

IPSWICH CITY COUNCIL

## AGENDA

of the

# **COUNCIL ORDINARY MEETING**

Held in the Council Chambers 2<sup>nd</sup> floor – Council Administration Building 45 Roderick Street IPSWICH QLD 4305

> On Tuesday, 28 January 2020 At 9:00 am

#### **BUSINESS**

- A. <u>OPENING OF MEETING:</u>
- B. WELCOME TO COUNTRY OR ACKNOWLEDGEMENT OF COUNTRY:
- C. <u>OPENING PRAYER:</u>
- D. <u>ATTENDANCES INCLUDING APOLOGIES AND LEAVE OF ABSENCE:</u>
- E. <u>CONDOLENCES:</u>
- F. TRIBUTES:
- G. <u>PRESENTATION OF PETITIONS:</u>
- H. <u>PRESENTATIONS AND DEPUTATIONS:</u>
- I. <u>PUBLIC PARTICIPATION:</u>
- J. <u>CONFIRMATION OF MINUTES:</u>
  - 1. Ipswich City Council Minutes of Meeting of 10 December 2019 ......5
- K. <u>MAYORAL MINUTE:</u>
- L. DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA:
- M. <u>BUSINESS OUTSTANDING INCLUDING CONDUCT MATTERS AND MATTERS LYING</u> ON THE TABLE TO BE DEALT WITH:
- N. RECEPTION AND CONSIDERATION OF COMMITTEE REPORTS:
- O. <u>OFFICERS' REPORTS:</u>

1.	Regional Arts Development Fund (RADF) Grant Applications	25
2.	Community Donations Report	31
3.	Community Funding and Support Policy	37
4.	Advocacy for Regionally Significant Projects Policy	61
5.	City Heart Cabs Program	73
6.	Moores Pocket / Tivoli Sports Complex	85
7.	Delegation of powers to appoint two external independent members	
	and nominate the Chairperson to the Audit and Risk Management	
	Committee	109
8.	Human Rights Act 2019	113
9.	Monthly Performance Report - November 2019	213
10.	Beverage Supplies for Civic Centre - Section235 Other Exceptions Local	
	Government Regulation	223

11.	Regulatory Searches CITEC - Section 235 Other Exceptions Local
_	Government Regulation 2012
12.	Lease Renewal to the State of Queensland - Represented by The Public
	Safety Business Agency - Rural Fire Service - Part of Lot 2 Pine
	Mountain Road Pine Mountain231
13.	Cherish the Environment Foundation - Council Representative
14.	Rates exemption - Vedanta
15.	13980 Register of Experts for the Independent Decision Review Panel 287
16.	2019-2023 Asset Valuation - Land, Buildings and Infrastructure Assets -
	Appointed Valuer - Quotation Number: 14176
17.	13274 - Locksmith Services
18.	Heritage and Monuments Advisory Committee Meeting NO. 212
19.	Exercise Of Delegation Report
20.	Court Action Status Report
21.	Temporary Local Planning Instruments No. 1 and No. 2 of 2020 (Waste
	Activity Regulation)
22.	Draft SEQ Koala Conservation Strategy and Habitat Mapping
23.	Review of the Domestic Waste Collection Policy, Temporary
	Cancellation of the Domestic Refuse and Recycling Collection Services
	Policy and Use of Driveways as Turnaround Areas for Domestic Waste
	Collection Vehicles Policy
24.	Addressing Congestion, Cross River Connectivity and Network
	Resilience in the Ipswich City Centre - Strategic and Preliminary
	Business Case
25.	Contract Award - No. 13087 Road Realignment and Signalisation -
	Marsden Parade, Ipswich
26.	Brisbane Lions Lease of Development Area 22A and 22B - Northern
	Sportsfields
27.	Tender Consideration Plan - Ipswich Central CBD Retail Operations
	Service Agreements Term of Engagement Extension
28.	Ipswich Central Program Report No. 19 to 11 December 2019 and
	Report No. 20 to 15 January 2020
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### P. NOTICES OF MOTION:

## Q. <u>QUESTIONS ON NOTICE:</u>

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#### UNCONFIRMED MINUTES OF COUNCIL ORDINARY MEETING

#### 10 DECEMBER 2019

#### Held in the Council Chambers, Administration Building 45 Roderick Street, Ipswich

#### The meeting commenced at 9.00 am

Pursuant to section 8.4.5 of Council's Meeting Procedures Policy, the Interim Administrator invited the Interim Management Committee being Jan Taylor, Simone Webbe, Robert Jones, Stan Gallo and Steve Greenwood to address the Council on any matters before it.

The Interim Administrator advised that he is bound to declare Conflict of Interests and potential Conflict of Interests and that the members of the Interim Management Committee are not legally bound, however in accordance with the Interim Management Committee Charter they will also declare Conflict of Interests and potential Conflict of Interests.

ATTENDANCE AT	Greg Chemello (Interim Administrator)			
COMMENCEMENT	INTERIM MANAGEMENT COMMITTEE			
	Jan Taylor, Simone Webbe, Robert Jones, Stan Gallo and Steve Greenwood			
WELCOME TO COUNTRY OR ACKNOWLEDGEMENT OF COUNTRY	Ipswich City Council respectfully acknowledges the Traditional Owners as custodians of the land upon which we meet. We pay our respects to their elders, past, present and emerging, as the keepers of the traditions, cultures and stories of a proud people.			
OPENING PRAYER	Greg Chemello (Interim Administrator)			
	Let us in silence pray or reflect upon our responsibilities to the people of Ipswich.			
	We meet today to serve our community, to use our resources wisely and well, to represent all members of our community fairly and to make decisions that promote the common good.			
APOLOGIES AND LEAVE OF ABSENCE	Nil			
TRIBUTES	The Interim Administrator thanked the Interim Management Committee for their advice, assistance, direction, and counselling when he needed it, over the last 15 months. He passed on his appreciation and outlined that he couldn't have done the job without their individual and collective efforts.			

#### **CONFIRMATION OF MINUTES**

CONFIRMATION OF	The Interim Administrator of the Ipswich City Council resolves:		
MINUTES OF ORDINARY MEETING	That the Minutes of the Ordinary Meeting held on 19 November 2019 be confirmed.		
	The motion was put and carried.		
DECLAR	ATIONS OF INTEREST IN MATTERS ON THE AGENDA		
DECLARATIONS	The Interim Administrator declared interests in the following matters:		
	ECONOMIC DEVELOPMENT COMMITTEE		
CONFLICT OF INTEREST ITEMS 2, 3, 4, 5 AND 6 - INTERIM ADMINISTRATOR			
CONFLICT OF INTEREST ITEM 2 – STAN GALLO	Item 2 – Ipswich Central Redevelopment Governance		
	Stan Gallo from the Interim Management Committee informed the meeting that for the purpose of transparency he has, or could reasonably be taken to have a perceived conflict of interest in Item 2 titled Ipswich Central Redevelopment Governance.		
	The nature of the perceived interest is that he is a partner at KPMG, who have undertaken a financial analysis of a development and divestment strategy for retail and commercial assets.		

	Stan Gallo confirmed that, as there is no personal or financial benefit to him and he would not be party to any analysis undertaken by KPMG, he would participate in the meeting in relation to the matter.
	OFFICER'S REPORT
CONFLICT OF INTEREST – OFFICER'S REPORT – INTERIM ADMINISTRATOR	<b>Officer's Report</b> titled Project Management Services – Commonwealth Hotel and Retail Components Nicholas Street – Ipswich Central
	The nature of the perceived interest is that Ranbury Management Group is the primary consultant for the CBD Redevelopment and from 2008 to 2012 he was an employee and was a director and part owner of Ranbury but has no current working relationship with the company.
	The Interim Administrator confirmed that, as there is no personal or financial benefit to the Interim Administrator, he would participate in the meeting in relation to the matter.
RECEPTI	ON AND CONSIDERATION OF COMMITTEE REPORTS
	The Interim Administrator of the Ipswich City Council resolves:
DEVELOPMENT COMMITTEE	That the Economic Development Committee Report No. 2019(12) of 3 December 2019 be received and adopted.
	The motion was put and carried.
GROWTH AND	The Interim Administrator of the Ipswich City Council resolves:
INFRASTRUCTURE COMMITTEE	That the Growth and Infrastructure Committee Report No. 2019(12) of 3 December 2019 be received and adopted.
	The motion was put and carried.
COMMUNITIES	The Interim Administrator of the Ipswich City Council resolves:
COMMITTEE	That the Communities Committee Report No. 2019(12) of 3 December 2019 be received and adopted.
	The motion was put and carried.
ENVIRONMENT	The Interim Administrator of the Ipswich City Council resolves:
COMMITTEE	That the Environment Committee Report No. 2019(12) of 3 December 2019 be received and adopted.

The motion was put and carried.

GOVERNANCEThe Interim Administrator of the Ipswich City Council resolves:COMMITTEEThat the Governance Committee Report No. 2019(12) of<br/>3 December 2019 be received and adopted subject to an<br/>amendment to the commentary of Item 7 titled Media Policy.

AMENDMENTThat the second paragraph of commentary in relation to Item 7<br/>be amended as follows: Simone Webbe from the Interim<br/>Management Committee raised a concern with this suggestion<br/>stating that maybe the review could be confined to council's<br/>role as a media outlet as a policy determination.

The motion was put and carried.

#### **OFFICERS' REPORTS**

The Interim Administrator of the Ipswich City Council resolves:

- ADOPTION OF MEETING CONDUCT POLICY AND PUBLIC PARTICIPATION AT COUNCIL ORDINARY MEETINGS POLICY
- A. That the policy titled "Meeting Conduct Policy" as detailed in Attachment 1, be adopted.
- B. That the policy titled "Public Participation at Council Ordinary Meetings" as detailed in Attachment 2, be adopted.
- C. That the Meetings Procedure Policy, under section 8.4.3 Order of Business, be amended by the incorporation of the following business item:
  - Public Participation

and the amendment of the Business Outstanding business item to also include the words "including conduct matters".

DISCUSSION The Chief Executive Officer outlined that the policy for Public Participation is an opportunity for public participation at a council meeting. He stated that council is setting a new standard for public participation in meetings. He further stated that numerous councils undertake public engagement in different ways and this proposal is to allow the public to address the council meeting on specific matters.

The Interim Administrator outlined that the policy stipulates that questions from the public are required to focus on

strategic and policy matters, not operational issues of council. He stated that questions need to be linked to the current strategic plan of council (Advance Ipswich Strategy) and be about council long term strategies and policies.

The Interim Administrator stated that the Meeting Conduct Policy is adopted from the state model and together with the Public Participation Policy, these two policies formulate the final piece of governance and integrity framework for councillors. He stated that Ipswich will now have the most contemporary and relevant set of councillor conduct and governance policies in the state and that there is no more that could be done by himself in terms of setting the framework for councillor behaviour and conduct.

The motion was put and carried.

ACQUISITION OF LAND FOR ROAD PURPOSES REDBANK PLAINS ROAD STAGE 3

The Interim Administrator of the Ipswich City Council resolves:

A. That Council (Interim Administrator of Ipswich City Council) having duly considered this report dated 25 November 2019, be of the opinion that the following properties (shown in Attachments 1-3) ("the land") be required for acquisition for road purposes:

Part of Lot 35 RP135047, 2 Shannon Street Redbank Plains;

Part of Lot 8 RP856263, 204-206 Redbank Plains Road Bellbird Park; and

Part of Lot 1 RP119577, 208-210 Redbank Plains Road Bellbird Park.

- B. That Council (Interim Administrator of Ipswich City Council) exercise its power as a "Constructing Authority" under the *Acquisition of Land Act 1967* and acquire the land, (as described in Recommendation A of this report dated 25 November 2019) for road purposes.
- C. That the Chief Executive Officer be authorised to negotiate compensation and perform any other matters, arising out of the *Acquisition of Land Act* 1967 or otherwise, and to do any other acts necessary to implement Council's decision to acquire this land in accordance with section 13 (3) of the *Local Government Act 2019.*

DISCUSSION	The General Manager Corporate Services stated that consultation had been undertaken both internally and externally with the community in relation to this acquisition. The motion was put and carried.		
ACQUISITION OF	The Interim Administrator of the Ipswich City Council resolves:		
LAND FOR ROAD PURPOSES PART OF 14 WILLIAM STREET BLACKSTONE	Α.	That Council (Interim Administrator of Ipswich City Council) having duly considered this report dated 26 November 2019, be of the opinion that the following property (shown in Attachment 1) ("the land") be required for acquisition for road purposes:	
		Part of Lot 25 RP110739, 14 William Street Blackstone;	
	В.	That Council (Interim Administrator of Ipswich City Council) acquire the land by agreement, (as described in Recommendation A of this report dated 26 November 2019) for road purposes.	
	с.	That the Chief Executive Officer be authorised to negotiate compensation and perform any other matters, arising out of the <i>Acquisition of Land Act</i> <i>1967</i> or otherwise, and to do any other acts necessary to implement Council's decision to acquire this land in accordance with section 13 (3) of the <i>Local Government Act 2019.</i>	
DISCUSSION	The General Manager Corporate Services stated that this is an acquisition for kerb and channel project where the owner is the state.		
	The motion was put and carried.		
BRISBANE LIONS STADIUM FUNDING	The Interim Administrator of the Ipswich City Council resolves:		
AGREEMENT	Α.	That Council (Interim Administrator of Ipswich City Council) enter into a contract with the Brisbane Lions in accordance with the funding arrangements specified in this report.	
	В.	That the Chief Executive Officer be authorised to negotiate and finalise the terms of the contract to be executed by Council and to do any other acts necessary to implement Council's decision in accordance with section 13(3) of the <i>Local</i> <i>Government Act 2009</i> .	

#### DISCUSSION

The General Manager Coordination and Performance provided an overview of the report stating that the report relates to Council's contribution towards the Brisbane Lions Stadium at Springfield.

In 2015 there was an original Heads of Agreement (HOA) signed between Council and the Brisbane Lions and that there was a subsequent HOA signed in 2017. The agreement stipulates that Council will provide the Springfield City Group's (SCG) developer contributions for the particular fields in question, Development Areas 22A and 22B, and that Council will provide those funds directly to the Brisbane Lions for the development of the stadium. Council has been in negotiations with SCG as to the amount of that contribution and that it is a somewhat complex history but the calculation for the contribution in total from SCG is approximately \$10.6 million which takes into account the LGIP construction rates. In the course of the intervening period between the HOA and now, Council has agreed to shift certain amounts of those contributions away from the development of those sports fields.

There were courts that were transferred from Development Areas 22A and 22B to Development Areas 16 and 17 which are the southern sports field. That contribution is approximately \$521,800 so those have been delivered as part of the southern sports field at Springfield which are now open and operating.

Council also entered into negotiations with SCG in the realignment of Eden Station Drive when Council was constructing that particular road. The alignment of that road was shifted to the south which impacted the ability of SCG to deliver the specified number of fields and courts on that site. As part of the negotiations for that realignment, Council agreed that there would be a reduction in the SCG contribution to Development Areas 22A and 22B of one field which reduces their contribution by a further \$820,000. In effect what that means is that the entire SCG embellishment contribution value to the sports fields is in fact \$9,046,264. The HOA cited approximately a \$12 million contribution by Council to the Brisbane Lions project. Based upon that stipulated and nonbinding contribution amount the lions then went and sought state and federal funding as part of this project.

It is important to understand that whilst the HOA for \$12 million was non-binding, it was part of Council's "pitch" to secure the Brisbane Lions to build their stadium in Ipswich.

There are obvious community benefits of having a national sporting facility based in Ipswich and that was the basis upon which they would build the stadium in Ipswich and sought the federal funding.

Council has calculated what the SCG contribution was, taking into account the reduction of the six courts which were delivered on the southern sports field, and the realignment of Road 10, bringing that contribution down to \$9 million. This raised significant concerns with the Brisbane Lions in terms of a funding gap between their budget of what they anticipated they would receive from Council.

Brisbane Lions contacted Council and said if they were to provide the embellishment costs for 22B which is the field on the Northern side of Eden Station Drive (noting the contribution from SCG relates to the embellishment of both fields, not just the one where the stadium is) that means that Council has the responsibility to deliver the embellished fields on both 22A (stadium) and 22B (the community based sporting facilities).

There will be a contractual requirement for Council to embellish the field. Council has calculated those costs under the LGIP construction rate and it will cost \$3 million to embellish it to a local sports and courts facility for the community to use. The \$3 million includes the normal sports, courts and lighting but does not include any type of clubhouse.

A facility of this nature in that location, will require a clubhouse to be built at some stage and that is something that Council will need to consider in the future if we were to go down that path. As part of the negotiations with the Brisbane Lions they proposed they would embellish 22B (community sports fields) on Council's behalf and that in this embellishment it would include a clubhouse for community use. The reason the Brisbane Lions have an interest in developing and embellishing that field is that they want to use it for warm ups for the opposition players on game days as well as for training when they want to rest the main playing surface.

There is significant interest in the Brisbane Lions to do this from an operational perspective which is the driver for wanting to see it embellished sooner rather than later. As part of this proposal the Brisbane Lions have requested Council to consider contributing the \$3 million required to embellish that particular field to the Brisbane Lions. This would be contingent on a contractual arrangement that the Brisbane Lions would then embellish the field to a local sports and courts facility, including a clubhouse, within four years of Council signing the contract.

The benefit from a community perspective is that in Council's existing long term financial forecast and capital works program, there was no intent for Council to embellish that particular sporting field within the next 10 years. By Council providing this contribution to the Brisbane Lions, Council meets its moral and ethical obligations under the HOA of \$12 million. Council will also provide a total contribution to the Brisbane Lions that meets their purposes and Council will get a community sports and courts facility delivered well ahead of time than what it would have if it was otherwise left with Council. Council also get enhanced embellishment of the field as it will have a clubhouse and the intent of the Brisbane Lions is to embellish it well above the standard than Council would normally undertake for a community courts and sports facility.

The agreement would be that Council would lease the second field to the Brisbane Lions and that would be inclusive of community usage of about 90/95% of the time. It would be no different to any other sporting facility that Council has where an Expression of Interest would be called to get an idea of the sporting clubs that would want to tenant the clubhouse and use the sporting fields.

This meets Council's obligation under the HOA and the committed funding from the state and federal governments. The Brisbane Lions stadium is built in Ipswich and Council get a community sports and courts facility delivered ahead of time and to a higher standard to what would otherwise be delivered by Council.

There is a significant demand in Springfield for sports and courts given the fact that it is the largest and quickest growing area within the Ipswich local government area so this is seen as a positive for the community and for Council.

This agreement means that Council's total contribution is significantly less than the \$15 million previously anticipated and now is a total of \$13.6 million with an approximate saving of \$1.4 million for the ratepayers of Ipswich.

Once approved, Council will enter into the commercial arrangements and agreements with the Brisbane Lions to ensure they are contractually bound to deliver the

embellishment of 22B (the second field) to the standard that they have specified. Council will have a clause in the contract that if it isn't completed within the specified timeframe which is envisaged at four years, Brisbane Lions have to refund Council the additional \$3 million.

From an organisation and community point of view this mitigates the risk significantly. If Brisbane Lions don't deliver within the four year timeframe, the \$3 million comes back to Council and then Council fulfils its obligation to embellish that second field.

The Interim Administrator stated that this has been a huge challenge for the organisation due to the various agreements, arrangements and obligations. He stated that it was very clear that the HOA was non-binding legally but for him both ethically and morally it was a different matter particularly because the commonwealth and state governments have proceeded on that basis. He further stated that there are obvious risks in this decision however there is already embedded risk in the decisions to date in that Council was already funding the cost of the core earthworks to have a stadium ready facility there at \$5 or \$6 million as well as transferring the infrastructure charges of \$9 or \$10 million over. The Interim Administrator stated that at the end of the day Council owns these assets so regardless of lease or licence arrangements it is a Council owned stadium and Council owned sports field and courts field next door.

The motion was put and carried.

BUDGET AMENDMENT -	The Interim Administrator of the Ipswich City Council resolves:		
DECEMBER 2019	Α.	That the amended 2019-2020 Budget and Long Term Financial Forecast, as detailed in Attachments 1, 2 and 3 of the report by the Treasury Accounting Manager dated 1 December 2019, be adopted.	
	В.	That the amended Debt Policy, as detailed in Attachment 4 to the report by the Treasury Accounting Manager dated 1 December 2019, be adopted.	
DISCUSSION		he General Manager Corporate Services outlined the three nain focus areas of the report:	
	1. Council has now completed its audit and it has consequential		

impacts on the balance sheet and profit and loss which have been adjusted.

 2. Updating the key assumptions with interest revenue and interest expense and waste management utility charges.
 3. Incorporation of the Retail precincts of the Nicholas Street Redevelopment.

The Interim Administrator stated that the interest revenue, interest expense and waste management are pretty straight forward to understand and that the largest impact is the retail precinct of the Nicholas Street Redevelopment. He stated that this is the last material decision that Council can make in terms of the CBD. Council acquired the CBD over a decade ago for certain reasons and the current Council has now inherited the situation. He outlined that he has talked at length about this situation within council, at committees and at community organisations.

The Interim Administrator commented that it is not a matter of debate about whether Council should own the CBD buildings or not, the fact of the matter is that it does own them and it is understanding what is the best thing to do with them. He thanked Steve Greenwood for chairing the CBD Steering Committee and outlined that Council has engaged a significant number of experts in the field to advise Council. He stated that he felt this is the best strategy and that there has been a substantive amount of well documented consulting advice to lead Council to this point. He outlined that in essence Council will spend approximately \$43.6 million on the retail, commercial, entertainment and buildings that Council own, redevelop, refurbish and then lease them. The market advice from potential investors has really concluded or advised Council that they are not greatly interested in acquiring these assets at this point in time. Notionally, Council is talking about retaining these assets for a year or two before disposing of them.

The Interim Administrator stated that in his view, although a future council may form a different view, the retail buildings are not long term assets that Council should hold, they are imperative from a city building point of view. The only other option was to do nothing and leave the buildings as they are which is not really a good choice for the community. The Interim Administrator outlined that he is aware of discussions the consultants are having with potential tenants and business operators and that a future council will have the joy of announcing these. He outlined that Council is spending \$43.6

**DELEGATION OF** 

OFFICER

million and the anticipated approximate sale price is \$50 million and that there is significant risk but the bigger risk for the community is not doing anything.

The motion was put and carried.

The Interim Administrator of the Ipswich City Council resolves:

**COUNCIL POWERS** That the Interim Administrator of Ipswich City Α. AND FUNCTIONS TO Council repeal all the instruments of delegation from CHIEF EXECUTIVE Council to the Chief Executive Officer as detailed in Attachment 1 of this report dated 3 December 2019.

> Β. That the Interim Administrator of Ipswich City Council delegate all of the powers or functions of the Ipswich City Council to the Chief Executive Officer in accordance with Delegation Instrument LGD-2019-1(including attached schedule of powers (Attachment 3)), as detailed in Attachment 2 of this report dated 3 December 2019.

DISCUSSION The General Counsel and Manager, Legal and Governance outlined that this report was one of the outcomes of Transformational Project #11 (Delegations). The report is in relation to the repeal of the existing delegations from Council to the Chief Executive Officer and the introduction of a new delegation instrument with the schedule and a full description of all the powers. He outlined that this just relates to the Chief Executive Officer and that there were previously around 80 existing delegation instruments however this proposal is for one delegation instrument with all the schedule of powers and conditions attached. The General Counsel and Manager, Legal and Governance stated that in a previous Council meeting a report was submitted in relation to recent changes to the *Economic Development Act* and that these changes have been incorporated into this review.

> The Interim Administrator confirmed that the 80 delegations from Council to the Chief Executive Officer have all been wrapped into one instrument of delegation with all the powers properly described and that this could go on line as a register for members of the public to view. It will include the powers delegated and a proper description of all those powers. He stated that the Chief Executive Officer can then, at his discretion, sub-delegate the schedule of sub-delegations and that this closes another one of the Transformational projects.

The motion was put and carried.

PROJECT	The Interim Administrator of the Ipswich City Council resolves:		
MANAGEMENT SERVICES - COMMONWEALTH HOTEL AND RETAIL COMPONENTS	That in accordance with section 175(E)(6) and 257 of the <i>Local Government Act 2009</i> , the decision to be made on this matter, as detailed below, be delegated to the Chief Executive Officer:		
NICHOLAS STREET - IPSWICH CENTRAL	Α.	That Council approve a variation to Contract No. 13908 with Ranbury Management Group Pty Ltd for the provision of Program Management Services for Package 3 (Commonwealth Hotel) and Package 4 (Retail) as outlined in confidential Attachment 3.	
	В.	That the Chief Executive Officer be authorised to negotiate and finalise any amendments or variations to the terms of the Contract No. 13908 executed by Council and to do any other act necessary to implement Council's decision in accordance with section 13(3) of the <i>Local Government Act 2009</i> .	
INTEREST real conflict of inter Management Service		erim Administrator informed the meeting that he has a nflict of interest in the Officer's Report titled Project ement Services – Commonwealth Hotel and Retail ments Nicholas Street – Ipswich Central.	
	The nature of the interest is that Ranbury Management Group is the primary consultant for the CBD Redevelopment and from 2008 to 2012 he was an employee and was a director and part owner of Ranbury but has no current working relationship with the company.		
	propos Group has dec betwee to dele	Interim Administrator stated that as this report is a posed variation to the contract with Ranbury Management up and that he was a previous employee and Director, he decided not to make any decisions that involve a contract ween Council and Ranbury. He stated that he would resolve elegate the assessment and decision of the matter to the ef Executive Officer.	
	The mo	ption was put and carried.	

#### **CLOSING COMMENTS**

As this was the last Council meeting for the Interim Administrator and Interim Management Committee, the Interim Administrator invited each member of the committee members to add closing comments.

#### Interim Administrator The Interim Administrator made the following comments:

This is the final council meeting and it has been a privilege and an honour to be in this role for the past 15 months. I will finish my term on 10 January 2020 which will then be a 16 month journey for all and most noticeably for the community. There is still much more change and evolution to occur in the community and for staff as we move forward. We have achieved substantial reform and I will release a report in the first week of January outlining all the achievements we have made. This will be a summary report with links to all the Transformational Projects undertaken and some of the other key initiatives that we have achieved. It will really be a statement for Council staff and the community to understand the journey Ipswich has been on for the last 15 months. Some significant achievements have been made in terms of the Councillor's role in integrity, performance and interactions between councillors and staff. The final piece of that work in terms of Councillor governance and integrity was adopted at today's meeting. There are no more decisions that are outstanding that I could make and it is now up to the incoming set of elected representatives to live these documents, values and policies.

The CBD was the other big challenge and again, coincidentally, the last final piece was adopted today in terms of the Council decision on the CBD redevelopment. I understand there is still major ongoing reform in terms of the operating areas of Council across a number of areas and I thank David Farmer for coming on board as Chief Executive Officer and committing himself to the Council for the years ahead. I am very confident in the ability of the Council to recover from where it was. As I look around the room and think about where we were 15 months ago, it is very different. I am also confident in the communities ability to move forward. One of the greatest community meetings I attended was a couple of weeks ago with 150 community members who were looking to set up a peak body of community organisations to deal constructively with Council. This was not possible when we started as the thinking was not there so I look forward to that proceeding in the future.

Thank you to the Interim Management Committee for your advice and assistance and a special thanks to Steve Greenwood for volunteering to be the Interim Administrator for the last two months. Thank you to David Farmer and all the staff. I also want to thank the Queensland Parliament for their unanimous vote in August last year to enable the sacking of councillors. Having learnt about how the organisation was run over the last 15 months, it was in my view the right decision to make. I want to thank the State Government and Minister for Local Government for entrusting me with the role. Thank you to the community. It has been a difficult journey for those watching over the last 15 months but it has been the right thing to do and I have great confidence that the council and community will continue to grow.

Robert Jones Robert Jones made the following comments:

When we started this journey we identified what our focus should be, not in this order necessarily, but it was governance, culture and transformational change with a lot of things fitting underneath these categories.

The issue more immediately was to deal with complaints and grievances which obviously were significant and needed a lot of input and I think that both Simone Webbe and Stan Gallo have done a fantastic job in working through this and establishing the right frameworks and policies to move forward.

In relation to the organisation, it was a great opportunity for the Interim Management Committee to make the most of this 15 months and really build Council into an organisation that is at leading practice. This was one of the objectives we really wanted to see occur when we came to Ipswich, for Ipswich to be an example to other councils and be leading practice. It is a journey and the journey will continue under management's leadership in the new Council.

Thank you to all the Interim Management Committee members for their support and comradery through the process; I have really enjoyed my time here. I couldn't say this the day I was asked to participate as I didn't really know what it would be. It has been a challenge and has been interesting and there are really great people here who have undertaken some good work and it has been a good opportunity to be a sounding board for these people.

Simone Webbe Simone Webbe made the following comments:

I would like to congratulate and celebrate the many individuals and teams who worked very hard and with great significance to seek the transformation of this organisation in pursuit of good governance. I acknowledge that this pursuit is an ongoing one, as it is for every organisation always. For this organisation in particular, you move from development of key scaffolds of governance to the implementation of those and that is a very difficult phase to be in as you breathe life and effect into the documents, processes and systems that you have developed.

I encourage, as you embark on that very difficult challenge, the ethical leadership of all those that are charged with the responsibility to lead. I would also encourage stewardship of all officers at Council, wherever they may be, for the public accountability of the public funds and powers that you hold on public trust for the benefit of the residents and ratepayers of Ipswich.

I pay tribute to the courage, resilience and patience of many who have stepped up and in a very early and timely way, identified areas that needed a priority focus, either for themselves or for the organisation generally, so that those matters could be attended to during the interim administration as a way of being able to let the whole organisation move forward.

I underscore the importance of good governance generally and why all of that was worth it for the courage of various change agents in the process through this last 15 months because although at times it feels for people that we were always talking about good governance issues, whether it be people, processes, systems or procedures, they are your enabling tool to do your strategic work. The CBD, sports stadiums, the services that we offer to the community cannot happen if you don't do the right thing, the right way at the right time, with the right people, to deliver those strategic objectives and that is what good governance is all about. It really is a stich in time and provides a safe and enjoyable, satisfying, place to work.

Good luck to all, you are well on your way and look out for each other.

Jan Taylor Jan Taylor made the following comments:

I went into this task with a certain degree of trepidation as well and didn't enjoy the first couple of months but what has really uplifted me through this process, the pleasure that I have had in meeting and dealing with the community, has been fantastic.

I now do quite a lot of shopping in Ipswich, so can speak with a

certain degree of knowledge of the pleasure it is to deal with some of the retail outlets. Every person I have ever dealt with who works in any shop in Ipswich has been phenomenal. They have a certain degree of acceptance of anyone and everything. One of my favourite coffee shops has an intellectually challenged young man working there and it is such a pleasure to go in there and find the degree of acceptance. He is wonderful at what he does and generally Ipswich is a community that is extraordinarily diverse. You just have to look at the architecture. I love driving through some of the streets and looking at the glorious, grand old homes and think what it would have been like to live in one of them.

Ipswich is a place, is a microcosm of a whole lot of other areas, but what makes it different is an element of vitality that you don't necessarily find in other places. I have found nothing but pleasure in getting to know a whole range of people in this town and hope that I don't lose these ties. I think that the Council, as representing this community, has a wonderful job ahead of it. I wish all those future unnamed councillors the best of luck. I think that Greg Chemello has led a fantastic ship here and all those who follow him including Steve Greenwood, can enjoy this as well. It has been a pleasure and a challenge these last 15 months and good luck for the next 15 years at least.

Stan Gallo Stan Gallo made the following comments:

I think for me, with Greg Chemello initially coming into the leadership role in Council, I thank you for being open to the advice and animated discussion that occurred between the Interim Management Committee members and yourself occasionally, and being willing to listen. For myself, not coming from a government background, more of a corporate space, to see a bipartisan approach to everything that was achieved over the last 15 months was tremendously enlightening for someone with my background.

Each of the Interim Management Committee members brought a different skill to the team. I came in thinking that I had my little piece and that essentially joined me with Simone Webbe from day one. Out of all the members, I got to work with Simone most closely and to find a lawyer with a social conscientious on her sleeve is a rare find indeed.

To the other members, it has been a tremendous learning curve for me in terms of governance in government and

working in government and I will take that back to my corporate future.

To the team here in Council, we pushed pretty hard and we know that but to achieve what we did in the transformational projects and to achieve that change in culture that we all collectively sought, we needed to. I congratulate those who did stand up and take the reins.

For those that we stood in front of in the early weeks and asked that you trust us in bringing forward the issues, complaints and all that dirty laundry, stating that we were willing to listen, in particular those people who had raised these matters before and not felt that they had been properly dealt with or had been beaten down, you were willing to stand up one more time and trust us to take these matters forward which is a tremendous step to take. I think we are still seeing ripples of this through the entire organisation. We have been able to try and wrap those governance processes around these issues to support you and I would hope that the incoming councillors will continue down that path. The framework is in place and they can carry this forward.

Lastly the community, who did embrace the Minister's termination of the Council. It was a bold move and quite a significant one in Queensland history. To be a part of that and the outcome and to also keep an eye on the local media about how we were going in the public's view; to see that come through very positively and supportive has been tremendous.

Although it has taken a lot of time in Ipswich, it has opened my eyes to how the government operates, both at local and state levels. There are a lot of learnings in the change that this organisation has undergone that can be taken to other organisations. This puts Ipswich from a place behind to a place in front which is a tremendous achievement in 15 months.

Thank you to everyone and I hope it continues to move forward.

Steve Greenwood Steve Greenwood made the following comments:

I reflect on the thoughts and comments of the other Interim Management Committee members. When I was offered this position; when the Minister contacted me, I didn't think about it too deeply and took it quite lightly. It was only about the first 30 minutes we were in Ipswich and I was speaking to staff about what had been occurring in Council and the impact on staff, that it really hit me. I realised that this was a very serious role and a very serious challenge for all of us. It is very rare in anyone's career that you have an opportunity to be a part of something significant that is going to genuinely impact the future of a lot of people in a community. For that I am truly appreciative.

I have never worked closely with Greg Chemello and have really enjoyed it. I have become one of Greg's biggest promoters outside of Council as I have found that everything we have done, we have had to invent; it is all new. There is no guidebook and no one to follow. Everything that we have done, every decision, process, program that Greg has driven and that we have been a part of has been very difficult but also very rewarding, so thank you Greg.

As Stan said and the others reflected on, the Interim Management Committee is a group of very different people, with very different backgrounds, which has created some interesting discussion but has also been the strength of the Interim Management Committee as well. It has been very enjoyable and I thank you for your collegiate nature, even though there were many stresses.

For the senior executives, it has been hard. We will move on but the real load is going to be borne by you. You have been through massive change and stress and now through continuous change so I am particularly aware and recognise the weight you are carrying. I know that the Chief Executive Officer is very focussed on this in terms of ensuring the wellbeing of Council's senior managers in carrying this reform program going forward. Thank you for your support and forbearance and I will see you back here on 13 January 2020.

Interim Administrator The Interim Administrator made the following final comments:

A comment that I make very regularly is that the Interim Management Committee and I are incredibly strong supporters of democracy which is an interesting phrase as this is a very undemocratic job. Our job was to get this council back on its feet so that elected representatives have a good platform to bring democracy back to the city. I proudly think we have done this and have achieved our job and again am privileged to be a part of this.

#### **MEETING CLOSED** The meeting closed at 9.53 am

"These minutes are subject to confirmation at the next scheduled Council Ordinary Meeting"

Doc ID No: A5982094

ITEM: 1.1

SUBJECT: REGIONAL ARTS DEVELOPMENT FUND (RADF) GRANT APPLICATIONS

AUTHOR: COMMUNITY GRANTS COORDINATOR

DATE: 24 DECEMBER 2019

#### EXECUTIVE SUMMARY

This is a report concerning allocation of funding through the Regional Arts Development Fund.

#### **RECOMMENDATION/S**

That the Interim Administrator of Ipswich City Council resolve:

- A. That Council (Interim Administrator of Ipswich City Council) approve funding of \$6,100 to Fusion Arts towards the development and presentation of the junior musical, The Little Mermaid, as outlined in the report by the Community Grants Coordinator dated 19 December 2019.
- B. That Council (Interim Administrator of Ipswich City Council) approve funding of \$5,000 to Eugene Gilfedder towards Stage 1 of the Legends of Cocky-Jerry-Jar project, as outlined in the report by the Community Grants Coordinator dated 19 December 2019.
- C. That Council (Interim Administrator of Ipswich City Council) approve funding of \$8,400 to THAT Production Company towards the Failure to Launch creative development project, as outlined in the report by the Community Grants Coordinator dated 19 December 2019.

#### **RELATED PARTIES**

The RADF Committee is a local advisory group who were appointed through an expression of interest process in May 2019. During the online assessment of grant applications by the RADF Committee, Cassandra Ramsay declared a conflict of interest against the application from THAT Production Company. Cassandra Ramsay advised that she has not been directly involved in the "Failure to Launch" project to date, however she is the Creative Producer of THAT Production Company.

Cassandra Ramsay did not participate in the assessment of THAT Production Company's RADF expression of interest or grant application, and did not attend the meeting where applications were discussed by the RADF Committee.

#### **ADVANCE IPSWICH THEME**

Caring for the community, and listening, leading and financial management.

#### PURPOSE OF REPORT/BACKGROUND

The Regional Arts Development Fund (RADF) is delivered as a partnership between the Queensland Government through Arts Queensland and Ipswich City Council. RADF promotes the role and value of arts, culture and heritage as key drivers of diverse and inclusive communities and strong regions. The fund invests in local arts and cultural priorities as determined by local communities across Queensland and its flexibility enables local councils to tailor RADF programs to the specific needs of their communities.

The Ipswich RADF Program is informed by the Ipswich Arts and Cultural Strategy 2018-2023. The priorities for the Ipswich RADF program are:

- Increased opportunities providing opportunities for art and cultural experiences and participation throughout the Ipswich region, across all sectors of the community
- Coordination and partnerships encouraging arts and cultural practitioners and organisations to collaborate across the Ipswich region
- Connected community supporting projects that foster engagement
- Image and identity promoting Ipswich's rich and unique cultural heritage and thriving arts and cultural sector
- Mentorships and skills development providing knowledge, support and guidance to arts and cultural practitioners focussing on strengthening skills.

Ipswich City Council provides funding in five (5) categories:

- Public Art
- Telling Ipswich's Stories
- Projects up to three (3) years in duration
- Skills Development and Mentoring
- Quick Response

RADF funding allocated to Ipswich City Council was guided by the population and coinvestment tiers as outlined by the Queensland Government; 40% Arts Queensland (\$35,000) and 60% Ipswich City Council (\$52,500) in the 2019–2020 financial year. The RADF financial year runs from September to September.

#### **RADF Application Process**

Grant applications are assessed by the RADF Committee, a local advisory group who were appointed through an expression of interest process in May 2019, and reflect the diverse arts and culture of the Ipswich Region. Council will undertake three RADF funding rounds in the 2019-2020 financial year, in addition to provision for individual professional development applications assessed as Quick Response Grants. The RADF grants process is a two-step process where applicants are required to submit an expression of interest which outlines the project and an estimate of how much funding will be sought from RADF.

The expressions of interest and applications are assessed against the following considerations:

- Innovation Projects that engage audiences, provide opportunities for artists to present their works and generate social and economic benefits through skills development, employment or tourism
- The artistic merit is clearly articulated, including vision, ideas, the creative process and evidence of quality of work
- Projects that align to one or more of the RADF priorities
- Projects that increase opportunities, access and participation in arts and cultural activities
- Evidence of realistic and achievable planning and resource use, including a comprehensive budget
- Clear marketing or engagement approach (where relevant)
- The role of partners (where applicable), including confirmation of involvement
- The expected outcomes of the project are well articulated

Ten (10) expressions of interest were received and considered by the RADF Committee in November 2019, of which five (5) were invited to submit a full application. Three (3) applications were received, as one applicant decided not to submit an application at this stage, and another did not meet the closing deadline. Applicants were advised that late applications would not be accepted.

The expressions of interest which did not proceed to the application stage included submissions which contained insufficient details of the project, lacked evidence of skills development, unclear budgets, or did not articulate the ongoing impact of the project or partnerships. One application was ineligible as the project was being undertaken outside the lpswich Region.

#### **Grant Applications Received**

#### **Fusion Arts Incorporated**

Fusion Arts Incorporated is an Ipswich based community performing arts organisation who applied for a RADF grant of \$6,100. Fusion Arts will be working with children and young people between February and April 2020, to present a junior musical, The Little Mermaid. The show will be held during the April school holidays at Studio 188 and will provide opportunities for young Ipswich performing artists to showcase their skills by participating in a high quality musical.

The development of the performance will expose the performers to creditable directors and choreographers, culminating in six (6) shows.

The total cost of the project is \$17,467 and following assessment, funding of \$6,100 has been recommended by the RADF Committee to support the costs of the musical director, director and set designer costs.

#### Eugene Gilfedder

Eugene Gilfedder is an Ipswich resident who has worked extensively with major theatre companies in Australia in roles of actor, director, music director, sound artist and composer.

Eugene Gilfedder applied for a RADF grant of \$5,000 towards the development of an opera, The Legends of Cocky-Jerry-Jar, which tells the true story of a Chinese man who lived in a cave on Denmark Hill. This project has several stages and funding is sought for Stage 1, which includes engaging a local theatre director to research local archives, completing the libretto from the research and engaging an Australian/Chinese playwright to write and give genuine voice to the Chinese characters, and act as a guide to Chinese tradition and culture.

This application is intended as Stage 1 of a larger project which will culminate in a complete production. Funding for later stages will be sought through QPAC, Arts Queensland and Queensland Music Festival.

The total cost of Stage 1 is \$6,800 and following assessment, the RADF Committee has recommended funding \$5,000 to support research, writing, composing and cultural liaison costs.

#### **THAT Production Company**

THAT Production Company is an Ipswich theatre company which has produced and presented a number of productions in the past 10 years.

THAT Production Company has sought a RADF grant of \$8,400 to conduct a five phase creative development of a new play by Liam Lowth, called Failure to Launch. The project focuses on Ipswich and will take place between February and April 2020, concluding with a public showing of the work.

Failure to Launch examines some of the causes of toxic masculinity and explores the role place can play in relationships. Some Ipswich high schools have expressed interest in attending the show at Studio 188.

The total cost of the project is \$14,130 and following assessment, funding of \$8,400 has been recommended by the RADF Committee to support artist fees and venue hire.

#### **LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions: *Local Government Act 2009 and Local Government Regulation 2012.* 

#### **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with this report.

#### FINANCIAL/RESOURCE IMPLICATIONS

Funding for the provision of the Regional Arts Development Fund (RADF) program is contained within the Community Engagement and Development Section 2019-2020 financial year budget.

There are no additional resourcing or budget implications associated with this report.

#### COMMUNITY AND OTHER CONSULTATION

The contents of this report required consultation with the Ipswich RADF Committee, who assess applications and make recommendations to Council for RADF funding. The Ipswich RADF Committee meeting was held on 18 December 2019.

#### CONCLUSION

Applications for funding through the Regional Arts Development Fund are assessed in accordance with the eligibility criteria and assessment process outlined in the current Ipswich City Council RADF Guidelines.

#### Josie Berry COMMUNITY GRANTS COORDINATOR

I concur with the recommendations contained in this report.

# Abbey Richards COMMUNITY ENGAGEMENT AND DEVELOPMENT MANAGER

I concur with the recommendations contained in this report.

#### Ben Pole GENERAL MANAGER - COMMUNITY, CULTURAL AND ECONOMIC DEVELOPMENT

"Together, we proudly enhance the quality of life for our community"

Doc ID No: A5983644

ITEM: 2.2

SUBJECT: COMMUNITY DONATIONS REPORT

AUTHOR: COMMUNITY GRANTS COORDINATOR

DATE: 2 JANUARY 2020

#### EXECUTIVE SUMMARY

This is a report providing detail about the year to date allocation of community donations, as at 31 December 2019 (Attachment 1), and providing a summary of these community donations by recipient type (Attachment 2).

#### **RECOMMENDATION/S**

#### That the Interim Administrator of Ipswich City Council resolve:

#### That the report be received and the contents noted.

#### **RELATED PARTIES**

There are no known related party matters associated with this report.

#### **ADVANCE IPSWICH THEME**

Caring for the Community, and Listening, Leading and Financial Management.

#### PURPOSE OF REPORT/BACKGROUND

Through the provision of community donations, Ipswich City Council seeks to support the role of community organisations and recognise the significant role they play in developing and delivering initiatives that encourage participation in community life, foster social cohesion, celebrate diversity, and contribute to a vibrant, healthy and sustainable city.

The Community Donations Program allows for funds to be allocated to not-for-profit community organisations for community purposes and supports community organisations to deliver initiatives that address identified local community needs.

#### Management and Coordination of the Community Donations Program

The Community Development and Engagement Section manages the receipt, assessment and allocation of funding applications received through the Community Donations Program in accordance with the Community Donations Policy and associated Administrative Guidelines.

#### **LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions: *Local Government Act 2009 and Local Government Regulations 2012.* 

Specifically, section 109 of the *Local Government Act 2009* provides local governments with the ability to utilise discretionary funds in accordance with the requirements prescribed under the *Local Government Regulation 2012*.

Section 202 of the *Local Government Regulation 2012* prescribes a number of requirements for –

- a) a local government for making discretionary funds available; and
- b) a councillor for using discretionary funds.

# Discretionary funds allocated are required to be publically reported under section 202 of the Local Government Regulation 2012.

#### **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with this report.

#### FINANCIAL/RESOURCE IMPLICATIONS

Within the Community Engagement and Development Section, the Community Grants Team is responsible for the management and coordination of Council's Community Donations Program and Community Grants and In-Kind Assistance Program. The Community Grants Team is a team of two (2) full-time staff.

Funding for the provision of community donations is contained within the Community Engagement and Development Section 2019-2020 financial year budget.

There are no additional resourcing or budget implications associated with this report.

#### COMMUNITY AND OTHER CONSULTATION

The contents of this report did not require any community consultation.

#### CONCLUSION

Applications for funding through the Community Donations Program are assessed in accordance with the eligibility criteria and assessment process outlined in the Community Donations Policy and associated Administrative Guidelines.

This report provides detail about the allocation of community donations for the 2019-2020 financial year up to 31 December 2019 (Attachment 1), and provides a summary of these community donations by recipient type (Attachment 2).

#### ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Community Donations - December 2019 - Report 🖳 🖾
2.	Community Donations - December 2019 - Recipient Type 🕂 🖀

#### Josie Berry COMMUNITY GRANTS COORDINATOR

I concur with the recommendations contained in this report.

# Abbey Richards COMMUNITY ENGAGEMENT AND DEVELOPMENT MANAGER

I concur with the recommendations contained in this report.

Ben Pole GENERAL MANAGER - COMMUNITY, CULTURAL AND ECONOMIC DEVELOPMENT

"Together, we proudly enhance the quality of life for our community"

## **Community Donations Register**

Year A	Approval Date Recipient	Purpose of Funding
2019	26/06/2019 Tivoli Social Enterprises Limited	Tivoli STEM show
2019	26/06/2019 Leichhardt State School	NAIDOC Day celebrations
2019	26/06/2019 Ipswich & District Rifle Club Inc	Ipswich and District Rifle Club 160th Anniversary Open Prize Meeting
2019	26/06/2019 Ipswich Cycling Club`	State Junior Road Cycling Championships
2019	26/06/2019 Dinmore Bushrats Soccer and Sports Club Inc	R2R Return to Riverview
2019	11/07/2019 LiveCity Church Ltd	Redbank Plains Christmas Carols 2019
2019	11/07/2019 Ipswich Softball Umpires Inc	Ipswich Softball Umpires Inc Start Up Project
2019	25/07/2019 Friends of Lakes Cultural Association Inc. (FOLCA)	PONNONAM 2019
2019	6/08/2019 Springfield Lakes Nature Care Inc.	Richmond Birdwing Butterfly Recovery workshop
2019	6/08/2019 Marburg and District Residents Association Inc	Black Snake Creek Festival
2019	6/08/2019 Staines Memorial College	IMPACT celebration (Instrumental Music, Performing Arts, Culture & Talent)
2019	14/08/2019 Fusion Arts Inc	Performing in local Nursing Homes
2019	14/08/2019 Lions Club of Rosewood Inc	Lions Club of Rosewood Christmas Street Carnival
2019	14/08/2019 Tivoli Social Enterprises Ltd	Christmas in Ipswich for Kids
2019	14/08/2019 Raceview State School P & C Assn.	2019 Spring Fair
2019	4/09/2019 Ipswich Musical Theatre Company Inc	MAMMA MIA
2019	4/09/2019 Batswana in Queensland Association(BIQA)	Adressing our community welfare and needs
2019	4/09/2019 SENIORNET ASSOCIATION INCORPORATED	END OF YEAR BREAK UP
2019	4/09/2019 Festival of Learning	Festival of Learning Event
2019	11/09/2019 St Mary's College Ipswich	St Mary's College 2019 Gala Dinner
2019	11/09/2019 Queensland Pathways State College	QPSC Holiday Program
2019	8/10/2019 Y-Care SE QLD Inc.	Formal 2019
2019	11/10/2019 National Seniors Australia Ipswich and District Branch Inc.	End of Year Celebration with Lunch
2019	11/10/2019 YMCA of Brisbane	Christmas and Easter School holiday program
2019	11/10/2019 Walloon State School P&C	Outdoor Play Equipment
2019	23/10/2019 Probus Ipswich East Club Inc	Membership Recruitment Day
2019	30/10/2019 The Pyjama Foundation Ltd	Christmas Party for Kids in Care
2019	30/10/2019 The Lady Musgrave Trust	Upgrade to Lady Musgrave Trust Accommodation for Women in Ipswich
2019	30/10/2019 Springfield Lakes State School Parents and Citizens Association	Shade and Soft-Fall - Year 5/6 playground
2019	4/11/2019 Goodna RSL Sub Branch	Remembrance Day Commemorative Service
2019	6/11/2019 Varnam Cultural Society (QLD) Inc.	Multicultural Tamil & Indian New Year Celebrations
2019	6/11/2019 Christian Reformed Church of Tivoli	CAP Training sessions
2019	6/11/2019 The Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane	Christmas Eve Celebrations
2019	14/11/2019 Goodna Street Life Inc	Carols by Candlelight
2019	14/11/2019 Ipswich Central State School P&C	Ipswich Central Community Carols
2019	25/11/2019 Ipswich Community Care Fund Pty Ltd	Christmas Luncheon
2019	25/11/2019 Gailes Residents Commitee Inc	Kidz Biz January & April 2020 School Holiday Program
2019	27/11/2019 Redbank Palms Residents Resort Association	Christmas Dinner
2019	27/11/2019 Queensland Pathways State College	QPSC HP Program
2019	4/12/2019 Ipswich Acappella Harmony Club Inc.	Women's Uniforms
2019	4/12/2019 Weight Reduction Club of Ipswich (Tuesday Night) Inc.	Purchase of Data projector and screen
2019	4/12/2019 Ipswich Show Society	Steward School
2019	11/12/2019 Friends of Lakes Cultural Association	Christmas Concert and New Year Function
2019	11/12/2019 Harvest Rain Christian Care Ltd	Christmas Day Community Dinner
2019	11/12/2019 Rosewood & District Support Centre Inc	Summer Family Fun Day
2019	11/12/2019 St Edmunds College	Confraternity Rugby League
2019	18/12/2019 Young Life Australia	Summer Camp 2020
2019	18/12/2019 Sudanese-Australian Lost Boys & Girls Organisation of South Sudan (SALBAGOSS) Inc	Celebration of Cultural Education Achievement
2019	18/12/2019 Kruger Parade Baptist Church	Kruger Easter Festival
2019	19/12/2019 Willowbank Area Group	Advertising and venue hire costs

### Item 2.2 / Attachment 1.

Total Palo
\$1,000.00
\$1,545.00
\$2,211.55
\$2,181.00
\$2,650.99
\$15,000.00
\$3,545.63
\$2,000.00
\$558.75
\$1,050.00
\$3,750.00
\$9,707.48
\$1,303.40
\$13 <i>,</i> 500.00
\$471.00
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\$2,500.00
\$5,000.00
\$872.00
\$207.277.45

Total Paid

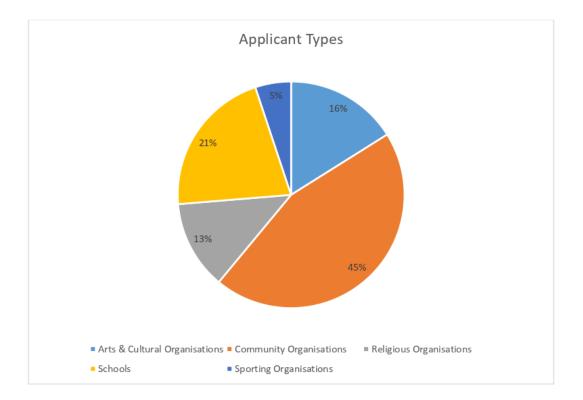
#### **Categorised Recipient Types**

Council approved community donations totalling \$207,277 to various community groups during the period 1 July 2019 to 31 December 2019.

Community donations are reported on within the month that the payment was processed. Accordingly, as the payment for some approved community donations in June 2019 did not occur until July 2019, they are included in this report.

Recipients of Council community donations have been categorised into applicant types as outlined below:

٠	Arts & Cultural Organisations	\$33,323
٠	Community Organisations	\$93,130
٠	<b>Religious Organisations</b>	\$26,278
٠	Schools	\$43,957
٠	Sporting Organisations	\$10,589



Doc ID No: A5979759

ITEM: 3.3

SUBJECT: COMMUNITY FUNDING AND SUPPORT POLICY

AUTHOR: COMMUNITY GRANTS COORDINATOR

DATE: 8 JANUARY 2020

#### **EXECUTIVE SUMMARY**

This is a report concerning the adoption of a Community Funding and Support Policy to guide the effective centralised management of all of Council's community funding and support programs.

#### **RECOMMENDATION/S**

That the Interim Administrator of Ipswich City Council resolve:

- A. That the policy titled Community Grants and In-Kind Assistance Policy as detailed in Attachment 1 to the report by the Community Grants Coordinator dated 8 January 2020, as per Item No. 13 of the City Management, Finance and Community Engagement Committee No. 2018(06) of 19 June 2018, adopted at the Council Ordinary meeting on 26 June 2018, be repealed.
- B. That the policy titled Community Donations Policy as detailed in Attachment 2 to the report by the Community Grants Coordinator dated 8 January 2020, as per Item No. 4 of the Governance Committee No. 2019(12) of 3 December 2019, adopted at the Council Ordinary meeting on 10 December 2019, be repealed.
- C. That the policy titles Bursaries, Scholarships and Other Funding for Community Purposes Policy as detailed in Attachment 3 to the report by the Community Grants Coordinator dated 8 January 2020, as per Item No. 4 of the Governance Committee No. 2019(12) of 3 December 2019, adopted at the Council Ordinary meeting on 10 December 2019, be repealed.
- D. That the policy titled Community Funding and Support Policy as detailed in Attachment 4 to the report by the Community Grants Coordinator dated 8 January 2020, be adopted.

# **RELATED PARTIES**

PricewaterhouseCoopers was engaged in 2019 to independently review Council's community funding and support programs.

### **ADVANCE IPSWICH THEME**

Caring for the Community, and Listening, Leading and Financial Management

# **PURPOSE OF REPORT/BACKGROUND**

In July 2019, the Executive Leadership Team approved the centralisation of the management and administration of all Council funding within the Community Engagement and Development Section, Community, Cultural and Economic Development Department.

Council currently has a large number of grants, sponsorships and bursary programs which are managed in a decentralised manner across a number of departments, resulting in inconsistent approaches to grant and funding allocation, and likely creates confusion and ambiguity for the community.

In order to facilitate the centralisation of all funding and support functions, Council engaged PricewaterhouseCoopers to undertake a review of all council funding programs.

PricewaterhouseCoopers has begun this review, which is being undertaken in three (3) phases as outlined below:

- Phase 1: Current state assessment review of Council's current funding programs and stakeholder consultations to understand the key risks and challenges associated with the current processes
- Phase 2: Comparison with other Local Government Areas review of the current funding programs across select Local Government Areas, and comparison with Ipswich City Council's funding programs
- Phase 3: Documentation draft policy and procedure documents to provide a framework for the management and administration of transparent, efficient and equitable funding programs offered by Ipswich City Council.

A final report from PricewaterhouseCoopers is forthcoming, however, some of their initial findings in relation to risks and issues can be summarised as follows:

- Council has an inconsistent approach to the management and administration of Council's funding activities across the organisation
- No formal program evaluation has occurred across the various funding programs in order to form an assessment of the benefits realised through Council funding
- Council offers a larger number of funding programs (double the average number compared with other Council's reviewed), likely creating confusion for community members trying to determine the most appropriate funding stream to support their activity

- The current community funding procedures do not include detailed steps around the funding approval process
- There are multiple processes and avenues for community members to apply for funding
- Decision makers are not provided with information about non-conforming or ineligible applications
- The evaluation criteria for applications is complex, and the weighting/sliding scale based on the assessors scores, may result in worthy projects not receiving sufficient funding
- Inconsistency of documentation across the various funding programs
- Differences in the approval processes across funding programs, that is, some grants require Council resolution, others do not and community donations of less than \$15,000 are approved by the Interim Administrator.

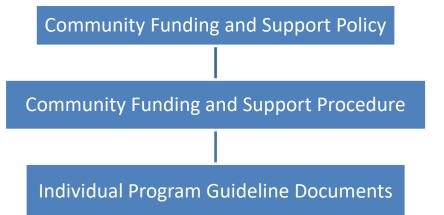
PricewaterhouseCoopers has recommended that Council consider the following actions which are designed to provide practical guidance to revise, refine and update the management and administration of Ipswich City Council's funding and support activities:

- 1. Adopt a community funding framework for the management of community funding programs
- 2. Evaluate Council's current suite of funding programs
- 3. Review the number of current funding programs and allocation of budget between community donations and other funding
- 4. Review and refine the current funding approval processes to address risks with the current differences in approval processes
- 5. Review and update existing program material (including simplification of application forms and evaluation criteria)
- 6. Develop a resourcing plan to consider appropriateness of current resourcing to both implement and address recommended activities and the ongoing management of Council's community funding and support programs

# **PROPOSED FRAMEWORK**

A high level Community Funding and Support Framework has been developed. This framework provides for an overarching policy supported by one comprehensive procedure and the development of a guideline document for each program.

The adoption of the one Community Funding and Support Policy (Attachment 4) for all types of funding and support will replace the three (3) policies currently in place (Attachment 1, 2 and 3) related to grants and funding and which will govern Council's Event Sponsorship



Policy. A high-level visualisation of the proposed Community Funding and Support Framework is set out above:

Currently Council has sixteen (16) funding and support programs and, in line with the recommendations of PricewaterhouseCoopers, it is proposed to reduce the number of programs by approximately 50% (which would align Ipswich City Council closer to other benchmarked Local Government Areas).

# NEXT STEPS

In line with the proposed Community Funding and Support Framework, the Community Engagement and Development Section will undertake the following steps to support the implementation of the centralised funding model by 1 July 2020:

- 1. January 2020 Whole of Council Community Funding and Support Policy is adopted by Council
- 2. January 2020 continue to work with PricewaterhouseCoopers to finalise their final report and associated documents
- 3. February 2020 Draft and finalise a Community Funding and Support Procedure
- 4. February/March 2020 Undertake a community engagement process to determine the strategic direction of Council's community funding programs, including the distribution of funding budgets
- 5. March/April 2020 In consultation with internal stakeholders, design funding programs in accordance with Community Funding and Support Procedure and develop supporting guideline documents
- 6. April/May 2020 Finalise administrative processes (i.e. application forms, funding agreements, and acquittal forms) and ensure that applicant processes are streamlined, accessible and clear
- 7. 1 July 2020 Community Funding and Support Framework complete
- 8. July 2020 Deliver community information sessions and grant writing workshops.

# **BENEFITS OF PROPOSED CHANGES**

Council will continue to receive applications for funding and support via the SmartyGrants database.

It is anticipated that centralisation and transformation of Council's funding and support programs will result in a more streamlined process for applicants, including:

- Reducing the number of funding programs offered, whilst still ensuring the programs align to, and deliver on, Council's strategic objectives
- A single entry point to guide applicants to the most appropriate funding program for their project
- Simplified application process and clearer process for community to access information and funding

Further, the centralisation of all council funding and support will ensure a consistent approach to the management and administration of Council funding and reduce the inherent risks associated with decentralised management.

# RESOURCING

Within the Community Engagement and Development Section, the Community Grants Team consists of two (2) full-time staff. With the proposed changes to funding and support, including a reduction in the number of grants programs, it is anticipated (at this stage) that no further full-time resources will be required to administer the funding and support programs.

# **LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions: Local Government Act 2009 & Local Government Regulation 2012

# **RISK MANAGEMENT IMPLICATIONS**

A number of risks related to the current process for managing funding and support were identified by PricewaterhouseCoopers and are noted within this report. The proposed Community Funding and Support Framework, and the actions outlined earlier in this report will provide a consistent approach to the management and administration of Council funding.

# FINANCIAL/RESOURCE IMPLICATIONS

In the 2020-2021 financial year, funding for the provision of Council funding and support will be contained within the Community Engagement and Development Section budget.

The Community Engagement and Development Section has budget available in the 2019-2020 financial year to assist with costs to undertake community consultation to determine the strategic direction of Council's community funding and support program.

# COMMUNITY AND OTHER CONSULTATION

Internal stakeholders have reviewed and provided input into the proposed Community Funding and Support Framework and the proposed Community Funding and Support Policy (Attachment 4). Internal stakeholders consulted with include the Environment and Sustainability Branch, Community and Cultural Services Branch and Marketing and Promotion Branch.

Feedback received has been discussed and incorporated into the content of the Community Funding and Support Policy. No objections have been received regarding the adoption of the Community Funding and Support Policy. The Executive Leadership Team has reviewed the contents of this report.

# CONCLUSION

This report provides detail about a new Community Funding and Support Framework and seeks adoption of a new Community Funding and Support Policy to guide the effective management all of Council's community funding and support programs.

The Community Funding and Support Framework will continue to be developed and is scheduled to be complete by 1 July 2020.

# ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

- Community Grants and In-Kind Assistance Policy U
   Community Donations Policy U
- 3. Bursaries, Scholarships and Other Funding for Community Purposes Policy 🗓 🖾
- 4. Community Funding and Support Policy 🗓 🛣

# Josie Berry COMMUNITY GRANTS COORDINATOR

I concur with the recommendations contained in this report.

# Abbey Richards COMMUNITY ENGAGEMENT AND DEVELOPMENT MANAGER

I concur with the recommendations contained in this report.

# Ben Pole GENERAL MANAGER - COMMUNITY, CULTURAL AND ECONOMIC DEVELOPMENT

"Together, we proudly enhance the quality of life for our community"

# Item 3.3 / Attachment 1.

2	
lpswich	

COMMUNITY GRANTS AND IN-KIND ASSISTANCE POLICY DOCUMENT NO: A4935598

#### 1.1 Objectives:

The objective of this policy is to outline how Ipswich City Council provides funding to support community organisations through its Community Grants and In-Kind Assistance Program.

#### 1.2 Introduction:

The City of Ipswich is home to over 200,000 people with the population expected to double to approximately 520,000 by 2041, making it the fastest growing local government in Queensland. This population growth brings opportunities, but also challenges for our community and for Council.

Ipswich City Council acknowledges and respects the significant role played by local community organisations and groups in developing and delivering initiatives that encourage participation in community life, foster social cohesion, celebrate diversity, and contribute to a vibrant, healthy and sustainable city.

#### 1.3 Regulatory Authority:

Local Government Act 2009 (Qld) Local Government Regulation 2012(Qld) Ipswich City Council - Advance Ipswich Ipswich City Council - Corporate Plan 2017-2022

#### 1.4 Policy Statement:

The purpose of this policy is to outline how Ipswich City Council invests in community outcomes by providing funding to support community organisations through its Community Grants and In-Kind Assistance Program. This policy will be a tool for community organisations, clearly articulating Council's funding priorities and the resourcing opportunities available.

This policy establishes clear expectations around Council and community roles, sets out an accessible yet rigorous and robust approach to governance and accountability and ensures the process of allocating and monitoring the Community Grants and In-Kind Assistance Program will be fair, transparent and inclusive.

Council's Community Grants and In-Kind Assistance Program is administered by the Arts, Social Development and Community Engagement Department.

Page 1 of 5

# 1.4.1 Policy Context:

Section 195 of the Local Government Regulation 2012 (Qld) states:

"A local government must prepare and adopt a policy about local government grants to community organisations (a **community grants policy**), which includes the criteria for a community organisation to be eligible for a grant from the local government."

Further, section 194 of the Local Government Regulation 2012 (Qld) states:

"A local government may give a grant to a community organisation only –

- (a) if the local government is satisfied -
  - (i) the grant will be used for a purpose that is in the public interest; and
  - (ii) the community organisation meets the criteria stated in the local government's community grants policy; and
- (b) in a way that is consistent with the local government's community grants policy."

This policy complies with the above legislative requirements.

This policy also supports Ipswich City Council's vision for the future and the key themes identified in <u>Advance Ipswich</u>:

- 1. Strengthening our Local Economy and Building Prosperity (Jobs)
- 2. Managing Growth and Delivering Key Infrastructure
- 3. Caring for Our Community
- 4. Caring for Our Environment
- 5. Listening, Leading and Financial Management.

This policy specifically reflects Council's approach to grant making within the Ipswich Local Government Area with consideration to local government's role in achieving community cohesion, civic participation and capacity building.

Ipswich City Council's Community Grants and In-Kind Assistance Policy has also been developed in the context of Council's strategic planning framework, which allows Council and the community to identify community needs and aspirations on an ongoing basis.

#### 1.5 Scope:

Ipswich City Council's Community Grants Program includes four categories of grants, each category seeking to support the development and implementation of innovative initiatives that deliver targeted social, cultural and community outcomes:

1. Triennial Grants

Triennial Grants support community organisations to pilot or trial innovative programs that address gaps in services within the Ipswich community. Triennial Grants are allocated over a 3 year period and designed to support community

Page 2 of 5

organisations to attract further ongoing funding to assist the initiative to become sustainable.

2. Community Development Grants

Community Development Grants support community organisations developing and delivering a one-off community initiative that addresses local needs and achieves community development outcomes.

3. Quick-Response Grants

Quick-Response Grants support community organisations in delivering small community initiatives that address local needs and achieve community development outcomes.

4. Christmas/Festive Season Grants

Christmas/Festive Season Grants support community organisations developing and delivering a community Christmas event or activity or other celebratory event relevant for the broader community.

In-Kind Assistance is also available within Council's Community Grants and In-Kind Assistance Program. In-Kind Assistance is provided to community organisations to support the delivery of community and sporting events within the City of Ipswich that engage the broader community and improve the social, economic and/or environmental outcomes of the community.

An Applicant Guidelines document will be available each year. This guidelines document will outline eligibility and exclusion criteria, assessment criteria and required documentation to be submitted with applications.

#### **1.6 Funding Principles:**

Ipswich City Council applies the following principles when providing support through its four grant categories:

- Asset based thinking and building on the strengths that exist within community
- Evidence based approach that acknowledges and responds to the needs and aspirations of our community
- Access and equity to ensure a socially inclusive community
- Valuing local collaborations and partnerships
- Valuing the social, economic and environmental sustainability of our City.

In addition, Council is committed to the efficient and effective delivery of the Community Grants and In-Kind Assistance Program and transparency and accountability in decision making.

Page 3 of 5

# 1.7 Funding Priorities:

Ipswich City Council's four grant categories support initiatives that:

#### Connect People

Build diverse, cohesive and connected communities

- Increase participation of people who are at risk of isolation
- Increase trust, awareness and understanding between people and across community groups
- Facilitate inclusion and equitable access to facilities, services, open spaces and activities
- Provide access to information and training

#### **Increase Opportunity**

Reduce vulnerability and disadvantage

- Facilitate access to education, training and employment opportunities
- Improve social and physical wellbeing through a prevention and early intervention approach
- Encourage participation in civic and community activity for marginalized community members
- Facilitate engagement with and/or self-determination of vulnerable and disadvantaged community members

#### **Build Community Capacity**

**Build Community Capacity** 

- Increase capability and coordination of community services and participation in decision making
- Raise awareness about social sustainability in the community
- Strengthen governance and accountability in community organisations
- Improve collaboration and coordination of community support and services
- Encourage participation in civic and community activity
- Share knowledge through the creative use of existing resources, new technologies and/or the knowledge and experiences of our diverse communities

#### Appreciation of Arts & Culture

Appreciation of Arts & Culture

- Increase cultural education
- Increase access to and participation in creative expression and arts and cultural experiences

Page 4 of 5

- Raise awareness about the value and importance of the arts and culture
  - Improve collaboration and coordination within the arts and cultural community
  - Contribute to artistic and cultural outcomes for marginalized community members

An Applicant Guidelines document will be available each year. This document, in addition to outlining eligibility criteria, assessment criteria and required documentation, may also outline further community priorities (in addition to those mentioned above) that grant applications will be required to align proposed initiatives with.

#### 1.8 Expected Program Outcomes:

Ipswich City Council expects that initiatives for which a grant is provided will have measureable social, cultural and community outcomes. Examples of measurable outcomes are detailed in the relevant Applicant Guidelines document available each year.

#### 1.9 Assessment Process:

An Applicant Guidelines document will be available each year and this document will outline the assessment criteria and process that will be used to assess applications. The assessment process will also be supported by an internal procedure document.

#### 1.10 Terms and Conditions That Apply to Successful Applicants:

All successful applicants will receive the approved funding or assistance from Council subject to terms and conditions which are outlined in the relevant Applicant Guidelines document.

#### 1.11 Ethics Framework:

Ipswich City Council will not support any activities, entities, or individuals associated with entities, that are considered to impinge upon the ethical framework of Ipswich City Council.

#### 1.12 Roles and responsibilities:

All relevant Council Officers are responsible for adhering to this policy.

#### 1.13 Policy Author:

The Community Engagement Manager is responsible for the reviewing this policy.

Date of Council Resolution: 26 June 2018 Committee Reference and Date: City Management, Finance and Community Engagement Committee No. 2018(06) of 19 June 2018 No. of Resolution: 13 Date to be Reviewed: 26 June 2020

Page 5 of 5



# IPSWICH CITY COUNCIL Community Donations Policy

Version Control and Objective ID	Version No: 4	Objective ID: A5886012
Approved by Council on	10 December 2019	
Date of Review	10 December 2023	

#### 1. Statement

This funding program provides council with an annual amount (subject to annual budget allocations) for the allocation of community donations to spend for community purposes to benefit Ipswich residents. With an emphasis on community development and social infrastructure this policy aims to build community capacity, encourage participation, and develop vibrant, engaged and more resilient local communities.

This policy ensures an equitable, open and transparent process which complies with relevant legislation for community organisations to seek financial assistance. The policy and associated Administrative Guidelines act as tools to ensure that decision-making around the provision of community donations is transparent, accountable and contributes to the council's corporate objectives.

Council's funding for community donations cannot be:

- carried over for more than one financial year;
- used for land acquisitions without a supporting council resolution;
- used for any purposes contrary to the Corporate Plan, strategy, policy or adopted resolution; or
- used for purposes not consistent with the adopted eligibility criteria.

#### 2. Purpose and Principles

The purpose of this policy is to provide a framework which guides the administration of council's Community Donations Program in a manner consistent with council's Community Grants Policy and corporate priorities; and complies with the *Local Government Act 2009* and the *Local Government Regulation 2012*.

This policy is to be read in conjunction with the Community Donations Administrative Guidelines.

The outcomes of this policy include:

- an ability for community donations to be budgeted for community purposes and allocated by council at its discretion, including community donations for capital works that are for a community purpose
- achieving the objectives of council's Corporate Plan, long-term asset management plan and annual budget;
- providing community organisations with financial support to meet identified community need and provide benefit to the broader Ipswich community; and

**IPSWICH CITY COUNCIL | Community Donations Policy** 

• distributing funds in an equitable, transparent and sustainable manner.

The following principles provide a consistent approach to the administering of this policy and the delivery of council's Community Donations Program:

- Community organisations are provided with funding support to provide community benefit to the Ipswich community, in line with council's corporate priorities.
- Funds may be provided in the form of monetary donations to support a community organisation's initiatives during the funding year or toward an approved capital project.
- Funds are distributed in an equitable and transparent manner that ensures good governance and adherence to the *Local Government Act 2009* and the *Local Government Regulation 2012*.

#### 3. Strategic Plan Links

This policy relates to:

• Caring for the Community

#### 4. Regulatory Authority

- Local Government Act 2009
- Corporate Plan 2017-2022
- Advance Ipswich Community Plan

#### 5. Scope

This policy applies to the community donations made available from council to community organisations.

This policy does not apply to council's grants, sponsorships, scholarships or bursaries made by resolution of the council or the allocation of under citywide or divisional works and normal operational programs.

#### Assessment Criteria

This policy's guiding principles, in addition to the assessment process discussed within the Administrative Guidelines, inform decision-making around the allocation of council's Community Donations Program.

This Policy takes effect from 29 January 2019.

#### 6. Roles and Responsibilities

#### Assessment

The Community, Cultural and Economic Development Department is the primary assessor of eligibility under council's Community Donations Program, working in collaboration with various council departments to develop, promote, manage and regularly review the program. The department plays a lead role in the provision of support and advice to potential applicants, and, where applicable, participates in assessment panels to review applications and determine outcomes.

#### IPSWICH CITY COUNCIL | Community Donations Policy

#### **Financial Probity**

Council's Community Development Branch is responsible for the administration of council's Community Donation Program and for the recording and follow-up of acquittal of funds distributed under the Community Donations Program.

Council's Finance Branch is responsible for the payment of funds allocated under the Community Donations Program.

#### **Executive Direction**

The Office of the Chief Executive Officer provides direction and, where required, approval for community donation applications.

#### 7. Key Stakeholders

- Community Development Branch Community, Cultural and Economic Development
- Finance, Corporate Services Department
- Chief Executive Officer
- General Managers

#### 8. Monitoring and Evaluation

The effectiveness of this policy will be measured by:

- Staff training to ensure understanding of the policy.
- Audit undertaken by Internal Audit.

# 9. Definitions

Acquittal	The process by which a recipient demonstrates in writing to the funding body that it has expended the funds in accordance with the terms and conditions of the funding agreement on completion of the activity or project.
Business	A person, partnership or organisation which is not a community organisation, and is engaged in a profit-seeking enterprise or activity.
Community Organisation	"An entity that carries on activities for a public purpose; or another entity whose primary object is not directed at making a profit", i.e. not-for-profit organisation. "Any profit made by the organisation goes back into the operation of the organisation to carry out its purposes and is not distributed to any of its members". A community organisation operates with a primary purpose of providing services to the community.
Community Purpose	A purpose that is in the public interest to residents of the City of Ipswich.
Community Donations	A Community Donation is the gifting of funds to an eligible organisation to be spent for a community purpose. A Community Donation is provided to an eligible organisation without

# IPSWICH CITY COUNCIL | Community Donations Policy

	expectation of reciprocated benefits.
Individual	A person which is not a community organisation.
In-Kind Support	In-kind support includes paid and volunteer labour, administrative support, rent-free accommodation or donations of materials, equipment or services.

#### 10. Policy Owner

The General Manager (Community, Cultural and Economic Development) is the policy owner and the Manager (Community Development) is responsible for authoring and reviewing this policy.

Item 3.3 / Attachment 3.

# Bursaries, Scholarships and Other Funding For Community Purposes Policy IPSWICH CITY COUNCIL

Version Control and Objective ID	Version No: 2	Objective ID: A5886613
Approved by Council on	10 December 2019	
Date of Review	10 December 2023	

#### 1. Statement

Ipswich is experiencing unprecedented growth and by 2030, the population is expected to reach approximately 435,000. The challenge for council is to manage this growth and deliver positive and sustainable outcomes for the Ipswich community.

Through provision of the various Bursaries and Scholarship Programs, and through other funding for community purposes, council seeks to support the role of community and other organisations and their delivery of community programs, services and initiatives.

This Policy takes effect from **1 July 2018**.

#### 2. Purpose and Principles

The purpose of this policy is to establish a governing framework and consistent management of the various Ipswich City Council Bursaries and Scholarship Programs and other funding for community purposes, to ensure that council is able to report in accordance with its legislative requirements under the *Local Government Regulation 2012*.

#### 3. Strategic Plan Links

This policy relates to:

• Caring for the Community

#### 4. Regulatory Authority

- Local Government Act 2009
- Local Government Regulation 2012
- Ipswich City Council Advance Ipswich
- Ipswich City Council Corporate Plan 2017-2022

#### 5. Scope

In adopting the annual budget, council may approve an allocation of funds to support a range of Bursaries and Scholarship programs for eligible community organisations and individuals.

- Bursaries and scholarships provided by council will contribute to council's Corporate Plan and Advance Ipswich strategies and will assist council in achieving its corporate goals.
- Availability of bursaries and scholarship programs provided by council will be promoted through a range of council media.

#### IPSWICH CITY COUNCIL | Bursaries, Scholarships and Other Funding For Community Purposes Policy

- Relevant Procedures and/or Policies will be established for each bursary and scholarship defining eligibility, assessment and acquittal criteria under which council funding or assistance will be provided.
- For the purpose of reporting in accordance with the *Local Government Regulation 2012* (the Regulation), community organisations will be defined as per Schedule 8 of the Regulation as follows:
  - o an entity that carries on activities for a public purpose; or
  - o an entity whose primary objective is not directed at making a profit.
- Council may resolve to make a financial contribution to businesses or other partnerships where there is no financial gain to the business and where projects, events or activities will contribute significantly to community, cultural, social, recreational and environmental enhancement and re-vitalization of the Ipswich community.
- Organisations and individuals are expected to apply responsible management of any bursaries, scholarships or other funding received from council.
- Where funding is provided to an individual, the recipient should reside permanently within the boundaries of the City of Ipswich, and will demonstrate exceptional ability and potential and be willing to contribute this skill within the Ipswich community.
- Council may consider applications from organisations or individuals outside the City of Ipswich boundary where it is considered that the project, activity or initiative will benefit the City of Ipswich.

#### 6. Roles and Responsibilities

This Policy, and supporting Procedures and practices, apply to all Departments and Branches in which bursaries and scholarships are provided.

The Community Development Branch within Ipswich City Council will provide a support role across all council bursaries and scholarship programs to ensure adoption of a consistent management approach.

#### 7. Key Stakeholders

- Community, Cultural and Economic Development
  - Economic and Community Development
  - Library and Customer Services
  - Community and Cultural Services
- Finance Corporate Services Department
- Chief Executive Officer
- General Managers

#### 8. Monitoring and Evaluation

The effectiveness of this policy will be measured by:

- Staff training to ensure understanding of the policy
- Audit undertaken by Internal Audit

# IPSWICH CITY COUNCIL | Bursaries, Scholarships and Other Funding For Community Purposes Policy

#### 9. Definitions

Bursary	A non-repayable monetary award based on specific eligibility criteria and financial need.
Scholarship	Financial aid based on academic merit and/or scholarly knowledge.

#### 10. Policy Owner

The General Manager (Community, Cultural and Economic Development Department) is the policy owner and the Manager (Community Development) is responsible for authoring and reviewing this policy.



Version Control and Objective ID	Version No:	Objective ID:
Approved by Council on		
Date of Review		

#### 1. Statement

Ipswich City Council is committed to supporting community initiatives that encourage participation in community life, foster social cohesion, celebrate culture and diversity, and contribute to a vibrant, healthy and sustainable city.

This policy confirms Council's commitment to providing funding avenues and support to organisations and individuals and ensures an equitable, open, transparent and accountable decision making process.

#### 2. Purpose and Principles

The purpose of this policy is to provide a framework which guides the effective management of Council's community funding and support program in a manner that is aligned to Council's corporate strategic priorities and in accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012*.

The following principles underpin Council's approach to the administration of community funding and support:

- Strategic the provision of community funding and support is aligned with Council's corporate strategic priorities
- Evidence based approach that acknowledges and responds to the needs and aspirations of our community and aspires for the best use of Council funds
- Good governance decision making is undertaken in the public interest, processes are effective and efficient and feedback and evaluation mechanisms ensure opportunities for improvement are identified and addressed.
- Transparency and fairness processes are transparent, applications are assessed objectively against eligibility and assessment criteria and any conflicts of interests are addressed and declared
- Access and equity documents, resources and application forms are publically available, easy to access and understand, and provide all necessary information in a clear and concise manner.

This policy is to be read in conjunction with the supporting guidelines for each funding and support program.

#### 3. Strategic Plan Links

This policy relates to Ipswich City Council's strategic plan, Advance Ipswich 2015, specifically the following themes:

- Strengthening our local economy and building prosperity
- Managing growth and delivering key infrastructure
- Caring for the Community
- Caring for the Environment
- Listening, Leading and Financial Management.

#### 4. Regulatory Authority

Local Government Act 2009

Local Government Regulation 2012

Right to Information Act 2009

Public Records Act 2002

Advance Ipswich

Corporate Plan 2017-2022

#### 5. Scope

This policy applies to all funding and support programs administered by Council to organisations and individuals.

This policy applies to all councillors, council staff, contractors, and others that act on Council's behalf to ensure they work in accordance with the policy principles and the relevant legislation.

#### 6. Eligibility Criteria

Organisations and individuals may be eligible to apply through Council's funding and support programs in order to provide community benefit to the Ipswich community, in line with Council's corporate strategic priorities.

Relevant guidelines will be established and published on Council's website for each funding and support program which further defines the eligibility and assessment criteria under which Council funding and support will be provided. General eligibility criteria are detailed below:

General eligibility -

To be eligible for funding or support:

- All applicants must not have overdue debts with Council and have satisfactorily accounted to Council for the expenditure of any previous Council funding
- Applicants must demonstrate the expected outcomes for the community in line with Council's corporate strategic priorities

- Applicants are required to give permission for Council to publish the name of the recipient and the funding amount in accordance with Council's requirements under the Local Government Act 2009 and the Local Government Regulation 2012
- All applicants must disclose if other funding or support has been requested from or provided by Council, and acknowledge that the provision of funding or support through Council's varied funding programs may prohibit eligibility to apply for additional funding or support.

All successful applicants will receive the approved funding or assistance from Council subject to terms and conditions which are outlined in the relevant guidelines for each funding and support program.

#### 7. Roles and Responsibilities

The following roles include the responsibilities listed below:

#### Councillors

Councillors are responsible for making decisions about the allocation of funds to the community funding and support program through Council's annual budgetary processes. Councillors are also responsible for approving discretionary funding expenditure.

#### Chief Executive Officer (CEO)

The CEO (or delegate) is responsible for approving funding and support program decisions and expenditure, excepting discretionary funding which is the responsibility of Councillors.

#### General Managers, Branch Managers, Section Managers and Supervisors

General Managers, Branch Managers, Section Managers and Supervisors are responsible for ensuring that employees under their supervision are aware of Council's community funding and support program framework and, where relevant, adhering to this policy and related procedures.

#### **Council officers**

Council officers who are involved with community funding and support programs are responsible for having a good level of understanding of Council's community funding and support program framework and adhering to this policy and related procedures.

# Community Engagement and Development Section (Community, Cultural and Economic Development Department)

The Community Engagement and Development Section is the primary administrator of Council's community funding and support program, working in collaboration with various Council groups to develop, promote, manage and regularly review the program. The Community Engagement and Development Section plays a lead role in provision of support and advice to potential funding applicants.

The Community Engagement and Development Section also manages the budgets and administers any legislative reporting or record keeping requirements for the community funding and support program.

#### 8. Key Stakeholders

The following will be consulted during the review process for this policy:

- The Chief Executive Officer and General Managers
- Finance Branch Manager within the Corporate Services Department
- Legal and Governance Branch Manager within the Corporate Services Department
- Environment and Sustainability Branch Manager
- Community and Cultural Services Branch Manager
- Economic and Community Development Branch Manager
- Marketing and Promotions Branch Manager
- Libraries and Customer Service Branch

#### 9. Monitoring and Evaluation

The effectiveness of this policy can be measured by:

- Increased number of funding applications that align to Council's corporate strategic objectives
- Audit reviews recognise good governance and compliance by Council in the administration of community funding and support
- Analytics regarding community support and satisfaction with community funding and support processes.

#### 10. Definitions

Business	A person, partnership or organisation which is not a Community Organisation, and is engaged in a profit-seeking enterprise or activity
Community funding and support program framework	The suite of Council documents which outline Council's commitment to supporting community initiatives and partnerships, details the roles and responsibilities across Council, and the various processes associated with the management and administration of Council's community funding and support program
Community Organisation	An entity that carries out activities for a public purpose or an entity whose primary object is not directed at making a profit for distribution to shareholders or members
Community Purpose	A purpose that is in the public interest to residents of the City of Ipswich
Councillors	All elected representatives including the Mayor
Discretionary Funding	The gifting of funds to an eligible Community Organisation to be

	spent for a Community Purpose. Discretionary Funding is provided without expectation of reciprocated benefits
Funding	A sum of money allocated to support a community initiative in accordance with specific terms and conditions
Individual	A singular entity, as distinguished from a group or organisation
Initiative	A project, service, event, activity, equipment purchase or upgrade or other function for which an organisation or individual might seek assistance
Organisation	An organisation may be either a Business or Community Organisation
Support	The temporary provision of items of equipment, resources or non-monetary assistance to support a community initiative

# 11. Policy Owner

The General Manager (Community, Cultural and Economic Development Department) is the policy owner and the Community Engagement and Development Manager is responsible for authoring and reviewing this policy.

Doc ID No: A5919422

ITEM: 4.4

SUBJECT: ADVOCACY FOR REGIONALLY SIGNIFICANT PROJECTS POLICY

AUTHOR: INDUSTRY DEVELOPMENT PROJECT OFFICER

DATE: 22 NOVEMBER 2019

#### **EXECUTIVE SUMMARY**

This is a report concerning the Advocacy for Regionally Significant Projects Policy as a deliverable of Business Transformation Project 18.

This policy sets the expectation of a coordinated and planned approach to the advocacy of projects which have followed the Regionally Significant Project Prioritisation Procedure and been endorsed as regionally significant.

This policy establishes the principles for council's approach to advocacy of regionally significant projects.

#### **RECOMMENDATION/S**

That the Interim Administrator of Ipswich City Council resolve:

#### That the Advocacy for Regionally Significant Projects Policy be adopted.

#### **RELATED PARTIES**

This policy relates to all internal council staff, the mayor and councillors.

There are no apparent conflicts of interest associated with this policy.

# **ADVANCE IPSWICH THEME**

Managing growth and delivering key infrastructure

# PURPOSE OF REPORT/BACKGROUND

Business Transformation Project 18: Establish a Framework for the Prioritisation and Advocacy of Regionally Significant Projects sets out to develop a standardised method of project prioritisation and advocacy for projects which are considered regionally significant.

Regionally significant projects are those which are considered to be transformational or catalytic projects that facilitate business growth, accessibility of community services and economic prosperity for the people of Ipswich.

Projects will be assessed following the Regionally Significant Project Prioritisation Procedure as defined by Business Transformation Project 18 (Attachment 2 is the draft procedure which will be finalised and adopted by the GM Coordination and Performance in February 2020).

The Advocacy for Regionally Significant Projects Policy (Attachment 1) outlines the principles for council's approach to advocacy once a project has been assessed and endorsed as regionally significant following the Regionally Significant Project Prioritisation Procedure

The policy enables the provision of roles and responsibilities and monitoring and reporting for the advocacy of any regionally significant project utilising individual advocacy plans.

Together with its supporting documentation, it outlines council's commitment to ensuring that advocacy activities are planned ahead of time, are thoughtfully adapted to the needs of each project and its advocacy context and that all councillors and council representatives are aware of the expectations and approach for each regionally significant project.

# **LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions: *Local Government Act 2009* 

# **RISK MANAGEMENT IMPLICATIONS**

The Advocacy for Regionally Significant Projects Policy aims to minimise risk associated with a disjointed and inconsistent approach to advocacy for transformational projects by setting expectations that councillors and council representatives adhere to a planned and coordinated approach informed by evidence based decision making.

# FINANCIAL/RESOURCE IMPLICATIONS

The adoption of the Advocacy for Regionally Significant Projects Policy has no immediate or direct budgetary implications for council.

However, investment in business case development and advocacy activity will be required. These costs will be associated with the individual projects or as part of the annual operating budget of council.

# COMMUNITY AND OTHER CONSULTATION

The Advocacy for Regionally Significant Projects Policy was consulted with and supported by the Business Transformation Project 18. The project team comprised of representatives from Infrastructure Strategy, Environment and Sustainability, Office of Economic Development, and Treasury Accounting sections.

The Advocacy for Regionally Significant Projects Policy was consulted with and supported by the Interim Management Committee and Executive Leadership Team.

This report was consulted with and supported by managers from council's Performance and Infrastructure Strategy sections.

Feedback was provided by these stakeholders and amendments have been incorporated into the final policy and report.

# CONCLUSION

Advocacy is most effective when actions between representatives are coordinated, planned, and utilise evidence based decision making. The Advocacy for Regionally Significant Projects Policy as a deliverable of Business Transformation Project 18 outlines council's approach to advocacy moving forward, and sets expectations on councillors and council representatives on how advocacy should be undertaken.

# ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

Advocacy for Regionally Significant Projects Policy <a>[]</a> <

# Clare Coburn INDUSTRY DEVELOPMENT PROJECT OFFICER

I concur with the recommendations contained in this report.

# Paul Massingham ECONOMIC DEVELOPMENT MANAGER

I concur with the recommendations contained in this report.

# Ben Pole GENERAL MANAGER - COMMUNITY, CULTURAL AND ECONOMIC DEVELOPMENT

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# IPSWICH CITY COUNCIL Advocacy for Regionally Significant Projects Policy

Version Control and Objective ID	Version No:	Objective ID:
Approved by Council on		
Date of Review		

#### 1. Statement

Council is committed to undertaking advocacy in a coordinated and planned manner to support regionally significant projects to secure long term social, economic and environmental benefits to the community of Ipswich.

#### 2. Purpose and Principles

Advocacy is the process of informing public policy and resource allocation decisions by other levels of government and other key stakeholders in support of beneficial social, economic and environmental outcomes to the current and future Ipswich community.

This Advocacy for Regionally Significant Projects Policy applies only to projects that have been identified and endorsed as regionally significant through a coordinated prioritisation process which is governed by the Regionally Significant Project Prioritisation Procedure.

The Regionally Significant Project Prioritisation Procedure ensures that projects identified as priorities for the region are supported by a minimum requirement of information that illustrates the significance of a project to the region. Regionally significant projects are identified and endorsed based on the agreement by council that these projects are considered to be positively transformational and catalytic for the region. The Regionally Significant Project Prioritisation Procedure is owned by Performance Branch, Coordination and Performance Department.

Endorsed regionally significant projects will have targeted, individual advocacy plans developed to guide coordinated and planned project-specific advocacy activities which defines roles and responsibilities of council actors. Advocacy activities for regionally significant projects are set by the Office of Economic Development.

This policy provides direction to the development and implementation of advocacy activities for regionally significant projects within Ipswich City Council. This policy sets the expectation that advocacy activities for projects of regional significance are undertaken in a coordinated and planned manner, guided by rigorous evidence-based processes, are well-researched and targeted to support council priorities. This is to ensure that clear, accurate and consistent messaging is represented to external stakeholders by council actors in support of agreed beneficial outcomes for the Ipswich community.

The following principles underpin council's commitment to advocacy:

• Prioritising projects in the best interest of the Ipswich community;

#### IPSWICH CITY COUNCIL | Advocacy for Regionally Significant Projects Policy

- Aligning with good fiscal management practices, both now and into the future;
- Enabling social, environmental and economic sustainability;
- Evidence based and coordinated.

#### 3. Strategic Plan Links

This policy relates to:

- Strengthening our local economy and building prosperity
- Managing growth and delivering key infrastructure
- Caring for the Community
- Caring for the Environment
- Listening, Leading and Financial Management

#### 4. Regulatory Authority

List relevant legislation applicable to this policy: Local Government Act 2009

#### 5. Scope

This policy applies to council, its officers and other actors who represent council interests when establishing and delivering on key advocacy themes and priorities, and how council resources its efforts to advocate on behalf of the community.

Council's mayor and councillors play a key role in the development and maintenance of political relationships in the pursuit of council and community priorities.

Council officers support the council in the development and resourcing of advocacy activities, and by providing an evidence base to support decision making relating to advocacy approaches.

#### 6. Roles and Responsibilities

This is a list indicating the internal roles and responsibilities relevant to the implementation of the policy.

Councillors: Key role in advocating on behalf of the Ipswich community.

CEO: Final approval of the prioritisation and advocacy of regionally significant projects.

Office of Economic Development: Development of advocacy plans and coordination of their implementation.

Coordination and Performance Department: Deliver the prioritisation process and own relevant procedure.

Advocacy Steering Group: Endorsement of advocacy plans.

Project Prioritisation Review Group: Endorse the prioritisation of regionally significant projects.

Media and Communications: Key role in dissemination of information.

#### IPSWICH CITY COUNCIL | Advocacy for Regionally Significant Projects Policy

#### 7. Key Stakeholders

All departments in council may be called upon to contribute expertise and advice to the advocacy process depending on council priority projects.

However, the following stakeholders are considered the most impacted by this policy:

- Executive Services Branch (Coordination and Performance)
- Office of Economic Development (Community, Cultural and Economic Development)
- Media and Communications Section (Coordination and Performance)

The following will be consulted during the review process:

- Legal and Governance Branch (Corporate Services)
- Performance Branch (Coordination and Performance)

#### 8. Monitoring and Evaluation

All advocacy activities will be subjected to adaptive management processes in order to ensure that the changing social, economic and political landscape is considered in continued iterations of advocacy plans, and to adjust the approach based on successes and failures. This will be supported by regular review of plans against project-specific measures of success and enabling a fluid and dynamic structure for advocacy plans to ensure responsiveness.

General monitoring and evaluation activities include:

- Progress of regionally significant projects
- Support and involvement of other levels of government in the progression of regionally significant projects
- Council priorities well understood and accepted by external funding bodies

#### 9. Definitions

Advocacy: The process of influencing those who hold governmental, political or economic authority, including influencing those who implement public policies, resources and projects to the benefit of any specific affected or interest population within the City of Ipswich and adjacent councils.

Advocacy Plans: project-specific plans developed to guide advocacy activities in pursuit of project-specific outcomes

Prioritisation Process: an evidence-based process by which regionally significant projects are analysed, verified and prioritised

#### 10. Policy Owner

The General Manager Community, Cultural and Economic Development is the policy owner and the Economic Development Manager is responsible for authoring and reviewing this policy.

Item 4.4 / Attachment 2.



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Version Control and Objective ID	Version No:	Objective ID:
Name of parent Policy / Directive	Advocacy for Regionally Significant Projects Policy	
Procedure Owner	The Performance Manager is responsible for authoring and reviewing this procedure.	
Approved by GM on		
Date of Review		

#### 1. Background

Business Transformation Project #18 set out to determine a consistent and evidence-based approach to regionally significant project prioritisation and advocacy.

Regionally Significant Projects are those considered to be positively transformational to the region, acting as a catalyst for economic development, employment opportunities, social cohesion and liveability.

The Prioritisation Process is the process whereby projects are identified and endorsed as regionally significant. This is sequentially supported by the Advocacy for Regionally Significant Projects Policy, and the Advocacy for Regionally Significant Projects Procedure, which sets out the expectations of a planned and coordinated advocacy approach informed by evidence.

Together these processes are to identify projects that are both "good" and "right" for the region, and ensure that advocacy for these projects is conducted in a coordinated manner to stakeholders.

#### 2. Purpose

This procedure outlines the process for Regionally Significant Project Prioritisation. This procedure outlines how proposed projects become endorsed as Regionally Significant.

#### 3. Regulatory Authority

Local Government Act 2009

#### 4. Roles and Responsibilities

*Project sponsor:* this is the officer who has developed the project brief/application and is presenting it for consideration as a Regionally Significant Project to their General Manager. The Project Sponsor

IPSWICH CITY COUNCIL | Name of Procedure (Procedure) Page 1 of 6 is responsible for preparing a Committee Paper should the project brief/application be endorsed by Executive Leadership Team.

*General Manager:* the relevant General Manager to the officer presenting the project for consideration. The General Manager will review the application, and either request further information or changes or will endorse the project brief/application to progress to the Project Prioritisation Group for review.

*Project Prioritisation Group:* This group receives the project brief/application regarding the proposed Regionally Significant Project from the General Manager on behalf of the Project Sponsor, and reviews all applications and undertakes an assessment of the project. This group can either request further information or changes, or endorse the project brief/application to progress to the Executive Leadership Team for Review. This group consists of the following and is governed by a Terms of Reference:

- Infrastructure Strategy Manager
- Treasury Accounting Manager
- Economic Development Manager
- Manager Performance (Chair)
- City Design Manager
- Secretariat
- As required: specific project sponsors

*Executive Leadership Team:* Reviews the applications for proposed Regionally Significant Projects. ELT can either request further information or changes, or endorse the project brief/application to progress to Council via a committee paper written by the Project Sponsor.

*Council:* Council will receive a Committee Paper outlining the reasoning behind the endorsement of a project as Regionally Significant. Council can either request further information or changes, endorse a project to progress to community consultation, or decide to not endorse the recommendation of regionally significant. Council is also responsible for endorsing a project to progress as Regionally Significant after community consultation is undertaken. Council has an overarching responsibility to action advocacy plans for endorsed Regionally Significant Projects.

#### 5. Key Stakeholders

Council Departments and Branches that may be impacted by this procedure:

- Performance Branch (Coordination and Performance)
- Executive Services Branch (Coordination and Performance)
- Office of Economic Development (Community, Cultural and Economic Development)
- Infrastructure Strategy Branch (Infrastructure and Environment)
- Environment and Sustainability Branch (Infrastructure and Environment)

#### 6. Education and Training Requirements

Templates have been created to assist Project Sponsors and General Managers in the development of the initial project brief/application for consideration of Regional Significance.

#### 7. Procedure

# IPSWICH CITY COUNCIL | Name of Procedure (Procedure) Page 2 of 6

# Item 4.4 / Attachment 2.

Step 1.0	<ul> <li>Draft Regionally Significant Project Application <ul> <li>Responsible officer: Project Sponsor</li> <li>Template for project brief/application: A5852831</li> <li>Intended audience: All levels of Council</li> </ul> </li> <li>ACTION: Proceed to Step 2.0</li> <li>If returned, reconsider included information based on gaps identified and discuss with General Manager the steps required to gather information of an appropriate standard</li> </ul>		
	to assist decision making.           Prior to proposing a project for consideration as Regionally           Significant Project, ensure that the project has progressed to a stage that adequate information is available to illustrate its regional significance.           This usually requires a project to have progressed beyond a concept stage and be reasonably well formed in its problem/solution generation.           If this process includes community consultation, the proposed regionally significant project must include a minimum quality and quantity of information to provide to the community in a fashion that allows a clear understanding of impacts and benefits.		
Step 2.0	<ul> <li>Submit draft application to General Manager for review         <ul> <li>Responsible officer: Project Sponsor</li> <li>General Manager to review draft application for completeness, justification and alignment to Council priorities</li> </ul> </li> <li>ACTION:         <ul> <li>If endorsed, proceed to Step 3.0</li> <li>If not endorsed, return to Step 1.0</li> <li>If changes or further information required, return to Step 1.0</li> </ul> </li> </ul>		
Step 3.0	<ul> <li>Submit application to Project Prioritisation Group         <ul> <li>Responsible officer: General Manager</li> <li>Project Prioritisation Group to review application for completeness, justification and alignment to Council priorities</li> </ul> </li> <li>ACTION:         <ul> <li>If endorsed, proceed to Step 4.0</li> <li>If not endorsed, return to Step 1.0</li> <li>If changes or further information required, return to Step 1.0 via General Manager</li> </ul> </li> </ul>		

IPSWICH CITY COUNCIL | Name of Procedure (Procedure) Page 3 of 6

# Item 4.4 / Attachment 2.

Step 4.0	<ul> <li>Submit application to Executive Leadership Team         <ul> <li>Responsible Officer: Chair of Project Prioritisation Group</li> <li>Executive Leadership Team to review application for completeness, justification and alignment to Council priorities</li> </ul> </li> <li>ACTION:         <ul> <li>If endorsed, proceed to Step 5.0</li> <li>If not endorsed, return to Step 1.0</li> <li>If changes or further information required, return to Step 1.0 via General Manager</li> </ul> </li> </ul>
Step 5.0	<ul> <li>Submit Committee Report regarding recommendation of proposed Regionally</li> <li>Significant Project being consulted with the community         <ul> <li>Responsible officer: Project Sponsor</li> <li>Purpose: seeking endorsement to progress to Community Consultation</li> <li>Council to receive and review Committee paper</li> </ul> </li> <li>ACTION:         <ul> <li>If endorsed, proceed to Step 6.0</li> <li>If not endorsed, return to Step 1.0</li> <li>If changes or further information required, return to Step 1.0 via General Manager</li> </ul> </li> </ul>
Step 6.0	<ul> <li>Community Consultation         <ul> <li>Responsible officer: Office of Economic Development</li> <li>Consultation undertaken in line with Council's Community Engagement policies and Community Engagement Strategy.</li> <li>Purpose: to gauge community awareness and priorities</li> <li>Be aware of best practice consultation timeframes</li> </ul> </li> <li>ACTION:         <ul> <li>Once complete proceed to Step 7.0</li> </ul> </li> </ul>
Step 7.0	<ul> <li>Submit Committee Report outlining outcomes of Community Consultation         <ul> <li>Responsible officer: Officer of Economic Development</li> <li>Purpose: reporting feedback from Community Consultation and provide recommendation to endorse/not endorse project as Regionally Significant and progress/not progress to development of advocacy plan</li> <li>Council to receive and review Committee Paper</li> </ul> </li> <li>ACTION:         <ul> <li>If endorsed, proceed to Step 8.0</li> <li>If not endorsed, return to Step 1.0</li> <li>If changes or further information required, return to Step 1.0</li> </ul> </li> </ul>
Step 8.0	Initiate Advocacy for Regionally Significant Projects Procedure

IPSWICH CITY COUNCIL | Name of Procedure (Procedure) Page 4 of 6

#### 8. Monitoring and review

The monitoring and review of this procedure will be the responsibility of the Project Prioritisation Group. An adaptive management process is recommended, with key review points to be undertaken in alignment with the scheduled group meetings to address lessons learned to ensure fitness for purpose in practice.

#### 9. Related documents

The parent policy for this procedure is the Advocacy for Regionally Significant Projects Policy.

The Regionally Significant Project Brief/Application can be found in objective: A5852831

#### 10. Definitions

Explain key terms used or relevant to the procedure.

# Item 4.4 / Attachment 2.

## 11. Process Model

Steps in the process model should be numbered to align with the steps in the procedure.

(Delete this section if a process model is not required)

See objective A5740686

IPSWICH CITY COUNCIL | Name of Procedure (Procedure) Page 6 of 6 Doc ID No: A6010818

ITEM: 5.5

SUBJECT: CITY HEART CABS PROGRAM

AUTHOR: COMMUNITY ENGAGEMENT AND DEVELOPMENT MANAGER

DATE: 16 JANUARY 2020

## **EXECUTIVE SUMMARY**

This is a report concerning the City Heart Cabs Program (the Program) and provides the additional information and advice requested by the Communities Committee, as per Item No. 1 of the Communities Committee No. 2019(12) of 3 December 2019, adopted at the Council Ordinary Meeting on 10 December 2019.

## RECOMMENDATION

That the Interim Administrator of Ipswich City Council resolve:

That the contents of the report by the Community Engagement and Development Manager dated 16 January 2020, be noted.

## **RELATED PARTIES**

Related parties associated with this report are as follows:

- 13Cabs and associated individual franchise owners as the suppliers of transport for the Program
- Ipswich City Square as a local shopping precinct which participates in the Program
- Riverlink Shopping Centre as a local shopping precinct which participates in the Program
- Booval Fair as a local shopping precinct which participates in the Program
- Brassall Shopping Centre as a local shopping precinct which participates in the Program
- Orion Town Centre as a local shopping precinct which participates in the Program

There are no conflicts of interest identified from this report.

## ADVANCE IPSWICH THEME

Caring for the community and Listening, Leading and Financial Management.

# PURPOSE OF REPORT/BACKGROUND

Background and information about the City Heart Cabs Program is detailed in the Committee Report titled 'City Heart Cabs Program', as per Item No. 1 of the Communities Committee No. 2019(12) of 3 December 2019, adopted at the Council Ordinary Meeting on 10 December 2019 (Attachment 1).

The purpose of this report is to provide the additional information and advice requested by the Communities Committee, as per Item No. 1 of the Communities Committee No. 2019(12) of 3 December 2019, adopted at the Council Ordinary Meeting on 10 December 2019 (Attachment 1).

This additional information and advice is contained within Confidential Attachment 2.

# **LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions: *Local Government Act 2009.* 

# **RISK MANAGEMENT IMPLICATIONS**

The Program risks have been summarised throughout the Committee Report titled 'City Heart Cabs Program', as per Item No. 1 of the Communities Committee No. 2019(12) of 3 December 2019, adopted at the Council Ordinary Meeting on 10 December 2019 (Attachment 1), and further detail has been provided in Confidential Attachment 2.

## FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications associated with this report.

## COMMUNITY AND OTHER CONSULTATION

No community or other consultation was required in relation to this report.

# CONCLUSION

This is a report concerning the City Heart Cabs Program (the Program) and provides the additional information and advice requested by the Communities Committee, as per Item No. 1 of the Communities Committee No. 2019(12) of 3 December 2019, adopted at the Council Ordinary Meeting on 10 December 2019.

# ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

Committee Report titled 'City Heart Cabs Program', Item No. 1 of the
Communities Committee No. 2019(12) of 3 December 2019 🕂 🖾
CONFIDENTIAL
Confidential Attachment

# Abbey Richards COMMUNITY ENGAGEMENT AND DEVELOPMENT MANAGER

I concur with the recommendations contained in this report.

Ben Pole GENERAL MANAGER - COMMUNITY, CULTURAL AND ECONOMIC DEVELOPMENT

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COMMUNITIES COMMITTEE	3 DECEMBER
MEETING AGENDA	2019

Doc ID No: A5884951

ITEM:	1
SUBJECT:	CITY HEART CABS PROGRAM
AUTHOR:	COMMUNITY DEVELOPMENT OFFICER
DATE:	5 NOVEMBER 2019

#### EXECUTIVE SUMMARY

This is a report concerning the City Heart Cabs Program (the Program). The Program was established by council in 2010 (Attachment 1) in response to a council 2010-2011 budget speech announcement to trial a subsidised transport service in Ipswich for eligible community members in receipt of an Australian Government Pension. The Program was developed to support a sector of the community that may experience social isolation or limited access to transport.

The Program operates as a partnership between council and 13Cabs. Individuals wishing to utilise the service contact 13Cabs and are able to travel between their residence and local shopping centres at a nominal fixed fare of \$2.00 per person per one-way trip. The difference between the cost of the service and the fixed price is charged to council and the relevant shopping centre precinct. To be eligible for the Program participants must reside in one of the approved designated suburbs and be an Australian Government Pension card holder (Disability Support, Aged or Carers Allowance).

In 2018, a committee report (Attachment 6) was presented to council recommending a significant review of the Program to explore its purpose, benchmark it against other Local Government Areas, consider equity of access and to increase efficiency.

The purpose of this report is to detail the review of the Program that has been undertaken, outline the current concerns and provide recommendations for the long-term sustainability of the Program.

This report recommends the repeal of previous council decisions relating to the establishment and structure of the Program.

It further recommends that a clear operating model based on community needs and council objectives with specifications for the potential tender of services for the Program be developed and presented to a future meeting of the Communities Committee.

This report also recommends that following the repeal of previous council decisions the Program is endorsed to continue under current arrangements as an interim measure pending the replacement of those arrangements following an open and transparent tender process.

Item 1 – Page 1 of 8

COMMUNITIES COMMITTEE	3 DECEMBER
MEETING AGENDA	2019

#### RECOMMENDATIONS

That the Interim Administrator of Ipswich City Council resolve:

Amended Community Committee No. 2019(12) of 3 December 2019

- Α. That the previous decision of Council, as per Item No. 1 of the Policy and Administration Board No. 2010(09) of 23 November 2010 – City Management and Finance Committee No. 2010(12) of 30 November 2010 and adopted at the Council Ordinary meeting of 7 December 2010, be repealed (Attachment 1).
- В. That the previous decision of Council, as per Item No. 9 of the Economic Development and Sustainability Committee No. 2011(05) of 10 May 2011 and adopted at the Council Ordinary meeting of 17 May 2011, be repealed (Attachment 2).
- c. That the previous decision of Council, as per Item No. 3 of the Youth and Seniors Committee No. 2013(08) of 12 August 2013 and adopted at the Council Ordinary Meeting of 19 August 2013, be repealed (Attachment 3).
- D. That the previous decision of Council, as per Item No. 2 of the Youth and Seniors Committee No. 2014(06) of 19 June 2014 and adopted at the Council Ordinary Meeting of 26 June 2014, be repealed (Attachment 4).
- Ε. That the previous decision of Council, as per Item No. 3 of the Youth and Seniors Committee No. 2015(12) of 23 November 2015 and adopted at the Council Ordinary Meeting of 1 December 2015, be repealed (Attachment 5).
- F. That a clear operating model based on community needs and council objectives with specifications for the potential tender of services for the Program be developed and presented to a future meeting of the Communities Committee.
- G. That following the repeal of previous council decisions, the Program be endorsed to continue under current arrangements as an interim measure pending the replacement of those arrangements following an open and transparent tender process.
- н. That a further report outlining legal advice on the risks associated with operating outside of a contract be submitted to the Council Ordinary meeting scheduled for 28 January 2019.

#### RELATED PARTIES

Related parties associated with this report are as follows:

- 13Cabs and associated individual franchise owners as the suppliers of transport for the Program
- Ipswich City Square as a local shopping precinct which participates in the Program

# Item 5.5 / Attachment 1.

COMMUNITIES COMMITTEE	3 DECEMBER
MEETING AGENDA	2019

- Riverlink Shopping Centre as a local shopping precinct which participates in the Program
- Booval Fair as a local shopping precinct which participates in the Program
- Brassall Shopping Centre as a local shopping precinct which participates in the Program
- Orion Town Centre as a local shopping precinct which participates in the Program

There are no conflicts of interest identified from this report.

#### ADVANCE IPSWICH THEME

Caring for the community and Listening, Leading and Financial Management.

## PURPOSE OF REPORT/BACKGROUND

(Attachment 1) is jointly funded by Ipswich City Council and local shopping centres. It is designed around the premise that a member of the community who is in possession of an Age Pension, Disability Support Pension or Carer Allowance can catch a taxi cab for \$2.00 per person per one-way trip. Depending on residential address, eligible residents can travel to the following centres:

- Riverlink Shopping Centre
- Ipswich City Square
- Brassall Shopping Centre
- Booval Fair
- Orion Town Centre

The current provider of the program is 13Cabs (formerly Yellow Cabs) (which has been the provider since the 2010 council decision). 13Cabs invoices Council monthly and provides the receipts for the journeys.

#### Program Concerns

1. Contractual agreement, probity and procurement

There is currently no service contract or agreement between Council and 13Cabs. There was an original agreement in place for the period 23 December 2010 to 30 June 2011 and then extended until 30 June 2012 (Confidential Attachment 7).

The original agreement was not awarded as a result of a tender of Expression of Interest process, nor has this agreement ever been competitively tendered or tested in the marketplace since this time, despite the value of the agreement being \$15,000 in value and therefore triggering particular council procurement processes.

There are also some probity concerns about the Program. That is, while council receives monthly invoices and 13Cabs provides the receipts for the journeys, no documentation is received by council confirming the eligibility of users of the Program. In the absence of a contractual agreement requiring the transport provider to substantiate the eligibility of users of the Program (i.e. sight a Pension card), council is not able to confirm that users of

# Item 5.5 / Attachment 1.

COMMUNITIES COMMITTEE	3 DECEMBER
MEETING AGENDA	2019

the Program meet the eligibility criteria. Furthermore, from a community development perspective, there is currently no ongoing monitoring and evaluation of the Program to measure and understand the social impact and efficacy of the Program.

2. Access and equity

There current participating shopping centres are not necessarily the only legitimate participants of the Program. Other shopping centres serving similar population catchments could contribute to the program, however there is no apparent criteria or participation pathway.

There are also discrepancies between the shopping centres which utilise and benefit from the Program. That is, some of the participating shopping centres pay the difference between the cost of the service and the fixed price while others do not pay to participate in the program and instead council pays the difference between the cost of the service and the fixed price.

#### **Consistency with other Local Councils**

Benchmarking was undertaken against neighbouring councils. Five councils were contacted and asked feedback on their respective programs, specifically each was asked:

- How is your Program run, is it administered by your council?
- Does your council pay for the Program or the individual shopping centres pay?
- How do you check participant's eligibility?
- How is this process monitored?
- How did you procure a company to provide the transport?
- Was it a tender process or an EOI?
- How often do you engage a provider?
- What was your criteria for choosing the successful bidder?
- What is the value of the tender?
- What is your internal budget for the Program?
- Have you created policies or procedures around the Program that you can share?
- Do you have a copy of the contract that you are able to share?
- Can you share the clauses in the contract or the terms of the contract?

In short, other local councils do offer an affordable cab-style service very similar to the Program. While the delivery of their programs are similar to that of our own, the governance and processes associated with these programs differs and the funding allocated to these programs varies widely, from between \$10,000 and \$200,000.

Each of these five other Council programs are summarised below.

## Logan City Council - Council Cabs Program

Logan City Council offers a Council Cabs Program. The Council Cab is contracted to a not-forprofit locally based organisation. They have been appointed for 12 months following a Request for Quote process. The service currently provides for senior residents and their

COMMUNITIES COMMITTEE	3 DECEMBER
MEETING AGENDA	2019

carer; with a view to expanding it to include residents with disabilities. The majority of the administration is undertaken by the Contractor; this includes satisfaction surveying and a check of eligibility during booking and again as passengers on-board the vehicle. Monthly reporting is lodged to Council by the Contractor. Logan City Council appoints the management of this project to a Transport Planner and the service is supported also by the Marketing Team for the design of promotional collateral.

#### Sunshine Coast Council - Council Link Program

Sunshine Coast Council offers a Council Link Program. The Council Link Program is funded internally by Council's Transport Levy and has positively evolved since the recent introduction of a local community transport provider in lieu of a commercial cab company. This supplier was appointed for 2 years following a tender process. The provider handles administration of the Program and invoices and reports back to Council on a monthly basis outlining details of how clients have met eligibility.

#### Brisbane City Council - Council Cabs Program

Brisbane City Council offers a Council Cabs Program. The Council Cabs Program is a subsidised transport program managed by a commercial taxi company who take care of all the administration of the program and provides invoices to Council monthly. The contractor checks clients' eligibility over the phone during booking and no proof is required. Council funds the Program via an internal budget and the supplier is contracted for a period of 5 years.

## City of Gold Coast - Council Cab Service

City of Gold Coast offers a Council Cab Service. The Council Cab Service is managed under a three year contract (with extension options) with a commercial taxi company. The provider was selected through an open tender process where local services were invited to apply. The contract value is based on the trip rate plus a monthly administrative fee. The Council budget funds the Council Cab Service. Residents must make application in writing providing proof of address and age for eligibility assessment before travelling.

## Toowoomba Regional Council - Council Cab Service

Toowoomba Regional Council offers a Council Cab Service. The Council Cab Service is administered by the Community Development Team and funded by an internal budget allocation. There is only one commercial transport provider in the region, therefore, this company currently holds the tender for the service. The supplier checks passengers' eligibility and these details along with trip data is reported regularly back to the Council.

## PROPOSED NEXT STEPS

Offering a subsidised transport program is of value to our community. It can help lower the risk of social isolation by encouraging people to leave the house safely and at low cost. The program offers the opportunity for social interactions, provides access to health services,

# Item 5.5 / Attachment 1.

COMMUNITIES COMMITTEE	3 DECEMBER
MEETING AGENDA	2019

retail options, employment, volunteering and importantly community participation. The City Heart Cabs Program provides the opportunity for vulnerable members of the community access to a range of local supports, leisure and recreation programs while continuing to live independently.

There are unlikely to be alternatives which have the same low cost and the same open eligibility to service users. While community transport options in the form of shuttle buses for shopping and social outings are occasionally provided through Disability or Aged Service providers, access to these services is by way of strict eligibility criteria and users will either have to co-pay or leverage NDIS, MyAgedCare or similar funding packages to travel. Additionally, there are sometimes options for taxi cab reimbursement or cheap transport options to attend health appointments which are often provided as per a doctor's or hospital referral. However, few services have the same affordability as City Heart Cabs Program. Community transport services may also be available to service users in certain nonprofit community or aged care services or in nursing homes, but it would be restricted to members or clients of those services who are verified as eligible to receive these services and for whom the organisations receive funding to provide the services.

Navigating and accessing the City Heart Cabs Program is quite straight forward, convenient and affordable. Users of the Program may experience some distress if having to find an alternative transport option and it may not be possible for all current users of the Program to find suitable alternative transport options.

