



# **MINUTES**

## **GENERAL MEETING**

**Wednesday 22 November 2023**  
commencing at 9.32am

Strathpine Chambers  
220 Gympie Road, Strathpine

**ENDORSED GM20231213**

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**Membership = 13**  
Mayor and all Councillors

**Quorum = 7**

*Adoption Extract from General Meeting – 13 December 2023 (Page 23/2593 )*

**General Meeting - 22 November 2023 (Pages 23/2422 - 23/2572)**

**RESOLUTION**

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Sandra Ruck

**CARRIED 13/0**

**That the minutes of the General Meeting held 22 November 2023, be confirmed.**

## LIST OF ITEMS

	STATEMENT - ATTENDEES AND LIVESTREAMING	
1.	<b>ACKNOWLEDGEMENT OF COUNTRY</b>	<b>2422</b>
2.	<b>OPENING PRAYER / REFLECTION</b>	<b>2422</b>
3.	<b>ATTENDANCE &amp; APOLOGIES</b>	<b>2422</b>
4.	<b>MEMORIALS OR CONDOLENCES</b>	<b>2423</b>
5.	<b>CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING</b>	<b>2423</b>
	General Meeting - 8 November 2023 (Pages 23/2198 - 23/2421)	2423
	<b>RESOLUTION</b>	
6.	<b>PRESENTATION OF PETITIONS</b>	<b>2423</b>
	<i>(Addressed to the Council and tabled by Councillors)</i>	
7.	<b>CORRESPONDENCE</b>	<b>2423</b>
7.1.	Response to Petition: Neil Greaves regarding Broads/Mount Samson Roads, Closeburn - Intersection Safety (67463914)	
7.2.	Further response to Petition: Dr Christopher Evans regarding DA/40859/2020/VL2 at Pine Valley North, Morayfield (68236065)	
7.3.	Councillor Conduct Tribunal Determination - Statement of Cr Mick Gillam	
8.	<b>COMMUNITY COMMENT</b>	<b>2425</b>
9.	<b>NOTICES OF MOTION (Repeal or amendment of resolutions)</b>	<b>2425</b>
	<i>(s262 of the Local Government Regulation 2012)</i>	
10.	<b>CONFLICTS OF INTEREST NOTIFIED TO THE CEO</b>	<b>2425</b>
10.1.	Notified Prescribed Conflict of Interest - Cr Darren Grimwade	
11.	<b>OFFICERS' REPORTS TO COUNCIL (conducted in Sessions)</b>	<b>2426</b>
	<i>(as referred by the Chief Executive Officer)</i>	
	<b>MATTER BROUGHT FORWARD</b>	<b>2426</b>
	<b>6 ENGAGED COUNCIL SESSION (Cr M Constance / Cr D Grimwade)</b>	<b>2427</b>
	<b>ITEM 6.5</b>	<b>2427</b>
	<b>MOVE TO STRATEGIC CONTRACTING PROCEDURES</b>	
	<b>RESOLUTION</b>	
	REPORT DETAIL	

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<b>1 VIBRANT COMMUNITIES SESSION (Cr Y Barlow / Cr S Ruck)</b>	<b>2433</b>
<b>ITEM 1.1</b>	<b>2433</b>
BURPENGARY EAST AND DAYBORO - PARK NAMING	
<b>RESOLUTION</b>	
REPORT DETAIL	
<b>ITEM 1.2</b>	<b>2437</b>
NEW LEASE - LIONS CLUB OF PINE RIVERS INC.	
<b>RESOLUTION</b>	
REPORT DETAIL	
<b>ITEM 1.3</b>	<b>2440</b>
NEW LEASE - CABOOLTURE COMMUNITY FM RADIO ASSOCIATION INCORPORATED	
<b>RESOLUTION</b>	
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<b>ITEM 1.4</b>	<b>2443</b>
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<b>2 HEALTHY ENVIRONMENTS SESSION (Cr C Tonks / Cr B Savige)</b>	<b>2461</b>
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PINE RIVERS CATCHMENT ASSOCIATION - RMIS PROJECT	
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REPORT DETAIL	

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REPORT DETAIL	
<b>3 WELL-PLANNED PLACES SESSION (Cr J Shipway (Deputy Mayor) / Cr M Booth)</b>	<b>2482</b>
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<b>ITEM 3.5 - DECLARATION OF INTEREST</b>	<b>2503</b>
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<b>ITEM 3.5</b>	<b>2503</b>
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REPORT DETAIL	
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<b>4 WELL-CONNECTED PLACES SESSION (Cr A Hain / Cr M Gillam)</b>	<b>2518</b>
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REPORT DETAIL	
<b>ITEM 4.2</b>	<b>2521</b>
POLICY 2150-038 ALLOCATION OF ROAD NAMES AND STREET ADDRESS NUMBERS	
<b>RESOLUTION</b>	
REPORT DETAIL	
<b>ITEM 4.3</b>	<b>2524</b>
QUOTATION - MURRUMBA DOWNS - OGG ROAD - PEDESTRIAN CROSSING AND ROAD ACCESS IMPROVEMENTS (MBRC008453 / VP378418)	
<b>RESOLUTION</b>	
REPORT DETAIL	
<b>ITEM 4.4</b>	<b>2530</b>
QUOTATION - MORAYFIELD ROAD - ACTIVE TRANSPORT UPGRADES (MBRC008453 / VP347527)	
<b>RESOLUTION</b>	
REPORT DETAIL	

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<b>5</b>	<b>PROGRESSIVE ECONOMY SESSION (Cr K Winchester / Cr T Latter)</b>	<b>2535</b>
<b>6</b>	<b>ENGAGED COUNCIL SESSION (Cr M Constance / Cr D Grimwade)</b>	<b>2536</b>
<b>ITEM 6.1</b>	<b>2023/24 SYSTEMATIC INSPECTION PROGRAM - REGULATED DOGS</b>	<b>2536</b>
	<b>RESOLUTION</b>	
	REPORT DETAIL	
<b>ITEM 6.2</b>	<b>PROPOSED AMENDMENT LOCAL LAW - AMENDMENT LOCAL LAW (STATE-CONTROLLED ROADS) 2024</b>	<b>2539</b>
	<b>RESOLUTION</b>	
	REPORT DETAIL	
<b>ITEM 6.3</b>	<b>MAKING OF THE AMENDMENT LOCAL LAW NO.1 (MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 8 (ELECTION SIGNS) 2019) 2023 AND THE AMENDMENT SUBORDINATE LOCAL LAW NO.1 (MORETON BAY REGIONAL COUNCIL SUBORDINATE LOCAL LAW NO. 8 (ELECTION SIGNS) 2019) 2023</b>	<b>2544</b>
	<b>RESOLUTION</b>	
	REPORT DETAIL	
<b>ITEM 6.4</b>	<b>REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER</b>	<b>2553</b>
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	REPORT DETAIL	
<b>ITEM 6.6</b>	<b>LOCAL LAWS IMPLEMENTATION - 2023/24 FEES AND CHARGES AMENDMENTS</b>	<b>2557</b>
	<b>RESOLUTION</b>	
	REPORT DETAIL	
<b>ITEM 6.7</b>	<b>FEES AND CHARGES AMENDMENT FOR ANIMALS FOR 2023/24 REGISTRATION PERIOD</b>	<b>2560</b>
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	REPORT DETAIL	
<b>ITEM 6.8</b>	<b>DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER - MORETON BAY CITY COUNCIL LOCAL LAWS AND SUBORDINATE LOCAL LAWS</b>	<b>2564</b>
	<b>RESOLUTION</b>	
	REPORT DETAIL	
<b>12.</b>	<b>NOTIFIED GENERAL BUSINESS ITEMS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE</b>	<b>2567</b>
<b>ITEM 12.1</b>	<b>CITY OF MORETON BAY - AWARDS</b>	<b>2567</b>
<b>ITEM 12.2</b>	<b>REGIONAL EVENTS</b>	<b>2567</b>

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<b>13. CLOSED SESSION</b>	<b>2568</b>
<i>(s254J of the Local Government Regulation 2012)</i>	
<b>14. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL</b>	<b>2569</b>
<b>ITEM C.1 – CONFIDENTIAL</b>	<b>2569</b>
LAND ACQUISITIONS - SAMFORD VALLEY - PATHWAY CONSTRUCTION <b>RESOLUTION</b>	
<b>ITEM C.2 – CONFIDENTIAL</b>	<b>2571</b>
DISPOSAL OF PROPERTIES VIA EXPRESSIONS OF INTEREST CAMPAIGNS <b>RESOLUTION</b>	
<b>15. CONFIDENTIAL GENERAL BUSINESS</b>	<b>2572</b>



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## **STATEMENT - ATTENDEES AND LIVESTREAMING**

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

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

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

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

Cr Darren Grimwade provided the Acknowledgement of Country.

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

Cr Darren Grimwade provided the opening prayer / reflection for the meeting.

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

#### **Attendance:**

Cr Peter Flannery (Mayor) (Chairperson)  
Cr Brooke Savige *\*via video conference*  
Cr Mark Booth  
Cr Jodie Shipway (Deputy Mayor)  
Cr Sandra Ruck  
Cr Karl Winchester  
Cr Yvonne Barlow  
Cr Mick Gillam  
Cr Cath Tonks  
Cr Matt Constance  
Cr Darren Grimwade  
Cr Tony Latter

#### **Officers:**

Chief Executive Officer	(Greg Chemello)
Deputy CEO/Director Projects & Asset Services	(Tony Martini)
Director Community & Environmental Services	(Bill Halpin)
Director Finance & Corporate Services	(Donna Gregory)
Director Infrastructure Planning	(Amanda Creevey)
Director Planning	(David Corkill)
Chief Economic Development Officer	(Paul Martins)
Acting Chief External Relations Officer	(Chelsea van Riet)
Manager Community Services, Sport & Recreation	(Mark McCormack)
Manager Development Services	(Dan Staley)
Meeting Support	(Hayley Kenzler)

#### **Apologies:**

Cr Adam Hain

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#### 4. MEMORIALS OR CONDOLENCES

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Councillors observed a moment's silence in memory of residents who had passed away, noting Council's sympathy.

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

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##### **General Meeting - 8 November 2023 (Pages 23/2198 - 23/2421)**

###### **RESOLUTION**

Moved by Cr Cath Tonks

Seconded by Cr Sandra Ruck

CARRIED 12/0

That that the minutes of the General Meeting held 8 November 2023 be confirmed.

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#### 6. PRESENTATION OF PETITIONS

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

There were no petitions addressed to the Council for tabling by Councillors.

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#### 7. CORRESPONDENCE

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

##### **7.1. Response to Petition: Neil Greaves regarding Broads/Mount Samson Roads, Closeburn - Intersection Safety (67463914)**

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At the General Meeting held 19 July 2023, Council received a petition from Neil Greaves regarding Broads/Mount Samson Roads, Closeburn - Intersection Safety.

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

##### **7.2. Further response to Petition: Dr Christopher Evans regarding DA/40859/2020/VL2 at Pine Valley North, Morayfield (68236065)**

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At the General Meeting held 13 September 2023, Council received a petition from Dr Christopher Evans regarding DA/40859/2020/VL Proposed Development at Pine Valley North, Morayfield.

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

**7.3. Councillor Conduct Tribunal Determination - Statement of Cr Mick Gillam**

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Cr Mick Gillam made the following statement:

*“Mr Mayor, CEO and fellow Councillors.*

*In 2019, I was subject to numerous allegations, including being reported to the CCC. Whether this was a mud-slinging exercise in the lead-up to the 2020 elections is pure conjecture.*

*The CCC decided to refer the allegations to the recently formed OIA for their action.*

*Originally, there were quite a number of allegations regarding impropriety in my position as the Chair of Planning and influencing decisions by council staff and community groups with regard to the purchase and subsequent development of a block of land in Lawnton by myself and a group of locals. There were also allegations that I had not entered items into my Register of Interests and updated my Register of Interests which I was required to do within the 30-day period.*

*The OIA must then have spent considerable time and money investigating these matters. It is my understanding that they contacted my friends, lawyers, accountants, secured numerous title deeds and company details from ASIC for all the interests of the group who were involved in the property development business with me.*

*The accusations regarding the abuse of power of my position as a councillor and as Chair of Planning at the time, must have been shown to be the rubbish they were as I never heard about these again. I can honestly say I have never done anything corrupt. However, the OIA then relentlessly pursued the Register of Interests’ indiscretions.*

*Finally, after much toing and froing, in 2023 I was notified that they were sending 14 misconduct breaches relating to my Register of Interests to the Councillor Conduct Tribunal. The Tribunal has assessed the charges from the OIA and decided that 7 of the allegations were not sustained and 7 allegations were sustained.*

*The Tribunal has ordered me to make a public admission of misconduct, receive counselling and pay a fine.*

*I hereby make the admission that the Tribunal sustained 7 allegations of misconduct against me for either incorrectly filling out my Register of Interests or failing to register certain matters that should have been registered.*

*The Tribunal also found that my failure to disclose was not motivated by malice or a desire to hide assets, which the Tribunal considered as a mitigating factor.*

*I accept the Tribunal’s orders for an admission, fine and counselling and heartily recommend to all councillors to keep their Register of Interests up to date in the future.*

*I would also like to thank the staff from King and Co for their help and advice over this five-year period.”*

## 8. COMMUNITY COMMENT

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The following residents, as approved by the Chief Executive Officer to address Council as part of Community Comment formally withdrew their attendance prior to the General Meeting:

- Christopher O’Kane in respect of Shaping the future development of Deception Bay (68410473); and
- Michael Sheeran in respect of DA/2022/3732 - Former North Lakes Golf Course (68434630)

## 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 for consideration.

## 10. CONFLICTS OF INTEREST NOTIFIED TO THE CEO

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

### 10.1. Notified Prescribed Conflict of Interest - Cr Darren Grimwade

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Pursuant to s150EL of the *Local Government Act 2009*, Cr Darren Grimwade referred to previously declared prescribed conflicts of interest (General Meeting 21 July 2021 Page 21/970) in relation to Telstra Corporation Limited, and pursuant to s150EL of the *Local Government Act 2009* informed the meeting of a prescribed conflict of interest in matters relating to DA/2023/4385 Request to Change (minor) - Material Change of Use - Development Permit for Telecommunication Facility In Progress, located at 198A King Street, Caboolture.

**In line with that declaration Cr Grimwade will not participate in decisions relating to DA/2023/4385 including discussion, debate and voting and will elect to leave future meetings.**

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

*(as referred by the Chief Executive Officer)*

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

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

Session	Portfolio Councillors	
<b>1 Vibrant Communities</b>	Cr Y Barlow	Cr S Ruck
<b>2 Healthy Environments</b>	Cr C Tonks	Cr B Savige
<b>3 Well-planned Places</b>	Cr J Shipway (Deputy Mayor)	Cr M Booth
<b>4 Well-connected Places</b>	Cr A Hain	Cr M Gillam
<b>5 Progressive Economy</b>	Cr K Winchester	Cr T Latter
<b>6 Engaged Council</b>	Cr M Constance	Cr D Grimwade

**MATTER BROUGHT FORWARD**

The Chief Executive Officer requested Item 6.5 be brought forward (Engaged Council Session).

**6 ENGAGED COUNCIL SESSION****(Cr M Constance / Cr D Grimwade)****ITEM 6.5****MOVE TO STRATEGIC CONTRACTING PROCEDURES**

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 67762833 : 21 August 2023 - Refer Supporting Information 66769489, 66156414, 67807447  
*Responsible Officer:* TS, Manager Procurement (FCS Corporate Procurement)

**Executive Summary**

All local governments must comply with Chapter 6 of the *Local Government Regulation 2012* (Regulation) when making a contract for the supply of goods and services and the disposal of a non-current asset.

There are two different contracting procedures by which a local government can undertake procurement functions – Default Contracting Procedures (DCP) and Strategic Contracting Procedures (SCP).

The SCP allow Council to, under certain conditions, adopt, develop and implement its own procurement and contracting framework that takes a strategic approach to contracting. This approach allows Council to identify and capitalise on opportunities, while managing any adverse risks associated with contracting. To adopt the SCP, Council must make and adopt a Contract Manual (Manual) and Contracting Plan.

Council considered the costs and benefits of adopting the SCP and resolved to apply Chapter 6 Part 2 SCP of the Regulation to its contracts from 1 February 2024. A future report to Council was to be prepared for the adoption of a Manual and Contracting Plan, prior to the date on which the SCP are to apply, being 1 February 2024.

Adoption of the SCP will provide significant opportunities and benefits for Council in taking a strategic approach to its contracting that ultimately provides better value to the City of Moreton Bay community.

This matter is brought to the attention of Council under the **Engaged Council** portfolio as sound procurement practices contribute to the financial sustainability of Council.

**RESOLUTION****Moved by Cr Jodie Shipway (Deputy Mayor)****Seconded by Cr Mark Booth****CARRIED 12/0**

1. That pursuant to section 222 of the *Local Government Regulation 2012*, Council adopts the Contract Manual attached to this Report (refer to Supporting Information #1) to apply to its contracts from 1 February 2024.
2. That pursuant to section 220 of the *Local Government Regulation 2012*, Council adopts the Contracting Plan attached to this Report (refer to Supporting Information #2) to apply to its contracts for the 2023/2024 financial year from 1 February 2024.
3. That pursuant to section 198 of the *Local Government Regulation 2012*, Council adopts the Procurement Policy attached to this Report (refer to Supporting Information #3) to align with Council's new strategic contracting framework, superseding the current Procurement Policy on and from 1 February 2024.

*ITEM 6.5 MOVE TO STRATEGIC CONTRACTING PROCEDURES - 67762833 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That pursuant to section 222 of the *Local Government Regulation 2012*, Council adopts the Contract Manual attached to this Report (refer to Supporting Information #1) to apply to its contracts from 1 February 2024.
2. That pursuant to section 220 of the *Local Government Regulation 2012*, Council adopts the Contracting Plan attached to this Report (refer to Supporting Information #2) to apply to its contracts for the 2023/2024 financial year from 1 February 2024.
3. That pursuant to section 198 of the *Local Government Regulation 2012*, Council adopts the Procurement Policy attached to this Report (refer to Supporting Information #3) to align with Council's new strategic contracting framework, superseding the current Procurement Policy on and from 1 February 2024.

## **REPORT DETAIL**

### **1. Background**

#### Strategic Contracting Procedures

The *Local Government Act 2009* (the Act) and the Regulation outline the frameworks through which local governments may conduct their procurement of goods and services, and the disposal of non-current assets. Council has been progressing the necessary actions to transition from the DCP to the SCP under the Regulation.

The SCP allows Council to, under certain conditions, adopt, develop and implement its own procurement and contracting framework that takes a strategic approach to contracting. This approach allows Council to identify and capitalise on opportunities, while managing any adverse risks associated with contracting.

To adopt the SCP, Council must:

1. give public notice of the proposed resolution to adopt the SCP and details of the meeting where the matter will be considered (completed);
2. decide by resolution to apply the SCP and identify when it will be applied (completed - resolved to apply from 1 February 2024);
3. consider the costs and benefits of complying with the SCP (completed - considered by Council at its General Meeting held 14 June 2023);
4. make and adopt a Contracting Plan;
5. make and adopt a Contract Manual; and
6. continue to comply with the DCP until the date on which the SCP will apply (1 February 2024).

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

#### Contract Manual

The Manual is a document that sets out the procedures for how Council will carry out its contracting.

Council is required to adopt the Manual to comply with the requirements for the SCP under the Regulation. The Manual must apply the sound contracting principles, and be consistent with, and support, the achievement of the strategic direction stated in the Council's 5-year corporate plan.

A Manual has been developed for Council's consideration and is provided as Supporting Information #1.

#### Procurement Thresholds

The Manual outlines any value thresholds or exceptions that might be applied to Council's procurement and contracting generally.

ITEM 6.5 MOVE TO STRATEGIC CONTRACTING PROCEDURES - 67762833 (Cont.)

Implementing the SCP provides Council the autonomy to target these types of activities rather than follow the prescriptive methods mandated for arbitrary value thresholds prescribed in the DCP in the Regulation.

Further, the SCP enables Council to develop market engagement methods that suit the value, risk and supply market of the procurement activity rather than conducting a rigid and regulated public tender process for all procurement of a value greater than \$200,000 ex GST.

Procurement thresholds are the financial amounts that mandate the procurement process.

In developing new thresholds, an analysis of historical spend within the current thresholds was undertaken.

The information analysed informed the following recommended thresholds as contained in the Manual:

<b>Contracts with expected work of up to \$500,000 (excluding GST)</b>	
<b>*Invited to local businesses in the first instance, where possible</b>	
<\$25,000	At least one written quote obtained
≥\$25,000 but <\$250,000	At least two written quotes invited
≥ \$250,000 but <\$500,000	At least three written quotes invited
<b>Contracts with expected worth of \$500,000 or more (excluding GST)</b>	
<b>*Local Preference applies</b>	
≥\$500,000 but <\$5,000,000	Invite tenders
≥\$5,000,000	Invite tenders (Significant Contract)

Exceptions

Ensuring consideration of the sound contracting principles, Council may enter into a contract without first inviting quotations or tenders if the contract is made under an exception.

Under the DCP, the Regulation stipulates when an exception may require a Council resolution. Under the SCP Council can adopt, as part of its Manual, what exceptions do not require a Council resolution. The following are proposed:

- Innovation - where there is a demonstrated new or innovative solution offered which can provide Council with a unique and/or innovative solution to a problem, address an emerging risk or opportunity (including opportunities to adopt more sustainable practices or respond to a warming climate), or enhance the services Council provides (i.e. market-led solution), which cannot be sourced through the procurement process;
- CEO exemption - Council's Chief Executive Officer approves an exemption to Council from the requirement to undertake a particular procurement process, approved under contract and financial delegations; and
- Disposal of a non-current asset to a specified group - Council may dispose of a non-current asset to a local indigenous business or social benefit supplier, noting that the DCP still applies to disposal of land or an interest in land.

Contracting Plan

A Contracting Plan includes developing a portfolio of procurement activities for the financial year; considering the strategic implications of each activity, consistent with and supporting the strategic direction of the Corporate Plan 2021-2026.

It is a requirement of the Regulation that Council makes and adopts a Contracting Plan each financial year after Council adopts the annual budget for the financial year to which the plan relates.

Procurement engaged with Council Leaders during the development of the 2023/2024 Contracting Plan to identify large-sized/significant contracts that will need to be invited from 1 February 2024. This integrated and planned approach enabled Procurement to identify opportunities to leverage greater commercial and operational efficiencies.



*ITEM 6.5 MOVE TO STRATEGIC CONTRACTING PROCEDURES - 67762833 (Cont.)*

Procurement will collaborate across Council to continuously look for opportunities to embed better practice and deliver value for money.

The Contracting Plan has been developed for Council's consideration and is provided as Supporting Information #2.

Section 220(7) of the Regulation gives Council the power to, by resolution, amend a contracting plan at any time before the end of the financial year to which the plan relates. These amendments are to ensure Council's Contracting Plan is a true reflection of the procurement activities expected to occur within the financial year.

### **3. Strategic Implications**

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

The Act and Regulation outline the frameworks through which local governments may conduct procurement of goods and services, and the disposal of non-current assets.

Under section 218 of the Regulation, Council decided, by resolution, to apply the SCP to its contracts from 1 February 2024.

Section 198 of the Regulation requires Council to prepare and adopt a policy about procurement that must include details of the principles, including the sound contracting principles, that Council will apply in the financial year for purchasing goods and services.

Section 220 of the Regulation requires Council to make and adopt a contracting plan each financial year if applying the SCP to its contracts.

Section 222 of the Regulation requires Council to make and adopt a contract manual that sets out the procedures for how Council is to carry out all contracts.

#### **3.2 Corporate Plan linkage**

This matter is a key initiative in Council's Corporate Plan 2022-2027, in particular relates to: Our Engaged Council: 01 We are leaders in good governance and sustainably manage our finances and assets.

#### **3.3 Policy Implications**

Council's Procurement Policy includes details of the principles, including the sound contracting principles, Council will apply in the financial year for purchasing goods and services, and must be reviewed annually as per section 198 of the Regulation.

The Procurement Policy has been amended to ensure it is aligned with the strategic contracting framework effective from 1 February 2024 and is provided for Council's consideration as Supporting Information #3.

In moving to the SCP, Council has reviewed its Local Preference Operational Directive to align with Council's new strategic contracting framework.

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

The risks associated with persisting with the DCP have been managed by Council as best they can be but are unable to be entirely mitigated under the rigid structures of the DCP. Council considered the risks of persisting with the DCP and decided, by resolution, to apply the SCP to its contracts due to the risks persisting with the DCP outweighing the risks of transition to the SCP.

*ITEM 6.5 MOVE TO STRATEGIC CONTRACTING PROCEDURES - 67762833 (Cont.)*

The Manual formalises the new procurement processes under the SCP. These changes align procurement operations and approvals with Council's operations and spend profile. Enhanced governance and control points will be developed to mitigate risk implications, including but not limited to, new procurement technology, automated and manual controls being co-developed with Council's Audit team.

The risks associated with transitioning to the SCP are managed through the inherent risk management procedures inbuilt into the SCP, including that the Contracting Plan must align with Council's 5-year Corporate Plan and that the Contracting Plan must be adopted each year after Council adopts the annual budget, allowing for annual review of the SCP in light of Council's budget.

**3.5 Delegated Authority Implications**

Section 198 of the Regulation requires Council to prepare and adopt a Procurement Policy that includes details of the principles, including the sound contracting principles, that Council will apply in the financial year for purchasing goods and services.

Section 220 of the Regulation requires Council to make and adopt, by resolution, a Contracting Plan.

Section 222 of the Regulation requires Council to make and adopt, by resolution, a Manual.

**3.6 Financial Implications**

A Council report was prepared to understand the costs and benefits for Council consideration in adopting the SCP.

There are no additional financial or resource impacts for the development of the Manual or Contracting Plan.

**3.7 Economic Benefit Implications**

Benefits and value to Council and the community align with the Corporate Plan key initiative outcome to enable better outcomes for our local suppliers including:

- removal of barriers of entry and maximization of opportunities for our local, social and Indigenous businesses;
- utilisation of more appropriate and simplified procurement processes and creating better relationships between Council and our local businesses; and
- enabling Council to be more agile and innovative in its procurement activities, including direct engagement with local businesses.

**3.8 Environmental Implications**

The Manual has embedded strategic outcomes to align with Council's Environment and Sustainability strategy.

**3.9 Social Implications**

The Manual has embedded social procurement and Indigenous and Torres Strait Islander business procurement to align with Council's Corporate Strategies, including the Regional Economic Development Strategy, Community Wellbeing Strategy and Reconciliation Action Plan.

**3.10 Human Rights Implications**

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

*ITEM 6.5 MOVE TO STRATEGIC CONTRACTING PROCEDURES - 67762833 (Cont.)*

3.11 Consultation / Communication

- Relevant Council Departments
- Legal Services
- Executive Leadership Team

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**1 VIBRANT COMMUNITIES SESSION**

(Cr Y Barlow / Cr S Ruck)

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**ITEM 1.1**

**BURPENGARY EAST AND DAYBORO - PARK NAMING**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 68033635: 26 September 2023  
*Responsible Officer:* BS, Senior Business Systems Officer (IP Parks & Recreation Planning)

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**Executive Summary**

Two park naming applications were received by Council; one requesting that parkland located on McKenzie Street, Dayboro be named in recognition of Bill Rowe, and the second, requesting that parkland on Briston Avenue, Burpengary East, be named in recognition of the Scudamore family.

These matters were subsequently considered by Council at General Meetings held, 19 July 2023 and 2 August 2023 respectively; Council supported these applications subject to public advertising.

During the public advertising period one non-supportive submission was received for each application, objecting to the proposed naming. Both non-supportive submissions were submitted by the same person.

This matter is brought to the attention of Council under the **Vibrant Communities** portfolio as the matter relates to acknowledging and celebrating the efforts of an individual in contributing to community outcomes.

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**RESOLUTION**

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Moved by Cr Mark Booth

Seconded by Cr Darren Grimwade

CARRIED 12/0

1. That having regard to the information provided within this report, that parkland at 86 McKenzie Street, Dayboro, on Lot 20 on SP182026 and identified in Figure 1, be named as “Bill Rowe Park”, and that parkland at 41-47 Briston Avenue, Burpengary East and identified in Figure 2, be named as “Scudamore Park”.
2. That the non-supportive submitter be notified of Council’s decision.

ITEM 1.1 BURPENGARY EAST AND DAYBORO - PARK NAMING - 68033635 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That having regard to the information provided within this report, that parkland at 86 McKenzie Street, Dayboro, on Lot 20 on SP182026 and identified in Figure 1, be named as "Bill Rowe Park", and that parkland at 41-47 Briston Avenue, Burpengary East and identified in Figure 2, be named as "Scudamore Park".
2. That the non-supportive submitter be notified of Council's decision.

**REPORT DETAIL**

**1. Background**

These two matters were previously considered by Council at its General Meetings held 19 July 2023 and 2 August 2023 respectively.

The following resolution appears on Minute Page 23/1601 of the General Meeting held 19 July 2023:

**RESOLUTION**

1. That having regard to the information provided within this report and subject to the outcome of public advertising, that parkland at 86 McKenzie Street, Dayboro, on Lot 20 on SP182026 and identified in Figure 1, be named as "Bill Rowe Park".
2. That public advertising of the proposal to name the area be undertaken via appropriate means, having a distribution covering the general vicinity of the subject park with public submissions open for a period of 28 days.
3. That should non-supportive submissions be received as a result of public advertising; the matter be referred to Council in a subsequent report.

The following resolution appears on Minute Page 23/1682 of the General Meeting held 2 August 2023:

**RESOLUTION**

1. That having regard to the information provided within this report and subject to the outcome of public advertising, that parkland at 41-47 Briston Avenue, Burpengary East and identified in Figure 1, be named as "Scudamore Park".
2. That public advertising of the proposal to name the area be undertaken via appropriate digital and/or print media platforms, having a distribution covering the general vicinity of the subject park with public submissions open for a period of 28 days.
3. That should non-supportive submissions be received as a result of public advertising; the matter be referred to Council in a subsequent report.

ITEM 1.1 BURPENGARY EAST AND DAYBORO - PARK NAMING - 68033635 (Cont.)



Figure 1 parkland at 86 McKenzie Street, Dayboro - Bill Rowe Park



Figure 2 parkland at 41-47 Briston Avenue, Burpengary East - Scudamore Park

**2. Explanation of Item**

The proposals to name these parks underwent a 28-day public notification period where one non-supportive submission was received for each of the proposed namings. The proposals were advertised in the local newspaper, placed on Council's 'Your Say' web page and a 'Public Notice', corflute sign was placed in each park.

A single objector submitted a separate objection to each proposed naming, and it is noted that the basis of the objections is fundamentally the same and relate to Native Title considerations.

This matter has been reviewed by CMB Legal and the following is noted:

1. The issues noted within the submission appears to be:
  - a. whether it should be a mandatory requirement for Council to consult with Aboriginal parties when naming places; and
  - b. whether the policy (and using non-indigenous names for places) offends underlying native title rights and/or native title related legislation.

ITEM 1.1 BURPENGARY EAST AND DAYBORO - PARK NAMING - 68033635 (Cont.)

2. Officers are not aware (having considered the LGA, *Place Names Act 1994* (Qld), *Aboriginal Cultural Heritage Act 2003* (Qld) and the *Native Title Act 1993* (Cth)) of any legislative requirement which places an express obligation on Council to consult with traditional owners when considering the name of a place.
3. Council's Naming of Council-Owned or Administered Public Places, Structures and Other Assets (excluding roads) (**Policy**), incorporates a process for both the community and traditional owners to give feedback and suggestions when Council is considering a name for a place in its local government area - notably, it is for the traditional owner to give this feedback (i.e. Council does not seek such feedback as part of its processes);
4. Following the above, the naming process in the Policy and use of non-indigenous names of places will not offend the underlying native title rights of a party.

### 3. Strategic Implications

3.1 Legislative / Legal Implications  Nil identified

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Vibrant Communities: 03 Our communities embrace opportunities for participation in creative experiences and celebrate our stories, cultures and identities.

3.3 Policy Implications

The submitted application complies with and has all the supporting documentation required under Council's Policy 2150-039, Naming of Council Owned or Administered Buildings, Structures and other Assets (excluding roads).

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications

The estimated cost of fabricating and installing a new sign for each park in accordance with the draft Park and Open Space Signage Guidelines is approximately \$4,000. Costs will be met from within existing operational budgets.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications

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

3.10 Human Rights Implications

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

3.11 Consultation / Communication

The submissions have been discussed with the respective Divisional Councillors, who support the proposal for the parkland to be named.

**ITEM 1.2**  
**NEW LEASE - LIONS CLUB OF PINE RIVERS INC.**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 68269545 : 6 November 2023 - **Refer Supporting Information 68269544**  
*Responsible Officer:* CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

**Executive Summary**

This report seeks Council's approval for the provision of a lease to the Lions Club of Pine Rivers Inc at 2-20 Beeville Road, Petrie (*refer Supporting Information #1*).

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as it relates to the provision of a lease to community organisation for the delivery of services to the community.

This matter is reported to Council as section 236(2) of the *Local Government Regulation 2012* requires Council resolution to apply the exception under section 236(1)(b)(ii) to dispose of land and buildings (via a lease to a community organisation) other than by tender or auction.

**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr Cath Tonks

CARRIED 12/0

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3, Lions Club of Pine Rivers Inc be granted a lease over an area at 2-20 Beeville Road, Petrie (*refer Supporting Information #1*) for a period of ten (10) 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 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 1.2 NEW LEASE - LIONS CLUB OF PINE RIVERS INC. - 68269545 (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, Lions Club of Pine Rivers Inc be granted a lease over an area at 2-20 Beeville Road, Petrie (*refer Supporting Information #1*) for a period of ten (10) 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 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**

The Lions Club of Pine Rivers Inc (the organisation) provides a range of services to the community within Petrie and the surrounding suburbs. These services include fundraising for investment back into the community, assisting at local events, schools and businesses, and supporting disadvantaged young people within the community.

The organisation currently occupies a den, carport and storage shed at 2-20 Beeville Road, Petrie (*refer Supporting Information #1*). These buildings are used by the organisation to host meetings and store equipment that supports the organisation's delivery of services to the community.

The organisation has historically operated at this location without formal tenure arrangements being in place.

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

To enable the organisation's continued occupation of the site at 2-20 Beeville Road, Petrie, tenure arrangements are required to be formalised under the provisions of Council's Community Leasing Policy (No. 2150-079).

Noting the organisation's historical occupation of these facilities and their demonstrated ongoing need for tenure at this location, this report recommends that Council grants a lease, under the terms and conditions of Council's Community Leasing Policy, to the organisation over the area identified in *Supporting Information #1*. Further, it is recommended that the term of this lease be for a period of ten (10) years.

### **3. Strategic Implications**

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

The Council must comply with the *Local Government Act 2009* and the *Local Government Regulation 2012* when it disposes of valuable non-current assets. In accordance with section 224(6) of the Regulation, the disposal of a valuable non-current asset includes the disposal of all or any part of an interest in the asset (for example the grant of a lease over land or a building).

Section 236(2) of the Regulation provides that the exception in section 236(1)(b)(ii) of the Regulation applies only if the Council has decided by resolution that it may apply. By resolving that the exception applies, Council can dispose of the land and buildings (via a lease to a community organisation) other than by tender or auction. The organisation identified in this report is a community organisation for the purposes of the Regulation.

ITEM 1.2 NEW LEASE - LIONS CLUB OF PINE RIVERS INC. - 68269545 (Cont.)

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Vibrant Communities: 01 Our communities make healthy and active lifestyle choices and have access to the services and facilities they need.

3.3 Policy Implications

The terms and conditions of the proposed lease agreement will be in accordance with Council's Community Leasing Policy (No. 2150-079).

3.4 Risk Management Implications

It is recognised that permitting community organisations to occupy and manage Council controlled or owned land and assets presents an associated level of risk. As a core function of Council is the provision of community facilities, it is considered that this level of risk is acceptable. However, to mitigate the risk, the lease document clearly outlines the responsibilities and obligations of the parties and includes a requirement for the community organisation/s to hold appropriate levels public liability insurance.

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 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.

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 Lions Club of Pine Rivers Inc will provide the organisation with facilities to support its continued operations and community activities.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Cr Mick Gillam (Division 8)  
Lions Club of Pine Rivers Inc  
Relevant Council departments

**ITEM 1.3  
NEW LEASE - CABOOLTURE COMMUNITY FM RADIO ASSOCIATION  
INCORPORATED**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 67453641 : 7 November 2023 - Refer Supporting Information 67454606  
*Responsible Officer:* CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

**Executive Summary**

This report seeks Council's approval for the provision of a lease to Caboolture Community FM Radio Association Incorporated at 2 Hasking Street, Caboolture (*refer Supporting Information #1 and #2*).

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as it relates to the provision of a lease to a community organisation for the delivery of services to the community.

This matter is reported to Council as section 236(2) of the *Local Government Regulation 2012* requires Council resolution to apply the exception under section 236(1)(b)(ii) to dispose of land and buildings (via a lease to a community organisation) other than by tender or auction.

