



# AGENDA

## Coordination Committee Meeting

**Tuesday 22 May 2018**  
commencing at 10.30am

Redcliffe Chambers  
Irene Street, Redcliffe

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**COUNCILLOR:**

NOTICE IS HEREBY GIVEN, that a meeting of the Coordination Committee will be held on Tuesday 22 May 2018 commencing at 10.30am in Redcliffe Chambers, Irene Street, Redcliffe to give consideration to the matters listed on this agenda.

Daryl Hitzman  
Chief Executive Officer

17 May 2018

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**Membership = 13**  
Mayor and all Councillors

**Quorum = 7**

[Agenda for public distribution](#)

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## ATTENDANCE & APOLOGIES

### Attendance:

#### Committee Members:

Cr Allan Sutherland (Mayor) (Chairperson)

#### Officers:

### Apologies:

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**The Mayor is the Chairperson of the Coordination Committee.**

**Coordination Committee meetings comprise of Sessions chaired by Council's nominated Spokesperson for that portfolio, as follows:**

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

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**1 GOVERNANCE SESSION**

**(Cr A Sutherland, Mayor)**

**ITEM 1.1**

**WASTE STRATEGY SUMMIT 2018 - REGIONAL**

*Meeting / Session:* 1 GOVERNANCE  
*Reference:* A16937057 : 16 May 2018  
*Responsible Officer:* LK, Executive Support Officer (CEO Executive Services)

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**Executive Summary**

This report seeks consideration of Councillor attendance to the Waste Strategy Summit 2018 to be held at the Aerial UTS Function Centre, Sydney from 26-28 June 2018.

**OFFICER'S RECOMMENDATION**

1. That Councillor Adam Hain be authorised to attend the Waste Strategy Summit 2018.
2. That the Chief Executive Officer arrange for officer attendance at this conference as appropriate.

*ITEM 1.1 WASTE STRATEGY SUMMIT 2018 - REGIONAL - A16937057 (Cont.)*

## **REPORT DETAIL**

### **1. Background**

Advice has been received that the Waste Strategy Summit 2018 will be held at the Aerial UTS Function Centre, Sydney from 26-28 June 2018. Cr Adam Hain has expressed an interest in attending this conference.

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

The Waste Strategy Summit 2018 is designed for people working within waste management, recycling, resources recovery, and environment sustainability departments from across all sectors in Australia who are looking to improve their waste management operations.

The Summit presents waste management in its entire complexity following the waste hierarchy, with case studies illustrating how to prevent, recycle and recover the most common waste.

Participants will learn how large organisations, as well as local councils, are implementing smart waste management strategies to both improve outcomes for their stakeholders and reduce costs.

The Summit will be an opportunity to hear from industry leaders and engage in a high-level discussion that will help participants transform operations, reduce cost and improve outcomes.

### **3. Strategic Implications**

#### 3.1 Legislative/Legal Implications

There are no legislation/legal implications arising as a direct result from this report.

#### 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

There are risk management implications arising as a direct result from this report.

#### 3.5 Delegated Authority Implications

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

#### 3.6 Financial Implications

Funds have been provided in the Budget.

#### 3.7 Economic Benefit

Topics associated with the conference will address a range of economic factors in local government.

#### 3.8 Environmental Implications

Topics associated with the conference will address a range of environmental challenges associated with waste management operations within a local government context.

#### 3.9 Social Implications

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

#### 3.10 Consultation / Communication

Consultation undertaken with Councillors and the Chief Executive Officer.

**ITEM 1.2**  
**2018 BIO INTERNATIONAL CONVENTION - REGIONAL**

*Meeting / Session:* 7 ECONOMIC DEVELOPMENT, EVENTS & TOURISM  
*Reference:* A16940244 : 16 May 2018 - **Refer Supporting Information A16940246**  
*Responsible Officer:* CM, Manager Strategy and Engagement (CEO Strategy & Engagement)

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**Executive Summary**

The Queensland Government is leading a Trade Mission to the 2018 BIO International Convention which is to be held from 4 to 7 June 2018 in Boston, Massachusetts. A delegation including representation from Queensland local governments and Queensland Mayors is currently being finalised by the Queensland Government to support the Trade Mission.

Premier Anastacia Palaszczuk has invited Moreton Bay Regional Council to be a part of the Queensland Government's Trade Mission. The program is currently being developed, however it will be focused on the 20-year anniversary of Queensland's economic and trade engagement with the USA and the biotechnology sector, and most importantly to identify new opportunities for Queensland and its regions.

This report seeks approval for the Mayor and Council's Director of Planning & Economic Development to travel to the USA to participate in the Queensland Government's 2018 BIO Trade Mission.

**OFFICER'S RECOMMENDATION**

That the Mayor and Director of Planning & Economic Development be authorised to travel to the USA to participate in the Queensland Government's BIO business delegation by attending the BIO International Convention in Boston, Massachusetts to be held from 4 to 7 June 2018.

*ITEM 1.2 2018 BIO INTERNATIONAL CONVENTION - REGIONAL - A16940244 (Cont.)*

## **REPORT DETAIL**

### **1. Background**

On 9 May 2018, Council received correspondence from the Honourable Anastacia Palaszczuk MP, Premier of Queensland and Minister for Trade inviting the Mayor to participate in a Trade Mission for the 2018 BIO International Convention (supporting information #1).

In her letter, the Premier extended an invitation to Council to join the Trade Mission to the United States of America (USA) in early June 2018. This mission would include attending the BIO International Convention in Boston, Massachusetts held from 4 to 7 June 2018.

Representatives from the University of Sunshine Coast will also be joining Council and the Queensland Government on the Trade Mission to continue develop bio medical opportunities in the Moreton Bay Region.

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

It is proposed the Mayor and Director of Planning & Economic Development participate in the Queensland Government's 2018 BIO Trade Mission by attending the BIO International Convention in Boston which is held from 4 -7 June 2018 in Boston, Massachusetts.

BIO attracts more than 16,000 biotechnology and medical leaders from 74 countries who come together for one week to discover new opportunities and promising partnerships for their regions. This event covers a wide spectrum of life science and application areas including drug discovery, biomanufacturing, genomics, biofuels, nanotechnology and cell therapy.

Queensland has been a regular participant at the BIO conventions for 20 years. More than a third of BIO convention attendees are from outside of the USA, and Australia ranks in the top 10 international delegations. In recent years, delegations of senior business, academic and research interests from Queensland have attended the convention. BIO convention participation has been an integral part of the Queensland Government's international marketing and promotion of Queensland's biotechnology and life sciences industry.

Attending BIO would be an excellent opportunity for the Council to support the Queensland Government in garnering international interest in our region and identify opportunities to expand bio medical and research opportunities in the Moreton Bay Region.

### **3. Strategic Implications**

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

Section 188 of the Local Government Regulation 2012 states:

##### Overseas travel

1. The annual report for a financial year must contain the following information about any overseas travel made by a councillor or local government employee in an official capacity during the financial year –
  - (i) for a councillor – the name of the councillor;
  - (ii) for a local government employee – the name of, and position held by, the local government employee;
  - (iii) the destination of the overseas travel;
  - (iv) the purpose of the overseas travel;
  - (v) the cost of the overseas travel;
2. The annual report may also contain any other information about the overseas travel the local government considers relevant.

#### **3.2 Corporate Plan / Operational Plan**

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

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



*ITEM 1.2 2018 BIO INTERNATIONAL CONVENTION - REGIONAL - A16940244 (Cont.)*

- 3.3 Policy Implications  
Council approval of this travel will be consistent with Council's current Policy No: 2150-089: Professional Development.
- 3.4 Risk Management Implications  
There are no direct risk management implications arising from this report.
- 3.5 Delegated Authority Implications  
There are no direct policy implication arising from this report.
- 3.6 Financial Implications  
Funds are available in the Budget.
- 3.7 Economic Benefit  
Participation in the Queensland Government's Trade Mission will increase the international visibility for the Moreton Bay Region.
- 3.8 Environmental Implications  
There are no direct environmental implications arising from this report.
- 3.9 Social Implications  
The Mill at Moreton Bay is a transformational project that seeks to increase higher education participation and completion rates, create new jobs and economic benefit for our region. It also presents ongoing opportunities for medical research trials in our region to improve health outcomes for our population. Participation in the Queensland Government's 2018 BIO Trade Mission will also increase the international visibility the Moreton Bay Region.
- 3.10 Consultation / Communication  
As per section 188 of the Local Government Regulation 2012, the annual report for a financial year will contain information about any overseas travel made by a councillor or local government employee in an official capacity during the financial year.

***SUPPORTING INFORMATION***

**Ref: [A16940246](#)**

The following list of supporting information is provided for:

**ITEM 1.2  
2018 BIO INTERNATIONAL CONVENTION - REGIONAL**

***#1 Correspondence from Premier of Queensland dated 2 May 2018***

# Moreton Bay Regional Council

COORDINATION COMMITTEE MEETING  
22 May 2018

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ITEM 1.2 - 2018 BIO INTERNATIONAL CONVENTION - REGIONAL (Cont.)

## #1 Correspondence from Premier of Queensland dated 2 May 2018



Premier of Queensland  
Minister for Trade

For reply please quote: ODDG S&E/RP – TF/18/4478 – DOC/18/35384

2 MAY 2018

Councillor Allan Sutherland  
Mayor  
Moreton Bay Regional Council  
PO Box 159  
CABOOLTURE QLD 4510

Dear Councillor Sutherland

A handwritten signature in blue ink that reads 'Allan'.

1 William Street Brisbane  
PO Box 15185 City East  
Queensland 4002 Australia  
Telephone +61 7 3759 7000  
Email [ThePremier@premiers.qld.gov.au](mailto:ThePremier@premiers.qld.gov.au)  
Website [www.thepremier.qld.gov.au](http://www.thepremier.qld.gov.au)



This year will mark the 20th consecutive year that the Queensland Government has had a presence at the annual international BIO Convention in the United States of America (USA).

During this period, Queensland has established long-standing collaborations and partnerships in the life sciences sector and achieved significant outcomes for the State.

Given the importance that the Queensland Government places on this sector, I am pleased to advise of my intention to lead a trade mission to BIO 2018, which will be held 4 – 7 June 2018 in Boston, Massachusetts.

I am also pleased to invite you to be part of my business delegation to BIO 2018, including the Queensland VIP reception on Sunday 3 June 2018. The mission program is currently being developed, however it will be an auspicious time to celebrate our 20 years of engagement with the USA and the biotechnology sector and, most importantly, to identify new opportunities for Queensland.

I am advised that you also have the opportunity to join the Life Sciences Queensland delegation and program, which commences on 31 May 2018 and precedes the Boston program.

Developing jobs by harnessing science, research and innovation continues to be a key priority for my Government. The *Advance Queensland Biofutures: 10-Year Roadmap and Action Plan* is my Government's vision for a \$1 billion sustainable and export-oriented industrial biotechnology and bioproducts sector attracting significant international investment, and creating regional, high-value and knowledge-intensive jobs.

The Queensland Government is also focused on leveraging the increasing global interest in Queensland research that addresses health issues impacting residents in our regions, including remote health solutions and tropical diseases such as dengue fever. My Government's *Advance Queensland Biomedical and Life Sciences 10-Year Roadmap* aims to develop Queensland as a regionally integrated and globally competitive Asia-Pacific biomedical industry hub by 2027.

## Moreton Bay Regional Council

COORDINATION COMMITTEE MEETING  
22 May 2018

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ITEM 1.2 - 2018 BIO INTERNATIONAL CONVENTION - REGIONAL (Cont.)

I hope you will be able to join my delegation to BIO 2018 to build on this success and collectively promote opportunities in your region in the biotechnology space.

For further information on the proposed trade mission, please contact Ms Tess Bishop, Deputy Director-General, Strategy and Engagement, Department of the Premier and Cabinet on telephone (07) 3003 9182 or by email at [tess.bishop@premiers.qld.gov.au](mailto:tess.bishop@premiers.qld.gov.au).

Yours sincerely



**ANNASTACIA PALASZCZUK MP  
PREMIER OF QUEENSLAND  
MINISTER FOR TRADE**

**2 PLANNING & DEVELOPMENT SESSION**

**(Cr M Gillam)**

No items for consideration

**3 CORPORATE SERVICES SESSION**

**(Cr M Constance)**

**ITEM 3.1**

**QUARTER 3 OPERATIONAL PLAN AND BUDGET REVIEW - 2017/18 - REGIONAL**

*Meeting / Session:* 3 CORPORATE SERVICES  
*Reference:* A16922808 : 14 May 2018 - **Refer Supporting Information A16934352**  
*Responsible Officer:* DW, Coordinator Management Accounting (CEO Accounting Services)

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**Executive Summary**

The purpose of this report is to present the Quarter 3 Operational Plan and Budget Review for 2017/18.

**OFFICER'S RECOMMENDATION**

That the Quarter 3 Operational Plan and Budget Review for 2017/18, along with the proposed budget amendments as contained within the supporting information to this report, be adopted.

*ITEM 3.1 QUARTER 3 OPERATIONAL PLAN AND BUDGET REVIEW - 2017/18 - REGIONAL - A16922808 (Cont.)*

## **REPORT DETAIL**

### **1. Background**

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

The departments listed have specific Key Performance Indicators (KPI's) outlined for the 2017/18 financial year with accompanying performance commentary toward the achievement of those KPI's as at the end of the third quarter.

Information pertaining to the operational revenues and expenses of each department is also provided.

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

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

#### **Budget Synopsis**

- Operating Revenue is proposed to increase by \$0.5 million.
- Operating Expenditure is proposed to increase by \$1.3 million
- The Operating Position of Council is proposed to decrease by \$0.8 million
- Capital Expenditure is proposed to increase by \$0.17 million.
- Capital Grant Revenue is forecast to increase by \$1 million.
- Cash utilised for Capital decreases by \$0.8 million.

#### **Budget Amendment Detail**

##### Operating Revenues

Increase of \$0.5 million in investment income based on revised forecasts for the remainder of the financial year.

##### Operating Expenditure

In total operating expenses are forecast to increase in the amount of \$1.3 million. Details of all the amendments proposed are contained within the attached report.

##### Operating position

The operating position is forecast to decrease from \$87.9 million to a new revised budgeted operating position in the amount of \$87.1 million.

##### Capital Expenses and Revenues.

Capital expenditure is proposed to increase marginally by \$0.17 million. Details of all the amendments proposed are contained within the attached report.

Capital revenues are proposed to increase by \$1 million which primarily relates to grant revenue (TIDS - Transport Infrastructure Development Scheme) received for the Jinker Track intersection upgrade and Patricks Road Improvements.

ITEM 3.1 QUARTER 3 OPERATIONAL PLAN AND BUDGET REVIEW - 2017/18 - REGIONAL - A16922808 (Cont.)

**Budget Position at the conclusion of Quarter 3**

The amendments proposed result in the following position.

Operating Position decreases by	(\$ 790,908)
Cash required for Capital decreases by	<u>\$ 790,908</u>
	<u>\$ 0</u>

The amendments proposed indicate Council is in a balanced position after the Quarter 3 Operational Plan and Budget Review.

**3. Strategic Implications**

**3.1 Legislative/Legal Implications**

Chapter 5, Part 2, section 174 of the Local Government Regulation 2012, states the following:

- (2) The local government may, but need not, adopt the annual operation plan for a financial year at the same time the local government adopts its budget for the financial year.
- (3) The chief executive officer must present a written assessment of the local government's progress towards implementing the annual operational plan at meetings of the local government held at regular intervals of not more than 3 months.
- (4) A local government may, by resolution, amend its annual operational plan at any time before the end of the financial year.
- (5) A local government must discharge its responsibilities in a way that is consistent with its annual operational plan.

**3.2 Corporate Plan / Operational Plan**

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

**3.3 Policy Implications**

There are no policy implications arising as a direct result of this report

**3.4 Risk Management Implications**

The Council is subject to numerous risks associated with revenue and expenses that can impact upon Councils financial performance and position. The quarterly operational plan and budget reporting process assists in minimising the financial risks.

**3.5 Delegated Authority Implications**

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

**3.6 Financial Implications**

The revised budgeted operating position of Council is now proposed to be a surplus in the amount of \$87.1 million.

**3.7 Economic Benefit**

There are no economic benefit implications arising as a direct result of this report.

**3.8 Environmental Implications**

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



## Moreton Bay Regional Council

*ITEM 3.1 QUARTER 3 OPERATIONAL PLAN AND BUDGET REVIEW - 2017/18 - REGIONAL - A16922808 (Cont.)*

3.9 Social Implications

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

3.10 Consultation / Communication

Councillors, CEO, Directors, Managers and officers involved in the quarterly review process.

***SUPPORTING INFORMATION***

**Ref: [A16934352](#)**

The following list of supporting information is provided for:

**ITEM 3.1**

**QUARTER 3 OPERATIONAL PLAN AND BUDGET REVIEW - 2017/18 - REGIONAL**

***#1 Quarter 3 Operational Plan and Budget Review 2017/18***

ITEM 3.1 - QUARTER 3 OPERATIONAL PLAN AND BUDGET REVIEW - 2017/18 - REGIONAL (Cont.)

**#1 Quarter 3 Operational Plan and Budget Review 2017/18**



Quarter 3

Operational Plan and Budget Review

2017/18

## Moreton Bay Regional Council

ITEM 3.1 - QUARTER 3 OPERATIONAL PLAN AND BUDGET REVIEW - 2017/18 - REGIONAL (Cont.)

Statement of Comprehensive Income - Council

### Statement of Comprehensive Income - Council

Line No.		2017/18 Original Budget	2017/18 Revised Budget	Actuals to Date	Total of all proposed Q3 amendments	Proposed New Revised Budget
<b>1</b>	<b>Revenue</b>					
<b>2</b>	<b>Operating Revenue</b>					
3	Rates and utility charges	\$291,392,765	\$291,392,765	\$292,308,109	\$0	\$291,392,765
4	Fees and charges	\$34,541,062	\$35,095,021	\$31,185,219	\$24,679	\$35,119,700
5	Rental Income	\$7,379,689	\$7,178,089	\$5,853,329	(\$315,000)	\$6,863,089
6	Grants, subsidies and contributions	\$19,028,518	\$13,886,277	\$10,491,192	(\$21,620)	\$13,864,657
7	Interest revenue	\$44,429,785	\$43,414,785	\$34,637,843	\$557,434	\$43,972,219
8	Sales revenue	\$2,903,900	\$2,926,066	\$2,701,550	\$30,924	\$2,956,990
9	Other revenue	\$21,772,026	\$23,046,741	\$19,071,073	\$225,448	\$23,272,189
10	Share of profit of associate	\$73,034,000	\$73,034,000	\$60,861,667	\$0	\$73,034,000
<b>11</b>	<b>Total Operating Revenue</b>	<b>\$494,481,745</b>	<b>\$489,973,744</b>	<b>\$457,109,982</b>	<b>\$501,865</b>	<b>\$490,475,609</b>
	<b>Expenses</b>					
<b>12</b>	<b>Operating Expenses</b>					
13	Employee benefits	(\$129,395,101)	(\$128,659,901)	(\$95,419,861)	\$12,300	(\$128,647,601)
14	Materials and services	(\$148,209,545)	(\$163,271,470)	(\$111,394,521)	(\$1,305,073)	(\$164,576,543)
15	Finance costs	(\$23,324,289)	(\$23,424,289)	(\$18,387,135)	\$0	(\$23,424,289)
16	Depreciation and amortisation	(\$86,669,450)	(\$86,669,450)	(\$72,315,509)	\$0	(\$86,669,450)
<b>17</b>	<b>Total Operating Expenses</b>	<b>(\$387,598,385)</b>	<b>(\$402,025,110)</b>	<b>(\$297,517,027)</b>	<b>(\$1,292,773)</b>	<b>(\$403,317,883)</b>
<b>18</b>	<b>Operating Result</b>	<b>\$106,883,360</b>	<b>\$87,948,634</b>	<b>\$159,592,954</b>	<b>(\$790,908)</b>	<b>\$87,157,726</b>

## Moreton Bay Regional Council

ITEM 3.1 - QUARTER 3 OPERATIONAL PLAN AND BUDGET REVIEW - 2017/18 - REGIONAL (Cont.)

Statement of Sources and Applications of Capital Funding

### Statement of Sources and Applications of Capital Funding

Line No.		2017/18 Original Budget	2017/18 Revised Budget	Actuals to Date	Total of all proposed Q3 amendments	Proposed New Revised Budget
	<b>Capital Funding Sources</b>					
1	Cash Utilised	\$175,529,065	\$187,552,189	\$117,864,839	(\$790,908)	\$186,761,281
2	Capital Grants and Subsidies received	\$20,610,589	\$30,792,060	\$18,900,011	\$963,725	\$31,755,785
3	Contributed Assets and assets not previously recognised	\$40,227,000	\$40,227,000	\$86,177,398	\$0	\$40,227,000
4	Loans received	\$26,250,000	\$26,250,000	\$0	\$0	\$26,250,000
	<b>Total capital funding sources</b>	<b>\$262,616,654</b>	<b>\$284,821,249</b>	<b>\$222,942,247</b>	<b>\$172,817</b>	<b>\$284,994,066</b>
	<b>Capital funding applications</b>					
5	Capital expenditure	\$194,666,500	\$216,871,095	\$116,271,231	\$172,817	\$217,043,912
6	Contributed assets and assets not previously recognised	\$40,227,000	\$40,227,000	\$86,177,398	\$0	\$40,227,000
7	Loan redemption	\$27,723,154	\$27,723,154	\$20,493,618	\$0	\$27,723,154
8	<b>Total capital funding applications</b>	<b>\$262,616,654</b>	<b>\$284,821,249</b>	<b>\$222,942,247</b>	<b>\$172,817</b>	<b>\$284,994,066</b>

**ITEM 3.2**  
**MONTHLY REPORTING PACKAGE - APRIL 2018 - REGIONAL**

*Meeting / Session:* 3 CORPORATE SERVICES  
*Reference:* A16930703 : 15 May 2018 - **Refer Supporting Information A16930651**  
*Responsible Officer:* DW, Coordinator Management Accounting (CEO Accounting Services)

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**Executive Summary**

The purpose of this report is to present the Financial Reporting Package for the year to date period ending 30 April 2018.

**OFFICER'S RECOMMENDATION**

That the Financial Reporting Package for the year to date period ending 30 April 2018 be received.

ITEM 3.2 MONTHLY REPORTING PACKAGE - APRIL 2018 - REGIONAL - A16930703 (Cont.)

**REPORT DETAIL**

**1. Background**

The Financial Reporting Package for the month ending 30 April 2018 is contained within the supporting information to this report.

This package contains a number of financial statements with relevant commentary to provide a breakdown of key financial data and includes.

- ✓ Financial Statements
  - Statement of Comprehensive Income shows all income and expenditure as at the end of the April period.
  - The Statement of Financial Position highlights Council's position at the end of April and itemises assets, liabilities and community equity.
  - Statement of Cash Flows which represents the cash inflows and outflows during the month.
  - Statement of sources and applications of capital funding.
- ✓ Treasury Report
  - The Treasury Report highlights key areas of performance relating to Council's investments and borrowings.

**2. Explanation of Item**

The financial results for the month of April are complete. A commentary is provided on significant matters that occurred during the month.

**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 for the month of April.

**3.4 Risk Management Implications**

The Council is subject to numerous risks associated with revenue and expenses that can impact upon Councils financial performance and position. Those risks are documented and evaluated as part of the operational plan preparation in conjunction with the annual budget cycle.

**3.5 Delegated Authority Implications**

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

## Moreton Bay Regional Council

*ITEM 3.2 MONTHLY REPORTING PACKAGE - APRIL 2018 - REGIONAL - A16930703 (Cont.)*

3.6 Financial Implications

As at the end of April 2018 Council's operating surplus is \$149.90 million and the capital expenditure incurred to date is \$106.06 million.

3.7 Economic Benefit

There are no economic benefit implications arising as a direct result of this report.

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Consultation / Communication

Chief Executive Officer, Manager Financial and Project Services and Accounting Services Manager.



***SUPPORTING INFORMATION***

**Ref: [A16930651](#)**

The following list of supporting information is provided for:

**ITEM 3.2  
MONTHLY REPORTING PACKAGE - APRIL 2018 - REGIONAL**

***#1 Monthly Financial Report as at 30 April 2018***

ITEM 3.2 - MONTHLY REPORTING PACKAGE - APRIL 2018 - REGIONAL (Cont.)

**#1 Monthly Financial Report as at 30 April 2018**

**Moreton Bay Regional Council**

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**Monthly Financial Report**

**Year to date result as at: 30 April 2018**

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# Moreton Bay Regional Council

*ITEM 3.2 - MONTHLY REPORTING PACKAGE - APRIL 2018 - REGIONAL (Cont.)*

## Moreton Bay Regional Council STATEMENT OF COMPREHENSIVE INCOME For the period ended 30 April 2018

83% of the  
year elapsed

	2017/18 Original Budget	2017/18 Revised Budget	2017/18 YTD Actuals	Actuals to Revised Budget 2017/18
<b>Revenue</b>				
<b>Operating Revenue</b>				
Rates and utility charges	\$291,392,765	\$291,392,765	\$292,252,194	100.29%
Fees and charges	\$34,541,062	\$35,095,021	\$31,038,581	88.44%
Rental income	\$7,379,689	\$7,178,089	\$5,852,997	81.54%
Grants, subsidies and contributions	\$19,028,518	\$13,886,277	\$10,496,852	75.59%
Interest revenue	\$44,429,785	\$43,414,785	\$37,995,110	87.52%
Sales revenue	\$2,903,900	\$2,926,066	\$2,699,721	92.26%
Other revenue	\$21,772,026	\$23,046,741	\$19,041,238	82.62%
Share of profit of associate	\$73,034,000	\$73,034,000	\$60,861,667	83.33%
<b>Total Operating Revenue</b>	<b>\$494,481,745</b>	<b>\$489,973,744</b>	<b>\$460,238,360</b>	<b>93.93%</b>
<b>Expenses</b>				
<b>Operating Expenses</b>				
Employee benefits	(\$129,395,101)	(\$128,659,901)	(\$100,950,542)	78.46%
Materials and services	(\$148,209,545)	(\$163,271,470)	(\$110,817,550)	67.87%
Depreciation and amortisation	(\$86,669,450)	(\$86,669,450)	(\$78,407,416)	90.47%
Finance costs	(\$23,324,289)	(\$23,424,289)	(\$20,159,996)	86.06%
<b>Total Operating Expenses</b>	<b>(\$387,598,385)</b>	<b>(\$402,025,110)</b>	<b>(\$310,335,504)</b>	<b>77.19%</b>
<b>Operating Results</b>	<b>\$106,883,360</b>	<b>\$87,948,634</b>	<b>\$149,902,856</b>	<b>170.44%</b>
<b>Capital Revenue</b>	\$83,337,589	\$93,519,060	\$136,732,718	146.21%
<b>Capital Expenses</b>	\$0	\$0	(\$36,582,543)	No Budget
<b>NET RESULT</b>	<b>\$190,220,949</b>	<b>\$181,467,694</b>	<b>\$250,053,031</b>	<b>137.79%</b>
<b>Other Comprehensive Income</b>				
<b>Items that will not be reclassified to net result</b>				
Increase/(decrease) in asset revaluation surplus	\$0	\$0	\$1,389,790	No Budget
<b>Total other comprehensive income for the year</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,389,790</b>	<b>No Budget</b>
<b>TOTAL COMPREHENSIVE INCOME FOR THE YEAR</b>	<b>\$190,220,949</b>	<b>\$181,467,694</b>	<b>\$251,442,821</b>	<b>138.56%</b>

## Moreton Bay Regional Council

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ITEM 3.2 - MONTHLY REPORTING PACKAGE - APRIL 2018 - REGIONAL (Cont.)

### Moreton Bay Regional Council STATEMENT OF FINANCIAL POSITION As at 30 April 2018

	2017/18 Budget as at 30 June 2018	2017/18 YTD Actual
<b>Assets</b>		
<b>Current Assets</b>		
Cash and cash equivalents	\$276,620,000	\$368,487,845
Trade and other receivables	\$41,933,000	\$67,152,487
Inventories	\$1,092,000	\$1,067,177
	\$319,645,000	\$436,707,509
Non-current assets held for sale	\$0	\$16,391,875
<b>Total Current Assets</b>	<b>\$319,645,000</b>	<b>\$453,099,384</b>
<b>Non-Current Assets</b>		
Trade and other receivables	\$741,805,000	\$677,576,095
Investments	\$15,000	\$15,000
Investment property	\$42,867,000	\$44,975,758
Investment in associate	\$1,097,319,000	\$1,106,696,567
Property, plant and equipment	\$4,338,728,000	\$4,582,310,852
Intangible assets	\$1,410,000	\$495,753
<b>Total Non-Current Assets</b>	<b>\$6,222,144,000</b>	<b>\$6,412,070,025</b>
<b>Total Assets</b>	<b>\$6,541,789,000</b>	<b>\$6,865,169,409</b>
<b>Liabilities</b>		
<b>Current Liabilities</b>		
Trade and other payables	\$36,745,000	\$23,396,292
Borrowings	\$30,678,000	\$7,985,413
Provisions	\$13,644,000	\$13,111,465
Other	\$384,000	\$1,869,391
<b>Total Current Liabilities</b>	<b>\$81,451,000</b>	<b>\$46,362,561</b>
<b>Non-Current Liabilities</b>		
Trade and other payables	\$415,000	\$213,413
Borrowings	\$355,076,000	\$359,071,081
Provisions	\$20,643,000	\$33,752,857
<b>Total Non-Current Liabilities</b>	<b>\$376,134,000</b>	<b>\$393,037,351</b>
<b>Total Liabilities</b>	<b>\$457,585,000</b>	<b>\$439,399,912</b>
<b>NET COMMUNITY ASSETS</b>	<b>\$6,084,204,000</b>	<b>\$6,425,769,497</b>
<b>Community Equity</b>		
Retained surplus	\$5,212,213,000	\$5,527,450,058
Asset revaluation surplus	\$871,991,000	\$898,319,439
<b>TOTAL COMMUNITY EQUITY</b>	<b>\$6,084,204,000</b>	<b>\$6,425,769,497</b>

# Moreton Bay Regional Council

*ITEM 3.2 - MONTHLY REPORTING PACKAGE - APRIL 2018 - REGIONAL (Cont.)*

## Moreton Bay Regional Council STATEMENT OF CASH FLOWS For the period ended 30 April 2018

	<b>2017/18 Budget as at 30 June 2018</b>	<b>2017/18 YTD Actuals</b>
<b>Cash flows from operating activities</b>		
Receipts from customers	\$388,467,000	\$330,526,764
Payments to suppliers and employees	(\$273,346,000)	(\$257,523,337)
Interest received	\$44,430,000	\$44,093,978
Rental income	\$7,093,000	\$5,852,997
Non capital grants and contributions	\$18,288,000	\$10,496,852
Borrowing costs	(\$22,193,000)	(\$18,748,386)
<b>Net cash inflow/(outflow) from operating activities</b>	<b>\$162,739,000</b>	<b>\$114,698,868</b>
<b>Cash flows from investing activities</b>		
Payments for property, plant and equipment	(\$195,192,000)	(\$114,920,762)
Payments for intangible assets	\$0	\$0
Payments for investment property	\$0	(\$5,628)
Proceeds from sale of property, plant and equipment	\$30,300,000	\$16,500,984
Net movement in loans to community organisations	\$0	\$5,310
Grants, subsidies and contributions	\$43,111,000	\$72,942,794
<b>Net cash inflow/(outflow) from investing activities</b>	<b>(\$121,781,000)</b>	<b>(\$25,477,302)</b>
<b>Cash flows from financing activities</b>		
Proceeds from borrowings	\$26,250,000	\$0
Repayment of borrowings	(\$27,723,000)	(\$20,493,618)
<b>Net cash inflow/(outflow) from financing activities</b>	<b>(\$1,473,000)</b>	<b>(\$20,493,618)</b>
Net increase/(decrease) in cash held	<b>\$39,485,000</b>	<b>\$68,727,948</b>
Cash and cash equivalents at the beginning of the financial year	\$237,135,000	\$299,759,897
<b>Cash and cash equivalents at the end of the period</b>	<b>\$276,620,000</b>	<b>\$368,487,845</b>

## Moreton Bay Regional Council

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ITEM 3.2 - MONTHLY REPORTING PACKAGE - APRIL 2018 - REGIONAL (Cont.)

### Moreton Bay Regional Council STATEMENT OF SOURCES AND APPLICATIONS OF CAPITAL FUNDING For the period ended 30 April 2018

	Original Budget 2017/18	Revised Budget 2017/18	YTD Actuals 2017/18
<b><u>Capital Funding Sources</u></b>			
Cash Utilised	\$175,529,065	\$187,552,189	\$118,528,611
Capital Grants and Subsidies received	\$20,610,589	\$30,792,060	\$18,302,152
Contributed Assets and assets not previously recognised	\$40,227,000	\$40,227,000	\$86,177,397
Loans received	\$26,250,000	\$26,250,000	-
<b>Total Capital Funding Sources</b>	<b>\$262,616,654</b>	<b>\$284,821,249</b>	<b>\$223,008,160</b>
<b><u>Capital Funding Applications</u></b>			
Capital Expenditure	\$194,666,500	\$216,871,095	\$116,337,145
Contributed Assets and assets not previously recognised	\$40,227,000	\$40,227,000	\$86,177,397
Loan Redemption	\$27,723,154	\$27,723,154	\$20,493,618
<b>Total Capital Funding Applications</b>	<b>\$262,616,654</b>	<b>\$284,821,249</b>	<b>\$223,008,160</b>

## Moreton Bay Regional Council

ITEM 3.2 - MONTHLY REPORTING PACKAGE - APRIL 2018 - REGIONAL (Cont.)

### Analysis of Results by Operational Plan

For the period ended 30 April 2018						
Operational Plan	Operating Revenue	Operating Expenses	Operating Result	Capital Revenue	Capital Expenses	Net Result
Engineering, Construction & Maintenance	\$50,783,468	(\$115,842,431)	(\$65,058,963)	\$18,344,260	\$1,286,089	(\$45,428,614)
Community & Environmental Services	\$28,858,923	(\$48,302,411)	(\$19,443,487)	\$14,377,250	\$453,725	(\$4,612,512)
Governance	\$371,920,462	(\$137,229,841)	\$234,690,621	\$104,011,208	(\$38,322,357)	\$300,379,473
Planning and Economic Development	\$8,675,507	(\$8,960,822)	(\$285,314)	-	-	(\$285,314)
<b>Total Council</b>	<b>\$460,238,360</b>	<b>(\$310,335,503)</b>	<b>\$149,902,857</b>	<b>\$136,732,718</b>	<b>(\$36,582,543)</b>	<b>\$250,053,032</b>

### Analysis of Results by Entity

For the period ended 30 April 2018						
Entity	Operating Revenue	Operating Expenses	Operating Result	Capital Revenue	Capital Expenses	Net Result
General	\$411,871,726	(\$272,147,842)	\$139,723,884	\$136,690,610	(\$36,203,978)	\$240,210,517
Waste	\$46,868,438	(\$36,414,996)	\$10,453,442	\$42,107	(\$378,565)	\$10,116,985
Canals	\$1,498,196	(\$1,772,666)	(\$274,470)	-	-	(\$274,470)
<b>Total Council</b>	<b>\$460,238,360</b>	<b>(\$310,335,503)</b>	<b>\$149,902,857</b>	<b>\$136,732,718</b>	<b>(\$36,582,543)</b>	<b>\$250,053,032</b>

## **The Performance at a Glance** **as at 30 April 2018**

### **Synopsis**

- \* 83% of the financial year is complete.
- \* The operating surplus is \$149.90 million.

### **Operating Revenue**

- \* Rates and Utility Charges are on track to budget following the fourth quarterly rates levy.
- \* User Fees and Charges and Interest Revenue are above budget while Operating Grants and Subsidies are tracking below budget.
- \* In total all other revenue categories are performing to the revised budget target at this time of the year.

### **Operating Expenditure**

- \* Employee Expenses and Materials and Services are tracking below budget at this point in the year.
- \* Finance Costs have exceeded budget along with Depreciation Expense which is above budget.
- \* All other expenditure is on track for this stage of the financial year.

### **Capital Revenue**

- \* Infrastructure Cash Contributions have exceeded budget.
- \* Contributed Assets and Assets not Previously Recognised are also tracking above budget.
- \* Grants, Subsidies and Other Contributions are tracking below budget.

### **Capital Expenditure**

- \* To date \$106.06 million has been spent on capital works, (which represents 59.82% of the capital program). This excludes the University project costs.



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*ITEM 3.2 - MONTHLY REPORTING PACKAGE - APRIL 2018 - REGIONAL (Cont.)*

## Moreton Bay Regional Council

### Comparative Table 2015/16 and 2016/17 to 2017/18\*

Year to date result as at: 30 April 2018

83% of the year elapsed

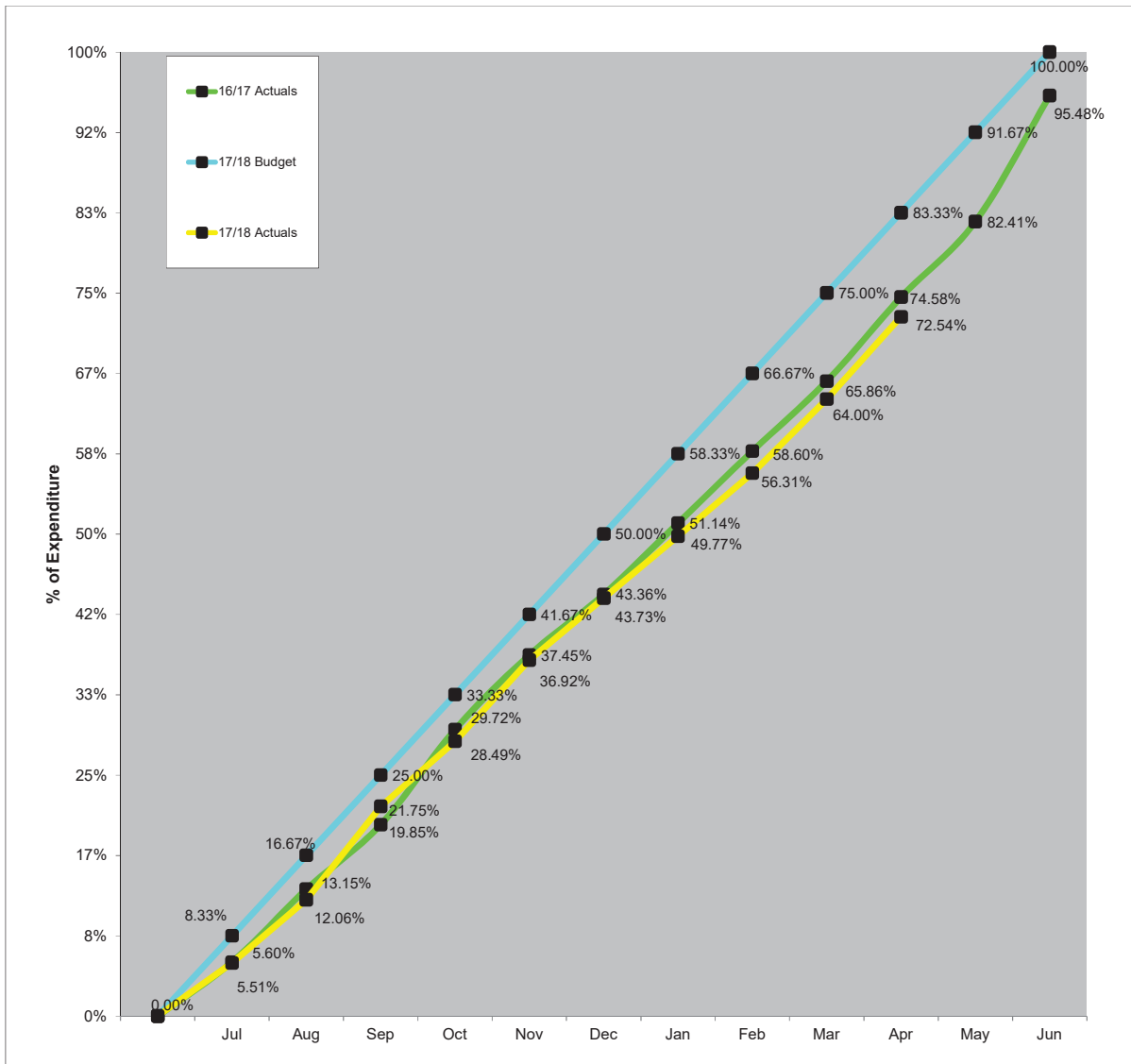
	Revised Budget 2017/18 \$'000	YTD Actuals 2017/18 \$'000	Actuals to Revised Budget 2017/18 %	Actuals to Revised Budget 2016/17 %	Actuals to Revised Budget 2015/16 %	Comments
<b>Operating Revenue</b>						
Rates & Utility Charges	\$291,393	\$292,252	100%	100%	100%	Revenue is on target after the fourth quarter rates levy.
User Fees & Charges	\$35,095	\$31,039	88%	88%	94%	Revenue is tracking over budget and is consistent with the previous year.
Interest Revenue	\$43,415	\$37,995	88%	85%	84%	The % for 2017/18 is tracking above budget and is slightly above the previous years.
<b>Operating Expenses</b>						
Employee Expenses & Material and Services	\$291,931	\$211,768	73%	75%	74%	Expenditure is tracking below budget and is slightly below the previous years.
External Loan Interest Expense	\$22,193	\$18,724	84%	83%	85%	Expenditure is tracking to budget and is comparable to previous years.
<b>Capital Revenues</b>						
Infrastructure Cash Contributions	\$22,500	\$31,709	141%	118%	129%	Infrastructure cash contributions are tracking above budget and is above the previous years.
Contributed Assets	\$40,227	\$86,177	214%	94%	47%	All contributed assets have been recognised to date.
Grants & Subsidies	\$30,792	\$18,302	59%	78%	82%	The % of grants and subsidies received is tracking below budget and is below the previous years.
<b>Capital Expenditure</b>						
Total Capital Expenditure**	\$177,290	\$106,052	60%	67%	74%	Capital expenditure remains behind budget.
<p>* The data presented reflects the position of Council as at 30 April 2018 compared to the position of Council as at 30 April 2016 and 30 April 2017.</p> <p>** Capital Expenditure excludes the University Projects.</p> <p>The table focuses on key items of revenue and expenses across the comparative period and is useful guide in understanding what may have changed with regard to revenue and expense streams across the three financial years.</p>						

ITEM 3.2 - MONTHLY REPORTING PACKAGE - APRIL 2018 - REGIONAL (Cont.)

**Operating Expenditure**

This graph compares the major components of operating expenditure (being employee expenses plus materials and services) on a percentage expended basis for the 2017/18 and 2016/17 years. The graph includes continuing service delivery expenses and operating initiative expenses.

The budgeted expenditure trend is set at 8.33% for each month. The cumulative actual expenditure trend for each month is graphed alongside the budget expenditure.

