



AGENDA

GENERAL MEETING

Wednesday 31 March 2021

commencing at 9:30am

Caboolture Chambers
2 Hasking Street, Caboolture

COUNCILLOR:

NOTICE IS HEREBY GIVEN, that a General Meeting of the Moreton Bay Regional Council will be held on Wednesday 31 March 2021 commencing at 9:30am in Caboolture Chambers, 2 Hasking Street, Caboolture to give consideration to the matters listed on this agenda.

Anthony Martini
Acting Chief Executive Officer

25 March 2021

Membership = 13
Mayor and all Councillors

Quorum = 7

Agenda for public distribution

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STATEMENT - ATTENDEES AND LIVESTREAMING

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

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

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

1. ACKNOWLEDGEMENT OF COUNTRY

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

2. OPENING PRAYER / REFLECTION

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

3. ATTENDANCE & APOLOGIES

Attendance:

Cr Peter Flannery (Mayor) (Chairperson)

Apologies:

Cr Mick Gillam

4. MEMORIALS OR CONDOLENCES

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

5. CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

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

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

Attachment #1 Unconfirmed Minutes - General Meeting 17 March 2021

6. PRESENTATION OF PETITIONS

(Addressed to the Council and tabled by Councillors)

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

7. CORRESPONDENCE

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

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

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

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

Attachment #1 Petition response letter - Noela Shaw

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

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

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

Attachment #1 Petition response letter - Luka Janes-Doherty

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

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

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

Attachment #1 Petition response letter - Deborah Harrison

8. COMMUNITY COMMENT

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

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

(s262 of the Local Government Regulation 2012)

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

10. CONFLICTS OF INTEREST NOTIFIED TO THE CEO

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

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

(as referred by the Chief Executive Officer)

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

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

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

1 GOVERNANCE & ENGAGEMENT SESSION

(Cr P Flannery, Mayor)

ITEM 1.1

2021 MEETING SCHEDULE - AMENDMENT

Meeting / Session: 1 GOVERNANCE & ENGAGEMENT
Reference: 61551107 : 18 March 2021
Responsible Officer: KC, Team Leader Executive Support (FCS Governance & Executive Services)

Executive Summary

Pursuant to s254B(1) of the Local Government Regulation 2012, Council must, at least once in each year, adopt and publish a notice of the days and times when its General (ordinary) meetings, and ordinary Standing Committee meetings, will be held.

At its General Meeting of 12 November 2020, the Meeting Schedule for the period January to December 2021 was adopted.

The purpose of this report is to recommend an amendment to the adopted 2021 Meeting Schedule to bring forward the Special Meeting to adopt the 2021/22 Budget.

OFFICER'S RECOMMENDATION

1. That the 2021 Meeting Schedule be amended by rescheduling the Special Meeting (adoption of 2021/22 Budget) from 26 June 2021 to 18 June 2021 commencing at 9.00am in the Strathpine Council Chambers.
2. That the amendment to the adopted Meeting Schedule for the period January to December 2021 be published on Council's website in accordance with s254B(4) of the Local Government Regulation 2012, and be displayed in each of Council's administration buildings.

ITEM 1.1 2021 MEETING SCHEDULE - AMENDMENT - 61551107 (Cont.)

REPORT DETAIL

1. Background

The 2021 Meeting Schedule was adopted by Council at its General Meeting of 12 November 2020 (P. 20/1877).

As required, the meeting schedule is displayed on Council's website and in each of the Council's administration buildings.

2. Explanation of Item

Subsequent to the adoption of the 2021 Meeting Schedule, further consideration has been given to the days/times necessary to accommodate budget deliberations. In line with these considerations, it is recommendation that the adoption of the 2021/22 Budget be brought forward to Friday 18 June 2021.

As required, Council must publicly notify any change to the days and times of its meetings in the same way as the days and times were previously notified, pursuant to s254B (4) of the Local Government Regulation 2012.

3. Strategic Implications

3.1 Legislative / Legal Implications

Council meetings are conducted in accordance with the Local Government Regulation 2012. Amendments to the publicised schedule must be notified as required under s254B (4) of the Local Government Regulation 2012.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications ☒ Nil identified

3.4 Risk Management Implications ☒ Nil identified

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications ☒ Nil identified

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications ☒ Nil identified

3.11 Consultation / Communication

The proposed amendment to the 2021 Meeting Schedule has been prepared in consultation with the Mayor and Councillors and Chief Executive Officer.

ITEM 1.2

2021 ASIA PACIFIC CITIES SUMMIT & MAYOR'S FORUM SPECIAL EDITION

Meeting / Session: 1 GOVERNANCE & ENGAGEMENT
Reference: 61778461 : 16 March 2021
Responsible Officer: KR, Executive Support Officer (CEOs Office)

Executive Summary

The purpose of this report is to seek Council approval for Cr Peter Flannery (Mayor) and to attend in the 2021 Asia Pacific Cities Summit & Mayor's Forum Special Edition (2021APCS Special Edition) to be held in Brisbane from 8-12 September 2021.

Approval is also sought for officer attendance at this Summit to be arranged as appropriate by the Chief Executive Officer.

OFFICER'S RECOMMENDATION

1. That Cr Peter Flannery (Mayor) be authorised as Council's delegate to attend the 2021 Asia Pacific Cities Summit & Mayor's Forum Special Edition to be held in Brisbane from 8-12 September 2021.
2. That officer attendance at this Summit be arranged as appropriate by the Chief Executive Officer.

ITEM 1.2 2021 ASIA PACIFIC CITIES SUMMIT & MAYOR'S FORUM SPECIAL EDITION - 61778461 (Cont.)

REPORT DETAIL

1. Background

Advice has been received that the 2021 Asia Pacific Cities Summit & Mayor's Forum Special Edition (2021APCS Special Edition) will be held in Brisbane from 8-12 September 2021. Councillor Peter Flannery (Mayor) has expressed an interest in attending this Summit.

2. Explanation of Item

As this is the first Special Edition of the Summit, items addressed will include the COVID-19 pandemic and its impact on local government, society and lifestyle. It will also be one of the first opportunities for leaders to connect since the crisis and discuss how the local government landscape has been redefined.

The overarching theme of the 2021APCS Special Edition is 'Redefining Cities through Opportunities and Challenges', with sub-themes consisting of:

- Healthy Cities - strengthening agility, wellbeing and sustainability;
- Vibrant Cities - celebrating and enhancing creativity, diversity and tourism;
- Connected Cities - redefining connections and movement; and
- Intelligent Cities - harnessing and supporting talent, innovation and business.

3. Strategic Implications

3.1 Legislative / Legal Implications ☒ Nil identified

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

3.3 Policy Implications
Arrangements will be made in accordance with Council's Professional Development Policy 2150-089.

3.4 Risk Management Implications ☒ Nil identified

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications
Appropriate funds have been provided in the draft 2021/22 budget.

3.7 Economic Benefit Implications
Topics associated with the conference will address a range of economic challenges facing local government.

3.8 Environmental Implications
Topics associated with the conference will address a range of environmental challenges facing local government.

3.9 Social Implications
Topics associated with the conference will address a range of social challenges facing local government.

3.10 Human Rights Implications ☒ Nil identified

3.11 Consultation / Communication
Consultation was undertaken with the Mayor and Chief Executive Officer.

ITEM 1.3 AGREEMENT - FOOD AND AGRIBUSINESS NETWORK

Meeting / Session: 1 GOVERNANCE & ENGAGEMENT
Reference: 61798779 : 23 March 2021 - **Refer Supporting Information 61799716**
Responsible Officer: SM, Principal Industry Lead (CEO Economic Development)

Executive Summary

In February 2021, Moreton Bay Regional Council adopted the Regional Economic Development Strategy (REDS) which highlighted the food and agribusiness sector as one of four key priority industries for the Moreton Bay Region. Council received a proposal from the Food and Agribusiness Network (FAN) to provide funding for a three-year period to support FAN's development of a Moreton Bay food and agribusiness cluster.

Given FAN's established network and engagement across the broader region, it would be difficult for another network group to acquire the specialised knowledge and connection with food and agribusiness businesses and stakeholders within the Moreton Bay region that FAN has built up at a regional and national level over the last five years.

It is therefore recommended that FAN be engaged to provide ongoing support to Council in the delivery of industry engagement and service delivery to the Moreton Bay food and agribusiness sector.

This matter is reported to Council as section 235(b) of the Local Government Regulation 2012 requires Council resolution regarding procurement of services where it is satisfied that it would be impractical or disadvantageous for quotes or tenders to be invited because of the specialised or confidential nature of the services that are sought.

OFFICER'S RECOMMENDATION

1. That in accordance with section 235(b) of the Local Government Regulation 2012, Council is satisfied that because of the specialised nature of the services to be provided it would be impractical or disadvantageous for the Council to seek quotes for the services.
2. That Council enters into an agreement with FAN as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with FAN for the work specified in this report and any required variations of the agreement on Council's behalf.

ITEM 1.3 AGREEMENT - FOOD AND AGRIBUSINESS NETWORK - 61798779 (Cont.)

REPORT DETAIL

1. Background

The Food and Agribusiness Network (FAN) is a not-for-profit industry led cluster that fosters a dynamic and supportive ecosystem for its members and facilitates growth opportunities for the Greater Sunshine Coast region's food and agribusiness industry, currently encompassing Moreton Bay, Sunshine Coast, Noosa and Gympie LGA's.

The establishment of the FAN itself, was an outcome of the Sunshine Coast Regional Economic Development Strategy and the food and agribusiness community expanded it to encompass neighbouring local government areas noting the amount of collaboration and partnership that was already happening and could be expanded upon, with the right framework.

Due to the growth that FAN has experienced over the past five years, FAN's Board has endorsed a new operating model to drive future growth and sustainability, whereby FAN will establish regional clusters in each region where it has a geographical footprint. Initially, this will be the four regional clusters of Moreton Bay, Sunshine Coast, Noosa and Gympie, with the potential to go beyond these regions.

FAN is seeking an initial three-year partnership with Moreton Bay Regional Council (MBRC) to establish, implement and partner with FAN to drive the growth and success of FAN Moreton Bay. A dedicated FAN cluster for Moreton Bay, will have a level of focus and specialisation that was not possible under FAN's previous Greater Sunshine Coast remit. In turn this will enable FAN, in partnership with MBRC, to deliver more opportunities for the region's food and agribusiness industry.

A Council briefing was conducted on 24 March 2021 for the purpose of sharing information and providing advice/views to Council on the matter. The outcome of the briefing was to submit the report to Council for consideration.

2. Explanation of Item

The MBRC REDS was adopted in February 2021 and highlighted the food and agribusiness sector as one of four key priority industries for the Moreton Bay Region. The food and agribusiness sector contributed just under \$1b to the Moreton Bay Regional economy in 2018/19 employing approximately 3,000 people. Additionally, agriculture has been an important part of the local economy, with the region producing 57% of Queensland's strawberries and 32% of the state's pineapples as well as world famous seafood, such as Moreton Bay bugs, prawns and crabs. While there are opportunities to continue expanding in these areas, there are also new areas to explore including oyster and seaweed production, more intensive agriculture, further value-adding and processing opportunities, and production of a range of food and beverage products. Additionally, with region building projects such as Wamuran Irrigation Scheme and the SEQ Northern Freight Terminal, the region will be well equipped to support the growth and future capability of local food and agribusiness.

Council's contribution to the growth of the region's food and agribusiness sector will be dependent on quality engagement and targeted, strategic service delivery. To support the bigger, bolder, brighter direction of the REDS, the industry advancement team will focus on building local business capability and provide support and opportunities for business retention, expansion and job creation. Collaboration with regional stakeholders and industry engagement experts is critical to this work and council should seek to leverage such organisations across the region and partnering with FAN will enable targeted focus and effort by government and industry on a range of priorities.

MBRC received a proposal from FAN seeking a funding commitment of \$25,000 per year over the next three years (Jan 2021-Dec 2023) to establish, implement and partner with FAN to support a dedicated FAN Cluster for the Moreton Bay LGA (FAN Moreton Bay).

FAN's vision is to actively contribute to doubling the food and agribusiness industry's value by 2030 in the regions where they operate. FAN already boast successful outcomes including:

- a member base of over 300 businesses;
- an audience of over 8,000 across FAN communication and social channels;

ITEM 1.3 AGREEMENT - FOOD AND AGRIBUSINESS NETWORK - 61798779 (Cont.)

- 12 member businesses from the Moreton Bay region - secured in 2020, while operating from the Sunshine Coast;
- featured Moreton Bay specific activity in over 90 posts on FAN social channels;
- facilitating opportunities for members to connect through monthly member meet ups, trade show support, FANConnect news sharing and FAN Member Private Facebook Group; and
- organising the Meet the Makers (MtM) event from 2019-2021. MtM is South East Queensland's largest food and beverage trade event, showcasing fresh produce and food & beverage products from Moreton Bay, Sunshine Coast, Noosa and Gympie. MBRC sponsored MtM21 on March 15, 2021 which supported 10 Moreton Bay food producers to exhibit on the day and connect with retail buyers and industry stakeholders.

Entering a direct contract with FAN is the efficient way to ensure that the support required for growth of the food and agribusiness sector across the region is enhanced. With the current lack of both an existing food and agribusiness industry network or general chamber of commerce in the locations of the regions where food growers and manufacturers predominantly operate, council would benefit from leveraging a respected and successful industry group like FAN which has a state and national reputation in this space and will assist in advocacy efforts for industry on important issues.

At this point in time, it would be difficult for another network group to form as well as acquire the specialised knowledge and established connection with businesses and food and agribusiness stakeholders within the Moreton Bay region which FAN has built up.

This report recommends that Council enter into a contract with FAN to carry out work/services across the Moreton Bay food and agribusiness sector to the amount of \$25,000 per year for three years from April 2021-April 2023.

3. Strategic Implications

3.1 Legislative / Legal Implications

Under the Local Government Regulation 2012, Council must seek quotes prior to entering into a contract for services with a supplier expected to be worth between \$15,000 and \$200,000 in a financial year, or over the proposed term of the contractual arrangement. This general requirement is subject to several limited exceptions.

Section 235(b) of the Local Government Regulation 2012 provides that Council can enter into a contractual arrangement without firstly seeking quotes if it resolves that, because of the specialised or confidential nature of the services sought, it would be impractical or disadvantageous to invite quotes or tenders.

3.2 Corporate Plan / Operational Plan

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

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

3.3 Policy Implications

☒ Nil identified

3.4 Risk Management Implications

Seeking a consultant who does not have the existing food and agribusiness connections and established profile across the region could increase Council's exposure to –

- delay the growth opportunities for the food and agribusiness sector as an industry group/consultancy builds a regional network.

3.5 Delegated Authority Implications

☒ Nil identified

3.6 Financial Implications

Council would provide financial support to FAN in the way of \$25,000 per year for three years dated from April 2021-April 2023.

ITEM 1.3 AGREEMENT - FOOD AND AGRIBUSINESS NETWORK - 61798779 (Cont.)

Total cost for a three-year support period = \$75,000

Funding is available within the Economic Development budget for this initiative.

3.7 Economic Benefit Implications

In council supporting FAN, a Moreton Bay food and agribusiness cluster will deliver:

- deeper and broader engagement with members in the Moreton Bay LGA;
- providing greater insights and understanding;
- profile, leverage and add value to council and industry related activities;
- increase program of activities that are aligned to the industry's priorities and needs in the region;
- increase profiling of the capabilities of Moreton Bay's food and agribusiness industry - locally, nationally and internationally; and
- support the direction of the REDS to achieve economic growth in working towards the bigger, brighter, bolder goals for MBRC.

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications ☒ Nil identified

3.11 Consultation / Communication
Chief Economic Development Officer
Head of Industry Advancement

SUPPORTING INFORMATION

Ref: [61799716](#)

The following list of supporting information is provided for:

ITEM 1.3

AGREEMENT - FOOD AND AGRIBUSINESS NETWORK

#1 Food and Agribusiness Network Annual Report 2020

ITEM 1.4

AGREEMENT - REGIONAL REPUTATION AS FACILITATOR OF ECONOMIC DEVELOPMENT STUDY

Meeting / Session: 1 GOVERNANCE & ENGAGEMENT
Reference: 61798781 : 23 March 2021 - **Refer Confidential Supporting Information 61798784**
Responsible Officer: KH, Manager Economic Intelligence (CEO Economic Development)

Executive Summary

In February 2021, Council adopted the Moreton Bay Regional Economic Development Strategy (REDS).

Throughout the development of the REDS, a lack of identity and regional reputation was highlighted by stakeholders as one of the key challenges in promoting the region's unique proposition for economic development and new investment attraction. Consequently, delivering a competitive regional business identity was identified as a priority action for the implementation of the REDS.

In order to ensure targeted and effective branding, messaging and imagery that fosters a positive and resilient reputation for Moreton Bay Region, as a competitive business destination, Council's Economic Development Division wish to collaborate with the University of the Sunshine Coast (USC) to undertake a study on Regional Business Reputation as a Facilitator of Economic Development for the Moreton Bay Region.

The specialised experience and knowledge required to deliver the necessary outcomes cannot be easily or practically duplicated by private consultancies or other universities given the unique positioning of USC in the region and the complimentary studies USC has already undertaken for other local government areas. Additionally, through a partnership arrangement, USC will be a co-investor in the cost of the research project, thereby delivering greater value for money for the rate payer.

This matter is reported to Council as section 235(b) of the Local Government Regulation 2012 requires Council resolution to purchase goods and services from a single supplier without seeking competitive quotations.

OFFICER'S RECOMMENDATION

1. That in accordance with section 235(b) of the Local Government Regulation 2012, Council is satisfied that because of the specialised nature of the services to be provided it would be impractical or disadvantageous for the Council to seek quotes for the services.
2. That Council enters into a partnership agreement with University of the Sunshine Coast as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging a partnership agreement with USC for the work specified in this report and any required variations of the agreement on Council's behalf.

ITEM 1.4 AGREEMENT - REGIONAL REPUTATION AS FACILITATOR OF ECONOMIC DEVELOPMENT STUDY - 61798781 : 23 March 2021 - (Cont.)

REPORT DETAIL

1. Background

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

During the stakeholder consultation for the development of the REDS, Council received feedback that there was a lack of identity and regional business reputation for the Moreton Bay Region. Further, feedback also included that stakeholders were often unclear about what the Region is and where it is going, along with concern that the Moreton Bay Region's is predominately seen as a location sandwiched between Brisbane and the Sunshine Coast.

With this feedback acknowledged as a key challenge through our stakeholder engagement, the Economic Development Division has identified that business reputation building requires targeted campaigns and continuous evaluation of the impact and effectiveness of such on the Region's reputation as a destination for knowledge-based industries. As USC has previously undertaken research relating to corporate and community reputation building, it is well positioned to undertake research to guide the development and evolution of the Region's reputation from a business attraction, retention and growth perspective.

This work will complement the implementation of the REDS existing action plan deliverables, including the delivery of competitive regional business identity campaigns to foster the Bigger, Bolder, Brighter goals.

A Council briefing was conducted on 24 March 2021 for the purpose of sharing information and providing advice/views to Council on the matter. The outcome of the briefing was to submit the report to Council for consideration.

2. Explanation of Item

The REDS acknowledge that the Moreton Bay Region, being the third largest local government area in Australia (by population), is at a disadvantage due to a lack of coherent regional identity and reputation as a business destination relative to the neighbouring Brisbane and Gold Coast Councils (the first and second largest Councils in Australia by population).

The aim of this study is to identify criteria and indicators, and to develop a measurement framework to assess and benchmark regional business reputation. The study will ascertain how the Moreton Bay Region is portrayed in the media; assess and benchmark local business residents' perceptions, as well as national business perceptions of Moreton Bay Region's business identity.

Through this study, the hallmarks for a positive regional reputation will be identified, as will key characteristics for reputational resilience. Tactics and content for reputation building will be identified and actioned; and, the changes in Moreton Bay Region's reputation will be assessed over a four-year period, to inform the REDS strategy and action plan for the long term.

The opportunity to work with USC will ensure a robust research methodology for gathering essential evidence to inform and contribute to future directions for developing and delivering competitive regional business identity campaigns.

It is proposed that a four-year study be undertaken to 2024, allowing for continuous review and implementation of preliminary finding throughout the course of the study. As such, reputation building campaigns undertaken over this period will be continuously evaluated for effectiveness of impact.

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

ITEM 1.4 AGREEMENT - REGIONAL REPUTATION AS FACILITATOR OF ECONOMIC DEVELOPMENT STUDY - 61798781 : 23 March 2021 - (Cont.)

This work program also enhances the strategic partnership with USC and its Petrie Campus at The Mill and enables collaboration with a range of staff and executive. The research findings and measures will be shared across Council and used to support other programs and in future funding submissions to both the State and Federal Governments.

3. Strategic Implications

3.1 Legislative / Legal Implications

Under the Local Government Regulation 2012, Council must seek quotes prior to entering into a contract for services with a supplier expected to be worth between \$15,000 and \$200,000 in a financial year, or over the proposed term of the contractual arrangement. This general requirement is subject to several limited exceptions.

Section 235(b) of the Local Government Regulation 2012 provides that Council can enter into a contractual arrangement without firstly seeking quotes if it resolves that, because of the specialised or confidential nature of the services sought, it would be impractical or disadvantageous to invite quotes or tenders.

3.2 Corporate Plan / Operational Plan

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

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

3.3 Policy Implications

Given the work required and the extensive specialist experience and knowledge offered by the supplier it would not be advantageous for MBRC to go to the market to complete this work.

3.4 Risk Management Implications

There are no risk management implications arising as a direct result of this report.

3.5 Delegated Authority Implications

☒ Nil identified

3.6 Financial Implications

The contract with University of the Sunshine Coast will be costed to the specific budget number relating to this work.

3.7 Economic Benefit Implications

Without a vibrant and growing economy, there would be a lack of jobs, income and wealth, which in turn would cause a number of far reaching social and community issues. The work that is undertaken in the REDS strategy provides a framework of actions to ensure a strong and vibrant local economy including the creation of jobs which will lead to economic and community benefits for the region.

3.8 Environmental Implications

☒ Nil identified

3.9 Social Implications

☒ Nil identified

3.10 Human Rights Implications

☒ Nil identified

3.11 Consultation / Communication

Chief Economic Development Officer
Manager Economic Intelligence

SUPPORTING INFORMATION

Ref: 61798784

The following list of supporting information is provided for:

ITEM 1.4

AGREEMENT - REGIONAL REPUTATION AS FACILITATOR OF ECONOMIC DEVELOPMENT STUDY

Confidential #1 Partnership Arrangements

2 INFRASTRUCTURE PLANNING SESSION

(Cr A Hain)

ITEM 2.1

WASTE SERVICES ASSET MANAGEMENT PLAN

Meeting / Session: 2 INFRASTRUCTURE PLANNING
Reference: 61715582 : 31 March 2021 - **Refer Supporting Information 61650849**
Responsible Officer: JF, Asset Management Manager (IP Asset Management)

Executive Summary

The purpose of this report is to present the Waste Services Asset Management Plan to Council for adoption. Waste service assets represent a significant risk should they not be maintained appropriately. The waste services asset portfolio has a total estimated value of \$216.1 million across 28 facilities, and services 350,000 waste and recycling wheelie bins distributed to over 173,000 households and businesses.

The Waste Services Asset Management Plan (AMP) proposes that Council should retain the current operations, maintenance and recycling activity budget (\$10.5M p.a.), the current reactive maintenance budget (\$34K p.a.), and the current programmed maintenance budget (\$107K p.a.). The AMP also proposes that Council retain the current capital budget for new/upgrade/renewal assets of \$65.5M over 10 years then increase the capital budget by \$1.5 million p.a. from financial year 2031 onwards to allow for increased renewal expenditure.

The capital funding increases beyond year 2031 will ensure the existing asset base is maintained to an adequate condition. This will significantly reduce the risk of asset failures, health and safety risks and will minimise the likelihood of expensive lump sum replacement expenditure in the future.

OFFICER'S RECOMMENDATION

1. That the Waste Services Asset Management Plan be adopted, as tabled.
2. That provision be made in the next long term financial forecast for the capital funding required beyond financial year 2031 (FY2031) to progressively improve and upgrade the Council's waste service assets to meet the standards of service outlined in the Waste Services Asset Management Plan. The budget allocation recommendations are:
 - a) Retain the current operations, maintenance and recycling activity budgets of \$10.5M per annum.
 - b) Retain the current reactive maintenance budget of \$34,000 per annum.
 - c) Retain the current programmed maintenance budget of \$107,000 per annum.
 - d) Retain the current capital budget for new/upgrade/renewals up to FY2030 (i.e. \$65.5M over 10 years) and then increase by \$1.50M per annum from FY2031 onwards for renewal expenditure.

ITEM 2.1 WASTE SERVICES ASSET MANAGEMENT PLAN - 61715582 (Cont.)

REPORT DETAIL

1. Background

A Council briefing was conducted on 17 March 2021 for the purpose of sharing information and providing advice/views to Council on the matter, and to receive Councillor feedback and input.

Council Briefing outcomes were noted as follows:

- The Waste Services Asset Management Plan to be submitted to a General Meeting for consideration of adoption.

As part of the ongoing development of Council's asset management planning, a Waste Services Asset Management Plan (AMP) has been developed. The AMP outlines Council's approach to the management of waste services assets located throughout the Moreton Bay Regional Council (MBRC) region. The AMP communicates the current and future requirements for the maintenance, replacement and additional assets necessary to deliver sustainable, regulatory compliant, waste services to the Moreton Bay community within appropriate levels of service. The plan also provides the basis for long-term financial planning, including provisions for improvement initiatives that ensure physical assets keep pace with population growth and waste to landfill reduction targets.

The Council's waste services asset portfolio has a total estimated value of \$216.1 million across 28 facilities, and services 350,000 waste and recycling wheelie bins distributed to over 173,000 households and businesses. Table 1 summarises the Council's waste services assets, the range of expected useful lives for each asset type, average age, and current replacement cost.

Asset Type Description	Quantity	Expected Useful Life (Years)	Current Average Age (Years)	Current Replacement Cost
Barriers and retaining walls	436	20 - 50	4.2	\$8,076,680
Buildings and shelters	844	20 - 50	9.4	\$17,368,712
Fleet	58	5 - 15	6.2	\$9,700,000
Gas extraction	482	10 - 100	13.1	\$12,309,430
Kerbside Bins	350,000	10 - 15	7.0	\$15,800,000
Landfill cells	26	10 - 100	10.6	\$77,970,477
Leachate systems	45	15 - 100	11.8	\$12,861,528
Lighting, security and CCTV	86	15 - 100	10.3	\$979,784
Monitoring Systems	92	10 - 50	9.7	\$10,375,000
Other waste facility infrastructure	399	10 - 25	7.0	\$27,807,098
Plant & Equipment	60	10 - 80	15.7	\$610,982
Portable and Attractive Items	214	5 - 10	3.8	\$200,000
Ro Ro Bins	80	20 - 80	9.7	\$1,417,530
Roads, pathways and paved areas	440	20 - 70	4.0	\$5,493,245
Stormwater	395	30 - 70	7.5	\$10,792,450
Water and Sewer Services	90	10 - 50	6.2	\$1,051,444
Weighbridges	38	10 - 20	5.3	\$3,344,376
Total	353,785			\$216,158,736

Table 1 - Current Replacement Cost by Waste Services Asset Type

ITEM 2.1 WASTE SERVICES ASSET MANAGEMENT PLAN - 61715582 (Cont.)

The two Figures below shows the age profile and condition rating for the Council's waste service assets, which indicates the number of assets and their total current replacement cost within each age band, and the current condition. As age reflects the year in which the assets were built, the profile also indicates the pattern in which they were acquired over time.

The last 10 years has seen by far the largest number of waste service asset acquisitions, around 68% of the portfolio's current replacement cost, gained after Council amalgamation. Due to the relatively low age of the asset base, the asset condition ratings are understandably ranging from very good to fair.

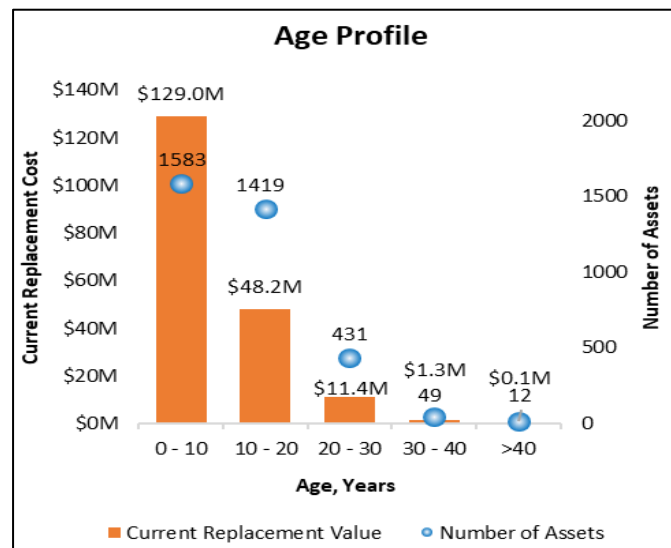


Figure 1 - Asset Age Profile

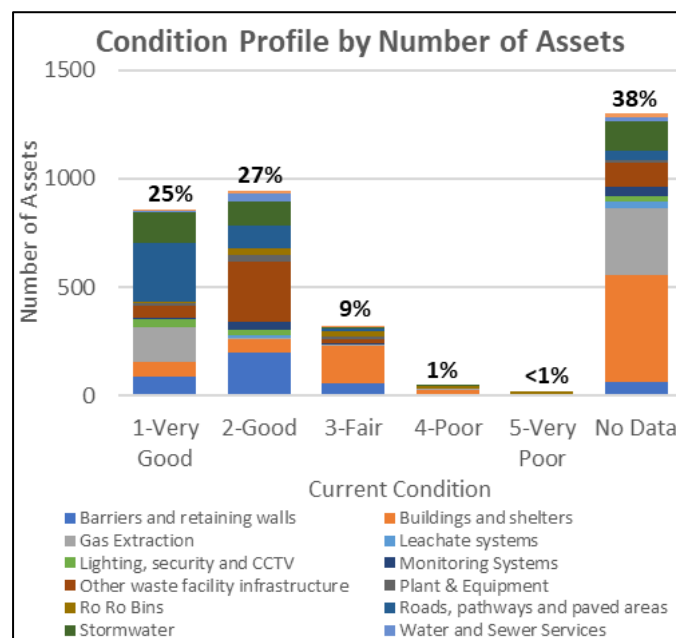


Figure 2 - Asset Condition Profile

As of October 2020, 175,811 general waste bins and 174,062 recycling bins are being serviced across 173,000 properties in the Moreton Bay Region. The 2019/20 overall recycling achievement of 56.33% was accomplished against a target of 44.9%, which put Waste Services on track to achieving the 2025 Queensland Government and Council goal of a recycling rate of 60%.

ITEM 2.1 WASTE SERVICES ASSET MANAGEMENT PLAN - 61715582 (Cont.)

Under Queensland legislation, waste disposal and recycling activities along with transfer stations are environmentally relevant activities regulated by the Department of Environment and Science. This agency is also responsible for compliance audits and enforcement action should authorised conditions not be met. Development of new waste disposal sites or transfer stations and amendments of existing licences, such as increases to landfill disposal capacity, trigger several key waste and planning legislation which require renewed assessment by the relevant State agencies. Compliance with legislation, regulatory audits, and achieving strategic and government targets are of fundamental importance to Council in achieving the required levels of service to the community.

The Waste Services Asset Management Plan has been provided as supporting information and outlines plan information in further detail.

2. Explanation of Item

The Waste Services Asset Management Plan has been developed as a tool to assist Council in achieving the following key strategic asset management objectives:

- Optimising maintenance and renewal practices
- Prioritising investment to achieve maximum value
- Validating investment decisions to confirm funds are being spent effectively
- Identifying lower lifecycle cost solutions
- Managing risk to an appropriate level
- Monitoring and recording of the condition of waste service assets
- Modelling to predict future condition and associated maintenance requirements
- Optimise asset performance
- Minimise asset failure where minimal assets reach a condition state 4 (poor)

Condition

Understanding the condition of Council's waste service assets is important for their effective management. A condition assessment was carried out in June 2019 for above ground assets only. A condition 1 rating is very good with a condition 5 rating meaning an asset is in a very poor condition. The intervention level, or trigger for renewal or replacement is generally after an asset reaches Condition 4 or below. The condition profile in Figure 2 illustrates that 52% of waste assets are in a healthy state of good to very good condition, while 9% are in fair condition. A small proportion of assets (less than 2%) are in poor/very poor condition. Poor condition assets do not necessarily demand immediate replacement but will need ongoing monitoring and will potentially attract higher maintenance costs.

Key Issues

- The predictive modelling shows that under current funding levels, there is an increased risk of a large quantity of waste service assets reaching condition state 4 and 5 over the next 10 to 15 years.
- An increase in the capital expenditure funding beyond financial year 2030 is required to maintain the current levels of service provided by waste service assets.
- The current maintenance funding is appropriate to maintain levels of service, but reactive and proactive maintenance will need to be system driven, to ensure optimised management of maintenance activities across the waste service asset portfolio.
- Continued regional growth will put pressure on the existing waste service assets and long-term planning is essential to ensure that appropriate waste service assets are accessible to all parts of the MBRC community.
- The impact of climate change, evolving waste treatment and recycling technologies along with the rapidly changing regional, state, national and international waste regulatory framework require constant review of waste management plans and strategies to remain sustainable into the future.

ITEM 2.1 WASTE SERVICES ASSET MANAGEMENT PLAN - 61715582 (Cont.)

- There is a greater demand for recycling within the community, along with increasing landfill diversion and recycling targets, which are set by government.
- Introduction of Energy from Waste (EfW), currently at the tender stage, is vital to achieve waste reduction target and prolong the life of Council's landfills. The proposed EfW facility will then extend the life of the landfills significantly as disposal to cells would drop by more than 40%. This in turn affects when new cells need to be constructed and reduces the new capital works required post 2030.

3. Strategic Implications

3.1 Legislative / Legal Implications

Section 167 - Preparation of a Long-Term Asset Management Plan - of the Local Government Regulation 2012 states that –

- (1) *A local government must prepare and adopt a Long-Term Asset Management Plan.*
- (2) *The Long-Term Asset Management Plan continues in force for the period stated in the plan unless the local government adopts a new Long-Term Asset Management Plan.*
- (3) *The period stated in the plan must be 10 years or more.*

Additionally, Section 168 of the Local Government Regulation 2012 states that Council's Long-term Asset Management Plan must:

- (a) *provide for strategies to ensure the sustainable management of the assets mentioned in the local government's asset register and the infrastructure of the local government; and*
- (b) *state the estimated capital expenditure for renewing, upgrading and extending the assets for the period covered by the plan; and*
- (c) *be part of, and consistent with, the long-term financial forecast.*

3.2 Corporate Plan / Operational Plan

Council is committed to achieving the community's vision for the Moreton Bay Region. This vision represents a thriving region of opportunity where our communities enjoy a vibrant lifestyle and is structured upon three key elements; creating opportunities, strengthening communities and valuing lifestyle. These three tiers are underpinned by concepts such as local jobs for residents, strong local governance, and quality recreation and cultural opportunities.

The Strategic Asset Management Plan (SAMP) and supporting AMP's have direct linkages with other corporate documents as illustrated in the diagram below:

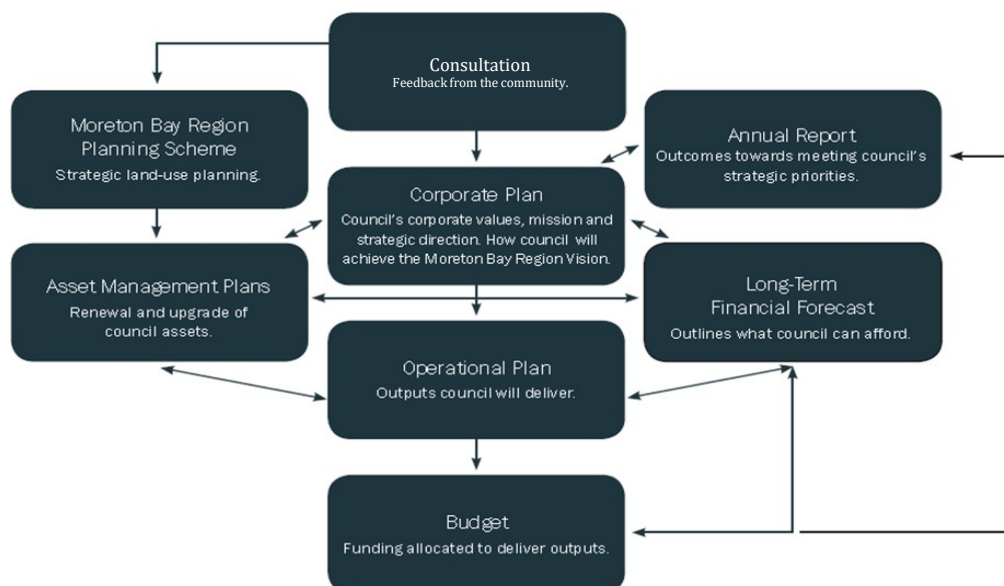


Figure 3 - Asset Management within MBRC Statutory Planning Context

ITEM 2.1 WASTE SERVICES ASSET MANAGEMENT PLAN - 61715582 (Cont.)

As mentioned above, these plans inform Council's Long Term Financial Forecast (LTFF) in relation to costs associated with new, renewal and upgrade of assets. The plan also guides Council's Corporate Plan in relation to what Council intends to achieve, in relation to strategic asset management and informs Council's capital works program which forms part of the Operational Plan and Budget.

3.3 Policy Implications

The Infrastructure Asset Management Policy (Policy No. 12-2150-043) was adopted by Council on 9th December 2020.

3.4 Risk Management Implications

Risk management associated with waste service assets are included in the plan.

3.5 Delegated Authority Implications

☒ Nil identified

3.6 Financial Implications

An analysis was carried out to determine the future condition of the waste portfolio with the recommended budget and benchmarked to the current average annual renewal budget. The Figure below illustrates the weighted average condition for the whole portfolio over time. With the current funding the condition of the assets will decline to a point that in around 2060 the portfolio as a whole will risk failing to meet the required standard. With the recommended funding the overall portfolio will continue to meet service level and strategic objectives.

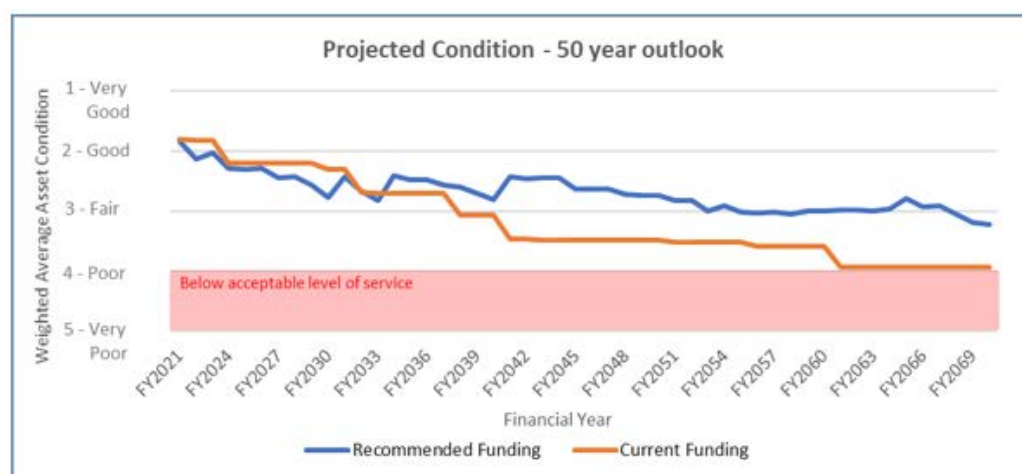


Figure 4 - Asset Projected Condition Outlook

The recommended total budget allocations are outlined below:

- Retain the current operations, maintenance and recycling activity budgets of **\$10.5M per annum**
- Retain the current reactive maintenance budget of **\$34,000 per annum**.
- Retain the current programmed maintenance budget of **\$107,000 per annum**.
- Retain the current capital budget for new/upgrade/renewals up to FY2030 (ie \$65.5M over 10 years) and then increase by **\$1.50M per annum** from FY2031 onwards for renewal expenditure

Should these recommended budget allocations be adopted into the next long term financial forecast, the predicted condition profile of the waste service asset portfolio will be in a much improved position for the Council and will minimise the risk of future large lump sum replacement expenditure.

ITEM 2.1 WASTE SERVICES ASSET MANAGEMENT PLAN - 61715582 (Cont.)

As per Council's strategic asset management framework, it is imperative that Council adopts a more proactive approach to managing assets with the inclusion of a preventative and routine maintenance budget as outlined above. The proactive approach will extend the life of assets and minimise the risk of assets reaching a state beyond repair, where expensive full replacement costs would otherwise be incurred.

The recommended funding, both for renewal / replacement and routine maintenance, will allow Council to achieve its strategic asset management objectives including:

- Organisational commitment to effective asset management
- Managing risk appropriately
- Delivery of services to agreed standards
- Optimise asset performance
- Minimize asset failure through earlier intervention.

3.7 Economic Benefit Implications

Sustainable provision and management of MBRC's waste service assets supports economic growth across the region. Additionally, a well-managed waste service asset portfolio improves the overall amenity of the region and is highly valued by the community.

3.8 Environmental Implications

The effective management of MBRC's waste service assets assists in improving environmental outcomes.

3.9 Social Implications

The timely and cost-effective management of MBRC's waste service assets contributes to the overall benefit of residents, visitors, business and industry, by providing the necessary assets to support the region's quality lifestyle.

3.10 Human Rights Implications

☒ Nil identified

3.11 Consultation / Communication

MBRC officers, asset owners and Councillors have been consulted in the preparation of this plan.

SUPPORTING INFORMATION

Ref: [61650849](#)

The following list of supporting information is provided for:

ITEM 2.1

WASTE SERVICES ASSET MANAGEMENT PLAN

#1 Waste Services Asset Management Plan

ITEM 2.2

QUEENS BEACH NORTH DOG OFF LEASH AREA TRIAL OUTCOMES

Meeting / Session: 2 INFRASTRUCTURE PLANNING
Reference: 61739242 : 9 March 2021 - **Refer Supporting Information 61809723**
Responsible Officer: WM, Parks and Recreation Planning Manager (IP Parks & Recreation Planning)

Executive Summary

The purpose of this report is to advise Council of the outcomes of the community survey regarding the Queens Beach North Dog Off-Leash Area (DOLA) trial. At the close of the trial period, 2452 survey responses were received with 77% of respondents in favour of making the arrangement permanent.

It is notable that both those in support and against the proposal agreed on the need for the implementation of appropriate control measures and signage.

OFFICER'S RECOMMENDATION

1. That Council endorse the designation of part of Queens Beach North as a 24-hour, permanent dog off-leash area seven days a week, taking effect from 1 April 2021.
2. That the extent of the designated dog off-leash area be defined as outlined in Figure 1.
3. That appropriate regulatory and advisory signage be installed to ensure patrons are aware of the extents of the area and obligations for use of the facility.
4. That Council make a budget adjustment at the Quarter 3 budget review to meet the costs associated with new signage as outlined in the report.

ITEM 2.2 QUEENS BEACH NORTH DOG OFF LEASH AREA TRIAL OUTCOMES - 61739242 (Cont.)

REPORT DETAIL

1. Background

At its General Meeting on 9 December 2020 (Page 20/2067), Council endorsed an amendment to the trial arrangements for dog off leash activities at Queens Beach North, Scarborough. The Council resolution was as follows:

1. That amended trial arrangements for dog off-leash activities at Queens Beach North as detailed in recommendation 2 below, be endorsed.
2. That from 10 December 2020 Council designates the area of Queens Beach North identified in Figure 1 of this report, as an area where a dog is not required to be on a leash.
3. That a formal community consultation process be undertaken between 10 December 2020 and 19 February 2021 to inform Council as to whether the designated dog off-leash area referred to in Recommendation 2 should continue to operate, be amended or cease operation.
4. That a report be provided to Council on the outcome of the community consultation process to allow Council to make a formal decision on the future use of the trial area.
5. That Council officers review existing signage to ensure that the designated dog off-leash area is clearly identified and advises patrons that outside the designated off-leash area, dogs are not permitted to be off-leash.

The new trial area commenced on 10 December 2020 .

During the trial period, a public consultation process was undertaken commencing on 10 December 2020 and concluding on 19 February 2021, including a community survey. The preliminary findings of the survey were presented to Council recently.

A Council briefing was conducted on 3 March 2021 for the purpose of sharing information and providing advice/views to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

The CEO noted the way forward:

That the Mayor issue a media release, noting the completion of the survey, identifying the key issues raised, and that a report to Council will be provided on the 31 March 2021.

A further Council Briefing to be held on 24 March 2021 to discuss the DOLA guidelines, costs, hours of operation and enforcement.

A report to be submitted to the General Meeting on 31 March 2021 for consideration of the Queens Beach North Dog Off-Leash area.

Table 1 - Outcome of 3 March 2021 Council Briefing.

Since the 3 March 2021 briefing, the survey data has been fully collated and analysed; the final results will be available on Council's website following this meeting.

In total, 2452 survey responses were received over the 10-week consultation period. 77% of those surveyed support making the Queens Beach North DOLA permanent. A summary of the survey responses and analysis of the results are contained in the supporting information to this report.