Accordingly, it is recommended that the City Heart Cabs Program continue to operate as a part of council's Community Development portfolio. However, in light of the concerns in relation to contractual agreements, probity, compliance with procurement requirements and access and equity, it is recommended that the following steps be taken:

- 1. That a clear operating model based on community needs and council objectives with specifications for the potential tender of services for the Program be developed and presented to a future meeting of Communities Committee.
- 2. That following the specifications endorsement of council, a tender for the revised Program be put to market before 01 July 2020.
- 3. That the ongoing management of the Program be administered by the Community Development section of council.

## LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions: *Local Government Act 2009* 

#### **RISK MANAGEMENT IMPLICATIONS**

The Program risks have been summarised as part of the main body of this report. If council was to continue with the Program and not follow the recommendations of this report, those probity, compliance, procurement and equity risks would be unacceptable for council.

There are risks involved in approving the recommendations of this report. Primarily, that risk relates to the continuation under current arrangements as an interim measure pending the

# Item 5.5 / Attachment 1.

COMMUNITIES COMMITTEE	3 DECEMBER
MEETING AGENDA	2019

replacement of those arrangements following an open and transparent tender process. Council must consider that risk against the mitigating action of ceasing the program immediately until the new operating model and tender process can be implemented.

There is a potential risk of abuse of ratepayer funds and an associated reputational risk for council from the continuation of the current Program where there is no governance process to verify the eligibility of users. Whilst this report recommends to continue under current arrangements as an interim measure, mitigation of this risk should be exercised by officers working on improved verification of users with the Program partners in the interim.

If the recommendations of this report are adopted, there is a risk that costs associated with the improved and potentially expanded Program are substantial. This risk will be mitigated by the development of a complete operating model and more detailed specifications for Program delivery. If costs did increase substantially the Program would need to be reconsidered by council.

#### FINANCIAL/RESOURCE IMPLICATIONS

The Program continues to be budgeted as part of Community Development operations at an annual cost of \$15,000. Assuming the recommendations of this report are adopted, council may need to consider the possible increase of the service contract amount.

#### COMMUNITY AND OTHER CONSULTATION

A benchmarking exercise was undertaken against neighbouring councils. Five councils were contacted and consulted in relation to their respective programs:

- Logan City Council
- Sunshine Coast Council
- Brisbane City Council
- City of Gold Coast
- Toowoomba Regional Council

#### CONCLUSION

The purpose of this report is to detail the review of the City Heart Cabs Program, outline the current concerns and provide recommendations for its long term sustainability.

This report recommends the repeal of previous council decisions relating to the establishment and structure of the Program in order to address probity, compliance, procurement and equity risks.

It further recommends that a clear operating model based on community needs and council objectives with specifications for the potential tender of services for the Program be developed and presented to a future meeting of Communities Committee.

This report also recommends that the Program is endorsed to continue under current arrangements as an interim measure pending the replacement of those arrangements following an open and transparent tender process.

COMMUNITIES COMMITTEE	3 DECEMBER
MEETING AGENDA	2019

Following the successful implementation of those recommendations, the City Hearts Cabs Program would continue to be administered by the Community Development section of council.

#### ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Committee report of 12 October 2010 - Council resolution of 7 Dec 2010
2.	Committee report of 21 April 2011- Council resolution of 17 May 2011
3.	Committee report of 23 July 2013 - Council resolution of 19 August 2013
4.	Committee report of 11 June 2014 - Council resolution of 26 June 2014
5.	Committee report of 5 November 2015 - Council resolution of 1 December 2015
6.	Committee report of 13 November 2018 - Council resolution of 4 December 2018
	CONFIDENTIAL
7.	City Heart Cabs Contract No. 10-11-176

## Karri Surtees COMMUNITY DEVELOPMENT OFFICER

I concur with the recommendations contained in this report.

# Tanya Appleton ACTING COMMUNITY DEVELOPMENT COORDINATOR

I concur with the recommendations contained in this report.

Ben Pole GENERAL MANAGER - COMMUNITY, CULTURAL AND ECONOMIC DEVELOPMENT

"Together, we proudly enhance the quality of life for our community"

Doc ID No: A5896057

ITEM: 6.6

SUBJECT: MOORES POCKET / TIVOLI SPORTS COMPLEX

AUTHOR: MANAGER, COMMUNITY AND CULTURAL SERVICES

DATE: 6 JANUARY 2020

# EXECUTIVE SUMMARY

This is a report recommending the repeal of the recommended actions of Council from May 2017 concerning the proposed acquisition of property situated at 166 Moores Pocket Road and the subsequent investment into facilities at Tivoli Sports Complex.

Following further investigation by council it is evident that the recommended action would not be in the best interests of council and the community.

## **RECOMMENDATION/S**

That the Interim Administrator of Ipswich City Council resolve:

That the previous recommendations A and B as per Item No. 8 and adopted at Council Ordinary Meeting 30 May 2017 - Refer: City Works, Parks, Sport and Environment Committee No. 2017(05) of 22 May 2017, be repealed.

## **RELATED PARTIES**

Related parties include St Edmunds College and a number of existing community sports user groups including Queensland Christian Soccer Association, Whitehill Soccer Club, Colleges United FC, Western Pride Football Club, Ipswich Oztag, Marburg Mount Crosby Cricket Club, Tigers Softball and Norths Rugby League.

There are no apparent conflicts of interest associated with this report or recommendation.

# ADVANCE IPSWICH THEME

Managing growth and delivering key infrastructure

# PURPOSE OF REPORT/BACKGROUND

The report and recommendations of May 2017 (Attachment B) concern the potential purchase of 166 Moores Pocket Road from the Trustees of Edmund Rice Education Australia (St Edmund's College) and the potential investment by St Edmund's College in the Tivoli Sports Complex as a priority user group.

Confidential Attachment A summarises the key elements of such a transaction, the attachment has been made confidential as it captures details of commercial in confidence between council and St Edmund's College.

Since the time of the May 2017 report and recommendations council has assessed the suitability of 166 Moores Pocket Road for open space and recreational use. Whilst the site provides some benefit in achieving open space requirements for the surrounding community, its positioning in relation to one in 20 year and one in 100 year flood events means it would not be suitable for any level of recreational infrastructure.

If the transaction was to proceed, it would require council to reset arrangements with community sporting groups at the Tivoli Sports Complex. Council officers have concluded that community sporting groups currently utilising the facility and new potential user groups would be disadvantaged by such arrangements.

It is important to clarify that the proposed acquisition of 166 Moores Pocket Road and the subsequent investment into facilities at Tivoli Sports Complex with St Edmund's College was an opportunity well worth exploring.

Throughout the process St Edmund's College has conducted themselves with absolute professionalism and community mindedness at all times.

Through the process of diligently investigating this opportunity with St Edmund's College it has clarified a variety of factors which in the assessment of council officers require reconsideration of the original report and recommendations.

# **LEGAL/POLICY BASIS**

Not Applicable

# **RISK MANAGEMENT IMPLICATIONS**

Resolving the recommendation of this report will cease discussions on the matter with St Edmund's College. Given this is a repeal of a previous council decision from more than two years ago, there is a risk that St Edmund's College has a grievance with the extended process and reversal of council's commitment. This risk has been mitigated by the ongoing relationship between council officers and St Edmund's College and their awareness of the recommendation of this report.

Not resolving the recommendation of this report commits council to entering into a contract with the Trustees of Edmund Rice Education Australia for Council to purchase 166 Moores Pocket Road - conditional upon a separate agreement to reinvest the proceeds of sale into a clubhouse at the Tivoli Sports Complex. The implications relating to council's ownership of 166 Moores Pocket Road and the impact on sporting user groups of Tivoli Sports Complex poses an ongoing financial, safety and community risk to council.

# FINANCIAL/RESOURCE IMPLICATIONS

There are no apparent financial or resource implications associated with this report or its recommendation.

# COMMUNITY AND OTHER CONSULTATION

Council's Executive Leadership Team has been consulted on this report and have approved.

Council's General Manager Infrastructure and Environment has been consulted on this report and approves.

Council's General Manager Community, Cultural and Economic Development has been consulted on this report and approves.

Council's Property Services Manager has been consulted on this report and approves.

Council's Principal Officer Sport and Recreation Programs has been consulted on this report and approves.

Given the activity has not progressed past initial negotiations there has not been any community consultation undertaken.

# CONCLUSION

The proposed acquisition of 166 Moores Pocket Road and the subsequent investment into facilities at Tivoli Sports Complex with St Edmund's College was an opportunity well worth exploring.

However, council officers have assessed 166 Moores Pocket Road would not be suitable for any level of recreational infrastructure.

Furthermore, community sporting groups may be disadvantaged by the need to reset user arrangements at the Tivoli Sports Complex.

These factors considered, a repeal of the original report and recommendations is in the best interests of council and the community.

## ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Proposed acquisition of land located at 166 Moores Pocket Road, Moores Pocket CWPSE May 2017 J
1.1	Property Plan for 166 Moores Pocket Road, Moores Pocket J
1.2	Committee Recommendation from Committee Report of November 2007 🕂 🖾
1.2.1	Committee Report from November 2007 - Partnership with St Edmunds College 🗓
1.3	Committee Recommendation from Committee Report of May 2015 🕂 🖾
1.3.1	Committee Report from May 2015 - St Edmunds College Tivoli Sports Complex
	Clubhouse Partnership 🕂 🌄

CONFIDENTIAL
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- 2. Moores Pocket / Tivoli Briefing Note
- 2.1 Attachment to Attachment 2 ELT Report August 2019
- 2.1.1 Site Context Plan 166 Moores Pocket Road, Moores Pocket
- 2.1.2 Site Plan 166 Moores Pocket Road, Moores Pocket
- 2.1.3 Flood Impacts 166 Moores Pocket Road, Moores Pocket

# Don Stewart MANAGER, COMMUNITY AND CULTURAL SERVICES

I concur with the recommendations contained in this report.

Ben Pole

**GENERAL MANAGER - COMMUNITY, CULTURAL AND ECONOMIC DEVELOPMENT** 

"Together, we proudly enhance the quality of life for our community"

City Works, Parks Sport and Environment Committee		
Mtg Date: 22.05.17	OAR: YES	
Authorisation: Craig Maudsley		

JB: JB

H:\Departmental\Commitee Reports\1705JB proposed acquisition of land for parkland Moores Pocket

8 May 2017

#### MEMORANDUM

TO:	SPORT, RECREATION AND NATURAL RESOURCES MANAGER
FROM:	SENIOR SPORT AND RECREATION PLANNING OFFICER
RE:	PROPOSED ACQUISITION OF LAND FOR OPEN SPACE - 166 MOORES POCKET ROAD, MOORES POCKET - LOT 24 SP134654 DIVISION 5

#### INTRODUCTION:

This is a report by the Senior Sport and Recreation Planning Officer dated 8 May 2017 concerning the proposed acquisition of property situated at 166 Moores Pocket Road, Moores Pocket and described as Lot 24 SP134654 for the purpose of public open space.

#### BACKGROUND:

The subject land parcel, 166 Moores Pocket Road, Moores Pocket, and described as Lot 24 SP134654 (Attachment A) is a 23.39ha parcel of land currently in the ownership of Trustees of Edmund Rice Education Australia (St Edmund's College). Council was recently approached by St Edmund's College to gauge Council's interest in acquiring the subject land parcel.

St Edmund's College first approached Council in 2007 to partner with the school to develop this land parcel for sporting facilities for the school. At the Conservation, Parks and Sport Committee No. 2007(12) of 3 December 2007 - Council Ordinary Meeting of 12 December 2007 (see Attachment B), an assessment of the subject land parcel at the time determined that there would be a better outcome for the school and the community if sporting facilities were developed at the Tivoli Sports Complex and for the school to partner in the development of and be able to use these facilities as a priority user group. The assessment found that due to a number of constraints to the Moore's Pocket site, among which included significant flooding constraints, the site was deemed unsuitable for sporting facilities, but may be more suited as a waterside reserve which could cater for community based urban forest/outdoor recreation activities, such as walking trails, look outs and canoe launching facilities. St Edmund's College has been utilising the facilities at the new Tivoli Sports Complex as a priority user group since it opened in April 2013. In a letter to Council in February 2015, St Edmund's College requested a twenty-five year lease, (with a twenty-five year option) of an area of land near the current change-room facility to allow for the construction of a Function Centre and Club House to allow for catering/canteen facilities. The College was willing to contribute towards the funding of such a facility. Subsequently, at the Parks, Sport and Recreation Committee No. 2015(05) of 18 May 2015 - Council Ordinary Meeting of 26 May 2015 (see Attachment C), the following was resolved:

- B. That the Chief Operating Officer (Works, Parks and Recreation), in consultation with the Mayor, the Chairperson of the Parks, Sport and Recreation Committee and the relevant divisional Councillors, liaise with St Edmund's College on the proposed options for the future development of a clubhouse facility to meet the needs of all user groups at the Tivoli Sports Complex, as detailed in the joint report by the Senior Sport and Recreation Planning Officer and the Sport and Recreation Officer (User Liaison) dated 30 March 2015.
- C. That the Chief Operating Officer (Works, Parks and Recreation), in consultation with the Mayor, the Chairperson of the Parks, Sport and Recreation Committee and the relevant divisional Councillors, liaise with St Edmund's College and all other user groups of the Tivoli Sports Complex in the design of the proposed Tivoli Sports Complex Clubhouse based on the design of the current multi-user clubhouse facility design.

St Edmund's College would now like to take additional steps towards development of a clubhouse facility at the Tivoli Sports Complex and has subsequently approached Council to discuss ways in which this may be achieved as part of a partnership development.

## THE PROPOSAL:

Through discussions between St Edmund's College, the following proposal is put forward for consideration by Council.

St Edmund's College proposes to sell the subject land parcel 166 Moores Pocket Road, Moores Pocket, and described as Lot 24 SP134654 to Council for open space purposes. It is proposed to use the subsequent proceeds of the sale of the land to invest in the development of a clubhouse facility at the Tivoli Sports Complex in partnership with Council, in accordance with the clubhouse facility development options and recommendations as described in the report dated 30 March 2015 (Attachment C).

#### SITE ANALYSIS:

The subject land parcel is zoned as Recreation under the Ipswich Planning Scheme. The site is bordered to the north, east and south east by the Bremer River, the north west by private land zoned as Recreation and the west and south west by residential. The site is highly constrained by flooding with 100% of the land parcel beneath the Q100 and 95% of the land parcel beneath the Q20 flood lines.

Item 6.6 / Attachment 1.

While the site has not been identified as required through Council's Public Parks Strategy, the site has potential for use as a waterside reserve which could cater for community based urban forest/outdoor recreation activities, such as walking trails, look outs and canoe launching facilities.

A Desktop Valuation of the subject land parcel has valued the land at \$350,000.

#### BENEFITS TO COMMUNITY AND CUSTOMERS:

Acquisition of the subject land parcel for use as waterside reserve and subsequent investment of the proceeds of the sale of the land by St Edmund's College to Council into the development of facilities at the Tivoli Sports Complex present the following benefits:

- 23.39ha of land for use as waterside reserve providing opportunities for community based urban forest/outdoor recreation activities, such as walking trails, look outs and canoe launching facilities
- Partnership investment towards the development of core infrastructure at the Tivoli Sports Complex.

#### CONCLUSION:

St Edmund's College would like to partner with Council in the development of clubhouse facilities at the Tivoli Sports Complex. Following discussions with Council, St Edmund's College propose to sell land that they own at 166 Moores Pocket Road, Moores Pocket, and described as Lot 24 SP134654 to Council for open space purposes and use the subsequent proceeds of the sale of the land to invest in the development of a clubhouse facility at the Tivoli Sports Complex in partnership with Council.

The subject land parcel has potential to Council's open space network for use as a waterside reserve which could cater for community based urban forest/outdoor recreation activities, such as walking trails, look outs and canoe launching facilities.

## ATTACHMENTS:

Name of Attachment	Attachment
Property Plan for 166 Moores Pocket Road, Moores Pocket and described as Lot 24 SP134654	Attachment A
Partnership with St Edmunds College Tivoli Committee Report Nov 2007	Attachment B
St Edmunds Tivoli Clubhouse Committee Report 30 March 2015	Attachment C

#### RECOMMENDATION/S:

- A. That Council enter into a contract with the Trustees of Edmund Rice Education Australia for Council to purchase land described as Lot 24 SP134654 at 166 Moores Pocket Road, Moores Pocket on the terms and consideration negotiated by the Chief Executive Officer. Any contract entered into by Council, will be conditional upon the Trustees of Edmund Rice Education Australia entering into a separate formal agreement with Council, to reinvest the proceeds of sale into a clubhouse at the Tivoli Sports Complex, as detailed in the report by the Senior Sport and Recreation Planning Officer dated 8 May 2017.
- B. That the Chief Executive Officer be authorised to negotiate and finalise the terms of the contract with the Trustees of Edmund Rice Education Australia for Council to purchase land for open space purposes, described as Lot 24 SP134654 at 166 Moores Pocket Road, Moores Pocket and do any other acts necessary to implement Council's decision in accordance with s13 (3) of the Local Government Act 2009.

# John Bolton SENIOR SPORT AND RECREATION PLANNING OFFICER

I concur with the recommendation/s contained in this report.

Bryce Hines SPORT, RECREATION AND NATURAL RESOURCES MANAGER

I concur with the recommendation/s contained in this report.

Craig Maudsley CHIEF OPERATING OFFICER (WORKS, PARKS AND RECREATION)

# Item 6.6 / Attachment 1.1

# **IPSWICH CITY COUNCIL PROPERTY PLAN**

Lotplan 24SP134654 City Council Suburb/Locality: MOORES POCKET

Division: 5

Title Area: 232152 m2
Owner: Trustees Of Edmund Rice Education Australia
Address: 166 MOORES POCKET ROAD MOORES POCKET QLD 4305

Tenure: FH While every care is taken by Ipswich City Coundi (ICC) and Department of Environment and Resource Management (DERM) to ensure the acouracy of this data, ICC and DERM, jointly and severally make no representations or warranties about if s acouracy, reliability ompleteness, or suitability for any particular purpose and disclaim all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inacourate or incomplete in any way and for any reason. Based on data provided with the permission of the Department of Environment and Resource Management : Cadastral Data (032014)



Your attention is drawn to the following recommendation adopted by Council at its meeting held on 12 December 2007.

Refer: Conservation, Parks and Sport Committee No. 2007(12) of 3 December 2007 - Council Ordinary Meeting of 12 December 2007.

#### Councillor/s

Please note that this recommendation is being forwarded to you for your information.

#### Dept Head/s

Would you please take the necessary action in relation to this clause.

Vicki Lukritz COMMITTEE MANAGER

## 33.01 PARTNERSHIP WITH ST EDMUND'S COLLEGE

With reference to a report by the Partnership Co-ordinator dated 1 November 2007 concerning investigation into partnership opportunities between St Edmund's College and Ipswich City Council.

## **RECOMMENDATION**

That the Chief Operating Officer (Health, Parks and Recreation), in consultation with the Mayor, the Chairperson of the Conservation, Parks and Sport Committee and the divisional Councillor continue to pursue the partnership approach with St Edmund's College in relation to the development of sporting facilities to meet the needs of the College and Council, as detailed in Option 3, in Attachment B to the report by the Partnership Co-ordinator dated 1 November 2007.



Page 94 of 589

F. JW: JW H:\H&EP\_08\

# **ITEM 33.01**

1 November 2007

<b>Conservation, Parks and Sport</b>		
Committee		
Mtg Date: 03.12.07	OAR:	YES
Authorisation: Craig Maudsley		
Committee to prepare lette	r: No	
Program No: 33		

# MEMORANDUM

## TO: STRATEGIC PLANNING AND PARTNERSHIPS MANAGER

FROM:PARTNERSHIP CO\_ORDINATOR(AMENDED CP&S CTEE NO. 2007(12) OF 3 DECEMBER LBS)RE:PARTNERSHIP WITH ST EDMUND'S COLLEGE

#### INTRODUCTION:

This is a report by the Partnership Co\_ordinator dated 1 November 2007 concerning investigation into partnership opportunities between St Edmund's College and Ipswich City Council.

#### BACKGROUND:

St Edmund's College has recently approached Council to partner in the development of a 23.39 hectare block of land at 166 Moores Pocket Road, Moores Pocket currently owned by the College. The College has informed Council that they are experiencing financial difficulties in developing the land however require a number of facilities to meet the sporting needs of their 850 students.

The College is proposing the development of roughly fourteen hectares of the land over time to produce the following facility outcomes:

- 1 x international size rugby field;
- 1 x international size soccer field;
- 3 x multi-code fields;
- 2 x turf wickets;
- 1 x 400m athletics track;
- 1 x set 6 practice nets;
- 1 x club house with amenities and canteen;
- 1 x separate amenities block; and
- Car parking.

These facilities would be utilised by the College approximately twenty times per year plus training. Thus, through a partnership approach, Council could provide the opportunity for the use of the sporting facilities by other sporting bodies and the general community when not in use by St Edmund's College should a need exist.

.../2

#### Item 6.6 / Attachment 1.2.1

Ipswich City Council

Page 2

## COMMUNITY NEED:

To establish whether a need exists in the community for the above facilities, internal research was conducted. This included discussions with relevant staff to gain an insight into requests for sporting facilities, as well as Councils strategic direction relating to open space requirements in Ipswich, as documented in the Public Parks Strategy 2007.

The outcomes from this research were as follows:

- 1. There is a demand for additional soccer and rugby facilities, however the demand is highest for facilities that provide multi-use purposes;
- 2. The Public Parks Strategy 2007 identifies the need for an additional two Citywide Sports Ground (between 10 and 15 hectares in size) within the northern section of the Central Planning District (which includes the St Edmund's College site); and
- 3. The Public Parks Strategy 2007 identifies the former Tivoli Waste Water Treatment Plant (decommissioned in 2003)/Tivoli Sporting Complex and a site in Bundamba (unnamed) as available sites for Citywide Sports Grounds to meet the community needs within the northern section of the Central Planning District.

On this basis it has been determined that:

- The Tivoli site is an appropriate site for a Citywide Sports Ground considering it already exists as a District Sports Ground and the land is Council owned; and
- An analysis to compare the St Edmund's College site and Bundamba site for the best location for the provision of the second citywide sports facility was necessary.

#### SITE ANALYSIS:

A detailed desktop assessment of each of the sites was undertaken to determine their suitability for potential and preferred future use (Attachment A).



The key results from the analysis are as follows:

- there is sufficient land at both sites to accommodate the proposed facilities, however the Bundamba site is close to double the size of St Edmund's;
- the Bundamba site is owned by eight different owners, none of which are Council;
- the planning scheme zoning poses no significant issues for both sites in terms of developing the proposed facilities;
- the St Edmund's College land is restricted by only one access point, whereas the Bundamba site is enclosed by four roads;
- the St Edmund's College land would require significant works to be developed for sporting purposes;
- approximately 95% of the St Edmund's College land lies below the Q20 flood line and the entire site lies below the Q100 flood line, posing considerable building issues from the construction of a clubhouse and amenities; and

.../3

# Item 6.6 / Attachment 1.2.1

Ipswich City Council

Page 3

there is an opportunity to establish a waterside reserve at the St Edmund's site which caters for community based urban forest/outdoor recreation activities, such as walking trails, look outs, car parking, and canoe launching facilities.

The site analysis established that the Bundamba site is more appropriate as a Citywide Sports Ground when compared to the St Edmund's College site. Therefore, from a Council perspective, the preferred future land use options are:

- The Tivoli site to be developed as a citywide sports facility that provides for the needs of St Edmund's;
- The Bundamba site to be developed as a citywide sports facility; and
- The St Edmund's site be developed as a waterside reserve.

## PARTNERSHIP IMPLICATIONS:

The main objective of a partnership with St Edmund's College from a Council perspective is to meet the needs of the community including the College students in terms of physical activity opportunities, and at the same time work towards securing and embellishing open space needs as identified in the Public Parks Strategy 2007.

Taking into consideration this objective, St Edmund's College and community needs, site analysis of the various sites, and strategic direction as stated in the Public Parks Strategy 2007, three partnership options have been investigated (Attachment B).



On the basis of this investigation it is suggested that Council further investigate a partnership approach that is consistent with option 3, which includes the following:

- Council is given at no cost the land owned by St Edmund's College. This land can then be utilised for appropriate public open space at some point in the future;
- Council develop the Tivoli Waste Water Treatment Plant/Tivoli Sporting Complex as a Citywide Sports Ground and include facilities to meet the needs of St Edmund's College; and
- Council provide St Edmund's College an extended lease or booking arrangement.

This will not only provide the opportunity for the College to secure the required facilities, but also support sporting bodies and the general community in pursuing physical activity opportunities. This option aligns with the strategic direction as identified in the Public Parks Strategy 2007, and ensures Council, St Edmund's College and the community get the maximum benefit from the financial outlay.

Item 6.6 / Attachment 1.2.1

Ipswich City Council

Page 4

#### BENEFITS TO COMMUNITY AND CUSTOMERS:

A partnership approach with St Edmund's College would benefit the College, Council and the community as it would make available land and facilities for community use including College students, sporting bodies, and possibly the general community in terms of unplanned physical activity. The opportunities created by development of the two identified sites would positively impact on the health and wellbeing of the community through physical activity and recreational opportunities, and social interaction.

#### **RECOMMENDATION:**

That the Chief Operating Officer (Health, Parks and Recreation), in consultation with the Mayor, the Chairperson of the Conservation Parks and Sport Committee, and the divisional Councillor continue to pursue the partnership approach with St Edmund's College in relation to the development of sporting facilities to meet the needs of the College and Council, as detailed in Option 3, in Attachment B to the report by the Partnership Co\_ordinator dated 1 November 2007.

Jodie Welsh PARTNERSHIP CO\_ORDINATOR

I concur with the recommendations contained in this report.

Bryce Hines STRATEGIC PLANNING AND PARTNERSHIPS MANAGER

I concur with the recommendations contained in this report.

Craig Maudsley CHIEF OPERATING OFFICER (HEALTH, PARKS AND RECREATION ) Your attention is drawn to the following recommendation adopted by Council at its meeting held on 26 May 2015.

Refer: Parks, Sport and Recreation Committee No. 2015(05) of 18 May 2015 -Council Ordinary Meeting of 26 May 2015.

## Councillor/s

Please note that this recommendation is being forwarded to you for your information.

#### Dept Head

Would you please take the necessary action in relation to this clause.

Vicki Lukritz ADMINISTRATION SUPPORT MANAGER

#### 2. <u>ST EDMUND'S COLLEGE TIVOLI SPORTS COMPLEX CLUBHOUSE</u> PARTNERSHIP - DIVISION 5

With reference to a report by the Senior Sport and Recreation Planning Officer and the Sport and Recreation Officer (User Liaison) dated 30 March 2015 concerning the development of a clubhouse facility at the Tivoli Sports Complex in partnership with St Edmund's College.

## **RECOMMENDATION:**

- A. That Council continue to provide St Edmund's College with use of the facilities at the Tivoli Sports Complex as a preferred tenant through a School Sport Permit as detailed in the joint report by the Senior Sport and Recreation Planning Officer and the Sport and Recreation Officer (User Liaison) dated 30 March 2015.
- B. That the Chief Operating Officer (Works, Parks and Recreation), in consultation with the Mayor, the Chairperson of the Parks, Sport and Recreation Committee and the relevant divisional Councillors, liaise with St Edmund's College on the proposed options for the future development of a clubhouse facility to meet the needs of all user groups at the Tivoli Sports Complex, as detailed in the joint report by the Senior Sport and Recreation Planning Officer and the Sport and Recreation Officer (User Liaison) dated 30 March 2015.

C. That the Chief Operating Officer (Works, Parks and Recreation), in consultation with the Mayor, the Chairperson of the Parks, Sport and Recreation Committee and the relevant divisional Councillors, liaise with St Edmund's College and all other user groups of the Tivoli Sports Complex in the design of the proposed Tivoli Sports Complex Clubhouse based on the design of the current multi-user clubhouse facility design.



#### Item 6.6 / Attachment 1.3.1

Parks Sport and Recreation Committee		
Mtg Date: 18.05.15	OAR:	YES
Authorisation: Craig Maudsley		

JB: JB

H:\Departmental\Commitee Reports | 1503JB St Edmund's College Tivoli Sports Complex PartnershipCR

ITEM 2

30 March 2015

#### MEMORANDUM

TO:	SPORT, RECREATION AND NATURAL RESOURCES MANAGER
FROM:	SENIOR SPORT AND RECREATION PLANNING OFFICER AND SPORT AND RECREATION OFFICER (USER LIAISON)
RE:	ST EDMUND'S COLLEGE TIVOLI SPORTS COMPLEX CLUBHOUSE PARTNERSHIP DIVISION 5

#### INTRODUCTION:

This is a joint report by the Senior Sport and Recreation Planning Officer and the Sport and Recreation Officer (User Liaison) dated 30 March 2015 concerning the development of a clubhouse facility at the Tivoli Sports Complex in partnership with St Edmund's College.

#### BACKGROUND:

#### Historical Context

St Edmund's College first approached Council about the need for appropriate sporting infrastructure to meet the College's sporting needs in 2007. It is understood that at the time the School had identified that its existing sporting fields had reached capacity. Sites discussed included the school's land at Moore's Pocket, the potential expansion of facilities at Woodend Park and the then proposed sports complex expansion at the Tivoli Sports Complex. It was agreed at the time that the Tivoli Sports Complex was the better site and the College agreed to assist Council in sourcing funding to develop the facilities.

At the Conservation, Parks and Sport Committee No. 2007(12) of 3 December 2007 - Council Ordinary Meeting of 12 December 2007 with reference to a report by the Partnership Coordinator dated 1 November 2007 concerning investigation into partnership opportunities between St Edmund's College and Ipswich City Council (see Attachment A), the following recommendation was made:

1

That the Chief Operating Officer (Health, Parks and Recreation), in consultation with the Mayor, the Chairperson of the Conservation, Parks and Sport Committee and the divisional Councillor continue to pursue the partnership approach with St Edmund's College in relation to the development of sporting facilities to meet the needs of the College and Council, as detailed in Option 3, in Attachment B to the report by the Partnership Co-ordinator dated 1 November 2007.

Partnership Option 3 included the following:

- Council is given at no cost the land owned by St Edmund's College at Moore's Pocket. This land can then be utilised as public open space at some point in the future;
- Council develop the Tivoli Waste Water Treatment Plant as a Citywide Sports Ground and include facilities to meet the needs of St Edmund's College; and
- Council provide St Edmund's College an extended lease or booking arrangement.

Despite ongoing discussions at the time the agreement as detailed above did not proceed. Also at the time the College applied for however was unsuccessful in two (2) applications to the Federal Government's Local Schools Working Together Program to develop the site. Accordingly, the College did not contribute financially to the development of the sporting complex.

#### Stage 1 Development

In 2008, Council was successful in securing \$1.5 million in funding through the State Government Major Sport and Recreation Facilities Program with letters of support from St Edmund's College, St Mary's College and Tivoli State School towards development of the sporting facilities at the Tivoli Sports Complex.

Council completed the Stage 1 expansion works (four rectangular fields, two ovals, car parking, grand stand seating, toilets and change room facilities) to the Tivoli Sports Complex in 2012 with \$1.5 million from the State Government and Council funding. No other funds were contributed towards the project. Since this time sports field lighting has been installed to two rectangular fields with the remaining rectangular fields to be lit in 2015–2016.

#### Facility Users

Expressions of Interest were received in 2013 from four interested sporting groups (including St Edmund's College) for the use of the Tivoli Sports Complex facilities for various sporting activities. Based on each prospective user group's requests, a schedule of usage was developed to cater for the needs of all user groups. Usage of the Tivoli Sports Complex facilities commenced in April 2013. St Edmund's College presently use the Tivoli Sports Complex for their Association of Independent College (AIC) sporting competitions primarily on Saturdays and some Friday evenings.

Since sports field lighting was installed, interest and demand to utilise the Tivoli Sports Complex has increased dramatically from different community sporting groups. Six regular user groups including St Edmund's College (soccer, rugby union and cricket), Ipswich Junior Rugby League, Ipswich Rugby League in partnership with the Ipswich Jets (Representative Program), Whitehill Soccer Club, Mount Crosby Cricket Association and Western Pride Soccer Club are now utilising the facilities. Stars Softball Club is also looking to relocate to the Tivoli Sports Complex once additional sports field lighting has been installed. Requests have also been received for the development of a clubhouse facility with canteen/kitchen, meeting rooms, function space and office.

Following this increase in the number of user groups, and recent articles in *The QT* in regard to the Ipswich Jets vision to establish the Tivoli Sports Complex as a home base for rugby league in Ipswich along with a Rugby League Academy, gymnasium and toilets, change rooms and meeting rooms, St Edmund's College has written to Council with concerns over their future at the Tivoli Sports Complex as a preferred tenant (see Attachment D). St Edmund's College has asked Council to give due consideration to the following proposals:

- **1.** The development of a Memorandum of Understanding confirming the College's status as a preferred tenant of the Tivoli site allowing them to plan for the future.
- 2. The granting of a twenty-five year lease, (with a twenty-five year option) of an area of land near the current change-room facility to allow for the construction of a Function Centre and Club House to allow for catering/canteen facilities. The College is willing to contribute towards the funding of such a facility.
- **3.** The erection of signage to denote the ovals as "The Jeff McLean Field" as per Council advice dated 14 April 2014.

An analysis of this request is provided below.

#### ANALYSIS OF REQUEST:

The development of a Memorandum of Understanding confirming the College's status as a preferred tenant of the Tivoli site allowing them to plan for the future. Council has and will continue to provide usage of the facilities at the Tivoli Sports Complex to St Edmund's College through a School Sport Permit as a preferred tenant, but not with exclusive use of the facilities over all other user groups. With the exception of a small number of minor booking clashes which were resolved through negotiation Council has at no time denied the College any requested usage of the facility. As per Council's Fees and Charges, schools are not charged a Permit Fee. This will continue to be managed in accordance with required facility usage in coordination with all other sporting groups' usage requirements and requests. No further action is required in regard to this request.

The granting of a twenty-five year lease, (with a twenty-five year option) of an area of land near the current change-room facility to allow for the construction of a Function Centre and Club House to allow for catering/canteen facilities. The College is willing to contribute towards the funding of such a facility. In accordance with the Tivoli Sports Complex Master Plan and civil works undertaken through development of the Stage 1 works at the Tivoli Sports Complex, there is space beside the existing toilet and change room facility for the construction of a clubhouse facility with canteen/kitchen, meeting rooms, function space and office. While there is space for a clubhouse facility, funding is not presently available for the construction of a clubhouse. In addition, Council does not normally issue Leases over sporting facilities or clubhouses. The Tivoli Sports Complex is a multi-use and multi-user group facility. As discussed earlier, Council has received numerous requests over the last two years from different user groups for the development of a clubhouse facility with canteen/kitchen, meeting rooms, function space and office. The issuing of a Lease for the exclusive use of a clubhouse to one user group (in particular a private school on public land) over a multi-use, multi-user sport complex would be problematic, especially considering the number of user groups currently using the Tivoli Sports Complex.

However, a solution to resolve this issue would be to develop appropriate clubhouse facilities to allow multiple user groups access to a shared use facility while at the same time providing exclusive use of designated facilities to St Edmund's College. An example of this is evident within the multiple user group clubhouse facility that is in place at the Redbank Plains Recreation Reserve for AFL and Cricket as detailed further below under Proposed Solution.

Alternatively, if St Edmunds College have a preference for a standalone facility, then Council and St Edmunds College may jointly identify an appropriate site taking into consideration the overall master plan for the site and the associated site constraints.

The erection of signage to denote the ovals as "The Jeff McLean Field" as per Council advice dated 14 April 2014. Signage has already been installed denoting the naming of Ovals C and D as "McLean Field" (see Attachment B). No further action is required in regard to this request.

## PROPOSED SOLUTION:

## Option 1

For the future development of the facilities at the Tivoli Sports Complex and to ensure all user groups have access to facilities at the Tivoli Sports Complex, the following options are proposed:

- Develop a clubhouse at the Tivoli Sports Complex based on the concept plans of the AFL clubhouse at the Redbank Plains Recreation Reserve (See Attachment C). Multiple user groups can utilise this facility with two noted store rooms and two separate canteen/kitchen areas which adjoin with a shared function room.
- That Council support "in principle", St Edmund's College's request for a lease to occupy the facilities they require within a clubhouse subject to St Edmund's College obtaining the relevant building approvals within twelve months and construction of the facility within three years.
- That St Edmund's College pay all components of the clubhouse facility for which they want exclusive use (i.e. a designated kitchen/canteen area and single store room).
- That St Edmund's College, as a condition of a Lease to occupy clubhouse facilities at the Tivoli Sports Complex, be conditioned to staff the clubhouse canteen for use by community groups that use the sporting facilities.

## Option 2

Alternatively St Edmunds College may have a preference for a standalone facility. If this is the case it is proposed that Council and St Edmunds College jointly identify an appropriate

4

site taking into consideration the overall master plan for the site and the associated site constraints. As a condition of a Lease to occupy clubhouse facilities at the Tivoli Sports Complex, St Edmunds College be conditioned to staff the clubhouse canteen for use by community groups that use the sporting facilities.

#### BENEFITS TO COMMUNITY AND CUSTOMERS:

The proposed solution will see the development of a clubhouse facility that can be utilised by multiple user-groups. The proposed clubhouse will enable not only St Edmund's College, but also other user groups of the Tivoli Sports Complex to undertake their sporting operations on a daily basis through the provision of appropriate canteen/kitchen, storage and function/meeting room facilities.

#### CONCLUSION:

Ipswich City Council has been liaising with St Edmund's College since 2007 in regard to the need to establish appropriate sporting infrastructure to meet the College's sporting needs. The Tivoli Sports Complex has been identified as the preferred location for this sporting facility provision, with Council agreeing that St Edmund's College would be a preferred tenant for use of the facilities.

With interest and usage of the sporting facilities at the Tivoli Sports Complex increasing, St Edmund's College has written to Council with concerns over their future at the Tivoli Sports Complex as a preferred tenant, as well as seeking consideration from Council for the development of and issuing of a twenty-five year lease (with twenty-five year option) of a clubhouse facility. The issuing of a Lease for the exclusive use of a clubhouse to one user group over a multi-use, multi-user sport complex would be problematic, especially considering the number of user groups currently using the Tivoli Sports Complex.

For the future development of the facilities at the Tivoli Sports Complex and to ensure all user groups have access to appropriate facilities, it has been proposed to develop a multiuser clubhouse facility similar to the Redbank Plains Recreation Reserve AFL clubhouse facility at the Tivoli Sports Complex. This report also proposes that Council support "in principle", St Edmund's College's request for a lease to occupy the facilities they require within a clubhouse subject to St Edmund's College obtaining the relevant building approvals within twelve months and construction of the facility within three years.

#### ATTACHMENTS:

Name of Attachment	Attachment
Partnership with St Edmunds College Tivoli Committee Report Nov 2007	Attachment A

5

Photograph of McLean Field Signage	Attachment B
Redbank Plains Recreation Reserve AFL Clubhouse Design	Attachment C
Letter to the CEO on 27.2.15 from St Edmunds College regarding proposed tenancy of Tivoli	Attachment D

#### RECOMMENDATION:

#### Amended PS&R Ctee No. 2015(05) of 18 May 2015

- A. That Council continue to provide St Edmund's College with use of the facilities at the Tivoli Sports Complex as a preferred tenant through a School Sport Permit as detailed in the joint report by the Senior Sport and Recreation Planning Officer and the Sport and Recreation Officer (User Liaison) dated 30 March 2015.
- B. That the Chief Operating Officer (Works, Parks and Recreation), in consultation with the Mayor, the Chairperson of the Parks, Sport and Recreation Committee and the <u>relevant</u> divisional Councillor<u>s</u>, liaise with St Edmund's College on the proposed options for the future development of a clubhouse facility to meet the needs of all user groups at the Tivoli Sports Complex, as detailed in the joint report by the Senior Sport and Recreation Planning Officer and the Sport and Recreation Officer (User Liaison) dated 30 March 2015.
- C. That the Chief Operating Officer (Works, Parks and Recreation) in consultation with the Mayor, the Chairperson of the Parks, Sport and Recreation Committee and the <u>relevant</u> divisional Councillor<u>s</u>, liaise with St Edmund's College and all other user groups of the Tivoli Sports Complex in the design of the proposed Tivoli Sports Complex Clubhouse based on the design of the current multi-user clubhouse facility design.

## John Bolton SENIOR SPORT AND RECREATION PLANNING OFFICER

# Becky Jones SPORT AND RECREATION OFFICER (USER LIAISON)

I concur with the recommendation/s contained in this report.

# Bryce Hines SPORT, RECREATION AND NATURAL RESOURCES MANAGER

I concur with the recommendation/s contained in this report.

Craig Maudsley CHIEF OPERATING OFFICER (WORKS, PARKS AND RECREATION)

Doc ID No: A6005166

ITEM: 7.7

SUBJECT: DELEGATION OF POWERS TO APPOINT TWO EXTERNAL INDEPENDENT MEMBERS AND NOMINATE THE CHAIRPERSON TO THE AUDIT AND RISK MANAGEMENT COMMITTEE

AUTHOR: CHIEF AUDIT EXECUTIVE

DATE: 15 JANUARY 2020

#### **EXECUTIVE SUMMARY**

This is a memorandum to Council to provide delegation of powers to the Interim Administrator and the Chief Executive Officer to appoint two external independent members and to nominate and appoint the Chairperson to the Audit and Risk Management Committee.

#### **RECOMMENDATION/S**

That the Interim Administrator of Ipswich City Council resolve:

- A. That the commencement of an external recruitment process for membership of the Audit and Risk Management Committee, be noted.
- B. That the Interim Administrator and the Chief Executive Officer appoint two external independent members to the Audit and Risk Management Committee.
- C. That the Interim Administrator and the Chief Executive Officer nominate and appoint the Chairperson (upon the retirement of the current Chair) to the Audit and Risk Management Committee from the independent external members.
- D. That the current Chairperson be thanked for firstly serving from 2002 as an advisor, from 2010 as a full member and then from 2018 as the Chairperson of the Audit and Risk Management Committee and for his contribution to the organisation.

#### **RELATED PARTIES**

There was no declaration of conflicts of interest

#### **ADVANCE IPSWICH THEME**

The intention is for the Audit and Risk Management Committee to support all five themes: Strengthening our local economy and building prosperity Managing growth and delivering key infrastructure Caring for the community Caring for the environment Listening, leading and financial management

Individual activities will, to a varying degree, support these themes but the main objective for the Committee is to support the organisation in achieving its objectives.

#### PURPOSE OF REPORT/BACKGROUND

Due to the recent review and update of the Audit and Risk Management Committee (ARMC) Charter, the departure of the Interim Management Committee and the coming to the end of the term for the current Chairperson of ARMC, replacement members needs to be appointed to ensure a quorum and continuity of a suitably established committee.

The existing Chair's term effectively expires at the last meeting of the financial year in May 2020. Graeme Stratford has been associated with the ARMC since May 2002 as an advisor, then from 2010 as a member and then from 2018 as Chairperson. The other current independent member of the committee was appointed in March 2018 and her term effectively extends to the February 2022 meeting of the Audit and Risk Management Committee meeting with a further possible extension of four years.

The newly adopted charter requires 3 independent external members. Consequently a recruitment action has been commenced with applications being publicly advertised. Council needs to appoint one independent external member to commence presently and another to commence on retirement of the Chair. It therefore also needs to select from the independent external members the Chair to take over the role upon retirement of the current Chair.

#### **LEGAL/POLICY BASIS**

Section 105(2) of the *Local Government Act 2009* ("the Act") prescribes that a large local government must establish an audit committee.

Section 257 of the Act prescribes in the Delegation of local government powers

(1) A local government may, by resolution, delegate a power under this Act or another Act to—

(a) the mayor; or
(b) the chief executive officer; or
(d) the chairperson of a standing committee, or joint standing committee, of the local government; or

- (3) Also, a local government must not delegate a power that an Act states must be exercised by resolution.
- (5) A delegation to the chief executive officer under subsection (1) must be reviewed annually by the local government.

The composition of an audit committee is prescribed in section 210 of the *Local Government Regulations 2012* ("the Regulations") as follows:

- (1) The audit committee of a local government must-
  - (a) consist of at least 3 and no more than 6 members; and
  - (b) include
    - (i) 1, but no more than 2, councillors appointed by the local government; and
    - (ii) At least 1 member who has significant experience and skills in financial matters.
- (3) The local government must appoint 1 of the members of the audit committee as chairperson.

The Audit and Risk Management Committee Charter as adopted by Council on 19 November 2019 indicates that:

- 8. COMPOSITION AND MEMBERSHIP
- 8.1 The Committee will be composed of five members, including the Chairperson, as follows:
- 8.1.1 Three independent external members will be chosen and appointed by Council to ensure impartiality and an appropriate mix of skills.
- 8.1.6 The term of an independent external member shall be four years and Council may approve a further extension of four years to that term.
- 8.1.7 As provided by Section 210(1) of the Local Government Regulation Council will appoint one of the external independent members of its Audit and Risk Management Committee to be Chairperson.

#### **RISK MANAGEMENT IMPLICATIONS**

The Audit and Risk Management Committee (ARMC) Charter as a whole guides the activities of the ARMC to minimise and control the risks the activity faces. The aim of this action is to ensure continuity and to lessen the risk of no quorum.

#### FINANCIAL/RESOURCE IMPLICATIONS

No additional resources are required because of this report. The changes were already affected by the changes to the Audit and Risk Management Committee Charter approved by Council on 19 November 2019.

#### COMMUNITY AND OTHER CONSULTATION

For this purpose some of the members and attendees of the Audit and Risk Management Committee were consulted but mostly the Interim Administrators and CEO.

## CONCLUSION

A full and functional ARMC is important to the governance of Council and sustaining of the initiatives in progress. As the Interim Administrator is currently functioning as the only "Councillor" the full complement of Councillors can only be appointed once the Councillors are elected.

The recommended steps will allow a functional ARMC to be in place once Councillors are appointed following the March election.

## Freddy Beck CHIEF AUDIT EXECUTIVE

I concur with the recommendations contained in this report.

David Farmer CHIEF EXECUTIVE OFFICER

"Together, we proudly enhance the quality of life for our community"

Doc ID No: A5998463

ITEM: 8.8

SUBJECT: HUMAN RIGHTS ACT 2019

AUTHOR: SENIOR SOLICITOR

DATE: 10 JANUARY 2020

#### EXECUTIVE SUMMARY

This is a report concerning the commencement of the *Human Rights Act 2019* (**'HRA'**) and the obligations imposed by the HRA on Council. This report recommends the adoption of a Human Rights Policy that states Council's commitment to human rights and an amendment to Council's Complaints Management Framework to recognise human rights complaints.

#### **RECOMMENDATION/S**

That the Interim Administrator of Ipswich City Council resolve:

- A. That the policy titled "Human Rights Act Policy" as detailed in Attachment 1, be adopted.
- B. That the Complaints Management Framework be amended as outlined in Attachment 3.

#### **RELATED PARTIES**

There are no related party matters associated with this report.

#### ADVANCE IPSWICH THEME

Strengthening our local economy and building prosperity Managing growth and delivering key infrastructure Caring for the community Listening, leading and financial management

#### PURPOSE OF REPORT/BACKGROUND

The provisions of the HRA relevant to public entities commenced on 1 January 2020.<sup>1</sup> The objects of the HRA include protecting and promoting human rights and building a culture in the public sector that respects and promotes human rights.

<sup>&</sup>lt;sup>1</sup> 2019 Sub. L No. 224.

The human rights protected under the HRA are:

- recognition and equality before the law
- right to life
- protection from torture and cruel, inhuman or degrading treatment
- freedom from forced work
- freedom of movement
- freedom of thought, conscience, religion and belief
- freedom of expression
- peaceful assembly and freedom of association
- taking part in public life
- property rights
- privacy and reputation
- protection of families and children
- cultural rights generally (enjoyment of culture, religion and language)
- cultural rights Aboriginal and Torres Strait Islander peoples
- right to liberty and security of person
- humane treatment when deprived of liberty
- fair hearing
- rights in criminal proceedings
- children in the criminal process
- right not to be tried or punished more than once
- right not to be subject to retrospective criminal laws
- right to education
- right to health services.<sup>2</sup>

All individuals in Queensland have human rights and human rights only apply to individuals.<sup>3</sup> Human rights in the HRA are not absolute. They may be subject under law to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.<sup>4</sup>

#### **Obligations of Public Entities under the HRA**

#### Public entities

<sup>&</sup>lt;sup>2</sup> Part 2, Divisions 2 and 3.

<sup>&</sup>lt;sup>3</sup> Only individuals have human rights.

<sup>&</sup>lt;sup>4</sup> Section 13(1).

The HRA imposes obligations on 'public entities' in relation to human rights. A 'public entity' includes:

- a local government, councillor of a local government and a local government employee<sup>5</sup>. Therefore, the obligations under the HRA apply to councillors and employees of Council, not just Council as a body corporate;
- an entity performing 'functions of a public nature' for a public entity (whether under contract or otherwise)<sup>6</sup>. For example, a Council contractor may be a 'public entity' (and therefore have obligations under the HRA) if it carries out functions of a public nature for Council.

# Obligations

As a public entity, Council is obligated to:

- act and make decisions in a way that is *compatible with human rights*; or
- when making a decision, Council must give consideration to a human right relevant to the decision.

These obligations are set out in section 58(1) of the HRA.

An act or decision will be 'compatible with human rights' if the act or decision:

- does not limit a human right; or
- limits a human right only to the extent that is reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.<sup>7</sup>

# Effect of a failure to comply with obligations

A failure to comply with the obligations in section 58(1) of the HRA:

- does not render an act or decision invalid; and
- a person does not commit an offence against the HRA merely because the person acts or makes a decision in contravention of section 58(1).<sup>8</sup>

However, if a person is entitled to seek relief or remedy in relation to an act or decision of Council on the ground that the decision was unlawful <u>other</u> than because of section 58 (i.e. an independent ground of unlawfulness) the person may seek the remedy or relief on the ground of unlawfulness arising under section 58 (conduct of public entities) even if the person may not be successful in obtaining the relief or remedy under the other ground.<sup>9</sup>

<sup>&</sup>lt;sup>5</sup> Section 9(1)(d).

<sup>&</sup>lt;sup>6</sup> Section 9(1)(h).

<sup>&</sup>lt;sup>7</sup> Section 8.

<sup>&</sup>lt;sup>8</sup> Section 58(6).

<sup>&</sup>lt;sup>9</sup> Section 59(1) and (2).

A person is not entitled to be awarded damages on the ground of unlawfulness arising under section  $58.^{10}$ 

A person is also entitled to make a human rights complaint to the Human Rights Commissioner (**'the Commissioner'**).<sup>11</sup> A human rights complaint is a complaint about an alleged contravention of the obligations in section 58 by a public entity in relation to an act or decision of the public entity.<sup>12</sup> A person can make a human rights complaint to the Commissioner only if:

- the person made a complaint to the public entity the subject of the alleged contravention; and
- at least 45 business days have passed since making the complaint; and
- the person has not received a response to the complaint or received a response they feel to be an inadequate response.<sup>13</sup>

The Commission may accept a complaint prior to the expiry of the 45 day period in exceptional circumstances.<sup>14</sup>

# Implementation of the HRA

The Legal and Governance Branch of the Corporate Services Department is managing the implementation of the HRA and is identifying actions and developing materials that will assist Council meet its obligations.

Two priority actions are:

- the implementation of a policy (**Attachment 1**) detailing Council's commitment to human rights; and
- an amendment to Council's current Complaint's Management Framework (Attachment 2) as detailed in Attachment 3 to recognise human rights complaints under the HRA.

#### **LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions:

# Human Rights Act 2019

#### **RISK MANAGEMENT IMPLICATIONS**

The HRA places obligations on public entities to act and make decisions in a way that is compatible with human rights. A person is entitled to make a human rights complaint under the HRA to Council if they feel Council has not acted or made a decision in a way that is

<sup>&</sup>lt;sup>10</sup> Section 59(3).

<sup>&</sup>lt;sup>11</sup> Section 64.

<sup>&</sup>lt;sup>12</sup> Section 63.

<sup>&</sup>lt;sup>13</sup> Section 65(1).

<sup>&</sup>lt;sup>14</sup> Section 65(2).

compatible with their human rights. Incorporating human rights complaints into Council's Complaints Management Framework is necessary to allow Council to manage human rights complaints effectively in accordance with its legislative obligations.

The adoption of a policy detailing Council's commitment to the protection and promotion of human rights is also an important step in the implementation of the HRA. A strong policy commitment will assist in promoting a culture within Council that respects human rights.

#### FINANCIAL/RESOURCE IMPLICATIONS

There are no direct costs associated with this report other than the periodical review of the new policy which would form part of the operating budget for the Corporate Services Department.

In the future, there may be costs associated with other aspects of the implementation of the HRA. For example, staff training.

#### COMMUNITY AND OTHER CONSULTATION

Consultation has been undertaken with the Complaints Management Unit of the Legal and Government Branch of the Corporate Services Department in relation to the amendment to the Complaints Management Framework to include a human rights complaint.

Consultation has been undertaken within the Legal and Governance Branch regarding the implementation of a policy regarding the HRA.

#### CONCLUSION

The HRA places obligations on Council to protect and promote human rights. The adoption of a policy stating Council's commitment to human rights will assist in promoting human rights within the organisation. An amendment to Council's Complaint Management Framework is necessary to recognise human rights complaints made to Council under the HRA.

#### ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Human Rights Policy 🕂 🔛	
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- 2. Current Complaints Management Framework 🕂 🏙
- 3. Amended Complaints Managment Framework Track Changes 🕂 🛣
- 4. Amended Complaints Management Framework Clean 🗓 🖀

# Shasha Ingbritsen SENIOR SOLICITOR

I concur with the recommendations contained in this report.

# Allison Ferres Macdonald **DEPUTY GENERAL COUNSEL**

I concur with the recommendations contained in this report.

# Tony Dunleavy MANAGER LEGAL AND GOVERNANCE (GENERAL COUNSEL)

I concur with the recommendations contained in this report.

Sylvia Swalling
ACTING GENERAL MANAGER CORPORATE SERVICES

"Together, we proudly enhance the quality of life for our community"



# IPSWICH CITY COUNCIL Human Rights Policy

Version Control and Objective ID	Version No:	Objective ID:
Approved by Council on		
Date of Review		

#### 1. Statement

Council is strongly committed to protecting and promoting human rights and to building a culture within council that respects and promotes human rights.

#### 2. Purpose and Principles

The *Human Rights Act 2019* requires Council to act and make a decision in a way that is compatible with human rights. When making a decision Council must give proper consideration to a human right relevant to that decision.

The following principles underpin Council's commitment to human rights:

- the inherent dignity and worth of all human beings
- the equal and inalienable human rights of all human beings
- human rights are essential in a democratic and inclusive society that respects the rule of law
- human rights must be exercised in a way that respects the human rights and dignity of others
- human rights should only be limited after careful consideration and in a way that can be justified in a free and democratic society
- human rights have a special importance for the Aboriginal peoples and Torres Strait Islander peoples of Queensland as Australia's first people, particularly the right to selfdetermination.<sup>1</sup>

#### 3. Strategic Plan Links

This policy relates to:

- Strengthening our local economy and building prosperity
- Managing growth and delivering key infrastructure
- Caring for the Community
- Listening, Leading and Financial Management

#### 4. Regulatory Authority

Human Rights Act 2019

<sup>&</sup>lt;sup>1</sup> Preamble to the *Human Rights Act 2019*.

#### IPSWICH CITY COUNCIL | Name of Policy

#### 5. Scope

This policy applies to all councillors, council staff and a public entity to ensure they work in accordance the *Human Rights Act 2019*.

Council will respond to human rights complaints in accordance with the *Human Rights Act* 2019 and council's Complaints Management Framework.

#### 6. Roles and Responsibilities

- (a) councillors, council staff and a public entity are required to act and make decisions in a way that is compatible with human rights
- (b) council staff responsible for responding to human rights complaints made under the Human Rights Act 2019 will do so in accordance with the Human Rights Act 2019, Council's Complaints Management Framework and any relevant policies and procedures.

#### 7. Key Stakeholders

The following will be consulted during the review process:

- Corporate Services
  - Legal and Governance
  - Complaints Management Unit
- Executive Leadership Team

#### 8. Monitoring and Evaluation

The specific measures that will determine the success and effectiveness of the policy include:

- Broad staff participation in training that builds understanding of the requirements of the *Human Rights Act 2019*
- decrease of human rights complaints under the Human Rights Act 2019
- increased awareness within the community of human rights.

#### 9. Definitions

**Human rights** has the meaning given in part 2, divisions 2 and 3 of the *Human Rights Act 2019* and include:

- recognition and equality before the law
- right to life
- protection from torture and cruel, inhuman or degrading treatment
- freedom from forced work
- freedom of movement
- freedom of thought, conscience, religion and belief
- freedom of expression
- peaceful assembly and freedom of association
- taking part in public life
- property rights
- privacy and reputation

#### Item 8.8 / Attachment 1.

#### IPSWICH CITY COUNCIL | Name of Policy

- protection of families and children
- cultural rights generally (enjoyment of culture, religion and language)
- cultural rights Aboriginal and Torres Strait Islander peoples
- right to liberty and security of person
- humane treatment when deprived of liberty
- fair hearing
- rights in criminal proceedings
- children in the criminal process
- right not to be tried or punished more than once
- right not to be subject to retrospective criminal laws
- right to education
- right to health services

**function of a public nature** has the meaning given in section 10 of the *Human Rights Act* 2019. To decide whether a function of an entity is a function of a public nature, the following matters may be considered:

- is the function conferred under statutory provision
- is the function connected or generally identified with the functions of government
- is the function of a regulatory nature
- is the entity publicly funded to perform the function
- is the entity a government owned corporation.

The provision of:

- emergency services
- public health services
- public disability services
- public education
- public transport
- a housing service by a funded provider or the State under the Housing Act 2003

are functions of a public nature.

**public entity** has the meaning given in section 9(h) of the *Human Rights Act 2019* and includes an entity performing a **function of a public nature** for council (whether under contract or otherwise).

#### 10. Policy Owner

The General Manager (Corporate Services) is the policy owner and the Legal and Governance (General Counsel) Manager is responsible for authorising and reviewing this policy.



# COMPLAINTS MANAGEMENT FRAMEWORK

# Contents

1.	Introd	uction	4
2.	The Va	llue of Complaints	4
3.	Our Co	ommitment to Good Complaints Management	4
4.	Compl	aints not included in the Framework	7
5.	Catego	pries of Complaints	8
6.	Compl	aint policies and procedures	17
7.	Guidin	g Principles	17
	7.1	Enabling Complaints	17
	7.2	Managing Complaints	17
	7.3	Accountability, Learning and Prevention	18
8.	The Co	omplaints Cycle	19
9.	How c	ustomer complaints may be made	20
	9.1	Customer information and access to making a complaint	20
	9.2	How customer complaints may be made	20
10.	How e	mployee complaints may be made	21
11.	Counc	il's ethical responsibility to report wrong doing	23
12.	How C	ouncil will manage a complaint	23
13.	Unreas	sonable complainant conduct	23
14.	Respo	nding to and closing a complaint	24
15.	Respo	nse to Complainants	24
16.	Reme	lies	24
17.	Reviev	v Mechanisms	25
18.	Record	ling complaint data	25
19.	Report	ing on Complaint Trends	25
20.	Busine	ss improvement	26
21.	Emplo	yee education	26
22.	Reviev	v of this Framework	26
23.	Roles	and responsibilities	26
	Compl	ainant	26
	Compl	ainants, witnesses and employees, subjects of a complaint	27
	Emplo	yees	27
	Manag	ger, People and Culture Branch	27
	Emplo	yees responsible for undertaking a complaint review	27

Page **2** of **30** 

	Councillors	.27
24.	Regulatory Authority	.28
25.	Definitions	.28
26.	Manage Complaints Process	.30

# 1. Introduction

This Complaints Management Framework (the Framework) forms part of Council's customer services and governance arrangements. The Framework is underpinned by the *Local Government Act 2009* Principles, in particular:

- Transparent and effective processes, and decision-making in the public interest;
- Sustainable development and management of assets and infrastructure, and delivery of effective services;
- Good governance of, and by, local government;
- Ethical and legal behaviour of Councillors and local government employees.

Council will ensure the Framework is accessible on our external and internal websites and encourages customers and employees to come forward and raise a complaint. By doing so they provide the opportunity for a decision to be reviewed, wrongdoing to be stopped and persons responsible for wrongdoing to be held accountable.

Where Council is the proper authority, as defined in the *Public Interest Disclosure Act 2010*, support and protection will be given to anyone who raises a matter of public interest or is the subject or witness of a complaint to ensure they do not suffer any reprisal action.

# 2. The Value of Complaints

Council recognises that effective complaint management offers many practical benefits as complaints provide information about program weaknesses, service delivery faults and the management and performance of Council employees. Good administration practices involve the regular review of Council's services, programs, policies, procedures and the lessons learnt from complaints can feed into that process.

Council will utilise complaint information to:

- Provide a suitable remedy to a complainant
- Develop and maintain good relations with our customers
- Evaluate and improve services, programs, policies and procedures
- Inform decision making about future service and program delivery
- Evaluate and improve the management of our employees and the programs, policies and procedures they work within

# 3. Our Commitment to Good Complaints Management

Council is committed to recognising the importance and value of listening and responding to complaints. The following table<sup>1</sup> sets out the nature of the commitment expected from all Council employees and the way that commitment will be implemented.

Page **4** of **30** 

<sup>&</sup>lt;sup>1</sup> Commonwealth Ombudsman, "Better Practice Guide to Complaint Handling", 2009, page 6.

Who?	Commitment	How?
Chief Executive Officer	Make complaint management a priority for the Council	<ul> <li>Promote a positive culture that values complaint management</li> <li>Include complaint management standards in Council's Product and Services Catalogue and standards of service documents</li> <li>Report on complaint management regularly such as:         <ul> <li>Quarterly reports to Council</li> <li>Reporting on complaints management activities in the Annual Report</li> <li>Complaints management training and report for managers and supervisors identifying the expected standards of complaint management such as the quality and timeliness of complaint management</li> </ul> </li> <li>Utilise complaint information to inform good decision making when planning and reviewing Council services and programs</li> </ul>
General Managers	Make complaint management a priority for the Council	<ul> <li>Responsible and accountable for capability and cultural change as a General Manager to ensure line management staff are aware of their:         <ul> <li>complaints management responsibilities</li> <li>protection of disclosers, subject officers and witnesses from reprisal</li> <li>obligation to refer possible corrupt conduct</li> <li>obligations and responsibilities under the Public Interest Disclosure Act</li> </ul> </li> <li>As a member of the Executive Leadership Team, corporately responsible to respond to systemic or serious concerns identified by</li> </ul>

Page **5** of **30** 

Item	8.8 /	Attachment	2.
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Who?	Commitment	How?
		complaints
Councillors	Support Council's Complaint Management Framework, related policies and procedure	<ul> <li>Encourage residents and business owners to bring complaints to the attention of the Complaints Management Unit to ensure all complaints are:</li> <li>Assigned to a member of the Complaints Management Unit who will be the contact for the complainant throughout the complaint investigation. This will allow for the complainant to build a relationship of honest communication and trust with the Complaint Management Officer and therefore raise Council's reputation within the community</li> <li>Acknowledged and responded to quickly</li> <li>Addressed in an equitable, fair and unbiased manner and in keeping with the principles of procedural fairness</li> <li>Managed without any reprisal to the complainant, witnesses and subject officers</li> <li>Managed in accordance with relevant privacy laws and ethical obligations</li> <li>Reported to management and complaint data can be used to inform decisions regarding the provision of programs, services and business improvement can be informed appropriately</li> </ul>
Managers responsible for complaint management	Establish and manage an effective, professional complaint management system	<ul> <li>Promote a positive culture that values complaint management</li> <li>Recruit suitable staff</li> <li>Provide comprehensive training to complaint management staff</li> <li>Manage and support complaint management staff</li> </ul>

Page **6** of **30** 

Item 8.8 / Attachment 2.

Who?	Commitment	How?
		<ul> <li>Promote strong internal networks to enable complaint management staff to work with and be supported by other staff</li> <li>Bring systemic issues and weaknesses that are identified through the complaint system to the attention of General Managers and the Chief Executive Officer</li> <li>Provide regular reports to other relevant areas of Council on issues arising from complaint management work</li> <li>Keep up to date with better practice, regularly review Council's complaint management system and participate in organisation wide complaint management meetings</li> </ul>
Complaint management staff	Display exemplary practice in managing complaints	<ul> <li>Behave professionally when dealing with complainants</li> <li>Have a sound understanding of Council's complaint management policies and procedures</li> <li>Comply with internal policies and procedures</li> <li>Keep informed about Council's services and programs</li> <li>Maintain interest in better practice in complaint management</li> </ul>

# 4. Complaints not included in the Framework

The Framework does not include the following types of complaints as Council is not the responsible authority for investigating or making a decision on the complaint:

- Complaints about Councillors:
  - Complaints of alleged or suspected corrupt conduct, misconduct, inappropriate conduct are managed by the Independent Assessor appointed by Governor in Council under section 150CV of the *Local Government Act 2009*;
  - Unsuitable meeting conduct by a Councillor is dealt with by the Chairperson of the committee or Council meeting as per Council's Meeting Procedure. It is

Page **7** of **30** 

important that the Chairperson deal with matters of unsuitable meeting conduct locally, and as efficiently and effectively as possible so that Council can continue with their business of making effective decisions in the public interest. Council's Committee Meeting Procedure.

- Any matter where remedy is available through a:
  - Statutory appeal process (i.e. development assessment issues that have a right to be heard in the Planning and Environment Court or declared dangerous dog that have a right to be heard by the Queensland Civil and Administrative Tribunal);
  - Dispute resolution mechanism available in an industrial instrument, such as Industrial Awards, Enterprise Bargaining Agreements and employment contracts;
- Decisions by Council made at Council meetings;
- Proceedings under the *Judicial Review Act 1991* relating to decisions made under an enactment or matters identified in section 31, when read with Schedule 2.

# 5. Categories of Complaints

"Agencies now accept that complaint handling is a predictable and necessary part of program and service delivery. Errors, misunderstandings, client dissatisfaction and unexpected problems occur in all administrative systems. Complaint handling can be effective in resolving a problem before it becomes worse, providing a remedy to a client who has suffered disadvantage, and nurturing good relations between government agencies and the public<sup>2</sup>."

Like many other Agencies, Council provides a diverse number of services and programs to our customers and receives complaints on a daily basis. Customer complaints when they are first brought to the attention of Council, in the majority of cases the complaint will be managed as a Request for Service, as the customer will be complaining about an issue such as:

- Footpath maintenance
- Missed waste bin
- A pot hole
- A barking dog
- Overgrown parks or allotments
- Road maintenance
- Or another issue requiring Council services

Page 8 of 30

<sup>&</sup>lt;sup>2</sup> Commonwealth Ombudsman, "Better Practice Guide to Complaint Handling", 2009, page 1.

A request for Service will be handled in accordance with internal procedures and processes by the relevant operational staff and will be completed within agreed timeframes.

To effectively manage and resolve complaints to the complainant's satisfaction, complaints are triaged into two (2) Complaint Categories.

Customer complaints are identified in both Categories while employee complaints are contained in Category 2.

#### Category 1

This Category 1 includes customer complaints about the:

- Management of a Request for Service that was not resolved to the customer's satisfaction;
- Dissatisfaction of a service or program delivered by Council such as:
  - parks beautification program;
  - resources available at the library;
  - o customer experience at an Art Gallery or Civic Centre event.
- Decision of a Council employee e.g. issuing a Penalty Infringement Notice (PIN) for illegally parking.

Category 1 complaints will be managed by the Council Officer responsible for delivering the service, program or making the decision which is the subject of the complaint. The Council Officer will review/investigate the complaint and to the best of their ability, try and resolve the complaint to the customer's satisfaction. Assistance will provided to Council Officers by the CMU by way of being a primary contact for the complainant.

If not resolved, the complaint will be referred to the relevant Branch Manager or General Manager of the Council Officer for their review.

If the complaint is still not resolved to the customer's satisfaction they will be advised of their review rights, such as external submission to the Ombudsman's Office, or submitting an Administrative Action Complaint, etc.

Note: The review of a Penalty Infringement Notice (PIN) which will be managed by officers in the CMU. As this is a considered service and not a requirement under legislation, in the majority of cases there is no availability for a second internal review of a PIN complaint. If a customer is dissatisfied by the review decision they are reminded of their review rights as an external submission to the Magistrates Court as advised on the back of the Infringement Notice.

TABLE 1 – CUSTOMER RELATED COMPLAINTS		
Type Definition		
Administrative	Section 268 of the Local Government Act 2009 defines an	
Action Complaint Administrative Action Complaint as a complaint that –		

Page **9** of **30** 

TABLE 1 – CUSTOMER RELATED COMPLAINTS		
Туре	Definition	
	(a) is about an administrative action of a local government, including the following, for example – a decision, or a failure to make a decision, including a failure to	
	provide a written statement of reasons for a decision; an act, or a failure to do an act; the formulation of a proposal or intention; the making of a recommendation; and	
Privacy Complaint	(b) is made by an affected person. Section 164 of the <i>Information Privacy Act 2009</i> defines a privacy complaint as-	
	A complaint by an individual about an act or practice of a relevant entity in relation to the individual's personal information that is a breach of the relevant entity's obligation under the Information Privacy Act to comply with –	
	<ul> <li>the privacy principles; or</li> <li>an approval under section 157 of the <i>Information Privacy Act 2009</i>.</li> </ul>	
Publication Scheme Complaint	Ministerial Guidelines made under the <i>Right to Information Act 2009</i> allow for complaints to be made when information included in a Publication Scheme is not available or able to be accessed as required by legislation.	
Competitive Neutrality Complaint	Section 48 of the <i>Local Government Act 2009</i> requires Council to adopt a process for resolving competitive neutrality complaints. These are complaints that:	
	<ul> <li>relates to the failure of a local government to conduct a business activity in accordance with the competitive neutrality principle; and</li> <li>is made by an affected person.</li> </ul>	
Corrupt Conduct	Under the CC Act, there are two different types of corrupt conduct that both carry the obligations to notify the CCC namely "Type A" and "Type B".	
	<ul><li>Under the CC Act, conduct includes:</li><li>neglect, failure and inaction</li></ul>	
	<ul><li>conspiracy to engage in conduct</li><li>attempt to engage in conduct.</li></ul>	
	<b>Type A</b> corrupt conduct is conduct by any person that satisfies <u>all</u> three elements described below.	
	<ol> <li>Effect of the conduct Type A corrupt conduct adversely affects, or could adversely affect,</li> </ol>	

Page **10** of **30** 

Item	8.8 /	Attachment	2.
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	TABLE 1 – CUSTOMER RELATED COMPLAINTS
Туре	Definition
	<ul> <li>directly or indirectly, the performance of functions or the exercise of powers of— <ul> <li>a unit of public administration (UPA) or</li> <li>an individual person holding an appointment in a UPA.</li> </ul> </li> </ul>
	<ul> <li>2. Result of the conduct Type A corrupt conduct results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned above in a way that— <ul> <li>is not honest or is not impartial or</li> <li>involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly or</li> <li>involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment.</li> </ul> </li> </ul>
	<ul> <li>In relation to a breach of trust:</li> <li>knowingly can be taken to mean that the subject officer knew that their actions were a breach of the trust placed in them</li> <li>recklessly can be taken to mean that, while the subject officer did not necessarily know that their actions were a breach of trust, they were aware that there was a real and apparent risk that the conduct would amount to a breach of the trust and they nevertheless without justification went through with the conduct.</li> </ul>
	<ul> <li>3. Seriousness of the conduct Type A corrupt conduct would, if proved, be— <ul> <li>a criminal offence or</li> <li>a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were a holder of an appointment.</li> </ul> </li> </ul>
	<b>Type B</b> corrupt conduct is conduct by any person that satisfies <u>all</u> three elements described below:
	<ol> <li>Effect of the conduct Type B corrupt conduct impairs, or could impair, public confidence in public administration.</li> </ol>
	<ul> <li>2. Type of conduct Type B corrupt conduct involves, or could involve, one of the following types of conduct:</li> <li>collusive tendering</li> </ul>

Page **11** of **30** 

TABLE 1 – CUSTOMER RELATED COMPLAINTS		
Туре	Definition	
	<ul> <li>fraud relating to an application for a licence, permit or other authority under an Act that has any of the following purposes or objects: <ul> <li>protecting people's health or safety</li> <li>protecting the environment</li> <li>protecting or managing the use of the State's natural, cultural, mining or energy resources</li> </ul> </li> <li>dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets</li> <li>evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue</li> <li>fraudulently obtaining or retaining an appointment.</li> </ul>	
	<ul> <li>Type B corrupt conduct would, if proved, be— <ul> <li>a criminal offence or</li> <li>a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were a holder of an appointment.</li> </ul> </li> </ul>	
Public Interest Disclosure	<ul> <li>Any person including a public officer can make a public interest disclosure about:</li> <li>danger to the health or safety of a person with a disability</li> <li>danger to the environment caused by commission of an offence or contravention of a condition in certain environmental legislation</li> <li>reprisal after making a public interest disclosure.</li> </ul>	

#### Category 2

Council also has a responsibility to its employees to ensure they have an effective complaint management system. Council's People and Culture Branch is responsible for managing the majority of employee type complaints detailed in Category 2.

This Category is predominately for legislative complaints which require Council to have a process in place for managing such complaints made by a customer or an employee.

Item 8.8 / Attachment 2.

Council will receive, investigate and provide an outcome decision or investigation on the following Category 2 complaints. Council will endeavour to reach resolution to the complainant's satisfaction.

TABLE 2 – EMPLOYEE RELATED COMPLAINTS		
Туре	Definition	
A Workplace Health & Safety	An 'issue' is any matter about health and safety at the workplace that remains unresolved after discussion by parties to the issue e.g. supply	
(WH&S) Issue	of ineffective or inappropriate equipment not suitable for the task.	
A workplace	Examples of general employee complaints/grievances:	
complaint	Under payment of wages or allowances	
	Classification of position – reclassification request not	
	approved	
	<ul> <li>Dissatisfaction with or request for review of recruitment process</li> </ul>	
	<ul> <li>Unsafe/uncomfortable working conditions</li> </ul>	
	<ul> <li>Fractured working relationship with another employee/</li> </ul>	
	manager	
	Heavy/increased work load	
	Concerns about performance management	
	Inaction by manager when a grievance has been raised to them	
Bullying	Bullying is repeated, unreasonable behaviour directed towards an	
	individual or group that creates a risk to health and safety.	
	Unreasonable behaviour means behaviour that a reasonable person,	
	having regard to all the circumstances, would expect to victimise,	
	humiliate, undermine or threaten. Single incidents of unreasonable	
	behaviour can also create a risk to health and safety and may escalate into bullying. There is no requirement that bullying be intentional.	
	It is not bullying for a manager or supervisor to counsel a workplace	
	participant about their performance. Reasonable performance	
	counselling is a necessary part of ensuring that workplace participants	
	meet Ipswich City Council's standards of work and behaviour.	
	Also, other reasonable managerial actions such as disciplinary action,	
	work directions and orders, and allocation of work in compliance with	
	business needs and systems do not constitute bullying.	
Corrupt Conduct	Under the CC Act, there are two different types of corrupt conduct	
	that both carry the obligations to notify the CCC namely "Type A" and	
	"Туре В".	
	Under the CC Act, conduct includes:	
	neglect, failure and inaction	
	conspiracy to engage in conduct	
	attempt to engage in conduct.	

Page **13** of **30** 

Item	8.8 /	Attachment	2.
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	TABLE 2 – EMPLOYEE RELATED COMPLAINTS
Туре	Definition
	<b>Type A</b> corrupt conduct is conduct by any person that satisfies <u>all</u> three elements described below.
	<ol> <li>Effect of the conduct         Type A corrupt conduct adversely affects, or could adversely affect,         directly or indirectly, the performance of functions or the exercise         of powers of—             <ul></ul></li></ol>
	<ul> <li>2. Result of the conduct Type A corrupt conduct results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned above in a way that— <ul> <li>is not honest or is not impartial or</li> <li>involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly or</li> <li>involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment.</li> </ul> </li> </ul>
	<ul> <li>In relation to a breach of trust:</li> <li>knowingly can be taken to mean that the subject officer knew that their actions were a breach of the trust placed in them</li> <li>recklessly can be taken to mean that, while the subject officer did not necessarily know that their actions were a breach of trust, they were aware that there was a real and apparent risk that the conduct would amount to a breach of the trust and they nevertheless without justification went through with the conduct.</li> </ul>
	<ul> <li>3. Seriousness of the conduct Type A corrupt conduct would, if proved, be— <ul> <li>a criminal offence or</li> <li>a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were a holder of an appointment.</li> </ul> </li> </ul>
	<b>Type B</b> corrupt conduct is conduct by any person that satisfies <u>all</u> three elements described below:
	<ol> <li>Effect of the conduct Type B corrupt conduct impairs, or could impair, public confidence in public administration.</li> </ol>

Page **14** of **30** 

Item 8	8.8 / /	Attacl	hment	2.
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TABLE 2 – EMPLOYEE RELATED COMPLAINTS		
Туре	Definition	
	<ol> <li>Type of conduct         Type B corrupt conduct involves, or could involve, one of the         following types of conduct:             <ul> <li>collusive tendering</li> <li>fraud relating to an application for a licence, permit or other</li></ul></li></ol>	
A complaint regarding the	A complaint that involves or may involve corrupt conduct of its CEO as defined in the <i>Crime and Corruption Act 2001</i> . The following non-	
Chief Executive Officer	exhaustive list are indicators of the types of conduct which may form a reasonable basis to suspect corrupt conduct:	
	<ul> <li>fraud and theft;</li> <li>extortion;</li> <li>unauthorised release of information;</li> <li>obtaining or offering a secret commission;</li> <li>nepotism.</li> </ul>	
Privacy Complaint	Section 164 of the <i>Information Privacy Act 2009</i> defines a privacy complaint as-	
	A complaint by an individual about an act or practice of a relevant entity in relation to the individual's personal information that is a breach of the relevant entity's obligation under the Information Privacy Act to comply with –	
	<ul> <li>the privacy principles; or</li> <li>an approval under section 157 of the <i>Information Privacy Act 2009</i>.</li> </ul>	

Page **15** of **30** 

	TABLE 2 – EMPLOYEE RELATED COMPLAINTS
Туре	Definition
Public Interest Disclosure	A Council employee can make a public interest disclosure about:
	<ul> <li>danger to the health or safety of a person with a disability</li> </ul>
	• danger to the environment caused by commission of an offence or contravention of a condition in certain environmental legislation
	<ul> <li>corrupt conduct</li> <li>maladministration that adversely affects someone's interests in a</li> </ul>
	substantial and specific way
	<ul> <li>a substantial misuse of public resources</li> </ul>
	<ul> <li>a substantial and specific danger to public health or safety</li> <li>reprisal after making a public interest disclosure.</li> </ul>
Disciplinary	Disciplinary action may be taken in relation to;
Action	<ul> <li>Failure to perform responsibilities in accordance with an employee's contract of employment or the Local Government Act 2009; or</li> <li>A breach of the Employee Code of Conduct; or</li> </ul>
	• Failure to perform a responsibility under the Act in accordance with
	<ul><li>the local government principles; or</li><li>Action taken under the Act in a way that is not consistent with the</li></ul>
	local government principles, and which may include misconduct
	Types of disciplinary action include; a) dismissal;
	<ul> <li>b) demotion, including a reduction in remuneration</li> <li>c) a deduction from salary or wages of an amount of not more than 2 penalty units, or</li> </ul>
	d) a written reprimand or warning
Discrimination	Discrimination in employment occurs when a person is treated less
and Harassment	favourably in their employment because of a ground of discrimination.
	Discrimination also includes the situation where a workplace
	participant harasses another person based on a ground of discrimination.
	Harassment is unwelcome conduct that a reasonable person would expect to offend, humiliate or intimidate.
Vilification	Vilification is a public act which incites hatred, severe contempt or
	severe ridicule of a person or group, because of race, homosexuality,
	transgender, transsexuality or HIV/AIDS. Vilification is a particularly
	serious breach of Equal Employment Opportunity laws and will be
	dealt with accordingly.
Sexual	Sexual harassment is unwelcome conduct of a sexual nature, which
Harassment	makes a person feel offended, humiliated or intimidated. Conduct can amount to sexual harassment even if the person did not intend to
	offend, humiliate or intimidate the other person.
	onena, numinate or intimuate the other person.

Page **16** of **30** 

TABLE 2 – EMPLOYEE RELATED COMPLAINTS		
Туре	Definition	
	However, conduct will not be sexual harassment if a reasonable person, having regard to all the circumstances, would not have anticipated that the conduct would offend, humiliate or intimidate the other person.	
	Sexual harassment does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile working environment for other workplace participants can also be unlawful.	

# 6. Complaint policies and procedures

Each type of complaint detailed in the two (2) Categories has a Policy, Procedure and Work Instruction that clearly explains, for both our customers and employees, the criteria for the complaint, investigation process, time frames, decision process, reporting on learnings and how business improvements will be managed and implemented.

# 7. Guiding Principles

The following principles underpin of our Complaint Management Framework and are in keeping with Australian/New Zealand Standard 10002:2014.

#### 7.1 Enabling Complaints

**People focus** - Everybody has the right to complain. We will treat people making complaints with respect, and they should be actively involved in the complaints process as far as practicable and appropriate in the circumstances.

**Ensuring no detriment to complainant** - We will take all reasonable steps to ensure that complainants are not adversely affected because of a complaint made by them or on their behalf.

**Visibility and transparency** - We will publicise information about how and where to complain.

**Accessibility** - We will ensure that our complaint handling process is accessible and easy to use for all our customers.

No charges - We will not charge a fee to lodge a complaint.

#### 7.2 Managing Complaints

Responsiveness - We will respond to all complaints as quickly as possible.

Page **17** of **30** 

**Objectivity and fairness** - We will address all complaints in an equitable, fair and unbiased manner using evidence submitted by both the complainant and our personnel through the complaint handling process. We will uphold the principles of procedural fairness.

**Equity** - We will address all complaints in an equitable manner and in accordance with Council policies.

**Privacy and disclosure** - Personally identifiable information about any individual will be disclosed or used in compliance with all relevant privacy laws and ethical obligations when managing a complaint.

**Communication** -. We will provide explanations for the policies, procedures and decisions we make when communicating to complainants and employees to minimise complaints and facilitate early resolution.

**Customer focus** - The interests of our customers are foremost in our approach to complaint handling as the department is committed to resolving problems, improving relations and our reputation and building loyalty. We will work together with the complainant to look for a win-win solution that provides the best outcome for all parties within the resource and practical constraints the situation presents.

#### 7.3 Accountability, Learning and Prevention

**Accountability** - We will ensure that our employees are aware of how to manage complaints in accordance with Council Policies, Procedures and Work Instructions.

Continuous improvement - We will:

- Be a learning organisation that regularly reviews complaint outcomes and shares in the lessons for better service delivery, conduct and decision-making;
- Collect data on complaints to identify trends for the purpose of improving service and business processes;
- Keep abreast of complaint management best practice;
- Foster a customer-focused approach;
- Provide training to employees to foster better complaint handling practices;
- Encourage innovation in complaint handling practices.

**Prevention of Ongoing Disputes** - We will, to the best of our ability, implement processes that minimize the possibility of complaints escalating into ongoing disputes.

**Periodic Self-Audits** – We will undertake regular self-audits to ensure the Complaints Management Framework, the supporting policies, procedures, work instructions and the performance of complaints management officers to ensure:

Page 18 of 30

Arrangements for enabling people to make complaints are customer focused, visible, accessible and valued and supported by management.

- Complaints are responded to promptly and handled objectively, fairly and confidentially.
- Remedies are provided where complaints are upheld and there is a system for review.
- There are clear accountabilities for complaint handling.
- Complaints are used to stimulate organisational improvements.

**Complaint Investigations and Audits by External Entities** – We will welcome and actively cooperate in audits of Council's Complaints Management Framework and processes initiated by external entities such as the Queensland Ombudsman Office or Office of the Information Commissioner.

**Reporting on complaint trends** – We will, report regularly to Council, the Chief Executive Officer, Executive Management Team on complaint trends. Where an independent external complaints intake service provider (the provider) such as FairCall, to triage complaints received to the appropriate are for action either by council or to another entity. The Provider will be responsible for preparing a regular de-identified report to the Chief Executive Officer. The report would provide information such as:

- date complaint received
- nature of matter reported
- how the complaint was triaged
- where complaint was referred for actioning
- date/s complainants were contacted to either acknowledge complaint, provide investigation updates or complaint investigation outcomes
- a periodic de-identified report to the CEO for trend identification of complaint types
- how well areas to which complaints were triaged have performed

# 8. The Complaints Cycle

Figure 1 below shows the four phases of the complaints process:



Page **19** of **30** 

#### Figure 1

The objectives throughout the cycle is to provide a high standard of service to the complainant and implement business improvements through lessons learnt from past complaints investigation activities. This will be achieved by:

- Providing customers a clear path to contact Council;
- Communicating with the customer and responding promptly;
- Reporting on complaint trends, lessons learnt and monitoring benefits from business improvements as required by legislation or Council reporting frameworks;
- Continuous business improvement occurring as an outcome of the process.

## 9. How customer complaints may be made

#### 9.1 Customer information and access to making a complaint

We value receiving complaints and positive feedback from our customers and employees. Feedback provides us with an opportunity to improve our services. Therefore, Council will ensure that making a complaint is a simple process for our customers and employees to follow. Our communications will give clear information about our process and about how to access us in a number of ways.

#### 9.2 How customer complaints may be made

We will always try and resolve customer complaints prior to their escalation to a formal complaint. If this cannot be achieved, complaints can be communicated to us as follows:

**In person** at our Customer Service Centre, located at 143 Brisbane Street, Ipswich (top of the Ipswich City Mall).

**By telephone** to the Council Call Centre on 3810 6666 which will refer the caller to the relevant area of Council, or to the employee the customer has been dealing with, or to the Complaints Management Officer.

Via our Website by completing the online complaints form.

cmu@ipswich.qld.gov.au

-		
By Mail to	Complaints Management Unit Ipswich City Council	
	PO Box 181	
	IPSWICH QLD 4306	

By email to

Customers are encouraged to place their complaint in writing so that all aspects of the complaint can be accurately investigated. If a customer lodges a verbal complaint we

Page 20 of 30

will do our best to assist them to put their complaint in writing or to write it down ourselves as faithfully as we can. Where verbal complaints are recorded in this way, the contents will be read to the customer to verify the details are accurate.

Customers can access Council through the following mediums:

- If deaf, or have a hearing impairment or speech impairment, contact us through the National Relay Service <u>www.relayservice.gov.au</u>
- TTY users phone 133 677 then ask for 07 3810 6666.
- Speak and Listen users phone 1300 555 727 then ask for 07 3810 6666.
- Internet relay users connect to the NRS <u>internet-relay.nrscall.gov.au</u> then ask for 07 3810 6666.

# 10. How employee complaints may be made

Council does have appropriate policies and procedures for employees to raise concerns and complaints about specific workplace issues. Matters received through these processes will be assessed to determine whether they are also a Public Interest Disclosure.

Your concern	Where to seek assistance
Bullying or	Consult Council's Anti-Discrimination and Equal Employment
Harassment at	Opportunity (EEO) Policy; EEO and Workplace Harassment
work	Grievance Procedure and EEO/Harassment Incident Report Form
	or talk to a Contact Officer or the People and Culture section
A Workplace	Consult council's <u>WH&amp;S Policy</u> , <u>Workplace Health and Safety -</u>
Health & Safety	Consultation and Communication Procedure - OCEO-024,
(WH&S) Issue	Workplace Health and Safety Duties and Responsibilities
	Procedure - OCEO-078 and to your manager or a WH&S Officer
A workplace	Consult Council's Employee Complaints Policy talk to your
complaint	manager, the People and Culture section or your union delegate
Disciplinary	Consult Council's Discipline Procedure and talk to your manager,
action	the People and Culture section or your union delegate
Complaint against	A Mayor/Councillor Complaint is any complaint about the conduct
the Mayor and/or	or behaviour or performance of the Mayor or a Councillor.
Councillors or	
former Mayor	The Councillor Code of Conduct sets out the principles and
and/or	standards of behaviour expected of Councillors. Failure to comply
Councillors	with the standards of behaviour in the Code of Conduct, or other
	conduct prescribed in the Code of Conduct may give rise to a
	complaint against a Councillor's conduct and subsequent
	disciplinary action under the Act.
	A complaint about the conduct of a Councillor must be submitted
	to the Independent Assessor who will assess the complaint and
	determine the category of the allegation. In order of most to least
	serious, the categories of complaint are corrupt conduct,

Page **21** of **30** 

Your concern	Where to seek assistance		
	misconduct, in appropriate conduct and then unsuitable meeting		
	conduct. Councillor Conduct Examples		
	A councillor conduct complaint can be made to the Independent		
	Assessor in the following ways:		
	Web: the online form Phone: 1300 620 722		
	Email: <u>OIAcomplaints@oia.qld.gov.au</u> In person: Level 13, 53 Albert Street, BRISBANE QLD 4000		
	Post: PO Box 15031, CITY EAST QLD 4002		
Public Interest	Employees can make a disclosure to:		
Disclosure	Employees can make a disclosure to.		
	<ul> <li>any person in a supervisory or management position</li> </ul>		
	<ul> <li>the People and Culture Branch</li> </ul>		
	<ul> <li>the Chief Executive Officer or CEO's delegate</li> </ul>		
	<ul> <li>the Ethical Standards Manager</li> </ul>		
	the Chief Audit Executive		
	<ul> <li>during the period of the Interim Administrator being</li> </ul>		
	appointed to the Ipswich City Council, the Interim		
	Administrator or a member of the Interim Management		
	Committee		
	Council has engaged "FairCall", an independent external intake		
	service, for the purposes of providing a confidential mechanisms		
	for current and former employees to report wrongdoings/formal		
	complaints, when they are not comfortable reporting such		
	matters internally.		
	Current and former employees also have the option of initially		
	approaching council anonymously by phone to discuss their		
	confidentiality concerns before identifying themselves. However		
	the PID Coordinator will not be able to inform disclosers of any		
	action taken if they make an anonymous PID.		
	Phone: 1800 270 925 Australia		
	Email: faircall@kpmg.com.au		
	Website URL: https://www.kpmgfaircall.kpmg.com.au/ipswich		
	Post: The FairCall Manager		
	KPMG Forensic		
	PO Box H67		
	Australia Square		
	Sydney NSW 1213		

Page **22** of **30** 

# 11. Council's ethical responsibility to report wrong doing

Under Council's *Code of Conduct for Employees*, all employees are required to report a suspected breach of the Code of Conduct which necessarily includes an obligation to report suspected corrupt conduct, maladministration, wasting of public funds, substantial and specific danger to public health or safety, the environment or a person with a disability and reprisal action.

Councillors, the Chief Executive Officer (CEO) and General Manager's (GMs) across Council will promote an environment in which the reporting of negligent or improper behaviour is encouraged.

# 12. How Council will manage a complaint

Council will always endeavour to ensure a complaint is fully understood and to investigate all the circumstances and information surrounding it.

We will show empathy for the complainant, but we will not attempt to take sides, lay blame, become defensive or create false expectations. We will respond to complaints, investigate and resolve complaints as per Council policy and procedure.

We will treat complainants with respect and maintain their confidentiality. Personal information collected as part of the complaints management process will only be released or used in compliance with all relevant privacy laws and ethical obligations.

# 13. Unreasonable complainant conduct

There may be occasions when a complainant's conduct could be considered unreasonable. These might include:

- Frequent, lengthy, repeated or abusive telephone calls, which occupy significant employee time and resources;
- Frequent letters, emails, faxes or visits seeking resolution of issues beyond the scope of the original complaint or before the decision due date;
- seeking information, advice or resolution from a variety of employees about the same issue;
- Any contact which involves abusive or threatening language or behaviour;
- The complainant continues to contact Council after feedback has been provided regarding the complaint and all avenues of review have been exhausted.

When a complaint's conduct is unreasonable Council will consider the circumstances, including employee welfare and appropriate use of Council resources to make a decision regarding limiting the complainant's contact with Council, for example:

• Restricting the times for and/or frequency of contact;

Page 23 of 30

- Designating a single employee with whom the complainant may have contact, such as a manager;
- Nominating the acceptable form of contact, for example written communication only.

Decisions regarding limiting contact with Council will be undertaken in accordance with relevant Council policies and procedures.

# 14. Responding to and closing a complaint

We are committed to:

- Developing good relationships with our complainants through meaningful feedback and resolution wherever possible;
- Increasing employee capabilities and business improvement, by advising the nature, outcomes and causes of complaints to all employees concerned;
- Complainants being regularly informed of the progress and ultimately the outcome of their complaint.

# 15. Response to Complainants

In accordance with the relevant Council complaint policy and procedure a written response will be provided to the complainant outlining the investigation findings, a statement of reasons for the decision and where appropriate, business improvement changes Council will undertake as a result of their complaint. All formal communications will be captured and registered in Objective.

# 16. Remedies

When a complaint is considered justified, an appropriate remedy will be determined taking into consideration the available options including any remedies that are provided in legislation; the outcome sought by the complainant and/or the degree of detriment to the complainant.

Possible remedies, alone or in combination, may include:

- Acknowledgement of an error made;
- Apology;
- Change of decision;
- Change of policy, procedures, practice or product;
- Compensation or financial assistance such as an ex-gratia payment;
- Correction of misleading or incorrect records;
- Explanation of how and why the problem occurred and what steps the department is taking or has taken to avoid it recurring;
- Provision of information or technical assistance;

#### Page 24 of 30

- Repair/rework;
- Provision of a substitute product or service.

All remedies must be approved by a Council Officer with the appropriate level of delegation, where relevant.

# 17. Review Mechanisms

If a customer or employee is not satisfied with the outcome of a complaint regarding the action or decision of a Council employee, the complainant may request that the decision be reviewed. The review will be conducted by an employee of at least the same level as the original decision maker and will be independent of the original decision.

Should a customer or employee still be dissatisfied with the outcome of the review of the original decision, they will be advised of any further internal or external review mechanisms available to them e.g. lodging an Administrative Action Complaint with Council or requesting an external review via another authority such as the Ombudsman's Office or Office of the Information Commissioner. (Refer Section 26 Manage Complaints Process)

Relevant employees will be advised of the complaint investigations, outcome/s and its learnings to inform business improvement decisions.

# 18. Recording complaint data

Council will keep accurate records documenting the complaint management process and its investigation in Objective. These records will include:

- Correspondence sent and received;
- Evidence of the process used to consider the complaint;
- Records of meetings, telephone conversations and interviews;
- Findings from the investigation;
- Recommendations and approvals.

The complaint records will be available for internal and external review, subject to Information Privacy, Right to Information considerations and legislative obligations, e.g. *Ombudsman Act 2001*.

# 19. Reporting on Complaint Trends

The CEO and GMs will be provided regular reports on the effectiveness of complaints management across the organisation. Complaint Management reports will be presented to Council quarterly and to the Risk and Governance Committee. Managers and supervisors responsible for complaint management within Council will also receive regular reports on the effectiveness of their relevant Branches/Teams' complaints management.

Page 25 of 30

#### 20. Business improvement

Continuous business improvement requires analysis of complaints and trends so that business practices and behaviours can be evaluated and, through feedback to business areas, improved where necessary.

Managers and supervisors responsible for complaint management will ensure that their employees are informed of the circumstances of the complaint and its resolution to ensure services, programs and business processes are improved and rectified as necessary.

# 21. Employee education

This Framework applies to all Council employees. Those with particular responsibilities in complaint management will be trained in its application.

Council will provide specialist training to all employees who are dealing with customers and their queries or complaints.

# 22. Review of this Framework

This Framework will be reviewed and updated, if required, every two years from the date of Council approval, unless circumstances indicate it should be reviewed earlier.

# 23. Roles and responsibilities

#### Complainant

A complainant is expected to provide sufficient details for the complaint to be investigated, respond to requests for information within a reasonable time period and provide access to his or her property, if related to an investigation.

A complainant is entitled to:

- An acknowledgement of Council's receipt of the complaint;
- Be advised of the outcome of the complaint;
- Confidentiality of personal details (as detailed in this policy);
- An objective investigation or review of a complaint.

A complainant is to:

- Be truthful;
- Act with honesty and integrity;
- Cooperate with the investigation;
- Provide information in their possession in a timely manner when requested.

Page 26 of 30

#### Complainants, witnesses and employees, subjects of a complaint

Complainants, witnesses and employees are to:

- Maintain confidentiality as directed;
- Be truthful;
- Act with honesty and integrity;
- Cooperate with the investigation;
- Provide information in their possession in a timely manner when requested.

#### **Employees**

Employees who fail to cooperate or provide information or statements in an investigation process or are later found to have been untruthful, misleading, deceptive, provided incomplete information, have been lacking in honesty or integrity, may be subject to disciplinary action in accordance with the provisions of the *Local Government Act 2009* and Council's *Code of Conduct for Employees*. The progression of these matters may also result in separate disciplinary action.

# Manager, People and Culture Branch

The Manager, People and Culture Branch, manages any employee disciplinary process arising out of the complaint process. The process shall include procedural fairness where decision-making avoids bias and gives employees a fair hearing before a final decision is made. In cases where an adverse finding has been made against an employee, a formal opportunity is to be provided to:

- Respond to the findings;
- If the allegations are substantiated, advise of any mitigating circumstances; and
- Make representations on the appropriateness of any proposed disciplinary action.

#### Employees responsible for undertaking a complaint review

Employees responsible for undertaking a complaint review are responsible for:

- Undertaking review investigations within their field of responsibility as well as reporting the findings of a review investigation and implementing approved recommendations of an investigation;
- Supporting the discloser, witness and subject officer/s and implementing measures to protect against harassment, victimisation or any other form of reprisal by colleagues or any subject officer/s.

#### Councillors

Councillors will advocate on behalf of residents in accordance with this Framework, Council policies and procedures. As stated in Section 13(3)(a) of the *Local Government Act 2009* the

Page **27** of **30** 

Chief Executive Officer is responsible for managing the local government in a way that promotes:

- (i) the effective, efficient and economical management of public resources; and
- (ii) excellence in service delivery; and
- (iii) continual improvement;

Therefore complaints management is an operational responsibility of the Chief Executive Officer.

Councillors may receive a complaint on behalf of a constituent and forward it to the Complaints Management Unit (CMU) where it will be captured and assessed for the appropriate handling in accordance with policies and procedures. The CMU will liaise and respond directly to the complainant.

Ultimately when approached by a constituent with a complaint, the Councillor must pathway the constituent back to the CMU as their appropriate point of contact within Council. This will allow for the appropriate assessment and management of that complaint. Councillors will be advised of any complaint outcome by the CMU.

If a Councillor is acting on behalf of a constituent under the *Information Privacy Act 2009*, they will secure a written authority from that constituent and present it to the CMU.

In the event a complainant has exhausted their review rights within Council, a Councillor may remind the constituent of their external reviews rights but is unable to facilitate or suggest that Council undertake another internal review.

# 24. Regulatory Authority

Local Government Act 2009 Local Government Regulation 2012 Right to Information Act Information Privacy Act Crime and Corruption Act 2001 Public Interest Disclosure Act 2010 *Human Rights Act 2019* Councillor Code of Conduct Employee Code of Conduct Ministerial Guidelines AS ISO 10002-20006

# 25. Definitions

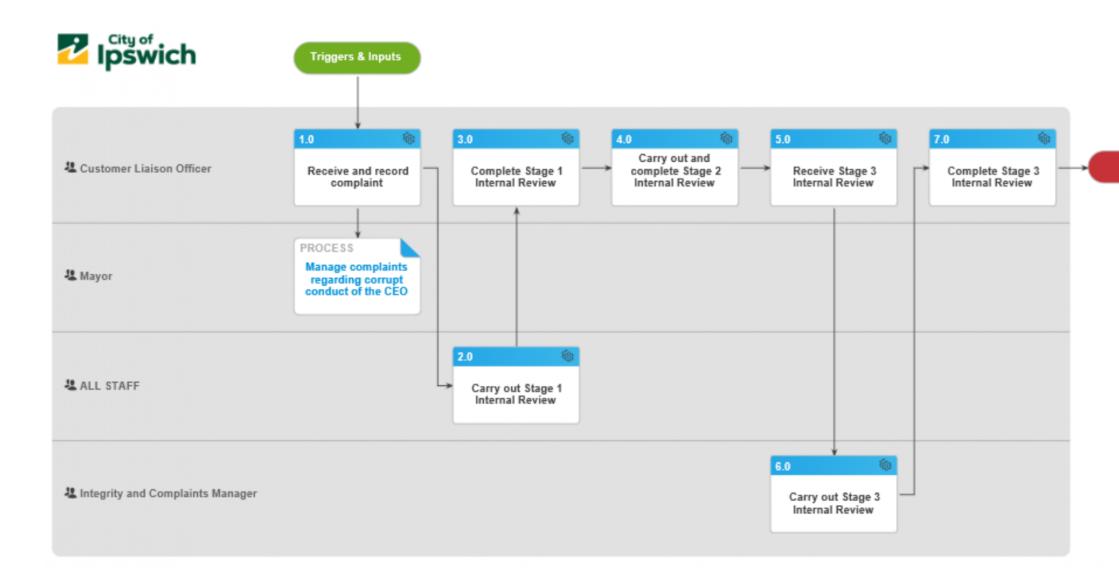
Term	Definition
Complaint	An expression of dissatisfaction by a customer regarding
	the unsatisfactory delivery of a product or service offered
	by Council, or the unsatisfactory decision or conduct of
	Council employees, contractors and volunteers.
Complainant	An individual or group that makes a complaint about perceived
	failings or issues that affect them.

Page **28** of **30** 

Term	Definition	
Council	Means Ipswich City Council, being a body corporate constituted as	
	a municipal Council under the Local Government.	
Councillors	Means the individuals holding the office of a member of Ipswich	
	City Council and includes the Mayor.	
Council Employee	Means the Chief Executive Officer and employees of Council	
	appointed by the Chief Executive Officer and as described in the	
	Employee Code of Conduct.	
CMU	Complaints Management Unit	
IMU	Information Management Unit	
PIN	Penalty Infringement Notice	
Supervisor	Means a council employee employed in a role primarily based on	
	authority over a worker or in charge of a workplace. Also a	
	Manager or Team Leader in this instance.	
Unreasonable	Behaviour by a current or former complainant which, because of	
Complainant Conduct	its nature and frequency, raises substantial health, safety,	
	resource or equity issues".	

Page **29** of **30** 

26. Manage Complaints Process



Item 8.8 / Attachment 2.

Outputs



# COMPLAINTS MANAGEMENT FRAMEWORK

# Contents

1.	Introduction4				
2.	The Va	lue of Complaints	4		
3.	Our Commitment to Good Complaints Management4				
4.	Compla	aints not included in the Framework	7		
5.	Catego	ries of Complaints	8		
6.	Compla	aint policies and procedures	.17		
7.	Guidin	g Principles	.17		
	7.1	Enabling Complaints	.17		
	7.2	Managing Complaints	.18		
	7.3	Accountability, Learning and Prevention	.18		
8.	The Co	mplaints Cycle	.20		
9.	How cu	ustomer complaints may be made	.20		
	9.1	Customer information and access to making a complaint	.20		
	9.2	How customer complaints may be made	.20		
10.	How er	nployee complaints may be made	.21		
11.	Counci	I's ethical responsibility to report wrong doing	.23		
12.	How Co	ouncil will manage a complaint	.23		
13.	Unreas	onable complainant conduct	.23		
14.	. Responding to and closing a complaint24				
15.	. Response to Complainants24				
16.	. Remedies24				
17.	Review	Mechanisms	.25		
18.	Record	ing complaint data	.25		
19.	Report	ing on Complaint Trends	.26		
20.	Busine	ss improvement	.26		
21.	Employ	/ee education	.26		
22.	. Review of this Framework				
23.	Roles a	nd responsibilities	.26		
	Compla	ainant	.26		
	Complainants, witnesses and employees, subjects of a complaint				
	Employ	/ees	.27		
	Manag	er, People and Culture Branch	.27		
	Employees responsible for undertaking a complaint review				

Page **2** of **30** 

	Councillors	.28
24.	Regulatory Authority	.28
25.	Definitions	.29
26.	Manage Complaints Process	.30

# 1. Introduction

This Complaints Management Framework (the Framework) forms part of Council's customer services and governance arrangements. The Framework is underpinned by the *Local Government Act 2009* Principles, in particular:

- Transparent and effective processes, and decision-making in the public interest;
- Sustainable development and management of assets and infrastructure, and delivery of effective services;
- Good governance of, and by, local government;
- Ethical and legal behaviour of Councillors and local government employees.

Council will ensure the Framework is accessible on our external and internal websites and encourages customers and employees to come forward and raise a complaint. By doing so they provide the opportunity for a decision to be reviewed, wrongdoing to be stopped and persons responsible for wrongdoing to be held accountable.

Where Council is the proper authority, as defined in the *Public Interest Disclosure Act 2010*, support and protection will be given to anyone who raises a matter of public interest or is the subject or witness of a complaint to ensure they do not suffer any reprisal action.

# 2. The Value of Complaints

Council recognises that effective complaint management offers many practical benefits as complaints provide information about program weaknesses, service delivery faults and the management and performance of Council employees. Good administration practices involve the regular review of Council's services, programs, policies, procedures and the lessons learnt from complaints can feed into that process.

Council will utilise complaint information to:

- Provide a suitable remedy to a complainant
- Develop and maintain good relations with our customers
- Evaluate and improve services, programs, policies and procedures
- Inform decision making about future service and program delivery
- Evaluate and improve the management of our employees and the programs, policies and procedures they work within

# 3. Our Commitment to Good Complaints Management

Council is committed to recognising the importance and value of listening and responding to complaints. The following table<sup>1</sup> sets out the nature of the commitment expected from all Council employees and the way that commitment will be implemented.

Page **4** of **30** 

<sup>&</sup>lt;sup>1</sup> Commonwealth Ombudsman, "Better Practice Guide to Complaint Handling", 2009, page 6.

Who?	Commitment	How?
Chief Executive Officer	Make complaint management a priority for the Council	<ul> <li>Promote a positive culture that values complaint management</li> <li>Include complaint management standards in Council's Product and Services Catalogue and standards of service documents</li> <li>Report on complaint management regularly such as:         <ul> <li>Quarterly reports to Council</li> <li>Reporting on complaints management activities in the Annual Report</li> <li>Complaints management training and report for managers and supervisors identifying the expected standards of complaint management such as the quality and timeliness of complaint management</li> </ul> </li> <li>Utilise complaint information to inform good decision making when planning and reviewing Council services and programs</li> </ul>
General Managers	Make complaint management a priority for the Council	<ul> <li>Responsible and accountable for capability and cultural change as a General Manager to ensure line management staff are aware of their:         <ul> <li>complaints management responsibilities</li> <li>protection of disclosers, subject officers and witnesses from reprisal</li> <li>obligation to refer possible corrupt conduct</li> <li>obligations and responsibilities under the Public Interest Disclosure Act</li> </ul> </li> <li>As a member of the Executive Leadership Team, corporately responsible to respond to systemic or serious concerns identified by</li> </ul>

Page **5** of **30** 

Item	8.8 /	Attachment	3.
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Who?	Commitment	How?
		complaints
Councillors	Support Council's Complaint Management Framework, related policies and procedure	<ul> <li>Encourage residents and business owners to bring complaints to the attention of the Complaints Management Unit to ensure all complaints are:</li> <li>Assigned to a member of the Complaints Management Unit who will be the contact for the complainant throughout the complain investigation. This will allow for the complainant to build a relationship of honest communication and trust with the Complaint Management Officer and therefore raise Council's reputation within the community</li> <li>Acknowledged and responded to quickly</li> <li>Addressed in an equitable, fair and unbiased manner and in keeping with the principles of procedural fairness</li> <li>Managed without any reprisal to the complainant, witnesses and subject officers</li> <li>Managed in accordance with relevant privacy laws and ethical obligations</li> <li>Reported to management and complaint data can be used to inform decisions regarding the provision of programs, services and business improvement can be informed appropriately</li> </ul>
Managers responsible for complaint management	Establish and manage an effective, professional complaint management system	<ul> <li>Promote a positive culture that values complaint management</li> <li>Recruit suitable staff</li> <li>Provide comprehensive training to complaint management staff</li> <li>Manage and support complaint management staff</li> </ul>

Page **6** of **30** 

Item	8.8 /	Attachment	3.
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Who?	Commitment	How?
		<ul> <li>Promote strong internal networks to enable complaint management staff to work with and be supported by other staff</li> <li>Bring systemic issues and weaknesses that are identified through the complaint system to the attention of General Managers and the Chief Executive Officer</li> <li>Provide regular reports to other relevant areas of Council on issues arising from complaint management work</li> <li>Keep up to date with better practice, regularly review Council's complaint management system and participate in organisation wide complaint management meetings</li> </ul>
Complaint management staff	Display exemplary practice in managing complaints	<ul> <li>Behave professionally when dealing with complainants</li> <li>Have a sound understanding of Council's complaint management policies and procedures</li> <li>Comply with internal policies and procedures</li> <li>Keep informed about Council's services and programs</li> <li>Maintain interest in better practice in complaint management</li> </ul>

# 4. Complaints not included in the Framework

The Framework does not include the following types of complaints as Council is not the responsible authority for investigating or making a decision on the complaint:

- Complaints about Councillors:
  - Complaints of alleged or suspected corrupt conduct, misconduct, inappropriate conduct are managed by the Independent Assessor appointed by Governor in Council under section 150CV of the *Local Government Act 2009*;
  - Unsuitable meeting conduct by a Councillor is dealt with by the Chairperson of the committee or Council meeting as per Council's Meeting Procedure. It is

Page **7** of **30** 

important that the Chairperson deal with matters of unsuitable meeting conduct locally, and as efficiently and effectively as possible so that Council can continue with their business of making effective decisions in the public interest. Council's Committee Meeting Procedure.

- Any matter where remedy is available through a:
  - Statutory appeal process (i.e. development assessment issues that have a right to be heard in the Planning and Environment Court or declared dangerous dog that have a right to be heard by the Queensland Civil and Administrative Tribunal);
  - Dispute resolution mechanism available in an industrial instrument, such as Industrial Awards, Enterprise Bargaining Agreements and employment contracts;
- Decisions by Council made at Council meetings;
- Proceedings under the *Judicial Review Act 1991* relating to decisions made under an enactment or matters identified in section 31, when read with Schedule 2.

#### 5. Categories of Complaints

"Agencies now accept that complaint handling is a predictable and necessary part of program and service delivery. Errors, misunderstandings, client dissatisfaction and unexpected problems occur in all administrative systems. Complaint handling can be effective in resolving a problem before it becomes worse, providing a remedy to a client who has suffered disadvantage, and nurturing good relations between government agencies and the public<sup>2</sup>."

Like many other Agencies, Council provides a diverse number of services and programs to our customers and receives complaints on a daily basis. Customer complaints when they are first brought to the attention of Council, in the majority of cases the complaint will be managed as a Request for Service, as the customer will be complaining about an issue such as:

- Footpath maintenance
- Missed waste bin
- A pot hole
- A barking dog
- Overgrown parks or allotments
- Road maintenance
- Or another issue requiring Council services

Page 8 of 30

<sup>&</sup>lt;sup>2</sup> Commonwealth Ombudsman, "Better Practice Guide to Complaint Handling", 2009, page 1.

A request for Service will be handled in accordance with internal procedures and processes by the relevant operational staff and will be completed within agreed timeframes.

To effectively manage and resolve complaints to the complainant's satisfaction, complaints are triaged into two (2) Complaint Categories.

Customer complaints are identified in both Categories while employee complaints are contained in Category 2.

#### Category 1

This Category 1 includes customer complaints about the:

- Management of a Request for Service that was not resolved to the customer's satisfaction;
- Dissatisfaction of a service or program delivered by Council such as:
  - parks beautification program;
  - resources available at the library;
  - o customer experience at an Art Gallery or Civic Centre event.
- Decision of a Council employee e.g. issuing a Penalty Infringement Notice (PIN) for illegally parking.

Category 1 complaints will be managed by the Council Officer responsible for delivering the service, program or making the decision which is the subject of the complaint. The Council Officer will review/investigate the complaint and to the best of their ability, try and resolve the complaint to the customer's satisfaction. Assistance will provided to Council Officers by the CMU by way of being a primary contact for the complainant.

If not resolved, the complaint will be referred to the relevant Branch Manager or General Manager of the Council Officer for their review.

If the complaint is still not resolved to the customer's satisfaction they will be advised of their review rights, such as external submission to the Ombudsman's Office, or submitting an Administrative Action Complaint, etc.

Note: The review of a Penalty Infringement Notice (PIN) which will be managed by officers in the CMU. As this is a considered service and not a requirement under legislation, in the majority of cases there is no availability for a second internal review of a PIN complaint. If a customer is dissatisfied by the review decision they are reminded of their review rights as an external submission to the Magistrates Court as advised on the back of the Infringement Notice.

TABLE 1 – CUSTOMER RELATED COMPLAINTS		
Type Definition		
Administrative	Section 268 of the Local Government Act 2009 defines an	
Action Complaint Administrative Action Complaint as a complaint that –		

Page **9** of **30** 

	TABLE 1 – CUSTOMER RELATED COMPLAINTS
Туре	Definition
	<ul> <li>(a) is about an administrative action of a local government, including the following, for example –</li> <li>a decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision;</li> <li>an act, or a failure to do an act;</li> <li>the formulation of a proposal or intention;</li> <li>the making of a recommendation; and</li> <li>(b) is made by an affected person.</li> </ul>
Privacy Complaint	<ul> <li>Section 164 of the Information Privacy Act 2009 defines a privacy complaint as-</li> <li>A complaint by an individual about an act or practice of a relevant entity in relation to the individual's personal information that is a breach of the relevant entity's obligation under the Information Privacy Act to comply with –</li> <li>the privacy principles; or</li> <li>an approval under section 157 of the Information Privacy Act 2009.</li> </ul>
Publication	Ministerial Guidelines made under the <i>Right to Information Act 2009</i>
Scheme Complaint	allow for complaints to be made when information included in a Publication Scheme is not available or able to be accessed as required by legislation.
Competitive Neutrality Complaint	<ul> <li>Section 48 of the Local Government Act 2009 requires Council to adopt a process for resolving competitive neutrality complaints. These are complaints that:</li> <li>relates to the failure of a local government to conduct a business</li> </ul>
	<ul><li>activity in accordance with the competitive neutrality principle; and</li><li>is made by an affected person.</li></ul>
Corrupt Conduct	Under the CC Act, there are two different types of corrupt conduct that both carry the obligations to notify the CCC namely "Type A" and "Type B".
	<ul><li>Under the CC Act, conduct includes:</li><li>neglect, failure and inaction</li></ul>
	conspiracy to engage in conduct
	attempt to engage in conduct.
	<b>Type A</b> corrupt conduct is conduct by any person that satisfies <u>all</u> three elements described below.
	1. Effect of the conduct
	Type A corrupt conduct adversely affects, or could adversely affect,

Page **10** of **30** 

	TABLE 1 – CUSTOMER RELATED COMPLAINTS
Туре	Definition
	<ul> <li>directly or indirectly, the performance of functions or the exercise of powers of— <ul> <li>a unit of public administration (UPA) or</li> <li>an individual person holding an appointment in a UPA.</li> </ul> </li> </ul>
	<ul> <li>2. Result of the conduct Type A corrupt conduct results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned above in a way that— <ul> <li>is not honest or is not impartial or</li> <li>involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly or</li> <li>involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment.</li> </ul> </li> </ul>
	<ul> <li>In relation to a breach of trust:</li> <li>knowingly can be taken to mean that the subject officer knew that their actions were a breach of the trust placed in them</li> <li>recklessly can be taken to mean that, while the subject officer did not necessarily know that their actions were a breach of trust, they were aware that there was a real and apparent risk that the conduct would amount to a breach of the trust and they nevertheless without justification went through with the conduct.</li> </ul>
	<ul> <li>3. Seriousness of the conduct <ul> <li>Type A corrupt conduct would, if proved, be—</li> <li>a criminal offence or</li> <li>a disciplinary breach providing reasonable grounds for <ul> <li>terminating the person's services, if the person is or were a holder of an appointment.</li> </ul> </li> </ul></li></ul>
	<b>Type B</b> corrupt conduct is conduct by any person that satisfies <u>all</u> three elements described below:
	<ol> <li>Effect of the conduct Type B corrupt conduct impairs, or could impair, public confidence in public administration.</li> </ol>
	<ul> <li>2. Type of conduct Type B corrupt conduct involves, or could involve, one of the following types of conduct:</li> <li>collusive tendering</li> </ul>

Page **11** of **30** 

TABLE 1 – CUSTOMER RELATED COMPLAINTS		
Туре	Definition	
	<ul> <li>fraud relating to an application for a licence, permit or other authority under an Act that has any of the following purposes or objects: <ul> <li>protecting people's health or safety</li> <li>protecting or managing the use of the State's natural, cultural, mining or energy resources</li> </ul> </li> <li>dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets</li> <li>evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue</li> <li>fraudulently obtaining or retaining an appointment.</li> </ul> <li>3. Seriousness of the conduct Type B corrupt conduct would, if proved, be— <ul> <li>a criminal offence or</li> <li>a disciplinary breach providing reasonable grounds for</li> </ul> </li>	
Public Interest		
Disclosure	<ul> <li>disclosure about:</li> <li>danger to the health or safety of a person with a disability</li> <li>danger to the environment caused by commission of an offence or contravention of a condition in certain environmental legislation</li> <li>reprisal after making a public interest disclosure.</li> </ul>	
<u>Human Rights</u> <u>Complaint</u>	Section 63 of the Human Rights Act 2019 defines a human rights         complaint as a complaint about an alleged contravention of section         58(1) by a public entity in relation to an act or decision of a public         entity.         Under section 58(1) of the Human Rights Act 2019, a public entity         must:         • act and make decisions in a way that is compatible with human         rights	
	<ul> <li>when making a decision, give proper consideration to a human right relevant to the decision.</li> </ul>	

#### Category 2

Council also has a responsibility to its employees to ensure they have an effective complaint management system. Council's People and Culture Branch is responsible for managing the majority of employee type complaints detailed in Category 2.

