



MINUTES

GENERAL MEETING

Tuesday 26 November 2019

commencing at 10.38am

Caboolture Chambers
2 Hasking Street, Caboolture

ENDORSED GM20191203

4. CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

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

RESOLUTION

Moved by Cr Koliانا Winchester

Seconded by Cr Peter Flannery

CARRIED 12/0

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

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1. OPENING PRAYER

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

2. ATTENDANCE & APOLOGIES

Attendance:

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

Officers:

Acting Chief Executive Officer	(Mr Graeme Kanofski)
Director Engineering, Construction & Maintenance	(Mr Tony Martini)
Director Community & Environmental Services	(Mr Bill Halpin)
Director Finance & Corporate Services	(Ms Donna Gregory)
Director Planning	(Mr Mike Pickering)
Director Infrastructure Planning	(Mr Andrew Ryan)
Manager Executive Services	(Mr Darren Dallinger)
Manager Strategy & Engagement	(Mr Joshua O'Keefe)
Manager Legal Services	(Mr John Hall)
Manager Development Services	(Mr Dan Staley)
Team Leader Planning	(Ms Amy White)
Meeting Support	(Hayley Kenzler)

Apologies:

Cr James Houghton

Suspended:

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

3. MEMORIALS OR CONDOLENCES

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

4. A) CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

General Meeting - 19 November 2019 (Pages 19/2354 19/2391)

RESOLUTION

Moved by Cr Koliانا Winchester

Seconded by Cr Matt Constance

CARRIED 11/0

That the minutes of the General Meeting held 19 November 2019, be confirmed.

5. PRESENTATION OF PETITIONS

(Addressed to the Council and tabled by Councillors)

5.1. Petition - Lease to 'Better Together' - Lagoon Creek Café (A19382148)

Cr Adam Hain tabled a petition containing 11 signatures, received from Deb Griesheimer, reading as follows:

"We, the undersigned residents of Moreton Bay Regional Council, request that Council: Nominate Better Together as the lead leaseholder of the entire facility at 1/11 Toovey Street, Caboolture including the shed that is adjacent to where they have been operating the Lagoon Creek Café since 2012 because:

(1) It invested \$50,000 to complete construction of the adjacent shed in 2011. (2) It has paid the majority of costs related to utilities and amenities for a period of 8 years. (3) It is a small grassroots organisation which has delivered supports to the value of \$6.6 million to people with disabilities in the Moreton Bay region over 10 years. (4) It has facilitated in excess of 17,850 hours of paid employment for local people with disabilities through CCWC and the Lagoon Creek Café on this site since 2012. (5) It has injected up to \$1 million into the local economy through its award winning Skilling Queenslanders for Work Projects since 2016 assisting 295 disadvantaged local people and achieving 80% employment outcomes. (6) With more available space onsite it can facilitate the creation of additional employment for people with disabilities, increase the amount of supports they provide in the community and develop programs which meet the needs of people in Moreton Bay."

Council received the petition, referring it to the Director Community & Environmental Services for investigation and report to Council, if required.

6. CORRESPONDENCE

There was no correspondence tabled.

7. COMMUNITY COMMENT

Cr Allan Sutherland (Mayor) opened the Community Comment session, making the required statement regarding the conduct of the Session, and invited the following participants to address the Council.

7. Community Comment Cont'd

7.1. Community Comment: Scott Morcombe (A19396436)

Mr Scott Morcombe addressed the Council in respect of DA/39443/2019/V2D - 28 Fernlea Avenue Scarborough, making the following points:

- Concerns regarding no consultation with the community
- Length of time to provide objections (Code Assessment Document not provided until 21 November)
- The following concerns regarding non-compliance:
 - Dual Occupancies
 - Site cover (residential uses)
 - Garage openings
 - Access and driveways
 - Landscaping
 - Casual Surveillance
- Significant number of local community object to the DA
- Not in keeping with the Planning Scheme
- Concerns that the DA breaches zoning requirements

Cr Allan Sutherland (Mayor) thanked Mr Morcombe for attending the Community Comment Session, advising that Mr Morcombe's question in relation to the extension of time for objections would be taken on notice.

7.2. Community Comment: Julia Nuske (A19362111)

Julia Nuske addressed the Council in respect of DA/16705/2007/VCHG/3 - 2 Gayundah Esplanade, Woody Point, making the following points:

- Concerns with breaching the Planning Scheme (45metre height)
- 11 retail car parking spaces not sufficient - needs to be increased
- The proposed development is out of character for the area
- Provided a comparison to car parking issues experienced in Nundah, Brisbane
- Developers increasingly lodging applications that are outside the Planning Scheme requirements
- Footprint concerns
- No opportunity for community objections
- Urged the Council to refuse the development application as it does not comply with the Planning Scheme

Cr Allan Sutherland (Mayor) thanked Ms Nuske for attending the Community Comment Session.

7.3. Community Comment: Veronica Wingrove (A19396435)

Veronica Wingrove addressed the Council in respect of Council's Local Laws and animal management, making the following points:

- Lengthy process regarding case - impacted significantly on her family
- Concerns with management of the case
- Unqualified comments by some members of the community
- Felt let-down by Council and ultimately Queensland Civil and Administrative Tribunal (QCAT)
- Thanked Council for its zero-tolerance policy regarding irresponsible dog ownership

7.3 Community Comment Veronica Wingrove Cont'd

- Requested future considerations for Council:
 - Uniformity regarding the management of keeping of animals
 - Consistency regarding the management of animal attack incidents
 - Clear escalation process for victims / a process for victims on what to expect during the investigation
 - Formal written notification to victim, including outcome of investigation and review/appeal rights written into the *Animal Management (Cats and Dogs) Act 2008* (AMCDA) legislation
 - Clear identification of dangerous dogs in public at all times
 - Dangerous dog owners to be required to self-report incidents
 - Formal notification to local residents within a radius advising of a dangerous dog living nearby

Cr Allan Sutherland (Mayor) thanked Ms Wingrove for attending the Community Comment Session.

8. NOTIFIED MOTIONS

There were no notified motions.

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

(s262 of the Local Government Regulation 2012)

There were no notices of motion.

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

(as referred by the Chief Executive Officer)

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

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

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

ATTENDANCE

Mr Darren Dallinger attended at 11.09am for discussion on Item 1.1.

1 GOVERNANCE SESSION

(Cr A Sutherland, Mayor)

ITEM 1.1

DISCRETIONARY FUNDS - ELIMBAH SPORTS AND RECREATION ASSOCIATION - DIVISION 12

Meeting / Session: 1 GOVERNANCE
Reference: A19354948 : 15 November 2019
Responsible Officer: LK, Executive Support Officer (CORP Executive Services)

Executive Summary

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

An eligible application for discretionary funds has been received for Division 12 from the Elimbah Sports and Recreation Association Inc for the 'Elimbah Santa Run' (see attached application).

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

This report seeks Council's direction in relation to this application for Division 12 discretionary funds from the Elimbah Sports and Recreation Association Inc.

RESOLUTION

Moved by Cr Adam Hain

Seconded by Cr Peter Flannery

CARRIED 11/0

That the application by Elimbah Sports and Recreation Association Inc under Council's Discretionary Funds Policy, for the 'Elimbah Santa Run', be approved in the amount of \$1,500 from the Division 12 allocation.

ITEM 1.1 DISCRETIONARY FUNDS - ELIMBAH SPORTS AND RECREATION ASSOCIATION - DIVISION 12 - A19354948 (Cont.)

OFFICER'S RECOMMENDATION

That the application by Elimbah Sports and Recreation Association Inc under Council's Discretionary Funds Policy, for the 'Elimbah Santa Run', be approved in the amount of \$1,500 from the Division 12 allocation.

REPORT DETAIL

1. Background

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

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

2. Explanation of Item

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

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

Elimbah Sports and Recreation Association Inc has applied for \$1,500 under the Discretionary Funds Policy for the 'Elimbah Santa Run'. This festive event involves will provide an opportunity for community involvement within the Moreton Bay Region.

3. Strategic Implications

3.1 Legislative / Legal Implications Nil identified

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

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

3.4 Risk Management Implications Nil identified

3.5 Delegated Authority Implications Nil identified

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

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

ITEM 1.1 DISCRETIONARY FUNDS - ELIMBAH SPORTS AND RECREATION ASSOCIATION - DIVISION 12 - A19354948 (Cont.)

3.9 Social Implications Nil identified

3.10 Consultation / Communication

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

ATTENDANCE

Mr Darren Dallinger left the meeting at 11.09am after Item 1.1.

Mr Joshua O'Keefe attended the meeting at 11.09am for discussion on Item 1.2.

**ITEM 1.2
COUNCIL OF MAYORS (SEQ) - SOUTH EAST QUEENSLAND 2032 OLYMPIC AND
PARALYMPIC GAMES - REGIONAL**

Meeting / Session: 1 GOVERNANCE
Reference: A19374234. : 19 November 2019 - **Refer Supporting Information A19370390**
Responsible Officer: JO, Manager Strategy and Engagement (CEO Strategy & Engagement)

Executive Summary

Since 2015 Council of Mayors South East Queensland (Council of Mayors) has been leading ongoing investigations into economic, infrastructure and legacy opportunities stemming from a South East Queensland 2032 Olympic and Paralympic Games.

The Queensland Government and Australian Government have both made financial contributions towards this work. To date, Moreton Bay Regional Council is the only Council of Mayors member council that is not a project partner, and has not made a financial contribution towards this project.

Moreton Bay Regional Council has been identified as a potential host region for a combined South East Queensland 2032 Olympic and Paralympic Games bid. Accordingly, Council of Mayors has requested Council become an equal partner in this project and provide a financial contribution of \$158,000 (ex gst).

RESOLUTION

Moved by Cr Mike Charlton (Deputy Mayor)

Seconded by Cr Mick Gillam

CARRIED 11/0

That Council become an equal partner in the South East Queensland 2032 Olympic and Paralympic Games project through a financial contribution of \$158,000 (ex GST) to the Council of Mayors (SEQ).

ITEM 1.2 COUNCIL OF MAYORS (SEQ) - SOUTH EAST QUEENSLAND 2032 OLYMPIC AND PARALYMPIC GAMES - REGIONAL - A19374234. (Cont.)

OFFICER'S RECOMMENDATION

That Council become an equal partner in the South East Queensland 2032 Olympic and Paralympic Games project through a financial contribution of \$158,000 (ex GST) to the Council of Mayors (SEQ).

REPORT DETAIL

1. Background

Since 2015 Council of Mayors has been leading ongoing investigations into economic, infrastructure and legacy opportunities stemming from a South East Queensland 2032 Olympic and Paralympic Games.

The Queensland Government and Australian Government have both made financial contributions towards this work. To date, Moreton Bay Regional Council is the only Council of Mayors member council that is not a project partner and has not made a financial contribution towards this project.

2. Explanation of Item

Council of Mayors believe a 2032 Olympic and Paralympic Games has the potential to catalyse government to deliver the infrastructure needed to support South East Queensland's population, create jobs and stimulate the economy.

The 2000 Sydney Olympics generated \$20 billion in economic value and it is estimated that the tourism benefit alone of a 2032 Olympic and Paralympic Games would be approximately \$22 billion.

Initial work by Council of Mayors has identified opportunity for Moreton Bay Region as a host region for a combined South East Queensland 2032 Olympic and Paralympic Games bid. This presents significant pre-games training, games-related business and tourism opportunities for the Moreton Bay Regional Council area.

Accordingly, Council of Mayors has requested Council become an equal partner in this project and provide a financial contribution of \$158,000 (ex GST).

3. Strategic Implications

3.1 Legislative / Legal Implications Nil identified

3.2 Corporate Plan / Operational Plan
Creating Opportunities: Local jobs for residents - an innovative and thriving economy.

3.3 Policy Implications Nil identified

3.4 Risk Management Implications Nil identified

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications
At this time Council of Mayors is seeking a financial contribution of \$158,000 (ex gst) from Council.

3.7 Economic Benefit Implications
Council of Mayors believe an Olympic and Paralympic Games has the potential to deliver significant economic benefit for the regional and state economy, including the creation of local jobs.

ITEM 1.2 COUNCIL OF MAYORS (SEQ) - SOUTH EAST QUEENSLAND 2032 OLYMPIC AND PARALYMPIC GAMES - REGIONAL - A19374234. (Cont.)

3.8 Environmental Implications Nil identified

3.9 Social Implications

An Olympic and Paralympic Games has the potential to deliver legacy opportunities for Moreton Bay Region, as well as positive social impacts for community, health and sport participation.

3.10 Consultation / Communication

Councillors have been provided a briefing by the Council of Mayors.

ATTENDANCE

Mr Joshua O'Keefe left the meeting at 11.18am after Item 1.2.

Mr John Hall attended at 11.18am for discussion on Item 1.3.

ITEM 1.3 - STATEMENT OF LEGAL POSITION

Following the receipt of legal advice that as agenda item 1.3 is administrative in nature and could not be perceived as having any substantive impact on any donor to the Moreton Futures Trust, no personal interests need be declared by any Councillor in relation to this item.

ITEM 1.3 - CLARIFICATION BY THE ACTING CHIEF EXECUTIVE OFFICER

The Acting Chief Executive Officer clarified that reference to 'officers' in paragraph 1 and 2 of the Executive Summary of the below report means 'Moreton Bay Regional Council Officers'.

ITEM 1.3

THE MILL AT MORETON BAY - GOVERNANCE STRUCTURE - REGIONAL

Meeting / Session: 1 GOVERNANCE

Reference: A19370311 : 20 November 2019 - Refer **Confidential Supporting Information**

Responsible Officer: RD, Legal Officer (CEO Legal)

Executive Summary

Following consultation with Queensland Treasury Corporation (**QTC**) and expert legal advisers Herbert Smith Freehills (**HSF**) officers recommend that Council resolves to conduct a beneficial enterprise in respect of Council-owned lots within the Mill Precinct at the Mill at Moreton Bay Priority Development Area (**PDA**). The beneficial enterprise will implement Council's vision, provide corporate governance and risk management and maximise investor confidence in the site.

Officers consider that the beneficial enterprise which is the subject of this report will benefit, or can reasonably be expected to benefit, the whole of Council's local government area because it will better provide for the PDA to be properly and optimally developed to provide the benefits estimated in the PDA of 6,000 jobs and generate almost \$1 billion economic benefit to the greater Moreton Bay Region.

MOTION

Moved by Cr Allan Sutherland (Mayor)

Seconded by Cr Mike Charlton (Deputy Mayor)

1. That Council resolve to conduct a beneficial enterprise which is directed at benefitting the whole of its local government area by forming and otherwise participating in a corporation limited by shares which is governed in accordance with the principles set out in this report and reflected in the drafts of

- a) the constitution annexed at confidential supporting Information #1; and
- b) the statement of corporate intent annexed at confidential supporting information #2.

(Governance Documents)

and authorises the Chief Executive Officer to finalise the drafting of and enter into the Governance Documents in a manner which is generally consistent with this report.

2. That Council authorises the appointment of Council's Chief Executive Officer as the initial director of the beneficial enterprise and for them to undertake all relevant and incidental actions arising and powers pursuant to that appointment.
3. That Council resolves to provide the financial support necessary to the corporation for it to engage:
 - a) an independent recruiter to source the balance of the first full board of directors of the beneficial enterprise in accordance with the Governance Documents; and

ITEM 1.3 THE MILL AT MORETON BAY - GOVERNANCE STRUCTURE - REGIONAL - A19370311 (Cont.)

