



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, was live-streamed via a link on Council's website

ENDORSED GM20200902

Amended GM20201028 - NOM/40

Adoption Extract from General Meeting – 2 September 2020 (Page20/1610)

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

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Denise Sims

CARRIED 13/0

That the minutes of the General Meeting held 19 August 2020, be confirmed.

AMENDMENT - General Meeting 28 October 2020 (Page 20/1801)

That resolution 3 of Item 1.1 appearing on Minute Page 20/1514 of the General meeting held 19 August 2020, which reads:

“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.”

BE AMENDED and the following resolution be inserted in its stead:

“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, be delayed until a date to be determined in 2021 due to COVID-19 restrictions.”

LIST OF ITEMS

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

Moreton Bay Regional Council

GENERAL MEETING - 514
19 August 2020

PAGE b
Minutes

ITEM 1.2 - DECLARATION OF INTEREST	1517
<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
ITEM 1.2	1519
COUNCILLOR CONDUCT - DECISION ABOUT INAPPROPRIATE CONDUCT	
RESOLUTION	
REPORT DETAIL	
2 INFRASTRUCTURE PLANNING SESSION (Cr A Hain)	1523
ITEM 2.1 - WITHDRAWN	1523
NAMING OF THE SOUTH PINE SPORTS COMPLEX INDOOR CENTRE	
3 ENGINEERING, CONSTRUCTION & MAINTENANCE SESSION (Cr B Savage)	1524
ITEM 3.1	1524
TENDER - GRIFFIN - GRIFFIN SPORTS COMPLEX - SPORTING COMPLEX DEVELOPMENT 1	
RESOLUTION	
REPORT DETAIL	
ITEM 3.2	1531
TENDER - MURRUMBA DOWNS - BRAYS ROAD / MCCLINTOCK DRIVE - INTERSECTIONS AND ROAD UPGRADE	
RESOLUTION	
REPORT DETAIL	
ITEM 3.3	1537
TENDER - DAKABIN - DAKABIN WASTE FACILITY - TRANSFER STATION DEVELOPMENT 2	
RESOLUTION	
REPORT DETAIL	
ITEM 3.4	1542
TENDER - MORAYFIELD - OAKEY FLAT ROAD, (ASHBROOK TO LAKEVIEW) - ROAD AND INTERSECTION UPGRADE	
RESOLUTION	
REPORT DETAIL	
ITEM 3.5 - DECLARATION OF INTEREST	1548
<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

Moreton Bay Regional Council

GENERAL MEETING - 514
19 August 2020

PAGE c
Minutes

ITEM 3.5	1551
LIGHT VEHICLE FLEET TENDER SUPPLY ISSUES	
RESOLUTION	
REPORT DETAIL	
4 PLANNING SESSION (Cr D Grimwade)	1556
ITEM 4.1	1556
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	
RESOLUTION	
REPORT DETAIL	
5 COMMUNITY & ENVIRONMENTAL SERVICES SESSION (Cr M Gillam)	1585
ITEM 5.1	1585
CORONAVIRUS (COVID-19) COMMUNITY AND LOCAL BUSINESS SUPPORT PACKAGE - EXTENSION	
RESOLUTION	
REPORT DETAIL	
ITEM 5.2	1588
DISPOSAL OF PROPERTIES VIA EXPRESSIONS OF INTEREST CAMPAIGNS	
RESOLUTION	
REPORT DETAIL	
6 FINANCE & CORPORATE SERVICES SESSION (Cr M Constance)	1592
ITEM 6.1	1592
QUARTER 4 OPERATIONAL PLAN REVIEW 2019/20	
RESOLUTION	
REPORT DETAIL	
ITEM 6.2	1595
MONTHLY REPORTING PACKAGE - 30 JUNE 2020	
RESOLUTION	
REPORT DETAIL	
ITEM 6.3	1599
AMENDMENT TO COUNCIL'S BUDGET FOR 2020/21	
RESOLUTION	
REPORT DETAIL	
11. NOTIFIED GENERAL BUSINESS ITEMS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE	1602
ITEM 11.1	1602
REGIONAL EVENTS	

Moreton Bay Regional Council

GENERAL MEETING - 514
19 August 2020

PAGE d
Minutes

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

1. ACKNOWLEDGEMENT OF COUNTRY

The Mayor provided the Acknowledgement of Country.

2. OPENING PRAYER / REFLECTION

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

3. ATTENDANCE & APOLOGIES

Attendance:

Cr Peter Flannery (Mayor) (Chairperson)
Cr Brooke Savige
Cr Mark Booth
Cr Adam Hain
Cr Jodie Shipway
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

4. MEMORIALS OR CONDOLENCES

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.