Page 12 of 30

This Category is predominately for legislative complaints which require Council to have a process in place for managing such complaints made by a customer or an employee.

Council will receive, investigate and provide an outcome decision or investigation on the following Category 2 complaints. Council will endeavour to reach resolution to the complainant's satisfaction.

TABLE 2 – EMPLOYEE RELATED COMPLAINTS		
Туре	Definition	
A Workplace	An 'issue' is any matter about health and safety at the workplace that	
Health & Safety	remains unresolved after discussion by parties to the issue e.g. supply	
(WH&S) Issue	of ineffective or inappropriate equipment not suitable for the task.	
A workplace	Examples of general employee complaints/grievances:	
complaint	<ul> <li>Under payment of wages or allowances</li> </ul>	
	<ul> <li>Classification of position – reclassification request not</li> </ul>	
	approved	
	<ul> <li>Dissatisfaction with or request for review of recruitment process</li> </ul>	
	<ul> <li>Unsafe/uncomfortable working conditions</li> </ul>	
	<ul> <li>Fractured working relationship with another employee/</li> </ul>	
	manager	
	Heavy/increased work load	
	<ul> <li>Concerns about performance management</li> </ul>	
	<ul> <li>Inaction by manager when a grievance has been raised to them</li> </ul>	
Bullying	Bullying is repeated, unreasonable behaviour directed towards an	
	individual or group that creates a risk to health and safety.	
	Unreasonable behaviour means behaviour that a reasonable person,	
	having regard to all the circumstances, would expect to victimise,	
	humiliate, undermine or threaten. Single incidents of unreasonable	
	behaviour can also create a risk to health and safety and may escalate	
	into bullying. There is no requirement that bullying be intentional.	
	It is not bullying for a manager or supervisor to counsel a workplace	
	participant about their performance. Reasonable performance	
	counselling is a necessary part of ensuring that workplace participants	
	meet Ipswich City Council's standards of work and behaviour.	
	Also, other reasonable managerial actions such as disciplinary action,	
	work directions and orders, and allocation of work in compliance with	
	business needs and systems do not constitute bullying.	
Corrupt Conduct	Under the CC Act, there are two different types of corrupt conduct	
	that both carry the obligations to notify the CCC namely "Type A" and	
	"Туре В".	
	Under the CC Act, conduct includes:	

Page **13** of **30** 

Item	8.8 /	'Attachment	3.
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	TABLE 2 – EMPLOYEE RELATED COMPLAINTS
Туре	Definition
	<ul> <li>neglect, failure and inaction</li> <li>conspiracy to engage in conduct</li> <li>attempt to engage in conduct.</li> </ul>
	<b>Type A</b> corrupt conduct is conduct by any person that satisfies <u>all</u> three elements described below.
	<ol> <li>Effect of the conduct         Type A corrupt conduct adversely affects, or could adversely affect,         directly or indirectly, the performance of functions or the exercise         of powers of—             <ul></ul></li></ol>
	<ul> <li>an individual person holding an appointment in a UPA.</li> </ul>
	<ul> <li>2. Result of the conduct Type A corrupt conduct results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned above in a way that— <ul> <li>is not honest or is not impartial or</li> <li>involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly or</li> <li>involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment.</li> </ul> </li> </ul>
	<ul> <li>In relation to a breach of trust:</li> <li>knowingly can be taken to mean that the subject officer knew that their actions were a breach of the trust placed in them</li> <li>recklessly can be taken to mean that, while the subject officer did not necessarily know that their actions were a breach of trust, they were aware that there was a real and apparent risk that the conduct would amount to a breach of the trust and they nevertheless without justification went through with the conduct.</li> </ul>
	<ul> <li>3. Seriousness of the conduct Type A corrupt conduct would, if proved, be— <ul> <li>a criminal offence or</li> <li>a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were a holder of an appointment.</li> </ul> </li> </ul>
	<b>Type B</b> corrupt conduct is conduct by any person that satisfies <u>all</u> three elements described below:

Page **14** of **30** 

TABLE 2 – EMPLOYEE RELATED COMPLAINTS		
Туре	Definition	
	<ol> <li>Effect of the conduct Type B corrupt conduct impairs, or could impair, public confidence in public administration.</li> </ol>	
	<ul> <li>2. Type of conduct Type B corrupt conduct involves, or could involve, one of the following types of conduct: <ul> <li>collusive tendering</li> <li>fraud relating to an application for a licence, permit or other authority under an Act that has any of the following purposes or objects: <ul> <li>protecting people's health or safety</li> </ul> </li> </ul></li></ul>	
	<ul> <li>protecting the environment</li> <li>protecting or managing the use of the State's natural, cultural, mining or energy resources</li> </ul>	
	<ul> <li>dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets</li> </ul>	
	<ul> <li>evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue</li> <li>fraudulently obtaining or retaining an appointment.</li> </ul>	
A complaint regarding the Chief Executive Officer	<ul> <li>3. Seriousness of the conduct Type B corrupt conduct would, if proved, be— <ul> <li>a criminal offence or</li> <li>a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were a holder of an appointment.</li> </ul> </li> <li>A complaint that involves or may involve corrupt conduct of its CEO as defined in the <i>Crime and Corruption Act 2001</i>. The following non-exhaustive list are indicators of the types of conduct which may form a reasonable basis to suspect corrupt conduct:</li> </ul>	
	<ul> <li>fraud and theft;</li> <li>extortion;</li> <li>unauthorised release of information;</li> <li>obtaining or offering a secret commission;</li> <li>nepotism.</li> </ul>	
Privacy Complaint	Section 164 of the <i>Information Privacy Act 2009</i> defines a privacy complaint as-	
	A complaint by an individual about an act or practice of a relevant entity in relation to the individual's personal information that is a breach of the relevant entity's obligation under the Information	

Page **15** of **30** 

	TABLE 2 – EMPLOYEE RELATED COMPLAINTS
Туре	Definition
	Privacy Act to comply with –
	the privacy principles; or
	• an approval under section 157 of the <i>Information Privacy Act 2009</i> .
Public Interest	A Council employee can make a public interest disclosure about:
Disclosure	
	danger to the health or safety of a person with a disability
	danger to the environment caused by commission of an offence or
	contravention of a condition in certain environmental legislation
	• corrupt conduct
	<ul> <li>maladministration that adversely affects someone's interests in a substantial and an arific years</li> </ul>
	substantial and specific way
	a substantial misuse of public resources
	<ul> <li>a substantial and specific danger to public health or safety</li> <li>reprisal after making a public interest disclosure.</li> </ul>
Human Dights	Section 63 of the Human Rights Act 2019 defines a human rights
<u>Human Rights</u> <u>Complaint</u>	<u>complaint as a complaint about an alleged contravention of section</u>
complaint	58(1) by a public entity in relation to an act or decision of a public
	entity.
	<u>critity.</u>
	Under section 58(1) of the Human Rights Act 2019, a public entity
	must:
	• act and make decisions in a way that is compatible with human
	rights
	<ul> <li>when making a decision, give proper consideration to a human</li> </ul>
	right relevant to the decision.
Disciplinary	Disciplinary action may be taken in relation to;
Action	• Failure to perform responsibilities in accordance with an employee's
	contract of employment or the Local Government Act 2009; or
	• A breach of the Employee Code of Conduct; or
	• Failure to perform a responsibility under the Act in accordance with
	the local government principles; or
	• Action taken under the Act in a way that is not consistent with the
	local government principles, and which may include misconduct
	Types of disciplinary action include;
	a) dismissal;
	b) demotion, including a reduction in remuneration
	c) a deduction from salary or wages of an amount of not more
	than 2 penalty units, or
	d) a written reprimand or warning
Discrimination	Discrimination in employment occurs when a person is treated less
and Harassment	favourably in their employment because of a ground of discrimination.

Page **16** of **30** 

TABLE 2 – EMPLOYEE RELATED COMPLAINTS		
Туре	Definition	
	Discrimination also includes the situation where a workplace participant harasses another person based on a ground of discrimination.	
	Harassment is unwelcome conduct that a reasonable person would expect to offend, humiliate or intimidate.	
Vilification	Vilification is a public act which incites hatred, severe contempt or severe ridicule of a person or group, because of race, homosexuality, transgender, transsexuality or HIV/AIDS. Vilification is a particularly serious breach of Equal Employment Opportunity laws and will be dealt with accordingly.	
Sexual Harassment	Sexual harassment is unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated or intimidated. Conduct can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person.	
	However, conduct will not be sexual harassment if a reasonable person, having regard to all the circumstances, would not have anticipated that the conduct would offend, humiliate or intimidate the other person.	
	Sexual harassment does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile working environment for other workplace participants can also be unlawful.	

# 6. Complaint policies and procedures

Each type of complaint detailed in the two (2) Categories has a Policy, Procedure and Work Instruction that clearly explains, for both our customers and employees, the criteria for the complaint, investigation process, time frames, decision process, reporting on learnings and how business improvements will be managed and implemented.

# 7. Guiding Principles

The following principles underpin of our Complaint Management Framework and are in keeping with Australian/New Zealand Standard 10002:2014.

#### 7.1 Enabling Complaints

**People focus** - Everybody has the right to complain. We will treat people making complaints with respect, and they should be actively involved in the complaints process as far as practicable and appropriate in the circumstances.

Page **17** of **30** 

**Ensuring no detriment to complainant** - We will take all reasonable steps to ensure that complainants are not adversely affected because of a complaint made by them or on their behalf.

**Visibility and transparency** - We will publicise information about how and where to complain.

**Accessibility** - We will ensure that our complaint handling process is accessible and easy to use for all our customers.

No charges - We will not charge a fee to lodge a complaint.

#### 7.2 Managing Complaints

Responsiveness - We will respond to all complaints as quickly as possible.

**Objectivity and fairness** - We will address all complaints in an equitable, fair and unbiased manner using evidence submitted by both the complainant and our personnel through the complaint handling process. We will uphold the principles of procedural fairness.

**Equity** - We will address all complaints in an equitable manner and in accordance with Council policies.

**Privacy and disclosure** - Personally identifiable information about any individual will be disclosed or used in compliance with all relevant privacy laws and ethical obligations when managing a complaint.

**Communication** -. We will provide explanations for the policies, procedures and decisions we make when communicating to complainants and employees to minimise complaints and facilitate early resolution.

**Customer focus** - The interests of our customers are foremost in our approach to complaint handling as the department is committed to resolving problems, improving relations and our reputation and building loyalty. We will work together with the complainant to look for a win-win solution that provides the best outcome for all parties within the resource and practical constraints the situation presents.

#### 7.3 Accountability, Learning and Prevention

**Accountability** - We will ensure that our employees are aware of how to manage complaints in accordance with Council Policies, Procedures and Work Instructions.

Continuous improvement - We will:

Page 18 of 30

- Be a learning organisation that regularly reviews complaint outcomes and shares in the lessons for better service delivery, conduct and decision-making;
- Collect data on complaints to identify trends for the purpose of improving service and business processes;
- Keep abreast of complaint management best practice;
- Foster a customer-focused approach;
- Provide training to employees to foster better complaint handling practices;
- Encourage innovation in complaint handling practices.

**Prevention of Ongoing Disputes** - We will, to the best of our ability, implement processes that minimize the possibility of complaints escalating into ongoing disputes.

**Periodic Self-Audits** – We will undertake regular self-audits to ensure the Complaints Management Framework, the supporting policies, procedures, work instructions and the performance of complaints management officers to ensure:

Arrangements for enabling people to make complaints are customer focused, visible, accessible and valued and supported by management.

- Complaints are responded to promptly and handled objectively, fairly and confidentially.
- Remedies are provided where complaints are upheld and there is a system for review.
- There are clear accountabilities for complaint handling.
- Complaints are used to stimulate organisational improvements.

**Complaint Investigations and Audits by External Entities** – We will welcome and actively cooperate in audits of Council's Complaints Management Framework and processes initiated by external entities such as the Queensland Ombudsman Office or Office of the Information Commissioner.

**Reporting on complaint trends** – We will, report regularly to Council, the Chief Executive Officer, Executive Management Team on complaint trends. Where an independent external complaints intake service provider (the provider) such as FairCall, to triage complaints received to the appropriate are for action either by council or to another entity. The Provider will be responsible for preparing a regular de-identified report to the Chief Executive Officer. The report would provide information such as:

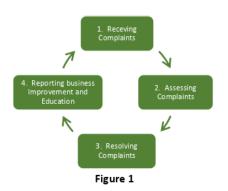
- date complaint received
- nature of matter reported
- how the complaint was triaged
- where complaint was referred for actioning
- date/s complainants were contacted to either acknowledge complaint, provide investigation updates or complaint investigation outcomes
- a periodic de-identified report to the CEO for trend identification of complaint types

Page 19 of 30

• how well areas to which complaints were triaged have performed

# 8. The Complaints Cycle

Figure 1 below shows the four phases of the complaints process:



The objectives throughout the cycle is to provide a high standard of service to the complainant and implement business improvements through lessons learnt from past complaints investigation activities. This will be achieved by:

- Providing customers a clear path to contact Council;
- Communicating with the customer and responding promptly;
- Reporting on complaint trends, lessons learnt and monitoring benefits from business improvements as required by legislation or Council reporting frameworks;
- Continuous business improvement occurring as an outcome of the process.

#### 9. How customer complaints may be made

#### 9.1 Customer information and access to making a complaint

We value receiving complaints and positive feedback from our customers and employees. Feedback provides us with an opportunity to improve our services. Therefore, Council will ensure that making a complaint is a simple process for our customers and employees to follow. Our communications will give clear information about our process and about how to access us in a number of ways.

#### 9.2 How customer complaints may be made

We will always try and resolve customer complaints prior to their escalation to a formal complaint. If this cannot be achieved, complaints can be communicated to us as follows:

**In person** at our Customer Service Centre, located at 143 Brisbane Street, Ipswich (top of the Ipswich City Mall).

Page 20 of 30

**By telephone** to the Council Call Centre on 3810 6666 which will refer the caller to the relevant area of Council, or to the employee the customer has been dealing with, or to the Complaints Management Officer.

Via our Website by completing the online complaints form.

By email to	<u>cmu@ipswich.qld.gov.au</u>
By Mail to	Complaints Management Unit Ipswich City Council PO Box 181
	IPSWICH QLD 4306

Customers are encouraged to place their complaint in writing so that all aspects of the complaint can be accurately investigated. If a customer lodges a verbal complaint we will do our best to assist them to put their complaint in writing or to write it down ourselves as faithfully as we can. Where verbal complaints are recorded in this way, the contents will be read to the customer to verify the details are accurate.

Customers can access Council through the following mediums:

- If deaf, or have a hearing impairment or speech impairment, contact us through the National Relay Service <u>www.relayservice.gov.au</u>
- TTY users phone 133 677 then ask for 07 3810 6666.
- Speak and Listen users phone 1300 555 727 then ask for 07 3810 6666.
- Internet relay users connect to the NRS <u>internet-relay.nrscall.gov.au</u> then ask for 07 3810 6666.

#### 10. How employee complaints may be made

Council does have appropriate policies and procedures for employees to raise concerns and complaints about specific workplace issues. Matters received through these processes will be assessed to determine whether they are also a Public Interest Disclosure.

Your concern	Where to seek assistance
Bullying or	Consult Council's Anti-Discrimination and Equal Employment
Harassment at	Opportunity (EEO) Policy; EEO and Workplace Harassment
work	Grievance Procedure and EEO/Harassment Incident Report Form
	or talk to a Contact Officer or the People and Culture section
A Workplace	Consult council's WH&S Policy, Workplace Health and Safety -
Health & Safety	Consultation and Communication Procedure - OCEO-024,
(WH&S) Issue	Workplace Health and Safety Duties and Responsibilities
	Procedure - OCEO-078 and to your manager or a WH&S Officer
A workplace	Consult Council's Employee Complaints Policy talk to your
complaint	manager, the People and Culture section or your union delegate

Page **21** of **30** 

# Item 8.8 / Attachment 3.

Your concern	Where to seek assistance
Disciplinary	Consult Council's Discipline Procedure and talk to your manager,
action	the People and Culture section or your union delegate
Complaint against the Mayor and/or Councillors or	A Mayor/Councillor Complaint is any complaint about the conduct or behaviour or performance of the Mayor or a Councillor.
former Mayor and/or Councillors	The <u>Councillor Code of Conduct</u> sets out the principles and standards of behaviour expected of Councillors. Failure to comply with the standards of behaviour in the Code of Conduct, or other conduct prescribed in the Code of Conduct may give rise to a complaint against a Councillor's conduct and subsequent disciplinary action under the Act.
	A complaint about the conduct of a Councillor must be submitted to the <u>Independent Assessor</u> who will assess the complaint and determine the category of the allegation. In order of most to least serious, the categories of complaint are corrupt conduct, misconduct, inappropriate conduct and then unsuitable meeting conduct. <u>Councillor Conduct Examples</u>
	A councillor conduct complaint can be made to the Independent Assessor in the following ways:
	Web: the online form
	Phone: 1300 620 722
	Email: OIAcomplaints@oia.qld.gov.au
	In person: Level 13, 53 Albert Street, BRISBANE QLD 4000
	Post: PO Box 15031, CITY EAST QLD 4002
Human Rights	An employee can make a human rights complaint in accordance
<u>Complaint</u>	with the relevant complaints management policy/policies and
	procedure/procedures.
Public Interest Disclosure	Employees can make a disclosure to:
Disclosure	<ul> <li>any person in a supervisory or management position</li> </ul>
	<ul> <li>the People and Culture Branch</li> </ul>
	<ul> <li>the Chief Executive Officer or CEO's delegate</li> </ul>
	<ul> <li>the Ethical Standards Manager</li> </ul>
	<ul> <li>the Chief Audit Executive</li> </ul>
	<ul> <li>during the period of the Interim Administrator being</li> </ul>
	appointed to the Ipswich City Council, the Interim
	Administrator or a member of the Interim Management Committee
	Council has engaged "FairCall", an independent external intake
	service, for the purposes of providing a confidential mechanisms
	for current and former employees to report wrongdoings/formal

Page **22** of **30** 

Your concern	Where to seek assistance
	complaints, when they are not comfortable reporting such matters internally.
	Current and former employees also have the option of initially approaching council anonymously by phone to discuss their confidentiality concerns before identifying themselves. However the PID Coordinator will not be able to inform disclosers of any action taken if they make an anonymous PID.
	<b>Phone:</b> 1800 270 925 Australia
	Email: faircall@kpmg.com.au
	Website URL: https://www.kpmgfaircall.kpmg.com.au/ipswich
	Post: The FairCall Manager
	KPMG Forensic
	PO Box H67
	Australia Square
	Sydney NSW 1213

# 11. Council's ethical responsibility to report wrong doing

Under Council's *Code of Conduct for Employees*, all employees are required to report a suspected breach of the Code of Conduct which necessarily includes an obligation to report suspected corrupt conduct, maladministration, wasting of public funds, substantial and specific danger to public health or safety, the environment or a person with a disability and reprisal action.

Councillors, the Chief Executive Officer (CEO) and General Manager's (GMs) across Council will promote an environment in which the reporting of negligent or improper behaviour is encouraged.

# 12. How Council will manage a complaint

Council will always endeavour to ensure a complaint is fully understood and to investigate all the circumstances and information surrounding it.

We will show empathy for the complainant, but we will not attempt to take sides, lay blame, become defensive or create false expectations. We will respond to complaints, investigate and resolve complaints as per Council policy and procedure.

We will treat complainants with respect and maintain their confidentiality. Personal information collected as part of the complaints management process will only be released or used in compliance with all relevant privacy laws and ethical obligations.

# 13. Unreasonable complainant conduct

Page 23 of 30

There may be occasions when a complainant's conduct could be considered unreasonable. These might include:

- Frequent, lengthy, repeated or abusive telephone calls, which occupy significant employee time and resources;
- Frequent letters, emails, faxes or visits seeking resolution of issues beyond the scope of the original complaint or before the decision due date;
- seeking information, advice or resolution from a variety of employees about the same issue;
- Any contact which involves abusive or threatening language or behaviour;
- The complainant continues to contact Council after feedback has been provided regarding the complaint and all avenues of review have been exhausted.

When a complaint's conduct is unreasonable Council will consider the circumstances, including employee welfare and appropriate use of Council resources to make a decision regarding limiting the complainant's contact with Council, for example:

- Restricting the times for and/or frequency of contact;
- Designating a single employee with whom the complainant may have contact, such as a manager;
- Nominating the acceptable form of contact, for example written communication only.

Decisions regarding limiting contact with Council will be undertaken in accordance with relevant Council policies and procedures.

# 14. Responding to and closing a complaint

We are committed to:

- Developing good relationships with our complainants through meaningful feedback and resolution wherever possible;
- Increasing employee capabilities and business improvement, by advising the nature, outcomes and causes of complaints to all employees concerned;
- Complainants being regularly informed of the progress and ultimately the outcome of their complaint.

# 15. Response to Complainants

In accordance with the relevant Council complaint policy and procedure a written response will be provided to the complainant outlining the investigation findings, a statement of reasons for the decision and where appropriate, business improvement changes Council will undertake as a result of their complaint. All formal communications will be captured and registered in Objective.

# 16. Remedies

Page 24 of 30

When a complaint is considered justified, an appropriate remedy will be determined taking

into consideration the available options including any remedies that are provided in legislation; the outcome sought by the complainant and/or the degree of detriment to the complainant.

Possible remedies, alone or in combination, may include:

- Acknowledgement of an error made;
- Apology;
- Change of decision;
- Change of policy, procedures, practice or product;
- Compensation or financial assistance such as an ex-gratia payment;
- Correction of misleading or incorrect records;
- Explanation of how and why the problem occurred and what steps the department is taking or has taken to avoid it recurring;
- Provision of information or technical assistance;
- Repair/rework;
- Provision of a substitute product or service.

All remedies must be approved by a Council Officer with the appropriate level of delegation, where relevant.

#### 17. Review Mechanisms

If a customer or employee is not satisfied with the outcome of a complaint regarding the action or decision of a Council employee, the complainant may request that the decision be reviewed. The review will be conducted by an employee of at least the same level as the original decision maker and will be independent of the original decision.

Should a customer or employee still be dissatisfied with the outcome of the review of the original decision, they will be advised of any further internal or external review mechanisms available to them e.g. lodging an Administrative Action Complaint with Council or requesting an external review via another authority such as the Ombudsman's Office or Office of the Information Commissioner. (Refer Section 26 Manage Complaints Process)

Relevant employees will be advised of the complaint investigations, outcome/s and its learnings to inform business improvement decisions.

#### 18. Recording complaint data

Council will keep accurate records documenting the complaint management process and its investigation in Objective. These records will include:

• Correspondence sent and received;

Page 25 of 30

- Evidence of the process used to consider the complaint;
- Records of meetings, telephone conversations and interviews;
- Findings from the investigation;
- Recommendations and approvals.

The complaint records will be available for internal and external review, subject to Information Privacy, Right to Information considerations and legislative obligations, e.g. *Ombudsman Act 2001*.

# 19. Reporting on Complaint Trends

The CEO and GMs will be provided regular reports on the effectiveness of complaints management across the organisation. Complaint Management reports will be presented to Council quarterly and to the Risk and Governance Committee. Managers and supervisors responsible for complaint management within Council will also receive regular reports on the effectiveness of their relevant Branches/Teams' complaints management.

#### 20. Business improvement

Continuous business improvement requires analysis of complaints and trends so that business practices and behaviours can be evaluated and, through feedback to business areas, improved where necessary.

Managers and supervisors responsible for complaint management will ensure that their employees are informed of the circumstances of the complaint and its resolution to ensure services, programs and business processes are improved and rectified as necessary.

# 21. Employee education

This Framework applies to all Council employees. Those with particular responsibilities in complaint management will be trained in its application.

Council will provide specialist training to all employees who are dealing with customers and their queries or complaints.

# 22. Review of this Framework

This Framework will be reviewed and updated, if required, every two years from the date of Council approval, unless circumstances indicate it should be reviewed earlier.

# 23. Roles and responsibilities

#### Complainant

Page 26 of 30

#### Item 8.8 / Attachment 3.

A complainant is expected to provide sufficient details for the complaint to be investigated, respond to requests for information within a reasonable time period and provide access to his or her property, if related to an investigation.

A complainant is entitled to:

- An acknowledgement of Council's receipt of the complaint;
- Be advised of the outcome of the complaint;
- Confidentiality of personal details (as detailed in this policy);
- An objective investigation or review of a complaint.

A complainant is to:

- Be truthful;
- Act with honesty and integrity;
- Cooperate with the investigation;
- Provide information in their possession in a timely manner when requested.

#### Complainants, witnesses and employees, subjects of a complaint

Complainants, witnesses and employees are to:

- Maintain confidentiality as directed;
- Be truthful;
- Act with honesty and integrity;
- Cooperate with the investigation;
- Provide information in their possession in a timely manner when requested.

#### **Employees**

Employees who fail to cooperate or provide information or statements in an investigation process or are later found to have been untruthful, misleading, deceptive, provided incomplete information, have been lacking in honesty or integrity, may be subject to disciplinary action in accordance with the provisions of the *Local Government Act 2009* and Council's *Code of Conduct for Employees*. The progression of these matters may also result in separate disciplinary action.

#### Manager, People and Culture Branch

The Manager, People and Culture Branch, manages any employee disciplinary process arising out of the complaint process. The process shall include procedural fairness where decision-making avoids bias and gives employees a fair hearing before a final decision is made. In cases where an adverse finding has been made against an employee, a formal opportunity is to be provided to:

- · Respond to the findings;
- If the allegations are substantiated, advise of any mitigating circumstances; and

Page 27 of 30

• Make representations on the appropriateness of any proposed disciplinary action.

#### Employees responsible for undertaking a complaint review

Employees responsible for undertaking a complaint review are responsible for:

- Undertaking review investigations within their field of responsibility as well as reporting the findings of a review investigation and implementing approved recommendations of an investigation;
- Supporting the discloser, witness and subject officer/s and implementing measures to protect against harassment, victimisation or any other form of reprisal by colleagues or any subject officer/s.

#### Councillors

Councillors will advocate on behalf of residents in accordance with this Framework, Council policies and procedures. As stated in Section 13(3)(a) of the *Local Government Act 2009* the Chief Executive Officer is responsible for managing the local government in a way that promotes:

- (i) the effective, efficient and economical management of public resources; and
- (ii) excellence in service delivery; and
- (iii) continual improvement;

Therefore complaints management is an operational responsibility of the Chief Executive Officer.

Councillors may receive a complaint on behalf of a constituent and forward it to the Complaints Management Unit (CMU) where it will be captured and assessed for the appropriate handling in accordance with policies and procedures. The CMU will liaise and respond directly to the complainant.

Ultimately when approached by a constituent with a complaint, the Councillor must pathway the constituent back to the CMU as their appropriate point of contact within Council. This will allow for the appropriate assessment and management of that complaint. Councillors will be advised of any complaint outcome by the CMU.

If a Councillor is acting on behalf of a constituent under the *Information Privacy Act 2009*, they will secure a written authority from that constituent and present it to the CMU.

In the event a complainant has exhausted their review rights within Council, a Councillor may remind the constituent of their external reviews rights but is unable to facilitate or suggest that Council undertake another internal review.

#### 24. Regulatory Authority

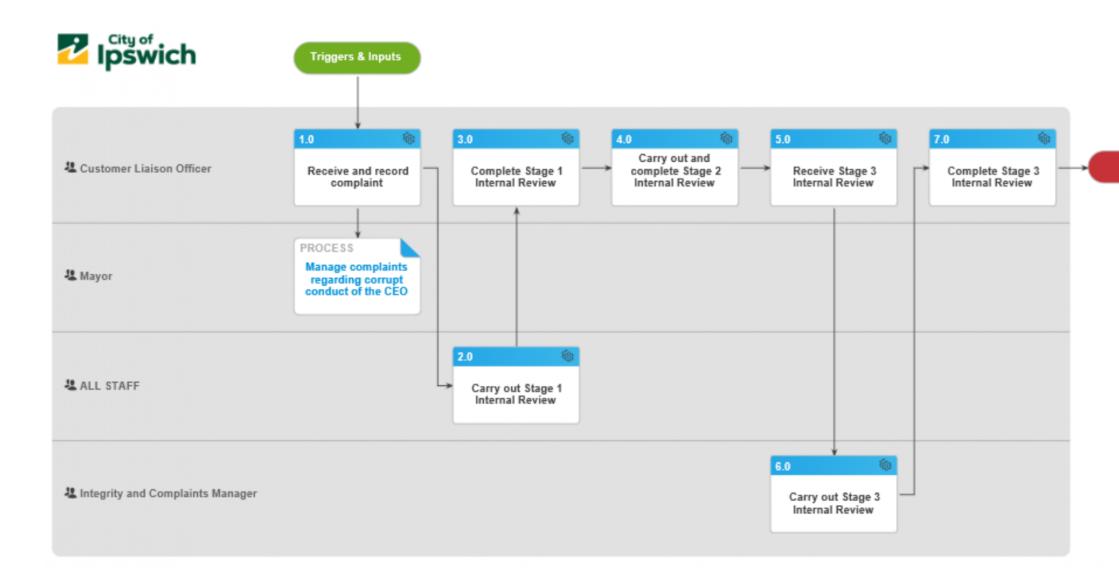
Page 28 of 30

Local Government Act 2009 Local Government Regulation 2012 Right to Information Act Information Privacy Act Crime and Corruption Act 2001 Public Interest Disclosure Act 2010 Human Rights Act 2019 Councillor Code of Conduct Employee Code of Conduct Ministerial Guidelines AS ISO 10002-20006

# 25. Definitions

Term	Definition
Complaint	An expression of dissatisfaction by a customer regarding
	the unsatisfactory delivery of a product or service offered
	by Council, or the unsatisfactory decision or conduct of
	Council employees, contractors and volunteers.
Complainant	An individual or group that makes a complaint about perceived
	failings or issues that affect them.
Council	Means Ipswich City Council, being a body corporate constituted as
	a municipal Council under the Local Government.
Councillors	Means the individuals holding the office of a member of Ipswich
	City Council and includes the Mayor.
Council Employee	Means the Chief Executive Officer and employees of Council
	appointed by the Chief Executive Officer and as described in the
	Employee Code of Conduct.
CMU	Complaints Management Unit
IMU	Information Management Unit
PIN	Penalty Infringement Notice
Supervisor	Means a council employee employed in a role primarily based on
	authority over a worker or in charge of a workplace. Also a
	Manager or Team Leader in this instance.
Unreasonable	Behaviour by a current or former complainant which, because of
Complainant Conduct	its nature and frequency, raises substantial health, safety,
	resource or equity issues".

26. Manage Complaints Process



Item 8.8 / Attachment 3.

Outputs



# COMPLAINTS MANAGEMENT FRAMEWORK

## Contents

1.	Introduction4					
2.	The Value of Complaints4					
3.	Our Commitment to Good Complaints Management4					
4.	Complaints not included in the Framework	Complaints not included in the Framework7				
5.	Categories of Complaints	8				
6.	Complaint policies and procedures	17				
7.	Guiding Principles	17				
	7.1 Enabling Complaints	17				
	7.2 Managing Complaints	18				
	7.3 Accountability, Learning and Prevention					
8.	The Complaints Cycle	20				
9.	How customer complaints may be made	20				
	9.1 Customer information and access to making a complaint	20				
	9.2 How customer complaints may be made	20				
10.	How employee complaints may be made	21				
11.	Council's ethical responsibility to report wrong doing	24				
12.	How Council will manage a complaint	24				
13.	Unreasonable complainant conduct	24				
14.	Responding to and closing a complaint	25				
15.	Response to Complainants	25				
16.	Remedies	25				
17.	Review Mechanisms	26				
18.	Recording complaint data	26				
19.	Reporting on Complaint Trends	26				
20.	. Business improvement					
21.	. Employee education					
22.	. Review of this Framework27					
23.	. Roles and responsibilities					
	Complainant27					
	Complainants, witnesses and employees, subjects of a complaint					
	Employees	28				
	Manager, People and Culture Branch28					
	Employees responsible for undertaking a complaint review					

Page **2** of **31** 

	Councillors	.28
24.	Regulatory Authority	.29
25.	Definitions	.29
26.	Manage Complaints Process	.31

## 1. Introduction

This Complaints Management Framework (the Framework) forms part of Council's customer services and governance arrangements. The Framework is underpinned by the *Local Government Act 2009* Principles, in particular:

- Transparent and effective processes, and decision-making in the public interest;
- Sustainable development and management of assets and infrastructure, and delivery of effective services;
- Good governance of, and by, local government;
- Ethical and legal behaviour of Councillors and local government employees.

Council will ensure the Framework is accessible on our external and internal websites and encourages customers and employees to come forward and raise a complaint. By doing so they provide the opportunity for a decision to be reviewed, wrongdoing to be stopped and persons responsible for wrongdoing to be held accountable.

Where Council is the proper authority, as defined in the *Public Interest Disclosure Act 2010*, support and protection will be given to anyone who raises a matter of public interest or is the subject or witness of a complaint to ensure they do not suffer any reprisal action.

## 2. The Value of Complaints

Council recognises that effective complaint management offers many practical benefits as complaints provide information about program weaknesses, service delivery faults and the management and performance of Council employees. Good administration practices involve the regular review of Council's services, programs, policies, procedures and the lessons learnt from complaints can feed into that process.

Council will utilise complaint information to:

- Provide a suitable remedy to a complainant
- Develop and maintain good relations with our customers
- Evaluate and improve services, programs, policies and procedures
- Inform decision making about future service and program delivery
- Evaluate and improve the management of our employees and the programs, policies and procedures they work within

## 3. Our Commitment to Good Complaints Management

Council is committed to recognising the importance and value of listening and responding to complaints. The following table<sup>1</sup> sets out the nature of the commitment expected from all Council employees and the way that commitment will be implemented.

Page **4** of **31** 

<sup>&</sup>lt;sup>1</sup> Commonwealth Ombudsman, "Better Practice Guide to Complaint Handling", 2009, page 6.

Who?	Commitment	How?
Chief Executive Officer	Make complaint management a priority for the Council	<ul> <li>Promote a positive culture that values complaint management</li> <li>Include complaint management standards in Council's Product and Services Catalogue and standards of service documents</li> <li>Report on complaint management regularly such as:         <ul> <li>Quarterly reports to Council</li> <li>Reporting on complaints management activities in the Annual Report</li> <li>Complaints management training and report for managers and supervisors identifying the expected standards of complaint management such as the quality and timeliness of complaint management</li> </ul> </li> <li>Utilise complaint information to inform good decision making when planning and reviewing Council services and programs</li> </ul>
General Managers	Make complaint management a priority for the Council	<ul> <li>Responsible and accountable for capability and cultural change as a General Manager to ensure line management staff are aware of their:         <ul> <li>complaints management responsibilities</li> <li>protection of disclosers, subject officers and witnesses from reprisal</li> <li>obligation to refer possible corrupt conduct</li> <li>obligations and responsibilities under the Public Interest Disclosure Act</li> </ul> </li> <li>As a member of the Executive Leadership Team, corporately responsible to respond to systemic or serious concerns identified by</li> </ul>

Page **5** of **31** 

Who?	Commitment	How?
		complaints
Councillors	Support Council's Complaint Management Framework, related policies and procedure	<ul> <li>Encourage residents and business owners to bring complaints to the attention of the Complaints Management Unit to ensure all complaints are:</li> <li>Assigned to a member of the Complaints Management Unit who will be the contact for the complain throughout the complain investigation. This will allow for the complainant to build a relationship of honest communication and trust with the Complaint Management Officer and therefore raise Council's reputation within the community</li> <li>Acknowledged and responded to quickly</li> <li>Addressed in an equitable, fair and unbiased manner and in keeping with the principles of procedural fairness</li> <li>Managed without any reprisal to the complainant, witnesses and subject officers</li> <li>Managed in accordance with relevant privacy laws and ethical obligations</li> <li>Reported to management and complaint data can be used to inform decisions regarding the provision of programs, services and business improvement can be informed appropriately</li> </ul>
Managers responsible for complaint management	Establish and manage an effective, professional complaint management system	<ul> <li>Promote a positive culture that values complaint management</li> <li>Recruit suitable staff</li> <li>Provide comprehensive training to complaint management staff</li> <li>Manage and support complaint management staff</li> </ul>

Page **6** of **31** 

Item	8.8 /	Attachment	4.
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Who?	Commitment	How?
		<ul> <li>Promote strong internal networks to enable complaint management staff to work with and be supported by other staff</li> <li>Bring systemic issues and weaknesses that are identified through the complaint system to the attention of General Managers and the Chief Executive Officer</li> <li>Provide regular reports to other relevant areas of Council on issues arising from complaint management work</li> <li>Keep up to date with better practice, regularly review Council's complaint management system and participate in organisation wide complaint management meetings</li> </ul>
Complaint management staff	Display exemplary practice in managing complaints	<ul> <li>Behave professionally when dealing with complainants</li> <li>Have a sound understanding of Council's complaint management policies and procedures</li> <li>Comply with internal policies and procedures</li> <li>Keep informed about Council's services and programs</li> <li>Maintain interest in better practice in complaint management</li> </ul>

## 4. Complaints not included in the Framework

The Framework does not include the following types of complaints as Council is not the responsible authority for investigating or making a decision on the complaint:

- Complaints about Councillors:
  - Complaints of alleged or suspected corrupt conduct, misconduct, inappropriate conduct are managed by the Independent Assessor appointed by Governor in Council under section 150CV of the *Local Government Act 2009*;
  - Unsuitable meeting conduct by a Councillor is dealt with by the Chairperson of the committee or Council meeting as per Council's Meeting Procedure. It is

Page **7** of **31** 

important that the Chairperson deal with matters of unsuitable meeting conduct locally, and as efficiently and effectively as possible so that Council can continue with their business of making effective decisions in the public interest. Council's Committee Meeting Procedure.

- Any matter where remedy is available through a:
  - Statutory appeal process (i.e. development assessment issues that have a right to be heard in the Planning and Environment Court or declared dangerous dog that have a right to be heard by the Queensland Civil and Administrative Tribunal);
  - Dispute resolution mechanism available in an industrial instrument, such as Industrial Awards, Enterprise Bargaining Agreements and employment contracts;
- Decisions by Council made at Council meetings;
- Proceedings under the *Judicial Review Act 1991* relating to decisions made under an enactment or matters identified in section 31, when read with Schedule 2.

#### 5. Categories of Complaints

"Agencies now accept that complaint handling is a predictable and necessary part of program and service delivery. Errors, misunderstandings, client dissatisfaction and unexpected problems occur in all administrative systems. Complaint handling can be effective in resolving a problem before it becomes worse, providing a remedy to a client who has suffered disadvantage, and nurturing good relations between government agencies and the public<sup>2</sup>."

Like many other Agencies, Council provides a diverse number of services and programs to our customers and receives complaints on a daily basis. Customer complaints when they are first brought to the attention of Council, in the majority of cases the complaint will be managed as a Request for Service, as the customer will be complaining about an issue such as:

- Footpath maintenance
- Missed waste bin
- A pot hole
- A barking dog
- Overgrown parks or allotments
- Road maintenance
- Or another issue requiring Council services

Page **8** of **31** 

<sup>&</sup>lt;sup>2</sup> Commonwealth Ombudsman, "Better Practice Guide to Complaint Handling", 2009, page 1.

A request for Service will be handled in accordance with internal procedures and processes by the relevant operational staff and will be completed within agreed timeframes.

To effectively manage and resolve complaints to the complainant's satisfaction, complaints are triaged into two (2) Complaint Categories.

Customer complaints are identified in both Categories while employee complaints are contained in Category 2.

#### Category 1

This Category 1 includes customer complaints about the:

- Management of a Request for Service that was not resolved to the customer's satisfaction;
- Dissatisfaction of a service or program delivered by Council such as:
  - parks beautification program;
  - resources available at the library;
  - o customer experience at an Art Gallery or Civic Centre event.
- Decision of a Council employee e.g. issuing a Penalty Infringement Notice (PIN) for illegally parking.

Category 1 complaints will be managed by the Council Officer responsible for delivering the service, program or making the decision which is the subject of the complaint. The Council Officer will review/investigate the complaint and to the best of their ability, try and resolve the complaint to the customer's satisfaction. Assistance will provided to Council Officers by the CMU by way of being a primary contact for the complainant.

If not resolved, the complaint will be referred to the relevant Branch Manager or General Manager of the Council Officer for their review.

If the complaint is still not resolved to the customer's satisfaction they will be advised of their review rights, such as external submission to the Ombudsman's Office, or submitting an Administrative Action Complaint, etc.

Note: The review of a Penalty Infringement Notice (PIN) which will be managed by officers in the CMU. As this is a considered service and not a requirement under legislation, in the majority of cases there is no availability for a second internal review of a PIN complaint. If a customer is dissatisfied by the review decision they are reminded of their review rights as an external submission to the Magistrates Court as advised on the back of the Infringement Notice.

TABLE 1 – CUSTOMER RELATED COMPLAINTS		
Type Definition		
Administrative	Section 268 of the Local Government Act 2009 defines an	
Action Complaint	Administrative Action Complaint as a complaint that –	

Page **9** of **31** 

## Item 8.8 / Attachment 4.

TABLE 1 – CUSTOMER RELATED COMPLAINTS			
Туре	Definition		
	(a) is about an administrative action of a local government, including		
	the following, for example –		
	a decision, or a failure to make a decision, including a failure to		
	provide a written statement of reasons for a decision;		
	an act, or a failure to do an act;		
	the formulation of a proposal or intention;		
	the making of a recommendation; and		
	(b) is made by an affected person.		
Privacy Complaint	Section 164 of the Information Privacy Act 2009 defines a privacy		
	complaint as-		
	A complaint by an individual about an act or practice of a relevant		
	entity in relation to the individual's personal information that is a		
	breach of the relevant entity's obligation under the Information		
	Privacy Act to comply with –		
	• the privacy principles, or		
	<ul> <li>the privacy principles; or</li> <li>an approval under section 157 of the Information Brivacy Act 2000.</li> </ul>		
Publication	• an approval under section 157 of the <i>Information Privacy Act 2009</i> . Ministerial Guidelines made under the <i>Right to Information Act 2009</i>		
Scheme	allow for complaints to be made when information included in a		
Complaint	Publication Scheme is not available or able to be accessed as required		
complaint	by legislation.		
Competitive	Section 48 of the Local Government Act 2009 requires Council to adopt		
Neutrality	a process for resolving competitive neutrality complaints. These are		
Complaint	complaints that:		
	<ul> <li>relates to the failure of a local government to conduct a business</li> </ul>		
	activity in accordance with the competitive neutrality principle; and		
	• is made by an affected person.		
Corrupt Conduct	Under the CC Act, there are two different types of corrupt conduct		
	that both carry the obligations to notify the CCC namely "Type A" and		
	"Туре В".		
	Under the CC Act, conduct includes:		
	neglect, failure and inaction		
	conspiracy to engage in conduct		
	attempt to engage in conduct.		
	Type A conjust conduct is conduct by any particulation of the		
	<b>Type A</b> corrupt conduct is conduct by any person that satisfies <u>all</u> three elements described below.		
	1. Effect of the conduct		
	Type A corrupt conduct adversely affects, or could adversely affect,		
	Type A contupt conduct adversely affects, of could adversely affect,		

Page **10** of **31** 

Item	8.8 /	Attachment 4.	,
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	TABLE 1 – CUSTOMER RELATED COMPLAINTS
Туре	Definition
	<ul> <li>directly or indirectly, the performance of functions or the exercise of powers of— <ul> <li>a unit of public administration (UPA) or</li> <li>an individual person holding an appointment in a UPA.</li> </ul> </li> </ul>
	<ul> <li>2. Result of the conduct Type A corrupt conduct results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned above in a way that— <ul> <li>is not honest or is not impartial or</li> <li>involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly or</li> <li>involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment.</li> </ul> </li> </ul>
	<ul> <li>In relation to a breach of trust:</li> <li>knowingly can be taken to mean that the subject officer knew that their actions were a breach of the trust placed in them</li> <li>recklessly can be taken to mean that, while the subject officer did not necessarily know that their actions were a breach of trust, they were aware that there was a real and apparent risk that the conduct would amount to a breach of the trust and they nevertheless without justification went through with the conduct.</li> </ul>
	<ul> <li>3. Seriousness of the conduct <ul> <li>Type A corrupt conduct would, if proved, be—</li> <li>a criminal offence or</li> <li>a disciplinary breach providing reasonable grounds for <ul> <li>terminating the person's services, if the person is or were a holder of an appointment.</li> </ul> </li> </ul></li></ul>
	<b>Type B</b> corrupt conduct is conduct by any person that satisfies <u>all</u> three elements described below:
	<ol> <li>Effect of the conduct Type B corrupt conduct impairs, or could impair, public confidence in public administration.</li> </ol>
	<ul> <li>2. Type of conduct Type B corrupt conduct involves, or could involve, one of the following types of conduct:</li> <li>collusive tendering</li> </ul>

Page 11 of 31

TABLE 1 – CUSTOMER RELATED COMPLAINTS			
Туре	Definition		
	<ul> <li>fraud relating to an application for a licence, permit or other authority under an Act that has any of the following purposes or objects: <ul> <li>protecting people's health or safety</li> <li>protecting or managing the use of the State's natural, cultural, mining or energy resources</li> </ul> </li> <li>dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets</li> <li>evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue</li> <li>fraudulently obtaining or retaining an appointment.</li> </ul> <li>3. Seriousness of the conduct Type B corrupt conduct would, if proved, be— <ul> <li>a criminal offence or</li> <li>a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were a holder of an appointment.</li> </ul> </li>		
Public Interest Disclosure	<ul> <li>Any person including a public officer can make a public interest disclosure about:</li> <li>danger to the health or safety of a person with a disability</li> <li>danger to the environment caused by commission of an offence or contravention of a condition in certain environmental legislation</li> <li>reprisal after making a public interest disclosure.</li> </ul>		
Human Rights Complaint	<ul> <li>Section 63 of the Human Rights Act 2019 defines a human rights complaint as a complaint about an alleged contravention of section 58(1) by a public entity in relation to an act or decision of a public entity.</li> <li>Under section 58(1) of the Human Rights Act 2019, a public entity must: <ul> <li>act and make decisions in a way that is compatible with human rights</li> <li>when making a decision, give proper consideration to a human right relevant to the decision.</li> </ul> </li> </ul>		

#### Category 2

Council also has a responsibility to its employees to ensure they have an effective complaint management system. Council's People and Culture Branch is responsible for managing the majority of employee type complaints detailed in Category 2.

Page 12 of 31

This Category is predominately for legislative complaints which require Council to have a process in place for managing such complaints made by a customer or an employee.

Council will receive, investigate and provide an outcome decision or investigation on the following Category 2 complaints. Council will endeavour to reach resolution to the complainant's satisfaction.

TABLE 2 – EMPLOYEE RELATED COMPLAINTS		
Туре	Definition	
A Workplace	An 'issue' is any matter about health and safety at the workplace that	
Health & Safety	remains unresolved after discussion by parties to the issue e.g. supply	
(WH&S) Issue	of ineffective or inappropriate equipment not suitable for the task.	
A workplace	Examples of general employee complaints/grievances:	
complaint	<ul> <li>Under payment of wages or allowances</li> </ul>	
	<ul> <li>Classification of position – reclassification request not</li> </ul>	
	approved	
	<ul> <li>Dissatisfaction with or request for review of recruitment</li> </ul>	
	process	
	Unsafe/uncomfortable working conditions	
	<ul> <li>Fractured working relationship with another employee/</li> </ul>	
	manager	
	<ul> <li>Heavy/increased work load</li> <li>Concerns about performance management</li> </ul>	
Bullying	<ul> <li>Inaction by manager when a grievance has been raised to them Bullying is repeated, unreasonable behaviour directed towards an</li> </ul>	
bullying	individual or group that creates a risk to health and safety.	
	Unreasonable behaviour means behaviour that a reasonable person,	
	having regard to all the circumstances, would expect to victimise,	
	humiliate, undermine or threaten. Single incidents of unreasonable	
	behaviour can also create a risk to health and safety and may escalate	
	into bullying. There is no requirement that bullying be intentional.	
	It is not bullying for a manager or supervisor to counsel a workplace	
	participant about their performance. Reasonable performance	
	counselling is a necessary part of ensuring that workplace participants	
	meet Ipswich City Council's standards of work and behaviour.	
	. ,	
	Also, other reasonable managerial actions such as disciplinary action,	
	work directions and orders, and allocation of work in compliance with	
	business needs and systems do not constitute bullying.	
Corrupt Conduct	Under the CC Act, there are two different types of corrupt conduct	
	that both carry the obligations to notify the CCC namely "Type A" and	
	"Туре В".	
	Under the CC Act, conduct includes:	

Page **13** of **31** 

	TABLE 2 – EMPLOYEE RELATED COMPLAINTS
Туре	Definition
	<ul> <li>neglect, failure and inaction</li> <li>conspiracy to engage in conduct</li> <li>attempt to engage in conduct.</li> </ul>
	<b>Type A</b> corrupt conduct is conduct by any person that satisfies <u>all</u> three elements described below.
	<ol> <li>Effect of the conduct Type A corrupt conduct adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—         <ul> <li>a unit of public administration (UPA) or</li> <li>an individual person holding an appointment in a UPA.</li> </ul> </li> </ol>
	<ul> <li>2. Result of the conduct Type A corrupt conduct results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned above in a way that— <ul> <li>is not honest or is not impartial or</li> <li>involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly or</li> <li>involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment.</li> </ul></li></ul>
	<ul> <li>In relation to a breach of trust:</li> <li>knowingly can be taken to mean that the subject officer knew that their actions were a breach of the trust placed in them</li> <li>recklessly can be taken to mean that, while the subject officer did not necessarily know that their actions were a breach of trust, they were aware that there was a real and apparent risk that the conduct would amount to a breach of the trust and they nevertheless without justification went through with the conduct.</li> </ul>
	<ul> <li>3. Seriousness of the conduct Type A corrupt conduct would, if proved, be— <ul> <li>a criminal offence or</li> <li>a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were a holder of an appointment.</li> </ul> </li> </ul>
	<b>Type B</b> corrupt conduct is conduct by any person that satisfies <u>all</u> three elements described below:

Page **14** of **31** 

TABLE 2 – EMPLOYEE RELATED COMPLAINTS	
Туре	Definition
	<ol> <li>Effect of the conduct Type B corrupt conduct impairs, or could impair, public confidence in public administration.</li> <li>Type of conduct</li> </ol>
	<ul> <li>Type B corrupt conduct involves, or could involve, one of the following types of conduct:</li> <li>collusive tendering</li> <li>fraud relating to an application for a licence, permit or other authority under an Act that has any of the following purposes or objects:</li> <li>protecting people's health or safety</li> </ul>
	<ul> <li>protecting the environment</li> <li>protecting or managing the use of the State's natural, cultural, mining or energy resources</li> <li>dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets</li> </ul>
	<ul> <li>evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue</li> <li>fraudulently obtaining or retaining an appointment.</li> </ul>
	<ul> <li>3. Seriousness of the conduct <ul> <li>Type B corrupt conduct would, if proved, be—</li> <li>a criminal offence or</li> <li>a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were a holder of an appointment.</li> </ul> </li> </ul>
A complaint regarding the Chief Executive Officer	A complaint that involves or may involve corrupt conduct of its CEO as defined in the <i>Crime and Corruption Act 2001</i> . The following non-exhaustive list are indicators of the types of conduct which may form a reasonable basis to suspect corrupt conduct:
	<ul> <li>fraud and theft;</li> <li>extortion;</li> <li>unauthorised release of information;</li> <li>obtaining or offering a secret commission;</li> <li>nepotism.</li> </ul>
Privacy Complaint	Section 164 of the <i>Information Privacy Act 2009</i> defines a privacy complaint as-
	A complaint by an individual about an act or practice of a relevant entity in relation to the individual's personal information that is a breach of the relevant entity's obligation under the Information

Page **15** of **31** 

	TABLE 2 – EMPLOYEE RELATED COMPLAINTS
Туре	Definition
	Privacy Act to comply with –
	<ul> <li>the privacy principles; or</li> </ul>
	• an approval under section 157 of the <i>Information Privacy Act 2009</i> .
Public Interest	A Council employee can make a public interest disclosure about:
Disclosure	
	<ul> <li>danger to the health or safety of a person with a disability</li> </ul>
	danger to the environment caused by commission of an offence or
	contravention of a condition in certain environmental legislation
	corrupt conduct
	maladministration that adversely affects someone's interests in a
	substantial and specific way
	a substantial misuse of public resources
	a substantial and specific danger to public health or safety
	reprisal after making a public interest disclosure.
Human Rights	Section 63 of the Human Rights Act 2019 defines a human rights
Complaint	complaint as a complaint about an alleged contravention of section
	58(1) by a public entity in relation to an act or decision of a public
	entity.
	Under section 58(1) of the <i>Human Rights Act 2019,</i> a public entity
	must:
	<ul> <li>act and make decisions in a way that is compatible with human</li> </ul>
	rights
	<ul> <li>when making a decision, give proper consideration to a human</li> </ul>
	right relevant to the decision.
Disciplinary	Disciplinary action may be taken in relation to;
Action	• Failure to perform responsibilities in accordance with an employee's
	contract of employment or the Local Government Act 2009; or
	<ul> <li>A breach of the Employee Code of Conduct; or</li> </ul>
	• Failure to perform a responsibility under the Act in accordance with
	the local government principles; or
	• Action taken under the Act in a way that is not consistent with the
	local government principles, and which may include misconduct
	Types of disciplinary action include:
	Types of disciplinary action include; a) dismissal;
	b) demotion, including a reduction in remuneration
	c) a deduction from salary or wages of an amount of not more
	than 2 penalty units, or
	d) a written reprimand or warning
Discrimination	Discrimination in employment occurs when a person is treated less
and Harassment	favourably in their employment because of a ground of discrimination.

Page **16** of **31** 

TABLE 2 – EMPLOYEE RELATED COMPLAINTS	
Туре	Definition
	Discrimination also includes the situation where a workplace participant harasses another person based on a ground of discrimination.
	Harassment is unwelcome conduct that a reasonable person would expect to offend, humiliate or intimidate.
Vilification	Vilification is a public act which incites hatred, severe contempt or severe ridicule of a person or group, because of race, homosexuality, transgender, transsexuality or HIV/AIDS. Vilification is a particularly serious breach of Equal Employment Opportunity laws and will be dealt with accordingly.
Sexual Harassment	Sexual harassment is unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated or intimidated. Conduct can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person.
	However, conduct will not be sexual harassment if a reasonable person, having regard to all the circumstances, would not have anticipated that the conduct would offend, humiliate or intimidate the other person.
	Sexual harassment does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile working environment for other workplace participants can also be unlawful.

## 6. Complaint policies and procedures

Each type of complaint detailed in the two (2) Categories has a Policy, Procedure and Work Instruction that clearly explains, for both our customers and employees, the criteria for the complaint, investigation process, time frames, decision process, reporting on learnings and how business improvements will be managed and implemented.

## 7. Guiding Principles

The following principles underpin of our Complaint Management Framework and are in keeping with Australian/New Zealand Standard 10002:2014.

#### 7.1 Enabling Complaints

**People focus** - Everybody has the right to complain. We will treat people making complaints with respect, and they should be actively involved in the complaints process as far as practicable and appropriate in the circumstances.

Page **17** of **31** 

**Ensuring no detriment to complainant** - We will take all reasonable steps to ensure that complainants are not adversely affected because of a complaint made by them or on their behalf.

**Visibility and transparency** - We will publicise information about how and where to complain.

**Accessibility** - We will ensure that our complaint handling process is accessible and easy to use for all our customers.

No charges - We will not charge a fee to lodge a complaint.

#### 7.2 Managing Complaints

Responsiveness - We will respond to all complaints as quickly as possible.

**Objectivity and fairness** - We will address all complaints in an equitable, fair and unbiased manner using evidence submitted by both the complainant and our personnel through the complaint handling process. We will uphold the principles of procedural fairness.

**Equity** - We will address all complaints in an equitable manner and in accordance with Council policies.

**Privacy and disclosure** - Personally identifiable information about any individual will be disclosed or used in compliance with all relevant privacy laws and ethical obligations when managing a complaint.

**Communication** -. We will provide explanations for the policies, procedures and decisions we make when communicating to complainants and employees to minimise complaints and facilitate early resolution.

**Customer focus** - The interests of our customers are foremost in our approach to complaint handling as the department is committed to resolving problems, improving relations and our reputation and building loyalty. We will work together with the complainant to look for a win-win solution that provides the best outcome for all parties within the resource and practical constraints the situation presents.

#### 7.3 Accountability, Learning and Prevention

**Accountability** - We will ensure that our employees are aware of how to manage complaints in accordance with Council Policies, Procedures and Work Instructions.

Continuous improvement - We will:

Page 18 of 31

- Be a learning organisation that regularly reviews complaint outcomes and shares in the lessons for better service delivery, conduct and decision-making;
- Collect data on complaints to identify trends for the purpose of improving service and business processes;
- Keep abreast of complaint management best practice;
- Foster a customer-focused approach;
- Provide training to employees to foster better complaint handling practices;
- Encourage innovation in complaint handling practices.

**Prevention of Ongoing Disputes** - We will, to the best of our ability, implement processes that minimize the possibility of complaints escalating into ongoing disputes.

**Periodic Self-Audits** – We will undertake regular self-audits to ensure the Complaints Management Framework, the supporting policies, procedures, work instructions and the performance of complaints management officers to ensure:

Arrangements for enabling people to make complaints are customer focused, visible, accessible and valued and supported by management.

- Complaints are responded to promptly and handled objectively, fairly and confidentially.
- Remedies are provided where complaints are upheld and there is a system for review.
- There are clear accountabilities for complaint handling.
- Complaints are used to stimulate organisational improvements.

**Complaint Investigations and Audits by External Entities** – We will welcome and actively cooperate in audits of Council's Complaints Management Framework and processes initiated by external entities such as the Queensland Ombudsman Office or Office of the Information Commissioner.

**Reporting on complaint trends** – We will, report regularly to Council, the Chief Executive Officer, Executive Management Team on complaint trends. Where an independent external complaints intake service provider (the provider) such as FairCall, to triage complaints received to the appropriate are for action either by council or to another entity. The Provider will be responsible for preparing a regular de-identified report to the Chief Executive Officer. The report would provide information such as:

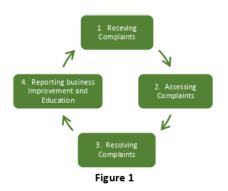
- date complaint received
- nature of matter reported
- how the complaint was triaged
- where complaint was referred for actioning
- date/s complainants were contacted to either acknowledge complaint, provide investigation updates or complaint investigation outcomes
- a periodic de-identified report to the CEO for trend identification of complaint types

Page 19 of 31

• how well areas to which complaints were triaged have performed

## 8. The Complaints Cycle

Figure 1 below shows the four phases of the complaints process:



The objectives throughout the cycle is to provide a high standard of service to the complainant and implement business improvements through lessons learnt from past complaints investigation activities. This will be achieved by:

- Providing customers a clear path to contact Council;
- Communicating with the customer and responding promptly;
- Reporting on complaint trends, lessons learnt and monitoring benefits from business improvements as required by legislation or Council reporting frameworks;
- Continuous business improvement occurring as an outcome of the process.

#### 9. How customer complaints may be made

#### 9.1 Customer information and access to making a complaint

We value receiving complaints and positive feedback from our customers and employees. Feedback provides us with an opportunity to improve our services. Therefore, Council will ensure that making a complaint is a simple process for our customers and employees to follow. Our communications will give clear information about our process and about how to access us in a number of ways.

#### 9.2 How customer complaints may be made

We will always try and resolve customer complaints prior to their escalation to a formal complaint. If this cannot be achieved, complaints can be communicated to us as follows:

**In person** at our Customer Service Centre, located at 143 Brisbane Street, Ipswich (top of the Ipswich City Mall).

Page 20 of 31

**By telephone** to the Council Call Centre on 3810 6666 which will refer the caller to the relevant area of Council, or to the employee the customer has been dealing with, or to the Complaints Management Officer.

Via our Website by completing the online complaints form.

By email to	<u>cmu@ipswich.qld.gov.au</u>
By Mail to	Complaints Management Unit Ipswich City Council PO Box 181
	IPSWICH QLD 4306

Customers are encouraged to place their complaint in writing so that all aspects of the complaint can be accurately investigated. If a customer lodges a verbal complaint we will do our best to assist them to put their complaint in writing or to write it down ourselves as faithfully as we can. Where verbal complaints are recorded in this way, the contents will be read to the customer to verify the details are accurate.

Customers can access Council through the following mediums:

- If deaf, or have a hearing impairment or speech impairment, contact us through the National Relay Service <u>www.relayservice.gov.au</u>
- TTY users phone 133 677 then ask for 07 3810 6666.
- Speak and Listen users phone 1300 555 727 then ask for 07 3810 6666.
- Internet relay users connect to the NRS <u>internet-relay.nrscall.gov.au</u> then ask for 07 3810 6666.

#### 10. How employee complaints may be made

Council does have appropriate policies and procedures for employees to raise concerns and complaints about specific workplace issues. Matters received through these processes will be assessed to determine whether they are also a Public Interest Disclosure.

Your concern	Where to seek assistance
Bullying or	Consult Council's Anti-Discrimination and Equal Employment
Harassment at	Opportunity (EEO) Policy; EEO and Workplace Harassment
work	Grievance Procedure and EEO/Harassment Incident Report Form
	or talk to a Contact Officer or the People and Culture section
A Workplace	Consult council's WH&S Policy, Workplace Health and Safety -
Health & Safety	Consultation and Communication Procedure - OCEO-024,
(WH&S) Issue	Workplace Health and Safety Duties and Responsibilities
	Procedure - OCEO-078 and to your manager or a WH&S Officer
A workplace	Consult Council's Employee Complaints Policy talk to your
complaint	manager, the People and Culture section or your union delegate

Page **21** of **31** 

## Item 8.8 / Attachment 4.

Your concern	Where to seek assistance
Disciplinary	Consult Council's Discipline Procedure and talk to your manager,
action	the People and Culture section or your union delegate
Complaint against the Mayor and/or Councillors or	A Mayor/Councillor Complaint is any complaint about the conduct or behaviour or performance of the Mayor or a Councillor.
former Mayor and/or Councillors	The <u>Councillor Code of Conduct</u> sets out the principles and standards of behaviour expected of Councillors. Failure to comply with the standards of behaviour in the Code of Conduct, or other conduct prescribed in the Code of Conduct may give rise to a complaint against a Councillor's conduct and subsequent disciplinary action under the Act.
	A complaint about the conduct of a Councillor must be submitted to the <u>Independent Assessor</u> who will assess the complaint and determine the category of the allegation. In order of most to least serious, the categories of complaint are corrupt conduct, misconduct, inappropriate conduct and then unsuitable meeting conduct. <u>Councillor Conduct Examples</u>
	A councillor conduct complaint can be made to the Independent Assessor in the following ways:
	Web: the online form
	Phone: 1300 620 722
	Email: OIAcomplaints@oia.qld.gov.au
	In person: Level 13, 53 Albert Street, BRISBANE QLD 4000
	Post: PO Box 15031, CITY EAST QLD 4002
Human Rights Complaint	An employee can make a human rights complaint in accordance with the relevant complaints management policy/policies and procedure/procedures.
Public Interest	Employees can make a disclosure to:
Disclosure	
	<ul> <li>any person in a supervisory or management position</li> </ul>
	the People and Culture Branch
	<ul> <li>the Chief Executive Officer or CEO's delegate</li> </ul>
	<ul> <li>the Ethical Standards Manager</li> </ul>
	the Chief Audit Executive
	<ul> <li>during the period of the Interim Administrator being</li> </ul>
	appointed to the Ipswich City Council, the Interim Administrator or a member of the Interim Management Committee
	Council has engaged "FairCall", an independent external intake service, for the purposes of providing a confidential mechanisms
	for current and former employees to report wrongdoings/formal

Page **22** of **31** 

## Item 8.8 / Attachment 4.

Your concern	Where to seek assistance
	complaints, when they are not comfortable reporting such
	matters internally.
	Current and former employees also have the option of initially approaching council anonymously by phone to discuss their confidentiality concerns before identifying themselves. However the PID Coordinator will not be able to inform disclosers of any action taken if they make an anonymous PID.
	Phone: 1800 270 925 Australia
	Email: faircall@kpmg.com.au
	Website URL: https://www.kpmgfaircall.kpmg.com.au/ipswich
	Post: The FairCall Manager
	KPMG Forensic
	PO Box H67
	Australia Square
	Sydney NSW 1213

Page **23** of **31** 

## 11. Council's ethical responsibility to report wrong doing

Under Council's *Code of Conduct for Employees*, all employees are required to report a suspected breach of the Code of Conduct which necessarily includes an obligation to report suspected corrupt conduct, maladministration, wasting of public funds, substantial and specific danger to public health or safety, the environment or a person with a disability and reprisal action.

Councillors, the Chief Executive Officer (CEO) and General Manager's (GMs) across Council will promote an environment in which the reporting of negligent or improper behaviour is encouraged.

### 12. How Council will manage a complaint

Council will always endeavour to ensure a complaint is fully understood and to investigate all the circumstances and information surrounding it.

We will show empathy for the complainant, but we will not attempt to take sides, lay blame, become defensive or create false expectations. We will respond to complaints, investigate and resolve complaints as per Council policy and procedure.

We will treat complainants with respect and maintain their confidentiality. Personal information collected as part of the complaints management process will only be released or used in compliance with all relevant privacy laws and ethical obligations.

### 13. Unreasonable complainant conduct

There may be occasions when a complainant's conduct could be considered unreasonable. These might include:

- Frequent, lengthy, repeated or abusive telephone calls, which occupy significant employee time and resources;
- Frequent letters, emails, faxes or visits seeking resolution of issues beyond the scope of the original complaint or before the decision due date;
- seeking information, advice or resolution from a variety of employees about the same issue;
- Any contact which involves abusive or threatening language or behaviour;
- The complainant continues to contact Council after feedback has been provided regarding the complaint and all avenues of review have been exhausted.

When a complaint's conduct is unreasonable Council will consider the circumstances, including employee welfare and appropriate use of Council resources to make a decision regarding limiting the complainant's contact with Council, for example:

• Restricting the times for and/or frequency of contact;

Page **24** of **31** 

- Designating a single employee with whom the complainant may have contact, such as a manager;
- Nominating the acceptable form of contact, for example written communication only.

Decisions regarding limiting contact with Council will be undertaken in accordance with relevant Council policies and procedures.

## 14. Responding to and closing a complaint

We are committed to:

- Developing good relationships with our complainants through meaningful feedback and resolution wherever possible;
- Increasing employee capabilities and business improvement, by advising the nature, outcomes and causes of complaints to all employees concerned;
- Complainants being regularly informed of the progress and ultimately the outcome of their complaint.

## 15. Response to Complainants

In accordance with the relevant Council complaint policy and procedure a written response will be provided to the complainant outlining the investigation findings, a statement of reasons for the decision and where appropriate, business improvement changes Council will undertake as a result of their complaint. All formal communications will be captured and registered in Objective.

## 16. Remedies

When a complaint is considered justified, an appropriate remedy will be determined taking into consideration the available options including any remedies that are provided in legislation; the outcome sought by the complainant and/or the degree of detriment to the complainant.

Possible remedies, alone or in combination, may include:

- Acknowledgement of an error made;
- Apology;
- Change of decision;
- Change of policy, procedures, practice or product;
- Compensation or financial assistance such as an ex-gratia payment;
- Correction of misleading or incorrect records;
- Explanation of how and why the problem occurred and what steps the department is taking or has taken to avoid it recurring;
- Provision of information or technical assistance;

#### Page 25 of 31

- Repair/rework;
- Provision of a substitute product or service.

All remedies must be approved by a Council Officer with the appropriate level of delegation, where relevant.

### 17. Review Mechanisms

If a customer or employee is not satisfied with the outcome of a complaint regarding the action or decision of a Council employee, the complainant may request that the decision be reviewed. The review will be conducted by an employee of at least the same level as the original decision maker and will be independent of the original decision.

Should a customer or employee still be dissatisfied with the outcome of the review of the original decision, they will be advised of any further internal or external review mechanisms available to them e.g. lodging an Administrative Action Complaint with Council or requesting an external review via another authority such as the Ombudsman's Office or Office of the Information Commissioner. (Refer Section 26 Manage Complaints Process)

Relevant employees will be advised of the complaint investigations, outcome/s and its learnings to inform business improvement decisions.

## 18. Recording complaint data

Council will keep accurate records documenting the complaint management process and its investigation in Objective. These records will include:

- Correspondence sent and received;
- Evidence of the process used to consider the complaint;
- Records of meetings, telephone conversations and interviews;
- Findings from the investigation;
- Recommendations and approvals.

The complaint records will be available for internal and external review, subject to Information Privacy, Right to Information considerations and legislative obligations, e.g. *Ombudsman Act 2001*.

### 19. Reporting on Complaint Trends

The CEO and GMs will be provided regular reports on the effectiveness of complaints management across the organisation. Complaint Management reports will be presented to Council quarterly and to the Risk and Governance Committee. Managers and supervisors responsible for complaint management within Council will also receive regular reports on the effectiveness of their relevant Branches/Teams' complaints management.

Page 26 of 31

#### 20. Business improvement

Continuous business improvement requires analysis of complaints and trends so that business practices and behaviours can be evaluated and, through feedback to business areas, improved where necessary.

Managers and supervisors responsible for complaint management will ensure that their employees are informed of the circumstances of the complaint and its resolution to ensure services, programs and business processes are improved and rectified as necessary.

## 21. Employee education

This Framework applies to all Council employees. Those with particular responsibilities in complaint management will be trained in its application.

Council will provide specialist training to all employees who are dealing with customers and their queries or complaints.

#### 22. Review of this Framework

This Framework will be reviewed and updated, if required, every two years from the date of Council approval, unless circumstances indicate it should be reviewed earlier.

### 23. Roles and responsibilities

#### Complainant

A complainant is expected to provide sufficient details for the complaint to be investigated, respond to requests for information within a reasonable time period and provide access to his or her property, if related to an investigation.

A complainant is entitled to:

- An acknowledgement of Council's receipt of the complaint;
- Be advised of the outcome of the complaint;
- Confidentiality of personal details (as detailed in this policy);
- An objective investigation or review of a complaint.

A complainant is to:

- Be truthful;
- Act with honesty and integrity;
- Cooperate with the investigation;
- Provide information in their possession in a timely manner when requested.

Page 27 of 31

### Complainants, witnesses and employees, subjects of a complaint

Complainants, witnesses and employees are to:

- Maintain confidentiality as directed;
- Be truthful;
- Act with honesty and integrity;
- Cooperate with the investigation;
- Provide information in their possession in a timely manner when requested.

#### **Employees**

Employees who fail to cooperate or provide information or statements in an investigation process or are later found to have been untruthful, misleading, deceptive, provided incomplete information, have been lacking in honesty or integrity, may be subject to disciplinary action in accordance with the provisions of the *Local Government Act 2009* and Council's *Code of Conduct for Employees*. The progression of these matters may also result in separate disciplinary action.

### Manager, People and Culture Branch

The Manager, People and Culture Branch, manages any employee disciplinary process arising out of the complaint process. The process shall include procedural fairness where decision-making avoids bias and gives employees a fair hearing before a final decision is made. In cases where an adverse finding has been made against an employee, a formal opportunity is to be provided to:

- Respond to the findings;
- If the allegations are substantiated, advise of any mitigating circumstances; and
- Make representations on the appropriateness of any proposed disciplinary action.

#### Employees responsible for undertaking a complaint review

Employees responsible for undertaking a complaint review are responsible for:

- Undertaking review investigations within their field of responsibility as well as reporting the findings of a review investigation and implementing approved recommendations of an investigation;
- Supporting the discloser, witness and subject officer/s and implementing measures to protect against harassment, victimisation or any other form of reprisal by colleagues or any subject officer/s.

#### Councillors

Councillors will advocate on behalf of residents in accordance with this Framework, Council policies and procedures. As stated in Section 13(3)(a) of the *Local Government Act 2009* the

Page **28** of **31** 

#### Item 8.8 / Attachment 4.

Chief Executive Officer is responsible for managing the local government in a way that promotes:

- (i) the effective, efficient and economical management of public resources; and
- (ii) excellence in service delivery; and
- (iii) continual improvement;

Therefore complaints management is an operational responsibility of the Chief Executive Officer.

Councillors may receive a complaint on behalf of a constituent and forward it to the Complaints Management Unit (CMU) where it will be captured and assessed for the appropriate handling in accordance with policies and procedures. The CMU will liaise and respond directly to the complainant.

Ultimately when approached by a constituent with a complaint, the Councillor must pathway the constituent back to the CMU as their appropriate point of contact within Council. This will allow for the appropriate assessment and management of that complaint. Councillors will be advised of any complaint outcome by the CMU.

If a Councillor is acting on behalf of a constituent under the *Information Privacy Act 2009*, they will secure a written authority from that constituent and present it to the CMU.

In the event a complainant has exhausted their review rights within Council, a Councillor may remind the constituent of their external reviews rights but is unable to facilitate or suggest that Council undertake another internal review.

### 24. Regulatory Authority

Local Government Act 2009 Local Government Regulation 2012 Right to Information Act Information Privacy Act Crime and Corruption Act 2001 Public Interest Disclosure Act 2010 *Human Rights Act 2019* Councillor Code of Conduct Employee Code of Conduct Ministerial Guidelines AS ISO 10002-20006

### 25. Definitions

Term	Definition
Complaint	An expression of dissatisfaction by a customer regarding
	the unsatisfactory delivery of a product or service offered
	by Council, or the unsatisfactory decision or conduct of
	Council employees, contractors and volunteers.
Complainant	An individual or group that makes a complaint about perceived
	failings or issues that affect them.

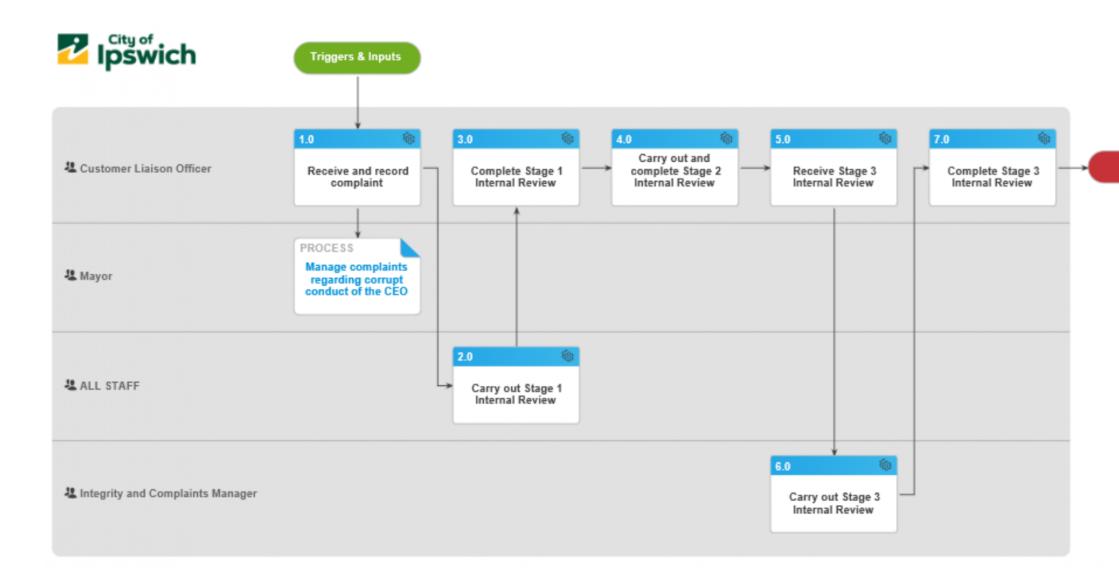
Page **29** of **31** 

## Item 8.8 / Attachment 4.

Term	Definition
Council	Means Ipswich City Council, being a body corporate constituted as
	a municipal Council under the Local Government.
Councillors	Means the individuals holding the office of a member of Ipswich
	City Council and includes the Mayor.
Council Employee	Means the Chief Executive Officer and employees of Council
	appointed by the Chief Executive Officer and as described in the
	Employee Code of Conduct.
CMU	Complaints Management Unit
IMU	Information Management Unit
PIN	Penalty Infringement Notice
Supervisor	Means a council employee employed in a role primarily based on
	authority over a worker or in charge of a workplace. Also a
	Manager or Team Leader in this instance.
Unreasonable	Behaviour by a current or former complainant which, because of
Complainant Conduct	its nature and frequency, raises substantial health, safety,
	resource or equity issues".

Page **30** of **31** 

26. Manage Complaints Process



Item 8.8 / Attachment 4.

Outputs

Doc ID No: A5991333

ITEM: 9.9

SUBJECT: MONTHLY PERFORMANCE REPORT - NOVEMBER 2019

AUTHOR: MANAGER, FINANCE

DATE: 7 JANUARY 2020

#### **EXECUTIVE SUMMARY**

This is a report concerning Council performance for the period ending 30 November 2019, submitted in accordance with section 204 of the *Local Government Regulation 2012*.

#### **RECOMMENDATION/S**

That the Interim Administrator of Ipswich City Council resolve:

#### That the report be received and the contents noted.

#### **RELATED PARTIES**

There are no related party matters associated with this report.

#### **ADVANCE IPSWICH THEME**

Strengthening our local economy and building prosperity

#### PURPOSE OF REPORT/BACKGROUND

The attached report shows the financial results for the whole of council for November. The Year to Date results (YTD) is a deficit of \$6m against YTD budget deficit of \$6.1m. Operating revenues were over budget \$289k whilst operating expenses were over budget by \$173k.

Commentary and analysis of the results is included in the report. Items to note include:

- Rates continue to be impacted by lower than forecast growth, a utility charges pricing error and a timing difference of \$150k in the month due to early payment of rates. Growth is still below forecast and whilst it continues to be monitored there is a risk that this will not be recovered by financial year end. Budget Amendment was approved and processed in December to correct waste utility charge pricing error.
- Town Planning Fees showed improved results for the month however remain under budget year to date due to a downturn in the development industry. With YTD revenue now \$1m below forecast, whilst there is traditionally increased applications

received before Christmas, there is a risk that the revenue below budget will not be received before financial year end.

- Material and services expenses continue to be below budget primarily related to service contracts due to; drier conditions, works not commencing as expected and lower than expected maintenance costs. Review and consultation is currently underway to identify potential savings.
- Capital revenue from developer contribution and donated asset is still behind budget and will be monitored.
- Capital expenditure on the CBD in the month exceeded the monthly budget with work being completed ahead of schedule. A budget amendment and phasing adjustment has been completed in December to better align the budget to expected actual expenditure. Capital expenditure on other infrastructure projects is below YTD budgets of \$4.9m.
- Cash held continues in line with forecasted cash balances.

#### **LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions: *Local Government Regulation 2012* 

#### **RISK MANAGEMENT IMPLICATIONS**

The implications of the financial results YTD will be monitored by management and any changes or risks to Council's forecast position will be considered as part of Council's budget amendments. As highlighted above there is a risk to Council's forecast rates and utility charges revenue as a result of lower than forecast growth (especially from Quarter 4 in the 2018-2019 financial year). Year to date this has not been recovered and will be monitored after the half year results and any forecast revenue changes reflected in a February budget amendment.

Similarly, town planning applications will be monitored over the period up to 31 December where there are traditionally additional applications. Any risk that Council will not receive forecast revenue by financial year end will be reflected in a February budget amendment also.

#### FINANCIAL/RESOURCE IMPLICATIONS

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

#### COMMUNITY AND OTHER CONSULTATION

The contents of this report did not require any community consultation. Analysis and explanations of the variances is undertaken in conjunction with the various Departments.

#### CONCLUSION

The monthly performance report for November 2019 is included at Attachment 1.

#### ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1. Monthly Performance Report - November 2019 🕂 🖾

#### Jeffrey Keech MANAGER, FINANCE

I concur with the recommendations contained in this report.

Sylvia Swalling
ACTING GENERAL MANAGER CORPORATE SERVICES

"Together, we proudly enhance the quality of life for our community"



## Ipswich City Council

## **Performance Report**

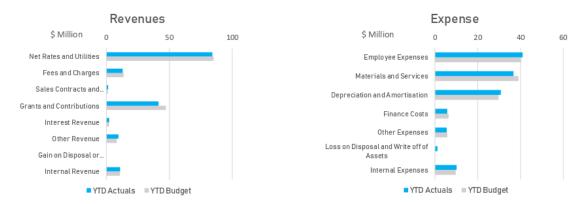
## **NOVEMBER 2019**

## FINANCIAL EXECUTIVE SUMMARY

#### NOVEMBER 2019

	Ann	iual		YI	D		
	Original	Current	Current	Actuals	Variance	Variance	
	Budget	Budget	Budget				Trendfrom
	<b>\$</b> '000s	<b>\$</b> '000s	<b>\$</b> '000s	<b>\$'</b> 000s	\$'000s	%	OCT2019
Operating Revenue	322,435	322,435	124,599	124,888	289	0.2%	▲
Operating Expense	319,336	319,336	13 0,711	130,884	(173)	(0.1%)	•
Operating Surplus/(Deficit)	3.099	3.099	(6.112)	(5,996)	116	(1.9%)	▼
Capital Revenue	104,398	104,398	43.884	38,107	(5,777)	(13.2%)	•
Net Result	107,497	107,497	37,772	32,111	(5,661)	(15.0%)	V

Construction Program and Asset Purchase	131,008	131,008	38,861	33,121	5,740	14.8%	<b>A</b>
CBD	111,608	111,608	16,152	21,166	(5.014)	(31.0%)	•
Donated Assets	69,732	69,732	29,045	24,823	4,222	14.5%	<b>A</b>
Total Capital Expenditure	312,348	312,348	84,058	79,110	4,948	5.9%	<b>A</b>



#### Net Result

The total Net Result (including capital revenues) for Ipswich City Council as at 30 November 2019 is \$32.1m compared to the YTD budget of \$37.8m. Council's operating deficit (excluding capital revenue) is approximately \$6m compared to the YTD budget deficit of \$6.1m.

#### Operating revenue is \$289k above the YTD Budget

The \$289k variance is made up of: rates and utilities revenue \$949k under budget which is impacted by growth and price. fees and charges \$729k under budget in town planning fees as a result of a downturn in the development industry, other revenue \$1.4 million over budget, Sales Contracts and Recoverable Works \$224k over budget and internal revenue \$78k over budget.

#### Operating expenses is \$173k above the YTD Budget as a result of:

The \$173k variance is made up of: employee expenses including labour contracts \$637k over budget, as a result to changes in the payroll system calculation method, and other expenses \$1.4 million due to depreciation and loss on disposal of assets. This is partially offset by materials and services \$2.3m under budget primarily due to drier than expected weather conditions. These items are discussed further in this report.

#### Capital Expenditure

Capital expenditure including CBD as at 30 November is \$4.9m below the YTD budget. Approximately \$79.1m has been expended to 30 November compared to the current YTD capital expenditure budget of \$84.1m.

• The Infrastructure Program is approx. \$4.9 million under the YTD Budget. Actual costs are \$27.6 million compared to the current YTD budget of \$32.5 million.

• Community, Cultural and Economic Department is \$458k under budget. Actual costs are \$189k compared to the YTD budget of \$647k. This primarily relates to delays in commencing work in the Community Safety and Innovation Branch.

• CBD over budget approx. \$5 million. Actual costs are \$21.2 million compared to the YTD budget of \$16.2 million. Overspend relates to works being ahead of schedule as well as approved scope changes. A Budget Amendment will be processed in December for additional capital expenditure of \$43.6 million (\$20.1 million in 2019-20) relating to the CBD retail precincts.

• CP over budget approx. \$1.1 million. Actual costs are \$2.3 million compared to the YTD budget of \$1.2 million. Overspend relates to a timing variance with the budget.

NOVEMBER 2019

FINANCIAL	EXECUTIVE SUMMARY	
FINANCIAL	EVECOTIVE SOMIMART	

	Anr			Y	TD				_					Varia	nce \$'000s	by D	epartment				
	Original Budget	Current Budget	Current Budget	Actuals	Var	riance	Variance	Trend	Note	СР			cs		CE		IE		ws		PR
	\$'000s	\$1000s	\$'000s	\$1000s	\$	'000s	×	from 0 CT 2019	None	- Ur											. K
Revenue																					
Net rates and utilities charges	208, 48 2	208,482	85,134	84,185		(949)	(1.1%)		1		N/A	I.	(298)		N/A	1	(3)	Т	(588)		(59)
Feesand charges	32,563	32,563	13,750	13, 021		(729)	(5.3%)		2		N/A	i.	(32)	Т	39	i,	14	Т	(13 2)	Т	(617)
Gov't grants and subsidies	18,260	18,260	6,737	6,772		35	0.5%		3		N/A	i.	6	1	(62)	i,	166		N/A	I.	(76)
Internal revenue	25,613	25,613	10,828	10,906		78	0.7%	•	4		N/A	i.	(113)	н	69	i,	(80)	Т	202	T.	o
Other revenue (incl Donated Assets & CashContributions)	141,915	141, 915	52,032	48,110		(3,922)	(7.5%)	•	5	1.	592	÷.	984	1	(1,362)	j,	(4,134)	1	(100)	Т	99
Total Revenue	426,833	426,833	168, 481	162,994		(5, 487)	(3.3 %)	V			592		547		(1,316)		(4.037)		(618)		(653)
Expense																					
Employee expenses	97,438	97,438	39,399	39,056		343	0.9%	•	6	1	(107)	a,	43	н	(39)	1	446	н	65	Т	(63)
Labour contracts	2,070	2,070	899	1, 915		(1,016)	(113.0%)	•	6	1	(61)	i.	(278)	н	278	1	(413)	Т	(417)	Т	(126)
Materials and services	97,302	97,302	38,988	36,715		2,273	5.8%		7	1.1	201	i.	161	н	170	1	1,525	Т	(105)	Т	321
Internal expense	22,963	22,963	9,661	10,081		(420)	(4.3%)	•	8	1.1	2	i.	21	н	(44)	1	(392)	Т	(9)	Т	2
Other expenses	99,563	99,563	41,764	43,116	1	(1,352)	(3.2%)	•	9	1	41	1	502	1	(134)	j,	(1,953)	н	199	Т	(7)
Total Expenses	319,336	319,336	13 0,711	130,883		(172)	(0.1%)	v			76		449		231		(787)		(267)		127
Net Result	107,497	107,497	37,770	32,111		(5,659)	(15.0%)	•			668		996		(1,085)		(4,824)		(885)		(526)



Revenue

1. The net rates variance continues to be impacted by growth and waste charges as discussed previously. \$949k variance includes a timing variance of \$150k due to early

payment patterns and is expected to clear by the end of the quarter. The remaining balance is made up of the following:

Estimated impact of reduced growth for general rates and utilities is approximately \$250k YTD plus delays in the provision of new valuations from the Valuer General (estimated \$230k)

Waste charges pricing impact \$470k YTD

 As a result of valuation reductions Council has been required to make significant one-off prior period adjustments of \$340k YTD (including \$140k on a single property in October)

We will continue to monitor growth however, based on current patterns Council is unlikely to recover full budget by year end. A budget amendment to realign the budget with expected actuals will be processed in December.

2. Fees and charges under budget \$729k which includes \$1 million in town planning and development fees due to a slight downturn in the development industry. P&R Department have reviewed the results and expect traditionally higher applications in December however, have indicated the reduced revenue may not be fully recovered by

year end. This is partially offset by higher than expected animal registrations, food business licences and parking infringements. 3. Grants revenue on budget overall with variance in IE relating to unbudgeted funds received offset by funding delay within other Departments.

4. Internal revenue over budget in IWS relates to SLA recovery for domestic services carried out by the commercial trucks

5. Also previously stated, based on the Queensland Urban Utilities Corporate Plan an additional \$3, 9m of Dividend revenue is likely to be received during 2019-20 and will need to be considered in a future budget amendment.

Expenses

6. Employee expenses including Labour contracts over budget \$673k or 1.7% YTD. This result is primarily caused by recalculation of leave provisions due to EBA rate increases which, prior to eHub implementation, were calculated in June (approx. \$300k) as well as long service leave entitlement hours error which is being investig ated (approx. \$280k). This also includes approximately 36 net budgeted FTEs being vacant year to date which is partially offset by contractual termination payments and higher costs of labour contracts

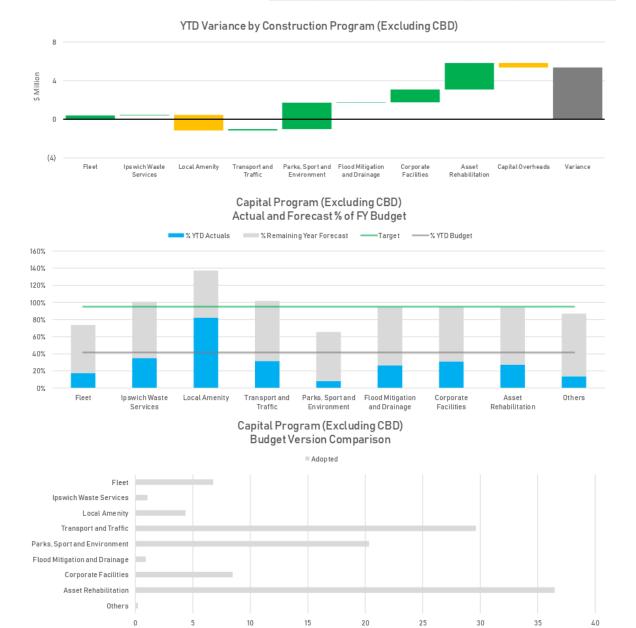
. Materials and services (excluding labour contracts) under budget \$2.3 million primarily in service contracts. The variance of \$1.5 million in IE relates to: drier conditions, works not commencing as expected and lower than expected maintenance costs. YTD results were impacted by the rephasing of openspace budget (\$700k) in October to reflect better anticipated spend profiles. If current weather conditions continue there is the risk of a significant underspend in service contracts. \$321k underspend in PR includes an underspend YTD of consultants not yet engaged to review the new Planning Scheme, advertising and promotion activities not yet commenced and an underspend in cemetery garden maintenance. 8. Internal trading expense variance relates to fleet cost recovery and indicates a lower utilisation of assets compared to budgeted expectations.

9. Other expenses over budget in IE primarily relates to depreciation (\$1.1m) and the loss on disposal of assets (also \$1.1m). This is partially offset by lower than forecast ATC Finance Costs and wastelevy expenditure in IWS.

## FINANCIAL EXECUTIVE SUMMARY

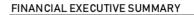
#### NOVEMBER 2019

Capital							
	Ann	ual					
	Original	Current	Current	Actuals	Variance	Variance	
	Budget	Budget	Budget				Trend from
	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s	%	OCT 2019
Coordination and Performance	111,608	116,358	17,387	23,501	(6,114)	(35.2%)	•
Corporate Services	17,255	17,255	2,448	1,458	991	40.5%	▲
Community, Cultural and Economic Development	5,067	5,067	647	189	458	70.8%	▲
Infrastructure and Environment	108,156	103,406	34,531	29,139	5,392	15.6%	▲
Planning and Regulatory Services	530	530	0	0	(0)	N/A	▲
Net Result	242,616	242,616	55,013	54,287	726	1.3%	<b>A</b>

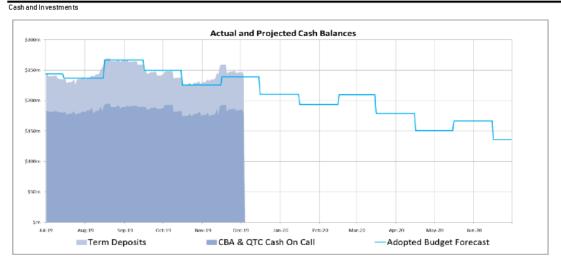


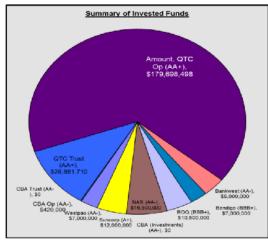
\$ Million

				CAP	TAL SUN	4MARY AS	S AT NOV	EMBER 2019
	MTD	MTD	MTD	YTD	YTD	YTD	Full Year	EOY
	Actual \$1000s	Budget \$*000 s	Variance \$'000s	Actual \$1000s	Budget \$*000s	Variance \$'000s	Budget \$1000s	Forecast Comments \$000s
Whole of Council Construction Program and Asset Purchase	14,324	15,317	992	54,287	55,013	726	242,616	241,265
Donated Assets	2.842	5.809	2.967	24.823	29.045	4.2.22	69.732	69.732
Fotal Capital Expenditure	17,166	21,126	3,960	79,110	84,058	4,948	312,348	310,997
Coordination and Performance								
Construction Program and Asset Purchase	1,600	500	(1,100)	2,335	1,2 35	(1,100)	4,750	4,750 CP - Overspend relates to timing variance.
C BD Development	7,391	5,154	(2,238)	21,166	16,152	(5,014)	111,6 08	111,608 CBD - Overspend relates to works being ahead of schedule. A budget amendment and phasing adjustment has been
								completed in December to better align the budget to expected actual expenditure.
Total Capital Expenditure	8,991	5,654	(3,338)	23,501	17,387	(6,114)	116,358	116.358
	0,771	0,004	(0,000)	23,301	17,307	(0,114)	110,000	10,550
Cornerate Convises								
Corporate Services Construction Program and Asset Purchase	260	1.288	1.028	1.458	2.448	991	17.255	17.255 ICT - Under budget due to delays in timinig of projects. A review of the delivery of ICT projects in 2019-20 is currently
Sonor action Frogram and Asset Furchase	200	1,200	1,020	1,430	2,440	771	17,200	17.200 ICI – Under budget due to delays in timinig of projects. A review of the delivery of ICI projects in 2019-2015 currently being completed.
Total Capital Expenditure	260	1,288	1,028	1,458	2,448	991	17,255	17,255
iotal Capital Expenditure	260	1,288	1,028	1,458	2,448	991	17,255	17,255
Community, Cultural and Economic Developmen								
Construction Program and Asset Purchase	91	245	15.4	189	6 47	458	5,067	5,067 Library-Noissues.
								Civic Centre - Under budget approximately \$50k relates to timing issues. Audio desk tender documentation has
								been completed and is expected to go to tender in January.
								Art Gallery - No issues.
								Community Safety and Innovation - Under budget due to delays in completing a number of projects.including CCTV camera upgrades at the Civic Centre (\$82k) and the Administration Building (\$48k). These projects are likely to be
	91							completed in December.
				10.0			5.0.(5	
Fotal Capital Expenditure		245	154	189	647	458	5,067	completed in December. 5,067
		245	154	189	647	458	5,067	
Infrastructure and Environment								5,067
	4,724	245	154 2,873	189 27,555	647 32,482	458	<b>5,067</b> 95,371	5,067 94,412 IE - Under budget \$4.9 million in Infrastructure Program. Under budget in asset rehabilitation (\$2.8 million) due to
Infrastructure and Environment Infrastructure Program	4,724	7,597	2,873	27,555	32,482	4,927	95,371	5,067 94,412 IE - Under budget \$4.9 million in Infrastructure Program. Under budget in asset rehabilitation (\$2.8 million) due to delays in the sealed road, parks and sports facility rehabilition sub-programs. Under budget in parks, sport and environment (\$2.7 million) due to the potential deferral of projects in the strategic parks and sports and Enviroplan
Infrastructure and Environment Infrastructure Program Equipment	4,724	7,597	2,873	27,555	32,482	4,927 25	95,371 220	5,067 94,412 IE - Under budget \$4.9 million in Infrastructure Program. Under budget in asset rehabilitation (\$2.8 million) due to delays in the sealed road, parks and sports facility rehabilition sub-programs. Under budget in parks, sport and 211 environment (\$2.7 million) due to the potential deferrat of projects in the strategic parks and sports and Enviroplan 111 of sub-programs. This is partially offset by over budget in Local Amenity (\$1.6 million) due to 2018-19 expenditure on
Infrastructure and Environment Infrastructure Program	4,724	7,597	2,873	27,555	32,482	4,927	95,371	5,067 94,412 IE - Under budget \$4.9 million in Infrastructure Program. Under budget in asset rehabilitation (\$2.8 million) due to delays in the sealed road, parks and sports facility rehabilition sub-programs. Under budget in parks, sport and environment (\$2.7 million) due to the potential deferrat of projects in the strategic parks and sports and Enviroplan
Infrastructure and Environment Infrastructure Program Equipment Waste	4,724 (4) 71	7,597 0 83	2,873 4 12	27,555 30 368	32,482 55 429	4,927 25 61	95,371 220 1,050	5,047         94,412       IE - Under budget \$4.9 million in Infrastructure Program. Under budget in asset rehabilitation (\$2.8 million) due to delays in the sealed road, parks and sports facility rehabilition sub-programs. Under budget in parks, sport and environment (\$2.7 million) due to the potential deferrator projects in the strategic parks and sports and Enviroplan 211         91       sub-programs. This is partially offset by over budget th to call Amenity (\$1.6 million) due to 208-19 expenditure on 1.462         Kerb and Channel and Streetscape improvements occurring in the current financial year.         Fleet - Under budget \$379k in Fleet primarily relates to delays in delivery of trucks and plant and equipment until
Infrastructure and Environment Infrastructure Program Equipment Waste Fleet	4.724 (4) 71 191	7,597 0 83 450	2,873 4 12 259	27,555 30 368 1,186	32,482 55 429 1,565	4,927 25 61 379	95,371 220 1.050 6,765	5,067         94,412       IE - Under budget \$4.9 million in Infrastructure Program. Under budget in asset rehabilitation (\$2.8 million) due to delays in the sealed road, parks and sports facility rehabilition sub-programs. Under budget in parks, sport and environment (\$2.7 million) due to the potential deferral of projects in the strategic parks and sports and Enviroplan 2018         201       sub-programs. This is partially offset by over budget in Local Amenity (\$1.6 million) due to 2018-19 expenditure on 1.162         5,269       Fleet - Under budget \$379k in Fleet primarily relates to delays in delivery of trucks and plant and equipment until later in the financial year.
Infrastructure and Environment Infrastructure Program Equipment Waste	4,724 (4) 71	7,597 0 83	2,873 4 12	27,555 30 368	32,482 55 429	4,927 25 61	95,371 220 1,050	5,047         94,412       IE - Under budget \$4.9 million in Infrastructure Program. Under budget in asset rehabilitation (\$2.8 million) due to delays in the sealed road, parks and sports facility rehabilition sub-programs. Under budget in parks, sport and environment (\$2.7 million) due to the potential deferrator projects in the strategic parks and sports and Enviroplan 211         91       sub-programs. This is partially offset by over budget in La Amenity (\$1.6 million) due to 2018-19 expenditure on 1.462         Kerb and Channel and Streetscape improvements occurring in the current financial year.         Fleet - Under budget \$379k in Fleet primarily relates to delays in delivery of trucks and plant and equipment until
Infrastructure and Environment Infrastructure Program Equipment Waste Fleet Total Capital Expenditure	4.724 (4) 71 191	7,597 0 83 450	2,873 4 12 259	27,555 30 368 1,186	32,482 55 429 1,565	4,927 25 61 379	95,371 220 1.050 6,765	5,067         94,412       IE - Under budget \$4.9 million in Infrastructure Program. Under budget in asset rehabilitation (\$2.8 million) due to delays in the sealed road, parks and sports facility rehabilition sub-programs. Under budget in parks, sport and environment (\$2.7 million) due to the potential deferral of projects in the strategic parks and sports and Enviroplan 2018         201       sub-programs. This is partially offset by over budget in Local Amenity (\$1.6 million) due to 2018-19 expenditure on 1.162         Kerb and Channel and Streetscape improvements occurring in the current financial year.         Fleet - Under budget \$379k in Fleet primarily relates to delays in delivery of trucks and plant and equipment until later in the financial year.
Infrastructure and Environment Infrastructure Program Beaujoment Waste Fleet Floet Floet Planning and Regulatory Services	4,724 (4) 71 191 4,982	7,597 0 83 450 8,130	2.873 4 12 259 3,148	27,555 30 368 1,186 <b>29,139</b>	32,482 55 429 1,565 <b>34,531</b>	4,927 25 61 379 5,392	95,371 220 1.050 6,765 <b>103,406</b>	5.047         94,412       IE - Under budget \$4.9 million in Infrastructure Program. Under budget in asset rehabilitation (\$2.8 million) due to delays in the sealed road, parks and sports facility rehabilition sub-programs. Under budget in parks. sport and an vironment (\$2.7 million) due to the potential deferral of projects in the strategic parks and sports and Enviroplan sub-programs. This is partially offset by over budget in Local Amenity (\$1.6 million) due to 2018-19 expenditure on 6.269         Kerb and Channel and Streetscape improvements occurring in the current financial year.         Fleet - Under budget \$379k in Fleet primarily relates to delays in delivery of trucks and plant and equipment until later in the financial year.         102.055
Infrastructure and Environment Infrastructure Program Equipment Waste Fleet Total Capital Expenditure	4.724 (4) 71 191	7,597 0 83 450	2,873 4 12 259	27,555 30 368 1,186	32,482 55 429 1,565	4,927 25 61 379	95,371 220 1.050 6,765	5,067         94,412       IE - Under budget \$4.9 million in Infrastructure Program. Under budget in asset rehabilitation (\$2.8 million) due to delays in the sealed road, parks and sports facility rehabilition sub-programs. Under budget in parks, sport and environment (\$2.7 million) due to the potential deferral of projects in the strategic parks and sports and Enviroplan 2018         201       sub-programs. This is partially offset by over budget in Local Amenity (\$1.6 million) due to 2018-19 expenditure on 1.162         5,269       Fleet - Under budget \$379k in Fleet primarily relates to delays in delivery of trucks and plant and equipment until later in the financial year.
Infrastructure and Environment Infrastructure Program Beaujoment Waste Fleet Floet Floet Planning and Regulatory Services	4,724 (4) 71 191 4,982	7,597 0 83 450 8,130	2.873 4 12 259 3,148	27,555 30 368 1,186 <b>29,139</b>	32,482 55 429 1,565 <b>34,531</b>	4,927 25 61 379 5,392	95,371 220 1.050 6,765 <b>103,406</b>	5,047         94,412       IE - Under budget \$4.9 million in Infrastructure Program. Under budget in asset rehabilitation (\$2.8 million) due to delays in the sealed road, parks and sports facility rehabilition sub-programs. Under budget in parks. sport and enviroplan 211 environment (\$2.7 million) due to the potential deferral of projects in the strategic parks and sports and Enviroplan 21102 Events and Enviroplan 21102 Events and Stretscape improvements occurring in the current financial year.         Fleet       Under budget \$279k in Fleet primarity relates to delays in delivery of trucks and plant and equipment until later in the financial year.         102.055
Infrastructure and Environment Infrastructure Program Equipment Waste Fleet Total Capital Expenditure Planning and Regulatory Services Construction Program and Asset Purchase	4,724 (4) 71 191 4,982 (0)	7,597 0 83 450 8,130	2.873 4 12 259 3.148 0	27,555 30 368 1186 <b>29,139</b> 0	32,482 55 429 1,565 <b>34,531</b> 0	4,927 25 61 379 5,392 (0)	95.371 220 1.050 6.765 <b>103.406</b> 530	5,067         94,412       IE - Under budget \$4.9 million in Infrastructure Program. Under budget in asset rehabilitation (\$2.8 million) due to delays in the sealed road, parks and sports facility rehabilition sub-programs. Under budget in parks, sport and environment (\$2.7 million) due to the potential deferrat of projects in the strategic parks and sports and Enviroplan 201         201       sub-programs. This is partially offset by over budget in Local Amenity (\$1.6 million) due to 2018-19 expenditure on 6.269         Kerb and Channel and Streetscape improvements occurring in the current financial year.         Fleet - Under budget \$379k in Fleet primarily relates to delays in delivery of trucks and plant and equipment until later in the financial year.         102.055         530
Infrastructure and Environment Infrastructure Program Equipment Waste Fleet Total Capital Expenditure Planning and Regulatory Services Construction Program and Asset Purchase	4,724 (4) 71 191 4,982 (0)	7,597 0 83 450 8,130	2.873 4 12 259 3.148 0	27,555 30 368 1186 <b>29,139</b> 0	32,482 55 429 1,565 <b>34,531</b> 0	4,927 25 61 379 5,392 (0)	95.371 220 1.050 6.765 <b>103.406</b> 530	5,067         94,412       IE - Under budget \$4.9 million in Infrastructure Program. Under budget in asset rehabilitation (\$2.8 million) due to delays in the sealed road, parks and sports facility rehabilition sub-programs. Under budget in parks. sport and environment (\$2.7 million) due to the potential deferral of projects in the strategic parks and sports facility rehabilition is ub-programs. Under budget in parks. sport and Enviroplan 2013         201       sub-programs. This is partially offset by over budget in Local Amenity (\$1.6 million) due to 2018-19 expenditure on 6.269         Kerb and Channel and Streetscape improvements occurring in the current financial year.         Fleet - Under budget \$379k in Fleet primarily relates to delays in delivery of trucks and plant and equipment until later in the financial year.         102.055         530       Cemeteries - No issues.
Infrastructure and Environment Infrastructure Program Equipment Waste Fleet Total Capital Expenditure Planning and Regulatory Services Construction Program and Asset Purchase Total Capital Expenditure Donated Assets Coordination and Performance	4,724 (4) 71 191 (0) (0) (0)	7,597 0 83 450 8,130 0 0	2.873 4 12 259 3.148 0 0 0	27,555 30 368 1,186 29,139 0 0	32,482 55 429 1565 34,531 0 0	4,927 25 61 379 5,392 (0) (0)	95,371 220 1.050 6.765 103,406 530 530	5.047         94.412       IE - Under budget \$4.9 million in Infrastructure Program. Under budget in asset rehabilitation (\$2.8 million) due to delays in the sealed road, parks and sports facility rehabilition sub-programs. Under budget in parks, sport and environment (\$2.7 million) due to the potential deferral of projects in the strategic parks and sports and Enviroplan 211 sub-programs. This is partially offset by over budget to Amenity (\$1.6 million) due to 208-19 expenditure on 1.162 Kerb and Channel and Streetscape improvements occurring in the current financial year.         Fleet - Under budget \$379k in Fleet primarily relates to delays in delivery of trucks and plant and equipment until later in the financial year.         530         530         Cemeteries - No issues.         530
Infrastructure and Environment Infrastructure Program Equipment Waste Fleet Fleet Construction Program and Asset Purchase Total Capital Expenditure Donated Assets Coordination and Performance Corporate Services	4,724 (4) 71 191 4,982 (0) (0) (0) 0	7,597 0 83 450 8,130 0 0	2.873 4 12 259 3,148 0 0 0	27,555 30 368 1,186 29,139 0 0	32,482 55 429 1,565 34,531 0 0	4,927 25 61 379 5,392 (0) (0) (0)	95,371 220 1.050 6.765 103,406 530 530	5.047         94,412       IE - Under budget \$4.9 million in Infrastructure Program. Under budget in asset rehabilitation (\$2.8 million) due to delays in the estaled road, parks and sports facility rehabilition sub-programs. Under budget in parks. sport and an environment (\$2.7 million) due to the potential deferral of projects in the strategic parks and sports and Enviroplan sub-programs. This is partially offset by over budget in Local Amently (\$1.6 million) due to 2018-19 expenditure on 1162         8.269       Kerb and Channel and Streetscape improvements occurring in the current financial year.         Fleet - Under budget \$379k in Fleet primarily relates to delays in delivery of trucks and plant and equipment until later in the financial year.         530       Cemeteries - No issues.         530       Cemeteries - No issues.
Infrastructure and Environment Infrastructure Program Equipment Waste Fleet Total Capital Expenditure Planning and Regulatory Services Construction Program and Asset Purchase Total Capital Expenditure Donated Assets Coordination and Performance	4,724 (4) 71 191 (0) (0) (0)	7,597 0 83 450 8,130 0 0	2.873 4 12 259 3.148 0 0 0	27,555 30 368 1,186 29,139 0 0	32,482 55 429 1565 34,531 0 0	4,927 25 61 379 5,392 (0) (0)	95,371 220 1.050 6.765 103,406 530 530	5.047         94.412       IE - Under budget \$4.9 million in Infrastructure Program. Under budget in asset rehabilitation (\$2.8 million) due to delays in the sealed road, parks and sports facility rehabilition sub-programs. Under budget in parks, sport and environment (\$2.7 million) due to the potential deferrator projects in the strategip parks and sports and Enviroplan 211 sub-programs. This is partially offset by over budget to Amenity (\$1.6 million) due to 208-19 expenditure on 1.162 Kerb and Channel and Streetscape improvements occurring in the current financial year.         Fleet - Under budget \$379k in Fleet primarily relates to delays in delivery of trucks and plant and equipment until later in the financial year.         530         530         Cemeteries - No issues.         530
Infrastructure and Environment Infrastructure Program Equipment Waste Fleet Fl	4,724 (4) 71 191 4,982 (0) (0) (0) (0) (3)	7,597 0 83 450 8,130 0 0	2.873 4 12 259 3.148 0 0 0 0 3	27,555 30 368 1,186 <b>29,139</b> 0 0 0	32,482 55 429 1565 34,531 0 0 0	4,927 25 61 379 5,392 (0) (0) (0) (0) (0)	95,371 220 1.050 6.765 103,406 530 530 0 0 28	5.047         94.412       IE - Under budget \$4.9 million in Infrastructure Program. Under budget in asset rehabilitation (\$2.8 million) due to delays in the sealed road, parks and sports facility rehabilition sub-programs. Under budget in parks. sport and environment (\$2.7 million) due to the potential deferrator projects in the strategip aprks and sports and Enviroplan 211         101       sub-programs. This is partially offset by over budget th local Amenity (\$16 in million) due to 2018-19 expenditure on 1.162         1162       Kerb and Channel and Streetscape improvements occurring in the current financial year.         Fleet - Under budget \$379k in Fleet primarily relates to delays in delivery of trucks and plant and equipment until later in the financial year.         102.055         530         0         28



NOVEMBER 2019





Investments and Earnings Summary	Margin	% Return	\$
CBA Operating Account	0.004	1.25%	\$420,000
Term Deposit Investments	0.008	1.69%	\$62,000,000
QTC Trust Fund Account	0.008	1.66%	\$29,881,710
QTC Operating Account - CBD	0.008	1.66%	\$58,603,720
QTC Operating Account - General	0.008	1.66%	\$121,094,778
QTC Operating Account - Total	0.008	1.66%	\$179,698,498
Total Invested funds (W.Avg return)	0.008	1.67%	\$272,000,208
Total Operating Funds (Ex Trust)	0.008	1.67%	\$242,118,498

Cashflow

Council's cash and cash equivalents balance as at 30 November 2019 was \$242. Im. The end of period cash holdings includes \$59 million of carried forward unspent loan funds invested with QTC. Council's investments are made in accordance with Council's Investment Policy (adopted as part of the annual budget) with an average return percentage of 1.67%.

Doc ID No: A5997104

ITEM:10.10SUBJECT:BEVERAGE SUPPLIES FOR CIVIC CENTRE - SECTION235 OTHER EXCEPTIONS<br/>LOCAL GOVERMENT REGULATIONAUTHOR:PROCUREMENT MANAGERDATE:10 JANUARY 2020

## **EXECUTIVE SUMMARY**

This is a report concerning the ability to utilise suppliers that have been identified as sole suppliers. The suppliers that have been identified are required to service our Ipswich Civic Centre, in particular our bar and canteen which serves patrons attending functions and events.

## RECOMMENDATION

That the Interim Administrator of Ipswich City Council resolve:

- A. That Council (Interim Administrator of Ipswich City Council) resolve it is satisfied under section 235(a) of the *Local Government Regulation 2012 (Regulation*) that the exemption under s235(a) of the *Regulation* applies and that Schweppes Australia, Coca-Cola and Australian Liquor Marketers are the only suppliers reasonably available to it to provide beverages to the Ipswich Civic Centre for the following reason:
  - 1. Schweppes Australia and Coca-Cola are the manufacturer of a wide variety of beverages and therefore purchasing directly through the supplier delivers the best value for money. Similarly, Australian Liquor Marketers are a wholesaler where Council is able to purchase alcohol for the Ipswich Civic Centre at wholesale prices to achieve the best value for money and profit margins due to purchasing direct from the wholesaler.
- B. That Council (Interim Administrator of Ipswich City Council) enter into a contract with Schweppes Australia, Coca-Cola and Australian Liquor Marketers for the provision of beverage supplies for a period of three (3) years.
- C. That the Chief Executive Officer be authorised to negotiate and finalise the terms of the contract to be executed by Council and to do any other acts necessary to implement Council's decision in accordance with section 13(3) of the *Local Government Act 2009*.

## **RELATED PARTIES**

Suppliers that have been identified as sole suppliers to Council are;

- Schweppes Australia
- Coca-Cola; and
- Australian Liquor Marketers

## **ADVANCE IPSWICH THEME**

Listening, leading and financial management

## PURPOSE OF REPORT/BACKGROUND

The *Local Government Regulation 2012* require Council to enter into a medium sized contractual arrangement with a supplier when the contract is expected to be worth more than \$15,000 but less than \$200,000 (ex gst) and large sized contractual arrangements with a supplier when the contract is expected to be worth more than \$200,000 (ex gst). Entering of these contracts is to occur by first inviting quotes or tenders.

Generally, these engagements would be considered under the *Local Government Regulation* 2012 as medium sized contractual arrangements.

Under Section 235, by resolution, Council may resolve that (a) there is only one supplier capable or (b) because of the specialised nature of the service it would be impractical for Council to invite quotes or tenders.

Through the application of S235 (b) Council will be able to transparently engage with the supplier/s without additional administrative burden contributing to extended procurement and project timeframes.

The application of this exception shall extend only to goods and services specifically relating to Ipswich Civic Centre.

## **LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions: Local Government Act 2009 Local Government Regulation 2012

## **RISK MANAGEMENT IMPLICATIONS**

In the event the recommendation within this report is not approved there will be an increased administrative burden of seeking individual quotes for the goods and services and potential cost of the goods and services to Council. Without this resolution this will result in an extended procurement process and potential disruption to the business.

## FINANCIAL/RESOURCE IMPLICATIONS

There are no resourcing or budgeting implications apart from potential increase in costs to the Ipswich Civic Centre for the goods and services and staff involvement in having to regularly undertake quoting processes.

## COMMUNITY AND OTHER CONSULTATION

Procurement Branch has consulted with the Civic Centre who support the recommendations of this report.

## CONCLUSION

To ensure compliance with the *Local Government Act 2009* and maintain procurement transparency approval is sought to apply section 235(b) of the *Local Government Regulation 2012*.

## Jason Brockie SENOIR CONTRACTS AND REPORTING OFFICER

I concur with the recommendations contained in this report.

## Barbara Clarke PROCUREMENT MANAGER

I concur with the recommendations contained in this report.

# Richard White MANAGER, PROCUREMENT

I concur with the recommendations contained in this report.

Sylvia Swalling
ACTING GENERAL MANAGER CORPORATE SERVICES

"Together, we proudly enhance the quality of life for our community"

Doc ID No: A5998858

ITEM: 11.11

SUBJECT: REGULATORY SEARCHES CITEC - SECTION 235 OTHER EXCEPTIONS LOCAL GOVERNMENT REGULATION 2012

AUTHOR: PROCUREMENT MANAGER

DATE: 10 JANUARY 2020

## **EXECUTIVE SUMMARY**

This report concerns the ability to utilise a supplier that have been identified as a sole supplier. The supplier that has been identified as required to service Council business needs is CITEC. The Planning and Regulatory Services Department utilise CITEC for various searches such as:

- Land information and property conveyancing; and
- Vehicle encumbrance searches.

CITEC are responsible for managing and preserving access to Queensland public records and public access to the archival collection as well as delivering corporate transactional and advisory services to Queensland Government agencies.

