestrian activity along road frontages, movement corridors and public spaces;</p> <p>iii. provides for active and passive surveillance of road frontages, movement corridors and public spaces;</p> <p>iv. promotes active transport options and ensures an oversupply of car parking is not provided;</p> <p>v. does not result in large internalised shopping centres (e.g. large blank external walls with tenancies only accessible from within the building) surrounded by</p>	N/A	The proposed development is residential.

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6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
expansive areas of surface car parking.		
Neighbourhood hub expansion (into adjoining lots) or the establishment of a new neighbourhood hub only occurs where: <ul style="list-style-type: none"> <li>i. it is of a scale that remains subordinate to all centres within the region;</li> <li>ii. the expansion (into adjoining lots) will strengthen the existing neighbourhood hub as an important neighbourhood activity node;</li> <li>iii. clear separation from existing neighbourhood hubs and centres within the network are maintained to reduce catchment overlap. New neighbourhood hubs are to service a currently unserved catchment. The centre of a neighbourhood hub should not be located within 1600m of another neighbourhood hub or centre measured from the centre of each hub or centre;</li> <li>iv. for a new neighbourhood hub, it is located on sub-arterial or collector road;</li> <li>v. they are appropriately designed and located to include active frontages around a 'main street' core and are staged where relevant to retain key (highly accessible) sites for long term development.</li> </ul>	N/A	The proposed development is residential.
General works associated with the development achieves the following: <ul style="list-style-type: none"> <li>i. new development is provided with a high standard of services to meet and support the current and future needs of users of the site, including roads, street lighting services, telecommunications and reticulated electricity (underground wherever possible), water and sewerage (where available);</li> <li>ii. the development manages stormwater to:</li> </ul>	Y	The proposed development provides the required services such as telecommunication, reticulated electricity, water and sewer as well as stormwater management. The proposed development will not have a negative impact on the road network and provides appropriate parking.



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6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<p>A. ensure the discharge of stormwater does not adversely affect the quality, environmental values or ecosystem functions of downstream receiving waters;</p> <p>B. prevent stormwater contamination and the release of pollutants;</p> <p>C. maintain or improve the structure and condition of drainage lines and riparian areas;</p> <p>D. avoid off-site adverse impacts from stormwater.</p> <p>iii. the development does not result in unacceptable impacts on the capacity and safety of the external road network;</p> <p>iv. the development ensures the safety, efficiency and useability of access ways and parking areas;</p> <p>v. site works including earthworks are managed to be safe and have minimal impacts on adjoining or adjacent premises, the streetscape or the environment.</p>		
Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke.	Y	The proposal is residential in nature and residential activity is anticipated in this zone and precinct.
Noise generating uses are designed, sited and constructed to minimise the transmission of noise to appropriate levels and do not cause environmental harm or nuisance	N/A	The proposed development is residential and is not considered to be a noise generating use.
Noise sensitive uses are designed, sited and constructed so as not to be subject to unacceptable levels of noise.	Y	The proposed residential development is not located in a position where it will receive unacceptable levels of noise. No noise generating uses are located nearby.
Development in a Water supply buffer is undertaken in a manner which contributes to the maintenance and enhancement where possible of water quality to protect the drinking water and aquatic ecosystem environmental values in those catchments.	N/A	The site is not in a water supply buffer.

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6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<p>Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:</p> <ul style="list-style-type: none"> <li>i. adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;</li> <li>ii. ensuring no further instability, erosion or degradation of the land, water or soil resource;</li> <li>iii. when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.</li> <li>iv. maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through: <ul style="list-style-type: none"> <li>A. the provision of replacement, restoration, rehabilitation planting and landscaping;</li> <li>B. the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;</li> <li>C. the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.</li> </ul> </li> <li>v. protecting native species and protecting and enhancing species habitat;</li> </ul>	N/A	<p>The subject site is not affected by any overlay constraints. The development will ensure no negative impacts on the water quality or natural environment.</p>

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6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<ul style="list-style-type: none"> <li>vi. protecting and preserving the natural, aesthetic, architectural historic and cultural values of significant trees, places, objects and buildings of heritage and cultural significance;</li> <li>vii. establishing effective separation distances, buffers and mitigation measures associated with identified infrastructure to minimise adverse effects on sensitive land uses from odour, noise, dust and other nuisance generating activities;</li> <li>viii. establishing, maintaining and protecting appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat;</li> <li>ix. ensuring it promotes and does not undermine the ongoing viability, integrity, operation, maintenance and safety of identified infrastructure;</li> <li>x. ensuring effective and efficient disaster management response and recovery capabilities;</li> <li>xi. where located in an overland flow path:               <ul style="list-style-type: none"> <li>A. development siting, built form, layout and access responds to the risk presented by the overland flow and minimises risk to personal safety;</li> <li>B. development is resilient to the impacts of overland flow by ensuring the siting and design accounts for the potential risks to property associated with the overland flow;</li> <li>C. development does not impact on the conveyance of the overland flow for any event up to and including the 1% AEP for the fully developed upstream catchment;</li> </ul> </li> </ul>		

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6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
D. development directly, indirectly and cumulatively avoid an increase in the severity of overland flow and potential for damage on the premises or other premises, public lands, watercourses, roads or infrastructure.		

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

2.5 Trunk Infrastructure

The site is located in the identified Priority Infrastructure Area. Infrastructure charges applying to the land, where applicable, are to be applied in accordance with the Council's Charges Resolution No. 8 that commenced 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.

(b) Lawful use of land

An assessment of existing and previous lawful uses of the land has determined that a credit amount of \$17,603.73 exists and has been calculated based on the existing residential use as one (1) dwelling. This credit has been given under (d) for residential lot credit.

(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.

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

The credit available under this option is \$17,603.73 based on the proportional split stated in Table 3 of the CR. This adopted charge rate is the prescribed amount in Schedule 16 of the *Planning Regulation 2017* as at 11 August 2017. This rate will be automatically indexed in accordance with section 112 of the Act

#### 2.5.3 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.

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 approval on the MBRC Planning Scheme

Not applicable in this instance.

#### 2.7 Referrals

##### 2.7.1 Council Referrals

The proposed development was assessed by Development Engineering who outlined no concerns.

##### 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.

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2.8 Public Consultation

2.8.1 *Public Notification Requirements under the Development Assessment Rules*

The application was publicly notified for 15 business days between 8 November 2019 and 29 November 2019 in accordance with the requirements of the *Planning Act 2016* and the Development Assessment Rules.

A total of 91 submissions were received, of which 88 were ‘properly made’, and 3 were ‘not properly made’ (due to missing name/address, and/or being received after public notification had finished).

2.8.2 *Submissions Received*

Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax	118	88
	Petition		0
Not Properly Made	Letter, Email, Fax	4	3
	Petition		0
<b>Total</b>			91

The matters raised within the submissions are outlined below:

Assessment of Submissions
<p><b>Issue - Density</b></p> <p><b>Discussion</b></p> <p>The submissions raise concerns regarding the density of the Dual Occupancy and that it exceeds 15 Dwellings per hectare.</p> <p>However, the General Residential Zone Code - Suburban Neighbourhood Precinct Performance Outcome PO1 advises that:</p> <p><i>‘The Suburban neighbourhood precinct has a low residential density of a maximum of 15 dwellings per hectare (site density) except for Dual Occupancies’.</i></p> <p>As the proposed development is a Dual Occupancy the maximum of 15 dwellings per hectare does not apply. The surrounding suburban neighbourhood precinct features a number of small lots below 600m<sup>2</sup> with some as low as 294m<sup>2</sup> and 302m<sup>2</sup>. These lots produce a higher density than the proposed development. Additionally, the Overall Outcomes of the suburban neighbourhood precinct include:</p> <p><i>‘residential activities that consist of detached dwelling houses (on traditional and narrow lots) and Dual Occupancies where dispersed within the streetscape and located within walking distance of services or parks.’</i></p> <p>There is an existing Dual Occupancy located on the opposite side of Fernlea Avenue beyond the intersection of Michel Road, located on a service lane behind a nature strip. This Dual Occupancy is not visible from the proposed development and is approximately 65m away from the subject site. The proposed development is also located within proximity of services or parks. Four (4) parks are located within walking distance of the subject site with the closest located approximately 280m away and the furthest approximately 475m away. The site is also within 150m of pedestrian pathway network along the foreshore at Oyster Point Esplanade. The Suburban Precinct is one of the precincts where Dual Occupancies are listed as a consistent use and meets the intent of the precinct.</p>

