



MINUTES

GENERAL MEETING

Wednesday 25 November 2020

commencing at 9.33am

Caboolture Chambers
2 Hasking Street, Caboolture

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

Accordingly, was physically closed to the public.

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

ENDORSED GM20201209

Membership = 13
Mayor and all Councillors

Quorum = 7

RESOLUTION

Moved by Cr Jodie Shipway

Seconded by Cr Tony Latter

CARRIED 13/0

That the minutes of the General Meeting held 25 November 2020, be confirmed.

LIST OF ITEMS

1.	ACKNOWLEDGEMENT OF COUNTRY	1961
2.	OPENING PRAYER / REFLECTION	1961
3.	ATTENDANCE & APOLOGIES	1961
4.	MEMORIALS OR CONDOLENCES	1961
5.	CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING	1962
	General Meeting - 12 November 2020 (Pages 20/1862 - 20/1946)	1962
	<i>RESOLUTION</i>	
6.	ADOPTION OF AUDIT COMMITTEE MEETING REPORT & RECOMMENDATIONS	1962
	Audit Committee Meeting - 12 November 2020 (Pages 20/1947 - 20/1960)	1962
	<i>RESOLUTION</i>	
	6.1. Appointment of Chairperson - Audit Committee	
	<i>RESOLUTION</i>	
7.	PRESENTATION OF PETITIONS	1963
	<i>(Addressed to the Council and tabled by Councillors)</i>	
	7.1. Petition: Dangerous 'no diversion' at entrance to Retirement Resort (A20875697)	
8.	CORRESPONDENCE	1964
	8.1. RESPONSE to Petition: Annette Savery - change duplicate street names in Caboolture (A20389647)	
	8.2. RESPONSE to Petition: John Rick - reconsider closing Sweeney Reserve Dog Park (A20804533)	
	8.3. RESPONSE to Petition: Carly Taylor - Say no to Andrew Petrie Drive (A20821826)	
9.	COMMUNITY COMMENT	1964
10.	NOTICES OF MOTION (Repeal or amendment of resolutions)	1964
	<i>(s262 of the Local Government Regulation 2012)</i>	
11.	CONFLICTS OF INTEREST NOTIFIED TO THE CEO	1965
	11.1. Notice of Declarable Conflict of Interest - Cr Mick Gillam	
	<i>Declarable Conflict of Interest - Cr Mick Gillam</i>	1965
	<i>Councillor seeking to participate in the decision - eligible Councillors must decide</i>	1965
	<i>RESOLUTION</i>	
	11.2. Notice of Declarable Conflict of Interest to the CEO - Cr Denise Sims	
	<i>RESOLUTION</i>	

Moreton Bay Regional Council

GENERAL MEETING - 520
25 November 2020

PAGE b
Minutes

12. OFFICERS' REPORTS TO COUNCIL (conducted in Sessions)	1967
<i>(as referred by the Chief Executive Officer)</i>	
1 GOVERNANCE & ENGAGEMENT SESSION (Cr P Flannery, Mayor)	1967
2 INFRASTRUCTURE PLANNING SESSION (Cr A Hain)	1967
3 ENGINEERING, CONSTRUCTION & MAINTENANCE SESSION (Cr B Savige)	1968
ITEM 3.1 - DECLARATION OF INTEREST	1968
<i>Declarable Conflict of Interest - Cr Darren Grimwade</i>	<i>1968</i>
<i>Councillor seeking to participate in the decision - eligible Councillors must decide</i>	<i>1968</i>
RESOLUTION	
<i>Declarable Conflict of Interest - Cr Matt Constance</i>	<i>1969</i>
ITEM 3.1	1970
DAKABIN - OLD GYMPIE ROAD - ROAD UPGRADE - TELSTRA RELOCATION	
RESOLUTION	
REPORT DETAIL	
ITEM 3.2	1975
TENDER - CABOOLTURE - CABOOLTURE TO WAMURAN RAIL TRAIL - SHARED PATHWAY CONSTRUCTION (STAGE 3 - LANDSCAPE PORTION OF WORKS)	
RESOLUTION	
REPORT DETAIL	
ITEM 3.3	1980
PETRIE - BEEVILLE ROAD - ROAD REHABILITATION AND INTERSECTION UPGRADE (SERVICE RELOCATION - ENERGEX)	
RESOLUTION	
REPORT DETAIL	
ITEM 3.4	1985
TENDER - BEACHMERE - BEACHMERE LAKE - LAKE WALL RENEWAL (TIDAL EXCHANGE)	
RESOLUTION	
REPORT DETAIL	
ITEM 3.5	1991
KIPPA-RING - KLINGNER ROAD/BOARDMAN ROAD - INTERSECTION UPGRADE - SERVICE RELOCATION (ENERGEX)	
RESOLUTION	
REPORT DETAIL	
ITEM 3.6	1996
SCHEDULE OF WASTE FEES AND CHARGES - APPLICATION OF WASTE LEVY INCREASE	
RESOLUTION	
REPORT DETAIL	

Moreton Bay Regional Council

GENERAL MEETING - 520
25 November 2020

PAGE c
Minutes

ITEM 3.7 TENDER - BRENDALE - NOLAN PARK - BMX PRECINCT CONSTRUCTION RESOLUTION REPORT DETAIL	1999
ITEM 3.8 TENDER - STRATHPINE OFFICE ACCOMMODATION - DELIVERY PROGRAM RESOLUTION REPORT DETAIL	2004
4 PLANNING SESSION (Cr D Grimwade)	2010
5 COMMUNITY & ENVIRONMENTAL SERVICES SESSION (Cr M Gillam)	2011
ITEM 5.1 STATEMENT OF MANAGEMENT INTENT - FLYING FOX COLONIES RESOLUTION REPORT DETAIL	2011
ITEM 5.2 LEASE RENEWAL - GUIDES QUEENSLAND RESOLUTION REPORT DETAIL	2014
ITEM 5.3 NEW LEASE - ROYAL QUEENSLAND LAWN TENNIS ASSOCIATION LIMITED RESOLUTION REPORT DETAIL	2017
ITEM 5.4 STATEMENT OF MANAGEMENT INTENT - MOSQUITO MANAGEMENT RESOLUTION REPORT DETAIL	2021
ITEM 5.5 - DECLARATION OF INTEREST <i>Declarable Conflict of Interest - Cr Matt Constance</i>	2024 2024
ITEM 5.5 NEW LEASE - GOLDEN VALLEY KEPERRA LIONS CLUB INC RESOLUTION REPORT DETAIL	2024
ITEM 5.6 TELECOMMUNICATIONS LEASE - CLONTARF RESOLUTION REPORT DETAIL	2028
ITEM 5.7 COURT ELECTED INFRINGEMENTS RESOLUTION REPORT DETAIL	2031

Moreton Bay Regional Council

GENERAL MEETING - 520
25 November 2020

PAGE d
Minutes

6 FINANCE & CORPORATE SERVICES SESSION (Cr M Constance)	2034
13. NOTIFIED GENERAL BUSINESS ITEMS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE	2035
ITEM 13.1 PLANNING SCHEME AMENDMENTS - STUDENT ACCOMMODATION BUILDINGS RESOLUTION	2035
ITEM 13.2 WASTE COLLECTION CONTRACTOR - INDUSTRIAL DISPUTE	2035
14. CLOSED SESSION <i>(s254J of the Local Government Regulation 2012)</i>	2036
14a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL	2036
14b. CONFIDENTIAL GENERAL BUSINESS	2036
15. CLOSURE	2036

1. ACKNOWLEDGEMENT OF COUNTRY

Cr Matt Constance provided the Acknowledgement of Country.

2. OPENING PRAYER / REFLECTION

Cr Matt Constance recited the Opening Prayer for the meeting.

3. ATTENDANCE & APOLOGIES

Attendance:

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

Officers:

Chief Executive Officer	(Mr Greg Chemello)
Deputy CEO/Director Engineering, Construction & Maintenance	(Mr Tony Martini)
Director Community & Environmental Services	(Mr Bill Halpin)
Director Finance & Corporate Services	(Ms Donna Gregory)
Director Infrastructure Planning	(Mr Andrew Ryan)
Director Planning	(Mr David Corkill)
Manager Governance & Executive Services	(Darren Dallinger)
Manager Environmental Services	(Robyn Moffat)
Meeting Support	(Hayley Kenzler)

Apologies:

Nil.

4. MEMORIALS OR CONDOLENCES

Councillors observed a moment's silence in memory of residents who had passed away, noting Council's sympathy.

5. CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

General Meeting - 12 November 2020 (Pages 20/1862 - 20/1946)

RESOLUTION

Moved by Cr Jodie Shipway

Seconded by Cr Denise Sims (Deputy Mayor)

CARRIED 13/0

That the minutes of the General Meeting held 12 November 2020, be confirmed.

6. ADOPTION OF AUDIT COMMITTEE MEETING REPORT & RECOMMENDATIONS

Audit Committee Meeting - 12 November 2020 (Pages 20/1947 - 20/1960)

RESOLUTION

Moved by Cr Matt Constance

Seconded by Cr Cath Tonks

CARRIED 13/0

That the report and recommendations of the Audit Committee Meeting held 12 November 2020, be adopted.

6.1. Appointment of Chairperson - Audit Committee

At its Post-election Meeting held 29 April 2020, Council determined the composition and appointed councillor members to the Audit Committee, including the appointment of Cr Matt Constance as interim Chairperson of the Audit Committee.

Council also adopted Terms of Reference for the Audit Committee, at that time.

Clause 6 Composition, states:

To improve the level of independence and objectivity, at least two (2) suitably qualified independent external members will be appointed to the Committee under terms and conditions resolved by Council from time to time, with one (1) of them appointed as the Chairperson of the Committee.

In this regard, and subsequent to the appointment of the three external members of the Audit Committee, it is appropriate to consider the appointment of the Chairperson of the Committee from one of the external members.

In accordance with Clause 7 Membership of the Terms of Reference, specifies that:

The Chairperson shall be appointed by Council.

At the Audit Committee meeting of 12 November 2020 (Item 7.1 page 20/1959), the Committee recommends that Stephen Coates be appointed as Chairperson of the Audit Committee. In this regard, Council's resolution is sought together with the 'term of appointment'.

RESOLUTION

Moved by Cr Matt Constance

Seconded by Cr Cath Tonks

CARRIED 13/0

That Council resolve to appoint Stephen Coates as Chairperson of the Audit Committee until September 2023 (the term of his appointment).

7. PRESENTATION OF PETITIONS

(Addressed to the Council and tabled by Councillors)

7.1. Petition: Dangerous 'no diversion' at entrance to Retirement Resort (A20875697)

Cr Adam Hain tabled a petition containing 17 signatures, received from Fred Chappel, reading as follows:

"We bring this URGENT notice to your attention with the urging from our MP. The Hon. Mark Ryan after we made representation to him very recently as we, the Residents are extremely frightened of being tailgated causing a crash and possible death from these unlawful incidents outside our village.

Most of the drivers along this part of WEIER Road are very careless and drive well over the speed limit and as we have no safety off road diversion with cars coming from the North there have been many near crashes up to this date.

We urge you to urgently come and inspect this area and see personally how dangerous it is.

We Resident [sic] are mainly elderly men and women mostly are very careful drivers and want to see out our days in safety without being afraid to come home after being out and about all being aware of the danger we face each and every time we leave our peaceful village.

7.1 Petition: Dangerous 'no diversion' at entrance to Retirement Resort (Cont'd)

As this is a notice it makes you aware of the urgency of our appeal/complaint/notice and we request that you take this as a matter of faith as our Representative for our local area and install the necessary safety off road diversion and any other safety products that may assist in our safety.

We have following as many signatures as possible, taking into account that there may be Residents unavailable or involved in other personal issues, that clearly show all our concern.

We, the undersigned, now look forward to your involvement and your swift reply.'

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

8. CORRESPONDENCE

8.1. RESPONSE to Petition: Annette Savery - change duplicate street names in Caboolture (A20389647)

At the General Meeting held 5 August 2020, Council received a petition from Annette Savery regarding Kapyong Crescent and Long Tan Close, Caboolture duplicate streets names.

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

8.2. RESPONSE to Petition: John Rick - reconsider closing Sweeney Reserve Dog Park (A20804533)

At the General Meeting held 19 August 2020, Council received a petition from John Rick requesting Council to reconsider the closure of Sweeney Reserve dog park.

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

8.3. RESPONSE to Petition: Carly Taylor - Say no to Andrew Petrie Drive (A20821826)

At the General Meeting held 28 October 2020, Council received an e-petition initiated by the Option 1 Youngs Crossing Road Upgrade - Committee (Carly Taylor - Principal Petitioner), requesting Council to reject Option 2 for consideration as part of the Youngs Crossing Road upgrade.

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

9. COMMUNITY COMMENT

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

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

(s262 of the Local Government Regulation 2012)

There were no Notices of Motion for consideration.

11. CONFLICTS OF INTEREST NOTIFIED TO THE CEO

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

11.1. Notice of Declarable Conflict of Interest - Cr Mick Gillam

Cr Mick Gillam has notified the Chief Executive Officer of the following declarable conflict of interest.

Declarable Conflict of Interest - Cr Mick Gillam

Pursuant to s150EQ of the *Local Government Act 2009*, I have a declarable conflict of interest in matters relating to the Council project 101246 Planned Upgrade of the intersection of Sparkes Road / Ellis Street / Francis Road, Lawnton.

My conflict of interest arises as Jade Hut Enterprises Pty Ltd, of which I am the sole owner, owns a unit within the 29-unit block located at 40 Ellis Street, Lawnton. 40 Ellis Street is located at the intersection of Ellis Street and Francis Road, the intersection planned to be upgraded as part of the project. The project includes the four-laning of Francis Road from the railway overpass to Nightingale Drive, a distance of 624m. It also includes the straightening of the intersection with Ellis Street and Sparkes Road.

I believe my interest is no greater than that of other property owners in this locale and having considered my position am firmly of the opinion that I could participate in decisions relating to the planned upgrade Project in the public interest and seek Council's approval to continue to serve the constituents of Division 8 by participating in decisions including discussion, debate and voting.

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

RESOLUTION

Moved by Cr Mark Booth

Seconded by Cr Karl Winchester

CARRIED 12/0

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 Mick Gillam may participate in the decision subject to the following conditions:

Cr Gillam may participate in discussions (including debate) relating to Council project 101246 Planned Upgrade of the intersection of Sparkes Road / Ellis Street / Francis Road, Lawnton; however, must leave the meeting while the matter is voted on.

<p>FOR: Cr Peter Flannery (Mayor) (Chairperson) Cr Brooke Savige Cr Mark Booth Cr Adam Hain Cr Jodie Shipway Cr Sandra Ruck Cr Karl Winchester Cr Denise Sims (Deputy Mayor) Cr Cath Tonks Cr Matt Constance Cr Darren Grimwade Cr Tony Latter</p>	<p>AGAINST: Nil</p>
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Cr Mick Gillam having declared a conflict of interest was not eligible to vote

11.2. Notice of Declarable Conflict of Interest to the CEO - Cr Denise Sims

The Chief Executive Officer referred to Cr Denise Sims' notified Declarable Conflict of Interest (as appearing in the agenda and below) suggesting that as the benefit that could be derived from the "Friends of the Abbey" card was unlikely to reach the minimum threshold for a gift (being \$500) and for a reasonable person to think the Councillor could be biased, it is considered unnecessary for Cr Sims to make the declaration.

Declarable Conflict of Interest - Cr Denise Sims (Deputy Mayor)

Pursuant to s150EQ of the Local Government Act 2009, I have a declarable conflict of interest in matters relating to any council sponsorships or grants to the Abbey Museum.

The declarable conflict of interest arises because the Abbey Museum gifted me a "Friends of the Abbey" card which, when activated, entitles the holder to discounts and benefits related to Abbey events and functions as well as printed material. Despite me not having activated the card, the ability to do so remains.

I have considered my position and am firmly of the opinion that I could participate in decisions relating to sponsorship and grants to the Abbey Museum and seek Council approval to participate in decisions on the matter including discussion, debate and voting.

Cr Sims concurred with the Chief Executive Officer's suggestion and withdrew the declaration noting that the gift has been recorded in her Register of Interests.

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Jodie Shipway

CARRIED 13/0

That Council notes a declarable conflict of interest is not required by Cr Denise Sims in this instance and that the benefit is recorded in the Councillor's Register of Interests.