## RECOMMENDATION

That the Interim Administrator of Ipswich City Council resolve:

That Council (Interim Administrator of Ipswich City Council) resolve it is satisfied under section 235(a) of the *Local Government Regulation 2012* (*Regulation*) that the exemption under s235(a) of the *Regulation* applies and that CITEC is the only supplier reasonably available to it to provide various regulatory services and or reporting for the following reason:

1. CITEC provide a one-stop-shop for the regulatory searches required by Council in the various business processes undertaken. CITEC is a business area of the Department of Housing and Public Works.

## **RELATED PARTIES**

- CITEC
- Planning and Regulatory Services Department

## **ADVANCE IPSWICH THEME**

Listening, leading and financial management

## PURPOSE OF REPORT/BACKGROUND

The *Local Government Regulation 2012* require Council to enter into a medium sized contractual arrangement with a supplier when the contract is expected to be worth more than \$15,000 but less than \$200,000 (ex gst) and large sized contractual arrangements with a supplier when the contract is expected to be worth more than \$200,000 (ex gst). Entering into these contracts is to occur by first inviting quotes or tenders.

Generally, these engagements would be considered under the *Local Government Regulation* 2012 as medium sized contractual arrangements.

Under Section 235, by resolution, Council may resolve that (a) there is only one supplier capable or (b) because of the specialised nature of the service it would be impractical for Council to invite quotes or tenders.

Through the application of S235 (b) Council will be able to transparently engage with the supplier/s without additional administrative burden contributing to extended procurement and project timeframes.

The services provided by CITEC to Council are of a specialised and unique nature attributed to the supplier and as such it is impractical and disadvantageous to invite quotations. CITEC are also a business area of the Department of Housing and Public Works. Council currently spends approximately \$265,000 per annum on various regulatory searches.

## **LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions: Local Government Act 2009 Local Government Regulation 2012

## **RISK MANAGEMENT IMPLICATIONS**

There are no risks associated with this service provision. Council will still utilise CITEC for the conduct of the required searches as and when required. In the event that the recommendation within this report is not approved there will be an increased administrative burden of seeking individual Council resolutions as and when needed or quotes as required by Council's current procurement framework. These resolutions or quoting processes will result in extended administrative burden on both the stakeholder department and the procurement branch as well as a disruption to the business.

## FINANCIAL/RESOURCE IMPLICATIONS

There are no resourcing or budgeting implications as the requirements for such regulatory searches and the purchase of such searches is part of normal business operations and the departments will have budgeted for the annual costs for the provision of services by CITEC.

## COMMUNITY AND OTHER CONSULTATION

Procurement Branch have consulted with the Planning and Regulatory Services Department who support the recommendations of this report.

## CONCLUSION

To ensure compliance with the *Local Government Act 2009* and maintain procurement transparency approval is sought to apply section 235(b) of the *Local Government Regulation 2012*.

## Barbara Clarke PROCUREMENT MANAGER

I concur with the recommendations contained in this report.

# Richard White MANAGER, PROCUREMENT

I concur with the recommendations contained in this report.

Sylvia Swalling
ACTING GENERAL MANAGER CORPORATE SERVICES

"Together, we proudly enhance the quality of life for our community"

Lease

Doc ID No: A5979798

ITEM: 12.12

SUBJECT: LEASE RENEWAL TO THE STATE OF QUEENSLAND - REPRESENTED BY THE PUBLIC SAFETY BUSINESS AGENCY - RURAL FIRE SERVICE - PART OF LOT 2 PINE MOUNTAIN ROAD PINE MOUNTAIN

AUTHOR: SENIOR PROPERTY OFFICER (TENURE)

DATE: 23 DECEMBER 2019

## **EXECUTIVE SUMMARY**

This is a report concerning The Public Safety Business Agency (PSBA) on behalf of the Rural Fire Service (RFS) who currently occupy part of property situated at Lot 2 Pine Mountain Road, Pine Mountain described as Lease A in Part of Lot 2 on SP102368 on SP130864 for the Pine Mountain Rural Fire Service (RFS).

## **RECOMMENDATION/S**

That the Interim Administrator of Ipswich City Council resolve:

- A. That Council (Interim Administrator of Ipswich City Council) enter into a new lease agreement with The Public Safety Business Agency (PSBA) on behalf of the Rural Fire Service (RFS) over Lease A in Part of Lot 2 on SP102368 on SP130864 for a term of ten (10) years.
- B. That the Chief Executive Officer be authorised to negotiate and finalise the terms of the contract to be executed by Council and to do any other acts necessary to implement Council's decision in accordance with section 13(3) of the *Local Government Act 2009*.

## **RELATED PARTIES**

There is no conflict of interest.

## ADVANCE IPSWICH THEME

Caring for the community

## PURPOSE OF REPORT/BACKGROUND

The RFS have occupied part of the site at Lot 2 SP 103268 since 11.11.2009, however, their lease agreement ended on 3.12.2019 and are currently on a hold over period until such time

as a new lease agreement can be struck or alternative arrangements for accommodation can be sorted.

The total site area for the parent parcel, Lot 2 SP 103268, comprises 23,850 m<sup>2</sup> with Lease area A comprising 1,000m<sup>2</sup>. The lease area contains an established rural fire services purpose built building.

In 2013, the PSBA was established by the State Government as an agency to perform a variety of roles including asset custodian and management services for the former Queensland Fire and Rescue Authority.

## **LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions: *Local Government Act 2009 and Land Title Act 1994* 

## **RISK MANAGEMENT IMPLICATIONS**

The Pine Mountain Rural fire station is centrally located and services the communities of Pine Mountain and surrounds. If no accommodation is provided and no alternative found then the community could be left without adequate fire protection. This is an essential community service run by volunteers.

## FINANCIAL/RESOURCE IMPLICATIONS

There is no financial obligations beyond the existing arrangement which is in place.

## COMMUNITY AND OTHER CONSULTATION

The following departments have been consulted:

• Manager of Environment and Sustainability, Infrastructure and Environment Department, who has no concerns for a ten (10) year lease over this site.

## CONCLUSION

Property Services suggest the following Lease terms be entered into:

Lease Term: Date of Commencement:	Ten (10) years 1 December 2019
Rental: Annual Reviews:	\$1.00 per annum (excluding GST), if demanded Nil
Ownership:	The lease will note that ownership of the improvements upon the land is with the Lessee, however, in the event that the lease is not renewed or within Thirty (30) days of expiry, ownership of the improvements will pass to the Council.
Maintenance:	As the improvements are owned by the Lessee, the Lessee will be responsible for all

maintenance, repairs and upgrade works within the leased area.

Council Resolutions have been obtained for the renewal of two (2) Rural Fire Brigade leases, being 166 Edward Street Marburg and 2 Gimpels Road, Mutdapilly. To ensure consistency across the portfolio it is proposed that all leases in favour of PSBA have the same lease commencement/expiry dates to streamline management functions for both parties.

## ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Lease - Pine Mountain Rural Fire Service - 841-855 Pine Mountain Road Pine
	Mountain 🕂 🖾
2.	Current Title Search - Lot 2 on SP103268 🕂 🖾
3.	Lease A on SP130864 🕂 🖾

## Rob Kampe SENIOR PROPERTY OFFICER (TENURE)

I concur with the recommendations contained in this report.

## Alicia Rieck SENIOR PROPERTY OFFICER (ACQUISITIONS AND DISPOSALS)

I concur with the recommendations contained in this report.

## Tony Dunleavy MANAGER LEGAL AND GOVERNANCE (GENERAL COUNSEL)

I concur with the recommendations contained in this report.

# Sylvia Swalling ACTING GENERAL MANAGER CORPORATE SERVICES

"Together, we proudly enhance the quality of life for our community"

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## Item 12.12 / Attachment 1.

	d Thie Act 1994, Land Act 1994	and Water Act 2000		FORM 7 Version 6 Page 1 of 26
	Deal	ing Number	Duty Imprint	-
		ICE USE ONLY		
	acy Statement			
		orised by the <u>Land Title Act 1994</u> the 000 and is used to maintain the publicly		
	chable registers in the land regi mation about privacy in NR&W	stry and the water register. For more see		
	//www.nrw.qld.gov.au/about/priv			
1.	Lessor		Lodger (Name, address & phone	
	IPSWICH CITY COUN	CIL	IPSWICH CITY COUNCIL PO BOX 191	Code
	ABN 61 461 981 077		IPSWICH QLD 4305	IH117
			PH: 07 3810 6666	
			Propertyrequests@ipswich.ql	d.gov.au
2.	Lot on Plan Description	on		Title Reference
	LOT 2 ON SP103268			50225640
3.	Lessee Given names	Surname/Company name and num		nancy if more than one)
		The State of Queensland (re		
	Internet heiner lassad	PUBLIC SAFETY BUSINES	SAGENUT)	
4.	Interest being leased FEE SIMPLE			
5.	Description of premis LEASE A IN LOT 2 ON	<b>es being leased</b> SP103268 ON SP130864		
6.	Term of lease		7. Rental/Consideration	n
	Commencement date:	01/ 12/ 2019	SEE ATTACHED SCHED	ULE
	Expiry date:	30/ 11/ 2029		
		30/ 11/ 2029 NIL		
8.	Expiry date:			
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20/01/2020 11:13 AM:Lease - Pine Mountain Rural Fire Service - 841-855 Pine Mountain Road Pine Mountain

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## Item 12.12 / Attachment 1.

QUEENSLAND LAND REGISTRY Land Title Act 1994, Land Act 1994 and Water Act 2000 SCHEDULE

Form 20 Version 2 Page 2 of 26

Title Reference 5225640

## Lease

## Table of contents

Information	1 Table	4
1	Definitions and interpretation	5
	1.1 Defined terms	5
	1.2 Interpretation	6
2	Rent payment	7
	<ul><li>2.1 Obligation to pay</li><li>2.2 Broken periods</li></ul>	7 7
2	•	
3	Rent review 3.1 No Rent Reviews	7 7
4	Outgoings	7
4	4.1 Obligation to pay	7
	4.2 Notice of estimated Outgoings	7
	4.3 Payment of Outgoings	7
	4.4 Statement	8
	4.5 Adjustment	8
	<ul><li>4.6 Time periods</li><li>4.7 Broken periods</li></ul>	8 8
5	GST	8
5	5.1 Interpretation	<b>o</b> 8
	5.2 Consideration is GST exclusive	8
	5.3 Increase for GST	8
	5.4 Reduction for input tax credits	9
	5.5 Tax invoices	9
6	Other amounts payable by the Tenant	9
	<ul><li>6.1 Costs</li><li>6.2 Gas, electricity and water</li></ul>	9 9
7	Bank Guarantee- not applicable	9
8	Premises	9
0	8.1 Use	9
	8.2 Comply with laws	10
	8.3 No warranty about suitability	10
	8.4 Cleaning	10
	<ul><li>8.5 Keep in good condition</li><li>8.6 Alterations</li></ul>	10 10
	8.7 Tenant's works	10
	8.8 Tenant's general obligations	10
	8.9 Tenant's general restrictions	10
	8.10 Premises to be surveyed	11
9	Environment	11
	<ul><li>9.1 Definitions in Act apply</li><li>9.2 General obligations</li></ul>	11 11
	9.3 Requirement for approvals etc	11
	9.4 Information to be given	11
	9.5 Remediation obligation	11
	9.6 Obligations continue past expiry date	11
10	Insurance	12
	10.1 Tenant's insurance	12
	<ul><li>10.2 Public Liability Insurance</li><li>10.3 Protection of Landlord's insurance</li></ul>	12 12
	10.4 Deemed satisfaction	12
11	Landlord's obligations	12
	11.1 Quiet enjoyment	12
	11.2 Sale of the Land	12
12	Landlord's rights	13

337v1

I

I

QUEENSLAND LAND REGISTRY

## Item 12.12 / Attachment 1.

## SCHEDULE

Form 20 Version 2 Page 3 of 26

Land Title Act 19 and Water Act 20		Act 1994	F	Page 3
-		Title Reference 522564	40	
	12.1 12.2	Right of entry Right to deal with the Land	13 13	
13		age and resumptions	13	
	13.1	Termination because of substantial damage of		
	13.2	Tenant's rights	14	
	13.3	No obligation to reinstate	14	
	13.4	Resumption	14	
14	-	Inment and sub-letting	14	
	14.1 14.2	Prohibited dealings Transfer	14 14	
	14.2	Sublease or licence	15	
	14.4	Change of beneficial ownership	15	
15	End o	of Term	16	i
	15.1	Early termination by the Tenant	16	i
	15.2	When the lease ends	16	
	15.3	Tenant's property at end of lease	16	
	15.4	Holding over	17	
16		ches and termination rights	17	
	16.1 16.2	Essential terms Interest on late payments	17 17	
	16.3	Right to remedy Tenant's breaches	17	
	16.4	Landlord's termination rights	17	
	16.5	Method of termination	17	
	16.6	Other rights not prejudiced	17	,
17		nnity and release	18	
	17.1	Indemnity	18	
	17.2 17.3	Provisions applying to indemnities Release	18 18	
18		ellaneous	18	
10	18.1	Responsibility for Employees and Agents	18	
	18.2	Notices	19	
	18.3	No obligation to enforce other leases	19	)
	18.4	Waiver and variation	19	
	18.5	Approvals and consent	19	
	18.6 18.7	Antecedent breaches and obligations Exclusion of statutory provisions	19 19	
	18.8	Representations and warranties	19	
	18.9		19	
		Severability	19	)
		Governing law and jurisdiction	20	
		Counterparts	20	
		Further assurances	20 20	
		Trusts- not applicable Queensland Urban Utilities Access	20 Error! Bookmark not defined.	
Schedule /	A –Pla	n of Premises	21	
Schedule I	B – Mai	intenance Schedule	22	

I

## 28 JANUARY 2020

## Item 12.12 / Attachment 1.

QUEENSLAND LAND REGISTRY Land Title Act 1994, Land Act 1994 and Water Act 2000 SCHEDULE

Form 20 Version 2 Page 4 of 26

#### Title Reference 5225640

## **Information Table**

Landlord	Ipswich City Council ABN 61 461 981 077
Landlord's Address	PO Box 191, Ipswich QLD 4305
Tenant	The State of Queensland (represented by Public Safety Business Agency)
Tenant's Address	GPO Box 1440, Brisbane QLD 4001
Premises	Lease A in Lot 2 on SP103268 on SP130864, being part of 841-855 Pine Mountain Road, Pine Mountain
Initial Rent	\$1.00 per annum (plus any applicable GST), if demanded
Rent Days	The Commencement Date and each anniversary of the Commencement Date.
Permitted Use	The provision of a Rural Fire Service
Public liability insurance amount	Not applicable
Bank Guarantee amount	Not applicable
Guarantor	Not applicable
Guarantor's address	Not applicable
Interest Rate	The rate 3% above per annum above the rate charged by the Landlord's principal bank for overdraft accommodation greater than \$100,000
Option(s)	Nil

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## 28 JANUARY 2020

## Item 12.12 / Attachment 1.

QUEENSLAND LAND REGISTRY Land Title Act 1994, Land Act 1994 and Water Act 2000 SCHEDULE

Form 20 Version 2 Page 5 of 26

Title Reference 5225640

## 1 Definitions and interpretation

#### 1.1 Defined terms

The following terms have these meanings in this lease unless the contrary intention appears:

Authority means a government or a statutory authority.

Bank Guarantee means an unconditional undertaking to pay on demand issued by a bank and on terms that are both acceptable to the Landlord.

Building means any buildings and other improvements on the Land.

Business Day means a day that is not a Saturday, Sunday or public holiday in Brisbane.

Commencement Date means the date specified as that in the form 7 at the front of this lease.

**Employees and Agents** means, for a party, the employees, agents, contractors and sub-contractors of the party.

Expiry Date means the date this lease expires.

Information Table means the part of this document titled "Information Table".

Interest Rate means the interest rate shown in the Information Table.

Land means the Lot 2 on SP103268, Title Reference 50225640.

Landlord means the person named as lessor in item 1 of the Form 7 at the front of this lease, or any person to whom the lessor's interest in the Premises is transferred or leased by concurrent lease.

Landlord's Property means the improvements in the Premises that are not the Tenant's Property and the plant and equipment in the Premises that are owned by the Landlord.

**Management Plan** means any management plan relating to environmental or other issue that the Landlord at any time has for the Premises to comply with an obligation at law.

**Outgoings** means all amounts reasonably paid or payable by the Landlord in respect of the Premises except amounts of a capital nature. The Outgoings include:

- (a) rates, levies (including fire service levy) and other charges imposed by any authority; and
- (b) levies and charges the Landlord must pay because the Premises are a lot in a community titles scheme or similar; and
- (c) taxes (excluding income tax, capital gains tax and taxes that, by law, the Landlord cannot claim from the Tenant); and
- (d) supplying, maintaining, repairing and replacing the Services and upgrading them to comply with requirements of authorities and all laws; and
- (e) charges for the supply of services, such as electricity, gas and water, to the Premises that are not separately paid for by the Tenant; and
- (f) auditor's fees for audits of Outgoings.

However, the amount of the Outgoings for an Outgoings Year must be reduced by the amount of any credit or refund of GST to which the Landlord is entitled as a result of incurring those Outgoings.

#### SCHEDULE

Form 20 Version 2 Page 6 of 26

QUEENSLAND LAND REGISTRY Land Title Act 1994, Land Act 1994 and Water Act 2000

#### Title Reference 5225640

**Outgoings Year** means each year ending 30 June, or another period notified to the Tenant by the Landlord.

Permitted Use means the use described as that in the Information Table.

Premises means the premises leased under this lease. The Premises includes the Landlord's Property.

**Rent** means the rent payable under clause 2.1, which is initially the amount determined as shown in the Information Table and reviewed in accordance with clause 3.

Rent Days means the rent days stated in the Information Table.

**Services** means the services to, or in, the Premises provided by authorities or the Landlord (including water, electricity, gas, air conditioning, toilets, telephone lines, fire services and trade waste) and all cables, pipes, ducts, plant and equipment used to provide the Services.

**Tenant** means the person named as lessee in item 3 of the Form 7 at the front of this lease, and any person to whom the lessee's interest in this lease is transferred.

**Tenant's Property** means anything installed or placed on the Premises that is owned by the Tenant or that the Tenant leases or rents from any person other than the Landlord, and includes all fit-out and equipment installed in the Premises by or on behalf of the Tenant before or during the Term.

**Term** means the period beginning on the Commencement Date and ending on the Expiry Date, including the period of any extensions of this lease.

#### 1.2 Interpretation

In this lease unless the contrary intention appears:

- (a) headings are for reference only and do not affect the meaning of this lease; and
- (b) the singular includes the plural and vice versa and words importing a gender include other genders; and
- (c) other grammatical forms of defined words or expressions have corresponding meanings; and
- (d) "person" includes a firm, a body corporate, an unincorporated association or an authority; and
- (e) an agreement, representation or warranty:
  - (i) in favour of two or more persons is for the benefit of them jointly and severally; and
  - (ii) on the part of two or more persons binds them jointly and severally; and
- (f) a reference to:
  - (i) a person includes the person's executors, administrators, successors, substitutes (including persons taking by novation) and assigns; and
  - a document includes any variation or replacement of it and all schedules, annexures and exhibits to the document; and
  - (iii) a law includes regulations and other instruments under it and amendments or replacements of any of them; and
  - (iv) a thing includes the whole and each part of it; and
  - a group of persons includes all of them collectively, any two or more of them collectively and each of them individually; and

QUEENSLAND LAND REGISTRY Land Title Act 1994, Land Act 1994 and Water Act 2000

#### SCHEDULE

Form 20 Version 2 Page 7 of 26

#### Title Reference 5225640

- (vi) the president of a body or authority includes any person acting in that capacity; and
- (g) a reference to a specific time means the time in Brisbane; and
- (h) "including" when introducing a list of items does not limit the meaning of the words to which the list relates to those items or to items of a similar kind.

## 2 Rent payment

#### 2.1 Obligation to pay

The Tenant must pay the Rent to the Landlord:

- (a) as and where the Landlord directs (and if no direction is given, at the Landlord's address for service); and
- (b) in advance on each Rent Day without any deduction or set-off.

#### 2.2 Broken periods

If an instalment is for a period of less than one month, then that instalment is calculated with the formula:

 $A = (R \div N) \times P.$ 

Where A is the amount payable for the period; R is one twelfth of the Rent; N is the number of days in the month in which that period begins; P is the number of days in the period.

## 3 Rent review

#### 3.1 No Rent Reviews

The Rent is not subject to review at any stage during the Term.

## 4 Outgoings

#### 4.1 Obligation to pay

The Tenant must pay the Outgoings for each Outgoings Year.

#### 4.2 Notice of estimated Outgoings

Before the start of each Outgoings Year, the Landlord must notify the Tenant of the Landlord's estimates of the Outgoings for that Outgoings Year. Failure to give a notice on time does not affect the Tenant's obligation to pay Outgoings. At any time the Landlord may revise those estimates by giving the Tenant a notice.

#### 4.3 Payment of Outgoings

- (a) If requested by the Landlord, the Tenant must pay instalments on account of the Outgoings in advance on each monthly anniversary of the Rent Day (**Outgoings Day**). Each instalment is one twelfth of the Landlord's estimate, or revised estimate, of the Outgoings. In any Outgoings Year after the first, until the Landlord gives the Tenant a notice of the Landlord's estimate, the Tenant must pay on each Outgoings Day on account of the Outgoings, an instalment equal to that payable on the previous Outgoings Day.
- (b) Alternatively, the Landlord may require the Tenant to pay Outgoings as they are incurred, in which case the Tenant may pay the amount of an Outgoing within 14 days of receiving an invoice from the Landlord accompanied by evidence of the amount of the Outgoing.

SCHEDULE

Form 20 Version 2 Page 8 of 26

QUEENSLAND LAND REGISTRY Land Title Act 1994, Land Act 1994 and Water Act 2000

#### Title Reference 5225640

#### 4.4 Statement

Within 60 days after the end of each Outgoings Year and of the Term, the Landlord must give to the Tenant a statement containing reasonable details of the Outgoings for the Outgoings Year.

#### 4.5 Adjustment

If necessary, an adjustment must be made between the amount the Tenant paid on account of Outgoings and the amount that should be paid. The Landlord or the Tenant, whichever is applicable, must pay the difference between those amounts on the next Rent Day after the amount of the adjustment is known (or within 21 days later if there is no next Rent Day).

#### 4.6 Time periods

If a law requires the Landlord to give a notice, estimate, budget, report or statement within a particular time period then that time period overrides the time periods stated in this lease.

#### 4.7 Broken periods

If the Commencement Date or the last day of the Term do not coincide with the start or end of an Outgoings Year then the amount payable by the Tenant for the resulting broken period is calculated:

(O × N) ÷ Y

where: O is the amount of Outgoings for that Outgoings Year, N is the number of days of the Term in that Outgoings Year; and Y is the number of days in that Outgoings Year.

## 5 GST

#### 5.1 Interpretation

In this clause:

GST Legislation means the A New Tax System (Goods and Services Tax) Act 1999 (Cth) and related Acts; and

**Recipient** means a person who receives a taxable supply made under or in connection with this agreement; and

Supplier means a person who makes a taxable supply under or in connection with this agreement.

Other words or expressions that are defined in the GST Legislation have the same meaning in this clause 5.

#### 5.2 Consideration is GST exclusive

The consideration to be paid or provided for a supply made under or in connection with this agreement does not include GST.

#### 5.3 Increase for GST

Despite any other provision in this agreement, if GST is imposed on a supply made under or in connection with this agreement then:

- (a) the party who makes the payment or provides the other consideration for the supply must pay the Supplier an additional amount equal to the amount of the payment or value of the consideration multiplied by the rate of GST; and
- (b) the additional amount must be paid with the payment or other consideration on which it is calculated.

#### SCHEDULE

Form 20 Version 2 Page 9 of 26

and Water Act 2000

#### Title Reference 5225640

#### 5.4 Reduction for input tax credits

If a payment to a party is calculated on the basis of a loss, cost or expense incurred by that party, then the amount payable must be reduced by the amount of any input tax credit to which that party is entitled for that loss, cost or expense.

#### 5.5 Tax invoices

For payments under or in connection with this agreement:

- (a) if the payment is to be made on demand, the demand must include a tax invoice; and
- (b) if the payment is to be made without demand, a tax invoice must be provided to the payer within a reasonable time after the payment is due.

## 6 Other amounts payable by the Tenant

## 6.1 Costs

The Tenant must pay to the Landlord on demand:

- (a) all stamp duty and registration fees on this lease and any related document; and
- (b) for the preparation of any plan needed for this lease; and
- (c) the Landlord's reasonable costs and expenses for:
  - (i) stamping and registering this lease and any document relating to or dealing with this lease; and
  - considering and approving (and supervising if applicable) anything requiring the Landlord's consent; and
  - (iii) anything the Landlord does to enforce this lease or because the Tenant breaches this lease; and
- (d) the cost incurred by the Landlord obtaining consent to this lease from any mortgagee.

The Tenant must pay its own costs for anything relating to this lease or done by the Tenant under this lease.

#### 6.2 Gas, electricity and water

The Tenant must pay charges for gas, electricity and water used by the Tenant in the Premises. If any of these services are supplied by the Landlord then it may not charge more than the lower of:

- (a) the highest amount allowed at law; and
- (b) the amount the Tenant would pay if it obtains the service direct from the supplier.

## 7 Bank Guarantee- not applicable

#### 8 Premises

#### 8.1 Use

The Tenant may only use the Premises for the Permitted Use stated in the Information Table.

SCHEDULE

Form 20 Version 2 Page 10 of 26

QUEENSLAND LAND REGISTRY Land Title Act 1994, Land Act 1994 and Water Act 2000

#### Title Reference 5225640

#### 8.2 Comply with laws

The Tenant must comply on time with all laws and the requirements of authorities in connection with the Tenant's Property and the use or occupation of the Premises (including obtaining all necessary permits, consents and approvals).

#### 8.3 No warranty about suitability

The Landlord does not promise, represent or warrant that:

- (a) the Premises are suitable, fit or adequate for the Tenant's business; or
- (b) the Permitted Use is lawful in the Premises.

#### 8.4 Cleaning

The Lessee will keep and maintain the Premises in a clean and tidy condition, free from refuse and noxious plants and will take all reasonable precautions to ensure that fire and health hazards are kept to a minimum.

#### 8.5 Keep in good condition

The Tenant must keep the Premises in good condition and repair and without limiting the generality of the foregoing, the Tenant must make good any structural damage, other than damage deliberately caused by, or resulting from negligence of, the Landlord or the Landlord's Employees or Agents.

The Tenant is liable for damage to the Premises caused by the Tenant's Employees and Agents or the Tenant's visitors.

#### 8.6 Alterations

The Tenant must not alter the Premises without the Landlord's approval. Such consent will not be unreasonably refused or withheld.

#### 8.7 Tenant's works

The Tenant must ensure that any works it does in the Premises are done:

- (a) in a proper and workmanlike manner; and
- (b) according to all laws and the requirements of authorities; and

The Tenant must obtain any approvals or certificates that are required by law for the Tenant's works and give copies of them to the Landlord if requested.

#### 8.8 Tenant's general obligations

(deleted as not applicable to State owned building)

#### 8.9 Tenant's general restrictions

The Tenant must not:

- (a) alter the Landlord's Property or remove it from the Premises; or
- (b) store or use inflammable, volatile or explosive substances in the Premises unless reasonably necessary to carry on the Permitted Use and the Tenant has any required approvals from authorities; or
- (c) use any facilities or the Services for anything other than their intended purpose.

SCHEDULE

Form 20 Version 2 Page 11 of 26

## Title Reference 5225640

#### 8.10 Premises to be surveyed

The Tenant must arrange for the preparation and registration of a survey plan identifying the Premises as shown on the plan annexed to this Lease in Schedule A, to facilitate the registration of this Lease.

#### 9 Environment

QUEENSLAND LAND REGISTRY Land Title Act 1994, Land Act 1994

and Water Act 2000

#### 9.1 Definitions in Act apply

Words and phrases that are defined in the *Environmental Protection Act 1994* (Act) have the same meanings in this clause 9 unless the contrary intention appears.

#### 9.2 General obligations

The Tenant must:

- not cause environmental harm or an environmental nuisance except to the extent allowed under the Act and this lease; and
- (b) comply with all obligations under the Act that arise because of something done on the Premises by the Tenant, or by a previous tenant under this lease or a prior lease.

For this clause a prior lease is a lease in a sequence of leases that have been granted without affecting the continuity of activities on the Premises (whether by the Tenant or earlier tenants).

#### 9.3 Requirement for approvals etc.

The Tenant must not carry out an environmentally relevant activity on the Premises unless:

- the Tenant has the Approvals required to carry on the activity and copies of the Approvals have been provided to the Landlord; and
- (b) in the case of a level 1 environmentally relevant activity, the Landlord has given written consent to the particular activity; and
- (c) if an environmental management program is required for an activity, or because of something done, by the Tenant, the Tenant must obtain the Landlord's consent to the environmental management program, which must not be unreasonably refused.

#### 9.4 Information to be given

The Tenant must immediately give the Landlord copies of all:

- (a) notices, orders and requests issued to it under the Act; and
- (b) notices it is required to give to the administering authority under the Act; and
- (c) reports, evaluations and audits prepared because of an obligation under the Act.

#### 9.5 Remediation obligation

The Tenant must, before the end of the Term, or within a reasonable time following the earlier termination of this lease comply with all laws and requirements of Authorities with respect to any contamination of the Land caused by the Tenant.

#### 9.6 Obligations continue past expiry date

To remove any doubt, the obligations under this clause 9 apply at the end of any holding over following the expiry of the Term.

## 28 JANUARY 2020

## Item 12.12 / Attachment 1.

QUEENSLAND LAND REGISTRY Land Title Act 1994, Land Act 1994 and Water Act 2000 SCHEDULE

Form 20 Version 2 Page 12 of 26

Title Reference 5225640

## 10 Insurance

#### 10.1 Tenant's insurance

The Tenant must:

- (a) in connection with the Premises, maintain with insurers and on terms both approved by the Landlord (this approval must not be unreasonably withheld) in the names of the Tenant, the Landlord and any other person specified by the Landlord:
  - public liability insurance for at least the amount specified in the Information Table or other amounts notified by the Landlord to the Tenant; and
  - (ii) plate glass insurance against all risks specified by the Landlord; and
  - (iii) other insurances required by law or which, in the Landlord's reasonable opinion, a prudent tenant would take out, including insurance for Tenant's works on the Premises; and
- (b) give the Landlord evidence(Certificate of Currency) that it has complied with this clause 10 when asked to do so; and
- (c) immediately notify the Landlord if an insurance policy required by this clause is cancelled or an event occurs which may allow a claim or affect rights under an insurance policy in connection with the Premises, the Building or property in them.

#### 10.2 Public Liability Insurance

- (a) For so long as the State of Queensland is the Tenant, the Landlord acknowledges that the Tenant has a global insurance policy which includes public liability insurance in excess of \$20 million and which includes the Lessor as an insured to the extent required in this Lease.
- (b) If requested in writing by the Landlord, the Tenant will provide the Landlord with a letter confirming the Tenant's insurance as specified under this clause, such request not to be made more than once a year during the Term.

#### 10.3 Protection of Landlord's insurance

The Tenant may not do anything that may affect rights under any insurance or which may increase an insurance premium payable in connection with the Premises, the Building or property in them.

#### 10.4 Deemed satisfaction

Clauses 10.1, 10.2 and 10.3 will be satisfied if the Licensee is The State of Queensland or a statutory authority eligible for cover under the Queensland Government Insurance Fund and is insured and continues to be insured by the Queensland Government Insurance Fund.

## 11 Landlord's obligations

#### 11.1 Quiet enjoyment

The Landlord must not interfere with (or allow another person to interfere with) the Tenant's occupation of the Premises except as permitted under this Lease. However, the Landlord is not required to prevent, or take action to stop, another occupant of neighbouring properties from creating any nuisance or otherwise interfering with the Tenant's use or occupation of the Premises unless such other persons is a tenant of the Landlord.

#### 11.2 Sale of the Land

If this lease is not registered on the title to the Land:

(a) the Landlord must not transfer the Land unless the transferee has executed; and

QUEENSLAND LAND REGISTRY Land Title Act 1994, Land Act 1994 and Water Act 2000

#### SCHEDULE

Form 20 Version 2 Page 13 of 26

#### Title Reference 5225640

(b) the Tenant must execute a deed (in a form reasonably required by the Landlord) between the transferee and the Tenant in which they agree to be bound by this lease as Landlord and Tenant respectively from the day following the day on which the transfer of the Land is delivered to the transferee.

## 12 Landlord's rights

#### 12.1 Right of entry

The Landlord may enter the Premises at reasonable times after giving the Lessee 2 days written notice to:

- (a) inspect them and see if the Tenant is complying with this lease; and
- (b) exercise a right to remedy the Tenant's breaches of this lease; and
- (c) show the premises to a prospective tenant (but only in the last six months of the Term) or a prospective buyer of the Land; and
- (d) do anything it may or must do under this lease.

Except in an emergency, or unless the Tenant otherwise consents, the Landlord may only enter the Premises after giving one Business Days' notice.

If there is an emergency, the Landlord must try to notify the Tenant of its intended entry to the Premises. If the Landlord is unable to give prior notice then it must give the notice as soon as possible after the entry.

#### 12.2 Right to deal with the Land

The Landlord may subdivide the Land or Building or grant easements or other rights over the Land or the Premises unless this would have a substantial adverse effect on the Tenant.

#### 13 Damage and resumptions

#### 13.1 Termination because of substantial damage or destruction

(a) If the Premises or any part thereof shall at any time during the Tenant's use and occupation be destroyed or damaged by fire, storm, flood, tempest or act of God, inevitable accident, riot, civil commotion or enemy action, incidental to resisting or preparing to resist enemy action so as to render the Premises wholly or partly unfit for occupation or use, then:

(i) the Tenant may, within 3 calendar months thereafter by notifying the Landlord in writing, elect either to construct new improvements on the Premises; or

(ii) if no election is made pursuant to clause 13(a)(i) above, the Tenant may by notice in writing to the Landlord determine this Lease.

- (b) If the Lease is determined pursuant to this clause:
  - (i) it shall be without prejudice to any existing rights between either party prior to the date of termination;
  - (ii) the Tenant need not make good; and

(ii) the Landlord shall refund to the Tenant any rent paid by the Lessee for a period after the date of termination.

- (c) The Landlord may terminate this lease if a Building is destroyed or is damaged to such an extent that use of the Premises is substantially affected. A termination notice:
  - i. takes effect 30 days after service; and

#### SCHEDULE

Form 20 Version 2 Page 14 of 26

QUEENSLAND LAND REGISTRY Land Title Act 1994, Land Act 1994 and Water Act 2000

#### Title Reference 5225640

ii. may be given at any time before the start of works to reinstate the Building (design, feasibility studies and seeking approvals from authorities is not the start of the reinstatement works).

#### 13.2 Tenant's rights

If a Building is destroyed or damaged to such an extent that use of the Premises is substantially affected then the Tenant may terminate this lease by 30 days' notice to the Landlord if:

- (a) the Landlord notifies the Tenant it will not be reinstating the Building; or
- (b) within six weeks after the damage occurs, the Landlord has not notified the Tenant that the Landlord is investigating the reinstatement of the Building; or
- (c) works to reinstate the Building do not start within a reasonable time after the damage occurs (which is taken to be not less than least three months); or
- (d) the reinstatement is not completed within a reasonable time after starting.

#### 13.3 No obligation to reinstate

The Landlord is not obliged to reinstate a Building or to continue reinstating the Building after starting to do so.

#### 13.4 Resumption

Either party may terminate this lease if there is a compulsory resumption of:

- (a) the Land; or
- (b) a part of the Land with the result that the remaining Premises cannot be used or the Tenant's use of the remaining Premises would be materially prejudiced.

A notice of termination under this clause 13.2 takes effect on the date that the resumption is completed.

#### 14 Assignment and sub-letting

#### 14.1 Prohibited dealings

The Tenant may not transfer this lease, sublet, permit another person to occupy or use the Premises or otherwise part with possession of the Premises except as provided in this clause.

#### 14.2 Transfer

The Tenant may only transfer this lease if first:

- the Tenant satisfies the Landlord (acting reasonably) that the proposed new tenant is respectable and has sufficient financial capacity to comply with the obligations of the Tenant under this lease; and
- (b) any guarantee or guarantee and indemnity reasonably required by the Landlord (including a Bank Guarantee or an increased Bank Guarantee) is provided by the new tenant; and
- (c) the Tenant, the proposed new tenant and any Guarantor sign a deed with the Landlord (in a form reasonably required by the Landlord) in which:
  - the new tenant agrees to be bound by this lease as if it is the Tenant; and
  - (ii) the Tenant acknowledges that it continues to be bound by this lease; and
  - (iii) if there is a Guarantor, the Guarantor acknowledges that the guarantee or guarantee and indemnity given by the Guarantor is not affected by the transfer; and

## 28 JANUARY 2020

## Item 12.12 / Attachment 1.

QUEENSLAND LAND REGISTRY Land Title Act 1994, Land Act 1994 and Water Act 2000

#### SCHEDULE

Form 20 Version 2 Page 15 of 26

#### Title Reference 5225640

- (d) if the Tenant has provided a Bank Guarantee, the new tenant provides a replacement Bank Guarantee for the amount specified in the Information Table; and
- (e) the Landlord has obtained any consents it has agreed with other persons to obtain;
- (f) any default by the Tenant has been remedied by the Tenant or waived by the Landlord; and
- (g) the proposed new tenant's primary business activities relate to the provision of fire brigade services and provided that the new tenant is technically capable of and authorised by law to carry out the Permitted Use.

#### 14.3 Sublease or licence

The Tenant may only sublet or allow another person to use or occupy the Premises if first:

- the Tenant satisfies the Landlord (acting reasonably) that the proposed subtenant or licensee is respectable and financially sound; and
- (b) the Landlord is satisfied that the rent or occupation fee payable by the subtenant or licensee represents the market rent for the area sublet or licensed;
- (c) the proposed subtenant or licensee signs a deed with the Landlord (in a form reasonably required by the Landlord) in which that person agrees to comply with the Tenant's obligations under this lease (except obligations to pay Rent and Outgoings) so far as they relate to the area sublet or licensed; and
- (d) the proposed sublessee or licensee's primary business activities relate to the provision of fire brigade services and provided that the proposed sublessee or licensee is technically capable of and authorised by law to carry out the Permitted Use.

#### 14.4 Change of beneficial ownership

- (a) The Landlord may terminate this lease if:
  - (i) the Tenant is not a public corporation; and
  - (ii) there is a substantial change of ownership with respect to the Tenant; and
  - (iii) before the substantial change of ownership, the Tenant does not obtain the Landlord's consent to the changes and comply with any reasonable conditions imposed by the Landlord, such as the provision of new guarantees.
- (b) For this clause:
  - (i) a public corporation is:
    - (A) a corporation that is listed on the Australian Stock Exchange; or
    - (B) the wholly owned subsidiary of a listed corporation; or
    - (C) a government owned enterprise; and
  - a substantial change of ownership means when a person acquires, whether in one or a number of transactions, and whether directly or indirectly, control of sufficient shares in the Tenant to give the person:
    - (A) 50% of the voting rights with respect to the Tenant; and
    - (B) a 50% beneficial interest in the Tenant.

QUEENSLAND LAND REGISTRY Land Title Act 1994, Land Act 1994 and Water Act 2000

#### SCHEDULE

Form 20 Version 2 Page 16 of 26

#### Title Reference 5225640

## 15 End of Term

#### 15.1 Early termination by the Tenant

The Tenant may terminate this Lease at any time before the expiration of the Term by giving at least 6 months written notice to the Landlord. Upon expiration of the period stipulated in that notice:

- (a) this Lease will be at an end;
- (b) the Tenant will deliver up possession of the Premises in accordance with clause 15; and
- (c) neither the Landlord nor the Tenant shall have any further claim against the other arising from the Lease except in relation to any breach of the Lease that exists at the time of termination.

If the Tenant fails to observe, perform or fulfil any of the terms and conditions contained in this Lease and such failure continues for a period of 1 month from the date of written notice under Section 124 of the *Property Law Act 1974*, being received by the Lessee from the Lessor, then the Tenant is in default and the Lessor may:

- (a) by written notice to the Tenant terminate the Lease in which case the Lease will terminate on the date that the notice is received by the Lessee; or
- (b) by written notice to the Tenant convert the term of this Lease to a monthly tenancy in which event this Lease will be terminated on the date that such notice is received by the Tenant and thereafter the Tenant will hold the land on a month to month tenancy on the same terms and conditions contained in this Lease, so far as they apply to a monthly tenancy.

#### 15.2 When the lease ends

When the lease ends, the Tenant must:

- ensure that the premises (including the Landlord's property) are in good repair (fair wear and tear excepted) and in a condition consistent with the Tenant having complied with its obligations under this lease;
- (b) carry out any repairs and make good any damage to the **premises** or the **Landlord's property** which are the responsibility of the **Tenant** under this **lease**;
- (c) ensure that all of the obligations specified as being the responsibility of the **Tenant** in the **maintenance schedule** have been fully complied with;
- (d) if requested by the Landlord, remove any of signs which have been installed by or at the request of the Tenant, which are outside or inside the premises, and repair any damage caused by their installation or removal to the reasonable satisfaction of the Landlord;
- (e) ensure that the premises and the Landlord's property are clean and free from rubbish; and
- (f) give the Landlord all keys and access devices that the **Tenant** has for the **premises**.
- (g) remove all of the **Tenant's property** and any third party equipment (which is plant, equipment and goods belonging to anyone other than the **Landlord** and not **Landlord's property**); and
- (h) repair any damage caused by the installation or removal such equipment the reasonable satisfaction of the Landlord.

#### 15.3 Tenant's property at end of lease

If the Tenant does not remove any of the Tenant's property as required by clause 15.2, then the Landlord may (without liability to the Tenant or any third party) treat the property or equipment as abandoned and the Landlord may, at the expense of the Tenant, remove, store and dispose of the equipment as the Landlord sees fit.

SCHEDULE

Form 20 Version 2 Page 17 of 26

QUEENSLAND LAND REGISTRY Land Title Act 1994, Land Act 1994 and Water Act 2000

#### Title Reference 5225640

#### 15.4 Holding over

If the Tenant continues to occupy the Premises after this lease ends with the Landlord's consent (other than to remove its property or comply with its obligations that apply when this lease ends), it does so under a monthly tenancy that:

- (a) is at a rent equal to one twelfth of the Rent applying before the end of this lease; and
- (b) either party may terminate by giving one month's notice expiring on any day; and
- (c) is otherwise on the same terms as this lease with any changes necessary to make this lease appropriate to a monthly tenancy.

#### 16 Breaches and termination rights

#### 16.1 Essential terms

Clauses 2, 4, 5, 6, 8.1, 8.2, 8.5, 8.6, 9 and 14 are essential terms of this lease. Other clauses may also be essential terms.

#### 16.2 Interest on late payments

If the Tenant does not make a payment on time, it must pay, on demand by the Landlord, interest at the Interest Rate on that amount from the due date for payment until it is paid. Interest is:

- (a) capitalised monthly if not paid; and
- (b) calculated on daily balances of the amount outstanding for the original payment and capitalised interest.

#### 16.3 Right to remedy Tenant's breaches

If the Tenant does not remedy a breach of this lease within a reasonable time after receiving notice to do so, the Landlord may take reasonable steps to remedy that breach.

The Tenant must pay the reasonable costs incurred by the Landlord exercising its right under this clause to remedy a breach of this lease by the Tenant. The payment must be made within seven days of written demand giving reasonable details and evidence of the costs.

#### 16.4 Landlord's termination rights

The Landlord may terminate this lease if:

- the Tenant breaches any provision of this lease and does not remedy the breach within a reasonable time after being given a notice specifying the breach and requiring the Tenant to remedy it; or
- (b) entitled to do so under a clause in this lease.

If under a law, the Landlord must give notice in a particular form before exercising a right to terminate this lease then a notice in that form is a notice for the purposes of clause 16.4(a).

#### 16.5 Method of termination

If the Landlord is entitled to terminate this lease it may do so by notice or by re-entry into possession.

#### 16.6 Other rights not prejudiced

The exercise by the Landlord of rights under this clause 16 does not prejudice any of the Landlord's other rights under this lease, at law or otherwise.

## 28 JANUARY 2020

## Item 12.12 / Attachment 1.

SCHEDULE

Form 20 Version 2 Page 18 of 26

#### Title Reference 5225640

## 17 Indemnity and release

#### 17.1 Indemnity

and Water Act 2000

QUEENSLAND LAND REGISTRY Land Title Act 1994, Land Act 1994

The Tenant indemnifies the Landlord against all liabilities, losses, costs or damages incurred or suffered directly or indirectly in connection with any of the following:

- (a) the negligence or default of the Tenant or the Tenant's Employees and Agents; and
- (b) any third party, including an Employee or Agent of the Tenant, making a claim or taking action against the Landlord because of any death, personal injury, or any damage to property, or loss of property, occurring in the Premises; and
- (c) a breach of this lease by the Tenant; and
- (d) the Landlord rectifying a breach by the Tenant; and
- (e) the loss of future Rent and other payments under this lease resulting from the valid termination of this lease by the Landlord.

#### 17.2 Provisions applying to indemnities

Each indemnity in this agreement is a continuing obligation, separate and independent from the other obligations of the parties and survives termination of this agreement for whatever reason.

It is not necessary to incur expense or make a payment before enforcing a right of indemnity conferred by this agreement.

The indemnities are reduced to the extent that any act or omission of the Landlord contributes to the liability, loss, cost or damages incurred on suffered by the Landlord.

#### 17.3 Release

The Tenant releases the Landlord from, and agrees that the Landlord is not liable for, liability or loss arising from, and costs incurred in connection with:

- (a) damage, loss, injury or death; and
- (b) anything the Landlord is permitted to do under this lease; and
- (c) the exercise of rights by a person under an easement, community management statement or building management statement affecting the Land, Building or Premises; and
- (d) a Service being interrupted or not working properly; and
- (e) the Building not being structurally sound, windproof and waterproof,

except to the extent the liability, loss or costs are caused by the negligence or default of the Landlord or of the Landlord's Employees or Agents.

#### 18 Miscellaneous

#### 18.1 Responsibility for Employees and Agents

Each party is responsible for its Employees and Agents and:

- (a) must ensure they do not do anything that would be a breach of this lease if done by the responsible party; and
- (b) anything done by them is taken to be done by the responsible party.

#### SCHEDULE

QUEENSLAND LAND REGISTRY Land Title Act 1994, Land Act 1994 and Water Act 2000 Form 20 Version 2 Page 19 of 26

#### Title Reference 5225640

#### 18.2 Notices

A party's address for service is the address shown in the Information Table unless the party has notified the other parties of a new address.

Notices under this lease must be given in writing and sent by facsimile, or post or delivered to the address of the recipient. Notices to the Tenant may be sent by facsimile, or post or delivered to the Premises even if the Tenant has another address for service.

A notice is taken to be received:

- (a) if hand delivered, on delivery; and
- (b) if sent by prepaid post, three Business Days after the date of posting; and
- (c) if sent by facsimile, when the sender's facsimile machine prints confirmation that the number of pages in the notice have been successfully transmitted.

#### 18.3 No obligation to enforce other leases

The Landlord does not promise, represent or warrant that the Landlord will be consistent in enforcing rights against tenants in the Building or will take action to restrain another tenant from breaching its lease.

#### 18.4 Waiver and variation

A provision of, or a right created under, this lease may not be waived or varied except in writing signed by the party to be bound.

#### 18.5 Approvals and consent

A party may not unreasonably withhold its consent or approval under this lease nor impose unreasonable conditions when granting its consent or approval unless this lease provides otherwise.

#### 18.6 Antecedent breaches and obligations

The expiry or termination of this lease does not affect the rights of either party for a breach of this lease by the other party before the expiry or termination.

#### 18.7 Exclusion of statutory provisions

Any provisions implied in leases by law are excluded from this lease to the extent that is possible.

#### 18.8 Representations and warranties

The Tenant warrants that it has relied only on its own enquiries in connection with this lease and not on any representation or warranty by the Landlord or any person acting or seeming to act on the Landlord's behalf.

#### 18.9 Entire agreement

This lease and any related document constitutes the entire agreement of the parties about its subject matter and any previous agreements, understandings and negotiations on that subject matter, cease to have any effect.

#### 18.10 Severability

If the whole or any part of a provision of this lease is void, unenforceable or illegal in a jurisdiction, it is severed for that jurisdiction. The remainder of this lease has full force and effect and the validity or enforceability of that provision in any other jurisdiction is not affected. This clause has no effect if the severance alters the basic nature of this lease or is contrary to public policy.

A provision of this lease which is void, voidable by any party unenforceable or illegal must be read down to the extent required to give the provision legal effect.

# Item 12.12 / Attachment 1.

#### SCHEDULE

Form 20 Version 2 Page 20 of 26

QUEENSLAND LAND REGISTRY Land Title Act 1994, Land Act 1994 and Water Act 2000

#### Title Reference 5225640

#### 18.11 Governing law and jurisdiction

This lease is governed by the law in force in Queensland and each party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts of Queensland and courts of appeal from them.

#### 18.12 Counterparts

This lease may consist of a number of counterparts and the counterparts taken together constitute one and the same instrument.

#### 18.13 Further assurances

Each party agrees, at its own expense, on the request of the other parties, to do everything reasonably necessary to give effect to this lease and the transactions contemplated by it, including, but not limited to, the execution of documents.

#### 18.14 Trusts- not applicable

337v1

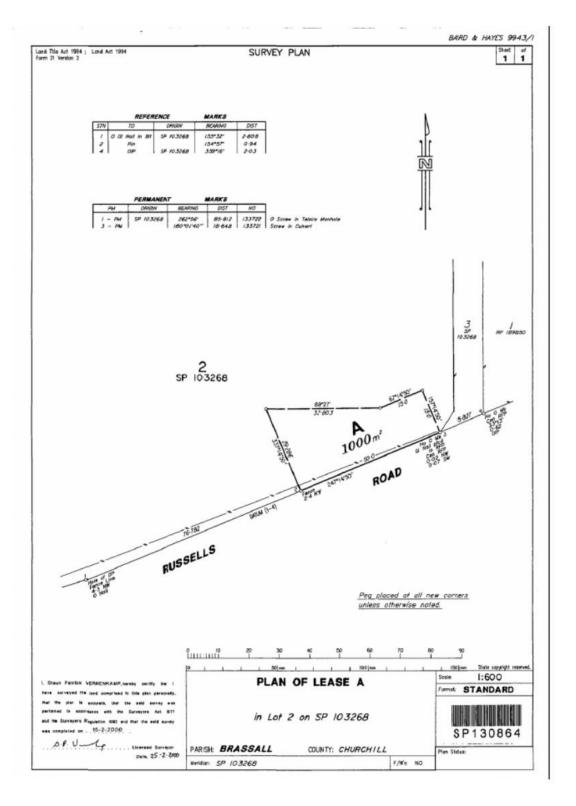
## Item 12.12 / Attachment 1.

QUEENSLAND LAND REGISTRY Land Title Act 1994, Land Act 1994 and Water Act 2000 SCHEDULE

Form 20 Version 2 Page 21 of 26

Title Reference 5225640

# Schedule A –Plan of Premises



337v1

# Item 12.12 / Attachment 1.

QUEENSLAND LAND REGISTRY Land Title Act 1994, Land Act 1994 and Water Act 2000

### SCHEDULE

Form 20 Version 2 Page 22 of 26

Title Reference 5225640

# Schedule B – Maintenance Schedule

Asset Description			Frequency	
Building Structures - Lease Area	General cleaning requirements for the building and structures	Tenant	As required	
Building Structures - External	General cleaning requirements for the building and structures	Tenant	As required	
Building Structures	Inspection and audit	Tenant	As required	
Building Structures	General repair breakage or damage - except in instances of wilful or intention damage, fair wear and tear excepted.		As required	
Building Structures	Repair structural damage due to normal wear and tear	Tenant	As required	
Building Structures	Asset end of life replacement	Tenant	As required	
Building Structures	Register and maintain asbestos and hazardous material report	Tenant	As required	
Pest Control(termites)	Pest control services termite control	Tenant	As required	
Pest Control(general)	General Pest control services	Tenant	As required	
Fire Services				
Fire safety installations and features	Inspect, service and maintain fire safety installations in accordance to Fire and Rescue Service Act 1990 and the Building Fire Safety Regulations 2008 requirements including but not limited to life of Fire Board/Panel, Sprinklers and Smoke Alarms	Tenant	In accordance with legislative requirements	
Fire safety installations and features	Fire Safety Installations and Features including but not limited to Emergency Exit signs, Fire Extinguishers, Fire Blankets, Emergency Control Organisation including Evacuation Diagrams and Plans	Tenant	In accordance with legislative requirements	

Page 255 of 589

# Item 12.12 / Attachment 1.

QUEENSLAND LAND REGISTRY Land Title Act 1994, Land Act 1994 and Water Act 2000

#### SCHEDULE

Form 20 Version 2 Page 23 of 26

#### Title Reference 5225640

Asset Description	scription Task Description		Frequency	
Wardens and Fire Evacuation Training	Emergency Control Organisation and General Evacuation First Response	Tenant	In accordance with legislative requirements	
Electrical				
External Lighting	Clean and re-lamp light fittings	Tenant	As required	
Internal Lighting	Clean and re-lamp light fittings	Tenant	As required	
Electrical Switchboards	Thermal scan/repair of switchboards	Tenant	In accordance with legislative requirements	
Power poles and cables	Maintenance of all poles carrying light and power cable	Tenant	In accordance with legislative requirements	
Electrical safety switch	Annual performance electrical leakage test	Tenant	In accordance with legislative requirements	
Appliance electrical safety testing	Appliance electrical safety testing for portable appliances by qualified electrician	Tenant	In accordance with legislative requirements	
Solar Panels	Inspect, service, clean, maintain and upgrade solar panels and associated equipment.	Tenant	As required	
General repairs and maintenance	General repairs and maintenance	Tenant	As required	
Mechanical Services				
Circulating Fans	Repairs, maintenance and upgrade	Tenant	As required	
Lifts	Inspect, service and maintain lifts	Tenant	As required	
Automatic Doors	Service automatic door	Tenant	As required	
Cold & Freezer Rooms	Repairs, maintenance and upgrade	Tenant	As required	
A/C Unit	Inspect, service and renewal of Air Conditioning unit includes filter cleaning	Tenant	As required	
Temperature Control Valves – if installed by Council.	Inspect, service and clean thermostatic mixing & tempering valves	Tenant	As required	
Temperature Control Valves – if installed by Council.	Deep clean thermostatic mixing & tempering valves.	Tenant	As required	

337v1

# Item 12.12 / Attachment 1.

QUEENSLAND LAND REGISTRY Land Title Act 1994, Land Act 1994 and Water Act 2000

#### SCHEDULE

Form 20 Version 2 Page 24 of 26

#### Title Reference 5225640

Asset Description	Task Description	Default	Frequency
		Maintenance Responsibility	
Windows and Doors			
Roller doors – Internal	Inspect and service roller doors	Tenant	As required
Roller doors – External	Inspect and service roller doors	Tenant	As required
Sliding windows – Internal	Inspect and service window rollers	Tenant	As required
Sliding windows – External	Inspect and service window rollers	Tenant	As required
Sliding doors – Internal	Inspect and service door rollers	Tenant	As required
Sliding doors - External	Inspect and service door rollers	Tenant	As required
Retractable Acoustic Petitions	Inspect, service, clean and maintain petitions.	Tenant	As required
Hollow core doors	Restore painted surfaces	Tenant	As required
Windows and Doors	Inspect and service hardware in accordance with ICC key and locking system	Tenant	As required
Windows and Doors	Glass Breakage unless breakage results from wilful damage and cost will be recovered from the Tenant	Tenant	As required
Roller doors – Internal	Inspect and service roller doors	Tenant	As required
Roller doors – External	Inspect and service roller doors	Tenant	As required
Glass Breakage	Glass Breakage	Tenant	As required
Exterior Works			
Gate	Inspect and service gate and fittings	Tenant	As required
Fence	Inspect and service fences and fittings	Tenant	As required
Seats and Benches	Inspect, clean & ensure seat fitted securely. This applies to fixed seating only.	Tenant	As required
Shade Structures	Inspect and treat any rust	Tenant	As required
Concrete/ Pavement	Pressure clean surface	Tenant	As required
Hardstand Areas	Pressure clean surface	Tenant	As required

337v1

# Item 12.12 / Attachment 1.

QUEENSLAND LAND REGISTRY Land Title Act 1994, Land Act 1994 and Water Act 2000

#### SCHEDULE

Form 20 Version 2 Page 25 of 26

#### Title Reference 5225640

Asset Description	cription Task Description		Frequency	
Roof	Clean and inspect and spot seal roof		As required	
Gutter	Clean and inspect and spot seal gutter	Tenant	As required	
Downpipes	Restore protective coatings	Tenant	As required	
External taps	Service tap-ware washers, seats and O rings	Tenant	As required	
Stormwater Drains	Inspect/Clean S/water Drains in pathways	Tenant	As required	
Water Storage Tank	Inspect, service and clean first flush system	Tenant	As required	
Business Signage	Restore painted surfaces	Tenant	As required	
External Wall	Clean surfaces	Tenant	As required	
External Wall	Exterior wall painting	Tenant	As required	
Hot Water System	Inspect, test and service pressure relief valve	Tenant	As required	
Hot Water System	Replace hot water system	Tenant	As required	
Regulatory Signage	Inspect, service and maintain regulatory signage	Tenant	As required	
Interior Finishes				
Internal ceilings and walls	Restore painted surfaces ceilings and walls	Tenant	As required	
Drinking Fountains	Inspect and service Zip Chillmaster	Tenant	In accordance with manufacturers specifications and recommended requirements	
Tap Water Heater	Inspect and service Zip Hydroboil	Tenant	In accordance with manufacturers specifications and recommended requirements	
Grease Traps	Pump out and maintain grease traps	Tenant	In accordance with legislative requirements	

337v1

# Item 12.12 / Attachment 1.

QUEENSLAND LAND REGISTRY Land Title Act 1994, Land Act 1994 and Water Act 2000

#### SCHEDULE

Form 20 Version 2 Page 26 of 26

#### Title Reference 5225640

Asset Description	Task Description	Default Maintenance Responsibility	Frequency
Floor – Tile	- Tile Heavy duty scrub clean floor surfaces		As required
Floor – Vinyl	Inspect, repair and buff floor surfaces	Tenant	As required
Floor - Carpet	Heavy duty deep pile special cleaning	Tenant	As required
Kitchen Exhaust System - Residential Exhaust	Clean, inspect and service kitchen exhaust	Tenant	As required
Kitchen Exhaust System - Commercial Exhaust	Inspect and service kitchen exhaust	Tenant	As required
Kitchen Exhaust System - Commercial Exhaust	Heavy Duty Deep Clean kitchen exhaust	Tenant	As required
Plumbing			
WC Toilet/cistern and Urinal	Inspect and service flushing mechanisms	Tenant	As required
Tap-ware	Service Taps, re-washer, reseat, replace as necessary	Tenant	As required
Pipe-works	Service and maintain internal and external plumbing network, except in the case of wilful damage and ICC has the right to recover the cost from the Lessee.	Tenant	As required
Pipe-works	Repair and Replace internal and external plumbing pipe-works	Tenant	As required
General repairs and maintenance	General repairs and maintenance	Tenant	As required
Security			
CCTV & Security Systems (if applicable)	Test and service CCTV & Security Systems	Tenant	As required
CCTV & Security Systems (if applicable)	CCTV Monitoring and Upgrades	Tenant	As required
CCTV & Security Systems (if applicable)	Security Patrols	Tenant	As required
CCTV & Security Systems	Access Cards, Keys, Locking Systems. Keys are the Lessee's responsibility.	Tenant	As required

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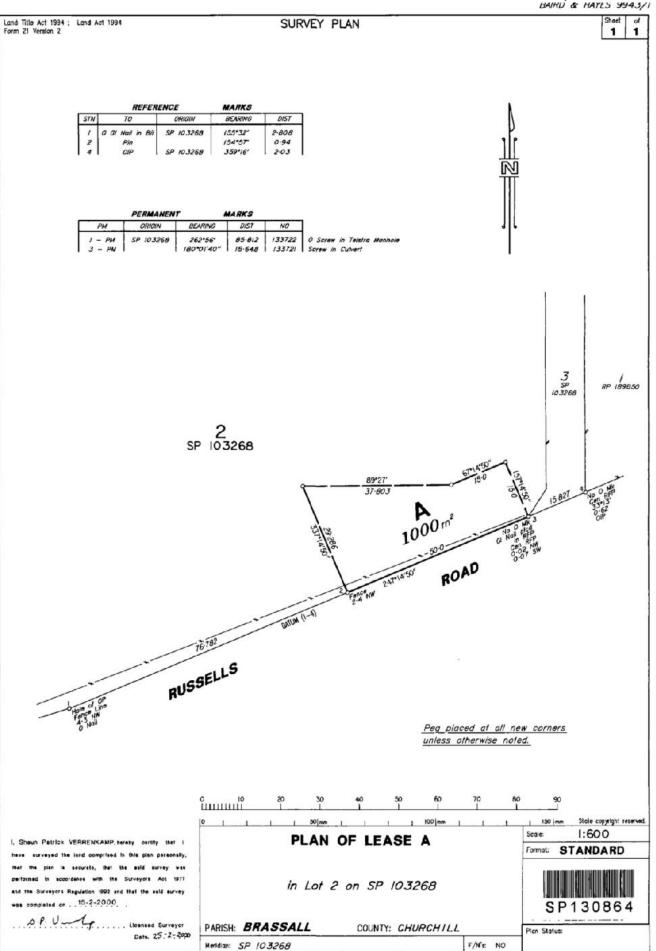
INTERNAL CURRENT TITLE SEARCH NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND Title Reference: 50225640 Search Date: 19/12/2019 08:14 Date Created: 08/07/1998 Previous Title: 10103139 10105114 REGISTERED OWNER Dealing No: 702911780 22/09/1998 IPSWICH CITY COUNCIL ESTATE AND LAND Estate in Fee Simple LOT 2 SURVEY PLAN 103268 Local Government: IPSWICH EASEMENTS, ENCUMBRANCES AND INTERESTS 1. Rights and interests reserved to the Crown by Deed of Grant No. 10098208 (POR 297) Deed of Grant No. 10105114 (POR 296) 2. LEASE No 712924168 09/12/2009 at 15:48 THE STATE OF QUEENSLAND (REPRESENTED BY DEPARTMENT OF COMMUNITY SAFETY) OF LEASE A ON SP130864 TERM: 01/12/2009 TO 30/11/2019 OPTION NIL Lodged at 15:48 on 09/12/2009 Recorded at 12:27 on 11/12/2009 ADMINISTRATIVE ADVICES - NIL UNREGISTERED DEALINGS - NIL Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*

Item 12.12 / Attachment 2.

COPYRIGHT THE STATE OF QUEENSLAND (NATURAL RESOURCES, MINES AND ENERGY) [2019] Page 1/1

Item 12.12 / Attachment 3. BAIKD & HAYLS 994.3/1



# Item 12.12 / Attachment 3.

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ITEM: 13.13

SUBJECT: CHERISH THE ENVIRONMENT FOUNDATION - COUNCIL REPRESENTATIVE

AUTHOR: MANAGER, FINANCE

DATE: 14 JANUARY 2020

### **EXECUTIVE SUMMARY**

This is a report concerning Council's nominated representative to the Board of Cherish the Environment Foundation Limited (CTEF).

### **RECOMMENDATION/S**

That the Interim Administrator of Ipswich City Council resolve:

That Cherish the Environment Foundation Limited be advised that Council has nominated Steve Greenwood (Interim Administrator) as Council's representative for the Cherish The Environment Limited board.RELATED PARTIES

Cherish the Environment Foundation is a controlled entity of Council.

### ADVANCE IPSWICH THEME

Caring for the environment

### PURPOSE OF REPORT/BACKGROUND

At the Council meeting held on Tuesday, 16 October 2018 the Interim Administrator resolved that Greg Chemello be nominated as Council's representative for the board of CTEF.

Following the recent change of Council's Interim Administrator, it is appropriate for Council to also change its representative on the board of CTEF to Steve Greenwood.

CTEF is a partnership with the Pat Rafter's Cherish the Children Foundation. Launched in 2008, CTEF provides a vehicle for collaboration in projects that are of benefit to the natural environment in Ipswich.

The objectives of CTEF as outlined in the company's 2014-2024 business plan, are as follows:

 enabling the community and businesses of Ipswich to become more environmentally active;

- providing education materials and programs to build capacity and to increase the level of awareness and understanding of Ipswich's environmental values;
- partnering with Ipswich businesses and industries to implement energy and, waste and water efficiency processes; and
- working closely with Ipswich City Council and local landholders to increase the area of natural bushland.

The primary aim of CTEF is to maximise the long-term return on investment in environmental sustainability programs to the people of Ipswich through innovative partnership projects that create new markets, knowledge and business opportunities.

In the 2018-2019 financial year, Council determined that CTEF was a controlled entity due to a number of factors including the makeup of the board, financial and administrative support and other arrangements, provided by Council.

# CURRENT BOARD STATUS

Council is a founding member of CTEF and in accordance with the Constitution 'may appoint a board representative'. Whilst CTEF is a controlled entity of Council, maintaining Council representation on the Board of CTEF is appropriate.

CTEF has received funding in previous financial years via the Enviroplan levy.

As mentioned the current board representative for Council is Greg Chemello. The other two board members are Steve Rafter and Shane O'Kane.

It should be noted that Greg Chemello has advised of his resignation as a director of CTEF effective 28 January 2020.

# **LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions:

Corporations Act 2001 (Cth)

# **RISK MANAGEMENT IMPLICATIONS**

As a controlled entity, maintaining a Council representation on the Board of CTEF enables Council to have visibility of, and input into the ongoing operations of CTEF. It will also assist in mitigating any risks for Council in relation to arrangements Council has in place with CTEF.

# FINANCIAL/RESOURCE IMPLICATIONS

# COMMUNITY AND OTHER CONSULTATION

Community and other consultation is not applicable to this report.

# CONCLUSION

With the recent change of Council's Interim Administrator, it is recommended that Council nominates Steve Greenwood as its representative on the CTEF Board, in accordance with the CTEF constitution.

Jeffrey Keech MANAGER, FINANCE

I concur with the recommendations contained in this report.

Sylvia Swalling
ACTING GENERAL MANAGER CORPORATE SERVICES

"Together, we proudly enhance the quality of life for our community"

Doc ID No: A5988386

ITEM:	14.14
SUBJECT:	RATES EXEMPTION - VEDANTA
AUTHOR:	TREASURY ACCOUNTING MANAGER
DATE:	21 JANUARY 2020

# **EXECUTIVE SUMMARY**

This is a report concerning a request by the Vedanta Centre of Sydney (**Vedanta**), the owner of Lot 2 SP 275460 in Springfield Lakes (the **Property**), to be considered exempt from rates from 5 June 2015.

Since 2015, Ipswich City Council (**Council**) and Vedanta have been in discussions regarding the eligibility of the Property for a rates concession and/or exemption. This matter was most recently considered by Council at its Ordinary Meeting of 21 May 2019. The report to the Governance Committee of 14 May 2019 is attached for background and context, noting that its attachments have not been included (**Attachment 1**).

Taking into consideration the additional information contained in Confidential Background Paper 2, it is recommended that exemption now be provided on eligible properties as contained in and subject to, the Confidential Background Paper 1 attached.

This report **does not** alter the previous resolutions of Council, made at its Ordinary Meeting of 21 May 2019, as regards the property (also owned by Vedanta) described in assessment 178541, Lot 1 SP 275460, as being exempt from rates from 5 June 2015.

### **RECOMMENDATION/S**

That the Interim Administrator of Ipswich City Council resolve:

- A. That the following recommendations 14 (F and G) made by the Governance Committee on 14 May 2019 and adopted at the Council Ordinary Meeting of 21 May 2019, be repealed.
  - F. That the property described in assessment 178542, Lot 2 SP 275460, not be exempt from rates, from 14 May 2015.
  - G. That the property described in assessment 178542, Lot 2 SP 275460, not be granted a concession for rates, from 14 May 2015.

- B. That the property described in assessment 178542, Lot 2 SP 275460, be exempt from rates, from 5 June 2015.
- C. That, subsequent to the property described in assessment 178542, Lot 2 SP 275460, being determined as exempt from rates, from 5 June 2015, that any residual interest charged on arrears of rates be written-off.

# **RELATED PARTIES**

Vedanta Centre of Sydney

### **ADVANCE IPSWICH THEME**

Listening, leading and financial management

### PURPOSE OF REPORT/BACKGROUND

Prior to 14 May 2015 the Property was part of larger lot, Lot 706 SP 179281. This larger lot was greater than the 20 hectare (ha) limit prescribed under the *Local Government Regulation 2012* (**Regulation**) and was not considered eligible for rates exemption.

The Property was previously owned by Springfield Land Corporation No2 Pty Ltd. On 23 October 2014, the Property was gifted to Vedanta, a religious organisation, a registered charity with the Australian Charities and Not-for-Profits Commission and an entity that has Deductible Gift Recipient Status with the Australian Taxation Office.

On 5 June 2015, Council issued an amended Development Application Decision Notice (No. 5732/2014/ADP). This approval replaced the decision made by Council on 25 February 2015.

This matter has previously been considered by Council on several occasions and has been the subject of ongoing discussions between Council officers and Vedanta since 2015. It was most recently considered by Council at its Ordinary Meeting of 21 May 2019 (**Attachment 1**) where Council determined that the Property was not exempt from rates.

Subsequent to that decision, Vedanta exercised their right to a judicial review of that decision and commenced proceedings in the Supreme Court of Queensland on 9 July 2019.

### **LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions: Local Government Act 2009 Local Government Regulation 2012

In preparation for the judicial review, Council considered the matter further including information contained within the confidential background papers attached leading to the conclusion that Vedanta's use of the Property is more likely to be interpreted as *"used for … religious purposes"* as required under s73 of the Regulation.

Should Vedanta's use of the Property change in the future, a review of its ongoing eligibility for a rates exemption would need to be undertaken subsequent to that change in use.

# **RISK MANAGEMENT IMPLICATIONS**

Resolution of this matter, per the Confidential Background Paper 2, at this time will provide certainty for the rate payer as well as Council, albeit with the financial implications outlined in the following section of this report and will also avoid further potential litigation and associated legal costs

# FINANCIAL/RESOURCE IMPLICATIONS

A determination that the Property is exempt from rates will result in an ongoing reduction of general rate revenue of approximately \$130,000 per annum. The determination will also result in the crediting of the rates assessments of approximately \$710,000 of rates and charges revenue and accrued interest on the arrears of the rates.

In now determining that the eligible properties are exempt from rates dating back to 2015, it is intended that all interest accrued on outstanding rates will be credited back to the rates assessment, including any interest accrued on any outstanding State Government levies. It is estimated that the interest accrued on any outstanding State Government levies would be negligible. However those State Government levies will remain payable by Vedanta.

# COMMUNITY AND OTHER CONSULTATION

This matter relates to the interpretation of legislative provisions related to Council's rating powers and in this instance community consultation in relation to this matter is not required.

# CONCLUSION

Following further consideration of the confidential attachments, the current use of the Property by Vedanta is more likely to be considered sufficient to meet the eligibility requirements under the Regulation for a rates exemption. In this regard, that Property be determined as exempt from rates from 5 June 2015. Attachments and Confidential Background Papers

Report to Governance Committee of 14 May 2019 U
 CONFIDENTIAL
 Confidential Background Paper 1

3. Confidential Background Paper 2

# Paul Mollenhauer TREASURY ACCOUNTING MANAGER

I concur with the recommendations contained in this report.

# Jeffrey Keech MANAGER, FINANCE

I concur with the recommendations contained in this report.

Sylvia Swalling
ACTING GENERAL MANAGER CORPORATE SERVICES

"Together, we proudly enhance the quality of life for our community"

### Item 14.14 / Attachment 1.

GOVERNAN MEETING AG	CE COMMITTEE 14 MAY GENDA 2019	
Doc ID No: A5	5488757	
ITEM:	14	
SUBJECT:	REQUEST FOR RATE CONCESSION AND/OR EXEMPTION FOR VEDANTA CENTRE OF SYDNEY	
AUTHOR:	TREASURY ACOUNTING MANAGER	

DATE: 30 APRIL 2019

#### EXECUTIVE SUMMARY

This is a report concerning, firstly, a request by Vedanta Centre of Sydney (**Vedanta**), the owner of Lot 706 SP 179281 in Springfield Lakes (**Property**), for a rate concession for the period between 23 October 2014 and 14 May 2015.

Secondly, on 14 May 2015, the Property was reconfigured into two (2) smaller lots. Vedanta has also requested that as from 14 May 2015 that:

- Council determine that both of the reconfigured lots being Lot 1 SP 275460 (Lot 1) and Lot 2 SP 275460 (Lot 2) each be decided to be exempt from rates; or
- if the request for exemption is unsuccessful, that Council then grant Vedanta a rates concession for both Lot 1 and Lot 2.

#### **RECOMMENDATION/S**

That the Interim Administrator of Ipswich City Council resolve:

- A. That the following recommendations 25 (A-C) made by the City Management Finance and Community Engagement Committee No. 2018 (01) on 23 January 2018 and adopted at the Council Ordinary Meeting of 30 January 2018, be repealed.
  - A. That the property, Lot 706 SP 179281 PAR Stapylton, be considered ineligible for both a rates exemption and a rates concession for the period 23 October 2014 to 14 May 2015 resulting in rates of \$70,307.20 continuing to be due and payable.
  - B. That exemption of rates be applied to the property described in assessment 178541, Lot 1, from 14 May 2015 resulting in a refund of rates of \$24,949.00 currently due and payable for the period from 14 May 2015 to 31 December 2017.
  - C. That exemption of rates <u>not</u> be applied to the property described in assessment 178542, Lot 2, from 14 May 2015 continuing to be due and payable.

GOVERNANCE COMMITTEE	14 MAY
MEETING AGENDA	2019

- B. That the property described in assessment 168204, Lot 706 SP 179281, not be exempt from rates, for the period 23 October 2014 to 14 May 2015.
- C. That the property described in assessment 168204, Lot 706 SP 179281, not be granted a concession for rates, for the period 23 October 2014 to 14 May 2015.
- D. That the property described in assessment 178541, Lot 1 SP 275460, not be exempt from rates, for the period 14 May 2015 to 5 June 2015.
- E. That the property described in assessment 178541, Lot 1 SP 275460, be exempt from rates from 5 June 2015.
- F. That the property described in assessment 178542, Lot 2 SP 275460, not be exempt from rates, from 14 May 2015.
- G. That the property described in assessment 178542, Lot 2 SP 275460, not be granted a concession for rates, from 14 May 2015

### Amended at Council Ordinary Meeting of 21 May 2019

### RELATED PARTIES

Vedanta Centre of Sydney

#### ADVANCE IPSWICH THEME LINKAGE

Listening, leading and financial management

#### PURPOSE OF REPORT/BACKGROUND

The Property was previously owned by Springfield Land Corporation No2 Pty Ltd. On 23 October 2014, the Property was gifted to Vedanta, a religious organisation, a registered charity with the Australian Charities and Not-for-Profits Commission and an entity that has Deductible Gift Recipient Status with the Australian Taxation Office.

As at the date it was gifted, the Property had a rateable value of \$9 million. The land use was described as 'Vacant Land – Large Home Site'. From the transfer date until 14 May 2015, the Property characteristics remained the same.

In early discussions, Vedanta advised the Council that they were progressing a reconfiguration of the Property so that no single lot would then exceed 20 hectares (ha), on the basis that the *Local Government Regulation 2012* (**Regulation**) deemed any property with an area greater than 20ha to be ineligible for a rates exemption.

On 27 May 2015 (Attachment 2), Vedanta applied for a rates exemption pursuant to section 73 of the Regulation and/or a concession pursuant to Council concession policies. Attachment 1 is correspondence from Vedanta foreshadowing this application.

#### Item 14.14 / Attachment 1.

GOVERNANCE COMMITTEE	14 MAY
MEETING AGENDA	2019

On 30 September 2014, Council issued a Development Application Decision Notice (DA-5260/2014) to Vedanta in relation to the Property (Attachment 3). This decision approved the reconfiguration of 1 lot into 2 lots. Condition 5 of the Assessment Manager's conditions to this approval noted that the Property is approved for "reconfiguration purposes only" and must not be used or developed (for any purpose) until approval of a subsequent Area Development Plan.

On 25 February 2015, Council issued a Development Application Decision Notice (No. 5732/2014/ADP) (**Attachment 4**) that amended the Vedanta Master Precinct Plan and approved an Area Development Plan to:

- nominate land for a Special Development Area for a Place of Public Worship, an Indoor Entertainment (Hall) and Institutional Residence (Monastery); and
- permit the development of a Place of Public Worship, an Indoor Entertainment (Hall) and Institutional Residence (Monastery), subject to the Assessment Manager Conditions requiring further applications by the owner.

The applicant subsequently commenced the dispute resolution provisions pursuant to the Springfield Structure Plan in relation to that decision notice.

On 14 May 2015, the Property was reconfigured by subdivision (pursuant to DA-5260/2014) into two (2) smaller lots each of which was under 20ha, being:

- Lot 1 is known as 96 Vedanta Drive Springfield Lakes (rate assessment 178541) (Attachment 6); and
- Lot 2 is known as 7001 Vedanta Drive Springfield Lakes (rate assessment 178542) (Attachment 6).

**Attachment 5** illustrates the lot reconfiguration. Vedanta proposed to use both of the reconfigured lots for religious, cultural and educational purposes and associated accommodation purposes.

On 5 June 2015, Council issued an amended Development Application Decision Notice (No. 5732/2014/ADP) (Attachment 7). This approval replaced the decision made by Council on 25 February 2015 and is operative for four (4) years.

On 20 December 2016, Council issued a Development Application Decision Notice No. 7007/2016 (Attachment 8), which was to amend the approved Area Development Plan No. 5732/2014/ADP. This amendment related to increasing the floor area of the hall, added additional bedrooms to the monastery and provided additional car parking. This decision was subject to the dispute resolution provisions and an Alternative Dispute Resolution Notice was issued in relation to the approval on 9 February 2017 (Attachment 9).

On 1 June 2017, the Council's former Chief Financial Officer (**CFO**) wrote to Vedanta to convey Council's initial decision that Vedanta was not eligible for a rates exemption or concession (**Attachment 10**).

# Item 14.14 / Attachment 1.

GOVERNANCE COMMITTEE	14 MAY
MEETING AGENDA	2019

Vedanta did not, and does not, accept that rates were applicable to the Property. Since July 2017, Council and Vedanta representatives (including its legal representatives, McBride Legal) have met in relation to Vedanta's claim for rates exemption or concession.

On 21 July 2017, Vedanta responded to the CFO's letter of 1 June 2017 and provided further submissions in support of its application for an exemption and/or concession (Attachment 11).

On 9 August 2017, McBride Legal lodged an extensive Right to Information request on behalf of Vedanta for documents relevant to the request for exemption or concession. The relevant material was collated and assessed and Council responded in a professional and timely manner.

On 11 August 2017, McBride Legal lodged on behalf of Vedanta a Notice of Objection -Categorisation of Land for Differential Rating Purposes (**Attachment 12**).

On 20 September 2017, Vedanta and the Council representatives met to discuss the use of the Property. Vedanta insisted that the Property (including as reconfigured) was being used for a purpose that was exempt from the levying of rates.

At that meeting, Council's former CFO advised Vedanta that Council was willing to offer the possibility of a 50% concession. However, Council's Rate Concession Policy(s) (Attachments 13 and 14) stated that the concession for eligible property owners would be a General Rates Concession of 100%. To offer a 50% concession would have required both a change in the Policy as well as the passing of the normal Council resolution.

The offer was not acted on as Vedanta wanted to provide further information supporting their exemption claim on the basis that Vedanta was appropriately using the Property.

On 4 October 2017, McBride Legal provided a further submission (Attachment 15). In summary, this noted:

- a. the sequence of events regarding the engagement of architects, project managers, geotechnical and other professionals to assist in the establishment of the Vedanta Centre on the Property;
- b. that Vedanta had conducted a tender process for the proposed construction of the Vedanta Centre in 2015; the subsequent tender arrangements with the successful tenderer ceased in May 2016, during this period, a temporary office was placed on the land to provide basic accommodation and a meeting point for engaged professionals and the Vedanta community;
- c. that activities including yoga walks, bush walks, meditation and yoga are promoted and undertaken on the Property each month; and

Item 14 – Page 4 of 13

GOVERNANCE COMMITTEE	14 MAY
MEETING AGENDA	2019

d. that meetings with professionals engaged in the building of the Vedanta Centre continued resulting in an Instrument of Agreement being executed for the building contract.

**Attachment 16** shows the recent progress in operational works on the site, the Worship Centre located on Lot 1.

On 4 October 2017, Council issued to Springfield Land Corporation Pty Ltd a Decision Notice Approval (DA-5801/2017/ADP) in relation to a further application lodged by Vedanta for the reconfiguration of the Property (**Attachment 17**). Condition 6 of the Assessment Manager's conditions to that approval also noted that the Property is approved for "reconfiguration purposes only" and must not be used or developed (for any purpose) until approval of a subsequent Area Development Plan.

By letter dated 4 December 2017, Council advised Vedanta that its application could not proceed until the outstanding rates were resolved because such a direction would be contrary to section 2(1)(c) of Schedule 18 of the *Planning Regulation 2017* which, in relation to the assessment of a request relating to a plan of subdivision for reconfiguring a lot that is approved under a development permit provides that the request must be assessed against certain criteria, including that:

(c) there are no outstanding rates or charges levied by the local government or expenses that are a charge over the land under any Act...

By letter dated 6 December 2017, Vedanta requested that the former CFO direct the Council's Planning and Development department to process Vedanta's application for approval of the plan of subdivision (Application no. 5801/2017/SSP/A), notwithstanding the outstanding rates against the relevant land.

By email dated 14 December 2017, Council clarified that Council would continue to issue rates notices but would not seek payment of interest for the period up to 30 June 2017.

By email dated 14 December 2017, Vedanta responded and asked that Council review the former CFO's decision that was communicated on 1 June 2017.

On 23 January 2018, Council's City Management, Finance and Community Engagement Committee met and made recommendations in relation to the concession and exemption issues (**Attachment 18**).

By email dated 23 January 2018, Vedanta emailed to Council a supplementary chronology of events (Attachment 19).

At the Council Meeting of 30 January 2018, the City Management, Finance and Community Engagement Committee Report was received and adopted by the Council (subject to the exclusion of Item 26) (**Attachment 20**). Recommendation 25 was amended by the

Item 14 – Page 5 of 13

### Item 14.14 / Attachment 1.

GOVERNANCE COMMITTEE	14 MAY
MEETING AGENDA	2019

Committee and subsequently adopted. Amendments that were made to previous versions are highlighted by strikethrough annotation as follows:

'Amended CMFCE Ctee No. 2018(01) of 23 January 2018

- A. That the property, Lot 706 SP 179281 PAR Stapylton, be considered ineligible for both a rates exemption and a rates concession for the period 23 October 2014 to 14 May 2015 resulting in rates of \$70,307.20 continuing to be due and payable.
- B. That exemption of rates be applied to the property described in assessment 178541, Lot 1, from 14 May 2015 resulting in a refund of rates of \$24,949.00 currently due and payable for the period from 14 May 2015 to 31 December 2017.
- C. That exemption of rates <u>not</u> be applied to the property described in assessment 178542, Lot 2, from 14 May 2015 <del>resulting in rates of \$291,919.35 for the period from 14 May 2015</del> <del>to 31 December 2017</del> continuing to be due and payable.
- D. That a General Rates Concession of 50% be recommended for the property described in assessment 178542, Lot 2, from 14 May 2015 resulting in a 50% refund rates of the General Rates component of \$291,919.35 billed for the period to 31 December 2017.
- E. That the Rates Concession Policy be amended such that the Concession applicable for eligible Charities, Incorporated Associations and Not for Profit Organisations is amended from a General Rates Concession of 100% to a General Rates Concession of 50%-100%:'

Vedanta was dissatisfied with this decision and requested a statement of reasons.

Regrettably, it remains unclear why the Committee made the decision that it did. The matter was further complicated as no Council Officer present at Committee is still employed by Council and, the then-elected Councillors also ceased to hold their positions.

Council officers offered to seek a repeal of the decisions made at its 30 January 2018 Council Meeting regarding the Property and that the matter be determined again by the Interim Administrator on behalf of Council.

The dispute about the requested statement of reasons continued throughout 2018. The conclusion of this dispute has recently been confirmed by the Interim Administrator on behalf of Council by letter dated 3 April 2019, in which it was confirmed that all decisions made to date in relation to the rates issue were repealed pursuant to section 24AA of the *Acts Interpretation Act 1954* (Attachment 21).

Most recently on 1 May 2019, representatives of Vedanta met with Council's Chief Executive Officer at a without prejudice meeting, during which Vedanta provided a further chronology and further submissions (Attachment 22).

As no decision in relation to the rates dispute remains on foot, Council must now decide whether Vedanta is exempt from rates and/or whether a concession should be granted. This report deals with these questions below.

Item 14 – Page 6 of 13

GOVERNANCE COMMITTEE	14 MAY
MEETING AGENDA	2019

#### FINANCIAL/RESOURCE IMPLICATIONS

The financial implications of a decision to exempt this property(s) or grant a concession for this property(s) is a loss of rate revenue of approximately \$125,000 per annum.

#### **RISK MANAGEMENT IMPLICATIONS**

If Council determines that Vedanta is not exempt from rates as regards Lot 2 and continues to levy rates on the land, a refund of rates will be due to the land owner if that prior determination is subsequently found to be incorrect.

#### LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions: *Local Government Act 2009* 

Council has obtained external legal advice on this matter from Clayton Utz (Clayton Utz's privileged legal advice is found at **Attachment 23** and Council's prior internal privileged legal advice is found at **Attachment 24**).

Council's Rates Concession Policies (the relevant policy commencing on 27 June 2017) are contained at **Attachments 13 and 14**.

Eligibility for a Rates Exemption

To be eligible for a rate exemption, the Council Rates Categorisation Officers must consider that the Property is exempt from rating under the *Local Government Act 2009* (LGA) and the *Local Government Regulation 2012* (Regulation).

Relevantly, Vedanta's application for a general rates exemption is to be considered in light of section 93(3)(j)(ii) of the LGA and section 73 of the Regulation.

Section 93(3)(j)(ii) of the LGA relevantly provides that the following land is exempted from rating:

"land that is exempted from rating under a regulation, for religious, charitable, educational or other public purposes".

Section 73(a) of the Regulation provides that land is exempt from rating if it is owned by a religious entity, is less than 20ha in area, and is used for one or more of the following purposes:

- (i) religious purposes, including, for example, public worship;
- the provision of education, health or community services, including facilities for aged persons and persons with disabilities;
- (iii) the administration of the religious entity; or
- (iv) housing incidental to a purpose mentioned in subparagraphs (i) to (iii).

GOVERNANCE COMMITTEE	14 MAY
MEETING AGENDA	2019

In this regard, it is noted that:

- the Property is owned by Vedanta, which is a religious entity and a charitable organisation;
- the Property was greater than 20ha in area between 23 October 2014 and 13 May 2015;
- Lots 1 and 2 were each less than 20ha in area after the reconfiguration on 14 May 2015;
- however, it was not until 5 June 2015 that a development approval in relation to Lot 1 came into effect; and
- activity at the Property had been monitored by regularly updated spatial images displayed on NearMaps, on 28 March 2017, no activity was evident during a site inspection was undertaken to gain a better understanding of the application, Attachment 25 is a satellite photo taken in mid-2017 supporting this assertion.

Vedanta contends that:

- that entire Property is being used occasionally for religious, cultural or educational purposes, this is reflected by the provisions of Vedanta's constitution;
- while some of the land is used for the development of the Ashram (Worship Centre), the other land has been kept in its natural state;
- the undeveloped components of the land have and will continue to fulfil a religious purpose - being "regularly organised" bushwalking, yoga and meditation events, as well as ad hoc ceremonies;
- the nature of the land directly benefits Vedanta by offering a peaceful and reflective environment for devotees to practice their faith; and
- if the rates issue is resolved, Vedanta intends to develop further portions of the land including a childcare centre, community residences, a community centre and temple.

Since 5 June 2015, Vedanta also has had an approved Area Development Plan to:

- (a) nominate land for a Special Development Area for a Place of Public Worship, Indoor Entertainment (Hall) and Institutional Residence (Monastery); and
- (b) permit the development of a Place of Public Worship, Indoor Entertainment (Hall) and Institutional Residence (Monastery).

Firstly, it is plain that, until the date of the subdivision, being 14 May 2015, the Property was not eligible for an exemption as its size was greater than 20ha, contrary to section 73(a) of the Regulation.

Secondly, although an initial development approval was issued on 25 February 2015 (Attachment 4), due to the fact that this approval was taken through the alternative dispute resolution process, it did not come into effect until 5 June 2015 (Attachment 7).

Item 14 – Page 8 of 13

# Item 14.14 / Attachment 1.

GOVERNANCE COMMITTEE	14 MAY
MEETING AGENDA	2019

Thirdly, following the date of the development approval following the conclusion of the alternative dispute resolution process (being 5 June 2015), the relevant question for consideration is whether the land was used for one or more of the following eligible purposes as described in the LGA and Regulation:

- (i) religious purposes; or
- (ii) the provision of education, health or community services, including facilities for aged persons and persons with disabilities.

As regards Lot 1, Council Officers are satisfied that the Worship Centre constitutes a religious use consistent with a rates exemption under the LGA and Regulation. So from 5 June 2015 when the development approval for the Worship Centre was obtained, a rates exemption should be allowed.

As regards Lot 2, from the matters listed in the Annexures to the letter from McBride Legal of 4 October 2017 (Attachment 15), it appears that the yoga walks, bush walks, meditation and yoga activities that have occurred since April 2015 are the only demonstrated 'uses' by Vedanta . These activities, listed at Annexure 15 of the 4 October 2017 letter, have occurred approximately once a month for approximately 3 hours on each occasion.

The primary consideration in this instance is whether the yoga walks, bush walks, meditation and yoga activities constitute a 'use' (for rating purposes) that is for a religious purpose, either collectively or separately.

As Vedanta has noted, it is true that:

- land can still be 'used' even if there is no immediate physical use of all of the land (see *Council of the Town of Gladstone v Gladstone Harbour Board* [1964] Qd R 505 at [27] and [65]); and
- land can still be 'used' even if it remains unimproved (see for example *Newcastle City Council v Royal Newcastle Hospital* (1959) AC 248 at 255).

However, it is also true that:

- where vacant land adjoining a church could not be said to be land solely used for religious purposes, it failed to avoid liability for rates or attract an exemption or rebate (*Jehovahs Witnesses Congregation v City of Mount Gambier* (2002) 81 SASR 382); and
- a property cannot be regarded as being used for a certain purpose unless it was, at least, in a state capable of being used for that purpose (see *Municipal Council of Sydney v Prince Alfred Hospital* (1949) 66 WN NSW 87).

Without any approvals to allow construction to commence, the primary 'use' of Lot 2 remains that of vacant land, notwithstanding any activities Vedanta is conducting on Lot 2. In any case, the Assessment Manager's conditions for Lot 2 (i.e. Condition 5 of development permit 5260/2014 and Condition 6 development permit 5801/17) require Vedanta not to

Item 14 – Page 9 of 13

GOVERNANCE COMMITTEE	14 MAY
MEETING AGENDA	2019

use or develop the land until the approval of the subsequent Area Development Plan application.

Vedanta has indicated that it intends to develop further portions of the Property to include a childcare centre, community residences, community centre and a temple, but that these developments can only occur pending resolution of the rates issue at hand. The fact that Vedanta has indicated that the use of the Property may change if determined to be exempt - and therefore that the current activities may only be temporary uses of the land - is relevant to whether Lot 2 can be said to be wholly devoted to use for a religious purpose.

In terms of considering whether the activities undertaken by Vedanta are sufficient to constitute a 'use for religious purposes', Council Officers note that these activities appear to occur on Lot 2 on a relatively infrequent basis. For the vast majority of time, the land remains vacant.

### Eligibility for a Concession

Sections 119 and 120 of the Regulation are also relevant in that they specify the circumstances in which it will be lawful for Council to reduce rates liability that would otherwise be payable. Relevantly, section 120(1)(b) allows Council to grant a concession where the land is owned by an entity whose objects do not include making a profit.

When Vedanta made its application for a concession, a version of the Rates Concession Policy that has now been repealed was in force. As the Council's Rates Concession Policy is an administrative framework for Council Officers dealing with their obligations under the LGA, Regulation and other relevant statutes, it is appropriate to now deal with the application for concession on the basis of Council's current Rates Concession Policy, which came into force on 27 June 2017.

Under the Rates Concession Policy that has been in force from 27 June 2017Vedanta as a charity, would need to be conducting activities within one of the five listed categories; the most relevant being:

- the relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage; or
- to promote or assist in the promotion of providing educational, training or information aimed at youth development or leisure opportunities; or
- the assistance or encouragement for the arts or cultural development.

As outlined above, Vedanta has claimed that it has been using the entire Property occasionally for religious, cultural or educational purposes. Since 5 June 2015, Vedanta also has an approved Area Development Plan to:

- (a) nominate land for a Special Development Area for a Place of Public Worship, Indoor Entertainment (Hall) and Institutional Residence (Monastery); and
- (b) permit the development of a Place of Public Worship, Indoor Entertainment (Hall) and Institutional Residence (Monastery).

GOVERNANCE COMMITTEE	14 MAY
MEETING AGENDA	2019

Firstly, for the period until 5 June 2015 (the date on which the relevant development approval was obtained), Council Officers do not consider that Vedanta was using the Property for a purpose identified within the relevant Concession Policy. No eligible activities were occurring during this time.

As regards Lot 1, Council Officers consider that as from 5 June 2015 a concession could also be granted. However, if Lot 1 is determined to be exempt under the LGA and Regulation, from that date, no concession decision will be required.

As regards Lot 2, again, the primary consideration is whether the yoga walks, bush walks, meditation and yoga activities, either collectively or separately, constitute a 'use' that is consistent with the requirements of the Rates Concession Policy. On a plain reading of the Rates Concession Policy, these activities do not fit into any of those eligible categories listed above. Therefore, the activities on Lot 2 do not qualify Vedanta for a concession in respect of that Lot.

#### COMMUNITY AND OTHER CONSULTATION

This matter relates to the interpretation of legislative provisions and Council policy and in this instance community consultation in this matter is not relevant.

### CONCLUSION

Conclusion regarding eligibility for a rates exemption under section 93 of the LGA

- As regards the entire Property for the period between 23 October 2014 and 4 June 2015, Council Officers consider that Lot 706 SP 179281 was not eligible to be exempt from rates as the property was greater than 20 hectares in size and no relevant development approval was in effect.
- As regards Lot 1 from the date of the relevant development approval on 5 June 2015, Council Officers consider that Lot 1 SP 275460 (being the site of the Worship Centre) has been used for an eligible purpose that would satisfy the requirements for a rates exemption.
- 3. As regards Lot 2 from the date of subdivision on 14 May 2015, Council Officers consider that Lot 2 SP 275460 has not been used for an eligible purpose, nor has any relevant development approval been obtained, that would satisfy the requirements for a rates exemption, and that the occasional use of the property for the yoga walks, bush walks, meditation and yoga activities undertaken by Vedanta is not a religious use but rather an incidental activity that is being undertaken on vacant land.

MEETING AGENDA	2019
GOVERNANCE COMMITTEE	14 MAY

Conclusion regarding eligibility for concession under Council policies

- 1. As regards the entire Property for the period 23 October 2014 to 4 June 2015, Council Officers consider that Lot 706 SP 179281, was not used by Vedanta for an eligible purpose and is not eligible to be granted a rates concession.
- As regards Lot 1 from the date of the relevant development approval on 5 June 2015, Council Officers consider that Lot 1 SP 275460 (being the site of the Worship Centre) does satisfy the requirements for a rates concession and that a concession should be granted if a rates exemption is not determined to apply to Lot 1.
- 3. As regards Lot 2 from the date of subdivision on 14 May 2015, Council Officers consider that Lot 2 SP 275460 has not been used for an eligible purpose, nor has any relevant development approval been obtained, that satisfies the requirements for a rates concession and that a concession should not be granted if a rates exemption is not determined to apply to Lot 2.

#### ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1	Email from Vedanta 4 May 2015
2	Vedanta application for rates exemption 27 May 2015
3	Council Decision Notice 30 September 2014
4	Council Decision Notice 25 February 2015
5	Illustrate lot reconfiguration
6	Reconfigured by subdivision
7	Council Decision Notice 5 June 2015
8	Council Decision Notice 20 December 2016
9	Council Decision Notice 9 February 2017
10	Council letter - exemption and concession 1 June 2017
11	Vedanta letter further submissions 21 July 2017
12	Vedanta rate categorisation objection 11 August 2017
13	Council Rates Concession Policy 2003
14	Council Rates Concession Policy 2017
15	Vedanta letter further submissions 4 October 2017
16	Illustrate Lot 1 construction
17	Council Decision Notice 4 October 2017
18	Council committee recommendations 23 January 2018
19	Vedanta chronology of events 23 January 2018
20	Council meeting minutes 30 January 2018
21	Council letter to advise repleal 3 April 2019
22	Vedanta further submission and chronology of events 1 May 2019
25	Illustrate activity mid 2017
	CONFIDENTIAL
23	Clayton Utz advice
24	Internal legal advice

# Item 14.14 / Attachment 1.

GOVERNANCE COMMITTEE	14 MAY
MEETING AGENDA	2019

### Paul Mollenhauer TREASURY ACOUNTING MANAGER

I concur with the recommendations contained in this report.

Andrew Knight
CHIEF OPERATING OFFICER (FINANCE AND CORPORATE SERVICES)

"Together, we proudly enhance the quality of life for our community"

Item 14 – Page 13 of 13

Doc ID No: A6019905

ITEM: 15.15

SUBJECT: 13980 REGISTER OF EXPERTS FOR THE INDEPENDENT DECISION REVIEW PANEL

AUTHOR: SENIOR CONTRACTS OFFICER

DATE: 21 JANUARY 2020

### **EXECUTIVE SUMMARY**

This is a report concerning the Evaluation outcome in respect of Request for Tender 13980 – Register of Experts for the Independent Decision Review Panel (IDRP).

### **RECOMMENDATION/S**

### That the Interim Administrator of Ipswich City Council resolve:

### That the report be received and the contents noted.

### **RELATED PARTIES**

There is potential within the contract term for conflicts to arise given the suppliers, due for award under this contract, are field specialists in consultative and or advisory roles and may be engaged by another party to a development application.

Conflicts will be identified with suppliers during the initial invitation to take part in any one IDRP by providing a brief outline of the application relating to that specific review. Suppliers will be required to declare all interests prior to receiving further details.

# ADVANCE IPSWICH THEME

Listening, leading and financial management

Caring for the Community

# PURPOSE OF REPORT/BACKGROUND

Ipswich City Council (ICC) is responsible for preparing and implementing local planning instruments and associated policy frameworks and development activity through; plan making, development assessment and compliance actions.

On 16 April 2019 ICC resolved that it would replace the existing councillor consultation requirements with a Development Applications and Related Activities Framework (Framework) effective from 1 September 2019. This Framework introduced the IDRP to review recommendations on particular development applications submitted to ICC.

On 20 August 2019 the resolution was amended for the IDRP to come into effect from 1 November 2019. IDRPs have not taken place since 1 November 2019 while the procurement process has been undertaken allowing the services to be sourced in line with the contracting requirements under the *Local Government Regulation 2012*.

IDRP functions include:

- Review recommendations made by ICC Officers on sensitive development applications.
- Act as an independent, equitable and open forum for interested parties.
- Achieve best practice outcomes consistent with the legislation and planning controls.

On 25 September 2019, Request for Tender 13980 - Register of Experts for the Independent Decision Review Panel was released to the open market and closed on 22 October 2019, attracting 70 responses from specialist suppliers in urban planning and design, architecture, law, environmental sciences and engineering. Of these responses, the Evaluation Committee recommended 62 suppliers be accepted.

The procurement process is now in its final stage, with the appointment of suppliers occurring over this coming month.

# **LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions:

- Policy: Framework for Development Applications and Related Activities version 1; and,
- Local Government Act 2009
- Local Government Regulation 2012
- Planning Act 2016
- Planning Regulation 2017

# **RISK MANAGEMENT IMPLICATIONS**

The following risks were identified and led to the development of this Framework:

- Transparency and quality of decision making;
- Potential for Councillor influence on decision making.
- Decision making with real and perceived conflict of interest.
- High appeal costs.

The services that will be available under Contract 13980 mitigates the abovementioned risks by providing a cohort of experts in fields relating to property development to:

- Review proposed decisions for applications involving a Sensitive Development Matter.
- Facilitate public hearings for Sensitive Development Matters that involve controversial or contentious issues, such as applications with more than 50 properly made submissions against the development application.
- Maintain independence, and avoid any lobbying or external communication outside the forum of Panel hearings where necessary.

• Undertake a review of recommendations made by ICC planning staff ensuring development decisions on Sensitive Development Matters are consistent with relevant legislation and planning objectives.

In addition the contract provides a streamlined method of supplier engagement that is lawful, transparent, accountable, efficient and sustainable and maximises the achievement of the Local Government principles.

# FINANCIAL/RESOURCE IMPLICATIONS

Contract 13980 is estimated to cost ICC \$200,000 for the full contract term of 24 months. This value is devised from the rates stated in the Policy at Attachment 1 and the projected estimate of ten (10) IDRP reviews in a 12 month period. This estimate incorporates a provisional sum of \$60,000 in the event that the panel is utilised more frequently than projected. The expenditure will be managed as part of the Planning and Regulatory Services Department budget.

# COMMUNITY AND OTHER CONSULTATION

Targeted consultation was undertaken with the Planning Institute of Australia, the Urban Development Institute of Australia, Property Council and stakeholders across ICC prior to developing the Framework. Many of the suggestions and comments raised through this consultation process have been incorporated.

On April 16 2019 Acting City Planner Brett Davey advised through Ipswich First, that the existing councilor consultation requirements were to be replaced with an established framework for development applications.

# CONCLUSION

Request for Tender 13980 – Register of Experts for the Independent Decision Review Panel will be awarded to the 62 successful Tenderers, as approved by Planning and Regulatory Services Department; General Manager Peter Tabulo at Attachment 2 – Evaluation Report.

With this volume of contracts to be executed, award will be undertaken in stages. This minimises the impact on the Panning and Regulatory Services Department by providing access to suppliers as they are awarded and access to the services mandated under the Framework.

# ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

	CONFIDENTIAL
1.	Framework for Development Applications and Related Activites Policy
2.	13980 Request for Tender Evaluation Report.pdf

# Raelene Linfield SENIOR CONTRACTS OFFICER

I concur with the recommendations contained in this report.

# Barbara Clarke PROCUREMENT MANAGER

I concur with the recommendations contained in this report.

# Richard White MANAGER, PROCUREMENT

I concur with the recommendations contained in this report.

Sylvia Swalling
ACTING GENERAL MANAGER CORPORATE SERVICES

ITEM: 16.16

SUBJECT: 2019-2023 ASSET VALUATION - LAND, BUILDINGS AND INFRASTRUCTURE ASSETS - APPOINTED VALUER - QUOTATION NUMBER: 14176

AUTHOR: PRINCIPAL FINANCIAL ACCOUNTANT

DATE: 16 JANUARY 2020

#### **EXECUTIVE SUMMARY**

This is a report by the Principal Financial Accountant dated 16 January 2020 concerning the procurement and evaluation of quotes for asset valuation services of Council's land, building and infrastructure assets over the next four years.

#### **RECOMMENDATION/S**

That the Interim Administrator of Ipswich City Council resolve:

- A. That Request for Quotation 14176 for asset valuation services for land, building and infrastructure assets for the next four years be awarded to Cardno (QLD) Pty Ltd under the Local Buy Contract.
- B. That the Chief Executive Officer be authorised to negotiate and finalise the terms of the contract to be executed by Council and to do any other acts necessary to implement Council's decision in accordance with section 13(3) of the *Local Government Act 200*

#### **RELATED PARTIES**

There are no related parties.

# ADVANCE IPSWICH THEME

Listening, leading and financial management

# PURPOSE OF REPORT/BACKGROUND

In accordance with Council's Asset Accounting Policy, Asset Revaluation Procedure, Procurement Policy and the Australian Accounting Standards, Council is required to conduct an annual revaluation for its non-current asset classes: artworks, land, buildings and structures, drainage, and roads, bridges and footpaths. Council's current revaluation procedure Asset Revaluation FCS-005 provides that Council will revalue all its non-current assets on a five year rolling basis provided that these assets do not experience significant and volatile change in fair value.

Council's current five year contract for the supply of asset valuation services recently expired. In accordance with Council's Procurement Policy and "sound contracting principles" in section 104 of the *Local Government Act 2009*, Council requested quotations for asset valuation services for the next four years via the Local Buy panel.

The request for quotation process and original scope of works to appoint a suitably qualified valuer to provide asset revaluation services in accordance with the agreed revaluation schedule, was detailed in a report to Audit and Risk Management Committee on 6 November 2019 and adopted by Council on 19 November 2019.

Council, as a result of outcomes through its audit planning process, revised the revaluation schedule to undertake a full revaluation of Buildings and Other Structures assets in 2020 and revalue detention basins which were previously excluded from the Flooding and Drainage revaluation undertaken in 2018. As a result, Council updated the original scope of the asset valuation and timing of other asset valuations for land, building and infrastructure assets as set out in Attachment 1. Submissions to the request for quotations to the original and revised project scope from Cardno (QLD) Pty Ltd and Jones Lang LaSalle Pty Ltd are included in Attachments 2 to 7.

# **QUOTATION EVALUATION**

The Finance Manager, Principal Financial Accountant, Senior Planning Officer (Asset Management Team) and the Financial Accountant (Assets) evaluated the quotations submitted. Each conforming submission was evaluated against the criteria of understanding of scope, capability, capacity, past performance and value for money.

The evaluation report and matrix is included as Attachments 8 and 9.

# **LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions: Local Government Act 2009 Local Government Regulation 2012 Australian Accounting Standards

# **RISK MANAGEMENT IMPLICATIONS**

The valuation of assets in accordance with the Accounting Standards, including AASB 116 Property, Plant and Equipment & AAS13 Fair Value, is a significant risk as part of the preparation of the Annual Financial Statements and compliance with Council's Asset Accounting policy. Council processes, the management and involvement of appropriate qualified and skilled Council staff and support from an experienced qualified valuation expert, are critical to mitigating this risk. Risks associated with a four year valuation is there will likely be changes to the format of data presented during the four years so to minimise any changes to pricing Council has requested proposals including quoted fee and hourly rates.

The continued close working of the asset management team and asset accounting team is also extremely important in ensuring accurate and timely revaluations.

# FINANCIAL/RESOURCE IMPLICATIONS

The quoted valuation fee is within the expected project budget and all costs associated with undertaking a valuation will be absorbed within the Corporate Services Department operational budget.

# COMMUNITY AND OTHER CONSULTATION

The asset management team have been consulted with and are part of the team that reviewed the specifications and evaluation of quotations received. The procurement process was being led by Council's procurement team.

# CONCLUSION

It was agreed by the evaluation panel that Cardno (QLD) Pty Ltd offered the best value for money and expertise to deliver the required asset revaluation for land, building and infrastructure assets to Ipswich City Council utilising the existing Local Buy Contracts.

# ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

	CONFIDENTIAL
1.	RFQ 14176 Asset Valuation- Land, Building and Infrastructure Assets (Revised
	Scope)
2.	Quote for Original Scope - Cardno QLD Pty Ltd - RFQ 14176
3.	Quote for Original Scope - Jones Lang LaSelle Public Sector Valuations Pty Ltd -
	RFQ 14176 - Part A
4.	Quote for Original Scope - Jones Lang LaSelle Public Sector Valuations Pty Ltd -
	RFQ 14176 - Part B
5.	Quote for Revised Scope - Cardno (QLD) Pty Ltd - RFQ 14176
6.	Quote for Revised Scope - Jones Lang LaSelle Public Sector Valuations Pty Ltd -
	RFQ 14176 - Part A
7.	Quote for Revised Scope - Jones Lang LaSelle Public Sector Valuations Pty Ltd -
	RFQ 14176 - Part B
8.	Evaluation Report - RFQ 14176 Asset Valuation - Land, Building and Infrastructure
	Assets
9.	Evaluation Matrix - RFQ 14176 Asset Valuation - Land, Building and Infrastructure
	Assets

# Barbara Watson PRINCIPAL FINANCIAL ACCOUNTANT

I concur with the recommendations contained in this report.

# Jeffrey Keech MANAGER, FINANCE

I concur with the recommendations contained in this report.

Sylvia Swalling
ACTING GENERAL MANAGER CORPORATE SERVICES

ITEM: 17.17

SUBJECT: 13274 - LOCKSMITH SERVICES

AUTHOR: SENIOR PROCUREMENT OFFICER

DATE: 7 JANUARY 2020

# **EXECUTIVE SUMMARY**

This is a report concerning the appointment of a provider for Locksmith Services for the purpose of enabling Council to access locksmith services. Council is seeking approval to appoint the recommended supplier, effective for two (2) years from 17 February 2020, with an option to extend for a further three (3), one (1) year periods.

## RECOMMENDATION

That the Interim Administrator of Ipswich City Council resolve:

- A. That in accordance with s233 of the *Local Government Regulation 2012*, Council (Interim Administrator of Ipswich City Council) approve a Preferred Supplier Arrangement for the supply of Locksmith Services.
- B. That Council (Interim Administrator of Ipswich City Council) resolve under s233(7) of the *Local Government Regulation 2012*, it is satisfied that it will obtain better value for money by entering into a Preferred Supplier Arrangement for a term of more than two (2) years.
- C. That Council (Interim Administrator of Ipswich City Council) enter into a contract for the provision of Locksmith Services with the recommended Tenderer as detailed in the Evaluation Report for a period of two (2) years with the option to extend the contract by three (3) x further one (1) year periods.
- D. That the Chief Executive Officer be authorised to negotiate and finalise the term of the contract to be executed by Council and to do any other acts necessary to implement Council's decision in accordance with section 13(3) of the *Local Government Act 2009*.

#### **RELATED PARTIES**

As listed in the Confidential Evaluation Report (Attachment 1).

# **ADVANCE IPSWICH THEME**

Listening, leading and financial management

Caring for the community

## PURPOSE OF REPORT/BACKGROUND

Council tendered for the services of "Locksmith Services". One (1) proposal was received and an evaluation process was undertaken to determine the relevance and experience of the provider.

Appropriate procurement procedures and protocols were followed in evaluating the proposal. Further details of the tendering evaluation process can be found in the Confidential wEvaluation Report (Attachment 1).

## **LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions:

Local Government Regulation 2012 Local Government Act 2009

## **RISK MANAGEMENT IMPLICATIONS**

Should Council not approve the recommendation and appointment of the recommended supplier, Council will be left with no Locksmith services coverage and possible delay and financial implications due to Council requiring rekey of Council facilities due to end of life for current product.

# FINANCIAL/RESOURCE IMPLICATIONS

There are no additional financial or resourcing implications outside budget allocated for Locksmith Services including the upgrade and rekey of Council facilities due to end of life for current product.

# COMMUNITY AND OTHER CONSULTATION

The contents of this report did not require any community consultation.

# CONCLUSION

Council has undertaken the tendering and evaluation process to appoint a provider for Locksmith Services (inclusive of upgrade and rekey of Council facilities) for two (2) years from 17 February 2020, with the option to extend for a further three (3), one (1) year periods.

## ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

- 1. Evaluation Report
- 2. Procurement Plan
- 3. Request for Tender
- 4. Tender Evaluation Criteria and Methodology Plan
- 5. Conformance and Compliance report
- 6. Evaluation Committee's consolidated notes

# Wanda Schoenfisch SENIOR PROCUREMENT OFFICER

I concur with the recommendations contained in this report.

# Barbara Clarke PROCUREMENT MANAGER

I concur with the recommendations contained in this report.

# Richard White MANAGER, PROCUREMENT

I concur with the recommendations contained in this report.

# Sylvia Swalling ACTING GENERAL MANAGER CORPORATE SERVICES

ITEM: 18.18

SUBJECT: HERITAGE AND MONUMENTS ADVISORY COMMITTEE MEETING NO. 212

AUTHOR: TEAM COORDINATOR (CULTURAL HERITAGE)

DATE: 9 JANUARY 2020

#### EXECUTIVE SUMMARY

This is a report concerning the minutes of the Heritage and Monuments Advisory Committee (meeting number 212) which was held on Thursday, 5 December 2019.

#### **RECOMMENDATION/S**

That the Interim Administrator of Ipswich City Council resolve:

- A. That the minutes of the Heritage and Monuments Advisory Committee No. 212 be received and noted.
- B. That the Chairperson of the Heritage and Monuments Advisory Committee contact the General Manager (Infrastructure and Environment Department) to request a status update on the Indigenous Australian Memorial proposed for Queens Park.

#### **RELATED PARTIES**

There are no related party matters associated with this report.

## **ADVANCE IPSWICH THEME**

Listening, leading and financial management

#### PURPOSE OF REPORT/BACKGROUND

The Heritage and Monument Advisory Committee met on 5 December 2019. A copy of the Minutes is included as Attachment 1.

# **LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions: *Not Applicable* 

#### **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with this report.

#### FINANCIAL/RESOURCE IMPLICATIONS

There are no resourcing or budget implications.

#### COMMUNITY AND OTHER CONSULTATION

No consultation was required in relation to reporting the Minutes from the Heritage and Monuments Advisory Committee meeting.

#### CONCLUSION

The report contains the minutes of the Heritage and Monuments Advisory Committee including updates from committee members.

## ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Heritage and Monuments Advisory Committee Meeting No. 212 - 5 December
	2019 🕂 🖾

# Tanya Jen TEAM COORDINATOR (CULTURAL HERITAGE)

I concur with the recommendations contained in this report.

# Dannielle Owen MANAGER, CITY DESIGN

I concur with the recommendations contained in this report.

# Brett Davey ACTING GENERAL MANAGER PLANNING AND REGULATORY SERVICES

-	· · · ·	
Meeting Number	212	
Date	Thursday, 5 December 2019	
Start Time	10.30 a.m.	
Venue	Ipswich Civic Centre, Lockyer Room	
Attendees	Danny Keenan, CHAIR - Principal Officer (Urban Design and Heritage Conservation)/ICC	
	Tanya Jen, DEPUTY CHAIR – Team Coordinator (Cultural Heritage)/ICC Melanie Rush, Ipswich City Council Library - Digital Archivist	
	Tina Longford- Native Title and Cultural Heritage Officer (Infrastructure & Environment Dept)/ICC	
	Jo-Ann Porter, Administration Coordinator/ICC (minutes)	
	Dr Celmara Pocock, USQ Senior Lecturer (Anthropology and Australian Indigenous Studies)	
	Irma Deas, Ipswich Genealogical Society	
	Sally Hetherington, Ipswich Historical Society	
	Josh Tarrant, Museum Development Officer – SEQ Region	
	Ray Watherston, RSL Railways sub branch	
	Kevin Keys, National Servicemen's Association	
	Daniel Cameron, National Trust of QLD, Ipswich and West Moreton Branch	
	Nell Crouch, Rosewood Scrub Historical Society	
Apologies	Graham Carter, Engineers Australia (Engineering Heritage Australia-	
	Queensland)	
	Joyce Phillips, Independent	
	Kay Jones, National Trust of QLD, Ipswich and West Moreton Branch	
	Jane Kingston, Ipswich Hospital Museum	

# Heritage and Monuments Advisory Committee (HMAC) Minutes

## Discussion items:

Item/Item number	Discussion and conclusions	
1. Welcome The meeting opened at 10.30am.		
2. Confirmation of	of The minutes of the previous Heritage and Monuments Advisory Committee	
Minutes of	meeting number 211 held on the 24 October 2019 be confirmed.	
Previous Meeting	Moved by Ray Watherston.	
	Seconded by Irma Deas.	
	The motion was put and carried.	
3. Indigenous The Committee unanimously supported a motion to enquire as to the		
Australian Soldier	status of this project with the General Manager (Infrastructure and	
War Memorial – Environment). The last advice received advised that an exemption		
Queens Park	certificate was to be lodged with the Department of Environment and	
	Science.	
Action: The Chair of the Committee to contact the General Manage		
	(Infrastructure and Environment) to request a status report.	

