



MINUTES

GENERAL MEETING

Tuesday 6 August 2019
commencing at 10.37am

Caboolture Chambers
2 Hasking Street, Caboolture

ENDORSED GM20190813

Adoption Extract from General Meeting – 13 August 2019 (19/1682)

4. CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

RESOLUTION

Moved by Cr Denise Sims

Seconded by Cr Koliana Winchester

CARRIED 12/0

That the minutes of the General Meeting held 6 August 2019 (Pages 19/1602- 19/1661), be confirmed.

LIST OF ITEMS

| | |
|--|---------------------|
| 1. OPENING PRAYER | 1602 |
| 2. ATTENDANCE & APOLOGIES | 1602 |
| 3. MEMORIALS OR CONDOLENCES | 1602 |
| 4. CONFIRMATION OF MINUTES FROM PREVIOUS MEETING RESOLUTION | 1603 |
| 5. PRESENTATION OF PETITIONS <i>(Addressed to the Council and tabled by Councillors)</i> | 1603 |
| 6. CORRESPONDENCE | 1603 |
| 6.1. Correspondence: Stirling Hinchliffe MP, Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs (A18912663) | |
| 7. COMMUNITY COMMENT | 1603 |
| 8. NOTIFIED MOTIONS | 1603 |
| 9. NOTICES OF MOTION (Repeal or amendment of resolutions) <i>(s262 of the Local Government Regulation 2012)</i> | 1604 |
| 10. OFFICERS' REPORTS TO COUNCIL (conducted in Sessions) <i>(as referred by the Chief Executive Officer)</i> | 1604 |
| 1 GOVERNANCE SESSION (CR A SUTHERLAND, MAYOR) | 1605 |
| ITEM 1.1 REVIEWED AUDIT COMMITTEE - MEMBERSHIP AND CHAIRPERSON - REGIONAL RESOLUTION REPORT DETAIL | 1605 |
| ITEM 1.2 ADOPTION OF COUNCIL POLICY - COMMUNITY GRANTS - REGIONAL RESOLUTION REPORT DETAIL | 1608 |
| ITEM 1.3 - WITHDRAWN 123RD ANNUAL LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND CONFERENCE - MORETON BAY REGIONAL COUNCIL MOTIONS - REGIONAL | 1611 |
| 2 PLANNING & DEVELOPMENT SESSION (CR M GILLAM) | 1612 |
| ITEM 2.1 - DECLARATION OF INTEREST <i>Conflict of Interest - Declaration - Cr Allan Sutherland (Mayor)</i> | 1612 1612 |

Moreton Bay Regional Council

GENERAL MEETING - 481
6 August 2019

PAGE b
Minutes

| | |
|---|-------------|
| ITEM 2.1 | 1612 |
| DA/36884/2018/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE, LOCATED AT 5 & 7 BRINGELLY STREET, ARANA HILLS - DIVISION 10 | |
| RESOLUTION | |
| REPORT DETAIL | |
| 3 CORPORATE SERVICES SESSION (CR M CONSTANCE) | 1634 |
| ITEM 3.1 | 1634 |
| QUARTER 4 OPERATIONAL PLAN REVIEW 2018/19 - REGIONAL | |
| RESOLUTION | |
| REPORT DETAIL | |
| ITEM 3.2 | 1637 |
| WRITE-OFF OF SUNDRY DEBTS AND INTEREST - QUARTER 3 2017/18 TO QUARTER 4 2018/19 - REGIONAL | |
| RESOLUTION | |
| REPORT DETAIL | |
| 4 ASSET CONSTRUCTION & MAINTENANCE SESSION (CR A HAIN) | 1641 |
| ITEM 4.1 - DECLARATION OF INTEREST | 1641 |
| <i>Conflict of Interest - Declaration - Cr Allan Sutherland (Mayor)</i> | <i>1641</i> |
| <i>Conflict of Interest - Declaration - Cr Mike Charlton (Deputy Mayor)</i> | <i>1641</i> |
| <i>Councillor not voluntarily left meeting - other Councillors who are entitled to vote must decide</i> | <i>1641</i> |
| ITEM 4.1 | 1642 |
| TENDER - EATONS HILL - SARABAND DRIVE - ROAD REHABILITATION - DIVISION 9 | |
| RESOLUTION | |
| REPORT DETAIL | |
| ITEM 4.2 | 1647 |
| TENDER - 2019/2020 THE MILL- WEED MAINTENANCE PROGRAM - DIVISION 7 | |
| RESOLUTION | |
| REPORT DETAIL | |
| ITEM 4.3 | 1651 |
| BELLARA - SYLVAN BEACH ESPLANADE - PATHWAY CONSTRUCTION - DIVISION 1 | |
| RESOLUTION | |
| REPORT DETAIL | |
| 5 PARKS, RECREATION & SPORT SESSION (CR K WINCHESTER) | 1655 |
| 6 LIFESTYLE & AMENITY SESSION (CR D SIMS) | 1655 |
| 7 ECONOMIC DEVELOPMENT, EVENTS & TOURISM SESSION (CR P FLANNERY) | 1655 |
| 8 REGIONAL INNOVATION SESSION (CR D GRIMWADE) | 1655 |

Moreton Bay Regional Council

GENERAL MEETING - 481
6 August 2019

PAGE c
Minutes

| | |
|---|-------------|
| 11. GENERAL BUSINESS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE | 1656 |
| ITEM 11.1 | 1656 |
| BUILDING LOCAL ECONOMY - REGIONAL RESOLUTION | |
| ITEM 11.2 | 1656 |
| REGIONAL EVENTS | |
| ITEM 11.3 | 1657 |
| PINE RIVERS SHOW - DIVISIONS 7, 8 & 9 RESOLUTION | |
| ITEM 11.4 | 1657 |
| KALLANGUR TOWN CENTRE - DIVISION 7 RESOLUTION | |
| ITEM 11.5 | 1657 |
| HAYS INLET ECO PATH - DIVISION 6 RESOLUTION | |
| 12. CLOSED SESSION | 1658 |
| <i>(s275 of the Local Government Regulation 2012)</i> | |
| 12A. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL | 1659 |
| ITEM C.1 – CONFIDENTIAL | 1659 |
| SAMFORD SCHOOL POOL FINANCIAL CONTRIBUTION - DIVISION 11 RESOLUTION | |
| ITEM C.2 – CONFIDENTIAL | 1660 |
| PROPERTY RATIONALISATION PROJECT - DIVISION 9 RESOLUTION | |
| 12B. CONFIDENTIAL GENERAL BUSINESS | 1661 |
| 13. CLOSURE | 1661 |

4. OPENING PRAYER

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

5. ATTENDANCE & APOLOGIES

Attendance:

Cr Allan Sutherland (Mayor) (Chairperson)
Cr Brooke Savige
Cr Adam Hain
Cr Julie Greer
Cr James Houghton
Cr Koliana Winchester
Cr Denise Sims
Cr Mick Gillam
Cr Mike Charlton (Deputy Mayor)
Cr Matthew Constance

| | |
|--|---------------------|
| Chief Executive Officer | (Mr Daryl Hitzman) |
| Director Engineering, Construction & Maintenance | (Mr Tony Martini) |
| Director Community & Environmental Services | (Mr Bill Halpin) |
| Director Infrastructure Planning | (Mr Andrew Ryan) |
| Director Planning | (Mr Mike Pickering) |
| Acting Manager Development Services | (Mr Marco Alberti) |
| Accounting Services Manager | (Mr Denis Crowe) |
| Financial Operations Manager | (Mr Jason Linsdell) |
| Meeting Support | (Larissa Kerrisk) |

Apologies:

Cr Darren Grimwade
Cr Peter Flannery

Suspended:

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

6. MEMORIALS OR CONDOLENCES

Cr Matt Constance made special mention of the late **Mrs Margaret Starkey**, long-term resident of Arana Hills, who passed away recently aged 81. Mrs Starkey was heavily involved in the West Arana Hills Rugby League Club, being the second person to become a life member, and continued the relationship with the club via her sons and grandsons, as well as being a member of the Arana Hills Senior Citizens Club. Cr Constance expressed sympathy for friends and family and said that Margaret would be deeply missed.

Cr Matt Constance made special mention of the late **Mr Colin Prior**, who passed away on Thursday 1 August 2019. Mr Prior was known as the 'King of Albany Creek', being most famous for his entries into the 4KQ Christmas Lights Competition since the early 1990's that many families have enjoyed over the years. Mr Prior also loved cars and arranged them for many young people celebrating events such as formals and weddings. He was deeply passionate and instrumental in bringing a playground to Lemke Park, which was previously a flood detention basin. Cr Constance expressed his condolences to his lovely wife, Rhonda and family, and said that Colin will always be a legend of the Creek.

3. Memorials or Condolences Cont.

Cr Mike Charlton concurred with Cr Constance's sentiments and recalled that Colin commenced preparations for his Christmas display a full month prior to the competition opening, with the display becoming bigger each year, until eventually he wound back - but never really stopped. Cr Charlton said that Colin was protective of Lemke Park and was always a strong community participant, noting that Albany Creek is poorer for his passing but richer for having been a part of it.

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

7. CONFIRMATION OF MINUTES FROM PREVIOUS MEETING

RESOLUTION

Moved by Cr Koliانا Winchester

Seconded by Cr Julie Greer

CARRIED 10/0

That the minutes of the General Meeting held 30 July 2019 be confirmed, with amendment to supporting information for Item 1.3 Review of Corporate Structure (A18876584 ex Coordination Committee meeting 30 July 2019), to now appear as detailed in Attachment #1.

8. PRESENTATION OF PETITIONS

(Addressed to the Council and tabled by Councillors)

There were no petitions for tabling.

9. CORRESPONDENCE

9.1. Correspondence: Stirling Hinchliffe MP, Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs (A18912663)

The Chief Executive Officer tabled correspondence received from The Hon Stirling Hinchliffe MP, Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs (dated 1 August 2019) in response to Council's request for Ministerial approval under section 175F of the *Local Government Act 2009* for Councillors who have informed of a personal interest, to participate or be present to decide matters relating to Woodfordia Inc. (refer Attachment #2).

Council noted that the Minister has granted approval for those Councillors who have declared a conflict of interest by accepting tickets from Woodfordia Inc. to participate in discussions and to make decisions in relation to Woodfordia Inc. However, the approval does not extend to allowing Councillors who may have other conflicts of interest in this matter to participate or make decisions on the matter, with such matters being required to be considered on a case by case basis.

10. COMMUNITY COMMENT

There are no participants in the Community Comment session.

11. NOTIFIED MOTIONS

There were no notified motions.

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

(s262 of the Local Government Regulation 2012)

There were no notices of motion.

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

(as referred by the Chief Executive Officer)

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

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

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

1 GOVERNANCE SESSION

(Cr A Sutherland, Mayor)

ITEM 1.1

REVIEWED AUDIT COMMITTEE - MEMBERSHIP AND CHAIRPERSON - REGIONAL

Meeting / Session: 1 GOVERNANCE
Reference: A18902083 : 31 July 2019
Responsible Officer: DH, Chief Executive Officer (CEOs Office)

Executive Summary

At the Post-election meeting held 18 April 2016 (Page 16/544), Council established its Audit Committee in accordance with section 105(2) of the *Local Government Act 2009*, and also appointed members and nominated a Chairperson to that Committee in accordance with section 210 of the *Local Government Regulation 2012*.

Subsequently, at its meeting of 13 March 2018, Council made further amendment to the membership and Chairperson of the Audit Committee, that included the appointment of Cr Adrian Raedel as Chairperson of the Committee.

On 27 June 2019, Cr Adrian Raedel was suspended from office under section 182A of the *Local Government Act 2009*.

The purpose of this report is to review the Audit Committee membership and appointment of Chairperson.

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr James Houghton

CARRIED 10/0

- 1. That Councillors Cr Matt Constance and Cr Mike Charlton (Deputy Mayor) be nominated as members of the Audit Committee.**
- 2. That Councillor Matt Constance be appointed as Chairperson of the Audit Committee.**

ITEM 1.1 REVIEWED AUDIT COMMITTEE - MEMBERSHIP AND CHAIRPERSON - REGIONAL - A18902083 (Cont.)

OFFICER'S RECOMMENDATION

1. That Councillors Cr Matt Constance and Cr Mike Charlton (Deputy Mayor) be nominated as members of the Audit Committee.
2. That Councillor Matt Constance be appointed as Chairperson of the Audit Committee.

REPORT DETAIL

1. Background

At its Post-election meeting held 18 April 2016 (Page 16/545), Council appointed Councillors Adrian Raedel and Denise Sims as members, and Councillor Mike Charlton (Deputy Mayor) as the alternate member, of the Audit Committee.

Council also appointed Cr Adrian Raedel as Chairperson of that Committee.

Subsequently, on 13 March 2018, Council made further amendment to the membership and Chairperson of the Audit Committee, appointing Cr Adrian Raedel and Cr Matt Constance as members, and Councillor Mike Charlton (Deputy Mayor) as the alternate member, of the Audit Committee.