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

(as referred by the Chief Executive Officer)

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

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

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

1 GOVERNANCE & ENGAGEMENT SESSION

(Cr P Flannery, Mayor)

No items for consideration.

2 INFRASTRUCTURE PLANNING SESSION

(Cr A Hain)

No items for consideration.

3 ENGINEERING, CONSTRUCTION & MAINTENANCE SESSION

(Cr B Savige)

ITEM 3.1 - DECLARATION OF INTEREST

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 Item 3.1 as Telstra Corporation Limited who is the recommended supplier for the 'Dakabin - Old Gympie Road - Road Upgrade' project, has previously provided the Councillor with event tickets and hospitality to Telstra sponsored events as follows:

- 14th August 2018 with an estimated value of \$407.00
- 5th October 2018 with an estimated value of \$195.00
- 5th December 2018 with an estimated value of \$296.00
- 18th November 2020 with an estimated value of \$380.00

Cr Grimwade has considered his position and is firmly of the opinion that he could participate in any decisions relating to Telstra including discussion, debate and voting on matters in the public interest.

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

RESOLUTION

Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Cath Tonks

CARRIED 11/0

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 Darren Grimwade may participate in the decision including discussion, debate and voting on the matter as it is considered that this is in the public interest.

<p>FOR: Cr Peter Flannery (Mayor) (Chairperson) Cr Brooke Savige Cr Mark Booth Cr Adam Hain Cr Jodie Shipway Cr Sandra Ruck Cr Karl Winchester Cr Denise Sims (Deputy Mayor) Cr Mick Gillam Cr Cath Tonks Cr Tony Latter</p>	<p>AGAINST: Nil</p>
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Cr Darren Grimwade having declared a conflict of interest was not eligible to vote

*Cr Matt Constance having a possible declarable conflict of interest in this matter was not eligible to vote.
Cr Constance's declaration of a possible declarable conflict of interest was not made prior to Council's determination on Cr Grimwade's declaration.

Cr Darren Grimwade remained in the meeting.

Declarable Conflict of Interest - Cr Matt Constance

Although not legislatively required pursuant to s150EQ of the *Local Government Act 2009*, Cr Matt Constance informed the meeting of a possible declarable conflict of interest in Item 3.1 as Telstra Corporation Limited, the recommended supplier for the *Dakabin - Old Gympie Road - Road Upgrade* project, provided the Councillor with an event ticket on 18 November 2020 with an estimated value of \$380.

Cr Constance has considered his position and is firmly of the opinion that he could participate in any decisions relating to Telstra including discussion, debate and voting on matters in the public interest.

As part of an ensuing discussion, Council determined that Cr Constance was not required to make a declaration at this time as the value of the hospitality was below the minimum threshold for a gift (being \$500).

Cr Constance concurred with Council's determination and withdrew the declaration.

ITEM 3.1
DAKABIN - OLD GYMPIE ROAD - ROAD UPGRADE - TELSTRA RELOCATION

Meeting / Session: 3 ENGINEERING, CONSTRUCTION & MAINTENANCE
Reference: A20804700 : 10 November 2020
Responsible Officer: SAM, Principal Engineer (ECM Project Management)

Executive Summary

A quotation was sought from Telstra Corporation Limited (Telstra) for the relocation of power poles and associated street lighting as part of the 'Dakabin - Old Gympie Road - Road Upgrade' project.

It is recommended that Council proceed with works as per the quotation contained in the Letter of Offer (QW300967) from Telstra Corporation Limited for the sum of \$526,032.64 (excluding GST).

RESOLUTION

Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Sandra Ruck

CARRIED 13/0

1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Telstra Corporation Limited is the only supplier who is reasonably available to undertake the relocation of telecommunication infrastructure as part of the 'Dakabin - Old Gympie Road - Road Upgrade' project.
2. That the Letter of Offer (QW300967) from Telstra Corporation Limited for relocation of telecommunication infrastructure as part of the 'Dakabin - Old Gympie Road - Road Upgrade' project, for the sum of \$526,032.64 (excluding GST) be accepted.
3. That the Council enters into an agreement with Telstra Corporation Limited as described in this report.
4. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Telstra Corporation Limited for works described in Letter of Offer (QW300967) and any required variations of the agreement on Council's behalf.

ITEM 3.1 DAKABIN - OLD GYMPIE ROAD - ROAD UPGRADE - TELSTRA RELOCATION - A20804700 (Cont.)

OFFICER'S RECOMMENDATION

1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Telstra Corporation Limited is the only supplier who is reasonably available to undertake the relocation of telecommunication infrastructure as part of the 'Dakabin - Old Gympie Road - Road Upgrade' project.
2. That the Letter of Offer (QW300967) from Telstra Corporation Limited for relocation of telecommunication infrastructure as part of the 'Dakabin - Old Gympie Road - Road Upgrade' project, for the sum of \$526,032.64 (excluding GST) be accepted.
3. That the Council enters into an agreement with Telstra Corporation Limited as described in this report.
4. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Telstra Corporation Limited for works described in Letter of Offer (QW300967) and any required variations of the agreement on Council's behalf.

REPORT DETAIL

1. Background

The broader project is located at Old Gympie Road, between Alma Road and Goodwin Road, Dakabin. The scope of the work includes signalisation of two intersections of Old Gympie Road:

1. Hughes Road East and the access to Dakabin Waste Management facility; and
2. Goodwin Road and the access to the Seventh Day Adventist grounds.

The broader project involves the construction of a 4-lane dual carriageway with raised and landscaped median, longitudinal and cross drainage improvements to Old Gympie Road, wide concrete pathway on the western side, cycle lanes on both sides, identification and provision for current and future public transport needs and high-quality landscaped road sides.

The project aims to improve safety for all transport users, improve road capacity to cater for current demands and accommodate expected traffic growth, improve travel times, reduce congestion, improve safety for access to properties along the road corridor and improve facilities for pedestrian, cyclists and public transport users.

Telstra's Letter of Offer (QW300967) covers the relocation of telecommunication infrastructure. The commencement of works is dependent on Telstra formally programming the works upon receipt of approval from Council. Telstra has indicated that the relocations would commence in early 2021 and the construction duration would be approximately twelve weeks.

The broader road construction project works are expected to be tendered and then awarded in late January 2021 with construction works to commence in June 2021.

ITEM 3.1 DAKABIN - OLD GYMPIE ROAD - ROAD UPGRADE - TELSTRA RELOCATION - A20804700 (Cont.)



Figure 1 - Project Locality Plan - Extent of Telstra Relocation Works

2. Explanation of Item

A quotation was sought from Telstra for the relocation of telecommunication infrastructure as part of the 'Dakabin - Old Gympie Road - Road Upgrade' project.

Telstra provided a Letter of Offer (QW300967) for the construction of the required works for the sum of \$526,032.64 (excluding GST).

Only Telstra can undertake these works required to relocate their telecommunication network assets.

ITEM 3.1 DAKABIN - OLD GYMPIE ROAD - ROAD UPGRADE - TELSTRA RELOCATION - A20804700 (Cont.)

3. Strategic Implications

3.1 Legislative / Legal Implications

Due to the value of work being greater than \$200,000, an exception is required in accordance with section 235(a) of the Local Government Regulation 2012 that 'the local government resolves it is satisfied that there is only 1 supplier who is reasonably available', as outlined in Council's Procurement Policy 2150-006. Works or modifications to existing Telstra assets are required to be done by Telstra.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

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

3.4 Risk Management Implications

A detailed risk management plan has been prepared. The project risk relating to the Telstra telecommunication relocation works has been assessed and the following issues identified. The manner in which the possible impact of these risks is minimised is detailed below.

Construction Risks:

- Risk of design and construction non-compliances is lowered by having the asset owner complete the relocation works.
- These telecommunication asset relocation works will be undertaken ahead of the civil works construction stage to ensure no conflicts during the road construction works.
- There are no Development Applications or Development Approvals (DA's) impacting these works.
- The current covid19 issues may impact the delivery and provision of materials for the Telstra works.

3.5 Delegated Authority Implications

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

As an exception is required in accordance with section 235(a) of the Local Government Regulation 2012 that 'the local government resolves it is satisfied that there is only 1 supplier who is reasonably available', as outlined in Council's Procurement Policy 2150-006 and is therefore reported to Council for consideration.

3.6 Financial Implications

Council has allocated a total of \$15,000,000 for this project with \$2,500,000 in the 20-21 FY Capital Projects Program, \$12,500,000 in the draft 21-22 FY Capital Projects Program. All financials below are excluding GST.

Telecommunication Relocation Letter of Offer (Energex)	\$ 526,032.64
Contingency (10%)	\$ 52,603.26

Total project cost	\$ 578,635.90
	=====
Remaining allocated budget	\$ 14,421,364.10

ITEM 3.1 DAKABIN - OLD GYMPIE ROAD - ROAD UPGRADE - TELSTRA RELOCATION - A20804700 (Cont.)

The civil works (not part of this contract) are currently being designed.

There are no ongoing operational/maintenance costs for the power pole relocation works as the assets are transferred to Energex to maintain.

The budget amount for this project at this time is sufficient.

3.7 Economic Benefit Implications

The broader project will supplement capacity improvements to accommodate future traffic volumes and provide pedestrian/cyclist connectivity.

3.8 Environmental Implications

Telstra are required to comply with State Government environmental policies.

3.9 Social Implications

The broader Old Gympie Road upgrade project will provide a safe link for road users (motorists and cyclists) travelling this section of roadway.

3.10 Human Rights Implications

Nil identified

3.11 Consultation / Communication

A detailed communications plan has been prepared. Variable message boards will be in place and project notices will be distributed two weeks prior to commencement of works and project signs placed four weeks prior to the commencement of works. Weekly project updates via email will be provided to the Divisional Councillor who has been consulted and is supportive of the project.

ITEM 3.2**TENDER - CABOOLTURE - CABOOLTURE TO WAMURAN RAIL TRAIL - SHARED PATHWAY CONSTRUCTION (STAGE 3 - LANDSCAPE PORTION OF WORKS)**

Meeting / Session: 3 ENGINEERING, CONSTRUCTION & MAINTENANCE
Reference: A20675023 : 12 October 2020 - Refer **Confidential** Supporting Information A20671265
Responsible Officer: HM, Senior Project Manager (ECM Project Management)

Executive Summary

Tenders were invited from Council's Prequalified Landscape Construction Panel for the 'Caboolture - Caboolture to Wamuran Rail Trail - Shared Pathway Construction (Stage 3 - Landscape Portion of Works) (MBRC008454/VP206705)' project. The tender closed on the 23 October 2020 with a total of four tenders received, all of which were conforming.

It is recommended that the tender for 'Caboolture - Caboolture to Wamuran Rail Trail - Shared Pathway Construction (Stage 3 - Landscape Portion of Works) (MBRC008454/VP206705)' project be awarded to The Landscape Construction Company Pty Ltd for the sum of \$365,020.25 (excl. GST) as this offer represents the best value to Council.

RESOLUTION

Moved by Cr Tony Latter

Seconded by Cr Adam Hain

CARRIED 13/0

1. That the tender for 'Caboolture to Wamuran Rail Trail - Shared Pathway Construction (Stage 3 - Landscape Portion of Works)' project be awarded to The Landscape Construction Pty Ltd for the sum of \$365,020.25 (excluding GST).
2. That the Council enters into an agreement with The Landscape Construction Company Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with The Landscape Construction Company Pty Ltd for the 'Caboolture to Wamuran Rail Trail - Shared Pathway Construction (Stage 3) Landscape Portion of Works' project and any required variations of the agreement on Council's behalf.
4. That to allow this project to continue, and for Council to enter into the agreement with The Landscape Construction Company Pty Ltd for the project, Council commits to the provision of \$120,000 in additional funding for the project, with the funding to be provided at the quarter two financial review process.

ITEM 3.2 TENDER - CABOOLTURE - CABOOLTURE TO WAMURAN RAIL TRAIL - SHARED PATHWAY CONSTRUCTION (STAGE 3 - LANDSCAPE PORTION OF WORKS) - A20675023 (Cont.)

OFFICER'S RECOMMENDATION

1. That the tender for 'Caboolture to Wamuran Rail Trail - Shared Pathway Construction (Stage 3 - Landscape Portion of Works)' project be awarded to The Landscape Construction Pty Ltd for the sum of \$365,020.25 (excluding GST).
2. That the Council enters into an agreement with The Landscape Construction Company Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with The Landscape Construction Company Pty Ltd for the 'Caboolture to Wamuran Rail Trail - Shared Pathway Construction (Stage 3) Landscape Portion of Works' project and any required variations of the agreement on Council's behalf.
4. That to allow this project to continue, and for Council to enter into the agreement with The Landscape Construction Company Pty Ltd for the project, Council commits to the provision of \$120,000 in additional funding for the project, with the funding to be provided at the quarter two financial review process.

REPORT DETAIL

1. Background

The 'Caboolture - Caboolture to Wamuran Rail Trail - Shared Pathway Construction and Drainage Upgrade' project (overall project) is located along the disused rail corridor from Beerburrum Road, Caboolture to Atwood Street, Wamuran. The project involves the construction of approximately 10.5 kilometres of 3 to 3.5-metre-wide shared constructed asphalt pathway and entry statements at the Caboolture and Wamuran trail heads.

The overall project is scheduled to be delivered in three stages over multiple financial years commencing in 2017/18 and concluding in 2020/21.

- Stage 1 - Beerburrum Road, Caboolture to Bluebell Park, Caboolture 2017/18 (completed)
- Stage 2 - County Drive, Wamuran to Atwood Street, Wamuran 2018/19 - 2019/20 (completed)
- **Stage 3 - Bluebell Park, Caboolture to County Drive, Wamuran 2019/20 - 2020/21**

The 'Caboolture – Caboolture to Wamuran Rail Trail – Shared Pathway Construction (Stage 3 - Landscape Portion of Works)' project scope includes: seating nodes, drinking fountain, pavement surface treatments, signage, drainage, fencing, offset tree planting and associated landscape works.

The landscape works will commence in December 2020 and be completed by the end of February 2021.



Figure 1: Location of works

ITEM 3.2 TENDER - CABOOLTURE - CABOOLTURE TO WAMURAN RAIL TRAIL - SHARED PATHWAY CONSTRUCTION (STAGE 3 - LANDSCAPE PORTION OF WORKS) - A20675023 (Cont.)

2. Explanation of Item

Tenders for the 'Caboolture - Caboolture to Wamuran Rail Trail - Shared Pathway Construction (Stage 3 - Landscape Portion of Works (MBRC008454/VP206705)' project closed on 23 October 2020 with four tenders received, all of which were conforming.

The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

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

RANKING	TENDERER	EVALUATION SCORE
1	The Landscape Construction Company Pty Ltd	100.00
2	S.C.L Services, trading as Disc Landscapes	94.82
3	Penfold Projects Pty Ltd	88.61
4	Trelville Pty Ltd, trading as Aspect Contractors	85.47

The Landscape Construction Company Pty Ltd ('TLCC') - submitted a comprehensive tender that demonstrated their relevant experience, methodology, understanding of the project and capability in delivering the project. TLCC has recently undertaken construction work for Moreton Bay Regional Council at Caboolture to Wamuran Rail Trail - Shared Pathway Construction (Stage 1) Landscape portion of works (valued at \$1.8m); Caboolture to Wamuran Rail Trail - Shared Pathway Construction (Stage 2) Landscape portion of works (valued at \$770k); and Woody Point, Endeavour Park refurbishment of existing park (valued at \$685k).

It is recommended by the evaluation panel this project be awarded to TLCC as TLCC's tender represents the best overall value offer to Council.

S.C.L Services, trading as Disc Landscapes Pty Ltd ('SCL') - submitted a comprehensive and well-presented tender, demonstrating their project experience; however, there were no additional benefits for the higher price.

Penfold Projects Pty Ltd ('PP') - submitted a comprehensive and well-presented tender, demonstrating their project experience; however, there were no additional benefits for the higher price.

Trelville Pty Ltd Pty Ltd, trading as Aspect Contractors ('Trelville') - submitted a comprehensive and well-presented tender, demonstrating their project experience; however, there were no additional benefits for the higher price.

3. Strategic Implications

3.1 Legislative / Legal Implications

Due to the nature of the work, Council offered the tender for the work through the Vendor Panel system to a Pre-Qualified Landscape Construction Panel Arrangement (MBRC008454) in accordance with the *Local Government Act 2009*.

