



# AGENDA

## GENERAL MEETING

**Wednesday 2 September 2020**

commencing at 9.30am

Strathpine Chambers  
220 Gympie Road, Strathpine

Pursuant to section 277E of the Local Government Regulation 2012 it is considered not practicable for the public to attend the meeting because of health and safety reasons associated with the public health emergency involving COVID-19

**Accordingly, this meeting is physically closed to the public.**

However, will be live-streamed via a link on Council's website

**(access to the link will be available immediately prior to the meeting)**

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### COUNCILLOR:

NOTICE IS HEREBY GIVEN, that a General Meeting of the Moreton Bay Regional Council will be held on Wednesday 2 September 2020 commencing at 9.30am in Strathpine Chambers, 220 Gympie Road, Strathpine to give consideration to the matters listed on this agenda.

Greg Chemello  
Chief Executive Officer

27 August 2020

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**Membership = 13**

Mayor and all Councillors

**Quorum = 7**

[Agenda for public distribution](#)

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# Moreton Bay Regional Council

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**1. ACKNOWLEDGEMENT OF COUNTRY**

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Mayor to provide the Acknowledgement of Country.

**2. OPENING PRAYER / REFLECTION**

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Mayor to provide the opening prayer / reflection for the meeting.

**3. ATTENDANCE & APOLOGIES**

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**Attendance:**

Cr Peter Flannery (Mayor) (Chairperson)

**Apologies:**

**4. MEMORIALS OR CONDOLENCES**

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

**5. A) CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING**

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**General Meeting - 19 August 2020 (Pages 20/1510 - 20/1608)**

**RESOLUTION** that the minutes of the General Meeting held 19 August 2020, be confirmed.

***Attachment #1 Unconfirmed Minutes - General Meeting 19 August 2020***

**6. PRESENTATION OF PETITIONS**

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

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

**7. CORRESPONDENCE**

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Receipt of correspondence addressed to the Council and tabled by the Chief Executive Officer

## 8. DEPUTATIONS / COMMUNITY COMMENT

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

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

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*(s262 of the Local Government Regulation 2012)*

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

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

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*(as referred by the Chief Executive Officer)*

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

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

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

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**1 GOVERNANCE & ENGAGEMENT SESSION**

**(Cr P Flannery, Mayor)**

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Declarations of interest statement

**The Mayor** to inform Council of any personal interests for items in this session, then ask other Councillors if they have any personal interests that will be declared for respective items in the session.

**ITEM 1.1**

**VISION SPLENDID OUTBACK FILM FESTIVAL - SPONSORSHIP (SISTER CITY RELATIONSHIP)**

*Meeting / Session:* 1 GOVERNANCE & ENGAGEMENT  
*Reference:* A20436192 : 24 August 2020  
*Responsible Officer:* AL, Team Leader Economic Development and Innovation (CEO Office, Economic Development)

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**Executive Summary**

Moreton Bay Regional Council's (Council) Sister City, Winton has been hosting the Vision Splendid Outback Film Festival (festival) since 2014. Since 2015, Council has sponsored this event as part of Council's commitment to its Sister City relationship. This sponsorship has seen the Moreton Bay Region benefit in terms of regional branding and recognition and community involvement. This year (2020) will see the 25<sup>th</sup> anniversary of our Sister City agreement which was originally signed in 1995.

A previous three-year agreement worth \$16,500 (including GST) per year expired at the beginning of 2020, with organisers approaching Council to propose a renewal of this sponsorship arrangement. The objective of the festival continues to focus on driving tourist and tourism dollars to both Winton along with building a new industry and economy for the Shire (through the international film industry) as well as promoting Moreton Bay region as an existing business and tourism destination.

Council will be reviewing the purpose and effectiveness of Sister City relationships as part of the refreshed economic development program.

**OFFICER'S RECOMMENDATION**

1. That Council sponsor the Vision Splendid Outback Film Festival for one year (2020) at a cost of \$16,500 (GST included).
2. That Councillors Denise Sims (Deputy Mayor), Jodie Shipway, Cath Tonks, Mark Booth, Tony Latter and Karl Winchester be authorised to attend the Vision Splendid Outback Film Festival.

*ITEM 1.1 VISION SPLENDID OUTBACK FILM FESTIVAL - SPONSORSHIP (SISTER CITY RELATIONSHIP) - A20436192 (Cont.)*

## **REPORT DETAIL**

### **1. Background**

Council's Sister City, Winton, has been hosting the Vision Splendid Outback Film Festival since 2014. Council has previously sponsored the event since 2015, and most recently for a three-year period which concluded in 2019 (the cost was \$16,500 - GST included - for each year). The previous agreement was undertaken as a three-year arrangement from 2017, seeing Council and regional branding recognised at the event, while supporting our Sister City with a unique focus on the Australian film industry.

Winton has been developing its region as a film location for regional and outback Queensland through initiatives such as the Vision Splendid Outback Film Festival and several Australian films have been filmed there. In association with the film festival, Winton Shire Council is keen to expand this new economic opportunity with the development of a Vision Splendid Foundation, to assist in film scholarships for regional high school students to attend film school, and a Vision Splendid Institute, which will link educational pathways with secondary and tertiary institutes with film industry opportunities.

This year the Vision Splendid Outback Film Festival was scheduled from Friday 26 June to Saturday 4 July 2020, however due to the impacts of the Covid-19 pandemic, this has now been rescheduled for **Friday 18 to Saturday 26 September 2020**. As part of Moreton Bay Regional Council's sponsorship of the festival, Council is invited to attend the festival and associated sponsorship events.

Festival organisers have approached Council to renew this sponsorship arrangement for the next three years with an expanded sponsorship opportunity that captures our previous successful agreement with the inclusion of additional activation and partnership activities focussing on the Moreton Bay Region and in part, recognising our sister city relationship with Winton.

These additional activation opportunities may also provide a stage to help recognise and celebrate the 25<sup>th</sup> anniversary of the signing of the original Sister City agreement in 1995.

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

The sponsorship request that Council has received includes:

- \$16,500 (GST Inc) per year from 2020 (Gold category), to increase by Consumer Price Index (CPI) for a three-year period.

MBRC will receive recognition as a sponsor of the event through the following (subject to any unforeseen changes occurring):

- half page advertisement in the printed programme (approximately 5,000 printed and distributed throughout regional Queensland).
- Logo recognition:
  - in the printed programme (approximately 5,000 printed and distributed throughout regional Queensland).
  - on Official marketing collateral; posters, fliers and Festival letterhead.
  - On-screen mention prior to the evening films at Royal Open-Air Theatre.
  - Logo recognition on [www.visionsplendidfilmfest.com](http://www.visionsplendidfilmfest.com).
  - Mention, promotion, and logo recognition via all social media avenues (Facebook, Twitter, Instagram, You Tube + Vimeo).
- Signage opportunities throughout the festival at all official venues.
- Activation opportunities throughout the festival – Management would work to best facilitate these activations.
- Inclusion in e-newsletter, as a partner, and promote Moreton Bay Region's support of Regional Queensland.

*ITEM 1.1 VISION SPLENDID OUTBACK FILM FESTIVAL - SPONSORSHIP (SISTER CITY RELATIONSHIP) - A20436192 (Cont.)*

- Develop an affiliation with selected Secondary Schools in Moreton Bay Region to create Short Films for the Short Film Competition.
- Link selected secondary schools with Vision Splendid Institute to further develop student's education via connecting with tertiary education groups.
- Vision Splendid Outback Film Festival to host a community screening in Moreton Bay Regional Council area to promote the partnership, the festival, and the connection with Winton.
- Vision Splendid Outback Film Festival to host annual promotional activities within Moreton Bay Regional Council area promoting the partnership, the festival, and the connection with Winton.
- 6 complimentary tickets throughout the festival.
- 6 invitations to the Official Opening night.
- 6 invitations to Sponsors thank you night – Sunday 20 September 2020.
- 6 invitations to the Official Launch.

This sponsorship opportunity provides Council with regional branding development through an internationally recognised event, with our region being promoted and recognised to the festival's domestic and international visitors.

The festival had 3,004 attendees in 2019, having the dual focus of being family friendly and promoting Australian Film in a unique visitor destination. The family friendly focus of the festival complements the marketing focus of the Moreton Bay region as a visitor destination, particularly this would come from the same leisure drive market from Brisbane and greater South-East Queensland. This is particularly of note as over half of the attendees come from Queensland.

Media exposure for the Festival generated nearly \$80,000 in Advertising Sale Rates (ASR) value. ASR value is how much the print editorial articles would have cost as a comparison to paid advertising. Combined print and online articles total 90 throughout Australia with a reach of over 15million people.

Such exposure of the festival provides Council, as a sponsor, the opportunity to promote to those attendees that the Moreton Bay Region is a unique holiday destination, and this will provide economic value to our region's economy with increased tourism expenditure and length of stay.

### **3. Strategic Implications**

3.1 Legislative / Legal Implications  Nil identified

3.2 Corporate Plan / Operational Plan  
Strengthening Communities: Healthy and supportive communities - develop and strong and inclusive community

3.3 Policy Implications  
Arrangements for attendance to the Vision Splendid Outback Film Festival will be made in accordance with Policy No: 2150-055 Entertainment & Hospitality.

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications  
This sponsorship comes is for \$16,500. The budget line for this expenditure can be attributed to 20125.000.22012 (Sister City).

Appropriate funds have been provided in the budget for attendance to the Vision Splendid Outback Film Festival.

*ITEM 1.1 VISION SPLENDID OUTBACK FILM FESTIVAL - SPONSORSHIP (SISTER CITY RELATIONSHIP) - A20436192 (Cont.)*

3.7 Economic Benefit Implications

The sponsorship benefits detailed in the supporting information provide the region with opportunities to market Moreton Bay to an audience that would normally not engage with this region. This has the potential to influence tourism numbers coming to Moreton Bay from Winton and beyond through festival attendees. Increased visitation to the region would have a positive economic impact on businesses within the region. In addition, the opportunity to target participants, event suppliers and local businesses seeking to diversify/expand their business, with the region's new REDS, provides an additional investment attraction dimension and opportunity.

3.8 Environmental Implications  Nil identified

3.9 Social Implications

Potential for positive social impacts through the deepening of ties with our Sister City and the increased exchange of visitors to the regions.

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

Chief Executive Officer, Chief Economic Development Officer.

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## 2 INFRASTRUCTURE PLANNING SESSION

(Cr A Hain)

### Declarations of interest statement

**Cr Adam Hain** to inform Council of any personal interests for items in this session, then ask other Councillors if they have any personal interests that will be declared for respective items in the session.

### ITEM 2.1

### OFFSET TREE PLANTING (ASSOCIATED WITH DOHLES ROCKS ROAD FAUNA EXCLUSION FENCING)

*Meeting / Session:* 2 INFRASTRUCTURE PLANNING  
*Reference:* A20322597 : 23 July 2020  
*Responsible Officer:* BM, Senior Environmental Planner - Green Infrastructure Networks (IP Integrated Transport Planning)

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### Executive Summary

The purpose of this report is to present a revised plan for koala offset tree planting associated with the construction of a fauna exclusion fence along Dohles Rocks Road at Kallangur.

### OFFICER'S RECOMMENDATION

That the delivery of koala offset tree planting be supported in the following parks within the Murrumba Downs Green Infrastructure Habitat Corridor:

- a) Pam Goring Park, 99 Goodfellows Road, Kallangur (adjacent road reserve); and
- b) Brays Road Park at Murrumba Downs.

ITEM 2.1 OFFSET TREE PLANTING (ASSOCIATED WITH DOHLES ROCKS ROAD FAUNA EXCLUSION FENCING) - A20322597 (Cont.)

**REPORT DETAIL**

**1. Background**

Council has previously considered locations for koala offset tree planting associated with the construction of fauna fencing on Dohles Rocks Road at Kallangur.

The following resolution appears on minute page 20/1231 of the General Meeting of Council held 22 July 2020:

Ex. General Meeting held 24 June 2020 (MP. 20/1240):

**RESOLUTION**

**That the Chief Executive Officer investigate alternative sites for koala offset planting other than as shown in figure 3 and figure 4 of the Officer’s report referred to in Item 3.17 (A20002665), with a report to come back to council for consideration.**

**2. Explanation of Item**

The updated plan revises down the number of trees proposed for Pam Gorring Park and no longer includes street tree planting along Dohles Rocks Road at Kallangur.

A new planting site has been identified at 99 Goodfellows Road, Kallangur and adjacent road reserve land to the west. This site is within the Murrumba Downs Green Infrastructure Habitat Corridor which is known to be utilised by local koalas. This site will receive the trees originally planned for Dohles Rocks road reserve and the balance of trees from Pam Gorring Park, Kallangur. Refer Figures 1 & 2.

A total of 129 trees will be planted to compensate for the unavoidable removal of 43 trees and shrubs to construct the fauna exclusion fence.

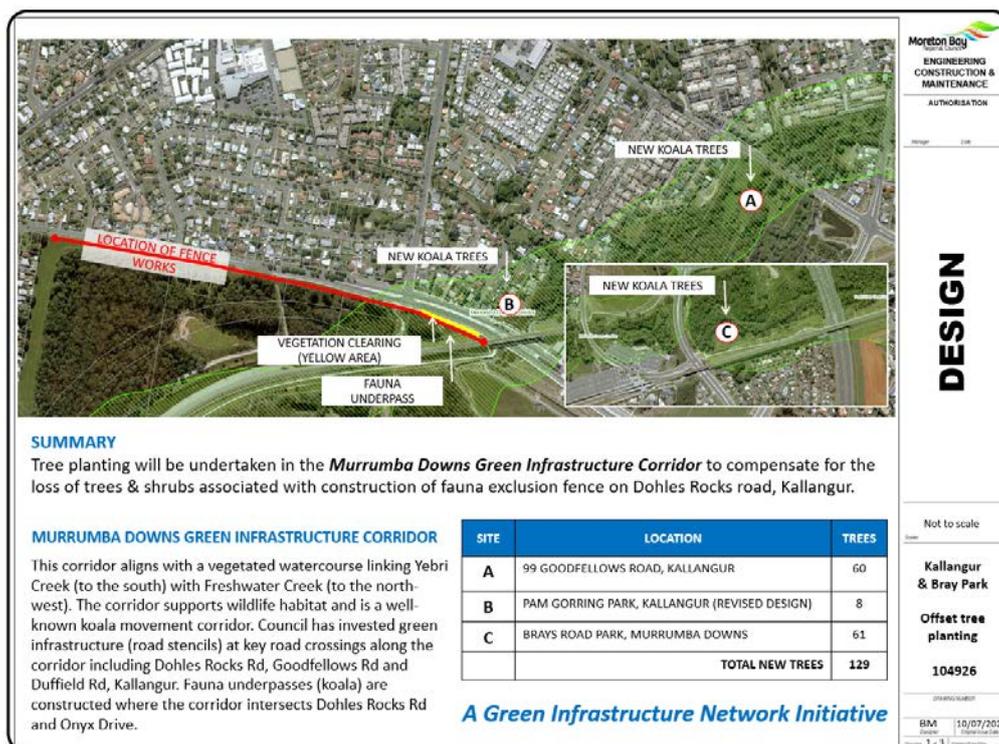


Figure 1 Summary of planting areas in the Murrumba Downs Green Infrastructure Corridor

ITEM 2.1 OFFSET TREE PLANTING (ASSOCIATED WITH DOHLES ROCKS ROAD FAUNA EXCLUSION FENCING) - A20322597 (Cont.)

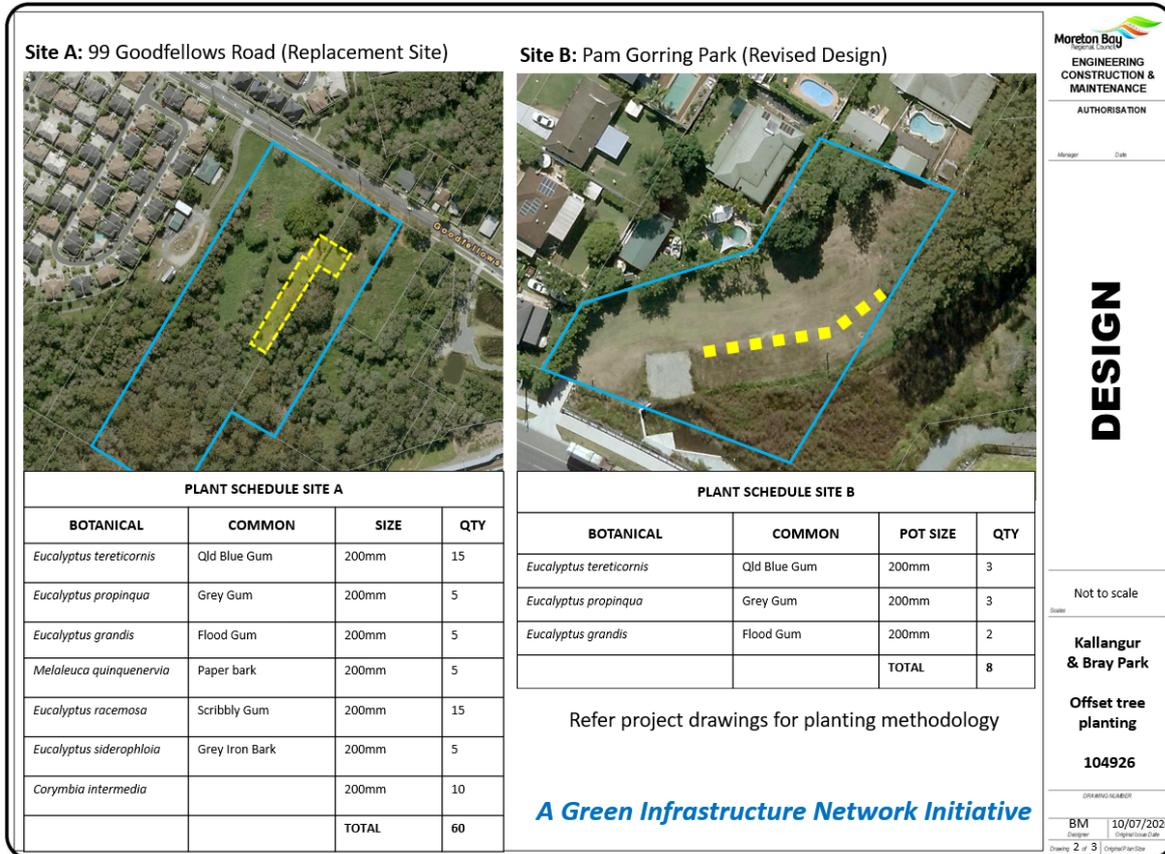


Figure 2 Sites A & B

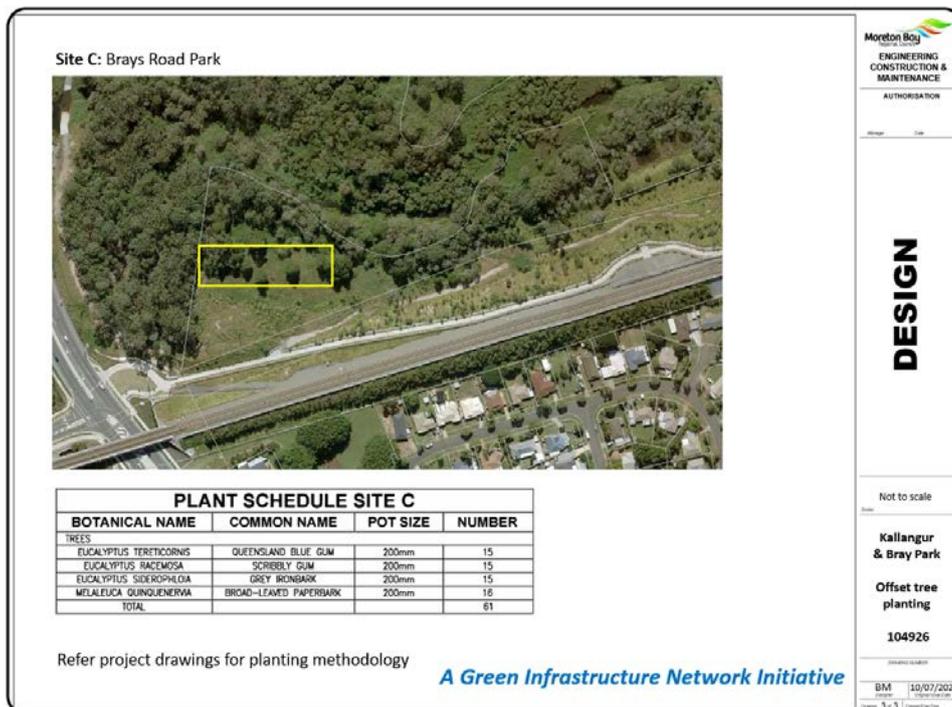


Figure 3 Site C - Brays Road Park at Murrumba Downs

*ITEM 2.1 OFFSET TREE PLANTING (ASSOCIATED WITH DOHLES ROCKS ROAD FAUNA EXCLUSION FENCING) - A20322597 (Cont.)*

### 3. Strategic Implications

- 3.1 Legislative / Legal Implications  Nil identified
- 3.2 Corporate Plan / Operational Plan  
Valuing Lifestyle: Healthy natural environment - a clean and healthy environment.
- 3.3 Policy Implications  
The project is consistent with the Moreton Bay Regional Council's *Green Infrastructure Strategy & Action Plan*, Action 1.2 Strengthen the environmental corridor network across Moreton Bay region through retention and restoration of connections, and Koala Conservation Policy 2150-003.
- 3.4 Risk Management Implications  
A detailed risk management plan has been prepared.
- 3.5 Delegated Authority Implications  Nil identified
- 3.6 Financial Implications  
Offset tree planting is being undertaken in association with the delivery of *Kallangur - Dohles Rocks Road - Fauna Exclusion Fencing installation (Koala)* which has previously been considered by Council. An amount of \$29,286.00 has been allocated.
- 3.7 Economic Benefit Implications  Nil identified
- 3.8 Environmental Implications  
The contractor is required to submit a site-specific Environmental Management Plan, which will be reviewed and monitored by Council officers.
- 3.9 Social Implications  
Tree planting in the Murrumba Downs Green Infrastructure Corridor will provide additional food and habitat resources for local koalas.
- 3.10 Human Rights Implications  Nil identified
- 3.11 Consultation / Communication  
A detailed communication plan has been prepared for the project. Project notices and signs will be distributed prior to construction. The Divisional Councillor is supportive of the project.

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## ITEM 2.2 YOUNGS CROSSING UPGRADE - COMMUNITY AND STAKEHOLDER CONSULTATION

*Meeting / Session:* 2 INFRASTRUCTURE PLANNING  
*Reference:* A20404746 : 17 August 2020  
*Responsible Officer:* KT, Principal Transport Planner (IP Integrated Transport Planning)

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### Executive Summary

Youngs Crossing Road is classified as an arterial road in Council's road hierarchy and is an important north-south corridor linking the Moreton Bay Region with Brisbane City. Council has been progressively upgrading sections of Youngs Crossing Road to a four-lane capacity to cater for growing traffic demands. The section which crosses the North Pine River is the most expensive section due to the need to design and construct a high-level bridge that has sufficient flood immunity to cater for discharges from the North Pine Dam.

For many decades, the existing transport corridor spanning Youngs Crossing at Joyner has been an extremely vulnerable part of the region's road network that is highly susceptible to flash flooding from wet weather events and releases from the North Pine Dam. Its current Q1 flood immunity (i.e. flooding on average once every year) has resulted in many closures of this arterial road, diverting users (average 20,000 vehicles a day) onto surrounding roads causing delays and frustration for families, commuters, emergency services and other transport operations. In a two-year period between 2010 and 2012, the existing crossing was closed to traffic over 25 times.

Early in 2019, the Federal Government committed funding of \$7.75 million to "provide a flood free" upgrade of Youngs Crossing. Council has allocated \$40m (inclusive of the Federal Government commitment) in Council's 2020/21 FY budget to progress the planning, design and construction of a four-lane road and bridge over 3 financial years, between 2020/21, 2021/22 and 2022/23.

At a November 2019 Briefing Session, staff presented two alternative concepts to Councillors and have since progressed the development of concept designs, together with estimate of costs for two alternative crossing routes:

- Option 1 - Youngs Crossing Road existing alignment (largely based on existing route)
- Option 2 - Andrew Petrie Drive alignment (utilising the road reserve preserved by the former Pine Rivers Shire Council)

Concept designs for the options have been prepared and a preliminary estimate of costs for each shortlisted option was calculated in more detail. The two options, Option 1 - Youngs Crossing Road existing alignment and Option 2 - Andrew Petrie Drive (both with a Q100 flood immunity capacity), were assessed in more detail to understand impacts, risks and potential mitigation measures.

Current indicative cost estimates based on the most recent detailed concept design are:

Option 1 - Youngs Crossing Road alignment	\$49.5M
Option 2 - Andrew Petrie Drive alignment	\$56.1M

The Option 1 cost estimate does not include any future upgrading of Dayboro Road to cater for increased traffic volumes, this upgrade has been estimated to cost \$18M. Cost estimates will be further refined through the preliminary and then detailed design phases.

It is proposed that Council now undertake a program of community consultation on both Options to seek community views, to assist Council in making a final choice on the preferred route. A specialist community engagement company will be appointed to assist Council with undertaking the consultation program. The community engagement program will commence in early September, with a report to be provided to Council on the outcomes following completion of the community consultation process.

*ITEM 2.2 YOUNGS CROSSING UPGRADE - COMMUNITY AND STAKEHOLDER CONSULTATION - A20404746  
(Cont.)*

Due to the need to progress the project to meet timing deadlines, it is also proposed to engage engineering consultants to commence preliminary design on both options immediately, to progress site investigations, approvals, and design development.

**OFFICER'S RECOMMENDATION**

1. That an external communications consultant be engaged to undertake a Community Consultation and Stakeholder Engagement campaign commencing in September 2020, presenting options on the upgrade of Youngs Crossing Road, Joyner.
2. That following completion of the consultation, the outcomes be reported back to Council to inform decision-making on the upgrade of Youngs Crossing Road, Joyner.

ITEM 2.2 YOUNGS CROSSING UPGRADE - COMMUNITY AND STAKEHOLDER CONSULTATION - A20404746  
(Cont.)

**REPORT DETAIL**

**1. Background**

Council Briefing

A Council briefing was conducted on 22 July 2020 for the purpose of sharing information and providing advice/views to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided.

*The CEO noted the way forward:*

- *The \$1.67m allocated through the Federal Government COVID Funding to be reallocated to other projects.*
- *Undertake further options analysis for Option 1, including further locating bridge to the west of current option etc. Undertake options analysis, including estimates, for Dayboro Road, including Sideling Creek bridge to roundabout (Dayboro/Andrew Petrie/Beeville).*
- *Engage community engagement consultant to work through consultation strategy etc for presentation/discussion when Option 1, Dayboro Road and Option 2 is re-presented in 8 weeks-time.*

Council Briefing

A Council briefing was conducted on 26 August 2020 for the purpose of sharing information and providing advice/views to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided.

<p><i>BRIEFING 9 YOUNGS CROSSING UPGRADE - UPDATE</i></p> <p><b>EXTRACT TO BE INCLUDED IN OFFICER'S REPORT</b></p> <p><b>The CEO noted the way forward:</b></p> <p>That a report be submitted to the General Meeting of 2 Sep 2020 for consideration of community and stakeholder consultation for an upgrade to Youngs Crossing.</p>
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Youngs Crossing Road

Youngs Crossing Road is classified as an arterial road in Council's road hierarchy and is an important north-south corridor linking the Moreton Bay Region with Brisbane City.

Council has 3 major upgrades planned along Youngs Crossing Road within its capital expenditure long-term financial forecasting:

1. Oxford Street to Francis Road - Proposed Construction 2023 to 2024
2. Francis Road to Protheroe Road - Proposed Construction 2027 to 2029
3. Protheroe Road to Dayboro Road - Proposed Construction 2021 to 2023

Number 3 in the list is the section which crosses the North Pine River - Protheroe Road to Dayboro Road and is the most expensive section due to the proposal to design and construct a high-level bridge that has adequate flood immunity to cater for discharges that are made from the North Pine Dam. During significant rain events the road is forced to close for periods up to 4 days per flood event. Since the road is currently carrying approximately 20,000 vehicles per day, the Youngs Crossing Road closures present a significant cost to the local economy as re-routed traffic increase congestion and delays on parallel north south road corridors.

*ITEM 2.2 YOUNGS CROSSING UPGRADE - COMMUNITY AND STAKEHOLDER CONSULTATION - A20404746  
(Cont.)*

Council previously resolved on 30 July 2013 to support Option G, a new road on an alignment to the west of Youngs Crossing Road, emerging at Dayboro Road near Old Petrie Town and then continuing north to Torrens road through bushland. Due to the relatively high cost of Option G, the lack of government commitment to fund this major upgrade, and the recent Federal Government funding commitment of \$7.75 million to upgrade Youngs Crossing, Council supported a staff proposal in a 7 November 2019 briefing session to progress detailed concept designs of two alternative options together with estimate of costs involved, to be brought back to Council for further review and consideration.

These were to:

1. Progress a concept design study for an interim upgrade of the existing crossing with improved flood immunity, 20% AEP (Q5) to 5% AEP (Q20), generally retaining an alignment close to the current Youngs Crossing Road and connecting to Dayboro Road at the location of the current intersection.
2. Progress a concept design study for an interim upgrade of the river crossing with improved flood immunity, 20% AEP (Q5) to 5% AEP (Q20), at a location close to the existing crossing and connecting to the existing Council managed road reserve along Andrew Petrie Drive which already has a 200-metre formed 4-lane cross section along part of its length.

These two scenarios were recommended as interim - lower cost options compared to Option G, that would allow Council to best utilise the Federal Government funding commitment of \$7.75M. An interim option would still provide a greater level of flood immunity than the existing crossing and also improve traffic capacity of the road.

## **2. Explanation of Item**

Two possible route options have been developed to address the long-standing flooding issue at Youngs Crossing.

### **2.1 Options Development**

The original scope expanded the number of options to be investigated to include three different levels of road flood immunity (Q5, Q10 and Q20) on both the existing alignment and the alignment that would see Youngs Crossing Road connect to Andrew Petrie Drive. Engineering advice indicated that a Q5 option would result in significant afflux in nearby properties while a Q100 bridge would not be significantly more expensive than the Q20 bridge option, noting that there is only an extra 1.3m in height between a Q20 and a Q100 flood level. The brief was amended accordingly to assess a Q10, Q20 and Q100 bridge for each option.

The two route options have been identified as:

- Option 1 - Youngs Crossing Road existing alignment;
- Option 2 - Andrew Petrie Drive alignment

It is important to note that Option 1 also has a further Stage 2 component that identifies a future upgrade of Dayboro Road to a four-lane standard to accommodate the forecast traffic growth between Youngs Crossing Road and Beeville Road. Dayboro Road is a Department of Transport and Main Roads (DTMR) road and they have indicated that there are currently no plans to upgrade this section of road, due to other network priorities. This upgrade would not be required under the Option 2 scenario.

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(Cont.)

The consultants prepared high level concept plans and cost estimates (Table 1) for all 6 sub-options:



Figure 2 - Aerial View of the 2 Options

	Option 1 – Youngs Crossing Road	Option 2 – Andrew Petrie Drive
Q10 (A)	\$31.9m - 140m Bridge	\$37.7m - 160m bridge
Q20 (B)	\$32.2m - 140m bridge	\$38.1m - 160m bridge
Q100 (C)	\$35.2m - 160m bridge	\$41m - 180m bridge

Table 1 - Pre-Concept Design Cost Estimates

The results of the investigation, including flood modelling maps and environmental considerations, were presented in a staff workshop, where a purpose-formed working group, consisting of Council officers from different teams and areas of responsibility developed a Multi-Criteria Analysis (MCA).

The results of the MCA indicated a strong preference of a higher-level immunity (Q100) bridge and also a preference towards the Andrew Petrie Drive alignment. i.e. the highest ranked Option was Option 2 - Andrew Petrie Drive, with a Q100 bridge. Sensitivity tests undertaken using different criteria weightings confirm the above results. The second ranked option was Option 1 - Youngs Crossing Road, Q100 bridge.

Following the MCA, Cardno prepared the concept design for the top two ranked options and calculated in more detail the cost estimate of this project including an appropriate level of contingency.

2.2 Design Considerations

The detailed design for the ultimate route option chosen by Council, will need to consider the following issues and seek to address them accordingly:

- Bridge capacity - the bridge structure will need to be designed to be capable of withstanding significant flood impacts (up to 3,0000 m<sup>3</sup> per second) and associated debris impacts
- Road formation and embankments - refinement of the height, width and retaining structures associated with the road embankments will need to be undertaken, to reduce intrusion into park areas or residential properties
- Traffic capacity - Preliminary assessment of the two options suggests that for the opening years and in the short term, the Dayboro Road/ Beeville Road roundabout will have enough capacity to accommodate traffic with only minor adjustments. A more detailed traffic assessment will be undertaken to identify when the roundabout will need to be upgraded to traffic signals.

ITEM 2.2 YOUNGS CROSSING UPGRADE - COMMUNITY AND STAKEHOLDER CONSULTATION - A20404746  
(Cont.)

- Visual amenity - Design of embankments, and provision of noise barriers and vegetation screens will need to be included to provide screening and reduce the visual impacts upon existing residents;
- Noise - Noise barriers will need to be provided, ideally constructed from Perspex, to reduce any noise intrusions
- Environment - Full environmental assessments of existing vegetated areas will need to be undertaken, and permits acquired for any clearing required. Off set areas will need to be established for habitat restoration off sets
- Constructability - The road and bridge will need to be designed to, as far as possible to allow for an ease of construction and minimise impacts upon current traffic flows;
- Early works packages - Early works packages, such as installation of noise / screening barriers and planting of landscaping will need to be identified to assist in minimising the visual impacts of construction works;

2.3 Implications - Impacts Assessment

The two options were assessed in more detail to understand impacts, risks and potential mitigation measures.

- Option 1 - Youngs Crossing Road existing alignment - 160m long, 8 span bridge

This route is generally based on the existing alignment of Youngs Crossing Road. There has been a traffic corridor in this vicinity since the 1940s. The final alignment of the route will seek to mitigate potential impacts to remnant vegetation.



Figure 3 - Youngs Crossing Road Alignment Concept - Option 1

- Option 2 - Andrew Petrie Drive - 180m long, 9 span bridge

During the late 1980s the Andrew Petrie Drive alignment was included in strategic planning maps of the former Pine Rivers Shire Council as a future major road between Dayboro Road and Youngs Crossing Road. Development approval documents for the Petrie on Pine estate (1990/91) described the proposed Andrew Petrie Drive four-lane arterial and included it as a condition for estate development.

Property notes were added to the majority of properties that back onto Andrew Petrie Drive to highlight that a future road may be constructed along the length of the corridor, as well as related traffic noise impacts.



ITEM 2.2 YOUNGS CROSSING UPGRADE - COMMUNITY AND STAKEHOLDER CONSULTATION - A20404746  
(Cont.)

Staff however are also aware that both Options will have impacts upon the existing community in varying ways, and in particular, (Option 2) along Andrew Petrie Drive, has previously been recommended to Council but discounted for a range of reasons, including community impact.

2.5 Risk Assessment

Major risks and mitigation measures were identified for both options which will be further evaluated and reviewed in the next design stages.

<b>Option 1: Existing Alignment Major Risks</b>	<b>Option 2: Andrew Petrie Drive Major Risks</b>
Reaction from Youngs Crossing and Dayboro Roads residents result in major delays in delivery	Reaction from Andrew Petrie Drive residents result in major delays in delivery
Political / Reputational risk of constructing a road on high embankment if State Government have no intention of upgrading Dayboro Road	Political / Reputational risk of constructing an arterial road through a residential area
Remnant Rainforest land is off-limits resulting in an alignment closer to the Option G stage 1 footprint that goes across the Pony Club land – this will result in a cost increase i.e. longer bridge and retaining walls	Loss of vegetation buffers to existing houses that front Andrew Petrie Drive on the lower section
Visual & noise impacts of the new bridge / road on existing houses	Visual & noise impacts of the new bridge / road on existing houses, with a significantly increased through traffic volume
State Government conditions MBRC to upgrade Sideling Creek Bridge to accommodate extended right turn from Dayboro Road into Youngs Crossing Road	
State government doesn't agree in funding Dayboro Road upgrade resulting in this section taking longer to upgrade to match the capacity of Youngs Crossing Road	
<b>Option 1: Existing Alignment Mitigation</b>	<b>Option 2: Andrew Petrie Drive Mitigation</b>
Ecological survey and then detailed environmental Impact Study Review route alignments to reduce impacts Apply for additional Federal Government Funding Noise and vegetation barriers Community consultation Political Engagement	Noise and air pollution impact study Noise and vegetation barriers Community consultation Political Engagement

Table 4 - Risks and Mitigation

2.6 Revised Cost Estimates

The cost estimates have now been further refined for the two shortlisted options following completion of the more detailed concept designs. Both cost estimates include a 59% project contingency cost based on a recognised methodology (used also by DTMR) for this stage of the project. These cost estimates supersede the cost estimates in Table 1 which were based on pre concept designs.

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Description	Bridge	Civil Works	Afflux Mitigation	Land Acquisition	Total with contingency	Dayboro Road upgrade	Total with Dayboro Road
Option 1 Youngs Crossing Road	\$37M	\$9M	\$1M	\$2.5M	<b>\$49.5M</b>	\$18M	<b>\$67.5M</b>
Option 2 Andrew Petrie Drive	\$42.5M	\$11M	\$0.1M	\$2.5M	<b>\$56.1M</b>	\$0M	<b>\$56.1M</b>

Table 5 - Refined Cost Estimates based on Concept Designs (59% contingencies)

**Revised Option 1**

Due to the identified risk of Option 1 going through environmentally sensitive land, a minor change to the alignment of this option, (referred to as Option 1A - Figure 5) has been investigated by moving the location of the bridge further to the west, at the edges of the Pine Rivers Pony Club paddock. This change will avoid the part of the land with denser vegetation including the mature Moreton Bay fig trees. This revised option 1 results in a longer (260m) and more expensive bridge. It is estimated that this change will increase the cost of Option 1 by \$24.5m from \$49.5M to \$74M.



Figure 5 Alternative Youngs Crossing Rd Alignment Concept - Option 1A

2.7 Officer's Recommendations

Officers are now seeking Council authorisation to commence Community Consultation and Stakeholder Engagement with a view to progressing the project. Given the scale of the project and range of impacts upon the community, it is appropriate that there be a community engagement and consultation program implemented to provide Council with the views and opinions of the local and wider community and support Council decision making. It is proposed that external specialised communications consultants are engaged to undertake this task commencing in early September 2020.

A community engagement consultation plan may involve the following activities which will be subject to specialist advice from the successful consultant:

- Engagement with all neighbouring property owners in the Petrie on Pine estate as well as property owners along Youngs Crossing Road and Dayboro Road - to inform them about the project and the two options being considered, and to survey their preference

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- Direct contact / liaison with selected property owners along Andrew Petrie Drive, Youngs Crossing Road and Dayboro Road that may be impacted by the project
- Meeting and obtaining feedback from relevant community and industry groups
- Engagement with affected property owners where some degree of land acquisition may be required
- Development of a project web site, containing current and historical information, and providing regular updates to the community, and to provide a direct feedback option for the community
- Graphics of the final treatments, that includes landscaping and sound barriers
- FAQ sheets to outline the options considered, indicative costs, implications and benefits / impacts of both options
- Broader community awareness activities encouraging involvement and feedback
- Stakeholder engagement plan, including contact with State and Federal members of Parliament
- Media activities
- Other actions as advised by consultants

All engagement activities will address COVID-19 health and safety provisions.

The last action of this consultation task will be a report back to Council, summarising the work undertaken, the issues raised, and the community and stakeholders' feedback on the project and the two options. The cost of this consultation and engagement task is expected to be in the order of \$35-50k.