- b) an independent professional services firm in consultation with QTC to ensure that an appropriate governance and risk management framework is put in place in respect of the beneficial enterprise at a suitable time; and

otherwise carry out the activities provided in each resolution herein.

4. That Council authorises the Chief Executive Officer to do all other things necessary to give effect to these recommendations, including to form establish and set up the initial operation of the corporation.

RESOLUTION

Moved by Cr Allan Sutherland (Mayor)

Seconded by Cr Mike Charlton (Deputy Mayor)

CARRIED 11/0

That the speech to be conducted by the Mayor be recorded in the Minutes.

Cr Allan Sutherland (Mayor) Speech (A19392978)

"In over a quarter of a century in local government I have witnessed and been a part of many momentous occasions.

With the benefit of experience, many grey hairs and even hindsight, I now reflect on some of those moments that were not apparent to me at the time, as being momentous.

Today I believe is one of those days.

We have the opportunity to show leadership and make a decision for future generations.

The recommendations before you today if adopted, will establish a beneficial enterprise to recruit qualified experts to ensure we make the right decisions, decisions in the community's interest to develop the land appropriately at the Mill site.

And, that we continue to do things like our world-renowned koala protection and monitoring program in conjunction with the University of the Sunshine Coast. We need this balance.

We need jobs, we need social and economic opportunities. This is an opportunity on a parcel of land 50% bigger than the Brisbane CBD to create a new CBD on the northside of Brisbane.

We have the opportunity to create the next Silicon Valley.

We have the opportunity to create places for people to work and play so they may continue to live in the Region if they choose to, so they can be close to their families.

So, they don't have to sit in traffic every day leaving children in childcare for longer every week of every year.

This is about taking a leadership role and making a decision, this is what being elected is all about.

Today we seek to establish a beneficial enterprise - one of almost 80 in the state.

This is not unique, but it is also not Ipswich.

We will not be stacking the Board with councillors and council officers and we are not handing over land.

ITEM 1.3 THE MILL AT MORETON BAY - GOVERNANCE STRUCTURE - REGIONAL - A19370311 (Cont.)

The composition of our board will be experts in their respective fields who are reflective of, and representative of, our community.

To this end we have engaged expert legal advice in Herbert Smith Freehills - currently working on SunCentral Maroochydore PDA, at the Sunshine Coast and have previously worked on Boggo Road and the RNA Showgrounds.

We have worked collaboratively with Queensland Treasury Corporation and we will continue to seek their advice.

Both know the pitfalls of some beneficial enterprises, so we don't make the same mistakes some others have. This is in the public interest.

Speaking of reflective of our community, Queensland's Chief Entrepreneur Leanne Kemp has said: "I'm a proud Moreton Bay Region local and this is exactly the kind of big-picture thinking that's needed for us to become a real player in SEQ, by properly planning to be a first-mover in the digital future of our state."

However, today I have read unbalanced reporting. Which is disappointing.

But one thing I know to be fundamentally true, is this is council's vision - a journey that we have been on for almost a decade.

I believe this is also the community's vision. It was apparent to me at a business lunch earlier this year, when, during a Q&A session when I was asked what the council would do about the land around the university.

I spoke to the vision about protecting it.

Protecting it from political cycles.

Protecting it to show confidence to business to invest and create jobs and economic opportunity.

And, most importantly, to protect it for our community. We immediately moved to the next question and I started to hear applause. And, after applause came cheers.

This to me was a defining moment in front of 600 business people from all over our Region, that we were on to a winner.

Australia's leading demographer, Bernard Salt has said:

"I absolutely do think it's the right thing for the local Council to get right behind the university and the railway and anything else that delivers job opportunities and fluidity to this part of southeast Queensland.

"At the end of the day it's about more than just maintaining the status quo, you have a responsibility in elected political office to think about the future.

"I would not want to see this region in the 2020s and 2030s develop as a dormitory suburb of Brisbane. I'd actually want my kids to have the option of having a fulfilling career locally.

Quest have reported that they understand that not all councillors are in favour of this proposal. And that is fine, perfectly fine. That is your entitlement as an elected representative of your community to vote in their interest.

ITEM 1.3 THE MILL AT MORETON BAY - GOVERNANCE STRUCTURE - REGIONAL - A19370311 (Cont.)

I would say this to you:

- *Stand up and be counted*
- *Stand up and explain why you are voting against this report and the recommendations contained herein*
- *Don't stand on the fence, show leadership and show to the community why you do not believe this is in their best interest.*

Councillors, I believe today we have the opportunity to make a leadership decision. In twenty years' time, people will say we took a leadership decision and created a momentous occasion for our children and grandchildren."

AMENDMENT MOVED

Cr Mike Charlton (Deputy Mayor) moved the following amendment to Officers recommendation 1:

1. That Council resolve to conduct a beneficial enterprise which is directed at benefitting the whole of its local government area by forming and otherwise participating in a corporation limited by shares which is governed in accordance with the principles set out in this report and reflected in the drafts of
 - a) the constitution annexed at confidential supporting Information #1; and
 - b) the statement of corporate intent annexed at confidential supporting information #2.

(Governance Documents)

and authorises the Chief Executive Officer to finalise the drafting of and enter into the Governance Documents in a manner which is generally consistent with this report. That once finalised, Council will look at making the Constitution of the Beneficial Enterprise publicly available.

Seconded by Cr Mick Gillam

The amendment was put to the vote and declared **CARRIED 11/0**

THE AMENDMENT BECOMES THE MOTION, and was put:

RESOLUTION

Moved by Cr Mike Charlton (Deputy Mayor)

Seconded by Cr Mick Gillam

CARRIED 9/2

Cr Brooke Savige and Cr Denise Sims voted against the motion

1. **That Council resolve to conduct a beneficial enterprise which is directed at benefitting the whole of its local government area by forming and otherwise participating in a corporation limited by shares which is governed in accordance with the principles set out in this report and reflected in the drafts of**
 - a) **the constitution annexed at confidential supporting Information #1; and**
 - b) **the statement of corporate intent annexed at confidential supporting information #2.**

(Governance Documents)

and authorises the Chief Executive Officer to finalise the drafting of and enter into the Governance Documents in a manner which is generally consistent with this report. That once finalised, Council will look at making the Constitution of the Beneficial Enterprise publicly available.

ITEM 1.3 THE MILL AT MORETON BAY - GOVERNANCE STRUCTURE - REGIONAL - A19370311 (Cont.)

2. **That Council authorises the appointment of Council's Chief Executive Officer as the initial director of the beneficial enterprise and for them to undertake all relevant and incidental actions arising and powers pursuant to that appointment.**
3. **That Council resolves to provide the financial support necessary to the corporation for it to engage:**
 - a. **an independent recruiter to source the balance of the first full board of directors of the beneficial enterprise in accordance with the Governance Documents; and**
 - b. **an independent professional services firm in consultation with QTC to ensure that an appropriate governance and risk management framework is put in place in respect of the beneficial enterprise at a suitable time; and**

otherwise carry out the activities provided in each resolution herein.
4. **That Council authorises the Chief Executive Officer to do all other things necessary to give effect to these recommendations, including to form establish and set up the initial operation of the corporation.**

ITEM 1.3 THE MILL AT MORETON BAY - GOVERNANCE STRUCTURE - REGIONAL - A19370311 (Cont.)

OFFICER'S RECOMMENDATION

1. That Council resolve to conduct a beneficial enterprise which is directed at benefitting the whole of its local government area by forming and otherwise participating in a corporation limited by shares which is governed in accordance with the principles set out in this report and reflected in the drafts of
 - a) the constitution annexed at confidential supporting Information #1; and
 - b) the statement of corporate intent annexed at confidential supporting information #2.

(Governance Documents)

and authorises the Chief Executive Officer to finalise the drafting of and enter into the Governance Documents in a manner which is generally consistent with this report.

2. That Council authorises the appointment of Council's Chief Executive Officer as the initial director of the beneficial enterprise and for them to undertake all relevant and incidental actions arising and powers pursuant to that appointment.
3. That Council resolves to provide the financial support necessary to the corporation for it to engage:
 - a) an independent recruiter to source the balance of the first full board of directors of the beneficial enterprise in accordance with the Governance Documents; and
 - b) an independent professional services firm in consultation with QTC to ensure that an appropriate governance and risk management framework is put in place in respect of the beneficial enterprise at a suitable time; and
 - c) otherwise carry out the activities provided in each resolution herein.
4. That Council authorises the Chief Executive Officer to do all other things necessary to give effect to these recommendations, including to form establish and set up the initial operation of the corporation.

REPORT DETAIL

1. Background

The Mill at Moreton Bay comprises numerous lots within a declared Priority Development Area (**PDA**). Some of these lots are owned by Council.

The Mill at Moreton Bay comprises numerous lots within a declared Priority Development Area (**PDA**). Some of these lots are owned by Council.

Development has commenced on some Council-owned lots pursuant to development agreements between Council and the University of the Sunshine Coast (**USC**). Other Council-owned lots remain vacant.

Council's vision is to deliver optimal development or "activation" of the vacant Council-owned lots to complement the USC development and to create a world-class development for the benefit of the whole government area.

Over time, various mechanisms have been considered by Council to better ensure the optimal development of the Council-owned lots (and the PDA generally). During this consideration, input has been received from various stakeholders and experts.

The mechanism which has widely been regarded as the most appropriate in this circumstance is the establishment of a beneficial enterprise under the *Local Government Act 2009*.

ITEM 1.3 THE MILL AT MORETON BAY - GOVERNANCE STRUCTURE - REGIONAL - A19370311 (Cont.)

2. Explanation of Item

Each priority development area is developed differently, with various mechanisms used to promote, facilitate and carry out the development.

Each of these mechanisms affords a Council a varying degree of control and flexibility over the development of a PDA, but ultimately the aim is to achieve an over-arching development outcome.

The "beneficial enterprise mechanism" recommended for adoption in this report is similar (but not identical) to that one used by the Sunshine Coast Regional Council which established SunCentral Maroochydore Pty Ltd to promote, facilitate, carry out and control the development, disposal and management of land within the Maroochydore City Centre Priority Development Area.

External advisers with expertise in mechanisms used to develop PDAs (including advisers who have considerable experience derived from their involvement with SunCentral as well as other PDAs within South East Queensland) have been engaged by (and have briefed) Council.

The result of that briefing was that Council was accepting of a report being submitted to it which sought a resolution to establish a beneficial enterprise in accordance with the documents annexed to this report.

3. Strategic Implications

If Council wishes to establish the beneficial enterprise as recommended, then the enterprise will be responsible for overseeing the appropriate development of the Mill Precinct land within the PDA in accordance with the rights obligations set out in the statement of corporate intent.

Some further steps will be necessary to enable this to occur in practice. For example, Council would need to grant a development lease and other supporting agreements (as necessary) to the beneficial enterprise over the relevant land. This matter is expected to be the subject of a further report to Council once Council has received further advice from its relevant urban planning and architectural consultant.

Importantly (and this differs to other beneficial enterprise mechanisms established by other Councils) it is noted at this stage that:

- Council is not transferring freehold ownership of the Council-owned lots to the enterprise;
- Council will be gaining any profits derived from any eventual dealings with the Council-owned land; and
- Whilst the enterprise will be given the autonomy considered appropriate to deliver outcomes in respect of the development of the Council-owned land within the PDA (provided that this is consistent with Council's vision through the statement of corporate intent and other supporting documents) Council will maintain a degree of oversight in its capacity as assessment manager and also via its appointed representative on the board of directors (Council's Chief Executive Officer).

3.1 Legislative / Legal Implications

Under section 40 of the *Local Government Act 2009 (LGA)* Council may conduct a beneficial enterprise (which includes forming a corporation limited by shares) for the benefit of the whole, or part of its local government area. The Department of Local Government, Racing and Multicultural Affairs has released public guidance clarifying that Council does not require Treasurer's approval under the *Statutory Bodies Financial Arrangements Act 1982* to establish the enterprise because Council has already been given the express power to do so under the LGA. Notwithstanding that, Council officers have been in dialogue with QTC (given its experience in matters similar to this one) and its officers have peer reviewed the documents annexed to this report which have been prepared by HSF.

3.2 Corporate Plan / Operational Plan

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

ITEM 1.3 THE MILL AT MORETON BAY - GOVERNANCE STRUCTURE - REGIONAL - A19370311 (Cont.)

3.3 Policy Implications Nil identified

3.4 Risk Management Implications

There is a risk that the enterprise will fail to achieve optimal development of the Council-owned land. However, that risk would still exist even if the enterprise was not established. Officers consider that the imposition of obligations on the enterprise as set out in the statement of corporate intent will serve to reduce the risk of the enterprise failing to achieve its aims and objectives.

3.5 Delegated Authority Implications

It is recommended that Council's Chief Executive Officer be authorised (or delegated power to) do all things necessary to give effect to recommendation 1 (above).

3.6 Financial Implications

QTC has kindly agreed to peer review the documents annexed to this report at no cost as they see the benefit in providing good governance arrangements, greater risk management for Council and economic investment in the Region. HSF has been procured under a State Government panel arrangement at a discounted rate pursuant to the Legal Services budget. Funding arrangements relevant to the enterprise will be the subject of a further report to Council.

3.7 Economic Benefit Implications

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

3.8 Environmental Implications Nil identified

3.9 Social Implications Nil identified

3.10 Consultation / Communication

QTC

HSF and other law firms

Council workshops (8 October 2019, 14 November 2019)

Community consultation was undertaken as part of the PDA process

ATTENDANCE

Mr John Hall left the meeting at 11.55am after Item 1.3.

Mr Dan Staley and Ms Amy White attended the meeting at 11.55am for discussion on Item 2.1.

2 PLANNING & DEVELOPMENT SESSION

(Cr M Gillam)

ITEM 2.1

DA/33296/2016/VCHC/2 - CHANGE (OTHER) APPLICATION - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (26 DWELLINGS), LOCATED AT 4-8 SUTTON STREET, REDCLIFFE - DIVISION 6

APPLICANT: Shorebrook Developments Pty Ltd C/- Urban Strategies Pty Ltd
OWNER: Shorebrook Developments Pty Ltd

Meeting / Session: 2 PLANNING & DEVELOPMENT
Reference: A19297723 : 4 November 2019 – Refer Supporting Information A19308793, A19308896 & A19308929
Responsible Officer: CA, Planner (PED Development Services)

Executive Summary

APPLICATION DETAILS	
Applicant:	Shorebrook Developments Pty Ltd C/- Urban Strategies Pty Ltd
Lodgement Date:	13 August 2019
Properly Made Date:	30 August 2019
Confirmation Notice Date:	5 September 2019
Information Request Date:	No Information Request Issued
Info Response Received Date:	Not applicable
Public Notification Dates:	20 September 2019 - 14 October 2019
No. of Submissions:	Properly Made: 3 Not Properly Made: 0
Decision Due Date:	10 December 2019
Prelodgement Meeting Held:	Yes

PROPERTY DETAILS	
Division:	Division 6
Property Address:	4-8 Sutton Street, Redcliffe
RP Description	Lots 417-419 RP30380
Land Area:	1,215m ²
Property Owner	Shorebrook Developments Pty Ltd

STATUTORY DETAILS	
Planning Legislation:	Planning Act 2016
Planning Scheme:	MBRC Planning Scheme
Planning Locality / Zone	General Residential Zone - Urban Neighbourhood Precinct
Level of Assessment:	Impact and Consistent

The Applicant has submitted a Change (Other) Application relating to an existing approval for a Material Change of Use - Development Permit for Multiple Dwelling at 4-8 Sutton Street, Redcliffe, formally described as Lots 417-419 RP30380.