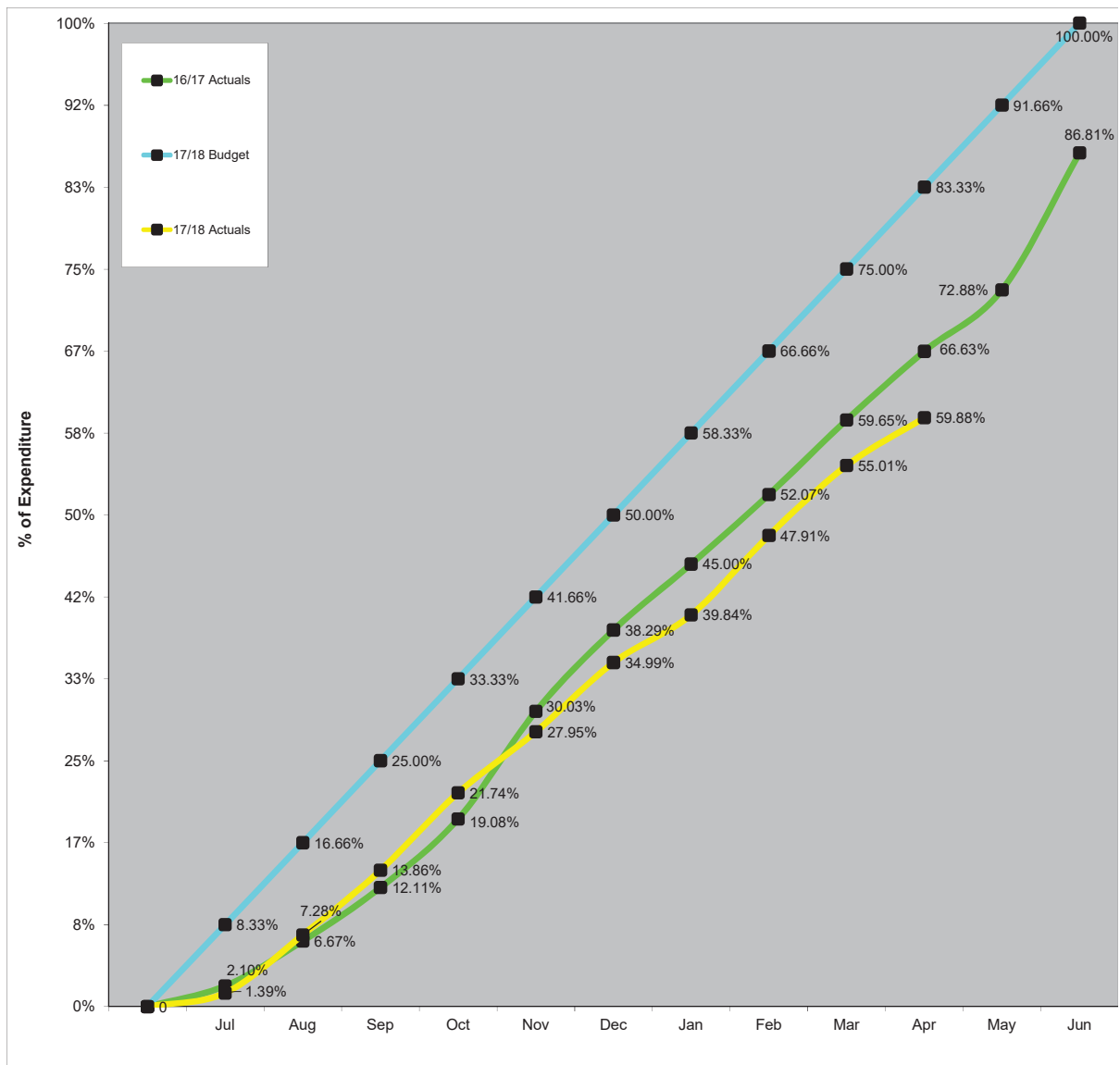


	Annual Revised Budget \$'000	Actuals to April \$'000	Actuals to Budget % spent
<b>2016/17</b>	\$ 273,932	\$ 204,307	74.58%
<b>2017/18</b>	\$ 291,931	\$ 211,768	72.54%

ITEM 3.2 - MONTHLY REPORTING PACKAGE - APRIL 2018 - REGIONAL (Cont.)

**Capital Expenditure**

This graph compares the capital percentage expended for the 2017/18 and 2016/17 years. The budgeted expenditure trend is set at 8.33% for each month. The cumulative actual expenditure trend for each month is graphed alongside the budget expenditure.



	Annual Revised Budget \$'000	Actuals to April \$'000	Actuals to Budget % spent
<b>2016/17</b>	\$ 169,962	\$ 113,244	66.63%
<b>2017/18</b>	\$ 177,121	\$ 106,052	59.88%

# Moreton Bay Regional Council

COORDINATION COMMITTEE MEETING  
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## ITEM 3.2 - MONTHLY REPORTING PACKAGE - APRIL 2018 - REGIONAL (Cont.)

### TREASURY REPORT

The Treasury Report highlights key areas of performance and compliance relating to Council's cash, investments and borrowings.

#### Investments

At 30 April 2018 all of Council's investments are in accordance with the approved Investment Policy. As at this date Council held 66.91% of funds outside of the Queensland Treasury Corporation (QTC). Term Deposit rates have increased slightly in recent times, providing better returns.

#### Investment Portfolio - Summary of Cash and Investments Held

Short Term Rating	Institution	Return	Term	Cash and Investment balance as at 30 April 2018	Interest earned YTD
A1+	Qld Treasury Corp*	2.45%	Short Term (45 days)	123,700,180	2,217,839
A1+	ANZ	1.97%	At Call	11,197,366	197,695
A1+	National Australia Bank	2%	At Call	98,590,297	1,869,547
A1+	ANZ	2.48% to 2.59%	181 to 365 days	40,000,000	872,751
A1+	Bankwest	2.6%	364 days	20,000,000	106,849
A1+	National Australia Bank	2.45%	93 days	10,000,000	854,189
A1	Suncorp	2.45% to 2.75%	184 to 364 days	30,000,000	710,890
A2	Bank of Queensland	2.55%	210 days	10,000,000	216,521
A2	Bendigo and Adelaide Bank	2.5% to 2.6%	182 to 364 days	20,000,000	447,699
A2	IMB	2.55%	364 days	5,000,000	156,096
	Petrie Paper Mill Site Funds Trust Investments				180,171
					171,599
				<b>368,487,843</b>	<b>8,001,845</b>

\* The QTC rate presented is the annualised interest rate for the month as provided by the Queensland Treasury Corporation.

Council has achieved a weighted average interest rate on all cash held of 2.37% pa in 2017/18, and has earned an additional \$333,182.56 from investing funds with financial institutions outside QTC.

#### Performance to Budget - Year to Date (YTD) Summary

83% of the year has elapsed

	Original Budget \$'000	Revised Budget \$'000	Actual YTD \$'000	Actual % Achieved \$'000	Comments
Interest Revenue on Investments	7,325	7,325	8,002	109%	Higher cash balance than expected
Interest on Debt held in Unitywater	36,085	35,070	29,225	83%	Tracking as per Budget
<b>Total Investment Income</b>	<b>43,410</b>	<b>42,395</b>	<b>37,227</b>	<b>88%</b>	

#### Borrowings

Debt Position	\$ '000
Debt held as at 1 July 2017	387,550
New borrowings	0
Borrowings repaid	(20,494)
<b>Debt held as at 30 April 2018</b>	<b>367,056</b>

As at 30 April 2018 the weighted average interest rate of all Council debt is 5.81%

**4 ASSET CONSTRUCTION & MAINTENANCE SESSION**

**(Cr A Hain)**

**ITEM 4.1**

**PETRIE MILL REDEVELOPMENT - STAGE 1 BULK EARTHWORKS (MBRC007361) - DIVISION 7**

*Meeting / Session:* 4 ASSET CONSTRUCTION & MAINTENANCE  
*Reference:* A16916219 : 4 May 2018 - Refer **Confidential** Supporting Information  
**A16822336**  
*Responsible Officer:* PH, Senior Project Manager (ECM Major Projects - University)

**Executive Summary**

Tenders were invited for the 'Petrie Mill Redevelopment Stage 1 Bulk Earthworks (MBRC007361)' for clearing and bulk earthworks for the balance of stage 1 of the Petrie Mill Redevelopment project. The tender closed on 17 April 2018 with nine tenders, including one alternate tender and one non-conforming tender submitted.

It is recommended that the contract for the *Petrie Mill Redevelopment Stage 1 Bulk Earthworks (MBRC007361)* be awarded to BMD Urban Pty Ltd for the sum of \$3,194,418.67 (excl. GST), as this tender was evaluated as representing the best overall value to Council.

**OFFICER'S RECOMMENDATION**

That the contract for the *Petrie Mill Redevelopment Stage 1 Bulk Earthworks (MBRC007361)* be awarded to BMD Urban Pty Ltd for the sum of \$3,194,418.67 (excluding GST).

ITEM 4.1 PETRIE MILL REDEVELOPMENT - STAGE 1 BULK EARTHWORKS (MBRC007361) - DIVISION 7 - A16916219 (Cont.)

**REPORT DETAIL**

**1. Background**

Site planning and preliminary design for stage 1 of the Petrie Mill Redevelopment identified several early works packages that will enable construction to commence in advance of final detail design. These packages include relocation of sewer rising mains, gas main relocation and clearing and bulk earthworks to create development pads. The first clearing and bulk earthworks contract is well advanced.

The site to which this tender refers, the subject land, referred to as the Priority Area (PA) is bounded by Paper Avenue, road reserve adjacent the rail corridor and the balance of the main mill site generally as shown by Figure 1.



**Figure 1 - Location and approximate boundaries**

**2. Explanation of Item**

Tenders were invited for the Petrie Mill Redevelopment Stage 1 Bulk Earthworks (MBRC007361) for clearing and bulk earthworks for the balance of stage 1 of the Petrie Mill Redevelopment project. The tender closed on 17 April 2018 with nine tenders including one alternate tender and one non-conforming tender submitted. The alternate tender was based on the tenderer supplying some of the required fill material which would reduce the quantity of fill material being sourced by Council from Boral Whiteside Quarry under a separate supply contract.

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

## Moreton Bay Regional Council

*ITEM 4.1 PETRIE MILL REDEVELOPMENT - STAGE 1 BULK EARTHWORKS (MBRC007361) - DIVISION 7 - A16916219 (Cont.)*

RANK	TENDERER	EVALUATION SCORE
1	BMD Urban Pty Ltd	97.64
2	Shadforths Civil Pty Ltd	96.15
3	Allroads Pty Ltd	94.38
4	Allroads Pty Ltd - Alternate tender	92.85
5	Ryan Civil Contracting Pty Ltd	91.82
6	SEE Civil Pty Ltd	87.49
7	Queensland Building & Civil	82.68
8	Auzcon Pty Ltd	77.57
9	Universal Civil Contracting	Non-conforming

**BMD Urban Pty Ltd** received the highest overall ranking based on their response to the selection criteria. The tender submission was very comprehensive and demonstrated a very good understanding in the delivery of this type of project and their capability to complete the works. Whilst the BMD Urban Pty Ltd tendered price was the third lowest, the submission and subsequent clarification meeting demonstrated a superior methodology and confidence in their capacity to adhere to the required program duration.

**Shadforths Civil Pty Ltd** received the second highest overall ranking based on their response to the selection criteria. The tender submission was comprehensive and demonstrated a very good understanding in the delivery of this type of project and their general capability to complete the works. While Shadforths Civil Pty Ltd's tendered price was the lowest, the submission and subsequent clarification meeting indicated concerns regarding their capacity to meet the required program duration.

**Allroads Pty Ltd** received the third highest overall ranking based on their response to the selection criteria. The tender submission was comprehensive and demonstrated a very good understanding in the delivery of this type of project and their capability to complete the works. However, Allroads Pty Ltd's price was higher without offering any further benefit.

**Allroads Pty Ltd's** alternative tender received the fourth highest overall ranking; however, the price was higher than the conforming tender due to the included cost of supplying fill material. Whilst there would be an offset saving in the total project cost by reducing the quantity of fill material being sourced from Boral Whiteside Quarry, Allroads Pty Ltd's alternative price resulted in a higher total project cost without offering any further benefit to Council.

**Ryan Civil Contracting Pty Ltd** received the fifth highest overall ranking based on their response to the selection criteria. The tender submission was satisfactory and demonstrated a reasonable understanding in the delivery of this type of project and their capability to complete the works; however, while Ryan Civil Contracting Pty Ltd provided a competitive price, the submission was deficient in the areas of quality systems, experience of personnel and indicated concerns regarding their capacity to meet the required program duration.

One tender was assessed as non-conforming based on the tendered duration of 36 weeks to complete the works, whereas the tender document stated that the maximum duration was to be 17 weeks. This tender was not included in the final assessment.

**Additional offers:**

The two highest scoring tenderers also offered to source suitable fill material to offset the total amount of material to be purchased directly by Council from Boral Whiteside Quarry.

*ITEM 4.1 PETRIE MILL REDEVELOPMENT - STAGE 1 BULK EARTHWORKS (MBRC007361) - DIVISION 7 - A16916219 (Cont.)*

However, as the timing, quantity and quality of the alternative fill material offered is not certain, the offers are being considered as a potential opportunity for cost saving that may be able to be realised during construction.

Officers from the Major Projects department are also investigating other sources of suitable fill material to reduce the supply costs.

**Program:**

Completion of the bulk earthworks is a critical activity to deliver Stage 1 Petrie Mill Redevelopment project on time. Accordingly, adherence to the required program duration is of high importance, with significant emphasis being placed on the tender responses in relation to program matters.

**3. Strategic Implications**

**3.1 Legislative/Legal Implications**

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

**3.2 Corporate Plan / Operational Plan**

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

**3.3 Policy Implications**

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

*Timely delivery of Petrie Mill Redevelopment:*

Tenders were called in parallel with the design process and site remediation. Awarding the contract is to be coordinated with confirmation of completion of satisfactory remediation. Adherence to the project programmed durations is of very high importance.

*Public safety traffic and pedestrian management:*

The appointed contractor will be responsible for managing public safety during construction of the works in accordance with a Construction Safety Management Plan and approved Traffic Guidance Scheme.

*Weather:*

As the nature of the works makes this project susceptible to adverse weather, there was potential for tenders to include higher built in costs and program duration for risks associated with wet weather delays. Accordingly, the tender document required all tenderers to include within the tender an allowance (rate only) for inclement weather delay per day. Actual delay time and costs caused by wet weather will be assessed and agreed with the successful contractor based on the tendered rate.

*Financial status:*

A third-party review of financial status has been undertaken and the successful tenderer's financial capacity has been rated as 'satisfactory'.



ITEM 4.1 PETRIE MILL REDEVELOPMENT - STAGE 1 BULK EARTHWORKS (MBRC007361) - DIVISION 7 - A16916219 (Cont.)

*Communication:*

The project team have developed a Communications Plan, and engagement with relevant stakeholders will be conducted in advance of the works in accordance with the Stakeholder Management Plan.

3.5 Delegated Authority Implications

No delegated authority implications arising as a direct result of this report.

3.6 Financial Implications

Council has allocated funds in the 2017/2018 budget for Stage 1 of the Petrie Mill Redevelopment project. The works associated with the Stage 1 Bulk Earthworks package will be debited to Project Number 105223.

Tender price (post clarification)	\$ 3,194,418.67
Contingency (10%)	\$ 319,441.87
QLeave (0.475%)	\$ 15,173.49
	-----
Estimated contract cost	\$ 3,529,034.03
	=====

The budget amount for this project is sufficient.

3.7 Economic Benefit

This development has significant regional economic benefits and stage 1 is a catalyst for overall outcomes for the site as part of the broader 'The Mill at Moreton Bay' PDA.

3.8 Environmental Implications

The Operational Works approval includes management plans for fauna, vegetation, acid sulphate and erosion and sediment. The contractor will be required to implement a Construction Environmental Management Plan incorporating relevant provisions of these plans.

3.9 Social Implications

The overall Petrie Mill Redevelopment project will provide significant positive social benefit and will facilitate construction of a university campus along with other facilities.

3.10 Consultation / Communication

The works will be managed by Council in line with agreed communication policies and protocols. A Stakeholder Management Plan is included in the Project Management Plan which will provide direction on relevant communication activities.

**SUPPORTING INFORMATION**

**Ref: A16822336**

The following list of supporting information is provided for:

**ITEM 4.1**

**PETRIE MILL REDEVELOPMENT - STAGE 1 BULK EARTHWORKS (MBRC007361) - DIVISION 7**

***Confidential #1 Tender Evaluation***

**ITEM 4.2  
PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S  
CREEK - LOT 352 ON SL6 - DIVISION 11**

*Meeting / Session:* 7 ECONOMIC DEVELOPMENT, EVENTS & TOURISM  
*Reference:* A16930433 : 11 May 2018 - **Refer Supporting Information A16930446;  
A16935237**  
*Responsible Officer:* BH, Director, Community & Environmental Services (CES Property &  
Commercial Services)

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**Executive Summary**

Council's decision is required in relation to a Notice of Intention to Resume land for road purposes dated 15 June 2017 in relation to part of Lot 352 on SL6 situated at 232 Raynbird Creek Road, Lacey's Creek.

**OFFICER'S RECOMMENDATION**

1. That Council, having duly considered this report, is of the opinion that part of Lot 352 on SL6 being an area of approximately 2.19 hectares and being part of the land contained in Title Reference 13106221 be acquired for road purposes.
2. That the Chief Executive Officer submit the necessary application to the Department of Natural Resources and Mines requesting that the above land be taken and vested in the Council, in accordance with the *Acquisition of Land Act 1967*.
3. That Council confirms that it remains willing to acquire by agreement the land the subject of the Notice of Intention to Resume.

ITEM 4.2 PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK - LOT 352  
ON SL6 - DIVISION 11 - A16930433 (Cont.)

**REPORT DETAIL**

**1. Background**

The following recommendation appears on Minute Page 17/352 of the General Meeting of Council held on 14 March 2017:

Ex Coordination Committee Meeting held 14 March 2017 (MP 17/389)

COMMITTEE RECOMMENDATION:

1. That the Council acquire the land described in the confidential report in accordance with Policy No. 12-2150-057 Resumption and Acquisition of Land.
2. That the Council authorise the Chief Executive Officer to do all things necessary to give effect to recommendation 1.

Council considered this report on the basis that land acquisition is required to improve access, as a substantial portion of the existing road reserve falls within the Lacey's Creek Tributary. Council approval was sought to acquire land adjacent to the road reserve in order to expand the road reserve to encompass the existing access track.

**2. Explanation of Item**

2.1 Council issued a Notice of Intention to Resume dated 15 June 2017 to acquire land for road purposes described as:

Part of Lot 352 on SL6 containing an approximate area of 2.19 hectares and being part of the land contained in Title Reference 13106221.

2.2 The Notice of Intention to Resume stated that if the owner so desired it could serve a notice in writing on the Council on or before 26 July 2017 objecting to the taking of the land and further if stated in its objection that it desired to be heard in support of the grounds of objection, the owner could appear at Council's Strathpine Chambers on 27 July 2017.

2.3 An objection was received by Council on 4 July 2017 on behalf of the owner. A copy of the letter is included as Appendix "A" of Supporting Information #1.

2.4 An extension was granted for the date of the objection hearing to be 27 October 2017.

2.5 A further letter was received by Council on 5 September 2017 on behalf of the owner setting out the grounds for objection. A copy of the letter is included as Appendix "B" of Supporting Information #1.

**3. Objection Hearing**

3.1 The objection hearing was conducted on 27 October 2017. Present at the hearing were Michael Sing (owner's representative), Peter McLean (owner) and Council representatives Nigel Walker (Principal Transport Planner) and Amber Nipperess (Legal Officer) acting as the Council's delegate.

3.2 The owner's representative was invited to elaborate on the written objections, and seek responses from Council representatives.

*ITEM 4.2 PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK - LOT 352  
ON SL6 - DIVISION 11 - A16930433 (Cont.)*

**4. Grounds of Objection**

- 4.1 The Council's delegate has prepared a report, (refer to Supporting Information #1) regarding the owner's grounds of objection.
- 4.2 To the extent that the Council's delegate was aware of Council responses to the owner's objections, those responses are contained in the delegate's report (refer to Supporting Information #1).

**5. Further Consultation with Owners**

On 13 April 2018, Council sent the owner's solicitors a copy of the draft delegate's report and invited comments by 27 April 2018. No response was received from the owner's solicitors in regards the draft delegate's report.

**6. Conclusion**

In the circumstances, it is recommended that Council proceed with the resumption, as proposed and confirmed as necessary, by Council's Department of Integrated Transport Planning (refer to Option 2 in Supporting Information #2).

**7. Strategic Implications**

7.1 Legislative/Legal Implications

*Acquisition of Land Act 1967; Local Government Act 2009*

The Department of Natural Resources and Mines has advised the following legislative implications should be addressed where relevant.

*Vegetation Management Act 1999* – There are no identified vegetation issues under the *Vegetation Management Act 1999*.

*Water Act 2000* – There are no identified issues under the *Water Act 2000* as the proposed use of the subject land will not require any ongoing water supply authorised under that Act.

*Aboriginal Cultural Heritage Act 2003* – Capital Works construction projects include processes to identify and manage any aboriginal heritage items, archaeological sites and relics discovered during excavations.

7.2 Corporate Plan / Operational Plan

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

7.3 Policy Implications

Council Policy 12-2150-057 sets out the Council's policy in relation to resumptions and acquisitions of land, including the necessary delegations.

7.4 Risk Management Implications

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

7.5 Delegated Authority Implications

Delegated authority for land acquisition resides with the Chief Executive Officer and Legal Services Department Officers in accordance with Council Policy 12-2150-057.

7.6 Financial Implications

Land resumption costs are funded from budget under Project No 41490.106.

7.7 Economic Benefit

There are no economic benefits arising as a direct result of this report.

## Moreton Bay Regional Council

*ITEM 4.2 PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK - LOT 352  
ON SL6 - DIVISION 11 - A16930433 (Cont.)*

7.8 Environmental Implications

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

7.9 Social Implications

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

7.10 Consultation / Communication

Legal Services

Property Services

Divisional Councillor

**SUPPORTING INFORMATION**

Ref: [A16930446](#); [A16935237](#)

The following list of supporting information is provided for:

**ITEM 4.2**

**PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK - LOT 352  
ON SL6 - DIVISION 11**

***#1 Delegates Report dated 11 May 2018***

***#2 Proposed Road Realignment - Concept Plans***

ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK - LOT 352 ON SL6 - DIVISION 11 (Cont.) **#1 Delegates Report dated 11 May 2018**

## DELEGATE'S REPORT

**Report by delegate in relation to the hearing of an Objection by Peter McLean in respect of a proposed taking of land by the Moreton Bay Regional Council pursuant to the *Acquisition of Land Act 1967 (Qld)***

### 1. Author

- 1.1. This report was prepared by Amber Nipperess, Legal Officer of Moreton Bay Regional Council (**Council**), delegate appointed by Council.

### 2. Distribution

- 2.1. Michael Sing, Special Counsel Rostron Carlyle Lawyers (**RCL**), on behalf of Peter McLean (the **Owner**).
- 2.2. Bill Halpin, Director Community and Environmental Services of Council.

### 3. Background

Property Address	232 Raynbird Creek Road, Lacey's Creek
Property Description	Lot 352 on CP SL6
Registered Owner/Objector	Peter McLean
Date of Notice of Intention to Resume	15 June 2017
Date of lodgement of Objection	A total of 2 notices of objection were received, as follows: 1. Letter RCL to Council dated 4 July 2017; and 2. Letter RCL to Council dated 5 September 2017.
Purpose of resumption	Road purposes

### 4. Introduction

- 4.1. This report relates to a hearing in respect of an objection made to the proposed taking of land pursuant to the *Acquisition of Land Act 1967 (Qld)* (the **Act**).
- 4.2. Council issued a Notice of Intention to Resume (**NIR**) to the Owner giving notice that Council intends to take:  
*"for road purposes ... the part of Lot 352 on CP SL6 containing an approximate area of 2.19 hectares and being part of the land contained in Title Reference 13106221."*
- 4.3. The NIR stated that the Owner:  
*"may on or before 26 July 2017 serve upon the Chief Executive Officer of the Council at the Council Chambers, located at 220 Gympie Road, Strathpine in the State of Queensland, an objection in writing to the taking of the land ...*  
  
*If you state in your objection that you desire to be heard in support of the grounds of your objection, you may appear and be heard by the Council or its delegate at the office of the Council at 220 Gympie Road, Strathpine on the 27<sup>th</sup> day of July, 2017 at 10:15 am in the morning."*
- 4.4. By letter dated 4 July 2017, RCL, acting on behalf of the Owner, delivered a written Notice of Objection. A copy of the letter is annexed to this report and marked as Appendix "A". That letter stated in part:  
*"Because our client's (sic) considers that there is no or no proper basis upon which his interests are being so affected, he has instructed us to object to the NIR ..."*



**ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK - LOT 352 ON SL6 - DIVISION 11 (Cont.)**

*In order for our office to advise our client in relation to the NIR we request that MBRC provide further and better particulars of certain matters [listed in the letter] ...*

*Upon receipt of this information our client will require a reasonable time to review and consider the material and respond. For this purpose, we ask that MBRC allow a reasonable and fair time to respond of not less than 30 days from the receipt of all relevant documents."*

- 4.5. By email dated 15 August 2017, Council's Property and Commercial Services department responded to the request for further and better particulars.
- 4.6. By letter dated 5 September 2017, RCL, acting on behalf of the Owner, delivered a document setting out the grounds of objection. A copy of the letter is annexed to this report and marked as Appendix "B".

**5. Conduct of Objection Hearing**

- 5.1. The objection hearing commenced at Council's Strathpine office at approximately 10:00am on 27 October 2017. The persons in attendance were as follows:

<b>Person</b>	<b>Position</b>	<b>Representing/Role</b>
Michael Sing	Special Counsel RCL	The Owner
Natalie Davis	Solicitor RCL	The Owner
Peter McLean	The Owner	The Owner
Nigel Walker	Principal Transport Planner	Council
Amber Nipperess	Legal Officer	Delegate of Council

- 5.2. I disclosed that I had been provided with the same material that had been provided by Council to RCL.
- 5.3. I noted the letters from RCL dated 4 July 2017 and 5 September 2017 and invited RCL to elaborate on the written objections.

**6. Grounds of Objection**

- 6.1. Definitions
  - "**access track**" means the track on the Owner's property;
  - "**gazetted road**" means the road in the road reserve, which is currently being used by the public.
- 6.2. For the sake of convenience, I have summarised the various grounds of objection arising from the letter of 5 September 2017 and the objection hearing.

<b>Objection No.</b>	<b>Nature of Objection</b>
1.	Improper purpose
2.	No proper safety or environmental concerns
3.	More appropriate options available
4.	Private access issue
5.	Contrary to the preferred course initially recommended by Council
6.	Privacy and lifestyle impacts, including increased traffic and dust
7.	Loss of the benefit of certain desirable features
8.	Other creek crossings not accessible in wet weather

## Moreton Bay Regional Council

*ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
LOT 352 ON SL6 - DIVISION 11 (Cont.)*

9.	Historic use of the gazetted road
10.	Safety of access track
11.	Financial implications

*Ground 1 - Improper purpose*

- 6.3. The Owner has observed that more recently over various times in 2016-2017 property owners to the south have delivered upon their land, using the gazetted road, at least three and possibly more, large temporary housing structures. The Owner suggests that the movement of these structures indicates that a commercial activity has or is about to commence where such activity is not lawful having regard to the zoning of the land.
- 6.4. The Owner states that, "if the purpose of this NIR is to facilitate and encourage access to the adjoining land owners to conduct commercial activity, then the NIR is on its face fatally flawed being for an improper purpose in that the real concern is not safety or environmental concerns, as stated but rather to facilitate an unlawful use by a land owner effected by the closure of the access track".

*Ground 2 - No proper safety or environmental concerns*

- 6.5. The Owner considers that the proposed resumption is no more than a resumption of the land by way of responding to complaints to better facilitate access to the property to the south of the Owner without any, or any reasonable and proper, grounds existing.
- 6.6. I note that the Background Information Statement to the NIR says that:
- a) the objective of the resumption is to "expand the road reserve to contain the existing access track and formalise access to properties along Raynbird Creek Road for owners and the general public";
  - b) access to the southern part of Raynbird Creek Road by travelling over the Lacey's Creek Tributary is "problematic for safety and environmental reasons"; and
  - c) "physical inspections of Raynbird Creek Road confirm that ... the southern access track traverses through a creek bed which makes vehicular access difficult and inappropriate for continued future use".
- 6.7. The following matters were raised on behalf of the Owner in support of this ground of objection:
- a) the stated grounds of safety and environmental concerns lack any, or any proper, safety or environmental evidentiary basis and are at best erroneous and misconceived;
  - b) there is no environmental report that raises any environmental concerns with the use of the gazetted road;
  - c) no environmental concerns have been specified above and beyond normal use by the residents to the south of the Owner;
  - d) there is no evidence of any safety issue affecting the gazetted road and Council has chosen to use vague and ambiguous terms such as "impractical", "problematic" and "potentially injurious" when describing problems with the use of the gazetted road;
  - e) Council has not undertaken a comparison of safety and environmental issues associated with using the gazetted road, as opposed to using the access track;
  - f) the access track, where there has been a death, is not safer than the gazetted road;
  - g) there is an insurance risk associated with use of the access track, given the death that has occurred; and

## Moreton Bay Regional Council

*ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
LOT 352 ON SL6 - DIVISION 11 (Cont.)*

- h) for Council to make the access track safe, it would need to cut into the track, which will result in increased sediment in the creek.
- 6.8. I was not provided with any environmental or safety reports by Council.
- 6.9. I note that RCL's request for further and better particulars specifically requested that Council:
- a) "identify the 'safety' reasons";
  - b) "identify the 'environmental' reasons by reference to any specific environmental concerns"; and
  - c) "particularise each of [Council's] claims relating to how access to the southern part of Raynbird Creek Road by travelling over the Lacey's Creek Tributary is problematic for safety and environmental reasons".
- 6.10. Council's Property and Commercial Services department responded to the above requests on 15 August 2017, as follows:
- a) In response to paragraph 6.9(a) - "... driving a passenger vehicle through a creek bed is impractical, and potentially injurious to people and property";
  - b) In response to paragraph 6.9(b) - "the Lacey's Creek Tributary falls within the existing road reserve. The stream is declared a W2 Waterway under the Moreton Bay Region Planning Scheme. Under PO108 of the works code in the Planning Scheme (Section 9.4.2)(enclosed), no works are permitted within 30m from the top of the bank of a W2 Waterway. It is therefore in conflict with the Planning scheme to carry out earthworks in the creek, and thus within the existing road reserve.  
  
It is acknowledged that from time to time roads will traverse creek beds, however, these crossings are generally supported by formal road infrastructure with flood warning devices, guide posts and possible formation of a culvert crossing (concrete or asphalt) to make the creek trafficable and appropriate consent / approvals have been obtained from the land owner (state entity) to install such infrastructure within the road reserve. It is acknowledged that Raynbird Creek Road through its current alignment interacts with the Lacey's Creek Tributary and that there are occasions during heavy rain events that access to properties can be restricted"; and
  - c) In response to paragraph 6.9(c) - "Please see responses [a] and [b] above".
- 6.11. I note that on 11 April 2018, Council's Property and Commercial Services department emailed RCL and provided a summary of the consideration of the costs and impacts of a number of options (see also paragraph 7 of this report).

*Ground 3 - Other more appropriate options available*

- 6.12. The Owner argues that the intended resumption is not reasonably required because if (which the Owner does not admit) there are some safety or environmental concerns, then those concerns can and should be met by means other than the proposed resumption.
- 6.13. It is apparent from the documents provided to me that Council considered a number of options when considering the access issue.
- 6.14. The Owner argues that there are other options available, including the reconstruction of the gazetted road, and that Council has not undertaken a feasibility study for this option. The reconstruction of the gazetted road is the Owner's preferred option and, in his view, it would be the more economical option and would reduce legal risk for Council. The Owner is willing to negotiate resumption of certain land required for that option.
- 6.15. The Owner argues that there will also be significant financial and environmental costs associated with making the access track safe as it will need to be graded, recut, barriers

*ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
LOT 352 ON SL6 - DIVISION 11 (Cont.)*

exerted and widened to permit public vehicular access. It is argued that this will require the destruction of significant trees including a Red Cedar Tree. The Owner arranged for the valuation of the tree and a copy of that report is an enclosure to the letter from RCL to Council dated 5 September 2017 (Appendix "B").

- 6.16. I note that on 11 April 2018, Council's Property and Commercial Services department emailed RCL and provided a summary of the consideration of the costs and impacts of a number of options (see also paragraph 7 of this report). In relation to the option of resuming the access track, the summary states that:
- a) "Land is subject to land slip, and alignment has some visibility issues (crests and blind corners), and narrow culverts; however this is consistent with other rural roads in the area and can be addressed by the future works"; and
  - b) "Identified that some trees close to the road restrict access; these would need removal shortly after acquisition".
- 6.17. The safety of the access track is also addressed later in this report (see paragraphs 6.34 - 6.35).
- 6.18. The Owner also suggested the possibility of a mediated result between property owners where permission may be granted for people to use the access track in times of flooding events if required.
- 6.19. The Owner was also open to discussing the land swap option, but was not sure what that would entail.

*Ground 4 - Private access issue*

- 6.20. The Owner considers that the resumption is intended to intervene and impose a resolution to a private access issue between landowners when it is improper for Council to so intervene.

*Ground 5 - Resumption is contrary to preferred course initially recommended by Council*

- 6.21. The Owner considers that the intended resumption is contrary to the preferred course initially recommended by Council's own investigations and that is to upgrade the existing gazetted road.
- 6.22. It is not evident from the documents provided to me that the preferred course initially recommended was the upgrade of the gazetted road.

*Ground 6 - Privacy, lifestyle increased traffic and dust*

- 6.23. The Owner argues that the intended resumption is one which will significantly affect him by depriving him of the privacy and separation from traffic past his property. The Owner says that the resumption will result in bringing traffic previously unsighted to within 80 metres of his house and will bring attendant noise and dust issues upon the property.
- 6.24. Further, the Owner has an aversion to being close to other people and has acquired and chosen to live at his property because of the privacy aspects. He is presently shielded from the sight and noise of traffic using the gazetted road in the road reserve and from having to cope with visitors and day trippers who may get lost. The Owner says that the proposed resumption and use of the access track will greatly impact upon his security, privacy and lifestyle.
- 6.25. Should the resumption proceed the Owner requests that trees be planted to provide screening.

ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
LOT 352 ON SL6 - DIVISION 11 (Cont.)

*Ground 7 - Deprive the Owner of the benefit of certain desirable features*

- 6.26. The Owner considers that the intended resumption is one which will deprive him of the benefit of certain highly desirable features of his property, including:
- a) Privacy and distance from road traffic;
  - b) Loss of creek frontage; and
  - c) Loss of a big slice of usable flat land where he had planned to put cattle yards and where he would unload all goods and machinery.
- 6.27. The Owner commissioned an Assessment of Compensation Rural Lifestyle Property report which details the features of the property. A copy of the report is an enclosure to the letter from RCL to Council dated 5 September 2017 (Appendix "B").
- 6.28. I note that any matter pertaining to compensation is not a valid ground of objection. The above submission should not be considered to the extent it relates to compensation.

*Ground 8 - No utility in resuming the access track*

- 6.29. The Owner considers that even if his land is resumed, which will remove the need to cross the creek near his property, there are creek crossings to the south and north of his property which are also impossible to cross in severe rain events. Accordingly, there is no utility in resuming the access track to provide better access in wet weather, because the road will be cut off at the other creek crossings in any event. The Owner says that the incidence of events and persons (being residents to the south of the Owner) affected is well out of proportion with the intended impact on him by the proposed resumption.
- 6.30. Documents provided to me indicate the existence of creek crossings to the north and south of the Owner's property and show the extent of flooding that occurs at the junction of Raynbird Creek Road and Redman Creek Road to the south of the Owner's property.
- 6.31. I note that on 11 April 2018, Council's Property and Commercial Services department emailed RCL and provided a summary of the consideration of the costs and impacts of a number of options (see also paragraph 7 of this report).

*Ground 9 - Historic use of the gazetted road*

- 6.32. The Owner says that:
- a) nobody lived south of his property when he purchased it in 2007;
  - b) he maintained the access track since purchase at considerable expense, trouble and inconvenience to facilitate the ease of access to various sections of his property;
  - c) the access track was only used occasionally by neighbours who checked on their land and he allowed the neighbours to the south of his property to use the access track when they moved onto the property.
  - d) Council has only performed works on the access track on two occasions; and
  - e) the gazetted road has existed and been used for over 100 years.
- 6.33. Council's response of 15 August 2017 to RCL's request further and better particulars advised that "... aerial photography from 2001 indicates the existence of the access track in its current location. It is reasonable to assume therefore that the access track was in existence prior to 2001."

*Ground 10 - Safety of access track*

- 6.34. The Owner is concerned that if Council resumes the access track, no steps will be taken to make it safe. The Owner says that there is no scope to widen the access track, there

ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
LOT 352 ON SL6 - DIVISION 11 (Cont.)

are blind spots on the access track, part of the access track is subject to land slip and the cost of maintaining the access track and making it safe would be significant.

- 6.35. I note that on 11 April 2018, Council's Property and Commercial Services department emailed RCL and provided a summary of the consideration of the costs and impacts of a number of options (see paragraphs 7 of this report). In relation to the option of resuming the access track, the summary states that:
- c) "Land is subject to land slip, and alignment has some visibility issues (crests and blind corners), and narrow culverts; however this is consistent with other rural roads in the area and can be addressed by the future works"; and
  - d) "Identified that some trees close to the road restrict access; these would need removal shortly after acquisition".

*Ground 11 - Financial implications for Owner*

- 6.36. The Owner says that the intended resumption will have a significant and dramatic adverse effect upon the loss of value of the land as a parcel.
- 6.37. Further, the Owner has a mortgage with a bank who, on receiving their copy of the NIR, informed the Owner that for them to release the mortgage to alter the title, they must revalue the land and he will need to apply for a new loan. The Owner considers he is not in a financial position to successfully apply for a new mortgage especially since a loan for any property over 48 acres is classified as a lifestyle loan and requires at least 30% equity as well as serviceability. Revaluation of the property as a result of the proposed resumption is likely to see a significant reduction in value and will require the Owner to sell assets simply to retain his property, or be forced to sell his property. The Owner considers that this is a manifestly unfair and unjust result, especially having regard to the perceived benefit.
- 6.38. I note that any matter pertaining to compensation is not a valid ground of objection. The above submission should not be considered to the extent it relates to compensation.

**7. Actions Arising out of Objection Hearing**

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- 7.1. The Owner requested that Council attend the site with him to observe first-hand, and discuss with him, a number of issues and concerns raised during the objections hearing.
- 7.2. I note that Council's Coordinator of Technical Services met with the Owner on site on 30 January 2018.
- 7.3. On 11 April 2018, Council's Property and Commercial Services department emailed RCL noting the occurrence of the meeting and providing a summary of the consideration of the costs and impacts of alternative options. A copy of this email is annexed to this report and marked as Appendix "C". Extracts from the summary document have been referred to at paragraphs 6.11, 6.16, 6.31 and 6.35 of this report.

**8. Conclusion**

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- 8.1. In discharging my function as delegate, I have had regard to:
- a) The provisions of the Act, particularly section 8; and
  - b) The Guidelines for Local Governments - Compulsory Acquisition of Land.
- 8.2. The objections are detailed above and, to the extent that information provided by Council deals with the subject matter of those objections, that information has been referenced.

## Moreton Bay Regional Council

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ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
LOT 352 ON SL6 - DIVISION 11 (Cont.)

- 8.3. I have not made any recommendation in respect of the proposed resumption, as that is a matter for Council officers.

**Dated:** 11 May 2018



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**Amber Nipperess**  
Delegate of Council

# Moreton Bay Regional Council

COORDINATION COMMITTEE MEETING  
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ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
LOT 352 ON SL6 - DIVISION 11 (Cont.)

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ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
LOT 352 ON SL6 - DIVISION 11 (Cont.)



**Rostron Carlyle**  
LAWYERS

Appendix "A"

Our Ref: MDS:ND:063610  
Your Ref: 2017-514

4 July 2017

Moreton Bay Regional Council  
Property Services  
Attention: Anne Moffat & Alex Smith  
PO Box 159  
Caboolture Qld 4510

**By email:** [propertyservices@moretonbay.qld.gov.au](mailto:propertyservices@moretonbay.qld.gov.au)

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Dear Anne & Alex,

**RE: Proposed Acquisition of Part of Land - 0 Raynbird Creek Road, Lacey's Creek Qld 4521 (Lot 352 on CP SL6) ("the property")**  
**Our client: Peter McLean**

We act for Peter McLean in relation to the above matter.

Our client has provided us with a copy of the Moreton Bay Regional Council's (MBRC) Notice of Intention to Resume (NIR) dated 15 June 2017.

Because our client's considers that there is no or no proper basis upon which his interests are being so affected, he has instructed us to object to the NIR.

In order for our office to advise our client in relation to the NIR we request that MBRC provide further and better particulars of certain matters.

Specifically, we request that MBRC:

1. state how long, "historically", have residents at the end of Raynbird Creek Road accessed their properties via an access track located outside the road reserve;
2. identify the "access track" referred to by map or plan of the specific area;
3. why access is "problematic"-by reference to the factor or factors said to create a problem or problems;
4. identify the "safety" reasons;
5. identify the "environmental" reasons by reference to any specific environmental concerns;
6. identify the person or persons for whom access is said to be problematic;
7. identify which part or parts of the Road Reserve are regarded as problematic by reference to a map or plan;
8. particularise each of your claims relating to how access to the southern part of Raynbird Creek Road by travelling over the Lacey's Creek Tributary is problematic for safety and environmental reasons;
9. particularise how vehicular access is "difficult and inappropriate for continued future use"; and
10. identify what MBRC considers to be the "future use" of the southern access track, given the limited use by resident owners and the rural zoning that exists for this area.

**BRISBANE**

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ABN 19 135 739 537

## Moreton Bay Regional Council

COORDINATION COMMITTEE MEETING  
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In addition, we request that MBRC provide copies of any reports and surveys conducted by it in respect of this matter, including but not limited to:

1. any internal reports;
2. any consultants reports;
3. any communications with adjoining land owners, who may have also received a NIR affecting their land;
4. any communications with any Landowners who may benefit from the NIR; and
5. any communications with any Landowners who may have corresponded with MBRC in respect of these matters including as to the closure of the "access track" upon our client's property.

Our client requires access to these requested documents and information in order to be able to properly respond to the NIR and we look forward to MBRC's timely response.

To that end, we wish to inspect MBRC's files and relevant documents in respect of this matter and ask that a suitable date be nominated to allow this to occur.

In addition, upon receipt of this information, our client will require a reasonable time to review and consider the material and respond. For this purpose, we ask that MBRC allow a reasonable and fair time to respond of not less than 30 days from the receipt of all relevant documents.

We look forward to receiving your timely response.

Yours faithfully,



**Michael Sing | Special Counsel**  
**Rostron Carlyle Lawyers**

# Moreton Bay Regional Council

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22 May 2018

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ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
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## Appendix "B"

  
**Rostron Carlyle**  
LAWYERS

Our Ref: MDS:ND:063610

5 September 2017

Moreton Bay Regional Council  
Attention: Claire Stratford  
Property Officer  
Property and Commercial Services  
PO Box 159  
Caboolture Qld 4510

**Copy By email: [Claire.Stratford@moretonbay.qld.gov.au](mailto:Claire.Stratford@moretonbay.qld.gov.au)**

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Dear Claire,

**RE: Proposed Acquisition of Part of Land - 0 Raynbird Creek Road, Lacey's Creek Qld 4521 (Lot 352 on CP SL6) ("the property")**  
**Our client: Peter McLean**

**Enclosed** by way of service is Grounds for Objection – Notice of Intention to Resume.

Yours faithfully,



**Michael Sing | Special Counsel**  
**Rostron Carlyle Lawyers**

### BRISBANE

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ABN 19 135 739 537

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**Grounds for Objection  
Notice of Intention to Resume**

**To:** Moreton Bay Regional MBRC  
**Property Owner:** Peter McLean  
**Property:** 352 Raynbird Creek Road,  
Laceys Creek Qld 4521 (Lot 352 on CP SL6)

**Stated Grounds in the Notice of Intention to Resume**

The Notice of Intention to Resume stipulates that MBRC is concerned about access by property owners as being "problematic for safety and environmental reasons".

However, no or no proper particularisation of those concerns has been forthcoming as explained below.

**A. Grounds of Objection**

The intended resumption is:

1. Not based upon any or any proper concerns about safety or environmental reasons.
2. Not reasonably required because if-which is not admitted- there are some safety or environmental reasons for the proposed resumption, then those concerns can and should be met by means other than the proposed resumption.
3. Intended to intervene and impose a resolution to a private access issue between landowners when it is improper for MBRC to so intervene.
4. Contrary to the preferred course initially recommended by MBRC's own investigations and that is to upgrade the existing gazetted roadway.
5. One which will significantly affect the landowner by depriving him of the privacy and separation from traffic past his property.
6. One which will deprive the landowner of the benefit of certain desirable features of his property.

The reasons for the grounds of objection are set out hereunder, and contained in the annexures.

**B. Terms**

In this Objection, the following words have the meanings ascribed to them:

**"access track** "means the private access roadway upon Lot 352 Raynbird Creek Road constructed and maintained by the Property owner;

**"road reserve"** means the gazetted road reserve through and upon Lot 352 Raynbird Creek Road;

**"creek bed"** means the creek bed of Raynbird creek as it occurs upon the Road reserve and Lot 352;

“**MBRC**” means Moreton Bay Regional MBRC;

“**NIR**” means the Notice of Intention to Resume dated 15 June 2017;

“**Property Owner**” means Peter McLean.