Council also appointed Cr Adrian Raedel as Chairperson of that Committee.

Given Cr Adrian Raedel is currently suspended from office, Council's consideration of membership and appointment of Chairperson to the Audit Committee is sought.

2. Explanation of Item

Council must establish an Audit Committee in accordance with section 105(2) of the *Local Government Act 2009*.

Council must also appoint members and nominate a Chairperson to that Committee in accordance with section 210 of the Local Government Regulation 2012, which states:

The Audit Committee must:

- consist of at least 3 and no more than 6 members and;
- include-
 - 1, but no more than 2 councillors appointed by the Council; and
 - at least 1 member who has significant experience and skills in financial matters

The Chief Executive Officer cannot be a member of the audit committee but can attend meetings of the committee.

The local government must appoint 1 of the members of the Audit Committee as chairperson.

Council's adopted practice is to appoint the Chairperson from the two Councillor members.

3. Strategic Implications

3.1 Legislative/Legal Implications

Section 105 (2) of the *Local Government Act 2009* and section 210 of the Local Government Regulation 202.

3.2 Corporate Plan / Operational Plan

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

ITEM 1.1 REVIEWED AUDIT COMMITTEE - MEMBERSHIP AND CHAIRPERSON - REGIONAL - A18902083 (Cont.)

3.3 Policy Implications

Council's Audit Committee Policy (2150-024) policy and the supporting Audit Committee Terms of Reference, outline the purpose, operation and reporting obligations of the Council's Audit Committee.

3.4 Risk Management Implications

The roles and responsibilities of the Audit Committee includes the provision of independent assurance and assistance to the Council, the CEO and the EMT on Council's risk, control and compliance framework, and its financial statement responsibilities.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

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

3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Consultation / Communication

Mayor and Councillors have been consulted in this matter.

ITEM 1.2

ADOPTION OF COUNCIL POLICY - COMMUNITY GRANTS - REGIONAL

Meeting / Session: 1 GOVERNANCE
Reference: A18909957 : 1 August 2019 - **Refer Supporting Information A18906088**
Responsible Officer: DD, Acting Manager Executive Services (CORP Executive Services)

Executive Summary

Council regularly reviews its Policies for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents.

The purpose of this report is to seek Council's consideration of Policy 2150-030 - Community Grants, as appearing in the supporting information to this report:

RESOLUTION

Moved by Cr Denise Sims

Seconded by Cr Julie Greer

CARRIED 10/0

That Policy 2150-030 - Community Grants be adopted, as appearing in the supporting information to this report.

ITEM 1.2 ADOPTION OF COUNCIL POLICY - COMMUNITY GRANTS - REGIONAL - A18909957 (Cont.)

OFFICER'S RECOMMENDATION

That Policy 2150-030 - Community Grants be adopted, as appearing in the supporting information to this report.

REPORT DETAIL

1. Background

In accordance with the review triggers, Council reviews its Policies for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents.

2. Explanation of Item

An explanation of the objective, policy summary, and any amendments made to the identified policies is outlined below:

Policy 2150-030 - Community Grants

Objective: The objective of this policy is to provide a framework for administering Council's Community Grants.

Policy Summary: Council recognises that community organisations make an important contribution to enhancing the region's vibrant lifestyle, and to creating strong and inclusive communities. Council is committed to supporting community organisations through its Community Grants.

To follow is a list of Council Community Grants that are included in Council's budget each year:

1. Community Activities Grant
2. Community Facilities Grant
3. Community Organisation Development Grant
4. Community Organisation Equipment Grant
5. Individual Achievement Grant
6. Road Safety Grant
7. Regional Arts Development Fund (RADF)

Summary of amendments: This policy has been amended to include the provision of a 'Regional Community Project Grant'. Minor administrative amendments have also been made to update the policy and to ensure its ongoing applicability and effectiveness.

3. Strategic Implications

3.1 Legislative/Legal Implications

This policy has been developed in accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012*.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

Council regularly reviews its Policies for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents.

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

ITEM 1.2 ADOPTION OF COUNCIL POLICY - COMMUNITY GRANTS - REGIONAL - A18909957 (Cont.)

3.6 Financial Implications

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

3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Consultation / Communication

The Chief Executive Officer, Executive Management team and relevant Council officers have been consulted in the preparation of this report.

ITEM 1.3 - WITHDRAWN
123RD ANNUAL LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND
CONFERENCE - MORETON BAY REGIONAL COUNCIL MOTIONS - REGIONAL

Meeting / Session: 1 GOVERNANCE
Reference: A18868559 : 24 July 2019 - Refer Supporting Information A18751298,
A18723337 & A18866517
Responsible Officer: LK, Executive Support Officer (CORP Executive Services)

This item has been withdrawn at the request of the CEO.

ATTENDANCE

Mr Marco Alberti attended the meeting at 10.51am for discussion on Item 2.1.

2 PLANNING & DEVELOPMENT SESSION

(Cr M Gillam)

ITEM 2.1 - DECLARATION OF INTEREST

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

Pursuant to s175E of the *Local Government Act 2009*, Cr Allan Sutherland (Mayor) declared a real conflict of interest in Item 2.1 as the consultant utilised by the applicant is a consultant that has been used by Cr Allan Sutherland (Mayor) previously.

Cr Allan Sutherland (Mayor) retired from the meeting at 10:55am taking no part in the debate or recommendation regarding same.

The Deputy Mayor (Cr Mike Charlton) assumed the Chair at this time.

ITEM 2.1

DA/36884/2018/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE, LOCATED AT 5 & 7 BRINGELLY STREET, ARANA HILLS - DIVISION 10

APPLICANT: Trustee for the GB Unit Trust C/- Urbis Pty Ltd
OWNER: Mr Glenn J R Kingsley and Ms Bennendine B Woods,
Mr Scott A Greenbank and Ms Brook S Neilberding

Meeting / Session: 2 PLANNING & DEVELOPMENT
Reference: A18421524 : 31 July 2019 - Refer Supporting Information A18843972, A18843709, A18843686
Responsible Officer: CB, Planner (PED Development Services)

Executive Summary

| APPLICATION DETAILS | |
|-------------------------------------|---|
| Applicant: | Trustee for the GB Unit Trust C/- Urbis Pty Ltd |
| Lodgement Date: | 11 September 2018 |
| Properly Made Date: | 17 September 2018 |
| Confirmation Notice Date: | 25 September 2018 |
| Information Request Date: | 10 October 2018 |
| Info Response Received Date: | 24 January 2019 |
| Public Notification Dates: | 15 February 2019 to 8 March 2019 |
| No. of Submissions: | Properly Made: 5 Not Properly Made: Nil |
| Decision Due Date: | 12 August 2019 |
| Prelodgement Meeting Held: | Yes (PRE/4471) |

ITEM 2.1 DA/36884/2018/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE, LOCATED AT 5 & 7 BRINGELLY STREET, ARANA HILLS - DIVISION 10 - (Cont.)

| PROPERTY DETAILS | |
|--------------------------|--|
| Division: | Division 10 |
| Property Address: | 5 & 7 Bringelly Street, Arana Hills |
| RP Description | Lot 569 RP 94565 and Lot 568 RP 94565 |
| Land Area: | 1,429m ² |
| Property Owner | Mr Glenn J R Kingsley and Ms Bennendine B Woods, Mr Scott A Greenbank and Ms Brook S Neilberding |

| STATUTORY DETAILS | |
|---------------------------------|---|
| Planning Legislation: | <i>Planning Act 2016</i> |
| Planning Scheme: | MBRC Planning Scheme |
| Planning Locality / Zone | General Residential Zone - Next generation neighbourhood precinct |
| Level of Assessment: | Impact Assessment |

This application seeks a Material Change of Use - Development Permit for a Child Care Centre at 5 & 7 Bringelly Street, Arana Hills on land described as Lot 569 RP94565 and Lot 568 RP94565, having a combined site area of 1,429m².

It is proposed to develop a Child Care Centre to cater for 75 places on site. The building is proposed to be two (2) storey, with a total gross floor area of 650m², not inclusive of the 470m² outside play area. A total of thirteen (13) car parking spaces and a service vehicle space are proposed, consistent with the minimum car parking requirements suggested by the planning scheme.

The application was publicly advertised with five (5) submissions received. The proposed land use is consistent with the General Residential Zone - Next Generation Neighbourhood Precinct Code and the intent of the MBRC Planning Scheme. Therefore, the proposal is recommended to be approved, subject to conditions.

RESOLUTION

Moved by Cr Mike Charlton (Deputy Mayor)

Seconded by Cr Matt Constance

CARRIED 9/0

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

ITEM 2.1 DA/36884/2018/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE, LOCATED AT 5 & 7 BRINGELLY STREET, ARANA HILLS - DIVISION 10 - (Cont.)

OFFICER'S RECOMMENDATION

- A. That Council, in accordance with the *Planning Act 2016*, approves the development application for a Material Change of Use - Development Permit for Child Care Centre at 5-7 Bringelly Street, Arana Hills, described as Lot 568 and 569 on RP94565, subject to the following plans/documents and conditions:

| Approved Plans and Documents | | | |
|------------------------------|------------------|----------------------|------------|
| Plan / Document Name | Reference Number | Prepared By | Dated |
| Cover Sheet | A0.00, Rev 5 | Thomson Adsett | 22/05/2019 |
| Site Context Plan | A10.1 Rev 4 | Thomson Adsett | 16/04/2019 |
| Sections and Elevations 02 | A30.2Rev 3 | Thomson Asdett | 27/06/2019 |
| Perspectives | A40.1 Rev 5 | Thomson Asdett | 27/06/2019 |
| Site Plan - Landscaping | No Reference | Cusp/Denmac Nominees | 18/07/2019 |

| Plans and Documents to be Amended | | | |
|--|------------------|-------------------|------------|
| Plan / Document Name | Reference Number | Prepared By | Dated |
| Site Plan - Lower Level & Floor Plan - Upper Level | A21.1 Rev 9 | Thomson Adsett | 27/06/2019 |
| Sections & Elevations 01 | A30.1 Rev 6 | Thomson Adsett | 27/06/2019 |
| Noise Impact Assessment | Job No. 18-066 | MWA Environmental | 13/08/2018 |

Conditions

| CONDITION | TIMING |
|---|---|
| MATERIAL CHANGE OF USE - CHILD CARE CENTRE | |
| 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. |
| 2 | Amended Site Plan Required |
| A | Submit an amended Site Plan incorporating the following: <ul style="list-style-type: none"> (i) 6m three chord truncations to the Patricks Road / Hoxton Street intersection and Hoxton Street / Bringelly Street intersection frontages. (ii) The disabled parking bay fully contained within the site boundary. (iii) Wheel stops to the parking bays fronting onto the proposed footpath in accordance with AS2890.1 Section 2.4.5. |
| | Prior to any approval of Building Works. |

ITEM 2.1 DA/36884/2018/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE, LOCATED AT 5 & 7 BRINGELLY STREET, ARANA HILLS - DIVISION 10 - (Cont.)

| CONDITION | | TIMING |
|-----------|--|---|
| B | Obtain approval from Council for the amended Site Plan in accordance with (A) above. | |
| C | Implement the requirements and recommendations of the approved plan(s). The approved amended plan will form part of the approval. | Prior to commencement of use. |
| 3 | Amended Elevation Plan Required | |
| A | Submit amended Sections & Elevation Plans incorporating the following: <ul style="list-style-type: none"> (i) A Patrick Road verge extending into the site a minimum distance of 5.0 metres from the existing Patrick Road kerb invert with the ground level of the building setback that distance with the extended verge graded towards the kerb and channel. Batters and retaining walls within this area are not to occur; and (ii) A minimum clearance of 2.7 metres between the finished ground level of the extended verge and the underside of the first level of the building with no services, pipes, conduits or the like to be visible from Patrick Road or attached to the underside of the first level or wall of the ground level orientated to Patrick Road; and (iii) A volumetric easement in favour of the Council for access and services purposes across the front of the development site fronting Patrick Road in the space under the first level between the frontage of the site to Patrick Road and the wall of the ground level fronting Patrick Road. | Prior to any approval of Building Works. |
| B | Obtain approval from Council for the amended Site Plan in accordance with (A) above. | |
| C | Implement the requirements and recommendations of the approved plan/s. The approved amended plan/s will form part of the approval. | Prior to commencement of use. |
| 4 | Amended Acoustic Attenuation Report Required | |
| A | Submit an amended noise impact assessment prepared by a suitably qualified acoustic consultant in accordance with Planning Scheme Policy - Noise. The acoustic impact assessment is to take into consideration the overland flow path located on the western boundary of the site. Note: If an acoustic barrier is recommended for above 2 metres in height, the barrier must be constructed with an opaque material to the height of 2 metres and the remainder of the barrier is to be constructed of a transparent material. | Prior to the commencement of the use and to be maintained at all times. |
| B | Obtain approval from Council for the acoustic impact report in accordance with (A) above. | |
| C | Implement all noise attenuation measures recommended in the approved acoustic report. | |
| D | Provide certification from a suitably qualified person that the above attenuation measures have been installed/implemented in accordance with the specifications of the approved acoustic report. | |