ITEM 2.1 DA/33296/2016/VCHC/2 - CHANGE (OTHER) APPLICATION - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (26 DWELLINGS), LOCATED AT 4-8 SUTTON STREET, REDCLIFFE - DIVISION 6 - A19297723 (Cont.)

The changes proposed to the original approval consist of the following:

- Increase in height from 27m to 28.18m (mapped as 27m on Overlay Map - Building Heights)
- Reduction in the number of dwellings from twenty-eight (28) to twenty-six (26)
- Addition of two (2) car spaces - 43 spaces are proposed to be provided
- Change in unit typology
 - From: 20 x 2 bedroom units and 8 x 3 bedroom units
 - To: 12 x 2 bedroom units and 14 x 3 bedroom units
- Minor adjustments to the internal layout
- Minor changes to architectural features of the building

Although the changes proposed are relatively minor in nature and are generally compliant with the Planning Scheme, the application is subject to Impact Assessment due to the building height exceeding that mapped on Overlay Map - Building Height.

The Planning Act 2016 requires Council, as the assessment manager, to assess and decide the Change Application in the context of the development approval. In terms of assessing this Change Application, the matters for assessment (assessment benchmarks) are only those relevant to the proposed changes. Therefore, the development in its entirety has not been re-assessed in this instance, with only the proposed changes addressed.

The application was publicly advertised with three (3) submissions received. The proposed development is considered to accord with the intent of the MBRC Planning Scheme, and is recommended to be approved, subject to conditions.

RESOLUTION

Moved by Cr Mike Charlton (Deputy Mayor)

Seconded by Cr Matt Constance

CARRIED 10/1

Cr Koliana Winchester voted against the motion

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

ITEM 2.1 DA/33296/2016/VCHC/2 - CHANGE (OTHER) APPLICATION - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (26 DWELLINGS), LOCATED AT 4-8 SUTTON STREET, REDCLIFFE - DIVISION 6 - A19297723 (Cont.)

OFFICER'S RECOMMENDATION

- A. That Council, in accordance with the *Planning Act 2016*, approves the development application for a Material Change of Use - Development Permit for Multiple Dwelling (26 Dwellings) at 4-8 Sutton Street, Redcliffe, described as Lots 417-419 RP30380, subject to the following plans/documents and conditions:

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Cover Page	DA000	Think Tank Architects	06/08/2019
Cover Page 2	DA001 Revision A	Think Tank Architects	02/08/2019
Cover Page 3	DA002 Revision B	Think Tank Architects	02/08/2019
Cover Page 4	DA003 Revision B	Think Tank Architects	02/08/2019
Locality Plan	DA90 Revision B	Think Tank Architects	02/08/2019
Site Plan	DA100 Revision B	Think Tank Architects	02/08/2019
Ground Floor	DA201 Revision E	Think Tank Architects	02/08/2019
Level 1	DA202 Revision C	Think Tank Architects	02/08/2019
Level 2-3	A203 Revision G	Think Tank Architects	30/10/2019
Level 4	DA204 Revision C	Think Tank Architects	02/08/2019
Level 5	DA205 Revision B	Think Tank Architects	02/08/2019
Level 6-7	DA206 Revision B	Think Tank Architects	02/08/2019
Level 8	DA207 Revision B	Think Tank Architects	02/08/2019
Sections	DA301 Revision C	Think Tank Architects	02/08/2019
Sections	DA302 Revision C	Think Tank Architects	02/08/2019
Elevations	DA401 Revision B	Think Tank Architects	02/08/2019
Elevations	DA402 Revision B	Think Tank Architects	02/08/2019
Areas	DA501 Revision B	Think Tank Architects	02/08/2019
Areas	DA502 Revision C	Think Tank Architects	02/08/2019
Perspectives	DA701 Revision B	Think Tank Architects	02/08/2019
Perspectives	DA702 Revision B	Think Tank Architects	02/08/2019
Perspectives	DA703 Revision B	Think Tank Architects	02/08/2019
Transformer Detail	A902 Revision J	Think Tank Architects	26/02/2018
Stormwater Management Plan	MC284_R002_2 Rev 2	Motus Consulting	10/05/2017
Traffic Advice Letter	RTEref: 19158	Rytenskiid Traffic Engineering	25/07/2019

Conditions

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
1	Approved Plans and/or Documents	
	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to the commencement of use or Council endorsement of any Community Management

ITEM 2.1 DA/33296/2016/VCHC/2 - CHANGE (OTHER) APPLICATION - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (26 DWELLINGS), LOCATED AT 4-8 SUTTON STREET, REDCLIFFE - DIVISION 6 - A19297723 (Cont.)

CONDITION		TIMING
		Statement, whichever occurs first and to be maintained.
2	Community Management Statement	
	Ensure that the Community Management Statement for the development reflects the following: <ol style="list-style-type: none"> 1. Car parking provisions; 2. Landscaping requirements; 3. Communal Open Space and Recreation areas; 4. Bin storage requirements and collection locations; and 5. Stormwater Management requirements. 	Prior to lodging a request for Compliance Assessment of subdivision plans.
3	Extent of Dwellings	
	Develop the Dwellings on the site as follows: <ol style="list-style-type: none"> 1. Twelve (12) Dwellings containing two (2) bedrooms; and 2. Fourteen (14) Dwellings containing three (3) bedrooms. 	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first, and to be maintained.
4	On-Site Car Spaces	
A	Provide car parking spaces on site generally in accordance with the approved plans.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first, and to be maintained.
B	Provide for the manoeuvring of vehicles on site, generally in accordance with the approved plan. Car spaces, access lanes and driveways shown on the approved plan must not be used for any other purpose.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first, and to be maintained.
5	Bicycle Parking Facilities	
	Install secure bicycle parking facilities for a minimum of twenty-six (26) bicycles. Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic management - Part 11: Parking.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first, and to be maintained.
6	Configuration of Lots	
	Amalgamate Lots 417, 418 and 419 on RP30380 into a single title. OR Lodge a Community Management Statement associated with a community-titled subdivision application with Council for endorsement.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first.

ITEM 2.1 DA/33296/2016/VCHC/2 - CHANGE (OTHER) APPLICATION - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (26 DWELLINGS), LOCATED AT 4-8 SUTTON STREET, REDCLIFFE - DIVISION 6 - A19297723 (Cont.)

CONDITION		TIMING
7	Removal/ Demolition of Buildings	
A	Remove / demolish the existing Dwelling Houses located on the land.	Prior to works commencing on site.
B	Maintain the site in a clean and manageable state.	Prior to works commencing on site.
8	Electrical Transformer	
	<p>Ensure that where electrical transformers are located in the front setback, it is screened so that the transformer is not visible from any road frontage and achieves the following:</p> <ol style="list-style-type: none"> 1. A combination of screening device and landscaping; 2. The screening device is constructed of durable, weather resistant materials; and 3. Is integrated with the design of the development and positively contributes to the streetscape. <p>Note: The use of barbed wire or metal prongs is not permitted</p>	Prior to commencement of the use or Council's endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
9	Clothes Drying Facilities	
	Provide external clothes drying facilities that are screened from adjoining properties and the street, or provide an electric clothes dryer within each dwelling.	Prior to commencement of the use or Council's endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
10	Privacy Screening	
A	<p>Provide privacy screening or alternate treatments where:</p> <ol style="list-style-type: none"> 1. Habitable room windows or balconies of above ground floor dwellings directly face another habitable room or balconies on the same site or an adjoining site that are within 9m; and/or 2. Habitable room windows or balconies that overlook private recreation areas of other dwellings on the same site or an adjoining site. 	Prior to commencement of the use or Council's endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
B	<p>Treatments may consist of one or more of the following:</p> <ol style="list-style-type: none"> 1. Sill heights at a minimum of 1.5 metres above floor level; or 2. Fixed, tinted or opaque glazing in at least any part of the fixed window or balcony balustrading between the floor level of the dwelling or balcony and 1.5m for windows and 1.2m for balconies; or 3. Sliding external screens (e.g. louvered panels), of durable weather resistant materials and with a maximum of 50% transparency. 	Prior to commencement of the use or Council's endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
11	Street Numbering and Building Names	
	Install dwelling and street numbering and lockable mail boxes conveniently located at the road frontage of the site. Ensure	Prior to commencement of the use or Council's

Moreton Bay Regional Council

ITEM 2.1 DA/33296/2016/VCHC/2 - CHANGE (OTHER) APPLICATION - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (26 DWELLINGS), LOCATED AT 4-8 SUTTON STREET, REDCLIFFE - DIVISION 6 - A19297723 (Cont.)

CONDITION		TIMING
	street numbers and any building names are prominently displayed at the road frontage of the site, to enable identification by emergency services.	endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
12	Internal Fire System	
A	External fire hydrant facilities are provided on site to the standard prescribed under the relevant parts of Australian Standard AS2419.1 (2005) - Fire Hydrant Installations.	Prior to commencement of the use or Council's endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
B	A continuous path of travel having the following characteristics is provided between the vehicle access point to the site and each external fire hydrant and hydrant booster point on the land: <ol style="list-style-type: none"> 1. An unobstructed width of no less than 3.5m; 2. An unobstructed height of no less than 4.8m; 3. Constructed to be readily traversed by a 17 tonne HRV fire brigade pumping appliance; 4. An area for a fire brigade pumping appliance to stand within 20m of each fire hydrant and 8m of each hydrant booster point. 	Prior to commencement of the use or Council's endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
C	On-site fire hydrant facilities are maintained in effective operating order in a manner prescribed in Australian Standard AS1851 (2013) - Routine service of fire protection systems and equipment.	At all times.
D	For development that contains on-site fire hydrants external to buildings: <ol style="list-style-type: none"> 1. Those external hydrants can be seen from the vehicular entry point to the site; or 2. A sign identifying the following is provided at the vehicular entry to the site: <ul style="list-style-type: none"> o The overall layout of the development (to scale); o Internal road names (where used); o All communal facilities (where provided); o The reception area and on-site manager's office (where provided); o External hydrants and hydrant booster points; o Physical constrains within the internal roadway system which would restrict access by fire fighting appliances to external hydrants and hydrant booster points; and o maintained in effective operating order in a manner prescribed in Australian Standard AS1851 (2013) - Routine service of fire protection systems and equipment. 	Prior to commencement of the use or Council's endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
E	For development that contains on-site fire hydrants external to the building, those hydrants are identified by way of marker posts	Prior to commencement of the use or Council's

ITEM 2.1 DA/33296/2016/VCHC/2 - CHANGE (OTHER) APPLICATION - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (26 DWELLINGS), LOCATED AT 4-8 SUTTON STREET, REDCLIFFE - DIVISION 6 - A19297723 (Cont.)

CONDITION		TIMING
	and raised reflective pavement markers in the manner prescribed in the technical note Fire hydrant indication system produced by the Queensland Department of Transport and Main Roads. Note: This condition (including items A-E) does not apply to buildings that are required by the Building Code of Australia to have a fire hydrant system complying with Australian Standard AS 2419.1 (2005) – Fire Hydrant Installations or other fire fighting facilities which provide equivalent protection.	endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
13	Front Fencing	
	Ensure that any front fencing is constructed to: <ol style="list-style-type: none"> 1. no less than 0% transparent and does not exceed 1.2 metres in height; or 2. no less than 50% transparent and does not exceed 1.5 metres in height; or 3. no less than 85% transparent and does not exceed 1.8metres in height 	Prior to commencement of the use or Council's endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
14	Screen Fencing	
	Construct a screen fence along the north, south and east boundaries of the site where a fence does not already exist. The fence should also have a 150mm clearance from natural ground level to ensure the external catchment flows traversing the site are not blocked. Unless an alternative design is agreed to with the owner of the adjoining land, the screen fence is to be 1.8 metres in height and constructed of treated timber.	Prior to the commencement of the use or endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
15	External Lighting	
A	Install external lighting in accordance with AS4282-1997 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.	Prior to the commencement of the use or endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
B	Provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282-1997 - (Control of the Obtrusive Effects of Outdoor Lighting).	Prior to the commencement of the use or endorsement of any Community Management Statement, whichever occurs first.
16	Pedestrian Lighting	
A	Install lighting in any pedestrian areas that require illumination in accordance with AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to the commencement of the use or endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
B	Provide certification from a suitably qualified person that lighting for pedestrian areas satisfies the intent of AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to the commencement of the use or endorsement of any Community

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CONDITION		TIMING
		Management Statement, whichever occurs first.
17	Waste Management Plan	
A	Implement the approved waste management arrangements identified on the approved plan. Note: This development will use 4 x 1.1 m ³ bins serviced at the kerbside of Sutton Street.	Prior to the commencement of the use or endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
B	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	At all times.
C	Provide a bin wash down facility connected to sewer as per SC 6.20 Planning Scheme Policy - Waste.	Prior to the commencement of the use or endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
18	Landscaping	
A	Provide landscaping on site generally in accordance with the approved plans and Planning Scheme Policy - Integrated Design Appendix D - Landscaping: The landscaping must also include the following: <ol style="list-style-type: none"> 1. Vegetation to screen the understory of the building (area between natural ground and finished ground floor level) from view from the street frontage and from adjoining properties to achieve a minimum 50% visual permeability. 2. Screen vegetation adjoining the solid walls along the northern, eastern and southern boundaries of the site to minimize the visual impact of these walls. 3. Screening shrubs within the planter boxes along the southern edge of balconies on level 2 that minimise the potential for overlooking of adjoining properties. 	Prior to commencement of use or Council endorsement of any community management statement, whichever occurs first.
B	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.	Prior to the commencement of use or Council endorsement of any community management statement, whichever occurs first.
C	Maintain the landscaping.	At all times.
19	On Site Services	
	Ensure garbage bin areas, rainwater tanks, hot water tanks, gas bottles and air conditioners are: <ol style="list-style-type: none"> 1. Located in the rear setback; or 2. located in the side setbacks and include screening (e.g. fencing or landscaping) from view of any road frontage; or 	Prior to commencement of use or endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.

ITEM 2.1 DA/33296/2016/VGHC/2 - CHANGE (OTHER) APPLICATION - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (26 DWELLINGS), LOCATED AT 4-8 SUTTON STREET, REDCLIFFE - DIVISION 6 - A19297723 (Cont.)