**C. Facts**

1. There has been for over 100 years, a gazetted road reserve along Raynbird Creek road that cuts through Lot 352. It has served the local community in that region since its inception.
2. MBRC has the responsibility for maintenance and upkeep of the road reserve.
3. Part of the Road Reserve is upon or traverses the Creek bed.
4. Except for major rain events, the creek bed is mostly dry. Even then, it is unable to be used for only short periods.
5. Lot 352 has significant frontage to the creek bed.
6. Peter McLean has been the registered owner of Lot 352 since 2007.
7. At the time of its purchase, the access track was already constructed on the land but he has maintained it at his own cost.
8. MBRC has on 2 occasions, entered upon the land without the land owner’s consent and graded the access track.
9. The landowner has maintained the access track otherwise, since purchase at considerable personal expense, trouble and inconvenience to facilitate the ease of access to various sections of his own property.
10. From 2007 when he purchased the land, he permitted other land owners and members of the public to use this road.
11. Following a fatal accident involving the child of a close family friend on this access track, the public liability insurer directed that the access track be closed to members of the public and that it be used only by the property owner.
12. Closure was effected by locking the gates at the ends of the access track from around June 2015 at the direction of the property owner’s insurer.

**D. Alternative proposal**

1. The alternative proposal articulated by MBRC’s own surveyor in the records disclosed indicates that there was a course open to MBRC to address its concerns of the existing road reserve without interfering with and affecting the Property Owner rights.
2. Those alternatives considered by MBRC were to:
  - a) Reconstruct the road reserve within the existing corridor (and this is the landowners preferred option as it will have a zero impact upon his own property)
  - b) Undertake a land swap

*ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
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- c) Seek an access easement over the access track (but MBRC should accept all risk as to its use and provide suitable and adequate maintenance)
3. The first of these proposals would in the land owners submission:
  - occasion far less impact upon his rights, as well as
  - be more economically and environmentally responsible for MBRC to pursue.
4. The legal risk of MBRC adopting the first alternative proposal would be significantly less than the use of the access track for the reasons articulated in this objection notice. It is noted that MBRC is already on notice of the inherently unsafe nature of the access track as a result of one fatality having occurred, and without significant upgrading, widening and signage and barriers being erected, MBRC will be allowing members of the public to use a roadway which it well knows to be unsafe.
5. Such conduct may well void any insurance held by MBRC, and lead to the insurer denying indemnity in the event of damage or injury to any person or property.

**E. Improper purpose of the Notice of Intention to Resume**

1. It is noted that the NIR followed complaints made by property owners to the South of Lot 352. It is noted that all of the properties in this region are zoned rural.
2. More recently-over various times in 2016-2017, which are not able to be particularised at this time, property owners to the South had delivered upon their land, using the road reserve, at least 3 and possibly more 3 large temporary housing structures which are contained in the photographs in the annexed.
3. Those structures indicate that a commercial activity has or is about to commence upon the land. Such commercial activity is not lawful in the current zoning of these properties. Further-the use of the road reserve for such heavy movement of the structures indicates that it is well able to handle traffic without difficulty.
4. If the purpose of this NIR is to facilitate and encourage access to the adjoining land owners to conduct commercial activity, then the NIR is on its face fatally flawed being for an improper purpose in that the real concern is not safety or environmental concerns, as stated but rather to facilitate an unlawful use by a land owner effected by the closure of the access track.
5. Surprisingly-MBRC's disclosed materials make no mention of this activity, (despite framing the NIR upon safety and environmental concerns) which one assumes would reasonably have required heavy equipment to move along the available routes to their destinations.

**F. Safety issues**

1. There are no or no real grounds of safety concerns as a ground for resumption.
2. MBRC relies in this issue, entirely upon hearsay from persons seeking to secure the most advantage from the NIR.
3. In some respects, the terminology used in the MBRC disclosed materials indicates a lack of direct and independent, objective investigation into the issues.

## Moreton Bay Regional Council

ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
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4. Further, the statement that “the access track has been historically partially maintained by MBRC is a gross over statement. The access track has been maintained almost exclusively by the landowner. MBRC did on 2 occasions enter upon the private access track and perform works.
5. MBRC has actually failed to maintain the gazetted road reserve in any proper way, and this points to the true reasons for the complaints made by the residents to the south of Lot 352 that is, MBRC has not properly maintained that road reserve.
6. One needs to compare the safety issues articulated by MBRC in respect of the use of the road reserve with the safety issues of using the private access track. The road reserve has existed and been used for over 100 years by residents.
7. There are a very limited number of residents to the south of lot 352 utilising the road for their own access, and there has never been a safety concern or accident on this road previously. Indeed, MBRC has not identified one single incident of actual damage or injury to evidence a genuine safety concern-but rather has chosen to use vague and ambiguous terms such as “impractical”, “problematic” and “potentially injurious”. These phrases are disingenuous and could be applied at least equally if not more forcefully and truthfully to most of the sealed country roads in the region.
8. Similarly, the reference in MBRC’s briefing note of 27/1/16 paragraph 2, about closure of the access track, to persons being forced to use a “different, rough 4WD access track,” and describing the road reserve as “ a recently constructed 4WD track” is flagrantly and deliberately misleading. In fact-they are using the existing road reserve, for which responsibility to maintain and make safe rests with MBRC.
9. It is noted that MBRC has identified that the following are safety concerns:
  - “there are occasions during heavy rains when access to properties can be restricted”, and “access is problematic to lot owners south of Lot 352 “
  - “driving a vehicle through a creek bed is “impracticable and potentially injurious to people and property.”
10. The limited number of rain events annually which might lead to problems is limited both in time and to the number of person affected. Certainly-the incidence of events and persons (being residents to the south of lot 352) affected is well out of proportion with the intended impact on the owner by resumption of land proposed.
11. MBRC has refused to maintain the 2 creek crossings north of Lot 352 which also restricts access to Lot 352 in any rain event.
12. On the other hand, even a cursory examination would show that there are significant safety concerns with use of the accesstrack including but not limited to:
  - a) There are 2 blind corners and crests on the access track, that will have to be re-cut and graded for safety.
  - b) The access track would have to be widened as many of the trees are too close for larger vehicle/truck access and have scars to prove it. There is also one corner that is too narrow and sharp for large trucks to get around. Again-this would need to be re-cut and graded
  - c) The proposed track is also in a high landslip zone and has had multiple landslips over the years, which the landowner has cleared at his own cost. MBRC will be unaware of this because the landowner has simply cleared the slippage when it has occurred. However-this is a further cost of maintenance as well as a risk for MBRC’s

ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
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- insurers to consider. Preventative measures to minimise landslip potential and danger to track users will involve significant damage to the vegetation adjoining the access track.
- d) There is reality, little scope to widen the track for future expansion as the track is currently only one lane and is cut into the side of a mountain. (high landslip risk)
  - e) Parts of the track have about a 50m sheer drop off with no barriers which is a big safety risk considering the narrowness of the track and any impact of avoiding oncoming vehicles.
  - f) There has already been one tragedy on this access track
13. There appears to be, deliberately or otherwise, absolutely no discussion or consideration given to these issues of safety and necessary upgrading and maintenance of the access track in all of the documentation concerning the process by which MBRC arrived at the decision disclosed by MBRC. This is surprising given the grounds stated for the resumption are "safety" and "environmental" in nature.
14. One would have expected a detailed and in-depth comparison of the existing gazetted road and the access track in regards to these matters of safety and environmental impact.
15. MBRC has never, not once, maintained the gazetted road through Lot 352 even going to the extent of upgrading the road to the North and South of Lot 352, knowing that the majority of the road was on private property and yet to be realigned. This 2 week long extensive upgrade was performed in late 2016. MBRC knowingly upgraded the road through both private property to the North and South of Lot 352 but refused to grade or improve the gazetted road which is the main cause of the complaints of the neighbours to the South of Lot 352. If MBRC had maintained the gazetted road through Lot 352 as they have with the rest of Raynbird Creek Road, then there would be little or no reasons for the complaints of the neighbours.

**G. Environmental concerns**

- 1. It is not conceded that the continued use or upgrading of the creek bed on the gazetted road reserve will raise any environmental concerns.
- 2. There is absolutely no evidence provided (or even sought from experts) to support or sustain any environmental concerns of the use or upgrading of the gazetted road reserve.
- 3. The road reserve has existed in this region for over 100 years without any evidence of environmental damage. Indeed, there is no specific environmental damage or concern raised in any of the materials disclosed by MBRC as none exist.
- 4. In contrast, the proposed use of the access track, if resumed, will inflict far more environmental damage in that:
  - a) The track will need to be graded, recut, barriers erected and widened to permit public vehicular access particularly if it is to carry increased usage by the public (specially to attend upon a commercial activity to the South of the property).
  - b) Further, widening of the road will require destruction of significant trees and cutting and shaping of the hillside in order to minimise (but not eliminate) the risk of land slippage.



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- c) It will damage existing valuable vegetation: See Valuation report of Red Cedar Tree of Treescience dated 25 June 2017.
5. In fact, MBRC's responses to a request for particularisation of this point shows no or no reasonable environmental concerns-and indeed it could not having regard to the fact that the road reserve has existed and been used for over 100 years.
6. It is also disingenuous to use "environmental concerns as a reason for this proposed resumption without specifying one single issue in which there has been environmental damage above and beyond normal usage by the residents to the south of lot 352, when in contrast, increased usage and the works required to upgrade the access track and make it safe for public access and traffic will in effect cause significantly more environmental damage.
7. MBRC should also consider that the cost of maintaining and making safe the access track would be significant.

#### H. Injurious affection to property

1. The proposed resumed area will have a significant and dramatic adverse effect upon:
  - a) Loss of Privacy;
  - b) Increased traffic Noise;
  - c) Loss of Value of the Land as a parcel
2. The proposed resumption removes from the property 3 highly desirable features-namely:
  - a) Creek frontage
  - b) Flat land: Loss of a big slice of usable flat land where the land owner had planned to put cattle yards and where he would unload all goods and machinery
  - c) Privacy and distance from road traffic

In this regard-see the report of Herron Todd White dated 28<sup>th</sup> June 2017.

Further-it will bring traffic previously unsighted to within 80M of the existing house. It will bring attendant noise and dust issues upon the property.

#### I. Special Impact on Landowner Mortgage

1. The owner has a mortgage with the NAB. On receiving their copy of the NIR, the NAB informed the land owner that for them to release the mortgage to alter the title, they will have to revalue his land and he will have to apply for a new loan.
2. The problem being, that after recently going through a divorce, the land owner is heavily in debt, and in no financial position to successfully apply for a new mortgage especially since anything over 48 acres is considered a "lifestyle Loan" by the banks and requires at least a 30% equity as well as serviceability.
3. Revaluation of this property as a result of the Notice is likely to see a significant reduction in value and will require the land owner to sell assets simply to retain his own home property, or be forced to sell his home. This is a manifestly unfair and unjust result, especially having regard to the perceived benefit.

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4. This is causing the land owner a massive amount of stress and anxiety as there may be a possibility he could lose his property and lifestyle which he has deliberately set out to achieve over many years.
5. . This proposed resumption will severely disadvantage him and the result is inconsistent with the MBRC's own guidelines relating to the NIR.

**J. Loss of Privacy and lifestyle**

1. The owner is a person who has an aversion to being close to other people and has acquired and chosen to live at this property because of the privacy aspects. He is presently shielded from the sight and noise of traffic using the road reserve, and from having to cope with visitors and day trippers who may get lost (a regular occurrence).
2. Use of the access track as road reserve by the general public will greatly impact upon his security and privacy and lifestyle

**K. Summary**

1. The Notice of Intention to Resume is no more than a resumption of the land by way of responding to complaints to better facilitate the access of the land owners to the south of the property without any or any reasonable and proper grounds existing.
2. The stated grounds of safety and environmental concerns for the resumption lack any or any proper safety or environmental evidentiary basis and are at best, erroneous and misconceived.
3. The grounds stated of safety and environmental concerns lack the requisite degree of credibility and substance which one would expect to take the extraordinary step to deprive a land-owner of the rights of ownership of his property and to intrude upon and diminish the rights that he enjoys as a private owner.
4. The Land Owner objects to the resumption and submits that the most appropriate option for MBRC to deal with the access complaints of residents to the south of lot 352 is to improve and widen the existing road, within the gazetted road reserve.

**L. Attachments**

1. Report of Tree Science
2. HTW Report of 28<sup>th</sup> June 2017.
3. Miscellaneous Photographs of Property

ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
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Annexure 4 Tree Science Report



25<sup>th</sup> June 2017

Contact: Peter McLean

Phone: 0400 858 100

Email: dogtyred@live.com

Re: Red Cedar Tree

Dear Peter,

We have given consideration to the subject Red Cedar tree which is established at Lot 352, Raynbird Creek Rd, Lacey's Creek.

Further to your request we have inspected the subject tree and wish to provide the following summary:

**Tree species:** *Toona ciliata* or commonly known as Red Cedar tree.

**Tree age:** Over-mature/Early ancient stage. The subject presented retrenchment of growth, reduction in net annual increment contraction of live crown, increase vegetative vitality in lower crown, increased fungal activity and wood decay, with increase colonisation by flora and deadwood

**Tree health:** Poor. The overall canopy morphology displayed decline with more than 50% dieback/tip necrosis and exhibited severe foliage deficiencies.

**Tree structure:** Fair-poor. Moderate damage or decay to the trunk or primary branches; bark missing present which is approaching the subject tree's threshold.

**Comments:** The proposed road construction would be within the subject tree's Tree Protection Zone (TPZ) and therefore would be classified as a major TPZ incursion in accordance with Australian Standards AS4970-2009: Protection of Trees on Development Sites.

It was commonly discussed the proposed road alignment would be within 2-3 metres from the subject tree. Therefore, based on our review we believe the potential construction impacts would most likely result in premature tree decline and/or compromise the subject tree's structural integrity.

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ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
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The following images support out constituted views:



As requested we have applied an amenity tree evaluation using the revised Burnley Method.

Amenity tree evaluation systems have been widely used, not only in Australia but around the world (Moore, 2006). The Burnley revised method values an amenity tree using the following formula:

Value (\$) = Tree Volume x based value x Location Modifier (L) x Useful Life Expectancy Modifier (E) x Form & Vigour Modifier (FV).

Tree Volume is calculated using the formula of a cone, Base Value is calculated from prices from advance tree of the same or related species per unit of volume, L is the tree suitability to its particular location, E is useful life expectancy, and FV related to arboricultural determined form and vigour (Moore, 2006).

e [jj@treescience.com.au](mailto:jj@treescience.com.au)  
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ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
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Amenity Tree Value: ~~\$47,246.08~~

- Base value \$24,500
- Location modifier – 1.0 (species perfectly suited)
- Useful Life Expectancy modifier – 0.7 (30-25)
- Form & Vigour modifier – 0.3 (poor vigour and average form)

Thank you for the opportunity to provide advice on this matter and if you have any questions about this report please contact Treescience Pty Ltd on 1300 731 859.

Yours Faithfully  
Treescience Pty Ltd



Jason-Jay Fletcher (Director/Principal Arboricultural Scientist) for Treescience Pty Ltd

**Caveat**

Unless stated otherwise:

- o This report cannot be used within a court of law or any legal situation without the prior consent of Treescience Pty Ltd
- o Information contained in this report covers only the tree(s) that were examined and reflects the condition of the tree(s) at the time of inspection, and
- o There is no warranty or guarantee, expressed or implied, that problems and/or deficiencies of the subject tree may not arise in the future.

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ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
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CERTIFICATION of PERFORMANCE

I, Jason Jay Fletcher, certify have formal qualifications that meet and exceed AQF level 8 in Arboriculture.

That I have personally inspected the tree(s) and/or the property referred to in this report, and have stated my findings accurately to the best of my ability. The extent of the evaluation and appraisal is stated in the report;

That I have no current or prospective interest in the vegetation or the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved;

That the analysis, opinions and conclusions stated herein are my own, and are based on current scientific procedures and facts;

That my compensation is not contingent upon the reporting of a predetermined conclusion that favours the cause of the client or any other party, nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any subsequent events;

That my analysis, opinions and conclusions were developed and the report has been prepared according to commonly accepted arboricultural practices.

I further certify that I am a registered active professional member of the 'Institute of Australian Consulting Arboriculturists' (#122034), registered approved tree consultant for the 'Queensland Arboricultural Association' (#1481), an active financial member of the world governing body 'International Society of Arboriculture' (#148995) where I have been a practicing certified international Arborist since 2006 (AI - 6026) and therefore meet the minimum qualification for writing arboricultural reports under the AQF (Australian Qualification Framework - Level 5).

e jf@treescience.com.au  
w www.treescience.com.au  
m 1300 731 859



ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
LOT 352 ON SL6 - DIVISION 11 (Cont.)

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CERTIFICATION of PERFORMANCE

I Jason Jay Fletcher, certify have formal qualifications that meet and exceed AQF-level 8 in Arboriculture:

That I have personally inspected the tree(s) and/or the property referred to in this report, and have stated my findings accurately to the best of my ability. The extent of the evaluation and appraisal is stated in the report;

That I have no current or prospective interest in the vegetation or the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved;

That the analysis, opinions and conclusions stated herein are my own, and are based on current scientific procedures and facts;

That my compensation is not contingent upon the reporting of a predetermined conclusion that favours the cause of the client or any other party, nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any subsequent events;

That my analysis, opinions and conclusions were developed and the report has been prepared according to commonly accepted arboricultural practices.

(Further certify that I am a registered active professional member of the 'Institute of Australian Consulting Arboriculturists' (#132040), registered approved tree consultant for the 'Queensland Arboricultural Association' (#1461), an active financial member of the world governing body 'International Society of Arboriculture' (#150995) where I have been a practicing certified International Arborist since 2006 (AU – 0026) and therefore meet the minimum qualification for writing arboricultural reports under the AQF (Australian Qualification Framework – Level 5).

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LOT 352 ON SL6 - DIVISION 11 (Cont.)

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APPENDIX: Amenity Tree Evaluation - Revised Method

TABLE 1 VOLUME MODIFIER (V) TO BE USED FOR A GIVEN VOLUME OF TREE

Volume (M <sup>3</sup> ) of Tree	Volume Modifier Value (V)
0 - 99	1.0
100 - 249	0.9
250 - 499	0.8
500 - 749	0.7
750 - 999	0.6
1000 - 1499	0.5
1500 - 1999	0.4
2000 - 2999	0.3
3000 - 3999	0.2
> 4000	0.1

TABLE 2: VALUES FOR THE LIFE EXPECTANCY (E) MODIFIER

USEFUL LIFE EXPECTANCY RANGES	MODIFIER VALUE (E)
50 Years	1.0
40 - 49 Years	0.9
30 - 39 Years	0.8
20 - 29 Years	0.7
10 - 19 Years	0.6
< 10 Years	0.5

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**TABLE 3: VALUES AND DESCRIPTORS FOR THE FORM AND VIGOUR MODIFIER**

FORM AND VIGOUR DESCRIPTORS	MODIFIERS (FV)
Perfect form and excellent vigour	1.00
Slight imperfections in form	0.90
Slightly reduced vigour	0.90
Slight imperfections & slightly reduced vigour	0.80
Good form with good vigour	0.75
Good form with average vigour	0.70
Good vigour with average form	0.70
Good form with poor vigour	0.65
Good vigour with poor form	0.65
Bifurcation of trunk & excellent vigour	0.60
Bifurcation of trunk & good vigour	0.55
Bifurcation of trunk & average vigour	0.50
Bifurcation of trunk & poor vigour	0.40
Poor form with average vigour	0.30
Poor vigour with average form	0.30
Poor form and poor vigour	0.20
Excessive deadwood, cavities & poor form	0.10
Dead	0.00

**TABLE 4: VALUES AND DESCRIPTORS FOR THE LOCATION (L) MODIFIER**

LOCATION DESCRIPTORS	MODIFIERS (L)
Perfect suitability	1.0
Could be better located but no problems	0.9
Minor problems, e.g. lifting paving	0.8
Species unsuited or causes problems	0.7
Species unsuited and causes problems	0.6
Species unsuited and causes major problems	0.5
Species unsuitable	0.4

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 Lot 352 Raynbird Creek Road, Lacey's Creek QLD 4521  
 BNN575961  
 Date of Assessment: 28 June 2017

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# Assessment of Compensation

Rural Lifestyle Property



Lot 352 Raynbird Creek Road, Lacey's Creek, QLD 4521

**As at** 28 June 2017  
**Prepared for** Mr Peter McLean  
**Our Ref** BNN575961

Brisbane Northside

Herron Todd White (Brisbane) Pty Ltd  
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ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
LOT 352 ON SL6 - DIVISION 11 (Cont.)

<sup>20</sup> EXECUTIVE SUMMARY

Property Details

<b>Address</b>	Lot 352 Raynbird Creek Rd, Lacey's Creek, QLD 4521.
<b>Instructing Party</b>	Mr Peter McLean.
<b>Basis of Assessment</b>	The interest being valued is the unencumbered estate in fee simple.
<b>Purpose of Valuation</b>	Our assessment of compensation has been prepared for the resumption of land by Moreton Bay Regional Council for the purpose of a proposed road reserve.
<b>Date of Inspection</b>	28 June 2017.
<b>Date of Assessment</b>	28 June 2017.
<b>Dispossessed Owner</b>	Mr Peter McLean.
<b>Real Property Description</b>	Lot 352 SL6 & Lot 240 SL911.
<b>Encumbrances</b>	Nil.
<b>Town Planning</b>	The property is classified Rural zone under the MBRC Planning Scheme and the existing improvements and current use appear to conform.

Property Summary

The property comprises a 64.75ha irregular shaped holding improved with a residence and storage skillion. The property is utilised as a rural lifestyle establishment and is registered for primary production concession – cattle grazing. The majority of the property is moderate to steeply sloping and timbered. Although there are substantial creek flats, which are well suited to grazing.

The proposed resumption, for the purposes of re-directing the road will result in a loss of level useable creekside land – (2.19ha), fencing and a formed road. As significantly, the loss of lifestyle aspects to remaining land, namely privacy, noise/dust, internal access to southern section of property, severance resulting in loss of access to the creek, removal of substantial Red Cedar tree. All of these factors have been taken into consideration in our assessment.



**David Hyne AAPI**  
Certified Practising Valuer/Director  
Registration No. 2413

**Important:** All data provided in this summary is wholly reliant on and must be read in conjunction with the information provided in the attached report. It is a synopsis only designed to provide a brief overview and must not be acted on in isolation.



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Date of Assessment: 28 June 2017

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ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
LOT 352 ON SL6 - DIVISION 11 (Cont.)

<sup>21</sup> **EXECUTIVE SUMMARY**

**Assumptions, Conditions and Limitations**

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**Critical Assumptions** • This compensation assessment is provided subject to the assumptions, disclaimers, limitations and qualifications detailed within this report. Reliance on this report and extension of our liability is conditional upon the reader's acknowledgement and understanding of these statements.

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## **1 INTRODUCTION**

### **1.1 Instructions**

We have been instructed by Mr Peter McLean, to assess the compensation payable for the resumption of land from the property located at Lot 352 Raynbird Creek Road, Lacey's Creek, Queensland 4521.

### **1.2 Basis of Assessment**

*Acquisition of Land Act 1967 (Amended 2009)*

The compensation for the land that has been resumed has been assessed in accordance with Section 20 of the Acquisition of Land Act.

- (1) Section 20 provides that compensation is to be assessed as follows:
  - (a) In assessing the compensation to be paid, regard shall in every case be had not only to the value of land taken but also to the damage, if any, caused by any of the following:
    - (i) the severing of the land taken from other land of the claimant
    - (ii) the exercise of any statutory powers by the constructing authority otherwise injuriously affecting the claimant's other land mentioned in subparagraph (i); and
  - (b) to the claimant's costs attributable to disturbance.
- (2) Compensation shall be assessed according to the value of the estate or interest of the claimant in the land taken on the date when it was taken.
- (2A) However, in assessing the compensation, a contract, licence, agreement or other arrangement (a relevant instrument) entered into in relation to the land after the notice of intention to resume was served on the claimant must not be taken into consideration if the relevant instrument was entered into for the sole or dominant purpose of enabling the claimant or another person to obtain compensation for an interest in the land created under the instrument.
- (3) In assessing the compensation to be paid, there shall be taken into consideration by way of set-off or abatement, any enhancement of the value of the interest of the claimant in any land adjoining the land taken or severed therefrom by the carrying out of the works or purpose for which the land is taken.
- (4) But in no case shall subsection (3) operate so as to require any payment to be made by the claimant in consideration of which enhancement of value.
- (5) In this section, costs attributable to disturbance, in relation to the taking of land, means all or any of the following:
  - (a) legal costs and valuation or other professional fees reasonably incurred by the claimant in relation to the preparation and filing of the claimant's claim for compensation
  - (b) the following costs relating to the purchase of land by a claimant to replace the land taken:
    - (i) stamp duty reasonably incurred or that might reasonably be incurred by the claimant, but not more than the amount of stamp duty that would be incurred for the purchase of land of equivalent value to the land taken;
    - (ii) financial costs reasonably incurred or that might reasonably be incurred by the claimant of that might reasonably be incurred by the claimant in relation to the discharge of a mortgage and the execution of a new mortgage, but not more than the amount that would



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be incurred if the new mortgage secured the repayment of the balance owing in relation to the discharged mortgage;

- (iii) legal costs reasonably incurred by the claimant;
- (c) removal and storage costs reasonably incurred by the claimant in relocating from the land taken
- (d) costs reasonably incurred by the claimant to connect to any services or utilities on relocating from the land taken
- (e) other financial costs that are reasonably incurred or that might reasonably be incurred by the claimant, relating to the use of the land taken, as a direct and natural consequence of the taking of the land
- (f) an amount reasonably attributed to the loss of profits resulting from interruption to the claimant's business that is a direct and natural consequence of the taking of the land
- (g) other economic losses and costs reasonably incurred by the claimant that are a direct and natural consequence of the taking of the land.

### 1.3 Definitions

This valuation has been undertaken in accordance with the following definitions:

#### Market Value

*"the estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion".*

#### Highest and Best Use

*"the use of an asset that maximises its potential and that is physically possible, legally permissible and financially feasible".*

### 1.4 Date of Inspection

28 June 2017.

### 1.5 Date of Assessment

28 June 2017.





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## 2 TITLE AND STATUTORY DETAILS

### 2.1 Title Details

**Real Property Description** Lot 352 SL6 & Lot 240 SL911

---

**Registered Proprietor** Peter Anthony Ian Neville Mclean.

---

**Encumbrances** Unknown

---

**Unregistered Dealings** Unknown

---

**Administrative Advices** Unknown

---

*This valuation is subject to there being no encumbrances, which may have an adverse effect on our valuation. Should any such easement, encumbrance or restriction become apparent, we reserve the right to review our valuation.*

### 2.2 Statutory Land Value

The State Government has reassessed this amount to \$360,000 as of 30 June 2017 for local authority rating and land tax purposes.



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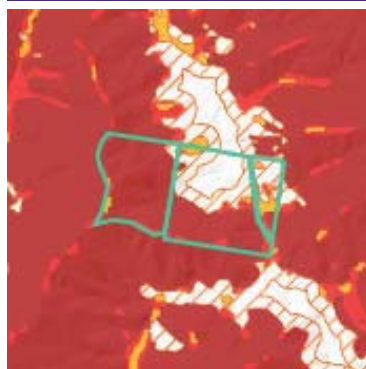
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**3 TOWN PLANNING AND APPROVALS**

**3.1 Town Planning Summary**

<b>Local Authority</b>	Moreton Bay Regional Council
<b>Planning Scheme</b>	MBRC Planning Scheme
<b>Zoning</b>	The property is classified within the Rural zone under the MBRC Planning Scheme.
<b>Overlays</b>	Bushfire Hazard



- Bushfire Hazard Overlay**
- Very high Potential Bushfire Intensity
  - High Potential Bushfire Intensity
  - Medium Potential Bushfire Intensity
  - Potential Impact Buffer

Environmental Area



- Waterways**
- W1 - Waterway (100m Buffer)
  - W2 - Waterway (40m Buffer)
  - W3 - Waterway (20m Buffer)

- Environmental areas**
- MSES - Matters of State Environmental Significance
  - MLES - Matters of Local Environmental Significance
  - MLES - Wetlands
  - MSES - Koala Offsets
  - MLES Waterway Buffer
  - MLES - Wetland Buffer

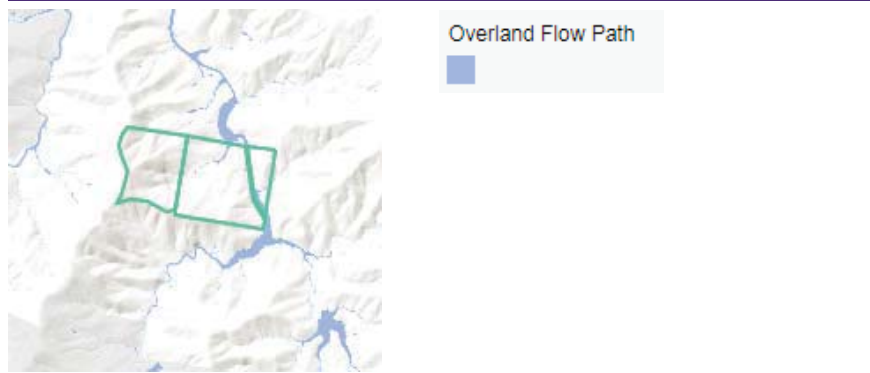


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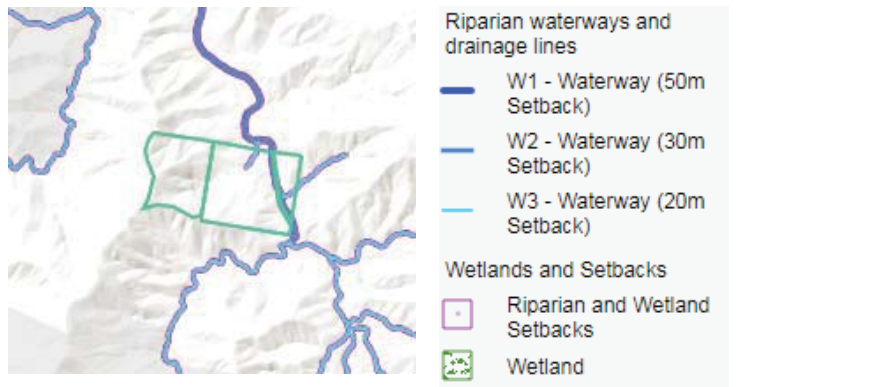
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Overland Flow Path



Riparian and Wetland Setbacks



**Permitted Use**

The Rural Zone comprises land where general rural activities are established, and intended to be retained. Reconfiguration of lots is permitted provided resulting lots have a minimum area of 100 ha.



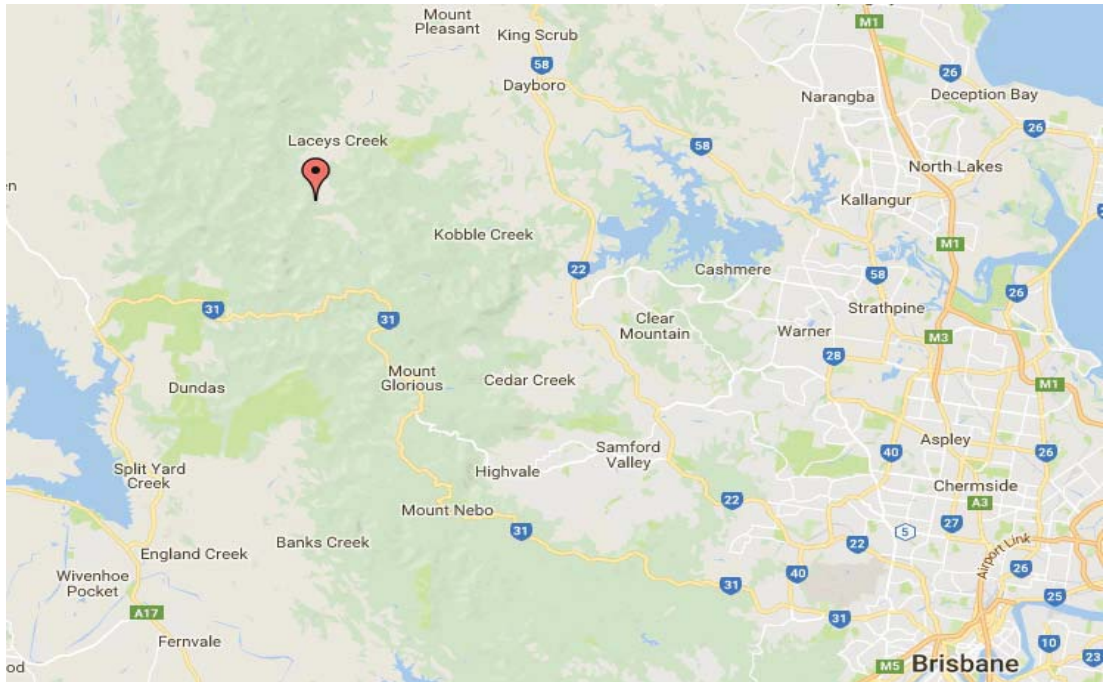
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4 THE LAND

4.1 Location Details

The general location of the subject property is indicated on the maps below.



Source: Google Maps



Source: CoreLogic



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<b>Locality</b>	Laceys Creek is located approximately 47- 55 kilometres north west of the Brisbane Central Business District and 3 kilometres west of Dayboro. Local shopping and school facilities are located at Dayboro. Properties in the area consist mainly of larger rural living blocks and hobby farms, being remnants of earlier dairying activities.  We have identified the property from the Cadastral Map.
<b>Situation</b>	The property is situated on the eastern and western sides of Raynbird Creek Road.
<b>Surrounding Development</b>	This is an established rural area with similar quality property surrounding.

4.2 Land Description



Source: CoreLogic



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<b>Area</b>	Before Resumption	64.75 hectares
	<b>Area Resumed</b>	<b>2.19 hectares</b>
	After Resumption	62.56 hectares
<b>Topography</b>	The north eastern portion of the property comprises predominately creek flats which are level and cleared. From this portion the contour rises moderate to steeply to the west and south, being mountain type country and predominately timbered.	
	The proposed resumption incorporates level and cleared land that sides the creek.	
<b>Flooding/ Hydraulic Impacts</b>	To the best of our knowledge, the property is located in an area that is not susceptible to flooding; we note however, that we are unable to confirm this without the benefit of a formal flood search. A formal flood search has not been undertaken and should this be an issue, then this report should be referred back to the valuer for comments.	
<b>Services</b>	The following major services are connected: telephone, electricity.	

We have physically identified the boundaries upon inspection and there do not appear to be any encroachments. However, we are not surveyors and no warranty can be given without the benefit of an identification survey.

To the best of the valuer's knowledge, the subject property is not affected by landslip, pest infestation or resumption matters, however, no searches have been undertaken in this regard.

**4.3 Road System/Access/Exposure**



Entry to existing road on the left and proposed road (higher ground) on right.



Proposed roadway. (above and below)



Proposed roadway.



28/06/2017 - 10:10



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The above photographs (right hand side) show the coverage that existing mature trees provide between the residence and existing roadway. Whereas on the left hand side the view from the proposed road towards existing residence – open and providing no privacy.

---

**Road System**

***Before Resumption***

The subject property receives access from existing Raynbird Creek Rd via a private road way/link. The road continues on the eastern side of the creek.

***After Resumption***

It is proposed that the road be re-directed, which will provide neighbouring properties improved access. However will not have any improved access to the subject, but rather result in numerous dis-advantages to the lifestyle amenity currently experienced.

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**4.4 Improvements**



Side view of dwelling

Erected on the property is modest standard, low-set residence and open shed. These improvements will not be taken under the proposal.

The existing roadway and stock proof fence will part of the resumption and will therefore require compensation/reinstatement to owner.





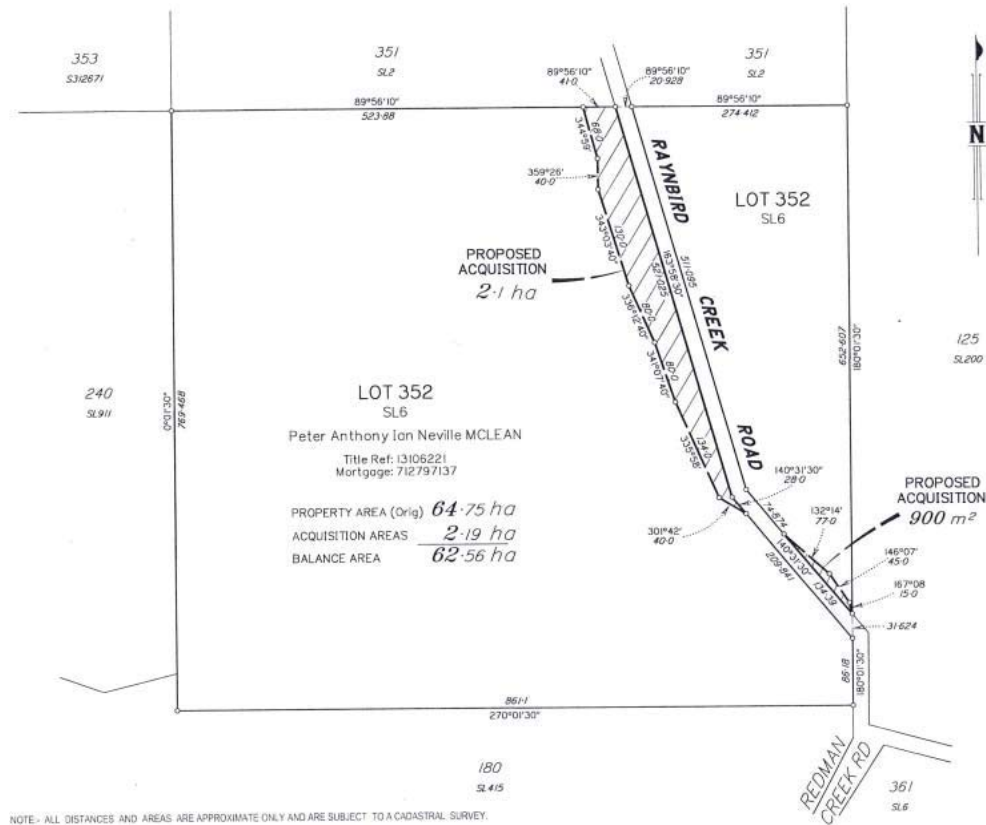
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4.5 Resumed Area

On 15 June 2017, the Moreton Bay Regional Council issued a Notice of Intention to Resume for the resumed land from the property, totalling approximately 2.19 hectares.

The resumed area is highlighted on the plan below:



Source: Moreton Bay Regional Council Drawing No. 17-321-903

A full copy of the Resumption Plan has been annexed to this report.



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## 5 EFFECT OF RESUMPTION

### 5.1 Introduction

In assessing the compensation payable we have considered the effects of the resumption under the following headings:

- Loss of land and improvements
- Severance
- Injurious affection
- Enhancement
- Disturbance.

### 5.2 Loss of Land and Improvements

A 2.19 hectare parcel of land has been resumed from the subject to allow for the re-direction of the existing Raynbird Creek Rd. The improvements comprise the existing roadway and stock proof fencing.

The pertinent details, before and after resumption, have been summarised below:

Description	Before Resumption	After Resumption	Diminution
<b>Land Area</b>			
Useable / cleared, suited to grazing	20ha	17.81	2.19ha
Balance timbered	44.75ha	44.75ha	-

### 5.3 Severance

Severance can be defined as the depreciation in value of the retained portion of land, caused by the loss of the portion of the property which was resumed.

We are of the opinion that a claim for severance does arise in this case.

### 5.4 Injurious Affection

Injurious affection can be defined as the depreciation in value of the retained land, caused by the actual or intended use of the proposed scheme.

We are of the opinion that a claim for injurious affection does arise in this case.

### 5.5 Enhancement

Enhancement is described as any betterment flowing from the scheme that may be offset against the claims of the dispossessed owner.

We are of the opinion that a claim for enhancement does not arise in this case.



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## 5.6 Disturbance

Disturbance can be defined to include all consequential losses suffered by the dispossessed owner as a natural reasonable consequence of the resumption.

In this process, an owner is entitled to be reimbursed for personal loss over and beyond the loss in respect of the land taken. In addition, reasonable consultant fees (legal, town planning and valuation etc) associated with the preparation of a claim should be paid by the resuming authority.

Reasonable disturbance items would be admissible as part of the compensation claim and would be in addition to our compensation assessment.



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## 6 ASSESSMENT OF COMPENSATION

### 6.1 Highest and Best Use

The subject property consists of a Rural Lifestyle Property.

We consider the highest and best use of the site is for Rural Lifestyle Purposes.

### 6.2 Compensation Methodology

The most appropriate method in assessing the compensation payable for a resumption matter is the 'before and after' method of valuation. This method involves assessing the value of the property both before and after the resumption.

The difference in value is equal to the compensation payable which includes the value of land and improvements lost and any severance or injurious affection resulting to the balance land. Enhancement is also taken into consideration if applicable.

We have primarily relied upon the direct comparison method to establish the market value of the subject property.

*Market data has been obtained from a range of sources, or as reported by real estate agents. As well as using such documented and generally reliable evidence or market transactions, it was also necessary to rely on hearsay evidence. Except as noted herein, a reasonable attempt has been made to verify all such information.*



ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
LOT 352 ON SL6 - DIVISION 11 (Cont.)

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6.3 Sales Evidence

No	Address	Sale Date	Sale Price	Land Area (ha)	Rate *\$/ha cleared/useable *\$/ha balance
					\$25,000/ha
1.	124 Raynbird Creek Road, Lacey's Creek	21.04.2016	\$750,000	64.7	\$5,350/ha
	<p>A circa 1935, low set, 3 bedroom, 2 bathroom, detached Queenslander dwelling on a steel piers foundation with timber weatherboard walls and corrugated galvanised iron roof and multiple open car space. Areas: living - 125 sqm; outdoor - 37 sqm. The dwelling is located on a moderately undulating, gently sloping, irregular shaped, inside lot situated above road level. A large portion of the land area is uncleared with approximately (13 ha considered cleared/useable land). The land is moderately sloping in parts with mountain and rural residential views. The property has mountain views with frontage to bushland and a creek. Ancillary improvements include an earthen driveway, fully enclosed yard with dog proof mesh fencing and stockproof construction fenced paddocks, aluminium vehicle gate with manual access, lawns - average, 2 dams, rain water tanks, multiple lean-too/storage shed for machinery, creek and solar panels. The property has good external condition, good internal condition and good presentation, with new PC items of good quality. Land Area 64.7 ha.</p> <p>*Allow \$150,000 – Improvements. Land component \$600,000. Apportioned as Cleared/Useable \$25,000/ha. Balance \$5,350/ha.</p> <p><b>Comparison:</b> Similar \$/ha to subject for relevant country type. Most comparable sale to subject.</p>				
					\$100,000/ha
2.	994 Hawkins Road, Kobbie Creek	26.09.2016	\$830,000	25.37	\$15,000/ha
	<p>A low set, circa 1985, conventional style, western red cedar, 3 bedroom, 2 bathroom, dwelling, with metal roof and 2 car garage. Dwelling is located on an undulating, irregular shaped, inside lot situated slightly above road level. District, mountain views. Ancillary improvements are of an average standard and include detached shed. The property has good external condition. Land Area 25.37 ha (approximately 3 ha cleared).</p> <p>*Allow \$180,000 – Improvements. Land component \$680,000. Apportioned as Cleared/Useable \$100,000/ha. Balance \$15,000/ha.</p> <p><b>Comparison:</b> Superior \$/ha to subject for relevant country type, due mainly to significantly smaller area.</p>				
					\$32,500/ha
3.	44 Kobbie Creek Road, Armstrong Creek	26.04.2017	\$850,000	40.44	\$7,500/ha
	<p>A 40.44ha rectangular shaped parcel, easy to moderately sloping. Elevated ridgelines. Previously used as pineapple farm. Improved with a lowset timber cabin and metal shed. Approximately 50% useable and cleared although contour is steep in sections.</p> <p>*Allow \$50,000 – Improvements. Land component \$800,000. Apportioned as Cleared/Useable \$30,000/ha. Balance \$7,500/ha.</p> <p><b>Comparison:</b> Superior \$/ha to subject for relevant country type, due mainly to superior location.</p>				
					\$19,000/ha
4.	267 Lacey's Creek Road, Lacey's Creek	18.04.2017	\$1,977,000	82.42	\$19,000/ha
	<p>An 82.42ha irregular shape parcel. Cleared and undulating throughout, useable and suited to grazing. Divided into some 8 paddocks. Elevated knoll, rural views. C2000 lowset brick dwelling, providing 3 bedroom, 2 bathroom accommodation plus study. Double garage. Metal sheds.</p> <p>*Allow \$400,000 – Improvements. Land component \$1,577,000. Apportioned as Cleared/Useable \$19,000/ha.</p> <p><b>Comparison:</b> Inferior \$/ha to subject, due mainly to extensively larger useable land area.</p>				



ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK - LOT 352 ON SL6 - DIVISION 11 (Cont.)