ITEM 2.1 DA/36884/2018/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE, LOCATED AT 5 & 7 BRINGELLY STREET, ARANA HILLS - DIVISION 10 - (Cont.)

| CONDITION | | TIMING |
|-----------|--|---|
| 5 | Survey | |
| A | Amalgamate Lots 568 and 569 RP94565 into one lot on a plan of survey. The Plan of Survey must be registered with the Department of Natural Resources and Mines and a new certificate of title issued. | Prior to commencement of Building Works on the site. |
| B | Provide a volumetric access and services easement along the frontage of the site to Patrick Road in accordance with the approved plans in favour of the Council. | Prior to commencement of use. |
| C | Dedicate land as road reserve in the form of 6m three chord truncations as shown on the approved plans. This condition has been imposed under section 145 of the <i>Planning Act 2016</i> . | |
| 6 | On-Site Car Spaces | |
| A | Provide at least fourteen (14) vehicle spaces on site with one (1) of these vehicle spaces to accommodate a Small Rigid Vehicle. | Prior to commencement of use and to be maintained at all times. |
| B | Provide for the manoeuvring of vehicles on site, generally in accordance with the approved plan. Car spaces, access lanes and driveways shown on the approved plan must not be used for any other purpose. | |
| 7 | Bicycle Parking Facilities | |
| | Install secure bicycle parking facilities for a minimum of four (4) bicycles on the site. Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic management - Part 11: Parking. | Prior to commencement of use and to be maintained. |
| 8 | Operating Capacity | |
| | Ensure the capacity of the Child care centre is limited to a maximum of seventy-five (75) children on site at any one time. | At all times. |
| 9 | Premises Hours of Operation | |
| | Limit the hours of operation to the following; (i) 7am to 6:30pm Monday to Sunday; and (ii) Outside play areas are to only be used between 7am and 6:00pm, in accordance with the recommendations of the approved Noise Impact Assessment. | At all times. |
| 10 | Street Trees | |
| A | Provide street trees along all of the road frontages of the subject site in accordance with Planning scheme policy - Integrated design Appendix D - Landscaping that as a minimum, replace the number of existing trees caused to be removed by the development. | Prior to commencement of use and to be maintained at all times. |
| 11 | Landscaping Plan | |
| A | Provide landscaping on site generally in accordance with the approved landscape plan (referenced as Statement of Landscape Intent) and Planning Scheme Policy - Integrated Design Appendix D - Landscaping. | Prior to commencement of use. |

ITEM 2.1 DA/36884/2018/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE, LOCATED AT 5 & 7 BRINGELLY STREET, ARANA HILLS - DIVISION 10 - (Cont.)

| CONDITION | | TIMING |
|-----------|--|---|
| 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. |
| 12 | Vehicle Encroachment | |
| | Protect all landscaped areas and pedestrian paths adjoining any car parking areas from vehicular encroachment by wheel stops, kerbing or similar. | Prior to the commencement of the use and to be maintained at all times. |
| 13 | Visibility | |
| A | Screen the Loading/Unloading Facilities, Plant Areas, Refuse Storage and other Outdoor Storage Facilities on the site from direct view from any adjoining road or public space. | Prior to commencement of use and to be maintained at all times. |
| B | Ensure windows installed in the building elevation fronting onto Patricks Road are kept clearing of advertising material, blinds, etc to preserve casual surveillance and use transparent glass unless approved otherwise by the Council in writing based on operational requirements. | |
| 14 | Water and/or Sewerage | |
| | Submit to Council a Certificate of Completion or Provisional Certificate of Completion for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming: <ul style="list-style-type: none"> (i) a reticulated water supply network connection is available to the land; and (ii) a sewerage network connection is available to the land; and (iii) all the requirements of Unitywater have been satisfied. | Prior to commencement of use. |
| 15 | Fibre Ready Telecommunications – Single | |
| A | Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with NBN Co Guideline New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs as amended, that: <ul style="list-style-type: none"> (i) Extends the service drop conduit from the property boundary to the external Premises Connection Device (PCD) or the likely location of the PCD; and (ii) Extends a communications conduit with drawstring from the external PCD or the likely location of the PCD to the internal Fibre Wall Outlet (FWO) or the likely location of the FWO. | Prior to commencement of use. |
| B | 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. Note: A template for certification is available from council for the purpose of this condition. | |
| 16 | Telecommunications Internal Wiring | |
| A | Install internal wiring (Category 6 or better) within each room in the building from the expected location of any future Network Termination | Prior to commencement of use. |

ITEM 2.1 DA/36884/2018/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE, LOCATED AT 5 & 7 BRINGELLY STREET, ARANA HILLS - DIVISION 10 - (Cont.)

| CONDITION | | TIMING |
|-----------------------------|---|---|
| | 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 building that would have been or have been installed for telephone and television connections; including but not limited to staff rooms, reception, offices, play rooms and the like. | |
| 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. | |
| 17 | Electricity | |
| A | Provide an underground electrical connection to the proposed development from the reticulated electricity network. | Prior to commencement of use. |
| B | Provide certification from a suitably qualified person that the minimum safe clearance to overhead electrical lines to any building has been achieved. Development is not to result in a reduction in height of the existing High Voltage 33KV Network along the Patricks Road frontage or any other associated electrical/telecommunications infrastructure. | |
| C | Relocate the Low Voltage powerlines along the Hoxton Street frontage of the site, underground. | |
| ENVIRONMENTAL HEALTH | | |
| 18 | Waste Management Plan | |
| A | Implement the approved waste management arrangements identified on the approved plan. Note: This development will use 2 x 1.1m ³ bins serviced at the kerbside of Bringelly Street. | Prior to commencement of use. |
| B | Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste. | Prior to commencement of use and to be maintained at all times. |
| C | Provide a bin wash down facility connected to sewer as per SC 6.20 Planning Scheme Policy - Waste. | |
| 19 | External Lighting | |
| A | Install external lighting in accordance with AS4282-1997 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended. | Prior to commencement of use and for (A) to be maintained at all times. |
| B | Provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282-1997 - (Control of the Obtrusive Effects of Outdoor Lighting). | |
| 20 | Pedestrian Lighting | |
| A | Install lighting in any pedestrian areas that require illumination in accordance with AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended. | Prior to commencement of use and for (A) to be maintained at all times. |
| B | Provide certification from a suitably qualified person that lighting for pedestrian areas satisfies the intent of AS 1158.3.1 Pedestrian Area | Prior to commencement of use. |

Moreton Bay Regional Council

GENERAL MEETING - 481
6 August 2019

PAGE 19/1619
Minutes

ITEM 2.1 DA/36884/2018/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE, LOCATED AT 5 & 7 BRINGELLY STREET, ARANA HILLS - DIVISION 10 - (Cont.)

| CONDITION | | TIMING |
|--------------------------------|--|---|
| | (Category P) Lighting – Performance and installation design requirements or as amended. | |
| DEVELOPMENT ENGINEERING | | |
| 21 | Replace Existing Council Infrastructure | |
| | Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards. | Prior to commencement of use. |
| 22 | Alterations and Relocation of Existing Services | |
| | Ensure any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of an entity engaged in the provision of public utility services is to be carried out with the development and at no cost to Council unless agreed to in writing by the Council. | Prior to commencement of use. |
| 23 | Stormwater | |
| | Carry out the development to ensure that adjoining properties, reserves and roads are protected from ponding or nuisance from stormwater as a result of any works undertaken. | To be maintained at all times. |
| 24 | Pathways | |
| A | Construct, at no cost to Council, a minimum 2.5 metre wide reinforced concrete pathway to the full Patrick road frontage of the development. The Patricks Road frontage is to be provided with a 1.5 m wide front verge and 1.0 m rear verge (partially extending into the proposed ground floor boundary setback). A suitable pathway width and alignment transition is to be provided fronting Lot 312 on RP94565. The rear verge (on private land) is to be landscaped with plant species (ground covers) capable of living in shade and irrigated as necessary to ensure the long term survival and longevity of the plantings. This condition has been imposed under section 145 of the <i>Planning Act 2016</i> . | Prior to commencement of use and to be maintained at all times. |
| B | Construct, at no cost to Council, a minimum 2.0 metre wide reinforced concrete pathway to the full Bringelly Street and Hoxton Street frontages of the development. This condition has been imposed under section 145 of the <i>Planning Act 2016</i> . | |
| C | Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition with the exception of the landscaping works that are to be certified by a suitably qualified person. | |
| 25 | Driveway Crossover | |
| A | Construct a driveway crossover to the proposed development from Bringelly Street in accordance with the approved plans and documents of development and MBRC Standard Drawing RS-051 ensuring it does | Prior to commencement of use. |

ITEM 2.1 DA/36884/2018/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE, LOCATED AT 5 & 7 BRINGELLY STREET, ARANA HILLS - DIVISION 10 - (Cont.)

| CONDITION | | TIMING |
|-----------|---|---|
| | not cause any impact on upstream land in respect to maintaining stormwater conveyance. | |
| B | Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition. | |
| 26 | Existing Driveway Crossover | |
| | Remove completely all redundant driveway crossovers fronting the development site on Patricks Road and Hoxton Street. Reinstate all disturbed areas (including kerb and channel) to Council's standards current at the time of development. | Prior to commencement of use. |
| 27 | Access, Internal Roadways, Parking and Servicing Areas | |
| A | Design and construct sealed (concrete or bitumen) accesses, internal roadways, parking and servicing areas (and associated works), in accordance with the approved plans and documents of development, the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD), Australian Standards and the MBRC Planning Scheme current at the time of the building works application. | Prior to commencement of use and to be maintained at all times. |
| B | Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition. | Prior to commencement of use. |

| 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</p> |

ITEM 2.1 DA/36884/2018/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE, LOCATED AT 5 & 7 BRINGELLY STREET, ARANA HILLS - DIVISION 10 - (Cont.)

| | |
|----------|---|
| | <p>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> |
| 3 | Food Premises - Food Business Licence Advice |
| | <p>In accordance with the Food Act 2006 the following must be submitted to Council prior to the commencement of construction or fit out of any licensable food business:</p> <ul style="list-style-type: none"> • An application for food business licence. • Plans and elevations (refer to note below). • Supporting documentation. • Relevant fee. <p>Please Note: The application is assessed against the provisions of the <i>Food Act 2006, Australia and New Zealand Food Standards Code and AS 4674 – Design, construction and fit-out of food premises.</i></p> |

B. 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 Child Care Centre |
| Relevant Period of Approval | Development Permit - Six (6) years |
| Section 64(5) Deemed Approval | Not applicable |
| Superseded Planning Scheme | Not applicable |
| Variation approval affecting the Planning Scheme | Not applicable |
| Other Necessary Permits | Building Works Approval |
| Codes for Accepted Development | Not applicable |
| Referral Agencies | There are no Referral Agencies |
| Submissions | There were five (5) properly made submissions about this application. |

ITEM 2.1 DA/36884/2018/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE, LOCATED AT 5 & 7 BRINGELLY STREET, ARANA HILLS - DIVISION 10 - (Cont.)

REPORT DETAIL

1. Background

On 27 April 2018, a prelodgement meeting was held with Council (PRE/4471) to discuss a proposed development for a Child care centre.

2. Explanation of Item

2.1 Proposal Details

This application seeks a Material Change of Use - Development Permit for a Child Care Centre at 5 & 7 Bringelly Street, Arana Hills on land described as Lots 568 and 569 RP 94565 having a combined site area of 1,429m². It is proposed to develop a Child Care Centre to cater for 75 places on site.

The building is proposed to be two (2) storey, having a maximum height of 9.40 metres and consisting of five (5) activity rooms, kitchen, office, powder room, two (2) sleep rooms, reception and upper level playscape terrace, with a total gross floor area of 650m², not inclusive of the 470m² outside play area. The proposed building has been designed to address and present an active frontage to Patricks Road. The ground floor of the building is proposed to be setback approximately 1.26m from Patricks Road, while the upper level of the building is proposed to be built to boundary located on the Patricks Road frontage. The applicant is proposing to provide an interface through the provision of large, opaque windows. The applicant has demonstrated that the windows will allow sightlines from the street into two (2) activity rooms in addition to the office, reception and staff room. Further, one (1) window has been designed to span from the ground to upper floor.

The outdoor play area and carparking is located at the rear of the building facing Bringelly Street. The applicant is proposing to provide an interface through appropriate low landscaping that permits casual surveillance and good pedestrian access from the street to the centre. Acoustic fencing has been recommended along sections of the northern boundary where adjoining residential uses.

Access to the proposed Child care centre is proposed from Bringelly Street via a new 7.875m wide vehicular crossover. A total of thirteen (13) car parking spaces and a service vehicle space are proposed, consistent with the minimum car parking requirements suggested by the planning scheme.