CONDITION		TIMING
	<p>3. entirely underground where located in the front setback.</p> <p>Note: Rainwater tanks are not permitted within easements.</p>	
20	Water and/or Sewerage	
	<p>Submit to Council a Certificate of Completion or Provisional Certificate of Completion for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming:</p> <ol style="list-style-type: none"> 1. a reticulated water supply network connection is available to the land; and 2. a sewerage network connection is available to the land; and 3. all the requirements of Unitywater have been satisfied. 	Prior to commencement of use or endorsement of any Community Management Statement, whichever occurs first.
21	Existing Telecommunications Infrastructure	
	<p>Provide a 'Telecommunications Infrastructure Provisioning Confirmation' or a 'Telecommunications Network Infrastructure Notification' letter from a telecommunications carrier licensed under the <i>Telecommunications Act 1997</i> (e.g. Telstra) confirming that telecommunications carrier has been engaged to install telecommunications infrastructure within the proposed development.</p>	Prior to commencement of use or endorsement of any Community Management Statement, whichever occurs first.
22	Fibre Ready Telecommunications – Multi	
A	<p>Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with NBN Co Guideline MDU Building Design Guide as amended, that:</p> <ol style="list-style-type: none"> 1. Includes a suitable building entrance facility (lead-in) from the property boundary to the building entrance; and 2. Has suitable space and access for the installation, maintenance and repair of all elements up to and including the Network Termination Device (NTD) and Power Supply Unit (PSU) or the likely location of a NTD and PSU for each dwelling; and 3. A conduit with draw string, from either the telecommunication room or riser/closet location to each NTD or the likely location of each NTD. 	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
B	<p>Provide certification to Council from the Installer or an RPEQ engineer (electrical engineer) that the works and infrastructure required in (A) above has been done.</p> <p>Note: The location or the likely location of the NTD is determined by the owner in consultation with the electrician/electrical engineer. NBN Co have guidelines available to help determine the best location. A template for certification is available from Council for the purpose of this condition.</p>	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
23	Telecommunications Internal Wiring	
A	<p>Install internal wiring (Category 6 or better) within each dwelling from the expected location of any future Network Termination Device (NTD) for High Speed Broadband (based on</p>	Prior to commencement of use or Council's endorsement of any

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CONDITION		TIMING
	the recommended locational criteria in the NBN Co Guideline (MDU Building Design Guide OR New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs) to the same connection points in the dwelling that would have been or have been installed for telephone and television connections; including but not limited to bedrooms, family/living rooms, and study/office.	Community Management Statement, whichever occurs first.
B	Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done. Note: A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
24	Provision of Electricity	
A	Provide underground electricity to the site.	Prior to the commencement of the use or endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
B	Provide evidence (e.g. Certificate for Electricity Supply) demonstrating that an underground electricity supply network has or will be provided.	Prior to the commencement of the use or endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
25	No Net Loss of Fauna Habitat	
	Development does not result in the net loss of fauna habitat. Where development does result in the loss of a Habitat Tree (as defined in the administrative definitions of the MBRC Planning Scheme), development will provide replacement fauna nesting boxes at the following rate: <ol style="list-style-type: none"> 1. One (1) nest box for every hollow removed; or 2. Where hollows have not yet formed in trees greater than 80cm in diameter at 1.3m height, three (3) nest boxes are required for every habitat tree removed. 	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
26	Building Height	
	Provide certification from a suitably qualified person verifying the building height does not exceed 28.18m as per the administrative definition of 'height' as contained within the Moreton Bay Regional Council Planning Scheme.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
27	Enclosed car parking areas	
A	The internal car parking areas at Ground Floor and Level 1 along the side and rear elevations are to be fully enclosed, with the exception of the front elevation.	Prior to the commencement of use or Council endorsement of any

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CONDITION		TIMING
	The front elevation is to be appropriately screened and generally in accordance with the approved plan. The side and rear elevations are to incorporate appropriate architectural treatments, including patterns and colours, generally in accordance with the approved plan.	Community Management Statement, whichever occurs first, and to be maintained at all times.
B	Provide certification from a suitably qualified person confirming the proposed ventilation methods has no impact on the amenity of surrounding properties.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
28	Storage Facilities	
	Provide a storage area of 8m ³ per dwelling. Each storage area must be clearly allocated to individual units. Note - Storage areas can be co-located in garages, allocated car park areas in basements; or incorporated into building design. This storage area is not located within the dwelling.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
CONDITION		TIMING
DEVELOPMENT ENGINEERING		
29	Acid Sulfate Soil Investigation and Management	
A	Undertake an Acid Sulfate Soil Investigation, to be prepared by a qualified person. Soil sampling and analysis must be undertaken in accordance with procedures specified in Planning Scheme Policy - Acid Sulfate Soils. The investigation must provide information on the depth and extent of any acid sulfate soils on site within this stage of development, as well as the severity of acid sulfate soils relevant to the proposed disturbance.	Prior to the commencement of site works.
B	Prepare an Acid Sulfate Soil Management Plan for Council approval. All waters, including stormwater runoff, groundwater seepage and leachate from acid sulfate soils, must achieve the following quality prior to release from the site: <ol style="list-style-type: none"> 1. A pH range of 6.5-8.5 pH units. 2. 50mg/L maximum TSS concentration 3. 0.3mg/L maximum total iron concentration 4. 0.2mg/L maximum total aluminium concentration 5. No visible plume at either the point of release from the site or within a waterway. 	Prior to the commencement of site works.
C	Implement the requirements and recommendations of any Council approved Acid Sulfate Soil Management Plan required by (B) above. Undertake verification testing at the rate of one sample per 200m ³ throughout the duration of the excavation phase of the development. The verification testing must be undertaken by a qualified person using the SPOCAS or Chromium Reducible	While site works are occurring.

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CONDITION		TIMING
	<p>Sulphur testing suite, and the results must be submitted to Council for appraisal when requested during construction and prior to commencement of use.</p> <p>Groundwater monitoring is to be undertaken at a minimum of one location external to the area of excavation with the exact location to be agreed at the prestart meeting with Council's delegate.</p> <p>Groundwater monitoring is to be undertaken prior to works commencing and weekly throughout construction for the following parameters:</p> <ol style="list-style-type: none"> 1. Level (in m AHD) 2. pH 3. Electrical conductivity <p>Results must be submitted to Council for appraisal when requested during construction and prior to commencement of use and must demonstrate that groundwater quality has not been adversely impacted by the works.</p>	
D	Submit a Validation Report to Council at the completion of the site works. The validation report is to demonstrate compliance with the approved Acid Sulfate Soils Management Plan.	Prior commencement of use.
	<p>Note:</p> <p>Council will only accept a 'qualified person' as being one of the following:</p> <ol style="list-style-type: none"> 1. Registered Professional Engineer of Queensland (RPEQ); or 2. Environmental/Soil Scientist with current professional membership status at a relevant organisation (e.g. ASSSI, AIG; EIANZ; GSA) <p>Having met the above requirements, obtained a minimum of five (5) years professional experience in the field of acid sulfate soils.</p>	
30	Replace Existing Council Infrastructure	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of construction works, to a standard which is consistent with Council's standards.	Prior to commencement of use.
31	Alterations and Relocation of Existing Services	
	Any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of the telecommunications authority, electricity authorities, the Council or other person engaged in the provision of public utility services is to be carried with the development and at no cost to Council.	Prior to commencement of use.
32	Construction Management Plan	

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CONDITION		TIMING
A	<p>Submit a Construction Management Plan (CMP) prepared by a suitably qualified person. The CMP is required to ensure the development works (including all construction, demolition and excavation) do not adversely affect the health, safety, amenity, traffic or environment in the surrounding area. The plan is to include (but is not limited to) at least the following:</p> <ul style="list-style-type: none"> • Proposed construction program; • Public safety, amenity and site security; • Operating Hours, Noise and Vibration Controls; • Air & dust management; • Stormwater runoff, erosion & sediment control; • Waste & materials refuse management; • Traffic management; • Construction materials delivery & storage; • Construction office accommodation; • Contractor's vehicle parking arrangements. • Management of dewatering within ASS areas. 	Not less than six (6) weeks prior to any works commencing on site.
B	Obtain approval from Council for the Construction Management Plan.	Prior to works commencing on site.
C	Implement the approved Construction Management Plan and keep a copy of the CMP on site at all times during construction.	At all times during construction of the development.
	<p>Notes:</p> <ul style="list-style-type: none"> • The CMP should be based on the following: • Council will generally only approve early starts for large concrete pours (e.g. monolithic concrete pours for basements and suspended floor slabs) during summer. • Dewatering directly into Council's stormwater system (pipes or overland flow) without appropriate water quality treatment/improvement is not acceptable. • Materials unloading and loading must occur on-site unless prior written approval is given by Council. • All construction office accommodation and associated temporary buildings is to be contained within the site or on a nearby site. 	
33	Access, Internal Roadways, Parking and Servicing Areas	
A	<p>Design, construct and maintain, all line-marking, accesses, internal roadways, parking and servicing areas, in accordance with the approved plan(s) of layout, MUTCD and Australian Standard AS2890, except for the reduced height clearances over proposed car park spaces 37 and 38 in accordance with the rystenskild traffic engineers letter dated 25 July 2019, with appropriate signage to be provided. The works must be designed, constructed and maintained in accordance with good engineering practices and Council's Planning Scheme requirements unless conditioned otherwise.</p> <p>Note: Maximum pavement slopes for parking modules for People with Disabilities is maximum of 1:40.</p>	Prior to commencement of use and to be maintained.

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CONDITION		TIMING
B	As an additional control to improve the car park operation install convex mirrors at the corners of circulation aisles and ramps, to improve visibility between opposing vehicles.	Prior to commencement of use and to be maintained.
C	Provide certification from an RPEQ that all works have been designed and constructed in accordance with this permit condition.	Prior to commencement of use.
34	Driveway Crossover	
	<p>The driveway crossover from the constructed road to the site must be designed and built as a General Wide Flaired Heavy Duty Vehicle Crossing in accordance with IPWEA standard drawing RS-051, with levels complying with Council Standard Road Verge profile.</p> <p>Provide certification from an RPEQ that all works have been designed and constructed in accordance with this permit condition.</p> <p>Notes:</p> <ol style="list-style-type: none"> The internal access works must be designed to ensure the correct line, level and layout is achieved for the driveway crossover. Council will not accept driveway crossovers that do not conform to the above requirements. 	Prior to commencement of use.
35	Overland Flow Management	
	<p>Provide measures to properly manage overland flows draining to and through the land to ensure no nuisance or annoyance is created to any person or premises as a result of the development. The development must not result in ponding on adjacent land, redirection of overland flows to other premises and blockage of an overland flow relief path for flows exceeding the design flows for any underground system within the development.</p> <p>Note:</p> <p>The current design standards and relevant planning scheme codes are:</p> <ol style="list-style-type: none"> Planning Scheme Policy Integrated Design; Works Code. 	Prior commencement of use and to be maintained at all times.
36	Site Based Stormwater Management (Multiple Dwelling Developments)	
A	The Stormwater Management Strategy (SMS) provided in support of the application is approved as demonstrating that stormwater from the site can be discharged in accordance with Council's planning scheme and design standards.	Note only.
C	Install on-site stormwater management measures in accordance with the approved SMS and Council's planning scheme and design standards.	Prior to commencement of use.

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CONDITION		TIMING
	<p>Detailed design of the stormwater management works shall conform to the approved SMS.</p> <p>Provide Council with "As Built" drawings and specifications of the stormwater management (quality and quantity mitigation) devices certified by an RPEQ.</p> <p>Provide certification from an RPEQ that all works have been designed and constructed in accordance with this permit condition.</p>	
D	The landowner is responsible for the ongoing operation and maintenance of the stormwater management devices to ensure the design discharge parameters are maintained for the life of the approved development.	At all times after commencement of the use.
E	The stormwater quality devices located within the development are to be maintained at regular intervals after commencement of the use by a suitably qualified contractor. A certificate of compliance from the maintenance contractor is to be kept on site and made available to Council Officers upon successful completion of each maintenance procedure. Maintenance certificates are to be kept on site for a minimum of 2 years.	Ongoing at maintenance intervals not exceeding the maintenance specifications in the approved SMS from the commencement of the use.
F	Approved wording is to be included in the documentation/community management statement to bind the future owners and/or body corporate to undertaking the maintenance, repair and reporting for the on-site stormwater management devices.	Prior to commencement of use.
37	Stormwater Drainage - Lawful Discharge	
	Ensure that stormwater from the proposed development is lawfully discharged from the subject land without causing nuisance and annoyance to any person.	At all times.
38	Pedestrian Pathways	
	<p>Construct a 2.0 metre wide reinforced concrete pathway in accordance with Council's standards at the following locations</p> <ul style="list-style-type: none"> To the full frontage of the development site. <p>Provide to Council for review and approval "Surveyed As Constructed drawings" and a digital ADAC file of the concrete pathway.</p> <p>This condition has been imposed under section 665 of the Sustainable Planning Act 2009.</p>	Prior to commencement of use.
39	Emergency Management Procedure Manual	
A	Prepare and make available, on site a site specific emergency management procedure manual. The manual is to outline roles and responsibilities, evacuation routes (where applicable) and management actions to manage the safety of all occupants on the site during a major flood and/or storm tide event.	Prior to commencement of the use.

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CONDITION		TIMING
B	Regularly review and update the manual where appropriate to ensure consistency with Council's disaster management planning for Redcliffe.	To be maintained.
40	Structural Engineering Design Report	
A	Prepare a Structural engineering design report in accordance with Planning Scheme Policy Flood hazard, Coastal hazard and Overland flow to satisfy the requirements of the Flood Hazard Overlay code.	Prior to any approval of Building Works.
B	Construct the building works in accordance with the Structural engineering design report.	At all times during construction.
	Note: The Structural engineering design report is to be prepared by an RPEQ with appropriate experience in structural engineering and design.	
41	Building Materials Below the Flood Planning Level	
A	Building works which are below the Flood Planning Level are to be constructed from materials with a high water resistance.	Prior to commencement of use.
B	No filling is permitted within the area mapped as Medium/High risk flood hazard area under Council's Flood Hazard Overlay Code.	At all times
	Notes: <ol style="list-style-type: none"> 1. The Flood Planning Level used for development can be obtained from the relevant section of the Flood Check Development Report available via Council's website: www.moretonbay.qld.gov.au. The current Flood Planning Level for this site is 3.7m AHD. 2. The Queensland Government Fact Sheet 'Rebuilding after a flood' provides information about water resilient products and building techniques. Available at www.hpw.qld.gov.au. 	

ADVICES	
1	Aboriginal Cultural Heritage Act 2003
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. Under the Act, indigenous parties are key in assessing cultural heritage significance.</p> <p>The <i>Aboriginal Cultural Heritage Act 2003</i> establishes a Duty of Care for indigenous cultural heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting the activity.</p> <p>Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care.</p> <p>Those proposing an activity that involves additional surface disturbance beyond that which has already occurred on the proposed site need to be mindful of the Duty of Care requirement.</p>

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ADVICES	
	<p>Details of how to fulfil the Duty of Care are outlined in the Duty of Care Guidelines gazetted with the Act.</p> <p>Council strongly advises that you contact the relevant state agency to obtain a copy of the Duty of Care Guidelines and further information on the responsibilities of developer under the terms of the <i>Aboriginal Cultural Heritage Act 2003</i>.</p>
2	Adopted Charges
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 8) dated 14 August 2018 or as amended apply to this development approval.</p> <p>From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval.</p> <p>Payment of Infrastructure Charges is to be in accordance with the Infrastructure Charges Notice issued with this development approval and any Infrastructure Charges Notice issued by Unitywater. From 1 July 2014, all Infrastructure Charges for infrastructure networks controlled by Unitywater (eg. water and/or sewerage) regardless of when the Infrastructure Charges Notice was issued are to be paid directly to Unitywater while Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.</p>

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

Decision Notice information

	Details to Insert
Application Type	Material Change of Use -Development Permit for Multiple Dwelling
Relevant Period of Approval	Material Change of Use – 6 years
Section 64(5) Deemed Approval	Not applicable
Superseded Planning Scheme	Not applicable
Variation approval affecting the Planning Scheme	Not applicable
Other Necessary Permits	<ul style="list-style-type: none"> • Operational Works – Development Permit • Building Works – Development Permit
Codes for Accepted Development	Not applicable

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	Details to Insert
Referral Agencies	There are no Referral Agencies
Submissions	There were three (3) properly made submissions about this application.

REPORT DETAIL

1. Background

On January 2008, Council approved an application for a Material Change of Use - Development Permit for Dwelling Units (24 dwelling units) – DA/16527/2007/DA. This has since lapsed.

On 14 June 2016, Council approved an application for a Material Change of Use – Development Permit for Multiple Dwelling (22 Units) – DA/30365/2015/V2M. This application is still current as it is within its currency period.