3.2 Corporate Plan / Operational Plan

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

ITEM 3.2 TENDER - CABOOLTURE - CABOOLTURE TO WAMURAN RAIL TRAIL - SHARED PATHWAY CONSTRUCTION (STAGE 3 - LANDSCAPE PORTION OF WORKS) - A20675023 (Cont.)

3.3 Policy Implications

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

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

The Local Preference Policy was not applied, as the project was procured via a council Landscape Construction panel arrangement in line with Council's Procurement policy.

3.4 Risk Management Implications

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

Financial Risks:

The project has been procured via Council's Prequalified Landscape Construction Panel (MBRC008454).

Construction Risks:

- a. The recommended tenderer will provide a program of works, traffic management plan, safety management plan and environmental plan as part of the contract to identify and detail how it will manage and mitigate project construction risks, this information will be assessed for appropriateness and audited by Council's Project Manager
- b. The recommended tenderer has demonstrated their understanding of the project and the need to manage the impact of the works on pedestrians and vehicles. The contractor has programmed the works and allowed for appropriate resources to be available to complete the works in the required timeframe.
- c. The recommended tenderer has indicated that their program of works takes into consideration the provision of appropriate resources to be able to complete the project works efficiently.
- d. There were no foreseen impacts currently identified by the recommended tenderer associated with COVID-19 that would adversely affect delivery of the project.
- e. There are no development assessments impacting with this project.

3.5 Delegated Authority Implications

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

The cost of this project is greater than the budget allocation and is therefore reported to Council for consideration.

3.6 Financial Implications

Council has allocated a total of \$787,687 in the 20-21 Capital Projects Program for the final stage of this project. There have been additional works requested in stage 1 by the Department of Main Roads (DTMR) and finalisation of stage 2 works in the current 20-21 FY. All financials below are excluding GST.

Additional works Stage 1:

- Works requested by TMR based on their post construction audit (tree replacements to provide increased clearance from edge of pathway + reflective taping of counter bollards adjacent to the path); and
- Trail head in ground up lighting rectifications to address ongoing water ingress fault

ITEM 3.2 TENDER - CABOOLTURE - CABOOLTURE TO WAMURAN RAIL TRAIL - SHARED PATHWAY CONSTRUCTION (STAGE 3 - LANDSCAPE PORTION OF WORKS) - A20675023 (Cont.)

Finalisation of Stage 2 works:

- Wamuran Timbers shared property boundary retaining wall, fencing and landscaping has been on hold pending a revised lease agreement being signed between Wamuran Timbers and MBRC, being arranged by Property Services.

Council Internal Construction Crews (ICC) works	\$ 271,741.10
Design 20/21	\$ 38,089.05
Contractor additional works stage 1 & stage 2 works in progress	\$ 116,167.66
King St pedestrian refuge lighting (TMR RoadTeK) works stage 3	\$ 57,277.60
Unity water relocation	\$ 19,159.00

Sub Total	\$ 502,434.41
Tender Price (Construction this tender)	\$ 365,020.25
Contingency (10%)	\$ 36,502.03
Q Leave (0.575%)	\$ 2,098.87

Total Project Cost (2020/21)	\$ 906,055.56
	=====
Estimated ongoing operational/maintenance costs	\$ 2,567.00 per F/Y.

The budget amount for this project is insufficient. That to allow this project to continue, and for Council to enter into the agreement with The Landscape Construction Company Pty Ltd for the project, Council commits to the provision of \$120,000 in additional funding for the project, with the funding to be provided at the quarter two financial review process.

3.7 Economic Benefit Implications

This project will create a shared pathway of regional significance that will promote active travel and provide opportunities to develop cycle tourism.

3.8 Environmental Implications

The contractor is required to submit an Environmental Management Plan and comply with relevant State Government Environmental Policies. The contractor will be required to manage sediment and erosion controls during construction and these measures will also be monitored by Council.

3.9 Social Implications

The project will provide a transport commuter pathway that integrates with adjacent assets and facilities including local parks, schools and links to the existing pathway network.

3.10 Human Rights Implications

Nil identified

3.11 Consultation / Communication

A detailed communication plan has been prepared for the project. Project notices were distributed to residents 4 weeks prior to commencement of Stage 3 works, including the placement of project signage. Weekly project updates via email will continue to be provided to the Divisional Councillor. Monthly project website updates will continue to be provided. The Divisional Councillors (3 and 12) have been consulted and are supportive of this project.

ITEM 3.3

PETRIE - BEEVILLE ROAD - ROAD REHABILITATION AND INTERSECTION UPGRADE (SERVICE RELOCATION - ENERGEX)

Meeting / Session: 3 ENGINEERING, CONSTRUCTION & MAINTENANCE
Reference: A20815543 : 16 November 2020
Responsible Officer: AM, Project Engineer (ECM Project Management)

Executive Summary

A quotation was sought from Energex Limited (Energex) for the relocation of overhead power poles and associated street lighting as part of the 'Petrie - Beeville Road - Road Rehabilitation and Intersection Upgrade' project.

It is recommended that Council proceed with works as per the quotation contained in the Letter of Offer (WR7375729) from Energex for the sum of \$444,852.82 (excluding GST).

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Tony Latter

CARRIED 13/0

1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Energex Limited is the only supplier who is reasonably available to undertake the relocation of power poles and associated street lighting as part of the 'Petrie - Beeville Road - Road Rehabilitation and Intersection Upgrade' project.
2. That the Letter of Offer (WR7375729) from Energex Limited for relocation of power poles and associated street lighting as part of the 'Petrie - Beeville Road - Road Rehabilitation and Intersection Upgrade' project, for the sum of \$444,852.82 (excluding GST) be accepted.
3. That the Council enters into an agreement with Energex Limited as described in this report.
4. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Energex Limited for works described in Letter of Offer (WR7375729) and any required variations of the agreement on Council's behalf.

ITEM 3.3 PETRIE - BEEVILLE ROAD - ROAD REHABILITATION AND INTERSECTION UPGRADE (SERVICE RELOCATION - ENERGEX) - A20815543 (Cont.)

OFFICER'S RECOMMENDATION

1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Energex Limited is the only supplier who is reasonably available to undertake the relocation of power poles and associated street lighting as part of the '*Petrie - Beeville Road - Road Rehabilitation and Intersection Upgrade*' project.
2. That the Letter of Offer (WR7375729) from Energex Limited for relocation of power poles and associated street lighting as part of the '*Petrie - Beeville Road - Road Rehabilitation and Intersection Upgrade*' project, for the sum of \$444,852.82 (excluding GST) be accepted.
3. That the Council enters into an agreement with Energex Limited as described in this report.
4. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Energex Limited for works described in Letter of Offer (WR7375729) and any required variations of the agreement on Council's behalf.

REPORT DETAIL

1. Background

The project is located on Beeville Road, from Dayboro Road to the entry road to the Mick Hanfling Park, Torrens Road, Petrie. The project scope includes the rehabilitation of the subject section of road over a length of 1500 metres and the reconfiguration of the existing 4-way priority-controlled intersection at Frenchs Road to traffic signals. The project includes signalised pedestrian crossing facilities, pathway renewal and widening, shoulder widening, on-road bicycle lanes and additional traffic (turn) lanes to all approaches, raised medians renewal of the existing surface and landscaping to medians and road verges.

The project objective is to renew the pavement and achieve the required level of service and to improve safety for all transport users, reduce traffic congestion and delays caused by sustained and future traffic demand, improve safety for access to properties along the road corridor and improve facilities for pedestrian, cyclists and public transport patrons.

Energex's Letter of Offer (WR7375729) covers the relocation of Energex LV poles and overhead wiring with their associated street lighting, as well as undergrounding the network at the intersection. The commencement of works is dependent on Energex formally programming the works upon receipt of approval from Council. Energex has indicated that the relocations would commence in March 2021 and the construction duration would be approximately four weeks.

The broader road construction project works are expected to be tendered and awarded in late January 2021 with construction works to commence in June 2021.

ITEM 3.3 PETRIE - BEEVILLE ROAD - ROAD REHABILITATION AND INTERSECTION UPGRADE (SERVICE RELOCATION - ENERGEX) - A20815543 (Cont.)

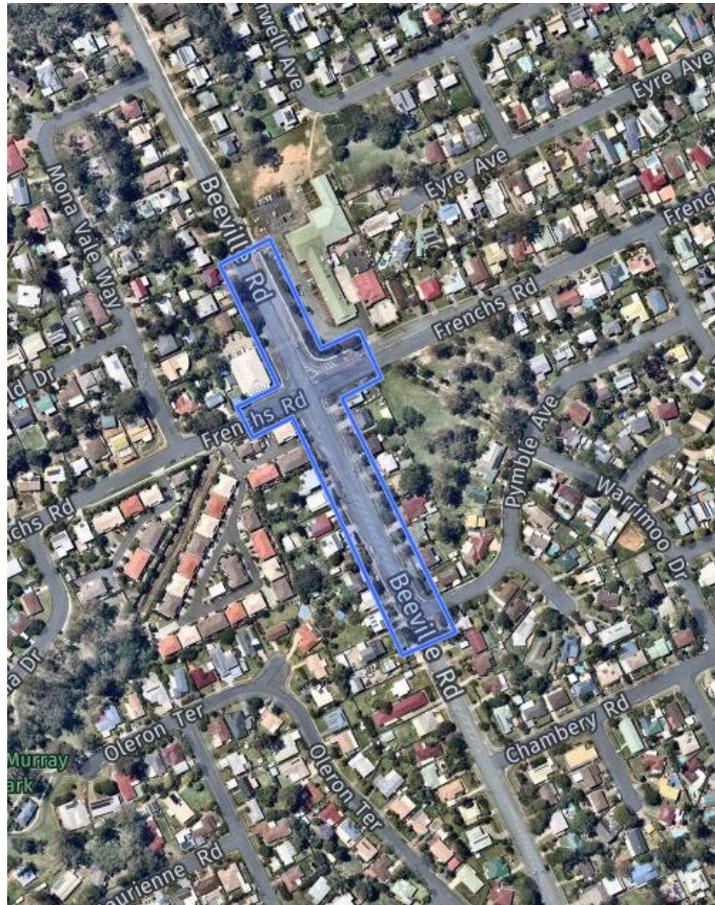


Figure 1 - Project Locality Plan - Extent of Energex Relocation Works

2. Explanation of Item

A quotation was sought from Energex for the relocation of power poles and associated street lighting as part of the 'Petrie - Beeville Road - Road Rehabilitation and Intersection Upgrade' project.

Energex provided a Letter of Offer (WR7375729) for the design and construction of the required works for the sum of \$444,852.82 (excluding GST).

Only Energex can undertake these works required to relocate their power network assets.

3. Strategic Implications

3.1 Legislative / Legal Implications

Due to the value of work being greater than \$200,000, an exception is required in accordance with section 235(a) of the Local Government Regulation 2012 that 'the local government resolves it is satisfied that there is only 1 supplier who is reasonably available', as outlined in Council's Procurement Policy 2150-006. Works or modifications to existing Energex assets are required to be done by Energex.

3.2 Corporate Plan / Operational Plan

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

ITEM 3.3 PETRIE - BEEVILLE ROAD - ROAD REHABILITATION AND INTERSECTION UPGRADE (SERVICE RELOCATION - ENERGEX) - A20815543 (Cont.)

3.3 Policy Implications

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

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

3.4 Risk Management Implications

A detailed risk management plan has been prepared. The project risk relating to the Energex pole relocation works has been assessed and the following issues identified. The manner in which the possible impact of these risks is minimised is detailed below.

Construction Risks:

- Risk of design and construction non-compliances is lowered by having the asset owner complete the relocation works.
- These pole relocation works will be undertaken ahead of the civil works construction stage to ensure no conflicts during the road construction works.
- There are no Development Applications or Development Approvals (DA’s) impacting these works.
- COVID-19 issues may impact the delivery and provision of materials for the Energex works.

3.5 Delegated Authority Implications

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

As an exception is required in accordance with section 235(a) of the Local Government Regulation 2012 that ‘the local government resolves it is satisfied that there is only 1 supplier who is reasonably available’, as outlined in Council’s Procurement Policy 2150-006 and is therefore reported to Council for consideration.

3.6 Financial Implications

Council has allocated a total of \$6,400,000 for this project with \$1,500,000 in the 20-21 FY Capital Projects Program and a further \$4,900,000 in the draft 21-22 FY Capital Projects Program. All financials below are excluding GST.

Letter of Offer (Energex)	\$ 444,852.82
Contingency (10%)	\$ 44,485.28

Total project cost	\$ 489,338.10
	=====

There are no ongoing operational/maintenance costs for the power pole relocation works as the assets are transferred to Energex to maintain.

The budget amount for this project is sufficient to undertake the relocation of Energex LV poles and overhead wiring with their associated street lighting component of the works.

The civil works (not part of this contract) have not yet been tendered. Tenders will be called shortly for the broader project works, with the outcome known in February 2021.

ITEM 3.3 PETRIE - BEEVILLE ROAD - ROAD REHABILITATION AND INTERSECTION UPGRADE (SERVICE RELOCATION - ENERGEX) - A20815543 (Cont.)

3.7 Economic Benefit Implications

The project will reduce existing delays on for traffic on Frenchs Road and improve pedestrian connectivity.

3.8 Environmental Implications

Energex is required to comply with State Government environmental policies.

3.9 Social Implications

The intersection upgrade will improve safety for both pedestrians and motorists.

3.10 Human Rights Implications

Nil identified

3.11 Consultation / Communication

A detailed communications plan has been prepared. Variable message boards will be in place and project notices will be distributed to the adjacent residents and shop traders two weeks prior to commencement of works and project signs placed four weeks prior to the commencement of works. Weekly project updates via email will be provided to the Divisional Councillor who has been consulted and is supportive of the project.

ITEM 3.4

TENDER - BEACHMERE - BEACHMERE LAKE - LAKE WALL RENEWAL (TIDAL EXCHANGE)

Meeting / Session: 3 ENGINEERING, CONSTRUCTION & MAINTENANCE
Reference: A20710557 : 13 November 2020 - Refer **Confidential Supporting Information A20672637**
Responsible Officer: ML, Project Engineer, (ECM Project Management)

Executive Summary

Tenders were invited from Council's Prequalified Civil Construction Panel for the 'Beachmere - Beachmere Lake - Lake Wall Renewal (Tidal Exchange) (MBRC008453/ VP196634)' project. The tender closed on 8 October 2020 with a total of two tenders received, both of which were conforming.

It is recommended that the tender for the 'Beachmere - Beachmere Lake - Lake Wall Renewal (Tidal Exchange) (MBRC008453/ VP196634)' project be awarded to Auzcon Pty Ltd for the sum of \$235,341 (excluding GST) as this offer represents the best overall value to Council.

RESOLUTION

Moved by Cr Mark Booth

Seconded by Cr Adam Hain

CARRIED 13/0

1. That the tender for 'Beachmere - Beachmere Lake - Lake Wall Renewal (Tidal Exchange) (MBRC008453/ VP196634)' project be awarded to Auzcon Pty Ltd for the sum of \$235,341 (excluding GST).
2. That the Council enters into an agreement with Auzcon 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 Auzcon Pty Ltd for 'Beachmere - Beachmere Lake - Lake Wall Renewal (Tidal Exchange) (MBRC008453/ VP196634)' and any required variations of the agreement on Council's behalf.
4. That to allow this project to continue, and to allow Council to enter into an agreement with the recommended tenderer, Council commits to the additional funds of \$280,000 being provided at the quarter two budget review process.

ITEM 3.4 TENDER - BEACHMERE - BEACHMERE LAKE - LAKE WALL RENEWAL (TIDAL EXCHANGE) - A20710557 (Cont.)

OFFICER'S RECOMMENDATION

1. That the tender for 'Beachmere - Beachmere Lake - Lake Wall Renewal (Tidal Exchange) (MBRC008453/ VP196634)' project be awarded to Auzcon Pty Ltd for the sum of \$235,341 (excluding GST).
2. That the Council enters into an agreement with Auzcon 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 Auzcon Pty Ltd for 'Beachmere - Beachmere Lake - Lake Wall Renewal (Tidal Exchange) (MBRC008453/ VP196634)' and any required variations of the agreement on Council's behalf.
4. That to allow this project to continue, and to allow Council to enter into an agreement with the recommended tenderer, Council commits to the additional funds of \$280,000 being provided at the quarter two budget review process.