Key issues are summarised below:

- There were large differences in opinion between dog owners and non-dog owners, with dog owners being more supportive and positive towards the amenities and more positive on questions about how practical it is for dogs and people to share space effectively

ITEM 2.2 QUEENS BEACH NORTH DOG OFF LEASH AREA TRIAL OUTCOMES - 61739242 (Cont.)

- Areas of common interest revolve around better enforcement of the rules - dog owners and non-dog owners both agreed strongly on this.

Specific issues included:

- Clarity and visibility of signage
- Dog waste and general cleanliness (e.g. picking up dog waste, availability of bags/bins)
- Restriction of off-leash areas to the beach (e.g. ensuring dogs are on-leash in other areas like the park) and a desire for constrained hours of operation
- Safety and people sharing space with dogs (i.e. young children and families at risk of injury/being frightened)
- Behaviour of dogs (e.g. fighting, being adequately supervised and controlled by owners)



Extent of the proposed dog off leash area 357m.
(approximately 68m shorter than trial area)



Extent of the recent trial dog off leash area 425m.

Figure 1. Proposed dog off leash area and trial dog off leash area

In order to reduce impact on adjacent properties, an adjustment to the southern boundary is recommended (Figure 2). The adjusted boundary is 68m north of the trial boundary and has utilised the existing steps to provide a physical reference point as well as an access point, to create a clearer demarcation for the boundary location.

ITEM 2.2 QUEENS BEACH NORTH DOG OFF LEASH AREA TRIAL OUTCOMES - 61739242 (Cont.)



Figure 2 Detail of southern boundary (reduced by 68m)

2. Explanation of Item

Queens Beach North has been subject to dog off-leash activity for more than 3 years under various trial arrangements, and the activity has proven to be extremely popular both with locals and visitors. Analysis of the survey data has shown that demand is predominately locally driven, with 66% of patrons reported living within 5km of Queens Beach North.

There are approximately 108 registered dogs within the streets immediately adjacent to the facility and in the Scarborough area there are approximately 1,184 registered dogs. In the suburb of Redcliffe, there are approximately 1,293 registered dogs. The total number of registered dogs combined for Divisions 5 and 6 is approximately 11,219, indicating there is strong demand for facilities which cater to the needs of dog owners.

Of the patrons surveyed, 23% use the facility up to 3 times weekly, 15% use the beach every day and 12% use it every second day. By deduction, it might therefore be reasonable to assume that more than 962 dog owning patrons are utilising the facility multiple times per week.

Residents living close to the beach raised concerns regarding noise and hours of use. It should be acknowledged that living adjacent to a regional recreation area such as this will lead to some additional noise and inconvenience that is greater than a typical suburban residential situation. Officers are of the view that restricting activities on the beach within defined hours may disadvantage some patrons and be difficult to enforce. Council officers support maintaining the current approach to regulatory patrols and education to ensure dogs are managed effectively when using the off-leash area.

ITEM 2.2 QUEENS BEACH NORTH DOG OFF LEASH AREA TRIAL OUTCOMES - 61739242 (Cont.)

Improved signage is considered essential in advising patrons of the rules of operation for use of the area. Signage will also enable appropriate enforcement for any breaches of Council's current Local Laws. It is estimated that supply and installation of new information and regulatory signage would cost approximately \$10,000.

3. Strategic Implications

3.1 Legislative / Legal Implications

The Dog Off-Leash activity needs to be conducted in accordance with Council's existing Local Laws.

3.2 Corporate Plan / Operational Plan

Valuing Lifestyle: Quality recreation and cultural opportunities - places to discover, learn, play and imagine.

3.3 Policy Implications

☒ Nil identified

3.4 Risk Management Implications

Conducting the use in accordance with the provisions of the draft Dog Off-Leash Area Guideline will assist in mitigating risks to the community.

3.5 Delegated Authority Implications

Delegated authority for regulatory activities and enforcement where required, rests with Council's Regulatory Services Department.

3.6 Financial Implications

The cost associated with additional signage is estimated at approximately \$10,000.

3.7 Economic Benefit Implications

☒ Nil identified

3.8 Environmental Implications

The establishment of a single and centrally located DOLA (*on beach*), will reduce the likelihood of environmental impacts at other beaches on the Redcliffe Peninsula.

3.9 Social Implications

There will be positive benefits for social interaction amongst dog owners.

3.10 Human Rights Implications

☒ Nil identified

3.11 Consultation / Communication

A community survey has been undertaken to determine the level of community support for the proposed use. Of the 2542 survey respondents, there was 77% support for the activity being made permanent.

A communications plan will need to be implemented to inform local residents and survey respondents (who wished to be contacted) of the Council decision.

SUPPORTING INFORMATION

Ref: [61809723](#)

The following list of supporting information is provided for:

ITEM 2.2

QUEENS BEACH NORTH DOG OFF LEASH AREA TRIAL OUTCOMES

#1 Queens Beach North Dog Off-leash Area Trial Consultation Summary

3 ENGINEERING, CONSTRUCTION & MAINTENANCE SESSION

(Cr B Savage)

ITEM 3.1

TENDER - REDCLIFFE - REDCLIFFE WAR MEMORIAL SWIMMING POOL - FILTRATION SYSTEMS

Meeting / Session: 3 ENGINEERING, CONSTRUCTION & MAINTENANCE
Reference: 61638156 : 17 February 2021 - Refer **Confidential** Supporting Information
61584587
Responsible Officer: RN, Senior Project Manager (ECM Project Management)

Executive Summary

Tenders were called for the 'Redcliffe - Redcliffe War Memorial Swimming Pool - Filtration Systems (MBRC010607)' project. The tender closed on the 10th February 2021 with a total of five tenders received, of which all were conforming.

It is recommended that Council award the tender for the 'Redcliffe - Redcliffe War Memorial Swimming Pool - Filtration Systems (MBRC010607)' project to TJ Commercial Aquatics Qld Pty Ltd for the sum of \$624,563.00 (excluding GST) as this tender was evaluated as representing value to Council.

OFFICER'S RECOMMENDATION

1. That the tender for the 'Redcliffe - Redcliffe War Memorial Swimming Pool - Filtration Systems (MBRC010607)' project be awarded to TJ Commercial Aquatics Qld Pty Ltd for the sum of \$624,563 (excluding GST).
2. That the Council enters into an agreement with TJ Commercial Aquatics Qld Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with TJ Commercial Aquatics Qld Pty Ltd for the 'Redcliffe - Redcliffe War Memorial Swimming Pool - Filtration Systems (MBRC010607)' project and any required variations of the agreement on Council's behalf.
4. That to allow this project to continue, and for Council to enter into the agreement with TJ Commercial Aquatics Qld Pty Ltd for the project, Council commits to the provision of (a) an additional \$155,000 in the 20/21 FY quarter three financial review process and (b) the draft 21-22FY budget allocation of \$150,000.
5. That it be noted this project has been awarded in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.

ITEM 3.1 TENDER - REDCLIFFE - REDCLIFFE WAR MEMORIAL SWIMMING POOL - FILTRATION SYSTEMS - 61638156 (Cont.)

REPORT DETAIL

1. Background

The project is located at the Redcliffe War Memorial Swimming Pool, 50 Sydney Street, Redcliffe. The complex comprises three pools, namely the 50 metre, the learn-to-swim and the toddlers pools. Currently all three pools are serviced by a single filtration system.

The project's scope of works comprises the construction of a separate filtration, sanitation and heating system for the learn-to-swim pool and modifications to the existing filtration system to service the 50 metre and toddlers' pools. The project will improve the filtration system performance and reliability at the centre, providing isolation of the 50m / Toddlers Pools from that of the Learn to Swim Pool.

Construction will commence in April 2021 and take 17 weeks to complete, including allowance for lead times and wet weather.



Figure 1 - Project Locality

2. Explanation of Item

Tenders for the 'Redcliffe - Redcliffe War Memorial Swimming Pool - Filtration Systems (MBRC010607)' project closed on the 10th February 2021 with a total of five conforming tenders received. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents. The received tenderers and evaluation scores are tabled below (ranked from highest to lowest):

ITEM 3.1 TENDER - REDCLIFFE - REDCLIFFE WAR MEMORIAL SWIMMING POOL - FILTRATION SYSTEMS - 61638156 (Cont.)

RANK	TENDERER	EVALUATION SCORE (Pre Local Preference)	EVALUATION SCORE (Post Local Preference)
1	TJ Commercial Aquatics Qld Pty Ltd	100.00	103.75
2	Baldwin Water Technologies Pty Ltd	95.30	95.30
3	Platinum Aquatics	89.92	89.92
4	Alto Pacific Pty Ltd	75.30	75.30
5	Ozcrete Pools Pty Ltd	68.05	68.05

TJ Commercial Aquatics Qld Pty Ltd ('TJ') - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience. A tender clarification meeting was held on the 15th February 2021, at which TJ demonstrated their relevant experience, methodology, understanding, and capability in delivering the project. TJ provided examples of similar projects including - Pittsworth Pool & Filtration Upgrade (\$881,000), Learn to Swim Pool Construction - Mt Ommaney (\$671,000) and Glennie College Toowoomba - Learn to Swim Pool (\$371,000) for the Glennie College.

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

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

Platinum Aquatics ('PA') - submitted a comprehensive and well-presented tender, demonstrating their project experience; however, there was no additional benefit for the higher price.

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

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

3. Strategic Implications

3.1 Legislative / Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

This project/contract/initiative has been procured/sourced in accordance with the provisions of the following documents:

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

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

ITEM 3.1 TENDER - REDCLIFFE - REDCLIFFE WAR MEMORIAL SWIMMING POOL - FILTRATION SYSTEMS - 61638156 (Cont.)

3.4 Risk Management Implications

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

Financial Risks:

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

Construction Risks:

- a. The recommended tenderer will provide a program of works, safety management plan, environmental management plan, and quality management documentation as part of the contract to detail how they will plan, establish and manage project construction risks which will be reviewed and audited by Project Management.
- b. The recommended tenderer has indicated their understanding of the project site and the proximity of the natural environment and surrounding properties to ensure the safety and wellbeing of all during the works.
- c. The recommended tenderer has indicated that their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time.
- d. The procurement risks relating to this project are considered low as there is adequate lead time for the recommended tenderer to procure the relevant project construction materials. At the tender clarification meeting, the recommended tenderer did not raise any COVID-19 related impacts which would affect material supply chains and overall time delivery of the project works.
- e. An allowance for wet weather (5 days) is included in the recommended tenderer's construction program.
- f. The 50m pool is currently operational. The recommended tenderer will provide management plans for noise and dust control while undertaking construction works. Out of operational hours works will be undertaken for those construction activities that create the greatest noise to mitigate impact on users.
- g. There are no Development Approvals impacting this project.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.2M, providing the expenditure has been provided for in Council's annual budget.

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

3.6 Financial Implications

Council has allocated a total of \$620,000 with \$470,000 in the 20/21 FY Capital Projects Program and a further \$150,000 identified in the draft 21/22 Capital Projects Program for this project. All financial information provided below is excluding GST.

Design	\$ 85,018.00
Tender Price (Construction)	\$ 624,563.00
Contingency (10%)	\$ 62,456.30
QLeave (0.575%)	<u>\$ 3,591.24</u>

Total Project Cost **\$ 775,628.54**

Estimated ongoing operational/maintenance costs \$ 14,880.00 per F/Y

ITEM 3.1 TENDER - REDCLIFFE - REDCLIFFE WAR MEMORIAL SWIMMING POOL - FILTRATION SYSTEMS - 61638156 (Cont.)

The budget amount for this project is insufficient. To allow this project to continue, Council commits to the provision of an additional \$155,000 in the 20-21 FY quarter three financial review process and the draft budget allocation of \$150,000 in the 21-22 FY.

3.7 Economic Benefit Implications

The project will separate the filtration and heating systems of the learn to swim pools within the centre, enabling more efficient temperature isolation and control, thereby saving energy costs.

3.8 Environmental Implications

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

3.9 Social Implications

The project will allow for increased temperatures in the learn to swim leading to specific swimming activities to be undertaken at similar times and to promote increased patronage to participate in swimming activities.

3.10 Human Rights Implications

☒ Nil identified

3.11 Consultation / Communication

A detailed communication plan has been prepared for this project. Communication strategies include project notices issued four weeks prior to the commencement of works and project signs displayed on site four weeks prior to construction. Weekly email updates will be provided for the Divisional Councillor. The Divisional Councillor has been consulted and is supportive of the project.

SUPPORTING INFORMATION

Ref: 61584587

The following list of supporting information is provided for:

ITEM 3.1

TENDER - REDCLIFFE - REDCLIFFE WAR MEMORIAL SWIMMING POOL - FILTRATION SYSTEMS

Confidential #1 Tender Evaluation

ITEM 3.2

TENDER – KALLANGUR - OLD GYMPIE ROAD (ANZAC AVENUE TO VINEY AVENUE) - INTERSECTION AND ROAD UPGRADE (SERVICE CORRIDOR AND PRELIMINARY AND DETAILED DESIGN)

Meeting / Session: 3 ENGINEERING, CONSTRUCTION & MAINTENANCE
Reference: 61664297 : 18 March 2021 - Refer **Confidential** Supporting Information
61605227
Responsible Officer: PR, Project Manager (ECM Project Management)

Executive Summary

Tenders were called from the Local Buy Pre-Qualified Supplier Panel for Engineering & Environmental (BUS262-0317) for the service corridor planning, preliminary and detail design of the '*Kallangur - Old Gympie Road (Anzac Avenue to Viney Avenue) - Intersection and Road Upgrade (VP221353)*' project with tenders closing on the 2 February 2021, with a total of five tenders received, all of which were conforming.

It is recommended that the tender for the '*Kallangur - Old Gympie Road (Anzac Avenue to Viney Avenue) - Intersection and Road Upgrade (VP221353)*' project be awarded to Stantec Australia Pty Ltd, for the sum of \$233,760.00 (excluding GST) as this tender represents the best overall value to Council.

The Local Preference Policy was not applied, as the contract was procured via Local Buy Pre-Qualified Suppliers Contract BUS262-0317 Engineering and Environment and in line with Council's Procurement policy.

OFFICER'S RECOMMENDATION

1. That the tender for the '*Kallangur - Old Gympie Road (Anzac Avenue to Viney Avenue) - Intersection and Road Upgrade (VP221353)*' project for service corridor planning, preliminary and detail design be awarded to Stantec Australia Pty Ltd for the sum of \$233,760 (excluding GST).
2. That the Council enters into an agreement with Stantec Australia Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Stantec Australia Pty Ltd for the '*Kallangur - Old Gympie Road (Anzac Avenue to Viney Avenue) - Intersection and Road Upgrade (VP221353)*' project and any required variations of the agreement on Council's behalf.
4. That to allow this project to continue, and for Council to enter into the agreement with Stantec Australia Pty Ltd for the project, Council commits to the provision of an additional \$142,000 in the 20/21 FY quarter three financial review process.

ITEM 3.2 TENDER – KALLANGUR - OLD GYMPIE ROAD (ANZAC AVENUE TO VINEY AVENUE) - INTERSECTION AND ROAD UPGRADE (SERVICE CORRIDOR AND PRELIMINARY AND DETAILED DESIGN) - 61664297 (Cont.)

REPORT DETAIL

1. Background

Old Gympie Road is classified as an arterial road within the Moreton Bay Regional Council (MBRC) road hierarchy. The traffic volumes for Old Gympie Road (Anzac Avenue to Viney Avenue) in 2020 was approximately 12,000 vehicles per day. Council's strategic traffic model estimates 19,500 vehicles per day by 2031.

This forecast traffic growth is representative of increased development pressures, predicted population growth and the regional importance of the road corridor, which is further burdened by extra traffic when the Bruce Highway is congested, as is occurring increasingly. MBRC is progressing a series of upgrades/stages to Old Gympie Road, which are at various levels of progress.

The project includes widening the road corridor to a 4-lane median divided carriageway, signalling the intersections at Viney Avenue and Storey Road and upgrading the following:

- Stormwater drainage infrastructure;
- Pathways;
- On-road cycling lanes;
- Landscaping; and
- Street lighting.

The design commission, the subject of this report, concerns a section of Old Gympie Road from the Anzac Avenue intersection to approximately 140m north of the intersection with Viney Avenue, Kallangur. Nearby land uses are residential, with a significant section adjacent to a state primary school (see Figure 1).

While designs for seven sections of Old Gympie Road upgrade are at varying levels of progress, it has been identified, that planning for the service corridor across the seven sections (of Old Gympie Road) would benefit from a total service corridor configuration and design perspective. The relevant service authorities are supportive of this approach as mutual efficiencies are sought to be achieved.

The Anzac to Viney section will have the preliminary design finalised June 2021, with detailed design progressed during the 2021-22 financial year, with physical services relocation and construction proposed to follow.

ITEM 3.2 TENDER – KALLANGUR - OLD GYMPIE ROAD (ANZAC AVENUE TO VINEY AVENUE) - INTERSECTION AND ROAD UPGRADE (SERVICE CORRIDOR AND PRELIMINARY AND DETAILED DESIGN) - 61664297 (Cont.)

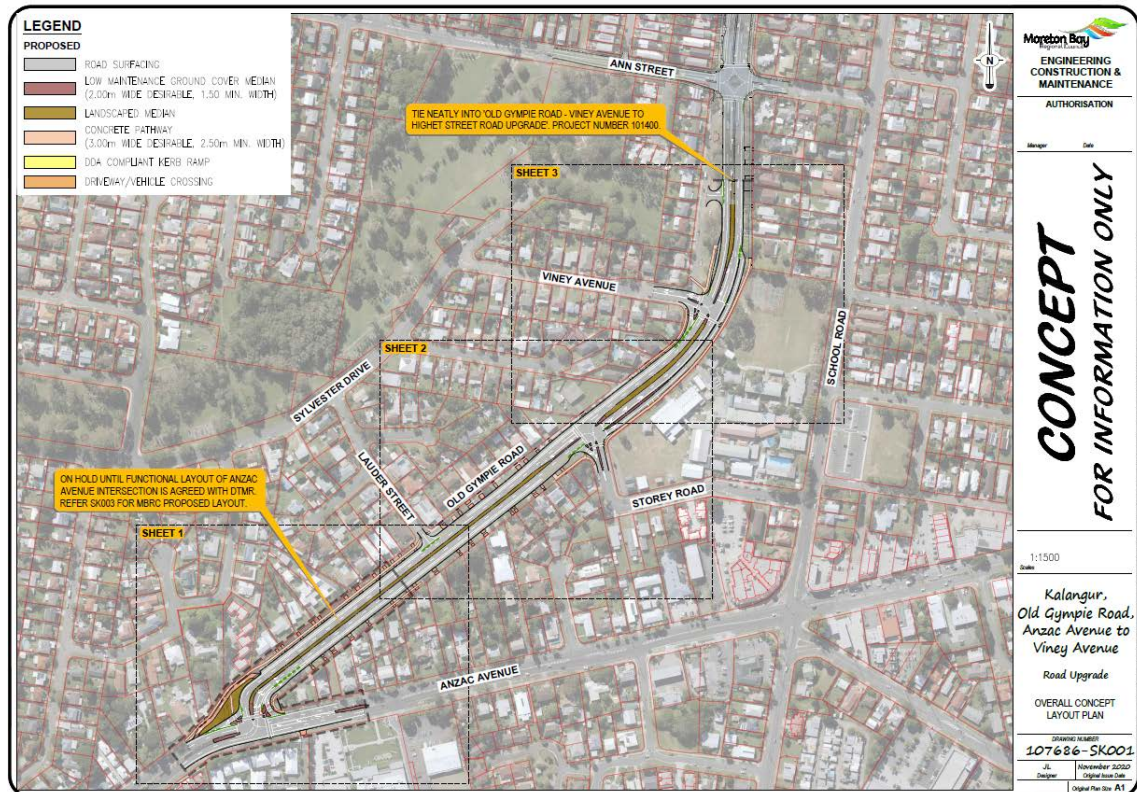


Figure 1 – Concept/Locality Plan (Anzac to Viney)

2. Explanation of Item

Tenders for the service corridor planning, preliminary and detail design for the 'Kallangur - Old Gympie Road (Anzac Avenue to Viney Avenue) - Intersection and Road Upgrade (VP221353)' project closed on 2 February 2021, with a total of five tenders received all of which were conforming. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

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

RANK	TENDERER	EVALUATION SCORE
1	Stantec Australia Pty Ltd	94.04
2	GHD Pty Ltd	90.74
3	Tonkin Consulting	90.30
4	ADG Engineers (Aust) Pty Ltd	67.07
5	KN Group Pty Ltd	57.65

Stantec Australia Pty Ltd ('SA') - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience. A tender clarification meeting was held on 19 February 2021, at which SA demonstrated their relevant experience, methodology, understanding of the project and capability in delivering the project by the specified completion date. SA provided examples of relevant project experience including Oakey Flat Road, Morayfield - Road Upgrade 3 (project construction estimate \$11,000,000 excl. GST), Morayfield - Graham Road - Road and Intersection Upgrade - Planning (project construction estimate \$2,000,000 excl. GST), Jollys Lookout, Mount Nebo Road, Road Remediation – Segments 2, 3, 4 and 17 – Detail Design (project construction estimate \$4,000,000 excl. GST) and 1044 Mount Nebo Road Curve Upgrade, Jolly's Lookout - Road Safety Improvement Project, and Mount Nebo Road near Darcy Kelly Road Intersection - Mount Nebo - Road Safety Improvement Project (project construction estimate \$800,000 excl. GST) all for Moreton Bay Regional Council.

ITEM 3.2 TENDER – KALLANGUR - OLD GYMPIE ROAD (ANZAC AVENUE TO VINEY AVENUE) - INTERSECTION AND ROAD UPGRADE (SERVICE CORRIDOR AND PRELIMINARY AND DETAILED DESIGN) - 61664297 (Cont.)

The tender from SA was the lowest price offered and achieved the highest evaluation score. The evaluation panel recommends that the tender from Stantec Australia Pty Ltd represents the best overall value offer to Council.

GHD Pty Ltd ('GHD') - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience, however there were no additional benefits for the higher price.

Tonkin Consulting Pty Ltd ('TC') - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience, however there were no additional benefits for the higher price.

The Local Preference Policy was not applied, as the contract was procured via Local Buy Pre-Qualified Suppliers Contract BUS262-0317 Engineering and Environment and in line with Council's Procurement policy.

3. Strategic Implications

3.1 Legislative / Legal Implications

Due to the nature of the work, Council sourced the tender for the work through the Vendor Panel system to a Local Buy Pre-Qualified Supplier Panel for Engineering & Environmental (BUS262-0317) in accordance with the *Local Government Act 2009*.

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Diverse transport options - an integrated regional transport network.

3.3 Policy Implications

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

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

The Local Preference Policy was not applied, as the contract was procured via Local Buy Pre-Qualified Suppliers Contract BUS262-0317 Engineering & Environment and in line with Council's Procurement policy.

3.4 Risk Management Implications

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

Financial Risk:

The project has been procured via Local Buy Pre-Qualified Suppliers Contract BUS262-0317 Engineering and Environment.

Design Risks:

- a. Design and associated documentation will be reviewed at a number of milestones by a number of relevant Council staff throughout the service corridor, preliminary and detailed design phases to ensure that the required design outcomes have been achieved prior to plan signing.
- b. Early engagement with service authorities will be undertaken to ensure any service alterations / relocations are approved by the relevant service authority.
- c. Early engagement with Environmental authorities and Cultural Heritage authorities will be undertaken to ensure any associated approvals are arranged and considered through design development.
- d. Council will undertake and complete community consultation during March using the concept included in this report. A community engagement strategy will be developed with Council's

ITEM 3.2 TENDER – KALLANGUR - OLD GYMPIE ROAD (ANZAC AVENUE TO VINEY AVENUE) - INTERSECTION AND ROAD UPGRADE (SERVICE CORRIDOR AND PRELIMINARY AND DETAILED DESIGN) - 61664297 (Cont.)

Community Engagement section to discuss design options with relevant stakeholders to achieve desired outcomes.

- e. There are no COVID-19 related matters which will adversely impact this project.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.2M, providing the expenditure has been provided for in Council's annual budget.

The cost of this project is greater than the budget allocation and is therefore reported to Council for consideration.

3.6 Financial Implications

Council has allocated a total of \$175,000 in the 20/21 Capital Projects Program for the design of this project. All financials below are excluding GST.

Concept Design (internal)	\$ 13,115.52
Pavement Design (external)	\$ 46,149.00
Preliminary and Detail Design (this contract)	\$ 233,760.00
Contingency (10%)	<u>\$ 23,376.00</u>
<u>Total Project Cost</u>	<u>\$ 257,136.00</u>

The budget amount for this project is insufficient. To allow this project to continue, and for Council to enter into the agreement with Stantec Australia Pty Ltd for the project, Council commits to the provision of an additional \$142,000 in the quarter three financial review process.

3.7 Economic Benefit Implications

The broader project is expected to have significant economic benefits by providing additional traffic lane capacity to cater for population and traffic growth.

3.8 Environmental Implications

Environmental impacts will be further identified and mitigated through the development of the design as part of this contract.

3.9 Social Implications

Ongoing community engagement will be undertaken to keep the community engaged and informed as the project progresses. A community engagement strategy will be developed with Council's Community Engagement section.

3.10 Human Rights Implications

The concept design of the Anzac and Old Gympie Road intersection shows potential land acquisition. Land acquisitions will be further identified, then sought to be mitigated through the development of the design as part of this contract.

3.11 Consultation / Communication

A detailed communication plan has been prepared for this project.

Council will liaise directly with the public and various other external stakeholders throughout this project (including but not limited to; State Government, service authorities, cultural heritage and local community groups). A community engagement strategy and detailed communication plan will be developed with Council's Community Engagement section. The Divisional Councillor has been consulted and is supportive of the project.

SUPPORTING INFORMATION

Ref: 61605227

The following list of supporting information is provided for:

ITEM 3.2

**TENDER – KALLANGUR - OLD GYMPIE ROAD (ANZAC AVENUE TO VINEY AVENUE) -
INTERSECTION AND ROAD UPGRADE (SERVICE CORRIDOR AND PRELIMINARY AND DETAILED
DESIGN)**

Confidential #1 Tender Evaluation

ITEM 3.3

TENDER - DECEPTION BAY - JOSEPH CRESCENT - COMMUNITY FACILITIES STAGE 1

Meeting / Session: 3 ENGINEERING, CONSTRUCTION & MAINTENANCE
Reference: 61770512 : 16 March 2021 - Refer **Confidential** Supporting Information
61741683
Responsible Officer: AM, Project Engineer (ECM Project Management)

Executive Summary

Tenders were called for the 'Deception Bay - Joseph Crescent - Community Facilities Stage 1 (MBRC010681)' project. The tender closed on 9 March 2021 with a total of five tenders received, three of which were conforming.

It is recommended that the tender for 'Deception Bay - Joseph Crescent - Community Facilities Stage 1 (MBRC010681)' project be awarded to Murphy Builders Qld Pty Ltd for the sum of \$2,265,053 (excluding GST) as this tender represents the best overall value to Council.

The 'Deception Bay - Joseph Crescent - Community Facilities Stage 1' project has received \$600,000 funding from the State Government's Unite and Recover Community Stimulus Package (URCSP) program.

OFFICER'S RECOMMENDATION

1. That the tender for the 'Deception Bay - Joseph Crescent - Community Facilities Stage 1 (MBRC010681)' project be awarded to Murphy Builders Qld Pty Ltd for the sum of \$2,265,053 (excluding GST).
2. That the Council enters into an agreement with Murphy Builders Qld Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Murphy Builders Qld Pty Ltd for the 'Deception Bay - Joseph Crescent - Community Facilities Stage 1 (MBRC010681)' project and any required variations of the agreement on Council's behalf.
4. That it be noted this project has been awarded in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.
5. That to allow this project to continue, and for Council to enter an arrangement with Murphy Brothers Qld Pty Ltd for the project, Council commits to the provision of (a) an additional \$500,000 in the quarter three financial review process and (b) the \$500,000 budget allocation for this project as included in the draft 21-22 Capital Projects Budget.

*ITEM 3.3 TENDER - DECEPTION BAY - JOSEPH CRESCENT - COMMUNITY FACILITIES STAGE 1 - 61770512
(Cont.)*

REPORT DETAIL

1. Background

The project involves the former DPI Fisheries site, Joseph Crescent Deception Bay. The project scope includes construction of a new community facility including a community meeting space for a maximum of 40 people, with kitchenette / canteen space, toilets, pathways, off-street car park bays and limited landscaping. The objective of the project is to provide a multi-purpose community meeting and activity space as part of a staged development of the site.

Construction will commence in April 2021 and take 38 weeks to complete which includes allowances for wet weather.

To comply with the external funding requirement, earthworks, slab and framing of the building are the elements of the project required to be completed by 30 June 2021, which is in line with the program of works pending further wet weather from April to June 2021.



Figure 2: Joseph Crescent Community Facility Locality Plan

2. Explanation of Item

Tenders for the 'Deception Bay - Joseph Crescent - Community Facilities Stage 1 (MBRC010681)' project closed on 9 March 2012 with five tenders received, three of which were conforming. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

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

ITEM 3.3 TENDER - DECEPTION BAY - JOSEPH CRESCENT - COMMUNITY FACILITIES STAGE 1 - 61770512 (Cont.)

RANK	TENDERER	EVALUATION SCORE (Pre Local Preference)	EVALUATION SCORE (Post Local Preference)
1	Murphy Builders Qld Pty Ltd	97.14	104.64
2	Intrec Management (QLD) Pty Ltd	93.79	93.79
3	Peter Fardoullys Pty Ltd, trading as Fardoullys Constructions	93.01	93.01
4	Auzcon Pty Ltd	Non-conforming	Non-conforming
5	Stuart Saw	Non-conforming	Non-conforming

Murphy Builders Qld Pty Ltd ('MB') - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience. A tender clarification meeting was held on 16 March 2021, at which MB demonstrated their relevant experience, methodology, understanding of the project and capability in delivering the project. MB provided examples of similar projects including Samford Parklands Community Building (valued at 2.84M); Coolum Beach Civic Centre (valued at \$1.3M); and Kawana Forrest Community Centre (valued at \$600,000) for the Sunshine Coast Council.

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

Intrec Management (QLD) Pty Ltd ('Intrec') submitted a comprehensive and well-presented tender, demonstrating their project experience; however, there were no additional benefits for the higher price.

Peter Fardoullys Pty Ltd, trading as Fardoullys Constructions ('Fardoullys') submitted a comprehensive and well-presented tender, demonstrating their project experience; however, there were no additional benefits for the higher price.

Auzcon Pty Ltd and **Stuart Saw** submitted non-conforming tenders - that did not meet the satisfactory external third party financial review requirements.

3. Strategic Implications

3.1 Legislative / Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

This project/contract/initiative has been procured/sourced in accordance with the provisions of the following documents:

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

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

*ITEM 3.3 TENDER - DECEPTION BAY - JOSEPH CRESCENT - COMMUNITY FACILITIES STAGE 1 - 61770512
(Cont.)*

3.4 Risk Management Implications

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

Financial Risks:

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

Construction Risks:

- a. The recommended tenderer will provide a program of works, staging plans, traffic management plans, safety management plan, environmental management plan, and quality management documentation as part of the contract to detail how they will plan, establish and manage project construction risks which will be reviewed and audited by Project Management.
- b. The recommended tenderer has indicated their understanding of the project site and the proximity of the natural environment and surrounding properties to ensure the safety and wellbeing of all during the works.
- c. The recommended tenderer has indicated that their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time.
- d. The recommended tender has been provided a copy of the Development Approval conditions to be complied with throughout the project. There are no other Development Approvals that impact this project.
- e. A Dilapidation report will be conducted prior to works commencing to record the existing condition of assets and again after construction to record any change.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.2M, providing the expenditure has been provided for in Council's annual budget.

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

3.6 Financial Implications

Council has allocated a total of \$2,191,253 for this project, with \$75,000 in the 19-20 FY Capital Projects Program for planning, \$1,616,253 in the 20-21 FY Capital Projects Program for design and the commencement of construction and identified a further \$500,000 in the draft 21-22 FY Capital Projects Program. Council has received \$600,000 from the State Government's Unite and Recover Community Stimulus Package (URCSP). All financial information provided below is excluding GST.

Planning 19/20	\$ 58,747.00
Design 20/21	\$ 119,691.00
Tender Price (Construction)	\$ 2,265,053.32
Contingency (10%)	\$ 226,505.33
QLeave (0.575%)	\$ 13,024.06
Construction Phase Consultants	\$ 5,000.00

Total Project Cost	\$ 2,688,020.71
	=====
State Govt's URCSP funding program	\$ 600,000.00
Net Project Cost	\$ 2,088,020.71

*ITEM 3.3 TENDER - DECEPTION BAY - JOSEPH CRESCENT - COMMUNITY FACILITIES STAGE 1 - 61770512
(Cont.)*

As a result of the State Govt's URCSP package the net cost of the project to MBRC is \$2,088,020.71, compared with the project cost of \$2,599,612.71 without the funding.

Estimated ongoing operational/maintenance costs \$57,570 per F/Y.

The budget amount for this project is insufficient. To allow this project to continue, and for Council to enter into the agreement with Murphy Builders Qld Pty Ltd for the project, Council commits to the provision of an additional \$500,000 in the quarter 3 20-21 budget review process and also commits to the \$500,000 in the draft 21-22 FY Capital Project Program.

3.7 Economic Benefit Implications

This park and building development involves many facets of construction including earthworks, community building construction, services provision, planting, internal road and car parks and pavements. It is envisaged that many trades and suppliers will be involved which will create employment and therefore economic benefits in the region.

3.8 Environmental Implications

The positive impact of this project is that the former DPI Fisheries site, which has laid dormant for many years, will be activated with this new community building. The site is set in an environmentally sensitive area along a coastal foreshore with mangrove plant communities to the east and north. The building's low profile has been designed to fit into this setting with minimal environmental and visual impact. The assortment of buildings and vast areas of impermeable bitumen surfacing from the former DPI site have been removed and replaced with lawns and gardens.

3.9 Social Implications

This park development will engender a positive social impact as it will create a hub and meeting space for the local community.

3.10 Human Rights Implications

☒ Nil identified

3.11 Consultation / Communication

A detailed communication plan has been prepared for this project. Communication strategies include project notices issued four weeks prior to the commencement of works and project signs displayed on site four weeks prior to construction. Government funding signage will be installed four weeks before construction. Weekly email updates will be provided to the Divisional Councillor. There will also be a dedicated project webpage established which will be updated weekly. The Divisional Councillor has been consulted and are supportive of the project.

SUPPORTING INFORMATION

Ref: 61741683

The following list of supporting information is provided for:

ITEM 3.3

TENDER - DECEPTION BAY - JOSEPH CRESCENT - COMMUNITY FACILITIES STAGE 1

Confidential #1 Tender Evaluation

ITEM 3.4

TENDER - KIPPA-RING - KLINGNER ROAD / BOARDMAN ROAD - INTERSECTION UPGRADE

Meeting / Session: 3 ENGINEERING, CONSTRUCTION & MAINTENANCE
Reference: 61709996 : 10 March 2021 - Refer **Confidential** Supporting Information
61608167
Responsible Officer: SAM, Principal Engineer (ECM Project Management)

Executive Summary

Tenders were invited for the 'Kippa-Ring - Klingner Road / Boardman Road - Intersection Upgrade (MBRC010463)' project. The tender closed on 3 February 2021, with a total of 6 tenders received, all of which were conforming.

It is recommended that Council award the contract to Pentacon Pty Ltd for the sum of \$3,588,105.44 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

The Federal Government is contributing \$4M towards this project (non-COVID-19 funding).

OFFICER'S RECOMMENDATION

1. That the tender for the 'Kippa-Ring - Klingner Road / Boardman Road - Intersection Upgrade (MBRC010463)' project be awarded to Pentacon Pty Ltd for the sum of \$3,588,105.44 (excluding GST).
2. That the Council enters into an agreement with Pentacon Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Pentacon Pty Ltd for the 'Kippa-Ring - Klingner Road / Boundary Road - Intersection Upgrade (MBRC010463)' project and any required variations of the agreement on Council's behalf.
4. That it be noted this project has been awarded in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative and the successful tenderer is a local company.

ITEM 3.4 TENDER - KIPPA-RING - KLINGNER ROAD / BOARDMAN ROAD - INTERSECTION UPGRADE - 61709996 (Cont.)

REPORT DETAIL

1. Background

This project is located at the intersection of Klingner and Boardman Roads, Kippa-Ring. The scope of works includes signalling the intersection, road widening to intersection approaches including additional lanes, construction of a raised and landscaped median and verges on intersection approaches, longitudinal drainage improvements, concrete pathways on both sides, cycle lanes on both sides and identification and provision of current and future public transport needs. The objective of this project is to increase capacity and reduce delays at this key intersection to improve the efficiency of the trunk network.

The Federal Government is contributing \$4M towards this project (non-COVID-19 funding).

Service relocation works started in February 2021 with Energex poles being relocated. Further service relocation will continue this financial including Telstra, APA Gas and Unitywater. The recommended tenderer will order materials such as pipes in early April 2021 upon award of contract. Construction is expected to commence in July 2021 and take 19 weeks to complete and includes an allowance for wet weather.

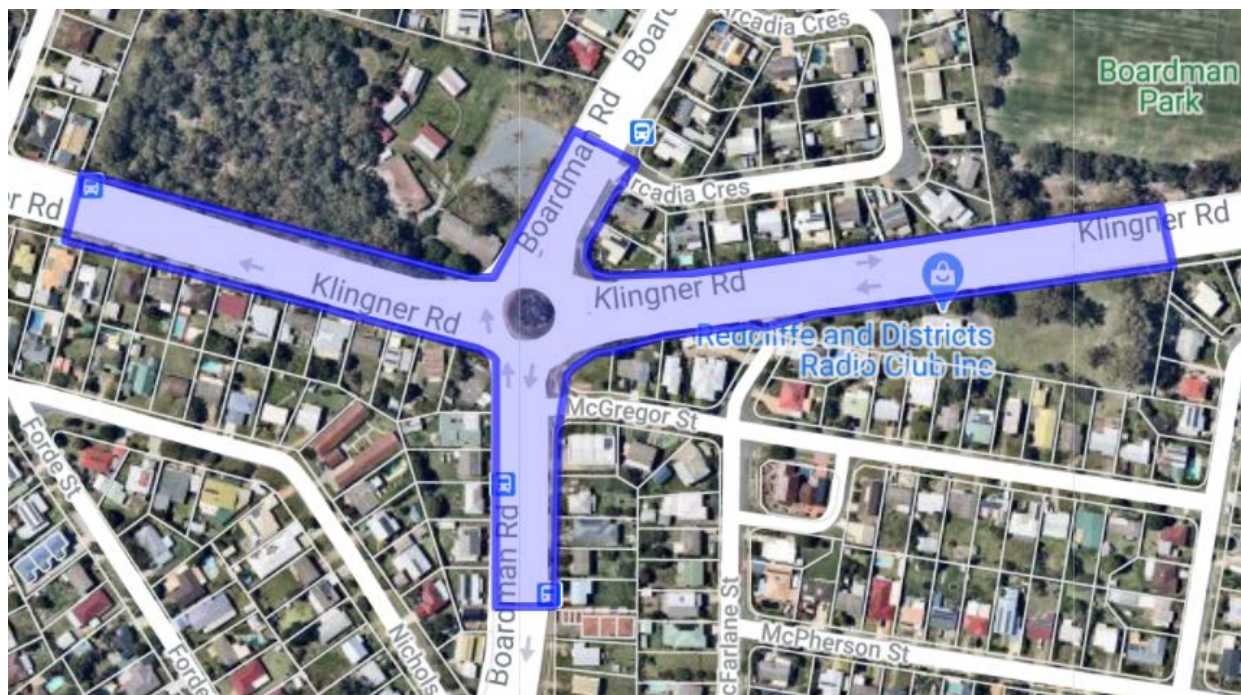


Figure 1: Locality Plan - location of works

2. Explanation of Item

Tenders for the 'Kippa-Ring - Klingner Road / Boardman Road - Intersection Upgrade (MBRC010463)' project closed on 3 February 2021, with a total of 6 tenders received, all were conforming. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

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

Moreton Bay Regional Council

ITEM 3.4 TENDER - KIPPA-RING - KLINGNER ROAD / BOARDMAN ROAD - INTERSECTION UPGRADE - 61709996 (Cont.)

RANK	TENDERER	EVALUATION SCORE (Pre Local Preference)	EVALUATION SCORE (Post Local Preference)
1	Pentacon Pty Ltd	95.12	102.62
2	Allroads Pty Ltd	94.50	94.50
3	Ryan Civil Contracting Pty Ltd	92.12	92.12
4	HEH Civil Pty Ltd	90.97	90.97
5	CES Civil SEQ Pty Ltd	87.53	87.53
6	Auzcon Pty Ltd	67.37	67.37

Pentacon Pty Ltd ('Pentacon') - submitted a conforming tender and demonstrated their experience on projects of similar scale and complexity. At the tender clarification meeting held on 1 March 2021, Pentacon provided further detail to their methodology, confirmed an overall construction duration of 19 weeks (including an allowance for wet weather) and demonstrated an understanding of the project's requirements in regards to traffic flow and management of service providers. Pentacon detailed their work program and detailed their traffic management for the construction of the new signalised intersection. All works will be constructed during the day with traffic to be managed based upon recorded traffic volumes that were provided at tender. Two-way traffic will always be provided with the number of lanes depending on the time of day and volume of traffic. Pentacon have completed the following projects; Hilton Terrace Corridor Upgrade for Noosa Council (\$3.5m), Counter Road Upgrade for Gympie Regional Council (\$1.9m), Creekside Boulevard Roundabout Improvements for Sunshine Coast Regional Council (\$1.1m).

The evaluation panel recommends that the tender from Pentacon represents the best overall value offer to Council.

Allroads Pty Ltd ('Allroads') - submitted a comprehensive tender and demonstrated their construction methodology and experience on projects of a similar scale and complexity. The tendered construction program of works is 22 weeks duration plus rain days. There were no additional benefits for the higher price.

Ryan Civil Contracting Pty Ltd ('Ryan') - submitted a comprehensive tender and demonstrated their construction methodology and experience on projects of a similar scale and complexity. The tendered construction program of works was of 26 weeks' duration including an allowance for rain days. There were no additional benefits for the higher price.

3. Strategic Implications

3.1 Legislative / Legal Implications

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

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Diverse transport options - an integrated regional transport network.

ITEM 3.4 TENDER - KIPPA-RING - KLINGNER ROAD / BOARDMAN ROAD - INTERSECTION UPGRADE - 61709996 (Cont.)

3.3 Policy Implications

This project/contract/initiative has been procured/sourced in accordance with the provisions of the following documents:

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

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

3.4 Risk Management Implications

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

Financial Risks:

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

Construction Risks:

- a. The recommended tenderer will provide a program of works, Traffic, Safety Management Plan and Environmental Management Plan as part of the contract to identify and detail how they will manage and mitigate project construction risks. This information will be assessed and monitored by Council's Project Management section.
- b. The recommended tenderer has provided a 19-week construction program, including an allowance for weather delays as part of their tender program. The recommended tenderer has not identified any supply issues, including COVID-19 related matters associated with this project, other than lead times for stormwater drainage pipes, which will be ordered upon award of this contract.
- c. Communications with Kabi Kabi will be maintained via updates of the construction progress by Council's Cultural Heritage Planning Officer and Project Management.
- d. A Cultural Heritage Induction will be undertaken by the recommended tenderer before any works are undertaken on site, overseen by Project Management.
- e. There are no Development Approvals impacting this project.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.2M, providing the expenditure has been provided for in Council's annual budget.

The cost of this project is greater than the CEO delegation and is therefore reported to Council for consideration.

3.6 Financial Implications

Council has allocated a total of \$5,700,894 over the course of the 19-20FY, 20-21FY and 21-22FY's Capital Projects Program, with \$250,000 for planning and design (19-20FY), \$550,894 for service relocations(20-21FY) and \$4,900,000 (current allocation for 21-22FY) for construction. The Federal Government is contributing \$4M towards this project (non-COVID-19 funding). All financials below are excluding GST.

Design 19/20	\$ 199,106.00
Design 20/21	\$ 176,678.09
Energex 20/21	\$ 306,351.65
NBN 20/21	\$ 31,669.59

Moreton Bay Regional Council

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ITEM 3.4 TENDER - KIPPA-RING - KLINGNER ROAD / BOARDMAN ROAD - INTERSECTION UPGRADE - 61709996 (Cont.)

Telstra (Estimated Construction Cost)	\$ 110,000.00
Unitywater (Estimated Construction Cost)	\$ 150,000.00
APA Gas (Estimated Construction Cost)	\$ 725,000.00
Tender Price (Construction)	\$ 3,588,105.44
Contingency (10%)	\$ 358,810.54
<u>QLeave (0.575%)</u>	<u>\$ 20,631.61</u>

<u>Total Project Cost</u>	<u>\$ 5,666,352.92</u>
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Federal Funding	\$ 4,000,000.00
<u>Nett cost to Council</u>	<u>\$ 1,666,352.92</u>

Estimated ongoing operational/maintenance costs	\$50,000 per F/Y.
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The budget amount for this project is sufficient.