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<b>Assessment of Submissions</b>
<p>The proposed Dual Occupancy does not exceed the intended density for the area and the development complies with the relevant Performance Outcome.</p> <p>This is not a reason for refusal of the application.</p>
<b>Issue - Proximity to other Dual Occupancy</b>
<p><b>Discussion</b></p> <p>The submission raises concern with the proximity of the proposed Dual Occupancy with the existing Dual Occupancy being located approximately 65m away.</p> <p>Example E47 of the General Residential Zone Code - Suburban Neighbourhood Precinct provides that Dual Occupancies are located on site with an area of 1000m<sup>2</sup> or greater, as the proposed development does not meet the example assessment against the Performance Outcome PO47 is required. Performance Outcome PO47 states:</p> <p><i>'Dual Occupancies) are infrequent and dispersed within the streetscape and are not located within 200m (measured along the street alignment) of a lot containing an existing, approved or a properly made application for a Dual Occupancy'</i></p> <p>The proposed Dual Occupancy is located approximately 65m from an existing Dual Occupancy and the proposed development does not achieve the Performance Outcome. Assessment against the Overall Outcomes is required.</p> <p>As discussed under the previous Density issue, the Overall Outcomes of the suburban neighbourhood precinct include:</p> <p><i>'residential activities that consist of detached dwelling houses (on traditional and narrow lots) and Dual Occupancies where dispersed within the streetscape and located within walking distance of services or parks.'</i></p> <p>The proposed development is also located within proximity of services and parks. Four (4) parks located within walking distance of the subject site with the closest located approximately 280m away and the furthest approximately 475m away.</p> <p>Furthermore, the proposed Dual Occupancy is designed with one slightly setback behind the building line of the other dwelling and gives the appearance of separate dwellings. From the streetscape the Dual Occupancy will appear no different than the detached dwellings located on narrow lots which are located throughout the precinct and within proximity such as Brennan Road, Michel Road, Palmtree Avenue and Herne Road. Therefore, the proposed Dual Occupancy achieves the intended character of the Suburban Precinct and complies with the Overall Outcomes.</p> <p>While the proposed Dual Occupancy is located within 65m of another Dual Occupancy, there is considered to be reasonable dispersal and the streetscape is not dominated by Dual Occupancies.</p> <p>Fernlea avenue is split between two precincts, with the Next Generation Precinct on the western side and Suburban Neighbourhood on the eastern side. The lots within the Next Generation Precinct have already begun further development into higher density residential uses, this has affected the character of the street with a move toward the higher density living. Three (3) Multiple Dwelling developments are located on Fernlea Avenue within 200m of the proposed Dual Occupancy.</p> <p>Dual Occupancies are a consistent use and the development is of a scale consistent with the precinct. The Dual Occupancy will appear no different than a number of the dwellings situated on narrow 10m wide lots within the neighbourhood. The Dual</p>

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<p><b>Assessment of Submissions</b></p> <p>Occupancy will not result in overdevelopment of the site and is largely compliant with all the examples of the applicable codes such as setbacks and site cover. Proximity to other Dual Occupancies is the only Performance Outcome that is not achieved, and further assessment shows that the Proposed Dual Occupancy complies with the Overall Outcomes of the General Residential Zone - Suburban Neighbourhood Precinct.</p> <p>This is not a reason for refusal of the application.</p>
<p><b>Issue - Site Cover and impervious area</b></p> <p><b>Discussion</b></p> <p>The submissions raise concern with the site cover of the proposed Dual Occupancy stating the proposed development does not provide sufficient pervious area and will cause stormwater and overland flow issues.</p> <p>The General Residential Zone Code - Suburban Neighbourhood Precinct Example E7 provides that site cover should not exceed 50%. The proposed development achieves the example with only 45% site cover and therefore further assessment against the Performance Outcome is not required.</p> <p>The proposed development includes 32m<sup>2</sup> of deep planting and an additional 1m wide landscaping strip along the frontage of the site and between the driveways. The impervious area of the site is the building, driveway and path. The remainder of the front yard and open space is pervious area. Unit 1 has 81.2m<sup>2</sup> and Unit 2 has 90.8m<sup>2</sup> of Private Open Space within the fenced rear yard which is turfed area as can be seen in the proposed plans and will absorb water flows. The site is not subject to overland flow, coastal or flood hazard overlays and additional stormwater management is not required for the site and the site will not cause stormwater to flood adjoining lots.</p> <p>The site has lawful point of discharge to Fernlea Avenue and incorporates best practice water within the development through the provision of pervious area and appropriate stormwater infrastructure within the development. The proposed development provides pervious area to absorb stormwater which will ensure no negative impact on surrounding development due to overland flow or stormwater issues.</p> <p>The proposed Dual Occupancy is under the Site Cover requirement and exceeds the private open space allocation required under the planning scheme.</p> <p>This is not a reason for refusal of the application.</p>
<p><b>Issue - Garage Openings</b></p> <p><b>Discussion</b></p> <p>The submissions raise concern with the garage door opening exceeding 6m for the site which has a frontage of approximately 19m which is suggested will dominate the street frontage and compromises landscaping.</p> <p>As the proposed Dual Occupancy is attached it does not provide a separation of 6m with a total garage door opening of 9.6 m along the frontage. Therefore, it does not meet the Residential Uses Code Example E5.1. The corresponding Performance Outcome PO5 outlines that:</p> <p><i>'car parking areas are designed to not dominate the street frontage, maintain active frontage, contribute to the intended character of the streetscape and do not compromise on-site landscaping.'</i></p>



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<b>Assessment of Submissions</b>
<p>The proposed garages are setback 5.4m for unit 2 and 6.6m for unit 1 which meets and exceeds the minimum required setbacks. The deck of the first storey overhangs the garages by approximately 1m which reduces their visibility and dominance on the street. The Dual Occupancies are two storeys which further reduces the dominance of the garage doors as there is a floor above and the location of the deck and landscaping along the street frontage provides an active interface with the street. A landscaping strip along the frontage and between the driveways is also provided to soften the appearance of the driveways. The Dual Occupancy is not out of character with the area as there are a number of narrow lots 10m wide presenting double garages to the street which is over 50% of the frontage whereas the garage opening of the proposed dual occupancy is less than 50%. The garage door is setback behind the main building as the deck above overhangs the garage. Unit 1 is also setback behind Unit 2 which breaks up the appearance of the garage doors and provides variation in the building line. The garage doors comply with the Performance Outcome as they do not dominate the street and the site maintains an active interface.</p> <p>This is not a reason for refusal of the application.</p>
<b>Issue - Access and Driveways, Car Parking and Traffic</b>
<p><b>Discussion</b></p> <p>The submission states concern with the access and driveways of the proposed Dual Occupancy and the two driveways which are only 1.5m apart and does not allow for on-street parking or parking on the driveway. They also raise concern with the manoeuvring for unit 2 and the size of the hardstand areas as well as pedestrian safety.</p> <p>The proposed Dual Occupancy includes two driveways at a width of 3m each which is below the 4m maximum of the Residential Uses Code Example E8.1. However, the two driveways are not separated by at least 12m therefore assessment against the corresponding Performance Outcome is required. The proposed driveways are providing lawful access and do not detract from the active street frontage nor do they negatively impact on the adjoining uses. The proposed driveways are 3m wide at the crossover increasing in width at the garage opening to allow for manoeuvring in and out of the garage. The driveways do not result in excessive hardstand as they narrow to a width of 3m at the property boundary and allow for landscaping and turfed area along the frontage of the site which can be seen on the proposal plans. The design allows for space within the frontage for street trees, garbage collection and street infrastructure. The on-street parking is not reduced by the driveways as there is no parking permitted on the eastern side of the street where the driveways will be located. The buildings are setback 5.4m for unit 2 and 6.6m for unit 1 which provides enough space for an additional car to be parked in the driveway of each dwelling of the Dual Occupancy. Therefore, three (3) car parking spaces have been provided per Dwelling exceeding the requirement for the Suburban Precinct which is two (2) per dwelling in a Dual Occupancy. A foot path is provided along the frontage of the dwelling which provides safe movement for pedestrians and cyclists along the street. Parking is only permitted along the western side of the street which on the opposite side as the foot path which avoids any conflict between cyclists, pedestrians and vehicles.</p> <p>Additionally, a site inspection and desktop analysis has been undertaken and there has not been evidence of many cars parked in the street that would cause a parking or traffic issue. While there is a restriction on parking on the eastern side of the road, Fernlea Avenue at this point is split into two roads. There is parking available on one side of each</p>

ITEM 2.2 DA/39443/2019/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY LOCATED AT 28 FERNLEA AVENUE, SCARBOROUGH - DIVISION 5 - A19563599 (Cont.)

<p><b>Assessment of Submissions</b></p> <p>of these roads which is ample space for any expected on-street parking for visitors or overflow from residents.</p> <p>The Dual Occupancy will not result in substantially higher traffic. Any additional traffic will be minor and is not considered to cause a traffic concern or result in undue congestion or conflict. With the provision of three (3) car parking spaces and the landscaping provided the Dual Occupancy complies with the relevant Performance Outcomes.</p> <p>This is not a reason for refusal of the application.</p>
<p><b>Issue - Setbacks, Subtropical Design and Casual Surveillance</b></p> <p><b>Discussion</b></p> <p>The submissions discuss concern with the casual surveillance and sub-tropical design of the dual occupancy.</p> <p>The proposed Dual Occupancy complies with the building setback requirements for all boundaries and will allow for airflow around and through the building. The setbacks of the proposed Dual Occupancy are approximately 2m to both the northern and southern boundary, this exceeds the setbacks of the current house which is approximately 1.5m. There will be approximately 0.5m more space on both side setbacks between each of the adjoining dwellings to allow for greater airflow and light. The backyard is positioned on the eastern elevation which follows the subtropical design practices. The deck which is located on the western elevation is roofed and partially screened to protect from the heat of the sun. The location of the deck to the west also screens the house from the western sun in line with Subtropical Design principles. The bathrooms, laundry and walk in robes have been located within the centre of the development along the party walls allowing for the bedrooms and habitable rooms to have windows and natural lighting. The design has also located living areas to the northern elevation in accordance with the Subtropical Design practices. All areas of private open space area adjoining living areas as well as veranda's and eaves protecting doorways from sun. The proposal complies with the Example E16 for Subtropical Design.</p> <p>The location of the deck along the street frontage increases the active interface and allows for casual surveillance over the street and public areas as outlined in the Crime Prevention Through Environmental Design guidelines. No example is provided, and the proposed development achieves the Performance Outcome PO15 for Casual Surveillance.</p> <p>This is not a reason for refusal of the application.</p>
<p><b>Issue - Landscaping and environmental impacts</b></p> <p><b>Discussion</b></p> <p>The submissions highlighted concerns that the dual occupancy may have a high reliance on electricity and that there isn't enough landscaping for the existing fauna in the area.</p> <p>The proposed Dual Occupancy complies with the Examples E10 of the Residential Uses Code. A 1m wide landscaping strip is provided along the frontage of the development and 16m<sup>2</sup> of deep planting is provided for each dwelling in addition to the open turfed space in the back and front yards. The design does not include any paved area in the backyard and is proposed to be entirely turfed pervious area. The site does not currently contain significant vegetation or environmental overlays and the proposed landscaping</p>

ITEM 2.2 DA/39443/2019/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY LOCATED AT 28 FERNLEA AVENUE, SCARBOROUGH - DIVISION 5 - A19563599 (Cont.)