REPORT DETAIL

1. Background

The project is located at Beachmere Lake, Biggs Avenue (Kunde Street to Second Avenue), Beachmere. The project scope of works involves the construction of a new tidal exchange system at Beachmere Lake. The current tidal exchange system provides regular inflows of sea water at high tides to gradually recycle the lake water and promote mixing. Despite this, the lake tends to be poorly mixed, leading to reduced dissolved oxygen and salinity concentrations. Recent investigations have identified some necessary modifications to the stormwater system required to enable the flushing system to be operated as intended and allow for improved maintenance access.

Construction of the tidal exchange project is scheduled to commence in early December 2020 and will be constructed over a 4-week period, which includes an allowance for wet weather.

The overall project scope was outlined in the construction tender report considered by Council on 25 February 2020 for the Beachmere Lake Wall Renewal.

The following resolution appears on Minute Page 20/620 of the General Meeting of Council held 13 May 2020:

Ex. General Meeting held 25 February 2020 (MP. 20/572):

RESOLUTION

1. That the tender for 'Beachmere - Beachmere Lake - Lake Wall Renewal (MBRC009402)' be awarded to AUZCON PTY LTD for the sum of \$595,524 (excluding GST).
2. That the Council enters into an agreement with Auzcon 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 Auzcon Pty Ltd for 'Beachmere - Beachmere Lake - Lake Wall Renewal (MBRC009402)' and any required variations of the agreement on Council's behalf.
4. To allow this project to continue, Council commits the required \$720,000 in the draft 2020/21 Financial Year Capital Projects Program budget towards the project 'Beachmere - Beachmere Lake - Lake Wall Renewal (MBRC009402)'.

ITEM 3.4 TENDER - BEACHMERE - BEACHMERE LAKE - LAKE WALL RENEWAL (TIDAL EXCHANGE) - A20710557 (Cont.)



2. Explanation of Item

Tenders for the 'Beachmere - Beachmere Lake - Lake Wall Renewal (Tidal Exchange) (MBRC008453/VP196634)' project closed on 8th October 2020 with two tenders received, of which both were conforming. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

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

RANK	TENDERER	EVALUATION SCORE
1	Auzcon Pty Ltd	92.49
2	Allencon Pty Ltd	91.63

Auzcon Pty Ltd ('Auzcon') - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience. A tender clarification meeting was held on 2 November 2020 at which Auzcon demonstrated their relevant experience, detailed methodology which included suitable construction methodology (work from the lake) and environmental management. Auzcon have completed projects for Moreton Bay Regional Council including Nathan Road Bulk Earthworks and Drainage Works (\$6.3M), Pine Rivers Park Flow Control Chambers (\$320k); and Marcoola Levee Bank Construction (\$2.3M) for Sunshine Coast Council. Auzcon are currently contracted to complete the Lake Wall Renewal works at the Beachmere Lake.

ITEM 3.4 TENDER - BEACHMERE - BEACHMERE LAKE - LAKE WALL RENEWAL (TIDAL EXCHANGE) - A20710557 (Cont.)

The evaluation panel recommend that the tender from Auzcon Pty Ltd provides the best overall value offer to Council.

Allencon Pty Ltd ('Allencon') - submitted a comprehensive and well-presented tender that demonstrated the contractor's relevant experience and was the lowest priced submission. However, the proposed method of vacuum excavation for the required sub aquatic pipe trenches did not adequately address potential environmental impacts from sediment disturbance. The proposed method of installation from the lake edge (as opposed to from the water) is considered greater intrusive work method to the adjacent lake residents.

3. Strategic Implications

3.1 Legislative / Legal Implications

Council sought quotations via Council's Prequalified Civil Construction Panel (MBRC008453) for the work through Vendor Panel in accordance with the *Local Government Act 2009*.

3.2 Corporate Plan / Operational Plan

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

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.

The Local Preference Policy was not applied, as the project was procured via Council's Prequalified Civil Construction panel arrangement in line with Council's Procurement Policy.

3.4 Risk Management Implications

A detailed risk management plan has been prepared. The project risk will be related to the Beachmere Wall Renewal project. The project risk has been assessed and the following issues identified. The manner in which the possible impact of these risks are minimised is detailed below.

Financial Risks:

The Project has been procured via Council's Prequalified Civil Construction Panel (MBRC008453).

Construction Risks:

- There are no procurement issues identified with this project. The lead time to procure materials is considered suitable.
- The recommended tenderer has advised that there are no foreseen COVID-19 related issues which will adversely impact the delivery of this project.
- The recommended tenderer has demonstrated their understanding of the project site and the need to manage the environmental land safety impacts for vehicles, pedestrians and adjacent private properties.
- The recommended tenderer will provide a program of works, traffic management plan, safety management plan and environmental management plan as part of the contract to identify and detail how they will manage and mitigate project construction risks. This information will be assessed for appropriateness and monitored by Project Management.
- There are no Development Approvals impacting this project.

ITEM 3.4 TENDER - BEACHMERE - BEACHMERE LAKE - LAKE WALL RENEWAL (TIDAL EXCHANGE) - A20710557 (Cont.)

3.5 Delegated Authority Implications

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

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

3.6 Financial Implications

Council has allocated a total of \$1,020,000 for this project with \$300,000 in the 19-20 FY Capital Projects Budget and \$720,000 in the 20-21 FY Capital Projects Budget. All figures below are exclusive of GST.

Beachmere Lake - Lake Wall

Beachmere Lake Wall Renewal Project (awarded 25/2/20)	\$ 595,524.00
Contingency (20%)	\$ 119,104.80
QLeave (0.475%)	\$ 2,828.74

Sub-total 1	\$ 717,457.54
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Concrete Cap for Lake Wall (Variation)*	\$ 98,000.00
Sheet Pile Design Change (Variation)**	\$ 129,817.50
Tree Preservation Design Change (Variation)***	\$ 61,600.00
ADAC As Constructed Surveyor	\$ 2,515.00

Sub-total 2	\$ 291,932.50
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Beachmere Lake - Tidal Exchange

Tidal Exchange Upgrade Design	\$ 7,000.00
Tender Price	\$ 235,341.00
Contingency (20%)	\$ 47,068.20
QLeave (0.575%)	\$ 1,353.21

Sub-total 3	\$ 290,762.41
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Total Project Cost (1+2+3)	\$1,300,152.45
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*As part of the Beachmere Lake Wall Renewal contract awarded in February 2020, through the design phase a variation was approved for the contractor to supply and install a concrete cap to the new lake wall. The concrete cap will help to provide increased longevity and protection for the new lake wall.

**During the design review phase Council requested the contractor to omit the stabilised concrete toe that was proposed by contractor at the tender and contract award stage for the Beachmere Lake Wall Renewal. The final design will include thicker, deeper sheet piles (4 m deep TKV 9.5 mm). Thicker, deeper sheet piles are required in place of the concrete stabilised toe.

***In order to keep the existing trees around the lake wall the design alignment of the new wall was amended to move approximately 135 metres of lake wall 1 metre inwards, resulting in additional design and construction costs.

Estimated ongoing operational/maintenance costs \$720 per F/Y.

ITEM 3.4 TENDER - BEACHMERE - BEACHMERE LAKE - LAKE WALL RENEWAL (TIDAL EXCHANGE) - A20710557 (Cont.)

The budget amount for this project is insufficient. To allow this project to continue, and to allow Council to enter into an agreement with the recommended tenderer, Council commits to the additional funds of \$280,000 being provided at the quarter two budget review process.

3.7 Economic Benefit Implications

The upgrade / improvement of the tidal exchange system will improve the function of the system and help decrease costs associated with the set up for survey / CCTV inspections of the exchange system. The upgrade will reduce the costs associated with reactional maintenance due to blockages of the system and related fish kill implications.

3.8 Environmental Implications

The upgrade / improvement of the tidal exchange system will improve / increase the tidal flushing within the system and improve the overall water quality of the system.

3.9 Social Implications

The upgrade / improvement of the tidal exchange system will improve / increase the tidal flushing within the system and improve the overall water quality within the lake system and provide improved amenity for the local community.

3.10 Human Rights Implications

Nil identified

3.11 Consultation / Communication

A detailed communication plan has been prepared. The location of the tidal exchange works is at the northern section of the lake as per figure 1. Project signage will be displayed in accordance with the current Beachmere Lake Wall Renewal project. Updated project notices will be hand delivered prior to commencement on tidal exchange project site to the residents adjacent to the work site as a further update to the Beachmere Lake Wall Renewal project. Weekly email updates will be provided to the Divisional Councillor as part of the Beachmere Lake Renewal Project. The Divisional Councillor has been consulted and is supportive of the tidal exchange project.

ITEM 3.5

KIPPA-RING - KLINGNER ROAD/BOARDMAN ROAD - INTERSECTION UPGRADE - SERVICE RELOCATION (ENERGEX)

Meeting / Session: 3 ENGINEERING, CONSTRUCTION & MAINTENANCE
Reference: A20797501 : 9 November 2020
Responsible Officer: SAM, Principal Engineer (ECM Project Management)

Executive Summary

A quotation was sought from Energex Limited (Energex) for the relocation of power poles and associated street lighting as part of the 'Kippa-Ring - Klingner Road / Boardman Road - Intersection Upgrade' project.

It is recommended that Council proceed with works as per the quotation contained in the Letter of Offer (WR7401157) from Energex for the sum of \$306,351.65 (excluding GST).

RESOLUTION

Moved by Cr Karl Winchester

Seconded by Cr Tony Latter

CARRIED 13/0

1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Energex Limited is the only supplier who is reasonably available to undertake the relocation of power poles and associated street lighting as part of the 'Kippa-Ring - Klingner Road / Boardman Road - Intersection Upgrade' project.
2. That the Letter of Offer (WR7401157) from Energex Limited for relocation of power poles and associated street lighting as part of the 'Kippa-Ring - Klingner Road / Boardman Road - Intersection Upgrade' project, for the sum of \$306,351.65 (excluding GST) be accepted.
3. That the Council enters into an agreement with Energex Limited as described in this report.
4. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Energex Limited for works described in Letter of Offer (WR7401157) and any required variations of the agreement on Council's behalf.

ITEM 3.5 KIPPA-RING - KLINGNER ROAD/BOARDMAN ROAD - INTERSECTION UPGRADE - SERVICE RELOCATION (ENERGEX) - A20797501 (Cont.)

OFFICER'S RECOMMENDATION

1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Energex Limited is the only supplier who is reasonably available to undertake the relocation of power poles and associated street lighting as part of the '*Kippa-Ring - Klingner Road / Boardman Road - Intersection Upgrade*' project.
2. That the Letter of Offer (WR7401157) from Energex Limited for relocation of power poles and associated street lighting as part of the '*Kippa-Ring - Klingner Road / Boardman Road - Intersection Upgrade*' project, for the sum of \$306,351.65 (excluding GST) be accepted.
3. That the Council enters into an agreement with Energex Limited as described in this report.
4. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Energex Limited for works described in Letter of Offer (WR7401157) and any required variations of the agreement on Council's behalf.

REPORT DETAIL

1. Background

This project is located at the intersection of Klingner and Boardman Roads, Kippa-Ring. The broad project scope of works includes upgrading the existing roundabout to a signalised intersection, road widening to intersection approaches including additional lanes, construction of a raised and landscaped median and verges on intersection approaches, longitudinal drainage improvements, concrete pathways on both sides, cycle lanes on both sides and identification and provision of current and future public transport needs.

Energex's Letter of Offer (WR7401157) covers the relocation of Energex LV poles and overhead wiring with their associated street lighting. The commencement of works is dependent on Energex formally programming the works upon receipt of approval from Council. Energex has indicated that the relocations would commence in February 2021 and the construction duration would be approximately four weeks.

The objective of the broader project is to increase capacity and reduce delays at this key intersection to improve the efficiency of the trunk network.

The broader road construction project works are expected to be tendered and awarded in February 2021 with construction works to commence in June 2021.

ITEM 3.5 KIPPA-RING - KLINGNER ROAD/BOARDMAN ROAD - INTERSECTION UPGRADE - SERVICE RELOCATION (ENERGEX) - A20797501 (Cont.)



Figure 1 - Project Locality Plan - Extent of Energex Relocation Works

2. Explanation of Item

A quotation was sought from Energex for the relocation of power poles and associated street lighting as part of the 'Kippa-Ring - Klingner Road / Boardman Road - Intersection Upgrade' project.

Energex provided a Letter of Offer (WR7401157) for the design and construction of the required works for the sum of \$306,351.65 (excluding GST).

Only Energex can undertake these works required to relocate their power network assets.

3. Strategic Implications

3.1 Legislative / Legal Implications

Due to the value of work being greater than \$200,000, an exception is required in accordance with section 235(a) of the Local Government Regulation 2012 that 'the local government resolves it is satisfied that there is only 1 supplier who is reasonably available', as outlined in Council's Procurement Policy 2150-006. Works or modifications to existing Energex assets are required to be done by Energex.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

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

ITEM 3.5 KIPPA-RING - KLINGNER ROAD/BOARDMAN ROAD - INTERSECTION UPGRADE - SERVICE RELOCATION (ENERGEX) - A20797501 (Cont.)

3.4 Risk Management Implications

A detailed risk management plan has been prepared. The project risk relating to the Energex pole relocation works has been assessed and the following issues identified. The manner in which the possible impact of these risks is minimised is detailed below.

Construction Risks:

- The pole relocation works will be undertaken ahead of the civil works construction stage to ensure no conflicts during the road construction works.
- There are no Development Applications or Development Approvals (DA's) impacting these works.
- The current COVID-19 issues may impact the delivery and provision of materials for the Energex works.

3.5 Delegated Authority Implications

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

As an exception is required in accordance with section 235(a) of the Local Government Regulation 2012 that 'the local government resolves it is satisfied that there is only 1 supplier who is reasonably available', as outlined in Council's Procurement Policy 2150-006 and is therefore reported to Council for consideration.

3.6 Financial Implications

Council has allocated a total of \$5,400,000 for the construction phase of this project, with \$500,000 in the 20-21 FY Capital Projects Program and \$4,900,000 in the draft 21-22 FY Capital Projects Program. The project has received Federal Government funding of \$4,000,000 towards the project (May 2019 commitment). All financials below are excluding GST.

Service Relocation (Letter of Offer - Energex)	\$ 306,351.65
Contingency (10%)	\$ 30,635.16

Service Relocation cost	\$ 336,986.81
	=====

There are no ongoing operational/maintenance costs for the power pole relocation works as the assets are transferred to Energex to maintain.

The budget amount for the service relocation (Energex) is sufficient to undertake the relocation of Energex LV poles and overhead wiring with their associated street lighting component of the works. The broader project civil works (not part of this contract) are currently being tendered, with the outcome known in February 2021.

3.7 Economic Benefit Implications

The broader project will provide capacity improvements to accommodate future traffic volumes and provide pedestrian/cyclist connectivity.

3.8 Environmental Implications

Energex are required to comply with State Government environmental policies.

3.9 Social Implications

The road intersection upgrade will provide a safer link for road users (motorists and cyclists) travelling this section of roadway.

ITEM 3.5 KIPPA-RING - KLINGNER ROAD/BOARDMAN ROAD - INTERSECTION UPGRADE - SERVICE RELOCATION (ENERGEX) - A20797501 (Cont.)

3.10 Human Rights Implications Nil identified

3.11 Consultation / Communication

A detailed communications plan has been prepared. Variable message boards will be in place and project notices will be distributed two weeks to adjacent residents prior to commencement of works and project signs placed four weeks prior to the commencement of works. Weekly project updates via email will be provided to the Divisional Councillors who have been consulted and are supportive of the project.

**ITEM 3.6
SCHEDULE OF WASTE FEES AND CHARGES - APPLICATION OF WASTE LEVY
INCREASE**

Meeting / Session: 3 ENGINEERING, CONSTRUCTION & MAINTENANCE
Reference: A20772425: 3 November 2020 - **Refer Supporting Information A20772435**
Responsible Officer: AH, Manager Waste Services (ECM Waste Services)

Executive Summary

The Queensland Government's ('State') waste levy for all waste classifications is proposed to increase by \$5 on 1 July each year. To assist businesses in dealing with the financial impacts of COVID-19, in 2020 the State deferred the increase of waste levy rates from 1 July 2020 to 1 January 2021.