**RESOLUTION**

Moved by Cr Tony Latter

Seconded by Cr Jodie Shipway (Deputy Mayor)

CARRIED 12/0

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3, Caboolture Community FM Radio Association Incorporated be granted a lease over areas at 2 Hasking Street, Caboolture (*refer Supporting Information #1 and #2*) for a period of ten (10) 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 1.3 NEW LEASE - CABOOLTURE COMMUNITY FM RADIO ASSOCIATION INCORPORATED - 67453641  
(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, Caboolture Community FM Radio Association Incorporated be granted a lease over areas at 2 Hasking Street, Caboolture (*refer Supporting Information #1 and #2*) for a period of ten (10) 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**

The Caboolture Community FM Radio Association Incorporated (the organisation) operates a community radio station which provides a wide variety of broadcasting programs to residents of Moreton Bay, including but not limited to local traffic, weather and emergency information.

The organisation currently occupies a community building on the upper level and storage facility within the basement carpark of Caboolture Town Square, 2 Hasking Street, Caboolture (*refer Supporting Information #1 and #2*). The building is utilised as the main broadcasting premises for the organisation, with the storage facility being utilised to store equipment and promotional material to support the organisation's operations.

The organisation has operated at this location without formal tenure arrangements being in place. In February 2023, Council officers met with the organisation to commence discussions regarding the formalisation of tenure arrangements over the building and storage facility.

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

Caboolture Community FM Radio Association Incorporated has confirmed its willingness to enter into a lease agreement over the building and storage facility at Caboolture Town Square, 2 Hasking Street, Caboolture (*refer Supporting Information #1 and #2*) under the provisions of Council's Community Leasing Policy (2150-079). The proposed lease was assessed by key internal stakeholders, with no objections received.

Accordingly, this report recommends that Council approve the provision of a lease over the areas identified in *Supporting Information #1 and #2* in accordance with the terms and conditions of Council's Community Leasing Policy (2150-079). Further, it is recommended that the lease be for a period of ten (10) years.

### **3. Strategic Implications**

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

The Council must comply with the *Local Government Act 2009* and the Local Government Regulation 2012 when it disposes of valuable non-current assets. In accordance with section 224(6) of the Regulation, the disposal of a valuable non-current asset includes the disposal of all or any part of an interest in the asset (for example the grant of a lease over land or a building).

Section 236(2) of the Regulation provides that the exception in section 236(1)(b)(ii) of the Regulation applies only if the Council has decided by resolution that it may apply. By resolving that the exception applies, Council can dispose of the land and buildings (via a lease to a community organisation) other than by tender or auction. The organisation identified in this report is a community organisations for the purposes of the Regulation.

*ITEM 1.3 NEW LEASE - CABOOLTURE COMMUNITY FM RADIO ASSOCIATION INCORPORATED - 67453641*  
(Cont.)

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Vibrant Communities: 01 Our communities make healthy and active lifestyle choices and have access to the services and facilities they need.

3.3 Policy Implications

The terms and conditions of the proposed lease agreement will be in accordance with Council's Community Leasing Policy (No. 2150-079).

3.4 Risk Management Implications

It is recognised that permitting community organisations to occupy and manage Council controlled or owned land and assets presents an associated level of risk. As a core function of Council is the provision of community facilities, it is considered the level of risk is acceptable. However, to mitigate the risk, the lease document clearly outlines the responsibilities and obligations of the parties and includes a requirement for the community organisation/s to hold appropriate levels public liability insurance.

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 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.

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 Caboolture Community FM Radio Association Incorporated will provide the organisation with facilities to support its continued operations and broadcasting activities.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Cr Adam Hain (Division 3)

Caboolture Community FM Radio Association Incorporation

Relevant Council departments

**ITEM 1.4  
NEW LEASE - PENINSULA AND DISTRICTS FOOTBALL AND SPORTING CLUB  
INCORPORATED**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 67760224 : 6 November 2023 - **Refer Supporting Information 67760575**  
*Responsible Officer:* CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

**Executive Summary**

This report seeks Council's approval for the provision of a Trustee lease (lease) to Peninsula and Districts Football and Sporting Club Incorporated at A.J Kelly Park, 195-203 Anzac Avenue, Kippa- Ring (refer *Supporting Information #2*).

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as it relates to the provision of a lease to a community organisation for the delivery of services to the community.

This matter is reported to Council as section 236(2) of the *Local Government Regulation 2012* requires Council resolution to apply the exception under section 236(1)(b)(ii) to dispose of land and buildings (via a lease to a community organisation) other than by tender or auction.

**RESOLUTION**

**Moved by Cr Karl Winchester**

**Seconded by Cr Sandra Ruck**

**CARRIED 12/0**

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3 and 4, the Peninsula and Districts Football and Sporting Club Incorporated be granted a lease over an area at A.J Kelly Park, 195-203 Anzac Avenue, Kippa- Ring (refer Supporting Information #2) for a period of ten (10) years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the grant of this lease be subject to the Peninsula and Districts Football and Sporting Club Incorporated surrendering its existing lease at this location.
5. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing, and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

ITEM 1.4 NEW LEASE - PENINSULA AND DISTRICTS FOOTBALL AND SPORTING CLUB INCORPORATED - 67760224 (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 and 4, the Peninsula and Districts Football and Sporting Club Incorporated be granted a lease over an area at A.J Kelly Park, 195-203 Anzac Avenue, Kippa- Ring (refer *Supporting Information #2*) for a period of ten (10) years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the grant of this lease be subject to the Peninsula and Districts Football and Sporting Club Incorporated surrendering its existing lease at this location.
5. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing, and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

## **REPORT DETAIL**

### **1. Background**

Since 2005, the Peninsula and Districts Football and Sporting Club Incorporated (the club) has held a lease over a clubhouse, function room, training and meeting rooms, storage space and a grandstand located at A.J Kelly Park, 195-203 Anzac Avenue, Kippa-Ring (refer *Supporting Information #1*). The purpose of this lease (which expires 31 May 2025) is for the operation of a football (soccer) club.

In 2015, the club constructed and has since occupied changerooms at the site (refer *Supporting Information #1*), however, this area of occupation was never formalised under a lease agreement.

The current tenure agreement held by the organisation is a historical agreement which incorporates terms and conditions that do not align with Council's current Community Leasing Policy (No. 2150-079). Following the adoption of Council's updated Community Leasing Policy, which commenced 1 April 2023, Council officers contacted the organisation to offer the option to transition to a new tenure agreement in accordance with the terms and conditions of Council's Community Leasing Policy. This opportunity was afforded to all lease holders operating under historical tenure agreements.

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

Following Council's offer for the organisation to transition to a new lease under the provisions of Council's Community Leasing Policy, the organisation has since confirmed its desire to take up this opportunity. To effect this transition, Council will be required to provide a new lease to the organisation over all areas of occupation, inclusive of the clubhouse, function room, training and meeting rooms, storage space and grandstand and the changerooms (refer *Supporting Information #2*).

Accordingly, this report recommends that Council grants a lease under the terms and conditions of Council's Community Leasing Policy, to the Peninsula and Districts Football and Sporting Club Incorporated over part of A.J Kelly Park, 195-203 Anzac Avenue, Kippa- Ring (refer *Supporting Information #2*), for a period of ten (10) years. Further, it is recommended that the grant of this lease be subject to the organisation surrendering its existing lease at this location.

ITEM 1.4 NEW LEASE - PENINSULA AND DISTRICTS FOOTBALL AND SPORTING CLUB INCORPORATED - 67760224 (Cont.)

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

The proposed lease will be registered with the Department of Resources in accordance with the *Land Act 1994*.

The Council must comply with the Local Government Act 2009 and the Local Government Regulation 2012 when it disposes of valuable non-current assets. In accordance with section 224(6) of the Regulation, the disposal of a valuable non-current asset includes the disposal of all or any part of an interest in the asset (for example the grant of a lease over land or a building).

Section 236(2) of the Regulation provides that the exception in section 236(1)(b)(ii) of the Regulation applies only if the Council has decided by resolution that it may apply. By resolving that the exception applies, Council can dispose of the land and buildings (via a lease to a community organisation) other than by tender or auction. The organisation identified in this report is a community organisations for the purposes of the Regulation.

#### 3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Vibrant Communities: 01 Our communities make healthy and active lifestyle choices and have access to the services and facilities they need.

#### 3.3 Policy Implications

The terms and conditions of the proposed lease agreement will be in accordance with Council's Community Leasing Policy (No. 2150-079).

#### 3.4 Risk Management Implications

It is recognised that permitting community organisations to occupy and manage Council controlled or owned land and assets presents an associated level of risk. As a core function of Council is the provision of community facilities, it is considered that the level of risk is acceptable. However, to mitigate the risk, the lease document clearly outlines the responsibilities and obligations of the parties and includes a requirement for the community organisation/s to hold appropriate levels public liability insurance.

#### 3.5 Delegated Authority Implications

As per Officer's Recommendation 5 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary 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.

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 new lease to the Peninsula and Districts Football and Sporting Club Incorporated will provide the organisation with facilities to support its continued community operations at this site.



*ITEM 1.4 NEW LEASE - PENINSULA AND DISTRICTS FOOTBALL AND SPORTING CLUB INCORPORATED - 67760224 (Cont.)*

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Cr Winchester (Division 6)  
Peninsula and Districts Football and Sporting Club Incorporated  
Relevant Council departments

**ITEM 1.5  
NEW LEASE - WOODFORD AGRICULTURAL PASTORAL AND INDUSTRIAL  
ASSOCIATION INC.**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 68272504 : 07 November 2023 - Refer Supporting Information 68272503  
*Responsible Officer:* CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

**Executive Summary**

This report seeks Council's approval for the provision of a Trustee lease (lease) to Woodford Agricultural Pastoral and Industrial Association Inc. at Woodford Showgrounds, 38-88 Neurum Road, Woodford (refer Supporting Information #2).

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as it relates to the provision of a lease to a community organisation for the delivery of services to the community.

This matter is reported to Council as section 236(2) of the *Local Government Regulation 2012* requires Council resolution to apply the exception under section 236(1)(b)(ii) to dispose of land and buildings (via a lease to a community organisation) other than by tender or auction.

**RESOLUTION**

Moved by Cr Tony Latter

Seconded by Cr Jodie Shipway (Deputy Mayor)

CARRIED 12/0

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3, Woodford Agricultural Pastoral and Industrial Association Inc. be granted a lease over part of Woodford Showgrounds, 38-88 Neurum Road, Woodford (refer Supporting Information #2) for a period of ten (10) years.
3. That the terms and conditions of the 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 1.5 NEW LEASE - WOODFORD AGRICULTURAL PASTORAL AND INDUSTRIAL ASSOCIATION INC. - 68272504 (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, Woodford Agricultural Pastoral and Industrial Association Inc. be granted a lease over part of Woodford Showgrounds, 38-88 Neurum Road, Woodford (*refer Supporting Information #2*) for a period of ten (10) years.
3. That the terms and conditions of the 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**

Established in 1911, the Woodford Agricultural Pastoral and Industrial Association Inc. (the Show Society) occupies and manages several buildings, an arena and open space areas within the Woodford Showgrounds, 38-88 Neurum Road, Woodford (*refer Supporting Information #1*). The organisation has historically utilised this land and facilities, without formal tenure, for the purpose of hosting the annual Woodford Show, coordinating community events and bookings, and managing camping at the site.

In addition to the Show Society, there are three (3) resident sporting clubs that operate from the site, being:

- Woodford Pony Club Inc;
- Wamuran Netball Club Incorporated; and
- Stanley River Rugby League Football Club.

Each of the above mentioned clubs have use over their respective areas within the site, as detailed in *Supporting Information #1*, for the purpose of sport training and competition.

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

Under the provisions of Council's Community Leasing Policy, all community organisations occupying Council owned and controlled land and buildings are required to enter into formal tenure arrangements with Council. Noting this requirement, the Show Society has confirmed its willingness to enter into a lease arrangement over their current areas of occupation at Woodford Showgrounds, 38-88 Neurum Road, Woodford.

Accordingly, this report recommends that Council approves the provision of a lease, under the terms and conditions of Council's Community Leasing Policy, over the area identified in *Supporting Information #2*. Further, it is proposed that the term of this lease be for a period of ten (10) years. The provision of this lease will formalise the organisation's historical occupation of the site and enable their continued access to the land and facilities required to support their community focused activities.

Noting that the three (3) resident clubs will require access to the proposed Show Society lease area for the purposes of ingress / egress, car parking, events, etc, the proposed Show Society lease will incorporate a requirement for the Show Society to enter into a shared use agreement with each of the resident clubs. Council officers will work with all four organisations to support the establishment of these agreements, ensuring they reasonably meet the needs of all relevant parties.

ITEM 1.5 NEW LEASE - WOODFORD AGRICULTURAL PASTORAL AND INDUSTRIAL ASSOCIATION INC. -  
68272504 (Cont.)

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

The proposed lease will be registered with the Department of Resources in accordance with the *Land Act 1994*.

The proposed lease will incorporate the provisions of the Department of Resources, *Secondary use of trust land under the Land Act Operational Policy* in relation to the camping activities that occur at the site.

The Council must comply with the Local Government Act 2009 and the Local Government Regulation 2012 when it disposes of valuable non-current assets. In accordance with section 224(6) of the Regulation, the disposal of a valuable non-current asset includes the disposal of all or any part of an interest in the asset (for example the grant of a lease over land or a building).

Section 236(2) of the Regulation provides that the exception in section 236(1)(b)(ii) of the Regulation applies only if the Council has decided by resolution that it may apply. By resolving that the exception applies, Council can dispose of the land and buildings (via a lease to a community organisation) other than by tender or auction. The organisation identified in this report is a community organisation for the purposes of the Regulation.

#### 3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Vibrant Communities: 01 Our communities make healthy and active lifestyle choices and have access to the services and facilities they need.

#### 3.3 Policy Implications

The terms and conditions of the proposed lease agreement will be in accordance with Council's Community Leasing Policy (No. 2150-079).

#### 3.4 Risk Management Implications

It is recognised that permitting community organisations to occupy and manage Council controlled or owned land and assets presents an associated level of risk. As a core function of Council is the provision of community facilities, it is considered the level of risk is acceptable. However, to mitigate the risk, the lease document clearly outlines the responsibilities and obligations of the parties and includes a requirement for the community organisation/s to hold appropriate levels public liability insurance.

#### 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 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.

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 Woodford Agricultural Pastoral and Industrial Association Inc. will provide the organisation with facilities to support its operations.

ITEM 1.5 NEW LEASE - WOODFORD AGRICULTURAL PASTORAL AND INDUSTRIAL ASSOCIATION INC. -  
68272504 (Cont.)

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Cr Tony Latter (Division 12)  
Woodford Agricultural Pastoral and Industrial Association Inc.  
Relevant Council departments

**ATTENDANCE**

Mark McCormack attended the meeting at 10.05am for discussion on Item 1.6.

**ITEM 1.6**

**CITY OF MORETON BAY HOUSING AND HOMELESSNESS ACTION PLAN (HHAP)**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 68345136 : 10 November 2023 - **Refer Supporting Information 68420569**  
*Responsible Officer:* MM, Principal Community Planning and Policy Officer (CES Community Services, Sport & Recreation)

**Executive Summary**

This report seeks Council's adoption of the City of Moreton Bay Housing and Homelessness Action Plan (HHAP) (*refer Supporting Information #1*). Developed as a priority action of Council's Community Wellbeing Strategy (CWS) - Safe and Resilient Action Plan, the HHAP identifies a range of initiatives that build upon Council's existing responses to housing insecurity and homelessness, particularly rough sleeping.

It is considered that the HHAP represents a balanced plan that responds to local concerns, whilst recognising the lead funding and service delivery roles of the Queensland and Australian governments.

This matter is brought to the attention of Council under the **Vibrant Communities** portfolio as it relates to the establishment of an action plan which will guide Council's response to housing insecurity and homelessness issues across the City over the coming five (5) year period.

**RESOLUTION**

**Moved by Cr Karl Winchester**

**Seconded by Cr Sandra Ruck**

**CARRIED 12/0**

**That Council adopts the City of Moreton Bay Housing and Homelessness Action Plan (HHAP), as provided in Supporting Information #1.**

ITEM 1.6 CITY OF MORETON BAY HOUSING AND HOMELESSNESS ACTION PLAN (HHAP) - 68345136 (Cont.)

## OFFICER'S RECOMMENDATION

That Council adopts the City of Moreton Bay Housing and Homelessness Action Plan (HHAP), as provided in Supporting Information #1.

## **REPORT DETAIL**

### **1. Background**

On 14 June 2023, Council adopted a suite of long-term strategies with the view to responding to current and emerging challenges and opportunities within the City, and achieving long-term transformational change. Two key strategies adopted as part of this suite were:

- The Community Wellbeing Strategy 2042 - which provides a roadmap to guide the actions of Council and our communities to deliver on Council's Our Vibrant Communities goal and outcomes within Council's Corporate Plan; and
- The Growth Management Strategy 2042 - which supports the achievement of Council's Our Well-Planned Places goal and outcomes in the Corporate Plan.

To operationalise Council's Community Wellbeing Strategy 2042, Council also developed a suite of three (3) year action plans, which included the Safe and Resilient Communities Action Plan. A key action embedded within this plan was the development of a Housing and Homelessness Action Plan for the city:

*"Strategic Priority 3 Action 1: Develop a Housing and Homelessness Action Plan to guide Council's response to homelessness and housing insecurity."*

Over recent months, officers have been working in consultation with key stakeholders on the development of the City of Moreton Bay Housing and Homelessness Action Plan (HHAP). Throughout the development process, briefings have been conducted with Councillors on 19 April, 6 September and most recently on 15 November 2023. In line with Council's decision-making framework, an extract from the minutes of the most recent briefing on 15 November 2023 (which presented the draft HHAP for feedback) is provided below:

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

*That the revised Moreton Bay Housing and Homelessness Action Plan (HHAP) be brought to the next General Meeting for Council's consideration.*

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

The HHAP (refer *Supporting Information #1*) is a strategic document which builds upon existing housing and homelessness focused initiatives, and guides Council's responses to homelessness and housing insecurity over the next five (5) years. The Goal of the HHAP is *"To work in partnership with our communities to respond to rough sleeping and other forms of homelessness throughout our city"*.

The funding for, and delivery of, social housing, crisis housing and homelessness services remain the functional responsibilities of the state and federal governments. However, City of Moreton Bay along with many other Councils, has recognised that its numerous touchpoints with communities, service providers, and government departments involved in homelessness responses, provides it with a unique capacity to support and facilitate initiatives that address homelessness in the city.

The HHAP has been informed by extensive desktop research, benchmarking with other jurisdictions, internal engagement, community feedback gathered through the Corporate Plan development and targeted sector engagement, including with people with lived experience of homelessness.

*ITEM 1.6 CITY OF MORETON BAY HOUSING AND HOMELESSNESS ACTION PLAN (HHAP) - 68345136 (Cont.)*

The plan highlights four Priorities for Action:

- Supports for people sleeping rough;
- Well-managed public spaces;
- Stronger partnerships; and
- Diverse housing options.

The HHAP identifies a range of actions to be delivered over a five year planning horizon. These actions:

- have been shaped by the above listed Priorities for Action;
- respond to both the immediate homelessness and long-term housing needs of the city; and
- reflect Council's unique roles and influence in responding to housing insecurity and homelessness.

It is the officer's assessment that the HHAP provides Council with a contemporary and balanced response to homelessness and housing insecurity within the city. Further, it is considered to be: reflective of the current community and homelessness sector needs; supportive of relevant state and federal government plans; and within the functional parameters of Council as a support, rather than a lead agency in responding to the current housing crisis.

Accordingly, it is recommended that the City of Moreton Bay Housing and Homelessness Action Plan, as provided in *Supporting Information #1*, be adopted by Council.

### **3. Strategic Implications**

3.1 Legislative / Legal Implications  Nil identified

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

- Our Vibrant Communities: 02 Our communities are safe and resilient so that in times of adversity our people and places are supported.
- Our Well-planned Places: 03 Our communities have access to safe, affordable and diverse living choices.
- Our Well-planned Places: 04 We have well-planned neighbourhoods that support changing communities, respect cultural heritage, and enjoy a unique sense of place.

3.3 Policy Implications  Nil identified

3.4 Risk Management Implications

There is significant community concern regarding people sleeping rough in public places. There may be some perceptions that the actions within the HHAP do not take a strong enough response to the current housing and homelessness crisis, either in supporting people experiencing homelessness or in taking a stronger compliance response to rough sleeping.

It is the officers' assessment that the HHAP represents a balanced approach in responding to identified community needs and tensions within Council's authority, whilst acknowledging the lead functional responsibilities of the state and federal governments in responding to the current housing crisis.

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications

Table 1 below identifies the envisaged direct budgetary implications for Council associated with delivery of the HHAP over the five-year planning horizon. However it is noted that the phasing of these initiatives may be subject to change with consideration to Council's annual budget development and prioritisation processes.



ITEM 1.6 CITY OF MORETON BAY HOUSING AND HOMELESSNESS ACTION PLAN (HHAP) - 68345136 (Cont.)

Table 1 - Estimated direct costs for delivery of the HHAP

Estimated Direct Costs by Year				
2024/25	2025/26	2026/27	2027/28	2028/29
\$431,250	\$390,000	\$380,000	\$35,000*	\$35,000*
<p><i>*Should the trial of Public Space Liaison Officers (Action 1.2) be continued beyond the three year trial period, this annual cost would increase to \$380,000.</i></p> <p><i>NB. Costs do not include potential lost revenue associated with Actions 3.4 and 4.8 within the HHAP.</i></p>				

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications

Homelessness is one of the most significant social issues impacting City of Moreton Bay. These impacts extend to individuals and families experiencing homelessness, as well as other community members impacted as a result of increased rough sleeping in public spaces.

The HHAP, as proposed for adoption by this report, provides an achievable roadmap that builds upon Council's existing housing and homelessness focused initiatives, and guides Council's responses to homelessness and housing insecurity over the next five (5) years.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

External

- Queensland Government Department of Housing representatives;
- Housing and Homelessness services sector stakeholders;
- People with lived experience of homelessness;
- Residents engaged in the development of Council's Community Wellbeing Strategy, Growth Management Strategy and Corporate Plan.

Internal

- Councillor briefings conducted 19 April, 6 September and 15 November 2023;
- Relevant Council departments.

**ATTENDANCE**

Mark McCormack left the meeting at 10.09am after Item 1.6.

**ITEM 1.7****TENDER - BURPENGARY - MBCSC - SOCCER STAGE 2 (MBRC-RFT438)**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 68285473 : 7 November 2023 - Refer **Confidential Supporting Information 68187770**  
*Responsible Officer:* DR, Project Manager (PAS Project Management)

**Executive Summary**

Tenders were invited for the 'Burpengary - MBCSC - Soccer Stage 2 (MBRC-RFT438)' project. Tenders closed on 12 October 2023 with a total of six tender submissions received, all of which were conforming.

It is recommended that the tender for 'Burpengary - MBCSC - Soccer Stage 2 (MBRC-RFT438)' project be awarded to Glascott Landscape and Civil Pty Ltd for the sum of \$5,342,602 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

This project has received \$3,500,000 in funding from the Federal Government's Investing in Our Communities (liOC) Program.

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as the completion of this project will see an increase in the sporting facilities available at the Moreton Bay Central Sports Complex (MBCSC), with three new soccer fields and associated civil infrastructure, which will provide increased participation in sport for the local community.

This project has been considered in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.

The supporting information to this report is confidential to the extent that it contains information that is confidential to the Council and is made available to Councillors for the purposes of this meeting, in accordance with sections 254D(3) and 254D(5) of the *Local Government Regulation 2012*.

**RESOLUTION**

Moved by Cr Mark Booth

Seconded by Cr Jodie Shipway (Deputy Mayor)

CARRIED 12/0

1. That the tender for the 'Burpengary - MBCSC - Soccer Stage 2 (MBRC-RFT438)' project be awarded to Glascott Landscape and Civil Pty Ltd for the sum of \$5,342,602 (excluding GST).
2. That to allow Council to enter into the agreement, Council commits to the provision of a total additional sum of \$998,419 (excluding GST) towards the construction of the project over the 2023/24 and 2024/25 financial years (total of \$6,248,419); with \$180,419 of the additional funds required in the 2023/24 financial year and \$818,000 of the additional funds required in the 2024/25 financial year; with the funding changes to be provided for in the 2023/24 financial year's quarter two financial year review process.
3. That the Council enters into an agreement with Glascott Landscape and Civil Pty Ltd, as described in this report.
4. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Glascott Landscape and Civil Pty Ltd for the 'Burpengary - MBCSC - Soccer Stage 2 (MBRC-RFT438)' project and any required variations of the agreement on Council's behalf.

*ITEM 1.7 TENDER - BURPENGARY - MBCSC - SOCCER STAGE 2 (MBRC-RFT438) - 68285473 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That the tender for the '*Burpengary - MBCSC - Soccer Stage 2 (MBRC-RFT438)*' project be awarded to Glascott Landscape and Civil Pty Ltd for the sum of \$5,342,602 (excluding GST).
2. That to allow Council to enter into the agreement, Council commits to the provision of a total additional sum of \$998,419 (excluding GST) towards the construction of the project over the 2023/24 and 2024/25 financial years (total of \$6,248,419); with \$180,419 of the additional funds required in the 2023/24 financial year and \$818,000 of the additional funds required in the 2024/25 financial year; with the funding changes to be provided for in the 2023/24 financial year's quarter two financial year review process.
3. That the Council enters into an agreement with Glascott Landscape and Civil Pty Ltd, as described in this report.
4. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Glascott Landscape and Civil Pty Ltd for the '*Burpengary - MBCSC - Soccer Stage 2 (MBRC-RFT438)*' project and any required variations of the agreement on Council's behalf.

## **REPORT DETAIL**

### **1. Background**

The project is located at the Moreton Bay Central Sports Complex, Aquatic Centre Drive, Burpengary. The project scope includes the construction of three new soccer fields with sports lighting and irrigation, carparking, new internal access roads and connection to services.

The carparking, associated lighting and new internal access roads portion of the project have already been completed in the 2023/24 financial year. This scope was completed separately so to not impact the FIFA world cup commitments for the facility.

The objective of the project is to provide new facilities to meet the increased demand for soccer in the region. Proposed works are consistent with the Council endorsed facility Structure Plan, endorsed draft Master Plan and preliminary Development Approval.

Construction of the new soccer fields and associated works will commence in early January 2024, and is scheduled to take thirty-four weeks to complete, which includes an allowance for wet weather.

A communication plan has been prepared for this project. Communication strategies include project notices to surrounding residents within a 600m radius to be issued four weeks prior to the commencement of works and projects notification signs displayed on site four weeks prior to construction. The project notices and project notification signs will provide a QR code which will provide updates to the project via a dedicated webpage, as well as, providing the option to sign up to a receive a weekly update e-mail regarding the progress of the project.

Onsite communication will be managed by the principal contractor in conjunction with Council's project manager and the Moreton Bay Central Soccer Club to minimise impact to the use of the facility.

The stakeholders, including the Caboolture Sports Club and Council operations staff have been consulted regarding the project including the design aspects, proposed construction methodology and timing for the project.

ITEM 1.7 TENDER - BURPENGARY - MBCSC - SOCCER STAGE 2 (MBRC-RFT438) - 68285473 (Cont.)

The communications plan includes will include a project update to the Divisional Councillor at the commencement of the project on site, weekly updates as the project progresses and an update at the end of the project. Should there be any adverse changes to project delivery, the Divisional Councillor will receive prompt formal advice from the project manager of what has occurred and when the project will be completed.

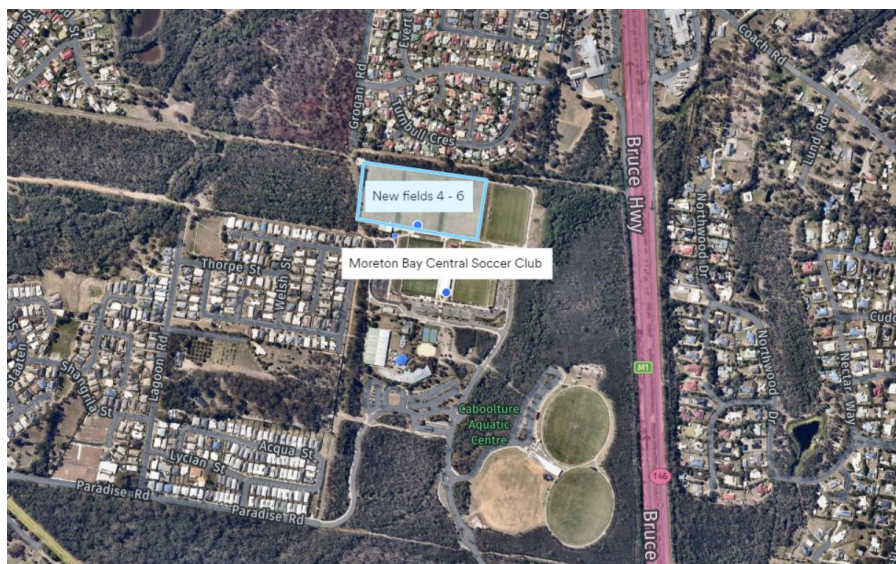


Figure 1: Moreton Bay Central Soccer Club, Aquatic Centre Drive, Burpengary - Locality Plan

2. Explanation of Item

Tenders were invited for 'Burpengary - MBCSC - Soccer Stage 2 (MBRC-RFT438)' project, which closed on 12 October 2023 with a total of six tenders received, of which all were conforming. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

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

RANK	TENDERER	EVALUATION SCORE (Pre Local Preference)	EVALUATION SCORE (Post Local Preference)
1	Glascott Landscape and Civil Pty Ltd	98.00	105.50
2	Precision Turf Projects (QLD) Pty Ltd	92.89	92.89
3	Global Turf Projects (QLD) Pty Ltd	88.15	88.15
4	Solutions Built Pty Ltd	80.82	80.82
5	The Landscape Construction Company Pty Ltd	69.45	69.45
6	Regal Solutions Pty Ltd	Withdrawn	

**Glascott Landscape and Civil Pty Ltd ('GLC')** - submitted a comprehensive and well-presented tender. A tender clarification meeting was held on 26 October 2023, at which GLC demonstrated their relevant experience, methodology, company capability, understanding of the project and ability to deliver the project within the tendered timeframe.

*ITEM 1.7 TENDER - BURPENGARY - MBCSC - SOCCER STAGE 2 (MBRC-RFT438) - 68285473 (Cont.)*

GLC provided examples of relevant project experience, including Cirillo Reserve Sports Complex (valued at \$10.64M) for Liverpool City Council; Regional Sports Ground Upgrades (valued at \$7M) for Public Works NSW/NSW Central Council; and Rainbow Beach Sporting Fields Stage 1 (valued at \$6M) for Port Macquarie Hastings Council. The project team was assessed as being more than capable of achieving the quality outcomes of the project with many specialist contractors engaged for all major disciplines of the project.

GLC provided the most advantageous offer in terms of methodology, experience, project management, safety/quality/environmental management systems and project timeframe which were critical areas to achieve success of the project. The evaluation panel considers the tender from GLC to represent the best overall value for Council.

The recommended tenderer operates in an adjacent local government area and is utilising 30%-49% of local supplier / goods and services in a local area commitment.

**Precision Turf Projects (QLD) Pty Ltd ('PTP')** - submitted a good tender submission, however the evaluation panel assessed the tender submission as not the best overall value for Council.

**Global Turf Projects (QLD) Pty Ltd ('GTP')** - submitted a well-presented tender which demonstrated their relevant project experience, however there was no further benefits identified for the higher price.

**Regal Innovations Pty Ltd** - withdrew their tender from consideration on 24 October 2023.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Due to the value of work expecting to be greater than \$200,000, Council called a public tender for the work through MBRC's eTendering Portal, in accordance with the *Local Government Act 2009*.

#### 3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Vibrant Communities: 01 Our communities make healthy and active lifestyle choices and have access to the services and facilities they need.

#### 3.3 Policy Implications

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

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

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

#### 3.4 Risk Management Implications

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

##### *Financial Risk:*

A third-party financial assessment has been carried out and the recommended tenderer was rated '*strong*'.

##### *Construction Risks:*

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

ITEM 1.7 TENDER - BURPENGARY - MBCSC - SOCCER STAGE 2 (MBRC-RFT438) - 68285473 (Cont.)

documentation as part of the contract to detail how they will plan, establish, and manage project construction risks which will be reviewed and audited by Project Management.

- b. The recommended tenderer has indicated their understanding of the project site to ensure the safety and well-being of all during the works, and their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time.
- c. The procurement risks relating to this project are considered low as there is adequate lead time for the recommended tenderer to procure the relevant project construction materials. At the tender clarification meeting, the recommended tenderer did not foresee any impacts which would affect material supply chains and overall time delivery of the project works.
- d. The project is not impacted by any building and plumbing approvals.
- e. The project is not impacted by any internal Development Approvals.
- f. The project is not impacted by any external Development Applications and/or Approvals.
- g. Dilapidation inspections will be conducted by CMB staff prior to works commencing for site and surrounding areas to record the existing condition of assets and again after construction to record any change. This will include the extents of the local roads utilised for access.
- h. Vehicular access and egress to the site is considered a risk to the existing access conditions and local traffic. Council's Integrated Transport Planning and Design network management was consulted regarding the best access route to the project to minimise impacts to traffic and road surface damage which resulted in Grogan Road being selected. It is the Contractor's responsibility to safely manage, protect, maintain and repair this access during the project duration. This will also include restricted movements during school pick up/drop off times.
- i. There are no obligations under Native Title.
- j. There are no obligations under Cultural Heritage.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

Council has allocated a total of \$5,250,000 in the 2023/2024 financial year's Capital Projects Program towards the construction of the project. The project has received \$3,500,000 in funding from the Federal Government's Investing in Our Communities (liOC) Program. All financial information below is excluding GST.

Tender Price (Construction)	\$	5,342,602
Preapproved Variations	\$	134,686
Contingency (10%)	\$	534,260
Project Management costs	\$	40,000
QLeave (0.575%)	\$	35,371
Completion of carparking, associated lighting and new internal access roads, which commenced in 2022/23 and was completed in the 2023-24 financial year.	\$	161,500

<b>Total Project Cost</b>	<b>\$</b>	<b>6,248,419</b>
Project Budget Allocation	\$	5,250,000
Project Shortfall	\$	998,419
Federal Government Investing in Our Communities Funding	\$	3,500,000
<b>Net cost to Council</b>	<b>\$</b>	<b>\$2,748,419</b>

Estimated ongoing operational/maintenance costs \$180,000 per financial year

*ITEM 1.7 TENDER - BURPENGARY - MBCSC - SOCCER STAGE 2 (MBRC-RFT438) - 68285473 (Cont.)*

The budget allocation for this project is insufficient. To allow Council to enter into this agreement, Council commits to the provision of a total additional sum of \$998,419 (excluding GST) towards the construction of the project over the 2023/24 and 2024/25 financial years (total of \$6,248,419); with \$180,419 of the additional funds required in the 2023/24 financial year and \$818,000 of the additional funds required in the 2024/25 financial year; with the funding changes to be provided for in the 2023/24 financial year's quarter two financial year review process.

The project includes preapproved variations for offset planting, field access pathways and disposal of fill material at Queensland State Equestrian Centre. These variation options are a new feature of Council's AS2124 contracts, do not form part of the contract sum and are assessed separately. The preapproved variations were tendered to ensure competitive pricing and are considered to be value for money.

The exceedance in the budget is contributed to increases in the cost of materials, labour which is due to the shortage of skilled workers and transport costs. Market unpredictability also impacted the accuracy of the project estimate.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications

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

3.9 Social Implications

The completion of this project will see an increase in the sporting facilities available at the Moreton Bay Central Sports Complex (MBCSC), with three new soccer fields and associated civil infrastructure, which will provide increased participation in sport for the local community.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Consultation and Communication has been undertaken with the following:

- External parties
  - Caboolture Sports Club
  - Moreton Bay Central Soccer Club
- Internal departments/sections:
  - Asset Maintenance
  - Procurement
  - Legal Services
  - Parks and Recreation Planning
  - Sports and Recreation
  - Cultural Heritage Planning

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**2 HEALTHY ENVIRONMENTS SESSION****(Cr C Tonks / Cr B Savige)**

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**ITEM 2.1****PINE RIVERS CATCHMENT ASSOCIATION - RMIS PROJECT**

*Meeting / Session:* 2 HEALTHY ENVIRONMENTS  
*Reference:* 68023950 : 27 October 2023 - Refer **Confidential Supporting Information**  
**68023949**  
*Responsible Officer:* RM, Manager Environmental Services (CES Environmental Services)

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**Executive Summary**

Council has previously partnered with the Pine Rivers Catchment Association (PRCA) to implement the Riparian Management Incentive Scheme (RMIS) project.

The project involved PRCA assisting landholders located within the Pine Rivers catchment area to remove specific invasive weeds and plant trees to improve bank stability and water quality. An assessment of the RMIS project has demonstrated that it has been effective at engaging private landowners to deliver significant improvements to riparian areas.

To ensure the continued success of the RMIS project, Council's approval is sought to enter into a contractual arrangement with PRCA under section 235(b) of the *Local Government Regulation 2012* for the period November 2023 to 30 June 2024.