<p><b>Assessment of Submissions</b></p> <p>included in the proposal will provide vegetation within the designated landscaping and areas of deep planting for the existing wildlife in the area such as birds and lizards which was a concern of the submitters.</p> <p>The Dual Occupancy will be required to comply with the energy efficiency requirements which is administered through the Building Approval process and is not governed within the Planning Scheme. The design of the roof will not hinder the installation of solar panels if the owners should choose to install them however this is not a requirement administered under the Planning Scheme and is not a Planning matter. The design includes sky lights which will increase the light within the development and reducing reliance on electronic lighting which was another concern raised in the submissions. The submission also raised concern with the reliance of air-conditioning and heating, the Dual Occupancy follows the principles of the Subtropical Design as discussed above, the location and design of Private Open Space and building layout allows for airflow within and around the buildings.</p> <p>The proposed Dual Occupancy has provided landscaping and private open space and included design features as required by the Planning Scheme, however items like solar panels and energy efficiency are not matters that are regulated within the Planning Scheme and are not Planning matters that are assessed in the application process.</p> <p>This is not a reason for refusal of the application.</p>
<p><b>Issue - Appearance of the Dual Occupancy and views</b></p> <p><b>Discussion</b></p> <p>Submissions have raised issues with the general appearance of the Dual Occupancy and that it does not look like the other dwelling houses in the street as well as views being restricted.</p> <p>While the appearance of the Dual Occupancy is of a more modern design compared to the neighbouring houses this is under the discretion of the applicant, the detailed design is not regulated under the planning scheme. The design features a range of materials, architectural features and variation in building line which is outlined in the Planning Scheme. However, whether a dwelling is timber or brick, has a high pitch roof or not is not within the jurisdiction of the Planning Scheme and is not a Planning matter.</p> <p>Views are also not regulated within the Planning Scheme and a property owner does not have a right to their view. However, the proposed Dual Occupancy is within the Building Height overlay of the area and is no higher than the two neighbouring dwellings. The existing dwelling on site is a two-storey development which is the same as the proposed Dual Occupancy. However, views are not regulated within the Planning Scheme and this is not a Planning matter that is considered in the assessment process.</p> <p>This is not a reason for refusal of the application.</p>
<p><b>Issue - Noise</b></p> <p><b>Discussion</b></p> <p>A concern raised within the submissions was noise generated by the Dual Occupancy from air conditioning units, dogs and people using the back yards and potential installation of pools which will be closer to their windows and back yards.</p> <p>As discussed above the setbacks to the Dual Occupancy are increasing from the current dwelling that is on site. There will be a further 0.5m distance to each dwelling in the Dual</p>

ITEM 2.2 DA/39443/2019/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY LOCATED AT 28 FERNLEA AVENUE, SCARBOROUGH - DIVISION 5 - A19563599 (Cont.)

<b>Assessment of Submissions</b>
<p>Occupancy from both the adjoining dwellings. The noise will not be substantially greater from the existing use and a pool could be installed in the existing back yard which would be just as close as one installed in one of the Dual Occupancies. The development is only increasing by one dwelling which is not considered to be a large increase in potential noise. Noise generated from residential uses is not a consideration under the planning scheme and beyond conditioning screening we cannot restrict peoples use of their private open space. Under the planning scheme we cannot restrict them from installing a pool in their private open space, if they choose to install a pool it will be regulated by swimming pool regulations and setbacks will need to comply with the applicable requirements.</p> <p>Barking dogs is not a matter that is regulated under the Planning Scheme. If there are noise concerns from barking dogs, there is a process that can be undertaken through councils' Local Laws area. Under the planning scheme we cannot restrict pets on property. Local Laws have set restrictions on the number of animals that can be on a lot however this is not a planning matter that is considered in the assessment process. However, dogs barking is not more likely to occur as a result of the proposed Dual Occupancy.</p> <p>In a residential suburban setting, it is expected that there will be a certain degree of noise from the use of recreation and private open space areas. As the proposed dwellings will be setback further than the existing dwelling it is not considered that this noise will exceed the expected noise generated from a residential use. Conditions for screening of private open space will be placed on the development.</p> <p>This is not a reason for refusal of the application.</p>
<b>Issue - Availability of the Code response document</b>
<p><b>Discussion</b></p> <p>The submissions raise concern with the availability of the code response document on PD online.</p> <p>The plans and the planning report are the necessary documents that need to be available online for the public to have an understanding of what the proposed development is. The code response is the applicant's justification of the applicable codes. Council officers undertake their own review of the proposed development and whether it complies with the Performance Outcomes of the relevant codes. The error in viewing the document was rectified as soon as it was raised with council staff and there was sufficient time left in the notification period for the document to be read and reviewed by the public or alternatively it could have been viewed in person at the council offices. While concern was raised that the document is 90 pages it is simply a response to the code advising either yes it complies or providing an alternative that meets the Performance Outcome. The Planning Report included the few Performance Outcomes that required assessment and therefore there was no necessary information missing which could have affected the public's understanding of the proposed Dual Occupancy or their ability to provide a submission.</p> <p>This is not a reason for refusal of the application.</p>

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ITEM 2.2 DA/39443/2019/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY LOCATED AT 28 FERNLEA AVENUE, SCARBOROUGH - DIVISION 5 - A19563599 (Cont.)

### 2.8.3 Notice of Compliance

The Notice of Compliance was received by Council on 3 December 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

## 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.

### 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 11.25am after consideration of Item 2.2 and Mr Denis Crowe attended the meeting at this time for discussion on Item 3.1.

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**3 CORPORATE SERVICES SESSION**

**(Cr M Constance)**

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**ITEM 3.1**

**QUARTER 2 OPERATIONAL PLAN & BUDGET REVIEW - REGIONAL**

*Meeting / Session:* 3 CORPORATE SERVICES  
*Reference:* A19627481 : 30 January 2020 - Refer Supporting Information A19624013 & A19624014  
*Responsible Officer:* DW, Coordinator Management Accounting (FCS Accounting Services)

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**Executive Summary**

The purpose of this report is to adopt the Amended Annual Budget for 2019/20 and present the Quarter 2 Operational Plan Review for 2019/20.

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**RESOLUTION**

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**Moved by Cr Mick Gillam**

**Seconded by Cr Koliana Winchester**

**CARRIED 11/0**

1. That pursuant to section 169 and 170 of the Local Government Regulation 2012, Council adopts the amended budget for the 2019/20 financial year, as tabled, incorporating:
  - a. Statement of Income and Expenditure (Long Term Financial Forecast, 10 years);
  - b. Statement of Financial Position (Long Term Financial Forecast, 10 Years);
  - c. Statement of Cash Flows (3 Years);
  - d. Statement of Changes in Equity (3 Years);
  - e. Measures of Financial Sustainability (10 years);
  - f. The total value of the change expressed as a percentage in the rates and utility charges;
  - g. Additional Legislative Disclosures (no change);
  - h. Revenue Policy 2019/20 (no change);
  - i. Revenue Statement 2019/20 (no change); and
  - j. Benefitted Area Maps (no change).
2. That the Quarter 2 Operational Plan as presented be received.

ITEM 3.1 QUARTER 2 OPERATIONAL PLAN & BUDGET REVIEW - REGIONAL - A19627481 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That pursuant to section 169 and 170 of the Local Government Regulation 2012, Council adopts the amended budget for the 2019/20 financial year, as tabled, incorporating:
  - a. Statement of Income and Expenditure (Long Term Financial Forecast, 10 years);
  - b. Statement of Financial Position (Long Term Financial Forecast, 10 Years);
  - c. Statement of Cash Flows (3 Years);
  - d. Statement of Changes in Equity (3 Years);
  - e. Measures of Financial Sustainability (10 years);
  - f. The total value of the change expressed as a percentage in the rates and utility charges;
  - g. Additional Legislative Disclosures (no change);
  - h. Revenue Policy 2019/20 (no change);
  - i. Revenue Statement 2019/20 (no change); and
  - j. Benefitted Area Maps (no change).
2. That the Quarter 2 Operational Plan as presented be received.

**REPORT DETAIL**

**1. Background**

The operational plan review represents Council's opportunity to assess the progress and performance of its departments as per the adopted operational plan.

The departments listed have specific Key Performance Indicators (KPI's) outlined for the 2019/20 financial year with accompanying performance commentary toward the achievement of those KPI's as at the end of the second quarter.

The quarterly budget review also presents an opportunity to revisit Council's adopted budget and propose amendments to revenues and expenditures because of events and circumstances that have occurred, or are anticipated to occur, over the remainder of the financial year given any change in priorities.

**2. Explanation of Item**

**Operational Plan**

The Operational Plan as presented provides Council with a status as at the end of the second quarter on how Council is progressing towards achieving its Key Performance Indicators for 2019/20 with accompanying commentary. Full details are contained in Supporting Information #1.

**Budget Amendment Synopsis**

The proposed amended budget outlines increases and decreases in revenues and expenditures within the 2019/20 budget as at the end of the second quarter. The following significant changes are noted.

**Operating Revenues**

Operating Revenues are expected to increase by approximately \$16 million predominately due to:

- \$14.87 million included for the Waste Levy Abatement Payment (not included in the 2019/20 Adoption Budget). Advice from the Queensland Audit Office, that came subsequent to Council adopting its 2019/20 budget, advised that the Waste Levy Abatement Payment that was received in the 2018/19 financial year must be deferred and recognised as revenue in 2019/20.