4.	Heritage Adviser	The Committee was provided with a briefing on the Heritage Adviser
	Service	activities since October 2019. There was a general discussion on wilful
		neglect of properties and will continue this discussion in 2020 as a new
		agenda item.
5.	Department of	One exemption certificate notification was received from the Department
	Environment and	of Environment and Science. The committee were provided with an
	Science	overview of the application received.
	Notifications	
6.	Viva Cribb Bursary	New copyright forms to reflect changes to the Copyright Act 1968, which
	and Picture	came into effect 1st January 2019.
	Ipswich update	
		Contributor Details and Consent form
		<ul> <li>Introduces Creative Commons licensing to Picture Ipswich</li> </ul>
		• Has a written procedure for unwanted items, with signature required by
		group receiving donated items
		• Signature now required when items are returned to the contributor
		Contributor Details and Consent: Oral History form
		<ul> <li>Explanation of the interview process</li> </ul>
		• Interviewee now gives written consent to portrait and audio recording,
		or audio / visual recording
		Creative Commons licensing
		Reproduction and Copyright Information for the Picture Ipswich Collection
		• For the website
		• Designed in a question and answer format to explain what is and what is
		not protected by copyright and how items on Picture Ipswich can be used
		Ipswich Hospital Museum videos recently uploaded:
		Polio in Ipswich
		• The Plague in Ipswich
		• The Epidemic Ward
		Infectious Diseases in Ipswich
		Next series of oral histories:
		<ul> <li>Ipswich Cemetery, with Ashley Ward</li> </ul>
		• 30 years on from the Ipswich Heritage Study, with John Adams and Garth
		Moore
		Suggested oral history topics welcome
		Social media:
		• Launched an appeal for Christmas themed photos, via our Facebook page
		<ul> <li>Instagram page for Picture Ipswich has been launched</li> </ul>
7.	USQ/Ipswich City	Honours student Peta Downes has completed her thesis on Corner Stores
	Council	in Ipswich. City Design Branch Officers have reviewed and marked the
	Partnership	thesis. Peta's work will make a positive contribution to the Statements of
	Opportunities	Significance for Character Places being drafted for the new planning
		Scheme.

8. Ipswich Cemetery Tour	Ipswich Little Theatre has been working with Council's Principal Officer (Policy and Projects) in planning a guided tour of the Ipswich General Cemetery (Pioneer section) in 2020. Members of the committee will be invited to assist in testing the tour prior to the official launch. Augmented reality may be used in the future to make the tour more widely assessable.	
9. Committee Members updates	Refer to Members' updates.	
10. Correspondence	Received 5 December 2019 – Incoming letter to HMAC from committee member Kevin Keys (National Servicemen's Association) advising of his retirement from the committee after 14 years of service.	
11. General Business	<ol> <li>'Reconciliation Rocks' was nominated to Australia's National Heritage List by the Queensland National Trust. It was not successful this year. A video and power-point presentation from a recent National Trust seminar about Reconciliation Rocks was played for the Heritage and Monuments Advisory Committee. More information can be found at: <u>https://nationaltrustqld.org.au/news/Reconciliation-Rocks</u></li> <li>Potential future use, safety and maintenance of the Ipswich Woollen Mills at North Ipswich was discussed.</li> <li>Ipswich Heritage Festival (possibly 2-3 weekends) is in the early stages of planning by Ipswich Council. Information will be forwarded to each of the committee organizations to gauge interest in participating in the festival.</li> <li>The iconic cast iron Nicholas Street railway bridge railings may be incorporated into the design of the new CBD and Nicholas Street. A committee member commented that the heritage of the city should be reflected or highlighted in the new mall. There is an opportunity to turn the CBD into an attraction that is different from other places.</li> </ol>	
Meeting Close	The Chair wished the committee members a very happy, safe Christmas and a prosperous New Year.	
	The meeting closed at 12.55 pm.	

# Heritage and Monuments Advisory Committee – Members update, December 2019

Organisation	Update	
Engineers	Heritage Recognition Program, Technical Program, Archives Program,	
Australia/Engineering	Publications Program, and Biographies and Oral History Program	
Heritage Queensland –	Work on these programs listed in previous reports continues.	
Graham Carter	Engineering Heritage Australia's 100 years Celebration	
	EHQ conducted a walking tour of engineering heritage in Brisbane to	
	commemorate the Centenary.	
	<ul> <li>Ipswich Guide to Engineering Heritage</li> </ul>	
	This publication mentioned previously has now reached the draft stage	
	and is currently being reviewed by EHQ.	
Ipswich Genealogical Society – Irma Deas	<ul> <li>The Society was approached by the Queensland Museum, South Bank in relation to a wedding dress which was donated many years ago by the WHITTAKER family from Ipswich. It is thought the dress was worn in 1880, and forms part of an exhibition of wedding dresses at the Museum. The Society was able to put them in contact with descendants who have photographs and information on the Whittaker and Horsnell families.</li> </ul>	
	<ul> <li>Two of our members attended the History Queensland 6 monthly meeting at Blackbutt on the 24th November.</li> </ul>	
	<ul> <li>The Genealogical Society have been donated a number of microfiche and microfilm records of a few years of the Courier Mail and the publication of early in the 20th century 'The Queenslander" and have been given to understand a set of the Queensland Government Gazettes on microfiche. Do not know exactly until they arrive hopefully in the next week.</li> </ul>	
	The scanning of photographs and the Robyn Buchanan Collection is on-	
	<ul> <li>going.</li> <li>Brigg House will be closed for the Christmas Break from Saturday 14 December 2019 to Monday 6 January 2020.</li> </ul>	
Ipswich Historical Society –	Ipswich Historical Society members are taking a short break over the	
Sally Hetherington	Christmas/New Year holiday. Spinners and Weavers will reopen on Monday 6 January and the museum on Thursday 9 January 2020.	
	The Mines Rescue Brigade Booval inaugural reunion was held on the 29 November 2019. This marks the 110 <sup>th</sup> anniversary of the establishment of the Mines Safety Brigade and to commemorate the end of coal mining in Ipswich.	
	The next presentation will be held on Sunday 23 February 2020 in the Barry	
	Jones Auditorium – The Mary Rose (presentation by Historian Phillip	
	Roberts). English Historian Phillip Roberts will be visiting Ipswich	
	Queensland in February 2020. He lives in Ipswich in England and is keen to	
	see the Australian version of his hometown. He will give a presentation on	
	the Mary Rose one of Henry VIII's ships that has been recovered from the	
	deep.	
Ipswich Hospital Museum – Jane Kingston	<ul> <li>Open Day: Saturday 7 September 2019 – over 80 visitors to the museum.</li> </ul>	
	<ul> <li>The Ipswich Central Library is currently hosting a display from the museum related to 'birthing' in Ipswich. Display will be up until December.</li> </ul>	
	<ul> <li>Museum participated in the oral history stories being recorded by</li> <li>Picture Inswich – IHM contributed stories of capitation at the Inswich</li> </ul>	
	Picture Ipswich – IHM contributed stories of sanitation at the Ipswich Hospital from 1860s to 1907.	

National Trust QLD – Ipswich	Nothing to report.
and West Moreton Branch –	
Daniel Cameron	
Rosewood Scrub Historical	The Rosewood Scrub Historical Society is celebrating their 40 <sup>th</sup> Anniversary.
Society – Nell Crouch	The Society has had involvement with the new Rosewood Library planning
	(history room display).It will be an expanding collection.
Workshops Rail Museum –	A visit was made to Cooneanna (Ipswich Historical Society). Also to
Josh Tarrant	Rosewood Scrub Historical Society for their 40 <sup>th</sup> Anniversary, they have a
	new space which is exciting (for object based collecting). Exhibitions
	currently on show at the Workshops Museum include Bush Mechanics and
	also Meteorites. The Twilight Markets will be held on the 13 December from
	5pm. On the 14 December, the School Holiday program kicks off.
National Serviceman's	Nothing to report. The National Serviceman's Association will no longer
Association – Kevin Keys	have a representative on the Committee after Kevin Keys resigns.
RSL – Ray Watherston	A Remembrance Day gathering was held at the War Memorial located at the
	Railway Workshop Museum. This was also the 101 year anniversary.
	Description boards have now been included in this display.

ITEM: 19.19

SUBJECT: EXERCISE OF DELEGATION REPORT

AUTHOR: PRINCIPAL PLANNER

DATE: 10 JANUARY 2020

#### EXECUTIVE SUMMARY

This is a report concerning applications that have been determined by delegated authority for the period 21 November 2019 to 10 January 2020.

#### **RECOMMENDATION/S**

#### That the Interim Administrator of Ipswich City Council resolve:

#### That the report be received and the contents noted.

#### **RELATED PARTIES**

There are no related parties associated with the recommendation as the development applications have already been determined.

#### ADVANCE IPSWICH THEME

- Strengthening our local economy and building prosperity
- Managing growth and delivering key infrastructure
- Caring for our community
- Caring for the environment

Listening, leading and financial management

#### PURPOSE OF REPORT/BACKGROUND

The following delegations (and associated sub-delegations) contain a requirement for the noting of applications determined by delegated authority:

- Approval of Plans for Springfield
- Determination of Development Applications, Precinct Plans, Area Development Plans and Related Matters
- Exercise the Powers of Council under the *Economic Development Act 2012*
- Implementation of the Planning and Development Program
- Exercise the Powers of Council under the Planning Act 2016

## **LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions: Local Government Act 2009 Planning Act 2016 Economic Development Act 2012

#### **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with this report.

## FINANCIAL/RESOURCE IMPLICATIONS

There are no resourcing or budget implications associated with this report.

## COMMUNITY AND OTHER CONSULTATION

The contents of this report did not require any community consultation. In the event that the development applications listed in this report triggered 'impact assessment' pursuant to the Ipswich Planning Scheme, public notification was undertaken as part of the development application process in accordance with any legislative requirements and matters raised in any submissions and were addressed in the respective development assessment reports.

## CONCLUSION

The Planning and Regulatory Services Department is responsible for the assessment and determination of development applications. Attachment 1 to this report provides a list of development applications that were determined by delegated authority for the period 21 November 2019 to 10 January 2020.

# ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1. Exercise Of Delegation Report 🖞 🛣

Anthony Bowles
PRINCIPAL PLANNER

I concur with the recommendations contained in this report.

# Brett Davey ACTING GENERAL MANAGER PLANNING AND REGULATORY SERVICES

# Item 19.19 / Attachment 1.

Development Applications Determined by Delegated Authority 21 November 2019 to 10 January 2020			
Application No	Туре	Application Details	Primary Property Location
ADP Area	Development	Plan	
2691/2019/ADP	ADP	Area Development To: Reconfiguring a Lot - One (1) Lot into Two (2) Lots plus easements; Material Change of Use - Restaurant, Local Shops, Indoor Recreation (Swim School and Gym) and Child Care Centre	27 Camden Crescent, Spring Mountain
Decision [	Date - 28/11/20	19 Decision - Approved	Authority - Team Co-ordinator East
4348/2019/ADP	ADP	Area Development Plan - RAL Access Easement	61 Springfield Parkway, Springfield
Decision [	Date - 28/11/20	19 Decision - Approved	Authority - Team Co-ordinator East
CA Com	bined Approva		
3153/2019/CA	CA	Material Change of Use - Business Use (Bulky Goods Sale - 4x4 Equipment and Accessories) and Service/Trades Use (4x4 Accessory Fitting and Vehicle Servicing) Operational Works - Advertising Device (Pylon Sign)	
Decision [	Date - 10/12/20	19 Decision - Approved - Negotiated Decision Approved	Authority - Acting Team Co-ordinator West
3366/2019/CA	CA	Reconfiguring a Lot - One (1) lot into Two (2) lots Material Change of Use - Single Residential where the Applicable Code for Self-Assessable Development is not Complied with	241 Warwick Road, Churchill
Decision [	Date - 21/11/20	19 Decision - Approved	Authority - Senior Planner (Development)
Decision [	Date - 17/12/20	19 Decision - Approved - Negotiated Decision Approved	Authority - Senior Planner (Development)
9877/2017/CA	CA	Reconfigure a Lot - One hundred and ten (110) Lots into Six (6) Lots plus Road and Easement Operational Work - Bulk earthworks	22 Saleyards Road, Yamanto
Decision [	Date - 28/11/20	•	Authority - Team Co-ordinator West
IU Inter	rim Uses		
5439/2019/IU	IU	Interim Uses - Bulk Earthworks	Lot 750 Unnamed Road, Spring Mountain
Decision [	Date - 29/11/20	19 Decision - Approved	Authority - Engineering and Environment Manager
MCU Mate	erial Change of	lise	
3767/2019/MCU	MCU	Material Change of Use - General Industry	5 Agnes Street, Bundamba
Decision [ 4416/2019/MCU	Date - 6/12/20 MCU		Authority - Team Co-ordinator Central
Decision [	Date - 26/11/20	19 Decision - Approved	Authority - Acting Team Co-ordinator Central
5996/2019/MCU	MCU	Material Change of Use - Dual Occupancy on 13 lots	7001 Collingwood Drive, Collingwood Park

Application No Type	Application Details	Primary Property Location
Decision Date - 26/11/20	019 Decision - Approved	Authority - Acting Team Co-ordinator Central
6414/2019/MCU MCU	Material Change of Use - Single Residential within the Rural A(Agricultural) Zon and within a Development Constraint Overlay (Bushfire Risk)	861-871 Rosewood Laidley Road, Calvert
Decision Date - 6/12/20 6645/2019/MCU MCU	D19 Decision - Approved Material Change of Use - Business Use (Office, Restaurant and Shop)	Authority - Senior Planner (Development) 90 Limestone Street, Ipswich
Decision Date - 16/12/20 7291/2019/MCU MCU	D19 Decision - Approved Material Change of Use - Community Use - School (2 Stages)	Authority - Team Co-ordinator Central 17 Lowry Street, North Ipswich
Decision Date - 11/12/20 8712/2019/MCU MCU	019 Decision - Approved Material Change of Use - Dual Occupancy (Relatives Accommodation)	Authority - Team Co-ordinator Central 151-177 Russells Road, Pine Mountain
Decision Date - 25/11/20 Decision Date - 3/12/20		Authority - Senior Planner (Development) Authority - Senior Planner (Development)
8858/2019/MCU MCU	Material Change of Use - Dual Occupancy	60 Kynance Street, Leichhardt
Decision Date - 4/12/20 9532/2018/MCU MCU	D19 Decision - Approved Multiple Residential - Caravan Park Extension (13 sites)	Authority - Senior Planner (Development) 7 Baker Street, Camira
Decision Date - 21/11/20	019 Decision - Approved	Authority - Team Co-ordinator East
MAMC Modification-Chan	ge Application Minor	
1779/2019/MAMC/A MAMC	Minor Change - Reconfiguring a Lot - Two (2) Lots into Twenty-Six (26) Lots, Drainage Reserve and New Road	163-165 Cedar Road, Redbank Plains
Decision Date - 24/12/20		Authority - Team Co-ordinator Central
1880/2003/MAMC/A MAMC	Minor Change - Function Centre, Sport and Recreation, Accommodation Buildings, Restaurant and Chapel	Lot 12 Seminary Road, Marburg
Decision Date - 23/12/20 3169/2015/MAMC/A MAMC	019 Decision - Approved One (1) lot into five (5) lots, plus drainage lot	Authority - Senior Planner (Development) 94 Equestrian Drive, Yamanto
Decision Date - 27/11/20 4605/2017/MAMC/A MAMC	D19 Decision - Approved Minor Change - Reconfiguring a Lot (One (1) Lot into six (6) Lots)	Authority - Senior Planner (Development) 7001 Noblevale Way, Swanbank
Decision Date - 3/01/20 5498/2018/MAMC/A MAMC	D20 Decision - Approved Minor Change - Material Change of Use - Temporary Accommodation - Farm Stay Accommodation	Authority - Team Co-ordinator East 396 Rosewood Marburg Road, Tallegalla
Decision Date - 29/11/20 5760/2015/MAMC/E MAMC		Authority - Senior Planner (Development) 40 Masterpanel Lane, Bundamba
Decision Date - 19/12/20	019 Decision - Approved	Authority - Team Co-ordinator Central

Application No	Туре	Application Details	Primary Property Location
5760/2015/MAMC/F	MAMC	Minor Change - RAL - One (1) Lot into One Hundred and twenty three (123) Lot	35-53 Bognuda Street, Bundamba
		RAL - One (1) Lot into Three (3) Lots	
		Preliminary approval to override the planning scheme for development in	
		accordance with the Residential Low Density Zone (RL2), Local Retail and	
		Commercial Zone (LC2) and Regional Business and Industry Buffer Zone - Sma	
		eDA	
Decision Dat	te - 23/12/20	19 Decision - Approved	Authority - Team Co-ordinator Central
6275/2018/MAMC/A	MAMC	Minor Change - Material Change of Use for:	7001 Muller Street, Walloon
		Community Use (Child Care Centre) over Lot 4006 SP291390; and	
		General Store, Business Use (Café) and Temporary Sales Office over Lot 4005	
		SP291390	
Decision Dat	te - 29/11/20		Authority - Senior Planner (Development)
6413/2018/MAMC/B	MAMC	Minor Change - Material Change of Use - Single Residential (123 Dwelling	35-53 Bognuda Street, Bundamba
		Houses in Accordance with a Building Setback Plan)	
Decision Dat	te - 23/12/20		Authority - Team Co-ordinator Central
6951/2014/MAMC/A	MAMC	Carrying out Building Works Assessable Against the Planning Scheme	1 Murphy Street, Ipswich
		(Renovation and Extension to a Character Dwelling in a Character Zone); and	
		Material Change of Use of Premises [Single Residential Dwelling to a Business	
		Use (Medical Centre), including renovation and extension works]	
Decision Da	te - 17/12/20		Authority - Team Co-ordinator Central
7919/2009/MAMC/B	MAMC	Minor Change - Two (2) Lots Into One Hundred & Fourteen (114) Lots + Balance	7003 Collingwood Drive, Collingwood Park
		Lot (Stages 5 & 6 of Six Mile Creek)	
Decision Da	te - 17/12/20		Authority - Team Co-ordinator Central
7920/2017/MAMC/A		Minor Change - Reconfiguring a lot - One (1) lot into two (2) lots	2 Mcgill Street, Raceview
Decision Da	te - 3/12/20	19 Decision - Approved	Authority - Senior Planner (Development)
9562/2017/MAMC/A	MAMC	Minor Change - Combined Application	85 Reif Street, Flinders View
		Material Change of Use - Community Use (Child Care Centre)	
		Reconfiguring a lot - One (1) Lot into Two (2) Lots	
		Other Development - Advertising Device - One (1) Pylon Sign, Two (2) Wall Sigi	
Decision Dat	te - 25/11/20	19 Decision - Approved	Authority - Team Co-ordinator West
MAOC Modifi	cation-Chang	e Application Other	
5150/2015/MAOC/A		Other Change and Extension Application -	Lot 89 Unnamed Road, Redbank Plains
		RAL - One (1) lot into 50 lots plus conservation buffer lot	
		MCU - Single residential (32 lots)	
Decision Da	te - 19/12/20		Authority - Team Co-ordinator Central
MAEXT Modifi	cation-Extens	sion Application	
2404/2015/MAEXT/A		Extension Application - Multiple Residential (11 Townhouses)	19 Grafton Street, East Ipswich
	te - 2/12/20'		Authority - Senior Planner (Development)

Page 3 of 8

# COUNCIL MEETING AGENDA

# Item 19.19 / Attachment 1.

Application No	Туре	Application Details	Primary Property Location
2668/2008/MAEXT/	AMAEXT	Extension Application - RAL - One (1) Lot into One hundred & twenty-five (125)	1 Dorman Lane, Brassall
		Lots	
		MCU - Single Residential Dwellings on lot less than 450m2	
Decision Da	ite - 3/01/202		Authority - Principal Planner
2716/2011/MAEXT/	B MAEXT	Extension to Currency Period Application - Reconfiguring a Lot - Two (2) Lots in Thirty Four (34) Lots, plus One (1) Balance Lot plus Drainage Reserve & Road i three (3) stages) (Stages 8A1, 8A2 and 8B) and Material Change of Use of Premises (Single Residential Dwellings in a Development Constraints Overlay Area (Mining) (All Lots) and on land affected by slopes >15% (Lots 9 and 11))	Lot 406 Gibbs Avenue, Collingwood Park
Decision Da	te - 27/11/201		Authority - Acting Team Co-ordinator Central
4597/2017/MAEXT/		Extension to Currency Period Application - One (1) lot into three (3) lots	10 Holmes Street, North Ipswich
	te - 27/11/201		Authority - Senior Planner (Development)
4681/2015/MAEXT/		Extension to Currency Period Application - Dual Occupancy	9 Lowana Street, Camira
Decision Da			Authority - Team Co-ordinator East
6385/2014/MAEXT/	BMAEXT	Extension Application - Boundary Realignment - Two (2) lots into two (2) lots	1 Goodwin Street, Basin Pocket
Decision Da	te - 2/12/201		Authority - Senior Planner (Development)
6852/2011/MAEXT/		Extension to Currency Period Application - Roadworks, Stormwater, Drainage	Lot 406 Gibbs Avenue, Collingwood Park
		Works, Earthworks, Landscaping and Clearing Vegetation under The Planning Scheme (30 lots) - Collingwood Park Estate Stage 8A only	,
Decision Da	te - 3/12/201		Authority - Team Co-ordinator Engineering
6951/2014/MAEXT/	BMAEXT	Extension to Currency Period Application - Carrying out Building Works Assessable Against the Planning Scheme (Renovation and Extension to a Character Dwelling in a Character Zone); and Material Change of Use of Premises [Single Residential Dwelling to a Business Use (Medical Centre), including renovation and extension works]	1 Murphy Street, Ipswich
Decision Da	ite - 4/12/201		Authority - Senior Planner (Development)
7471/2015/MAEXT/		Extension to Currency Period Application - One (1) Lot into Two (2) Lots (Smart eDA)	
Decision Da	ite - 24/12/201		Authority - Senior Planner (Development)
OW Opera	tional Works		
386/2019/OW	OW	Road Widening	225 Brisbane Road, Bundamba
	ite - 24/12/201	5	Authority - Acting Team Co-ordinator Engineerng
5933/2019/OW	OW	Bulk Earthworks	35-53 Bognuda Street, Bundamba
	ite - 19/12/201		Authority - Acting Team Co-ordinator Engineerng
6493/2019/OW	OW	Road work, Stormwater, Drainage work, Earthworks, Landscaping, Signage and Clearing vegetation	
Decision Da	te - 4/01/202	8 8	Authority - Team Co-ordinator Engineering
6781/2019/OW	OW	Proposed Footpath, Earthworks, Landscaping and Stormwater	82 Brisbane Road, East Ipswich
Decision Da	te - 16/12/201		Authority - Acting Team Co-ordinator Engineerng

Printed 10 January 2020

Page 4 of 8

Application No	Туре	Application Details	Primary Property Location
Decision	Date - 2/01	/2020 Decision - Approved	Authority - Acting Team Co-ordinator Engineerng
7226/2019/OW	OW	Earthwork (Rosehaven Stage 4)	7001 Nielsen Road, Rosewood
Decision	Date - 8/01	/2020 Decision - Approved	Authority - Team Co-ordinator Engineering
7239/2019/OW	OW	Landscaping	2 Centre Court, Chuwar
Decision	Date - 3/12	2/2019 Decision - Approved	Authority - Team Co-ordinator Engineering
7244/2019/OW	OW	Earthworks	1A Woodend Road, Woodend
Decision	Date - 17/12	2/2019 Decision - Approved	Authority - Acting Team Co-ordinator Engineerng
7266/2019/OW	OW	Construction of Sediment Basins	100 Chum Street, New Chum
Decision	Date - 13/12	2/2019 Decision - Approved	Authority - Team Co-ordinator Engineering
7759/2019/OW	OW	Rate 3 Streetlighting - Kalina Stage 8	7004 Panorama Drive, Springfield
Decision I	Date - 25/11	/2019 Decision - Approved	Authority - Team Co-ordinator Engineering
7775/2019/OW	OW	Rate 3 Streetlighting - Kalina Stage 7	7004 Panorama Drive, Springfield
Decision	Date - 25/11		Authority - Team Co-ordinator Engineering
7881/2019/OW	OW	Traffic Signals	50 Weedman Street, Redbank
Decision	Date - 6/01	/2020 Decision - Approved	Authority - Team Co-ordinator Engineering
8407/2019/OW	OW	Road Work, Stormwater, Drainage Work and Earthworks	237-239 Jones Road, Bellbird Park
Decision	Date - 16/12		Authority - Team Co-ordinator Engineering
8456/2019/OW	OW	Stormwater and Landscaping	23 Mill Street, Goodna
Decision	Date - 27/11		Authority - Team Co-ordinator Engineering
8468/2019/OW	OW	Rate 3 Streetlighting - Redbank Motorway Estate Stage 3A	4 Weedman Street, Redbank
Decision	Date - 11/12		Authority - Team Co-ordinator Engineering
8696/2019/OW	OW	Road Work & Drainage Work	64 School Road, Redbank Plains
Decision	Date - 25/11		Authority - Team Co-ordinator Engineering
8728/2019/OW	OW	Drainage Work	94 Equestrian Drive, Yamanto
	Date - 12/12	-	Authority - Team Co-ordinator Engineering
8729/2019/OW	OW	Rate 3 Streetlighting	18-20 Harris Street, Bellbird Park
	Date - 19/12		Authority - Acting Team Co-ordinator Engineerng
8839/2019/OW	OW	Rate 3 Streetlighting	1 Lakeview Drive, Deebing Heights
	Date - 20/12		Authority - Acting Team Co-ordinator Engineerng
8856/2019/OW	OW	Stormwater Drainage Works and Earthworks	26 Queen Street, Goodna
	Date - 4/12	-	Authority - Team Co-ordinator Engineering
9050/2019/OW	OW	Streetscape/Landscaping - Kalina Stages 5 and 6	7004 Panorama Drive, Springfield
	Date - 25/11		Authority - Team Co-ordinator Engineering
9177/2019/OW	OW	Landscaping	50-62 Cobalt Street, Carole Park
	Date - 27/11		Authority - Team Co-ordinator Engineering
9207/2019/OW	OW	Landscaping	22 Queen Street, Goodna
	Date - 2/12		Authority - Team Co-ordinator Engineering
9600/2019/OW	OW		
	Date - 17/12	Internal Works, Stormwater Drainage and Earthworks 2/2019 Decision - Approved	12 Springfield Lakes Boulevard, Springfield Lakes
	OW		Authority - Team Co-ordinator Engineering
9629/2019/OW	000	Landscaping - Kalina Stages 7 and 8	7004 Panorama Drive, Springfield

Printed 10 January 2020

Page 5 of 8

Application No	Type	Application Details	Primary Property Location
Decision D			Authority - Team Co-ordinator Engineering
9950/2019/OW	OW	Earthworks, Stormwater Drainage Works and Driveway Access Crossover Work	
Decision D	ate - 16/12/20	19 Decision - Approved	Authority - Team Co-ordinator Engineering
OD Othe	r Developmen	t	
10094/2019/OD	OD	Carrying out building work not associated with a material change of use - Extension to a Single Residential in a Character Zone	6 Stephenson Street, Sadliers Crossing
Decision D	ate - 8/01/20	020 Decision - Approved	Authority - Senior Planner (Development)
10338/2019/OD	OD	Carrying out building work not associated with a material change of use - Shed i a Character Zone	6 Moffatt Street, Ipswich
Decision D	ate - 16/12/20	19 Decision - Approved	Authority - Senior Planner (Development)
10494/2019/OD	OD	Advertising Devices (window signs)	101 Limestone Street, Ipswich
Decision D	ate - 7/01/20		Authority - Senior Planner (Development)
6312/2019/OD	OD	Advertising Devices - One (1) V Shaped Billboard Sign and Two (2) Double Side Billboard Signs	
Decision D 895/2019/OD	oate - 26/11/20 OD	Decision - Approved Advertising Devices - One (1) Entry Sign, Five (5) Totem Signs	Authority - Acting Team Co-ordinator Central 7003 Mount Juillerat Drive, Redbank Plains
Decision D	ate - 21/11/20		Authority - Senior Planner (Development)
7822/2019/OD	OD	Advertising Device - One (1) Billboard Sign	125 Brisbane Road, Booval
Decision D	ate - 6/01/20	20 Decision - Approved	Authority - Senior Planner (Development)
9022/2019/OD	OD	Carrying out building work not associated with a material change of use - Extension to a Single Residential in a Character Zone	13 Cothill Road, Booval
Decision D	ate - 21/11/20		Authority - Senior Planner (Development)
9219/2019/OD	OD	Carrying out building work not associated with a material change of use - Carpo in a Character Zone	
Decision D	ate - 26/11/20	19 Decision - Approved	Authority - Senior Planner (Development)
9619/2019/OD	OD	Carrying out building work not associated with a material change of use – Inground Pool Affected by a Development Constraints (Urban Catchment Flow Path)	52 Tivoli Hill Road, Tivoli
Decision D	ate - 24/12/20	19 Decision - Approved	Authority - Senior Planner (Development)
745/2019/OD	OD	Advertising Devices - One (1) Pylon Sign	30 Workshops Street, Brassall
Decision D	ate - 19/12/20		Authority - Senior Planner (Development)
822/2019/OD	OD	Carrying out Building Work not Associated with a Material Change of Use - Carport in a Character Zone	3 Stephenson Street, Sadliers Crossing
Decision D	ate - 13/12/20		Authority - Senior Planner (Development)
901/2019/OD	OD	Advertising Device - One (1) Illuminated Awning Fascia Sign	7005 Sunbird Drive, Redbank Plains
	ate - 24/12/20		Authority - Senior Planner (Development)
9981/2019/OD	OD	Advertising Device - Freestanding Sign	10 Wyndham Street, North Ipswich
	ate - 9/12/20		Authority - Senior Planner (Development)
Dougion			

#### MAPDA PDA Amendment Application

Printed 10 January 2020

Page 6 of 8

Application No	Туре	Application Details	Primary Property Location
6973/2015/MAPD		Amendment Application - Advertising Devices – 2 Double-sided Billboards	Lot 10 Unnamed Road, Deebing Heights
Decision [	Date - 2/01/20	20 Decision - Approved	Authority - Team Co-ordinator East
PDA Prio	rity Developme	nt Area	
8694/2019/PDA	PDA	Advertising Device - Billboard (Illuminated V-Shaped Sign)	7-103 Binnies Road, Ripley
Decision D	Date - 13/12/20	19 Decision - Approved	Authority - Senior Planner (Development)
9479/2019/PDA	PDA	Advertising Devices - Six (6) Signs	15 Aulds Road, Ripley
Decision [	Date - 16/12/20	19 Decision - Approved	Authority - Senior Planner (Development)
9615/2019/PDA	PDA	Reconfiguring a Lot - One (1) Lot into One (1) Lot plus new road	Lot 902 Piccadilly Court, Deebing Heights
Decision [	Date - 20/12/20	19 Decision - Approved	Authority - Senior Planner (Development)
RAL Reco	onfiguring a Lo	t	
4890/2019/RAL	RAL	Reconfiguring a Lot - One (1) Lot into Two (2) Lots	67 Gascoyne Drive, Karalee
Decision D	Date - 27/11/20	19 Decision - Approved	Authority - Senior Planner (Development)
5990/2019/RAL	RAL	Reconfiguring a Lot - One (1) lot into Two (2) Lots	102 Smiths Road, Goodna
Decision [	Date - 10/12/20	19 Decision - Approved	Authority - Acting Team Co-ordinator East
6300/2018/RAL	RAL	Reconfiguring a Lot - Three (3) Lots into Twelve (12) Lots	6 Rice Road, Redbank Plains
Decision [	Date - 27/11/20	19 Decision - Refused	Authority - Acting Development Planning Manager
7251/2019/RAL	RAL	Reconfiguring a Lot - One (1) lot into Nine (9) lots plus Drainage Lot and Road	119 Johnston Street, Bellbird Park
Decision [	Date - 12/12/20	19 Decision - Approved	Authority - Acting Team Co-ordinator East
8603/2019/RAL	RAL	Reconfiguring a Lot - Boundary Realignment [two (2) lots into two (2) lots]	151-177 Russells Road, Pine Mountain
Decision [	Date - 25/11/20	19 Decision - Approved	Authority - Senior Planner (Development)
8911/2019/RAL	RAL	Reconfiguring a Lot - One (1) Lot into Two (2) Lots	16 Teape Street, Silkstone
Decision [	Date - 29/11/20	19 Decision - Approved - Negotiated Decision Approved	Authority - Senior Planner (Development)
9245/2019/RAL	RAL	Reconfiguring a Lot - Boundary Realignment - Two (2) Lots into Two (2) Lots	1 Church Street North, Redbank
Decision D	Date - 21/11/20	19 Decision - Approved	Authority - Team Co-ordinator East
9494/2019/RAL	RAL	Reconfiguring a Lot - Access Easement	13 Queen Street, Goodna
Decision [	Date - 27/11/20	19 Decision - Approved	Authority - Team Co-ordinator East
NAME Roa	d/Place/Park/Br	idge Naming	
4739/2019/NAME		Road Naming	197 Taylors Road, Walloon
Decision D	Date - 22/11/20	19 Decision - Approved	Authority - Senior Development Planning Compliance Of
6536/2018/NAME	A NAME	Road Naming Stages 1-12	240 Monterea Road, Ripley
Decision D	Date - 21/11/20	19 Decision - Approved	Authority - Senior Development Planning Compliance Of
6780/2015/NAME		Road Name Continuation	7001 Gliderway Street, Bundamba
Decision [	Date - 5/12/20	19 Decision - Approved	Authority - Senior Development Planning Compliance Of
	ing of Subdivis		
1607/2016/SSP/A		Lots 1 - 19 on SP231313 - Banksia Heights - Stage 1	11 Henderson Street, Redbank
	Date - 21/11/20		Authority - Senior Development Planning Compliance Of
2778/2019/SSP/A	SSP	L14 on SP307660	82 Brisbane Road, East Ipswich

Printed 10 January 2020

Page 7 of 8

Application No	Туре	Applicat	ion Details	Primary Property Location
Decision Da	te - 4/12/20	19 De	ecision - Approved	Authority - Senior Development Planning Compliance Offic
3321/2014/SSP/B	SSP	Lots 83-1	100, 116-122, 149-151 & 501 on SP309444	7001 Isabella Street, Collingwood Park
Decision Da	te - 23/12/20	19 De	ecision - Approved	Authority - Senior Development Planning Compliance Offic
4348/2019/SSP/A	SSP	Easemer	nt G on SP303744	61 Springfield Parkway, Springfield
Decision Da	te - 7/01/202	20 De	ecision - Approved	Authority - Senior Development Planning Compliance Offic
6355/2018/SSP/E	SSP	Lots 330	0-3311, 3316-3321, 3323-3367, 800 and 9025 on SP303692	7003 Dublin Avenue, Spring Mountain
Decision Da	te - 10/12/20	19 De	ecision - Approved	Authority - Senior Development Planning Compliance Offic
6421/2017/SSP/A	SSP	L12 on S	P304384	1 Wood Street, Bundamba
Decision Da	te - 24/12/20	19 De	ecision - Approved	Authority - Senior Development Planning Compliance Offic
7718/2018/SSP/A	SSP	Lots 1 ar	nd 2 on SP307651	60-62 Bendemeer Street, Karalee
Decision Da	te - 28/11/20	19 De	ecision - Approved	Authority - Senior Planner (Development)
8265/2019/SSP/A	SSP	Lots 92 a	and 93 on SP316021	524 Tallegalla Road, Tallegalla
Decision Da	te - 4/12/20	19 De	ecision - Approved	Authority - Senior Development Planning Compliance Offic
9374/2018/SSP/A	SSP	Lots 70-7	72 on SP304053	38 Fernvale Road, Brassall
Decision Da	te - 26/11/20	19 De	ecision - Approved	Authority - Senior Development Planning Compliance Offic
9607/2019/SSP	SSP	Lots 1 ar	nd 2 on SP316019	8 Phoenix Court, Churchill
Decision Da	te - 8/01/202	20 De	ecision - Approved	Authority - Senior Development Planning Compliance Offic
9990/2019/SSP	SSP		50, 893 on SP299122	7002 Fernbrooke Boulevard, Redbank Plains
Desision De	te - 16/12/20	19 De	ecision - Approved	Authority - Senior Development Planning Compliance Offic

SSERV Signing of Subdivision Plan (Ripley)	
5977/2019/SSPRV/A SSPRV Lots 9100, 9101 & 9102 on SP307637	7001 Centenary Highway, South Ripley
Lots 9104 - 9106 on SP307638	
Decision Date - 24/12/2019 Decision - Approved	Authority - Senior Development Planning Compliance Offic
7565/2017/SSPRV/C SSPRV Lots 119-136 and 901 on SP308516	7001 Rhea De Wit Drive, Ripley
Decision Date - 7/01/2020 Decision - Approved	Authority - Senior Development Planning Compliance Offic
8736/2017/SSPRV/A SSPRV Lots 101-110, 113-146, 900, 904, 9000-9002 on SP304911	352-396 Ripley Road, Ripley
Decision Date - 2/12/2019 Decision - Approved	Authority - Senior Development Planning Compliance Offic
9218/2019/SSPRV SSPRV Lots 1 and 2 on SP315488	15 Edinburgh Street, Ripley
Decision Date - 26/11/2019 Decision - Approved	Authority - Senior Development Planning Compliance Offic
9799/2019/SSPRV SSPRV Lot 1 & 2 on SP315625	7 Cambridge Way, Ripley
Decision Date - 26/11/2019 Decision - Approved	Authority - Senior Development Planning Compliance Offic

ITEM: 20.20

SUBJECT: COURT ACTION STATUS REPORT

AUTHOR: PRINCIPAL PLANNER

DATE: 10 JANUARY 2020

## **EXECUTIVE SUMMARY**

This is a report concerning a status update with respect to current court actions associated with development planning related matters including one other significant matter of dispute that the Planning and Regulatory Services Department is currently involved with.

## **RECOMMENDATION/S**

That the Interim Administrator of Ipswich City Council resolve:

That the report be received and the contents noted.

#### **RELATED PARTIES**

The related parties, being the appellants associated with any court actions, are detailed in the attachment to this report.

# ADVANCE IPSWICH THEME

Strengthening our local economy and building prosperity Managing growth and delivering key infrastructure Caring for our community Caring for the environment Listening, leading and financial management

# PURPOSE OF REPORT/BACKGROUND

In addition to the current court actions, there is one (1) other significant matter of dispute that the Planning and Development Department is currently involved with. At Council's meeting on 13 November 2018, it was resolved to amend the Ipswich Planning Scheme (Planning Scheme Major Amendment Package 02/2018) by making amendments to Part 14 – Springfield Structure Plan. Springfield City Group has made representations to the State Government that the amendments, as adopted by Council, should not be approved and has suggested alternative wording regarding the rights and responsibilities of developers and land owners within the Springfield Structure Plan area.

As a consequence of this dispute, the State Government facilitated a without prejudice discussion on 28 February 2019 between Springfield City Group and Council officers. The matter was not resolved at this meeting and it was determined that further discussions would be required prior to the State Government determining the outcome. The formal process surrounding this is presently on hold whilst ongoing discussions occur.

# LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions: Local Government Act 2009 Planning Act 2016 Planning and Environment Court Act 2016

#### **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with this report.

#### FINANCIAL/RESOURCE IMPLICATIONS

There are no resourcing or budget implications associated with this report.

## COMMUNITY AND OTHER CONSULTATION

The contents of this report did not require any community consultation.

#### CONCLUSION

The Planning and Regulatory Services Department are currently involved with a number of current court related matters. Attachment 1 to this report provides a current status with respect to these matters.

# ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	<b>Court Action Status Report</b>	

Anthony Bowles
PRINCIPAL PLANNER

I concur with the recommendations contained in this report.

Brett Davey
ACTING GENERAL MANAGER PLANNING AND REGULATORY SERVICES

## Item 20.20 / Attachment 1.



#### Planning and Development Department Court Action Status Report 13 January 2020 Total Number of Appeals - 11

Note: Data is current as at close of business on the previous working day.

Planning & Environ					
-	ment Court -				
	473 of 2018	Appeal Date:	9/2/2018		HPC Urban Design & Planning Pty Ltd and Bio-Recycle Australia Pty Ltd v/s Ipswich City Council
Solicitor:	N/A at this tin	ne		Appeal Type:	Applicant Appeal
P&D Register No:	139	Application No:	4475/2017/MCU	Applicant:	HPC Urban Design & Planning Pty Ltd
Division:	3			Property:	30 Memorial Drive, Swanbank
Appeal Summary:					application. The MCU application for Special Industry (Extension to an existing Landfill for acts on to adjoining residential areas specifically Ripley Valley.
Status:		in court (25 March application was u	· · ·	udgment hande	d down 13 November 2019. Appeal was dismissed and Council's decisions to refuse the
Appeal No:	945 of 2018	Appeal Date:	14/3/2018	Case Name:	Black Ink Architecture Pty Ltd v Ipswich City Council
Solicitor:	N/A			Appeal Type:	Applicant Appeal
P&D Register No:	140	Application No:	3859/2017/MCU	Applicant:	Black Ink Architecture Pty Ltd
Division:	4			Property:	43 Barclay Street, Bundamba
					39 Barclay Street, Bundamba
					41 Barclay Street, Bundamba
Appeal Summary:					application. The refusal related to a material change of use - child care centre which was
<b>.</b>		d for refusal base	0,	, ,	
Status:	All joint expe	t reporte house hou	sp propered Appe		cell ever review on 22. January 2010
		rt reports have bee	en prepared. Appe	al listed for pre	call over review on 22 January 2019.
Appeal No:	1727 of 2018	rt reports have bee Appeal Date:		· · ·	call over review on 22 January 2019. C.B. Developments Australia Pty Ltd v ICC
Appeal No: Solicitor:		· · · · · · · · · · · · · · · · · · ·	11/5/2018	Case Name:	
••	N/A	· · · · · · · · · · · · · · · · · · ·	11/5/2018	Case Name: Appeal Type:	C.B. Developments Australia Pty Ltd v ICC
Solicitor:	N/A 141	Appeal Date:	11/5/2018	Case Name: Appeal Type: Applicant:	C.B. Developments Australia Pty Ltd v ICC Applicant Appeal
Solicitor: P&D Register No:	N/A 141	Appeal Date:	11/5/2018	Case Name: Appeal Type: Applicant: Property:	C.B. Developments Australia Pty Ltd v ICC Applicant Appeal CB Developments Pty Ltd
Solicitor: P&D Register No: Division:	N/A 141 2	Appeal Date: Application No:	11/5/2018 4432/2017/RAL	Case Name: Appeal Type: Applicant: Property:	C.B. Developments Australia Pty Ltd v ICC Applicant Appeal CB Developments Pty Ltd Lot 902 Eugene Street, Bellbird Park

Page 1 of 4

# COUNCIL MEETING AGENDA

# Item 20.20 / Attachment 1.

		11 Anneal/e			
Planning & Environ		••			
		Appeal Date:	20/9/2018		Mirvac Queensland Pty Ltd v Ipswich City Council and Home Investment Consortium Company Pty Ltd
Solicitor:					Originating Application
P&D Register No:		Application No:	911/2018/ADP		Home Investment Consortium Company Pty Ltd
Division:					95 Southern Cross Circuit, Springfield Central
Appeal Summary:	-		-		il's approval of 11 April 2018 to approve an Area Development Plan is invalid and of no legal t being a minor amendment for the purposes of the Springfield Structure Plan.
Status:	Warehouse. haberdashery	The Supporting l and home déco	Jses were for the or, Craft and hobby	display and sale supplies, House	he establishment of a range of Supporting Uses in conjunction with the approved Retail by retail of the goods as identified in the Master Area Development Plan – Toys, Fabrics, ewares, and Pet products. n in favour of Ipswich City Council.
Appeal No:	4457 of 2018	Appeal Date:	12/12/2018	Case Name:	Weyba3 Pty Ltd v Ipswich City Council
Solicitor:	N/A at this tim	ne		Appeal Type:	Applicant Appeal
P&D Register No:	147	Application No:	7117/2017/CA	Applicant:	WEBYA3
Division:	2			Property	16 Redbank Plains Road, Goodna
Division.	Z			riopenty.	
Division.	Z			Troperty.	45A Ascot Street, Goodna
Division.	Z			rioperty.	
	This is an app			sion to refuse ar	45A Ascot Street, Goodna 45 Ascot Street, Goodna application. The refusal related to reconfiguring the subject land into 78 residential lots and
Appeal Summary:	This is an app a material cha	ange of use for 7	3 Single Residenti	sion to refuse ar al dwellings that	45A Ascot Street, Goodna 45 Ascot Street, Goodna application. The refusal related to reconfiguring the subject land into 78 residential lots and are non-compliant with the planning scheme provisions.
Appeal Summary: Status:	This is an app a material cha Without preju	ange of use for 78 dice discussions	8 Single Residenti ongoing. Listed fo	sion to refuse ar al dwellings that r further review	45A Ascot Street, Goodna 45 Ascot Street, Goodna application. The refusal related to reconfiguring the subject land into 78 residential lots and are non-compliant with the planning scheme provisions. by court on 23 January 2020.
Appeal Summary: Status:	This is an app a material cha	ange of use for 7	8 Single Residenti ongoing. Listed fo	sion to refuse ar al dwellings that r further review	45A Ascot Street, Goodna 45 Ascot Street, Goodna application. The refusal related to reconfiguring the subject land into 78 residential lots and are non-compliant with the planning scheme provisions. by court on 23 January 2020. HPC Urban Design & Planning Pty Ltd and Bio-Recycle Australia Pty Ltd v Ipswich City
Appeal Summary: Status: Appeal No:	This is an app a material cha Without prejud 939 of 2019	ange of use for 7 dice discussions Appeal Date:	8 Single Residenti ongoing. Listed fo	sion to refuse ar al dwellings that r further review Case Name:	45A Ascot Street, Goodna 45 Ascot Street, Goodna application. The refusal related to reconfiguring the subject land into 78 residential lots and are non-compliant with the planning scheme provisions. by court on 23 January 2020. HPC Urban Design & Planning Pty Ltd and Bio-Recycle Australia Pty Ltd v Ipswich City Council
Appeal Summary: Status: Appeal No: Solicitor:	This is an app a material cha Without prejud 939 of 2019 Allison Ferres	ange of use for 76 dice discussions Appeal Date: S-MacDonald	3 Single Residenti ongoing. Listed fo 19/3/2019	sion to refuse ar al dwellings that r further review Case Name: Appeal Type:	45A Ascot Street, Goodna 45 Ascot Street, Goodna application. The refusal related to reconfiguring the subject land into 78 residential lots and are non-compliant with the planning scheme provisions. by court on 23 January 2020. HPC Urban Design & Planning Pty Ltd and Bio-Recycle Australia Pty Ltd v Ipswich City Council Applicant Appeal
Appeal Summary: Status: Appeal No:	This is an app a material cha Without prejud 939 of 2019 Allison Ferres	ange of use for 76 dice discussions Appeal Date: S-MacDonald	3 Single Residenti ongoing. Listed fo 19/3/2019 5601/2004/MAM	sion to refuse ar al dwellings that r further review Case Name: Appeal Type:	45A Ascot Street, Goodna 45 Ascot Street, Goodna application. The refusal related to reconfiguring the subject land into 78 residential lots and are non-compliant with the planning scheme provisions. by court on 23 January 2020. HPC Urban Design & Planning Pty Ltd and Bio-Recycle Australia Pty Ltd v Ipswich City Council
Appeal Summary: Status: Appeal No: Solicitor:	This is an app a material cha Without prejud 939 of 2019 Allison Ferres 152	ange of use for 76 dice discussions Appeal Date: S-MacDonald	3 Single Residenti ongoing. Listed fo 19/3/2019	sion to refuse ar al dwellings that r further review Case Name: Appeal Type: Applicant:	45A Ascot Street, Goodna 45 Ascot Street, Goodna application. The refusal related to reconfiguring the subject land into 78 residential lots and are non-compliant with the planning scheme provisions. by court on 23 January 2020. HPC Urban Design & Planning Pty Ltd and Bio-Recycle Australia Pty Ltd v Ipswich City Council Applicant Appeal
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Printed 13 January 2020

Page 2 of 4

#### Item 20.20 / Attachment 1.

Appeal No: 24	73 of 2019	Appeal Date:	25/9/2019	Case Name:	Lantrak Property Holdings (Qld) Pty Ltd v Ipswich City Council
Solicitor: N//	A	- •			Applicant Appeal
P&D Register No: 15	3	Application No:	3343/2018/MCU	Applicant:	Lantrak Property Holdings (QLD) Pty Ltd
Division: 10	D			Property:	272-292 Ipswich-Rosewood Road, Amberley
					460-482 Ipswich Rosewood Road, Jeebropilly
					Lot 17 Ipswich Rosewood Road, Jeebropilly
					316-356 Ipswich-Rosewood Road, Amberley
					91-109 Mt Elliot Mine Road, Amberley
					434-458 Ipswich Rosewood Road, Jeebropilly
					Lot 16 Ipswich Rosewood Road, Jeebropilly
					Lot 13 Ipswich Rosewood Road, Jeebropilly
					37-89 Mt Elliot Mine Road, Amberley
					358 Ipswich Rosewood Road, Jeebropilly
					312 Ipswich Rosewood Road, Amberley
					111-129 Mt Elliot Mine Road, Amberley
					131-155 Mt Elliot Mine Road, Amberley
					372-406 Ipswich Rosewood Road, Jeebropilly
					Lot 198 Unnamed Road, Jeebropilly
					Lot 199 Unnamed Road, Jeebropilly
					Lot 197 Unnamed Road, Jeebropilly
					Lot 187 Unnamed Road, Amberley
					Lot 10 Ipswich Rosewood Road, Jeebropilly
					Lot 11 Ipswich Rosewood Road, Jeebropilly
					Lot 12 Ipswich Rosewood Road, Jeebropilly
					248 Ipswich-Rosewood Road, Amberley
					410-432 Ipswich Rosewood Road, Jeebropilly
					Lot 196 Unnamed Road, Jeebropilly
					Lot 14 Ipswich Rosewood Road, Jeebropilly
					Lot 15 Ipswich Rosewood Road, Jeebropilly
					29-35 Mt Elliot Mine Road, Amberley
					226-246 Ipswich Rosewood Road, Amberley
Wa		er Station); Enviro			Il is for a Material Change of Use for Special Industry (Landfill for on-putrescible Waste an ) 60 - Waste Disposal; and Environmentally Relevant Activity (ERA) 33 - Crushing, Milling
	-	-	ke a decision was	13 September 2	019 and the due date to issue the decision notice to the applicant was 20 September 201
				•	or an extension of time for the decision period and subsequently lodged the deemed refus

On 13 September 2019 the applicant refused Council's request for an extension of time for the decision period and subsequently lodged the deemed refusal appeal before Council was in a position to issue a decision.

Status: Council provided its reasons for refusal on 4 December 2019. Appellant to respond to the Council reasons for refusal on or before 31 January 2020. All parties to nominate experts on 10 February 2020. Case management conference to be conducted by the Planning and Environment Court Alternative Dispute Resolution Register on 17 February 2020. Appeal listed for review on 21 February 2020.

Printed 13 January 2020

Page 3 of 4

# COUNCIL MEETING AGENDA

# Item 20.20 / Attachment 1.

		Appeal Date:	14/11/2019		Cleanaway Solid Waste Pty Ltd v Ipswich City Council
Solicitor:					Applicant Appeal
P&D Register No:		Application No:	4502/2018/MCU		Cleanaway Solid Waste Pty Ltd
Division:	3			Property:	20 Rhondda Road, New Chum
					100 Chum Street, New Chum
Appeal Summary:					development application to extend upon an existing approved landfill.
					the purpose of the Planning Act 2016 and failed to demonstrate compliance with the South swich Planning Scheme 2006 and the Temporary Local Planning Instrument No. 1 of 2018
			Activity Code (TL		
	Matter listed f	or Court review o	n 12 December 20	019.	
Status:	Council to pro	ovide its reasons f	for refusal and con	ntext for the dete	ermination on or before 7 February 2020. Appeal listed for review on 12 February 2020.
Appeal No:	PE 4091/2019	Appeal Date:	14/11/2019	Case Name:	PE 4091/2019
Solicitor:	N/A			•••	Applicant Appeal – Originating Application
P&D Register No:	155	Application No:	7980/2009/MA/A	Applicant:	Gohardsen Pty Ltd and Tivoli Estates Pty Ltd
Division:	5			Property:	21 Francis Street, Tivoli
					61 Francis Street, Tivoli
					14 Church Street, Tivoli
	<b>T</b> L:-:				7 Francis Street, Tivoli
Appeal Summary:			,		Law to the Planning and Environment Court (PECA) for an originating application seeking
	that the curre	ncy period for the	RAL component	of the applicatio	Law to the Planning and Environment Court (PECA) for an originating application seeking n be extended by 4 years. roviding a two (2) year extension to the currency period.
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ITEM:	21.21
SUBJECT:	TEMPORARY LOCAL PLANNING INSTRUMENTS NO. 1 AND NO. 2 OF 2020 (WASTE ACTIVITY REGULATION)
AUTHOR:	SENIOR PLANNING OFFICER (STRATEGIC)
DATE:	10 JANUARY 2020

## **EXECUTIVE SUMMARY**

This is a report concerning the proposed renewal of two Temporary Local Planning Instruments (TLPIs) for the regulation of waste activity uses; Temporary Local Planning Instrument No. 1 of 2018, which regulates waste activity uses in the Swanbank / New Chum waste activity area and Temporary Local Planning Instrument No. 2 of 2018, which regulates waste activity uses in the Ebenezer / Willowbank / Jeebropilly waste activity area.

In accordance with the *Planning Act 2016*, both Temporary Local Planning Instruments will expire this year. Temporary Local Planning Instrument No. 1 of 2018 (Waste Activity Regulation) expires on 6 April 2020 and Temporary Local Planning Instrument No. 2 of 2018 (Waste Activity Regulation) expires on 29 May 2020. It is proposed to remake two TLPIs to reflect the provisions of the existing TLPIs in order to facilitate the temporary extension of the current waste activity use assessment provisions.

#### **RECOMMENDATION/S**

That the Interim Administrator of Ipswich City Council resolve:

- A. That Council make Temporary Local Planning Instrument No. 1 of 2020 (Waste Activity Regulation) as detailed in Attachment 1 to the report by the Manager, City Design, dated 10 January 2020.
- B. That Council make Temporary Local Planning Instrument No. 2 of 2020 (Waste Activity Regulation) as detailed in Attachment 2 to the report by the Manager, City Design, dated 10 January 2020.
- C. That Temporary Local Planning Instrument No. 1 of 2020 (Waste Activity Regulation) and Temporary Local Planning Instrument No. 2 of 2020 (Waste Activity Regulation) as detailed in Attachment 1 and Attachment 2 to the report by the Manager, City Design, dated 10 January 2020 be forwarded to the Minister for State Development, Manufacturing, Infrastructure and Planning, requesting the Minister approve the remaking of the TLPIs in accordance with the provisions of Section 23 of the *Planning Act 2016* and the Minister's Guidelines and Rules

with an earlier effective day of 7 April 2020 in accordance with section 9(4) of the *Planning Act 2016*.

D. That Temporary Local Planning Instrument No. 1 of 2020 (Waste Activity Regulation) and Temporary Local Planning Instrument No. 2 of 2020 (Waste Activity Regulation) be forwarded to the Minister for Local Government, Racing and Multicultural Affairs, requesting the Minister approve the remaking of the TLPIs in accordance with the provisions of Section 90(B) of the *Local Government Act 2009,* as exceptional circumstances apply and it is in the public interest for Council to remake the TLPIs during or immediately after the caretaker period for local government elections (2020).

# **RELATED PARTIES**

# State government

On 6 April 2018, the Honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning made Temporary Local Planning Instrument No. 1 of 2018 (Waste Activity Regulation) (cited as TLPI No. 1 / 2018) in accordance with section 27(3) of the *Planning Act 2016*. TLPI No. 1 / 2018 applies to the regionally significant economic area of Swanbank / New Chum. Temporary Local Planning Instrument No. 2 of 2018 (Waste Activity Regulation) (cited as TLPI No. 2 / 2018) made by Council, applies to the area of Ebenezer / Willowbank / Jeebropilly. On 18 December 2019, officers from the Department of State Development, Manufacturing, Infrastructure and Planning advised that Council may proceed to forward a proposal to the Minister to remake TLPI No. 1 / 2018.

The two TLPIs are identical, apart from their respective areas of influence. To ensure the continuity of existing waste activity use assessment provisions across the entire local government area, extension of both waste activity regulation TLPIs will be required.

# **ADVANCE IPSWICH THEME**

Managing growth and delivering key infrastructure

# PURPOSE OF REPORT/BACKGROUND

# **Background**

Ipswich has experienced substantial growth in the volume of waste being received at various sites throughout the City, and this has in turn generated significant levels of concern in the community regarding waste industry operations, and has raised questions as to the need and appropriateness of the quantity of waste being disposed of in Ipswich.

The existence of former open cut mining voids located within the Ipswich local government area has resulted in the establishment of waste activities including landfills and compost manufacturing, particularly in the regional business and industry areas of Swanbank / New Chum and Ebenezer / Willowbank / Jeebropilly.

On 6 April 2018, the Honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning made TLPI No. 1 / 2018. The intent of TLPI No. 1 / 2018 was to take urgent action to ensure that the regionally significant economic area of Swanbank / New Chum is appropriately regulated to protect existing, approved or planned residential and other sensitive receiving land uses from adverse impacts associated with waste activity uses.

Subsequently, Council made TLPI No. 2 / 2018 with an early effective day of 29 May 2018 to similarly regulate waste activity uses in the Ebenezer / Willowbank / Jeebropilly Waste Activity Area.

Each TLPI suspends and otherwise affects the operation of the provisions contained in the *Ipswich Planning Scheme 2006* to the extent of matters outlined within each TLPI for each of their respective areas.

# Purpose of Report

The duration of a TLPI under the *Planning Act 2016* is two years from the effective day or such longer period as may be permitted by law or unless repealed sooner, and there is no power to extend the operation of a TLPI beyond the period stated. TLPI No. 1 / 2018 is due to expire on 6 April 2020 and TLPI No. 2 / 2018 is due to expire on 29 May 2020.

The process of preparing a new planning scheme for the Ipswich local government area has commenced, and once implemented, will appropriately address contemporary waste activity uses and their associated potential impacts. This will remove the need for the TLPIs.

To ensure continued application of the current waste activity provisions by Council until the adoption of the new planning scheme, it is proposed to remake the TLPIs to continue the regulation of waste activity uses in the Swanbank / New Chum and Ebenezer / Willowbank / Jeebropilly Waste Activity Areas as established by Temporary Local Planning Instruments No. 1 and No. 2 of 2018. This will also enable the current regulatory framework to continue over the 2020 election 'caretaker period' and the subsequent return to an elected council.

It is further proposed that the new TLPIs (refer to Attachment 1 - Temporary Local Planning Instrument No. 1 of 2020 (Waste Activity Regulation) and Attachment 2 – Temporary Local Planning Instrument No. 2 of 2020 (Waste Activity Regulation)) take effect from 7 April 2020 for a currency period of two years, until 7 April 2022. The required material for the making of a TLPI is contained in the Statement of Reasons (Attachment 3 – Statement of Reasons, TLPI No. 1 / 2020 and Attachment 4 – Statement of Reasons, TLPI No. 2 / 2020), and is in accordance with the *Planning Act 2016* and Minister's Guidelines and Rules July 2017.

# **LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions:

Planning Act 2016

# **RISK MANAGEMENT IMPLICATIONS**

# Alignment of waste activity regulation across all waste activity areas

In order to ensure continued consistency of assessment requirements for waste activities across the City, the commencement of TLPI No. 1 / 2020 and TLPI No. 2 / 2020 should occur simultaneously to provide the same currency period for all affected waste activity areas.

# Timeframes and available Council meetings

The January Council meeting precedes the commencement of the caretaker period for the 2020 local government elections. The expiry date of TLPI No. 2 / 2018 falls shortly after the local government elections, on 29 May 2020, however the expiry date for TLPI No. 1 / 2018 is 6 April 2020. It is recommended that an early effective day of 7 April 2020 be requested for both remade TLPIs (in accordance with section 9(4) of the *Planning Act 2016*) to enable both TLPIs to apply until 7 April 2022.

Additionally, it is recommended that the TLPIs are forwarded to the Minister for Local Government, Racing and Multicultural Affairs, requesting that the Minister approve the remaking of the TLPIs in accordance with the provisions of Section 90(B) of the *Local Government Act 2009,* as exceptional circumstances apply and it is in the public interest for Council to remake the TLPIs during or immediately after the caretaker period for local government elections (2020).

The request will explain the need for continuity of the TLPIs (that the remade TLPIs continue the regulatory framework of the existing TLPIs), and that the current expiration date of TLPI No. 1 / 2018 (6 April 2020) falls only 8 days after the local government election, and does not allow sufficient time for a council meeting between the election date and the date of expiry of the TLPI. The request will also explain (by including the Statement of Reasons for each TLPI) that the decision to approve by exceptional circumstances is in the public interest, as it provides for the current regulatory framework to continue over the 2020 election 'caretaker period' and the subsequent return to an elected council.

Alternatively, if the Minister for Local Government, Racing and Multicultural Affairs should determine that there are insufficient grounds for the remaking of the TLPIs during the caretaker period for local government elections, once notice is received that the remaking of the TLPIs has been approved by the Minister for State Development, Manufacturing, Infrastructure and Planning, Council can consider the remaking of the TLPIs at the next available Council meeting (post local government elections).

### FINANCIAL/RESOURCE IMPLICATIONS

There are no direct financial or resource implications to Council relating to the adoption of new TLPIs for the Swanbank / New Chum and Ebenezer / Willowbank / Jeebropilly Waste Activity Areas.

# COMMUNITY AND OTHER CONSULTATION

A temporary local planning instrument under the *Planning Act 2016* suspends or otherwise affects the operation of the planning scheme. The making of a TLPI is to protect all or part of a local government area from adverse impacts in urgent or emergent circumstances, where the delay involved in amending the planning scheme would increase the risk. As a TLPI is not a planning scheme amendment and is temporary in nature, in accordance with the *Planning Act 2016*, there are no requirements for public consultation.

Notwithstanding, public consultation on the new draft planning scheme (which will incorporate contemporary development assessment provisions for waste activity uses) will occur at a later date, enabling comment and submissions from the community and waste industry.

# CONCLUSION

It is recommended that Council adopt two remade TLPIs, being Temporary Local Planning Instrument No. 1 of 2020 (Waste Activity Regulation) as contained in Attachment 1 and Temporary Local Planning Instrument No. 2 of 2020 (Waste Activity Regulation) as contained in Attachment 2.

# ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

- 1. Draft Temporary Local Planning Instrument No. 1 of 2020 (Waste Activity Regulation) J
- 2. Draft Temporary Local Planning Instrument No. 2 of 2020 (Waste Activity Regulation) J
- 3. Statement of Reasons for TLPI No. 1 / 2020 🕂 🛣
- 4. Statement of Reasons for TLPI No. 2 / 2020 🗓 🛣
- 5. Minister's Guidelines and Rules (Chapter 3 Minister's rules for making and amending a planning scheme policy (PSP) or temporary local planning instrument (TLPI) J

# David Fermer SENIOR PLANNING OFFICER (STRATEGIC)

I concur with the recommendations contained in this report.

# Dannielle Owen MANAGER, CITY DESIGN

I concur with the recommendations contained in this report.

# Brett Davey ACTING GENERAL MANAGER PLANNING AND REGULATORY SERVICES

"Together, we proudly enhance the quality of life for our community"

# ATTACHMENT 1

### TEMPORARY LOCAL PLANNING INSTRUMENT No. 1 of 2020 (WASTE ACTIVITY REGULATION)

### **Ipswich Planning Scheme 2006**

### PART 1 – SHORT TITLE

1. This temporary local planning instrument (TLPI) may be cited as TLPI No. 1 / 2020 (Waste Activity Regulation).

### PART 2 – OVERVIEW

- 2.1 This TLPI provides an interim policy response in respect to landfill and waste industry uses occurring in the Swanbank / New Chum industrial area.
- 2.2 This TLPI seeks to balance economic interests against social and environmental interests, at significant risk of being impacted by the current and expected waste activity proposals in the Swanbank / New Chum industrial area.
- 2.3 In particular, this TLPI seeks to further regulate applications for new or expanded waste activities to protect existing, approved and planned residential and other sensitive receiving uses from adverse impacts including odour, dust, noise, air quality, and amenity (including visual amenity).

### PART 3 – PURPOSE OF THE TLPI

- 3.1 The purpose of the TLPI is to regulate applications for new or expanded waste activities within the Swanbank / New Chum industrial area (located within the Ipswich local government area) to ensure this regionally significant economic area is appropriately regulated to protect existing, approved or planned residential and other sensitive receiving uses (including major events and motorsports uses), from adverse impacts associated with waste activities.
- 3.2 To achieve this purpose, the TLPI-
  - 1. includes Strategic Outcomes (called "Desired Environmental Outcomes" in the Ipswich Planning Scheme (Planning Scheme)) for the local government area:
    - Waste Activity Uses involving "Rehabilitating a mining void" occur only in the Swanbank / New Chum Buffer Area or the Swanbank / New Chum Waste Activity Area; and
    - (ii) Waste Activity Uses involving "Landfill" or "Compost Manufacturing Enclosed" occur only in the Swanbank / New Chum Waste Activity Area; and
    - (iii) Waste Activity Uses involving "Compost Manufacturing Unenclosed" do not occur in the Swanbank / New Chum Buffer Area or Swanbank / New Chum Waste Activity Area.
  - 2. includes definitions of:
    - (i) "Clean Earthen Material".
    - (ii) "Compost Manufacturing Enclosed";
    - (iii) "Compost Manufacturing Unenclosed";
    - (iv) "Landfill";

TLPI No. 1 / 2020

Page 1 of 8

# Item 21.21 / Attachment 1.

- (v) "Rehabilitating a mining void"; and
- (vi) "Waste Activity Use".
- 3. includes two waste activity regulation areas:
  - (i) "Swanbank / New Chum Buffer Area"; and
  - (ii) "Swanbank / New Chum Waste Activity Area"
- 4. prescribes the categories of assessment and assessment benchmarks for "Waste Activity Uses"; and
- 5. includes a land use code, being the "Swanbank / New Chum Waste Activity Code".

### PART 4 – DURATION OF TLPI

- 4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is 7 April 2020.
- 4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day or such longer period as may be permitted by law or unless otherwise repealed sooner.

### PART 5 - INTERPRETATION

- 5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by-
  - (a) the Planning Scheme; or
  - (b) the Planning Act where the term is not defined in the Planning Scheme.
- 5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

### PART 6 - APPLICATION OF THE TLPI

6.1 The TLPI applies to land identified as within the TLPI boundary on the Swanbank / New Chum Waste Activity Area Map in **Attachment A**.

### PART 7 – EFFECT OF THE TLPI

- 7.1 This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development against.
- 7.2 The assessment benchmarks under this TLPI are:
  - (a) the Strategic Outcomes set out in Part 3.2(1)
  - (b) Attachment B: the "Swanbank / New Chum Waste Activity Use Code"; and
  - (c) Attachment C: Table 1 Table of Assessment and Relevant Assessment Criteria.
- 7.3 The Strategic Outcomes set out in Part 3.2(1) of this TLPI affect and apply in addition to, the Desired Environmental Outcomes in Part 3, section 3.1(3) in the Planning Scheme.
- 7.4 This TLPI includes definitions as set out below in Part 8.

Page 2 of 8

### Item 21.21 / Attachment 1.

### PART 8 – DEFINITIONS

### 8.1 "Clean Earthen Material" means-

- (a) bricks, pavers, ceramics or concrete that does not contain embedded steel reinforcing rods, and no piece has any dimension of more than 300mm; or
- (b) clean earth that has trace elements and contaminant levels within the interim ecologically-based investigation levels for urban land use under the document 'Schedule B(1) – Guidelines on the Investigation of Soil and Groundwater', forming part of the National Environment Protection (Assessment of Site Contamination) Measure 1999.

### 8.2 "Compost Manufacturing Enclosed" means-

- (a) storing, processing, disposal, drying or composting of organic material or wastes e.g. animal manures, sludges and domestic waste, for manufacturing soil conditioners or fertilisers, in works processing 200 tonnes or more a year; or
- (b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste including animal manures, sewage, septic sludges and domestic waste, in works producing more than 200 tonnes per year; and
- (c) is conducted in a fully enclosed building which controls the composting process and contains and treats emissions.

### 8.3 "Compost Manufacturing Unenclosed" means-

- (a) storing, processing, disposal, drying or composting of organic material or wastes e.g. animal manures, sludges and domestic waste, for manufacturing soil conditioners or fertilisers, in works processing 200 tonnes or more a year; or
- (b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste including animal manures, sewage, septic sludges and domestic waste, in works producing more than 200 tonnes per year; and
- (c) is not conducted in a fully enclosed building which controls the composting process and contains and treats emissions.

### 8.4 "Landfill" means-

- (a) the use of land for the disposal of material such as domestic waste, putrescible waste, organic waste, regulated waste, building waste, commercial and industrial waste or the like, to raise the level of the site, or to fill or partly fill a mining void on a site.
- (b) The term includes the reprocessing of material from landfill on or off site.

### 8.5 "Rehabilitating a mining void" means-

(a) the filling of a mining void involving only 'clean earthen material'.

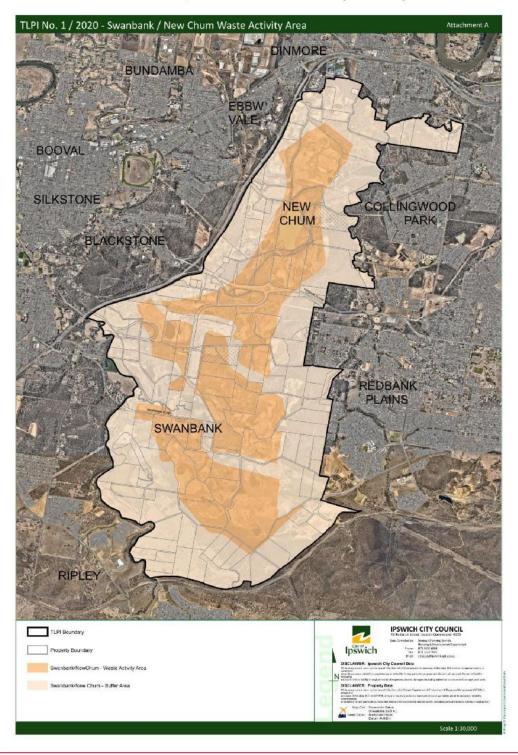
### 8.6 "Waste Activity Use" means-

the use of premises for:

- (a) "Compost Manufacturing Enclosed";
- (b) "Compost Manufacturing Unenclosed";
- (c) "Landfill"; and
- (d) "Rehabilitating a mining void".
- 8.7 Any use not defined in Part 8 above, shall have the meaning assigned to it by the Planning Scheme.

TLPI No. 1 / 2020

Page 3 of 8



Attachment A – Swanbank / New Chum Waste Activity Area Map

TLPI No. 1 / 2020

Page 4 of 8

### ATTACHMENT B

# Swanbank / New Chum Waste Activity Code

### 1. Swanbank / New Chum Waste Activity Code

- (1) The provisions in this section comprise the Swanbank / New Chum Waste Activity Code:
  - compliance with the Swanbank / New Chum Waste Activity Code (section 2);
  - overall outcomes for the Swanbank / New Chum Waste Activity Code (section 3); and
  - specific outcomes for the Swanbank / New Chum Waste Activity Code (section 4).

### 2. Compliance with the Swanbank / New Chum Waste Activity Code

(1) Development that is consistent with the overall and specific outcomes in section 3 and section 4, complies with the Swanbank / New Chum Waste Activity Code.

### 3. Overall Outcomes / Purpose for the Swanbank / New Chum Waste Activity Code

- (1) The overall outcomes are the purpose of the Swanbank / New Chum Waste Activity Code.
- (2) The overall outcomes for the Swanbank / New Chum Waste Activity Code are:
  - (a) Applications involving new or expanded waste activities that are inconsistent with the outcomes sought by the Swanbank / New Chum Waste Activity Code, constitute undesirable development and are unlikely to be approved.
  - (b) Waste Activity Uses:
    - do not have a detrimental impact on the amenity of surrounding area, particularly on existing, approved or planned residential areas or other sensitive receiving uses (including major events and motor sports uses); and
    - do not have a significant impact on visual amenity from residential and other sensitive receiving uses (including major events and motor sports uses); and
    - (iii) do not have a detrimental impact on the environment; and
    - (iv) are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential and other sensitive receiving uses (including major events and motor sports uses); and
    - (v) achieve appropriate rehabilitation outcomes for land affected by former mining activities.

Page 5 of 8

### Item 21.21 / Attachment 1.

### 4. Specific Outcomes for the Swanbank / New Chum Waste Activity Code

- (1) The use of a premises for a Waste Activity Use involving "Rehabilitating a mining void" occurs only in the Swanbank / New Chum Buffer Area or the Swanbank / New Chum Waste Activity Area as shown on the Swanbank / New Chum Waste Activity Area Map; and
- (2) The use of a premises for a Waste Activity Use involving "Landfill" or "Compost Manufacturing Enclosed" occurs only in the Swanbank / New Chum Waste Activity Area as shown on the Swanbank / New Chum Waste Activity Area Map; and
- (3) The use of a premises for a Waste Activity Use involving "Compost Manufacturing Unenclosed" does not occur in the Swanbank / New Chum Buffer Area or the Swanbank / New Chum Waste Activity Area as shown on the Swanbank / New Chum Waste Activity Area Map.
- (4) Waste Activity Uses achieve appropriate rehabilitation outcomes for land affected by former mining activities that:
  - (a) add to a network of green spaces, environmental corridors and active and passive recreation areas; and
  - (b) do not prejudice or compromise the future rehabilitation, use, repair or maintenance of the land; and
  - (c) includes appropriate landscaping and revegetation strategies appropriate for the longterm use of the rehabilitated land.
- (5) Filling and earthworks associated with Waste Activity Uses:
  - (a) do not extend beyond the top of former mining voids, except for approved minor contouring, that improves stormwater management and drainage outcomes; and
  - (b) are designed, operated and maintained so that exposed waste is not visible from surrounding residential and other sensitive receiving uses (including major events and motor sports uses) at any time.
- (6) Waste Activity Uses are developed in a manner that:
  - (a) establishes and maintains native vegetation buffers to improve amenity or environmental impacts particularly where situated close to residential areas or riparian corridors; and
  - (b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance; and
  - (c) does not adversely affect surface or ground water quality, including through storm water runoff or the dewatering of former mines, and where possible, improves the quality of nearby surface and ground water; and
  - (d) does not adversely affect stormwater management and where possible, improves the management of the catchment.

Page 6 of 8

## Item 21.21 / Attachment 1.

- (7) Waste Activity Uses are designed, operated and maintained so that:
  - (a) no nuisance or disturbance is caused to the amenity of surrounding and nearby residential and other sensitive receiving uses (including major events and motor sports uses); and
  - (b) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to surrounding and nearby residential and other sensitive receiving uses (including major events and motor sports uses); and
  - (c) the generation of noise or light overspill does not cause nuisance or disturbance to surrounding and nearby residential and other sensitive receiving uses (including major events and motor sports uses).
- (8) Applications to change or expand an existing Waste Activity Use:
  - (a) may be given favourable consideration where it can be clearly demonstrated, with a high degree of certainty that improved amenity, environmental or community outcomes are able to be achieved;
  - (b) are not likely to be approved where such changes may lead to increased detrimental amenity, environmental or community outcomes.

TLPI No. 1 / 2020

Page 7 of 8

# ATTACHMENT C

Table 1 – Table of Assessment and Relevant Assessme	nt Criteria
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Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria		
SWANBANK / NEW CHUM BUFFER AREA				
Waste Activity Use involving Rehabilitating a Mining Void	Code Assessable	Relevant Area and Zone Code		
		Commercial and Industrial Code (Part 12, division 7)		
		Parking Code (Part 12, division 9)		
		Earthworks Code (Part 12, division 15)		
		Swanbank / New Chum Waste Activity Code		
Waste Activity Use other than involving	Impact Assessable	The whole Planning Scheme		
Rehabilitating a Mining Void – inconsistent use		Swanbank / New Chum Waste Activity Code		
SWANBANK / NEW CHUM WASTE ACTIVITY AREA				
Waste Activity Use involving Rehabilitating a Mining Void	Code Assessable	Relevant Area and Zone Code		
		Commercial and Industrial Code (Part 12, division 7)		
		Parking Code (Part 12, division 9)		
		Earthworks Code (Part 12, division 15)		
		Swanbank / New Chum Waste Activity Code		
Waste Activity Use involving Landfill or Compost Manufacturing Enclosed	Impact Assessable	The whole Planning Scheme		
		Swanbank / New Chum Waste Activity Code		
Waste Activity involving Compost	Impact Assessable	The whole Planning Scheme		
Manufacturing Unenclosed-inconsistent use		Swanbank / New Chum Waste Activity Code		
OTHER				
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme		

Page 8 of 8

# **ATTACHMENT 2**

### TEMPORARY LOCAL PLANNING INSTRUMENT No. 2 of 2020 (WASTE ACTIVITY REGULATION)

### **Ipswich Planning Scheme 2006**

### PART 1 – SHORT TITLE

1. This temporary local planning instrument (TLPI) may be cited as TLPI No. 2 / 2020 (Waste Activity Regulation).

### PART 2 – OVERVIEW

- 2.1 This TLPI provides an interim policy response in respect to landfill and waste industry uses occurring in the Ebenezer / Willowbank / Jeebropilly industrial area.
- 2.2 This TLPI seeks to balance economic interests against social and environmental interests, at significant risk of being impacted by the current and expected waste activity proposals in the Ebenezer / Willowbank / Jeebropilly industrial area.
- 2.3 In particular, this TLPI seeks to further regulate applications for new or expanded waste activities to protect existing, approved and planned residential and other sensitive receiving uses from adverse impacts including odour, dust, noise, air quality, and amenity (including visual amenity).

### PART 3 – PURPOSE OF THE TLPI

- 3.1 The purpose of the TLPI is to regulate applications for new or expanded waste activities within the Ebenezer / Willowbank / Jeebropilly industrial area (located within the Ipswich local government area) to ensure this regionally significant economic area is appropriately regulated to protect existing, approved or planned residential and other sensitive receiving uses (including major events and motorsports uses), from adverse impacts associated with waste activities.
- 3.2 To achieve this purpose, the TLPI-
  - 1. includes Strategic Outcomes (called "Desired Environmental Outcomes" in the Ipswich Planning Scheme (Planning Scheme)) for the local government area:
    - (i) Waste Activity Uses involving "Rehabilitating a mining void" occur only in the Ebenezer / Willowbank / Jeebropilly Buffer Area or the Ebenezer / Willowbank / Jeebropilly Waste Activity Area; and
    - (ii) Waste Activity Uses involving "Landfill" or "Compost Manufacturing Enclosed" occur only in the Ebenezer / Willowbank / Jeebropilly Waste Activity Area; and
    - (iii) Waste Activity Uses involving "Compost Manufacturing Unenclosed" do not occur in the Ebenezer / Willowbank / Jeebropilly Buffer Area or Ebenezer / Willowbank / Jeebropilly Waste Activity Area.
  - 2. includes definitions of:
    - (i) "Clean Earthen Material".
    - (ii) "Compost Manufacturing Enclosed";
    - (iii) "Compost Manufacturing Unenclosed";
    - (iv) "Landfill";

TLPI No. 2 / 2020

Page 1 of 8

### Item 21.21 / Attachment 2.

- (v) "Rehabilitating a mining void"; and
- (vi) "Waste Activity Use".
- 3. includes two waste activity regulation areas:
  - (i) "Ebenezer / Willowbank / Jeebropilly Buffer Area"; and
  - (ii) "Ebenezer / Willowbank / Jeebropilly Waste Activity Area"
- 4. prescribes the categories of assessment and assessment benchmarks for "Waste Activity Uses"; and
- 5. includes a land use code, being the "Ebenezer / Willowbank / Jeebropilly Waste Activity Code".

### PART 4 – DURATION OF TLPI

- 4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is 7 April 2020.
- 4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day or such longer period as may be permitted by law or unless otherwise repealed sooner.

### PART 5 - INTERPRETATION

- 5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by-
  - (a) the Planning Scheme; or
  - (b) the Planning Act where the term is not defined in the Planning Scheme.
- 5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

### PART 6 - APPLICATION OF THE TLPI

6.1 The TLPI applies to land identified as within the TLPI boundary on the Ebenezer / Willowbank / Jeebropilly Waste Activity Area Map in **Attachment A**.

### PART 7 - EFFECT OF THE TLPI

- 7.1 This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development against.
- 7.2 The assessment benchmarks under this TLPI are:
  - (a) the Strategic Outcomes set out in Part 3.2(1)
  - (b) Attachment B: the "Ebenezer / Willowbank / Jeebropilly Waste Activity Use Code"; and
  - (c) Attachment C: Table 1 Table of Assessment and Relevant Assessment Criteria.
- 7.3 The Strategic Outcomes set out in Part 3.2(1) of this TLPI affect and apply in addition to, the Desired Environmental Outcomes in Part 3, section 3.1(3) in the Planning Scheme.
- 7.4 This TLPI includes definitions as set out below in Part 8.

Page 2 of 8

### Item 21.21 / Attachment 2.

### PART 8 – DEFINITIONS

### 8.1 "Clean Earthen Material" means-

- (a) bricks, pavers, ceramics or concrete that does not contain embedded steel reinforcing rods, and no piece has any dimension of more than 300mm; or
- (b) clean earth that has trace elements and contaminant levels within the interim ecologically-based investigation levels for urban land use under the document 'Schedule B(1) – Guidelines on the Investigation of Soil and Groundwater', forming part of the National Environment Protection (Assessment of Site Contamination) Measure 1999.

### 8.2 "Compost Manufacturing Enclosed" means-

- (a) storing, processing, disposal, drying or composting of organic material or wastes e.g. animal manures, sludges and domestic waste, for manufacturing soil conditioners or fertilisers, in works processing 200 tonnes or more a year; or
- (b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste including animal manures, sewage, septic sludges and domestic waste, in works producing more than 200 tonnes per year; and
- (c) is conducted in a fully enclosed building which controls the composting process and contains and treats emissions.

### 8.3 "Compost Manufacturing Unenclosed" means-

- (a) storing, processing, disposal, drying or composting of organic material or wastes e.g. animal manures, sludges and domestic waste, for manufacturing soil conditioners or fertilisers, in works processing 200 tonnes or more a year; or
- (b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste including animal manures, sewage, septic sludges and domestic waste, in works producing more than 200 tonnes per year; and
- (c) is not conducted in a fully enclosed building which controls the composting process and contains and treats emissions.

### 8.4 "Landfill" means-

- (a) the use of land for the disposal of material such as domestic waste, putrescible waste, organic waste, regulated waste, building waste, commercial and industrial waste or the like, to raise the level of the site, or to fill or partly fill a mining void on a site.
- (b) The term includes the reprocessing of material from landfill on or off site.

### 8.5 "Rehabilitating a mining void" means-

(a) the filling of a mining void involving only 'clean earthen material'.

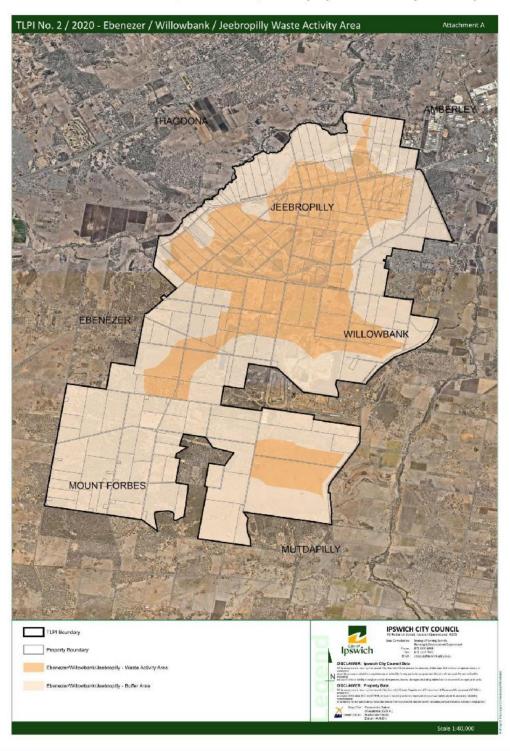
### 8.6 "Waste Activity Use" means-

the use of premises for:

- (a) "Compost Manufacturing Enclosed";
- (b) "Compost Manufacturing Unenclosed";
- (c) "Landfill"; and
- (d) "Rehabilitating a mining void".
- 8.7 Any use not defined in Part 8 above, shall have the meaning assigned to it by the Planning Scheme.

TLPI No. 2 / 2020

Page 3 of 8



### Attachment A – Ebenezer / Willowbank / Jeebropilly Waste Activity Area Map

TLPI No. 2 / 2020

Page 4 of 8

### ATTACHMENT B

# Ebenezer / Willowbank / Jeebropilly Waste Activity Code

### 1. Ebenezer / Willowbank / Jeebropilly Waste Activity Code

- (1) The provisions in this section comprise the Ebenezer / Willowbank / Jeebropilly Waste Activity Code:
  - compliance with the Ebenezer / Willowbank / Jeebropilly Waste Activity Code (section 2);
  - overall outcomes for the Ebenezer / Willowbank / Jeebropilly Waste Activity Code (section 3); and
  - specific outcomes for the Ebenezer / Willowbank / Jeebropilly Waste Activity Code (section 4).

### 2. Compliance with the Ebenezer / Willowbank / Jeebropilly Waste Activity Code

(1) Development that is consistent with the overall and specific outcomes in section 3 and section 4, complies with the Ebenezer / Willowbank / Jeebropilly Waste Activity Code.

### 3. Overall Outcomes / Purpose for the Ebenezer / Willowbank / Jeebropilly Waste Activity Code

- (1) The overall outcomes are the purpose of the Ebenezer / Willowbank / Jeebropilly Waste Activity Code.
- (2) The overall outcomes for the Ebenezer / Willowbank / Jeebropilly Waste Activity Code are:
  - (a) Applications involving new or expanded waste activities that are inconsistent with the outcomes sought by the Ebenezer / Willowbank / Jeebropilly Waste Activity Code, constitute undesirable development and are unlikely to be approved.
  - (b) Waste Activity Uses:
    - do not have a detrimental impact on the amenity of surrounding area, particularly on existing, approved or planned residential areas or other sensitive receiving uses (including major events and motor sports uses); and
    - do not have a significant impact on visual amenity from residential and other sensitive receiving uses (including major events and motor sports uses); and
    - (iii) do not have a detrimental impact on the environment; and
    - (iv) are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential and other sensitive receiving uses (including major events and motor sports uses); and
    - (v) achieve appropriate rehabilitation outcomes for land affected by former mining activities.

Page 5 of 8

### Item 21.21 / Attachment 2.

### 4. Specific Outcomes for the Ebenezer / Willowbank / Jeebropilly Waste Activity Code

- (1) The use of a premises for a Waste Activity Use involving "Rehabilitating a mining void" occurs only in the Ebenezer / Willowbank / Jeebropilly Buffer Area or the Ebenezer / Willowbank / Jeebropilly Waste Activity Area as shown on the Ebenezer / Willowbank / Jeebropilly Waste Activity Area Map; and
- (2) The use of a premises for a Waste Activity Use involving "Landfill" or "Compost Manufacturing Enclosed" occurs only in the Ebenezer / Willowbank / Jeebropilly Waste Activity Area as shown on the Ebenezer / Willowbank / Jeebropilly Waste Activity Area Map; and
- (3) The use of a premises for a Waste Activity Use involving "Compost Manufacturing Unenclosed" does not occur in the Ebenezer / Willowbank / Jeebropilly Buffer Area or the Ebenezer / Willowbank / Jeebropilly Waste Activity Area as shown on the Ebenezer / Willowbank / Jeebropilly Waste Activity Area Map.
- (4) Waste Activity Uses achieve appropriate rehabilitation outcomes for land affected by former mining activities that:
  - (a) add to a network of green spaces, environmental corridors and active and passive recreation areas; and
  - (b) do not prejudice or compromise the future rehabilitation, use, repair or maintenance of the land; and
  - (c) includes appropriate landscaping and revegetation strategies appropriate for the longterm use of the rehabilitated land.
- (5) Filling and earthworks associated with Waste Activity Uses:
  - (a) do not extend beyond the top of former mining voids, except for approved minor contouring, that improves stormwater management and drainage outcomes; and
  - (b) are designed, operated and maintained so that exposed waste is not visible from surrounding residential and other sensitive receiving uses (including major events and motor sports uses) at any time.
- (6) Waste Activity Uses are developed in a manner that:
  - (a) establishes and maintains native vegetation buffers to improve amenity or environmental impacts particularly where situated close to residential areas or riparian corridors; and
  - (b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance; and
  - (c) does not adversely affect surface or ground water quality, including through storm water runoff or the dewatering of former mines, and where possible, improves the quality of nearby surface and ground water; and
  - (d) does not adversely affect stormwater management and where possible, improves the management of the catchment.

Page 6 of 8

### Item 21.21 / Attachment 2.

- (7) Waste Activity Uses are designed, operated and maintained so that:
  - (a) no nuisance or disturbance is caused to the amenity of surrounding and nearby residential and other sensitive receiving uses (including major events and motor sports uses); and
  - (b) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to surrounding and nearby residential and other sensitive receiving uses (including major events and motor sports uses); and
  - (c) the generation of noise or light overspill does not cause nuisance or disturbance to surrounding and nearby residential and other sensitive receiving uses (including major events and motor sports uses).
- (8) Applications to change or expand an existing Waste Activity Use:
  - (a) may be given favourable consideration where it can be clearly demonstrated, with a high degree of certainty that improved amenity, environmental or community outcomes are able to be achieved;
  - (b) are not likely to be approved where such changes may lead to increased detrimental amenity, environmental or community outcomes.

TLPI No. 2 / 2020

Page 7 of 8

# ATTACHMENT C

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria		
EBENEZER / WILLOWBANK / JEEBROPILLY BUFFER AREA				
Waste Activity Use involving Rehabilitating a Mining Void	Code Assessable	Relevant Area and Zone Code		
		Commercial and Industrial Code (Part 12, division 7)		
		Parking Code (Part 12, division 9)		
		Earthworks Code (Part 12, division 15)		
		Ebenezer / Willowbank / Jeebropilly Waste Activity Code		
Waste Activity Use other than involving	Impact Assessable	The whole Planning Scheme		
Rehabilitating a Mining Void – inconsistent use		Ebenezer / Willowbank / Jeebropilly Waste Activity Code		
EBENEZER / WILLOWBANK / JEEBROPILLY WASTE ACTIVITY AREA				
Waste Activity Use involving Rehabilitating a Mining Void	Code Assessable	Relevant Area and Zone Code		
		Commercial and Industrial Code (Part 12, division 7)		
		Parking Code (Part 12, division 9)		
		Earthworks Code (Part 12, division 15)		
		Ebenezer / Willowbank / Jeebropilly Waste Activity Code		
Waste Activity Use involving Landfill or Compost Manufacturing Enclosed	Impact Assessable	The whole Planning Scheme		
		Ebenezer / Willowbank / Jeebropilly Waste Activity Code		
Waste Activity involving Compost Manufacturing Unenclosed– inconsistent use	Impact Assessable	The whole Planning Scheme		
		Ebenezer / Willowbank / Jeebropilly Waste Activity Code		
OTHER				
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme		

Page 8 of 8

# Item 21.21 / Attachment 3.

# **ATTACHMENT 3**

### STATEMENT OF REASONS

### TEMPORARY LOCAL PLANNING INSTRUMENT NO. 1 of 2020

### Planning Act 2016

### Schedule 3 of the Minister's Guidelines and Rules July 2017

### Local government making decision

1. The Ipswich City Council is the local government making the decision in respect of which this statement of reason relates.

### Public office of the local government

2. The public office of the local government is 45 Roderick Street, Ipswich.

### Decision in respect of which the statement of reasons is prepared

- 3. The decision in respect of which the statement of reasons relates is the decision of the local government to propose to make a temporary local planning instrument (TLPI) to affect the operation of the local government's Planning Scheme<sup>1</sup> to:
  - (a) further regulate proposals for new and expanding waste activity uses;
  - (b) protect existing, approved and planned residential and other sensitive receiving uses from adverse impacts associated with waste activities; and
  - (c) make proposals involving new or expanding waste activities that are inconsistent with the outcomes sought by the TLPI undesirable development that is unlikely to be approved.

### Requirement for the statement of reasons

4. The local government is required pursuant to Schedule 3 – Required Material of the Ministers Guidelines and Rules (MGR) under the Planning Act 2016 (Planning Act) to give the Minister a copy of the proposed TLPI that the local government proposes together with a statement of why the local government proposes to make the TLPI and how the proposed TLPI complies with section 23 of the Planning Act.

<sup>&</sup>lt;sup>1</sup> The Planning Scheme for the Ipswich Local Government Area 2006

### Item 21.21 / Attachment 3.

### Background to the decision of the local government

- 5. The local government has identified the following matters as being relevant to the making of the decision:
  - (a) Under section 23(1) of the Planning Act, a local government may make a TLPI if the local government and Minister decide—
    - (a) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; and
    - (b) the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk; and
    - (c) the making of the TLPI would not adversely affect State interests.
  - (b) The growth in waste disposal currently being experienced in Ipswich has resulted in highly negative media labelling Ipswich as the 'dump capital' of Australia, and raised questions as to the need and appropriateness of this waste being disposed of in Ipswich.
  - (c) The Swanbank / New Chum regionally significant industrial area contains several residual mining voids and existing regional waste activity facilities proximate to sensitive receiving land uses, and it is anticipated that development applications for new or expanding waste activities within remnant mining voids may continue to be lodged with Council.
  - (d) Continued application of the current TLPI (in conjunction with the Planning Scheme) to new and expanding waste activity uses in the Swanbank / New Chum industrial area is necessary to ensure the continued protection of residential and other sensitive receiving land uses from adverse impacts associated with waste activities such as odour, dust, noise, air quality and amenity (including visual amenity).
  - (e) The honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning made Temporary Local Planning Instrument No.1 of 2018 (Waste Activity Regulation) on 6 April 2018 in accordance with section 27(3) of the *Planning Act* 2016, to further regulate waste activity uses within the Swanbank / New Chum industrial area. TLPI No.1 / 2018 will expire on 6 April 2020.
  - (f) The Ebenezer / Willowbank / Jeebropilly industrial area presents comparable risks to those of the Swanbank / New Chum industrial area. The remaking of Temporary Local Planning Instrument No. 2 of 2018 (Waste Activity Regulation), which applies to the Ebenezer / Willowbank / Jeebropilly area, ensures a consistent approach to the regulation of waste activity uses for all areas within the City that are at risk of further waste activity development (and are in proximity to residential and other

Statement of reasons

Page 2 of 4

### Item 21.21 / Attachment 3.

sensitive uses), and a request to remake the Ebenezer / Willowbank / Jeebropilly TLPI will also be forwarded to the Minister prior to expiration of TLPI No.2 / 2018.

- (g) The process to make a permanent amendment to the planning scheme is estimated to take around 350 business days (70 weeks / 1 year and 4.5 months) to complete in accordance with the State government's *Guidance for the Minister's Guidelines and Rules* July 2017. Remaking of TLPI No.1 / 2018 as Temporary Local Planning Instrument No.1 of 2020 is necessary to continue the current regulatory framework during the development of a new planning scheme for the Ipswich City area, which will include new provisions for waste activity regulation.
- (h) State interests would not be adversely affected by the proposed TLPI. Implementation of the TLPI will ensure that waste activities are appropriately located, designed and managed to protect sensitive receiving uses and the environment from adverse impacts associated with waste activity uses.

### Material considered in making the decision

- 6. The local government considered the following material in arriving at the decision to propose the temporary local planning instrument:
  - (a) planning material being:
    - (i) the local government's Planning Scheme; and
    - (ii) the matters stated in section 23 of the *Planning Act 2016*; and
    - Schedule 3 Required Material for making or amending a TLPI under Chapter 2, Part 2 of the *Minister's Guidelines and Rules* July 2017; and
  - (b) legislation being the:
    - (i) Local Government Act 1993; and
    - (ii) Planning Act 2016; and
    - (iii) Acts Interpretation Act 1954.
  - (c) The introduction of Temporary Local Planning Instrument No. 1 of 2018 (Waste Activity Regulation) on 6 April 2018, applicable to the Swanbank / New Chum waste activity area.
  - (d) The introduction of Temporary Local Planning Instrument No. 2 of 2018 (Waste Activity Regulation), applicable to the Ebenezer / Willowbank / Jeebropilly waste activity area (effective date 29 May 2018).

### Reasons for making the decision

7. The local government has made the decision to avoid a significant risk of serious adverse environmental and social conditions, and for the following reasons:

Statement of reasons

Page 3 of 4

- (a) continuing to implement the further regulation of new and expanding waste activity uses in the Swanbank / New Chum industrial area is necessary to ensure the appropriate protection of residential and other sensitive receiving land uses from the negative adverse impacts associated with waste activities such as odour, dust, noise, air quality and amenity (including visual amenity);
- (b) the lengthy timeframe associated with undertaking a permanent planning scheme amendment does not afford the same regulatory protection for the community in the period before adoption, and could result in long term implications for Council (such as adverse social and environmental impacts on the community and economic consequences);
- (c) delaying or failing to implement the proposed further regulation of waste activities in the Swanbank / New Chum industrial area has the propensity to result in further negative media for the City as the 'dump capital' of Australia; and
- (d) to ensure consistent and equitable regulatory provisions for regionally significant industrial areas that contain residual historic mining voids and regional waste activity facilities, and are at risk of application for new or expanding waste activity uses proximate to residential and other sensitive receiving uses.

Statement of reasons

Page 4 of 4

# ATTACHMENT 4

### STATEMENT OF REASONS

### TEMPORAY LOCAL PLANNING INSTRUMENT No. 2 of 2020

### Planning Act 2016

### Schedule 3 of the Minister's Guidelines and Rules July 2017

### Local government making decision

1. The Ipswich City Council is the local government making the decision in respect of which this statement of reasons relates.

### Public office of the local government

2. The public office of the local government is 45 Roderick Street, Ipswich.

### Decision in respect of which the statement of reasons is prepared

- 3. The decision in respect of which the statement of reasons relates is the decision of the local government to propose to make a temporary local planning instrument (TLPI) to affect the operation of the local government's Planning Scheme<sup>1</sup> to:
  - (a) further regulate proposals for new and expanding waste activity uses;
  - (b) protect existing, approved and planned residential and other sensitive receiving uses (including major events and motor sports uses) from adverse impacts associated with waste activities; and
  - (c) make proposals involving new or expanding waste activities that are inconsistent with the outcomes sought by the TLPI undesirable development that is unlikely to be approved.

### Requirement for the statement of reasons

4. The local government is required pursuant to Schedule 3 – Required Material of the Ministers Guidelines and Rules (MGR) under the Planning Act 2016 (Planning Act) to give the Minister a copy of the proposed TLPI that the local government proposes together with a statement of why the local government proposes to make the TLPI and how the proposed TLPI complies with section 23 of the Planning Act.

<sup>&</sup>lt;sup>1</sup> The Planning Scheme for the Ipswich Local Government Area 2006

### Item 21.21 / Attachment 4.

### Background to the decision of the local government

- 5. The local government has identified the following matters as being relevant to the making of the decision:
  - (a) Under section 23(1) of the Planning Act, a local government may make a TLPI if the local government and Minister decide—
    - (a) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; and
    - (b) the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk; and
    - (c) the making of the TLPI would not adversely affect State interests.
  - (b) The growth in waste disposal currently being experienced in Ipswich has resulted in highly negative media labelling Ipswich as the 'dump capital' of Australia, and raised questions as to the need and appropriateness of this waste being disposed of in Ipswich.
  - (c) The Ebenezer / Willowbank / Jeebropilly regionally significant industrial area contains several residual mining voids and existing regional waste activity facilities within proximity to sensitive receiving land uses (akin to that of the Swanbank / New Chum industrial area), and it is anticipated that development applications for new or expanding waste activities within remnant mining voids may continue to be lodged with Council.
  - (d) Continued application of the current TLPI (in conjunction with the Planning Scheme) to new and expanding waste activity uses in the Ebenezer / Willowbank / Jeebropilly industrial area is necessary to ensure the continued protection of residential and other sensitive receiving land uses from adverse impacts associated with waste activities such as odour, dust, noise, air quality and amenity (including visual amenity).
  - (e) Redevelopment plans are in place for the Ipswich Motorsports Park to become Queensland's premier motor sports precinct. Current major events such as CMC Rocks music festival and Winternationals drag racing make a significant economic contribution to Ipswich and the region.
  - (f) The honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning made Temporary Local Planning Instrument No.1 of 2018 (Waste Activity Regulation) in accordance with section 27(3) of the *Planning Act* 2016, to further regulate waste activity uses within the Swanbank / New Chum industrial area on 6 April 2018.

Statement of Reasons

Page 2 of 4

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The intent of TLPI No.1 / 2018 was to take urgent action to ensure that the regionally significant economic area of Swanbank / New Chum is appropriately regulated to protect existing, approved or planned residential and other sensitive receiving land uses from adverse impacts associated with waste activities.

As the Ebenezer / Willowbank / Jeebropilly industrial area presented comparable risks to those of the Swanbank / New Chum industrial area, the implementation of a second TLPI was warranted to further regulate new and expanding waste activities in the Ebenezer / Willowbank / Jeebropilly industrial area, and to protect residential and other sensitive receiving uses (including major events and motor sports uses) from adverse impacts associated with waste activities. The remaking of TLPI No.2 / 2018 as 'Temporary Local Planning Instrument No.2 of 2020' is considered necessary in order to continue the current regulatory framework.

- (g) The process to make a permanent amendment to the planning scheme is estimated to take around 350 business days (70 weeks / 1 year and 4.5 months) to complete in accordance with the State government's *Guidance for the Minister's Guidelines and Rules* July 2017. Remaking of TLPI No.2 / 2018 as Temporary Local Planning Instrument No.2 of 2020 will be necessary to continue the current regulatory framework during the development of a new planning scheme for Ipswich City, which will include new provisions for waste activity regulation.
- (h) State interests would not be adversely affected by the proposed TLPI. Implementation of the TLPI will ensure that waste activities are appropriately located, designed and managed to protect sensitive receiving uses and the environment from adverse impacts associated with waste activity uses.

### Material considered in making the decision

- 6. The local government considered the following material in arriving at the decision to propose the temporary local planning instrument:
  - (a) planning material being:
    - (i) the local government's Planning Scheme; and
    - (ii) the matters stated in section 23 of the *Planning Act 2016*; and
    - Schedule 3 Required Material for making or amending a TLPI under Chapter 2, Part 2 of the *Minister's Guidelines and Rules* July 2017; and

Statement of Reasons

Page 3 of 4

# Item 21.21 / Attachment 4.

- (b) legislation being the:
  - (i) Local Government Act 1993; and
  - (ii) Planning Act 2016; and
  - (iii) Acts Interpretation Act 1954.
- (c) The introduction of Temporary Local Planning Instrument No. 1 of 2018 (Waste Activity Regulation), applicable to the Swanbank / New Chum waste activity area on 6 April 2018.
- (d) The introduction of Temporary Local Planning Instrument No. 2 of 2018 (Waste Activity Regulation) applicable to the Ebenezer / Willowbank / Jeebropilly waste activity area (effective date 29 May 2018).

### Reasons for making the decision

- 7. The local government has made the decision to avoid a significant risk of serious adverse environmental and social conditions, and for the following reasons:
  - (a) continuing to implement the further regulation of new and expanding waste activity uses in the Ebenezer / Willowbank / Jeebropilly industrial area is necessary to ensure the appropriate protection of residential and other sensitive receiving land uses (including major events and motor sports uses) from the negative adverse impacts associated with waste activities such as odour, dust, noise, air quality and amenity (including visual amenity);
  - (b) the lengthy timeframe associated with undertaking a permanent planning scheme amendment does not afford the same regulatory protection for the community in the period before adoption, and could result in long term implications for Council (such as adverse social and environmental impacts on the community and economic consequences);
  - (c) delaying or failing to implement the proposed further regulation of waste activities in the Ebenezer / Willowbank / Jeebropilly industrial area has the propensity to result in further negative media for the City as the 'dump capital' of Australia; and
  - (d) to ensure consistent and equitable regulatory provisions for regionally significant industrial areas that contain residual historic mining voids and regional waste activity facilities, and are at risk of application for new or expanding waste activity uses proximate to residential and other sensitive receiving uses.

Statement of Reasons

Page 4 of 4

### Item 21.21 / Attachment 5.

# **ATTACHMENT 5**

# Minister's Guidelines and Rules

Chapter 3—Minister's rules for making and amending a planning scheme policy (PSP) or temporary local planning instrument (TLPI)

# Part 2—Temporary Local Planning Instrument

### 6. What this part prescribes

6.1. This part prescribes the process for making or amending a temporary local planning instrument (TLPI) for section 23 of the Act.

### 7. Planning and preparation

- 7.1. The local government must decide to make or amend a TLPI.9
- 7.2. The local government must prepare the proposed TLPI or TLPI amendment.

### 8. Minister's approval

- 8.1. The local government must submit the proposed TLPI or TLPI amendment and the required material as prescribed in Schedule 3 to the Minister.
- 8.2. The Minister may request additional information from the local government after the Minister receives the proposed TLPI or TLPI amendment under section 8.1.
- 8.3. After receiving the proposed TLPI or TLPI amendment, the Minister must decide if
  - a) for a proposed TLPI, if section 23(1) of the Act is satisfied; or
  - b) for a proposed TLPI amendment, if section 23(2) of the Act is satisfied.
- 8.4. If the Minister approves the local government making or amending a TLPI, the Minister must, within 20 days of receiving the proposed TLPI or TLPI amendment, give the local government a notice stating:
  - a) that the Minister approves the making or amending of the TLPI; and
  - b) if the Minister agrees to an earlier *effective day* in accordance with section 9(4) of the Act.
- 8.5. If the Minister does not approve the local government making or amending a TLPI, the Minister must, within 20 days of receiving the proposed TLPI or TLPI amendment, give the local government a notice stating:
  - a) that the Minister does not approve the making or amending of the TLPI; and
  - b) if the local government may resubmit the proposed TLPI or TLPI amendment to the Minister for approval and if so, what actions must first be taken by the local government.
- 8.6. If the notice given to the local government by the Minister under section 8.5 allows the local government to resubmit the proposed TLPI or TLPI amendment to the Minister, the Minister may approve the amendment and give notice under section 8.4 or refuse the amendment and give notice under section 8.5.

<sup>&</sup>lt;sup>9</sup> If a local government proposes an earlier effective day for the TLPI or TLPI amendment, the local government must resolve, at a public meeting, to give the TLPI or TLPI amendment and the request for an earlier effective day to the Minister for approval – see 9(4) of the Act.

### Item 21.21 / Attachment 5.

### 9. Adoption

- 9.1. After completing the relevant actions under this part, the local government must decide to adopt or not to proceed with the proposed TLPI or TLPI amendment.
- 9.2. If the local government decides to adopt the proposed TLPI or TLPI amendment, the local government must publish a public notice in accordance with the requirements in the Act and as prescribed in Schedule 5.
- 9.3. The local government must, within 10 days of adopting the TLPI or TLPI amendment, give the chief executive
  - a) a copy of the public notice; and
  - b) a certified copy of the TLPI as made or amended, including
    - i. an electronic copy of the amendment or instrument; and
    - ii. a copy of all electronic planning scheme spatial data files (mapping), relevant to the TLPI.
- 9.4. If the local government decides not to proceed with the proposed TLPI or TLPI amendment, the local government must give the Minister a notice stating
  - a) the name of the local government;
  - b) the title of the proposed TLPI or TLPI amendment;
  - c) the decision; and
  - d) the reasons for not proceeding with the proposed TLPI or TLPI amendment.

# Schedule 3—Required material

### For making or amending a TLPI under Chapter 3, Part 2

- 1. An electronic copy (mandatory) and a hard copy (optional) of the proposed TLPI or TLPI amendment in the format identified by the department.
- 2. A statement including
  - a) why the local government proposes to make or amend the TLPI;
  - b) how the proposed TLPI or TLPI amendment complies with section 23(1) or (2) of the Act.
- 3. Any background studies or reports that informed the preparation of the proposed TLPI or TLPI amendment.
- 4. Any relevant mapping (if available).

Page 2 of 2

Doc ID No: A6001695

ITEM: 22.22

SUBJECT: DRAFT SEQ KOALA CONSERVATION STRATEGY AND HABITAT MAPPING

AUTHOR: PLANNING OFFICER (STRATEGIC)

DATE: 13 JANUARY 2020

### **EXECUTIVE SUMMARY**

This is a report concerning the release of the *draft South East Queensland Koala Conservation Strategy 2019-2024.* The draft strategy has been prepared to guide management actions to retain viable koala populations and conserve and manage suitable habitat within South East Queensland (SEQ).

The draft strategy introduces a new planning framework for the koala underpinned by proposed new koala habitat mapping, identification of Koala Priority Areas and strict clearing controls.

There are a number of issues of concern and points of clarification that will need to be addressed by the State government prior to finalisation and implementation of the draft strategy and mapping. It is proposed that the matters identified in this report form the basis of a Council submission to the State government in response to the draft strategy. The proposed *Koala Conservation Plan Map* has also been reviewed for its implications for the lpswich local government area. This information is not public and therefore forms a confidential attachment to this report.

### **RECOMMENDATION/S**

That the Interim Administrator of Ipswich City Council resolve:

- A. That the report be received and the contents noted.
- B. That the contents of the report by the Manager, City Design dated 13 January
   2020 be used to inform a submission in response to the State government's *draft* South East Queensland Koala Conservation Strategy 2019-2024.

### **RELATED PARTIES**

The draft strategy and supporting habitat mapping has been reviewed by Council's Environment and Sustainability Branch and Engineering, Health and Environment Branch, their input has been used to inform this report by the City Design Branch. Advance Ipswich Theme.

# **ADVANCE IPSWICH THEME**

Caring for the environment

# BACKGROUND

Koala populations in South East Queensland (SEQ) have dramatically declined over the past decades. In response to community concern regarding the decline of the koala, the State government appointed a Koala Expert Panel (KEP) in July 2016 to provide recommendations on the most appropriate and realistic actions to address the decline in and ensure the persistence of, koala populations in the wild in South East Queensland. The KEP made six (6) recommendations with supporting actions. The State government's response to the KEP report committed to implementing all six (6) recommendations.

On 8 December 2019, the State government released the *draft South East Queensland Koala Conservation Strategy 2019-2024* (draft strategy) and associated *proposed Koala Conservation Plan Map* that will support the implementation of the strategy for public consultation (refer Attachment 1). The draft strategy outlines the proposed actions that respond to each of the recommendations of the KEP. The State government is seeking comments in response to the draft strategy by 31 January 2020. The formal public consultation period for the *proposed Koala Conservation Plan Map* closed on 22 December 2019 but the results of the consultation are not yet publicly available.

The draft strategy addresses the primary causes of koala decline including habitat loss, disease management, car strikes, and dog attacks. The primary intent of the draft strategy is to guide management actions across mapped habitat areas to retain viable koala populations and conserve and manage suitable habitat within SEQ. The draft strategy introduces a new planning framework for the koala underpinned by the proposed new mapping of koala habitat and the identification of Koala Priority Areas (KPA) with the proposal for strict clearing controls. These areas will be the focus for sustained habitat protection, habitat restoration, and threat mitigation, community partnerships, and recovering actions for koalas across SEQ.

Given the highly constrained timeframe imposed by the State government for the provision of comments on the draft mapping, officer comments only were able to be provided to the State government (refer Attachment 3) without a prior briefing to Council.

# OVERVIEW OF DRAFT SOUTH EAST QUEENSLAND KOALA CONSERVATION STRATEGY 2019-2024

# Aim of the draft strategy

The aim of the draft strategy is to:

1. Provide a safe environment for the community where risks associated with koala habitats are appropriately managed and clearing of vegetation and habitats are reduced as much as possible;

- 2. Identify, establish and enhance koala habitat and wildlife corridors to support koala populations, movement and dispersal;
- 3. Manage the impacts of clearing and development on the koala populations, in accordance with State's and Council's legislative and regulatory obligation responsibilities;
- 4. Outlining strategies to reduce threats to individual koalas including impacts from vehicle strike, dog attacks, predations and disease; and
- 5. Build community awareness of the value of koala conservation initiatives.

# Proposed actions

The vision and targets set by the draft strategy are based on and respond to the recommendations of the Koala Expert Panel (KEP) and include six (6) priority areas for proposed action over the next five (5) years:

- 1. Strategic coordination a strategic and coordinated approach to koala conservation;
- 2. Habitat protection ensuring koala habitat is protected;
- 3. Habitat restoration for koalas strategic and landscape-scale koala habitat restoration;
- 4. Threat management coordinated threat reduction and koala population management;
- 5. Community engagement strong community partnerships and engagement; and
- 6. Improved mapping, monitoring, research and reporting targeted mapping, monitoring research and reporting.

# <u>Key targets</u>

The draft strategy proposed targets for koala habitat, koala population and threat reduction for the life of the strategy as follows:

- 'No net loss' in koala habitat;
- Commencement of rehabilitation to restore 1000ha of cleared habitat in KPA in SEQ over the life of the strategy;
- No long term decline in koala population numbers in SEQ; and
- 25% reduction on injury and mortality across ten key road threat hotspots in SEQ where threat mitigation measures are implemented within the life of the strategy.

# Key issues of concern or requiring further clarification

The following provides an overview of the key issues of concern or requiring further clarification that arise from the draft strategy:

- The proposed scale and breath of the proposed exemptions are of concern and have the potential to undermine the intent of the draft strategy and create confusion in the community regarding its intent versus practical application. In particular the proposed exemptions for fire management and essential management as defined in the *Planning Regulations 2017* need to be further considered. Further clarification and discussion with local government is required regarding what "necessary" means in terms of actions necessary to protect infrastructure which is an undefined term. The fire break exemptions also allow clearing of 1.5 times the height of the nearest tree which in the case of a 30m tree could result in a fire break of 45 metres. In some conditions this could completely sever habitat corridors and create significant edge effects.
- Removing the two exemptions for 5ha in an urban area, and urban area purpose are
  a significant step forward in providing better protection and recognition for koalas in
  urban areas. However, it is concerning that these could only apply to koala habitat,
  while other matters continue to be exempt. These two exemptions combined have
  had a significant impact on biodiversity in SEQ.
- The ability to achieve the State government's commitment of 'no net loss' of Koala habitat is questioned given the clearing exemptions proposed. It is unclear whether the government proposes to provide compensatory planting for the vegetation cleared as a result of the noted exemptions.
- The compliance regime to enforce these provisions needs to be suited to the intent of the provisions, and the risk to the outcomes sought.

The following matters regarding threat management require further clarifications:

# (a) Funding and resourcing

The koala expert panel recommendation for threat management indicates the need to *"resource and implement a new coordinated threat management strategy"*. The strategy outlines a number of different components that will be addressed but lacks specific detail regarding implementation. For example, it is unclear whether it will be one threat management strategy or a series of actions plans. It is not clear how all of the threat management components will be resourced. Most of the activities referenced in the draft strategy are funding dependent or dependent on a coordinating state officer to work with other stakeholders but it is currently unclear whether either of these will be available. For example, the biggest threats to koalas in the Ipswich area are discrete road kill hotspots on both the Cunningham and Warrego Highways but have not been addressed in the draft strategy.

# (b) Local threat mapping

It is considered appropriate threat mapping undertaken by local government be incorporated in the draft strategy. In addition, any partnerships established need to be between local governments and Department of Environment and Science (DES), and also include Department of Transport and Main Roads (DTMR) if they are to achieve impactful outcomes.

The draft strategy mentions threat reduction at ten sites across SEQ. However, it is not clear where these areas are and requires further discussion with local governments.

# (c) Fauna sensitive road design manual

It is acknowledged that updating and modernising the fauna infrastructure guidelines would have benefit, however the apparent shortcoming of the previous manual are from an implementation perspective particularly funding required to implement and maintain appropriate infrastructure.

# (d) Koala hospital data

Currently koala hospital data is not readily available and easily accessible by the general public. While appreciative of the privacy concerns regarding dog attacks on private land, this causes a number of issues. In particular for Commonwealth referrals under the *Environmental Protection Biodiversity Conservation Act 1999* (EPBC) where proponents are required to provide information on threats. Currently many proponents rely on crowd sourced online maps to find data on threat, however these are heavily flawed. While a single point of truth for all koala records is an excellent idea, a number of major issues could be solved simply by making hospital data available more publically.

# (e) Reducing dog attacks

Changes to local laws are complex and likely to be met with opposition from the community, in particular relating to dog control. Given the proposed KPAs within Ipswich are in rural areas where dogs may also perform a role on a property, this is likely to be more difficult to resolve. In addition, the resourcing required to enforce any proposed changes requires careful consideration. Any desired local law changes should be targeted to each KPA and work within that landscape as each are very different. Further clarification and discussion with local government is required prior to finalisation of the draft strategy and associated regulatory changes. It should be noted that limitations on dog ownership (be that type of domestic dog, or restrictions on domestic dogs) is extremely difficult to regulate, to the point of almost being unenforceable.