### **3. Strategic Implications**

3.1 Legislative / Legal Implications  Nil identified

3.2 Corporate Plan / Operational Plan  
Valuing Lifestyle: Diverse transport options - an integrated regional transport network.

3.3 Policy Implications  
38-2150-010 Community Engagement Policy  
38-2180-006 Community Engagement Policy Directive

3.4 Risk Management Implications  
Major risks and mitigation are described above in 2.5.

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications  
The cost for this task is estimated at \$35-50k and will be paid from project 106989 MBRC - Youngs Crossing Road - Bridge and Road Construction, which has available funds.

3.7 Economic Benefit Implications  
This task has the potential to save Council thousands of dollars in planning and design work as it will provide certainty on accepted design outcomes for the project and avoid rework. The outcomes may also assist Council in securing additional funding for the project, by providing the evidence to support the project and the preferred route to the State and Federal Governments.

3.8 Environmental Implications  
Both route options have varying degrees of environmental impact. These impacts will be further identified, then sought to be mitigated through the development of the detailed design treatments, post Council adoption of the preferred Option.

3.9 Social Implications  
Other than the social implications identified in the risk section above, this Consultation has the potential for positively affecting Council's reputation on the way it delivers infrastructure.

*ITEM 2.2 YOUNGS CROSSING UPGRADE - COMMUNITY AND STAKEHOLDER CONSULTATION - A20404746  
(Cont.)*

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

Since this is a consultation exercise, the detailed communications plan will be the first action of the engagement. Pine Rivers Pony Club and Thompson's depot representatives, that are the two major stakeholders in the local area were briefed about the contents of this report and were advised that they will be included in the engagement process. Consultation with the Mayor and Councillors has been held through regular Briefing Sessions and one on one meetings.

**ITEM 2.3**  
**BANKSIA BEACH - PACIFIC HARBOUR - MAINTENANCE DREDGING -**  
**EXPRESSIONS OF INTEREST - DIVISION 1**

*Meeting / Session:* 2 INFRASTRUCTURE PLANNING  
*Reference:* A20319178 : 24 July 2020  
*Responsible Officer:* JS, Lead Engineer - Coastal Infrastructure (IP Drainage, Waterways & Coastal Planning)

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**Executive Summary**

This report seeks Council approval to invite Expressions of Interest (EOI) for the *Pacific Harbour Maintenance Dredging* project (the Project) prior to inviting tenders.

The Project involves the removal of approximately 75,000 m<sup>3</sup> of material from within Pacific Harbour, plus transport, placement and treatment at Moreton Bay Regional Council's (MBRC) site located at 1077 Bribie Island Road, Ningi.

Council officers consider it is in the public interest to invite Expressions of Interest before inviting written tenders as there is currently insufficient detail regarding feasible dredging and material transport methods and, therefore, insufficient information to finalise a detailed and prescriptive Project Specification, nor to adequately inform the preparation of required Statutory Approvals Applications.

The EOI will be targeted to fulfil the following objectives:

- (a) Determine the level of market competition, including availability of the necessary dredging and material transport resources, and develop a contractor shortlist
- (b) Collect information for the purpose of preparing the:
  - i. Project Specification; and,
  - ii. Statutory Approvals Applications.
- (c) Facilitate timely consultation with stakeholders regarding likely dredging and material transport methods.

**OFFICER'S RECOMMENDATION**

- 1. That Council resolve that it is in the public's interest to invite Expressions of Interest prior to requesting written tenders for this project.
- 2. That Council invite Expressions of Interest for the *Pacific Harbour Maintenance Dredging* project and subsequently invite tenders from an appropriate short-list of respondents to the EOI.
- 3. That the Chief Executive Officer be authorised to do all things necessary to implement recommendation 2 in accordance with the *Local Government Regulation 2012*.

ITEM 2.3 BANKSIA BEACH - PACIFIC HARBOUR - MAINTENANCE DREDGING - EXPRESSIONS OF INTEREST - DIVISION 1 - A20319178 (Cont.)

**REPORT DETAIL**

**1. Background**

The *Canal Estates Portfolio Asset Management Plan* (CEPAMP) outlines MBRC's objective to maintain canals to the depths nominated in the *Long Term Maintenance Plans* (LTMPs) to ensure safe navigation and mooring of vessels. Canal depths within the lower reaches of the Pacific Harbour canal estate have reached the nominated 'trigger depths' and therefore maintenance dredging is required.

The maintenance dredging was originally planned to be completed via grab dredging (i.e. barge-mounted excavator or similar) into barges with disposal of the material at the State managed Mud Island Dredged Material Placement Area (in Moreton Bay offshore from Fishermen's Island). However, statutory approvals applications for this proposal were rejected by the Department of Transport and Main Roads (DTMR) due to the risk of a barge impacting the Bribie Island Bridge. MBRC subsequently investigated alternative dredging and material disposal methods, including potential land-based sites that could receive the dredged material.

Following a number of workshops to consider potential dredge spoil disposal options, a report to Council was submitted proposing that Council acquire a land site, specifically for this purpose. Council passed a resolution on 19 February 2019 to acquire the property at 1077 Bribie Island Road for the purpose of managing and disposing dredge spoil (refer *Item C.1 - CO20190219 - A18201248*). The site was formally acquired in April 2019, and a public consultation session was held at the Ningi Community Hall shortly following the site acquisition on 22 May 2019.

Since acquisition of the Ningi site, the Infrastructure Planning department has been working to complete the necessary planning, design, and statutory approvals acquisition tasks to allow for dredged material placement at the site. Detailed sediment sampling and analysis of sediments in Pacific Harbour was completed in early-mid 2020, and a specialist consultant is currently engaged to prepare the requisite statutory approvals applications for the project. Existing engineering design and specification documents are available from the originally planned project (2013-14), and the update of this documentation will be commissioned immediately following the EOI process.

Significant site works have also been undertaken on the Ningi site, including demolition and removal of dilapidated buildings; installation of security and boundary fencing; rehabilitation and revegetation of the western vegetation buffer; and progression of approvals to install a drain along the western site boundary.

**2. Explanation of Item**

The proposed maintenance dredging campaign involves the removal of approximately 75,000m<sup>3</sup> of material from within lower Skippers Canal and the Marina, as shown in Figure 1.



Figure 4 Pacific Harbour Maintenance Dredging project - proposed dredge area (refer dotted blue polygon)

ITEM 2.3 BANKSIA BEACH - PACIFIC HARBOUR - MAINTENANCE DREDGING - EXPRESSIONS OF INTEREST - DIVISION 1 - A20319178 (Cont.)

The dredged material will be transported and placed at the Ningi site within the existing aquaculture 'ponds', as generally shown in Figure 2.



Figure 5 Pacific Harbour Maintenance Dredging project - Ningi dredged material placement site - 'pond' layout

The dredging and material placement sites are located approximately 12km apart (by road). This provides for some challenges regarding the economical transport of dredged material. Potential options for the material transport include:

1. **Pipeline** - A purpose-built slurry pipeline (approx. 10-12 inch diameter) may be temporarily installed across Pumicestone Passage to carry the dredged material to the site. A number of 'booster stations' (small pump stations) would also be required along the pipeline to successfully pump the material to the placement site.
2. **Road** - Dredged material may be transferred to the site in sealed trucks (similar to a cement mixer). Approximately two trucks, each completing between 10 and 15 trips per day (total daily truck movements of 20 - 30 round trips per day) are anticipated using this method.
3. **Barge** - it is conceivable that shallow-draft barges could transport the dredged material from the dredge site, up Ningi Creek to the material placement site, and then transfer the material into the ponds via short section of slurry pipeline. This option is less likely feasible compared with the other two options due to the shallow depths within Ningi Creek and a potentially significantly more onerous approvals pathway.

Each of these options has marked differences in terms of the required statutory approvals and engineering specifications, including; dredging equipment, transport routes, environmental overlay triggers, and how water would be managed, and the dredged material treated at the Ningi site. The different options will also have varying degrees of impact upon the community and the natural environment. As such, Council officers consider that it is in the public interest to invite Expressions of Interest for the project, prior to requesting written tenders, to facilitate:

*ITEM 2.3 BANKSIA BEACH - PACIFIC HARBOUR - MAINTENANCE DREDGING - EXPRESSIONS OF INTEREST - DIVISION 1 - A20319178 (Cont.)*

- assessment of dredging and material transport options available in the market, including indicative pricing;
- selection of a preferred option(s) to carry forward into the detailed design & specification and approvals acquisition tasks/phases;
- shortlisting of suitably experienced contractors for the eventual tender;
- further consultation with stakeholders regarding likely dredging and material transport methods, plus project timeframes.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

The proposed EOI and subsequent tender process will be undertaken in accordance with the requirements set out in the Local Government Regulation 2012.

#### 3.2 Corporate Plan / Operational Plan

Valuing Lifestyle: Quality recreation and cultural opportunities - active recreation opportunities.

#### 3.3 Policy Implications

This EOI will be completed in accordance with the provisions of the following documents:

- Council's Procurement Policy 10-2150-006
- *Local Government Act 2009*
- Local Government Regulation 2012 Chapter 6.

#### 3.4 Risk Management Implications

The Project Risk Management Plan has identified that seeking Expressions of Interest and shortlisting contractors prior to requesting written tenders will help mitigate a range of project risks, including the following:

- Approvals delays (or rejection) due to alternative dredging & transport methodologies submitted at tender phase.
- Inexperienced contractors tendering the works and subsequent failure to fulfil project objectives.
- Inadequate consultation with stakeholders regarding transport methods and project timeframes prior to works commencement.
- Project delays as a result of obtaining approvals for, and specifying, dredging and material transport methods that are not available in the market, environmentally unsustainable and/or not financially feasible.

#### 3.5 Delegated Authority Implications Nil identified

#### 3.6 Financial Implications

The cost of maintenance dredging and spoil disposal within Pacific Harbour is funded by the *Pacific Harbour Canal Maintenance Special Charge*.

A total of \$8,977,000, covering dredging and spoil disposal, has been allocated across FY20/21 and FY21/22 for this project within the Pacific Harbour 50y Canal Maintenance Model. Of this, \$2,710,600 is currently allocated in Council's FY20/21 Budget and Operational Plan.

The budgeted costs include a charge to the levy of \$30 per cubic meter for placement of material at the Ningi site (i.e. a 'gate fee' - totalling \$2.25M for this project).

Notwithstanding the above, indicative costing will be requested as part of the Expressions of Interest.

#### 3.7 Economic Benefit Implications

The proposed maintenance dredging will help to ensure safe navigation and mooring at the Pacific Harbour Marina, and therefore help to maintain the economic benefits to the area associated with the marina and attached businesses.

*ITEM 2.3 BANKSIA BEACH - PACIFIC HARBOUR - MAINTENANCE DREDGING - EXPRESSIONS OF INTEREST - DIVISION 1 - A20319178 (Cont.)*

3.8 Environmental Implications

The project sites are located adjacent to parts of the Moreton Bay Marine Park and a designated Fish Habitat Area. Whilst environmental permits and approvals have not yet been finalised, these will be secured prior to tendering the works. Environmental monitoring, as required by the final approvals, will be undertaken throughout the works, including independent monitoring by Council's consultant. An environmental management plan will also likely be required, including review and endorsement by the Department of Environment and Science prior to works commencing.

3.9 Social Implications

The proposed maintenance dredging will have a positive impact to the residents and marina users of Pacific Harbour. However, there are a range of potential negative social impacts associated with the project and these are broadly outlined on MBRC's project web page, along with proposed high-level measures to minimise impacts. The identified potential impacts include; Noise, Dust, Odour and Water Quality, and these will be managed during the works.

Respondents to the Expressions of Interest will be required to outline proposed measures to address these (plus other) potential impacts as part of detailing their proposed dredging and material placement methodology.

MBRC's Cultural Heritage Planning Officer is also currently working with representatives of the traditional custodians (Kabi Kabi First Nations People), and the Infrastructure Planning and Asset Maintenance departments, towards preparation of a Cultural Heritage Management Plan (within a broader Environmental Management Plan for the site), to help protect cultural heritage values identified within the site.

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

The Councillor for Division 1 has been consulted regarding the EOI and is supportive of the project.

Previous consultation undertaken to-date regarding this project is summarised as follows:

- Public consultation session at Ningi Community Hall 22 May 2019.
- Pacific Harbour Canal Property Owner's Association (PHCPOA) - four-monthly meetings (ongoing) - including Division 1 Councillor & DWCP Manager (incl. Jun 2019, Oct 2019, Feb 2020, Jun 2020).
- Project Web Page established June 2019 (ongoing).

A Council Briefing Session will be held at the completion of the EOI assessment process to advise Council of the proposed methodology that will be tendered and to inform the community consultation program.

Future stakeholder consultation will be delivered in-line with the Project Communication Management Plan, prior to awarding of the tenders, including meetings with PHCPOA and Ningi residents, updates to the Project Web Page, and project works notifications as appropriate.

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**3 ENGINEERING, CONSTRUCTION & MAINTENANCE SESSION**

**(Cr B Savige)**

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Declarations of interest statement

**Councillor Savige** to inform Council of any personal interests for items in this session, then ask other Councillors if they have any personal interests that will be declared for respective items in the session.

**ITEM 3.1**

**REDCLIFFE - REDCLIFFE MEMORIAL SWIMMING POOL - SHELL RENEWALS**

Meeting / Session: 3 ENGINEERING, CONSTRUCTION & MAINTENANCE

Reference: A20412290. : 18 August 2020 - Refer **Confidential Supporting Information A20412705**

Responsible Officer: RM, Manager Asset Maintenance (ECM Asset Maintenance)

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**Executive Summary**

On 10 June 2020, Council resolved to award a contract for the 'Redcliffe - Redcliffe Memorial Swimming Pool - Shell Renewals (MBRC009780)' project to Premis Solutions Pty Ltd (Premis).

The original scope of works under this contract included, amongst other things, renewing concrete joints to a particular standard and re-applying grout to the tiles in each of the three pools at the complex.

Recently the pools were drained, and inspections were conducted on the pool shells. It has become apparent from these inspections that the concrete within the pools is saturated, with readings of 100% relative humidity being recorded.

Now the extent of this saturation is known, the original scope of works under the contract is, in part, insufficient. For example, existing tile adhesion levels in the pools are so low that the existing tiles have effectively reached the end of their useful life. Those tiles would likely fall off during the process of re-applying grout and so now it would be prudent to alter the scope of works under the contract to include a complete tile replacement within the pool shells. At the same time, it would also be prudent to amend the scope of works to include a more comprehensive concrete joint renewal to better prevent water saturating the concrete shells in the future.

Premis has submitted a contract variation to undertake these additional works. Officers have assessed the cost of Premis' proposed variation as being acceptable. However, as the scope of works under the original contract has changed, Council is arguably entering a new contract and so Council must comply with the procurement requirements under the *Local Government Regulation 2012* (LGR).

Officers do not consider that an open tender process would be appropriate in this circumstance. That process would delay the project for at least 3-4 months (which would delay the re-opening of the pool complex). Delaying the project would also result in demobilisation costs being payable to Premis and there is no guarantee that an open tender process would secure a better alternative contractor than Premis to undertake these works.

Officers recommend that Council adopt a tender consideration plan (TCP) which will enable the new contract (including the variation) to be awarded to Premis. The LGR permits Council to enter a TCP to depart from the ordinary open tender process based upon considerations relevant to the supply relationship.

*ITEM 3.1 REDCLIFFE - REDCLIFFE MEMORIAL SWIMMING POOL - SHELL RENEWALS - A20412290. (Cont.)*

## OFFICER'S RECOMMENDATION

1. That Council decides to prepare a Tender Consideration Plan for the Redcliffe Memorial Swimming Pool Shell Renewals.
2. That the Tender Consideration Plan be adopted, as tabled.
3. That the Chief Executive Officer be authorised to negotiate, make, amend, sign and discharge a contract in accordance with the Tender Consideration Plan as tabled, on Council's behalf.
4. That Council commits to the provision of \$424,341.76 (excl. GST) of additional funding to enable the project to continue and be completed as described in the report.
5. The additional funding for the project be provided from the 2020-21 quarter one budget review.

ITEM 3.1 REDCLIFFE - REDCLIFFE MEMORIAL SWIMMING POOL - SHELL RENEWALS - A20412290. (Cont.)

## REPORT DETAIL

### 1. Background

On 10 June 2020, Council resolved to award a contract for the 'Redcliffe - Redcliffe War Memorial Pool - Shell Renewals (MBRC009780)' project to Premis.

The original scope of the renewal works under the proposed contract included, amongst other things:

- renewing all expansion and control joints on the pool concourse and in the pool (with a silicone sealant); and
- reapplying grout to tiles and replacing cracked or damaged tiles that were identified in a dilapidation report.

Recently, the pools have been drained and various inspections have taken place on the pool shells (including tiling inspections and structural engineering inspections). It has become apparent from these inspections that the concrete within the pool shells is saturated, with readings of 100% relative humidity being recorded. The tiling inspection report has identified that most tiles within the pool complex have adhesion levels which significantly fail to meet the relevant Australian Standards.

As a result of the concrete saturation levels now known to officers, it is considered prudent for the following works to be undertaken which did not form part of the original scope of works:

- waterstop joints to be replaced within the structure of the pool (which is over and above the silicone sealing of expansion and control joint repairs envisaged in the contract specification) - '*concrete joints issue*'; and
- all existing pool tiles to be removed and replaced (which is over and above the scope of the tiling works envisaged in the contract specification) - '*pool tiling issue*'.

Premis has submitted contract variations to cover the estimated costs of the concrete joints issue and the pool tiling issue. That estimated cost is \$367,475.00 ex GST.

### 2. Explanation of Item

The standard of work required to address the concrete joints issue and the pool tiling issue was not required under the original specification. It follows that if Council agrees to a contract variation to address these issues, it is arguably entering a new contract (which necessitates a formal procurement process under the LGR). Officers consider that Council has 2 options available to it in terms of following a formal procurement process under the LGR in this circumstance. Namely:

1. Council could instigate a new tender process to secure a contractor to address the concrete joints issue and the pool tiling issue (**New Tender Option**); or
2. Council could prepare and adopt a tender consideration plan under which it can engage Premis to complete all the pool shell renewal work (including addressing the concrete joints issue and the pool tiling issue) (**TCP Option**).

#### The New Tender Option

The New Tender Option could result in other (perhaps better) tenders being received by Council in respect addressing the concrete joints and pool tiling issue, but this is by no means guaranteed.

Officers have assessed Premis' proposed costs for addressing these issues and note that this cost is comparable to the cost of similar work which has been performed at other Council pool complexes (especially when considering the estimated cost of demobilising Premis from the site while these works are carried out).

Also, during the original tender process for this renewal contract, Council only received 2 offers from contractors to carry out the pool renewal. This suggests to officers that the New Tender Option is unlikely to yield a significant number of competitive quotes to address the concrete joints and pool tiling issue.

*ITEM 3.1 REDCLIFFE - REDCLIFFE MEMORIAL SWIMMING POOL - SHELL RENEWALS - A20412290. (Cont.)*

Finally, this option will severely impact on project timing. A new tender process can be expected to take at least 3-4 months which will delay the re-opening of the pool complex to the public.

**The TCP Option**

The TCP Option would enable Council to award Premis the pool renewal contract as varied to include the works required to address the pool tiling and concrete joints issue.

Whilst the TCP Option may be a less open means of awarding the contract (as compared to the New Tender Option) there is a far greater chance of the project being completed sooner than would otherwise be the case if the New Tender Option was pursued.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

The Tender Consideration Plan has been prepared in accordance with section 230 of the *Local Government Regulation 2012* (Qld) (Regulation).

This section allows Council to depart from the ordinary request for tender process based upon market considerations or considerations relevant to the supply relationship. The exemption can only be invoked by Council resolution.

**3.2 Corporate Plan / Operational Plan**

Valuing Lifestyle: Quality recreation and cultural opportunities - active recreation opportunities.

**3.3 Policy Implications**

Council's Procurement Policy recognises that an exception under division 3, part 3, chapter 6 of the Regulation (which includes the preparation and adoption of TCPs) is a valid alternative to conducting an open tender process prior to entering into a large-sized contractual arrangement.

**3.4 Risk Management Implications**

The risk associated with this procurement has been assessed and the following issues identified. The way the possible impact of these risks is minimised is detailed below:

*Contractual Default Risk (the contractor may fail to comply with a contractual requirement)* - the performance of renewal works under the contract will be managed by a Council officer familiar with Council's specifications and compliance with those specifications will be enforced where necessary. The proposed contractor's financial position has been assessed as *satisfactory* by Council officers (which should better avoid the risk of the contractor failing to satisfy their contractual obligations).

**3.5 Delegated Authority Implications**

Pursuant to recommendation 3, officers recommend that Council's Chief Executive Officer be delegated authority to execute a contract in accordance with the tender consideration plan.

**3.6 Financial Implications**

If the concrete joint issue and pool tiling issue is addressed by Premis, it is expected to cost \$367,475 (excl. GST). This is additional to the cost of the remainder of works under the contract which Council has previously approved (\$234,200.00).

Original Tendered Contract Cost	\$ 234,200.00
Proposed TCP - Contract Variation	\$ 367,475.00
Contingency (15% of variation)	\$ 55,121.25
Qleave (variation)	\$ 1,745.51
	-----
<b>Total Revised Contract Cost</b>	<b>\$ 658,541.76</b>
	=====

*ITEM 3.1 REDCLIFFE - REDCLIFFE MEMORIAL SWIMMING POOL - SHELL RENEWALS - A20412290. (Cont.)*

The variation cost, contingency and additional Qleave cost total \$424,341.76 (excl. GST), which exceeds the budget allocation for the *Redcliffe - Redcliffe Memorial Pool - Shell Renewals* project (105806). The additional sum of \$424,341.76 (excl. GST) needs to be funded now so as to be able to continue with the project and enter into a TCP with Premis.

3.7 Economic Benefit Implications

The proper repair of the pool complex is expected to increase the useful life of a Council asset and will reduce the need to expend further revenue on the repair of the complex in future.

3.8 Environmental Implications

Nil identified

3.9 Social Implications

The proper repair of the pool complex in accordance with this report is expected to result in a valuable community asset being made available to the public with minimal delay.

3.10 Human Rights Implications

Nil identified

3.11 Consultation / Communication

Consultation for the delivery of this project has been undertaken with relevant officers, stakeholders, department managers, Councillors and the procurement section of Council.

**SUPPORTING INFORMATION**

**Ref: [A20412705](#)**

The following list of supporting information is provided for:

**ITEM 3.1**

**REDCLIFFE - REDCLIFFE MEMORIAL SWIMMING POOL - SHELL RENEWALS**

***Confidential #1 Tender Consideration Plan***

**4 PLANNING SESSION**

**(Cr D Grimwade)**

Declarations of interest statement

**Councillor Grimwade** to inform Council of any personal interests for items in this session, then ask other Councillors if they have any personal interests that will be declared for respective items in the session.

**ITEM 4.1**

**DA/38608/2019/V2N - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TRANSPORT DEPOT AT 134 STATION ROAD, WAMURAN**

**APPLICANT: Mr Adam Whiting and Ms Jessica Creagh c/- Reel Planning Pty Ltd**  
**OWNER: Miss Jessica A R Creagh and Mr Adam G Whiting**

Meeting / Session: 4 PLANNING  
Reference: A20333660 : 29 July 2020 – Refer Supporting Information A20348135, A20340114, A20348136 & A20348137  
Responsible Officer: MO, A/Senior Planner (PL Development Services)

**Executive Summary**

This report is being presented to the Council for a decision as the proposal has received a submission which requires the development application be determined by the Council instead of under Council officer delegation. Therefore, Council is now the entity authorised to decide the development application.

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Mr Adam Whiting and Ms Jessica Creagh c/- Reel Planning Pty Ltd
<b>Lodgement Date:</b>	17 July 2019
<b>Properly Made Date:</b>	17 July 2019
<b>Confirmation Notice Date:</b>	30 July 2019
<b>Information Request Date:</b>	14 August 2019
<b>Info Response Received Date:</b>	1 May 2020
<b>Public Notification Dates:</b>	15 May 2020 - 05 June 2020
<b>No. of Submissions:</b>	Properly Made: One (1) Not Properly Made: Nil (0)
<b>Decision Due Date:</b>	14 July 2020
<b>Prelodgement Meeting Held:</b>	Yes, PRE/4540

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	MBRC Division 12
<b>Property Address:</b>	134 Station Road, Wamuran
<b>RP Description</b>	Lot 1 RP 111839
<b>Land Area:</b>	6.414 Hectares
<b>Property Owner</b>	Miss Jessica A R Creagh and Mr Adam G Whiting

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	Planning Act 2016
<b>Planning Scheme:</b>	Moreton Bay Regional Council Planning Scheme
<b>Planning Locality / Zone</b>	Rural zone - Agriculture precinct
<b>Level of Assessment:</b>	Impact Assessment, Policy Neutral

# Moreton Bay Regional Council

**ITEM 4.1 DA/38608/2019/V2N - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TRANSPORT DEPOT AT 134 STATION ROAD, WAMURAN - A20333660 (Cont.)**

This application seeks a Material Change of Use - Development Permit for Transport Depot at 134 Station Road, Wamuran, on land described as Lot 1 RP 111839 (Division 12). This application has been lodged as a result of compliance action undertaken by Council, as the site is already operating as a transport depot. As a result of this application, if approved, the development would be able to continue operating, subject to a reduced use area and an improved Station Road to accommodate the heavy vehicles.

The application was publicly advertised with one (1) submission received.

The proposed development is considered to accord with the intent of the Moreton Bay Regional Council Planning Scheme, and is recommended to be approved, subject to conditions.

**OFFICER'S RECOMMENDATION**

- A. That Council, in accordance with the *Planning Act 2016*, approves the development application for a Material Change of Use - Development Permit for Transport Depot at 134 Station Road, Wamuran described as Lot 1 RP 111839, subject to the following plans/documents and conditions:

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Based Stormwater Management Plan	K4542-0005-B	Knobel Engineers	01/05/2020
Traffic Impact Assessment	20-008 Rev. A	Pekol Traffic and Transport	July 2020
Bushfire Management Plan	J000571	North Coast Environmental Services	09/04/2020

Plans to be Amended			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	HDA20190608 Rev. C	Harper Design Arc P/L	21/02/2020

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>1</b>	<b>Approved Plans and/or Documents</b>	
	Undertake development in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	To be maintained at all times.
<b>2</b>	<b>Amended Plan Required</b>	
A	Submit an amended Site Plan incorporating the following: <ul style="list-style-type: none"> <li>• Contractor parking bays in accordance with AS2890 at a rate of 1 space per truck parking area.</li> <li>• Include a notation that the existing access location is to be closed and re-instated.</li> <li>• Detail a 2.0m high landscaped earth mound to the north, west and southern perimeter (front and side) of the hardstand area to provide a vegetated visual screen.</li> </ul>	Prior to any Approval of Operational Works and within three (3) months of the date of this approval.

## Moreton Bay Regional Council

GENERAL MEETING - 515  
2 September 2020

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*ITEM 4.1 DA/38608/2019/V2N - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TRANSPORT DEPOT AT 134 STATION ROAD, WAMURAN - A20333660 (Cont.)*

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
	<ul style="list-style-type: none"> <li>Include a notation showing existing vegetation to the south of the hardstand area to be retained.</li> </ul>	
B	Obtain approval from Council for the amended Site Plan in accordance with (A) above.	Prior to any Approval of Operational Works and within three (3) months of the date of this approval.
C	Implement the requirements and recommendations of the approved plan(s). The approved amended plan(s) will form part of the approval.	Prior to commencement of use and within four (4) months of the date of this approval.
<b>3</b>	<b>Maximum Use Area</b>	
	Ensure that the development does not exceed a maximum use area of 1,500m <sup>2</sup> and reinstate all areas outside of the use area back to grass.	At all times.
<b>4</b>	<b>Limitations of Use</b>	
A	No vehicle servicing or major repairs, including spray painting or panel beating, is undertaken on the site.	At all times.
B	Refuelling of vehicles and other fuel storage purposes are not permitted.	At all times.
C	The washing of vehicles or equipment is not permitted unless a suitable and approved system is installed to prevent contaminants entering the environment.	At all times.
<b>5</b>	<b>On-Site Car Spaces</b>	
A	Provide car parking generally in accordance with the approved plans.	Prior to commencement of use and to be maintained at all times.
B	Provide for the manoeuvring of vehicles on site, generally in accordance with the approved plan. Car spaces, access lanes and driveways shown on the approved plan must not be used for any other purpose.	Prior to commencement of use and to be maintained at all times.
<b>6</b>	<b>Premises Hours of Operation</b>	
	Limit the hours of operation to between 5am to 6pm Monday to Saturday.	At all times.
<b>7</b>	<b>Front Fencing</b>	
	Ensure that any security fencing is constructed to a maximum height of 1.8 metres and constructed of high quality powder coated metal and is atleast 70 percent semi-transparent.	At all times.
<b>8</b>	<b>Screen Fencing</b>	
	Construct a screen fence along the common boundary to Lot 22 RP 111839 for the full length of Lot 22 northern boundary. Unless an alternative design is agreed to with the owner of the adjoining land,	Within four (4) months of the date of this approval.

## Moreton Bay Regional Council

GENERAL MEETING - 515  
2 September 2020

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*ITEM 4.1 DA/38608/2019/V2N - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TRANSPORT DEPOT AT 134 STATION ROAD, WAMURAN - A20333660 (Cont.)*

CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
<b>DEVELOPMENT PLANNING</b>	
	the screen fence is to be 1.8 metres in height and constructed of treated timber.
<b>9</b>	<b>Landscaping</b>
A	Provide landscaping on site generally in accordance with Planning Scheme Policy - Integrated Design (Appendix D - Landscaping):  The landscaping must also include the following: <ul style="list-style-type: none"> <li>• A screen buffer along the road frontage and south and north perimeter of the hardstand. The screen buffer must consist of a 2.0m high earth mound that must include plant densities in accordance with Table 2 of the PSP. Tree species must have a mature height of no less than 2 metres.</li> </ul>
	Within four (4) months of the date of this approval.
B	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.
	Within four (4) months of the date of this approval.
C	Maintain the landscaping.
	At all times.
<b>10</b>	<b>Extent of Vegetation Clearing</b>
	Clearing of native vegetation must not occur between the transport depot and the existing residences to the south.
	Prior to and during site works and to be maintained.
<b>DEVELOPMENT PLANNING</b>	
<b>11</b>	<b>Amended Noise Impact Assessment Required</b>
A	Submit an amended environmental noise impact assessment to include the following - <ul style="list-style-type: none"> <li>• Consideration of the amended layout and its proximity to sensitive uses.</li> <li>• Consideration of finished surface as required by conditions of this development permit.</li> <li>• Demonstrate the use can operate within the established noise limits.</li> </ul>
	Prior to submitting an application for operational works approval and within three (3) months of the date of this approval.
B	Obtain approval from Council for the amended environmental noise impact assessment.
	Prior to submitting an application for operational works approval and within three (3) months of the date of this approval.
C	Implement all noise attenuation measures recommended in the approved environmental noise impact assessment.
	Within four (4) months of the date of this approval.
D	Provide certification from a suitably qualified person that the recommended attenuation measures have been installed/implemented in accordance with the specifications of the approved environmental noise impact assessment.
	Within four (4) months of the date of this approval.
<b>12</b>	<b>External Lighting</b>

## Moreton Bay Regional Council

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*ITEM 4.1 DA/38608/2019/V2N - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TRANSPORT DEPOT AT 134 STATION ROAD, WAMURAN - A20333660 (Cont.)*

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
A	Any external lighting is to be in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.	At all times.
B	Should lighting be installed, provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting).	Within four (4) months of the date of this approval.
<b>13</b>	<b>Waste Management</b>	
	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	At all times.
<b>ENVIRONMENTAL PLANNING</b>		
<b>14</b>	<b>Bushfire Management Plan</b>	
	Implement the requirements and recommendations of the approved Bushfire Management Plan.	To be maintained.
<b>DEVELOPMENT ENGINEERING</b>		
<b>15</b>	<b>Replace Existing Council Infrastructure</b>	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.	At all times.
<b>16</b>	<b>Alterations and Relocation of Existing Services</b>	
	Ensure any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of an entity engaged in the provision of public utility services is to be carried out with the development and at no cost to Council unless agreed to in writing by the Council.	At all times.
<b>17</b>	<b>Stormwater</b>	
	Carry out the development to ensure that adjoining properties, reserves and roads are protected from ponding or nuisance from stormwater as a result of any works undertaken.	At all times.
<b>18</b>	<b>Stormwater Management</b>	
A	Stormwater drainage discharge from the development compound must not adversely impact adjoining lots or cause nuisance and annoyance to any person.	At all times.
B	Prepare and implement a Stormwater Management Strategy prepared by a RPEQ addressing stormwater quality discharging from the development compound. The plan must demonstrate the capture and mitigation methods of stormwater discharged from the compound and is to comply with the quality requirements of the Planning Scheme Policy Integrated Design Appendix C and Water Sensitive Urban Design.	Within four (4) months of the date of this approval.

## Moreton Bay Regional Council

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ITEM 4.1 DA/38608/2019/V2N - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TRANSPORT DEPOT AT 134 STATION ROAD, WAMURAN - A20333660 (Cont.)

CONDITION	TIMING	
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
C	Provide certification from an RPEQ that all works have been designed and constructed in accordance with this permit condition.	Within four (4) months of the date of this approval.
D	Maintain and repair the completed private infrastructure works to ensure its ongoing effectiveness. The certified works shall not be altered in any way without the prior written approval of Council.	At all times.
<b>19</b>	<b>New Council Roads</b>	
A	<p>Submit and have approved by Council, a development application for operational works for the following:</p> <p>Frontage works are as follows:</p> <ul style="list-style-type: none"> <li>• Station Road - Industry Access</li> </ul> <p>Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the approved plans and documents of development and the MBRC Planning Scheme current at the time of the operational works application.</p> <p>Notes: Construct from the D'Aguiar Highway and Station Road connection to the driveway crossover of the development a full pavement reconstruction for the ultimate 7.0 meter wide road pavement and 1.0m gravel shoulders. The travel lane measured from the edge of bitumen to the crown is to be 3.5 metres. Kerbside on-street parking is not required.</p>	Within three (3) months of the date of this approval.
B	<p>Construct, at no cost to Council and in accordance with the approved plans and documents of development the following:</p> <ol style="list-style-type: none"> <li>1. The frontage road and associated works identified in (A) above.</li> </ol> <p>This condition has been imposed under section 145 of the <i>Planning Act 2016</i>.</p>	Within six (6) months of the date of this approval.
<b>20</b>	<b>Erosion and Sediment Control</b>	
	Implement an Erosion and Sediment Control Plan prepared by an experienced Certified Professional in Erosion and Sediment Control (CPESC) in accordance with the International Erosion Control Association Australasia (IECA) Best Practice and Sediment Control document.	Prior to commencement of works and to be maintained current at all times during construction.
<b>21</b>	<b>Driveway Crossover</b>	
A	Construct a driveway crossover to Lot 1 RP111839 in accordance with the approved plans and documents of development and MBRC Standard Drawing RS-051.	Within three (3) months of the date of this approval.
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	Within three (3) months of the date of this approval.

## Moreton Bay Regional Council

*ITEM 4.1 DA/38608/2019/V2N - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TRANSPORT DEPOT AT 134 STATION ROAD, WAMURAN - A20333660 (Cont.)*

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>22</b>	<b>Existing Driveway Crossover</b>	
	Remove completely all redundant driveway crossovers fronting the development site on Station Road. Reinstate all disturbed areas (including kerb and channel) to Council's standards current at the time of development.	Within three (3) months of the date of this approval.
<b>23</b>	<b>Access, Internal Roadways, Parking and Servicing Areas</b>	
A	Design and construct sealed (concrete or bitumen) or compacted gravel accesses, internal roadways, parking and servicing areas (and associated works), in accordance with the approved plans and documents of development, the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD), Australian Standards and the MBRC Planning Scheme current at the time of the building works application.	Within three (3) months of the date of this approval.
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	Within three (3) months of the date of this approval.

CONCURRENCE AGENCY		
<b>1</b>	<b>Concurrence Agency</b>	
A	Comply with the conditions of State Development, Manufacturing, Infrastructure and Planning response dated 13 March 2020 (reference: 1907-12405 SRA) or as amended.	At all times.
B	Provide certification to Council prepared by a suitably qualified person or the agency demonstrating the requirements of the agency have been met.	At all times.

ADVICES		
<b>1</b>	<b>Aboriginal Cultural Heritage Act 2003</b>	
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. The Act provides blanket protection of Aboriginal cultural heritage sites and places, including significant areas and objects, as well as archaeological remains. The Act also recognises that Aboriginal cultural heritage parties are key stakeholders in the assessment and management of Aboriginal cultural heritage.</p> <p>Under the Act, if a proposed activity involves disturbance of the ground surface, cultural heritage Duty of Care must be considered. This involves consideration of whether an activity is <i>likely</i> to harm Aboriginal cultural heritage. This may require involvement from the relevant Aboriginal cultural heritage party.</p> <p>Cultural heritage Duty of Care compliance ultimately lies with the person or entity conducting the activity, and penalty provisions apply for failing to fulfil this Duty of Care.</p>	

## Moreton Bay Regional Council

*ITEM 4.1 DA/38608/2019/V2N - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TRANSPORT DEPOT AT 134 STATION ROAD, WAMURAN - A20333660 (Cont.)*

<b>ADVICES</b>	
	Council strongly advises that before undertaking the land use activity, you refer to the <a href="#">cultural heritage duty of care - Department of Aboriginal and Torres Strait Islander Partnerships (Queensland Government)</a> for further information regarding the responsibilities of the developer.
<b>2</b>	<b>Adopted Charges</b>
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 8) dated 14 August 2018 or as amended apply to this development approval.</p> <p>From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval.</p> <p>Payment of Infrastructure Charges is to be in accordance with the Infrastructure Charges Notice issued with this development approval and any Infrastructure Charges Notice issued by Unitywater. From 1 July 2014, all Infrastructure Charges for infrastructure networks controlled by Unitywater (eg. water and/or sewerage) regardless of when the Infrastructure Charges Notice was issued are to be paid directly to Unitywater while Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.</p>

- B. That an Infrastructure Charges Notice for the development application be provided to the applicant and included as part of the Decision Package.
- C. That the properly made submitter for the development application be provided with a copy of the Council's Decision Notice in accordance with Section 63(1)(e) of the *Planning Act 2016*.
- D. That the Council report for this application be published to the website as Council's statement of reasons in accordance with Section 63 (5) of the *Planning Act 2016*.
- E. That the following information be included in the Decision Notice.

**Decision Notice information**

	<b>Details to Insert</b>
<b>Application Type</b>	Material Change of Use - Development Permit for Transport Depot
<b>Other Necessary Permits</b>	<ul style="list-style-type: none"> <li>• Operational Works – Development Permit</li> </ul>
<b>Currency Period of Approval</b>	Material Change of Use – 6 years
<b>Section 64(5) Deemed Approval</b>	Not applicable
<b>Variation Approval</b>	Not applicable
<b>Local Categorising Instrument</b>	<p><b>Local Categorising Instrument - Moreton Bay Regional Council Planning Scheme</b></p> <ul style="list-style-type: none"> <li>• 6.2.10 Rural zone code</li> <li>• Strategic Framework</li> </ul> <p><b>Local Categorising Instrument (Variation Approval)</b> Not applicable</p>

# Moreton Bay Regional Council

*ITEM 4.1 DA/38608/2019/V2N - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TRANSPORT DEPOT AT 134 STATION ROAD, WAMURAN - A20333660 (Cont.)*

	<b>Details to Insert</b>
	<b>Local Categorising Instrument (Temporary Local Planning Instrument)</b> Not applicable
<b>Other Relevant Assessment Matters</b>	Not applicable.
<b>Reasons for the Decision</b>	Assessment Report

ITEM 4.1 DA/38608/2019/V2N - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TRANSPORT DEPOT AT 134 STATION ROAD, WAMURAN - A20333660 (Cont.)