*ITEM 3.1 QUARTER 2 OPERATIONAL PLAN & BUDGET REVIEW - REGIONAL - A19627481 (Cont.)*

Operating Expenditure

Operating expenses are proposed to increase by \$13 million primarily comprised of:

- \$2.5 million increase for the financial contribution to the Redcliffe Dolphin Stadium - Stage 3.
- \$2.4 million increase for the costs associated with the Visy Materials Recovery Facilities contract which was not originally budgeted as the contract was not finalised at budget adoption.
- \$1 million increase for contribution to Woodfordia.
- \$700,000 increase for Redcliffe and Ningi waste facilities associated with additional operational costs relating to the Waste Levy, including new weighbridge servicing and CCTV costs. Additionally, there are increased costs for contract services for the Redcliffe waste facility as structural issues closed the "push pit" operations.
- \$580,000 increase for the removal of asbestos and boundary fencing and other site preparations associated with the planned dredged material management facility at Ningi.
- \$490,000 increase for additional workplace health and safety costs, mental health support services, Engineering Construction and Maintenance Division mandatory training and recruitment costs, all of which have arisen due to greater than expected services/activity than originally budgeted.

Capital Expenses and Revenues

Capital grant revenues are set to increase by \$3 million predominately due to expected increases in capital grants relating to the Transport Infrastructure Development Scheme (TIDS) funding of \$1.3m, and several road black-spot funded projects.

Capital expenditure has increased by less than \$1 million.

Capital infrastructure cash contributions are forecast to reach \$45 million for 2019/20, an increase of \$21.5 million on the original budget. Infrastructure cash contributions continue to exceed expectations in line with previous years.

Overall the total impact of the proposed amendments forecasts the net result and cash position of Council to increase in the amount of \$27 million.

Budget Position at the end of Quarter 2

Given the level of budget amendments suggested for the first 6 months of the year, particularly for operating revenues, infrastructure cash contributions and operating expenses, it is appropriate to propose to Council that the original budget be amended for 2019/20.

Accordingly, Supporting Information #2 sets out the amended budget proposed for 2019/20.

It must be noted that when amending the original budget, the following statements and information must be re-presented to Council for adoption, in accordance with sections 169 and 170 of the Local Government Regulation 2012:

- Statement of Income and Expenditure (Long Term Financial Forecast, 10 years) refer below;
- Statement of Financial Position (Long Term Financial Forecast, 10 Years) refer below;
- Statement of Cash Flows (3 Years) refer below;
- Statement of Changes in Equity (3 Years) refer below;
- Measures of Financial Sustainability (10 years) refer below;
- Additional Legislative Disclosures, refer below;



ITEM 3.1 QUARTER 2 OPERATIONAL PLAN & BUDGET REVIEW - REGIONAL - A19627481 (Cont.)

- Revenue Policy 2019/20 (not included in this report as it is not being amended);
- Revenue Statement 2019/20 (not included in this report as it is not being amended); and
- Benefitted Area Maps (not included in this report as it is not being amended).

The impact of the amended budget will obviously have the most influence on the 2019/20 financial year, while years 2 to 10 remain largely unaffected.

The measures of Financial Sustainability have very little change. The additional legislative disclosures are unchanged as are the Revenue Policy, Revenue Statement and the Benefitted Area Maps.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

In accordance with sections 169 and 170 of the Local Government Regulation 2012 the Council may amend its annual budget during the financial year.

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

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

Nil identified

#### 3.4 Risk Management Implications

Organisationally there are a wide number of strategic and operational risks that can impact on the delivery of Council's Adopted Budget and accompanying Operational Plan. Risks are identified and recorded in Council's Enterprise Risk Management (ERM) Register and managed accordingly by each Department.

If during the financial year new risks are identified, these must be recorded in the ERM register and assessed accordingly for impact on Council's delivery of services.

#### 3.5 Delegated Authority Implications

Nil identified

#### 3.6 Financial Implications

The proposed amending of the 2019/20 Budget contains changes that have the most impact on the 2019/20 financial year. As outlined above the major changes are the \$16 million increase in Operating Revenues, the \$13 million increase in Operating Expenditure and finally the increase of \$21.5 million for Infrastructure Contributions. The effect of such changes is forecast to increase Council's budgeted cash position by \$27 million (from the adopted budget amount of \$330 million to \$357 million as at 30 June 2020).

#### 3.7 Economic Benefit Implications

The Council's annual budget facilitates significant infrastructure expenditure, maintenance activities and other services that offer an economic stimulus to the region through employment and business development.

The amendment proposed to the Annual Budget of 2019/20 will have no material impact on the economic benefit to be derived in the region.

#### 3.8 Environmental Implications

Nil identified

*ITEM 3.1 QUARTER 2 OPERATIONAL PLAN & BUDGET REVIEW - REGIONAL - A19627481 (Cont.)*

3.9 Social Implications  Nil identified

3.10 Consultation / Communication

Council, the Executive Management Team, Managers and other key Council officers involved in preparing the Operational Plan Report and the Amended Budget.

**ATTENDANCE**

Mr Denis Crowe left the meeting at 11.27am after consideration of Item 3.1 and Mr Jason Linsdell attended the meeting at this time for discussion on Item 3.2.

**ITEM 3.2**  
**PURCHASING ARRANGEMENT - BUILDING INSPECTION SERVICES**

*Meeting / Session:* 3 CORPORATE SERVICES  
*Reference:* A19625875 : 30 January 2020  
*Responsible Officer:* JL, Financial Operations Manager (Finance and Corporate Services)

**Executive Summary**

A Preferred Supplier Arrangement (Purchasing Arrangement) has been prepared to facilitate the supply of three categories of services used across Council, for the period seven days from the date of the letter of acceptance to 30 June 2020 with an option to extend for a further two 12-month periods if it is decided to be beneficial to Council.

Council sought tenders from the market (including pricing for 36 schedules of rates for goods/services) in a process which commenced on 21 September 2019. The Preferred Supplier Arrangement tender was open for a minimum of 21 days after date of advertisement to meet advertising requirements under the Local Government Regulation 2012. The tender closed on 15 October 2019. A total of 20 submissions were received from eight tenderers across all categories for this Purchasing Arrangement.

Following assessment of MBRC009147, it is recommended that a total of eight suppliers be appointed across four categories as outlined below.

**RESOLUTION**

Moved by Cr Brooke Savige

Seconded by Cr Julie Greer

CARRIED 11/0

1. That the following contractors be appointed onto MBRC009147 - Preferred Supplier Arrangement - Building Inspection Services - Category 1 - Level 2 Inspection - Building Engineering Systems for the period to 30 June 2020, with an option to extend for a further two 12-month periods if it is decided to be beneficial to Council:
  - a. Cardno (QLD) Pty Ltd
  - b. CT Management Group Pty Ltd
  - c. Cushman & Wakefield Pty Ltd
  - d. P & AJ Services Pty Ltd
2. That the following contractors be appointed onto MBRC009147 - Preferred Supplier Arrangement - Building Inspection Services - Category 2 - Level 3 Inspection - Building Engineering Systems for the period to 30 June 2020, with an option to extend for a further two 12-month periods if it is decided to be beneficial to Council:
  - a. Cardno (QLD) Pty Ltd
  - b. Cushman & Wakefield Pty Ltd
  - c. P & AJ Services Pty Ltd
3. That the following contractors be appointed onto MBRC009147 - Preferred Supplier Arrangement - Building Inspection Services - Category 3 - Level 2 Inspection - Building Structural, including Structural Wall, Sub-structure, Structural Roof and Structural Access and Building Fabric for the period to 30 June 2020, with an option to extend for a further two 12-month periods if it is decided to be beneficial to Council:
  - a. Black EME Pty Ltd T/A Black & More
  - b. Built Environment Collective Pty Ltd T/A BE Collective
  - c. Cardno (QLD) Pty Ltd
  - d. CT Management Group Pty Ltd
  - e. Cushman & Wakefield Pty Ltd
  - f. Engineering Design Global Enterprise Pty Ltd T/A EDGE Consulting Engineers
  - g. Frost Engineers

*ITEM 3.2 PURCHASING ARRANGEMENT - BUILDING INSPECTION SERVICES - A19625875 (Cont.)*

4. That the following contractors be appointed onto MBRC009147 - Preferred Supplier Arrangement - Building Inspection Services - Category 4 - Level 3 Inspection - Building Structural, including Structural Wall, Sub-structure, Structural Roof and Structural Access and Building Fabric for the period to 30 June 2020, with an option to extend for a further two 12-month periods if it is decided to be beneficial to Council:
  - a. Black EME Pty Ltd T/A Black & More
  - b. Built Environment Collective Pty Ltd T/A BE Collective
  - c. Cardno (QLD) Pty Ltd
  - d. Cushman & Wakefield Pty Ltd
  - e. Engineering Design Global Enterprise Pty Ltd T/A EDGE Consulting Engineers
  - f. Frost Engineers
5. That the Council enters into an agreement with each of the above contractors as described in this report.
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 agreement with each of the above contractors in respect of each preferred supplier arrangement and any required variations of these agreements on Council's behalf.
7. The Chief Executive Officer be authorised to determine under each preferred supplier arrangement whether to exercise the option to extend the contract by the two 12-month extension periods or to review the composition of the preferred supplier list and consider whether it is necessary to re-tender the entirety of the preferred supplier arrangement.