The site has frontage to Patricks Road which is an Arterial Road controlled by Council and nominated in the MBRC Planning Scheme Policy - Integrated Design - Appendix A as having a preferred 31 metre wide road reserve. The existing road reserve of Patricks Road is 20 metres wide, however, advice has been received by Council's Traffic and Transport section that while Patricks Road functions as an Arterial Road, it is unlikely it would be widened to a four-lane Arterial road in the future. In this instance, widening of the road carriageway is therefore not required. The current verge of Patricks Road is approximately 3.90m (in lieu of 5.00m), therein providing limited opportunity for pedestrian use and accessibility concurrent to limiting the opportunities for street trees and landscaping. In response, the applicant has proposed for the ground level of the building to be setback 1.26 metres into the site, from the Patricks Road boundary to facilitate a verge and footpath width in accordance with the PSP. Under this arrangement, the rear 'verge' (area beyond the pedestrian pathway) would be located within the subject site.

2.2 Description of the Site and Surrounds

| Directions | Planning Scheme Zone | Current Land Use |
|------------|---|---|
| North | General Residential Zone - Next generation neighbourhood precinct | Place of worship and Community care centre; Dwelling houses and associated outbuildings |

ITEM 2.1 DA/36884/2018/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE, LOCATED AT 5 & 7 BRINGELLY STREET, ARANA HILLS - DIVISION 10 - (Cont.)

| Directions | Planning Scheme Zone | Current Land Use |
|------------|---|---|
| South | General Residential Zone - Next generation neighbourhood precinct | Dwelling houses and associated outbuildings |
| East | Centre Zone - District Centre precinct | Shops; Food and drink outlet; and Health care services. |
| West | General Residential Zone - Next generation neighbourhood precinct | Dwelling houses and associated outbuildings |

2.3 Assessment Benchmarks related to the *Planning Regulation 2017*

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

These Assessment Benchmarks are prescribed as being contained in:

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

| | |
|--|-----------------|
| Applicable Assessment Benchmarks: | Nil |
| SEQ Regional Plan Designation: | Urban Footprint |
| Koala Habitat Designation: | Nil |

2.3.1 *State Planning Policy*

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

| Assessment benchmark - livable communities | | |
|---|-----------------|----------------|
| Applicable to Development | SPP requirement | Comment |
| No | None | Not applicable |
| 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 |

ITEM 2.1 DA/36884/2018/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE, LOCATED AT 5 & 7 BRINGELLY STREET, ARANA HILLS - DIVISION 10 - (Cont.)

| Yes | <p>(1) Development is located, designed, constructed and operated to avoid or minimize adverse impacts on environmental values arising from</p> <ul style="list-style-type: none"> (a) altered stormwater quality and hydrology (b) waste water (c) the creation or expansion of non-tidal artificial waterways (d) the release and mobilization of nutrients and sediments. <p>(2) Development achieves the applicable stormwater management design objectives outlined in tables A and B (Appendix 2)</p> <p>(3) Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.</p> | An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply (note best practise management required as site area less than 2500m ²). |
|---|---|---|
| Assessment benchmarks - natural hazards, risk and resilience | | |
| Applicable to Development | SPP Requirement | Comment |
| Yes | <p>Erosion prone areas within a coastal management district:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (a) coastal dependent development; or (b) temporary, readily relocatable or able to be abandoned development; or (c) essential community infrastructure; or (d) minor redevelopment of an existing permanent building or structure that cannot be relocated or abandoned. (2) Development permitted in (1) above, mitigates the risks to people and property to an acceptable or tolerable level. <p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <ul style="list-style-type: none"> (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. | An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply. |

ITEM 2.1 DA/36884/2018/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE, LOCATED AT 5 & 7 BRINGELLY STREET, ARANA HILLS - DIVISION 10 - (Cont.)

| | | |
|---|--|----------------|
| | <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

The site is located in the Urban Footprint designation.

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

2.3.3 Schedule 10, Part 10 of the Regulation – Koala Habitat Area

Koala Habitat Area - Low value rehabilitation

The site is located in a Priority Koala Assessable Development Area. An assessment as to how the development satisfies the provisions in the Regulation has been undertaken, and the proposal is consistent.

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

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

2.4.1 Strategic Framework

An assessment against the Strategic Framework is not required by the development proposal.

2.4.2 Assessment of Applicable Codes

Code Compliance Summary

ITEM 2.1 DA/36884/2018/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE, LOCATED AT 5 & 7 BRINGELLY STREET, ARANA HILLS - DIVISION 10 - (Cont.)

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

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

| Assessment Benchmarks | Compliance with Overall Outcomes | Performance Outcomes assessment is required |
|--|--|---|
| Zone Code | | |
| General Residential Zone Code - Next generation neighbourhood precinct | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | PO25 |

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 - Next generation neighbourhood precinct | |
| <p>PO25 Upgrade works (whether trunk or non-trunk) are provided where necessary to:</p> <ul style="list-style-type: none"> a. ensure the type or volume of traffic generated by the development does not have a negative impact on the external road network; b. ensure the orderly and efficient continuation of the active transport network; c. ensure the site frontage is constructed to a suitable urban standard generally in accordance with Planning scheme policy - Integrated design. <p>Note - An Integrated Transport Assessment (ITA) may be required to demonstrate compliance with this performance outcome refer to Planning scheme policy - Integrated transport assessment for guidance on when an ITA is required. An ITA should be prepared in accordance with Planning scheme policy - Integrated transport assessment.</p> <p>Note - The road network is mapped on Overlay map - Road hierarchy.</p> | No example provided. |

ITEM 2.1 DA/36884/2018/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE, LOCATED AT 5 & 7 BRINGELLY STREET, ARANA HILLS - DIVISION 10 - (Cont.)

| Performance Outcome | Example |
|--|---------|
| <p>Note - The primary and secondary active transport network is mapped on Overlay map - Active transport.</p> <p>Note - To demonstrate compliance with c. of this performance outcome, site frontage works where in existing road reserve (non-trunk) are to be designed and constructed as follows:</p> <ul style="list-style-type: none"> i. Where the street is partially established to an urban standard, match the alignment of existing kerb and channel and provide carriageway widening and underground drainage where required; or ii. Where the street is not established to an urban standard, prepare a design that demonstrates how the relevant features of the particular road as shown in the Planning scheme policy - Integrated Design can be achieved in the existing reserve. <p>Note - Refer to Planning scheme policy - Integrated design for road network and active transport network design standards.</p> | |
| <i>Performance Outcome Assessment</i> | |
| <p>The site has frontage to Patricks Road which is an Arterial Road controlled by Council and nominated in the MBRC Planning Scheme Policy - Integrated Design - Appendix A as having a preferred 31 metre wide road reserve. The existing road reserve of Patricks Road is 20 metres wide, however, advice has been received by Council's Traffic and Transport section that while Patricks Road functions as an Arterial Road, it is unlikely it would be widened to a four-lane Arterial road in the future. In this instance, widening of the road carriageway is therefore not required.</p> <p>The current verge of Patricks Road is approximately 3.90m (in lieu of 5.00m), therein providing limited opportunity for pedestrian use and accessibility concurrent to limiting opportunities for street trees and landscaping. In response, the applicant has proposed for the ground level of the building to be setback approximately 1.26 metres into the site, from the Patricks Road boundary to facilitate a verge and footpath width in accordance with the PSP. Under this arrangement, the 'rear verge' (area beyond the pedestrian pathway) would be located within the subject site. Although the land has not been dedicated to Council, the increased setback of the building will facilitate a verge and footpath width that is in accordance with the intent of the PSP in terms of functionality. As such, the proposed design will not negatively affect the road network, will ensure the orderly and efficient continuation of the active transport network and is generally in accordance with Planning scheme policy - Integrated design, noting that the rear 'verge' would be located within the subject site.</p> <p>To secure access across the rear verge being within private land, it is recommended that if the development application is approved, that it be a requirement to provide a volumetric access and services easement along the Patricks Road frontage that extends only up to the</p> | |

ITEM 2.1 DA/36884/2018/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE, LOCATED AT 5 & 7 BRINGELLY STREET, ARANA HILLS - DIVISION 10 - (Cont.)

| Performance Outcome | Example |
|---------------------|--|
| | <p>underside of the first floor in favour of Council. It is also recommended that the underside of the first floor have a minimum height of 2.7 metres to ensure ample height for pedestrian movements and to create the impression of an awning.</p> <p>The proposal has on this basis therefore demonstrated it is in compliance with the requirements of the Performance Outcome.</p> |

2.5 Overall Outcome Assessment

The development proposal complies with Performance Outcome PO25 of the General residential zone Code - Next Generation neighbourhood precinct. Therefore, the proposal is not required to be assessed against the applicable Overall Outcomes of the code.

2.6 Trunk Infrastructure

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

2.6.1 *Levied Charge*

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

2.6.2 *Levied Charge Offset or Refund*

The development does not propose to dedicate land along the Patricks Road frontage as Trunk Infrastructure and therefore there is no offset or refund applicable to the development proposal.

2.6.3 *Additional Trunk Infrastructure Costs*

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

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

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

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

2.7 Recording of particular approvals on the MBRC Planning Scheme

Not Applicable in this instance.

2.8 Referrals

ITEM 2.1 DA/36884/2018/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE, LOCATED AT 5 & 7 BRINGELLY STREET, ARANA HILLS - DIVISION 10 - (Cont.)

2.8.1 Council Referrals

2.8.1.1 Development Engineering

1. The submitted Site Plan and Elevations require amendment to address the following:
 - A 6 m three chord truncation to the Patricks Road / Hoxton Street intersection and Hoxton Street / Bringelly Street intersection. Truncations were indicated on previous plans but removed on the latest submission.
 - A revised disabled parking bay to maintain the bay fully within the site in consideration of the adjacent truncated frontage.
 - Wheel stops to the parking bays fronting onto the footpath to prevent vehicle encroachment.
 - A Patrick Road verge (including the ground floor boundary setback) indicating grades toward the kerb in place of the batter toward the building as indicated.
2. The building wall setback 5m (with second storey overhang to the boundary) from the Patricks Road kerb with the existing verge width catering for the required 2.5 m wide pathway. It is recommended that the developments Patrick Road frontage be conditioned for a 1.5m front verge, 2.5m pathway and the 1.0m rear verge which partially extends within the boundary setback.
3. The development frontage roads range from local collector to arterial road. Both road types require a pathway to both sides so it is recommended that the development be conditioned to provide minimum 2 m pathways to the Hoxton Street and Bringelly Street frontages.

2.8.1.2 Environmental Health

Lighting

It is recommended that conditions are included to ensure suitable lighting is installed.

Waste Management

A plan details waste management arrangements where 2 x 1.1m³ bins will be stored in an enclosure and serviced at the street kerbside by a 12.5m long HRV. As a consequence the recommendations of this report include a condition that the development be undertaken in accordance with the plan.

Noise

A Noise Impact Assessment prepared by MWA Environmental dated 13 August 2018, report number 18-066, was submitted in support of the application and recommends ways to ameliorate impacts that are considered acceptable. The report assessed the potential noise impacts from road traffic onto the development and assessed the potential noise impacts from the outdoor play areas, car parking and mechanical plant onto nearby sensitive uses. The report provided the following recommendations in order to achieve acceptable acoustic amenity with the proposed development:

- A 2.0m to 2.2m high acoustic barrier to be constructed on top of a retaining wall along the north-west to western boundary of the property.
- The hours of use of the outdoor play area of the child care centre should be between 7am to 6pm.

ITEM 2.1 DA/36884/2018/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE, LOCATED AT 5 & 7 BRINGELLY STREET, ARANA HILLS - DIVISION 10 - (Cont.)

- Appropriate building façade treatments are required for the childcare building to achieve acceptable noise amenity from future road traffic noise.

It is acknowledged that there will be an overland flow path which will be located along the western boundary of the site where the acoustic barrier will be located.

As a consequence the recommendations of this report include a condition that an amended acoustic impact assessment be provided to take into consideration the overland flow path.

Food Premises - Food Business Licence

The development may incorporate a licensable food business under the Food Act 2006 that will have specific structural requirements. As a consequence the recommendations of this report include an advice for a Food Business Licence.

2.8.2 Referral Agencies

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

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

2.8.2.2 Advice Agencies

There were no Advice Agencies involved in assessing this application.

2.8.2.3 Third Party Agencies

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

2.9 Public Consultation

2.9.1 Public Notification Requirements under the Development Assessment Rules

- Public Notification was served on all adjoining landowners on 14 February 2019.
- The development application was advertised in the North West News on 14 February 2019
- A notice in the prescribed form was posted on the relevant land on 14 February 2019 and maintained for a period of 15 business days until 7 March 2019.