**REPORT DETAIL**

**Proposal**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Mr Adam Whiting and Ms Jessica Creagh c/- Reel Planning Pty Ltd
<b>Lodgement Date:</b>	17 July 2019
<b>Properly Made Date:</b>	17 July 2019
<b>Confirmation Notice Date:</b>	30 July 2019
<b>Information Request Date:</b>	14 August 2019
<b>Info Response Received Date:</b>	1 May 2020
<b>Public Notification Dates:</b>	15 May 2020 - 05 June 2020
<b>No. of Submissions:</b>	Properly Made: One (1) Not Properly Made: Nil (0)
<b>Decision Due Date:</b>	14 July 2020
<b>Prelodgement Meeting Held:</b>	Yes, PRE/4540

This application seeks a Material Change of Use - Development Permit for Transport Depot at 134 Station Road, Wamuran, on land described as Lot 1 RP 111839 (Division 12). This application has been lodged as a result of compliance action undertaken by Council, as the site is already operating as a transport depot. As a result of this application, if approved, the development would be able to continue operating, subject to a reduced use area and an improved Station Road to accommodate the heavy vehicles.

The application seeks to create a hardstand area of 1,500m<sup>2</sup> for the parking of heavy vehicles, notably being a substantial reduction in area over the existing operations. The proposal plan provides for parking for up to 8 articulated vehicles on site. The application does not propose any dedicated employee parking (instead the applicant has identified that employees will be able to place their cars in the heavy vehicle bays whilst the heavy vehicles are offsite. However, it is a recommendation of this report that one car parking space for employee parking is provided for each heavy vehicle space on site.

There are no buildings or structures proposed as part of the development. The proposal does not involve any mechanical repairs, vehicle servicing, washdown or refuelling facilities and conditions have been recommended to ensure compliance. Landscaping and revegetation requirements have also been included to improve visual amenity associated with the use. Additionally, as the application is for Transport Depot only, any approval given would not provide for the placing / storing of fill or landscaping products on site.

As the site is located within the Regional Landscape and Rural Production Area under the South East Queensland Regional Plan, additional development requirements apply to ensure the scale of the use is consistent with the regional plan. Of importance, a 1,500m<sup>2</sup> threshold applies to outdoor areas (as defined in the planning regulation) to avoid referral to the State. The applicant has identified that the proposal provides exactly 1500m<sup>2</sup> of outdoor area. The recommended conditions of approval ensure that all aspects of the use are undertaken within this allowable area.

The application was publicly advertised with one (1) submission received.

An assessment of the development application has been undertaken under the *Planning Act 2016*. The proposed development is considered to accord with the intent of the Moreton Bay Regional Council Planning Scheme, and is recommended to be approved, subject to conditions.

This report is being presented to the Council for a decision as the proposal has received a submission which requires the development application be determined by the Council instead of under Council officer delegation. Therefore, Council is now the entity authorised to decide the development application.

*ITEM 4.1 DA/38608/2019/V2N - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TRANSPORT DEPOT AT 134 STATION ROAD, WAMURAN - A20333660 (Cont.)*

## 1. Background

### 1.1 Site History

On 4 June 2018, a prelodgement meeting was held with Council officers in relation to a proposed development for a Transport Depot and Bulk Landscape Supplies. Council officers advised that the proposal presented at prelodgement would not be supported due to the scale of the proposed use and impacts on high quality agricultural land and rural amenity expected in the locality. The current proposal has been amended to remove the bulk landscape supplies component and now seeks a transport depot over a substantially smaller footprint.

### 1.2 Description of the Site and Surrounds

#### *1.2.1 Current use of the subject land and surrounding land*

The site contains a dwelling house and associated outbuildings and has historically been utilised for cropping as a pineapple farm. Surrounding land provides similar rural functions, including cropping and dwelling houses.

#### *1.2.2 Topography*

The site gradually slopes from the north west towards the south east, at a rate of approximately 6%. The development footprint is generally flat, and the proposal doesn't involve extensive earthworks to create the hardstand area.

#### *1.2.3 Vegetation*

The development footprint is void of vegetation, and the development does not seek approval to remove any existing vegetation on the site. There are no accepted development clearing provisions afforded to the development following approval that would impact on vegetation mapped under the MBRC Planning Scheme, nor impact on a mapped Koala Habitat Area.

#### *1.2.4 Access Improvements*

The development, if approved, would require a new industrial standard crossover approximately 50 metres south of the Station Road / D'Aguiar Highway intersection. Additionally, the applicant will be required to upgrade Station Road to a standard suitable for the proposed heavy vehicle traffic between the intersection and the proposed driveway. The existing crossover is to be removed and the verge reinstated to match existing conditions.

#### *1.2.5 Constraints on the property*

The development footprint is largely clear of constraints mapped under the MBRC Planning Scheme, with the exception of bushfire hazard and overland flow paths. The development has been assessed against the applicable values and constraint criteria in the zone code and is considered to be compliant with the requirements.

## 2. Explanation of Item

### 2.1 Assessment Benchmarks related to the *Planning Regulation 2017*

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

These Assessment Benchmarks are prescribed as being contained in:

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

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<b>Applicable Assessment Benchmarks:</b>	<p><u>State Planning Policy</u></p> <ul style="list-style-type: none"> <li>State Planning Policy, Part E</li> </ul> <p><u>Regional Plan</u></p> <ul style="list-style-type: none"> <li>South East Queensland Regional Plan</li> </ul> <p><u>From Schedule 10 of the Regulation:</u> Nil</p>
<b>SEQ Regional Plan Designation:</b>	<ul style="list-style-type: none"> <li>Regional Landscape and Rural Production Area</li> </ul>
<b>Koala Habitat Designation:</b>	Nil

2.1.1 *State Planning Policy*

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

<b>Assessment benchmarks - Liveable communities</b>
<u>Comment</u> Not applicable.
<b>Assessment benchmarks - Mining and extractive resources</b>
<u>Comment</u> Not applicable.
<b>Assessment benchmarks - Water quality</b>
<u>Comment</u> Not applicable.
<b>Assessment benchmarks - Natural hazards, risk and resilience</b>
<u>Comment</u> Not applicable. Whilst the site is located within the 'local government flood mapping area' on the SPP mapping, it is not within a flood hazard area under Council's Flood hazard overlay.
<b>Assessment benchmarks - Strategic airports and aviation facilities</b>
<u>Comment</u> Not applicable.

2.1.2 *South East Queensland Regional Plan*

The development proposal is for a Material Change of Use in the Regional Landscape and Rural Production Area. An assessment against the applicable assessment criteria of the SEQRP has been undertaken and the proposal is considered to be consistent. It is a requirement of the Planning Regulation that development over 1,500m<sup>2</sup> in outdoor area is referred to the State for assessment against the SEQRP. In this instance, the applicant has advised that the development provides an outdoor area of 1,500m<sup>2</sup>. Conditions of the approval are recommended to ensure compliance with this aspect of the SEQRP.

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

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

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2.2.1 Strategic Framework

The site is located within Rural place type per the Strategic Framework of the MBRC Planning Scheme. Upon review of the proposed development, it is considered that the proposal achieves the intent of the Rural element of the Strategic Framework and complies with each of the Strategic Outcomes.

Key matters within this element include ensuring that development does not cause the cessation of primary production activities within the Agriculture precinct, protects good quality agricultural land, and provides small scale industrial activities that support rural activities. Whilst it is noted that the site is currently not operating as a primary production activity, the proposed Transport Depot does not impact on the site's ability to operate a primary production function should the landowner wish to undertake such a function.

Therefore, in accordance with the above, the proposal is generally consistent with the expectations set out in the Strategic Framework.

2.2.2 Assessment of Applicable Codes

Code Compliance Summary

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

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

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Zone/ Local Plan Code</b>		
Rural zone code	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO10, PO80, PO83, PO89, PO97

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

2.2.3 Performance Outcome Assessment

Performance Outcome	Example
<b>Rural zone code</b>	
<p><b>PO10</b> On-site car parking associated with an activity provides safe and convenient on-site parking and manoeuvring to meet anticipated parking demand.</p> <p>Note - Refer to Planning scheme policy - Integrated transport assessment for guidance on how to achieve compliance with this outcome.</p>	<p><b>E10</b> On-site car parking is provided in accordance Schedule 7 - Car parking.</p>
<i>Performance Outcome Assessment</i>	
Schedule 7 provides that parking is provided at a minimum of 2 spaces per tenancy plus 1 space per 100m <sup>2</sup> of area associated with the use. As the transport depot is proposed to be	

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Performance Outcome	Example
<p>operated by a single company and contains a use area of 1,500m<sup>2</sup>, 17 parking spaces would be required to meet the Example.</p> <p>The applicant has proposed to accommodate employee parking as follows:</p> <p><i>[The] operation of the transport depot would allow employees to park passenger vehicles within truck parking bays as follows:</i></p> <ul style="list-style-type: none"> <li>• <i>in the morning staff would arrive by passenger car, which would be parked temporarily on-site</i></li> <li>• <i>employees would then take a truck from the parking area and park the passenger car in the truck bay</i></li> <li>• <i>employees would use the truck for duration of the working day as required</i></li> <li>• <i>when returning to the facility in the afternoon, employees would remove the passenger car and then park the truck back in the dedicated bay where it would remain overnight</i></li> </ul> <p>Council officers have raised concern that the proposed parking arrangement may result in unsafe vehicle movements, particularly as trucks are expected to stop and wait whilst private cars are moved in/out of heavy vehicle parking areas. As a result, Council officers recommend that an amended site plan be provided to provide additional parking areas on site for employees separate to the heavy vehicle parking area.</p> <p>It is recommended that this parking be provided at a rate of 1 car parking space per Heavy Vehicle parking space. This additional parking area must be accommodated within the 1,500m<sup>2</sup> outdoor area cap imposed by the regional plan.</p> <p>Subject to the recommended conditions, it is recommended that the alternative solution be accepted.</p>	
<p><b>PO80</b> Development ensures that:</p> <ol style="list-style-type: none"> <li>a. it does not adversely impact upon the low density, low intensity built form and open area character and amenity for the locality;</li> <li>b. the scale and intensity of the development does not result in adverse visual or nuisance impacts on the residents in adjoining or nearby dwellings, and when viewed from the road;</li> <li>c. vehicular movements are consistent with that reasonably expected in the surrounding low density, low intensity built form and open area character and amenity for the Rural zone.</li> </ol>	<p><b>E80.1</b> Development, including all vehicle parking, drive way areas and storage areas, is set back 30m from all property boundaries.</p> <p><b>E80.2</b> The maximum number of heavy vehicles, trailers and motor vehicles stored on-site is as follows:</p> <ol style="list-style-type: none"> <li>a. 4 heavy vehicles;</li> <li>b. 4 trailers;</li> <li>c. Up to 6 motor vehicles.</li> </ol>
<p><i>Performance Outcome Assessment</i></p>	
<p>The proposal seeks a reduced setback of 5 metres from the primary frontage. All other setbacks are in excess of 30 metres, per the Example. The proposal also seeks approval for parking for up to 8 articulated vehicles, which requires employee parking for approximately 8 private vehicles.</p> <p>The proposal, subject to the recommended conditions, can be operated in a manner that does not adversely impact upon the low density, low intensity built form and open area character</p>	

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Performance Outcome	Example
<p>of the area nor result in adverse amenity impacts for nearby dwellings. Recommended conditions include a landscaped earth mound as well as hours of operation and the submission of an acoustic report. The traffic movements are considered appropriate given the proximity to the Highway.</p> <p>It is recommended that the alternative solution be accepted.</p>	
<p><b>PO83</b> Development gains access to a State Arterial, Arterial or Sub-Arterial road as they are roads of a suitable construction standard to accommodate heavy vehicles. Access to roads of a lesser classification are avoided.</p>	<p><b>E83</b> The site obtains vehicle access from a road classified as a State Arterial, Arterial or Sub-Arterial (see Overlay map - Road hierarchy).</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The development proposes access to Station Road, a Council local road. In this instance the development proposes to gain access onto a Council road as close as practicable to the D'Aguilar Highway (being a State Arterial road), whilst also achieving the requirements of the Dept of Main Roads. The access location balances the need to be close to the state controlled whilst also avoiding impacts to the safety and efficiency of the intersection. It is a recommendation of this report that the developer upgrade Station Road from the driveway crossover to the intersection to cater for the new use in accordance with design criteria of the MBRC Planning Scheme.</p> <p>It is recommended that the alternative solution be accepted.</p>	
<p><b>PO89</b> Development that does not require access to, or rely on the use of, fertile soils is not located in the Agricultural precinct.</p>	<p>No example provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The proposed development will occupy part of the site that has not been utilised for productive agricultural use. The application material identifies that the transport company largely moves soil and dirt through rural areas.</p> <p>It is recommended that the alternative solution be supported despite not complying with this performance outcome.</p>	
<p><b>PO97</b> Development provides an adequate water supply for fire-fighting purposes.</p>	<p><b>E97</b></p> <ol style="list-style-type: none"> <li>a. a reticulated water supply is provided by a distributor retailer for the area or;</li> <li>b. where not connected to a reticulated water supply, on-site fire fighting water storage containing not less than 10 000 litres (tanks with fire brigade tank fittings, swimming pools) is located within 10m of buildings and structures.</li> <li>c. Where a swimming pool is the nominated on-site fire fighting water storage source, vehicle access is provided to within 3m of that water storage source.</li> </ol>

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Performance Outcome	Example
	d. Where a tank is the nominated on-site fire fighting water storage source, it includes: <ul style="list-style-type: none"> <li>i. a hardstand area allowing medium rigid vehicles (15 tonne fire appliance) access within 6m of the tank;</li> <li>ii. fire brigade tank fittings, comprising 50mm ball valve and male camlock coupling and, if underground, an access hole of 200mm (minimum) to accommodate suction lines.</li> </ul>
<i>Performance Outcome Assessment</i>	
The proposal does not seek to provide water storage and is not located within the reticulated water network service catchment. The proposal seeks a hardstand parking area for the purpose of storing vehicles, and as such does not pose a risk of loss of life in the event of a bushfire.	
It is recommended that the alternative solution be accepted in this instance.	

2.2.4 Overall Outcome Assessment

As an Impact Assessable application, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows;

6.2.10 Rural zone code	
Overall Outcomes (All Precincts)	Complies Y/N
a. A wide range of rural uses, as identified in the table below, are established.	Yes
<b>Comments</b>	
The proposal is for a Transport Depot, which is a Merit Based Use in accordance with the relevant tables.	
b. Rural activities and primary production activities are protected from intrusion by incompatible development.	Yes
<b>Comments</b>	
The proposed development is not incompatible with the rural activities and primary production activities occurring on or neighbouring the site.	
c. Intensive rural activities [...].	N/A
<b>Comments</b>	
The proposal does not involve an intensive rural activity.	
d. Residential uses are limited to a single dwelling house per allotment. A secondary dwelling is permitted provided it functions and appears subordinate to the principal dwelling house	N/A
e. A range of housing options provide short-term accommodation for tourists in proximity to tourist attractions	N/A
f. Accommodation for rural workers is provided on or in close proximity to rural activities.	N/A
<b>Comments</b>	

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<b>6.2.10 Rural zone code</b>	
The proposal doesn't provide residential or tourist accommodation nor preclude such accommodation from being delivered in a way consistent with the planning scheme.	
g. Active and passive outdoor recreational opportunities for residents and visitors to the region are established.	N/A
<b>Comments</b>	
The proposal doesn't provide recreational opportunities nor preclude such activities from being delivered in a way consistent with the planning scheme.	
h. Intensification of existing and new commercial and retail development does not occur.	N/A
<b>Comments</b>	
The application doesn't seek to intensify any existing commercial or retail development.	
i. Development maintains the open area character and scenic amenity, including the low density, low intensity and dispersed built form which defines the rural place type.	Yes
<b>Comments</b>	
The proposal consists of a hardstand area measuring 1,500m <sup>2</sup> and does not propose any additional buildings or structures on the site.	
j. Development does not adversely affect the operation of aviation facilities at Mt Glorious (See Overlay map - Infrastructure buffers). This aviation facility comprises a VHF beacon.	Yes
<b>Comments</b>	
The development is not located within proximity to the Mt Glorious VHF Beacon and does not affect its operation.	
k. Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.	Yes
<b>Comments</b>	
The recommended conditions of approval ensure that the development will be operated in a manner that avoids adverse or nuisance impacts on adjoining properties or the environment.	
l. Development generating high volumes of traffic or involving heavy vehicle traffic movements is located on roads of a standard and capacity to accommodate traffic demand.	Yes
<b>Comments</b>	
The recommended conditions of approval require the upgrade of Station Road between the site access and the D'Aguilar Highway intersection to the standard appropriate for the development traffic.	
m. Development does not result in the establishment of industrial activities, other than rural industry.	No
<b>Comments</b>	
A transport depot is considered an industrial activity, and as such does not comply with this outcome. However, the consistent use table (overall outcome 't') provides that transport depots may be consistent uses in the Rural zone.	
It is considered that the proposed development is of a scale that is consistent with the expected amenity of a productive rural locality and would not result in the adverse impacts	

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<b>6.2.10 Rural zone code</b>	
that would be associated with other forms of industrial activity that would be unsuitable for this site.	
n. General works associated with the development achieves [specific requirements].	Yes
<b>Comments</b>	
The proposal complies with all of the performance outcomes for general works within the Rural zone code and as such it is considered that the works comply with the overall outcome.	
o. Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke.	Yes
p. Noise generating uses are designed, sited and constructed to minimise the transmission of noise to appropriate levels and do not cause environmental harm or nuisance.	Yes
<b>Comments</b>	
The recommend conditions of approval ensure that the development will be operated in a manner that avoids environmental nuisance.	
q. Noise sensitive uses are designed, sited and constructed so as not to be subject to levels of noise expected from rural activities.	N/A
<b>Comments</b>	
The proposal is not for a noise sensitive use.	
r. Development in a Water supply buffer [...].	N/A
<b>Comments</b>	
The development does not occur in a water supply buffer area.	
s. Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds [through specific measures].	Yes
<b>Comments</b>	
The proposal complies with all of the performance outcomes within the Rural zone code relating to values and constraint criteria and as such it is considered that the works comply with the overall outcome.	
t. Development in the Rural zone includes one or more of the [listed uses].	N/A
u. Development in the Rural zone does not include any of the [listed uses].	N/A
v. Development not listed in the tables above will be considered on its merit and where it reflects and supports the outcomes of the zone.	Yes
<b>Comments</b>	
Transport Depot is listed as a consistent use under overall outcome 't' only where on a site greater than 16 Hectares. Transport Depot is not listed as inconsistent under overall outcome 'u'. As this site is only 6.4 hectares, the proposal is to be considered on its merits per overall outcome 'v'. The proposal has demonstrated compliance with the majority of overall outcomes in the rural zone, and on balance is considered to support the outcome sought for the zone.	
<b>Overall Outcomes (Agriculture Precinct)</b>	<b>Complies Y/N</b>
a. Uses having a focus on primary production or requiring access to fertile soils are established.	N/A
<b>Comments</b>	
Whilst the transport depot does not have a primary production focus, this overall outcome does not limit uses in the precinct.	

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<b>6.2.10 Rural zone code</b>	
b. Development not supporting the continued use of land for primary production purposes or requiring access to fertile soils do not occur.	No
<b>Comments</b>	
The proposed transport depot does not directly result in the site being used for primary production and does not require access to fertile soils to operate. Notwithstanding, the proposal as presented for Council's decision has been refined by the applicant to reduce overall scale and limit intrusion into the productive portions of the land to such an extent that the majority of the productive farmland can continue for farming purposes.	
Additionally, the nature of the transport business involves supporting rural endeavours across the region through the provision of transport services for dirt, soil and other fill materials.	
c. Permanent plantations do not occur.	N/A
<b>Comments</b>	
The proposal does not involve a permanent plantation.	
d. Development does not limit or constrain existing and future primary production capability of the land.	Yes
<b>Comments</b>	
The property previously functioned as a pineapple farm, which has since stopped. As the transport depot is constructed to the side of the farming area, should the landowner wish to continue undertaking primary production on the site it would be able to occur uninhibited.	
e. Development in the Agriculture precinct includes one or more of the [listed uses].	N/A
f. Development in the Agriculture precinct does not include any of the [listed uses].	N/A
g. Development not listed in the tables above will be considered on its merit and where it reflects and supports the outcomes of the precinct and zone.	Yes
<b>Comments</b>	
Transport Depot is not listed in the tables accompanying either overall outcome 'e' or 'f' and is therefore anticipated to be assessed on its merits under overall outcome 'g'. The proposal provides a small scale use in an area with good access to the higher road network without compromising the ability of the land to undertake primary production activities. The proposal is considered to be consistent with planning intent for the rural zone and agricultural precinct.	

Based on the assessment above, the proposal is inconsistent with two overall outcomes, dealing with a broad brush restrictions on industrial uses occurring in the rural zone and a similar restriction on uses on productive farming land. However, all of the overall outcomes combined need to be considered holistically as representing the purpose of the code and failing on a single prescriptive aspect does not of itself mean that the proposal is inconsistent with the purpose of the code. Contrarily, on balance, looking at all of the overall outcomes combined, giving consideration to the nature of the non-compliance with respect to the consistency of the use, the proposed scale and the operational conditions to be imposed, the proposal is consistent with the purpose of the code.

2.3 Trunk Infrastructure

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

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*2.3.1 Levied Charge*

In accordance with section 10 of the CR, a Levied Charge is applicable to the development proposal.

*2.3.2 Levied Charge Credit*

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

(a) Payment of previous charges or contributions

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

(b) Lawful use of land

There is no current existing lawful use of the land or record of a previous lawful use of the land that is no longer taking place. Accordingly, the credit available under this option is \$0.00.

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

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

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

The credit nominally available under this option has been used by the existing residential use on the site, as the existing dwelling is proposed to be retained. Accordingly, the credit available under this option is \$0.00.

*2.3.3 Levied Charge Offset or Refund*

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

*2.3.4 Additional Trunk Infrastructure Costs*

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

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

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

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

2.4 Recording of particular approvals on the MBRC Planning Scheme

Not Applicable in this instance.

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2.5 Referrals

2.5.1 Council Referrals

**2.5.1.1 Development Engineering**

*Traffic, Access and Parking*

The transport depot's traffic is not within the design use of Station Road. It is a recommendation of this report that Station Road, from the development's crossover to the D'Aguilar Highway, be fully reconstructed for the ultimate width to cater for the use in accordance with the MBRC Planning Scheme.

The transport depot has not proposed any internal contractor car parking spaces. It is a recommendation of this report that car parking spaces be provided in accordance with AS2890 and demonstrated in the Site Plan.

*Stormwater*

The development does not trigger the State Planning Policy for water quality. The stormwater management plan in support of the development proposes to use Best Management Practices for quality. It is recommended a Stormwater Management Strategy prepared by a Registered Professional Engineer Queensland (RPEQ) to demonstrate the capture and mitigation methods of pollutants from the transport depot are undertaken to address the requirements of the MBRC Planning Scheme and Water Sensitive Urban Design deemed to comply solutions.

**2.5.1.2 Environmental Health**

*Noise*

A Noise Impact Assessment by ASK consulting has been submitted in support of the application. The report has been reviewed and it is recommended that an amended report is required for the following reasons:

- The proposal has been amended since the noise report was completed which sites the proposed activity marginally closer to the dwelling at 130 Station Road (R1 Residence);
- Council officers do not agree that noise exceedances of 1 to 2 dBA above the criteria are insignificant. A revised report is to consider additional amelioration methods to limit impacts on adjoining sensitive receptors;
- A condition to provide a sealed or compacted gravel surface may require new calculations as that type of surface can result in different noise levels to a loose gravel surface; and
- The removal of a proposed shed structure from the plan will impact the noise as received by the existing dwelling house on the subject site.

*Lighting*

It is recommended that conditions are included to ensure any lighting that is installed is in accordance with the relevant Australian Standard so that it is not obtrusive to neighbouring properties.

*Waste management*

The recommendations of this report include a condition that the development be undertaken in accordance with SC 6.20 Planning scheme policy - Waste.

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**2.5.1.3 Environmental Planning**

*Bushfire hazard*

The site is located within the Bushfire hazard area (Potential impact buffer) on Overlay map - Bushfire hazard. The applicant has provided a bushfire management plan that addresses the requirements of the Values and Constraint criteria within the Rural zone code. As such, the BMP is recommended to form part of the approved documents and a condition is recommended to ensure compliance with the plan.

2.5.2 Referral Agencies

**2.5.2.1 Concurrence Agencies**

The application was referred to the former Department of State Development, Manufacturing, Infrastructure, and Planning (DSDMIP) for matters relating to State-Controlled Roads. Council was advised on 13 March 2020 that DSDMIP has no objection to the development application subject to a number of conditions being attached to Council's Decision Notice.

**2.5.2.2 Advice Agencies**

There were no Advice Agencies involved in assessing this application.

**2.5.2.3 Third Party Agencies**

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

2.6 Public Consultation

2.6.1 Public Notification Requirements under the Development Assessment Rules

- (a) Public Notification was served on all adjoining landowners on 13 May 2020.
- (b) The development application was advertised in the Courier Mail on 14 May 2020.
- (c) A notice in the prescribed form was posted on the relevant land on 14 May 2020 and maintained for the minimum period of 15 business days until 5 June 2020.

2.6.2 Submissions Received

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

Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax		1
	Petition	-	0
Not Properly Made	Letter, Email, Fax		0
	Petition	-	0
<b>Total</b>			<b>1</b>

The matters raised within the submission are outlined below:

Assessment of Submissions
<p><b>Issue</b></p> <p>The submission raises concerns with the impact of the development on the rural amenity and character of the area, particularly with respect to the existing extent of operations on the site. The submission advises that the existing operation has resulted in impacts to the amenity through noise, light and visual disruption to the landscape.</p>
<p><b>Discussion</b></p> <p>The development application has been lodged in response to Council enforcement action and seeks approval to allow the use to continue. As a result of concerns raised by both Council and the State Government, the scale of the Transport Depot will be significantly</p>

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<p><b>Assessment of Submissions</b></p> <p>reduced when compared to the existing operation. The total area used for the Transport Depot will be limited to only 1,500m<sup>2</sup>.</p> <p>Additionally, the recommended conditions of approval will seek to ameliorate other impacts of the depot on the adjoining residence by providing for appropriate restrictions on noise and light emissions, whilst additional landscaping and revegetation will limit the visual impact.</p> <p>This is not a reason for refusal of the application.</p>
<p><b>Issue</b></p> <p>The submission raises concerns in relation to stormwater generated from the development.</p>
<p><b>Discussion</b></p> <p>The proposed development has provided Site Based Stormwater Management Plan in support of the Transport Depot. Stormwater captured from the ground area of the depot is directed via swales to a detention basin located on the north-eastern corner of the vehicle maneuvering area. The volume of the basin has been modeled and contains suitable area to manage stormwater runoff without actionable nuisance to receiving properties. The stormwater systems are managed and maintained by the development.</p> <p>This is not a reason for refusal of the application.</p>
<p><b>Issue</b></p> <p>The submission requests that to mitigate noise and visual impacts/nuisances from the Transport Report, a new property boundary fence on the north and eastern fences of 130 Station Road be provided.</p>
<p><b>Discussion</b></p> <p>It is agreed that noise impacts are a relevant consideration. The development is located approximately 80 metres north of the dwelling. To assist with the amelioration of impacts from the development, a condition is recommended requiring the development provide a new 1.8m treated timber fence along the northern boundary of 130 Station Road. As there is no interface between the development and the eastern boundary of 130 Station Road, a replacement fence on this boundary would not be reasonable or relevant.</p> <p>Further, the recommended conditions include provisions for additional vegetation and screening landscaping between the development and the adjoining residence.</p> <p>This is not a reason for refusal of the application.</p>
<p><b>Issue</b></p> <p>The submission requested that no lighting is to face towards adjoining residences.</p>
<p><b>Discussion</b></p> <p>It is agreed that this is an important consideration. The recommended conditions of approval require lighting, where installed, to comply with Australian Standard AS4282:2019 (Control of the Obtrusive Effects of Outdoor Lighting). This will ensure that any lighting installed on the site is directed away from adjoining residence in accordance with the standard.</p> <p>This is not a reason for refusal of the application.</p>
<p><b>Issue</b></p> <p>The submission requested that no trees or vegetation be removed between the transport depot and the adjoining residences.</p>
<p><b>Discussion</b></p>

ITEM 4.1 DA/38608/2019/V2N - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TRANSPORT DEPOT AT 134 STATION ROAD, WAMURAN - A20333660 (Cont.)

<b>Assessment of Submissions</b>
<p>It is agreed that this is a relevant consideration and as such the recommended conditions of approval include conditions requiring that the existing vegetation between the transport depot and the adjoining residences to the south east are maintained with additional rehabilitation and planting provided.</p> <p>This is not a reason for refusal of the application.</p>
<b>Issue</b>
<p>The submission requested that regular slashing / vegetation control occur adjoining station road occurs as well as the removal of rubbish and waste materials near adjoining property boundaries.</p>
<b>Discussion</b>
<p>The ongoing maintenance of vegetation or accumulation of objects near property boundaries is not a matter that can be addressed through development approval conditions. Disputes relating to overgrown vegetation or accumulation of objects on, against or along a property boundary fence are civil matters resolved through Queensland Civil and Administrative Tribunal (QCAT). No conditions are recommended.</p> <p>This is not a reason for refusal of the application.</p>

2.6.3 *Notice of Compliance*

The Notice of Compliance was received by Council on 9 June 2020. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

2.7 Other Matters  
None identified.

**3. Strategic Implications**

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

3.6 Financial Implications

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

*ITEM 4.1 DA/38608/2019/V2N - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TRANSPORT DEPOT AT 134 STATION ROAD, WAMURAN - A20333660 (Cont.)*

3.7 Economic Benefit Implications

Appropriate development supports the growing Moreton Bay Region.

3.8 Environmental Implications

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

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*, Council must not make a decision which is incompatible with a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that Council's decision in this circumstance (if it reflects the officer's recommendation) is compatible with (and does not limit) a person's rights because there are sound and lawful reasons for the recommendation as set out in this report.

3.11 Consultation / Communication

Refer to clause 2.7.

**SUPPORTING INFORMATION**

**Ref: [A20412705](#)**

The following list of supporting information is provided for:

**ITEM 4.1**

**DA/38608/2019/V2N - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TRANSPORT DEPOT AT 134 STATION ROAD, WAMURAN**

***#1 Aerial Photograph***

***#2 Zoning Map***

***#3 Locality Plan***

***#4 Amended Plan***

***#5 Submission***

***#6 SARA response with conditions***

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## ITEM 4.2 NORTH HARBOUR MARINA PRIORITY DEVELOPMENT AREA (PDA) REQUEST

*Meeting / Session:* 4 PLANNING  
*Reference:* A20359756: 4 August 2020 - Refer Supporting Information A20431461, A20438821 and Confidential Supporting Information A20438816 & A20438818

*Responsible Officer:* LF, Coordinator Neighbourhood and Precinct Planning (PL Strategic Planning & Place Making)

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### Executive Summary

The North Harbour Marina and Canal Estate proposal has been progressively proposed and under some form of assessment since the early 2000s. The land is currently in the Recreation and Open Space Zone and Rural Zone of the MBRC Planning Scheme (planning scheme) and is located outside the Urban Footprint identified in the South East Queensland Regional Plan 2017 (*ShapingSEQ*).

The site includes an area of approximately 579ha and has extensive frontage to the Caboolture River. The boundary adjoins an existing 1,200 dwelling residential estate (with approximately 700 lots developed to date) and land approved to accommodate a Mixed Industry and Business Area (MIBA) close to the Bruce Highway.

The proposal, which is to include a regional open space area, mixed-use marina village and residential canal estate, presents a number of potential benefits to the Moreton Bay Region and wider South East Queensland. Specifically, development in the North Harbour Marina PDA is anticipated to provide much needed recreation, tourism, and employment opportunities in the northern part of the region, while being sensitively integrated with its surroundings. It proposes to reconnect locals and visitors to the Caboolture River and wider Moreton Bay. Residential development will include a variety of housing types and will showcase exemplary housing design standards, while offering residents access to expansive open space and recreation areas and a marina-based lifestyle.

It is recommended that Council request the Minister for Economic Development Queensland (MEDQ) declare a Priority Development Area (PDA) under the *Economic Development Act 2012* (ED Act) for the North Harbour Marina PDA.

### OFFICER'S RECOMMENDATION

1. That Council request the Minister for Economic Development Queensland (MEDQ) declare a Priority Development Area (PDA) under the *Economic Development Act 2012* over the land identified in Attachment A - Proposed PDA Boundary, referred to as 'The North Harbour Marina PDA', and request that Council:
  - a) receive delegated authority to lead the plan-making/ plan-preparation process;
  - b) receive delegated authority to undertake the role of development assessment; and
  - c) are granted 24 months (from the date of the PDA declaration) to prepare the Development Scheme.
2. That Attachments A and confidential supporting material B and C (Council's supporting material) be provided to the MEDQ in support of the request made in 1 above.
3. The Chief Executive Officer be authorised to make minor, administrative and editorial changes to Attachments A, B and C, if required, prior to them being provided to the MEDQ.
4. That Council authorise the Chief Executive Officer to do all things necessary to implement recommendations 1 to 3 above.

*ITEM 4.2 NORTH HARBOUR MARINA PRIORITY DEVELOPMENT AREA (PDA) REQUEST - A20359756 (Cont.)*

## **REPORT DETAIL**

### **1. Background**

The North Harbour Marina and Canal Estate proposal has been progressively proposed and under some form of assessment since the early 2000s. The land is currently in the Recreation and Open Space Zone and Rural Zone of the planning scheme and is located outside the Urban Footprint identified in *ShapingSEQ*.

In 2006, the project was declared State significant, initiating preparation of an Environmental Impact Statement (EIS), with the final EIS submitted to the State Government in 2008. The Coordinator General recommended the project be approved in full (with conditions) in 2009. Parts of the project (Residential estate and the Mixed Industry and Business Area (MIBA)) have been subsequently approved. To date, only the Residential estate has commenced.

The following resolution appears on Minute Page 18/2450 - 18/2451 of the General Meeting of Council held 13 December 2018:

Ex. Coordination Committee meeting held 13 December 2018 (MP. 18/2661):

### **COMMITTEE RECOMMENDATION**

- 1. That the Deputy Mayor write on behalf of Council to the Minister for State Development, Manufacturing, Infrastructure and Planning, the Hon. Cameron Dick MP, expressing Councils support and requesting consideration for the declaration of a Priority Development Area (PDA) over Lot 3 SP 266287 and Lot 25 S 31125 to support the proposed North Harbour Marina and Canal development.**
- 2. Council acknowledges that there are significant development opportunities with a focus on economic growth and the Applicants may be required by the Department of State Development, Manufacturing, Infrastructure and Planning to submit a supporting business case as part of any consideration of the use of a PDA under the Economic Development Act 2012.**

Following that resolution, the former Council wrote to the MEDQ on 21 December 2018 expressing Council's support and requesting consideration for the declaration of a PDA for the proposed marina and canal development. In response, in a letter dated 1 April 2019, the former Minister for State Development, Manufacturing, Infrastructure and Planning advised of his preference for Council to pursue the matter as an amendment to the planning scheme under the *Planning Act 2016 (PA)*.

It has since been confirmed with senior officers from Queensland Treasury (QT) and Council that the North Harbour Marina and Canal Estate proposal is unable to satisfy the criteria under *ShapingSEQ*. Therefore, progression of an amendment to the planning scheme would not be supported as it would not be able to satisfy the state interests identified in *ShapingSEQ*.

Having now explored the option of making an amendment to the planning scheme under the PA, if the Council wishes to progress the proposal ahead of the Regional Growth Management Strategy 2041 and the forthcoming review of *ShapingSEQ*, the last remaining option is the declaration of a PDA.

ITEM 4.2 NORTH HARBOUR MARINA PRIORITY DEVELOPMENT AREA (PDA) REQUEST - A20359756 (Cont.)

A Council briefing was held on 3 June 2020 to update Council on the advice received from QT and discuss possible next steps. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

**BRIEFING 6 - STRICTLY CONFIDENTIAL NORTH HARBOUR UPDATE**

**EXTRACT TO BE INCLUDED IN OFFICER'S REPORT**

**The CEO noted the way forward:**

*It was noted that work will be carried out to investigate the viability of a PDA and to ensure that a robust way forward is formed in order to take to EDQ.*

A further Council briefing was held on 1 July 2020 to again update Council on recent discussions with North Harbour Holdings and discuss next steps. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

**BRIEFING 3 - UPDATE ON NORTH HARBOUR MARINA AND CANAL ESTATE PROPOSAL**

**EXTRACT TO BE INCLUDED IN OFFICER'S REPORT**

**CEO noted the way forward:**

*Mayor to write to the Minister for State Development, Tourism and Innovation, Kate Jones MP, to seek advice and assistance in exploring the potential for the declaration of a PDA for this site, outlining why Council believes this is the best option.*

*Council noted the background information provided and suggested that a site visit may be worthwhile to better understand the size and scale of the area involved.*

In response, on 30 July 2020, the Mayor wrote to the new MEDQ advising Council were progressing with a proposed PDA declaration request over the land and to seek advice and assistance on the matter. At the date of writing this report, no response from the MEDQ had been received.

A further Council briefing was held on 26 August 2020 to update Council on the process for seeking the declaration of a PDA for the North Harbour Marina and foreshadow a Council report, to be brought forward on 2 September 2020, on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

**BRIEFING 8 - STRICTLY CONFIDENTIAL NORTH HARBOUR MARINA AND CANAL ESTATE UPDATE**

**EXTRACT TO BE INCLUDED IN OFFICER'S REPORT**

**The CEO noted the way forward:**

*That a report be submitted to the General Meeting of 2 Sep 2020 for consideration.*

**2. Explanation of Item**

Overview of PDAs

PDAs are parcels of land within Queensland, identified for specific accelerated development with a focus on economic growth. They are traditionally used to respond to gaps in the market, offering substantial community and economic benefits, and to facilitate development on complex and/or large sites.

These areas are declared by the MEDQ under the ED Act, which then removes the identified areas from the planning and development processes included in the PA. Development is streamlined through effective plan making, development assessment processes with shorter timeframes, and limited appeal rights than the PA, enabling development to reach the market sooner. In this way, shortened timeframes assist in stimulating economic, community and social growth, responding to the market and the needs of business and the community.

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*ITEM 4.2 NORTH HARBOUR MARINA PRIORITY DEVELOPMENT AREA (PDA) REQUEST - A20359756 (Cont.)*

The use of a PDA also provides a more streamlined process to coordinate Local Government, State agency and Unitywater interests. Given the site location (values and constraints) and the proposal's complexity, this approach is considered to be of benefit due to the number of state and local interests that are likely to be affected.

To determine whether a site should be considered for declaration it must satisfy the requirements under the ED Act, including regard to:

- the main purposes of the ED Act which is to facilitate economic development, and development for community purposes, in the state; and
- the impact the PA may have on the delivery of the proposed development if the declaration were not made.

Each PDA is subject to an Interim Land Use Plan (ILUP), followed by a Development Scheme - a regulatory document that controls land use, infrastructure planning and development in the area. Once a PDA is declared and an ILUP is in place, preparation of a Development Scheme occurs over a 12 to 24-month period.

Although these documents are approved by the MEDQ, it is possible for a Council to outline its preferred role (i.e. plan preparation (draft ILUP and/or development scheme), development assessment, or both) and outline the local government's expectations regarding the role of EDQ (i.e. plan preparation, development assessment, or both).

Notwithstanding, the final PDA boundary and extent of delegations granted to Council is at the discretion of the MEDQ, and the MEDQ is under no obligation to approve the PDA request.