*ITEM 3.2 PURCHASING ARRANGEMENT - BUILDING INSPECTION SERVICES - A19625875 (Cont.)*

**OFFICER'S RECOMMENDATION**

1. That the following contractors be appointed onto MBRC009147 - Preferred Supplier Arrangement - Building Inspection Services - Category 1 - Level 2 Inspection - Building Engineering Systems for the period to 30 June 2020, with an option to extend for a further two 12-month periods if it is decided to be beneficial to Council:
  - a. Cardno (QLD) Pty Ltd
  - b. CT Management Group Pty Ltd
  - c. Cushman & Wakefield Pty Ltd
  - d. P & AJ Services Pty Ltd
  
2. That the following contractors be appointed onto MBRC009147 - Preferred Supplier Arrangement - Building Inspection Services - Category 2 - Level 3 Inspection - Building Engineering Systems for the period to 30 June 2020, with an option to extend for a further two 12-month periods if it is decided to be beneficial to Council:
  - a. Cardno (QLD) Pty Ltd
  - b. Cushman & Wakefield Pty Ltd
  - c. P & AJ Services Pty Ltd
  
3. That the following contractors be appointed onto MBRC009147 - Preferred Supplier Arrangement - Building Inspection Services - Category 3 - Level 2 Inspection - Building Structural, including Structural Wall, Sub-structure, Structural Roof and Structural Access and Building Fabric for the period to 30 June 2020, with an option to extend for a further two 12-month periods if it is decided to be beneficial to Council:
  - a. Black EME Pty Ltd T/A Black & More
  - b. Built Environment Collective Pty Ltd T/A BE Collective
  - c. Cardno (QLD) Pty Ltd
  - d. CT Management Group Pty Ltd
  - e. Cushman & Wakefield Pty Ltd
  - f. Engineering Design Global Enterprise Pty Ltd T/A EDGE Consulting Engineers
  - g. Frost Engineers
  
4. That the following contractors be appointed onto MBRC009147 - Preferred Supplier Arrangement - Building Inspection Services - Category 4 - Level 3 Inspection - Building Structural, including Structural Wall, Sub-structure, Structural Roof and Structural Access and Building Fabric for the period to 30 June 2020, with an option to extend for a further two 12-month periods if it is decided to be beneficial to Council:
  - a. Black EME Pty Ltd T/A Black & More
  - b. Built Environment Collective Pty Ltd T/A BE Collective
  - c. Cardno (QLD) Pty Ltd
  - d. Cushman & Wakefield Pty Ltd
  - e. Engineering Design Global Enterprise Pty Ltd T/A EDGE Consulting Engineers
  - f. Frost Engineers
  
5. That the Council enters into an agreement with each of the above contractors as described in this report.
  
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 agreement with each of the above contractors in respect of each preferred supplier arrangement and any required variations of these agreements on Council's behalf.
  
7. The Chief Executive Officer be authorised to determine under each preferred supplier arrangement whether to exercise the option to extend the contract by the two 12-month extension periods or to review the composition of the preferred supplier list and consider whether it is necessary to re-tender the entirety of the preferred supplier arrangement.

ITEM 3.2 PURCHASING ARRANGEMENT - BUILDING INSPECTION SERVICES - A19625875 (Cont.)

**REPORT DETAIL**

**1. Background**

Pursuant to section 233 of the Local Government Regulation 2012, Council may enter into a medium-sized contractual arrangement or large-sized contractual arrangement for goods and services, without first inviting written quotes or tenders if the contract is entered into with a supplier under a preferred supplier arrangement. The competitive rates from preferred suppliers approved through the tender process are available to all staff responsible for procurement in Council should they require the services the preferred suppliers offer.

A tender for the establishment of purchasing arrangement MBRC009147 - Building Inspection Services was advertised on 21 September 2019 and closed on 15 October 2019.

The arrangement is to be awarded for the period seven days from the date of the letter of acceptance to 30 June 2020 with an option to extend for a further two 12-month periods if it is decided to be beneficial to Council.

Council requires the above goods and services in large volumes and frequently. Better value for money can be obtained by accumulating the demand for these goods and services.

**2. Explanation of Item**

The submissions were assessed by the tender assessment team in accordance with Council's Purchasing Policy and the selection criteria set out in the tender documents.

Submissions that did not address mandatory assessment criteria were assessed as non-conforming and did not progress in the evaluation process. The submissions were then assessed on qualitative criteria that included Business Profile, Capability and Experience, Key Personnel Skills and Experience, Safety Track Record, Environmental Considerations and whether the company was a Local Business and/or Industry. Pricing of Schedule of Rates was also considered.

The following tables list the recommended companies for each arrangement category after the evaluation process was completed:

**MBRC009147 - Preferred Supplier Arrangement - Building Inspection Services - Category 1 - Level 2 Inspection - Building Engineering Systems**

Category 1 comprises level 2 condition inspections and reporting based primarily on visual or operational inspections to determine condition and functionality of mechanical and electrical systems and services.

A total of four (4) submissions were received, with four companies recommended for appointment to the panel.

Tenderer
Cardno (QLD) Pty Ltd
CT Management Group Pty Ltd
Cushman & Wakefield Pty Ltd
P & AJ Services Pty Ltd

**MBRC009147 - Preferred Supplier Arrangement - Building Inspection Services - Category 2 - Level 3 Inspection - Building Engineering Systems**

Category 2 comprises similar services as Category 1 however more intrusive or destructive testing may be utilised to ascertain condition and functionality.

ITEM 3.2 PURCHASING ARRANGEMENT - BUILDING INSPECTION SERVICES - A19625875 (Cont.)

A total of three submissions were received, with three companies recommended for appointment to the panel.

Tenderer
Cardno (QLD) Pty Ltd
Cushman & Wakefield Pty Ltd
P & AJ Services Pty Ltd

**MBRC009147 - Preferred Supplier Arrangement - Building Inspection Services - Category 3 - Level 2 Inspection - Building Structural, including Structural Wall, Sub-structure, Structural Roof and Structural Access and Building Fabric**

Category 3 comprises level 2 condition inspections and reporting based primarily on visual or operational inspections to determine structural condition and functionality of Council assets.

A total of seven submissions were received, with seven companies recommended for appointment to the panel.

Tenderer
Black EME Pty Ltd T/A Black & More
Built Environment Collective Pty Ltd T/A BE Collective
Cardno (QLD) Pty Ltd
CT Management Group Pty Ltd
Cushman & Wakefield Pty Ltd
Engineering Design Global Enterprise Pty Ltd T/A EDGE Consulting Engineers
Frost Engineers

**MBRC009147 - Preferred Supplier Arrangement - Building Inspection Services - Category 4 - Level 3 Inspection - Building Structural, including Structural Wall, Sub-structure, Structural Roof and Structural Access and Building Fabric**

Category 4 comprises similar services as Category 3 however more intrusive or destructive testing may be utilised to ascertain condition and functionality.

A total of six submissions were received, with six companies recommended for appointment to the panel.

Tenderer
Black EME Pty Ltd T/A Black & More
Built Environment Collective Pty Ltd T/A BE Collective
Cardno (QLD) Pty Ltd
Cushman & Wakefield Pty Ltd
Engineering Design Global Enterprise Pty Ltd T/A EDGE Consulting Engineers
Frost Engineers

ITEM 3.2 PURCHASING ARRANGEMENT - BUILDING INSPECTION SERVICES - A19625875 (Cont.)

**3. Strategic Implications**

3.1 Legislative/Legal Implications

The calling of public tenders and establishment of preferred supplier arrangements is in accordance with section 233 of the Local Government Regulation 2012.

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Strengthening Communities: Strong local governance - strong leadership and governance.

3.3 Policy Implications

These arrangements have been established in accordance with the provisions of Council's Procurement Policy 2150-006.

3.4 Risk Management Implications

The appointment of the suppliers will ensure the timely delivery of these programs whilst complying with Council's Procurement Policy. A risk assessment of the goods and services to be supplied under each purchasing arrangements was undertaken during the development of the tender documentation. Where appropriate, specific requirements in relation to risk management and insurance coverage were included in the tender requirements and assessed as part of the overall evaluation process.

3.5 Delegated Authority Implications

Adoption of the suppliers by Council and approval of subsequent purchase orders within delegated financial authority limits will satisfy these requirements.

3.6 Financial Implications

Funding for works engaged under these preferred supplier arrangements are included in the Capital (including Minor Works) and Operations' works programs.

3.7 Economic Benefit

The appointment of preferred supplier arrangements will enable Council to deliver its programs in a timely and cost-effective manner.

3.8 Environmental Implications  Nil identified

3.9 Social Implications  Nil identified

3.10 Consultation / Communication

Representatives from Council's Infrastructure Planning Directorate sat on the evaluation panel for this purchasing arrangement.

External financial assessments have been sought where necessary.

Corporate Procurement managed the process through preparation, release, evaluation and award.

**ATTENDANCE**

Mr Jason Linsdell left the meeting at 11.28am after consideration of Item 3.2.



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**4 ASSET CONSTRUCTION & MAINTENANCE SESSION**

**(Cr A Hain)**

**ITEM 4.1**

**REDCLIFFE WASTE TRANSFER STATION STRUCTURAL REPAIRS OF EXISTING SOUTHERN WING RETAINING WALL - DIVISION 6**

*Meeting / Session:* 4 ASSET CONSTRUCTION & MAINTENANCE  
*Reference:* A19631451 : 29 January 2020 - Refer **Confidential Supporting Information A19434963**  
*Responsible Officer:* MK, Principal Engineer Buildings and Facilities (IP Directorate)

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**Executive Summary**

Tenders were invited for the “Redcliffe Waste Transfer Station Structural Repairs of Existing Southern Wing Retaining Wall (MBRC009287)” project. The Request for Tender closed on 3 December 2019 with a total of 3 conforming tenders received.

The project scope includes the detailed design and construction of a southern wing retaining wall structural support system as well as the rectification of various other building defects at the Redcliffe Waste Transfer building located at 261 Duffield Road, Clontarf.