2.9.2 Submissions Received

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

| Type | | Number of Signatures | Number of Submissions |
|-------------------|--------------------|----------------------|-----------------------|
| Properly Made | Letter, Email, Fax | | 5 |
| | Petition | | - |
| Not Properly Made | Letter, Email, Fax | | - |
| | Petition | | - |
| Total | | | 5 |

The matters raised within the submission(s) are outlined below:

Assessment of Submissions

ITEM 2.1 DA/36884/2018/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE, LOCATED AT 5 & 7 BRINGELLY STREET, ARANA HILLS - DIVISION 10 - (Cont.)

| |
|---|
| <p>Issue On-street parking and development access will create issues for the intersection and road function.</p> |
| <p>Discussion</p> <p>The proposed development access is an acceptable distance from the Hoxton Street intersection and the existing line marking and signage prohibits on-street parking fronting the development.</p> <p>Council Engineers have reviewed and endorsed the Traffic Impact Assessment Report which states the development does not significantly impact upon the intersection and the proposed location of the driveway is acceptable. Further, the applicant is required to provide a three-chord x 6m truncation for the Hoxton/Bringelly Street intersection to improve sightlines.</p> <p>This is not sufficient grounds for refusal of the application.</p> |
| <p>Issue The development has insufficient on-site parking to cater for both staff and visitor parking.</p> |
| <p>Discussion</p> <p>In accordance with the MBRC Planning Scheme General Residential Zone Code - Next generation neighbourhood precinct (Table 6.2.6.3.5 Car Parking Spaces), a development application for a Child Care Centre within the 800m walkable catchment of a higher order centre is required to provide a minimum of 1 space per 50m² Gross Floor Area (GFA) and a maximum of 1 space per 30m² GFA. The proposed building consists of 650m² of GFA, requiring a minimum of 13 car spaces. The proposed development has provided the minimum of 13 car spaces, plus a SRV vehicle space. Therefore, the proposed number of car spaces on site are compliant with the MBRC Planning Scheme requirements.</p> <p>This is not sufficient grounds for refusal of the application.</p> |
| <p>Issue The mapped Overland Flow Path impacting the building and safety of children</p> |
| <p>Discussion</p> <p>Overland flow is characterised by shallow stormwater flows of short duration during an immediate storm event. The proposed building floor level is approximately 0.8 m above the Bringelly Street frontage and is protected by the boundary wall from the Patricks Road frontage. As the peak storm events are typically of short duration, children and staff may seek refuge within the childcare building until safe to exit.</p> <p>This is not sufficient grounds for refusal of the application.</p> |
| <p>Issue Loss of amenity</p> |
| <p>Discussion</p> <p>The Planning Scheme does not restrict commercial or retail uses from being located next to residential uses, but instead seeks to ensure that uses do not cause a detrimental impact upon neighbouring properties.</p> <p>The proposed development has been designed to have the child care centre built to the Patricks Road front boundary to utilise the remainder of the site for car spaces, play areas and create an active frontage to a Council arterial road (Patricks Road). The intention of</p> |

ITEM 2.1 DA/36884/2018/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE, LOCATED AT 5 & 7 BRINGELLY STREET, ARANA HILLS - DIVISION 10 - (Cont.)

the zone code is to encourage active frontages and minimise vehicle parking when located within walking distance of a centre zone. Therefore, the proposed design has responded in accordance with the Zone code requirements.

An acoustic report has been provided with the application and identified the need for a 2.0m to 2.2m high fence along the north-western boundary to control the noise levels on site. While submitters have raised concern with the aesthetic impact of an acoustic fence, a condition of approval requiring a transparent material be used above 2.0 metres should mitigate any aesthetic concerns through maintaining visual amenity to the existing residents. It is noted however that an amended acoustic report is required to be submitted to ensure it deals with the issue of not blocking stormwater traversing the site.

The proposal plan is required to provide landscaping in accordance with the requirements of the Council's Planning Scheme Policy. The landscaping will enhance the aesthetics of the development and weed species will not be introduced as part of any approval.

This is not sufficient grounds for refusal of the application.

2.9.3 Notice of Compliance

The Notice of Compliance was received by Council on 11 March 2019. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

It is noted that the public notification was required to be done twice as in the first instance the signs placed on the land had the incorrect telephone number of the Council.

2.10 Other Matters

None identified.

3. **Strategic Implications**

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

ITEM 2.1 DA/36884/2018/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE, LOCATED AT 5 & 7 BRINGELLY STREET, ARANA HILLS - DIVISION 10 - (Cont.)

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

Appropriate development supports the growing Moreton Bay region.

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Consultation / Communication

Refer to clause 2.9.

ATTENDANCE

Cr Allan Sutherland (Mayor) returned to the meeting at 11.02am after consideration of Item 2.1 and resumed the Chair at this time.

Mr Marco Alberti left the meeting at this time and Mr Denis Crowe attended the meeting for discussion on Item 3.1.

3 CORPORATE SERVICES SESSION

(Cr M Constance)

ITEM 3.1

QUARTER 4 OPERATIONAL PLAN REVIEW 2018/19 - REGIONAL

Meeting / Session: 3 CORPORATE SERVICES

Reference: A18889912 : 29 July 2019 - **Refer Supporting Information A18889784**

Responsible Officer: SS, Senior Systems Accountant (CORP Accounting Services)

Executive Summary

The purpose of this report is to present the Quarter 4 Operational Plan Review for 2018/19.

RESOLUTION

Moved by Cr Koliana Winchester

Seconded by Cr Denise Sims

CARRIED 10/0

That the Quarter 4 Operational Plan Review for 2018/19 be received.

ITEM 3.1 QUARTER 4 OPERATIONAL PLAN REVIEW 2018/19 - REGIONAL - A18889912 (Cont.)

OFFICER'S RECOMMENDATION

That the Quarter 4 Operational Plan Review for 2018/19 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 2018/19 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 an 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

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

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

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

3.6 Financial Implications

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

3.7 Economic Benefit

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

3.8 Environmental Implications

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

ITEM 3.1 QUARTER 4 OPERATIONAL PLAN REVIEW 2018/19 - REGIONAL - A18889912 (Cont.)

3.9 Social Implications

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

3.10 Consultation / Communication

The Executive Management Team, Managers and other key Council officers were involved in preparing the fourth quarter report.

ATTENDANCE

Mr Denis Crowe left the meeting at 11.04am after consideration of Item 3.1 and Mr Jason Linsdell attended at this time for discussion on Item 3.2.

ITEM 3.2
WRITE-OFF OF SUNDRY DEBTS AND INTEREST - QUARTER 3 2017/18 TO
QUARTER 4 2018/19 - REGIONAL

Meeting / Session: 3 CORPORATE SERVICES
Reference: A18541556 : 29 July 2019
Responsible Officer: JL, Financial Operations Manager (CORP Financial Operations)

Executive Summary

The Chief Executive Officer has been delegated the power to write-off bad sundry debts and interest accrued on overdue rates. In line with these delegations, Council is to be advised of any rates interest and sundry debts greater than \$2,000 written-off for the period.

The sundry debts and rates interest as detailed in this report were written-off in the period 1 January 2018 to 30 June 2019.

RESOLUTION

Moved by Cr Julie Greer

Seconded by Cr Mike Charlton (Deputy Mayor)

CARRIED 10/0

That the sundry debts greater than \$2,000 and rates interest as detailed in this report, written-off for the period 1 January 2018 to 30 June 2019, be noted.

ITEM 3.2 WRITE-OFF OF SUNDRY DEBTS AND INTEREST - QUARTER 3 2017/18 TO QUARTER 4 2018/19 - REGIONAL - A18541556 (Cont.)

OFFICER'S RECOMMENDATION

That the sundry debts greater than \$2,000 and rates interest as detailed in this report, written-off for the period 1 January 2018 to 30 June 2019, be noted.

REPORT DETAIL

1. Background

The following resolution appears on Minute Page 10/2507 of the General Meeting of Council held 19 October 2010:

Ex Coordination Committee meeting held 19 October 2010 (MP.10/2520):

RECOMMENDATION

1. That under section 257 of the *Local Government Act 2009*, Council delegates the power to write-off bad sundry debts to the Chief Executive Officer.
2. That under section 257 of the *Local Government Act 2009*, Council delegates the power to write-off interest accrued on overdue rates to the Chief Executive Officer.

COMMITTEE RECOMMENDATION

That the officer's recommendations be adopted.

The delegations require the following items be reported to Council at the end of each quarter (reportable items):

- any sundry debts written off in excess of \$2,000; and
- the total value of interest on overdue rates written off.

While these disclosures ordinarily occur on a quarterly basis, no such disclosures have been undertaken since 1 January 2018. Accordingly, this report advises Council of reportable items during the period 1 January 2018 to 30 June 2019.

Future reports will be prepared and provided to Council on a quarterly basis.

2. Explanation of Item

There were six sundry debts greater than \$2,000 written-off for the period 1 January 2018 to 30 June 2019.

| Debt No | Debtor Name | Inv. Date | Amount (Excl GST) | Description of Debt |
|---|------------------------|--|----------------------|----------------------|
| 007541345 | Jason Killick Funerals | 4/08/2015 (Written Off 14/05/2018) | \$4,118.18 | Funeral burial costs |
| Reason for write-off | | | | |
| <ul style="list-style-type: none"> • Council officers and an external collections agency collected \$4,272.73 of the original debt of \$8,390.91. • All efforts to collect the remaining balance have been unsuccessful. • Further action to collect via court action was determined to be too expensive relative to the outstanding debt. | | | | |

Moreton Bay Regional Council

GENERAL MEETING - 481
6 August 2019

PAGE 19/1639
Minutes

ITEM 3.2 WRITE-OFF OF SUNDRY DEBTS AND INTEREST - QUARTER 3 2017/18 TO QUARTER 4 2018/19 - REGIONAL - A18541556 (Cont.)

| Debt No | Debtor Name | Inv. Date | Amount (Excl GST) | Description of Debt |
|--|------------------------------------|--|---|--------------------------|
| 007537616 | Cidonie Christine Profilio | 2/07/2014 (Written Off 07/08/2018) | \$7,101.27 | Damage to traffic lights |
| <p><i>Reason for write-off</i></p> <ul style="list-style-type: none"> • An external collections agency was engaged to assist with the recovery of the debt. • A total of \$479.09 of the original debt was recovered however efforts to collect the remaining balance have been unsuccessful. • Further action to collect via court action was determined to be too expensive relative to the outstanding debt. | | | | |
| 007551005 | Catherine Johnson | 4/02/2018 (Written Off 04/02/2019) | \$10,327.90 | Damage to traffic lights |
| <p><i>Reason for write-off</i></p> <ul style="list-style-type: none"> • An external collections agency was engaged to assist with the recovery of the debt. • All efforts to locate the debtor and collect the remaining balance have been unsuccessful. | | | | |
| 007539844 | Samford Commons | 25/09/2017 (Written Off 9/04/2019) | \$2,400.00 | Lease renewal charges |
| <p><i>Reason for write-off</i></p> <ul style="list-style-type: none"> • The debtor's lease was not renewed. • Advice received from the Community Services, Sport and Recreation Department indicated that recovery of the debt was unlikely. | | | | |
| 004224259 | Caylamax Demolitions and Skip Bins | 6/8/2018 10/9/2018 10/10/2018 6/11/2018 5/12/2018 (Written Off 12/04/2019) | \$1,539.34 \$355.00 \$437.62 \$2,545.67 \$10,632.40 | Waste disposal fees |
| <p><i>Reason for write-off</i></p> <ul style="list-style-type: none"> • The debtor has gone into liquidation with more than \$2.5 million in unsecured debts and approximately \$1 million in secured debts. • All efforts to collect the debt have been unsuccessful and the liquidators have advised that Council's debt is unlikely to be paid. | | | | |
| 007551864 | Kylie May Gray | 05/06/2018 (Written Off 22/05/2019) | \$10,182.18 | Traffic light damage |
| <p><i>Reason for write-off</i></p> <ul style="list-style-type: none"> • All efforts to locate the debtor have been unsuccessful. • The debt was determined to be uncollectable. | | | | |

No rates interest was written-off for the period 1 January 2018 to 30 June 2019.

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

ITEM 3.2 WRITE-OFF OF SUNDRY DEBTS AND INTEREST - QUARTER 3 2017/18 TO QUARTER 4 2018/19 - REGIONAL - A18541556 (Cont.)

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

The bad debts and rates interest were written-off in accordance with the delegation provided under section 257 of the *Local Government Act 2009*.

3.6 Financial Implications

The sundry debt and rates interest written off represent lost revenue to Council.

3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Consultation / Communication

Prior to writing off any sundry debt, the Manager responsible for the revenue associated with the unrecoverable debt is consulted.

ATTENDANCE

Mr Jason Linsdell left the meeting at 11.08am after consideration of Item 3.2.

4 ASSET CONSTRUCTION & MAINTENANCE SESSION

(Cr A Hain)

ITEM 4.1 - DECLARATION OF INTEREST

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

Pursuant to s175E of the *Local Government Act 2009*, Cr Allan Sutherland (Mayor) declared a perceived conflict of interest in Item 4.1 as BMD Constructions (a related company to a tenderer of Item 4.1) provided \$2200 on 2 November 2010 to Moreton Futures Trust. A further donation from Urbex, BMD Holdings (possibly a related company to a tenderer of Item 4.1) was received in 2012 for \$1100 to Cr Allan Sutherland (Mayor).