#### Request for a PDA

There are a number of matters that Council must address as part of the submission to the MEDQ, formally requesting a PDA declaration. These have been prepared and include the following:

- A map of the proposed PDA Boundary - Refer Attachment A
- A draft Interim Land Use Plan (ILUP) - Refer Attachment B - CONFIDENTIAL
- Supporting Material - Refer Attachment C - CONFIDENTIAL

Attachments B and C to this report have been made confidential on the basis that the proposed ILUP and supporting material would prejudice the legitimate decision-making discretion and authority of the MEDQ in relation to the making of the PDA (and ILUP).

Attachment D is a brochure prepared by the landowner outlining their vision and understanding of the opportunities and benefits of the proposal. It is recommended that this information be forwarded to the MEDQ with Council's submission.

It is recommended that Council seek full delegations from the MEDQ for plan preparation (ILUP and Development Scheme) and for development assessment under the proposed PDA. This approach is consistent with the delegation's Council received for The Mill PDA. Council will also need to work in close collaboration with EDQ during the preparation of the Development Scheme.

In preparation for the request for declaration, Council commissioned an external consultant to peer review the technical reports prepared to date. As identified in the Council briefings prior to this report, the peer review outlined that there remains a number of unresolved matters and potential risks and issues with the proposal (e.g. environment, traffic, flooding, coastal hazards, infrastructure and costs etc.). While these matters need to be further considered, they are able to be addressed and resolved through the preparation of the Development Scheme. It is therefore recommended that a 24-month period to prepare the PDA Development Scheme be requested.

*ITEM 4.2 NORTH HARBOUR MARINA PRIORITY DEVELOPMENT AREA (PDA) REQUEST - A20359756 (Cont.)*

This would allow time for further technical reports to be prepared/ updated, resolution of outstanding matters (including state interests), preliminary engagement with EDQ and State agencies, and community consultation as part of the preparation of the PDA Development Scheme. This is not unusual in the context of a PDA, and is why a two-stage plan-making process exists under the ED Act - first the ILUP followed by the preparation of the more comprehensive PDA Development Scheme. This approach has been developed via an internal council cross-departmental governance framework and collaboration.

Once a PDA is declared, the planned next steps include:

- Community facing communications and information in relation to the proposal and the PDA process;
- Early engagement with EDQ and State agencies;
- Project planning and identification of information and technical assessments required to support the preparation of the Development Scheme.

### **3. Strategic Implications**

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

Once a PDA is declared it immediately takes effect over the land included within a PDA boundary, putting aside and overriding the MBRC Planning Scheme. All proposed activities within the area are then subject to an ILUP until such time as a full Development Scheme is approved and takes effect. The ILUP will be drafted to nominate specific assessment criteria.

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

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

#### **3.3 Policy Implications**

As part of the preparation of the Development Scheme, Council will need to work closely with relevant state agencies to ensure that state interests are appropriately considered as part of the plan preparation process.

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

There remains a number of unresolved matters and potential risks and issues with the proposal (e.g. environment, traffic, flooding, coastal hazards, infrastructure and costs etc.). There are also potential matters relating to cultural heritage (including the Aboriginal Cultural Heritage Act 2003), and a current native title application (Native Title Act 1993 and Native Title Act (Queensland) 1993) over the land and waters which on initial investigation includes the Caboolture River and Moreton Bay Marine Park that need to be further investigated to understand their implications. These matters will be further considered/ addressed as part of the preparation of the Development Scheme.

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

A new delegated authority for applications made under the ILUP and the Development Scheme will need to be brought into effect.

#### **3.6 Financial Implications**

A project budget will need to be established to facilitate the plan making and development decision making undertaken within Council, this was supported by Council resolution on 5 August 2020, refer ITEM C.1. The project may require an ongoing budget allocation.

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

The North Harbour Marina PDA represents a unique opportunity that has the potential to yield substantial and fundamental economic and community benefits to the Moreton Bay Region and beyond.

#### **3.8 Environmental Implications**

It is noted that there remains a number of unresolved matters and potential risks and issues with the proposal (e.g. environment, traffic, flooding, coastal hazards, infrastructure and costs etc.). These matters will be further considered/ addressed as part of the preparation of the Development Scheme.

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ITEM 4.2 NORTH HARBOUR MARINA PRIORITY DEVELOPMENT AREA (PDA) REQUEST - A20359756 (Cont.)

3.9 Social Implications

The site has the potential to accommodate a range of uses which will add significantly to the social and economic fabric of the Moreton Bay Region. Public notification of the PDA is a statutory requirement and will occur as part of the preparation of the Development Scheme. Through the preparation of the Development Scheme, Council will work closely with relevant State agencies and stakeholders, to ensure local and state interests are managed.

3.10 Human Rights Implications

Under the *Human Rights Act 2019 (Qld)*, Council must not make a decision which is incompatible with a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. The *Human Rights Act 2019 (Qld)* Section 28 (2) (d) and (e) state:

*(2) Aboriginal peoples and Torres Strait Islander peoples must not be denied the right, with other members of their community—*

*(d) to maintain and strengthen their distinctive spiritual, material and economic relationship with the land, territories, waters, coastal seas and other resources with which they have a connection under Aboriginal tradition or Island custom; and*

*(e) to conserve and protect the environment and productive capacity of their land, territories, waters, coastal seas and other resources.*

While Council's decision to request the declaration of a PDA over the site is not considered to affect these rights, works and development required for the North Harbour Marina PDA may result in actions that could restrict access to land or waters (Caboolture River). Through the preparation of the Development Scheme, Council will work closely with relevant state agencies and stakeholders, to ensure compliance with the *Human Rights Act 2019 (Qld)*.

3.11 Consultation / Communication

Public notification is required for a minimum of 30 business days for the preparation of a Development Scheme under the ED Act.

**SUPPORTING INFORMATION**

**Ref: [A20431461](#), [A20438821](#) and Confidential Supporting Information [A20438816](#) & [A20438818](#)**

The following list of supporting information is provided for:

**ITEM 4.2**

**NORTH HARBOUR MARINA PRIORITY DEVELOPMENT AREA (PDA) REQUEST**

***#A Proposed PDA Boundary***

***Confidential #B Draft Interim Land Use Plan***

***Confidential #C Supporting Material***

***#D Landowner Brochure***

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**5 COMMUNITY & ENVIRONMENTAL SERVICES SESSION**

**(Cr M Gillam)**

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Declarations of interest statement

**Councillor Gillam** to inform Council of any personal interests for items in this session, then ask other Councillors if they have any personal interests that will be declared for respective items in the session.

**ITEM 5.1**

**TENDER CONSIDERATION PLAN - BIRRALEE CHILD CARE CENTRE AGENCY  
EMPLOYMENT SERVICES**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* A20402018 : 17 August 2020 - **Refer Supporting Information A20407035**  
*Responsible Officer:* MM, Manager - Community Services, Sport and Recreation (CES Community Services, Sport & Recreation)

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**Executive Summary**

Council engages Quality Recruitment QLD Pty Ltd (Quality Recruitment) for the provision of agency employment services to Birralee Child Care Centre (BCCC) through a Local Buy arrangement.

Quality Recruitment has advised that effective 7 September 2020, they will no longer operate as a panellist supplier and will only continue the supply of agency employment services to BCCC under a direct supply arrangement with Council.

Accordingly, Council will soon commence a procurement process for the continued provision of agency employment services for BCCC under a direct supply arrangement. However, during the procurement period (7 September 2020 - 31 March 2021), continuity of services to BCCC customers must be maintained through the engagement of an interim agency employment service.

Under section 230 of the Local Government Regulation 2012, Council may adopt a Tender Consideration Plan as an exception to the requirements for contractual arrangements under the *Local Government Act 2009*. A Tender Consideration Plan (*refer Supporting Information #1*) has been prepared to enable Council to enter into a short-term medium-sized contractual arrangement for the supply of agency employment services to BCCC (without the need to undertake a full tender process), ensuring that continuity of service to customers is maintained throughout the full procurement process.

**OFFICER'S RECOMMENDATION**

1. That Council prepares a Tender Consideration Plan for the medium-sized contractual arrangement with Quality Recruitment QLD Pty Ltd for the interim supply of agency employment services to Birralee Child Care Centre.
2. That the Tender Consideration Plan for the medium-sized contractual arrangement with Quality Recruitment QLD Pty Ltd for the interim supply of agency employment services to Birralee Child Care Centre be adopted, as tabled in Supporting Information #1.
3. That Council enters into an agreement with Quality Recruitment QLD 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 Quality Recruitment QLD Pty Ltd for the interim supply of agency employment services to Birralee Child Care Centre and any required variations of the agreement on Council's behalf.

*ITEM 5.1 TENDER CONSIDERATION PLAN - BIRRALLEE CHILD CARE CENTRE AGENCY EMPLOYMENT SERVICES - A20402018 (Cont.)*

## **REPORT DETAIL**

### **1. Background**

Since January 2018, Council has engaged Quality Recruitment, through a Local Buy arrangement under Comensura Pty Ltd, for the provision of agency employment services at BCCC. These services include the provision of both regular child care staff, as well as relief child care staff. In the 2019/20 financial year, the total cost to these services was \$198,904.

Currently, Quality Recruitment provides four of BCCC's regular child care workforce, all of which have established relationships with the children and families receiving services from BCCC.

On 7 August 2020, Council received correspondence from Quality Recruitment advising that, effective 7 September 2020, they would no longer operate as a panellist supplier and only continue the provision of agency employment services to BCCC under a direct supplier arrangement.

It has been determined that Council will undertake a procurement process for a new agency employment services contract (New Contract) for Birralelee Child Care Centre. It is Council's intention to have the New Contract in place by 31 March 2021. However, to ensure the continuity of services to customers (children and families) and compliance with relevant child care regulations (e.g. child to staff ratios), Council will be required to enter into an interim contract for the supply of agency employment services during the period of 7 September 2020 and 31 March 2021.

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

Under section 230 of the Local Government Regulation 2012, Council may adopt a Tender Consideration Plan as an exception to the requirements for contractual arrangements under the *Local Government Act 2009*.

A Tender Consideration Plan is a document which states the following:

- a) the objectives of the plan;
- b) how the objectives are to be achieved;
- c) how the achievement of the objectives will be measured;
- d) any alternative ways of achieving the objectives, and why the alternative ways were not adopted;
- e) the proposed terms of the contract for the goods or services; and
- f) a risk analysis of the market from which the goods or services are to be obtained.

A Tender Consideration Plan (*refer Supporting Information #1*) has been prepared for the interim supply of agency employment services to BCCC, the primary objectives of which are to:

- implement an interim solution that enables the continued supply of agency employment services to BCCC by the existing specialist provider during a period whereby Council will undertake a procurement process to award a New Contract; and
- maintain service levels and minimise service disruption during the required procurement period.

These objectives will be achieved by Council entering into a short-term contract with a supplier for the continued provision of agency employment services to BCCC during the period whereby a procurement process will be undertaken (7 September 2020 to 31 March 2021) to award a New Contract under a direct supply arrangement. Alternatives to this approach have been considered (*refer Supporting Information #1 - Tender Consideration Plan*), however are not deemed appropriate or feasible.

By implementing an interim solution through this Tender Consideration Plan, Council can continue to engage the existing supplier (Quality Recruitment) under a short-term direct supply contract. This will enable the continued delivery of agency employment services to BCCC during the procurement period, as well as reduced operational and service delivery risks associated with service disruption.

*ITEM 5.1 TENDER CONSIDERATION PLAN - BIRRALEE CHILD CARE CENTRE AGENCY EMPLOYMENT SERVICES - A20402018 (Cont.)*

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

The Tender Consideration Plan has been prepared in accordance with the provisions of the *Local Government Act 2009* (Qld) and *Local Government Regulation 2012* (Qld).

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

The recommendations of this report are in accordance with Council's Procurement Policy (No. 2150-006).

#### 3.4 Risk Management Implications

Nil identified

#### 3.5 Delegated Authority Implications

This report recommends that the Chief Executive Officer be authorised to negotiate terms and enter into a contract on behalf of Council for the continued supply of agency employment services at Birralee Child Care Centre for the interim period of 7 September 2020 to 31 March 2021.

#### 3.6 Financial Implications

Costs associated with the engagement of agency employment services at Birralee Child Care Centre are budgeted within the Community Services, Sport and Recreation department's operational budget, and are within the financial delegation of the Director Community and Environmental Services.

#### 3.7 Economic Benefit Implications

Nil identified

#### 3.8 Environmental Implications

Nil identified

#### 3.9 Social Implications

Nil identified

#### 3.10 Human Rights Implications

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

#### 3.11 Consultation / Communication

Corporate Procurement Unit  
People, Culture and Safety Department  
Legal Services Department

**SUPPORTING INFORMATION**

**Ref: [A20407035](#)**

The following list of supporting information is provided for:

**ITEM 5.1**

**TENDER CONSIDERATION PLAN - BIRRALEE CHILD CARE CENTRE AGENCY EMPLOYMENT SERVICES**

***#1 Tender Consideration Plan***

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**6 FINANCE & CORPORATE SERVICES SESSION**

**(Cr M Constance)**

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Declarations of interest statement

**Councillor Constance** to inform Council of any personal interests for items in this session, then ask other Councillors if they have any personal interests that will be declared for respective items in the session.

**ITEM 6.1  
MONTHLY REPORTING PACKAGE - 31 JULY 2020**

*Meeting / Session:* 6 FINANCE & CORPORATE SERVICES  
*Reference:* A20412121: 18 August 2020 - **Refer Supporting Information A20418779**  
*Responsible Officer:* CP, Accountant (FCS Accounting Services)

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**Executive Summary**

The purpose of this report is to present the Financial Reporting Package for the year to date period ending 31 July 2020.

**OFFICER'S RECOMMENDATION**

That the Financial Reporting Package for the year to date period ending 31 July 2020 be received.

*ITEM 6.1 MONTHLY REPORTING PACKAGE - 31 JULY 2020 - A20412121 (Cont.)*

## **REPORT DETAIL**

### **1. Background**

The Financial Reporting Package for the month ending 31 July 2020 is contained within the supporting information to this report.

This package contains a number of financial documents to provide a breakdown of key financial data and includes:

- Statement of Revenues and Expenses
- Capital Expenditure by Portfolio Program.
- Balance Sheet and Cash Flows
- Treasury Report

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

The first month of the 2020/21 financial year is complete and the performance and position of Council is outlined below in the context of the attached report.

#### Operating Result (page 1)

As at 31 July 2020 operating revenue was \$94.5 million compared to operating expenses of \$30.8 million thus representing an operating surplus of \$63.7 million.

#### Operating Revenues (page 1)

The first quarter rates and utility charges were levied in July and represent the bulk of the revenue recognised for the month being \$82.2 million. This equates to approximately 25% of the budgeted rate and utility charge revenue for the year.

Fees and charges revenue along with interest revenue are tracking in line with budget expectations.

Operational grants and subsidies are tracking below budget, largely due to a timing difference. The financial assistance grant represents 75% of all the operational grants Council receives and it is paid quarterly. The first payment is expected in August and every three months thereafter.

Other revenues are also tracking behind budget due to a timing difference. Other revenue largely relates Unitywater's payments to Council and these payments do not commence until August. The Unitywater participation revenue is a conservative estimate and is a non-cash revenue stream.

#### Operational Expenses (page 1)

Employee benefits are tracking below budget, however it is expected that this will change over the next few months as vacant positions are filled and associated employee costs increase.

Material and Services are also trending below budget but this is expected to be a timing difference with spend expected to increase over coming months.

Depreciation expenses and finance costs are tracking to budget. Depreciation expense is an estimate at this stage as the asset register is currently closed off for year-end processing and reconciliation as part of the 2019/20 Audit. Depreciation processing will recommence in September.

#### Capital Revenue (page 1)

Infrastructure cash contributions from developers is tracking well above budget for the month. The budget for cash contributions for 2020/21 was set at a conservative amount as it anticipated that there may be a downturn in economic activity as a result of COVID-19. At this stage a downturn in infrastructure cash contributions has not occurred.

Infrastructure asset contributions and the subsequent asset register recognition will resume in September once the 2019/20 Audit is complete.

*ITEM 6.1 MONTHLY REPORTING PACKAGE - 31 JULY 2020 - A20412121 (Cont.)*

Capital grants and subsidies are well above budget for July, again largely due to a timing difference. Grants payments are usually received once work has been completed however in some instances Council receives grant monies up front, which is what occurred in July when Council received 50% of the Working for Queensland COVID-19 stimulus funds from the State Government in the amount of \$3.96 million.

Operating Revenue and Operating Expenditure Graphs (page 2)

The purpose of these graphs is to track actual revenue and actual expenses to a linear monthly budget.

Given the majority of Council's operating revenue cycle is rate related (quarterly in advance), revenue will track to the right hand side of the budgeted revenue line and slowly edge closer to the line as the quarters draw to a close.

Conversely, operating expenses will generally track to the left of the budget line and trend that way, gradually drawing closer to the line as the end of the financial year approaches.

Capital Expenditure (page 3 and 4)

The capital expenditure by portfolio program table breaks down the capital spend into categories as defined in Council's project register system.

Capital expenditure for the first month amounted to \$9.4 million or 4.28% of the total program. The committed expenses column on the far right of the table indicates purchase orders placed, which during the year will translate into actual expenses. In total there is approximately \$96.5 million of the capital works program committed (actuals column plus the committed column) for 2020/21.

For the remaining 11 months of the year Council will seeking to spend an average of \$19 million per month to deliver its current budgeted program of \$220 million.

The associated capital expenditure progress graph tracks the percentage spend by portfolio program compared to the budget for that portfolio program. The orange line at 8.33% represents a linear position to measure the green capital expenditure column. As indicated in the graph the Petrie Mill project has spent 21% of its \$25 million budget in the first month.

Balance Sheet and Cash Flow (page 5)

The Balance sheets list Council assets and liabilities and net community equity.

The Cash flow statement indicates a closing cash balance in the amount of \$382 million for July. Forecast for the end of June 2021 is \$302 million.

Treasury Report (page 6 and 7)

The Treasury Report outlines Council performance with respect to cash investments and borrowings.

Interest earned on investments was approximately \$315k for the month and achieved 6.64% of the annual budget (\$4.7m). Interest rates on offer are quite poor in the current market with deposit terms of less than 2 years offering interest rates return of less than 1% per annum. It will be challenging to achieve the budget target given the current market conditions.

The Investment graphs give an indication of the percentage of investments held with each financial institution and the maturity profile of Council's investments. Council currently has \$246 million of cash at call with the remaining \$140 million maturing over next 6 to 12 months.

The QTC growth Fund continues to recover from the lows it experienced in April/May 2020 and has climbed to a balance of \$104 million at the end of July.

Council's debt position has not changed since the close of the 2019/20 Financial year. Council is expected to repay debt in the amount of \$37 million for the year and budgeted to borrow \$40 million to fund capital works. Borrowings are expected to be drawn down in May/June 2021.

ITEM 6.1 MONTHLY REPORTING PACKAGE - 31 JULY 2020 - A20412121 (Cont.)

**Coronavirus Pandemic Impacts**

Council included a number of support measures in its 2020/21 Budget and also took a conservative approach to some revenue streams in anticipation of a further deterioration in the economy over 2020/21. These measures and impacts will be monitored over the coming months to assess if the Council's budget requires amending to reflect the changing circumstances.

**3. Strategic Implications**

3.1 Legislative / Legal Implications

Part 9, section 204 of the Local Government Regulation 2012, (regulation) states the following:

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

Compliance to the Council's Investment Policy is confirmed for the month of July.

3.4 Risk Management Implications

The Council is subject to numerous risks associated with revenue and expenses that can impact upon Council's financial performance and position. The ongoing COVID-19 pandemic will continue to present new risks requiring Council to closely monitor its performance and position compared to budget and continually refine its long term financial modelling projections to inform decision making.

3.5 Delegated Authority Implications                     Nil identified

3.6 Financial Implications

As at the end of July 2020, Council's operating surplus is \$63.6 million and the capital expenditure incurred amounted to \$9.4 million.

3.7 Economic Benefit Implications                     Nil identified

3.8 Environmental Implications                     Nil identified

3.9 Social Implications                     Nil identified

3.10 Human Rights Implications                     Nil identified

3.11 Consultation / Communication

Director Finance and Corporate Services and Accounting Services Manager.

**SUPPORTING INFORMATION**

**Ref: [A20418779](#)**

The following list of supporting information is provided for:

**ITEM 6.1**

**MONTHLY REPORTING PACKAGE - 31 JULY 2020**

***#1 Monthly Financial Reporting Package as at 31 July 2020***

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

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Consideration of notified general business items or responses to questions taken on notice.

**12. CLOSED SESSION**

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*(s275 of the Local Government Regulation 2012)*

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

**RESOLUTION to move into closed session** to discuss confidential matters.

*Motions, other than procedural motions, cannot be moved in closed session.*

**RESOLUTION to reconvene in open session** to decide those matters discussed whilst in closed session.

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**12a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL**

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**ITEM C.1 – CONFIDENTIAL**  
**ACQUISITION OF LAND FOR GREEN INFRASTRUCTURE PURPOSES -**  
**KURWONGBAH**

**Meeting / Session:** **2 INFRASTRUCTURE PLANNING**

**Reference:** A20124703 : 5 June 2020 Refer **Confidential** Supporting Information  
**A20197076**

**Responsible Officer:** BM, Senior Environmental Planner - Green Infrastructure Networks (ITPD -  
Integrated Transport Planning and Design)

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**Basis of Confidentiality**

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

**Executive Summary**

This report seeks Council approval to acquire land to facilitate the construction of a fauna rope bridge.

**ITEM C.2 – CONFIDENTIAL**

**PROPOSED LAND ACQUISITION - LAWNTON / BRAY PARK - FUTURE INTERSECTION UPGRADE**

**Meeting / Session:** 2 INFRASTRUCTURE PLANNING

**Reference:** A19594791 : 5 May 2020 - Refer **Confidential** Supporting Information  
**A19594847**

**Responsible Officer:** AT, Principal Transport Planner (IP Integrated Transport Planning)

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**Basis of Confidentiality**

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

**Executive Summary**

This report seeks Council's approval to proceed to acquire land to facilitate the provision of a future intersection upgrade.



# MINUTES

## GENERAL MEETING

**Wednesday 19 August 2020**

commencing at 9.36am

Caboolture Chambers  
2 Hasking Street, Caboolture

Pursuant to section 277E of the Local Government Regulation 2012 it is considered not practicable for the public to attend the meeting because of health and safety reasons associated with the public health emergency involving COVID-19.

**Accordingly, this meeting was physically closed to the public.**

However, the meeting was live-streamed via a link on Council's website.

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Membership = 13  
Mayor and all Councillors

**UNCONFIRMED**

LIST OF ITEMS

1.	<b>ACKNOWLEDGEMENT OF COUNTRY</b>	<b>1510</b>
2.	<b>OPENING PRAYER / REFLECTION</b>	<b>1510</b>
3.	<b>ATTENDANCE &amp; APOLOGIES</b>	<b>1510</b>
4.	<b>MEMORIALS OR CONDOLENCES</b>	<b>1510</b>
5.	<b>A) CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING</b>	<b>1511</b>
	General Meeting - 5 August 2020 (Pages 20/1441 - 20/1497)	1511
	<i>RESOLUTION</i>	
5.	<b>B) ADOPTION OF AUDIT COMMITTEE MEETING REPORT &amp; RECOMMENDATIONS</b>	<b>1511</b>
	Audit Committee Meeting - 6 August 2020 (Pages 20/1498 - 20/1509)	1511
	<i>RESOLUTION</i>	
6.	<b>PRESENTATION OF PETITIONS</b>	<b>1512</b>
	<i>(Addressed to the Council and tabled by Councillors)</i>	
6.1.	Petition: John Rick - reconsider closing Sweeney Reserve Dog Park (A20376925)	
7.	<b>CORRESPONDENCE</b>	<b>1512</b>
8.	<b>DEPUTATIONS / COMMUNITY COMMENT</b>	<b>1512</b>
8.1.	Town Crier Performance and Presentation to Council - Mr Mike McHutchison (A20377720)	
8.2.	Julia Nuske: Consideration of community expectations and concerns in planning related and other decisions (A20384155)	
9.	<b>NOTICES OF MOTION (Repeal or amendment of resolutions)</b>	<b>1512</b>
	<i>(s262 of the Local Government Regulation 2012)</i>	
10.	<b>OFFICERS' REPORTS TO COUNCIL (conducted in Sessions)</b>	<b>1513</b>
	<i>(as referred by the Chief Executive Officer)</i>	
1	<b>GOVERNANCE &amp; ENGAGEMENT SESSION (Cr P Flannery, Mayor)</b>	<b>1514</b>
	<b>ITEM 1.1</b>	<b>1514</b>
	MEETING SCHEDULE 2020 - AMENDMENT	
	<i>RESOLUTION</i>	
	REPORT DETAIL	

# Moreton Bay Regional Council

GENERAL MEETING - 514  
19 August 2020

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<b>ITEM 1.2 - DECLARATION OF INTEREST</b>	<b>1517</b>
<i>Conflict of Interest - Declaration - Cr Matt Constance</i>	1517
<i>Councillor not voluntarily left meeting - other Councillors who are entitled to vote must decide</i>	1518
<b>ITEM 1.2</b>	<b>1519</b>
COUNCILLOR CONDUCT - DECISION ABOUT INAPPROPRIATE CONDUCT	
<b>RESOLUTION</b>	
REPORT DETAIL	
<b>2 INFRASTRUCTURE PLANNING SESSION (Cr A Hain)</b>	<b>1523</b>
<b>ITEM 2.1 - WITHDRAWN</b>	<b>1523</b>
NAMING OF THE SOUTH PINE SPORTS COMPLEX INDOOR CENTRE	
<b>3 ENGINEERING, CONSTRUCTION &amp; MAINTENANCE SESSION (Cr B Savige)</b>	<b>1524</b>
<b>ITEM 3.1</b>	<b>1524</b>
TENDER - GRIFFIN - GRIFFIN SPORTS COMPLEX - SPORTING COMPLEX DEVELOPMENT 1	
<b>RESOLUTION</b>	
REPORT DETAIL	
<b>ITEM 3.2</b>	<b>1531</b>
TENDER - MURRUMBA DOWNS - BRAYS ROAD / MCCLINTOCK DRIVE - INTERSECTIONS AND ROAD UPGRADE	
<b>RESOLUTION</b>	
REPORT DETAIL	
<b>ITEM 3.3</b>	<b>1537</b>
TENDER - DAKABIN - DAKABIN WASTE FACILITY - TRANSFER STATION DEVELOPMENT 2	
<b>RESOLUTION</b>	
REPORT DETAIL	
<b>ITEM 3.4</b>	<b>1542</b>
TENDER - MORAYFIELD - OAKEY FLAT ROAD, (ASHBROOK TO LAKEVIEW) - ROAD AND INTERSECTION UPGRADE	
<b>RESOLUTION</b>	
REPORT DETAIL	
<b>ITEM 3.5 - DECLARATION OF INTEREST</b>	<b>1548</b>
<i>Conflict of Interest - Declaration - Cr Peter Flannery (Mayor)</i>	1548
<i>Conflict of Interest - Declaration - Cr Darren Grimwade</i>	1548
<i>Conflict of Interest - Declaration - Cr Matt Constance</i>	1549
<i>Councillor not voluntarily left meeting - other Councillors who are entitled to vote must decide</i>	1549
<i>Councillor not voluntarily left meeting - other Councillors who are entitled to vote must decide</i>	1549
<i>Councillor not voluntarily left meeting - other Councillors who are entitled to vote must decide</i>	1550

<b>ITEM 3.5</b>	<b>1551</b>
LIGHT VEHICLE FLEET TENDER SUPPLY ISSUES	
<b>RESOLUTION</b>	
REPORT DETAIL	
<b>4 PLANNING SESSION (Cr D Grimwade)</b>	<b>1556</b>
<b>ITEM 4.1</b>	<b>1556</b>
DA/34759/2017/VCHG/2 - REQUEST TO CHANGE (OTHER) - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (6 DWELLINGS), LOCATED AT 28 WOODCLIFFE CRESCENT, WOODY POINT - DIVISION 6	
<b>RESOLUTION</b>	
REPORT DETAIL	
<b>5 COMMUNITY &amp; ENVIRONMENTAL SERVICES SESSION (Cr M Gillam)</b>	<b>1585</b>
<b>ITEM 5.1</b>	<b>1585</b>
CORONAVIRUS (COVID-19) COMMUNITY AND LOCAL BUSINESS SUPPORT PACKAGE - EXTENSION	
<b>RESOLUTION</b>	
REPORT DETAIL	
<b>ITEM 5.2</b>	<b>1588</b>
DISPOSAL OF PROPERTIES VIA EXPRESSIONS OF INTEREST CAMPAIGNS	
<b>RESOLUTION</b>	
REPORT DETAIL	
<b>6 FINANCE &amp; CORPORATE SERVICES SESSION (Cr M Constance)</b>	<b>1592</b>
<b>ITEM 6.1</b>	<b>1592</b>
QUARTER 4 OPERATIONAL PLAN REVIEW 2019/20	
<b>RESOLUTION</b>	
REPORT DETAIL	
<b>ITEM 6.2</b>	<b>1595</b>
MONTHLY REPORTING PACKAGE - 30 JUNE 2020	
<b>RESOLUTION</b>	
REPORT DETAIL	
<b>ITEM 6.3</b>	<b>1599</b>
AMENDMENT TO COUNCIL'S BUDGET FOR 2020/21	
<b>RESOLUTION</b>	
REPORT DETAIL	
<b>11. NOTIFIED GENERAL BUSINESS ITEMS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE</b>	<b>1602</b>
<b>ITEM 11.1</b>	<b>1602</b>
REGIONAL EVENTS	

# Moreton Bay Regional Council

GENERAL MEETING - 514  
19 August 2020

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<b>ITEM 11.2</b> ALLOCATION OF PARKS <b>RESOLUTION</b>	<b>1602</b>
<b>ITEM 11.2</b> REQUEST TO RENAME TWO SECTIONS OF KORMAN ROAD, GRIFFIN <b>RESOLUTION</b>	<b>1603</b>
<b>ITEM 11.3</b> NATIVE WILDLIFE INFRASTRUCTURE INVESTMENT <b>RESOLUTION</b>	<b>1604</b>
<b>12. CLOSED SESSION</b> <i>(s275 of the Local Government Regulation 2012)</i>	<b>1605</b>
<b>ITEM C.1 - DECLARATION OF INTEREST</b>	<b>1605</b>
<i>Conflict of Interest - Declaration - Cr Darren Grimwade</i>	<i>1605</i>
<i>Conflict of Interest - Declaration - Cr Sandra Ruck</i>	<i>1605</i>
<b>12a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL</b>	<b>1607</b>
<b>ITEM C.1 – CONFIDENTIAL</b> REDCLIFFE AERODROME LEASING MATTERS <b>RESOLUTION</b>	<b>1607</b>
<b>12b. CONFIDENTIAL GENERAL BUSINESS</b>	<b>1607</b>
<b>13. CLOSURE</b>	<b>1608</b>

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## 1. ACKNOWLEDGEMENT OF COUNTRY

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The Mayor provided the Acknowledgement of Country.

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## 2. OPENING PRAYER / REFLECTION

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The Mayor provided the opening prayer / reflection for the meeting.

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## 3. ATTENDANCE & APOLOGIES

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### Attendance:

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

### Officers

Chief Executive Officer	(Mr Greg Chemello)
Deputy CEO/Director Engineering, Construction & Maintenance	(Mr Tony Martini)
Director Community & Environmental Services	(Mr Bill Halpin)
Director Finance & Corporate Services	(Ms Donna Gregory)
Director Infrastructure Planning	(Mr Andrew Ryan)
Director Planning	(Mr David Corkill)
Coordinator (Planning Assessment - South)	(Marco Alberti)
Accounting Services Manager	(Denis Crowe)
Team Leader Executive Support	(Kathrine Crocker)

### Apologies:

Nil

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## 4. MEMORIALS OR CONDOLENCES

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Cr Cath Tonks expressed her sadness at the recent passing of **Ms Alyssa Postle**, a 17 year-old who tragically passed away from injuries sustained in a car accident in which she was a passenger. Cr Tonks has known Alyssa's family for many years and her heart goes out to them at this time. Alyssa was involved in many local sporting clubs and was a gifted athlete on the track and on the netball court, she was a Year 12 student at Genesis College and had the world at her feet.

On behalf of Council, Cr Tonks conveyed her sincerest and heartfelt condolences to Alyssa's parents, family and friends.

4. Memorials or Condolences cont'd

Cr Denise Sims (Deputy Mayor) expressed condolences to the late **Mr Col Devlin**, a member of Kallangur Memorial Bowls Club, who sadly passed away on 11 August. Mr Devlin was an avid and passionate lawn bowler and held numerous officer bearer positions with the Kallangur Memorial Bowls Club over a period of years.

Cr Sims mentioned that Col was a kind-hearted generous man, an extremely hard worker for the Club, and well respected by his teammates and colleagues and he would be sorely missed by all.

On behalf of Council, Cr Sims conveyed her sincerest condolences to Col's family and everyone who knew him.

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

**5. A) CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING**

**General Meeting - 5 August 2020 (Pages 20/1441 - 20/1497)**

**RESOLUTION**

Moved by Cr Mark Booth

Seconded by Cr Jodie Shipway

CARRIED 13/0

That the minutes of the General Meeting held 5 August 2020, be confirmed.

**5. B) ADOPTION OF AUDIT COMMITTEE MEETING REPORT & RECOMMENDATIONS**

**Audit Committee Meeting - 6 August 2020 (Pages 20/1498 - 20/1509)**

Cr Matt Constance (Interim Chairperson - Audit Committee) referred to Mr Patrick McCallum, one of the independent external members of the Audit Committee who has concluded his tenure in this role, noting that Mr McCallum had been a dedicated member of the Committee and he sought to formally acknowledge his services to the Committee over the last few years.

**RESOLUTION**

Moved by Cr Matt Constance

Seconded by Cr Cath Tonks

CARRIED 13/0

That the report and recommendations of the Audit Committee Meeting held 6 August 2020, be adopted.

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## 6. PRESENTATION OF PETITIONS

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

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### 6.1. Petition: John Rick - reconsider closing Sweeney Reserve Dog Park (A20376925)

Cr Mick Gillam tabled a petition containing 105 signatures, received from John Rick, reading as follows:

*"We, the undersigned residents of Moreton Bay Regional Council, request that Council:*

*Reconsider closing Sweeney Reserve dog park. Leis Park option has little too [sic] no merit. (If anything it will just inconvenience the fishing community that uses that section of the park)."*

**Council received the petition, referring it to the Director Infrastructure Planning for investigation and report to Council, if required, noting Council's resolution on Page 20/1478 of Council's General Meeting of 5 August 2020.**

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## 7. CORRESPONDENCE

There was no correspondence for tabling.

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## 8. DEPUTATIONS / COMMUNITY COMMENT

Cr Peter Flannery (Mayor) opened the Deputations / Community Comment session, making the required statement regarding the conduct of the Session.

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### 8.1. Town Crier Performance and Presentation to Council - Mr Mike McHutchison (A20377720)

Mr Mike McHutchison was invited to provide a presentation as well as an accompanying Town Crier Performance to Council.

Mr McHutchison advised of the services that he provides for various community, volunteer and school groups by the way of flyers etc, and sought Council's approval to be formally acknowledged as the Town Crier for the Moreton Bay Region.

The Mayor and each Councillor was presented with a call bell and a framed affirmation "The Councillors".

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### 8.2. Julia Nuske: Consideration of community expectations and concerns in planning related and other decisions (A20384155)

Julia Nuske was invited to address Council in respect of the importance of Council officers and Councillors giving higher consideration and weight to community expectations and concerns when making planning related and other decisions, particularly when they are controversial.

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

*(s262 of the Local Government Regulation 2012)*

There were no Notices of Motion.

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

*(as referred by the Chief Executive Officer)*

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

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

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

**1 GOVERNANCE & ENGAGEMENT SESSION****(Cr P Flannery, Mayor)**Declarations of interest statement

The Mayor to inform Council of any personal interests for items in this session, then ask other Councillors if they have any personal interests that will be declared for respective items in the session.

**ITEM 1.1****MEETING SCHEDULE 2020 - AMENDMENT**

Meeting / Session: 1 GOVERNANCE & ENGAGEMENT

Reference: A20377285 : 11 August 2020

Responsible Officer: KC, Team Leader Executive Support (FCS Governance & Executive Services)

**Executive Summary**

The purpose of this report is to recommend an amendment to the adopted 2020 Meeting Schedule to enable Council 'as-a-whole' to participate in a Council-affiliated forum on 7 October 2020, and to enable Councillors to fulfil civic duties on Remembrance Day, 11 November 2020.

This report also recommends delaying the conduct of a General Meeting of Council being held at another location within the Moreton Bay region due to the current COVID-19 restrictions.

**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr Tony Latter

**CARRIED 13/0**

1. That the 2020 Meeting Schedule be amended as follows:
  - a) the General Meeting on Wednesday 7 October 2020, be amended by changing the location from Strathpine to Caboolture; and changing the commencement time from 9.30am to 9.00am.
  - b) the General Meeting scheduled for Wednesday 11 November 2020 be rescheduled to be conducted on Thursday 12 November 2020 commencing at 9.30am at Strathpine.
2. That the amendments to the meeting schedule be advertised in accordance with s277 of the Local Government Regulation 2012.
3. That the conduct of a General Meeting of Council at another location within the Moreton Bay region in conjunction with a community engagement and a 'meet the councillors' event which was due to occur in August 2020, be delayed until December 2020 due to COVID-19 restrictions.

ITEM 1.1 MEETING SCHEDULE 2020 - AMENDMENT - A20377285 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the 2020 Meeting Schedule be amended as follows:
  - a) the General Meeting on Wednesday 7 October 2020, be amended by changing the location from Strathpine to Caboolture; and changing the commencement time from 9.30am to 9.00am.
  - b) the General Meeting scheduled for Wednesday 11 November 2020 be rescheduled to be conducted on Thursday 12 November 2020 commencing at 9.30am at Strathpine.
2. That the amendments to the meeting schedule be advertised in accordance with s277 of the Local Government Regulation 2012.
3. That the conduct of a General Meeting of Council at another location within the Moreton Bay region in conjunction with a community engagement and a 'meet the councillors' event which was due to occur in August 2020, be delayed until December 2020 due to COVID-19 restrictions.

**REPORT DETAIL**

**1. Background**

At its post-election meeting held 29 April 2020 (Page 20/611), Council resolved that its General Meetings would be generally conducted fortnightly on a Wednesday commencing at 9.30am on a rotation basis between Council's administration offices at Strathpine and Caboolture.

It was further resolved that at least once every four months, a General Meeting of Council be held at another location within the Moreton Bay Region in conjunction with a community engagement and a 'meet the councillors' event.

To satisfy the legislative requirement to adopt and publish a list of Council general (ordinary) and standing committee meetings each year, a meeting schedule for the months of May to December 2020 was advertised on 9 May 2020.

**2. Explanation of Item**

In late 2019, a date claimer for a forum involving other local governments as well as Moreton Bay Regional Council, was provided. The conduct of this forum was based on Council's former meeting schedule and rotation. However, subsequent to changes to Council's Decision-making Framework, the date claimer now clashes with the scheduled Council General Meeting on 7 October 2020.

In an endeavour to enable Council 'as-a-whole' to attend the forum, it is proposed that the location and commencement time for the Council's meeting of 7 October 2020 be amended.

Also, it has been identified that a General Meeting has been inadvertently scheduled for 11 November 2020 (Remembrance Day). In line with Council's Decision-making Framework, it is normal practice for meetings that would normally fall on the same day as Remembrance Day to be scheduled to another day to allow Councillors to fulfil civic duties on Remembrance Day.

In this regard it is proposed that the General Meeting scheduled for 11 November 2020, be rescheduled to Thursday 12 November 2020 commencing at 9.30am at Strathpine.