It is recommended that Council awards the contract for the “Redcliffe Waste Transfer Station Structural Repairs of Existing Southern Wing Retaining Wall (MBRC009287)” to Auzcon Pty Ltd, for the sum of \$383,800 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

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**RESOLUTION**

Moved by Cr Koliانا Winchester

Seconded by Cr Peter Flannery

**CARRIED 11/0**

1. That the tender for “Redcliffe Waste Transfer Station Structural Repairs of Existing Southern Wing Retaining Wall (MBRC009287)” be awarded to Auzcon Pty Ltd for the amount of \$383,800 (excluding GST).
2. That the Council enters into an agreement with Auzcon Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Auzcon Pty Ltd for “Redcliffe Waste Transfer Station Structural Repairs of Existing Southern Wing Retaining Wall (MBRC009287)” and any required variations of the agreement on Council's behalf.

*ITEM 4.1 REDCLIFFE WASTE TRANSFER STATION STRUCTURAL REPAIRS OF EXISTING SOUTHERN WING RETAINING WALL - DIVISION 6 - A19631451 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That the tender for "Redcliffe Waste Transfer Station Structural Repairs of Existing Southern Wing Retaining Wall (MBRC009287)" be awarded to Auzcon Pty Ltd for the amount of \$383,800 (excluding GST).
2. That the Council enters into an agreement with Auzcon Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Auzcon Pty Ltd for "Redcliffe Waste Transfer Station Structural Repairs of Existing Southern Wing Retaining Wall (MBRC009287)" and any required variations of the agreement on Council's behalf.

## **REPORT DETAIL**

### **1. Background**

A budget allocation was provided in the 2017/18 Council budget to fund structural investigations on a number of Council owned buildings and provide a detailed recommendations report. The Redcliffe Transfer Station building was included as part of this scope of works. The structural investigation concluded that there were a number of structural defects within the transfer station building which would require rectification to ensure that the building can safely be used for ongoing waste transfer operations.

The rectification works included repairs to the existing seven metre high southern wing retaining wall, repairs to various minor building defects and repairs to three structural columns within the building. The repairs to the three structural columns was deemed urgent and have already been completed.

As a precautionary measure, the southern wing retaining wall (refer to Figure 1) has been monitored bi-weekly for any movement since July 2019 by Councils' Engineering Survey team and as to date, no movement has been detected.



**Figure 1 - Location of southern wing retaining wall**

The push pit has been closed since June 2019 due to safety concerns with the identified structural defects and the facility is now only being used as a waste and recyclables collection and management station.

ITEM 4.1 REDCLIFFE WASTE TRANSFER STATION STRUCTURAL REPAIRS OF EXISTING SOUTHERN WING RETAINING WALL - DIVISION 6 - A19631451 (Cont.)

The stability of the southern wing retaining wall has been evaluated in conjunction with Councils engaged structural engineering consultant. A secondary professional consultant was also engaged to undertake a peer review of the proposed rectification design treatments. Further, the wall loading data was modelled using Autodesk Robot Structural Analysis to verify its functionality. Following this, two possible design solutions were developed and both consultants agreed they would perform the intended purpose.

These two designs can be found below in Figure 2 and Figure 3.

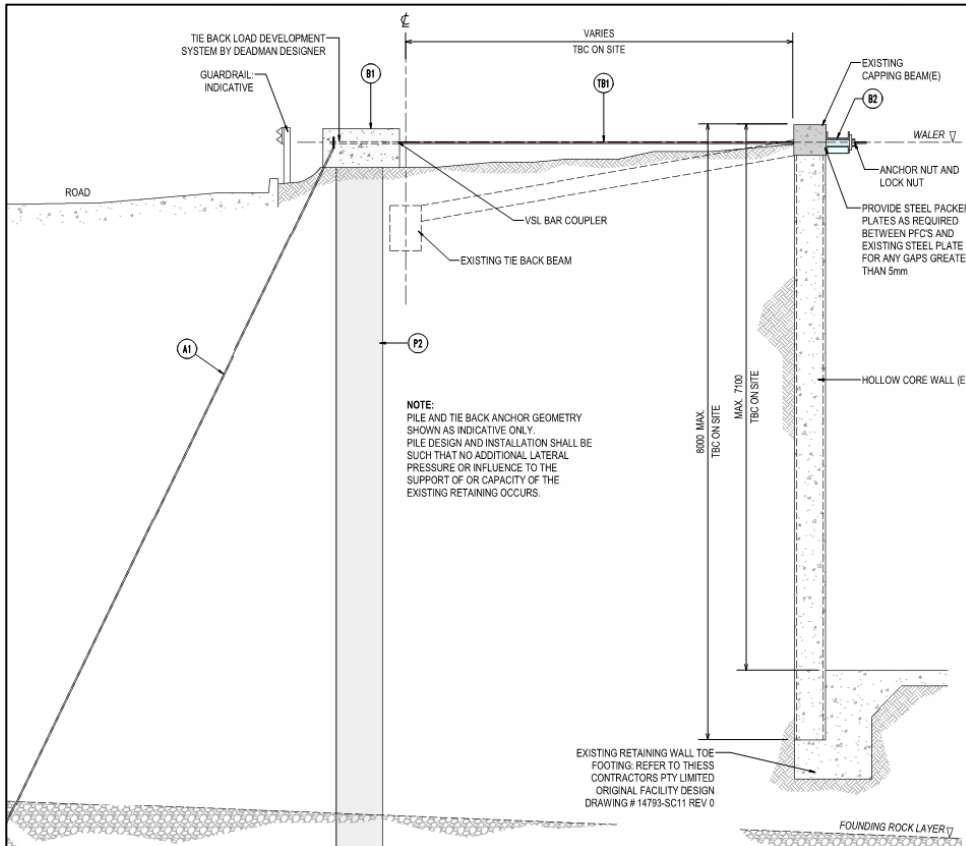


Figure 2 - Side view of Vertical Piling

ITEM 4.1 REDCLIFFE WASTE TRANSFER STATION STRUCTURAL REPAIRS OF EXISTING SOUTHERN WING RETAINING WALL - DIVISION 6 - A19631451 (Cont.)

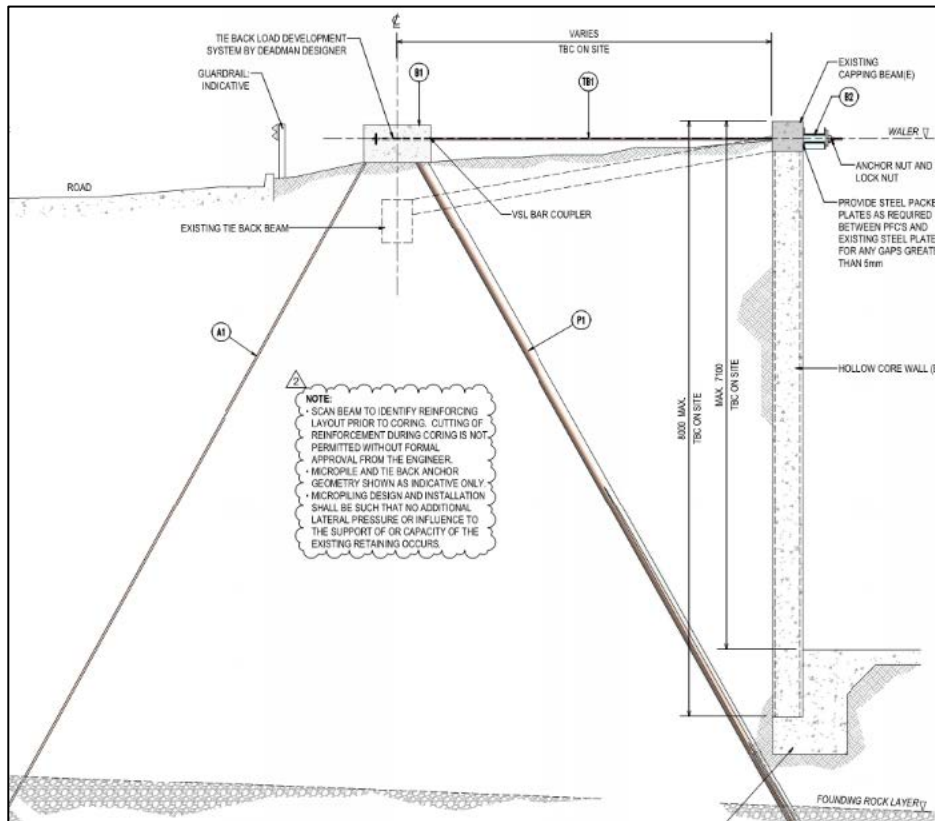


Figure 3 - Side view of Micropiling Option

Tenderers were given the opportunity to submit tenders for one or both of the rectification options and provide an alternative solution if they wished. The successful tenderer will be responsible for the detailed design and engineering certification of the deadman and ground anchors for their proposed option, as well as the subsequent construction works. In addition to the retaining wall remedial works, the successful tenderer will also be responsible for rectifying all other defects which were identified in the recommendations report.

2. Explanation of Item

Tenders for the “Redcliffe Waste Transfer Station Structural Repairs of Existing Southern Wing Retaining Wall (MBRC009287)” project closed on 3 December 2019 with a total of three 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).

RANK	TENDERER	EVALUATION SCORE
1	Auzcon Pty Ltd (Vertical Piling)	96.92
2	Ecospec Pty Ltd (Vertical Piling)	82.39
3	Piling & Concreting Australia (PCA) Pty Ltd T/A PCA Ground Engineering (Micropiling)	80.03
4	Ecospec Pty Ltd (Micropiling)	79.38
5	Ecospec Pty Ltd (Alternative)	Non- conforming

*ITEM 4.1 REDCLIFFE WASTE TRANSFER STATION STRUCTURAL REPAIRS OF EXISTING SOUTHERN WING RETAINING WALL - DIVISION 6 - A19631451 (Cont.)*

**Auzcon Pty Ltd (Auzcon)** submitted a comprehensive tender for the vertical piling option and demonstrated their proposed methodology and experiences on projects of a similar scale and complexity. Auzcon has undertaken similar vertical piling works for Moreton Bay Regional Council in the “Margate Parade Boardwalk” project demonstrating its ability to manage piling operations and associated construction works for Council. At a tender clarification meeting held on 18<sup>th</sup> December 2019, Auzcon demonstrated its understanding and methodology to complete the project. Auzcon has indicated the project duration will be 16 weeks inclusive of the detailed design and an allowance for wet weather. The assessment panel evaluated this offer from Auzcon as providing the best overall value to Council.