6. PRESENTATION OF PETITIONS

(Addressed to the Council and tabled by Councillors)

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.

7. CORRESPONDENCE

There was no correspondence for tabling.

8. DEPUTATIONS / COMMUNITY COMMENT

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

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".

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.

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

1 GOVERNANCE & ENGAGEMENT SESSION

(Cr P Flannery, Mayor)

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 AMENDED

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.~~

*AMENDED by Notice of Motion NOM/40
General Meeting 28 October 2020 (P.20/1801)*

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, be delayed until a date to be determined in 2021 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

CARRIED 12/0

Cr Constance had declared a conflict and was 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 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.

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)

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.)

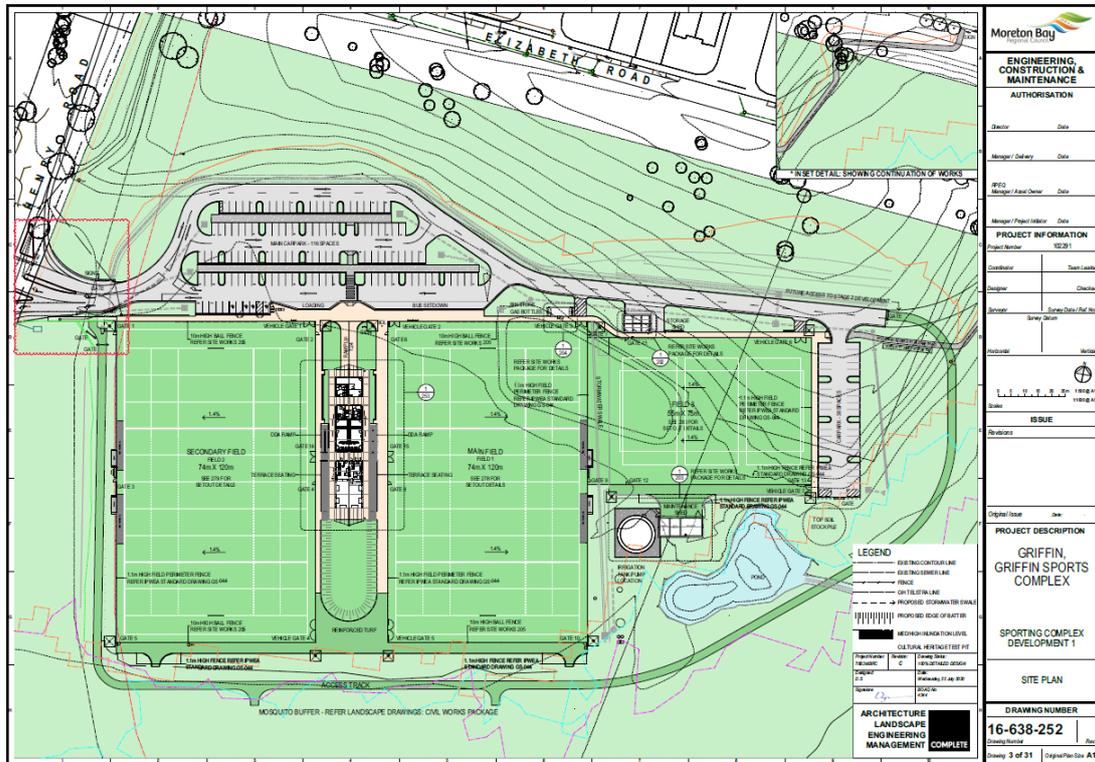


Figure 3 - Site Plan (July 2020)

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 3.2

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 3.3

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 - OAKY 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 - Oakey 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 - 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.

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 - OAKLEY 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.

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.

Original accepted Tender Price - SP4 and 5 (Grand Prix)	\$ 494,564.28
Proposed Tender Price - SP4 and 5 (Torque Ford)	\$ 535,173.46
<i>less estimated cost of vehicle hire</i>	\$ 35,000.00
Additional cost	\$ 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.