Under the provisions of section 235(b) of the *Local Government Regulation 2012*, Council may enter into a contract with a provider where Council is satisfied that because of the specialised or confidential nature of the services to be provided, it would be impractical or disadvantageous for Council to seek quotes or tenders for the services. Accordingly, this matter is reported to Council for resolution.

This matter is brought to the attention of Council under the **Healthy Environments portfolio** as it relates to the removal of invasive weed species and improvements to riparian zone management.

The supporting information to this report is confidential to the extent that it contains information that is confidential to the Council and is made available to Councillors for the purposes of this meeting, in accordance with sections 254D(3) and 254D(5) of the *Local Government Regulation 2012*.

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**RESOLUTION**

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**Moved by Cr Matt Constance****Seconded by Cr Darren Grimwade****CARRIED 12/0**

1. That in accordance with section 235(b) of the *Local Government Regulation 2012*, Council resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the Council to invite written quotes or tenders for the services that are required to deliver the RMIS project.
2. That Council enter into an agreement with Pine Rivers Catchment Association to deliver the services required to implement the RMIS project across the South Pine River catchment, Cedar Creek catchment and Four Mile Creek catchments between November 2023 and 30 June 2024.
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 Pine Rivers Catchment Association to deliver the services required to implement the RMIS project between November 2023 and 30 June 2023 and any required variations of the agreement on Council's behalf.



*ITEM 2.1 PINE RIVERS CATCHMENT ASSOCIATION - RMIS PROJECT - 68023950 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That in accordance with section 235(b) of the *Local Government Regulation 2012*, Council resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the Council to invite written quotes or tenders for the services that are required to deliver the RMIS project.
2. That Council enter into an agreement with Pine Rivers Catchment Association to deliver the services required to implement the RMIS project across the South Pine River catchment, Cedar Creek catchment and Four Mile Creek catchments between November 2023 and 30 June 2024.
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 Pine Rivers Catchment Association to deliver the services required to implement the RMIS project between November 2023 and 30 June 2023 and any required variations of the agreement on Council's behalf.

## **REPORT DETAIL**

### **1. Background**

PRCA is a not-for-profit community-based organisation that has been established since December 2009. PRCA work alongside landowners within the Pine Rivers catchment, promoting awareness and understanding of the interactions between land and water.

PRCA also delivers a range of on-ground riparian rehabilitation work, including liaison with private landowners. PRCA is in a unique position to directly assist private landowners to manage weeds on their property by providing contractor management services, along with site specific environmental advice.

Council has previously engaged PRCA to deliver the RMIS project, which supports landholders to treat and remove invasive weeds within threatened riparian areas. PRCA was selected to deliver this project, due to the unique services they provide within the Pine Rivers catchment area.

Accordingly, to ensure the continued success of the RMIS project, Council's approval is sought to enter into a contractual arrangement with PRCA under section 235(b) of the *Local Government Regulation 2012* during the period November 2023 and 30 June 2024 as due to the specialised nature of works related to the RMIS project, it would be impractical or disadvantageous to invite written quotes or tenders for the services that are required to deliver the RMIS project.

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

The RMIS project aims to remove invasive vine species, such as cats claw creeper, which over-top and kill mature trees located along riverbanks. Losses of large native trees destabilise stream banks, increase the threat of bank erosion and reduce water quality. The project with PRCA has been supported since 2010 and concluded on 30 June 2023.

PRCA have the required understanding and capacity to continue on-ground riparian enhancement works, in liaison with private landowners, across the South Pine River catchment, Cedar Creek catchment and Four Mile Creek catchments during the 2023/24 financial year.

Under the provisions of section 235(b) of the *Local Government Regulation 2012*, Council may enter into a contract with a provider where Council is satisfied that because of the specialised or confidential nature of the services to be provided, it would be impractical or disadvantageous for Council to seek quotes or tenders for the services. Officers hold the view that the services required to deliver the RMIS project are specialised because:

*ITEM 2.1 PINE RIVERS CATCHMENT ASSOCIATION - RMIS PROJECT - 68023950 (Cont.)*

- a) PRCA has an established network of landowners who are engaged in the RMIS project;
- b) PRCA has specific landowner agreements in place, enabling landowners to manage invasive species via the delivery of contractor management services and site-specific environmental plans; and
- c) Due to the on-ground works already completed, it is considered impractical for another supplier to acquire the specialised knowledge to ensure that the RMIS project is completed within project delivery timeframe.

This report therefore recommends that an agreement be entered into with PRCA to deliver the services required to implement the RMIS project across the South Pine River catchment, Cedar Creek catchment and Four Mile Creek catchments, between November 2023 and 30 June 2024 - refer *Supporting Information #1 (Confidential)*.

### **3. Strategic Implications**

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

Under section 235(b) of the *Local Government Regulation 2012*, Council may enter into a medium or large-sized contractual arrangement with a provider without seeking tenders or quotes, because of the specialised or confidential nature of the services to be provided, if it would be impractical or disadvantageous for Council to seek quotes or tenders for those services.

#### **3.2 Corporate Plan linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular: Our Healthy Environments: 01 Our special natural areas and wildlife habitats are connected, protected and enhanced.

#### **3.3 Policy Implications**

Council's Procurement Policy 2150-006 allows the consideration of exceptions permitted under the *Local Government Regulation 2012*.

#### **3.4 Risk Management Implications Nil identified**

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

In accordance with Officer's Recommendation 4 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the service agreement with PRCA.

#### **3.6 Financial Implications**

Sufficient funds of \$50,000 (ex GST) are available for the project from the Environment Separate Charge, in the 2023/24 financial year.

#### **3.7 Economic Benefit Implications Nil identified**

#### **3.8 Environmental Implications**

The RMIS project has removed cats claw creeper from threatened ecosystems and riparian areas, assisting to maintain bank stability and improve water quality throughout the Pine Rivers catchment. This project, delivered by PRCA in liaison with private landowners, supports Council's Our Healthy Environments pillar and aligns with the Environment Sustainability Strategy 2024 - Outcome 1 Biodiversity and habitats and Outcome 2 Coasts and waterways.

#### **3.9 Social Implications Nil identified**

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

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

*ITEM 2.1 PINE RIVERS CATCHMENT ASSOCIATION - RMIS PROJECT - 68023950 (Cont.)*

3.11 Consultation / Communication

- Mayor and Councillors
- Environment and Sustainability, Policy and Planning
- Drainage, Waterways and Coastal Planning
- Procurement
- Legal Services

**ITEM 2.2  
PROPOSED SITE - MORETON BAY WILDLIFE HOSPITAL, 420 OLD GYMPIE ROAD,  
DAKABIN**

*Meeting / Session:* 2 HEALTHY ENVIRONMENTS  
*Reference:* 68153625 : 6 November 2023 - **Refer Supporting Information 68358115**  
*Responsible Officer:* RM, Manager Environmental Services (CES Environmental Services)

**Executive Summary**

City of Moreton Bay comprises a land area of more than 2045km<sup>2</sup>, with an abundance of wildlife within its extensive waterways, wetlands, and bushland corridors. With such an array of wildlife within the region, unfortunately every year, native animals require veterinary care due to injury and/or illness.

Currently, there is no dedicated wildlife hospital in the 85 kilometres between the RSPCA wildlife hospital facility at Wacol and Australia Zoo at Beerwah, the two closest facilities in the Southeast Queensland Wildlife Hospital Network. This is a significant gap and injured wildlife are required to be transported for up to two hours to receive care.

This report recommends that Council endorse the use of Council freehold land at 420 Old Gympie Road, Dakabin for the establishment of a wildlife hospital and authorise the Chief Executive Officer take all action necessary to facilitate its establishment, including progression of the required site and building assessments, to facilitate the finalisation of the Master Plan.

This matter is brought to the attention of Council under the **Healthy Environments portfolio**, delivering on Council's Environment Sustainability Strategy 2042 (ESS) - Our special natural areas and wildlife habitats are connected, protected and enhanced, specifically ESS Action Plan Number 1.14 - Support community groups to advance opportunities to care for wildlife, through rescue and rehabilitation services.

**RESOLUTION**

**Moved by Cr Cath Tonks**

**Seconded by Cr Yvonne Barlow**

**CARRIED 12/0**

- 1. That Council endorses the use of Council freehold land at 420 Old Gympie Road, Dakabin for the establishment of a wildlife hospital.**
- 2. That the Chief Executive Officer be authorised to take all action necessary to facilitate the establishment of a wildlife hospital at 420 Old Gympie Road Dakabin including, but not limited to, negotiating, making, amending and signing documents and agreements with the State Government's Department of Environment and Science and/or Moreton Bay Wildlife Hospital Foundation.**
- 3. That the Chief Executive Officer submit a future report to Council detailing the Master Plan for 420 Old Gympie Road, Dakabin, in accordance with Policy 2150-088 Preparation of Master Plans for Council-Controlled or Owned Sites.**

*ITEM 2.2 PROPOSED SITE - MORETON BAY WILDLIFE HOSPITAL, 420 OLD GYMPIE ROAD, DAKABIN - 68153625 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That Council endorses the use of Council freehold land at 420 Old Gympie Road, Dakabin for the establishment of a wildlife hospital.
2. That the Chief Executive Officer be authorised to take all action necessary to facilitate the establishment of a wildlife hospital at 420 Old Gympie Road Dakabin including, but not limited to, negotiating, making, amending and signing documents and agreements with the State Government's Department of Environment and Science and/or Moreton Bay Wildlife Hospital Foundation.
3. That the Chief Executive Officer submit a future report to Council detailing the Master Plan for 420 Old Gympie Road, Dakabin, in accordance with Policy 2150-088 Preparation of Master Plans for Council-Controlled or Owned Sites.

## **REPORT DETAIL**

### **1. Background**

City of Moreton Bay is one of Australia's fastest growing areas with the population forecast to grow from 500,000 to approximately 800,000 by 2046. Council is committed to ensuring that development in the city is balanced with the preservation of its natural environment and that built environments enhance the identity of the region and support biodiversity and sustainable lifestyles.

The region enjoys an abundance of wildlife, however as a result, every year, native animals require veterinary care due to injury and/or illness. Injured wildlife rescued within the Moreton Bay Region are typically transported to the Australia Zoo Wildlife Hospital located at Beerwah or the RSPCA Wildlife Hospital at Wacol, a distance of 44 kilometres and 52 kilometres respectively.

In response to the increasing number of wildlife requiring specialist treatment and the associated health and wellbeing impact on wildlife carers, a dedicated group of community members established the Moreton Bay Wildlife Hospital Foundation (MBWHF) in 2022. The MBWHF have prepared a Business Plan, outlining the case for a wildlife hospital within CMB.

In February 2023, representatives from the MBWHF, Council, State Government's Department of Environment and Science, and the Southeast Queensland Wildlife Hospital Network (including Australia Zoo, RSPCA and Currumbin Wildlife Hospital) met to discuss the requirement for a dedicated wildlife hospital in the Moreton Bay region, along with the required steps to establish this type of service. Discussions included legislative and regulatory frameworks for the operation of a wildlife hospital, operational aspects, minimum land size, building requirements and required funding (capital and operational).

As the case for a dedicated facility in the Moreton Bay region was strong, the MBWHF progressed the implementation of their business plan, including applying to the Australian Government's Department of Climate Change, Energy, the Environment and Water to become a registered Environmental Organisation with deductible gift recipient (charity) status. This application was approved in June 2023.

Council and the State Government committed to reviewing potential land parcels that would be suitable for the establishment and operation of a wildlife hospital within the region. Following Council's assessment of over 100 land parcels, a portion of Council freehold land located at 420 Old Gympie Road Dakabin is proposed as having the required attributes to support a wildlife hospital.

*ITEM 2.2 PROPOSED SITE - MORETON BAY WILDLIFE HOSPITAL, 420 OLD GYMPIE ROAD, DAKABIN - 68153625 (Cont.)*

A Councillors' briefing was conducted on 21 June 2023 for the purpose of sharing information and providing advice/views to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing is provided below:

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

*Officers to progress with development of a Master Plan for the site, to be considered at a future General Meeting.*

Additional consultation with State Government representatives occurred in June and July 2023, with Council providing a public commitment to progressing the establishment of the Moreton Bay Wildlife Hospital over part of 420 Old Gympie Road Dakabin at the Moreton Bay Leaders' Forum held on 21 July 2023.

## **2. Explanation of Item**

This report recommends that Council endorse the use of Council freehold land at 420 Old Gympie Road, Dakabin for the establishment of a wildlife hospital and authorise the Chief Executive Officer take all action necessary to facilitate its establishment.

As part of the establishment of this type of service, Council is required to prepare a Master Plan for 420 Old Gympie Road Dakabin in accordance with Policy 2150-088: Preparation of Master Plans for Council-Controlled or Owned Sites (the Policy).

In accordance with the Policy Council Officers will commence the required site and planning assessments for 420 Old Gympie Road, Dakabin. These assessments are required to ensure that electricity, water and sewer provisions are assessed, along with consideration of traffic flows and proposed building site and design aspects. It is anticipated that the site and planning assessments will take up to six (6) months to complete.

While the site and planning assessments are being completed, Council officers will continue to liaise with the MBWHF, local wildlife rescue and care groups and State Government departments regarding the future operation of the wildlife hospital.

The MBWHF will be required to raise the required funds to establish and operate the wildlife hospital. The MBWHF has deductible gift recipient (charity) status, which will enable fund raising to contribute to their established operational budget. The MBWHF will also require approval from the State Government to operate a wildlife hospital and be considered members of the Southeast Queensland wildlife hospital network.

The State Government have acknowledged the requirement for a dedicated wildlife hospital in the Moreton Bay Region and provided the MBWHF with the required steps to establish this type of service. The MBWHF have confirmed that they are progressing the required State Government approvals.

A future report detailing the Master Plan for 420 Old Gympie Road, Dakabin in accordance with the Policy will be submitted for Council's consideration. Following Council's endorsement of the Master Plan, the MBWHF would be required to apply for a Lease over a portion of 420 Old Gympie Road, Dakabin for the operation of the facility.

## **3. Strategic Implications**

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

In accordance with Policy 2150-088 Preparation of Master Plans for Council-Controlled or Owned Sites, Council will be required to endorse the Master Plan for 420 Old Gympie Road, Dakabin prior to any works being undertaken on the site by the MBWHF.

This report provides the Chief Executive Officer and delegates the required authority to continue to progress the Master Plan for 420 Old Gympie Road, Dakabin, including completing the required site and planning assessments.

*ITEM 2.2 PROPOSED SITE - MORETON BAY WILDLIFE HOSPITAL, 420 OLD GYMPIE ROAD, DAKABIN - 68153625 (Cont.)*

Following endorsement of the Master Plan, the MBWHF will be required to apply for a Lease over a portion of 420 Old Gympie Road, Dakabin, for the establishment and operation of the wildlife hospital. This lease will be considered in accordance with Council's Community Leasing Policy (2150- 079).

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Healthy Environments: 02 Our special natural areas and wildlife habitats are connected, protected and enhanced and

Our Well-planned Places: 06 We have infrastructure that integrates with surrounding land use and supports our growing communities.

3.3 Policy Implications

Policy 2150-088: Preparation of Master Plans for Council-Controlled or Owned Sites and Policy 2150-079 Community Leasing Policy apply to the establishment and operation of a wildlife hospital over part of 420 Old Gympie Road, Dakabin.

3.4 Risk Management Implications

It is recognised that permitting community organisations to occupy and manage Council controlled or owned land and assets presents an associated level of risk. As a core function of Council is the provision of community facilities, it is considered the level of risk is acceptable. However, to mitigate the risk, lease documents clearly outline the responsibilities and obligations of the parties and will include a requirement for the community organisation/s to hold appropriate levels public liability insurance.

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications

It is envisaged that Council's contribution to the project will be limited to provision of land (site valued at \$3 million); and master plan delivery (to satisfy policy and development application requirements). Funds to progress the building site and design aspects of the Master Plan are available within Council's 2023/24 operational budget. Construction and operational expenditure of the hospital is a separate matter and not contemplated as a cost that council would assist the MBWHF to fund. External Relations has been supporting the MBWHF via advocacy to the State and Federal Governments for these other costs.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications

The Moreton Bay community have provided feedback to Council through recent community surveys, responding that the protection of the environment is one of their highest priorities, along with strong support for Council's Environment Sustainability Strategy 2042 (ESS).

The ESS includes a number of priority outcomes, including Outcome 1: Biodiversity and habitats - Our special natural areas and wildlife habitats are connected, protected and enhanced.

In accordance with the ESS Action Plan, Council implements a range of initiatives specifically targeted at the protection and enhancement of wildlife habitat and support for wildlife rescue and rehabilitation groups.

The establishment of a wildlife hospital within CMB directly aligns with the ESS Action Plan Number 1.14 - Support community groups to advance opportunities to care for wildlife, through rescue and rehabilitation services.

*ITEM 2.2 PROPOSED SITE - MORETON BAY WILDLIFE HOSPITAL, 420 OLD GYMPIE ROAD, DAKABIN - 68153625 (Cont.)*

3.9 Social Implications

There are a number of wildlife rescue and rehabilitation community groups operating throughout CMB, all of which provide volunteering opportunities. The operation of the wildlife hospital by the MBWHF will provide additional opportunities for the community to engage with and learn about local wildlife and assist in their ongoing care, rehabilitation and release.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Council  
Legal Services  
External Relations  
Development Services  
Parks and Recreation Planning  
Building and Facilities Planning  
Property Services



**ITEM 2.3  
QUOTATION LAWNTON - LAWNTON RESERVE - DRAINAGE TREATMENT  
UPGRADE (VP380161)**

*Meeting / Session:* 2 HEALTHY ENVIRONMENTS  
*Reference:* 68287710 : 3 November 2023 - Refer **Confidential Supporting Information**  
**68128969**  
*Responsible Officer:* LK, Project Manager (PAS Project Management)

**Executive Summary**

Quotations were invited from VendorPanel's Public Marketplace's Construction and Operation Panel arrangement for the 'Lawnton - Lawnton Reserve - Drainage Treatment Upgrade (VP380161)' project. The request for quotations closed on 11 October 2023 with a total of three submissions received, all of which were conforming.

It is recommended that the 'Lawnton - Lawnton Reserve - Drainage Treatment Upgrade (VP380161)' project be awarded to Mastac Pty Ltd, trading as Shannon's Concreting and Earthmoving Services, for the sum of \$157,754 (excluding GST) as this quotation was evaluated as representing the best overall value to Council.

This matter is brought to the attention of Council under the **Healthy Environments portfolio** as the project will improve water quality and amenity throughout Four Mile Creek resulting from reduction in gross pollutants entering the creek.

This project has been considered in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.

The supporting information to this report is confidential to the extent that it contains information that is confidential to the Council and is made available to Councillors for the purposes of this meeting, in accordance with sections 254D(3) and 254D(5) of the *Local Government Regulation 2012*.

**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr Sandra Ruck

CARRIED 12/0

1. That the 'Lawnton - Lawnton Reserve - Drainage Treatment Upgrade (VP380161)' project be awarded to Mastac Pty Ltd, trading as Shannon's Concreting and Earthmoving Services, for the sum of \$157,754 (excluding GST).
2. That to allow Council to enter into the agreement, Council commits to the provision of an additional \$17,000 in funding for the project at the 2023/24 financial year quarter two review process.
3. That the Council enters into an agreement with Mastac Pty Ltd, trading as Shannon's Concreting and Earthmoving Services, as described in this report.
4. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing, and discharging the agreement with Mastac Pty Ltd, trading as Shannon's Concreting and Earthmoving Services for the 'Lawnton - Lawnton Reserve - Drainage Treatment Upgrade (VP380161)' project and any required variations of the agreement on Council's behalf.

*ITEM 2.3 QUOTATION LAWNTON - LAWNTON RESERVE - DRAINAGE TREATMENT UPGRADE (VP380161) - 68287710 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That the '*Lawnton - Lawnton Reserve - Drainage Treatment Upgrade (VP380161)*' project be awarded to Mastac Pty Ltd, trading as Shannon's Concreting and Earthmoving Services, for the sum of \$157,754 (excluding GST).
2. That to allow Council to enter into the agreement, Council commits to the provision of an additional \$17,000 in funding for the project at the 2023/24 financial year quarter two review process.
3. That the Council enters into an agreement with Mastac Pty Ltd, trading as Shannon's Concreting and Earthmoving Services, as described in this report.
4. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing, and discharging the agreement with Mastac Pty Ltd, trading as Shannon's Concreting and Earthmoving Services for the '*Lawnton - Lawnton Reserve - Drainage Treatment Upgrade (VP380161)*' project and any required variations of the agreement on Council's behalf.

## **REPORT DETAIL**

### **1. Background**

The project is located at 22 Paisley Road, Lawnton. The project scope includes:

- Installation of stormwater trash nets; and
- Formalised maintenance access to capture and prevent gross pollutants from entering Lawnton Reserve through an existing large, piped drainage network.

This project will be undertaken as part of an ongoing program to progressively install end-of-line treatment devices to untreated drainage networks where practical and appropriate. The objective of the project is to capture and prevent gross pollutants from entering Four Mile Creek through the existing open channel.

Construction on site will commence in mid-late January 2024, and is scheduled to take ten weeks to complete, including an allowance for wet weather. Due to the size of the project and the relatively short construction duration, preference was to commence after Christmas to reduce the risk of any damage and/or vandalism to the site.

A communication plan has been prepared for this project. Communication strategies include project notices issued four weeks prior to the commencement of construction works and projects signs displayed on site prior to construction. The communications plan will include a project update to the Divisional Councillor at the commencement of the project on site, monthly updates as the project progresses and an update at the end of the project. Should there be any adverse changes to project delivery, the Divisional Councillor will receive prompt formal advice from the project manager of what has occurred and when the project will be completed.



**Figure 1: Lawnton Reserve Drainage Channel Locality Plan**

ITEM 2.3 QUOTATION LAWNTON - LAWNTON RESERVE - DRAINAGE TREATMENT UPGRADE (VP380161) - 68287710 (Cont.)

## 2. Explanation of Item

Quotations were invited for the 'Lawnton - Lawnton Reserve - Drainage Treatment Upgrade (VP380161)' project, which closed on 11 October 2023 with a total of three submissions received, of which all were conforming. The quotations were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the quotation documents.

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

RANK	SUPPLIER	EVALUATION SCORE (Pre-Local Preference)	EVALUATION SCORE (Post Local Preference)
1	Maztac Pty Ltd, trading as Shannon's Concreting and Earthmoving Services	93.58	108.58
2	Auzcon Pty Ltd	89.77	104.77
3	Qld Civil Group Pty Ltd	91.11	91.11

**Maztac Pty Ltd, trading as Shannon's Concreting and Earthmoving Services ('MT')** - submitted a comprehensive submission. MT's submission demonstrated their relevant experience, methodology, understanding of the project and ability to deliver the project in the time lines. MT provided examples of relevant project experience, including civil works at Wacol Disability Services Precinct (valued at \$163,000) for the Department of Public Works and Housing; and infeed extension works at AKD Sawmill, Caboolture (valued at \$269,360) for AKD Sawmill.

The recommended tenderer is registered in the Moreton Bay region and is utilising 1% - 29% of local supplier / goods and services in a local area commitment.

**Auzcon Pty Ltd ('AC')** - submitted a comprehensive submission and demonstrating their project experience. However, AC's methodology and demonstration to undertake the project was unclear. The evaluation panel believe that such uncertainty would be a risk to Council and hence the panel believe that the offer was the not the best overall to Council.

**QLD Civil Group Pty Ltd ('QCG')** - submitted a comprehensive offer, demonstrating their project experience, however, there were no additional benefits identified for the higher price.

## 3. Strategic Implications

### 3.1 Legislative / Legal Implications

Council sought quotations via VendorPanel, in accordance with the *Local Government Act 2009*.

### 3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Healthy Environments: 02 Our coasts and waterway catchments are used sustainably, and environmental values are protected and enhanced.

### 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.

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

ITEM 2.3 QUOTATION LAWNTON - LAWNTON RESERVE - DRAINAGE TREATMENT UPGRADE (VP380161) - 68287710 (Cont.)

3.4 Risk Management Implications

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

*Financial Risk:*

A third-party financial assessment has been carried out and the recommended supplier was rated sound.

*Construction Risks:*

- a. The recommended company will provide a program of works, staging plans, traffic management plans, safety management plan, environmental management plan, and quality management documentation as part of the contract to detail how they will plan, establish, and manage project construction risks which will be reviewed and audited by Project Management.
- b. The recommended company has indicated their understanding of the project site to ensure the safety and well-being of all during the works, and their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time.
- c. The procurement risks relating to this project are considered low as there is adequate lead time for the recommended company to procure the relevant project construction materials.
- d. The project is not impacted by any building and plumbing approvals.
- e. The project is not impacted by any internal Development Approvals.
- f. The project is not impacted by any external Development Applications or Approvals, as per formal advice received from Development Services.
- g. Dilapidation inspections will be conducted by CMB staff prior to works commencing for site and surrounding areas to record the existing condition of assets and again after construction to record any change.
- h. Department of Natural Resources and Mines overlay mapping shows the area is not subject to Native Title.
- i. The obligations for Cultural Heritage are as per Aboriginal Cultural Heritage Act 2003.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

Council has allocated a total of \$161,000 in the 2023/24 financial year's Capital Projects Program (CPP) towards construction of the project. All financial information below is excluding GST.

Quotation Price (Construction)	\$	157,754
Contingency (10%)	\$	15,775
Project Management costs	\$	3,562
Qleave (0.575%)	\$	908
<b><u>Total Project Cost</u></b>	<b>\$</b>	<b><u>178,000</u></b>

Estimated ongoing operational/maintenance costs \$3,400 per financial year

The budget amount for this project is insufficient. To allow this project to proceed and for Council to enter into the arrangement, Council commits to the provision of an additional \$17,000 in the 2023/24 financial year quarter two financial review process.

3.7 Economic Benefit Implications  Nil identified

*ITEM 2.3 QUOTATION LAWNTON - LAWNTON RESERVE - DRAINAGE TREATMENT UPGRADE (VP380161) - 68287710 (Cont.)*

3.8 Environmental Implications

An Environmental Management Plan will be provided to Council by the recommended company detailing the management of environmental matters affecting the project during construction. The environment management plan will be monitored and audited by Project Management during the construction phase.

3.9 Social Implications

The project will improve water way health of Four Mile Creek by capturing and preventing gross pollutants from entering the creek through the existing open channel.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

- Internal:
  - Drainage Waterways and Coastal Planning
  - Procurement
  - Asset Maintenance

## **ITEM 2.4 - DECLARATION OF INTEREST**

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

Pursuant to s150EL of the *Local Government Act 2009*, Cr Cath Tonks informed the meeting of a prescribed conflict of interest in matters where Council is giving consideration to the awarding of a tender where Cleanaway Pty Ltd is a tenderer.

Cr Tonks' interest arises as her brother, Paul Dippelsmann is an employee of Cleanaway Pty Ltd.

**Cr Tonks will not participate in the decisions, including discussion, debate and voting and will leave meetings when these matters arise.**

Cr Tonks subsequently acknowledged her conflict of interest in Item 2.4 and left the meeting at 10.23am.

## **ITEM 2.4**

### **TENDER - REGIONAL - ORGANICS COLLECTION SERVICES (MBRC-RFT343)**

*Meeting / Session:* 2 HEALTHY ENVIRONMENTS  
*Reference:* 68189112 : 26 October 2023 - Refer **Confidential Supporting Information 68360719 & 68297155**  
*Responsible Officer:* MM, Manager Waste Services (PAS Waste Services)

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#### **Executive Summary**

Tenders were invited for the '*Organics Collection Services (MBRC-RFT343)*'. Tenders closed on 6 June 2023. A total of two tenderers provided a total of four submissions during the tender process, all of which were conforming.

It is recommended that the tender for the '*Organics Collection Services (MBRC-RFT343)*' be awarded to Cleanaway Pty Ltd, for the total estimated sum of \$63,492,936 (excluding GST) for a term from 2 December 2024 through to 30 June 2031, with the ability to extend the agreement for a further two x one year options, subject to satisfactory performance and Council discretion; as this tender was evaluated as representing the best overall value to Council,

Council has sought \$7,568,990 in funding from the State Government's Growing the Recovery of Organic Waste via Food Organic Garden Organic (GROW FOGO) funding program for the Organics Collection Service initial waste bin roll out.

This matter is brought to the attention of Council under the **Healthy Environments portfolio** by providing a kerbside collection service for organic waste to enable the achievement of landfill diversion targets and reduction of greenhouse gas emissions.

This service has been considered in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.

The supporting information to this report is confidential to the extent that it contains information that is confidential to the Council and is made available to Councillors for the purposes of this meeting, in accordance with sections 254D(3) and 254D(5) of the *Local Government Regulation 2012*.

ITEM 2.4 TENDER - REGIONAL - ORGANICS COLLECTION SERVICES (MBRC-RFT343) - 68189112 (Cont.)

**RESOLUTION**

Moved by Cr Brooke Savige

Seconded by Cr Mick Gillam

**CARRIED 11/0**

*Cr Cath Tonks had declared a prescribed Conflict of Interest and had retired from the meeting*

1. That the tender for the '*Organics Collection Services (MBRC-RFT343)*' be awarded to Cleanaway Pty Ltd, for the total estimated sum of \$63,492,936 (excluding GST) for a term from 2 December 2024 through to 30 June 2031, with the ability to extend the agreement for a further two x one-year options, subject to satisfactory performance and Council discretion.
2. That Council acknowledges:
  - a) the agreement will require operational funding for the 2024/25, 2025/26, 2026/27, 2027/28 2028/29, 2029/30 and 2030/31 financial years (subject to rise and fall review of service rates as per contract terms), and potentially the 2031/32 and 2032/33 financial years; and
  - b) the intention to account for this future expenditure as part of Council's budget for these financial years.
3. That the Council enters into an agreement with Cleanaway Pty Ltd, as described in this report.
4. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Cleanaway Pty Ltd for the '*Organics Collection Services (MBRC-RFT343)*' project and any required variations of the agreement on Council's behalf.

*ITEM 2.4 TENDER - REGIONAL - ORGANICS COLLECTION SERVICES (MBRC-RFT343) - 68189112 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That the tender for the '*Organics Collection Services (MBRC-RFT343)*' be awarded to Cleanaway Pty Ltd, for the total estimated sum of \$63,492,936 (excluding GST) for a term from 2 December 2024 through to 30 June 2031, with the ability to extend the agreement for a further two x one-year options, subject to satisfactory performance and Council discretion.
2. That Council acknowledges:
  - a) the agreement will require operational funding for the 2024/25, 2025/26, 2026/27, 2027/28 2028/29, 2029/30 and 2030/31 financial years (subject to rise and fall review of service rates as per contract terms), and potentially the 2031/32 and 2032/33 financial years; and
  - b) the intention to account for this future expenditure as part of Council's budget for these financial years.
3. That the Council enters into an agreement with Cleanaway Pty Ltd, as described in this report.
4. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Cleanaway Pty Ltd for the '*Organics Collection Services (MBRC-RFT343)*' project and any required variations of the agreement on Council's behalf.

## **REPORT DETAIL**

### **1. Background**

The Organics Collection Service will be provided across the City of Moreton Bay local government area. The service scope covers two stages, with tenderers requested to provide schedules of rates for the following:

- Schedule A: Garden Organics (GO), Stage one, collection from residential Single Unit Dwellings (SUDs)
- Schedule B: Food Organics Garden Organics (FOGO), Stage two, collection from residential SUDs, Multi Unit Dwellings (MUDs) and commercial MUDs.
- Schedule C: Initial 240L bin roll-out to Single Unit Dwellings (SUDs)
- Schedule D: Caddy and liner roll-out to residential SUDs, MUDs and commercial MUDs.

Single Unit Dwelling - a residential building, other than a manufactured or mobile home, consisting of one dwelling.

Multi-Unit Dwelling - a residential building, other than a manufactured or mobile home, consisting of more than one dwelling.

The services to be provided under this agreement are as follows:

- Initial supply and distribution of mobile and industrial bins.
- Ongoing delivery, repair and maintenance of mobile bins and industrial bins.
- Initial supply and distribution of Council approved kitchen caddies and caddy liners (Stage two only).
- Ongoing supply and distribution of Council approved kitchen caddies and caddy liners (Stage two only).
- Collection of organics from service entitled premises, including transportation and disposal at Nominated Disposal Facilities.

The above services can be provided to all kerbside service entitled premises within the Designated Collection Area.



*ITEM 2.4 TENDER - REGIONAL - ORGANICS COLLECTION SERVICES (MBRC-RFT343) - 68189112 (Cont.)*

Designated Collection Area - areas within the City of Moreton Bay local government area where the recommended tenderer has tendered rates to undertake the requirements of the Organics Collection Services tender, together with such different or additional premises that Council may nominate during the term of the agreement providing such premises are within the City of Moreton Bay local government area.

GO service entitled premises - all general waste service entitled premises in the Designated Collection Area which are: (a) a residential SUD; and (b) have a land area of >300m<sup>2</sup> and <2000m<sup>2</sup>. A general waste service entitled premises which does not meet the above criteria may apply for a GO opt-in service.

Opt-out conditional criteria for GO service entitled premises - are GO service entitled premises which can provide suitable evidence to Council's satisfaction that demonstrates the GO service entitled premises: (a) uses a professional gardening service; or (b) composts all GO on the premises; or (c) uses a commercial GO collection contractor. These may be approved at Council's sole and unfettered discretion to opt-out conditionally from the GO collection service.

FOGO service entitled premises - are all general waste service entitled premises in the designated collection area which are: (a) a residential SUD or MUD; or (b) a residential MUD combined with a commercial property. A general waste service entitled premises which do not meet the above criteria may apply for a FOGO opt-in service.

Opt-out conditional criteria for FOGO service entitled premises - are FOGO service entitled premises which can provide suitable evidence to Council's satisfaction that demonstrates the FOGO service entitled premises: (a) composts all organics on the premises; or (b) uses a commercial FOGO collection contractor (criteria can evolve to mandatory depending on Queensland Government policy). These may be approved at Council's sole and unfettered discretion to opt-out conditionally from the FOGO collection service.

The GO collection service involves the collection of GO from single premises in approved 240 litre mobile bins on a fortnightly basis on alternate weeks to recyclables collections.

The FOGO collection service involves the collection of FOGO from single premises in approved 140 litre or 240 litre mobile bins on a weekly basis. The FOGO collection services also include the collection of FOGO from multi-occupancy premises in approved 140 litre or 240 litre mobile bins, or 660 litre or 1100 litre industrial bins on a weekly basis.

Stage one service will commence on 2 December 2024, following a bin supply period up to five months for the GO service entitled SUDs.

Stage two service commencement is dependent upon there being a suitably located FOGO facility of sufficient processing capacity available.

A communications plan has been prepared for this service. Communication strategies for each service phase address key messages to be timely issued prior to the commencement of each phase of the service. The target audiences, including domestic and commercial users, council staff, residents, schools, community groups, business networks and representative groups, will be informed on the key messages at determined periods via identified channels and using supporting collateral. The communications plan includes regular updates to Council.

## **2. Explanation of Item**

Tenders were invited for the provision of '*Organics Collection Services (MBRC-RFT343)*', which closed on 6 June 2023. A total of two tenderers provided a total of four submissions during the tender process, all of which were conforming. The tenders were assessed by the evaluation committee in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

ITEM 2.4 TENDER - REGIONAL - ORGANICS COLLECTION SERVICES (MBRC-RFT343) - 68189112 (Cont.)

A Tender Evaluation and Recommendation Report was prepared to detail the process followed, recommending the tenderer that offered the best value for money, considering full analysis to balance risk and opportunity, including the assessment of non-cost and cost factors. Council's Local Preference Operational Directive 2180-54 was then applied. The outcome of the full tender evaluation is presented in the table below for each received tender.

VALUE FOR MONEY RANKING	TENDER
1	Cleanaway Pty Ltd (Alternate conforming tender)
2	Cleanaway Pty Ltd (Conforming tender submission)
3	J.J. Richards & Sons Pty Ltd (Negotiation submission)
4	J.J. Richards & Sons Pty Ltd (Conforming tender submission)

As Stage two of the Organics Collection Service is dependent on access to FOGO processing capacity being secured, sensitivity analysis in price evaluation was completed for tender evaluation purposes with three scenarios considered:

- FOGO (Stage two) Base Case: introduction assumed on 1 December 2028. This being based on best available information as of tender evaluation and to allow comparative evaluation between tenders;
- FOGO (Stage two) Early Start: assumed Stage two start on 1 July 2027; and
- FOGO (Stage two) Late Start: assumed Stage two start on 1 December 2029.

**Cleanaway Pty Ltd ('CWY')** - submitted a comprehensive and well-presented tender, with an initial conforming tender submission and an alternate conforming tender submission. CWY's alternate conforming offer was considered best value for money when balancing risk and opportunity, considering the assessment of non-cost and cost factors, and is the recommendation of this report for the Organics Collection Service.

**J.J. Richards & Sons Pty Ltd ('JJR')** - submitted a comprehensive and well-presented tender, with an initial conforming tender submission and a negotiated conforming tender submission, demonstrating their project experience, however, when balancing risk and opportunity, considering the assessment of non-cost and cost factors to determine overall best value for money, there were no additional benefits identified for the higher price.