On 5 September 2017, Council approved an application for a Material Change of Use - Development Permit for Multiple Dwelling (28 Units) - DA/33296/2016/V2M.

On 19 March 2019, Council's Delegate approved a Change (Minor) Application to the previously approved Material Change of Use - Development Permit for Multiple Dwelling (28 Dwellings) - DA/33296/2016/VCHG/1). This Change (Other) Application seeks to change this approval.

2. Explanation of Item

2.1 Proposal Details

This application seeks to make changes to an existing development approval for a Material Change of Use - Development Permit for Multiple Dwelling at 4-8 Sutton Street, Redcliffe.

The changes proposed to the original approval consist of the following:

- Increase in height from 27m to 28.18m (mapped as 27m on Overlay Map - Building Heights)
- Reduction in the number of dwellings from twenty-eight (28) to twenty-six (26)
- Addition of two (2) car spaces - 43 spaces are proposed to be provided
- Change in unit typology
 - From: 20 x 2 bedroom units and 8 x 3 bedroom units
 - To: 12 x 2 bedroom units and 14 x 3 bedroom units
- Minor adjustments to the internal layout
- Minor changes to architectural features of the building

All other aspects of the development remain unchanged as per the original approval.

It is noted that the site is mapped under Overlay Map - Flood Hazard as being within the Medium Risk flood hazard area and within a Drainage Investigation Area, as well as within the Balance Area of the Coastal Hazard Overlay. The assessment benchmarks of both the Flood Hazard and Coastal Hazard Overlay Codes have previously been addressed, with all existing conditions relating to the overlays to remain.

2.2 Description of the Site and Surrounds

The development sites are currently vacant.

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Directions	Planning Scheme Zone	Current Land Use
North	General Residential Zone Urban Neighbourhood Precinct	Dwelling House
South	General Residential Zone Urban Neighbourhood Precinct	Dwelling House
East	General Residential Zone Urban Neighbourhood Precinct	Dwelling House
West	General Residential Zone Urban Neighbourhood Precinct	Dwelling House & Multiple Dwelling

2.3 Assessment Benchmarks related to the Planning Regulation 2017

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

These Assessment Benchmarks are prescribed as being contained in:

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

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

2.3.1 *State Planning Policy*

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

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

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	(3) Fire hydrants are suitable identified so that fire services can locate them at all hours.	installed within the development where required.
Assessment benchmark - mining and extractive resources		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmarks - water quality		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmarks - natural hazards, risk and resilience		
Applicable to Development	SPP Requirement	Comment
Yes	<p>Erosion prone areas within a coastal management district:</p> <p>(1) Development does not occur in an erosion prone area within a coastal management district unless the development cannot feasibly be located elsewhere as is:</p> <p>(a) coastal dependent development; or</p> <p>(b) temporary, readily relocatable or able to be abandoned development; or</p> <p>(c) essential community infrastructure; or</p> <p>(d) minor redevelopment of an existing permanent building or structure that cannot be relocated or abandoned.</p> <p>(2) Development permitted in (1) above, mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(3) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>All natural hazard areas:</p>	<p>An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.</p> <p>The site is mapped as a Medium Risk Area under Council's Flood Hazard Overlay and Balance Area of Council's Coastal Hazard Overlay. The existing approval contains conditions relating to the preparation of an emergency management manual and the submission of a structural engineering design report. These existing conditions will be recommended to remain as part of this Change Application.</p>

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	<p>(4) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(5) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.</p> <p>(6) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</p> <p>(7) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</p>	
Assessment benchmarks - strategic airports and aviation facilities		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable

2.3.2 *South East Queensland Regional Plan*

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

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

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

2.4.1 *Strategic Framework*

An assessment against the Strategic Framework is not required by the development proposal as it has been determined that compliance with the relevant Performance Outcomes can be achieved.

2.4.2 *Assessment of Applicable Codes*

Code Compliance Summary

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

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

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Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
Zone/ Local Plan Code		
General Residential Zone Code - Urban Neighbourhood Precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO3 Note: The assessment benchmarks within this code were addressed as part of the original development approval. Only the proposed changes have been assessed as part of this application.
Overlay Codes		
Flood Hazard Overlay Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Note: The assessment benchmarks within this code were addressed as part of the original development approval. Only the proposed changes have been assessed as part of this application.
Coastal Hazard Overlay Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Note: The assessment benchmarks within this code were addressed as part of the original development approval. Only the proposed changes have been assessed as part of this application.
Development Codes		
Residential Uses Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Note: The assessment benchmarks within this code were addressed as part of the original development approval. Only the proposed changes have been assessed as part of this application.

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

2.4.3 Performance Outcome Assessment

Performance Outcome	Example
General Residential Zone Code - Urban Neighbourhood Precinct	
PO3 Buildings and structures have a height that: <ol style="list-style-type: none"> is consistent with the medium to high rise character of the Urban neighbourhood precinct; responds to the topographic features of the site, including slope and orientation; is not visually dominant or overbearing with respect to the streetscape; responds to the height of development on adjoining land where contained within another precinct or zone. 	E3 Building height: <ol style="list-style-type: none"> is within the minimum and maximum mapped on Overlay map – Building heights; or for domestic outbuildings, including free standing carports and garages, 4m and a mean height not exceeding 3.5m.

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Performance Outcome	Example
Note - Refer to Planning scheme policy - Residential design for details and examples.	
<i>Performance Outcome Assessment</i>	
<p>The applicant is proposing an alternative solution to allow an overall building height of 28.18m, in lieu of the suggested building height of 27m as identified by Overlay Map - Building Heights.</p> <p>The proposed change seeks to increase height by 1.18m. This increase in height has resulted from slight increases in the floor to ceiling height for each level as well as introducing a slight pitch to the roof form. Importantly, the increase in height is located to the centre of the pitched roof with the majority of the building being approximately 27m. As such, the additional height when viewed from external to the site will be negligible and will not result in amenity impacts (i.e. scale, bulk and overshadowing) to adjoining properties. Further, having regard to the broader locality/wider context, the slight increase in height will not interrupt significant view corridors given it relates to a small part of the roof.</p> <p>Although the proposed built form exceeds the suggested maximum height limit as per Example E3 of the zone code, the corresponding Performance Outcome, PO3, requires buildings and structures have a height that is consistent with the medium to high rise character of the Urban neighbourhood precinct. Planning Scheme Policy - Residential Design outlines medium rise being 4-6 storeys and high rise being 7 or more storeys. The proposed development provides 9 storeys and is therefore consistent with a high rise apartment as outlined within the Planning Scheme Policy.</p> <p>Further, the use of a podium level and entrance awning at the front of the building are positive design features used to establish a 'human scale', minimising the dominance of built form with respect to the streetscape. At the pedestrian level, in front of the site, the proposed change is unlikely to be noticeable.</p> <p>Therefore, compliance with the Performance Outcome is achieved.</p>	

2.5 Trunk Infrastructure

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

2.5.1 *Levied Charge*

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

2.5.2 *Levied Charge Credit*

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

(a) Payment of previous charges or contributions

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

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(b) Lawful use of land

There is a previous lawful use of the land being three (3) Dwelling houses. Accordingly, the credit available under this option is \$50,960.16 (\$17,603.73 per lot), based on the proportional split stated in Table 3 of the CR.

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

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

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

The credit available under this option is \$17,603.73 per lot based on the proportional split stated in Table 3 of the CR. Therefore, a total credit of \$52,811.19 is available.

2.5.3 Levied Charge Offset or Refund

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

2.5.4 Additional Trunk Infrastructure Costs

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

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

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

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

2.6 Recording of particular approvals on the MBRC Planning Scheme

Not Applicable in this instance.

2.7 Referrals

2.7.1 Council Referrals

2.7.1.1 Development Engineering

The application was referred to Development Engineering for review and comment. It has been recommended that the submitted traffic advice letter provided by Rystenschild Traffic Engineering, dated 25 July 2019, be included within the approved documents table. It has also been recommended that all conditions of the existing permit remain, with a minor amendment to Condition 34A requiring appropriate signage over proposed car parking spaces 37 and 38 due to reduced height clearances.

2.7.1.2 Environmental Health

The application was referred to Environmental Health for review and it has been recommended that all existing conditions relating to lighting and waste management remain.

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2.7.2 Referral Agencies

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

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

2.7.2.2 Advice Agencies

There were no Advice Agencies involved in assessing this application.

2.7.2.3 Third Party Agencies

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

2.8 Public Consultation

2.8.1 Public Notification Requirements under the Development Assessment Rules

- (a) Public Notification was served on all adjoining landowners on 18 September 2019.
- (b) The development application was advertised in the Redcliffe and Bayside Herald on 19 September 2019.
- (c) A notice in the prescribed form was posted on the relevant land on 19 September 2019 and maintained for a period of at least 15 business days, until 14 October 2019.

2.8.2 Submissions Received

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

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

The matters raised within the submissions are outlined below:

Assessment of Submissions
<p>Issue - Building Height</p> <ul style="list-style-type: none"> • The submissions raise concern regarding the proposed building height as it exceeds the maximum building height of 27m. The submissions outlined that the increased height will impact on privacy and that the overshadowing created from the built form will affect the gardens of adjoining residents and that the reduction in sunlight and ventilation will create a loss of amenity. Further, the loss of breezes due to the increased height and that these impacts will be detrimental to the quality of life of the adjoining residents. • The submissions were concerned with the following statement: <i>"The building height as amended is considered to be consistent with the medium to high rise character of the Urban Neighbourhood Precinct, noting that the development shall continue to read as 9 storeys like the majority of multi-storey developments within the vicinity of the site."</i> <p>The submitters noted that the above statement is in contradiction to section E iv. of planning code: - orientate to integrate with the street and surrounding neighbourhood. The submitters outlined that the proposed building height does not integrate with the character of the surrounding neighbourhood due to the existing low-density dwellings</p>

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Assessment of Submissions
that surround the proposed development and that the height is already too high for a residential suburb.
<p>Discussion</p> <p>This Change Application proposes to increase the building height from the previously approved height of 27m to 28.18m. It is recognised that the increased height exceeds that mapped on Overlay Map - Building Height, being 27m.</p> <p>Although the proposal is unable to comply with the suggested building height as per Example E3 of the zone code, the corresponding Performance Outcome, PO3, requires buildings and structures have a height that is consistent with the medium to high rise character of the Urban neighbourhood precinct. The submissions raised concern with the statement relating to the building height being consistent with the medium to high rise character of the Urban neighbourhood precinct. However, it is recognised that Planning Scheme Policy - Residential Design outlines medium rise being 4-6 storeys and high rise being 7 or more storeys. The proposed development provides 9 storeys and is therefore consistent with a high rise apartment as outlined within the Planning Scheme Policy. It is acknowledged that the proposed building will not integrate with the existing character of the neighbourhood which typically contains one and two storey dwellings. However, it is noted that the character of the area is likely to undergo significant change in the future with the area contained within the Urban Neighbourhood Precinct, the Planning Scheme's most high density/built form precinct.</p> <p>It is acknowledged that the proposed building with an overall maximum height of 28.18m would result in overshadowing and impact on breezes. However, although exceeding the suggested building height by 1.18m, the increased height is considered minor in nature and is within the expectations for the extent of overshadowing and impact on breezes envisaged by the Planning Scheme for the Urban Neighbourhood Precinct. Further, the proposed building complies with the suggested minimum setbacks, with the exception of a minor encroachment to the front boundary setback for an entrance awning and covered car parking spaces, as well as a set of external stairs from the ground floor car parking area on the southern boundary and a planter box along the southern boundary of Level 2.</p> <p>With regards to privacy, a condition would be recommended requiring adequate privacy treatments be placed on habitable room windows or balconies that overlook the private recreation of other dwelling on adjoining sites.</p> <p>This is not a reasons for refusal of the application.</p>
Issue - Car Parking
<ul style="list-style-type: none"> • The submissions raise concern regarding the number of car parking spaces proposed to be provided noting that the provision of 39 car parks is not sufficient to cater for 26 dwellings containing two (2) and three (3) bedrooms and that this will lead to: <ul style="list-style-type: none"> ○ cars parking on Sutton Street, being a narrow road, which will lead to congestion that will spread to surrounding streets; ○ congestion on the streets will impact on the access of emergency services; ○ additional cars on the street may be targeted by vandals; • The submitters noted that additional car parking should be provided as it can be assumed that these larger units will be occupied by families and couples, the most of which will have two or even three cars per family. Reference was made to the Australian Bureau of Statistics (ABS) 2016 Census data that indicated the majority of Australians have two or more motor vehicles.

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<p>Assessment of Submissions</p> <ul style="list-style-type: none"> The submissions raise concern regarding the reduction in visitor parking bays from five (5) to four (4), therefore leading to additional on-street parking and compounding the problem of congestion, noise and fumes.
<p>Discussion</p> <p>This Change Application proposes to increase on site car parking spaces from forty-one (41) to forty-three (43), consisting of thirty-nine (39) resident spaces and four (4) visitor spaces. An increase in car parking is proposed even through a reduction of two (2) dwellings is sought as part of this application.</p> <p>The proposed car parking on site exceeds the minimum number of car parking spaces suggested by the Planning Scheme by seventeen (17) spaces. In addition, a total of twenty-six (26) bicycle parking spaces are to be provided to encourage the use of active transport and reduce the reliance on provide vehicles. As a result, the likely impact on existing on-street parking congestion is considered minimal. The likely peak period for on street parking would be expected to be in the evenings and on weekends, outside of the hours of when refuse collection typically occurs.</p> <p>Vandalism of vehicles parked on the street is a matter for the police and not a relevant planning consideration.</p> <p>This is not a reason for refusal of the application.</p>
<p>Issue - Building Design</p> <ul style="list-style-type: none"> The submissions raise concern regarding the inclusion of a deck adjacent to 2 Sutton Street, setback approximately 1m from the southern boundary. The submission outlines that the inclusion of the deck above ground will impact on privacy due to being able to see over the fence and that the position of the deck and the reduced setback is inappropriate. Concern regarding the proximity to the side boundary of 10 Sutton Street has been raised, noting that there will be a loss of privacy due to overlooking created by the development and that the noise from the additional dwellings will be intolerable. Concern has been raised relating to the total height of the car parking area (Ground Floor and Level 1). The submitter notes that the total height of these 2 levels is the same as the adjacent property and that there are several large windows on this side directly adjacent to the parking levels of the proposed complex. Further, the submitter notes that they will lose the use of the windows in the main living and outdoor areas should the proposed car park be built as per plan. A submitter has recommended that the car parking areas be fully enclosed by concrete walls all around and that the fence on the northern side boundary be at least 1.8m to 2m high. Further, the submitter has requested that fumes do not come out of extraction fans towards their property. The submitter also raised concerns relating to noise and light disturbance from car parking areas. Submissions acknowledged that the car park has been enclosed on its sites and that this will reduce issues arising from the fume, sound and light nuisance from cars. However, it has been requested that appropriate ventilation of the car parks be installed.
<p>Discussion</p> <p>This Change Application does not seek to alter the already approved setbacks of the built form. Further, no changes are sought to the ground floor and level 1 car parking areas. It is noted that in accordance with Condition 28A of the current development approval, the car</p>

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<p>Assessment of Submissions</p> <p>parking areas are required to be enclosed along the side and rear elevations with the front elevation to be appropriately screened. This condition would remain and need to be complied with should the Change Application be approved.</p> <p>Further, Condition 28B requires certification to be submitted to Council from a suitably qualified person confirming the proposed ventilation methods have no impact on the amenity of the surrounding properties. This condition would also remain and need to be complied with should the Change Application be approved.</p> <p>This is not a reason for the refusal of the application.</p>
<p>Issue - Refuse Storage</p> <ul style="list-style-type: none"> Concern has been raised relating to the location of the refuse storage area proposed against the boundary of 10 Sutton Street. The submitter notes that refuse storage on their side of the property is unacceptable as they have large windows which will make it very uncomfortable to use these windows for fresh air. The submitter recommends that the storage be removed from this side or be completely enclosed so that the odour and site of the refuse does not affect the quality of living currently enjoyed.
<p>Discussion</p> <p>This Change Application does not seek to relocate the bin storage area as approved within the current approval. The bin storage, therefore, remains on the southern side of the internal driveway positioned away from neighbouring properties.</p> <p>The bin wash facility is proposed to be slightly repositioned within the ground floor car parking area, however remains along the northern boundary of the site, behind a solid wall and infrequently used, therefore unlikely to result in an amenity impact (both visual and odour) to the adjoining property along the northern boundary.</p> <p>This is not a refusal for the refusal of the application.</p>
<p>Issue - Construction Activities</p> <ul style="list-style-type: none"> Concern has been raised regarding the potential of deep drilling at the initial stage of the development that will continue for a prolonged period of time. The submitter noted that this can adversely affect the structure of their property due to the development being in such close proximity. A submitter noted that their property experienced a lot of rattling of windows when the huge complex at 12 Sutton Street was being constructed, a building that is a block away. A submitter as advised that they have no option but to get before (already done) and after Dilapidation Reports and should there be any structural damage to their property, immediate legal action will be taken. A submitter has requested that the Engineer's Report of the proposed complex be put online as soon as possible, and that notification be sent once this has been actioned so that they may access it. Concern has been raised relating to the noise, dust and disturbance during building and that should the need to accommodate elsewhere during office hours they will be seeking costs of re-location and ongoing operational costs of working away from their usual work place at 10 Sutton Street, Redcliffe.
<p>Discussion</p> <p>Condition 33 of the current development approval requires the submission of a Construction Management Plan to Council for assessment prior to any works commencing on site. The Construction Management Plan is required to include measures to ensure the development works (including all construction, demolition and excavation) do not adversely affect the</p>

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Assessment of Submissions

health, safety, amenity, traffic or environment in the surrounding area. This condition would remain and need to be complied with should the Change Application be approved.