3.7 Economic Benefit Implications

The signalised intersection will improve traffic flow at the intersection, extend the pavement life and accommodate expected traffic growth.

3.8 Environmental Implications

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

3.9 Social Implications

The intersection signalisation has been designed to improve the safety, rideability and structural integrity of the pavement for all road users ensuring road network reliability.

3.10 Human Rights Implications

☒ Nil identified

3.11 Consultation / Communication

The residents adjacent to the works will be notified of the works and expected construction timeframe three weeks prior to commencement via a project notice, project signage, door knocking. Variable message boards will be displayed on at each approach two weeks prior to the commencement of construction works. These variable message boards will be used to advise motorists of changes throughout the construction duration. The detailed communications plan will include a Councillor weekly email update and website page with weekly updates. The Divisional Councillor has been consulted and is supportive of the project.

SUPPORTING INFORMATION

Ref: 61608167

The following list of supporting information is provided for:

ITEM 3.4

TENDER - KIPPA-RING - KLINGNER ROAD / BOARDMAN ROAD - INTERSECTION UPGRADE

Confidential #1 Tender Evaluation

ITEM 3.5

TENDER - FERNY HILLS - FERNY HILLS AQUATIC CENTRE - AMENITIES UPGRADE

Meeting / Session: 3 ENGINEERING, CONSTRUCTION & MAINTENANCE
Reference: 61793969 : 22 March 2021 - Refer **Confidential** Supporting Information
61756326
Responsible Officer: GM, Project Manager (ECM Project Management)

Executive Summary

Tenders were called for the 'Ferry Hills - Ferry Hills Aquatic Centre - Amenities Upgrade (MBRC010687)' project. The tender closed on the 11th March 2021 with a total of six tenders received, all six were conforming.

It is recommended that the tender for the 'Ferry Hills - Ferry Hills Aquatic Centre - Amenities Upgrade (MBRC010687)' project be awarded to Kimini Constructions Pty Ltd for the sum of \$470,161.18 (excluding GST) in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative and the successful tenderer is a local company.

This project has received \$100,000 in funding from the State Government's Working for Queensland (W4Q) COVID-19 funding program.

OFFICER'S RECOMMENDATION

1. That the tender for 'Ferry Hills - Ferry Hills Aquatic Centre - Amenities Upgrade (MBRC010687)' be awarded to Kimini Constructions Pty Ltd for the sum of \$470,161.18 (excluding GST).
2. That the Council enters into an agreement with Kimini Constructions Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Kimini Constructions Pty Ltd for 'Ferry Hills - Ferry Hills Aquatic Centre - Amenities Upgrade (MBRC010687)' and any required variations of the agreement on Council's behalf.
4. That it be noted this project has been awarded in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative and the successful tenderer is a local company.
5. That to allow this project to continue, and for Council to enter into the agreement with Kimini Constructions Pty Ltd for the project, Council commits to the provision of an additional \$275,000 in the quarter three financial review process.

*ITEM 3.5 TENDER - FERNY HILLS - FERNY HILLS AQUATIC CENTRE - AMENITIES UPGRADE - 61793969
(Cont.)*

REPORT DETAIL

1. Background

The project is located the Ferny Hills Aquatic Centre, 52 Ferny Way, Ferny Hills. The project scope includes the upgrade of public amenities to include a new hot water system and refurbishment of the current amenities.

This project has originated as a result of inspections of multiple pool amenities across the MBRC. The current facilities consist of male, female amenities and change rooms as well as separate PWD facilities. Deficiencies include a lack of a hot water system which supplies hot water to all showers. The facilities are aged, in need of a refurbishment and updated configuration.

Construction is proposed to commence in April/May 2021 and take 8 weeks to complete which includes an allowance for wet weather.

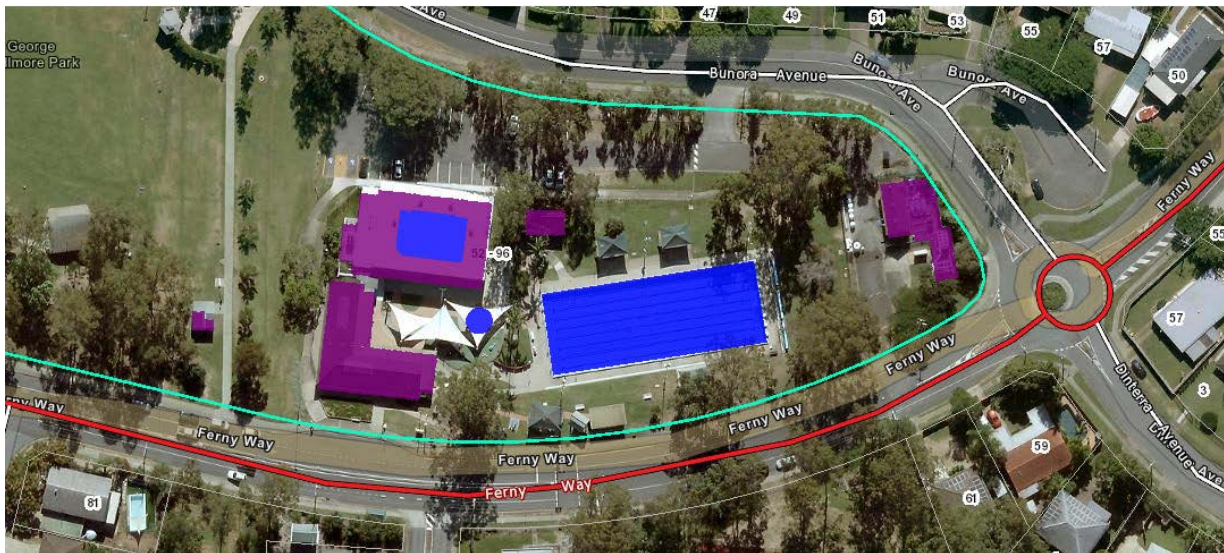


Figure 1 - Locality Plan

ITEM 3.5 TENDER - FERNY HILLS - FERNY HILLS AQUATIC CENTRE - AMENITIES UPGRADE - 61793969
(Cont.)

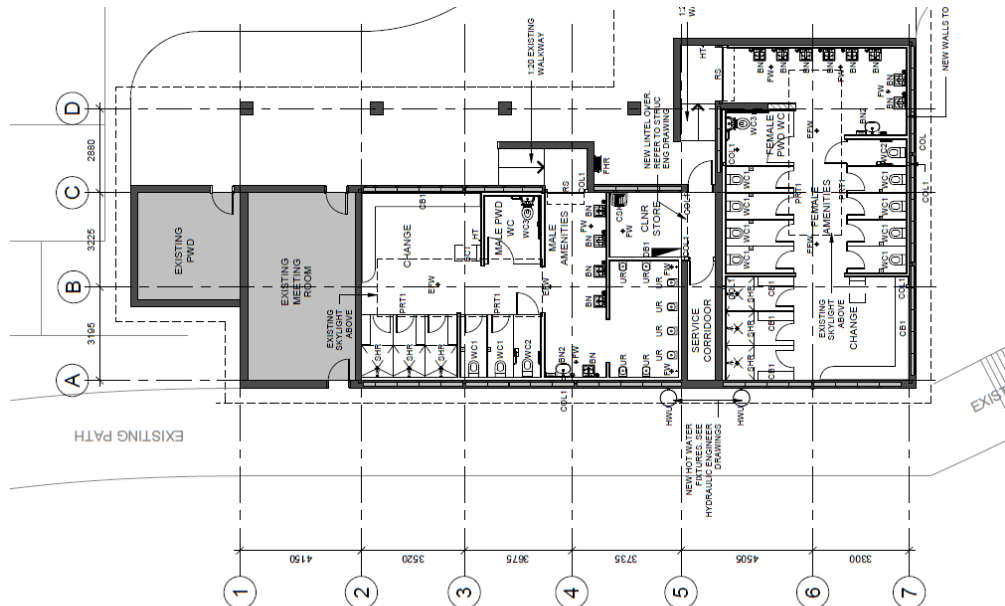


Figure 2 - Plan View

2. Explanation of Item

Tenders for the 'Ferny Hills - Ferny Hills Aquatic Centre - Amenities Upgrade (MBRC010687)' project closed on the 11th March 2021 with six conforming tenders received. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

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

Rank	Tenderer	Evaluation Score (Pre-Local Preference)	Evaluation Score (Post Local Preference)
1	Kimini Constructions Pty Ltd	96.06	111.06
2	Quadric Pty Ltd	98.30	105.80
3	Fitout and Refurbishment Australia Pty Ltd	92.68	96.43
4	Kane Constructions (Qld) Pty Ltd, trading as Arete Australia	95.79	95.79
5	Future Fitouts Qld Pty Ltd t/a Future Fitouts	91.34	91.34
6	NF Corbett Pty Ltd	80.88	80.88

Kimini Constructions Pty Ltd ('KC') - submitted a comprehensive and well-presented tender with a well-prepared Methodology/Strategy and demonstrating relevant similar project experience and the capacity, knowledge and experience to successfully complete this project on time. A tender clarification meeting was held on 23rd March 2021, KC demonstrated their relevant experience, methodology, understanding and capability in delivering the project. KC provided examples of similar projects including - John Scott Park, Samford Village – Demolition and construction of amenities block (valued at \$246k) and Albany Creek Leisure Centre - Gym & Amenities refurbishment (valued at 85k) for MBRC and Gladstone Electorate Office - Demo of internal office and complete refit (valued at \$186k).

*ITEM 3.5 TENDER - FERNY HILLS - FERNY HILLS AQUATIC CENTRE - AMENITIES UPGRADE - 61793969
(Cont.)*

The tender from KC was the second lowest price offered and achieved the highest evaluation score. The evaluation panel recommends that the tender from Kimini Constructions Pty Ltd represents the best overall value offer to Council.

Quadric Pty Ltd ('QPL') - submitted a comprehensive and well-presented tender, demonstrating their project experience: however, there were no additional benefits for the higher price.

Fitout and Refurbishment Australia Pty Ltd ('FARA') - submitted a comprehensive and well-presented tender, demonstrating their project experience: however, there were no additional benefits for the higher price.

Kane Constructions (Qld) Pty Ltd, trading as Arete Australia ('AA') - submitted a comprehensive and well-presented tender, demonstrating their project experience: however, there were no additional benefits for the higher price.

Future Fitouts Qld Pty Ltd t/a Future Fitouts ('FF') - submitted a comprehensive and well-presented tender, demonstrating their project experience: however, there were no additional benefits for the higher price.

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

3. Strategic Implications

3.1 Legislative / Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

This project/contract/initiative has been procured/sourced in accordance with the provisions of the following documents:

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

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

This project/contract/initiative has been procured/sourced in accordance with the provisions of the following documents:

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

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

*ITEM 3.5 TENDER - FERNY HILLS - FERNY HILLS AQUATIC CENTRE - AMENITIES UPGRADE - 61793969
(Cont.)*

3.4 Risk Management Implications

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

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

Construction Risks:

- a. The recommended tenderer will provide a program of works, staging plans, traffic management plans, safety management plan, environmental management plan, and quality management documentation as part of the contract to detail how they will plan, establish and manage project construction risks which will be reviewed and audited by Project Management.
- b. The recommended tenderer has indicated their understanding of the project site and the proximity of the natural environment and surrounding properties to ensure the safety and wellbeing of all during the works.
- c. The recommended tenderer has indicated that their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time.
- d. The procurement risks relating to this project are considered low as there is adequate lead time for the recommended tenderer to procure the relevant project construction materials. At the tender clarification meeting, the recommended tenderer did not raise any COVID-19 related impacts which would affect material supply chains and overall time delivery of the project works.
- e. The project has an approved Development Approval.
- f. Dilapidation inspections will be conducted prior to works commencing on surrounding areas to record the existing condition of assets and again after construction to record any change

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.2M, providing the expenditure has been provided for in Council's annual budget.

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

3.6 Financial Implications

Council has allocated a total of \$290,000 in the 20/21 FY Capital Projects Program with \$100,000 in funding from the State Government's Working for Queensland (W4Q) COVID-19 funding program towards the project. All financial information provided is excluding GST.

Design	\$ 46,070.00
Tender Price (construction)	\$ 470,161.18
Contingency (10%)	\$ 47,016.12
QLeave (0.575%)	<u>\$ 2,703.43</u>
Total Project Cost	<u>\$ 565,950.73</u>
Federal Govt. COVID-19 Funding	\$ 100,000.00
Net Project Cost	\$ 465,950.73

*ITEM 3.5 TENDER - FERNY HILLS - FERNY HILLS AQUATIC CENTRE - AMENITIES UPGRADE - 61793969
(Cont.)*

As a result of the State Government's Working for Queensland (W4Q) COVID-19 funding program the net cost of the project to MBRC is \$465,950.73, compared with a project cost of \$565,950.73 without the funding.

This project was brought forward by 12 months as a result of the funding program.

Estimated ongoing operational/maintenance costs: \$1,410 per F/Y.

The budget amount for this project is insufficient. To allow this project to continue, and for Council to enter into the agreement with Kimini Constructions Pty Ltd for the project, Council commits to the provision of an additional \$275,000 in the quarter three financial review process.

3.7 Economic Benefit Implications

The attraction to the Aquatic Centre will be greatly enhanced by further increasing patronage to the area and improved facilities for family / event days.

3.8 Environmental Implications

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

3.9 Social Implications

The upgrade of the Amenities at Ferny Hills Aquatic Centre will provide equal opportunity and accessibility, for all community groups. The increased facility will foster greater community participation and wellbeing.

3.10 Human Rights Implications

☒ Nil identified

3.11 Consultation / Communication

A detailed communication plan has been prepared for this project. Communication strategies include project notices issued four weeks prior to the commencement of works and project signs displayed on site four weeks prior to construction. Government funding signage will be installed four weeks before construction. Weekly email updates will be provided for the Divisional Councillor. The Local Councillor has been consulted and is supportive of the projects.

SUPPORTING INFORMATION

Ref: 61608167

The following list of supporting information is provided for:

ITEM 3.5

TENDER - FERNY HILLS - FERNY HILLS AQUATIC CENTRE - AMENITIES UPGRADE

Confidential #1 Tender Evaluation

ITEM 3.6

TENDER - STRATHPINE - PINE RIVERS PARK - PARK DEVELOPMENT

Meeting / Session: 3 ENGINEERING, CONSTRUCTION & MAINTENANCE
Reference: 61662697 : 18 March 2021 - Refer **Confidential** Supporting Information
61705045
Responsible Officer: CB, Project Engineer (ECM Project Management)

Executive Summary

Tenders were called for the 'Strathpine - Pine Rivers Park – Park Development (MBRC010640)' project with tenders closing on the 16 February 2021 with a total of five tenders received, three of which were conforming.

It is recommended that the tender for 'Strathpine - Pine Rivers Park – Park Development (MBRC010640)' project be awarded to THE LANDSCAPE CONSTRUCTION COMPANY PTY LTD, for the sum of \$613,337.00 (excluding GST) as this tender represents the best overall value to Council.

The project has received \$641,760 in funding from the Federal Government's LCRIP1 (COVID-19) program.

OFFICER'S RECOMMENDATION

1. That the tender for 'Strathpine - Pine Rivers Park – Park Development (MBRC010640)' project be awarded to THE LANDSCAPE CONSTRUCTION COMPANY PTY LTD, for the sum of \$613,337.00 (excluding GST).
2. That the Council enters into an agreement with THE LANDSCAPE CONSTRUCTION COMPANY PTY LTD, as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with THE LANDSCAPE CONSTRUCTION COMPANY PTY LTD for 'Strathpine - Pine Rivers Park – Park Development (MBRC010640)' project and any required variations of the agreement on Council's behalf.
4. To allow this project to continue, Council commits to the provision of an additional \$60,000 in the 20-21 FY quarter three financial review process.
5. That it be noted this project has been awarded in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.

ITEM 3.6 TENDER - STRATHPINE - PINE RIVERS PARK - PARK DEVELOPMENT - 61662697 (Cont.)

REPORT DETAIL

1. Background

The project is located at Pine Rivers Park, Gympie Road, Strathpine. The project scope includes the construction of three large picnic shelters, BBQ's, furniture and landscaping. The objective of the project is to provide additional picnic facilities suitable for larger groups and small-scale events adjacent existing play facilities.

Construction will commence in April 2021 and take 12 weeks to complete which includes an allowance for wet weather (3 days) and is currently programmed to be completed by 30 June 2021.



Figure 1 - Locality Plan

ITEM 3.6 TENDER - STRATHPINE - PINE RIVERS PARK - PARK DEVELOPMENT - 61662697 (Cont.)

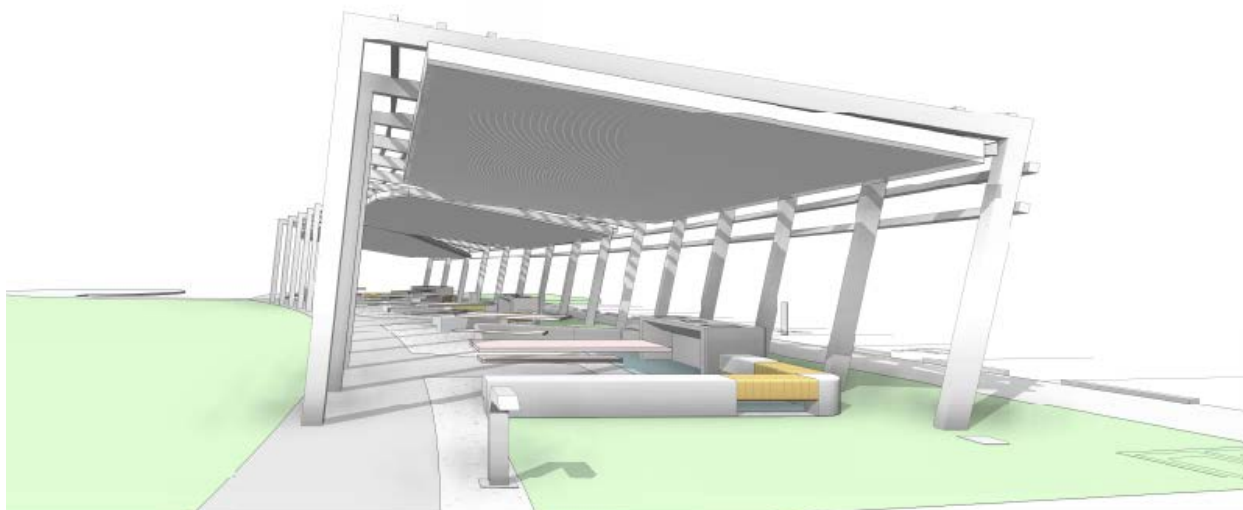


Figure 2 - Perspective 1



Figure 3 - Perspective 2

2. Explanation of Item

Tenders were called for the 'Strathpine - Pine Rivers Park – Park Development (MBRC010640)' project, with tenders closing on the 16 February 2021, with a total of five tenders received, three of which were conforming.

ITEM 3.6 TENDER - STRATHPINE - PINE RIVERS PARK - PARK DEVELOPMENT - 61662697 (Cont.)

The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents. All tenderers and their evaluation scores are tabled below (ranked from highest to lowest).

RANK	TENDERER	EVALUATION SCORE (PRE LP)	EVALUATION SCORE (POST LP)
1	The Landscape Construction Company Pty Ltd	100.00	111.25
2	IDEC Solutions Pty Ltd	70.42	70.42
3	Commercialsapces Pty Ltd	48.66	48.66
4	Auzcon Pty Ltd	Non-conforming	Non-conforming
5	IF Construction Pty Ltd	Non-conforming	Non-conforming

THE LANDSCAPE CONSTRUCTION COMPANY ('TLCC') - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience. A tender clarification meeting was held on 16 March 2021, at which TLCC demonstrated their relevant experience, methodology, understanding of the project and capability in delivering the project. TLCC provided examples of relevant project experience including Caboolture to Wamuran Rail Trail (valued at \$2.1M), Pine Rivers Shade Structure at Strathpine (valued at \$153,000) for Moreton Bay Regional Council (MBRC) and Montague Markets (valued at \$4.0m) for Pradella Group.

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

IDEC SOLUTIONS ('IS') - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience, however there were no additional benefits for the higher price.

COMMERCIALSCAPES ('CS') - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience, however there were no additional benefits for the higher price.

AUZCON ('Auzcon') - submitted a non-conforming tenderer (did not obtain a satisfactory external financial report).

IF Construction ('IFC') - submitted a non-conforming tenderer (did not include the mandatory tender documentation).

3. Strategic Implications

3.1 Legislative / Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

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

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

ITEM 3.6 TENDER - STRATHPINE - PINE RIVERS PARK - PARK DEVELOPMENT - 61662697 (Cont.)

3.4 Risk Management Implications

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

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

- a. The recommended tenderer will provide a program of works, staging plans, traffic management plans, safety management plan, environmental management plan, and quality management documentation as part of the contract to detail how they will plan, establish and manage project construction risks which will be reviewed and audited by Project Management.
- b. The recommended tenderer has indicated their understanding of the project site and the proximity of the natural environment and surrounding properties to ensure the safety and well-being of all during the works.
- c. The recommended tenderer has indicated that their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time.
- d. The procurement risks relating to this project are considered low as there is adequate lead time for the recommended tenderer to procure the relevant project construction materials. At the tender clarification meeting, the recommended tenderer did not raise any COVID-19 related impacts which would affect material supply chains and overall time delivery of the project works.
- e. The project is not impacted by any Development Approvals.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.2M, providing the expenditure has been provided for in Council's annual budget.

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

3.6 Financial Implications

Council has allocated a total of \$675,000 in the 20-21 FY Capital Works Program, with \$641,760 provided from the Federal COVID-19 LCRIP1 funding program towards the project.

Design	\$	57,699.00
Tender Price (Construction)	\$	613,337.00
Contingency (10%)	\$	61,333.70
<u>QLeave Costs (0.575%)</u>	<u>\$</u>	<u>3,526.69</u>

Total Project Cost	\$	<u>735,896.39</u>
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Federal Government funding (COVID-19)	\$	641,760.00
Net Cost to Council	\$	94,136.39

Estimated ongoing maintenance costs \$15,187.50 per F/Y.

The budget amount for this project is insufficient. To allow this project to continue, Council commits to the provision of an additional \$60,000 in the 20-21 FY quarter three financial review process.

3.7 Economic Benefit Implications

The attraction to the park will be greatly enhanced by further increasing patronage to the area and improved facilities for family / event days and will benefit local businesses of the region.

ITEM 3.6 TENDER - STRATHPINE - PINE RIVERS PARK - PARK DEVELOPMENT - 61662697 (Cont.)

3.8 Environmental Implications

The successful tenderer will provide an environmental management plan that will be monitored by project management. The outcome of this project is the installation of lush understorey planting, green roof / screens and evergreen shade trees, to create a uniquely green, cool and shadier picnic facility.

3.9 Social Implications

The park aims to engender a positive social impact and create a unique picnic hub for social activity and gatherings especially for large families and to celebrate events.

3.10 Human Rights Implications

☒ Nil identified

3.11 Consultation/Communication

A detailed communication plan has been prepared for this project. Communication strategies include project signs displayed on site two weeks prior to construction. Weekly email updates will be provided to the Divisional Councillor and weekly updates with project updates, including photographs, will be provided weekly about the project's progress on Council's website. The local councillor has been consulted and is supportive of the project.

SUPPORTING INFORMATION

Ref: 61705045

The following list of supporting information is provided for:

ITEM 3.6

TENDER - STRATHPINE - PINE RIVERS PARK - PARK DEVELOPMENT

Confidential #1 Tender Evaluation

ITEM 3.7

**TENDER - MOUNT NEBO - MOUNT NEBO ROAD NEAR JOLLY'S LOOKOUT POINT
- ROAD SAFETY UPGRADE**

Meeting / Session: 3 ENGINEERING, CONSTRUCTION & MAINTENANCE
Reference: 61779124 : 18 March 2021 - Refer **Confidential** Supporting Information
61791260
Responsible Officer: DM, Senior Project Manager (ECM Project Management)

Executive Summary

Tenders were called for the 'Mount Nebo - Mount Nebo Road near Jolly's Lookout Point - Road Safety Upgrade (MBRC010323)' project. Tenders closed on 4 March 2021 with a total of eight tenderers providing eleven submissions, ten of which were conforming.

It is recommended that the tender for 'Mount Nebo - Mount Nebo Road near Jolly's Lookout Point - Road Safety Upgrade (MBRC010323)' project be awarded to HEH Civil Pty Ltd, for the sum of \$2,356,658.00 (excluding GST) as this tender represents the best overall value to Council.

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

OFFICER'S RECOMMENDATION

1. That the tender for the 'Mount Nebo - Mount Nebo Road near Jolly's Lookout Point - Road Safety Upgrade (MBRC010323)' project be awarded to HEH Civil Pty Ltd for the amount of \$2,356,658.00 (excluding GST).
2. That the Council enters into an agreement with HEH Civil Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with HEH Civil Pty Ltd for the 'Mount Nebo - Mount Nebo Road near Jolly's Lookout Point - Road Safety Upgrade (MBRC010323)' project and any required variations of the agreement on Council's behalf.
4. That to allow this project to continue, and for Council to enter into the agreement with HEH Civil Pty Ltd for the project, Council commits to the provision of an additional \$1,250,000 in the 20-21 FY quarter 3 financial review process.
5. That it be noted this project has been awarded in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.

ITEM 3.7 TENDER - MOUNT NEBO - MOUNT NEBO ROAD NEAR JOLLY'S LOOKOUT POINT - ROAD SAFETY UPGRADE - 61779124 (Cont.)

REPORT DETAIL

1. Background

The project is located over a 330-metre section of Mount Nebo Road near Jolly's Lookout Point, Mount Nebo. The scope includes road reconstruction and widening with a sealed shoulder on the outside of the curve, construction of a concrete v-drain, installation of guardrail and removal of several roadside hazards and improve edge lines and enhanced delineation using guideposts and chevron alignment markers and the road reconstruction and widening will be supported by a precast retaining wall structure up to 3.5 metres in height on the downhill side of the road with micro piles. The objective of the project is to improve safety for all users and address an identified crash trend which is eligible and has since been submitted for 2020/21 black spot funding.

Construction will commence in April 2021 and take 21 weeks to complete which includes an allowance for wet weather and is currently programmed to be completed by September 2021.



2. Explanation of Item

Tenders for the 'Mount Nebo - Mount Nebo Road near Jolly's Lookout Point - Road Safety Upgrade (MBRC010323)' project closed on the 4 March 2021 with a total of a total of eight tenderers providing eleven submissions, ten of which were conforming. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

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

RANK	TENDERER	EVALUATION SCORE (Pre Local Preference)	EVALUATION SCORE (Post Local Preference)
1	HEH Civil Pty Ltd	98.80	110.05
2	Alder Constructions Pty Ltd Conforming (Gabion Option)	95.56	103.06
3	ALLROADS Pty Ltd Conforming (Gabion Option)	94.92	102.42

Moreton Bay Regional Council

GENERAL MEETING - 527
31 March 2021

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ITEM 3.7 TENDER - MOUNT NEBO - MOUNT NEBO ROAD NEAR JOLLY'S LOOKOUT POINT - ROAD SAFETY UPGRADE - 61779124 (Cont.)

RANK	TENDERER	EVALUATION SCORE (Pre Local Preference)	EVALUATION SCORE (Post Local Preference)
4	Alder Constructions Pty Ltd Alternative 1 (Magnum Stone Wall Option)	91.00	98.50
5	Aramira Civil Engineering Pty Ltd	87.35	87.35
6	Australian Marine & Civil Pty Ltd	86.32	86.32
7	Hall Contracting Pty Ltd	74.65	74.65
8	Auzcon Pty Ltd Alternative 1 (No-fines concrete wall)	69.64	69.64
9	Auzcon Pty Ltd Conforming (Magnumstone wall)	65.93	65.93
10	McIlwain Civil Engineering Pty Ltd	51.02	51.02
11	ALLROADS Pty Ltd Alternative 1 (Random Rock)	Non-Conforming	Non-conforming

HEH Civil Pty Ltd ('HEH') - submitted a comprehensive and well-presented tender demonstrating a comprehensive design and construct solution for the retaining wall system as well as relevant similar project experience. A tender clarification meeting was held on 16 March 2021, at which HEH demonstrated their relevant experience, methodology, understanding of the project and capability in delivering the project. HEH provided comprehensive supporting evidence of their design and construct solution and were able to demonstrate that it reduces the risk of latent conditions impacting on their overall tender price and duration. The solution also reduced the impact on the expected footprint of the works and impacts to the existing road during construction. HEH provided examples of similar projects including Maleny Road Intersection Upgrade at Bald Knob on the Landsborough Maleny Road (valued at \$543,000) and Harley Street Intersection Upgrade (valued at \$12.2M) for the Department of Transport and Main Roads.; Oakey Flat Road & Intersection Upgrade (valued at \$4.5M) for Moreton Bay Regional Council; Briggs Road - Pavement Rehabilitation Works (valued at \$1.8M) for the Ipswich City Council. The nominated subcontractors have demonstrated experience with the use of the proposed design and construct retaining wall solution.

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

ALLROADS Pty Ltd Conforming ('Allroads') - submitted a comprehensive and well-presented tender, demonstrating their project experience. A tender clarification meeting was held on 16 March 2021, at which Allroads demonstrated their relevant experience and methodology. The retaining wall system nominated by this contractor included the provision for extra costs in the event that a suitable foundation layer was located lower than expected. Based on MBRC previous experience with projects on Mount Nebo Road, latent conditions including unsuitable soil strata / rock are a high risk for these types of projects. While all tenderers were required to make assumptions based on the geotechnical information provided it was deemed that the solution nominated by Allroads introduced a higher risk of variation costs and project delays than the solution provided by the recommended tenderer.

Alder Constructions Pty Ltd ('AC') - submitted a comprehensive and well-presented tender, demonstrating their project experience. A tender clarification meeting was held on 11 March 2021, at which AC demonstrated their relevant experience and methodology. The retaining wall system nominated by this contractor included the provision for extra costs in the event that a suitable foundation layer was located lower than expected. Based on MBRC previous experience with projects on Mount Nebo Road, latent conditions including unsuitable soil strata / rock are a high risk for these types of projects. While all tenderers were required to make assumptions based on the geotechnical information provided it was deemed that the solution nominated by AC introduced a higher risk of variation costs and project delays than the solution provided by the recommended tenderer.

ALLROADS Pty Ltd Conforming ('Allroads') submitted non-conforming alternative tender - that was withdrawn by Allroads during the tender clarification stage.

ITEM 3.7 TENDER - MOUNT NEBO - MOUNT NEBO ROAD NEAR JOLLY'S LOOKOUT POINT - ROAD SAFETY UPGRADE - 61779124 (Cont.)

3. Strategic Implications

3.1 Legislative / Legal Implications

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

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Diverse transport options - an integrated regional transport network.

3.3 Policy Implications

This project/contract/initiative has been procured/sourced in accordance with the provisions of the following documents:

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

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

3.4 Risk Management Implications

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

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

- a. The recommended tenderer will provide a program of works, staging plans, traffic management plans, safety management plan, environmental management plan, and quality management documentation as part of the contract to detail how they will plan, establish and manage project construction risks which will be reviewed and audited by Project Management.
- b. The recommended tenderer has indicated their understanding of the project site and the proximity of the natural environment and surrounding properties to ensure the safety and well-being of all during the works. The recommended tenderer has indicated their understanding of the geotechnical issues and risks associated with the project site. They have adequately allowed for a design and construct solution that includes micro piles to meet the project outcomes.
- c. The recommended tenderer has indicated that their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time. There remains a procurement risks relating to this project due to the large lead times associated with Steel Reinforced Concrete Pipes (SRCP). The successful tenderer has advised that the procurement risks are considered low due to the very small quantity of pipes required (7m in total). At the tender clarification meeting, the recommended tenderer did not raise any COVID-19 related impacts which would affect material supply chains and overall time delivery of the project works.
- d. Based on MBRC previous experience with projects on Mount Nebo Road, latent conditions including unsuitable soil strata / rock are a high risk for these types of projects. To avoid cost overruns during construction the contingency for this project has been increased to 30%.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.2M, providing the expenditure has been provided for in Council's annual budget.

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

SUPPORTING INFORMATION

Ref: 61791260

The following list of supporting information is provided for:

ITEM 3.7

TENDER - MOUNT NEBO - MOUNT NEBO ROAD NEAR JOLLY'S LOOKOUT POINT - ROAD SAFETY UPGRADE

Confidential #1 Tender Evaluation

4 PLANNING SESSION

(Cr D Grimwade)

ITEM 4.1

DA/41356/2020/V2N - MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY AND BUILDING WORKS – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY - 6 GOSHAWK COURT, CABOOLTURE

APPLICANT: TAL GP Pty Ltd Tte C/- Property Projects Australia

OWNER: TAL GP Pty Ltd Tte

Meeting / Session: 4 PLANNING
Reference: 61533602 : 28 February 2021 – Refer Supporting Information 61798175, 61619130, 61622917
Responsible Officer: NT, Senior Planner (PL Development Services)

Executive Summary

APPLICATION DETAILS	
Applicant:	TAL GP Pty Ltd Tte C/- Property Projects Australia
Lodgement Date:	23 July 2020
Properly Made Date:	28 July 2020
Confirmation Notice Date:	5 August 2020
Information Request Date:	20 August 2020
Info Response Received Date:	1 October 2020
Public Notification Dates:	8 October 2020 to 29 October 2020
No. of Submissions:	Properly Made: 3 Not Properly Made: Nil.
Decision Due Date:	17 February 2021
Prelodgement Meeting Held:	Yes (DA/4754/2011/PRE)

PROPERTY DETAILS	
Division:	Division 3
Property Address:	6 Goshawk Court, Caboolture
RP Description	Lot 20 SP 300113
Land Area:	2080 m ²
Property Owner	TAL GP Pty Ltd Tte

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

This application seeks a Material Change of Use - Development Permit for Car Wash and Service Industry and Building Works - Development Permit for Car Wash and Service Industry situated at the abovementioned property. It is proposed to develop a car wash, dog wash and laundromat within the subject site.

ITEM 4.1 DA/41356/2020/V2N - MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY AND BUILDING WORKS – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY - 6 GOSHAWK COURT, CABOOLTURE - 61533602 (Cont.)

The application was publicly advertised with three (3) submissions received. The proposed development does not accord with the intent of the Moreton Bay Planning Scheme and is recommended to be refused, as expressed in the Overall Outcomes of the Next generation neighbourhood precinct.

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

OFFICER'S RECOMMENDATION

- A. That Council, in accordance with the *Planning Act 2016*, refuses the development application for a Material Change of Use - Development Permit for Car Wash and Service Industry and Building Works - Development Permit for Car Wash and Service Industry at 6 Goshawk Court, Caboolture, described as Lot 20 SP 300113 for the following reasons of refusal.

Reasons for Refusal

1. The proposed development will have a significant amenity impact.

Particulars

- (a) the proposal includes significant acoustic barriers which will negatively impact the streetscape, adjacent residences and adjacent childcare centre; and
- (b) the proposal relies upon high acoustic barriers to mitigate noise impacts and these barriers will not maintain human scale on the subject site and adjacent allotments; and

Relevant Assessment Benchmarks

- Strategic Outcome 3.14.9.4 (8) - Settlement and Urban Form
 - Overall Outcomes J, L and O - General residential zone code - Next generation neighbourhood precinct
 - Performance Outcome PO72 - General residential zone code - Next generation neighbourhood precinct
2. The proposed development is for non-residential development in a residential zone and does not take the form of a community activity, corner store or neighbourhood hub or local centre. The use is therefore inconsistent with the purpose of the zone and precinct which envisages residential activities supported by a range of community uses and small-scale services, facilities and infrastructure to cater for local residents.

Particulars

- (a) The proposed development provides for non-residential uses which are not consistent with the non-residential uses anticipated in this precinct;
- (b) The proposed uses, car wash, dog wash and laundromat, do not function as community activities or small-scale services;
- (c) The proposed uses cater to more than just local residents; and
- (d) The proposed uses do not create a neighbourhood hub.

Relevant Assessment Benchmarks

- Overall Outcome G - General residential zone code - Next generation neighbourhood precinct

ITEM 4.1 DA/41356/2020/V2N - MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY AND BUILDING WORKS – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY - 6 GOSHAWK COURT, CABOOLTURE - 61533602 (Cont.)

- Overall Outcome J - General residential zone code - Next generation neighbourhood precinct
- Overall Outcome T - General residential zone code - Next generation neighbourhood precinct
- Overall Outcome V - General residential zone code - Next generation neighbourhood precinct

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

Decision Notice information

	Details to Insert
Application Type	Material Change of Use - Development Permit for Car Wash and Service Industry and Building Works - Development Permit for Car Wash and Service Industry
Relevant Period of Approval	Not applicable
Section 64(5) Deemed Approval	Not applicable
Superseded Planning Scheme	Not applicable
Variation approval affecting the Planning Scheme	Not applicable
Other Necessary Permits	Not applicable
Codes for Accepted Development	Not applicable
Referral Agencies	There are no Referral Agencies
Submissions	There were 3 properly made submissions about this application.

ITEM 4.1 DA/41356/2020/V2N - MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY AND BUILDING WORKS – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY - 6 GOSHAWK COURT, CABOOLTURE - 61533602 (Cont.)

REPORT DETAIL

1. Background

On 29 May 2017, a Reconfiguring a Lot - Development Permit for Subdivision (1 into 3 Lots) - 2 Stages was approved by Council's delegate (DA/34191/2017/V3RS). This subdivision created the subject site (Lot 20 SP300113), and the two adjacent lots which have since been developed into a Service Station (Lot 21 SP300113) and Child Care Centre (Lot 1 SP298061).

However, there have been no development applications lodged over the subject site prior or since the creation of the lot.

One prelodgement meeting with Council officers (3 October 2018) and received prelodgement advice (9 October 2018). The focus of queries and responses was centred on the use being inconsistent with the MBRC Planning Scheme Overall Outcomes and requiring assessment against the Strategic Framework of the Planning Scheme and consideration of submissions received during the notification period.

2. Explanation of Item

2.1 Proposal Details

The applicant has lodged a Development Application with Council to establish a car wash, dog wash and laundromat facility on the existing vacant parcel. The proposal includes five (5) wash bays, six (6) vacuum bays, while providing 5 additional car spaces on site.

2.2 Description of the Site and Surrounds

Directions	Planning Scheme Zone	Current Land Use
North	General residential zone - Next generation neighbourhood precinct	Single dwelling houses and associated outbuildings (Pumicestone Road)
South	General residential zone - Next generation neighbourhood precinct	Single dwelling houses and associated outbuildings (Goshawk Court)
East	General residential zone - Next generation neighbourhood precinct	Service Station
West	General residential zone - Next generation neighbourhood precinct	Child Care Centre

2.3 Assessment Benchmarks related to the Planning Regulation 2017

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

These Assessment Benchmarks are prescribed as being contained in:

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

Applicable Assessment Benchmarks:	State Planning Policy
	<ul style="list-style-type: none"> State Planning Policy, Part E
	Regional Plan

ITEM 4.1 DA/41356/2020/V2N - MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY AND BUILDING WORKS – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY - 6 GOSHAWK COURT, CABOOLTURE - 61533602 (Cont.)

	<ul style="list-style-type: none"> South East Queensland Regional Plan
SEQ Regional Plan Designation:	<ul style="list-style-type: none"> Urban Footprint
Koala Habitat Designation:	Nil

2.3.1 State Planning Policy

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

Assessment benchmark - livable communities		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmark - mining and extractive resources		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmarks - water quality		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmarks - natural hazards, risk and resilience		
Applicable to Development	SPP Requirement	Comment
Yes	<p>Erosion prone areas within a coastal management district:</p> <p>(1) Development does not occur in an erosion prone area within a coastal management district unless the development cannot feasibly be located elsewhere as is:</p> <p>(a) coastal dependent development; or</p> <p>(b) temporary, readily relocatable or able to be abandoned development; or</p>	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.

ITEM 4.1 DA/41356/2020/V2N - MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY AND BUILDING WORKS – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY - 6 GOSHAWK COURT, CABOOLTURE - 61533602 (Cont.)

	<p>(c) essential community infrastructure; or</p> <p>(d) minor redevelopment of an existing permanent building or structure that cannot be relocated or abandoned.</p> <p>(2) Development permitted in (1) above, mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(3) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>All natural hazard areas:</p> <p>(4) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(5) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.</p> <p>(6) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</p> <p>(7) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</p>	
Assessment benchmarks - strategic airports and aviation facilities		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable

2.3.2 South East Queensland Regional Plan

The site is located in the Urban Footprint designation.

ITEM 4.1 DA/41356/2020/V2N - MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY AND BUILDING WORKS – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY - 6 GOSHAWK COURT, CABOOLTURE - 61533602 (Cont.)

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

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

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

2.4.1 Strategic Framework

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

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

Section 3.14 of the Strategic Framework, specific to the Place Type Model states;

It is intended where applications are made for impact assessment Council will use this section to assess such applications.

An assessment against section 3.14.9 specific to the Next generation neighbourhood Place Type has been made and is discussed as follows having regard to the themes in other sections of the Strategic Framework;

Strategic Outcome	Complies	Assessment
3.14.9.1 Theme - Sustainability and Resilience		
<i>Buildings on small to medium sized lots and in medium density developments are interspersed with private open space and trees and respond to local climate conditions by allowing flow of breezes, natural ventilation and light;</i>	Yes	The proposed development has provided no private open space or trees to respond to local climate conditions. It is noted that the proposal is not for a residential use, therefore private open space is not a requirement, however the proposal consists of approximately 10% landscaping, with the remainder of the site a hardstand surface, or building. However, the proposal consists of significant open buildings to allow flow of breezes, ventilation and light.
<i>Residential developments are designed to allow footpaths suitable for extensive native vegetation and appropriate shade trees;</i>	N.A	The proposed development is not for residential purposes.
<i>Dwellings are to be designed and sited so as to minimise energy requirements and</i>	N.A	The proposed development is not for residential purposes.

ITEM 4.1 DA/41356/2020/V2N - MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY AND BUILDING WORKS – DEVELOPMENT PERMIT FOR CAR WASH AND SERVICE INDUSTRY - 6 GOSHAWK COURT, CABOOLTURE - 61533602 (Cont.)

Strategic Outcome	Complies	Assessment
<i>provide a high standard of residential amenity; and</i>		
<i>Development is designed to avoid exposure to flood and storm tide inundation events and coastal erosion.</i>	Yes	The proposed development has taken into consideration the existing Flood hazard - Balance area overlay applicable to the subject site, and demonstrated it is compliant with the Planning Scheme requirements.
3.14.9.2 Theme - Natural Environment and Landscape		
<i>Open space network incorporates natural and semi-natural parklands that form part of environmental corridors within the green infrastructure network;</i>	N.A	The proposed development has not included open space or green infrastructure.
<i>The green infrastructure network is incorporated into the design of new development and rehabilitated in accordance with green infrastructure network detailed maps. Where native vegetation is to be cleared in order to achieve high quality urban design outcomes and offsets are required these are to be located within environmental offset areas as identified in Planning scheme policy - Environmental areas and corridors, 11.3 Offset receiving site location hierarchy;</i>	N.A	The proposed development has not included open space or green infrastructure.
<i>Open space and natural environmental areas within these areas are complemented by the private 'greening' of yard space on private property and street trees. Residents experience a high level of on-site residential amenity; and</i>	N.A	The proposed development is not for residential purposes.
<i>Development is designed to incorporate natural features and respond to topography.</i>	N.A	The subject site is vacant and relatively flat with no vegetation to consider and design around.
3.14.9.3 Theme - Strong Communities		
<i>Schools, pre-schools, child care centres, place of worship, community health services and other community activities provide informal and safe meeting places for residents whilst serving daily convenience needs;</i>	N.A	The proposal including a car wash, dog wash and laundromat are not community activities.
<i>An extensive range of active and passive open space and recreation areas for use by local residents are an integral part of these places within walking distance of most homes along lineal green corridors and tree lined streets; and</i>	N.A	The proposed development has not included open space or green infrastructure.
<i>Informal recreation experiences are predominantly provided, with formal</i>	N.A	The proposal does not include recreational opportunities.

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Strategic Outcome	Complies	Assessment
<i>recreation opportunities provided in some circumstances.</i>		
3.14.9.4 Theme - Settlement Pattern and Urban Form		
<i>Next generation places cater for a mix of dwellings on a variety of lot sizes, small lot/zero lot line housing, rear lane housing, dual occupancies, medium density residential units and housing for older persons;</i>	N.A	The proposed development is not for residential purposes.
<i>Development across a Next generation neighbourhood place type has a minimum site density of 15 dwellings per hectare or a minimum net residential density of 10 dwellings per hectare;</i>	N.A	The proposed development is not for residential purposes.
<i>Adaptable housing is encouraged in response to changing housing needs;</i>	N.A	The proposed development is not for residential purposes.
<i>Community activities (schools, pre-schools, child care centres, places of worship, community health services and other community activities) are designed to have a low rise built form on landscape sites. They may be clustered together, in or adjacent to neighbourhood hubs or local centres, or dispersed within the area. Where they are dispersed within the area they are located on main through streets or central intersections;</i>	N.A	The proposed uses are not defined as a community activity.
<i>Buildings address the street and non-residential uses have active street frontages;</i>	Yes	The proposal has demonstrated that the laundromat building will address Goshawk Court and provide an active frontage to the street frontage. It is noted that the proposal also includes a 1.8m acoustic barrier along the frontage. However, this could be constructed of alternative materials to ensure the active frontage is maintained.
<i>At least one local centre or neighbourhood hub is conveniently located within the neighbourhood. Local centres and neighbourhood hubs create a series of 15 minute walkable neighbourhoods. Convenient locations for local centres and neighbourhood hubs are on main through streets or on central intersections and within a 15 minute walking distance and responsive to active transport;</i>	N.A	The proposed development is not for residential purposes. However, it is noted that an existing neighbourhood hub is located within walking distance to the subject site.
<i>Development for the expansion (into adjoining lots) of a local centre or neighbourhood hub, or the establishment of a new local centre or neighbourhood</i>	N.A	The proposed non-residential uses do not form a new or extension to an existing neighbourhood hub.

