



# AGENDA

## GENERAL MEETING

**Wednesday 1 September 2021**  
commencing at 9.30am

Strathpine Chambers  
220 Gympie Road, Strathpine

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**COUNCILLOR:**

NOTICE IS HEREBY GIVEN, that a General Meeting of the Moreton Bay Regional Council will be held on Wednesday 1 September 2021 commencing at 9.30am in Strathpine Chambers, 220 Gympie Road, Strathpine to give consideration to the matters listed on this agenda.

Greg Chemello  
Chief Executive Officer

26 August 2021

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**Membership = 13**  
Mayor and all Councillors

**Quorum = 7**

[Agenda for public distribution](#)

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1 September 2021

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## **STATEMENT - ATTENDEES AND LIVESTREAMING**

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

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

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

### **1. ACKNOWLEDGEMENT OF COUNTRY**

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Mayor, or nominee, to provide the Acknowledgement of Country.

### **2. OPENING PRAYER / REFLECTION**

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Mayor, or nominee, to provide the opening prayer / reflection for the meeting.

### **3. ATTENDANCE & APOLOGIES**

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#### **Attendance:**

Cr Peter Flannery (Mayor) (Chairperson)

#### **Apologies:**

### **4. MEMORIALS OR CONDOLENCES**

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

### **5. CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING**

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#### **General Meeting - 18 August 2021 (Pages 21/1303 - 21/1356)**

**RESOLUTION** that the minutes of the General Meeting held 18 August 2021, be confirmed.

***Attachment #1 Unconfirmed Minutes - General Meeting 18 August 2021***

**6. ADOPTION OF AUDIT COMMITTEE MEETING REPORT & RECOMMENDATIONS**

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**Audit Committee Meeting - 12 August 2021 (Pages 21/1293 - 1302)**

**RESOLUTION** that the report and recommendations of the Audit Committee Meeting held 12 August 2021, be adopted.

***Attachment #2 Unconfirmed Report & Recommendations - Audit Committee Meeting 12 August 2021***

**7. PRESENTATION OF PETITIONS**

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

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

**8. CORRESPONDENCE**

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**8.1. RESPONSE to Petition: Jamie Preece (62483370)**

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At the General Meeting held 23 June 2021, Council received a petition from Jamie Preece regarding a request to cancel footpath construction at Cuthburt Street, Albany Creek.

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

## 9. COMMUNITY COMMENT

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The following residents/ratepayers, having made the appropriate application in accordance with Council's Community Comment Session Policy (2150-062), have been approved to participate in this session.

### **REMINDER TO PARTICIPANTS BY THE CHAIRPERSON**

*Participants are reminded that the approved speaker is allowed a maximum of 5 minutes to address the Council in line with the material provided to the Mayor/CEO prior to the meeting.*

*Speakers must act and speak with decorum and are also reminded that parliamentary privilege is not extended to comments made during a council meeting.*

*If the address is considered irrelevant, offensive, contrary to the Community Comment Session Policy or unduly long, the speaker will be required to cease.*

*Speakers must note that no debate will be entered into at the conclusion of the presentation, however the CEO may clarify any statement or view expressed by the speaker.*

### **9.1. Community Comment: Wayne Cadan - Master Plan for Rob Akers Reserve (62773583)**

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As approved by the Chief Executive Officer, Wayne Cadan has been invited to address the Council in respect of the Master Plan for Rob Akers Reserve.

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

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*(s262 of the Local Government Regulation 2012)*

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

## 11. CONFLICTS OF INTEREST NOTIFIED TO THE CEO

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

### **11.1. Declarable Conflict of Interest - Cr Darren Grimwade**

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Pursuant to s150EQ of the *Local Government Act 2009*, Cr Darren Grimwade informed the meeting of a declarable conflict of interest in matters relating to development application DA/2021/3278 located at 298 Old Gympie Road, Dakabin, as he is a friend of Mr Robert Comiskey, a Director of Dakabin Property Pty Ltd, the applicant.

Cr Grimwade has indicated he will not participate in decisions relating to DA/2021/3278 including discussion, debate and voting and will elect to leave future meetings.

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

*(as referred by the Chief Executive Officer)*

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

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

| Session                                  | Portfolio Councillor     | Deputy Portfolio Councillor |
|--|--------------------------|-----------------------------|
| <b>1 Progressive economy</b>             | Cr D Sims (Deputy Mayor) | Cr K Winchester             |
| <b>2 Thriving communities</b>            | Cr M Gillam              | Cr S Ruck                   |
| <b>3 Well-planned region (planning)</b>  | Cr J Shipway             | Cr M Booth                  |
| <b>4 Well-planned region (transport)</b> | Cr A Hain                | C T Latter                  |
| <b>5 Healthy environments</b>            | Cr C Tonks               | Cr B Savige                 |
| <b>6 An engaged council</b>              | Cr M Constance           | Cr D Grimwade               |



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**1 PROGRESSIVE ECONOMY SESSION**

**(Cr D Sims, Deputy Mayor)**

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No items for consideration.

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**2 THRIVING COMMUNITIES SESSION**

**(Cr M Gillam)**

**ITEM 2.1**

**TENDER - WOODFORD - WOODFORD MEMORIAL HALL - AIR CONDITIONING INSTALLATION**

*Meeting / Session:* 2 THRIVING COMMUNITIES  
*Reference:* 62586003: 16 August 2021- Refer **Confidential Supporting Information 62474432**  
*Responsible Officer:* SC, Senior Project Manager (PAS, Project Management)

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**Executive Summary**

Tenders were invited for the 'Woodford - Woodford Memorial Hall - Air Conditioning Installation (MBRC-RFT18)' project. Tenders closed on 30 June 2021 with a total of four tender submissions received, three of which were conforming and one was non-conforming.

It is recommended that the tender for the 'Woodford - Woodford Memorial Hall - Air Conditioning Installation (MBRC-RFT18)' project be awarded to Premier HVAC Pty Ltd for the sum of \$454,487 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

This matter is brought to the attention of Council under the Thriving Communities Portfolio, as the provision of a new, efficient air conditioning system to ensure a safe, comfortable internal environment for hall users facilitates interaction, socialisation and involvement, supporting a thriving community.

**OFFICER'S RECOMMENDATION**

1. That the tender for the 'Woodford - Woodford Memorial Hall - Air Conditioning Installation (MBRC-RFT18)' project be awarded to Premier HVAC Pty Ltd, for the sum of \$454,487 (excluding GST).
2. That the Council enters into an agreement with Premier HVAC 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 Premier HVAC Pty Ltd for the 'Woodford - Woodford Memorial Hall - Air Conditioning Installation (MBRC-RFT18)' project and any required variations of the agreement on Council's behalf.
4. That it be noted this project has been considered in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.
5. That to allow Council to enter into the agreement Council commits to the provision of an additional \$120,000 in funding for the project at the 2021-22 FY quarter one review process.

ITEM 2.1 TENDER - WOODFORD - WOODFORD MEMORIAL HALL - AIR CONDITIONING INSTALLATION - 62586003 (Cont.)

**REPORT DETAIL**

**1. Background**

The project is located at Woodford Memorial Hall, 103 - 107 Archer Street, Woodford. The project scope includes the construction of an air conditioning system, which involves an electrical upgrade necessary to complete the works. These works were recommended in the Community Halls Network Plan, to improve the facility for the community.

The objective of the project is to provide a new, efficient air conditioning system to ensure a safe, comfortable internal environment for hall users.

Works will commence in September 2021, following which a 16-week lead time for the manufacture and supply of the main air conditioning plant is required. During this lead time, preparatory works on site will commence, which are estimated to take nine weeks, once plant arrives on site a further two weeks will be required to install, connect and commission the new air conditioning systems. The total duration for the project is estimated to take 18 weeks to complete, which includes an allowance for wet weather.



Figure 1: Woodford Memorial Hall - Locality Plan

**2. Explanation of Item**

Tenders were invited for the 'Woodford - Woodford Memorial Hall - Air Conditioning Installation (MBRC-RFT18)' project, which closed on 30 June 2021, with a total of four tenders received, three of which were conforming and one was non-conforming. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

**ITEM 2.1 TENDER - WOODFORD - WOODFORD MEMORIAL HALL - AIR CONDITIONING INSTALLATION - 62586003 (Cont.)**

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

| RANK | TENDERER                                  | EVALUATION SCORE<br>(Pre Local Preference) | EVALUATION SCORE<br>(Post Local Preference) |
|------|---|--|---|
| 1    | <b>Premier HVAC Pty Ltd</b>               | <b>100.00</b>                              | <b>107.50</b>                               |
| 2    | Siganto Air Service and Solutions Pty Ltd | 99.68                                      | 107.18                                      |
| 3    | Airmaster                                 | 93.38                                      | 100.88                                      |
| 4    | Hirotec Maintenance QLD Pty Ltd           | Non-Conforming                             |   |

**Premier HVAC Pty Ltd ('PH')** - submitted a comprehensive tender that demonstrated their relevant experience. A tender clarification meeting was held on 12 August 2021, at which PH demonstrated their relevant experience, methodology, company capability, understanding of the project and capability in delivering the project. PH provided examples of relevant project experience, including Westfield Chermside HVAC Upgrade (valued at \$220k) for Westfield Scentre Group; Hyperdome Tenancy HVAC Upgrades (valued at \$285k) for Queensland Investment Corporation; and design and construction of HVAC upgrades at Kmart - Carindale (valued at \$2.1M) for Kmart Australia Limited.

The tender from PH provided a comprehensive response, provided the lowest price and achieved the highest evaluation score. The evaluation panel considers the tender from PH to represent the best overall value for Council.

**Siganto Air Service and Solutions Pty Ltd ('SA')** - submitted a comprehensive and well-presented tender, demonstrating their project experience, however, there were no additional benefits identified for the higher price.

**Airmaster ('AI')** - there were no additional benefits identified for the higher price and their non-price response provided limited information to demonstrate their methodology and understanding of the project.

**Hirotec Maintenance QLD Pty Ltd ('HM')** - Non-conforming, - HM's tender response did not provide mandatory documentation, therefore was non-conforming.

### **3. Strategic Implications**

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

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

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

This project is consistent with the Corporate Plan outcome - Strengthening Communities: Healthy and supportive communities - a healthy and inclusive community.

#### **3.3 Policy Implications**

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

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

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

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*ITEM 2.1 TENDER - WOODFORD - WOODFORD MEMORIAL HALL - AIR CONDITIONING INSTALLATION - 62586003 (Cont.)*

3.4 Risk Management Implications

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

*Financial Risk:*

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

*Construction Risks:*

- a. The recommended tenderer will provide a program of works, staging plan, traffic management plan, safety management plan, environmental management plan, and quality management documentation as part of the contract to detail how they will plan, establish and manage project construction risks which will be monitored and audited by project management during the construction phase.
- b. The recommended tenderer has indicated their understanding of the project site to ensure the safety and well-being of all during the works.
- c. The recommended tenderer has indicated that their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time.
- d. The procurement risks relating to this project are considered low as there is adequate lead time for the recommended tenderer to procure the relevant project construction materials. At the tender clarification meeting, the recommended tenderer noted that due to COVID-19 related impacts, the manufacture and supply of the main air conditioning plant will be prolonged and that additional time has been included within their tender to reflect information known at this time.
- e. To avoid delays onsite, the commencement of works will take into consideration the time required to manufacturer and supply the main air conditioning plant to site. The current lead time for the main air conditioning plant is 16 weeks, which has been allowed for in the works commencement date detailed.
- f. An Energex power upgrade is required to enable the air conditioning equipment to operate. An application to upgrade the power supply has been submitted to Energex which is currently being assessed. A period of approximately 26 weeks has been indicated for the assessment and upgrade process. This time has been taken into consideration as part of the works. Any delay by Energex is not considered to materially impact on the functionality of the hall as the hall does not currently have air conditioning.
- g. The project is not affected by or impacted by any external Development Approvals.
- h. Dilapidation inspections will be conducted prior to works commencing for the building and surrounding areas to record the existing condition of assets and again after construction to record any change.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.2M, providing the expenditure has been provided for in Council's annual budget.

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

*ITEM 2.1 TENDER - WOODFORD - WOODFORD MEMORIAL HALL - AIR CONDITIONING INSTALLATION - 62586003 (Cont.)*

**3.6 Financial Implications**

Council has allocated a total of \$455,000 in the 2021-22 FY Capital Projects Program for construction. Design has been completed in the 2020-21 FY under the MBRC - Community Hall - Air Conditioning and Solar Installation Capital Projects Program. All financial information below is excluding GST.

|                                    |        |                       |
|------------------------------------|--------|-----------------------|
| Energex Power Upgrade (estimate)   | \$     | 60,000.00             |
| Tender Price (Construction)        | \$     | 454,487.00            |
| QLeave (0.575%)                    | \$     | 2,614.00              |
| Contingency (10%)                  | \$     | 45,000.00             |
| Supervision / Administration Costs | \$     | 8,000.00              |
| <br><b>Total Project Cost</b>      | <br>\$ | <br><b>570,101.00</b> |

Estimated ongoing operational/maintenance costs \$13,200.00 per F/Y.

The budget amount for this project is insufficient. To allow this project to proceed and for Council to enter into the arrangement, Council commits to the provision of an additional \$120,000 in the 2021-22 FY quarter one review process.

**3.7 Economic Benefit Implications**

This project will provide an improved ability for the community to utilise the Memorial Hall in all weather conditions, increasing the utilisation of the Hall.

**3.8 Environmental Implications**

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

**3.9 Social Implications**

Community halls facilitate the interaction, socialisation and involvement of residents in community life for positive health and well-being outcomes. The availability of community halls enables the provision of community-based events, private functions and activities that require access to suitable shared space on a temporary or regular basis in a cost-efficient manner. The delivery of this project will improve the amenity for users of the Woodford Memorial Hall and encourage additional utilisation.

**3.10 Human Rights Implications**

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

**3.11 Consultation / Communication**

A detailed communication plan has been prepared for this project. Communication strategies include project notices issued four weeks prior to the commencement of works and projects signs displayed on site prior to construction. The stakeholders, including facility users and staff have been consulted regarding the project. The detailed communications plan will include a Councillor fortnightly email update.

**SUPPORTING INFORMATION**

**Ref: 62474432**

The following list of supporting information is provided for:

**ITEM 2.1**

**TENDER - WOODFORD - WOODFORD MEMORIAL HALL - AIR CONDITIONING INSTALLATION**

***Confidential #1 Tender Assessment***

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**3 WELL-PLANNED REGION (PLANNING) SESSION**

**(Cr J Shipway)**

No items for consideration.

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**4 WELL-PLANNED REGION (TRANSPORT) SESSION**

**(Cr A Hain)**

No items for consideration.



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**5 HEALTHY ENVIRONMENTS SESSION**

**(Cr C Tonks)**

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**ITEM 5.1**

**TENDER - COASTAL HAZARD ADAPTATION STRATEGY PHASES 4-8**

*Meeting / Session:* 5 HEALTHY ENVIRONMENTS  
*Reference:* 62667332 : 10 August 2021 - Refer **Confidential** Supporting Information  
**62378862**  
*Responsible Officer:* GD, Principal Lead - Coastal Environment Strategies (IP Strategic Infrastructure Planning)

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**Executive Summary**

Moreton Bay Regional Council (MBRC) has commenced preparation of a Coastal Hazard Adaptation Strategy (CHAS) through the QCoast<sub>2100</sub> program. An open Request for Tender process (MBRC-RFT27) was undertaken seeking tenders to deliver the CHAS Phases 4 - 8 including:

- Identification of key assets potentially impacted
- Risk assessment of key assets in coastal hazard areas
- Identification of potential adaptation options
- Socio-economic appraisal of adaptation options
- Strategy development, implementation and review

It is recommended that the tender for the project be awarded to Alluvium Consulting Pty Ltd for the sum of \$268,444 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

Council is finalising an updated funding agreement to receive \$401,500 funding from the QCoast<sub>2100</sub> program from the Local Government Association of Queensland and Department of Environment and Science.

This matter is brought to the attention of Council under the Healthy Environments portfolio to identify the current and future risk posed by coastal hazards and their impact on the built and natural environment. The CHAS will also identify measures to reduce coastal hazard risk and protect community values in coastal areas.

**OFFICER'S RECOMMENDATION**

1. That the tender for Coastal Hazard Adaptation Strategy Phases 4 - 8 be awarded to Alluvium Consulting Pty Ltd for the amount of \$268,444 (excluding GST).
2. That the Council enters into an agreement with Alluvium Consulting 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 Alluvium Consulting Pty Ltd for CHAS Phases 4 - 8 and any required variations of the agreement on Council's behalf.
4. That Council finalise funding for this project for the amount of \$401,500 from the Local Government Association of Queensland and Department of Environment and Science as part of the QCoast<sub>2100</sub> program.
5. That it be noted this project has been awarded in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative and the successful tenderer is a local company.

ITEM 5.1 TENDER - COASTAL HAZARD ADAPTATION STRATEGY PHASES 4-8 - 62667332 (Cont.)

**REPORT DETAIL**

**1. Background**

Moreton Bay Regional Council (MBRC) has commenced preparation of a CHAS through the QCoast<sub>2100</sub> program. In June 2016, the Local Government Association of Queensland (LGAQ) in conjunction with the Department of Environment and Science (DES) launched QCoast<sub>2100</sub>, a program to assist Queensland local governments to plan for coastal hazards adaptation, in response to the potential impacts of climate change. QCoast<sub>2100</sub> *Minimum Standards and Guidelines* outline an eight phase process for the preparation of a coastal hazard adaptation strategy, which are broadly described as follows:

|                 |   |
|-----------------|---|
| <b>Phase 1:</b> | Plan for life-of-project stakeholder communication and engagement |
| <b>Phase 2:</b> | Scope coastal hazard issues for the area of interest              |
| <b>Phase 3:</b> | Identify areas exposed to current and future coastal hazards      |
| <b>Phase 4:</b> | Identify key assets potentially impacted                          |
| <b>Phase 5:</b> | Risk assessment of key assets in coastal hazard areas             |
| <b>Phase 6:</b> | Identify potential adaptation options                             |
| <b>Phase 7:</b> | Socio-economic appraisal of adaptation options                    |
| <b>Phase 8:</b> | Strategy development, implementation and review                   |

MBRC has commenced preparation of a CHAS in accordance with the QCoast<sub>2100</sub> guidelines. Phases 1 and 2 have been completed. Phase 3 is nearing completion. Tenders were requested for completing Phases 4 - 8 inclusive.

The services requested for CHAS Phases 4 - 8 included assessing the risk from the projected effects of coastal hazards over the medium to long term and investigating mitigation measures across key areas of Council operations by:

- identifying the likelihood and consequence of coastal hazards adversely impacting Council operations and community assets
- reducing or avoid future exposure to significant risks and financial costs of future coastal hazard impacts
- clarifying its role in responding to future coastal hazard risks and setting the direction for this response
- planning for the long-term protection of coastal infrastructure, built environment and services within at-risk areas
- informing asset management and planning, including nature conservation, recreation, cultural heritage values, and other public amenities
- responding effectively to statutory planning and policy direction at the State level e.g. State Planning Policy
- planning for long-term management of coastal infrastructure, built environment and services within at-risk areas;
- building the knowledge and capacity of staff to respond to coastal hazard planning needs and events.

**2. Explanation of Item**

Tenders were received from four companies which were all conforming. The tenders were assessed by the assessment panel in accordance with Council's procurement policy and the selection criteria set out in the tender documents. Three of the tendering companies had experience delivering a CHAS for other Councils. An evaluation meeting was held on the 12<sup>th</sup> July with Council officers.

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

| Rank | Tenderer                    | Evaluation Score |
|------|-----------------------------|------------------|
| 1    | Alluvium Consulting Pty Ltd | 105.88           |
| 2    | Water Technology Pty Ltd    | 95.80            |
| 3    | BMT Commercial Pty Ltd      | 89.00            |
| 4    | Covey Associates Pty Ltd    | 50.51            |

## ITEM 5.1 TENDER - COASTAL HAZARD ADAPTATION STRATEGY PHASES 4-8 - 62667332 (Cont.)

**Alluvium Consulting Pty Ltd** - submitted a comprehensive tender that demonstrated their relevant experience. A tender clarification meeting was held on 15 July 2021, at which Alluvium Consulting Pty Ltd provided examples of the final CHAS documents produced for other Councils to demonstrate that they have achieved six endorsed final CHAS documents for Councils in Queensland, including Sunshine Coast and Redlands.

Alluvium Consulting Pty Ltd were the most experienced tenderer at preparing CHAS's under the *QCoast<sub>2100</sub>* framework. They have worked closely with the LGAQ and DES to ensure the work they undertake through the *QCoast<sub>2100</sub>* program meets the *Minimum Standards and Guidelines* as well as Council's requirements.

Alluvium Consulting Pty Ltd satisfied the evaluation team that they met the requirements of the request for tender specification.

**Water Technology Pty Ltd** - submitted a comprehensive tender that demonstrated their relevant experience. The additional benefits of a strong planning and economic team came at a higher cost

**BMT Commercial Pty Ltd** - submitted a comprehensive tender that demonstrated their relevant experience. Whilst the project team put forward was highly experienced there were no additional benefits for the higher price.

**Covey Associates Pty Ltd** - submitted a tender that demonstrated their understanding of the project but did not provide detail on how they would deliver the key tasks.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

The calling of public tenders and establishment of a contract of services is in accordance with section 233 of the Local Government Regulation 2012.

#### 3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Strengthening Communities: Safe neighbourhoods - a safe and resilient community.

#### 3.3 Policy Implications

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

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

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

#### 3.4 Risk Management Implications

The appointment of a consultant will assist in the timely delivery of works whilst complying with Council's Procurement Policy. A risk assessment of the services to be supplied under the purchasing arrangement was undertaken during the development of the tender documentation. Where appropriate, specific requirements in relation to risk management and insurance coverage were included in the tender requirements and assessed as part of the overall evaluation process.

# Moreton Bay Regional Council

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ITEM 5.1 TENDER - COASTAL HAZARD ADAPTATION STRATEGY PHASES 4-8 - 62667332 (Cont.)

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.2M, providing the expenditure has been provided for in Council's annual budget.

*The cost of this project is budgeted over multiple financial years and is therefore reported to Council for consideration.*

3.6 Financial Implications

Council has allocated a total of \$270,000 in the 2021-22 FY and 2022-23 FY for delivery of phases 4-8 of the CHAS.

|   |    |         |
|---|----|---------|
| Tender Price (Supply)                           | \$ | 268,444 |
| Contingency                                     | \$ | 0       |
|   |    | -----   |
| Total Project Cost (excluding GST)              | \$ | 268,444 |
|   |    | =====   |
| <br>  |    |         |
| Estimated ongoing operational/maintenance costs | \$ | nil.    |

The budgeted amount for this project is sufficient.

Funding of \$401,500 to be received via the QCoast<sub>2100</sub> program from LGAQ and Department of Environment and Science (DES) will be recognised in Council's budget.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications  Nil identified

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Representatives from Council's Infrastructure Planning Division and Finance and Corporate Services Division sat on the evaluation panel for this tender. In addition, a representative from the Planning Division reviewed the request for tender documentation.

Corporate Procurement managed the process through preparation, release, evaluation and award.

**SUPPORTING INFORMATION**

**Ref: 62378862**

The following list of supporting information is provided for:

**ITEM 5.1**

**TENDER - COASTAL HAZARD ADAPTATION STRATEGY PHASES 4-8**

***Confidential #1 Tender Assessment***

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**6 AN ENGAGED COUNCIL SESSION**

**(Cr M Constance)**

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**ITEM 6.1**

**COUNCIL OPERATIONS - CHRISTMAS/NEW YEAR PERIOD 2021/22**

*Meeting / Session:* 6 AN ENGAGED COUNCIL  
*Reference:* 62357375 : 23 August 2021  
*Responsible Officer:* BH, Director Community & Environmental Services (CES Directorate)

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**Executive Summary**

The purpose of this report is to seek approval for Council's operational arrangements over the 2021/22 Christmas/New Year period occurring from midday on Friday, 24 December 2021 to 8.30am on Tuesday, 4 January 2022.