Cr Allan Sutherland (Mayor) retired from the meeting at 11.09am taking no part in the debate or recommendation regarding same.

The Deputy Mayor (Cr Mike Charlton) assumed the Chair at this time.

Conflict of Interest - Declaration - Cr Mike Charlton (Deputy Mayor)

Pursuant to s175E of the *Local Government Act 2009*, Cr Mike Charlton (Deputy Mayor) declared a perceived conflict of interest in Item 4.1 as BMD Constructions (a related company to a tenderer of Item 4.1) provided \$2200 on 2 November 2010 to Moreton Futures Trust. Cr Charlton advised that he received an interest free loan in the amount of \$5000 from Moreton Futures Trust in late September 2011 which was repaid in full on 25 January 2012. Cr Charlton has not received a donation since that time.

However, Cr Mike Charlton (Deputy Mayor) has considered his position and is firmly of the opinion that he could participate in the debate and recommendation 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 Mick Gillam

Seconded by Cr Koliana Winchester

CARRIED 8/0

That in accordance with s175E(4) of the *Local Government Act 2009*, Cr Mike Charlton (Deputy 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 Mike Charlton (Deputy Mayor) remained in the meeting.

ITEM 4.1

TENDER - EATONS HILL - SARABAND DRIVE - ROAD REHABILITATION - DIVISION 9

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A18863860 : 23 July 2019 - Refer **Confidential** Supporting Information
A18685998
Responsible Officer: SAM, Principal Engineer (ECM Project Management)

Executive Summary

Tenders were invited for the 'Eatons Hill - Saraband Drive - Road Rehabilitation (MBRC008792)' project. The tender closed on 12 June 2019, with a total of 13 tenders received, 12 of which were conforming.

It is recommended that Council award the contract to AllenCon Pty Ltd for the sum of \$815,631 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

RESOLUTION

Moved by Cr Mike Charlton (Deputy Mayor)

Seconded by Cr Julie Greer

CARRIED 9/0

1. That the tender for 'Eatons Hill - Saraband Drive - Road Rehabilitation (MBRC008792)' be awarded to AllenCon Pty Ltd for the sum of \$815,631 (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 the 'Eatons Hill - Saraband Drive - Road Rehabilitation (MBRC008792)' project and any required variations of the agreement on Council's behalf.

ITEM 4.1 TENDER - EATONS HILL - SARABAND DRIVE - ROAD REHABILITATION - DIVISION 9 - A18863860
(Cont.)

OFFICER'S RECOMMENDATION

1. That the tender for 'Eatons Hill - Saraband Drive - Road Rehabilitation (MBRC008792)' be awarded to AllenCon Pty Ltd for the sum of \$815,631 (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 the 'Eatons Hill - Saraband Drive - Road Rehabilitation (MBRC008792)' project and any required variations of the agreement on Council's behalf.

REPORT DETAIL

1. Background

The project is located on Saraband Drive and extends from 51 Saraband Drive to Queen Elizabeth Drive, Eatons Hill. The project scope includes the rehabilitation of the subject section of road over a length of 550m. The existing pavement is currently showing significant signs of stripping, rutting, pavement failures and cracking. The project objective is to renew the pavement and achieve the required level of service. The works will commence in late August / early September 2019 and take nine weeks to complete which includes an allowance for wet weather.



Figure 1: Locality plan

2. Explanation of Item

Tenders for the 'Eatons Hill - Saraband Drive - Road Rehabilitation (MBRC008792)' project closed on 12 June 2019 with a total of 13 tenders received, 12 of which 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.

Moreton Bay Regional Council

GENERAL MEETING - 481
6 August 2019

PAGE 19/1644
Minutes

ITEM 4.1 TENDER - EATONS HILL - SARABAND DRIVE - ROAD REHABILITATION - DIVISION 9 - A18863860
(Cont.)

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

| RANK | TENDERER | EVALUATION SCORE |
|------|--|------------------|
| 1 | AllenCon Pty Ltd | 98.10 |
| 2 | Stanley Macadam Pty Ltd (trading as Stanley Road Construction) | 94.12 |
| 3 | BMD Urban Pty Ltd | 92.24 |
| 4 | Winslow Constructors Pty Ltd | 89.22 |
| 5 | THD Civil Pty Ltd | 88.32 |
| 6 | Civlec Pty Ltd (trading as GRC Civil) | 87.90 |
| 7 | Ryan Civil Contracting Pty Ltd | 87.86 |
| 8 | Novar Group Pty Ltd | 87.44 |
| 9 | Pentacon Pty Ltd | 83.16 |
| 10 | CES CIVIL | 82.35 |
| 11 | Naric Pty Ltd | 67.34 |
| 12 | Zurvas Earthmoving Pty Ltd (trading as GWT Earthmoving) | 49.37 |
| 13 | Hanson Construction Materials Pty Ltd | Non-conforming |

AllenCon Pty Ltd (AllenCon) submitted a detailed tender and demonstrated their experience on projects of similar scale and complexity. At the tender clarification meeting held on 19 July 2019, AllenCon provided further detail to their methodology, confirmed an overall construction duration of nine weeks (including an allowance of 15 days for wet weather) and demonstrated a strong understanding of the project's requirements. AllenCon detailed their need to work on one weekend during the construction period at the intersection with Felicia Place to undertake the works safely in a narrow road area. Access will be provided to Felicia Place on this weekend; however, through traffic on Saraband Drive will be directed onto Pascali Crescent and Ophelia Crescent. Further to out-of-hours works, AllenCon advised they will not be undertaking any night works. AllenCon have completed a number of projects for Council including Victoria Avenue/King Street, Woody Point intersection \$1.7M; road rehabilitation of Queen Elizabeth Drive, Eatons Hill \$820k; and road rehabilitation of Goodwin Drive, Bellara, \$1.9M.

Stanley Macadam Pty Ltd (trading as Stanley Road Construction) submitted a comprehensive tender and demonstrated their construction methodology and experience on projects of a similar scale and complexity. The tendered construction program of works was of 13 weeks' duration inclusive of rain days. There were no additional benefits for the higher price.

BMD Urban Pty Ltd submitted a comprehensive tender and demonstrated their construction methodology and experience on projects of a similar scale and complexity. The tendered construction program of works was of seven weeks' including an allowance for rain days. There were no additional benefits for the higher price.

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

ITEM 4.1 TENDER - EATONS HILL - SARABAND DRIVE - ROAD REHABILITATION - DIVISION 9 - A18863860
(Cont.)

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: 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.

3.4 Risk Management Implications

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

Financial Risks:

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

Construction Risks:

- a. General - The recommended tenderer (contractor) will provide a program of works, traffic management plan, environment and safety plan and will be required to fence off the areas where construction is being undertaken to meet relevant workplace health and safety requirements as part of the contract, including safe work method statements.
- b. Traffic Management - The contractor proposes to maintain traffic in Saraband Drive at all times including:
 - *Saraband Drive* - The contractor will undertake works by closing half the road width to allow stop/go traffic.
 - *Felicia Place* - The contractor will undertake this intersection work on one weekend, yet to be nominated. Residents of Felicia Place and Saraband Drive users will be advised a minimum of two weeks in advance by VMS boards and door knock / letter box drop. Access to Felicia Place will continue for the weekend and through traffic will be redirected to Pascali Crescent and Ophelia Crescent.
- c. The contractor has provided a program with an allowance (15 days) for weather delays as part of their tender program.

3.5 Delegated Authority Implications

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

ITEM 4.1 TENDER - EATONS HILL - SARABAND DRIVE - ROAD REHABILITATION - DIVISION 9 - A18863860
(Cont.)

3.6 Financial Implications

Council has identified a total of \$1,050,000 in the 2019-20 FY Capital Projects Program (project number 103873). All financials below are excluding GST.

| | |
|-----------------------------|---------------|
| Tender price (construction) | \$ 815,631.00 |
| Contingency (10%) | \$ 81,563.10 |
| Energex relocation | \$ 14,000.00 |
| Telstra | \$ 10,000.00 |
| QLeave (0.475%) | \$ 3,874.25 |
| | ----- |
| Total project cost | \$ 925,068.35 |
| | ===== |

Estimated ongoing operational/maintenance costs \$3,100 per F/Y

The budget amount for this project is sufficient.

3.7 Economic Benefit

The road rehabilitation will extend the pavement life and accommodate expected traffic growth.

3.8 Environmental Implications

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

3.9 Social Implications

The road rehabilitation has been designed to improve the safety, rideability and structural integrity of the pavement on Saraband Drive, Eatons Hill for all road users ensuring road network reliability.

3.10 Consultation / Communication

Residents adjacent to the works will be notified of the works and expected construction timeframe prior to commencement via a project notice, project signage and door knocking. Variable message boards will be displayed on Saraband Drive two weeks prior to the commencement of construction works in addition to door knocking and letter box drops. These variable message boards will be used to advise motorists of changes throughout the construction duration. A detailed communications plan will include a Councillor weekly update and a dedicated Significant Project Website which has been established and will be updated fortnightly. The Divisional Councillor has been consulted and is supportive of the project.

ATTENDANCE

Cr Allan Sutherland (Mayor) returned to the meeting at 11.13am after consideration of Item 4.1 and resumed the Chair at this time.

ITEM 4.2

TENDER - 2019/2020 THE MILL- WEED MAINTENANCE PROGRAM - DIVISION 7

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A18858099 : 22 July 2019 - Refer **Confidential Supporting Information A18824919**
Responsible Officer: MM, Senior Technical Officer- Natural Areas (ECM Asset Maintenance)

Executive Summary

Tenders were called for the '2019/2020 The Mill - Weed Maintenance Program (VP152288)'. Tenders closed on 12 July 2019 with four conforming submissions received.

It is recommended that the tender for '2019/2020 The Mill - Weed Maintenance Program (VP152288)' be awarded to Australian Wetlands Landscapes Pty Ltd for the sum of \$264,000 (excluding GST) as this offer represents the best overall value to Council.

RESOLUTION

Moved by Cr Denise Sims

Seconded by Cr Mick Gillam

CARRIED 10/0

1. That the tender for the '2019/2020 The Mill - Weed Maintenance Program' be awarded to Australian Wetlands Landscapes Pty Ltd for the sum of \$ 264,000 (excluding GST).
2. That the Council enters into an agreement with Australian Wetlands Landscapes 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 Australian Wetlands Landscapes Pty Ltd for '2019/20 The Mill - Weed Maintenance Program' and any required variations of the agreement on Council's behalf.

ITEM 4.2 TENDER - 2019/2020 THE MILL- WEED MAINTENANCE PROGRAM - DIVISION 7 - A18858099 (Cont.)

OFFICER'S RECOMMENDATION

1. That the tender for the '2019/2020 The Mill - Weed Maintenance Program' be awarded to Australian Wetlands Landscapes Pty Ltd for the sum of \$ 264,000 (excluding GST).
2. That the Council enters into an agreement with Australian Wetlands Landscapes 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 Australian Wetlands Landscapes Pty Ltd for '2019/20 The Mill - Weed Maintenance Program' and any required variations of the agreement on Council's behalf.

REPORT DETAIL

1. Background

Tenders were called for the '2019/2020 The Mill - Weed Maintenance Program' using Council's Preferred Supplier Arrangement 'MBRC0084670 - Natural Areas Weed Control and Revegetation Services'. The tender is for the provision of weed management services which includes weed control through weed spraying and is predominantly within 35 hectares of bushland across The Mill site and is inclusive of a monthly weed maintenance schedule. Tenders closed on 12 July 2019 with four conforming submissions received.

2. Explanation of Item

Council received four conforming responses. The responses were assessed by a selection panel in accordance with Council's Procurement Policy and the selection criteria set out in the tender documentation.

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

| RANK | TENDERER | EVALUATION SCORE |
|------|--|------------------|
| 1 | Barung Landcare Association Inc | 97.77 |
| 2 | Australian Wetlands Landscapes Pty Ltd | 97.45 |
| 3 | Toolijooa Environmental Pty Ltd | 94.84 |
| 4 | Hans Nalder Pty Ltd / Restore Nature's Balance | 91.79 |

Barung Landcare Association Inc (BLA) submitted a quality tender submission, demonstrating their capability and capacity to undertake environmental weed management activities as outlined in the tender specification with experienced and qualified staff. BLA demonstrated a high level of competency in delivering environmentally sensitive weed maintenance to produce ecological outcomes. BLA have previously undertaken similar projects for Council and delivered weed management services within time and to a satisfactory standard. BLA is both ISO and AS accredited demonstrating robust environmental management and workplace health and safety systems. The offer from BLA was the second lowest priced offer and received the highest evaluation score; however, the panel considered that there were no additional benefits for the additional costs and therefore this offer was not deemed best value to Council.

ITEM 4.2 TENDER - 2019/2020 THE MILL- WEED MAINTENANCE PROGRAM - DIVISION 7 - A18858099 (Cont.)