# Relationship with Commonwealth Legislation

The relationship between the draft koala strategy and the *Environment Protection and Biodiversity Conservation Act 1999* remains unclear. Prior to finalisation of the draft strategy the following needs to be clarified:

- 1. Can approval under commonwealth legislation override a clearing prohibition under the proposed draft strategy?
- 2. Where commonwealth legislation can override the draft strategy, is the override applied from the time of referral, controlled action decision or formal approval? For example, are Commonwealth referrals currently undergoing assessment and not having formal approval by the time the strategy is implemented still able to override the prohibition?
- 3. If the commonwealth legislation can override the state government changes, is there any risk that proponents could circumvent the clearing prohibitions within a KPA by referring and receiving Commonwealth approval for actions that would not have required EPBC approval previously?
- 4. How does the draft koala strategy apply when an action has been referred to the Commonwealth but has been deemed "not a controlled action"?

# DRAFT KOALA CONSERVATION PLAN MAP:

The draft *SEQ Koala Conservation Strategy 2019-2024* indicates the State government is committed to implementing a single koala habitat map for SEQ intended to underpin major reforms to the Queensland planning framework to ensure the protection of koala habitat in KPA in SEQ. The proposed *Koala Conservation Plan map* has been produced using modelling based on a combination of biophysical measures, suitable vegetation and koala occurrence records (refer Attachment 2). The koala habitat within the identified KPA is intended as the best habitat suitable for sustaining populations of koalas. KPA are large, connected areas that contain both koala habitat and restoration areas that are intended to focus efforts for habitat protection, restoration (and offsetting) and threat mitigation actions of the draft strategy to areas deemed to have the highest likelihood of success for koala conservation. The State government intends to implement regulatory amendments to ensure KPA have the strictest clearing controls and are the focus for restoration actions to enhance existing protected habitat. Regulatory amendments will also protect koala habitat that is outside KPA. Development will only be exempt from the controls on clearing koala habitat if it meets one of the specified exemptions.

# **Changes to Planning Legislation**

The draft strategy outlines the proposed nature of the reforms to the Queensland planning framework however the specific amendments have not been released for public consultation. The key planning provisions of KPA include:

- Prohibiting the clearing of koala habitat areas in a KPA (unless otherwise meeting specified exempt criteria clearing for a development footprint up to 500m<sup>2</sup> and clearing for a range of purposes including firebreaks around buildings and structures). This applies regardless of whether a koala habitat area is in or outside the Urban Footprint of the South East Queensland Regional Plan 2017.
- Local government assessment of development impacts in a KPA where development is proposed that does not involve clearing against new assessment benchmarks to be

included in the *Planning Regulations 2017,* to ensure other conservation outcomes such as habitat quality protection and safe koala movement area achieved.

- Protection of koala habitat in SEQ outside of KPA. It is proposed the State government assess development applications that involve clearing of koala habitat outside the KPA with consideration to the 'avoid, minimise and offset' hierarchy (with similar exemptions to those allowed in a KPA to apply). This assessment is currently a role of local government.
- A new code in the State Development Assessment Provisions will be introduced to provide the criteria for assessing clearing of koala habitat areas that are outside of KPA and for an extractive industry in a key resource area in a KPA. This code has not been released for public consultation.
- The Queensland Environmental Offsets Policy will be amended to reflect the proposed changes to the planning framework making the State government responsible for imposing offset conditions for koala habitat in SEQ. In the interim, amendments are proposed to be made to enable significant residual impacts on koala habitat outside a KPA to be offset.

# Summary of draft mapping submission

The proposed *Koala Conservation Plan map* was reviewed for its implications for the Ipswich local government area. Given the highly constrained timeframe for provision of comments to the State government on the draft mapping, officer comments were provided (refer Attachment 3) without a briefing to Council. The officer review identified significant issues and inconsistencies with the proposed mapping as summarised below:

- The proposed *Koala Conservation Plan map* significantly reduces the extent of the current state koala habitat mapping across Ipswich. There has been no field validation of the areas to be removed.
- The proposed *Koala Conservation Plan map* includes additional hectares of koala habitat in Ipswich that has already been approved and cleared of vegetation. This additional habitat is distributed across areas and not focused in any one location.
- Some of the proposed koala habitat is located outside of KPA which are currently identified under the current State mapping as being high value and medium value koala bushland habitat. Under the *Planning Regulation 2017* clearing this type of habitat is prohibited. With the removal of these areas from the KPA there will no longer be a prohibition on clearing. Similarly, some of the areas proposed outside of KPA are located in critical areas of known koala populations, east of Purga, Swanbank (east) and south of Mount Mort.
- Some of the habitat areas that are proposed to be removed are justifiable on the basis that the land does not have koala habitat values such as where new housing development has occurred owing to the State mapping having not been updated since its release in 2010.

 The proposed mapping contains many inconsistencies with contiguous vegetation being part mapped as a Koala Habitat Area while other parts of the same patch of bushland are mapped as not having any koala habitat value. This results in one area being included in the mapping and subject to clearing prohibition and adjoining areas with the same vegetation not being mapped and subject to clearing prohibition.

There appears to be inconsistencies in the mapping methodology applied to the Ipswich local government area. It would appear that a policy decision has been made to exclude significant areas of potential koala habitat in the Ipswich local government area including major inconsistencies and discontinuation of core koala habitat area and KPAs. A key reason that appears to explain the issues identified above relates to the methodology that produced the map which uses State regional ecosystems and high value regrowth mapping that does not reflect the full extent of ecosystems on ground.

Areas the subject of detailed master planning by Ipswich City Council have not been recognised in the mapping. It is therefore possible that significant areas of South Redbank, Swanbank (East), Walloon, Thagoona, and Chuwar that are zoned or designated for urban development will be subject to the provisions of the *State Planning Policy* and *Planning Regulations 2017* after conservation, recreation and green space has been excised.

# WHERE TO FROM HERE:

It is proposed that the matters identified in this report form the basis of a Council submission to the State government in response to the draft *South East Queensland Conservation Strategy 2019-2024.* 

# **LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions: *Planning Act 2016* 

# **RISK MANAGEMENT IMPLICATIONS**

The risk of not providing the State government with a submission in response to the proposed *draft SEQ Koala Conservation Strategy 2019-2024* include:

- Diminishing the effectiveness of the new SEQ koala planning framework to protect koala habitat.
- Reducing the ability of the new SEQ koala planning framework to contribute to protecting the koala population in Ipswich.
- Lack of public confidence in new koala mapping.
- Negative community perception of inaction by Council on koala conservation.

Providing a submission in response to the draft strategy will contribute to improvement of the accuracy and effectiveness of the proposed state koala habitat mapping and strategy prior to its commencement.

# FINANCIAL/RESOURCE IMPLICATIONS

There are no direct financial/resource implications in providing a submission on the draft strategy. However, the implementation of the proposed mapping and draft strategy may require additional officers and resources from a number of Council environmental and planning teams to undertake further comprehensive analysis and the implementation of any new requirements.

# COMMUNITY AND OTHER CONSULTATION

Officers from Council's Planning and Regulatory Services and Infrastructure and Environment Departments have been consulted during the preparation of this report and confer with the recommendations.

# CONCLUSION

It is proposed that the contents of this report form the basis of a Council submission to the State government in response to the *draft SEQ Koala Conservation Strategy 2019-2024*.

# ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Draft South East Queensland Koala Conservation Strategy 2019-2024 🕂 🖀
	CONFIDENTIAL
2.	Proposed Koala Conservation Plan Map (Ipswich extract) Officer submission on proposed Koala Conservation plan map
3.	Officer submission on proposed Koala Conservation plan map

# Faezeh Sphikas PLANNING OFFICER (STRATEGIC)

I concur with the recommendations contained in this report.

Brett Davey
DEVELOPMENT PLANNING MANAGER

"Together, we proudly enhance the quality of life for our community"





Draft South East Queensland Koala Conservation Strategy 2019–2024



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# Item 22.22 / Attachment 1.

DRAFT South East Queensland Koala Conservation Strategy 2019–2024

# Contents

Minister's foreword 2			
Vision			
Introduction			
Government actions in progress7			
Proposed future actions			
Targets			
1. Strategic coordination 15			
2. Habitat protection 17			
3. Habitat restoration for koalas			
4. Threat management			
5. Community engagement			
6. Improved mapping, monitoring, research and reporting 30			
Have your say on this draft strategy			

# Minister's foreword

The koala is the quintessential Australian animal; a species of state, national and international importance—a natural and cultural heritage icon.

In Queensland, the greatest concentration of koalas is in South East Queensland where they compete for space with a rapidly growing population and high demand for development. As well as habitat loss, they face threats from vehicle strikes, dog attacks and disease.

Safeguarding the survival of koala populations and habitat amid our state's growing South East is a complex task—but one that must be addressed. The Queensland Government is committed to protecting koalas and appointed the Koala Expert Panel to provide advice on their future protection.

The South East Queensland Koala Conservation Strategy outlines how the Government is delivering on the Panel's six recommendations for improving koala conservation measures.

It is essential that we do not lose any more of the best quality koala habitat. As a core part of this Strategy, the Queensland Government has introduced new mapping of koala habitat across South East Queensland.



The identification of Koala Priority Areas will allow us to direct Government investment and other actions—such as restoration and threat mitigation in places where they have the highest likelihood of success for koala conservation.

The Strategy also proposes new ways that we can further protect koalas through strategic coordination, habitat restoration, threat mitigation and community action.

I invite comments from all Queenslanders on this Strategy. Submissions can be made online at www.qld.gov.au/SEQkoalas.

This Strategy is an important step to delivering a strong coordinated approach to koala conservation in South East Queensland.

#### Leeanne Enoch MP

Minister for Environment and the Great Barrier Reef Minister for Science and Minister for the Arts

oala Co

# Vision

A sustainable koala population in the wild in South East Queensland that is supported by a coordinated and strategic approach to habitat protection, habitat enhancement and threat reduction.

Sustainable refers to a koala population that is able to be maintained at least at its current density levels.

# Introduction

In Queensland, the greatest concentration of koalas is in South East Queensland (SEQ), where they now compete for space with a rapidly growing human population. Three quarters (74%) of core koala habitat has already been cleared in SEQ<sup>1</sup> since 1960 and the species is now listed as vulnerable.<sup>2</sup>

While habitat loss is the most significant problem affecting koalas in SEQ, it needs to be addressed in conjunction with other factors such as disease management, traffic, dog attacks and effective rescue and rehabilitation programs.

The draft South East Queensland Koala Conservation Strategy 2019–2024 is underpinned by a proposal to direct investment to areas where there is the highest likelihood of success for koala conservation. Focusing on a coordinated approach to habitat protection, restoration and threat mitigation actions, it strikes the right balance between necessary development and koala conservation.

The draft Strategy proposes new ways we can further protect koalas into the future and has been developed in consultation with representatives from the conservation, building and development sectors, Traditional Owners and First Nations peoples, state and local government, through the Koala Advisory Council (KAC), to outline the actions needed to improve koala conservation.

Your feedback on this draft Strategy will inform the development of future policies, legislation and management actions. The Strategy will also draw upon meetings, workshops and other consultation measures with local government representatives and key stakeholders to ensure a collaborative and balanced approach.

The Queensland Government invites comments from all Queenslanders on the proposed actions in this draft Strategy. Submissions can be made online at the Queensland Government's Get Involved website (www.qld.gov.au/SEQkoalas).

## The plight of the Queensland koala

Koalas are widely distributed across Queensland, with a nationally significant population in SEQ.

The Queensland Government has been monitoring koalas in SEQ for more than 20 years and in this time has amassed considerable data on koala distribution, density and demographic parameters.<sup>3</sup>

The South East Queensland Koala Population Modelling Study, presented to the Queensland Government, highlighted an 80% decline in koala population densities along the 'Koala Coast' (Wellington Point to the Logan River) and 54% decline in koala population densities in the Pine Rivers region between 1996 and 2014.<sup>3</sup>

This decline is the result of a number of factors, with habitat loss being the most significant. During this same period, Greater Brisbane's population increased at a rate faster than any capital city in Australia, growing by 40%.

The best habitat for koalas, with rich fertile soil for producing eucalyptus trees, are the areas that are also preferred for human settlement, agriculture and industry, this illustrates the competition for land in SEQ.

Current projections indicate the human population of SEQ will rise by two million people (to a total of 5.3 million) by 2041. This creates the need for, on average, more than 30,000 new dwellings each year.

<sup>1</sup> Biodiversity Assessment Team, Queensland Herbarium, Department of Environment and Science.

<sup>2</sup> Queensland's Nature Conservation Act 1992 (NC Act), and the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

<sup>3</sup> Rhodes, J.R., H. Beyer, H. Preece, and C. McAlpine. 2015. South East Queensland Koala Population Modelling Study. Uniquest, Brisbane, Australia.

DRAFT South East Queensland Koala Conservation Strategy 2019–2024

Given the importance of the most suitable habitat for koalas (as it has the ability to sustain higher densities of koala populations) it is imperative that there is no further net loss of remaining habitat. Protection and restoration should be prioritised for these areas.

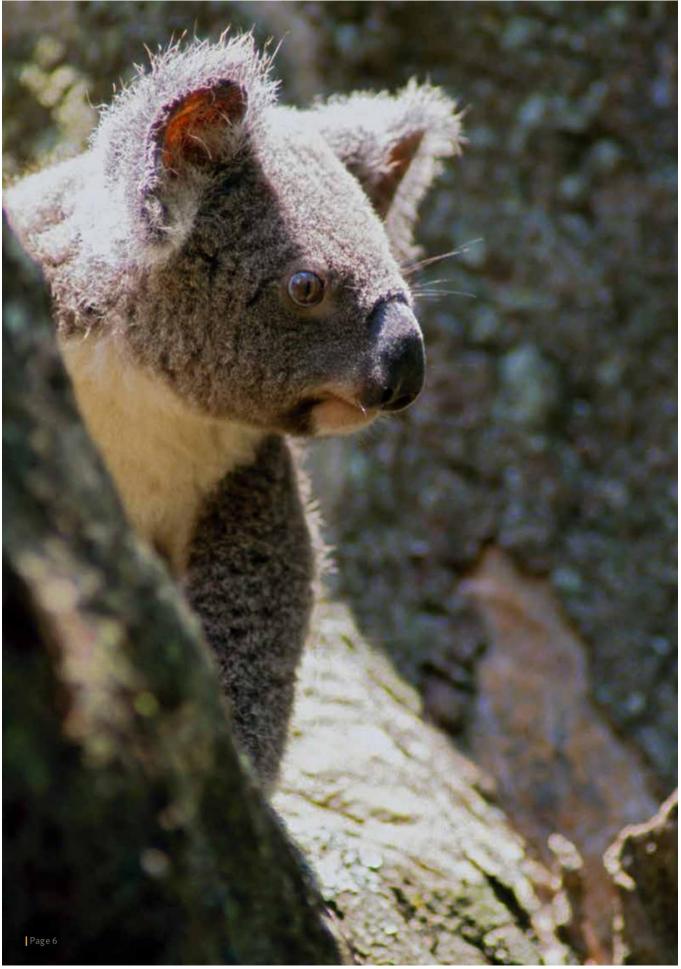
## **The Koala Expert Panel**

In response to community concern about the rapid decline of koalas the Queensland Government appointed the Koala Expert Panel (KEP) in July 2016 to provide government with recommendations on the most appropriate and realistic actions to address the decline in, and ensure the persistence of, koala populations in the wild across SEQ.

The KEP, made up of experts in ecology, wildlife management, and planning and environment law, made six recommendations with supporting actions. The Queensland Government Response to the KEP report, committed to implementing all six recommendations and this draft Strategy outlines the proposed actions that respond to each recommendation.

The recommendations of the KEP were for:

- 1. A strategic and coordinated approach to koala conservation.
- 2. Ensure koala habitat is protected.
- 3. Strategic and landscape-scale koala habitat restoration.
- Coordinated threat reduction and koala population management.
- 5. Strong community partnerships and engagement.
- 6. Targeted mapping, monitoring, research and reporting.



DRAFT South East Queensland Koala Conservation Strategy 2019–2024

# Government actions in progress

Achieving the vision of a sustainable koala population in the wild in SEQ requires a strategic commitment to the protection and expansion of koala habitat, and effective threat mitigation actions.

The government must be proactive and has already begun this work, implementing key reforms that will serve as the foundation of future actions:

- creating a Koala Advisory Council to coordinate, provide advice and ensure transparency and accountability
- developing new spatial modelling for koala habitat in SEQ
- defining Koala Priority Areas (KPA) to identify the optimum areas for koala habitat conservation and preparing changes to the SEQ planning framework to support this.

The fundamental principle behind the government's new approach for the delivery of koala conservation measures is the coordinated and strategic delivery of habitat protection, habitat restoration and threat mitigation actions. This approach differs from previous strategies, as it directs actions and policies to areas where there is the highest likelihood of success for koala conservation.

## The Koala Advisory Council

The formation of the KAC was one of the recommendations made by the KEP and was essential to coordinate and provide advice to government on the development and implementation of this draft Strategy, including resourcing requirements, and to ensure transparency and accountability in decision making.

The KAC was appointed in 2018 to play a pivotal role in guiding and coordinating koala conservation effort by providing communication and collaboration pathways among state government departments, local governments, community organisations, non-government organisations and industry through:

 providing advice to government on the preparation and implementation of the draft Strategy, including continuous improvement when the outcomes of the Strategy are evaluated

- engaging stakeholders to support the delivery of the Strategy
- ensuring transparency and accountability in government decision making by monitoring progress
- 4. evaluating the outcomes of the Queensland Government's monitoring and evaluation program and providing recommendations to ensure that government is on track to meet the targets, and endorsing the associated public report on changes to koala habitat over time
- ensuring the long-term agenda for koala conservation is maintained
- 6. representing the views of stakeholder networks.

The KAC is chaired by Mr Mark Townend, former Chief Executive Officer, RSPCA Queensland, and membership includes representatives from Queensland Government departments, the Local Government Association of Queensland, nongovernment organisations and industry.

The KAC was instrumental in the development of this draft Strategy, upcoming planning reforms, and will continue to play a pivotal role in koala conservation in SEQ throughout the implementation of the final Strategy.

## Spatial modelling for koala habitat in SEQ

The Queensland Government has developed stateof-the-art koala habitat mapping using advanced modelling techniques and its expertise in statewide, comprehensive vegetation mapping. The new methodology, endorsed by the KEP, integrates a species distribution model with the Queensland Herbarium's regional ecosystem, mapping and validated koala occurrence records, to produce a comprehensive map that ranks koala habitat values across SEQ.

The new approach uses a set of key biophysical variables, associated with koala sightings, to construct a model linked to the regional ecosystem mapping.

Linking the new koala habitat mapping with the government's existing vegetation and land cover mapping allows the modelling to be updated and refined as new data becomes available.

## Government actions in progress

The mapped koala habitat represents the best habitat for koalas, based on the combination of biophysical measures, suitable vegetation (for food and shelter) and koala occurrence records.

Based on the new modelling, the area of remnant and high-value regrowth koala habitat remaining in SEQ covers an area of 634,256 ha (Map B).

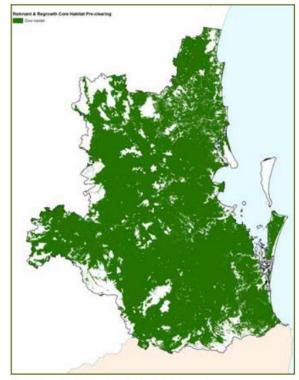
The new koala habitat mapping was developed to identify the habitat that koalas prefer based on vegetation type, expert analysis and modelling. Map C ranks the suitability of the different types of pre-clearing habitat for koalas and Map D, for current habitat.

This state-of-the-art new koala habitat mapping was first introduced to update koala habitat regulated as Essential Habitat under the *Vegetation Management Act 1999* in December 2018. It identified an additional 190,000 ha of high quality koala habitat to be regulated to prevent the loss of biodiversity. The habitat map produced by the new spatial modelling was the primary tool used to define KPA by identifying areas of high quality koala habitat, as well as areas where koala habitat could be restored through targeted conservation efforts.

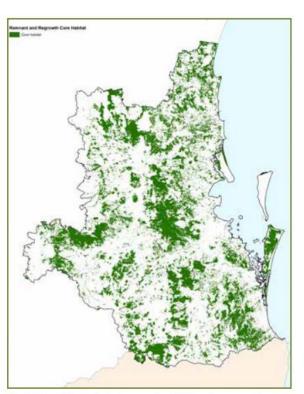
## **Koala Priority Areas**

The Queensland Government is committed to implementing a single koala habitat map for SEQ, in accordance with the recommendations of the KEP. Koala habitat within KPA represents the best habitat suitable for sustaining populations of koalas.

KPA are large, connected areas that contain both koala habitat and restoration areas that will focus efforts for habitat protection, habitat restoration and threat mitigation actions to areas that have the highest likelihood of achieving conservation outcomes for koalas.



Map A: Pre-clearing (1960s) koala habitat extent



Map B: Remaining extent of remnant and high-value regrowth koala habitat

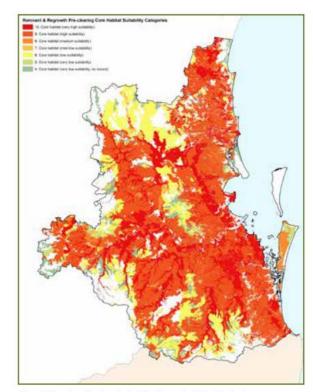
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The Queensland Government intends to implement regulatory amendments to ensure KPA have the strictest clearing controls and are a focus for restoration actions to enhance existing protected habitat. The regulatory amendments will also protect koala habitat that is outside KPA.

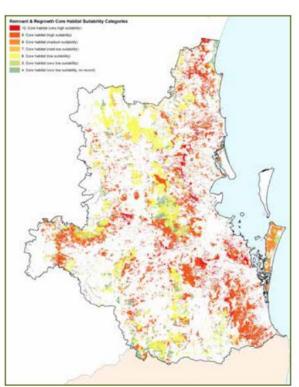
The regulatory amendments will also provide details of specific exemptions for the controls on clearing koala habitat. Development will only be exempt from the controls on clearing koala habitat if it meets one of the specific exemptions.

Both vegetation and koala habitat maps will be updated annually, allowing the Queensland Government to accurately identify the best quality koala habitat and track changes over time while also giving landholders certainty. Map E illustrates the proposed Koala Conservation Plan map, including the location of the KPA, koala habitat areas, and locally refined koala habitat areas and encompasses both urban and rural koala populations.

The Koala Conservation Plan map has been released for community feedback. The map is based on the new modelling for koala habitat areas, and incorporates locally refined koala habitat areas, which have been nominated for protection in several local government areas.

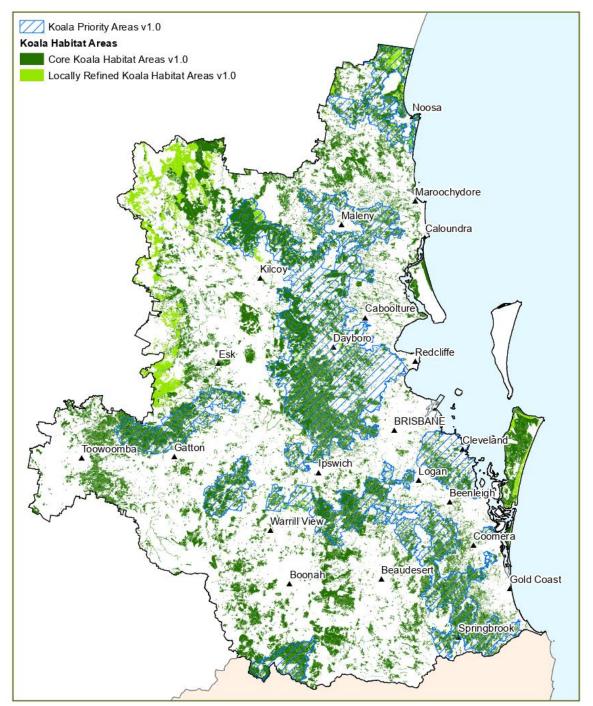


Map C: Pre-clearing koala habitat by suitability (1960s)



Map D: Remaining extent of remnant and high-value regrowth koala habitat by suitability

Government actions in progress



Map E: Proposed koala conservation plan map



# Proposed future actions

The first priority for koala conservation in SEQ is to secure koalas in the wild through landscape-scale management focused on habitat protection and restoration, and complemented by threat mitigation actions to deliver a holistic response to reduce the pressures on SEQ's koala populations.

Community interest and engagement in the conservation of koalas is also vital to their preservation. This involves recognising both the cultural and economic importance of koalas. Developing community partnerships to deliver conservation projects is critical for achieving longterm koala conservation success and for enhancing the coordination of koala conservation initiatives across SEQ. Investing in community engagement for koala conservation has the added benefit of raising broader awareness of Queensland's threatened plants and animals and the need for protective measures. The six areas for action outlined in this draft Strategy detail how the Queensland Government proposes to implement each of the six recommendations and associated objectives from *The Queensland Koala Expert Panel: A new direction for the conservation of koalas in Queensland.* 

The KEP also provided recommendations about how the approach, outlined in this draft Strategy could be extended to the rest of Queensland (Appendix 1).

Each action area includes an illustration of the work underway or proposed actions to achieve the Queensland Government's objectives, as well as how they contribute to koala conservation targets.

Details on each action and how they align to the KEP recommendations are available at Appendix 2.

DRAFT South East Queensland Koala Conservation Strategy 2019–2024

# Targets

The Queensland Government is committed to undertaking strong action to address the threats to koala populations in SEQ, and has set ambitious targets for koala habitat, population trajectories and threat reduction for the life of this draft Strategy. This draft Strategy proposes ongoing monitoring of progress towards the targets, which will be reported annually to inform future actions. These actions are designed to be scalable so delivery can be managed subject to funding availability.

# 1. Koala habitat

The Queensland Government has already made the commitment of no net loss in koala habitat in *ShapingSEQ* South East Queensland Regional Plan. The Queensland Government will continue to monitor koala habitat in accordance with *ShapingSEQ*'s target of no net loss in koala habitat through its Measures that Matter online dashboard.

# 2. Koala habitat restoration

The Queensland Government proposes to broker further partnerships to **commence rehabilitation to restore 1000 ha** of cleared habitat in KPA in SEQ over the life of the Strategy. This will support existing investment by the Queensland Government, which is already investing \$2 million into establishing a five-year partnership agreement with the Queensland Trust for Nature to deliver on-ground koala habitat restoration in KPA. The estimated area of restoration is based on available funding.

## 3. Koala population

To meet the vision of the Strategy, it is necessary to ensure that koala populations in SEQ are healthy and persist across a variety of landscapes within the region. The Strategy sets out a clear plan to address the ongoing decline, however that reversal will be difficult to achieve within the life of the Strategy, and some short-term declines may remain. There has been no comprehensive study undertaken to determine the exact numbers of koalas in SEQ in recent years, so further surveys will be needed to set the target of **no long-term decline in koala population density at key, representative monitoring sites across SEQ**.

# 1. Koala habitat

No decline in total area of core koala habitat in SEQ from 2017 levels

# 2. Koala habitat restoration

Commence rehabilitation to restore 1000 ha of cleared habitat

# 3. Populations

No long-term decline in koala population numbers in SEQ

# 4. Threat reduction

25% reduction of injury and mortality across ten sites

# 4. Threat reduction

The holistic approach provided in this draft Strategy recognises that, in order to maintain koala numbers, it is necessary to have a comprehensive threat mitigation strategy that addresses the ongoing losses and injury to koalas from vehicles, dogs and disease. To address the impacts of vehicle strikes, **the target is to reduce koala injury and mortality by 25% across 10 key road threat hotspots in SEQ, where threat mitigation measures are implemented**, within the life of the Strategy. Risk modelling and assessment, together with input from local landholders, will identify key sites. Other targets for threat reduction may be set, after a comprehensive threat map and threat mitigation program has been developed.

The following sections provide an overview of the strategies and actions that the government proposes to undertake to meet the targets and implement the recommendations of the Koala Expert Panel.



DRAFT South East Queensland Koala Conservation Strategy 2019–2024

# 1. Strategic coordination

# Objective: A strategic and coordinated approach to koala conservation

Mechanisms that enable the coordination of protection efforts across multiple levels of government, community, non-government organisations and industry are critical to achieve the long-term recovery and persistence of koalas in SEQ. Improving governance arrangements will ensure the coordination of koala conservation efforts, and provide opportunities for leveraging extra resources and capability to support management actions. This is particularly important given the high profile of koalas, and the relatively high level of investment in projects designed to promote their survival.

The Queensland Government proposes to take a collaborative approach to build the knowledge base in a number of areas, such as using koala hospital admission data to identify areas of high threat, and apply appropriate mitigation measures. Restoration efforts can also be enhanced by leveraging other habitat restoration initiatives, such as local government habitat restoration programs.

In addition to establishing the KAC, identifying a network of connected priority areas and setting targets for koala habitat and population trajectories, further proposed actions to support a strategic and coordinated response include

#### Koala Expert Panel recommendation:

Develop a mechanism for implementing a strategic action plan for koalas that ensures coordination across multiple levels of government, community, non-government organisations and industry to achieve the long-term recovery and persistence of koalas in SEQ.

actions such as developing a central web presence for koala conservation information, sharing research learnings through dedicated Koala Collab conferences and working with Indigenous Land and Sea Rangers to manage koala habitat.

#### Sharing knowledge online

The KEP identified the need for increased knowledge exchange by means of a multifaceted communication strategy. It is proposed that this is provided in part through the development of a central web presence for the collection of upto-date data to assist decision makers, such as local governments and koala conservation groups, and will include koala hospital admissions data, interactive habitat mapping and results of Queensland Government-funded koala research.

# Case study: The Yurol and Ringtail Project

In November 2017, the Queensland Government endorsed the Yurol and Ringtail project that will result in 2,400 ha of land within Yurol and Ringtail state forests transitioning to national park status over the next 10 years. The project, which was initiated by the Noosa Shire Council and Noosa Parks Association, will result in the state forests being converted to protected area tenure, and permanent protection for the corridor between Cooloola and Tewantin national parks. The 2,400 ha will be rehabilitated through a \$3.5 million investment, jointly funded by the Queensland Government, Noosa Council and Noosa Parks Association. This collaborative initiative, the Noosa Koala Corridor Pilot, will rehabilitate koala habitat within the Noosa hinterland, enhancing and linking fragmented habitat. The approach used for this project is an example of how conservation gains can be achieved through partnerships across stakeholder groups.

# 1. Strategic coordination

A centralised website would provide an opportunity for stakeholders to share and access survey and monitoring data, and koala hospital admissions information. It would also provide transparency to the management activities that are being undertaken by the Queensland Government, and promote the work being done by others to identify new opportunities and promote community participation in monitoring and conservation activities.

The website would also contain information for koala carers such as regarding advances in treatment protocols.

# 'Koala Collab'

The Queensland Government invited veterinarians, rescue groups, policy makers and other interested parties to 'Koala Collab', a collaborative research outcomes sharing event at Lone Pine Koala Sanctuary's research facility, the Brisbane Koala Science Institute, on 19 July 2018.

Researchers presented their findings and answered questions as to how the findings can be practically translated into meaningful action. Building on the success of the 2018 event, Koala Collab 2020 will present the findings of governmentfunded Koala Disease Research grant recipients and provide opportunities to share the results of the research with policy makers, veterinarians and conservation groups.

## First Nations-Caring for koalas

The Queensland Government is proposing to develop guidance materials with Indigenous Land and Sea Rangers to help manage koala habitat. This will facilitate knowledge exchange between ranger groups and other land use managers on effective methods for caring for koalas and their habitats.

For more detailed information on these proposed koala conservation actions and goals, and how they link to the KEP recommendations refer to Appendix 2.



DRAFT South East Queensland Koala Conservation Strategy 2019–2024

# 2. Habitat protection

# Objective: Koala habitat is protected

Protecting koala habitat from the impacts of clearing is a fundamental requirement. The South East Queensland Koala Population Modelling Study revealed that, despite protection measures to date, the decline in peri-urban koala populations may be accelerating.<sup>4</sup> This study concluded that the continuing decline is, in part, related to ongoing habitat loss in SEQ resulting from urbanisation, and that the current pattern of urban development is incompatible with viable koala populations.

Queensland has strong vegetation clearing laws, since the passing of the amendments to the *Vegetation Management Act 1999* in May 2018, however more improvements need to be made to a number of environmental and planning laws to ensure that koala conservation targets can be realised. This is particularly important as there is only 26% of remnant habitat, and 10% of the highest value remnant habitat, remaining in SEQ, compared to pre-clearing extent.

The KEP was supportive of the general structure of Queensland's land-use planning framework, it identified that it had generally been ineffective at sufficiently conserving koala habitat in SEQ.

Its recommended actions include the development of new assessment provisions for SEQ that address clearing requirements, reducing the number, scope and complexity of exemptions, and ensuring consistency in the approach to development assessment through a Queensland Government assessment role.

# Prohibition of clearing koala habitat areas in Koala Priority Areas

The Queensland Government intends to introduce major reforms to the SEQ planning framework to ensure the protection of over 300,000 ha of koala habitat in KPA.

#### Koala Expert Panel recommendation:

Simplify and strengthen the planning framework to ensure the effective and consistent long-term protection of koala habitats across SEQ, and resource incentive and partnership mechanisms to protect koala habitat on private land.

These reforms include:

- prohibiting the clearing of koala habitat areas within a KPA, unless otherwise exempt
- assessing development on koala habitat areas within a KPA, where clearing is not proposed, to ensure other conservation outcomes, such as habitat quality protection and safe movement are achieved.

The clearing restrictions are proposed to apply to all koala habitat within a KPA, regardless of whether the area is inside or outside the urban footprint. The prohibition on clearing will make the government's intentions unambiguous, in its efforts to prevent the further loss of koala habitat in KPA.

Exemptions will apply, including for clearing for a development footprint up to 500 m<sup>2</sup>, and clearing for firebreaks around buildings and structures. The exemptions are proposed to provide a balance between protecting koala habitat while still allowing for necessary property maintenance and safety.

# Regulation for clearing koala habitat areas outside of Koala Priority Areas

In addition to the planned prohibition on clearing in KPA, an amended planning framework will also protect koala habitat in SEQ outside of KPA. It is anticipated that the Queensland Government will assess applications that involve clearing of koala habitat outside the KPA.

4 Rhodes, J.R., H. Beyer, H. Preece, and C. McAlpine. 2015. South East Queensland Koala Population Modelling Study. Uniquest, Brisbane, Australia.

# 2. Habitat protection

The planned amendments will also provide that, where a development requires clearing in a koala habitat outside a KPA, the 'avoid, minimise and offset' hierarchy will apply. Similar exemptions to those allowed in the KPA will apply.

A new state code for SEQ koala habitat will be developed to ensure that development in the region:

- delivers no net loss of koala habitat area
- maintains or improves connectivity within and between koala habitat to ensure safe koala movement
- is constructed and undertaken in such a way that does not increase the risk of injury to, or death of, koalas
- avoids, minimises and mitigates environmental impacts and provides an offset for significant unavoidable impacts.

The Queensland Environmental Offsets Policy will be amended to reflect the changes to the planning framework. The amendments will make the Queensland Government responsible for imposing offset conditions for koala habitat, in SEQ. Offsets may be delivered as either a financial settlement or as a land-based offset.

Financial settlement will be paid to the state's offset account, which is managed by the Department of Environment and Science which will coordinate the on-ground delivery. However, local governments will be encouraged to collaborate with the state to identify suitable offset areas.

If a proponent chooses a land-based offset, they will be required, under the existing offset multiplier, to conserve three new koala habitat trees for every one non-juvenile koala habitat tree impacted. This ratio may be adjusted in the future, in response to further consultation and scientific review.

The strategic placement of offsets will support the overall koala habitat protection and restoration targets.

# Reducing the number, scope and complexity of exemptions

The KEP made a recommendation to reduce the scope and complexity of exemptions, as clearing for exempt activities has had an impact on koala habitat. In particular, the KEP recommended removing, or reducing the impact, upon koala habitat, of exemptions under the Vegetation Management Act, particularly for:

- clearing for urban purposes in an urban area
- material change of use, or reconfiguration of a lot less than 5 ha.

The Queensland Government's planned koala conservation reform will not change the Vegetation Management Act, however these exemptions will not be replicated for impacts upon koala habitat areas, in line with KEP recommendations.

Some exemptions are proposed to apply, such as the ability to clear a development footprint up to 500 m<sup>2</sup>, which is also allowed under the previous planning regulation. Other exemptions will include clearing for fire breaks, maintenance and other activities that are considered reasonable to allow landholders to live on, and manage, their properties, in line with existing regulation.

# Consistency in the approach to development assessment

For development involving the clearing of koala habitat outside a KPA, it is proposed that the development will be assessed by the state government and 'avoid, mitigate and offset' requirements will apply. This assessment was previously a role of local government.

Under the planned amendments, development that doesn't involve clearing of koala habitat inside a KPA will be assessed by local government using new assessment benchmarks. The assessment benchmarks will help local government manage potential risks for proposed development close to koala habitat.

Assessment benchmarks will ensure that:

- development does not result in fragmentation of koala habitat (this may mean that the placement of buildings, structures or works is at least 50 m from the edge of koala habitat)
- the condition of koala habitat is not impacted by factors such as changes to soil condition, or the introduction of weeds of pests
- the development allows safe movement of koalas.

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A new code in the State Development Assessment Provisions will be introduced to provide the criteria for assessing clearing of koala habitat areas that are:

- outside of KPA
- for an extractive industry in a key resource area in a KPA.

#### Updating the mapping and amending errors

The new koala habitat model uses regional ecosystem and high-value regrowth mapping provided by the Queensland Herbarium.

Although the new koala habitat mapping is based on the best available data, there may be some circumstances where the mapping incorrectly identifies koala habitat. The Queensland Government is encouraging landholders to validate mapping on their property to ensure developed areas and water courses are excluded from the final map.

A map amendment process will be provided to enable landholders to apply to have the map amended where anomalies exist. Unlike the previous process where map amendments can only occur in conjunction with a development application, map amendments can occur at any time.

The new koala habitat model provides for robust an repeatable analysis, allowing mapping to be updated on an annual basis. This will translate into more frequent updates of the koala conservation map.

Locally refined koala habitat areas will be included in the new koala habitat map for a transitional period of two years, during which time the Queensland Government will work with local governments to consider local biodiversity protections.

Changes to:	Existing provisions	Proposed provisions
Types of controls for koala habitat	Koala assessable development areas/ priority koala assessable development areas	Koala priority areas
Affect	Contain planning controls (some SEQ local governments have PKADA/KADAs)	Contain planning controls (only Toowoomba has no KPA)
What's prohibited	Urban activity in non-urban area (open space, conservation zones, etc.)	Clearing koala habitat
What's assessable	Clearing koala habitat	Development that would not result in clearing of koala habitat areas
Assessment	Local governments conduct development assessment, in line with state and local planning regulation	Local governments conduct development assessment in line with new benchmarks within the Planning Regulation (develop- ment not resulting in clearing only)
Offset recipient	Local government	Not applicable; clearing of koala habitat areas prohibited

#### Proposed planning framework for areas mapped as a KPA:

#### Proposed planning framework for areas outside of a KPA:

Changes to:	Until 2019	Commencing in 2019
Types of controls for koala habitat	No specific koala habitat protection; general controls for clearing habitat regardless of species	Specific controls for clearing koala habitat
Assessment	Local governments conduct development assessment, the state considers impacts on Matters of State Environmental Significance only	The state government conducts development assessment in line with updated State Development Assessment Provisions
Assessment framework	Local government: avoid, minimise state: avoid, minimise, offset	Avoid, minimise, offset

Where the land is not a koala habitat area, no koala conservation controls are proposed to apply.

# 2. Habitat protection

#### **Comparison of habitat protection**

The above tables provide an overview of the difference between the previous planning controls for clearing in koala habitat areas and the proposed changes. The proposed changes to the development assessment framework for koala habitat are to apply to the SEQ defined boundary in *ShapingSEQ* Regional Plan. Intended changes will include the identification of KPA, a new role for the state and a new koala state code for assessment in the State Development Assessment Provisions.

## Strategic assessment for SEQ

A key implementation action for the *ShapingSEQ* South East Queensland (SEQ) Regional Plan, is 'to investigate the delivery of a strategic assessment for SEQ'. A strategic assessment can enable upfront and streamlined assessment for impacts on matters that trigger the Commonwealth *Environmental Protection and Biodiversity Act 1999* (EPBC Act), including koalas. A strategic assessment process would ensure all relevant matters of national environmental significance have been properly addressed when developments proceed.

A strategic assessment aims to establish a basis on which applications, which would have otherwise been referred to the Australian Government, may be appropriately dealt with by the Queensland Government. Subject to approval of the Commonwealth Environment Minister, this would have the effect of ensuring that both national and state interests in koala protection can be accommodated through a single regulatory regime to deliver improved environmental outcomes through a more strategic, landscape-scale approach to impact assessment.

The KEP recommended that the state's commitment to a SEQ strategic assessment with the Commonwealth under the EPBC Act should be finalised as soon as possible. In response, the Queensland Government is working to execute a SEQ strategic assessment agreement with the Australian Government, to develop a more coordinated and strategic approach to resolving environmental assessments and approvals.

For more detailed information on these proposed koala conservation actions and goals, and how they link to the KEP recommendations refer to Appendix 2.

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# 3. Habitat restoration for koalas

# Objective: Strategic and landscape-scale koala habitat restoration

Given the decline in koala populations and habitat, habitat restoration, to complement any protection measures, is necessary for population recovery.

Meaningful engagement with, and appropriate incentives for, landholders is proposed, in order to encourage koala habitat restoration on private land. Restoration is critically important as this can increase the overall habitat available for koalas and increases the connectivity between areas of habitat.

KPA include areas that are suitable for offset delivery and habitat restoration programs.These areas have been identified as appropriate for rehabilitation, based on the suitability of regional ecosystems, and consideration of threats such as proximity to major roads, heat stress, urban development, and opportunities such as proximity to existing conservation areas.

A large proportion of koala habitat in SEQ is on privately-owned land. Hence, conservation on private land is crucial for the species' survival. Targeted investment will encourage and assist landholders to manage their land for conservation of koala habitat.

The Queensland Government's \$500 million Land Restoration Fund may contribute to koala habitat rehabilitation by supporting carbon farming projects that deliver clear environmental and economic benefits, including improved soil and landscape health.

# Habitat restoration within the Koala Priority Areas

The methodology used to define the mapping for koala habitat areas has also been used to identify areas that will be most suited for habitat restoration and offset liabilities.

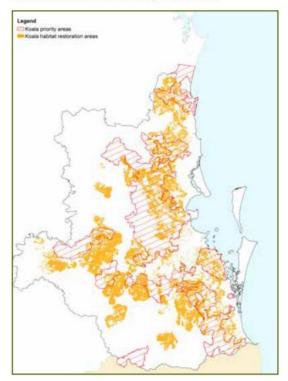
Within KPA, 150,700 ha has been identified as being suitable for restoration.

Koala Expert Panel recommendation: Develop and adequately resource regulatory, incentive and partnership mechanisms to achieve strategic koala habitat restoration at landscapescales in SEQ, particularly in identified priority areas.

An advantage of prioritising restoration in KPA is that over time, as areas are established, they will be protected through updates to mapping. Map F identifies the priority areas for habitat restoration, identified as 'Koala Rehabilitation Areas'.

# Koala Habitat Restoration Partnership Program

The Queensland Government has established a five-year partnership agreement with Queensland Trust for Nature to deliver on-ground koala habitat restoration in priority areas through partnerships with landholders and local governments.



Map F: SEQ-restoration areas map

# 3. Habitat restoration for koalas

Koala habitat restoration on local government conservation estates and through local government conservation programs will be prioritised. This approach provides an opportunity to leverage funding and in-kind support to deliver better outcomes compared to working in isolation.

## **Land Restoration Fund**

The Queensland Government's \$500 million Land Restoration Fund aims to expand carbon farming in the state by supporting land-sector projects that deliver clear environmental and economic cobenefits.

Carbon farming refers to land management activities that either stop carbon pollution from entering the atmosphere or capture and hold carbon in vegetation or soil. This can be achieved by planting trees, protecting native forest by reducing land clearing, managing bushfires through savanna burning and changing farming practices to increase soil carbon.

The Land Restoration Fund values not only the carbon stored in forests, but also the broader social and environmental benefits of conservation.

## **Environmental Offsets Framework**

Queensland's Environmental Offsets Framework consists of an Act, regulations and policies. The purpose of the *Environmental Offsets Act 2014* is to compensate for unavoidable impacts on significant environmental values (for example, koala habitat).

A comprehensive review of the Queensland Environmental Offsets Framework is underway and will aim to result in greater investment in activities that counterbalance the impacts from development on koalas and other matters, and ensure offsets are only used as a last resort.

Specifically, the review will examine how environmental offsets can be redesigned to provide a strategic and coordinated approach for the protection of koalas.

In the short-term, specific amendments to the Queensland Environmental Offsets Framework will be made to enable significant residual impacts on koala habitat outside a KPA to be offset. The amendments will provide that the Queensland Government will be responsible for imposing the offset condition.

For more detailed information on these proposed koala conservation actions and goals, and how they link to the KEP recommendations refer to Appendix 2.

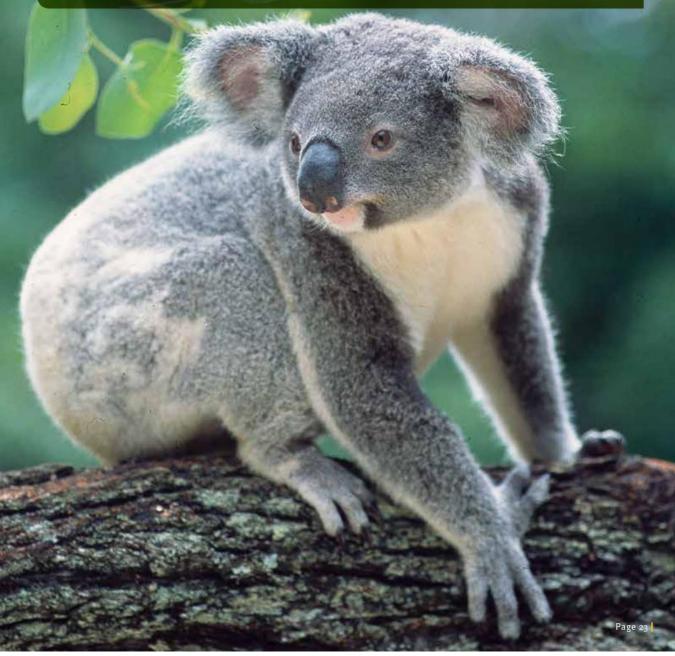
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# Case study: Trees for koalas

The Land Restoration Fund's first largescale project will be the planting of 150,000 trees to create a new koala habitat and home for the glossy black cockatoo at Lake Wivenhoe.

The \$1.2 million project is a partnership between the Department of Environment and Science, SEQwater, and CO<sub>2</sub> Australia. In addition to creating habitat, the project will also reduce sediment run-off into the dam and generate carbon credits.

The project aims to be registered by the Australian Government's Clean Energy Regulator to create Australian Carbon Credit Units (ACCUs)—an ACCU is a tradable unit equivalent to one tonne of carbon dioxide avoided from being released to the atmosphere. At the current market rate one ACCU is worth about \$12.



# 4. Threat management

# Objective: Coordinated threat reduction and koala population management

Habitat loss, dog attacks, car strikes and disease are some of the compounding key threatening processes that affect koalas. Climate change also poses a serious threat to koalas in SEQ. Some climate models forecast significant declines in koala numbers in the western parts of SEQ, as a direct result of heat stress or bushfire.

The koala habitat protections and rehabilitation activities proposed in this draft Strategy are intended to be complemented by threat mitigation measures, with a focus in KPA. This will ensure that areas where investment is made in habitat protection and restoration are afforded improved chances of delivering koala conservation outcomes.

The aim of this aspect of the program is to develop targeted strategies for managing threats to koalas using the best available information. Priorities for investments will be guided by scientific evidence, cost effectiveness and transparency. Priorities for on-ground activities will also be guided by a map of priority areas for threat management.

Threat mitigation is essential for ensuring the longterm viability of koalas in SEQ, particularly given the increased vulnerability of populations due to habitat loss and fragmentation. The integration of threat mitigation with other koala programs within KPA will help to improve the effectiveness of any investments.

The Queensland Government proposes to develop strategies for improving the management of threatening processes using expertise from the Department of Environment and Science, the Department of Transport and Main Roads, local governments, non-government organisations, and Natural Resource Management organisations with knowledge in managing the threats.

The Queensland Government proposes to use spatial modelling, information from hospital admissions, local koala rescue groups and local governments to identify threats to koalas, and priority areas and programs for threat reduction. Koala Expert Panel recommendation: Resource and implement a new coordinated threat reduction and koala population management strategy that complements habitat protection and restoration activities, particularly in identified priority areas.

The recent work on the Eton Range Realignment—a koala research project, undertaken by state and local government to understand the biology and population dynamics of koalas, will enable a robust spatial model to be developed and improved over time. This modelling will indicate threat hotspots so a targeted and coordinated threat response can be undertaken. Threat reduction programs will be delivered in two streams: management programs and awareness campaigns.

# SEQ Hospital Network and Moggill Koala Rehabilitation Centre

The SEQ Hospital Network provides care for over 1000 koalas each year. Disease, in particular Chlamydia, is an increasing threat for koalas, and it is vital to support the work of the koala hospitals in treating and researching disease. The Queensland Government provides funding for the RSPCAs 1300 ANIMAL hotline, which provides assistance to people that have found distressed animals, including koalas.

Improvements will be made to the Moggill Koala Rehabilitation Centre, a specialist koala rehabilitation facility, to allow it to meet best practice standards. Over 200 new koalas arrive at the Centre each year, and the facility serves the wider koala hospital network.

## **Koala carers**

Rehabilitation permit holders provide an important supporting role to the hospital network by rescuing and caring for sick, injured and orphaned koalas. The Queensland Government will work with carers and the hospital network to standardise record keeping and reporting, and share advances in treatment protocols.

DRAFT South East Queensland Koala Conservation Strategy 2019–2024

# Implementing the results of the Community Sustainability Action Grant Program: Koala Research

Targeted research has benefit to policy and management decisions, and plays a vital role in continuous improvement.

The Queensland Government recognises the importance of supporting high quality scientific research into Queensland's koalas. This research is considered instrumental to inform the development of more effective koala conservation policy and management activities.

In 2016, the Queensland Government awarded almost \$600,000 to 10 researchers, who were recipients of targeted koala research funding, through the Community Sustainability Action Grants program. The Queensland Government will continue to actively promote the results of research through forums like Koala Collab, and investigate opportunities to incorporate funded research projects to inform policy and management approaches.

An evidence-based approach to program and policy development will be informed by the results of grant programs to:

- complement existing survey data, or activities by using accurate and cost-effective koala abundance data collected by the Queensland University of Technology, using Unmanned Aerial Vehicles (UAVs)
- prepare Koala Translocation Methods and Guidelines, as these guidelines will help inform a revised translocation policy
- work with the Central Queensland University to incorporate remote-sensing based, landscapescale habitat management tools. These tools will include climate change scenario assessments and habitat health checks
- use the University of Southern Queensland's modelling and mapping of koala habitat and threats in southern inland Queensland to investigate threat mitigation actions
- engage the University of Queensland to develop technical, policy-ready information that can be used to improve the Environmental Offsets framework in relation to koala habitat.

# Upgrade the Fauna Sensitive Road Design Manual

The Fauna Sensitive Road Design Manual provides assistance to practitioners to design, construct and maintain roads that better accommodate the needs of fauna. It is proposed that an update be made to this manual to achieve koala conservation outcomes by utilising the measures that have proved effective for road design and maintenance.

The upgrade will have multiple benefits as it can be applied to different sectors, not just statecontrolled roads, and can provide guidance on treatments, case studies, research opportunities and data management, with information being published on a centralised website.

### **Reducing dog attacks**

Research has indicated that wild dog attacks are a serious threat to koalas. The Queensland Government is committed to investigating further collaborative approaches for wild dog control with a focus on KPA (including state land).

The Queensland Government proposes to work with local governments to review their existing local laws with respect to dogs, to focus actions in KPA, and to consider ways to mitigate the impacts of domestic dogs. The review will consider both the effectiveness of, and compliance with, local laws. Behavioural change programs designed to build support for dog control are proposed for areas with a high incidence of domestic dog attacks.

## Translocation and release policies

Translocation has historically resulted in limited conservation or welfare outcomes for koalas.

However, translocation can be an appropriate management tool if supported by strict criteria, such as consideration and assessment of the take and receive sites, and their populations, the koala demographic makeup, the vegetation types and habitat suitability, and the prevalence of threats.

Under the Nature Conservation (Koala) Conservation Plan 2017 there are requirements to release rehabilitated koalas to prescribed natural habitat (suitable habitat, preferably within one kilometre of the capture site but not greater than five kilometres from the capture site).

# 4. Threat management

In some circumstances however, the requirement has resulted in welfare issues where threats remain or habitat has been cleared.

In order to provide improved outcomes for koalas that need to be released outside of prescribed natural habitat, a streamlined approach has been developed in the Operational Policy—release of rehabilitated koalas and the take and release of koalas in imminent danger. The policy provides clear guidance to applicants and assessors to make a decision on releasing a rehabilitated koala to a location other than its capture site. A streamlined approval process will reduce the amount of time an otherwise releasable koala spends in rehabilitation and reduces the burden on the busy wildlife hospital network.

In addition to streamlining the process for releasing rehabilitated koalas, an authorised person may take and release an apparently healthy koala in the wild, when it is found to be in clear and imminent danger. The koalas in such circumstances must either not be able to disperse without human intervention, or unassisted movement is likely to result in death or injury to the koalas.

The Queensland Government's translocation policy aims to achieve better conservation outcomes for koalas, not to facilitate development that impacts koala habitat. Amendments to a broad translocation policy are being investigated and will be drafted in 2020. The development of this proactive management response requires time in order to understand and address the scientific principles and practical issues associated with translocation.

Any policy allowing the translocation of koalas will carefully consider the potential impacts that population ecology, genetics or infectious disease dynamics and epidemiology could have on the translocated individuals or recipient population, and be consistent with standards set by the International Union for Conservation of Nature.

### Local government partnerships

Local governments manage a number of highly successful threat abatement programs, such as the Koala Safe Neighbourhoods partnership between Redland City Council and Griffith University, which is a collaborative science-based approach to improve habitat and conservation planning, koala threat mitigation initiatives, and includes a koala education campaign.

The Queensland Government proposes to work with local governments to support and promote their existing and new threat mitigation programs.

### Koala awareness campaigns

The breeding season for koalas (August–February) represents a time of high koala mortality. Koalas are more active, venturing into new or unusual territory, and crossing roads, particularly young males seeking new habitat.

This high level of movement exposes them to risks such as vehicles and dogs. In conjunction with the City of Gold Coast, the Queensland Government trialled an awareness campaign for the Gold Coast throughout the 2018–19 breeding season. Key messages encouraged changing community behaviours, such as the need to drive slowly, and being aware of rescue contacts. The campaign included initiatives such as radio advertising, digital displays and social media. The Queensland Government proposes to expand this program to other local government areas in future breeding seasons.

## Threat mapping

A comprehensive threat map, and threat mitigation program is proposed, based on wildlife hospital admissions data and other datasets to create a comprehensive picture of where the threats to koalas are occurring. By understanding where the threats are occurring, and specifics of threatening processes, effective mitigation actions can be introduced.

For more detailed information on these proposed koala conservation actions and goals, and how they link to the KEP recommendations refer to Appendix 2.



# 5. Community engagement

# Objective: Strong community engagement and partnerships

Successful koala conservation relies on a collaborative approach across all sectors of the community, and particularly for actions that are focused within KPA. The high level of community support for the conservation of koalas provides an opportunity for the Queensland Government to work with the community through a range of actions from formal partnerships for habitat protection to awareness campaigns to reduce dog attacks and vehicle strikes.

Koala conservation projects will include the critical actions needed to secure koalas in the wild, and will either be funded in full by the Queensland Government or in part through partnerships with other organisations. In addition, koala projects will emphasise engagement, communication and capacity building, with actions designed to promote more partnerships with the community, stakeholders and volunteers. A priority will be in improving the skills and the capacity of partners to conserve koala populations.

This means that koala conservation projects have activities that encourage and improve engagement, communication and capacity building, in addition to on-ground (e.g. threat mitigation) activities.

Encouraging the community to help deliver the management of koala habitat and threat reduction will promote a sense of ownership of the solutions for koala conservation for the wider public.

Koala Expert Panel recommendation: To develop and implement a strategy for partnership development and engagement with the broader community, utilising an approach that is sensitive to the nature and views of local communities.

The iconic status of koalas will attract wide interest, leverage investment and engage partners in the program. All strategies, however, must put the protection of the koala first.

## **Citizen science**

The interest in koala conservation from the public, and the number of volunteer organisations provide an opportunity to build the knowledge base on koala populations and threats. Citizen science programs are proposed to be used to help inform policy and management in two stages: the first stage can work with conservation groups to promote initiatives such as koala sighting days and citizen science activities at the Daisy Hill Koala Centre, and to consolidate the results. A review of existing citizen science programs can then be conducted to identify potential gaps and opportunities that can be used to direct and prioritise future programs.

# Caring for koalas

Koalas are part of Aboriginal cosmology, they are connected to the trees whose roots go into the ground and the earth that sustains us. These iconic Australian animals are not only part of the natural environment, but also deeply embedded in the spiritual and cultural life of Aboriginal families throughout SEQ. There are many different language names for koalas across the corridor.

Traditional Owners will play an important role in the conservation of koalas through contributing to the management of koala trees on their land.

DRAFT South East Queensland Koala Conservation Strategy 2019–2024

#### **Education and extension**

It is proposed that partnerships are used to deliver state-wide community engagement campaigns that provide consistent clear messaging and community actions.

Throughout the life of the Strategy, it is proposed that various community engagement campaigns are delivered, ranging from driver awareness during breeding season through to information about amendments to clearing controls for koala habitat. Neighbours of important protected koala habitat may be engaged through tailored engagement to reduce edge effects from invasive plants and domestic animal attacks.

#### The Daisy Hill Koala Centre

Built as a dedicated koala education facility, the Daisy Hill Koala Centre was opened to the public in 1995. Nestled amongst eucalypt trees and featuring a large outdoor koala enclosure and many interactive displays, the Daisy Hill Koala Centre is a unique place to learn about koalas and their conservation. The Daisy Hill Koala Centre has capacity for over 100,000 visitors per year, making it an ideal location to be the public face of koala conservation initiatives. The Daisy Hill Koala Centre will continue to deliver community awareness campaigns, citizen science and education programs, and be a shopfront for engaging the community.

For more detailed information on these proposed koala conservation actions and goals, and how they link to the KEP recommendations refer to Appendix 2.



# 6. Improved mapping, monitoring, research and reporting

# Objective: Continuous monitoring and improvement based on best available science

Improved science will drive improvements in koala conservation in SEQ and boost our understanding of their distribution and threats. High quality koala habitat mapping, threat mapping, monitoring and research programs will help to measure changes in koala populations and threats over time, inform management decision making and communicate outcomes in improving the conservation of koalas. In particular, effective monitoring will be critical if we are to adapt to the inevitable impacts of climate change in SEQ. The focus of monitoring and reporting, and application of research will be within KPA to monitor the effectiveness of habitat protection, restoration and threat mitigation.

To facilitate better communication between researchers, policy makers and planners, the Queensland Government proposes to convene public forums (at least once every five years) to share knowledge on koala conservation. In addition, citizen scientists and volunteers will be encouraged to undertake research and support science projects.

It is proposed that koala conservation projects be designed and implemented under an adaptive management framework that will deliver continuous improvements based on monitoring. This proposed framework would work by firstly requiring that koala projects have monitoring programs that are linked to objectives within the Strategy. The patterns and trends revealed from the monitoring programs would inform the evaluation of objectives of the koala program, and link those outcomes to the investment.

Projects would then be reviewed and updated according to the results of threats and population monitoring to maximise effectiveness. Using this proposed adaptive management approach allows the way changing threats are addressed to inform an understanding of the success of management interventions.

#### Koala Expert Panel recommendation:

Developing targeted and high quality koala habitat mapping, threat mapping, monitoring and research programs that aim to: (1) identify key koala ecological values and threats, (2) measure changes in koala ecological values and threats over time, as well as understand the drivers of those changes, (3) inform policy and management decision making, and (4) communicate trends and outcomes transparently and publically to enhance engagement.

The KAC would play a key role in evaluating the effectiveness of this proposed framework through reviewing the implementation of initiatives. To improve the transparency of the overall koala program, monitoring data may be reported through an annual koala report card. Community engagement activities would also be included in the report card, as part of a wider evaluation plan. Reviewing the communication, engagement and capacity building activities would form part of the koala program's reporting plan.

#### Survey program

A koala survey and monitoring program will play an important role in evaluating management success and communicating progress towards koala conservation targets to support the Strategy. The Queensland Government has had a koala monitoring program in place since 1996, which has been instrumental in recognising rapid declines in koala populations in SEQ. The KEP recommendations have acknowledged that the previous survey program should be revised to be suitable to evaluate the effectiveness of actions within the Strategy and to assess progress towards policy objectives.

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The Queensland Government commenced development of a revised koala survey program, in alignment with the KEP review.

Trial surveys were conducted at the Daisy Hill Conservation Park and the Venman Bushland National Park; and density data and Bio-Condition habitat assessment data were also collected. Peer review provided feedback on how the proposed methodologies addressed the KEP recommendations for the program and has suggested a review of all available survey methodologies to gather data on koala populations.

The review feedback and learnings from the field trial will be used in the program finalisation to address the recommendations.



## 6. Improving, mapping, monitoring, research and reporting

The survey program seeks to address the KEP recommendation to monitor koala densities at 10 to 20 sites across SEQ which are representative of koala populations in urban and rural landscapes, and report on changes every two years. Program finalisation will consider further survey methods, viability analyses, and the development of monitoring design options to measure progress towards targets and evaluate the success of management initiatives in the Strategy.

The monitoring program is expected to report on results against the program objectives publically every five years. There will also be a mechanism for the data to be provided to the KAC every five years for review and evaluation of koala conservation initiatives in the Strategy.

Engagement with external stakeholders is a crucial aspect of the ongoing survey program, and delivers on the KEP recommendation to work in partnership with local governments to develop standard approaches to koala monitoring that could facilitate the integration of monitoring data.

## Koala Advisory Council's annual report

The KAC will provide advice to the Queensland Government about progress on the implementation of the Strategy, with a focus on continuous improvement, monitoring and evaluation.

The KAC annual report for the Queensland Government will contain:

- a summary of matters considered by the KAC for the reporting period and any relevant advice provided in relation to these matters
- the outcomes of the Queensland Government's mapping and monitoring programs for the reporting period
- an evaluation of the progress towards the targets outlined in the Strategy for each annual reporting period
- details of the Queensland Government's actions undertaken for the reporting period
- recommendations on implementing the Strategy, following the principles of adaptive management.

## Updates to koala habitat mapping

The koala habitat mapping will be systematically updated with new data to improve accuracy and track the changes in koala habitat over time. This process will ensure that only the highest quality koala habitat which offers the best opportunity for koala persistence is mapped, and therefore protected through the new planning framework.

Regular updates to the mapping also provides certainty to landholders that clearing controls are only placed on the areas that contain high koala habitat values.

Outside of the property-scale map amendment process, all koala habitat mapping across SEQ will be updated annually, and the boundary of KPA will be reviewed and updated every five years.

For more detailed information on these proposed koala conservation actions and goals, and how they link to the KEP recommendations refer to Appendix 2.

DRAFT South East Queensland Koala Conservation Strategy 2019-2024

# Have your say on the draft SEQ Koala Conservation Strategy

The Queensland Government invites comments from all Queenslanders on the actions proposed in this draft Strategy.

Submissions close 31 January 2020.

To find out more about how to get involved, visit www.qld.gov.au/SEQkoalas or contact SEQKoalaStrategy@des.qld.gov.au



## Appendix 1 Koala conservation across Queensland

Several proposed actions under the draft Strategy have the potential to benefit koala populations outside of South East Queensland (SEQ), including investments in research and behaviour change programs. Additionally, Queensland Government programs, such as the Land Restoration Fund, and Queensland Environmental Offsets Policy, also have the potential to conserve koalas and their habitat across Queensland.

Planning controls to support the maintenance of koala habitat have historically focused on SEQ as this is where the greatest pressures from urban growth occur, however increasingly this pressure is impacting other areas of Queensland. Upcoming koala habitat mapping, and planning regulations, will only apply to SEQ, however future reviews may consider expanding these controls to other areas of Queensland.

This is in line with a Koala Expert Panel (KEP) recommendation, to expand the new SEQ koala mapping and planning regulations across the koala's entire range in Queensland. Conservation of koalas outside SEQ was not part of the KEP initial terms of reference, and so has not yet been considered by the Queensland Government within the scope of this review or draft Strategy. The KEP also recommended that:

- the Queensland Government focus investment on consolidating existing koala populations, and landscape-scale recovery across Queensland
- regional studies be undertaken to fill knowledge gaps around koala distribution, abundance, habitat utilisation and environmental drivers of population dynamics, especially in north Queensland
- state-wide habitat mapping be undertaken to identify ecological values and land use conflicts and to guide sustainable investment in koala habitat conservation
- a strategy for community engagement and extension be developed and implemented, at a regional level, to address local cultural needs.

Subject to successful implementation of a new koala conservation planning framework and *South East Queensland Koala Conservation Strategy 2019–2024*, the Queensland Government will consider options for more strategic conservation of koalas across their entire Queensland extent.

## Appendix 2 Detailed responses to the Koala Expert Panel's recommendations

The Queensland Government's draft *South East Queensland Koala Conservation Strategy 2019–2024* has a vision of a sustainable koala population in the wild in South East Queensland (SEQ), which is supported by a coordinated and strategic approach to habitat protection, habitat enhancement and threat reduction.

The vision and targets set by the Strategy are based upon recommendations of the Koala Expert Panel (KEP) and include six priority areas for proposed action over the next five years.

The Queensland Government is already taking action to address some of the KEP most pressing recommendations and has identified potential future actions to conserve koala populations in SEQ made by the KEP.

## Action area 1: Strategic coordination

KEP objective: A strategic and coordinated approach to koala conservation

KEP recommendation	2018 government response
1a) Develop an implementation strategy for koala conservation in SEQ that adopts the recommendations made in this report.	<ul> <li>The Queensland Government will prepare a new SEQ Koala Conservation Strategy that details how the KEP recommended actions are to be achieved, and the timeframes for achieving these actions.</li> </ul>
this report.	<ul> <li>The Queensland Government will establish priority areas for koala conservation measures.</li> </ul>
	<ul> <li>The Queensland Government will establish targets for koala habitat and population trajectories, as part of the SEQ Koala Conservation Strategy.</li> </ul>
	<ul> <li>The Queensland Government will develop an implementation and investment strategy, as part of the SEQ Koala Conservation Strategy.</li> </ul>
	<ul> <li>The Queensland Government will develop and execute a monitoring and evaluation strategy, as part of the SEQ Koala Conservation Strategy.</li> </ul>
1b) Establish a Koala Advisory Council (KAC) to coordinate the implementation of the koala conservation strategy.	<ul> <li>The Queensland Government will appoint a Koala Advisory Council to coordinate the implementation of the SEQ Koala Conservation Strategy.</li> </ul>

#### Early action

The Queensland Government has already:

- established the Koala Advisory Council
- released the draft *South East Queensland Koala Conservation Strategy 2019–2014* for public consultation
- mapped Koala Priority Areas, for protection within the planning framework
- set targets regarding koala habitat, koala density, and koala mortality, and invested in habitat restoration.

2019–2024 potential future action

- 1.1 Koala Advisory Council participation in implementation and evaluation.
- 1.2 Advocate for holistic impact assessment through strategic assessment under the Commonwealth Government's *Environmental Protection and Biodiversity Conservation Act* 1999.
- 1.3 Build an online hub of koala-related information.
- 1.4 Develop guidance for Indigenous Land and Sea Rangers to recognise the importance of koalas to First Nations communities.

Page 35

## Action area 2: Habitat protection

KEP objective: Ensure koala habitat is protected

KEP recommendation	2018 government response
2a) The state government to assume responsibility for the assessment	<ul> <li>The Queensland Government will strengthen state development assessment requirements to improve consistency in approach to koala habitat protection across SEQ.</li> </ul>
of koala-related planning and development issues to ensure	<ul> <li>The Queensland Government will incorporate koala related policy in future reviews of the State Planning Policy and <i>ShapingSEQ</i>.</li> </ul>
consistency of approach across SEQ.	<ul> <li>The Queensland Government will identify and manage inconsistencies in development standards between state and private sector development requirements for koala habitat protection.</li> </ul>
2b) Reduce the number and complexity of exemptions from development assessment and put in place a transparent system of conditional approval across different habitat classes and land uses.	<ul> <li>The Queensland Government will address development assessment exemptions that have an adverse impact on koala habitat.</li> </ul>
2c) Broaden triggers for koala-related development as sessment in SEQ based on the new koala habitat mapping.	<ul> <li>The Queensland Government will work with stakeholders to tighten clearing requirements, inside and outside of the urban footprint, and establish appropriate assessment provisions based on new habitat mapping.</li> <li>The Queensland Government will apply the habitat mapping to the development of priority areas and development assessment provisions.</li> </ul>
2d) Develop new development assessment requirements for SEQ.	<ul> <li>The Queensland Government will work with stakeholders to tighten clearing requirements, inside and outside of the urban footprint, and establish appropriate assessment provisions based on new habitat mapping.</li> </ul>
2e) Biodiversity offsets for koala habitat should continue to be imposed as conditions on development approvals only as a 'last resort', and not as an	<ul> <li>The Queensland Government will review the offsets framework regarding koala habitat, including how the framework is to relate to the identified koala priority areas and subject to the outcomes of the strategic assessment process.</li> <li>The Queensland Government will encourage the delivery of koala offsets within koala priority</li> </ul>
automatic 'licence to clear habitat'.	areas once identified through the SEQ Koala Conservation Strategy.
2f) Any future expansion of the Urban Footprint, undertaken by the state as part of revisions to the SEQRP, should not occur over areas where core koala habitat (remnant and regrowth) has been identified through the mapping, or where koala populations are known to occur.	<ul> <li>ShapingSEQ includes principles to govern the future expansion of the urban footprint including preventing the expansion of the footprint into areas containing predominately matters of national or state environmental significance and the regional biodiversity network, including koala habitat. This will include consideration of any impacts on the region's ability to accommodate future growth.</li> </ul>
2g) Ensure that locally significant koala habitat, not captured by the mapping, or not in identified priority areas for koalas, can still be protected through local government planning schemes.	<ul> <li>The Queensland Government will work with local governments to ensure habitat not mapped by the state can be protected.</li> </ul>
2h) Reduce the complexity of the current planning framework.	<ul> <li>The Queensland Government will improve the planning framework for koala-related development to improve consistency and simplicity.</li> </ul>
2i) Review coordination between state departments in relation to different legislative instruments.	<ul> <li>The Queensland Government will review coordination between legislative instruments and processes for koala-related development.</li> </ul>
2j) The state's commitment to a SEQ strategic assessment with the Commonwealth under the EPBC Act should be undertaken as soon as possible to give certainty to all	<ul> <li>The Queensland Government has commenced the strategic assessment process via a \$5 million funding commitment.</li> </ul>
stakeholders and permit strategic planning for koalas with respect to the protection of habitat.	

KEP recommendation	2018 government response
2k) Develop a communication, education and extension strategy to ensure community and business awareness and understanding of new and revised koala habitat protection measures.	<ul> <li>The Queensland Government will deliver a communication and education strategy to support any changes to the koala regulatory framework.</li> </ul>
21) Develop and resource effective models of habitat protection incentives and partnerships that have the potential for broad uptake amongst industry and rural enterprise sectors.	<ul> <li>The Queensland Government will develop, and identify resource requirements for effective models of habitat protection for use by industry and other stakeholders.</li> </ul>

#### Early action

The Queensland Government has already:

- identified reforms to the planning framework to ensure strategic conservation of koalas and koala habitat in SEQ
- prepared amendments to the Queensland Environmental Offsets Policy to align with new mapping and koala conservation objectives
- reviewed the Koala-sensitive Design Guideline.

#### 2019–2024 potential future action

- 2.1 Incorporate koala conservation into the State Planning Policy and *ShapingSEQ* Regional Plan.
- 2.2 Identify and manage any inconsistencies between State and private sector development outcomes.
- 2.3 Review the Offsets Framework with regards to koala conservation strategies and priorities
- 2.4 Use the land-use planning framework to safeguard koala habitat by avoiding new expansion of the urban footprint into koala habitat.
- 2.5 Build capacity to understand the new planning framework by developing an education and extension strategy to development assessment officers.
- 2.6 Explore the use of incentives and design standards, in partnership with natural resource management groups and local governments.
- 2.7 Protect biodiversity in local planning schemes by working with local governments to identify priorities.

Page 37

## Action area 3: Habitat restoration for koalas

KEP objective: Strategic and landscape-scale koala habitat restoration

KEP recommendation	2018 government response
3a) Resource greater investment in koala habitat restoration, focused primarily in identified priority areas for	<ul> <li>The Queensland Government will invest in koala habitat restoration and provide incentives to private landholders to restore koala habitat, including through the recently announced Land Restoration Fund.</li> </ul>
koalas.	<ul> <li>The Queensland Government will work with NGOs and community groups to restore koala habitat in important koala conservation areas.</li> </ul>
	<ul> <li>In partnership with local government, NGOs and community groups, explore opportunities to appoint dedicated extension officers.</li> </ul>
	<ul> <li>The Queensland Government will restore koala habitat on state-owned land including the protected area estate.</li> </ul>
3b) Review and modify the Offsets Policy and associated regulation.	The Queensland Government will identify priority areas for the strategic placement of environmental offsets for koala habitat.
	<ul> <li>The Queensland Government will investigate appropriate mechanisms, including the environmental offsets framework, to deliver koala related offsets in priority areas.</li> </ul>
	The Queensland Government will facilitate advanced offsets for koala habitat.
	<ul> <li>The Queensland Government will consider barriers to the delivery of offsets, cost effectiveness, enforcement, monitoring and transparent delivery as part of its review of the offsets framework and strategic assessment.</li> </ul>
	<ul> <li>The Queensland Government will identify unnecessary barriers to the delivery, enforcement and monitoring of offsets, and increase transparency and cost effectiveness in offset delivery.</li> </ul>
	<ul> <li>The Queensland Government will improve financial settlement offsets for koala habitat and remove unnecessary complexities associated with offset delivery as part of its review of the offsets framework and strategic assessment.</li> </ul>
	<ul> <li>The Queensland Government will work with local landholders, state landholders and offset providers to deliver cost effective koala related offsets.</li> </ul>
	<ul> <li>The Queensland Government will work with partners to design and implement a new system to improve coordination, reporting and monitoring.</li> </ul>

#### Early action

The Queensland Government has already:

- mapped Koala Restoration Areas for strategic placement of habitat restoration investment and environmental offsets
- established a partnership with the Queensland Trust for Nature to restore approximately 1000 ha of koala habitat in SEQ
- prepared amendments to the Queensland Environmental Offsets Policy to align with new mapping and koala conservation objectives.

#### 2019–2024 potential future action

- 3.1 Further invest in a Koala Habitat Restoration Program.
- 3.2 Strategically identify offset locations through new restoration mapping.
- 3.3 Restore habitat on state land in partnership with non-government organisations.
- 3.4 Collaborate to deliver offsets and enhance habitat with local governments, landholders and land managers.

## Action area 4: Threat management

KEP objective: Coordinated threat reduction and koala population management

KEP recommendation	2018 government response
4a) Undertake a threat assessment across SEQ to quantify and map threats to koalas from habitat loss, vehicle collisions, dog attacks (domestic and wild dogs), disease, fire, and climate change.	<ul> <li>The Queensland Government will use spatial modelling to identify threats to koalas and priority areas for threat reduction.</li> <li>The Queensland Government will develop a consistent approach to mapping threats to koalas.</li> </ul>
4b) Identify priority locations for investment in reducing existing and future threats from vehicle collisions, dog attacks (domestic and wild dogs), disease, and fire.	<ul> <li>The Queensland Government will use spatial modelling to identify threats to koalas and priority areas for threat reduction.</li> </ul>
4c) Resource a targeted and transparent threat reduction program across SEQ, in partnership with local governments, particularly in identified priority areas for koalas, NGOs, industry, and the community using a range of initiatives.	<ul> <li>The Queensland Government will deliver a targeted and transparent threat reduction program and evaluate initiatives including the retrofitting of existing roads.</li> </ul>
4d) Review and develop a new koala translocation policy.	<ul> <li>The Queensland Government will prepare a new Koala Conservation Strategy consistent with best practice management for translocation, release of rehabilitation koalas, and the release of captive bred koalas.</li> </ul>
4e) Review policy on release of rehabilitated koalas (currently in the State Koala Conservation Plan) to consider allowing release more than 5 km from the capture site when ongoing threats to the individual in the vicinity of the capture site remain high.	<ul> <li>The Queensland Government will prepare a new Koala Conservation Strategy consistent with best practice management for translocation, release of rehabilitation koalas, and the release of captive bred koalas.</li> </ul>
4f) Identify where there is empty habitat in SEQ and consider the reintroduction of koalas to these areas.	<ul> <li>The Queensland Government will identify areas of empty koala habitat and reintroduce koalas where appropriate.</li> </ul>
4g) Integrate zoo-based koala populations more explicitly into the management of wild koala populations in SEQ, particularly in urban areas.	<ul> <li>The Queensland Government will prepare a new Koala Conservation Strategy consistent with best practice management, including the recognition of both wild and captive koala populations.</li> </ul>

#### **Early action**

The Queensland Government has already:

- released the draft *South East Queensland Koala Conservation Strategy 2019–2014* for public consultation
- partnered with the City of Gold Coast to trial community engagement and behaviour change activities, in the 2018–19 breeding season.

#### 2019-2024 potential future action

- 4.1 Partner with local government to deliver threat abatement opportunities.
- 4.2 Update the Fauna Sensitive Design Guide.
- 4.3 Integrate koala conservation into local government's biosecurity planning.
- 4.4 Support the mitigation of threats of domestic dogs by working with local governments across SEQ.
- 4.5 Develop best-practice policies for koala rehabilitation.
- 4.6 Support training and development for koala carers.
- 4.7 Upgrade Moggill Rehab Centre.

Page 39

Page 404 of 589

## Action area 5: Community engagement

KEP objective: Strong community partnerships and engagement

KEP recommendation	2018 government response
5a) Recognise and properly engage with Traditional Owner communities in recognition that Indigenous rangers could play a major part in data collection and management.	<ul> <li>The Queensland Government will develop a communication, education and extension strategy in consultation with Traditional Owners. The strategy will recognise the importance of koalas to Traditional Owner communities and outline a strategy for engagement with Traditional Owner communities.</li> </ul>
5b) Engage regional extension officers, drawn from local communities, to work within local governments or catchment groups.	• The Queensland Government will develop a communication, education and extension strategy. This strategy will give consideration to an extension officer program.
5c) Enhance partnerships to deliver state-wide community engagement campaigns that provide consistent clear messaging, community action, and the potential for citizen science.	<ul> <li>The Queensland Government will develop a communication, education and extension strategy.</li> </ul>
5d) Enable knowledge exchange through a multi-faceted communication/extension strategy that includes workshops, conferences, local media (radio and newspapers), and rural community contacts.	<ul> <li>The Queensland Government will develop a communication, education and extension strategy.</li> </ul>
5e) Encourage active community participation through citizen science and field activities.	• The Queensland Government will develop a communication, education and extension strategy. The strategy will include citizen science and field activity programs.

#### Early action

The Queensland Government has already:

- commenced working with communities, industries and local in preparation for the new koala conservation framework
- hosted the Koala Collab 2018 conference.

2019-2024 potential future action

- 5.1 Host Koala Collab 2020.
- 5.2 Deliver education and extension to landholders on ways to manage their land for improved koala outcomes.
- 5.3 Use citizen science to support behaviour change and community participation in conservation.
- 5.4 Invest in breeding-season community engagement to reduce vehicle-related koala injuries, in partnership with local governments.
- 5.5 Engage with neighbours to improve connectivity of potential koala habitat across property boundaries.

## Action area 6: Improved mapping, monitoring, research and reporting

KEP objective: Targeted mapping, monitoring, research and reporting

KEP recommendation	2018 government response
6a) Develop consistent mapping of koala habitat across SEQ at a fine resolution that addresses the problems of the previous mapping and implements a systematic mechanism for updating this mapping to improve accuracy and track changes in koala habitat over time.	<ul> <li>The Queensland Government will continue to develop and update koala habitat mapping.</li> <li>The Queensland Government will apply the habitat mapping to the development of priority areas and development assessment provisions.</li> </ul>
6b) Develop: (a) broad-scale assessment tools to measure the extent and condition of koala habitat, and (b) ground based rapid habitat assessment tools that can be integrated to provide statistics on trends and metrics on condition of koala habitat across SEQ.	<ul> <li>The Queensland Government will develop tools to assess koala habitat condition.</li> </ul>
6c) Develop a consistent approach to mapping threats to koalas across SEQ and implement a systematic mechanism for updating this mapping to track changes in threats over time.	<ul> <li>The Queensland Government will develop a consistent approach to mapping threats to koalas.</li> </ul>
6d) Develop a comprehensive koala monitoring program that explicitly evaluates and communicates progress towards koala conservation targets and evaluates policy and management success.	<ul> <li>The Queensland Government will develop a monitoring and evaluation strategy, as part of the SEQ Koala Conservation Strategy.</li> </ul>
6e) Implement a mechanism (e.g. workshops, synthesis and evaluation) for review of the outcomes of the mapping, monitoring and evaluation by the Koala Advisory Council every five years and for the Koala Advisory Council to make recommendations on the revision of policy and management that arise from this review.	<ul> <li>The Queensland Government will appoint a Koala Advisory Council to coordinate the implementation of the SEQ Koala Conservation Strategy.</li> </ul>
6f) Incentivise multi-disciplinary research that explicitly addresses key management and policy priorities and the development of partnerships between researchers, the state government and other end-users.	<ul> <li>The Queensland Government will develop a fully costed implementation plan, as part of the SEQ Koala Conservation Strategy. The strategy will include directions for multi-disciplinary research and mechanisms for funding.</li> </ul>
6g) Explore mechanisms to enhance the cost effectiveness of koala research through targeted leveraging of funding (e.g. through Australian Research Centre Linkage Projects and other Commonwealth funding opportunities such as Cooperative Research Centre).	<ul> <li>The Queensland Government will develop a fully costed implementation plan, as part of the SEQ Koala Conservation Strategy. The strategy will include directions for multi-disciplinary research and mechanisms for funding.</li> </ul>
6h) Run a koala conference every five years that brings together researchers (across a broad range of disciplines), policy makers and planners from across different levels of government, NGOs, industry, and the community from across Queensland.	<ul> <li>The Queensland Government will develop a communication, education and extension strategy. The strategy will include a koala conference.</li> </ul>

#### **Early action**

The Queensland Government has already:

- established the Koala Advisory Council
- set targets regarding koala habitat, koala density, and koala mortality, and invested in habitat restoration
- mapped Koala Priority Areas, for protection within the planning framework
- identified processes for map amendments and updates
- hosted the Koala Collab 2018 conference.

2019–2024 potential future action

- 6.1 Review mapping at conclusion of the Strategy period to assess progress and establish new targets.
- 6.2 Develop tools to monitor koala habitat condition.
- 6.3 Identify koala threats through new mapping.
- 6.4 Provide funding for koala conservation research.
- 6.5 Develop a monitoring and evaluation strategy.

Page 41



Doc ID No: A5870743

ITEM: 23.23

SUBJECT: REVIEW OF THE DOMESTIC WASTE COLLECTION POLICY, TEMPORARY CANCELLATION OF THE DOMESTIC REFUSE AND RECYCLING COLLECTION SERVICES POLICY AND USE OF DRIVEWAYS AS TURNAROUND AREAS FOR DOMESTIC WASTE COLLECTION VEHICLES POLICY

AUTHOR: SENIOR BUSINESS ADVISOR

DATE: 29 OCTOBER 2019

## **EXECUTIVE SUMMARY**

This is a report concerning a review of the Domestic Waste Collection Policy, Temporary Cancellation of the Domestic Refuse and Recycling Collection Services Policy, and Use of Driveways as Turnaround Areas for Domestic Waste Collection Vehicles Policy.

## RECOMMENDATIONS

That the Interim Administrator of Ipswich City Council resolve:

- A. That the policy titled 'Domestic Waste Collection Policy', as detailed in Attachment 2 to the report by the Senior Business Advisor dated 29 October 2019, as per Resolution No. 06.02 of the Health and Sport Committee of 20 January 1998, adopted at the Council Ordinary Meeting on 28 January 1998, be repealed.
- B. That the policy titled 'Domestic Waste Collection Policy', as detailed in Attachment 3 to the report by the Acting Ipswich Waste Services Manager dated 29 October 2019, be adopted.
- C. That the policy titled 'Temporary Cancellation of the Domestic Refuse and Recycling Collection Service Policy', as detailed in Attachment 4 to the report by the Senior Business Advisor dated 29 October 2019, as per Resolution No. 4 of the City Management and Finance Committee of 23 June 2015, adopted at the Council Ordinary Meeting on 30 June 2015, be repealed.
- D. That the policy titled 'Use of Driveways as Turnaround Areas for Domestic Waste Collection Vehicles Policy', as detailed in Attachment 5 to the report by the Senior Business Advisor dated 29 October 2019, as per Resolution No. 3 of the City Management and Finance Committee of 12 February 2013, adopted at the Council Ordinary Meeting on 19 February 2013, be repealed.

## **RELATED PARTIES**

There are no declaration of conflicts of interest.

## **ADVANCE IPSWICH THEME**

Caring for the environment

## **PURPOSE OF REPORT/BACKGROUND**

On 12 March 2019, the Environment Committee considered a report on a review of the Domestic Waste Collection Policy and the Temporary Cancellation of the Domestic Refuse and Recycling Collection Services Policy (refer Attachment 1). From the report, Council resolved that a community consultation process be undertaken to seek community feedback on the proposed changes to the Domestic Waste Collection Policy particularly in relation to removal of the ability for properties in excess of 8 hectares to be exempt from the waste collection service. Further discussions have suggested that the Domestic Waste Collection Policy can be updated prior to the community consultation process but removal of the 8 hectare exemption should be considered after the community consultation process is undertaken.

The review of the Domestic Waste Collection Policy and the Temporary Cancellation of the Domestic Refuse and Recycling Collection Services Policy found that both policies are significantly outdated and do not clearly articulate the required waste management obligations imposed on Council.

Since the March 2019 Environment Committee report was considered by Council, it has also been identified that the policy statements within the Use of Driveways as Turnaround Areas for Domestic Waste Collection Vehicles Policy should be moved into the Domestic Waste Collection Policy. No amendments are required to the former policy statements within the Use of Driveways as Turnaround Areas for Domestic Waste Collection Vehicles Policy.

The following attachments detail the suggested amendments to the Domestic Waste Collection policy:

- Attachment 2 is the current adopted Domestic Waste Collection Policy;
- Attachment 3 is the current adopted Domestic Waste Collection Policy with the suggested changes in tracked changes;
- Attachment 4 is the proposed policy in the updated corporate policy format;
- Attachment 5 is the current Temporary Cancellation of the Domestic Refuse and Recycling Collection Services policy; and
- Attachment 6 is the current Use of Driveways as Turnaround Areas for Domestic Waste Collection Vehicles Policy.

The following amendments are proposed including updates to current legal requirements and terminology as follows:

## Domestic Waste Collection policy

- Formally designate the waste collection area in the policy. This is practically done through Council's mapping system and would exclude properties without occupiable dwellings and properties that cannot be serviced.
- Recognise the rated household waste service utility charge as an access or availability charge rather than a direct fee for service.
- Provide guidance on how the rated household waste service utility charge is applied in relation to unoccupied and uninhabitable dwellings.
- Change the term "Certificate of Occupancy" to "Final Inspection".
- Transfer the policy statements within the Use of Driveways as Turnaround Areas for Domestic Waste Collection Vehicles Policy into the Domestic Waste Collection Policy.

## Temporary Cancellation policy

• Repeal the Temporary Cancellation of the Domestic Refuse and Recycling Collection Services policy. This policy will be no longer required with the adoption of the new Domestic Waste Policy.

## Use of Driveways as Turnaround Areas for Domestic Waste Collection Vehicles Policy

• Repeal the Use of Driveways as Turnaround Areas for Domestic Waste Collection Vehicles Policy. This policy will be no longer required with the adoption of the new Domestic Waste Policy.

## **LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions: Environmental Protection Regulation 2008 Public Health Act 2005 Waste Reduction and Recycling Regulation 2011

## **RISK MANAGEMENT IMPLICATIONS**

There have been no adverse risks identified from the proposed changes to the Domestic Waste Collection Policy.

## FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications from the proposed changes to the Domestic Waste Collection policy.

## COMMUNITY AND OTHER CONSULTATION

There are no changes proposed that would impact on the community. The proposed changes to the Domestic Waste Collection policy simply better articulate current practice.

## CONCLUSION

A review has been undertaken of Council's Domestic Waste Collection, Temporary Cancellation of the Domestic Refuse and Recycling Collection Services, and Use of Driveways as Turnaround Areas for Domestic Waste Collection Vehicles policies. The review has indicated that all three policies could be amalgamated into one policy. The proposed policy in the new policy format does not provide any changes to current practices.

## ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

- Environment Committee Report March 2019 Review of Domestic Waste Collection and Temporary Cancellation of Refuse and Recycling Collection Service Policies 1<sup>1</sup>/<sub>2</sub>
   Previous report attachment: Domestic Waste Collection Policy - current version 1<sup>1</sup>/<sub>2</sub>
- 1.2 Previous report attachment: Suggested amendments to current Domestic Waste Collection Policy tracked changes J
- 1.3 Previous report attachment: Proposed Domestic Waste Collection Policy U
- 1.4 Previous report attachment: Temporary Cancellation of the Domestic Refuse and Recycling Collection Services policy J
- 2. Current Domestic Waste Collection Policy J
- 3. Current Domestic Waste Collection Policy: Suggested Track Changes 🗓 🖾
- 4. Proposed Domestic Waste Collection Policy 🕂 🛣
- 5. Current Temporary Cancellation Policy 🗓 🛣
- 6. Current Use of Driveways as Turnaround Areas for Domestic Waste Collection Vehicles policy J

## Kay Clarke SENIOR BUSINESS ADVISOR

I concur with the recommendations contained in this report.

## Kaye Cavanagh MANAGER, ENVIRONMENT AND SUSTAINABILITY

I concur with the recommendations contained in this report.

## Charlie Dill GENERAL MANAGER - INFRASTRUCTURE AND ENVIRONMENT

"Together, we proudly enhance the quality of life for our community"

Environment Committee		
Mtg Date: 12.03.19	OAR:	YES
Authorisation: Bryce Hines		

kac: kac

h:\Departmental\Committee Reports\1903kac Review of Domestic Waste Collection & Temporary Cancellation Policies CR

4 March 2019

#### MEMORANDUM

TO: CHIEF OPERATING OFFICER (WORKS, PARKS AND RECREATION)

FROM: ACTING IPSWICH WASTE SERVICES MANAGER

RE: REVIEW OF THE DOMESTIC WASTE COLLECTION AND THE TEMPORARY CANCELLATION OF THE DOMESTIC REFUSE AND RECYCLING COLLECTION SERVICES POLICIES

#### INTRODUCTION

This is a report by the Acting Ipswich Waste Services Manager dated 4 March 2019 concerning a review of the Domestic Waste Collection and the Temporary Cancellation of the Domestic Refuse and Recycling Collection Services policies.

#### **RELATED PARTIES**

There are no related party matters associated with this report.

#### ADVANCE IPSWICH THEME LINKAGE

Caring for Our Environment

#### PURPOSE OF REPORT/BACKGROUND

Under the provisions of the Queensland Public Health Act 2005, local government has been given the responsibility for managing public health risks associated with waste. In order to manage this risk, Council has a legal duty to ensure appropriate waste collection, waste disposal and regulatory controls are available in their jurisdiction to manage waste. Council, therefore, provides regular kerbside waste, recycling and green waste services, litter collection, street sweeping, dead animal collection, park and street bin collection services, removal of illegal dumping and public waste disposal facilities. The number of private landfills available in Ipswich means that Council does not need to provide landfill facilities in its jurisdiction.

1

Funding of Council's waste management services is provided from general rates revenue and the rated waste services utility charges. General rates revenue funds litter collection, street sweeping, park and street bin collection services and the removal of illegal dumping. Waste services utility charges fund the domestic kerbside waste, recycling and green waste collection services, roadside dead animal removal and public waste disposal site operations.

Council has previously determined that the provision of a mandatory weekly kerbside refuse collection service and a fortnightly recycling collection service is currently the best way to manage day-to-day household waste in a cost effective manner. The scale of the operation, with all households in the serviced areas contributing to operational expenses, provides Council with the ability to offer the service at a very low charge – less than \$7.00 per week. The current system charges households the same charge whether the household places a full bin out for service every week or if the household limits waste generation. The same charge is also applied if a household chooses not to use the service. Therefore the rated waste service charge should be viewed as an availability charge rather than a direct fee for service.

The primary purpose of Council's Domestic Waste Collection policy is to define the area where domestic waste collection services will be provided by Council. Under section 7 of the *Waste Reduction and Recycling Regulation 2011*, if a local government wishes to provide waste collection services to its residents, it needs to nominate which premises will receive the service by designating a defined waste collection area. Premises within this defined area are known as serviced premises under this legislation.

There are households within Ipswich that cannot be provided with a waste collection service by Council. Some roads do not have suitable turnaround areas or are not maintained to a standard suitable for waste collection vehicle operation. This constraint is recognised in the current Domestic Waste Collection Policy and is an important operational consideration.

The legislation also provides requirements on the appropriate management of waste in unserviced areas. Section 81ZK of the *Environmental Protection Regulation 2008* requires waste to be disposed at an approved waste disposal facility or under a special written approval by Council that imposes conditions on the place and disposal method. With the exception of compostable waste, the only practical legal means of disposing of household waste, other than by means of a domestic waste collection service, is at an approved waste disposal facility such as the Riverview or Rosewood Recycling and Refuse Centre.

Properties are also exempt from rated waste charges if there is no occupiable dwelling on site. These exemptions are provided if a house has been demolished, removed, is uninhabitable or has burnt down.

## DISCUSSION

There are elements of the current Domestic Waste Collection and the Temporary Cancellation of the Domestic Refuse and Recycling Collection Services policies that are inconsistent with Councils aim to provide a cost effective and equitable service to its households:

- **Eight hectare exemption:** The current Domestic Waste Collection policy allows residents with properties that are greater than eight hectares in area to have the right to abstain from a waste collection service. This exemption effectively removes the particular property from the designated waste collection area. According to the current policy, these residents are required to dispose of their waste at an approved waste disposal facility.
- **Temporary cancellation policy:** The current Temporary Cancellation of the Domestic Refuse and Recycling Collection Services policy allows property owners to temporarily suspend their rated waste services charges if their house will be vacant for an extended period. A cumbersome administration process accompanies this process to ensure that the house continues to be vacant. There are currently three temporary cancellation approvals in place.

It is more equitable to require all serviceable and occupiable households to be rated for a waste collection service. Every household that is provided with an exemption from the designated waste collection area results in an increased cost burden on the remaining households that are funding the service. As previously mentioned, the charging mechanism isn't volume or user based – it is an availability charge – therefore it make no sense to allow some households to abstain from the service.

As well as the direct loss of revenue from rated waste services charges, there are costs involved in providing a subsidised waste disposal facility for unserviced premises. It is more cost effective to collect as much household waste as possible via the kerbside collection service rather than collecting the material at a public waste disposal facility. Every domestic waste disposal transaction at the Recycling & Refuse Centres costs Council \$26.80 per transaction. Current gate fees are \$12 per transaction. Households that do not pay for rated waste services charges are not contributing to the subsidised funding of the public Recycling & Refuse Centres and are therefore placing an unfair cost burden on households that are rated for waste services charges.

It is therefore recommended that the eight hectare exemption be removed from the Domestic Waste Collection policy and the Temporary Cancellation of the Domestic Refuse and Recycling Collection Services policy be repealed. According to a Pathways extract of rateable properties without rated waste services, there are about 230 properties without a rated waste service that may be impacted by this proposal with the Local Government Code "Dwellings >0.4047 ha." There are also a further 280 properties that are listed as a Farming or Cattle breeding Local Government code that may have a residence on the property. All these properties would need to be audited, and contact made with the property owners, to confirm the existence of an occupiable premises, whether adequate turnarounds exist and if the quality of the road is adequate for the collection vehicles before any consideration could be made on potentially commencing a waste service on the property.

#### Amended Domestic Waste Collection policy

The following attachments detail the suggested amendments to the Domestic Waste Collection policy:

- Attachment A is the current adopted Domestic Waste Collection Policy;
- Attachment B contains the suggested amendments of the policy statement in tracked changes;
- Attachment C is the proposed policy in the updated corporate policy format; and
- Attachment D is the current Temporary Cancellation of the Domestic Refuse and Recycling Collection Services policy

The following amendments are proposed including updates to current legal requirements and terminology as follows:

Domestic Waste Collection policy

- Formally designate the waste collection area in the policy.
- Remove the eight hectare exemption.
- Change the term "Certificate of Occupancy" to "Final Inspection".
- Temporary Cancellation policy
- Repeal the Temporary Cancellation of the Domestic Refuse and Recycling Collection Services policy.

#### RESOURCE IMPLICATIONS

The proposed changes to the Domestic Waste Collection policy will not provide any significant burden on administrative processes undertaken by Ipswich Waste Services and can be undertaken within existing roles and staffing levels. The above mentioned audit process is already undertaken to ensure that the commencement of new service also results in the commencement of charging on the rates system. There will be a slight increase in rated revenue if there is an increase in the number of serviced premises throughout Ipswich established as rated waste services.

#### **RISK MANAGEMENT IMPLICATIONS**

The key risk to Council from the proposed changes to the Domestic Waste Collection policy is negative community feedback from ratepayers that do not wish to pay for a waste collection service. It will be important to clearly communicate the reasoning behind the proposed changes and its community benefits.

#### LEGAL\POLICY BASIS:

This report and its recommendations are consistent with the following legislative provisions:

- Environmental Protection Regulation 2008
- Waste Reduction and Recycling Regulation 2011

## COMMUNITY AND OTHER CONSULTATION:

Due to the number of households that could potentially be effected by the proposal to remove the eight hectare exemption for the provision of a domestic waste collection service, it is suggested that a community engagement process be undertaken to seek feedback from the community.

## CONCLUSION:

A review has been undertaken of Council's Domestic Waste Collection and Temporary Cancellation of the Domestic Refuse and Recycling Collection Services policies. Proposed amendments to these policies recognise that the rated waste services charge should be viewed as an availability charge and that Council should offer waste collection services to all serviceable and occupiable households within Ipswich. Residents with properties that are greater than eight hectares in area should not have the right to abstain from a waste collection service and areas outside the current collection area that can be serviced should be included in the designated waste collection area. It should be Council's decision if a service is not provided to an occupiable dwelling based on road quality (maintained or not) and turnaround availability. It is suggested that a community engagement process be undertaken to seek feedback from the community to complete the review process.

#### ATTACHMENTS:

Name of Attachment	Attachment
Domestic Waste Collection Policy – current version	Attachment A
Suggested amendments of current Domestic Waste Collection Policy	Attachment B
Proposed Domestic Waste Collection Policy	Attachment C
Temporary Cancellation of the Domestic Refuse and Recycling Collection Services policy	Attachment D

#### **RECOMMENDATION:**

That the Interim Administrator of Ipswich City Council resolve:

That a community consultation process be undertaken to seek community feedback on the proposed changes to the Domestic Waste Collection Policy as detailed in Attachment C to the report by the Acting Ipswich Waste Services Manager dated 4 March 2019.

Kay Clarke ACTING IPSWICH WASTE SERVICES MANAGER

I concur with the recommendation/s contained in this report.

Bryce Hines CHIEF OPERATING OFFICER (WORKS, PARKS AND RECREATION)

lp	bomestic waste collection policy	DOCUMENT NO: A4982560		
Obje	ctives:			
serv prot	It is the policy of the Ipswich City Council to endeavour to provide waste collection services to all of its residents, in the interest of public health and environmental protection. The Council recognises however that such services will be limited in some rural and remote areas of the diverse City geography.			
Spec	ifically, the Ipswich City Council will:-			
1.	1. Provide waste collection services to residents in all serviceable areas, with only those residential properties of area greater than 8 hectares, being granted an optional right to commence or abstain from the service.			
2.	2. Continue to provide waste collection services to all residential land of area greater than 8 hectares, once such service has been commenced, irrespective of the property ownership at the time the service was commenced.			
3.	3. Provide all newly constructed dwellings on any road currently included in Council's Waste Collection Service, with a wheelie bin or bins for both waste disposal and recycling, and will commence rating for such service as soon as practicable after the issuing of a Certificate of Occupancy for such dwelling."			
4.	4. Council requires residents of un-serviced properties to utilise its network of waste disposal and recycling facilities for the disposal of solid waste which cannot be disposed of on site, in an environmentally sound manner.			
5.	That the relevant Divisional Councillor be consulted before in new extensions to the wheelie bin service.	nplementation of any		
6.	5. That waste collection services only be provided to premises that are located on maintained roads and roads with adequate provision for the turning of waste collection vehicles.			
7.	7. Residents on roads deemed unsuitable for collection vehicle operation have the option of receiving the service on the condition that the waste containers are placed at an approved location on a nearby collection road.			
	of Review: 26 July 2018			
	Date of Council Resolution: 24 April 1996 Committee Reference and Date: Health and Sport Committee – 15 April 1996			
No.	No. of Resolution: 06.02			
Date	to be Reviewed: 26 July 2020			
Com	of Council Resolution: 28 January 1998 mittee Reference and Date: Health and Sport Committee – 20 of Resolution: 06.02	January 1998		

#### DOMESTIC WASTE COLLECTION POLICY

**Objective:** 

The objective of this policy is to nominate premises within the City of Ipswich that will be provided with a domestic waste collection service by designating a defined waste collection area.

It is the policy of the Ipswich City Council to endeavour to provide waste collection services to all of its residents, in the interest of public health and environmental protection. The Council recognises however that such services will be limited in some rural and remote areas of the diverse City geography.

Specifically, the Ipswich City Council will:-

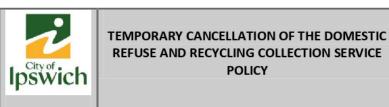
- 1. Council will establish and maintain a Waste Collection Service Area Register.
- 1.2. Council will endeavour to provide waste collection services to all of its residents in the interest of public health and environmental protection.Provide waste collection services to residents in all serviceable areas, with only those residential properties of area greater than 8 hectares, being granted an optional right to commence or abstain from the service.
- 2. Continue to provide waste collection services to all residential land of area greater than 8 hectares, once such service has been commenced, irrespective of the property ownership at the time the service was commenced.
- 3. <u>NProvide all newly constructed dwellings within the waste collection area will</u> <u>be provided with a waste collection service and rating for the service on any</u> <u>road currently included in Council's Waste Collection Service, with a wheelie</u> <u>bin or bins for both waste disposal and recycling, and</u> will commence <del>rating for</del> <u>such service</u> as soon as practicable after the issuing of <u>thea</u> <u>Final</u> <u>InspectionCertificate of Occupancy</u> for <u>thesuch</u> dwelling."
- 4. Residents that cannot be provided with a waste collection service are required Council requires residents of un-serviced properties to dispose of their household waste at a Council Recycling & Refuse Centre.utilise its network of waste disposal and recycling facilities for the disposal of solid waste which cannot be disposed of on site, in an environmentally sound manner.
- 5. That the relevant Divisional Councillor be consulted before implementation of any new extensions to the wheelie bin service.
- 6.5. That wWaste collection services willonly\_be only provided to the frontage of properties premises that are located on maintained roads and roads with adequate provision for the turning of waste collection vehicles.
- 7.6. Residents on roads deemed unsuitable for collection vehicle operation <u>will be</u> provided with waste containers, and a collection service, at the nearest practical location to their property if possible. have the option of receiving the service on the condition that the waste containers are placed at an approved location on a nearby collection road.

Date of Council Resolution: 24 April 1996 Committee Reference and Date: Health and Sport Committee - 15 April 1996 No of Resolution: 06.02 Date of Amendment to Council Resolution: 28 January 1998 Committee Reference and Date: Health and Sport Committee - 20 January 1998 No of Resolution: 06.02

City of Ipswid	DOMESTIC WASTE COLLECTION POLICY	Version: Document No.:
<b>1.1 Objectives</b> : The objective of this policy is to nominate premises within the City of Ipswich that will be provided with a domestic waste collection service by designating a defined waste collection area.		
• Env • Wa	tory Authority: ironmental Protection Regulation 2008 ste Reduction & Recycling Regulation 2011 al Government Act 2009	
<ul> <li>Couthe</li> <li>Neva w</li> <li>a w</li> <li>pra</li> <li>Wa are of v</li> <li>Response</li> <li>pro loca</li> <li>Response</li> </ul>	Statement: Incil will establish and maintain a Waste Collection Service Incil will endeavour to provide waste collection services to interest of public health and environmental protection. Wy constructed dwellings within the waste collection are aste collection service and rating for the service will com- cticable after the issuing of the Final Inspection for the dw ste collection services will only be provided to the frontag located on maintained roads and roads with adequate pro- vaste collection vehicles. idents on roads deemed unsuitable for collection vehicle wided with waste containers, and a collection service, at the steion to their property if possible. idents that cannot be provided with a waste collection services bose of their household waste at a Council Recycling & Re-	o all of its residents in a will be provided with mence as soon as welling. ge of properties that rovision for the turning operations will be the nearest practical ervice are required to
• des	re matters addressed by the policy include: ignation of the defined waste collection area within Ipsw te disposal options available for residents of unserviced	
the rela	<b>ions</b> : viced premises: Premises in a local government area are s premises are in an area designated by the local governm tion to which the local government has arranged for rem n premises in the area.	ent as an area in
		1 of 1

1.6 Policy Author: Works, Parks and Recreation Department	
Date of Council resolution:	
Committee Reference and date: THIS WILL BE FILLED IN ONCE THE POLICY HAS	
No of resolution:	BEEN ADOPTED AT FULL COUNCIL BY THE CORPORATE
Date to be reviewed:	GOVERNANCE ADMIN TEAM

2 of 1



## DOCUMENT NO: A3755842

## 1.1 Objective:

To specify the eligibility criteria that must be met to enable a ratepayer to suspend their rated waste services charges.

## 1.2 Regulatory Authority:

This policy is consistent with the following legislation:

- *Public Health Act 2005,* Chapter 2, Part 1 Local Government responsibility for managing public health risks associated with waste.
- Environmental Protection Regulation 2008, Chapter 5A Waste Management by Local Governments.

## 1.3 Policy Statement:

Council will allow the temporary cancellation of the domestic refuse and recycling collection service for unoccupied properties provided the cancellation is for a minimum period of six (6) months and that the service recommence after six (6) months unless a further application is received from the ratepayer; and that the adjustment apply as a credit to the rates account.

## 1.4 Scope:

The core matter addressed by the policy is to provide the ability for ratepayers to suspend their rated waste services charges when a property is unoccupied for a minimum period of six (6) months.

## 1.5 Roles and responsibilities:

The key stakeholders of this policy are the ratepayers of City of Ipswich.

## 1.6 Definitions:

As defined in the *Environmental Protection Regulation 2008* and *Waste Reduction and Recycling Regulation 2011*:

domestic premises means any of the following types of premises-

- (a) a single unit private dwelling;
- (b) premises containing 2 or more separate flats, apartments or other dwelling units; (c) a boarding house, hostel, lodging house or guest house.

*domestic waste* means waste, other than domestic clean-up waste, green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of domestic premises.

Page 1 of 2

*green waste* means grass cuttings, trees, bushes, shrubs, loppings of trees, bushes or shrubs, or similar matter produced as a result of the ordinary use or occupation of premises.

*recyclable waste* means clean and inoffensive waste that is declared by the local government to be recyclable waste for the area.

1.7 Policy Author: Works, Parks and Recreation Department

Date of Review: 26 July 2018 Date of Council Resolution: 30 June 2015 Date of Review: 26 July 2016 Committee Reference and Date: Policy and Administration Board No. 2015(05) of 11 June 2015 – City Management and Finance Committee No. 2015(06) of 23 June 2015 No. of Resolution: 4

Date to be reviewed: 26 July 2020

Page 2 of 2

lp	DOMESTIC WASTE COLLECTION POLICY	DOCUMENT NO: A4982560			
Obje	ectives:				
serv prot	It is the policy of the Ipswich City Council to endeavour to provide waste collection services to all of its residents, in the interest of public health and environmental protection. The Council recognises however that such services will be limited in some rural and remote areas of the diverse City geography.				
Spec	ifically, the Ipswich City Council will:-				
1.	Provide waste collection services to residents in all serviceable areas, with only those residential properties of area greater than 8 hectares, being granted an optional right to commence or abstain from the service.				
2.	Continue to provide waste collection services to all residential land of area greater than 8 hectares, once such service has been commenced, irrespective of the property ownership at the time the service was commenced.				
3.	Provide all newly constructed dwellings on any road currently included in Council's Waste Collection Service, with a wheelie bin or bins for both waste disposal and recycling, and will commence rating for such service as soon as practicable after the issuing of a Certificate of Occupancy for such dwelling."				
4.	Council requires residents of un-serviced properties to utilise disposal and recycling facilities for the disposal of solid waste disposed of on site, in an environmentally sound manner.				
5.	That the relevant Divisional Councillor be consulted before in new extensions to the wheelie bin service.	plementation of any			
6.	That waste collection services only be provided to premises the maintained roads and roads with adequate provision for the tecollection vehicles.				
7.	Residents on roads deemed unsuitable for collection vehicle of option of receiving the service on the condition that the wast at an approved location on a nearby collection road.	· .			
	of Review: 26 July 2018				
	Date of Council Resolution: 24 April 1996 Committee Reference and Date: Health and Sport Committee – 15 April 1996				
No.	No. of Resolution: 06.02				
Date to be Reviewed: 26 July 2020					
Date of Council Resolution: 28 January 1998 Committee Reference and Date: Health and Sport Committee – 20 January 1998 No. of Resolution: 06.02					

## DOMESTIC WASTE COLLECTION POLICY

Document No: A4982560

#### Objectives:

#### 1. -Statement

<u>Council is committed to providing cost effective</u> It is the policy of the Ipswich City Council to endeavour to provide waste collection services to all of its residents, in the interest of public health and environmental protection. The Council recognises however that such services will be limited in some rural and remote areas of the diverse City geography.

#### 1. Specifically, the Ipswich City Council will:-Purpose and Principles

<u>Council will achieve this policy commitment by making available a service for the removal of</u> <u>general waste from all habitable dwellings in serviceable areas of Ipswich. Charges for general waste</u> <u>collection services will be shared equitably across all these properties to fund this essential</u> <u>community service. In order to ensure the provision of a cost effective waste collection service and</u> <u>equity in funding the collection service:</u>

- Council will establish and maintain a Waste Collection Service Area Register.
- Properties will be rated for a household waste service for each habitable dwelling regardless of whether the dwelling is occupied.
- Vacant properties have the option to be exempt from rated household waste service charges if there is no habitable dwelling on the site. This exemption also applies if a house has been demolished, removed or is deemed by Council to be uninhabitable.
- <u>1. Provide waste collection services to residents in all serviceable areas, with only those residential properties of area greater than 8 hectares, being granted an optional right to commence or abstain from the service. 2. Continue to provide waste collection services to all residential land of area greater than 8 hectares, once such service has been commenced, irrespective of the property ownership at the time the service was commenced. Properties with an area greater than 8 hectares are granted the optional right to commence or abstain from the provision of a waste service and billing for the service.</u>
- <u>3. Provide all newly constructed dwellings on any road currently included in Council's</u> <u>Waste Collection Service, with a wheelie bin or bins for both waste disposal and</u> <u>recycling, and will commence rating for such service as soon as practicable after the</u> <u>issuing of a Certificate of Occupancy for such dwelling.</u>" The rated household waste <u>service charge will be commenced as soon as practicable after the Final Inspection</u> <u>is issued for newly constructed dwellings.</u>
- Waste collection services will only be provided to the frontage of properties that are located on maintained roads and roads with adequate provision for the turning of waste collection vehicles.
- Households located on roads deemed unsuitable for collection vehicle operations will be provided with waste containers, and a collection service, at the nearest practical location to their property if possible.

4. Council requires residents of un-serviced properties to utilise its network of waste-disposal and recycling facilities for the disposal of solid waste-which cannot be disposed of on site, in an environmentally sound manner. Residents that cannot be practically provided with a waste collection service are required to dispose of their household waste at a Council Recycling & <u>Refuse Centre.</u>

5. That the relevant Divisional Councillor be consulted before implementation of any new extensions to the wheelie bin service.

6. That waste collection services only be provided to premises that are located on maintained roads and roads with adequate provision for the turning of waste collection vehicles.

7. Residents on roads deemed unsuitable for collection vehicle operation have the option of receiving the service on the condition that the waste containers are placed at an approved location on a nearby collection road.

- Domestic waste collection vehicles may be required to use that portion of a nominated driveway situated on the road reserve area as a turnaround area in circumstances where:
  - (i) There is no appropriate turnaround area provided on the relevant road way for the vehicles;
  - (ii) The driveway is suitably constructed to accommodate regular use as a turnaround area by domestic waste collection vehicles; and
  - iii. A risk assessment has indicated that it is considered safe to use the driveway as a turnaround area.
- In the event that a driveway is nominated for the purpose of a domestic waste collection vehicle turnaround area, Council will provide the property owner with a maintenance agreement that indicates Council will repair any damage the collection vehicle may cause to the driveway that is constructed or connected to the road.

## 2. Strategic Plan Links

This policy relates to the following Advance Ipswich Theme:

Caring for the Environment

## 3. Regulatory Authority

- Environmental Protection Regulation 2008
- Waste Reduction & Recycling Regulation 2011
- Local Government Act 2009

## Item 23.23 / Attachment 3.

## 4. Scope

The core matters addressed by this policy include:

- a) designation of the defined waste collection area that specifies where Council will arrange for the removal of general waste from Ipswich households;
- b) service charging arrangements to share service costs across the community;
- c) waste disposal options available for residents of unserviced dwellings; and
- d) circumstances where driveways can be used as turnaround areas for domestic waste collection vehicles.

## 5. Roles and Responsibilities

POSITION	RESPONSIBILITES	
Resource Recovery Manager	<ul> <li>Ensure general waste collection services are available for all serviceable households throughout Ipswich.</li> <li>Prepare and monitor the waste services budget to lobby for adequate resourcing of waste collection and public disposal facility operations.</li> <li>Ensure serviced dwellings are rated for household waste services.</li> <li>Ensure that the domestic waste collection service meets agreed performance targets.</li> </ul>	

## 6. Key Stakeholders

Rates and Property section to ensure correct rated household service charges are applied in accordance with the Domestic Waste Collection Policy.

## 7. Monitoring and Evaluation

- A Waste Collection Service Area Register is maintained and reflects current serviceable households throughout Ipswich.
- Quarterly audits of rated household waste service charges identify unrated waste collection services and increase revenue through additional service commencements.
- Adequate public waste disposal facilities are available for waste disposal from unserviced dwellings.
- Maintenance agreements are in place between Council and the property owner in the event that a driveway needs to be used as a turnaround area for domestic waste collection vehicles.

## 8. Definitions

General waste	Includes domestic waste and recyclable waste under the provisions of the Environmental Protection Regulation 2008.
Road reserve	Section 60 of the Local Government Act 2009 (Qld) provides that Council has control of all roads in its local government are. The road

	reserve area of a property owner's driveway is defined as a road under this legislation.
<u>Serviced premises</u>	<u>Premises in a local government area are serviced premises if the</u> premises are in an area designated by the local government as an area in relation to which the local government has arranged for removal of general waste from premises in the area.

#### 9. Policy Owner

<u>The General Manager (Infrastructure and Environment) is the policy owner and the Environment and</u> Sustainability Manager is responsible for authoring and reviewing this policy.

Date of Council Resolution: 24 April 1996 Committee Reference and Date: Health and Sport Committee – 15 April 1996 No. of Resolution: 06.02 Date to be Reviewed: 26 July 2020 Date of Council Resolution: 28 January 1998 Committee Reference and Date: Health and Sport Committee – 20 January 1998 No. of Resolution: 06.02



# IPSWICH CITY COUNCIL Domestic Waste Collection Policy

Version Control and Objective ID	Version No:	Objective ID:
Approved by Council on		
Date of Review		

#### 1. Statement

Council is committed to providing cost effective waste collection services to its residents in the interest of public health and environmental protection.