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Strategic Outcome	Complies	Assessment
<p>hub, will only be supported where the following can be met:</p> <ul style="list-style-type: none"> a. it is of a scale that remains subordinate to higher order and district centres within the region and only provides for day-to-day convenience retail, local services, and community activities; b. it is conveniently located on a main through street and/or adjoins or is opposite to a public transport node; c. the expansion will strengthen the existing local centre or neighbourhood hub as an important neighbourhood activity node and does not fragment the intensity of uses; d. a new local centre or neighbourhood hub is to service an unserved catchment and is located to form 15 minute walkable neighbourhoods, with the local centre or neighbourhood hub central to that neighbourhood; e. they are appropriately designed to have high quality urban design outcomes. 		
<p>New development should have regard to the existing character of the Next generation neighbourhood, however high quality urban design outcomes have priority.</p>	No	<p>The proposed development has provided elements of high quality urban design to be consistent with the existing non-residential uses within Goshawk Court.</p> <p>However, the proposal has proposed significant acoustic barriers to comply with noise mitigation measures required to operate on site. These requirements include 3 metre high acoustic barriers around the perimeter of the site which would significantly impact the urban design outcomes of the streetscape and adjoining residents and childcare centre.</p>
3.14.9.5 Theme - Employment Location		
<p>Next generation neighbourhoods have appropriate local employment opportunities in the form of home based businesses and opportunities within a local centre or neighbourhood hub.</p>	No	<p>The proposed development would encourage employment opportunities for the local area, however does not form part of a neighbourhood hub or local centre.</p>
3.14.9.6 Theme - Integrated Transport		
<p>Next generation neighbourhoods have a well-connected, permeable, legible and grid-like network of streets and active</p>	N.A	<p>The proposal does not include the requirement for active transport linkages or new street connections.</p>

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Strategic Outcome	Complies	Assessment
<i>transport linkages that provide direct and easily understood choices of routes to walk, cycle, take public transport and drive to multiple destinations within the neighbourhood. Cul-de-sacs are not the dominant form of street network;</i>		
<i>The active transport network is integrated with public transport infrastructure so that all homes are within 400metres of a bus stop; and</i>	N.A	The proposal does not include the requirement for active transport linkages or new street connections.
<i>Local centres, local concentrations of employment and other local attractors are within 15 minutes of all residents by walking, cycling or public transport.</i>	N.A	The proposal is not a local centre.
3.14.9.7 Theme - Infrastructure		
<i>Next generation neighbourhoods have the level of service of infrastructure provision necessary to support growth, increased intensity of activity and adaptation to change over time and to create a safe and attractive public realm; and</i>	N.A	The proposal does not provide infrastructure for the growth of the neighbourhood.
<i>Next generation neighbourhood places include electricity, gas, telecommunications and high speed broadband to support residential and business needs.</i>	Yes	The land is serviced by electricity, gas, telecommunications and high speed broadband
3.14.9.8 Theme - Water Management		
<i>Adequate potable water supply, sewerage and appropriate stormwater infrastructure is provided to create a safe environment during rain events whilst protecting receiving environments; and</i>	Yes	The land is adequately serviced by water supply, sewerage and stormwater infrastructure.
<i>Water sensitive urban design measures are incorporated into development, including, where possible, the retention and rehabilitation of riparian vegetation to protect and enhance the water quality in the Region's waterways and drinking water catchments.</i>	Yes	The subject site is compliant with the best management practices for water sensitive urban design.

2.4.2 Assessment of Applicable Codes

Code Compliance Summary

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

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

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Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
Zone/ Local Plan Code		
General residential zone code - Next generation neighbourhood precinct	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO72
Overlay Codes		
Flood hazard overlay code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Nil.

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

2.4.3 Performance Outcome Assessment

Performance Outcome	Example
General residential zone code - Next generation neighbourhood precinct	
<i>Performance Outcome Assessment</i>	
PO72 All buildings exhibit a high standard of design and construction, which: <ul style="list-style-type: none"> a. add visual interest to the streetscape (e.g. variation in materials, patterns, textures and colours, cantilevered awning); b. enable differentiation between buildings; c. contribute to a safe environment; d. incorporate architectural features within the building facade at the street level to create human scale (e.g. cantilevered awning); e. include building entrances that are readily identifiable from the road frontage; f. locate and orientate to favour active and public transport usage by connecting to pedestrian footpaths on the street frontage and adjoining sites; g. incorporate appropriate acoustic treatments, having regard to any adjoining residential uses; h. facilitate casual surveillance of all public spaces. 	No example provided.

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Performance Outcome	Example
<i>Performance Outcome Assessment</i>	
<p>The proposed development is required to demonstrate a high standard of design and construction in order to comply with Performance Outcome PO72. While there are a number of features of the development that are considered well designed and considerate of visual interest, there are key elements of the development that would detract from the overall high visual standards required under the MBRC Planning Scheme.</p> <ol style="list-style-type: none"> The proposed development provides visual interest to the streetscape through the design of the proposed laundromat demonstrating a variation of material, textures and colours. However, the remainder of the frontage is dominated by a 1.2 metre high acoustic barrier. The proposed uses are clearly defined, and each building is separated as required by the performance outcome. The proposed development could contribute to a safe environment, however demonstration on the provided plans has been limited. However, through conditions it would be possible for the development to demonstrate how pedestrian safety would be enhanced across the site. Furthermore, internal drive through would demonstrate appropriate safety measures to ensure vehicle and pedestrian safety onsite. The proposed development has included architectural features such as an awning over the dog wash bay, building articulation and varied heights between buildings. However, the proposal also includes 3 metre high acoustic barriers around a large portion of the lot perimeter. These barriers, which are not proposed to be screened by vegetation and landscaping, would be a significant feature of the site, and not designed to human scale. The proposed development provides appropriate and identifiable entrance to the site and aspect of each use. The proposed laundromat has been designed to front the existing pedestrian footpath in order to encourage connectivity between the proposal and neighbouring uses. As mentioned above, the proposed development includes the use of substantial acoustic barriers to enable the development to proceed without detrimental noise impacts in accordance with the Acoustic Report provided by Acoustic Works. However, these are substantial barriers that would have a detrimental impact on the surrounding sites, including the residential lot to the north. The proposed laundromat will provide casual surveillance to the street. <p>The proposed development exhibits a number of positive elements of design, however the proposed acoustic barriers do not enable the development to achieve the purpose of the Performance Outcome. As the proposal does not comply with this Performance Outcome, an assessment against the Overall Outcomes is required and discussed in the following section of this report.</p>	

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2.4.4 Overall Outcome Assessment

6.2.6.3 Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
1.a. The Next generation neighbourhood precinct supports site densities between 15 and 75 dwellings per hectare.	N/A	The proposed development is not for residential purposes, therefore the Overall Outcome does not apply.
1.b. Neighbourhoods will have a mix of residential uses, tenure and densities on a variety of lot sizes providing housing choice and affordability for different lifestyle choices and life stages to meet diverse community needs.	N/A	The proposed development is not for residential purposes, however, the existing neighbourhood provides a mix of residential and non-residential uses. However, the Overall Outcome does not apply.
1.c. Neighbourhoods are designed to provide well-connected, safe and convenient movement and open space networks through interconnected streets and active transport linkages that provide high levels of accessibility between residences, open space areas and places of activity.	Yes	The proposed development will not alter the existing connectivity, movement and open space networks provided within the surrounding area. The proposed development will maintain connectivity between residential and non-residential uses located within Goshawk Court.
1.d. Medium to high density uses (e.g. Multiple dwelling ⁽⁴⁹⁾ , Relocatable home park ⁽⁶²⁾ , Residential care facility ⁽⁶⁵⁾ , Retirement facility ⁽⁶⁷⁾ , Rooming accommodation ⁽⁶⁹⁾ , Short-term accommodation ⁽⁷⁷⁾) are located in proximity to a range of services and public transport stops(s) or station(s).	N/A	The proposed development is not for residential purposes; therefore the Overall Outcome does not apply.
1.e. The design, siting and construction of residential uses are to: <ul style="list-style-type: none"> i. contribute to an attractive streetscape with priority given to pedestrians; ii. encourage passive surveillance of public spaces; iii. results in privacy and residential amenity consistent with the low to medium density residential character intended for the area; iv. provide a diverse and attractive built form; 	N/A	The proposed development is not for residential purposes; therefore the Overall Outcome does not apply.

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<ul style="list-style-type: none"> v. orientate to integrate with the street and surrounding neighbourhood; vi. incorporate sub-tropical urban design principles that respond to local climatic conditions; vii. incorporate sustainable practices including maximising energy efficiency and water conservation; viii. incorporate natural features and respond to site topography; ix. cater for appropriate car parking and manoeuvring areas on-site; x. be of a scale and density consistent with the low to medium density residential character intended for the area; xi. provide urban services such as reticulated water, sewerage, sealed roads, parks and other identified infrastructure; xii. ensure domestic outbuildings are subordinate in appearance and function to the dwelling. 		
<p>1.f. Home based business can only be established where the scale and intensity of the activity does not detrimentally impact upon the character and amenity associated with the surrounding area. Specifically, Home based business does not include the sale or restoration of more than 4 vehicles in any calendar year or, undertake a mechanical repairs or panel beating activity associated with a business at the subject premises.</p>	N/A	<p>The proposed development does not include a Home Based Business; therefore the Overall Outcome does not apply.</p>
<p>1.g. Non-residential uses in the next generation neighbourhood precinct take the form of community activities, corner stores, neighbourhood hubs or local centres.</p>	No	<p>The proposed development is a non-residential use, including a car wash, dog wash and laundromat. However, these proposed uses are not community activities, a corner store, neighbourhood hub or local centre.</p> <p>A neighbourhood hub, local centre or community activities are intended to provide convenience and localized</p>

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		<p>services to the surrounding neighbourhood and its residents. The proposed uses may have a non-residential component, however a car wash, dog wash and laundromat are not community uses, and do not provide a neighbourhood hub function to the surrounding area.</p> <p>The subject site is located between two commercial uses, however the proposed development combined with existing uses do not form a community function that a neighbourhood hub relies upon. Therefore, the proposed development does not form part of a neighbourhood hub, local centre or community activity and does not comply with the Overall Outcome.</p>
<p>1.h. Community activities:</p> <ul style="list-style-type: none"> i. establish in a location that may be serviced by public transport; ii. do not negatively impact adjoining residents or the streetscape; iii. do not undermine the viability of existing or future centres. 	N/A	<p>The proposed car wash, dog wash and laundromat are not community activities; therefore the Overall Outcome does not apply.</p>
<p>1.i. Corner stores may establish as a standalone use (not part of a neighbourhood hub) where:</p> <ul style="list-style-type: none"> i. the store is of a scale that remains subordinate to all centres and neighbourhood hubs within the region; ii. clear separation from existing neighbourhood hubs and centres within the network are maintained to reduce catchment overlap. The corner store should not be within 1600m of another corner store, neighbourhood hub or centre measured from the centre of the corner store, neighbourhood hub or centre; iii. they are appropriately designed and located to include active frontages. 	N/A	<p>The proposed car wash, dog wash and laundromat does not include the function of a corner store; therefore the Overall Outcome does not apply.</p>

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<p>1.j. Retail and commercial activities (excluding Service stations):</p> <ul style="list-style-type: none"> i. cluster with other non-residential uses (excluding corner stores) forming a neighbourhood hub; ii. are centred around a 'Main Street' central core fostering opportunities for social and economic exchange; iii. are of a small scale, appropriate for a neighbourhood hub; iv. do not negatively impact adjoining residents or the streetscape; v. are subordinate in function and scale to all centres within the region. 	<p>No</p>	<p>The proposal would not comply with the requirements of the overall outcome 1.j.</p> <ul style="list-style-type: none"> i. The proposed development whilst clustering with other non-residential uses does not form a neighbourhood hub. The proposed uses do not provide community activities, programs, services or events to the neighbourhood, and will not provide a local community gathering place for residents. Therefore, is inconsistent with the overall outcome. ii. The proposed development does not provide a social or economic benefit to the surrounding neighbourhood, and the design of the existing and proposed non-residential uses do not form a 'main street' function as Goshawk Court is a residential cul-de-sac. Therefore, is inconsistent with the overall outcome. iii. The proposal is not considered a small-scale development. The proposal includes a significant portion of the site being impervious surfaces, with the main car wash structure approximately 6m in height and acoustic fencing around the majority of the site boundaries approximately 3m. The proposed development will have a significant impact on design and amenity for the surrounding area. Therefore is inconsistent with the overall outcome. iv. The proposed development will negatively impact the adjoining residents and streetscape as a result of the proposed design of the development, including 3m acoustic fencing and 6m car wash structures. The proposal will have significant acoustic barriers in order to comply with acceptable noise levels for the surrounding existing uses. However, the proposed acoustic fences will have a detrimental impact upon the streetscape and neighbouring allotments with the size and bulk of the structures being a
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		<p>significant amenity impact. Furthermore, Goshawk Court is a residential cul-de-sac which is primarily residential in nature, therefore acoustic measures are paramount to reduce impacts to the existing and future residents. Therefore, is inconsistent with the overall outcome.</p> <p>v. The proposed function of the site would be subordinate in function and scale to other centres within the region. A larger hub exists to the north east of the subject site, which has a primary function to the surrounding neighbourhood and surrounding residents.</p> <p>The proposed development therefore does not comply with the Overall Outcome.</p>
<p>1.k. Service stations:</p> <ul style="list-style-type: none"> i. establish where they will not disrupt, fragment or negatively impact active frontages (e.g. within a neighbourhood hub); ii. establish on heavily trafficked roads where the amenity of surrounding residential uses is already subject to impacts by road vehicle noise; iii. establish in locations that will not have a negative impact on the street environments intended to include active frontages (e.g. Neighbourhood hubs or centres); iv. do not negatively impact adjoining residents or the streetscape; v. ancillary uses or activities only service the convenience needs of users. 	N/A	<p>The proposed development does not include a service station; therefore, the Overall Outcome does not apply.</p>
<p>1.l. The design, siting and construction of non-residential uses:</p> <ul style="list-style-type: none"> i. maintains a human scale, through appropriate building heights and form; 	N	<p>The proposed development has demonstrated some level of considered design, siting and construction however, the proposal includes elements of design that are detrimental to the surrounding area, therefore is not compliant with the Overall Outcome.</p>

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<ul style="list-style-type: none"> ii. provides attractive, active frontages that maximise pedestrian activity along road frontages, movement corridors and public spaces (excluding Service stations); iii. provides for active and passive surveillance of road frontages, movement corridors and public spaces; iv. promotes active transport options and ensures an oversupply of car parking is not provided; v. locates car parking so as not to dominate the street; vi. does not result in large internalised shopping centres⁽⁷⁶⁾ (e.g. large blank external walls with tenancies only accessible from within the building) surrounded by expansive areas of surface car parking. 		<ul style="list-style-type: none"> i. The proposed acoustic barriers are predominantly 3m in height around the perimeter of the site. The proposed acoustic fencing will appear overbearing and dominate the streetscape and surrounding area as it is unable to achieve human scale. The surrounding areas will be significantly impacted as result of the proposal by way of the predominant structures on site which do not maintain human scale and the existing low scale structures. ii. The proposed development does maintain the existing pedestrian connectivity along the frontage of the site. In addition, the proposed laundromat is designed to actively address the frontage and maximise pedestrian activity. However, the majority of the site is for the proposed car wash, which does not involve pedestrian activity or access. Therefore, the active frontage is minimal in comparison to the function of the whole site. The proposal has managed to provide some attractive elements to the streetscape, particularly from the proposed laundromat structure, however the proposed acoustic fencing draws the eye away from these elements due to their overbearing nature. iii. The proposed laundromat is designed to actively front Goshawk Court and provide passive surveillance of the surrounding area. However, as mentioned previously, the laundromat forms only a small portion of the subject site, with the car wash the dominant use of the land. The car wash has not been designed with active or passive surveillance of the road frontage in consideration. Therefore, the proposal has minor elements of compliance with this overall outcome point, however does not carry across the entirety of the site or development. iv. The proposed car wash encourages the use of personal vehicles as opposed to
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		<p>encouraging public transport options. However, the development has not provided an oversupply of car parking, despite the predominant area of the site being hard stand.</p> <p>v. The proposed car parking on site has been located behind a 1.2 metre acoustic barrier to screen the parks for the street frontage. However, the proposed fence height is a dominant feature in itself.</p> <p>vi. The proposed use will not result in a large internalized shopping centre with a large expansive area of car parking.</p>
<p>1.m. Neighbourhood hub expansion (into adjoining lots) or the establishment of a new neighbourhood hub only occurs where:</p> <p>i. it is of a scale that remains subordinate to all centres within the region;</p> <p>ii. the expansion (into adjoining lots) will strengthen the existing neighbourhood hub as an important neighbourhood activity node;</p> <p>iii. clear separation from existing neighbourhood hubs and centres within the network are maintained to reduce catchment overlap. New neighbourhood hubs are to service a currently unserviced catchment. The centre of a neighbourhood hub should not be located within 1600m of another neighbourhood hub or centre measured from the centre of each hub or centre;</p> <p>iv. for a new neighbourhood hub, it is located on sub-arterial or collector road;</p> <p>v. they are appropriately designed and located to include active frontages around a 'main street' core and are staged where</p>	N/A	<p>The proposed development would not result in an expansion or establishment of a new neighbourhood hub.</p>

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relevant to retain key (highly accessible) sites for long term development.		
<p>1.n. General works associated with the development achieves the following:</p> <ul style="list-style-type: none"> i. new development is provided with a high standard of services to meet and support the current and future needs of users of the site, including roads, street lighting services, telecommunications and reticulated electricity (underground wherever possible), water and sewerage (where available); ii. the development manages stormwater to: <ul style="list-style-type: none"> A. ensure the discharge of stormwater does not adversely affect the quality, environmental values or ecosystem functions of downstream receiving waters; B. prevent stormwater contamination and the release of pollutants; C. maintain or improve the structure and condition of drainage lines and riparian areas; D. avoid off-site adverse impacts from stormwater. iii. the development does not result in unacceptable impacts on the capacity and safety of the external road network; iv. the development ensures the safety, efficiency and useability of access ways and parking areas; v. site works including earthworks are managed to be safe and have minimal impacts on adjoining or adjacent premises, the streetscape or the environment. 	Y	The proposed development could be appropriately conditioned to comply with the high standard of generally works requirements to comply with the Overall Outcome.
1.o. Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke.	No	The proposal is a very noise dominant use with the operation of the car wash and vacuum bays resulting in significant noise levels. The proposal includes 3

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		<p>metre fencing around the majority of the subject site, except where proposed 1.2 metre fencing is proposed along the frontage and adjacent to the existing service station.</p> <p>Therefore, the proposal can comply with the acceptable levels of aerosol, fumes, light, noise, odour, particles and smoke to comply with the overall outcomes, the results have significant impacts on the overall design outcome of the site.</p> <p>The proposed acoustic fencing required to comply will not be a height of human scale, will have a significant amenity impact on the residents to the north and child care centre to the west. Therefore, the proposal does not comply with the overall outcome.</p>
1.p. Noise generating uses are designed, sited and constructed to minimise the transmission of noise to appropriate levels and do not cause environmental harm or nuisance.	Y	<p>The applicant has provided an acoustic report to demonstrate that the noise generating uses on site would be able to achieve appropriate levels and would not cause environmental harm or nuisance, through the provision of acoustic barriers and materials. However due to these substantial acoustic barrier requirements, the development would compromise the amenity of the streetscape and adjoining properties.</p>
1.q. Noise sensitive uses are designed, sited and constructed so as not to be subject to unacceptable levels of noise.	N/A	<p>The proposal does not include a noise sensitive use therefore the Overall Outcome is not applicable.</p>
1.r. Development in a Water supply buffer is undertaken in a manner which contributes to the maintenance and enhancement where possible of water quality to protect the drinking water and aquatic ecosystem environmental values in those catchments.	N/A	<p>The proposed development does not impact the Water Supply Buffer, therefore the Overall Outcome is not applicable.</p>
<p>1.s. Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:</p> <p>i. adopting a 'least risk, least impact' approach when designing, siting and locating development in any area</p>	Y	<p>The site is located outside mapped overlays which would subject the land to constraints and limitations, therefore the proposal complies with the Overall Outcome in this instance.</p>

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<p>subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;</p> <p>ii. ensuring no further instability, erosion or degradation of the land, water or soil resource;</p> <p>iii. when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.</p> <p>iv. maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:</p> <p>A. the provision of replacement, restoration, rehabilitation planting and landscaping;</p> <p>B. the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;</p> <p>C. the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.</p> <p>v. protecting native species and protecting and enhancing species habitat;</p> <p>vi. protecting and preserving the natural, aesthetic, architectural historic and cultural values of significant trees, places, objects and buildings of heritage and cultural significance;</p> <p>vii. establishing effective separation distances, buffers and mitigation measures associated with identified infrastructure to</p>		
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<p>minimise adverse effects on sensitive land uses from odour, noise, dust and other nuisance generating activities;</p> <p>iii. establishing, maintaining and protecting appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat;</p> <p>ix. ensuring it promotes and does not undermine the ongoing viability, integrity, operation, maintenance and safety of identified infrastructure;</p> <p>x. ensuring effective and efficient disaster management response and recovery capabilities;</p> <p>xi. where located in an overland flow path:</p> <p>A. development siting, built form, layout and access responds to the risk presented by the overland flow and minimises risk to personal safety;</p> <p>B. development is resilient to the impacts of overland flow by ensuring the siting and design accounts for the potential risks to property associated with the overland flow;</p> <p>C. development does not impact on the conveyance of the overland flow for any event up to and including the 1% AEP for the fully developed upstream catchment;</p> <p>D. development directly, indirectly and cumulatively avoid an increase in the severity of overland flow and potential for damage on the premises or other premises, public lands, watercourses, roads or infrastructure.</p>		
<p>1.t. Development in the Next generation neighbourhood precinct includes 1 or more of the following:</p>	No	<p>The proposed development, including car wash and service industry, are not listed under the consistent uses for a Next generation neighbourhood precinct.</p>

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		<p>However, in accordance with the overall outcome, a service industry is plausible where located within a Neighbourhood hub. However, as previously discussed the proposal does not form a neighbourhood hub, nor is it an existing hub, the proposal would expand onto. Therefore, both uses are inconsistent uses within the Next generation neighbourhood.</p> <p>The Next generation neighbourhood anticipates predominately residential uses, but also non-residential uses that support convenience and community activities for residents. The proposed uses do not form a convenience or community activity purposes that will enrich the lifestyle or function for residents. Therefore, the proposed uses do not comply with Overall Outcome.</p>
1.u. Development in the Next generation neighbourhood precinct does not include any of the following:	Y	<p>The proposed development, car wash and service industry are not listed as inconsistent uses. Therefore, the proposal is compliant with the Overall Outcome.</p>
1.v. Development not listed in the tables above may be considered on its merits and where it reflects and supports the outcomes of the zone.	No	<p>As the proposed uses are not listed under 1.t. or 1.u. of the Overall Outcomes above, the proposed uses are to be assessed based on their own merits and the General residential zone overall outcomes.</p> <p>The proposed uses do not support the outcomes of the zone. Specifically, the purpose of the General Residential zone is to provide for residential activities supported by a range of community uses and small-scale services, facilities and infrastructure that cater to local residents.</p> <p>This is of most significance as the proposal does not provide for community uses. The proposal is not considered to be small-scale with the structures inconsistent with human scale. The proposal does not cater to local residents but will cater to a much wider catchment. Therefore, the proposed uses do not comply with Overall Outcome.</p>

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Based on the assessment above, the proposal is inconsistent with the Overall Outcomes of the code.

In addition, section 45 (5) of the *Planning Act 2016* states the assessment may be carried out against, or having regard to, any other relevant matter other than a person's personal circumstances, financial or otherwise. There are no other relevant matters that warrant approval of the application.

2.5 Recording of particular approvals on the MBRC Planning Scheme

Not Applicable in this instance.

2.6 Referrals

2.6.1 *Council Referrals*

2.6.1.1 Development Engineering

Traffic, Access & Parking

Access is proposed via a new driveway from Goshawk Court. Sight distance at the access point for both directions is satisfactory. Proposed access and internal car parking and turning arrangements comply with the requirements of Australian Standards AS2890.1. A submitted Traffic Impact Assessment by Rytenskild Traffic Engineering have satisfactorily addressed issues of Car parking supply and design; Access, servicing arrangements and provision for pedestrians.

The Pumicestone Road / Goshawk Court intersection has been channelised and includes Type AUL and CHR turn treatments. The overall impact of this development on the road network is not significant and as the intersection works were driven by the Service Station use.

Goshawk Court is an existing local road providing access to residential and commercial properties. As part of adjacent developments on each side, the section of Goshawk Court between Pumicestone Road and the western end of the existing child care centre has been widened to a collector standard road with a pavement width of 8.5 metres. No further upgrading of Goshawk Court frontage works is required.

Stormwater / Flooding

The amended Stormwater Management Report submitted in response to Council's request for information is acceptable. Existing site stormwater flows towards the north-western corner of the site into an existing field inlet located within an existing drainage easement created at RAL stage of a previous development. Stormwater drainage from the development is proposed to be collected internally and discharged to the existing stormwater field inlet. However, the applicant failed to address stormwater quality treatment measures, however this could be conditioned if the development were to be approved.

2.6.1.2 Environmental Health

Lighting

If the development were to be approved, it could include conditions to ensure suitable lighting is installed.

Waste Management

A plan identifies a suitable location for the bin enclosure. These can be serviced by a private contractor and the arrangements are adequate.

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Noise

An amended Acoustic Report prepared by Acoustic Works dated 24 September 2020, report number 2019409 Revision R01D, was submitted in response to an information request. The report recommends acoustic barriers that are 1.2m, 2.4m and 3.0m in height. If the application were to be approved, conditions would be recommended ensuring the development be undertaken in accordance with the acoustic report recommendations.

2.6.2 Referral Agencies

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

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

2.6.2.2 Advice Agencies

There were no Advice Agencies involved in assessing this application.

2.6.2.3 Third Party Agencies

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

2.7 Public Consultation

2.7.1 Public Notification Requirements under the Development Assessment Rules

- (a) Public Notification was served on all adjoining landowners on 6 October 2020.
- (b) The development application was advertised in the Caboolture Herald on 7 October 2020.
- (c) A notice in the prescribed form was posted on the relevant land on 7 October 2020 and maintained for a period of 15 business days until 29 October 2020.

2.7.2 Submissions Received

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

Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax		3
	Petition		0
Not Properly Made	Letter, Email, Fax		0
	Petition		0
Total			3

The matters raised within the submissions are outlined below:

Assessment of Submissions
Issue - Access to adjacent allotments to the north <ul style="list-style-type: none"> Development of the subject site will restrict future access to the allotments to the north; and No access allowed to Pumicestone Road for adjoining properties to the north.
Discussion

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Assessment of Submissions

Submissions have raised concerns with the development of the subject site without consideration of the potential development and access for the allotments to the north of the site. Should the northern allotments seek to develop they may have restricted access to Pumicestone Road in accordance with the MBRC Planning Scheme which seeks to limit access to sub-arterial roads. However, discussions between Council Officers and the land owners to the north has confirmed in writing that further development of the sites to the north may be able to consider access to Pumicestone Road, rather than requiring a dedicated access through the subject site. Further, given the small size of the subject site and the nature of the proposed use, it would not be reasonable to require the site to provide for a dedicated access to the adjoining land to the north.

This is not a reason for refusal of the application.

Issue - Traffic

- Potential inappropriate car parking and traffic safety impacts in Goshawk Court, a narrow residential cul-de-sac;
- Potential conflicts between motor vehicles and pedestrians (children, parents, grand-parents and staff) to the adjoining Child Care Centre (and going to the 7 Eleven shop);
- Traffic sensitive Child Care Centre in a narrow cul-de-sac carrying about 500vpd. Potential amenity, traffic safety and other land-use related conflicts.
- Ingress and egress to the site;
- Waste collection manoeuvrability;
- Lack of consideration for larger vehicles
- No manoeuvring paths for motor/mobile homes/larger vehicles;
- Lacks traffic assessment for residential outcomes intended for the site;
- Sensitivity consideration of cul-de-sac access from non-residential vehicles;
- Pedestrian access/impacts;
- Children safety.

Discussion

The proposed development has been assessed against the MBRC Planning Scheme traffic and car parking requirements. In accordance with Table SC7.0.1 – Car Parking of the Moreton Bay Regional Council Planning Scheme the proposal yields a requirement for 10 onsite car spaces. The proposal provides a total of 11 spaces, and therefore satisfies Council's on-site carparking requirements.

The geometric layout of the proposed parking facilities has been designed to comply with the relevant requirements specified in AS2890.1: 2004 and the provided turning paths demonstrate that the proposal is consistent with the Australian Standards and complies with the scheme.

The first 160 meters of the Goshawk Court is impacted by the existing child care centre and service station, which resulted in an 8-metre sealed road upgrade, however the remainder of the road remains a rural residential access road.

Section 6.3 of the Traffic Assessment submitted with the information request response addresses capacity of Goshawk Court to the development access and demonstrates that the traffic generated by the proposal is compatible with the design of Goshawk Court to the development access and will not impact on the road or intersection capacity or operation.

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Assessment of Submissions

However, it is noted that Goshawk Court has not yet been developed to its full residential potential which will potentially result in more residential traffic in the future. Goshawk Court may technically, by engineering standards, be able to accommodate the additional traffic generated by the development, however, a concentration of non-residential uses yielding high vehicle trips is of concern (i.e childcare centre traffic, service station traffic and proposed development traffic from carwash) for the residential nature of Goshawk Court.

The proposed uses will not alter the pedestrian connectivity and has given consideration to pedestrian movement. The existing concrete footpath along the frontage serves as a defined pedestrian link to the service station and child care centre. It is assumed that minors will be accompanied by an adult when utilising this pathway link for the child's safety. However, to ensure all pedestrians are visible to cars when existing the subject site, the proposed fencing has been tapered within the front portion of the north western boundary. The fence reduces from 2.4m high down to 1.2m high where approaching the pedestrian footpath and is in accordance with the planning scheme requirement for fencing within the front setback. Therefore, the proposal has demonstrated that safety of pedestrian movements, including children, has been taken into consideration. Section 5.0 of the Traffic Assessment submitted with the information request response demonstrates that adequate sightlines for the access and to the pedestrian path are provided.

The traffic assessment has indicated that the waste collection vehicle may require reversing across car spaces on site to allow manoeuvring. However sufficient space is available on site to enable manoeuvring that would not impact the car spaces if required. However, waste collection is to be managed by the site operators therefore issues can be mitigated by an onsite manager including the collection occurring in off-peak times between 7am and 6pm as per the servicing hours recommended in the acoustic assessment. Further to the above, given that waste servicing will likely be carried outside peak operating times, the truck can reverse into the carwash queue area and complete the manoeuvre without having to drive over staff parking bays.

It is noted that the conflict of a vehicle trailing another vehicle propped to turn right into the 7/11 is not introduced with the proposal, as the operating periods of the existing childcare centre also overlap the operating times of the 7/11. Nevertheless, the proposal is expected to generate in the order of 24 vehicles during peak operating periods. Based on the turn warrants analysis at the 7/11 access, the proposal does not warrant additional treatment as a result of the added demand on Goshawk Court.

Although there is a potential for a vehicle to turn right into the 7/11 whilst the trailing vehicle is intended for the childcare centre or car wash, the low-speed environment of Goshawk Court, and proximity of the 7/11 access to the intersection (approx. 40 metres) would allow trailing vehicles to react in time to stop safely behind the propped vehicle before proceeding. It is not expected that the right turn demand into the 7/11 would result in a queue exceeding 1 -2 vehicles during peak operating periods. On this basis it is considered that the proposal will not have an adverse impact on the safety and operation of the existing 7/11 access on Goshawk Court, and it is unlikely that a queue would form that extends to the Pumicestone Road / Goshawk Court intersection.

Any turnaround provision for larger vehicles past the facility towards the end of Goshawk Court is not deemed warranted as it will be very rare occurrence as there is room on site to accommodate vehicles to stand and await the use of the wash bays.

A submission raises concern regarding the traffic impacts the development may have on the surrounding residents and the child care centre to the west of the site. However, the applicant has demonstrated that the proposed development and overall site layout can cater

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Assessment of Submissions
to the vehicle manoeuvres anticipated for the site, including those of larger vehicles anticipated for the site.
This is not a reason for refusal of the application.
Issue - Noise Impacts
<ul style="list-style-type: none"> • Effects on the child care centre and associated visitors; • Hours of operation (24/7) result in operations; • Waste collection during hours of child care centre; and • Location of car wash adjacent to child care playground.
Discussion
<p>The applicant has provided an acoustic report with the development application to provide acoustic measures for the proposed uses on the site. These measures include acoustic fences and acoustic walls. It is acknowledged that the report has provided comments that would allow the development to operate 24 hours, 7 days a week, the proposal will only operate from 7am to 10pm daily. These hours of operation could be conditioned on any development permit to ensure the operation does not exceed the acceptable times of operation.</p> <p>The proposed development is to provide a variety of acoustic measures to prevent acoustic impacts on the adjoining lots, including the child care centre to the north west. A 3 metre high acoustic fence is proposed along the adjoining boundary, which has demonstrated an appropriate level of amelioration. However, a 3 metre boundary fence is a substantial height and would be out of character with the residential area. Furthermore, it would present visual bulk impacts and would have a significant visual amenity impact on surrounding uses. The residential allotment to the north and child care centre to the west in particular would be substantially impacted by such a large fence.</p> <p>It is noted that the proposed timeframe of waste collection is standard operation hours for waste collection. These standard hours of operation would apply regardless of the proposed use. It should be noted that the acoustic fencing proposed would mitigate significant disruption from the waste collection on adjoining uses.</p> <p>Concern raised over the Waste Collection Vehicle (WCV) will generally service the development outside of peak operating periods and will therefore be able to traverse over car parks when negotiating the site. Those vehicular movements are one off movements, the waste collection vehicle a 12.5m HRV would be the largest vehicle to service the site. Most collections happen under private arrangement and before the A.M peak period. It is reasonable for larger vehicles to cross the lane with due care when egressing.</p> <p>Although the use does not mention RV's a vehicle compatible to a 12.5m HRV can manoeuvre on site and utilise washdown bays. The site has been designed as a car wash and any limitations on the types of vehicles that can access the car wash can be promoted by the operator.</p> <p>The proposed acoustic measures may be appropriate for the proposed uses; however, the amenity outcomes resulting from the acoustic barriers would be substantial internal and external to the site. Therefore, this is a reason for refusal of the application.</p>
Issue - Proposed Use
<ul style="list-style-type: none"> • Anticipated a residential use not commercial; • Car wash prohibited in the General residential zone;

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<p>Assessment of Submissions</p> <ul style="list-style-type: none"> • Use not associated with existing Service Station and therefore not an acceptable outcome.
<p>Discussion</p> <p>In accordance with the MBRC Planning Scheme, a Car Wash and Service Industry are impact assessable uses within the General residential zone - Next generation neighbourhood precinct Table of Assessment. The proposed uses are not listed in the Overall Outcomes of the Zone code, but in accordance with point (v) of the Overall Outcomes can be assessed based upon the merit of the proposal.</p> <p>The subject site is currently a vacant parcel of land between a service station and child care centre, with larger residential lots to the north. The proposed development for a car wash, dog wash and laundromat are non-residential uses between two existing non-residential uses. However, whilst the site is 'sandwiched' between two non-residential uses, it does not automatically follow that development of the site must encompass a non-residential development. Yes, this fact, would lend support to a non-residential use, however, consideration must be given to the residential zoning of the land and expectations from adjoining properties which expressed concern about the proposed land uses. Furthermore, non-residential development could include community uses and not necessarily an intensive land use such as a carwash servicing beyond the immediate local area.</p> <p>This is a reason for refusal of the application.</p>
<p>Issue - Neighbourhood Hub</p> <ul style="list-style-type: none"> • Inconsistent with the scheme requirements for a use providing for the local neighbourhood; • Inconsistent to be labelled 'neighbourhood hub'; • Not a 'gathering place for people'.
<p>Discussion</p> <p>In accordance with the MBRC Planning Scheme, a neighbourhood hub is defined as a cluster of non-residential uses.</p> <div style="border: 1px solid black; padding: 5px;"> <p>A cluster of non-residential uses. A conveniently located public place that is recognised and valued in the local community as a gathering place for people, and an access point for a wide range of community activities, programs, services and events. Includes, a lot shown on Overlay map - Community activities and neighbourhood hubs.</p> </div> <p>The proposed car wash, dog wash and laundromat do not on their own or in conjunction with existing adjoining uses constitute a 'neighbourhood hub' as they do not provide a public space that would be valued in the local community. Therefore, it is agreed that the proposal is not considered a 'neighbourhood hub'.</p> <p>This is a reason for refusal of the application.</p>

2.7.3 Notice of Compliance

The Notice of Compliance was received by Council on 30 October 2020. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

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2.8 Other Matters

None identified.

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

The proposal is inconsistent with the existing Moreton Bay Region planning provisions in respect to expectations for a residential area and is recommended for refusal.

3.4 Risk Management Implications ☒ Nil identified

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

In the event that an appeal is made to the Planning & Environment Court against Council's decision, the Council will incur additional costs in defending its position.

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications ☒ Nil identified

3.11 Consultation / Communication

Refer to clause 2.7.

SUPPORTING INFORMATION

Ref: [61798175](#), [61619130](#), [61622917](#)

The following list of supporting information is provided for:

ITEM 4.1

**DA/41356/2020/V2N - MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR CAR WASH
AND SERVICE INDUSTRY AND BUILDING WORKS – DEVELOPMENT PERMIT FOR CAR WASH
AND SERVICE INDUSTRY - 6 GOSHAWK COURT, CABOOLTURE**

#1 Locality Plan

#2 Zoning Map

#3 Aerial Photography

#4 Plans

#5 Submissions

ITEM 4.2

DA/41507/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING AT 19 MURRAY STREET, WOORIM DESCRIBED AS LOT 20 W75317

APPLICANT: Mark Hams C/- Murray & Associates (QLD) Pty Ltd

OWNER: Alisha Radford and Mark Hams

Meeting / Session: 4 PLANNING
Reference: 61532689 : 5 March 2021 – Refer Supporting Information 61732992, 61612852, 61613101, 61613674
Responsible Officer: DR, Development Planner (PL Development Services)

Executive Summary

APPLICATION DETAILS	
Applicant:	Mark Hams C/- Murray & Associates (QLD) Pty Ltd
Lodgement Date:	13 August 2020
Properly Made Date:	17 August 2020
Confirmation Notice Date:	18 August 2020
Information Request Date:	25 August 2020
Info Response Received Date:	25 November 2020
Public Notification Dates:	7 December 2020 - 13 January 2021
No. of Submissions:	Properly Made: 5 Not Properly Made: 0
Decision Due Date:	15 March 2021
Prelodgement Meeting Held:	No

PROPERTY DETAILS	
Division:	01
Property Address:	19 Murray Street, Woorim
RP Description	Lot 20 W75317
Land Area:	720m ²
Property Owner	Alisha Radford and Mark Hams

STATUTORY DETAILS	
Planning Legislation:	Sustainable Planning Act 2009
Planning Scheme:	Moreton Bay Regional Council Planning Scheme
Planning Locality / Zone	General residential zone (Next generation neighbourhood precinct)
Level of Assessment:	Impact Assessable

This application seeks a Material Change of Use - Development Permit for a Multiple Dwelling (3 dwellings) situated at 19 Murray Street, Woorim and described as Lot 20 W75317. It is proposed to construct a new dwelling with two (2) established dwellings existing within a two-storey building.

The new dwelling contains four (4) bedrooms and an open kitchen/ living/ dining room. The new dwelling is proposed to the rear (west) of the existing building and will obtain vehicle access via a separate driveway onto Winnett Street. The proposal includes two (2) open onsite car parking spaces within the driveway. The existing two (2) dwellings will retain a single on-site car space each within the existing carport.

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The site is within the General Residential zone - Next Generation Neighbourhood Precinct and the Suburban Neighbourhood Place type under the Strategic Framework of the Moreton Bay Regional Council Planning Scheme (MBRC Planning Scheme). Further, the site is mapped as being located within the Medium risk flood hazard area and Balance flood planning area. The site is also located within the Building Heights Overlay with a suggested maximum building height of 15m.

The proposed design of the new dwelling is elevated (pier footings) to ensure habitable rooms achieve the minimum defined flood planning level whilst maintaining a low building height just under 6.0m.

The application was publicly advertised with five (5) properly made submissions received opposing the development. Therefore, this report is being presented to the Council for decision as the proposal has raised community concerns and in accordance with the delegations to Council officers, the Divisional Councillor has requested that the development application be determined by the Council instead of under Council officer delegation.

An assessment against the provisions of the MBRC Planning Scheme has been completed in detail and as a result the areas of non-compliance are not sufficient to warrant refusal of the application and have been addressed under the Strategic framework. Accordingly, the application is recommended to be approved, subject to conditions.

OFFICER'S RECOMMENDATION

- A. That Council, in accordance with the *Planning Act 2016*, approves the development application for a Material change of use - Development Permit for Multiple dwellings (3 Dwellings) at 19 Murray Street, Woorim, described as Lot 20 W75317, subject to the following plans/documents and conditions:

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
SITE PLAN	PRO 753 Sheet Number A-02 Rev A	Evoke Architects	22/07/2020
PROPOSED FLOOR PLAN	PRO 753 Sheet Number A-03 Rev A	Evoke Architects	22/07/2020
PROPOSED ROOF PLAN	PRO 753 Sheet Number A-04 Rev A	Evoke Architects	22/07/2020
PROPOSED ELEVATIONS (North and East)	PRO 753 Sheet Number A-05 Rev A	Evoke Architects	22/07/2020
PROPOSED ELEVATIONS (South and West)	PRO 753 Sheet Number A-06 Rev A	Evoke Architects	22/07/2020
3D	PRO 753 Sheet Number A-07 Rev A	Evoke Architects	22/07/2020
Site Based Flood Report for Proposed Additional Dwelling Located At 19 Murray Street Woorim (Lot 20 On W5317)	CIV02610 (MO/ne)	CONTOUR	29/10/2020

ITEM 4.2 DA/41507/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING AT 19 MURRAY STREET, WOORIM DESCRIBED AS LOT 20 W75317 - 61532689 (Cont.)