This matter is brought to Council under the Engaged Council Portfolio as the matter is considering and responding to service delivery requirements.

**OFFICER'S RECOMMENDATION**

1. That during the 2021/22 Christmas/New Year period, reduced operations be approved from midday on Friday 24 December 2021 until 8.30am on Tuesday 4 January 2022, with operational arrangements during this period being determined by the Chief Executive Officer in consultation with the respective Director.
2. That the Chief Executive Officer ensure details of the reduced operations be appropriately advertised.

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ITEM 6.1 COUNCIL OPERATIONS - CHRISTMAS/NEW YEAR PERIOD 2021/22 - 62357375 (Cont.)

## REPORT DETAIL

### 1. Background

Moreton Bay Regional Council (MBRC) has historically reduced operations from midday on Christmas Eve, 24 December until the business day following the New Year's Day public holiday.

During this period, service areas such as waste facilities, galleries, museums and libraries continue to operate as normal. Whilst key service teams such as customer services, local laws, rating services, payroll and public health operate reduced services and emergency crews are available to respond to urgent service-level matters.

### 2. Explanation of Item

For the 2021/22 Christmas/New Year period it is recommended that Council:

- reduce its operations from midday on Friday, 24 December 2021 until Tuesday, 4 January 2022; however
- continue to operate the after-hours service, emergency crews and key service teams as determined by the Chief Executive Officer in consultation with the respective Directors.
- open its Call Centre, during normal business hours, on 29, 30 and 31 December 2021.

Details of Council's 2021/22 Christmas/New Year operational arrangements will be made available in Council facilities, on Council's website, and be appropriately advertised prior to Christmas.

In line with normal practice, those officers not required to work over the Christmas/New Year period will be required to utilise 3 + RDOs to offset the days taken during the period (29, 30 and 31 December). Of note, in 2021, Monday and Tuesday, 27 and 28 December are the gazetted public holidays for Christmas Day and Boxing Day respectively, due to Christmas Day falling in a Saturday and Boxing Day falling on a Sunday.

### 3. Strategic Implications

3.1 Legislative / Legal Implications  Nil identified

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

3.3 Policy Implications  Nil identified

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications  Nil identified

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications

The opening of the Call Centre over this period will improve the level of access to Council and service availability for residents and ratepayers

ITEM 6.1 COUNCIL OPERATIONS - CHRISTMAS/NEW YEAR PERIOD 2021/22 - 62357375 (Cont.)

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Cultural Services  
Customer Response  
Waste Services  
After-hours Service Providers



**ITEM 6.2  
COMMENCEMENT OF PROSECUTIONS - FAILURE TO RENEW REGULATED DOG  
REGISTRATION**

*Meeting / Session:* 6 AN ENGAGED COUNCIL  
*Reference:* 62734551 : 24 August 2021  
*Responsible Officer:* GL, Brief Management and Prosecutions Coordinator (CES Customer Response)

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**Executive Summary**

Investigations have been conducted in relation to the failure of regulated dog owners to renew their dog's registration for 2020/21 which expires on 30 September 2021. Officers recommend prosecution as a means of enforcement.

Council's approval is being sought for the commencement of fifty-eight (58) prosecutions in the Magistrates Court for what Council Officers allege to be offences under Section 57(2) of the *Animal Management (Cats and Dogs) Act 2008* (the Act).

This matter is brought to the Council under the Engaged council portfolio as regulatory enforcement through the commencement of prosecutions is required to achieve compliance with the act.

**OFFICER'S RECOMMENDATION**

1. That Council authorise the Chief Executive Officer to commence prosecutions in the Magistrates Court for the matters described in this report, for what Council officers allege to be offences under the *Animal Management (Cats and Dogs) Act 2008*.
2. That the prosecutions described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

**ITEM 6.2 COMMENCEMENT OF PROSECUTIONS - FAILURE TO RENEW REGULATED DOG REGISTRATION - 62734551 (Cont.)**

**REPORT DETAIL**

**1. Background**

Council is the responsible agency for enforcement and regulation under the *Animal Management (Cats and Dogs) Act 2008* (the Act). The Act provides legal and procedural frameworks for the administration, implementation and enforcement of animal ownership and management practices.

The Act provides that the owner of a dog must, before the period of registration for the dog expires, pay the registration fee for the dog. It is an offence under the Act to fail to comply with this requirement.

Investigations have been conducted in relation to the failure of regulated dog owners to renew the registration of their regulated dangerous or menacing dogs. It is considered appropriate, and in the public interest, to progress these matters to the Magistrates Court for prosecution.

Council's approval is sought for the commencement of fifty-eight (58) prosecutions in the Magistrates Court against fifty-four (54) individuals for what Council officers allege to be offences under the Act. (*Four individuals own two regulated dogs and have failed to comply to renew the registration of both dogs*)

A summary of facts has been drafted for each matter and reviewed to ensure the sufficiency of evidence to prove the offences.

**2. Explanation of Item**

Investigations have been conducted in relation to the failure of regulated dog owners to renew the registration of the dogs where officers have recommended prosecution as a means of enforcement.

The improper management and keeping of animals present a risk and incur cost to the community. An opportunity exists in each of these matters for Council to take enforcement action against the responsible person and, in doing so, encourage both individual and community compliance under the Act.

By proceeding through to prosecution, Council is able to present all of the facts and request the highest possible penalty. However, Council officers consider prosecution to be the most appropriate action. The matters have been reviewed and assessed as appropriate to progress for prosecution in the Magistrates court.

Table 1 below outlines the alleged offences for each matter.

**Table 1 - Prosecutions**

| Matter  | Summary of charges - Prosecutions            |  | Prosecution reference number |
|---------|--|--|------------------------------|
| 1 - 54  | Charge 1 - 1/10/2020                         | Failure to renew registration                                  | LS/2021/0502                 |
| 55 - 58 | Charge 1 - 1/10/2020<br>Charge 2 - 1/10/2020 | Failure to renew registration<br>Failure to renew registration | LS/2021/0502                 |

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ITEM 6.2 COMMENCEMENT OF PROSECUTIONS - FAILURE TO RENEW REGULATED DOG REGISTRATION - 62734551 (Cont.)

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Prosecutions would be commenced in the Magistrates Court against each of the individuals who were, at the material time, the responsible person for each offence under the Act.

Section 237(2) of the *Local Government Act 2009* provides that 'a local government may start proceeding under the *Justices Act 1886* in the name of a local government employee who is a public officer within the meaning of that Act'. The Chief Executive Officer falls within that definition and there are a number of advantages in commencing a prosecution in the name of the employee as opposed to the Council itself, in particular some degree of protection in relation to costs and the ability to deal with the matter should the defendant fail to appear.

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

Nil identified

#### 3.4 Risk Management Implications

The matters have been reviewed and assessed in preparation for court.

#### 3.5 Delegated Authority Implications

Nil identified

#### 3.6 Financial Implications

Legal and court costs associated with the commencement of legal proceedings, including court filing fees will be met through existing budget allocations. The matters will be handled by Council's Brief Management and Prosecutions Coordinator through to the Magistrates Court therefore no external costs will be applicable.

#### 3.7 Economic Benefit Implications

Nil identified

#### 3.8 Environmental Implications

Nil identified

#### 3.9 Social Implications

Court proceedings establish broader understanding of statutory and local laws regulation and build community confidence in Council's ability to effectively address offending.

#### 3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. Council officers consider that Council's decision in this circumstance is compatible with a person's human rights because any person against whom prosecution proceedings are commenced will have the right to a fair hearing.

#### 3.11 Consultation / Communication

Director Community and Environmental Services  
Legal Services

**ITEM 6.3**  
**MONTHLY FINANCIAL REPORTING PACKAGE - 31 JULY 2021**

*Meeting / Session:* 6 AN ENGAGED COUNCIL  
*Reference:* 62680972 : 11 August 2021 - **Refer Supporting Information 62678070**  
*Responsible Officer:* DC, Manager Accounting Services (FCS Accounting Services)

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**Executive Summary**

The purpose of this report is to present the Financial Reporting Package for the year to date period ending 31 July 2021.

This matter is brought to the attention of Council under the An Engaged Council Portfolio as in accordance with Part 9, section 204 of the Local Government Regulation 2012, a financial report is required to be presented to Council on a monthly basis.

**OFFICER'S RECOMMENDATION**

That the Financial Reporting Package for the year to date period ending 31 July 2021 be received.

*ITEM 6.3 MONTHLY FINANCIAL REPORTING PACKAGE - 31 JULY 2021 - 62680972 (Cont.)*

## **REPORT DETAIL**

### **1. Background**

The Financial Reporting Package for the month ending 31 July 2021 is contained within the supporting information to this report.

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

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

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

The first month of the 2021/22 financial year is complete and the performance and position of Council is outlined below in the context of the attached report.

#### Operating Result (page 1)

As at 31 July 2021 operating revenue was \$97.8 million compared to operating expenses of \$33.5 million thus representing an operating surplus of \$64.3 million.

#### Operating Revenues (page 1)

The first quarter rates and utility charges were levied in July and represent the bulk of the revenue recognised for the month being \$86.3 million. This equates to approximately 25% of the budgeted rate and utility charge revenue for the year.

Operational grants and subsidies are tracking below budget due to a timing difference. Consistent with previous years the financial assistance grant represents 75% of all the operational grants Council receives and it is paid quarterly. Half of the 21/22 grant was paid at the end of 2020/21. It is expected that half of the 22/23 grant will be paid at the end of 21/22 which is when the bulk of this revenue item will be recognised.

Other revenues will pick up as the year progresses, particularly when Tax Payments from Unitywater resume in August.

The Unitywater participation revenue is a conservative estimate and is a non-cash revenue stream.

#### Operational Expenses (page 1)

Employee benefits are tracking below budget, however this a timing difference and will change over the next few months as associated recruitment continues.

Material and Services, while trending below budget, are tracking as expected for this stage of the year.

Depreciation expenses and finance costs are tracking to budget. Depreciation expense is an estimate at this stage as the asset register is currently closed off for year-end processing and reconciliation as part of the 2020/21 Audit. Depreciation processing will recommence in September.

#### Capital Revenue (page 1)

Infrastructure cash contributions from developers is tracking well above budget for the month, reflecting the continuing the growth experienced in 2020/21.

Infrastructure asset contributions and the subsequent asset register recognition will resume in September once the 2020/21 Audit is complete.

Capital grants and **subsidies** are well below budget for July due to timing differences. Until such time as projects reach their milestones revenue cannot be recognised. As capital projects complete toward the second half of 2021/22 most of the revenue will be recognised at that time.

## ITEM 6.3 MONTHLY FINANCIAL REPORTING PACKAGE - 31 JULY 2021 - 62680972 (Cont.)

### Operating Revenue and Operating Expenditure Graphs (page 2)

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

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

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

### Capital Expenditure (page 3, 4 and 5)

Capital expenditure for the first month amounted to \$9.98 million or 4.07% of the total program. The committed expenses column on the far right of the table indicates purchase orders placed, which during the year will translate into actual expenses. In total there is approximately \$142.8 million of the capital works program committed (actuals column plus the committed column) for 2021/22.

The *total capital expenditure progress* line graph summarises the percentage of all capital expenditure completed to date compared to a linear budget spend.

The *capital expenditure by portfolio program* table breaks down the capital spend into program categories.

The associated *capital expenditure progress % to date by portfolio program* graph tracks the percentage spend by portfolio program compared to the budget to date. The orange line represents the year to date budget at 8.33% highlighting the linear budget spend to July 2021. Variations across the programs are normal as capital project delivery is not linear in nature so timing differences are expected.

### Balance Sheet and Cash Flow (page 6)

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

The Cash flow statement indicates a closing cash balance in the amount of \$353.6 million for July. It should be noted that the forecast for the end of June 2022 will see this decrease to \$223.5 million.

### Treasury Report (page 7 and 8)

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

Interest earned on investments was approximately \$123k for the month and achieved 2.39% of the annual budget (\$5.2m). Interest rates on offer in the market are at all-time lows.

The weighted average return on all investments for Council is now sitting at 0.43%.

The Investment graphs give an indication of the percentage of investments held with each financial institution and the maturity profile of Council's investments. Council currently has \$324 million of cash at call with the remaining \$30 million maturing over next 3 to 12 months.

The QIC Growth Fund is currently valued at \$123 million as at the end of June. Council originally invested \$100 million in this fund in June 2018.

Council's debt position has not changed since the close of the 2020/21 Financial year. Council is expected to repay debt in the amount of \$42 million for the year and budgeted to borrow \$50 million to fund capital works. Borrowings (if required) would be drawn down in May/June 2022.

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ITEM 6.3 MONTHLY FINANCIAL REPORTING PACKAGE - 31 JULY 2021 - 62680972 (Cont.)

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

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

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

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

Compliance to the Council's Investment Policy is confirmed.

#### 3.4 Risk Management Implications

The Council is subject to numerous risks associated with revenue and expenses that can impact upon Council's financial performance and position. Through the quarterly budget review process as matters arise they can be addressed and priorities changed accordingly.

#### 3.5 Delegated Authority Implications Nil identified

#### 3.6 Financial Implications

As at the end of July 2021, Council's operating surplus is \$64.3 million while capital expenditure amounted to \$9.98 million.

#### 3.7 Economic Benefit Implications Nil identified

#### 3.8 Environmental Implications Nil identified

#### 3.9 Social Implications Nil identified

#### 3.10 Human Rights Implications

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

#### 3.11 Consultation / Communication

Director Finance and Corporate Services

**SUPPORTING INFORMATION**

**Ref: 62678070**

The following list of supporting information is provided for:

**ITEM 6.3**

**MONTHLY FINANCIAL REPORTING PACKAGE - 31 JULY 2021**

***#1 Monthly Financial Reporting Package - 31 July 2021***



**ITEM 6.4**  
**TENDER - NARANGBA - BOUNDARY ROAD - DEPOT DEVELOPMENT AND**  
**NARANGBA - BOUNDARY ROAD - INTERSECTION CHANGE AND ROAD**  
**REHABILITATION**

*Meeting / Session:* 6 AN ENGAGED COUNCIL  
*Reference:* 62334545 : 3 August 2021 - Refer **Confidential Supporting Information**  
**62455605**  
*Responsible Officer:* NM, Acting Program Management Manager (PAS Project Management)

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**Executive Summary**

Tenders were invited for the 'Narangba - Boundary Road - Depot Development and Narangba - Boundary Road - Intersection Change and Road Rehabilitation (MBRC-RFT13)' project. Tenders closed on 13 July 2021 with a total of four conforming tenders received.

It is recommended that the tender for the 'Narangba - Boundary Road - Depot Development and Narangba - Boundary Road - Intersection Change and Road Rehabilitation (MBRC-RFT13)' project be awarded to ADCO Constructions Pty Ltd, for the sum of \$34,291,331 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

This matter is brought to the attention of Council under the Engaged Council Portfolio. The benefits of a new centralised works depot, located at Narangba, are that Council's needs are met and maintenance costs reduced with consolidation of three older sites (Petrie, Burpengary, Deception Bay) reducing overall operational costs and reflecting an engaged Council.

**OFFICER'S RECOMMENDATION**

1. That the tender for the 'Narangba - Boundary Road - Depot Development and Narangba - Boundary Road - Intersection Change and Road Rehabilitation (MBRC-RFT13)' project be awarded to ADCO Constructions Pty Ltd, for the sum of \$34,291,331 (excluding GST).
2. That the Council enters into an agreement with ADCO Constructions 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 ADCO Constructions Pty Ltd for the 'Narangba - Boundary Road - Depot Development and Narangba - Boundary Road - Intersection Change and Road Rehabilitation (MBRC-RFT13)' project and any required variations of the agreement on Council's behalf.
4. That it be noted this project was considered in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.
5. That Council acknowledges that the agreement will require an estimated sum of \$26,000,000 during the 2022-23 financial year and Council is requested to account for this future expenditure as part Council's strategic financial plan and budget for the 2022-23 financial year.

**ITEM 6.4 TENDER - NARANGBA - BOUNDARY ROAD - DEPOT DEVELOPMENT AND NARANGBA - BOUNDARY ROAD - INTERSECTION CHANGE AND ROAD REHABILITATION - 62334545 (Cont.)**

## REPORT DETAIL

### 1. Background

Two projects were combined in this tender, due to the works complimenting one another and being in a similar location. The two projects are:

1. Narangba - Boundary Road - Depot Development; and
2. Narangba - Boundary Road - Intersection Change and Road Rehabilitation.

The first project is located at Boundary Road, Narangba. The project scope is for the construction of a new Council depot on land described as 179 Boundary Road (Lot 595 SL4475) and 135 Boundary Road (Lot 572 CP849525), Narangba (refer to figure 1 below). The works include construction of:

- Office accommodation;
- Fleet workshop;
- Store;
- Storage sheds;
- Car parking and laydown areas to accommodate anticipated internal and external office staff including fleet vehicles; and
- Staff amenities.

The second project includes the construction of a new intersection to Boundary Road, Narangba (associated with the new depot), and road rehabilitation (refer to figure 2 below), which includes construction of:

- Signalised intersection between new depot access road and Boundary Road; and
- Pavement rehabilitation of Boundary Road.

The objective of this work is to construct a new depot to address deficiencies in existing depots and provide a modern facility that aligns with the needs of Council, consolidating three depots into one and reducing reoccurring maintenance costs.

Construction will commence in September 2021 and is estimated to take 97 weeks to complete, which includes an allowance for wet weather (148 days – 29.6 weeks).



**Figure 1: Boundary Road - Depot Development - Locality Plan**

ITEM 6.4 TENDER - NARANGBA - BOUNDARY ROAD - DEPOT DEVELOPMENT AND NARANGBA - BOUNDARY ROAD - INTERSECTION CHANGE AND ROAD REHABILITATION - 62334545 (Cont.)



Figure 2 -Boundary Road - Intersection & Roadwork - Locality Plan



Figure 3 - General Layout - Works Depot

ITEM 6.4 TENDER - NARANGBA - BOUNDARY ROAD - DEPOT DEVELOPMENT AND NARANGBA - BOUNDARY ROAD - INTERSECTION CHANGE AND ROAD REHABILITATION - 62334545 (Cont.)

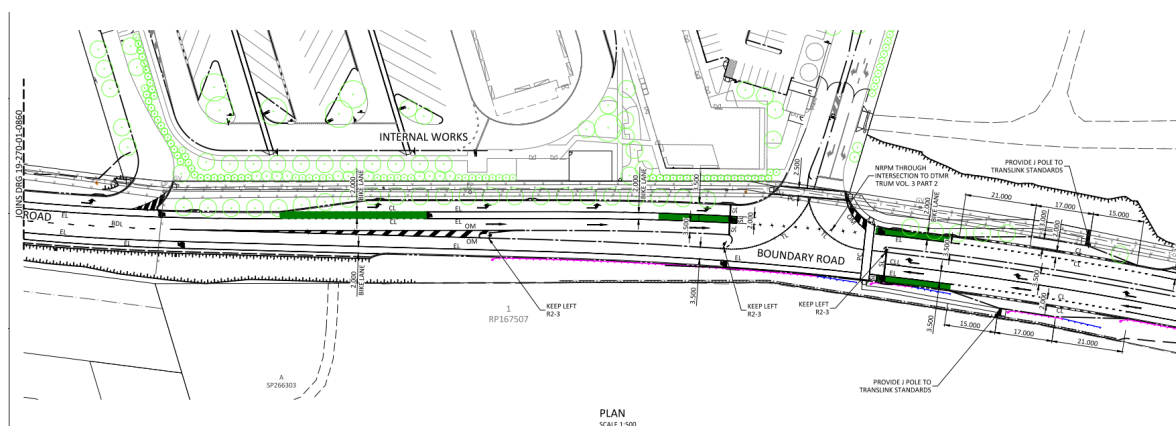


Figure 4 - General Layout - Intersection Works

2. Explanation of Item

Tenders were invited for the 'Narangba - Boundary Road - Depot Development and Narangba - Boundary Road - Intersection Change and Road Rehabilitation (MBRC-RFT13)' project, which closed on 13 July 2021, with a total of four 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 (Pre Local Preference) | EVALUATION SCORE (Post Local Preference) |
|------|-----------------------------------|---|--|
| 1    | ADCO Constructions Pty Ltd        | 98.01                                   | 105.51                                   |
| 2    | BADGE Constructions (QLD) Pty Ltd | 94.92                                   | 102.42                                   |
| 3    | Broad Construction Pty Ltd        | 88.88                                   | 88.88                                    |
| 4    | Kane Constructions (QLD) Pty Ltd  | 88.57                                   | 88.57                                    |

**ADCO Constructions Pty Ltd ('AD')** - submitted a comprehensive tender that demonstrated their relevant experience. A tender clarification meeting was held on 28 July 2021, at which AD further demonstrated their understanding of the project with a comprehensive well considered methodology. AD noted prior experience with dynamic impact rolling to achieve settlement of the existing fill and also outlined methodology in relation to dust suppression which is of concern due to the extent of earthworks. AD also demonstrated their company capability, experience and capability in delivering the project. To better understand the requirements to manage potential land contamination issues, AD sought advice from Council's Environmental Consultant during the tender phase. Additionally, AD provided a considered risk mitigation strategy, addressing community and resident safety along with site specific environmental risks, demonstrating exceptional understanding of the project requirements.

AD provided examples of relevant project experience, including Eagle Farm Trade Coast Bus Depot (valued at \$33.9M) for Brisbane City Council; North Lakes Costco (valued at \$19.1M) for Costco; Ipswich Costco (valued at \$22.8M) for Costco; Strathpine SRG Office Development (valued at \$33.5M) for Primewest; Hope Island Marketplace (valued at \$48M) for Austin Property Development; and Pimpama City Shopping Centre (valued at \$39M) for Financial Securities Pty Ltd.

AD provided a competitively priced option. The evaluation panel considers the tender from AD to represent the best overall value and lowest risk for Council.

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*ITEM 6.4 TENDER - NARANGBA - BOUNDARY ROAD - DEPOT DEVELOPMENT AND NARANGBA - BOUNDARY ROAD - INTERSECTION CHANGE AND ROAD REHABILITATION - 62334545 (Cont.)*

**BADGE Constructions (QLD) Pty Ltd ('BA')** - submitted a well-presented tender and was the lowest priced tender returned. A tender clarification meeting was held on 2 August 2021, at which BA demonstrated their experience, methodology, company capability and understanding of the project.

BA provided examples of project experience, including Sunshine Coast Depot (valued at \$7.8M) for Roadtek; Caboolture Watchhouse (valued at \$12.3M) for Queensland Police Service; Kallangur Community Hub (valued at \$1.8M) for QBuild; Darwalla Hatchery (valued at \$14.3M) for Darwalla Group; Caboolture Police Station (valued at \$12.3M) for Queensland Police Service; and Munitions Facility (valued at \$22.1M) for Rheinmetall Nioa Munitions.

The submission and subsequent clarification of the tender from BA included departures to Council's standard tender and contract conditions that may have a cost implication including:

- Special Conditions Clause 4 - Omissions;
- Condition of Offer Clause 20 - Omissions; and
- Conditions of Offer Clause 6 - Tenderer Warranties.

In clarification, BA advised that they had approached the Tender in a manner that did not allow for risks associated with Council's Omissions and Warranties clauses. The tender from BA was therefore not considered by the evaluation panel, the best overall value for Council based on the assessment.

**Broad Construction Pty Ltd ('BR')** - submitted a comprehensive and well-presented tender, demonstrating their project experience, however, there were no additional benefits identified for the higher price.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

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

#### 3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Strengthening Communities: Strong local governance - a council connected with its community.

#### 3.3 Policy Implications

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

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

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

#### 3.4 Risk Management Implications

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

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ITEM 6.4 TENDER - NARANGBA - BOUNDARY ROAD - DEPOT DEVELOPMENT AND NARANGBA - BOUNDARY ROAD - INTERSECTION CHANGE AND ROAD REHABILITATION - 62334545 (Cont.)