#### 2. Purpose and Principles

Council will achieve this policy commitment by making available a service for the removal of general waste from all habitable dwellings in serviceable areas of Ipswich. Charges for general waste collection services will be shared equitably across all these properties to fund this essential community service. In order to ensure the provision of a cost effective waste collection service and equity in funding the collection service:

- Council will establish and maintain a Waste Collection Service Area Register.
- Properties will be rated for a household waste service for each habitable dwelling regardless of whether the dwelling is occupied.
- Vacant properties have the option to be exempt from rated household waste service charges if there is no habitable dwelling on the site. This exemption also applies if a house has been demolished, removed or is deemed by Council to be uninhabitable.
- Properties with an area greater than 8 hectares are granted the optional right to commence or abstain from the provision of a waste service and billing for the service.
- The rated household waste service charge will be commenced as soon as practicable after the Final Inspection is issued for newly constructed dwellings.
- Waste collection services will only be provided to the frontage of properties that are located on maintained roads and roads with adequate provision for the turning of waste collection vehicles.
- Households located on roads deemed unsuitable for collection vehicle operations will be provided with waste containers, and a collection service, at the nearest practical location to their property if possible.
- Residents that cannot be practically provided with a waste collection service are required to dispose of their household waste at a Council Recycling & Refuse Centre.
- Domestic waste collection vehicles may be required to use that portion of a nominated driveway situated on the road reserve area as a turnaround area in circumstances where:
  - (i) There is no appropriate turnaround area provided on the relevant road way for the vehicles;

#### IPSWICH CITY COUNCIL | Domestic Waste Collection Policy

- (ii) The driveway is suitably constructed to accommodate regular use as a turnaround area by domestic waste collection vehicles; and
- iii. A risk assessment has indicated that it is considered safe to use the driveway as a turnaround area.
- In the event that a driveway is nominated for the purpose of a domestic waste collection vehicle turnaround area, Council will provide the property owner with a maintenance agreement that indicates Council will repair any damage the collection vehicle may cause to the driveway that is constructed or connected to the road.

#### 3. Strategic Plan Links

This policy relates to the following Advance Ipswich Theme:

• Caring for the Environment

#### 4. Regulatory Authority

- Environmental Protection Regulation 2008
- Waste Reduction & Recycling Regulation 2011
- Local Government Act 2009

#### 5. Scope

The core matters addressed by this policy include:

- a) designation of the defined waste collection area that specifies where Council will arrange for the removal of general waste from Ipswich households;
- b) service charging arrangements to share service costs across the community;
- c) waste disposal options available for residents of unserviced dwellings; and
- d) circumstances where driveways can be used as turnaround areas for domestic waste collection vehicles.

#### 6. Roles and Responsibilities

POSITION	RESPONSIBILITES	
Resource Recovery Manager	<ul> <li>Ensure general waste collection services are available for all serviceable households throughout Ipswich.</li> <li>Prepare and monitor the waste services budget to lobby for adequate resourcing of waste collection and public disposal facility operations.</li> <li>Ensure serviced dwellings are rated for household waste services.</li> <li>Ensure that the domestic waste collection service meets agreed performance targets.</li> </ul>	

#### IPSWICH CITY COUNCIL | Domestic Waste Collection Policy

#### 7. Key Stakeholders

Rates and Property section to ensure correct rated household service charges are applied in accordance with the Domestic Waste Collection Policy.

#### 8. Monitoring and Evaluation

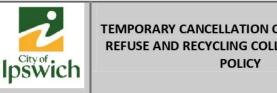
- A Waste Collection Service Area Register is maintained and reflects current serviceable households throughout Ipswich.
- Quarterly audits of rated household waste service charges identify unrated waste collection services and increase revenue through additional service commencements.
- Adequate public waste disposal facilities are available for waste disposal from unserviced dwellings.
- Maintenance agreements are in place between Council and the property owner in the event that a driveway needs to be used as a turnaround area for domestic waste collection vehicles.

#### 9. Definitions

General waste	Includes domestic waste and recyclable waste under the provisions of the Environmental Protection Regulation 2008.
Road reserve	Section 60 of the Local Government Act 2009 (Qld) provides that Council has control of all roads in its local government are. The road reserve area of a property owner's driveway is defined as a road under this legislation.
Serviced premises	Premises in a local government area are serviced premises if the premises are in an area designated by the local government as an area in relation to which the local government has arranged for removal of general waste from premises in the area.

#### 10. Policy Owner

The General Manager (Infrastructure and Environment) is the policy owner and the Environment and Sustainability Manager is responsible for authoring and reviewing this policy.



TEMPORARY CANCELLATION OF THE DOMESTIC REFUSE AND RECYCLING COLLECTION SERVICE

DOCUMENT NO: A3755842

## 1.1 Objective:

To specify the eligibility criteria that must be met to enable a ratepayer to suspend their rated waste services charges.

#### 1.2 Regulatory Authority:

This policy is consistent with the following legislation:

- Public Health Act 2005, Chapter 2, Part 1 - Local Government responsibility for managing public health risks associated with waste.
- Environmental Protection Regulation 2008, Chapter 5A Waste Management by Local Governments.

#### 1.3 Policy Statement:

Council will allow the temporary cancellation of the domestic refuse and recycling collection service for unoccupied properties provided the cancellation is for a minimum period of six (6) months and that the service recommence after six (6) months unless a further application is received from the ratepayer; and that the adjustment apply as a credit to the rates account.

#### 1.4 Scope:

The core matter addressed by the policy is to provide the ability for ratepayers to suspend their rated waste services charges when a property is unoccupied for a minimum period of six (6) months.

#### 1.5 Roles and responsibilities:

The key stakeholders of this policy are the ratepayers of City of Ipswich.

## 1.6 Definitions:

As defined in the Environmental Protection Regulation 2008 and Waste Reduction and Recycling Regulation 2011:

domestic premises means any of the following types of premises -

- (a) a single unit private dwelling;
- (b) premises containing 2 or more separate flats, apartments or other dwelling units; (c) a boarding house, hostel, lodging house or guest house.

domestic waste means waste, other than domestic clean-up waste, green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of domestic premises.

Page 1 of 2

# Item 23.23 / Attachment 5.

*green waste* means grass cuttings, trees, bushes, shrubs, loppings of trees, bushes or shrubs, or similar matter produced as a result of the ordinary use or occupation of premises.

*recyclable waste* means clean and inoffensive waste that is declared by the local government to be recyclable waste for the area.

1.7 Policy Author: Works, Parks and Recreation Department

Date of Review: 26 July 2018 Date of Council Resolution: 30 June 2015 Date of Review: 26 July 2016 Committee Reference and Date: Policy and Administration Board No. 2015(05) of 11 June 2015 – City Management and Finance Committee No. 2015(06) of 23 June 2015 No. of Resolution: 4

Date to be reviewed: 26 July 2020

Page 2 of 2

lpswich	USE OF DRIVEWAYS AS TURNAROUND AREAS FOR DOMESTIC WASTE COLLECTION VEHICLES POLICY	DOCUMENT NO: A3755857
1.1 Objectives:		
The objective o	f this policy is to clarify when the use of the roa 's driveway is appropriate for use as a domestic a.	
1.2 Regulatory A	uthority:	
all roads in its lo	ne Local Government Act 2009 (Qld) provides th ocal government area. The road reserve area of ined as a road under this legislation.	
1.3 Policy Stater	nent:	
nominated circumstar i. the for ii. the turn iii. a ri driv • In the ever collection maintenan	waste collection vehicles may be required to use I driveway situated on the road reserve area as nees where: re is no appropriate turnaround area provided of the vehicles; driveway is suitably constructed to accommoda naround area by domestic waste collection vehi sk assessment has indicated that it is considered yeway as a turnaround area. In that a driveway is nominated for the purpose vehicle turnaround area, Council will provide the ce agreement that indicates Council may repair wehicle may cause to the driveway that is constr	a turnaround areas in on the relevant road way ate regular use as a icles; and d safe to use the of a domestic waste e property owner with a any damage the waste
1.4 Scope:		
This policy applie	es to the delivery of Council's domestic waste co	ollection services.

Page 1 of 2

Key stakeholders	Roles and responsibilities	
Council's domestic waste collection service	<ul> <li>Liaise with Councils City Maintenance Section to determine suitable driveway turnaround areas.</li> <li>Liaise with property owners of nominated domestic waste collection vehicle turnaround areas.</li> <li>Only turnaround in driveways that have been approved for use as a domestic turnaround area.</li> </ul>	
Property owner of nominated waste collection vehicle turnaround area	<ul> <li>Advise Council promptly if damage has occurred from a domestic waste collection vehicle using the driveway as a turnaround area.</li> </ul>	
Works, Parks & Recreation Department (City Maintenance Branch)	<ul> <li>Maintain the road reserve area of nominated driveways if damaged from a domestic waste collection vehicle using the driveway as a turnaround area.</li> </ul>	
<b>1.6 Policy Author:</b> Works, Parks & Recreation Department           Date of Review:         26 July 2018           Date of Council Productions         10 Endows		
Date of Council Resolution: 19 February 201		
Committee Reference and Date: Policy and A	Administration Board No. 2013(01) of ance Committee No. 2013(02) of 12 Februar	

Date to be Reviewed: 26 July 2020

Page 2 of 2

Doc ID No: A5974464

ITEM: 24.24

SUBJECT: ADDRESSING CONGESTION, CROSS RIVER CONNECTIVITY AND NETWORK RESILIENCE IN THE IPSWICH CITY CENTRE - STRATEGIC AND PRELIMINARY BUSINESS CASE

AUTHOR: PRINCIPAL TRANSPORT PLANNER

DATE: 13 JANUARY 2020

## **EXECUTIVE SUMMARY**

This is a report concerning the development of a business case Addressing Congestion, Cross River Connectivity and Network Resilience in the Ipswich City Centre, also known in the community as 'Norman Street Bridge'. The business case has been developed in accordance with the Building Queensland Business Case Framework, with the Strategic and Preliminary stages (ie. stages one and two) complete. The Preliminary Business Case recommends two new river crossing options to be taken forward for further consideration in the third and final stage – the detailed business case.

## **RECOMMENDATION/S**

That the Interim Administrator of Ipswich City Council resolve:

- A. That Council (Interim Administrator of Ipswich City Council) note and endorse the findings and recommendations of the Strategic Business Case and the Preliminary Business Case.
- B. That Council (Interim Administrator of Ipswich City Council) support the submission of Option 8 for assessment under Council's new 'Regional Significant Project Prioritisation Process'.
- C. That Council (Interim Administrator of Ipswich City Council) support the production of a newsletter and visualisation video based on the latest information from the Preliminary Business Case.
- D. That Council (Interim Administrator of Ipswich City Council) support the submission of the Strategic Business Case and the Preliminary Business Case to the Department of Transport and Main Roads.
- E. That Council (Interim Administrator of Ipswich City Council) support the submission of the Strategic Business Case and the Preliminary Business Case to Infrastructure Australia.

- F. That Council (Interim Administrator of Ipswich City Council) seek funding and support from the Queensland and Australian Governments to undertake the Detailed Business Case stage.
- G. That Council (Interim Administrator of Ipswich City Council) support the commencement of the Detailed Business Case to confirm the final preferred option.

# **RELATED PARTIES**

There have been no conflict of interests declared for the development of the Strategic and Preliminary Business Cases.

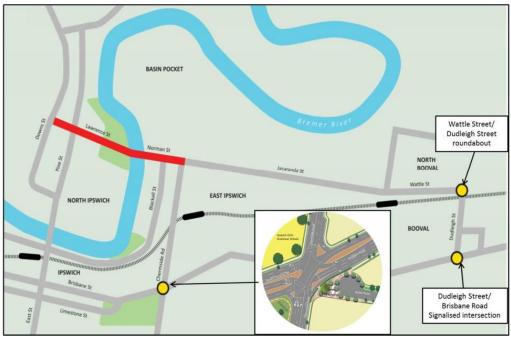
# **ADVANCE IPSWICH THEME**

Managing growth and delivering key infrastructure

# PURPOSE OF REPORT/BACKGROUND

# **Background**

Council's transport and land use planning framework includes a proposed new bridge crossing of the Bremer River linking North Ipswich and East Ipswich in the vicinity of Norman Street, this is known in the community as the 'Norman Street Bridge'. The intent of the bridge is to take non-essential through traffic out of the core of the Ipswich City Centre (refer Figure 1 below). The bridge and its benefits are broadly understood by the community.



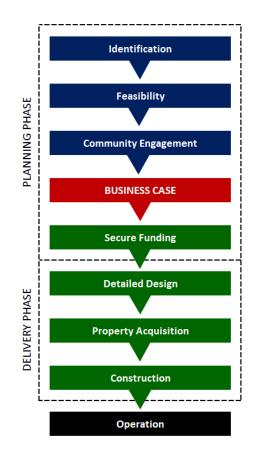


This new crossing was identified as a 'catalytic project' in the Ipswich Regional Centre Strategy (2008) to relieve traffic congestion in (and thus promote revitalisation of) the

Ipswich City Centre. As such, Norman Street Bridge is seen as a key infrastructure driver for the future economic and civic success of the Ipswich City Centre as a 'Principal Regional Activity Centre' under the South-East Queensland Regional Plan.

In June 2011, Council endorsed the framework and objectives of the 'Ipswich City Centre Orbital Road System' (Orbital Road System) as a long term solution to address increases in cross-city travel demands as a result of forecast growth. The Norman Street Bridge forms a key section of the Orbital Road System.

As part of its endorsement of the Orbital Road System, Council approved more detailed 'corridor' planning to be undertaken on various sections of the Orbital Road System. The Norman Street Bridge and Jacaranda Street Extension Feasibility Study was hence undertaken in 2011 and was a joint commission by Council and the Department of Transport and Main Roads (DTMR).



The strategic delivery process for the Norman Street Bridge was outlined in 2016 as follows:

At its Ordinary Meeting on 26 July 2016, Council endorsed the preparation of a business case. The State Government advised that the business case should follow Building Queensland's (BQ) Business Case Development Framework (BCDF) to ensure future funding submissions aligned with their requirements. The business case framework consists of three stages:

- 1. Strategic Business Case (SBC);
- 2. Preliminary Business Case (PBC); and

3. Detailed Business Case (DBC).

Stage one (SBC) focused on the problem definition and the benefits sought and identified potential options, while Stage two (PBC) has focused on assessing the long list of options and has recommended a short-list of options to be taken forward for further more detailed considering in Stage three (DBC). The end of Stage two, represents a major decision gateway to proceed to Stage three.

# **Current Status**

The development of the business case process is well underway with Stages one and two now complete. The SBC and the PBC were prepared in accordance with the BQ framework, and the PBC was recently completed in December 2019. Both business cases have been endorsed by the Project Steering Group which consists of both Council and State Government officers. This endorsement has supported a recommendation to progress the PBC to Stage three – Detailed Business Case.

<u>Strategic Business Case – Addressing Congestion, Cross River Connectivity and Network</u> <u>Resilience in the Ipswich City Centre</u> (November 2017 - Refer Attachment 1)

The overall findings of the SBC were as follows:

# Problem definition

- 1. Congestion in the Ipswich City Centre, a SEQ Principal regional activity centre, is restricting successful revitalisation and economic development.
- 2. The single Ipswich City Centre Bremer River crossing is compromising connectivity, population growth, and broader economic growth.
- 3. Limited capacity and service life of the existing Ipswich City Centre/North Ipswich cross-river link (David Trumpy Bridge and approaches) compromises the augmentation needed for traffic growth and mode shift.
- 4. Lack of network redundancy during incidents or major events (such as floods) lead to network failure.

The problem definition was used to define the benefits sought, the strategic response and define the long list of options in the SBC. The long list of options developed in the SBC are outlined in Table 1 below:

# Table 1: Long list of Options and alignment with State Infrastructure Priorities (SIP)

SIP PRIORITY		INITIATIVE
Highest Priority	<b>Reform</b> (non- asset initiative)	Option 1: Heavy vehicle restrictions in CBD
	Better use (improving	<ul> <li>Option 2: Lane reallocation for modal prioritisation</li> <li>Option 3: Tidal traffic flow on David Trumpy Bridge</li> </ul>
	service performance)	<ul> <li>Option 4: Fully utilise capacity of the existing (non-inner city) river crossings</li> </ul>
		Option 5: Network intersection optimisation
	Improve existing (asset	<ul> <li>Option 6: Increase capacity with additional lanes through increasing setbacks for future development in the CBD</li> </ul>
	light solutions)	Option 7: Widen/augment existing David Trumpy Bridge
Lowest Priority	New infrastructure (new asset)	<ul> <li>Option 8: New all modes Inner-City Bremer River bridge crossing</li> <li>Option 9: New Inner-City Bremer River pedestrian, cycle and/or bus bridge crossing</li> </ul>

The long list of options have been driven by the need to undertake reform, better use and improve existing infrastructure assets before proposing new infrastructure. The abovementioned options have been assessed in Stage two and the PBC has recommended a set of short-list options to carry into the DBC.

<u>Preliminary Business Case – Addressing Congestion, Cross River Connectivity and Network</u> <u>Resilience in the Ipswich City Centre</u> (December 2019 - Refer Attachment 2 - Executive Summary)

The PBC was developed from 2018 to 2019 and it calculated that the existing problem is costing the Ipswich City Centre approximately \$34 million dollars per year. The PBC also assessed the long list of options (ie. the nine options identified in the SBC), with two options short-listed to progress into the Detailed Business. The short listed options are:

- Option 8 A new all modes, inner-city Bremer River crossing at the Norman Street location. With staging options including:
  - 4 Lane Bridge; or
  - 2 Lane Bridge
- Option 9 New northbound and southbound bridges adjacent to, but clear of, the existing David Trumpy Bridge to service pedestrian, cycle and bus movements.

The PBC developed both options 8 and 9 further to determine the cost estimate, the Net Present Value (NPV) and the overall Benefit Cost Ratio (BCR) for both options. The results of the economic analysis identified Option 8 to be the most viable option with a Net Present Value of \$188.40 million and a Benefit Cost Ratio of 1.97. The overall results are shown in Table 2:

	OPTION 8	OPTION 9
SHORT-LISTED OPTIONS	New all-modes inner-city Bremer River crossing at Norman Street (4 Lane Bridge)	New bus-only inner-city Bremer River lanes adjacent to the existing David Trumpy Bridge
P90 COST ESTIMATE	\$372 million	\$142 million
NET PRESENT VALUE*	\$188.40 million	-\$70.93 million
BENEFIT COST RATIO*	1.97	0.058

# Table 2: Economic Analysis Results of Options 8 & 9

<sup>t</sup> Based on P50 Capital Costs at a 7% discount rate

The BCR for Option 8 (4 lane bridge) showed that for every dollar spent nearly two dollars will be expected in return. Option 8 performs significantly better than Option 9, however both options will be taken forward to the Detailed Business Case, in accordance with Building Queensland Business Case Framework requirements, for a more detailed assessment and confirmation of the preferred option. The current economic assessment has only monetised the directly attributable traffic benefit of the options (i.e. travel time savings and crash reduction), and are considered to provide a conservatively low assessment of the potential overall project benefits.

# **LEGAL/POLICY BASIS**

This report and recommendations are consistent with the Ipswich City Centre Revitalisation Strategy - catalytic project 8 and the City of Ipswich Transport Plan 2016 iGO Action R9 – Develop a detailed Business Case for the Norman Street Bridge to assist with securing funding for its construction. Council's Transformational Project #18 'Develop a Prioritisation and Advocacy Framework for Regionally Significant Projects' has introduced a new prioritisation process for the verification and assessment of projects which are considered to be regionally significant. It is envisaged that the outcomes of the PBC will deliver a regionally significant project and as such it is intended to submit Option 8 through this process to confirm regional significance. 'Regionally Significant Project' status for Option 8 will allow advocacy activities to be coordinated, precise and dynamic and produce better outcomes for the potential delivery of the bridge.

## **RISK MANAGEMENT IMPLICATIONS**

Endorsement of the Strategic and Preliminary Business Cases will allow Council to formally adopt the results and recommendations of the first two stages of the business cases and to confirm funding and support towards the final stage of the business case process.

Without endorsement Council will be unable to seek funding and acquire support from the Queensland and Australian Governments towards the detailed business case and the future construction of the project and the project will not be realised.

To date, Council has planned to deliver the project via an investment partnership with the Australian and Queensland Governments with a proportional arrangement similar to other funding arrangements used for the delivery of the Gold Coast Light Rail and Morten Bay Rail Line projects.

# FINANCIAL/RESOURCE IMPLICATIONS

The cost for delivery of Option 8 (four lane bridge and associated road upgrades), has been estimated at \$372 million. Building Queensland had previously advised that the costs of completing a Detailed Business Case would be in the order of \$2.5 million. However, this estimate needs to be tested in the market. Council will require a contribution from the Queensland Government to secure adequate funding towards the DBC, and should also seek a contribution from the Australian Government.

In January and May 2019, Council wrote to the Department of Transport and Main Roads, seeking a contribution of \$750,000 towards the DBC. However, TMR advised that the Department was unable to provide a contribution at that point in time. Therefore, in order to secure funding towards the DBC, it is critical that the Strategic and Preliminary Business Cases are submitted to the Queensland and Australian Government for assessment and support towards the project.

# COMMUNITY AND OTHER CONSULTATION

The Strategic and Preliminary Business Cases have been guided by a Project Steering Group (PSG) including the General Manager (Infrastructure and Environment), General Manager (Planning and Regulatory Services), Infrastructure Planning Manager and TMR's Metropolitan District Manager for Planning and a Technical Working Group (TWG) made up of Council and TMR officers.

Project Steering Group and Technical Work Group Meetings were held on the following dates:

- **TWG Meeting** Investment Logic Mapping Workshop (26 October 2017)
- PSG Meeting Project Charter and Scope and findings (12 December 2017)
- **TWG Meeting** Option Shortlisting Workshop (8 March 2018)
- TWG Meeting Risk Workshop (17 May 2018)
- **TWG Meeting** Transport Demand Forecast (26 July 2018)
- **PSG Meeting 2** PBC findings and conclusions (5 December 2019)

The project team also consulted with the following internal stakeholders for the production of the PBC:

- Environment and Sustainability Branch
- Finance Branch
- City Design Branch
- Performance Branch
- Economic and Community Development Branch

# External Consultation

Council has also consulted with the Department of Transport and Main Roads via Metropolitan Region.

Public consultation was also undertaken for the Norman Street Bridge and Jacaranda Street Extension Feasibility Study (2013).

# CONCLUSION

The Strategic and Preliminary Business Cases have been completed and are ready to be considered by Council for final endorsement. The Preliminary Business Case has recommended Options 8 and 9 to be taken forward into the Detailed Business Case to determine the preferred option. The Project Steering Committee has endorsed both the Strategic and Preliminary Business Cases and has supported a recommendation to progress the Preliminary Business Case to third and final stage – Detailed Business Case. Funding support is now required from the Queensland and Australian Governments to commence the Detailed Business Case.

# ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Addressing Congestion, Cross River Connectivity and Network Resilience in the
	Ipswich City Centre - Strategic Business Case - Final 🕂 🖾
2.	Ipswich City Centre Cross River Connectivity - Preliminary Business Case - Final
	Executive Summary 🕂 🖀

# Berto Santana PRINCIPAL TRANSPORT PLANNER

I concur with the recommendations contained in this report.

# Mary Torres INFRASTRUCTURE STRATEGY AND PLANNING MANAGER

I concur with the recommendations contained in this report.

# Tony Dileo MANAGER INFRASTRUCTURE STRATEGY

I concur with the recommendations contained in this report.

# Charlie Dill GENERAL MANAGER - INFRASTRUCTURE AND ENVIRONMENT

"Together, we proudly enhance the quality of life for our community"

# Strategic Business Case

Addressing Congestion, Cross River Connectivity and Network Resilience in the Ipswich City Centre November 2017





# CONTENTS

1.	Introduction4
2.	Problem Definition: Investment Logic Mapping 5
2.1	Background   5     Stakeholders   5
2.2	Stakeholders5
2.3	Problem Definition
2.4	Benefits Sought
2.5	Statement of Service Need7
2.6	Strategic Response
2.7	Potential Initiatives
2.8	Mapping the Initiatives to the State Infrastructure Plan Priority Model
3.	Investment Logic Map
4.	Initiatives Map
5.	Further Works and Governance Proposal 12
6.	Preliminary Business Case Risk Assessment12
7.	Recommendations

Attachment 1 - Previous ICC Studies

Attachment 2 - Preliminary Business Case Program



# 1. Introduction

The City of Ipswich is one of the fastest growing Local Government Areas (LGA) in Australia with its population forecast to more than double over the coming decades. Ipswich City Council (ICC) has recently released the City of Ipswich Transport Plan called 'iGO' to guide future policy and investment decisions for Ipswich's sustainable transport future.

The Ipswich City Centre has been identified in the South-East Queensland Regional Plan (SEQRP) (2005 – 2026) as a Principal regional activity centre (and also in the current 2017 plan). For the land use, transport and infrastructure outcomes of the regional plan to gain traction, SEQRP requires a number of successful Principal regional activity centres to accommodate key concentrations of employment, provide higher order business, retail, education, health, cultural and entertainment services with higher density living opportunities.

In 2008, the Ipswich Regional Centre Strategy (IRCS) was developed in partnership with the Queensland Government to guide the economic and civic revitalisation of the Ipswich City Centre. The IRCS identified 158 actions and 17 'catalytic' projects to be undertaken to allow the Ipswich City Centre to redevelop into a vibrant and prosperous Principal regional activity centre for SEQ.

In June 2011, ICC endorsed the framework and objectives of the Ipswich City Centre Orbital Road System as a fundamental component of the city's transport network planning and a guide for making future transport planning, land use planning, development assessment, infrastructure investment and site access decisions.

Detailed planning provisions within the Ipswich Planning Scheme furthered the intent for revitalisation with overall development outcomes for the City Centre providing increased non-residential and residential development potential, an enhanced public realm and streetscape with improved legibility and encouraging walking and cycling. The reduction of non-essential traffic through the CBD to minimise conflict between local and through traffic was specifically identified.

In 2014, ICC completed a traffic study for cross connectivity of the Bremer River. The Queensland Government has advised ICC that for them to consider investment in a project to reduce the nonessential traffic through the CBD, a business case must be prepared. Building Queensland has advised ICC that its Business Case Development Framework (BCDF) should be followed for the development of the business case, commencing with a Strategic Business Case (SBC).

Refer to Attachment 1 for a list of previous studies by ICC and TMR.

# 2. Governance

A Project Steering Group (PSG) has been formed comprising of representatives from ICC, the Department of Transport and Main Roads (TMR) and the Department of Infrastructure Local



Government and Planning (DILGP). The objective of the PSG will be to provide leadership, direction and governance through the business case development

# 3. **Problem Definition: Investment Logic Mapping**

# 3.1 Background

An Investment Logic Mapping (ILM) workshop was held on 26 October 2017 at the Ipswich Civic Centre. The ILM workshop planning, preparation, facilitation and reporting followed the Business Queensland Investment Logic Mapping Guide.

# 3.2 Stakeholders

**Table 3-1** lists the stakeholders involved in the ILM workshop and the development of this SBC. ICC, as the Business Owner, invited key participants from each of the stakeholders to the ILM workshop.

STAKEHOLDERS	REASON FOR INVOLVEMENT
Ipswich City Council	Address State Infrastructure Plan and South-east Queensland Regional Plan issues relevant to ICC.
	Advise on local community, cultural, social and environmental impacts.
	Advise on regional and local economic, employment & population growth pressures and priorities.
	Represent ICC's infrastructure and network planning priorities.
	Advise on network resilience and emergency management matters
	Advise on ICC's land use planning (Ipswich Planning Scheme)
Department of Transport and	Address State Infrastructure Plan issues relevant to the Department.
Main Roads	Represent the Department's strategic & infrastructure planning priorities.
	Contribute State Government planning assessment and PAF process expertise.
	Advise on condition of river crossing assets.
Jacobs	Advise on State Infrastructure Plan priorities relevant to the Project.
	Advise on technical and pricing matters.
	Lead the Strategic and Preliminary Business Cases.
Corview	Independent ILM facilitation and Building Queensland Business Case Development Framework advice

#### Table 3-1 : ILM Workshop Stakeholders

# 3.3 Problem Definition

Stakeholders considered key drivers for change and refined these into four discrete problems that underpin the service need to be addressed. Each of the problems were then analysed from the perspectives of cause and effect. Refer to **Table 3-2**.



#### Table 3-2 : Problem Definition, Cause and Effect

PROBLEM	CAUSE	EFFECT
<ol> <li>Congestion in the Ipswich City Centre, a SEQ Principal regional activity centre, is restricting successful revitalisation and economic development</li> </ol>	<ul> <li>Non-essential through traffic is directed into the City Centre</li> <li>Increase in traffic volumes due to population and economic growth</li> <li>Increased activity as a result of the future Ipswich Mall redevelopment</li> <li>Key intersections are over capacity</li> </ul>	<ul> <li>Restricted growth (including economic) and revitalisation of the Ipswich City Centre (Principal regional activity centre)</li> <li>Increased congestion</li> <li>Streetscape and pedestrian improvements cannot commence</li> <li>Public transport services experience delays and the required mode shifts are not achieved</li> </ul>
<ol> <li>The single Ipswich City Centre Bremer River crossing is compromising connectivity, population growth, and broader economic growth</li> </ol>	Only one inner City crossing over the Bremer River, with a further two crossings in the western suburbs	<ul> <li>Restricted access between the northern and southern parts of the Ipswich City Centre</li> <li>Poorly connected current and planned Citywide open space network either side of the Bremer River</li> <li>No initial link as part of the broader Ipswich City Centre orbital road network</li> <li>No support for the growth and revitalisation of the Ipswich City Centre (as identified in the IRCS)</li> <li>Impact to public transport promotion and mode shift</li> <li>Constraint on the delivery of the Principal Cycle Network</li> <li>Restricted residential development</li> </ul>
<ol> <li>Limited capacity and service life of the existing lpswich City Centre/North I pswich cross-river link (David Trumpy bridge and approaches) compromises the augmentation needed for traffic growth and mode shift</li> </ol>	<ul> <li>Aging infrastructure</li> <li>Does not meet current design standards</li> <li>Restrictions to widening the existing bridge</li> </ul>	<ul> <li>Restricted active and public transport connections for both commuters and recreational users with limited separation from general traffic</li> <li>Does not cater for traffic growth</li> <li>Continuing maintenance costs</li> <li>Significant challenges to augmentation</li> <li>Constrained development potential within North Ipswich</li> </ul>
<ol> <li>Lack of network redundancy during incidents or major events (such as floods) lead to network failure</li> </ol>	<ul> <li>Major floods or accidents on the David Trumpy bridge (or its approaches) restrict cross river connectivity through north and south Ipswich</li> <li>Lack of alternative routes for trips to/from/through North Ipswich</li> </ul>	<ul> <li>Reduced resilience and redundancy of the transport network and increased network delays during times of emergency, natural disaster (such as a flood) or incidents (road closures)</li> <li>Reduced emergency services and community accessibility to emergency facilities such as hospitals from north of the Bremer River during bridge closure periods.</li> </ul>

## 3.4 Benefits Sought

Following definition of the problems, the participants then identified the benefits expected from addressing the service need and key performance indicators (KPI's) for assessing whether the desired benefits are achieved. The benefits sought and outcomes to be achieved are summarised in **Table 3-3**. The KPIs seek to measure the outcomes for each benefit sought.



#### Table 3-3 : Benefits Sought

	BENEFITS SOUGHT	OUTCOMES	
1.	Improved multi modal transport delivery	<ul> <li>Improved public transport and active transport services, supporting the shift to sustainable modes identified in iGO (the City of Ipswich Transport Plan)</li> <li>Improved active transport connections for both commuters and recreational users</li> <li>Active transport movements separated from general traffic movements</li> <li>Achieved the State and Local Government's objective to deliver the Principal Cycle Network</li> </ul>	
2.	Enhanced connectivity and network resilience	Improved resilience of the transport network and increased network redundancy for day to day operation, and during times of emergency, natural disaster (such as a flood)	
3.	Increased CBD amenity and appeal	<ul> <li>Supported revitalisation of the Ipswich City Centre (as identified in the IRCS)</li> <li>Linked key elements of the current and planned Citywide open space network currently divided by the Bremer River</li> <li>Streetscape and pedestrian improvements</li> </ul>	
4.	Achieve SEQ Regional Plan outcomes for Ipswich as a Principal regional activity centre including increased economic activity in the CBD	<ul> <li>Significantly reduced the volume of non-essential through traffic from the City Centre core and supported the successful economic development and revitalisation of the Ipswich City Centre</li> <li>Potential to develop into a major economic hub featuring a diverse mix of economic activities such as commercial and professional services, health and tertiary education complemented by higher order retail and a civic heart</li> <li>Increased density and variety of housing, particularly in North Ipswich</li> </ul>	
5.	Improve travel time and reliability and improve road safety	<ul> <li>Facilitated the key initial link within the broader Ipswich City Centre orbital road network, which provided travel time savings and road safety improvements</li> <li>Improved access between the southern and northern parts of the Ipswich City Centre</li> </ul>	
6.	Supporting Ipswich's sport and entertainment precinct and cultural facilities	<ul> <li>Improved access between the southern and northern parts of the Ipswich City Centre</li> <li>Improved active transport connections for both commuters and recreational users</li> <li>Improved linkage of key elements of the current and planned Citywide open space network current divided by the Bremer River</li> </ul>	

## 3.5 Statement of Service Need

For the people of Ipswich and its surrounding regional areas, CBD congestion, inadequate transport network connectivity, ageing infrastructure and a lack of network resilience are inhibiting the investment and revitalisation needed to underpin population and economic growth, civic renewal, multi-mode transport development and the Centre's function as a Principal regional activity centre.

The Service Need is to address congestion, inadequate cross river connectivity and lack of network resilience in the Ipswich City Centre for revitalisation, economic development and realisation of Ipswich's full potential as a Principal regional activity centre.



# 3.6 Strategic Response

Workshop participants then considered potential strategic responses which could address at least part of the service need and deliver some of the identified KPIs in the context of both the considerable strategic and planning investment by ICC and the State Government to date and ICC's ongoing commitment to the service need, including use of Building Queensland's Business Case Development Framework.

The strategic responses relevant to each of the Benefits sought are summarised in Table 3-4.

	STRATEGIC RESPONSE	BENEFITS
1.	Transport policy/planning to maximise the capacity and use of the existing transport network, particularly via passenger and active modes	<ul> <li>Improvements to multi modal transport delivery</li> <li>Contributes partially to the SEQ Regional Plan outcomes for Ipswich as Principal regional activity centre</li> <li>Improvements to travel time and reliability and road safety</li> <li>Supports Ipswich's sport and entertainment precinct and cultural facilities</li> </ul>
2.	Optimise/fully leverage existing cross-river capacity	<ul> <li>Improvements to multi modal transport delivery</li> <li>Contributes partially to the SEQ Regional Plan outcomes for Ipswich as Principal regional activity centre</li> <li>Improvements to travel time and reliability and road safety</li> <li>Supports Ipswich's sport and entertainment precinct and cultural facilities</li> </ul>
3.	Increase cross-river capacity	<ul> <li>Maximises improvements to multi modal transport delivery</li> <li>Enhanced connectivity and network resilience</li> <li>Improvements to CBD amenity and appeal</li> <li>Achieves the SEQ Regional Plan outcomes for Ipswich as a Principal regional activity centre including increased economic activity in the CBD</li> <li>Maximises the improvement to travel time and reliability and road safety</li> <li>Fully supports Ipswich's sport and entertainment precinct and cultural facilities</li> </ul>

#### Table 3-4 : Strategic Response

#### 3.7 Potential Initiatives

Participants then identified a comprehensive set of potential initiatives that could solve at least some of the problems and deliver some of the KPIs. Broadly, the initiatives can be categorised as involving:

- Regulatory and traffic management change;
- Better use of existing infrastructure and capacity use initiatives through smart infrastructure;
- □ Augmenting and improving service performance of existing assets; and
- New infrastructure.

Based upon the knowledge of the workshop stakeholders, several other potential initiatives identified were not ultimately included in the Initiatives Map as they would require very significant



Government policy / regulatory change for which there is no discernible known community or political support for, including:

- Prohibiting development in North Ipswich
- □ Road space rationing (alternate day travel)
- Congestion charging
- Converting the existing railway bridge to a light transit connection

## 3.8 Mapping the Initiatives to the State Infrastructure Plan Priority Model

Finally, workshop participants mapped the potential initiatives identified against the options categories identified in the State Infrastructure Plan 2016 (SIP). These are detailed in **Table 3-5**.

#### Table 3-5 : Mapping the Initiatives Against the SIP Priorities

SIP PRIORITY	INITIATIVE	
Reform	Change Initiative Heavy vehicle restrictions in CBD	
(non-asset initiative)	<ul> <li>Lane reallocation for modal prioritisation</li> </ul>	
Better use	Change Initiative	
(improving service performance)	Lane reallocation for modal prioritisation	
(improving service performance)	Tidal traffic flow on David Trumpy Bridge	
	Fully utilise capacity of the existing (non-inner city) river crossings	
	Network intersection optimisation	
Improve existing	Asset Initiative	
(asset lite solutions)	<ul> <li>Increase capacity with additional lanes through increasing setbacks for future development in the CBD</li> </ul>	
	Widen/augment existing David Trumpy Bridge	
New infrastructure	Asset Initiative	
(new asset)	New all modes Inner-City Bremer River bridge crossing	
(new asseq	New Inner-City Bremer River pedestrian, cycle and/or bus bridge crossing	

# 4. Investment Logic Map

**Figure 4-1** shows how the ILM responds to the service need of addressing congestion, inadequate cross river connectivity and lack of network resilience in the Ipswich City Centre.



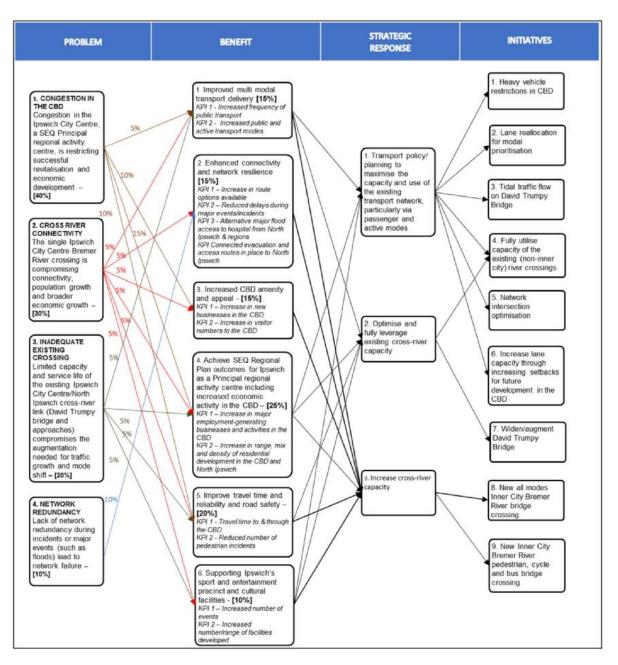


Figure 4-1 : Investment Logic Map



# 5. Initiatives Map

**Figure 5-1** shows the potential initiatives to address the service need of addressing congestion, inadequate cross river connectivity and lack of network resilience in Ipswich City Centre.

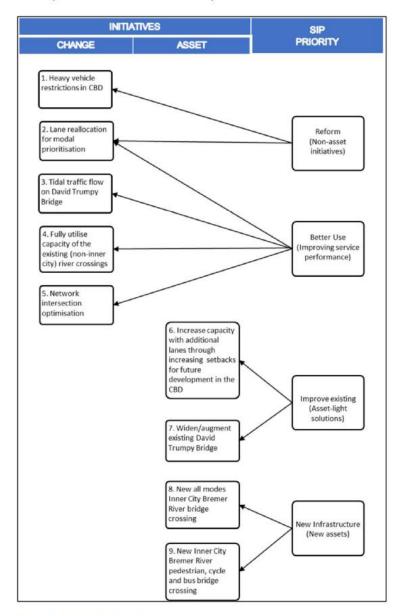


Figure 5-1 : Initiatives Map



# 6. Further Works

It is proposed that potential initiatives relevant to all the SIP Priority categories identified in the ILM Initiatives Map be further investigated in the Preliminary Business Case. These include:

- Reform (non-asset solution)
  - Heavy vehicle restrictions in CBD
  - Lane reallocation for modal prioritisation
- Better Use (improving service performance)
  - Lane reallocation for modal prioritisation
  - Tidal traffic flow on David Trumpy Bridge
  - Fully utilise capacity of the existing (non-inner city) river crossings
  - Network intersection optimisation
- Improve Existing (asset light solution)
  - Increase capacity with additional lanes through increasing setbacks for future development in the CBD
  - Widen/augment existing David Trumpy Bridge
- New Infrastructure (new asset)
  - New all modes Inner-City Bremer River bridge crossing
  - New Inner-City Bremer River pedestrian, cycle and/or bus bridge crossing

# 7. Preliminary Business Case Risk Assessment

Key strategic risks have been identified (**Table 7-1**) leading into the Preliminary Business Case (PBC), which ICC will seek to mitigate.

RISK	ГІКЕГІНООD	CONSEQUENCE	MITIGATION STRATEGY	RISK MANAGER	RISK OWNER
Documentation does not comply with the requirements of Building Queensland's Business Case Development Framework	Low	High	<ul> <li>Use BQ's BCDF and the available guidance and templates</li> <li>Provide assurance by following the Control Point checklists</li> </ul>	Jacobs	ICC
Stakeholder expectations are not managed well during the PBC	Medium	High	<ul> <li>The Stakeholder Engagement Plan should be updated and reapproved by the Senior Responsible Officer</li> </ul>	Jacobs	ICC

#### Table 7-1 : Strategic Risks





RISK	ГІКЕГІНООD	CONSEQUENCE	MITIGATION STRATEGY	RISK MANAGER	RISK OWNER
Options are not affordable	Medium	High	<ul> <li>Options to be refined in light of the investigations to reduce risk and cost</li> <li>Options are to be strategically, legally and practically viable</li> </ul>	Jacobs Jacobs	ICC ICC
Social impacts are not clearly identified and accounted for in the decision making process.	Low	High	<ul> <li>Social impact assessment to be undertaken</li> <li>Quantify/monetise as many social impacts as possible for inclusion in the cost benefit analysis</li> <li>Impact risk assessment to be undertaken on social impacts that cannot be monetised</li> </ul>	Jacobs	ICC

# 8. Recommendations

It is recommended that the following initiatives that span the reform, better use, improve existing and new infrastructure categories of the State Infrastructure Plan be investigated in the early stages of the Preliminary Business Case to determine their viability for further consideration:

- Heavy vehicle restrictions in CBD
- Lane reallocation for modal prioritisation
- Tidal traffic flow on David Trumpy Bridge
- □ Fully utilise capacity of the existing (non-inner city) river crossings
- Network intersection optimisation
- Increase capacity with additional lanes through increasing setbacks for future development in the CBD
- Widen/augment existing David Trumpy Bridge
- New all modes Inner-City Bremer River bridge crossing
- New Inner-City Bremer River pedestrian, cycle and/or bus bridge crossing

A program is shown in **Attachment 2** for the work required in the Preliminary Business Case which includes scheduled meetings with the Project Steering Group.



#### Attachment 1 – Previous ICC and TMR Studies

- □ Ipswich Transportation Study, ICC, 1967
- □ Ipswich Improvement Impact Study, ICC, 1976
- Ipswich City Road Network Study, ICC, 1986
- Ipswich Strategic Road Plan, ICC, 1989
- Ipswich City Centre Planning Study, ICC, 1995
- North Ipswich Road Network Study, ICC, 1999
- Booval Major Road Network Investigation, ICC, 1999
- Ipswich Planning Scheme, ICC, 2006
- □ Ipswich Regional Centre Strategy, ICC, 2008
- □ Ipswich Regional Centre Strategy, Network Options Testing, ICC, 2009
- D Priority Infrastructure Plan, ICC, 2010
- □ Ipswich City Centre Orbital Road System, ICC, 2011
- Norman Street Bridge and Jacaranda Street Extension Study and Community Engagement, ICC, 2013
- Ipswich Area Transport Study, TMR, 2013
- □ Ipswich Orbital Road Study, TMR, 2015
- Bremer River Crossing Option Assessment Study, ICC, 2015
- iGO City of Ipswich Transport Plan, ICC, 2016
- Brisbane Road Corridor Preservation Study, TMR, 2016



# Attachment 2 – Preliminary Business Case Program

D	Task Name	DurationStart	Finish			ec 15 Jan '5 Feb '1 26 Feb 19 Mar 9 Apr '1 30 Apr 21 S M T W T F S S M T W T F S S M T V	
1	1 PROJECT MANAGEMENT	100 day: Tue 3/10/17	Tue 6/03/18		I W I F S	5 M I W I F 5 5 M I W I F 5 5 M I V	W I FI
20	2 STRATEGIC BUSINESS CASE	40 days Tue 10/10/17	Mon 4/12/17	-	-		
40	3 TECHNICAL ANALYSIS	100 day: Tue 10/10/17	Tue 13/03/18	r		1	1
77	4 PRELIMINARY BUSINESS CASE	151 day: Tue 10/10/17	Tue 29/05/18	1			1
78	4.1 Project Options	16 days Thu 16/11/17	Fri 8/12/17		-		
85	4.2 Risk Management	24 days Tue 10/10/17	Fri 10/11/17				
93	4.3 Control Point 1	6 days Fri 1/12/17	Fri 8/12/17		m		
96	4.4 Strategic Considerations	40 days Wed 13/12/17	Wed 21/02/18		-		1
99	4.5 Legal and Regulatory Considerations	40 days Wed 13/12/17	Wed 21/02/18		-	1	1
105	4.6 Market Considerations	40 days Wed 13/12/17	Wed 21/02/18		-		
111	4.7 Public Interest Consideration	40 days Wed 13/12/17	Wed 21/02/18	and an interest of the second	-		
117	4.5 Preliminary Environmental Assessment	20 days Mon 20/11/17	Mon 18/12/17		1		
123	4.9 Control Point 2	5 days Thu 22/02/18	Wed 28/02/18	and entitle entitle entitle		м	
126	4.10 Financial Analysis	40 days Wed 21/02/18	Thu 19/04/18			1	
135	4.11 Wider Economic Benefits	57 days Wed 17/01/18	Tue 10/04/18			1	
145	4.12 Control Point 3	5 days Fri 20/04/18	Fri 27/04/18		and the state of the state of the	п	
148	4.13 Preliminary Social Impact Evaluation	45 days Wed 13/12/17	Wed 28/02/18		-	1	
156	4.14 Preliminary Economic Analysis	50 days Wed 21/02/18	Fri 4/05/18			1	
166	4.15 Control Point 4	5 days Thu 1/03/18	Wed 7/03/18			н	
169	4.16 Delivery Model Analysis	20 days Thu 8/03/18	Fri 6/04/18			<b>—</b>	
176	4.17 Affordability Analysis	20 days Thu 8/03/18	Fri 6/04/18				
183	4.18 Control Point 5	5 days Mon 9/04/18	Fri 13/04/18	no anni aitinn a nu		п	
186	4.19 Preliminary Business Case Report	30 days Mon 16/04/18	Tue 29/05/18				-
192	4.20 Control Point 6	5 days Wed 9/05/18	Tue 15/05/18			н	
195	5 STEERING GROUP MEETINGS	105 day: Tue 12/12/17	Tue 29/05/18		-		1
196	5.1 SG Meeting No 1 - Strategic Business Case	0 days Tue 12/12/17	Tue 12/12/17				
197	5.2 SG Meeting No 2 - Control Point 2	0 days Wed 28/02/18	Wed 28/02/18				
198	5.3 SG Meeting No 3 - Control Points 3, 4 and 5	0 days Fri 4/05/18	Fri 4/05/18			♦ 4/05	
199	5.4 SG Meeting No 4 - Control Point No 6	0 days Tue 29/05/18	Tue 29/05/18				÷ 29/0



# **Executive Summary**

# **Overview and Recommendation**

Summary Information

PROJECT NAME	Addressing Congestion, Cross River Connectivity and Network Resilience in the Ipswich City Centre				
LOCATION	South East Queensland				
PROPOSAL OWNER	Ipswich City Council				
PROPOSED DELIVERY AGENCY	Ipswich City Council via a Local, State and Federal Government funding partnership, Queensland's Project Assessment Framework and traditional delivery methods				
	OPTION 8	OPTION 9			
SHORT-LISTED OPTIONS	New all-modes inner-city Bremer River crossing at Norman Street (4 Lane Bridge)	New bus-only inner-city Bremer River lanes adjacent to the existing David Trumpy Bridge			
P90 COST ESTIMATE	\$372 million	\$142 million			
NET PRESENT VALUE*	\$188.40 million	-\$70.93 million			
BENEFIT COST RATIO*	1.97	0.058			

\* Based on P50 Capital Costs at a 7% discount rate

## Proposal Overview

The City of Ipswich is one of the fastest growing Local Government Areas in Australia. The existing allmodes Ipswich City Centre Bremer River crossing (the David Trumpy Bridge) is congested, approaching the end of its design life and causing significant network redundancy issues during minor incidents and natural disaster events. These factors are costing the community in travel delays, lost economic productivity, road crashes and the lost opportunity cost of revitalising the Ipswich City Centre to further develop as an economic centre.

In the continued absence of any intervention, the forecast population growth for Ipswich (average annual growth rate of 4.2% over the next 25 years, equating to an additional 319,900 residents) will result in additional traffic congestion in the Ipswich City Centre and severely inhibit the ability of Ipswich City Council and the Queensland Government to achieve the Queensland Government's South East Queensland Regional Plan 2017 (*ShapingSEQ*). *ShapingSEQ* outlines the vision for the Ipswich Principal Regional Activity Centre as a centre which is required to accommodate key concentrations of employment, provide higher order business, retail, education, health, cultural and entertainment services and higher density living opportunities. While the full economic impact of the challenges faced by the Ipswich City Centre are difficult to quantify precisely, an indicative

Page | 7 www.ipswich.qld.gov.au



monetisation of the impacts based on congestion, road safety and flooding impacts has identified that *the total annual cost of the Ipswich City Centre problem is \$34 million*.

Consequently, the project's Service Need has been identified as the need to:

"Address congestion, cross river connectivity and network resilience in the Ipswich City Centre."

#### Key Findings - Shortlisted Options

A long-list of options (consisting of nine potential initiatives) and sub-options (consisting of potential new Bremer River crossing locations) which could address the Service Need were identified and evaluated in accordance with Building Queensland's *Business Case Development Framework,* whereby two project options were short-listed to progress further into the Preliminary Business Case assessment as follows:

Option 8 - Sub-option No 1 – A new all modes, inner-city Bremer River crossing at the Norman Street location.

Staging Options:

- o 4 Lane Bridge; or
- 2 Lane Bridge
- Option 9 Sub-option No 4 A new pedestrian/ cycle/ bus Bremer River crossing at the existing David Trumpy Bridge location (East Street).
  - New northbound and southbound bus only bridges adjacent to, and clear of, the existing David Trumpy Bridge

#### Key Findings - Conclusion and Recommendations

The Preliminary Business Case assessment findings for the short-listed options indicate the following:

- There are no insurmountable social, environmental, legal or legislative issues, whole of government policy or public interest issues that would prevent the project from proceeding;
- The key risks for the project are well understood (being hydraulic, geotechnical, design, stakeholder and community engagement and environmental approvals) and will likely be well managed using Council resources;
- A supporting Wider Economic Impacts analysis undertaken to estimate the potential land value uplift and impacts to Council rate revenues for Option 8 suggest that:
  - Potential uplift impacts of around 3% and 8% could be expected, for residential and nonresidential properties respectively, attributed to overall improvements in levels of accessibility to the CBD;

Page | 8 www.ipswich.qld.gov.au



- Land value impacts are estimated to increase from \$1.14 billion in the Base Case to \$1.21 billion in the Project Case in 2055 (undiscounted); and
- Potential increases in Council rate revenue is estimated to be approximately \$5.8 million in net present terms.
- The staging potential has been explored and will be investigated further in the Detailed Business Case phase. Staging the construction of Option 8 by firstly constructing a 2 lane bridge, effectively deferring or delaying the investment in a 4 lane bridge, has the potential to defer or delay \$127 million in construction costs (P90) and approximately \$31 million in ongoing costs over the life of the asset. However, it must be noted that the cost of constructing a second 2 lane bridge at a later date will be subject to escalation and construction fixed cost.
- The preliminary Value-for-Money analysis has determined that greater Value-for-Money would be achieved through traditional delivery when compared to a Public Private Partnership.
- The delivery model assessment identified that a Design & Construct or Construct Only contract variants could be suitable for the delivery of the project.
- There is sufficient market capacity to deliver the project. The scope and scale of the two project options would likely attract Tier 2 or 3 construction firms.
- Option 8 outperforms in the majority of cases when compared to Option 9. However, both options are recommended to be progressed to the Detailed Business Case phase as the Preferred Project Options to enable sufficient detail to be identified and to suitably inform an investment decision.

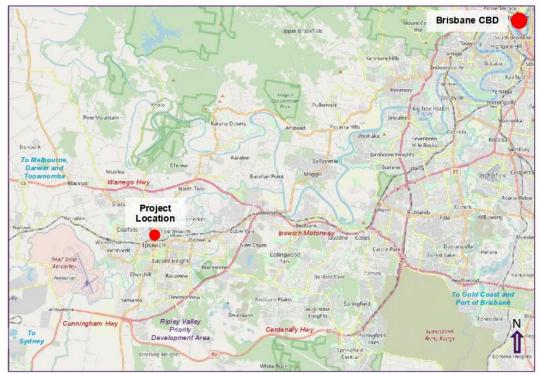
In conclusion, Option 8 and Option 9 were shortlisted as the most suitable solutions to address congestion, cross river connectivity and network resilience in the Ipswich City Centre, and are recommended as the Preferred Project Options to take forward to the Detailed Business Case phase under the Project Assessment Framework for further investigation.

## **Proposal Background**

The City of Ipswich is located approximately 40 kilometres to the south-west of the Brisbane CBD and is one of the fastest growing Local Government Areas in Australia (refer map over). Indeed, the Queensland Government's South East Queensland Regional Plan 2017, *ShapingSEQ*, forecasts Ipswich's population to increase by an average annual growth rate of 4.2% over the next 25 years, resulting in an additional 319,900 residents by 2041.

Page | **9** www.ipswich.qld.gov.au





Source: OpenStreetMap 2019

*ShapingSEQ* identifies the Ipswich City Centre as a Principal Regional Activity Centre, which is required to accommodate key concentrations of employment, provide higher order business, retail, education, health, cultural and entertainment services and higher density living opportunities.

However, the Ipswich City Centre is divided by the Bremer River (refer map below) and is connected by only one pedestrian/ private rail bridge and one four-lane general traffic bridge. The David Trumpy Bridge has limited capacity and is currently catering for a substantial volume of Ipswich City Centre non-CBD through traffic. Consequently, over the past few years the David Trumpy Bridge has been experiencing rising levels of congestion, causing delays during business hours. The existing bridge and adjacent intersections operate at an unacceptable level of service. The single inner city river crossing is also causing significant network redundancy issues during minor incidents and natural disaster events. These factors are costing the community in travel delays, lost economic productivity, road crashes and the lost opportunity cost of revitalising the Ipswich City Centre to further develop as an economic centre.

Page | 10 www.ipswich.qld.gov.au





Source: OpenStreetMap 2019

# Service Need

In the continued absence of any intervention, the forecast population growth for Ipswich and resulting traffic congestion and continued flooding impacts to the Ipswich City Centre will severely inhibit the ability of Ipswich City Council and the Queensland Government to achieve *ShapingSEQ's* vision for the Ipswich Principal Regional Activity Centre.

The full economic impact of the challenges faced by the Ipswich City Centre are difficult to quantify precisely. However, based on the measures in the table below, an indicative monetisation of the impacts has identified that **the total annual cost of the Ipswich City Centre problem is \$34 million**.

PROBLEM	MEASURE	NOTES	COST (\$ million per year)*	REFERENCE
Congestion Impact	City centre road network delay costs	Based on 1h in AM and 2h in PM and ATAP Value of Time	\$9.862	https://www.atap.gov.au/param eter-values/road-transport/3- travel-time.aspx
Road Safety (Crashes) Impact	City centre road network crash costs	Based on Inclusive Willingness-to-Pay values	\$16.756	https://www.atap.gov.au/param eter-values/road-transport/4- crash-costs.aspx
Flood Impact	City centre flood impact costs	Based on 2017-18 Worker Productivity of \$102k/year	\$7.327	https://economy.id.com.au/ipsw ich/worker-productivity-by- industry

Page | 11 www.ipswich.qld.gov.au



PROBLEM	MEASURE	NOTES	COST (\$ million per year)*	REFERENCE
Economic Development Impact	Economic development opportunity costs	ТВА	TBA	ТВА
TOTAL			\$33.945	Problem monetised is based on current conditions. No forecast growth has been assumed.

\*Costs presented are indexed to 2019\$ using CPI data from the Australian Bureau of Statistics<sup>1</sup>.

Over the years, Ipswich City Council have completed several strategic planning studies in order to identify actions that address the challenges for the Ipswich City Centre and support the Queensland Government's vision for the Ipswich Principal Regional Activity Centre, most notably the *Ipswich Regional Centre Strategy Master Plan: Integrated Strategy and Action Plan.* This document prioritised 17 'catalytic' initiatives that would foster urban redevelopment, civic revitalisation and economic growth in the Ipswich City Centre. One of these initiatives was the need for additional Bremer River crossings in order to improve connectivity and accessibility to and within the Ipswich City Centre, assist in redistributing through traffic movements and reduce conflicts between vehicles, pedestrians and cyclists.

In 2016, Council released *iGO* – *The City of Ipswich Transport Plan* which also confirmed the importance of a second inner city Bremer River crossing whereby, upon advice from the Queensland Government, funding was allocated in Council's 2016-17 budget to undertake a Strategic Business Case and a Preliminary Business Case for the project in accordance with Building Queensland's Business Case Development Framework.

The Strategic Business Case for this project was completed in December 2017 and identified the below four problem statements:

Problem Statement 1	Congestion in the Ipswich City Centre, a SEQ Principal Regional Activity Centre, is restricting successful revitalisation and economic development			
Problem Statement 2	The single Ipswich City Centre Bremer River crossing is compromising connectivity, population growth, and broader economic growth			
Problem Statement 3 Limited capacity and service life of the existing Ipswich City Centre cro (David Trumpy Bridge and approaches) compromises the augmentation traffic growth and mode shift				
Problem Statement 4 Lack of network redundancy during incidents or major events (such as floods network failure				

The Preliminary Business Case commenced in 2018 and sought to build on the outcomes of the preceding Strategic Business Case whereby the project's Service Need was confirmed as the need to:

Page | 12 www.ipswich.qld.gov.au



<sup>&</sup>lt;sup>1</sup> <u>https://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/6401.0Jun%202019?OpenDocument</u>

# "Address congestion, cross river connectivity and network resilience in the Ipswich City Centre."

The benefits sought from addressing this Service Need were also confirmed as:

- Achieve ShapingSEQ outcomes for Ipswich as a Principal Regional Activity Centre, including increased economic activity in the CBD;
- Increase CBD amenity and appeal;
- Improve travel time, reliability and road safety;
- Improve multi modal transport delivery;
- > Enhance connectivity and network resilience; and
- > Support Ipswich's sport and entertainment precinct and cultural facilities.

## **Options Analysis**

The objective of the Preliminary Business Case was to evaluate a suite of options which could help to address the project Service Need and identify at least two project options to progress further into the Detailed Business Case phase.

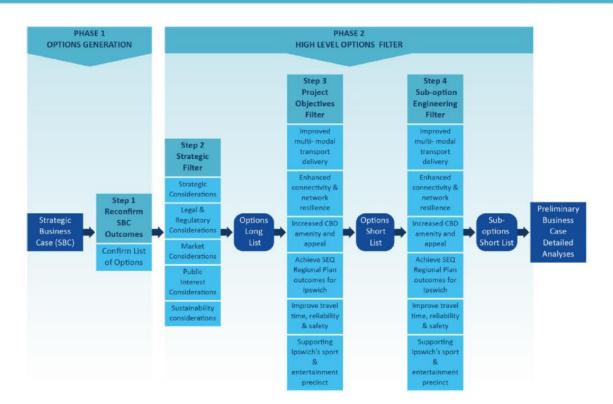
In line with the *State Infrastructure Plan* and Building Queensland's *Business Case Development Framework*, a long list of potential options covering reform (non-asset option), better use (improving service performance), improve existing (asset light options) and new infrastructure (new asset options) where identified and included:

- > Option 1: Heavy vehicle restrictions in the CBD
- > Option 2: Lane reallocation for modal prioritisation
- > Option 3: Tidal traffic flow on David Trumpy Bridge
- > Option 4: Fully utilise capacity of the existing (non-inner city) river crossings
- > Option 5: Network intersection optimisation
- Option 6: Increase capacity with additional lanes, through increasing setbacks for future development in the CBD
- > Option 7: Widen/augment the existing David Trumpy Bridge
- > Option 8: New all modes Inner-City Bremer River bridge crossing
- > Option 9: New Inner-City Bremer River pedestrian, cycle and/or bus bridge crossing

The methodology for assessing these options and confirming the short list of options is illustrated below and explained in further detail in Chapters 5 to 7. Of note, the methodology included the identification of sub-options for the options short list (i.e. potential Bremer River crossing locations in the Ipswich City Centre) that further considered engineering feasibility matters.

Page | 13 www.ipswich.qld.gov.au





At the conclusion of this process, it was recommended that the following two options be taken forward and investigated in further detail as part of the Preliminary Business Case:

#### Option 8 – Sub-option No 1 – A new all modes, inner-city Bremer River crossing at the Norman Street location.

This option (shown in blue in the map below) provided a significant improvement over the base case for all the benefits sought. The traffic analysis showed that in 2036, approximately 24,400 vehicles per day would use the new crossing with 40,300 vehicles per day remaining on the existing David Trumpy Bridge. This would reduce volumes on the David Trumpy Bridge by approximately 13,300 vehicles per day compared to a 'no new bridge' volume (53,700 vehicles per day). The modelling suggests a crossing at the Norman Street location would be well utilised and provide meaningful volume reductions across David Trumpy Bridge. It should be noted that the David Trumpy Bridge capacity is limited by the intersections at both ends of the bridge and the surrounding Ipswich City Centre road network. As such, it is unlikely that the David Trumpy Bridge can even accommodate the modelled 53,700 vehicles per day.

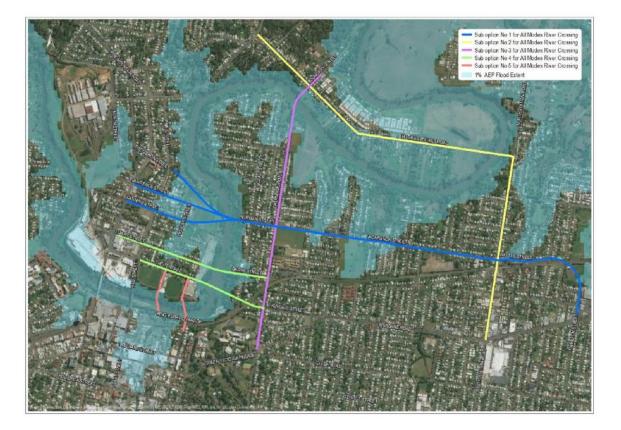
By reducing non-CBD traffic crossing the David Trumpy Bridge, this option will increase CBD amenity, safety and facilitate development of Ipswich as a Principal Regional Activity Centre. It will also facilitate improved multi-modal transport delivery and connectivity (including the sport and entertainment precinct) and network resilience. It is also noted that the option will improve travel



Page | 14 www.ipswich.qld.gov.au

Item 24.24 / Attachment 2.

time, provide a staged component of the future Ipswich Orbital Road network planning and deliver a Bremer River crossing with 100 year flood immunity.



# Option 9 – Sub-option No 4 - A new pedestrian/ cycle/ bus Bremer River crossing at the East Street (existing David Trumpy Bridge) location.

This option (shown in orange in the map below) provides a minor to moderate improvement over the base case and can achieve some of the benefits sought. New northbound and southbound bus-only bridges adjacent to, and clear of the existing David Trumpy Bridge, would benefit the majority of public transport movements. It would align with the existing north-south public transport spine, servicing demands to and from the Ipswich City Centre.

Public transport users are expected to experience a reduction in journey times due to the added priority bus lanes provided adjacent to the David Trumpy Bridge. As a result, public transport mode share is expected to increase. With the road network remaining unchanged, and a degree of mode shift likely to be achieved, private vehicle demand has the potential to be reduced. However, vehicle movements within the Ipswich City Centre will continue to cross the David Trumpy Bridge in line with expected growth. Despite being more attractive to public transport users, this option would still likely

# Page | 15 www.ipswich.qld.gov.au



inhibit the revitalisation of the Ipswich City Centre and development of the Ipswich City Centre as a Principal Regional Activity Centre.

Also of note, the David Trumpy Bridge provides a 100 year flood immunity. However, the southern approach (East Street) is inundated in lesser events. As such, the resilience of the new northbound and southbound bus-only bridges would be limited by the bridge approaches.



# **Project Risks**

The identification of project risks and issues were informed by community engagement activities undertaken as part of preceding studies. These were mitigated where possible through the development of project options and short-listed sub-options. A risk workshop was also conducted for the Preliminary Business Case and this was used to inform the project Risk Register and capital cost estimates. The major project risks identified by this process included:

Changes in design requirements associated with the latest 1% AEP (100-year) flood immunity levels from the recently released Brisbane River Catchment Flood Study;



Page | 16 www.ipswich.qld.gov.au

- Community impacts within the immediate vicinity and surrounding the respective project corridors include risks associated with property acquisitions and increased traffic volumes on local roads (i.e. Jacaranda Street and Chermside Road); and
- Risks around the project not being delivered, attributed to increasing project costs and stakeholder acceptance of the business case findings, including traffic modelling assumptions.

In summary, there are no insurmountable risks identified that would prevent the project from proceeding to the Detailed Business Case phase. However, the identified risks need to be reassessed in the subsequent Detailed Business Case phase.

# **Social Impact Evaluation**

As part of the Preliminary Business Case, an evaluation was conducted on the potential social benefits and impacts associated with the proposed options (with and without mitigation). The outcome of this evaluation (with mitigation) is provided in the table below.

It is considered that both proposed options would deliver long-term benefits for local and regional communities. This includes overall access and connectivity, access to social infrastructure, reduced travel times and enhanced travel time reliability. This is particularly so for Option 8 during flood events through the provision of improved flood immunity across the Bremer River. However, of note, most negative impacts of the project options are associated with the construction phase, particularly for Option 9 which has a high negative impact to traffic due to the impacts of constructing in close proximity to the existing David Trumpy Bridge and approaches.

PROJECT IMPACT	PROJECT PHASE	OPTION 8	OPTION 9	
Property impacts				
Property acquisition	Construction/ operation	Medium	Medium	
Impact on community cohesion due to relocation of residents	Construction/operation	Medium	Low	
Social infrastructure				
Direct impacts on social infrastructure	Construction	Medium	Medium	
Indirect impacts on social infrastructure (e.g. amenity, access)	Construction	Medium	Low	
Improved access to community services and facilities	Operation	High (positive) Medium (pos		
Impacts on amenity and lifestyle				
Impacts on residential amenity from construction activities	Construction	Medium	Low	
Impacts on visual amenity due to removal of established vegetation	Construction/ operation	Medium	Low	



Page | 17 www.ipswich.qld.gov.au

Item 24.24 / Attachment 2.

PROJECT IMPACT	PROJECT PHASE	OPTION 8	OPTION 9		
Enhanced community cohesion due improved access and connectivity	Operation	Medium (positive)	Medium (positive)		
Health and wellbeing benefits	Operation	Low (positive)	Medium (positive)		
Impacts on amenity from proposal operation	Operation	Medium	Low		
Access and connectivity					
Construction traffic changes	Construction	Medium	High		
Access and connectivity improvements for motorists	Operation	Captured in cost benefit analysis	Low (positive)		
Improved access during flood events	Operation	High (positive)	Low		
Access and connectivity improvements for bus and active transport users	Operation	High (positive)	Captured in cost benefit analysis		

# **Environmental Assessment**

The assessment was completed based on a desktop analysis and information from relevant previous technical studies. As such, the project will need to consider in more detail the potential key environmental values relevant to each option as part of the formulation of detailed design options. This will include reviewing the location and construction of structures, the clearing of vegetation and the management of any species on site.

The table below provides a summary of the potential key environmental impacts of the project. Chapter 9 provides further information in regard to the proposed mitigation measures. Of note for both project options, the highest environmental impact is on the existing landscape and visual amenity corridors within the Ipswich City Centre. It is considered that all identified project environmental impacts and proposed mitigation measures can be adequately managed.

ENVIRONMENTAL FACTOR	IDENTIFIED IMPACTS	LEVEL OF IMPACT
Topography, Geology, and Soils	Potential interaction with contaminated sites. Potential erosion and sediment control issues during construction.	Low
Water Quality	Potential interaction with the Bremer River and other storm water channels during construction.	Medium
Hydrology	Consider the flooding of the Bremer River and any potential impacts on the downstream or upstream flow of water as a result of the design.	Medium
Climate and Air Quality	Impacts on sensitive receivers from dust may be experienced during construction.	Medium



Page | **18** www.ipswich.qld.gov.au

Item 24.24 / Attachment 2.

ENVIRONMENTAL FACTOR	IDENTIFIED IMPACTS	LEVEL OF IMPACT
Flora and Fauna	Potential requirement for Endangered, Vulnerable and Near Threatened species to be cleared. Further site investigations should be carried out to confirm the presence or absence of Endangered, Vulnerable and Near Threatened species along the banks of the Bremer River.	
	If it is identified that animal breeding places will be impacted, a Species Management Plan for tampering with a protected animal breeding place (high or low risk of impact) will be required.	
	A High Risk of Impact Species Management Plan will need to be sent to the Department of Environment and Science for approval, which can take three to six months.	Medium
	A Protected Plant Clearing Exemption will need to be obtained if no Endangered, Vulnerable and Near Threatened species are identified in survey. A Protected Plant Clearing Exemption Notification should be made to the Department of Environment and Science at least one week prior to any clearing activities commencing.	
Climate Change and Emissions	Potential for the project to reduce emissions through the detailed design.	Low
Noise and Vibration	Potential impacts on nearby sensitive receivers, particularly during construction.	Medium
Landscape and Visual Amenity	Potential impacts on existing landscape and visual amenity corridors.	High
Cultural Heritage	Potential impacts on existing heritage places, adjoining the subject site and within the local context.	Medium
Waste Management	Waste is most likely to be created during the construction phases.	Low

# **Economic Analysis**

#### Cost-Benefit Analysis

The economic appraisal for the project has been undertaken in alignment with nationally accepted guidelines for transport projects, as published by the *Australian Transport Assessment and Planning (ATAP) Guidelines*. The economic evaluation is conducted through a comparative cost-benefit analysis, which assesses whether an infrastructure investment is economically viable by comparing quantified costs and benefits. The most economically viable outcome is the project option with the highest Net Present Value and a Benefit Cost Ratio above 1.

The economic appraisal has been undertaken to compare the two shortlisted project options (including a sensitivity test for the potential staged delivery for Option 8) against a 'Base Case'. The 'Base Case' being a 'Do Minimum' option which includes ongoing maintenance activities to preserve existing assets and ensure an acceptable Level of Service is maintained. Network enhancements/augmentations have been incorporated into the 'Base Case' to ensure a meaningful

# Page | 19 www.ipswich.qld.gov.au



assessment can be undertaken. Refer to the Traffic Report in Appendix E for further information. Department of Transport and Main Roads demographics and 'trend' mode shares were used in the estimation of the benefits. This represents a conservative scenario, noting that it still requires significant public transport and active transport investment to meet the 'trend' mode share due to the forecast growth.

In summary, the key findings from the economic analysis are provided in the table below. This analysis suggests that Option 8 is economically viable, producing \$1.97 worth of benefits for every dollar invested. Comparatively, there is limited viability for Option 9, producing just \$0.058 worth of benefits for every \$1.00 invested.

	OPTION 8	OPTION 9		
SHORT-LISTED OPTIONS	New all-modes inner city Bremer River crossing at Norman Street (4 Lane Bridge)	New bus-only inner city crossing adjacent to the existing David Trumpy Bridge		
P90 COST ESTIMATE	\$372 million	\$142 million		
NET PRESENT VALUE*	\$188.40 million	-\$70.93 million		
BENEFIT COST RATIO*	1.97	0.058		

\* Based on P50 Capital Costs at a 7% discount rate

Given the low Net Present Value and Benefit Cost Ratio for Option 9, no further sensitivity tests were undertaken for this option. However, additional standard sensitivity tests (e.g. alternative discount rates of 4% and 10%) were undertaken in regard to Option 8 in order to understand the range of possible outcomes given the uncertainty that is inherent in the analysis. The results of this sensitivity test are provided in the table below and as can be seen, the Benefit Cost Ratio remains above 1 and generates a positive Net Present Value. For further information regarding the staging (4 lane vs 2 lane bridge) and alternative growth scenario (more ambitious job forecast and higher sustainable mode share) sensitivity tests completed for Option 8, please refer to Chapter 10.

	ΟΡΤΙΟΙ	N 8		
	BCR NPV			
Core result (7% discount rate, P50)	1.97	\$188.40		
Discount rate 4% (P50)	2.93	\$467.14		
Discount rate 10% (P50)	1.39	\$61.15		

In summary, the Cost-Benefit Analysis indicates that Option 8 generates positive economic benefits to society relative to the costs of constructing and maintaining the new infrastructure. It should be noted however that further detailed analysis is required in the Detailed Business Case phase. This includes the following:

Page | **20** www.ipswich.qld.gov.au



- Reviewing the transport modelling methodology and approach to enable the economic analysis to best capture the effects of capacity constraints at key intersections, capacity improvements and multi-modal impacts within the network;
- > Investigating a suitable methodology for measuring travel time reliability benefits;
- Undertaking an analysis of crash history by road type to enable further crash benefits to be included in the analysis; and
- > Undertaking value engineering on the current options and developing an appropriate staging and investment strategy to determine the preferred Reference Project in the Detailed Business Case.

# Wider Economic Impacts

A second inner city Bremer River crossing is expected to contribute to improving the economic and civic revitalisation of the Ipswich City Centre. There are a range of economic benefits that can potentially be generated as a result of this project, the majority of which have been captured in the Cost-Benefit Analysis. However, there are potential indirect or induced impacts also likely to be generated by the project which are not captured in the Cost-Benefit Analysis, including changes in Land Values and Uplift which is measured through the estimated changes in underlying land values responding to changes in accessibility.

In order to identify these Wider Economic Impacts, an analysis has been undertaken on the potential impacts to underlying land values and impacts to Council rate revenues that could be experienced in response to the accessibility improvements attributed to the construction of a river crossing at the Norman Street location, predominantly focusing on the 4 lane bridge configuration that constitutes Option 8 (Core Scenario). This detailed analysis is provided in Chapter 10.10 and concluded that:

- Potential uplift impacts of around 3% and 8% could be expected, for residential and nonresidential properties respectively, attributed to overall improvements in levels of accessibility to the CBD; and
- Land value impacts are estimated to increase from \$1.14 billion in the Base Case to \$1.21 billion in the Project Case in 2055 (undiscounted).
- Potential increases in Council rate revenue is estimated to be approximately \$5.8 million in the Project Case in net present terms, and could range between \$2.9 and \$11.6 million, under various sensitivity scenarios.

# **Financial Affordability and Funding Assessment**

# Financial Affordability Assessment

The Risk-adjusted Out-turn Project Cost Estimates and Whole-of-life Net Project Cash Flows are provided in the two tables below. A comparative analysis of the options indicates that:

- Option 9 clearly presents the least capital-intensive option, as well as the lowest whole-of-life costs, when compared to Option 8;
- Option 9 is \$230 million less in total risk-adjusted, out-turn terms (P90), when compared to Option 8; and

Page | **21** www.ipswich.qld.gov.au



For Option 8, the breakdown in total whole-of-life project cost comprises of capital costs (93%) and ongoing costs (7%). This breakdown is similar for all project cases.

Sensitivity analysis, under all project cases, identified that a change in capital costs (increase or decrease) has the greatest impact on the Net Project Cost. Changes to other variables result in marginal changes in Net Project Cost, with the exception for delaying construction by 5 years, which reduces the Net Project Cost by approximately 15%.

Risk-Adjusted Out-turn Project Costs Summary Outputs (P90, \$M)

	OPTION 8	OPTION 9
Principals costs	\$66.55	\$27.15
Construction contractors costs	\$131.95	\$46.89
Risk and contingency	\$112.93	\$45.79
Risk Adjusted Total Cost	\$311.43	\$119.83
Escalation	\$60.68	\$22.36
Total risk adjusted, out-turn costs	\$372.11	\$142.18

Net Project Cash Flows (P90, \$M)

	OPTION 8	OPTION 9	
Total Construction cost	\$296.64	\$114.31	
Total Operating cost	\$22.41	\$4.95	
Total Whole of Life Project Cost	\$319.05	\$119.26	
Incremental Fare Revenue	-	\$0.16	
Net Project Cost	\$319.05	\$119.15	

#### Funding Assessment

A preliminary analysis, supported by evidence of comparative projects, was undertaken to explore alternative forms of project financing (refer to Chapter 11.4 for more information). However, the evidence appears to present limited opportunities to address affordability issues, as it would either contradict the intended project outcomes or objectives or present certain complexities as it contravenes current Queensland Government policies for value capture or road user charging. In particular:

Given the objectives of the project and scope of Option 8, it is believed that a 'value capture' or 'direct user charge' method does not represent a reasonable financing mechanism for Option 8. Subsequently, direct charging mechanisms have not been considered in detail as part of the development of the Preliminary Business Case; and

Page | **22** www.ipswich.qld.gov.au



Considering the intent of the Queensland Government Tolling Policy, the DTMR asset ownership of the David Trumpy Bridge and lack of free alternatives, this limits the ability to apply a user charge to fund Option 9.

Nevertheless, the capital funding requirement for project delivery for either option ranges between \$142 million and \$372 million (out-turn, P90). Recognising affordability constraints in funding any of the project options, it was considered important to identify opportunities for potential investment that can be delayed or avoided. As such, the staging potential of Option 8 was explored in more detail. This identified that staging the construction of Option 8 by constructing a 2 lane bridge (effectively deferring or delaying the investment in a 4 lane bridge), has the potential to defer or delay \$127 million in construction costs (P90) and approximately \$31 million in ongoing costs over the life of the asset. However, it must be noted that the cost of constructing a second 2 lane bridge at a later date will be subject to escalation and construction fixed cost. The full impacts and risks of the preferred staging will need to be investigated in more detail in the Detailed Business Case phase in order to inform the Preferred Project Option.

# **Delivery Model Analysis**

The Value-for-Money assessment concluded that a Public Private Partnership delivery was unlikely to deliver Value-for-Money to the proponent when compared to a traditional delivery method.

The traditional delivery model suitability assessment also concluded that a Competitive Alliance, Managing Contractor and Design, Build & Maintain form of contracting were not suitable to the project. Other available delivery models such as Construct Only and Design & Construct (with and without Early Tender Involvement/ Early Contractor Involvement) are potentially suitable. It is recommended that detailed assessments (including market sounding exercises and workshops) be undertaken at the Detailed Business Case phase for Construct Only (with and without 'Early Tender Involvement) and Design & Construct (with and without Early Contractor Involvement) delivery models to determine the model with the potential to deliver superior outcomes for the project.

Based on the outcomes of this analysis, the recommendation is that Construct Only and Design & Construct delivery models are relevant for both project options and should be further explored in the Detailed Business Case.

# **Preferred Options for Further Development**

The shortlisted options were assessed to identify a preferred option/s for further development in the Detailed Business Case. The assessment used a high-level, equally weighted, multi-criteria assessment as per the Building Queensland Prioritisation Framework whereby the information from all of the preceding assessments and reviews has been used to inform the assessment. The results of this are provided in the table below.

Based on the outcomes of this comparative assessment, Option 8 outperforms in the majority of cases when compared to Option 9. However, to ensure due consideration is given to each option and to be in accordance with Building Queensland's *Business Case Development Framework* where it is

Page | 23 www.ipswich.qld.gov.au



Item 24.24 / Attachment 2.

recommended that more than one option be taken forward, both options are recommended to be progressed as the Preferred Project Options to the Detailed Business Case phase to enable sufficient detail to be identified and to suitably inform an investment decision.

OPTIONS ASSESSMENT CRITERIA	OPTION 8	OPTION 9
Strategic Appraisal		
Alignment to objectives	High	Low
Effectiveness in addressing service need and achieving the benefits sought	High	Low
Sustainability review outcomes	Medium	High
Options aligns with SIP priorities (Reform, Better Use, Improve Existing, New)	Medium	High
Economic and Financial Appraisal		
Benefit Cost Ratio	High	Low
NPV	High	Low
Social and Environmental Appraisal		
Social Impacts	Medium	Low
Environmental Impacts	Medium	Low
Deliverability Appraisal		
Risk	Medium	Low
Financial NPV – P50	High	Low
Potential for VfM from PPP delivery	Low	Low
Ranking	Medium	Low

# **Conclusion and Recommendations**

# Conclusion

The Ipswich City Centre is defined as a Principal Regional Activity Centre for South East Queensland and the population in the Ipswich local government area is anticipated to grow by an additional 319,900 residents between 2016 and 2041. To accommodate this growth, the Ipswich City Centre will need to undergo a transformation in order to provide the necessary employment, cultural and recreational aspects that a growing city expects.

High levels of traffic congestion and poor Levels of Service in the peak periods, concentrated in and around the Ipswich City Centre and on the single existing inner city Bremer River crossing (David Trumpy Bridge), are currently being experienced. To catalyse the city's redevelopment aspirations, an alternative inner city Bremer River crossing has been identified as a priority need, facilitating higher network redundancy during minor incidents and major flood events and the movement of non-CBD traffic across the network and away from the Ipswich City Centre.

# Page | **24** www.ipswich.qld.gov.au



Without intervention, these issues will exacerbate in the future and the city's economic development and redevelopment opportunities will be compromised. While the full economic impact of the challenges faced by the Ipswich City Centre are difficult to quantify precisely, an indicative monetisation of the impacts based on congestion, road safety and flooding impacts has identified that *the total annual cost of the Ipswich City Centre problem is \$34 million*.

The Preliminary Business Case assessed a range of options to respond to the identified project needs and short-listed two options for further assessment, these being:

#### Option 8 – Sub-option No 1 – A new all modes, inner-city Bremer River crossing at the Norman Street location.

**Staging Options:** 

- 4 Lane Bridge
- 2 Lane Bridge

## Option 9 – Sub-option No 4 – A new pedestrian/ cycle/ bus Bremer River crossing at the East Street (existing David Trumpy Bridge) location.

 New northbound and southbound bus only bridges adjacent to, and clear of, the existing David Trumpy Bridge

Recommendations and Next Steps

Based on the preliminary investigations and assessments undertaken in relation to this Preliminary Business Case to address congestion, cross river connectivity and network resilience in the Ipswich City Centre, it is recommended that:

- The Preliminary Business Case be approved, and the project proceed to the Detailed Business Case phase;
- Both Option 8 (a new all modes, inner-city Bremer River crossing at the Norman Street location) and Option 9 (a new pedestrian/ cycle/ bus Bremer River crossing at the East Street (existing David Trumpy Bridge) location) proceed as the Preferred Project Options to the Detailed Business Case phase under the Project Assessment Framework for further investigation;
- Note that further detailed analysis is required in the Detailed Business Case phase to confirm the final Preferred Project Option, which will require the following:
  - Determination of the priority and need for a 4 lane bridge at the Norman Street location as well as additional bus priority provisions and capacity improvements on the David Trumpy Bridge;
  - Further value engineering on the configurations of the staging options (4 lane bridge, 2 lane bridge and longer term ultimate option inclusive of Jacaranda Street road upgrade) at the Norman Street location to address capital cost and affordability issues and develop an appropriate staging strategy;



# Item 24.24 / Attachment 2.

- Confirmation of the economic viability results based on appropriate multi-modal transport modelling and underlying demographic assumptions; and
- Further exploration of other benefits streams, including travel time reliability and urban renewal/amenity benefits to better understand the full economic impact of a Preferred Project Option.
- The need to develop a comprehensive Detailed Business Case in accordance with Building Queensland's Business Case Development Framework to satisfy the Queensland Government's project assessment requirements be confirmed.



Page | **26** www.ipswich.qld.gov.au Doc ID No: A5963686

ITEM: 25.25

SUBJECT: CONTRACT AWARD - NO. 13087 ROAD REALIGNMENT AND SIGNALISATION -MARSDEN PARADE, IPSWICH

AUTHOR: ACTING CONSTRUCTION MANAGER

DATE: 16 DECEMBER 2019

# **EXECUTIVE SUMMARY**

This is a report concerning the procurement and contract award of Contract No. 13087 Road Realignment and Signalisation – Marsden Parade, Ipswich Project as a result of the tender evaluation.

# **RECOMMENDATION/S**

That the Interim Administrator of Ipswich City Council resolve:

- A. That Tender No. 13087 Road Realignment and Signalisation Marsden Parade Ipswich Project be awarded to BMD Pty Ltd under an AS2124 Lump Sum Contract.
- B. That Council enter into a contract with BMD Constructions Pty Ltd for the sum of One million nine hundred and seventy-nine thousand five hundred and fifty-five dollars and three cents (Excl. GST) (\$1,979,555.03) as per the proposed works as specified in the project documentation.
- C. That the Chief Executive Officer be authorised to negotiate and finalise the terms of the contract to be executed by Council and to do any other acts necessary to implement Council's decision in accordance with section 13(3) of the *Local Government Act 2009*.

# **RELATED PARTIES**

There was no declaration of conflicts of interest.

# ADVANCE IPSWICH THEME

Managing growth and delivering key infrastructure

# PURPOSE OF REPORT/BACKGROUND

As part of Council's Strategic Transport program, council has proposed for the realignment of the southern section of Marsden Parade to create a four (4) way signal controlled

intersection with Brisbane Street and Gordon Street. The realignment will facilitate an alternative north – south connection to East Street within the Ipswich City Centre, providing improved network permeability and resilience.

The Road Realignment and Signalisation – Marsden Parade, Ipswich project forms part of the 2019-2020 portfolio works. The evaluation report for the contract award to deliver the project requires endorsement by the General Manager and Council approval.

# **LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions: *Local Government Regulation 2012* 

# **RISK MANAGEMENT IMPLICATIONS**

Risks associated with this project are predominately stakeholder and financial.

Financial risks are managed through contract and project management practices. Additionally, provisional sums have been established for identified critical risk items to the project. The tender evaluation panel followed a thorough Tender Evaluation & Probity Plan, to address required value for money and quality standards shall be achieved.

Stakeholders (local residents and businesses), are being managed by council's stakeholder management team. There has been in constant contact with these stakeholders during the design and procurement phases with via notifications, street signage and door knocks. As the project progresses, the winning tenderer of the works, shall also be required to manage stakeholders through council's specified processes.

# FINANCIAL/RESOURCE IMPLICATIONS

The adopted budget to deliver the works for the 2019-2020 Financial Year is \$3,679,000 with contractor costs to be at \$1.98 million for the signalisation and realignment portion.

# **PROCUREMENT STRATEGY:**

Infrastructure and Environment Department sought to attract an experienced contractor through an open tender process for the rehabilitation and construction for the project.

# **EVALUATION:**

The qualitative criteria included an assessment on company experience, timing and approach, experience of personnel, management systems and whether or not the tenderer supported local business and industry.

Council's due diligence process was applied to the highest scoring tenderer after the comparative assessment was complete. They were assessed against mandatory workplace health and safety requirements and the reviewing of references. There were no identified issues and there were no probity issues identified in the procurement process.

# COMMUNITY AND OTHER CONSULTATION

The realignment and signalisation of Brisbane Street and Gordon Street will increase safety for the travelling public by allowing controlled pedestrian and vehicle movements. Furthermore, the project will deliver a more efficient transport network to allow an alternate route for motorists accessing the Ipswich CBD.

In order to meet funding conditions, the project is required to be awarded by early February 2020 to ensure works are completed within the 2019-2020FY.

# CONCLUSION

As a result of the evaluation clarification process, it was determined that BMD Pty Ltd satisfied all evaluation criteria with no departures. By the results of the tender evaluation and best value index (BVI) results, BMD Pty Ltd are considered to be the most effective contractor to undertake the works.

The funding for this project is within the allocated 2019-2020 portfolio budget. The contract award amount is within the allocated portfolio funding.

# ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Tender Evaluation and Probity Plan 😃 🖫
2.	CONFIDENTIAL Road Realignment & Signalisation - Marsden Parade, Ipswich Contract No. 13087 Evaluation Report

# Pedro Baraza ACTING CONSTRUCTION MANAGER

I concur with the recommendations contained in this report.

Charlie Dill GENERAL MANAGER - INFRASTRUCTURE AND ENVIRONMENT

"Together, we proudly enhance the quality of life for our community"

# TENDER EVALUATION AND PROBITY PLAN (TEPP)

# MARSDEN PARADE – STAGE 2

# **CONTRACT NO.13087**

#### ENDORSED BY

Status	Signature	Date
Drafted by Chris Yung, Project Manager (Infrastructure & Environment)	Objective	14/10/2019
Endorsed by Derek Durocher, Acting Principal Engineer (Infrastructure & Environment)	Objective	15/10/2019
Endorsed by Pedro Baraza, Acting Construction Manager (Infrastructure & Environment)	Objective	15/10/2019
Endorsed by Gavin Wright, Senior Procurement Officer	Objective	15/10/2019

### APPROVED BY

Name	Posit	ion			Signature	Date	
Charlie Dill	Gene (Infra	eral astructure	& Envir	Manage onment)	r pla	1/ 15/10/	/19
On: N Gavin Wright ha TEPP" (A57929	ly Windows Savin Wright Aonday, 14 Octob	Help er 2019, 03:31:27 u to review the link t.	РМ	*13087			/
Reviewer +	Status	Date	Summary	Comment			
<ol> <li>Christopher Yung</li> <li>Derek Durocher</li> <li>Gavin Wright</li> <li>Pedro Baraza</li> </ol>	Reviewed Reviewed Reviewed Reviewed	14/10/2019 15/10/2019 15/10/2019 15/10/2019	Agree Agree Agree Agree		-		
1							



Version 1 1/18

# INFRASTRUCTURE SERVICES | TENDER EVALUATION AND PROBITY PLAN

#### CONTENTS

1	PURPOSE OF EVALUATION 2	
2	VALUE FOR MONEY OBJECTIVE 2	
3	ROLES AND RESPONSIBILITIES	
4	PROJECT, EVALUATION CRITERIA AND WEIGHTINGS	
5	EVALUATION PROCESS	
6	TENDER EVALUATION METHODOLOGY 10	
7	PROBITY	
8	TENDERER DEBRIEFING	ĺ
Attach	nent A - Confidentiality and Conflict of Interest Declaration	;

#### INFRASTRUCTURE SERVICES | TENDER EVALUATION AND PROBITY PLAN

## 1 PURPOSE OF EVALUATION

The purpose of the evaluation process is to select and recommend a Preferred Tenderer in accordance with the Local Government Act 2009 (Act), the Local Government Regulation 2012 (Regulation), Queensland Government procurement guidelines and Ipswich City Council's Procurement Policy.

The Tender Evaluation Panel (Panel) members must follow the process outlined in this Tender Evaluation and Probity Plan (TEPP) and ensure they have sufficient information and time to make an informed assessment and recommendation. Any queries or concerns must be brought to the attention of the Panel Chair (Chair) and/or Probity Manager. The Chair or Probity Manager may, in turn, refer the matter to the Delegated Officer.

The TEPP must be completed and approved by the Delegated Officer before opening any Tenders and cannot be varied after Tenders have been opened.

Before commencing the evaluation, the Chair must be satisfied that all Panel members:

- Are duly appointed;
- Have signed a Confidentiality and Conflict of Interest Declaration (Attachment A);
- Have read and understood the Procurement Plan, this TEPP and are aware of the project objectives, requirements and risks as outlined in the documents.

#### 2 VALUE FOR MONEY OBJECTIVE

Section 104(3) of the Act places a statutory obligation on local government to utilise sound contracting principles when entering into contracts. Queensland Government Procurement guidelines define "value for money" in broader terms than the initial cost of a project. Achieving value for money includes a broad combination of factors such as non-price (qualitative) criteria and price that encourage:

- A contribution to the advancement of Government priorities;
- Evaluation of non-price factors such as fitness for purpose, quality, service and support and sustainability considerations; and
- Consideration of factors including whole-of-life and transaction costs associated with acquisition, use, holding, maintenance and disposal are determined by the appropriate combination of price and non-price criteria for the specific project.

To satisfy the statutory obligation, Council utilises a holistic approach to the evaluation process where the Tenderer who achieves a superior Best Value Index (BVI) score is considered to be able to provide the optimum balance between price and capability to undertake the works.

# 3 ROLES AND RESPONSIBILITIES

The structure, roles and responsibilities of the parties involved in the evaluation process are:



#### 3.1 Probity Manager

The Probity Manager is the Senior Procurement Officer or duly authorised delegate.

The Probity Manager is responsible for:

- 1. Managing the Tender process in accordance with Council Policy,
- 2. Distributing and collating all confidentiality and conflict of interest declarations,
- 3. Ensuring the evaluation process complies with this TEPP,
- 4. Overviewing probity compliance and conduct of the Panel meetings,
- 5. Responding to Tenderer RFI's,
- 6. Management of records; and,
- 7. Initiating and managing all direct contact with Tenderers.

#### 3.2 Tender Evaluation Panel

The minimum number of Panel members is three. There is no limit to the number of specialist advisors to the Panel. Panel members for this Tender are:

Role	Title	Name
Chair	Project Manager – I&E	Chris Yung
Panel Member	Acting Principal Engineer – 1&E	Derek Durocher
Panel Member	Acting Construction Manager – I&E	Pedro Baraza
Probity Manager	Senior Procurement Officer	Gavin Wright or duly authorised delegate

The Panel members have been selected for their expertise in managing and constructing project of similar size & scale, their background knowledge of the project and current risks and for their expertise delivering projects for local government organisations.

The Chair is responsible for:

- Chairing all meetings of the Panel;
- Ensuring that the Panel have sufficient time, information and resources that encourages debate and critical analysis of submissions allowing the Panel to arrive at an agreed position (differences in opinion are documented);
- Ensuring that the Panel meets expected standards of probity and official conduct;
- Where necessary, seeks advice from other resources on matters relevant to the evaluation deliberations;

#### INFRASTRUCTURE SERVICES | TENDER EVALUATION AND PROBITY PLAN

- Preparing the Evaluation Report; and
- Addressing any challenges to the evaluation process.

All Panel members, including the Chair, are responsible for:

- Ensuring the evaluation process complies with this TEPP;
- Thoroughly document their reasons for each rating in the Individual Evaluation Sheet to indicate how the rating was determined;
- Apply appropriate security and confidentiality to their deliberations; and
- Maintain high standards of probity, conduct and to disclose any actual, potential or perceived conflicts.

#### 3.3 Delegated Officer

The Delegated Officer (or authorised delegate) for the TEPP is the Acting Chief Operating Officer, Infrastructure Services.

The Delegated Officer (or authorised delegate) will undertake the following:

- Review and approve the TEPP,
- Review (and approve if authorised) the Evaluation Report, and
- Execute (if authorised) the Contract on behalf of Council.

#### 3.4 Specialist Advisors

Specialist Advisors are not members of the Panel but are appointed by the Chair and are bound by the protocols outlined in this TEPP, including confidentiality and conflicts. Any specialist advice must be documented.

Specialist Advisors to the Panel may include:

- ICC Workplace Health & Safety Advisor;
- Principal Engineer (Design)
- Principal Officer (Estimating)
- Principal Officer (Scheduling)
- Principal Officer (Contracts and Procurement)
- Manager, Business Services (Infrastructure & Environment)
- Manager, Works & Services (Infrastructure & Environment)
- Construction Manager
- Principal Engineer (Infrastructure Delivery)
- Principal Officer (Infrastructure Delivery)
- Principal Financial Accountant

#### 4 PROJECT, EVALUATION CRITERIA AND WEIGHTINGS

#### 4.1 Project Description

As part of Council's Strategic Transport program, council has proposed for the realignment of the southern section of Marsden Parade to create a four (4) way signal controlled intersection with Brisbane Street and Gordon Street, Ipswich. Due to the one way operation of Brisbane Street and Limestone Street and the current offset alignment of Marsden Parade and Gordon Street, motorist can travel southbound from Marsden Parade to Gordon Street (noting the difficulty of the closely

spaced left turn into Brisbane Street and subsequent right turn into Gordon Street), but cannot make the northbound connection. The realignment will facilitate an alternate north – south connection to East Street within the Ipswich City Centre, providing improved network permeability and resilience. Following completion of all design for the works Council is seeking contractors provide in a quality and cost effective solution the deliver the works.

#### 4.2 Evaluation Criteria and Weightings

The following table sets out the criteria and weightings against which Tender responses will be assessed. The weightings reflect a balance between the requirements necessary to successfully complete the project, the value for money objective and qualitative assessment criteria.

Category	Tender Evaluation Criterion	Panel Guidance	Weighting %
Mandatory at opening. Non- compliance will result in the Tender being disqualified from evaluation.	<ul> <li>On time</li> <li>Price</li> <li>Tender Form signed</li> <li>Licences/Registration</li> <li>Legal compliance</li> <li>Conflicts of Interest</li> <li>BoQ</li> <li>Program timing chart</li> </ul>	Tender submitted on time. Price submitted. Tender Form correctly signed/authorised. As applicable: licence class; certificates/number; National Prequalification System (NPS) R2 etc. supplied. No relevant/significant notices or breaches. No existing or potential conflicts of interest. Bill of Quantities included. Program of works (Gantt chart or similar) included.	Conforming or Non- conforming
Mandatory at final due diligence (pre- award).	<ul> <li>Insurance</li> <li>WH&amp;S</li> <li>Referees (including ICC internal)</li> <li>Claims History</li> <li>Financial Solvency &gt;\$2.0m (if applicable)</li> </ul>	Current insurance certificates provided (ie. Workcover, Public Liability, Professional Indemnity). Compliant with ICC WH&S requirements. Satisfactory confirmation of work performance by external and internal (ICC) referees. Satisfactory review of the Tenderer's variation claim history. Satisfactory review of the Tenderer's financial statements (if applicable).	Conforming or Non- conforming

# INFRASTRUCTURE SERVICES | TENDER EVALUATION AND PROBITY PLAN

Category	Tender Evaluation Criterion	Panel Guidance	Weighting %
Qualitative	Company Experience	Does the company profile provide	Weighting
quantative	company experience	details such as history, core business	Weighting
	1,241	and achievements?	5%
	e en processo de la	Has the Tenderer provided details of	
		two (2) projects undertaken in the	
		past five (5) years that are of a similar	
* <u>*</u>		scope and nature to the project	
	And the second s	tendered? Has the Tenderer provided	
		referee details of their last two (2)	
		projects regardless of size and	
		relevance to the project tendered?	
	Methodology and	Does the Tenderer provide details of	25%
	Timing	their program timing and execution of	
		the project? This includes	3
		documentation, such as a Gantt chart	
		and other documentary evidence of	
		methodologies that demonstrate how	
		the Tenderer will deliver the project	
		on time and within budget.	
		Innovation - Does the submission offer	
		innovative solutions that will provide	
		Council with a more effective and	
		efficient outcome such as reduced	
		whole of life (WOL) cost?	
		Are the BOQ's submitted by the	
		Tenderers generally consistent in item	
		values or volumes? A sharp	
		divergence in item values or volumes	
		when compared to other BOQs may	
	1.4	suggest the Tenderer has a different	
		strategy or an Alternative Tender.	
		If an Alternative Tender has been	
		submitted, will the alternative	U
		proposal impact the timing	
		requirements? Is the methodology of	
		the Alternative Tender sound and	
		supported by documentation?	St. 180. 1

# INFRASTRUCTURE SERVICES | TENDER EVALUATION AND PROBITY PLAN

Category	Tender Evaluation Criterion	Panel Guidance	Weighting %
	Personnel - Employees - Subcontractors	Employees – Are key personnel (Director, Project Manager, Engineer, Quality Representative and Site Foreman) who will be directly involved with this project suitably experienced? Subcontractors – Do the proposed sub-contractors have relevant experience and capability? Does the Tenderer propose to use sub- contractors, sub-consultants or internal resources? Have the names of the proposed sub-contractors been	15%
	Local Business and Industry	submitted? Is the Tenderer's business located within Council's local government area? Will the Tenderer utilise contractors or obtain goods and/or other services from businesses within Council's local government area.	5%
Price	Price. Note: Adjustment(s) to the original tendered price by post tender clarifications/negotiatio ns with the Tenderer must be explained in the Evaluation Report.	Quoted price. If the Tenderer has submitted exclusions or departures in their Tender response, will those exclusions or departures result in adjustment to the quoted price, are they reasonable or, do they setup potential for numerous variations during the project?	50%

The scoring guide is used to rate the Tenderers response to each of the qualitative evaluation criteria. Fractions are acceptable and may assist in ranking close responses.

Further detailed information relating to the scoring of qualitative responses is provided to each Panel member in their individual scoring spreadsheet.

Score	Comment
0-1	<b><u>STANDARDS NOT MET</u></b> - does not address the criterion; is not relevant; or, the response field is blank.
2-3	<b>POOR</b> - Substantial non-compliance with requirements and/or prior poor performance in ICC projects. Limited understanding of the criteria or limited capability to deliver. No confidence that the tenderer would be able to satisfactorily complete the project requirements.
4-5	<b>BORDERLINE</b> - Does not meet requirements, but may be adaptable. Less than satisfactory understanding of the criteria and/or less than satisfactory capability; less than satisfactory prior performance in ICC projects. Limited confidence that the Tenderer would be able to satisfactorily complete the project requirements.

Contract Number 13087- INF01909 Marsden Parade Stage 2

7

#### INFRASTRUCTURE SERVICES | TENDER EVALUATION AND PROBITY PLAN

Score	Comment		
6-7	<b>SATISFACTORY</b> - Meets requirements except for minor aspects. Satisfactory understanding of the criteria and/or has satisfactory capability; prior ICC project performance has been satisfactory. Confident that the Tenderer would be able to satisfactorily complete the project requirements.		
8-9	VERY GOOD - Meets all requirements. Demonstrates a very good understanding of the criteria and/or has very strong capability. Prior performance in ICC projects has been to a high standard. Strong confidence that the Tenderer would be able to complete the project requirements.		
10	<b>EXCELLENT</b> - Exceeds all requirements in a material and significant manner.		

## 5 EVALUATION PROCESS

#### 5.1 Tender Opening

At the prescribed Tender closing time, the electronic Tender Box will automatically close. To satisfy probity requirements, submitted Tenders require a minimum of two authorised Council Officers to be present when Tenders are downloaded from the Tender Box.

#### 5.2 Late Tenders

By resolution of Council (Corp.14.77.99 item 43.11), late tenders will not be accepted. A tender response not uploaded to the electronic tender box by the closing time and date will not be considered for evaluation unless there is evidence provided from the tender box administrator to satisfy Council that a submission was uploaded prior to the closing time.

#### 5.3 Separation of Pricing Material

Where the Tenderer has not provided a redacted version of their Tender, the Probity Manager will redact all price details from the Tender submissions prior to those submissions being made available to the Panel members. With the exception of redacted prices, submissions will be provided in "as received" condition for the member's evaluation.

#### 5.4 Evaluation Panel Briefing and Individual Assessment

The Probity Manager will convene the Panel to brief the members on the Tenders received, the evaluation process and probity requirements. Panel members are responsible to ensure they are familiar with the Procurement Plan and this TEPP. Each member must complete a Confidentiality and Conflicts of Interest Declaration prior to the briefing.

The Probity Manager will prepare and distribute individual spreadsheets to the members. The spreadsheet will set out the names of the Tenderers, evaluation criteria and scoring guidelines. Upon completion of the individual assessments, the Probity Manager will prepare a collective (master) evaluation spreadsheet and copy the individual spreadsheet data to the collective spreadsheet. The individual evaluation spreadsheets will be electronically stored for probity and transparency purposes.

If, during the member's individual assessment, the member notes the submission is incomplete and potentially disqualified from evaluation or, the submission may be an Alternative Tender, that matter should be discussed amongst the Panel in the collective assessment meeting.

#### 5.5 Collective Assessment and Moderated Qualitative Scores

The Panel will collectively review each submission and confirm its Compliance, Conformance or Alternative Tender status and if appropriate, accept the Tender for moderated qualitative scoring.

Where the Tender is accepted for consideration, the Panel's collective assessment is a collaborative score and is not intended to be an average score. Where collective agreement cannot be reached, the Chair may impose an average score for the purposes of completing the master spreadsheet. Dissenting view(s) must be highlighted in the Evaluation Report and signed by all members of the Panel. Where the Panel determine that the Tender submission is non-complying, non-conforming or an Alternative Tender, the Panel will proceed in accordance with this TEPP.

This process must be conducted with the Probity Manager present.

#### 5.6 Non-Complying Tenders

A complying Tender is a Tender that complies with the Conditions of Tender and those criteria must be set out in Evaluation Criteria and Weightings (Section 4). A non-exhaustive list of *examples* of a non-complying Tender and the outcome of that non-compliance are:

- Tender received after the Tender closing time (automatically disqualified);
- Tender form is not signed or signed by an unauthorised person (automatically disqualified from evaluation);
- Failure to reveal an existing or potential Conflict of Interest (automatically disqualified from evaluation);
- Failure to reveal legal compliance offences/notices (automatically disqualified from evaluation);
- The required program timing schedules/BoQ are not included in the submission (automatically disqualified from evaluation);
- Failure to include insurance certificates with initial submission (not usually disqualified from evaluation).

The Panel may only evaluate a Tender where non-compliance has not automatically disqualified that submission from evaluation. The Panel may, at its discretion, deem other non-compliance as disqualifying the submission and not accept the submission for evaluation during the evaluation process. Where the Panel accepts, at their discretion, a non-complying Tender for evaluation, that acceptance is conditional on the non-compliance being overcome by the tenderer supplying the missing document(s) or otherwise complying with the Conditions of Tender within 24 hours of being requested to do so by the Probity Manager.

#### 5.7 Non-Conforming Tenders

A non-conforming Tender is a Tender that does not conform to the requirements of, or it contains provisions not required or allowed by, the Tender documents. Examples may include:

- Contractual conditions imposed by the Tenderer onto the Principal;
- Specifications modified from the Tender requirements;
- Offered prices that are subject to conditions;
- Practical completion date that does not meet the original Tender requirements;
- Does not meet the required qualitative minimum score.

The Panel may collectively review the conformity of each submitted Tender with the requirements as set out in the Tender documents. Non-conforming Tenders may be set aside by the Panel until the Contract is awarded or, that submission may be considered an Alternative Tender and evaluated accordingly.

#### 5.8 Alternative Tenders

An Alternative Tender may not be flagged as such by the Tenderer. It is not necessary that the Tenderer submit a Conforming Tender for the Alternative Tender to be considered. An Alternative Tender may be characterized by:

- A significantly divergent methodology from that envisaged in the specifications;
- Conditioning of the Tenderer's proposal that requires agreement and/or concession(s) by the Principal;
- An innovative approach that may also offer significant cost savings;

The Panel is not required to consider an Alternative Tender although it may do so if deemed appropriate. An Alternative Tender is likely to require clarification from the Tenderer and the Probity Manager will make the appropriate enquiry as directed by the Chair.

If, following the Tenderer's response, the Panel deem the response unsatisfactory and/or it does not meet the project's objectives, the Panel may exclude the Alternative Tender from further consideration. Details of the reason(s) for doing so must be recorded.

#### 5.9 Clarifications

Where any aspect of a Tenderer's submission requires clarification, that matter should be brought to the attention of the Probity Manager who will contact the Tenderer on behalf of the Panel. All communications with the Tenderer must be documented by the Probity Manager who will inform the Panel of the response (if any) by the Tenderer.

# 6 TENDER EVALUATION METHODOLOGY

The Infrastructure Services Department evaluation methodology is based on the Best Value Index (BVI). It uses a formula that converts price and non-price factors into 'best value' indices and adds them together to derive the BVI. Tenders with higher BVI scores are recognised as the Tenders that best meet Council's qualitative and value for money objective.

The BVI is calculated by adding two indices; price index (PI) and non-price selection criterion index (NPI).

BVI = PI + NPI Where: NPI = non-price selection criterion index; PI = price index.

#### 6.1 Non-Price Index

#### 6.1.1 Non-Price Index

The evaluation process will utilise a non-price index (NPI). The NPI is a weighted score calculated from the individual scores the Panel members allocate to each criteria of the Tenderer's submission. The following procedure is to be used to calculate the NPI:

The following formula will be used to score the non-price selection criteria: NPI = Sum of all (NPS x NPW)

Where:

NPI = Index of the non-price selection criterion;

NPS = score (10 high) the Panel gives to the individual non-price evaluation criterion;

NPW = weighting of the individual non-price criterion (totals 100 – weighting of price).

#### 6.1.2 Sensitivity Analysis

The Chair will undertake a sensitivity/risk analysis to review provisional items, provisional if ordered items and, items outside the limits of accuracy. Potential risks to the delivery of the project, as outlined in the Procurement Plan or the TEPP, will be addressed. The sensitivity/risk analysis will be attached to the Evaluation Report.

#### 6.2 Non-Price Threshold

Ensuring value for money is a key objective and that principle requires acceptance of a reasonably priced tender that will provide the best overall outcome for Ipswich City Council. However, it is not necessarily the lowest priced tender. It is vital that the Tenderer can perform the required services as set out in the Tender document in a timely and professional manner.

Following the qualitative evaluation and prior to the inclusion of the Tenderer's prices, those Tenderers who have achieved a cumulative score of fifty percent (50%) or less than the highest cumulative qualitative score will be excluded from further evaluation regardless of their offered price.

#### 6.3 Price Index

The evaluation process will utilise a Price Index (PI) as a weighted score calculated for a Tendered price. PI is the weighted Price Score (PS) multiplied by the price weighting (PW).

PI = PS x 45/100 (Example shows price weighting of 45%).

The formula to calculate PS includes the submitted Tender price and a "threshold price". The threshold price could be either the price of the lowest conforming Tender or the price used to identify the lowest bid.

Using the following formula, the Tendered price is ranked with the highest score of 10 for the price which is equal to the price of the "threshold price".

28 JANUARY 2020

Item 25.25 / Attachment 1.

INFRASTRUCTURE SERVICES | TENDER EVALUATION AND PROBITY PLAN

 $PS = 10 - 10 \times (PT-PTh) / PTh$ 

#### Where:

- PS = score of the price of the Tender;
- PT = submitted Tender price;
- PTh = Threshold price.

#### 6.4 Shortlisting

The number of Tenderers to be shortlisted, if any, will be determined by the Panel and there is no requirement for the Panel to create a shortlist. The Panel will consider the closeness of the evaluated scores; the number of Tenderers; value for money or, other opportunities to the advantage of Ipswich City Council in considering whether to create a shortlist of Tenderers or, nominate a single Tenderer as the Preferred Tenderer.

#### 6.5 Negotiation

Negotiations may be undertaken with the Preferred Tenderer only or, simultaneously with any/all of the shortlisted Tenderers.

The Chair will highlight the areas requiring negotiation and prepare a negotiation plan in consultation with the Probity Manager. Negotiations may include, but are not limited to, price and other financial undertakings, process documentation, contract terms and conditions, personnel and, working with Council.

The negotiation plan, approved by the Delegated Officer, will confidentially set out Council's preferred and minimum positions. In limited circumstances, the Chair and the Delegated Officer may determine that an external specialist negotiator is required to represent Council.

The negotiation process must be concisely documented and outcomes are subject to approval by the Delegated Officer.

#### 6.6 Due Diligence

Due diligence refers to the confirmation of claims or information in the Preferred Tenderer's submission. This includes:

#### 6.6.1 WHS

The Probity Manager will request a WHS evaluation of the Preferred Tenderer. Where the Preferred Tenderer has an existing Ipswich City Council WHS number, re-evaluation is not required. If WHS approval is required, the Probity Manager will ensure a Confidentiality and Conflict of Interest declaration has been signed by the WHS representative prior to release of the Tenderer's information.

#### 6.6.2 Referee Checks (including internal)

The Panel may undertake referee checks with the referee(s) nominated in the Preferred Tenderer's submission. Where the Preferred Tenderer has previously undertaken work for Ipswich City Council, the Preferred Tenderer's performance can be established by enquiry to the relevant Project

Manager and Contractor Performance Reports.

All referee responses must be documented and form part of the Evaluation Report.

#### 6.6.3 Financial Solvency

For projects of significant value (>\$2.0m), the Tender documentation may require the Tenderer to submit audited financial statements of their business to determine whether they have sufficient financial resources to undertake the project. No request for the Tenderer's financial statements will be made by ICC where the Tenderer provides those statements to the Department of Transport and Main Roads (DTMR) as part of that pre-qualification process.

If requested by Ipswich City Council, the financial statements may only be accessed by a qualified accountant (CPA or similar) who is an ICC employee, who has been briefed by the Probity Manager and has completed a confidentiality declaration. The accountant's opinion of the financial standing of the Preferred Tenderer will form part of the Evaluation Report.

#### 6.6.4 Claims History

Tenderer documentation may have required the Tenderer to provide details of their claims history for their two most recent contracts. If provided, the claims history will be utilised to predict the potential claim risks behaviour by the Tenderer. Verification of the claim history will be sought from the Tenderer's nominated referee.

#### 6.7 Evaluation Report and Approval

On completion of the evaluation process, the Chair will prepare the Evaluation Report. The evaluation report will be endorsed by all members of the Panel and the Probity Manager.

The Delegated Officer (or authorised delegate) will review the Evaluation Report to ensure that:

- the objectives of the project have been reached,
- value for money was achieved, and
- the evaluation process was fair and the required probity standards were met.

If satisfied, the Delegated Officer will approve the report and consequent recommendation.

#### 7 PROBITY

Probity compliance is integral to the procurement and evaluation process. All Council staff associated with the Tender must maintain the highest ethical standards. A Probity Manager is appointed to manage the tender process and is responsible that all Panel members apply the principles of probity throughout the evaluation process. All members must have completed probity training.

## 7.1 Fairness and Impartiality

The Chair and the Probity Manager will ensure that probity principles of ethical behaviour, honest dealing and transparency of process are achieved in accordance with this TEPP. The Panel will:

Contract Number 13087- INF01909 Marsden Parade Stage 2

#### INFRASTRUCTURE SERVICES | TENDER EVALUATION AND PROBITY PLAN

- Be impartial, uninfluenced, accountable and promote professional practice;
- Not entertain approaches from suppliers that might be interpreted as attempts to influence the evaluation process (accept or seek favours or gifts during the Tender process);
- Not allow their private interests to conflict with their duties;
- Not prefer the interests of one Tenderer to the interests of another due to their own opinion;
- Respect the commercial confidentiality of the Tender submission and any other information provided by the Tenderer; and
- Follow prescribed systems and procedures, including this TEPP.

#### 7.2 Accountability and Transparency of Process

Ensuring accountability means that the actions and decisions of the Panel are justifiable and will withstand scrutiny. Without limiting this primary principle, the Chair and Probity Manager will ensure:

- The Tender process is fair and provides equal treatment to each Tenderer;
- All dealings with Tenderers are transparent; and
- Negotiations, if any, are conducted in good faith.

#### 7.3 Confidentiality and Security of Information and Materials

The Tender Administrator and Chair are responsible and will ensure:

- That all documents relating to the Tender or evaluation process are securely stored (whether electronic or paper records) in accordance with standard commercial-inconfidence procedures; and
- All communications, including evaluation meetings, are secure.

A record of all communications with the Tenderers will be maintained. To the extent that communication is not written, such as in meetings and telephone conversations, a permanent record of such communication will be made. This may extend to recording meetings and the use of telephone call file records.

All computer files/correspondence must be stored securely during the evaluation process.

#### 7.4 Effective Management of Conflicts of Interest

Where a member declares an actual or potential conflict of interest, the Probity Manager in conjunction with the Delegated Officer will determine whether the conflict of interest is significant. Subject to the level of significance, the Probity Manager and Delegated Officer may elect to:

- Take no action;
- · Limit the member's access to the content of the Tender submissions; and/or,
- Revoke the member's tender scoring authority; or,
- · Remove the member from the Panel and substitute with another person.

Note that all actual or potential conflicts of interest and the management action must be concisely documented.

#### 7.5 Panel Member Individual Recourse

Panel members with concerns about the conduct of the Panel or compliance with the probity requirements of the evaluation process should promptly raise those concerns with the Chair and the Probity Manager. In consultation with the Probity Manager, the Chair will consider the matter and make an appropriate report and recommendation to the Delegated Officer.

Where it is not appropriate to raise the actual or perceived conflict of interest with the Chair and/or the Probity Manager, the Panel member may report directly to the Delegated Officer or ICC's Legal Department.

#### 8 TENDERER DEBRIEFING

All tenderers shall be given an opportunity to receive feedback on their submission. Requests for debriefing will be limited to a period of one month following formal notification to successful/unsuccessful tenderers of the outcome.

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26.26
BRISBANE LIONS LEASE OF DEVELOPMENT AREA 22A AND 22B - NORTHERN SPORTSFIELDS
GENERAL MANAGER - COORDINATION AND PERFORMANCE
13 JANUARY 2020

# **EXECUTIVE SUMMARY**

This is a report concerning the negotiation and finalisation of the lease agreement between Council and the Brisbane Lions Football Club allowing the Lions to develop and lease Development Areas 22A and 22B referred to hereinafter as the Northern Sportsfields.

