



MINUTES

GENERAL MEETING

Thursday 25 January 2024
commencing at 9.38am

Strathpine Chambers
220 Gympie Road, Strathpine

ENDORSED GM20240424
Amended GM20230515 - NOM/43

a) General Meeting - 25 January 2024 (Pages 24/1 - 24/111)

RESOLUTION

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Sandra Ruck

CARRIED 13/0

That the minutes of the General Meeting held 25 January 2024, be confirmed.

AMENDMENT - General Meeting 15 May 2024 (Page 24/172)

That resolution 3 appearing on Minute Page 24/32 of the General Meeting held 25 January 2024 (outlined below):

1. That Council decides 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 Council as trustee decides to dispose of a valuable non-current asset (via lease) being part of the Property referred to in this report.
3. ***That Optus be granted a trustee lease over Lease C in Lot 264 on CG2981, as shown on SP321526 on the terms outlined in this report.***
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the trustee lease and any required variations of the trustee lease on the Council's behalf, as described in this report.

BE AMENDED to read as follows:

“3. That Optus Mobile Pty Limited ACN 054 365 696 be granted a trustee lease over Lease C in Lot 264 on CG2981, as shown on SP321526 on the terms outlined in this report.”

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STATEMENT - ATTENDEES AND LIVESTREAMING

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

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

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

1. ACKNOWLEDGEMENT OF COUNTRY

Cr Mick Gillam provided the Acknowledgement of Country.

2. OPENING PRAYER / REFLECTION

Cr Mick Gillam provided the opening prayer / reflection for the meeting.

3. ATTENDANCE & APOLOGIES

Attendance:

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

Officers:

Chief Executive Officer	(Scott Waters)
Deputy CEO/Director Projects & Asset Services	(Tony Martini)
Director Community & Environmental Services	(Bill Halpin)
Director Finance & Corporate Services	(Donna Gregory)
Director Infrastructure Planning	(Amanda Creevey)
Director Planning	(David Corkill)
Chief Economic Development Officer	(Paul Martins)
Chief External Relations Manager	(Joshua O'Keefe)
Manager Development Services	(Dan Staley)
Manager Strategic Planning and Placemaking	(David Hood)
Manager Waste Services	(Michael Magalhaes)
Meeting Support	(Hayley Kenzler)

Apologies:

Nil.

4. MEMORIALS OR CONDOLENCES

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

5. CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

General Meeting - 13 December 2023 (Pages 23/2591 - 23/2713)

RESOLUTION

Moved by Cr Yvonne Barlow

Seconded by Cr Brooke Savige

CARRIED 13/0

That the minutes of the General Meeting held 13 December 2023, be confirmed.

6. PRESENTATION OF PETITIONS

(Addressed to the Council and tabled by Councillors)

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

7. CORRESPONDENCE

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

7.1. Response to Petition: Yvonne Bishop regarding Redevelopment of Cosmos Park, Bribie Island (68824680)

At the General Meeting held 13 December 2023, Council received a petition from Yvonne Bishop regarding the redevelopment of Cosmos Park, Bribie Island. A copy of Council's response to the Chief Petitioner is provided for Council's information.

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

8. COMMUNITY COMMENT

In accordance with Council's Policy 2150-062, the Community Comment session will not be conducted as this is the first General Meeting of Council in the calendar year, as well as being the last General Meeting prior to the quadrennial local government elections.

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

(s262 of the Local Government Regulation 2012)

There were no Notices of Motion for consideration.

10. CONFLICTS OF INTEREST NOTIFIED TO THE CEO

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

10.1. Notified Prescribed Conflict of Interest - Cr Mark Booth - DA/2023/4809 and DA2023/5127

Correction:

Subsequent to the agenda distribution, Cr Mark Booth informed the Chief Executive Officer of an amendment required to his Notified Prescribed Conflict of Interest; being a correction to the Development Application number and year (and property address) for DA/2023/4809. An additional Development Application was also identified and included as part of the notified conflict, as outlined below:

Pursuant to s150EL of the *Local Government Act 2009*, Cr Mark Booth informed the Chief Executive Officer of a prescribed conflict of interest in matters relating to:

- DA/2023/4809 located at 16-20 Caulfield Drive, Burpengary East (Halycon Promenade); and
- DA2023/5127 located at 2-14 Caulfield Drive, Burpengary East (Halycon Promenade)

as his parents Marion Booth and Arthur Booth are owner/occupiers of a dwelling within the complex, the site under consideration.

Cr Mark Booth will not participate in decisions relating to DA/2023/4809 and DA2023/5127 including discussion, debate and voting and will leave future meetings.

11. MAYORAL STATEMENT (68803699)

The Mayor made the following statement:

“At today’s last General Meeting of the term, it’s appropriate to reflect on the past 4 years and highlight our key achievements.

We commenced this term in 2020 alongside the COVID pandemic where we embraced our new kind of normal.

To build community and business resilience Council secured \$27.2 million in COVID stimulus funding from State and Federal Government, in addition to Council’s injection of funding, for community projects and we released our Moreton Bay Recovery Plan with 163 actions established from extensive consultation.

We kept ahead of the curve and launched the REDS, our Regional Economic Development Strategy with a plan to make Moreton Bay Bigger, Bolder and Brighter because we want people to have good jobs closer to home and see existing businesses thrive and new businesses created.

Our recent report card estimated:

*\$700 million in additional Gross Regional Product
Over 4,000 new jobs, and
Over 800 new businesses.*

These achievements are propelling us closer to the goal of a \$40 billion economy by 2041.

As part of the REDS, we committed to providing regional awareness, pride and attractive lifestyles amongst our communities to ensure our city is a great place to live, work and play.

Part of this commitment was to deliver an annual calendar of events.

Over the past 2 years we have delivered over 50 business, community events and festivals delivered each year with a commitment to continue this into 2025.

Our support to secure tertiary education in Moreton Bay has excelled with UniSC Moreton Bay commencing operations in 2020 and currently has more than 4,700 students enrolled.

UniSC is projected to grow to 10,000 students by 2035 or earlier.

The statistics on first in family, indigenous enrolment and those with an identified disability are strong which contributes to the creation of a liveable city for all.

When I became Mayor in 2020, I set myself and Council the goal to put politics aside and work constructively with both the Federal and State Governments.

Collaboration with the other levels of government is essential if we are to meet the ongoing infrastructure and service needs for our growing population.

To accomplish this, in 2021 and 2023 we held the Leaders’ Forums, bringing together the city’s elected representatives from all levels of government.

We also held State Shadow Leaders Forums in the same years.

As a blueprint for collaboration, in 2021 Council launched its first-ever Advocacy Plan.

As part of this, in mid 2023, we proudly launched and created the City of Moreton Bay, with the project work winning a 2022 National Award for Local Government.

Mayoral Statement cont'd

Caboolture CBD is a key centre in our polycentric city model and the revival of this CBD is on our agenda - we conducted a market sounding process for its transformation and made strong commitments with 44 million dollars to support projects over the next 5 years.

At our grass roots, helping protect our communities from dangerous dogs is essential.

Following sustained lobbying by Council and my participation in Minister Furner's taskforce, the State Government introduced legislation in November 2023 to strengthen animal management laws.

Most recently, our advocacy to the state government resulted in a parliamentary inquiry into copper and other metals theft after we highlighted the impact this was having on our communities.

To improve our community standards and liveability, in 2021 we embarked on a sweeping review of our local laws to better regulate our growing communities through Your Say Moreton Bay.

From this, 13 new local laws took effect late last year to suit needs and lifestyles of our residents.

Also in 2021, we secured \$4.5m in competitive SEQ Community Stimulus Program funding from the State Government including:

*\$3 million for Redcliffe Homelessness Hub
\$1.5 million for Sylvan Beach upgrades*

The SEQ City Deal was signed in March 2022 which included \$210 million for a Growth Area Compact for Waraba as well as access to other funding programs including a guaranteed \$45.54 million from the SEQ Liveability Fund.

We received \$15 million in loan funding from the State Government's Building Acceleration Fund for Unitywater infrastructure at Waraba.

Federal Government funding for Youngs Crossing was boosted by \$25 million to \$32.75 million in 2021 and protected from cuts in the 2023 Infrastructure Review.

Moving to major sports projects, Moreton Bay was confirmed as co-host for the 2032 Olympics and Paralympics with an \$85 million Indoor Sports Centre to be built at The Mill.

We arranged the Mayor's 2032 Legacy Working Group, the first in South East Queensland, to maximise legacy outcomes from the 2032 Olympics and Paralympics Games.

Council finalised the \$22 million Moreton Bay Women's High Performance Football Centre at South Pine Sports Complex.

Along with many upgrades to multiple facilities across the city including Griffin Sports Complex, Peterson Road and too many others to mention them all.

We secured and successfully hosted Brazil at Moreton Bay Central Sports Complex for the FIFA Women's World Cup 2023.

And supported the successful bid to secure the 17th NRL license for the Dolphins who kick off their second season in just a few weeks.

In roads and transport, we continue to lobby for the gazettal of the Bruce Highway Western Alternative and sensible solutions for our community.

And we have also conducted a demand analysis for a Moreton Bay Ferry Service to better connect our bayside suburbs.

General Meeting - 13 December 2023 (Pages 23/2591 - 23/2713) STATEMENT - ATTENDEES AND LIVESTREAMING - 68682580 (Cont.)

We helped lobby for a State Government business case for a new bridge to Bribie Island and conducted a campaign to keep the old bridge as a 'Green Bridge'.

In the environment, the Food Organics Garden Organics project saw major progress with Council awarding a \$63.5 million contract for an organics service that will be launched later this year.

This project was achieved with extensive engagement with Council of Mayors to obtain State Government funding.

Council endorsed the use of its land at 420 Old Gympie Road, Dakabin for the establishment of a wildlife hospital and preparation of a master plan for the site is underway.

In our commitment to go green as we grow, we introduced the Land Buyback for Environmental purposes with over 100 hectares secured into public ownership.

These important changes have improved outcomes for koalas and the other 118 priority species that call Moreton Bay home, by increasing connectivity between existing green corridors and protected areas.

Growth is on our doorstep across all our key centres.

We've maintained our commitment to preserve 75 percent of our city as rural and natural landscapes without urban development.

In housing, we reviewed over 1700 Council land holdings to identify properties suitable for social and affordable housing.

We developed a new policy to provide remissions of fees for community housing providers and amended Council's Community Leasing Policy to attract social and affordable housing.

As we finish this term, cost of living pressures are amongst our communities.

We recently released a Housing and Homelessness Action Plan.

Our priority focus has been to ensure there is support for people sleeping rough, well-managed public spaces, stronger partnerships with Government and stakeholders along with diverse housing options.

With our continued focus on liveability we implemented rates remissions for self-funded retirees for the first time and part-pensioners.

We continued our strong commitment to help create a future where everyone has full and equal access.

With one in 5 people living with a disability in Moreton Bay, it's the simple things that make a big difference through our bin collections, library services, accessible beaches, facilities for both adults and children, playgrounds and aus-lan interpreters.

I'd like to thank all departments for the collaboration in the delivery of all the projects I have spoken on today.

Councillors, I'm sure you will agree these are a remarkable achievement for the City of Moreton Bay and I want to thank you for your cooperation, hard work and collaboration to see them through to delivery.

Our residents can be assured that Council will not rest on these laurels.

Work is already underway for the 2024 to 2028 term which will continue to protect the lifestyle City of Moreton Bay offers.

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

(as referred by the Chief Executive Officer)

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

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

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

1 VIBRANT COMMUNITIES SESSION

(Cr Y Barlow / Cr S Ruck)

ITEM 1.1

NEW LEASE - COMMONWEALTH OF AUSTRALIA REPRESENTED BY THE DEPARTMENT OF DEFENCE

Meeting / Session: 1 VIBRANT COMMUNITIES
Reference: 68682580 : 2 January 2024 - **Refer Supporting Information 68682578**
Responsible Officer: CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

Executive Summary

This report seeks Council's approval for the provision of a lease to Commonwealth of Australia represented by the Department of Defence at Redcliffe Aerodrome, Lot 2 Wirraway Drive, Rothwell (*refer Supporting Information #1*).

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

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

RESOLUTION

Moved by Cr Matt Constance

Seconded by Cr Mark Booth

CARRIED 13/0

That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of land referred to in this report.

That, subject to recommendation 3 and 4, the Commonwealth of Australia represented by the Department of Defence be granted a lease over an area at Redcliffe Aerodrome, Lot 2 Wirraway Drive, Rothwell (*refer Supporting Information #1*) for a period of ten (10) years.

That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.

That the grant of this lease be subject to the Commonwealth of Australia represented by the Department of Defence surrendering its existing lease at this location.

That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing, and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

ITEM 1.1 NEW LEASE - COMMONWEALTH OF AUSTRALIA REPRESENTED BY THE DEPARTMENT OF DEFENCE - 68682580 (Cont.)

OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of land referred to in this report.
2. That, subject to recommendation 3 and 4, the Commonwealth of Australia represented by the Department of Defence be granted a lease over an area at Redcliffe Aerodrome, Lot 2 Wirraway Drive, Rothwell (*refer Supporting Information #1*) for a period of ten (10) years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the grant of this lease be subject to the Commonwealth of Australia represented by the Department of Defence surrendering its existing lease at this location.
5. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing, and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

REPORT DETAIL

1. Background

Since 1999, the Commonwealth of Australia represented by the Department of Defence (the organisation) has held a lease over part of Redcliffe Aerodrome, Lot 2 Wirraway Drive, Rothwell (*refer Supporting Information #1*). The lease area includes administrative and meeting spaces; amenities; dormitories; bitumen areas; and grassed open space areas. The purpose of this lease (which expires 30 June 2024) is to support administrative operations and the delivery of skills training and activities for the Air Force Cadets, 212 and 224 Squadrons.

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

2. Explanation of Item

Following Council's offer for the organisation to transition to a new lease under the provisions of Council's Community Leasing Policy, the organisation has since confirmed its desire to take up this opportunity. To affect this transition, Council will be required to provide a new lease to the organisation over all areas of occupation (*refer Supporting Information #1*).

Accordingly, this report recommends that Council grants a lease under the terms and conditions of Council's Community Leasing Policy, to the Commonwealth of Australia represented by the Department of Defence over part of Redcliffe Aerodrome, Lot 2 Wirraway Drive, Rothwell (*refer Supporting Information #1*), for a period of ten (10) years. Further, it is recommended that the grant of this lease be subject to the organisation surrendering its existing lease at this location.

ITEM 1.1 NEW LEASE - COMMONWEALTH OF AUSTRALIA REPRESENTED BY THE DEPARTMENT OF DEFENCE - 68682580 (Cont.)

3. Strategic Implications

3.1 Legislative / Legal Implications

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

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

3.2 Corporate Plan linkage

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

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

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

As per Officer's Recommendation 5 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing, and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

3.6 Financial Implications

Nil identified

3.7 Economic Benefit Implications

Nil identified

3.8 Environmental Implications

Nil identified

3.9 Social Implications

The issuing of a new lease to the Commonwealth of Australia represented by the Department of Defence will provide the organisation with facilities to support its continued community operations at this site.

3.10 Human Rights Implications

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

ITEM 1.1 NEW LEASE - COMMONWEALTH OF AUSTRALIA REPRESENTED BY THE DEPARTMENT OF DEFENCE - 68682580 (Cont.)

3.11 Consultation / Communication

Cr Sandra Ruck - Division 5 Councillor

Commonwealth of Australia represented by the Department of Defence

Relevant Council departments

ITEM 1.2
OUTCOME OF COMMUNITY LEASING EXPRESSION OF INTEREST - BLACK DUCK COTTAGE, MURRUMBA DOWNS

Meeting / Session: 1 VIBRANT COMMUNITIES
Reference: 68732157 : 2 January 2024 - Refer Supporting Information 68732159
Responsible Officer: CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

Executive Summary

Council called for expressions of interest (EOI) from suitable not-for-profit community organisations to lease part of Black Duck Cottage located at 3 Ogg Road, Murrumba Downs (*refer Supporting Information #1*) under the provision of Council's Community Leasing Policy (No. 2150-079). Five (5) applications were received and assessed through this process.

This report seeks Council's approval to grant a lease to the recommended applicant, Moreton Bay First Aid Volunteers Inc. to support the delivery of their first aid services to the Moreton Bay community.

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

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

RESOLUTION

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Adam Hain

CARRIED 13/0

1. That the exception contained in section 236(1)(b)(ii) of the *Local Government Regulation 2012* applies to the Council regarding the disposal of land referred to in this report.
2. That subject to recommendation 3, Moreton Bay First Aid Volunteers Inc., be granted a lease over an area at 3 Ogg Road, Murrumba Downs (*refer Supporting Information #1*) for a period of five (5) years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

ITEM 1.2 OUTCOME OF COMMUNITY LEASING EXPRESSION OF INTEREST - BLACK DUCK COTTAGE, MURRUMBA DOWNS - 68732157 (Cont.)

OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(b)(ii) of the *Local Government Regulation 2012* applies to the Council regarding the disposal of land referred to in this report.
2. That subject to recommendation 3, Moreton Bay First Aid Volunteers Inc., be granted a lease over an area at 3 Ogg Road, Murrumba Downs (*refer Supporting Information #1*) for a period of five (5) years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

REPORT DETAIL

1. Background

In late 2022, following calling for expressions of interest, A Brave Life Ltd was awarded tenure in the form of a community lease over part of Black Duck Cottage. The tenancy area consists of an open plan meeting space with a basic kitchenette, small office, veranda area, and shared use amenities.

In August 2023, A Brave Life Ltd advised Council that their services had outgrown the building and that they wished to surrender their lease at this location. Effective 31 August 2023, A Brave Life Ltd formally surrendered its tenure arrangements over the site and vacated the building.

In accordance with Council's Community Leasing Policy, Council may undertake an Expression of Interest (EOI) process to select the most appropriate community organisation to receive tenure over a Council controlled facility. Accordingly, on 23 November 2023, Council called for EOIs from suitable not-for-profit community organisations to receive tenure under the provisions of Council's Community Leasing Policy, over the tenancy area vacated by A Brave Life Ltd.

2. Explanation of Item

Applications under the EOI process were received from the following community organisations:

- Footprints in Brisbane Incorporated;
- Moreton Bay First Aid Volunteers Inc.;
- Youth & Families Association of Pine Rivers Inc.;
- Brisbane Vintage Auto Club Inc; and
- Destiny Family & Community Services Ltd.

All applications received were assessed by a panel consisting of Council officers. As an outcome of this process, Moreton Bay First Aid Volunteers Inc. received the highest assessment score and is recommended as the successful applicant under the EOI process.

Moreton Bay First Aid Volunteers Inc

Established in 2018, Moreton Bay First Aid Volunteers Inc. is a local community organisation servicing the City of Moreton Bay. The objects of the organisation are to provide professional, low cost first aid services to the local community, charitable organisations, community event organisers, and businesses.

The organisation proposes to activate Black Duck Cottage at various times each week to support the organisation's coordination and delivery of first aid services, training and upskilling of volunteers, and the delivery of specialised first aid and responder training courses to the City of Moreton Bay community.

ITEM 1.2 OUTCOME OF COMMUNITY LEASING EXPRESSION OF INTEREST - BLACK DUCK COTTAGE, MURRUMBA DOWNS - 68732157 (Cont.)

Moreton Bay First Aid Volunteers Inc. were considered by the assessment panel as the applicant most suitable to hold tenure over part of Black Duck Cottage due to the organisation's:

- delivery of services that provide an ongoing significant benefit to the Moreton Bay community;
- proposed activities aligning with the design, size and intended use of the facility;
- demonstrated ability to achieve the desired levels of facility utilisation in a way that is cohesive with existing site users; and
- demonstrated capacity to meet the requirements of tenure under Council's Community Leasing Policy.

Accordingly, this report recommends that Council grants a lease to Moreton Bay First Aid Volunteers Inc. over part of Black Duck Cottage (*refer Supporting Information #1*) under the terms and conditions of Council's Community leasing Policy (No. 2150-079). Further, it is recommended that the term of this lease be for a period of five (5) years, noting that the organisation has not previously held a lease with Council.

Should the recommendations of this report be supported, Moreton Bay First Aid Volunteers Inc. will also be provided with a shared use permit to occupy over the amenities area (*refer Supporting Information #1*). Council approval is not however required for the granting of permits to occupy.

3. Strategic Implications

3.1 Legislative / Legal Implications

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

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

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular: Our Vibrant Communities: 01 Our communities make healthy and active lifestyle choices and have access to the services and facilities they need.

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

As per Officer's Recommendation 4 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

*ITEM 1.2 OUTCOME OF COMMUNITY LEASING EXPRESSION OF INTEREST - BLACK DUCK COTTAGE,
MURRUMBA DOWNS - 68732157 (Cont.)*

3.6 Financial Implications Nil identified

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

3.9 Social Implications

The issuing of a lease to Moreton Bay First Aid Volunteers Inc. will provide the organisation with facilities to support its operations, which include the delivery of first aid services to the Moreton Bay community.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Relevant Council departments.

ITEM 1.3
NEW LEASE - REDCLIFFE ENVIRONMENTAL FORUM INC.

Meeting / Session: 1 VIBRANT COMMUNITIES
Reference: 68721349 : 2 January 2024 - Refer Supporting Information 68721350
Responsible Officer: CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

Executive Summary

This report seeks Council's approval for the provision of a lease to Redcliffe Environmental Forum Inc. over part of a multi-bay storage shed, located adjacent to the organisation's existing lease area at 7 Joseph Crescent, Deception Bay.

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

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

RESOLUTION

Moved by Cr Sandra Ruck

Seconded by Cr Cath Tonks

CARRIED 13/0

1. That the exception contained in section 236(1)(b)(ii) of the *Local Government Regulation 2012* applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3, the Redcliffe Environmental Forum Inc. be granted a lease over part of 7 Joseph Crescent, Deception Bay (*refer Supporting Information #1*), for a period aligning with the organisation's existing lease at the site (30 April 2027).
3. That the terms and conditions of the lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

ITEM 1.3 NEW LEASE - REDCLIFFE ENVIRONMENTAL FORUM INC. - 68721349 (Cont.)

OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(b)(ii) of the *Local Government Regulation 2012* applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3, the Redcliffe Environmental Forum Inc. be granted a lease over part of 7 Joseph Crescent, Deception Bay (*refer Supporting Information #1*), for a period aligning with the organisation's existing lease at the site (30 April 2027).
3. That the terms and conditions of the lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

REPORT DETAIL

1. Background

Since 1 May 2022, Redcliffe Environment Forum Inc. (REF) has held a lease with Council over the community building located at 7 Joseph Crescent, Deception Bay (*refer Supporting Information #1*) for the purpose of delivering environmentally focused community activities. At the rear of the site is a multi-bay storage shed which, at the time tenure was granted to REF, was deemed unsuitable for use.

Given the existing high demand for community leased space across the city, particularly for storage, officers investigated the condition of the shed to determine the rectification works required to bring the facility up to a suitable standard for occupancy. In late 2023, Council undertook the required rectification works, which has made the facility suitable for community use.

2. Explanation of Item

In December 2023, Council received a Request for Tenure Application from REF seeking use of part of the multi-bay storage shed at 7 Joseph Crescent, Deception Bay. This application seeks to utilise the facility for the storage of equipment, tools and supplies used by the organisation in the delivery of their ground's maintenance and environmental rehabilitation services across the city.

The adjacent community building currently leased to REF does not adequately cater for the storage of such equipment and supplies, resulting in these items needing to be stored at various member's private dwellings.

Upon receipt of the abovementioned Request for Tenure Application, officers conducted an assessment and determined that, with consideration to the storage limitations of their existing lease area, it would be appropriate for Council to consider the provision of direct tenure to REF over part of the multi-bay storage shed, without the conduct of a Community Leasing Expression of Interest (EOI) process. It is noted however that officers envisage tenure over the other storage bays within the facility will be determined via a future Community Leasing EOI process.

Accordingly, this report recommends that Council approves the granting of an additional lease to REF, under the terms and conditions of Council's Community Leasing Policy, over the area identified in *Supporting Information #1*. Further, it is recommended that the term of this lease be aligned with the term of the organisation's existing lease at this location (30 April 2027).