Any damage to adjoining properties that may occur as a result of construction activities would be a civil matter between the developer and the property owner. Any engineering plans and reporting would occur after detailed design and would be assessed by a private building certifier. There is no requirement for this information to be made available on line however the submitter may wish to liaise with the developer or building certifier for details, once available.

This is not a reason for refusal of the application.

2.8.3 Notice of Compliance

The Notice of Compliance was received by Council on 15 October 2019. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

2.9 Other Matters
None identified.

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications

Development occurs efficiently and effectively in the region in a manner that reduces potential risk implications to Council and the community.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

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

3.7 Economic Benefit Implications

Appropriate development supports the growing Moreton Bay region.

3.8 Environmental Implications

New development contributes to sustainable management and protection of the natural environment in the region through compliance with the planning scheme policies and provisions.

ITEM 2.1 DA/33296/2016/VCHC/2 - CHANGE (OTHER) APPLICATION - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (26 DWELLINGS), LOCATED AT 4-8 SUTTON STREET, REDCLIFFE - DIVISION 6 - A19297723 (Cont.)

3.9 Social Implications

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

3.10 Consultation / Communication

Refer to clause 2.8.

ATTENDANCE

Mr Dan Staley and Ms Amy White left the meeting at 12.06pm after Item 2.1.

ITEM 2.2 - STATEMENT OF LEGAL POSITION

Following the receipt of legal advice that as agenda item 2.2 is administrative in nature and could not be perceived as having any substantive impact on any donor to the Moreton Futures Trust, no personal interests need be declared by any Councillor in relation to this item.

ITEM 2.2

PROPOSED THE MILL AT MORETON BAY GUIDANCE MATERIAL: DRAFT PUBLIC ART GUIDELINES AND PUBLIC CONSULTATION - DIVISION 7

Meeting / Session: 2 PLANNING & DEVELOPMENT
Reference: A19296686 : 4 November 2019 - Refer Supporting Information A19364093
Responsible Officer: NS, Coordinator Community & Cultural Programs (CES Community Services, Sport & Recreation)

Executive Summary

The purpose of this report is to seek Council's approval to commence public consultation on "The Mill at Moreton Bay: (Draft) Public Art Guidelines".

RESOLUTION

Moved by Cr Denise Sims

Seconded by Cr Matt Constance

CARRIED 11/0

That the Chief Executive Officer be authorised to commence public consultation (as described in this report) on "The Mill at Moreton Bay: (Draft) Public Art Guidelines" annexed at Supporting Information #1.

ITEM 2.2 PROPOSED THE MILL AT MORETON BAY GUIDANCE MATERIAL: DRAFT PUBLIC ART GUIDELINES AND PUBLIC CONSULTATION - DIVISION 7 - A19296686 (Cont.)

OFFICER'S RECOMMENDATION

That the Chief Executive Officer be authorised to commence public consultation (as described in this report) on "The Mill at Moreton Bay: (Draft) Public Art Guidelines" annexed at Supporting Information #1.

REPORT DETAIL

1. Background

The Mill Priority Development Area's (PDA) Development Scheme (DS) commenced on 18 August 2017. The DS identifies that public art that is appropriate to the origins, history and character of the area will contribute to the uniqueness and richness of The Mill.

The DS includes specific allowance for the making of 'Guidance Material', and the following action is included in the document's 'Implementation Strategy':

Strategy 4.6, Action 2

"Develop additional guidance material as needed to assist in communicating the criteria within the development scheme (for example street profiles and cross sections)."

Officers have developed The Mill 'Draft Streetscape Guidelines' and 'Draft Civic Space and Park Guidelines', for the Mill Central and part of the Mill Green, to provide more detail on achieving exemplary urban, streetscape, civic space, and park design. These draft guidelines illustrate where public art is required, however provide no further guidance in relation to the types of public art to be delivered or the overall outcomes sought.

Accordingly, draft Public Art Guidelines for The Mill at Moreton Bay Priority Development Area (PDA) have been developed to assist in communicating the vision and requirements of public art to developers, relevant contractors (such as urban planners, architects, landscape architects, artists and designers), and set expectations for the community. Council's Development Services team will use the guidelines as an assessment resource, providing further detail to the Mill PDA Criteria.

Officers seek Council approval to commence public consultation on the draft guidelines as provided in Supporting Information #1, adopting a similar process for making or amending Planning Scheme Policies under the Minister's Guidelines and Rules.

2. Explanation of Item

The draft guidelines will support the DS in delivering high-quality public art outcomes across The Mill PDA area, and enable Council to influence the type and character of public art commissions delivered by developers and other parties at The Mill. The draft guidelines will do this by, amongst other things, communicating the vision for public art at The Mill, the curatorial rationale and themes to be utilised in artwork commissions, and the assessment and approval processes for public art projects.

Whilst the *Economic Development Act 2012* provides no guidance on public notification processes for the making of guidance material, the Guidelines will operate in a similar manner to a Planning Scheme Policy under the *Planning Act 2016* - in that it will support the operation of the Development Scheme. Accordingly, it is proposed that the guidelines be publicly notified using a similar process for making or amending Planning Scheme Policies under the Minister's Guidelines and Rules. This will involve:

- publishing the proposed draft guidelines on the Council's website; and
- publishing, at least once in a newspaper circulating in the area of the relevant local government, a notice—

ITEM 2.2 PROPOSED THE MILL AT MORETON BAY GUIDANCE MATERIAL: DRAFT PUBLIC ART GUIDELINES AND PUBLIC CONSULTATION - DIVISION 7 - A19296686 (Cont.)

- (i) stating that the proposed draft guidelines are published on the Council's website and available for inspection at Council's Strathpine and Caboolture offices; and
- (ii) inviting persons to make submissions, within a period of at least 20 business days, about the proposed draft guidelines.

Officers propose extended consultation dates of Friday 29 November 2019 to Wednesday 29 January 2020.

Feedback/ submissions will be considered by Council following the consultation period, before final adoption of the guidelines.

3. Strategic Implications

3.1 Legislative / Legal Implications Nil identified

3.2 Corporate Plan / Operational Plan
Creating Opportunities: Well-planned growth - a sustainable and well-planned community.

3.3 Policy Implications
The draft guidelines will provide clarity and further detail to implement the DS.

3.4 Risk Management Implications
Providing guidance material for the PDA reduces the risk of inappropriate and poor quality public art outcomes.

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications
The consultation costs of the proposed draft guidelines are provided for in the current budget.

3.7 Economic Benefit Implications
The draft guidelines provide further detail to support the DS, which promotes economic benefits to the region. The potential economic benefits of public art at The Mill include, but are not limited to:

- Attracting investment and business; and
- Creating a cultural tourism destination.

3.8 Environmental Implications
The draft guidelines provide further detail to support the DS, which promotes environmental benefits.

3.9 Social Implications
The draft guidelines provide further detail to support the DS, which promotes positive social outcomes.

The potential social benefits of public art at The Mill include:

- Creating a strong cultural identity;
- Creating a sense of place;
- Animating public spaces and places;
- Celebrating community cultures; and
- Responding to the area's Aboriginal and historic heritage.

ITEM 2.2 PROPOSED THE MILL AT MORETON BAY GUIDANCE MATERIAL: DRAFT PUBLIC ART GUIDELINES AND PUBLIC CONSULTATION - DIVISION 7 - A19296686 (Cont.)

3.10 Consultation / Communication

The draft guidelines have been informed by public art consultancy *CreativeMove* who were engaged to research the historical, cultural, social and environmental context of the location and to recommend curatorial themes, artwork opportunities, and planning and management arrangements for public art throughout the PDA.

Internal and external stakeholders, including Kabi Kabi First Nation Traditional Owners Native Title Claim Group, were consulted throughout the research phase.

Internal stakeholders, including Development Services and Strategic Planning, provided expert advice that informed the development of the draft guidelines.

The draft guidelines are now proposed to go on public consultation for community feedback.

3 CORPORATE SERVICES SESSION

(Cr M Constance)

No items for consideration.

4 ASSET CONSTRUCTION & MAINTENANCE SESSION

(Cr A Hain)

ITEM 4.1

FERNY HILLS SWIMMING POOL HEAT PUMP REPLACEMENT - DIVISION 10

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A19306632 : 15 November 2019 - Refer **Confidential Supporting Information A19346158**
Responsible Officer: MK, Principle Engineer Building and Facilities (IP Infrastructure Planning)

Executive Summary

Council invited tenders for the “Ferry Hills Swimming Pool - Heat Pump Replacement (MBRC008361)” project. The tender was evaluated on the 14th November 2019, with a total of six conforming tenders received.

The project scope includes the demolition and renewal works for two heat pumps for the 50 metre pool at the Ferry Hills Swimming Pool Complex, as the existing heat pumps are in very poor condition. The new heat pumps will allow the pool to be sufficiently heated and to be in service all year round.

It is recommended that Council awards the primary contract for the “Ferry Hills Swimming Pool - Heat Pump Replacement (MBRC008361)” to Sunbather Pty Ltd for the sum of \$222,240.00 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

RESOLUTION

Moved by Cr Matt Constance

Seconded by Cr Mike Charlton (Deputy Mayor)

CARRIED 10/0

Cr Koliانا Winchester had briefly retired from the meeting was not present when the vote was taken

1. That the tender for the “Ferry Hills Swimming Pool - Heat Pump Replacement (MBRC008361)” be awarded to Sunbather Pty Ltd for the amount of \$224,240.00 (excluding GST).
2. That the Council enters into an agreement with Sunbather Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Sunbather Pty Ltd for the “Ferry Hills Swimming Pool - Heat Pump Replacement (MBRC008361)” and any required variations of the agreement on Council's behalf.

ITEM 4.1 FERNY HILLS SWIMMING POOL HEAT PUMP REPLACEMENT - DIVISION 10 - A19306632 (Cont.)

OFFICER'S RECOMMENDATION

1. That the tender for the "Ferry Hills Swimming Pool - Heat Pump Replacement (MBRC008361)" be awarded to Sunbather Pty Ltd for the amount of \$224,240.00 (excluding GST).
2. That the Council enters into an agreement with Sunbather Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Sunbather Pty Ltd for the "Ferry Hills Swimming Pool - Heat Pump Replacement (MBRC008361)" and any required variations of the agreement on Council's behalf.

REPORT DETAIL

1. Background

The "Ferry Hills Swimming Pool - Heat Pump Replacement (MBRC008361)" project is located at the Ferry Hill Swimming Pool Complex at Ferry Way, Ferry Hills, Queensland.



Figure 1: Location of Works - Ferry Hills Swimming Pool

The outcome of this project is to ensure that the 50 metre pool is sufficiently heated such that it is able to be in service all year round. Currently the pool closes for winter. The heat pumps currently installed at the 50 metre pool at Ferry Hills Swimming Pool are reaching their end of life and are due for renewal. The heat pumps that are in operation currently are not achieving the desired water temperature, which has raised complaints from the pool management and the public. This is due to fact that the heat pumps are leaking water and there are multiple defects in the system.

GHD were engaged as an engineering consultant to provide an assessment on the heating requirements required for the 50 metre pool to be operational and sufficiently heated all year round. GHD provided engineering drawings and the technical specification to be issued for tender.

ITEM 4.1 FERNY HILLS SWIMMING POOL HEAT PUMP REPLACEMENT - DIVISION 10 - A19306632 (Cont.)

The heat pumps renewal scope of works includes the demolition and removal of the existing heat pump equipment and installation of two new heat pumps. The works include all associated plumbing and electrical works to tie the new heat pumps and control gear into the existing plumbing and electrical services. (See Figure 2). The heat pumps will have provision to connect to Council’s IELVS Building Management System for remote heat pump monitoring and alarm management. The integration into IELVS is outside of the scope of works for this tender.

Works will require 12 weeks to complete, which includes the lead time for heat pump manufacture and delivery to site, and the construction works on site. Following the completion of the works, the heat pumps will be handed over to Council and Ferny Hill’s Swimming Pool management and will include all supporting documentation and certification. Sunbather Pty Ltd will provide on-site training for management staff and Council in the correct operation of the new heat pumps.