**Ecospec Pty Ltd (Ecospec)** submitted a comprehensive tender for the vertical piling option and demonstrated their experience on projects of a similar scale and complexity. Ecospec has undertaken similar piling works for other Councils within southeast Queensland demonstrating their competence. At a tender clarification meeting on 19<sup>th</sup> December 2019, Ecospec demonstrated their understanding to complete the works. Ecospec has indicated that the project duration will be 14 weeks inclusive of the design and an allowance for wet weather. Ecospec’s vertical piling option offers no additional benefits to Council for the higher price.

**Piling & Concreting Australia (PCA) Pty Ltd T/A PCA Ground Engineering (PCA)** submitted a comprehensive tender for the Micropiling option and demonstrated their micropiling experience on similar projects. At a tender clarification meeting on 18<sup>th</sup> December 2019, PCA demonstrated its understanding and methodology to successfully complete the project. PCA has indicated that the project duration will be 10 weeks inclusive of the design and an allowance for wet weather. PCA’s micropiling option offers no additional benefits to Council for the higher price.

A non-conforming alternative tender from Ecospec was dismissed by Council as per Clause 12.3 in the conditions of offer. A technical review of the offer determined it comprised some specific structural risks that could only be resolved through Council taking on additional risk and maintenance requirements.

### **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 - Creating Opportunities: Local jobs for residents - an innovative and thriving economy.

#### **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 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’.



*ITEM 4.1 REDCLIFFE WASTE TRANSFER STATION STRUCTURAL REPAIRS OF EXISTING SOUTHERN WING  
RETAINING WALL - DIVISION 6 - A19631451 (Cont.)*

3.10 Consultation / Communication

Building and Facilities Planning will be in continuous communication with the principal contractor and the waste services team throughout the entire project. Communication strategies include weekly site visits and formal meetings.

## **ITEM 5.1 - DECLARATION OF INTEREST**

### **Conflict of Interest - Declaration - Cr James Houghton**

Pursuant to s175E of the *Local Government Act 2009*, Cr James Houghton declared a perceived conflict of interest in Item 5.1 as the Councillor is the number one ticketholder of the Redcliffe Tigers AFL Club.

**However, Cr James Houghton has considered his position and is firmly of the opinion that he could participate in the debate and resolution on the matter in the public interest.**

### **Councillor not voluntarily left meeting - 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 have been informed about a Councillor's personal interests in the matter and the Councillor has not voluntarily left the meeting, and in accordance with s175E(4) the other Councillors must decide whether the Councillor has a real or perceived conflict of interest in the matter and what action the Councillor must take.*

**Moved by Cr Mick Gillam**

**Seconded by Cr Denise Sims**

**CARRIED 10/0**

**That in accordance with s175E(4) of the *Local Government Act 2009*, it is considered that Cr James Houghton has a perceived conflict of interest in the matter however, may participate in the meeting including voting on the matter as it is considered that this is in the public interest.**

**Cr James Houghton remained in the meeting.**



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**5 PARKS, RECREATION & SPORT SESSION**

**(Cr K Winchester)**

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**ITEM 5.1**

**NEW LEASE - REDCLIFFE TIGERS AFC INC - DIVISION 5**

*Meeting / Session:* 5 PARKS, RECREATION & SPORT  
*Reference:* A19285302 : 31 October 2019 - **Refer Supporting Information A19285306**  
*Responsible Officer:* CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

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**Executive Summary**

This report seeks Council's approval for the provision of a trustee lease to Redcliffe Tigers AFC Inc at 30 Nathan Road, Kippa-Ring (refer Supporting Information #1). The proposed lease will take effect following completion of the Nathan Road Sporting Precinct Development Project (Stage 1), expected at the end of February 2020.

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**RESOLUTION**

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**Moved by Cr James Houghton**

**Seconded by Cr Adam Hain**

**CARRIED 11/0**

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3, Redcliffe Tigers AFC Inc be granted a lease over an area at 30 Nathan Road, Kippa-Ring (refer Supporting Information #1) for a period of five years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

*ITEM 5.1 NEW LEASE - REDCLIFFE TIGERS AFC INC - DIVISION 5 - A19285302 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3, Redcliffe Tigers AFC Inc be granted a lease over an area at 30 Nathan Road, Kippa-Ring (refer Supporting Information #1) for a period of five years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

## **REPORT DETAIL**

### **1. Background**

Since 1999, Redcliffe Tigers AFC Inc (formerly Redcliffe Peninsula Australian Football Club Inc) has operated from Rothwell Park, 25A McGahey Street, Rothwell (refer Supporting Information #2) under formal tenure arrangements with Council.

Since at least 2005, this site has experienced significant flood inundation, rendering the location unable to support the club's operations in the long-term. This, along with an identified need for additional multipurpose sports surfaces within the area, led to the Council's construction of the Nathan Road Sporting Precinct at 30 Nathan Road, Kippa-Ring. Once this two-stage development is complete, Redcliffe Tigers AFC Inc will relocate their operations to this new sporting precinct.

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

Construction of Stage 1 of the Nathan Road Sporting Precinct is expected to be completed at the end of February 2020. This stage, consisting of the construction of a playing field, three buildings (clubhouse, changerooms and a storage facility) and ancillary infrastructure, will enable the Redcliffe Tiger AFC to relocate part of their operations to the new site. However, full withdrawal from the Rothwell Park facilities will only be enabled following completion of the second stage.

To enable Redcliffe Tigers AFC Inc to occupy these new facilities, Council will need to provide the group with a lease over the clubhouse, changerooms and storage buildings (refer Supporting Information #1), as well as a Sports Field Permits over the playing surface. Council approval via resolution is not required for the issuing of sports field permits.

Accordingly, this report recommends that Council approves the granting of a lease to Redcliffe Tigers AFC Inc, under the terms and conditions of Council's Community Leasing Policy, over the areas identified in Supporting Information #1. Further, it is recommended that the term of this lease be for a period of five (5) years, commencing at the completion of works associated with Stage 1 of the Nathan Road Sporting Precinct project.

### **3. Strategic Implications**

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

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

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

ITEM 5.1 NEW LEASE - REDCLIFFE TIGERS AFC INC - DIVISION 5 - A19285302 (Cont.)

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications

As per Officer's Recommendation 4 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary to execute the new lease.

3.6 Financial Implications  Nil identified

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications

The issuing of a lease to Redcliffe Tigers AFC Inc. will provide the club with additional facilities to support its operations.

3.10 Consultation / Communication

Divisional Councillor  
Relevant Council departments  
Redcliffe Tigers AFC Inc

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**6 LIFESTYLE & AMENITY SESSION**

**(Cr D Sims)**

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No items for consideration.

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**7 ECONOMIC DEVELOPMENT, EVENTS & TOURISM SESSION**

**(Cr P Flannery)**

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No items for consideration.

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**8 REGIONAL INNOVATION SESSION**

**(Cr D Grimwade)**

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No items for consideration.

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**11. GENERAL BUSINESS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE**

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**ITEM 11.1  
FOUR PALLETES 2020 - DIVISION 6**

Cr Koliana Winchester made special mention of her attendance to open the Four Palettes 2020 art exhibition at the Redcliffe Art Society on Saturday 8 February 2020. Cr Winchester said that the exhibition showcases the many works of four local artists, Tricia, Winnie, Kerry and Cheryl, who have each won many awards locally and internationally. Cr Winchester extended her congratulations to the Redcliffe Art Society, Old Fire Station Gallery.

**RESOLUTION**

**Moved by Cr Koliana Winchester  
Seconded by Cr Brooke Savige**

**CARRIED 11/0**

**That a Mayoral letter of congratulation be sent to the award winners of the Four Pallettes 2020 exhibition.**

**ITEM 11.2  
CR KOLIANA WINCHESTER RETIREMENT - DIVISION 6**

Cr Koliana Winchester provided the following statement:

*'It has been a privilege and an honour to represent the great people and beautiful community of the Redcliffe Peninsula, on both the Redcliffe City Council and more recently, the Moreton Bay Regional Council.*

*I was first elected at a Council by-election in 2005, having campaigned as a strong independent voice calling for a new city-planning scheme that better managed new high-rise developments.*

*I have argued and advocated on behalf of residents regarding planning and development issues over the years since. I have also spent this time advocating for our community more broadly. From rolling out thousands of metres of new and accessible footpaths to the establishment of the Old Fire Station gallery and volunteers' hub*

*We've also seen Council house community groups as part of renovations, including the Redcliffe Art Society, University of the Third Age and the Redcliffe Seniors Computer Club to name a few. Other work has focused on placemaking, such as the Bee Gees Way projects and streetscaping work. The greatest projects in my mind are the ones that enhance our environment, such as healthy waterways initiatives at Humpybong Creek and Bells Creek, alongside Council's contribution to the Hays Inlet Eco Path.*

*Most importantly, I have enjoyed a close relationship with the people and groups of the Redcliffe Peninsula, one which has seen our beautiful part of the world grow in so many ways.*

*Being an elected representative is about making tough decisions. As a strong independent voice on Council, I am used to making them, often as an isolated voice. However, I am making another tough decision and have announced that I will not be recontesting Division 6 of the Moreton Bay Regional Council at the upcoming election.*

*This is not an easy decision. But it's time to move on to the next chapter of my life and spend some time in retirement with my husband Bill and my loving family and grand-children.*

*You will keep seeing me around the peninsula and at community events, just as much as before I was elected. I would like to give my heartfelt gratitude to the people of the Redcliffe Peninsula who have overwhelmingly supported my candidacy over the years. It's vital that we pursue economic development and that the new Council champion the great ideas coming out of the Moreton Bay Region.*

ITEM 11.4 REGIONAL EVENTS - A19285302 (Cont.)