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**7 COMPENSATION**

After due consideration to the above considerations, we have assessed the compensation as follows:

**Loss of Land**

Description	Land Area (ha)	Rate (\$/ha)	Value
<b>Before Resumption</b>			
Useable/cleared section	20	\$25,000	\$500,000
Balance forest/mountain ridge	44.75	\$5,000	\$223,750
			<b>\$723,750</b>
<b>After Resumption</b>			
Useable/cleared section	17.81	\$23,500	\$418,535
Balance forest/mountain ridge	44.75	\$5,000	\$223,750
			<b>\$642,285</b>
<b>Compensation</b>			<b>\$81,465</b>

**Improvements**

Fencing

A stock proof fence, will be required to be erected along the full length of the new roadway. A gateway with grid and gate will need to be constructed to provide access to the subject residence.

Paris' Memorial

The existing memorial will be encroaching on the roadway, as a result the memorial will need to be relocated to a location stipulated by the owner.

Constructed Roadway

The proposed public road will follow the existing roadway constructed at the expense of the existing owner. Claim for the existing owner to be compensated for earthworks/tree clearing and road forming works under taken to date which will be enjoyed by those accessing the proposed public roadway. Compensation is assessed at \$121,978. (refer to attached quotation

**Severance**

In the before scenario the majority of the useable cattle land on Lot 352 enjoys access to the existing creek. Whilst in the after, access to the creek is prevented, on account of the proposed road reserve running parallel between the subject land and the creek.

**Compensation**

**Allowance is made in above table.**



*ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
LOT 352 ON SL6 - DIVISION 11 (Cont.)*

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### **Injurious Affection**

It is considered there is depreciation in value of the retained land, caused by the intended use of the proposed scheme.

### **Loss of Privacy**

As depicted in photographs within the body of this report, the proposed roadway will result in the property/residence experiencing a high level of visibility from road, therefore decreasing privacy currently enjoyed from the subject property/residence.

### **Dust Disturbance**

The existing buffer of trees between the subject residence and existing roadway (rock/gravel surface), results in minimal dust disturbance received by the subject residence. However, the proposed roadway – being earth based with no buffer between subject residence and new proposed roadway will result in dust disturbance to the subject residence.

### **Compensation**

**We request that in order to limit the impact to the balance land there are mature shrubs and trees planted to the satisfaction of the owner and legal representation to prevent dust and reinstate previous levels of privacy.**

### **Noise Disturbance**

The existing roadway is below the creek bank which buffers the subject somewhat from road noise. Furthermore, the construction of the existing roadway is rock and loose gravel resulting in drivers taking a more cautious approach / slower speed. The proposed subject will be of a design and surface that allows for higher speed. This will result in enhance noise disturbance to the subject residence/ property.

### **Compensation**

**We request that an earth mound be constructed between the new road and the subject property, buffering this noise.**



ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
LOT 352 ON SL6 - DIVISION 11 (Cont.)

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**Disturbance**

The following are consequential losses suffered by the dispossessed owner as a natural reasonable consequence of the resumption.

Limitation of Property Access

The proposed roadway currently provides access to a useable portion of the subject property for the owner to not only access this portion of the property but to also maintain ie. slashing/spraying etc and checking on livestock. On the basis this roadway becomes a public road the owner will be required to register vehicles and have them road worthy.

**Compensation**

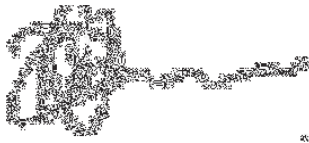
**As a result, a road will need to be formed that allows the owner to access this section of the property without the need to travel on public roadway.**

Red Cedar Tree within Road Reserve

Refer to attached Tree Science report dated 25 June 2017.

Professional Fees

TBA



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**David Hyne AAPI**

Certified Practising Valuer/Director  
Registration No. 2413

This valuation is for the use only of Mr Peter McLean for compensation purposes only. No responsibility is extended to any third party who may use or rely on the whole or any part of the content of this valuation. No responsibility will be accepted for photocopied signatures.

This report has not been prepared for mortgage security lending purposes. We will not accept any responsibility or liability for reliance upon this valuation for such purposes.



Lot 352 Raynbird Creek Road, Lacey's Creek QLD 4521  
BNN575961  
Date of Assessment: 28 June 2017



**ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK - LOT 352 ON SL6 - DIVISION 11 (Cont.)**

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## 8 QUALIFICATIONS AND DISCLAIMERS

Please note that specific disclaimers are indicated in italics within the relevant sections of the report.

<b>Accuracy of Information</b>	We advise that any objective information, data or calculations set out in the Valuation will be accurate so far as is reasonably expected from a qualified and experienced valuer, reflecting due skill, care and diligence. However, we have not independently verified third party information, adopted it as our own, or accepted its reliability. If any of the information provided by others and referred to in the valuation report is incorrect, it may have an impact on the valuation. The valuation is provided on the proviso that the reliant party accepts this risk.
<b>Conflict of Interest</b>	Neither the valuer, nor to the best of their knowledge, any member of this firm, has any conflict of interest, or direct, indirect or financial interest in relation to this property that is not disclosed herein.
<b>Disturbance Items</b>	Any fencing, driveways or services will be reinstated by the Resuming Authority as required.  Reasonable disturbance items in accordance with the Acquisition of Land Act will be paid by the Resuming Authority as part of the compensation.
<b>Excludes Fixtures and Fittings</b>	The valuation assessment does not include lessee fixtures and fittings.
<b>Excluded Searches</b>	To the best of the valuer's knowledge, the subject property is not affected by Heritage, flooding, landslip, pest infestation, however, no searches have been undertaken in this regard. Should any person relying on the contents of this report be aware or become aware of an issue that may affect value and/or liquidity then the searches should be referred to the valuer for comment. To the best of the valuer's knowledge, the land is not affected by unstable, hazardous, or toxic soil material, however, no searches have been undertaken in this regard. This assessment assumes that there are no problems, however, should any such issues arise, then this matter should be referred to the valuer for further comment.
<b>Goods and Services Tax (GST)</b>	This valuation assessment is exclusive of GST and has been completed on the basis that should GST be payable on the sale of this property, it would be recovered from the purchaser resulting in the vendor not being financially disadvantaged.  All rentals, outgoings and sale prices quoted in this report are net of GST unless otherwise stated.
<b>Limited Liability</b>	Liability limited by a scheme approved under professional standards legislation. This scheme does not apply in Tasmania.
<b>Market Movement</b>	This valuation is current as at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of 90 days from the date of the valuation, or such earlier date if you become aware of any factors that have any effect on the valuation. However, it should be recognised that the 90 day reliance period does not guarantee the value for that period; it always remains a valuation at the date of valuation only.
<b>No Compliance Certificate.</b>	No Compliance Certificate/Certificate of Classification has been obtained. This valuation is subject to the building(s) complying in all material respects with any restrictive covenants affecting the site. Furthermore, it is assumed that the site improvements have been built, occupied and operated in full compliance with all requirements of law, including all zoning, land-use classifications, building, planning, fire and health by-laws (including asbestos and legionnaires disease), rules, regulations, orders and codes of all authorities, and that there are no outstanding requisitions.
<b>No Pecuniary Interest</b>	The valuer has no pecuniary interest in the subject property either past, present or prospective at the date of preparing this report and the opinion expressed is free of any bias in this regard.
<b>Not to be reproduced without permission</b>	Neither the whole nor any part of this valuation or any reference thereto may be included in any published documents, circular or statement, nor published in part or full in any way, without written approval of the form and context in which it may appear.
<b>Other Taxation Implications</b>	Herron Todd White are not taxation experts and we provide our valuation assessment and any associated sales, rental or feasibility analysis, independent of any consideration of income tax, capital gains tax or any other property related tax implications that may be associated directly or indirectly with the subject property.
<b>Structural Survey</b>	This valuation report does not purport to be a site or structural survey of the land or improvements thereon, and any advice provided is not given in the capacity as an expert.



Lot 352 Raynbird Creek Road, Lacey's Creek QLD 4521  
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ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
LOT 352 ON SL6 - DIVISION 11 (Cont.)

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Annexure 1 Instructions

**INSTRUCTION FORM – INDEPENDENT PROPERTY VALUATION**

In order to proceed with the valuation please complete the required information and return this instruction form to the relevant office as detailed below.

<b>Office:</b>	Herron Todd White (Brisbane) Pty Ltd
<b>Postal address:</b>	PO Box 61 Chermside South QLD 4032
<b>Fax:</b>	07 3359 4150
<b>Email:</b>	brisresidential@htw.com.au

**Lot 352 Raynbird Creek Road, Lacey's Creek QLD 4521 (L352 SL6 & L240 SL911)**

<b>Purpose/Approach</b>	Acquisition / Resumption (Market Value)
<b>Reporting Contact</b>	Peter McLean
<b>Type of property</b>	Residential-Rural Residential Dwelling
<b>Servicing Office</b>	Brisbane Northside Ph: 07 3353 7500
<b>Access arrangements</b>	
<b>Contact Person</b>	Peter McLean
<b>Contact Details</b>	W: (07) 3285 8100 E: dogtyred@live.com
<b>Total Fee (Incl GST)</b>	<b>\$1,650.00</b>

**Information required by Herron Todd White to complete the valuation include**

- At this time no additional information is required

**Special instructions for Herron Todd White in respect of the valuation**

- In our ongoing attempts to reduce printing, streamline our process and protect the environment, Herron Todd White will no longer issue hard copies of reports unless specifically requested. Should you require a hard copy of the valuation, please advise via return email

**Upon completion of the valuation report please provide it by**

- Email

**Turnaround comments**

We anticipate a period of 15 working days from the date of instruction and receipt of all required documentation from the client to complete the valuation. This includes inspection and finalisation of the report.  
15-20 days



Lot 352 Raynbird Creek Road, Lacey's Creek QLD 4521  
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Date of Assessment: 28 June 2017

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# Moreton Bay Regional Council

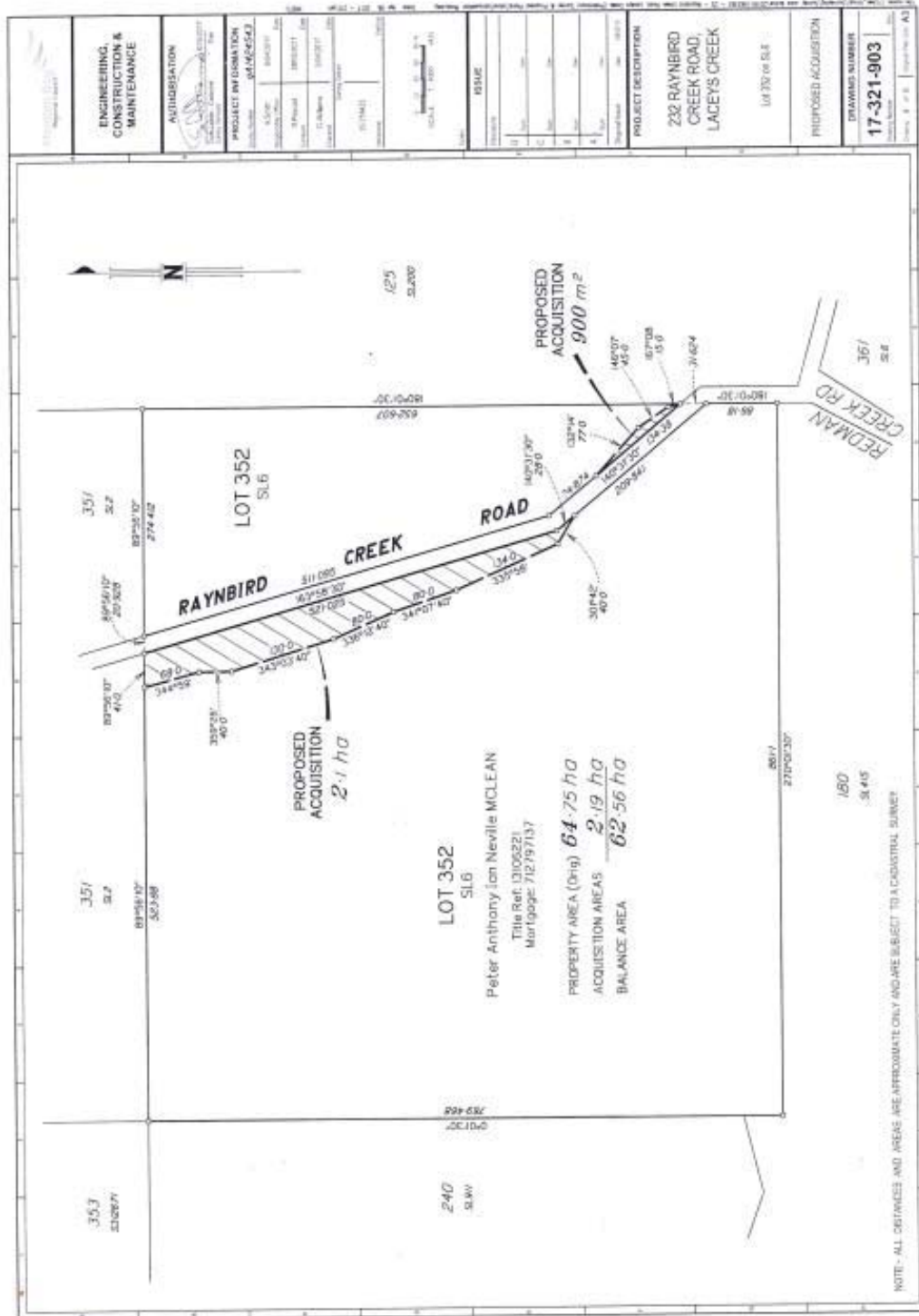
COORDINATION COMMITTEE MEETING  
22 May 2018

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Agenda

ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
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## Annexure 2 Resumption Map



Lot 352 Raynbird Creek Road, Lacey's Creek QLD 4521  
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ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
LOT 352 ON SL6 - DIVISION 11 (Cont.)

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Annexure 3 Road Quotation



Rohan Henderson  
Leesnico Earthmoving  
89 Farrow Road  
KOBBLE CREEK QLD 4520  
Ph: 0438899271  
E: [leesnico@bigpond.com](mailto:leesnico@bigpond.com)  
ACN:122 141 280  
ABN:18 122 141 280

Prepared for: Peter Mclean  
240 Raynbird Creek Rd,  
Laceys Creek Qld 4521

Purpose of Quote: Estimated cost to build existing road access through the property of  
Peter Mclean, 240 Raynbird Creek, Road. (RP: L352 SL6 & L240 SL911)

\* NB: This estimation is based on site inspections only and is subject to operational works  
providing specifications, conditions and council approvals

Scope of works: Clear, Grub and grind/mulch timbered areas .....\$25,000  
Fawner spotter..... \$1,000

Plant Required: Dozer, Grader, Excavator, Pad foot roller, Smooth drum roller,  
Tipper – Posi Track, mini excavator.  
Mobilisation and de-mobilisation of plant and  
equipment .....\$12,000  
Estimated plant operation costs .....\$45,000

Additional Material: Pipes required 2 x 800 delivered .....\$2052  
4 x 450 delivered .....\$1826  
Stone pitched headwalls on pipes.....\$1500  
Supply CBR 15 to cap road Approx 1120 tons .....\$33,600

Total Estimation: .....\$121,978

- Additional road works to provide access to the creek crossing, allowing the owner to access his land on the other side of the creek.
- I recommend guard rail be installed to road for safety purposes.



ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
LOT 352 ON SL6 - DIVISION 11 (Cont.)

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Annexure 4 Tree Science Report



25<sup>th</sup> June 2017

Contact: Peter McLean  
Phone: 0400 858 100  
Email: dogtyred@live.com

Re: Red Cedar Tree

Dear Peter,

We have given consideration to the subject Red Cedar tree which is established at Lot 352, Raynbird Creek Rd, Lacey's Creek.

Further to your request we have inspected the subject tree and wish to provide the following summary:

**Tree species:** *Toona ciliata* or commonly known as Red Cedar tree.

**Tree age:** Over-mature/Early ancient stage. The subject presented retrenchment of growth, reduction in net annual increment contraction of live crown, increase vegetative vitality in lower crown, increased fungal activity and wood decay, with increase colonisation by flora and deadwood.

**Tree health:** Poor. The overall canopy morphology displayed decline with more than 50% dieback/tip necrosis and exhibited severe foliage deficiencies.

**Tree structure:** Fair-poor. Moderate damage or decay to the trunk or primary branches; bark missing present which is approaching the subject tree's threshold.

**Comments:** The proposed road construction would be within the subject tree's Tree Protection Zone (TPZ) and therefore would be classified as a major TPZ incursion in accordance with Australian Standards AS4970-2009: Protection of Trees on Development Sites.

It was commonly discussed the proposed road alignment would be within 2-3 metres from the subject tree. Therefore, based on our review we believe the potential construction impacts would most likely result in premature tree decline and/or compromise the subject tree's structural integrity.

e / jj@treescience.com.au  
w / www.treescience.com.au  
m / 1300 731 859



Lot 352 Raynbird Creek Road, Lacey's Creek QLD 4521  
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LOT 352 ON SL6 - DIVISION 11 (Cont.)

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The following images support out constituted views:



As requested we have applied an amenity tree evaluation using the revised Burnley Method.

Amenity tree evaluation systems have been widely used, not only in Australia but around the world (Moore, 2006). The Burnley revised method values an amenity tree using the following formula:

Value (\$) = Tree Volume x based value x Location Modifier (L) x Useful Life Expectancy Modifier (E) x Form & Vigour Modifier (FV).

Tree Volume is calculated using the formula of a cone, Base Value is calculated from prices from advance tree of the same or related species per unit of volume, L is the tree suitability to its particular location, E is useful life expectancy, and FV related to arboricultural determined form and vigour (Moore, 2006).

e /jj@treescience.com.au  
w /www.treescience.com.au  
m /1300 731 859



Lot 352 Raynbird Creek Road, Lacey's Creek QLD 4521  
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LOT 352 ON SL6 - DIVISION 11 (Cont.)

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Amenity Tree Value: \$42,246.08

- Based value \$245.00
- Location modifier – 1.0 (species perfectly suited)
- Useful Life Expectancy modifier – 0.7 (20-29)
- Form & Vigour modifier – 0.3 (poor vigour and average form)

Thank you for the opportunity to provide advice on this matter and if you have any questions about this report please contact Treescience Pty Ltd on 1300 731 859.

Yours Faithfully

Treescience Pty Ltd



Jason-jay Fletcher (Director/Principal Arboricultural Scientist) for Treescience Pty Ltd

**Caveat**

Unless states otherwise:

- This report cannot be used within a court of law or any legal situation without the prior consent of Treescience Pty Ltd
- Information contained in this report covers only the tree(s) that were examined and reflects the condition of the tree(s) at the time of inspection, and
- There is no warranty or guarantee, expressed or implied, that problems and/or deficiencies of the subject tree may not arise in the future.

e [jj@treescience.com.au](mailto:jj@treescience.com.au)  
w [www.treescience.com.au](http://www.treescience.com.au)  
t 1300 731 859



ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
LOT 352 ON SL6 - DIVISION 11 (Cont.)

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CERTIFICATION of PERFORMANCE

I Jason-jay Fletcher, certify have formal qualifications that meet and exceed AQF level 8 in Arboriculture:

That I have personally inspected the tree(s) and/or the property referred to in this report, and have stated my findings accurately to the best of my ability. The extent of the evaluation and appraisal is stated in the report;

That I have no current or prospective interest in the vegetation or the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved;

That the analysis, opinions and conclusions stated herein are my own, and are based on current scientific procedures and facts;

That my compensation is not contingent upon the reporting of a predetermined conclusion that favours the cause of the client or any other party, nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any subsequent events;

That my analysis, opinions and conclusions were developed and the report has been prepared according to commonly accepted arboricultural practices.

I further certify that I am a registered active professional member of the 'Institute of Australian Consulting Arboriculturists' (#372010), registered approved tree consultant for the 'Queensland Arboricultural Association' (#1481), an active financial member of the world governing body 'International Society of Arboriculture' (#158995) were I have been a practicing certified international Arborist since 2006 (AU – 0026) and therefore meet the minimum qualification for writing arboricultural reports under the AQF (Australian Qualification Framework–Level 5).

e /jj@treescience.com.au  
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m /1300 731 859





ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
LOT 352 ON SL6 - DIVISION 11 (Cont.)

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CERTIFICATION of PERFORMANCE

I Jason-jay Fletcher, certify have formal qualifications that meet and exceed AQF level 8 in Arboriculture:

That I have personally inspected the tree(s) and/or the property referred to in this report, and have stated my findings accurately to the best of my ability. The extent of the evaluation and appraisal is stated in the report;

That I have no current or prospective interest in the vegetation or the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved;

That the analysis, opinions and conclusions stated herein are my own, and are based on current scientific procedures and facts;

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Lot 352 Raynbird Creek Road, Lacey's Creek QLD 4521  
BNN575961  
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ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
LOT 352 ON SL6 - DIVISION 11 (Cont.)

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APPENDIX: Amenity Tree Evaluation - Revised Method

TABLE 1 VOLUME MODIFIER (V) TO BE USED FOR A GIVEN VOLUME OF TREE

Volume (M <sup>3</sup> ) of Tree	Volume Modifier Value (V)
0 - 99	1.0
100 - 249	0.9
250 - 499	0.8
500 - 749	0.7
750 - 999	0.6
1000 - 1499	0.5
1500 - 1999	0.4
2000 - 2999	0.3
3000 - 3999	0.2
> 4000	0.1

TABLE 2: VALUES FOR THE LIFE EXPECTANCY (E) MODIFIER

USEFUL LIFE EXPECTANCY RANGES	MODIFIER VALUE (E)
50 Years	1.0
40 - 49 Years	0.9
30 - 39 Years	0.8
20 - 29 Years	0.7
10 - 19 Years	0.6
< 10 Years	0.5

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LOT 352 ON SL6 - DIVISION 11 (Cont.)

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**TABLE 3: VALUES AND DESCRIPTORS FOR THE FORM AND VIGOUR MODIFIER**

FORM AND VIGOUR DESCRIPTORS	MODIFIERS (FV)
Perfect form and excellent vigour	1.00
Slight imperfections in form	0.90
Slightly reduced vigour	0.90
Slight imperfections & slightly reduced vigour	0.80
Good form with good vigour	0.75
Good form with average vigour	0.70
Good vigour with average form	0.70
Good form with poor vigour	0.65
Good vigour with poor form	0.65
Bifurcation of trunk & excellent vigour	0.60
Bifurcation of trunk & good vigour	0.55
Bifurcation of trunk & average vigour	0.50
Bifurcation of trunk & poor vigour	0.40
Poor form with average vigour	0.30
Poor vigour with average form	0.30
Poor form and poor vigour	0.20
Excessive deadwood, cavities & poor form	0.10
Dead	0.00

**TABLE 4: VALUES AND DESCRIPTORS FOR THE LOCATION (L) MODIFIER**

LOCATION DESCRIPTORS	MODIFIERS (L)
Perfect suitability	1.0
Could be better located but no problems	0.9
Minor problems, e.g. lifting paving	0.8
Species unsuited or causes problems	0.7
Species unsuited and causes problems	0.6
Species unsuited and causes major problems	0.5
Species unsuitable	0.4

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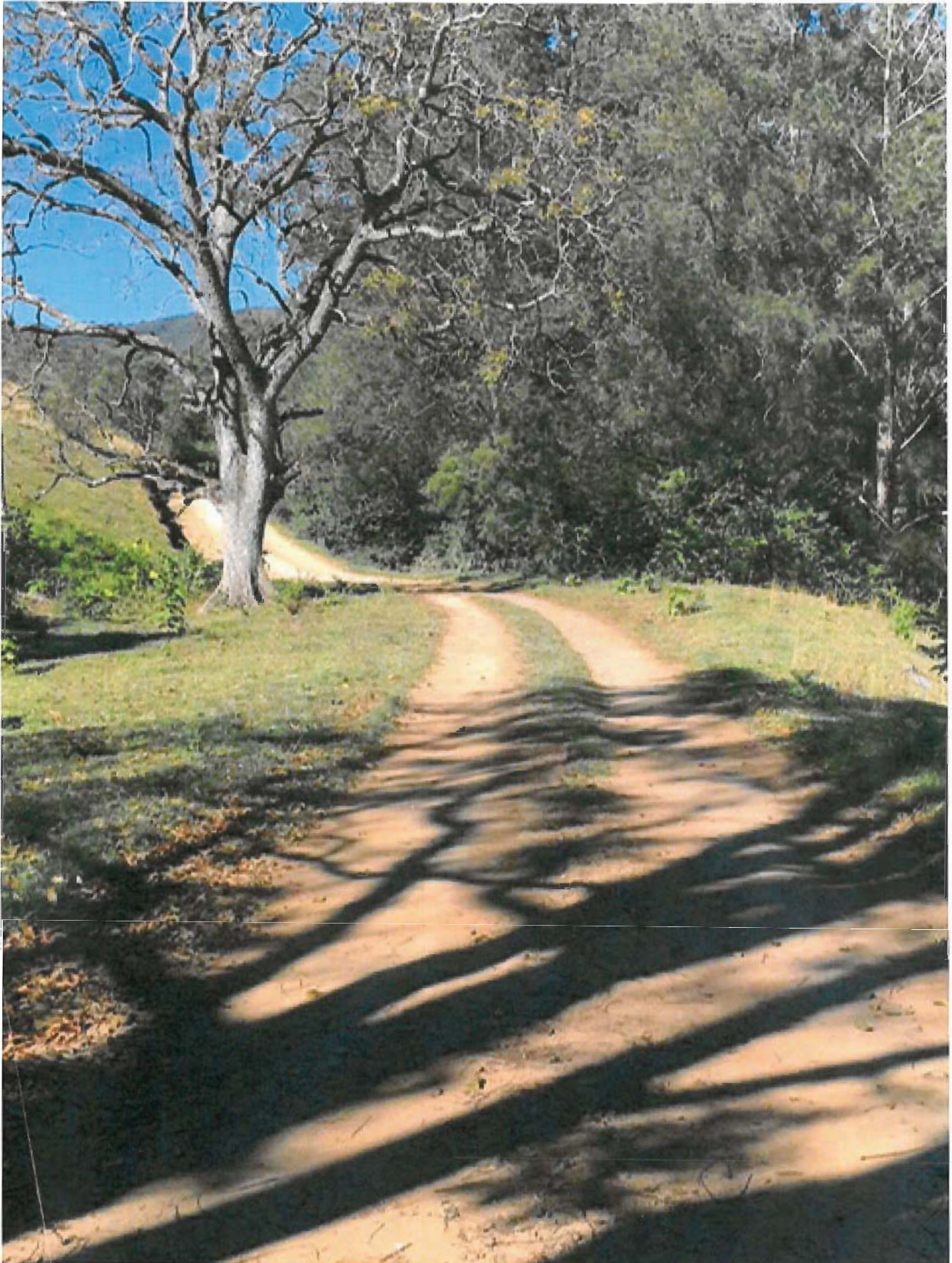
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BNN575961  
Date of Assessment: 28 June 2017

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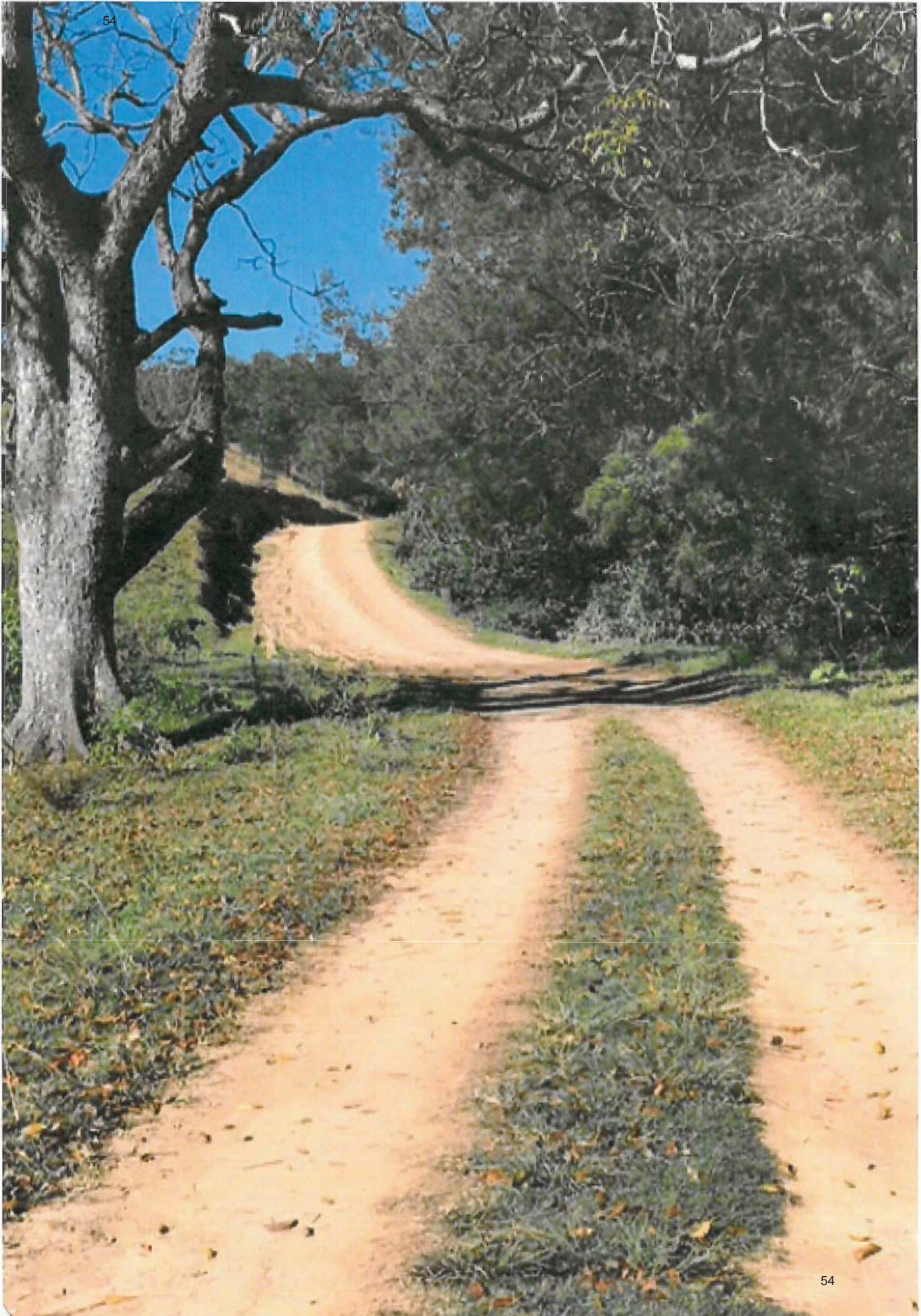
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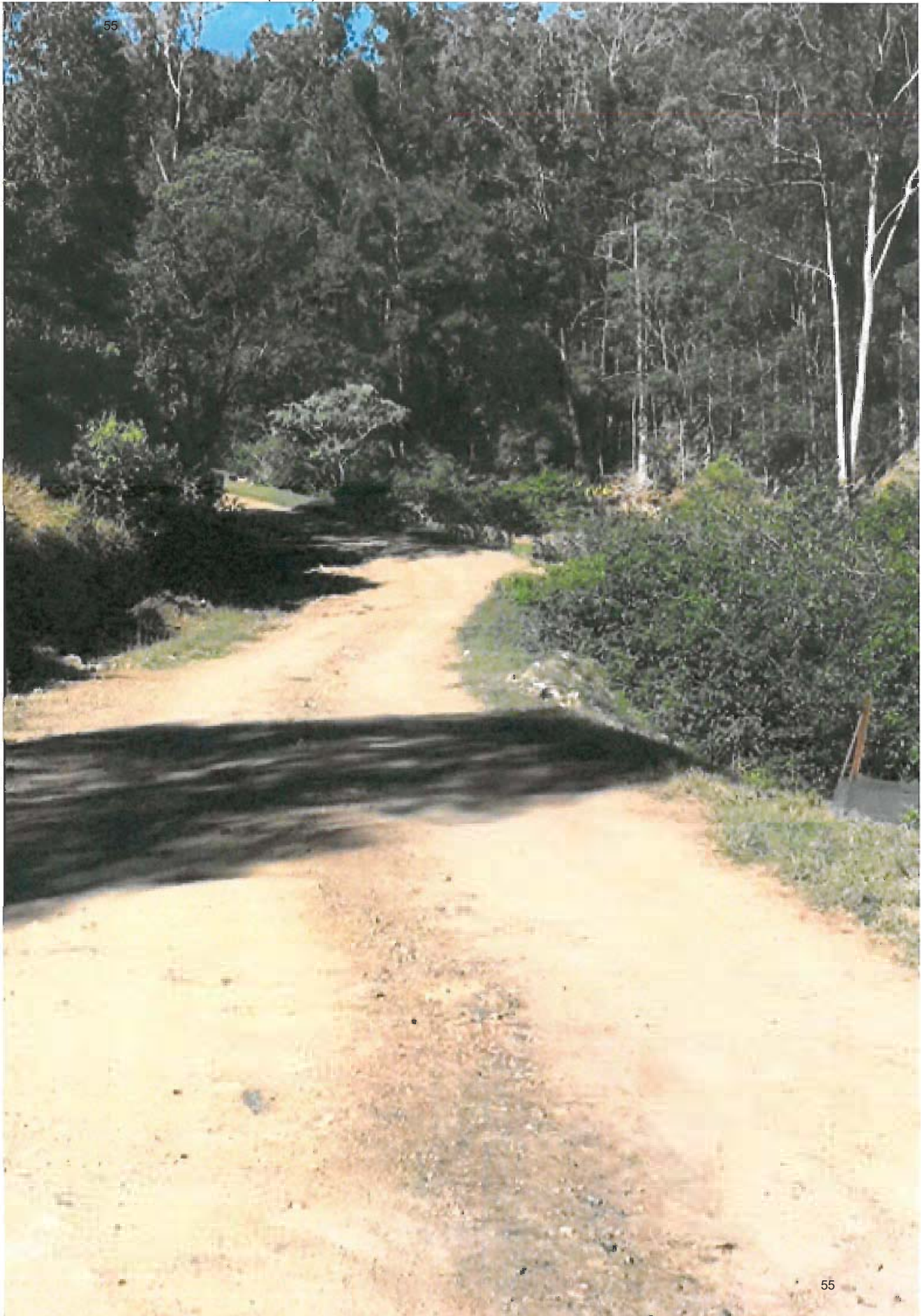
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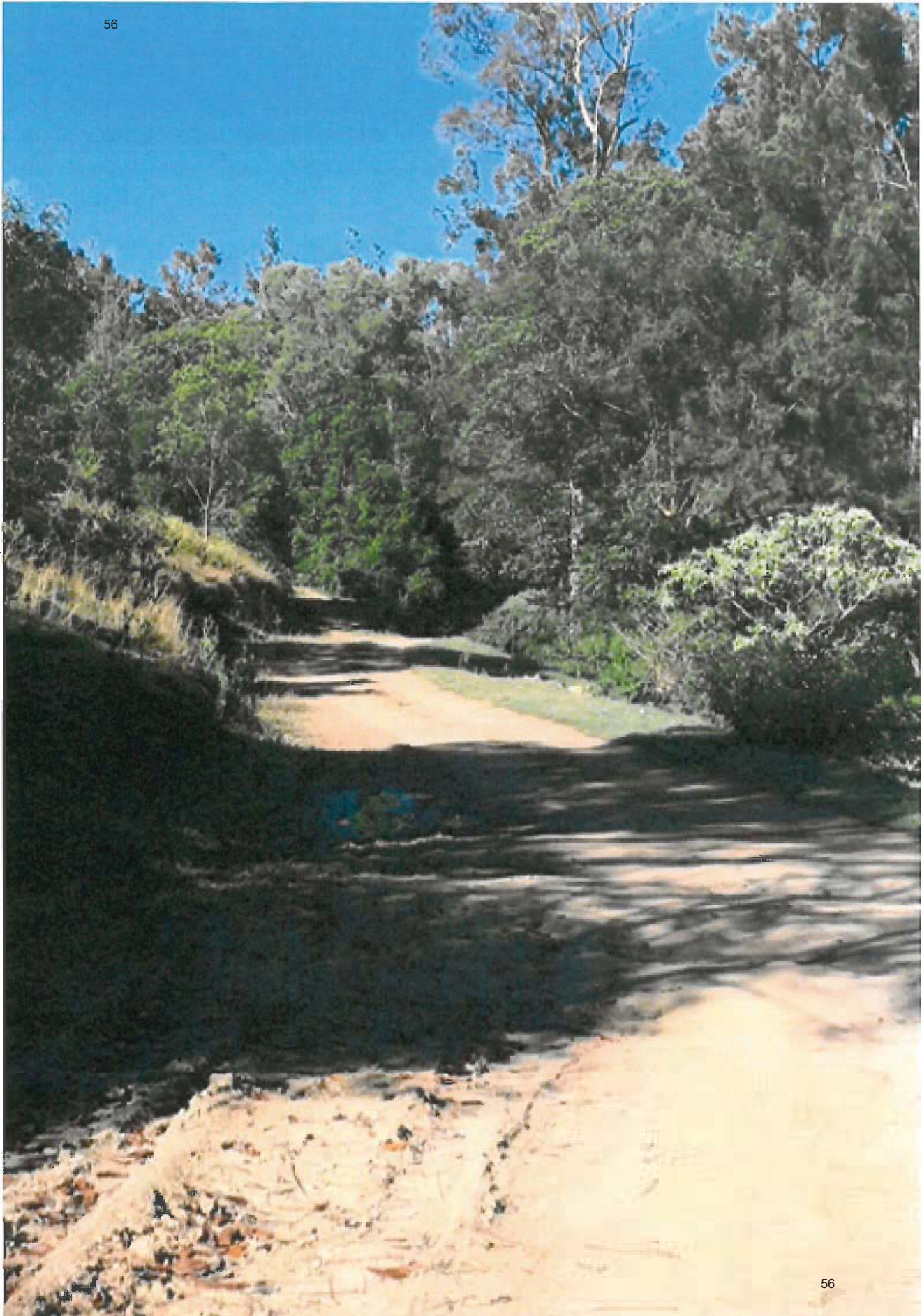


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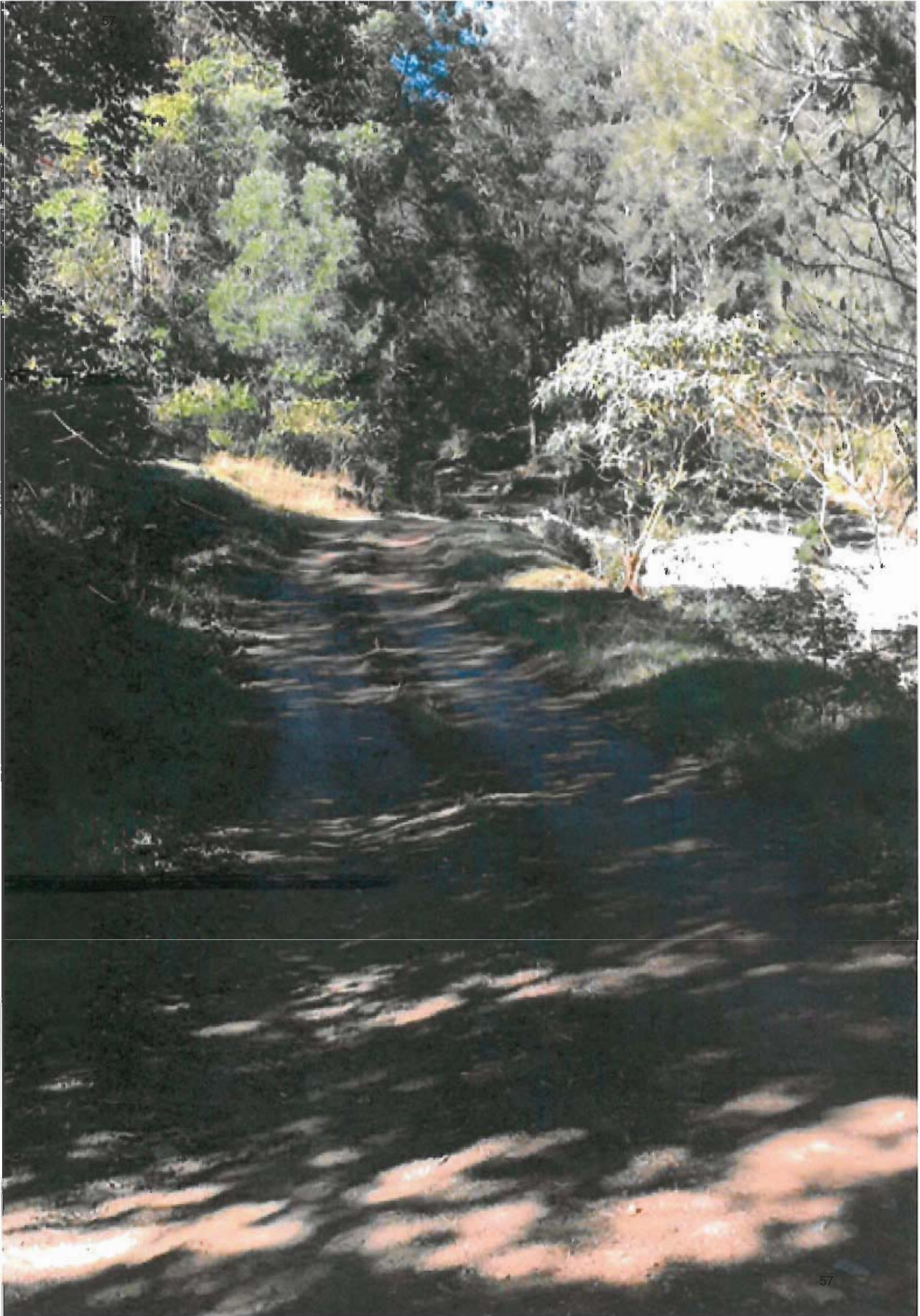