ITEM 1.3 NEW LEASE - REDCLIFFE ENVIRONMENTAL FORUM INC. - 68721349 (Cont.)

3. Strategic Implications

3.1 Legislative / Legal Implications

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

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

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:
Our Vibrant Communities: 01 Our communities make healthy and active lifestyle choices and have access to the services and facilities they need.

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

As per Officer's Recommendation 4 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing, and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

3.6 Financial Implications Nil identified

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

3.9 Social Implications

The issuing of a lease to Redcliffe Environmental Forum Inc. will provide the organisation with facilities to support its community and environmental operations.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Cr Sandra Ruck (Division 5)
Redcliffe Environmental Forum Inc.
Relevant Council departments

**ITEM 1.4
OUTCOME OF COMMUNITY LEASING EXPRESSION OF INTEREST - PELICAN
PARK, CLONTARF**

Meeting / Session: 1 VIBRANT COMMUNITIES
Reference: 68757763 : 2 January 2024 - Refer Supporting Information 68757764
Responsible Officer: CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

Executive Summary

Council called for expressions of interest (EOI) from suitable not-for-profit community organisations to lease the former Visitor Information Centre building located at Pelican Park, Hornibrook Esplanade, Clontarf (refer *Supporting Information #1*) under the provision of Council's Community Leasing Policy (No. 2150-079). Four applications were received and assessed through this process.

This report seeks Council's approval to grant a lease to the recommended applicant, Redcliffe Opportunities for Peoples Enhancement Association Inc., to support the expansion of their services to the Moreton Bay community.

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

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

RESOLUTION

Moved by Cr Karl Winchester

Seconded by Cr Sandra Ruck

CARRIED 13/0

1. That the exception contained in section 236(1)(b)(ii) of the *Local Government Regulation 2012* applies to the Council regarding the disposal of land referred to in this report.
2. That subject to recommendation 3, Redcliffe Opportunities for Peoples Enhancement Association Inc., be granted a lease over an area at Pelican Park, Lot 610, Hornibrook Esplanade, Clontarf (refer *Supporting Information #1*) for a period of five (5) years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

ITEM 1.4 OUTCOME OF COMMUNITY LEASING EXPRESSION OF INTEREST - PELICAN PARK, CLONTARF - 68757763 (Cont.)

OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(b)(ii) of the *Local Government Regulation 2012* applies to the Council regarding the disposal of land referred to in this report.
2. That subject to recommendation 3, Redcliffe Opportunities for Peoples Enhancement Association Inc., be granted a lease over an area at Pelican Park, Lot 610, Hornibrook Esplanade, Clontarf (refer *Supporting Information #1*) for a period of five (5) years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

REPORT DETAIL

1. Background

Following the closure of the Clontarf Visitor Information Centre (VIC) in April 2023, Council officers undertook an evaluation to determine the most appropriate future alternative use for the building. This process identified the opportunity to activate the building for community use as part of Council's network of community leased facilities.

In accordance with Council's Community Leasing Policy, Council may undertake an Expression of Interest (EOI) process to select the most appropriate community organisation to receive tenure over a Council controlled facility. Accordingly, on 23 November 2023, Council called for EOIs from suitable not-for-profit community organisations to receive tenure under the provisions of Council's Community Leasing Policy, over the vacated VIC building.

2. Explanation of Item

Applications under the EOI process were received from the following community organisations:

- Band of Brothers Qld Inc;
- Redcliffe Opportunities for Peoples Enhancement Association Inc.;
- The Rotary Club of Redcliffe Sunrise Inc; and
- Moreton Media Group Inc.

All applications received were assessed by a panel consisting of senior Council officers. As an outcome of this process, Redcliffe Opportunities for Peoples Enhancement Association Inc. received the highest assessment score and is recommended as the successful applicant under the EOI process.

Redcliffe Opportunities for Peoples Enhancement Association Inc (ROPE)

ROPE is a local community organisation servicing the Redcliffe peninsula area. The objects of the organisation are to empower personal development through the provision of information, education and life skills training to people living with intellectual disabilities.

The organisation proposes to activate the former Clontarf VIC building by delivering programs and activities in addition to the organisation's existing operations. Activities proposed include yoga classes; cooking/nutritional workshops; and barista and other training programs. In addition, ROPE will investigate the potential for a pop-up social enterprise café on the weekends.

Noting that the majority of ROPE's utilisation will be on weekdays, they have advised that the building will be made available for hire to other community organisations outside of their standard operational hours.

ITEM 1.4 OUTCOME OF COMMUNITY LEASING EXPRESSION OF INTEREST - PELICAN PARK, CLONTARF - 68757763 (Cont.)

ROPE were considered by the assessment panel as the applicant most suitable to hold tenure over the former Clontarf VIC building due to the organisation's:

- delivery of services that provide an ongoing significant benefit to the Moreton Bay community;
- proposed activities aligning with the design, size and intended use of the facility;
- demonstrated ability to achieve the desired levels of facility utilisation in a way that will complement the precinct; and
- demonstrated capacity to meet the requirements of tenure under Council's Community Leasing Policy.

Accordingly, this report recommends that Council grants a lease to ROPE over the former VIC building at Pelican Park, Hornibrook Esplanade, Clontarf (refer *Supporting Information #1*) under the terms and conditions of Council's Community leasing Policy (No. 2150-079). Further, it is recommended that the term of this lease be for a period of five (5) years given that the proposed use will be new for the Pelican Park precinct, and has not previously been tested.

3. Strategic Implications

3.1 Legislative / Legal Implications

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

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

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

3.2 Corporate Plan linkage

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

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

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

As per Officer's Recommendation 4 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

ITEM 1.4 OUTCOME OF COMMUNITY LEASING EXPRESSION OF INTEREST - PELICAN PARK, CLONTARF - 68757763 (Cont.)

3.6 Financial Implications Nil identified

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

3.9 Social Implications

The issuing of a lease to Redcliffe Opportunities for Peoples Enhancement Association Inc. will provide the organisation with facilities to further support their operations and delivery programs and services to the Moreton Bay community.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Relevant Council departments

**ITEM 1.5
MORETON BAY LOCAL DISASTER MANAGEMENT GROUP ORDINARY MINUTES -
23 NOVEMBER 2023**

Meeting / Session: 1 VIBRANT COMMUNITIES
Reference: 68645729: 20 December 2023 - **Refer Supporting Information 68559255**
Responsible Officer: CM, Disaster Management Coordinator (PAS Emergency Management and Public Safety)

Executive Summary

The Moreton Bay Local Disaster Management Group (LDMG) and Moreton District Disaster Management (DDMG) held their regular Ordinary meeting on 23 November 2023. The minutes of this meeting are provided for reference. The meeting had no business arising from previous minutes and in addition to routine Agency Reports covered four agenda items.

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as part of the legislative responsibilities given to Council under the *Disaster Management Act 2003*.

RESOLUTION

Moved by Cr Matt Constance

Seconded by Cr Tony Latter

CARRIED 13/0

That the minutes of the combined Moreton Bay Local Disaster Management Group and Moreton District Disaster Management Group meeting held on 23 November 2023, be adopted as contained in the supporting information.

ITEM 1.5 MORETON BAY LOCAL DISASTER MANAGEMENT GROUP ORDINARY MINUTES - 23 NOVEMBER 2023 - 68645729 (Cont.)

OFFICER'S RECOMMENDATION

That the minutes of the combined Moreton Bay Local Disaster Management Group and Moreton District Disaster Management Group meeting held on 23 November 2023, be adopted as contained in the supporting information.

REPORT DETAIL

1. Background

In accordance with section 29 of the *Disaster Management Act 2003 (Qld)*, a local government is required to establish a LDMG for its local government area. Section 12 of the *Disaster Management Regulation 2014 (Qld)* states that 'disaster management group meetings must be held at least once in every six months at the times and places decided by the chairperson of the group'.

To meet these requirements, the Moreton Bay LDMG and Moreton DDMG conduct Ordinary meetings three times per year, generally during the months of March, July, and November. Extraordinary meetings of the LDMG/DDMG are also held as required before, during or after disaster events. The combined LDMG/DDMG held its regular Ordinary meeting on 23 November 2023. The minutes are provided in the supporting information to this report.

2. Explanation of Item

This report is provided to advise Council of the issues discussed and any meeting outcomes/action items.

2.1 November 2023 Ordinary LDMG/DDMG

This meeting had no business arising from previous minutes and in addition to routine Agency Reports, covered four agenda items that were:

- a presentation on the SES Halloween Search and Rescue Exercise held on 4 November 2023;
- a presentation on the deployment of City of Moreton Bay staff to Western Downs Regional Council under the Council-to-Council Arrangements;
- an update from Queensland Health on the Heatwave Sub-Plan; and
- an update on the alignment of MoretonAlert and Emergency Alerts to the Australian Warning System.

3. Strategic Implications

3.1 Legislative / Legal Implications

It is a requirement under section 18 of the *Disaster Management Regulation 2014 (Qld)* that a disaster management group must keep minutes of its meetings.

3.2 Corporate Plan / Operational Plan

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

Our Vibrant Communities: 02 Our communities are safe and resilient so that in times of adversity our people and places are supported.

3.3 Policy Implications

Nil identified

3.4 Risk Management Implications

Queensland Health is the primary agency responsible for the hazard of heatwave. The Heatwave Management Sub-plan articulates the roles and responsibilities of Queensland Health and other stakeholder agencies in line with Queensland's disaster management arrangements. In addition to health impacts, a heatwave may cause impacts to other sectors, including damage to critical infrastructure and utilities that may have broader community and social impacts. The LDMG/DDMG has developed a Heatwave Action Plan to ensure actions, including messaging, are coordinated across all agencies to improve public safety.

ITEM 1.5 MORETON BAY LOCAL DISASTER MANAGEMENT GROUP ORDINARY MINUTES - 23 NOVEMBER 2023 - 68645729 (Cont.)

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications Nil identified

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

3.9 Social Implications

Various activities are occurring to build resilience within Moreton Bay. The first phase of the MoretonAlert Subscriber Update Campaign was launched on 7 December 2023 with subscribers receiving a MoretonAlert SMS asking them to update their details. This multi-phase campaign will refresh the subscriber database to reduce the number of undeliverable messages.

In addition to the Subscriber Update Campaign, MoretonAlert messaging has been updated to incorporate Australian Warning System icons, warning levels and calls to action to ensure warnings are consistent across the country and across hazards.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

- Members and advisors of the Moreton Bay LDMG
- Members and advisors of the Moreton DDMG

ATTENDANCE

Michael Magalhaes attended the meeting at 10.06am for discussion on Item 2.1.

2 HEALTHY ENVIRONMENTS SESSION

(Cr C Tonks / Cr B Savige)

ITEM 2.1 - DECLARATION OF INTEREST

Previously declared Prescribed Conflict of Interest - Cr Cath Tonks

Cr Cath Tonks referred to a previously declared prescribed conflict of interest (General Meeting 22 November 2023) relating to the awarding of a tender where Cleanaway Pty Ltd is a tenderer.

In line with that declaration, Cr Tonks retired from the meeting at 10.06am.

ITEM 2.1

TENDER - CMB - TRANSPORTATION AND SERVICE OF ROLL ON ROLL OFF (RORO) BINS (MBRC-RFT377)

Meeting / Session: 2 HEALTHY ENVIRONMENTS
Reference: 68648103 : 11 January 2024 Refer **Confidential Supporting Information**
68635024
Responsible Officer: MM, Manager Waste Services (PAS Waste Services)

Executive Summary

Tenders were invited for the 'Transportation and Service of Roll On Roll Off (RORO) Bins (MBRC-RFT377)'. Tenders closed on 17 October 2023. A total of five tenderers provided a total of five submissions during the tender process, all of which were conforming.

It is recommended that the tender for the 'Transportation and Service of Roll On Roll Off (RORO) Bins (MBRC-RFT377)' be awarded to Cleanaway Pty Ltd, for the total estimated sum of \$16,054,867 (excluding GST), or \$184,539 per month (averaged and excluding GST) for the initial term of the tender; with the term commencing 1 April 2024 and continuing through to 30 June 2031; with the ability to extend the agreement for a further two x two-year options, subject to satisfactory performance and Council discretion, as this tender was evaluated as representing the best overall value to Council.

This matter is brought to the attention of Council under the **Healthy Environments portfolio** as the transport and service of RORO bins supports Council in the provision of efficient and cost-effective waste management services to the City of Moreton Bay community.

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

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

ITEM 2.1 TENDER - CMB - TRANSPORTATION AND SERVICE OF ROLL ON ROLL OFF (RORO) BINS (MBRC-RFT377) - 68648103 (Cont.)

RESOLUTION

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Mick Gillam

CARRIED 12/0

Cr Cath Tonks had declared a conflict of interest and had retired from the meeting

1. That the tender for the '*Transportation and Service of Roll On Roll Off (RORO) Bins (MBRC-RFT377)*' be awarded to Cleanaway Pty Ltd, for the total estimated sum of \$16,054,867 (excluding GST), or \$184,539 per month (averaged and excluding GST) for the initial term of the tender; with the term commencing 1 April 2024 and continuing through to 30 June 2031; with the ability to extend the agreement for a further two x two-year options, subject to satisfactory performance and at Council's sole discretion.
2. That to allow Council to enter into the agreement, Council commits to the provision of an additional \$70,000 in operational funding for the project in 2023/24.
3. That Council acknowledges:
 - a) the agreement will require operational funding for the 2024/25, 2025/26, 2026/27, 2027/28 2028/29, 2029/30 and 2030/31 financial years (subject to rise and fall review of service rates as per contract terms), and potentially the 2031/32, 2032/33, 2033/34 and 2034/35 financial years; and
 - b) the intention to account for this future expenditure as part of Council's budget for these financial years.
4. That the Council enters into an agreement with Cleanaway Pty Ltd, as described in this report.
5. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Cleanaway Pty Ltd for the '*Transportation and Service of Roll On Roll Off (RORO) Bins (MBRC-RFT377)*' project and any required variations of the agreement on Council's behalf.

ITEM 2.1 TENDER - CMB - TRANSPORTATION AND SERVICE OF ROLL ON ROLL OFF (RORO) BINS (MBRC-RFT377) - 68648103 (Cont.)

OFFICER'S RECOMMENDATION

1. That the tender for the '*Transportation and Service of Roll On Roll Off (RORO) Bins (MBRC-RFT377)*' be awarded to Cleanaway Pty Ltd, for the total estimated sum of \$16,054,867 (excluding GST), or \$184,539 per month (averaged and excluding GST) for the initial term of the tender; with the term commencing 1 April 2024 and continuing through to 30 June 2031; with the ability to extend the agreement for a further two x two-year options, subject to satisfactory performance and at Council's sole discretion.
2. That to allow Council to enter into the agreement, Council commits to the provision of an additional \$70,000 in operational funding for the project in 2023/24.
3. That Council acknowledges:
 - a) the agreement will require operational funding for the 2024/25, 2025/26, 2026/27, 2027/28 2028/29, 2029/30 and 2030/31 financial years (subject to rise and fall review of service rates as per contract terms), and potentially the 2031/32, 2032/33, 2033/34 and 2034/35 financial years; and
 - b) the intention to account for this future expenditure as part of Council's budget for these financial years.
4. That the Council enters into an agreement with Cleanaway Pty Ltd, as described in this report.
5. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Cleanaway Pty Ltd for the '*Transportation and Service of Roll On Roll Off (RORO) Bins (MBRC-RFT377)*' project and any required variations of the agreement on Council's behalf.

REPORT DETAIL

1. Background

The current agreement term (MBRC005275 Service of Industrial Roll On Roll Off Steel Bins) was until 22 October 2023, with the provision of a transition out services period of a maximum period of six months.

The proposed agreement's commencement date will be effective from 1 April 2024.

Council operates twelve Waste Management Facilities (WMFs) across the City of Moreton Bay (CMB), comprising three landfill facilities with transfer stations (major WMF's), and nine individual transfer stations where Council, residents and commercial customers deposit general waste and recyclable waste.

Each of the twelve WMFs utilise various quantities and sizes of Council owned RORO bins for receiving general waste and recyclable waste streams. These RORO bins are swapped out for empty bins, with the full RORO bins transported to a major WMF's active landfill cell or to the appropriate areas/facilities for recycling.

The transportation and service of Council owned RORO bins includes the transportation, collection, and delivery service at WMFs and other locations.

The recommended tenderer will be required to transport the contents of the RORO bins to a Council nominated WMF, Materials Recovery Facility/Recyclable Transfer Facility or another site as directed.

There will be no disposal fee payable by the recommended tenderer for the depositing or unloading of the contents of the RORO bins under the proposed agreement.

ITEM 2.1 TENDER - CMB - TRANSPORTATION AND SERVICE OF ROLL ON ROLL OFF (RORO) BINS (MBRC-RFT377) - 68648103 (Cont.)

Service of RORO bins will be undertaken on any day of the week including Saturdays, Sundays and Public Holidays as directed by Council's representative (Waste Facilities Team Leaders and Waste Facility Officers).

CMB anticipates servicing 17,000 bins movements per year across the twelve WMF's. The number of RORO bin services at each of the different sites is dependent upon the volume of material brought in by CMB residents and commercial customers.

2. Explanation of Item

Tenders were invited for the '*Transportation and Service of Roll On Roll Off (RORO) Bins (MBRC-RFT377)*'. Tenders closed on 17 October 2023. A total of five tenderers provided a total of five submissions during the tender process, all of which were conforming. The tenders were assessed by the evaluation committee in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

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

VALUE FOR MONEY RANKING	TENDER
1	Cleanaway Pty Ltd
2	Jumbo Skip Bins Pty Ltd
3	Remondis Australia Pty Ltd

Cleanaway Pty Ltd ('CWY') - submitted a comprehensive and well-presented tender. From a technical perspective CWY ranked higher than the other tenderers. From a price perspective CWY also ranked higher than the other tenderers. CWY's offer was considered best value for money when balancing risk and opportunity, considering the assessment of non-cost and cost factors, and is the recommendation of this report.

Jumbo Skip Bins Pty Ltd ('JSB') - submitted a comprehensive and well-presented tender, with an initial conforming tender submission, demonstrating their capability and experience, however, when balancing risk and opportunity, considering the assessment of non-cost and cost factors to determine overall best value for money, however, there were no additional benefits identified for the higher price.

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

3. Strategic Implications

3.1 Legislative / Legal Implications

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

ITEM 2.1 TENDER - CMB - TRANSPORTATION AND SERVICE OF ROLL ON ROLL OFF (RORO) BINS (MBRC-RFT377) - 68648103 (Cont.)

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular: Our Healthy Environments: 05 We enable our materials and resources to be used cleverly and recycled to avoid waste and pollution.

3.3 Policy Implications

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

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

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

3.4 Risk Management Implications

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

Timeframes, Plant and Equipment:

Recommended tenderer has confirmed availability to start on 1 April 2024.

Work Health and Safety:

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

Financial Risk:

A third-party comprehensive credit rating report financial assessment has been carried out by Equifax and the recommended tenderer was rated '*acceptable*'. This recommended a 5.0% bank guarantee. This is satisfied via a bank guarantee of 10% of the annual contract value as required by the proposed agreement.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

Council has allocated a total of \$1,330,000 (excluding GST) in the 2023/24 financial year operational services budget for the provision of transportation and service of RORO bins. All financial information below is exclusive of GST.

Forecast spend for RORO Services for 2023/24 financial year:

Existing (MBRC005275) agreement	\$ 878,735	From 1 Jul 2023 to 31 Mar 2024
Proposed new agreement (RFT377)	\$ 520,409	From 1 Apr 2024 to 30 Jun 2024
Total (projected) for 2023/24 financial	\$ 1,399,144	

Budget deficit \$ 69,144 (forecast spend is over budget)

ITEM 2.1 TENDER - CMB - TRANSPORTATION AND SERVICE OF ROLL ON ROLL OFF (RORO) BINS (MBRC-RFT377) - 68648103 (Cont.)

The budget amount for this project in current 2023/24 financial year is insufficient. That to allow Council to enter into the agreement, Council commits to the provision of an additional \$70,000 in operational funding for the project.

Funding for 2024/25 financial year and future years will be included in the budget preparation and approval processes.

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications

Cleanaway Pty Ltd will be using vehicles which comply with Euro 6 standard for Heavy Diesel Vehicles in line with the international standards established by the United Nations Economic Commission for Europe (UN ECE) regarding exhaust emission standards, fuel consumption and noise emissions.

3.9 Social Implications

Providing the RORO bin service for all twelve CMB WMF's supports Council's ability to provide services to enable residents to dispose of waste environmentally and conveniently at the waste management facilities, while also meeting community expectations.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

- Internal:
 - Waste Services
 - Procurement
 - Legal Services

ATTENDANCE

Cr Cath Tonks returned to the meeting at 10.07am after consideration on Item 2.1.

Michael Magalhaes left the meeting at 10.07am after Item 2.1.

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

**ITEM 3.1
PROPOSED TELECOMMUNICATIONS LEASE - CABOOLTURE**

Meeting / Session: 3 WELL-PLANNED PLACES
Reference: 68099237: 4 October 2023 - Refer Supporting Information 68099238
Responsible Officer: JW, Senior Land Dealings Officer (IP Property Services)

Executive Summary

This matter is brought to the attention of Council under the **Well-Planned Places Portfolio** as this report seeks Council's approval for the provision of a trustee lease to Singtel Optus Pty Limited A.C.N. 052 833 208 (**Optus**), for the purpose of a telecommunications facility on the terms outlined in this report.

This matter is reported to Council as section 236(2) of the *Local Government Regulation 2012* requires a Council resolution to apply the exception under section 236(1)(c)(vi) to dispose of a valuable non-current asset (for a purpose of a lease for a telecommunication co-location facility) other than by tender or auction.

RESOLUTION AMENDED

Moved by Cr Adam Hain

Seconded by Cr Mark Booth

CARRIED 13/0

1. That Council decides 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 Council as trustee decides to dispose of a valuable non-current asset (via lease) being part of the Property referred to in this report.
- ~~3. That Optus be granted a trustee lease over Lease C in Lot 264 on CG2981, as shown on SP321526 on the terms outlined in this report.~~
*AMENDED by Notice of Motion NOM/43
General Meeting 15 May 2024 (P.24/172)*
3. That Optus Mobile Pty Limited ACN 054 365 696 be granted a trustee lease over Lease C in Lot 264 on CG2981, as shown on SP321526 on the terms outlined in this report.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the trustee lease and any required variations of the trustee lease on the Council's behalf, as described in this report.

ITEM 3.1 PROPOSED TELECOMMUNICATIONS LEASE - CABOOLTURE - 68099237 (Cont.)

OFFICER'S RECOMMENDATION

1. That Council decides 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 Council as trustee decides to dispose of a valuable non-current asset (via lease) being part of the Property referred to in this report.
3. That Optus be granted a trustee lease over Lease C in Lot 264 on CG2981, as shown on SP321526 on the terms outlined in this report.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the trustee lease and any required variations of the trustee lease on the Council's behalf, as described in this report.

REPORT DETAIL

1. Background

The Property, located at 198A King Street, Caboolture (Lot 264 on CG 2981, title reference 49108041), is a State reserve held by Council as trustee (**Land**). The Land is a large open space designated for recreation and sport purposes and is the location of the Caboolture Swimming Pool. An aerial overview of the property is contained at *Supporting Information #1*.