The recommended Organics Collection Services agreement term is from 2 December 2024 to 30 June 2031 with the option of two x one plus one year agreement extensions, subject to satisfactory performance and Council discretion. This in full alignment with the term of current general waste and recyclables kerbside collection contract.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Due to the value of work expecting to be greater than \$200,000, Council called a public tender for the work through MBRC's eTendering Portal, in accordance with the *Local Government Act 2009*.

#### 3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Healthy Environments: 05 We enable our materials and resources to be used cleverly and recycled to avoid waste and pollution.

ITEM 2.4 TENDER - REGIONAL - ORGANICS COLLECTION SERVICES (MBRC-RFT343) - 68189112 (Cont.)

3.3 Policy Implications

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

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

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

3.4 Risk Management Implications

The service risk has been assessed and the following issues identified. The way the possible impacts of these risks are minimised is detailed below.

**Timeframes, Plant and Equipment:**

Service start target date for GO (Stage 1) is 2 December 2024. The risk of not meeting this date is considered low as there is adequate lead time for the recommended tenderer to procure the relevant project plant, equipment, staff and depot facility. This risk is mitigated via the commencement abatement/ bonus conditions agreed during tender negotiation and included in Section C, Conditions of Contract. A Mobilisation Contingency Plan was provided by the recommended tenderer. It was confirmed that the recommended tenderer was confident in its ability to achieve 2 December 2024 for the service commencement date for the GO services.

**Communications Plan:**

A communications plan was developed by Council's Waste Services and Corporate Communications departments to ensure that residents and the various stakeholders involved in this service are adequately and timely informed during its various phases.

**Work Health and Safety:**

The recommended tenderer's management practices and systems were assessed as acceptable as per Council's Work Health and Safety Management Systems and confirmed it will provide the service as per conditions of the tender related to Work, Health and Safety, including Heavy Vehicle National Law requirements. The recommended tenderer holds certificate number OHS609391 that certifies it operates an Occupational Health & Safety Management System which complies with the requirements of AS/NZS 4804:2001. This will be reviewed and audited by Council's Waste Services team in articulation with Council's People and Culture Team prior to and during the term of the contract.

**Financial Risk:**

A third-party Comprehensive Credit Rating Report financial assessment has been carried out by Equifax and the recommended Tenderer was rated 'acceptable'.

**External Independent Probity Advisor:**

An external independent Probity Advisor was appointed to provide probity advisory services to the procurement project from the period commencing during the finalisation of the procurement plan, preparation of specification, invitation documentation and evaluation planning through the evaluation process and up to and including the recommendation of the preferred tenderer.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

As this service will start in 2024/25 financial year there is no budget allocated for this service in the current 2023/24 financial year. The service will be funded from rate revenue each year of the agreement. To allow this service to proceed and for Council to enter into this agreement, Council commits to the provision of funding as set out in Confidential Attachment #1, Table five, to this report.

*ITEM 2.4 TENDER - REGIONAL - ORGANICS COLLECTION SERVICES (MBRC-RFT343) - 68189112 (Cont.)*

Should the introduction of FOGO (Stage two) of the Organics Collection Service not occur as per the timeline of the 'Base Case', options are shown in the various tables provided for in the Confidential Attachment #1.

Council has sought \$7,568,990 in funding from the State Government's Growing the Recovery of Organic Waste via Food Organic Garden Organic (GROW FOGO) funding program for the Organics Collection Service initial waste bin roll out.

3.7 Economic Benefit Implications

The establishment of a new Organics Collection Service will provide employment for seventeen (Stage one) and twenty-two (Stage two) workers who are likely to reside in the region.

3.8 Environmental Implications

Providing residents with separate bins for organic material ensures that a reduced amount of general waste is disposed to landfill (estimated at 15,000 tonnes per annum at Stage one and 50,000 tonnes per annum at Stage two start). Prior to service start, disposal of organic material to landfill constitutes approximately half of Council's corporate greenhouse gas emissions. This new service is expected to significantly contribute to reducing these emissions.

3.9 Social Implications

Providing Organics Collection Services will assist eligible residents to dispose of waste environmentally and conveniently from their homes, while also meeting community expectations.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

- Internal departments/sections:
  - Waste Services
  - Procurement
  - Legal Services
  - Corporate Communications

## **ADJOURNMENT**

The meeting adjourned at 10.31am for morning tea.

The meeting resumed at 10.53am.

## **ATTENDANCE**

Cr Cath Tonks returned to the meeting at the resumption, having left prior to Item 2.4.

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**3 WELL-PLANNED PLACES SESSION (Cr J Shipway (Deputy Mayor) / Cr M Booth)**

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**ITEM 3.1****PROGRESS PROPOSED LGIP AMENDMENT NO. 2 TO COMPLIANCE CHECK**

*Meeting / Session:* 3 WELL-PLANNED PLACES  
*Reference:* 67777705: 22 November 2023 - Refer Supporting Information 67022732, 67023156, 67023360, 67023581, 67023691, 67145943, 67145945, 67023956, 67024067, 67024191, 67024330, 67024476, 67024566, 67024643, 67536006, 67107261, 67106794, 66647020 & 66729178

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

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**Executive Summary**

On 14 June 2023, the Council resolved to commence the process for amending the Council's Local Government Infrastructure Plan (LGIP) and for the CEO to do all things reasonable and necessary to plan and prepare the instrument, in response to improvements identified in the statutory 2022 LGIP Review.

The proposed LGIP Amendment No.2 has been prepared in accordance with the requirements of the *Planning Act 2016 (PA)* and Chapter 5, Part 3, section 8 of the Minister's Guidelines and Rules Version 1.1 effective as at September 2020 (**MGR V1.1**), to address matters identified within the 2022 LGIP Review and reflect the latest infrastructure network planning that has been completed since December 2021.

On 28 July 2023, the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) updated the MGR to MGR Version 2.0 (**MGR V2.0**). The parts of the **MGR V1.1** that was used to draft the proposed LGIP Amendment No.2, is identical to the parts of the new **MGR V2.0**. Therefore, the content of the proposed LGIP Amendment No.2, complies with the requirements of the **MGR V2.0**, which must now be followed for the rest of this LGIP amendment process.

This report recommends that Council progress to a compliance check of the proposed LGIP Amendment No.2, as the next step in the process for amending the Council's LGIP.

This matter is brought to the attention of Council under the **Well-planned Places portfolio** as the LGIP supports the Growth Management Strategy for Moreton Bay.

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**RESOLUTION**

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Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Sandra Ruck

CARRIED 12/0

1. That Council notes the proposed LGIP Amendment No.2 and Review checklist attached to this report as Supporting Information #1 to #18 that have been completed in accordance with Chapter 5, Part 3, section 8 of the Minister's Guidelines and Rules Version 2.0 effective as at July 2023 (MGR V2.0).
2. That Council decides to progress to a Compliance check of the proposed LGIP Amendment No.2 in accordance with section 21 of the *Planning Act 2016 (PA)* and Chapter 5, Part 3, section 9 of the MGR V2.0.
3. That in accordance with Chapter 5, Part 3, section 9.1 of the MGR V2.0, Council authorises the CEO to do all things reasonable and necessary to give effect to the decision in Officer Recommendation 2, including without limitation to:

*ITEM 3.1 PROGRESS PROPOSED LGIP AMENDMENT NO. 2 TO COMPLIANCE CHECK - 67777705 (Cont.)*

- a. **engage an Appointed reviewer and give the Appointed reviewer the following information—**
  - (i) **an electronic copy of the proposed LGIP Amendment No.2;**
  - (ii) **the Schedule of work (SOW) model prepared by the Council as part of the proposed LGIP Amendment (Excel);**
  - (iii) **the Review checklist completed by the Council;**
  - (iv) **the extrinsic material including background studies, reports, and supporting information that informed the preparation of the proposed LGIP Amendment No.2;**
  - (v) **information on the outcomes of any consultation with the relevant state agencies and/or Unitywater concerning the preparation of the proposed LGIP Amendment No.2; and**
  - (vi) **the contact details of the person who will be the key point of contact as well as any other key personnel who may be relevant to the Compliance check.**
4. **That Council notes the draft engagement framework developed to inform engagement about this project. The draft engagement framework will be refined and updated each quarter to respond to changes in the operating context and possible changes to technical content of the proposed LGIP Amendment No. 2 (Supporting Information #19), as result of the Compliance review.**
5. **That Council notes that informal engagement will be undertaken with affected owners as a result of the latest infrastructure network planning.**

*ITEM 3.1 PROGRESS PROPOSED LGIP AMENDMENT NO. 2 TO COMPLIANCE CHECK - 6777705 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That Council notes the proposed LGIP Amendment No.2 and Review checklist attached to this report as **Supporting Information #1 to #18** that have been completed in accordance with Chapter 5, Part 3, section 8 of the Minister's Guidelines and Rules Version 2.0 effective as at July 2023 (**MGR V2.0**).
2. That Council decides to progress to a Compliance check of the proposed LGIP Amendment No.2 in accordance with section 21 of the *Planning Act 2016 (PA)* and Chapter 5, Part 3, section 9 of the **MGR V2.0**.
3. That in accordance with Chapter 5, Part 3, section 9.1 of the **MGR V2.0**, Council authorises the CEO to do all things reasonable and necessary to give effect to the decision in Officer Recommendation 2, including without limitation to:
  - a) engage an Appointed reviewer and give the Appointed reviewer the following information—
    - (i) an electronic copy of the proposed LGIP Amendment No.2;
    - (ii) the Schedule of work (SOW) model prepared by the Council as part of the proposed LGIP Amendment (Excel);
    - (iii) the Review checklist completed by the Council;
    - (iv) the extrinsic material including background studies, reports, and supporting information that informed the preparation of the proposed LGIP Amendment No.2;
    - (v) information on the outcomes of any consultation with the relevant state agencies and/or Unitywater concerning the preparation of the proposed LGIP Amendment No.2; and
    - (vi) the contact details of the person who will be the key point of contact as well as any other key personnel who may be relevant to the Compliance check.
4. That Council notes the draft engagement framework developed to inform engagement about this project. The draft engagement framework will be refined and updated each quarter to respond to changes in the operating context and possible changes to technical content of the proposed LGIP Amendment No. 2 (**Supporting Information #19**), as result of the Compliance review.
5. That Council notes that informal engagement will be undertaken with affected owners as a result of the latest infrastructure network planning.

## **REPORT DETAIL**

### **1. Background**

Following a review of Council's LGIP in 2022 and Council's subsequent decision to amend the LGIP, the following resolution appears on Minute Page 23/1154 of the General Meeting held on 14 June 2023:

#### **RESOLUTION**

1. That in accordance with section 21 of the *Planning Act 2016* and Chapter 5, Part 3, section 8.1 of the Minister's Guidelines and Rules Version 1.1 effective as at September 2020 (**MGR**), Council decides to make an amendment to Council's Local Government Infrastructure Plan (Council's LGIP) which forms part of the Moreton Bay Regional Council Planning Scheme 2016 (Version 6, effective 21 December 2021).

ITEM 3.1 PROGRESS PROPOSED LGIP AMENDMENT NO. 2 TO COMPLIANCE CHECK - 67777705 (Cont.)

2. That in accordance with Chapter 5, Part 3, section 8.2 of the **MGR**, Council authorises the Chief Executive Officer to do all things reasonable and necessary to give effect to the decision in Officer Recommendation 1, including without limitation to:
- a) preparing the proposed amendment to Council's LGIP in accordance with Chapter 5, Part 6 of the **MGR V1.1** and the LGIP template, which will include but is not limited to:
    - (i) consulting with a relevant state agency to the extent a state agency is responsible for infrastructure or property matters in the area that may be affected by the proposed amendment;
    - (ii) consulting with a distributor-retailer to the extent a distributor-retailer is responsible for providing water and wastewater services for the area that may be affected by the proposed amendment; and
  - b) completing the Review checklist.

Subsequent to the General Meeting held on 14 June 2023, the proposed LGIP Amendment No.2 was prepared in accordance with the requirements of the **PA** and Chapter 5, Part 3, sections 8.2 to 8.4 of the **MGR V1.1**.

On 28 July 2023, the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) updated the **MGR**. The content of Chapter 5, Part 3, sections 8.2 to 8.4 of the **MGR V2.0** is identical to the content of Chapter 5, Part 3, sections 8.2 to 8.4 of the **MGR V1.1**. Therefore, the content of the proposed LGIP Amendment No.2, also complies with the requirements of **MGR V2.0**, which must now be followed for the rest of this LGIP amendment process.

On 2 August 2023, the draft ShapingSEQ 2023 Update (draft ShapingSEQ Update) was released for public consultation. It included unique population projections and dwelling targets for each local government area in the SEQ region. These draft projections and dwelling targets were compared against the projections of the proposed LGIP Amendment No.2, to consider whether these would provide sufficient infrastructure to support the projections of the draft ShapingSEQ Update.

The comparison identified that the ultimate population and dwelling numbers in the proposed LGIP Amendment No.2, were greater than the 2046 population and dwelling targets identified in the draft ShapingSEQ Update. The rate of growth in the projections and dwelling targets of the draft ShapingSEQ 2023 Update were higher than the projections in the proposed LGIP Amendment No.2. Therefore, the delivery of infrastructure in the SOW included in the proposed LGIP Amendment No.2, might be slower than the State's preferred rate of growth for Moreton Bay.

A Councillors' briefing was conducted on 5 September 2023 for the purpose of sharing information and providing advice/views to Council on the proposed LGIP Amendment No.2 and associated supporting information. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

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

*A report to be provided to a General Meeting for consideration on progressing to a compliance check as the next step to amend the LGIP.*

**2. Explanation of Item**

To give effect to Council's decision in June 2023 to amend the LGIP, this report recommends that Council now progress to a Compliance check of the proposed LGIP Amendment No.2, in accordance with section 21 of the **PA** and Chapter 5, Part 3, section 9 of the **MGR V2.0**.



*ITEM 3.1 PROGRESS PROPOSED LGIP AMENDMENT NO. 2 TO COMPLIANCE CHECK - 6777705 (Cont.)*

This Compliance check must be successfully completed before the proposed LGIP Amendment No.2 can progress to a State review, which is the step (section 10) that follows the Compliance check in the **MGR V2.0**'s process to review, make or amend an LGIP.

The changes made to sections of the Planning Scheme to reflect recommendations from the 2022 LGIP Review and latest infrastructure network planning since December 2021, are outlined below.

In Part 4: - LGIP:

- A new baseline of 2021 was set for trunk infrastructure planning.
- Administrative amendments raised during the statutory 2022 LGIP Review were made, which were deemed relevant to incorporate into this amendment including minor updates to terminology, correction of typographical errors and review of bold text, to be consistent with the LGIP template.

In Schedule 3 - LGIP mapping and tables:

- Reflected a new baseline of 2021 for trunk infrastructure planning.
- Administrative amendments raised during the statutory 2022 LGIP Review were made including references to columns within tables, capitalisation of table headings and table formatting to be consistent with the LGIP template.
- The SOW was updated to give effect to refinements in trunk network planning that has occurred since December 2021, that refined the locations for the following Local recreation parks:
  - OS-2229,
  - OS-133,
  - OS-138 and
  - OS-43.
- In the SOW for the stormwater network, some projects were previously separated into discrete components. Where appropriate, these projects were amalgamated to better reflect the full cost of the project. Unique identifiers were assigned to these amalgamated projects.
- Updated the SOW model to reflect the changes identified above.

In the LGIP maps - map index and plan for trunk infrastructure (PFTI) maps for all networks:

- Updated the Digital Cadastral Database on all the maps.
- Updated trunk infrastructure plans to incorporate administrative amendments on the following maps:
  - Plan for trunk infrastructure - Transport (Road) (LGIP-2 - LGIP-76 TN).
  - Plan for trunk infrastructure - Active Transport (LGIP-2 - LGIP-76 AT).
- In the Transport and Stormwater network, projects in the SOW model and tables were simplified. Information on the supporting maps were updated, to reflect the changes in the SOW:
  - Plan for trunk infrastructure - Stormwater (LGIP-2 - LGIP-76 SW).
  - Plan for trunk infrastructure - Transport (Road) (LGIP-2 - LGIP-76 TN).
- Updated the Plan for trunk infrastructure - Public parks and land for and community facilities (LGIP-2 - LGIP-76 PC), to reflect the refinement in trunk network planning that has occurred for the following Local recreation parks:
  - OS-2229.
  - OS-133.
  - OS-138.
  - OS-43.

The proposed LGIP Amendment Instrument that reflect changes to these sections, is contained in the proposed LGIP Amendment No. 2 material (refer to **Supporting Information #1 to #9** inclusive).

*ITEM 3.1 PROGRESS PROPOSED LGIP AMENDMENT NO. 2 TO COMPLIANCE CHECK - 6777705 (Cont.)*

The LGIP is also supported by:

- Extrinsic Material covering transport (roads and active transport), stormwater, public parks, land for community facilities, planning assumptions and the SOW (**Supporting Information #10 to #16** inclusive),
- SOW model (**Supporting Information #17**), and
- LGIP Review checklist (**Supporting Information #18**).

These documents are not part of the MBRC Planning Scheme but are required to be published on Council's website during the statutory public consultation process and remain available after adoption of a new LGIP.

Council officers recommend that Council progress to the next step in the LGIP amendment process under the **PA** and the **MGR V2.0** as having regard to the above matters, the officers are satisfied the proposed LGIP Amendment No.2 and Review checklist have been prepared in accordance with Chapter 5, Part 3, section 8 of the **MGR V2.0**, effective as at July 2023.

### **3. Strategic Implications**

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

Council has advised the Minister that it will undertake an LGIP amendment as a result of the 2022 LGIP Review.

#### **3.2 Corporate Plan linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Well-planned Places: 06 We have infrastructure that integrates with surrounding land use and supports our growing communities.

#### **3.3 Policy Implications**

This LGIP amendment project will implement Council's decision on 14 June 2023 to make an amendment to its LGIP and give effect to refinements in network planning that have occurred since the commencement of the current LGIP in December 2021.

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

This proposed LGIP Amendment No.2 will implement Council's decision on 14 June 2023 to make an amendment to its LGIP. These improvements would enhance the LGIP's currency and demonstrate Council's commitment to keep the LGIP current.

#### **3.5 Delegated Authority Implications                      Nil identified**

#### **3.6 Financial Implications**

A budget submission has been provided to undertake this LGIP amendment project.

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

This proposed LGIP Amendment No.2 will keep the LGIP current and thus provide certainty of infrastructure planning to support development and investment across City of Moreton Bay.

#### **3.8 Environmental Implications                      Nil identified**

#### **3.9 Social Implications                                      Nil identified**

*ITEM 3.1 PROGRESS PROPOSED LGIP AMENDMENT NO. 2 TO COMPLIANCE CHECK - 67777705 (Cont.)*

3.10 Human Rights Implications

Under the *Human Rights Act 2019 (Qld)*, Council must not make a decision which is incompatible with a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that Council's decision in this circumstance may potentially affect a person's property rights (for example, if it leads to a compulsory acquisition). However, officers consider that any impact on property rights as a result of this decision is considered sound and reasonable, in the interest of the long-term land use and infrastructure planning for Moreton Bay.

3.11 Consultation / Communication

- Strategic Infrastructure Planning
- Strategic Planning and Place Making
- Community Engagement
- Legal Services

A draft Engagement framework has been compiled to set out how Council proposes to engage with the community, key stakeholders and affected owners during the LGIP amendment process, as well as complying with the statutory public consultation period, whilst ensuring the requirements of the **PA** and the **MGR V2.0** are satisfied (**Supporting Information #19**).

**ITEM 3.2**  
**RESHAPING OUR REGION'S PLANNING - PLACE IDENTITY STUDY**  
**FOUNDATIONAL DIRECTIONS REPORT**

*Meeting / Session:* 3 WELL-PLANNED PLACES  
*Reference:* 68146563 : 8 November 2023 - **Refer Supporting Information 68186729**  
*Responsible Officer:* AG, Coordinator Urban Design & Heritage (PL Strategic Planning & Place Making)

**Executive Summary**

The purpose of this report is to seek Council's approval of the Place Identity Study Foundational Directions Report (Place Identity Study).

The Place Identity Study (refer Supporting Information) has investigated the many 'place' qualities of the City of Moreton Bay. It has identified five 'place localities' within the city area, each with a unique identity and provides foundational directions to inform future place-based development outcomes in these areas. It supports the implementation of the Growth Management Strategy 2042, and will inform preparations for a new planning scheme, and support future neighbourhood planning and growth areas planning responses.

Place identity is an important consideration in planning for the growth of the City of Moreton Bay. When the unique attributes of a place are known and acknowledged they can guide place making and planning for future growth. A place can evolve over time, and support new and diverse types of housing for example, whilst still maintaining the valued attributes of its identity.

This matter is brought to the attention of Council under the **Well-planned Places portfolio** as the Place Identity Study recognises that as the city continues to experience rapid and high population growth, it is important to understand and respect the place identity values of the city.

**RESOLUTION**

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Cath Tonks

**CARRIED 12/0**

1. That Council approves the Place Identity Study Foundational Directions Report (refer Supporting Information) as the city's most contemporary investigation of the place identity values of the city.
2. That Council notes the Place Identity Study Foundational Directions Report will inform preparations for a new planning scheme and support future neighbourhood planning and growth areas planning responses.

*ITEM 3.2 RESHAPING OUR REGION'S PLANNING - PLACE IDENTITY STUDY FOUNDATIONAL DIRECTIONS REPORT - 68146563 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That Council approves the Place Identity Study Foundational Directions Report (refer Supporting Information) as the city's most contemporary investigation of the place identity values of the city.
2. That Council notes the Place Identity Study Foundational Directions Report will inform preparations for a new planning scheme and support future neighbourhood planning and growth areas planning responses.

## **REPORT DETAIL**

### **1. Background**

The Place Identity Study was initiated as part of the Great Places (Urban Design and Place Making) Program presented to Council in December 2020.

A Councillors' briefing was conducted on 7 March 2023 for the purpose of sharing information and providing advice/views to Councillors on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing is provided below:

***In the absence of the CEO, the Director Planning noted the way forward:***

- *Officers to continue to further refine definitions and commence Place Identity Study Phase 2 to progress to more detailed policy directions to inform the New Planning Scheme.*
- *Place Identity report to be used to assist localised/ character-based Neighbourhood Planning and Growth Areas planning responses.*

A Briefing Note was placed on the Councillor Portal on 18 October 2023 to seek feedback on the final draft Place Identity Study. No additional feedback was received.

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

'Place identity' explores how a location can provide a sense of belonging, form meaning and cultivate social and community attachments. The city possesses a rich tapestry of cultural, historical and natural attributes that merge to form its place identity. When a place holds meaning for its community the local distinctiveness is valued making the identity of a physical location worth celebrating and investing in.

The Place Identity Study communicates an understanding of the Moreton Bay place identity and aims to influence future development and built form. The Place Identity Study aims to inspire the thoughtful design of future housing and development during a time of rapid growth.

The purpose of the Place Identity Study is to:

- record the distinctive identity of valued places in the City of Moreton Bay to build an understanding of Place Identity;
- inform the development of a new planning scheme;
- help deliver future growth and development guidance in a way that better supports the city's place origins and identity;
- provide exemplars of place-based development outcomes and support community education; and
- inspire future place making work and development outcomes.

It was found that the city area does not have one distinct 'place identity', rather the city's unique place identity is comprised of a cluster of localities each responding to the natural and cultural elements that have formed. There were five place localities identified. The Place Identity Study report includes an identity focus, built identity, foundational directions, visual representation (from external creative workshops) and identity-based-design inspirations for each place locality.

ITEM 3.2 RESHAPING OUR REGION'S PLANNING - PLACE IDENTITY STUDY FOUNDATIONAL DIRECTIONS REPORT - 68146563 (Cont.)

Below is a summary of each place localities' focus and the foundational directions. More details are included in the Supporting Information to this report.

<b>Place Locality - 'Open Foothills'</b>
<b>Place Identity focus:</b> <i>Agricultural and waterway connections</i>
<p><b>Foundational Directions (summary):</b></p> <ul style="list-style-type: none"> <li>• <i>Caboolture River</i> - Has an important indigenous connection and is a valued part of the landscape and has influenced the form of settlement.</li> <li>• <i>Rural living identity</i> - Strong connection to agriculture and rural living in its history, land-use, scenic amenity and economy.</li> <li>• <i>Leafy-green</i> - Community expressed a connection to leafy-green suburbs.</li> <li>• <i>Rail</i> - The railway has historically benefited and shaped the settlement pattern of the locality and should continue with growth opportunities focused around train stations, inspired by this identity.</li> <li>• <i>Culture and entertainment</i> - The galleries, markets and festivals showcase the local quirky, creative talent.</li> <li>• <i>Queenslander built form</i> - Historically 'timber and tin' were common materials used in colonial, federation, interwar and post war buildings and painted in warm federation colours of deep reds, golds and dark greens. The subtropical climate has influenced the built form with stepped verandahs and wide awnings. Traditional shopfronts have narrow gables facing the street.</li> </ul>
<b>Place Locality - 'The Peninsula'</b>
<b>Place Identity focus:</b> <i>Urban bayside lifestyle fringed by iconic ochre cliff forms</i>
<p><b>Foundational Directions (summary):</b></p> <ul style="list-style-type: none"> <li>• <i>Vibrant bayside</i> - Has a history as a holiday destination with vibrant shops, cafes, restaurants, services and mixed-use developments.</li> <li>• <i>Healthy coastal environment</i> - The community care deeply about the marine environment, the unique ochre cliffs and the coastal marine-life.</li> <li>• <i>Views to natural landmarks</i> - Magnificent bay views to the east, views to The Range locality in the west, and views to the Glasshouse Mountains to the North.</li> <li>• <i>Leaf-green</i> - Community expressed a connection to leafy-green character, including the significant coastal tree plantings and public parks along the coastline.</li> <li>• <i>Settlement site</i> - Historic area tied to Queensland's colonial settlement.</li> <li>• <i>Art deco</i> - The style was particularly influential on the building forms and materials used such as rendered masonry, brickwork, glass bricks and concrete. Future buildings should be inspired by the art deco style, in conjunction with contemporary subtropical design.</li> </ul>
<b>Place Locality - 'The Ranges'</b>
<b>Place Identity focus:</b> <i>Green backdrop of rugged mountains, hills and valleys</i>
<p><b>Foundational Directions (summary):</b></p> <ul style="list-style-type: none"> <li>• <i>Bushland</i> - Steep sloping hills have made the ranges historically difficult to access. This has preserved the bushland, supporting the local biodiversity.</li> <li>• <i>Rolling hills and slopes</i> - Defining visual feature of the locality, that creates opportunities for views and vistas to other parts of the city area and are viewed as a green backdrop.</li> </ul>

ITEM 3.2 RESHAPING OUR REGION'S PLANNING - PLACE IDENTITY STUDY FOUNDATIONAL DIRECTIONS REPORT - 68146563 (Cont.)

<ul style="list-style-type: none"> <li>• <i>Queenslander built form</i> - Colonial, federation and interwar buildings showcase the traditional Queenslander built form. They feature traditional detailing and red, brown brick, neutral, cool greens and blue colours, generally inspired by the natural environment. Townships feature traditional interwar shops with gable or hipped roofs and large awnings.</li> </ul>
<b>Place Locality - 'Rising Plains'</b>
<b>Place Identity focus:</b> <i>Vibrant lifestyle connected to bushland and waterways</i>
<b>Foundational Directions (summary):</b> <ul style="list-style-type: none"> <li>• <i>Pine Rivers</i> - The rivers have an important Indigenous connection and are part of the settlement story.</li> <li>• <i>Leafy-green</i> - The locality is known for the prolific Hoop Pine trees. It is known for its bustling urban centres amongst lush, vibrant parks and natural areas.</li> <li>• <i>Rail</i> - The railway has historically benefited and shaped the settlement pattern of the locality and should continue with growth opportunities focused around train stations, inspired by this identity.</li> <li>• <i>Queenslander built form</i> - Traditional Queenslander-inspired built form with moderately pitched roof forms and narrow gables, 'timber and tin' materials with brickwork, verandahs and eaves, suited to the climate. A mix of vibrant bright colours and traditional neutral colours.</li> </ul>
<b>Place Locality - 'Sandy Bay'</b>
<b>Place Identity focus:</b> <i>Relaxed coastal living in a natural setting</i>
<b>Foundational Directions (summary):</b> <ul style="list-style-type: none"> <li>• <i>Coastal communities</i> - Coastal life focused around boating and marine recreation have formed part of the settlement story and identity of the locality.</li> <li>• <i>Blue and green</i> - The community care for the environment, the wetlands, the bushlands and coastal marine-life. Views to the blue (bay) and green backdrop of The Ranges locality and the Glasshouse mountains.</li> <li>• <i>Coastal built form</i> - Built form is defined and inspired by the coastal holiday shacks with their skillion roofs, porches and verandahs, awnings to main streets, weatherboard materials breezeblocks, corrugated iron and louvers.</li> </ul>

The foundational directions for each of the place localities will inform preparations for a new planning scheme and support future neighbourhood planning and growth areas planning responses.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

The Place Identity Study will help ensure the city continues to meet the objectives of the State Planning Policy and *ShapingSEQ*.

**3.2 Corporate Plan linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Well-planned Places: 04 We have well-planned neighbourhoods that support changing communities, respect cultural heritage and enjoy a unique sense of place.

Our Well-planned Places: 05 We have well-planned centres and precincts that support our progressive local economy and identity.

Completing the Place Identity Study is action 4.3 of the Growth Management Strategy 2042.

ITEM 3.2 RESHAPING OUR REGION'S PLANNING - PLACE IDENTITY STUDY FOUNDATIONAL DIRECTIONS REPORT - 68146563 (Cont.)

3.3 Policy Implications

The Place Identity Study is part of the Reshaping our Region's Planning Portfolio and is an investigation that will inform the new planning scheme and future Neighbourhood Planning and Growth Areas responses.

Access to contemporary information is critical to inform robust planning policy decisions, and reduces risks associated with using dated or time-damaged information. Actions stemming from the Place Identity Study will help ensure that place identity informs the growth of Moreton Bay.

3.4 Risk Management Implications                     Nil identified

3.5 Delegated Authority Implications                     Nil identified

3.6 Financial Implications                                     Nil identified

3.7 Economic Benefit Implications

Having a strong place identity contributes to what makes a place attractive to live and work in and can attract tourists and investment. Great visitor destinations are places with an authentic identity and give people a 'reason to visit' and 'come back to visit again'.

3.8 Environmental Implications

The place identity described in the Place Identity Study has been informed by the climate, vegetation, waterways and landforms. The names of the place localities are informed by natural features.

3.9 Social Implications

The community value the identity of the places that they live in and this is evident through community surveys like the Moreton Bay Pulse Survey #3 (July-August 2022).

One aim of the Place Identity Study is to help deliver future growth and development guidance in a way that better supports the city's place origins and identity. Places with strong identity foster a sense of belonging, form meaning and cultivate social and community attachments.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Workshops were undertaken with local creative stakeholders including Traditional Owners and Custodians, facilitated by consultant Creative Arts Alliance, and internal Community Engagement and Strategic Planning and Place Making officers.

Internal consultation with Council officers was undertaken, with one-on-one and small group meetings early in the project and a review of the draft Place Identity Study.



**ITEM 3.3  
RESHAPING OUR REGION'S PLANNING: KALLANGUR-DAKABIN  
NEIGHBOURHOOD PLANNING FUTURE DIRECTIONS REPORT AND  
ENGAGEMENT RESPONSE REPORT**

*Meeting / Session:* 3 WELL-PLANNED PLACES  
*Reference:* 68120875 : 8 November 2023 - Refer Supporting Information 66879190  
67321534 & 67350790  
*Responsible Officer:* LF, Coordinator Neighbourhood & Precinct Planning (PL Strategic Planning & Place Making)

**Executive Summary**

The Kallangur-Dakabin Neighbourhood Planning Future Directions Report (Future Directions Report) is the outcome of City of Moreton Bay's first neighbourhood planning project and a pilot for a place-based approach to support planning for our high growth city.

The Future Directions Report has been informed by a wide range of factors including community and stakeholder feedback on the draft and provides a vision for Kallangur-Dakabin and strategies and actions to help realise that vision. Between 26 April and 25 May 2023, Council invited community and stakeholder feedback on the draft Future Directions Report. An informal state interest review check was also sought from the Queensland Government.

The purpose of this Council Report is to:

- consider the feedback received during the recent consultation period and the informal state interest review, and consider proposed responses to this feedback, including changes to the Future Directions Report;
- consider preliminary changes proposed in response to the draft SEQ Regional Plan 2023 (draft ShapingSEQ Update); and
- seek approval of the Kallangur-Dakabin Future Directions Report and Attachments and the Engagement Response Report.

This matter is brought to the attention of Council under the **Well-planned Places** portfolio as this pillar aims for Moreton Bay to have a network of well-planned places and spaces, enhancing lifestyle, accessibility and employment choices by 2033. The Future Directions Report helps to achieve well-planned neighbourhoods that support changing communities, respect cultural heritage and enjoy a unique sense of place as outlined in the Growth Management Strategy 2042.

**RESOLUTION**

Moved by Cr Yvonne Barlow

Seconded by Cr Cath Tonks

CARRIED 12/0

1. That Council has considered submissions received to the draft Kallangur-Dakabin Neighbourhood Planning Future Directions Report.
2. That Council approves the Kallangur-Dakabin Neighbourhood Planning Engagement Response Report (included as Supporting Information to this report) and the Chief Executive Officer be authorised to write to submitters notifying them of the response/s to their submission.
3. That Council approves the final Kallangur-Dakabin Neighbourhood Planning Future Directions Report and Attachments (included as Supporting Information to this report).
4. That Council considers the funding and timing of outcomes proposed to be delivered through other Council programs and initiatives as part of the 2024/25 and future budget and project prioritisation processes.

*ITEM 3.3 RESHAPING OUR REGION'S PLANNING: KALLANGUR-DAKABIN NEIGHBOURHOOD PLANNING FUTURE DIRECTIONS REPORT AND ENGAGEMENT RESPONSE REPORT - 68120875 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That Council has considered submissions received to the draft Kallangur-Dakabin Neighbourhood Planning Future Directions Report.
2. That Council approves the Kallangur-Dakabin Neighbourhood Planning Engagement Response Report (included as Supporting Information to this report) and the Chief Executive Officer be authorised to write to submitters notifying them of the response/s to their submission.
3. That Council approves the final Kallangur-Dakabin Neighbourhood Planning Future Directions Report and Attachments (included as Supporting Information to this report).
4. That Council considers the funding and timing of outcomes proposed to be delivered through other Council programs and initiatives as part of the 2024/25 and future budget and project prioritisation processes.

## **REPORT DETAIL**

### **1. Background**

A Councillors' briefing was conducted on 10 October 2023 for the purpose of sharing information and providing advice/views on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

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

*A report be provided to a General Meeting for consideration of the Kallangur-Dakabin Neighbourhood Plan - 22 November.*

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

Building on the insights gathered about the views and values of our community through the region-wide survey Moreton Says, Council has been working with the community to develop future directions to help guide growth and development in Kallangur-Dakabin, an area that is projected to grow to 38,000 residents by 2041.

The Kallangur-Dakabin Neighbourhood Planning project commenced in July 2021 when Council asked the community what they love about the Kallangur-Dakabin area, and what Council should focus on as the area grows and develops. This feedback helped inform the development of the draft Future Directions Report.

#### Future Directions Report (and Attachments)

The Future Directions Report (refer Supporting Information) is a supplementary planning document that details a vision, strategies and actions to help guide future development in the Kallangur-Dakabin area. The Future Directions Report will help inform proposed changes to the Planning Scheme to regulate development to support the vision and intended outcomes for the area. The Future Directions Report also includes outcomes that will be delivered through other Council programs and initiatives and these may be delivered in partnership with the Queensland Government or the local community.

#### Consultation on the draft Future Directions Report

Between 26 April and 25 May 2023, Council invited community and stakeholder feedback on the draft Future Directions Report. During the consultation period there were over 5,000 webpage views, 1,500 document downloads and 92 face-to-face chats to answer questions. In response to the draft Future Directions Report 57 people responded via the quick poll on Council's Your Say Moreton Bay page and 38 people made written submissions. Submissions were reviewed in detail to determine if changes or improvements to the Future Directions Report were required.

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*ITEM 3.3 RESHAPING OUR REGION'S PLANNING: KALLANGUR-DAKABIN NEIGHBOURHOOD PLANNING  
FUTURE DIRECTIONS REPORT AND ENGAGEMENT RESPONSE REPORT - 68120875 (Cont.)*

### Informal state interest review

An informal state interest review of the draft Future Directions Report was also undertaken against matters of state interest contained in the State Planning Policy. The informal state interest review was coordinated by the Department of State Development, Infrastructure, Local Government and Planning in consultation with relevant state agencies. The advice and feedback received has been considered and changes have been made to the Future Directions Report to better align with identified state interests.

### Draft ShapingSEQ Update

The SEQ Regional Plan also known as ShapingSEQ, is the Queensland Government's plan to shape SEQ's future growth. At the time the Future Directions Report was being finalised, the Queensland Government was undertaking a review of the existing plan to respond to current housing pressures in the context of significant growth and other events affecting SEQ.