Further, at its Post-election meeting, Council resolved that at least once every four months, a General meeting and 'meet the councillors' forum would be conducted. The first meeting of this nature was due to be conducted in August 2020 however, due to COVID-19 restrictions it is suggested that Council delay the commencement of these meetings and look toward conducting the first meeting of this kind in December 2020.

As required, Council must publicly notify any change to the days and times of its meetings, pursuant to s277 (4) of the Local Government Regulation 2012.

ITEM 1.1 MEETING SCHEDULE 2020 - AMENDMENT - A20377285 (Cont.)

**3. Strategic Implications**

3.1 Legislative / Legal Implications

Council meetings are conducted in accordance with the Local Government Regulation 2012. Amendments to the advertised schedule must be notified as required under s277 (4) of the Local Government Regulation 2012.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

Nil identified

3.4 Risk Management Implications

Nil identified

3.5 Delegated Authority Implications

Nil identified

3.6 Financial Implications

Advertising costs have been included in the 2020/21 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

Nil identified

3.11 Consultation / Communication

The proposed amendments to the 2020 Meeting Schedule have been prepared in consultation with the Mayor and Councillors and Chief Executive Officer.

## **ITEM 1.2 - DECLARATION OF INTEREST**

### **Conflict of Interest - Declaration - Cr Matt Constance**

Pursuant to s175E of the *Local Government Act 2009*, Cr Matt Constance declared a perceived conflict of interest in Item 1.2 as a personal interest arises because of a relationship as follows:

- i) Former Councillor Mike Charlton was a mentor, colleague and friend of Cr Constance, during the 2016-2020 term of council and remains a friend.
- ii) Former Councillor Charlton is the subject of matters in item 1.2 in today's agenda.

Cr Constance stated that given that he was unaware of this matter until it appeared in this week's agenda and that he holds his personal integrity as more important than a friendship, **Cr Constance elected to remain in the meeting, subject to consideration by the Council, as he is firmly of the opinion that he can participate in the debate on the matter in the public interest.**

Subsequent to Cr Constance's declaration, Cr Brooke Savige queried if there were any other conflicts to be declared, making mention of previous declarations made when a former Councillor made a submission against a development application.

The Mayor clarified that he had declared an interest in the matter referred to by Cr Savige, as the submitter referred to a monetary value in respect to the submitter's property, which the Mayor considered to be different to being a friend/mentor.

Cr Mick Gillam also clarified that he has known former Cr Mike Charlton for some 26 years as a Councillor, not so much a friend or mentor, but a colleague and did not consider that this would constitute a conflict of interest in this matter. Cr Gillam further clarified that although he would consider former Cr Charlton a friend he has never been to his private residence or similar.

The Chief Executive Officer (CEO) confirmed that the legislation and regulatory framework clearly expects Councillors to consider and decide upon allegations of inappropriate conduct by Councillors. So, being a colleague was not a basis for a conflict of interest. However, he understood the difference between friend/mentor and being a fellow Councillor colleague. The CEO also clarified that the previous matter involving a submitter related to a material interest, which he also considered to be different to being a friend/mentor.

Cr Savige further questioned if election support to certain candidates over the last 20 years, would constitute a conflict - particularly if the former Councillor had put resources into that support.

In clarification, the Mayor confirmed that former Cr Charlton had included Cr Peter Flannery (at the time) on a how-to-vote card, however that had not been at the request or permission of Cr Peter Flannery.

**Councillor not voluntarily left meeting - other Councillors who are entitled to vote must decide**

*Pursuant to s175E(3) of the Local Government Act 2009, the other Councillors who are entitled to vote at the meeting have been informed about a Councillor's personal interests in the matter and the Councillor has not voluntarily left the meeting, and in accordance with s175E(4) the other Councillors must decide whether the Councillor has a real or perceived conflict of interest in the matter and what action the Councillor must take.*

**Moved by Cr Jodie Shipway**

**Seconded by Cr Karl Winchester**

*Cr Constance had declared a conflict and was not entitled to vote*

**CARRIED 12/0**

**That in accordance with s175E(4) of the Local Government Act 2009, it is considered that Cr Matt Constance has a perceived conflict of interest in the matter however, may participate in the meeting including voting on the matter as it is considered that this is in the public interest.**

**Cr Matt Constance remained in the meeting.**

**ITEM 1.2  
COUNCILLOR CONDUCT - DECISION ABOUT INAPPROPRIATE CONDUCT**

*Meeting / Session:* 1 GOVERNANCE  
*Reference:* A20388104 : 11 August 2020 - Refer **Confidential Supporting Information A20388308**  
*Responsible Officer:* GC, Chief Executive Officer (CEOs Office)

**Executive Summary**

A complaint regarding the conduct of former Councillor Mike Charlton was referred to Council by the Office of the Independent Assessor for investigation on 28 May 2019 on the basis that the matter consisted of suspected inappropriate conduct. On 3 June 2019, in accordance with Council's Investigation Policy, Council referred the matter to the Councillor Conduct Tribunal to investigate and provide recommendations on any actions that Council should take.

The Councillor Conduct Tribunal provided its confidential report and recommendations to Council on 14 July 2020 which is appended as confidential supporting information.

**RESOLUTION**

Moved by Cr Karl Winchester  
Seconded by Cr Mark Booth

**CARRIED 13/0**

1. That having:
  - a) considered the Councillor Conduct Tribunal's (Tribunal) confidential report on its investigation and its assessment of the evidence concerning a complaint alleging inappropriate conduct under the *Local Government Act 2009*; and
  - b) considered the Chief Executive Officer's recommendation in support of the opinion of the Tribunal;

Council accepts the analysis of the evidence by the Tribunal and agrees with the Tribunal that there is insufficient evidence to support a finding under the *Local Government Act of inappropriate conduct* by the former councillor of Division 9, Mike Charlton.
2. Council finds the complaint is not sustained and that no further action be taken except to advise the relevant parties of this decision and update the necessary register.

ITEM 1.2 COUNCILLOR CONDUCT - DECISION ABOUT INAPPROPRIATE CONDUCT - A20388104 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That having:
  - (a) considered the Councillor Conduct Tribunal's (Tribunal) confidential report on its investigation and its assessment of the evidence concerning a complaint alleging inappropriate conduct under the *Local Government Act 2009*; and
  - (b) considered the Chief Executive Officer's recommendation in support of the opinion of the Tribunal;

Council accepts the analysis of the evidence by the Tribunal and agrees with the Tribunal that there is insufficient evidence to support a finding under the *Local Government Act* of inappropriate conduct by the former councillor of Division 9, Mike Charlton.

2. Council finds the complaint is not sustained and that no further action be taken except to advise the relevant parties of this decision and update the necessary register.

**REPORT DETAIL**

**1. Background**

A complaint regarding the conduct of former Councillor Mike Charlton was made to the Office of the Independent Assessor on 28 February 2019, as follows.

It was alleged that between January 2019 and February 2019, Cr Charlton engaged in inappropriate conduct as defined in section 150K(1)(a) of the *Local Government Act 2009* (the Act), in that the conduct involved a breach of value 4 and behavioural standard 1.2 of the Code of Conduct for Councillors in Queensland, as follows:

- Value 4 provides; *'in exercising good governance, Councillors are committed to the development of open and transparent processes and procedures; and keeping clear, concise and accessible records of decisions'*.
- Behavioural standard 1.2 provides: Councillors must *'respect and comply with all policies, procedures and resolutions of Council'*.

The particulars of the alleged conduct are as follows:

1. Between January 2019 and February 2019, Cr Charlton allegedly attended a number of covert meetings with select council employees, councillors, third-party planning consultants and former Council employees.
2. It was alleged that at these meetings, a matter for discussion was the performance of certain staff and the potential for corporate restructuring and/or employee terminations.
3. It was alleged that these meetings were not indicative of open and transparent processes on the basis that they were covert and that the employees central to this discussion were not aware of any potential performance issues and had not been provided *"constructive and relevant feedback in line with procedures"* as required by Council's Employee Code of Conduct.
4. It was alleged that the content of these meetings was discussed with and/or circulated to employees of the third-party planning consultants and the Caboolture Herald newspaper.

*ITEM 1.2 COUNCILLOR CONDUCT - DECISION ABOUT INAPPROPRIATE CONDUCT - A20388104 (Cont.)*

On 28 May 2019, the matter was referred to Council by the Office of the Independent Assessor for investigation on the basis that the matter consisted of suspected inappropriate conduct. On 3 June 2019, in accordance with the Investigation Policy, Council referred the matter to the President of the Councillor Conduct Tribunal to undertake investigations and provide recommendations.

The Councillor Conduct Tribunal provided its report and recommendations to Council on 14 July 2020.

## 2. Explanation of Item

The Councillor Conduct Tribunal summarised the outcome of its investigation on page 2 of its report, as follows:

“After an investigation of the information and documents available, including the further information obtained from an interview with [a former employee of Council], **the Tribunal is of the view that the available evidence is not sufficient to sustain an allegation of inappropriate conduct against the Councillor on the balance of probabilities.**”

The full report of the Councillor Conduct Tribunal is appended as confidential supporting information for the information of Council.

Under section 150AG of the Act, Council must determine whether or not Cr Charlton has engaged in inappropriate conduct. If Council decides that the Councillor has not engaged in inappropriate conduct, then no further action is required (apart from the notifications required under the Act). If Council decides that the Councillor has engaged in inappropriate conduct, Council must decide what action will be taken under section 150AH of the Act to discipline the Councillor.

The Tribunal's recommendations included:

- That Council consider the Tribunal's opinion following the investigation as detailed in paragraph 78 be considered;
- That Council consider the information in the report in making its decision as to whether or not the Councillor has engaged in inappropriate conduct; and
- If the Council's decision is that the complaint is not sustained, the Council take no further action except to advise the Councillor and update the Councillor Conduct Register as required by sections 150DX(1)(b) and 150DY of the Act.

## 3. Strategic Implications

### 3.1 Legislative/Legal Implications

All legislative requirements have been complied with in respect of the process.

### 3.2 Corporate Plan / Operational Plan Nil identified

### 3.3 Policy Implications

All policies of Council have been complied with in respect of the process.

### 3.4 Risk Management Implications

Reputation risk is always a factor when Council is dealing with allegations of inappropriate conduct. In this instance, Council has taken the necessary action in seeking the independent view of the Councillor Conduct Tribunal of these allegations. Council's report has also adopted the recommendations of the Tribunal's confidential report. Following the appropriate processes is the best approach to address any reputational risk.

### 3.5 Delegated Authority Implications Nil identified

### 3.6 Financial Implications Nil identified

### 3.7 Economic Benefit Nil identified

ITEM 1.2 COUNCILLOR CONDUCT - DECISION ABOUT INAPPROPRIATE CONDUCT - A20388104 (Cont.)

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 Council's decision in this circumstance is compatible with the Councillor's right to a fair hearing because the Councillor was provided with the opportunity to provide submissions in respect of the matter which were considered by the Councillor Conduct Tribunal and Council has complied with all legislative requirements in the matter and any limits (if any) are reasonable and justifiable in the circumstances.

Officers consider that Council's decision in this circumstance is compatible with the Complainant's rights in respect of privacy and reputation because the Tribunal's report is confidential and Council has complied with all legislative requirements in the matter and any limits (if any) are reasonable and justifiable in the circumstances.

3.11 Consultation / Communication

Consultation has been undertaken with Legal Services.

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**2 INFRASTRUCTURE PLANNING SESSION**

**(Cr A Hain)**

Declarations of interest statement

Portfolio Councillor to inform Council of any personal interests for items in this session, then ask other Councillors if they have any personal interests that will be declared for respective items in the session.

**ITEM 2.1 - WITHDRAWN**

**NAMING OF THE SOUTH PINE SPORTS COMPLEX INDOOR CENTRE**

Meeting / Session: 2 INFRASTRUCTURE & PLANNING

Reference: A19645455 : 28 July 2020

Responsible Officer: BS, Technical Officer Parks & Recreation (IP Parks & Recreation Planning)

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**This matter was withdrawn at the request of the Chief Executive Officer.**

**3 ENGINEERING, CONSTRUCTION & MAINTENANCE SESSION****(Cr B Savige)**Declarations of interest statement

Portfolio Councillor to inform Council of any personal interests for items in this session, then ask other Councillors if they have any personal interests that will be declared for respective items in the session.

**ITEM 3.1****TENDER - GRIFFIN - GRIFFIN SPORTS COMPLEX - SPORTING COMPLEX DEVELOPMENT 1**

Meeting / Session: 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
Reference: A20316166 : 3 August 2020 - Refer **Confidential Supporting Information A20264516**  
Responsible Officer: BB, Manager Project Management (ECM Project Management)

**Executive Summary**

Tenders were called for the 'Griffin - Griffin Sports Complex - Sporting Complex Development 1 (MBRC009861)' project. The tender closed on 10 July 2020 with a total of thirteen tenders received, twelve of which were conforming.

It is recommended that the tender for the 'Griffin - Griffin Sports Complex - Sporting Complex Development 1 (MBRC009861)' project be awarded to Main Constructions (Building) Pty Ltd for \$10,369,369.34 (excluding GST) as this offer represents the best overall value to Council.

**RESOLUTION****Moved by Cr Jodie Shipway****Seconded by Cr Denise Sims (Deputy Mayor)****CARRIED 13/0**

1. That the tender for 'Griffin - Griffin Sports Complex - Sporting Complex Development 1 (MBRC009861)' project be awarded to Main Constructions (Building) Pty Ltd for the sum of \$10,369,369.34 (excluding GST).
2. That the Council enters into an agreement with Main Constructions (Building) Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Main Constructions (Building) Pty Ltd for the 'Griffin - Griffin Sports Complex - Sporting Complex Development 1 (MBRC009861)' project and any required variations of the agreement on Council's behalf.
4. That \$1,597,000 in dedicated project funds be re-provided from the 2019-20 financial year into the 2020-21 financial year for the project.
5. That the allocation of \$4,500,000 for the project in the 2021-22 financial year be reduced by \$2,000,000, to \$2,500,000 to complete the project.

ITEM 3.1 TENDER - GRIFFIN - GRIFFIN SPORTS COMPLEX - SPORTING COMPLEX DEVELOPMENT 1 - A20316166 (Cont.)

### OFFICER'S RECOMMENDATION

1. That the tender for 'Griffin - Griffin Sports Complex - Sporting Complex Development 1 (MBRC009861)' project be awarded to Main Constructions (Building) Pty Ltd for the sum of \$10,369,369.34 (excluding GST).
2. That the Council enters into an agreement with Main Constructions (Building) Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Main Constructions (Building) Pty Ltd for the 'Griffin - Griffin Sports Complex - Sporting Complex Development 1 (MBRC009861)' project and any required variations of the agreement on Council's behalf.
4. That \$1,597,000 in dedicated project funds be re-provided from the 2019-20 financial year into the 2020-21 financial year for the project.
5. That the allocation of \$4,500,000 for the project in the 2021-22 financial year be reduced by \$2,000,000, to \$2,500,000 to complete the project.

### **REPORT DETAIL**

#### **1. Background**

The project is located within the north western section of the proposed Griffin Sports Complex precinct, Henry Road (south of Elizabeth Road), Griffin. The playing fields, car park and club house have been situated to the southern portion of the area shown in figure 2 to ensure the northern portion of this section of the site remains in its natural form as significant Cultural Heritage has been identified in this area. The project comprises stage 1 of the facility development totalling 4.7 hectares, construction of entry/access road and 2 carparks with 154 car parking spaces, two full sized rugby league fields and one mid-sized rugby league field, a club house and amenities (450 square metres), storage sheds, field LED lighting, irrigation, landscaping and utilities connection.

Planning for the works commenced in July 2017 and was completed in March 2018. Detailed Design commenced in July 2018 and was completed in May 2020.

The objective of the project is to commence staged development of a District Level sports facility consistent with Council's approved master plan.

The new intersection with the entry/access road and Henry Road will be constructed as a separate contract and will be programmed to align with the completion of stage 1 of the Griffin Sports Complex project.

It is proposed that the construction will commence in September 2020 and be completed by February 2022 including an allowance for wet weather (74 days).

ITEM 3.1 TENDER - GRIFFIN - GRIFFIN SPORTS COMPLEX - SPORTING COMPLEX DEVELOPMENT 1 - A20316166 (Cont.)



Figure 1 - Artist's Impression (August 2019)



Figure 2 - Location Plan

ITEM 3.1 TENDER - GRIFFIN - GRIFFIN SPORTS COMPLEX - SPORTING COMPLEX DEVELOPMENT 1 - A20316166 (Cont.)

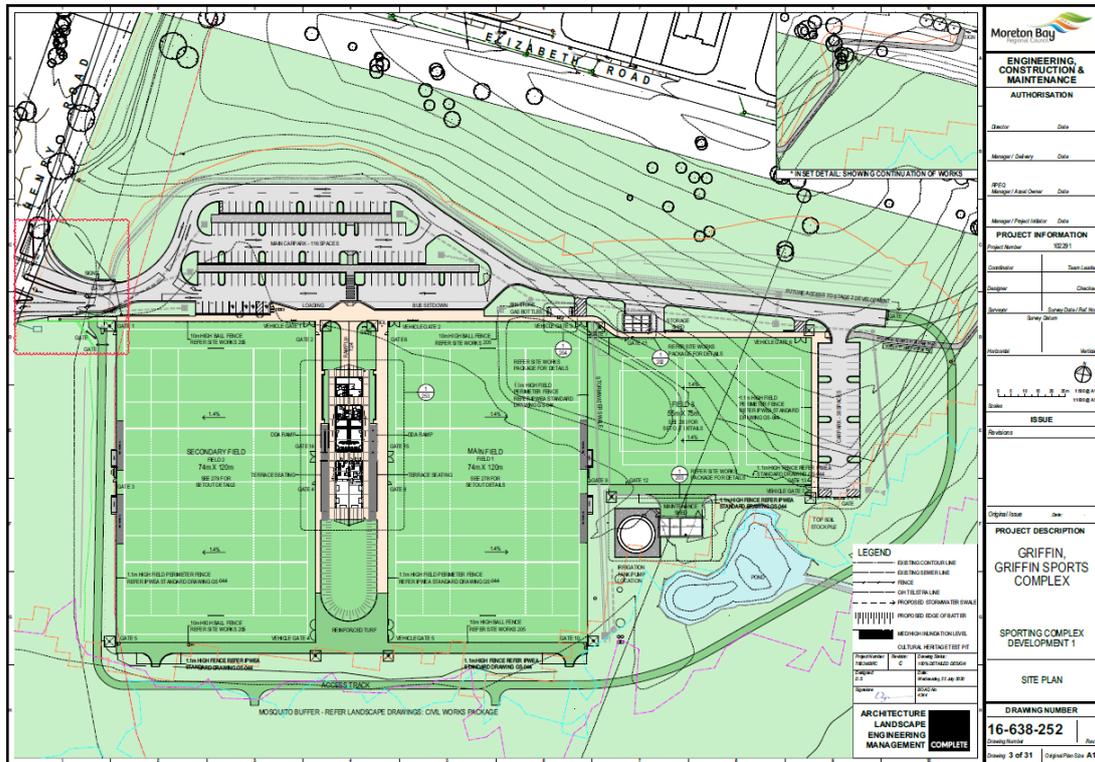


Figure 3 - Site Plan (July 2020)

2. Explanation of Item

Tenders for the 'Griffin - Griffin Sports Complex - Sporting Complex Development 1 (MBRC009861)' project closed on 10 July 2020 with thirteen tenders received, of which twelve were confirming. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

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

RANK	TENDERER	EVALUATION SCORE
1	Main Constructions (Building) Pty Ltd	99.11
2	MULTI SPAN AUSTRALIA GROUP PTY LTD (Alternative 1)	97.51
3	MULTI SPAN AUSTRALIA GROUP PTY LTD	97.18
4	J. MAC CONSTRUCTIONS PTY LTD	96.15
5	BADGE CONSTRUCTIONS (QLD) PTY LTD	92.45
6	Wiley & Co Pty Ltd	87.66
7	Hall Contracting Pty Ltd	87.41
8	Naric Pty Ltd	85.64

ITEM 3.1 TENDER - GRIFFIN - GRIFFIN SPORTS COMPLEX - SPORTING COMPLEX DEVELOPMENT 1 - A20316166 (Cont.)

RANK	TENDERER	EVALUATION SCORE
9	Eureka Landscapes	85.10
10	TOTAL CONSTRUCTION PTY LIMITED	84.74
11	Built Qld Pty Ltd	77.64
12	Landskey Constructions Pty Ltd	64.24
13	National Construction Management (Qld) Pty Ltd	Non-conforming

**Main Constructions (Building) Pty Ltd ('Main')** - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience. A tender clarification meeting was held on 20 July 2020, at which Main demonstrated their relevant experience, methodology, understanding of the project and capability in delivering the project including detailing the sub-contractors to be used on this project. Main have undertaken sports fields and building projects for Moreton Bay Regional Council (MBRC), including South Pine Sporting Complex AFL Precinct Clubhouse and Associated Works valued at \$3.7M, Moreton Bay Central Sports Complex – Soccer Stage 1 Sports Fields and Associated Works valued at \$11.45M and Nathan Road Sports Facility at Rothwell valued at \$6.67M. Main has also undertaken Workshop and Office works at Darra for BrisVegas Machinery valued at \$3.34M; St Benedict's College Stage 2 Buildings at Mango Hill for Brisbane Catholic Education valued at \$6.77M; and Bill Brown Reserve Upgrade and Netball Facility at Fitzgibbon for Brisbane City Council valued at \$4.11M.

Main's submission was the lowest priced and highest scoring tender submission. The evaluation panel recommends that the offer from Main represents the best overall value offer to Council.

**MULTI SPAN AUSTRALIA GROUP PTY LTD (Alternative 1) ('MSA')** - submitted a comprehensive and well-presented tender, however there were no additional benefits for the higher price.

**MULTI SPAN AUSTRALIA GROUP PTY LTD (Conforming) ('MSA')** - submitted a comprehensive and well-presented tender, however there were no additional benefits for the higher price.

**J. MAC CONSTRUCTIONS PTY LTD ('JMC')** - submitted a well-presented tender, however there were no additional benefits for the higher price.

The non-conforming tenderer did not submit the mandatory tender documentation.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

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

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

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

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

ITEM 3.1 TENDER - GRIFFIN - GRIFFIN SPORTS COMPLEX - SPORTING COMPLEX DEVELOPMENT 1 - A20316166 (Cont.)

The Local Preference Policy does not apply as the tender was advertised on Saturday 9/5/20 with the local preference policy commencing on 1/6/20.

3.4 Risk Management Implications

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

*Financial Risks:*

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

*Construction Risks:*

- a. The recommended tenderer will provide a program of works, staging plans, traffic management plans, safety management plan, environmental management plan, tree management plan, and quality management documentation as part of the contract to detail how they will plan, establish and manage project construction risks which will be reviewed and audited by Project Management.
- b. The recommended tenderer has indicated their understanding of the project site and the need to manage cultural heritage.
- c. The recommended tenderer has indicated that their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time.
- d. The project is not impacted by any Development Approvals.
- e. The procurement risks relating to this project are considered low as there is adequate lead time for the recommended tenderer to procure the relevant project construction materials.
- f. At the tender clarification meeting, the recommended tenderer advised that there were no foreseen COVID-19 related impacts with regard to material supply chains and delivery of the project works.
- g. Dilapidation inspections will be conducted prior to works commencing on council's Henry Road to record the existing condition of assets and again after construction to record any change.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.1M during the March 2020 caretaker period.

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

ITEM 3.1 TENDER - GRIFFIN - GRIFFIN SPORTS COMPLEX - SPORTING COMPLEX DEVELOPMENT 1 - A20316166 (Cont.)

3.6 Financial Implications

Council has allocated a total of \$15,580,000 across multiple years in the Capital Projects Program for this project; \$50,000 in the 17-18 FY for planning/preliminary design; \$530,000 in the 18-19 FY and \$2,000,000 in the 19-20 FY for detailed design; and \$8,500,000 in the 20-21 FY and a further \$4,500,000 identified in 21-22 FY for construction. All financial information provided below is excluding GST.

Preliminary Design 2017/18	\$ 49,288.32
Design 2018/19, 2019/20	\$ 841,494.49
Tender Price (Construction)	\$ 10,369,369.34
Contingency (20%)	\$ 2,073,873.87
QLeave (0.475%)	\$ 49,254.50
ADAC Survey	\$ 33,044.00
Construction Phase Consultants	\$ 101,985.00
	-----
Total Project Cost	\$ 13,518,309.52
	=====
Estimated ongoing operational/maintenance costs	\$ 163,125 per F/Y.

The budget amount for this project is sufficient. \$1,597,000 in dedicated project funds be re-provided from the 2019-20 financial year into the 2020-21 financial year for the project, and the 21-22 project allocation of \$4,500,000 be reduced by \$2,000,000, to \$2,500,000 to complete the project.

3.7 Economic Benefit Implications

Queensland Rugby League and North Lakes Kangaroos Rugby League Club have advised that the completion of this project will attract increased numbers of sporting groups to the region in the form of regular district level fixtures. Added to this will be opportunities for local clubs to increase scheduling of training and matches at the new facilities.

3.8 Environmental Implications

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

3.9 Social Implications

The construction of the Griffin Sports Complex will provide modern, accessible and universal facilities that support sport, recreation and physical activity opportunities for local Moreton Bay residents.

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

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

**ITEM 3.2****TENDER - MURRUMBA DOWNS - BRAYS ROAD / MCCLINTOCK DRIVE - INTERSECTIONS AND ROAD UPGRADE**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20313523 : 23 July 2020 - Refer **Confidential Supporting Information A20266582**  
*Responsible Officer:* BB, Manager Project Management (ECM Project Management)

**Executive Summary**

Tenders were invited for the 'Murrumba Downs - Brays Road / McClintock Drive - Intersections and Road Upgrade (MBRC009898)' project. The tender closed on 8 July 2020 with a total of eleven conforming submissions, one non-conforming submission and one withdrawn tender submission received.

It is recommended that Council award the contract to G&H Plant Hire Pty Ltd Trading as Civil Contractors for the sum of \$5,620,191 (excl. GST) as this tender was evaluated as representing the best overall value to Council.

**RESOLUTION**

Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Jodie Shipway

CARRIED 13/0

1. That the tender for the 'Murrumba Downs - Brays Road / McClintock Drive - Intersections and Road Upgrade (MBRC009898)' project be awarded to G&H Plant Hire Pty Ltd Trading as Civil Contractors for the sum of \$5,620,191 (excluding GST).
2. That the Council enters into an agreement with G&H Plant Hire Pty Ltd Trading as Civil Contractors as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with G&H Plant Hire Pty Ltd Trading as Civil Contractors for 'Murrumba Downs - Brays Road / McClintock Drive - Intersections and Road Upgrade (MBRC009898)' project and any required variations of the agreement on Council's behalf.
4. That the allocation of \$4,000,000 set aside for the project in the 2021-22 Capital Project budget is not required to complete the project.

ITEM 3.2 TENDER - MURRUMBA DOWNS - BRAYS ROAD / MCCLINTOCK DRIVE - INTERSECTIONS AND ROAD UPGRADE - A20313523 (Cont.)

### OFFICER'S RECOMMENDATION

1. That the tender for the 'Murrumba Downs - Brays Road / McClintock Drive - Intersections and Road Upgrade (MBRC009898)' project be awarded to G&H Plant Hire Pty Ltd Trading as Civil Contractors for the sum of \$5,620,191 (excluding GST).
2. That the Council enters into an agreement with G&H Plant Hire Pty Ltd Trading as Civil Contractors as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with G&H Plant Hire Pty Ltd Trading as Civil Contractors for 'Murrumba Downs - Brays Road / McClintock Drive - Intersections and Road Upgrade (MBRC009898)' project and any required variations of the agreement on Council's behalf.
4. That the allocation of \$4,000,000 set aside for the project in the 2021-22 Capital Project budget is not required to complete the project.

### **REPORT DETAIL**

#### **1. Background**

The project is located over the section of Brays Road, between the recent Redcliffe Peninsula Rail Link (RPRL) construction north of Moreton Street, extending through to the bridge over the Bruce Highway, and along McClintock Drive from Brays Road to Black Duck Creek, Murrumba Downs (Division 7).

The scope of the project includes service relocations, the widening and upgrading of all road pavements to provide additional turn lanes and active transport facilities, upgraded stormwater drainage infrastructure, pathways, median islands and landscaping improvements. The intersections at Moreton Street, Normanby Road and McClintock Drive will be signalised with a new roundabout at the intersection of Twin Lakes Drive.

The objective of the project is to improve safety for all users and reduce traffic delays for current and future (forecast) volumes.

An offset planting project (approximately 200 trees) will be tendered and completed separately to this tender.

Project works are expected to commence in mid-September 2020 and take approximately 40 weeks to complete, including an allowance for wet weather, 20 weeks as per the tendered wet weather graph supplied by Council. Night works have been included where required to minimise impacts on road users and maintain access to the Living Faith Lutheran Primary School.

ITEM 3.2 TENDER - MURRUMBA DOWNS - BRAYS ROAD / MCCLINTOCK DRIVE - INTERSECTIONS AND ROAD UPGRADE - A20313523 (Cont.)



Figure 1: Project Locality Plan

2. Explanation of Item

Tenders for the 'Murrumba Downs - Brays Road / McClintock Drive - Intersections and Road Upgrade (MBRC009898)' project closed on 8 July 2020 with a total of eleven conforming and one non-conforming tender submissions received. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria set out in the tender documents.

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

RANK	TENDERER	EVALUATION SCORE
1	G&H Plant Hire Pty Ltd Trading as Civil Contractors	98.22
2	Ryan Civil Contracting Pty Ltd	92.80
3	ALLROADS PTY LTD	90.01
4	BELLWETHER CONTRACTORS PTY LTD	88.98
5	BMD Constructions Pty Ltd	88.39
6	Hall Contracting Pty Ltd	88.28

ITEM 3.2 TENDER - MURRUMBA DOWNS - BRAYS ROAD / MCCLINTOCK DRIVE - INTERSECTIONS AND ROAD UPGRADE - A20313523 (Cont.)

RANK	TENDERER	EVALUATION SCORE
7	ALDER CONSTRUCTIONS PTY LTD	87.04
8	Hazell Bros (QLD) Pty Ltd	86.33
9	PENTACON PTY LTD	83.28
10	Koppens Developments Pty Ltd	82.06
11	CIVIL CONTRACTORS (AUST) PTY LTD T/A CCA WINSLOW	64.49
12	Superior Kerb & Concreting Pty Ltd	Non-conforming

**G&H Plant Hire Pty Ltd Trading as Civil Contractors (G&H)** - submitted a comprehensive and well-presented tender. A clarification meeting was held on 22 July 2020 at which G&H demonstrated their understanding of the project, construction methodology, safety management and stakeholder expectations. G&H presented a flexible delivery program, including night works with no planned road closures or detours. G&H have completed similar projects for Moreton Bay Regional Council (MBRC), including Patricks Road at Arana Hills (\$2.2m). Other non MBRC projects include Pitt Road at Burpengary (\$4.1m for Watpac, Department of Education), Military Vehicle Centre of Excellence Stage 1 at Ipswich (\$17.9m for Watpac, Australia Defence Force).

It is recommended by the evaluation panel this project be awarded to G&H Plant Hire Pty Ltd Trading as Civil Contractors as this offer represents the best value to Council.

**Ryan Civil Contracting Pty Ltd ('RC')** - submitted a comprehensive tender and demonstrated their methodology and experience on similar projects, however there was no additional benefits for the additional price.

**ALLROADS PTY LTD ('AR')** - submitted a comprehensive and well-presented tender. A clarification meeting was held on 22 July 2020 where AR demonstrated their capability to undertake the project, however there was no additional benefits for the additional price.

**Bellwether Contractors Pty Ltd ('BC')** - submitted a good tender however there was no additional benefits for the additional price.

The non-conforming tender did not provide the mandatory tender documentation.

The withdrawn tender submission was withdrawn at the request of the tenderer.

The local preference policy does not apply to this tender as the tender was advertised prior to the council local preference policy being adopted.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Due to the value of the work being greater than \$200,000, a competitive open tender process was undertaken via the LG Tender system. The tender was called in accordance with the *Local Government Act 2009*.

#### 3.2 Corporate Plan / Operational Plan

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

ITEM 3.2 TENDER - MURRUMBA DOWNS - BRAYS ROAD / MCCLINTOCK DRIVE - INTERSECTIONS AND ROAD UPGRADE - A20313523 (Cont.)

3.3 Policy Implications

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

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

The Local Preference Policy does not apply as the tender was advertised on 22/5/20 with the local preference policy commencing on 1/6/20.

3.4 Risk Management Implications

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

Financial Risks:

- a. A third-party review of financial status has been carried out and G&H Plant Hire Pty Ltd was rated 'sound'.

Construction Risks:

- b. The recommended tenderer will provide a program of works, staging plans, traffic management plans, safety management plan, environmental management plan, tree 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.
- c. The project will be completed in stages with school access works scheduled at night or school holiday periods. Two traffic lanes (one each way) will be provided on Brays Road and McClintock Drive for the duration of the works with no road closures scheduled.
- d. Dilapidation inspections will be conducted prior to works commencing to record the existing condition of assets and again after construction to record any change.
- e. There are no development approval risks relating to this contract.
- f. The procurement risks relating to this project are considered low as there is enough lead time for the recommended tenderer to procure the relevant construction materials.
- g. COVID-19: The recommended tenderer does not foresee any current COVID-19 supply chain related risk to materials supply at this time. Risk to site personnel is addressed in G&H Plant Hire's COVID-19 Project Management Site Policy.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.1M during the March 2020 caretaker period.

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

ITEM 3.2 TENDER - MURRUMBA DOWNS - BRAYS ROAD / MCCLINTOCK DRIVE - INTERSECTIONS AND ROAD UPGRADE - A20313523 (Cont.)

3.6 Financial Implications

Council has allocated a total of \$14,715,766 in Capital Projects Program for this project, \$300,000 in the 17-18 FY for design; \$1,500,000 in the 18-19 FY and \$915,766 in the 19-20 FY for service relocations; \$8,000,000 in the 20-21 FY and a further \$4,000,000 identified in the draft 21-22 FY Capital Projects Program for construction. All financial information below is excluding GST.

Design 2017/18	\$ 288,598.42
APA Gas relocations 2018/19	\$1,384,234.01
Energex/APA Gas relocations 2019/20	\$1,045,146.11
Adjusted Tender Price (Construction)	\$ 5,620,191.00
Contingency (15%)	\$ 843,028.65
QLeave (0.475%)	\$ 26,695.91
Unitywater Relocations	\$ 90,000.00
Telstra Relocations	\$ 99,031.56
NBN Relocations	\$ 65,000.00
Offset planting project (separate contract)	\$ 100,000.00
	-----
Total Project Cost	\$ 9,561,925.66
	=====

Estimated ongoing operational/maintenance costs \$ 30,000.00 per F/Y.

The budget amount for this project is sufficient. Funding allocation of \$4,000,000 in the 2021-22 Capital Projects budget will not be required to complete the project.

3.7 Economic Benefit Implications

The project will result in improvements to road pavement structure and surface, road safety and travel time. The economic implications of these improvements are (respectively) longer pavement life (i.e. less maintenance cost), less risk of crash and severity of crash and less delays (e.g. for those commuting and travelling for work or other economic purposes).

3.8 Environmental Implications

The recommended tenderer submitted a Construction Environmental Management Plan as part of the tender submission. The plan details the management of onsite environmental matters affecting the project during construction.

3.9 Social Implications

The upgrade of the intersection will introduce a safer and more efficient intersection with dedicated pedestrian facilities, providing particular benefit to the local school and adjacent community. Social and community benefits will also be derived in reducing the likelihood of crash occurrences and severity of injury.

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

A detailed communication management plan has been prepared for this project. Communication strategies include project notices issued four weeks prior to the commencement of works, project signs displayed on site four weeks prior to construction, variable message boards (VMS Boards) deployed on site two weeks prior to construction and continuing for the duration of the project. Construction updates for affected residents to be provided two days in advance of relevant works commencing. Weekly e-mail updates to the Divisional Councillor, and twice weekly project updates on the Council website. The Divisional Councillor has been consulted and is supportive of the project.

**ITEM 3.3****TENDER - DAKABIN - DAKABIN WASTE FACILITY - TRANSFER STATION DEVELOPMENT 2**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20319199 : 24 July 2020 - Refer **Confidential Supporting Information A20294436**  
*Responsible Officer:* BB, Manager Project Management (ECM Project Management)

**Executive Summary**

Tenders were invited for the 'Dakabin - Dakabin Waste Facility - Transfer Station Development 2 (MBRC009952)' project. The tender closed on 14 July 2020 with a total of 10 tenders received, of which 7 were conforming.

It is recommended that Council award the contract to AllenCon Pty Ltd for the sum of \$996,567 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

**RESOLUTION**

Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Cath Tonks

CARRIED 13/0

1. That the tender for 'Dakabin - Dakabin Waste Facility - Transfer Station Development 2 (MBRC009952)' be awarded to AllenCon Pty Ltd for the sum of \$996,567 (excluding GST).
2. That the Council enters into an agreement with AllenCon Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with AllenCon Pty Ltd for 'Dakabin - Dakabin Waste Facility - Transfer Station Development 2 (MBRC009952)' and any required variations of the agreement on Council's behalf.
4. To allow this project to continue, Council commits in the reprovision of 2019/20 Capital Projects Program funds of \$1,200,000 (excluding GST) into the 2020/21 Capital Projects Program towards the 'Dakabin - Dakabin Waste Facility - Transfer Station Development 2 (MBRC009952)' project.

ITEM 3.3 TENDER - DAKABIN - DAKABIN WASTE FACILITY - TRANSFER STATION DEVELOPMENT 2 - A20319199 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the tender for 'Dakabin - Dakabin Waste Facility - Transfer Station Development 2 (MBRC009952)' be awarded to AllenCon Pty Ltd for the sum of \$996,567 (excluding GST).
2. That the Council enters into an agreement with AllenCon Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with AllenCon Pty Ltd for 'Dakabin - Dakabin Waste Facility - Transfer Station Development 2 (MBRC009952)' and any required variations of the agreement on Council's behalf.
4. To allow this project to continue, Council commits in the reprovision of 2019/20 Capital Projects Program funds of \$1,200,000 (excluding GST) into the 2020/21 Capital Projects Program towards the 'Dakabin - Dakabin Waste Facility - Transfer Station Development 2 (MBRC009952)' project.

**REPORT DETAIL**

**1. Background**

The project is located at 336 Old Gympie Road, Dakabin within the current Dakabin Waste Management Facility. The project scope includes the finalisation of the remaining civil, structural, hydraulic, and electrical works for operational use, which were not undertaken as part of stage 1 of the Dakabin Waste Transfer Station project.

It is proposed that the works will commence in August / September 2020 and take 15 weeks including an allowance for wet weather



Figure 1: Locality Plan - Site

**2. Explanation of Item**

Tenders for project 'Dakabin - Dakabin Waste Facility - Transfer Station Development 2 (MBRC009952)' project closed on 14 July 2020 with a total of 10 tenders received, of which 7 were conforming. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents. All tenderers and their evaluation scores are tabled below (ranked from highest to lowest):

ITEM 3.3 TENDER - DAKABIN - DAKABIN WASTE FACILITY - TRANSFER STATION DEVELOPMENT 2 - A20319199 (Cont.)