An amended schedule of waste fees and charges for Commercial and Industrial (C&I) and Construction and Demolition (C&D) waste are proposed to reflect the State's waste levy increase of \$5/t, from \$75/t to \$80/t, applicable from 1 January 2021.

The waste fees and charges remain unchanged for household waste (Municipal Solid Waste) for which Council receives a waste levy abatement payment from the State.

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Jodie Shipway

CARRIED 13/0

1. That the Waste Services Schedule of Fees and Charges for Commercial and Industrial and Construction and Demolition waste, for the period 1 January 2021 to 30 June 2021, be amended to reflect waste levy increases be adopted as per the attached schedule.
2. That the adopted 2020/21 Waste Services Schedule of Fees and Charges remain unchanged should the State decide not to increase waste levy from 1 January 2021.

ITEM 3.6 SCHEDULE OF WASTE FEES AND CHARGES - APPLICATION OF WASTE LEVY INCREASE - A20772425 (Cont.)

OFFICER'S RECOMMENDATION

1. That the Waste Services Schedule of Fees and Charges for Commercial and Industrial and Construction and Demolition waste, for the period 1 January 2021 to 30 June 2021, be amended to reflect waste levy increases be adopted as per the attached schedule.
2. That the adopted 2020/21 Waste Services Schedule of Fees and Charges remain unchanged should the State decide not to increase waste levy from 1 January 2021.

REPORT DETAIL

1. Background

The State's waste levy was introduced on 1 July 2019, commencing at \$75/t for general waste, \$155/t for regulated waste category 1, and \$105/t for regulated waste category 2, with a forecast increase of \$5/t from 1 July each year for all waste classifications.

To assist businesses in dealing with the financial impacts of COVID-19, in 2020 the State deferred the increase of waste levy rates from 1 July 2020 to 1 January 2021. The waste schedule of rates has been amended to reflect the waste levy increase for Commercial and Industrial (C&I) and Construction and Demolition (C&D) waste. The waste fees and charges remain unchanged for household waste (Municipal Solid Waste) for which Council received a waste levy abatement payment from the State.

GST is not applied to the waste levy when a landfill operator pays the waste levy to the State. GST is applied to the waste levy when a landfill operator charges their customers a fee to cover their levy liability.

The State's current advice regarding waste levy rates, published at:

<https://www.qld.gov.au/environment/pollution/management/waste/recovery/disposal-levy/about/levy-rates> is as follows:

The following information is from the above webpage (Department of Environment and Science - Waste Levy Rates)

Type of waste	Levy rate (per tonne) in 2020-2021 financial year
Treated timber sawdust and shavings	\$75 (1 July – 31 Dec)
	\$80 (1 Jan – 30 June)
Earth contaminated with a hazardous contaminant from land recorded on the environmental management register or contaminated land register	\$75 (1 July – 31 Dec)
	\$80 (1 Jan – 30 June)
Regulated waste: <u>Category 1</u>	\$155 (1 July – 31 Dec)
	\$160 (1 Jan – 30 June)
Regulated waste: <u>Category 2</u>	\$105 (1 July – 31 Dec)
	\$110 (1 Jan – 30 June)
Other levyable waste	\$75 (1 July – 31 Dec)
	\$80 (1 Jan – 30 June)

The waste levy for all classifications is proposed to increase by \$5 on 1 July each year. To assist businesses in dealing with the financial impacts of COVID-19, in 2020 the Queensland Government deferred the increase of waste levy rates from 1 July 2020 to 1 January 2021.

ITEM 3.6 SCHEDULE OF WASTE FEES AND CHARGES - APPLICATION OF WASTE LEVY INCREASE - A20772425 (Cont.)

2. Explanation of Item

It is prudent for Council to adopt the amended Schedule of Fees and Charges (Waste Services) for C&I and C&D waste as early as possible prior to the increase in waste levy on 1 January 2021 to enable communication to relevant stakeholders and to allow time for relevant corporate systems to be updated prior to the commencement of the new waste levy in the new year.

3. Strategic Implications

3.1 Legislative / Legal Implications

All Other Fees identified in the attached schedule have been prepared in accordance with the *Local Government Act 2009* and relevant waste levy legislation coming into force from 1 July 2019, including *Waste Reduction and Recycling (Waste Levy) Amendment Act 2019*, *Waste Reduction and Recycling Act 2011* and *Waste Reduction and Recycling Regulation 2011*.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

No policy implications arising as a direct result of this report. Landfill waste disposal arrangements for Moreton Bay residents and eligible organisations and community groups are detailed in Council's waste disposal policy.

3.4 Risk Management Implications Nil identified

It is prudent to advise customers of the waste levy rate change as soon as practical to maximise time to communicate and prepare for change with customers.

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications

The introduction of the waste levy by the State Government has been incorporated into Council's Waste Services fees and charges for all non-recyclable waste from commercial sources. The Waste Levy has not been applied to Municipal Solid Waste (MSW) fees and charges for which Council receives an annual payment from the state government to off-set the Waste Levy cost incurred for the disposal of the waste generated by households and eligible Council waste (such as public litter bins).

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

3.9 Social Implications Nil identified

3.10 Human Rights Implications Nil identified

3.11 Consultation / Communication

Consultation has been undertaken with Director Engineering Construction and Maintenance, Accounting Services Manager and Financial Operations Manager.

ITEM 3.7

TENDER - BRENDALE - NOLAN PARK - BMX PRECINCT CONSTRUCTION

Meeting / Session: 3 ENGINEERING, CONSTRUCTION & MAINTENANCE
Reference: A20641886 : 2 October 2020 - Refer **Confidential Supporting Information A20780132**
Responsible Officer: TT, Project Engineer, Project Management (ECM Project Management)

Executive Summary

Tenders were called for the 'Brendale - Nolan Park - BMX Precinct Construction (MBRC010110)' project. The tender closed on 3 November 2020 with a total of four conforming tenders received.

It is recommended that the tender for the 'Brendale - Nolan Park - BMX Precinct Construction (MBRC010110)' project be awarded to J. Mac Constructions Pty Ltd for the sum of \$3,713,502.98 (excluding GST) as this offer represents the best overall value to Council.

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Cath Tonks

CARRIED 13/0

1. That the tender for the 'Brendale - Nolan Park - BMX Precinct Construction (MBRC010110)' be awarded to J. Mac Constructions Pty Ltd for the sum of \$3,713,502.98 (excluding GST).
2. That the Council enters into an agreement with J. Mac Constructions Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with J. Mac Constructions Pty Ltd for the 'Brendale - Nolan Park - BMX Precinct Construction (MBRC010110)' project and any required variations of the agreement on Council's behalf.
4. That to allow this project to continue, and to enable Council to enter into the agreement, Council commits to the provision of an additional \$420,000 in the 21-22 FY budget process, if required.
5. That it be noted this project has been awarded in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative and the successful tenderer is a local company.

ITEM 3.7 TENDER - BRENDALE - NOLAN PARK - BMX PRECINCT CONSTRUCTION - A20641886 (Cont.)

OFFICER'S RECOMMENDATION

1. That the tender for the 'Brendale - Nolan Park - BMX Precinct Construction (MBRC010110)' be awarded to J. Mac Constructions Pty Ltd for the sum of \$3,713,502.98 (excluding GST).
2. That the Council enters into an agreement with J. Mac Constructions Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with J. Mac Constructions Pty Ltd for the 'Brendale - Nolan Park - BMX Precinct Construction (MBRC010110)' project and any required variations of the agreement on Council's behalf.
4. That to allow this project to continue, and to enable Council to enter into the agreement, Council commits to the provision of an additional \$420,000 in the 21-22 FY budget process, if required.
5. That it be noted this project has been awarded in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative and the successful tenderer is a local company.

REPORT DETAIL

1. Background

The project is located at Nolan Park, Kenworth Place, Brendale. The project involves the construction of a BMX facility, to enable the relocation of the Pine Rivers BMX Club from England Park, Brendale. The project scope includes site earthworks to establish a base pad for BMX track development (track construction by club), stormwater management, irrigation and track lighting, fencing, car parking and access road, club house, spectator seating, pathways and landscaping. Lighting is to be provided to the internal roadway, pathways and carpark.

The objective of the project is to provide a regional BMX facility which will meet the long-term needs of the club to host national standard competitions.

It is proposed that the construction will commence in January 2021 and be completed by December 2021 including an allowance for wet weather (46 days).



Figure 1. Artist Impression of Clubhouse

2. Explanation of Item

Tenders for the 'Brendale - Nolan Park - BMX Precinct Construction (MBRC010349)' project closed on the 3 November 2020, with a total of four conforming tenders received. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

ITEM 3.7 TENDER - BRENDALE - NOLAN PARK - BMX PRECINCT CONSTRUCTION - A20641886 (Cont.)

The tenders and their evaluation score are table below (ranked from highest to lowest).

RANK	TENDERER	EVALUATION SCORE (Pre-LP)	EVALUATION SCORE (Post-LP)
1	J. Mac Constructions Pty Ltd	97.41	104.91
2	Intrec Management (QLD) Pty Ltd	100.00	100.00
3	Wac & Co Pty Ltd	87.85	95.35
4	SBP Australia Pty Ltd	86.51	86.51

J. Mac Construction Pty Ltd ('JMac') submitted a comprehensive and well-presented tender demonstrating relevant similar project experience. A tender clarification meeting was held on 12 November 2020, at which JMac demonstrated their relevant experience, methodology, understanding of the project and capability in delivering the project. JMac provided examples of similar projects including The Petrie Mill Oval (valued at \$10.5M) for the construction of the first large green space at The Mill including bulk earthworks, road construction, stormwater installation, site lighting and amenities facilities and construction; the Karawatha Forest Discovery Centre (valued at \$5.7M) encompassing three new buildings, shelters, playgrounds, carparks and service installation.

JMac's submission was the highest scoring tender in accordance with the selection criteria and with regard to the Competitive Local Business and Industry (local preference) initiative and is the evaluation panel's recommendation as providing overall best value offer to the Council.

Intrec Management (QLD) Pty Ltd ('Intrec') - submitted a comprehensive and well-presented tender, was the lowest priced submission, however, scored lower with the application of the Competitive Local Business and Industry (local preference) initiative.

Wac & Co Pty Ltd ('Wac') - submitted an acceptable tender, however, scored lower the Competitive Local Business and Industry (local preference) initiative.

SBP Australia Pty Ltd ('SBP') - submitted a well-presented tender, however, there were no additional benefits for the higher price.

3. Strategic Implications

3.1 Legislative / Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

This project has been procured/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.

ITEM 3.7 TENDER - BRENDALÉ - NOLAN PARK - BMX PRECINCT CONSTRUCTION - A20641886 (Cont.)

3.4 Risk Management Implications

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

Financial Risks:

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

Construction Risks:

- a. The recommended tenderer will provide a program of works, 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, manage and monitor project construction risks which will be reviewed and audited by Project Management.
- b. The recommended tenderer has indicated their program of works takes into consideration potential wet weather and the provision of appropriate resources to be able to complete the project within the required timeframe.
- c. Council approved a Negotiated Decision for a Material Change of Use - Development Permit for Outdoor Sport and Recreation (DA38554/2019/V2Q) for the project generally comprising of an access road, BMX track, carpark, clubhouse building.
- d. There are no Development Approvals affecting this project.
- e. The procurement risks relating to this project are considered low as there is adequate lead time for the recommended tenderer to procure the relevant construction materials.
- f. At the tender clarification meeting, the recommended tenderer advised that there were no foreseen COVID-19 related impacts to material supply chains and delivery of the project works.
- g. Dilapidation inspections will be conducted prior to works commencing around the entrance ways to record the existing condition of assets and again after construction to record any change.

3.5 Delegated Authority Implications

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

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

3.6 Financial Implications

Council has allocated a total of \$3,945,000 for this project, with \$280,000 in the 19-20 FY Capital Projects Program, \$1,465,000 in the 20-21 FY Capital Projects Program and identified a further \$2,200,000 in the 21-22 FY draft Capital Projects Program. The project also has State Government COVID funding of \$1,500,000. All financials are excluding GST.

Design	\$ 258,572.00
Tender Price (Construction)	\$ 3,713,502.98
Contingency 10%	\$ 371,350.30
Qleave 0.575%	\$ 21,352.64

 Total Project Cost	 \$ 4,364,777.92
Revenue	\$ 1,500,000.00
Net Project Cost (to Council)	\$ 2,864,777.92
 Estimated ongoing operational/maintenance costs	 \$ 40,500 per F/Y.

ITEM 3.7 TENDER - BRENDALE - NOLAN PARK - BMX PRECINCT CONSTRUCTION - A20641886 (Cont.)

The budget amount for this project is insufficient. For this project to continue, and to enable Council to enter into the agreement, Council commits to the provision of an additional \$420,000 in the 21-22 FY budget process, if required.

3.7 Economic Benefit Implications

The new BMX facility at Nolan Park Brendale will be a facility capable of hosting international, national and state championships. The site has abundant space around the track for parking, marshalling of riders and accommodation of spectators; this, coupled with a new clubhouse which affords superior views of the track, will prove a popular venue. This popularity will attract competitors and spectators who will boost the local economy directly by spending on hotels, restaurants, and entertainment venues.

3.8 Environmental Implications

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

3.9 Social Implications

The development of the BMX Precinct will provide a modern, accessible competition level facility that will support BMX activities in the Moreton Bay region.

3.10 Human Rights Implications Nil identified

3.11 Consultation / Communication

A detailed Communication Plan has been prepared for this project. Communication strategies include project notices issued 4 weeks prior to the commencement of works and project signage displayed on site 4 weeks prior to construction. Government funding signage has already been installed. Weekly email updates during construction will be provided for the Divisional Councillor who has been consulted and is supportive of the project. A project webpage will be created with weekly updates will be published.

ITEM 3.8
TENDER - STRATHPINE OFFICE ACCOMMODATION - DELIVERY PROGRAM

Meeting / Session: 3 ENGINEERING, CONSTRUCTION & MAINTENANCE
Reference: A20844701 : 18 November 2020 - Refer **Confidential Supporting Information A20800667**
Responsible Officer: JY, Senior Project Manager, Project Management (ECM Project Management)

Executive Summary

Tenders were called for the 'Strathpine - Strathpine Office Accommodation - Delivery Program (MBRC010343)' project with tenders closing on the 5 November 2020 with a total of ten tenders received, nine of which were conforming.

It is recommended that the tender for 'Strathpine - Strathpine Office Accommodation - Delivery Program (MBRC010343)' project be awarded to SPENCER CONSTRUCTIONS (QLD) PTY LTD, trading as Spencer Constructions, for the sum of \$1,332,125.90 (excluding GST) as this tender represents the best overall value to Council.

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Mark Booth

CARRIED 13/0

1. That the tender for 'Strathpine - Strathpine Office Accommodation - Delivery Program (MBRC010343)' be awarded to SPENCER CONSTRUCTIONS (QLD) PTY LTD, trading as Spencer Constructions, for the sum of \$1,332,125.90 (excluding GST).
2. That the Council enters into an agreement with SPENCER CONSTRUCTIONS (QLD) PTY LTD, trading as Spencer Constructions, 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 SPENCER CONSTRUCTIONS (QLD) PTY LTD, trading as Spencer Constructions, for the 'Strathpine - Strathpine Office Accommodation - Delivery Program (MBRC010343)' project and any required variations of the agreement on Council's behalf.
4. That to allow this project to continue, and for Council to enter into the agreement with SPENCER CONSTRUCTIONS (QLD) PTY LTD, trading as Spencer Constructions for the project, Council commits to the provision of an additional \$300,000 in the quarter three budget review process.
5. That it be noted this project has been awarded in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative and the successful tenderer is a local company.

ITEM 3.8 TENDER - STRATHPINE OFFICE ACCOMMODATION - DELIVERY PROGRAM - A20844701 (Cont.)