The draft ShapingSEQ Update, released on 3 August 2023, focuses on providing housing choice through density and diversity in well-located and serviced neighbourhoods like Kallangur-Dakabin. This aligns with Council's vision for the area and adjustments have been recommended to the Future Directions Report in response to the draft ShapingSEQ Update. When the final ShapingSEQ Update is released, Council will consider any further changes that may be required to this project in response. These are likely to occur as part of the future planning scheme amendment process, which will include additional opportunities for public consultation.

### Engagement Response Report

The Engagement Response Report (refer Supporting Information) summarises the feedback received from the community and stakeholders during the recent consultation period, the informal state interest review and any preliminary changes proposed in response to the draft ShapingSEQ Update. It includes a proposed response to each matter, including if a change is recommended to the Future Directions Report.

In response to community feedback, changes to the Future Directions Report are proposed. Some proposed changes seek to emphasise use of landscaping with endemic species and improve opportunities for access to Country for cultural practices. Changes to the Kallangur Town Centre are also recommended to ensure diagrams are conceptual and reflect existing properties, support an increase in mapped building height on key sites and the introduction of a building height incentive where development is providing community infrastructure and meeting other criteria.

As a result of the draft ShapingSEQ Update, the density for well-located residential areas in the neighbourhood is proposed to change. This includes some increases in minimum densities and allowing the maximum density on any one site to be regulated through other mechanisms including setbacks, site cover and building height. This approach to density better aligns with the draft ShapingSEQ Update which focusses on increasing density in well-serviced urban locations like Kallangur-Dakabin, which is located central to the City of Moreton Bay, proximate to The Mill employment precinct, and supported by its District Centre and three (3) Train Stations.

The Engagement Response Report includes a full summary of all matters raised and the proposed responses.

### Next Steps

Upon Council's approval, the Future Directions Report and Engagement Response Report will be published on Council's Your Say Moreton Bay page.

The Future Directions Report will then inform work to update the Planning Scheme. When changes are proposed to the Planning Scheme there will be an opportunity for further consultation. Once included in the Planning Scheme, the outcomes will have statutory effect. The timing of this amendment is subject to future Council considerations.

*ITEM 3.3 RESHAPING OUR REGION'S PLANNING: KALLANGUR-DAKABIN NEIGHBOURHOOD PLANNING FUTURE DIRECTIONS REPORT AND ENGAGEMENT RESPONSE REPORT - 68120875 (Cont.)*

Outcomes in the Future Directions Report that will be delivered through other Council programs and initiatives will be progressed by relevant Council teams and will be subject to budget allocations and project prioritisation in forthcoming budget review processes.

### **3. Strategic Implications**

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

The Kallangur-Dakabin Neighbourhood Planning Future Directions Report is proposing future planning scheme responses. This would follow the plan making process under the *Planning Act 2016* which is a statutory process to guide the making and amending of planning schemes in Queensland. This process includes important steps such as State interest review, public consultation and ultimately ministerial approval.

#### **3.2 Corporate Plan linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

- Our Well-planned Places: 02 We have a preferred sequence of growth that supports complete, sustainable and connected communities.
- Our Well-planned Places: 03 Our communities have access to safe, affordable and diverse living choices.
- Our Well-planned Places: 04 We have well-planned neighbourhoods that support changing communities, respect cultural heritage and enjoy a unique sense of place.
- Our Well-planned Places: 05 We have well-planned centres and precincts that support our progressive local economy and identity.

#### **3.3 Policy Implications**

Council will work closely with the relevant state agencies to ensure that state interests are appropriately considered in the next steps of the project when changing the planning scheme.

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

Management of expectations including prioritisation and what neighbourhood planning can and can't achieve through the regulation of new development will be important to the success of the program.

#### **3.5 Delegated Authority Implications                    Nil identified**

#### **3.6 Financial Implications**

A project budget has been established to support the Kallangur-Dakabin Neighbourhood Planning Project. Budget requests will be made at the relevant time to support outcomes in the Future Directions Report that will be delivered through Council programs and initiatives other than the planning scheme.

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

The Future Directions Report seeks to create a neighbourhood that provides housing choice and has strong movement connections with surrounding areas. It also seeks to facilitate and improve economic outcomes through stimulating planned growth and change.

#### **3.8 Environmental Implications**

The Future Directions Report seeks to create a neighbourhood that establishes and supports a healthy and resilient natural environment.

#### **3.9 Social Implications**

The Future Directions Report seeks to create a neighbourhood that contains essential services and facilities, is walkable and safe, supports active and healthy lifestyles and values and celebrates local identity and character.

*ITEM 3.3 RESHAPING OUR REGION'S PLANNING: KALLANGUR-DAKABIN NEIGHBOURHOOD PLANNING  
FUTURE DIRECTIONS REPORT AND ENGAGEMENT RESPONSE REPORT - 68120875 (Cont.)*

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Both internal and external consultation has been undertaken in the preparation of the Future Directions Report.

**ITEM 3.4**

**DA/2023/3543 - REQUEST TO RENAME CHENEY STREET TO CAMMACK STREET - 52 COBB ROAD, BURPENGARY EAST**

*Meeting / Session:* 3 WELL-PLANNED PLACES  
*Reference:* 68197075: 18 October 2023 - Refer Supporting Information 68197558 & 68296660  
*Responsible Officer:* SJ, Development Audit Officer (PL Development Services)

**Executive Summary**

A Reconfiguring a Lot - Development Permit for Subdivision (2 into 15 Lots and balance Lot) and Drainage Reserve at 46-50 and 52 Cobb Road Burpengary East was lodged and approved via delegated authority (DA/2021/3024) which included the creation of two (2) new lots between Cammack and Cheney Street.

As Cammack Street and Cheney Streets will be connected, it is proposed Cammack Street continue to the end of Foxwood Drive, requiring three (3) existing houses located in Cheney Street to be renumbered to Cammack Street.

This matter is brought to the attention of Council under the **Well-planned Places portfolio** as the goal of this report is make the road network logical for the community who reside in this area.

**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr Jodie Shipway (Deputy Mayor)

**CARRIED 12/0**

1. That Council endorse the renaming of Cheney Street to Cammack Street as depicted in Figure 1 of this report.
2. That Council endorse the change in the following addresses:
  - a) 2 Cheney Street Burpengary East to 71 Cammack Street, Burpengary East;
  - b) 6 Cheney Street, Burpengary East to 65 Cammack Street, Burpengary East; and
  - c) 10 Cheney Street, Burpengary East to 59 Cammack Street, Burpengary East

ITEM 3.4 DA/2023/3543 - REQUEST TO RENAME CHENEY STREET TO CAMMACK STREET - 52 COBB ROAD, BURPENGARY EAST - 68197075 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That Council endorse the renaming of Cheney Street to Cammack Street as depicted in Figure 1 of this report.
2. That Council endorse the change in the following addresses:
  - a) 2 Cheney Street Burpengary East to 71 Cammack Street, Burpengary East;
  - b) 6 Cheney Street, Burpengary East to 65 Cammack Street, Burpengary East; and
  - c) 10 Cheney Street, Burpengary East to 59 Cammack Street, Burpengary East

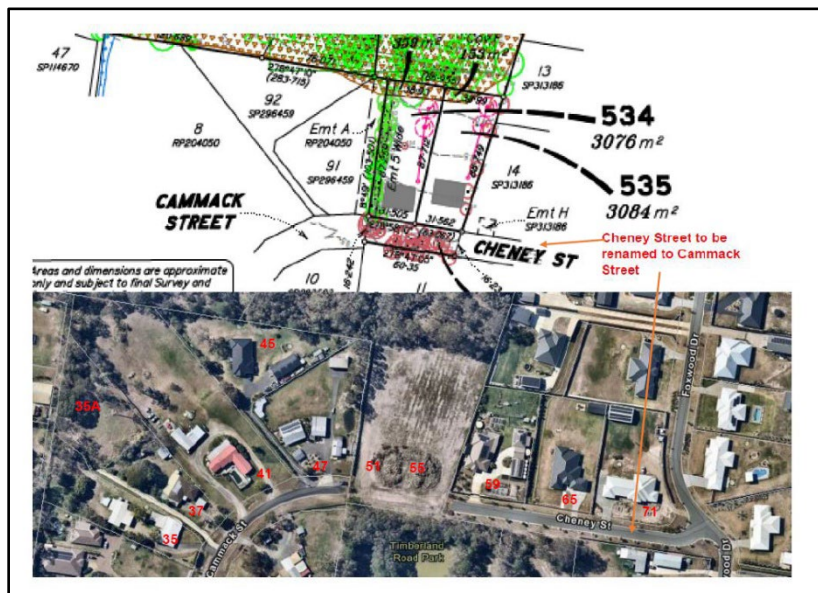
**REPORT DETAIL**

**1. Background**

Council approved via Delegated Authority on 3 March 2023, a Reconfiguring a Lot - Development Permit for Subdivision (2 into 15 Lots and balance Lot) and Drainage Reserve at 46-50 and 52 Cobb Road Burpengary East (Ref: DA/2021/3024).

The development approval requires the construction of a new road and will result in Cheney Street connecting to Cammack Street at proposed Lots 534 and 535 detailed on Stage 1 Layout Plan, Reference Number 200922/F prepared by Murray and Associates dated 2 March 2023.

It is proposed this new section of road (frontage to proposed Lots 534 and 535) be the continuation of Cammack Street, which is viewed as a logical outcome in terms of navigation for road users, deliveries, and emergency services. For these same reasons, it is also proposed the small road length currently known as Cheney Street also have a change of name. It is proposed this new name would be the continuation of Cammack Street, through to Foxwood Drive.



**Figure 1**

ITEM 3.4 DA/2023/3543 - REQUEST TO RENAME CHENEY STREET TO CAMMACK STREET - 52 COBB ROAD, BURPENGARY EAST - 68197075 (Cont.)

## 2. Explanation of Item

As part of the Development Approval existing houses located in Cheney Street, Burpengary East, will require readdressing to Cammack Street and new street numbering allocated as follows.

Current Name	Proposed Name
2 Cheney Street, Burpengary East	71 Cammack Street, Burpengary East
6 Cheney Street, Burpengary East	65 Cammack Street, Burpengary East
10 Cheney Street, Burpengary East	59 Cammack Street, Burpengary East

Under Policy No: 2150-038, Allocation of Road Names and Street Address Numbers, residents, Councillors or Council officers can initiate a request for the renaming, correction or clarification of existing road names.

Item 4 of this Policy provides guidelines for the renaming of existing roads, in instances where roads have been redirected to provide a more efficient and logical road network, as part of a development. Council Officers have initiated a request for renaming Cheney Street to Cammack Street. All affected landowners in Cheney Street have been contacted that will be impacted by the proposed road name change.

Correspondence was sent to each landowner in Cheney Street who will be affected by the proposed road name change from Cheney Street to Cammack Street providing each person with the opportunity to make comment about the proposed change. In response all 3 landowners provided written responses and the matters raised included:

- A proposed change to the development approval (DA/2021/3024) to prevent the need to amend street addresses and retain the existing amenity of landowners in Cheney Street.
- Compensation for redirection of mail and parcel deliveries.
- The replacement of street numbering decals / plaques which will change due to new street numbering allocated by Council.

In accordance with Policy No: 2150-038, "Council does not intend to make payments to owners, residents or addressees for any costs resulting from changes to road names or property addresses".

## 3. Strategic Implications

3.1 Legislative / Legal Implications  Nil identified

### 3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Well-planned Places: 04 - We have well-planned neighbourhoods that support changing communities, respect cultural heritage and enjoy a unique sense of place.

### 3.3 Policy Implications

The submission has been assessed under MBCC Policy No. 2150-038 - Allocation of Road Names and Street Address Numbers, and MBRC Policy Directive 11-2160-009 - Road Naming and Street Address Numbering Processes. The proposal is considered to meet the intent of these two Policies.

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications  Nil identified

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified



ITEM 3.4 DA/2023/3543 - REQUEST TO RENAME CHENEY STREET TO CAMMACK STREET - 52 COBB ROAD, BURPENGARY EAST - 68197075 (Cont.)

3.9 Social Implications  Nil identified

3.10 Human Rights Implications

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

3.11 Consultation / Communication

The following internal and external areas of Council were consulted with regards to the above proposal:

- (a) All affected property owners along Cheney Street
- (b) Councillor Mark Booth (Division 2); and
- (c) Rating Services.

Submissions, not supporting the proposed change to road designation, were received by Council. These submissions related to matters such as traffic, animal and pedestrian movements, resident safety all of which have been appropriately considered through the assessment of the Development Approval.

All landowners have made request for redirection of mail and parcels for a 12-month period and two (2) landowners have made request for replacement of existing street numbering decals / plaque. Quotes have been provided by two landowners for replacement of Metal Street Number Decals in the amount of \$250.82 and Metal Plaque Street Numbering in the amount of \$90.00. Council's Policy does not provide for payments to landowners for associated costs resulting from changes to road names or property addresses.

## **ATTENDANCE**

Dan Staley attended the meeting at 11.06am for discussion on Item 3.5.

**ITEM 3.5 - DECLARATION OF INTEREST****Prescribed Conflict of Interest - Cr Mark Booth**

Cr Mark Booth referred to his previously declared prescribed conflict of interest (General Meeting 16 February 2022 Page 22/73) in relation to DA/2021/5053, which included any other development applications that may be lodged with Council in the area zoned rural residential in the precinct bounded by New Settlement Road to the north, Callaghan Road to the south, Old Gympie Road to the east and the railway line to the west.

**In line with that declaration, Cr Mark Booth retired from the meeting at 11.05am.**

The Mayor facilitated the conduct of Item 3.5 in the absence of Cr Booth (declaration of a conflict of interest) and Cr Savage (attendance via video conference) from the Chambers.

**ITEM 3.5**

**DA/2021/1144 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR EDUCATIONAL ESTABLISHMENT, CARETAKER'S ACCOMMODATION, CHILD CARE CENTRE, CLUB, COMMUNITY CARE CENTRE, EMERGENCY SERVICES, FOOD AND DRINK OUTLET, HARDWARE AND TRADE SUPPLIES, INDOOR SPORT AND RECREATION, LOW IMPACT INDUSTRY, MARKET, OFFICE, COMMUNITY USE, HEALTH CARE SERVICES, PLACE OF WORSHIP, DWELLING UNIT, SERVICE INDUSTRY, SHOP, SHOPPING CENTRE, SHOWROOM AND VETERINARY SERVICES THAT INCLUDES A VARIATION REQUEST TO VARY THE EFFECT OF THE MORETON BAY REGIONAL COUNCIL PLANNING SCHEME TO INCLUDE PART OF THE LAND WITHIN THE CENTRE ZONE - LOCAL CENTRE PRECINCT AND THE ENVIRONMENTAL MANAGEMENT & CONSERVATION ZONE WITH VARIATIONS ALSO TO THE BUILDING HEIGHTS AND RIPARIAN AND WETLAND SETBACKS OVERLAY MAPS AND RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR BOUNDARY REALIGNMENT (6 INTO 3 LOTS) AND ACCESS EASEMENTS**

**LOCATION: 156,166, 168,176, 180 CALLAGHAN ROAD, NARANGBA 2-34 MORGAN ROAD, NARANGBA**

**APPLICANT: The Corporation of the Trustees of The Roman Catholic Archdiocese of Brisbane c/- Saunders Havill Group**

**OWNER: The Corporation of the Trustees of The Roman Catholic Archdiocese of Brisbane**

*Meeting / Session:* 3 WELL-PLANNED PLACES  
*Reference:* 67898091: 7 September 2023 – Refer Supporting Information 67898095, 67898090, 67898092, 67898093, 67898089 & 67898094  
*Responsible Officer:* BM, Principal Planner (PL Development Services)

**Executive Summary**

This matter is brought to the attention of Council under the **Well-planned Places portfolio** as the assessment and determination of development applications is a key function contributing to a well-planned region.

*ITEM 3.5 DA/2021/1144 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR EDUCATIONAL ESTABLISHMENT, CARETAKER'S ACCOMMODATION, CHILD CARE CENTRE, CLUB, COMMUNITY CARE CENTRE, EMERGENCY SERVICES, FOOD AND DRINK OUTLET, HARDWARE AND TRADE SUPPLIES, INDOOR SPORT AND - 67898091 (Cont.)*

This application seeks a Reconfiguring a Lot - Development Permit for Boundary Realignment (6 into 3 lots + access easements) and a Material Change of Use – Preliminary Approval that includes a Variation Request to vary the effect of the Moreton Bay Regional Council Planning Scheme to include part of the land within the Centre zone - Local centre precinct and the Environmental management and conservation zone with variations also to the Building Heights and Riparian and Wetland Setbacks overlay maps on land located at 156, 166, 168, 176 and 180 Callaghan Road, Narangba and 2-34 Morgan Road, Narangba.

The proposed subdivision seeks to realign the boundaries of the subject land to create 3 separate allotments identified as proposed Lots 1, 2 and 3. The intent of this application is to ultimately facilitate a future development application for a local centre over proposed Lots 2 and 3 to be assessed and decided using Code Assessment procedures. Accordingly, the area of proposed Lots 2 (0.907ha) and 3 (2.012ha) align with the proposed centre zoning. Proposed Lot 1 is the intended location for a future school.

An indicative location for a new local centre or neighbourhood hub in Narangba East is shown on Strategic Framework Map 3.13.3 *Place Types - North Lakes-Redcliffe-Moreton Bay Rail Corridor Planning Area*. This is indicatively located at the intersection of Callaghan Road and Morgan Road. The proposal is consistent with the indicative location identified on Strategic Framework Map 3.13.3 *Place Types - North Lakes-Redcliffe-Moreton Bay Rail Corridor Planning Area*.

The applicant has submitted an urban design manual in support of the proposal to demonstrate how the site may be developed as part of future development applications. The urban design manual demonstrates that a high-quality design would be provided, as contemplated by the Planning Scheme. This document is intended to form part of the variation approval to complement the planning scheme by providing additional site-specific guidance for subsequent applications.

An Economic Impact Assessment has been submitted in support of an approval of the development application.

The application is subject to impact assessment and was publicly advertised with 3 properly made submissions received. All 3 properly made submissions were opposed to the proposal. Within the objections, the following concerns were raised:

- (i) No need for this type of development in the area;
- (ii) The proposal is inconsistent with the place type mapping and does not comply with the network of centres established by the Planning Scheme;
- (iii) The proposal does not comply with overall outcomes sought for the Emerging community zone – Transition precinct (developable lot);
- (iv) The impacts of the development on the design of the Callaghan Road and Morgan Road intersection;
- (v) The inclusion of 40 Morgan Road, Narangba;
- (vi) The purpose of the proposed Environmental Management Zone;
- (vii) There are no relevant matters to support the proposal; and
- (viii) The effects the variation would have on submissions.

This matter is presented to the Council for a decision as it involves a Variation to the Council's Planning Scheme and Council officers do not have delegation to decide these types of development applications. Therefore, Council is the only entity authorised to decide the development application.

*ITEM 3.5 DA/2021/1144 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR EDUCATIONAL ESTABLISHMENT, CARETAKER'S ACCOMMODATION, CHILD CARE CENTRE, CLUB, COMMUNITY CARE CENTRE, EMERGENCY SERVICES, FOOD AND DRINK OUTLET, HARDWARE AND TRADE SUPPLIES, INDOOR SPORT AND - 67898091 (Cont.)*

## RESOLUTION

**Moved by Cr Darren Grimwade**

**Seconded by Cr Tony Latter**

**CARRIED 11/0**

*Cr Mark Booth had declared a prescribed Conflict of Interest and had retired from the meeting*

- a) **That Council approve the development application for a Material Change of Use – Preliminary Approval for Educational Establishment, Caretaker's Accommodation, Child Care Centre, Club, Community Care Centre, Emergency Services, Food and Drink Outlet, Hardware and Trade Supplies, Indoor Sport and Recreation, Low Impact Industry, Market, Office, Community Use, Health Care Services, Place of Worship, Dwelling Unit, Service Industry, Shop, Shopping Centre, Showroom and Veterinary Services at 156, 166, 168, 176 and 180 Callaghan Road and 2-34 Morgan Road, Narangba subject to the plans/documents and conditions outlined in Supporting Information #2 & Supporting Information #4 attached to this report;**
- b) **That Council approve the Variation Request to vary the effect of the MBRC Planning Scheme in the manner specified in Supporting Information #4;**
- c) **That Council approves a Reconfiguring a Lot - Development Permit for Boundary Realignment (6 into 3 lots + access easements) at 156, 166, 168, 176 and 180 Callaghan Road and 2-34 Morgan Road, Narangba subject to the Plans/Documents and Conditions contained in Supporting Information #2 & Supporting Information #4 attached to this report;**
- d) **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*; and**
- e) **That the development approval be recorded as a Notation on the Moreton Bay Regional Council Planning Scheme due to the approval being a variation approval given under section 61 of the *Planning Act 2016*.**
- f) **That all external Referral Agencies for the development application be provided with a copy of the Council's Decision Notice.**
- g) **That the information contained in Supporting Information #5 - Decision Notice Information, be included in the Decision Notice.**

**OFFICER'S RECOMMENDATION**

- (a) That Council approve the development application for a Material Change of Use – Preliminary Approval for Educational Establishment, Caretaker's Accommodation, Child Care Centre, Club, Community Care Centre, Emergency Services, Food and Drink Outlet, Hardware and Trade Supplies, Indoor Sport and Recreation, Low Impact Industry, Market, Office, Community Use, Health Care Services, Place of Worship, Dwelling Unit, Service Industry, Shop, Shopping Centre, Showroom and Veterinary Services at 156, 166, 168, 176 and 180 Callaghan Road and 2-34 Morgan Road, Narangba subject to the plans/documents and conditions outlined in **Supporting Information #2 & Supporting Information #4** attached to this report;
- (b) That Council approve the Variation Request to vary the effect of the MBRC Planning Scheme in the manner specified in **Supporting Information #4**;
- (c) That Council approves a Reconfiguring a Lot - Development Permit for Boundary Realignment (6 into 3 lots + access easements) at 156, 166, 168, 176 and 180 Callaghan Road and 2-34 Morgan Road, Narangba subject to the Plans/Documents and Conditions contained in **Supporting Information #2 & Supporting Information #4** attached to this report;
- (d) 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*; and
- (e) That the development approval be recorded as a Notation on the Moreton Bay Regional Council Planning Scheme due to the approval being a variation approval given under section 61 of the *Planning Act 2016*.
- (f) That all external Referral Agencies for the development application be provided with a copy of the Council's Decision Notice.
- (g) That the information contained in **Supporting Information #5** - Decision Notice Information, be included in the Decision Notice.

**REPORT DETAIL**

**1. Background**

1.1 Application overview

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	The Corporation of the Trustees of The Roman Catholic Archdiocese of Brisbane c/- Saunders Havill Group
<b>Lodgement Date:</b>	23 March 2021
<b>Properly Made Date:</b>	5 May 2021
<b>Confirmation Notice Date:</b>	6 May 2021 (Original Notice) 10 May 2021 (Amended Notice)
<b>Information Request Date:</b>	20 May 2021
<b>Info Response Received Date:</b>	20 December 2021
<b>Public Notification Dates:</b>	7 January 2022 to 21 February 2022
<b>No. of Submissions:</b>	Properly Made: Three (3) Not Properly Made: None
<b>Decision Due Date:</b>	22 November 2023
<b>Prelodgement Meeting Held:</b>	Yes

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 2

ITEM 3.5 DA/2021/1144 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR EDUCATIONAL ESTABLISHMENT, CARETAKER'S ACCOMMODATION, CHILD CARE CENTRE, CLUB, COMMUNITY CARE CENTRE, EMERGENCY SERVICES, FOOD AND DRINK OUTLET, HARDWARE AND TRADE SUPPLIES, INDOOR SPORT AND - 67898091 (Cont.)

<b>Property Address:</b>	156, 166, 168, 176 and 180 Callaghan Road, Narangba and 2-34 Morgan Road, Narangba
<b>RP Description</b>	Lot 6, Lot 7 & Lot 9 RP 78839 Lot 1 RP 190756 Lot 1 & Lot 2 RP 207672
<b>Land Area:</b>	15.228ha
<b>Property Owner</b>	The Corporation of the Trustees of The Roman Catholic Archdiocese of Brisbane

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	<i>Planning Act 2016</i>
<b>Planning Scheme:</b>	Moreton Bay Regional Council Planning Scheme
<b>Planning Locality / Zone</b>	Emerging community zone - Transition precinct Rural Residential Zone
<b>Level of Assessment:</b>	Impact Assessment

<b>LIST OF SUPPORTING INFORMATION DOCUMENTS</b>	
<b>Supporting Information #1</b>	Aerial, zoning map, locality plan
<b>Supporting Information #2</b>	Proposal plan
<b>Supporting Information #3</b>	Development assessment report
<b>Supporting Information #4</b>	Conditions
<b>Supporting Information #5</b>	Decision notice information
<b>Supporting Information #6</b>	Submissions

### 1.2 Site History

This application was lodged with Council on 23 March 2021. At the time of lodgement, the site was subject to two (2) development applications, being this development application (DA/2021/1144) and Development Application DA/2021/1179 (hereafter referred to as the '**other application**') that was also lodged with the Council on 23 March 2021.

The 'other application' sought a Development Permit for Reconfiguring a Lot for Boundary Realignment (4 into 3 lots + access easement) and Material Change of Use - Development Permit for Office, Shop, Food & Drink Outlet, Veterinary Services, Health Care Services, Indoor Sports and Recreation & Child Care Centre at 2-34 Morgan Road and 168, 176 and 180 Callaghan Road, Narangba, on land described as Lots 7-9 RP78839 and Lots 1-2 RP207672. The 'other application' was assessed and approved by Council's delegate on 29 September 2023.

As outlined in Figures 1 and 2 below, the 'other application' (more specifically Development Approval DA/2021/1179) is situated over the south-western portion of the site, while this application is located over the whole of the southern portion of the site as identified in Figure 3.

ITEM 3.5 DA/2021/1144 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR EDUCATIONAL ESTABLISHMENT, CARETAKER'S ACCOMMODATION, CHILD CARE CENTRE, CLUB, COMMUNITY CARE CENTRE, EMERGENCY SERVICES, FOOD AND DRINK OUTLET, HARDWARE AND TRADE SUPPLIES, INDOOR SPORT AND - 67898091 (Cont.)

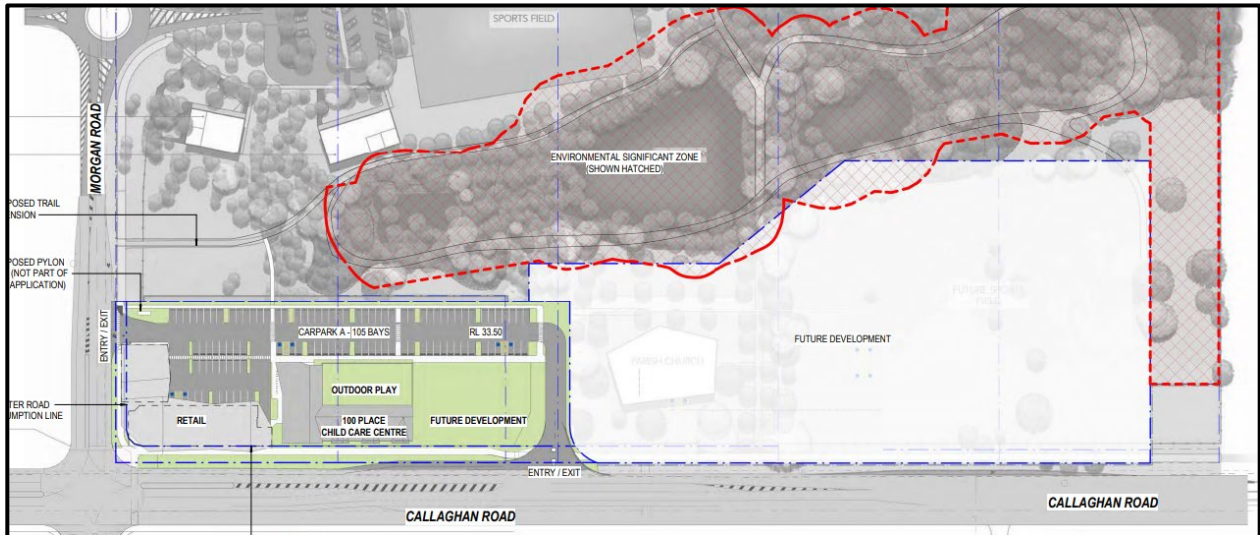
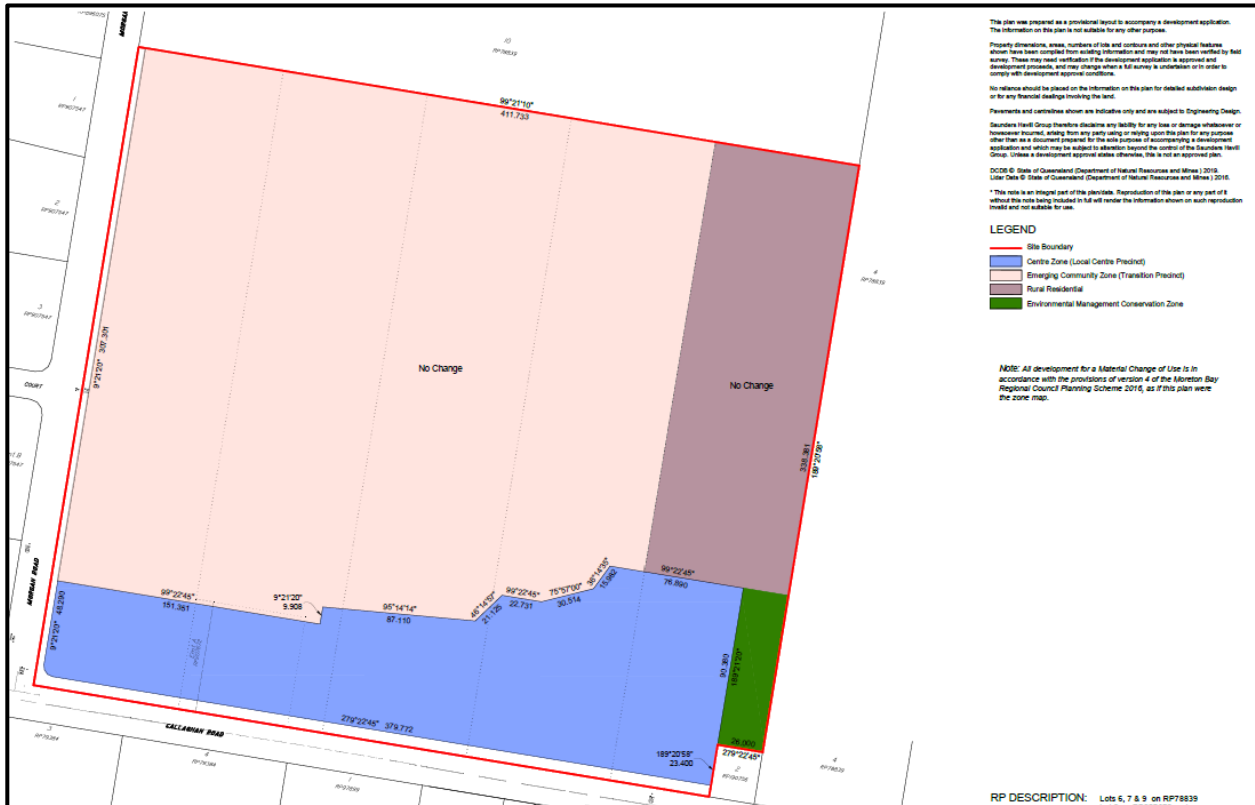


Figure 1: Development Footprint of Development Approval DA/2021/1179



Figure 2: Streetscape perspective of Development Approval DA/2021/1179 from the corner of Morgan Road and Callaghan Road

**ITEM 3.5 DA/2021/1144 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR EDUCATIONAL ESTABLISHMENT, CARETAKER'S ACCOMMODATION, CHILD CARE CENTRE, CLUB, COMMUNITY CARE CENTRE, EMERGENCY SERVICES, FOOD AND DRINK OUTLET, HARDWARE AND TRADE SUPPLIES, INDOOR SPORT AND - 67898091 (Cont.)**



**Figure 3: Proposed Zoning Map**

**1.3 Change to Development Application**

Upon reviewing the applicant's information request response, Council officers issued an outstanding matters email dated 24 October 2022, asking the applicant to address several outstanding items. On 12 November 2022, the applicant responded to the Council Officer's outstanding matter email with a notice of a change to the application in response to the matters raised. The proposed changes included the following:

**Variation to Building Height**

The application seeks to increase the building height for part of Lot 1 RP190756 from 8.5m to 12m to match the height of the balance of the proposed centre land.

**Variation to Riparian and Wetland Setbacks Overlay**

The applicant seeks to amend the Riparian and Wetland Setbacks Overlay map to vary the alignment of the waterway buffer to be more regular in shape.

**Land Uses**

The removal of Home-Based Business from the list of nominated land uses.

**40 Morgan Road**

The applicant advised that 40 Morgan Road was included unnecessarily in the development application to provide for the ultimate sewer servicing strategy. In response to the submission, the applicant reconsidered the inclusion of 40 Morgan Road, Narangba and advised that the lot is not required as part of this application.

**Boundary Realignment Changes**

The boundary realignment plan was amended to ensure the northern boundary of proposed Lot 3 was located outside of the Riparian and Wetland Setbacks Overlay.



*ITEM 3.5 DA/2021/1144 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR EDUCATIONAL ESTABLISHMENT, CARETAKER'S ACCOMMODATION, CHILD CARE CENTRE, CLUB, COMMUNITY CARE CENTRE, EMERGENCY SERVICES, FOOD AND DRINK OUTLET, HARDWARE AND TRADE SUPPLIES, INDOOR SPORT AND - 67898091 (Cont.)*

### Zone Plan

The zone plan was updated to reflect the change in lot boundaries and to show metes and bounds.

### Access Easement

An access easement was added for the benefit of Lot 2 on RP190756.

In accordance with section 26.1(a) of the Development Assessment Rules, the proposed changes to the development application have been in response to further advice issued by Council, accordingly, the proposed changes did not constitute a minor change and the development assessment process did not stop.

As a consequence of the changes to the proposed lot boundaries, the area of proposed Lot 3, as detailed in the submitted reports, is slightly larger than the area of Lot 3 as shown on the revised boundary realignment plan. Accordingly, the recommendations of this report include a condition requiring amended reports that reflect the revised area of proposed Lot 3.

### 1.4 Council Briefing

A Councillors' briefing was conducted on 25 July 2023 for the purpose of sharing information and providing advice/views to Councillors on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

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

*A report will be brought to a future General Meeting for consideration.*

## **2. Explanation of Item**

### 2.1 Proposal

This application seeks a Material Change of Use – Preliminary Approval for Educational Establishment, Caretaker's Accommodation, Child Care Centre, Club, Community Care Centre, Emergency Services, Food and Drink Outlet, Hardware and Trade Supplies, Indoor Sport and Recreation, Low Impact Industry, Market, Office, Community Use, Health Care Services, Place of Worship, Dwelling Unit, Service Industry, Shop, Shopping Centre, Showroom, Veterinary Services and includes a Variation Request to vary the effect of the Moreton Bay Regional Council Planning Scheme 2016, to include part of the land within the Centre zone – Local centre precinct and the Environmental management and conservation zone (refer to figure 3 above) on land located at 156, 166, 168, 176 and 180 Callaghan Road and 2-34 Morgan Road, Narangba.

In addition, the proposal, as discussed in more detail in section 3.2.2.2 of the Development Assessment Report, seeks to also vary the effect of the Building Heights Overlay map and Riparian and Wetland Setbacks Overlay map.

In the existing Moreton Bay Regional Council Planning Scheme, 5 of the 6 allotments making up the subject site are located within the Emerging Community Zone (Transition Precinct) with the other allotment (Lot 1 RP190756) located in the Rural Residential Zone.

The proposed subdivision seeks to realign the boundaries of the subject land to create 3 separate allotments, being proposed Lots 1, 2 and 3. The intent of this application is to ultimately facilitate a future development application for a local centre over proposed Lots 2 and 3 to be assessed and decided using Code Assessment procedures. Accordingly, the area of proposed Lots 2 (0.907ha) and 3 (2.012ha) align with the proposed centre zoning.

*ITEM 3.5 DA/2021/1144 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR EDUCATIONAL ESTABLISHMENT, CARETAKER'S ACCOMMODATION, CHILD CARE CENTRE, CLUB, COMMUNITY CARE CENTRE, EMERGENCY SERVICES, FOOD AND DRINK OUTLET, HARDWARE AND TRADE SUPPLIES, INDOOR SPORT AND - 67898091 (Cont.)*

As part of the proposed subdivision, access to proposed Lots 2 and 3 will be gained via a single cross over to Lot 2 until such time additional accesses are approved / provided as part of subsequent approvals. Accordingly, an access easement is proposed over Lot 2 in favour of proposed Lot 3. An access easement has also been proposed over Lot 3 in favour of Lot 2 RP190756 to accommodate future access arrangements. Proposed Lot 1 (11.913ha) will retain the existing dwelling house located on existing Lot 2 RP207672, with access to be gained from Morgan Road.