RANK	TENDERER	EVALUATION SCORE (PRE-LOCAL PREFERENCE)	EVALUATION SCORE (POST LOCAL PREFERENCE)
1	AllenCon Pty Ltd	99.86	111.11
2	N F CORBETT PTY.LTD.	92.34	107.34
3	LEAF Building Group Pty. Ltd.	97.14	104.64
4	LEAF Building Group Pty. Ltd. (Alternative)	96.09	103.59
5	Hanlon Industries Pty Ltd	95.57	99.32
6	Warrell Constructions Pty Ltd	92.32	92.32
7	PENTACON PTY LTD	91.12	91.12
8	N F CORBETT PTY.LTD. (Alternative)	Non-conforming	Non-conforming
9	Precast Civil Industries Pty Ltd	Non-conforming	Non-conforming
10	Superior Kerb & Concreting Pty Ltd	Non-conforming	Non-conforming

**AllenCon Pty Ltd ('AC')** - submitted a comprehensive tender and demonstrated their methodology and experience on projects of a similar scale and complexity. AC has undertaken the construction of similar projects for various clients, including for Moreton Bay Regional Council (MBRC) - Pumicestone Road Construction, which included bulk earthworks, extensive pavement repair and construction, sewer works, hydraulic works, stormwater works, concrete works and line marking valued at \$4,500,00. For Port of Brisbane - Pinkenba Terminal Upgrade, which included heavy duty pavements, asphalt, drainage, lighting, water, power reticulation valued at \$1,000,000; Curlew Street Extension, which included pavements, drainage, water treatment, electrical, communications, lighting, water and landscaping valued at \$2,100,000; and Lucinda/ Peregrine Drive Link, which included bulk earthworks, trunk mains, customised gully pits, kerb and channel, concrete works, pavement works, asphalt works and line marking valued at \$4,500,000.

It is recommended by the evaluation panel this project be awarded to AllenCon Pty Ltd as this offer represents the best value to Council.

**NF Corbett Pty Ltd ('NFC')** - submitted a comprehensive tender and demonstrated their methodology and experience on projects of varying scale; however, there were no additional benefits for the higher price.

**LEAF Building Group Pty. Ltd. ('LEAF')** - submitted a comprehensive tender and provided their methodology and experience on projects of varying scale; Leaf Building Group's submission was the lowest tender however the evaluation panel considered their experience on similar projects lower than the preferred contractor.

The non-conforming tenders did not provide the mandatory tender documentation.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Due to the value of the work being greater than \$200,000, a competitive open tender process was undertaken. The tender was called in accordance with the *Local Government Act 2009*.

ITEM 3.3 TENDER - DAKABIN - DAKABIN WASTE FACILITY - TRANSFER STATION DEVELOPMENT 2 - A20319199 (Cont.)

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Healthy natural environment - a clean and healthy environment.

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.

3.4 Risk Management Implications

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

Financial Risks:

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

Construction Risks:

- a. The recommended tenderer will provide a program of works, staging plans, traffic management plans, safety management plan, environmental management plan, tree 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. Construction works will be undertaken during opening hours of the waste management facility. The works site will be isolated from the operational area of the facility to maximise efficiency and to prevent points of conflict with users of the broader waste facility.
- c. Dilapidation, and fauna surveys will be conducted prior to works commencing to record the existing condition of the site and after construction to record any changes.
- d. There are no development approval risks relating to this contract.
- e. The procurement risks relating to this project are considered low as there is sufficient lead time for the recommended tenderer to procure the relevant construction materials while working on other elements of the construction.
- f. At the tender clarification meeting, the recommended tenderer did not foresee any currently known covid19 related risks to be a problem for the supply of materials or goods and services for the project.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.1M during the March 2020 caretaker period; providing the expenditure under the contract has been provided for in Council's annual budget.

The cost of this project requires a budgetary allocation change and is therefore reported to Council for consideration.

ITEM 3.3 TENDER - DAKABIN - DAKABIN WASTE FACILITY - TRANSFER STATION DEVELOPMENT 2 - A20319199 (Cont.)

3.6 Financial Implications

Council will need to re-provide \$1,200,000 from 19-20 FY Capital Projects Program to the 20-21 FY Capital Projects Program for this project. All financial information below is excluding GST.

Design 2019/20	\$ 49,012.49
Construction Tender (this contract)	\$ 996,567.00
Contingency (15%)	\$ 149,485.05
QLeave (0.475)	\$ 4,733.69
	-----
Total Project Cost	\$ 1,199,798.23
	=====
Estimated ongoing operational/maintenance costs	\$ 83,600.00 per F/Y

The budget amount for this Project is sufficient.

3.7 Economic Benefit Implications

The facility will ensure that council continues to responsibly manage the removal and recycling of relevant waste items within the community.

3.8 Environmental Implications

The recommended tenderer submitted a Construction Environmental Management Plan as part of the tender submission. The plan details the management of onsite environmental matter affecting the project during construction. All management plans will be reviewed by Waste Services to align with current environmental approval for the site and monitored by project management.

3.9 Social Implications

Once completed, the new transfer station will be substantially larger and accommodate larger numbers of customers. It is expected that the facility will reduce wait times and queues. The site has added safety feature excluding bin management from public interaction due to a dedicated lower service area at the sawtooth are of the facility.

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

A detailed communication management plan has been prepared for this project which will include consultation with Waste Services staff. The work site will isolate interaction with the public. Several project signs will be erected at visible locations that advise the public of the works 4 weeks prior to construction. The Divisional Councillor will be provided with weekly email updates and the project will be progressively updated once weekly on the Council website. The Divisional Councillor has been consulted and is supportive of the project.

**ITEM 3.4****TENDER - MORAYFIELD - OAKLEY FLAT ROAD, (ASHBROOK TO LAKEVIEW) - ROAD AND INTERSECTION UPGRADE**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20318188 : 5 August 2020 - Refer **Confidential Supporting Information A20255812**  
*Responsible Officer:* BB, Manager Project Management (ECM Project Management)

**Executive Summary**

Tenders were invited for the 'Morayfield - Oakley Flat Road, (Ashbrook to Lakeview) - Road and Intersection Upgrade (MBRC009897)' project. The tender closed on 8 July 2020 with a total of sixteen conforming submissions, one non-conforming submission and one withdrawn tender submission received.

It is recommended that Council award the contract to Hazell Bros (QLD) Pty Ltd for the sum of \$6,792,663.58 (excl. GST) as this tender was evaluated as representing the best overall value to Council.

**RESOLUTION**

Moved by Cr Tony Latter

Seconded by Cr Mark Booth

CARRIED 12/0

*Cr Hain had briefly retired from the meeting and was not present when the vote was taken.*

1. That the tender for the 'Morayfield - Oakley Flat Road, (Ashbrook to Lakeview) - Road and Intersection Upgrade (MBRC009897)' project be awarded to Hazell Bros (QLD) Pty Ltd for the sum of \$6,792,663.58 (excluding GST).
2. That the Council enters into an agreement with Hazell Bros (QLD) Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Hazell Bros (QLD) Pty Ltd for 'Morayfield - Oakley Flat Road, (Ashbrook to Lakeview) - Road and Intersection Upgrade (MBRC009897)' project and any required variations of the agreement on Council's behalf.
4. That the allocation of \$2,500,000 for the project in the 2021-22 financial year be reduced by \$1,500,000 to \$1,000,000 to complete the project.

Note: The Director Engineering, Construction & Maintenance identified an error in the report, being that Hazell Bros (QLD) Pty Ltd's (HB's) submission was not the lowest priced tender submission as stated in the report, but the second lowest priced tender submission, however this did not have any bearing on the scoring or recommendation as representing the best value to Council.

ITEM 3.4 TENDER - MORAYFIELD - Oakey Flat Road, (ASHBROOK TO LAKEVIEW) - ROAD AND INTERSECTION UPGRADE - A20318188 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the tender for the 'Morayfield - Oakey Flat Road, (Ashbrook to Lakeview) - Road and Intersection Upgrade (MBRC009897)' project be awarded to Hazell Bros (QLD) Pty Ltd for the sum of \$6,792,663.58 (excluding GST).
2. That the Council enters into an agreement with Hazell Bros (QLD) Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Hazell Bros (QLD) Pty Ltd for 'Morayfield - Oakey Flat Road, (Ashbrook to Lakeview) - Road and Intersection Upgrade (MBRC009897)' project and any required variations of the agreement on Council's behalf.
4. That the allocation of \$2,500,000 for the project in the 2021-22 financial year be reduced by \$1,500,000 to \$1,000,000 to complete the project.

**REPORT DETAIL**

**1. Background**

The project is located on Oakey Flat Road, between Ashbrook Drive and south of Lakeview Road, Morayfield (Division 12). The project scope includes road widening and duplication of Oakey Flat Road, landscaped median on each intersection approach, improvements at intersections along the Oakey Flat Road corridor, as well as, drainage improvements and pathways and bike-lanes to both sides of Oakey Flat Road and provision of facilities to cater for future public transport needs.

Offset planting of approximately 258 trees is also included within this project scope.

The objective of this project is to improve safety for all road users, improve road capacity to cater for expected traffic growth, improve travel times, reduce congestion, improve safety for access to properties along the road corridor and improve facilities for pedestrians, cyclists and public transport patrons.

Project works are expected to commence in mid-September 2020 and take approximately 27 weeks to complete, including an allowance of 3 weeks (15 days) for wet weather.



Figure 1 - Project Locality Plan

ITEM 3.4 TENDER - MORAYFIELD - Oakey Flat Road, (Ashbrook to Lakeview) - Road and Intersection Upgrade - A20318188 (Cont.)

**2. Explanation of Item**

Tenders for the 'Morayfield - Oakey Flat Road, (Ashbrook to Lakeview) - Road and Intersection Upgrade (MBRC009897)' project closed on 8 July 2020 with a total of sixteen conforming submissions, one non-conforming submission and one withdrawn tender submission received. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria set out in the tender documents.

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

RANK	TENDERER	EVALUATION SCORE
1	Hazell Bros (QLD) Pty Ltd	94.34
2	ALLROADS PTY LTD	93.58
3	BMD Constructions Pty Ltd	92.42
4	ALDER CONSTRUCTIONS PTY LTD	92.06
5	Ryan Civil Contracting Pty Ltd	91.20
6	BULL PTY LTD	89.72
7	G&H Plant Hire Pty Ltd (trading as Civil Contractors)	88.51
8	Hall Contracting Pty Ltd	88.44
9	BELLWETHER CONTRACTORS PTY LTD	87.14
10	HEH Civil Pty Ltd	86.98
11	CIVIL CONTRACTORS (AUST) PTY LTD T/A CCA WINSLOW	84.41
12	Civlec Pty Ltd (trading as GRC Civil)	81.48
13	PENTACON PTY LTD	78.93
14	CTE Projects Pty Ltd	76.12
15	Brown Contractors	75.49
16	Koppens Developments Pty Ltd	71.45
17	Superior Kerb & Concreting Pty Ltd	Non-conforming
18	CES Civil SEQ Pty Ltd	Tender Withdrawn

**Hazell Bros (QLD) Pty Ltd ('HB')** - submitted a comprehensive and well presented tender. A clarification meeting was held on 21 July 2020 at which HB demonstrated their understanding of the project, construction methodology, service relocations, environmental and safety management. HB presented a staged program with multiple crews working in parallel to deliver a relatively short project duration. HB have completed similar projects for Moreton Bay Regional Council (MBRC), including Old North Road, Warner (\$9.9m), Dohles Rocks Road, Murrumba Downs (\$4.1m) and Paper Avenue, Petrie as part of the Petrie Mill Redevelopment Stage 1A (\$6.9m). Other non MBRC projects include Bruce Highway, Fleming Road to Fishermans Pocket No 1 Road, Gympie (\$17.05m for TMR).

HB's submission was the lowest second-lowest priced and highest scoring tender submission. The evaluation panel recommends that the offer from HB represents the best value to Council.

ITEM 3.4 TENDER - MORAYFIELD - OAKEY FLAT ROAD, (ASHBROOK TO LAKEVIEW) - ROAD AND INTERSECTION UPGRADE - A20318188 (Cont.)

**ALLROADS PTY LTD ('AR')** - submitted a comprehensive and well-presented tender. A clarification meeting was held on 21 July 2020 where AR demonstrated their capability to undertake the project, however there was no additional benefits for the higher price.

**BMD Constructions Pty Ltd ('BMD')** - submitted a comprehensive and well-presented tender, however there was no additional benefits for the higher price.

The non-conforming tender did not provide the mandatory tender documentation.

The withdrawn tender submission was withdrawn at the request of the tenderer.

The local preference policy does not apply to this tender as the tender was advertised prior to the council local preference policy being adopted.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Due to the value of the work being greater than \$200,000, a competitive open tender process was undertaken via the LG Tender system. The tender was called in accordance with the *Local Government Act 2009*.

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

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

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

The Local Preference Policy does not apply as the tender was advertised on 22 May 2020 with the local preference policy commencing on 01 June 2020.

#### 3.4 Risk Management Implications

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

Financial Risks:

- h. A third-party review of financial status has been carried out and Hazell Bros (QLD) Pty Ltd was rated '*strong*'.

Construction Risks:

- a. The recommended tenderer will provide a program of works, staging plans, traffic management plans, safety management plan, environmental management plan, tree 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 project will be completed in stages with two traffic lanes (one each way) to be provided on Oakey Flat Road for the duration of the works.
- c. Dilapidation inspections will be conducted prior to works commencing to record the existing condition of assets and again after construction to record any change.
- d. There are no development approval risks relating to this contract.
- e. The procurement risks relating to this project are considered low as there is enough lead time for the recommended tenderer to procure the relevant construction materials.

ITEM 3.4 TENDER - MORAYFIELD - OAKEY FLAT ROAD, (ASHBROOK TO LAKEVIEW) - ROAD AND INTERSECTION UPGRADE - A20318188 (Cont.)

- f. COVID-19: The recommended tenderer does not foresee any current COVID-19 supply chain related risk to materials supply at this time. Risk to site personnel is addressed in Hazell Bros (QLD) Pty Ltd's COVID-19 Response and Management Plan.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.1M during the March 2020 caretaker period; providing the expenditure under the contract has been provided for in Council's annual budget.

The cost of this project exceeds the delegated limit and also requires a budgetary allocation change and is therefore reported to Council for consideration.

3.6 Financial Implications

Council has allocated a total of \$11,720,000 in the Capital Projects Program for this project. \$220,000 in the 18-19 FY for design, \$500,000 in the 19-20 FY for service relocations; \$8,500,000 in the 20-21 FY and a further \$2,500,000 in the 21-22 FY for construction. All financial information below is excluding GST.

Design (Internal) 2017/18	\$ 24,077.14
Design (External) 2018/19	\$ 256,262.68
Relocations 2019/20	\$ 159,996.77
Adjusted Tender Price (Construction)	\$ 6,792,663.58
Contingency (15%)	\$ 1,018,899.54
QLeave (0.475%)	\$ 32,265.15
Unitywater Relocations	\$ 102,000.00
Energex Relocations	\$ 516,646.36
Telstra Relocations	\$ 146,000.00
NBN Relocations	\$ 150,000.00
	-----
Total Project Cost	\$ 9,198,811.22
	=====

Estimated ongoing operational/maintenance costs \$ 36,072.00 per F/Y.

The budget amount for this project is sufficient. The allocation of \$2,500,000 in the 2021-22 Capital Projects budget be reduced by \$1,500,000 to \$1,000,000 to complete the project.

3.7 Economic Benefit Implications

The project will provide improved road pavement surface and structure resulting in less maintenance and other lifecycle costs to Council. For the community, the road upgrade will reduce the likelihood of crash occurrences due to improved sightlines for approach and departures, and improved delineation and traffic separation.

3.8 Environmental Implications

The recommended tenderer submitted a Construction Environmental Management Plan as part of the tender submission. The plan details the management of onsite environmental matters affecting the project during construction.

3.9 Social Implications

The upgrade project will provide an improved surface with increased turn lanes to reduce traffic delays. No night time works are currently proposed. Once operating, the upgrade will introduce new benefits to the local community, not least being safer intersections and improved pedestrian and cycling facilities.

*ITEM 3.4 TENDER - MORAYFIELD - OAKEY FLAT ROAD, (ASHBROOK TO LAKEVIEW) - ROAD AND INTERSECTION UPGRADE - A20318188 (Cont.)*

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

A detailed communication management plan has been prepared for this project. Communication strategies include project notices issued four weeks prior to the commencement of works, project signs displayed on site four weeks prior to construction, variable message boards (VMS Boards) deployed on site two weeks prior to construction and continuing for the duration of the project. Construction updates for affected residents to be provided two days in advance of relevant works commencing. Weekly e-mail updates to the Divisional Councillor, and twice weekly project updates on the Council website. The Divisional Councillor has been consulted and is supportive of the project.

UNCONFIRMED

### **ITEM 3.5 - DECLARATION OF INTEREST**

#### **Conflict of Interest - Declaration - Cr Peter Flannery (Mayor)**

Pursuant to s175E of the *Local Government Act 2009*, Cr Peter Flannery (Mayor) declared a perceived conflict of interest in Item 3.5.

The officers' report refers to the General Meeting of Council held on 24 June 2020 where Cr Flannery (Mayor) had declared a perceived conflict of interest in item 3.7 regarding the awarding of contracts for the 'Supply and Delivery of Sixty-Five x Light Commercial and Passenger Vehicles' because the Directors of Village Motors (Marlene, Shane and David Newcombe) who submitted a tender relating to Item 3.7 separable portion 4, are Directors of Newcombes Holdings Pty Ltd. Newcombes Holdings Pty Ltd were one of nine businesses in total who made a donation to Moreton Futures Trust in 2016. The Councillor received in kind support to the value of \$160 from Newcombes Holdings Pty Ltd via Moreton Futures Trust for his 2016 Election campaign.

The Mayor noted that agenda item 3.5 of today's meeting relates to events subsequent to 24 June 2020 General Meeting, and to other companies and does not actually involve Newcombes Holdings Pty Ltd. But in the interests of transparency and full disclosure, the Mayor believed he should bring this matter to the attention of Council.

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

#### **Conflict of Interest - Declaration - Cr Darren Grimwade**

Pursuant to s175E of the *Local Government Act 2009*, Cr Darren Grimwade declared a perceived conflict of interest in item 3.5. The officers' report refers to the General Meeting of Council held on 24 June 2020 where Cr Grimwade had declared a real conflict of interest in item 3.7 regarding the awarding of contracts for the 'Supply and Delivery of Sixty-Five x Light Commercial and Passenger Vehicles' as he is a friend of Mr Shane Newcombe, a Director of Newcombes Holdings Pty Ltd', an unsuccessful tenderer of the original resolution on 24 June 2020.

Cr Grimwade noted that agenda item 3.5 of today's meeting relates to events subsequent to 24 June 2020 General Meeting, to other companies and does not actually involve Newcombes Holdings Pty Ltd. But in the interests of transparency and full disclosure, Cr Grimwade believed he should bring this matter to the attention of Council.

**Cr Grimwade advised that, under these circumstances, he believed that he can remain in the General Meeting and participate in the debate and resolution of the matter in the public interest, and sought his fellow Councillors' consideration and determination.**

**Conflict of Interest - Declaration - Cr Matt Constance**

Pursuant to s175E of the *Local Government Act 2009*, Cr Matt Constance declared a perceived conflict of interest in item 3.5.

The officers' report refers to the General Meeting of Council held on 24 June 2020 where Cr Constance had declared a real conflict of interest in item 3.7 regarding the awarding of contracts for the 'Supply and Delivery of Sixty-Five x Light Commercial and Passenger Vehicles' as he is a friend of Mr Shane Newcombe, a Director of Newcombes Holdings Pty Ltd (Village Motors Group), an unsuccessful tenderer of the original resolution on 24 June 2020.

Cr Constance noted that agenda item 3.5 of today's meeting relates to events subsequent to 24 June 2020 General Meeting, to other companies and does not actually involve Newcombes Holdings Pty Ltd. But in the interests of transparency and full disclosure, Cr Constance believed he should bring this matter to the attention of Council.

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

**Councillor not voluntarily left meeting - other Councillors who are entitled to vote must decide**

*Pursuant to s175E(3) of the Local Government Act 2009, the other Councillors who are entitled to vote at the meeting have been informed about a Councillor's personal interests in the matter and the Councillor has not voluntarily left the meeting, and in accordance with s175E(4) the other Councillors must decide whether the Councillor has a real or perceived conflict of interest in the matter and what action the Councillor must take.*

**Moved by Cr Tony Latter**

**Seconded by Cr Cath Tonks**

**CARRIED 10/0**

*Crs Peter Flannery (Mayor), Cr Darren Grimwade and Cr Matt Constance had declared an interest and were not entitled to vote*

**That in accordance with s175E(4) of the *Local Government Act 2009*, it is considered that Cr Peter Flannery (Mayor) has a perceived conflict of interest in the matter however, may participate in the meeting including voting on the matter as it is considered that this is in the public interest.**

**Cr Peter Flannery (Mayor) remained in the meeting.**

**Councillor not voluntarily left meeting - other Councillors who are entitled to vote must decide**

*Pursuant to s175E(3) of the Local Government Act 2009, the other Councillors who are entitled to vote at the meeting have been informed about a Councillor's personal interests in the matter and the Councillor has not voluntarily left the meeting, and in accordance with s175E(4) the other Councillors must decide whether the Councillor has a real or perceived conflict of interest in the matter and what action the Councillor must take.*

**Moved by Cr Karl Winchester**

**Seconded by Cr Tony Latter**

**CARRIED 10/0**

*Crs Peter Flannery (Mayor), Cr Darren Grimwade and Cr Matt Constance had declared an interest and were not entitled to vote*

**That in accordance with s175E(4) of the *Local Government Act 2009*, it is considered that Cr Darren Grimwade has a perceived conflict of interest in the matter however, may participate in the meeting including voting on the matter as it is considered that this is in the public interest.**

**Cr Darren Grimwade remained in the meeting.**

**Councillor not voluntarily left meeting - other Councillors who are entitled to vote must decide**

*Pursuant to s175E(3) of the Local Government Act 2009, the other Councillors who are entitled to vote at the meeting have been informed about a Councillor's personal interests in the matter and the Councillor has not voluntarily left the meeting, and in accordance with s175E(4) the other Councillors must decide whether the Councillor has a real or perceived conflict of interest in the matter and what action the Councillor must take.*

**Moved by Cr Cath Tonks**

**Seconded by Cr Tony Latter**

**CARRIED 10/0**

*Crs Peter Flannery (Mayor), Cr Darren Grimwade and Cr Matt Constance had declared an interest and were not entitled to vote*

**That in accordance with s175E(4) of the Local Government Act 2009, it is considered that Cr Matt Constance has a perceived conflict of interest in the matter however, may participate in the meeting including voting on the matter as it is considered that this is in the public interest.**

**Cr Matt Constance remained in the meeting.**

**ITEM 3.5  
LIGHT VEHICLE FLEET TENDER SUPPLY ISSUES**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20386632 : 12 August 2020 - Refer **Confidential Supporting Information A20388209**  
*Responsible Officer:* RM, Manager Asset Maintenance (ECM Asset Maintenance)

**Executive Summary**

On 24 June 2020, Council resolved to award contracts for the supply and delivery of light commercial and passenger vehicles as part of tender 'Supply and Delivery of Sixty-Five x Light Commercial and Passenger Vehicles (MBRC009721)'. The relevant tender comprised of eight separable portions, with each portion based on vehicle configuration and type.

Grand Prix Investments Pty Ltd was awarded two of these separable portions:

- Separable Portion 4 for the supply of five x Mazda BT50 4x4 single cab automatic utilities; and
- Separable Portion 5 for the supply of five x Mazda BT50 4x4 extra cab automatic utilities

On 27 July 2020, Grand Prix Investments Pty Ltd advised that due to production cuts caused by COVID-19, the vehicles that they offered to provide to Council (Utility Vehicles) are no longer available and they wish to withdraw their offer.

Council received very few conforming tenders for these separable portions when they were originally subjected to an open tender process. Officers have confirmed that only one previous tenderer for these separable portions now has the stock available to fulfil Council's requirements (A.P. Ford Pty Ltd (trading as Torque Ford, North Lakes) (Torque Ford)). On that basis, officers do not consider that it would be time or cost efficient to conduct a second open tender process to select a new preferred tenderer.

Torque Ford has confirmed that it can supply and deliver the relevant vehicles within Council's required timeframes and it is willing to honour its previously quoted tender amounts.

Officers propose that Council adopt a tender consideration plan (TCP) which will enable the two relevant separable portions to be, in effect, "re-awarded" (without a second open tender process) to Torque Ford to avoid any delays to the light fleet replacement program.

**RESOLUTION**

Moved by Cr Cath Tonks

Seconded by Cr Jodie Shipway

CARRIED 13/0

1. That Council accepts that Grand Prix Investments Pty Ltd is no longer willing to be bound to contract MBRC009721 to supply the Utility Vehicles and is willing to mutually terminate the contract with Grand Prix Investments Pty Ltd on that basis.
2. That Council decides to prepare a Tender Consideration Plan for the supply and delivery of the Utility Vehicles.
3. That the Tender Consideration Plan be adopted, as tabled.
4. That the Chief Executive Officer be authorised to negotiate, make, amend, sign and discharge a contract in accordance with the Tender Consideration Plan as tabled, on Council's behalf.

*ITEM 3.5 LIGHT VEHICLE FLEET TENDER SUPPLY ISSUES - A20386632 (Cont.)*

**OFFICER'S RECOMMENDATION**

1. That Council accepts that Grand Prix Investments Pty Ltd is no longer willing to be bound to contract MBRC009721 to supply the Utility Vehicles and is willing to mutually terminate the contract with Grand Prix Investments Pty Ltd on that basis.
2. That Council decides to prepare a Tender Consideration Plan for the supply and delivery of the Utility Vehicles.
3. That the Tender Consideration Plan be adopted, as tabled.
4. That the Chief Executive Officer be authorised to negotiate, make, amend, sign and discharge a contract in accordance with the Tender Consideration Plan as tabled, on Council's behalf.

**REPORT DETAIL**

**1. Background**

Council owns and operates a fleet of fit-for-purpose, light commercial and passenger vehicles, enabling effective and efficient service delivery to the community.

On 24 June 2020, Council resolved to award contracts for the supply and delivery of light commercial and passenger vehicles (minute page 20/1184-1185). The relevant tender comprised of eight separable portions, with each portion based on vehicle configuration and type. Offers in response to this request for tender were submitted in April 2020. Grand Prix Investments Pty Ltd (Grand Prix) was awarded two of these separable portions.

Separable Portion 5 was awarded to Grand Prix for the supply of five x Mazda BT50 4x4 extra cab automatic utilities for the total sum of \$239,035.22 (excluding GST). Torque Ford also submitted a tender for this separable portion. Torque Ford offered to supply five x Ford Ranger 4x4 extra cab utilities for \$240,500.09.

The relevant Tender Evaluation Panel previously noted that the Ford Ranger vehicle offers greater safety technology including emergency brake assist, lane departure warning, pedestrian detection and adaptive cruise control. However, while the Ford Ranger offers advanced features, the offer from Torque Ford was marginally higher in price than the offer from Grand Prix and it was not recommended to Council as the preferred option first-time round.

Separable Portion 4 was also awarded to Grand Prix for the supply of five x Mazda BT50 4x4 single cab automatic utilities for the total sum of \$255,529.06 (excluding GST). Torque Ford also submitted a tender for this separable portion. Torque Ford offered to supply five x Ford Ranger 4x4 single cab utilities for \$294,673.37.

The relevant Tender Evaluation Panel has noted that the Ford Ranger vehicle is suitable, fit-for-purpose and meets all specifications outlined in Council's tender documentation. The Ford Ranger also offers the largest payload capacity in this category of tendered vehicles. However, the offered price from Torque Ford was higher than that of Grand Prix and it was not recommended to Council as the preferred option first-time round.

**2. Explanation of Item**

Following the outcome of the recent tender process, officers planned to issue purchase orders to Grand Prix for the supply and delivery of the utility vehicles. However, prior to those purchase orders being issued, Grand Prix put Council on notice that it would not be able to fulfil its order due to the impacts of COVID-19 on their supply / stock levels.

*ITEM 3.5 LIGHT VEHICLE FLEET TENDER SUPPLY ISSUES - A20386632 (Cont.)*

Accordingly, officers wish to issue a purchase order to a suitable alternative contractor (i.e. Torque Ford) for the supply and delivery of the utility vehicles despite that alternative supplier not being selected by Council as its preferred supplier in the first instance.

Officers consider that Council has 2 broad options available to it to procure the utility vehicles from an alternative supplier. Namely:

1. Council could instigate a new tender process for the supply of the vehicles and hope that Torque Ford, or a more suitable alternative supplier, submits a conforming tender (**New Tender Option**); or
2. Council could prepare and adopt a tender consideration plan under which it can engage with Torque Ford (**TCP Option**).

Note that officers do not consider that the previous tender process can simply be, in effect, "re-opened" (in other words, that previous tender process cannot be re-visited as if Grand Prix was never awarded the separable portions). That previous tender process is complete, and Council selected the most advantageous tender available to it as part of that process. It follows that a new process is required.

**The New Tender Option**

The New Tender Option could result in other (perhaps better) tenders being received by Council in respect of the project, but this is by no means guaranteed. During the previous tender process, Council only received two conforming offers from suppliers for one separable portion (Grand Prix and Torque Ford) and three conforming offers for the other separable portion. Two of these three suppliers have confirmed to Council in writing that they are having stock / supply issues and cannot guarantee that they will be able to provide the relevant vehicles to Council. Only Torque Ford has confirmed that it has available stock that can be expected to be delivered within Council's specified timeframes.

This option will impact on program timing. A new tender process can be expected to take 3-4 months which will delay Council's budgeted light fleet replacement program. During this period Council will incur the cost of additional vehicle hire associated with new staff engaged during the course of 2019-20 and 2020-21. The cost of this vehicle hire is estimated to be approximately \$35,000.

**The TCP Option**

The TCP Option would involve the Contract being, in effect, "re-awarded" to a contractor who was previously unsuccessful in securing the separable portions.

Officers recommend that the separable portions be awarded to Torque Ford. Torque Ford's previous offer conformed to Council's specifications and was positively assessed by the relevant Tender Evaluation Panel. Torque Ford was originally awarded four of the eight separable portions.

Whilst the TCP Option may be a less open means of awarding the Contract (as compared to the New Tender Option) there is a far greater chance of the program being completed sooner than would otherwise be the case if the New Tender Option was pursued. Also, the original separable portions were made subject to an open market tender process, and therefore opportunity has already been provided for relevant suppliers to express their interest via the formal tender process.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

The Tender Consideration Plan has been prepared in accordance with section 230 of the *Local Government Regulation 2012* (Qld) (Regulation).

This section allows Council to depart from the ordinary request for tender process based upon market considerations or considerations relevant to the supply relationship. The exemption can only be invoked by Council resolution.

ITEM 3.5 LIGHT VEHICLE FLEET TENDER SUPPLY ISSUES - A20386632 (Cont.)

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Strengthening Communities: Strong local governance - strong leadership and governance.

3.3 Policy Implications

Council's Procurement Policy recognises that an exception under division 3, part 3, chapter 6 of the Regulation (which includes the preparation and adoption of TCPs) is a valid alternative to conducting an open tender process prior to entering into a large-sized contractual arrangement.

3.4 Risk Management Implications

The risk associated with this procurement has been assessed and the following issues identified. The way the possible impact of these risks is minimised is detailed below:

*Supply Risk* - the proposed contractor has been asked to confirm in writing that it will be able to fulfil Council's order requirements despite any supply issues caused by the impacts of COVID-19.

*Contractual Default Risk* - the supply and delivery of the Utility Vehicles will be managed by a Council officer familiar with Council's specifications for those vehicles and compliance with those specifications will be monitored and enforced where necessary.

3.5 Delegated Authority Implications

Pursuant to recommendation 3, it is recommended that Council's Chief Executive Officer be delegated authority to execute a contract in accordance with the tender consideration plan.

3.6 Financial Implications

If the Utility Vehicles (both separable portions) are procured from Torque Ford, the cost will be \$535,173.46 (excl. GST), or an additional cost of \$40,609.18 over that of Grand Prix's originally accepted price. The cost of hire of additional vehicles of \$35,000 needs to be considered should the New Tender Option proceed.

<b>Original accepted Tender Price</b> - SP4 and 5 (Grand Prix)	\$ 494,564.28
<b>Proposed Tender Price</b> - SP4 and 5 (Torque Ford)	\$ 535,173.46
<i>less estimated cost of vehicle hire</i>	\$ 35,000.00
<b>Additional cost</b>	\$ 5,609.18

The cost of \$535,173.46 is within the budget allocation of Council's Light Vehicle Fleet Program allocation. The cost will be debited to project number 102179.

3.7 Economic Benefit Implications

The procurement of the utility vehicles will mean that Council's existing light fleet will be able to be replaced closer to its optimum replacement period of 6 years / 120,000kms for utilities/commercial vans and 4 years / 100,000kms for passenger vehicles.

3.8 Environmental Implications  Nil identified

3.9 Social Implications  Nil identified

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

Consultation for the delivery of this program has been undertaken with relevant officers, stakeholders, department managers and the procurement section of Council.

**ADJOURNMENT**

The meeting adjourned at 10:56 AM for morning tea

The meeting resumed at 11:22 AM.

**ATTENDANCE**

Mr Marco Alberti and Mr Dan Staley attended the meeting at 11:22 AM for discussion on Item 4.1.

UNCONFIRMED

**4 PLANNING SESSION**

(Cr D Grimwade)

Declarations of interest statement

Portfolio Councillor to inform Council of any personal interests for items in this session, then ask other Councillors if they have any personal interests that will be declared for respective items in the session.

**ITEM 4.1**

**DA/34759/2017/VCHG/2 - REQUEST TO CHANGE (OTHER) - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (6 DWELLINGS), LOCATED AT 28 WOODCLIFFE CRESCENT, WOODY POINT**

**APPLICANT: ROCKBUILD DEVELOPMENTS PTY. LTD. C/- RYALL SMYTH ARCHITECTS PTY. LTD.**

**OWNERS: RAYCON (NSW) PTY LTD, NEUTRON STAR PTY LTD AND EYE BUILD GROUP PTY LTD**

Meeting / Session: 4 PLANNING  
Reference: A20309980 : 22 July 2020 – Refer Supporting Information A20310007, A20338369 & A20338516  
Responsible Officer: CA, Senior Planner (PL Development Services)

**Executive Summary**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Rockbuild Developments Pty. Ltd. C/- Ryall Smyth Architects Pty. Ltd.
<b>Lodgement Date:</b>	25 March 2020
<b>Properly Made Date:</b>	3 April 2020
<b>Confirmation Notice Date:</b>	8 April 2020
<b>Information Request Date:</b>	23 April 2020
<b>Info Response Received Date:</b>	27 May 2020
<b>Public Notification Dates:</b>	16 June 2020 to 7 July 2020
<b>No. of Submissions:</b>	Properly Made: 27 Not Properly Made: 0
<b>Decision Due Date:</b>	28 August 2020
<b>Prelodgement Meeting Held:</b>	No
<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 6
<b>Property Address:</b>	28 Woodcliffe Crescent, Woody Point
<b>RP Description</b>	Lot 1 RP177572
<b>Land Area:</b>	822m <sup>2</sup>
<b>Property Owner</b>	Raycon (NSW) Pty Ltd, Neutron Star Pty Ltd and Eye Build Group Pty Ltd
<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	Planning Act 2016
<b>Planning Scheme:</b>	The existing development approval was assessed against the now historic Redcliffe City Planning Scheme.

ITEM 4.1 DA/34759/2017/VCHG/2 - REQUEST TO CHANGE (OTHER) - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (6 DWELLINGS), LOCATED AT 28 WOODCLIFFE CRESCENT, WOODY POINT - A20309980 (Cont.)

	This change (Other) application has been assessed against the MBRC Planning Scheme limited to the extent of the proposed changes only.
<b>Planning Locality / Zone</b>	General Residential Zone - Urban Neighbourhood Precinct
<b>Level of Assessment:</b>	Impact and Consistent

The Applicant has submitted a Change (Other) Application to an existing Development Permit for a Material Change of Use for Multiple Dwelling (6 dwellings) at 28 Woodcliffe Crescent, Woody Point, formally described as Lot 1 RP177572.

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

1. Increase in height from 21m to 22.5m when measured from natural ground level to top of roof. The overall height of the development is 23.47m when measured from natural ground level to the top of the lift overrun.
2. Revised driveway design, reducing the crossover width from 9m to 6m.
3. Provision of car park storage areas, resulting in a slight increase of the development footprint.
4. Inclusion of planter boxes on level two (2) along the southern side of the building.
5. Minor changes to the roof design and architectural features of the building.

The requested changes do not otherwise alter the number of storeys, dwellings or number of car parking spaces of the approved development, with all other aspects of the development to remain unchanged.

Although the changes proposed might seem minor in nature, as the request was to increase the height of the building above 21m (being the height nominated on Council's MBRC Planning Scheme Overlay Map - Building Height) that was originally complying, the proposal was determined by Council officers not to be a minor change but instead a change (Other). As a result, the request was required to follow the original process of being Impact Assessable, with the assessment limited to the changes proposed.

The application was publicly advertised with 27 submissions received in comparison to the proposal when originally applied for only receiving 4 submissions. The proposed changes to the development approval are reasonable and consistent with the intent of the MBRC Planning Scheme and are therefore recommended to be approved subject to conditions.

This report is being presented to the Council for decision as the proposal received submissions, with the development application to be determined by the Council instead of under Council officer delegation. Therefore, Council is now the authorised entity to decide the development application.

A Council briefing was conducted on 12 August 2020 to enable further explanation/clarification to be provided to the Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

**The CEO noted the way forward:**

Noted that a report will be brought to next week's General Meeting for consideration to adopt.

**RESOLUTION**

**Moved by Cr Mick Gillam**

**Seconded by Cr Jodie Shipway**

**CARRIED 8/5**

*Crs Sandra Ruck, Mark Booth, Karl Winchester, Brooke Savige, Jodie Shipway voted against the motion*

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

ITEM 4.1 DA/34759/2017/VCHG/2 - REQUEST TO CHANGE (OTHER) - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (6 DWELLINGS), LOCATED AT 28 WOODCLIFFE CRESCENT, WOODY POINT - A20309980 (Cont.)

**OFFICER'S RECOMMENDATION**

- A. That Council, in accordance with the *Planning Act 2016*, approves the Request to Change (Other) to the Development Permit for a Material Change of Use - Multiple Dwelling (6 dwellings) at 28 Woodcliffe Crescent, Woody Point, described as Lot 1 RP177572, subject to the following plans/documents and conditions that remain largely consistent with and the same as the current conditions attached to the development approval (updated where necessary to reflect the changed proposal or updated Council standards):

<b>Approved Plans and Documents</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Site Plan	Job No. 2122 Drawing No. WD-001 Rev. D	Ryall Smyth	12/05/2020
Level 1 Floor Plan	Job No. 2122 Drawing No. WD-100 Rev. D	Ryall Smyth	12/05/2020
Level 2 Floor Plan	Job No. 2122 Drawing No. WD-101 Rev. D	Ryall Smyth	12/05/2020
Level 3 Floor Plan	Job No. 2122 Drawing No. WD-102 Rev. D	Ryall Smyth	12/05/2020
Level 4 Floor Plan	Job No. 2122 Drawing No. WD-103 Rev. D	Ryall Smyth	12/05/2020
Level 5 Floor Plan	Job No. 2122 Drawing No. WD-104 Rev. D	Ryall Smyth	12/05/2020
Level 6 Floor Plan	Job No. 2122 Drawing No. WD-105 Rev. D	Ryall Smyth	12/05/2020
Level 7 Floor Plan	Job No. 2122 Drawing No. WD-106 Rev. D	Ryall Smyth	12/05/2020
Roof Plan	Job No. 2122 Drawing No. WD-107 Rev. D	Ryall Smyth	12/05/2020
Elevations	Job No. 2122 Drawing No. WD-300 Rev. D	Ryall Smyth	12/05/2020
Sections	Job No. 2122 Drawing No. WD-400 Rev. D	Ryall Smyth	12/05/2020
3D Illustrations - Sheet 2	Job No. 2122 Drawing No. WD-606 Rev. D	Ryall Smyth	12/05/2020
3D Illustrations - Sheet 3	Job No. 2122 Drawing No. WD-607 Rev. D	Ryall Smyth	12/05/2020

<b>Plans and Documents to be Amended</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Stormwater Quantity Assessment Report	J5723	Storm Water Consulting Pty Ltd	25/10/2017

ITEM 4.1 DA/34759/2017/VCHG/2 - REQUEST TO CHANGE (OTHER) - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (6 DWELLINGS), LOCATED AT 28 WOODCLIFFE CRESCENT, WOODY POINT - A20309980 (Cont.)