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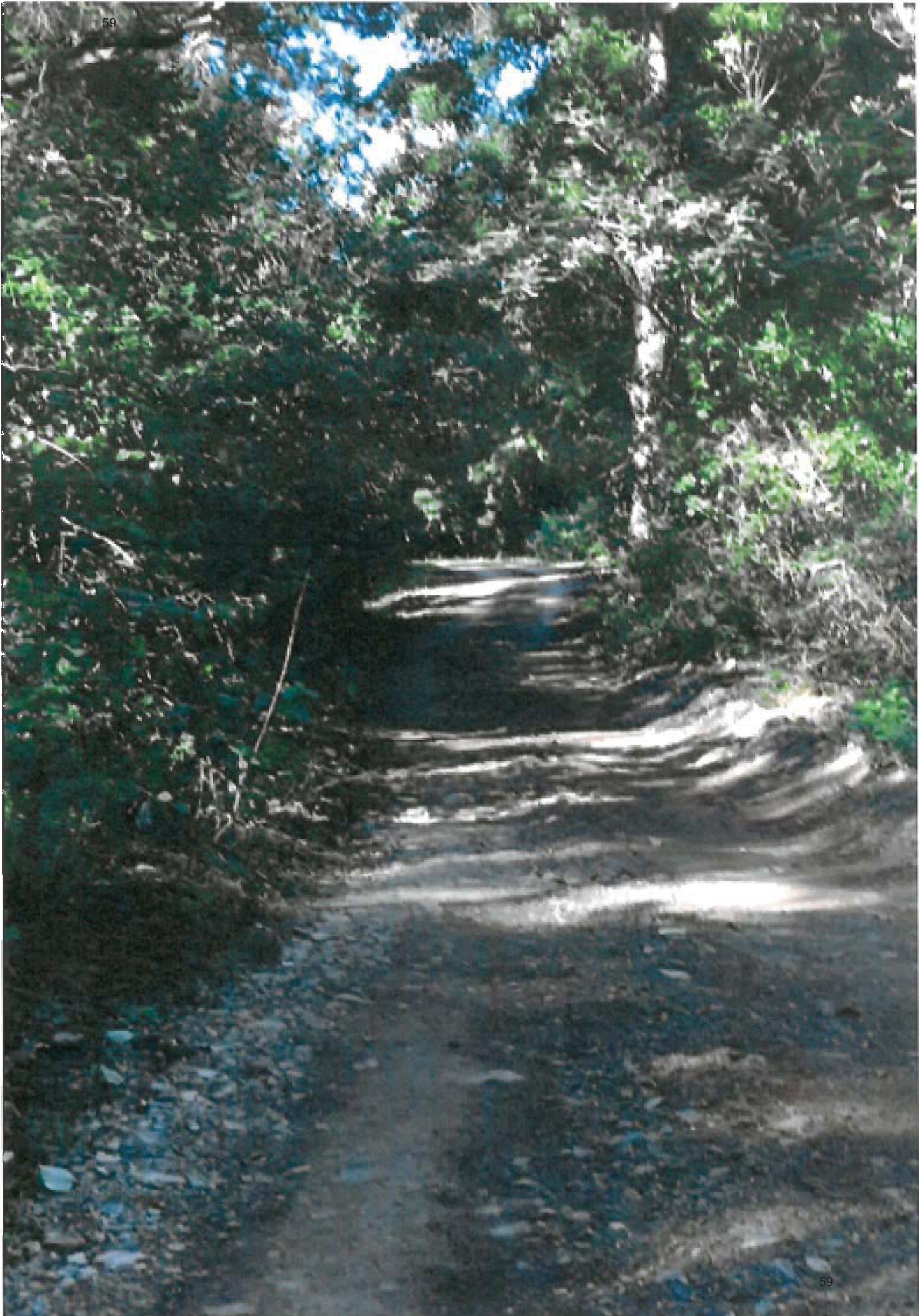
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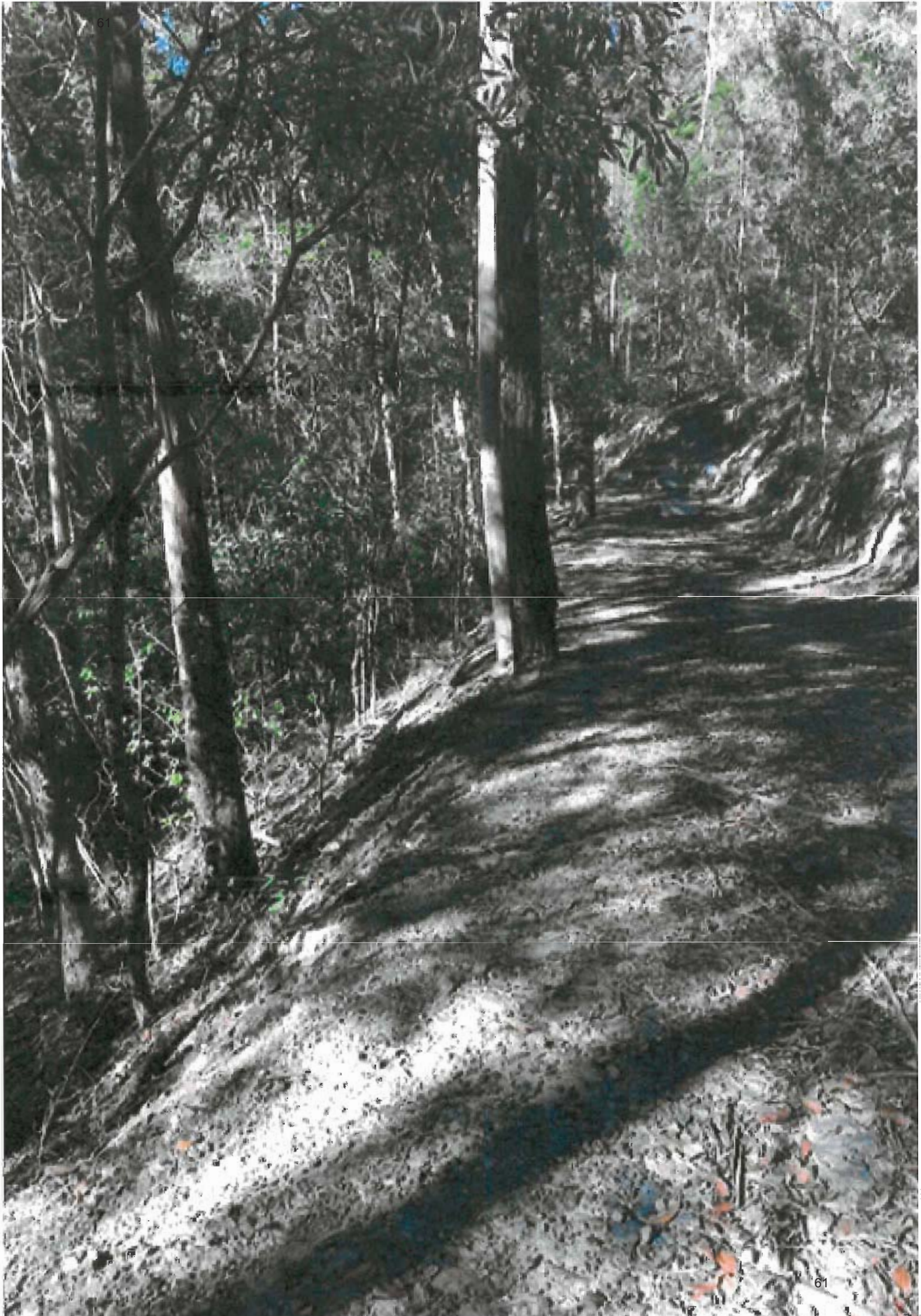


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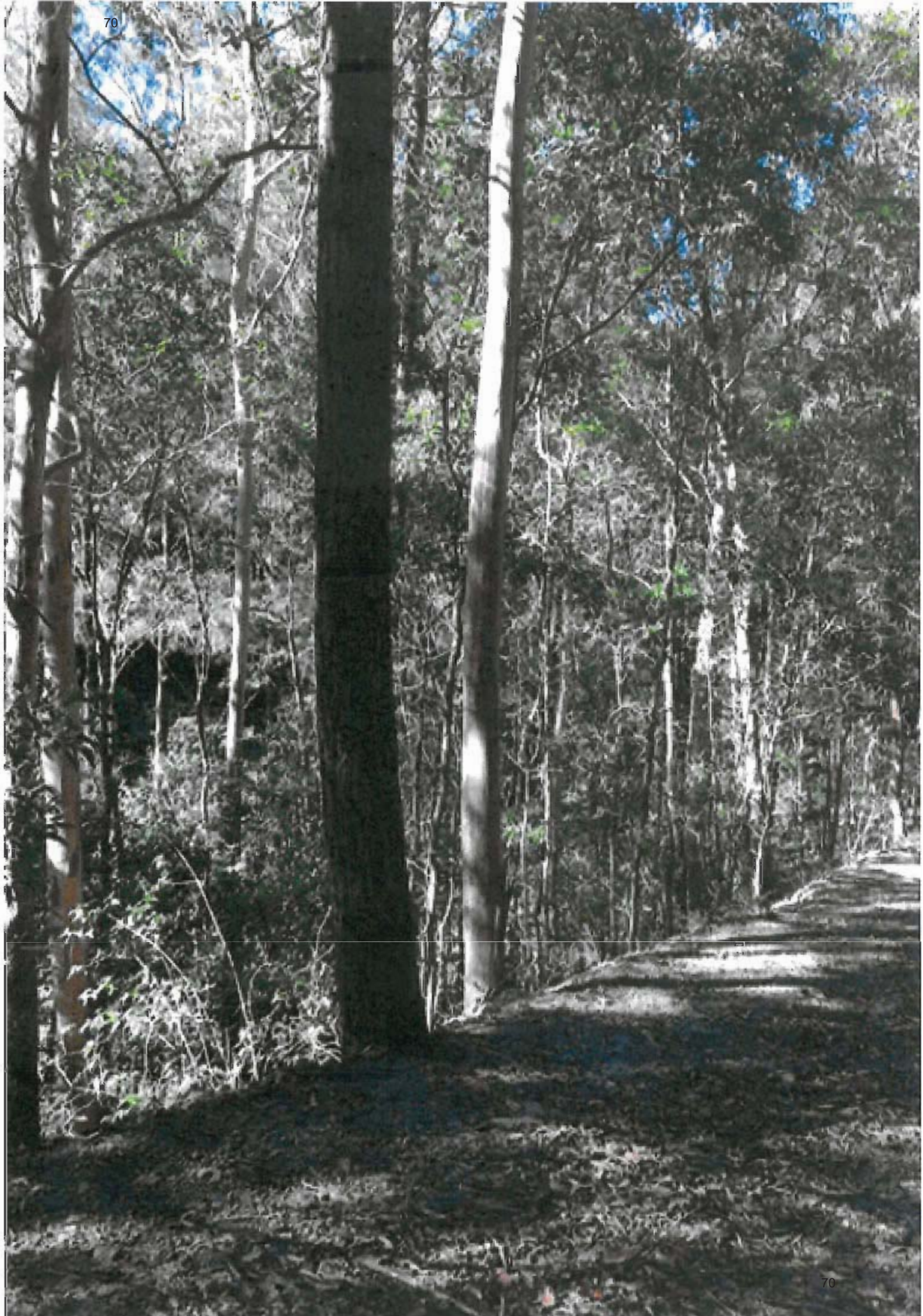


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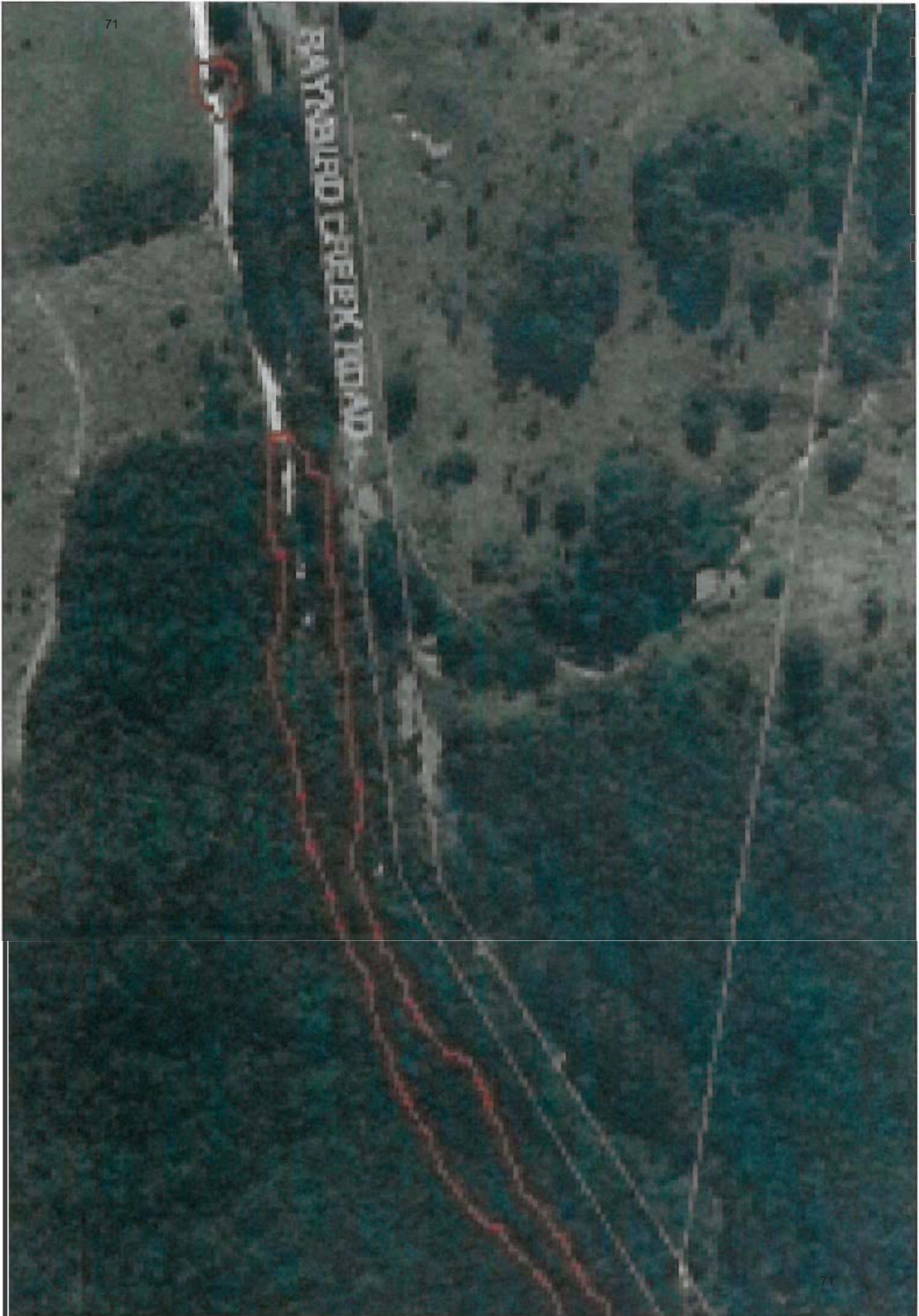
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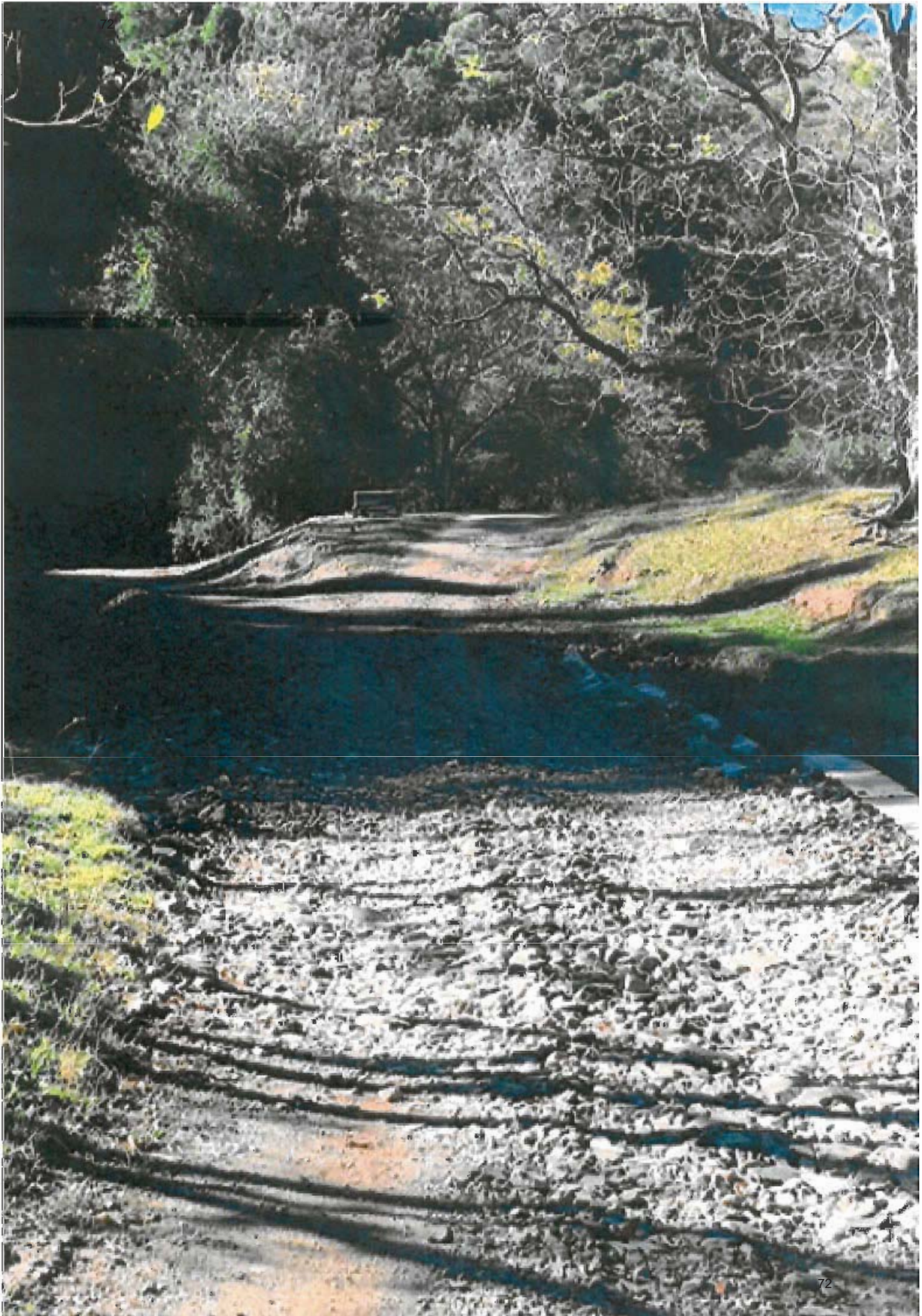


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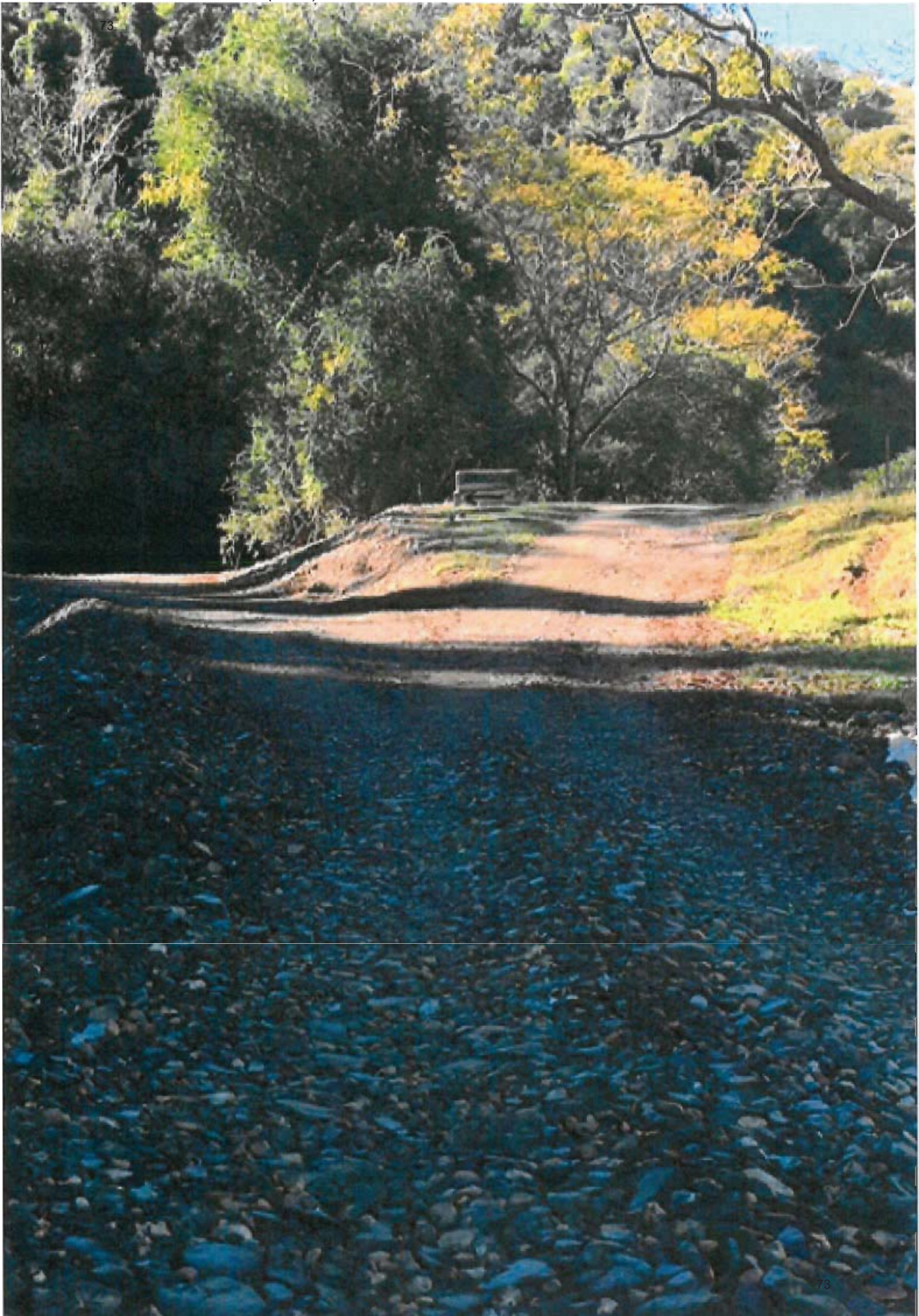


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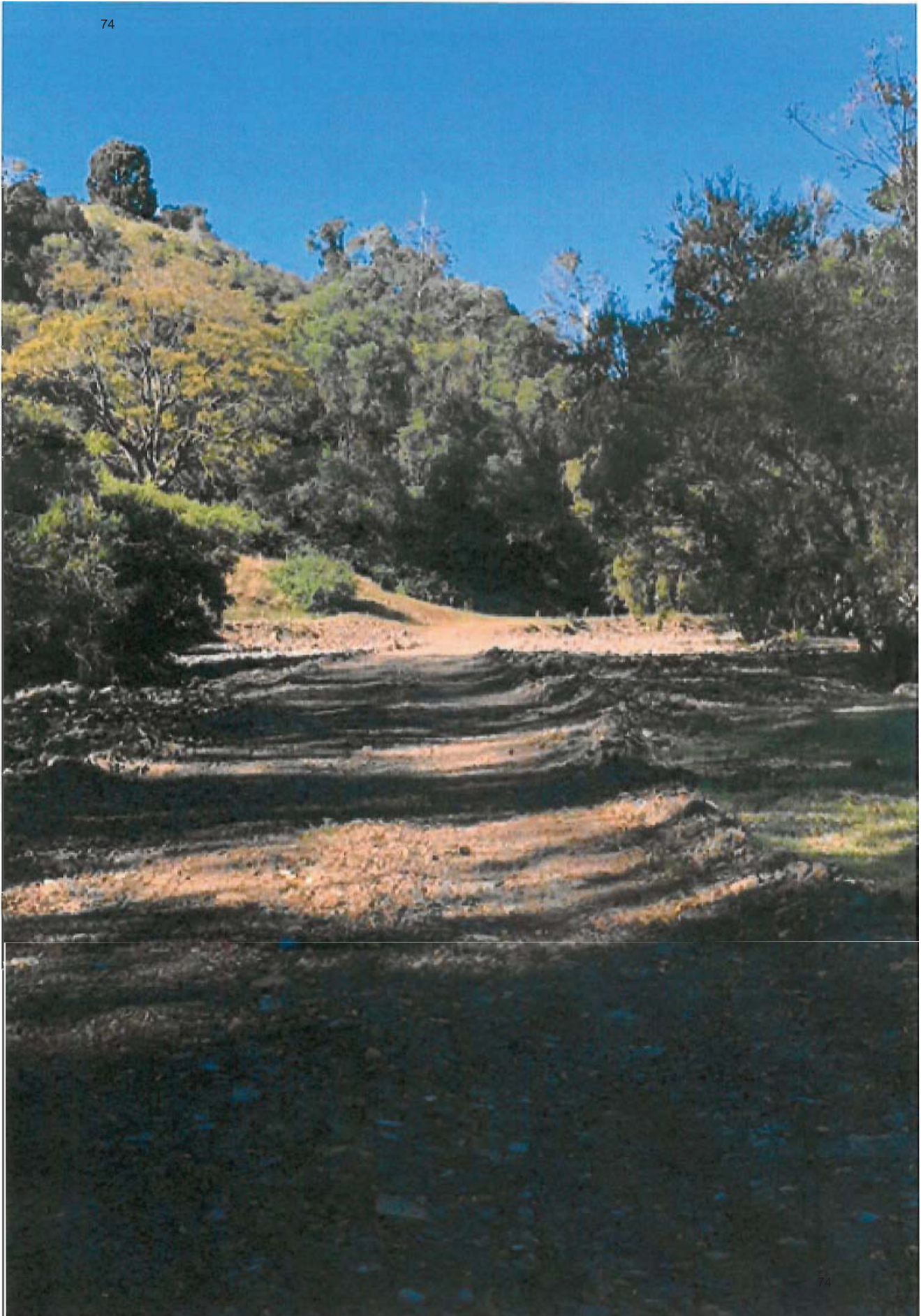


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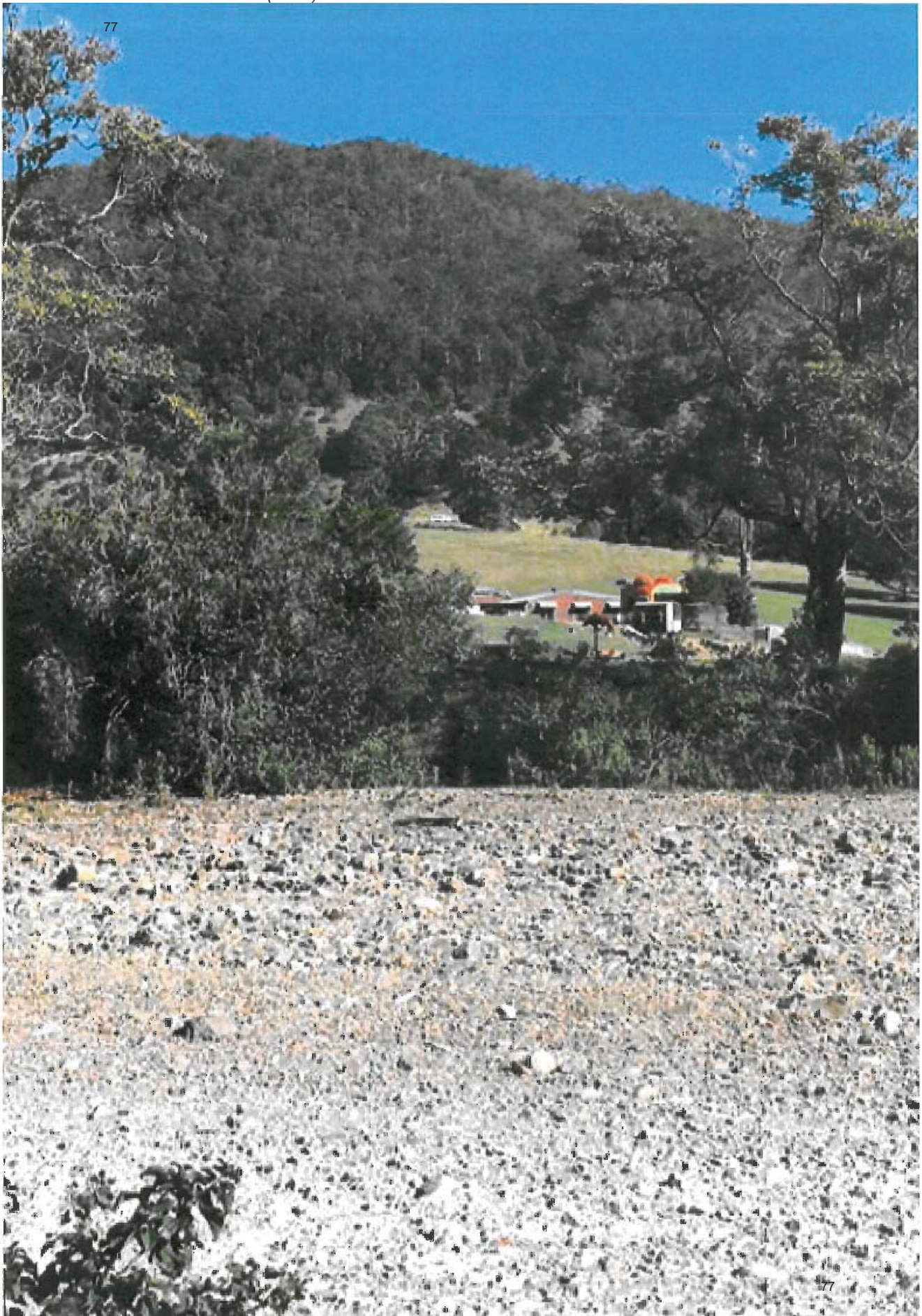


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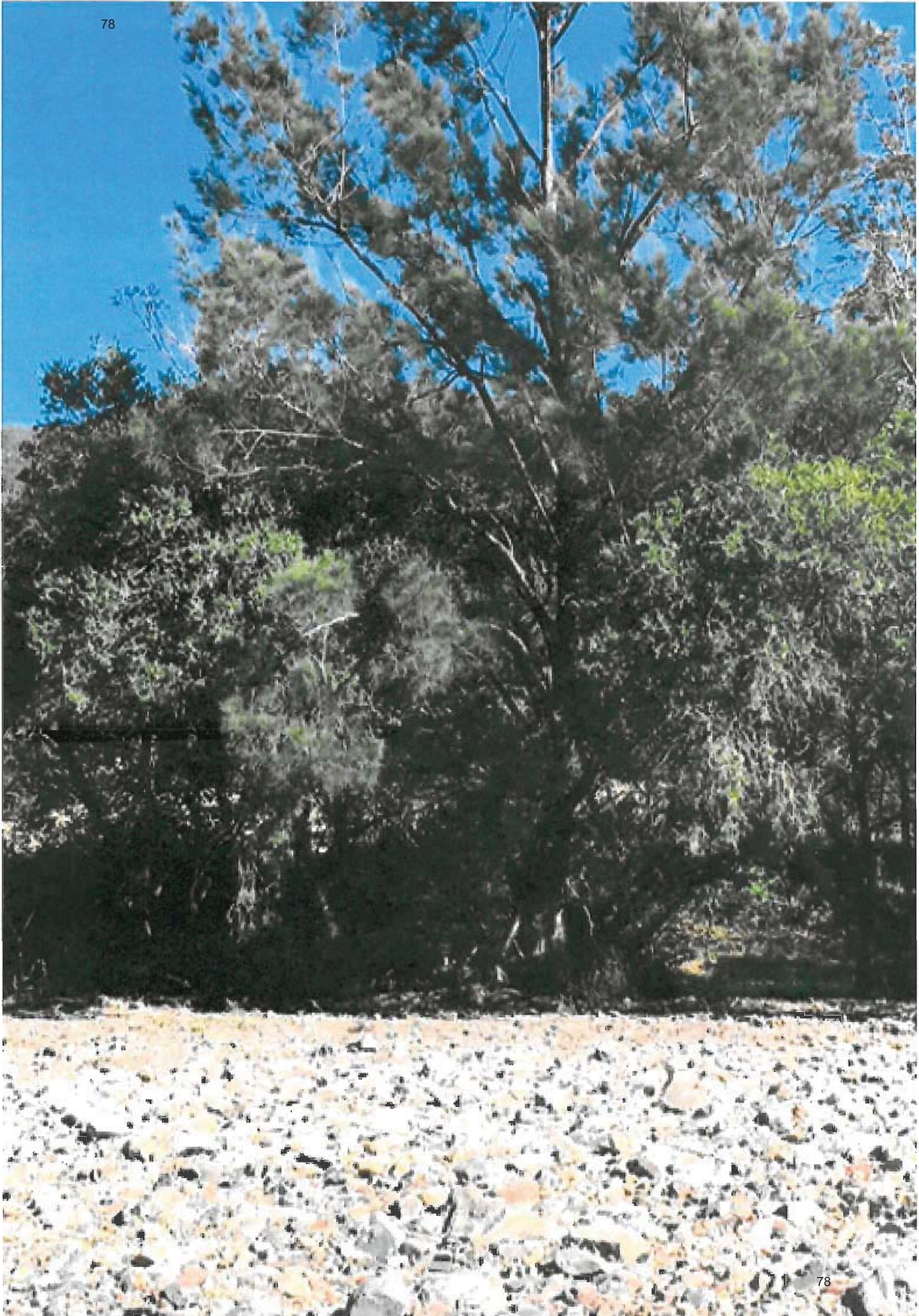
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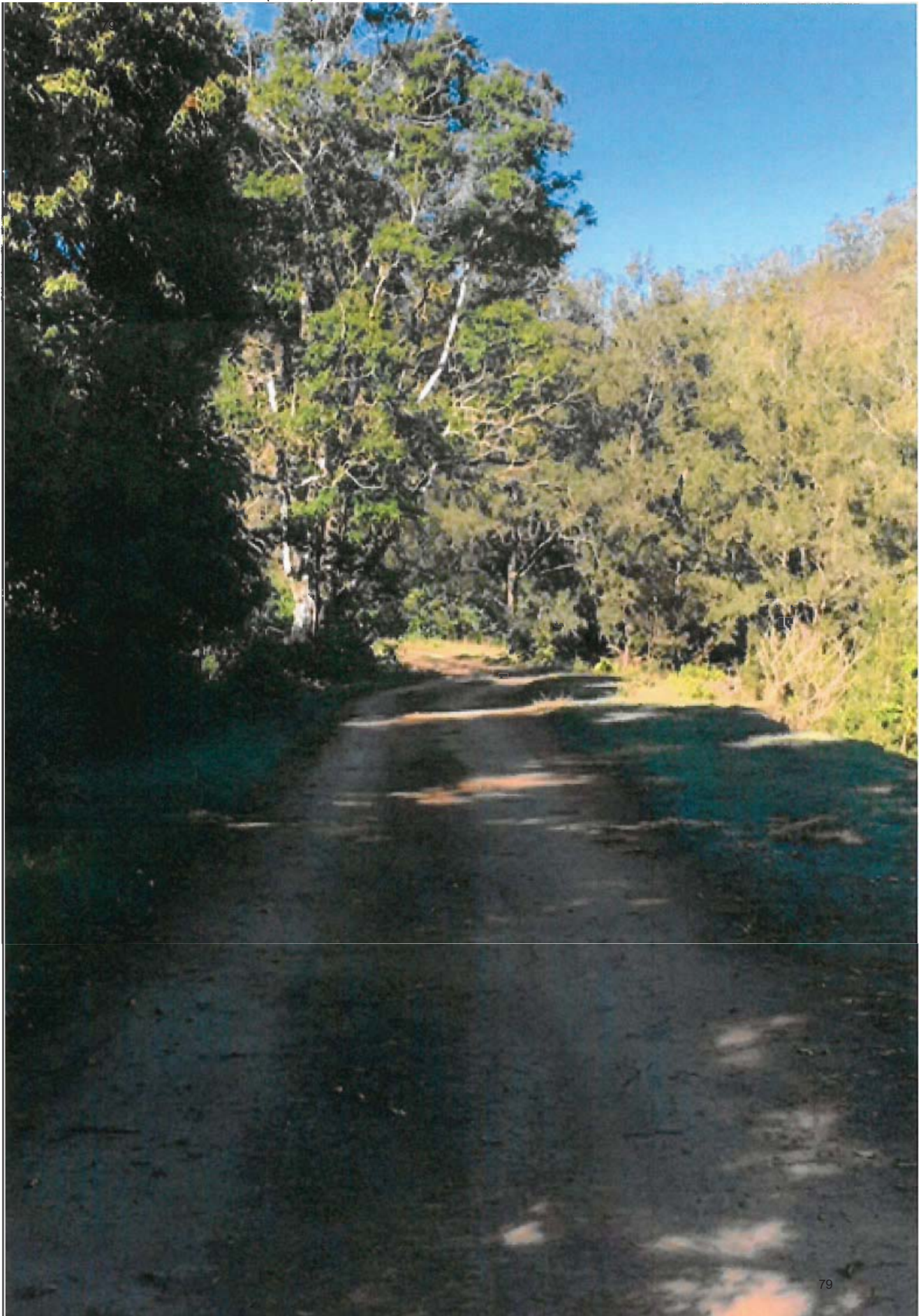
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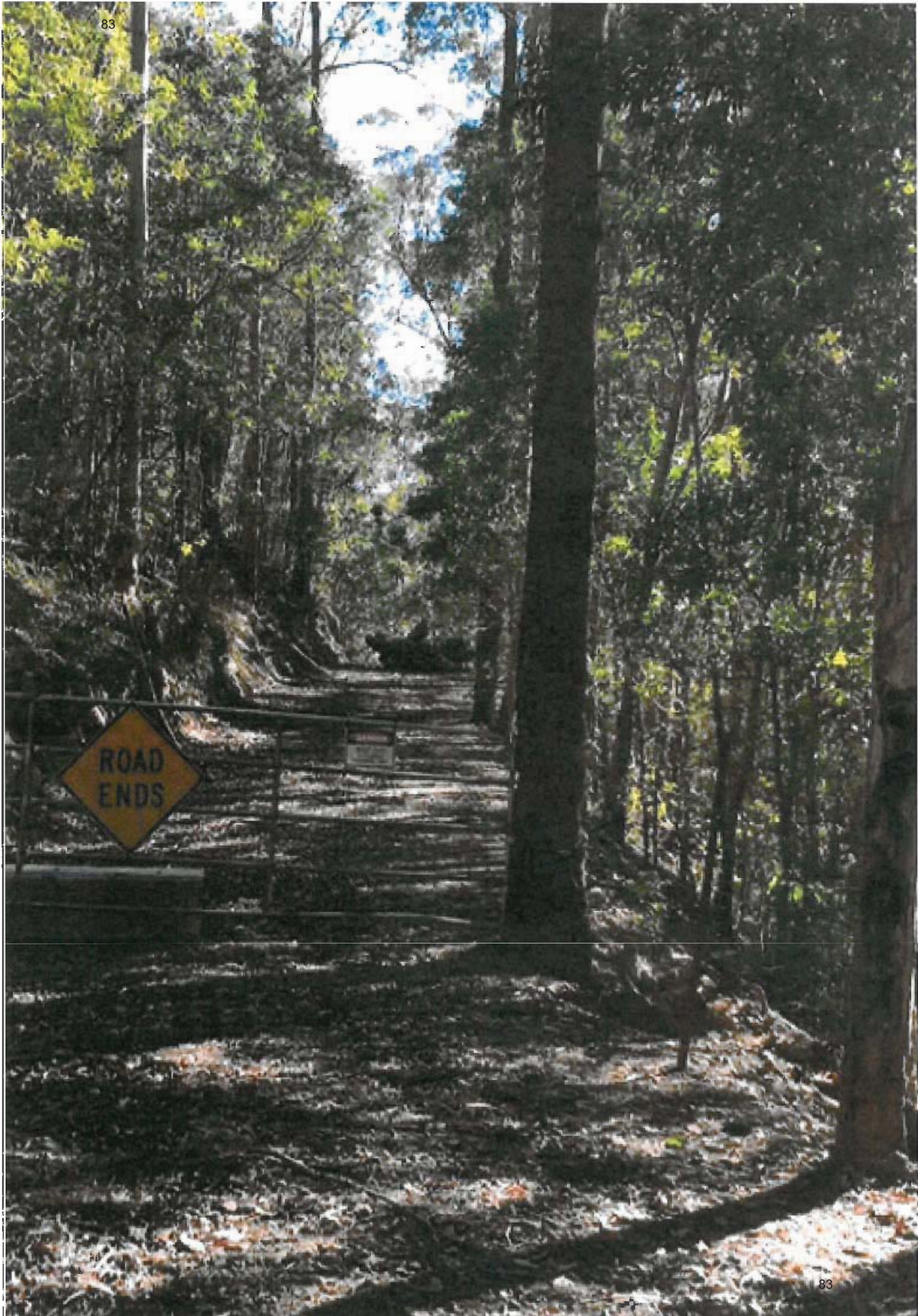