Property Services has negotiated standard terms of a precedent trustee lease with Optus for all future leases for the installation of telecommunications facilities by Optus on land held by Council as trustee (**Trustee Lease**). Optus has now requested a lease over part of the Land for the installation of a telecommunications facility, with the lease terms and conditions to be in accordance with the Trustee Lease. The core commercial terms of the new lease are outlined below:

Core Commercial Term	Description
Lease Term	Ten (10) years
Tentative Commencement Date	1 December 2023
Tentative Expiry Date	30 November 2033
Options	Nil
Commencing Rent	\$12,000.00 plus GST (Annual)
Rent Review Mechanism	3% fixed increase on the anniversary of the Commencement Date
Permitted Use	For the construction, maintenance and operation of a telecommunications network and telecommunications service

2. Explanation of Item

Optus has submitted a request to lease that part of the Land noted as Lease C in Lot 264 on CG 2981 as shown on SP321526 (**Lease Area**) for the purpose of installing a telecommunications equipment facility (**Facility**). The Facility will comprise a 4-bay outdoor unit with 1 power supply unit and no new telecommunications tower. The Trustee Lease is for a new co-location site which enables Optus to install its telecommunications equipment on the previously approved Amplitel owned telecommunications tower which adjoins the Lease Area. A copy of the Survey Plan depicting the Lease Area can be found at *Supporting Information #2*. Access by Optus over the Land to the Lease Area is provided for in clause 19.13 of the Trustee Lease, with a copy of that clause at *Supporting Information #3*.

ITEM 3.1 PROPOSED TELECOMMUNICATIONS LEASE - CABOOLTURE - 68099237 (Cont.)

At the time of reporting to Council, Department of Resources consent will have been sought to the registration of the Lease Survey Plan and the issuing of the Trustee Lease on the terms and conditions contained in the Trustee Lease. The previously approved and registered Land Management Plan (**LMP**) permits the Property to accommodate the installation of the Facility and the associated Trustee Lease. A Development Approval for the installation of the Facility was approved by Council on the 7 May 2021. A copy of the proposed Facility plans is attached as *Supporting Information #4*.

An independent valuer has determined that the annual rental amount of \$12,000 + GST as recorded above in the Core Commercial Terms reflects a fair market value, and an excerpt of the valuation advice is attached as *Supporting Information #5*. Accordingly, the rental being charged for the Trustee Lease meets the requirements of s236(3) and 236(5) of the Regulation regarding the market value of the interest in land.

Council must comply with the *Local Government Act 2009 (Act)* and the *Local Government Regulation 2012 (Regulation)* when it disposes of valuable non-current assets, which includes leases of land. Section 236(1)(c)(vi) of the Regulation allows Council to dispose of a valuable non-current asset if the grant of a lease is for the purpose of a lease for a telecommunication tower. Council may only rely on that exception if, before granting a lease, it resolves that the exception applies.

3. Strategic Implications

3.1 Legislative / Legal Implications

Council may dispose of a valuable non-current asset, other than by tender or auction if it is able to rely on an exception contained in section 236 of the Regulation. For the Trustee Lease, Council may rely on the exception contained in section 236(1)(c)(vi) of the Regulation.

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:
Our Well-planned Places: 06 We have infrastructure that integrates with surrounding land use and supports our growing communities.

3.3 Policy Implications

Nil identified

3.4 Risk Management Implications

It is recognised that permitting a third party to lease Council controlled or owned land and assets presents an associated level of risk. It is considered the level of risk is acceptable. However, to mitigate the risk, the Trustee Lease clearly outlines the responsibilities and obligations of the parties and includes a requirement for the trustee lessee to hold appropriate levels of public liability insurance.

3.5 Delegated Authority Implications

In accordance with Recommendation 4 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary to execute the new Trustee Lease.

3.6 Financial Implications

Council will receive a commencement rental of \$12,000.00 (plus GST) per annum based on a valuation carried out by Acumentis Property Valuers on 11 August 2023 (Refer to *Supporting information #5* for an excerpt from valuation report). This amount will increase annually, fixed at a rate of 3 percent.

3.7 Economic Benefit Implications

Effective telecommunications networks are vital infrastructure for an active and growing economy and spur economic development and support job creating projects.

3.8 Environmental Implications

Nil identified

3.9 Social Implications

Our community will have improved telecommunications services through the installation of the Facility.

ITEM 3.1 PROPOSED TELECOMMUNICATIONS LEASE - CABOOLTURE - 68099237 (Cont.)

3.10 Human Rights Implications

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

3.11 Consultation / Communication

- Department of Resources
- Optus
- Legal Services

ITEM 3.2

DA/2023/2990 - REQUEST TO CHANGE (OTHER) - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (19 DWELLINGS)

LOCATION: 124 Mein Street, Scarborough

APPLICANT: Time Dilation Pty Ltd C/- IB Town Planning

OWNER: Brooklyn George Pty Ltd TTE & Time Dilation PTY LTD

Meeting / Session: 3 WELL-PLANNED PLACES

Reference: 68731308 : 19 December 2023 – Refer Supporting Information 68731307, 68731414, 68731412, 68731413, 68731415 & 68731411

Responsible Officer: KH, Principal Planner (PL Development Services)

Executive Summary

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

This application seeks a Change (Other) to the exiting approval for Material change of use - Development permit for Multiple dwelling (16 units) to Material change of use - Development permit for Multiple dwelling (19 dwellings) at 124 Mein Street, Scarborough, formally described as Lot 8 RP906871.

The proposed changes sought are as follows:

- Increase the number of dwellings from 16 (9 x 2-bedrooms and 7 x 3-bedrooms) to 19 (9 x 2-bedrooms, 9 x 3-bedrooms and 1 x 4-bedroom);
- Increase the approved building height to six (6) storeys and 21m above existing ground level;
- Removal of the rooftop terrace;
- Amended apartment layout and external finishes;
- Amended ground level floor plan in that:
 - the ground level dwelling is removed;
 - the driveway crossover is relocated; and
 - a separate pedestrian entryway is provided.
- The built form is proposed to be suspended slab, with the approved filling on site now removed.
- Removal of the access easement, as the site is no longer required to provide vehicle access to 79 Landsborough Avenue (Lot 5 SP342011).

This Request to Change the Development Approval was made by the applicant in accordance with section 78 of the *Planning Act 2016*. As the proposed changes are not in accordance with the definition for a minor change to a development approval, the provisions of section 82 of the *Planning Act 2016* apply. The application will therefore be considered as if the change application were the original development application with the changes included.

The application was publicly advertised with 31 submissions received, of which 26 were 'properly made' and 5 were 'not properly made'. The proposed development is considered to accord with the intent of the Moreton Bay Regional Council (MBRC) Planning Scheme and is recommended to be approved subject to conditions.

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

ITEM 3.2 DA/2023/2990 - REQUEST TO CHANGE (OTHER) - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (19 DWELLINGS) - 68731308 (Cont.)

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Mark Booth

CARRIED 13/0

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

ITEM 3.2 DA/2023/2990 - REQUEST TO CHANGE (OTHER) - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (19 DWELLINGS) - 68731308 (Cont.)

OFFICER'S RECOMMENDATION

- A. That Council, in accordance with the *Planning Act 2016* approves the development application for a Change (Other) Application - Material Change of Use - Development Permit for Multiple Dwelling (19 dwellings) at 124 Mein Street, Scarborough, formally described as Lot 8 RP906871 subject to the plans and documents, and conditions outlined in **Supporting Information #2** and **Supporting Information #4**, respectively.
- 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 information contained in **Supporting Information #5** - Decision Notice Information, be included in the Decision Notice.

REPORT DETAIL

1. Background

1.1 Application overview

APPLICATION DETAILS	
Applicant:	Time Dilation Pty Ltd C/- IB Town Planning
Lodgement Date:	31 July 2023
Properly Made Date:	31 July 2023
Confirmation Notice Date:	7 August 2023
Public Notification Dates:	27 September - 19 October 2023
No. of Submissions:	Total: 31 Properly Made: 26 Not Properly Made: 5
Decision Due Date:	9 January 2024
Prelodgement Meeting Held:	Yes (DA/2023/1095)

PROPERTY DETAILS	
Division:	Division 05
Property Address:	124 Mein Street, Scarborough QLD 4020
RP Description	Lot 8 RP906871
Land Area:	1,214m ²
Property Owner	Brooklyn George Pty Ltd TTE & Time Dilation PTY LTD

STATUTORY DETAILS	
Planning Legislation:	<i>Planning Act 2016</i>
Planning Scheme:	Moreton Bay Regional Planning Scheme
Planning Place Type:	Urban Neighbourhood
Planning Zone / Precinct:	General residential zone - Urban neighbourhood precinct
Planning Overlay(s):	Acid sulfate soils Building heights Flood hazard Balance flood planning area Medium risk flood hazard area Scenic amenity Stormwater catchments

ITEM 3.2 DA/2023/2990 - REQUEST TO CHANGE (OTHER) - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (19 DWELLINGS) - 68731308 (Cont.)

STATUTORY DETAILS	
Level of Assessment:	Impact assessment
Referral agencies:	Not applicable

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

On 18 September 2017, Council's Delegate approved a Material change of use for Multiple dwelling (13 units) (Council ref: DA/33779/2017/V2M). The application was assessed and decided under the Superseded Planning Scheme at the time, being the Redcliffe City Planning Scheme 2005 (now historic). The application triggered Impact assessment and no submissions were received. The approved built form was three (3) storeys with a maximum building height of 12m.

On 4 July 2018, a Request to Change (Minor) was approved by Council's Delegate. This application sought to change the former approval by incorporating three additional dwellings and increasing the building height from three (3) storeys to four (4) storeys with a rooftop terrace (Council ref: DA/33779/2017/VCHG/1). It is noted that under current planning definitions, the approved building height would measure as five (5) storeys and 17.2m.

On 17 May 2022, Council's delegate approved a request to Extend the Currency period for two (2) years (Council ref: DA/2022/1129). Taking into account the COVID Extensions applied by the Minister for Infrastructure and Planning for a combined period of two (2) years, the development approval is due to lapse on 18 September 2025.

A Councillor's briefing will be conducted on 23 January 2024 for the purpose of sharing information and providing advice/views to the Councillors on the matter.

1.2 Proposal

The applicant is seeking to change the existing development approval for Material change of use - Development permit for Multiple dwelling (16 units) that was approved by Council's Delegate on 4 July 2018 (Council ref: DA/33779/2017/VCHG/1). The proposed changes sought are as follows:

- Increase the number of dwellings from 16 (9 x 2-bedrooms and 7 x 3-bedrooms) to 19 (9 x 2-bedrooms, 9 x 3-bedrooms and 1 x 4-bedroom);
- Increase the approved building height to six (6) storeys and 21m above existing ground level;
- Removal of the rooftop terrace;
- Amended apartment layout and external finishes;
- Amended ground level floor plan in that:
 - the ground level dwelling is removed;
 - the driveway crossover is relocated; and
 - a separate pedestrian entryway is provided.
- The built form is proposed to be suspended slab, with the approved filling on site now removed.
- Removal of the access easement, as the site no longer provides vehicle access to 79 Landsborough Avenue (Lot 5 SP342011).

ITEM 3.2 DA/2023/2990 - REQUEST TO CHANGE (OTHER) - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (19 DWELLINGS) - 68731308 (Cont.)

2. Explanation of Item

2.1 Assessment of Development Application

This Request to Change the Development Approval was made by the applicant in accordance with section 78 of the *Planning Act 2016*. As the proposed changes are not in accordance with the definition for a minor change to a development approval, the provisions of section 82 of the *Planning Act 2016* apply. The application will therefore be considered as if the change application were the original development application with the changes included.

The Change (Other) application triggers Impact assessment procedures and impact assessable development applications are assessed against:

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

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

- The MBRC Planning Scheme, version 6; and
- Section 82 of the *Planning Act 2016* (Assessing and deciding change applications for other changes)

Please refer to the Development Assessment Report (**Supporting Information #3**) for a detailed assessment of the development application. As outlined in the Development Assessment Report, the proposed development application complies with the relevant performance outcomes of the following codes of the MBRC Planning Scheme:

- General residential zone code - Urban neighbourhood precinct
- Flood hazard overlay code
- Residential uses code

2.2 Public Notification and Submissions

The application was publicly notified for 15 business days between 27 September 2023 and 19 October 2023, with the notice of compliance received on 20 October 2023 in accordance with the requirements of the *Planning Act 2016* and the Development Assessment Rules. A total of 31 submissions were received, of which 26 were 'properly made', and 5 were 'not properly made'. (refer to **Supporting Information #6**)

A number of matters were raised in submissions including:

- Building height
- Traffic and on-street car parking
- Erode the 'village feel' of Scarborough
- Dust and construction impacts
- Property value
- Car parking
- Infrastructure impacts

A detailed assessment of the submissions has been undertaken as outlined in section 3.7.2. of Development Assessment Report (**Supporting information #3**).

2.3 Summary of Assessment

On the balance of the assessment, notwithstanding the matters raised in submissions, Council officers recommend that the application be approved, subject to recommended conditions outlined in **Supporting Information #4**.

ITEM 3.2 DA/2023/2990 - REQUEST TO CHANGE (OTHER) - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (19 DWELLINGS) - 68731308 (Cont.)

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 linkage

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

Our Well-planned Places:

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

3.3 Policy Implications

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

3.4 Risk Management Implications Nil identified

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications

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

3.7 Economic Benefit Implications

Appropriate development supports the growing city of Moreton Bay.

3.8 Environmental Implications Nil identified

3.9 Social Implications

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

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Refer to clause 2.2.

ITEM 3.3

DA/2021/4164 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE PLANNING SCHEME BY AMENDING THE FLOOD HAZARD OVERLAY CODE) AND MATERIAL CHANGE OF USE DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (42 DWELLINGS) AND BUILDING WORKS - PRELIMINARY APPROVAL FOR MULTIPLE DWELLING AND RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (1 INTO 2 LOTS + DRAINAGE RESERVE)

LOCATION: 24 Beaconsfield Street, Margate

APPLICANT: RC East Pty Ltd ATF RC East Trust C/- Urban Strategies

OWNER: RC East Pty Ltd TTE

Meeting / Session: 3 WELL-PLANNED PLACES

Reference: 68765955: 25 January 2024 December 2023 - Refer Supporting Information: 68767130, 68767128, 68767129, 68787415, 68767126, 68767127

Responsible Officer: GH, Principal Planner (PL Development Services)

Executive Summary

This development application is seeking;

- (a) Preliminary Approval for a Material Change of Use (Multiple Dwelling) including a Variation Request to vary the effect of the Planning Scheme by amending the Flood Hazard Overlay Code; and
- (b) Development Permit for a Material Change of Use (Multiple Dwelling - 42 Dwellings); and
- (c) Preliminary Approval for Building Works - Multiple Dwelling; and
- (d) Development Permit for Reconfiguring a Lot - Subdivision (1 into 2 Lots + Drainage Reserve), located at 24 Beaconsfield Street, Margate.

The premises is mapped as partly containing Medium-risk flood hazard areas as shown on Overlay map - Flood hazard of the Moreton Bay Regional Council (MBRC) Planning Scheme. The Variation Request component of the application proposes to vary the Flood hazard overlay code, to include the premises within a Drainage Investigation Area (DIA). The application is supported by a Drainage Master Plan (DMP) which proposes a flood mitigation strategy for the premises in order to facilitate two (2) 'developable areas' over the site without resulting in external adverse flood impacts.

The Material Change of Use component of the application proposes a Multiple dwelling, comprising forty-two (42) townhouse-style dwellings over two (2) stages. The Reconfiguring a Lot component of the application seeks to create two (2) new lots to accommodate the two (2) stages of the Multiple dwelling within separate lots and to create a new lot for drainage purposes, proposed to be transferred to Council.

The application was publicly advertised with one (1) 'Not Properly Made' submission received. The matters raised in the submission relates to flooding and drainage concerns on the subject site and surrounding area.

This matter is brought to the attention of Council under the **Well-Planned Places portfolio** as the assessment and determination of development applications is a key function contributing to a Well-planned region. In addition, this matter involves a Variation to the Council's Planning Scheme and Council officers do not have delegation to decide these types of development applications. Therefore, Council is the only entity authorised to decide the development application.

ITEM 3.3 DA/2021/4164 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE PLANNING SCHEME BY AMENDING THE FLOOD HAZARD OVERLAY CODE) AND MATERIAL CHANGE OF USE DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (42 DWELLIN - 68765955 (Cont.))

MOTION

Moved by Cr Mark Booth
Seconded by Cr Matt Constance

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

AMENDMENT MOVED

Cr Karl Winchester moved the following amendment:

That the officers recommendations be adopted as detailed in the report with an additional recommendation G to now read as follows:

G. That further to Recommendation A, the following amendment to Supporting Information 4 annexed to this report, is made:

Insert a new clause A1 at Page 13, Condition 30, that reads: “Submit amended site layout drawings to accommodate the retention of the white Moreton Bay fig tree located within the subject site adjacent to the rear boundary of 25 Bank Street Margate (Lot 12 on RP30356).”

Seconded by Cr Cath Tonks

ADJOURNMENT

The meeting adjourned at 10.25am.

The meeting resumed at 11.04am.

The amendment was put to the vote and declared **CARRIED** 13/0

THE AMENDMENT BECOMES THE MOTION, and was put:

RESOLUTION

Moved by Cr Karl Winchester
Seconded by Cr Cath Tonks

CARRIED 13/0

A. That Council, in accordance with the *Planning Act 2016* approves the development application seeking a Preliminary Approval for a Material Change Use (including a Variation Request to vary the effect of the Planning Scheme by amending the Flood Hazard Overlay Code) subject to the Plans, Conditions and Variations outlined in Supporting Information #2 and Supporting Information #4.

ITEM 3.3 DA/2021/4164 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE PLANNING SCHEME BY AMENDING THE FLOOD HAZARD OVERLAY CODE) AND MATERIAL CHANGE OF USE DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (42 DWELLIN - 68765955 (Cont.)

- B. That Council approve under section 3.6 of the MBRC Planning Scheme Policy - Flood Hazard, Coastal Hazard and Overland Flow, a Drainage Masterplan for 'Figure 8.2.2.4(A) - Margate' of the Flood Hazard Area Overlay Code for land specifically described as Lot 7 RP808653 being more specifically the Drainage Master Plan - Drainage Investigation Area contained in Supporting Information #2 and Supporting Information #4 to this report.**
- C. That Council, in accordance with the *Planning Act 2016* approves the development application seeking a Development Permit for a Material Change of Use (42 Multiple Dwellings in 2 stages) and Preliminary Approval for Building Works (Multiple Dwellings).**
- D. That Council, in accordance with the *Planning Act 2016* approves the development application seeking a Development Permit for Reconfiguring a Lot for Subdivision (1 into 2 Lots + Drainage Area), located at 24 Beaconsfield Street, Margate, described as Lot 7 on RP808653, subject to the plans/documents and conditions outlined in Supporting Information #2 and Supporting Information #4.**
- E. 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*.**
- F. That the information contained in Supporting Information #5 - Decision Notice Information, be included in the Decision Notice.**
- G. That further to Recommendation A, the following amendment to Supporting Information 4 annexed to this report, is made:**

Insert a new clause A1 at Page 13, Condition 30, that reads: "*Submit amended site layout drawings to accommodate the retention of the white Moreton Bay fig tree located within the subject site adjacent to the rear boundary of 25 Bank Street Margate (Lot 12 on RP30356).*"

ITEM 3.3 DA/2021/4164 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE PLANNING SCHEME BY AMENDING THE FLOOD HAZARD OVERLAY CODE) AND MATERIAL CHANGE OF USE DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (42 DWELLIN - 68765955 (Cont.))

OFFICER'S RECOMMENDATION

- A. That Council, in accordance with the *Planning Act 2016* approves the development application seeking a Preliminary Approval for a Material Change Use (including a Variation Request to vary the effect of the Planning Scheme by amending the Flood Hazard Overlay Code) subject to the Plans, Conditions and Variations outlined in **Supporting Information #2** and **Supporting Information #4**.
- B. That Council approve under section 3.6 of the MBRC Planning Scheme Policy - Flood Hazard, Coastal Hazard and Overland Flow, a Drainage Masterplan for 'Figure 8.2.2.4(A) - Margate' of the Flood Hazard Area Overlay Code for land specifically described as Lot 7 RP808653 being more specifically the Drainage Master Plan - Drainage Investigation Area contained in **Supporting Information #2** and **Supporting Information #4** to this report.
- C. That Council, in accordance with the *Planning Act 2016* approves the development application seeking a Development Permit for a Material Change of Use (42 Multiple Dwellings in 2 stages) and Preliminary Approval for Building Works (Multiple Dwellings); and
- D. That Council, in accordance with the *Planning Act 2016* approves the development application seeking a Development Permit for Reconfiguring a Lot for Subdivision (1 into 2 Lots + Drainage Area), located at 24 Beaconsfield Street, Margate, described as Lot 7 on RP808653, subject to the plans/documents and conditions outlined in **Supporting Information #2** and **Supporting Information #4**.
- E. 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*.
- F. That the information contained in **Supporting Information #5** - Decision Notice Information, be included in the Decision Notice.

REPORT DETAIL

1. Background

1.1 Application overview

APPLICATION DETAILS	
Applicant:	RC East Pty Ltd ATF RC East C/- Urban Strategies
Lodgement Date:	15 October 2021
Properly Made Date:	1 November 2021
Confirmation Notice Date:	4 November 2021
Information Request Date:	3 December 2021
Info Response Received Date:	7 March 2022
Public Notification Dates:	8 March 2022 until 22 April 2022
No. of Submissions:	Properly Made: Nil Not Properly Made: 1
Decision Due Date:	2 February 2023
Prelodgement Meeting Held:	Yes (DA/2021/3035 - 16 August 2021)

PROPERTY DETAILS	
Division:	Division 6

ITEM 3.3 DA/2021/4164 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE PLANNING SCHEME BY AMENDING THE FLOOD HAZARD OVERLAY CODE) AND MATERIAL CHANGE OF USE DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (42 DWELLIN - 68765955 (Cont.))

Property Address:	24 Beaconsfield Street, Margate
RP Description	Lot 7 on RP808653
Land Area:	1.4350ha
Property Owner	RC East Pty Ltd TTE

STATUTORY DETAILS	
Planning Legislation:	<i>Planning Act 2016</i>
Planning Scheme:	Moreton Bay Regional Council Planning Scheme
Planning Locality / Zone	General residential zone, Urban neighbourhood precinct
Level of Assessment:	Impact Assessable
Referral Agencies:	Department of State Development, Infrastructure and Local Government and Planning

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

On 31 August 2010, a Development Permit for Building Work (Demolition) was approved by a private building certifier. The building work included demolition of a former Conference Centre and youth accommodation building and all associated structures formerly operated by the Uniting Church on the subject site. (Council reference: BL/8335/2010/EPCCOM).

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

The CEO noted the way forward:

Councillors noted the application will be referred to a future Council meeting for a decision.

1.2 Proposal

The site is mapped as being affected by medium-risk flood hazard as shown on Overlay map - Flood hazard. The provisions of the Flood hazard overlay code of the MBRC Planning Scheme do not support earthworks to occur within areas mapped as either medium or high-risk flood hazard, unless where the land is included within a Drainage Investigation Area (DIA) and supported by an approved Drainage Master Plan (DMP).

The subject site is not included within a DIA under the current version of the MBRC Planning Scheme. It is however relevant to note the site and surrounding area to the north-east of the site was previously included within the Margate DIA No. 8 within superseded versions of the MBRC Planning Scheme (Versions 1 to 3). Council has previously undertaken a flood risk mitigation investigation for the former Margate DIA No. 8, however the study concluded that there was no cost-effective catchment wide solution to reduce the flood risk to properties in this area. Accordingly, the site was removed from being within a DIA with the commencement of Version 4 of the MBRC Planning Scheme on 29 January 2020 and remains mapped as being subject to Medium risk flood hazard.

ITEM 3.3 DA/2021/4164 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE PLANNING SCHEME BY AMENDING THE FLOOD HAZARD OVERLAY CODE) AND MATERIAL CHANGE OF USE DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (42 DWELLIN - 68765955 (Cont.))

This application proposes a Variation Request to vary the effect of the Flood hazard overlay code of the MBRC Planning Scheme to introduce a DIA over the premises. The variation would introduce a new figure to the Flood hazard overlay code, being proposed Figure 8.2.2.4(A) - Drainage Master Plan - Drainage Investigation Area - Margate, which shows 24 Beaconsfield Street, Margate (Lot 7 RP808653) as being within a Drainage Investigation Area. The Variation Request is supported by a Drainage Master Plan (DMP) prepared by the applicant and specific to the subject site, that proposes flood mitigation measures to be undertaken by the applicant and without cost to Council as discussed in section 2 of **Supporting Information #3**.