**Conditions**

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>1</b>	<b>Approved Plans and/or Documents</b>	
	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to commencement of use and to be maintained at all times.
<b>2</b>	<b>Community Management Statement</b>	
	Ensure that the Community Management Statement for the development reflects the following: <ol style="list-style-type: none"> <li>1. Car parking provisions;</li> <li>2. Landscaping requirements;</li> <li>3. Communal Open Space and Recreation areas;</li> <li>4. Bin storage requirements and collection locations; and</li> <li>5. Stormwater Management requirements.</li> </ol>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>3</b>	<b>Extent of Dwellings</b>	
	Develop the Dwellings on site as follows: <ol style="list-style-type: none"> <li>1. Six (6) Dwellings containing:                             <ol style="list-style-type: none"> <li>(i) 1 x 4 bedroom dwelling;</li> <li>(ii) 5 x 3 bedroom dwellings;</li> </ol> </li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>4</b>	<b>On-Site Car Spaces</b>	
A	Car parking spaces are to be provided generally in accordance with the approved plans.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
B	Provide for the manoeuvring of vehicles on site, generally in accordance with the approved plan. Car parking spaces, access lanes and driveways shown on the approved plan must not be used for any other purpose.	
<b>5</b>	<b>Bicycle Parking Facilities</b>	
	Install secure bicycle parking facilities for a minimum of one (1) bicycle space per dwelling.  Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic management - Part 11: Parking.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>6</b>	<b>Electrical Transformer</b>	

ITEM 4.1 DA/34759/2017/VCHG/2 - REQUEST TO CHANGE (OTHER) - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (6 DWELLINGS), LOCATED AT 28 WOODCLIFFE CRESCENT, WOODY POINT - A20309980 (Cont.)

CONDITION		TIMING
	<p>Ensure that where electrical transformers are located in the front setback it is screened so that the transformer is not visible from any road frontage and achieves the following:</p> <ol style="list-style-type: none"> <li>1. A combination of screening device and landscaping;</li> <li>2. The screening device is constructed of durable, weather resistant materials; and</li> <li>3. Is integrated with the design of the development and positively contributes to the streetscape.</li> </ol> <p>Note: The use of barbed wire or metal prongs is not permitted</p>	<p>Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.</p>
<b>7</b>	<b>Clothes Drying Facilities</b>	
	<p>Provide external clothes drying facilities that are screened from adjoining properties and the street, or provide an electric clothes dryer within each dwelling.</p>	<p>Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.</p>
<b>8</b>	<b>Privacy Screening</b>	
A	<p>Provide privacy screening or alternate treatments where:</p> <ol style="list-style-type: none"> <li>1. Habitable room windows or balconies of above ground floor dwellings directly face another habitable room or balconies on the same site or an adjoining site that are within 9m; and/or</li> <li>2. Habitable room windows or balconies that overlook private recreation areas of other dwellings on the same site or an adjoining site.</li> </ol>	<p>Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.</p>
B	<p>Treatments may consist of one or more of the following:</p> <ol style="list-style-type: none"> <li>1. Sill heights at a minimum of 1.5 metres above floor level; or</li> <li>2. Fixed, tinted or opaque glazing in at least any part of the fixed window or balcony balustrading between the floor level of the dwelling or balcony and 1.5m for windows and 1.2m for balconies; or</li> <li>3. Sliding external screens (e.g. louvered panels), of durable weather resistant materials and with a maximum of 50% transparency.</li> </ol>	
<b>9</b>	<b>Materials and Finishes to Driveway and External Car Parking Spaces</b>	
	<p>Construct the driveway and visitor parking spaces of materials and finishes to soften the visual impact of these areas. In order to achieve the above, one or a combination of the following is to be used:</p> <ol style="list-style-type: none"> <li>1. coloured aggregate;</li> <li>2. coloured asphalt;</li> <li>3. brick pavers;</li> <li>4. approved porous surfacing; and/or</li> </ol>	<p>Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.</p>

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CONDITION		TIMING
	<p>5. banding patterns in the surface design.</p> <p>Notes:</p> <ol style="list-style-type: none"> <li>1. Council may approve other materials and finishes that are compatible with the objectives of this requirement.</li> <li>2. Driveways and parking areas must not be surfaced with the same material, unless different colours, textures or borders are used to differentiate between them.</li> <li>3. The use of a plain concrete finish for the driveways and parking areas is not acceptable.</li> </ol>	
<b>10</b>	<b>Street Numbering and Building Names</b>	
	Install dwelling and street numbering and lockable mail boxes conveniently located at the road frontage of the site. Ensure street numbers and any building names are prominently displayed at the road frontage of the site, to enable identification by emergency services.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>11</b>	<b>Internal Fire System</b> <i>Note: This condition (including items A-E) does not apply to buildings that are required by the Building Code of Australia to have a fire hydrant system complying with Australian Standard AS 2419.1 (2005) – Fire Hydrant Installations or other fire fighting facilities which provide equivalent protection.</i>	
A	External fire hydrant facilities are provided on site to the standard prescribed under the relevant parts of Australian Standard AS2419.1 (2005) - Fire Hydrant Installations.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
B	<p>A continuous path of travel having the following characteristics is provided between the vehicle access point to the site and each external fire hydrant and hydrant booster point on the land:</p> <ol style="list-style-type: none"> <li>1. An unobstructed width of no less than 3.5m;</li> <li>2. An unobstructed height of no less than 4.8m;</li> <li>3. Constructed to be readily traversed by a 17 tonne HRV fire brigade pumping appliance;</li> <li>4. An area for a fire brigade pumping appliance to stand within 20m of each fire hydrant and 8m of each hydrant booster point.</li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
C	On-site fire hydrant facilities are maintained in effective operating order in a manner prescribed in Australian Standard AS1851 (2013) - Routine service of fire protection systems and equipment.	At all times.
D	<p>For development that contains on-site fire hydrants external to buildings:</p> <ol style="list-style-type: none"> <li>1. Those external hydrants can be seen from the vehicular entry point to the site; or</li> <li>2. A sign identifying the following is provided at the vehicular entry to the site:                             <ol style="list-style-type: none"> <li>(i) The overall layout of the development (to scale);</li> <li>(ii) Internal road names (where used);</li> <li>(iii) All communal facilities (where provided);</li> </ol> </li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.

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CONDITION		TIMING
	<ul style="list-style-type: none"> <li>(iv) The reception area and on-site manager's office (where provided);</li> <li>(v) External hydrants and hydrant booster points;</li> <li>(vi) Physical constrains within the internal roadway system which would restrict access by fire fighting appliances to external hydrants and hydrant booster points; and</li> <li>(vii) Maintained in effective operating order in a manner prescribed in Australian Standard AS1851 (2013) - Routine service of fire protection systems and equipment.</li> </ul>	
E	For development that contains on-site fire hydrants external to the building, those hydrants are identified by way of marker posts and raised reflective pavement markers in the manner prescribed in the technical note Fire hydrant indication system produced by the Queensland Department of Transport and Main Roads.	
<b>12</b>	<b>Front Fencing</b>	
	Ensure that any front fencing is constructed to a maximum height of 1.2 metres and as generally shown on the approved plans, with the exception of any requirements of the Queensland Fire and Emergency Services provisions.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>13</b>	<b>Screen Fencing</b>	
A	Construct a screen fence along the southwest and northeast boundaries of the site where none already exist. Unless an alternative design is agreed to with the owner/s of the adjoining land, the screen fence is to be between 1.8 metres and 2.0 metres in height and constructed of durable materials (i.e. treated timber, colourbond or masonry). Fencing along the southwest and northeast sides of the site that extends beyond the main building line is to taper to 1.2 metres at the frontage.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>14</b>	<b>Landscaping</b>	
A	Carry out landscaping on site generally in accordance with the approved plans and Planning Scheme Policy - Integrated Design Appendix D - Landscaping.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
B	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.	
C	Maintain the landscaping.	At all times
<b>15</b>	<b>Vehicle Encroachment</b>	
	Protect all landscaped areas and pedestrian paths adjoining any car parking areas from vehicular encroachment by wheel stops, kerbing or similar barrier approved by the Council.	Prior to the commencement of use or Council endorsement of

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CONDITION		TIMING
		any Community Management Statement, whichever occurs first and to be maintained.
<b>16</b>	<b>On Site Services</b>	
	<p>Ensure rainwater tanks, hot water tanks, gas bottles and air conditioners are:</p> <ol style="list-style-type: none"> <li>1. Located in the rear setback; or</li> <li>2. located in the side setbacks and include screening (e.g. fencing or landscaping) from view of the road frontage; or</li> <li>3. entirely underground or screened where located in the front setback.</li> </ol> <p>The bin storage area as identified on the approved plans is to be appropriately screened from view of the road frontage.</p> <p>Note: Rainwater tanks are not permitted within easements.</p>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>17</b>	<b>Water and/or Sewerage</b>	
	<p>Submit to Council a Certificate of Completion or Provisional Certificate of Completion for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming:</p> <ol style="list-style-type: none"> <li>1. a reticulated water supply network connection is available to the land; and</li> <li>2. a sewerage network connection is available to the land; and</li> <li>3. all the requirements of Unitywater have been satisfied.</li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>18</b>	<b>Fibre Ready Telecommunications – Multi</b>	
A	<p>Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with NBN Co Guideline MDU Building Design Guide as amended, that:</p> <ol style="list-style-type: none"> <li>1. Includes a suitable building entrance facility (lead-in) from the property boundary to the building entrance; and</li> <li>2. Has suitable space and access for the installation, maintenance and repair of all elements up to and including the Network Termination Device (NTD) and Power Supply Unit (PSU) or the likely location of a NTD and PSU for each dwelling; and</li> <li>3. A conduit with draw string, from either the telecommunication room or riser/closet location to each NTD or the likely location of each NTD.</li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
B	<p>Provide certification to Council from the Installer or an RPEQ engineer (electrical engineer) that the works and infrastructure required in (A) above has been done.</p> <p>Note: The location or the likely location of the NTD is determined by the owner in consultation with the electrician/electrical engineer. NBN Co have guidelines available to help determine the</p>	

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CONDITION		TIMING
	best location. A template for certification is available from Council for the purpose of this condition.	
<b>19</b>	<b>Telecommunications Internal Wiring</b>	
A	Install internal wiring (Category 6 or better) within each dwelling from the expected location of any future Network Termination Device (NTD) for High Speed Broadband (based on the recommended locational criteria in the NBN Co Guideline (MDU Building Design Guide for New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs) to the same connection points in the dwelling that would have been or have been installed for telephone and television connections; including but not limited to bedrooms, family/living rooms, and study/office.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
B	Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done.  Note: A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.	
<b>20</b>	<b>Electricity</b>	
	Provide evidence (e.g. Certificate for Electricity Supply to Subdividers with Agreement Number or Certificate of Supply) demonstrating that an underground electricity supply network has been constructed to the site.  Note: A private property pole is not permitted.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>21</b>	<b>Waste Management Plan</b>	
A	Implement the waste management arrangements identified on the approved plan.  Note: This development will use 2 x 1.1 m <sup>3</sup> bins serviced at the kerbside of Woodcliffe Crescent.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
B	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	
C	Provide a bin wash down facility connected to sewer as per SC 6.20 Planning Scheme Policy - Waste.	
<b>DEVELOPMENT ENGINEERING</b>		
<b>22</b>	<b>Replace Existing Council Infrastructure</b>	

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CONDITION		TIMING
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of construction works, to a standard which is consistent with Council's standards.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>23</b>	<b>Alterations and Relocation of Existing Services</b>	
	Any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of the telecommunications authority, electricity authorities, the Council or other person engaged in the provision of public utility services is to be carried with the development and at no cost to Council.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>24</b>	<b>Access, Internal Roadways, Parking and Servicing Areas</b>	
A	Design, construct and maintain all accesses, internal roadways, parking and servicing areas, in accordance with the approved plan(s) of layout. The works must be designed, constructed and maintained in accordance with good engineering practices and Council's Planning Scheme requirements unless conditioned otherwise.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
B	Provide certification from an RPEQ that all works have been designed and constructed in accordance with this permit condition.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>25</b>	<b>Access Driveway</b>	
	<p>The access driveway from the existing road to the site must be designed and built in accordance with Council Standard Heavy Duty Driveway Crossover (Type 2) - Drawing IPWEA - RS-051, with levels complying with Council Standard Road Verge Drawing IPWEA - RS-050.</p> <p>Provide certification from an RPEQ that all works have been designed and constructed in accordance with this permit condition.</p> <p>Notes:</p> <ol style="list-style-type: none"> <li>The internal access works must be designed to ensure the correct line, level and layout is achieved for the driveway crossover.</li> <li>Where the works are designed by an RPEQ and subsequently certified as built to the design, Council does not require the submission of an operational works development application for the driveway crossover.</li> <li>Council will not accept driveway crossovers that do not conform to the above requirements.</li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.

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CONDITION		TIMING
<b>26</b>	<b>Construction Affecting Existing Roads</b>	
	<p>Provide and maintain control measures for any works in or affecting roads (including verges) to ensure that the works will not injure, endanger, obstruct or unduly inconvenience any person or user of the road.</p> <p>Note: All traffic control devices must be installed and maintained in accordance with the Manual of Traffic Control Devices (Queensland).</p>	At all times
<b>27</b>	<b>Stormwater Quality Management – Best Practice Measures</b>	
A	Prepare and implement a Stormwater Quality Management Plan incorporating stormwater quality management best practices (incorporating GPT basket type inlet structures and a stormwater quality gross pollutant / stormceptor type device) prior to discharge – Refer to State Planning Policy and Water By Design Deemed to Comply Solutions.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
B	Provide certification from an RPEQ that condition (A) above has been complied with.	
<b>28</b>	<b>Site Specific Geotechnical Assessment</b>	
A	Undertake a Geotechnical Assessment on the subject site to determine the foundation requirements to evaluate the stability of the coastal cliff face.	Prior to any approval of Building Works.
B	Provide certification from an RPEQ that all works have been designed and constructed in accordance with this permit condition.	Prior to the commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
<b>29</b>	<b>Site Based Coastal Hazard Report</b>	
A	Prepare a Site Based (Localised) Coastal Hazard Report demonstrating that the development will avoid, manage and mitigate coastal erosion risks by implementing structural measures within the building framework, founding the structure in the stable rock layer and the construction of a rock revetment wall (or alternative structure measure) to the exposed south/eastern boundary.	Prior to any approval of Building Works.
B	Construct the building works in accordance with the Site Based Coastal Hazard Report.	At all times during construction.
	Note: The Site Based Coastal Hazard Report is to be prepared by an RPEQ with appropriate experience in structural engineering and design.	
<b>30</b>	<b>Minimum Habitable Floor Levels</b>	

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CONDITION		TIMING
	<p>The habitable floor level is to be located, designed and constructed to at least the Flood Planning Level identified as 3.6m AHD.</p> <p>Note: The Flood Planning Level used for development can be obtained from the relevant section of the Flood Check Development Report available via Council's website: <a href="http://www.moretonbay.qld.gov.au">www.moretonbay.qld.gov.au</a>.</p>	<p>Prior to the commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.</p>
<b>31</b>	<b>Acid Sulfate Soil Investigation and Management</b>	
A	<p>If the detail earthworks design results in 100 m<sup>3</sup> of excavation or 500 m<sup>3</sup> of filling (average depth of 0.5 m or greater) below 5 m AHD, an Acid Sulfate Soil Investigation must be carried out and report prepared by a qualified person.</p> <p>Soil sampling and analysis must be undertaken in accordance with specified procedures. The investigation must provide information on the depth and extent of any acid sulfate soils on site within this stage of development, as well as the severity of acid sulfate soils relevant to the proposed disturbance.</p>	<p>Prior to the commencement of site works, OR prior to approval of any operational works.</p>
B	<p>Implement the requirements and recommendations of any Council approved Acid Sulfate Soil Management Plan required by (A) above.</p> <p>Undertake verification testing at the rate of one sample per 200m<sup>3</sup> throughout the duration of the excavation phase of the development. The verification testing must be undertaken by a qualified person using the SPOCAS or Chromium Reducible Sulphur testing suite, and the results must be submitted to Council for appraisal when requested during construction and prior to commencement of use.</p> <p>Groundwater monitoring is to be undertaken at a minimum of one location external to the area of excavation with the exact location to be agreed at the prestart meeting with Council's delegate.</p> <p>Groundwater monitoring is to be undertaken prior to works commencing and weekly throughout construction for the following parameters:</p> <ol style="list-style-type: none"> <li>1. Level (in m AHD)</li> <li>2. pH</li> <li>3. Electrical conductivity</li> </ol> <p>Results must be submitted to Council for appraisal when requested during construction and prior to commencement of use and must demonstrate that groundwater quality has not been adversely impacted by the works.</p>	<p>While site works are occurring.</p>
C	<p>Submit a Validation Report to Council at the completion of the site works. The validation report is to demonstrate compliance with the approved Acid Sulfate Soils Management Plan.</p>	<p>Prior to the commencement of use or Council's endorsement of any Community</p>

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CONDITION		TIMING
	<p>Note: Council will only accept a 'qualified person' as being one of the following:</p> <ol style="list-style-type: none"> <li>1. Registered Professional Engineer of Queensland (RPEQ); or</li> <li>2. Environmental/Soil Scientist with current professional membership status at a relevant organisation (e.g. ASSSI, AIG; EIANZ; GSA)</li> </ol> <p>Having met the above requirements, obtained a minimum of five (5) years professional experience in the field of acid sulfate soils.</p>	Management Statement, whichever occurs first.
<b>32</b>	<b>Stormwater Quantity Assessment Report - Amendment Required</b>	
A	<p>The Stormwater Quantity Assessment Report (SQA) provided in support of the development application is accepted in principle as demonstrating that stormwater from the proposed development can be lawfully discharged from the subject land in accordance with Council's planning scheme requirements and design standards, subject to the following minor amendments:</p> <ol style="list-style-type: none"> <li>1. Provide calculations demonstrating the existing stormwater infrastructure has sufficient capacity to accept the stormwater runoff from the development;</li> <li>2. Provide updated drawings showing all proposed stormwater infrastructure - including location and sizes.</li> </ol> <p>Submit and have approved by Council, the amended SQA Report.</p> <p>Note: The approved report may only demonstrate lawful stormwater discharge at the time of its approval. At the time development works are proposed the nature and circumstances for land outside the development may have changed and a further amended or more detailed report may be required.</p> <p>Internal works and/or detailed design of the development works may also result in necessary amendments to the approved proposal plan.</p> <p>The detailed design must consider "Water Sensitive Urban Design" principles, integrating the stormwater infrastructure into the urban design wherever possible.</p>	Prior to the issuing of a Building Works - Development Permit by a Private Building Certifier.
B	<p>Implement the works identified in the approved Stormwater Management Plan and provide certification from an RPEQ that all works have been designed and constructed in accordance with this permit condition.</p>	Prior to the commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.

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ADVICES	
<b>1</b>	<b>Aboriginal Cultural Heritage Act 2003</b>
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. Under the Act, indigenous parties are key in assessing cultural heritage significance.</p> <p>The <i>Aboriginal Cultural Heritage Act 2003</i> establishes a Duty of Care for indigenous cultural heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting the activity.</p> <p>Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care.</p> <p>Those proposing an activity that involves additional surface disturbance beyond that which has already occurred on the proposed site need to be mindful of the Duty of Care requirement.</p> <p>Details of how to fulfill the Duty of Care are outlined in the Duty of Care Guidelines gazetted with the Act.</p> <p>Council strongly advises that you contact the relevant state agency to obtain a copy of the Duty of Care Guidelines and further information on the responsibilities of developer under the terms of the <i>Aboriginal Cultural Heritage Act 2003</i>.</p>
<b>2</b>	<b>Adopted Charges</b>
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 8) dated 14 August 2018 or as amended apply to this development approval.</p> <p>From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval.</p> <p>Payment of Infrastructure Charges is to be in accordance with the Infrastructure Charges Notice issued with this development approval and any Infrastructure Charges Notice issued by Unitywater. From 1 July 2014, all Infrastructure Charges for infrastructure networks controlled by Unitywater (eg. water and/or sewerage) regardless of when the Infrastructure Charges Notice was issued are to be paid directly to Unitywater while Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.</p>

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

**Decision Notice information**

	Details to Insert
<b>Application Type</b>	Material Change of Use - Development Permit for Multiple Dwelling (6 dwellings)
<b>Relevant Period of Approval</b>	Material Change of Use – 6 years

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	Details to Insert
<b>Section 64(5) Deemed Approval</b>	Not applicable
<b>Superseded Planning Scheme</b>	Not applicable
<b>Variation approval affecting the Planning Scheme</b>	Not applicable
<b>Other Necessary Permits</b>	<ul style="list-style-type: none"> <li>Building Works – Development Permit (Building Act)</li> </ul>
<b>Codes for Accepted Development</b>	Not applicable
<b>Referral Agencies</b>	There are no Referral Agencies
<b>Submissions</b>	There were twenty-seven (27) properly made submissions about this application.

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**REPORT DETAIL**

**1. Background**

On 17 April 2018, Council approved a Material Change of Use - Development Permit for Multiple Dwelling (5 dwellings) under the now historic Redcliffe City Planning Scheme (DA/34759/2017/V2M).

On 15 March 2019, Council’s Delegate approved a Change (Minor) Application to the approval increasing the number of dwellings in the development by 1, therefore approving 6 dwellings in total. While this change added an extra dwelling within the building, no substantial changes occurred to the built form as the additional dwelling was achieved through the conversion of a mezzanine floor attached to Unit 5 to a floor containing a separate dwelling.

A Council briefing was conducted on 12 August 2020 to enable further explanation/clarification to be provided to the Council on the matter. In line with Council’s decision-making framework, an extract from the minutes of the briefing, is provided below:

**The CEO noted the way forward:**

Noted that a report will be brought to next week’s General Meeting for consideration to adopt.

**2. Explanation of Item**

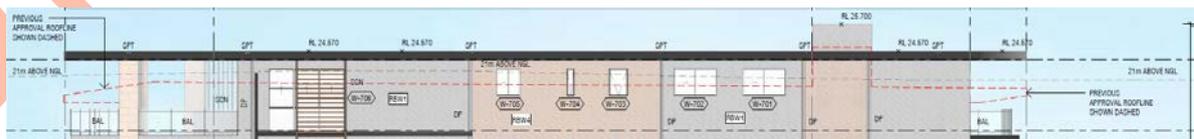
**2.1 Proposal Details**

This application seeks changes to an existing Development Permit for a Material Change of Use - Multiple Dwelling (6 dwellings) at 28 Woodcliffe Crescent, Woody Point.

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

1. Increase in height from 21m to 22.5 when measured from natural ground level to top of roof. The overall height of the development is 23.47m when measured from natural ground level to the top of the lift overrun.
2. Revised driveway design, reducing the crossover width from 9m to 6m.
3. Provision of car park storage areas, resulting in a slight increase of the development footprint.
4. Inclusion of planter boxes on level two (2) along the southern side of the building.
5. Minor changes to the roof design and architectural features of the building.

The requested changes do not otherwise alter the number of storeys, dwellings or car parking spaces of the approved development, with all other aspects of the development to remain unchanged. The proposed increased building height has resulted from slight increases in the floor to ceiling height for each level to allow servicing between levels to be provided in accordance with the relevant parts of the building code. The proposed elevations (an extract below) clearly show the proposal with the outline of the existing approved height in red dash.



The original development approval was assessed against the now historic Redcliffe City Planning Scheme. As the proposal is to increase the height of the building above the height nominated in the superseded Redcliffe City Planning Scheme and current MBRC Planning Scheme, the proposal was determined by Council officers not to be a minor change but instead a Change (Other). In assessing this change application, section 82 of the *Planning Act 2016* requires a Change (Other) Application to be assessed and decided as if “the change application were the original development application,

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with the changes included, but was made when the change application was made". Therefore, this application has been assessed against the assessment benchmarks of the MBRC Planning Scheme to the extent of the proposed changes only. The non-changed aspects of the development were addressed as part of the previous assessment for the Development Approval and are not the subject of this assessment as the legislation does not contemplate or provide for matters previously considered to be reconsidered.

In considering the proposal, it is necessary to note that under the MBRC Planning Scheme the site is mapped as being within a Medium Risk Flood Hazard Area and a Drainage Investigation Area of the Flood Hazard Overlay, as well as within an Erosion Prone Area of the Coastal Hazard Overlay. As the original development application was assessed against the now historic Redcliffe City Planning Scheme, the development has not previously been assessed against Flood Hazard and Coastal Hazard as is identified in the MBRC Planning Scheme. However, as noted above, this change (Other) application is limited to assessment against the changed aspects with the only changes at ground level being the inclusion of car park storage areas. The inclusion of car park storage areas are minor in nature and will not give rise to impacts over and above what is currently approved.

2.2 Description of the Site and Surrounds

The site currently contains a Dwelling House and is encumbered by Easement A on RP177572 to Council for Drainage Purposes that crosses the front portion of the site.

Directions	Planning Scheme Zone	Current Land Use
North	General Residential Zone - Urban Neighbourhood Precinct and Recreation and Open Space Zone	Dwelling House and Redcliffe Peninsula Lions Memorial Park
South	N/A	N/A - Moreton Bay
East	General Residential Zone - Urban Neighbourhood Precinct and Recreation and Open Space Zone	Dwelling House and Woodcliffe Park
West	General Residential Zone - Urban Neighbourhood Precinct	Dwelling House

2.3 Assessment Benchmarks related to the Planning Regulation 2017

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

These Assessment Benchmarks are prescribed as being contained in:

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

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

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2.3.1 State Planning Policy

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

<b>Assessment benchmark - livable communities</b>		
Applicable to Development	SPP requirement	Comment
Yes	(1) Development ensures fire hydrants are installed and located to enable fire services to access water safely, effectively and efficiently. (2) Road widths, and construction within the development, are adequate for fire emergency vehicles to gain access to a safe working area close to buildings and near water supplies whether or not on-street parking spaces are occupied. (3) Fire hydrants are suitable identified so that fire services can locate them at all hours.	An assessment of the changed aspects of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.
<b>Assessment benchmark - mining and extractive resources</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
<b>Assessment benchmarks - water quality</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
<b>Assessment benchmarks - natural hazards, risk and resilience</b>		
Applicable to Development	SPP Requirement	Comment
Yes	Erosion prone areas within a coastal management district: (1) Development does not occur in an erosion prone area within a coastal management district unless the development cannot feasibly be located elsewhere as is: (a) coastal dependent development; or	An assessment of the changed aspects of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.

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

2.3.2 South East Queensland Regional Plan

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

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

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

2.4.1 *Strategic Framework*

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

2.4.2 *Assessment of Applicable Codes*

Code Compliance Summary

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

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

This Change Application has been assessed against the assessment benchmarks of the MBRC Planning Scheme to the extent of the proposed changes only. The non-changed aspects of the development were addressed as part of the previous assessment for the Development Approval and are not the subject of this assessment.

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Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Zone/ Local Plan Code</b>		
General Residential Zone Code - Urban Neighbourhood Precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO4, PO6
<b>Overlay Codes</b>		
Flood Hazard Overlay Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Only minor changes are proposed to the development at ground level including the provision of car park storage areas.
Coastal Hazard Overlay	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Only minor changes are proposed to the development at ground level including the provision of car park storage areas.
<b>Development Codes</b>		
Residential Uses Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

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

2.4.3 Performance Outcome Assessment

Performance Outcome	Example
<b>General Residential Zone Code (Urban Neighbourhood Precinct)</b>	
<p><b>PO4</b> Buildings and structures have a height that:</p> <ul style="list-style-type: none"> <li>a. is of a bulk and scale that is consistent with the medium to high rise character of the Urban neighbourhood precinct;</li> </ul> <p>Note - There are circumstances where the Urban neighbourhood precinct is intended to have a low rise character. These circumstances are identified as having a maximum building height less than 21m on Overlay map - Building heights. Alternatives are to be considered in relation to the intended low rise character for that specific area.</p> <ul style="list-style-type: none"> <li>b. responds to the topographic features of the site, including slope and orientation;</li> <li>c. is not visually dominant or overbearing with respect to the streetscape, street conditions (e.g. street width) or adjoining properties;</li> <li>d. positively contributes to the intended built form of the surrounding area;</li> </ul> <p>Note - To demonstrate compliance with the above a visual impact assessment may be required in accordance with Planning scheme policy - Residential design. Visual impact assessments will require the consideration of all</p>	<p><b>E4</b> Building height:</p> <ul style="list-style-type: none"> <li>a. is within the minimum and maximum mapped on Overlay map – Building heights; or</li> <li>b. for domestic outbuildings, including free standing carports and garages, 4m and a mean height not exceeding 3.5m.</li> </ul>

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Performance Outcome	Example
<p>built form matters (e.g. height, setbacks, site cover, building bulk and mass, articulation, roof form and other design aspects) from a variety of perspectives to ascertain if the proposal will result in a positive contribution.</p> <p>e. responds to the height of development on adjoining land where contained within another precinct or zone.</p> <p>Note - Refer to Planning scheme policy - Residential design for details and examples.</p>	
<b>Performance Outcome Assessment</b>	
<p>The site is mapped as having a maximum building height of 21m as shown on Overlay Map - Building Heights in the MBRC Planning Scheme. This change application proposes a development having a height of 22.5m when measured from natural ground level to the top of the roof, or 23.47m when measured from the natural ground level to the top of the lift overrun, and therefore seeks a performance solution.</p> <p>The proposed increased building height is a result of slight increases in the floor to ceiling height for each level necessary to allow servicing between levels to be provided in accordance with the relevant building codes. The minor increase in height when viewed external to the site will be negligible and will not result in amenity impacts (i.e. scale, bulk or overshadowing) to adjoining properties, particularly as the development reflects a tiered form with setbacks to each side boundary increasing with the height of building. Further, having regard to the broader locality/wider context, the slight increase in height will not interrupt significant view corridors.</p> <p>Although the proposed built form exceeds the suggested maximum height limit as per Example E4 of the zone code, the corresponding Performance Outcome, PO4, requires buildings and structures to have a height that is consistent with the medium to high rise character of the Urban Neighbourhood Precinct. Planning Scheme Policy - Residential Design outlines medium rise being 4-6 storeys and high rise being 7 or more storeys. The proposed development was and remains 7 storeys (being on the low side of the high rise description) and is therefore consistent with a high rise apartment as outlined within the Planning Scheme Policy.</p> <p>Therefore, compliance with the Performance Outcome is achieved.</p>	
<p><b>PO6</b> Residential buildings and structures are setback to:</p> <ul style="list-style-type: none"> <li>a. be consistent with medium to high density Urban neighbourhood precinct character where buildings are positioned close to the footpath to create active frontages;</li> <li>b. result in development not being visually dominant or overbearing with respect to the streetscape and the adjoining sites;</li> <li>c. maintain private open space areas that are of a size and dimension to be usable and functional;</li> <li>d. maintain the privacy of adjoining properties;</li> </ul>	<p><b>E6.1</b> Setbacks (excluding built to boundary walls) comply with Table 6.2.6.4.3 'Setbacks' - Setback (Residential uses).</p> <p>Note - Greater setbacks may be required if the lot adjoins an environmental corridor or area (Refer to values and constraints for details).</p>

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Performance Outcome	Example
<p>e. ensure parked vehicles do not restrict pedestrian and traffic movement and safety;</p> <p>f. limit the length, height and openings of boundary walls to maximise privacy and amenity on adjoining properties;</p> <p>g. ensure built to boundary walls do not create unusable or inaccessible spaces and do not negatively impact the streetscape character, amenity or functionality of adjoining properties;</p> <p>h. provide adequate separation to particular infrastructure and water bodies to minimise adverse impacts on people, property, water quality and infrastructure.</p> <p>Note - Refer to Planning scheme policy - Residential design for details and examples.</p>	
<i>Performance Outcome Assessment</i>	
<p>This Change Application seeks a Performance Solution for the following setbacks:</p> <ol style="list-style-type: none"> <li>I. Level 2 planter boxes are proposed along the western side boundary ranging in setbacks from 0.65m to 1.5m. This differs to the existing approval where an architectural feature was setback 0.65m and a balcony ran along the boundary setback 2m.</li> <li>II. The front balconies on levels 6 &amp; 7 facing Woodcliffe Crescent are proposed setback 3.5m from the eastern side boundary. This differs from the existing approval where these balconies were setback 4.5m.</li> </ol> <p>It is noted that the development footprint has extended along the western side boundary to accommodate car park storage areas, however the setback proposed complies with the example and therefore does not require a Performance Solution. No other changes to setbacks are proposed that significantly differ from the existing approval. The provision of planters boxes along the western side of Level 2 results in development not being visually dominant or overbearing with respect to the adjoining site as it provides a break in building materials. Further, the provision of planter boxes will provide additional screening and therefore a higher level of privacy and amenity for both the resident and the adjoining property.</p> <p>The front balconies on levels 6 &amp; 7 are proposed with a setback of 3.5m from the eastern side boundary, bringing the balconies in line with the below levels. An architectural feature will run along the side of the balconies providing privacy screening for residents and the adjoining property. The balcony on Level 7 is not provided with architectural screening, however a recommended condition will require screening to be provided to ensure privacy.</p> <p>Therefore, with a recommended condition, compliance with the Performance Outcome is achieved.</p>	

2.5 Trunk Infrastructure

In accordance with section 4 of the Moreton Bay Regional Council Planning Scheme, the subject site is located in the identified Priority Infrastructure Area. Infrastructure charges applying to the land,

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where applicable, are to be applied in accordance the Council's Charges Resolution No. 6 commencing on 3 July 2017 (CR).

#### 2.5.1 Levied Charge

In accordance with section 10 of the CR, a Levied Charge is applicable to the development proposal and has been calculated taking into consideration any applicable credits or offsets.

#### 2.5.2 Levied Charge Credit

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

(a) Payment of previous charges or contributions

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

(b) Lawful use of land

An assessment of existing and previous lawful uses of the land has determined that a credit amount of \$17,603.73 exists and has been calculated based on the existing Dwelling House use over the site.

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

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

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

The credit available under this option is \$17,603.73 based on the proportional split stated in Table 3 of the CR.

#### 2.5.3 Levied Charge Offset or Refund

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

#### 2.5.4 Additional Trunk Infrastructure Costs

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

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

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

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

2.6 Recording of particular approvals on the MBRC Planning Scheme

Not Applicable in this instance.

2.7 Referrals

2.7.1 *Council Referrals*

**2.7.1.1 Development Engineering**

The application was referred to Development Engineering for their review. The following comments were provided:

*Access:*

The existing approval provides a driveway crossover width of 9m with the proposed changes requesting a reduction in width to 6m. Generally, driveways for the subject development side may be 5.5 - 6m in width. Therefore, there are no concerns with the proposed change to the driveway crossover.

**2.7.1.2 Environmental Health**

The application was referred to Environmental Health for their review. The following comments were provided:

*Waste Management:*

An adequate bin storage area is shown on the amended plans. It is recommended the previous waste condition be updated to reflect current council policy requirements.

There are no other required condition amendments.

2.7.2 *Referral Agencies*

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

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

**2.7.2.2 Advice Agencies**

There were no Advice Agencies involved in assessing this application.

**2.7.2.3 Third Party Agencies**

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

2.8 Public Consultation

2.8.1 *Public Notification Requirements under the Development Assessment Rules*

- (a) Public Notification was served on all adjoining landowners on 12 June 2020.
- (b) The development application was advertised in the Courier Mail on 15 June 2020.
- (c) A notice in the prescribed form was posted on the relevant land on 15 June 2020 and maintained for a minimum period of 15 business days until 7 July 2020.

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Submissions Received

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

Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax		27
	Petition		0
Not Properly Made	Letter, Email, Fax		0
	Petition		0
<b>Total</b>			<b>27</b>

The matters raised within the submissions are outlined below:

Assessment of Submissions
<p><b>Issue - Height of Development Exceeding the Planning Scheme</b></p> <ul style="list-style-type: none"> <li>• Height limits being sought will exceed the existing Planning Scheme, thereby changing the neighbourhood amenity</li> <li>• Height limits are set for a reason - our local Council has failed us already in this respect as it fails to consider the wishes of the residents and rate payers of the council area</li> <li>• Developers and designers are aware of the limits and should be accountable for submitting applications that meet these requirements</li> <li>• Failure to comply with existing limits has resulted in developments being approved that are profit driven and negatively impact the charming Woody Point village and its seaside village character</li> <li>• Residents are dismayed by Council's disregard of the building height limits</li> <li>• If this application is approved, it will provide the green light for other development applications to exceed the limits outlined in the Planning Scheme</li> <li>• Existing and new residents to the area have an expectation that the limits created by the Council are adhered to and not subject to arbitrary interpretation</li> <li>• Ensuring limits are met creates confidence within the community that inappropriate development will not be submitted or approved</li> <li>• This application fails to enhance and respect our community and neighbourhood values</li> <li>• It is concerning that developers are following the practice of submitting a development that meets the Town Plan guidelines and limits, then after it has been approved, they submit a Change Application that exceeds the Town Plan</li> <li>• General amenity concerns (e.g. access to sunlight &amp; wind tunnel) were raised relating to high rise development</li> </ul>
<p><b>Discussion</b></p> <p>The submitters concerns regarding building height are acknowledged and it is recognised that the Woody Point area has in recent times been subject to applications where development is proposing a Building Height exceeding that mapped on Overlay Map - Building Heights.</p> <p>This particular change application is seeking to increase the building height of an existing approved Multiple Dwelling from 21m to 22.5m when measured from natural ground level to top of the roof. The overall building height measured from natural ground level to the top of the lift overrun is 23.47m, with the lift overrun positioned inset to the building footprint so it will be obscured. The change in building height is minimal in nature and has occurred due to the development requiring a small increase to the height of each level (floor to ceiling) to accommodate internal services and comply with the relevant building</p>

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code requirements. This change application does not otherwise seek to increase the number of approved levels or dwellings.

The concerns raised by the submitters about the principle of this application being approved and then changed at a later date to increase the height is acknowledged, however in the majority of instances, detailed design has not occurred at the town planning approval stage. It is for this reason that the decision of Council officers was that the proposal was not a minor change and was made to repeat the impact assessment process for the change component - providing the community the opportunity to express its concerns. The proposal needs to be assessed on its merits and not on the basis of the development approval process being lawfully applied.

In response to comments received about building height limits outlined within the Planning Scheme and the recent approval of developments exceeding that mapped on Overlay Map - Building Heights, while the Overlay Map identifies a maximum building height, the zone code that calls up the Overlay Map only does so as an example and not an outcome. Examples are incorporated within the Planning Scheme to provide guidance on one (1) way (or an example) to achieve compliance with the corresponding Performance Outcome. As a specific height is not referenced within the Performance Outcome relating to building height, or in the Overall Outcomes, there is opportunity for development to exceed the height suggested by the Overlay Map and still comply with the Planning Scheme.

Overall, this is not sufficient grounds for refusal of the application.

**Issue - Historical and Cultural Features of Woody Point**

- Woody Point has strong historical and cultural credentials dating back to our first peoples and subsequently Matthew Flinders
- This history should not be extinguished by aggressive over-development of the headland which exceeds limits
- Respect for culture and history is an important element of neighbourhood amenity, ethos and values
- The Gayundah Shipwreck, Moreton Bay Marine Reserve and Gayundah Arboretum are popular tourist and residential attractions
- This historical part of the Redcliffe Peninsula should not be overshadowed by excessively tall development that exceeds limits

**Discussion**

The submissions received outlined areas of Woody Point that contain historical and cultural features and made note that these areas should not be overshadowed by excessively tall and aggressive over-development that exceeds limits.