*Landfill Closure Plan:*

179 Boundary Road, Narangba (refer Figure 1) is a former landfill site and is in the closure plan phase. The site is currently subject to an Environmental Authority (EPPR00749313) and Department of Environment and Resource Management (DERM) Development Permit (SPDE01499311). A Site Closure Plan has been prepared and submitted to the Department of Environment and Science (DES) for approval. This closure plan provides guidance for compliance with closure conditions contained in the Environmental Authority, which have been addressed during the design phase. The Environmental Authority has been amended to reflect this development and approved by DES.

*Native Title and Cultural Heritage:*

Council's Community Services department has reviewed the site and advised the site is located within an area of potential cultural heritage sensitivity. Due to the previous disturbance on the site, this is not considered to pose a risk to the project.

Council's Legal Services have confirmed any native title rights and interests which may have existed on the land have been extinguished.

*Planning Approval:*

This project will not require a planning approval based upon advice received from Development Services.

*License Agreement:*

There was a licence agreement to operate a recycling facility over the proposed depot site (Lot 595 on SL4475) to another party. The licence agreement expired in April 2019.

*Financial Risk:*

A third-party financial assessment has been carried out and the recommended tenderer was rated ('BB - Near Prime') - Low to moderate level of risk.

*Construction Risks:*

- a. The recommended tenderer will provide a program of works, staging plans, traffic management plans, safety management plan, environmental management plan, and quality management documentation as part of the contract to detail how they will plan, establish and manage project construction risks which will be reviewed and audited by Project Management.
- b. The recommended tenderer has indicated their understanding of the project site to ensure the safety and well-being of all during the works.
- c. The recommended tenderer has indicated that their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time.
- d. The procurement risks relating to this project are considered low as there is adequate lead time for the recommended tenderer to procure the relevant project construction materials.
- e. Current market feedback indicates that a project of this size is at risk of labour and truck shortages. The recommended tenderer has considered this risk and provided mitigation methods including out of hours deliveries.
- f. Current market conditions indicate price volatility in the materials market, particularly for steel. The evaluation panel have clarified with the recommended tenderer to confirm that their price is a lump sum and inclusive of market risks.
- g. The project is not impacted or affected by any external Development Approvals. Building and Plumbing Approvals have been received for the works.
- h. Operational approvals have been obtained for clearing and filling over sewer. Unitywater approval has been obtained, including water and sewer connections and trade waste disposal.
- i. Negotiations with service providers has been completed for all relevant alterations to services.
- j. Dilapidation inspections will be conducted prior to works commencing for site and surrounding areas to record the existing condition of assets and again after construction to record any change.

**ITEM 6.4 TENDER - NARANGBA - BOUNDARY ROAD - DEPOT DEVELOPMENT AND NARANGBA - BOUNDARY ROAD - INTERSECTION CHANGE AND ROAD REHABILITATION - 62334545 (Cont.)**

**3.5 Delegated Authority Implications**

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.2M, providing the expenditure has been provided for in Council's annual budget.

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

**3.6 Financial Implications**

Council has allocated a total of \$44,521,378 in the Capital Projects Program towards the combined project (depot and external road works), with \$715,000 for planning in the 2017-18 and 2018-19 FYs; \$1,806,378 for design in the 2019-20 and 2020-21 FYs; and \$16,000,000 in the 2021-22 FY for construction. A further \$26,000,000 towards the combined project is identified in the draft 2022/23 FY Capital Projects Program budget for construction. All financial information below is excluding GST.

|   |           |                      |
|---|-----------|----------------------|
| Planning (2017-18)                          | \$        | 211,958.56           |
| Planning (2018-19)                          | \$        | 273,945.64           |
| Design (2019-20)                            | \$        | 1,023,962.16         |
| Design (2020-21)                            | \$        | 1,346,885.06         |
| Unitywater Headworks Charge (2020-21)       | \$        | 402,396.73           |
| Tender Price (Construction)                 | \$        | 34,291,331.00        |
| QLeave (Paid 2020-21 for Building Approval) | \$        | 215,625.00           |
| Service Relocations                         | \$        | 186,849.38           |
| Contingency (10%)                           | \$        | 3,429,133.10         |
| Supervision / Administration Costs          | \$        | 400,000.00           |
| <b><u>Total Project Cost</u></b>            | <b>\$</b> | <b>41,782,086.63</b> |

Estimated ongoing operational/maintenance costs \$ 635,000 per F/Y.

The budget amount for this project over the two FYs 2021-22 and 2022-23 is sufficient. Council acknowledges that the agreement will require an estimated sum of \$26,000,000 during the 2022-23 financial year and Council is requested to account for this future expenditure as part Council's strategic financial plan and budget for the 2022-23 financial year.

**3.7 Economic Benefit Implications**

The economic benefits of a new centralised works depot located at Narangba, include establishment of one centralised depot, meeting Council's needs and reducing maintenance costs with consolidation of three sites (Petrie, Burpengary, Deception Bay).

**3.8 Environmental Implications**

Environmental risks associated with existing site conditions have been considered. An Environmental Management Plan and Contaminated Land Management Plan will be provided to Council by the recommended tenderer detailing the management of environmental and potential site contamination matters affecting the project during construction. The environment management plan will be monitored and audited by project management during the construction phase.

**3.9 Social Implications  Nil identified**

**3.10 Human Rights Implications  Nil identified**

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

*ITEM 6.4 TENDER - NARANGBA - BOUNDARY ROAD - DEPOT DEVELOPMENT AND NARANGBA - BOUNDARY ROAD - INTERSECTION CHANGE AND ROAD REHABILITATION - 62334545 (Cont.)*

3.11 Consultation / Communication

A detailed communication plan has been prepared for this project. Communication strategies include project notices issued 4 weeks prior to the commencement of works and projects signs displayed on site prior to construction. Additional communication including project notices and variable message signs will be provided prior to any out of hours work activity. The stakeholders, including future facility users have been consulted and involved in the design of the project. The detailed communications plan will include a Councillor fortnightly email update and fortnightly updates for the website.



**SUPPORTING INFORMATION**

**Ref: 62455605**

The following list of supporting information is provided for:

**ITEM 6.4**

**TENDER - NARANGBA - BOUNDARY ROAD - DEPOT DEVELOPMENT AND NARANGBA -  
BOUNDARY ROAD - INTERSECTION CHANGE AND ROAD REHABILITATION**

***Confidential #1 Tender Assessment***

**ITEM 6.5**  
**TENDER - GROUNDS MAINTENANCE SERVICES - NORTHERN DISTRICTS**

*Meeting / Session:* 6 AN ENGAGED COUNCIL  
*Reference:* 62735416 : 24 August 2021 - Refer **Confidential Supporting Information**  
**62735321**  
*Responsible Officer:* TO, Team Leader - Assets (PAS Asset Maintenance)

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**Executive Summary**

Tenders were invited for the *Grounds Maintenance Services - Northern Districts (MBRC-RFT32)*, project through open tender using 'e-Procure'. Tenders closed on 13 July 2021 with 5 conforming submissions received.

It is recommended that the tender for '*Grounds Maintenance Services - Northern Districts (MBRC-RFT32)*' be awarded to Jungle Busters Group Pty Ltd for the estimated total sum of \$3,632,906.97 (excluding GST) for an initial period of one year nine months (1 October 2021 to 30 June 2023), or \$1,981,585.62 (excluding GST) per annum, with an option to extend by a further two x one-year periods, subject to satisfactory performance, as this offer represents the best overall value to Council.

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

This matter is brought to the attention of Council under the 'An Engaged Council' portfolio as the '*Grounds Maintenance Services - Northern Districts (MBRC-RFT32)*' will deliver valued services to our community including providing regularly well maintained open spaces under a Contract arrangement that will improve the efficiency and effectiveness of Council's service delivery.

**OFFICER'S RECOMMENDATION**

1. That the tender for the '*Grounds Maintenance Services - Northern Districts (MBRC-RFT32)*' project be awarded to Jungle Busters Group Pty Ltd for the estimated total sum of \$3,632,906.97 (excluding GST) for an initial period of one year nine months (1 October 2021 to 30 June 2023), or \$1,981,585.62 (excluding GST) per annum, with an option to extend by a further two x one-year periods, subject to satisfactory performance.
2. That the Council enters into an agreement with Jungle Busters Group 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 Jungle Busters Group Pty Ltd for the '*Grounds Maintenance Services - Northern Districts (MBRC-RFT32)*' project and any required variations of the agreement on Council's behalf.
4. That it be noted this project has been considered in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative and the successful tenderer is a local company.
5. That Council commits to the provision of an additional budget allocation of \$198,513.80 for the 2021-22 financial year, at the 2021-22 quarter one financial review process.
6. That Council acknowledges that the agreement will require \$119,652.62 during the 2022-23 financial year and that Council is requested to account for this future expenditure as part of the Council's strategic financial plan and budget for the 2022-23 financial year.

ITEM 6.5 TENDER - GROUNDS MAINTENANCE SERVICES - NORTHERN DISTRICTS - 62735416 (Cont.)

**REPORT DETAIL**

**1. Background**

Council currently undertakes a large portion of its grounds maintenance operations across the region through contracted delivery. These contracts allow commercial opportunity within the region and enable an efficient and consistent standard of programmed works through the development of set maintenance areas and service frequencies across the region. The frequencies of maintenance within this contract have been set at 18 cycles per annum.

The grounds maintenance works listed under the *Grounds Maintenance Services - Northern Districts (MBRC-RFT32)* project was originally let under contract *MBRC008251- Grounds Maintenance Services - Regional - Portion 4*, which expired its fixed two-year term on 30 June 2021. The decision was made by Council that those works were not being performed to a satisfactory standard and that neither of the two x one-year optional extensions would be offered, and that Council would retender these works.

The grounds maintenance works listed under the *Grounds Maintenance Services - Northern Districts (MBRC-RFT32)* project is being currently managed under a short term three month 'Request for Quotation' arrangement (*MBRC-RFQ22*).

**2. Explanation of Item**

Tenders were invited for *Grounds Maintenance Services - Northern Districts (MBRC-RFT32)*, through open tender using 'e-Procure'. Tenders closed on 13 July 2021 with 5 conforming submissions received.

The tenders were assessed by the assessment panel in accordance with Council's Procurement Policy and the selection criteria as set out in the tender documentation. The tenderers and the final weighting scores are tabled below (ranked from highest to lowest):

| Rank | Tenderer                                 | Evaluation Score Pre-LP | Evaluation Score Post-LP |
|------|--|-------------------------|--------------------------|
| 1    | Jungle Busters Group Pty Ltd             | 96.40                   | 111.40                   |
| 2    | Southern Cross facilities Pty Ltd        | 94.58                   | 102.08                   |
| 3    | Coast2Coast Grounds and Gardens Pty Ltd  | 85.05                   | 100.05                   |
| 4    | Skyline Landscape Services (QLD) Pty Ltd | 87.52                   | 87.52                    |
| 5    | Multhana Property Services Pty Ltd       | 77.90                   | 77.90                    |

**Jungle Busters Group Pty Ltd (JBG)** - The submission from JBG was very strong and included a detailed and clear understanding of the project requirements and scope, and demonstrated a high level of skill, knowledge, experience and qualifications desirable for this tender. JBG's depot and head office are located within the Moreton Bay Regional Council (MBRC) area. JBG have undertaken grounds maintenance works for Council previously to a high standard. The offer from JBG was the second lowest price and received the highest evaluation score and was considered best value to Council and is the recommendation of this report.

**Southern Cross Facilities Pty Ltd (SCF)** - The submission from SCF was very strong and included a detailed and clear understanding of the project requirements and scope, and demonstrated a high level of skill, knowledge, experience and qualifications desirable for this tender. The offer from SCF was the third lowest price and received the second highest evaluation score. There was no extra benefit to Council for the additional cost and so this offer was not deemed best value to Council.

**Coast2Coast Grounds & Gardens Pty Ltd (C2C)** - The submission from C2C was not as strong as other offers and did not demonstrate a clear understanding of the project requirements and scope desirable for this tender. Based on the submission, the assessment panel have concerns about C2C's ability to deliver the works under this tender. The offer from C2C was the lowest price however received the third highest Post LP evaluation score. Given the concerns around delivery, the offer from C2C was not considered best value to Council.

ITEM 6.5 TENDER - GROUNDS MAINTENANCE SERVICES - NORTHERN DISTRICTS - 62735416 (Cont.)

**3. Strategic Implications**

3.1 Legislative / Legal Implications

Due to the value of the work a competitive open tender process was undertaken. The tender was called in accordance with the *Local Government Act 2009*.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

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

Tenders were considered against Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative and the recommended tenderer of this report are a local company within the MBRC area.

3.4 Risk Management Implications

Due to the value of the work a competitive open tender process was undertaken. The tender was called in accordance with the *Local Government Act 2009*.

The agreement's requirements will ensure that the recommended tenderer's staff are suitably qualified and experienced to undertake these specialised services in accordance with tender specifications and stakeholder expectation. The recommended tenderer will be required to comply with Council's WH&S requirements and undertake a formal induction process prior to commencing the ground works.

A third-party review of financial status has been carried out and the recommended tenderer has received a rating of '*satisfactory*'. The recommended tenderer has undertaken previous works for Council as well as holding Council's current fixed-term contract for 'Eastern Districts' and have delivered the works to a satisfactory standard.

The recommended tenderer has advised that there are no foreseen circumstances which would prevent the delivery of this contract, including COVID-19.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.2M, providing the expenditure has been provided for in Council's annual budget.

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

3.6 Financial Implications

Council has allocated \$1,861,933 in the 21-22 operational services budget for the Grounds Maintenance Services - Northern Districts contracted works. The estimated cost as tendered by Jungle Busters Group Pty Ltd is not within budget allocation.

Additional funds of \$198,513.80 will be required in the 2021-22 quarter one financial year review process. The current short-term grounds maintenance contract for the period (1 July - 30 September 2021) has an awarded contract value of \$409,125.45 (*CEO Approved Report 2021-00312*)

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*ITEM 6.5 TENDER - GROUNDS MAINTENANCE SERVICES - NORTHERN DISTRICTS - 62735416 (Cont.)*

Council acknowledges that the agreement will require an estimated \$119,652.62 during the 2022-23 financial year and Council is requested to account for this in future expenditure as part of Council's strategic financial plan and budget for the 2022-23 financial year. The arrangement will be debited to budget number 20431.101. All financials shown below are excluding GST.

|   |                       |
|---|-----------------------|
| Tender Price - Year 1 (October 21 - June 22)                        | \$1,651,321.35        |
| Tender Price - Year 2 (July 22 - June 23)                           | \$1,981,585.62        |
| <b>Total Contract - One year nine months Term (Oct-21 - Jun-23)</b> | <b>\$3,632,906.97</b> |

The estimated value for the works, the subject of this agreement, will in future years, be impacted by the addition and removal of assets from this contract and CPI adjustments as outlined in the tender specification.

3.7 Economic Benefit Implications

The effective management and maintenance of parks, streetscapes, walkways and urban roadsides and their subsequent presentation has a definitive effect on the perception that people have of the region. Past observation has shown recommended tenderers procure resources and recruit staff from within our region.

3.8 Environmental Implications

The recommended tenderer will be subject to the same State and Federal environmental legislation that regulates Council's parks maintenance activities.

3.9 Social Implications

The provision and regular maintenance of these parks, streetscapes, walkways and urban roadsides assets have positive implications in terms of visual amenity, public safety outcomes and create a general feeling of wellbeing for the community.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

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

**SUPPORTING INFORMATION**

**Ref: 62735321**

The following list of supporting information is provided for:

**ITEM 6.5**

**TENDER - GROUNDS MAINTENANCE SERVICES - NORTHERN DISTRICTS**

***Confidential #1 Tender Assessment***

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

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Consideration of notified general business items (including reports on significant regional achievements) or responses to questions taken on notice.

**14. CLOSED SESSION**

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*(s254J of the Local Government Regulation 2012)*

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

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

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

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

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**14a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL**

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No items for consideration.

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**14b. CONFIDENTIAL GENERAL BUSINESS**

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No items for consideration.



# MINUTES

## GENERAL MEETING

**Wednesday 18 August 2021**  
commencing at 8.31am

Caboolture Chambers  
2 Hasking Street, Caboolture

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**Membership = 13**  
Mayor and all Councillors

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**UNCONFIRMED**



**LIST OF ITEMS**

|            |   |             |
|------------|---|-------------|
| <b>1.</b>  | <b>ACKNOWLEDGEMENT OF COUNTRY</b>   | <b>1303</b> |
| <b>2.</b>  | <b>OPENING PRAYER / REFLECTION</b>  | <b>1303</b> |
| <b>3.</b>  | <b>ATTENDANCE &amp; APOLOGIES</b>   | <b>1303</b> |
| <b>4.</b>  | <b>MEMORIALS OR CONDOLENCES</b>   | <b>1303</b> |
| <b>5.</b>  | <b>CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING</b>                                | <b>1304</b> |
|            | General Meeting - 4 August 2021 (Pages 21/1209 to 21/1292)                                  | 1304        |
|            | <i>RESOLUTION</i>   |             |
| <b>6.</b>  | <b>PRESENTATION OF PETITIONS</b>  | <b>1304</b> |
|            | <i>(Addressed to the Council and tabled by Councillors)</i>                                 |             |
| 6.1.       | Petition: Lisa McKeown - Ira Buckby Road West, Cashmere (62717967)                          |             |
| <b>7.</b>  | <b>CORRESPONDENCE</b>   | <b>1304</b> |
| <b>8.</b>  | <b>COMMUNITY COMMENT</b>  | <b>1304</b> |
| <b>9.</b>  | <b>NOTICES OF MOTION (Repeal or amendment of resolutions)</b>                               | <b>1304</b> |
|            | <i>(s262 of the Local Government Regulation 2012)</i>                                       |             |
| <b>10.</b> | <b>CONFLICTS OF INTEREST NOTIFIED TO THE CEO</b>  | <b>1305</b> |
| 10.1.      | Declarable Conflict of Interest - Cr Karl Winchester  |             |
|            | <i>Councillor seeking to participate in the decision - eligible Councillors must decide</i> | 1305        |
|            | <i>RESOLUTION</i>   |             |
| 10.2.      | Declarable Conflict of Interest - Cr Darren Grimwade  |             |
| 10.3.      | Declarable Conflict of Interest - Cr Mark Booth   |             |
|            | <i>Councillor seeking to participate in the decision - eligible Councillors must decide</i> | 1306        |
|            | <i>RESOLUTION</i>   |             |
| 10.4.      | Declarable Conflict of Interest - Cr Brooke Savige  |             |
|            | <i>Councillor seeking to participate in the decision - eligible Councillors must decide</i> | 1306        |
|            | <i>RESOLUTION</i>   |             |
| 10.5.      | Prescribed Conflict of Interest - Cr Peter Flannery (Mayor)                                 |             |
| <b>11.</b> | <b>OFFICERS' REPORTS TO COUNCIL (conducted in Sessions)</b>                                 | <b>1307</b> |
|            | <i>(as referred by the Chief Executive Officer)</i>   |             |
| <b>1</b>   | <b>PROGRESSIVE ECONOMY SESSION (Cr D Sims, Deputy Mayor)</b>                                | <b>1307</b> |
| <b>2</b>   | <b>THRIVING COMMUNITIES SESSION (Cr M Gillam)</b>   | <b>1308</b> |

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|  |             |
|--|-------------|
| <b>ITEM 2.1</b>  | <b>1308</b> |
| TENDER - CLEANING OF COUNCIL BUILDINGS AND FACILITIES  |             |
| <b>RESOLUTION</b>  |             |
| REPORT DETAIL  |             |
| <b>3 WELL-PLANNED REGION (PLANNING) SESSION (Cr J Shipway)</b>   | <b>1318</b> |
| <b>ITEM 3.1</b>  | <b>1318</b> |
| MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO.1 S18 TAILORED AMENDMENT - STATE INTEREST RESPONSE, CONSIDERATION OF SUBMISSIONS AND REQUEST FOR MINISTER'S APPROVAL - REGIONAL |             |
| <b>RESOLUTION</b>  |             |
| REPORT DETAIL  |             |
| <b>4 WELL-PLANNED REGION (TRANSPORT) SESSION (Cr A Hain)</b>   | <b>1329</b> |
| <b>ITEM 4.1</b>  | <b>1329</b> |
| TENDER - DAKABIN - OLD GYMPIE AND BOUNDARY ROADS - INTERSECTION UPGRADE  |             |
| <b>RESOLUTION</b>  |             |
| REPORT DETAIL  |             |
| <b>5 HEALTHY ENVIRONMENTS SESSION (Cr C Tonks)</b>   | <b>1334</b> |
| <b>6 AN ENGAGED COUNCIL SESSION (Cr M Constance)</b>   | <b>1335</b> |
| <b>ITEM 6.1</b>  | <b>1335</b> |
| QUARTER 4 OPERATIONAL PLAN REVIEW 2020/21  |             |
| <b>RESOLUTION</b>  |             |
| REPORT DETAIL  |             |
| <b>ITEM 6.2</b>  | <b>1338</b> |
| MONTHLY FINANCIAL REPORTING PACKAGE - 30 JUNE 2021   |             |
| <b>RESOLUTION</b>  |             |
| REPORT DETAIL  |             |
| <b>ITEM 6.3</b>  | <b>1343</b> |
| SOLE SUPPLIER - TRANS COMMUNICATIONS PTY LTD   |             |
| <b>RESOLUTION</b>  |             |
| REPORT DETAIL  |             |
| <b>ITEM 6.4</b>  | <b>1348</b> |
| COMMENCEMENT OF PROSECUTIONS - DOG ATTACKS   |             |
| <b>RESOLUTION</b>  |             |
| REPORT DETAIL  |             |
| <b>ITEM 6.5</b>  | <b>1352</b> |
| INFRINGEMENT NOTICE COURT ELECTION - OVERGROWN ALLOTMENT   |             |
| <b>RESOLUTION</b>  |             |
| REPORT DETAIL  |             |

# Moreton Bay Regional Council

GENERAL MEETING - 536  
18 August 2021

**PAGE c**  
Minutes

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|   |             |
|---|-------------|
| <b>12. NOTIFIED GENERAL BUSINESS ITEMS OR RESPONSE TO QUESTIONS<br/>TAKEN ON NOTICE</b> | <b>1356</b> |
| <b>13a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL</b>                                   | <b>1356</b> |
| <b>13b. CONFIDENTIAL GENERAL BUSINESS</b>   | <b>1356</b> |
| <b>14. CLOSURE</b>  | <b>1356</b> |

UNCONFIRMED

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## 1. ACKNOWLEDGEMENT OF COUNTRY

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Cr Karl Winchester provided the Acknowledgement of Country.

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## 2. OPENING PRAYER / REFLECTION

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Cr Karl Winchester provided the opening prayer / reflection for the meeting.

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## 3. ATTENDANCE & APOLOGIES

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### Attendance:

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

|   |                    |
|---|--------------------|
| Chief Executive Officer                     | (Mr Greg Chemello) |
| Director of Projects & Asset Services       | (Mr Tony Martini)  |
| Director Community & Environmental Services | (Mr Bill Halpin)   |
| Director Finance & Corporate Services       | (Ms Donna Gregory) |
| Interim Director Infrastructure Planning    | (Ms Jackie Frost)  |
| Director Planning                           | (Mr David Corkill) |
| Chief Economic Development Officer          | (Mr Paul Martins)  |
| Meeting Support                             | (Kim Reid)         |

### Apologies:

Cr Sandra Ruck

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## 4. MEMORIALS OR CONDOLENCES

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Cr Mick Gillam made special mention that today was **Vietnam Veterans' Day**; marking the anniversary of the Battle of Long Tan which took place on August 18, 1966. The battle that took place over three days in a rubber plantation not far from the small village of Long Tan, claimed the lives of 17 Australians with a further 25 wounded, one of whom later died of wounds. This was the highest number of Australian casualties incurred in any one engagement of the Vietnam War. The losses on the Vietnamese side were at least 245 dead, an estimated 350 wounded, and three captured.