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
1.	Approved Plans and/or Documents	
	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
2.	Community Management Statement	
	Ensure that any Community Management Statement for the development reflects the following: 1. Car parking provisions; 2. Landscaping requirements; 3. Communal Open Space and Recreation areas; 4. Bin storage requirements and collection locations; 5. Stormwater Management requirements; and 6. Flood design requirements of the new Dwelling Unit.	Prior to the endorsement of any Community Management Statement.
3.	Extent of Dwellings Units - Multiple Dwelling (3 Units)	
	Ensure the Dwellings on the site are maintained and constructed as follows: 1. Two (2) dwellings containing two (2) bedrooms; and 2. One (1) dwelling containing four (4) bedrooms.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
4.	On-Site Car Spaces	
	A Provide on-site car parking as generally shown on the approved plans.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
	B Provide for the manoeuvring of vehicles on site, generally in accordance with the approved plan. Car spaces, access lanes and driveways shown on the approved plan must not be used for any other purpose.	
5.	Bicycle Parking Facilities	
	Install securely one (1) bicycle parking facilities for each three (3) Dwelling units. Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic management - Part 11: Parking.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
7.	Clothes Drying Facilities	

Moreton Bay Regional Council

GENERAL MEETING - 527
31 March 2021

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Agenda

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
	Provide external clothes drying facilities that are screened from adjoining properties and the street or provide an electric clothes dryer within each dwelling.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
8.	Privacy Screening	
A	Provide privacy screening or alternate treatments where: <ol style="list-style-type: none"> Habitable room windows or balconies of the proposed new dwelling directly face another habitable room or balconies on the same site or an adjoining site that are within 9m; and/or Habitable room windows or balconies that overlook private recreation areas of other dwellings on the same site or an adjoining site. This includes providing a privacy screen to the top of the stair landing from the dining room of the new dwelling. 	A&B Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
B	Treatments may consist of one or more of the following: <ol style="list-style-type: none"> Sill heights at a minimum of 1.5 metres above floor level; or Fixed, tinted or opaque glazing in at least any part of the fixed window or balcony balustrading between the floor level of the dwelling or balcony and 1.5m for windows and 1.2m for balconies; or Fixed external screens (e.g. louvered panels), of durable weather resistant materials and with a maximum of 50% transparency. 	
10.	Street Numbering and Building Names	
	Install dwelling and street numbering including mail boxes. Ensure street numbers and any building names are prominently displayed to enable identification by emergency services. Note: For the existing two (2) Dwelling units; compliance is achieved if there are existing numbers and mail boxes clearly visible from the street frontage.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
11.	Screen Fencing	
	Maintain a screen fence along the perimeter of the site. Unless an alternative design is agreed to with the owners of the adjoining lands, the screen fence is to be 1.8 metres in height and constructed of treated timber.	Prior to the commencement of the use or endorsement of any Community Management Statement whichever comes first and to be maintained at all times.
12.	Private Open Space Delineation	

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
	<ol style="list-style-type: none"> 1. Provide screen fencing at a maximum height of 1.8m separating private open space areas of the new dwelling and the existing two (2) dwellings currently on site. 2. Ensure all new fencing within the medium flood hazard overlay is at least 50% permeable for the flow of water during flood events. 	Prior to commencement of use or endorsement of any Community Management Statement whichever comes first and to be maintained at all times.
13.	Waste Management	
	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	Prior to commencement of use and to be maintained at all times.
15.	Water and/or Sewerage	
	<p>Submit to Council a Certificate of Completion or Provisional Certificate of Completion for the development from the Northern SEQ Distributor-Retailer Authority (Unitywater) confirming:</p> <ol style="list-style-type: none"> 1. A reticulated water supply network connection is available to the land; and 2. A sewerage network connection is available to the land; and 3. All the requirements of Unitywater have been satisfied. 	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
16.	Fibre Ready Telecommunications – Single (New Dwelling only)	
A	<p>Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with NBN Co Guideline New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs as amended, that:</p> <ol style="list-style-type: none"> 1. Extends the service drop conduit from the property boundary to the external Premises Connection Device (PCD) or the likely location of the PCD; and 2. Extends a communications conduit with drawstring from the external PCD or the likely location of the PCD to the internal Fibre Wall Outlet (FWO) or the likely location of the FWO. 	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
B	<p>Provide certification to Council from the installer or an RPEQ engineer (electrical engineer) that the works and infrastructure required in (a) above has been done.</p> <p>Note: A template for certification is available from council for the purpose of this condition.</p>	
17.	Telecommunications Internal Wiring (New Dwelling only)	
A	Install internal wiring (Category 6 or better) within each dwelling unit from the expected location of any future Network Termination Device (NTD) for High Speed Broadband (based on the recommended locational criteria in the NBN Co Guideline (MDU Building Design Guide for New Developments	Prior to commencement of use or Council's endorsement of any Community Management

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
	or NBN Co. Preparation and Installation Guide for SDUs and MDUs) to the same connection points in the dwelling that would have been or have been installed for telephone and television connections; including but not limited to bedrooms, family/living rooms, and study/office for dwellings and receptions, staff rooms, offices and the like for non-residential land uses.	Statement, whichever occurs first.
B	Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done. Note: A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.	
18.	Electricity	
A	Provide underground electricity supply to the new dwelling.	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
B	Submit certification from a licensed surveyor, Registered Professional Engineer of Queensland (RPEQ) or registered building surveyor that any electricity connections and infrastructure made redundant by the development is removed with the land reinstated.	
20.	Storage	
	Ensure storage area is provided to each unit at a minimum capacity of 8m ³ . Note - Storage areas can be co-located in carports/ garages; or incorporated into building design. This storage area excludes parts of the dwelling used in conjunction with a habitable room (e.g. wardrobes in bedrooms) or where performing an integral part in the rooms use (e.g. cupboards in the kitchen or laundry).	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first and is to be maintained.
21.	Street Trees	
	Provide a street tree adjacent to the frontage of the new dwelling in Winnett Street in accordance with Planning scheme policy - Integrated design Appendix D - Landscaping.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
DEVELOPMENT ENGINEERING		
22.	Replace Existing Council Infrastructure	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of construction works, to a standard which is consistent with Council's standards.	Prior to commencement of use or Council endorsement of any Community Management

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
		Statement, whichever occurs first.
23.	Alterations and Relocation of Existing Services	
	Any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of the telecommunications authority, electricity authorities, the Council or other person engaged in the provision of public utility services is to be carried with the development and at no cost to Council.	Prior to commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
24.	New Driveway Crossover	
	Construct a driveway crossover in accordance with the approved plans and documents of development and MBRC Standard Drawing RS-049 & RS-050. Note: The location and construction of the driveway must not compromise, damage or impact upon any existing stormwater infrastructure fronting the lot.	Prior to commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
25.	Stormwater	
	<ol style="list-style-type: none"> 1. Ensure that stormwater from the proposed development is lawfully discharged from the subject land without causing nuisance and annoyance to any person; and 2. Carry out the development to ensure that adjoining properties, reserves and roads are protected from ponding or nuisance from stormwater as a result of any works undertaken. 	At all times.
26.	Minimum Floor Level	
	Design and construct the habitable floor level for the proposed dwelling to at least the Council adopted Flood Planning Level (FPL). The FPL for this site at the time of approval is 4.8m AHD.	Prior to commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
27.	Building Below the Flood Planning Level	
	Construct any stairs and fencing structures below the Council adopted Flood Planning Level (FPL) from materials with a high water resistance and ensure that essential electrical services are located above the FPL. The FPL for this site at the time of approval is 4.8m AHD. Filling is not permitted within the area mapped as Medium risk flood hazard area under Council's Flood Hazard Overlay Code.	Prior to commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.

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CONDITION	TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT	
DEVELOPMENT PLANNING	
Notes: 1. The Queensland Government Fact Sheet 'Rebuilding after a flood' provides information about water resilient products and building techniques. Available at www.hpw.qld.gov.au . 2. An essential electrical service includes services defined as utilities in Mandatory Part 3.5 – Construction of buildings in flood hazard areas of the Queensland Development Code.	

ADVICES	
1.	<i>Aboriginal Cultural Heritage Act 2003</i>
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. Under the Act, indigenous parties are key in assessing cultural heritage significance.</p> <p>The <i>Aboriginal Cultural Heritage Act 2003</i> establishes a Duty of Care for indigenous cultural heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting the activity.</p> <p>Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care.</p> <p>Those proposing an activity that involves additional surface disturbance beyond that which has already occurred on the proposed site need to be mindful of the Duty of Care requirement.</p> <p>Details of how to fulfil the Duty of Care are outlined in the Duty of Care Guidelines gazetted with the Act.</p> <p>Council strongly advises that you contact the relevant state agency to obtain a copy of the Duty of Care Guidelines and further information on the responsibilities of developer under the terms of the <i>Aboriginal Cultural Heritage Act 2003</i>.</p>
2.	Adopted Charges
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 8) dated 14 December 2017 or as amended apply to this development approval.</p> <p>From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval.</p> <p>Payment of Infrastructure Charges is to be in accordance with the Infrastructure Charges Notice issued with this development approval and any Infrastructure Charges Notice issued by Unitywater. From 1 July 2014, all Infrastructure Charges for infrastructure networks controlled by Unitywater (eg. water and/or sewerage) regardless of when the Infrastructure Charges Notice was issued are to be paid directly to Unitywater while Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.</p>

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

Decision Notice information

	Details to Insert
Application Type	Material Change of Use - Development Permit for Multiple dwellings (3 Dwellings)
Relevant Period of Approval	Material Change of Use – 6 years
Section 64(5) Deemed Approval	Not applicable
Superseded Planning Scheme	Not applicable
Variation approval affecting the Planning Scheme	Not applicable
Other Necessary Permits	Building Works – Development Permit (Building Act)
Codes for Accepted Development	Not applicable
Referral Agencies	There are no Referral Agencies
Submissions	There were five (5) properly made submissions about this application.

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REPORT DETAIL

1. Background

Based on the application material, the site currently contains two (2) existing Dwellings within a two-storey building. The downstairs unit comprises of two-bedrooms, one bathroom, living room and kitchen. The upstairs unit also comprises of two bedrooms, one bathroom, kitchen, lounge room and dining room with a large balcony. The units share a downstairs laundry (x2) and a double carport.

2. Explanation of Item

2.1 Proposed Details

This application seeks a Material Change of Use - Development Permit for a Multiple Dwelling (3 dwellings) situated at 19 Murray Street, Woorim and described as Lot 20 W75317. It is proposed to construct a new dwelling with two (2) established dwellings existing within a two storey building.

The new dwelling contains four (4) bedrooms and an open kitchen/ living/ dining room. The new dwelling is proposed to the rear (west) of the existing building and will obtain vehicle access via a separate driveway onto Winnett Street. The proposal includes two (2) open onsite car parking spaces within the driveway. The existing two (2) dwellings will retain a single on-site car space each within the existing carport.

2.2 Description of the Site and Surrounds

The site is within the General residential zone and the Next generation neighbourhood zone precinct. The topography of the site is relatively flat at approximately 4AHD. The medium risk flood hazard overlay affects the middle of the site and the side property boundary to the east.

The surrounding properties are as follows:

Directions	Planning Scheme Zone	Current Land Use
North	General residential - Next generation neighbourhood precinct	Dual Occupancy and Single Dwelling houses
South	General residential - Next generation neighbourhood and Suburban neighbourhood precincts	Single Dwelling houses
East	General residential - Next generation neighbourhood precinct	Single Dwelling houses
West	General residential - Suburban neighbourhood precincts	Single Dwelling houses

2.3 Assessment Benchmarks related to the *Planning Regulation 2017*

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

These Assessment Benchmarks are prescribed as being contained in:

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

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Applicable Assessment Benchmarks:	<u>State Planning Policy</u> <ul style="list-style-type: none"> State Planning Policy, Part E <u>Regional Plan</u> <ul style="list-style-type: none"> South East Queensland Regional Plan <u>From Schedule 10 of the Regulation:</u> <ul style="list-style-type: none"> Not applicable
SEQ Regional Plan Designation:	<ul style="list-style-type: none"> Urban Footprint
Koala Habitat Designation:	Nil

2.3.1 State Planning Policy

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

Assessment benchmark - livable communities		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmark - mining and extractive resources		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmarks - water quality		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmarks - natural hazards, risk and resilience		
Applicable to Development	SPP Requirement	Comment
Yes	Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district: (8) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area,	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply

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	<p>development mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>All natural hazard areas:</p> <p>(9) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(10) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.</p> <p>(11) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</p> <p>(12) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</p>	through recommended conditions.
Assessment benchmarks - strategic airports and aviation facilities		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable

2.3.2 South East Queensland Regional Plan

The site is located in the Urban Footprint designation.

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

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

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

2.4.1 Strategic Framework

In accordance with section 1.7.2 of the planning scheme, the development proposal requires assessment against the Strategic Outcomes within the Strategic Framework; because the proposal cannot comply with the Overall Outcomes of the Flood hazard overlay code relating to development in the medium risk flood hazard area.

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

The Strategic Framework is based on a 20-year planning horizon and is based on Council's analysis of the issues and opportunities facing the region including State interests, the application of the *South East Queensland Regional Plan 2009-2031* (SEQ Regional Plan 2009) provisions to the Region, and Council's strategic direction for the future.

The site is located within the Suburban Neighbourhood Place type of the MBRC Planning Scheme and within the Coastal Communities and Bribie island Planning Area. The proposal complies with the relevant Strategic Outcomes of the twelve themes and of particular relevance, Strategic Outcome - natural hazard and adaption:

Theme: 3.3 Sustainability and Resilience		
3.3.3 Strategic Outcome - Natural hazard and adaption The resilience of communities, development, essential infrastructure, natural environments and economic sectors to natural hazards including projected changes in weather is increased.		
Strategic Outcomes to achieve above	Assessment	Complies
Respond to the risk from natural hazards, including projected changes in weather, by avoiding areas with high exposure and establishing adaptation strategies to minimise vulnerability to riverine flooding, storm tide, coastal erosion, bushfires and landslides;	<p>The proposal seeks to respond to the mapped flood risk by adopting a building design catering to the mapped medium flood risk area on the site.</p> <p>The pier and pole construction of the Dwelling unit ensures safety of persons and property and therefore minimising vulnerability to the low risk flooding. The dwelling includes all habitable floors are constructed above the adopted Flood Planning level of 4.8AHD.</p> <p>A recommendation of this report is to ensure the proposal is built as shown on the approved plans which addresses the flood risk.</p>	Yes

In this regard the proposal complies under the Strategic Framework assessment.

2.4.2 Assessment of Applicable Codes

Code Compliance Summary

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

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

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Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
Zone/ Local Plan Code		
General residential zone code - Next generation neighbourhood precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO4, PO17
Development Codes		
Residential uses code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO2, PO5
Overlay Codes		
Flood hazard overlay code	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO10

The assessment of the development proposal against the Performance Outcomes of the applicable code(s) is discussed below in section 2.4.3.

2.4.3 Performance Outcome Assessment

Performance Outcome	Example
General Residential zone code - Next generation neighbourhood precinct	
PO4: Residential buildings and structures are setback to: <ol style="list-style-type: none"> be consistent with the low to medium density next generation neighbourhood character intended for the area, where buildings are positioned closer to the footpath to create more active frontages and maximise private open space at the rear; result in development not being visually dominant or overbearing with respect to the streetscape and the adjoining sites; maintain private open space areas that are of a size and dimension to be usable and functional; maintain the privacy of adjoining properties; ensure parked vehicles do not restrict pedestrian and traffic movement and safety; limit the length, height and openings of boundary walls to maximise privacy and amenity on adjoining properties; provide adequate separation to particular infrastructure and waterbodies to minimise adverse impacts on people, property, water quality and infrastructure ensure built to boundary walls do not create unusable or inaccessible spaces and do not 	E4.1 Setbacks (excluding built to boundary walls) comply with Table 6.2.6.3.3 Setbacks - Setbacks (Residential uses).

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Performance Outcome	Example
negatively impact the streetscape character, amenity or functionality of adjoining properties.	
<i>Performance Outcome Assessment</i>	
<p>As required under E4.1 above, the minimum setbacks to the side and rear boundaries from a wall or outermost projection (OMP) are 1.5m. This is based on a wall height of 3.5m (2.6m + 900mm stumped above the natural ground).</p> <p>The proposal seeks an alternative side setback to the OMP of the proposed structure by proposing a reduced setback of 1.26m from the eave and 0.96m from the stairs along the north eastern side boundary.</p> <p>All remaining setbacks to the front, side and rear boundaries to the proposed walls and OMP along the northern rear setback achieve the example and are over the minimum 1.5m setback requirement.</p> <p>The proposal is considered to achieve the Performance Outcome. The stairs and eaves provide access to the house, and shade/ protection from the rain/ sun glare. Visual bulk and privacy impacts are considered minimal. The encroachment of the stairs and eaves are determined to have very minimal impact upon the adjoining property in terms of visual dominance. The majority of the new dwelling, including walls, is setback in excess of 1.5, proposed at 1.8m from the side boundary. The stairwell consists of a small structure providing an area of transition, rather than a place to dwell. A condition has been recommended to ensure the top landing of the staircase is screened at the side to limit direct views.</p>	
PO17 The layout of the development does not compromise: a. the development of the road network in the area; b. the function or safety of the road network; c. the capacity of the road network.	E17.4 The development layout allows forward vehicular access to and from the site.
<i>Performance Outcome Assessment</i>	
<p>The proposed driveway into two (2) car spaces is proposed for the new Dwelling. This means it is likely a vehicle will reverse from these parked spaces.</p> <p>The location of the parked vehicle spaces at the front of the new Dwelling would not compromise the road network in the area or the function, safety and capacity of the road network itself. It is not a high order road but an access street for the residents in the immediate area. There is sufficient site distances and an appropriate speed limit to manage vehicle movements from this location. In this regard, the performance outcome has been addressed and the impacts of a vehicle exiting backwards leaving the site are minimal in the overall function of the road network.</p>	
Residential Uses Code	
PO2 Dwellings are provided with private open space that is:	E2 requires Dwellings to have a clearly defined, private outdoor living space that is:
<p>a) of a size and dimension that is useable and functional relative to the residential use (e.g. permanent or non-permanent);</p> <p>b) directly accessible from the dwelling;</p>	<p>(a) A minimum of 12m² in area and a 2.4m dimension in all directions for ground and above ground</p>

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Performance Outcome	Example
<p>c) located to ensure residents of dwellings and neighbouring dwellings experience a high level of residential amenity;</p> <p>d) free of objects or structures that reduce or limit functionality (e.g. air conditioning units, hot water systems etc);</p> <p>e) where on the ground level , private and physically located away from and not adjacent to a road unless:</p> <ol style="list-style-type: none"> i. adjoining a laneway or other public spaces; OR ii. for the purpose of solar optimisation (orientated to maximise the northerly aspect), adjoining an access street or an unconstructed road that is not intended to be constructed as a road; and <ol style="list-style-type: none"> A. is designed to form part of the building (not an appendage to the building); and B. is screened for privacy. <p>Screening must:</p> <ol style="list-style-type: none"> 1. be of a high architectural standard and design; 2. not dominate the majority of the street frontage; 3. not reduce or inhibit the activation of the street frontage by blocking or restricting overlooking from habitable room windows, front doors and pedestrian access points to each dwelling; and 4. be setback behind landscaping (streetscape enhancement landscaping, not simple solid screen landscaping). 	<p>level dwellings with 2 bedrooms or more.</p> <p>(b) accessed from a living area;</p> <p>(c) if private open space is located at ground level: i. it is screened for privacy from adjoining dwellings; ii. it is located to the rear or side of the dwelling behind the main building line and not within the primary frontage setback.</p> <p>(d) for above ground dwellings that adjoin the street, minimum private open space areas (balconies) are orientated to the street, or for dwellings that do not adjoin the street, balconies face north or east;</p> <p>(e) minimum open space area and dimensions are clear of any utility and non-recreational structure (including but not limited to driveways, air-conditioning units, water tanks, storage structures, refuse storage areas and retaining structures).</p>
Performance Outcome Assessment	
<p>The existing Dual Occupancy has sufficient private outdoor living areas with one Dwelling having a large balcony facing Murray Street and both Dwellings sharing the ground level open space area.</p> <p>The proposal plan does not show each of the three (3) dwellings having a clearly defined private outdoor living space. Therefore, a condition has been recommended to provide opportunity for the new Dwelling to delineate their own private outdoor living space from the outdoor areas of the existing dwellings on site.</p> <p>This will achieve compliance the performance outcome and maintain the resident's private outdoor recreational needs.</p>	

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Performance Outcome	Example
<p>PO5 Car parking areas do not adjoin the street frontage or public open space areas or a designed to:</p> <ul style="list-style-type: none"> a) no dominate the street frontage; b) maintain active frontages; c) contribute to the intended character of the streetscape; d) no compromise on-site landscaping. 	<p>E5.2 For townhouses: a. parking spaces gain access via internal driveways; or b. car parking areas are located behind the front of the building.</p>
<i>Performance Outcome Assessment</i>	
<p>The proposal seeks to locate two (2) vehicle parking spaces within the frontage of the new Dwelling. However, these car spaces are open in nature and will not dominate the frontage. The dwelling will still sufficiently address the frontage. Further, it is noted that it is not uncommon in the surrounding area for carspaces and carports to be located in the front setback area. In this regard, the performance outcome has been achieved.</p>	
Flood Hazard Code	
<p>PO10 Development maintains personal safety at all times, such that:</p> <ul style="list-style-type: none"> (a) a vulnerable land use (flood and coastal) is not located in the High risk flood hazard area or Medium risk flood hazard area; (b) new buildings are not located in the High risk flood hazard area included in the Limited development zone; (c) a residential accommodation building is located in the following: <ul style="list-style-type: none"> (i) Balance flood planning area; OR (ii) The Medium risk area where located in the Medium risk storm tide inundation area of the Coastal hazard overlay or Balance coastal planning area of the Coastal hazard overlay; (d) Evacuation capability from the development or other premises is not hindered or made more complicated and there is no significant additional burden placed on emergency services personnel; (e) The isolation of persons in the Defined Flood Event is avoided. 	<p>No example provided</p>
<i>Performance Outcome Assessment</i>	

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Performance Outcome	Example
The proposed development complies with most of the performance outcome sub-categories stated above. However, it cannot comply with item C (ii) as the development is within the Flood Hazard Medium risk area only and not the Medium risk storm tide, therefore not satisfying compliance with respect to food risk.	
In this regard, the proposal is required to be assessed under the Overall outcomes of the Flood hazard overlay code.	

2.4.4 Overall Outcome Assessment

The development proposal does not comply with Performance outcome 10 of the Flood hazard overlay code. Therefore, the proposal is required to be assessed against the Overall outcomes of the code. The assessment indicated the proposal complies with all the outcomes except for Overall Outcome C below:

Section 8.2.2.2.2 Flood hazard Overlay Code		
Overall Outcomes	Complies Y/N	Comments
C: Development in the Medium risk area manages and mitigates the tolerable risk of flood hazard by ensuring that: i. a material change of use is only for the following uses if consistent with the overall outcomes of the applicable zone and precinct and the risk to people, property and infrastructure located on the premises and other premises is avoided or mitigated: A Dwelling house; or B. Outdoor sport and recreation; or C. Park; or D. Permanent plantation; or E. Cropping (where involving forestry for wood production); or F. Tourist park; or G. Home based business; or H. Non-residential uses where not involving a vulnerable land use (flood and coastal).	N	The proposed land use definition is Multiple Dwelling. In this regard, the proposal cannot comply with the overall outcome as it is not listed in the uses accepted in the medium risk area.

Based on the assessment above, the proposal is inconsistent with one (1) of the Overall Outcomes of the Flood hazard overlay code. Therefore, in accordance with section 1.7.2 of the MBRC Planning Scheme, an assessment against the Strategic Framework is set out in section 2.4.1 of this report. Section 2.41 of this report demonstrates the proposal is consistent with the outcomes sought by the Planning Scheme in relation to mitigating risk from flood hazard.

2.5 Trunk Infrastructure

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

ITEM 4.2 DA/41507/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING AT 19 MURRAY STREET, WOORIM DESCRIBED AS LOT 20 W75317 - 61532689 (Cont.)

2.5.1 Levied Charge

In accordance with section 10 of the CR, a Levied Charge is applicable to the development proposal and has been charged for one additional dwelling.

2.5.2 Levied Charge Credit

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

(a) Payment of previous charges or contributions

There is no record of a previous charge or contribution having been made in relation to the land in accordance with section 14 of the CR. Accordingly, the credit available under this option is \$0.00

(b) Lawful use of land

An assessment of existing and previous lawful uses of the land has determined that a credit amount of \$43,181.00 exists and has been calculated based on the existing Dual Occupancy currently established on site.

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

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

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

The credit available under this option is \$18,136.02 based on the proportional split stated in Table 3 of the CR.

2.5.3 Levied Charge Offset or Refund

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

2.5.4 Additional Trunk Infrastructure Costs

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

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

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

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

ITEM 4.2 DA/41507/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING AT 19 MURRAY STREET, WOORIM DESCRIBED AS LOT 20 W75317 - 61532689 (Cont.)

2.6 Recording of particular approvals on the MBRC Planning Scheme

Not Applicable in this instance.

2.7 Referrals

2.7.1 *Council Referrals*

2.7.1.1 Development Engineering

Traffic, Access & Parking

The proposed access and parking layout is generally satisfactory and satisfies relevant standards.

The traffic generation from this development will not trigger any adverse impact on the surrounding road network.

The operation and safety of the proposed site access meets Council's requirements for vehicle movements. The access, parking and driveway meets the performance outcome requirements of Planning Scheme.

It should be noted that the proposed new driveway and the retention of the existing driveway has been assessed will not impact on the road network. However, recommendations of the report include a condition to ensure the new driveway construction complies with the approved plans.

Stormwater

There has been no assessment of the likely increases in stormwater flow rates of the development as an additional dwelling on piers is determined pre and post development stormwater flow rates will be negligible.

Flood Hazard

An assessment of the proposal was made to address the overlay code requirements. The proposed habitable areas of the units are proposed higher than the defined flood planning level determined for the subject site. The current defined flood planning level is 4.8m AHD; and the proposal seeks a floor level at 5.2m AHD.

2.7.1.2 Environmental Health

Waste Management

The applicant advised each dwelling will have their own waste and recycling bins that are to be stored in each dwelling's private open space areas and collected by Council. This arrangement is acceptable as the frontages of Winnett Street and Murray Street have sufficient room for all six (6) bins for Council's kerbside collection.

A condition has been recommended to ensure the proposal manages waste in accordance with SC 6.20 Planning Scheme Policy - Waste.

2.7.2 *Referral Agencies*

2.7.2.1 Concurrence Agencies - Department of Infrastructure, Local Government and Planning

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

ITEM 4.2 DA/41507/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING AT 19 MURRAY STREET, WOORIM DESCRIBED AS LOT 20 W75317 - 61532689 (Cont.)

2.7.2.2 Advice Agencies

There were no Advice Agencies involved in assessing this application.

2.7.2.3 Third Party Agencies

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

2.8 Public Consultation

2.8.1 Public Notification Requirements under the Development Assessment Rules

- (d) Public Notification was served on all adjoining landowners on 3 December 2020.
- (e) The development application was advertised in The Bribie Weekly on 4 December 2020.
- (f) A notice in the prescribed form was posted on the relevant land on 4 December 2020 and maintained for a period of 15 business days until 14 January 2021.

It should be noted under the Planning Act 2016; *a business day does not include a day between 20 December of a year and 5 January of the next year.*

2.8.2 Submissions Received

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

Type		Number of Signatures	Number of Submissions
Properly Made	Email,	6	5
	Petition	-	-
Not Properly Made	Letter, Email, Fax	-	-
	Petition	-	-
Total		6	5

The matters raised within the submissions are outlined below:

Assessment of Submissions	
<u>Issue</u>	Increase in congestion at the corner of Murray and Winnet Street due to increased vehicles and on street parking. Insufficient on-site parking.
<u>Discussion</u>	The proposal has included two (2) additional parking spaces within the site for the parking needs of the additional Dwelling. This is one space more than required by the MBRC Planning Scheme. Furthermore, the proposal does not reduce the existing on-site parking for the existing two (2) dwellings on site (one car space each). The traffic generated by the additional Dwelling will be negligible and well within the carrying capacity of both Winnett and Murray Streets. This is not a sufficient reason for refusal of the application.
<u>Issue</u>	Streetscape appeal is reduced and the proposal will negatively affect the ambience and liveability of the street
<u>Discussion</u>	The proposed development is sympathetic to the adjoining properties by maintaining a low rise built form similar to a single storey house under 6.0m in building height and achieving a medium density of 41.6 dwellings per hectare. It should be noted that the MBRC Planning

ITEM 4.2 DA/41507/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING AT 19 MURRAY STREET, WOORIM DESCRIBED AS LOT 20 W75317 - 61532689 (Cont.)

Assessment of Submissions

Scheme supports the site to have a site density between 15 and 75 dwellings per hectare under the Next generation neighbourhood precinct. This type of development is expected to occur within this site and surrounding properties to the north and east which are also of the same zone and precinct.

The proposed dwelling will result in the removal of some vegetation from the site, none of which is protected under the Planning Scheme and could be removed today at the owner's discretion. A condition is recommended that the developer install a new street tree to the Winnett Street frontage.

The proposed dwelling, whilst intensifying the site as anticipated by the planning scheme, appropriately addresses the street frontage and will present a built form consistent with the character of homes in the area. The interface of the proposed new dwelling directly addresses Winnett Street through the use of the large balcony entrance and windows; and thus, contributing to a positive streetscape amenity and casual surveillance.

This is not sufficient reason for refusal of the application.

Issue

Amenity concerns - Setback and height encroachment from the property boundary would block views, breeze flow and affect privacy

Discussion

The building height overlay mapping indicates a maximum building height of 15.0m for the site. The proposed building height of the new Dwelling unit is under 6.0m. The proposal is well within the maximum building height for the site.

The proposal seeks a 0.96m setback from the stairs and 1.26m setback from the eaves in lieu of the 1.5m required side setback distance to OMP of the building. It is determined to have negligible impacts onto the adjoining properties as these structures function more as access into the house and protection from rain and the sun rather than habitable spaces which have more potential for impacts onto neighbouring properties. The proposed new Dwelling is detached from the existing structures providing avenues for views and breezes.

Further, recommendations of the report include conditions for privacy screening or alternate treatments where habitable room windows or balconies overlook private recreation areas of other dwellings on the same site or an adjoining site.

This is not sufficient reasons for refusal of the application.

Issue

Introduction of backpacker, hostel or similar income-producing accommodation (temporary accommodation)

Discussion

The application seeks a Multiple dwelling which is not temporary accommodation such as Rooming accommodation.

In accordance with the *Planning Regulation 2017*, Multiple dwelling means a residential use of premises involving 3 or more dwellings, whether attached or detached, for separate households.

It is noteworthy that this application is only triggered for impact assessment due to being located within the mapped medium risk flood hazard area. Its land use, design and siting of structures are consistent with the Next generation neighbourhood precinct and sympathetic

ITEM 4.2 DA/41507/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING AT 19 MURRAY STREET, WOORIM DESCRIBED AS LOT 20 W75317 - 61532689 (Cont.)

Assessment of Submissions

to the nearby Suburban neighbourhood precinct properties. A condition has been recommended to reflect the number of dwellings, being three (3) and how many bedrooms they are able to contain for clarity of the use and bedroom limit. Should the owner of the site intend to use the site for backpackers accommodation, this would require a new Development Application to be lodged with Council. This is not sufficient reasons for refusal of the application.

Issue

Exacerbated congestion leading to noise impacts, litter and disruption including security issues

Discussion

The proposed development does intensify the use of the site, which will potentially result in more incidental noise. However, the proposed density is anticipated by the planning scheme. Currently the site appears to be securely fenced by timber fencing at the boundaries of the site. A condition of development will require the maintenance of the existing screen fence along the perimeter of the site to manage noise and privacy. Recommendations of this report include conditions for appropriate waste management to occur on site. This is not sufficient reason for refusal of the application.

Issue

Removal of existing vegetation / trees and therefore, a loss of habitat and shade. Loss of shade will increase overall heat and drying out of public and private spaces.

Discussion

The site is not mapped within an Environmental Area overlay or protected under Schedule 10 of the Regulations for Koala habitat protection. Furthermore, the site does not contain any habitat trees as defined by the planning scheme. In this respect, none of the vegetation on site is provided protection by state or local planning legislation. However, a condition has been recommended which requires the developer to plant a new street tree on Winnett Street.

This is not sufficient reason for refusal of the application.

Issue

The existing flats may require Caboolture Council checks on fire walls and approvals before more development. I object to the new material change of use because the plans are only proposed and feel many amendment and changes will occur. Our other questions and concerns are:

- Does Caboolture Council allow two crossovers on the one property?
- Does Caboolture Council allow removal houses across the Bribie bridge?

Does Caboolture Council allow removal houses on an already developed property?

Discussion

The existing structures when built would have required to comply with the requirements at that time of approval. This application is for the land use component to be considered; not the building work. Should this land use for a Multiple dwelling be approved all aspects of the development would need to comply with the *Building Act 1975* under a Building works application (which includes firewall assessment).

Should the application be approved any future changes to the plans may require further applications subject to the *Planning Act 2016*.

ITEM 4.2 DA/41507/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING AT 19 MURRAY STREET, WOORIM DESCRIBED AS LOT 20 W75317 - 61532689 (Cont.)

Assessment of Submissions

Crossover matters:

Under the assessment of the Moreton Bay Regional Council; the proposal to have two (2) crossovers on the one property as shown on the approved plan is acceptable in this regard as it would not create an unsafe scenario. It is noted that the frontage to Winnett Street is approximately 40m wide where two crossovers will not dominate the frontage and will still allow for sufficient on-street parking in front of the site.

Removable House matters

There are no planning scheme requirements of how the removal house is to cross the Bribie bridge. This would be under a transport permit under separate legislation outside of Council and with the Department of main roads, police and pilots.

Subject to the above site density; the removal house on an already developed property is an acceptable form of structure to be defined as a Multiple Dwelling land use.

This is not sufficient reason for refusal of the application.

2.8.3 Notice of Compliance

The Notice of Compliance was received by Council on 15 January 2021. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

2.9 Other Matters

None identified.

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications

☒ Nil identified

3.5 Delegated Authority Implications

☒ Nil identified

3.6 Financial Implications

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

3.7 Economic Benefit Implications

☒ Nil identified

3.8 Environmental Implications

☒ Nil identified

Moreton Bay Regional Council

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3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications ☒ Nil identified

3.11 Consultation / Communication
Refer to clause 2.8.

SUPPORTING INFORMATION

Ref: [61732992](#), [61612852](#), [61613101](#), [61613674](#)

The following list of supporting information is provided for:

ITEM 4.2

DA/41507/2020/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING AT 19 MURRAY STREET, WOORIM DESCRIBED AS LOT 20 W75317

#1 Aerial

#2 Zoning

#3 Flood Overlay

#4 Plans

#5 Flood Report

#6 Submissions

ITEM 4.3

MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO. 1 S18 TAILORED AMENDMENT STATE INTEREST REVIEW AND PUBLIC CONSULTATION

Meeting / Session: 4 PLANNING
Reference: 61708244 : 3 March 2021 - **Refer Supporting Information 61790272, 61768593, 61768637, 617686655, 61768675, 61768591, 61768645, 61768651, 61768862, 61769424, 61769427, 61769428, 61769430**
Responsible Officer: CT, Coordinator Caboolture West (PL Strategic Planning & Place Making)

Executive Summary

At its General Meeting on 9 December 2020, Council resolved that Council make an amendment to the MBRC Planning Scheme under Section 18 of the *Planning Act 2016* for 'Neighbourhood Development Plan No. 1 (NDP1) of the Caboolture West Local Plan.

The proposed planning scheme amendment for NDP1 will provide a statutory framework to facilitate urban development and deliver critical infrastructure in the first neighbourhood development plan area of the Caboolture West Local Plan. It will also allow for the proper assessment of multiple development applications lodged in this area.

Council officers have undertaken engagement with internal stakeholders, Unitywater and relevant State agencies in preparing the proposed amendment for NDP1. The proposed planning scheme amendment supports a range of housing outcomes, a local centre, a State primary school, a district sports park and local park network and green network precinct primarily along the Caboolture River corridor.

On 23 February 2021, Council was briefed on matters raised during early State agency engagement on the proposed planning scheme amendment and the process required to obtain a tailored amendment notice under Section 18 (S18) of the Planning Act (the *Act*). Feedback was also sought on the proposed S18 process, indicative timeframes and communications strategy to be included in the request provided to the Chief Executive of the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) for their consideration.

On 25 February 2021, the Chief Executive Officer wrote to the Chief Executive of DSDILGP advising of Council's intent to make a tailored amendment under S18(2) of the *Act* to the MBRC Planning Scheme. On 11 March 2021, the Chief Executive of DSDILGP provided a notice (the Notice) under S18(3) of the *Act* to Council outlining the process for making a proposed S18 planning scheme amendment, as well as the communications strategy that Council must implement.

At a Council briefing held on 23 March 2021, officers provided an overview of the next steps in the proposed planning scheme amendment, including the timeline and scope of the public consultation phase, and the proposed amendment content.

Council officers have received the feedback from the Council and the purpose of this report is for Council officers to recommend Council approve to proceed to State interest review and public consultation on the proposed planning scheme amendment for NDP1.

ITEM 4.3 MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO. 1 S18 TAILORED AMENDMENT STATE INTEREST REVIEW AND PUBLIC CONSULTATION - 61708244 (Cont.)

OFFICER'S RECOMMENDATION

1. That the Chief Executive Officer be authorised to write to the Chief Executive of the Department of State Development, Infrastructure, Local Government and Planning under section 18 of the *Planning Act 2016* and advise that Council intends to:
 - a) Amend the planning scheme by following the process in the Notice;
 - b) Commence the State interest review and public consultation processes concurrently in accordance with the Notice.
2. That the Chief Executive Officer be authorised to make administrative and editorial changes to the proposed planning scheme amendment and any associated documentation, if required, prior to submitting to the Chief Executive of the Department of State Development, Infrastructure, Local Government and Planning.
3. That the Chief Executive Officer be authorised to commence the State interest review and public consultation processes concurrently in accordance with the Notice.
4. That the Chief Executive Officer be authorised to do all things reasonable and necessary in order to follow the process in the Notice in order to complete the State interest review and public consultation processes.

ITEM 4.3 MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO. 1 S18 TAILORED AMENDMENT STATE INTEREST REVIEW AND PUBLIC CONSULTATION - 61708244 (Cont.)

REPORT DETAIL

1. Background

Caboolture West is the region's largest Emerging/ New Neighbourhood growth area projected to accommodate a population of approximately 69,000 residents and 27,000 dwellings over the next 40 years. The Planning Scheme identifies NDP1 as the first neighbourhood development plan area for Caboolture West.

The following resolution appears on Minute Page 20/2130 of the General Meeting of Council held on 9 December 2020:

Ex. General Meeting held 9 December 2020 (MP. 20/2130)

RESOLUTION

3. That Council make an amendment to the MBRC Planning Scheme under Section 18 of the *Planning Act 2016* for 'Neighbourhood Development Plan No.1' (NDP1) of the Caboolture West Local Plan.
4. That the Chief Executive Officer be authorised to write to the Minister initiating discussions about an amendment under Section 18 of the *Planning Act 2016*, and in doing so seek advice regarding relevant State interests and a tailored amendment process to support the efficient delivery of the amendment, and ultimately the start of development in the recognised priority regional growth area.

On 25 February 2021, the Chief Executive Officer wrote to the Chief Executive of Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) advising of Council's intent to make a tailored amendment to the Moreton Bay Regional Council Planning Scheme under s18(2) of the *Act*.

Concurrently, officers have been working on a proposed new Planning Scheme Policy (PSP) as part of the proposed planning scheme amendment. PSPs are documents contained in a Planning Scheme that support the Planning Scheme with relevant guidance information.

On 11 March 2021, the Chief Executive of DSDILGP provided a notice (the Notice) under s18(3) of the *Act* to Council outlining the process for making a proposed s18 planning scheme amendment, as well as the communications strategy that Council must implement.

At a Council briefing held on 23 March 2021, officers provided an overview of the proposed planning scheme amendment and process outlined in the Notice. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

The CEO noted the way forward:

A report will be submitted to the General Meeting for consideration to proceed to concurrent State interest review and public notification in accordance with the Notice.

2. Explanation of Item

The proposed planning scheme amendment will provide a statutory framework to facilitate urban development and deliver critical infrastructure in the first neighbourhood development plan area of the Caboolture West Local Plan. It will also allow for the proper assessment of multiple development applications lodged in this area.

ITEM 4.3 MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO. 1 S18 TAILORED AMENDMENT STATE INTEREST REVIEW AND PUBLIC CONSULTATION - 61708244 (Cont.)

The proposed planning scheme amendment includes a plan for NDP1, supporting local plan code provisions and a supplementary new PSP (the subject of a separate report). This provides planning provisions to support a range of housing outcomes, a local centre, a State primary school, a district sports park and local park network and green network precinct primarily along the Caboolture River corridor.

The Notice outlines the steps for making the proposed amendment. In accordance with Step 1 (Planning and preparation), Council have prepared the proposed planning scheme amendment and consulted with State agencies while preparing the proposed amendment.

In accordance with Steps 4 and 5 of the Notice, Council will now commence a concurrent State interest review and public consultation phase.

Step 4 (Notice to commence State interest review)

The Notice includes specific actions under Step 4 for Council to give a notice to the Chief Executive of DSDILGP to commence the State interest review. The notice is to include:

- (a) an electronic copy of the proposed amendment in the format identified by DSDILGP;
- (b) a written statement addressing the State interests in the South East Queensland Regional Plan 2017 (ShapingSEQ) and State Planning Policy 2017 (SPP) which includes—
 - a. how the State interests are integrated in the proposed amendment;
 - b. reasons why any State interests have not been integrated in the proposed amendment;
 - c. any State interests that are not relevant;
- (c) a written statement about how the key elements of a planning scheme mentioned in section 16(1) of the Act have been addressed and if the proposed amendment is consistent with the regulated requirements in the Planning Regulation 2017 (the Planning Regulation);
- (d) the proposed communications strategy given with the notice under section 18(2) of the Planning Act;
- (e) any background studies or reports that informed the preparation of the proposed amendment;
- (f) any natural hazards, risk and resilience evaluation report prepared in regard to the SPP;
- (g) any draft feasible alternatives report prepared for a planning change made to reduce the risk of natural hazards, including details of the potentially affected premises and any relevant supporting information;
- (h) shapefiles of any mapping;
- (i) a summary of consultation with State agencies during the confirmation of State interest review, the outcome of the consultation and any changes made to the proposed amendment as a result of the consultation;
- (j) any other information considered relevant by the local government.

Step 5 (c) - Commence public notification

The specific actions under Step 5(c) of the Notice outline that Council must give public notice about the proposed planning scheme amendment in accordance with:

- (a) the public notice requirements prescribed in the *Planning Act*, Schedule 2, definition of public notice, paragraph (b);
- (b) schedule 4 of MGR (Ministers Guidelines and Rules); and
- (c) the communications strategy described in Part B, section 4.3 of the Notice.

The Notice also outlines public notification must be undertaken for a period of at least 20 business days.

The proposed amendments to the planning scheme document will appear as follows:

- Words with yellow highlight will identify content that is proposed to be added.

ITEM 4.3 MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO. 1 S18 TAILORED AMENDMENT STATE INTEREST REVIEW AND PUBLIC CONSULTATION - 61708244 (Cont.)

- Words with red strikethrough will identify content that is proposed to be removed.

The amended planning scheme and maps will be available during public notification. The proposed new PSP will also be available at this time.

3. Strategic Implications

3.1 Legislative / Legal Implications

Progression of the proposed planning scheme amendment has been undertaken in accordance with the *Act* and the process prescribed in the Notice. This report represents Steps 4 and 5 (Concurrent State interest review and public consultation) in the Notice for the progression of proposed planning scheme amendment.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

The Caboolture West Local Plan requires the preparation of Neighbourhood Development Plans to support the holistic and efficient delivery of land use, design, infrastructure and community-based outcomes and the proper assessment of development applications. Neighbourhood Development Plans provide the framework for the orderly and efficient delivery of this growth area over its projected 40-year lifecycle.

3.4 Risk Management Implications

The proposed planning scheme amendment will also support the proper assessment of development applications in NDP1 and assist in reducing the risk of inappropriate development occurring within the Caboolture West local plan area.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

The consultation costs of the proposed amendment are provided in the current budget.

3.7 Economic Benefit Implications

The proposed planning scheme amendment will support the proper assessment of development applications in NDP1 and will assist in attracting appropriate growth in this part of the region.

3.8 Environmental Implications

Well planned growth will better manage the environmental outcomes identified in NDP1.

3.9 Social Implications

Well planned growth supports positive social outcomes within Caboolture West and the wider Moreton Bay Region.

3.10 Human Rights Implications

There are no known human rights implications arising as a result of this report. Public notification will be undertaken in accordance with the Communications Strategy in the Notice.

3.11 Consultation / Communication

The proposed planning scheme amendment has been discussed internally within Council along with State agencies and Unitywater. They are now proposed to go on public consultation for community feedback and formal State interest review. Council will then consider the State and community feedback received, including potential changes to the proposed amendment content.

SUPPORTING INFORMATION

Ref: 61790272, 61768593, 61768637, 617686655, 61768675, 61768591, 61768645, 61768651, 61768862, 61769424, 61769427, 61769428, 61769430

The following list of supporting information is provided for:

ITEM 4.3

**MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST NEIGHBOURHOOD
DEVELOPMENT PLAN (AREA) NO. 1 S18 TAILORED AMENDMENT STATE INTEREST REVIEW AND
PUBLIC CONSULTATION**

#1 Strategic Framework

#2 Caboolture West Local Plan

#3 Caboolture West Local Plan Code

#4 Caboolture West Urban Living Precinct

#5 Caboolture West Green Network Precinct

#6 Caboolture West Interim Uses Code

#7 Caboolture West Reconfiguring a Lot Code

#8 Caboolture West Dwelling House Code

#9 Local Plan - Boundary and Sub-precincts

#10 Local Plan Map

#11 Overlay Map - Building Heights

#12 Overlay Map - Environmental Areas

ITEM 4.4

MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO. 1 (NEW) PLANNING SCHEME POLICY AND PUBLIC CONSULTATION

Meeting / Session: 4 PLANNING
Reference: 61765565 : 16 March 2021 : **Refer Supporting Information 61790272**
Responsible Officer: CT, Coordinator Caboolture West (PL Strategic Planning & Place Making)

Executive Summary

At its General Meeting on 9 December 2020 (Minute Page 20/2130) Council resolved:

That Council make an amendment to the MBRC Planning Scheme under Section 18 of the Planning Act 2016 for 'Neighbourhood Development Plan No.1' (NDP1) of the Caboolture West Local Plan.

The proposed planning scheme amendment (the subject of a separate report) for Neighbourhood Development Plan (NDP1) will provide a statutory framework to facilitate urban development and deliver critical infrastructure in the first neighbourhood development plan area of the Caboolture West Local Plan. It will also allow for the proper assessment of multiple development applications lodged in this area.