The applicant's DMP demonstrates that the proposed development could occur on the premises, by mitigating and managing the risks of flooding to tolerable levels without adverse external flood impacts occurring. The DMP and associated modelling has been independently peer reviewed and determined to be fit for purpose. The flood level, velocity and impact mapping has demonstrated compliance with the requirements of the *Planning Scheme Policy - Flood, coastal and overland flow* with the exception of minor non-compliances including:

- (a) Increase in velocity (greater than .1m/s) in the cut-off drains on the site's eastern boundary. This is expected as no drains were present in pre-development and are designed to carry flows in post development at an appropriate velocity;
- (b) Increase in velocity in the central drainage channel within the site. This land will be transferred to and controlled by Council as a drainage lot. Scour protection is proposed adjoining the proposed bund within the drainage lot; and
- (c) Increase in velocity in Bank and Beaconsfield Streets across a range of rainfall events (18% AEP and greater). These increases do not result in changes to trafficability in the road.

It is noted the DMP has not assessed the proposed impact of the development on flood warning times. Accordingly, recommendations of this report includes a condition of development requiring an amended Drainage Master Plan which demonstrates no adverse changes to flood warning times.

The Reconfiguring a Lot component of the application proposes to subdivide the site into 2 new lots, as well as to dedicate to Council the central drainage corridor and new road reserve, as follows:

- (a) Proposed Lot 1 (Stage 1) on the eastern side and has an area of approximately 3,951m².
- (b) Proposed Lot 2 (Stage 2) on the western side and has an area of approximately 4,751m².
- (c) The proposed drainage corridor, located in the centre of the site between proposed Lots 1 and 2 and has an area of 5,241m².
- (d) A road reserve dedication of between 2.25m and 5.97m in width on the eastern side of Coolibah Lane (approximately 400m² of new road). The road widening is required in order to widen Coolibah Lane to a Business Laneway road typology (9m reserve width) and accommodate drainage works.

All works associated with the Drainage Master Plan are proposed to occur prior to the creation of the new lots under the Reconfiguring a Lot component, with the exception of the construction of the suspended slab portion of the development which would occur as part of the Material Change of Use for the Multiple dwelling (Stage 2).

ITEM 3.3 DA/2021/4164 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE PLANNING SCHEME BY AMENDING THE FLOOD HAZARD OVERLAY CODE) AND MATERIAL CHANGE OF USE DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (42 DWELLIN - 68765955 (Cont.))

The Material Change of Use component of the application seeks approval for a Multiple dwelling, comprising 42 townhouse-style dwellings within 2 stages, as follows:

- (a) Stage 1 on the eastern side of the site is proposed to contain 19 dwelling units, comprising 12 x 3 bedroom dwellings and 7 x 4 bedroom dwellings in a mix of two and three storey configurations. The proposed density is 48 dwellings per hectare, which exceeds the minimum density target of 45 dwellings per hectare sought for the Urban neighbourhood precinct. The overall maximum building height is approximately 10.8m above natural ground level, which is below the example maximum building height of 21m as shown on Overlay map - Building height. Access to Stage 1 is proposed from Beaconsfield Street in a location unaffected by flood hazard. A total of 41 car parking spaces are proposed within Stage 1, comprising 38 resident spaces in a double garage for each dwelling unit and 3 visitor spaces.
- (b) Stage 2 on the western side of the site is proposed to contain 23 dwelling units, each having 4 bedrooms. All dwellings are 2 storeys with an overall maximum building height of approximately 8.45m which is below the example maximum building height of 21m as shown on Overlay map - Building height. The proposed density is 48 dwellings per hectare, which exceeds the minimum density target of 45 dwellings per hectare sought for the Urban neighbourhood precinct. Access to Stage 2 is proposed from Banks Street, in a location unaffected by flood hazard. An additional pedestrian entrance (stairs) is also proposed to Beaconsfield Street frontage. A total of 51 car parking spaces are proposed within Stage 2, comprising 46 resident spaces in a double garage for each dwelling unit and 5 visitor spaces.

2. Explanation of Item

2.1 Assessment of Development Application

Impact assessable development applications are assessed against:

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

Having regard to the above, the development application is to be assessed against the MBRC Planning Scheme 2016, Version 5 (in effect 26 October 2021 - 21 December 2021) in its entirety, including an assessment against the following relevant assessment benchmarks:

- d. Part 3 - Strategic Framework
- e. 6.2.6.4 - General residential zone code, Urban neighbourhood precinct;
- f. 9.3.2 - Residential uses code;
- g. 9.4.1.6.4 - Reconfiguring a lot code, General residential zone, Urban neighbourhood precinct.
- h. 8.2.2 - Flood hazard overlay code

Please refer to the Development Assessment Report (**Supporting Information #4**) for a detailed assessment of the development application. A summary of the assessment is provided below:

Part 3 - Strategic Framework

An assessment has been undertaken against the applicable strategic outcomes of the 'themes' of the Strategic Framework and has been determined to comply. Notably, the development demonstrates compliance with the Strategic Outcomes that relate to natural hazards, risk and resilience as a result of the development proposed to be designed to mitigate and manage the risks posed by flooding to a tolerable level without resulting in adverse flood impacts external to the site.

ITEM 3.3 DA/2021/4164 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE PLANNING SCHEME BY AMENDING THE FLOOD HAZARD OVERLAY CODE) AND MATERIAL CHANGE OF USE DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (42 DWELLIN - 68765955 (Cont.)

6.2.6.4 - General residential zone code, Urban neighbourhood precinct

The proposal has been determined to comply with the General Residential zone code, Urban neighbourhood precinct. A Multiple dwelling is listed as a 'consistent' land use within the precinct. The application proposes a built form outcome consistent with the intended character of the Urban neighbourhood precinct. The proposal achieves the minimum density target of 45 dwellings per hectare sought for the Urban neighbourhood precinct.

The proposal will necessitate the removal of 3 habitat tree including a very large White Fig Tree (*Ficus virens*) that has a DBH of 200cm. The applicant has proposed a Fauna Nest Box Management Plan to compensate for the removal of habitat trees and formed hollows to ensure there is not net loss of fauna habitat.

9.3.2 - Residential uses code

The proposal has been determined to comply with the Residential uses code. The application proposes a consistent built form outcome that has been designed to add visual interest, enhance the streetscape and provide a high level of residential amenity, privacy and safety to residents and adjoining properties.

9.4.1.6.4 - Reconfiguring a lot code, General residential zone, Urban neighbourhood precinct.

Reconfiguring a Lot within the General residential zone, Urban neighbourhood is a consistent form of development where the resultant lots are capable of achieving a minimum density of 45 dwellings per hectare. The Material Change of Use - Development Permit component of the application demonstrates each of the proposed lots is capable of achieving the minimum density target of 45 dwellings per hectare.

8.2.2 - Flood hazard overlay code

An assessment has been undertaken against the Flood hazard overlay code. The provisions of the Flood hazard overlay code of the MBRC Planning Scheme do not allow for earthworks to occur within areas mapped as either medium or high-risk flood hazard, unless where the land is included within a Drainage Investigation Area (DIA) and supported by a Drainage Master Plan (DMP). A Multiple dwelling is an inconsistent land use where within a mapped medium or high-risk flood hazard area, except when demonstrated by an approved DMP, that the risk to people, property and infrastructure located on the premises and other premises is avoided or mitigated.

The subject site is not included within a DIA under the current version of the MBRC Planning Scheme, however it is to be noted the site and surrounding area to the north-east of the site was previously included within the Margate DIA No. 8 within superseded versions of the MBRC Planning Scheme (Versions 1 to 3). By way of background, DIA's were introduced with the commencement of the MBRC Planning Scheme in 2016 as a means to realising the development potential and achieving density targets within the flood prone areas of the Urban neighbourhood and Next generation neighbourhood precincts of the General residential zone. The intent of the Drainage Master Plan is to provide an overarching plan which coordinates land use, built form and infrastructure in a manner that provides clear direction on the development capability of the Drainage Investigation Area, sets out infrastructure (including mitigation infrastructure) requirements and responsibilities, and addresses the risk to which the area is subject. Council has previously undertaken a flood risk mitigation investigation for the former Margate DIA No. 8 (which previously included the subject premises) however the study concluded that there was no cost-effective catchment wide solution to reduce the flood risk to all properties in this area. Accordingly, the site was removed from being within a DIA with the commencement of Version 4 of the MBRC Planning Scheme on 29 January 2020 and remains mapped as being subject to medium-risk flood hazard.

ITEM 3.3 DA/2021/4164 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE PLANNING SCHEME BY AMENDING THE FLOOD HAZARD OVERLAY CODE) AND MATERIAL CHANGE OF USE DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (42 DWELLIN - 68765955 (Cont.))

The application seeks to vary the effect of the Flood Hazard Overlay Code in the MBRC Planning Scheme to introduce a new Drainage Investigation Area to the premises, to allow an approval to be given of a Drainage Master Plan that has been prepared by the applicant. On the balance of assessment, the application has sufficiently demonstrated the proposed development mitigates and manages the risks posed by flooding to a tolerable level without adverse impacts external to the site. The DMP has been independently peer reviewed and determined to be 'fit for purpose'.

2.2 Public Notification and Submissions

The application was subject to impact assessment and was publicly advertised for a period of 30 business days with 1 Not Properly Made submission received. The matters raised in the submission relates to flooding and drainage concerns on the subject site and surrounding area.

A detailed assessment of the submission has been undertaken as outlined in section 3.6 of Development Assessment Report (**Supporting information #3**).

2.3 Summary of Assessment

The application has sufficiently demonstrated the proposed development mitigates and manages the risks posed by flooding to a tolerable level without adverse impacts or external flood impacts beyond the site. The proposed development is reflective of superseded versions of the MBRC which included the site within a DIA to allow for a drainage solution to facilitate the intensification of development of the site. The proposed development would advance the purpose and overall outcomes of the Urban neighbourhood precinct which seeks, in part, to maximise the efficient use of land through appropriate built form and land use intensity and capitalises on the sites proximity to a range of services and public transport options which in this instance are available within the adjoining Margate District centre.

On the balance of the assessment, including the matters raised with the submission received, Council officers having taken into consideration all common material recommend that the application be approved, subject to recommended conditions outlined in **Supporting Information #4 - Conditions and Variations**.

3. **Strategic Implications**

3.1 Legislative / Legal Implications

The applicant has appeal rights in accordance with the *Planning Act 2016*.

3.2 Corporate Plan linkage

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

Our Well-planned Places:

Our communities have access to safe, affordable and diverse living choices.

3.3 Policy Implications

The proposal is generally consistent with the Moreton Bay Regional Council Planning Scheme 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.

ITEM 3.3 DA/2021/4164 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE PLANNING SCHEME BY AMENDING THE FLOOD HAZARD OVERLAY CODE) AND MATERIAL CHANGE OF USE DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (42 DWELLIN - 68765955 (Cont.)

3.6 Financial Implications

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

3.7 Economic Benefit Implications

Appropriate development supports the growing Moreton Bay region

3.8 Environmental Implications

New development contributes to sustainable management and protection of the natural environment in the region through compliance with the planning schemes policies and provision

3.9 Social Implications

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

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Refer to clause 2.2.

ATTENDANCE

Dan Staley left the meeting at 11.10am after consideration of Item 3.3

David Hood attended the meeting at 11.11am for Item 3.4.

**ITEM 3.4
RESHAPING OUR REGION'S PLANNING - PROPOSED MAJOR (PLANNING
SCHEME) AMENDMENT NO.3 'BETTER HOUSING AMENDMENT' - MINISTER'S
CONDITION 3**

Meeting / Session: 3 WELL-PLANNED PLACES
Reference: 68848772: 11 January 2024 - Refer Supporting Information 68854215 & 68854264
Responsible Officer: DH, Manager Strategic Planning and Place Making (PL Strategic Planning & Place Making)

Executive Summary

At its General Meeting on 13 December 2023, Council authorised the Chief Executive Officer to request the (former) Minister for State Development, Infrastructure, Local Government and Planning to allow the Council to adopt the Proposed Major Amendment No.3 'Better Housing Amendment' to the MBRC Planning Scheme 2016 in accordance with Chapter 2, Part 4, section 21 of the Minister's Guidelines and Rules (MGR).

The amendment was submitted to the Minister on 15 December 2023. Since this time, it has been identified that Ministerial condition 3 provided as part of the State interest review response in July 2023 has not been addressed in the amendment. The condition relates to a number of performance outcomes (and corresponding examples) about car parking not being sufficiently detailed.

The purpose of this report is to seek Council approval to include additional changes to the Proposed Major Amendment No.3 'Better Housing Amendment', in the form of a supporting addendum to the amendment submitted to the Minister in December, to reflect the Ministerial condition 3.

This matter is brought to the attention of Council under the **Well-planned Places portfolio**, given the proposed amendments seek to influence improved development outcomes across the city.

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Mark Booth

CARRIED 13/0

1. That Council is satisfied resolution nos. 1 - 6 of item 3.2 of the General Meeting Report dated 13 December 2023 have been complied with.
2. That Council has considered the letter from the State government dated 10 January 2024 contained in Supporting Information #1.
3. That Council has considered the document identified as Amendment Instrument Addendum - Proposed Major Amendment No. 3 'Better Housing Amendment' contained in Supporting Information #2 and:
 - a) is satisfied that it addresses condition 3 of the Ministerial conditions dated 17 July 2023; and
 - b) resolves that the Amendment Instrument Addendum - Proposed Major Amendment No. 3 'Better Housing Amendment' will now form part of the notice of a request to adopt the Proposed Major Amendment No. 3 'Better Housing Amendment' referred to in resolution no. 7 of item 3.2 of the General Meeting Report dated 13 December 2023.
4. That the Chief Executive Officer be authorised to make any administrative or editorial changes to the Amendment Instrument Addendum - Proposed Major Amendment No. 3 'Better Housing Amendment'.

*ITEM 3.4 RESHAPING OUR REGION'S PLANNING - PROPOSED MAJOR (PLANNING SCHEME) AMENDMENT
NO.3 'BETTER HOUSING AMENDMENT' - MINISTER'S CONDITION 3 - 68848772 (Cont.)*

5. **That subject to Officer Recommendation No. 4 above being completed, the Chief Executive Officer be authorised to respond to the letter from the State government dated 10 January 2024 and provide a copy of the Amendment Instrument Addendum - Proposed Major Amendment No. 3 'Better Housing Amendment' noting that this is to be considered as forming part of the notice of a request to adopt the Proposed Major Amendment No. 3 'Better Housing Amendment'.**

OFFICER'S RECOMMENDATION

1. That Council is satisfied resolution nos. 1 - 6 of item 3.2 of the General Meeting Report dated 13 December 2023 have been complied with.
2. That Council has considered the letter from the State government dated 10 January 2024 contained in Supporting Information #1.
3. That Council has considered the document identified as Amendment Instrument Addendum - Proposed Major Amendment No. 3 'Better Housing Amendment' contained in Supporting Information #2 and:
 - a) is satisfied that it addresses condition 3 of the Ministerial conditions dated 17 July 2023; and
 - b) resolves that the Amendment Instrument Addendum - Proposed Major Amendment No. 3 'Better Housing Amendment' will now form part of the notice of a request to adopt the Proposed Major Amendment No. 3 'Better Housing Amendment' referred to in resolution no. 7 of item 3.2 of the General Meeting Report dated 13 December 2023.
4. That the Chief Executive Officer be authorised to make any administrative or editorial changes to the Amendment Instrument Addendum - Proposed Major Amendment No. 3 'Better Housing Amendment'.
5. That subject to Officer Recommendation No. 4 above being completed, the Chief Executive Officer be authorised to respond to the letter from the State government dated 10 January 2024 and provide a copy of the Amendment Instrument Addendum - Proposed Major Amendment No. 3 'Better Housing Amendment' noting that this is to be considered as forming part of the notice of a request to adopt the Proposed Major Amendment No. 3 'Better Housing Amendment'.

REPORT DETAIL

1. Background

On 13 December 2023, Council passed a series of resolutions to progress the Proposed Major Amendment No. 3 'Better Housing Amendment'. An extract of the resolutions passed by the Council is below:

RESOLUTION

1. *That Council has considered all properly made submissions and other submissions about the proposed planning scheme amendment that were received by Council during public consultation of the proposed planning scheme amendment document and resolves to make changes to the proposed planning scheme amendment document in accordance with section 19 of the Minister's Guidelines and Rules Version 2.0 commencing on 28 July 2023 (MGR).*
2. *That Council has considered the document identified as Proposed Major Amendment No. 3 'Better Housing Amendment' contained in Supporting Information #1 and endorses the document as appropriately incorporating changes to the proposed planning scheme amendment document to:*
 - a) *address issues raised in the submissions;*
 - b) *amend a drafting error/s;*
 - c) *to address new or changed planning circumstances or information.*
3. *That Council has considered the draft Consultation Report contained in Supporting Information #2 and endorses the report as appropriately dealing with the properly made submissions received by Council during the public consultation of the proposed planning scheme amendment document.*
4. *That Council resolves that the changes to the proposed planning scheme amendment document in accordance with the proposed amendment identified as Supporting Information #1 (Proposed Major Amendment No.3 'Better Housing Amendment'):*

ITEM 3.4 RESHAPING OUR REGION'S PLANNING - PROPOSED MAJOR (PLANNING SCHEME) AMENDMENT NO.3 'BETTER HOUSING AMENDMENT' - MINISTER'S CONDITION 3 - 68848772 (Cont.)

- a) *continue to appropriately integrate and address relevant State interests, including those identified in the State interest review;*
 - b) *will not result in a proposed planning scheme amendment document that is significantly different to the version of the proposed planning scheme amendment document released for public consultation, having regard to Schedule 2 of the MGR.*
5. *That the Chief Executive Officer is authorised to:*
- a) *notify persons in writing who made properly made submissions about how the Council has dealt with the submission and provide access to a copy of the Consultation Report endorsed in Officer Recommendation No. 3 above;*
 - b) *make the Consultation Report endorsed in Officer Recommendation No. 3 above publicly available by:*
 - i. *placing a copy on Council's website for viewing and downloading;*
 - ii. *placing hardcopies at Council's Strathpine, Caboolture and Redcliffe Customer Service Centres for inspection and purchase.*
6. *That the Chief Executive Officer be authorised to make any administrative or editorial changes to the proposed planning scheme amendment document contained in Supporting Information #1 prior to giving a Notice to the Minister for the Department of State Development, Infrastructure, Local Government and Planning (the Minister) in accordance with Chapter 2, Part 4, section 21.1 of the MGR.*
7. *That subject to Officer Recommendation Nos. 5 and 6 above being completed, the Chief Executive Officer be authorised to give the Minister a notice of a request to adopt the proposed planning scheme amendment document contained in Supporting Information #1 in accordance with Chapter 2, Part 4, section 21 of the MGR that includes:*
- a) *an electronic copy of the proposed planning scheme amendment document, clearly identifying any change that has been made to the proposed amendment since the State interest review;*
 - b) *the consultation report prepared under Chapter 2, Part 4, section 18.4 of the MGR;*
 - c) *a report that includes:*
 - i. *the changes made to the proposed amendment;*
 - ii. *when the changes were made;*
 - iii. *why the changes were made;*
 - iv. *how the changes relate to any relevant regional plan or State Planning Policy or affect a state interest; and*
 - v. *what issues the changes respond to; and*
 - d) *a statement as to whether Council considers the proposed amendment is significantly different from the version for which public consultation has been undertaken, and the reasons why Council formed this view.*
8. *That Council notes one (1) submission was received to the proposed Planning Scheme Policies (PSPs) Amendment and only requires minor changes to align with changes to the proposed planning scheme amendment in response to submissions, which will be the subject of a future separate Council*

Council officers note that resolution nos. 1 - 6 have now been satisfied by the Council, including to notify persons in writing who made properly made submissions about how the Council has dealt with the submission and making the Consultation Report above publicly available on Council's Your Say Moreton Bay webpage. In seeking to satisfy resolution no. 7, Council officers on 15 December 2023 gave the Minister a notice of a request to adopt the Proposed Major Amendment No. 3 'Better Housing Amendment' (the Notice to Adopt).

On 10 January 2024, Council officers received a letter from the State government (refer Supporting Information #1) advising that:

- (a) the Notice to Adopt does not appear to have satisfactorily addressed condition 3 of the Ministerial conditions dated 17 July 2023; and

ITEM 3.4 RESHAPING OUR REGION'S PLANNING - PROPOSED MAJOR (PLANNING SCHEME) AMENDMENT NO.3 'BETTER HOUSING AMENDMENT' - MINISTER'S CONDITION 3 - 68848772 (Cont.)

- (b) the timeframe for the Minister to advise whether the proposed amendment may be adopted be paused to allow the Council to adequately address condition 3 of the Ministerial conditions dated 17 July 2023.

As a result of the letter from the State government, the Council officers' view is that resolution no. 7 has not been satisfied by the Council without confirmation that condition 3 has been complied with. A Councillors' briefing will be conducted on 23 January 2024 for the purpose of sharing information and providing advice to Council on the matter of Ministerial condition 3.

2. Explanation of Item

Refer Supporting Information #1 for a full list of all Ministerial conditions (dated 17 July 2023) provided pursuant to section 20 of the *Planning Act 2016*. As stated above, it has been identified that State interest review Ministerial Condition 3 has not yet been complied with.

State interest review, Ministerial condition 3 reads:

<p>Issue: Policy relating to Car Parking</p> <p>State Interests:</p> <ul style="list-style-type: none"> • Building Act 1975 and Building Regulation 2021 (section 6) 	
<p>3. PROVIDE a corresponding quantifiable standard for the provisions that address qualitative provisions for on-site parking, including (but not limited to):</p> <ul style="list-style-type: none"> • proposed PO9A (and corresponding example) within Table 6.2.3.2.2.2 Assessable development - Emerging community zone - Transition precinct, (developed lot) • proposed PO7A (and corresponding example) within Table 6.2.6.3.2 Assessable development - General residential zone - Next generation neighbourhood precinct • proposed PO9A and PO58A (and corresponding examples) within Table 6.2.6.4.2 Assessable development - General residential zone - Urban neighbourhood precinct. • proposed PO8A (and corresponding example) within Table 7.2.3.1.1.2 Assessable development - Caboolture West Local Plan Code - Next generation sub-precinct. 	<p>Prior to the local government giving a notice of request to adopt the proposed amendment (step 21.1 of the Minister's Guidelines and Rules).</p>

As part of Council's request to the Minister for approval to adopt the amendment, Council is required to comply with this condition.

Supporting Information #2 contains a supporting addendum to Proposed Major Amendment No.3 'Better Housing Amendment', approved by Council at its meeting of 13 December 2023, which provides a response to this condition.

The changes are minor and do not change the current policy intent of the Better Housing Amendment. It is understood the intent of Ministerial condition 3 is to ensure the planning scheme codes are read appropriately in conjunction with related State government legislation (*Building Act 1975* and *Planning Regulation 2017*).

It is noted that in response to recent State government cabinet changes, this matter now falls under the Minister for Housing, Local Government and Planning.

ITEM 3.4 RESHAPING OUR REGION'S PLANNING - PROPOSED MAJOR (PLANNING SCHEME) AMENDMENT NO.3 'BETTER HOUSING AMENDMENT' - MINISTER'S CONDITION 3 - 68848772 (Cont.)

3. Strategic Implications

3.1 Legislative / Legal Implications

The changes to the amendment are required to address the Minister's conditions and comply with step 21 of the MGR.

3.2 Corporate Plan linkage

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

- Our Well-planned Places: 03 Our communities have access to safe, affordable and diverse living choices.
- Our Well-planned Places: 04 We have well-planned neighbourhoods that support changing communities, respect cultural heritage and enjoy a unique sense of place.

3.3 Policy Implications

The change to the amendment in response to Ministerial condition 3 is a State requirement that must be addressed.

3.4 Risk Management Implications Nil identified

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications Nil identified

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

3.9 Social Implications Nil identified

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Public consultation has previously been undertaken in accordance with the MGR. Submissions have been considered, the amendment changed accordingly, and a consultation report has been released to the community. The change to the amendment in response to Ministerial condition 3 is a State requirement that must be addressed.