Cr Gillam noted today was a day to commemorate and remember the services of all the men and women who have served their country and in particular today, those who served in Vietnam.

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

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## 5. CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

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### General Meeting - 4 August 2021 (Pages 21/1209 to 21/1292)

#### RESOLUTION

Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Tony Latter

CARRIED 12/0

That the minutes of the General Meeting held 4 August 2021, be confirmed.

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## 6. PRESENTATION OF PETITIONS

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

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### 6.1. Petition: Lisa McKeown - Ira Buckby Road West, Cashmere (62717967)

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Cr Tonks tabled a petition containing 47 signatures reading as follows:

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

*As per letter dated 26 July 2021 Reference MN00716559 - cancel the decision install a "No stopping" yellow line marking on Ira Buckby Road West Cashmere and instead action:*

- (1) Regular traffic enforcement cameras to monitor and fine offenders for speeding and dangerous driving;*
- (2) Closure of the thoroughfare from Hacker Road to Ira Buckby Road West (to mitigate non-local traffic including heavy trucks and vehicle accessing Ira Buckby Road West);*
- (3) Speed Calming strategies (e.g speed humps and signage reducing the speed to 20-40km/hour);*
- (4) Signage to reduce speed for wildlife preservation, children riding their bikes, pedestrians".*

Council received the petition, referring it to the Interim Director Infrastructure Planning for investigation and report to Council, if required.

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## 7. CORRESPONDENCE

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There was no correspondence tabled.

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## 8. COMMUNITY COMMENT

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

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

*(s262 of the Local Government Regulation 2012)*

There were no Notices of Motion.

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## 10. CONFLICTS OF INTEREST NOTIFIED TO THE CEO

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

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### 10.1. Declarable Conflict of Interest - Cr Karl Winchester

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Pursuant to s150EQ of the *Local Government Act 2009*, Cr Karl Winchester informed the meeting of a declarable conflict of interest in matters relating to Suttons Beach Pavilion, Redcliffe as Mr Oliver Thomson, a co-owner of the business operating from this site, hosted the Councillor's election signage at his residential property during the 2020 election campaign.

However, Cr Karl Winchester has considered his position and is firmly of the opinion that he could participate in discussion and debate involving Suttons Beach Pavilion however, will leave the meeting when the matter is voted on.

#### Councillor seeking to participate in the decision - eligible Councillors must decide

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#### RESOLUTION

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Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Darren Grimwade

CARRIED 11/0

*Cr Karl Winchester having declared a conflict of interest was not eligible to vote*

**That in accordance with s150ES of the *Local Government Act 2009*, and having considered the Councillor's conflict of interest as described, it is decided that Cr Karl Winchester may participate in the decision including discussion, debate and voting on the matter as it is considered that this is in the public interest.**

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### 10.2. Declarable Conflict of Interest - Cr Darren Grimwade

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Pursuant to s150EQ of the *Local Government Act 2009*, Cr Darren Grimwade informed the meeting of a declarable conflict of interest in matters relating to DA/2021/2935 located at Boundary Road, Narangba. Lindsay Packer, owner of Packer Leather Pty Ltd (the applicant), was a political donor in Cr Grimwade's 2020 election campaign, donating \$750 to the Councillor on 2 March 2020.

Cr Grimwade indicated he will not participate in decisions relating to DA/2021/2935 including discussion, debate and voting and will elect to leave future meetings.

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### 10.3. Declarable Conflict of Interest - Cr Mark Booth

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Pursuant to s150EQ of the *Local Government Act 2009*, and as stated at Council Briefings held 10 August 2021, Cr Mark Booth informed the meeting of a declarable conflict of interest in matters relating to DA/37090/2018/V2L located at 134-154 Jacko Place, Morayfield as two of the submitters to this application (Matt and Renee Hunter) are personal friends.

However, Cr Mark Booth has considered his position and is firmly of the opinion that he could participate in decisions involving the application including discussion, debate and voting on the matter in the public interest.

10. CONFLICTS OF INTEREST NOTIFIED TO THE CEO cont.

**Councillor seeking to participate in the decision - eligible Councillors must decide**

**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr Jodie Shipway

CARRIED 11/0

*Cr Mark Booth having declared a conflict of interest was not eligible to vote*

That in accordance with s150ES of the *Local Government Act 2009*, and having considered the Councillor's conflict of interest as described, it is decided that Cr Mark Booth may participate in the decision including discussion, debate and voting on the matter as it is considered that this is in the public interest.

**10.4. Declarable Conflict of Interest - Cr Brooke Savige**

Pursuant to s150EQ of the *Local Government Act 2009*, and as stated at Council Briefings held 10 August 2021, Cr Brooke Savige informed the meeting of a declarable conflict of interest in matters relating to DA/2021/1375 located at 1780-1820 Bribie Island Road, Sandstone Point as a submitter to this application (Janet Johns) is the mother of a personal friend and assisted Councillor Savige in her 2016 & 2020 election.

However, Cr Savige has considered her position and is firmly of the opinion that she could participate in decisions involving the application including discussion, debate and voting on the matter in the public interest.

**Councillor seeking to participate in the decision - eligible Councillors must decide**

**RESOLUTION**

Moved by Cr Jodie Shipway

Seconded by Cr Cath Tonks

CARRIED 11/0

*Cr Brooke Savige having declared a conflict of interest was not eligible to vote*

That in accordance with s150ES of the *Local Government Act 2009*, and having considered the Councillor's conflict of interest as described, it is decided that Cr Brooke Savige may participate in the decision including discussion, debate and voting on the matter as it is considered that this is in the public interest.

**10.5. Prescribed Conflict of Interest - Cr Peter Flannery (Mayor)**

Pursuant to s150EL of the *Local Government Act 2009*, Cr Peter Flannery (Mayor) informed the meeting of a prescribed conflict of interest in matters relating to development application DA/2021/2935 located at Boundary Road, Narangba. Lindsay Packer, owner of Packer Leather Pty Ltd (the applicant), was a political donor in Cr Flannery's 2020 election campaign, totalling \$3000 on 19 February 2020.

Cr Flannery indicated he will not participate in decisions relating to DA/2021/1043 including discussion, debate and voting and will leave future meetings.

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

*(as referred by the Chief Executive Officer)*

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

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

| Session                                  | Portfolio Councillor     | Deputy Portfolio Councillor |
|--|--------------------------|-----------------------------|
| <b>1 Progressive economy</b>             | Cr D Sims (Deputy Mayor) | Cr K Winchester             |
| <b>2 Thriving communities</b>            | Cr M Gillam              | Cr S Ruck                   |
| <b>3 Well-planned region (planning)</b>  | Cr J Shipway             | Cr M Booth                  |
| <b>4 Well-planned region (transport)</b> | Cr A Hain                | C T Latter                  |
| <b>5 Healthy environments</b>            | Cr C Tonks               | Cr B Savige                 |
| <b>6 An engaged council</b>              | Cr M Constance           | Cr D Grimwade               |

**1 PROGRESSIVE ECONOMY SESSION**

**(Cr D Sims, Deputy Mayor)**

No items for consideration.



**2 THRIVING COMMUNITIES SESSION****(Cr M Gillam)****ITEM 2.1****TENDER - CLEANING OF COUNCIL BUILDINGS AND FACILITIES**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* 62371934: 4 August 2021 - Refer **Confidential Supporting Information 62213158, 62241027, 62243011**  
*Responsible Officer:* DS, Technical Officer - Buildings and Facilities (ECM Asset Maintenance)

**Executive Summary**

The cleaning of Council's building and facilities across the region is currently undertaken through contract arrangements which are due to expire on 30 September 2021. Tenders were called for the 'Cleaning of Buildings and Facilities (MBRC-RFT12)' through open tender using eProcure. Tenders closed on 8 June 2021, with up to sixteen submissions received for one or more of the separable portions.

The tender contained three separable portions; the portions being based upon the asset cleaning type.

**Separable Portion 1** - 'Cleaning of Council Buildings and Facilities - Cleaning of Staffed Buildings and Facilities (MBRC-RFT12)'. It is recommended that Separable Portion 1 be awarded to Quayclean Australia Pty Ltd for an estimated total sum of \$3,076,391.02 (excluding GST) for an initial period of one year nine months (1 October 2021 to 30 June 2023), or \$1,757,937.73 per annum, with an option to extend by a further three x one-year periods, subject to satisfactory performance.

**Separable Portion 2** - 'Cleaning of Council Buildings and Facilities - Cleaning of Community Centres and Halls (MBRC-RFT12)'. It is recommended that Separable Portion 2 be awarded to Southern Cross Facilities Services Pty Ltd for an estimated total sum of \$434,402.43 (excluding GST) for an initial period of one year nine months (1 October 2021 to 30 June 2023), or \$248,229.96 per annum, with an option to extend by a further three x one-year periods, subject to satisfactory performance.

**Separable Portion 3** - 'Cleaning of Council Buildings and Facilities - Cleaning of Public Amenities and BBQs (MBRC-RFT12)'. It is recommended that Separable Portion 3 be awarded to Southern Cross Facilities Services Pty Ltd for an estimated total sum of \$267,574.04 (excluding GST) for an initial period of one year nine months (1 October 2021 to 30 June 2023), or \$152,899.45 per annum, with an option to extend by a further three x one-year periods, subject to satisfactory performance.

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

**RESOLUTION****Moved by Cr Tony Latter****Seconded by Cr Cath Tonks****CARRIED 12/0**

1. That the tender for the 'Cleaning of Council Buildings and Facilities - Cleaning of Staffed Buildings and Facilities (MBRC-RFT12) - Separable Portion 1' be awarded to Quayclean Australia Pty Ltd for the estimated total sum of \$3,076,391.02 (excluding GST) for the period 1 October 2021 through to 30 June 2023, or \$1,757,937.73 per annum, with an option to extend the agreement by a further three x one-year periods, subject to satisfactory performance.
  - a) That the Council enters into an agreement with Quayclean Australia Pty Ltd as described in this report.

ITEM 2.1 TENDER - CLEANING OF COUNCIL BUILDINGS AND FACILITIES - 62371934 (Cont.)

- b) 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 Quayclean Australia Pty Ltd for the '*Cleaning of Council Buildings and Facilities - Cleaning of Staffed Buildings and Facilities (MBRC-RFT12) - Separable Portion 1*' and any required variations of the agreement on Council's behalf.
  - c) That Council commits to the provision of an additional budget allocation of \$218,116.00 for the 2021-22 financial year, at the 2021-22 quarter one financial review process.
  - d) That Council acknowledges that the agreement will require \$1,757,937.73 during the 2022-23 financial year and Council is requested to account for this future expenditure as part of Council's strategic financial plan and budget for the 2022-23 financial year.
2. That the tender for the '*Cleaning of Council Buildings and Facilities - Cleaning of Community Centres and Halls (MBRC-RFT12) - Separable Portion 2*' be awarded to Southern Cross Facilities Services Pty Ltd for the estimated total sum of \$434,402.43 (excluding GST) for the period 1 October 2021 through to 30 June 2023, or \$248,229.96 per annum, with an option to extend the agreement by a further three x one-year periods, subject to satisfactory performance.
- a) That the Council enters into an agreement with Southern Cross Facilities Services Pty Ltd as described in this report.
  - b) 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 Southern Cross Facilities Services Pty Ltd for the '*Cleaning of Council Buildings and Facilities - Cleaning of Community Centres and Halls (MBRC-RFT12) - Separable Portion 2*' and any required variations of the agreement on Council's behalf.
  - c) That Council commits to the provision of an additional budget allocation of \$66,507.00 for the 2021-22 financial year, at the 2021-22 quarter one financial review process.
  - d) That Council acknowledges that the agreement will require \$248,229.96 during the 2022-23 financial year and Council is requested to account for this future expenditure as part of Council's strategic financial plan and budget for the 2022-23 financial year.
3. That the tender for the '*Cleaning of Council Buildings and Facilities - Cleaning of Public Amenities and BBQs (MBRC-RFT12) - Separable Portion 3*' be awarded to Southern Cross Facilities Services Pty Ltd for the estimated total sum of \$267,574.04 (excluding GST) for the period 1 October 2021 through to 30 June 2023, or \$152,899.45 per annum, with an option to extend the agreement by a further three x one-year periods, subject to satisfactory performance.
- a) That the Council enters into an agreement with Southern Cross Facilities Services Pty Ltd as described in this report.
  - b) 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 Southern Cross Facilities Services Pty Ltd for the '*Cleaning of Council Buildings and Facilities - Cleaning of Public Amenities and BBQs (MBRC-RFT12) - Separable Portion 3*' and any required variations of the agreement on Council's behalf.
4. This tender has been awarded in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.

ITEM 2.1 TENDER - CLEANING OF COUNCIL BUILDINGS AND FACILITIES - 62371934 (Cont.)

## OFFICER'S RECOMMENDATION

1. That the tender for the '*Cleaning of Council Buildings and Facilities - Cleaning of Staffed Buildings and Facilities (MBRC-RFT12) - Separable Portion 1*' be awarded to Quayclean Australia Pty Ltd for the estimated total sum of \$3,076,391.02 (excluding GST) for the period 1 October 2021 through to 30 June 2023, or \$1,757,937.73 per annum, with an option to extend the agreement by a further three x one-year periods, subject to satisfactory performance.
  - a) That the Council enters into an agreement with Quayclean Australia Pty Ltd as described in this report.
  - b) 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 Quayclean Australia Pty Ltd for the '*Cleaning of Council Buildings and Facilities - Cleaning of Staffed Buildings and Facilities (MBRC-RFT12) - Separable Portion 1*' and any required variations of the agreement on Council's behalf.
  - c) That Council commits to the provision of an additional budget allocation of \$218,116.00 for the 2021-22 financial year, at the 2021-22 quarter one financial review process.
  - d) That Council acknowledges that the agreement will require \$1,757,937.73 during the 2022-23 financial year and Council is requested to account for this future expenditure as part of Council's strategic financial plan and budget for the 2022-23 financial year.
2. That the tender for the '*Cleaning of Council Buildings and Facilities - Cleaning of Community Centres and Halls (MBRC-RFT12) - Separable Portion 2*' be awarded to Southern Cross Facilities Services Pty Ltd for the estimated total sum of \$434,402.43 (excluding GST) for the period 1 October 2021 through to 30 June 2023, or \$248,229.96 per annum, with an option to extend the agreement by a further three x one-year periods, subject to satisfactory performance.
  - a) That the Council enters into an agreement with Southern Cross Facilities Services Pty Ltd as described in this report.
  - b) 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 Southern Cross Facilities Services Pty Ltd for the '*Cleaning of Council Buildings and Facilities - Cleaning of Community Centres and Halls (MBRC-RFT12) - Separable Portion 2*' and any required variations of the agreement on Council's behalf.
  - c) That Council commits to the provision of an additional budget allocation of \$66,507.00 for the 2021-22 financial year, at the 2021-22 quarter one financial review process.
  - d) That Council acknowledges that the agreement will require \$248,229.96 during the 2022-23 financial year and Council is requested to account for this future expenditure as part of Council's strategic financial plan and budget for the 2022-23 financial year.
3. That the tender for the '*Cleaning of Council Buildings and Facilities - Cleaning of Public Amenities and BBQs (MBRC-RFT12) - Separable Portion 3*' be awarded to Southern Cross Facilities Services Pty Ltd for the estimated total sum of \$267,574.04 (excluding GST) for the period 1 October 2021 through to 30 June 2023, or \$152,899.45 per annum, with an option to extend the agreement by a further three x one-year periods, subject to satisfactory performance.
  - a) That the Council enters into an agreement with Southern Cross Facilities Services Pty Ltd as described in this report.
  - b) 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

ITEM 2.1 TENDER - CLEANING OF COUNCIL BUILDINGS AND FACILITIES - 62371934 (Cont.)

Southern Cross Facilities Services Pty Ltd for the 'Cleaning of Council Buildings and Facilities - Cleaning of Public Amenities and BBQs (MBRC-RFT12) - Separable Portion 3' and any required variations of the agreement on Council's behalf.

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

**REPORT DETAIL**

**1. Background**

Council currently undertakes the cleaning of its building and facilities across the region through contracted works. The contract allows for the scheduled cleaning of 169 buildings, event cleaning for 7 community centres and halls, and periodical cleaning of 23 public amenities and 83 BBQs during peak usage periods. The current contract agreements for these cleaning services are due to expire on the 30 September 2021. There have been additional specification requirements within this new agreement in relation to touchpoint cleaning across all sites due to COVID19 requirements. This has driven costs higher for these works than in previous years.

**2. Explanation of Item**

Tenders were called for the 'Cleaning of Buildings and Facilities (MBRC-RFT12)' through open tender using eProcure which included scope from all expiring contracts. Tenders closed on 8 June 2021, with up to sixteen submissions received for one or more of the separable portions.

Tenders were assessed by a selection panel in accordance with Council's Procurement Policy and the mandatory selection criteria set out in the tender documentation. All tenderers and their final weighting scores are table below (ranked from highest to lowest with Post-LP Evaluation Score).

**Separable Portion 1 - Cleaning of staffed buildings and facilities:**

| Rank | Tenderer  | Pre-LP Evaluation Score | Post-LP Evaluation Score |
|------|---|-------------------------|--------------------------|
| 1    | CMBM Facility Services Pty Limited                                      | 94.82                   | 102.32                   |
| 2    | <b>Quayclean Australia Pty Ltd</b>                                      | <b>100.00</b>           | <b>100.00</b>            |
| 3    | G.J & K. Cleaning Services Pty Ltd, trading as GJK Facility Services    | 94.79                   | 94.79                    |
| 4    | Quality Commercial Cleaning Pty Ltd, trading as QCC Cleaning            | 86.27                   | 86.27                    |
| 5    | Quad Services Pty Ltd   | 86.04                   | 86.04                    |
| 6    | Spick & Span Commercial Property Maintenance Pty Ltd                    | 85.85                   | 85.85                    |
| 7    | Rosevale Pty Ltd  | 83.58                   | 83.58                    |
| 8    | Advanced National Services Pty Ltd, trading as Advanced Cleaning        | 80.70                   | 80.70                    |
| 9    | Southern Cross Facilities Services Pty Ltd, trading as SCC (SA) Pty Ltd | 79.87                   | 79.87                    |
| 10   | Vantage Integrated Services Pty Ltd                                     | 79.52                   | 79.52                    |
| 11   | Achieve Corporate Services Pty Ltd ATF Achieve Cleaning Services Trust  | 78.13                   | 78.13                    |
| 12   | Biniris (Aust.) Pty Ltd   | 65.77                   | 65.77                    |
| 13   | 1Eight Pty Ltd  | Non-conforming          | Non-conforming           |
| 14   | Urban Clean 1 Pty Ltd   | Non-conforming          | Non-conforming           |
| 15   | Diverciti Services  | Non-conforming          | Non-conforming           |
| 16   | Storm International Pty Ltd   | Non-conforming          | Non-conforming           |

ITEM 2.1 TENDER - CLEANING OF COUNCIL BUILDINGS AND FACILITIES - 62371934 (Cont.)

**CMBM Facility Services Pty Limited ('CMBM')** - submitted a competitive tender submission for separable portion 1 outlining their understanding and ability to deliver the required works. CMBM are a Brisbane based company with their head office based in Eight Miles Plains. Their submission demonstrated the required level of skill, knowledge and experience held by their key staff, and demonstrated their capacity to undertake the works required. The submission from CMBM was the second lowest priced offer and received the highest Post-LP evaluation score, however, there was no demonstrable benefit to Council for the higher priced offer and this submission was not considered by the evaluation panel to provide best value offer to Council.

**Quayclean Australia Pty Ltd ('QCA')** - submitted a competitive tender submission for separable portion 1 outlining their understanding and ability to deliver the required works. QCA are a Melbourne based company with their head office based in Tullamarine, are the current incumbent for separable portion 1 (Cleaning of Council Staffed Buildings and Facilities) and their performance is satisfactory. QCA's submission demonstrated the required level of skill, knowledge and experience held by their key staff, and demonstrated their capacity to undertake the works required. QCA was the lowest priced offer and received the second highest Post-LP evaluation score. At a post tender clarification meeting, QCA provided the evaluation team with confidence in their ability to deliver the cleaning services required and is the panel's recommendation to award separable portion 1 to QCA as this offer represents best value to Council.

**G.J & K. Cleaning Services Pty Ltd, trading as GJK Facility Services ('GJK')** - submitted a competitive tender submission for separable portion 1 outlining their understanding and ability to deliver the required works. GJK are a Melbourne based company with their head office based in Collingwood. Their submission demonstrated the required level of skill, knowledge and experience held by their key staff, and demonstrated their capacity to undertake the works required. The submission from GJK was the third lowest priced offer and received the third highest Post-LP evaluation score, however, there was no demonstrable benefit to Council for the higher priced offer and this submission was not considered best value to Council.

The offers from **1Eight Pty Ltd, Urban Clean 1 Pty Ltd, Diverciti Services, and Storm International Pty Ltd** were deemed non-conforming as these companies failed to provide pricing for all the required works within the separable portion.

**Separable Portion 2 - Cleaning of Community Centres and Halls:**

| Rank | Tenderer   | Pre-LP Evaluation Score | Post-LP Evaluation Score |
|------|--|-------------------------|--------------------------|
| 1    | Biniris (Aust.) Pty Ltd  | 91.64                   | 99.14                    |
| 2    | Quayclean Australia Pty Ltd  | 94.66                   | 94.66                    |
| 3    | <b>Southern Cross Facilities Services Pty Ltd, trading as SCC (SA) Pty Ltd</b> | <b>94.27</b>            | <b>94.27</b>             |
| 4    | Spick & Span Commercial Property Maintenance Pty Ltd                           | 87.87                   | 91.62                    |
| 5    | G.J & K. Cleaning Services Pty Ltd, trading as GJK Facility Services           | 89.18                   | 89.18                    |
| 6    | Vantage Integrated Services Pty Ltd  | 82.07                   | 82.07                    |
| 7    | Quad Services Pty Ltd  | 81.40                   | 81.40                    |
| 8    | CMBM Facility Services Pty Limited   | 80.57                   | 80.57                    |
| 9    | Rosevale Pty Ltd   | 76.51                   | 76.51                    |
| 10   | Advanced National Services Pty Ltd, trading as Advanced Cleaning               | 74.80                   | 74.80                    |
| 11   | Quality Commercial Cleaning Pty Ltd, trading as QCC Cleaning                   | 72.82                   | 72.82                    |
| 12   | Urban Clean 1 Pty Ltd  | 72.01                   | 72.01                    |
| 13   | Achieve Corporate Services Pty Ltd ATF Achieve Cleaning Services Trust         | 62.27                   | 62.27                    |

ITEM 2.1 TENDER - CLEANING OF COUNCIL BUILDINGS AND FACILITIES - 62371934 (Cont.)

| Rank | Tenderer                    | Pre-LP Evaluation Score | Post-LP Evaluation Score |
|------|-----------------------------|-------------------------|--------------------------|
| 14   | 1Eight Pty Ltd              | Non-conforming          | Non-conforming           |
| 15   | Diverciti Services          | Non-conforming          | Non-conforming           |
| 16   | Storm International Pty Ltd | Non-conforming          | Non-conforming           |

**Biniris (Aust.) Pty Ltd ('Biniris')** - submitted a competitive tender submission for portion 2 outlining their understanding and ability to deliver the required works. Biniris are a Brisbane based company with their head office based in Fortitude Valley. Their submission demonstrated the required level of skill, knowledge and experience held by their key staff, and demonstrated their capacity to undertake the works required. The submission from Biniris was the fifth lowest priced offer and received the highest Post-LP evaluation score; however, there was no demonstrable benefit to Council for the higher priced offer and this submission was not considered to provide best overall value to Council.