11.2 Cr Koliانا Winchester Retirement - Division 6 (Cont'd)

*The Residents must be heard on Council first and foremost.*

*Redcliffe continues to grow into an increasingly vibrant and supportive community, the best place to live, work, and for me, to enjoy retirement."*

Cr Winchester's colleagues wished her well for the future and all the best in her retirement.

**ITEM 11.3  
A CRUSADERS JOURNEY - BUSHFIRE FUNDRAISER - DIVISION 1**

Cr Brooke Savige made special mention of her attendance, together with Cr Mike Charlton (Acting Mayor) and her husband to the Bushfire Fundraiser 'A Crusaders Journey' held at the Abbey Museum of Art and Archaeology on Saturday 8 February 2020. Cr Savige said that it was a wonderful night where she experienced a range of food and entertainment from the Crusaders' time and that funds raised would be going to the town of Genoa, Victoria. Cr Savige said the Abbey Museum pulled together with volunteers and re-enactments to raise \$7,000 and that Michael Guarino and Michelle Hanton had done much of the leg work.

Cr Mike Charlton (Acting Mayor) concurred with Cr Brooke Savige regarding the Bushfire Fundraiser and said that the re-enactments were amazing and included three bouts of fully-armed combat jousting in full chain mail armour with axes and helmets weighing approximately 30 kilograms. Cr Charlton said that it was one of the most amazing sights to watch the 60-second rounds and added that the volunteers all did a great job. Cr Charlton also made mention that the town of Genoa was one town in Australia that had an historic timber arch bridge which has unfortunately been lost to the bushfires.

**RESOLUTION**

**Moved by Cr Brooke Savige  
Seconded by Cr Mick Gillam**

**CARRIED 11/0**

**That a Mayoral letter of congratulation be sent to the Abbey Museum for a successful fundraising event.**

**ITEM 11.4  
REGIONAL EVENTS**

Cr Koliانا Winchester made special mention of her invitation to speak at the Queensland University of Technology's **QUT Pathways to Politics for Women 2020** held on Friday 7 February 2020 at Gardens Point campus. Cr Winchester said she met so many aspiring politicians, joined a panel discussion and said that it is the only program of its kind in Queensland, which is an initiative to increase female participation in all levels of government. Cr Winchester added that it is a great program by QUT and thanked them for the opportunity to participate.

Cr Peter Flannery made special mention of his attendance, together with Cr James Houghton at the **Sunshine Coast Sports Federation Awards Dinner** held at Lake Kawana on Friday 7 February 2020. Cr Flannery said that it was a pleasure to present MBRC Australia Day Sports Awards winners, Bianca Dilworth and Charlene Povey, with trophies to recognise their achievements in the Moreton Bay region. Cr Flannery said the awards dinner had been held at a different venue this year, and that Moreton Bay Regional Council and Sunshine Coast Council were major sponsors of event.

11.4 Regional Events

Cr James Houghton concurred with Cr Peter Flannery stating that the dinner was a very good night. Cr Houghton said that a local, Rupert McCall, who grew up in Redcliffe, was the MC for the night and added that he is also a patron of the Redcliffe Dolphins.

Cr Adam Hain made special mention of local **Moreton Bay Lion, Lily Postlethwaite**, who played with Brisbane Lions against Adelaide Crows for Round 1 of the AFL Women's Competition, on Saturday 8 February 2020.

**ATTENDANCE**

Ms Robyn Moffat attended the meeting at 11.56am for discussion on Item 11.5.

**ITEM 11.5  
SEQ KOALA CONSERVATION STRATEGY - REGIONAL**

**RESOLUTION**

Moved by Cr Matt Constance

Seconded by Cr Peter Flannery

**CARRIED 11/0**

That the Moreton Bay Regional Council:

- a. **Calls on the State Government to listen to the concerns of South East Queensland councils, numerous environmental groups and residents noting that approximately 15,000 hectares of koala habitat is now at risk in the Moreton Bay region alone due to the removal of protections in its new SEQ Koala Conservation Strategy, pause its regulatory changes and restart the consultation process with councils and the community.**
- b. **Notes that the State Government approved its proposed changes without any response to council of its submission, endorsed as Item 6.1 (Supplementary Agenda) at Council's General Meeting held on 28 January 2020.**
- c. **That the Acting Mayor (Cr M Charlton) write to the Premier of Queensland, the Honourable Annastacia Palaszczuk MP, and the Honourable Leeanne Enoch MP, Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts regarding the matter.**

**ATTENDANCE**

Ms Robyn Moffat left the meeting at 12.02pm after consideration of Item 11.5.

**ITEM 11.6  
BRIBIE ISLAND GARDENS WATERWAYS - DIVISION 1**

Following the address at Community Comment Session by Mr Noel Wendt, Cr Flannery moved the following motion:

**RESOLUTION**

Moved by Cr Peter Flannery

Seconded by Cr Brooke Savage

**CARRIED 11/0**

**That a Council Workshop be conducted in relation to the issues raised at Bribie Gardens Waterways.**

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**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.

**CLOSED SESSION**

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**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr James Houghton

**CARRIED 11/0**

**That Council move into closed session pursuant to the provisions of s275 (1) of the Local Government Regulation 2012 to discuss Items C.1 to C.2.**

Members of the press and public gallery left the Chambers.  
The closed session commenced at 12.11pm.

**ATTENDANCE**

Ms Elissa McConaghy attended the meeting at 12.11pm for discussion on Item C.1 and left the meeting at 12.16pm.

**OPEN SESSION**

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**RESOLUTION**

Moved by Cr Julie Greer

Seconded by Cr Adam Hain

**CARRIED 11/0**

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

The open session resumed at 12.20pm.



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**12a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL**

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**ITEM C.1 – CONFIDENTIAL**

**LOCAL GOVERNMENT INFRASTRUCTURE PLAN AMENDMENT 1 (LGIP2)  
APPOINTED REVIEWER - REGIONAL**

**Meeting / Session:** 2 Planning & Development (Cr M Gillam)

**Reference:** A19450870 : 29 January 2020

**Responsible Officer:** EM, Coordinator Strategic Infrastructure Planning (IP Strategic Infrastructure Planning)

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**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**

In 2016, Council engaged Integrated Infrastructure Planning Pty Ltd (now trading as IIP Pty Ltd) under Local Buy Contract BUS242-0314 Planning, Design and Architectural Consultancy Services on a three year contract to assist with the preparation and to undertake the appointed review of the first amendment of the Moreton Bay Regional Council Local Government Infrastructure Plan (LGIP), (otherwise referred to as LGIP2).

This contract has now expired.

This report recommends that Council enter into a new contractual arrangement with IIP Pty Ltd as the Appointed Reviewer for the *MBRC Local Government Infrastructure Plan amendment 1 (LGIP2)*.

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**RESOLUTION**

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Moved by Cr Matt Constance

Seconded by Cr James Houghton

CARRIED 11/0

1. That in accordance with section 234 of the Local Government Regulation 2012, Council is satisfied that an agreement with IIP Pty Ltd as the Appointed Reviewer for the *MBRC Local Government Infrastructure Plan amendment 1 (LGIP2)* project is entered into under an LGA Arrangement (Local Buy).
2. That Council enters into an agreement with IIP 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 IIP Pty Ltd as the Appointed Reviewer for the *MBRC Local Government Infrastructure Plan amendment 1 (LGIP2)* project and any required variations of the agreement on Council's behalf.

**ITEM C.2 – CONFIDENTIAL**

**ACQUISITION OF LAND FOR ROAD PURPOSES - KALLANGUR - DIVISION 7**

**Meeting / Session:** 4 Asset Construction & Maintenance (Cr A Hain)

**Reference:** A19642132 : 4 February 2020 - **Confidential** Supporting Information -  
**A19071805; A19233474**

**Responsible Officer:** SJ, Manager Integrated Transport Planning (ECM Integrated Transport Planning & Design)

**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**

This report seeks Council approval to acquire land for road purposes to facilitate a future road transport network upgrade.

**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr Julie Greer

CARRIED 11/0

**That Council:**

1. Delegates to the Chief Executive Officer the power to negotiate and finalise the purchase of the properties (or parts of those properties) described in this confidential report (Land);
2. Failing a negotiated purchase of the Land on terms satisfactory to the Chief Executive Officer, delegates the power to the Chief Executive Officer to take the Land for road purposes by way of compulsory acquisition in accordance with the requirements of the *Acquisition of Land Act 1967 (Act)* which includes, without limitation, the power to prepare, serve and amend a notice of intention to resume;
3. If no objections are received, delegates the power to the Chief Executive Officer to make an application to the Minister for Natural Resources, Mines and Energy to take the Land under section 9 of the Act;
4. Delegates authority to the Chief Executive Officer to settle the claims for compensation if the Land is compulsorily acquired; and
5. Authorises the Chief Executive Officer to do all other things that are necessary to give effect to the taking of the Land.

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**12b. CONFIDENTIAL GENERAL BUSINESS**

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No items for consideration.

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**CLOSURE**

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There being no further business the Chairperson closed the meeting at 12.21pm.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 20/183 to 20/252 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 11 February 2020.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Tuesday 18 February 2020.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

\_\_\_\_\_  
Councillor Mike Charlton  
Acting Mayor