Concurrently with the proposed planning scheme amendment, a new planning scheme policy (PSP) is also proposed. The proposed PSP supports the planning scheme amendment content by providing an overview of the land use and infrastructure planning rationale in preparing the proposed Neighbourhood Development Plan (NDP1).

As required by the Minister's Guidelines and Rules (MGR), new PSPs are required to undergo public notification but not a State interest review process. It is proposed that the new PSP will go on public consultation as part of the proposed planning scheme amendment for NDP1.

This purpose of this report is for Council officers to recommend Council make a proposed new PSP, publicly consult concurrently with the proposed planning scheme amendment for NDP1, and in accordance with the process prescribed in MGR.

OFFICER'S RECOMMENDATION

1. That the Council decide to make a new Planning Scheme Policy in accordance with section 22 of the *Planning Act 2016* and the Minister's Guidelines and Rules.
2. That the Chief Executive Officer be authorised to prepare the proposed planning scheme policy.
3. That the Chief Executive Officer be authorised to commence the public consultation process on the proposed planning scheme policy in accordance with section 22 of the *Planning Act 2016*.
4. That the Chief Executive Officer be authorised to do all things reasonable and necessary in order to comply with the public consultation process on the proposed planning scheme policy in accordance with section 22 of the *Planning Act 2016* and the Minister's Guidelines and Rules.
5. That the Chief Executive Officer be authorised to make administrative and editorial changes to the proposed planning scheme policy and any associated documentation, if required, prior to commencing public notification.

ITEM 4.4 MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO. 1 (NEW) PLANNING SCHEME POLICY AND PUBLIC CONSULTATION - 61765565 (Cont.)

REPORT DETAIL

1. Background

Caboolture West is the region's largest Emerging/ New Neighbourhood growth area projected to accommodate a population of approximately 69,000 residents and 27,000 dwellings over the next 40 years. The Planning Scheme identifies NDP1 as the first neighbourhood development plan area for Caboolture West.

The following resolution appears on Minute Page 20/2130 of the General Meeting of Council held on 9 December 2020:

Ex. General Meeting held 9 December 2020 (MP. 20/2130)

RESOLUTION

3. That Council make an amendment to the MBRC Planning Scheme under Section 18 of the *Planning Act 2016* for 'Neighbourhood Development Plan No.1' (NDP1) of the Caboolture West Local Plan.
4. That the Chief Executive Officer be authorised to write to the Minister initiating discussions about an amendment under Section 18 of the *Planning Act 2016*, and in doing so seek advice regarding relevant State interests and a tailored amendment process to support the efficient delivery of the amendment, and ultimately the start of development in the recognised priority regional growth area.

On 25 February 2021, the Chief Executive Officer wrote to the Chief Executive of Department of State Development, Infrastructure, Local Government & Planning (DSDILGP) advising of Council's intent to make a tailored amendment to the Moreton Bay Regional Council Planning Scheme under s18(2) of the *Act*.

Concurrently, officers have been working on a proposed new PSP as part of the proposed planning scheme amendment. PSPs are documents contained in a Planning Scheme that support the Planning Scheme with relevant guidance information.

At a Council briefing held on 23 March 2021, officers provided an overview of the proposed new PSP as part of broader briefing on the proposed planning scheme amendment and process outlined in the Notice. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

The CEO noted the way forward:

A report will be submitted to the General Meeting for consideration to proceed to concurrent State interest review and public notification in accordance with the Notice.

New PSPs are required to be publicly notified but not required to undergo a State interest review process.

2. Explanation of Item

The proposed new PSP supports the proposed planning scheme amendment for NDP1. Specifically, it provides an overview of the land use and infrastructure planning rationale in preparing the proposed Neighbourhood Development Plan (NDP1).

Section 22 of the *Planning Act 2016* and Chapter 3 of the MGR outline the various actions that Council is required to undertake to propose a new PSP. These include:

- Council must decide to make or amend a PSP
- Council must prepare the proposed PSP
- Council must carry out public consultation on the proposed PSP

ITEM 4.4 MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO. 1 (NEW) PLANNING SCHEME POLICY AND PUBLIC CONSULTATION - 61765565 (Cont.)

Public consultation for a proposed new PSP is required for a minimum of 20 business days.

Public consultation of the new PSP is proposed to run concurrently with the proposed planning scheme amendment for NDP1 for 20 business days. A Notice must be prepared that is consistent with the public notice requirements prescribed in Schedule 4 of the MGR.

Like the Notice for the proposed planning scheme amendment, the Notice for the proposed new PSP must be displayed in the Council's public office/s and be available on Council's website.

3. Strategic Implications

3.1 Legislative / Legal Implications

Progression of the proposed new PSP has been undertaken in accordance with the *Planning Act 2016* and the process prescribed in the MGR.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

The proposed new PSP will support the proposed planning scheme amendment for NDP1 by providing an overview of the land use and infrastructure planning rationale in preparing the Neighbourhood Development Plan (NDP1).

3.4 Risk Management Implications

The proposed new PSP will support the proper assessment of development applications in NDP1 and assists in reducing the risk of inappropriate development occurring within the Caboolture West local plan area.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

The consultation costs of the proposed amendment are provided in the current budget.

3.7 Economic Benefit Implications

The proposed new PSP will support the proper assessment of development applications in NDP1 and will assist in attracting appropriate growth in this part of the region.

3.8 Environmental Implications

Well planned growth will better manage the environmental outcomes identified in NDP1.

3.9 Social Implications

Well planned growth supports positive social outcomes within Caboolture West and the wider Moreton Bay Region.

3.10 Human Rights Implications

There are no known human rights implications arising as a result of this report. Public notification will be undertaken in accordance with the Communications Strategy in the S18 Notice to avoid any duplication of process and confusion with the community.

3.11 Consultation / Communication

The proposed new PSP will go on public consultation for community feedback. Council will then consider the community feedback received, including potential changes to the new PSP.

SUPPORTING INFORMATION

Ref: [61790272](#)

The following list of supporting information is provided for:

ITEM 4.4

**MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST NEIGHBOURHOOD
DEVELOPMENT PLAN (AREA) NO. 1 (NEW) PLANNING SCHEME POLICY AND PUBLIC
CONSULTATION**

#1 Planning Scheme Policy Caboolture West Local Plan - Neighbourhood Development Plan No. 1

ITEM 4.5

APPROACH TO ESTABLISHING FUTURE NAME(S) FOR CABOOLTURE WEST

Meeting / Session: 4 PLANNING
Reference: 61726051 : 22 March 2021
Responsible Officer: DC, Director Planning (PL Directorate)

Executive Summary

At its meeting of 3 February 2021, Council resolved that the Chief Executive Officer provide a report on a recommended approach to establishing future name(s) for Caboolture West and that the report include an approach for engagement with existing and surrounding landowners and residents and other stakeholders stating:

1. That the Chief Executive Officer provide a report by the end of March on a recommended approach to establish future name(s) for Caboolture West.
2. That the report include an approach for engagement with the existing and surrounding landowners and residents and other stakeholders.

'Caboolture West' as a name has emerged in a range of planning documents since 2009 and it represents a 'planning and administrative name' rather than a name which reflects either existing or future community identity.

It is timely, given the anticipated emergence of the first communities in this area to reflect on the naming of the NDP1 area and the wider Caboolture West area.

A group of the land development landowners, coordinated by Stockland have sought a proposal from respected specialist consultants to undertake such a process, titled the "Caboolture West Place Naming and Branding Project".

It is considered there is merit in collaborating in this project and contributing financially and in-kind to its development.

OFFICER'S RECOMMENDATION

1. That Council agree to participate in the Caboolture West Place Naming and Branding Project (as described in this report as the "Hoyne Project") in the Caboolture West area with a view to establishing a new name(s) for the Caboolture West Local Plan area.
2. That Council provide a financial contribution of up to \$15,000 Ex GST towards the completion of this project, and in-kind support in the form of senior officer time to contribute to the project Steering Committee.
3. That the Chief Executive Officer give further consideration and advice to Council on the nature of community engagement required in the development of potential name options.

ITEM 4.5 APPROACH TO ESTABLISHING FUTURE NAME(S) FOR CABOOLTURE WEST - 61726051 (Cont.)

REPORT DETAIL

1. Background

The name 'Caboolture West' was first identified in the 2009 SEQ Regional Plan and since this time, the area has been identified both in regional plans, as a declared Master Planned Area and major growth area. The Caboolture West Local Plan area was first included in the 2016 MBRC Planning Scheme.

Caboolture West is an area anticipated to accommodate in the order of 70,000 residents over the course of the coming decades. The first release area of this community, Neighbourhood Development Plan Area No. 1 (NDP1), is advancing with planning amendments and development applications emerging. NDP1 alone has the potential to be home to 6,500 - 7,500 residents, the scale of a suburb in its own right.

Caboolture West is also regularly used by the media when referring to development projects and investment opportunities in the Caboolture West Local Plan area.

The establishment of a potential new name or names for the Caboolture West Local Plan Area presents opportunities to:

- Preserve the identity of existing communities within existing localities and suburbs to avoid this identity being impacted by the significant urban growth anticipated within Caboolture West, and
- Create a distinct identity for the emerging communities as a point of difference from surrounding residential areas and communities, and
- Explore the development of a name or names that embodies the vision and aspirations for the area.

A Council briefing was conducted on 24 March 2021 for the purpose of sharing information and providing advice/views to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

The CEO noted the way forward:

A council report be submitted to the General Meeting for consideration of participation and financial contribution in the Caboolture West Place Naming and Branding Project (known as the "Hoyne Project") to investigate the renaming of Caboolture West.

Further consideration be given to the community engagement required.

2. Explanation of Item

Like Council and the surrounding community, land development landowners within Caboolture West are interested in establishing a name or names for the area which have meaning and establish and foster a future community identity, respecting the connection that existing landowners and residents outside the Caboolture West area have to existing suburb and locality names.

It is understood that landowners outside the Caboolture West Local Plan area are concerned that the identity of their existing suburbs and localities will be subsumed by the considerable urban growth anticipated to occur within Caboolture West. This identity is strongly linked to long standing suburb and locality names which have considerable local meaning and history.

Coupled with this, land development landowners in the Local Plan area are mindful that Caboolture West as a name was derived primarily as a "planning and administrative name" and is not underpinned by a strong connection with identity or the future communities of the area.

An opportunity now exists, prior to the first communities emerging, for a naming strategy and names to be identified that can contribute to creating identity for Caboolture West and areas within, including NDP Area No.1, which is supported by Council, existing communities, land development landowners and other stakeholders.

ITEM 4.5 APPROACH TO ESTABLISHING FUTURE NAME(S) FOR CABOOLTURE WEST - 61726051 (Cont.)

2.1 Landowners Proposal - "Caboolture West Place Naming and Branding Project"

A group of the land development landowners, coordinated by Stockland have sought a proposal from respected specialist consultants in this area "Hoyne" consulting to undertake such a process, titled the "Caboolture West Place Naming and Branding Project".

There is merit in Council participating in this project (herein referred to as the "Hoyne Project") on the proviso that suitable community engagement can be achieved informing the outcomes, in order for Council to be satisfied that the outcomes have sufficient community support and community benefit to warrant any potential proposal for the change of place names under the *Place Names Act, 1994*. Any changes to names will require formal consideration by Council and a resolution to refer the proposed name(s) to the State Government for their determination under the *Place Names Act, 1994*.

Officers from across Council have met to discuss the suitability of the Hoyne Project to achieve the outcomes sought by the above resolution. A meeting of Hoyne, Council and representatives of the land development landowners occurred on the 22nd March 2021 where the methodology was further discussed.

This process is currently being funded collectively by land development landowners. It has been proposed by the landowners that should Council wish to be involved in the Hoyne Project that consideration be given to a financial contribution to the project costs in the order of up to \$15,000 ex GST, and involvement of senior officers in the Steering Group overseeing the project.

While the detail of the Hoyne Project approach, at the time of writing of this report, is yet to be finalized to reflect the discussion of the meeting of 22 March 2021, it is apparent that the methodology proposed provides a suitable opportunity to achieve the objectives being sought by Council, with the above proviso regarding the extent of community engagement. Indeed, it would not be advantageous for Council to commence a process separate to that being initiated by the land development landowners given the potential for confusion and conflict that this may cause.

Under the proposed methodology, it is intended that the stakeholder and community engagement approach be defined as part of the initial phase of the project. As such, at this stage it is not possible to determine whether or not the approach ultimately preferred and required by Council may require additional expenditure in order to complete, and whether or not this engagement occurs within or in parallel to the Hoyne proposed project, or through other means. This will not be apparent until such time as the initial scoping stage has been completed and considered by Council officers.

Notwithstanding this uncertainty, there is merit in collaborating in the "Hoyne Project" and contributing financially and in-kind to its development.

The opportunity afforded by the Hoyne Project, and its proposed scope provides an opportunity to participate in a process that will derive future identity for the communities of Caboolture West. The methodology proposed by the Hoyne Project is as follows:

- Stage 1
 - Inception Meeting
 - Site visit
 - Document Review
 - Preparation of Engagement Brief
- Stage 2
 - Place, Brand, Strategy and Positioning
- Stage 3
 - Naming and Post Brand Concept
- Stage 4
 - Design and Development

ITEM 4.5 APPROACH TO ESTABLISHING FUTURE NAME(S) FOR CABOOLTURE WEST - 61726051 (Cont.)

The 'Preparation of the engagement brief' task in Stage 1 is proposed to define the scope and method with which stakeholder engagement will occur. At present this has not been costed in the fee proposal. Should Council resolve to participate in the Hoyne Project, and through this scoping task seek to advance specific community engagement outcomes to inform potential name options, it is foreseeable that further funding may be required.

Internal engagement with Council's Community Engagement Department will consider the extent of engagement required and whether or not this will be achieved through the Hoyne Project, or additional specific parallel activities or through the vehicle of other planned Council engagement activities.

The outcome of the Hoyne Project process will be recommended name or names for Caboolture West and areas within Caboolture West. It is possible that Council may seek to do further engagement with either affected landowners or more broadly before advancing any changes to place names as per the *Place Names Act, 1994*.

Whether or not further community engagement activity is required it is considered that there is sufficient rationale for Council to participate in the Hoyne Project as it is currently defined and to make a financial contribution to that project on behalf of the community of up to \$15,000 ex GST and in kind as described in this report.

3. Strategic Implications

3.1 Legislative / Legal Implications

Nil Legislative / Legal Implications in participating in the Hoyne Project however any subsequent changes to the place names within the Caboolture West Local Plan area will need to occur in accordance with the *Place Names Act, 1994*.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications ☒ Nil identified

3.4 Risk Management Implications ☒ Nil identified

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

It has been requested that Council consider a financial contribution to the delivery of the Hoyne Project in the order of up to \$15,000 ex GST. It is possible that should Council require additional community engagement, there may be further funding implications. At this stage these requirements have not been scoped and therefore the extent of these funding implications is unknown.

3.7 Economic Benefit Implications

Transitioning the naming of Caboolture West from a "planning and administrative name" to a name(s) that create distinct identity for the future communities of the area will likely assist economic development outcomes in this future major growth area.

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications

Creating distinct local names and identity for the future communities of the Caboolture West area will contribute to the creation and fostering of these communities' identity. Addressing existing local rural and rural residential residents' concerns that the future urban area will subsume their locality and place names and therefore their distinct local identity, will assist these communities to retain that identity.

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ITEM 4.5 APPROACH TO ESTABLISHING FUTURE NAME(S) FOR CABOOLTURE WEST - 61726051 (Cont.)

3.10 Human Rights Implications ☒ Nil identified

3.11 Consultation / Communication

This report has been prepared in consultation with the Chief Executive Officer, Strategy and Engagement, Community Engagement, Economic Development and Planning staff.

5 COMMUNITY & ENVIRONMENTAL SERVICES SESSION

(Cr M Gillam)

ITEM 5.1

SPECIALISED SUPPLIER CONTRACT LAKESIDE PARK - NOISE MONITORING

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES
Reference: 61767943 : 16 March 2021
Responsible Officer: TD, Public Health and Permits Manager (CES Customer Response)

Executive Summary

Under section 235(b) of the *Local Government Regulation 2012* Council may, by resolution, purchase goods and services from a single supplier without seeking competitive quotations. Such purchases may only be made where the local government is satisfied that because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders.

Accordingly, this matter is reported to Council for resolution.

This report seeks Council's approval that in accordance with section 235(b) of the *Local Government Regulation 2012*, Council is satisfied that Simpson Engineering Group (SEG) is the only supplier practically able to deliver the required specialised web-based noise monitoring services.

OFFICER'S RECOMMENDATION

1. That in accordance with section 235(b) of the Local Government Regulation 2012, that because of the specialised or confidential nature of the web-based noise monitoring services that are sought from Simpson Engineering Group (SEG), it would be impractical or disadvantageous for Council to invite quotes or tenders.
2. That the Council enters into an agreement with Simpson Engineering Group as described in this report for the provision of web-based noise monitoring services.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Simpson Engineering Group for the provision of web-based noise monitoring services, as described in this report, and any required variations of the agreement on Council's behalf.

ITEM 5.1 SPECIALISED SUPPLIER CONTRACT LAKESIDE PARK - NOISE MONITORING - 61767943 (Cont.)

REPORT DETAIL

1. Background

In December 2015 Council sought quotes from three acoustic consultants and engaged Simpson Engineering Group (SEG) to implement a noise monitoring regime at the Lakeside raceway.

In implementing the noise monitoring regime, SEG designed specialist software to ensure the noise monitoring measures complied with the requirements of the *Environmental Protection Act 1994* and met the expectations of the Queensland Ombudsman's recommendations.

In June 2017 following the successful implementation of the noise monitoring regime, Council entered into a specialised supplier contract with SEG to provide ongoing maintenance to equipment, updates to software and expert advice as required. This contract expired at the end of February 2021.

2. Explanation of Item

Under the provisions of section 235(b) of the *Local Government Regulation 2012*, Council may enter into a medium-sized contract with a provider without seeking additional quotes if, it is satisfied that because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous to invite quotes or tenders.

SEG was identified as the single supplier who maintains the capability of providing specialised noise monitoring relevant to open air event motor racing. SEG also provides bespoke noise monitoring and recording software that allows for real time monitoring and information sharing via a web-based portal.

As the software is designed and owned by SEG, without engaging SEG as a provider, maintaining the current and required level of specialised monitoring, assessment and information sharing is considered impractical.

It is recommended that SEG be endorsed as a specialised services supplier for a three-year period commencing 1 May 2021.

3. Strategic Implications

3.1 Legislative / Legal Implications

Section 235(b) *Local Government Regulation 2012* states that a local government may enter into a contractual arrangement without first inviting written quotes or tenders if the local government is satisfied that because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

The endorsement of the contract is in accordance with Council's Procurement Policy 2150-006.

3.4 Risk Management Implications

The use of a specialist consultant will assist in monitoring compliance with the *Environmental Protection Act 1994*.

3.5 Delegated Authority Implications

The value of the contract is within the financial delegation of the Manager Customer Response.

3.6 Financial Implications

The service will be undertaken utilising operational funds from within the Customer Response budget.

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ITEM 5.1 SPECIALISED SUPPLIER CONTRACT LAKESIDE PARK - NOISE MONITORING - 61767943 (Cont.)

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications

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

3.11 Consultation / Communication
Legal Services

6 FINANCE & CORPORATE SERVICES SESSION

(Cr M Constance)

ITEM 6.1

MONTHLY FINANCIAL REPORTING PACKAGE - 28 FEBRUARY 2021

Meeting / Session: 6 FINANCE & CORPORATE SERVICES
Reference: 61759036 : 15 March 2021 - **Refer Supporting Information 61749135**
Responsible Officer: JG, Coordinator Corporate Accounting (FCS Accounting Services)

Executive Summary

The purpose of this report is to present the Financial Reporting Package for the year to date period ending 28 February 2021.

OFFICER'S RECOMMENDATION

That the Financial Reporting Package for the year to date period ending 28 February 2021 be received.

ITEM 6.1 MONTHLY FINANCIAL REPORTING PACKAGE - 28 FEBRUARY 2021 - 61759036 (Cont.)

REPORT DETAIL

1. Background

The Financial Reporting Package for the month ending 28 February 2021 is contained within the supporting information to this report.

This package contains a number of financial documents to provide a breakdown of key financial data and includes:

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

2. Explanation of Item

The year to date Financial report as at the end of February is complete and the performance and position of Council is outlined below in the context of the attached report.

Council amended its 2020/21 Budget during the month of February which is shown alongside the original adopted budget in the report where applicable.

Operating Result (page 1)

As at 28 February 2021 operating revenue was \$377.0 million compared to operating expenses of \$296.8 million thus representing an operating surplus of \$80.2 million, which is in line with expectations.

Operating Revenues (page 1)

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

Fees and Charges revenue was budgeted on the conservative side with expected decreases resulting from the COVID-19 pandemic, however this has not eventuated with revenues derived from building, plumbing, development and waste services performing above original budget targets. The amended budget reflects a forecast increase in fees and charges revenue.

Interest revenue is tracking as expected.

Operational grants and subsidies are tracking below budget, entirely due to the timing of when grants are received. The Financial Assistance Grant represents 75% of all the operational grants Council receives and is paid quarterly. The bulk of this grant will be paid in May/June 2021 and will represent an early payment of the 2021/22 grant allocation.

Other revenues are also tracking behind budget at this stage with a few timing differences impacting on budget performance. Tax Payments from Unitywater represent 65% of this budget item. Current payments received are provisional and are subject to variation at the end of the financial year once Unitywater's end of year tax position is known.

The Unitywater participation revenue is a conservative budget estimate and is a non-cash revenue stream. Revenue is accrued in line with the budget each month and adjusted at year end in accordance with Unitywater's end of financial year result.

ITEM 6.1 MONTHLY FINANCIAL REPORTING PACKAGE - 28 FEBRUARY 2021 - 61759036 (Cont.)

Operational Expenses (page 1)

Employee benefits are tracking to budget.

Material and Services are trending below budget but, again, this is expected to be a timing difference with spend expected to increase over the coming months.

Depreciation expenses and finance costs are tracking to budget.

Capital Revenue (page 1)

Infrastructure cash contributions from developers exceeded the budget after the first eight months, consequently the budget was amended to \$45m during the month. In total \$36.8 million has been received to date, representing 81.9% of the total budgeted amount.

All infrastructure asset contributions that have been received to date have been recognised. As these contributions tend to come in irregularly a considerable quantum is still expected over the remainder of the financial year.

The Capital grants and subsidies budget has been increased over the first two quarters to reflect additional funding expected during the year. Revenue received to date is tracking below the budget, but as projects reach completion toward the end of the financial year the bulk of these grant funds will be forthcoming.

Operating Revenue and Operating Expenditure Graphs (page 2)

The purpose of these graphs is to track actual revenue and actual expenses to a linear monthly budget.

Given the majority of Council's operating revenue cycle is rate related (quarterly in advance), revenue will track to the right-hand side of the budgeted revenue line and slowly edge closer to the line as the quarters draw to a close. This is reflected in the movement of the orange revenue line from July to February as it moves closer to the linear trend.

Conversely, operating expenses will generally track to the left of the budget line and trend that way, gradually drawing closer to the line as the end of the financial year approaches. The orange trend line is progressing as expected.

Capital Expenditure (page 3, 4 and 5)

Capital expenditure is \$118.8 million after the first eight months of 2020/21 and represents 47.49% of the total program. The *total capital expenditure progress* graph summarises the percentage of all capital expenditure completed to date compared to a linear budget spend.

The *capital expenditure by portfolio program* table breaks down the capital spend into program categories. In addition to the actual spend to date of \$118.8 million, there are committed costs (orders placed for works) in the amount of \$86.2 million bringing the total cost to \$205.0 million of the current \$250 million program (82.0% of the capital program committed).

The associated *capital expenditure progress % to date by portfolio program* graph tracks the percentage spend by portfolio program compared to the budget to date. The orange line represents the year to date budget at 67% highlighting the linear budget spend to February 2021. Variations across the programs are normal as capital project delivery is not linear in nature so timing differences are expected.

Balance Sheet and Cash Flow (page 6)

The Balance sheets list Council assets and liabilities and net community equity.

The Cash flow statement indicates a closing cash balance in the amount of \$392.6 million for February. The forecast for the end of June 2021 is currently \$252 million.

ITEM 6.1 MONTHLY FINANCIAL REPORTING PACKAGE - 28 FEBRUARY 2021 - 61759036 (Cont.)

Treasury Report (page 7 and 8)

The Treasury Report outlines Council performance with respect to cash investments and borrowings.

Interest earned on investments was approximately \$2.1 million. Interest rates on offer are quite low in the current market with deposit terms of less than 2 years offering interest rates of less than 1% per annum. The weighted average return on all investments for Council is now sitting at 0.81%.

The Investment graphs give an indication of the percentage of investments held with each financial institution and the maturity profile of Council's investments. Council currently has \$343 million of cash at call with the remaining \$50 million maturing over next 3 to 12 months.

The QIC Growth Fund is currently valued at \$112 million as at the end of February. Council originally invested \$100 million in this fund in June 2018.

Council's total debt position has decreased (\$370m to \$352m) as repayments were made in September and December. Council is expected to repay debt in the amount of \$37 million for the year and is budgeted to borrow \$40 million to fund capital works. Borrowings are expected to be drawn down in May/June 2021.

3. Strategic Implications

3.1 Legislative / Legal Implications

Part 9, section 204 of the Local Government Regulation 2012, (regulation) states the following:

- (1) The local government must prepare a financial report.
- (2) The chief executive officer must present the financial report—
 - (a) if the local government meets less frequently than monthly—at each meeting of the local government; or
 - (b) otherwise—at a meeting of the local government once a month.
- (3) The financial report must state the progress that has been made in relation to the local government's budget for the period of the financial year up to a day as near as practicable to the end of the month before the meeting is held.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

Compliance to the Council's Investment Policy is confirmed.

3.4 Risk Management Implications

The Council is subject to numerous risks associated with revenue and expenses that can impact upon Council's financial performance and position. These risks are addressed during each quarterly budget review to understand any potential impact on Council's performance and position.

3.5 Delegated Authority Implications

☒ Nil identified

3.6 Financial Implications

As at the end of February 2021, Council's operating surplus is \$80.2 million while capital expenditure amounted to \$118.8 million.

3.7 Economic Benefit Implications

☒ Nil identified

3.8 Environmental Implications

☒ Nil identified

3.9 Social Implications

☒ Nil identified

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ITEM 6.1 MONTHLY FINANCIAL REPORTING PACKAGE - 28 FEBRUARY 2021 - 61759036 (Cont.)

3.10 Human Rights Implications ☒ Nil identified

3.11 Consultation / Communication
Director Finance and Corporate Services

SUPPORTING INFORMATION

Ref: [61749135](#)

The following list of supporting information is provided for:

ITEM 6.1

MONTHLY FINANCIAL REPORTING PACKAGE - 28 FEBRUARY 2021

#1 Monthly Financial Report - Year to date result as at: 28 February 2021

ITEM 6.2 COUNCIL'S INSURANCE POLICY

Meeting / Session: 6 FINANCE & CORPORATE SERVICES
Reference: 61767888 : 11 March 2021 - **Refer Supporting Information 61233589;
61236336**
Responsible Officer: JG, Coordinator Corporate Accounting (FCS Accounting Services)

Executive Summary

The purpose of this report is to recommend that Council adopt an updated Insurance Policy (2150-060) and supporting information as outlined in this report.

OFFICER'S RECOMMENDATION

That Council adopt the Insurance Policy (2150-060) and supporting information as presented in this report.

ITEM 6.2 COUNCIL'S INSURANCE POLICY - 61767888 (Cont.)

REPORT DETAIL

1. Background

Historically, Council has always had a requirement under its Insurance Policy (2150-060) that suppliers wishing to do business with Council hold a Public and Products Liability Insurance Policy that listed Council as an "Interested Party" under certain circumstances.

The concept of "Interested Party" means that whilst Council is not a party to the actual insurance contract and cannot receive and give notices under the policy, Council retains a right to recover under the supplier's policy if required.

A Council briefing was conducted on 10 March 2021 for the purpose of discussing proposed changes to Council's Insurance Policy (2150-060) in relation to the abovementioned requirement. In line with Council's decision-making framework, a summary of the minutes of the briefing is provided below:

The proposed changes to the policy were noted. A report should be prepared for the 31 March 2021 General Meeting, for consideration to adopt the proposed changes.

It is not necessary in all cases for suppliers to list Council as an "Interested Party" on their Public Liability and Product Liability insurance policies. This requirement adds complexity and unnecessary cost for suppliers when obtaining insurance and is an impediment to engaging suppliers.

2. Explanation of Item

The proposal to remove the "interested party" requirement on suppliers is due to the difficulty suppliers are experiencing in the marketplace in having Council listed as an "interested party" on their Public and Products Liability Insurance Policy. Insurance companies are reluctant to provide the service of listing interested parties and from the supplier's perspective it adds additional costs to their insurance premium which is ultimately passed onto Council.

Additionally, the "Interested Party" requirement is seen by suppliers as an impediment to doing business with Council.

However, it is important to note that for risks assessed as "extreme" as per Council's Insurance Risk Matrix (Supporting Information #2), the requirement for Council to be listed as an interested party will remain.

3. Strategic Implications

3.1 Legislative / Legal Implications ☒ Nil identified

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

3.3 Policy Implications
Council's Insurance Policy 2150-060 will be amended to remove the requirement for Council to be listed as an "Interested Party" for most suppliers.

3.4 Risk Management Implications
Council would lose its "right to recover" under the supplier's insurance. However, this is mitigated due to Council having its own insurance coverage, and the supplier is still required to maintain their own Public and Products Liability insurance.

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications ☒ Nil identified

Moreton Bay Regional Council

GENERAL MEETING - 527
31 March 2021

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ITEM 6.2 COUNCIL'S INSURANCE POLICY - 61767888 (Cont.)

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications ☒ Nil identified

3.11 Consultation / Communication

Council officers from procurement, governance and executive services, and legal services were consulted in the preparation of this report.

SUPPORTING INFORMATION

Ref: [61233589](#); [61236336](#)

The following list of supporting information is provided for:

**ITEM 6.2
COUNCIL'S INSURANCE POLICY**

#1 Policy 2150-060 Council Insurance

#2 Insurance Risk Matrix

ITEM 6.3 RATES AND CHARGES - FINANCIAL HARDSHIP POLICY

Meeting / Session: 6 FINANCE & CORPORATE SERVICES
Reference: 61777619 : 18 March 2021 - **Refer Supporting Information 61697194**
Responsible Officer: JL, Financial Operations Manager (FCS Financial Operations)

Executive Summary

The current COVID-19 financial hardship support measures for ratepayers, which were made available to ratepayers in response to the impact of the COVID-19 pandemic are due to expire on 31 March 2021.

In place of these measures, it is recommended that Council adopts a rates hardship policy which provides a framework to identify ratepayers experiencing financial hardship and provides targeted support.

The purpose of this report is to seek Council's consideration of Policy 2150-113 Rates and Charges - Financial Hardship.

OFFICER'S RECOMMENDATION

1. That the Rates and Charges - Financial Hardship Policy (2150-113), as provided in the supporting information to this report, be adopted.
2. That pursuant to section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer the right to:
 - a) determine a ratepayer's eligibility for the support under the Rates and Charges - Financial Hardship Policy (2150-113);
 - b) enter into repayment plans with eligible ratepayers; and
 - c) determine the form and duration of the repayment plan agreement.
3. Pursuant to section 120(1)(c) of the *Local Government Regulation 2012*, Council is satisfied that payment of rates or charges will cause hardship to ratepayers eligible for support under the Rates and Charges - Financial Hardship Policy (2150-113) for the duration of the agreed repayment plan.
4. That Council grants a rates concession under section 121 and 122 of the *Local Government Regulation 2012*:
 - a) to any ratepayers considered eligible for support under the Rates and Charges - Financial Hardship Policy (2150-113); and
 - b) limited to the period of up to 12 months per repayment plan, with interest on overdue rates and charges not applicable for the duration of the repayment plan agreement.

ITEM 6.3 RATES AND CHARGES - FINANCIAL HARDSHIP POLICY - 61777619 (Cont.)

REPORT DETAIL

1. Background

In response to the impact that COVID-19 pandemic was having on the community, a Mayoral Minute was adopted by Council at its General Meeting of 13 May 2020 (page 20/787) which outlined a range of COVID-19 support measures. These measures included the following support for ratepayers who were experiencing trouble paying their rates and charges:

- the suspension of interest on overdue rates and charges for the period 1 April to 30 September 2020; and
- the ability for ratepayers who are experiencing financial difficulty to enter into a payment plan to pay off their outstanding rates; and
- the suspension of collection activities in relation to overdue rates and charges for the period 1 April to 30 September 2020.

At the General Meeting of 16 September 2020 (page 20/1722) Council resolved to extend these support arrangements for a further six months for the period 1 October 2020 to 31 March 2021.

In addition to extending the existing support measures the Council report of 16 September 2020 recommended the development of a permanent rates hardship policy to assist ratepayers still requiring assistance beyond 31 March 2021.

A Council briefing was conducted on 10 March 2021 for the purpose of sharing the draft policy. In line with Council's decision-making framework, a summary of the minutes of the briefing, is provided below:

The Rates and Charges - Financial Hardship Policy be noted as presented with a report to come to Council for endorsement of the policy in the coming weeks.

2. Explanation of Item

The objective of the Rates and Charges - Financial Hardship Policy (2150-113) is to provide a framework to identify and provide assistance to ratepayers who are experiencing financial hardship due to an unexpected event or unforeseen changes and are having difficulty paying rates.

The Rates and Charges - Financial Hardship Policy (2150-113), is designed to support the ratepayers through the period of financial hardship by relaxing penalties and ongoing collection activities and for the ratepayer to commit to a plan to pay off outstanding rates and charges over an agreed period of time. The policy is primarily designed to provide short term support to those experiencing financial hardship who intend to pay their rates and charges but cannot do so in full by the due date.

Generally, the support offered under the policy is for residential property owners who reside in the property for which the application is for. The maximum period of support provided under the policy per application is twelve months. In extenuating circumstances at the conclusion of the first support period, eligible ratepayers still experiencing financial hardship may apply for support for a second period of up to twelve months. The maximum period of support is two years per instance of financial hardship.

3. Strategic Implications

3.1 Legislative / Legal Implications

Council's Policies are established and maintained in accordance with the *Local Government Act 2009*.

3.2 Corporate Plan / Operational Plan

Strengthening Communities: Strong local governance - a council connected with its community.

3.3 Policy Implications

This report seeks the adoption of Policy 2150-113 - Rates and Charges - Financial Hardship.

ITEM 6.3 RATES AND CHARGES - FINANCIAL HARDSHIP POLICY - 61777619 (Cont.)

3.4 Risk Management Implications ☒ Nil identified

3.5 Delegated Authority Implications

As outlined in the recommendation, a delegation to the CEO under section 257 of the *Local Government Act 2009* will be required to allow the identification of eligible ratepayers and payment plan terms.

3.6 Financial Implications

The total cost to Council is dependent on the number of properties that are determined to be eligible for support; however taking into account the eligibility criteria and the defined period in which support under the policy is provided, the cost is not anticipated to be significant.

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications

The support provided under the policy will assist ratepayers experiencing financial hardship.

3.10 Human Rights Implications ☒ Nil identified

3.11 Consultation / Communication

Governance and Executive Services, Legal Services, Councillors (Briefing held 10 March 2021)

SUPPORTING INFORMATION

Ref: [61697194](#)

The following list of supporting information is provided for:

ITEM 6.3

RATES AND CHARGES - FINANCIAL HARDSHIP POLICY

#1 2150-113 Rates and Charges - Financial Hardship Policy

ITEM 6.4

MICROSOFT LICENSING RENEWAL

Meeting / Session: 6 FINANCE & CORPORATE SERVICES
Reference: 61755595: 12 March 2021
Responsible Officer: SA, ICT Infrastructure and GIS Coordinator (FCS Information & Communication Technology)

Executive Summary

In 2018 Council entered into a Microsoft Enterprise Agreement for the licencing of a range of Microsoft products such as Windows 10 and Office 365. This three-year agreement is about to expire and is due for renewal.

A selective tender process was undertaken to appoint a Microsoft Licensing Provider for the next three years to transact all Microsoft sales. It is recommended that Council award the contract to Insight Enterprises Australia.

OFFICER'S RECOMMENDATION

1. That the tender for a Microsoft Licensing Solutions Provider be awarded to Insight Enterprises Australia for three years at an annual cost of \$1,362,746, totalling \$4,088,237 (ex GST).
2. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Insight Enterprises Australia and any required variations of the agreement on Council's behalf.

*ITEM 6.4 MICROSOFT LICENSING RENEWAL - 61755595 (Cont.)***REPORT DETAIL****1. Background**

The Microsoft Enterprise Agreement (EA) is a three-year licensing agreement which offers attractive volume pricing for Microsoft software to organisations with 500 or more users. In addition to volume pricing the EA also provides a range of benefits such as technical support, training, simplified license management and the flexibility to respond to a changing technological landscape by having access to the latest versions of Microsoft software.

In 2018 Council entered into a Microsoft EA for the licensing of a range of Microsoft products such as Windows 10 and Office 365. With that agreement due to expire, it is important for the continuity of services that Council renews its enterprise licensing agreement.

2. Explanation of Item

Microsoft does not sell its software directly to large organisations such as councils and government departments. To procure Microsoft software Council needs to purchase through a Microsoft Licensing Solution Provider (LSP).

A selective tender process was undertaken to appoint a LSP using a whole-of-government standing offer arrangement for the provision of Microsoft products and associated licensing solution provider services (ICTSS.1308).

A total of two submissions were received and reviewed by the assessment panel in accordance with Council's purchasing policy and the criteria set out in the tender documents.

All tenders with their weightings are tabled below (ranked from highest to lowest):

Rank	Tenderer	Evaluation Score
1	Insight Enterprises Australia	99.57
2	Data#3 Limited	96.36

Insight Enterprises Australia received the highest ranking from the selection panel as it met all of council's requirements and provided the best value for money.

Data#3 Limited received the second ranking from the selection panel as it met all of council's requirements and was the next best priced submission.

Both entities have registered offices in Brisbane.

3. Strategic Implications**3.1 Legislative / Legal Implications**

Council will be entering into an agreement with Microsoft under a whole-of-government standing offer Arrangement: ICTSS.13.08. In accordance with section 235(f) of the Local Government Regulation 2012, the Council may enter into a contractual arrangement without first inviting written quotes or tenders if the contract is made under an arrangement with a government agency. Given the value of this contract, a selective tender process was undertaken.

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Creating Opportunities: Digital literacy and commerce - a digital region.

ITEM 6.4 MICROSOFT LICENSING RENEWAL - 61755595 (Cont.)

3.3 Policy Implication

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

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

3.4 Risk Management Implications ☒ Nil identified

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated at \$3.2M, providing the expenditure has been provided for in Council's annual budget.

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

This report seeks that the Chief Executive Officer be authorised to sign the Microsoft Enterprise Agreement on the Council's behalf and to execute all associated documents that may be necessary to give effect to the agreement.

3.6 Financial Implications

The Microsoft LSP contract is over a 3-year term with annual costs of \$1,362,746, totalling \$4,088,237 (ex GST). Further negotiations will be made with the successful tenderer to ensure that appropriate licencing levels are purchased for Council, which may result in some cost savings.

This cost has been budgeted.

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications ☒ Nil identified

3.11 Consultation / Communication

The Procurement Department was consulted during this process.

ITEM 6.5

APPROVAL OF 2020/21 BUDGET FOR MILLOVATE PTY LTD

Meeting / Session: 6 FINANCE & CORPORATE SERVICES
Reference: 61743828 : 10 March 2021 - **Refer Supporting Information 61743955;**
(Confidential) 61816425
Responsible Officer: DG, Director (FCS Directorate)

Executive Summary

Millovate Pty Ltd is a wholly owned company of Council established for the purpose of carrying out the development of the 'Mill Precinct'. Council provides financial support and assistance to allow the company to undertake its activities.

The purpose of this report is to seek approval to provide funding to Millovate to allow them to operate for the remainder of this financial year pursuant to their funding request.

OFFICER'S RECOMMENDATION

1. Council note that a funding request for \$639,000 from Millovate Pty Ltd was received pursuant to clause 2.2 of the Support Deed.
2. The Council approve the allocation of existing budget totalling \$339,000 (excluding salaries and Board expenses) to Millovate Pty Ltd for 2020/21 to allow it to meet its operating objectives.

ITEM 6.5 APPROVAL OF 2020/21 BUDGET FOR MILLOVATE PTY LTD - 61743828 (Cont.)

REPORT DETAIL

1. Background

Council has established a wholly-owned commercial entity - Millovate Pty Ltd - to lead the vision and development of its strategic land parcel at the Petrie Mill Site. Millovate will drive the development of 65 hectares of freehold land within the Mill Precinct.

2. Project governance/roles and responsibilities

A summary of the relevant governance structure between Council and Millovate is included as **confidential supporting information** to this paper.

One of the legal documents establishing Millovate is a Support Deed which details the process and governance around funding approvals for Millovate.

3. Explanation of Item

Council provides financial support and assistance to allow the company to undertake its activities. To that end, Millovate have requested a budget of \$639,000 as detailed in Supporting Information #1 and #2, for the period March to June 2021.

The CEO of Millovate attended a Council briefing on Wednesday 24 March 2021 to outline Millovate's funding request. The following was noted as the way forward:

In the absence of a Business Plan Council was supportive of providing Millovate with a budget of \$339,000 (for the remainder of this financial year).

It is suggested that the funds provided to Millovate be reduced from \$639,000 to \$339,000 which comprises of:

- \$109,000 for marketing, consultation, website and digital design
- \$130,000 for strategic planning, economic development and other relevant consultancies/research projects
- \$100,000 for the Integrated Health Village Development Strategy

The original funding request submitted by Millovate included an allocation of funds to undertake additional development strategies. It is recommended that the funding request for one of these items - the Integrated Health Village - is complementary to prior work undertaken by Council in this area and the State Government's election commitment for a satellite hospital. The remaining items will be considered upon the receipt of the business plan for Millovate such that the need and alignment to business objectives is clear.

4. Strategic Implications

4.1 Legislative / Legal Implications

A Support Deed has been executed that outlines how financial support and assistance will be provided to Millovate. Clause 2.2 of the Support Deed allows Millovate to request funding from Council outside an approved budget and business plan. Further it states that Council is under no obligation to approve the funding request.

4.2 Corporate Plan / Operational Plan

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

4.3 Policy Implications

☒ Nil identified

4.4 Risk Management Implications

There is a risk that Millovate may not use the funds for their intended purpose. This risk is being mitigated through appropriate oversight and governance procedures.

ITEM 6.5 APPROVAL OF 2020/21 BUDGET FOR MILLOVATE PTY LTD - 61743828 (Cont.)

4.5 Delegated Authority Implications

The CEO has authority to approve this funding within delegation, however to ensure transparency, this report is being brought to Council for approval.

4.6 Financial Implications

The \$339,000 can be absorbed within the existing operating budget as such no budget amendment is required. It should be noted that this amount excludes salaries and Board expenses. Funding for 2021/22 and beyond will be considered as part of Council's budgetary processes.

4.7 Economic Benefit Implications

The development of the Mill Precinct is part of the Regional Economic Development Strategy endorsed by Council.

4.8 Environmental Implications

☒ Nil identified

4.9 Social Implications

☒ Nil identified

4.10 Human Rights Implications

☒ Nil identified

4.11 Consultation / Communication

Chief Executive Officer
Chief Legal Counsel

SUPPORTING INFORMATION

Ref: 61743955; (Confidential) 61816425

The following list of supporting information is provided for:

ITEM 6.5

APPROVAL OF 2020/21 BUDGET FOR MILLOVATE PTY LTD

#1 2020/21 Operational budget (March to June)

#2 Detailed breakdown of Investment category

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

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

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.

14a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL

**ITEM C.1 – CONFIDENTIAL
PROPERTY ACQUISITION**

Meeting / Session: 2 INFRASTRUCTURE PLANNING

Reference: 61553268 : 6 January 2021 - Refer **Confidential** Supporting Information
61553468, 61553501, 61553503; 61553635, 61553661, 61553676

Responsible Officer: AG, Principal Transport Planner (IP Integrated Transport Planning)

Basis of Confidentiality

Pursuant to s245J of the Local Government Regulation 2012, clause (3)(g), as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

Executive Summary

This report seeks Council's approval to proceed to acquire land to maintain the integrity of Council's road asset.

ITEM C.2 – CONFIDENTIAL

PREFERRED SUPPLIER - SLR CONSULTING AUSTRALIA PTY LTD

Meeting / Session: 4 PLANNING

Reference: 61662432 : 18 March 2021

Responsible Officer: AJ, Coordinator Planning Scheme (PL Strategic Planning & Place Making)

Basis of Confidentiality

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

Executive Summary

Council engaged SLR Consulting Pty Ltd ('SLR'), a large multidisciplinary environmental and engineering firm, via a LG Tender Box Request to undertake specialised consulting services. Since this time, SLR and sub-consultant/s have acquired extensive experience and knowledge about the subject matter, including an appreciation of the key issues and detailed information.

SLR's specialist knowledge and experience on the project cannot be easily and practically duplicated by other consultancies within the timeframes required to suit the project schedule.

It is recommended that SLR be engaged to provide ongoing support to Council in the required studies and preparation of subsequent reports and recommendations.