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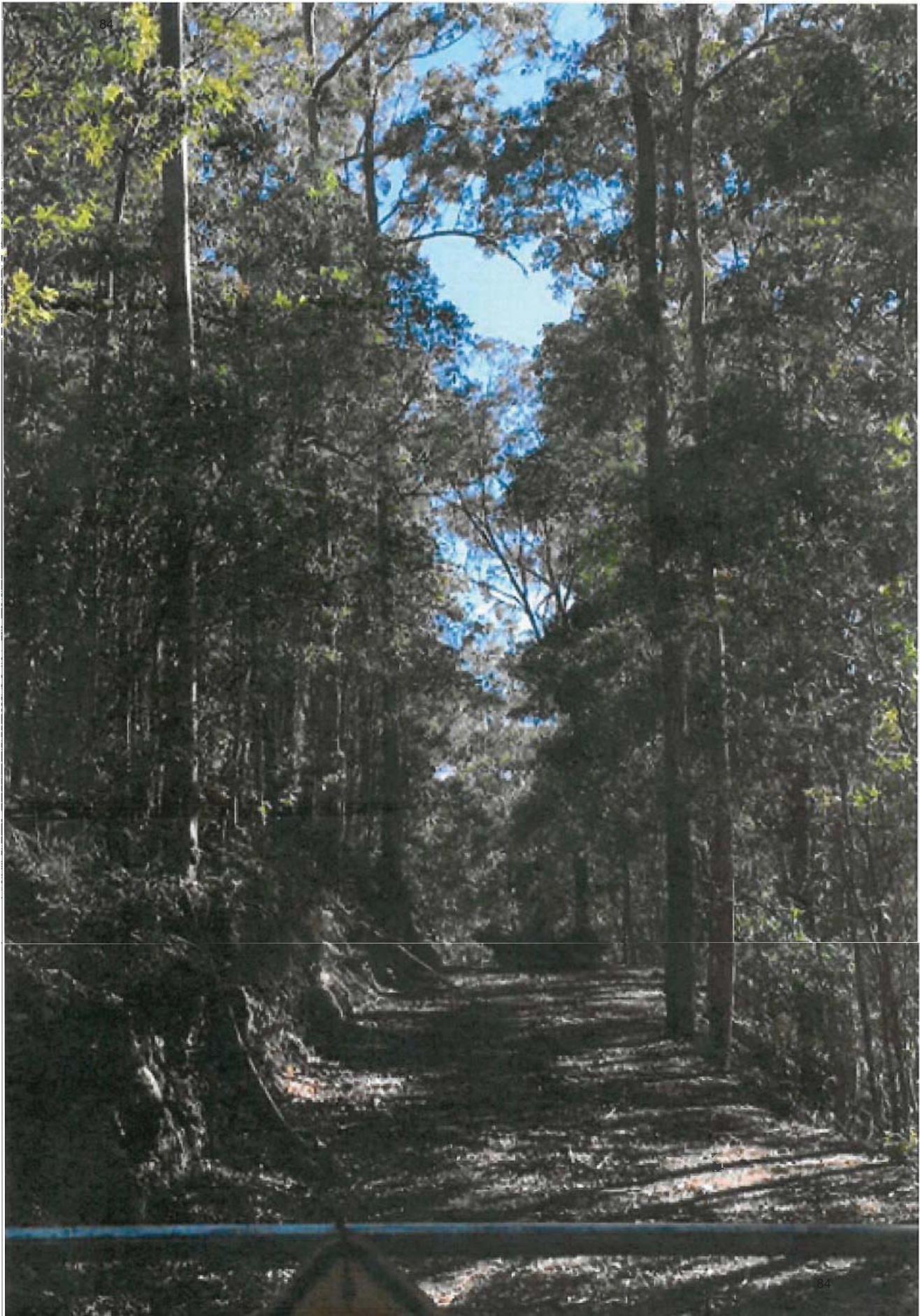
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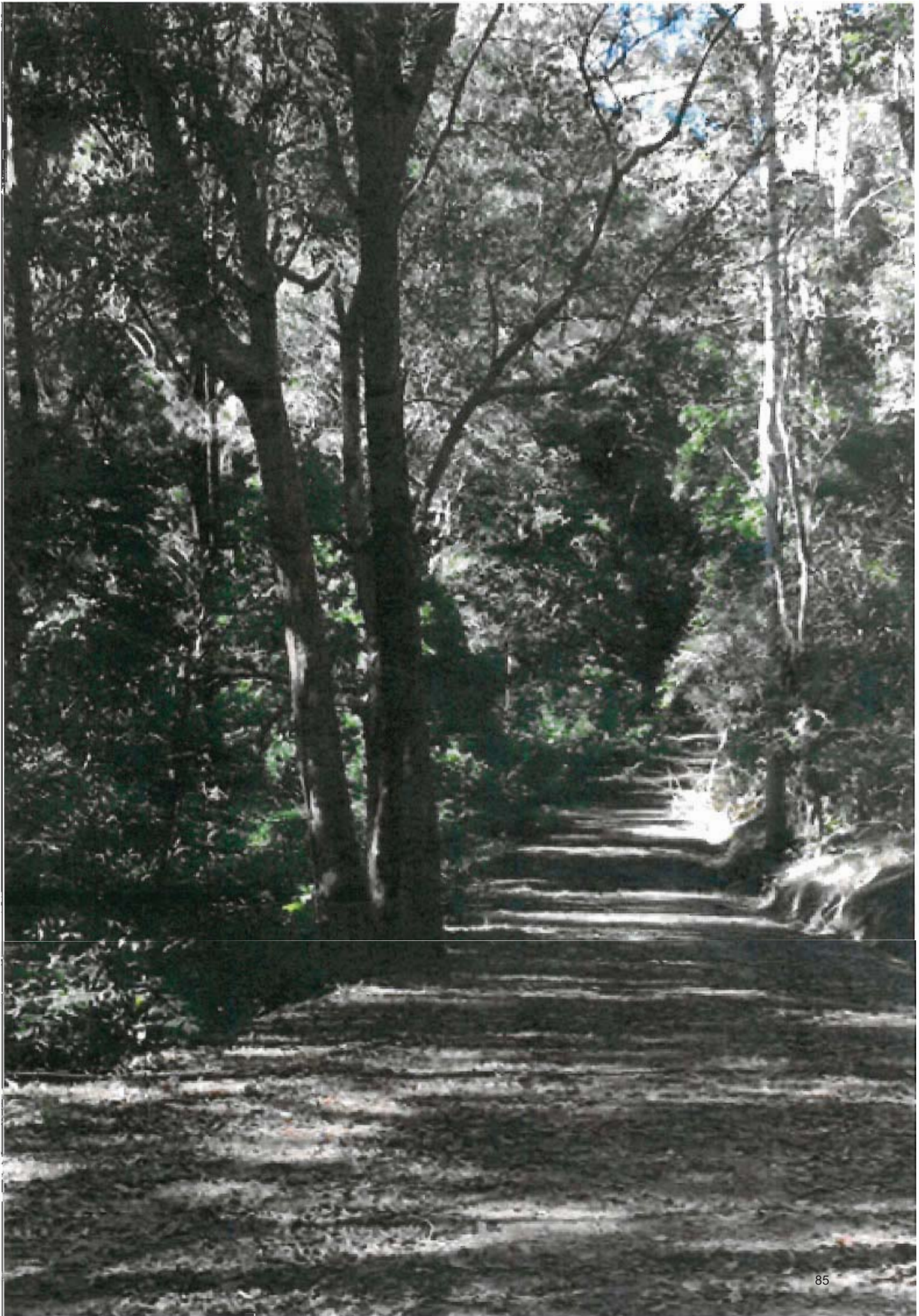
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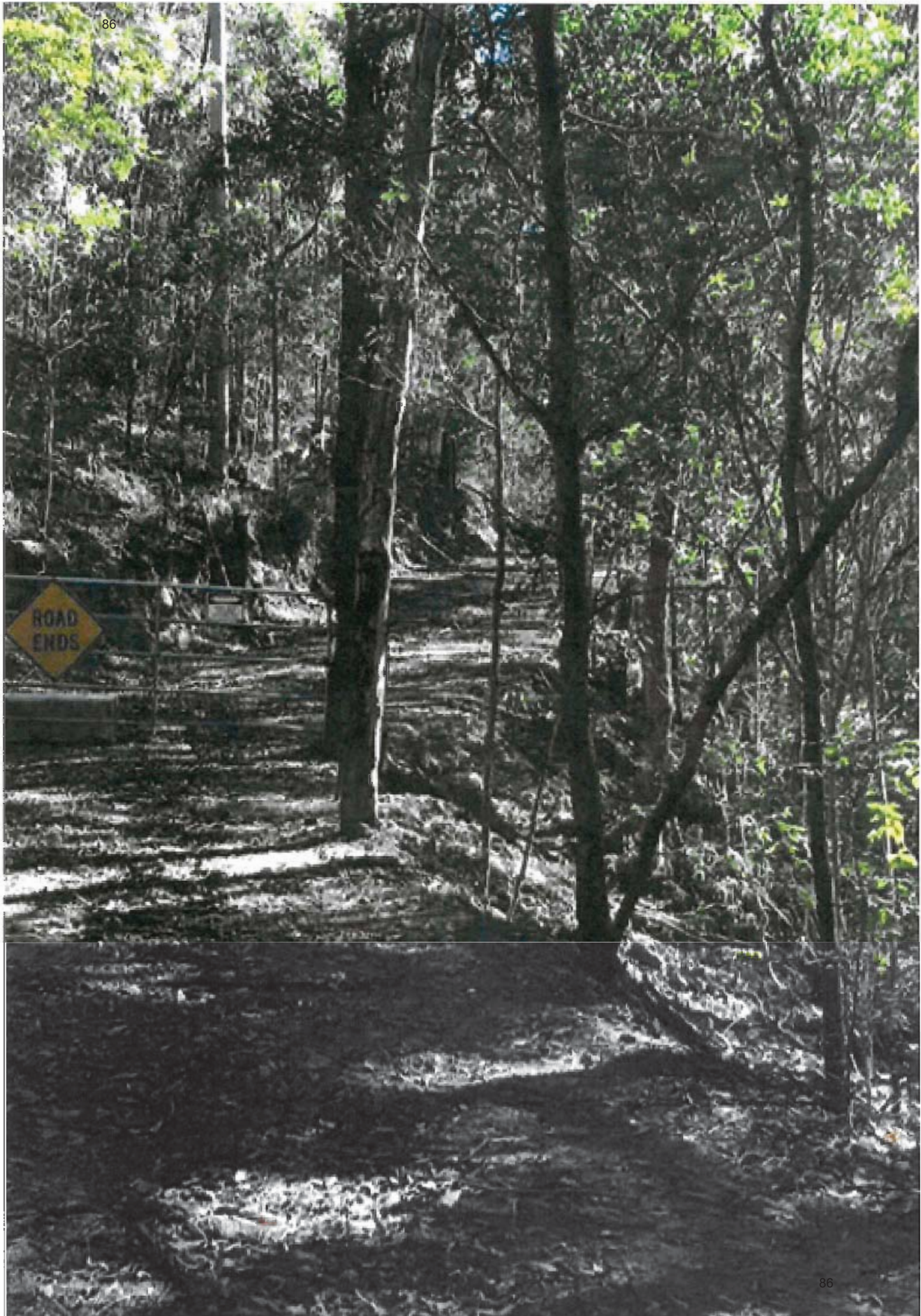


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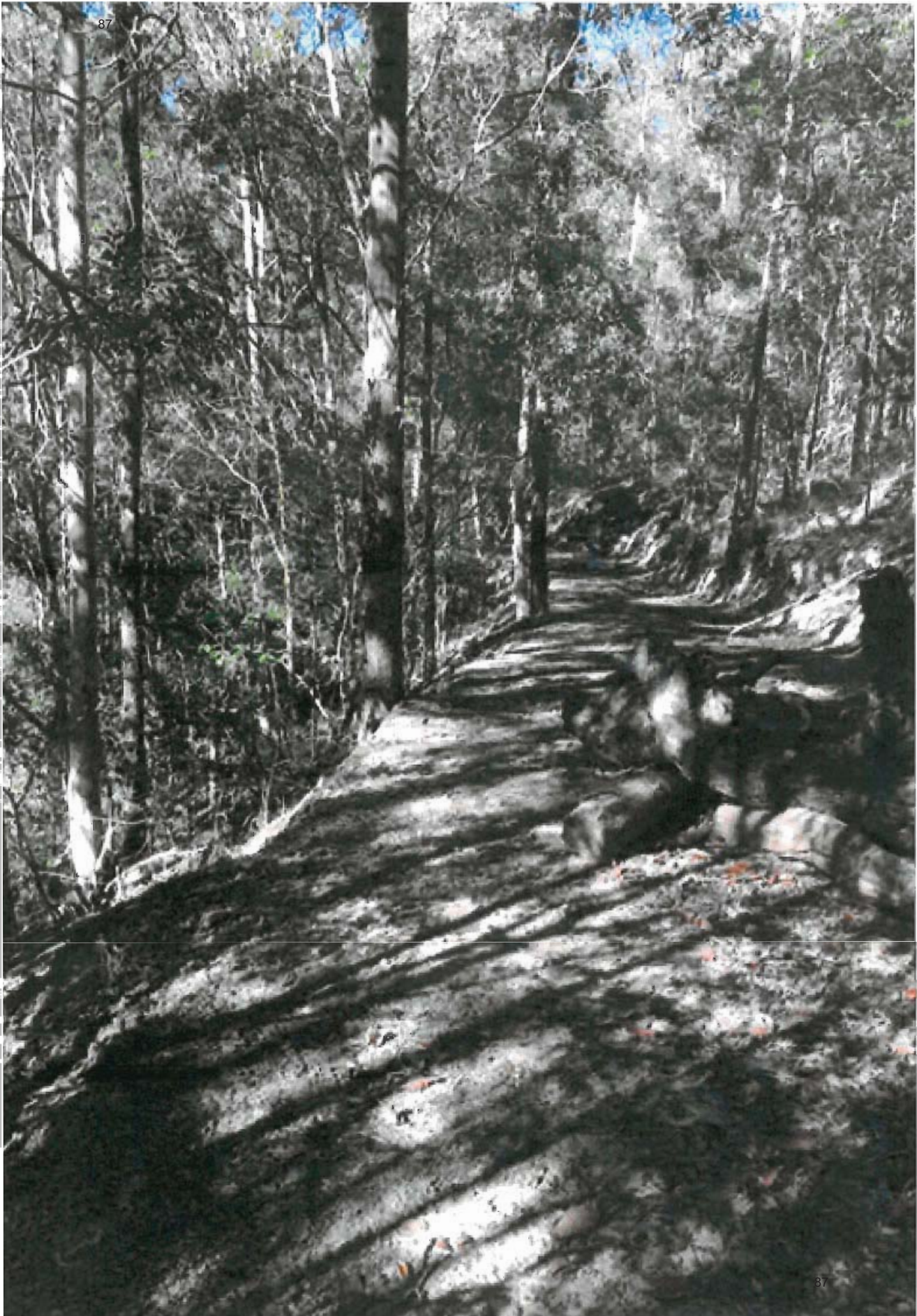
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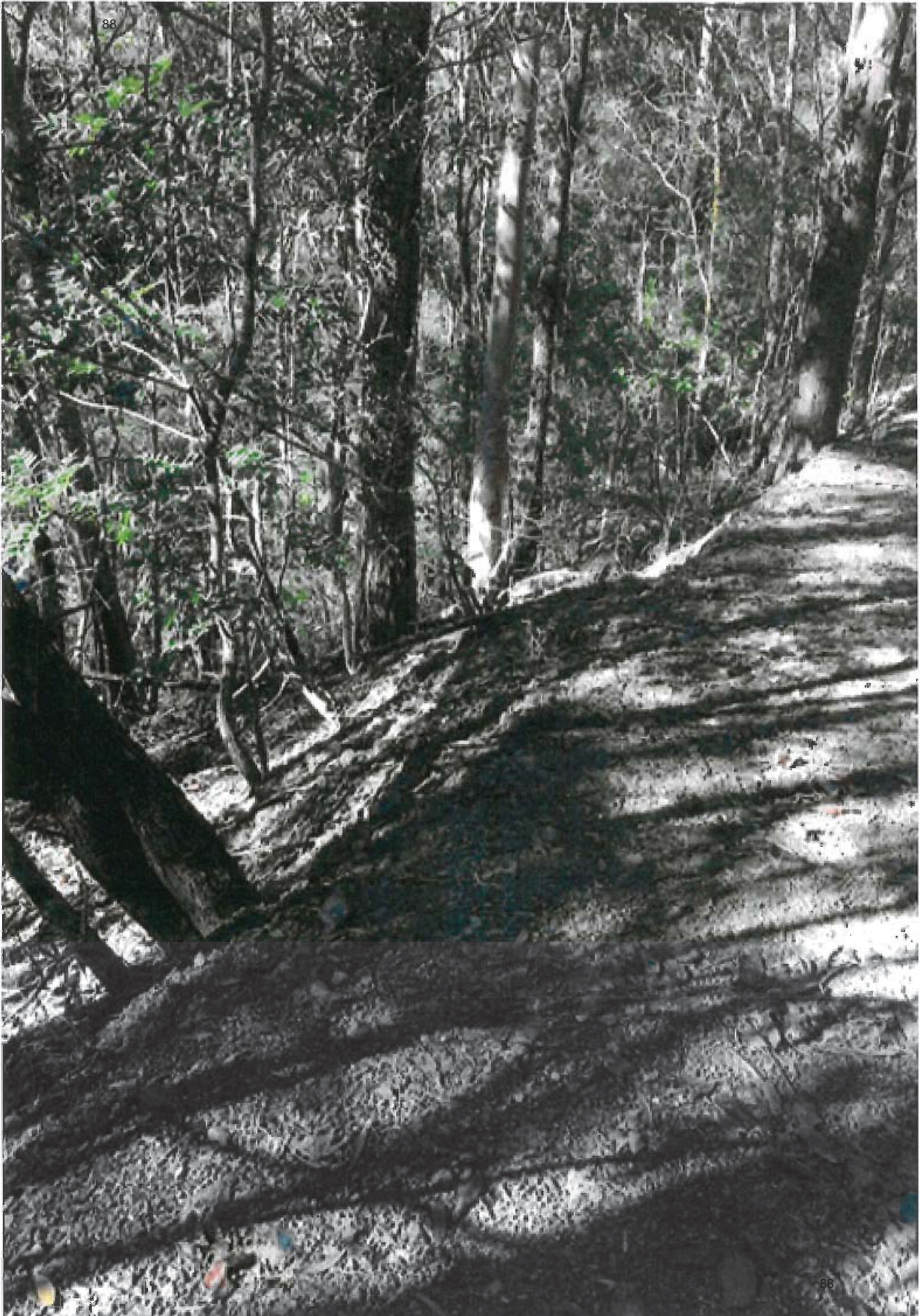
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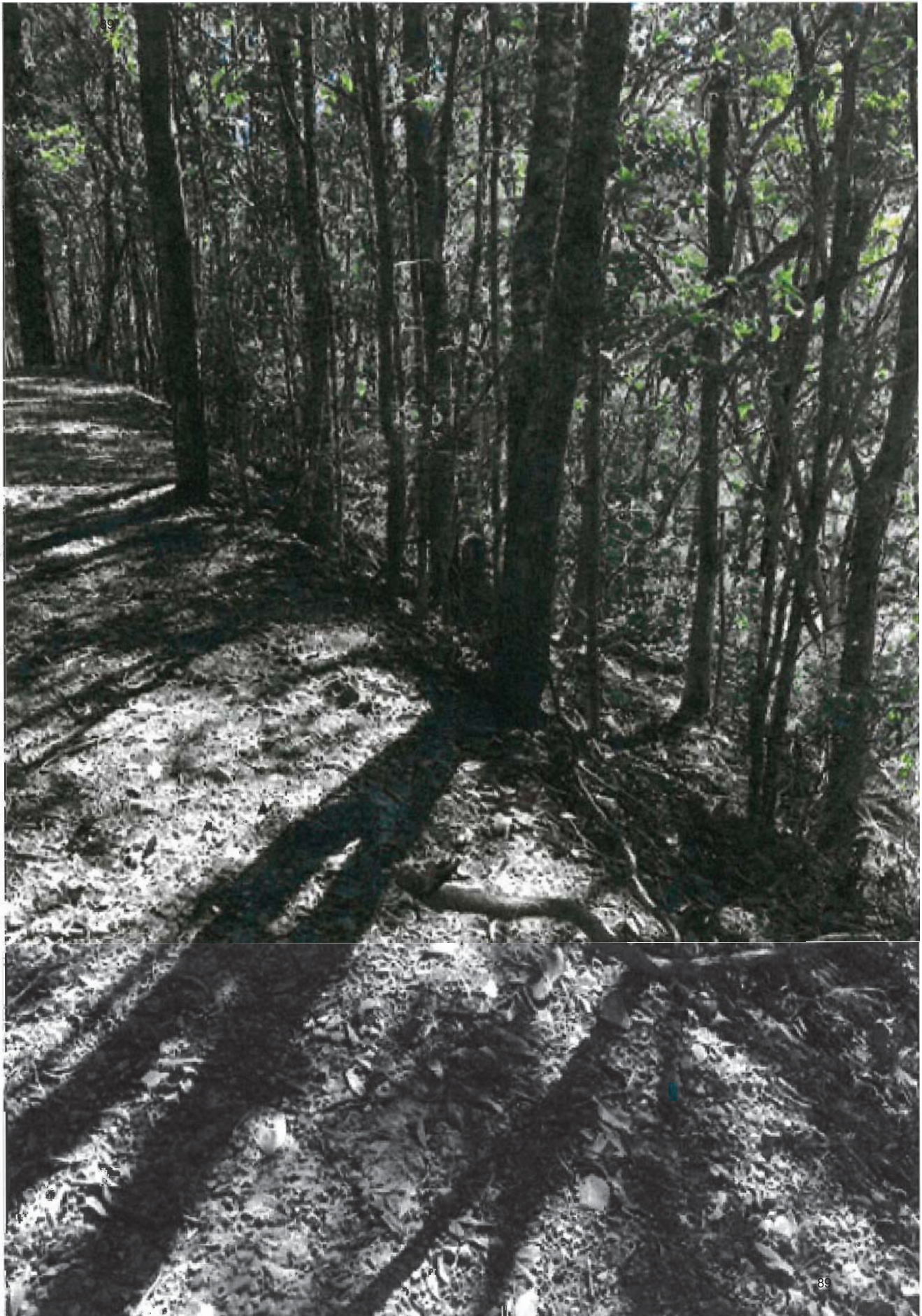


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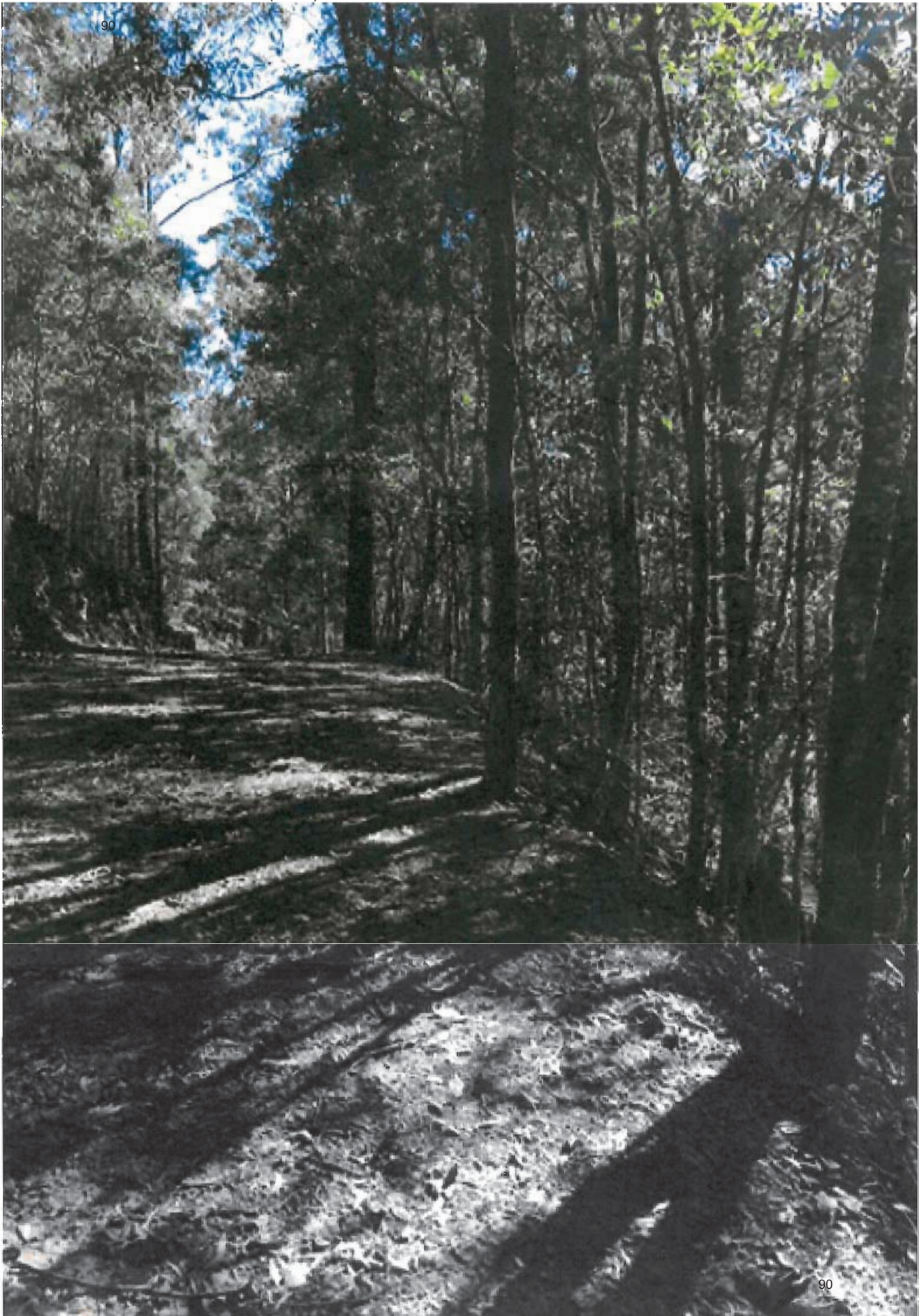


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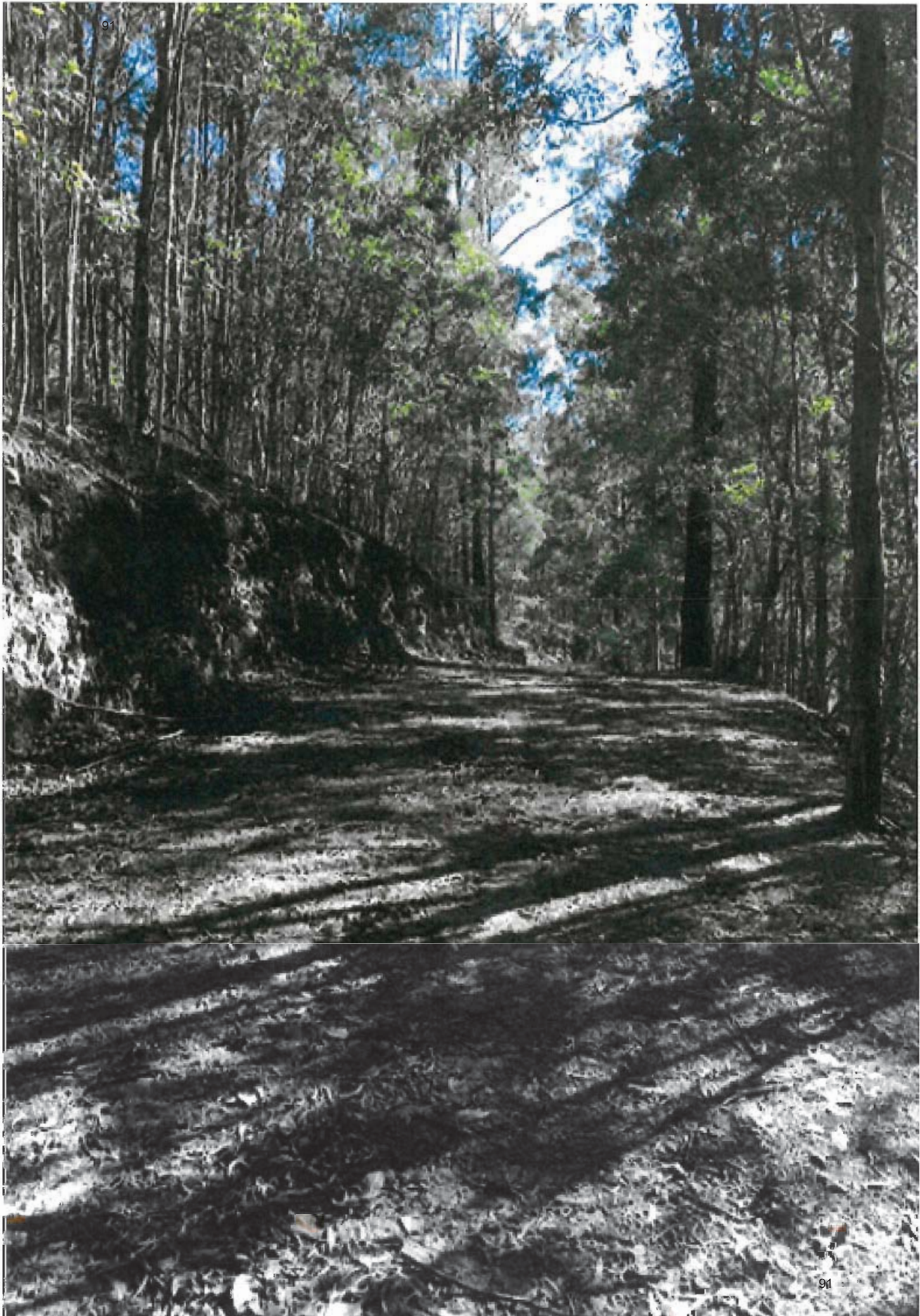
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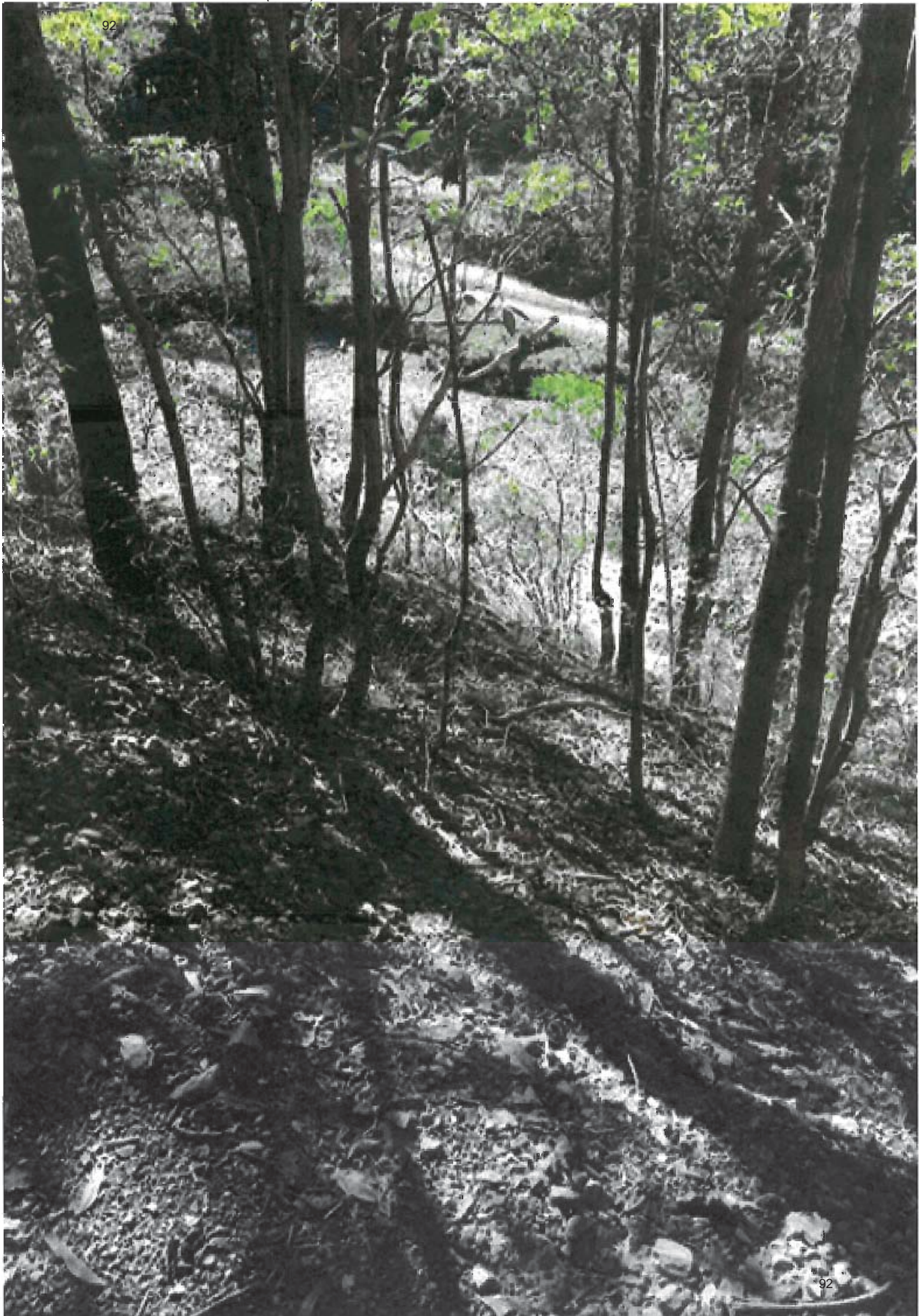
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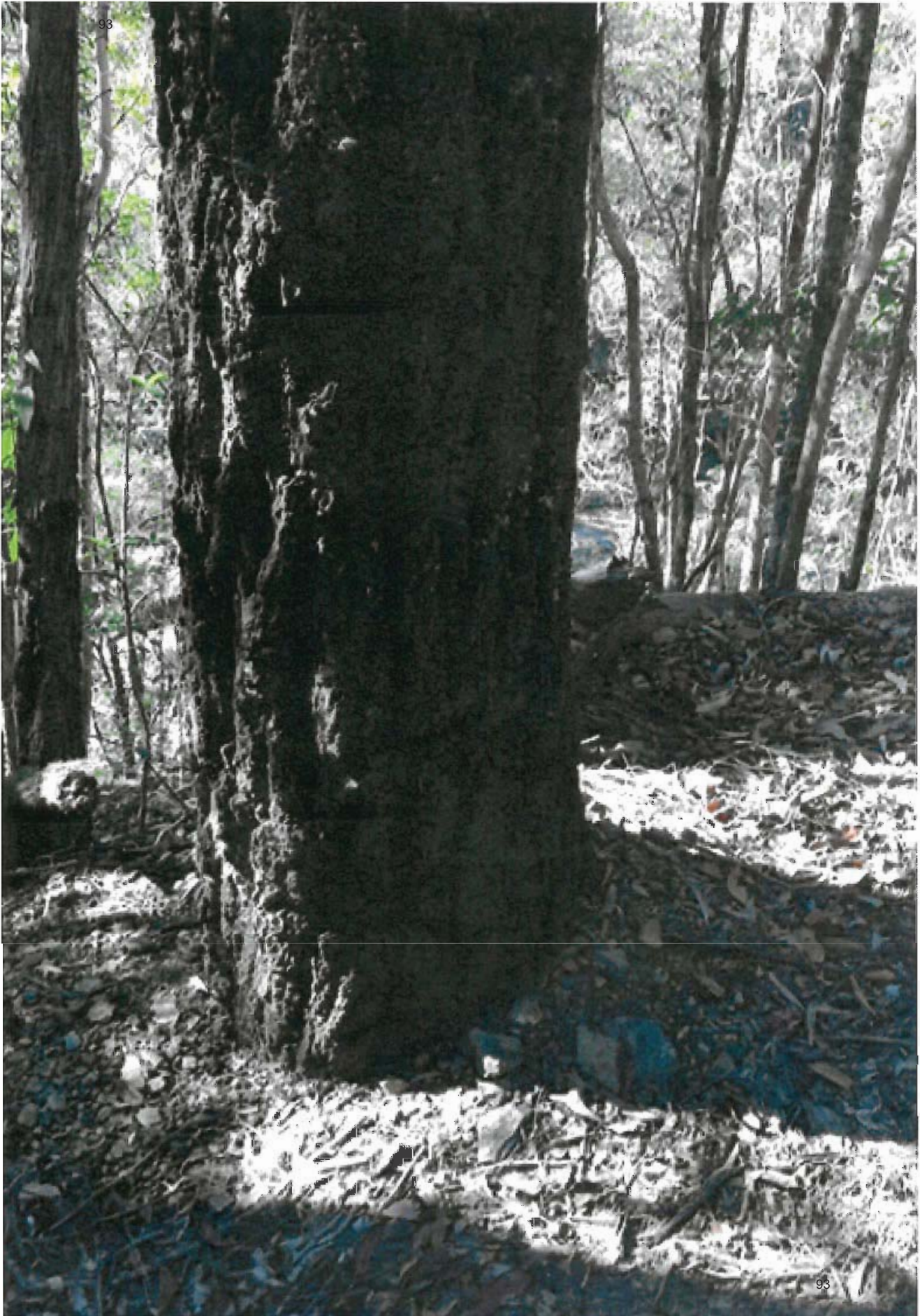
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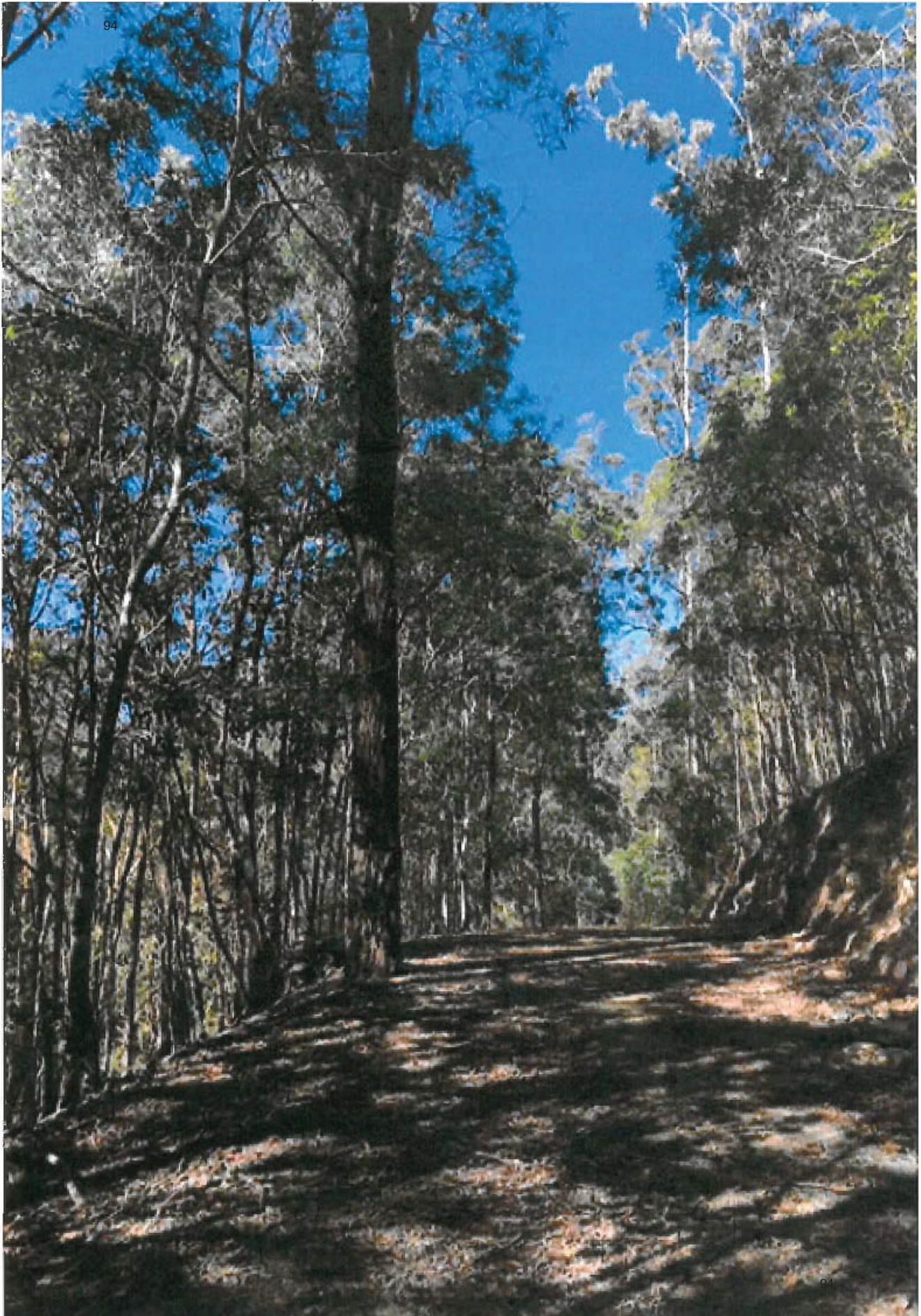
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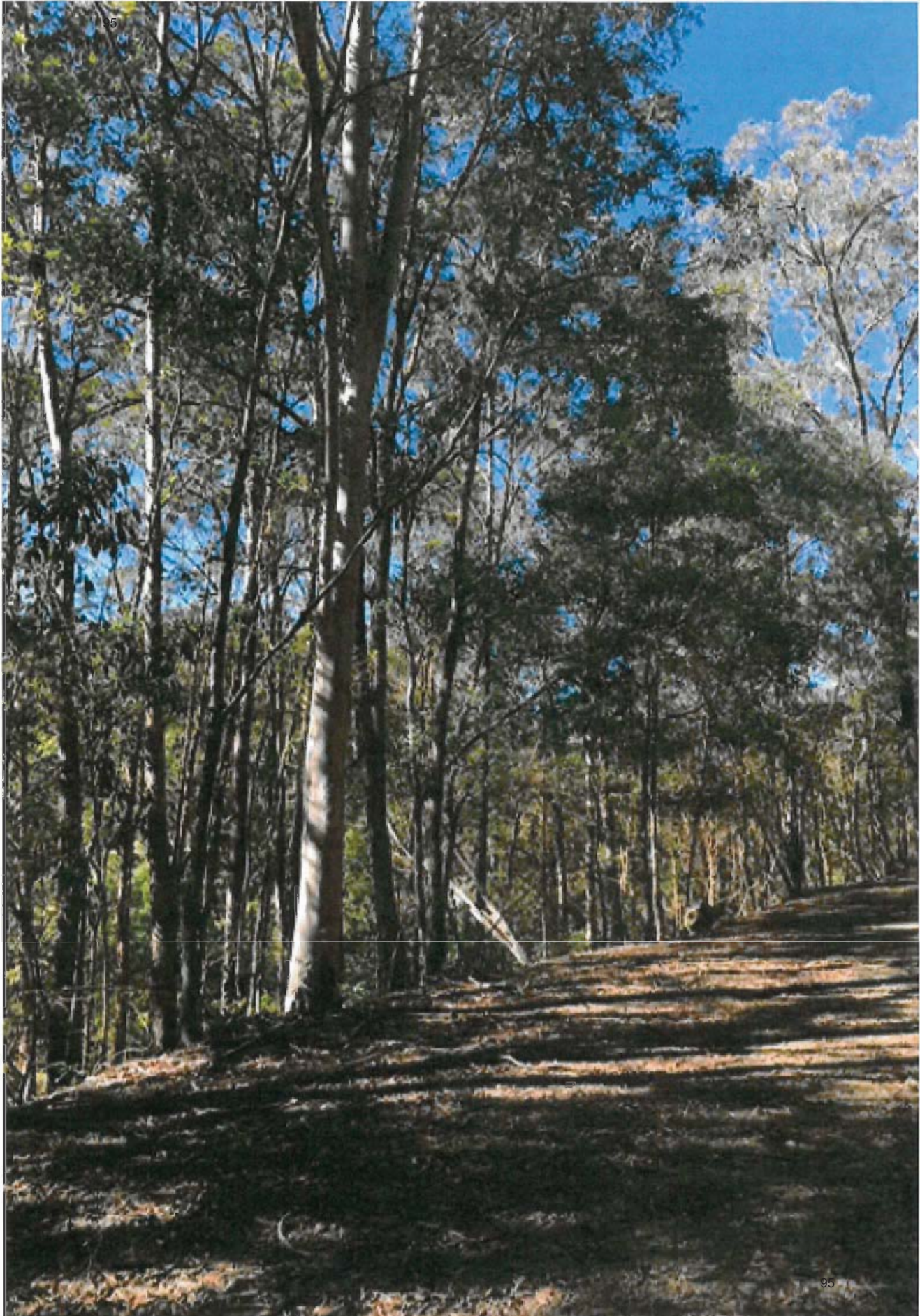
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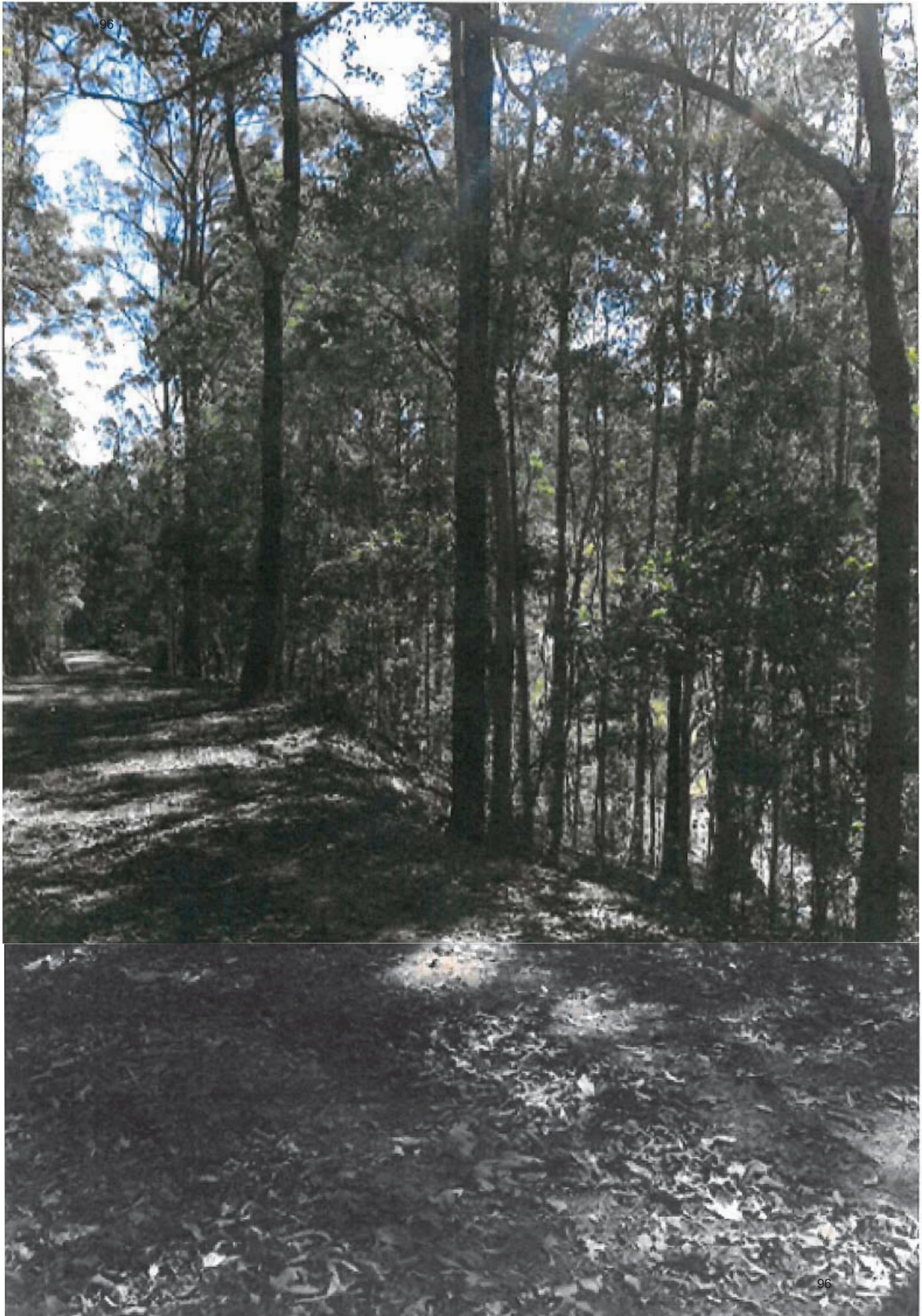
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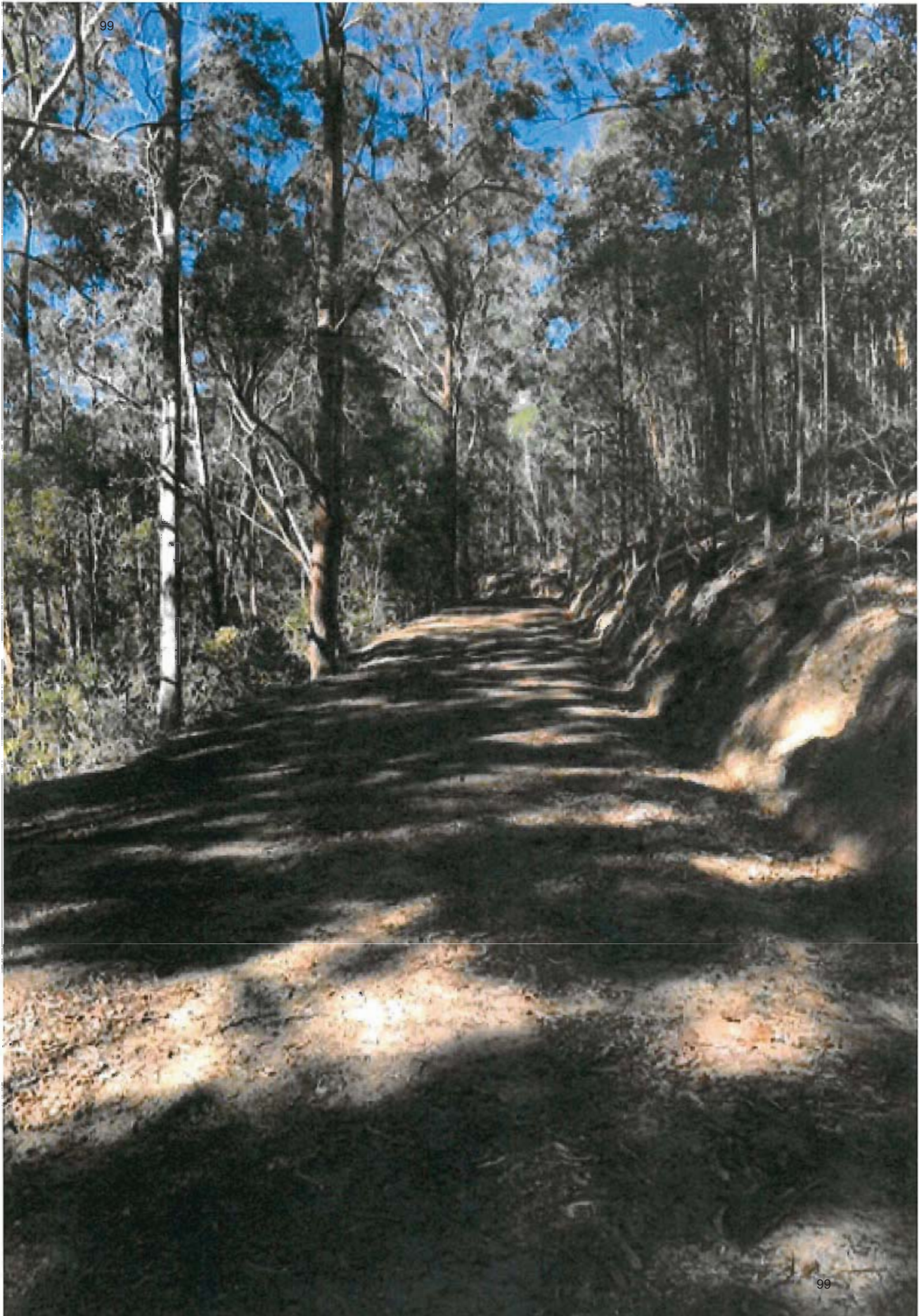
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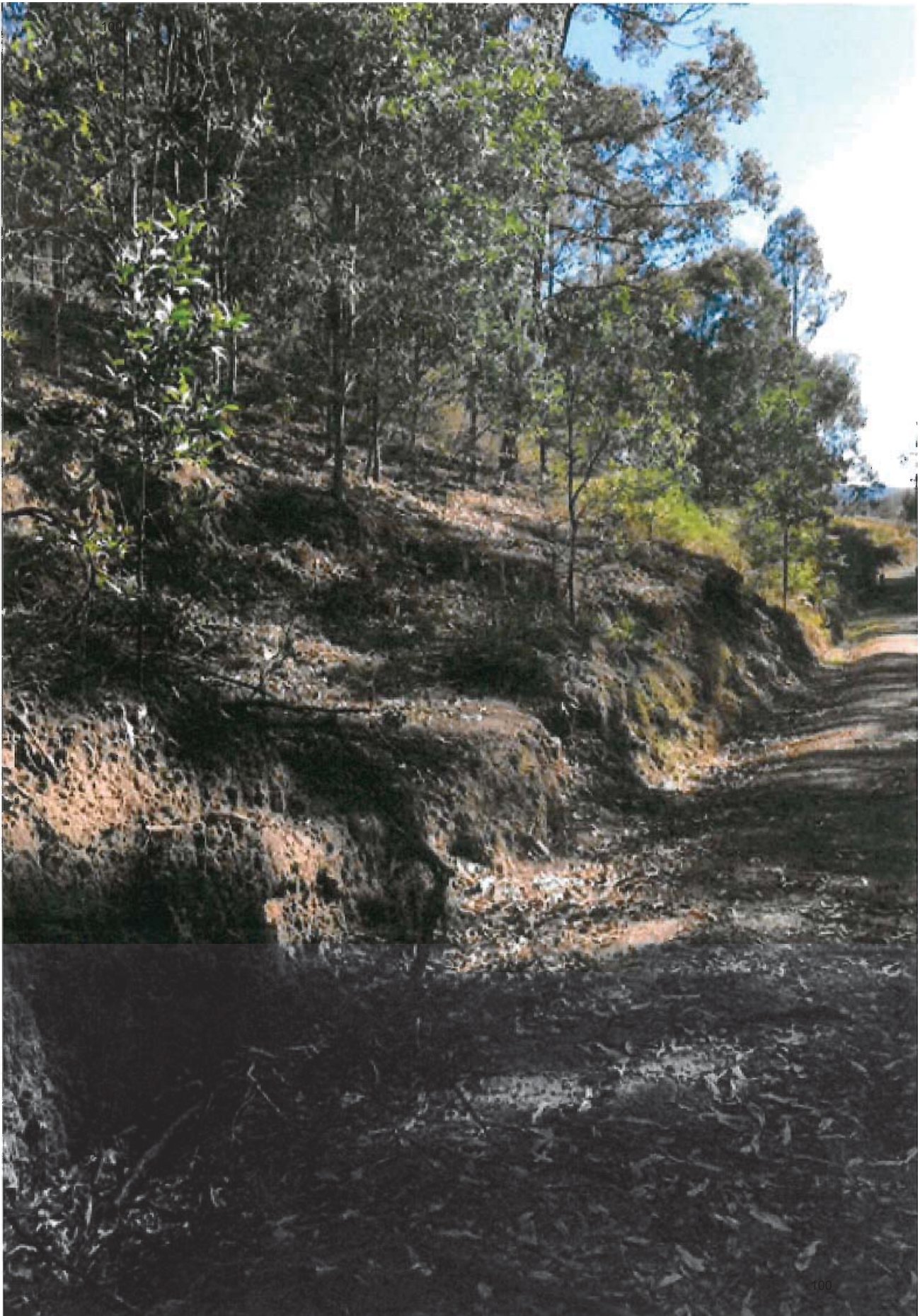
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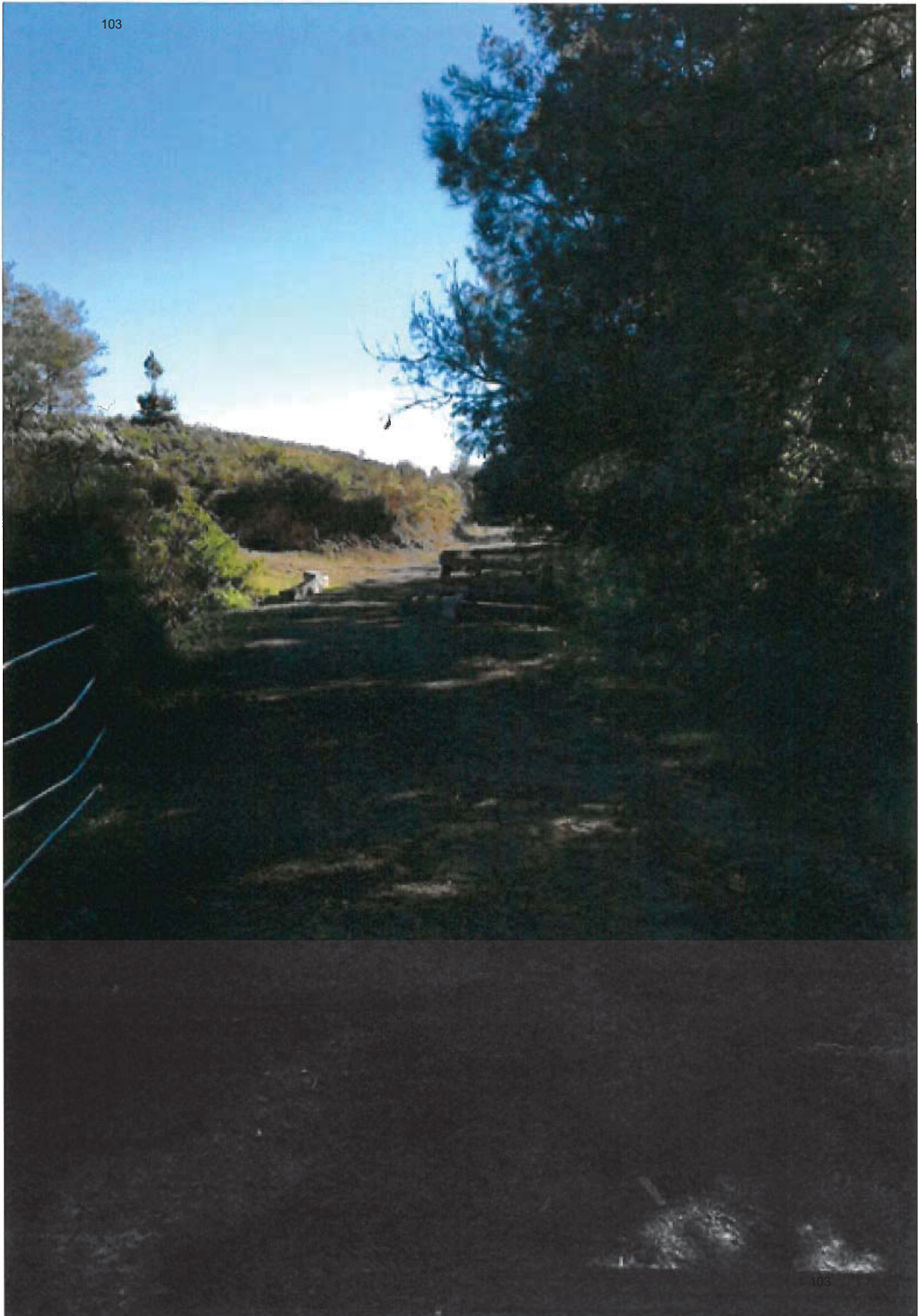
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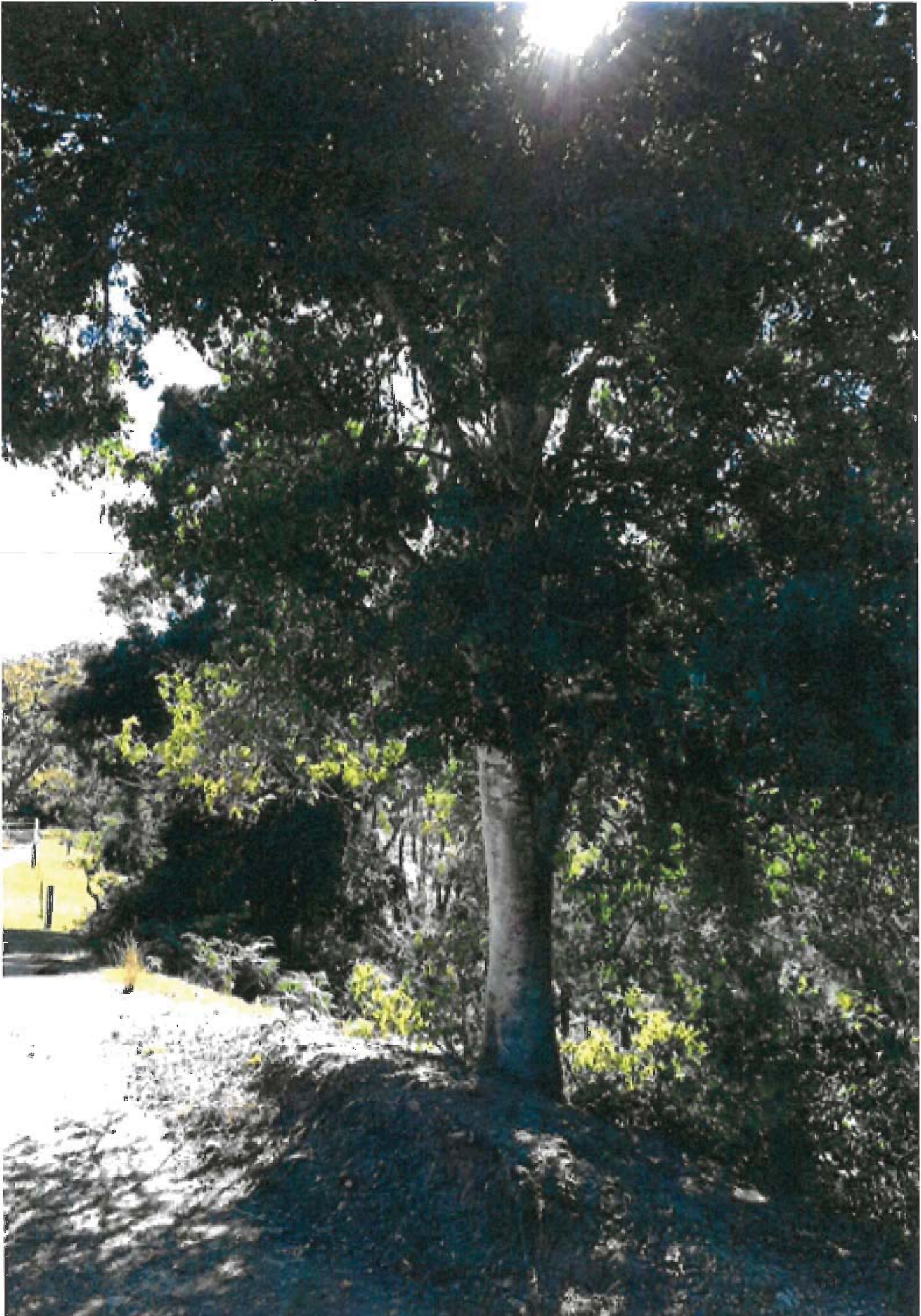
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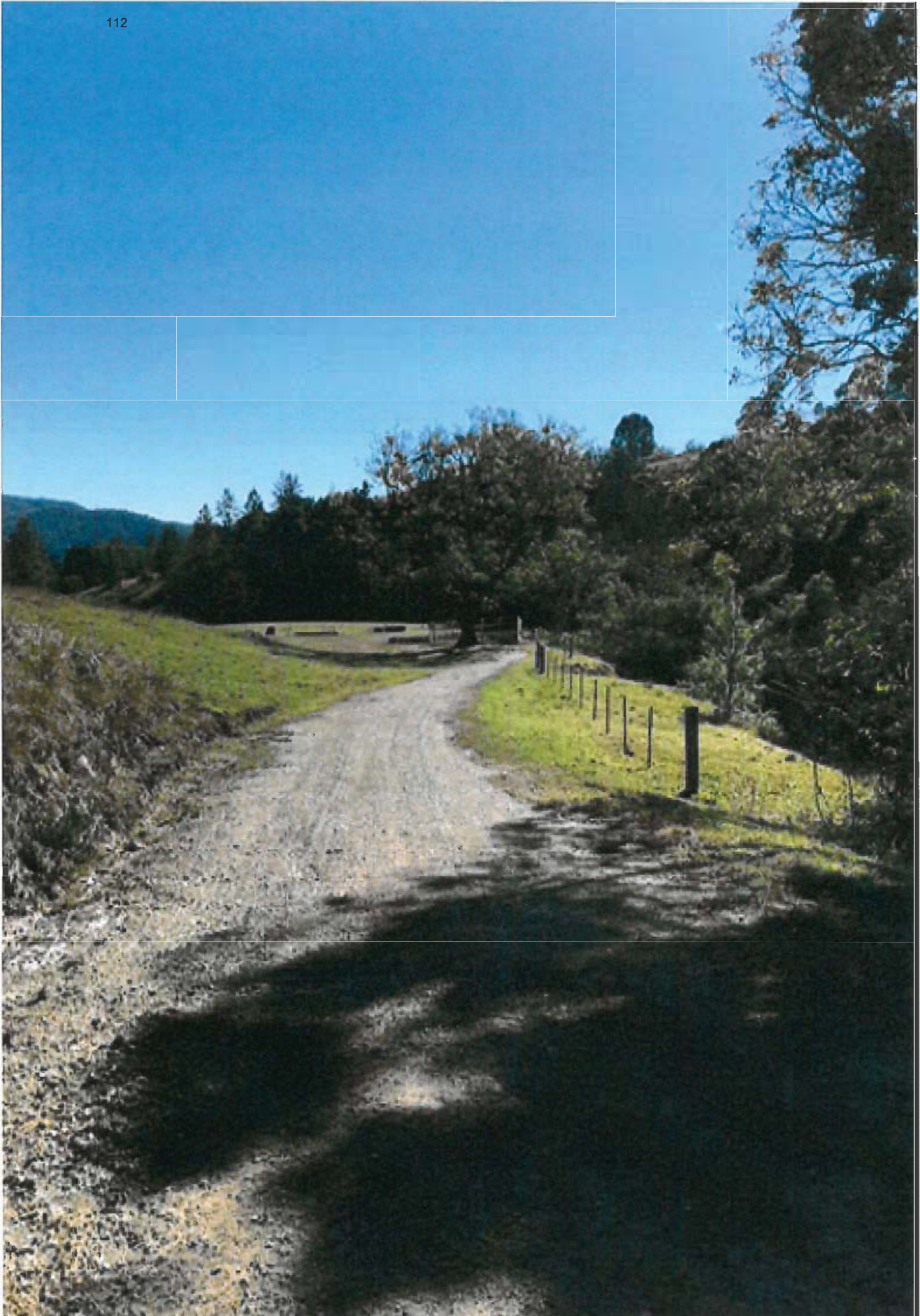