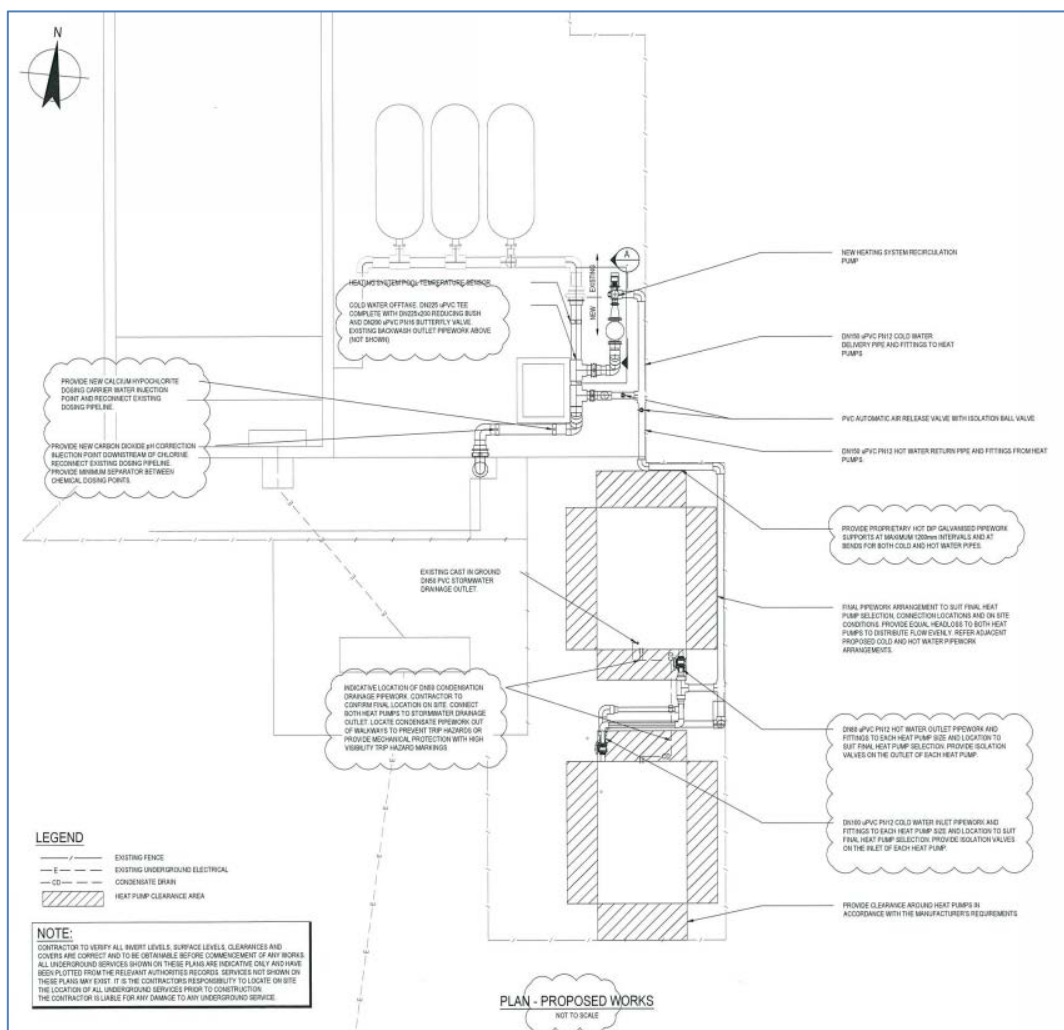


Figure 2: Ferny Hills Swimming Pool - 50m Pool Heat Pumps Replacement Proposed Plan

2. Explanation of Item

Tenders were invited for the “*Ferny Hills Swimming Pool - Heat Pump Replacement (MBRC008631)*” project. The tenders were evaluated on the 14th November 2019 with a total of six tenders. All six companies that provided a tender were conforming. The responses were assessed by the assessment panel in accordance with Council’s Purchasing Policy and the selection criteria set out in the tender documentation.

ITEM 4.1 FERNY HILLS SWIMMING POOL HEAT PUMP REPLACEMENT - DIVISION 10 - A19306632 (Cont.)

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

Table 2 - Tenderer's Evaluation Scores

RANK	TENDERER	EVALUATION SCORE
1	Sunbather Pty Ltd	100.00
2	Platinum Aquatics Australia	86.15
3	Alto Pacific Pty Ltd	83.70
4	QIS Energy Conservation Systems Pty Ltd	80.60
5	Evo Industries Pty Ltd	77.42
6	EDRESS Pty Ltd	54.54

The following observations of tenders were made by the assessment team:

Sunbather Pty Ltd submitted a tender which extensively covered all evaluation criteria and mandatory criteria. This included a detailed methodology and strategy, Gantt Chart and work health & safety management. Sunbather Pty Ltd have previously undertaken similar work for local government including the installation of heat pumps with commercial pool covers at the Murrumba Downs Swimming Pool for Council. Sunbather have also undertaken similar heat pump installation works for other Council's within South-East Queensland including Ipswich City Council and Logan City Council.

At a tender clarification meeting with Sunbather Pty Ltd, they demonstrated their understanding and methodology to complete this project to conform with the technical specification. The construction duration is 12 weeks inclusive of the required lead time of the heat pumps manufacture and delivery, wet weather allowance and the installation of the heat pumps and the associated plumbing and electrical works on site at the Ferny Hills Swimming Pool.

Platinum Aquatics Australia submitted a comprehensive tender and demonstrated their ability and experiences on smaller heat pump projects. The proposed heat pumps and equipment to be installed conformed to the technical specification. However, there were no additional benefits for the higher price.

Alto Pacific Pty Ltd submitted a comprehensive tender and demonstrated their ability and experiences on other pool projects. Their proposed heat pumps and associated equipment to be installed met the required technical specifications. However, there were no additional benefits for the higher price.

QIS Energy Conservation Systems Pty Ltd submitted a comprehensive tender and demonstrated their ability and experiences on similar projects and the proposed heat pumps and associated equipment to be installed met the required technical specifications. However, QIS's tender submission provided no additional benefits for the higher price.

Evo Industries Pty Ltd submitted a comprehensive tender, with the equipment selection meeting the technical specification by installing 3 smaller heat pumps, rather than 2 stated in the specification. However, Evo's tender submission provided no additional benefits for the higher price.

EDREES Pty Ltd submitted a satisfactory tender, with the equipment selection meeting the required specification however, EDREE's tender submission did not provide a detailed delivery plan and their tender submission provided no additional benefits for the higher price.

ITEM 4.1 FERNY HILLS SWIMMING POOL HEAT PUMP REPLACEMENT - DIVISION 10 - A19306632 (Cont.)

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

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

3.4 Risk Management Implications

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

Financial Risk:

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

Construction Method/Complexity Risks:

- a. The recommended contractor will provide a detailed program of works, a staging plan with lead times for critical equipment, site specific traffic management, environmental management and safety plans. Work areas will be isolated to protect site personnel, the public, and to meet workplace health and safety requirements.
- b. The contractor has demonstrated their understanding of constructability challenges and their technical capability to complete the works at this location and within a limited timeframe.
- c. There are no Development Approvals relating to this site or project.

Site Operation Risks:

- a. The recommended contractor has advised that they will work closely with Council and the pool management at the Ferny Hills Swimming Pool to minimise disruptions to day-to-day operations

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications

\$18,231.00 was spent in 18/19 FY for the 50 metre pool heat pump design.

Council has allocated a total of \$311,832 for this project in the 19-20 FY.

Tender Price (Construction)	\$222,240.00
Contingency (10%)	\$22,224.00

Total Project Cost	\$244,464.00
	=====
Estimated ongoing operational/maintenance costs	\$5,500.00 per F/Y.

This project will be debited to job/project number 101991.

The budget allocation for this project is sufficient.

ITEM 4.1 FERNY HILLS SWIMMING POOL HEAT PUMP REPLACEMENT - DIVISION 10 - A19306632 (Cont.)

3.7 Economic Benefit

The intention of this project is for Council to be able to operate the heat pumps for the 50 metre pool all year round, as it so determines, which will assist in maximising the use of the facility and reduce the risk of the current lease holders being unable to use the pools for purposes which require heated water.

3.8 Environmental Implications

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

3.9 Social Implications

The project will have a positive social impact to the Ferny Hills community, by allowing full utilisation of the 50m pool as it will be sufficiently heated and is able to be operational all year round. This assists the community to promote healthy lifestyles.

3.10 Consultation / Communication

Building & Facilities Planning will be in continuous communication with the Principal Contractor. Communication strategies include weekly updates from the contractor regarding the heat pumps manufacture lead time and installation progress. Weekly site visits will occur to get regular updates on construction progress. In addition, Property & Commercial Services will be given constant updates on the project's progress.

**ITEM 4.2
BEACHMERE COMMUNITY CENTRE DEVELOPMENT - DIVISION 2**

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A19341139 : 2 October 2019 - Refer **Confidential** Supporting Information
A19349529
Responsible Officer: MK, Principal Engineer Buildings and Facilities (IP Directorate)

Executive Summary

Tenders were invited for the “*Beachmere Community Centre Development (MBRC008651)*” project. The Request for Tender closed on 17 September 2019 with a total of 6 conforming tenders received.

The tender comprised of the primary works and four optional extras; Option 1 (operable wall), Option 2 (entry ramp veranda), Option 3 (vinyl function room floor) and Option 4 (refurbished amenities). A fire hydrant will also be installed in the carpark as part of the project however these works will be undertaken by a separate specialist contractor.

It is recommended that Council includes Option 1 (operable wall between activity room 1 and 2), Option 3 (vinyl function room floor) and Option 4 (refurbished male and female amenities) as part of the contract as this will provide Council with an improved and versatile facility to meet the Beachmere community’s needs.

It is recommended that Council awards the contract for the “*Beachmere Community Centre Development (MBRC008651)*” to Quadric Pty Ltd, for the sum of \$563,510.70 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

RESOLUTION

Moved by Cr Peter Flannery

Seconded by Cr Brooke Savige

CARRIED 11/0

1. That the tender for “*Beachmere Community Centre Development (MBRC008651)*” be awarded to Quadric Pty Ltd for the amount of \$563,510.70 (excluding GST), which includes Option 1 (operable wall between activity room 1 and 2), Option 3 (vinyl function room floor) and Option 4 (refurbished male and female amenities).
2. That the Council enters into an agreement with Quadric Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Quadric Pty Ltd for “*Beachmere Community Centre Development (MBRC008651)*” and any required variations of the agreement on Council’s behalf.

ITEM 4.2 BEACHMERE COMMUNITY CENTRE DEVELOPMENT - DIVISION 2 - A19341139 (Cont.)

OFFICER'S RECOMMENDATION

1. That the tender for “*Beachmere Community Centre Development (MBRC008651)*” be awarded to Quadric Pty Ltd for the amount of \$563,510.70 (excluding GST), which includes Option 1 (operable wall between activity room 1 and 2), Option 3 (vinyl function room floor) and Option 4 (refurbished male and female amenities).
2. That the Council enters into an agreement with Quadric Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Quadric Pty Ltd for “*Beachmere Community Centre Development (MBRC008651)*” and any required variations of the agreement on Council's behalf.

REPORT DETAIL

1. Background

In March 2018, the community facility located at 10-26 Biggs Avenue, Beachmere was handed back to Council for management. The facility had previously been occupied by the Returned Service League of Australia (Queensland Branch) Beachmere Sub Branch Inc. under a lease agreement with Council and was utilised primarily as a food and beverage venue.

Following the facility's return to Council, a community facility needs assessment and planning process was undertaken to determine future community use of the building. As an outcome of this process, it was determined that the facility be repurposed as a multi-purpose community centre/hall which is to be managed by a non-profit community organisation on behalf of Council, under a Hall Management Agreement.

A Council meeting on 4 December 2018 recommended that Beachmere Area Network Group Inc. (BANG) be appointed to manage the community facility under a Hall Management Agreement for a five-year term commencing after the redevelopment works have been completed.

A budget allocation was provided in the 2018/19 and 2019/20 Council budgets to fund the redevelopment works. The budget allocation covers the detailed design of the redeveloped building as well as the corresponding construction works.



Figure 1 - Location of Community Centre

ITEM 4.2 BEACHMERE COMMUNITY CENTRE DEVELOPMENT - DIVISION 2 - A19341139 (Cont.)

The detailed design of the community centre has been completed incorporating significant input from BANG, as well as all relevant stakeholders within Council.

The floor plan of the redeveloped community centre is shown below in Figure 2 and comprises of the following areas:

- Area in blue - Six separate leasable areas
- Area in purple - Disaster Management store room
- Area in red - Bowls Club shared office
- Area in green - Shared amenities and cleaners store room

All leasable areas will have access to the amenities via swipe card including the bowls club whom occupy the adjacent shed and bowls greens.

The community centre will form part of Council's disaster management facilities network. Future works will include the installation of a generator capable of supplying electricity to the building during power outages.

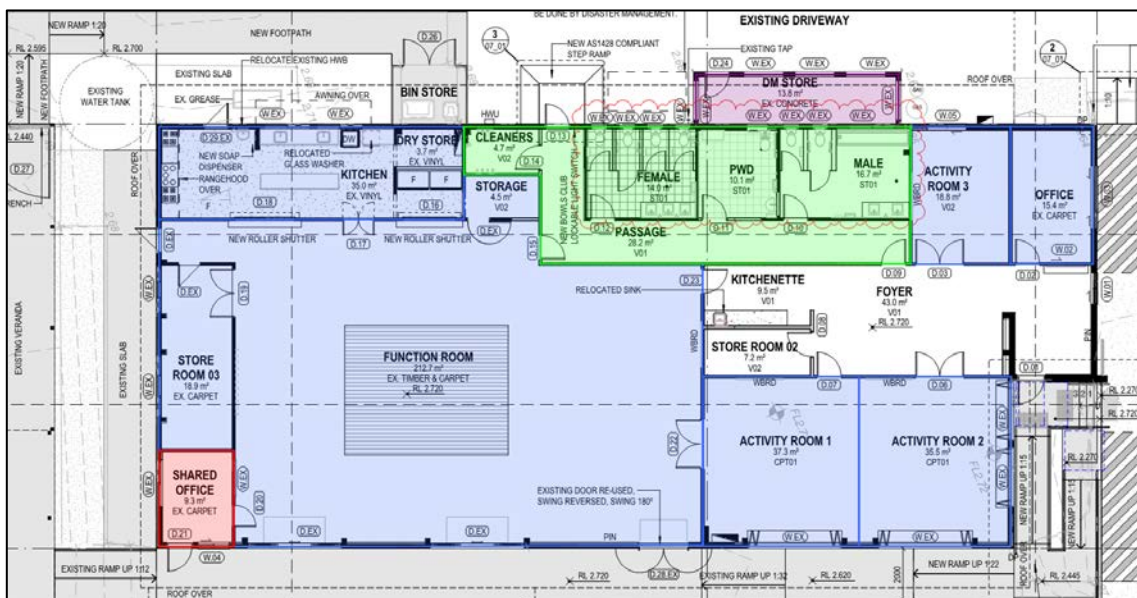


Figure 2 - Floor Plan

Tenderers were requested to provide prices for the base works as well as the four optional extras giving Council the ability to select desirable works based on the prices received and stakeholder feedback. The optional extras consist of Option 1 (operable wall between activity room 1 and 2), Option 2 (design and construction of front entry ramp veranda), Option 3 (vinyl flooring in function room) and Option 4 (refurbished male and female amenities).

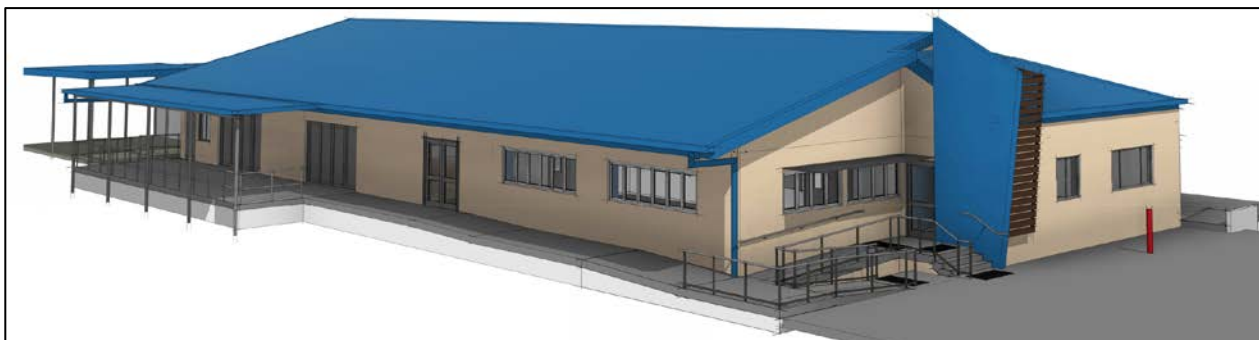


Figure 3 - Artist's Impression

ITEM 4.2 BEACHMERE COMMUNITY CENTRE DEVELOPMENT - DIVISION 2 - A19341139 (Cont.)