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

APPLICATION DETAILS	
Applicant:	Rockbuild Developments Pty. Ltd. C/- Ryall Smyth Architects Pty. Ltd.
Lodgement Date:	25 March 2020
Properly Made Date:	3 April 2020
Confirmation Notice Date:	8 April 2020
Information Request Date:	23 April 2020
Info Response Received Date:	27 May 2020
Public Notification Dates:	16 June 2020 to 7 July 2020
No. of Submissions:	Properly Made: 27 Not Properly Made: 0
Decision Due Date:	28 August 2020
Prelodgement Meeting Held:	No
PROPERTY DETAILS	
Division:	Division 6
Property Address:	28 Woodcliffe Crescent, Woody Point
RP Description	Lot 1 RP177572
Land Area:	822m ²
Property Owner	Raycon (NSW) Pty Ltd, Neutron Star Pty Ltd and Eye Build Group Pty Ltd
STATUTORY DETAILS	
Planning Legislation:	Planning Act 2016
Planning Scheme:	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.
Planning Locality / Zone	General Residential Zone - Urban Neighbourhood Precinct
Level of Assessment:	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):

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
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

Plans and Documents to be Amended			
Plan / Document Name	Reference Number	Prepared By	Dated
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
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
1	Approved Plans and/or Documents	
	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to commencement of use and to be maintained at all times.
2	Community Management Statement	
	Ensure that the Community Management Statement for the development reflects the following: <ol style="list-style-type: none"> 1. Car parking provisions; 2. Landscaping requirements; 3. Communal Open Space and Recreation areas; 4. Bin storage requirements and collection locations; and 5. Stormwater Management requirements. 	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
3	Extent of Dwellings	
	Develop the Dwellings on site as follows: <ol style="list-style-type: none"> 1. Six (6) Dwellings containing: <ol style="list-style-type: none"> (i) 1 x 4 bedroom dwelling; (ii) 5 x 3 bedroom dwellings; 	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
4	On-Site Car Spaces	
A	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.	
5	Bicycle Parking Facilities	
	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.
6	Electrical Transformer	

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"> 1. A combination of screening device and landscaping; 2. The screening device is constructed of durable, weather resistant materials; and 3. Is integrated with the design of the development and positively contributes to the streetscape. <p>Note: The use of barbed wire or metal prongs is not permitted</p>	<p>Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.</p>
7	Clothes Drying Facilities	
	<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>
8	Privacy Screening	
A	<p>Provide privacy screening or alternate treatments where:</p> <ol style="list-style-type: none"> 1. Habitable room windows or balconies of above ground floor dwellings directly face another habitable room or balconies on the same site or an adjoining site that are within 9m; and/or 2. Habitable room windows or balconies that overlook private recreation areas of other dwellings on the same site or an adjoining site. 	<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"> 1. Sill heights at a minimum of 1.5 metres above floor level; or 2. Fixed, tinted or opaque glazing in at least any part of the fixed window or balcony balustrading between the floor level of the dwelling or balcony and 1.5m for windows and 1.2m for balconies; or 3. Sliding external screens (e.g. louvered panels), of durable weather resistant materials and with a maximum of 50% transparency. 	
9	Materials and Finishes to Driveway and External Car Parking Spaces	
	<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"> 1. coloured aggregate; 2. coloured asphalt; 3. brick pavers; 4. approved porous surfacing; and/or 	<p>Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.</p>

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>5. banding patterns in the surface design.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. Council may approve other materials and finishes that are compatible with the objectives of this requirement. 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. 3. The use of a plain concrete finish for the driveways and parking areas is not acceptable. 	
10	Street Numbering and Building Names	
	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.
11	Internal Fire System <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"> 1. An unobstructed width of no less than 3.5m; 2. An unobstructed height of no less than 4.8m; 3. Constructed to be readily traversed by a 17 tonne HRV fire brigade pumping appliance; 4. An area for a fire brigade pumping appliance to stand within 20m of each fire hydrant and 8m of each hydrant booster point. 	Prior to 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"> 1. Those external hydrants can be seen from the vehicular entry point to the site; or 2. A sign identifying the following is provided at the vehicular entry to the site: <ol style="list-style-type: none"> (i) The overall layout of the development (to scale); (ii) Internal road names (where used); (iii) All communal facilities (where provided); 	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.