ITEM C.3 – CONFIDENTIAL

**2032 OLYMPIC AND PARALYMPIC GAMES - DELIVERY PARTNER
ARRANGEMENTS**

Meeting / Session: 1 GOVERNANCE & ENGAGEMENT

Reference: 61799311: 23 March 2021

Responsible Officer: KD, Chief Legal Counsel (CEO Legal)

Basis of Confidentiality

Pursuant to s254J(3) of the Local Government Regulation 2012, clause (e), as the matter involves legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

Executive Summary

Council has been requested to enter into a Delivery Partner Guarantee Deed, which will commit Council to providing support, in the form of public services, use of venues and funding contributions to the State and other entities for the purposes of hosting the 2032 Olympic and Paralympic Games (**Games**).

The purpose of this report is to:

1. provide Councillors with an overview of:
 - a) the background and structure of the Brisbane 2032 proposal to host the Games; and
 - b) the obligations that will be imposed on Council under the Delivery Partner Guarantee Deed; and
2. seek a resolution to approve Council providing its commitment and support to the hosting of the Games, including by entry into the Delivery Partner Guarantee Deed.

14b. CONFIDENTIAL GENERAL BUSINESS

No items for consideration.



MINUTES

GENERAL MEETING

Wednesday 17 March 2021

commencing at 9.35am

Strathpine Chambers
220 Gympie Road, Strathpine

Membership = 13
Mayor and all Councillors

Qu

UNCONFIRMED

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UNCONFIRMED

Statement - livestreaming

Prior to opening the meeting, Cr Denise Sims (Deputy Mayor), in the absence of the Mayor, advised that this meeting will be live streamed and the video recording of the meeting will be available on the council's website.

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

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

1. ACKNOWLEDGEMENT OF COUNTRY

The Deputy Mayor opened the meeting and asked Cr Ruck to provide the Acknowledgement of Country.

2. OPENING PRAYER / REFLECTION

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

3. ATTENDANCE & APOLOGIES

Attendance:

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

Officers:

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

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

Meeting Support

(Kim Reid)

Apologies:

Cr Peter Flannery (Mayor) attending Council of Mayors delegation in Canberra.
Cr Tony Latter attending Infrastructure Strategy and Resilience Queensland's Plan Conference

4. MEMORIALS OR CONDOLENCES

Cr Mick Gillam made special mention of his second cousin, **Fr Peter Gillam** who passed away recently after a short illness.

Cr Gillam noted that Fr Gillam was ordained in 1962 at Stephen's Cathedral and went onto work in a variety of positions within the Church including one role that lead him to travel overseas to study at St Peter's in Rome.

During Fr Gillam's time as Parish priest at Our Lady Help of Christians in Hendra, he developed a close relationship with the racing fraternity and held a yearly Mass for those associated with racing and was the Racing Chaplain for 30 years. As a sign of respect black armbands were worn by jockeys during race 5 at Brisbane's Eagle Farm last Saturday as the racing industry mourned Cr Gillam's sudden passing.

Cr Gillam said Fr Gillam will be remembered as a humble and caring priest who was well respected and loved by many, especially in the Queensland Horse Racing Community.

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

5. CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

General Meeting - 3 March 2021 (Pages 21/114 - 21/156)

RESOLUTION

Moved by Cr Cath Tonks

Seconded by Cr Sandra Ruck

CARRIED 11/0

That the minutes of the General Meeting held 3 March 2021, be confirmed.

6. PRESENTATION OF PETITIONS

(Addressed to the Council and tabled by Councillors)

There were no petitions for tabling.

7. CORRESPONDENCE

There was no correspondence for tabling.

8. COMMUNITY COMMENT

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

9. NOTICES OF MOTION (Repeal or amendment of resolutions)*(s262 of the Local Government Regulation 2012)*

There were no Notices of Motion for this meeting.

10. CONFLICTS OF INTEREST NOTIFIED TO THE CEO*Conflicts of interest notified to the CEO where not specifically related to an item on this agenda***10.1. Declarable Conflict of Interest - Cr Darren Grimwade**

Cr Darren Grimwade has notified the Chief Executive Officer that pursuant to s150EQ of the *Local Government Act 2009*, he has a declarable conflict of interest in matters relating to development application DA/2021/0494 located at 10 Henderson Road Burpengary QLD 4505, as he is a friend of Mr Robert Comiskey the son of Erica and Paul Comiskey, the owners of the land subject to the application.

Cr Grimwade has indicated he will not participate in decisions relating to DA/2021/0494 including discussion, debate and voting and will elect to leave future meetings.

11. OFFICERS' REPORTS TO COUNCIL (conducted in Sessions)*(as referred by the Chief Executive Officer)*

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

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

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

1 GOVERNANCE & ENGAGEMENT SESSION**(Cr P Flannery, Mayor)**

**ITEM 1.1
FOREIGN ARRANGEMENTS SCHEME**

Meeting / Session: 1 GOVERNANCE & ENGAGEMENT
Reference: 61232222 : 1 March 2021 **Refer Supporting Information 61585891 & 61585893**
Responsible Officer: MS, Project Officer (CEO Economic Development)

Executive Summary

Australia's Foreign Relations (State and Territory Arrangements) Act 2020 fosters a systematic and consistent approach to foreign engagement across all levels of Australian government. It creates a scheme (the Foreign Arrangements Scheme) to ensure that arrangements between State or Territory Governments and Foreign Government entities do not adversely affect Australia's foreign relations and are not inconsistent with Australia's foreign policy.

Under the scheme, local governments, including Moreton Bay Regional Council, are required to notify the Minister for Foreign Affairs (the Minister) if they enter, or propose to enter, a foreign arrangement (including arrangements already in place as at 10 December 2020).

RESOLUTION

Moved by Matt Constance**Seconded by Cr Karl Winchester****CARRIED 11/0**

That pursuant to section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer all functions and powers under *Australia's Foreign Relations (State and Territory Arrangements) Act 2020* (the Act), as amended from time to time, including, but not limited to, the power to make all required notifications under the Act.

ITEM 1.1 FOREIGN ARRANGEMENTS SCHEME - 61232222 (Cont.)

OFFICER'S RECOMMENDATION

That pursuant to section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer all functions and powers under *Australia's Foreign Relations (State and Territory Arrangements) Act 2020* (the Act), as amended from time to time, including, but not limited to, the power to make all required notifications under the Act.

REPORT DETAIL

1. Background

The Foreign Arrangements Scheme (the scheme) deals with foreign arrangements. These are written arrangements, agreements, contracts, understandings or undertakings between State and Territory entities and foreign entities. They may be legally-binding or not legally-binding.

The scheme provides a process for States and Territories and their entities to notify the Minister of Foreign Affairs (the Minister) if they propose to enter, or enter, a foreign arrangement. It creates obligations in respect of both future arrangements and existing arrangements. It also deals with subsidiary arrangements entered into for the purposes of implementing a foreign arrangement.

Arrangements are notified to the Minister through the online portal.

2. Explanation of Item

The scheme covers Moreton Bay Regional Council as a local government, and also **foreign entities**, including:

- a foreign country, its national government and a department or agency of that national government (core foreign entities); and
- a province, state, self-governing territory, region, local council, municipality or other political subdivision of a foreign country (including its governments, departments, agencies), an authority of a foreign country established for a public purpose, and a foreign university that does not have institutional autonomy (non-core foreign entities).

3. Strategic Implications

All applicable foreign arrangements already in operation, or that will come into operation between 10 December 2020 and 10 June 2021 are required to be submitted to the Minister via the Department of Foreign Affairs and Trade (DFAT) online portal by 10 June 2021. Future applicable foreign arrangements entered into, or proposed to be entered into, after 10 June 2021 must be submitted to the portal within 14 days of their commencement.

Table 1, below, shows those arrangements that have been identified as being applicable under the Act and will therefore be submitted to the online portal for notification to the Minister. Some non-applicable arrangements are also included for information and as example.

Table 1: Identified Foreign Arrangements for submitting as notification to the Minister

Arrangement	Criteria			Applicable for notification to Foreign Minister?
	Pre-existing? (operating on or after 10 Dec 2020)	Applicable foreign entity?	Applicable arrangement?	
Applicable Arrangements				
Sister City Agreement - Moreton Bay Regional Council and Sanyo Onoda city	Yes	Yes	Yes	Yes
Non-applicable Arrangements				
Planning Division project work with MIT Boston NY	No Project is complete	Yes	Yes	No

ITEM 1.1 FOREIGN ARRANGEMENTS SCHEME - 61232222 (Cont.)

More information of the detail to be inserted into DFAT's online portal is contained in the supporting information to this report.

Commencing 10 March 2021, Council will also be required to notify the Minister of a proposal to enter a non-core foreign arrangement.

For clarity, Council will not need to seek *approval* from the Minister for prospective non-core foreign arrangements prior to commencement, rather MBRC is only required to submit notification of intention to enter into negotiations with a foreign entity. The Minister may then make a declaration prohibiting negotiation or entering into a non-core arrangement if satisfied that the negotiation or arrangement would adversely affect Australia's foreign relations or would be inconsistent with Australia's foreign policy.

Should the Minister not be notified of an applicable foreign arrangement by 10 June 2021, that arrangement is then deemed to not be in operation after 10 June 2021.

All arrangements submitted as notification to the Minister will remain on the public register (unless determined to be sensitive in nature and to be excluded from the register).

In summary, applicable foreign arrangements in operation, or coming into operation between 10 December 2020 and 10 June 2021 must be lodged onto DFAT's online portal by 10 June 2021.

All applicable arrangements coming into operation after 10 June 2021 must be lodged onto DFAT's portal within 14 days of their commencement.

Appropriate administrative arrangements have been developed and will be implemented to ensure compliance with the required obligations.

3.1 Legislative / Legal Implications

Under the scheme, Moreton Bay Regional Council (MBRC), as a local government, is classed as a non-core State/Territory entity. As a consequence, all applicable foreign arrangements entered into by Moreton Bay Regional Council are non-core foreign arrangements. This is the case irrespective of the nature of the relevant foreign entity with whom the arrangement is entered into.

All non-core foreign arrangements between MBRC and an applicable foreign entity are required to be submitted as notification to the Minister. For clarity, this is inclusive of: if Council enters, or proposes to enter, a foreign arrangement and all arrangements in place as at 10 December 2020.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

☒ Nil identified

3.4 Risk Management Implications

☒ Nil identified

3.5 Delegated Authority Implications

☒ Nil identified

3.6 Financial Implications

☒ Nil identified

3.7 Economic Benefit Implications

☒ Nil identified

3.8 Environmental Implications

☒ Nil identified

3.9 Social Implications

☒ Nil identified

ITEM 1.1 FOREIGN ARRANGEMENTS SCHEME - 61232222 (Cont.)

3.10 Human Rights Implications ☒ Nil identified

3.11 Consultation / Communication

Council's Legal department have been consulted in the preparation of this report and the development of the administrative process.

UNCONFIRMED

ITEM 1.2 - DECLARATION OF INTEREST**Conflict of Interest (Previously Notified) - Cr Darren Grimwade - matters relating to Expressions of Interest (EOI) for Destination Management, Economic Development & Events**

Cr Darren Grimwade referred to previously declared conflict of interest relating to the EOI for Destination Management Economic Development & Events, the subject of Item 1.2, noting he has elected to not participate in any decision.

Cr Grimwade retired from the meeting at 9.47am.

**ITEM 1.2
DESTINATION MANAGEMENT, ECONOMIC DEVELOPMENT AND EVENTS
EXPRESSION OF INTEREST**

Meeting / Session: 1 GOVERNANCE & ENGAGEMENT
Reference: 61713034
Responsible Officer: KH, Economic Intelligence Manager (CEO Economic Development)

Executive Summary

Council called for expressions of interest (EOI) for Destination Management, Economic Development and Events which support the implementation of the Council's Regional Economic Development Strategy (REDS).

10 submissions were received and assessed through this process as follows:

- Seven (7) for Destination Management and Tourism
- Four (4) for Business development and support
- Three (3) for Knowledge, Innovation and Entrepreneurship
- Four (4) for Regional Awareness, Pride and Attractive Lifestyle

Of the above, only one respondent submitted an EOI for all four categories.

This report seeks Council's approval to progress a preferred shortlist of respondents to a closed request for tender (RFT) for three of the four service streams; and disaggregate one service stream to allow for open requests for quote (RFQ) to be invited at a program and service activity level.

RESOLUTION

Moved by Cr Adam Hain

Seconded by Cr Cath Tonks

CARRIED 10/0

Cr Darren Grimwade had declared a Conflict of Interest and had left the meeting.

1. That service specifications be prepared to allow for the request for tender and request for quote documentation to go to market and for selection of the best return on investment for services and programs and outcomes that support the Regional Economic Development Strategy.
2. That Council approve a closed request for tender be extended to the preferred short list of suppliers for Destination Management and Tourism programs (two suppliers); Knowledge, Innovation and Entrepreneurship programs (two suppliers); and Regional Awareness, Pride and Attractive Lifestyle (two suppliers) to be delivered by one or more external lead agencies under multi-year contract/s.

ITEM 1.2 DESTINATION MANAGEMENT, ECONOMIC DEVELOPMENT AND EVENTS EXPRESSION OF INTEREST - 61713034 (Cont.)

3. That the services outlined in the Expressions of Interest for Business development and support be disaggregated and that Request for Quotes be invited on a program and service activity level, to best complement the economic development activities being undertaken by Council in line with the Regional Economic Development Strategy.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, acting in accordance with section 228(7) of the Local Government Regulation 2012, negotiating and finalising related programs of work and contracts prior to submitting for final Council consideration/approval.

ITEM 1.2 DESTINATION MANAGEMENT, ECONOMIC DEVELOPMENT AND EVENTS EXPRESSION OF INTEREST - 61713034 (Cont.)

OFFICER'S RECOMMENDATION

1. That service specifications be prepared to allow for the request for tender and request for quote documentation to go to market and for selection of the best return on investment for services and programs and outcomes that support the Regional Economic Development Strategy.
2. That Council approve a closed request for tender be extended to the preferred short list of suppliers for Destination Management and Tourism programs (two suppliers); Knowledge, Innovation and Entrepreneurship programs (two suppliers); and Regional Awareness, Pride and Attractive Lifestyle (two suppliers) to be delivered by one or more external lead agencies under multi-year contract/s.
3. That the services outlined in the Expressions of Interest for Business development and support be disaggregated and that Request for Quotes be invited on a program and service activity level, to best complement the economic development activities being undertaken by Council in line with the Regional Economic Development Strategy.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, acting in accordance with section 228(7) of the Local Government Regulation 2012, negotiating and finalising related programs of work and contracts prior to submitting for final Council consideration/approval.

REPORT DETAIL

1. Background

In August 2020, Council discussed the need for engagement of lead agencies to support the delivery framework of the pending new Regional Economic Development Strategy (REDS), which has since been adopted by Council on 3 February 2021. Such lead agencies would, in conjunction with key regional stakeholders, deliver services that support tourism; innovation and start-ups; existing businesses; as well as the identity and lifestyle of the Moreton Bay Region.

The launch of the REDS has provided an opportunity to review economic development support services required by Council and at a Council meeting on 28 October 2020 (A20698203), Council resolved that:

- It would be in the public interest to invite expressions of interest (EOIs) before inviting written tenders for a number of regionally benefitting services broadly relating to Destination Management, Economic Development and Events which support the implementation of the Council's Regional Economic Development Strategy (REDS);
- That the invitation for Expressions of Interest for regionally benefitting services should broadly relate to Destination Management, Economic Development and Events that support the implementation of the Council's Regional Economic Development Strategy (REDS); and
- Prior to the progression from an EOI to Tender process the Chief Executive Officer would report back to General Meeting on the outcome of the Expression of Interest process.

On 7 November 2020, Council invited expressions of interest from proponents with the capability to deliver one or more of the following services as listed below:

- Destination Management and Tourism and/or
- Business development and support and/or
- Knowledge, Innovation and Entrepreneurship and/or
- Regional Awareness, Pride and Attractive Lifestyle.

The EOI process closed on 2pm, 9 December 2020 with 18 proposals from 10 respondents.

A Council briefing was conducted on 27 January 2021 to update Council on the EOI process.

ITEM 1.2 DESTINATION MANAGEMENT, ECONOMIC DEVELOPMENT AND EVENTS EXPRESSION OF INTEREST - 61713034 (Cont.)

2. Explanation of Item

In responses to the invitation for EOIs, Council received 18 proposals across all four service delivery categories from 10 respondents, as follows:

- Seven (7) for Destination Management and Tourism
- Four (4) for Business development and support
- Three (3) for Knowledge, Innovation and Entrepreneurship
- Four (4) for Regional Awareness, Pride and Attractive Lifestyle.

Only one respondent submitted a proposal for all for service delivery streams.

The Assessment Panel engaged an independent Probity Advisor to oversee the entire process and ensure appropriate governance around the short-listing process.

Destination Management and Tourism

- Two of the seven submissions demonstrated high capability and experience sought by Council in the majority of service activities required within this EOI stream.
- Some of the proposed activities of the higher ranked submissions would require a significant increase in funding investment by Council.

Business Development and Support

- One of the four submissions demonstrated sound capability in many service activities required within this EOI stream.
- Two submitters proposed to deliver a narrow subset of the full scope of activities required; however, the services offered were highly relevant to the delivery of the REDS and reflect contemporary approaches to Business Support and Development.
- Since the launch of the REDS, Council has increased internal resourcing to support and deliver components of this work.
- Specialist services, where required, will be obtained via RFQ. The individual cost of each service will be below the tender threshold.

Knowledge Innovation and Entrepreneurship

- Two of the three submissions demonstrated similarly high capability and experience in the majority of service activities required within this EOI stream. These two submissions demonstrated strengths in different EIO criteria.
- Some of the proposed activities of the higher ranked submissions would require a significant increase in funding investment by Council.

Regional Awareness & Pride

- One of the four submissions demonstrated high capability and experience in the majority of service activities required within this EOI stream.
- Some of the proposed activities of the higher ranked submissions would require an increase in funding investment by Council.
- More than one submission demonstrated a high level of capacity in community event delivery.

3. Strategic Implications

3.1 Legislative / Legal Implications

Under section 228 of the Local Government Regulation 2012, a local government may invite expressions of interest before inviting written tenders if the local government decides by resolution that it would be in the public interest to do so.

3.2 Corporate Plan / Operational Plan

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

ITEM 1.2 DESTINATION MANAGEMENT, ECONOMIC DEVELOPMENT AND EVENTS EXPRESSION OF INTEREST - 61713034 (Cont.)

3.3 Policy Implications

The primary purpose of the EOI is to test the market and develop a shortlist for a subsequent tender/s in order to support the delivery of the REDS.

3.4 Risk Management Implications

Risks outlined in Council Report A20698203 (28 October 2020) in relation to the EOI process are also applicable to the proposed closed tender process.

The most significant risks are probity, continuity of service and industry confidence.

The probity risk has been managed through the appointment of an independent probity advisor to support the EOI process, which was conducted in accordance with the relevant legislation and policies. Advice from the independent probity advisor is that it is normal practice during a tendering process not to disclose the names of the tenderers (outside of the formal evaluation and assessment panel) until the procurement process has been completed. This reduces associated risks and protects the integrity of the overall procurement process. In reflection of this advice, this report to Council has excluded the names of the companies/organisations on the preferred short list of suppliers.

The continuity of service and industry confidence risks will be managed through:

- the commitment of funding for MBRIT to deliver the 2021 events calendar, irrespective of the outcome of ongoing tender process; and
- the development and implementation of a comprehensive risk management plan.

3.5 Delegated Authority Implications

As noted in the recommendation.

3.6 Financial Implications

Appropriate financial considerations will be applied, and formal arrangements will be entered into with any successful tenderer. There is a potential future financial consideration related to the future work/scope of agreements(s). Such funding will be considered through Council's normal budget management process.

3.7 Economic Benefit Implications

There is no economic benefit arising as a direct result of this report. However, the tender/quote process will support Council's desired economic outcomes as outlined in the draft REDS and lead to regional economic benefit.

3.8 Environmental Implications

☒ Nil identified

3.9 Social Implications

☒ Nil identified

3.10 Human Rights Implications

☒ Nil identified

3.11 Consultation / Communication

Independent Probity Advisor, Executive Leadership Team, Councillors, Legal Services and Procurement Services have been consulted through this process.

ATTENDANCE

Cr Darren Grimwade returned to the meeting at 9.52am, after consideration of Item 1.2.

2 INFRASTRUCTURE PLANNING SESSION**(Cr A Hain)**

ITEM 2.1**FLOOD MANAGEMENT DEVICES PORTFOLIO ASSET MANAGEMENT PLAN***Meeting / Session:* 2 INFRASTRUCTURE PLANNING*Reference:* 61712125 : 3 March 2021 - **Refer Supporting Information 61636744***Responsible Officer:* JF, Asset Management Manager (IP Asset Management)

Executive Summary

The purpose of this report is to present the Flood Management Devices Portfolio Asset Management Plan to Council for adoption.

A Flood Management Devices Asset Management Plan (AMP) has been developed which includes the flood management devices throughout the region. Council currently has 288 devices, with a replacement value of \$3.18 million.

Flood management devices represent a significant risk should they not be maintained appropriately as they are critical assets throughout Council's flood response during flood events. To sustain the existing flood management devices asset portfolio and provide the expected community and technical levels of service, the Flood Management Devices Portfolio Asset Management Plan proposes that Council should increase the planned and reactive maintenance budget from \$46K to \$113.5K per annum, and continue to invest in the acquisition, upgrade and renewal of flood management device assets with a minor increase in the budget from \$125K to \$135K per annum from FY2024 to FY2029 and then increasing to \$227.5K per annum from FY2030.

The combined operational and capital funding increases will ensure the existing asset base is consistently functioning as expected and is in an adequate condition and maintained appropriately over a longer-term horizon. This will significantly reduce the risk of flood management device failure, health and safety risks and will minimise the likelihood of expensive lump sum replacement expenditure in the future.

RESOLUTION

Moved by Cr Mick Gillam**Seconded by Cr Cath Tonks****CARRIED 11/0**

1. That the Flood Management Devices Asset Management Plan be adopted, as tabled.
2. That provision be made in the next long term financial forecast for the capital and maintenance funding required to progressively improve and upgrade the Council's flood management devices network to meet the standards of service outlined in the Flood Management Devices Asset Management Plan. The budget allocation increases are:
 - a) An increase to the capital budget for asset renewals/new/upgrade from the current budget of \$125,000 on average, to \$135,000 per annum from FY2024 onwards, and further increase to \$227,500 per annum from FY2030 onwards.
 - b) An increase to the current maintenance budgets for planned and reactive maintenance from \$46,000 to \$113,500 per annum from FY2022 onwards, to allow for adequate maintenance and inspection of assets.

ITEM 2.1 FLOOD MANAGEMENT DEVICES PORTFOLIO ASSET MANAGEMENT PLAN - 61712125 (Cont.)

OFFICER'S RECOMMENDATION

1. That the Flood Management Devices Asset Management Plan be adopted, as tabled.
2. That provision be made in the next long term financial forecast for the capital and maintenance funding required to progressively improve and upgrade the Council's flood management devices network to meet the standards of service outlined in the Flood Management Devices Asset Management Plan. The budget allocation increases are:
 - a) An increase to the capital budget for asset renewals/new/upgrade from the current budget of \$125,000 on average, to \$135,000 per annum from FY2024 onwards, and further increase to \$227,500 per annum from FY2030 onwards.
 - b) An increase to the current maintenance budgets for planned and reactive maintenance from \$46,000 to \$113,500 per annum from FY2022 onwards, to allow for adequate maintenance and inspection of assets.

REPORT DETAIL

1. Background

A Council briefing was conducted on 3 March 2021 for the purpose of sharing information and providing advice/views to Council on the matter, and to receive Councillor feedback and input.

Council Briefing outcomes were noted as follows:

- The Flood Management Devices Asset Management Plan to be submitted to a General Meeting for consideration of adoption.

As part of the ongoing development of Council's asset management planning, a Flood Management Devices Portfolio Asset Management Plan (AMP) has been developed. The AMP outlines the Council's approach to the management of Flood Management Device (FMD) assets located throughout the Council's region. FMD assets include flood monitoring, flood warning and flood information devices. These assets are specifically relied on for the provision of public warning messages and collectively provide information of what is occurring within the region in a flood event including telemetry rain gauges services broadcast to public portals and BoM websites.

Their function supports the Moreton Bay Regional Council (MBRC) Local Disaster Management Plan (flood response) and the MBRC Floodplain Risk Management Framework and Water Strategy 2012-2031.

FMD assets typically have a useful life of 15 - 20 years and collectively have an estimated total replacement value of \$3.18M. The table and graphs below summarise Council's asset base, age profile, asset condition, and expected useful life within this portfolio.

ITEM 2.1 FLOOD MANAGEMENT DEVICES PORTFOLIO ASSET MANAGEMENT PLAN - 61712125 (Cont.)

Device Type	Asset Type Description	Qty	Expected Useful Life (Years)	Current Average Age (Years)	Current Replacement Cost
Flood Monitoring	Telemetry Gauge	98	15-20	10.0	\$2,391,174
	Seepage Monitoring Devices (Water Quality)	1	20	14.3	\$11,956
	Flooded Road Sensor	4	15	3.5	\$40,000
	Flooded Road Warning System	10	15	1.4	\$259,700
Flood Information	Environ Base Station	2	20	N/A	\$200,000
	Maximum Height Gauge	10	20	2.1	\$220,000
Flood Warning	Road Closure Identification Indicators	163	15	N/A	\$61,000
TOTAL		288			\$3,183,830

Table 1 - Asset Portfolio Breakdown

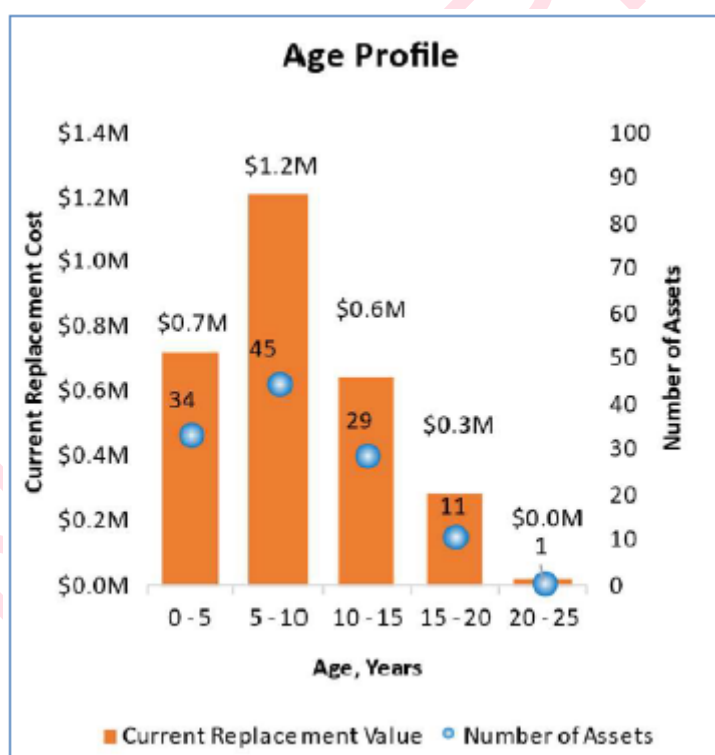


Figure 1 - Asset Management within MBRC Statutory Planning Context

ITEM 2.1 FLOOD MANAGEMENT DEVICES PORTFOLIO ASSET MANAGEMENT PLAN - 61712125 (Cont.)

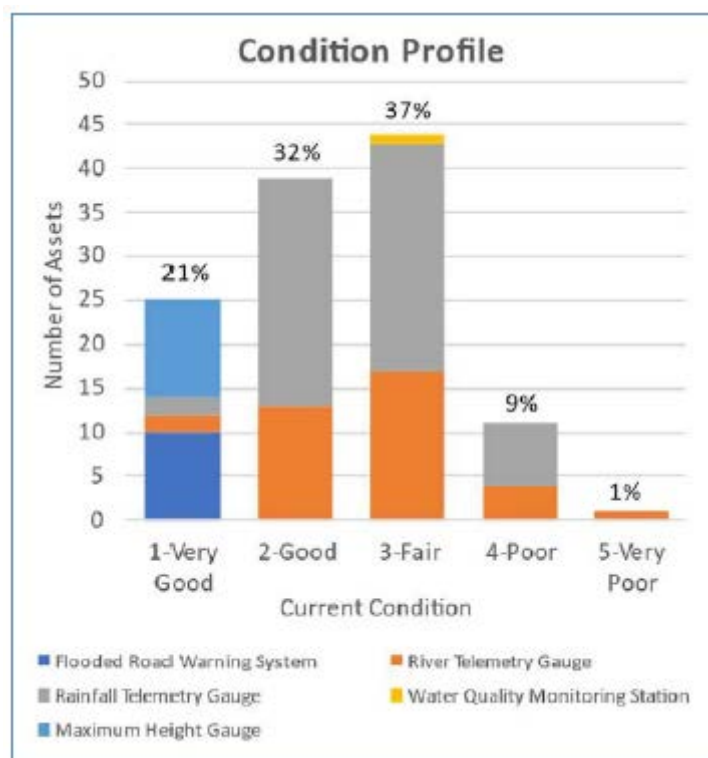


Figure 2 - Asset Condition Profile

2. Explanation of Item

The Flood Management Devices Portfolio Asset Management Plan has been developed as a tool to assist Council in achieving the following key strategic asset management objectives:

- Optimising maintenance and renewal practices
- Prioritising investment to achieve maximum value
- Validating investment decisions to confirm funds are being spent effectively
- Identifying lower lifecycle cost solutions
- Managing risk to an appropriate level
- Monitoring and recording of the condition of flood management device assets
- Modelling to predict future condition and associated maintenance requirements
- Optimise asset performance
- Minimise asset failure where minimal assets reach a condition state 4 (poor)

Condition

Understanding the condition of Council's flood management device assets is important for their effective management. It is noted that a Condition 1 rating is very good with a Condition 5 rating meaning an asset is in a very poor condition.

Key Issues

- FMD assets have a relatively short expected lifespan (15 - 20 years) compared to most local government infrastructure assets. Many of Council's FMD assets will start reaching the end of their expected life within the next 10 years.
- If budget allocations are not adjusted, there is an increased risk that flood management devices will not function as intended. This may result in substandard services being provided by the assets, ongoing customer complaints through the inability and/or failure to meet community expectations for timely flood warnings or major flood events, and inability and/or failure for Council's Disaster Management Group to adequately plan for future or major flood events.

ITEM 2.1 FLOOD MANAGEMENT DEVICES PORTFOLIO ASSET MANAGEMENT PLAN - 61712125 (Cont.)

Maintenance Strategy

The recommended maintenance strategy incorporates additional proactive maintenance with the aim of reducing reactive maintenance, preventing defects and prolonging the useful life of flood management devices. The goal of proactive maintenance is to maintain assets in condition state 1 or 2 and prevent deterioration to an unacceptable state.

3. Strategic Implications

3.1 Legislative / Legal Implications

Section 167 - Preparation of a Long-Term Asset Management Plan - of the Local Government Regulation 2012 states that –

- (1) *A local government must prepare and adopt a Long-Term Asset Management Plan.*
- (2) *The Long-Term Asset Management Plan continues in force for the period stated in the plan unless the local government adopts a new Long-Term Asset Management Plan.*
- (3) *The period stated in the plan must be 10 years or more.*

Additionally, Section 168 of the Local Government Regulation 2012 states that Council's Long-term Asset Management Plan must:

- (a) *provide for strategies to ensure the sustainable management of the assets mentioned in the local government's asset register and the infrastructure of the local government; and*
- (b) *state the estimated capital expenditure for renewing, upgrading and extending the assets for the period covered by the plan; and*
- (c) *be part of, and consistent with, the long-term financial forecast.*

3.2 Corporate Plan / Operational Plan

Council is committed to achieving the community's vision for the Moreton Bay Region. This vision represents a thriving region of opportunity where our communities enjoy a vibrant lifestyle and is structured upon three key elements; creating opportunities, strengthening communities and valuing lifestyle. These three tiers are underpinned by concepts such as local jobs for residents, strong local governance, and quality recreation and cultural opportunities.

The Strategic Asset Management Plan (SAMP) and supporting AMP have direct linkages with other corporate documents as illustrated in the diagram below:

ITEM 2.1 FLOOD MANAGEMENT DEVICES PORTFOLIO ASSET MANAGEMENT PLAN - 61712125 (Cont.)

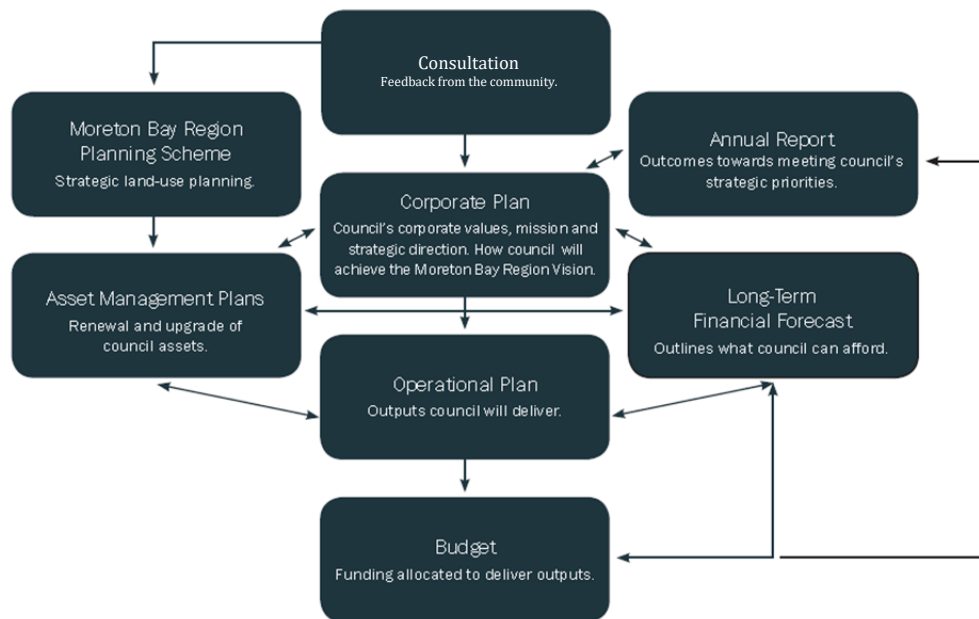


Figure 3 - Asset Management within MBRC Statutory Planning Context

As mentioned above, these plans inform Council's Long Term Financial Forecast (LTFF) in relation to costs associated with new, renewal and upgrade of assets. The plan also guides Council's Corporate Plan in relation to what Council intends to achieve, in relation to strategic asset management and informs Council's capital works program which forms part of the Operational Plan and Budget.

3.3 Policy Implications

The Infrastructure Asset Management Policy (Policy No. 12-2150-043) was adopted by Council on 9th December 2020.

3.4 Risk Management Implications

Risk management associated with flood management device assets are included in the plan

3.5 Delegated Authority Implications

☒ Nil identified

3.6 Financial Implications

Projected condition modelling below shows that with the currently adopted funding schedule the condition of flood management device assets will decline as per the figure below. With the recommended funding the overall portfolio is expected to continue to meet service levels and strategic objectives well into the future.

ITEM 2.1 FLOOD MANAGEMENT DEVICES PORTFOLIO ASSET MANAGEMENT PLAN - 61712125 (Cont.)

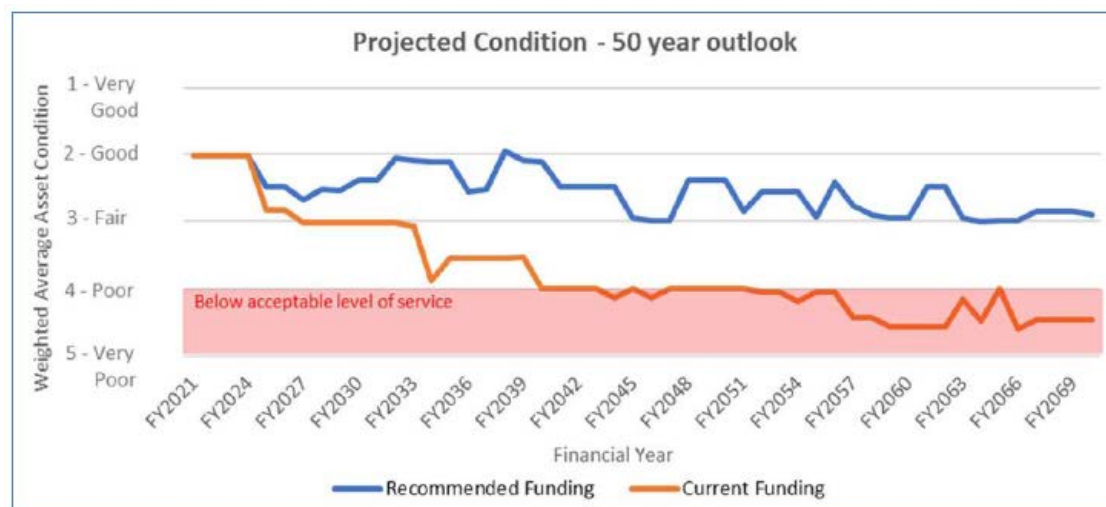


Figure 4 - Asset Projected Condition Outlook

The recommended budget allocations are outlined below:

- Increase the current budgets for planned and reactive maintenance from \$46,000 to **\$113,500 per annum** to allow for adequate maintenance and inspection of assets, from FY2022 onwards.
- Minor increase to the budget for asset renewals/new/upgrade from its **biennial** budget of \$250,000 (average annual expenditure of \$125,000 per annum) to an average annual spend of **\$135,000 from FY2024** onwards and further increase to an average annual spend of **\$227,500 from FY2030** onwards.

Should these recommended budget allocations be adopted into the next long term financial forecast, the predicted condition profile of the flood management device asset portfolio will be in a much improved position for the Council and will minimise the risk of future large lump sum replacement expenditure.

As per Council's strategic asset management framework, it is imperative that Council adopts a proactive approach to managing flood management device assets including planned preventative and routine maintenance. The recommended funding adjustments, both for capital renewal/replacement and routine and planned maintenance, will allow Council to achieve its strategic asset management objectives including:

- Organisational commitment to effective asset management
- Managing risk appropriately
- Delivery of services to agreed standards
- Optimise asset performance
- Minimize asset failure through earlier intervention

3.7 Economic Benefit Implications

Sustainable provision and management of MBRC's flood management device assets supports economic growth across the region. Additionally, a well-managed flood management device portfolio improves the overall amenity of the region and is highly valued by the community.

3.8 Environmental Implications

The effective management of MBRC's flood management device assets assists in improving environmental outcomes.

ITEM 2.1 FLOOD MANAGEMENT DEVICES PORTFOLIO ASSET MANAGEMENT PLAN - 61712125 (Cont.)

3.9 Social Implications

The timely and cost-effective management of MBRC's flood management device assets contributes to the overall benefit of residents, visitors, business and industry, by providing the necessary assets to support the region's quality lifestyle.

3.10 Human Rights Implications ☒ Nil identified

3.11 Consultation / Communication

MBRC officers, asset owners and Councillors have been consulted in the preparation of this plan.

ITEM 2.2**BANKSIA BEACH - PACIFIC HARBOUR - MAINTENANCE DREDGING**

Meeting / Session: 2 INFRASTRUCTURE PLANNING
 Reference: 61599363 : 3 March 2021 - Refer **Confidential** Supporting Information
 61614274
 Responsible Officer: JS, Lead Engineer - Coastal Infrastructure (IP Drainage, Waterways & Coastal Planning)

Executive Summary

This report seeks Council approval to progress stakeholder consultation, contract preparation and tendering for the *Pacific Harbour Maintenance Dredging* project (the Project) based on the preferred dredging and material transport methodology determined following the Expressions of Interest (EOI).

The Project involves the removal of approximately 75,000 m³ of material from within Pacific Harbour, plus transport, placement and treatment at Moreton Bay Regional Council's (MBRC) site located at 1077 Bribie Island Road, Ningi.

The EOI was tendered on Saturday, 26 September 2020 for a period of 6.5 weeks. Eight submissions from six Respondents were received. The submissions broadly identified two viable dredging and material disposal options by Contractors:

1. Cutter Suction Dredger (CSD) and transport by Pipeline via Ningi Creek; and
2. Grab Dredger (barge-mounted excavator), transfer to trucks within the canal estate, and transport by Road (via Cosmos Ave, Sunderland Drive, and Bribie Island Road).

A high-level summary of each option is provided in Table 1.

Table 1 High-level options summary

Option	#1 CSD + Pipeline	#2 Grab Dredge + Trucks
Number of Submissions	4	2
Estimated dredging duration (weeks)	28	51
Estimated total truck movements	60	8,000

Based on the information provided by EOI respondents, the Preferred Option is Option 1 (CSD + Pipeline). This option is preferred as it will avoid an estimated 8,000 round-trips by trucks on local and state roads, and the overall project duration is expected to be significantly less than for Option 2 (approximately half). Additionally, limited relevant experience for projects of this scale were provided by EOI Respondents for the trucking option, whereas a number of previous projects with comparable dredging volumes and pumping distances were provided by Respondents for the pipeline option.

It is recommended that MBRC progress stakeholder engagement, statutory approvals applications, contract preparation and tendering for the project based on the Preferred Option of CSD and Pipeline via Ningi Creek. It is also intended that Alternatives to the Preferred Option will be allowed in the eventual tender.

RESOLUTION

Moved by Cr Brooke Savige

Seconded by Cr Jodie Shipway

CARRIED 11/0

1. That stakeholder engagement, statutory approvals applications, contract preparation and tendering for the project based on the Preferred Option of Cutter Suction Dredge and Pipeline via Ningi Creek, be progressed.
2. That all Respondents to the Expression of Interest (EOI) be invited to tender the works.
3. That the Chief Executive Officer be authorised to do all things necessary to implement recommendations 1 and 2 in accordance with the Local Government Regulation 2012.

ITEM 2.2 BANKSIA BEACH - PACIFIC HARBOUR - MAINTENANCE DREDGING - 61599363 (Cont.)

OFFICER'S RECOMMENDATION

1. That stakeholder engagement, statutory approvals applications, contract preparation and tendering for the project based on the Preferred Option of Cutter Suction Dredge and Pipeline via Ningi Creek, be progressed.
2. That all Respondents to the Expression of Interest (EOI) be invited to tender the works.
3. That the Chief Executive Officer be authorised to do all things necessary to implement recommendations 1 and 2 in accordance with the Local Government Regulation 2012.

REPORT DETAIL

1. Background

The *Canal Estates Portfolio Asset Management Plan* (CEPAMP) outlines MBRC's objective to maintain canals to the depths nominated in the *Long-Term Maintenance Plans* (LTMPs) to ensure safe navigation and mooring of vessels. Canal depths within the lower reaches of the Pacific Harbour canal estate have reached the nominated 'trigger depths' and therefore maintenance dredging is required.

The proposed maintenance dredging campaign involves the removal of approximately 75,000m³ of material from within lower Skippers Canal and the Marina, as shown in Figure 1.

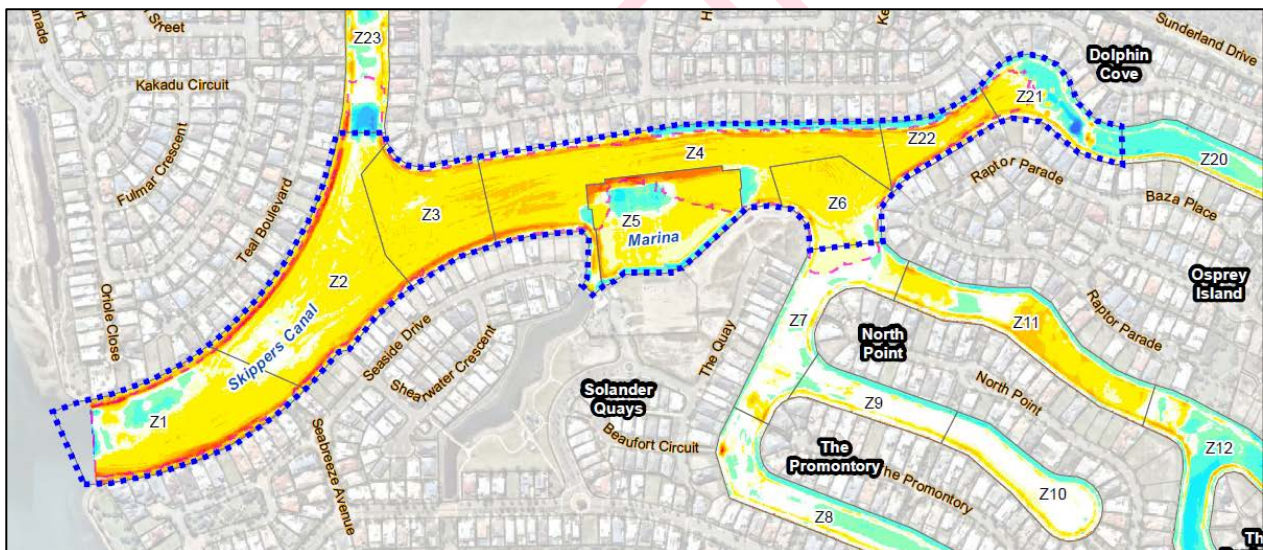


Figure 1 Pacific Harbour Maintenance Dredging project - proposed dredge area (refer dotted blue polygon)

The maintenance dredging was originally planned (several years ago) to be completed via grab dredging (i.e. barge-mounted excavator or similar) into barges with disposal of the material at the State managed Mud Island Dredged Material Placement Area (in Moreton Bay offshore from Fishermen's Island). However, statutory approvals applications for this proposal were rejected by the Department of Transport and Main Roads (DTMR) due to the risk of a barge impacting the Bribie Island Bridge. MBRC subsequently investigated alternative dredging and material disposal methods, including potential land-based sites that could receive the dredged material.