OFFICER'S RECOMMENDATION

1. That the tender for 'Strathpine - Strathpine Office Accommodation - Delivery Program (MBRC010343)' be awarded to SPENCER CONSTRUCTIONS (QLD) PTY LTD, trading as Spencer Constructions, for the sum of \$1,332,125.90 (excluding GST).
2. That the Council enters into an agreement with SPENCER CONSTRUCTIONS (QLD) PTY LTD, trading as Spencer Constructions, 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 SPENCER CONSTRUCTIONS (QLD) PTY LTD, trading as Spencer Constructions, for the 'Strathpine - Strathpine Office Accommodation - Delivery Program (MBRC010343)' project and any required variations of the agreement on Council's behalf.
4. That to allow this project to continue, and for Council to enter into the agreement with SPENCER CONSTRUCTIONS (QLD) PTY LTD, trading as Spencer Constructions for the project, Council commits to the provision of an additional \$300,000 in the quarter three budget review process.
5. That it be noted this project has been awarded in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative and the successful tenderer is a local company.

REPORT DETAIL

1. Background

The project is located at tenancies 4a and 8 of 199 Gympie Road, Strathpine, and tenancy 1a of 130 Gympie Road Strathpine. The project includes the fitout of offices for Community Services, Sport and Recreation section of Moreton Bay Regional Council (MBRC) at enancies 4a and 8 of 199 Gympie Road, Strathpine, and the fitout of the new Pine Rivers Art Gallery at tenancy 1a of 130 Gympie Road Strathpine.

The objective of the project is to provide new accommodation for the Pine Rivers Art Gallery, and accommodation for the Community Services and Recreation section of Council.

Construction on both sites is proposed to commence in December 2020 concurrently over a 12 week period to complete which includes allowances for wet weather and the Christmas break, the Pine Rivers Art Gallery site will be completed by 18 February 2021 and the Council office space is currently programmed to be completed by 4 March 2021.

ITEM 3.8 TENDER - STRATHPINE OFFICE ACCOMMODATION - DELIVERY PROGRAM - A20844701 (Cont.)



Figure 1 - Locality Plan

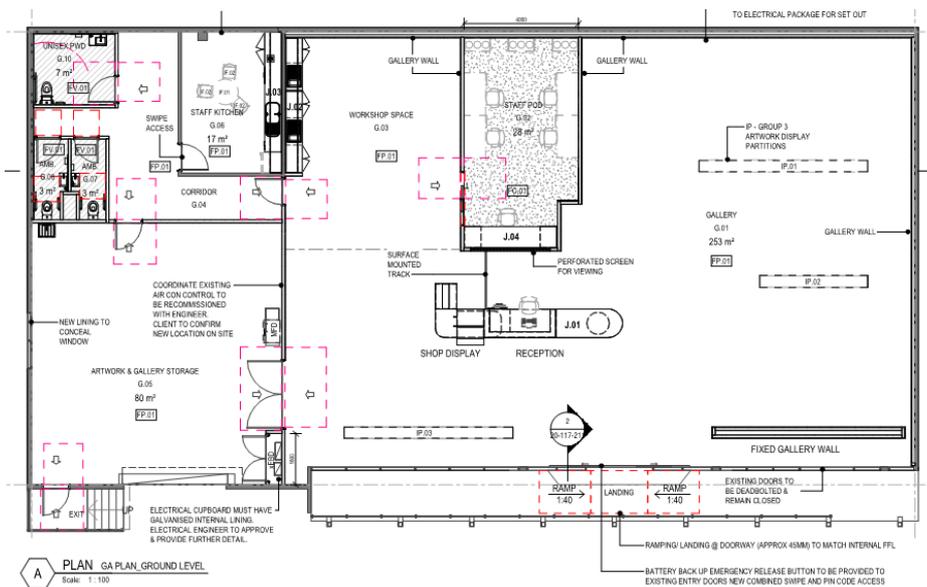


Figure 2 - Pine Rivers Art Gallery Layout - Tenancy 1a of 130 Gympie Road Strathpine

ITEM 3.8 TENDER - STRATHPINE OFFICE ACCOMMODATION - DELIVERY PROGRAM - A20844701 (Cont.)



Figure 3 - MBRC Office Layout - Tenancies 4a & 8 of 199 Gympie Road, Strathpine

2. Explanation of Item

Tenders for the 'Strathpine - Strathpine Office Accommodation - Delivery Program (MBRC010343)' project closed on the 5 November 2020, with a total of ten tenders received of which nine were conforming and one was non-conforming.

The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

All tenders and their evaluation scores are tabled below (ranked from highest to lowest).

RANK	TENDERER	EVALUATION SCORE (PRE LP)	EVALUATION SCORE (POST LP)
1	SPENCER CONSTRUCTIONS (QLD) PTY LTD, trading as Spencer Constructions	94.45	109.45
2	Premis Solutions Pty Ltd	98.17	105.67
3	Renascent Queensland Pty Ltd	94.39	105.64
4	Focus Fitout Specialist Pty Ltd	91.48	98.98
5	Kane Constructions (QLD) Pty Ltd, trading as arete Australia	90.62	90.62
6	Future Fitouts Qld Pty Ltd	87.96	87.96
7	Prekaro Projects Pty Ltd	87.79	87.79
8	Better Build Constructions PTY LTD	84.95	84.95
9	Nairn Constructions Pty Ltd	77.19	77.19

ITEM 3.8 TENDER - STRATHPINE OFFICE ACCOMMODATION - DELIVERY PROGRAM - A20844701 (Cont.)

RANK	TENDERER	EVALUATION SCORE (PRE LP)	EVALUATION SCORE (POST LP)
10	Officeworks	Non-conforming	Non-conforming

SPENCER CONSTRUCTIONS (QLD) PTY LTD, trading as Spencer Constructions ('SC') - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience. A tender clarification meeting was held on 16 November 2020, at which SC demonstrated their relevant experience, methodology, understanding of the project and capability in delivering the project. SC provided examples of relevant project experience including The Sheds, Brendale (valued at \$2.2M), Edge Early Learning Childcare, Cordelia Street (valued at \$13.2M) and Edge Early Learning Childcare Centre (valued at \$3.2M).

The tender from SC was the second lowest priced offer and achieved the second highest evaluation score pre local preference application. The tender from SC achieved the highest evaluation score post local preference application. The evaluation panel recommends that the tender from SC represents the best overall value offer to Council.

Premis Solutions Pty Ltd ('Premis') - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience and achieved the highest evaluation score pre local preference application, however, Premis achieved the second highest evaluation score post local preference and there were no additional benefits for the higher cost.

Renasant Queensland Pty Ltd 'RQ') - submitted a comprehensive and well-presented tender, however there were no additional benefits for the higher price.

The non-conforming tenderers did not submit the mandatory tender documentation (e.g. financial details or completed form of tender/bill of quantities)

3. Strategic Implications

3.1 Legislative / Legal Implications

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

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Quality recreation and cultural opportunities - celebrating local arts, culture and community.

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

3.3 Policy Implications

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

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

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

ITEM 3.8 TENDER - STRATHPINE OFFICE ACCOMMODATION - DELIVERY PROGRAM - A20844701 (Cont.)

3.4 Risk Management Implications

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

Financial Risks:

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

Construction Risks:

- a. The recommended tenderer will provide a program of works, staging plans, traffic management plans, safety management plan, environmental management plan, and quality management documentation as part of the contract to detail how they will plan, establish and manage project construction risks which will be reviewed and audited by Project Management.
- b. The recommended tenderer has indicated their understanding of the project site and the proximity of the surrounding business and tenancies to ensure the safety and well-being of all during the works.
- c. The recommended tenderer has indicated that their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time.
- d. The project is not impacted by any Development Approvals.
- e. The procurement risks relating to this project are considered low as there is adequate lead time for the recommended tenderer to procure the relevant project construction materials.
- f. At the tender clarification meeting, the recommended tenderer did not raise any COVID-19 related impacts which would affect material supply chains and overall time delivery of the project works.
- g. Dilapidation inspections will be conducted prior to works commencing on tenancy areas, adjacent tenancy and carparks 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 \$3.1M, providing the expenditure has been provided for in Council's annual budget.

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

3.6 Financial Implications

Council has allocated a total of \$1,250,000 for this project in 20-21 FY Capital Projects Program. All financial information provided below is excluding GST.

Design 20/21	\$ 129,943.00
Tender Price (Construction)	\$ 1,332,125.90
Contingency (5%)	\$ 66,606.30
Qleave 0.575%	\$ 7,659.72
Consultants RFI during construction	\$ 10,000.00

Total Project Cost	\$ 1,546,334.92
	=====
Estimated ongoing operational/maintenance costs	\$ 9,500.00 per F/Y.

ITEM 3.8 TENDER - STRATHPINE OFFICE ACCOMMODATION - DELIVERY PROGRAM - A20844701 (Cont.)

The budget amount for this project is insufficient. For this project to continue, and to enable Council to enter into the agreement, Council commits to the provision of an additional \$300,000 in the quarter three budget review process.

3.7 Economic Benefit Implications

The completion of this project will provide a community facility to be used by the local community to host a diverse program of art exhibitions, large collaborative art events, beginner's art workshops and art masterclasses, and highlight emerging and mid-career artists, in the Pine Rivers Art Gallery.

3.8 Environmental Implications

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

3.9 Social Implications

The development of the Pine Rivers Art Gallery will provide modern, accessible and universal facilities that support community art for local Moreton Bay residents.

3.10 Human Rights Implications

Nil identified

3.11 Consultation / Communication

A detailed communication plan has been prepared for this project. Communication strategies include project notices issued two weeks prior to the commencement of works and project signs displayed on site two weeks prior to construction. Weekly email updates will be provided to the Divisional Councillor and weekly updates with photographs will be provided about the project's progress on Council's website.

4 PLANNING SESSION

(Cr D Grimwade)

No items for consideration.

ADJOURNMENT

The meeting adjourned at 10.34am for morning tea.

The meeting resumed at 10.54am.

ATTENDANCE

Ms Robyn Moffat attended the meeting at 10.59am for discussion on Items 5.1 and 5.4.

5 COMMUNITY & ENVIRONMENTAL SERVICES SESSION

(Cr M Gillam)

ITEM 5.1

STATEMENT OF MANAGEMENT INTENT - FLYING FOX COLONIES

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES
Reference: A20372770 : 25 October 2020 - **Refer Supporting Information A19599912**
Responsible Officer: GM, Coordinator Environment & Conservation (CES Environmental Services)

Executive Summary

Council has taken an active role in flying fox management since 2013 and implements a range of actions to mitigate the impact of flying fox colonies in urban areas.

Council's ongoing commitment to managing flying fox colonies will be communicated through the *Moreton Bay Regional Council Statement of Management Intent - Flying Fox Colonies* (SoMI) (refer Supporting Information #1).

RESOLUTION

Moved by Cr Matt Constance

Seconded by Cr Adam Hain

CARRIED 13/0

That the *Moreton Bay Regional Council Statement of Management Intent - Flying Fox Colonies* to guide the management of flying fox colonies throughout the Moreton Bay Region be endorsed.

ITEM 5.1 STATEMENT OF MANAGEMENT INTENT - FLYING FOX COLONIES - A20372770 (Cont.)

OFFICER'S RECOMMENDATION

That the *Moreton Bay Regional Council Statement of Management Intent - Flying Fox Colonies* to guide the management of flying fox colonies throughout the Moreton Bay Region be endorsed.

REPORT DETAIL

1. Background

All flying fox species (Grey-headed, Black and Little red flying foxes) are protected under the State Government's *Nature Conservation Act 1992* (NCA). In addition, the Grey-headed flying fox is listed as Vulnerable under the Commonwealth Government's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC).

The NCA was amended in November 2013, giving Queensland local governments an *as of right* authority to manage flying foxes within designated Urban Flying Fox Management Areas without the need to apply for a Flying Fox Roost Management Permit (FFRMP), provided Council adheres to the Queensland Government's Code of Practice: Ecologically sustainable management of flying fox roosts.

The NCA does not compel local governments to manage flying foxes. However, in response to on-going community concerns, Council undertakes a range of management actions to mitigate the impact of flying fox colonies in urban areas. Council's approach to flying fox colony management includes:

On public land:

- Vegetation modification to create buffer zones between flying fox colonies and private property via trimming or removing weed trees and to reduce the availability of roosting habitat; and
- Education about the value of flying foxes to the region's ecosystem via Council's Environment Team, workshops and Council's environmental education centres.

On private land:

- Advice to residents and landowners regarding weed tree identification and associated environmental/overlay obligations for their property, and
- Assistance to residents and landowners to apply to the State Government for Flying Fox Roost Management Permits (FFRMP), for asset protection purposes. Residents with an approved FFRMP can undertake a variety of flying fox management actions on their properties.

2. Explanation of Item

Flying fox colonies present significant challenges and can cause considerable angst within the community, particularly when in proximity to residential areas.

The SoMI articulates Council's approach to mitigate the impact of flying foxes regionally, balanced with legislative and conservation outcomes. It will be utilised to respond to community concerns regarding flying foxes and the implementation of management actions appropriate to each unique colony location.

The staged approach to flying fox colony management recognises that increasing management intervention increases costs, commitment and uncertainty. Council's current management approach does not include colony dispersal (e.g. use of light, smoke and noise to drive away flying foxes). This decision is based on direct experience with an unsuccessful dispersal of the Burpengary colony in 2013 and available research.

ITEM 5.1 STATEMENT OF MANAGEMENT INTENT - FLYING FOX COLONIES - A20372770 (Cont.)

3. Strategic Implications

3.1 Legislative / Legal Implications

Council's management of flying fox colonies is carried out under the State Government's *Nature Conservation Act 1992* (NCA) and the Commonwealth Government's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC). However, the legislation does not compel local governments to manage flying foxes.

3.2 Corporate Plan / Operational Plan

Valuing Lifestyle: Healthy natural environment - a clean and healthy environment.

3.3 Policy Implications

Nil identified

3.4 Risk Management Implications

Nil identified

3.5 Delegated Authority Implications

Nil identified

3.6 Financial Implications

Council's has an approved budget allocation to manage flying fox colonies, funds are utilised to implement management actions appropriate to each unique colony location

3.7 Economic Benefit Implications

Nil identified

3.8 Environmental Implications

Flying foxes can travel up to 50km in a night foraging for food. Their fast digestive systems makes them critical long-distance pollinators for many native bushland trees, including eucalyptus species.

3.9 Social Implications

Nil identified

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Mayor and Councillors
Legal Services

**ITEM 5.2
LEASE RENEWAL - GUIDES QUEENSLAND**

Meeting / Session: 5 PARKS, RECREATION & SPORT
Reference: A20672441 : 12 October 2020 - **Refer Supporting Information A20672440**
Responsible Officer: CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

Executive Summary

This report seeks Council's approval for the renewal of a trustee lease (lease) to Guides Queensland at Wahminda Park, 19 Baden Lane, Ferny Hills (Division 10) (refer Supporting Information #1). The proposed renewal includes a lease area amendment to incorporate an adjoining awning constructed by the group in 2018.

RESOLUTION

Moved by Cr Matt Constance

Seconded by Cr Cath Tonks

CARRIED 13/0

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3, Guides Queensland be granted a lease over an area at 19 Baden Lane, Ferny Hills (refer Supporting Information #1) for a period of five years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

ITEM 5.2 LEASE RENEWAL - GUIDES QUEENSLAND - A20672441 (Cont.)

OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3, Guides Queensland be granted a lease over an area at 19 Baden Lane, Ferny Hills (refer Supporting Information #1) for a period of five years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

REPORT DETAIL

1. Background

Since 1999, Guides Queensland (the Organisation) has held a lease with Council over an area including a clubhouse at Wahminda Park, 19 Baden Lane, Ferny Hills (refer Supporting Information #1) for the purpose of operating Girl Guides activities. The lease expired 31 August 2020 with the Organisation continuing to occupy the site on holding over terms.

In 2018, the Organisation extended the building footprint of the clubhouse by constructing an awning directly adjoining the existing clubhouse (refer Supporting Information #1), however, this area of occupation was never formalised under a lease agreement.

In accordance with Council's Community Lease Renewals Policy Directive (2160-024), where the proposed renewal of a lease includes a lease area increase greater than 20% of the original lease area or 250m², consideration by Council at a General Meeting is required.

2. Explanation of Item

Guides Queensland has made application to Council seeking renewal of its lease at Wahminda Park, 19 Baden Lane, Ferny Hills under Council's Community Leasing Policy (2150-079). Following discussions with the Organisation regarding its requested lease renewal, the Organisation has confirmed its desire to be granted a lease over a revised area inclusive of the clubhouse and awning area. The inclusion of the awning area will see the Organisation's lease area increase by approximately 50m², representing an increase of 35% in comparison to their existing lease.