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
	<ul style="list-style-type: none"> (iv) The reception area and on-site manager's office (where provided); (v) External hydrants and hydrant booster points; (vi) Physical constrains within the internal roadway system which would restrict access by fire fighting appliances to external hydrants and hydrant booster points; and (vii) Maintained in effective operating order in a manner prescribed in Australian Standard AS1851 (2013) - Routine service of fire protection systems and equipment. 	
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.	
12	Front Fencing	
	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.
13	Screen Fencing	
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.
14	Landscaping	
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
15	Vehicle Encroachment	
	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

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
		any Community Management Statement, whichever occurs first and to be maintained.
16	On Site Services	
	<p>Ensure rainwater tanks, hot water tanks, gas bottles and air conditioners are:</p> <ol style="list-style-type: none"> 1. Located in the rear setback; or 2. located in the side setbacks and include screening (e.g. fencing or landscaping) from view of the road frontage; or 3. entirely underground or screened where located in the front setback. <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.
17	Water and/or Sewerage	
	<p>Submit to Council a Certificate of Completion or Provisional Certificate of Completion for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming:</p> <ol style="list-style-type: none"> 1. a reticulated water supply network connection is available to the land; and 2. a sewerage network connection is available to the land; and 3. all the requirements of Unitywater have been satisfied. 	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
18	Fibre Ready Telecommunications – Multi	
A	<p>Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with NBN Co Guideline MDU Building Design Guide as amended, that:</p> <ol style="list-style-type: none"> 1. Includes a suitable building entrance facility (lead-in) from the property boundary to the building entrance; and 2. Has suitable space and access for the installation, maintenance and repair of all elements up to and including the Network Termination Device (NTD) and Power Supply Unit (PSU) or the likely location of a NTD and PSU for each dwelling; and 3. A conduit with draw string, from either the telecommunication room or riser/closet location to each NTD or the likely location of each NTD. 	Prior to 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>	

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
	best location. A template for certification is available from Council for the purpose of this condition.	
19	Telecommunications Internal Wiring	
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.	
20	Electricity	
	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.
21	Waste Management Plan	
A	Implement the waste management arrangements identified on the approved plan. Note: This development will use 2 x 1.1 m ³ 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.	
DEVELOPMENT ENGINEERING		
22	Replace Existing Council Infrastructure	

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
	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.
23	Alterations and Relocation of Existing Services	
	Any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of the telecommunications authority, electricity authorities, the Council or other person engaged in the provision of public utility services is to be carried with the development and at no cost to Council.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
24	Access, Internal Roadways, Parking and Servicing Areas	
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.
25	Access Driveway	
	<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"> The internal access works must be designed to ensure the correct line, level and layout is achieved for the driveway crossover. 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. Council will not accept driveway crossovers that do not conform to the above requirements. 	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.

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
26	Construction Affecting Existing Roads	
	<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
27	Stormwater Quality Management – Best Practice Measures	
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.	
28	Site Specific Geotechnical Assessment	
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.
29	Site Based Coastal Hazard Report	
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.	
30	Minimum Habitable Floor Levels	

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>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: www.moretonbay.qld.gov.au.</p>	<p>Prior to the commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.</p>
31	Acid Sulfate Soil Investigation and Management	
A	<p>If the detail earthworks design results in 100 m³ of excavation or 500 m³ 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 200m³ 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"> 1. Level (in m AHD) 2. pH 3. Electrical conductivity <p>Results must be submitted to Council for appraisal when requested during construction and prior to commencement of use and must demonstrate that groundwater quality has not been adversely impacted by the works.</p>	<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>

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>Note: Council will only accept a 'qualified person' as being one of the following:</p> <ol style="list-style-type: none"> 1. Registered Professional Engineer of Queensland (RPEQ); or 2. Environmental/Soil Scientist with current professional membership status at a relevant organisation (e.g. ASSSI, AIG; EIANZ; GSA) <p>Having met the above requirements, obtained a minimum of five (5) years professional experience in the field of acid sulfate soils.</p>	Management Statement, whichever occurs first.
32	Stormwater Quantity Assessment Report - Amendment Required	
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"> 1. Provide calculations demonstrating the existing stormwater infrastructure has sufficient capacity to accept the stormwater runoff from the development; 2. Provide updated drawings showing all proposed stormwater infrastructure - including location and sizes. <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.

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.)

ADVICES	
1	Aboriginal Cultural Heritage Act 2003
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. Under the Act, indigenous parties are key in assessing cultural heritage significance.</p> <p>The <i>Aboriginal Cultural Heritage Act 2003</i> establishes a Duty of Care for indigenous cultural heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting the activity.</p> <p>Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care.</p> <p>Those proposing an activity that involves additional surface disturbance beyond that which has already occurred on the proposed site need to be mindful of the Duty of Care requirement.</p> <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>
2	Adopted Charges
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 8) dated 14 August 2018 or as amended apply to this development approval.</p> <p>From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval.</p> <p>Payment of Infrastructure Charges is to be in accordance with the Infrastructure Charges Notice issued with this development approval and any Infrastructure Charges Notice issued by Unitywater. From 1 July 2014, all Infrastructure Charges for infrastructure networks controlled by Unitywater (eg. water and/or sewerage) regardless of when the Infrastructure Charges Notice was issued are to be paid directly to Unitywater while Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.</p>

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

Decision Notice information

	Details to Insert
Application Type	Material Change of Use - Development Permit for Multiple Dwelling (6 dwellings)
Relevant Period of Approval	Material Change of Use – 6 years

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.)