Following a number of workshops to consider potential dredge spoil disposal options, a report to Council was submitted proposing that Council acquire a land site, specifically for this purpose.

ITEM 2.2 BANKSIA BEACH - PACIFIC HARBOUR - MAINTENANCE DREDGING - 61599363 (Cont.)

The following resolution appears on Minute Page 19/167 of the General Meeting of Council held 19 February 2019:

Ex. Coordination Committee held 19 February 2019 (Page 19/194):

1. That the land described in this confidential report be acquired in accordance with Council Policy No. 12-2150-057 Resumptions and Acquisitions of Land.
2. That the Chief Executive Officer be authorised to do all things necessary to give effect to Recommendation 1.

The property located at 1077 Bribie Island Road was formally acquired for the purpose of managing and disposing dredge spoil in April 2019, and a public consultation session was held at the Ningi Community Hall shortly following the site acquisition on 22 May 2019.

Since acquisition of the Ningi site, the Infrastructure Planning department has been working to complete the necessary planning, design, and statutory approvals acquisition tasks to allow for dredged material placement at the site. Detailed sediment sampling and analysis of sediments in Pacific Harbour was completed in early-mid 2020, and a specialist consultant is currently engaged to prepare the requisite statutory approvals applications for the project. Existing engineering design and specification documents are available from the originally planned project (2013-14), and the update of this documentation will be commissioned once the Preferred Option is confirmed by Council.

Significant site works have also been undertaken on the Ningi site, including demolition and removal of dilapidated buildings; installation of security and boundary fencing; rehabilitation and revegetation of the western vegetation buffer; and attainment of approvals to install a drain along the western site boundary.

Most recently, Council resolved to invite Expressions of Interest (EOI) for the maintenance dredging works in line with the following resolution on Minute Page 20/1631 of the General Meeting of Council held 2 September 2020:

RESOLUTION

1. That Council resolve that it is in the public's interest to invite Expressions of Interest prior to requesting written tenders for this project.
2. That Council invite Expressions of Interest for the Pacific Harbour Maintenance Dredging project and subsequently invite tenders from an appropriate short-list of respondents to the EOI.
3. That the Chief Executive Officer be authorised to do all things necessary to implement recommendation 2 in accordance with the Local Government Regulation 2012.

The following section of this report outlines the EOI objectives, outcomes, and proposed path-forward.

2. Explanation of Item

As per the EOI Council Report, the EOI was developed to facilitate:

- *assessment of dredging and material transport options available in the market, including indicative pricing;*
- *selection of a preferred option(s) to carry forward into the detailed design & specification and approvals acquisition tasks/phases;*
- *shortlisting of suitably experienced contractors for the eventual tender;*
- *further consultation with stakeholders regarding likely dredging and material transport methods, plus project timeframes.*

ITEM 2.2 BANKSIA BEACH - PACIFIC HARBOUR - MAINTENANCE DREDGING - 61599363 (Cont.)

The EOI was tendered on Saturday 26th September 2020 for a period of 6.5 weeks. Eight submissions from six Respondents were received.

Following review of the EOI submissions a summary of the submitted information, including a map of the proposed material transport routes and estimated project costs, has been prepared and is provided within the Supporting Information. In addition to the Supporting Information, a summary of the key advantages and risks for each of the two options is presented in Table 2.

Table 2 Advantages & risks - Options comparison

Option	Option 1 - CSD + Pipeline	Option 2 - Grab Dredge + Trucks
Key advantages	<ul style="list-style-type: none"> • Shorter dredging duration • Most economical dredging method • Accurate dredging • Largely continuous operation (within permitted day-time working hours) • Limited disturbance to residents and road users 	<ul style="list-style-type: none"> • Fewer statutory approvals required • Easier to treat PASS (Potential Acid Sulphate Soils) • Negligible tailwater to manage at Ningi site • Reduced impact on marine navigation within canal estate & waterways (Pumicestone Passage & Ningi Ck)
Key risks/ challenges	<ul style="list-style-type: none"> • Additional statutory approvals required • Pipeline crossing of Pumicestone Passage • Potential for pipeline leaks • Tailwater management within Ningi site & water quality impacts to Ningi Ck • In-line treatment of PASS material • Booster station operations & potential pipeline blockages • Potential noise impacts due to booster stations • Additional preparatory earthworks required at Ningi site 	<ul style="list-style-type: none"> • Traffic & Pedestrian management - large number of traffic movements incl. on local roads & Bribie Island Bridge • Significantly longer dredging duration • Spillage of material on roads • Higher cost

The third option identified by two Respondents, entailing dredging, material rehandling through/beneath the Bribie Island Bridge, and disposal at the Mud Island Dredged Material Placement Area (MIDMPA) has previously been precluded by DTMR due to restrictions on vessel movements in proximity to the Bribie Island Bridge. As such, this option has not been considered further.

A pre-lodgement meeting was held with State Agencies and MBRC's approvals consultant on Tuesday 1st December 2020 to discuss the project and the Agencies' interests. Key feedback received from agencies for the two options is summarised as follows:

- Option 1 - CSD + Pipeline:
 - Temporary structures (pipeline) in a Fish Habitat Area B (Ningi Creek) - approvals from Department of Agriculture & Fisheries (DAF)
 - Impacts to marine plants (principally seagrasses) - approvals from DAF
 - Pipeline Crossing of Pumicestone Passage - approval conditions (incl. Marine Execution Plan) from MSQ
 - Pipeline and Booster Stations in Moreton Bay Marine Park - Marine Park Permit required from DES
- Option 2 - Grab Dredge + Road-based transport:
 - General traffic management (Bribie Island Road & Bribie Island Bridge) - requires Traffic Report and DTMR approval
 - Site entrance off Bribie Island Road - requires detailed assessment and DTMR approval

ITEM 2.2 BANKSIA BEACH - PACIFIC HARBOUR - MAINTENANCE DREDGING - 61599363 (Cont.)

Overall, State Agencies did not identify any critical issues or concerns regarding the proposed works and attainment of approvals.

Based on the information provided by EOI respondents, and the outcomes of the pre-lodgement meeting with State Agencies, the recommended option to progress through to design and tendering is Option 1 (CSD + Pipeline). As captured in Table 3, this option is preferred as it will avoid an estimated 8,000 round-trips by trucks on local and state roads, and the overall project duration is expected to be significantly less than for Option 2 (approx. half). Additionally, limited relevant experience for projects of this scale were provided by EOI Respondents for Option 2, whereas a number of previous projects with comparable dredging volumes and pumping distances were provided by Respondents for Option 1.

Table 3 Key differentiating factors

Option	Option 1 - CSD + Pipeline	Option 2 - Grab Dredge + Trucks
Dredging duration (weeks)	28	51
Impacts to residents	Limited impacts expected	1 truck every 8-13 mins for >1 year on local roads (approx. 8,000 round trips)
Project experience	At least three relevant previous projects provided	Limited to no relevant experience for projects of this size/scale provided

Accordingly, it is recommended that MBRC progress stakeholder engagement, statutory approvals applications, contract preparation and tendering for the project based on the Preferred Option of Cutter Suction Dredge and Pipeline via Ningi Creek. Additionally, it is recommended that all six respondents to the EOI be invited to tender the works.

3. Strategic Implications

3.1 Legislative / Legal Implications

The proposed tender process will be undertaken in accordance with the requirements set out in the Local Government Regulation 2012.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

The tender process will be completed in accordance with the provisions of the following documents:

- Council's Procurement Policy 10-2150-006
- *Local Government Act 2009*
- Local Government Regulation 2012 Chapter 6.

3.4 Risk Management Implications

The Project Risk Management Plan identified that seeking Expressions of Interest and shortlisting contractors prior to requesting written tenders will help mitigate a range of project risks, including the following:

- Approvals delays (or rejection) due to alternative dredging & transport methodologies submitted at tender phase.
- Inexperienced contractors tendering the works and subsequent failure to fulfil project objectives.
- Inadequate consultation with stakeholders regarding transport methods and project timeframes prior to works commencement.
- Project delays as a result of obtaining approvals for, and specifying, dredging and material transport methods that are not available in the market, environmentally unsustainable and/or not financially feasible.

3.5 Delegated Authority Implications

☒ Nil identified

ITEM 2.2 BANKSIA BEACH - PACIFIC HARBOUR - MAINTENANCE DREDGING - 61599363 (Cont.)

3.6 Financial Implications

The cost of maintenance dredging and spoil disposal within Pacific Harbour is funded by the *Pacific Harbour Canal Maintenance Special Charge*.

A total of \$8,977,000, covering dredging and spoil disposal, is currently allocated across FY21/22 and FY22/23 for this project within the Pacific Harbour 50y Canal Maintenance Model. The budgeted costs include a charge to the levy of \$30 per cubic meter for placement of material at the Ningi site - totalling \$2.25M for this project.

The Indicative Pricing provided by EOI respondents indicates that the above allocated budget will be adequate to fund the works.

Note that funds currently allocated in Council's FY20/21 Budget and Operational Plan (\$2,710,600) will not be expended and will be returned to the reserve to fund future works.

3.7 Economic Benefit Implications

The proposed maintenance dredging will help to ensure safe navigation and mooring at the Pacific Harbour Marina, and therefore help to maintain the economic benefits to the area associated with the marina and attached businesses.

3.8 Environmental Implications

The project sites are located adjacent to parts of the Moreton Bay Marine Park and a designated Fish Habitat Area. Whilst environmental permits and approvals have not yet been finalised, these will be secured prior to tendering the works. Environmental monitoring, as required by the final approvals, will be undertaken throughout the works. An environmental management plan will also likely be required, including review and endorsement by the Department of Environment and Science prior to works commencing.

3.9 Social Implications

The proposed maintenance dredging will have a positive impact to the residents and marina users of Pacific Harbour. However, there are a range of potential negative social impacts associated with the project and these are broadly outlined on MBRC's project web page, along with proposed high-level measures to minimise impacts. The identified potential impacts include; Noise, Dust, Odour and Water Quality, and these will be managed during the works.

MBRC's Cultural Heritage Planning Officer continues to work with representatives of the traditional custodians (Kabi Kabi people), and the Infrastructure Planning and Asset Maintenance departments, towards preparation of a Cultural Heritage Management Plan (within a broader Environmental Management Plan for the site), to help protect cultural heritage values identified within the site.

3.10 Human Rights Implications

☒ Nil identified

3.11 Consultation / Communication

The Councillor for Division 1 has been consulted regarding the outcomes of the EOI as well as the proposed path-forward for the project, and is supportive of the Preferred Option (Option 1). The Councillor has also provided feedback and advice regarding community consultation moving forward.

Other consultation undertaken to-date regarding this project is summarised as follows:

- Public consultation session at Ningi Community Hall - 22 May 2019.
- Pacific Harbour Canal Property Owner's Association (PHCPOA) - four-monthly meetings (ongoing) - including Division 1 Councillor & DWCP Manager (incl. Jun 2019, Oct 2019, Feb 2020, Jun 2020, Oct 2020 and March 2021).
- Project Web Page established June 2019 (ongoing).

ITEM 2.2 BANKSIA BEACH - PACIFIC HARBOUR - MAINTENANCE DREDGING - 61599363 (Cont.)

This Council Report has been prepared in-lieu of a Council Briefing Session as originally identified in the EOI Council Report. The original purpose of the Briefing Session was to advise Council of the proposed methodology that will be tendered and to inform the community consultation program.

Future stakeholder communication will be delivered in-line with the Project Communication Management Plan. This is proposed to include:

- Project update communication - in parallel with the Council Report
- Updates to project webpage
- Already scheduled meetings with PHCPOA
- Future project update communication following attainment of Statutory Approvals
- Media release during project tendering
- Projects works notifications following Contract Award - as appropriate.

Communication will be targeted to reach the following key groups:

- Ningi residents
- Pacific Harbour residents
- Recreational users (i.e. recreational boating & fishing)
- Local State and Federal parliament members

3 ENGINEERING, CONSTRUCTION & MAINTENANCE SESSION

(Cr B Savige)

No items for consideration.

4 PLANNING SESSION

(Cr D Grimwade)

No items for consideration.

UNCONFIRMED

5 COMMUNITY & ENVIRONMENTAL SERVICES SESSION**(Cr M Gillam)****ITEM 5.1****PROPOSED AMENDMENT TO SUBORDINATE LOCAL LAW NO. 5 (PARKING) 2011**

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES
Reference: 61635540 : 17 February 2021 - **Refer Supporting Information 61696595, 61696642 & 61696652**
Responsible Officer: SM, Local Laws Manager (CES Customer Response)

Executive Summary

This report recommends that Council makes:

- *Moreton Bay Regional Council Amendment Subordinate Local Law No. 1 (Subordinate Local Law No. 5 (Parking) 2011) 2021; and*
- *A consolidated version of Moreton Bay Regional Council Subordinate Local Law No. 5 (Parking) 2011.*

The purpose and general effect of the proposed amendment is to amend Schedule 3 of *Moreton Bay Regional Council Subordinate Local Law No. 5 (Parking) 2011* to increase the penalty units from two (2) to four (4), for the offence of 'stopping (without displaying a current parking permit for people with disabilities) in a parking area for people with disabilities'.

The below recommendations comply with Council's adopted local law-making process.

RESOLUTION

Moved by Cr Matt Constance

Seconded by Cr Sandra Ruck

CARRIED 11/0

1. That Council resolves to propose to make Moreton Bay Regional Council Amendment Subordinate Local Law No. 1 (Subordinate Local Law No. 5 (Parking) 2011) 2021 (refer Supporting Information #1).
2. That Council resolves that the amending law referred to in paragraph 1 makes an insubstantial change and does not affect any anti-competitive provision such that steps 2 to 4 inclusive of Council's adopted local law-making process does not need to be satisfied.
3. That pursuant to section 29(2) of the Local Government Act 2009, Council resolves to make Moreton Bay Regional Council Amendment Subordinate Local Law No. 1 (Subordinate Local Law No. 5 (Parking) 2011) 2021 (refer Supporting Information #1).
4. 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. 5 (Parking) 2011 (refer Supporting Information #2).
5. That the Chief Executive Officer be authorised to:
 - a) publicise that the local laws referred to at paragraphs 3 and 4 have been made by publishing a notice of making each 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 local laws referred to at paragraphs 3 and 4, which includes giving the Minister a copy of the local laws and making a copy of the local laws available for inspection and purchase at Council's public offices.

OFFICER'S RECOMMENDATION

1. That Council resolves to propose to make *Moreton Bay Regional Council Amendment Subordinate Local Law No. 1 (Subordinate Local Law No. 5 (Parking) 2011) 2021* (refer Supporting Information #1).
2. That Council resolves that the amending law referred to in paragraph 1 makes an insubstantial change and does not affect any anti-competitive provision such that steps 2 to 4 inclusive of Council's adopted local law-making process does not need to be satisfied.
3. That pursuant to section 29(2) of the *Local Government Act 2009*, Council resolves to make *Moreton Bay Regional Council Amendment Subordinate Local Law No. 1 (Subordinate Local Law No. 5 (Parking) 2011) 2021* (refer Supporting Information #1).
4. 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. 5 (Parking) 2011* (refer Supporting Information #2).
5. That the Chief Executive Officer be authorised to:
 - a) publicise that the local laws referred to at paragraphs 3 and 4 have been made by publishing a notice of making each 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 local laws referred to at paragraphs 3 and 4, which includes giving the Minister a copy of the local laws and making a copy of the local laws available for inspection and purchase at Council's public offices.

REPORT DETAIL**1. Background**

Schedule 3 of the *Moreton Bay Regional Council Subordinate Local Law No. 5 (Parking) 2011* (**Parking Local Law**) sets out penalties for certain minor traffic offences enforced by Council under the *Transport Operations (Road Use Management – Road Rules) Regulation 2009*.

In 2020 the Queensland Government made the *Transport Legislation (Disability Parking and Other Matters) Amendment Act 2020*, which increased the penalty units listed in the *State Penalties Enforcement Regulation 2014* for the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*, section 203(1). The amendment increased the penalty from 2 penalty units (\$266) to four 4 penalty units (\$533) for the offence of 'stopping (without displaying a current parking permit for people with disabilities) in a parking area for people with disabilities' (**Offence**).

The amendments made by the Queensland Government do not automatically change the penalty for the Offence under the Parking Local Law, which is currently 2 penalty units.

It is open to Council to amend the Parking Local Law to also increase the penalty for the Offence from 2 penalty units to 4 penalty units to align to the State's penalty increase.

2. Explanation of Item

It is recommended that Council make the *Moreton Bay Regional Council Amendment Subordinate Local Law No. 1 (Subordinate Local Law No. 5 (Parking) 2011) 2021* (**Amending Local Law**) and a consolidated version of *Moreton Bay Regional Council Subordinate Local Law No. 5 (Parking) 2011* (**Consolidated Local Law**) to increase the penalty for the Offence, in accordance with Council's adopted local law making process.

ITEM 5.1 PROPOSED AMENDMENT TO SUBORDINATE LOCAL LAW NO. 5 (PARKING) 2011 - 61635540 (Cont.)

The reasons for this are:

- Given the changes to State legislation, Council should now consider an amendment to the penalty units applied in its local laws.
- The amendment will ensure consistency with the penalty of the State. It is important to note that Queensland Police Officers may issue fines for this offence under the State's new penalty.
- The proposed amendment aligns with the intent of Council's Disability Access and Inclusion Plan.

Moreton Bay Regional Council's Disability Access and Inclusion Plan consultation identified the occupation of accessible car parking bays by people without a valid permit as a key issue of concern for people who depend on access to these parking bays. This proposed amendment aligns with the intent of Council's Disability Access and Inclusion Plan 2018-2022 to provide equal access to community facilities, services and opportunities for people with disabilities. It will provide a greater level of deterrence against people occupying accessible parking bays without a valid permit, thereby ensuring they are reserved for people who need access to them.

Under Council's adopted local law making process for making a subordinate local law (*refer Supporting Information #3*), 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.

Council officers consider the proposed amendment is an insubstantial change as it seeks to increase a penalty in line with State penalties. The amendment does not affect an anti-competitive provision. Accordingly, Council officers do not consider public consultation is required on the amendment and considers that steps 2 to 4 of Council's adopted local law-making process does not need to be satisfied.

Council may now, by resolution, decide to make the amendments to the Parking Local Law.

If Council makes the Amending Local Law, Council officers recommend that Council also make the Consolidated Local Law, which is a document that accurately combines the local law as it was made with all the amendments made to the local law since it was originally made.

3. Strategic Implications

3.1 Legislative / Legal Implications

The amendment to *Moreton Bay Regional Council Subordinate Local Law No. 5 (Parking) 2011* will be undertaken in accordance with the *Local Government Act 2009* and Council's adopted local law-making process.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications ☒ Nil identified

3.4 Risk Management Implications ☒ Nil identified

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications ☒ Nil identified

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

ITEM 5.1 PROPOSED AMENDMENT TO SUBORDINATE LOCAL LAW NO. 5 (PARKING) 2011 - 61635540 (Cont.)

3.9 Social Implications

The amendment to *Moreton Bay Regional Council Subordinate Local Law No. 5 (Parking) 2011* will increase the penalty for drivers who park in a disability parking space without the required permit. This amendment aligns with the intent of Council's Disability Access and Inclusion Plan.

3.10 Human Rights Implications

Under the *Human Rights Act 2019 (Qld)*, Council must not make a decision which is incompatible with a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are not human rights implications relevant to Council's decision.

3.11 Consultation / Communication

Council's Legal Services Department and Community Services Sport and Recreation Department has been consulted and provided input into the formulation of this report.

ITEM 5.2
INFRINGEMENT NOTICE COURT ELECTIONS

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES
Reference: 61730299 : 1 March 2021
Responsible Officer: GL, Brief Management and Prosecutions Coordinator (CES Customer Response)

Executive Summary

Council's approval is sought for the commencement of two prosecutions in the Magistrates Court for alleged offences under Moreton Bay Regional Council Local Law No. 2 (Animal Management) 2011 and Moreton Bay Regional Council Local Law No. 4 (Local Government Controlled Areas and Roads) 2011.

The *State Penalties Enforcement Act 1999* allows for a person who has been issued with a penalty infringement notice to elect to have the matter heard through the Magistrates Court instead of paying the infringement.

Council has received two (2) elections requests from members of the community who have received penalty infringement notices. These matters have been assessed and are considered appropriate to proceed as requested to the Magistrates Court. In order to progress these matters a resolution of Council is sought authorising officers to commence proceedings for these matters.

RESOLUTION

Moved by Cr Karl Winchester

Seconded by Cr Cath Tonks

CARRIED 11/0

1. That Council authorise the Chief Executive Officer to commence prosecutions in the Magistrates Court for each of the matters described in this report, for what Council officers allege to be offences under the *Moreton Bay Regional Council Local Law No.2 (Animal Management)* and *Moreton Bay Regional Council Local Law No.4 (Local Government Controlled Areas and Roads) 2011*.
2. That the prosecutions described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

ITEM 5.2 INFRINGEMENT NOTICE COURT ELECTIONS - 61730299 (Cont.)

OFFICER'S RECOMMENDATION

1. That Council authorise the Chief Executive Officer to commence prosecutions in the Magistrates Court for each of the matters described in this report, for what Council officers allege to be offences under the *Moreton Bay Regional Council Local Law No.2 (Animal Management)* and *Moreton Bay Regional Council Local Law No.4 (Local Government Controlled Areas and Roads) 2011*.
2. That the prosecutions described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

REPORT DETAIL

1. Background

Council's Local Laws provide a legal and procedural framework for their administration, implementation and enforcement.

The purpose of the Local Laws is to:

- maintain community expectations and standards;
- protect the environment, public health and safety; and
- maintain community amenity through the administration and regulation of activities such as:
 - prescribed activities (local law approvals)
 - prohibited and restricted activities
 - the keeping of animals
 - the regulation of parking.

Council officers are authorised by the Chief Executive Officer, in accordance with their delegations, to issue Penalty Infringement Notices for offences that relate to Council's Local Laws and State legislation.

When a Penalty Infringement Notice is issued to a person for an offence, the *State Penalties Enforcement Act 1999* states that the alleged offender must, within 28 days after the date of the infringement notice, elect one of the following options:

- a) pay the fine in full or
- b) pay the fine in instalments (penalty amounts over \$200) or
- c) make an election to the administering authority to have the matter of the offence decided in a Magistrates Court.

In addition to the abovementioned options, Council provides the alleged offender with the opportunity to request a review of the issuing of the penalty infringement notice. Whilst there is no legislative requirement for this review, Council will undertake a review of the facts and circumstances relating to the issue of the penalty infringement notice and consider any reasonable or compassionate grounds offered by the alleged offender. A review decision is provided to the requestor in writing.

If an alleged offender elects to have the matter heard and determined by a Magistrates Court, officers undertake the same review process to ensure that the infringement notice has been correctly and lawfully issued before progressing the matter.

2. Explanation of Item

Council has received two (2) requests from community members who were issued with a penalty infringement notice and who have elected for the matter to be heard by the Magistrates Court instead of paying the infringement, that are considered appropriate to proceed with to the Magistrates Court.

The penalty infringement notices were issued to the requestors for what Council officers allege to be offences under *Moreton Bay Regional Council Local Law No. 2 (Animal Management) 2011* ('Local Law 2')

ITEM 5.2 INFRINGEMENT NOTICE COURT ELECTIONS - 61730299 (Cont.)

and the *Moreton Bay Regional Council Local Law No. 4 (Local Government Controlled Areas and Roads) 2011* ('Local Law 4').

Local Law 2 provides amongst other things that it is an offence for a person to fail to provide proper enclosure and prevent animal from wandering.

Local Law 4 provides amongst other things that it is an offence for a person to engaging in a restricted activity by driving or parking a vehicle within a park/reserve.

Council is the responsible agency for enforcement and regulation of Moreton Bay Regional Council Local Laws. The matters have been reviewed to ensure the penalty infringement notices have been correctly and lawfully issued in preparation for progressing to court.

Officers propose to proceed as requested by the alleged offenders with the two prosecutions to the Magistrates Court. Table 1 below outlines the offences for which the alleged offenders have elected to proceed to court.

Table 1 - Court elect infringements

Summary of charges - Infringement Notice Court Elections		Prosecution reference numbers
Matter 1	Charge 1 - Failure to provide proper enclosure and prevent animal from wandering	LS/2021/0062
Matter 2	Charge 1 - Engaging in a restricted activity - driving and parking within a park/reserve.	LS/2021/0170

3. Strategic Implications

3.1 Legislative / Legal Implications

Prosecutions would be commenced in the Magistrates Court against each of the individuals who were, at the material time, the responsible person for each these matters for offences under Local Law 2 and Local Law 4.

Section 237(2) of the *Local Government Act 2009* provides that 'a local government may start proceeding under the *Justices Act 1886* in the name of a local government employee who is a public officer within the meaning of that Act'.

The Chief Executive Officer falls within that definition and there are a number of advantages in commencing a prosecution in the name of the employee as opposed to the Council itself, in particular some degree of protection in relation to costs and the ability to deal with the matter should the defendant fail to appear.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

☒ Nil identified

3.4 Risk Management Implications

The statutory schemes established by Local Laws rely on Council to investigate, monitor and enforce the offences against those laws. The matters have been reviewed in preparation for court.

3.5 Delegated Authority Implications

☒ Nil identified

ITEM 5.2 INFRINGEMENT NOTICE COURT ELECTIONS - 61730299 (Cont.)

3.6 Financial Implications

Legal and court costs associated with the commencement of legal proceedings, including court filing fees will be met through existing budget allocations. The matters will be handled by Council's Brief Management and Prosecutions Coordinator through to the Magistrates Court therefore no external fees will be applicable.

3.7 Economic Benefit Implications

☒ Nil identified

3.8 Environmental Implications

☒ Nil identified

3.9 Social Implications

Court proceedings can establish broader understanding of statutory and local laws regulation and build community confidence in Councils ability to effectively address offending.

3.10 Human Rights Implications

Under the *Human Rights Act 2019 (Qld)*, Council must not make a decision which is incompatible with a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. Council officers consider that Council's decision in this circumstance is compatible with a person's human rights because any person against whom prosecution proceedings are commenced will have the right to a fair hearing.

3.11 Consultation / Communication

Legal Services Department

Director Community & Environmental Services

**ITEM 5.3
COMMENCEMENT OF PROSECUTIONS**

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES
Reference: 61689076 : 1 March 2021
Responsible Officer: GL, Brief Management and Prosecutions Coordinator (CES Customer Response)

Executive Summary

Investigations have been conducted in relation to two dog attacks and a matter of unauthorised tree removal from a Council reserve where the investigating officers have recommended prosecution as a means of enforcement.

Council's approval is sought for the commencement of three prosecutions in the Magistrates Court for what Council Officers allege to be offences under the *Animal Management (Cats and Dogs) Act 2008* (the Act) and the *Moreton Bay Regional Council Local Law No. 2 (Animal Management) 2011* (Local Law 2) and the *Moreton Bay Regional Council Local Law No. 4 (Local Government Controlled Areas and Roads) 2011* (Local Law 4).

The matters have been reviewed and assessed as appropriate to progress for prosecution in the Magistrates court.

RESOLUTION

Moved by Cr Adam Hain

Seconded by Cr Sandra Ruck

CARRIED 11/0

1. That Council authorise the Chief Executive Officer to commence prosecutions in the Magistrates Court for each of the matters described in this report, for what Council officers allege to be offences under the *Animal Management (Cats and Dogs) Act 2008*, *Moreton Bay Regional Council Local Law No.2 (Animal Management) 2011* and *Moreton Bay Regional Council Local Law No.4 (Local Government Controlled Areas and Roads) 2011*.
2. That the prosecutions described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

ITEM 5.3 COMMENCEMENT OF PROSECUTIONS - 61689076 (Cont.)

OFFICER'S RECOMMENDATION

1. That Council authorise the Chief Executive Officer to commence prosecutions in the Magistrates Court for each of the matters described in this report, for what Council officers allege to be offences under the *Animal Management (Cats and Dogs) Act 2008*, *Moreton Bay Regional Council Local Law No.2 (Animal Management) 2011* and *Moreton Bay Regional Council Local Law No.4 (Local Government Controlled Areas and Roads) 2011*.
2. That the prosecutions described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

REPORT DETAIL

1. Background

Council is the responsible agency for enforcement and regulation under the Act and Moreton Bay Regional Council Local Laws and as such has a responsibility to take enforcement action when breaches are identified.

Investigations have been conducted in relation to two dog attacks and a matter of unauthorised tree removal from a Council reserve. It is considered appropriate, and in the public interest, to progress these matters to the Magistrates Court for prosecution.

The Act and Local Law 2 provide legal and procedural frameworks for the administration, implementation and enforcement of animal ownership and management practices.

The Act provides that amongst others it is an offence for a person to fail to take reasonable steps to ensure a dog does not attack and Local Law 2 provides that amongst others it is an offence to fail to provide a proper enclosure and prevent an animal from wandering.

Council's approval is sought for the commencement of two (2) prosecutions in the Magistrates Court against two individuals for what Council officers allege to be offences under the Act and Local Law 2.

The *Moreton Bay Regional Council Local Law No. 4 (Local Government Controlled Areas and Roads) 2011* (Local Law 4) provides that it is an offence for a person to engage in restricted activities outside the extent permitted under a subordinate local law.

For the purpose of Local Law 4 it is a restricted activity to undertake an alteration or improvement to a local government area. This includes to plant, clear, damage, remove or interfere with any fauna, plants or plant material, trees, soils, sands, rocks or other materials in or on a local government-controlled area.

Council's approval is also sought for the commencement of one (1) prosecution in the Magistrates Court against an individual for what Council officers allege to be an offence under Local Law 4.

A summary of facts has been drafted for each matter and reviewed to ensure there is sufficiency of evidence to prove the offences.

2. Explanation of Item

Investigations have been conducted in relation to two dog attacks and a matter of unauthorised tree removal from a Council reserve where the investigating officers have recommended prosecution as a means of enforcement.

The improper keeping of animals presents a risk within the community. An opportunity exists in each of these matters for Council to take enforcement action against the responsible person for keeping a dog improperly and, in doing so, encourage both individual and community compliance under the Act and Local Law 2.

ITEM 5.3 COMMENCEMENT OF PROSECUTIONS - 61689076 (Cont.)

Given the seriousness of the attacks in these matters, and that the most serious of the charges can only be enforced against by prosecution, Council officers consider this to be the most appropriate action.

The undertaking of restricted activities presents a risk within the community and to community assets. An opportunity exists in this matter for Council to take enforcement action against the responsible person for the unauthorised removal of 4 mature trees from a Council reserve under Local Law 4.

Prosecution provides a means for Council to seek restitution of the costs to replace the trees from the offender. Council officers consider prosecution to be the most appropriate action.

Table 1 below outlines the alleged offences for each matter.

Table 1 - Prosecutions

Summary of charges - Prosecutions		Prosecution reference number
Matter 1	Charge 1 - Failure to provide proper enclosure and prevent animal from wandering Charge 2 - Failing to ensure dog does not attack a person causing bodily harm Charge 3 - Failing to ensure dog does not attack a person causing bodily harm Charge 4 - Fail to control animal in public place Charge 5 - Failing to ensure dog does not attack a person causing bodily harm Charge 6 - Knowingly provided false or misleading information. Charge 7 - Breach of a permit condition for Dangerous Dog - muzzled in public	LS/202/0098
Matter 2	Charge 1 - Failing to ensure dog does not attack another animal causing bodily harm.	LS/2021/0059
Matter 3	Charge 1 - Engage in a restricted activity outside the extent permitted under subordinate local law	LS/2021/0198

3. Strategic Implications

3.1 Legislative / Legal Implications

Prosecutions would be commenced in the Magistrates Court against each of the individuals who were, at the material time, the responsible person for each these matters for offences under the Act, Local Law 2 and Local Law 4.

Section 237(2) of the *Local Government Act 2009* provides that 'a local government may start proceedings under the *Justices Act 1886* in the name of a local government employee who is a public officer within the meaning of that Act'. The Chief Executive Officer falls within that definition and there are a number of advantages in commencing a prosecution in the name of the employee as opposed to the Council itself, in particular some degree of protection in relation to costs and the ability to deal with the matter should the defendant fail to appear.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

☒ Nil identified

3.4 Risk Management Implications

The statutory schemes established by the Act and Local Laws rely on Council to investigate, monitor and enforce the offences against those laws. The matters have been reviewed and assessed in preparation for court.

ITEM 5.3 COMMENCEMENT OF PROSECUTIONS - 61689076 (Cont.)

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

Legal and court costs associated with the commencement of legal proceedings, including court filing fees will be met through existing budget allocations. The matters will be handled by Council's Brief Management and Prosecutions Coordinator through to the Magistrates Court therefore no external fees will be applicable.

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications

Court proceedings can establish broader understanding of statutory and local laws regulation and build community confidence in Councils ability to effectively address offending.

3.10 Human Rights Implications

Under the *Human Rights Act 2019 (Qld)*, Council must not make a decision which is incompatible with a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. Council officers consider that Council's decision in this circumstance is compatible with a person's human rights because any person against whom prosecution proceedings are commenced will have the right to a fair hearing.

3.11 Consultation / Communication

Legal Services Department
Director Community & Environmental Services

6 FINANCE & CORPORATE SERVICES SESSION**(Cr M Constance)**

No items for consideration.

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

ITEM 12.1**NORTH LAKES GOLF COURSE - PROPOSED REDEVELOPMENT - INDEPENDENT DETERMINATION UPDATE**

Cr Jodie Shipway referred to the land previously used as the North Lakes Golf Course and reported that independent legal advice had been sought regarding the landowners proposed development of part of that land - the expert determination has recently been handed down and publicised.

Cr Shipway urged interested members of the community to read the determination.

ITEM 12.2**DEPUTY PREMIER AND MINISTER FOR STATE DEVELOPMENT, INFRASTRUCTURE, LOCAL GOVERNMENT AND PLANNING - INVITATION TO ATTEND COUNCIL MEETING**

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Karl Winchester

CARRIED 11/0

That the Hon Dr Steven Miles, Deputy Premier and Minister for State Development, Infrastructure, Local Government and Planning be invited to attend a Council meeting or Council briefing to address and discuss with Council his views on local government in the Moreton Bay Region.

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.

ITEM C.1 - DECLARATION OF INTEREST**Conflict of Interest (Previously Notified) - Cr Darren Grimwade - Telstra Corporation Limited**

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

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

Cr Grimwade remained in the meeting

CLOSED SESSION**RESOLUTION**

Moved by Cr Karl Winchester

Seconded by Cr Brooke Savage

CARRIED 11/0

That Council move into closed session pursuant to the provisions of s254J(3) of the Local Government Regulation 2012 to discuss Items C.1 to C.2.

The closed session commenced at 10.11am (livestreaming paused).

OPEN SESSION**RESOLUTION**

Moved by Cr Cath Tonks

Seconded by Cr Brooke Savage

CARRIED 11/0

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

The open session (livestreaming) resumed at 10.25am.

14a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL

ITEM C.1 – CONFIDENTIAL**PROPOSED LEASE FOR TELECOMMUNICATIONS FACILITY****Meeting / Session:** 5 COMMUNITY & ENVIRONMENTAL SERVICES**Reference:** 61483640 : 19 January 2021 - Refer **Confidential** Supporting Information
61483646**Responsible Officer:** AS, Manager Property Services (CES Property & Commercial Services)**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.

This matter is reported to Council as section 236(2) of the Local Government Regulation 2012 requires Council resolution to apply the exception under section 236(1)(c)(vi) to dispose of a valuable non-current asset if the grant of a lease is for the purpose of a lease for a telecommunication tower.

Executive Summary

This report seeks Council's approval for the provision of a lease to Telstra Corporation Limited ACN 051 775 556 (**Telstra**), for the purpose of a telecommunications facility on the terms outlined in this report.

RESOLUTION

Moved by Cr Mark Booth

Seconded by Cr Sandra Ruck

CARRIED 11/0

1. That the exception contained in section 236(1)(c)(vi) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the property referred to in this report.
2. That Telstra be granted a lease over Lease A in Lot 3 on RP134127 on SP115800 on the terms outlined in this report.
3. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

ITEM C.2 – CONFIDENTIAL
PROPERTY ACQUISITION - KALLANGUR**Meeting / Session:** 2 INFRASTRUCTURE PLANNING**Reference:** 61657290 : 8 March 2021 - Refer **Confidential** Supporting Information
61657292**Responsible Officer:** AS, Manager Property Services (CES Property & Commercial Services)**Basis of Confidentiality**

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

Executive Summary

Council's approval is sought for the purchase of a residential property in Kallangur to enhance an important recreation and environmental / water way corridor.

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Cath Tonks

CARRIED 11/0

1. That Council delegates to the Chief Executive Officer the power to negotiate and finalise the purchase of the property described in this confidential report.
2. That Council authorises the Chief Executive Officer to do all other things that are necessary to give effect to recommendation 1.

14b. CONFIDENTIAL GENERAL BUSINESS

No items for consideration.

14. CLOSURE

There being no further business the Chairperson closed the meeting at 10.28am.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 21/157 to 21/201 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 17 March 2021.

Greg Chemello
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Tuesday 31 March 2021.

Greg Chemello
Chief Executive Officer

Councillor Denise Sims
Deputy Mayor

Moreton Bay Regional Council

GENERAL MEETING - 527

31 March 2021

Supporting Information

7.1 Attachment #1 - Petition response letter to Noela Shaw (61743498)



Phone: (07) 3205 0555

Our Ref: 61743498

Date: 12 March 2021

Noela Shaw

[Redacted address]

Dear Ms Shaw

Petition: Alleged Dog Attack - Biggs Avenue, Beachmere

I refer to the petition tabled by Cr Mark Booth (Division 2) at the General Meeting of Council held 28 October 2020, relating to an alleged dog attack at Biggs Avenue, Beachmere, of which you are the Principal Petitioner.

As indicated in your letter from Mr Greg Chemello, Council's Chief Executive Officer, dated 3 November 2020, this matter was referred to me for review and advice to Council and yourself, of any action taken in relation to the petition.

At the time of receiving your petition, this matter had been reported to Council. Council's process in regard to investigating any alleged dog attack is to consider the facts and circumstances in relation to the incident which involves the collection of physical evidence, speaking to witnesses and victims, obtaining medical or veterinary advice to assist Council in making a decision in accordance with the *Animal Management (Cats and Dogs) Act 2008*.

Depending on the outcome of the investigation, Council may decide to declare the offending animal as a regulated dog and impose conditions on the keeping of animal in accordance with the Act and/ or commence prosecution, and issue infringement notices for any related offences.

As you will appreciate it is not appropriate for Council to provide specific details of its investigations to persons other than the affected parties. Notwithstanding, I can confirm that the Customer Response Department appropriately investigated this matter, the matter has been finalised and that officers have communicated the actions undertaken and the outcome to those parties.

Yours sincerely

[Redacted signature]

Bill Halpin
Director
Community & Environmental Services

Customer Service Contacts

PO Box 159 Caboolture QLD 4510 | T (07) 3205 0555 | E mbrc@moretonbay.qld.gov.au | W www.moretonbay.qld.gov.au

GENERAL MEETING - 527

31 March 2021

Supporting Information

Moreton Bay Regional Council

GENERAL MEETING - 527

31 March 2021

Supporting Information

7.1 Attachment #1 - Petition response letter to Noela Shaw (61743498)

cc: Chief Executive Officer MBRC
Cr Mark Booth (Division 2)

Customer Service Contacts

PO Box 159 Caboolture QLD 4510 | T (07) 3205 0555 | E mbrc@moretonbay.qld.gov.au | W www.moretonbay.qld.gov.au

GENERAL MEETING - 527

31 March 2021

Supporting Information

7.2 Attachment #1 - Petition response letter- Luka Janes-Doherty (61686071)



Phone: (07) 3205 0555
Our Ref: 61686071
Date: 12 March 2021

Ms Janes-Doherty
[Redacted]
[Redacted]
[Redacted]

Dear Ms Janes-Doherty

Petition: Continue Support for Birralee Child Care Centre

I refer to the above petition of which you are the Principal Petitioner and advise that the petition was tabled by Cr Constance at Council's General Meeting held 3 February 2021.

Officers from Council's Community Services, Sport and Recreation Department have considered your request, and I am now able to provide you details of the outcome of those considerations.

As you are aware, at its 7 October 2020 General Meeting, Council resolved to call for Expressions of Interest (EOI) followed by written tenders from specialist non-profit child care providers to assume the future governance and management of Birralee Child Care Centre (BCCC) services. Through this process, Council is endeavouring to identify a provider that is well-placed to, amongst other things: provide continuity of services to existing and future customers; retain BCCC's community-based status and ethos; retain all existing BCCC staff; and retain the BCCC brand. I can advise that this process is ongoing, with recommendations expected to be tabled with Council for consideration over the coming two months.

I understand that the core matter raised in your petition is a concern that the high quality of services provided by BCCC may be negatively impacted should the governance and management of the service transition to a specialist non-profit child care provider. Further, you note that such a transition would be counterproductive and have detrimental impacts of children and families.

In relation to the potential negative impacts on BCCC's service quality, it is considered that a reputable specialist non-profit provider would be better positioned than Council to continue and further enhance the quality of services provided by BCCC. Accordingly, it is anticipated that, should a future transition of governance and management take place, there would be no discernible negative impact on children and families.

Council is proud of the high quality of services that have been delivered by BCCC over its 40 years of operation. The success of the service is considered to be directly attributable to the amazing contributions of BCCC staff, both current and past. Should Council identify a suitable provider through the current tender process and resolve to transition the service, Council intends to work closely with the new provider to ensure a smooth transition of governance, management and staff.

Customer Service Contacts

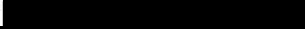
PO Box 159 Caboolture QLD 4510 | T (07) 3205 0555 | E mbrcc@moretonbay.qld.gov.au | W www.moretonbay.qld.gov.au

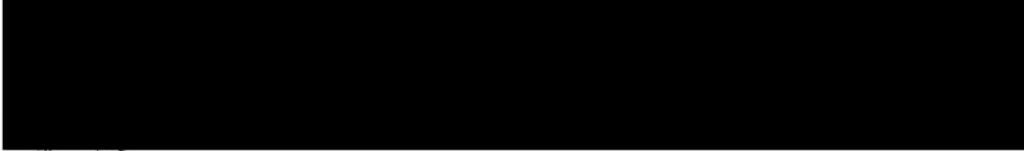
Moreton Bay Regional Council

GENERAL MEETING - 527
31 March 2021

Page 2
Supporting Information

7.2 Attachment #1 - Petition response letter- Ms Janes-Doherty (61686071)

As the Principal Petitioner, it would be appreciated if you could please pass on the above response to other petitioners as required. Should you require any further information or would like to discuss this matter further, please do not hesitate to contact 



Bill Halpin
Director
Community & Environmental Services

cc: Cr Matt Constance (Division 10)

Customer Service Contacts

PO Box 159 Caboolture QLD 4510 | T (07) 3205 0555 | E mbrc@moretonbay.qld.gov.au | W www.moretonbay.qld.gov.au



Phone: (07) 3205 0555
Our Ref: 30012541; 61590227;
61590208; 61660768
Date: 23 March 2021

Ms Deborah Harrison
[Redacted]
[Redacted]

Dear Ms Harrison,

Nathan Road, Newport (near Morris Park pathway) - Pedestrian Crossing

I refer to your petition lodged by you as the Principal Petitioner and tabled to Council on 17 February 2021 regarding the increase in traffic and high vehicle speed along Nathan Road, and the ability for pedestrians to safely cross Nathan Road near Morris Park pathway and Tigers football field.

Council will deploy a discreet pole mounted radar unit in Nathan Road to ascertain the level of speeding and general traffic volumes. Whilst Council will make every attempt to do this as soon as possible, this equipment is in very high demand and it may take several months for counts to occur and data to be assessed. Council will investigate possible local area traffic management options in consultation with the Divisional Councillor and residents if traffic data indicates a notable volume of drivers 'rat-running' or travelling at excessive speed.

Council will be installing a new footpath along Pegasus Street in the 2022/23 financial year which will include a pedestrian refuge on Nathan Road. Investigations will be undertaken to determine the most appropriate location for the crossing.

In the interim, residents are encouraged to contact the Queensland Police Service who have responsibility to enforce speed limits and hoon legislation by calling Policelink on 131 444 or the Hoon Hotline on 134 666.

As the Principal Petitioner, can you please pass on the above information to other petitioners as required. Should you require further information on the project, please contact [Redacted] via 3205 0555 or mbrc@moretonbay.qld.gov.au.

Yours sincerely,

[Redacted Signature]

Syd Jerram
Manager Integrated Transport Planning and Design
Infrastructure Planning

cc: Cr Sandra Ruck - Division 5