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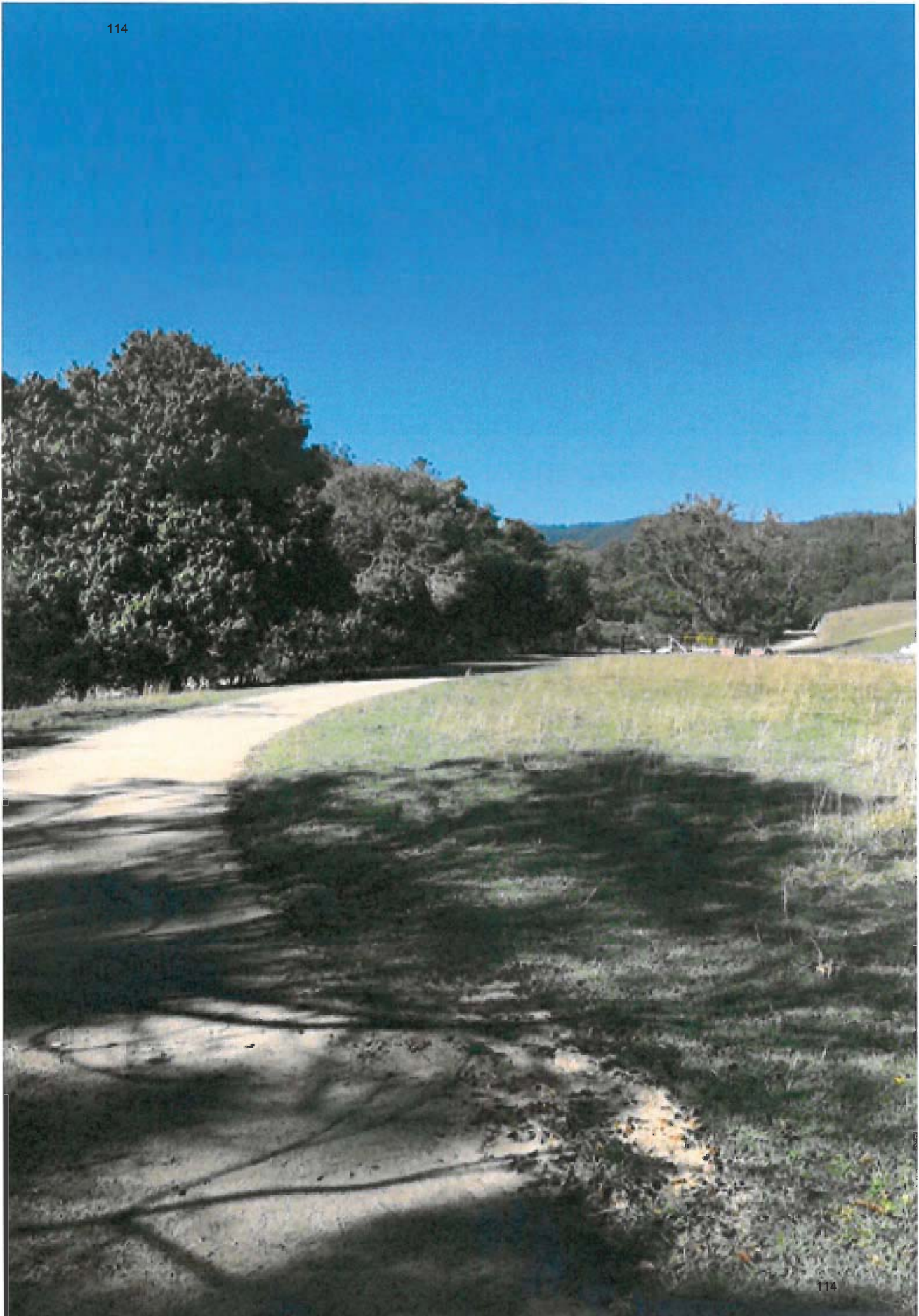
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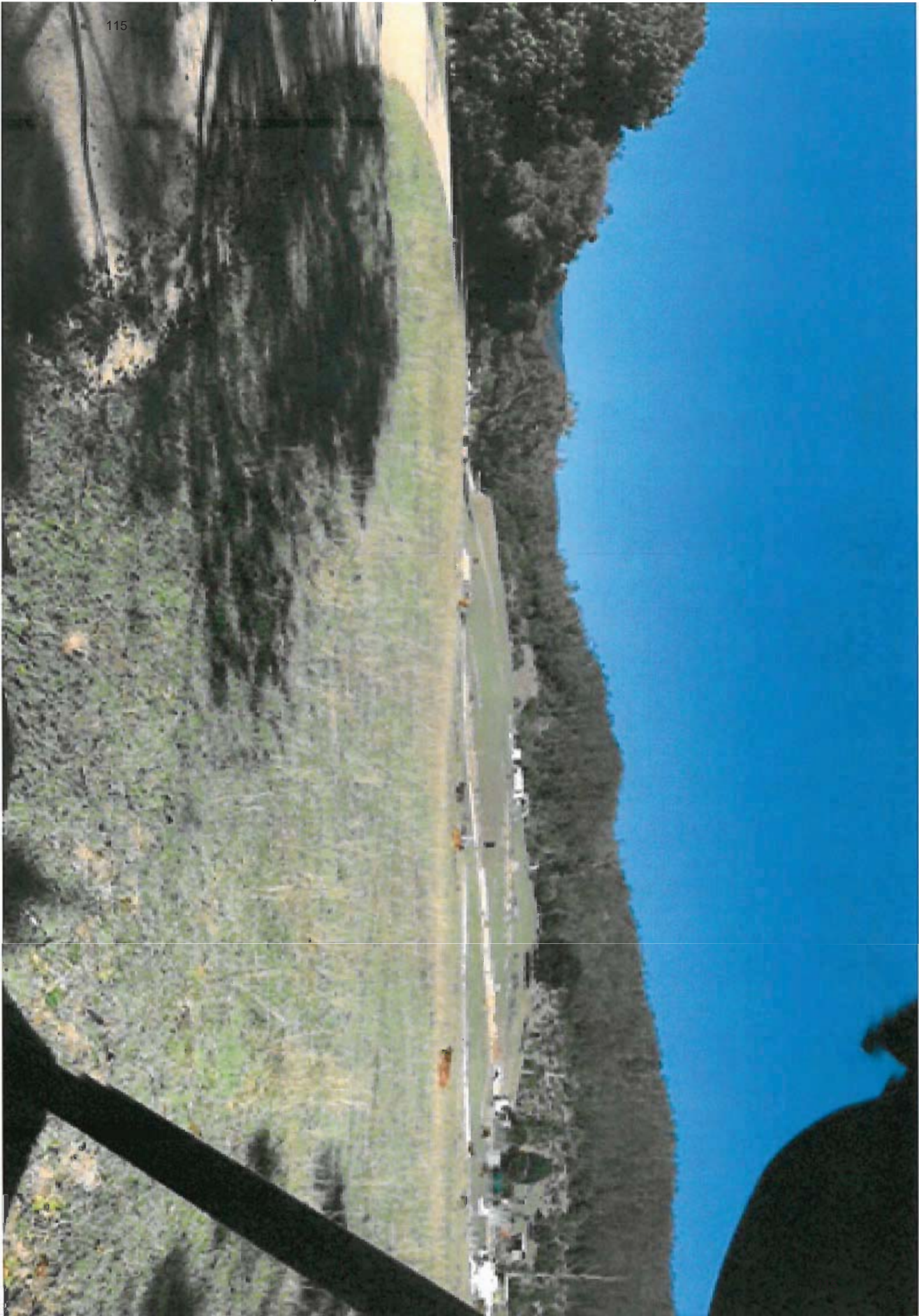
*ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK -  
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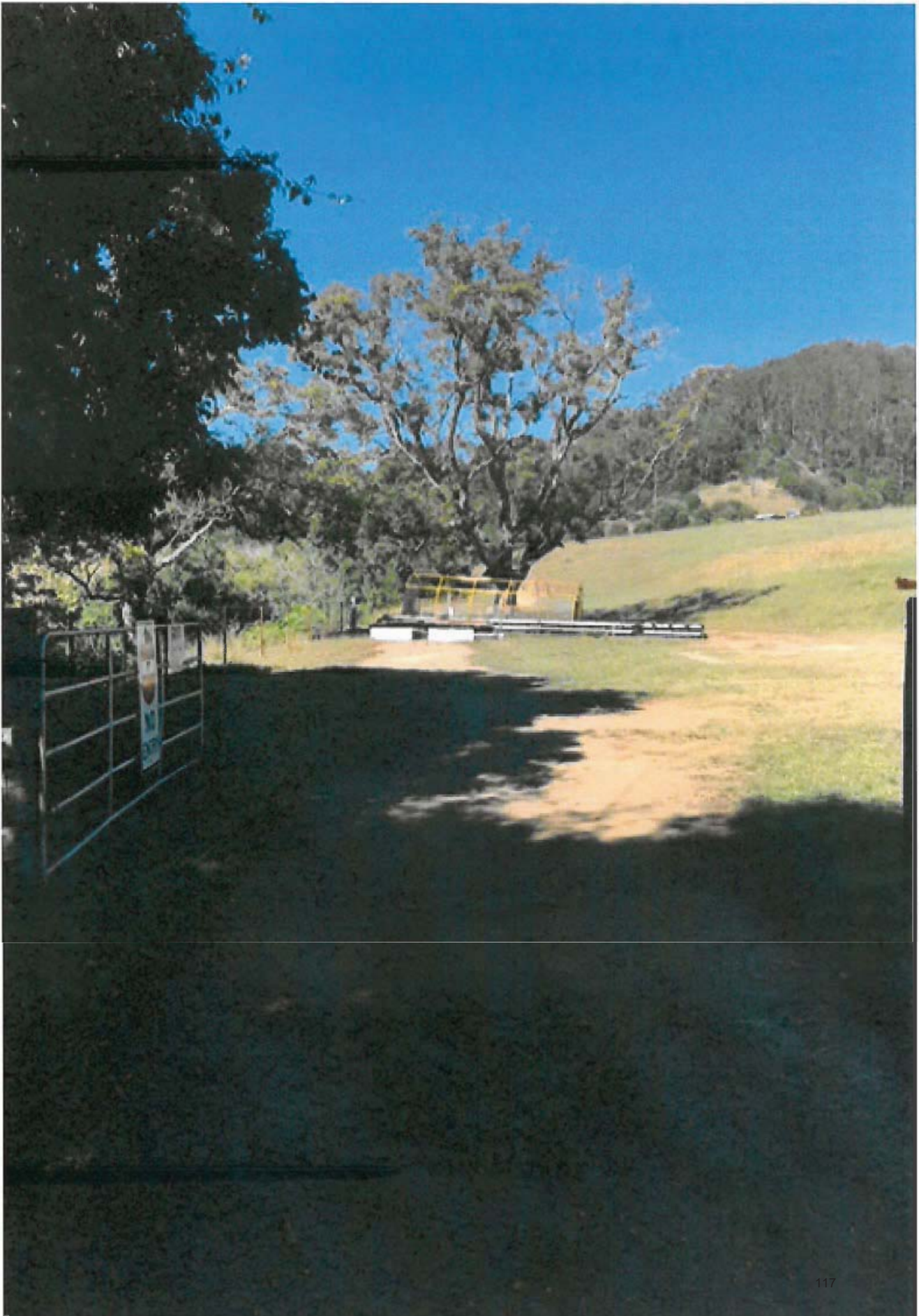


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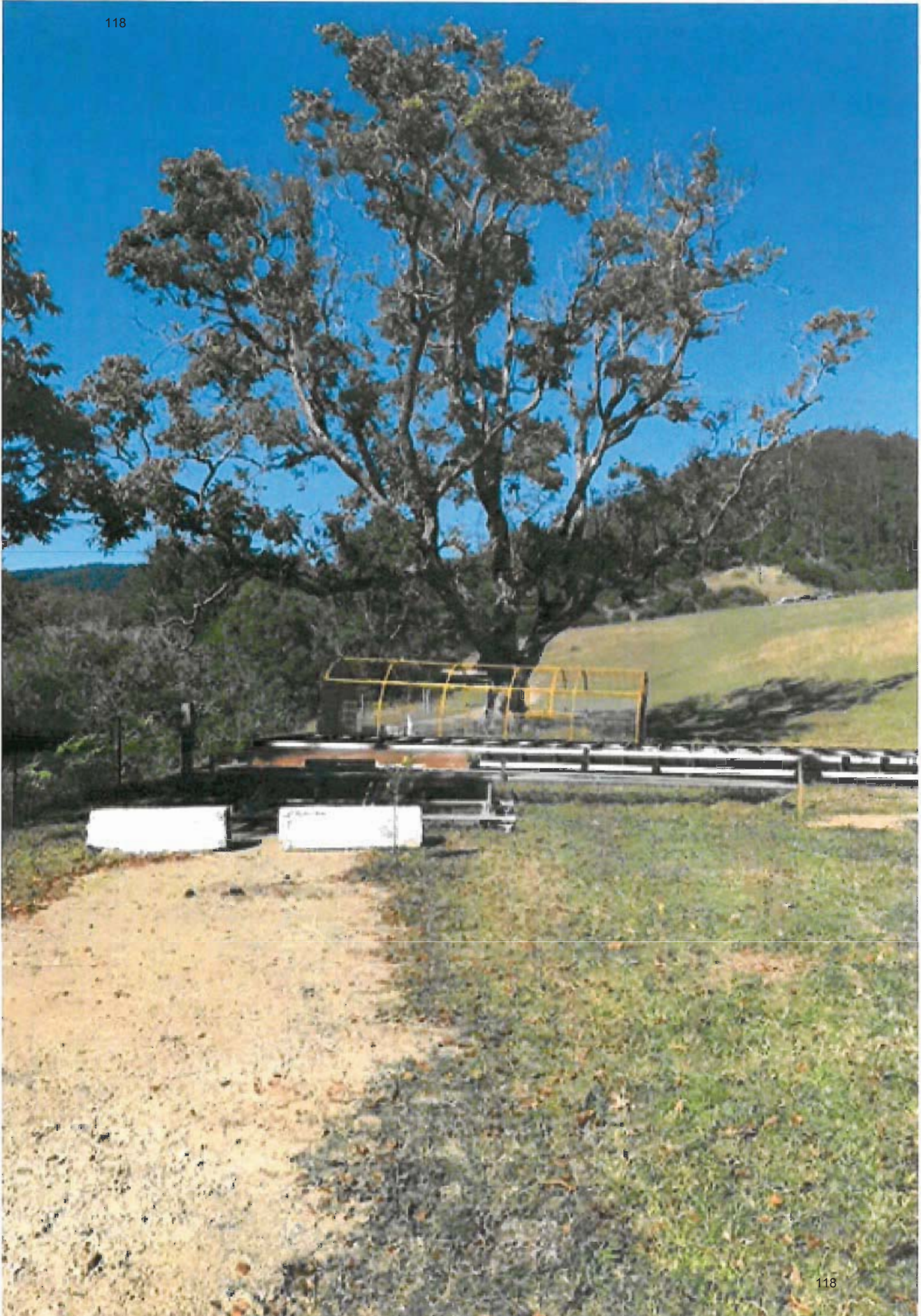
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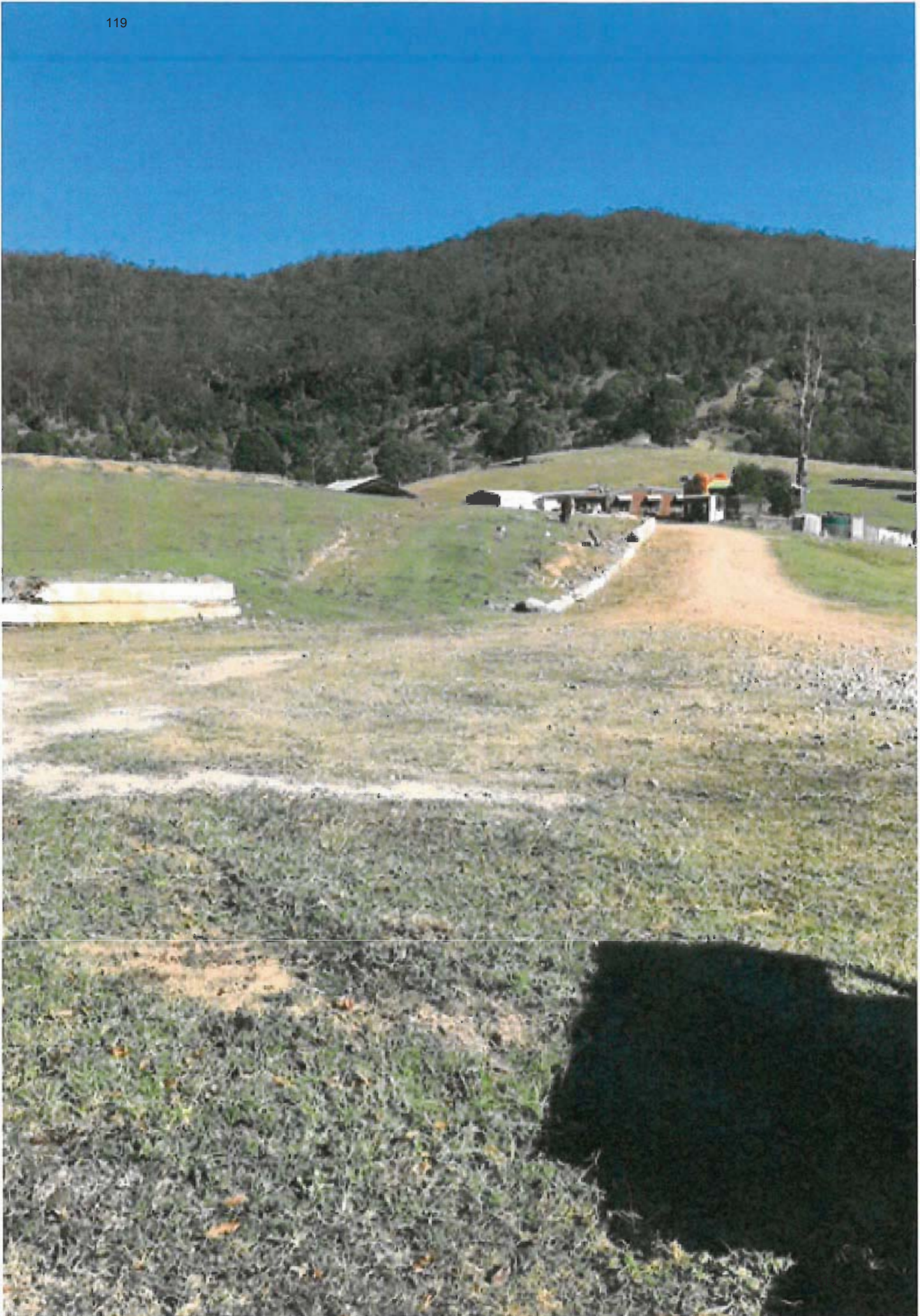
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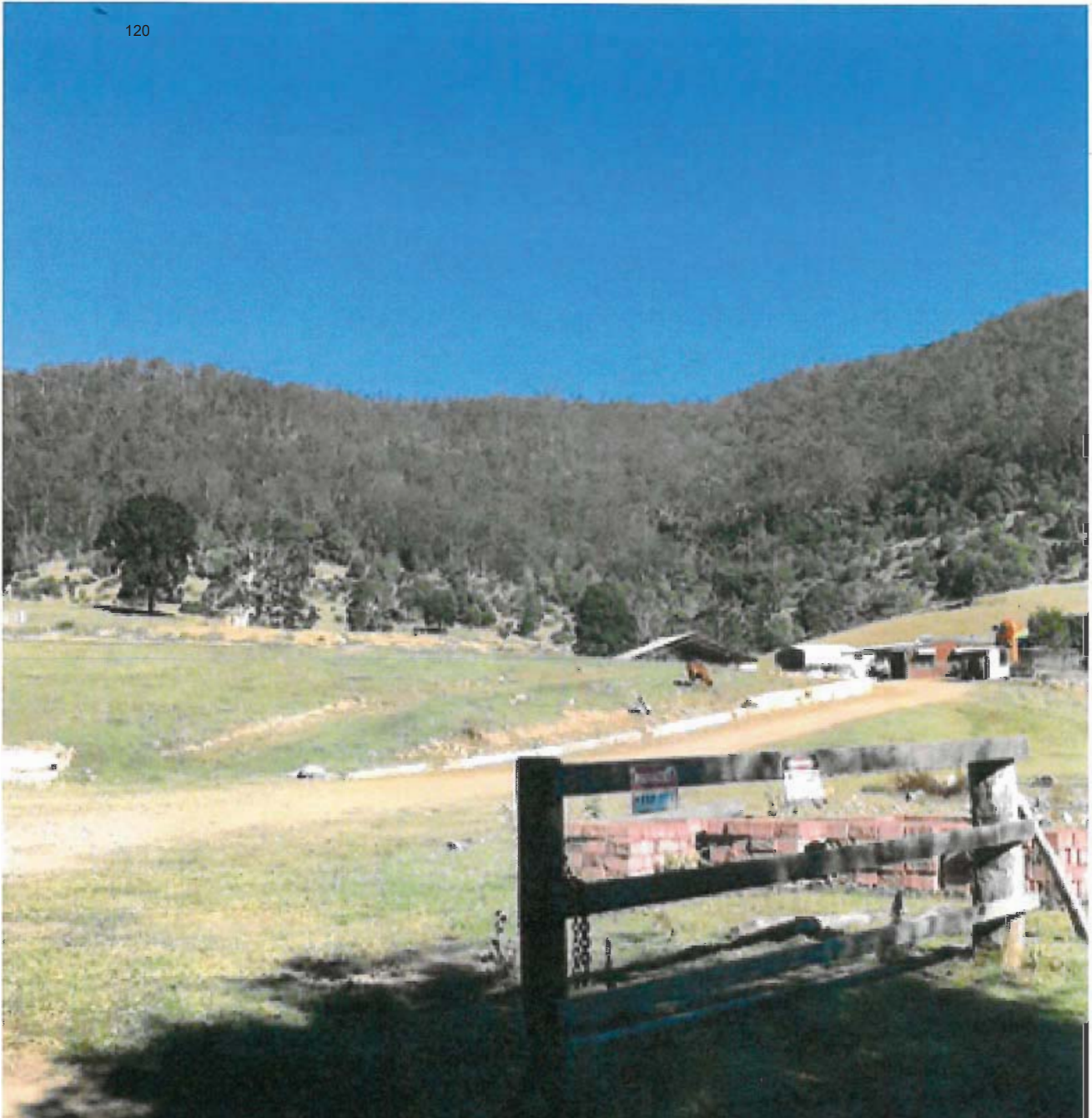
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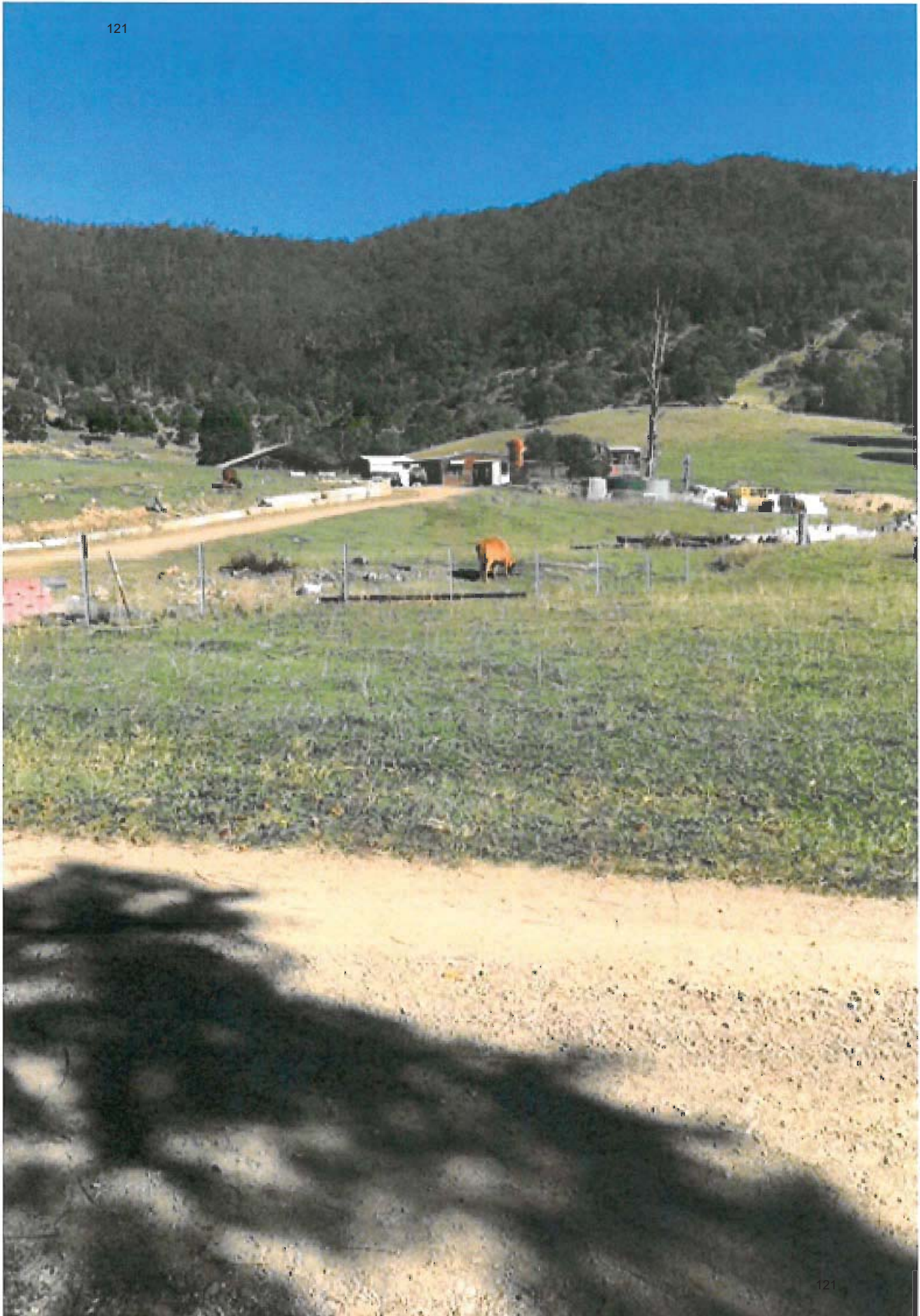
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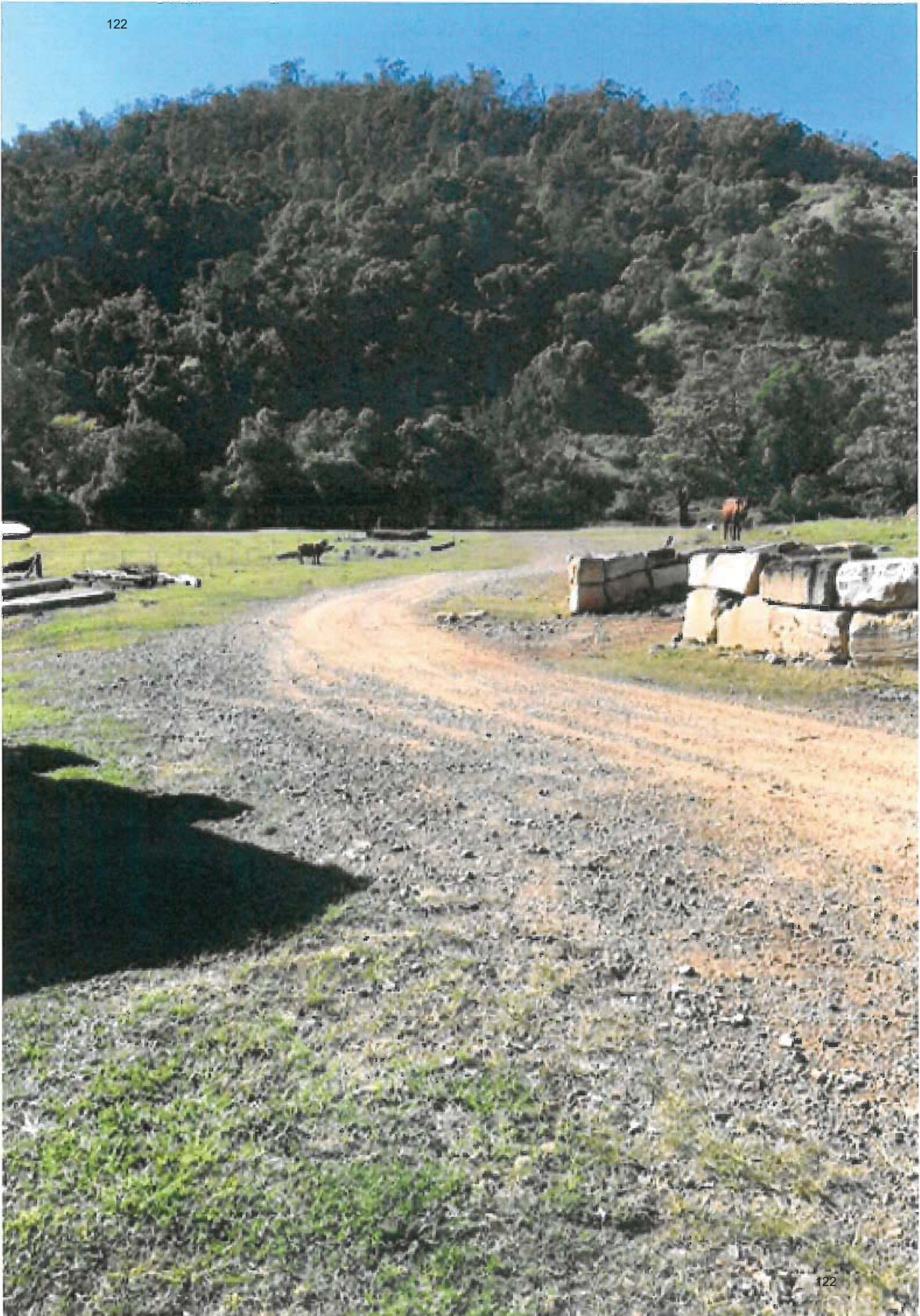