**Quayclean Australia Pty Ltd ('QCA')** - submitted a competitive tender submission for separable portion 2 outlining their understanding and ability to deliver the required works. QCA are a Melbourne based company with their head office based in Tullamarine and are the current incumbent for portion 2 (Cleaning of Community Centres and Halls). QCA's submission demonstrated the required level of skill, knowledge and experience held by their key staff, and demonstrated their capacity to undertake the works required. The submission from QCA was the fourth lowest priced offer and received the second highest Post-LP evaluation score; however, there was no demonstrable benefit to Council for the higher priced offer and this submission was not considered best value.

**Southern Cross Facilities Services Pty Ltd ('SCF')** - submitted a competitive tender submission for separable portion 2 of this tender outlining their understanding and ability to deliver the required works. SCF are an Adelaide based company with their head office based in Marleston. Their submission demonstrated the required level of skill, knowledge and experience held by their key staff, and demonstrated their capacity to undertake the works required. SCF was the lowest priced offer and received the third highest Post-LP evaluation score. At a post tender clarification meeting, SCF provided the evaluation team with confidence in their ability to deliver the cleaning services required and is the panel's recommendation is to award separable portion 2 to SCF as this offer represents best value to Council.

The offers from **1Eight Pty Ltd**, **Diverciti Services** and **Storm International Pty Ltd** were deemed non-conforming as these companies failed to provide pricing for all the required works within the separable portion.

**Separable Portion 3 - Cleaning of public amenities and BBQs:**

| Rank | Tenderer   | Pre-LP Evaluation Score | Post-LP Evaluation Score |
|------|--|-------------------------|--------------------------|
| 1    | <b>Southern Cross Facilities Services Pty Ltd, trading as SCC (SA) Pty Ltd</b> | <b>97.31</b>            | <b>97.31</b>             |
| 2    | Quayclean Australia Pty Ltd  | 96.51                   | 96.51                    |
| 3    | G.J & K. Cleaning Services Pty Ltd, trading as GJK Facility Services           | 92.91                   | 92.91                    |
| 4    | Storm International Pty Ltd  | 91.28                   | 91.28                    |
| 5    | Rosevale Pty Ltd   | 90.88                   | 90.88                    |
| 6    | Advanced National Services Pty Ltd, trading as Advanced Cleaning               | 89.66                   | 89.66                    |
| 7    | Spick & Span Commercial Property Maintenance Pty Ltd                           | 88.07                   | 88.07                    |
| 8    | Biniris (Aust.) Pty Ltd  | 86.99                   | 86.99                    |
| 9    | Quad Services Pty Ltd  | 85.77                   | 85.77                    |

ITEM 2.1 TENDER - CLEANING OF COUNCIL BUILDINGS AND FACILITIES - 62371934 (Cont.)

| Rank | Tenderer   | Pre-LP Evaluation Score | Post-LP Evaluation Score |
|------|--|-------------------------|--------------------------|
| 10   | Urban Clean 1 Pty Ltd  | 85.29                   | 85.29                    |
| 11   | CMBM Facility Services Pty Limited                           | 80.14                   | 80.14                    |
| 12   | Vantage Integrated Services Pty Ltd                          | 79.50                   | 79.50                    |
| 13   | Quality Commercial Cleaning Pty Ltd, trading as QCC Cleaning | 76.79                   | 76.79                    |
| 14   | 1 Eight Pty Ltd  | -10.35                  | -10.35                   |
| 15   | Diverciti Services   | Non-conforming          | Non-conforming           |

**Southern Cross Facilities Services Pty Ltd ('SCF')** submitted a competitive tender submission for separable portion 3 of this tender outlining their understanding and ability to deliver the required works. SCF are an Adelaide based company with their head office based in Marleston. Their submission demonstrated the required level of skill, knowledge and experience held by their key staff, and demonstrated their capacity to undertake the works required. SCF was the lowest priced offer and received the highest Post-LP evaluation score. At a post tender clarification meeting, SCF provided the evaluation team with confidence in their ability to deliver the cleaning services required and is the panel's recommendation to award separable portion 3 to SCF as this offer represents best value to Council.

**Quayclean Australia Pty Ltd ('QCA')** submitted a competitive tender submission for separable portion 3 outlining their understanding and ability to deliver the required works. QCA are a Melbourne based company with their head office based in Tullamarine. Their submission demonstrated the required level of skill, knowledge and experience held by their key staff, and demonstrated their capacity to undertake the works required. The submission from QCA was the second lowest priced offer and received the second highest Post-LP evaluation score; however, there was no demonstratable benefit to Council for the higher priced offer and this submission was not considered best value.

**G.J & K. Cleaning Services Pty Ltd TA GJK Facility Services ('GJK')** submitted a competitive tender submission for portion 3 outlining their understanding and ability to deliver the required works. GJK are a Melbourne based company with their head office based in Collingwood. Their submission demonstrated the required level of skill, knowledge and experience held by their key staff, and demonstrated their capacity to undertake the works required. The submission from GJK was the eighth lowest priced offer and received the third highest Post-LP evaluation score; however, there was no demonstratable benefit to Council for the higher priced offer and this submission was not considered best value.

The offer from **Diverciti Services** was deemed non-conforming as this company failed to provide pricing for all the required works within the separable portion.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

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

#### 3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Strengthening Communities: Safe neighbourhoods - a safe and resilient community.

#### 3.3 Policy Implications

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

- Council's Procurement Policy 2150-006
- Council's Local Preference Corporate Directive - 2180-054
- *Local Government Act 2009*
- Local Government Regulation 2012 Chapter 6.

ITEM 2.1 TENDER - CLEANING OF COUNCIL BUILDINGS AND FACILITIES - 62371934 (Cont.)

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

3.4 Risk Management Implications

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

| Risk  | Mitigation   |
|---|--|
| Attend all Council buildings within the periodic cleaning timeframes considering the large geographical spread and number of Council buildings. | Both recommended tenderers Quayclean and Southern Cross during clarification meetings confirmed that their company can clean all sites within the timeframe and will have enough cleaners and equipment resources available to fulfil the requirements of the tender. Quayclean, currently provide this service to Council and have proven their ability to fulfill the requirements across the large number of Council sites across the Region. |
| Efficient and effective response time in attending emergencies.   | Both recommended tenderers Quayclean and Southern Cross during clarification meetings confirmed that they currently operate a 24hour call service and will have the cleaners available to attend within the tendered timeframe. Quayclean, currently provides this service to Council and proven their ability to respond as required.   |
| No Council attendance during cleaning to validate cleaning completed.   | In addition to the logging of Council swipe cards, tenderers will submit daily quality control audits registering works completed. Quayclean, the current provider for Portion 1, provide these requirements to a satisfactory standard.   |

A third-party review of financial status has been carried out for both recommended tenderers. Quayclean Australia Pty Ltd received a rating of 'strong', Southern Cross Facilities Services Pty Ltd received a rating of 'sound', which has confirmed that both have the financial capacity to carry out the required works.

The recommended tenderers have advised that there are no foreseen circumstances which would prevent the delivery of this contract, including COVID-19.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.2M, providing the expenditure has been provided for in Council's annual budget.

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

3.6 Financial Implications

**Separable Portion 1 - Cleaning of Staffed Buildings and Facilities:**

Council has allocated \$1,100,338.00 in the 21-22 operational services budget for the cleaning of staffed buildings and facilities under this arrangement. The estimated cost as tendered by Quayclean Australia Pty Ltd is not within budget allocation. Additional funds of \$218,116.00 will be required in the 2021-22 quarter one financial year review process.



ITEM 2.1 TENDER - CLEANING OF COUNCIL BUILDINGS AND FACILITIES - 62371934 (Cont.)

Council acknowledges that the agreement will require an estimated \$1,757,937.73 during the 2022-23 financial year and Council is requested to account for this future expenditure as part of Council's strategic financial plan and budget for the 2022-23 financial year. The arrangement will be debited to budget numbers 20251, 20261, 20429, 20692, 20693, 20694, 20696 and 20735. All financials shown below are excluding GST.

|   |                        |
|---|------------------------|
| Tender Price - Year 1 (October 21 - June 22)                        | \$1,318,453.30         |
| Tender Price - Year 2 (July 22 - June 23)                           | \$1,757,937.72         |
| <u>Contingency - 5%</u>   | <u>\$ 153,819.55</u>   |
| <b>Total Contract - One year nine months Term (Oct-21 - Jun-23)</b> | <b>\$ 3,230,210.57</b> |

**Separable Portion 2 - Cleaning of Community Centres and Halls:**

Council has allocated \$119,666.00 in the 21-22 operational services budget for the cleaning of community centres and halls under this arrangement. The estimated cost as tendered by Southern Cross Facilities Services Pty Ltd is not within budget allocation. Additional funds of \$66,507.00 will be required in the 2021-22 quarter one financial year review process. Council acknowledges that the agreement will require an estimated sum of \$248,229.96 during the 2022-23 financial year as part of the Council's strategic financial plan and budget for the 2022-23 financial year. The arrangement will be debited to budget number 20260. All financials shown below are excluding GST.

|   |                      |
|---|----------------------|
| Tender Price - Year 1 (October 21 - June 22)                        | \$ 186,172.47        |
| Tender Price - Year 2 (July 22 - June 23)                           | \$ 248,229.96        |
| <u>Contingency - 5%</u>   | <u>\$ 21,720.12</u>  |
| <b>Total Contract - One year nine months Term (Oct-21 - Jun-23)</b> | <b>\$ 456,122.55</b> |

**Separable Portion 3 - Cleaning of Public Amenities and BBQs:**

Council has allocated \$133,787.00 in the 2021-22 operational services budget for the cleaning of public amenities and BBQs under this arrangement. The estimated cost as tendered by Southern Cross Facilities Services Pty Ltd is within budget allocation, with subsequent budget allocated in the draft 22-23 Operational Budget. The arrangement will be debited to budget number 20718. All financials shown below are excluding GST.

|   |                      |
|---|----------------------|
| Tender Price - Year 1 (October 21 - June 22)                        | \$ 133,787.02        |
| Tender Price - Year 2 (July 22 - June 23)                           | \$ 133,787.02        |
| <u>Contingency - 5%</u>   | <u>\$ 13,378.70</u>  |
| <b>Total Contract - One year nine months Term (Oct-21 - Jun-23)</b> | <b>\$ 280,952.74</b> |

The additional costs associated with this tender are primarily due to an increased level of service around touch point cleaning across all staffed buildings, community centres and halls to meet minimum COVID-19 requirements.

3.7 Economic Benefit Implications

Quayclean Australia Pty Ltd and Southern Cross Facilities Services Pty Ltd have confirmed that at least 90% of the cleaners required to service this contract will be sourced locally.

3.8 Environmental Implications  Nil identified

3.9 Social Implications

The cleanliness and hygiene of Council buildings and facilities, community centres and halls, and public amenities are paramount to those who use and visit these assets, which has been made more apparent due to the COVID-19 pandemic.

*ITEM 2.1 TENDER - CLEANING OF COUNCIL BUILDINGS AND FACILITIES - 62371934 (Cont.)*

3.10 Human Rights Implications

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

3.11 Consultation / Communication

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

UNCONFIRMED

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**3 WELL-PLANNED REGION (PLANNING) SESSION**

**(Cr J Shipway)**

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**ITEM 3.1**

**MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST  
NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO.1 S18 TAILORED  
AMENDMENT - STATE INTEREST RESPONSE, CONSIDERATION OF  
SUBMISSIONS AND REQUEST FOR MINISTER'S APPROVAL - REGIONAL**

*Meeting / Session:* 3 WELL-PLANNED REGION (PLANNING)  
*Reference:* 62472723 : 5 August 2021 - Refer Supporting Information 62523688;  
62601260; 62614303; 62605954; 62605955; 62605956; 62605957; 62535721;  
62605958; 62605959; 62605960; 62605961; 62605962; 62605963; 62528725;  
62605969; 62605968; 62605965; 62605966; 62605964  
*Responsible Officer:* AJ, Coordinator Planning Scheme (PL Strategic Planning & Place Making)

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**Executive Summary**

On 9 December 2020, Council resolved to make an amendment to the MBRC Planning Scheme under Section 18 of the *Planning Act 2016* for 'Neighbourhood Development Plan No.1 (NDP1) of the Caboolture West Local Plan' (the proposed amendment). The proposed amendment establishes a statutory framework to support development, deliver critical infrastructure (including social/ community infrastructure) and assist the coordinated assessment of development applications in NDP1.

On 31 March 2021, Council resolved to commence a concurrent formal State interest review and public consultation process for the proposed amendment, along with the making of a new Planning Scheme Policy (PSP) (and its associated public consultation process).

The State interest review and public consultation process for the proposed amendment has now been completed and a total of 49 submissions were received. Whilst subject to a separate process and forthcoming Council Report, it is noted that no submissions were received on the PSP during the public consultation process.

The purpose of this report is to seek Council approval to:

- comply with the Chief Executive's Notice;
- make changes to the proposed planning scheme amendment (proposed amendment) in response to feedback from submissions and the State interest review response;
- notify the State of Council's response to the State interest review comments;
- notify submitters about the outcomes of the submission consideration process; and
- request the Minister allow the Council to adopt the proposed amendment.

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**RESOLUTION**

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Moved by Cr Tony Latter

Seconded by Cr Cath Tonks

**CARRIED 12/0**

1. That Council has considered the response given by the Chief Executive of the Department of State Development, Infrastructure, Local Government and Planning about the State interest review contained in Supporting Information #1 (draft Consultation Report).
2. That Council has considered all properly made submissions which are summarised in the detailed summary report contained in Supporting Information #1 (draft Consultation Report) about submissions that were received by Council during public consultation of the proposed planning scheme amendment document.

ITEM 3.1 MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO.1 S18 TAILORED AMENDMENT - STATE INTEREST RESPONSE, CONSIDERATION OF SUBMISSIONS AND REQUEST FOR MINISTER'S APPROVAL - REGIONAL - 62472723 (Cont.)

3. That Council resolves to make changes to the proposed planning scheme amendment document in accordance with the proposed amendment identified as Supporting Information #3 (Proposed Planning Scheme and Maps) to:
  - a) address issues raised in submissions;
  - b) amend a drafting error/s;
  - c) address new or changed planning circumstances or information;
  - d) to address a matter or condition raised during the State interest review to appropriately integrate a State interest.
4. That Council resolves that the changes to the proposed planning scheme amendment document in accordance with the proposed amendment identified as Supporting Information #3 (Proposed Planning Scheme and Maps):
  - a) continue to appropriately integrate and address relevant State interests, including those identified in the State interest review;
  - b) will not result in a proposed planning scheme amendment document that is significantly different to the iteration of the proposed planning scheme amendment document that was subject to public consultation having regard to schedule 2 of the Minister's Guidelines and Rules under the Planning Act 2016 and Supporting Material #2 (Background Report).
5. That the Chief Executive Officer is authorised to:
  - a) notify persons in writing who made properly made submissions about how the Council has dealt with the submission and how to access the consultation report;
  - b) prepare a written consultation report in accordance with Supporting Information #1 (draft Consultation Report) that:
    - (i) summarises the issues raised by the State in the State interest review;
    - (ii) summarises the issues raised in submissions from the public;
    - (iii) outlines how Council has responded to the issues raised in the State interest review and properly made submissions;
  - c) make the consultation report publicly available by:
    - (i) placing a copy on Council's website for viewing and downloading;
    - (ii) placing hardcopies at Council's Strathpine, Caboolture and Redcliffe Customer Service Centres for inspection and purchase.
  - d) make any minor, administrative or editorial changes to the proposed planning scheme amendment document prior to submitting the document to the Minister in accordance with item 6.
6. That subject to item 5 above being completed, the Chief Executive Officer be authorised to give the Minister for the Department of State Development, Infrastructure, Local Government and Planning a notice to request adoption of the proposed planning scheme amendment document in accordance with the Notice provided under s18(3) of the Planning Act 2016 (titled *Chief Executive Notice Neighbourhood Development Plan No.1 (NDP1) of the Caboolture West Local Plan - Proposed amendment to the Moreton Bay Regional Council Planning Scheme - Moreton Bay Regional Council*), that includes:

*ITEM 3.1 MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO.1 S18 TAILORED AMENDMENT - STATE INTEREST RESPONSE, CONSIDERATION OF SUBMISSIONS AND REQUEST FOR MINISTER'S APPROVAL - REGIONAL - 62472723 (Cont.)*

- a) **an electronic copy of the proposed planning scheme amendment document, clearly identifying any change that has been made to the proposed amendment since the State interest review and public consultation;**
  - b) **a written consultation report;**
  - c) **if any changes have been made to the proposed planning scheme amendment document, the reasons why the Council does not consider the proposed amendment to be significantly different from the version for which public consultation has been undertaken.**
7. **That on the basis that the Minister for the Department of State Development, Infrastructure, Local Government and Planning gives the Council a notice stating that the Council may adopt the proposed planning scheme amendment document, the Chief Executive Officer be authorised to do all things reasonable and necessary in order to adopt the proposed planning scheme amendment document in accordance with the notice from the Minister provided any conditions imposed by the Minister require the Chief Executive Officer to only make minor, administrative or editorial changes to the proposed planning scheme amendment document.**
8. **That Council notes no submissions were received to the proposed new Planning Scheme Policy (PSP) and this matter will be the subject of a separate and future Council Report.**

*ITEM 3.1 MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO.1 S18 TAILORED AMENDMENT - STATE INTEREST RESPONSE, CONSIDERATION OF SUBMISSIONS AND REQUEST FOR MINISTER'S APPROVAL - REGIONAL - 62472723 (Cont.)*

**OFFICER'S RECOMMENDATION**

1. That Council has considered the response given by the Chief Executive of the Department of State Development, Infrastructure, Local Government and Planning about the State interest review contained in Supporting Information #1 (draft Consultation Report).
2. That Council has considered all properly made submissions which are summarised in the detailed summary report contained in Supporting Information #1 (draft Consultation Report) about submissions that were received by Council during public consultation of the proposed planning scheme amendment document.
3. That Council resolves to make changes to the proposed planning scheme amendment document in accordance with the proposed amendment identified as Supporting Information #3 (Proposed Planning Scheme and Maps) to:
  - a) address issues raised in submissions;
  - b) amend a drafting error/s;
  - c) address new or changed planning circumstances or information;
  - d) to address a matter or condition raised during the State interest review to appropriately integrate a State interest.
4. That Council resolves that the changes to the proposed planning scheme amendment document in accordance with the proposed amendment identified as Supporting Information #3 (Proposed Planning Scheme and Maps):
  - a) continue to appropriately integrate and address relevant State interests, including those identified in the State interest review;
  - b) will not result in a proposed planning scheme amendment document that is significantly different to the iteration of the proposed planning scheme amendment document that was subject to public consultation having regard to schedule 2 of the Minister's Guidelines and Rules under the Planning Act 2016 and Supporting Material #2 (Background Report).
5. That the Chief Executive Officer is authorised to:
  - a) notify persons in writing who made properly made submissions about how the Council has dealt with the submission and how to access the consultation report;
  - b) prepare a written consultation report in accordance with Supporting Information #1 (draft Consultation Report) that:
    - (i) summarises the issues raised by the State in the State interest review;
    - (ii) summarises the issues raised in submissions from the public;
    - (iii) outlines how Council has responded to the issues raised in the State interest review and properly made submissions;
  - c) make the consultation report publicly available by:
    - (i) placing a copy on Council's website for viewing and downloading;
    - (ii) placing hardcopies at Council's Strathpine, Caboolture and Redcliffe Customer Service Centres for inspection and purchase.
  - d) make any minor, administrative or editorial changes to the proposed planning scheme amendment document prior to submitting the document to the Minister in accordance with item 6.

*ITEM 3.1 MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO.1 S18 TAILORED AMENDMENT - STATE INTEREST RESPONSE, CONSIDERATION OF SUBMISSIONS AND REQUEST FOR MINISTER'S APPROVAL - REGIONAL - 62472723 (Cont.)*

6. That subject to item 5 above being completed, the Chief Executive Officer be authorised to give the Minister for the Department of State Development, Infrastructure, Local Government and Planning a notice to request adoption of the proposed planning scheme amendment document in accordance with the Notice provided under s18(3) of the Planning Act 2016 (titled *Chief Executive Notice Neighbourhood Development Plan No.1 (NDP1) of the Caboolture West Local Plan - Proposed amendment to the Moreton Bay Regional Council Planning Scheme - Moreton Bay Regional Council*), that includes:
  - a) an electronic copy of the proposed planning scheme amendment document, clearly identifying any change that has been made to the proposed amendment since the State interest review and public consultation;
  - b) a written consultation report;
  - c) if any changes have been made to the proposed planning scheme amendment document, the reasons why the Council does not consider the proposed amendment to be significantly different from the version for which public consultation has been undertaken.
7. That on the basis that the Minister for the Department of State Development, Infrastructure, Local Government and Planning gives the Council a notice stating that the Council may adopt the proposed planning scheme amendment document, the Chief Executive Officer be authorised to do all things reasonable and necessary in order to adopt the proposed planning scheme amendment document in accordance with the notice from the Minister provided any conditions imposed by the Minister require the Chief Executive Officer to only make minor, administrative or editorial changes to the proposed planning scheme amendment document.
8. That Council notes no submissions were received to the proposed new Planning Scheme Policy (PSP) and this matter will be the subject of a separate and future Council Report.

**REPORT DETAIL**

**1. Background**

Caboolture West is the region's largest emerging/ new neighbourhood growth area projected to accommodate a population of approximately 68,000 residents and 27,000 dwellings over the next 40 years. The MBRC Planning Scheme identifies NDP1 as the first neighbourhood development plan area for Caboolture West.

At its General Meeting on 9 December 2020 (Minute Page 20/2130), Council resolved to make an amendment to the MBRC Planning Scheme under Section 18 of the *Planning Act 2016* (the Act) for NDP1 of the Caboolture West Local Plan.

The proposed amendment intends to establish a statutory framework to support development, deliver critical infrastructure (including social/ community infrastructure) and assist the coordinated assessment of development applications. To achieve this, the proposed amendment includes a plan for NDP1, supporting local plan code provisions and a supplementary new PSP (the subject of a separate future report seeking approval to adopt). This provides planning provisions to support a range of housing outcomes, a local centre, a State primary school, a district sports park and local park network and green network precinct, primarily along the Caboolture River corridor.

On 25 February 2021, the Chief Executive Officer wrote to the Chief Executive of the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) advising of Council's intent to make a tailored amendment to the MBRC Planning Scheme under s18(2) of the Act. On 11 March 2021, the Chief Executive of DSDILGP provided 'the Notice' under s18(3) of the Act with the process for making a s18 planning scheme amendment, and the proposed communications strategy.

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Council decided to progress the amendment at its General Meeting on 31 March 2021:

*Ex. General Meeting held 31 March 2021 (Minute Page 21/340)*

**RESOLUTION**

1. *That the Chief Executive Officer be authorised to write to the Chief Executive of the Department of State Development, Infrastructure, Local Government and Planning under section 18 of the Planning Act 2016 and advise that Council intends to:*
  - a) *Amend the planning scheme by following the process in the Notice;*
  - b) *Commence the State interest review and public consultation processes concurrently in accordance with the Notice.*
2. *That the Chief Executive Officer be authorised to make administrative and editorial changes to the proposed planning scheme amendment and any associated documentation, if required, prior to submitting to the Chief Executive of the Department of State Development, Infrastructure, Local Government and Planning.*
3. *That the Chief Executive Officer be authorised to commence the State interest review and public consultation processes concurrently in accordance with the Notice.*
4. *That the Chief Executive Officer be authorised to do all things reasonable and necessary in order to follow the process in the Notice in order to complete the State interest review and public consultation processes.*

Consultation on the proposed amendment to the planning scheme was undertaken from 27 April 2021 to 25 May 2021. During the consultation period a total of 49 submissions were received.

On 28 May 2021, Council received the State Interest review response, including actions to be addressed and advice matters for consideration, prior to providing the proposed amendment to the Minister for consideration and requesting adoption of the proposed amendment.