ATTENDANCE

David Hood left the meeting at 11.13am after Item 3.4.

4 WELL-CONNECTED PLACES SESSION**(Cr A Hain / Cr M Gillam)****ITEM 4.1****TENDER - FERNY HILLS - GORDON ROAD AND FERNY WAY - INTERSECTION UPGRADE (MBRC-RFT176)**

Meeting / Session: 4 WELL-CONNECTED PLACES
Reference: 68720951: 9 January 2024 - Refer **Confidential Supporting Information 68604903**
Responsible Officer: DM, Senior Project Manager (PAS Project Management)

Executive Summary

Tenders were invited for the 'Ferny Hills - Gordon Road and Ferny Way - Intersection Upgrade (MBRC-RFT176)' project. Tenders closed on 29 November 2023 with a total of eight tender submissions received, five of which were conforming and three were non-conforming.

It is recommended that the tender for the 'Ferny Hills - Gordon Road and Ferny Way - Intersection Upgrade (MBRC-RFT176)' project be awarded to Winslow Infrastructure Pty Ltd, for the sum of \$5,845,172 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

This matter is brought to the attention of Council under the **Well-connected Places portfolio** as the completed project will provide improved safety for users of the intersection; improved multi-modal connectivity, through enhanced vehicle, pedestrian and cycle connectivity to the regional road network and a key public transport node (Ferny Grove Train Station).

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

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

RESOLUTION**Moved by Cr Matt Constance****Seconded by Cr Adam Hain****CARRIED 13/0**

1. That the tender for the 'Ferny Hills - Gordon Road and Ferny Way - Intersection Upgrade (MBRC-RFT176)' project be awarded to Winslow Infrastructure Pty Ltd, for the sum of \$5,845,172 (excluding GST).
2. That to allow Council to enter into an agreement for this project, Council commits to the provision of an additional sum of \$1,821,548 (excluding GST), for a total project budget allocation of \$6,821,548 (excluding GST) towards the construction of the project over the course of the 2023/24 and 2024/25 financial years; with \$2,000,000 (excluding GST) to be allocated in the 2023/24 financial year and \$4,821,548 (excluding GST) to be allocated in the 2024/25 financial year.
3. That the Council enters into an agreement with Winslow Infrastructure Pty Ltd, as described in this report.

ITEM 4.1 TENDER - FERNY HILLS - GORDON ROAD AND FERNY WAY - INTERSECTION UPGRADE (MBRC-RFT176) - 68720951 (Cont.)

4. **That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Winslow Infrastructure Pty Ltd for the 'Ferny Hills - Gordon Road and Ferny Way - Intersection Upgrade (MBRC-RFT176)' project and any required variations of the agreement on Council's behalf.**

ITEM 4.1 TENDER - FERNY HILLS - GORDON ROAD AND FERNY WAY - INTERSECTION UPGRADE (MBRC-RFT176) - 68720951 (Cont.)

OFFICER'S RECOMMENDATION

1. That the tender for the '*Ferny Hills - Gordon Road and Ferny Way - Intersection Upgrade (MBRC-RFT176)*' project be awarded to Winslow Infrastructure Pty Ltd, for the sum of \$5,845,172 (excluding GST).
2. That to allow Council to enter into an agreement for this project, Council commits to the provision of an additional sum of \$1,821,548 (excluding GST), for a total project budget allocation of \$6,821,548 (excluding GST) towards the construction of the project over the course of the 2023/24 and 2024/25 financial years; with \$2,000,000 (excluding GST) to be allocated in the 2023/24 financial year and \$4,821,548 (excluding GST) to be allocated in the 2024/25 financial year.
3. That the Council enters into an agreement with Winslow Infrastructure Pty Ltd, as described in this report.
4. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Winslow Infrastructure Pty Ltd for the '*Ferny Hills - Gordon Road and Ferny Way - Intersection Upgrade (MBRC-RFT176)*' project and any required variations of the agreement on Council's behalf.

REPORT DETAIL

1. Background

This project is located at the intersection of Ferny Way and Gordon Road, Ferny Hills.

The project's intent is to reduce delays and to improve safety for drivers, and particularly for pedestrians to the local area.

The project scope includes:

- Reconfiguring the intersection to accommodate traffic signals to better facilitate traffic turning between Gordon Road and Ferny Way, and to provide improved pedestrian connectivity through dedicated pedestrian crossing facilities.
- Installation of a retaining wall to facilitate the revised intersection footprint.
- Stormwater upgrades.
- Traffic signals and street light upgrade.
- New directional and advance warning signage.
- Footpath installation; and
- Fauna Crossing.

The objective of this project is to improve safety for local road users, increase the capacity of the intersection and provide safer manoeuvring when exiting Gordon Road and turning right into Ferny Way.

Construction will commence on site in mid-March 2024, following a six-week period for the recommended tenderer to develop and submit to Project Management a project specific construction management plan, as well as project traffic management permits.

The project is scheduled to take nine months to complete, which includes allowances for public holidays and wet weather.

A communication plan has been prepared for this project. Communication strategies include project notices issued to properties within an approximate 500-metre radius of the site, focussed on the eastern side of Samford Road which is expected to be more substantially impacted.

ITEM 4.1 TENDER - FERNY HILLS - GORDON ROAD AND FERNY WAY - INTERSECTION UPGRADE (MBRC-RFT176) - 68720951 (Cont.)

Project notices will be provided four weeks prior to the commencement of works; with projects signs displayed on site four weeks prior to construction commencing on site.

These notices and signs will advise that there will be some nightworks associated with the project.

The recommended tenderers program shows four distinct scheduled nightwork periods over the course of the construction period, with each period lasting for approximately two weeks.

The number and duration of these nightwork periods will be refined during construction, however, local residents and businesses will be kept informed two weeks prior to these activities commencing utilising a combination of door knocks for adjacent businesses, project notices, an e-mail update and updates on VMS boards. This will be arranged by Project Management.

Businesses adjacent to the work site, that operate at night were contacted by Project Management in September 2023 to confirm opening hours, delivery timeframes and any operational constraints that may impact construction.

Variable Message Sign (VMS) boards will be installed on each approach to the current intersection to provide updates on key upcoming activities (such as nightworks) to motorists and the broader community.

A door knock of businesses adjacent to the works will also be held between Project Management staff and the recommended tenderer four weeks prior to the commencement of works. The door knock is intended to complement the project notices and provide more detail for the businesses that will be most impacted by the works. The door knock will ensure business owners and contractor's staff are introduced and lines of communication through Project Management are established.

The project notices and project notification signs will contain a QR code which will enable updates to the project via a dedicated webpage, as well as, providing the option to sign up to a receive a weekly update e-mail regarding the progress of the project.

The communications plan will include a weekly update to the Divisional Councillor. Should there be any adverse changes to project delivery, the Divisional Councillor will receive prompt formal advice from the project manager of what has occurred, why and when the project will be completed.

During the detailed design phase of the project, the CMB project team consulted with Department of Transport and Main Roads (DTMR) and Brisbane City Council (BCC). These agencies were provided the opportunity to review and comment on the design given the proximity of the project to the jurisdictional boundary of CMB/BCC/DTMR.

In addition, during the preliminary design phase, the CMB project team met with DTMR and the developers of the Transient Orientated Development (TOD) who are currently undertaking works at the adjacent Ferny Grove Train Station. These discussions confirmed expected future traffic trip modelling to ensure these were considered in the intersection design.

The largest traffic disruption is expected at night when a combination of detours and stop / go arrangements will be required. Businesses adjacent to the works that operate at night have been contacted via phone by Project Management during the procurement phase and their relevant requirements around access requirements and delivery timeframes have been specified within the tender documents and confirmed with the recommended tenderer.

ITEM 4.1 TENDER - FERNY HILLS - GORDON ROAD AND FERNY WAY - INTERSECTION UPGRADE (MBRC-RFT176) - 68720951 (Cont.)



Figure 1: (Ferny Hills - Gordon Road and Fenny Way - Intersection Upgrade) - Locality Plan

2. Explanation of Item

Tenders were invited for the 'Ferny Hills - Gordon Road and Fenny Way - Intersection Upgrade (MBRC-RFT176)' project, which closed on 29 November 2023 with a total of eight tenders received, of which five were conforming and three were non-conforming. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

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

RANK	TENDERER	EVALUATION SCORE (Pre Local Preference)	EVALUATION SCORE (Post Local Preference)
1	Winslow Infrastructure Pty Ltd	91.4	98.9
2	Ertech Pty Ltd	89.5	94.0
3	Queensland Bridge and Civil (Conforming)	88.4	88.4
4	Winslow Infrastructure Pty Ltd (Nightwork Only)	84.9	84.9
5	Durack Civil PTY LTD	75.7	75.7
6	Queensland Bridge and Civil (Alternative)	Non-Conforming	
7	Dynamic Hydro Excavation Pty Ltd	Non-Conforming	
8	Humes	Non-Conforming	

ITEM 4.1 TENDER - FERNY HILLS - GORDON ROAD AND FERNY WAY - INTERSECTION UPGRADE (MBRC-RFT176) - 68720951 (Cont.)

Winslow Infrastructure Pty Ltd ('WI') - submitted a comprehensive and well-presented tender. A tender clarification meeting was held on 13 December 2023 at which WI demonstrated their relevant experience, methodology, company capability, understanding of the project and ability in delivering the project to the required time lines.

WI provided examples of relevant project experience: including Mahoney Road Intersection Upgrade (valued at \$3.5M); Bruce Highway – Gutchy Creek to Sheehans Road (valued at \$19.5M); and Cooyar to Bum Bum Creek, New England (valued at \$13.5M), all for DTMR.

WI provided the most comprehensive staging for the required works considering motorists, pedestrians, and adjacent businesses. The evaluation panel considers the tender from WI to represent the best overall value for Council.

WI have not worked for CMB previously. CMB received positive feedback from three referees for work undertaken on similar projects for DTMR.

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

Ertech Pty Ltd ('ER') - submitted a comprehensive tender, demonstrating their project experience. A tender clarification meeting was held with ER on 11 December 2023, 19 December 2023 and 20 December 2023. ER submitted a conforming offer and was the lowest price tenderer, however, the evaluation panel considered that the increased contractual risk and access restrictions to adjacent businesses was less desirable compared to the recommended tenderer.

Queensland Bridge & Civil (Conforming) ('QBC') - submitted a comprehensive and well-presented tender, demonstrating their project experience, however, there were no additional benefits identified for the higher price.

Winslow Infrastructure Pty Ltd (Nights only) ('WI') - submitted a comprehensive and well-presented tender, demonstrating their project experience, however, there were insufficient benefits identified for the higher price.

Durack Civil Pty Ltd ('DC') - submitted a comprehensive tender, demonstrating their project experience, however, there were no additional benefits identified for the higher price.

Queensland Bridge & Civil (Alternative) ('QBC') - Non-conforming, - the tenderer did not submit a conforming tender in accordance with tender documents. QBC provided a submission that was conditioned on amendments to the new stormwater infrastructure. The proposal was reviewed by the evaluation team and designers, however, the proposal did not meet Council's risk assessment criteria.

Dynamic Hydro Excavation Pty Ltd ('DHE') - Non-conforming, - the tenderer did not submit a conforming tender in accordance with tender documents as they provided a company profile and schedule of rates for a portion of the project only.

Humes ('HU') - Non-conforming, - the tenderer did not submit a conforming tender in accordance with tender documents as they provided a schedule of rates for a portion of the project only.

3. Strategic Implications

3.1 Legislative / Legal Implications

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

ITEM 4.1 TENDER - FERNY HILLS - GORDON ROAD AND FERNY WAY - INTERSECTION UPGRADE (MBRC-RFT176) - 68720951 (Cont.)

3.2 Corporate Plan linkage

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

Our Well-planned Places: 08 Our communities have access to safe, affordable and diverse transport choices that make active travel easy.

3.3 Policy Implications

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

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

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

3.4 Risk Management Implications

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

Financial Risk:

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

Construction Risks:

- a. The recommended tenderer will provide a program of works, staging plans, traffic management plans, safety management plan, environmental management plan, and quality management documentation as part of the contract to detail how they will plan, establish and manage project construction risks which will be reviewed and audited by Project Management.
- b. The recommended tenderer has indicated their understanding of the project site to ensure the safety and well-being of all during the works, and their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time.
- c. The procurement risks relating to this project are considered low as CMB have sourced and stockpiled all steel reinforced concrete pipes (SRCPs) necessary to complete the works. There is adequate lead time for the recommended tenderer to procure the remaining relevant project construction materials. At the tender clarification meeting, the recommended tenderer did not foresee any impacts which would affect material supply chains and overall time delivery of the project works.
- d. Works will not commence on site until the necessary construction management plans have been submitted and reviewed and traffic permits obtained. The current lead time for these early activities is six weeks, which has been allowed for in the works commencement date and as part of the overall project delivery timeframe.
- e. Dilapidation inspections will be conducted by Project Management staff prior to works commencing for site and surrounding areas to record the existing condition of assets and again after construction to record any change.
- f. Given the nature of the construction works, traffic volumes and proximity to DTMR network, some activities will need to be undertaken as nightwork. The tender documents provided direction on the requirements for open traffic lanes both during the day and at night. The recommended tenderer provided a comprehensive program showing how works will be staged, the elements to be completed during the day and the work activities required at night. It is estimated that 80% of the works can be completed during the day based on staging plans provided by the recommended tenderer. The remaining 20% of the works will be completed at night including median island demolition, key stormwater line installation, median island construction, asphalt works and line marking. The recommended tenderer's program shows four distinct nightworks periods over the course of the construction period with each period lasting approximately two weeks. It is expected

ITEM 4.1 TENDER - FERNY HILLS - GORDON ROAD AND FERNY WAY - INTERSECTION UPGRADE (MBRC-RFT176) - 68720951 (Cont.)

that the number and duration of these nightworks periods will be refined during construction and local residents and businesses will be kept informed prior to commencement of the night works utilising a combination of door knocks for adjacent businesses, project notices/e-mails and updates on VMS boards.

- g. Given the proximity of the works to Kedron Brook, the erosion and sediment control plan will be prepared by a Certified Professional in Erosion and Sediment Control (CPESC) on behalf of the recommended tenderer and monitored and audited by Project Management during the construction phase.
- h. New infrastructure locations have been reviewed to confirm non-worsening impacts relative to existing properties. The new retaining wall, traffic signals, streetlights, signal controller box, advance directional signage, advance signal warning lights and fauna crossing locations have been reviewed as part of this assessment. The new retaining wall will be located on road reserve at the rear frontage of a commercial property. New traffic signals and streetlights will be installed in front of parklands or commercial businesses. One existing streetlight in front of a residence will be upgraded to a LED unit. The new signal controller box will be located approximately fifteen metres from the closest property boundary. The location of the three advance directional signs and two advance signal warning lights is heavily governed by relevant standards and guidelines. The sign locations have been positioned to adhere to relevant standards and site visibility has been considered in this assessment. One of the advance directional signs will be installed on Samford Road (DTMR jurisdiction). On this basis DTMR were consulted and provided approval for the layout and location of this sign.
- i. No building approval is required for the retaining wall. The retaining wall does not trigger the requirement for building approval as it does not exceed one metre in height.
- j. Service relocation have already been completed for this project. Unitywater, Energex, Telstra and Optus relocations were completed during previous financial years and therefore are not expected to further impact the construction works.
- k. The project is not impacted by any internal Development Approvals.
- l. The project is not impacted by any external Development Applications and/or Approvals.
- m. There are no obligations under Native Title, as per formal advice received from a CMB Cultural Heritage Planning Officer.
- n. Cultural Heritage has been assessed as low risk. A CMB Cultural Heritage Planning Officer has advised that due to previous works at this location, it is unlikely to contain significant cultural heritage values. A further CMB site visit will be completed as part of council's due diligence to comply with the *Aboriginal Cultural Heritage Act 2003*.
- o. The geotechnical risk was considered, and the following management strategies implemented:
 - a. Twenty-five boreholes and twelve cores were excavated and sampled during the design phase to inform the pavement design.
 - b. Tenderers provided rates for key unsuitable subgrade activities so these were known during the procurement phase of the project.
 - c. Investigation of underground services has been completed via service location including twenty-five potholes.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

Council has allocated a total of \$5M for construction of the project across the 2023/24 and 2024/25 financial year's Capital Projects Program (CPP), \$4M in the 2023/24 financial year and \$1M in the 2024/25 financial year. All financial information below is excluding GST.

Unitywater Relocations Works (2023/24)	\$	115,860
Principal Supplied Materials (2023/24)	\$	7,370
Tender Price (Construction)	\$	5,845,172
Contingency (10%)	\$	584,517
Project Management Costs (2.5%)	\$	146,129
Consultant Construction Phase Services (1.5%)	\$	87,678

ITEM 4.1 TENDER - FERNY HILLS - GORDON ROAD AND FERNY WAY - INTERSECTION UPGRADE (MBRC-RFT176) - 68720951 (Cont.)

QLeave (0.575%)	\$	34,822
Total Project Cost	\$	6,821,548
Project budget allocation (2023/24 and 2024/25)	\$	5,000,000
Project Shortfall	\$	1,821,548

Estimated ongoing operational/maintenance costs \$ 42,000 per financial year

The budget amount for this project is insufficient.

To allow Council to enter into an agreement for this project, Council commits to the provision of an additional sum of \$1,821,548 (excluding GST), for a total project budget allocation of \$6,821,548 (excluding GST) towards the construction of the project over the course of the 2023/24 and 2024/25 financial years; with \$2M (excluding GST) to be allocated in the 2023/24 financial year and \$4,821,548 (excluding GST) to be allocated in the 2024/25 financial year.

As part of the tender review process, prices were assessed and compared to the estimate that informed the current budget.

The CMB estimate did not allow for the complexities of this project given the final budget is 36% higher than the budget allowance. The main areas where the cost increased are shown below.

Traffic management

There was a 600% increase between the estimate and the recommended tenderer's submission. The CMB estimate did not foresee the complexities of traffic management particularly in the following areas:

- Requirement to minimise impacts on adjacent DTMR and BCC road network.
- Staging required to maintain traffic flows.
- Additional costs associated with night works.
- Access requirements for adjacent businesses.
- Additional duration required to complete works.

Pavement Work

There was a 40% increase between the estimate and the recommended tenderer's submission. This increase is a result of cost escalation of materials (i.e. crushed rock, concrete, asphalt), as well as, a premium for nightworks.

Stormwater Work

There was a 250% increase between the estimate and the recommended tenderer's submission. The CMB estimate did not adequately allow for the staging required to install stormwater infrastructure due to:

- The extent of works within the roadway.
- Requirement for night works.
- Removal of redundant infrastructure.
- Complexities and depths of new stormwater pits.

It should be noted that an independent Quantity Surveyor (QS) was engaged in late 2023 to review the CMB estimate. The recommended tenderers submission aligns closely to the QS estimate and is considered a competitive price.

3.7 Economic Benefit Implications Nil identified

ITEM 4.1 TENDER - FERNY HILLS - GORDON ROAD AND FERNY WAY - INTERSECTION UPGRADE (MBRC-RFT176) - 68720951 (Cont.)

3.8 Environmental Implications

An Environmental Management Plan will be provided to Council by the recommended tenderer detailing the management of environmental matters affecting the project during construction. The erosion and sediment control plan will be prepared by a Certified Professional in Erosion and Sediment Control (CPESC) and monitored and audited by Project Management during the construction phase.

3.9 Social Implications

The project provides positive social impacts by providing a safer local road network and encouraging the greater use of active forms of transport, which will result in a healthier population, while providing equal opportunities for a variety of facility users.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

- External:
 - DTMR
 - BCC
 - Adjacent businesses
 - Adjacent residents

- Internal:
 - Project Management
 - Integrated Transport Planning and Design
 - Drainage Waterways & Coastal Planning
 - Asset Maintenance
 - Asset Management
 - Procurement
 - Legal Services

ITEM 5.1 - DECLARATION OF INTEREST

Previously declared Prescribed Conflict of Interest - Cr Matt Constance

Following the resolution being moved and seconded and during initial discussion on Item 5.1, Cr Matt Constance referred to a previously declared prescribed conflict of interest (General Meeting 13 December 2023, Page 23/2704) in relation to the Hills & Districts Chamber of Commerce Inc.

In line with that declaration, Cr Constance retired from the meeting at 11.20am.

5 PROGRESSIVE ECONOMY SESSION

(Cr K Winchester / Cr T Latter)

ITEM 5.1

MORETON MONEY - COMMUNITY OPERATIONAL SUPPORT GRANT

Meeting / Session: 5 PROGRESSIVE ECONOMY

Reference: 68891529 : 17 January 2024

Responsible Officer: AL, Head of Industry Advancement (CEO Economic Development)

Executive Summary

This report seeks Council's approval to provide eight Community Operational Support Grants of \$10,000 each to eight local chambers of commerce and business groups (totalling \$80,000) to continue the delivery of an economic recovery program called Moreton Money, which commenced in June 2022.

The provision of funding is aligned to the recent receipt of a State Government Grant under the Locally Led Economic Recovery Program (LLER) to the value of \$250,000 and will continue to enable the local chambers and business groups to further the reach of the Moreton Money program and capitalise upon the increased marketing and events activities planned during January to June 2024.

The receipt of the Locally Led Economic Recovery Grant will enable the City of Moreton Bay to undertake an extensive marketing and communications and events program to help further drive local spend throughout the City of Moreton Bay and support over 350 local businesses.

This matter is brought to the attention of Council under the **Progressive Economy portfolio** as it relates to the aspirational goals in the Regional Economic Development Strategy (REDS) by supporting the uplift of our local business community.

RESOLUTION

Moved by Cr Tony Latter

Seconded by Cr Jodie Shipway (Deputy Mayor)

CARRIED 12/0

Cr Matt Constance had declared a conflict of interest and had retired from the meeting when the vote was taken

1. That having taken into account the matters for consideration under Council's Community Grants Policy, Council considers that the extension of the *Moreton Money* local gift card program under the Locally Led Economic Recovery Program will deliver public benefits to residents of the Moreton Bay Region through the stimulation of the local economy.
2. That subject to Recommendation 3, Council provides a one-off \$10,000 grant to each of the eight chambers of commerce and business groups (totalling \$80,000), as outlined below, to offset costs associated with the operations and delivery of the *Moreton Money* program. The eight recipients being:

ITEM 5.1 MORETON MONEY - COMMUNITY OPERATIONAL SUPPORT GRANT - 68891529 (Cont.)

- a) **Greater Caboolture Chamber of Commerce - \$10,000**
 - b) **North Lakes Chamber of Commerce - \$10,000**
 - c) **Pine Rivers Chamber of Commerce - \$10,000**
 - d) **Redcliffe Peninsula Chamber of Commerce - \$10,000**
 - e) **Samford and Districts Chamber of Commerce - \$10,000**
 - f) **The Hills and Districts Chamber of Commerce - \$10,000**
 - g) **Australian Federation of Business and Professional Women Inc (Caboolture) - \$10,000**
 - h) **Food and Agribusiness Network - \$10,000**
3. **That the grants (referred to in Recommendation 2) be provided under Council's Community Grants Policy as Community Operational Support Grants.**
4. **That Council enter into a funding agreement with the eight recipient groups, as outlined in Recommendation 2, for costs associated with the operations and delivery of the *Moreton Money* program, as detailed in this report.**

That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the funding agreement on Council's behalf, as described in this report.

ITEM 5.1 MORETON MONEY - COMMUNITY OPERATIONAL SUPPORT GRANT - 68891529 (Cont.)