	Details to Insert
Section 64(5) Deemed Approval	Not applicable
Superseded Planning Scheme	Not applicable
Variation approval affecting the Planning Scheme	Not applicable
Other Necessary Permits	<ul style="list-style-type: none"> Building Works – Development Permit (Building Act)
Codes for Accepted Development	Not applicable
Referral Agencies	There are no Referral Agencies
Submissions	There were twenty-seven (27) properly made submissions about this application.

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.)

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.

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

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.)

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:

Assessment benchmark - livable communities		
Applicable to Development	SPP requirement	Comment
Yes	(1) Development ensures fire hydrants are installed and located to enable fire services to access water safely, effectively and efficiently. (2) Road widths, and construction within the development, are adequate for fire emergency vehicles to gain access to a safe working area close to buildings and near water supplies whether or not on-street parking spaces are occupied. (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.
Assessment benchmark - mining and extractive resources		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmarks - water quality		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmarks - natural hazards, risk and resilience		
Applicable to Development	SPP Requirement	Comment
Yes	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.

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.)

	<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>	
Assessment benchmarks - strategic airports and aviation facilities		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable

2.3.2 South East Queensland Regional Plan

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.)

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.

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.)

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
Zone/ Local Plan Code		
General Residential Zone Code - Urban Neighbourhood Precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO4, PO6
Overlay Codes		
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.
Development Codes		
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
General Residential Zone Code (Urban Neighbourhood Precinct)	
<p>PO4 Buildings and structures have a height that:</p> <ul style="list-style-type: none"> a. is of a bulk and scale that is consistent with the medium to high rise character of the Urban neighbourhood precinct; <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"> b. responds to the topographic features of the site, including slope and orientation; c. is not visually dominant or overbearing with respect to the streetscape, street conditions (e.g. street width) or adjoining properties; d. positively contributes to the intended built form of the surrounding area; <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>E4 Building height:</p> <ul style="list-style-type: none"> a. is within the minimum and maximum mapped on Overlay map – Building heights; or b. for domestic outbuildings, including free standing carports and garages, 4m and a mean height not exceeding 3.5m.

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.)

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>	
<i>Performance Outcome Assessment</i>	
<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>PO6 Residential buildings and structures are setback to:</p> <ul style="list-style-type: none"> a. be consistent with medium to high density Urban neighbourhood precinct character where buildings are positioned close to the footpath to create active frontages; b. result in development not being visually dominant or overbearing with respect to the streetscape and the adjoining sites; c. maintain private open space areas that are of a size and dimension to be usable and functional; d. maintain the privacy of adjoining properties; 	<p>E6.1 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>

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.)

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> <p>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.</p> <p>II. The front balconies on levels 6 & 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.</p> <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 & 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,

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.)

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.

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.)

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.

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.)

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
Total			27

The matters raised within the submissions are outlined below:

Assessment of Submissions
<p>Issue - Height of Development Exceeding the Planning Scheme</p> <ul style="list-style-type: none"> • Height limits being sought will exceed the existing Planning Scheme, thereby changing the neighbourhood amenity • 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 • Developers and designers are aware of the limits and should be accountable for submitting applications that meet these requirements • 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 • Residents are dismayed by Council's disregard of the building height limits • If this application is approved, it will provide the green light for other development applications to exceed the limits outlined in the Planning Scheme • 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 • Ensuring limits are met creates confidence within the community that inappropriate development will not be submitted or approved • This application fails to enhance and respect our community and neighbourhood values • 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 • General amenity concerns (e.g. access to sunlight & wind tunnel) were raised relating to high rise development
<p>Discussion</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>

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.)

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

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.)

- 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.

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.)

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).

2,391m² 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

6 FINANCE & CORPORATE SERVICES SESSION

(Cr M Constance)

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)

Executive Summary

The purpose of this report is to present the Quarter 4 Operational Plan Review for 2019/20.

RESOLUTION

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.

**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	<u>\$ 5,967,358 million</u>
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 **75th 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.

12a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL

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)

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.

RESOLUTION

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.

12b. CONFIDENTIAL GENERAL BUSINESS

No items for consideration.

13. CLOSURE

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