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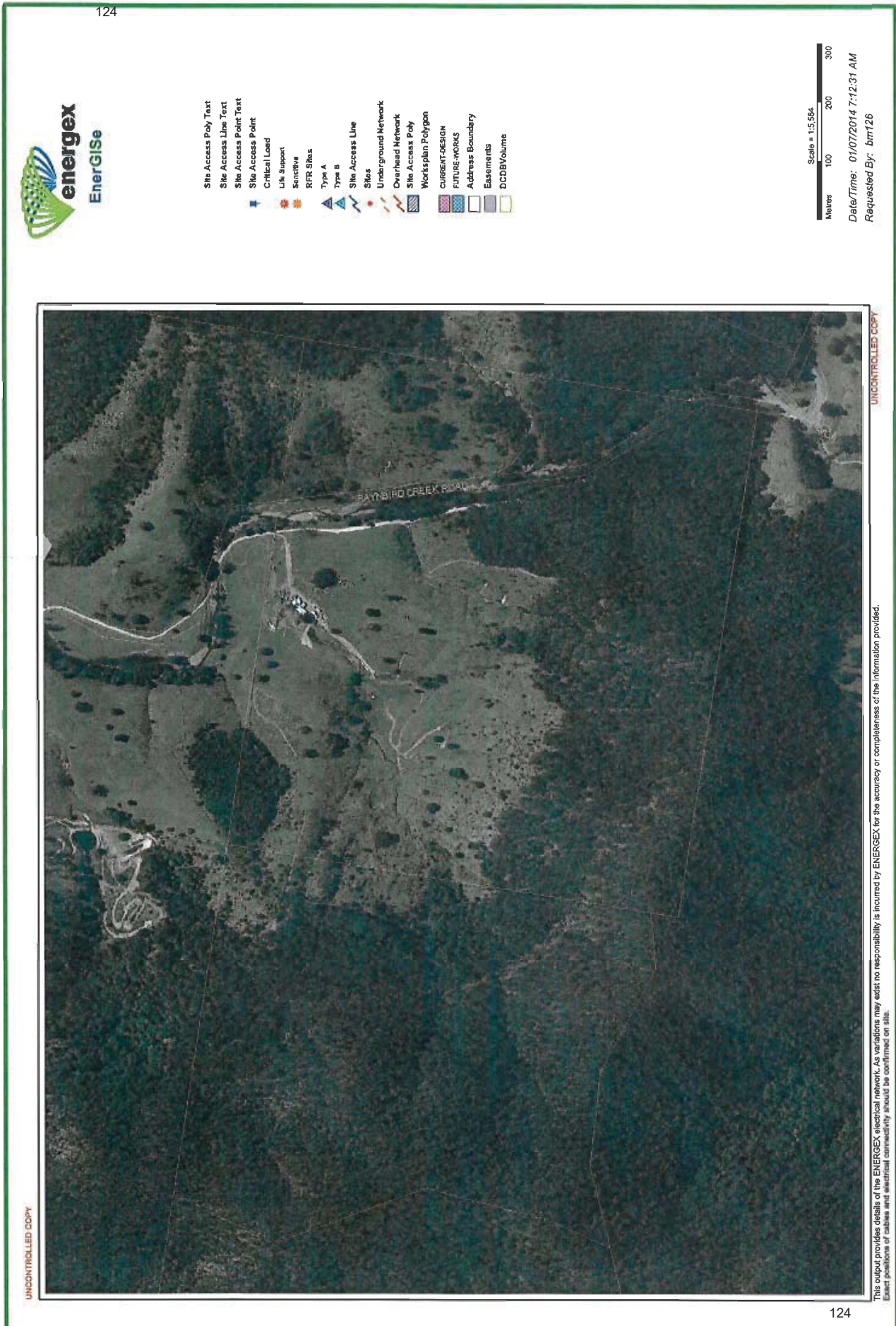


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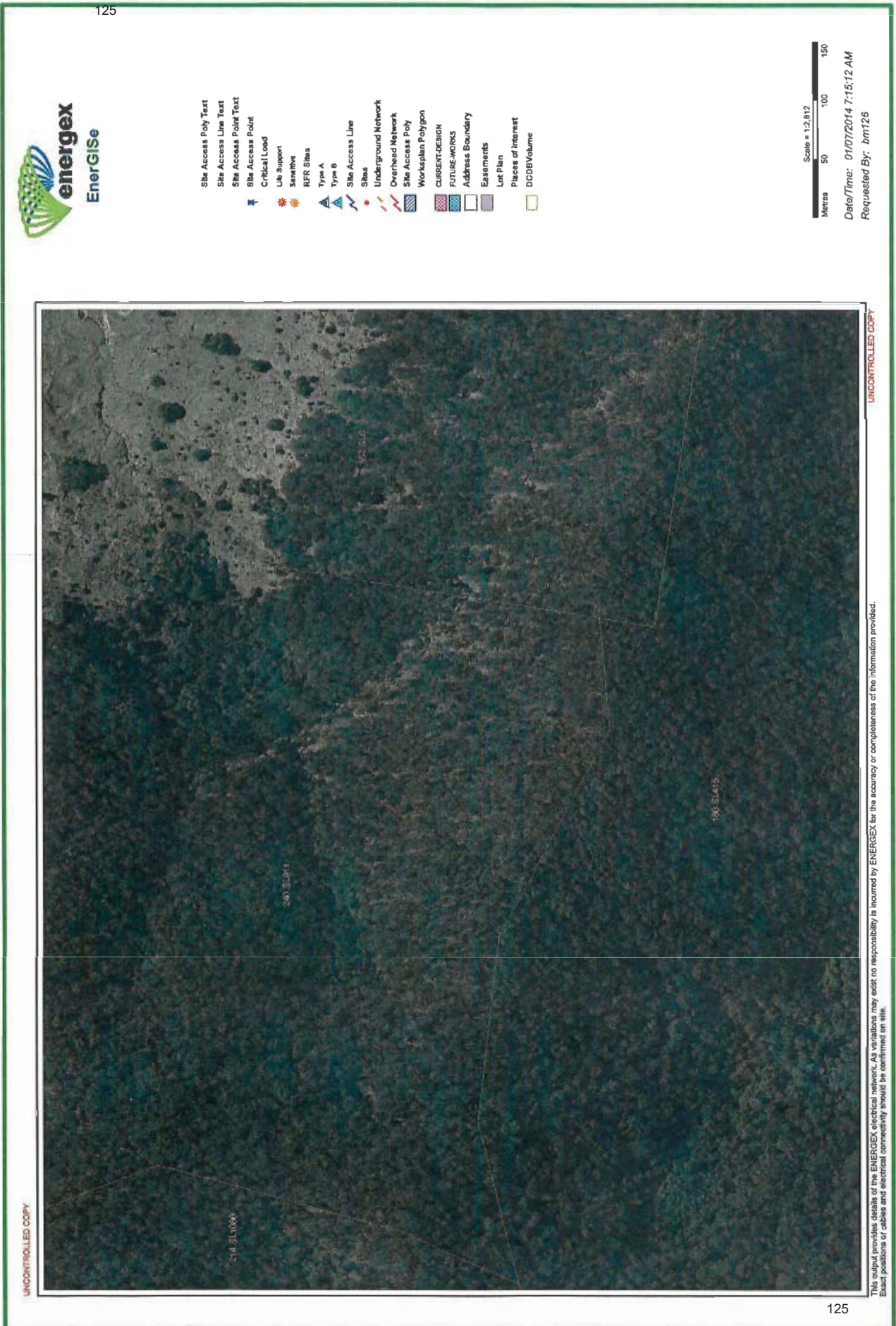


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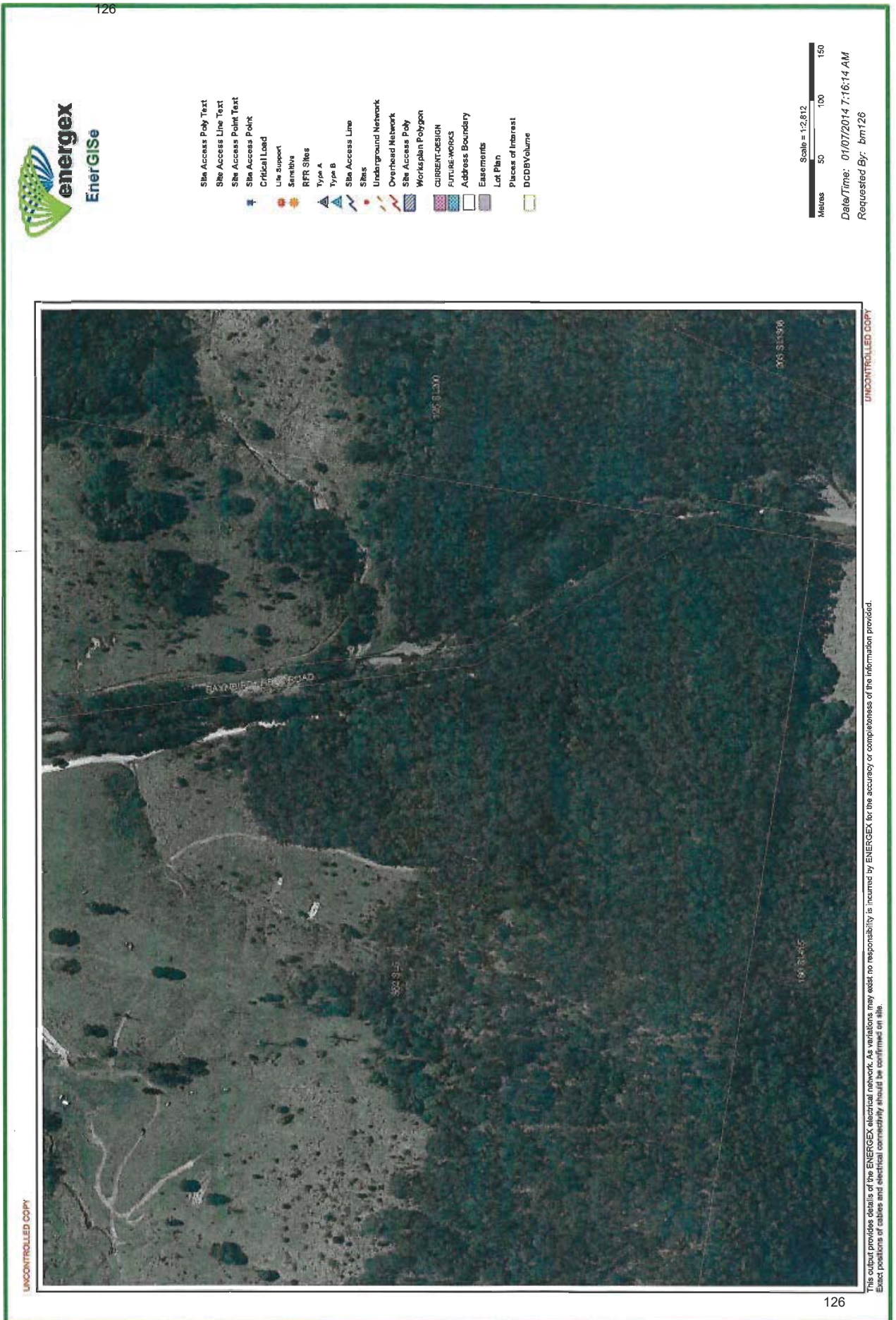
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Appendix "C"

**Amber Nipperess**

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**From:** Property Services  
**Sent:** Wednesday, 11 April 2018 9:31 AM  
**To:** m.sing@rclaw.com.au  
**Cc:** Amber Nipperess  
**Subject:** Proposed Acquisition of Part of Land - 0 Raynbird Creek Road, Lacey's Creek Qld 4521 (Lot 352 on CP SL6)  
**Attachments:** Summary of Considerations - Raynbird Creek Road Lacey's Creek.pdf

Michael Sing  
Special Counsel  
Rostron Carlyle Lawyers  
c/- [m.sing@rclaw.com.au](mailto:m.sing@rclaw.com.au)

Dear Mr Sing,

I write to provide you with an update in this matter.

I understand that as per your client's request, Council's Coordinator of Technical Services, David Cullen, met with your client on 30 January 2018 at his property. The purpose of the meeting was to observe first-hand, and discuss with him, a number of issues and concerns raised during the objections hearing held on 27 October 2017.

As per those discussions with Mr Cullen, Council's technical officers have considered the costs and impacts of alternative options. A summary of those considerations has been attached for your review.

The next step in the statutory process is for the delegate, Amber Nipperess, to provide a draft report for your client's consideration. Your client will have no less than 14 days to consider the draft report and provide any written comments to Ms Nipperess. I have carbon copied her in this e-mail for transparency.

I will then arrange for the report, which will include my recommendation, and your client's written comments (if any) to be presented to the Council for its consideration and decision.

Kind regards,

**Property Services**  
Executive and Property Services  
**Moreton Bay Regional Council | Strathpine**  
220 Gympie Road, Strathpine QLD 4500

P: (07) 3480 6860  
E: [propertyservices@moretonbay.qld.gov.au](mailto:propertyservices@moretonbay.qld.gov.au)



**SUMMARY OF CONSIDERATIONS - RAYNBIRD CREEK ROAD, LACEYS CREEK**

**Option one: Road alignment to generally follow the existing creek and road reserve**

Advantages:

- This alignment (apart from the creek crossings) is flat with opportunities to pass.
- Is generally above the creek bed by about 1.5m to 2.5m.

Disadvantages:

- The two creek crossings are approximately 30m (south) and 150m (north) long. The creek crossings will restrict access during rain events giving a reduced level of service to upstream residents, and presenting some risks.
- The crossings, in particular the northern one, will require maintenance after significant rain events unless a concrete floodway crossing can be installed.
- The concrete floodway has a very high cost/benefit ratio, and so is unlikely to be constructed.
- Significant environmental impacts/approvals for construction in the creek bed.

**Option Two: Road alignment to move onto the creek bank north of the subject property then enter the creek and follow the above alignment**

Advantages:

- Similar advantages to above.
- This option almost halves the length of the northern creek crossing.

Disadvantages:

- Similar disadvantages to the above.
- The concrete floodway has a marginally better cost/benefit ratio, but is still unlikely to be constructed.

**Option Three: Road alignment within the documented resumptions (planned option)**

Advantages:

- This option eliminates the two creek crossing, producing flood free access for this section of road.
- Eliminates the long-term expense related to creek maintenance and/or concrete floodway construction.
- Reduces the environmental impacts on the creek (now and into the future).

Disadvantages:

- Land is subject to land slip, and alignment has some visibility issues (crests and blind corners), and narrow culverts; however this is consistent with other rural roads in the area and can be addressed by the future works.



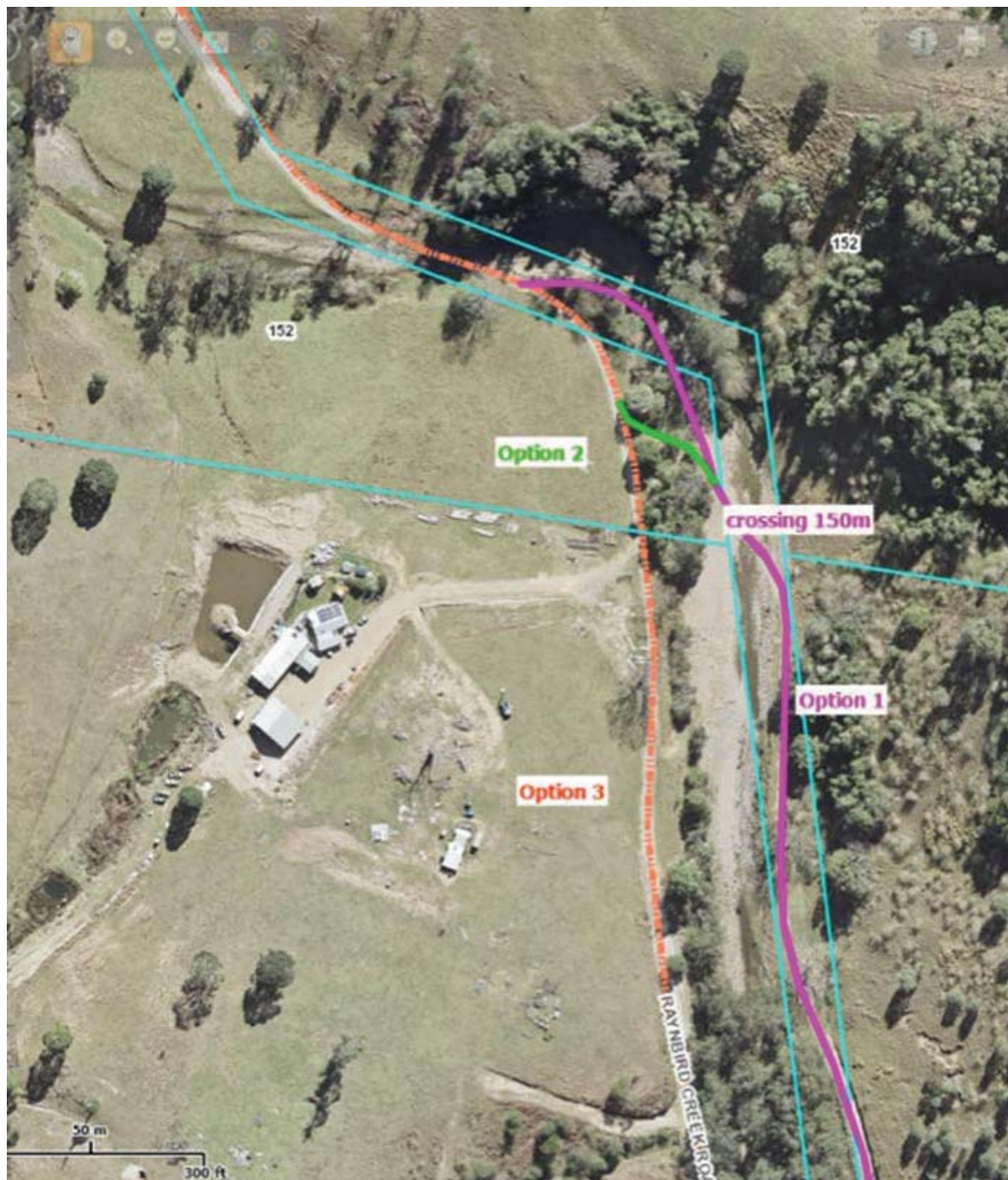
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- Identified that some trees close to the road restrict access; these would need removal shortly after acquisition.

**Option 3 represents the best value short term based on maintenance costs and has a better cost/benefit long term (reduced construction costs).**

**Option 3 also provides less disruption and damage to assets and services during rain events.**

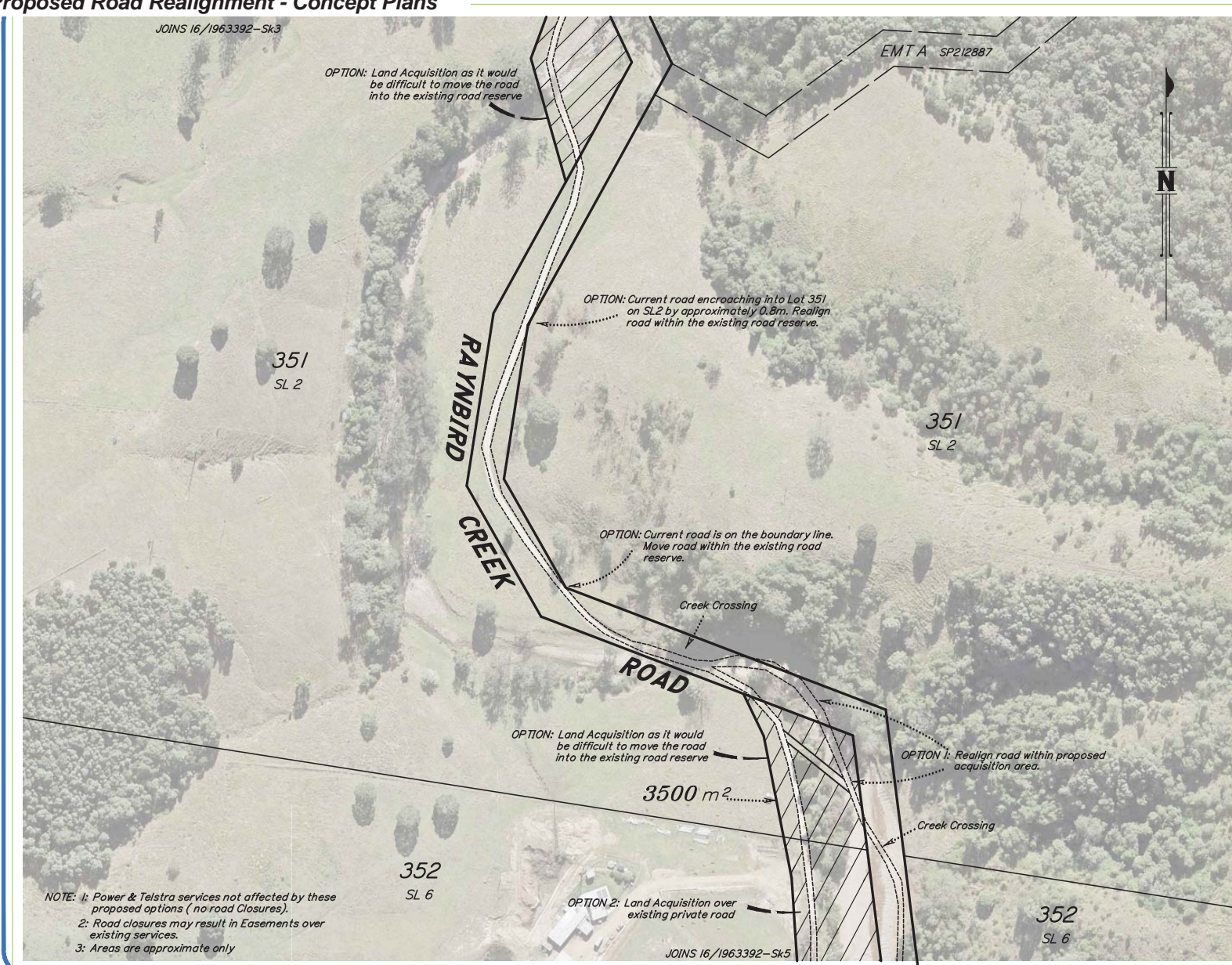


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ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK - LOT 352 ON SL6 - DIVISION 11 (Cont.)  
**#2 Proposed Road Realignment - Concept Plans**



Moreton Bay Regional Council  
ENGINEERING  
CONSTRUCTION &  
MAINTENANCE

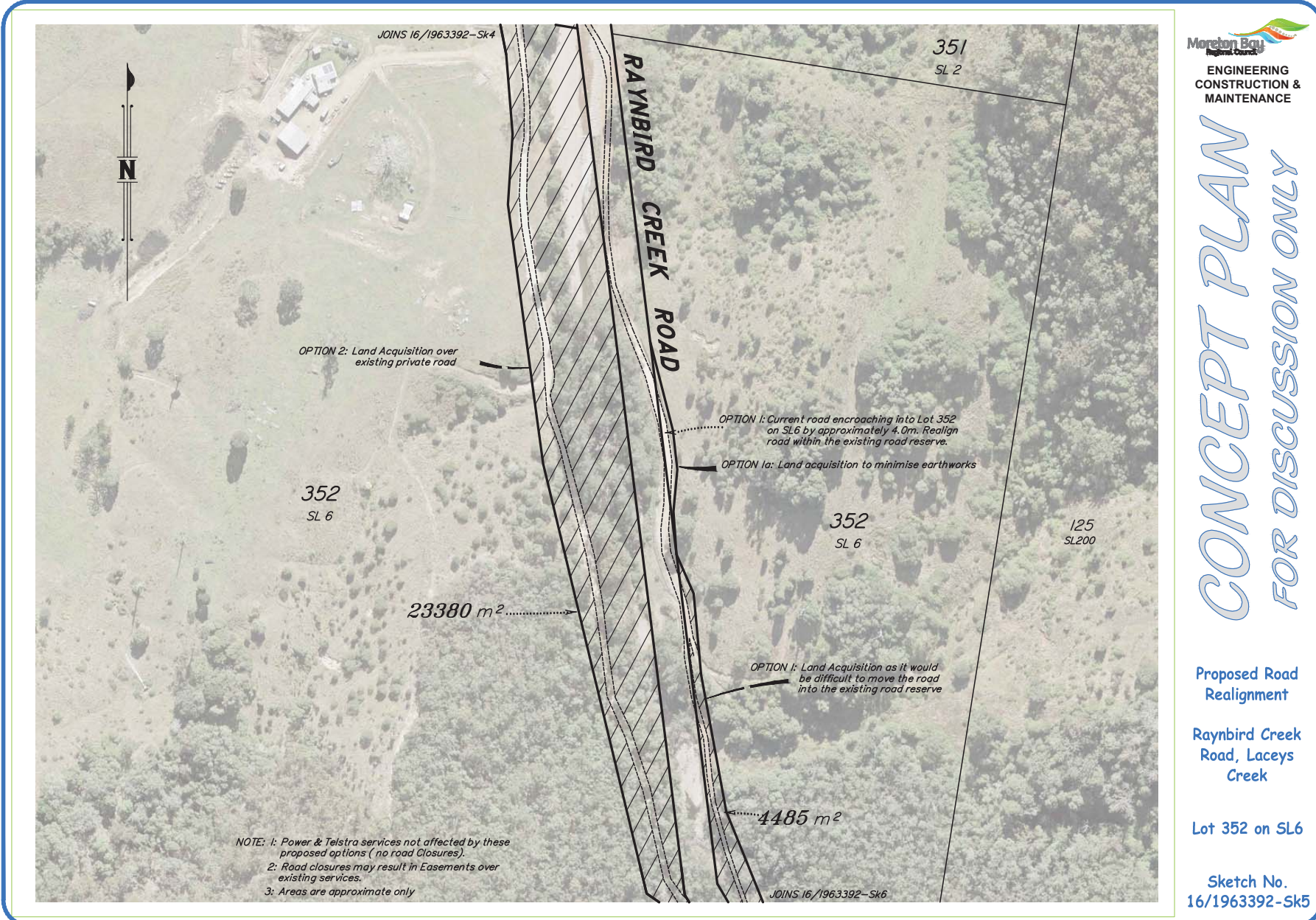
CONCEPT PLAN  
FOR DISCUSSION ONLY

Proposed Road  
Realignment  
Raynbird Creek  
Road, Lacey's  
Creek

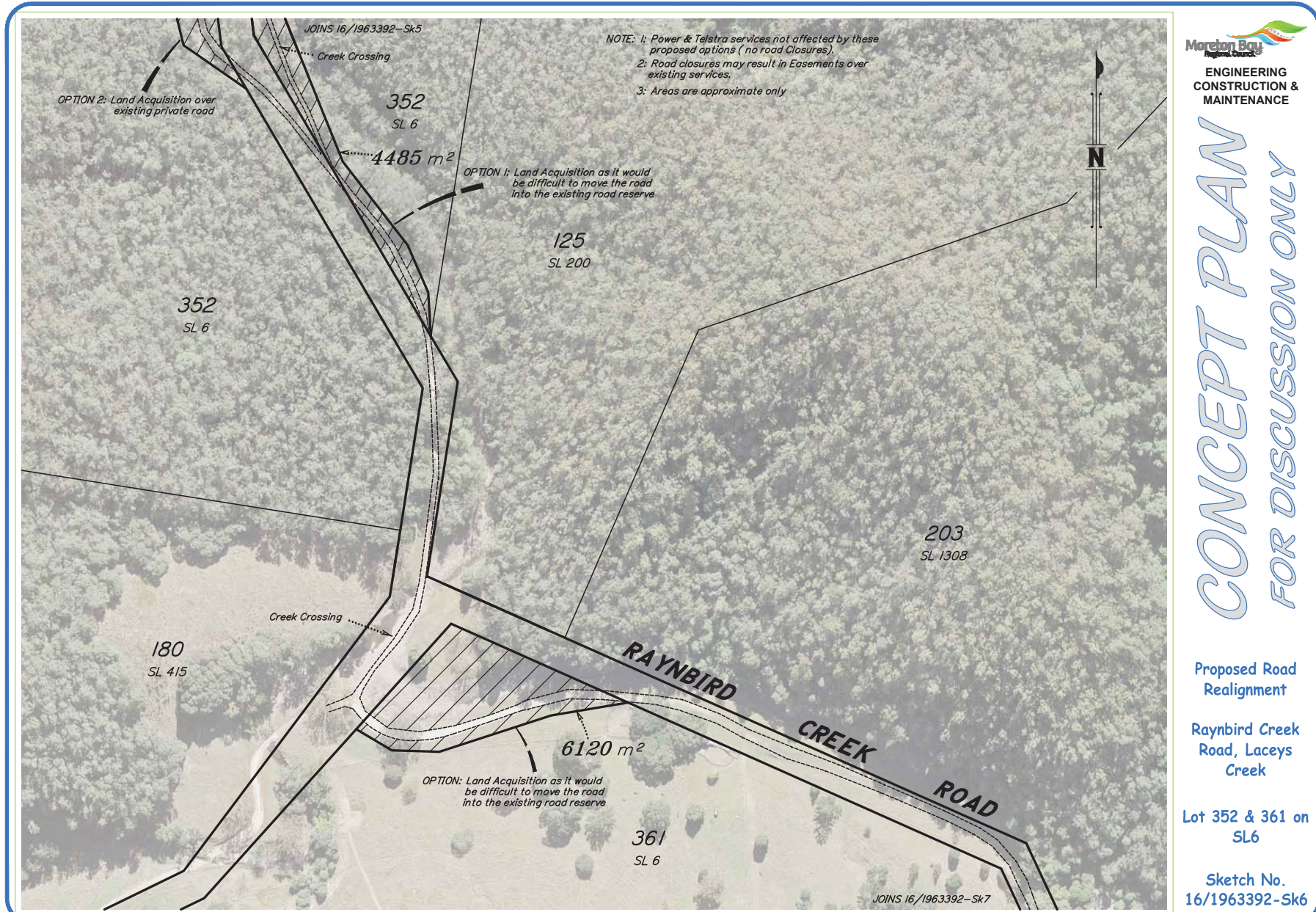
Lot 352 on SL6 &  
351 on SL2

Sketch No.  
16/1963392-Sk4

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ITEM 4.2 - PROPOSED RESUMPTION FOR ROAD – 232 RAYNBIRD CREEK ROAD, LACEY'S CREEK - LOT 352 ON SL6 - DIVISION 11 (Cont.)



**5 PARKS, RECREATION & SPORT SESSION**

**(Cr K Winchester)**

**ITEM 5.1**

**SPECIAL FEE ARRANGEMENTS FOR COUNCIL-MANAGED COMMUNITY HALLS AND THE HILLS DISTRICT COMMUNITY CENTRE - REGIONAL**

*Meeting / Session:* 5 PARKS, RECREATION & SPORT  
*Reference:* A16914347 : 10 May 2018  
*Responsible Officer:* CM, Business Support Team Leader (CES Community Services, Sport & Recreation)

**Executive Summary**

A number of historical 'special fee arrangements' (fee discounts) currently exist for various hirers of Council-managed community centres and halls. These arrangements have been implemented to reduce the impact of past changes to Council fee structures, policies and facility management models.

The Hills District Community Centre has recently been subject to a change in its facility management model, with the facility transitioning from community management (Arana Leagues Club), to Council management on 4 December 2017.

This report seeks Council's direction regarding the continuation of existing 'special fee arrangements' across Council-managed community centres and halls, as well as the implementation of additional arrangements to reduce the impact of Council's new Hills District Community Centre fee structure, on regular hirers of that facility.

**OFFICER'S RECOMMENDATION**

1. That existing 'special fee arrangements' for the non-profit regular hirers listed in Table 1.1 of this report, be continued for the 2018/19 financial year, and be subject to ongoing review.
2. That the 'special fee arrangement' for regular commercial hirer, Rhee Taekwondo at Morayfield Community Hall, be continued for the 2018 calendar year, with Council's standard fees and charges applied from 1 January 2019.
3. That the existing fee arrangements for the regular non-profit hirers of The Hills District Community Centre listed in Table 1.2 of this report, be continued for the 2018/19 financial year and be subject to ongoing review.
4. That existing fee arrangements for regular commercial and individual hirers of The Hills District Community Centre, as detailed in Table 1.3 of this report, be continued for the 2018 calendar year, with Council's standard fees and charges applied from 1 January 2019.

*ITEM 5.1 SPECIAL FEE ARRANGEMENTS FOR COUNCIL-MANAGED COMMUNITY HALLS AND THE HILLS DISTRICT COMMUNITY CENTRE - REGIONAL - A16914347 (Cont.)*

**REPORT DETAIL**

**1. Background**

Special fee arrangements - Council-managed community centres and halls

Across the Council-managed community centres and halls, six 'special fee arrangements' exist for non-profit community group hirers (Refer Table 1.1 below). These arrangements have previously been established by Council to reduce the impact of various change processes, including the implementation of new fee structures, establishment of Council's Community Leasing Policy and the transition of facilities from volunteer management to Council management.

*Table 1.1 Existing Non-Profit Special Fee Arrangements*

<b>Hirer Name</b>	<b>Facility</b>
Bribie Island U3A	Bribie Island Recreation Hall
Bribie Island Vietnam Vets	Bribie Island Recreation Hall
Bribie Island Gleeman Titanic Music Company	Bribie Island Recreation Hall
Pine Rivers Municipal Brass Band	Strathpine Community Centre
Strathpine Seniors	Strathpine Community Centre
Caboolture Pensioners	Morayfield Community Hall

In addition to the above mentioned special fee arrangements for non-profit community groups, one such arrangement currently exists for a commercial hirer (Rhee Taekwondo) at Morayfield Community Hall.

The Hills District Community Centre

The Hills District Community Centre has historically been managed by the Arana Leagues Club under a management agreement. Under this agreement, the Club has been responsible for the setting of hire fees, the management of facility bookings and some asset maintenance. On 4 December 2017, this management agreement was ceased at the request of Arana Leagues Club, and the facility returned to Council's management.

A review of The Hills District Community Centre hire fees historically charged by the Arana Leagues Club has identified that their fees were often lower than that of comparable Council-managed community centres and halls. In addition, it is evident that in several instances, regular hirers were benefiting from other fee arrangements.

Hire fees for Council-managed community centres and halls are set annually through Council's budget process, and adopted as part of its Schedule of Fees and Charges. With the return of The Hills District Community Centre to Council's management, a new 2018/19 fee schedule has been adopted for the facility that will bring the applicable hire rates into line with other comparable Council-managed venues. Due to the fees previously charged by the former management committee, the implementation of Council's new fee schedule will result in considerable fee increases for a number of regular hirers, both non-profit and commercial / individual. Tables 1.2 and 1.3 below list the impacted organisations.

*Table 1.2 Hills District Community Centre - Impacted Non-Profit Hirers*

<b>Hirer Name</b>	<b>Organisation Type</b>
Christ Connect Church	Non-profit
Arana Hills & District Senior Citizens	Non-profit
Everton Physical Culture Club Inc	Non-profit

*ITEM 5.1 SPECIAL FEE ARRANGEMENTS FOR COUNCIL-MANAGED COMMUNITY HALLS AND THE HILLS DISTRICT COMMUNITY CENTRE - REGIONAL - A16914347 (Cont.)*

*Table 1.3 The Hills District Community Centre - Impacted Commercial / Individual Hirers*

<b>Hirer Name</b>	<b>Organisation Type</b>
Heidke Dance Studio	Commercial
Helen O'Grady School of Dance	Commercial
Amazing Fitness Professionals	Commercial
Yoga with Natalie	Commercial
Blackout Boogie	Commercial
Sublime Stars	Commercial
Joy Rawson Dance Practice	Commercial / Individual

**2. Explanation of Item**

Special fee arrangements - Council managed community centres and halls

On 1 May 2018, Council adopted its 2018/19 Schedule of Fees and Charges for Council-managed community centres and halls. Across these facilities, there are a number of regular non-profit hirers that have historically received 'special fee arrangements' (Refer Table 1.1 above). In addition, there is one regular commercial hirer (Rhee Taekwondo) at Morayfield Community Hall that has historically received such an arrangement.

In recognition of the non-profit status of hirers detailed in Table 1.1, it is recommended that Council continue these existing 'special fee arrangements' for the 2018/19 financial year, and conduct ongoing reviews.

However, with regards to the 'special fee arrangement' for commercial hirer Rhee Taekwondo, it is recommended that this arrangement be continued for the remainder of 2018 only, with Council's standard fees and charges to be applied from 1 January 2019.

The Hills District Community Centre

From 1 July 2019, Council's new fees and charges for The Hills District Community Centre will take effect. As detailed, in Section 1 of this report, various regular non-profit and commercial / individual hirers will be subject to higher fees than those historically charged by the former management committee (Arana Leagues Club).

With consideration to the non-profit status of regular hirers detailed in Table 1.2 of this report, it is recommended that Council maintain their existing fee arrangements for the 2018/19 financial year, and conduct ongoing reviews.

However, for regular commercial and/or individual hirers detailed in Table 1.3, it is recommended that their current fee arrangements be continued for the remainder of the 2018 calendar year, and that Council's standard fees and charges be applied from 1 January 2019.

**3. Strategic Implications**

3.1 Legislative/Legal Implications

No legislative/legal implications arising as a direct result of this report.

3.2 Corporate Plan / Operational Plan

Valuing Lifestyle: Quality recreation and cultural opportunities - celebrating local arts, culture and community.

3.3 Policy Implications

No policy implications arising as a direct result of this report.

3.4 Risk Management Implications

No risk management implications arising as a direct result of this report.



*ITEM 5.1 SPECIAL FEE ARRANGEMENTS FOR COUNCIL-MANAGED COMMUNITY HALLS AND THE HILLS DISTRICT COMMUNITY CENTRE - REGIONAL - A16914347 (Cont.)*

3.5 Delegated Authority Implications

No delegated authority implications arising as a direct result of this report.

3.6 Financial Implications

This report recommends the continuation of various 'special fee arrangements' (fee discounts) across Council's network of community centres and halls, as well as the establishment of further fee arrangements for regular hirers of The Hills District Community Centre.

3.7 Economic Benefit

No economic benefits arising as a direct result of this report.

3.8 Environmental Implications

No environmental implications arising as a direct result of this report.

3.9 Social Implications

Non-profit organisations make a significant contribution to the Moreton Bay community through the delivery of various low cost community services and recreational opportunities.

The recommendations of this report aim to reduce the impact of large fee increases on these groups, allowing the continuation of their services at a reduced cost to members and the broader community.

3.10 Consultation / Communication

- Director - Community and Environmental Services
- Manager - Community Services, Sport and Recreation
- Community Planning and Resources Manager
- All Councillors - Council Workshop (8 May 2018).

**6 LIFESTYLE & AMENITY SESSION**

**(Cr D Sims)**

No items for consideration.

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

**(Cr P Flannery)**

No items for consideration

**8 REGIONAL INNOVATION**

**(Cr D Grimwade)**

No items for consideration.

**9 GENERAL BUSINESS**

**ANY OTHER BUSINESS AS PERMITTED BY THE MEETING CHAIRPERSON.**

**CLOSED SESSION (Confidential items)**

*(Resolution the meeting be closed under s275 of the Local Government Regulation 2012)*

**ITEM C.1 – CONFIDENTIAL**

**MORETON BAY REGION INDUSTRY AND TOURISM SERVICE LEVEL AGREEMENT RENEWAL - REGIONAL**

**Meeting / Session:** 7 ECONOMIC DEVELOPMENT, EVENTS & TOURISM

**Reference:** A16942779: 15 May 2018

**Responsible Officer:** MH, Principal Executive and Communications Officer (CEO Strategy & Engagement)

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**Basis of Confidentiality**

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

**Executive Summary**

Moreton Bay Region Industry and Tourism (MBRIT) is an enterprise that Council considers is directed to benefitting, and can reasonably be expected to benefit, the whole of Council's local government area. Since July 2016 MBRIT has delivered a range of services including destination management, regionally significant events and support programs for business development and networking through a service level agreement with Council.

Having achieved the strategic outcomes of the existing service level agreement, MBRIT is looking to expand these activities. Given the success of these activities, it is recommended that Council increase its support for this regionally beneficial enterprise while securing its desired outcomes from the enterprise through renewal of a service level agreement with MBRIT.