The proposal seeks to include the south-eastern portion of Lot 1 within the Environmental management and conservation zone. Having regard to Council's environmental areas overlay mapping and the immediate properties to the east (that are heavily vegetated), the proposed environmental conservation zone will assist in facilitating a north-south environmental corridor as well as provide a buffer between the proposed centre zoning and the adjoining rural residential properties. In addition, the proposal also seeks to provide an environmental covenant over the proposed riparian and wetland area contained within proposed Lot 1. Together, the environmental management and conservation zone and the proposed covenant assist in establishing a green infrastructure network consistent with Strategic Framework Map 3.4.1 - *Green Infrastructure Network*.

The site has a road frontage to Morgan Road and Callaghan Road. Currently, Morgan Road is classified as a contemporary residential road and is constructed to a rural residential standard, whereas Callaghan Road is identified as a sub arterial road and is constructed to a rural residential standard. As such, a requirement for land dedications from both Morgan Road (4.0m) and Callaghan Road (6.6m) is required to provide sufficient road reservation for future upgrade works.

The current application for a Variation Request does not authorise development to be carried out. To ensure the necessary land dedications from both Morgan Road and Callaghan Road are protected, the proposal seeks to establish a no compromise area of 4.0m and 6.6m for the entire length of the site's frontage to Morgan and Callaghan Road, with final land dedications to be determined as part of future development applications. It is noted that the land dedication for Morgan Road and part of Callaghan Road has been secured through the 'other approval' (i.e., Development Approval DA/2021/1179).

An indicative location for a new local centre or neighbourhood hub in Narangba East is shown on Strategic Framework Map 3.13.3 *Place Types - North Lakes-Redcliffe-Moreton Bay Rail Corridor Planning Area*. This is located at the intersection of Callaghan Road and Morgan Road. The proposal is consistent with the indicative location identified on Strategic Framework Map 3.13.3 *Place Types - North Lakes-Redcliffe-Moreton Bay Rail Corridor Planning Area*. Furthermore, an Economic Impact Assessment has been submitted in support of an approval of the development application.

The applicant has submitted an urban design manual to demonstrate how the site may be developed as part of the common material. The urban design manual demonstrates that a high-quality design would be provided, as contemplated by the Planning Scheme. This document is intended to form part of the variation approval to complement the planning scheme by providing additional site specific guidance for subsequent applications.

## 2.2 Assessment of Development Application

Impact assessable development applications are assessed against:

- The relevant assessment benchmarks set out in the relevant local government's planning scheme;
- Any matters outlined in the Planning Regulation 2017; and
- May be assessed against any other relevant matter, such as planning need. A person's personal or financial circumstances are not considered to be planning need.

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Having regard to the above, the development application is to be assessed against the following:

- The MBRC Planning Scheme;
- The South East Queensland Regional Plan and Part E of the State Planning Policy;
- Schedule 10 of the Planning Regulation 2017;
- Section 61(2) of the Planning Act 2016; and
- Section 45(5)(b) of the Planning Act 2016.

Please refer to the Development Assessment Report (**Supporting Information #3**) for a detailed assessment of the development application. A summary of the assessment is provided below:

Strategic Framework - The proposal demonstrates compliance with the majority of strategic outcomes, in that:

- (i) The majority of site is located within the Next Generation Neighbourhood Place type under the Strategic Framework (see Strategic Framework Map 3.6.1 – Settlement Pattern).
- (ii) The development proposal does not compromise the long-term planning for infrastructures networks or the North Lakes-Redcliffe-Moreton Bay Rail Corridor Planning Area. The applicant has demonstrated that a local centre can be established on-site with access to adequate urban services from existing networks, including roads, telecommunications, reticulated electricity, water and sewerage, without compromising future planning for the Narangba East Emerging Community Area.
- (iii) The establishment of a Local Centre on the site is consistent with the indicative location for a new local centre in Narangba East as shown on Strategic Framework Map 3.13.3 - Place Types - North Lakes-Redcliffe-Moreton Bay Rail Corridor Planning Area.
- (iv) The site is in proximity to existing residential communities, the establishment of a local centre on site will help facilitate a compact settlement pattern and urban form in the area.
- (v) The site is located on a central intersection, that will be responsive to active transport uses as a result of the road hierarchy and future road upgrades.
- (vi) The indicative site layout plan demonstrates an appropriate mix and scale of uses as contemplated for a Local centre as identified in *Table 6.2.1.1 Moreton Bay centres network* of the Planning Scheme can be established on the site. Therefore, providing for the employment opportunities, services and facilities required for a local centre in a next generation neighbourhood place type.
- (vii) It has been demonstrated by the applicant by way of an economic impact assessment that a local centre is required to service the future residents of the Narangba East emerging community area. Whilst the primary need for the local centre is to cater for the emerging community area the primary catchment extends to the surrounding rural residential areas. As such, the establishment of a local centre on site would not only service the needs of the residents of the emerging community area but also the needs of residents in the surrounding rural residential areas.

The proposal however does not comply with a few strategic outcomes of the Strategic Framework predominately related to the Rural Residential Place Type on the basis that:

- (viii) The proposal does not seek to create large residential lots with detached dwellings or maintain the semi-rural character of the area. However, it is noted that the strategic framework does identify that a rural residential neighbourhood may include a local centre. Through the assessment of this development application, it is concluded that the utilisation of part of Lot 1 RP190756 is suitable for urban development.

As identified above, the proposal does not comply with all assessment benchmarks of the MBRC Planning Scheme including some Strategic Outcomes of the Strategic Framework of the MBRC Planning Scheme. In accordance with s45(5)(b) of the *Planning Act 2016*, the assessment may be carried out against or having regard to any 'other relevant matters'.

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### 2.3 Other Relevant Matter(s)

In the context of the identified non-compliances with the planning scheme that relate to alternative forms of development within the Rural residential zone, there are 'other relevant matters' to be considered as part of the development application.

Please refer to section 3.7.1 of the Development Assessment Report (**Supporting Information #3**) for a detailed explanation of the 'other relevant matters'. The 'other relevant matters' are considered sufficient to warrant approval of the application.

A summary of the 'other relevant matters' is provided below:

#### 2.3.1 *Relevant Matter 1*

The development proposal does not compromise the long-term planning for infrastructures networks or the North Lakes-Redcliffe-Moreton Bay Rail Corridor Planning Area. The applicant has demonstrated that a local centre on-site can be provided with access to adequate urban services from existing networks, including roads, telecommunications, reticulated electricity, water and sewerage, without compromising future planning for the Narangba East Emerging Community Area.

#### 2.3.2 *Relevant Matter 2*

The establishment of a Local Centre on the site is consistent with the indicative location for a new local centre in Narangba East as shown on Strategic Framework Map 3.13.3 - Place Types - North Lakes-Redcliffe-Moreton Bay Rail Corridor Planning Area.

The site is traversed by a natural waterway and as a result the site is split into two developable areas, being north and south of the existing waterway. The proposal is located on the southern portion of the site fronting Callaghan Road. The southern portion of site presents itself as an appropriate location for a Local Centre, being located on the corner of two major roads, being Callaghan Road and Morgan Road (sub-arterial and collector roads). Furthermore, having regard to the site constraints including but not limited to topography and size, the southern portion of the site does not lend itself favourably towards residential development. Furthermore, the applicant has demonstrated that a local centre can be established on site in a manner contemplated by the Planning Scheme.

Notably, Council's delegate approved a Material Change of Use - Development Permit for Office, Shop, Food & Drink Outlet, Veterinary Services, Health Care Services, Indoor Sports and Recreation & Child Care Centre over the south-western portion of the site on 29 September 2023. The existing approval (as a neighbourhood hub) contributes towards the establishment of a local centre on site.

#### 2.3.3 *Relevant Matter 3*

The site is in proximity to existing residential communities and therefore the establishment of a local centre on site will help facilitate a compact settlement pattern and urban form to encourage sustainable travel patterns.

#### 2.3.4 *Relevant Matter 4*

With the exception of Lot 1 of RP190756, the subject site is located within the emerging community zone. The land immediately to the east and south-east of Lot 1 of RP190756 (Lot 2 RP190756 and Lot 4 RP78839) are located in the rural residential zone, which is adjoined by the Narangba Hack and Pony Club further to the east (Recreation and Open Space zone). It is important to note that the proposal only seeks to apply the Centre zone - Local centre precinct to part of Lot 1 RP190756 (approx. 6,000m<sup>2</sup>), with the balance of the lot to remain within the Rural residential zone and the Environmental management and conservation zone.

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Taking into account the extent of the proposed centre zoning, the inclusion of the environmental management and conservation zone along the eastern boundary of the site, the constraints located on Lot 4 RP78839, the size of Lot 2 RP 190756 (780m<sup>2</sup> - akin to large urban residential lot), and noting that the interface between the western boundary of Lot 2 RP 190756 and the site can be adequately addressed as part of any future development application/s, the proposal will not affect the semi-rural environment of the adjoining rural residential properties.

### 2.3.5 Relevant Matter 5

The broader Narangba East area is identified as a growth area on Strategic Framework Map 3.6.1 - *Settlement Pattern*. Having regard to the context of the site and the constraints mapping (environmental) on the land immediately to the east of the site - which provides a natural buffer between the proposed development and the Narangba East growth area - the proposal does not result in fragmentation or compromise future development of the Narangba East growth area.

### 2.3.6 Relevant Matter 6

The proposal seeks to include the south-eastern portion of the site within the Environmental management and conservation zone. Furthermore, the proposal also seeks to establish a covenant over the mapped riparian and wetland area that traverses the site, thus protecting the environmental values of the existing waterway. Together, the environmental management and conservation zone and the proposed covenant assist in establishing a green infrastructure network consistent with Strategic Framework Map 3.4.1 - Green Infrastructure Network.

### 2.3.7 Relevant Matter 7

It has been demonstrated by the applicant by way of an economic impact assessment that a local centre is required to service the future residents of the emerging community area. Whilst the primary need for the local centre is to cater for the emerging community area, the primary catchment extends to the adjoining rural residential areas. As such, the establishment of a local centre on site would not only service the needs of the residents of the emerging community area but also the needs of the residents of surrounding rural residential areas.

## 2.4 Public Notification and Submissions

The application was subject to impact assessment and was publicly advertised with three (3) properly made submissions received (refer to **Supporting Information #6** - Submissions).

A number of matters were raised in submissions including:

- (i) No need for this type of development in the area;
- (ii) The proposal is inconsistent with the place type mapping and does not comply with the network of centres established by the Planning Scheme;
- (iii) The proposal does not comply with overall outcomes sought for the Emerging community zone – Transition precinct (developable lot);
- (iv) The impacts of the development on the design of the Callaghan Road and Morgan Road intersection
- (v) The inclusion of 40 Morgan Road, Narangba;
- (vi) The purpose of the proposed Environmental Management Zone;
- (vii) There are no relevant matters to support the proposal; and
- (viii) The effects the variation would have on submissions.

A detailed assessment of the submissions has been undertaken and is outlined in section 3.6.2 of Development Assessment Report (**Supporting information #3**).

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## 2.5 Summary of Assessment

The proposal does not comply with all assessment benchmarks of the MBRC Planning Scheme. In the context of the identified non-compliances that relate to alternative forms of development within the Rural Residential Zone, there are 'other relevant matters' to be considered as part of the application.

Notwithstanding the non-compliances with the MBRC Planning Scheme and the matters raised in submissions, the 'other relevant matters' are sufficient to warrant approval of the application. Accordingly, Council officers recommend that the development application be approved subject to the recommended conditions and plans contained within **Supporting Information #2 - Proposal Plans and Supporting Information #4 - Conditions**.

## 3. **Strategic Implications**

### 3.1 Legislative/Legal Implications

The applicant (and submitter/s) have appeal rights in accordance with the *Planning Act 2016*.

### 3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

#### **Our Well-planned Places:**

02 We have a preferred sequence of growth that supports complete, sustainable and connected communities.

04 We have well-planned neighbourhoods that support changing communities, respect cultural heritage and enjoy a unique sense of place.

05 We have well-planned centres and precincts that support our progressive local economy and identity.

### 3.3 Policy Implications

The proposal is inconsistent with the existing Moreton Bay Region planning provisions and relevant policies. However, as outlined in section 2.3 of this report there are 'other relevant matters' which are sufficient to warrant approval of the application.

### 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) Permit conditions require infrastructure contributions to Council.

### 3.7 Economic Benefit Implications

Appropriate development supports the growing Moreton Bay region.

### 3.8 Environmental Implications

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

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3.9 Social Implications

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

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Refer to clause 2.4.

**ATTENDANCE**

Cr Mark Booth returned to the meeting at 11.10am after consideration on Item 3.5.

Dan Staley left the meeting at 11.10am after Item 3.5.

**MATTER WITHDRAWN**

Prior to the meeting, the applicant of Development Application DA/2022/3732, the subject of Item 3.6 formally withdrew the Development Application.

Subsequently, Item 3.6 was not required to be considered by Council.

**ITEM 3.6 - WITHDRAWN**

**DA/2022/3732 - PRELIMINARY APPROVAL FOR MATERIAL CHANGE OF USE (RETIREMENT VILLAGE) OVERRIDING THE PLANNING INSTRUMENT IN ACCORDANCE WITH S3.1.6 OF THE INTEGRATED PLANNING ACT 1997 AND DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR A RETIREMENT VILLAGE (STAGE 1 AND 2) AND DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (15 INTO 18 LOTS + ACCESS EASEMENT) - 33 BRIDGEPORT DRIVE, NORTH LAKES**

**LOCATION: North Lakes Golf Club  
33 Bridgeport Drive NORTH LAKES QLD 4509**

**APPLICANT: JH Northlakes Pty. Ltd. C/- Mecone Brisbane Pty. Ltd.  
OWNER: JH Northlakes Pty. Ltd.**

*Meeting / Session: 3 WELL-PLANNED PLACES*  
*Reference: 68083692: 22 November 2023 – Refer Supporting Information 68083693, 68083688, 68083690, 68083691 & 68083694*  
*Responsible Officer: GH, Principal Planner (PL Development Services)*

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**4 WELL-CONNECTED PLACES SESSION**

(Cr A Hain / Cr M Gillam)

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**ITEM 4.1**

**POLICY 2150-081 PERSONAL ACCESS RAMPS (KERB RAMPS)**

*Meeting / Session:* 4 WELL-CONNECTED PLACES  
*Reference:* 68275781 : 23 October 2023 - Refer Supporting Information 67059296  
*Responsible Officer:* HG, Coordinator Transport Network Management (IP Strategic Infrastructure Planning)

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**Executive Summary**

This report seeks Council endorsement of updates made to Council's Policy 2150-081 Personal Access Ramps (kerb ramps) as contained in supporting information #1. The review of the Policy is a periodic review and has identified minor administrative updates and points of clarification on the intent of the Policy.

The Policy update includes:

- Administrative changes to reflect new City of Moreton Bay naming convention, correct responsible Department, position title, and definitions;
- Clarification on Council position when considering personal access ramps or kerb ramps in a location that is primarily for use by a single user or inhabitants of a single residence as opposed to when kerb ramps are installed to benefit the wider community;
- Clarification that cost and associated work to install personal access ramps is the responsibility of the applicant.

This matter is brought to the attention of Council under the **Well-connected Places** portfolio due to connection to roads and transport infrastructure.

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**RESOLUTION**

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**Moved by Cr Matt Constance**

**Seconded by Cr Sandra Ruck**

**CARRIED 12/0**

**That Council endorse the updated Policy 2150-081 Personal Access Ramps (kerb ramps) as provided in supporting information.**

*ITEM 4.1 POLICY 2150-081 PERSONAL ACCESS RAMPS (KERB RAMPS) - 68275781 (Cont.)*

## OFFICER'S RECOMMENDATION

That Council endorse the updated Policy 2150-081 Personal Access Ramps (kerb ramps) as provided in supporting information.

## **REPORT DETAIL**

### **1. Background**

In updating the Policy, Governance and Executive Services, Community Service Sport and Recreation, Asset Maintenance and Council's Access and Inclusion team have been consulted and provided feedback for consideration and inclusion.

The updated Policy was presented to the Executive Leadership Team on 12 September 2023 and approved to progress to the Councillor Portal (see supporting information #2) for feedback subject to the responsibility to be made clearer in Policy regarding installation / costs / de-installation.

The updated Policy was lodged on the Councillor's Portal on 23 October 2023 for a period of two weeks for the purpose to note and raise any specific points of clarification about the revised Policy with the manager Integrated Transport Planning and Design. No questions or feedback was received during this period.

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

The Policy was last updated in 2020 and the update retains Council's position that Council does not install personal access ramps or kerb ramps in a location that is primarily for use by a single user or inhabitants of a single residence. Council will consider installing kerb ramps where it benefits the broader community. Council may permit a resident to modify their driveway or construct a personal access ramp (at their cost) to improve access for mobility assistance devices.

Residents seeking to carry out personal access ramp construction works beyond the boundary of their property on Council land are required to submit an application to carry out work within a road reserve. Any costs associated with the application and works to install personal access ramps remain the responsibility of the applicant.

### **3. Strategic Implications**

3.1 Legislative / Legal Implications  Nil identified

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Well-planned Places: 06 We have infrastructure that integrates with surrounding land use and supports our growing communities.

3.3 Policy Implications

This report seeks an update to Council's Policy 2150-081 Personal Access Ramps (kerb ramps)

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications  Nil identified

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

*ITEM 4.1 POLICY 2150-081 PERSONAL ACCESS RAMPS (KERB RAMPS) - 68275781 (Cont.)*

3.9 Social Implications

The nature of this Policy means it will most likely apply, and therefore impact, people that have a mobility impairment. The revisions to the Policy do not change the impact on those people to which it applies.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

- Governance and Executive Services, Community Service Sport and Recreation, Asset Maintenance and Council's Access and Inclusion team have been consulted and provided feedback for consideration and inclusion.
- Executive Leadership Team
- Councillors

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**ITEM 4.2**  
**POLICY 2150-038 ALLOCATION OF ROAD NAMES AND STREET ADDRESS NUMBERS**

*Meeting / Session:* 4 WELL-CONNECTED PLACES  
*Reference:* 68350373 : 6 November 2023 - **Refer Supporting Information 67059272**  
*Responsible Officer:* Hannes Grobler, Coordinator Transport Network Management (IP Integrated Transport Planning)

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**Executive Summary**

This report seeks Council endorsement of a periodic minor administrative update to Council's Policy 2150-038 Allocation of Road Names and Street Numbers as contained in supporting information #1.

The Policy updates include:

- Administrative updates to reflect new City of Moreton Bay naming, correct Department names, position titles, and recommendation to consider first nation naming conventions.
- Highlighting the requirement in Council's published road naming protocols to give attention to 'indigenous history, peoples or culture'.

This matter is brought to the attention of Council under the **Well-connected Places** portfolio due to connection to roads and transport infrastructure.

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**RESOLUTION**

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Moved by Cr Yvonne Barlow

Seconded by Cr Jodie Shipway (Deputy Mayor)

**CARRIED 12/0**

**That Council endorse the updated Policy 2150-038 Allocation of Road Names and Street Numbers as provided in supporting information #1**

*ITEM 4.2 POLICY 2150-038 ALLOCATION OF ROAD NAMES AND STREET ADDRESS NUMBERS - 68350373  
(Cont.)*

## OFFICER'S RECOMMENDATION

That Council endorse the updated Policy 2150-038 Allocation of Road Names and Street Numbers as provided in supporting information #1

## **REPORT DETAIL**

### **1. Background**

In updating the Policy, Governance and Executive Services, Development Services, Asset Management, and Rating Services have been consulted and provided feedback for consideration and inclusion.

The updated Policy was presented to the Executive Leadership Team on 12 September 2023 and approved subject to ensuring consideration of indigenous history, peoples or culture in the naming process.

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

The objectives of this policy are to outline Council's position on the naming of Council controlled public roads within the region and the allocation of street address numbers for all properties within the region; and to ensure that those road names and street address numbers are allocated and managed in a logical, consistent and accountable manner.

### **3. Strategic Implications**

3.1 Legislative / Legal Implications  Nil identified

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Well-planned Places: 04 We have well-planned neighbourhoods that support changing communities, respect cultural heritage and enjoy a unique sense of place.

3.3 Policy Implications

This report seeks an update to Council's Policy 2150-038 Allocation of Road Names and Street Numbers.

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications  Nil identified

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications  Nil identified

3.10 Human Rights Implications

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

*ITEM 4.2 POLICY 2150-038 ALLOCATION OF ROAD NAMES AND STREET ADDRESS NUMBERS - 68350373  
(Cont.)*

3.11 Consultation / Communication

- Governance and Executive Services, Development Services, Asset Management, and Rating Services have been consulted and provided feedback for consideration and inclusion.
- Executive Leadership Team
- Councillors

**ITEM 4.3****QUOTATION - MURRUMBA DOWNS - OGG ROAD - PEDESTRIAN CROSSING AND ROAD ACCESS IMPROVEMENTS (MBRC008453 / VP378418)**

*Meeting / Session:* 4 WELL-CONNECTED PLACES  
*Reference:* 68285105: 9 November 2023 - Refer **Confidential** Supporting Information  
68146079  
*Responsible Officer:* CR, Senior Technical Officer (PAS Project Management)

**Executive Summary**

Quotations were called from Council's Prequalified Civil Construction Panel for the 'Murrumba Downs - Ogg Road - Pedestrian Crossing and Road Access Improvements (MBRC008453 / VP378418)' project. Quotations closed on 28 September 2023 with a total of three quotations received, all of which were conforming.

It is recommended that the 'Murrumba Downs - Ogg Road - Pedestrian Crossing and Road Access Improvements (MBRC008453 / VP378418)' project be awarded to Auzcon IP Pty Ltd, for the sum of \$490,000 (excluding GST) as this quotation was evaluated as representing the best overall value to Council.

This project has received \$212,000 in funding from the State Government's South East Queensland Community Stimulus Program (SEQCSP) funding program.

This matter is brought to the attention of Council under the **Well-Connected Places portfolio** as this project will improve safety for children and parents walking or cycling to and from the local school.

The supporting information to this report is confidential to the extent that it contains information that is confidential to the Council and is made available to Councillors for the purposes of this meeting, in accordance with sections 254D(3) and 254D(5) of the *Local Government Regulation 2012*.

**RESOLUTION**

Moved by Cr Yvonne Barlow

Seconded by Cr Matt Constance

CARRIED 12/0

1. That the 'Murrumba Downs - Ogg Road - Pedestrian Crossing and Road Access Improvements (MBRC008453 / VP378418)' project be awarded to Auzcon IP Pty Ltd Pty Ltd, for the sum of \$490,000 (excluding GST).
2. That to allow this project to proceed and for Council to enter into the arrangement, Council commits to the provision of an additional \$411,317 in the 2023/24 financial year quarter two process.
3. That Council enters into an agreement with Auzcon IP Pty Ltd, as described in this report.
4. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing, and discharging the agreement with Auzcon IP Pty Ltd Pty Ltd for the 'Murrumba Downs - Ogg Road - Pedestrian Crossing and Road Access Improvements (MBRC008453 / VP378418)' project and any required variations of the agreement on Council's behalf.

*ITEM 4.3 QUOTATION - MURRUMBA DOWNS - OGG ROAD - PEDESTRIAN CROSSING AND ROAD ACCESS IMPROVEMENTS (MBRC008453 / VP378418) - 68285105 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That the 'Murrumba Downs - Ogg Road - Pedestrian Crossing and Road Access Improvements (MBRC008453 / VP378418)' project be awarded to Auzcon IP Pty Ltd Pty Ltd, for the sum of \$490,000 (excluding GST).
2. That to allow this project to proceed and for Council to enter into the arrangement, Council commits to the provision of an additional \$411,317 in the 2023/24 financial year quarter two process.
3. That Council enters into an agreement with Auzcon IP Pty Ltd, as described in this report.
4. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing, and discharging the agreement with Auzcon IP Pty Ltd Pty Ltd for the 'Murrumba Downs - Ogg Road - Pedestrian Crossing and Road Access Improvements (MBRC008453 / VP378418)' project and any required variations of the agreement on Council's behalf.

## **REPORT DETAIL**

### **1. Background**

The project is located on Ogg Road, outside Undurba State School, Murrumba Downs. The project scope includes closure of the northern car park entry/exit, except for buses, to address safety concerns and conflicts associated with the existing pedestrian crossing. The project will also include access configuration changes such as kerb and pathway work, pavement reconstruction and upgrade to the existing pedestrian crossing including Energex pedestrian lighting.

The objective of the project is to improve safety for school children while also improving access arrangement and traffic operational issues.

Construction will commence in late-December 2023, and is estimated to take 10 weeks to complete, which includes an allowance for wet weather. Whilst works will commence during the school holiday period, once school resumes in January 2024 remaining works will be carried out between the hours of 9.00am and 2.00pm.

A communication plan has been prepared for this project. Communication strategies include project notices to be issued to the North Pine Baptist Church, the Undurba State School, adjacent residences and businesses along Ogg Road, Murrumba Downs four weeks prior to the commencement of works and project notification signs to be erected four weeks prior to construction. Affected residents, businesses, the North Pine Baptist Church and Undurba State School have been consulted regarding the project. The communications plan includes a project update to the Divisional Councillor at the commencement of the project on site, weekly updates as the project progresses and an update at the end of the project. Should there be any adverse changes to project delivery, the Divisional Councillor will receive prompt formal advice from the project manager of what has occurred, why and when the project will be completed.

A traffic management strategy has been developed for this project to ensure impacts to the road users are mitigated during peak traffic hours. The strategy includes full time traffic control for pavement works, including contra flow and single lane closure when required. The project will commence during school holidays with the majority of the disruptive works being completed before school commences for 2024.



ITEM 4.3 QUOTATION - MURRUMBA DOWNS - OGG ROAD - PEDESTRIAN CROSSING AND ROAD ACCESS IMPROVEMENTS (MBRC008453 / VP378418) - 68285105 (Cont.)



Figure 1: Ogg Road, Murrumba Downs - Pedestrian Crossing and Road Access Improvements - Locality Plan

2. Explanation of Item

Quotations were called from Council’s Prequalified Civil Construction Panel for the ‘Murrumba Downs - Ogg Road - Pedestrian Crossing and Road Access Improvements (MBRC008453 / VP378418)’ project, which closed on 28 September 2023 with a total of three quotations received, all of which were conforming. The quotations were assessed by the assessment panel in accordance with Council’s Purchasing Policy and the selection criteria as set out in the quotation documents.

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

RANK	COMPANY	EVALUATION SCORE
1	Auzcon IP Pty Ltd	98.00
2	AllenCon Pty Ltd	82.68
3	The Landscape Construction Pty Ltd	74.49

**Auzcon IP Pty Ltd ('AIP)** - submitted a comprehensive quotation. AIP demonstrated their relevant experience, methodology, understanding of the project, and capability in delivering the project. AIP provided examples of relevant project experience including Sutton Street, Redcliffe - Pedestrian Crossing project (valued at \$245,000); Biggs Avenue, Beachmere - Road Upgrade project (valued at \$493,000); and Bringelly Street, Arana Hills - Intersection Upgrade project (valued at \$534,000) all for City of Moreton Bay.

AIP provided the lowest price and achieved the highest evaluation score. An extensive assessment and clarification meeting confirmed the price covered the cost of the works. The evaluation panel considers the quotation from AIP to represent the best overall value for Council.

ITEM 4.3 QUOTATION - MURRUMBA DOWNS - OGG ROAD - PEDESTRIAN CROSSING AND ROAD ACCESS IMPROVEMENTS (MBRC008453 / VP378418) - 68285105 (Cont.)

**AllenCon Pty Ltd IP Pty Ltd ('AC')** - submitted a comprehensive quotation, demonstrating their project experience, however there were no additional benefits identified for the higher price submitted by (AC).

**The Landscape Construction Company Pty Ltd Pty Ltd ('TLCC')** - submitted a comprehensive quotation, demonstrating their project experience, however there were no additional benefits identified for the higher price submitted by (TLCC).

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

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

#### 3.2 Corporate Plan Linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Well-Connected Places: 03 Our communities have access to safe, affordable, and diverse transport choices that make active travel easy.

#### 3.3 Policy Implications

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

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

The Local Preference Policy was not considered as the project was procured via Council's Civil Construction panel arrangement in line with Council's Procurement Policy.

#### 3.4 Risk Management Implications

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

*Financial Risk:*

- a. The recommended company is prequalified on Council's Prequalified Civil Construction Panel (MBRC008453).
- b. A third-party financial assessment has been carried out and the recommended company was rated 'sound'.

*Construction Risks:*

- a. The recommended company will provide a program of works, staging plans, traffic management plans including VMS boards, safety management plan, environmental management plan, and quality management documentation as part of the contract to detail how they will plan, establish, and manage project construction risks which will be reviewed and audited by Project Management.
- b. The recommended company has indicated their understanding of the project site to ensure the safety and well-being of all during the works, and their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time.
- c. The procurement risks relating to this project are considered low as there is adequate lead time for the recommended company to procure the relevant project construction materials.
- d. The project is not impacted by any building and plumbing approvals.
- e. The project is not impacted by any internal Development Approvals.
- f. The project is not impacted by any external Development Applications or Approvals.
- g. Dilapidation inspections will be conducted by CMB staff prior to works commencing on site and surrounding areas to record the existing condition of assets and again after construction to record any change.

ITEM 4.3 QUOTATION - MURRUMBA DOWNS - OGG ROAD - PEDESTRIAN CROSSING AND ROAD ACCESS IMPROVEMENTS (MBRC008453 / VP378418) - 68285105 (Cont.)

- h. Council's Cultural Heritage Officers have identified that the works to be constructed for the 'Murrumba Downs - Ogg Road - Pedestrian Crossing and Road Access Improvements (MBRC008453 / VP378418)' project are acceptable, and that Native Title does not exist for this site.
- i. Council's Cultural Heritage Officers have identified that the works to be constructed for the 'Murrumba Downs - Ogg Road - Pedestrian Crossing and Road Access Improvements (MBRC008453 / VP378418)' project are acceptable and present a low risk for potential disturbance of cultural and/or historical artefacts during excavation phases.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

Council has allocated a total of \$192,000 in the 2023/24 financial year's Capital Projects Program towards this project for construction. This project has received \$212,000 in funding from the State Government's SEQCSP funding program. The Original budget was inadequate and requested a Q1 amendment to balance total project cost. It has been identified that there is up to \$300k additional revenue available through SEQCSP to offset the project costs. All financial information below is exclusive of GST.

Quotation Price (Construction)	\$	490,000
Contingency (10%)	\$	49,000
Energex Pedestrian Lighting	\$	37,000
Project Management Costs (5%)	\$	24,500
QLeave (0.575%)	\$	<u>2,817</u>
<b><u>Total Project Cost</u></b>	<b>\$</b>	<b><u>603,317</u></b>
State Government SEQCSP funding	\$	212,000
<b><u>Net cost to Council</u></b>	<b>\$</b>	<b><u>391,317</u></b>

Estimated ongoing operational/maintenance costs \$ 4,625 per financial year.

The budget amount for this project is insufficient. To allow this project to proceed and for Council to enter into the arrangement, Council commits to the provision of an additional \$411,317 in the 2023/24 financial year quarter two review process.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications

An Environmental Management Plan will be provided to Council by the recommended company detailing the management of environmental matters affecting the project during construction. The environment management plan will be monitored and audited by Project Management during the construction phase.

3.9 Social Implications

The project will improve safety for children and parents walking and cycling to and from the local school.

3.10 Human Rights Implications

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

*ITEM 4.3 QUOTATION - MURRUMBA DOWNS - OGG ROAD - PEDESTRIAN CROSSING AND ROAD ACCESS IMPROVEMENTS (MBRC008453 / VP378418) - 68285105 (Cont.)*

3.11 Consultation / Communication

External:

- Energex
- Undurba State School
- Residents and businesses along Ogg Road.

Internal:

- Asset Maintenance
- Infrastructure Transport, Planning and Design
- Development Services
- Cultural Heritage

**ITEM 4.4****QUOTATION - MORAYFIELD ROAD - ACTIVE TRANSPORT UPGRADES  
(MBRC008453 / VP347527)**

*Meeting / Session:* 4 WELL-CONNECTED PLACES  
*Reference:* 67924975 : 26 October 2023 - Refer **Confidential Supporting Information**  
**67690135**  
*Responsible Officer:* CR, Senior Technical Officer (PAS Project Management)

**Executive Summary**

Quotations were called from Council's Prequalified Civil Construction Panel for the 'Morayfield - Morayfield Road - Active Transport Upgrades (MBRC008453 / VP347527)' project. Quotations closed on 3 August 2023 with a total of three quotations received, all of which were conforming.

It is recommended that the quotation for the 'Morayfield - Morayfield Road - Active Transport Upgrades (MBRC008453 / VP327527)' project be awarded to Queensland Civil Group Pty Ltd, for the sum of \$374,702 (excluding GST) as this quotation was evaluated as representing the best overall value to Council.

The project has received \$500,000 in funding from the State Government's Southeast Queensland Community Stimulus Program (SEQCSP) funding program.

This matter is brought to the attention of Council under the **Well-Connected Places portfolio** as the projects within this report will enhance active transport infrastructure and connectivity within the local area.

The supporting information to this report is confidential to the extent that it contains information that is confidential to the Council and is made available to Councillors for the purposes of this meeting, in accordance with sections 254D(3) and 254D(5) of the *Local Government Regulation 2012*.

**RESOLUTION**

Moved by Cr Mark Booth

Seconded by Cr Jodie Shipway (Deputy Mayor)

CARRIED 12/0

1. That the 'Morayfield - Morayfield Road - Active Transport Upgrades (MBRC008453 / VP347527)' project be awarded to Queensland Civil Group Pty Ltd, for the sum of \$374,702 (excluding GST).
2. To allow this project to proceed and for Council to enter into the arrangement, Council commits to the provision of an additional \$463,062 in the 2023/24 financial year quarter two review process.
3. That Council enters into an agreement with Queensland Civil Group Pty Ltd, as described in this report.
4. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing, and discharging the agreement with Queensland Civil Group Pty Ltd for the 'Morayfield - Morayfield Road - Active Transport Upgrades (MBRC008453 / VP347527)' project and any required variations of the agreement on Council's behalf.

ITEM 4.4 QUOTATION - MORAYFIELD ROAD - ACTIVE TRANSPORT UPGRADES (MBRC008453 / VP347527) - 67924975 (Cont.)

**OFFICER'S RECOMMENDATION**

- 1. That the 'Morayfield - Morayfield Road - Active Transport Upgrades (MBRC008453 / VP347527)' project be awarded to Queensland Civil Group Pty Ltd, for the sum of \$374,702 (excluding GST).
- 2. To allow this project to proceed and for Council to enter into the arrangement, Council commits to the provision of an additional \$463,062 in the 2023/24 financial year quarter two review process.
- 3. That Council enters into an agreement with Queensland Civil Group Pty Ltd, as described in this report.
- 4. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing, and discharging the agreement with Queensland Civil Group Pty Ltd for the 'Morayfield - Morayfield Road - Active Transport Upgrades (MBRC008453 / VP347527)' project and any required variations of the agreement on Council's behalf.

**REPORT DETAIL**

**1. Background**

The project is located along Morayfield Road, between Walkers Road and Oakey Flat Road, and Station Road to Garfield Street, Morayfield. The project scope includes the demolition of the existing 1.5m reinforced concrete pathway and the construction of a new 650m long by 2m wide reinforced concrete pathway, kerb ramps and street tree plantings.

The objective of the project is to improve safety with a focus on pedestrian and cycling improvements. The corridor is an important active transport improvement along the Caboolture South and Morayfield corridor.

Construction will commence in mid-January 2024 and is scheduled to take six weeks to complete, which includes an allowance for wet weather.

A communication plan has been prepared for this project. Communication strategies include project notices to be issued to adjacent residences and businesses fronting the proposed footpath along Morayfield Road, Morayfield four weeks prior to the commencement of works and project notification signs to be erected four weeks prior to construction. Updates will be provided to the Divisional Councillor at the commencement, during construction and at project conclusion. Should the project be delayed, Project Management will promptly advise the Divisional Councillor.



Figure 1: Morayfield - Morayfield Road - Active Transport Upgrades - Locality Plan

ITEM 4.4 QUOTATION - MORAYFIELD ROAD - ACTIVE TRANSPORT UPGRADES (MBRC008453 / VP347527) - 67924975 (Cont.)

## 2. Explanation of Item

Quotations were called from Council's Prequalified Civil Construction Panel for the 'Morayfield - Morayfield Road - Active Transport Upgrades (MBRC008453 / VP327527)' project, which closed on 3 August 2023 with a total of three quotations received, all of which were conforming. The quotations were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the quotation documents.

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

RANK	COMPANY	EVALUATION SCORE
1	Queensland Civil Group Pty Ltd	100.00
2	Auzcon IP Pty Ltd	90.16
3	AllenCon Pty Ltd	74.04

**Queensland Civil Group Pty Ltd ('QCG')** - submitted a comprehensive tender. QCG demonstrated their relevant experience, methodology, understanding of the project, and ability to deliver the project. QCG provided examples of relevant project experience including: Hay Road, Dayboro - Pathway Construction (valued at \$185,000); Albany Creek Road, Albany Creek - Pathway Construction (valued at \$90,000); and Houghton Avenue Redcliffe - Pathway Construction (valued at \$340,871) all for City of Moreton Bay.