OFFICER'S RECOMMENDATION

1. That having taken into account the matters for consideration under Council's Community Grants Policy, Council considers that the extension of the *Moreton Money* local gift card program under the Locally Led Economic Recovery Program will deliver public benefits to residents of the Moreton Bay region through the stimulation of the local economy.
2. That subject to Recommendation 3, Council provides a one-off \$10,000 grant to each of the eight chambers of commerce and business groups (totalling \$80,000), as outlined below, to offset costs associated with the operations and delivery of the *Moreton Money* program. The eight recipients being:
 - a) Greater Caboolture Chamber of Commerce - \$10,000
 - b) North Lakes Chamber of Commerce - \$10,000
 - c) Pine Rivers Chamber of Commerce - \$10,000
 - d) Redcliffe Peninsula Chamber of Commerce - \$10,000
 - e) Samford and Districts Chamber of Commerce - \$10,000
 - f) The Hills and Districts Chamber of Commerce - \$10,000
 - g) Australian Federation of Business and Professional Women Inc (Caboolture) - \$10,000
 - h) Food and Agribusiness Network - \$10,000
3. That the grants (referred to in Recommendation 2) be provided under Council's Community Grants Policy as Community Operational Support Grants.
4. That Council enter into a funding agreement with the eight recipient groups, as outlined in Recommendation 2, for costs associated with the operations and delivery of the *Moreton Money* program, as detailed in this report.
5. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the funding agreement on Council's behalf, as described in this report.

REPORT DETAIL

1. Background

Moreton Money is a region wide local gift card program aimed at stimulating local spending in response to COVID-19 business impacts and the most recent flood disaster. It is an initiative that is being delivered by 'Why Leave Town', a national leader in place-based EFTPOS gift card programs.

At the General Meeting on the 18 May 2022, Council resolved to grant six chambers of commerce \$10,000 each under the Community Operational Support Grants Policy, which have since been acquitted through the grants administration.

In June 2022, City of Moreton Bay launched the *Moreton Money* program in collaboration with the local chambers of commerce with the objective to stimulate local spend of residents (who spend up to \$3 billion each year outside the region). Over 110 businesses have since signed up as *Moreton Money* participants.

Locally Led Economic Recovery (LLER) program funds of \$2.5m were made available early in 2023 to 21 eligible councils impacted by 2021-22 severe weather system. The LLER program is jointly administered under the Queensland and Australian Government Disaster Recovery Funding Arrangements. City of Moreton Bay was encouraged to submit a grant aligned to our *Moreton Money* Program as an example of the types of activities they were seeking to fund.

ITEM 5.1 MORETON MONEY - COMMUNITY OPERATIONAL SUPPORT GRANT - 68891529 (Cont.)

City of Moreton Bay subsequently submitted a \$250,000 grant in May 2023 to the LLER fund. Key objectives of the program as outlined in the grant submission:

- Use the Moreton Money gift card to anchor local shopping/support campaign. New digital card enables instant delivery and more merchants, not just those with EFTPOS can participate (such as Square etc.), also streamlines sign-up process enabling faster take-up.
- Support local small businesses to promote their products and services - via a dedicated shop local campaign and gift card subscription program marketed throughout the region.
- Attract tourists - local activations will be a part of Moreton Money and will be delivered to bring residents out of their homes to spend money with local businesses and also attract tourists from outside the area.
- Encourage locals to be tourists in their own town - via a marketing campaign using 'example itineraries' that provide examples of how and where they can use the Moreton Money gift cards, including a calendar of local activations through a What's On campaign/listing in partnership with the local tourism organisation.
- Encourage locals to support small businesses in their community by shopping locally – through a multi-channel marketing campaign to raise awareness and benefits of supporting local businesses.

The LLER grant was on only recently awarded to Council in January 2024 for delivery of activity between January to June 2024, creating significant time pressure for delivery.

2. Further explanation of Item

The LLER funding of \$250,000 grant is expected to be fully spent and acquitted before 30 June 2024 in three main categories:

- a) Via our community Grants program to eligible chambers of commerce and business groups as outlined in this document (\$80,000);
- b) Local activations and events to stimulate spend in commercial precincts, minimum of 10 (\$100,000); and
- c) Marketing and communications campaign to support the program objectives as outlined below, and fees associated by Why Leave Town (\$70,000).

This report relates specifically to providing grants to chambers of commerce and business groups (Point a) above).

It is proposed that Council utilises the provisions of its Community Grants Policy (No. 2150-030) to provide financial support in the form of grants to community organisations i.e. chambers of commerce and business groups to drive the city-wide continuation of a *Moreton Money* gift card.

The further investment of \$80,000 to the Moreton Money program funded by the LLER program, will enable the six existing participating chambers of commerce, and the two new business groups, to actively support implementation of a city-wide, closed loop, local spend program and support business uplift across the Moreton Bay Region.

Under the provisions of Council's Community Grants Policy, Council may provide Community Operational Support Grants to eligible community organisations for the delivery of services or activities that provide public benefits to residents of the region. Council officers have undertaken an eligibility assessment of the activity type (*Moreton Money* initiative) and each of the eight community organisations detailed in this report to determine eligibility for a Council Operational Support Grant under Council's policy. The outcome of this assessment process confirmed that the Moreton Money initiative and all organisations meet the eligibility criteria for this grant type.

ITEM 5.1 MORETON MONEY - COMMUNITY OPERATIONAL SUPPORT GRANT - 68891529 (Cont.)

The majority of chambers being recommended for funding had already been selected through an expression of interest process, which was open to all local chambers of commerce and industry groups across the region held in March-April 2022. Two additional business groups are proposed to be added to the program to help further the reach of the activities. The groups being recommended for funding are:

- Greater Caboolture Chamber of Commerce;
- North Lakes Chamber of Commerce and Industry;
- Pine Rivers Chamber of Commerce;
- Redcliffe Peninsula Chamber of Commerce;
- Samford and Districts Chamber of Commerce;
- The Hills and District Chamber of Commerce;
- Business Professional Women's Network (BPW) Caboolture - (not previously included in Moreton Money); and
- Food and Agribusiness Network (FAN) - (not previously included in Moreton Money).

3. Strategic Implications

The *Moreton Money* gift card program will facilitate local spending activity, helping money from the City stay within the City. Council's support of the initiative will further strengthen relationships with local chambers of commerce and assist these organisations to grow their membership base. This city-wide initiative will build on the 'Back a Local' campaign and provide a tangible, practical way for community members to support our business community through very difficult operating conditions.

3.1 Legislative / Legal Implications

Council's Community Grants programs are administered in accordance with the *Local Government Act 2009* and the Local Government Regulation 2012.

3.2 Corporate Plan / Operational Plan

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

Our Progressive Economy: 02 We provide a supportive environment to grow local businesses, industry and jobs and help them realise opportunities in the circular economy.

3.3 Policy Implications

The Community Operational Support Grant proposed by this report will be provided in accordance with Council's Community Grants Policy (No. 2150-030).

3.4 Risk Management Implications

The delivery of this program during caretaker period has been considered in full and it is deemed to be the extension of an existing program of marketing and localised events.

3.5 Delegated Authority Implications

As per Officer's Recommendation 6 of this report, it is recommended that the Chief Executive Officer be authorised to take all action necessary to execute the funding agreement between Council and the organisations as described in this report.

3.6 Financial Implications

The funds being used for the purpose as outlined, are being received from the State Government via the Locally Led Economic Recovery Grant, so there is no impact to Council's budget for this activity.

3.7 Economic Benefit Implications

This initiative will facilitate local spending, helping money from the region stay within the region and is expected to significantly increase the number of businesses participating and money spent in region. The activation is targeted to support 350 businesses.

3.8 Environmental Implications

Nil identified

ITEM 5.1 MORETON MONEY - COMMUNITY OPERATIONAL SUPPORT GRANT - 68891529 (Cont.)

3.9 Social Implications

Moreton Money will provide an additional mechanism for locals to show their support to local businesses, which strengthens community pride.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Consultation has been undertaken with Councillors in initial program delivery and execution (2022) as well as with the existing participating Chambers and new business groups.

Additional internal consultation has been undertaken with:
Community Services, Sport and Recreation Department
Procurement
Finance
Legal
Chief Executive Officer.

ATTENDANCE

Cr Matt Constance returned to the meeting at 11.26am after consideration on Item 5.1.

6 ENGAGED COUNCIL SESSION

(Cr M Constance / Cr D Grimwade)

ITEM 6.1

MONTHLY FINANCIAL REPORTING PACKAGE - 30 NOVEMBER 2023

Meeting / Session: 6 ENGAGED COUNCIL
Reference: 68684164 : 14 December 2023 - **Refer Supporting Information 68704537**
Responsible Officer: DW, Acting Manager Accounting Services (FCS Accounting Services)

Executive Summary

The purpose of this report is to present the Financial Reporting Package for the year-to-date period ending 30 November 2023. In accordance with Part 9, Section 204 of the *Local Government Regulation 2012*, a financial report is required to be presented to Council on a monthly basis.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as prudent fiscal management is important to ensure the financial sustainability of Council.

RESOLUTION

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Adam Hain

CARRIED 13/0

That the Financial Reporting Package for the year-to-date period ending 30 November 2023 be received.

ITEM 6.1 MONTHLY FINANCIAL REPORTING PACKAGE - 30 NOVEMBER 2023 - 68684164 (Cont.)

OFFICER'S RECOMMENDATION

That the Financial Reporting Package for the year-to-date period ending 30 November 2023 be received.

REPORT DETAIL

1. Background

The Financial Reporting Package for the month ending 30 November 2023 is contained within the supporting information to this report.

This package contains financial information broken down into the following:

- Overview
- Operating Revenue
- Operating Expenses
- Capital Revenue
- Capital Expenditure Progress
- Balance Sheet
- Cash Flow
- Treasury Information (investments and debt)

2. Explanation of Item

The 2023/24 financial year to date performance and position of Council is in the attached report (supporting information #1).

3. Strategic Implications

3.1 Legislative / Legal Implications

Part 9, Section 204 of the *Local Government Regulation 2012* states the following:

- (1) The local government must prepare a financial report.
- (2) The chief executive officer must present the financial report—
 - (a) if the local government meets less frequently than monthly—at each meeting of the local government; or
 - (b) otherwise—at a meeting of the local government once a month.
- (3) The financial report must state the progress that has been made in relation to the local government's budget for the period of the financial year up to a day as near as practicable to the end of the month before the meeting is held.

3.2 Corporate Plan linkage

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

Our Engaged Council: 01 We are leaders in good governance and sustainably manage our finances and assets.

3.3 Policy Implications

Compliance to Council's Investment Policy is confirmed.

3.4 Risk Management Implications

Council is subject to numerous risks associated with revenue and expenses that can impact upon Council's financial performance and position. The current economic environment will add pressures to the deliverability of services and projects within the budget parameters adopted for 2023/24. The quarterly budget review process will act as the review mechanism to manage the potential outcomes of the current economic climate and adjust priorities accordingly and represent an amended budget to Council if required.

ITEM 6.1 MONTHLY FINANCIAL REPORTING PACKAGE - 30 NOVEMBER 2023 - 68684164 (Cont.)

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications
As at the end of November 2023, Council's financial position continues to be sound.

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

3.9 Social Implications Nil identified

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

3.11 Consultation / Communication Nil identified

ITEM 6.2
CONTRACTUAL DELEGATIONS EXERCISED - REPORT FOR PERIOD 1 OCTOBER TO 31 DECEMBER 2023

Meeting / Session: 6 ENGAGED COUNCIL
Reference: 68825327 : 9 January 2024 - Refer Supporting Information 68825337
Responsible Officer: KR, Executive Support Officer (FCS Governance & Executive Services)

Executive Summary

Council has delegated its powers to the Chief Executive Officer (CEO) to enter into contracts up to and including the amount of \$10,000,000 subject to certain criteria (delegation Council-163B).

The CEO has on-delegated these powers to members of the Executive Leadership Team (ELT) up to the value of their respective financial delegation (sub-delegations CEO-107B and CEO-107D).

Both the Council to CEO and CEO to officer delegations clearly articulate the intention of Council to enter into contracts consistent with the definitions provided in the *Local Government Act 2009* (LGA) in relation to the annual budget and long-term financial forecast. These delegations are also limited to specified criteria, including the requirement to report to Council on all contracts entered into in excess of \$500,000 (ex. GST).

In accordance with the respective delegations, this report provides detail of contracts entered into in excess of \$500,000 (ex. GST) for the period 1 October 2023 to 31 December 2023.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as Council is obligated under the LGA to ensure value for money expenditure and contractual outcomes; balanced with sound governance and accountability of public monies.

RESOLUTION

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Cath Tonks

CARRIED 13/0

That Council notes the report contained in supporting information #1, detailing contracts entered into in excess of \$500,000 for the period 1 October 2023 to 31 December 2023, as determined under delegations Council-163B, CEO-107B and CEO-107D.

OFFICER'S RECOMMENDATION

That Council notes the report contained in supporting information #1, detailing contracts entered into in excess of \$500,000 for the period 1 October 2023 to 31 December 2023, as determined under delegations Council-163B, CEO-107B and CEO-107D.

REPORT DETAIL

1. Background

The Council has delegated its powers to the Chief Executive Officer (CEO) to enter into contracts up to and including \$10,000,000 subject to certain criteria (delegation Council-163).

The CEO has on-delegated these powers to members of the Executive Leadership Team (ELT) up to the value of their respective financial delegation (sub-delegations CEO-107B and CEO-107D).

2. Explanation of Item

All delegations are subject to any limitations of the *Local Government Act 2009* (LGA) and *Local Government Regulation 2012* (LGR), Council's annual budget, and Council's Procurement Policy (where applicable).

Under these delegations, contracts entered into that exceed \$500,000 (ex GST) are required to be reported to the Council on a quarterly basis.

Accordingly, a list of contracts entered into that exceed \$500,000 (ex GST) for the period 1 October 2023 to 31 December 2023 is provided in supporting information #1.

3. Strategic Implications

3.1 Legislative / Legal Implications

Under s257 of the LGA Council may, by resolution, delegate powers given to it under the LGA or any other Act, to the CEO. The Council cannot delegate a power that an Act states must be exercised by resolution.

Under s259 of the LGA, the CEO may sub-delegate delegated powers to officers of Council having the qualifications, experience or standing to exercise those powers.

Details of contracts awarded by Council worth \$200,000 or more, are published on the Council's website in accordance with section 237 of the LGR.

3.2 Corporate Plan linkage

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

Our Engaged Council: 01 We are leaders in good governance and sustainably manage our finances and assets.

3.3 Policy Implications

Exercising of the delegation must be in accordance with Council's Procurement Policy.

3.4 Risk Management Implications

The regular review of delegations to the CEO will ensure that Council's delegations are up-to-date and accord with legislation.

Reporting of contracts entered into exceeding \$500,000 (ex GST) keeps Council informed of decisions made under delegation by the CEO and relevant on-delegated officers.

3.5 Delegated Authority Implications

The abovementioned contract delegations enables efficient and effective decisions to be made, and the awarding of tenders and contracts in a timely manner.

ITEM 6.2 CONTRACTUAL DELEGATIONS EXERCISED - REPORT FOR PERIOD 1 OCTOBER TO 31 DECEMBER 2023 - 68825327 (Cont.)

3.6 Financial Implications Nil identified

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

3.9 Social Implications Nil identified

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Relevant ELT members as identified in Supporting Information #1.

**ITEM 6.3
DELEGATION TO THE CHIEF EXECUTIVE OFFICER - CARETAKER PERIOD
ARRANGEMENTS (GENERAL)**

Meeting / Session: 6 ENGAGED COUNCIL
Reference: 68547525 : 22 December 2023
Responsible Officer: KC, Team Leader Executive Support (FCS Governance & Executive Services)

Executive Summary

The Caretaker Period for the upcoming quadrennial local government elections is expected to commence on Monday 29 January 2024 and Council will conduct its final meeting for the current term on Thursday, 25 January 2024.

This report recommends that the powers given to the Council under legislation be delegated to the Chief Executive Officer for the period 26 January 2024 until the end of the election as determined by the Electoral Commission Queensland.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as it relates to delegation of powers to the Chief Executive Officer to ensure the efficient operations of Council in accordance with the Act, other relevant acts and Council's local laws and policies during the 2024 caretaker period.

RESOLUTION

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Mick Gillam

CARRIED 13/0

1. That subject to those limitations under sections 90B and 257(2) and (3) of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer the powers given to the Council under the *Local Government Act 2009* and any other legislation for the period 26 January 2024 until the conclusion of 2024 local government election for the Moreton Bay City Council as determined by the Electoral Commission Queensland.

That the Chief Executive Officer report to the incoming Council at the first General Meeting of the 2024 term, about decisions made under the delegation in Recommendation 1.

ITEM 6.3 DELEGATION TO THE CHIEF EXECUTIVE OFFICER - CARETAKER PERIOD ARRANGEMENTS (GENERAL) - 68547525 (Cont.)

OFFICER'S RECOMMENDATION

1. That subject to those limitations under sections 90B and 257(2) and (3) of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer the powers given to the Council under the *Local Government Act 2009* and any other legislation for the period 26 January 2024 until the conclusion of 2024 local government election for the Moreton Bay City Council as determined by the Electoral Commission Queensland.
2. That the Chief Executive Officer report to the incoming Council at the first General Meeting of the 2024 term, about decisions made under the delegation in Recommendation 1.

REPORT DETAIL

1. Background

Council will hold its final meeting for the current term on Thursday, 25 January 2024. This will leave a period from that date until the end of the election, as determined by the Electoral Commission Queensland, where the Chief Executive Officer may be required to make decisions that would otherwise be made by the Council.

2. Explanation of Item

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

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

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

3. Strategic Implications

3.1 Legislative / Legal Implications

Under s257 of the *Local Government Act 2009* (Act), the Council may, by resolution, delegate powers given to it under the Act or any other Act, to the Chief Executive Officer.

The Council cannot delegate a power that an Act states must be exercised by resolution.

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

3.2 Corporate Plan linkage

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

Our Engaged Council: 01 We are leaders in good governance and sustainably manage our finances and assets.

3.3 Policy Implications

The delegation process plays an important role in ensuring the efficient operations of Council in accordance with the Act, other relevant acts and Council's local laws and policies.

3.4 Risk Management Implications

This report ensures that the CEO is appropriately delegated to ensure the continued operation of Council during an extended period when the Council will not be meeting.

*ITEM 6.3 DELEGATION TO THE CHIEF EXECUTIVE OFFICER - CARETAKER PERIOD ARRANGEMENTS
(GENERAL) - 68547525 (Cont.)*

3.5 Delegated Authority Implications

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

3.6 Financial Implications

Subject to limitations under section 90B of the *Local Government Act 2009* and Council's adopted budget.

3.7 Economic Benefit Implications

Nil identified

3.8 Environmental Implications

Nil identified

3.9 Social Implications

Nil identified

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Chief Executive Officer
Chief Legal Counsel

**ITEM 6.4
DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER - CARETAKER PERIOD
ARRANGEMENTS (PLANNING)**

Meeting / Session: 6 ENGAGED COUNCIL
Reference: 68495134: 22 November 2023
Responsible Officer: RC, Program Officer (PL Development Services)

Executive Summary

The Council currently delegates authority to the Chief Executive Officer (CEO) to decide development applications and associated administrative functions, under relevant planning legislation and the *Economic Development Act 2012*, pursuant to section 257 of the *Local Government Act 2009* (Council-025, Council-105, and Council-129).

However, in certain circumstances, impact assessable development applications with submissions, preliminary approvals and preliminary approvals are required to be determined by Council.

Due to the upcoming local government elections, a caretaker period applies to ensure that there are no significant policy decisions made near the end of the Council term that bind future elected Councils. The caretaker period for the upcoming quadrennial local government elections is expected to commence on Monday 29 January 2024 and Council will conduct its final scheduled meeting for the current term on Thursday, 25 January 2024.

As the *Integrated Planning Act 1997*, the *Sustainable Planning Act 2009*, the *Planning Act 2016* and the *Economic Development Act 2012* require decisions to be made within specific periods, this report recommends that the Council delegate authority to the CEO for those matters currently not delegated, during this period.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as this relates to ensuring appropriate governance around Council's decision-making obligations is in place and decisions can be undertaken in a timely manner during the 2024 caretaker period.

RESOLUTION

Moved by Cr Yvonne Barlow

Seconded by Cr Jodie Shipway (Deputy Mayor)

CARRIED 13/0

1. That subject to recommendation 3, pursuant to section 257 of the *Local Government Act 2009*, Council delegate its powers under the *Integrated Planning Act 1997*, the *Sustainable Planning Act 2009*, the *Planning Act 2016* and *Economic Development Act 2012* to the Chief Executive Officer to decide:
 - a) impact assessable development applications under the Moreton Bay Regional Council Planning Scheme for which submissions have been received;
 - b) impact assessable development applications and/or Plans of Development under The Mill at Moreton Bay Priority Development Area Development Scheme for which submissions have been received; and
 - c) development applications for preliminary approval.
2. That the delegation of powers under recommendation 1 does not include any major policy decision. This includes variation requests where the application proposes to:
 - a) vary the category of development or category of assessment of development; or
 - b) vary the assessment benchmarks or criteria for accepted development that would apply to development; or
 - c) facilitate development that would result in a greater demand on infrastructure than the demand.

*ITEM 6.4 DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER - CARETAKER PERIOD ARRANGEMENTS
(PLANNING) - 68495134 (Cont.)*

That the delegation of powers made under recommendation 1 operate between 26 January 2024 until the conclusion of the 2024 local government election for the Moreton Bay City Council as determined by the Electoral Commission Queensland.

That the Chief Executive Officer report to the incoming Council at the first General meeting of the 2024 term, about decisions made under the delegation in Recommendation 1.

ITEM 6.4 DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER - CARETAKER PERIOD ARRANGEMENTS (PLANNING) - 68495134 (Cont.)

OFFICER'S RECOMMENDATION

1. That subject to recommendation 3, pursuant to section 257 of the *Local Government Act 2009*, Council delegate its powers under the *Integrated Planning Act 1997*, the *Sustainable Planning Act 2009*, the *Planning Act 2016* and *Economic Development Act 2012* to the Chief Executive Officer to decide:
 - a) impact assessable development applications under the Moreton Bay Regional Council Planning Scheme for which submissions have been received;
 - b) impact assessable development applications and/or Plans of Development under The Mill at Moreton Bay Priority Development Area Development Scheme for which submissions have been received; and
 - c) development applications for preliminary approval.
2. That the delegation of powers under recommendation 1 does not include any major policy decision. This includes variation requests where the application proposes to:
 - a) vary the category of development or category of assessment of development; or
 - b) vary the assessment benchmarks or criteria for accepted development that would apply to development; or
 - c) facilitate development that would result in a greater demand on infrastructure than the demand.
3. That the delegation of powers made under recommendation 1 operate between 26 January 2024 until the conclusion of the 2024 local government election for the Moreton Bay City Council as determined by the Electoral Commission Queensland.
4. That the Chief Executive Officer report to the incoming Council at the first General meeting of the 2024 term, about decisions made under the delegation in Recommendation 1.

REPORT DETAIL

1. Background

Council will hold its final scheduled meeting for the current term on Thursday, 25 January 2024. This will leave a period from that date until the end of the election where the Chief Executive Officer may be required to make decisions that would otherwise be made by the Council.

The *Integrated Planning Act 1997* (IPA), the *Sustainable Planning Act 2009* (SPA), the *Planning Act 2016* (PA) and *Economic Development Act 2012* (EDA) require decisions to be made within specific periods. In the event applications are not decided within time, certain applications can be taken to be a deemed refusal and appeal rights apply. It is noted applications subject to the deemed approval provisions of SPA and PA (code assessable applications) are already covered under Council's existing delegations.

Current delegated authority extends to development applications and associated administrative functions whilst in some circumstances impact assessable applications with submissions and Preliminary Approvals require full Council consideration and determination.

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

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

ITEM 6.4 DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER - CARETAKER PERIOD ARRANGEMENTS (PLANNING) - 68495134 (Cont.)

2. Explanation of Item

In order to comply with the timeframes specified in IPA, SPA, PA and EDA, it is recommended that delegated authority be granted to the Chief Executive Officer to decide those impact assessable applications with Submissions and Preliminary Approvals where a decision is required during the caretaker period.

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

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

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

3. Strategic Implications

3.1 Legislative / Legal Implications

Under s257 of the *Local Government Act 2009* (Act), the Council may, by resolution, delegate powers given to it under the Act or any other Act, to the Chief Executive Officer.

The Council cannot delegate a power that an Act states must be exercised by resolution.