A Council briefing was conducted on 27 July 2021 to outline the proposed State interest review response, the submissions received on the proposed amendment, proposed responses to both, and the emerging role of the State's Growth Areas Team (SGAT) for Caboolture West. In line with Council's decision-making framework, an extract from the minutes of the briefing is provided below:

**The CEO noted the way forward:**

*State Interest review comments included a suggestion to review the requirement for a maximum 50% site cover for dwelling houses. The recommended change is:*

- *Rear setback - 5m for main household structure*
- *Site cover - 60%*

*Submissions were considered and discussed. The Consultation Report is to be provided to Councillors prior to consideration of endorsement.*

*A report to Council will be brought to the General Meeting on 18 August 2021 to consider endorsement of the proposed response to submitters (Consultation Report) and State Interest review.*

*It was noted that no submissions received to the proposed Planning Scheme Policy (PSP), Council's next step is to adopt and commence (timed with the start of the amendment).*

*It was noted the establishment of the State Government's Growth Areas Team with further briefings to be provided as their involvement in the planning of Caboolture West evolves.*



ITEM 3.1 MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO.1 S18 TAILORED AMENDMENT - STATE INTEREST RESPONSE, CONSIDERATION OF SUBMISSIONS AND REQUEST FOR MINISTER'S APPROVAL - REGIONAL - 62472723 (Cont.)

## 2. Explanation of Item

The Notice outlines the process for making the proposed amendment. Steps 1-5 have now been completed and relevant next steps 6-14 are summarised in the table below:

| Step    | Summary of Action  | Task owner           |
|---------|--|----------------------|
| Step 6  | Local government considers Chief Executive response ( <i>i.e. the state interest review response</i> )   | MBRC                 |
| Step 7  | Local government considers all properly made submissions   | MBRC                 |
| Step 8  | Local government notifies submitters about submissions and consideration process   | MBRC                 |
| Step 9  | Local government prepares written consultation report  | MBRC                 |
| Step 10 | Local government changes the proposed planning scheme amendment  | MBRC                 |
| Step 11 | Local government ensures changes made still meet relevant State interest   | MBRC                 |
| Step 12 | Local government repeats consultation due to scheme changes ( <i>only applicable if changes are considered 'significantly different' having regard to Schedule 2 of the Ministers Guidelines and Rules</i> ) | MBRC - if applicable |
| Step 13 | Local government limits public consultation to only those aspects changed ( <i>only applicable if Step 12 applies</i> )  | MBRC - if applicable |
| Step 14 | Local government requests Minister's approval to allow Council to adopt the proposed planning scheme amendment   | MBRC                 |

### Step 6 - Local government considers the State interest review response

The specific action under Step 6 outlines that Council must consider the response given by the Chief Executive about the State interest review.

On 28 May 2021, Council received the State Interest review response, including actions to be addressed and advice matters for consideration, prior to providing the proposed amendment to the Minister for consideration and requesting adoption of the proposed amendment. Council were briefed on the actions and advice received on 27 July 2021.

Changes made to comply with the actions outlined in the State interest review response are detailed in Supporting Information #1 (draft Consultation Report). Council officers have engaged with officers from the DSDILGP as required in the preparation of these proposed responses.

All proposed changes have been reflected in the version of the proposed amendment and maps attached to this report (refer Supporting Information #3).

Council now needs to formally resolve its response to the State interest review.

### Step 7 - Local government considers all properly made submissions

The specific action under Step 7 outlines that Council must consider all properly made submissions about the proposed amendment.

Consultation on the proposed amendments to the planning scheme commenced on 27 April 2021 until 25 May 2021. During the consultation period a total of 49 submissions were received, including five (5) not properly made (late) submissions, all of which have been considered on their merits and are summarised in Supporting Information #1 (draft Consultation Report).

All submissions were carefully reviewed and summarised to formulate a list of submission matters. Not all submission matters resulted in a change or improvement. This is because either a change was not supported due to technical, policy or legislative reasons or due to limitations around how much Council can change the proposed amendment after consultation has occurred.

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Responses to each matter were categorised as follows:

- Change made;
- No change - Amendment Related; or
- No change - Not specifically related to a proposed amendment.

Council were briefed on the submissions received and proposed responses on 27 July 2021, with emphasis on either key matters and/or reoccurring themes across the submissions including:

- Site-specific landowner concerns;
- Concerns about neighbourhood development plans and desire for development outside of NDP1;
- Changes to maximum site cover and car parking requirements; and
- Traffic and general congestion on Caboolture River Road and other road network impacts.

Step 8 - Local government prepares written consultation report

The specific action under Step 8 is for Council to prepare a consultation report that summarises the issues raised in submissions and outline how Council has responded to the issues raised in the properly made submissions.

Once prepared, the report is to be:

- Provided to each person who made a properly made submission (this can be via a link provided in the letter);
- Available to view and download on the local government's website;
- Available to inspect and purchase in each of the local government's office.

A draft Consultation Report has been prepared and is attached to this report (refer Supporting Information #1).

This report will be made available on Council's website and available for inspection and purchase in Council offices at Caboolture, Strathpine and Redcliffe.

Council needs to formally endorse the making of a consultation report and for it to be publicly available, including the proposed responses to submissions included therein. It is noted for completeness and transparency, the draft Consultation Report (refer Supporting Information #1) also includes the State interest response and proposed changes in response to these matters.

Step 9 - Local government notifies submitters about submissions consideration

The specific action under Step 9 outlines that Council must notify each person who made a properly made submission about how Council has dealt with the submission.

In accordance with the proposed communication strategy provided to the Chief Executive as part of Council's request for a tailored amendment process, letters will be prepared and issued to each submitter outlining how their submission has been considered and provide a response to the matters raised. The letters will be issued prior to the revised planning scheme amendment and supporting information being provided to the Minister requesting adoption of the proposed planning scheme amendment.

Council needs to formally resolve to respond to each submission.

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Step 10 - Changing the proposed planning scheme amendment

Step 10 relates to Council making changes to the proposed amendment. Specifically, section 5.1 of the Notice specifies that Council may make changes to the proposed amendment to:

- a) address issues raised in submissions
- b) amend a drafting error
- c) address new or changed planning circumstances or information
- d) to address a matter or condition raised during the State interest review to appropriately integrate a State interest.

The changes made to the proposed amendment since consultation have been determined to fall within the parameters set out above.

Step 11 - Local government ensures changes made still meet relevant State interest

The specific action under Step 11 specifies that Council must ensure any changes made to the proposed amendment continue to appropriately integrate and address relevant State interests, including those identified in a State interest review.

The changes proposed after consultation have been carefully considered to ensure they continue to appropriately integrate the state planning interests.

Worthy of particular note, item 4 of the State interest review response, required Council to:

*'... revise the requirement for a maximum 50 per cent site cover for dwelling houses in the proposed amendment to provide alternative and more contemporary approaches to achieve Council's aspirations for improved built form and urban design outcomes'.*

This matter was raised in both the State interest review response and a number of submissions.

The proposed site coverage of 50% was intended to mitigate the impacts of larger building footprints on smaller lots at, or above, maximum site cover in a greenfield context. In response to observed development outcomes in the region, the proposed change to amend maximum site cover in the Dwelling house code to 50% for Neighbourhood Development Plan No.1 (NDP1) sought to reinforce and clarify existing planning scheme policy focussed on delivering useable, functional and attractive private open space around dwelling houses. Current planning scheme requirements supporting site coverages upwards of 60-75% are not achieving these planning outcomes.

The proposed site coverage of 50% has since been 'refined' to present a requirement with the same intent and effect, however with greater clarity and transparency on the intended outcome as follows:

1. *Site cover* - Revised maximum site cover from 50% to 60%;
2. *Setbacks* - Include a 5 metre rear setback for lots with a frontage of 9.5m or greater, to replace the current rear setback requirement which reflects the Queensland Development Code; and
3. *Consequential changes* to the corresponding Performance Outcomes and relevant Overall Outcomes.

It is noted the above figures of '60%' and '5 metres' will exist as '*Requirements for accepted development*' (RADs) or '*Examples that achieve aspects of the Performance Outcomes*' in the assessable development table of the Dwelling house code. As such, these figures may be subject to alternative 'site based' performance-based solutions as part of future development applications.

*ITEM 3.1 MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO.1 S18 TAILORED AMENDMENT - STATE INTEREST RESPONSE, CONSIDERATION OF SUBMISSIONS AND REQUEST FOR MINISTER'S APPROVAL - REGIONAL - 62472723 (Cont.)*

The shift from a maximum 50% site cover to 60% (with inclusion of a 5 metre rear setback for lots with a frontage of 9.5m or greater) is not considered to be materially different to what was publicly notified. The proposed changes are considered to reinforce the original intent more transparently and articulate the intended outcome more clearly.

When applied, the proposed changes will provide an improved performance-based policy foundation to deliver more useable, functional and attractive private open space areas that better meet the currently stated outcomes in the Dwelling house code, and the intent of the proposed amendment.

Steps 12 and 13 - Local government repeats consultation due to 'significantly different' scheme changes

The specific action under Step 12 specifies that Council must repeat public consultation if proposed changes to the amendment result in the proposed amendment being significantly different (having regard to schedule 2 of the Ministers Guidelines and Rules) to the version released for public consultation.

The proposed changes have been considered against schedule 2 of the MGR to determine if they are significantly different (refer Supporting Information #2). After considering the assessment undertaken, it is the opinion of officers the proposed changes are not significantly different to the public consultation version of the proposed amendment, and repeating public consultation is not required.

The specific action under Step 13 is therefore not considered to be applicable, given that it relates to re-consultation (if required) and the ability to limit public consultation to aspects of the proposed amendment that changed.

Step 14 - Local government requests adoption of proposed amendment

At completion of Steps 6-11, and given that Steps 12-13 are not applicable, the specific actions under Step 14 include giving a notice to the Minister to request adoption of the proposed amendment. The notice is required to include:

- a) an electronic copy of the amended planning scheme, clearly identifying any change that has been made to the proposed amendment since the State interest review and public consultation;
- b) a written consultation report; and
- c) if any changes have been made to the proposed amendment, the reasons why the local government doesn't consider the proposed amendment to be significantly different from the version for which public consultation has been undertaken.

The amendments made to the proposed amendment since the State interest review and public consultation appear as follows:

- **black text with green highlight** for new text;
- **red text with green highlight** for text to be reinstated;
- ~~green text with strike out~~ for text to now be deleted; and
- ~~green text with strikeout and yellow highlight~~ for proposed new text that is now to be deleted.

Council needs to formally endorse progression of the proposed amendment to the Minister, requesting approval to adopt.

After Council gives notice to the Minister, the Minister must consider if Council may adopt the proposed amendment (Step 15 of the Notice) and provide the Council with a notice stating if the proposed amendment may be adopted (or not) and any conditions that must be complied with (Step 16 of the Notice). The Minister has 20 business days from the date of receiving Council's notice to make this decision and advise Council.

*ITEM 3.1 MBRC PLANNING SCHEME - PROPOSED CABOOLTURE WEST NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO.1 S18 TAILORED AMENDMENT - STATE INTEREST RESPONSE, CONSIDERATION OF SUBMISSIONS AND REQUEST FOR MINISTER'S APPROVAL - REGIONAL - 62472723 (Cont.)*

Whilst a separate Council Report will be progressed to address the proposed new PSP, it is noted that no submissions were received on the PSP during its public consultation process. Under the MGR, new PSPs do not need to undergo a State interest review. This means Council's next step is to adopt and commence the PSP, timed to align with the start of the proposed amendment.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Progression of the proposed amendment to the Planning Scheme has been undertaken in accordance with the Act and the process prescribed in the Notice.

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

The proposed amendment to the Planning Scheme establishes a statutory framework to support development, deliver critical infrastructure and assist the coordinated assessment of development applications in NDP1 of the Caboolture West local plan area.

#### 3.4 Risk Management Implications

Keeping the Planning Scheme contemporary reduces the risk of inappropriate development occurring within the Region.

#### 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 Implications

Keeping the Planning Scheme contemporary assists in attracting appropriate development into the Region.

#### 3.8 Environmental Implications

Keeping the Planning Scheme contemporary assists in maintaining the appropriate balance between protecting the environment and accommodating growth within the Region.

#### 3.9 Social Implications

Keeping the Planning Scheme contemporary assists in facilitating optimum social outcomes.

#### 3.10 Human Rights Implications

There are no known human rights implications arising as a result of this report.

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

#### 3.11 Consultation / Communication

The proposed amendment has been discussed internally within Council and with relevant State agencies. The proposed amendment has undergone public consultation between 27 April 2021 to 25 May 2021. A total of 49 submissions were received. Feedback will be provided by way of a publicly available Consultation Report, and letter responses to each submitter.

**4 WELL-PLANNED REGION (TRANSPORT) SESSION**

(Cr A Hain)

**ITEM 4.1****TENDER - DAKABIN - OLD GYMPIE AND BOUNDARY ROADS - INTERSECTION UPGRADE**

*Meeting / Session:* 4 WELL-PLANNED REGION (TRANSPORT)  
*Reference:* 62601509 : 5 August 2021 - Refer **Confidential** Supporting Information  
62474396  
*Responsible Officer:* SAM, Senior Project Manager (ECM Project Management)

**Executive Summary**

Tenders were invited for the 'Dakabin - Old Gympie and Boundary Roads - Intersection Upgrade (MBRC-RFT4)' project. The tender closed on 7 July 2021, with a total of seven conforming tenders received.

It is recommended that Council award the contract to Hall Contracting Pty Ltd for the sum of \$6,534,698.44 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

This matter is brought to the attention of Council as a key project for the Regional Integrated Transport Strategy, providing improvements for a well-planned region.

**RESOLUTION**

Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Karl Winchester

CARRIED 12/0

1. That the tender for the 'Dakabin - Old Gympie and Boundary Roads - Intersection Upgrade (MBRC-RFT4)' project be awarded to Hall Contracting Pty Ltd, for the sum of \$6,534,698.44 (excluding GST).
2. That the Council enters into an agreement with Hall Contracting 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 Hall Contracting Pty Ltd for the 'Dakabin - Old Gympie and Boundary Roads - Intersection Upgrade (MBRC-RFT4)' project and any required variations of the agreement on Council's behalf.
4. That Council acknowledges that the agreement will require an estimated sum of \$1.65M during the 2022-23 financial year and Council is requested to account for this future expenditure as part Council's strategic financial plan and budget for the 2022-23 financial year.
5. That it be noted this project has been awarded in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.

ITEM 4.1 TENDER - DAKABIN - OLD GYMPIE AND BOUNDARY ROADS - INTERSECTION UPGRADE - 62601509  
(Cont.)

### OFFICER'S RECOMMENDATION

1. That the tender for the 'Dakabin - Old Gympie and Boundary Roads - Intersection Upgrade (MBRC-RFT4)' project be awarded to Hall Contracting Pty Ltd, for the sum of \$6,534,698.44 (excluding GST).
2. That the Council enters into an agreement with Hall Contracting 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 Hall Contracting Pty Ltd for the 'Dakabin - Old Gympie and Boundary Roads - Intersection Upgrade (MBRC-RFT4)' project and any required variations of the agreement on Council's behalf.
4. That Council acknowledges that the agreement will require an estimated sum of \$1.65M during the 2022-23 financial year and Council is requested to account for this future expenditure as part Council's strategic financial plan and budget for the 2022-23 financial year.
5. That it be noted this project has been awarded in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.

### **REPORT DETAIL**

#### **1. Background**

This project relates to an overall upgrade of Old Gympie Road, from Anzac Avenue through to Boundary Road, involving a series of prioritised stages. The report relates to the project that comprises the northern most upgrade, indicated in figure 1 below.

This project is located at the intersection of Old Gympie Road and Boundary Road, Dakabin/Narangba. The scope includes the construction of an upgraded signalised intersection, pedestrian crossing facilities, on road bicycle lanes, raised and landscaped medians, improved landscaping and shared pathways and connections to the 2017 TMR constructed shared path. Significant public utility service relocations are to be undertaken during August/September through to January 2022.

The objective of the project is to improve safety for all users, increase traffic capacity and reduce traffic delays.

Significant service relocation works will commence during August/September 2021 through to January 2022. The majority of these works will need to be relocated prior to the broader intersection upgrade work commencing for this contract. Unity Water, Energex and Telstra have been engaged separately to complete this work. In line with the completion of the services relocation, construction is estimated to commence in February 2022. The recommended tenderer's construction program is 36 weeks to complete, which includes an allowance for wet weather (52 days).

ITEM 4.1 TENDER - DAKABIN - OLD GYMPIE AND BOUNDARY ROADS - INTERSECTION UPGRADE - 62601509  
(Cont.)



Figure 1: Site Area - Locality Plan

2. Explanation of Item

Tenders for the 'Dakabin - Old Gympie and Boundary Roads - Intersection Upgrade (MBRC-RFT4)' project closed on 7 July 2021, with a total of seven 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 (Pre Local Preference) | EVALUATION SCORE (Post Local Preference) |
|------|--|---|--|
| 1    | Hall Contracting Pty Ltd                                 | 99.05                                   | 106.55                                   |
| 2    | Doval Constructions (QLD) Ltd                            | 95.17                                   | 95.17                                    |
| 3    | Hazell Bros (QLD) Pty Ltd                                | 95.07                                   | 95.07                                    |
| 4    | Cragcorp Pty Ltd, trading as Queensland Bridge and Civil | 94.46                                   | 94.46                                    |
| 5    | Mcllwain Civil Engineering Pty Ltd                       | 86.01                                   | 86.01                                    |
| 6    | AllenCon Pty Ltd   | 85.23                                   | 85.23                                    |
| 7    | Ertech (Qld) Pty Ltd                                     | 81.80                                   | 81.80                                    |



ITEM 4.1 TENDER - DAKABIN - OLD GYMPIE AND BOUNDARY ROADS - INTERSECTION UPGRADE - 62601509  
(Cont.)

**Hall Contracting Pty Ltd ('HC')** - submitted a conforming tender, demonstrating their experience on projects of similar scale and complexity. A tender clarification meeting was held on 3 August 2021, at which HC demonstrated their experience, methodology, understanding of the project and capability in delivery of the project. HC provided examples of relevant project experience, including Nicklin Way Upgrade (valued at \$12.3M) and Deception Bay and Morris Road Intersection (valued at \$4.7M), both for TMR; and Mooloolaba Transport Corridor Upgrade Stage 1B (valued at \$7.5M) for Sunshine Coast Council.

HC provided an efficient programme of 36 weeks for the proposed works and demonstrated an understanding of the requirements for a combination of night and day works to minimise disruption. Works that are off-road (for example road widening) will be undertaken during the day and HC will retain the number of lanes of the existing road. Works that are on-road (such as the pavement work for the islands and roundabout, stormwater and electrical construction) will be undertaken as night works.

The evaluation panel recommends that the tender from HC represents the best overall value offer to Council.

**Doval Construction (QLD) Ltd ('DC')** - 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 is 49 weeks duration. There were no additional benefits for the higher price.

**Hazell Bros (QLD) Pty Ltd ('HB')** - submitted a good tender and demonstrated their construction methodology and experience on projects of a similar scale and complexity. The tendered construction program of works is 36 weeks duration. There were no additional benefits for the higher price.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

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

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

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

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

#### 3.4 Risk Management Implications

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

*Financial Risk:*

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

ITEM 4.1 TENDER - DAKABIN - OLD GYMPIE AND BOUNDARY ROADS - INTERSECTION UPGRADE - 62601509  
(Cont.)

*Construction Risks:*

- a. The recommended tenderer will provide a program of works, staging plans, traffic management plans, safety management plan, environmental management plan, and quality management documentation as part of the contract to detail how they will plan, establish and manage project construction risks which will be reviewed and audited by Project Management.
- b. The recommended tenderer has indicated their understanding of the project site to ensure the safety and well-being of all during the works.
- c. The recommended tenderer has indicated that their program of works takes into consideration the provision of appropriate resources they need to be able to complete the project works effectively and on time.
- d. The procurement risks relating to this project are considered low as there is adequate lead time for the recommended tenderer to procure the relevant project construction materials, given the timing of the service relocation works. At the tender clarification meeting, the recommended tenderer did not foresee any COVID-19 related impacts which would affect material supply chains and overall time delivery of the project works.
- e. The project is not impacted by any Development Approvals.
- f. Dilapidation inspections will be conducted prior to works commencing for site and surrounding areas to record the existing condition of assets and again after construction to record any change.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.2M, providing the expenditure has been provided for in Council's annual budget.

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

3.6 Financial Implications

Council has allocated a total of \$10,150,000 in the Capital Projects Program towards this project, with \$150,000 in 2019-20 for design and approvals, \$2,500,000 in 2020-21 for design and commencement of service relocation works, and \$7,500,000 in the 2021-22 FY for construction. All financial information below is excluding GST.

|  |                  |                            |
|--|------------------|----------------------------|
| Design & Approvals (2019-20)             | \$               | 89,975.35                  |
| Design (2020-21)                         | \$               | 394,562.12                 |
| Energex (service relocation - 2021/22)   | \$               | 20,591.44                  |
| Telstra (service relocation - 2021/22)   | \$               | 810,218.36                 |
| Unitywater (service relocation - 2021/2) | \$               | 57,315.45                  |
| Tender Price (Construction)              | \$               | 6,534,698.44               |
| Contingency (10%)                        | \$               | 653,469.84                 |
| QLeave (0.575%)                          | \$               | 37,574.52                  |
| <b><u>Total Project Cost</u></b>         | <b><u>\$</u></b> | <b><u>8,598,405.52</u></b> |

Estimated ongoing operational/maintenance costs \$ 75,000 per F/Y.

The budget amount for this project is sufficient. That Council acknowledges that this agreement will require an estimated sum of \$1.65M during the 2022-23 financial year and Council is requested to account for this future expenditure as part of Council's strategic financial plan and budget for the 2022-23 financial year.

3.7 Economic Benefit Implications

The signalled intersection will improve traffic flow at the intersection, extend the pavement life and accommodate expected traffic growth.

ITEM 4.1 TENDER - DAKABIN - OLD GYMPIE AND BOUNDARY ROADS - INTERSECTION UPGRADE - 62601509  
(Cont.)

3.8 Environmental Implications

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

3.9 Social Implications

The intersection signalisation has been designed to improve the safety, rideability and structural integrity of the pavement for all road users ensuring road network reliability.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

The residents adjacent to the works in the caravan park and the service road will be notified of the works and expected construction timeframe three weeks prior to commencement via a project notice, project signage and door knocking. Variable message boards will be displayed on each approach three weeks prior to the commencement of construction works. These variable message boards will be used to advise motorists of changes throughout the construction duration. The detailed communications plan will include a Councillor weekly email update and website page with weekly updates. The Divisional Councillors have been consulted and are supportive of the project.

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**5 HEALTHY ENVIRONMENTS SESSION**

**(Cr C Tonks)**

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No items for consideration

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**6 AN ENGAGED COUNCIL SESSION**

**(Cr M Constance)**

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**ITEM 6.1**

**QUARTER 4 OPERATIONAL PLAN REVIEW 2020/21**

*Meeting / Session:* 6 AN ENGAGED COUNCIL  
*Reference:* 62502093 : 23 July 2021 - **Refer Supporting Information 62526702**  
*Responsible Officer:* DW, Coordinator Management Accounting (FCS Accounting Services)

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**Executive Summary**

The purpose of this report is to present the Quarter 4 Operational Plan Review for 2020/21.

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**RESOLUTION**

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**Moved by Cr Jodie Shipway**  
**Seconded by Cr Cath Tonks**

**CARRIED 12/0**

**That the Quarter 4 Operational Plan Review for 2020/21 be received.**

ITEM 6.1 QUARTER 4 OPERATIONAL PLAN REVIEW 2020/21 - 62502093 (Cont.)

OFFICER'S RECOMMENDATION

That the Quarter 4 Operational Plan Review for 2020/21 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 2020/21 is presented with an assessment of Council's achievements as measured against relevant key performance indicators along with an accompanying commentary for each Department of Council.

**2. Explanation of Item**

The fourth quarter report on the Operational Plan provides non-financial information on Council's organisational performance. Included in this report are key performance indicator (KPI) targets and associated achievements with accompanying commentary relevant to the KPI's and other significant operational matters.