In accordance with Council's Community Lease Renewals Policy Directive (2160-024), lease renewals incorporating a lease area increase of greater than 20% require approval by Council at a General Meeting. Accordingly, this report recommends that Council approves the granting of a new lease to Guides Queensland over the areas identified in Supporting Information #1 under the terms and conditions of Council's Community Leasing Policy (2150-079). Further, it is recommended that this lease be for a period of five years.

ITEM 5.2 LEASE RENEWAL - GUIDES QUEENSLAND - A20672441 (Cont.)

3. Strategic Implications

3.1 Legislative / Legal Implications

The proposed lease will be registered with the Department of Natural Resources, Mines and Energy in accordance with the *Land Act 1994*.

The Council must comply with the *Local Government Act 2009* and Local Government Regulation 2012 when it disposes of valuable non-current assets. Resolving to rely on the exception provided under section 236(1)(b)(ii) of the Regulation will allow the Council to complete the disposal to a community organisation by means other than tender or auction.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

The terms and conditions of the proposed lease agreement will be in accordance with Council's Community Leasing Policy (2150-079).

3.4 Risk Management Implications Nil identified

3.5 Delegated Authority Implications

As per Officer's Recommendation 4 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary to execute the new lease.

3.6 Financial Implications Nil identified

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

3.9 Social Implications

The issuing of a lease to Guides Queensland will provide the Organisation with facilities to support its operations.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Cr Constance - Division 10
Relevant Council Departments
Guides Queensland

**ITEM 5.3
NEW LEASE - ROYAL QUEENSLAND LAWN TENNIS ASSOCIATION LIMITED**

Meeting / Session: 5 PARKS, RECREATION & SPORT
Reference: A20525736 : 6 November 2019 - **Refer Supporting Information A20525737**
Responsible Officer: CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

Executive Summary

Council is currently constructing new tennis facilities at Harris Avenue Sports Complex (164 Young Road, Narangba - Division 11) which are due for completion in June 2021. Given the absence of an existing resident club to manage the new facilities, Council officers have been liaising with the Royal Queensland Lawn Tennis Association Limited (trading as Tennis Queensland) regarding the preferred management and tenure arrangements for the site.

Following consideration of the available options, it is recommended that Tennis Queensland be provided with a trustee lease (lease) over the soon to be constructed tennis clubhouse and courts, as well as a storage area within the existing amenities and storage facility (Refer Supporting Information #1) for an interim period of three years. During this period, Tennis Queensland will work closely with Council in the establishment of a resident tennis club to assume the future management of the facilities and the associated tenure.

The Board of Tennis Queensland have confirmed their support for this approach and their willingness to hold tenure over the facilities for this interim period.

RESOLUTION

Moved by Cr Darren Grimwade

Seconded by Cr Mark Booth

CARRIED 13/0

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3, Royal Queensland Lawn Tennis Association Ltd be granted a lease over an area at 164 Young Road, Narangba (refer Supporting Information #1) for a period of three years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

ITEM 5.3 NEW LEASE - ROYAL QUEENSLAND LAWN TENNIS ASSOCIATION LIMITED - A20525736 (Cont.)

OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3, Royal Queensland Lawn Tennis Association Ltd be granted a lease over an area at 164 Young Road, Narangba (refer Supporting Information #1) for a period of three years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

REPORT DETAIL

1. Background

As part of the Narangba Sports Reserve Master Plan 2006 (now Harris Avenue Sports Complex), Council identified a need for new tennis facilities (consisting of a clubhouse and six tennis courts) and a shared use amenities and storage facility to support the operations of both the resident football club (Narangba Eagles Football Club) and a future tennis centre.

In early 2019, Council completed construction of the shared use amenities and storage facility and provided tenure over the relevant components to the football club. The next stage of the project, being the construction of the tennis courts, clubhouse and car parking, has now commenced, with works scheduled for completion in June 2021. Accordingly, the management and tenure arrangements for these tennis facilities now need to be determined.

Tennis facilities management is unique in comparison to many sporting facilities, in that the facilities typically have a resident club who engages the services of a tennis coach to undertake coaching services and manage the centre's day to day operations. Given that the Harris Avenue Sports Complex tennis facilities are a greenfield site, a resident club does not currently exist.

2. Explanation of Item

Council officers have undertaken research in relation to the various contemporary management models utilised for tennis facilities. This research included consultation with Tennis Queensland, Tennis New South Wales, Tennis Victoria and eight local governments.

As a result of the research undertaken, the preferred long-term management and tenure model for the Harris Avenue Sports Complex tennis facilities would see a new resident tennis club established as the head-lessee for the facility, and a tennis coach appointed by the club for the delivery of coaching services and day to day operations management. However, given that a resident club does not currently exist, an interim management and tenure model is required.

Following consultation with Tennis Queensland (in their capacity as the State Sporting Organisation for tennis), it is proposed that Tennis Queensland assume the management and tenure responsibilities for the Harris Avenue Sports Complex tennis facilities for an interim period of three (3) years. Tennis Queensland would then, in consultation with Council, appoint a tennis coach to support the day to day operations of the centre.

During this interim period, Council officers would work with Tennis Queensland to establish a new incorporated tennis club and transition the tenure and management responsibilities to the new club at the conclusion of the three (3) year period, or earlier should the opportunity present.

ITEM 5.3 NEW LEASE - ROYAL QUEENSLAND LAWN TENNIS ASSOCIATION LIMITED - A20525736 (Cont.)

The proposed approach would utilise Tennis Queensland's resources and experience in establishing the centre's operations and enable the appointed coach to establish within the community. Further, it would allow the necessary time to identify skilled people to form an incorporated tennis club and build a club-coach relationship.

To implement the proposed interim tenure and management arrangements for the Harris Avenue Sports Complex tennis facilities, Council would be required to provide Tennis Queensland with:

- a three (3) year lease over the soon to be constructed tennis clubhouse and courts, as well as the designated storage area within the existing amenities and storage facility (refer Supporting Information #1); and
- a three (3) year shared-use permit over the amenities within the amenities and storage facility (refer Supporting Information #1).

The Board of Tennis Queensland has approved the holding of the above tenure arrangement with Council for a maximum period of three (3) years.

Accordingly, this report recommends that Council approves the granting of a new lease to Tennis Queensland over the areas identified in Supporting Information #1 under the terms and conditions of Council's Community Leasing Policy (No. 2150-079). Further, it is recommended that the term of this lease be for three (3) years, commencing at the completion of works associated with the construction of the new tennis facilities. Council approval is not required for the establishment of the proposed shared-use permit over the amenities due to the non-exclusive nature of this tenure.

3. Strategic Implications

3.1 Legislative / Legal Implications

The proposed lease will be registered with the Department of Natural Resources, Mines and Energy in accordance with the *Land Act 1994*.

The Council must comply with the *Local Government Act 2009* and Local Government Regulation 2012 when it disposes of valuable non-current assets. Resolving to rely on the exception provided under section 236(1)(b)(ii) of the Regulation will allow the Council to complete the disposal to a community organisation by means other than tender or auction.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

The terms and conditions of the proposed lease agreements will be in accordance with Council's Community Leasing Policy (2150-079).

3.4 Risk Management Implications Nil identified

3.5 Delegated Authority Implications

As per Officer's Recommendation 4 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary to execute the new lease.

3.6 Financial Implications Nil identified

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

ITEM 5.3 NEW LEASE - ROYAL QUEENSLAND LAWN TENNIS ASSOCIATION LIMITED - A20525736 (Cont.)

3.9 Social Implications

The provision of a lease to Tennis Queensland will enable the implementation of an interim tenure model that will support the immediate activation of the tennis facilities at Harris Avenue Sport Complex post-construction, as well as support the future establishment of a community tennis club.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Tennis Queensland
Councillor Grimwade (Division 11)

ITEM 5.4
STATEMENT OF MANAGEMENT INTENT - MOSQUITO MANAGEMENT

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES
Reference: A20372732 : 16 November 2020 - **Refer Supporting Information A20733564**
Responsible Officer: CD, Program Leader Pest Management (CES Environmental Services)

Executive Summary

As a coastal local government, Council has over 3,000 hectares of mosquito breeding sites across the region, which are affected by rainfall and/or high tides. These inundation events can trigger the hatching of significant numbers of mosquito larvae.

Council's Vector Control team mitigates the adverse impacts of mosquitoes through the implementation of an integrated mosquito management program, which utilises multiple techniques to address mosquito larvae and adult mosquitoes.

Council's ongoing commitment to managing mosquitoes will be articulated through the *Moreton Bay Regional Council Statement of Management Intent - Mosquito Management (SoMI)* (refer supporting information #1).

RESOLUTION

Moved by Cr Jodie Shipway
Seconded by Cr Mark Booth

CARRIED 13/0

That the *Moreton Bay Regional Council Statement of Management Intent - Mosquito Management* to guide the management of mosquitoes throughout the Moreton Bay Region be endorsed.

ITEM 5.4 STATEMENT OF MANAGEMENT INTENT - MOSQUITO MANAGEMENT - A20372732 (Cont.)

OFFICER'S RECOMMENDATION

That the *Moreton Bay Regional Council Statement of Management Intent - Mosquito Management* to guide the management of mosquitoes throughout the Moreton Bay Region be endorsed.

REPORT DETAIL

1. Background

There are over 350 species of mosquitoes present in Australia, however only about 15 species adversely impact residents. The mosquitoes most commonly found across the Moreton Bay region include the saltmarsh mosquito, the freshwater mosquito and the container breeding mosquito.

The *Public Health Act 2005* (the Act) provides local governments with the statutory support to undertake mosquito management activities in an effort to reduce mosquito-borne disease transmission and nuisance related to mosquitoes.

Council's mosquito management program is required to comply with the provisions of the *Environmental Protection Act 1994* (Section 319 - General environmental duty) and is undertaken in accordance with the Local Government Association of Queensland's Mosquito Management Code of Practice. As Council's mosquito management program is conducted across areas of significant environmental value, Council also maintains a Marine Park Permit (QS2018/CVL1497) for its mosquito management operations.

Council's mosquito management program utilises a number of techniques to manage mosquito larvae and adult mosquitoes, including biological control agents, chemical treatments, and habitat modification.

A Council briefing was conducted on 4 November 2020 for the purpose of sharing information and providing advice to Council on the matter. The CEO noted the way forward:

'That a Council report be submitted for consideration of adoption of the Statement of Management Intent - Mosquito Management.'

2. Explanation of Item

Mosquitoes can spread a range of diseases that adversely impact human health. While advances in mosquito management programs has occurred in the last decade, is not possible to eradicate mosquito nuisance and there are no available vaccines for mosquito-borne diseases. The majority of complaints to Council are in regards biting nuisance and a loss of amenity rather than public health concerns.

The SoMI articulates Council's approach to managing the impact of mosquitoes regionally, with a focus on explaining the types of mosquitoes most commonly found throughout the region, Council's legislative requirements, treatment products and treatment limitations.

The treatment products used in Council's mosquito management program have been approved by the Australian Pesticides and Veterinary Medicines Authority (APVMA) and target either the larvae or adult life stages of mosquitoes.

Mosquito management is not the sole responsibility of local governments. Under the *Public Health Act 2005* all landowners have a responsibility to ensure that accumulations of water on their properties do not become a breeding site for mosquitoes. The SoMI includes information regarding the range of measures that residents can implement to mitigate the impact of mosquitoes and ensure that their amenity and health is protected. While Council provides advice to residents regarding the management of mosquitoes on their property, it does not undertake targeted ground treatments for mosquitoes on private property.

The SoMI also includes information regarding biting midge. Midge are smaller in size than mosquitoes and develop in the mud around canals and tidal river systems. Midge are known to cause nuisance to residents at various times throughout the year however, unlike mosquitoes, they do not transmit human diseases.

ITEM 5.4 STATEMENT OF MANAGEMENT INTENT - MOSQUITO MANAGEMENT - A20372732 (Cont.)

At this time, there are no chemicals registered in Australia to control midge larvae that are safe and approved for use in marine parks and sensitive ecosystems. Information has been included in the SoMI outlining recommended strategies to reduce the nuisance caused by midge.

The development of this SoMI, and subsequent Council endorsement, provides the community with detailed information regarding mosquitoes found across the Moreton Bay region and Council's approach to mosquito management.

3. Strategic Implications

3.1 Legislative / Legal Implications

Council's mosquito management program is undertaken in accordance with the *Environmental Protection Act 1994* and Marine Park Permit (QS2018/CVL1497).

All mosquito treatment products utilised in the program have been approved by the Australian Pesticides and Veterinary Medicines Authority (APVMA).

3.2 Corporate Plan / Operational Plan

Valuing Lifestyle: Healthy natural environment - a clean and healthy environment.

3.3 Policy Implications Nil identified

3.4 Risk Management Implications Nil identified

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications

Council has an approved budget allocation to manage mosquitoes; funds are utilised to implement a range of management actions appropriate to each specific type of mosquito and its breeding habitat.

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications

Mosquitoes are part of the natural ecosystem with mosquito larvae eating microscopic organic matter in the water, helping to recycle it. Mosquito larvae are also a valuable food source for fish and other species such as dragonflies.

3.9 Social Implications

Mosquito and midge can cause nuisance and loss of amenity. Mosquitoes are also known to spread a range of diseases that adversely impact human health. To decrease the risk of disease transmission, local governments undertake mosquito management programs aimed at reducing the number of adult mosquitoes impacting residents.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Mayor and Councillors

ATTENDANCE

Ms Robyn Moffat left the meeting at 11.15am after Item 5.4.

ITEM 5.5 - DECLARATION OF INTEREST

Declarable Conflict of Interest - Cr Matt Constance

Although not a legislatively required declaration pursuant to s150EQ of the *Local Government Act 2009*, Cr Matt Constance informed the meeting of a possible declarable conflict of interest in Item 5.5 as Cr Constance is a member of the Golden Valley Keperra Lions Club Inc (recommended lessee).

Cr Constance has considered his position and is firmly of the opinion that he could participate in any decisions relating to the Golden Valley Keperra Lions Club Inc including discussion, debate and voting on matters in the public interest.

As part of an ensuing discussion, Council determined that Cr Constance was not required to declare a Conflict of Interest if the interest includes being a non-executive member of a non-profit organisation or club.

Cr Constance concurred with Council's determination and withdrew the declaration.

**ITEM 5.5
NEW LEASE - GOLDEN VALLEY KEPERRA LIONS CLUB INC**

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES
Reference: A19527725 : 12 November 2020 - **Refer Supporting Information A19527724**
Responsible Officer: CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

Executive Summary

This report seeks Council's approval for the provision of a lease to Golden Valley Keperra Lions Club Inc at James Drysdale Reserve, 2 Pine Hills Drive, Bunya (Division 10) (refer Supporting Information #1). The proposed lease would take effect once the construction of a new community purpose facility is completed at the site.

RESOLUTION

Moved by Cr Matt Constance

Seconded by Cr Darren Grimwade

CARRIED 13/0

1. That the exception contained in Section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendations 3 and 4, the Golden Valley Keperra Lions Club Inc be granted a lease over an area at James Drysdale Reserve, 2 Pine Hills Drive, Bunya (Refer Supporting Information #1) for a period of five years commencing at the completion of construction activities associated with the new community facility.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the grant of the lease be subject to Golden Valley Keperra Lions Club Inc surrendering its existing lease at Harry Evans Park, 51 Dinterra Avenue, Ferny Hills (refer Supporting Information #2).
5. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

ITEM 5.5 NEW LEASE - GOLDEN VALLEY KEPERRA LIONS CLUB INC - A19527725 (Cont.)

OFFICER'S RECOMMENDATION

1. That the exception contained in Section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendations 3 and 4, the Golden Valley Keperra Lions Club Inc be granted a lease over an area at James Drysdale Reserve, 2 Pine Hills Drive, Bunya (Refer Supporting Information #1) for a period of five years commencing at the completion of construction activities associated with the new community facility.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the grant of the lease be subject to Golden Valley Keperra Lions Club Inc surrendering its existing lease at Harry Evans Park, 51 Dinterra Avenue, Ferny Hills (refer Supporting Information #2).
5. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

REPORT DETAIL

1. Background

Since 1 December 2004, Golden Valley Keperra Lions Club Inc. (GVK Lions) has held a lease with Council over an area, including a clubhouse and storage sheds at Harry Evans Park, 51 Dinterra Avenue, Ferny Hills (refer Supporting Information #2) for the purpose of operating a Lions club. This lease is due to expire 30 November 2021.