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

3.2 Corporate Plan linkage

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

Our Engaged Council: 01 We are leaders in good governance and sustainably manage our finances and assets.

3.3 Policy Implications

The delegation process plays an important role in ensuring the efficient operations of Council in accordance with the Act, other relevant acts and Council's local laws and policies.

3.4 Risk Management Implications

This report ensures that the CEO is appropriately delegated to ensure the continued operation of Council during an extended period when the Council will not be meeting.

3.5 Delegated Authority Implications

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

3.6 Financial Implications Nil identified

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

3.9 Social Implications Nil identified

*ITEM 6.4 DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER - CARETAKER PERIOD ARRANGEMENTS
(PLANNING) - 68495134 (Cont.)*

3.10 Human Rights Implications

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

3.11 Consultation / Communication

ELT

Legal Services

ATTENDANCE

Bethan Lewis attended the meeting at 11.35am for discussion on Item 6.5.

ITEM 6.5 - DECLARATION OF INTEREST**Previously declared Prescribed Conflict of Interest - Cr Sandra Ruck**

Cr Sandra Ruck referred to a previously declared declarable conflict of interest (General Meeting 17 August 2022, Page 22/1347) in relation to the leasing matters at the Redcliffe Aerodrome.

In line with that declaration, Cr Ruck retired from the meeting at 11.35am.

Previously declared Prescribed Conflict of Interest - Cr Darren Grimwade

Cr Darren Grimwade referred to a previously declared prescribed conflict of interest (General Meeting 28 October 2020, Page 20/1856) in relation to the Redcliffe Aerodrome.

In line with that declaration, Cr Grimwade retired from the meeting at 11.35am.

**ITEM 6.5
REDCLIFFE AERODROME - SPECIAL LEVY REVIEW**

Meeting / Session: 6 ENGAGED COUNCIL
Reference: 68765100 : 18 December 2023
Responsible Officer: CF, Property Portfolio Management Coordinator (IP Property Services)

Executive Summary

This report recommends Council Officers review the existing Special Levy at Redcliffe Aerodrome, currently applied via rates collection, and investigate a landing fee model, which may enable the removal of the Special Levy at this facility to bring it in line with similar Aerodrome facilities.

This matter is brought to the attention of Council under the **Engaged Council portfolio**, supporting strategic planning for one of Council's commercial facilities, with budgetary implications.

RESOLUTION

Moved by Cr Karl Winchester

Seconded by Cr Mark Booth

CARRIED 11/0

Cr Sandra Ruck and Cr Darren Grimwade had declared conflicts of interest and had retired from the meeting

- 1. That the Council supports the review of the current Special Levy charges at Redcliffe Aerodrome to enable the investigation of alternative revenue models, including landing fees, annual fees and models of use for commercial lessees.**
- 2. That the Chief Executive Officer be authorised to take all necessary action, including investigation, negotiation, and development of a landing fee model for Redcliffe Aerodrome with consultation from lessees and stakeholders on Council's behalf.**
- 3. That with regard to Recommendation 2, the Chief Executive Officer presents the developed landing fee model to Council for review and discussion prior to the 2024/25 Financial Year and budget adoption.**

ITEM 6.5 REDCLIFFE AERODROME - SPECIAL LEVY REVIEW - 68765100 (Cont.)

OFFICER'S RECOMMENDATION

1. That the Council supports the review of the current Special Levy charges at Redcliffe Aerodrome to enable the investigation of alternative revenue models, including landing fees, annual fees and models of use for commercial lessees.
2. That the Chief Executive Officer be authorised to take all necessary action, including investigation, negotiation, and development of a landing fee model for Redcliffe Aerodrome with consultation from lessees and stakeholders on Council's behalf.
3. That with regard to Recommendation 2, the Chief Executive Officer presents the developed landing fee model to Council for review and discussion prior to the 2024/25 Financial Year.

REPORT DETAIL

1. Background

The Moreton Bay City Council is the owner and operator of the Redcliffe Aerodrome (YRED) located on Wirraway Drive, Redcliffe. YRED is an uncertified aerodrome with multiple aviation related businesses, flight schools and recreational users. There are currently 68 hangars at YRED, with approximately 43 leases. Each lessee is responsible for the construction of their hangar building and associated fit-out, with Council charging a rental fee based on the occupation of the land.

Additionally, a local government has the power to levy rates and charges under s94 of the *Local Government Act 2009*. The local government must levy general rates on all rateable land within the local government area and may levy special rates and charges (s94(1(b)(i)); utility charges (s94(1(b)(ii)); and separate rates and charges (s94(1(b)(iii))). The local government must decide, by resolution at the local governments' budget meeting for a financial year, which rates and charges are to be levied for that financial year.

One such special charge levied by Council is the Redcliffe Aerodrome Special Levy (RASL). A rate of \$14.39 p/sqm was endorsed by Council as part of the annual budget adoption for 2023/24. This special charge is applicable to the Redcliffe Aerodrome only, for the purpose of funding works for the operation, maintenance, repair and upgrading works at YRED. The special charge is levied on rateable properties comprising the leased private, business and commercial sites, including those adjacent to YRED. The RASL charge was levied prior to the amalgamation of Council in 2008, noted as included in the 2008/09 budget, and noted as included in LG Comparative Reports for Redcliffe City Council prior.

The RASL is levied on the applicable rateable properties via the quarterly rates bill along with other applicable rates (general rate, garbage charge, emergency management levy, etc). Lessees of YRED have requested Council undertake a review into the RASL and its associated charges, having voiced dissatisfaction and raising concerns regarding the equality in the RASL's application.

In 2023, Council installed aircraft monitoring infrastructure at YRED which has the capability to track aircraft movements, count the number of take offs, circuits, and landings. An additional feature of this monitoring system is the ability to administer landing fees.

During a stakeholder meeting with the lessees of YRED in December 2023, Council committed to undertaking a review of the RASL, with the possibility of a landing fee model being applied, following investigation into the financial viability of such a model, for application in the 2024/25 financial year. Application of a landing fee model requires a financial viability investigation to be undertaken based on the number of aircraft movements occurring at YRED.

Lessees at the meeting stated that they would benefit from consultation prior to adoption of such a model, with the commercial tenants raising the ability for Council to consider an annual fee or special model for training schools or lessees that have operations that practice 'touch and go's', to seek an appropriate fee model for such activities.

ITEM 6.5 REDCLIFFE AERODROME - SPECIAL LEVY REVIEW - 68765100 (Cont.)

Once modelling is completed, comparison against the revenue generated from the RASL will determine the feasibility of a landing fee model. If it is determined to be feasible, Council will be presented with a further report to seek their support for adoption for the next financial year.

Examples of Local Government owned Aerodromes that have a landing fee charging model are below, noting that each aerodrome has differences in their operations and revenue mix:

Torres Shire Council – Horn Island Airport
\$32 per tonne fixed wing \$17 per tonne rotary (2022-23 Fees and Charges)

Cloncurry Shire Council – Cloncurry Airport
\$32.75 per tonne fixed wing per tonne up to 2 tonne for non-Cloncurry based aircraft and a per annum fixed charged for Cloncurry based aircraft of \$741.50 per annum for fixed wing and \$570.00 per annum for Rotary (2022-23 Fees and Charges)

Bundaberg Regional Council – Bundaberg Airport
\$13.85 per tonne, fixed wing (Avdata)

Charters Towers Regional Council – Charters Towers Airport
\$11.41 per tonne, fixed wing (Avdata)

Gympie Regional Council – Gympie Aerodrome
\$12.00 per tonne, fixed wing (Avdata)

Southern Downs Regional Council – Stanthorpe Aerodrome
\$11.81 per tonne, fixed wing (Avdata)

2. Explanation of Item

Council's support is sought for the Chief Executive Officer to take all necessary actions to review, investigate and consult on the development of a landing fee model to replace the RASL at the Redcliffe Aerodrome during the upcoming caretaker period.

Should a change in the charging model occur it is recommended to be considered as part of the Council's 2024/25 financial year budget deliberations.

3. Strategic Implications

3.1 Legislative / Legal Implications

The review into the application of a landing fee model in lieu of the Redcliffe Aerodrome Special Levy will be completed with consideration of the *Local Government Regulation 2012*.

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:
Our Engaged Council: 03 Our communities are engaged, heard and informed.

3.3 Policy Implications

The Special Levy is currently applied via the Revenue Policy 2023/24, Policy:2150-082.

Any proposed amendments in relation to this policy will be detailed in the future report to Council, presenting a landing fee model if it is determined to be feasible for Redcliffe Aerodrome.

3.4 Risk Management Implications

The review will include consultation with key stakeholders of Redcliffe Aerodrome to reduce any political risk associated with making a budgetary change at one of our commercial facilities.

ITEM 6.5 REDCLIFFE AERODROME - SPECIAL LEVY REVIEW - 68765100 (Cont.)

3.5 Delegated Authority Implications

In accordance with Officer's Recommendation of this report, it is proposed that the Chief Executive Officer be authorised to take all necessary actions in investigating and consulting on the development of a landing fee model to replace the RASL at the Redcliffe Aerodrome.

3.6 Financial Implications

This review will identify any financial implications of replacing the Special Levy with a landing fee model.

Should a change in the charging model occur, this will be provided for consideration in a future Council Report and should be considered as part of the Council's 2024/25 financial year budget deliberations.

3.7 Economic Benefit Implications

Nil identified

3.8 Environmental Implications

Nil identified

3.9 Social Implications

The removal of the Special Levy and replacement with a landing fee model will bring the Aerodrome in line with standard industry practices and will have a positive impact on Council's relationship with Lessees at Redcliffe Aerodrome.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Property Services
Councillors Divisions 5 & 6
Redcliffe Aerodrome Lessees

ATTENDANCE

Cr Sandra Ruck and Cr Darren Grimwade returned to the meeting at 11.39am after Item 6.5.

Bethan Lewis left the meeting at 11.39am after Item 6.5.

Amber Nipperess attended the meeting at 11.39am for discussion on Item 6.6.

ITEM 6.6
MAKING OF THE AMENDMENT LOCAL LAW (STATE-CONTROLLED ROADS) 2024

Meeting / Session: 6 ENGAGED COUNCIL
Reference: 68670060 : 11 January 2024 - Refer Supporting Information 68844694
Responsible Officer: AN, Senior Legal Counsel (CEO Legal)

Executive Summary

This report recommends that Council:

- make the *Amendment Local Law (State-controlled Roads) 2024 (Amendment Local Law)*, with amendments;
- make the explanatory note for the Amendment Local Law; and
- adopt a consolidated version of the following Local Laws (**relevant Local Laws**):
 - *Alteration of Public Land Local Law 2023*;
 - *Animal Management Local Law 2023*;
 - *Commercial Use of Public Land and Roads Local Law 2023*;
 - *Community Standards for Public Land and Roads Local Law 2023*;
 - *Parking Local Law 2023*; and
 - *Signs Local Law 2023*.

Council's consultation with relevant government entities about the overall State interest in the proposed Amendment Local Law has been completed. Some amendments to the proposed Amendment Local Law are proposed as a direct consequence of consideration of the feedback received in response to the consultation and further review.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as the purpose and general effect of the Amendment Local Law is to ensure the effective regulation of the relevant Local Laws on State-controlled roads in the local government area.

RESOLUTION

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Cath Tonks

CARRIED 13/0

1. That pursuant to section 29(2) of the *Local Government Act 2009*, Council resolves to make the *Amendment Local Law (State-controlled Roads) 2024* (with amendments) marked "Appendix A" in the Supporting Information annexed to this report.

That pursuant to section 32(1) of the *Local Government Act 2009*, Council resolves to adopt the consolidated version of the following local laws, which are marked "Appendix B" to "Appendix G" in the Supporting Information annexed to this report:

- *Alteration of Public Land Local Law 2023*;
- *Animal Management Local Law 2023*;
- *Commercial Use of Public Land and Roads Local Law 2023*;
- *Community Standards for Public Land and Roads Local Law 2023*;
- *Parking Local Law 2023*; and
- *Signs Local Law 2023*.

That Council resolves to make the explanatory note, marked "Appendix H" in the Supporting Information annexed to this report, pursuant to the following sections:

- *Alteration of Public Land Local Law 2023, s 50(1)*;
- *Animal Management Local Law 2023, s 108(1)*;

ITEM 6.6 MAKING OF THE AMENDMENT LOCAL LAW (STATE-CONTROLLED ROADS) 2024 - 68670060 (Cont.)

- **Commercial Use of Public Land and Roads Local Law 2023, s 51(1);**
- **Community Standards for Public Land and Roads Local Law 2023, s 70(1);**
- **Parking Local Law 2023, s 48(1); and**
- **Signs Local Law 2023, s 52(1).**

That the Chief Executive Officer be authorised to:

- a) let the public know that the ***Amendment Local Law (State-controlled Roads) 2024*** has been made by publishing a notice of making the local law in accordance with section 29B of the ***Local Government Act 2009***; and
- b) do such other things as required under the ***Local Government Act 2009*** in respect of the ***Amendment Local Law (State-controlled Roads) 2024***, which includes giving the Minister a copy of the ***Amendment Local Law (State-controlled Roads) 2024*** and the consolidated versions of the local laws amended by the ***Amendment Local Law (State-controlled Roads) 2024*** and making a copy of the ***Amendment Local Law (State-controlled Roads) 2024*** available for inspection and purchase at Council's public offices.

ITEM 6.6 MAKING OF THE AMENDMENT LOCAL LAW (STATE-CONTROLLED ROADS) 2024 - 68670060 (Cont.)

OFFICER'S RECOMMENDATION

1. That pursuant to section 29(2) of the *Local Government Act 2009*, Council resolves to make the *Amendment Local Law (State-controlled Roads) 2024* (with amendments) marked "Appendix A" in the Supporting Information annexed to this report.
2. That pursuant to section 32(1) of the *Local Government Act 2009*, Council resolves to adopt the consolidated version of the following local laws, which are marked "Appendix B" to "Appendix G" in the Supporting Information annexed to this report:
 - *Alteration of Public Land Local Law 2023*;
 - *Animal Management Local Law 2023*;
 - *Commercial Use of Public Land and Roads Local Law 2023*;
 - *Community Standards for Public Land and Roads Local Law 2023*;
 - *Parking Local Law 2023*; and
 - *Signs Local Law 2023*.
3. That Council resolves to make the explanatory note, marked "Appendix H" in the Supporting Information annexed to this report, pursuant to the following sections:
 - *Alteration of Public Land Local Law 2023*, s 50(1);
 - *Animal Management Local Law 2023*, s 108(1);
 - *Commercial Use of Public Land and Roads Local Law 2023*, s 51(1);
 - *Community Standards for Public Land and Roads Local Law 2023*, s 70(1);
 - *Parking Local Law 2023*, s 48(1); and
 - *Signs Local Law 2023*, s 52(1).
4. That the Chief Executive Officer be authorised to:
 - a) let the public know that the *Amendment Local Law (State-controlled Roads) 2024* has been made by publishing a notice of making the local law in accordance with section 29B of the *Local Government Act 2009*; and
 - b) do such other things as required under the *Local Government Act 2009* in respect of the *Amendment Local Law (State-controlled Roads) 2024*, which includes giving the Minister a copy of the *Amendment Local Law (State-controlled Roads) 2024* and the consolidated versions of the local laws amended by the *Amendment Local Law (State-controlled Roads) 2024* and making a copy of the *Amendment Local Law (State-controlled Roads) 2024* available for inspection and purchase at Council's public offices.

REPORT DETAIL

1. Background

On 8 November 2023 Council resolved to make 13 Local Laws. The Local Laws commenced on 8 December 2023.

Council may make local laws for certain matters on State-controlled roads with the agreement of the chief executive of the Department of Transport and Main Roads (**DTMR**) under section 66 and section 101 of the *Transport Operations (Road Use Management) Act 1995 (TORUM Act)* (e.g. roadside vending, footpath dining, advertising signs). Council had agreements with DTMR for its repealed local laws, however new agreements are required for the newly made Local Laws.

ITEM 6.6 MAKING OF THE AMENDMENT LOCAL LAW (STATE-CONTROLLED ROADS) 2024 - 68670060 (Cont.)

Council has been in negotiation with DTMR regarding new section 66 and section 101 TORUM Act agreements, which will reflect the matters set out in the Amendment Local Law. Having provided its State-interest check response on the Amendment Local Law (see table 1 of this Report), DTMR has advised that Council may proceed with considering the making of the Amendment Local Law, following which the section 66 and section 101 TORUM Act Agreements will be made for the following laws (**relevant Local Laws**):

- *Alteration of Public Land Local Law 2023;*
- *Animal Management Local Law 2023;*
- *Commercial Use of Public Land and Roads Local Law 2023;*
- *Community Standards for Public Land and Roads Local Law 2023;*
- *Parking Local Law 2023;* and
- *Signs Local Law 2023.*

Explanatory Notes for the Amendment Local Law have been prepared to support the local law. The Explanatory Notes contain information on:

- what the Amendment Local Law is trying to achieve and why; and
- an explanation of the intended operation of each section of the Amendment Local Law.

The making of the Amendment Local Law was progressed in accordance with Council's adopted Local Law Making Process marked "Appendix I" in the Supporting Information annexed to this report. Key steps completed to date include consultation with State government entities and a review of any anti-competitive provisions in the Amendment Local Law.

The proposed Amendment Local Law was considered by Council at a General Meeting. The following resolutions appear on minute page 23/2539 and 23/2540 of the General Meeting held on 22 November 2023:

RESOLUTION

1. That Council resolves to propose to make the *Amendment Local Law (State-controlled Roads) 2024*, which is annexed to this report (proposed Amendment Local Law).

That Council resolves to propose to make the *Explanatory Notes - Amendment Local Law (State-controlled Roads) 2024*, which is annexed to this report.

That Council resolves that the proposed Amendment Local Law only amends the following local laws to make insubstantial changes such that steps 3 and 5 of Council's adopted local law making process does not need to be satisfied:

- *Alteration of Public Land Local Law 2023;*
- *Animal Management Local Law 2023;*
- *Commercial Use of Public Land and Roads Local Law 2023;*
- *Community Standards for Public Land and Roads Local Law 2023;*
- *Parking Local Law 2023;* and
- *Signs Local Law 2023.*

That Council resolves, pursuant to section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer its powers under section 38 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012* to comply with the prescribed procedures for the review of any anti-competitive provisions in the proposed Amendment Local Law, which includes the power to:

- a) identify any anti-competitive provisions in the proposed Amendment Local Law;
- b) determine whether any identified anti-competitive provisions need to be reviewed;
- c) decide the process for conducting a review of any identified anti-competitive provisions;
- d) conduct a review of any identified anti-competitive provisions.

ITEM 6.6 MAKING OF THE AMENDMENT LOCAL LAW (STATE-CONTROLLED ROADS) 2024 - 68670060 (Cont.)

Further to Recommendation 1, that the following additional amendment to the Amendment Local Law (State Controlled Road) marked 6.2 in the Supporting Information annexed to this report, be included in the local law as made:

In Part 6, Schedule 2 of the Proposed Amendment Local Law (State Controlled Roads 2024), on Page 6, table 1, between "Road 490 and Road 493" add the additional row:

492	Kilcoy Beerwah Road	Intersection of Maleny Stanley River Road to Int D'Aguilar Road		
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State interest check

The proposed Amendment Local Law was provided to all relevant State government entities to consult with those entities about the overall State interest in the proposed Amendment Local Law before making the local law, as required under section 29A of the *Local Government Act 2009* (**State interest check**). The State interest check commenced on 23 November 2023 and concluded on 10 January 2024. Council consulted with the following government entities:

- Department of State Development, Infrastructure, Local Government and Planning (**DSDILGP**); and
- Department of Transport and Main Roads (**DTMR**).

Both departments provided a response. The issues raised are summarised in Table 1, along with a summary of the proposed amendments to the proposed Amendment Local Law in response to the feedback.

Table 1

Government entity	Feedback	Council officers' recommendation
DSDILGP	DSDILGP did not identify any matters of adverse impact on State interests relevant to the department's portfolios.	No amendments to the proposed Amendment Local Law required.
DTMR	DTMR advised that: <ul style="list-style-type: none"> • Council may not make a local law about the washing or cleansing, painting, repairing, alteration or maintenance of vessels in, on, or over a road because there is no power for the Council to do so under section 66(3) of the TORUM Act; • The display or advertisement of a vessel for sale on a road is regulated by s 66(3)(f) of the TORUM Act; • The parking of a vessel is regulated by s 66(3)(c) of the TORUM Act to the extent it relates to advertising; and • an additional State-controlled road (road ID492) should be included in the Schedules of State-controlled roads in the 	<ul style="list-style-type: none"> • Remove references to washing or cleansing, painting, repairing, alteration or maintenance of vessels in, on or over a road from the Schedule in section 20 (now section 30) of the proposed Amendment Local Law. It is recommended that Council undertake further consultation with DTMR about the scope of Council's power to regulate such matters on roads. • Reference to s 66(3)(f) of the TORUM Act with respect to advertising a vehicle for sale be extended to include vessels. • Remove references to "parking a vessel" and "parking or leaving unattended an unregistered vessel". It is recommended that Council undertake further consultation with DTMR about the scope of Council's power to regulate such matters on roads. • Amend the Schedules of State-controlled roads to include road ID492 in the Schedules of State-controlled roads.

ITEM 6.6 MAKING OF THE AMENDMENT LOCAL LAW (STATE-CONTROLLED ROADS) 2024 - 68670060 (Cont.)

Table 1		
Government entity	Feedback	Council officers' recommendation
	proposed Amendment Local Law.	

Copies of the responses received from the State departments are marked “Appendix J” and “Appendix K”, in the Supporting Information annexed to this report.

Anti-competitive review

Section 38 of the *Local Government Act 2009 (LGA)* provides that a local government must not make a local law that contains an anti-competitive provision unless the local government has complied with the procedures prescribed under a regulation for the review of anti-competitive provisions (i.e. the National Competition Policy Guidelines (**NCP Guidelines**)). Council’s adopted Local Law Making Process also requires Council to comply with the procedures prescribed under the *Local Government Regulation 2012* for review of anti-competitive provisions should the Amendment Local Law contain such.

An anti-competitive review of the proposed Amendment Local Law was undertaken according to the requirements of the NCP Guidelines and no anti-competitive provisions were identified. Accordingly, in making the proposed Amendment Local Law, Council may comply with the requirements of s 38 of the LGA.

2. Explanation of Item

Recommendation to make the Amendment Local Law (State-controlled Roads) 2024 (with amendments)

Council has already complied with steps 1-5 of its adopted Local Law Making Process in relation to the Amendment Local Law, by:

- resolving to propose to make the proposed Amendment Local Law (step 1);
- consulting with relevant government entities about the overall State interest in the proposed Amendment Local Law (step 2);
- resolving that the proposed Amendment Local Law only amends existing local laws to make an insubstantial change, such that no public consultation is required (steps 3 and 5); and
- complying with the procedures prescribed under the *Local Government Regulation 2012* regarding anti-competitive provisions (step 4).

According to its adopted Local Law Making Process, Council may now, by resolution, decide to:

- make the proposed Amendment Local Law;
- make the proposed Amendment Local Law with amendments; or
- not proceed with the making of the proposed Amendment Local Law.

Some amendments are proposed to the proposed Amendment Local Law in response to the comments which Council received from DTMR as part of the State interest check process (explained in item 1 of this report) and to correct drafting in the proposed Amendment Local Law and in some of the relevant Local Laws.

The amendments are included in a marked-up version of the Amendment Local Law, which is marked “Appendix L” in the Supporting Information annexed to this report.

ITEM 6.6 MAKING OF THE AMENDMENT LOCAL LAW (STATE-CONTROLLED ROADS) 2024 - 68670060 (Cont.)