In this instance the application is seeking approval primarily for a building height of 22.5m when measured from natural ground level to top of the roof and 23.47m when measured from natural ground level to the top of the lift overrun. Although Overlay Map - Building Heights nominates this site as having a building height of 21m, the overall height proposed does not excessively exceed the mapping or constitute an over-development of the site. The additional height proposed will have no impact on popular tourist and residential attractions or the cultural heritage of the area.

Overall, this is not sufficient grounds for refusal of the application.

**Issue - Precedence**

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- Council planners told the Council meeting on 3 December 2019 that the development application for 2-8 Gayundah Esplanade would not set a precedent for other sites in Woody Point to be allowed to build to 45 metres
- Granting permission for the ridiculous height of 2-8 Gayundah has created a 'free for all height grab' from all developers
- This is already happening, both at this site and for the application at 1 Lilla Street
- 1 Lilla Street is a prime example of the overuse of an extremely small block of land for an excessive height build. Once 2-8 Gayundah was 'approved' the developers of this Lilla St block decided they needed yet more height and pushed the council for that 'little bit more' by way of a similar alteration to this application
- Here is the Planner's opportunity to prove to residents that limits have been established to maintain the uniqueness of the locality and will not be approved because a developer and designer has not been able to submit an application that met those limits
- The Council need to send a firm and clear message to developers that until such time as amended schemes or neighbourhood plans are developed, the interim position of Council is to stick to the Town Plan

**Discussion**

Development applications are subject to rigorous assessment in relation to the relevant assessment benchmarks within the Planning Scheme, as well as other factors such as the location and surrounding area of the site with each application assessed on its merits.

As raised in submissions, a Change (Other) Application was submitted over 1 Lilla Street, Woody Point that sought to increase the building height of the existing approved Multiple Dwelling by an additional 5 storeys with an additional 4 dwellings. That application was however withdrawn and is no longer being assessed by Council.

As discussed previously, while the Overlay Map - Building Heights identifies a maximum building height, the Planning Scheme itself only references this specific height as an example and not an outcome as represented by the submissions. Therefore, there is opportunity for development to exceed the height suggested by the Overlay Map and still comply with the Planning Scheme. Further, the Planning Scheme does not prohibit the submission of an application that exceeds the height nominated within Overlay Map - Building Heights and therefore needs to be assessed in accordance with legislative requirements and on its merits.

In this instance, Council officers are satisfied that the small increase in height maintains compliance with the outcomes sought by the planning scheme.

Overall, this is not sufficient grounds for refusal of the application.

**2.8.2 Notice of Compliance**

The Notice of Compliance was received by Council on 8 July 2020. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

**2.9 Other Matters**

None identified.

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**3. Strategic Implications**

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications

Nil identified

3.5 Delegated Authority Implications

Nil identified

3.6 Financial Implications

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

b) Permit conditions require infrastructure contributions to Council.

3.7 Economic Benefit Implications

Nil identified

3.8 Environmental Implications

Nil identified

3.9 Social Implications

Nil identified

3.10 Human Rights Implications

Nil identified

3.11 Consultation / Communication

Refer to section 2.8.

**ATTENDANCE**

Marco Alberti and Dan Staley left the meeting at 11:40 AM after Item 4.1.

**5 COMMUNITY & ENVIRONMENTAL SERVICES SESSION****(Cr M Gillam)**Declarations of interest statement

Portfolio Councillor to inform Council of any personal interests for items in this session, then ask other Councillors if they have any personal interests that will be declared for respective items in the session.

**ITEM 5.1****CORONAVIRUS (COVID-19) COMMUNITY AND LOCAL BUSINESS SUPPORT PACKAGE - EXTENSION**

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES  
Reference: A20346199 : 11 August 2020  
Responsible Officer: TD, Public Health Coordinator (CES Customer Response)

**Executive Summary**

The Coronavirus (COVID-19) was declared a pandemic by the World Health Organisation (WHO) in March 2020.

On 25 March 2020, Council considered an immediate and urgent support package worth over \$15 million to boost the regional economy and support residents, community groups and businesses suffering financial hardship. It was envisaged that Council's initiatives would complement packages announced by the State and Federal Government.

At its General Meeting of 25 March 2020 (Minute Page 20/597), Council resolved to endorse the proposed support package and adopt the *Financial Hardship Policy (Coronavirus COVID-19)* (Hardship Policy), including the following:

11. *That in relation to the food licencing fees, a pro-rata refund will be provided to local restaurants and cafes for 12 months (for the 2020 Calendar year) to provide relief to those businesses who have had to cease operations or change to takeaway offerings only.*

Whilst it is recognised that public health restrictions have eased, and the impact on some businesses has reduced, unemployment and financial hardship continues to be an issue for many across the Moreton Bay Region. Council is undertaking \$32.9 million worth of stimulus measures directly related to COVID-19. This is supported by direct state and federal funding to council to date of \$18.5 million.

This report therefore recommends that the current stimulus measures as they relate to food licencing fees, be extended, to enable Moreton Bay Regional Council to continue to support the community during this unprecedented time.

**RESOLUTION****Moved by Cr Matt Constance****Seconded by Cr Sandra Ruck****CARRIED 13/0**

1. **That food licence renewal notices for the period 1 October 2020 to 30 September 2021, be issued with a full rebate applied.**
2. **That the Chief Executive Officer be authorised to take all action reasonably required to give effect to the issue of such notices at a full rebate.**

*ITEM 5.1 CORONAVIRUS (COVID-19) COMMUNITY AND LOCAL BUSINESS SUPPORT PACKAGE - EXTENSION  
- A20346199 (Cont.)*

**OFFICER'S RECOMMENDATION**

1. That food licence renewal notices for the period 1 October 2020 to 30 September 2021, be issued with a zero-charge applied.
2. That the Chief Executive Officer be authorised to take all action reasonably required to give effect to the issue of such notices at a zero charge.

**REPORT DETAIL**

**1. Background**

The Coronavirus (COVID-19) was declared a pandemic by the World Health Organisation (WHO) in March 2020. This resulted in the implementation of a range of public health measures to slow the spread of COVID-19.

These public health measures have had a significant impact on the economy with many businesses closing or significantly reducing their trading hours or changing their operations. This has resulted in large numbers of people becoming unemployed and experiencing financial hardship both nationally, and across the Moreton Bay Region.

Council's support package of 25 March 2020, included a pro-rata refund of food licencing fees to local restaurants and cafes for 12 months (for licencing period 1 October 2019 to 30 September 2020) to provide relief to those businesses who had to cease operations or change their service delivery methods. The hospitality and tourism industries have been some of the hardest hit during the pandemic. This resulted in refunds to the value of \$760,000 being made to businesses in the Moreton Bay Region.

Due to the easing of public health restrictions, the impact on some businesses has reduced, however, unemployment and financial hardship continues to be an issue for many across the Moreton Bay Region.

Therefore, it is proposed that the current stimulus measures as they relate to food licencing fees, be extended, to enable Moreton Bay Regional Council to continue to support the community during this unprecedented time. This initiative would also apply to any new businesses who are required to obtain a food licence from Council during the period 1 October 2020 to 30 September 2021.

A Council briefing was conducted on 29 July 2020 for the purpose of sharing information and providing advice to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

29 July 2020 - **The CEO noted the way forward:** It was noted that a report will be submitted to an upcoming General Meeting for consideration to adopt.

**2. Explanation of Item**

In response to the continuing hardship caused by the effects of the Coronavirus (COVID-19) pandemic to local businesses, it is proposed that food licence fees for small and medium size local businesses for the upcoming renewal year (1 October 2020 to 30 September 2021) be issued with a zero-charge applied.

In line with the previous refund, this initiative will not be provided to major companies and multinationals including major fast food and supermarket chains not impacted by the restrictions.

This initiative is anticipated to cost approximately \$800,000.

ITEM 5.1 CORONAVIRUS (COVID-19) COMMUNITY AND LOCAL BUSINESS SUPPORT PACKAGE - EXTENSION  
- A20346199 (Cont.)

**3. Strategic Implications**

- 3.1 Legislative / Legal Implications  Nil identified
- 3.2 Corporate Plan / Operational Plan  
Strengthening Communities: Strong local governance - strong leadership and governance.
- 3.3 Policy Implications  Nil identified
- 3.4 Risk Management Implications  Nil identified
- 3.5 Delegated Authority Implications  
As outlined in Officer's Recommendation 2, that the Chief Executive Officer be authorised to take all action reasonably required to give effect to the issue of food license renewal notices at a zero charge.
- 3.6 Financial Implications  
The extension of this stimulus initiative will not impact the 2020/21 budget. An allowance for a reduction in revenue due to the impacts of COVID19 was included in the adopted budget. While this initiative was not specifically contemplated at the time of budget preparation, the allowance made in the budget is sufficient to cover the revenue reduction estimated.
- 3.7 Economic Benefit Implications  
As outlined above.
- 3.8 Environmental Implications  Nil identified
- 3.9 Social Implications  
As outlined above.
- 3.10 Human Rights Implications  
Under the *Human rights Act 2019 (Qld)*, Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human rights implications relevant to Council's decision.
- 3.11 Consultation / Communication  
Manager Strategy and Engagement  
Director Community & Environmental Services

**ITEM 5.2  
DISPOSAL OF PROPERTIES VIA EXPRESSIONS OF INTEREST CAMPAIGNS**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* A20360606 : 5 August 2020 - Refer **Supporting Information A20361514**  
*Responsible Officer:* AS, Manager Property Services (CES Property & Commercial Services)

**Executive Summary**

The purpose of this report is to seek Council's approval to dispose of the properties detailed in this report (the Land) by undertaking a two-stage process, being Expressions of Interest, followed by Select Tender campaigns.

**RESOLUTION**

Moved by Cr Matt Constance

Seconded by Cr Tony Latter

CARRIED 13/0

1. That Council resolves it is in the public interest to invite expressions of interest (EOIs) for the disposal of the Land described in this report prior to inviting written tenders.
2. That Council records its reason for resolving to invite EOIs for the disposal of the Land, which is to enable Council to consider tenders from a shortlist of EOI respondents who have submitted a clear plan and demonstrated an ability to achieve Council's desired outcomes for the land.
3. That Council authorises the Chief Executive Officer to:
  - a) prepare a shortlist from the persons who respond to the invitation for expressions of interest and invite written tenders from those persons for the disposal of the Land;
  - b) invite all persons who submit a tender to change their tender to take account of a change in the tender specifications;
  - c) decide to accept a tender or not to accept any tenders it receives in respect of the disposal of the Land having regard to the sound contracting principles; and
  - d) do all things necessary to give effect to recommendation 1, including advertising the invitation for expressions of interest in accordance with the requirements of Local Government Regulation 2012.

ITEM 5.2 DISPOSAL OF PROPERTIES VIA EXPRESSIONS OF INTEREST CAMPAIGNS - A20360606 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That Council resolves it is in the public interest to invite expressions of interest (EOIs) for the disposal of the Land described in this report prior to inviting written tenders.
2. That Council records its reason for resolving to invite EOIs for the disposal of the Land, which is to enable Council to consider tenders from a shortlist of EOI respondents who have submitted a clear plan and demonstrated an ability to achieve Council's desired outcomes for the land.
3. That Council authorises the Chief Executive Officer to:
  - a. prepare a shortlist from the persons who respond to the invitation for expressions of interest and invite written tenders from those persons for the disposal of the Land;
  - b. invite all persons who submit a tender to change their tender to take account of a change in the tender specifications;
  - c. decide to accept a tender or not to accept any tenders it receives in respect of the disposal of the Land having regard to the sound contracting principles; and
  - d. do all things necessary to give effect to recommendation 1, including advertising the invitation for expressions of interest in accordance with the requirements of Local Government Regulation 2012.

**REPORT DETAIL**

**1. Background**

This report relates to three properties described as:

1. 123 Sutton Street, Redcliffe (L6 / RP225966 & L1 / RP137633)
2. 2204 Mt Samson Road, Samford Valley (L901 / SP156333) - Part of
3. 94 Lower King Street, Caboolture (L284 / CG3599 & L1 / RP110304 & L17 / C313 & L222 / CG2904) - Part of.

Property Services has previously provided an overview of the above described properties, including potential activation opportunities.

Council Briefings were conducted on 17 June 2020 and 12 August 2020 for the purpose of sharing information and providing advice to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

**The CEO noted the way forward:**

Prepare Expressions of Interest campaigns for the three identified properties, noting key requirements such as tenure arrangements and development outcomes.

**2. Explanation of Item**

This report seeks a resolution to offer the Land for sale or lease via a tender process, following an Expression of Interest (EOI) campaign.

This enables Council to consider tenders from a shortlist of EOI respondents who have submitted a clear plan and demonstrated an ability to achieve the specific outcomes for the site envisaged by Council.

Council owns parcels of land in strategic locations within the region, these three sites have been identified as appropriate for activation, all site areas are subject to Survey.

*ITEM 5.2 DISPOSAL OF PROPERTIES VIA EXPRESSIONS OF INTEREST CAMPAIGNS - A20360606 (Cont.)*

123 Sutton Street, Redcliffe (L1 / RP137633 & L6 / RP225966) - (refer Supporting Information #1).

2,391m<sup>2</sup> of land currently used for car parking adjacent to Bluewater Square shopping centre.

An opportunity exists to expand the office/retail offering in Redcliffe, whilst maintaining or expanding existing car parking capacity.

Council will issue an Agreement to Grant Development Lease, followed by a Development Lease to the successful proponent, in order to retain control over various aspects of the future development, particularly planning and ultimate development outcomes. Following completion of the proposed development, Council will transfer ownership of the land to the proponent.

Continued public access to future car parking will be required as a result of any future development on the site. This will require approval from Council's Integrated Transport Planning Department prior to the signing of a development lease with the successful proponent. All other aspects of the development will be assessed against the MBRC Planning Scheme.

(Part) 94 Lower King Street, Caboolture (L2 & L284 / CG3599, L1 / RP110304, L17 / C313 & L222 / CG2904) - (refer Supporting Information #2).

45Ha of land at the entrance to Caboolture currently used for agistment, with a residential lease in place.

An opportunity exists for rural business activities at the entrance to Caboolture, adjacent to a major Bruce Highway interchange. A review of the site constraints, including future Council road and wetland projects, indicates a useable area of approximately 7.6Ha (refer Supporting Information #3).

Given the importance of the land to the region, notably as the entrance to Caboolture, it is not intended to sell the land, but rather enter into a lease with the successful proponent, which will ensure Council continues to control the land. A 10-year period is considered appropriate, as it provides certainty of tenure to the proponent, with Council having the opportunity to renew the lease at expiry should it be required. The term also provides Council flexibility, without entering into long term arrangements that may burden future public use of the land.

(Part) 2204 Mount Samson Road, Samford Valley (L901 / SP156333) - (refer Supporting Information #4)

An area of approximately 1.12Ha is available for activation in the Samford Glasshouse precinct and site of the new Samford Community Centre, which is currently under construction.

The Department of National Parks and Wildlife, and Millen Farm currently operate from the precinct, with opportunities for rural based business activities.

Given the importance of the land as a community facility, it is not intended to sell the land, but rather enter into a lease with the successful proponent, which will ensure Council continues to control the land. A 10-year period is considered appropriate, as it provides certainty of tenure to the proponent, with Council having the opportunity to renew the lease at expiry should it be required. The term also provides Council flexibility, without locking into long term arrangements that may burden future public use of the land.

### **3. Strategic Implications**

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

Council must comply with the *Local Government Act 2009* ("the Act") and the *Local Government Regulation 2012* ("the Regulation") when it disposes of valuable non-current assets, including leases of land.

Section 228 of the Regulation allows Council to dispose of a valuable non-current asset via a tender process following an Expressions of Interest campaign.

ITEM 5.2 DISPOSAL OF PROPERTIES VIA EXPRESSIONS OF INTEREST CAMPAIGNS - A20360606 (Cont.)

- 3.2 Corporate Plan / Operational Plan  
Creating Opportunities: Local jobs for residents - an innovative and thriving economy.
- 3.3 Policy Implications  
There is no Council policy which specifically deals with the disposal of land; however, the provisions of the Local Government Regulation 2012 apply.
- 3.4 Risk Management Implications  
The primary risk is probity. The Manager Property Services will oversee the disposal process which will be conducted in accordance with the relevant legislation and policies.
- 3.5 Delegated Authority Implications  
Council has already delegated power to the CEO to carry out recommendation 3 (under Delegation Council-150).
- 3.6 Financial Implications  
Sale and rental valuations of the sites will be undertaken prior to releasing the EOI to the market. Disposal of the properties will be equal to or more than the market value of the land as per the Local Government Regulation 2012.
- 3.7 Economic Benefit Implications  
Maintaining and creating jobs in the region assists in delivering Council's Economic Development Action Plan of 70% employment self-containment.
- 3.8 Environmental Implications  
Development of the sites will be assessed against the MBRC Planning Scheme, including any potential impact on environmental values in the region.
- 3.9 Social Implications  Nil identified
- 3.10 Human Rights Implications  
Under the *Human Rights Act 2019 (Qld)*, Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human rights implications relevant to Council's decision.
- 3.11 Consultation / Communication  
Council Briefing Session 17 June 2020  
Council Briefing Session 12 August 2020  
Chief Executive Officer  
Parks and Recreation Planning  
Integrated Transport Planning  
Drainage and Waterways

**ATTENDANCE**

Denis Crowe attended the meeting at 12:01 PM for discussion on Items 6.1 to 6.3 inclusive

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**6 FINANCE & CORPORATE SERVICES SESSION**

**(Cr M Constance)**

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Declarations of interest statement

Portfolio Councillor to inform Council of any personal interests for items in this session, then ask other Councillors if they have any personal interests that will be declared for respective items in the session.

**ITEM 6.1**

**QUARTER 4 OPERATIONAL PLAN REVIEW 2019/20**

Meeting / Session: 6 FINANCE & CORPORATE SERVICES  
Reference: A20346219 : 31 July 2020 - **Refer Supporting Information A20345770**  
Responsible Officer: SS, Senior Systems Accountant (FCS Accounting Services)

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**Executive Summary**

The purpose of this report is to present the Quarter 4 Operational Plan Review for 2019/20.

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**RESOLUTION**

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Moved by Cr Adam Hain

Seconded by Cr Mick Gillam

**CARRIED 13/0**

**That the Quarter 4 Operational Plan Review for 2019/20 be received.**

ITEM 6.1 QUARTER 4 OPERATIONAL PLAN REVIEW 2019/20 - A20346219 (Cont.)

**OFFICER'S RECOMMENDATION**

That the Quarter 4 Operational Plan Review for 2019/20 be received.

**REPORT DETAIL**

**1. Background**

Every financial year Council must prepare and adopt an annual operational plan. The plan must be reported upon at regular intervals of not more than three months. The Quarter 4 report on the Operational Plan for 2019/20 is presented with an assessment of Council's achievements as measured against relevant key performance indicators along with an accompanying commentary for each Department of Council.

**2. Explanation of Item**

The fourth quarter report on the Operational Plan provides non-financial information on Council's organisational performance. Included in this report are key performance indicator (KPI) targets and associated achievements with accompanying commentary relevant to the KPI's and other significant operational matters.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

In accordance with section 174 of the Local Government Regulation 2012 the Council is required to prepare and report on a quarterly basis the progress towards implementing the annual Operational Plan.

**3.2 Corporate Plan / Operational Plan**

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

**3.3 Policy Implications**

Nil identified

**3.4 Risk Management Implications**

Operationally there are a wide number of risks that can impact on the delivery of the Operational Plan. These risks are recorded in the Council's Enterprise Risk Management Register and managed accordingly by each Department.

**3.5 Delegated Authority Implications**

Nil identified

**3.6 Financial Implications**

Nil identified

**3.7 Economic Benefit Implications**

The Operational Plan contributes to the Corporate Plan in achieving three key themes. Economic benefit implications relate to the theme of:

- Creating Opportunities

Delivered through two key strategies:

- Develop a sustainable, innovative and thriving economy that creates valuable employment for residents, protects the region's high quality of life and provides a prosperous future for residents.
- Develop projects which deliver strategic opportunities for the Moreton Bay Region.

ITEM 6.1 QUARTER 4 OPERATIONAL PLAN REVIEW 2019/20 - A20346219 (Cont.)

3.8 Environmental Implications

The Operational Plan contributes to the Corporate Plan in achieving three key themes. Environmental implications relate to the theme of:

- Valuing Lifestyle

Delivered through three key strategies:

- Maintain sustainable waste management for the Moreton Bay Region.
- Maintain and enhance the health of the natural environment.
- Protect public assets and maintain environmental standards through management of the stormwater network, coastal areas and waterways

3.9 Social Implications

The Operational Plan contributes to the Corporate Plan in achieving three key themes. Social implications relate to the theme of:

- Strengthening Communities

Delivered through three key strategies:

- Develop a strong and inclusive community.
- Provide residents opportunity to participate and engage with their community.
- Maintain a lifestyle enhanced and protected by local law

3.10 Human Rights Implications

Nil identified

3.11 Consultation / Communication

The Executive Management Team, Managers and other key Council officers were involved in preparing the fourth quarter report.

**ITEM 6.2**  
**MONTHLY REPORTING PACKAGE - 30 JUNE 2020**

*Meeting / Session:* 6 FINANCE & CORPORATE SERVICES  
*Reference:* A20350479 : 3 August 2020 - **Refer Supporting Information A20348134**  
*Responsible Officer:* CP, Accountant (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 June 2020.

**RESOLUTION**

**Moved by Cr Jodie Shipway**

**Seconded by Cr Cath Tonks**

**CARRIED 13/0**

**That the Financial Reporting Package for the year to date period ending 30 June 2020 be received.**

ITEM 6.2 MONTHLY REPORTING PACKAGE - 30 JUNE 2020 - A20350479 (Cont.)

## OFFICER'S RECOMMENDATION

That the Financial Reporting Package for the year to date period ending 30 June 2020 be received.

## **REPORT DETAIL**

### **1. Background**

The Financial Reporting Package for the month ending 30 June 2020 is contained within the supporting information to this report.

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

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

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

The financial year is complete and the performance and position of Council is outlined below. It should be noted that the financial results presented in this report and the accompanying attachment are preliminary and may change following the audit of the 2019/20 financial statements in the coming months.

- Operating surplus for the financial year was \$77 million (Budget \$79 million).
- Operating revenue was \$544 million (Budget \$544 million).
- Operating expenditure was \$467 million (Budget \$465 million).
- Capital Expenditure was \$205 million (Budget \$228 million).
- Cash balance at the end of the year is \$349 million.
- Debt balance at the end of the year is \$370 million.

More detailed explanations with regard to revenues and expenses is contained in the supporting information, "The Performance at a Glance" section.

## **Coronavirus Pandemic Impacts**

### Investment with Queensland Investment Corporation

Council's investment with Queensland Investment Corporation (QIC) declined from a high of \$112 million as at the end of January to just under \$100 million as at the end of March, however it has now recovered to \$103 million. This is a long term investment and it is anticipated that in time it should recover and increase in value.

### Fees and Charges

Revenues associated with fees and charges have been impacted by the following:

- Refunding of approximately \$788,000 in food licencing fees in April;
- closure of Council facilities such as pools, caravan parks, sport centres, entertainment centres; and
- a general slight decline in some fees across the board.

ITEM 6.2 MONTHLY REPORTING PACKAGE - 30 JUNE 2020 - A20350479 (Cont.)

Operating Expenditure

Council committed to bringing forward certain maintenance works and providing community infrastructure and hardship grants in response to the pandemic. As at the end of June, \$7.03 million in grants has been paid.

**3. Strategic Implications**

3.1 Legislative / Legal Implications

Part 9, section 204 of the Local Government Regulation 2012, (regulation) states the following:

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

Compliance to the Council's Investment Policy is confirmed for the month of June.

3.4 Risk Management Implications

The Council is subject to numerous risks associated with revenue and expenses that can impact upon Council's financial performance and position. Council monitors its performance against budget and undertakes long term financial modelling to inform decision making.

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications

As at the end of June 2020, Council's operating result is \$76.81 million and the capital expenditure incurred amounted to \$204.6 million. All financial results at this stage are preliminary and subject to possible change during audit.

The Coronavirus pandemic impacted some of Council's revenues and contributed to additional operating costs as Council brought forward certain maintenance works and provided assistance through community infrastructure and hardship grants.

The ending operating surplus ratio and net financial liabilities ratio remain strong.

- Operating surplus ratio was 14.1% (Budget 14.4%)
- Net financial liabilities ratio was 21.8% (Budget 21.4%)

Other strong financial indicators are:

- Current ratio was 3.36 (ideally above 3.0)
- Cash expenses cover was 12.24 months (ideally above 6 months)
- Interest cover ratio was 15.41 months (ideally above 6 months)

3.7 Economic Benefit Implications  Nil identified

ITEM 6.2 MONTHLY REPORTING PACKAGE - 30 JUNE 2020 - A20350479 (Cont.)

- 3.8 Environmental Implications  Nil identified
- 3.9 Social Implications  Nil identified
- 3.10 Human Rights Implications  Nil identified
- 3.11 Consultation / Communication  
Director Finance and Corporate Services and Accounting Services Manager.

UNCONFIRMED

**ITEM 6.3  
AMENDMENT TO COUNCIL'S BUDGET FOR 2020/21**

*Meeting / Session:* 6 FINANCE & CORPORATE SERVICES  
*Reference:* A20315890 : 23 July 2020 - **Refer Supporting Information A20355959**  
*Responsible Officer:* DC, Accounting Services Manager (FCS Accounting Services)

**Executive Summary**

The purpose of this report is to adopt the amended Council Budget for 2020/21.

**RESOLUTION**

Moved by Cr Cath Tonks

Seconded by Cr Tony Latter

**CARRIED 13/0**

That pursuant to section 169 and 170 of the Local Government Regulation 2012, Council adopts the amended budget for the 2020/21 financial year, as tabled, incorporating:

- e) Statement of Income and Expenditure (Long Term Financial Forecast, 10 years);
- f) Statement of Financial Position (Long Term Financial Forecast, 10 Years);
- g) Statement of Cash Flows (10 Years);
- h) Statement of Changes in Equity (10 Years);
- i) Measures of Financial Sustainability (10 years);
- j) The total value of the change expressed as a percentage in the rates and utility charges;
- k) Additional Legislative Disclosures (no change);
- l) Revenue Policy 2020/21 (no change);
- m) Revenue Statement 2020/21 (no change); and
- n) Benefitted Area Maps (no change).

ITEM 6.3 AMENDMENT TO COUNCIL'S BUDGET FOR 2020/21 - A20315890 (Cont.)

**OFFICER'S RECOMMENDATION**

That pursuant to section 169 and 170 of the Local Government Regulation 2012, Council adopts the amended budget for the 2020/21 financial year, as tabled, incorporating:

- a) Statement of Income and Expenditure (Long Term Financial Forecast, 10 years);
- b) Statement of Financial Position (Long Term Financial Forecast, 10 Years);
- c) Statement of Cash Flows (10 Years);
- d) Statement of Changes in Equity (10 Years);
- e) Measures of Financial Sustainability (10 years);
- f) The total value of the change expressed as a percentage in the rates and utility charges;
- g) Additional Legislative Disclosures (no change);
- h) Revenue Policy 2020/21 (no change);
- i) Revenue Statement 2020/21 (no change); and
- j) Benefitted Area Maps (no change).

**REPORT DETAIL**

**1. Background**

At the end of the 2019/20 financial year there were numerous projects that had not spent their budget allocation as works were incomplete. These projects will continue to completion during 2020/21 however no budget allocation currently exists within Council's 2020/21 Adopted Budget.

Accordingly, it is necessary to "carry over" these unspent budget funds from 2019/20 into 2020/21. Due to the quantum of unspent budget funds that is required to be carried over, it will be essential that the 2020/21 Adopted Budget be amended to reflect the increased level of expenditure forecast.

**2. Explanation of Item**

The "carrying over" of unspent budgets is not automatic and only applies to capital and operating projects where a specific request has been made to do so. Additional carry overs may also be required where Council is in receipt of grant funding tied to specific operating expenditures.

In total, the following budgets are requested to be carried over into 2020/21.

Unspent Capital Budgets	\$21,581,333 million
Unspent Operating Budgets	\$ 5,967,358 million
Total	<u>\$27,548,691 million</u>

The above requests translate into adding an additional \$27.5 million dollars of expenditure to Council's 2020/21 Budget.

The "carry over" expenditure to be added to the budget is essentially a timing difference as it represents commitments the Council has already made in 2019/20, however they will be delivered in 2020/21.

Accordingly, the Council's Amended Budget for 2020/21 is presented for adoption incorporating all the relevant documents that have changed as a result of carrying over the unspent budgets from 2019/20 as outlined.

It should be noted that some elements of the Amended Budget are not changing as indicated in the recommendations.

ITEM 6.3 AMENDMENT TO COUNCIL'S BUDGET FOR 2020/21 - A20315890 (Cont.)

**3. Strategic Implications**

3.1 Legislative / Legal Implications

In accordance with sections 169 and 170 of the Local Government Regulation 2012 the Council may amend its annual budget during the financial year.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

Nil identified

3.4 Risk Management Implications

Organisationally there are a wide number of strategic and operational risks that can impact on the delivery of Council's Budget. Of particular concern for 2020/21 is the ongoing COVID-19 pandemic and the financial impacts that may occur as a result in the short and long term. Council has included a number of estimated financial impacts in the formulation of the budget and will continue to monitor the ongoing COVID-19 situation to determine if further refinement is required as the year progresses.

3.5 Delegated Authority Implications

Nil identified

3.6 Financial Implications

The amended budget for 2020/21 includes an additional \$27.5 million in expenditure which impacts on the financial performance and position of Council previously adopted. This increase has been modelled using the Long term Financial Forecast (LTFF) model and Council's key financial metrics, including the three disclosed ratios adopted as part of this amended budget, still reflect outcomes consistent with good long term financial sustainability.

Council's budget will be subject to a further review in October 2020.

3.7 Economic Benefit Implications

The Council's annual budget facilitates significant infrastructure expenditure, maintenance activities and other services that offer an economic stimulus to the region through employment and business development.

3.8 Environmental Implications

Nil identified

3.9 Social Implications

Nil identified

3.10 Human Rights Implications

Nil identified

3.11 Consultation / Communication

Chief Executive Officer, Directors, Managers and other officers of Council as required.

**ATTENDANCE**

Denis Crowe left the meeting at 12:08 PM after Item 6.3.

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

### ITEM 11.1 REGIONAL EVENTS

Cr Mark Booth thanked the Caboolture Sub-Branch of the Vietnam Veterans' Association of Australia for their invitation to attend the **Vietnam Veteran's Day Commemorative Service** held on 18 August 2020, to honour and remember those in conflict zones since the Vietnam War.

Cr Denise Sims (Deputy Mayor) reported that she had the pleasure of attending the **75<sup>th</sup> Anniversary of Victory in the Pacific "VP-Day"** event held on Saturday 15 August at the Pine Rivers RSL Memorial Gardens. Cr Sims noted that the Mayor (Cr Peter Flannery) had also attended and laid a wreath as part of the ceremony.

### ITEM 11.2 ALLOCATION OF PARKS

Cr Denise Sims (Deputy Mayor) provided a presentation regarding allocation of local and district parks in the Griffin and Dakabin areas, and sought Council support for the following motions:

#### RESOLUTION

Moved by Cr D Sims (Deputy Mayor)

Seconded by Cr Jodie Shipway

CARRIED 13/0

1. That in the context of comments by various Griffin residents to the Division 7 Councillor, the Chief Executive Officer arrange an assessment of the number and distribution of local and district parks for this community.
  - a) That the assessment to include investigation of appropriate local and district park outcomes for existing and future residents of the Griffin catchment in comparison with Council's Local Government Infrastructure Plan (LGIP), Desired Standards of Service for parks and the shrinking land availability in the catchment; and
  - b) That the outcome of the assessment to be presented to a future Council Briefing.
2. That noting Council's Local Government Infrastructure Plan (LGIP) identifies a potential future District Recreation park to meet Council's Desired Standard of Service in the Dakabin area, and given the rapid rate of development within the area, the Chief Executive Officer investigate options for Council to secure the required land in a timely manner.
  - a) That the outcome of this investigation to be presented to a future Council Briefing.

**ITEM 11.3  
REQUEST TO RENAME TWO SECTIONS OF KORMAN ROAD, GRIFFIN**

Cr Jodie Shipway reported that concerns have been raised by residents of both the original section of Korman Road, Griffin (off Dohles Rocks Rd) and the newer section (off Brays Rd), about the confusion caused with respect to these two separate sections of Korman Road.

This issue has been ongoing now for over 12 months and residents in the original section of Korman Road raised their concerns when the development first became common knowledge however, feel that their thoughts were not heard.

Residents experience issues with deliveries being made to the wrong part of Korman Road, particularly in the older section. Some deliveries are being made by large trucks delivering building materials and as there is very little turning space in that section of the road, the trucks are utilising residential driveways to make the turns and as a result are causing damage to residents properties. Concern has also been raised in the case of an emergency, should the emergency vehicle travel to the wrong section of the road, it would add a further 10+ minutes to get to the other section.

To avoid all confusion and the potential risk involved should an emergency arise, the residents are proposing that these two separate sections of road be renamed. However, request that Council consider options to rename the two sections of road something other than Korman Road North and Korman Road South.

On behalf of the community, Cr Shipway moved the following motion:

**RESOLUTION**

Moved by Cr Jodie Shipway  
Seconded by Cr Mark Booth

**CARRIED 13/0**

1. That the matter of renaming the two separate sections of Korman Road, Griffin (something other than Korman Road North and Korman Road South) be investigated and brought back to a Council Briefing.
2. That community consultation be incorporated into the investigation.

**ITEM 11.4  
NATIVE WILDLIFE INFRASTRUCTURE INVESTMENT**

Cr Cath Tonks stated that as a passionate advocate for our region, she knows conserving our local environment is of utmost importance to our community.

Cr Tonks understood that other Councils have implemented varying speed limits to accommodate the koala breeding season and timing of koala activity such as after dusk.

Cr Tonks also stated that she understood that The Mill at Moreton Bay has recorded a 22 per cent annual increase in the koala population each year over the past three years, and is home to one of the only growing populations of urban koala in the state. Formalising a local native wildlife hospital/respice centre at the Mill could provide opportunities to support respice and research facilities in partnership with USC Moreton Bay, similar to the UQ Vets Practice at Dayboro. A local facility would alleviate extensive travel times and costs that volunteers are currently burdened with to travel to the RSPCA at Wacol or Australia Zoo on the Sunshine Coast. It could also support broader community education, including for local schools and visitors to our region, and provide a hub to showcase the ongoing work being done to support native wildlife and koalas, both at the Mill and more broadly across the region.

Given the current koala breeding season and increased koala activity, Cr Tonks moved the following motions:

**RESOLUTION**

**Moved by Cr Cath Tonks**

**Seconded by Cr Mick Gillam**

**CARRIED 13/0**

1. **That the Chief Executive Officer conduct a review into Council's total native wildlife infrastructure investment specifically highlighting the spend on koala infrastructure, broken down by type of initiative, such as koala fencing, koala underpasses and koala lighting.**
2. **That the review outlined above include:**
  - a) **a comparison of the spend on overhead fauna crossings, compared with koala specific infrastructure;**
  - b) **a speed reduction review on Council-controlled roads that have a known koala presence during the annual breeding season; and**
  - c) **an examination of the need for a local native wildlife hospital/respice centre, in addition to the recently announced environmental buy-back program.**
3. **That the Chief Executive Officer report back to Council on these matters before the end on the year.**

## 12. CLOSED SESSION

(s275 of the Local Government Regulation 2012)

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

### **ITEM C.1 - DECLARATION OF INTEREST**

#### **Conflict of Interest - Declaration - Cr Darren Grimwade**

Pursuant to s175E of the *Local Government Act 2009*, Cr Darren Grimwade declared a real conflict of interest in Item C.1 as Mr Paul Gripske, a lessee at the Redcliffe Aerodrome via a Superannuation Fund he holds an interest in, is a Director of Roy Gripske & Sons Pty Ltd.

Cr Grimwade received a political donation in the amount of \$2000 from Roy Gripske & Sons Pty Ltd on 12 February 2020, for the Councillor's 2020 election campaign.

**Cr Darren Grimwade retired from the meeting at 12:42 PM taking no part in the debate or resolution regarding same.**

#### **Conflict of Interest - Declaration - Cr Sandra Ruck**

Pursuant to s175E of the *Local Government Act 2009*, Cr Sandra Ruck declared a real conflict of interest in Item C.1 as Mrs Loretta Kelly, a part-owner of Flinders Aviation a company at the Redcliffe Aerodrome supported the Cr Ruck's 2020 electoral campaign with donations totalling \$970, as follows:

- a. \$900 on 22 November 2019 deposited into Cr Ruck's Campaign Account as payment for 12 dinner tickets for a fundraising dinner which included meals and two guest speakers for which Mrs Kelly's guests repaid Mrs Kelly on the night;
- b. \$50 on 18 January 2020 deposited into Cr Ruck's Campaign Account in lieu of her attendance at a second fundraiser event; and
- c. \$20 on 23 February 2020 paid in cash at the door as an entry fee to a third fundraising event.

Further, Mrs Kelly has been a friend of Cr Ruck for a number of years and Cr Ruck has attended one meeting at the aerodrome with Mrs Kelly as did other Division 5 candidates, to discuss concerns at the aerodrome.

Cr Ruck understands that Mrs Kelly's interest in the matter is that she is a concerned lease holder, owning the building of Flinders Aviation but not the land on which the building stands.

**Cr Sandra Ruck retired from the meeting at 12:43 PM taking no part in the debate or resolution regarding same.**

**CLOSED SESSION**

**RESOLUTION**

Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Tony Latter

**CARRIED 11/0**

**That Council move into closed session pursuant to the provisions of s275 (1) of the Local Government Regulation 2012 to discuss Item C.1.**

The closed session commenced at 12:43 PM.

**OPEN SESSION**

**RESOLUTION**

Moved by Cr Tony Latter

Seconded by Cr Adam Hain

**CARRIED 11/0**

**That Council resume in open session and that the following motions be considered.**

The open session resumed at 1:11 PM.

*Cr Darren Grimwade and Cr Sandra Ruck remained outside of the meeting.*

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**12a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL**

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**ITEM C.1 – CONFIDENTIAL**  
**REDCLIFFE AERODROME LEASING MATTERS**

**Meeting / Session:** 5 COMMUNITY & ENVIRONMENTAL SERVICES (Cr M Gillam)  
**Reference:** A20324273 : 5 August 2020  
**Responsible Officer:** AS, Manager Property Services (CES Property & Commercial Services)

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**Basis of Confidentiality**

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

**Executive Summary**

This report seeks a Council resolution to adopt lease rental rates and lease tenure terms at the Redcliffe Aerodrome.

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**RESOLUTION**

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Moved by Cr Jodie Shipway

Seconded by Cr Denise Sims (Deputy Mayor)

**CARRIED 11/0**

*Cr Grimwade and Cr Ruck had declared a conflict of interest and had left the meeting*

**That the preferred lease rental rates and tenure terms as outlined in this report, be adopted.**

**ATTENDANCE**

Cr Grimwade and Cr Ruck returned to the meeting at 1:12 PM following discussion on Item C.1.

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**12b. CONFIDENTIAL GENERAL BUSINESS**

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No items for consideration.

**13. CLOSURE**

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There being no further business the Chairperson closed the meeting at 1:12 PM.

**CHIEF EXECUTIVE OFFICER'S CERTIFICATE**

I certify that minute pages numbered 20/1510 to 20/1608 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 19 August 2020.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

**CONFIRMATION CERTIFICATE**

The foregoing minutes were confirmed by resolution of Council at its meeting held Tuesday 2 September 2020.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

\_\_\_\_\_  
Councillor Peter Flannery  
Mayor