Australian Wetlands Landscapes Pty Ltd (AWL) submitted a comprehensive tender submission, demonstrating their ability to deliver the program as required. AWL clearly demonstrated their capability and capacity to undertake environmental weed management as per specification with experienced and qualified staff. AWL demonstrated a high level of competency in delivering environmentally sensitive weed maintenance services to achieve ecological outcomes. AWL have previously undertaken similar projects for Council and delivered weed management services to a satisfactory standard. The offer from AWL, which received the second highest evaluation score, was the lowest priced offer and was deemed best value to Council.

Toolijooa Environmental Pty Ltd (TE) submitted a comprehensive tender submission, demonstrating an understanding on how to deliver the program as required. TE demonstrated their capability and capacity to undertake environmental weed management as per specification with experienced and qualified staff. TE cited a range of large government projects delivering environmentally sensitive weed maintenance services to achieve ecological outcomes. TE has not previously undertaken similar projects for Council. The offer from TE was the third lowest priced offer and was not deemed best value to Council.

3. Strategic Implications

3.1 Legislative/Legal Implications

The legislative responsibilities of The Mill - Weed Maintenance Program are:

- *Nature Conservation Act 1992* - for management of plants, wildlife and habitat.
- *Biosecurity Act 1994* - to administer Council's 'General Biosecurity Obligation' and management of declared restricted matter.
- *Agricultural Chemicals Distribution Control Act 1996* - to manage the use and record of herbicide application on Council controlled land.
- *Environmental Protection and Biodiversity Conservation Act 1999* - as related to 'Matters of National Environmental Significance'.

3.2 Corporate Plan / Operational Plan

The program is consistent with Valuing Lifestyle: Healthy natural environment - a clean and healthy environment

3.3 Policy Implications

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

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

The program will be operationally administered in accordance with:

- Policy No: 35-2150-003 Koala Conservation
- Policy No: 12-2150-044 Sustainability
- Policy No: 2150-059 Pesticide Use- Regional

3.4 Risk Management Implications

There are low risk management implications for social, environmental, operational and financial impacts. Risk mitigation actions include:

- 1) The operational program has been developed for regional strategic asset management with key performance indicators and quantifiable outcomes.
- 2) Tenderers' qualifications, experience and personnel have been assessed to standards relating to the management of natural assets:
 - i) South East Queensland Ecological Restoration Framework.
 - ii) National Standards for the practice of ecological restoration in Australia.

ITEM 4.2 TENDER - 2019/2020 THE MILL- WEED MAINTENANCE PROGRAM - DIVISION 7 - A18858099 (Cont.)

A third-party review of financial status has been undertaken on the recommended tenderer. Australian Wetlands Landscapes Pty Ltd received a rating of 'satisfactory' which has confirmed their capability and financial capacity to deliver the contract.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

The recommended contract works total \$264,000 (excl. GST) which is within the budget allocation. This program will be debited to 20442.104.

Works are expected to commence in late August 2019 and extend over the period of the 2019/2020 financial year.

3.7 Economic Benefit

The economic benefit of the proposed maintenance program is increased land useability, improved land value and lower long-term maintenance costs.

3.8 Environmental Implications

The program aims to achieve targets of Natural Area asset protection by:

- Managing key threats and impacts to biodiversity
- Maintaining and enhancing biodiversity
- Maintaining threatened Regional Ecosystems
- Maintaining ecosystem processes
- Enhancing ecological resilience
- Enhancing green corridors
- Improving opportunities for wildlife movement
- Reducing the risk of wildfire events through reduction of ladder fuels

The prescribed program contributes to:

- Shaping SEQ- South East Queensland Regional Plan 2017; Goal 5: Live, Element 4: Working with natural systems
- Managing Natural Assets for a Prosperous South East Queensland 2014-2031 natural resource management targets
- Managing priority species listed in Council's Priority Species of the Moreton Bay Region.

3.9 Social Implications

The program is beneficial by maintaining and enhancing social values inclusive of:

- Land accessibility
- Maintaining and improving scenic amenity
- Opportunity for nature-based recreation
- Opportunity for ecological studies
- Supporting local Bushcare and natural resource management groups
- Protection of cultural and spiritual values
- Improved resource efficiency

3.10 Consultation / Communication

Consultation for the delivery of this program has been undertaken with relevant Council officers, section managers and the procurement section of Council.

**ITEM 4.3
BELLARA - SYLVAN BEACH ESPLANADE - PATHWAY CONSTRUCTION -
DIVISION 1**

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A18665584 : 10 June 2019 - Refer **Confidential** Supporting Information
A18644212
Responsible Officer: BB, Manager, Project Management (ECM Project Management)

Executive Summary

Tenders were invited from Council's prequalified Civil Construction Panel for the 'Bellara - Sylvan Beach Esplanade - Pathway Construction (MBRC005990/VP146134)' project. The tender closed on 4 June 2019 with a total of three conforming tenders received.

It is recommended that Council award the contract to The Landscape Construction Company Pty Ltd for the sum of \$227,833.30 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

RESOLUTION

Moved by Cr Brooke Savige

Seconded by Cr James Houghton

CARRIED 10/0

1. That the tender for 'Bellara - Sylvan Beach Esplanade - Pathway Construction (MBRC005990/VP146134)' be awarded to The Landscape Construction Company Pty Ltd for the sum of \$227,833.30 (excluding GST).
2. That the Council enters into an agreement with The Landscape Construction Company 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 The Landscape Construction Company Pty Ltd for the 'Bellara - Sylvan Beach Esplanade - Pathway Construction (MBRC005990/VP146134)' project and any required variations of the agreement on Council's behalf.

ITEM 4.3 BELLARA - SYLVAN BEACH ESPLANADE - PATHWAY CONSTRUCTION - DIVISION 1 - A18665584
(Cont.)

OFFICER'S RECOMMENDATION

1. That the tender for 'Bellara - Sylvan Beach Esplanade - Pathway Construction (MBRC005990/VP146134)' be awarded to The Landscape Construction Company Pty Ltd for the sum of \$227,833.30 (excluding GST).
2. That the Council enters into an agreement with The Landscape Construction Company 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 The Landscape Construction Company Pty Ltd for the 'Bellara - Sylvan Beach Esplanade - Pathway Construction (MBRC005990/VP146134)' project and any required variations of the agreement on Council's behalf.

REPORT DETAIL

1. Background

The project is located between Sylvan Beach Esplanade and Marine Parade, Bellara.

The project scope includes construction of approximately 100 metres of 2.5 metre wide permeable material pathway and approximately 200 metres of 2.5 metre wide concrete pathway, 2 bench seats and landscaping. The permeable path will be a porous concrete base and a resin wearing course to allow moisture infiltration to maintain the health of the adjacent trees.

Project construction is programmed to commence in mid-August 2019 and conclude in early to mid-September (4 weeks including an allowance for wet weather). Works have been programmed outside of school holidays.



Figure 1: Location of works

ITEM 4.3 BELLARA - SYLVAN BEACH ESPLANADE - PATHWAY CONSTRUCTION - DIVISION 1 - A18665584
(Cont.)

2. Explanation of Item

Tenderers were invited from Council's prequalified Civil Construction Panel (MBRC005990/VP146134) for the 'Bellara - Sylvan Beach Esplanade - Pathway Construction' project. The tender closed on 4 June 2019 with a total of three conforming tenders received. 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 | The Landscape Construction Company Pty Ltd | 98.72 |
| 2 | Conbro Pty Ltd | 92.56 |
| 3 | Auzcon Pty Ltd | 92.30 |

The Landscape Construction Company Pty Ltd (TLCC) submitted a comprehensive tender. TLCC confirmed their capability and methodology to complete the project and have previously undertaken works for MBRC, such as the Wamuran Rail Trail Stage 1 - value \$1.5M (excluding GST), Scarborough Beach Park - value \$2.26M and Dohles Rocks Foreshore - value \$0.5M. At a tender clarification meeting held on 17 June 2019, TLCC confirmed their previous experience and methodology to manage tree protection working in and around the existing trees, to deliver this type of project and were deemed the best overall value for Council to complete this project.

Conbro Pty Ltd (Conbro) submitted a comprehensive tender. Conbro's submission confirmed their capability to complete the project, and at a tender clarification meeting held on 2 July 2019, Conbro detailed their methodology to complete the project. Conbro was the lowest priced tender; however, the evaluation panel considered the construction methodology proposed for planning and management around the trees to not be as strong as TLCC's submission.

Auzcon Pty Ltd (Auzcon) submitted a comprehensive tender. Auzcon's submission confirmed their capability to complete the project; however, there were no additional benefits for the higher price.

Reasons that other contractors on the panel did not submit for this project include:

- current workload did not accommodate new projects
- works were outside normal scope of works
- the size of the project was smaller than what some companies would normally tender

3. Strategic Implications

3.1 Legislative/Legal Implications

Council sought quotations via the Council's Prequalified Civil Construction Panel (MBRC005990) for the work through Vendor Panel 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 4.3 BELLARA - SYLVAN BEACH ESPLANADE - PATHWAY CONSTRUCTION - DIVISION 1 - A18665584
(Cont.)

3.4 Risk Management Implications

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

Financial Risks:

- a. The tenderers were sourced from the Council's prequalified Civil Construction Panel (MBRC005990).

Construction Risks:

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

3.5 Delegated Authority Implications

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

3.6 Financial Implications

Council has allocated a total of \$250,000 in the 19-20 FY Capital Projects Program (project number 101999). All financials below are excluding GST.

| | |
|---|-----------------|
| Tender Price | \$227,833.30 |
| Contingency (10%) | \$ 22,783.33 |
| QLeave (0.475%) | \$ 1,082.21 |
| | ----- |
| Total Project Cost | \$251,698.84 |
| | ===== |
| Estimated ongoing operational/maintenance costs | \$3,500 per F/Y |

The budget amount for this project is sufficient.

3.7 Economic Benefit

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

3.8 Environmental Implications

The project will contribute to the local environment through the installation of permeable pavement around existing tree roots. A tree management plan will be implemented as part of the construction works to monitor and protect existing trees on site.

3.9 Social Implications

The project aims to promote a healthy and inclusive community, with a pathway upgrade that encourages active living and provides safe navigation along the foreshore.

3.10 Consultation / Communication

A detailed communication plan has been prepared. Project signage will be displayed a minimum of four weeks prior to and throughout the works, including project notices distributed a minimum of two weeks prior to the commencement of works. The Divisional Councillor will receive weekly updates on the progress of the project. The Divisional Councillor has been consulted and is supportive of the project.

5 PARKS, RECREATION & SPORT SESSION

(Cr K Winchester)

No items for consideration.

6 LIFESTYLE & AMENITY SESSION

(Cr D Sims)

No items for consideration.

7 ECONOMIC DEVELOPMENT, EVENTS & TOURISM SESSION

(Cr P Flannery)

No items for consideration.

8 REGIONAL INNOVATION SESSION

(Cr D Grimwade)

No items for consideration.

14. GENERAL BUSINESS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE

**ITEM 11.1
BUILDING LOCAL ECONOMY - REGIONAL
(MC)**

RESOLUTION

Moved by Cr Matt Constance
Seconded by Cr Mick Gillam

CARRIED 10/0

That Moreton Bay Regional Council, in keeping with the principles of the MBRC Corporate Plan 2017-2020 - Local Jobs For Residents and Achieving a Thriving Economy, establish a Buy Local procurement policy to support local jobs, innovation and local business growth.

**ITEM 11.2
REGIONAL EVENTS**

Cr Matt Constance made mention of his attendance to the Official Opening and Open Day of the **Arana Hills SES Depot** on Saturday 3 August 2019 along with Cr Peter Flannery and Cr Charlton (Deputy Mayor). Cr Constance commended staff on the amazing work done at the stunning SES facility which is a standout for the region. Cr Constance congratulated the Director Engineering, Construction & Maintenance and the Disaster Management team and gave his thanks on behalf of the community for a 'cracker' of a facility.

Cr Brooke Savige **extended thanks on behalf of a resident** who yesterday had an upset rescue dog which escaped from a yard while they were out. The resident expresses their sincerest thanks to the rangers in handling this matter. Cr Savige commented that it was pleasing to receive positive feedback from the community.

Cr Brooke Savige presented materials provided by the **Bribie Island Tigers Soccer Club** which includes statistics and information collated by the club such as season premiers, grand final champions, games hosted, hours played and Facebook posts reached. Cr Savige said that this is a great example of what local clubs are up to.

Cr Koliana Winchester made mention of her attendance, representing the Mayor, at the opening of the new facility at the **Peninsula Power Football Club**. Cr Winchester noted the new female changerooms are a magnificent facility and a welcome addition to the club.

Cr Koliana Winchester made mention of her attendance, representing the Mayor, at the **Softball Queensland Masters Tournament** along with Cr James Houghton at Talobilla Park, Kippa-Ring. Cr Winchester said that the tournament, now in its 20th year, was a three-day event held 2-4 August 2019 and was attended by people from all over Queensland.