QCG provided the lowest quoted price and achieved the highest evaluation score. The evaluation panel considers the quotation from QCG to represent the best overall value for Council.

**Auzcon IP Pty Ltd ('AC')** - submitted a comprehensive and well-presented quotation, demonstrating their project experience however there were no additional benefits identified for the higher price or longer program submitted by (AC).

**Allencon Pty Ltd ('AC')** - submitted a comprehensive and well-presented quotation, demonstrating their project experience however there were no additional benefits identified for the higher price or longer program submitted by (AC).

## 3. Strategic Implications

### 3.1 Legislative / Legal Implications

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

### 3.2 Corporate Plan Linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular: Our Well-Connected Places: Our communities have access to safe, affordable, and diverse transport choices that make active travel easy.

### 3.3 Policy Implications

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

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

The Local Preference Policy was not considered as the project was procured via Council's Civil Construction panel arrangement in line with Council's Procurement Policy.

ITEM 4.4 QUOTATION - MORAYFIELD ROAD - ACTIVE TRANSPORT UPGRADES (MBRC008453 / VP347527) - 67924975 (Cont.)

3.4 Risk Management Implications

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

*Financial Risk:*

The recommended company is prequalified on Council's Civil Construction Panel (MBRC008453). A third-party financial assessment has been carried out and the recommended company was rated 'strong'.

*Construction Risks:*

- a. The recommended company will provide a program of works, staging plans, traffic management plans, safety management plan, environmental management plan, and quality management documentation as part of the contract to detail how they will plan, establish, and manage project construction risks which will be reviewed, monitored and audited by Project Management.
- b. The recommended company has indicated their understanding of the project sites to ensure the safety and well-being of all during the works, and their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time.
- c. The procurement risks relating to this project are considered low as there is adequate lead time for the recommended company to procure the relevant project construction materials.
- d. The project is not impacted by any building and plumbing approvals.
- e. The project is not impacted by any internal Development Approvals.
- f. The project is not impacted by any external Development Applications and Approvals.
- g. Dilapidation inspections will be conducted by Project Management prior to works commencing on site and surrounding areas to record the existing condition of assets and again after construction to record any change.
- h. Council's Cultural Heritage Officers have identified that the works to be constructed for the 'Morayfield - Morayfield Road - Active Transport Upgrades (MBRC008453 / VP327527)' project are acceptable, and that Native Title does not exist for this site.
- i. Council's Cultural Heritage Officers have identified that the works to be constructed for the 'Morayfield - Morayfield Road - Active Transport Upgrades (MBRC008453 / VP327527)' project are acceptable and present a low risk for potential disturbance of cultural and/or historical artefacts during excavation phases.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

An allocation of \$463,062 is required for Council to undertake the project in 2023/24 financial year. This project has received \$500,000 in funding from the State Government's Southeast Queensland Community Stimulus Program (SEQCSP) funding program. All financial information below is exclusive of GST

Quotation Price (Construction)	\$	374,702
Contingency (10%)	\$	37,470
Telstra Replacement and Adjustment Works	\$	30,000
Project Management Costs	\$	18,735
QLeave (0.575%)	\$	2,155
<b>Total Project Cost</b>	<b>\$</b>	<b>463,062</b>
State Government SEQCSP COVID-19 funding	\$	500,000



*ITEM 4.4 QUOTATION - MORAYFIELD ROAD - ACTIVE TRANSPORT UPGRADES (MBRC008453 / VP347527) - 67924975 (Cont.)*

**Net cost to Council**

**\$ 0**

Estimated ongoing operational/maintenance costs \$ 2,900 per financial year.

There are no funds for this project in the 2023/24 financial year. For Council to enter into the agreement for this project, Council commits to the provision of \$463,062 in the 2023/24 financial year quarter two review process.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications

An Environmental Management Plan will be provided to Council by the recommended company detailing the management of environmental matters affecting the project during construction. The environment management plan will be monitored and audited by Project Management during the construction phase.

3.9 Social Implications

The completion of this project will promote active transport through improved safety for pedestrians and cycling connecting the Caboolture South and Morayfield corridor.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

External:

- Department of Transport and Main Roads
- Telstra
- Business Owners

Internal:

- Asset Maintenance
- Integrated Transport Planning and Design
- Procurement
- Development Services

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**5 PROGRESSIVE ECONOMY SESSION**

**(Cr K Winchester / Cr T Latter)**

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No items for consideration.

**6 ENGAGED COUNCIL SESSION****(Cr M Constance / Cr D Grimwade)****ITEM 6.1****2023/24 SYSTEMATIC INSPECTION PROGRAM - REGULATED DOGS**

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 68200269 : 01 November 2023  
*Responsible Officer:* SK, Manager Customer Response (CES Customer Response)

**Executive Summary**

The *Animal Management (Cats and Dogs) Act 2008* (the 'Act') provides for the effective management of regulated dogs. To keep a regulated dog, its owner must adhere to the conditions set out in the Act (the conditions). Council proposes to conduct a proactive inspection program to monitor adherence with these conditions and reduce the risk posed by these animals.

Council's approval is being sought for the commencement of an approved inspection program to monitor regulated dog owners' compliance with the Act generally and specifically with the Schedule 1 conditions.

The proposed 2023/24 Systematic Inspection Program - Regulated Dogs will be conducted between 1 March 2024 and 30 June 2024.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as it relates to the monitoring of declared dogs in the region to ensure a safe community.

**RESOLUTION**

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Mark Booth

CARRIED 12/0

That, pursuant to section 113 of the *Animal Management (Cats and Dogs) Act 2008* (the 'Act'), Council resolves to approve an inspection program which is:

- a) a systematic inspection program;
- b) for the purpose of assisting Council in monitoring compliance with the keeping of regulated dogs in accordance with the conditions of the Act;
- c) to be conducted between 1 March 2024 and 30 June 2024; and

to involve the entry to and inspection of any property within Council's local government area by Council officers authorised to do so where a property is recorded on Council's regulated dog register as being the place of keeping for a regulated dog.

*ITEM 6.1 2023/24 SYSTEMATIC INSPECTION PROGRAM - REGULATED DOGS - 68200269 (Cont.)*

## OFFICER'S RECOMMENDATION

That, pursuant to section 113 of the *Animal Management (Cats and Dogs) Act 2008* (the 'Act'), Council resolves to approve an inspection program which is:

- a) a systematic inspection program;
- b) for the purpose of assisting Council in monitoring compliance with the keeping of regulated dogs in accordance with the conditions of the Act;
- c) to be conducted between 1 March 2024 and 30 June 2024; and

to involve the entry to and inspection of any property within Council's local government area by Council officers authorised to do so where a property is recorded on Council's regulated dog register as being the place of keeping for a regulated dog.

## **REPORT DETAIL**

### **1. Background**

The *Animal Management (Cats and Dogs) Act 2008* provides for the effective management of regulated dogs. The term regulated dog is defined in the Act to include a declared dangerous dog, a declared menacing dog and a declared restricted dog. To keep a regulated dog, its owner must adhere to the Schedule 1 permit conditions of the Act.

It is essential that the owners of regulated dogs adhere to their permit conditions as any failure to do so can pose a public safety risk. For example, permit conditions require that a regulated dog declared as dangerous must be kept in a proper enclosure. If an owner of a dangerous dog does not comply with this condition, then there is an increased risk that their dog will escape its place of keeping and attack a person or animal.

Under section 113 of the Act, Council can resolve to approve an approved inspection program. An approved inspection program provides duly authorised officers the power to enter properties designated in the program for the duration of the program to monitor regulated dog owners' compliance with the Act.

City of Moreton Bay has successfully delivered annual systematic inspection programs for the past four (4) years for the purpose of ensuring adherence by regulated dog owners with the Act's strict conditions.

Levels of non-compliance have been significantly reduced and remain low through the conduct of the annual systematic inspection programs as shown below:

- 2022/23 non-compliance rate: 4.2%
- 2021/22 non-compliance rate: 2.5%
- 2020/21 non-compliance rate: 8.1%
- 2019/20 non-compliance rate: 31%

During the 2022/23 program 286 regulated dogs were inspected across the region. Overall, the results were positive, though non-compliance increased from previous year from 2.5% to 4.2%. The increase resulted from a reduction of the overall total of regulated dogs, down by 36 dogs, and an increase in non-compliance from the previous year, up by 4 regulated dogs.

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

The proposed approved inspection program would:

- be a systematic inspection program, which would provide authorised officers with powers of entry to any property within Council's local government area where a property is recorded on Council's regulated dog register as being the place of keeping for a regulated dog;

*ITEM 6.1 2023/24 SYSTEMATIC INSPECTION PROGRAM - REGULATED DOGS - 68200269 (Cont.)*

- occur between 1 March 2024 and 30 June 2024;
- focus on monitoring regulated dog owners' compliance with the Act; and
- involve the publication of a notice in a newspaper circulating within Council's local government area and on Council's website at least 14 days but not more than 28 days before the commencement of the program.

If, as a result of the proposed program, Council identifies any non-compliance with the Act then Council's ordinary enforcement and compliance processes are available to be applied.

### **3. Strategic Implications**

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

Council is empowered under the Act to protect the community from damage or injury, or risk of damage or injury, from regulated dogs and may take steps to ensure those dogs are:

- (i) not a risk to community health or safety; and
- (ii) controlled and kept in a way consistent with community expectations and the rights of individuals.

An approved systematic inspection program allows Council to proactively monitor and ensure the owners of regulated dogs within Council's local government area are complying with the Act.

#### **3.2 Corporate Plan linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:  
Our Engaged Council: 04 We are responsive, trusted and provide great customer experiences.

#### **3.3 Policy Implications Nil identified**

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

Failure to undertake ongoing systematic inspection programs for regulated dogs will lead to increased levels of non-compliance with the Animal Management (Cats and Dogs) Act 2008 permit conditions and consequent levels of increased risk to the safety of members of the community.

#### **3.5 Delegated Authority Implications Nil identified**

#### **3.6 Financial Implications Nil identified**

#### **3.7 Economic Benefit Implications Nil identified**

#### **3.8 Environmental Implications Nil identified**

#### **3.9 Social Implications**

Residents have the right to feel safe within their communities, accordingly it is important that the owners of declared dogs adhere to the permit conditions as any failure to do so can pose a public safety risk.

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

Under the Human Rights Act 2019 (Qld), Council must not make a decision which is incompatible with a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. The officers consider that, should Council resolve in accordance with their recommendation, that resolution will be compatible with residents' human rights.

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

Director Community and Environmental Services  
Manager Customer Response

**ITEM 6.2  
PROPOSED AMENDMENT LOCAL LAW - AMENDMENT LOCAL LAW (STATE-CONTROLLED ROADS) 2024**

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 68362617: 9 November 2023 - Refer Supporting Information 68386884  
*Responsible Officer:* AN, Senior Legal Counsel (CEO Legal)

**Executive Summary**

This report seeks Council's resolution to commence the making of the *Amendment Local Law (State-controlled Roads) 2024* using Council's adopted local law making process.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as the purpose and general effect of the proposed amendment local law is to ensure the effective regulation of the following Local Laws on State-controlled roads in the local government area:

- *Alteration of Public Land Local Law 2023;*
- *Animal Management Local Law 2023;*
- *Commercial Use of Public Land and Roads Local Law 2023;*
- *Community Standards for Public Land and Roads Local Law 2023;*
- *Parking Local Law 2023;* and
- *Signs Local Law 2023.*

**RESOLUTION**

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Mark Booth

CARRIED 12/0

1. That Council resolves to propose to make the *Amendment Local Law (State-controlled Roads) 2024*, which is annexed to this report (proposed Amendment Local Law).
2. That Council resolves to propose to make the *Explanatory Notes - Amendment Local Law (State-controlled Roads) 2024*, which is annexed to this report.
3. That Council resolves that the proposed Amendment Local Law only amends the following local laws to make insubstantial changes such that steps 3 and 5 of Council's adopted local law making process does not need to be satisfied:
  - *Alteration of Public Land Local Law 2023;*
  - *Animal Management Local Law 2023;*
  - *Commercial Use of Public Land and Roads Local Law 2023;*
  - *Community Standards for Public Land and Roads Local Law 2023;*
  - *Parking Local Law 2023;* and
  - *Signs Local Law 2023.*
4. That Council resolves, pursuant to section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer its powers under section 38 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012* to comply with the prescribed procedures for the review of any anti-competitive provisions in the proposed Amendment Local Law, which includes the power to:
  - a) identify any anti-competitive provisions in the proposed Amendment Local Law;
  - b) determine whether any identified anti-competitive provisions need to be reviewed;
  - c) decide the process for conducting a review of any identified anti-competitive provisions;
  - d) conduct a review of any identified anti-competitive provisions.

# City of Moreton Bay

*ITEM 6.2 PROPOSED AMENDMENT LOCAL LAW - AMENDMENT LOCAL LAW (STATE-CONTROLLED ROADS) 2024 - 68362617 (Cont.)*

5. Further to Recommendation 1, that the following additional amendment to the Amendment Local Law (State Controlled Road) marked 6.2 in the Supporting Information annexed to this report, be included in the local law as made:

*In Part 6, Schedule 2 of the Proposed Amendment Local Law (State Controlled Roads 2024), on Page 6, table 1, between "Road 490 and Road 493" add the additional row:*

492	Kilcoy Beerwah Road	Intersection of Maleny Stanley River Road to Int D'Aguilar Road		
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*ITEM 6.2 PROPOSED AMENDMENT LOCAL LAW - AMENDMENT LOCAL LAW (STATE-CONTROLLED ROADS) 2024 - 68362617 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That Council resolves to propose to make the *Amendment Local Law (State-controlled Roads) 2024*, which is annexed to this report (**proposed Amendment Local Law**).
2. That Council resolves to propose to make the *Explanatory Notes - Amendment Local Law (State-controlled Roads) 2024*, which is annexed to this report.
3. That Council resolves that the proposed Amendment Local Law only amends the following local laws to make insubstantial changes such that steps 3 and 5 of Council's adopted local law making process does not need to be satisfied:
  - *Alteration of Public Land Local Law 2023*;
  - *Animal Management Local Law 2023*;
  - *Commercial Use of Public Land and Roads Local Law 2023*;
  - *Community Standards for Public Land and Roads Local Law 2023*;
  - *Parking Local Law 2023*; and
  - *Signs Local Law 2023*.
4. That Council resolves, pursuant to section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer its powers under section 38 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012* to comply with the prescribed procedures for the review of any anti-competitive provisions in the proposed Amendment Local Law, which includes the power to:
  - (a) identify any anti-competitive provisions in the proposed Amendment Local Law;
  - (b) determine whether any identified anti-competitive provisions need to be reviewed;
  - (c) decide the process for conducting a review of any identified anti-competitive provisions;
  - (d) conduct a review of any identified anti-competitive provisions.

## **REPORT DETAIL**

### **1. Background**

Council has undertaken a comprehensive review of its Local Laws through its Local Laws Review Project. The project involved re-drafting Council's Local Laws to develop a suite of Local Laws that:

- the community feels a sense of ownership;
- are easy for the community to understand;
- are easy to administer;
- are consistent with current State laws; and
- are reinforced strongly with supporting documents (e.g. fact sheets, explanatory notes) to help guide both officers and the community.

On 8 November 2023 Council resolved to make 13 Local Laws. Those Local Laws will commence on the date the notice of making the laws is published in the gazette. The notice must be published within 1 month after the day when Council made the resolutions to make the Local Laws.

Council may only regulate certain local law matters on State-controlled roads with the agreement of the chief executive of the Department of Transport and Main Roads (**DTMR**) under section 66 and section 101 of the *Transport Operations (Road Use Management) Act 1995 (TORUM Act)* (e.g. roadside vending, footpath dining, advertising signs). Council has existing agreements with DTMR, however new agreements are required for the newly made Local Laws. An agreement with DTMR could not be negotiated until such time as the proposed Local Laws were made.



*ITEM 6.2 PROPOSED AMENDMENT LOCAL LAW - AMENDMENT LOCAL LAW (STATE-CONTROLLED ROADS) 2024 - 68362617 (Cont.)*

New agreements with DTMR will necessitate amendment to the following newly made Local Laws to enable Council to regulate certain aspects of those laws on State-controlled roads (**relevant Local Laws**):

- *Alteration of Public Land Local Law 2023;*
- *Animal Management Local Law 2023;*
- *Commercial Use of Public Land and Roads Local Law 2023;*
- *Community Standards for Public Land and Roads Local Law 2023;*
- *Parking Local Law 2023;* and
- *Signs Local Law 2023*

A Councillors' briefing was conducted on 16 August 2023 for the purpose of sharing information and providing advice/views to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

***The CEO noted the way forward:***  
*Councillors noted the update.*

## **2. Explanation of Item**

Officers have prepared the proposed Amendment Local Law. Officers are seeking Council's resolution to propose to make the proposed Amendment Local Law so that officers may commence the necessary State Interest Check process under section 29A of the *Local Government Act 2009* and Council's adopted local law making process and commence negotiation of the TORUM Act agreements with DTMR.

The proposed Amendment Local Law proposes to amend the relevant Local Laws by:

- amending existing definitions or inserting new definitions relevant to roads, including the definition of **road**;
- inserting a Schedule of State-controlled roads to which a relevant Local Law applies;
- for the *Signs Local Law 2023*— inserting additional minimum conditions for self-assessable signs on State-controlled roads; and
- making other consequential amendments, as a result of inserting the new Schedule.

Under Council's adopted local law making process (which is annexed to this report), Council is not required to undertake public consultation (steps 2 and 5) where it decides by resolution that the proposed amendment only amends an existing local law to make an "insubstantial change". Officers consider the proposed amendments are an insubstantial change as they amend the definitions to include State-controlled roads and include a schedule of State-controlled roads, which is intended to reflect the written agreements Council will have with the chief executive of DTMR under the TORUM Act, but do not otherwise change the effect of the provisions to which the definitions relate, noting that the objects of the relevant Local Laws and how they are to be achieved do not reflect an intention to limit the application of a relevant Local Law (in its entirety) to local government controlled roads.

The proposed Explanatory Note for the proposed Amendment Local Law (annexed to this report) describes in detail each proposed amendment, the reason for the amendment and the effect of the amendment. The proposed amendments are included in a proposed marked-up version of each of the relevant Local Laws and are annexed to this report.

As part of the local law-making process, Council must identify any possible anti-competitive provisions in the proposed Amendment Local Law. To determine whether a provision is anti-competitive requires consideration of the "*National Competition Policy - Guidelines for Conducting Reviews on Anti-Competitive Provisions in Local Laws*" published by the Department of State Development, Infrastructure, Local Government and Planning (**Guidelines**). It is recommended that the Chief Executive Officer be delegated authority to determine whether any provisions of the proposed Amendment Local Law are required to be subjected to the review process under the Guidelines, and if so, to undertake that review process.

*ITEM 6.2 PROPOSED AMENDMENT LOCAL LAW - AMENDMENT LOCAL LAW (STATE-CONTROLLED ROADS)  
2024 - 68362617 (Cont.)*

### **3. Strategic Implications**

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

Section 28 of the *Local Government Act 2009* permits Council to make and enforce any local law that is necessary or convenient for the good rule and local government of its local government area if certain criteria are met. Council can do this by following its existing local law-making process.

#### **3.2 Corporate Plan linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Engaged Council: 01 We are leaders in good governance and sustainably manage our finances and assets.

#### **3.3 Policy Implications** Nil identified

#### **3.4 Risk Management Implications** Nil identified

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

It is necessary for Council to delegate, in favour of the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009*, the powers of Council under each of section 38 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012*.

#### **3.6 Financial Implications** Nil identified

#### **3.7 Economic Benefit Implications** Nil identified

#### **3.8 Environmental Implications** Nil identified

#### **3.9 Social Implications** Nil identified

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

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

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

Customer Response Department

**ITEM 6.3****MAKING OF THE AMENDMENT LOCAL LAW NO.1 (MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 8 (ELECTION SIGNS) 2019) 2023 AND THE AMENDMENT SUBORDINATE LOCAL LAW NO.1 (MORETON BAY REGIONAL COUNCIL SUBORDINATE LOCAL LAW NO. 8 (ELECTION SIGNS) 2019) 2023**

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 68362637: 9 November 2023 - Refer Supporting Information 68387634  
*Responsible Officer:* AN, Senior Legal Counsel (CEO Legal)

**Executive Summary**

This report recommends that Council:

- make the *Amendment Local Law No.1 (Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019) 2023 (Amendment Local Law)*, with amendments;
- propose to make the *Amendment Subordinate Local Law No.1 (Moreton Bay Regional Council Subordinate Local Law No. 8 (Election Signs) 2019) 2023 (Amendment Subordinate Local law)*;
- make the explanatory note for the Amendment Local Law;
- adopt a consolidated version of *Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019*; and
- adopt a consolidated version of *Moreton Bay Regional Council Subordinate Local Law No. 8 (Election Signs) 2019*.

Council's consultation with relevant government entities about the overall State interest in the proposed Amendment Local Law has been completed. Some amendments to the proposed Amendment Local Law are proposed as a direct consequence of consideration of the feedback received in response to the consultation and further review.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as the purpose and general effect of the proposed Amendment Local Law and Amendment Subordinate Local Law is to ensure the effective regulation of election signs in the local government area, including on State-controlled roads.

**RESOLUTION**

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Karl Winchester

CARRIED 11/1

*Cr Mick Gillam voted against the motion*

1. That pursuant to section 29(2) of the *Local Government Act 2009*, Council resolves to make the *Amendment Local Law No.1 (Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019) 2023* (with amendments) marked "Appendix A" in the Supporting Information annexed to this report.
2. That pursuant to section 32(1) of the *Local Government Act 2009*, Council resolves to adopt the consolidated version of *Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019* marked "Appendix B" in the Supporting Information annexed to this report.
3. That pursuant to section 53(1) of *Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019*, Council resolves to make the explanatory note, marked "Appendix C" in the Supporting Information annexed to this report.
4. That Council resolves to propose to make the *Amendment Subordinate Local Law No.1 (Moreton Bay Regional Council Subordinate Local Law No. 8 (Election Signs) 2019) 2023* marked "Appendix D" in the Supporting Information annexed to this report.

*ITEM 6.3 MAKING OF THE AMENDMENT LOCAL LAW NO.1 (MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 8 (ELECTION SIGNS) 2019) 2023 AND THE AMENDMENT SUBORDINATE LOCAL LAW NO.1 (MORETON BAY REGIONAL COUNCIL SUBORDINATE LOCAL LAW NO. 8 (ELECTION SIGNS) 2019) 2023 - 68362637 (Cont.)*

5. That Council resolves that the proposed Amendment Subordinate Local Law No.1 (Moreton Bay Regional Council Subordinate Local Law No. 8 (Election Signs) 2019) 2023 only amends the Moreton Bay Regional Council Subordinate Local Law No. 8 (Election Signs) 2019 to make insubstantial changes, and the amendments do not affect an anti-competitive provision, such that steps 2 to 4 inclusive of Council’s adopted local law making process does not need to be satisfied.
  
6. That pursuant to section 29(2) of the Local Government Act 2009, Council resolves to make the Amendment Subordinate Local Law No.1 (Moreton Bay Regional Council Subordinate Local Law No. 8 (Election Signs) 2019) 2023 marked “Appendix D” in the Supporting Information annexed to this report.
  
7. That pursuant to section 32(1) of the *Local Government Act 2009*, Council resolves to adopt the consolidated version of *Moreton Bay Regional Council Subordinate Local Law No. 8 (Election Signs) 2019* marked “Appendix E” in the Supporting Information annexed to this report.
  
8. That the Chief Executive Officer be authorised to:
  - a) let the public know that the Amendment Local Law No.1 (Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019) 2023 and the Amendment Subordinate Local Law No.1 (Moreton Bay Regional Council Subordinate Local Law No. 8 (Election Signs) 2019) 2023 have been made by publishing a notice of making the local law and subordinate local law in accordance with section 29B of the Local Government Act 2009; and
  
  - b) do such other things as required under the *Local Government Act 2009* in respect of the *Amendment Local Law No.1 (Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019) 2023* and the *Amendment Subordinate Local Law No.1 (Moreton Bay Regional Council Subordinate Local Law No. 8 (Election Signs) 2019) 2023*, which includes giving the Minister a copy of the local law, the subordinate local law and the consolidated versions of the local law and subordinate local law and making a copy of the local law and subordinate local law available for inspection and purchase at Council’s public offices.
  
9. Further to Recommendation 1, that the following additional amendment to the Amendment Local Law (State Controlled Road) marked 6.3 in the Supporting Information annexed to this report, be included in the local law as made:

*In Part 6, Schedule 2 of the Proposed Amendment Local Law (State Controlled Roads 2024), on Page 6, table 1, between “Road 490 and Road 493” add the additional row:*

492	Kilcoy Beerwah Road	Intersection of Maleny Stanley River Road to Int D’Aguilar Road		
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ITEM 6.3 MAKING OF THE AMENDMENT LOCAL LAW NO.1 (MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 8 (ELECTION SIGNS) 2019) 2023 AND THE AMENDMENT SUBORDINATE LOCAL LAW NO.1 (MORETON BAY REGIONAL COUNCIL SUBORDINATE LOCAL LAW NO. 8 (ELECTION SIGNS) 2019) 2023 - 68362637 (Cont.)

## OFFICER'S RECOMMENDATION

1. That pursuant to section 29(2) of the *Local Government Act 2009*, Council resolves to make the *Amendment Local Law No.1 (Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019) 2023* (with amendments) marked "Appendix A" in the Supporting Information annexed to this report.
2. That pursuant to section 32(1) of the *Local Government Act 2009*, Council resolves to adopt the consolidated version of *Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019* marked "Appendix B" in the Supporting Information annexed to this report.
3. That pursuant to section 53(1) of *Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019*, Council resolves to make the explanatory note, marked "Appendix C" in the Supporting Information annexed to this report.
4. That Council resolves to propose to make the *Amendment Subordinate Local Law No.1 (Moreton Bay Regional Council Subordinate Local Law No. 8 (Election Signs) 2019) 2023* marked "Appendix D" in the Supporting Information annexed to this report.
5. That Council resolves that the proposed *Amendment Subordinate Local Law No.1 (Moreton Bay Regional Council Subordinate Local Law No. 8 (Election Signs) 2019) 2023* only amends the *Moreton Bay Regional Council Subordinate Local Law No. 8 (Election Signs) 2019* to make insubstantial changes, and the amendments do not affect an anti-competitive provision, such that steps 2 to 4 inclusive of Council's adopted local law making process does not need to be satisfied.
6. That pursuant to section 29(2) of the *Local Government Act 2009*, Council resolves to make the *Amendment Subordinate Local Law No.1 (Moreton Bay Regional Council Subordinate Local Law No. 8 (Election Signs) 2019) 2023* marked "Appendix D" in the Supporting Information annexed to this report.
7. That pursuant to section 32(1) of the *Local Government Act 2009*, Council resolves to adopt the consolidated version of *Moreton Bay Regional Council Subordinate Local Law No. 8 (Election Signs) 2019* marked "Appendix E" in the Supporting Information annexed to this report.
8. That the Chief Executive Officer be authorised to:
  - a) let the public know that the *Amendment Local Law No.1 (Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019) 2023* and the *Amendment Subordinate Local Law No.1 (Moreton Bay Regional Council Subordinate Local Law No. 8 (Election Signs) 2019) 2023* have been made by publishing a notice of making the local law and subordinate local law in accordance with section 29B of the *Local Government Act 2009*; and
  - b) do such other things as required under the *Local Government Act 2009* in respect of the *Amendment Local Law No.1 (Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019) 2023* and the *Amendment Subordinate Local Law No.1 (Moreton Bay Regional Council Subordinate Local Law No. 8 (Election Signs) 2019) 2023*, which includes giving the Minister a copy of the local law, the subordinate local law and the consolidated versions of the local law and subordinate local law and making a copy of the local law and subordinate local law available for inspection and purchase at Council's public offices.

*ITEM 6.3 MAKING OF THE AMENDMENT LOCAL LAW NO.1 (MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 8 (ELECTION SIGNS) 2019) 2023 AND THE AMENDMENT SUBORDINATE LOCAL LAW NO.1 (MORETON BAY REGIONAL COUNCIL SUBORDINATE LOCAL LAW NO. 8 (ELECTION SIGNS) 2019) 2023 - 68362637 (Cont.)*

## **REPORT DETAIL**

### **1. Background**

The *Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019 (Election Signs Local Law)* and the *Moreton Bay Regional Council Subordinate Local Law No. 8 (Election Signs) 2019 (Election Signs Subordinate Local Law)* were not identified as local laws requiring review as part of Council's Local Laws Review Project. However, as part of the State Interest Check on the local laws proposed as part of the Local Laws Review Project, it was identified that the Election Signs Local Law does not contain a schedule of State-controlled roads (**SCRs**) to which the law applies.

Council has a current agreement with the chief executive of the Department of Transport and Main Roads (**DTMR**) under section 66(5) of the *Transport Operations (Road Use Management) Act 1995 (TORUM Act)* to make laws about election signs for SCRs. It is generally the view of DTMR that local laws the subject of a TORUM Act agreement contain a schedule of the SCRs covered by the agreement. Some definitions in the Election Signs Local Law also require amendment to ensure relevant provisions can be regulated on SCRs.

Officers note the following key effects the Amendment Local Law will have:

- the Election Signs Local Law will contain a schedule of SCRs;
- sections 14, 16, 17, 20, 24 and 25 will apply to the SCRs specified in the Schedule (as well as local government controlled roads); and
- the title of the Election Signs Local Law will change to *Election Signs Local Law 2019* (this is an amendment to the title of the local law only and does not have the effect of repealing the Election Signs Local Law).

Explanatory Notes for the Amendment Local Law have also been prepared to support the local law. The Explanatory Notes contain information on:

- what the Amendment Local Law is trying to achieve and why; and
- an explanation of the intended operation of each section of the Amendment Local Law.

The making of the Amendment Local Law was progressed in accordance with Council's adopted Local Law Making Process marked "Appendix F" in the Supporting Information annexed to this report. Key steps completed to date include consultation with State government entities and a review of any anti-competitive provisions in the Amendment Local Law.

A Councillors' briefing was conducted on 19 September 2023 for the purpose of sharing information and providing advice/views to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

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

*Report to be brought to the next Council General Meeting for consideration to propose to make amendment to Council's Local Law No. 8 (Election Signs) 2019 (Election Signs Local Law) as follows:*

- *Schedule of all state-controlled roads (SCR's) to be included.*
- *Amend necessary definitions to enable regulation on SCR.*

ITEM 6.3 MAKING OF THE AMENDMENT LOCAL LAW NO.1 (MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 8 (ELECTION SIGNS) 2019) 2023 AND THE AMENDMENT SUBORDINATE LOCAL LAW NO.1 (MORETON BAY REGIONAL COUNCIL SUBORDINATE LOCAL LAW NO. 8 (ELECTION SIGNS) 2019) 2023 - 68362637 (Cont.)

The proposed Amendment Local Law was considered by Council at the General Meeting held on 4 October 2023 (MP. 23/1999):

**RESOLUTION**

1. That Council resolves to propose to make the *Amendment Local Law No.1 (Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019) 2023*, which is annexed to this report (**proposed Amendment Local Law**).
2. That Council resolves to propose to make the *Explanatory Notes - Amendment Local Law No.1 (Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019) 2023 (Explanatory Notes)*, which is annexed to this report.
3. That Council resolves that the proposed Amendment Local Law only amends the *Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019* to make insubstantial changes such that steps 3 and 5 of Council's adopted local law making process does not need to be satisfied.
4. That Council resolves, pursuant to section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer its powers under section 38 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012* to comply with the prescribed procedures for the review of any anti-competitive provisions in the proposed Amendment Local Law, which includes the power to:
  - a) identify any anti-competitive provisions in the proposed Amendment Local Law;
  - b) determine whether any identified anti-competitive provisions need to be reviewed;
  - c) decide the process for conducting a review of any identified anti-competitive provisions;
  - d) conduct a review of any identified anti-competitive provisions.

State interest check

The proposed Amendment Local Law was provided to all relevant State government entities to consult with those entities about the overall State interest in the proposed Amendment Local Law before making the local law, as required under section 29A of the *Local Government Act 2009 (State interest check)*. The State interest check commenced on 5 October 2023 and concluded on 9 November 2023. Council consulted with the following government entities:

- Department of State Development, Infrastructure, Local Government and Planning (**DSDILGP**); and
- Department of Transport and Main Roads (**DTMR**).

Both departments provided a response. The issues raised are summarised in Table 1, along with a summary of the proposed amendments to the proposed Amendment Local Law in response to the feedback.

**Table 1**

<b>Government entity</b>	<b>Feedback</b>	<b>Council officers' recommendation</b>
<b>DSDILGP</b>	DSDILGP did not identify any matters of adverse impact on State interests relevant to the department's portfolios. However, some formatting issues were noted.	Amend the proposed Amendment Local Law to address formatting issues raised by DSDILGP.
<b>DTMR</b>	DTMR advised they had nil response on the proposed Amendment Local Law	No amendments to the proposed Amendment Local Law required in response to the feedback. However, it is proposed that column 5 of table 1 in Schedule 2 be amended to note that Council cannot regulate election signs on the Bruce

ITEM 6.3 MAKING OF THE AMENDMENT LOCAL LAW NO.1 (MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 8 (ELECTION SIGNS) 2019) 2023 AND THE AMENDMENT SUBORDINATE LOCAL LAW NO.1 (MORETON BAY REGIONAL COUNCIL SUBORDINATE LOCAL LAW NO. 8 (ELECTION SIGNS) 2019) 2023 - 68362637 (Cont.)

Table 1		
Government entity	Feedback	Council officers' recommendation
		Highway. This reflects a condition of the current agreement of the chief executive of DTMR under s 66(5) of the TORUM Act. It is also proposed that reference to State-controlled road 10A Bruce Highway in line 1 item in Table 1, Schedule 2 be removed.

Copies of the responses received from the State departments and a detailed response to each of the matters raised are marked "Appendix G" and "Appendix H", respectively, in the Supporting Information annexed to this report.

Anti-competitive review

Section 38 of the *Local Government Act 2009 (LGA)* provides that a local government must not make a local law that contains an anti-competitive provision unless the local government has complied with the procedures prescribed under a regulation for the review of anti-competitive provisions (i.e. the National Competition Policy Guidelines (**NCP Guidelines**)). Council's adopted Local Law Making Process also requires Council to comply with the procedures prescribed under the *Local Government Regulation 2012* for review of anti-competitive provisions should the Amendment Local Law contain such.

An anti-competitive review of the proposed Amendment Local Law was undertaken according to the requirements of the NCP Guidelines and no anti-competitive provisions were identified. Accordingly, in making the proposed Amendment Local Law, Council may comply with the requirements of s 38 of the LGA.

**2. Explanation of Item**

Recommendation to make the Amendment Local Law No.1 (Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019) 2023 (with amendments)

Council has already complied with steps 1-5 of its adopted Local Law Making Process in relation to the Amendment Local Law, by:

- resolving to propose to make the proposed Amendment Local Law (step 1);
- consulting with relevant government entities about the overall State interest in the proposed Amendment Local Law (step 2);
- resolving that the proposed Amendment Local Law only amends an existing local law to make an insubstantial change, such that no public consultation is required (steps 3 and 5); and
- complying with the procedures prescribed under the *Local Government Regulation 2012* regarding anti-competitive provisions (step 4).

According to its adopted Local Law Making Process, Council may now, by resolution, decide to:

- make the proposed Amendment Local Law;
- make the proposed Amendment Local Law with amendments; or
- not proceed with the making of the proposed Amendment Local Law.

Some amendments are proposed to the proposed Amendment Local Law in response to the comments which Council received from the State departments as part of the State interest check process (explained in item 1 of this report) and minor typographical errors. These amendments are included in a marked-up version of the Amendment Local Law, which is marked "Appendix I" in the Supporting Information annexed to this report.



*ITEM 6.3 MAKING OF THE AMENDMENT LOCAL LAW NO.1 (MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 8 (ELECTION SIGNS) 2019) 2023 AND THE AMENDMENT SUBORDINATE LOCAL LAW NO.1 (MORETON BAY REGIONAL COUNCIL SUBORDINATE LOCAL LAW NO. 8 (ELECTION SIGNS) 2019) 2023 - 68362637 (Cont.)*

Officers do not consider any of the proposed amendments are so substantial that they require a further public consultation process. Accordingly, officers now consider it is open to Council to resolve to make the proposed Amendment Local Law with amendments (at "Appendix A" of the Supporting Information annexed to this report). It is recommended that Council proceed to make the Amendment Local Law with amendments in accordance with its Local Law Making Process.

Recommendation to make consolidated version of the *Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019*

If Council makes the Amendment Local Law, officers recommend that Council also make the consolidated version of the Election Signs Local Law (at "Appendix B" of the Supporting Information annexed to this report), which is a document that accurately combines the Election Signs Local Law as it was made with all the amendments made to the local law since it was originally made.