**3. Strategic Implications**

3.1 Legislative / Legal Implications

In accordance with section 174 of the Local Government Regulation 2012 the Council is required to prepare and report on a quarterly basis the progress towards implementing the annual Operational Plan.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

Nil identified

3.4 Risk Management Implications

Operationally there are a wide number of risks that can impact on the delivery of the Operational Plan. These risks are recorded in the Council's Enterprise Risk Management Register and managed accordingly by each Department.

3.5 Delegated Authority Implications

Nil identified

3.6 Financial Implications

Nil identified

3.7 Economic Benefit Implications

The Operational Plan contributes to the Corporate Plan in achieving three key themes. Economic benefit implications relate to the theme of:

- Creating Opportunities

Delivered through two key strategies:

- Develop a sustainable, innovative and thriving economy that creates valuable employment for residents, protects the region's high quality of life and provides a prosperous future for residents.
- Develop projects which deliver strategic opportunities for the Moreton Bay Region.

3.8 Environmental Implications

The Operational Plan contributes to the Corporate Plan in achieving three key themes. Environmental implications relate to the theme of:

- Valuing Lifestyle

ITEM 6.1 QUARTER 4 OPERATIONAL PLAN REVIEW 2020/21 - 62502093 (Cont.)

Delivered through three key strategies:

- Maintain sustainable waste management for the Moreton Bay Region.
- Maintain and enhance the health of the natural environment.
- Protect public assets and maintain environmental standards through management of the stormwater network, coastal areas and waterways.

3.9 Social Implications

The Operational Plan contributes to the Corporate Plan in achieving three key themes. Social implications relate to the theme of:

- Strengthening Communities

Delivered through three key strategies:

- Develop a strong and inclusive community.
- Provide residents opportunity to participate and engage with their community.
- Maintain a lifestyle enhanced and protected by local law

3.10 Human Rights Implications

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

3.11 Consultation / Communication

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

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**ITEM 6.2**  
**MONTHLY FINANCIAL REPORTING PACKAGE - 30 JUNE 2021**

*Meeting / Session:* 6 AN ENGAGED COUNCIL  
*Reference:* 62611604: 5 August 2021 - **Refer Supporting Information 62611584**  
*Responsible Officer:* DC, Accounting Services Manager (FCS Accounting Services)

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**Executive Summary**

The purpose of this report is to present the Financial Reporting Package for the year to date period ending 30 June 2021.

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**RESOLUTION**

**Moved by Cr Mick Gillam**

**Seconded by Cr Brooke Savige**

**CARRIED 12/0**

**That the Financial Reporting Package for the year to date period ending 30 June 2021 be received.**

ITEM 6.2 MONTHLY FINANCIAL REPORTING PACKAGE - 30 JUNE 2021 - 62611604 (Cont.)

## OFFICER'S RECOMMENDATION

That the Financial Reporting Package for the year to date period ending 30 June 2021 be received.

### **REPORT DETAIL**

#### **1. Background**

The Financial Reporting Package for the month ending 30 June 2021 is contained within the supporting information to this report.

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

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

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

The year to date Financial report as at the end of June represents the performance and position of Council as outlined below and in the context of the attached supporting information.

It must be noted that the results presented may be subject to minor changes as a result of the financial year end audit, which is yet to occur.

During the year Council has amended its budget and this is shown alongside the original adopted budget in the report where applicable.

#### Operating Result (page 1)

As at 30 June 2021 operating revenue was \$554 million compared to operating expenses of \$485.9 million. The operating surplus was in the amount of \$68.1 million compared to the amended budget of \$47 million, a favourable difference of \$21.1 million.

#### Operating Revenues (page 1)

Rates and Utility charges for the full financial year tracked slightly over budget at 100.73%. Rates and utility charges represent the bulk of the revenue recognised, equating to \$331.9 million. Revenue has slightly exceeded the budget by just under \$2.4 million. Continued strong dwelling growth has contributed to this outcome.

Fees and Charges revenue was budgeted on the conservative side at the start of the year but was amended upwards during the year to reflect the strong demand in Council services. The revenue target was exceeded by 15.76% driven almost entirely by the level of revenue received for development applications. Approximately \$14.8 million in revenue was recognised in 2021/21, an increase of \$6 million over 2019/20.

Interest revenue tracked as expected.

Operational grants and subsidies and other revenues ended up exceeding the budget.

The Unitywater participation revenue is not cash but relates to the proportion of Unitywater's net profit after tax that Council recognises based on its participation rights percentage in Unitywater. The budget is historically set at a conservative level. The actual Unitywater participation amount disclosed is a draft amount, subject to final verification once Unitywater's external audit for 2020/21 is completed by the end of August.

Overall strong demand for Council's services in relation to fees and charges combined with Council's participation revenue associated Unitywater contributed to exceeding budgeted operating revenue by approximately \$17 million.



*ITEM 6.2 MONTHLY FINANCIAL REPORTING PACKAGE - 30 JUNE 2021 - 62611604 (Cont.)*

Operational Expenses (page 1)

Employee benefits ended up tracking over the budget this year with the increased level of staff recruited plus the additional flow on costs associated (superannuation, leave entitlements and recruitment).

Material and Services ended up coming in under budget by approximately \$10 million. Of this \$7 million related to budget allocations toward operational projects. It is expected that the bulk of this unspent budget will be required to be carried into 2021/22 to complete the projects.

Depreciation expenses tracked tracking slightly over the budget.

Finance costs were slightly under budget.

Overall the overspend in employee expenses and the underspend in material and services has resulted in operational expenses amounting to \$4 million less than the amended budget.

Capital Revenue (page 1)

Infrastructure cash contributions from developers has trended above expectations, very similar to development application fees, with revenue for the year amounting to \$53 million. The budget was previously amended to \$45 million.

All contributed infrastructure assets from developers received to date have been recognised and lines up close to the budgeted expectation.

Capital grants and subsidies have ended up \$6.9 million below the budget for the year due to some projects not reaching milestones where Council could claim/recognise the grant funds. This revenue will be forthcoming/recognised in 2021/22 when the projects are completed.

Operating Revenue and Operating Expenditure Graphs (page 2)

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

Given the majority of Council's operating revenue cycle is rate related (quarterly in advance), actual revenue will track above the budgeted revenue (blue line) and generally edge closer together then drift apart as the quarterly rate levies are issued. The quarter 4 rate levy was delayed 3 weeks until late April, so the usual increase in revenue for March occurred in April. The graph reflects, at the end of June, that actual revenue (the orange line) exceeded the budget (the blue line).

Conversely, actual operating expenses will generally track to the bottom of the blue budget line and continue that trend, gradually drawing closer to the blue budget line as the end of the financial year approaches. As the graph demonstrates the actual expenses incurred came in slightly under the budget allocation.

Capital Expenditure (page 3, 4 and 5)

Capital expenditure amounted to \$193.7 million for 2020/21. The total spend represents 77.42% of the total capital program. The *total capital expenditure progress* graph summarises the percentage of all capital expenditure completed to date compared to a linear budget spend. The underspend in capital expenditure indicates that numerous projects were not completed as expected with the unspent budget funds expected to be carried over into 2021/22.

The *capital expenditure by portfolio program* table breaks down the capital spend into program categories.

The associated *capital expenditure progress* % to date by portfolio program graph tracks the percentage spend by portfolio program compared to the budget to date. The orange line represents the year to date budget at 100% highlighting the linear budget spend to June 2021. Variations across the programs are normal as capital project delivery is not linear in nature so timing differences are expected.

Balance Sheet and Cash Flow (page 6)

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

ITEM 6.2 MONTHLY FINANCIAL REPORTING PACKAGE - 30 JUNE 2021 - 62611604 (Cont.)

The Cash flow statement indicates a closing cash balance in the amount of \$354.9 million for June. The original forecast for the end of June 2021 was \$273 million. The higher than expected level of cash on hand is predominately due to the lower levels of capital expenditure expected plus increased inflows of cash from developer cash contributions, development application fees and federal grant funding received for future projects.

Treasury Report (page 7 and 8)

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

Interest earned on investments was approximately \$2.7 million. Interest rates on offer are quite low in the current market with deposit terms of less than 3 years offering interest rates of less than 1% per annum. The weighted average return on all investments for Council is now sitting at 0.71%.

The Investment graphs give an indication of the percentage of investments held with each financial institution and the maturity profile of Council's investments. Council currently has \$325 million of cash at call with the remaining \$30 million maturing over next 3 to 12 months.

The QIC Growth Fund is currently valued at \$121 million as at the end of June. Council originally invested \$100 million in this fund in June 2018. In the past 12 months the fund has recovered from the lows of 2019/20 and has increased in value by \$18 million.

Council's total debt position has decreased (\$370m to \$353m) as repayments were made in September, December, March and June. In total Council repaid debt in the amount of \$37 million for 20/21. Council was originally budgeted to borrow \$40 million in 2020/21 however given the lower than expected spend on capital works this amount was reduced to \$20 million which drawn down in late June.

**3. Strategic Implications**

3.1 Legislative / Legal Implications

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

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

Compliance to the Council's Investment Policy is confirmed.

3.4 Risk Management Implications

The Council is subject to numerous risks associated with revenue and expenses that can impact upon Council's financial performance and position. The COVID-19 pandemic was expected to present financial challenges during 2020/21 however the opposite occurred whereby revenue streams exceeded original forecasts as the demand for Council services increased

3.5 Delegated Authority Implications

Nil identified

ITEM 6.2 MONTHLY FINANCIAL REPORTING PACKAGE - 30 JUNE 2021 - 62611604 (Cont.)

3.6 Financial Implications

As at the end of June 2021, Council's operating surplus was \$68.1 million while capital expenditure amounted to \$193.7 million. A number of capital projects and operational projects did not reach expected expenditure targets in 2020/21 and it is expected a large amount of unspent capital funds will be required to be carried over into 2021/22 thus necessitating an amendment to Council's budget during early 2021/22.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications  Nil identified

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Director Finance and Corporate Services

**ITEM 6.3**

**SOLE SUPPLIER - TRANS COMMUNICATIONS PTY LTD**

*Meeting / Session:* 6 AN ENGAGED COUNCIL  
*Reference:* 62177611 : 20 July 2021  
*Responsible Officer:* MD, Coordinator Fleet Services (ECM Asset Maintenance)

**Executive Summary**

Under section 235(a) of the Local Government Regulation 2012, Council may, by resolution, purchase goods and services from a single supplier without seeking competitive tenders. Such purchases may only be made where the local government is satisfied that there is only one supplier who is reasonably available.

This report seeks Council's approval that in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Trans Communications Pty Ltd is the only supplier reasonably available to supply, install and maintain three hundred and sixty-five (365) QCOM LTE DMR Digital / UHF combination radios and provide ongoing maintenance and support to the current one hundred and thirty-seven (137) QCOM LTE DMR Digital / UHF combination radios within the fleet and the required communication repeater station infrastructure located on Mt Glorious, Mt Mee and King Street, Caboolture.

**RESOLUTION**

Moved by Cr Tony Latter

Seconded by Cr Brooke Savige

CARRIED 12/0

1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Trans Communications Pty Ltd is the only supplier that is reasonably available to supply, install and maintain the three hundred and sixty-five (365) QCOM LTE DMR Digital / UHF combination radios and provide ongoing maintenance and support to the current one hundred and thirty-seven (137) digital radios within the fleet and the required communication repeater station infrastructure located on Mt. Glorious, Mt. Mee and King Street, Caboolture for the contract period of 7 years (84 months) to 30 June 2028.
2. That Council enters into an agreement with Trans Communications Pty Ltd to supply, install and maintain the three hundred and sixty-five (365) QCOM LTE DMR Digital / UHF combination radios and provide ongoing maintenance and support to the current one hundred and thirty-seven (137) digital radios within the fleet and the required communication repeater station infrastructure located on Mt. Glorious, Mt. Mee and King Street, Caboolture for a monthly cost of \$20,122.35 (excluding GST) for a period of 7 years (84 months) to 30 June 2028 with a total cost of the agreement of \$1,690,277.40.
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 Trans Communications Pty Ltd to supply, install and maintain the three hundred and sixty-five (365) QCOM LTE DMR Digital / UHF combination radios and provide ongoing maintenance and support to the current one hundred and thirty-seven (137) digital radios within the fleet and the required communication repeater station infrastructure located on Mt. Glorious, Mt. Mee and King Street, Caboolture and any required variations of the agreement on Council's behalf.
4. That Council acknowledges that the agreement will require a sum of \$241,468.20 each financial year for the agreement term, from the 2021-22 financial year (FY) through to the 2027-28FY inclusive; and Council is requested to account for this future expenditure(s) as part of Council's strategic financial plan and budget.
5. That Council's Local Preference Policy was not applied in this instance as the matter involved a single supplier. It should be noted that Trans Communications Pty Ltd is based at Brendale, within the Moreton Bay region.

ITEM 6.3 SOLE SUPPLIER - TRANS COMMUNICATIONS PTY LTD - : (Cont.)

## OFFICER'S RECOMMENDATION

1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Trans Communications Pty Ltd is the only supplier that is reasonably available to supply, install and maintain the three hundred and sixty-five (365) QCOM LTE DMR Digital / UHF combination radios and provide ongoing maintenance and support to the current one hundred and thirty-seven (137) digital radios within the fleet and the required communication repeater station infrastructure located on Mt. Glorious, Mt. Mee and King Street, Caboolture for the contract period of 7 years (84 months) to 30 June 2028.
2. That Council enters into an agreement with Trans Communications Pty Ltd to supply, install and maintain the three hundred and sixty-five (365) QCOM LTE DMR Digital / UHF combination radios and provide ongoing maintenance and support to the current one hundred and thirty-seven (137) digital radios within the fleet and the required communication repeater station infrastructure located on Mt. Glorious, Mt. Mee and King Street, Caboolture for a monthly cost of \$20,122.35 (excluding GST) for a period of 7 years (84 months) to 30 June 2028 with a total cost of the agreement of \$1,690,277.40.
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 Trans Communications Pty Ltd to supply, install and maintain the three hundred and sixty-five (365) QCOM LTE DMR Digital / UHF combination radios and provide ongoing maintenance and support to the current one hundred and thirty-seven (137) digital radios within the fleet and the required communication repeater station infrastructure located on Mt. Glorious, Mt. Mee and King Street, Caboolture and any required variations of the agreement on Council's behalf.
4. That Council acknowledges that the agreement will require a sum of \$241,468.20 each financial year for the agreement term, from the 2021-22 financial year (FY) through to the 2027-28FY inclusive; and Council is requested to account for this future expenditure(s) as part of Council's strategic financial plan and budget.
5. That Council's Local Preference Policy was not applied in this instance as the matter involved a single supplier. It should be noted that Trans Communications Pty Ltd is based at Brendale, within the Moreton Bay region.

## **REPORT DETAIL**

### **1. Background**

Council currently operates a VHF analogue two-way radio communication network for operational and emergency management communications. To enable communication across the region, communication repeater station infrastructure is located at Mt. Glorious, Mt. Mee and King Street, Caboolture. The national analogue network is being phased out and replaced with digital networks that enable far superior levels of communications.

In recent flood events, it was identified that Council's current two-way radio network has multiple communication black spots that affected Council's ability to effectively respond to some situations and communicate with lead agencies during an emergency event. The implementation of the digital network will address these issues and enable cross agency communications.

Over the past 3 years, Council's Fleet Services department, in consultation with stakeholders, have developed a two-way digital radio network and hardware specification that meets all Council's operational and emergency management needs. This specification addresses communication redundancies vital during emergency events, allowing the system to switch between communication types to ensure constant communication is achieved.

ITEM 6.3 SOLE SUPPLIER - TRANS COMMUNICATIONS PTY LTD - : (Cont.)

## 2. Explanation of Item

Council has been working with Trans Communication Pty Ltd (TC) to develop the required system and functionality of a fit for purpose digital radio. Currently TC has built and installed approximately 137 digital radios into the fleet, however, while these radios are fitted and functioning as expected, Council is unable to utilise all functions of the digital system until all vehicles, plant and equipment are fitted with compatible radios. The main function currently not being utilised is the full digital capability of the radio which includes phone calls, text messages and apps, all the capability of a current iPhone, and also access to all the redundancy advantages over the previous analogue radios when the radio network is fully switched over to the 4G Network.

Currently TC is the only supplier in the market that is able to offer the digital two-way radio network solution to meet Council's requirements. TC has undertaken two-way radio and network associated works for Council for a number of years and has always performed to a high standard. This includes providing same day technical support including travelling to the areas of concern and discussing with the ground teams, follow up service which allows the ground teams to contact the technical support teams within TC directly to ensure issues are resolved, being involved personally in disaster event management trials within the Operations ensuring systems are always working as intended.

It is proposed that Council enters into an agreement with TC for the supply and maintenance of all digital two-way radio network and hardware requirements. TC has submitted an offer that requires no initial capital outlay from Council, rather, fixed monthly fees that cover all supply and maintenance of the digital radio network requirements for a seven-year agreement term. Below are a few key points of the agreement that will benefit Council:

- Initial replacement of 365 analogue communication radios to QCOM LTE DMR Digital / UHF combination radios across Council's fleet of vehicles, plant and equipment; plus, an additional 12 devices to ensure back up supply;
- Complete digital radio communications coverage across the MBRC region using the Telstra 3G / 4G LTE network and Digital Mobile Radio (DMR) back up network infrastructure supplied, installed and maintained;
- Supply, installation, maintenance, network access for all future radio infrastructure within the fleet for a seven-year agreement period;
- After the 7-year agreement expires, the radio assets will be owned by Council; and
- All warranty repairs and replacements for the agreement term.

## 3. Strategic Implications

### 3.1 Legislative / Legal Implications

Section 235(a) of the Local Government Regulation 2012 states that a local government may enter into a large-sized contractual arrangement without first inviting written tenders if the local government resolves it is satisfied that there is only one supplier who is reasonably available.

### 3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Strengthening Communities: Strong local governance - strong leadership and governance.

### 3.3 Policy Implications

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

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

TC is a local business within the Moreton Bay region. Its business premises is located at Brendale Business Park, Brendale.

ITEM 6.3 SOLE SUPPLIER - TRANS COMMUNICATIONS PTY LTD - : (Cont.)

3.4 Risk Management Implications

The risk associated with not replacing the outdated radio network with current digital two-way radio network solution would impact communication reliability, specifically during weather event situations.

A third-party review of financial status has been carried out on TC receiving a rating of 'sound' which has confirmed it has the capability and financial capacity to fulfil the contract.

TC has advised that there are no foreseen circumstances which would prevent the delivery of this contract, including any COVID-19 supply chain issues.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.2M, providing the expenditure has been provided for in Council's annual budget.

As this report is seeking appointment of a sole supplier arrangement it is therefore reported to Council for consideration.

3.6 Financial Implications

Trans Communications Pty Ltd (TC) has provided a monthly management fee per radio offer, which includes the purchase, installation and all maintenance of digital radios (365 new and maintain 137 existing) for the term of the agreement. That Council acknowledges that the agreement will require a sum of \$241,468.20 for each financial year of the agreement (21-22FY to 2027-28FY inclusive); and Council is requested to account for this future expenditure(s) as part of Council's strategic financial plan and budget. All financial information below is exclusive of GST, the costs listed below are exclusive of GST.

|   |                     |
|---|---------------------|
| Combined Monthly Fee - Existing Digital Radios within Fleet (137) | \$ 1,890.60         |
| <u>Combined Monthly Fee - New Digital Radios (365)</u>            | <u>\$ 18,231.75</u> |
| <b>Total Monthly Fee Payable (excl. GST)</b>                      | <b>\$ 20,122.35</b> |

**Total Agreement Term (84 Months) Cost (excl. GST) \$ 1,690,277.40**

The cost provided per radio from TC, including the hardware and installation costs for this agreement is \$2,500 per radio. This is comparable to Council's previous costs for the supply and installation of an analogue radio where costs were \$2,329 per radio.

Currently Council has approved \$373,000 Capital funds in the 21-22 FY Capital Projects Program. Operational funds will be sought for future years to cover the ongoing monthly fee for these radios for the life of the agreement.

3.7 Economic Benefit Implications

The conversion from analogue VHF radios to digital radios will ensure programs are delivered in line with planned outcomes. Local jobs creation; associated economic benefits to support industries.

3.8 Environmental Implications

The digital radio and network infrastructure meet current environmental and Australian standards.

3.9 Social Implications

Region wide communications with multiple redundancies will provide reliable communications during weather event emergencies.

3.10 Human Rights Implications

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

*ITEM 6.3 SOLE SUPPLIER - TRANS COMMUNICATIONS PTY LTD - : (Cont.)*

3.11 Consultation / Communication

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

UNCONFIRMED



**ITEM 6.4**  
**COMMENCEMENT OF PROSECUTIONS - DOG ATTACKS**

*Meeting / Session:* 6 AN ENGAGED COUNCIL  
*Reference:* 62585140: 4 August 2021  
*Responsible Officer:* GL, Brief Management and Prosecutions Coordinator (CES Customer Response)

**Executive Summary**

Investigations have been conducted in relation to several dog attacks where the investigating officers have recommended prosecution as a means of enforcement.

Council's approval is sought for the commencement of five (5) prosecutions in the Magistrates Court for what Council Officers allege to be offences under the *Animal Management (Cats and Dogs) Act 2008* (the Act) and the *Moreton Bay Regional Council Local Law No. 2 (Animal Management) 2011* (Local Law 2).

The matters have been reviewed and assessed as appropriate to progress for prosecution in the Magistrates court.

**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr Karl Winchester

CARRIED 12/0

1. That Council authorise the Chief Executive Officer to commence prosecutions in the Magistrates Court for each of the matters described in this report, for what Council officers allege to be offences under the *Animal Management (Cats and Dogs) Act 2008* and *Moreton Bay Regional Council Local Laws No.2 (Animal Management) 2011*.
2. That the prosecutions described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

ITEM 6.4 COMMENCEMENT OF PROSECUTIONS - DOG ATTACKS - 62585140: (Cont.)

**OFFICER'S RECOMMENDATION**

1. That Council authorise the Chief Executive Officer to commence prosecutions in the Magistrates Court for each of the matters described in this report, for what Council officers allege to be offences under the *Animal Management (Cats and Dogs) Act 2008 and Moreton Bay Regional Council Local Laws No.2 (Animal Management) 2011*.
2. That the prosecutions described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

**REPORT DETAIL**

**1. Background**

Council is the responsible agency for enforcement and regulation under the Act and Moreton Bay Regional Council Local Law 2. Investigations have been conducted in relation to several dog attacks. It is considered appropriate, and in the public interest, to progress these matters to the Magistrates Court for prosecution.

The Act and Local Law 2 provide legal and procedural frameworks for the administration, implementation and enforcement of animal ownership and management practices.

The Act provides that amongst others it is an offence for a person to fail to take reasonable steps to ensure a dog does not attack and Local Law 2 provides that amongst others it is an offence to fail to provide a proper enclosure and prevent an animal from wandering.

Council's approval is sought for the commencement of five (5) prosecutions in the Magistrates Court against five individuals for what Council officers allege to be offences under the Act and Local Law 2.

A summary of facts has been drafted for each matter and reviewed to ensure there is sufficiency of evidence to prove the offences.

**2. Explanation of Item**

Investigations have been conducted in relation to several dog attacks where the investigating officers have recommended prosecution as a means of enforcement.

The improper keeping of animals presents a risk within the community. An opportunity exists in each of these matters for Council to take enforcement action against the responsible person for keeping a dog improperly and, in doing so, encourage both individual and community compliance under the Act and Local Law 2.

Given the seriousness of the attacks in these matters, and that the most serious of the charges can only be enforced by way of prosecution, Council officers consider this to be the most appropriate action.

Table 1 below outlines the alleged offences for each matter.

