



MINUTES

GENERAL MEETING

Wednesday 18 August 2021

commencing at 8.31am

Caboolture Chambers
2 Hasking Street, Caboolture

ENDORSED GM20210901

Membership = 13
Mayor and all Councillors

Quorum = 7

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

RESOLUTION

Moved by Cr Tony Latter

Seconded by Cr Cath Tonks

CARRIED 13/0

That the minutes of the General Meeting held 18 August 2021, be confirmed.

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1. ACKNOWLEDGEMENT OF COUNTRY

Cr Karl Winchester provided the Acknowledgement of Country.

2. OPENING PRAYER / REFLECTION

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

3. ATTENDANCE & APOLOGIES

Attendance:

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

4. MEMORIALS OR CONDOLENCES

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.

5. CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

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.

6. PRESENTATION OF PETITIONS

(Addressed to the Council and tabled by Councillors)

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

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.

7. CORRESPONDENCE

There was no correspondence tabled.

8. COMMUNITY COMMENT

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

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

(s262 of the Local Government Regulation 2012)

There were no Notices of Motion.

10. CONFLICTS OF INTEREST NOTIFIED TO THE CEO

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

10.1. Declarable Conflict of Interest - Cr Karl Winchester

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

RESOLUTION

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.

10.2. Declarable Conflict of Interest - Cr Darren Grimwade

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.

10.3. Declarable Conflict of Interest - Cr Mark Booth

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 Savage

Pursuant to s150EQ of the *Local Government Act 2009*, and as stated at Council Briefings held 10 August 2021, Cr Brooke Savage 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 Savage in her 2016 & 2020 election.

However, Cr Savage 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 Savage 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 Savage 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
1 Progressive economy	Cr D Sims (Deputy Mayor)	Cr K Winchester
2 Thriving communities	Cr M Gillam	Cr S Ruck
3 Well-planned region (planning)	Cr J Shipway	Cr M Booth
4 Well-planned region (transport)	Cr A Hain	C T Latter
5 Healthy environments	Cr C Tonks	Cr B Savige
6 An engaged council	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	Quayclean Australia Pty Ltd	100.00	100.00
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	Southern Cross Facilities Services Pty Ltd, trading as SCC (SA) Pty Ltd	94.27	94.27
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	Southern Cross Facilities Services Pty Ltd, trading as SCC (SA) Pty Ltd	97.31	97.31
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
Contingency - 5%	\$ 153,819.55
Total Contract - One year nine months Term (Oct-21 - Jun-23)	\$ 3,230,210.57

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
Contingency - 5%	\$ 21,720.12
Total Contract - One year nine months Term (Oct-21 - Jun-23)	\$ 456,122.55

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
Contingency - 5%	\$ 13,378.70
Total Contract - One year nine months Term (Oct-21 - Jun-23)	\$ 280,952.74

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.

3 WELL-PLANNED REGION (PLANNING) SESSION**(Cr J Shipway)**

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)

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.

RESOLUTION

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.

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.)

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.

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.)

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.

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.)

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	McIlwain 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
<u>Total Project Cost</u>	\$	<u>8,598,405.52</u>

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 signalised 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.

5 HEALTHY ENVIRONMENTS SESSION

(Cr C Tonks)

No items for consideration

6 AN ENGAGED COUNCIL SESSION

(Cr M Constance)

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)

Executive Summary

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

RESOLUTION

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.

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)

Executive Summary

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

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Brooke Savage

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:

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

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>
Total Monthly Fee Payable (excl. GST)	\$ 20,122.35

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.

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

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
Matter 1	06/05/2021	The recipient failed to comply with a compliance notice given in relation to an overgrown allotment	\$667	LS/2021/0249
Matter 2	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

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

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

13a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL

No items for consideration.

13b. CONFIDENTIAL GENERAL BUSINESS

No items for consideration.

14. CLOSURE

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