A summary of the proposed changes not already addressed in this report (other than minor grammatical and typographical changes) are as follows:

Table 2		
Section	Proposed amendment	Explanation for proposed amendment
s 3	<ul style="list-style-type: none"> Amend s 3, which states the object of the Amendment Local Law by adding the words “and for other purpose” at the end of the provision. 	The amendment is necessary to capture some of the other minor miscellaneous amendments to the relevant Local Laws recommended following the proposal of the Amendment Local Law.
New s 13	<ul style="list-style-type: none"> Insert new s 13 in the Amendment Local Law, which inserts a new s 44A into the <i>Animal Management Local Law 2023 (AMLL)</i>. 	The proposed amendment clarifies that chapter 3 of the AMLL applies to all land and roads in the local government area, where the definition of road in the AMLL is amended by the Amendment Local Law to include the State-controlled roads in the Schedule. This amendment is necessary to ensure chapter 3 can be applied to State-controlled roads.
New s 14	<ul style="list-style-type: none"> Insert new s 14 in the Amendment Local Law, which inserts a new s 59A into the AMLL. 	As above for chapter 4 of the AMLL.
s 11 (now s 18)	<ul style="list-style-type: none"> Amend to include a definition of effective control for the AMLL. Amend to insert a new definition of public place in the AMLL. Amend proposed definition of road. 	<ul style="list-style-type: none"> The definition of effective control was missing from the AMLL. The amendment defines effective control with reference to s 52(2) of the AMLL. The definition of public place in the AMLL referred to ‘the Act’, however ‘the Act’ was not defined. This was a drafting error. The amended definition refers to the <i>Local Government Act 2009</i>. The amendment to the proposed definition of road is recommended to align the definition with the amendments in chapters 3 and 4 of the AMLL (see above) and to clarify that, other than for those chapters, road has the same meaning as in the <i>Transport Infrastructure Act 1995</i>.
s 19 (now s 30)	<ul style="list-style-type: none"> Amend to amend the definition of road verge in the CSPLRLL to include the word ‘road’ before the word ‘kerb’ in paragraph (c) of the definition. 	Paragraph (c) of the definition of road verge in the CSPLRLL was missing the word ‘road’ before the word ‘kerb’ (i.e. should have said ‘road kerb’ instead of just ‘kerb’). This was a drafting oversight, and to ensure consistency with paragraphs (a) and (b) of the definition it is recommended the word ‘road’ be added before the word “kerb” in paragraph (c) of the definition.
New s 37	<ul style="list-style-type: none"> Insert new s 37 to amend definitions of election sign and vehicle sign in the <i>Signs Local Law 2023 (SLL)</i>. 	<p>The definition of election sign refers to <i>Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019</i>. The name of that law has since been amended to the <i>Election Sign Local Law 2019</i>. It is recommended reference to that local law in the SLL be amended to reflect the amended title of the local law.</p> <p>The definition of vehicle sign excluded a sign regulated by the <i>Traffic Regulation 1962</i>, s</p>

ITEM 6.6 MAKING OF THE AMENDMENT LOCAL LAW (STATE-CONTROLLED ROADS) 2024 - 68670060 (Cont.)

Table 2		
Section	Proposed amendment	Explanation for proposed amendment
		126(1)(b). This exclusion was included based on DTMR’s response on the State interest check on the proposed SLL that to make a local law about such signs would be inconsistent with State legislation. DTMR has provided a further revised response noting that, on further consideration, Council may make a local law about such matters under s 66(3) of the <i>Transport Operations (Road Use Management) Act 1995</i> . This amendment is to give effect to that further advice.
New s 38-40	<ul style="list-style-type: none"> Insert new s 38-40 to amend s 23, 24 and 37 of the SLL to remove reference to ‘road’. 	It is proposed that the words “roads or” that appear before the words “public land” be deleted because ‘public land’ is already defined to include ‘road’.

Officers do not consider any of the proposed amendments are so substantial that they require a further public consultation process. Accordingly, officers now consider it is open to Council to resolve to make the proposed Amendment Local Law with amendments (at “Appendix A” of the Supporting Information annexed to this report). It is recommended that Council proceed to make the Amendment Local Law with amendments in accordance with its Local Law Making Process.

Recommendation to make consolidated versions of the relevant Local Laws

If Council makes the Amendment Local Law, officers recommend that Council also make the consolidated versions of each of the relevant Local Laws (at “Appendix B” to “Appendix G” of the Supporting Information annexed to this report), which are documents that accurately combine a relevant Local Law as it was made with all the amendments made to the local law since it was originally made.

Recommendation to make the Explanatory Note

Under each of the relevant Local Laws, Council may make an “explanatory note” to assist in the interpretation of the local law. Explanatory notes are extrinsic material to assist in the interpretation of the local law. Where the meaning of a section of the local law is unclear or is debated, the community, Council or a Court can refer to the explanation of that section in the explanatory note to try and determine the meaning of the section. The information provided in the explanatory note is not intended to be an exhaustive statement on the subject, but rather a tool to inform of the operation and intent behind each section.

Officers consider that the explanatory note will assist the public, as well as Council officers tasked with enforcing each of the relevant Local Laws, to understand the operation of the local laws. Accordingly, officers recommend that Council resolve to make the explanatory note at “Appendix H” of the Supporting Information annexed to this report.

Further process

If Council resolves to make the Amendment Local Law with amendments and adopt the consolidated versions of each of the relevant Local Law as recommended, officers recommend that Council authorise the chief executive officer to take the following steps to satisfy statutory requirements and Council’s adopted Local Law Making Process:

- within 7 days after the date of the resolution to adopt the consolidated versions of the relevant Local Laws, give a copy of the consolidated versions to the Minister (s 32(4) of the LGA);
- within 1 month after the date of the resolution to make the Amendment Local Law, let the public know that the local law has been made by publishing a notice of making the local law in the Gazette and on Council’s website (s 29B(1) to (4) of the LGA);

ITEM 6.6 MAKING OF THE AMENDMENT LOCAL LAW (STATE-CONTROLLED ROADS) 2024 - 68670060 (Cont.)

- as soon as practicable after the notice is published in the Gazette, ensure a copy of the Amendment Local Law may be inspected and purchased at Council's public offices (s 29B(5) of the LGA);
- within 14 days after the notice is published in the Gazette, give the Minister a copy of the notice and a copy of the Amendment Local Law and in electronic form (s 29B(7) of the LGA); and
- update Council's local laws register (s 31(1) of the LGA).

3. Strategic Implications

3.1 Legislative / Legal Implications

Section 28 of the *Local Government Act 2009* permits Council to make and enforce any local law that is necessary or convenient for the good rule and local government of its local government area if certain criteria are met. Council can do this by following statutory requirements and its adopted Local Law Making Process.

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:
Our Engaged Council: 03 Our communities are engaged, heard and informed.

3.3 Policy Implications Nil identified

3.4 Risk Management Implications Nil identified

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications Nil identified

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

3.9 Social Implications Nil identified

3.10 Human Rights Implications

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

3.11 Consultation / Communication

- Customer Response Department
- Consultation with relevant State government entities about the overall State interest

ATTENDANCE

Amber Nipperess left the meeting at 11.41am after Item 6.6.

13. NOTIFIED GENERAL BUSINESS ITEMS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE

ITEM 12.1 END OF 2020-2024 COUNCIL TERM

Councillors spoke in relation to the 2020-2024 term, highlighting achievements and thanking Council, team members and the community.

Cr Darren Grimwade thanked his colleagues, the Mayor and staff, noting the term was challenging and reflecting on what Council has been though as a team and the region and great things achieved. Cr Grimwade provided highlights from his term being the Planning Scheme amendments, township character review, Local Law review, the Land Buyback scheme.

Cr Brooke Savige reiterated Mayors comments regarding a challenging term, however noting it was incredibly rewarding and that the Region has come a long way. Cr Savige said that as Council moves towards the future as a city, there are so many positives for the residents of the area.

Cr Karl Winchester conveyed that is has been a challenging term of office however when looking back the highlight is Moreton Says [Council's Community Engagement] and the types of feedback received from residents across the region around their key priorities. These are the measures Council has been working on and the strategies put in place have all been on focussing on the core issues to focus on.

Cr Mark Booth said he is proud of what Council has achieved, particularly in relation to information sharing and transparency especially in respect of community engagement and consultation. Cr Booth thanked staff for their assistance and all the work completed for the community.

Cr Jodie Shipway (Deputy Mayor) described the last four years as fabulous, saying Council is very fortunate to have delivered a lot [of projects] over the term in may be one of the most challenging environments any Council has experienced. Cr Shipway reflected on becoming Deputy Mayor and thanked the Mayor for his personal support.

In providing some highlights, Cr Shipway noted Council's 2022 flood response, Council's Economic Development team, transparency in relation to planning and the Local Laws review.

Cr Matt Constance made special mention of Martin Edge, a well-known local artist who was awarded the Citizen of the Year in the 2024 Australia Day Awards.

Cr Constance spoke in relation to Council's Disability and Action Inclusion policy that he was particularly passionate about, the governance work undertaken, disaster events and Council's Local Laws review. Cr Constance said the term has its challenges however has enjoyed working with everyone.

Cr Adam Hain thanked the Mayor, Deputy Mayor and all Councillors for their assistance, saying that it had been a 'Master Planning' term for him, and Council was thinking bigger and broader. Cr Hain provided special congratulation to Cr Jodie Shipway on her appoitment as Deputy Mayor at the commencement of the term.

Cr Yvonne Barlow said that she had thoroughly enjoyed the role and assisting the residents. Cr Barlow thanked staff for their support and Councillors for their assistance, noting it was the most incredibly cohesive Council.

Cr Sandra Ruck reflected on Council working well together over the term, saying it had been an exciting four years and that it was an honour to represent the community. Cr Ruck provided particular thanks to the Mayor and Deputy Mayor and thanked Councillors and staff for their support, saying it was an absolute pleasure working with everyone.

ITEM 12.1 END OF 2020-2024 COUNCIL TERM - 68670060 (Cont.)

Cr Cath Tonks said it was an honour and pleasure to represent Division 9, highlighting local community events, delivery of projects and environmental matters such as the Land Buyback Program, FOGO and Moreton Bay Wildlife Hospital. Cr Tonks thanked Council and staff their assistance and that it had been great working with everyone.

Cr Tony Latter, on discussing Council's achievements this term said it was possible due to the collaboration around the table, and cohesiveness of Council working towards the same goals for the region. Cr Latter highlighted achieving a good balance for rural areas of Moreton Bay and concluded by acknowledging the Mayor and Deputy Mayor for their leadership and relationship with ELT during the term.

Cr Peter Flanner (Mayor) congratulated Councillors on their term, saying it had been a stressful time including dealing with COVID-19, conquering unchartered waters and it is a credit to the Council, Chief Executive Officer and staff.

The Mayor acknowledged Councillors respect for each other, and the continued support each for other has been incredible (despite matters happening in their own communities).

The Mayor thanked CEO, Executive Leadership Team and staff for their collaboration and support of Council, saying that there is much more work to do however Moreton Bay is on the cusp of creating history and the way we move forward as a City council is the first step in that achieving that.

ITEM 12.2 CR MICK GILLAM - RETIREMENT

Cr Peter Flannery (Mayor) congratulated Cr Mick Gillam on his upcoming retirement, saying that it had been great working with him over the past 12 years.

The Mayor thanked Cr Gillam for his invaluable leadership and experience shared with fellow Councillors, and reflected on the many changes of Council from decades ago.

Following Cr Mick Gillam's proceeding speech and presentation, the Mayor concluded by saying what an amazing 30 years in politics Cr Gillam served and that it was a credit to him on his journey, the history and challenges faced.

In particular, the Mayor mentioned the Battle of the Brains event established by Cr Gillam which has now expanded across Moreton Bay; a way of connecting Council with the youth.

The Mayor thanked Cr Gillam for his dedication to Moreton Bay, and his commitment to the wellbeing of the community prioritising the needs of the residents.

Cr Mick Gillam Statement and Presentation (68967708 & 68967709)

Cr Mick Gillam made a retirement speech referenced below in part, also included as part of a presentation conducted:

"Thirty Years - Where did it go?

The 1994 election in Pine Rivers saw the start of 10 single member divisions. Previous to this the Shire had been Undivided and previous to that, 3 Divisions with multiple members.

I thought, if I have a go and get in now I could do a couple of terms then go back teaching. I asked my wife, Maree, what she thought and she said, "Go for it!" So I did and the rest is history.

I picked Division 7 as I had taught at Bray Park State School in the heart of that Division for 13 years and knew a lot of the residents. There were only 5,500 voters at the time.

...

I've had the pleasure of working with only three Mayors in my 30 years.

Yvonne, like me as the Div 7 councillor, was the one and only mayor of Pine Rivers. Before that we had a Chairman.

Allan was a great strategist and a man of vision and despite our rocky start after the 2008 election he welded most of us together and we all knuckled down and reorganised the three councils into a solid working unit. Much of the credit for the big projects around the region also falls on his shoulders.

Peter has been a bloody hard worker in his first four years and has coped well with the trials thrown at us of COVID, 2022 floods, the housing crisis and homelessness problems that have plagued us in the last four years.

In my thirty years there has only been 31 other councillors in the eight Councils in which I have been a part. Some good, some bad, some I liked, some I didn't but all were there for the benefit of their communities and most endeavoured to work together to achieve a fair outcome for all.

I'm very proud to have been associated with very stable council groups and especially the bunch sitting at this table now. We all work very well together and have a joke while we get the job done.

ITEM 12.2 CR MICK GILLAM - RETIREMENT - 68670060 (Cont.)

I have really enjoyed the last four years despite COVID and working with you all with Peter as Mayor and Jodie as Number 2 has been in the most part a blast. I wish you all the very best at the upcoming election.

When I first arrived at Pine Rivers Council I ran into these three reprobates. We were all in 10A2 together at Aspley High School back in 1972. I'm the only one still here, Daryl, Andy and Lindsay have all retired. I'll be having a beer with you soon boys.

During my time in Council I have worked with hundreds of staff, some excellent CEOs, I think we've had two of the best in John Rauber and now Scott, Directors, Managers, co-ordinators, supervisors, both office and outside workers. I would like to thank each and every staff member for your dedication and willingness to always jump in to help when it was needed. There are far too many to name but I hope you know how much I truly valued your efforts to look after our residents. I wish you all the best for the future.

The ones we work closest with are our PAs and I'd just like to say a big thank you to the Strathvegas Girls for looking after me for the last 16 years since we actually had our own PA. When Anne had an RDO or was away, help was always at hand from one of the other lovely ladies.

I will miss our morning teas together. Just for you girls.

Before PAs in 2008 the ten Pine Rivers councillors shared 2 and a half secretaries. I was very lucky to coax Anne to work for me after Amalgamation and we have had a fantastic 16 years together. Anne has had my back religiously, changing my words in correspondence and making me wait to the next day before sending off an email that I probably shouldn't. She knows who to talk to in the organisation when you have a problem where the cupboards are with the skeletons and where the bodies are buried. Words cannot express how I feel about her devotion to both me and the residents of Division 8. I will miss you very much and I truly hope you stay around for a little while to take on my replacement and guide them as you have me. Thankyou Annie. (Flowers)

I'd also like to thank my two kids for their support over the years. They would do letterboxing, Clean Up Australia Day, come to tree plants and hand out on Election Day and come along to events we had on. Thank you Matt and Katrina for all you did and missed out on.

Anne was my work wife but I did have a real one at home. Maree put up with me for 42 years now and for the last thirty has been my unpaid secretary at home, fielding calls at night and on weekends and also helping out residents with their problems at times. She has always been a huge supporter and critic of my council work. She has provided some very wise counsel and physical help when required. When we first did the Flyer delivery she'd be out there pushing Katrina around in a stroller putting Flyers into letterboxes. She was always there when I had a problem and when I needed someone to take out to a function. Being a Councillor is a very time-consuming job and without her support on the home front, looking after our kids alone a lot of the time, getting me ready on time and out the door, I wouldn't have been able to devote the time I have to the community.

*30 years - where did it go!
On that note I will say goodbye and good luck."*

ITEM 13.3
NAMING OF LAWNTON AQUATIC CENTRE GRANDSTAND

Cr Cath Tonks, in recognition of Cr Mick Gillam's service of 30 years in local government advised of her intention to move a motion to name Lawnton Aquatic Centre Grandstand in his honour. Cr Tonks said that Mick was a champion for his community and many sporting clubs and community organisations (including for the Lawnton Aquatic Centre Grandstand).

RESOLUTION

Moved by Cr Cath Tonks

Seconded by Cr Jodie Shipway (Deputy Mayor)

CARRIED 13/0

That the Chief Executive Officer provide a report to the first General Meeting of the new Council term (2024-2028), recommending naming of the grandstand at Lawnton Aquatic Centre in honour of Cr Mick Gillam.

ADJOURNMENT

The meeting adjourned at 1.10pm for luncheon.

ATTENDANCE

Cr Adam Hain left the meeting at the adjournment.

The meeting resumed at 1.48pm.

14. CLOSED SESSION

(s254J of the Local Government Regulation 2012)

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

CLOSED SESSION

RESOLUTION

Moved by Cr Cath Tonks

Seconded by Cr Yvonne Barlow

CARRIED 12/0

That Council move into closed session pursuant to the provisions of s254J of the Local Government Regulation 2012 to discuss Items C.1 to C2.

Members of the press and public gallery left the Chambers.
The closed session commenced at 1.48pm (livestreaming paused).

OPEN SESSION

RESOLUTION

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Mark Booth

CARRIED 12/0

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

The open session (livestreaming) resumed at 2.02pm.

15. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL

ITEM C.1 – CONFIDENTIAL**CITY OF MORETON BAY - MATERIALS RECOVERY**

Meeting / Session: 2 HEALTHY ENVIRONMENTS (Cr C Tonks / Cr B Savige)

Reference: 68518753 : 24 November 2023 - Refer **Confidential Supporting Information 68518763 & 68518779**

Responsible Officer: MM, Manager Waste Services (PAS Waste Services)

Basis of Confidentiality

Pursuant to s254J(3) of the *Local Government Regulation 2012*, clause (g), as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

Executive Summary

The current Materials Recovery Facility (MRF) services agreement (MBRC-006242) expires on 30 June 2024 with no further extensions available.

A Tender Consideration Plan (**Plan**) has been prepared under section 230 of the *Local Government Regulation 2012* (the Regulation) to enter into a large-sized contractual arrangement as an exception to the usual requirement for a written tender process.

It is recommended that the agreement comprising the Materials Recovery Facility Services Contract (MBCC-RFT475), Deed of Variation - Deed of Recovery Sharing Agreement and the Narangba Transfer Station New Lease be awarded to the company, as detailed in the report, for a term from 1 July 2024 through to 30 June 2030, with the ability to extend the arrangement for a further four x three-year options, subject to satisfactory performance and at Council's sole discretion.

This matter is brought to the attention of Council under the **Healthy Environments portfolio** by providing materials recovery facility services to support the commingled recyclables kerbside collection service to enable the achievement of landfill diversion targets.

This matter is also reported to Council as section 236(2) of the Regulation requires a Council resolution to apply the exception under section 236(1)(c)(iii) to dispose of a valuable non-current asset other than by auction or tender for the purposes of renewing the lease of land to the existing tenant of the land.

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

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Mark Booth

CARRIED 12/0

- 1. That Council decides to prepare a Tender Consideration Plan for the large-sized contractual arrangement with the company, as detailed in the report for the supply of Materials Recovery Facility Services.**
- 2. That the Tender Consideration Plan for the large-sized contractual arrangement with the company, as detailed in the report for the supply of Materials Recovery Facility Services be adopted.**

ITEM C.1 – CONFIDENTIAL CITY OF MORETON BAY - MATERIALS RECOVERY - 68518753 (Cont.)

3. That Council enters into an arrangement with the company, as detailed in the report, for the supply of Materials Recovery Facility Services and the Deed of Variation - Deed of Recovery Sharing Agreement as described in this report.
4. That Council acknowledges:
 - a) the agreement will require operational funding for the 2024/25, 2025/26, 2026/27, 2027/28 2028/29 and 2029/30 financial years (subject to rise and fall review of service rates as per the agreement terms) being for the initial term; with potentially a further four x three-year extensions, subject to satisfactory performance and at Council's sole discretion; and
 - b) the intention to account for this future expenditure as part of Council's budget for these financial years
5. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing, and discharging the arrangement with the company, as detailed in the report, for the supply of Materials Recovery Facility Services and the Deed of Variation - Deed of Recovery Sharing Agreement any further required variations of the arrangements on Council's behalf.
6. The Council notes that:
 - a) there is an existing lease between the Council and the company, as described within the report, (the Lease) over part of Lot 572 on CP649525 (the Land); and
 - b) the Lease expires 30 June 2024.
7. That Council approves the grant of a Lease and licence over 135 Boundary Road, Narangba in the State of Queensland, being part of Lot 572 on CP649525, identified as Lease A and Licence B (refer Confidential Supporting Information #6)
8. That the exception to dispose of an interest in land to an existing tenant contained in s236(1)(c)(iii) of the *Local Government Regulation 2012*, applies to the Council on the disposal of the property referred to in Recommendation 6.
9. That the Council is satisfied that the consideration for the disposal of an interest in that part of the land referred to in the report would be equal to, or more than, the market value of the interest in the land, including the market value of any improvements on the land having regard to the Confidential Report contained in 'Confidential Supporting Document #5'.
10. 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 licence and any required variations of the lease and licence on Council's behalf, as described in this report.

ITEM C.2 – CONFIDENTIAL
PRIVATE SALE OF LAND - PETRIE

Meeting / Session: 6 ENGAGED COUNCIL (Cr M Constance / Cr D Grimwade)
Reference: 68855468: 12 January 2024 - Refer **Confidential Supporting Information**
68855836
Responsible Officer: KD, Chief Legal Counsel (CEO Legal)

Basis of Confidentiality

Pursuant to s254J(3) of the *Local Government Regulation 2012*, clause (g), as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

Executive Summary

The purpose of this report is to seek Council's approval to dispose of the properties detailed in this report by undertaking a two-stage process, being Expressions of Interest (EOI), followed by Select Tender campaigns.

This matter is brought to the attention of Council under the **Engaged Council** portfolio as matters relating to beneficial enterprises are addressed under the *Local Government Act 2009* as a core governance arrangement for Council.

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

RESOLUTION

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Yvonne Barlow

CARRIED 12/0

1. That Council decides it is in the public interest to invite expressions of interest (EOI) before inviting written tenders for the provision of Business and Industry Investment and Real Estate Development within the Council-owned land at the Petrie Mill site, as described in this report. This will enable Council to consider proposals that may be submitted under an EOI process before progressing to a tender phase from a shortlist of EOI respondents.

That Council's reason for resolving to invite EOIs for the disposal of the land, is to enable Council to consider proposals that may be submitted by respondents under the EOI process who have submitted a clear plan and demonstrated an ability to achieve Council's desired outcomes for the land before progressing to a tender phase from a shortlist of EOI respondents.

That Council invites Expressions of Interest for the provision of Business and Industry Investment and Real Estate Development within the Council-owned land at the Petrie Mill site, as described in this report, and then invites tenders from an appropriate shortlist of respondents.

That the Chief Executive Officer is authorised to do all things necessary to conduct the EOI processes and tender processes for the provision of Business and Industry Investment and Real Estate Development within the Council-owned land at the Petrie Mill site, as described in this report, including but not limited to:

- a) acting in accordance with sections 228(5), (6), (7) and (8) of the *Local Government Regulation 2012*;

ITEM C.2 – CONFIDENTIAL PRIVATE SALE OF LAND - PETRIE - 68855468 (Cont.)

- b) preparing a shortlist of respondents to the invitation for EOIs for the disposal of the land;
- c) advertising the invitation for EOIs in accordance with the requirements of the *Local Government Regulation 2012*.

That Council approves including sites 10 and 12 of the Base Case Mill Central Master Plan in the Business and Industry Investment transaction, provided that, the proposed transactions in respect of these sites do not successfully settle or proceed to contract.

That the Chief Executive Officer reports to the Council about the tender processes and recommends preferred tenderers for Council's approval.

16. CONFIDENTIAL GENERAL BUSINESS

No items for consideration.

17. CLOSURE

There being no further business the Chairperson closed the meeting at 2.09pm.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 24/1 to 24/111 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 25 January 2024.

Scott Waters
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting to be held on a date to be advised.

Scott Waters
Chief Executive Officer

Mayor