**Table 1 - Prosecutions**

| Summary of charges - Prosecutions |                       |  | Prosecution reference number |
|-----------------------------------|-----------------------|--|------------------------------|
| <b>Matter 1</b>                   | Charge 1 - 30/10/2020 | Failure to maintain a proper enclosure and prevent animal from wandering | LS/2021/0390                 |
|                                   | Charge 2 - 30/10/2020 | Failing to ensure dog does not attack another animal causing death       |                              |
| <b>Matter 2</b>                   | Charge 1 - 21/12/2020 | Failure to maintain a proper enclosure and prevent animal from wandering | LS/2021/0433                 |
|                                   | Charge 2 - 21/12/2020 |  |                              |

ITEM 6.4 COMMENCEMENT OF PROSECUTIONS - DOG ATTACKS - 62585140: (Cont.)

| Summary of charges - Prosecutions |                       |  | Prosecution reference number |
|-----------------------------------|-----------------------|--|------------------------------|
|                                   | Charge 3 - 19/01/2021 | Failing to ensure dog does not attack another animal causing death   |                              |
|                                   | Charge 4 - 19/01/2021 | Failure to maintain a proper enclosure and prevent animal from wandering<br>Failing to ensure dog does not attack another animal causing death |                              |
| <b>Matter 3</b>                   | Charge 1 - 15/01/2021 | Failure to ensure the mandatory conditions for the keeping of a regulated dog are complied with  | LS/2021/0459                 |
|                                   | Charge 2 - 15/01/2021 | Failing to ensure dog does not attack another animal causing death   |                              |
| <b>Matter 4</b>                   | Charge 1 - 10/01/2021 | Fail to ensure an animal is under effective control in a public place  | LS/2021/0460                 |
|                                   | Charge 2 - 10/01/2021 | Failing to ensure dog does not attack another animal causing death   |                              |
| <b>Matter 5</b>                   | Charge 1 - 13/09/2020 | Fail to ensure an animal is under effective control in a public place  | LS/2021/0461                 |
|                                   | Charge 2 - 13/09/2020 | Failing to ensure dog does not attack another animal causing death   |                              |

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Prosecutions would be commenced in the Magistrates Court against each of the individuals who were, at the material time, the responsible person for each offence under the Act and Local Law 2.

Section 237(2) of the *Local Government Act 2009* provides that 'a local government may start proceeding under the *Justices Act 1886* in the name of a local government employee who is a public officer within the meaning of that Act'. The Chief Executive Officer falls within that definition and there are a number of advantages in commencing a prosecution in the name of the employee as opposed to the Council itself, in particular some degree of protection in relation to costs and the ability to deal with the matter should the defendant fail to appear.

**3.2 Corporate Plan / Operational Plan**

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

**3.3 Policy Implications**

Nil identified

**3.4 Risk Management Implications**

The matters have been reviewed and assessed in preparation for court.

**3.5 Delegated Authority Implications**

Nil identified

**3.6 Financial Implications**

Legal and court costs associated with the commencement of legal proceedings, including court filing fees will be met through existing budget allocations. The matters will be handled by Council's Brief Management and Prosecutions Coordinator through to the Magistrates Court therefore no external costs will be applicable.

ITEM 6.4 COMMENCEMENT OF PROSECUTIONS - DOG ATTACKS - 62585140: (Cont.)

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications

Court proceedings can establish broader understanding of statutory and local laws regulation and build community confidence in Council's ability to effectively address offending.

3.10 Human Rights Implications

Under the *Human Rights Act 2019 (Qld)*, Council must not make a decision which is incompatible with a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. Council officers consider that Council's decision in this circumstance is compatible with a person's human rights because any person against whom prosecution proceedings are commenced will have the right to a fair hearing.

3.11 Consultation / Communication

Director Community and Environmental Services  
Manager Governance and Executive Services

**ITEM 6.5**

**INFRINGEMENT NOTICE COURT ELECTION - OVERGROWN ALLOTMENT**

*Meeting / Session:* 6 AN ENGAGED COUNCIL  
*Reference:* 62585143 : 4 August 2021  
*Responsible Officer:* GL, Brief Management and Prosecutions Coordinator (CES Customer Response)

**Executive Summary**

Council's approval is sought for the commencement of a prosecution in the Magistrates Court for alleged offences under the *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011*.

The *State Penalties Enforcement Act 1999* allows for a person or company who has been issued with a penalty infringement notice to elect to have the matter heard through the Magistrates Court instead of paying the infringement.

Council has received an election request from a company who has received two penalty infringement notices. This matter has been assessed and is considered appropriate to proceed as requested to the Magistrates Court. In order to progress the matter a resolution of Council is sought authorising officers to commence court proceedings.

**RESOLUTION**

Moved by Cr Adam Hain

Seconded by Cr Mark Booth

CARRIED 12/0

1. That Council authorise the Chief Executive Officer to commence a prosecution in the Magistrates Court for the matter described in this report, for what Council officers allege to be an offence under the *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011*.
2. That the prosecution described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

ITEM 6.5 INFRINGEMENT NOTICE COURT ELECTION - OVERGROWN ALLOTMENT - 62585143 (Cont.)

## OFFICER'S RECOMMENDATION

1. That Council authorise the Chief Executive Officer to commence a prosecution in the Magistrates Court for the matter described in this report, for what Council officers allege to be an offence under the *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011*.
2. That the prosecution described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

## **REPORT DETAIL**

### **1. Background**

The *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011* provides a legal and procedural framework with the objective to provide administration, implementation and enforcement of the local government's local laws, subordinate local laws and specified regulatory powers under legislation, and to provide for miscellaneous administrative matters.

Council officers are authorised by the Chief Executive Officer, in accordance with their delegations, to issue Penalty Infringement Notices for offences that relate to Council's Local Laws and State legislation.

When a Penalty Infringement Notice is issued to a person for an offence, the *State Penalties Enforcement Act 1999* states that the alleged offender must, within 28 days after the date of the infringement notice, elect one of the following options:

- a) pay the fine in full or
- b) pay the fine in instalments (penalty amounts over \$200) or
- c) make an election to the administering authority to have the matter of the offence decided in a Magistrates Court.

In addition to the abovementioned options, Council provides the alleged offender with the opportunity to request a review of the issuing of the penalty infringement notice. Whilst there is no legislative requirement for this review, Council will undertake a review of the facts and circumstances relating to the issue of the penalty infringement notice and consider any reasonable or compassionate grounds offered by the alleged offender. A review decision is provided to the requestor in writing.

If an alleged offender elects to have the matter heard and determined by a Magistrates Court, officers undertake the same review process to ensure that the infringement notice has been correctly and lawfully issued before progressing the matter.

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

Council received requests from a company who was issued two penalty infringement notices and has elected for the matters to be heard by the Magistrates Court instead of paying the infringements, that are considered appropriate to proceed to the Magistrates Court.

The penalty infringement notices were issued to the requestor for what Council officers allege to be offences under the *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011*.

The *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011* provides amongst other things offences in relation to compliance with local laws including section 27 which establishes an offence for failure to comply with a compliance notice authorised by local law.

Council is the responsible agency for enforcement and regulation of all Local Laws within the Moreton Bay Council area. The matters have been reviewed to ensure the penalty infringement notices have been correctly and lawfully issued in preparation for progressing to court.

Officers propose to proceed as requested by the alleged offender with a prosecution via the Magistrates Court. Table 1 below outlines the offences for which the alleged offender has elected to proceed to court.

ITEM 6.5 INFRINGEMENT NOTICE COURT ELECTION - OVERGROWN ALLOTMENT - 62585143 (Cont.)

Table 1 - Court elect infringements

| Summary of charges |            |   | Infringement amount | Prosecution reference number |
|--------------------|------------|---|---------------------|------------------------------|
| <b>Matter 1</b>    | 06/05/2021 | The recipient failed to comply with a compliance notice given in relation to an overgrown allotment | \$667               | LS/2021/0249                 |
| <b>Matter 2</b>    | 11/05/2021 | The recipient failed to comply with a compliance notice given in relation to an overgrown allotment | \$667               | LS/2021/0249                 |

3. Strategic Implications

3.1 Legislative / Legal Implications

Prosecutions would be commenced in the Magistrates Court against the company who was, at the material time, the responsible person for the offence under the *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011*.

Section 237(2) of the *Local Government Act 2009* provides that 'a local government may start proceeding under the *Justices Act 1886* in the name of a local government employee who is a public officer within the meaning of that Act'. The Chief Executive Officer falls within that definition and there are a number of advantages in commencing a prosecution in the name of the employee as opposed to the Council itself, in particular some degree of protection in relation to costs and the ability to deal with the matter should the defendant fail to appear.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

Nil identified

3.4 Risk Management Implications

The statutory schemes established by the *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011* rely on Council to investigate, monitor and enforce the offences against those laws. The matters have been reviewed in preparation for court.

3.5 Delegated Authority Implications

Nil identified

3.6 Financial Implications

Legal and court costs associated with the commencement of legal proceedings, including court filing fees will be met through existing budget allocations. The matters will be handled by Council's Brief Management and Prosecutions Coordinator through to the Magistrates Court therefore no external fees will be applicable.

3.7 Economic Benefit Implications

Nil identified

3.8 Environmental Implications

Nil identified

3.9 Social Implications

Court proceedings can establish broader understanding of statutory and local laws regulation and build community confidence in Council's ability to effectively address offending.

ITEM 6.5 INFRINGEMENT NOTICE COURT ELECTION - OVERGROWN ALLOTMENT - 62585143 (Cont.)

3.10 Human Rights Implications

Under the *Human Rights Act 2019 (Qld)*, Council must not make a decision which is incompatible with a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. Council officers consider that Council's decision in this circumstance is compatible with a person's human rights because any person against whom prosecution proceedings are commenced will have the right to a fair hearing.

3.11 Consultation / Communication

Director Community and Environmental Services  
Manager Governance and Executive Services

UNCONFIRMED



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

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There was no general business items or questions taken on notice.

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**13a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL**

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No items for consideration.

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**13b. CONFIDENTIAL GENERAL BUSINESS**

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No items for consideration.

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**14. CLOSURE**

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There being no further business the Chairperson closed the meeting 9.07am.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 21/1303 to 21/1356 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 18 August 2021.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

**CONFIRMATION CERTIFICATE**

The foregoing minutes were confirmed by resolution of Council at its meeting held Wednesday, 1 September 2021.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

\_\_\_\_\_  
Councillor Peter Flannery  
Mayor

# AGENDA

## Audit Committee Meeting

**Thursday 12 August 2021**  
commencing at 1.05pm

Strathpine Chambers  
220 Gympie Road, Strathpine

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### CHAIRPERSON'S REPORT

The recommendations contained within this report of the Audit Committee meeting held 12 August recommended to the Council for adoption.

STEPHEN COATES  
CHAIRPERSON  
AUDIT COMMITTEE

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### **Membership = 5**

*(two Councillors and three external members plus one alternate member (Councillor))*

Quo

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#### Councillors

Cr Matt Constance

Cr Cath Tonks

*Cr Jodie Shipway (alternate member)*

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#### External Committee Members

Mr Stephen Coates (Chairperson)

Ms Helen Moore

Mr Peter Scott

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**UNCONFIRMED**

## **SCHEDULE OF ITEMS**

### **1 POTENTIAL CONFLICT OF INTEREST DECLARATIONS**

#### **CONDUCT AND RECORD OF MEETING**

### **2 SIGNIFICANT ORGANISATION & SYSTEM MATTERS**

|  |             |
|--|-------------|
| <b>ITEM 2.1</b><br>SIGNIFICANT ORGANISATION & SYSTEM MATTERS | <b>1295</b> |
|--|-------------|

### **3 ENTERPRISE RISK MANAGEMENT ACTIVITIES UPDATE**

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| <b>ITEM 3.1</b><br>CORPORATE SYSTEMS REVIEW | <b>1296</b> |
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| <b>ITEM 3.2</b><br>FRAUD AND CORRUPTION RISK CONTROL GROUP | <b>1297</b> |
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| <b>ITEM 3.3</b><br>REPORTABLE LOSSES | <b>1297</b> |
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### **4 FINANCIAL REPORTING**

|   |             |
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| <b>ITEM 4.1</b><br>MONTHLY FINANCIAL REPORT | <b>1298</b> |
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| <b>ITEM 4.2</b><br>DRAFT FINANCIAL STATEMENTS FOR 2020/21 AND DRAFT MEASURES OF FINANCIAL SUSTAINABILITY | <b>1299</b> |
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### **5 EXTERNAL AUDITOR REPORT**

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| <b>ITEM 5.1</b><br>QUEENSLAND AUDIT OFFICE UPDATE | <b>1300</b> |
|---|-------------|

### **6 INTERNAL AUDIT OVERVIEW, REPORTS & FOLLOW-UP ACTIONS**

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| <b>ITEM 6.1</b><br>INTERNAL AUDIT OVERVIEW | <b>1301</b> |
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### **7 GENERAL BUSINESS**

### **8 NEXT AUDIT COMMITTEE MEETING**

## ATTENDANCE & APOLOGIES

### Attendance:

#### Committee Members:

Mr Stephen Coates (Chairperson) \*via Video Conference  
Cr Cath Tonks  
Cr Jodie Shipway \*via Video Conference 1.09pm - 2.40pm  
Ms Helen Moore \*via Video Conference  
Mr Peter Scott \*via Video Conference

#### Invited External Representatives:

Mr Michael Keane (Queensland Audit Office)

#### Officers:

|   |                  |
|---|------------------|
| Acting Chief Executive Officer          | Anthony Martini  |
| Director Finance & Corporate Services   | Donna Gregory    |
| Internal Audit Manager                  | Jill Tavares     |
| Accounting Services Manager             | Denis Crowe      |
| Manager Governance & Executive Services | Darren Dallinger |
| Meeting Support                         | Larissa Kerrisk  |

### Apologies:

Cr Matt Constance

### External Representatives attended for:

#### Item 6.1

*KPMG: David Howie and Gordon Periera (via Video Conference 1.09pm - 1.41pm)*

*Director Community & Environmental Services Bill Halpin (via Video Conference 1.25pm - 1.41pm)*

*PwC: Sean Rooney and Anita Kubler (via Video Conference 1.42pm - 1.53pm)*

*Director Planning - David Corkill - (via Video Conference 1.42pm - 1.53pm)*

*E&Y: Jon Lucas, Victoria Solilova and Luke Kim (via Video Conference 1.54pm - 2.28pm)*

*Project Manager Loretta Libke - (via Video Conference 1.54pm - 2.17pm)*

#### Item 3.1

*Project Manager Loretta Libke (via Video Conference 2.47pm - 2.58pm)*

## 1 POTENTIAL CONFLICT OF INTEREST DECLARATIONS

Committee members are required to provide written declarations declaring any potential or actual conflicts of interest they may have in relation to their responsibilities.

As they arise between meetings, or at the beginning of each Committee meeting, members are required to declare any new or changed potential or actual conflicts of interest that may apply to specific matters on the meeting agenda.

There were no declarations made.

## CONDUCT AND RECORD OF MEETING

### Conduct in closed session

Council is obligated under Chapter 8, Part 2 Division 1A of the Local Government Regulation 2012 (Regulation) for its meetings to be open.

s254A(2) of the Regulation states that Division 1A does not apply to Audit Committee meetings.

**In accordance with Council's Decision-making Framework, Audit Committee meetings are not open to the public and are conducted in closed session.**

### Record

The Audit Committee is a non-decision-making meeting.

S211 of the Regulation states:

- (1)(c) *as soon as practicable after a meeting of the committee, give the local government a written report about the matters reviewed at the meeting and the committee's recommendations about the matters.*
- (1)(4) *the Chief Executive Officer must present the report mentioned in subsection (1)(c) at the next meeting of the local government.*

**The report and recommendations from this meeting will be submitted to Council's next General Meeting for adoption in accordance with s211 of the Regulation.**

### IN CAMERA SESSION

**Pursuant to the Audit Committee Terms of Reference, the Audit Committee to meet in-camera (closed session to Committee Members only).**

An in-camera session was not held.

## 2 SIGNIFICANT ORGANISATION & SYSTEM MATTERS

### ITEM 2.1 SIGNIFICANT ORGANISATION & SYSTEM MATTERS

Meeting / Session: *AUDIT*  
Responsible Officer: *AM, Acting Chief Executive Officer (A/CEO, CEO's Office)*

The Acting Chief Executive Officer provided an update to the Audit Committee on relevant organisational matters, as outlined below.

- COVID-19 - during the initial lockdown on 31 July 2021 and post 8 August 2021, Council focused on keeping staff safe and balancing allowed service provision. The Business Continuity Management Team continues to monitor the Queensland Chief Health Officer directions.
- Staff survey update
- Recruitment
- Organisational structure - updated as at 23 June 2021
- Leader Connect forum
- Change Management
- Moreton Says Survey
- Corporate Plan

#### COMMITTEE RECOMMENDATION

Moved by Peter Scott

Seconded by Cr Cath Tonks

CARRIED

That the updated provided by the Acting Chief Executive Officer be noted.

### 3 ENTERPRISE RISK MANAGEMENT ACTIVITIES UPDATE

#### ITEM 3.1 CORPORATE SYSTEMS REVIEW

Meeting / Session: AUDIT COMMITTEE - Refer **Confidential** Supporting Information 62539601  
Responsible Officer: LL, Project Manager (FCS Project Services)

Project Manager - Loretta Libke attended Audit Committee to provide an update on the TechOne project.

#### COMMITTEE RECOMMENDATION

Moved by Helen Moore  
Seconded by Cr Cath Tonks

CARRIED

That the update provided in relation to the TechOne project be noted.

**ITEM 3.2  
FRAUD AND CORRUPTION RISK CONTROL GROUP**

Meeting / Session: AUDIT COMMITTEE  
Reference: 62583664 : 3 August 2021 - Refer **Confidential** Supporting Information  
62583772  
Responsible Officer: MP, Governance Manager (FCS, Executive Services)

**Executive Summary**

The purpose of this report is to provide an update on fraud and corruption control incidents and trends for the reporting period.

**COMMITTEE RECOMMENDATION**

Moved by Peter Scott  
Seconded by Stephen Coates

**CARRIED**

That the Fraud and Corruption Risk Control Group Incident and Trend Report as at 30 July 2021 be received and noted.

**ITEM 3.3  
REPORTABLE LOSSES**

Meeting / Session: AUDIT COMMITTEE  
Reference: Refer **Confidential** Supporting Information 62542774  
Responsible Officer: DG, Director Finance & Corporate Services (FCS Directorate)

Manager Governance and Executive Services provided an update to the Audit Committee on Council's Register of Reportable Loss - Council Assets.

The Register will be provided to the Audit Committee on a quarterly basis.

**COMMITTEE RECOMMENDATION**

Moved by Helen Moore  
Seconded by Cr Cath Tonks

**CARRIED**

That the update provided in Council's Register of Reportable Loss - Council Assets be received and noted.



## 4 FINANCIAL REPORTING

### ITEM 4.1 MONTHLY FINANCIAL REPORT

*Meeting / Session:* AUDIT  
*Reference:* **Refer Supporting Information 62216492 & 62216423 (Extract of Actual Report to General Meeting)**  
*Responsible Officer:* DC, Accounting Services Manager (CEO Accounting Services)

In accordance with the adopted Audit Plan a copy of the most recent Financial Reports are attached for Committee's information (refer supporting information).

- Monthly Financial Report for 31 May 2021, as adopted by Council at its meeting of 23 June 2021

It is noted that the attachments are an extract of the report and supporting information from that meeting.

### COMMITTEE RECOMMENDATION

Moved by Peter Scott

Seconded by Helen Moore

CARRIED

That the Monthly Financial Report for 31 May 2021, as adopted by Council on Wednesday 23 June 2021 be received and noted.

**ITEM 4.2  
DRAFT FINANCIAL STATEMENTS FOR 2020/21 AND DRAFT MEASURES OF  
FINANCIAL SUSTAINABILITY**

*Meeting / Session:* AUDIT  
*Reference:* 62506669: 26 July 2021 - Refer **Confidential Supporting Information**  
**62544792**  
*Responsible Officer:* DC, Manager Accounting Services (FCS Accounting Services)

**Executive Summary**

The purpose of this report is to present the Draft Financial Statements for 2020/21, the current year Financial Sustainability Statement and the Long-Term Financial Sustainability Statement.

**COMMITTEE RECOMMENDATION**

Moved by Peter Scott

Seconded by Helen Moore

**CARRIED**

1. That the Draft Financial Statements for 2020/21 together with the Current-Year Financial Sustainability Statement and the Long-Term Financial Sustainability Statement as presented be received.
2. That it be noted further adjustments will be required to the Draft Financial Statements as reconciliations are finalised and prior to submission to the Auditor-General for Audit by 23<sup>rd</sup> August.

## 5 EXTERNAL AUDITOR REPORT

### ITEM 5.1 QUEENSLAND AUDIT OFFICE UPDATE

Meeting / Session: *AUDIT COMMITTEE*  
Reference: *Refer **Confidential** Supporting Information 62587352 & 62356432*

Queensland Audit Office provided an update to the Audit Committee.

#### COMMITTEE RECOMMENDATION

Moved by Cr Cath Tonks  
Seconded by Stephen Coates

CARRIED

That the Queensland Audit Office update be received and noted.

## 6 INTERNAL AUDIT OVERVIEW, REPORTS & FOLLOW-UP ACTIONS

### ITEM 6.1 INTERNAL AUDIT OVERVIEW

*Meeting / Session:* AUDIT  
*Reference:* 62602584 : Refer **Confidential** Supporting Information 62598519, 62598833,  
62601738, 62575486, 62575509, 62600446

*Responsible Officer:* JT, Internal Audit Manager (CEOs Office)

#### Executive Summary

This report provides information to the Audit Committee on the activities of the Internal Audit function for the period from 14 May 2021 to 5 August 2021

#### COMMITTEE RECOMMENDATION

Moved by Peter Scott

Seconded by Helen Moore

CARRIED

That the Audit Committee notes and endorses this report and associated supporting information.

## 7 GENERAL BUSINESS

Nil.

## 8 NEXT AUDIT COMMITTEE MEETING

7 October 2021 - teleconference.

### **CLOSURE**

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There being no further business the Chairperson closed the meeting at 3.30pm.

UNCONFIRMED

Phone: (07) 3205 0555  
Our Ref: 62483370; 62333994;  
30051794; 110022  
Date: 17 August 2021

Ms Jamie Preece  
[REDACTED]  
[REDACTED]

Dear Ms Jamie Preece

**Petition to Cancel Footpath Construction in Cuthbert Street, Albany Creek**

I refer to your petition lodged by you as the Principal Petitioner and tabled to Council on 23 June 2021 and Council's Transport Network Management team for further investigation and response.

Background

Investment in new footpaths is consistent with the principles contained within Council's Active Transport Strategy. If you wish to view or download Council's Active Transport Strategy, it is available online at [www.moretonbay.qld.gov.au](http://www.moretonbay.qld.gov.au).

A key component in encouraging people to walk instead of driving is to ensure relevant infrastructure such as pathways and safe crossings are in place.

The proposed pathway along Cuthbert Street will allow users including children, people with prams, people with a disability and seniors to safely walk on a pathway rather than to negotiate traffic on a street where no pathway is currently available. The Cuthbert Street footpath link will provide a much safer alternative for vulnerable users such as students walking to All Saints Parish Primary School.

Many factors are considered when determining the alignment for a pathway including pedestrian movement, constructability issues and minimising tree removal. Council removes trees only where it is necessary, for example due to restricted space or alignment and any trees removed will be replaced (offset) with a similar species.

While it is acknowledged that not everyone will walk to destinations or for exercise, providing footpaths allows the broader community a safer walking option.

Summary

Given the wider community benefit and the improved safety, it is advised that Council will proceed with the delivery of a pathway along the southern side of Cuthbert Street in the 2021/22 financial year.

As the Principal Petitioner, can you please pass on the above information to other petitioners as required. Should you require further information on the project, please contact [REDACTED] on (07) 3205 0555 or email [mbrc@moretonbay.qld.gov.au](mailto:mbrc@moretonbay.qld.gov.au).

Yours sincerely  
[REDACTED]  
[REDACTED]

**A/Manager Integrated Transport Planning and Design**  
Infrastructure Planning

cc: Cr Cath Tonks - Division 9