The clubhouse is a former scout facility and consists of a downstairs storage and work area as well as a main meeting room upstairs accessible via an external staircase fitted with a chair lift. While the sheds are in good condition, it is considered that the club house would require significant funding to upgrade the facility to meet acceptable standards for a community use building.

Additionally, a review of the active transport network within the area identified a missing link between Ferny Hills and the Kedron Brook Bikeway. Accordingly, Council plans to construct a new shared pathway through Harry Evans Park (refer Supporting Information #3). This project is currently scheduled for construction in 2021/22, with preliminary works commencing 2020/21. The alignment of the new shared pathway has been identified as critically impacting on the GVK Lions' current tenancy at Harry Evans Park, both with respect to safe access to the facility and vehicle parking.

Separate to the above project, in late 2020 Council will commence the construction of a new community facility at James Drysdale Reserve, 2 Pine Hills Drive, Bunya (refer Supporting Information #1). This building will provide a community hub suitable for use by multiple community user groups and will consist of:

- Two large multi-purpose meeting rooms, including a kitchenette, with a dividing operable wall to create one larger space;
- Two small meetings rooms;
- Separate amenities each servicing one large and one small meeting room;
- A coffee / servery area;
- Deck and verandah spaces providing breakout areas from internal meeting rooms, as well as a gathering point for cyclists and other active recreation site users; and
- Storage areas.

ITEM 5.5 NEW LEASE - GOLDEN VALLEY KEPERRA LIONS CLUB INC - A19527725 (Cont.)

Adjacent to the new community building exists a large storage shed (refer Supporting Information #1) which is currently utilised, in-part, by Wrestling Queensland Inc. (Wrestling Qld). Following construction of a new storage facility at James Drysdale Reserve (estimated completion September 2021), Wrestling Qld will relocate from the large storage shed, enabling the shed to be utilised as supporting storage for the new community facility. This large storage shed will also be subject to a minor upgrade to install a loading / service area as part of the community facility construction works.

The proposed tenure model for the new facility and adjacent large storage shed would see a head lease issued to a community organisation under the provisions of Council's Community Leasing Policy. This lessee would take on the responsibility of managing and activating the facility through hire for a variety of community and recreational programs and activities.

2. Explanation of Item

Given that Council is about to commence work in preparation for the construction of a new shared pathway through Harry Evans Park, Council Officers have been in discussions with the GVK Lions in relation to potential construction impacts. From these discussions, it is evident that the project will significantly impact on the operations of the club, rendering the site unsuitable for their future occupation. Impacts include:

- access to the facilities during and post construction;
- club parking arrangements; and
- the high volume of pedestrian and cyclist traffic through the site and along the pathway.

Further to this, given the age of the clubhouse building (constructed 1976) and the extent of future upgrades required for it to meet desired and acceptable community use standards, officers consider that relocation of the GVK Lions to an alternate community facility would be the most beneficial option for both Council and the club.

In late 2020, Council will commence the construction of the above-mentioned new community facility located at James Drysdale Reserve. In accordance with the desired tenure model for this facility, Council will be required to identify an appropriate community organisation to take on the role of head lessee and manage both the building and large storage shed. With consideration to the future tenancy issues for GVK Lions at Harry Evans Park, officers have identified an opportunity for the club to assume the role of head lessee for the new community facility (once complete) and large storage shed, and relocate their operations from Harry Evans Park. Consultation undertaken with the GVK Lions has confirmed their in-principle support for this approach.

To enable this relocation, Council will need to provide the group with a lease over the area where the new facility is being constructed, along with the adjacent large storage shed (refer Supporting Information #1). Additionally, GVK Lions will be required to provide access over part of the storage shed to Wrestling Qld until Wrestling Qld's relocation to a new storage facility being constructed at James Drysdale Reserve (approximately September 2021).

Accordingly, this report recommends that Council approves the granting of a lease to Golden Valley Keperra Lions Club Inc, under the terms and conditions of Council's Community Leasing Policy, over the area identified in Supporting Information #1. Further, it is recommended that the term of this lease be for a period of five (5) years commencing at the conclusion of the building's construction, and be subject to Golden Valley Keperra Lions Club Inc surrendering their existing lease (expiry 30 November 2021) over Harry Evans Park, 51 Dinterra Avenue, Ferny Hills.

ITEM 5.5 NEW LEASE - GOLDEN VALLEY KEPERRA LIONS CLUB INC - A19527725 (Cont.)

3. Strategic Implications

3.1 Legislative / Legal Implications

The proposed lease will be registered with the Department of Natural Resources, Mines and Energy in accordance with the *Land Act 1994*.

The Council must comply with the *Local Government Act 2009* and Local Government Regulation 2012 when it disposes of valuable non-current assets. Resolving to rely on the exception provided under section 236(1)(b)(ii) of the Regulation will allow the Council to complete the disposal to a community organisation by means other than tender or auction.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

The terms and conditions of the proposed lease agreement will be in accordance with Council's Community Leasing Policy (2150-079).

3.4 Risk Management Implications Nil identified

3.5 Delegated Authority Implications

As per Officer's Recommendation 5 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary to execute the new lease.

3.6 Financial Implications Nil identified

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

3.9 Social Implications

The issuing of a lease to Golden Valley Keperra Lions Club Inc will provide the club with the facilities to support its operations for the benefit of the local community.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Councillor Matt Constance (Division 10)
Golden Valley Keperra Lions Club Inc.
Lions Club of Brisbane Bunya Inc.
Wrestling Queensland Inc.
Relevant Council stakeholders

ITEM 5.6
TELECOMMUNICATIONS LEASE - CLONTARF

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES
Reference: A20740925 : 16 November 2020 - Refer **Confidential Supporting Information A20835743 and Supporting Information A19578853**
Responsible Officer: AS, Manager Property Services (CES Property Services)

Executive Summary

This report seeks Council's approval for the provision of a lease to Axicom Pty Ltd for its existing telecommunications facility on the core terms outlined in the confidential attachment to this report (*refer Confidential Supporting Information #1*).

RESOLUTION

Moved by Cr Karl Winchester

Seconded by Cr Sandra Ruck

CARRIED 13/0

1. That the exception contained in section 236(1)(c)(vi) of the *Local Government Regulation 2012* applies to the Council regarding the disposal of the property referred to in this report.
2. That Axicom Pty Ltd be granted a new lease for the existing telecommunications facility located on part of 261 Duffield Road, Clontarf (being Lot 19 on SP231102) on the core terms outlined in the confidential attachment to this report (*refer Confidential Supporting Information #1*).
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 lease and any required variations of the lease on the Council's behalf, as described in this report.

ITEM 5.6 TELECOMMUNICATIONS LEASE - CLONTARF - A20740925 (Cont.)

OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(c)(vi) of the *Local Government Regulation 2012* applies to the Council regarding the disposal of the property referred to in this report.
2. That Axicom Pty Ltd be granted a new lease for the existing telecommunications facility located on part of 261 Duffield Road, Clontarf (being Lot 19 on SP231102) on the core terms outlined in the confidential attachment to this report (*refer Confidential Supporting Information #1*).
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 lease and any required variations of the lease on the Council's behalf, as described in this report.

REPORT DETAIL

1. Background

261 Duffield Road Clontarf (Lot 19 on SP231102) - Division 6 - is Council freehold land and is the location of the Redcliffe Waste Management Facility.

Axicom Pty Ltd hold two (2) adjoining leases over part of the Land, being Lease B in SP163019 (*refer Supporting Information #2*), and Lease T in SP307979 (*refer Supporting Information #3*). Both Lease B and Lease T expired on 13 September 2020.

Axicom Pty Ltd has requested a new lease which is proposed to incorporate part of the area currently held under Lease B and Lease T into one (1) new lease area, being Lease F, which has contracted slightly to the west (*refer Supporting Information #4*). The location of the existing lease areas (B&T) and the new lease area (F) is indicated in Supporting Information #5.

The proposed new lease terms have been negotiated and agreed by Axicom. The core commercial terms of the proposed new lease are outlined in the confidential attachment to this report (*refer Confidential Supporting Information #1*).

2. Explanation of Item

A Council resolution is required to grant a new lease to Axicom (based on the core commercial terms outlined in Confidential Supporting Information #1) to comply with the *Local Government Act 2009* and the *Local Government Regulation 2012*. Section 236(1)(c)(vi) of the Regulation allows Council to dispose of a valuable non-current asset if the grant of a lease is for the purpose of a telecommunications tower. Council may only rely on that exception if, before granting a lease, it resolves that the exception applies.

An independent valuer has determined that the rental amount reflects a fair and reasonable market rate.

3. Strategic Implications

- 3.1 Legislative / Legal Implications Nil identified
- 3.2 Corporate Plan / Operational Plan
Creating Opportunities: Digital literacy and commerce - a digital region.
- 3.3 Policy Implications Nil identified
- 3.4 Risk Management Implications Nil identified

ITEM 5.6 TELECOMMUNICATIONS LEASE - CLONTARF - A20740925 (Cont.)

3.5 Delegated Authority Implications

As per recommendation 3 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary to execute the new lease.

3.6 Financial Implications

Council will receive an annual rental income as per the core terms of the lease.

3.7 Economic Benefit Implications

Nil identified

3.8 Environmental Implications

Nil identified

3.9 Social Implications

Nil identified

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Legal Services

Director Community & Environmental Services

ITEM 5.7
COURT ELECTED INFRINGEMENTS

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES
Reference: A20779673 : 4 November 2020
Responsible Officer: SK, Manager Customer Response (CES Customer Response)

Executive Summary

The *State Penalties Enforcement Act 1999* allows for a person who has been issued with a penalty infringement notice to elect to have the matter of the offence decided in a Magistrates court instead of paying the infringement.

Council has received seven (7) Court Elect requests from members of the community who have received a penalty infringement notice that are considered appropriate to proceed with to the Magistrates Court. In order to progress to the Magistrates Court, a resolution of Council is sought authorising officers to proceed with these matters.

RESOLUTION

Moved by Cr Sandra Ruck

Seconded by Cr Matt Constance

CARRIED 13/0

That Council authorise the Chief Executive Officer to take all action necessary to progress the seven (7) Court Elect requests to the Magistrates Court for the matters to be heard.

ITEM 5.7 COURT ELECTED INFRINGEMENTS - A20779673 (Cont.)

OFFICER'S RECOMMENDATION

That Council authorise the Chief Executive Officer to take all action necessary to progress the seven (7) Court Elect requests to the Magistrates Court for the matters to be heard.

REPORT DETAIL

1. Background

Council's Local Laws provide a legal and procedural framework for their administration, implementation and enforcement.

The purpose of the Local Laws is to:

- maintain community expectations and standards
- protect the environment, public health and safety and
- maintain the amenity of the community through the administration and regulation of activities such as:
 - prescribed activities (local law approvals)
 - prohibited and restricted activities
 - the keeping of animals
 - the regulation of parking.

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 which includes but is not limited to:

- *Local Government Act 2009*
- *Animal Management (Cats and Dogs) Act 2008*
- *Transport Operations (Road Use Management) Act 1995 (TORUM)*
- *Transport Operations (Road Use Management-Road Rules) Regulation 2009*
- *Environmental Protection Act 1994*
- *Public Health Act 2005*
- *Waste Reduction and Recycling Act 2011*

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

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 infringement notice issue 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 conduct the same review process to ensure that the infringement notice has been correctly and lawfully issued before progressing the matter to the Magistrates Court.

ITEM 5.7 COURT ELECTED INFRINGEMENTS - A20779673 (Cont.)

In order to progress to the Magistrates Court, the action to proceed must occur within 1 year of the Penalty Infringement Notice issue date.

A Council briefing was conducted on 4 November 2020 for the purpose of sharing information and providing advice/views to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

That a Council report be submitted to the General Meeting for consideration of authorisation for officers to progress Court Elect requests.

2. Explanation of Item

Council has received seven (7) requests from community members who were issued with a penalty infringement notice and who have elected for the matter to be heard by Magistrates Court instead of paying the infringement that are considered appropriate to proceed with to the Magistrates Court.

The infringements have been reviewed and assessed to ensure the penalty infringement notice has been correctly and lawfully issued in preparation for progressing to court. Officers propose to proceed with the seven (7) requests to the Magistrates Court.

The table below outlines the offences for which the alleged offenders have elected to proceed to court.

Table 1 - Court elect infringements

Infringement number	Offence	Date	Infringement amount
Animal 214505	Animal wandering at large	14/05/2020	\$266.00
Animal 214521	Fail to maintain proper enclosure to prevent wander / escape	27/06/2020	\$266.00
Animal 220847	Allow animal to cause nuisance	13/08/2020	\$266.00
Parking 144502	Stop on path or nature strip	7/08/2020	\$ 93.00
Parking 144506	Stop on path or nature strip	11/08/2020	\$ 93.00
Parking 144330	Stop on path or nature strip	19/08/2020	\$ 93.00
Parking 136642	Stop on path or nature strip	24/08/2020	\$ 93.00

3. Strategic Implications

3.1 Legislative / Legal Implications

The *State Penalties Enforcement Act 1999* provides the option for a person to elect to have the matter of the offence decided in a Magistrates court instead of paying the infringement.

ITEM 5.7 COURT ELECTED INFRINGEMENTS - A20779673 (Cont.)

- 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
Progressing Court Elect requests through to the Magistrates Court will mitigate potential risks and ensure Council:
- builds reputation and community perception of equity, consistency and transparency when handling infringements
 - enhances voluntary compliance by the community and confidence in Council's education and enforcement activities
 - provides fairness to other members of the community who pay their infringements.
- 3.5 Delegated Authority Implications Nil identified
- 3.6 Financial Implications Nil identified
- 3.7 Economic Benefit Implications Nil identified
- 3.8 Environmental Implications Nil identified
- 3.9 Social Implications
Council's commitment to transparent and effective decision making in the public interest continues to build positive reputational benefits of fairness and equity within the community.
- 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. Officers consider that the following human right could be relevant to Council's decision: a person must not be tried or punished more than once for an offence in relation to which the person has already been convicted or acquitted. Officers consider that Council's decision in this circumstance will be compatible with this Human Right because none of the persons who have elected to have their matter heard in the Magistrates Court have previously been convicted or acquitted of an offence in relation to those same matters.
- 3.11 Consultation / Communication
Legal Services
Council briefing - 4 November

6 FINANCE & CORPORATE SERVICES SESSION

(Cr M Constance)

No items for consideration.

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

**ITEM 13.1
PLANNING SCHEME AMENDMENTS - STUDENT ACCOMMODATION BUILDINGS
(DS)**

Cr Denise Sims (Deputy Mayor) referred to the large student accommodation building located in Kallangur which was the subject of significant community concern in regard to density, lack of internal living areas, outdoor space allotted (including lack of verandahs), as well as parking rates and overflow of parking in surrounding streets most likely to occur due to distance to public transport.

Cr Sims' requested that these concerns be addressed when considering a proposed planning scheme amendment.

RESOLUTION

Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Mick Gillam

CARRIED 13/0

That the Chief Executive Officer ensure the issues of car parking requirements and design quality being addressed by Council planning officers in a proposed planning scheme amendment in relation to Next Generation and Secondary Dwellings, also deal with student accommodation buildings.

**ITEM 13.2
WASTE COLLECTION CONTRACTOR - INDUSTRIAL DISPUTE**

The Chief Executive Officer, Greg Chemello referred to the current industrial dispute by Council's Waste Collection contractor, Cleanaway.

The CEO advised that Council was enforcing the provisions of its contract with Cleanaway, and reiterated that the dispute is between Cleanaway and its employees. The CEO further advised that residents must report the non-collection of waste bins to ensure that arrangements are made with Cleanaway to collect those bins as soon as possible.

14. CLOSED SESSION

(s254J of the Local Government Regulation 2012)

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

14a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL

No items for consideration.

14b. CONFIDENTIAL GENERAL BUSINESS

No items for consideration.

15. CLOSURE

There being no further business the Chairperson closed the meeting at 11.31am.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 20/1961 to 20/2036 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 25 November 2020.

Greg Chemello
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Wednesday 9 December 2020.

Greg Chemello
Chief Executive Officer

Councillor Peter Flannery
Mayor