Recommendation to make the *Explanatory Note*

Under section 53 of the Election Signs Local Law, Council may make an "explanatory note" to assist in the interpretation of the local law. Explanatory notes are extrinsic material to assist in the interpretation of the local law. Where the meaning of a section of the local law is unclear or is debated, the community, Council or a Court can refer to the explanation of that section in the explanatory note to try and determine the meaning of the section. The information provided in the explanatory note is not intended to be an exhaustive statement on the subject, but rather a tool to inform of the operation and intent behind each section.

Officers consider that the explanatory note will assist the public, as well as Council officers tasked with enforcing the Election Signs Local Law, to understand the operation of the local law. Accordingly, officers recommend that Council resolve to make the explanatory note at "Appendix C" of the Supporting Information annexed to this report.

Recommendation to propose to make and make the *Amendment Subordinate Local Law No.1 (Moreton Bay Regional Council Subordinate Local Law No. 8 (Election Signs) 2019) 2023*

In line with the amendment to the Election Signs Local Law, it is proposed that the title of the Election Signs Subordinate Local Law be amended to *Election Signs Subordinate Local Law 2019*. This will achieve consistency in the naming convention across the suite of Council's local laws. Officers note that the proposed amendment simply amends the title of the Election Signs Subordinate Local Law and does not have the effect of repealing the subordinate local law. It is also proposed that references to the authorising local law be amended to reflect the amended short title of the Election Signs Local Law.

Under Council's adopted Local Law Making Process for making a subordinate local law (which is marked "Appendix F" in the Supporting Information annexed to this report), Council is not required to undertake public consultation (steps 2 to 4 inclusive) where it decides by resolution that the proposed amendment only amends an existing subordinate local law to make an "insubstantial change" and the amendment does not affect an anti-competitive provision. Officers consider the proposed amendments are an insubstantial change as they seek to only amend the title of the Election Signs Subordinate Local Law and references to the authorising local law. The amendments do not affect the operation of the subordinate local law. The Election Signs Subordinate Local Law does not contain any anti-competitive provisions and, as such, the amendments do not affect an anti-competitive provision. Accordingly, officers do not consider public consultation is required on the amendment and consider that steps 2 to 4 of Council's adopted local law-making process do not need to be satisfied.

Council may now, by resolution, decide to make the Amendment Subordinate Local Law.

Recommendation to make consolidated version of the *Moreton Bay Regional Council Subordinate Local Law No. 8 (Election Signs) 2019*

If Council makes the Amendment Subordinate Local Law, officers recommend that Council also make the consolidated version of the Election Signs Subordinate Local Law, which is a document that accurately combines the Election Signs Subordinate Local Law as it was made with all the amendments made to the subordinate local law since it was originally made.

*ITEM 6.3 MAKING OF THE AMENDMENT LOCAL LAW NO.1 (MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 8 (ELECTION SIGNS) 2019) 2023 AND THE AMENDMENT SUBORDINATE LOCAL LAW NO.1 (MORETON BAY REGIONAL COUNCIL SUBORDINATE LOCAL LAW NO. 8 (ELECTION SIGNS) 2019) 2023 - 68362637 (Cont.)*

Further process

If Council resolves to make the Amendment Local Law with amendments and the Amendment Subordinate Local Law and adopt the consolidated versions of the Election Signs Local Law and Election Signs Subordinate Local Law as recommended, officers recommend that Council authorise the chief executive officer to take the following steps to satisfy statutory requirements and Council's adopted Local Law Making Process:

- within 7 days after the date of the resolution to adopt the consolidated versions of the Election Signs Local Law and the Election Signs Subordinate Local Law, give a copy of the consolidated versions to the Minister (s 32(4) of the LGA);
- within 1 month after the date of the resolutions to make the Amendment Local Law and the Amendment Subordinate Local Law, let the public know that the local law and subordinate local law have been made by publishing a notice of making the local law and the subordinate local law in the Gazette and on Council's website (s 29B(1) to (4) of the LGA);
- as soon as practicable after the notice is published in the Gazette, ensure a copy of the Amendment Local Law and the Amendment Subordinate Local Law may be inspected and purchased at Council's public offices (s 29B(5) of the LGA);
- within 14 days after the notice is published in the Gazette, give the Minister a copy of the notice and a copy of the Amendment Local Law and the Amendment Subordinate Local Law in electronic form (s 29B(7) of the LGA); and
- update Council's local laws register (s 31(1) of the LGA).

**3. Strategic Implications**

3.1 Legislative / Legal Implications

Section 28 of the *Local Government Act 2009* permits Council to make and enforce any local law that is necessary or convenient for the good rule and local government of its local government area if certain criteria are met. Council can do this by following statutory requirements and its adopted Local Law Making Process.

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:  
Our Engaged Council: 03 Our communities are engaged, heard and informed.

- |     |   |                  |
|-----|---|------------------|
| 3.3 | <u>Policy Implications</u>              | ☑ Nil identified |
| 3.4 | <u>Risk Management Implications</u>     | ☑ Nil identified |
| 3.5 | <u>Delegated Authority Implications</u> | ☑ Nil identified |
| 3.6 | <u>Financial Implications</u>           | ☑ Nil identified |
| 3.7 | <u>Economic Benefit Implications</u>    | ☑ Nil identified |
| 3.8 | <u>Environmental Implications</u>       | ☑ Nil identified |
| 3.9 | <u>Social Implications</u>              | ☑ Nil identified |

*ITEM 6.3 MAKING OF THE AMENDMENT LOCAL LAW NO.1 (MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 8 (ELECTION SIGNS) 2019) 2023 AND THE AMENDMENT SUBORDINATE LOCAL LAW NO.1 (MORETON BAY REGIONAL COUNCIL SUBORDINATE LOCAL LAW NO. 8 (ELECTION SIGNS) 2019) 2023 - 68362637 (Cont.)*

3.10 Human Rights Implications

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

3.11 Consultation / Communication

- Customer Response Department
- Consultation with relevant State government entities about the overall State interest

## ITEM 6.4 REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 68309767 : 1 November 2023 - Refer Supporting Information 68380016,  
68367174, 68379902  
*Responsible Officer:* KC, Team Leader Executive Support (FCS Governance & Executive Services)

### Executive Summary

Council has a range of legislative powers conferred on it by the *Local Government Act 2009* (the Act) and other acts. For operational effectiveness, a number of Council's powers are delegated to the Chief Executive Officer (CEO). The CEO may then sub-delegate relevant powers to suitably qualified and experienced Council officers to exercise as required.

The Act requires the CEO to establish a Register of Delegations which must record all delegations made by the Council, Mayor or the CEO, with delegations from the Council to the CEO required to be reviewed annually.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as it relates to the annual review of delegations to ensure the efficient operations of Council in accordance with the Act, other relevant acts and Council's local laws and policies.

### RESOLUTION

Moved by Cr Yvonne Barlow

Seconded by Cr Jodie Shipway (Deputy Mayor)

CARRIED 12/0

1. That pursuant to section 257 of the *Local Government Act 2009*, Council confirms the existing delegated powers identified in supporting information #1 to this report.
2. That pursuant to section 257(1)(b) of the *Local Government Act 2009*, Council delegates all new and amended functions and powers to the Chief Executive Officer (based on the LGAQ register) as identified in supporting information #2 of this report.
3. That Council notes the existing functions and powers that are no longer required and will be removed from Council's Delegations Register as identified in supporting information #1 and #2 to this report.

*ITEM 6.4 REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER - 68309767 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That pursuant to section 257 of the *Local Government Act 2009*, Council confirms the existing delegated powers identified in supporting information #1 to this report.
2. That pursuant to section 257(1)(b) of the *Local Government Act 2009*, Council delegates all new and amended functions and powers to the Chief Executive Officer (based on the LGAQ register) as identified in supporting information #2 of this report.
3. That Council notes the existing functions and powers that are no longer required and will be removed from Council's Delegations Register as identified in supporting information #1 and #2 to this report.

## **REPORT DETAIL**

### **1. Background**

Section 257 of the *Local Government Act 2009* (the Act) allows a local government to delegate a power under the Act or another Act, other than where an Act specifically states that the power must be exercised by Council resolution. Section 257(1)(b) of the Act specifically provides for a power to be delegated to the CEO. Section 257(5) of the Act requires delegations to the CEO to be reviewed annually by Council.

The Local Government Association of Queensland (LGAQ), with the assistance of King and Company Solicitors, has developed a reliable and complete register of all delegations under State and Commonwealth statutes which should be delegated to a local government CEO (the LGAQ Register).

The LGAQ Register is generally updated twice a year during the two major Queensland Parliamentary recesses (summer and winter) when there is confidence that there will be no changes to Acts. Exceptions being when key legislation have major or important amendments, and in that circumstance, a special update is prepared and notified to subscribers. The most recent update to the LGAQ Register occurred in August 2023.

At its General Meeting of 18 February 2020 (Page 20/261), Council resolved to utilise the LGAQ Register as the basis for Council's delegation framework to facilitate a more efficient system for the annual review as required by the Act and to ensure that Council's delegations are up-to-date and remain consistent with Council's policy direction and intent.

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

The delegation register refers to the legislative power to make operational decisions and not each instance that an operational decision is exercised. This report does not change any existing resolution of Council outside the scope of the matters contained in the supporting information.

Council's Register of Delegations (Council to the CEO) currently comprises of:

- (a) all functions and powers delegated to it under the legislation listed in the LGAQ Register as at August 2022, and adopted 16 November 2022 (Council-150.03);
- (b) discrete ad-hoc delegations which do not directly relate to the functions and powers outlined in the LGAQ Register, but which are delegated for a specific purpose;
- (c) discrete ad-hoc delegations which directly correlate with the LGAQ Register, but which may be duplicated to retain related sub-delegations; and
- (d) powers under identified Moreton Bay Regional Council Local Laws and Subordinate Local Laws, as amended from time to time (Council-151).

*ITEM 6.4 REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER - 68309767 (Cont.)*

2.1 Delegations under existing Local Laws

In regard to powers under identified Moreton Bay Regional Council Local Laws and Subordinate Local Laws (Council-151), it must be noted that where relevant, the transitional provisions set out in each of the new local laws (made at General Meeting 8 November 2023 and today's General Meeting (Events Local Law)), provide that a decision made under a repealed local law that was in force immediately before the commencement of the new local laws, continues in force as if the decision were made under the new local laws.

Further, the Commercial Use of Public Land and Roads Local Law 2023 contemplates that for applications made under the to be repealed Moreton Bay Regional Council Local Law No. 1 (Administration) 2011 that have not been dealt with as at the commencement of the new local laws, those applications may still be decided under the repealed local laws.

For this reason, the existing delegations under Moreton Bay Regional Council Local Laws and Subordinate Local Laws (Council-151) must remain in place until such time as:

- a) all outstanding applications (as that term is defined in the proposed Commercial Use of Public Land and Roads Local Law 2023) have been decided; and
- b) all decisions made under the existing local laws have been finalised (i.e. the term of an approval has ended or the requirements of a compliance notice have been complied with).

Once all decisions under the existing local laws have been finalised, all of the existing delegations in respect of the repealed local laws may be revoked by Council resolution.

2.2 Review 2023

In accordance with section 257(5), an annual review of Council's Delegations Register has been undertaken for 2023. This includes review based on the LGAQ Register as at August 2023.

The following supporting information, updated in line with the annual review, is provided:

**Supporting Information #1** contains the complete register of all legislative delegations to the CEO and indicates where such delegations are no longer required, require amendment, or new delegations are recommended.

**Supporting Information #2** contains the complete LGAQ Register as at August 2023 (Schedule to Delegation Council-150) and indicates any legislative updates, omissions or new sections that have been identified since August 2022.

**Supporting Information #3** contains a complete register of the delegations to the CEO under Moreton Bay Regional Council Local Laws (Schedule to Delegation Council-151).

Following Council's adoption of an updated Register of Delegations, further consultation will occur with Council's department to ensure the appropriate assignment of sub-delegations for the CEO's decision.

### 3. Strategic Implications

3.1 Legislative/Legal Implications

Section 260 of the Act requires the CEO to establish a Register of Delegations which must record all delegations made by the Council, Mayor or the CEO

Section 257(5) of the Act requires that delegations from the Council to the CEO be reviewed annually.

This review and recommendations of this report are in accordance with the legislative requirements relating to delegation of powers to the CEO and to review these delegations annually.

*ITEM 6.4 REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER - 68309767 (Cont.)*

3.2 Corporate Plan / Operational Plan

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Engaged Council: 01 We are leaders in good governance and sustainably manage our finances and assets.

3.3 Policy Implications

This annual review and delegations process plays an important role in ensuring the efficient operations of Council in accordance with the Act, other relevant acts and Council's local laws and policies.

3.4 Risk Management Implications

This review and report ensures that the delegations to the CEO are up to date in accordance with the legislative requirements to review these delegations annually. The use of the LGAQ Register provides additional assurance that these delegations are accurate and current. This review will then provide a base for all future annual reviews.

3.5 Delegated Authority Implications

The adoption of the recommendations of this report and updated Register of Delegations will allow for a process of sub-delegation to appropriate Council officers to provide for the efficient day-to-day operations of Council.

Where appropriate existing discrete ad-hoc delegations which directly relate to functions and powers contained in the LGAQ Register may be removed to negate unnecessary duplication, noting that related sub-delegations will require amendment to reflect the new parent delegation.

3.6 Financial Implications  Nil identified.

3.7 Economic Benefit  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications  Nil identified

3.10 Human Rights Implications

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

3.11 Consultation / Communication

LGAQ Delegations Service  
CEO  
Relevant Council departments

**ITEM 6.6**

**LOCAL LAWS IMPLEMENTATION - 2023/24 FEES AND CHARGES AMENDMENTS**

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 68241924 : 9 November 2023 - **Refer Supporting Information 68275815; 68385348 & 68378343**  
*Responsible Officer:* SK, Manager Customer Response (CES Customer Response Services)

**Executive Summary**

Council's approval is sought for proposed amendments to the 2023/24 fees and charges necessitated by the introduction of the new local laws.

A review of the 2023/24 fees and charges was conducted to determine the amendments necessary to align with the requirements and frameworks contained within the new local laws.

The amended fees and charges are proposed to commence upon the gazettal of the new local laws, no later than 8 December 2023, and have effect until 30 June 2024.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as it relates to the amendment of fees and charges to align with the implementation of new local laws.

**RESOLUTION**

Moved by Cr Mark Booth

Seconded by Cr Cath Tonks

CARRIED 12/0

1. That the proposed amendments to the 2023/24 fees and charges as provided in *Supporting Information #1* be adopted and commence upon gazettal of the new local laws, no later than 8 December 2023.
2. That the Community & Environmental Services 2023/24 Fees and Charges Explanatory Notes be amended as detailed in *Supporting Information #3*.



*ITEM 6.6 LOCAL LAWS IMPLEMENTATION - 2023/24 FEES AND CHARGES AMENDMENTS - 68241924 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That the proposed amendments to the 2023/24 fees and charges as provided in *Supporting Information #1* be adopted and commence upon gazettal of the new local laws, no later than 8 December 2023.
2. That the Community & Environmental Services 2023/24 Fees and Charges Explanatory Notes be amended as detailed in *Supporting Information #3*.

## **REPORT DETAIL**

### **1. Background**

Council has undertaken a comprehensive review of its local laws; the implementation of the new local laws has driven the need to review the current 2023/24 fees and charges. The 2023/24 schedule of fees and charges were adopted by Council, with the associated Explanatory Notes (*refer Supporting Information #2*) being noted at the General Meeting on 31 May 2023.

The following resolution (Item 6.4) appears on minute page 23/1110 of the General Meeting held 31 May 2023:

#### **RESOLUTION:**

- 1. That the 2023/24 Schedule of Fees and Charges as provided in Supporting Information #1 be adopted and commence from 1 July 2023.**
- 2. That the explanatory notes included in Supporting Information #2 and #3 be noted.**

The new suite of local laws was adopted on 8 November 2023 and will be effective from the date of gazettal, no later than 8 December 2023.

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

A review of the current 2023/24 fees and charges was conducted to determine the amendments necessary to align with the requirements and frameworks contained within the new local laws.

The review identified:

- Some fees were no longer applicable.
- A number of new fees are required.
- An opportunity for the consolidation of some fee types.
- The requirement to update the statutory legislative source for a number of fees.

A Councillors' briefing was conducted on 14 November 2023 for the purpose of sharing information and providing advice/views to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

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

*A report to be provided to a future General Meeting for consideration.*

The proposed fees and charges amendments (*refer Supporting Information #1*) will be applicable from the gazettal of the new local laws, no later than 8 December 2023 up to 30 June 2024.

The proposed fees and charges would require an amendment to the Community & Environmental Services 2023/24 Fees and Charges Explanatory Notes, Sections 3, 4 and 5 as detailed in *Supporting Information #3*.

*ITEM 6.6 LOCAL LAWS IMPLEMENTATION - 2023/24 FEES AND CHARGES AMENDMENTS - 68241924 (Cont.)*

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

The amendments include updates to align with the relevant statutory legal source in accordance with requirements under the *Local Government Act 2009*.

#### 3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Engaged Council: 01 We are leaders in good governance and sustainably manage our finances and assets.

#### 3.3 Policy Implications

Nil identified

#### 3.4 Risk Management Implications

To ensure the ability to charge the appropriate fee, the commencement of the amended fees and charges is required to align with the date the new local laws come into effect, and the statutory reference must be correct.

#### 3.5 Delegated Authority Implications

Nil identified

#### 3.6 Financial Implications

The proposed amendments enable the application of appropriate fees in accordance with Council's Local Laws. There is no anticipated overall variance to the 2023/24 financial year income due to the fee changes. The fee structure has been simplified and there are no identified customer impacts.

#### 3.7 Economic Benefit Implications

Nil identified

#### 3.8 Environmental Implications

Nil identified

#### 3.9 Social Implications

Nil identified

#### 3.10 Human Rights Implications

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

#### 3.11 Consultation / Communication

- Director Community and Environmental Services
- Manager Customer Response
- Manager Accounting Services
- Legal Services

**ITEM 6.7  
FEES AND CHARGES AMENDMENT FOR ANIMALS FOR 2023/24 REGISTRATION PERIOD**

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 67954181 : 9 November 2023 - **Refer Supporting Information 68385348 & 68378348**  
*Responsible Officer:* SK, Manager Customer Response (CES Customer Response)

**Executive Summary**

Council's approval is sought for proposed amendments to the 2023/24 Fees and Charges for Animal Registrations - Initial Registration Period.

Council has received feedback in relation to the financial impact on customers, relating to fees, for initial (new) animal registrations paid part way through a registration period (1 October to 30 September each year) and the requirement to subsequently pay the full annual fee upon receipt of a renewal notice issued in September.

Council officers have considered the matter and propose a quarterly pro-rata rate be applied to initial animal registration fees through the application of a discount.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as it relates to budget and financial outcomes, including consideration of impacts on community and the requirement to support community safety and amenity.

**RESOLUTION**

**Moved by Cr Mick Gillam**

**Seconded by Cr Mark Booth**

**CARRIED 12/0**

- 1. That Council approve the proposed amendments to fees and charges for animals for the 2023/24 registration period as detailed in Table 1 of this report.**
- 2. That the Community and Environmental Services 2023/24 Fees and Charges Explanatory Notes be amended as detailed in *Supporting Information #2*.**

ITEM 6.7 FEES AND CHARGES AMENDMENT FOR ANIMALS FOR 2023/24 REGISTRATION PERIOD - 67954181  
(Cont.)

### OFFICER'S RECOMMENDATION

1. That Council approve the proposed amendments to fees and charges for animals for the 2023/24 registration period as detailed in Table 1 of this report.
2. That the Community and Environmental Services 2023/24 Fees and Charges Explanatory Notes be amended as detailed in *Supporting Information #2*.

### **REPORT DETAIL**

#### **1. Background**

The 2023/24 Schedule of Fees and Charges were adopted by Council, with the associated Explanatory Notes (*refer Supporting Information #1*) being noted, at the General Meeting 31 May 2023 - Item 6.4.

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

#### **RESOLUTION:**

1. That the 2023/24 Schedule of Fees and Charges as provided in Supporting Information #1 be adopted and commence from 1 July 2023.
2. That the explanatory notes included in Supporting Information #2 and #3 be noted.

Initial (new) animal registrations paid part way through a registration period (1 October to 30 September each year) attract a full year fee and subsequently an annual renewal notice is issued in September of each year. Feedback has been received from customers in relation to pro-rata opportunities for initial (new) animal registrations.

A Councillors' briefing was conducted on 14 November 2023 for the purpose of sharing information and providing advice/views to Council on the matter.

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

*A report to be provided to a future General Meeting for consideration.*

*Further consideration of animal registration fees to be undertaken as part of the determination of Council's 2024/25 fees and charges.*

Council officers propose a quarterly pro-rata rate be applied to initial animal registration fees through the application of a discount.

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

Council's animal registration period is 1 October to 30 September each year. Council issues annual animal registration renewals in September of each year for payment by 1 October.

In response to feedback from customers in relation to pro-rata opportunities throughout the registration year, for initial (new) animal registrations, officers have considered the matter and propose a quarterly pro-rata rate be applied to initial animal registration fees through the application of a discount. (Table 1)

**Table 1 - Proposed quarterly pro-rata fees for 2023/24 registration period.**

ITEM 6.7 FEES AND CHARGES AMENDMENT FOR ANIMALS FOR 2023/24 REGISTRATION PERIOD - 67954181  
(Cont.)

	2023/24 Animal Registration Period		
	Jan - Mar (Q2)	Apr - Jun (Q3)	Jul - Sep (Q4)
<b>Quarterly discount</b>	<b>50%</b>	<b>75%</b>	<b>100%</b>
Cat Initial Registration Fee (\$42.00)	\$21.00	\$10.50	\$0.00
Cat Initial Registration Fee – Concession/Pensioner (\$32.00)	\$16.00	\$8.00	\$0.00
Dog Initial Registration Fee (\$48.00)	\$24.00	\$12.00	\$0.00
Dog Initial Registration Fee – Concession/Pensioner (\$38.00)	\$19.00	\$9.50	\$0.00

The proposal for a quarterly pro-rata fee rate to be applied from January to September 2024 would result in a reduction to projected 2023/24 revenue of approximately \$215,000.

The proposed fees and charges would require an amendment to the Community and Environmental Services 2023/24 Fees and Charges Explanatory Notes, being an addition to Section 4 - Pro Rata Fees - as detailed in *Supporting Information #2*.

Further consideration of animal registration fees will be undertaken as part of the 2024/25 budget process and determination of Council's 2024/25 fees and charges.

**3. Strategic Implications**

3.1 Legislative / Legal Implications  Nil identified

3.2 Corporate Plan linkage  
This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:  
Our Engaged Council: 04 We are responsive, trusted and provide great customer experiences.

3.3 Policy Implications  Nil identified

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implication  
Implementation of a quarterly pro-rata rate will result in a reduction to projected 2023/24 revenue of approximately \$215,000.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

*ITEM 6.7 FEES AND CHARGES AMENDMENT FOR ANIMALS FOR 2023/24 REGISTRATION PERIOD - 67954181  
(Cont.)*

3.9 Social Implications  Nil identified

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Director Community and Environmental Services  
Manager Customer Response

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**ITEM 6.8**  
**DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER - MORETON BAY CITY**  
**COUNCIL LOCAL LAWS AND SUBORDINATE LOCAL LAWS**

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 68362017 : 28 November 2023 - Refer Supporting Information 68361134  
*Responsible Officer:* KD, Chief Legal Counsel (CEO Office)

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**Executive Summary**

Council has a range of legislative powers conferred on it by *the Local Government Act 2009* (the Act) and other acts. For operational effectiveness, a number of Council's powers are delegated to the Chief Executive Officer (CEO). The CEO may then sub-delegate relevant powers to suitably qualified and experienced Council officers to exercise as required.

Following a comprehensive review of Council's Local Laws through its Local Laws Review Project, the commencement of the new Local Laws on gazettal (and no later than 8 December 2023) means that delegations, in addition to the current delegations relating to local laws, will be required to ensure these new laws can be appropriately administered.

This report recommends Council's endorsement of identified powers to the Chief Executive Officer under Council's new suite of Local Laws.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as it relates to the delegation of powers to ensure the efficient operations of Council in accordance with the Act, other relevant acts and Council's local laws and policies.

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**RESOLUTION**

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Moved by Cr Yvonne Barlow

Seconded by Cr Jodie Shipway (Deputy Mayor)

CARRIED 12/0

**That pursuant to section 257 of the *Local Government Act 2009*, Council delegates the functions and powers to the Chief Executive Officer as identified in supporting information #1 to this report.**

*ITEM 6.8 DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER - MORETON BAY CITY COUNCIL LOCAL LAWS AND SUBORDINATE LOCAL LAWS - 68362017 (Cont.)*

## OFFICER'S RECOMMENDATION

That pursuant to section 257 of the *Local Government Act 2009*, Council delegates the functions and powers to the Chief Executive Officer as identified in **supporting information #1** to this report.

### **REPORT DETAIL**

#### **1. Background**

Section 257 of the *Local Government Act 2009* (the Act) allows a local government to delegate a power under the Act or another Act, other than where an Act specifically states that the power must be exercised by Council resolution. Section 257(1)(b) of the Act specifically provides for a power to be delegated to the CEO. Section 257(5) of the Act requires delegations to the CEO to be reviewed annually by Council.

At its General Meeting of 8 November 2023, Council resolved to make the new suite of Local Laws. To ensure these new Laws can be appropriately administered on commencement, it is necessary to ensure that Council's delegations are up-to-date and remain consistent with Council's policy direction and intent.

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

Delegations under existing Moreton Bay Regional Council Local Laws and Subordinate Local Laws are contained in Council's Register of Delegations (Council to the CEO) as Delegation Council-151.02. For clarity, the existing Local Laws delegations (Council-151.02) will continue to apply until such time as all applications made pursuant to those existing laws have been finalised.

Council's confirmation of delegations under the existing Local Laws (Council-151.02) has been separately considered as part of the "Review of Delegations to the Chief Executive Officer" report (Item 6.4 on today's meeting agenda).

At its General Meeting of 8 November 2023, Council resolved to make the new suite of Local Laws relating to:

- Alteration of Public Land Local Law 2023
- Animal Management Local Law 2023 and the Animal Management Subordinate Local Law 2023
- Bathing Reserves Local Law 2023 and the Bathing Reserves Subordinate Local Law 2023
- Commercial Use of Public Land and Roads Local Law 2023
- Camping on Public Land Local Law 2023
- Cemeteries Local Law 2023 and the Cemeteries Subordinate Local Law 2023
- Events Local Law 2023
- Community Standards for Private Land Local Law 2023 and the Community Standards for Private Land Subordinate Local Law 2023
- Community Standards for Public Land and Roads Local Law 2023 and the Community Standards for Public Land and Roads Subordinate Local Law 2023
- Parking Local Law 2023 and the Parking Subordinate Local Law 2023
- Signs Local Law 2023
- Temporary Homes Local Law 2023 and the Temporary Homes Subordinate Local Law 2023
- Waste Management Local Law 2018

and Item 6.3 on today's agenda (General Meeting 22 November):

- Election Signs Local Law 2019

To ensure the new Laws can be appropriately administered on commencement, it is necessary to ensure that Council's delegations are up-to-date and remain consistent with Council's policy direction and intent.



*ITEM 6.8 DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER - MORETON BAY CITY COUNCIL LOCAL LAWS AND SUBORDINATE LOCAL LAWS - 68362017 (Cont.)*

**Supporting Information #1** contains the list of recommended delegated powers under identified Moreton Bay City Council Local Laws and Subordinate Local Laws, as amended from time to time.

On adoption, these delegations will be identified in the Delegations Register as delegation Council-270 that for completeness will be in addition to, and may include some duplication of, delegations under existing Local Laws (Council-151.02).

Following Council's adoption of these delegations, further consultation will occur with Council's department to ensure the appropriate assignment of sub-delegations for the CEO's decision.

### **3. Strategic Implications**

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

Section 28 of the *Local Government Act 2009* permits Council to make and enforce any local law that is necessary or convenient for the good rule and local government of its local government area if certain criteria are met. Council can do this by following statutory requirements and its adopted Local Law Making Process.

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

Our Engaged Council: 01 We are leaders in good governance and sustainably manage our finances and assets.

#### **3.3 Policy Implications**

The delegations process plays an important role in ensuring the efficient operations of Council in accordance with the Act, other relevant acts and Council's local laws and policies.

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

The delegation of powers to the CEO will ensure the new Laws can be appropriately administered on commencement.

These delegations will form part of the annual review of delegations from Council to the CEO going forward, to ensure they remain up to date in accordance with legislative requirements.

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

The adoption of the recommendations of this report relating specifically to delegations from Council to the CEO under its recently made Local Laws and Subordinate Local Laws will allow for a process of sub-delegation to appropriate Council officers to provide for the efficient day-to-day operations of Council.

3.6 Financial Implications  Nil identified.

3.7 Economic Benefit  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications  Nil identified

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

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

3.11 Consultation / Communication  
CEO

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

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### ITEM 12.1 CITY OF MORETON BAY - AWARDS

Cr Matt Constance presented the **Local Government Mutual Services 2023 Risk Excellence Award** for the South East Queensland District, won by City of Moreton Bay (and accepted at the recent LGAQ Conference).

The award was for the rooftop AI asset management, drones and safety project, which Cr Constance said was a significant project and extended congratulations to the staff involved.

Mayor Flannery also acknowledged the award, noting the use of drone services as part of the project and that it was a great use of technology.

Cr Karl Winchester presented the **GovHack - Winner Best Government Participation (Local Council)** Award, received by Council at the recently held 2023 International GovHack awards. Cr Winchester conveyed his thanks for staff for their participation.

### ITEM 12.2 REGIONAL EVENTS

Cr Mick Gillam reported on the annual **Battle of the Brains** competition held on 9 November 2023 of which approximately 300 students participated. The winning school was Bray Park State School, and Mango Hill State School and St Benedicts, Mango Hill in second and third place. Cr Gillam also provided his thanks to the teachers for their attendance.

The Mayor also acknowledged Cr Gillam for establishing the event over 30 years ago.

### 13. CLOSED SESSION

*(s254J of the Local Government Regulation 2012)*

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

**RESOLUTION to move into closed session** to discuss confidential matters.

*Motions, other than procedural motions, cannot be moved in closed session.*

**RESOLUTION to reconvene in open session** to decide those matters discussed whilst in closed session.

### CLOSED SESSION

#### RESOLUTION

Moved by Cr Cath Tonks

Seconded by Cr Sandra Ruck

CARRIED 12/0

**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 11.43am (livestreaming paused)

### ATTENDANCE

Cr Mick Gillam left the meeting at 11.45am during discussion on Item C.1.

**With the Chief Executive Officer's approval, Lindsay Alford from Argus Probity & Procurement attended at 11.48am for discussion on Item C.2.**

### OPEN SESSION

#### RESOLUTION

Moved by Cr Sandra Ruck

Seconded by Cr Darren Grimwade

CARRIED 11/0

*Cr Mick Gillam had left the meeting during closed session*

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

The open session (and livestreaming) resumed at 11.57am.

**14. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL**

**ITEM C.1 – CONFIDENTIAL**

**LAND ACQUISITIONS - SAMFORD VALLEY - PATHWAY CONSTRUCTION**

**Meeting / Session:** 4 WELL-CONNECTED PLACES (Cr A Hain / Cr M Gillam)

**Reference:** 68133383: 10 October 2023 - Refer **Confidential** Supporting Information 68133384

**Responsible Officer:** EJ, Senior Land Dealings Officer (IP Property Services)

**Basis of Confidentiality**

Pursuant to s254J(3)(h) of the Local Government Regulation 2012, as the matter involves negotiations relating to the taking of land by the local government under the *Acquisition of Land Act 1967*.

**Executive Summary**

This matter is brought to the attention of Council under the **Well-connected places portfolio** as it relates to the proposed acquisition of property for the construction of a pathway for use by pedestrians or cyclists to encourage safe public access through this part of the local government area.

The supporting information to this report is confidential to the extent that it contains information that is confidential to the Council and is made available to Councillors for the purposes of this meeting, in accordance with sections 254D(3) and 254D(5) of the *Local Government Regulation 2012*.

**RESOLUTION**

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Yvonne Barlow

**CARRIED 11/0**

1. That Council delegates to the Chief Executive Officer the power to negotiate and finalise the commercial acquisition by negotiation of the land as described in this confidential report for purposes relating to Active Transport, specifically a pathway.
2. That Council authorises the Chief Executive Officer to do all other things reasonable and necessary to give effect to the commercial acquisition by negotiation of the land as described in this confidential report for purposes relating to Active Transport, specifically a path in accordance with this report.
3. That failing a commercial acquisition by negotiation of the land as described in this report on terms satisfactory to the Chief Executive Officer, Council as the constructing authority under the *Acquisition of Land Act 1967* (ALA) decide to take the land as described in this report for purposes relating to Active Transport, specifically a pathway in accordance with the requirements of the ALA.
4. That Council delegates to the Chief Executive Officer the power to do all things reasonable and necessary to give effect to the decision in Officer Recommendation 4 above, including without limitation to:
  - a. in accordance with section 7 of the ALA, serve a notice of intention to resume (which includes, without limitation, the power to prepare, sign, serve and amend the notice) on every person who to the knowledge of the Council:
    - i. will be entitled to claim compensation in respect of the taking of the land as described in this report; or
    - ii. is a mortgagee of the land as described in this report;

*ITEM C.1 – CONFIDENTIAL LAND ACQUISITIONS - SAMFORD VALLEY - PATHWAY CONSTRUCTION - 68133383 (Cont.)*

- b. in accordance with section 8(1) of the ALA, hear any objections to the taking of the land as described in this report;**
- c. in accordance with section 8(2) of the ALA, consider any objections to the taking of the land as described in this report;**
- d. in accordance with section 9(1) of the ALA, if after consideration of all objections (if any) the Chief Executive Officer is of the opinion that the land as described in this report is required for the purposes relating to Active Transport, specifically a pathway, make an application to the Minister administering the ALA to take the land;**
- e. enter into a resumption agreement under section 15 of the ALA with any affected person as defined by section 15(2) of the ALA, including the fixing of compensation payable, and for its payment;**
- f. negotiate, make, vary and discharge all documents (including a resumption agreement) relevant to effecting the decision; and**
- g. to settle the claims for compensation if the Land is compulsorily acquired.**

**ITEM C.2 – CONFIDENTIAL****DISPOSAL OF PROPERTIES VIA EXPRESSIONS OF INTEREST CAMPAIGNS**

**Meeting / Session:** 5 PROGRESSIVE ECONOMY (Cr K Winchester / Cr T Latter)  
**Reference:** 68360768 : 6 November 2023 - Refer **Confidential Supporting Information**  
68364754 & 68364753  
**Responsible Officer:** KC, Principal Investment Lead (CEO Economic Development)

**Basis of Confidentiality**

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

**Executive Summary**

At its General Meeting held on 16 August 2023 (MP. 23/1777), Council resolved to dispose of land by way of an Expression of Interest (EOI) process before inviting written tenders for two properties described as:

1. 28-40 North Lakes Drive, North Lakes, (Lot 81 on Survey Plan 236568); and
2. 94 Lower King Street, Caboolture (L284 / CG3599 & L1 / RP110304 & L17 / C313 & L222 /CG2904).

This report recommends the initiation of the next phase in the land disposal process, which involves inviting shortlisted proponents to participate in a Request for Tender (RFT) process involving a more detailed tender proposal, which will be evaluated further for the selection of a preferred proponent for each site.

This matter is brought to the attention of Council under the **Progressive Economy portfolio** as it provides significant potential economic uplift for the region as it strives to achieve its Regional Economic Development Strategy and Tourism Opportunity Plan goals.

The supporting information to this report is confidential to the extent that it contains information that is confidential to the Council and is made available to Councillors for the purposes of this meeting, in accordance with sections 254D(3) and 254D(5) of the *Local Government Regulation 2012*.

**RESOLUTION**

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Matt Constance

CARRIED 11/0

1. That Council is satisfied that the shortlisted proponents, as described in this report, align with Council's strategic goals for the sites and have the capability and capacity to deliver their proposed developments.
2. That, under section 228(7)(b) of the *Local Government Regulation 2012*, Council decides to invite the shortlisted proponents to participate in the RFT stage of the EOI land disposal process.
3. That Council agrees to commence a 16-week Request for Tender process from 13 December 2023 to 8 April 2024 for each site.
4. That the Chief Executive Officer is authorised to do all things necessary to complete the tender processes, as described in this report, including, but not limited to, acting in accordance with sections 228(7)-10 of the *Local Government Regulation 2012*, inviting tenders from an appropriate shortlist of respondents.
5. That the Chief Executive Officer will recommend preferred tenderers (if any) to Council for approval.

**15. CONFIDENTIAL GENERAL BUSINESS**

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No items for consideration.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 23/2422 to 23/2572 constitute the minutes of the General Meeting of the Moreton Bay City Council held 22 November 2023.

\_\_\_\_\_  
Scott Waters  
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Wednesday 13 December 2023.

\_\_\_\_\_  
Scott Waters  
Chief Executive Officer

\_\_\_\_\_  
Councillor Peter Flannery  
Mayor