Cr Adam Hain made mention of the **Caboolture Festival** held 3-12 August 2019. Cr Hain said that early indications regarding the new format of the festival was very well received and the way forward looked promising. Cr Hain said that he and Cr Flannery attended the Dragon concert on Saturday evening and mentioned that the festival included a Gem Fest and a Strawberry Sunday event.

Cr Adam Hain made mention of the Official Opening of new **Caboolture Police Station** on King Street on Friday 2 August 2019. Cr Hain said that the opening was attended by the Police Commissioner, noting that the new station is an \$18 million facility and that the old station is renovated to become the local watch house.

**ITEM 11.3
PINE RIVERS SHOW - DIVISIONS 7, 8 & 9
(DS)**

Cr Denise Sims made mention of her attendance to the **Pine Rivers Show** held 2-4 August 2019 at Lawnton Showgrounds. Cr Sims said that the Show, now in its 115th year, enjoyed beautiful weather, and that Cr Mike Charlton (Deputy Mayor) attended the opening on Friday evening. Cr Sims said that Council sponsored the Woodchop competition, which was a tough and included people as young as 13 years. Cr Sims also noted that Undurba State School came first in the Senior Choir and String Ensemble competitions. Cr Sims presented Council with a Platinum Sponsor banner received from Pine Rivers AH&I.

RESOLUTION

Moved by Cr Denise Sims

Seconded by Cr Mick Gillam

CARRIED 10/0

That a Mayoral letter of congratulation be sent to Pine Rivers AH&I on staging the successful 115th Pine Rivers Show.

**ITEM 11.4
KALLANGUR TOWN CENTRE - DIVISION 7
(DS)**

RESOLUTION

Moved by Cr Denise Sims

Seconded by Cr Julie Greer

CARRIED 10/0

That the Manager Strategic Planning work with the necessary departments for an Improvement Strategy for Kallangur Town Centre.

**ITEM 11.5
HAYS INLET ECO PATH - DIVISION 6
(KW)**

Cr Koliana Winchester made mention of her attendance, representing the Mayor, at the opening of Stage One of the **Hays Inlet Eco Path**. Cr Winchester said that there are two more stages to come and that Redcliffe Environmental Forum were supported by Luke Howarth MP with funding of \$200,000, with additional funding provided by Council of \$100,000. Cr Winchester said the new pathway opening was attended by many young families and was a great day.

RESOLUTION

Moved by Cr Koliana Winchester

Seconded by Cr James Houghton

CARRIED 10/0

That a Mayoral letter of congratulation be sent to the Redcliffe Environmental Forum for the successful opening of Stage One of the Hays Inlet Eco Path.

15. 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 matter as raised at the meeting.

CLOSED SESSION

RESOLUTION

Moved by Cr Matt Constance

Seconded by Cr Adam Hain

CARRIED 10/0

That the General Meeting move into closed session pursuant to the provisions of s275 (1) of the Local Government Regulation 2012 to discuss Items C.1 to C.2.

Members of the press and public gallery left the Chambers.
The closed session commenced at 11.35am.

OPEN SESSION

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Mike Charlton (Deputy Mayor)

CARRIED 10/0

That the General Meeting resume in open session and that the following resolutions be made.

The open session resumed at 11.40am.

12a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL

ITEM C.1 – CONFIDENTIAL

SAMFORD SCHOOL POOL FINANCIAL CONTRIBUTION - DIVISION 11

Meeting / Session: *6 Lifestyle & Amenity (Cr D Sims)*

Reference: *A18879580 : 23 July 2019*

Responsible Officer: *BP, Coordinator Regional Leisure Venues (CES Property & Commercial Services)*

Basis of Confidentiality

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

Executive Summary

This report seeks Council's approval to enter into an agreement with the Samford State School to financially contribute towards the operation of the Samford school pool, enabling use by the public outside of school hours.

RESOLUTION

Moved by Cr Matt Constance

Seconded by Cr Koliana Winchester

CARRIED 10/0

1. That Council enters into a five-year agreement with the Samford State School to provide public access to the swimming pool as outlined in this report.
2. That Council approves implementing Class C pool fees and opening hours for Samford Swimming Pool as outlined in this report.
3. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the agreement and any required variations of the agreement on the Council's behalf, as described in this report.

ITEM C.2 – CONFIDENTIAL

PROPERTY RATIONALISATION PROJECT - DIVISION 9

Meeting / Session: *7 Economic Development, Events & Tourism (Cr P Flannery)*
Reference: *A18889485 : 29 July 2019 - Refer Confidential Supporting Information*
A18897621
Responsible Officer: *AS, A/Property Services Manager (CES Property & Commercial Services)*

Basis of Confidentiality

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

Executive Summary

The purpose of this report is to seek a Council resolution for disposal of land that has been identified as surplus to Council's requirements.

RESOLUTION

Moved by Cr Matt Constance

Seconded by Cr James Houghton

CARRIED 10/0

1. That Council approve the sale of Council property as detailed in this report.
2. That the Chief Executive Officer be authorised to do all things necessary to complete the sale of the Council-owned property in accordance with recommendation 1, including, but not limited to, negotiating and agreeing on the sale prices, subject to those prices being supported by valuations obtained for the purpose and negotiating, making, amending, signing and discharging the contracts of sale and any required variations of the contracts of sale on behalf of Council.

12b. CONFIDENTIAL GENERAL BUSINESS

There was no confidential general business.

16. CLOSURE

There being no further business the meeting closed at 11.42am.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 19/1602 to 19/1661 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 6 August 2019.

Daryl Hitzman
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Tuesday 13 August 2019.

Daryl Hitzman
Chief Executive Officer

Councillor Allan Sutherland
Mayor

Moreton Bay Regional Council

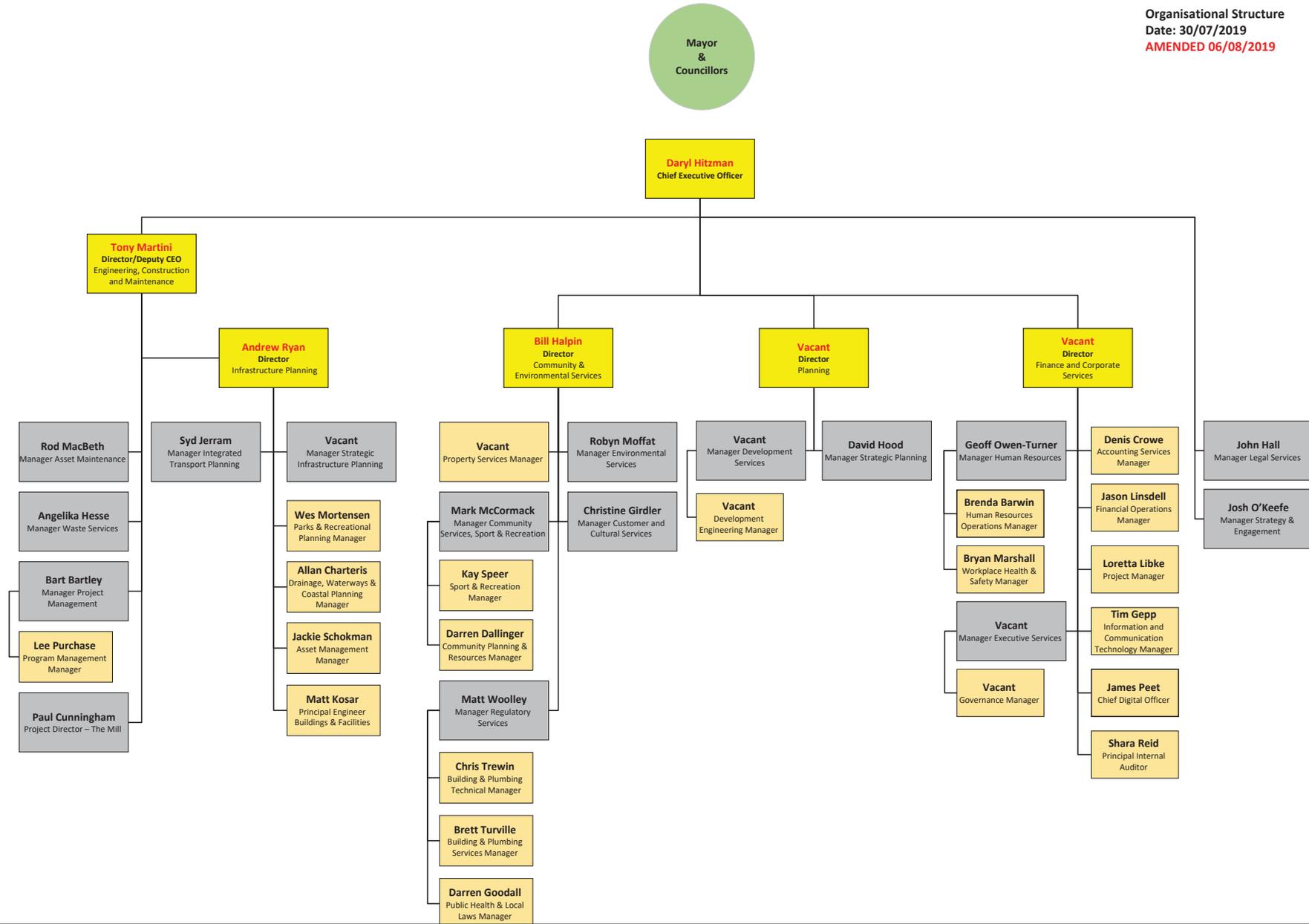
GENERAL MEETING - 481
6 August 2019

Amended Supporting Information to Coordination Committee 30 July 2019

Attachment #1

ITEM 1.3 - REVIEW OF CORPORATE STRUCTURE - REGIONAL (Cont.)

Organisational Structure
Date: 30/07/2019
AMENDED 06/08/2019



GENERAL MEETING - 481
6 August 2019

Moreton Bay Regional Council

GENERAL MEETING - 481
6 August 2019

Attachment #2



Minister for Local Government,
Minister for Racing and
Minister for Multicultural Affairs

Our ref: MC19/3969

Your ref: A18857089 JO'K:hk

1 AUG 2019

Mr Daryl Hitzman
Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

1 William Street
Brisbane Queensland 4000
PO Box 15009
City East Queensland 4002
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Website www.dlgrma.qld.gov.au

ABN 65 959 415 158

Dear Daryl

Thank you for your letter of 22 July 2019 about the Moreton Bay Regional Council's request for Ministerial approval under section 175F of the *Local Government Act 2009* (the Act) for Councillors who have informed of a personal interest, to participate or be present to decide matters relating to Woodfordia Inc.

I refer to the letter sent by the Honourable Yvette D'Ath MP, Acting Minister for Local Government, Acting Minister for Racing and Acting Minister for Multicultural Affairs on 30 July 2019, confirming approval under section 175F of the Act. This letter is consistent with that approval granted but varies the exact wording of the approval to reflect further advice from the Council that some Councillors have received tickets to the Woodford Folk Festival as gifts in previous years.

I understand Woodfordia Inc delivers the Woodford Folk Festival, the Planting, Festival of Small Halls and Artisan Camp events at its Woodfordia site, near Woodford. I further understand the Councillors' conflicts of interests relate to free tickets provided by Woodfordia Inc for the Woodford Folk Festival. The 11 Councillors, being Councillor Allan Sutherland, Mayor, and Councillors Adrian Raedel, Darren Grimwade, Koliana Winchester, Mick Gillam, Julie Greer, Brooke Savige, Matthew Constance, Mike Charlton, Denise Sims and James Houghton have previously accepted tickets to past Festivals in their role as councillor for the Moreton Bay Region. I note that all Councillors declared this interest in a meeting dated 14 May 2019 (except Councillor Sims who was absent), noting their view that despite accepting the tickets, they are able to act in the public interest.

I am of the view that the acceptance of tickets by each Councillor is not necessarily a conflict of interest. However, I note that Councillors have declared these tickets as a conflict of interest out of an abundance of caution and in the interests of transparency. I am also conscious that because of these conflicts of interest now declared, the Council has no way of progressing a number of strategic matters involving Woodfordia Inc without my approval under section 175F of the Act. In particular, I note that the Council needs to resolve to amend its Community Grants Policy and to amend a prior Council resolution regarding the granting of funds to Woodfordia Inc. I understand these matters cannot be delegated under the Act.

Moreton Bay Regional Council

GENERAL MEETING - 481
6 August 2019

I have decided to grant approval for those Councillors who have declared a conflict of interest by accepting tickets from Woodfordia Inc. to participate in discussions and to make decisions in relation to Woodfordia Inc. My approval does not extend to allowing Councillors who may have other conflicts of interest in this matter to participate or make decisions on the matter. Such matters would need to be considered on a case by case basis.

If you require any further information, please contact Ms Kate Adams, Acting Chief of Staff in my office on 3719 7560.

Yours sincerely



STIRLING HINCHLIFFE MP
Minister for Local Government,
Minister for Racing and
Minister for Multicultural Affairs