2. Explanation of Item

Tenders for the “*Beachmere Community Centre Development (MBRC008651)*” project closed on 17 September 2019 with a total of six conforming tenders and zero non-conforming tenders. A site inspection for all tenderers was mandatory. The tenders were assessed by the assessment panel in accordance with Council’s Purchasing Policy and the selection criteria as set out in the tender documents.

All tenderers and their evaluation scores are tabled below (ranked from highest to lowest). Stakeholder feedback indicated that Option 1, Option 3 and Option 4 are requested to be included as part of the contract therefore these evaluation scores reflect this.

Table 1 - Tender Evaluation Scores

RANK	TENDERER	EVALUATION SCORE
1	Quadric Pty Ltd	98.88
2	Kane Constructions (QLD) Pty Ltd T/A Arete Australia	97.82
3	Intrec Management Pty Ltd	94.04
4	Premis Solutions Pty Ltd	93.78
5	NF Corbett Pty Ltd	90.76
6	LEAF Building Group Pty Ltd	85.30

Quadric Pty Ltd (Quadric) submitted a comprehensive tender and demonstrated its methodology and experiences on projects of a similar scale and complexity. Quadric has undertaken similar sized refurbishment works for various school buildings around South-East Queensland demonstrating its ability to manage construction works for a government agency. At a tender clarification meeting held on 12 November 2019, Quadric demonstrated its understanding and methodology to complete the project including management of the site and the adjacent bowls club. Quadric has indicated the construction duration will be 10 weeks inclusive of wet weather. The assessment panel evaluated the offer from Quadric as providing the best overall value to Council.

Kane Constructions (QLD) Pty Ltd T/A Arete Australia (Arete) submitted a comprehensive tender and demonstrated its ability on projects of a similar scale and complexity. Arete has undertaken similar works for other Councils within South-East Queensland including Sunshine Coast Council, Noosa Shire Council, and Gold Coast City Council. At a tender clarification meeting on 9 October 2019, Arete demonstrated its understanding and methodology to complete the project including management of the site and the adjacent bowls club. The construction duration is 13 weeks inclusive of wet weather. Arete offers no additional benefits to Council for the higher price.

Intrec Management Pty Ltd (Intrec) submitted a comprehensive tender and demonstrated its ability on projects of a similar scale and complexity. Intrec has completed similar works for Moreton Bay Regional Council including the refurbishment of Bribie Island Library and The Corso Level 4 Tenancy Split. The construction duration is 14 weeks inclusive of wet weather. Intrec offers no additional benefits to Council for the higher price.

3. Strategic Implications

3.1 Legislative / Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

ITEM 4.2 BEACHMERE COMMUNITY CENTRE DEVELOPMENT - DIVISION 2 - A19341139 (Cont.)

3.3 Policy Implications

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

- Council's Procurement Policy 2150-006
- Local Government Act 2009
- Local Government Regulation 2012

3.4 Risk Management Implications

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

Financial Risk:

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

Construction Risks:

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

Wet weather delays

- a. The Request for Tender documents required tenderers to include an allowance for inclement weather within their tendered construction time line. The allowance is based upon the Bureau of Meteorology Rainfall Graph for the Brisbane area. The contractor has provided an initial program of works with an inclusion of estimated wet weather days.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

Council has allocated a total of \$1,000,000 for this project. \$49,841.50 has been spent in FY18/19 for the planning/design and the remaining \$950,158.50 is for the remaining planning/design as well as the construction phase of the project in FY19/20.

Planning/Design	\$ 84,240.09
Tender price - inclusive of Options 1,3 & 4 (Construction Contract)	\$ 563,510.70
Contingency (10%)	\$ 56,351.07
Fire Hydrant (Separate Construction Contract)	\$ 130,000.00
Contingency (10%)	\$ 13,000.00

Total Project Cost	\$ 847,101.86
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Estimated ongoing operational/maintenance costs: \$ 15,000.00 per F/Y

This project will be debited to job/project number 107754.
The budget amount for this Project is sufficient.

3.7 Economic Benefit Implications

The project provides Council with a leasable facility and will bring the building back to full utilisation for the Beachmere community.

ITEM 4.2 BEACHMERE COMMUNITY CENTRE DEVELOPMENT - DIVISION 2 - A19341139 (Cont.)

3.8 Environmental Implications

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

3.9 Social Implications

The project will have a positive social impact to the Beachmere community by allowing full utilisation of the building's spaces by community groups. The building will also be DDA compliant once works have been completed.

3.10 Consultation / Communication

Building & Facilities Planning will be in continuous communication with the principal contractor throughout the entire project. Communication strategies include weekly site visits to gather updates from the contractor. Communication strategies include consistent updates to the Community Services Sports & Recreation team which will be passed onto BANG and the bowls club, as required.

5 PARKS, RECREATION & SPORT SESSION

(Cr K Winchester)

No items for consideration.

6 LIFESTYLE & AMENITY SESSION

(Cr D Sims)

No items for consideration.

7 ECONOMIC DEVELOPMENT, EVENTS & TOURISM SESSION

(Cr P Flannery)

No items for consideration.

8 REGIONAL INNOVATION SESSION

(Cr D Grimwade)

ITEM 8.1

TRANSFER OF LAND TO UNITYWATER - DIVISION 12

Meeting / Session: 8 REGIONAL INNOVATION
Reference: A19327723 : 11 November 2019 - **Refer Supporting Information A19327751**
Responsible Officer: CL, Property Officer (CES Property & Commercial Services)

Executive Summary

This report seeks Council's approval to dispose of a property located at 5 Manordowns Drive, D'Aguilar (Lot 105 on SP224581) to Unitywater.

RESOLUTION

Moved by Cr Adam Hain

Seconded by Cr Peter Flannery

CARRIED 11/0

1. That the exception contained in section 236(1)(b)(i) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That Council approves the sale of the Council property detailed in this report.
3. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the contract of sale on the Council's behalf, as described in this report.

ITEM 8.1 TRANSFER OF LAND TO UNITYWATER - DIVISION 12 - A19327723 (Cont.)

OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(b)(i) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That Council approves the sale of the Council property detailed in this report.
3. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the contract of sale on the Council's behalf, as described in this report.

REPORT DETAIL

1. Background

5 Manordowns Drive, D'Aguilar (Lot 105 on SP224581) is a 209m² parcel of Council-owned land used entirely by Unitywater for the purposes of a pump station. Unitywater records indicate that this land was incorrectly excluded from the Transfer of Assets Scheme in 2010.

2. Explanation of Item

The property houses a Unitywater pump station, and is considered to have no practical use for Council. Presently, Unitywater relies on its rights under the *SEQ Water (Distribution & Retail Restructuring) Act 2009* to access the existing infrastructure. Council's departments have been consulted and the consensus is that a transfer of the entire Lot 105 is appropriate given the small area of the existing lot, and that it is more cost effective than a boundary realignment.

The transfer of the property for a nominal amount is deemed appropriate as it has been identified that the property was incorrectly retained by Council in 2010 following the Transfer of Asset Scheme.

Unitywater is to pay all fees and stamp duty associated with the transfer. Consultation with Unitywater has confirmed in-principle support to assume ownership of the property on these general terms.

3. Strategic Implications

3.1 Legislative / Legal Implications

Section 236(1)(b)(i) of the Regulation provides an exception whereby the Council may dispose of a valuable non-current asset other than by tender or auction if the valuable non-current asset is disposed of to a government agency. The Council may only rely on that exception, if before granting the transfer of land, it resolves that the exception applies.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications Nil identified

3.4 Risk Management Implications Nil identified

3.5 Delegated Authority Implications
As noted in Recommendation 3.

3.6 Financial Implications Nil identified

3.7 Economic Benefit Implications Nil identified

ITEM 8.1 TRANSFER OF LAND TO UNITYWATER - DIVISION 12 - A19327723 (Cont.)

3.8 Environmental Implications Nil identified

3.9 Social Implications Nil identified

3.10 Consultation / Communication
Financial Services Department
Legal Services Department
Infrastructure Planning Department

11. GENERAL BUSINESS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE

**ITEM 11.1
REGIONAL EVENTS**

Cr Adam Hain advised of his attendance at the **Caboolture Christmas Carols** held Saturday 24 November 2019 at Centenary Lakes, Caboolture, its second year held at that location which Cr Hain stated had proven to be a great move.

Cr Hain also noted Cr Peter Flannery's address to the community at the Carols, making special mention of the local Rural Fire Brigade and that the proceeds of what would have been the Christmas Fireworks across the Moreton Bay Region being donated to the Bushfire Appeal, was very well received.

Cr Adam Hain recently attended the **Caboolture Orchid Society's 50th Anniversary**.

Cr Koliana Winchester reported on the **Division 5 and 6 Teddy Bears Picnic** held Friday 22 November 2019, saying that there had been a great turnout by the local community and that in particular, the Woody Point business owners commended the success of the event.

**ITEM 11.2
MORETON BAY REGION STATE EMERGENCY SERVICE UNIT AWARDS**

Cr Denise Sims reported on the Moreton Bay Region State Emergency Service Unit Awards held Friday 22 November 2019, an event recognising SES members who voluntarily provide a service to the community.

RESOLUTION

Moved by Cr Denise Sims

Seconded by Cr Peter Flannery

CARRIED 11/0

That a Mayoral letter of congratulation be sent to the local State Emergency Services (SES) branches and the Local Controller, Moreton Bay SES Unity Henk van den Ende, thanking them for their service, noting the recent Moreton Bay Region SES Unit Awards that recognised the importance of this service provided to the community.

**ITEM 11.3
BRIBIE ISLAND LIONS - CAMP QUALITY**

Cr Brooke Savige attended the Annual Camp Quality Christmas event hosted by the Bribie Island Lions, also attended by many Lions Clubs from across the Moreton Bay Region. The event provides support to families experiencing challenges.

RESOLUTION

Moved by Cr Brooke Savige

Seconded by Cr Peter Flannery

CARRIED 11/0

That a Mayoral letter of congratulation be sent to the Bribie Island Lions, thanking them for their tireless efforts in hosting the annual Camp Quality Christmas event held on Bribie Island.

**ITEM 11.4
INSTALLATION OF CCTV CAMERAS - MORETON BAY REGIONAL COUNCIL
CEMETERIES**

Cr Peter Flannery requested that Council investigate a rolling program (prioritised) of CCTV and security upgrades at cemeteries and memorial gardens throughout the Region.

RESOLUTION

Moved by Cr Peter Flannery

Seconded by Cr Mike Charlton (Deputy Mayor)

CARRIED 11/0

That Council investigate a rolling program of CCTV and security upgrades at cemeteries and memorial gardens throughout the Moreton Bay Region.

**ITEM 11.5
DECLARATION OF INTEREST - COUNCIL WORKSHOPS: DEVELOPMENT LEASE
OVER LAND AT THE MILL SITE**

Conflict of Interest - Declaration - Cr Allan Sutherland (Mayor)

Pursuant to s175E of the *Local Government Act 2009*, Cr Allan Sutherland (Mayor), declared a perceived conflict of interest in an upcoming matter to be workshopped and which may be the subject of Council decisions - namely the Development Lease over land at The Mill site. I declare that Philip Usher Constructions donated \$10,000 to Moreton Futures Trust in 2016.

Cr Sutherland sought advice from the Department of Local Government, Racing and Multicultural Affairs and the Office of the Independent Assessor about previous complaints made to the Office of the Independent Assessor (OIA) about this donation.

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

Conflict of Interest - Declaration - Cr Julie Greer

Pursuant to s175E of the *Local Government Act 2009*, Cr Julie Greer declared a perceived conflict of interest in an upcoming matter to be workshopped and which may be the subject of Council decisions - namely the Development Lease over land at The Mill site. Philip Usher Constructions who owns land across the river to The Mill and which is included in the Priority Development Area, was a contributor to Moreton Futures Trust who in turn contributed part of the \$2488.35 to Cr Greer's 2016 election campaign.

However, Cr Greer has considered her position and is firmly of the opinion that she could participate in the debate and discussions on the matter in the public interest.

Conflict of Interest - Declaration - Cr Peter Flannery

Pursuant to s175E of the *Local Government Act 2009*, Cr Peter Flannery declared a perceived conflict of interest in an upcoming matter to be workshopped and which may be the subject of Council decisions - namely the Development Lease over land at The Mill site. During the Councillor's 2016 Election campaign, he received in-kind support in the amount of \$160 from Philip Usher Constructions who owns land across the river to The Mill and which is included in the Priority Development Area, and was one of nine businesses in total who made a donation to Moreton Futures Trust.

However, Cr Peter Flannery has considered his position and is firmly of the opinion that he could participate in the debate and discussions on the matter in the public interest.

Other Councillors who are entitled to vote must decide

Pursuant to s175E(3) of the Local Government Act 2009, the other Councillors who are entitled to vote at the meeting having been informed about Councillors personal interests in an upcoming matter to be workshopped and which may be the subject of council decisions - namely the Development Lease over land at The Mill site and the Councillors have stated their intention to not voluntarily leave the meeting, and in accordance with s175E(4) the other Councillors must decide whether the Councillors have a real or perceived conflict of interest in the matter and what action the Councillors must take.

Moved by Cr Mick Gillam

Seconded by Cr Mike Charlton (Deputy Mayor)

CARRIED 8/0

That in accordance with s175E(4) of the Local Government Act 2009, Cr Allan Sutherland (Mayor), Cr Julie Greer and Cr Peter Flannery have a perceived conflict of interest in an upcoming matter to be workshopped and which may be the subject of council decisions - namely the Development Lease over land at The Mill site, however, may participate in the meeting including voting on the matter as it is considered that this is in the public interest.

12. CLOSED SESSION

(s275 of the Local Government Regulation 2012)

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

As Council did not seek to discuss the confidential detail of Item C.1, the meeting remained in open session and the following motions were moved.

12a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL

ITEM C.1 – CONFIDENTIAL

TRUSTEE LEASE FOR TELECOMMUNICATIONS PURPOSES - MORETON BAY REGIONAL COUNCIL TO OPTUS - DIVISION 1

Meeting / Session: 7 Economic Development, Events & Tourism (Cr P Flannery)

Reference: A19134431 : 7 November 2019 - Refer **Confidential Supporting Information A19134430**

Responsible Officer: JH, Technical Officer - Property Services (CES Property & Commercial Services)

Basis of Confidentiality

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

Executive Summary

This report seeks Council's approval for the provision of a lease to Optus Mobile Pty Limited (Optus) for the purpose of installing a telecommunications facility (Facility) on the terms outlined in this report.

RESOLUTION

Moved by Cr Brooke Savige

Seconded by Cr Mick Gillam

CARRIED 11/0

1. That the exception contained in section 236(1)(c)(vi) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the property referred to in this report.
2. That Optus be granted a trustee lease over Lease P in SP307979 in respect of Lot 12 on SP100033 on the terms outlined in this Report.
3. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

12b. CONFIDENTIAL GENERAL BUSINESS

No items for consideration.

13. CLOSURE

There being no further business the meeting closed at 12.31pm.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 19/2392 to 19/2463 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 26 November 2019.

Graeme Kanofski
Acting Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Tuesday 3 December 2019.

Graeme Kanofski
Acting Chief Executive Officer

Councillor Allan Sutherland
Mayor