The entering into a lease is considered as disposal of an asset and as such is regulated by the local government act. This report identifies that as the Brisbane Lions are considered a community organisation in accordance with the definition in the Local Government Regulation and therefore an exception applies under Section 236 (1)(b)(ii) which allows Council to enter into a lease with the Lions without going through a tender or auction due to their status as a community organisation.

This report seeks approval from Council for the CEO to negotiate and finalise the terms of an agreement for lease and a lease with the Brisbane Lions Football Club for the Northern Sportsfields.

# RECOMMENDATION

That the Interim Administrator of Ipswich City Council resolve:

- 1. That pursuant to Section 236 (1)(b)(ii)of the *Local Government Act 2009*, Council resolve that an exception is applicable for the disposal of valuable non-current assets, namely Development Areas 22A and 22B to a community organisation, namely the Brisbane Bear-Fitzroy Football Club Ltd, trading as the Brisbane Lions.
- 2. That Council enter into an agreement for lease and lease with the Brisbane Bear-Fitzroy Football Club Ltd, trading as the Brisbane Lions for Development Areas 22A and 22B.
- 3. That the Chief Executive Officer be authorised to negotiate and finalise the terms of the lease agreements for Development Areas 22A and 22B.

# **RELATED PARTIES**

- Brisbane Bear-Fitzroy Football Club Ltd, trading as the Brisbane Lions
- Springfield City Group (formerly Springfield Land Corporation)
- There are no known conflicts of interest in relation to this report.

# ADVANCE IPSWICH THEME

Managing growth and delivering key infrastructure

# PURPOSE OF REPORT/BACKGROUND

On the 10<sup>th</sup> of October 2017, Council entered into a non-binding Heads of Agreement (HOA) with the Brisbane Bears-Fitzroy Football Club Ltd, trading as the Brisbane Lions and the Australian Football League (AFL), for the development of the Springfield Central Northern Sporting Fields including a community AFL stadium with spectator facilities and the Lions high performance training and administration centre. A copy of the HOA is attached to this report (Attachment 1). This replaced an earlier MOU prepared in 2014 that addressed substantially the same matters.

The primary lot for the Lions stadium is described as Development Area 22A - 60 Springfield Greenbank Arterial, Springfield Central. The Lions stadium and associated training and administration buildings will be constructed on this lot. The MOU provides for an initial lease for Development Area 22A to the Brisbane Lions for a period of 50 years with an option to renew for a further 49 years.

There is also an additional lot adjacent to DA 22A which is described as Development Area 22B – 60 Springfield Greenbank Arterial, Springfield Central. The Brisbane Lions have requested that Council also consider providing Brisbane Lions access to Development Area 22B via a lease to enable Brisbane Lions to develop the community sports facilities earlier – and to a higher standard – than Council would normally have done. This would require Council providing Brisbane Lions with the embellishment funds mandated under the Springfield Infrastructure Agreement to be spent by Council to embellish the site to a local sportsground standard. An additional lease would be entered into by Council with the Brisbane Lions for Development Area 22B.

The Local Government Regulation Section 236(1)(b)(ii) provides an exception for the disposal of valuable non-current assets other than by tender or auction if the organisation that is entering into the lease is a community organisation. A community organisation is defined in the Local Government Regulation as:

- (a) An entity that carries on activities for a public purpose; or
- (b) Another entity whose primary object is not directed at making a profit.

External counsel and Council's General Counsel have reviewed the Brisbane Lions constitution and have determined that they qualify as a community organisation based on

the fact that they are a not for profit entity and other aspects of their constitution which identifies them as a community organisation.

This report is therefore seeking a resolution from Council to apply the exception under Local Government Regulation Section 236(1)(b)(ii) and authorise the CEO to negotiate and finalise the terms of the leases over Development Areas 22A and 22B.

# LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions: *Local Government Regulation 2012* 

# **RISK MANAGEMENT IMPLICATIONS**

If Council were to choose not to resolve to enter into a lease with the Brisbane Lions for the development areas the stadium project cannot proceed.

This is considered to be a positive initiative by Council for the community and as such it is considered low risk in terms of Council's reputation to proceed in accordance with the recommendations of this report.

# FINANCIAL/RESOURCE IMPLICATIONS

There are no significant additional financial implications for Council in entering into lease agreements with the Brisbane Lions that will facilitate the development of Council owned assets. Council has already committed to investing significant funds into this project. The long term lease agreement will make the Brisbane Lions responsible for the maintenance of the improvements on this facility while the lease is in place.

# COMMUNITY AND OTHER CONSULTATION

There has been no community consultation in relation to this report by Council however the Brisbane Lions have been conducting consultation with the community in relation to their project.

Council's General Counsel and external legal counsel have been consulted in relation to this report, specifically in relation to the Brisbane Lions meeting the requirements to be considered a community organisation in accordance with the Local Government Regulation. General Counsel and external Counsel have both determined that the exception under the regulation is applicable to the Brisbane Lions.

# CONCLUSION

The Local Government Regulation Section 236(1)(b)(ii) provides an exception for Council to dispose of a valuable non-current asset other than by tender of auction if the asset is disposed of to a community organisation.

The Brisbane Lions qualify as a community organisation based on their constitution, as confirmed by Counsel's General Counsel and external legal counsel.

This report seeks the Council to resolve that the exception apply and authorise the Chief Executive Officer to negotiate and finalise the terms of the agreement for lease and the lease for Development Areas 22A and 22B, the Northern Sportsfields.

# ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

2. Brisbane Lions Constitution 🗓 🖾	1.	2017 Heads of Agreement 🗓 🖀
	2.	Brisbane Lions Constitution 🗓 🖾

# Sean Madigan GENERAL MANAGER - COORDINATION AND PERFORMANCE

I concur with the recommendations contained in this report.

David Farmer CHIEF EXECUTIVE OFFICER

"Together, we proudly enhance the quality of life for our community"

# Heads of Agreement

# BETWEEN Ipswich City Council ("ICC") ABN 61 461 981 077

- AND Brisbane Bears-Fitzroy Football Club Ltd, trading as the Brisbane Lions, ("BLAFC") ABN 43 054 263 473
- AND Australian Football League Ltd (AFL) ABN 97 489 912 318

Together "the parties"

REGARDING The development of the Springfield Central Northern Sporting Fields including a community AFL stadium with spectator facilities and the BLAFC high performance training and administration centre

# DATE

# 1. Introduction

- 1.1 Terms used in this Agreement are defined in Section 11.
- 1.2 The parties wish to develop community Facilities incorporating a Stadium for the playing of AFLW, AFL pre-season, second tier AFL games, other community uses and sporting events and a high performance training and administration centre for BLAFC and a separate community use oval within the City of Ipswich at Springfield Central.
- 1.3 This document sets out the basis upon which the parties intend to progress the Project and the key inputs and outcomes expected by each party.

Page 1 of 12

# 2. Proposed Facilities

2.1 The Facilities that shall be developed are proposed to be as outlined in Attachment 1 to this document. The parties acknowledge that the design is a concept drawing only at this stage and further discussions will take place between the parties to fine tune the design however, the Site location and area within the boundary will not be less than indicated in Attachment 1.

# 3. Estimated Costs and Funding

- 3.1 The estimated construction cost of the Facilities and related infrastructure is approximately \$50m excluding GST, or such other amount as agreed by the parties.
- 3.2 It is anticipated that the Facilities shall be funded via a joint funding proposal between Federal Government, Queensland State Government, AFL, BLAFC, ICC and other parties as agreed.
- 3.3 The parties shall work collaboratively and in good faith in seeking funding from the State and Federal Governments within an agreed timeframe.
- 3.4 The AFL and BLAFC will together contribute \$10m to the Project in line with the AFL's established principles for such project both for AFL Clubs and community projects. The AFL contribution is subject to AFL Commission approval.
- 3.5 Ipswich City Council agrees that funds required to be spent by Springfield Land Corporation (SLC) under existing development approval conditions for embellishment of the Site amounting to approximately \$12m (SLC Contribution) will be made available for the Project.
- 3.6 The SLC Contribution is subject to SLC and Ipswich City Council entering into an appropriate Infrastructure Agreement recognizing the SLC Contribution.
- 3.7 The parties agree that any interest earned on funds held in any bank account established for the project will be utilised for the project.

# 4. Facilities Locality Principles

4.1 Subject to approval under provisions of the Ipswich Planning Scheme it is proposed that the Facilities shall be located within the Site as outlined in Attachment 1 ("Site").

Page 2 of 12

# 5. General Principles

- 5.1 Subject to the Specific Principles in clause 6, ICC will enter into an Agreement for Lease with BLAFC which will incorporate the terms under which the Facilities will be developed and leased to BLAFC.
- 5.2 The parties will work collaboratively to plan and develop the proposed Facilities as outlined in Attachment 1 including using reasonable endeavours to redesign the proposed Facilities to achieve the required functionality should sufficient funding for the current proposed Facilities not be secured on terms acceptable to the parties.
- 5.3 The Site as identified in Attachment 1 shall be provided to BLAFC by the ICC in accordance with the general principles as outlined in this Agreement and in particular under the Agreement for Lease.
- 5.4 ICC agrees that the Site will be included as a Development Area within the Town Centre Concept Plan under the provisions of the Springfield Structure Plan and the Springfield Town Centre Infrastructure Agreement.
- 5.5 All bulk earth works required to achieve the final desired landform ready for construction and reticulation of services to the boundary of the Site shall be undertaken by SLC and ICC prior to the commencement of construction of the Facilities. Such works shall be at no cost to BLAFC. This obligation is also subject to ICC and SLC entering into an Infrastructure agreement recognising SLC's obligation to provide the Earthworks.
- 5.6 It is agreed that the Site will be included within the suburb of Springfield Central

# 6. Specific Principles

#### Agreement for Lease

- 6.1 Subject to the funding arrangements in clause 3 being confirmed and ICC obtaining a Ministerial exemption under 236(1)(f) of the Local Government Regulations 2012, the parties will enter an Agreement for Lease incorporating (but not limited to) the following key terms:
  - 6.1.1 An initial term of 50 year Lease for BLAFC to occupy the Facilities, from the ICC with an option to renew for 49 years.

Page 3 of 12

- 6.1.2 The annual rental shall be \$1 per annum for the first 20 years subject to compliance with the material provisions of the Lease by BLAFC. The Lease shall be consistent with the intent of this Agreement and grant a usage of the Stadium Site on all year round basis for the purposes of staging games, training, rehabilitation and any other related activity associated with BLAFC's operation as an elite football team; A rental review shall be undertaken after the first 20 years and will be carried out every 10 years after the first rental review until the initial term is completed. The new rent under any rental review will be negotiated between the parties in good faith. If the parties cannot reach agreement, the rent will be determined by a 3<sup>rd</sup> party market review. The 3<sup>rd</sup> party market review will on the basis of a lease of land for a similar purpose and function equivalent to the Facilities recognising the significant capital contribution to be made to the Facilities by BLAFC (directly and indirectly through State and Federal Government funding).
- 6.1.3 At the end of the initial term of the Lease over the Stadium Site BLAFC shall be offered a further term of a 49 year Lease (Renewal Period) by the ICC subject to the Local Government Act on terms to be negotiated.
- 6.1.4 The rent for the Renewal Period will be negotiated in good faith between the parties and if agreement cannot be reached then the rent will determined a 3<sup>rd</sup> party market review. The rent for the Renewal Period will be reviewed every 10 years in accordance with the same principles outlined in 6.1.2
- 6.1.5 BLAFC will be responsible for the design, construction and development of the Facility with input from ICC.
- 6.1.6 The parties will work in collaboration and in good faith on the exterior design of the proposed Facilities to ensure the best design outcome to the satisfaction of all parties and within the agreed Project budget.
- 6.1.7 ICC will not place unreasonable conditions on the exterior design of the Facilities and in the event that a disagreement with BLAFC cannot be resolved, the parties shall act promptly and fairly which may include the appointment of an independent, mutually agreed Mediator to resolve the disagreement.
- 6.1.8 ICC acknowledges that BLAFC will have the final decision with respect to the design and layout of the interior of the buildings within the Site.
- 6.1.9 BLAFC must ensure that the design and layout of the interior of the buildings is such that it can be constructed within the agreed Project budget.

Page 4 of 12

- 6.1.10 BLAFC will hold all rights (e.g. signage, naming, catering, hire) to all Facilities (including the Stadium built as part of this Agreement) and be entitled to on-sell such rights on such terms as BLAFC shall determine from time to time. Naming rights will be subject to Council approval which shall not be unreasonably withheld or delayed and ICC will exercise its discretion to approve third party advertising under its Signage Policy. If BLAFC sells naming rights to the Stadium ICC agree, if requested, to refer to the Stadium by the name advised in any communications referring to the Stadium.
- 6.1.11 BLAFC will provide ICC the opportunity to display Council branding around sections of the Stadium subject to BLAFC meeting its sponsorship and rights obligations, BLAFC and ICC agreeing on the size and location of such branding and Ipswich Planning Scheme provisions.
- 6.1.12 The parties shall be responsible for their own costs associated with the preparation of the Lease and the Further Agreements.
- 6.1.13 A Project Control Group will be established to oversee the implementation of the Project. In addition, a Project Working Group will be established that will report in to the Project Control Group and be responsible for the day to day running of the project.
- 6.1.14 BLAFC shall be entitled to hold commercial and community activities such as AFLW, pre-season and practice matches, sponsor events and community events/clinics at the Site.
- 6.1.15 ICC shall be responsible for all Council fees, charges and rates associated with BLAFC's occupation and usage of the proposed Site.
- 6.1.16 BLAFC shall be responsible for all outgoings and utilities fees associated with BLAFC's usage of the proposed Site, excluding those Council fees, charges and rates as outline in Clause 6.1.15.
- 6.1.17 BLAFC will be able to sub-let or licence the Facilities, or any part of the Facilities, within the Site, subject to ICC approval (which shall not be unreasonably withheld or delayed) and such usage being permissible under the relevant provisions of the Ipswich Planning Scheme.

#### Secondary Ovals

6.2 The parties agree that the Secondary Ovals will not form part of the Agreement to Lease.

Page 5 of 12

- 6.3 ICC recognises that BLAFC wish to incorporate the costs of building, maintaining and operating the Secondary Ovals as part of the Facilities. The parties agree to work collaboratively to develop a separate access arrangement which will allow the BLAFC and AFL a level of exclusivity which will recognise BLAFC' financial contribution while still allowing community use of the Secondary Ovals as a regional sports ground.
- 6.4 Any access arrangement in relation to the Secondary Oval will be subject to ICC obtaining any approvals or exemptions under the Local Government Act 2009 and the Local Government Regulations 2012.

#### Building, Oval and General Maintenance

6.5 BLAFC will meet the costs of building, oval and general maintenance relating to the leased area and Facilities during the period of the Lease. BLAFC may pass on all reasonable and proportional maintenance costs to community users/commercial partners whom may use the Facilities, as part of the user charges developed for these areas.

#### Community Usage of 25m Lap Pool Facilities

6.6 In the event a 25m lap pool forms part of the Facilities, BLAFC will make the 25m lap pool available for community learn-to-swim usage (via an arrangement with a commercial operator) when the Facilities are not required for training or rehabilitation by BLAFC or under other contractual commitments of BLAFC.

#### Community Usage of the AFL Standard Playing Surface

- 6.7 As part of the Lease, usage of the Stadium AFL standard playing surface by community groups shall be permitted by BLAFC, but only if:
  - 6.7.1 This usage does not interfere with the training and rehabilitation needs of BLAFC; and
  - 6.7.2 That usage does not adversely impact the standard of the playing surface (which is required to be maintained at all times to an AFL standard).

Page 6 of 12

- 6.8 Subject to the above Clause, community usage of the Stadium AFL standard playing surface will not be unreasonably withheld by BLAFC.
- 6.9 Given the AFL contributions to the project BLAFC will work with AFL and AFLQ to ensure that elite talent programs have access to the Facilities as BLAFC training schedule permits. User agreements and fee structures will be negotiated between BLAFC, AFL and AFLQ in good faith.
- 6.10 BLAFC will jointly with ICC set the community usage fees on an annual basis, after consideration of the overall costs of maintaining the ground to an AFL standard.
- 6.11 Usage of the Stadium by the approved community users shall be subject to and on the terms of a Standard User Agreement as determined by BLAFC from time to time. The Standard User Agreement will be agreed upon by ICC and BLAFC
- 6.12 BLAFC and ICC agree to work in collaboration to monitor the condition of the playing surface and to adjust user access as required.
- 6.13 The AFL's formally appointed turf consultants shall be used to determine compliance with the required playing surface standards, should any dispute between the BLAFC and ICC regarding community usage arise.

#### Incentive for Additional Community Usage of Facilities and Partnerships

- 6.14 BLAFC and ICC will work collaboratively for the delivery of additional community, social, economic and branding benefits to BLAFC and the ICC. Such benefits may include but not be limited to:
  - Development of a "Lions in Schools" Program.
  - Setting a minimum number of player appearances per annum within the lpswich area.
  - Development of a Community Program (in partnership with ICC) which shall target specific social issues.
  - Holding a Club managed Corporate Golf Day at the Brookwater Golf Course.
  - Players acting as "Ipswich Ambassadors".
  - BLAFC assisting with the promotion of ICC facilities and activities.
  - AFL Community programs (delivered in partnership with BLAFC) with Springfield as a major regional focus for football activities.

Page 7 of 12

#### Car Parking

6.15 This agreement is subject to the ICC and Department of Transport and Main roads entering into an agreement satisfactory to ICC in relation to the provision of public car parking adjacent to the Springfield Central Railway Station.

#### Signage

- 6.16 ICC recognises BLAFC's need for sponsorship and identification signage at the Facilities and shall enable BLAFC to erect (as a minimum and subject to the Ipswich Planning Scheme):
  - BLAFC and commercial signage around the perimeter of the Stadium;
  - BLAFC and commercial signage on the training and administration building;
  - BLAFC and commercial signage flagpoles within the Site;
  - BLAFC and commercial signage facing the railway stations and adjacent roads; and
  - BLAFC and commercial signage at and around the entrance to the facility and the Site.

# 7. Commercial Development Rights

7.1 ICC acknowledge that any planning approval relating to the Site may (subject to the ICC planning scheme and the Sustainable Planning Act 2009) accommodate a range of development uses that can, at the election of BLAFC, be commercialised as income producing activities for BLAFC. These opportunities shall be consistent with the proposed Facility development and include but are not limited to uses such as a Medical Centre, child care centre, indoor sport and recreation, gymnaslum, aquatic centre, offices, function and entertainment centre, restaurant, café, catering venue and other uses/Facilities that may be agreed between the parties.

# 8. Confidentiality

- 8.1 The parties must treat as confidential information:
  - 8.1.1 The fact that the parties have entered this Agreement;
  - 8.1.2 The provisions of this Agreement; and
  - 8.1.3 All information provided by the other party in connection with this Agreement.
- 8.2 A party must not disclose the other party's confidential information to any person except:

Page 8 of 12

8.2.1 To employees (which term includes agents, contractors, and subcontractors) on a "need to know" basis provided those persons first agree to observe the confidentiality of the information;

8.2.3 To legal and financial advisers;

8.2.4 With the other party's prior written consent which shall not be unreasonably withheld or delayed;

8.2.5 If required by law, any regulatory body; or

8.2.6 If it is in the public domain other than as a result of a party's breach of an obligation of confidentiality.

- 8.3 The recipient of confidential information indemnifies the disclosing party against and must pay on demand any losses, costs or damages directly or indirectly incurred by the disclosing party by reason of a breach of the recipient's obligations under this Clause 6 including any breach or misuse of the disclosing party's confidential information by an employee, officer, agent, contractor, legal, financial or other professional adviser of the recipient.
- 8.4 The obligations in this Clause 8 survive any termination or expiry of this Agreement.

# 9. Agreements to be entered into to complete this transaction

- 9.1 The parties hereto agree to immediately proceed with further preparation and execution of a number of agreements referred to in this Heads of Agreement ("the Further Agreements") addressing amongst other things all matters raised in this Agreement to do with financing, structure, acquisition, land sponsorship, maintenance and the Lease. These Further Agreements shall contain such representations, warranties, covenants and indemnities similar to those in like transactions as mutually agreed between the parties in good faith. In the event that at the time the Further Agreement, the parties shall procure that the substitute parties shall agree, in addition to the existing parties, to be obliged to perform, purchase, be responsible or obligated to commit themselves to this Agreement and the Further Agreement.
- 9.2 Following the date of execution of this Agreement, the parties shall afford to each other free and full access to such records reasonably required for the purpose of this Agreement on reasonable notice during normal business hours in order to permit the parties to conduct such of the transactions contemplated in the Further Agreements. The parties will hold in confidence all information obtained in respect of this further information in order that they expeditiously execute the Further Agreements.

Page 9 of 12

9.3 The parties to this Agreement represent and warrant to each other that they will not enter into any other Agreement or deal with any other party in respect of the business contemplated by this Heads of Agreement until all parties in good faith have exhausted all avenues to enter the Further Agreements or this Agreement has been otherwise terminated.

#### 10. Miscellaneous

- 10.1 This Heads of Agreement is not intended to be legally binding. The purpose is to outline the basis on which the parties are willing to enter into negotiations for preparing and executing the Further Agreements that will bind the parties.
- 10.2 Each party is required to keep confidential the proposed terms of this transaction and all information in connection with the transaction.

### 11. Definitions

#### In this Agreement:

AFLQ means AFL Queensland which is the state controlling body for the Australian Football League in Queensland

AFLW means the premier women's Australian Football competition conducted by AFL

Agreement means this Head of Agreement as executed.

Building Envelope means the area marked on the attached plan as "Training and Administration Facility";

Facilities mean the proposed stadium and community facilities and the BLAFC high performance training and administration centre, oval and includes the improvements marked on the attached plan marked [Attachment 1] and any other improvements developed on the Site but does not include the Secondary Oval;

Further Agreement has the meaning given to that phrase in clause 12.

Lease means the proposed Lease from ICC to BLAFC over the Site as outlined in clause 6 and may include an agreement for lease.

Medical Centre means any premises used or intended for use for the medical care or treatment of persons not resident on the site.

The term includes premises used or intended for use by a chiropodist or podiatrist, chiropractor, dentist, medical practitioner, optometrist, pathologist, physiotherapist, radiologist or similar paramedical person, in the practice of that profession. The term does not include a Hospital.

Project means the proposal to develop the Facilities and associated infrastructure as contemplated by this Agreement.

Secondary Ovals means the area marked in Attachment 1 as Secondary Oval Site including playing ovals which, subject to budget constraints is proposed to be at least one synthetic playing surface, amateur sporting club facilities and any improvements relating thereto, to be developed on the north side of Eden Station Drive

Page 10 of 12

Site means the area outlined in Attachment 1 and which includes the Stadium.

Stadium means the area marked in Attachment 1 as Stadium Site including a proposed natural turf AFL oval incorporating spectator facilities capable of allowing spectators to view matches and to be used for the purpose of staging AFLW games, pre-season AFL games and second tier AFL games as well as for training and rehabilitation of elite players by BLAFC. This may include provision of broadcast quality sporting lighting to enable the playing and broadcast of night games.

Page 11 of 12

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Signed and swom on behalf of Ipswich City Council by its authorised officer.

Signed for and behalf of Australian Football League by its authorised officer.

GREG SWANN - CEO Signed for and behalf of Brisbane Bears-Fitzroy Football Club Ltd by its authorised officer.

Page 12 of 12

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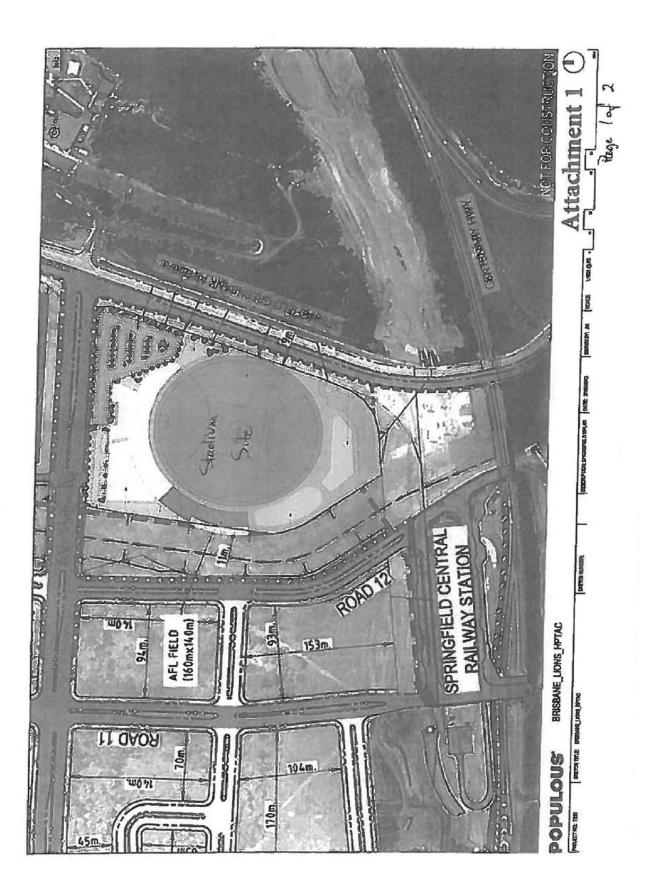
This Heads of Agreement was executed in  $\mu \circ b \circ \sqrt{\Lambda \theta}$  on the  $10^{10}$  day of  $0 \circ t \circ b \circ \sqrt{2017}$ .

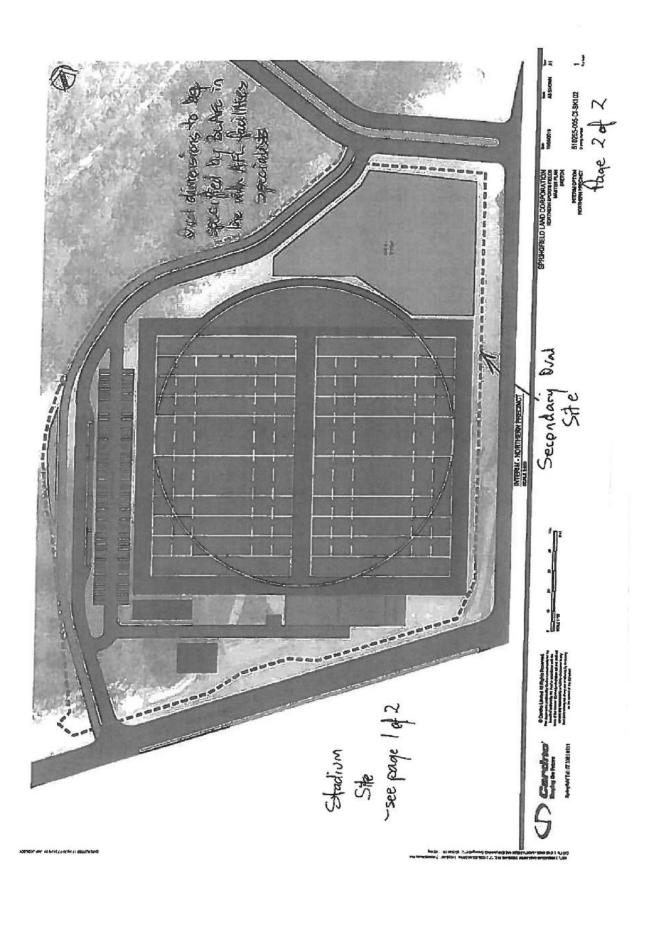
Signed and sworn on behalf of Ipswich City Council by its authorised officer.

Signed for and behalf of Australian Football League by its authorised officer.

Signed for and behalf of Brisbane Bears-Fitzroy Football Club Ltd by its authorised officer.

Page 12 of 12





"Corporations Act 2001 (Cwth)"

A Company Limited by Guarantee

# Constitution of Brisbane Bears–Fitzroy Football Club Limited

ACN 054 263 473

(ADOPTED BY MEMBERS ON 18 DECEMBER 2013)

#### CORPORATIONS ACT 2001 (CTH)

#### COMPANY LIMITED BY GUARANTEE

#### CONSTITUTION

of

#### BRISBANE BEARS-FITZROY FOOTBALL CLUB LIMITED

#### ACN 054 263 473

#### INDEX TO CONSTITUTION

1.	INTERPRETATION	1
2.	AMENDMENT	3
3.	MEMBERSHIP	3
4.	CLASSES OF MEMBERSHIP	4
5.	GENERAL MEETINGS	6
6.	PROCEEDINGS AT GENERAL MEETINGS	7
7.	VOTING AT GENERAL MEETING	8
8.	FINANCIAL YEAR	10
9.	THE BOARD	10
10.	DISQUALIFICATION OF MEMBERS OF BOARD	12
11.	POWERS AND DUTIES OF THE BOARD	13
12.	REGULATIONS	15
13.	AFL DELEGATES	15
14.	CHEQUES, BILLS ETC	16
15.	EXECUTION OF DOCUMENTATION	16
16.	ACCOUNTS	16
17.	AUDITORS	16
18.	NOTICES	17
19.	INDEMNITY	18

20.	WINDING UP	19
21.	LICENSING – VICTORIA	19
22.	LICENSING – QUEENSLAND	20

#### **CORPORATIONS ACT 2001 (CTH)**

#### COMPANY LIMITED BY GUARANTEE

#### CONSTITUTION

of

#### BRISBANE BEARS-FITZROY FOOTBALL CLUB LIMITED

#### ACN 054 263 473

#### 1. INTERPRETATION

1.1 In this Constitution unless a contrary intention appears:

"Act" means the Corporations Act 2001 (Cth) as amended from time to time;

"AFL" means Australian Football League or its successor;

**"Board"** means the Board of Directors of the Corporation constituted under this Constitution;

"Club Governance Manual" means the guidance manual adopted by the Board in respect of the governance of the Corporation, as amended by the Board from time to time;

"**Constitution**" means the Constitution of the Corporation for the time being in force and a reference to a particular clause is a reference to a particular clause in this Constitution;

"Corporation" means Brisbane Bears-Fitzroy Football Club Limited ACN 054 263 473;

"Director" means a member for the time being of the Board;

"Full Member" means a person who obtains membership under clause 4.1(a);

"in writing" means written, typed or printed, or partly written, partly typed and partly printed and includes, without limitation, electronic communication;

"Life Member" means a person who obtains membership under clause 4.1(c);

"Membership Application" means a membership application in the forms as the Board may from time to time approve;

"Officer" has the same meaning as given to that term in Section 9 of the Act;

"**Player**" means a person who for the time being is a player engaged by the Corporation to play Australian Football or some other athletic games or sport whether as an individual or for a team or teams operated, managed or supported by the Corporation;

"Season Ticket Member" means a person who obtains membership under clause 4.1(b);

"Social Member" means a person who obtains membership under clause 4.1(d);

#### - 2 -

"Subscription Fees" means any membership subscription fee or annual subscription fee, for any class of membership, fixed by the Board from time to time.

Words importing the singular number include the plural number and vice versa.

Words importing the masculine include the feminine and vice versa.

Words importing persons include corporations.

Headings shall not affect the construction of this Constitution.

- 1.2 The Corporation has the following objects:
  - to hold and maintain its licence from the AFL entitling the Corporation to operate an AFL club and to field a football team or teams in the national Australian Football competition and any other Australian Football competition administered by the AFL;
  - (b) to promote and advance the playing of Australian Football in Australia and internationally in general and in particular to promote and advance that object by maintaining, providing, supporting and managing a team or teams of footballers bearing the name of the Brisbane Lions based in Brisbane, Queensland and to compete in the national AFL competition administered by the AFL with other members of that competition and if considered necessary and desirable by the Board, to compete in any other sporting competition played in any part of Australia or internationally;
  - (c) to provide facilities including, but not limited to social, sporting, athletic and legal gaming facilities for members of the Corporation and their guests and to maintain such premises for the use and enjoyment of the members and their guests for those purposes;
  - (d) to prohibit the conduct by any person on any premises maintained by the Corporation of any gaming activities prohibited by any applicable legislation whatsoever; and
  - (e) to do all things necessary for or incidental to the advancement of the objects set out in paragraphs (a), (b), (c) and (d) of this clause.
- 1.3 The income and property of the Corporation shall be applied solely towards the promotion of the objects of the Corporation as set forth in this Constitution and no part thereof shall be paid, distributed or transferred, directly or indirectly by way of dividend, bonus or otherwise, to the members of the Corporation.
- 1.4 Nothing herein contained shall prevent the payment in good faith of remuneration to any Officers or servants of the Corporation or to any member of the Corporation in return for any services actually rendered to the Corporation or for goods supplied in the ordinary and usual way of business nor prevent the payment of interest at a rate not exceeding the rate (if any) for the time being fixed for the purpose of this paragraph by the Constitution on

money borrowed from any members of the Corporation or reasonable and proper rent for premises demised or let by any member to the Corporation.

- 1.5 For the purposes of clause 1.4 of the Constitution, the rate of interest payable in respect of the money lent by members to the Corporation shall not exceed the Australian Financial Markets Association Bank Bill Swap Reference Rate for six (6) months as published daily on the Reuters BBSW page plus two percent (2%), or should that indicator cease to exist, ten percent (10%) per annum.
- 1.6 To the extent of any inconsistency between the replaceable rules referred to in the Act and this Constitution, such replaceable rules do not apply to the Corporation and are replaced by the provisions of this Constitution.

#### 2. AMENDMENT

If the Corporation holds a licence or sub-licence as contemplated by clause 1.2(a), then no amendment shall be made to this Constitution without the written approval of the AFL.

#### 3. MEMBERSHIP

- 3.1 The Board may from time to time admit persons as members of the Corporation and determine the terms and conditions on which any such persons shall be admitted to membership of the Corporation, provided that no person (the "Primary Person") alone or together with:
  - (a) any trustee, nominee or representative of the Primary Person;
  - (b) any person who is or (in the case of a body corporate) the directors of which are accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of the Primary Person; or
  - (c) any body corporate in which the Primary Person has a controlling interest (within the meaning ascribed to that expression by the Act),

shall be entitled to hold more than one (1) vote at any one time.

- 3.2 Each applicant for membership of the Corporation shall:
  - (a) complete, sign and deliver to the office of the Corporation a Membership Application; and
  - (b) pay to the Corporation the membership Subscription Fees fixed by the Board from time to time; and
  - (c) be approved as a member at a meeting of the Board or other committee established by the Board.
- 3.3 Unless otherwise determined by the Board, the number of members of the Corporation shall be unlimited.

#### 4. CLASSES OF MEMBERSHIP

- 4.1 The membership of the Corporation shall consist of the following classes of members:
  - (a) Full Members

Full Members shall be those persons having attained the age of eighteen (18) years and holding a football season pass or ticket with unrestricted Social Membership and may vote at general meetings and be nominated for and act as a Director of the Corporation. Full Members may have access to social clubs at all times subject to the regulations of the Corporation.

(b) Season Ticket Members

Season ticket members shall comprise senior, junior, family or any other category of football membership allowable by the AFL. Season Ticket Members shall be limited to their rights under a football season pass or ticket and shall have no voting rights and have no access to social clubs unless a separate social club membership fee is paid or an entry fee paid as directed by the Board from time to time.

(c) Life Members

Life Membership may be granted by the Board to outstanding members of the Corporation. Life Members are entitled to all of the rights and privileges of Full Members without the requirement to pay Subscription Fees. Except where the context requires, or in respect of the requirement to pay Subscription Fees, references in this Constitution to Full Members will be taken to be references to Full Members and Life Members.

(d) Social Members

Social Members shall be entitled only to the social privileges of social clubs and to participate in such recreation and pastimes as determined by the Board from time to time but, unless a Social Member is also a Full Member, shall not be entitled to vote at any meeting of the Corporation and have no control over the Board of the Corporation. Such social facilities shall not be available on match playing days except by paying a fee or as directed by the Board from time to time.

(e) Junior members

Junior members are those persons less than eighteen (18) years of age who hold a football season ticket or pass but have no voting rights and have access to social clubs only when a separate Social Membership is paid or as directed by the Board from time to time and their presence within the social club premises complies with the requirements of minors under the Liquor Act 1992 (Qld) (as amended) or Liquor Control Reform (Vic) (as amended) as the case may be.

(f) Honorary social members

Honorary social membership may be granted by the Board or company secretary without payment of any subscription fee to the social club, unless a fee for entrance

to the social club has been determined by the Board. Honorary social membership may be granted provided the applicant has one (1) of the following qualifications:

- (i) a guest of a Full Member in the member's company;
- a member of a reciprocal club whose member's reciprocal rights are secured by formal reciprocal arrangements, or a guest of a member of such a reciprocal club in the members' company;
- (iii) an applicant for membership of social clubs for a period of thirty (30) days after receipt by the Corporation of the applicant's application for any class of Social Membership;
- (iv) a visitor to the social club whose ordinary place of residence is in another State or a Territory or in a foreign country;
- a visitor to the social club whose ordinary place of residence is in the State at least fifteen (15) kilometres from the club's premises; or
- (vi) a person attending a function or social club activity other than for the purpose of merely attending the social club on the premises.

The Board shall have the power to cancel the honorary social membership of any person at any time and without assigning any reason. Honorary social members shall not be entitled to vote at any meeting of the Corporation.

- 4.2 Each member shall be liable to pay to the Corporation on the first day of each financial year of the Corporation the Subscription Fees in the amount (if any) from time to time fixed by the Board for the purposes of this clause.
- 4.3 A Full Member shall not be entitled to vote at any meeting of members of the Corporation while any Subscription Fees due and owing by that Full Member to the Corporation in accordance with this Constitution remain in arrears in excess of two (2) calendar months
- 4.4 No member shall be liable to suspension or termination of the member's membership or expulsion from the Corporation for reason only that Subscription Fees owed by that member to the Corporation are overdue, except where subscription fees are overdue by a period in excess of two (2) calendar months.
- 4.5 Subject to clause 4.10, the privileges and obligations of any member of the Corporation shall not be transferable and shall cease on death, retirement, resignation or termination of membership.
- 4.6 Every member shall be deemed to have accepted and abide by and observe the terms of the Constitution and all regulations of the Corporation made pursuant to the powers contained in the Constitution (including all variations, amendments and alterations to the Constitution and regulations).
- 4.7 Subject to clause 4.4, any member who fails to observe any of the terms of the Constitution or regulations of the Corporation may be suspended or excluded from the Corporation by resolution of Directors present and voting at a meeting of the Board. Such member shall

have seven (7) clear days notice sent to the member of such special meeting of the Board, and the member may attend the meeting and state the member's case, but shall not be present at the voting or take part in the proceedings other than as the Board allows.

- 4.8 A member so excluded shall cease to be a member of the Corporation.
- 4.9 A member may at any time by giving notice in writing to the company secretary resign the member's membership of the Corporation.
- 4.10 A member who resigns his or her membership in accordance with clause 4.9 or is excluded from the Corporation in accordance with clause 4.7 shall continue to be liable to the Corporation for:
  - (a) any and all Subscription Fees and any other debt or liability owed to the Corporation as at the date notice of resignation is received by the company secretary or the date of resolution of the Board excluding that member from the Corporation, as the case may be; and
  - (b) any amount not exceeding twenty dollars (\$20.00) for which the member is liable as a member of the Corporation under clause 20.1 of the Constitution.

#### 5. GENERAL MEETINGS

- 5.1 An annual general meeting of the Corporation shall be held in accordance with the Act at such times and at such place as the Board shall appoint.
- 5.2 The Board may, whenever it thinks fit, and shall, upon requisition made in writing by members who are together entitled to at least five percent (5%) of the total voting rights of all the members having at the date of the deposit of the requisition a right to vote at general meetings, convene a general meeting of the Corporation.
- 5.3 Any requisition made by members shall state the object of the meeting proposed to be called, and shall be left at the registered office of the Corporation, together with such sum as the Board shall prescribe to reimburse the Corporation for the cost of such meeting.
- 5.4 Upon receipt of such a requisition, the Board shall forthwith proceed to convene a general meeting. If the Board does not within twenty-one (21) days after the date of deposit of the requisition proceed to convene the meeting so as to be held within two (2) months from the date of the deposit of the requisition, the requisitionists may themselves convene the meeting in accordance with the Act.
- 5.5 Subject to the provisions of the Act and any valid agreement for shorter notice, at least twenty-one (21) days before every meeting, a notice of the meeting specifying the place, the day and hour of the meeting, including any:

#### -7-

- (a) proposed special resolution; and
- (b) in case of special business, the general nature of such business,

must be given to the Full Members in the manner prescribed by the Act, or in such other manner, if any, as may be prescribed by the Corporation in a general meeting.

5.6 The accidental omission to send a notice in accordance with clause 5.5 to, or the nonreceipt of such notice by, any member, will not, of itself, invalidate the proceedings at any general meeting.

#### 6. PROCEEDINGS AT GENERAL MEETINGS

- 6.1 The quorum for a general meeting of the Corporation shall be three (3) Full Members present in person and no business shall be transacted at any meeting unless a quorum is present at the commencement of such business.
- 6.2 If within thirty (30) minutes from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of members shall be dissolved. In any other case the meeting shall stand adjourned to the same day in the next week at the same time and place or to such other day, time and place as the Board may by notice to the members appoint. If at such adjourned meeting a quorum is not present within thirty (30) minutes from the time appointed for the meeting, those Full Members who are present in person shall be deemed to constitute a quorum and may transact the business for which the meeting was called.
- 6.3 The Chairman of the Board shall preside as Chairman at every general meeting of the Corporation.
- 6.4 If the Chairman of the Board is not present at the time of holding the meeting or is unwilling to act as Chairman, the Directors present shall choose one (1) of their number to be Chairman for the purposes of that meeting.
- 6.5 Every resolution submitted to a general meeting shall be decided in the first instance by a show of hands, and in the case of an equality of votes the Chairman shall both on a show of hands and at a poll have a casting vote in addition to the vote or votes to which the member may be entitled as a Full Member.
- 6.6 Notwithstanding clause 6.5, any resolution considered to be a special resolution, including but not limited to changes or amendments to the Constitution, shall require support of seventy-five percent (75%) of the votes cast by Full Members entitled to vote at the meeting on the resolution.
- 6.7 At any general meeting, unless a poll is demanded by at least five (5) Full Members OR by Full Members with at least five percent (5%) of the votes that may be cast on the resolution on a poll (whichever is the greater) OR by the Chairman, a declaration by the Chairman that a resolution has been carried or carried by a particular majority, or lost, or not carried by a particular majority, and an entry to that effect in the book of proceedings of the Corporation shall be conclusive evidence of the fact without proof of the number of proportion of the votes recorded in favour of or against such resolution.

#### - 8 -

- 6.8 If a poll is demanded pursuant to clause 6.7, it shall, subject to clause 6.9 be taken in such manner, and at such time and place as the Chairman of the meeting directs, and either at once, or after an interval or adjournment or otherwise.
- 6.9 A poll demanded on a question of adjournment shall be taken forthwith.
- 6.10 The result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.
- 6.11 The demand for a poll may be withdrawn.
- 6.12 The Chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place, but no business shall be transacted at any such adjourned meeting other than that left unfinished at the meeting from which the adjournment took place.

#### 7. VOTING AT GENERAL MEETING

- 7.1 Only Full Members are entitled to vote at or attend general meetings of the Corporation and each such Full Member shall only have one (1) vote.
- 7.2 No Full Member shall be entitled to vote at any general meeting should any monies including Subscription Fees presently payable by the Full Member to the Corporation be in arrears in excess of two (2) calendar months.
- 7.3 Votes may be given either personally or by proxy or attorney.
- 7.4 A Full Member entitled to attend and vote at a meeting of the Corporation may appoint a proxy (who must be a Full Member) to attend, speak and vote at a meeting in the member's place only by an instrument of proxy in the following form (or in a form which is as similar to it as the circumstances permit) or in any other form that the Board may from time to time prescribe or accept:

#### BRISBANE BEARS-FITZROY FOOTBALL CLUB LIMITED

#### PROXY FORM

I,

of

Full Membership No

being Full Member of Brisbane Bears-Fitzroy Club Limited hereby appoint

of

Full Membership No

(or failing him/her) the Chairman of the meeting as my proxy to vote for me and on my behalf at the general meeting of the Corporation to be held on () at am/pm and at any meeting held subsequent and pursuant to an adjournment of that meeting.

DATED: \_\_\_\_\_

SIGNED:

- 7.5 An instrument of proxy must be executed under the hand of the Full Member, or by the attorney appointed in writing by the Full Member.
- 7.6 Any appointment of a proxy, attorney or representative is effective in respect of a particular general meeting if, and only if, the following instruments are actually received (which includes receipt of a copy of those instruments by legible facsimile transmission) by the Corporation at its registered office (or another place notified by the Board) at least forty-eight (48) hours (or any shorter time that the Board determines) before the time notified for that meeting:
  - (a) in the case of a proxy, the instrument of proxy and, if it is executed by an attorney, the relevant power of attorney or an office copy of notarially certified copy of the power of attorney;
  - (b) in the case of an attorney, a copy of the power of attorney together with a declaration of non-revocation of the power of attorney; and
  - (c) in the case of a representative, the certificate under subsection 250D of the Act, or other evidence satisfactory to the Corporation.
- 7.7 Where the Corporation has received an instrument of proxy from a Full Member the appointment made by that instrument is and remains valid and effective, except that where the Corporation subsequently receives:
  - (a) a power of attorney entitling the attorney to attend and vote at the meeting, the appointment is revoked;
  - (b) intimation in writing either of the revocation of the appointment under the instrument of proxy or of the death of the member, the appointment is revoked; or
  - (c) another instrument of proxy from the member the instrument of proxy bearing the later date (or if the instrument of proxy bearing the later date or if the instruments bear the same date, the instrument later received by the Corporation) is an intimation in writing of the revocation of the appointment under the other instrument.
- 7.8 Any Full Member may by power of attorney duly executed in the presence of at least one witness, appoint an attorney (who must be a Full Member) to act on the member's behalf at all meetings of the Corporation and such power of attorney or proof thereof to the satisfaction of the Board, shall before the attorney shall be entitled to act thereunder be

produced for inspection at the registered office of the Corporation together with such evidence of the due execution thereof as the Board may require and such attorney may be authorised to appoint a proxy for the member granting the power of attorney.

#### 8. FINANCIAL YEAR

The financial year of the Corporation shall end on 31 October in each year.

#### 9. THE BOARD

- 9.1 The affairs of the Corporation shall be managed by the Board which, subject to clauses 9.10, 9.14 and 9.16, must be elected by the Full Members of the Corporation at a general meeting of the Corporation by ordinary resolution or if the Board resolves to conduct a postal ballot, in accordance with that ballot.
- 9.2 The number of Directors shall be as determined by the Board from time to time but shall not:
  - (a) be less than five (5) or greater than twelve (12) in number; and
  - (b) be less than the number in office at the time of such determination.
- 9.3 The Directors in office at the time of adoption of this Constitution shall continue in office as Directors until their current terms of appointment expire and, subject to the provisions of this Constitution, such Directors remain eligible for re-election.
- 9.4 The Board shall from time to time as occasion requires elect one (1) of its number to be Chairman of the Board and shall determine the period for which the Director is to hold office.
- 9.5 At each annual general meeting of the Corporation, one-third (1/3) of the Directors for the time being, or, if their number is not three or a multiple of three (3), then the number nearest to one-third (1/3), shall retire from office.
- 9.6 A Director retiring under clause 9.5 or 9.10 is eligible for re-election. A retiring Director shall act as a Director until the close of the meeting at which the Director retires.
- 9.7 The Directors to retire at an annual general meeting under clause 9.5 are those who have been longest in office since their last election, but, as between persons who became Directors on the same day, those to retire shall (unless they otherwise agree among themselves) be determined by lot.
- 9.8 The Corporation may, at the meeting at which a Director so retires, by resolution or if the Board resolves to conduct a postal ballot, in accordance with that ballot, fill the vacated office by electing a person to that office.
- 9.9 If the vacated office is not so filled, the retiring Director shall, if applying for re-election and not being disqualified under the Act or this Constitution from holding office as a Director, be deemed to have been re-elected unless at that meeting:
  - (a) it is expressly resolved not to fill the vacated office; or

- (b) a resolution for the re-election of that Director is put and lost.
- 9.10 The Directors shall have power at any time and from time to time to appoint any other qualified person as Director either to fill a casual vacancy or as an addition to the Board but so that the total number of Directors shall not at any time exceed the number fixed pursuant to clause 9.2(a). Any such Director appointed must retire at the next annual general meeting and is eligible for election at that meeting. Any such Director need not satisfy the requirements of clause 9.11 and, unless and until the Director is elected to office under clause 9.1, shall not be taken into account in determining the retirement of Directors or the number of them to retire under clause 9.5 at that meeting.
- 9.11 Any Full Member seeking election to the Board must:
  - (a) complete and sign the required nomination form and lodge such with the chief executive officer of the Corporation;
  - (b) be nominated and seconded by Full Members of the Corporation;
  - (c) lodge such nomination form by 1<sup>st</sup> November in the financial year in which the member seeks election to the Board.
- 9.12 The Board may resolve that the election of Directors shall take place by postal ballot conducted prior to the close of an annual general meeting and may (subject to the provisions of clauses 9.11 and 9.13) determine the form, manner of voting, timing and conduct of any such ballot. The result of the ballot shall be received at the relevant annual general meeting and the persons elected as Directors shall hold office as from the close of that annual general meeting.
- 9.13 Subject to clause 9.15, a person shall not be eligible to be a Director:
  - (a) if that person:
    - (i) is not a Full Member of the Corporation; or
    - (ii) is, or was in the four (4) years immediately preceding nomination as a Director, an employee of the Corporation or Player; or
    - (iii) is not a Life Member or has not been a Full Member of the Corporation for the two (2) years prior to:
      - (A) in the case of a Director to be appointed under claise 9.10 the appointment under clause 9.10; or
      - (B) in any other case the lodgement of the nomination form referred to in clause 9.11 (a); and
  - (b) unless that person has confirmed in writing that they accept and agree to comply with the Club Governance Manual adopted by the Board from time to time.
- 9.14 Notwithstanding anything else contained in this Constitution, the Board shall have the right to appoint up to four (4) additional Directors, each of whom the Board, in its absolute

discretion considers, possesses the expertise, experience or other special attributes to make a meaningful contribution to the Corporation. Subject to this Constitution, a person appointed as a Director under this clause shall hold office:

(a) for an initial period of two (2) years from the date of appointment,

and after the expiration of the initial two (2) year period:

- (b) is deemed to hold office as a Director appointed under clause 9.10;
- (c) shall hold office at least until the next occurring annual general meeting of the Corporation; and
- (d) must retire at the next occurring annual general meeting and is eligible for election at that meeting.
- 9.15 A person appointed as a Director under clause 9.14 need not satisfy the requirements of clauses 9.11 or 9.13(a)(iii) and, unless and until the person is elected to office as a Director under clause 9.1, shall not be taken into account in determining the:
  - (a) retirement of Directors or the number of them to retire under clause 9.5; or
  - (b) number of Directors under clause 9.2.
- 9.16 In any year where members do not elect a Victorian Based Member to the Board, the Board may, in addition to any of their other powers to appoint Directors, appoint a Victorian Based Member as a Director for a period ending at the conclusion of the next annual general meeting, providing a vacancy exists.
- 9.17 For the purposes of clause 9.16, "Victorian Based Member" means a person who otherwise qualifies as a Full Member of the Corporation and is, and has been for a period of no less than two (2) years immediately prior to the appointment, ordinarily resident in Victoria.

#### 10. DISQUALIFICATION OF MEMBERS OF BOARD

- 10.1 The office of a Director shall be vacated if the Director:
  - (a) ceases to be a Full Member of the Corporation; or
  - (b) ceases to be a Director by virtue of the Act; or
  - (c) becomes bankrupt; or
  - (d) is found lunatic or becomes of unsound mind; or
  - (e) resigns from office by notice in writing to the Corporation; or
  - (f) fails to attend at least one-half (1/2) of all meetings of the Board in any financial year of the Corporation.

#### 11. POWERS AND DUTIES OF THE BOARD

- 11.1 The Board shall have absolute control over all the affairs and property of the Corporation, and shall have power to prepare, alter, cancel and enforce regulations (including without limitation the Club Governance Manual) of the Corporation (not amounting to an alteration or addition to this Constitution for the regulation of the Corporation, and the promotion of its objects) and may exercise all such powers of the Corporation as are not by the Act or this Constitution required to be exercised by the Corporation in general meeting.
- 11.2 The Board may appoint a chief executive officer of the Corporation (who, unless otherwise determined by the Board, will also hold the position of company secretary) and engage all such officers and employees as they may consider necessary.
- 11.3 The Board shall have power to enter into agreements and arrangements with such corporations, societies, organisations and individuals as the Board shall think fit, for the purpose of furthering the objects of the Corporation or any of them.
- 11.4 The Board will meet together for the despatch of business, adjourn or otherwise regulate its meetings as it thinks fit. Subject to this Constitution, questions arising at any meeting shall be decided by a majority of votes. In case of equality of votes the Chairman shall have a second or casting vote.
- 11.5 A resolution in writing (whether contained in one (1) document or in more than one (1) document) signed by each of the Directors entitled to vote thereon shall have the same force and effect as a resolution duly passed at a meeting of the Board notwithstanding that such resolution was not passed at meeting of the Board.
- 11.6 If each of the Directors entitled to vote thereon has signed a resolution in accordance with clause 11.5 a resolution in those terms shall be deemed to have been passed at the time at which the resolution was last signed.
- 11.7 A resolution passed during a discussion held by telephone (or by any other electronic or other medium) in which Directors participate who would, if present together at a meeting, be sufficient to constitute a quorum, and can hear and be heard by all other participating Directors throughout the discussion, and recorded in writing by a Director who participated in the discussion, shall have the same force and effect as a resolution duly passed at a meeting of the Board.
- 11.8 A Director may, and the company secretary of the Corporation shall, on the requisition of a Director, summon a meeting of the Board.
- 11.9 The quorum necessary for the transaction of the business of the Board shall be more than one-half (1/2) of the Directors from time to time, or such greater number as may be fixed by the Board.
- 11.10 The Directors may act notwithstanding any vacancy in their number but if so long as their number is reduced below the number fixed as the necessary quorum of the Board, the Directors may act for the purpose of increasing the number of Directors to that number or of summoning a general meeting of the Corporation, but for no other purpose.

- 11.11 All acts done by any of the Board or by any person acting as a Director shall notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such Directors or persons acting as aforesaid or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a Director.
- 11.12 The Board may at any time and from time to time by writing or power of attorney under the Corporation's seal appoint any person or persons to be the agent or attorney of the Corporation for such purposes and with such powers and discretions (not exceeding those vested in or exercisable by the Board under this Constitution) and for such period and subject to such conditions as the Board may from time to time think fit; and any such appointment may (if the Board thinks fit) be made in favour of any company or firm or of the members, directors, nominees or managers of any company or firm or in favour of any fluctuating body of persons whether nominated directly or indirectly by the Board; and any such writing or power of attorney may contain such provisions for the protection or convenience of persons dealing with such agent or attorney as the Board may think fit.
- 11.13 Any such agent or attorney as aforesaid may be authorised by the Board to sub-delegate all or any of the powers, authorities and discretions for the time being vested in the agent or attorney. The provisions of this and the preceding sub-paragraph shall be supplemental to the powers conferred on the Corporation by the Act.
- 11.14 A Director shall not be disqualified by reason only of the Director being a Director from holding any office or place of profit (except that of Auditor) under the Corporation or under any company in which the Corporation is a shareholder or otherwise interested or from contracting with the Corporation either as a vendor, purchaser or otherwise nor shall any contract or any contract or arrangement entered into by or on behalf of the Corporation in which any Director is in any way directly or indirectly interested be avoided or in any other way affected nor shall any Director be liable to account to the Corporation for any profit arising from any such office or place or profit or realised by any such act, contract or arrangement by reason only of such Director holding that office or of the fiduciary relationship thereby established.
- 11.15 The Directors have the following obligations in respect of contracts or proposed contracts with the Corporation:
  - (a) No Director shall as a Director vote in respect of any contract or arrangement in which the Director has directly or indirectly a material interest and if the Director does so vote, the vote shall not be counted.
  - (b) It shall be the duty of a Director who is in any way directly or indirectly interested in any contract or arrangement or proposed contract or arrangement with the Corporation to declare the nature of the Director's interest in the manner required by the Act.
  - (c) It shall also be the duty of a Director who holds any office or possess any property whereby whether directly or indirectly duties or interests might be created in conflict with the Director's duties or interests as a Director to declare the nature character and extent of the conflict in accordance with the Act.

# - 15 -

- (d) A Director may not attest the affixing of any Seal of the Corporation to any instrument relating to any matter in which the Director is interested.
- (e) It shall be the duty of the company secretary to record in the minutes any declarations made or notices given by a Director.
- (f) It shall be the duty of each Director to comply with sections 180, 181, 182 and 183 of the Act at all times.

#### 12. **REGULATIONS**

- 12.1 Subject to clause 12.2, the Board shall have power from time to time to make, alter, amend and repeal any or all such regulations as the Board in its discretion considers necessary for the administration, conduct and management of the Corporation, its business, Players and football teams and without limiting the foregoing, may by such regulations regulate:
  - the engagement and appointment of Players, team captains and vice captains and coaching and training staff;
  - (b) the use by or supply to members of any of the property of the Corporation;
  - the operating hours of any rooms, buildings, or grounds or premises owned or occupied by the Corporation;
  - (d) the activities of members on the Corporation's premises, including without limitation social clubs;
  - (e) the conduct of members in relation to one another and in relation to the servants, employees and agents of the Corporation;
  - (f) the duties, obligations, responsibilities and functions of any Officer, executive, employee or agent of the Corporation or delegate of the Board;
  - (g) the establishment and operation of administrative committees of the Board;
  - (h) the procedure at or order of business of general meetings of members of the Corporation and the members of the Board and any committee of the Board.
- 12.2 The Board shall not make, alter or amend any regulation so that it is inconsistent with any provision of the Constitution and to the extent that any inconsistency exists, the provisions of the Constitution shall prevail.
- 12.3 The Board shall ensure that copies of the regulations of the Board as altered and amended from time to time are available for the perusal of members at the registered office and principal place of business of the Corporation.

#### 13. AFL DELEGATES

At least twenty-one (21) days prior to each annual general meeting of the AFL the Board shall give written notice to AFL nominating two (2) Directors of the Corporation to act as a

director and an alternate director, respectively, of the AFL until the next annual general meeting of the AFL.

#### 14. CHEQUES, BILLS ETC

All cheques, bills of exchange, promissory notes or other negotiable instruments shall be signed, drawn, accepted, made or endorsed as the case may be for and on behalf of the Corporation in such manner as the Board may from time to time determine (including the use of facsimile signature if it so determines).

#### 15. EXECUTION OF DOCUMENTATION

- 15.1 If the Corporation has a common seal, the Directors shall provide for the safe custody of the seal.
- 15.2 No agreement, deed, share certificate, contract, document, writing or other material shall be executed by the Corporation except pursuant to the authority of the Board.
- 15.3 Every document which is executed by the Corporation shall be signed (whether with or without the common seal) by at least one (1) Director, a Director and secretary of the Corporation or a Director and another person specifically authorised by the Directors for that purpose.

#### 16. ACCOUNTS

- 16.1 The Board shall cause accounts maintained in accordance with accepted accounting standards to be kept of all sums of money received and expended by the Corporation and of the matters in respect of which such receipts and expenditure take place, and of the property, credits and liabilities of the Corporation.
- 16.2 The Board shall at every annual general meeting present a statement of financial performance of the Corporation during the preceding year and also statement of financial position as at the close of the financial year, together with a report of the Board as to the state and progress of the Corporation.
- 16.3 A copy of such statement, balance sheet and report shall be sent to every Full Member at least twenty-one (21) days before the annual general meeting.

#### 17. AUDITORS

- 17.1 An auditor shall be appointed in accordance with the Act ("Auditor") and the Auditor's duties shall be regulated in accordance with the Act.
- 17.2 Any person who is:
  - (a) a Director;
  - (b) an Officer of the Corporation;
  - (c) a partner, employer or employee or a Director or Officer of the Corporation;

- (d) a partner, employer or employee of an employee of a Director or Officer of the Corporation;
- (e) not a registered company auditor; or
- (f) indebted in any amount exceeding FIVE THOUSAND DOLLARS (\$5,000.00) to the Corporation or to a related corporation,

shall not be capable of being appointed or of acting as Auditor of the Corporation.

#### 18. NOTICES

- 18.1 A notice may be given by the Corporation to a member:
  - (a) by serving it personally at, or by sending it by post in a prepaid envelope to, the member's address shown in the register of members, or by sending it to the fax number or electronic address, or such other address the member has supplied to the Corporation for the giving of notices; or
  - (b) if the member does not have a registered address and has not supplied another address to the Corporation for the giving of notices, by exhibiting it at the registered office of the Corporation.
- 18.2 The fact that a person has supplied a fax number or electronic address for the giving of notice does not require the Corporation to give any notice to that person by fax or electronic means.
- 18.3 A signature to any notice given by the Corporation to a member under this clause 18 may be in writing or a facsimile printed or affixed by some mechanical or other means.
- 18.4 A certificate signed by a Director or company secretary of the Corporation to the effect that a notice has been given in accordance with this Constitution is conclusive evidence of that fact.
- 18.5 Subject to the Constitution, a notice may be given by the Corporation to any Director either by serving it personally at, or by sending it by post in a prepaid envelope to, the Director's usual residential or business address, or by sending it to the fax number or electronic address, or such other address as the Director has supplied to the Corporation for the giving of notices.
- 18.6 Subject to this Constitution, a notice may be given by a member or Director to the Corporation by serving it on the Corporation at, or by sending it by post in a prepaid envelope to, the registered office of the Corporation or by sending it to the principal fax number or principal electronic address of the Corporation at its registered office.
- 18.7 A notice sent by post to an address outside Australia must be sent by airmail.
- 18.8 Where a notice is sent by post, service of the notice is to be taken to be effected if a prepaid envelope containing the notice is properly addressed and placed in the post and to have been effected:

- (a) in the case of a notice of a general meeting, on the day after the date of its posting; or
- (b) in any other case, at the time at which the letter would be delivered in the ordinary course of post.
- 18.9 Where a notice is sent by fax or electronic means, service of the notice is to be taken to be effected on the day after the date it is sent.
- 18.10 Where the Corporation gives a notice under clause 18.1(b) by exhibiting it at the registered office of the Corporation, service of the notice is to be taken to be effected when the notice was first so exhibited.
- 18.11 Clauses 18.1 to 18.10 (inclusive) apply, so far as they can and with such changes as are necessary, to the service of any communication or document.
- 18.12 A reference in this Constitution to a notice in writing includes a notice given by facsimile or electronic means.

#### 19. INDEMNITY

- 19.1 To the extent permitted by law every Officer (and former Officer) of the Corporation shall be indemnified out of the funds of the Corporation against all costs, expenses and liabilities incurred as such an Officer (or former Officer). However, no such Officer (or former Officer) shall be indemnified out of the funds of the Corporation under this clause unless:
  - (a) it is in respect of a liability to another person (other than the Corporation or a related body corporate to the Corporation) where the liability to the other person does not arise out of conduct involving a lack of good faith; or
  - (b) it is in respect of a liability for costs and expenses incurred:
    - (i) in defending proceedings, whether civil or a criminal in which judgement is given in favour of the Officer (or former Officer) or in which the Officer (or former Officer) is acquitted; or
    - (ii) in connection with an application, in relation to such proceedings, in which the court grants relief to the Officer (or former Officer) under the Act.
- 19.2 To the extent permitted by law the Corporation may at the discretion of the Directors enter into and/or pay a premium in respect of a policy of insurance insuring an Officer (or former Officer) of the Corporation against any liability incurred by such person in that capacity (whether in respect of acts or omissions prior to or after the date of the issue of the policy or both) except for:
  - (a) a liability arising out of conduct involving a wilful breach of duty in relation to the Corporation; or
  - (b) a contravention of sections 182, 183 or 184 of the Act.

The Directors shall have the discretion to approve the terms and conditions of any such policy of insurance.

- 19.3 Where an Officer (or former Officer) has the benefit of an indemnity pursuant to an insurance policy in respect of the Officer's actions or omissions then the Corporation shall not be required to indemnify the Officer under clause 19.1 except to the extent that the indemnity affected by the insurance policy does not fully cover the person's liability.
- 19.4 The indemnity granted by the Corporation contained in clause 19.1 shall continue in full force and effect notwithstanding the deletion or modification of that clause, in respect of acts and omissions occurring prior to the date of the deletion or modification.

#### 20. WINDING UP

- 20.1 Every member of the Corporation undertakes to contribute to the property of the Corporation in the event of the same being wound up while the person is a member, or within one (1) year after the person ceases to be a member, for payment of the debts and liabilities of the Corporation (incurred before the person ceased to be a member) and of the costs, charges and expenses of winding up and for the adjustment of the rights of the contributories among themselves, such amount as may be required, not exceeding twenty dollars (\$20.00).
- 20.2 If upon the winding up or dissolution of the Corporation there remains, after satisfaction of all its debts and liabilities, any property whatever, the same shall not be paid to or distributed among the members of the Corporation, but shall be given or transferred to some other institution or institutions having objects similar to the objects of the Corporation and whose constitution shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on the Corporation under or by virtue of this Constitution, such institution or institutions to be determined by the members of the Corporation at or before the time of the dissolution and in default thereof by application to the Supreme Court of Queensland for determination.

#### 21. LICENSING – VICTORIA

- 21.1 A visitor must not be supplied with liquor in the Corporation's licensed premises located in Victoria unless the visitor is:
  - (a) a guest in the company of a member of the Corporation; or
  - (b) an authorised gaming visitor admitted in accordance with the Constitution or any regulations made thereunder.
- 21.2 The secretary of the Corporation must keep appropriate records of guests attending the Corporation's licensed premises in Victoria and of other matters required by the "Liquor Control Act 1987 (Vic)".
- 21.3 If a venue operator's licence is in force in respect of the Corporation's licensed premises in Victoria, an authorised gaming visitor must:

#### Item 26.26 / Attachment 2.

- (a) produce evidence of the authorised gaming visitor's residential address before being admitted to the licensed premises; and
- (b) carry identification at all times whilst on the licensed premises; and
- (c) comply with the Constitution or any regulations made thereunder whilst on the licensed premises.
- 21.4 For the purposes of clauses 21.1 to 21.4 (inclusive), any words or terms which are defined in the "Liquor Control Act 1987 (Vic)" (as amended, re-enacted or substituted from time to time) have the same meaning in those clauses.

#### 22. LICENSING – QUEENSLAND

- 22.1 If at any time the Corporation is granted a liquor licence in respect of premises in Queensland then the Corporation shall comply with the provisions of the *Liquor Act 1992* and the *Liquor Regulations 2002*.
- 22.2 If at any time the Corporation is granted a gaming machine licence in respect of premises in Queensland then the Corporation shall comply with the provisions of the *Gaming Machine Act 1991* and the *Gaming Machine Regulations 2002*.

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ITEM: 27.27

SUBJECT: TENDER CONSIDERATION PLAN - IPSWICH CENTRAL CBD RETAIL OPERATIONS SERVICE AGREEMENTS TERM OF ENGAGEMENT EXTENSION

AUTHOR: PROJECT MANAGER

DATE: 13 JANUARY 2020

#### **EXECUTIVE SUMMARY**

This is a report concerning the Tender Consideration Plan for the engagement of service providers who are currently engaged by Ipswich City Council (ICC) for the Nicholas St Ipswich Central Project, and to recommend the term of engagement extension of a number of existing agreements until such a time as those services can be transferred across to whole-of-Council service agreements.

#### RECOMMENDATION

That the Interim Administrator of Ipswich City Council resolve:

- A. That Council (Interim Administrator of Ipswich City Council) resolve to prepare a Tender Consideration Plan for the term of engagement extension of a number of Supplier Contracts or Agreements (to which Ipswich City Council is a party to the Contract or Agreement) in accordance with section 230(1)(a) of the Local Government Regulation 2012.
- B. That Council (Interim Administrator of Ipswich City Council) resolve to adopt the Tender Consideration Plan for the term of engagement extension of a number of Supplier Contracts or Agreements (to which Ipswich City Council are a party to the Contract or Agreement) as outlined in the report by the Project Manager dated 13 January 2020 in accordance with section 230(1)(b) of the *Local Government Regulation 2012*.
- C. That Council (Interim Administrator of Ipswich City Council) resolve to extend the term of engagement for four existing Supplier Contracts or Agreements (which Ipswich City Council is a party to the Contract or Agreement) as listed in Attachment 2 for works pertaining to the retail operations of the 2 Bell Street and Ipswich City Square properties on the terms described in the report by the Project Manager dated 13 January 2020.

D. That the Chief Executive Officer be authorised to negotiate and finalise the timeframe for the extension of the contracts executed with various suppliers as detailed in Attachment 2 and to do any other acts necessary to implement Council's decision in accordance with section 13(3) of the *Local Government Act 2009*.

#### **RELATED PARTIES**

Various suppliers in listed Attachment 2.

#### **ADVANCE IPSWICH THEME**

Strengthening our local economy and building prosperity

#### PURPOSE OF REPORT/BACKGROUND

Previously, a number of contractual agreements relating to service providers actively supporting Ipswich City Properties Pty Ltd (ICP) in delivering retail operations within the Ipswich City Square and 2 Bell Street properties located in the Ipswich CBD, were by resolution of ICC at the 27 June 2019 Extraordinary Council meeting, novated over to ICC following the decision to wind up ICP and integrate the assets and business operations of ICP into ICC.

For such retail suppliers and the services they provide, a six month timeframe was given to allow ICC's Coordination and Performance Department to review and determine whether there were existing ICC suppliers that could undertake these services, or if not, then a quotation or tender process was to be undertaken.

A large number of service agreements previously novated over from ICP to ICC have been terminated, with a number of these services now being provided under whole-of-Council ICC agreements. However there is still a number of service agreements that require extension beyond the original six month given period that ended 31 December 2019, listed along with their forecasted extension period in section 2 of the TCP (Attachment 1).

Substantiation for requesting the extension of the term of engagement for these agreements are included in confidential Attachment 2 of the Council Officer's report. This substantiation includes:

- Service providers to complete any outstanding works and tasks identified
- To allow for existing contractual agreements terms to expire
- To allow a full tender process to be undertaken in early 2020 for various service requirements, avoiding ICC closure periods
- A longer notice period of transition to ensure a greater understanding of existing service providers following changes in ICC personnel
- Active management onsite to assess the services currently being provided from each service provider for the purpose of rationalisation.

Confidential attachment 3 details those contractual arrangements beyond 31 December 2019 already finalised.

#### LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions: *Local Government Regulation 2012* 

#### **RISK MANAGEMENT IMPLICATIONS**

If the term of the engagement with each supplier listed in section 2 of the TCP is not extended and a new procurement process was required, there would be potential delays to the project and loss of knowledge and experience on the project.

#### FINANCIAL/RESOURCE IMPLICATIONS

Extension of such retail operational services will continue to be funded within the FY 2019-2020 (and beyond) retail operations budget. There is no expectation of additional costs to be incurred by ICC due to such agreement extensions.

#### COMMUNITY AND OTHER CONSULTATION

There will be no effect to the community regarding the extension of listed service provider agreements.

#### CONCLUSION

To ensure continuity of project works, it is recommended that ICC agree to the term of engagement extension of the agreements listed in section 2 of the TCP.

#### ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Tender Consideration Plan 🕂 🖾
	CONFIDENTIAL
2.	Service Agreements Term of Engagement Summary
3.	Service Agreements Current Approved Expiry Date Summary

#### Greg Thomas PROJECT MANAGER

I concur with the recommendations contained in this report.

#### Sean Madigan GENERAL MANAGER - COORDINATION AND PERFORMANCE

I concur with the recommendations contained in this report.

David Farmer CHIEF EXECUTIVE OFFICER "Together, we proudly enhance the quality of life for our community"



# Ipswich Central Tender Consideration Plan: Ipswich Central CBD Retail Operations Service Agreements Term of Engagement Extension

13 January 2020





## Contents

1.	BACKGROUND	3
2.	SUPPLIER DETAILS FOR NOVATION	4
3.	OBJECTIVES	4
4.	HOW WILL OBJECTIVES BE ACHIEVED	5
5.	HOW WILL ACHIEVEMENT OF OBJECTIVES BE MEASURED	6
6.	IDENTIFICATION & ANALYSIS OF ALTERNATIVES:	7
7.	PROPOSED TERMS OF CONTRACTS	7
8.	RISK ANALYSIS OF MARKET FROM WHICH SERVICES ARE TO BE OBTAINED	:8
9.	SUMMARY	9



# 1. BACKGROUND

On 28 February 2017, Ipswich City Council (ICC) resolved to enter into a Development Management Agreement (DMA) with Ipswich City Properties Pty Ltd (ICP). This DMA included the development of the Civic Space occurring in stages. Ipswich Central CBD Transformation Project ("Project") works have steadily progressed over this time period.

Separate to the DMA, ICP also delivered retail operations ("Retail") within the Ipswich City Square and 2 Bell Street properties, located in the Ipswich CBD.

At the Council Meeting of 16 October 2018, ICC resolved to integrate the assets and operations of ICP into ICC and to wind-up ICP.

A number of consultants, contractors and suppliers actively supported ICP to deliver these activities as a part of the ongoing redevelopment and retail operations of Ipswich City Square. To ensure that ICC was able to continue with the CBD redevelopment in a timely way and maintain the ongoing retail operations, along with market considerations and the strategic importance for the project of the continuation of relevant particular supplier relationships, a resolution was passed at the 27 June 2019 Extraordinary Council meeting to adopt the recommendations to novate a number of vendor agreements from ICP to ICC. A review by the Coordination and Performance Department was to be performed on the existing retail suppliers within six months – to determine whether such services were required beyond this period of time, and if so, either a quote or tender process would need to be undertaken, or that such services could be included under existing 'whole-of-Council' (WoC) agreements.

Representatives of ICC's lpswich Central CBD Project Team and ICC's Corporate Procurement Department worked closely in the second half of 2019, transferring a number of these service contracts over to existing WoC agreements. It was identified for a number of other agreements, it would not be beneficial at this time to transfer these services over to WoC agreements – reasons of which will be detailed within this Tender Consideration Plan (TCP).

The *Local Government Regulation 2012* Section 230 allows a local government to enter into medium and large contractual agreements, without first inviting written quotes or tenders, through the preparation and adoption of a TCP. This TCP provides the information required to comply with the regulation and to justify the use of the plan as an effective and appropriate alternative to seeking quotes or to calling for open tenders.



## 2. DETAILS FOR SERVICE AGREEMENTS TERM OF ENGAGEMENT EXTENSION

The following Retail suppliers are recommended for service agreements term of engagement extension:

SUPPLIER	SCOPE PEFORMED	FORECAST TRANSFER TO WoC CONTRACTS
AE Smith Service (SEQ) Pty Ltd	Comprehensive AC Maintenance ICS	1 May 2020
Facility Operations Pty Ltd T/A Boss Air	AC Maintenance 2 Bell St	1 May 2020
Millennium Services Group Ltd	Cleaning	1 Jun 2020
Point Parking Pty Ltd	Carpark Management	31 Dec 2020

Substantiation for service agreements term of engagement extension is detailed in confidential Attachment 2 in the Council Officer's report.

The following Retail suppliers have agreement expiry dates post 31 December 2019 as per the previous novation agreements, and is referenced in this TCP as a note only:

SUPPLIER	SCOPE PEFORMED	CONTRACT EXPIRY
Advance Global Elevators Pty Ltd	Comprehensive VT Maintenance ICS	11 Jul 2020
AGL Sales Pty Limited	Electricity Supply	31 Mar 2023
Schindler Lifts Australia Pty Ltd	Comprehensive VT Maintenance 2 Bell St	28 Feb 2021

Further details of these three supplier arrangements are detailed in confidential Attachment 3 in the Council Officer's report.

# 3. OBJECTIVES

This tender consideration plan is intended to fulfil the following objectives:

#### OBJECTIVES

- 1 Ensure the operations of ICC proceed in a timely manner with continuity of works
- 2 Document ICC's decision not to seek quotes or tenders and to further extend the term of a number of supplier agreements beyond the original 6 month period post novation
- 3 Consideration of the five sound contracting principles outlined in the *Local Government Act* 2009
- 4 Key risks associated with extending agreements be identified and mitigated



# 4. HOW WILL OBJECTIVES BE ACHIEVED

The objectives identified for the TCP in Section 3 will be achieved by the actions detailed in the following table:

	OBJECTIVE	ACHIEVED BY
1	Ensure the operations of ICC proceed in a timely manner with continuity of works	The proposed extension of a number of existing agreements in relation to the operations of Ipswich City Square will enable the timely continuation of the redevelopment and retail operations. Through the recent restructure within ICC, the CBD redevelopment and Ipswich City Square operations are now part of the Coordination and Performance Department. This will ensure greater transparency, coordination and reporting of the project to ensure alignment with ICC's objectives for the CBD redevelopment.
2	Document ICC's decision not to seek quotes or tenders and to further extend the term of a number of supplier agreements beyond the original 6 month period post novation	This plan outlines the objectives and reasons to support the recommendation to extend a number of existing agreements without initially undertaking a quote or tender process, ensuring consideration is given to the sound contracting principles.
3	Consideration of the five sound contracting principles outlined in the <i>Local Government Act</i> 2009	The Procurement Process used by ICP to engage Retail suppliers (including those in Section 2 of this TCP) is as per that set out in the <i>Ipswich City Properties Pty Ltd (The Company) – Procurement Policy.</i>
4	Key risks associated with extending agreements be identified and mitigated	Evaluate levels of various risk profiles with mitigation strategies to be implemented (refer Section 8).



## 5. HOW WILL ACHIEVEMENT OF OBJECTIVES BE MEASURED

To following table details the measurements required to confirm objectives are achieved:

	OBJECTIVE	MEASUREMENT
1	Ensure the operations of ICC proceed in a timely manner with continuity of works	The timely delivery of the project in accordance with the project schedule is monitored by the Project Steering Committee with support from the CBD Redevelopment Working Group.
		As mentioned above, the operations of Ipswich City Square are now part of the Coordination and Performance Department which will be responsible for the ongoing delivery of services.
2	Document ICC's decision not to seek quotes or tenders and to further extend the term of a number of supplier agreements beyond the original 6 month period post novation	Acceptance of this plan and its recommendations by ICC.
3	Consideration of the five sound contracting principles outlined in the <i>Local Government Act 2009</i>	The forecast transfer dates of existing service agreements are defined in section 2 of this TCP, which for many will coincide with when contract services go out to ICC tender. The ICC Coordination & Performance Department's CBD Project Team and ICC Corporate Procurement Department will work closely together to ensure services are transferred across to WoC ICC agreements as soon as practically possible.
3	Evaluate levels of various risk profiles with mitigation strategies to be implemented	Ensure mitigation strategies provide significant effect on reducing the evaluated risk level



## 6. IDENTIFICATION & ANALYSIS OF ALTERNATIVES:

The analysis of reasons to support the extension of existing service agreements is set out below.

A large number of services agreements previously novated over from ICP to ICC have been terminated, with these services now being provided under WoC ICC agreements. There is still a number of service agreements that require extension beyond the original 6 month extension period that ended 31 December 2019, which are listed along with their forecasted extension period in section 2 of this TCP.

Substantiation for requesting the extension of these agreements are included in Attachment 2 of the Council Officer's report. This substantiation includes:

- Service providers to complete any outstanding works and tasks identified
- To allow for existing contractual agreements terms to expire
- To allow a full tender process to be undertaken in early 2020 for various service requirements, avoiding ICC closure periods
- A longer notice period of transition to ensure a greater understanding of existing service providers following changes in ICC personnel
- Active management onsite to assess the services currently being provided from each service provider for the purpose of rationalisation.

A number of service agreements previously novated over from ICP to ICC are still current with a future expiry date. Such details are included in Attachment 3.

# 7. PROPOSED TERMS OF CONTRACTS

As the recommendation is to extend of period of engagement for a number of existing suppliers, the existing terms and conditions of the contracts will remain the same.

All Retail contracts recommended to be extended are on a month-to-month basis. The report outlines that the Coordination and Performance Department's CBD Project Team will work closely with ICC's Corporate Procurement Department to ensure services are transferred across to WoC ICC agreements as soon as practically possible.



# 8. RISK ANALYSIS OF MARKET FROM WHICH SERVICES ARE TO BE OBTAINED:

The key risks identified when assessing the market from which the services are obtained is the ability for the project to continue without further delay and to ensure that ICC has the intellectual property, warranties, defects liability obligations transferred. If the project is delayed further than the overall cost of completion of the project would escalate.

In addition, if the suppliers listed in section 2 of this TCP do not have their agreements extended, then the risk of not successfully delivering the project or ICC being able to continue the operations of Ipswich City Square would be higher as the project and maintenance knowledge in relation to the assets could be lost.

The following general risks and mitigation strategies have been identified in relation to extending supplier agreements listed in section 2 of this TCP:

Financial Risk		Risk Level
Event	Suppliers may choose not to accept extension of current ag	reements
Likelihood	Unlikely	Low
Consequence	Minimal	
Mitigation	Most suppliers listed in section 2 of this TCP have been adv considering extending their current agreements and no notic termination has been issued by any party. They will be advis the ICC decision is made. Due to the organisation stability considered unlikely suppliers will choose not to accept the e particular some of these are only short term extensions.	ce of agreement sed immediately once of ICC, it is

Legal & Governance		Risk Level
Event	Suppliers may dispute the termination of their engagement, decide to extend their current agreement	should ICC not
Likelihood	Unlikely	Low
Consequence	Minimal	
Mitigation	All Retail suppliers will be given a 30-days' notice of agreement termination under the T&C's of their contract, should ICC not decide to extend their current agreement.	

Political / Reputati	Political / Reputation Risk Level	
Event	None	
Likelihood	N/A	N/A
Consequence	N/A	
Mitigation	Itigation         There is no perceived Political / Reputation risk due to delivering the objectives of this TCP.	



Community and E	nvironment	Risk Level
Event	None	
Likelihood	N/A	N/A
Consequence	N/A	
Mitigation	There is no perceived Community or Environmental risk due to delivering the objectives of this TCP.	

Health & Safety		Risk Level
Event	None	
Likelihood	N/A	N/A
Consequence	N/A	
Mitigation	There is no perceived Health & Safety risk due to delivering TCP.	the objectives of this

Service Delivery /	Business Continuity	Risk Level
Event	Delays in communicating/enforcing extension of service agr project or operational delays	eements causing
Likelihood	Unlikely	Low
Consequence	Minimal	
Mitigation	All service agreements are on a month-by-month basis (bey term of engagement) unless either party gives 30 days' noti- agreement. Should ICC decide not to extend their current a communicate this to the relevant service providers, and a su service provider will be identified.	ce to terminate the greement, ICC will

Information Confi	Information Confidentiality, Integrity and Accessibility Risk Level							
Event	Information and Knowledge of the Projects and Assets not transferred to ICC							
Likelihood	kelihood Possible Mode							
Consequence	sequence Moderate							
Mitigation	The CBD Project Team and ICC Corporate Procurement team will work closely with current service providers to ensure all asset information and knowledge is captured, and included where relevant in a future ICC tender.							

# 9. SUMMARY

To ensure continuity of CBD Redevelopment Project and Retail works, it is recommended to extend the agreements in line with the forecast transfer timelines listed in section 2 of this TCP.

Each supplier will continue to be managed by the ICC Principal Officer (Precinct Operations) ensuring the contract is appropriately managed in accordance with terms and conditions of the relevant Contract.

Doc ID No: A6005575

ITEM: 28.28

SUBJECT: IPSWICH CENTRAL PROGRAM REPORT NO. 19 TO 11 DECEMBER 2019 AND REPORT NO. 20 TO 15 JANUARY 2020

AUTHOR: BUSINESS SUPPORT OFFICER

DATE: 15 JANUARY 2020

#### **EXECUTIVE SUMMARY**

This is a report concerning a monthly update for the Ipswich Central Program of Works.

#### **RECOMMENDATION/S**

# That the report on the Ipswich Central Program Report No. 19 effective to 11 December 2019 and Report No. 20 effective to 15 January 2020 be received and the contents noted.

#### **RELATED PARTIES**

Program Management Partner, Ranbury Management Group – for the Ipswich CBD Transformation Project.

#### ADVANCE IPSWICH THEME LINKAGE

Strengthening our local economy and building prosperity

#### PURPOSE OF REPORT/BACKGROUND

This report includes Monthly Program Report No. 19 effective to 11 December 2019 and Report No. 20 effective to 15 January 2020. It is to inform the Committee of the progress of the redevelopment works, including status of design, procurement, programme, potential risks with related mitigation strategies, etc.

#### FINANCIAL/RESOURCE IMPLICATIONS

Not applicable

#### **RISK MANAGEMENT IMPLICATIONS**

Not applicable

#### LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions: *Local Government Act 2009* 

#### COMMUNITY AND OTHER CONSULTATION

Not applicable

#### CONCLUSION

This report is provided as a monthly update on the Ipswich Central Program of Works.

#### ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1. 2.	Summary Report No. 19 🖟 🛣 Summary Report No. 20 🖟 🛣
	CONFIDENTIAL
3.	Executive Report No. 9
4.	Executive Report No. 10

#### Nicole Denman BUSINESS SUPPORT OFFICER

I concur with the recommendations contained in this report.

# Greg Thomas PROJECT MANAGER

I concur with the recommendations contained in this report.

#### Sean Madigan GENERAL MANAGER - COORDINATION AND PERFORMANCE

I concur with the recommendations contained in this report.

David Farmer CHIEF EXECUTIVE OFFICER

*"Together, we proudly enhance the quality of life for our community"* 



# Nicholas Street, Ipswich Central

# Summary Report No.19 To 11th Dec 2019



Endorsed by:

Date:



DOCUMENT INFORMATION

Title: Nicholas Street, Ipswich Central Subtitle: Summary Project Management Report Date: 11 Dec 2019

VERSION	DATE	OUR REFERENCE
1	11 December 2019	T:\Projects\Ipswich Central\16044-Program Management\9-Reporting\Program & Project Management Reports\2019-12 Dec

AUTHOR, REVIEWER AND APPROVER DETAILS						
Prepared by:	Ranbury	Date: 11/12/2019				

#### Distribution

Ipswich Central Project Steering Committee



### Contents

1.	PROJECT SUMMARY	.4
1.1	PROGRAM AMENDMENTS	4
2.	DESIGN & CONSTRUCTION	.5
2.1	CIVIC PROJECT	5
2.2	COMMONWEALTH HOTEL	5
2.3	NICHOLAS / UNION	5
2.4	RETAIL	6
2.5	AV PROJECT	6
2.6	DEMOLITION WORK	6
2.7	SAFE CITY RELOCATION	6
3.	SAFETY & ENVIRONMENT	.7
3.1	PUBLIC SAFETY	7
3.1 3.2	PUBLIC SAFETY SAFETY IN DESIGN	
••••		7
3.2	SAFETY IN DESIGN	7 7
3.2 3.3	SAFETY IN DESIGN	7 7 7
3.2 3.3 3.4	SAFETY IN DESIGN ENVIRONMENT SAFETY CONSULTANT	7 7 7
3.2 3.3 3.4 4.	SAFETY IN DESIGN ENVIRONMENT SAFETY CONSULTANT	7 7 7 8

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APPENDIX B – SITE PHOTOS



### 1. Project Summary

The program has been updated with Data date on 30 November 2019. A summary Gantt chart is included at **Appendix A** of this Report wish reflects target completion dates as per table below.

#### Table 1 – Program Status Summary

Ref	Project	Current Status	Target Completion
1.1	Admin Building	In Construction	Q3 2021
1.2	Library	In Construction	Q3 2020
1.3	Civic Plaza	In Construction	Q3 2020
1.4	Car Park Upgrade	In Construction	Q3 2020
1.5	Existing Lift in Food & Bev Bldg	In Construction	Q4 2020
2.1	Commonwealth Hotel (Deconstruction)	Complete	Q3 2018
2.2	Commonwealth Hotel (Stabilisation)	Complete	Q2 2019
2.3	Commonwealth Hotel (Reconstruction & Base-build Works)	Concept Design	Q3 2020
3.1	Nicholas St / Union Ave	In Construction	Q4 2019
4.1	Metro A (Bells St Link)	Tender Documents (demo & Façade only)	Q3 2020 (façade)
4.2	Metro B (2 Bell Street)	Tender Documents	Q2 2021
4.3	Eats (Food & Bev)	Tender Documents	Q4 2020 (base-build)
4.4	Venue (Entertainment Bldg)	Tender Documents	Q2 2021
5.1	AV Project (Nicholas / Union)	Concept Design	Q3 2020
6.0	Demolition works	Complete	Q2 2018
7.0	Safe City Relocation	Complete	Q2 2018

#### 1.1 PROGRAM AMENDMENTS

There are no milestone amendments in this month's report.

# NICHOLAS F

### 2. Design & Construction

#### 2.1 CIVIC PROJECT

The Civic Project scope of works covers the following separable portions:

- 1. The Admin Building (including integrated fit-out)
- 2. Library (including fit-out)
- 3. Civic Plaza
- 4. Existing Car Park Upgrade
- 5. Existing Lift (within future food & beverage building)

Construction (demolition and groundworks) on all separable portions commenced in September 2019. Design submissions for all separable portions also commenced in September 2019 and throughout October a series of design workshops with key stakeholders and audit consultants – the full list was included in the November 2019 monthly report. Final design submissions are due and on track to be received in December 2019.

Comments resulting from the design review workshops and audit consultant reviews have been returned to the D&C Contractor. A revised set of drawings (50% Construction Documents) was issued that aims to capture the feedback provided. A presentation of key items from this round of documentation was presented to the Project Steering Committee on 18/11/2019 and this feedback has been issued to the Contractor and the revised scope has been instructed to proceed.

#### 2.2 COMMONWEALTH HOTEL

Work to the Commonwealth Hotel has been packaged into the following work phases:

- 1. **Deconstruction**: Careful deconstruction of this historic asset was completed in 2018 to ensure safety of workers and the public with oversight by suitably qualified consultants.
- 2. **Stabilisation**: Underpinning works to the front and rear facades and internal slabs are completed and so too is services installation.
- 3. **Reconstruction**: An architect has been appointed to prepare concept designs and complete the reconstruction documents to enable the reconstruction work to be tendered next year.
- 4. **Fit-out:** The fit-out (and potential extension) of the Commonwealth Hotel is shown as a separate activity in the program commencing after completion of the reconstruction work. The budget for this work is not included within the project budget and the fit-out work will need to be done by the tenant.

The proposed path forward for the Commonwealth Hotel is:

- Proposed Architect to complete a range of Concept Designs for marketing purposes, but proceed with documentation of reconstruction work only;
- Submit a Tender Consideration Plan based on compiling a prequalified bid list of specialist Contractors with suitable skills for historic reconstruction projects of this scale;
- Let contract in Q1 or Q2 of 2020 to commence rebuild works;

The design team has met with Council's heritage and planning officers and a variety of options will be explored and presented for consideration to either maximise or optimise the extent of fabric to be re-used.

#### 2.3 NICHOLAS / UNION

Jmac Constructions continue to make progress on the Nicholas Street / Union Place project. Pavers have been delivered and are being installed and the project completion date remains as forecast at 20/12/2019.

Lighting installation shown mounted to soffits of Council owned building is being installed to provide lighting throughout the next six months but enable removal and reinstallation if required during the Retail Project

# 

construction works. A lighting audit has been performed as part of Jmac's project completion works to ensure temporary lighting left in place provides sufficient illumination on Nicholas Street and the portions of Union Place that are publicly accessible.

Permanent lighting installation to the limited number of privately-owned buildings in Nicholas Street and Union Place is not currently proceeding based on advice received from Council's legal division and external lawyers. Their recommendation is to have the lighting installed as part of upgrade works to the privately-owned buildings and made a requirement of a Development Approval or similar. The lighting would then be maintained and powered by the private owner.

Upon practical completion of Jmac's scope Council will be required to take responsibility for barricades in Metro A and maintenance of other temporary installations.

#### 2.4 RETAIL

The projects comprising the retail program include:

- 1. Metro A Bell Street Link
- 2. Metro B 2 Bell Street
- 3. Eats Food & Beverage tenancies on the western side of Nicholas Street (lower end)
- 4. Venue Entertainment building on the western side of Nicholas Street (upper end)

Council resolved at their council meeting on 28 October 2019 to proceed with the development strategy for the Nicholas St precinct and recommended development of Venue, Eats and Metro B while deferring the Metro A building works pending further lease deals being sourced.

A Tender Consideration Plan has been prepared recommending that Hutchinson Builders as the existing head contractor for the Civic Project undertake the delivery of the Retail Project the design and construction works as a variation to the existing Civic Project contract.

The procurement methodology proposed is a 2-stage D&C process, of which Stage 1 was approved to proceed on Friday 1 November 2019, and Hutchinson Builders are underway with progressing design works and sourcing competitive trade pricing.

#### 2.5 AV PROJECT

The AV work is currently listed as a separate package of work. The AV strategy and design are proceeding as part of the Stage 1 D&C phase noted above.

#### 2.6 **DEMOLITION WORK**

Demolition work was completed in 2018 and included lot creation to facilitate construction of the Admin Building and adjacent Civic Project elements. The demolition work has reduced the risk and program duration of the Civic Project. This phase of work is now concluded, and site possession has been transferred from the Demolition team to the Construction team of Hutchinson Builders.

#### 2.7 SAFE CITY RELOCATION

The Safe City Relocation project has been completed.



### 3. Safety & Environment

#### 3.1 PUBLIC SAFETY

The month of November 2019 included no Lost Time Injury from Hutchinson. Refer to the Hutchinson Monthly Report for further details.

#### 3.2 SAFETY IN DESIGN

A safety-in-design workshop was held on Friday 11 October and was attended by nominated staff representatives of Ipswich City Council in their capacity as end users and maintainers of the building. The workshop has created a risk register that will be monitored and updated through the design and construction work.

#### 3.3 ENVIRONMENT

No incidents to report.

#### 3.4 SAFETY CONSULTANT

GCG has been appointed as Safety Consultant covering all projects in Nicholas Street. Their scope of work includes:

- Review and comment on Contractors Safety Management Plan
- Attendance at Safety-InDesign workshop
- Monthly inspection and reporting
- Attendance as required during the course of construction to inspect critical issues
- Design review of safe access submission

The monthly safety review on site has been completed this month and was attended by Anthony Stafford, Sid Sahi, Matt Hanna, Luke Hinds, Julian Gourgaud, Warren Priest and Kan Chan.

# NICHOLAS <sup>\$</sup>

### 4. Marketing & Leasing

#### 4.1 RETAILER ENGAGEMENT

The Stakeholder Relations team continues to work with the traders and building owners located in the redevelopment 'impact zone' by providing detailed project updates, ongoing marketing and media support and activation.

During November and December 2019, the Stakeholder Relations team delivered the following initiatives:

- Invitation to the quarterly CBD Business briefing which covers both the Nicholas Street redevelopment and wider Ipswich Central updates on Monday 2 December;
- Activation Nicholas Street trader shopping event to encourage additional foot traffic and spend on Sunday 1 December;
- Daily social media posts mix of trader products, Christmas messaging and redevelopment updates;
- · Ongoing assistance with individual marketing and promotions;
- · Weekly project updates to traders, building owners and internal stakeholders; and,
- Engagement with building owners on branding and future leasing prospects.

#### 4.2 SOCIAL MEDIA ENGAGEMENT

Platform	Date range	Reach	Engagement	Comment
Facebook	07/11 - 04/12	36,702	5,157 (14%)	-
Instagram	05/11-04/12	12,139	477 (3%)	-

#### 4.3 COMMUNITY ENGAGEMENT

Current community engagement activities include:

- VIP Christmas shopping experience for Nicholas St shops;
- New postcards printed to reinforce 'We're Open' messaging; and,
- Invitation to engage via Shape Your Ipswich digital platform.

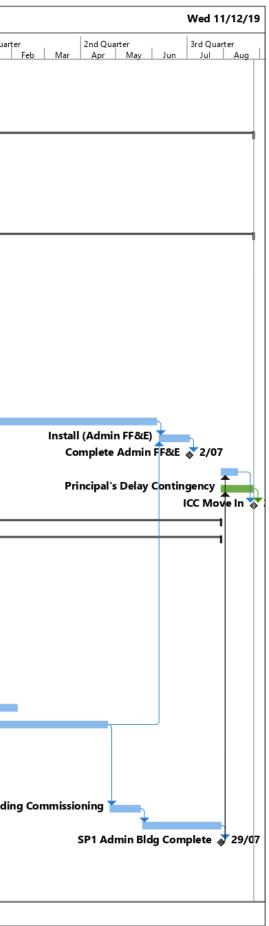
28 JANUARY 2020

Item 28.28 / Attachment 1.

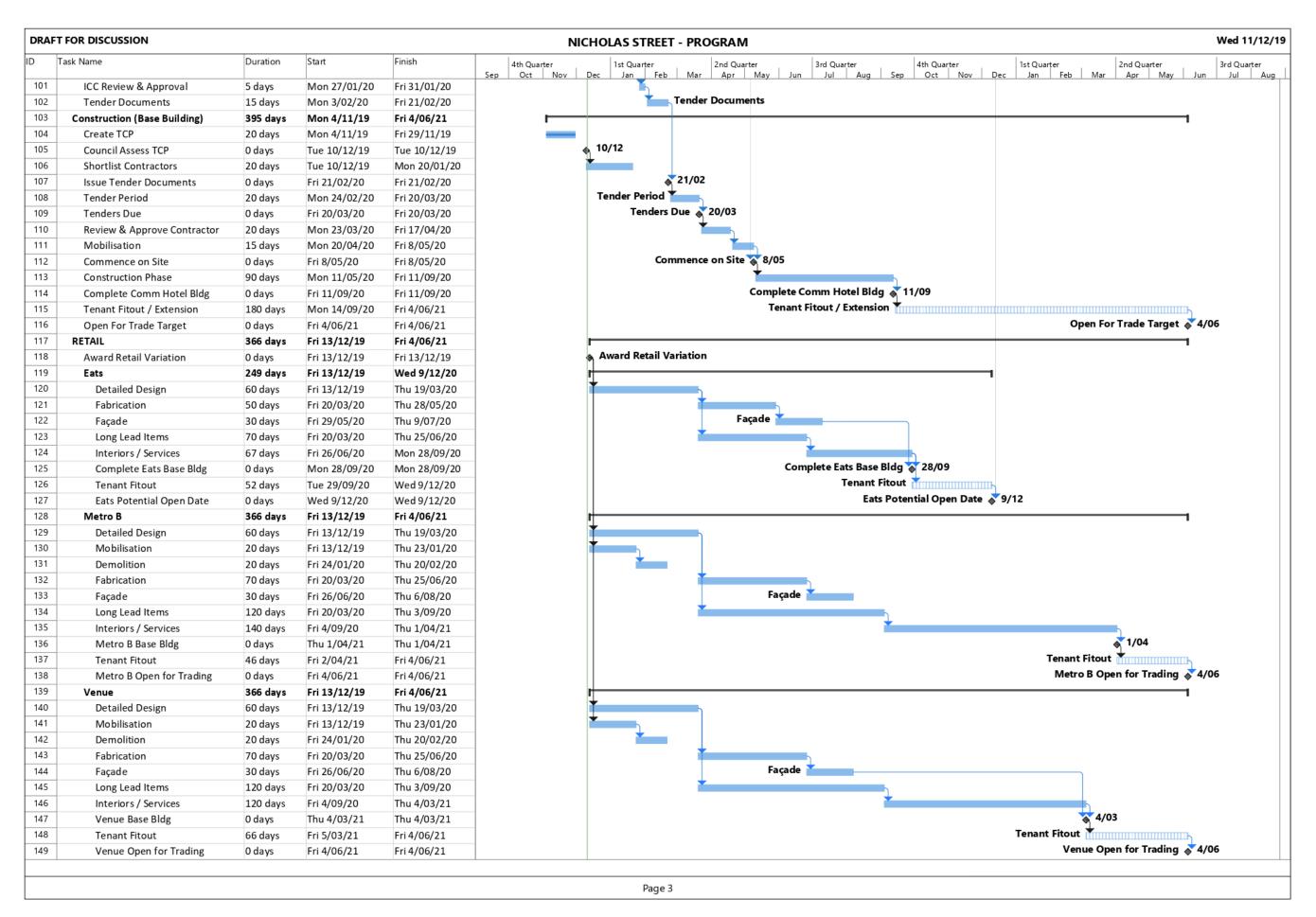


APPENDIX A - SUMMARY PROGRAM

DRA	FT FOR DISCUSSION				NICHOLAS STREET - PROGRAM
D	Task Name	Duration	Start	Finish	4th Quarter     1st Quarter     2nd Quarter     3rd Quarter     4th Quarter     1st Quarter       Sep     Oct     Nov     Dec     Jan     Feb     Mar     Apr     May     Jun     Jul     Aug     Sep     Oct     Nov     Dec     Jan
1	KEY MEETINGS	16 days	Mon 18/11/19	Tue 10/12/19	
2	November Council Mtg	0 days	Tue 19/11/19	Tue 19/11/19	♦ 19/11
3	December Council Mtg	0 days	Tue 10/12/19	Tue 10/12/19	10/12
4	Project Steering Committee	0 days	Mon 18/11/19	Mon 18/11/19	♦ 18/11
5	CIVIC PROJECT	494 days	Mon 9/09/19	Thu 26/08/21	
6	CIVIC DESIGN	66 days	Mon 23/09/19	Tue 7/01/20	
7	80% Design Development	0 days	Mon 23/09/19	Mon 23/09/19	23/09
8	100% Design Development	0 days	Tue 8/10/19	Tue 8/10/19	♦ 8/10
9	50% Construction Docs	0 days	Tue 19/11/19	Tue 19/11/19	♦ 19/11
10	100% Construction Docs	0 days	Tue 7/01/20	Tue 7/01/20	7/01 💊 100% Construction Docs
11	FF&E / MOVE IN	446 days	Thu 14/11/19	Thu 26/08/21	
12	Establish Procurement Plan	27 days	Thu 14/11/19	Fri 20/12/19	
13	Staff Consultation	40 days	Mon 6/01/20	Fri 28/02/20	
14	Tender Phase (Library FF&E)	20 days	Mon 2/03/20	Fri 27/03/20	
15	Review & Award	10 days	Mon 30/03/20	Fri 10/04/20	
16	Lead Time (Library FF&E)	90 days	Mon 13/04/20	Fri 14/08/20	
17	Install (Library FF&E)	10 days	Mon 17/08/20	Fri 28/08/20	
18	Complete Library FF&E	0 days	Fri 28/08/20	Fri 28/08/20	Complete Library FF&E 👗 28/08
19	ICC Evaluation	10 days	Mon 31/08/20	Fri 11/09/20	ICC Evaluation 🍆
20	Tender Phase (Admin FF&E)	20 days	Mon 14/09/20	Fri 9/10/20	
21	Review & Award	10 days	Mon 12/10/20	Fri 23/10/20	
22	Lead Time (Admin FF&E)	150 days	Mon 26/10/20	Fri 4/06/21	
23	Install (Admin FF&E)	20 days	Mon 7/06/21	Fri 2/07/21	
24	Complete Admin FF&E	0 days	Fri 2/07/21	Fri 2/07/21	
25	IT & AV Commissioning	10 days	Fri 30/07/21	Thu 12/08/21	
26	Principal's Delay Contingency	20 days	Fri 30/07/21	Thu 26/08/21	
27	ICC Move In	0 days	Thu 26/08/21	Thu 26/08/21	
28	CIVIC CONSTRUCTION	474 days	Mon 9/09/19	Thu 29/07/21	
29	SP1 Admin Building	474 days	Mon 9/09/19	Thu 29/07/21	
30	Start on site	0 days	Mon 9/09/19	Mon 9/09/19	9/09
31	Piling	30 days	Mon 9/09/19	Fri 18/10/19	
32	Basement Structure	80 days	Mon 21/10/19	Fri 21/02/20	
33	Tower Structure	110 days	Mon 24/02/20	Fri 24/07/20	
34	Concrete Structure Complete	0 days	Fri 24/07/20	Fri 24/07/20	Concrete Structure Complete 💉 24/07
35	Curtain Wall Install	55 days	Mon 31/08/20	Fri 13/11/20	
36	Level 9 Roof Walls	55 days	Mon 27/07/20	Fri 9/10/20	
37	Roof On	0 days	Fri 9/10/20	Fri 9/10/20	Roof On 💣 9/10
38	Ground Floor Fitout	100 days	Mon 27/07/20	Fri 11/12/20	
39	Level 1 Fitout	50 days	Mon 16/11/20	Fri 5/02/21	
40	Fitout Office Floors	130 days	Mon 12/10/20	Fri 23/04/21	Fitout Office Floors
41	Fitout Basement 3 & 2	80 days	Mon 22/06/20	Fri 9/10/20	
42	Fitout Basement 1	60 days	Mon 7/09/20	Fri 27/11/20	
43	Lifts	45 days	Mon 12/10/20	Fri 11/12/20	
44	Substation	0 days	Fri 2/10/20	Fri 2/10/20	Substation 🔶 2/10
45	Building Commissioning	20 days	Mon 26/04/21	Fri 21/05/21	Buildin
46	Builder's Delay Allowance	49 days	Mon 24/05/21	Thu 29/07/21	
47	SP1 Admin Bldg Complete	0 days	Thu 29/07/21	Thu 29/07/21	
48	SP2 Library	268 days	Mon 9/09/19	Wed 30/09/20	I
49	Demolition	40 days	Mon 9/09/19	Fri 1/11/19	
	Floor Slabs	30 days	Mon 4/11/19	Fri 13/12/19	



DRAFT FOR DISCUSSION NICHOLAS STREET - PROGRAM Wed 11/12/19								
C	Task Name	Duration	Start	Finish	4th Quarter     1st Quarter     2nd Quarter     3rd Quarter     4th Quarter     1st Quarter     2nd Quarter     3rd Quarter       Sep     Oct     Nov     Dec     Jan     Feb     Mar     Apr     May     Jun     Jul     Aug     Sep     Oct     Nov     Dec     Jan     Feb     Mar     Apr     Jun     Jul     Aug			
51	Steel Fabrication	30 days	Mon 4/11/19	Fri 13/12/19				
52	Steel Installation	30 days	Mon 16/12/19	Fri 7/02/20				
53	Roofing	20 days	Mon 10/02/20	Fri 6/03/20				
54	Shopfront	60 days	Mon 10/02/20	Fri 1/05/20				
55	Façade	60 days	Mon 9/03/20	Fri 29/05/20				
56	Elevators	30 days	Mon 4/05/20	Fri 12/06/20				
57	Fitout	60 days	Mon 4/05/20	Fri 24/07/20				
58	Commissioning	18 days	Mon 27/07/20	Wed 19/08/20				
59	Builder's Delay Allowance	20 days	Thu 20/08/20	Wed 16/09/20				
60	SP2 Library Complete	0 days	Wed 16/09/20	Wed 16/09/20	SP2 Library Complete 💣 16/09			
61	Principal's Delay Contingency	10 days	Thu 17/09/20	Wed 30/09/20	Principal's Delay Contingency			
62	IT & AV Commissioning	5 days	Thu 17/09/20	Wed 23/09/20				
63	Library Target Opening	0 days	Wed 30/09/20	Wed 30/09/20	Library Target Opening 😽 30/09			
64	SP3 Civic Plaza	266 days	Mon 9/09/19	Mon 28/09/20				
65	Demolition	75 days	Mon 9/09/19	Fri 20/12/19				
66	Topping Slabs	130 days	Mon 6/01/20	Fri 3/07/20				
67	Install Pavers	130 days	Mon 2/03/20	Fri 28/08/20				
68	Install Planters	40 days	Mon 27/04/20	Fri 19/06/20				
69	Soft Landscaping & Trees	40 days	Mon 22/06/20	Fri 14/08/20				
70	Pavilion Structure	30 days	Mon 17/02/20	Fri 27/03/20				
71	Lifts	30 days	Mon 8/06/20	Fri 17/07/20	Lifts			
72	Commissioning	9 days	Mon 17/08/20	Thu 27/08/20				
73	Builder's Delay Allowance	22 days	Fri 28/08/20	Mon 28/09/20				
74	SP4 Civic Plaza Complete	0 days	Mon 28/09/20	Mon 28/09/20	SP4 Civic Plaza Complete 💊 28/09			
75	SP4 Car Park	217 days	Mon 9/09/19	Tue 21/07/20				
76	Misc Demo & works	120 days	Mon 9/09/19	Fri 6/03/20				
77	Remove Backpropping	60 days	Mon 17/02/20	Fri 8/05/20				
78	Finishes & Services	40 days	Mon 11/05/20	Fri 3/07/20				
79	Commissioning	11 days	Mon 6/07/20	Mon 20/07/20				
80	Builder's Delay Allowance	1 day	Tue 21/07/20	Tue 21/07/20				
81	SP3 Car Park Complete	0 days	Tue 21/07/20	Tue 21/07/20	SP3 Car Park Complete 💊 21/07			
82	SP5 Existing Lift	60 days	Thu 17/09/20	Wed 9/12/20				
83	Replace Lift Car		Thu 17/09/20	Wed 9/12/20				
84	Adjacent Finishes	60 days						
85		20 days	Thu 12/11/20	Wed 9/12/20	SP5 Existing Lift Complete 💊 9/12			
86	SP5 Existing Lift Complete	0 days	Wed 9/12/20	Wed 9/12/20				
	NICHOLAS / UNION	85 days	Mon 26/08/19	Fri 20/12/19	▲ 14/10			
87	Paver Delivery	0 days	Mon 14/10/19	Mon 14/10/19				
88 89	Paver Installation	50 days	Mon 14/10/19	Fri 20/12/19				
89	Remove Temp Fencing Step 1	2 days	Thu 12/12/19	Fri 13/12/19				
90	Remove Temp Fencing Step 2	2 days	Thu 19/12/19	Fri 20/12/19				
91	Landscape Installation	85 days	Mon 26/08/19	Fri 20/12/19	20/12 💊 SP1 Nicholas St Complete			
92	SP1 Nicholas St Complete	0 days	Fri 20/12/19	Fri 20/12/19	20/12 SP1 Nicholas St Complete 20/12 SP2 Union Pl Complete			
93	SP2 Union Pl Complete	0 days	Fri 20/12/19	Fri 20/12/19				
94	COMMONWEALTH HOTEL	395 days	Mon 4/11/19	Fri 4/06/21				
95	Design	65 days	Mon 11/11/19	Fri 21/02/20	. 11/11			
96	Award Architecture	0 days	Mon 11/11/19	Mon 11/11/19				
97	Concept Designs	20 days	Mon 11/11/19	Fri 6/12/19				
98	ICC Review & Approval	5 days	Mon 9/12/19	Fri 13/12/19				
99	Schematic Design	20 days	Mon 16/12/19	Fri 24/01/20				
100	Services Consultant Input	20 days	Mon 16/12/19	Fri 24/01/20				



28 JANUARY 2020

Item 28.28 / Attachment 1.



**APPENDIX B – SITE PHOTOS** 

#### **APPENDIX B – SITE PHOTOS**



Admin Building: Reinforcement work for the Basement 3 floor slab (Northern end)



#### **APPENDIX E – SITE PHOTOS**



Nicholas Street: Nicholas Street prepared for final construction activity – laying of road paving tiles

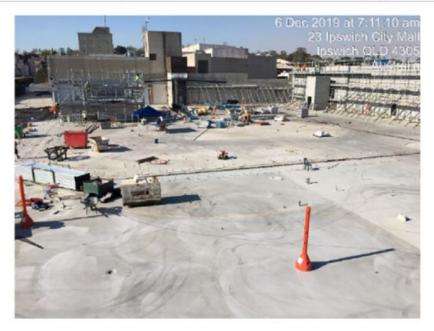
Nicholas Street: Timber planter boxes delivered; special tiles designed seating installed



#### APPENDIX E - SITE PHOTOS



Civic Plaza: Library Lift & Staircase block work wall construction in progress





# Nicholas Street, Ipswich Central

# Summary Report No.20 To 15th Jan 2020



Endorsed by:

Date:



DOCUMENT INFORMATION

Title: Nicholas Street, Ipswich Central Subtitle: Summary Project Management Report Date: 15 Jan 2020

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Prepared by:	Ranbury	Date: 15/01/2020			

#### Distribution

Ipswich Central Project Steering Committee



### Contents

1.	PROJECT SUMMARY	4
1.1	PROGRAM AMENDMENTS	4
2.	DESIGN & CONSTRUCTION	5
2.1	CIVIC PROJECT	5
2.2	COMMONWEALTH HOTEL	5
2.3	NICHOLAS / UNION	5
2.4	RETAIL	6
2.5	AV PROJECT	6
2.6	DEMOLITION WORK	6
2.7	SAFE CITY RELOCATION	6
3.	SAFETY & ENVIRONMENT	7
3. 3.1	SAFETY & ENVIRONMENT	
_		7
3.1	PUBLIC SAFETY	7 7
3.1 3.2	PUBLIC SAFETY	7 7 7
3.1 3.2 3.3	PUBLIC SAFETY SAFETY IN DESIGN ENVIRONMENT	7 7 7 7
3.1 3.2 3.3 3.4	PUBLIC SAFETY	7 7 7 7
3.1 3.2 3.3 3.4 4.	PUBLIC SAFETY	7 7 7 8 8

#### APPENDIX A – SUMMARY PROGRAM APPENDIX B – SITE PHOTOS



## 1. Project Summary

The program has been updated with data date on 31 December 2019. A summary Gantt chart is included at **Appendix A** of this Report wish reflects target completion dates as per table below.

#### Table 1 – Program Status Summary

Ref	Project	Current Status	Target Completion	
1.1	Admin Building	In Construction	Q3 2021	
1.2	Library	In Construction	Q3 2020	
1.3	Civic Plaza	In Construction	Q3 2020	
1.4	Car Park Upgrade	In Construction	Q3 2020	
1.5	Existing Lift in Food & Bev Bldg	In Construction	Q4 2020	
2.1	Commonwealth Hotel (Deconstruction)	Complete	Q3 2018	
2.2	Commonwealth Hotel (Stabilisation)	Complete	Q2 2019	
2.3	Commonwealth Hotel (Reconstruction & Base-build Works)	Concept Design	Q3 2020	
3.1	Nicholas St / Union Ave	In Construction	Q4 2019	
4.1	Metro A (Bells St Link)	Tender Documents (demo & Façade only)	Q3 2020 (façade)	
4.2	Metro B (2 Bell Street)	Tender Documents	Q2 2021	
4.3	Eats (Food & Bev)	Tender Documents	Q4 2020 (base-build)	
4.4	Venue (Entertainment Bldg)	Tender Documents	Q2 2021	
5.1	AV Project (Nicholas / Union)	Concept Design	Q3 2020	
6.0	Demolition works	Complete	Q2 2018	
7.0	Safe City Relocation	Complete	Q2 2018	

#### 1.1 PROGRAM AMENDMENTS

There are no milestone amendments in this month's report.

The proposed dates for the retail variation have not been finalised but are not expected to significantly depart from the above.

#### Item 28.28 / Attachment 2.

## NICHOLAS <sup>\$</sup> IPSWICH CENTRAL

## 2. Design & Construction

#### 2.1 CIVIC PROJECT

The Civic Project scope of works covers the following separable portions:

- 1. The Administration Building (including integrated fit-out)
- 2. Library (including fit-out)
- 3. Civic Plaza
- 4. Existing Car Park Upgrade
- 5. Existing Lift (within future food & beverage building)

The design review process is approaching completion. Architectural construction drawings for all separable portions have been submitted to the Principal at the end of December 2019.

The final round of building services drawings are expected to be submitted in January 2020.

Construction of structural work is proceeding according to program. Major milestones achieved in December include installation of the first components of library steel work.

The program in Appendix A shows the status of construction and photos in Appendix B supplement this information.

#### 2.2 COMMONWEALTH HOTEL

The tender documents for the reconstruction of the Commonwealth Hotel are currently being prepared. The tender documents are based on reconstruction (ie not extension or fit-out) and aim to conform with the current Development Approval from Council. Forthcoming milestones include:

- · Completion of tender documents in Feb 2020;
- Finalisation of the Contractor tender list in Feb 2020 based on the tender consideration plan approved by Council in December 2019;
- · Tenderers to complete pricing in March 2020;
- Contract to be awarded in April 2020;

The design team has met with Council's heritage and planning officers and a variety of options will be explored and presented for consideration to either maximise or optimise the extent of fabric to be re-used. As required by the Development Approval the original engineer for the deconstruction has been engaged to advise on the reconstruction methodology.

#### 2.3 NICHOLAS / UNION

Jmac Constructions achieved practical completion on 19/12/2019 of their scope of work. This date was one day prior to their contract completion date and enabled Nicholas Street to be opened to the public prior to the 2019 holiday period.

The final walk-thru for areas being handed over was undertaken with multiple Council stakeholders and a comprehensive defects list was compiled. Jmac have been issued this defect list and are addressing these defects in accordance with the requirements of the contract.

Jmac are meeting on site with their design team 15/1 to review lessons learned and discuss road curb issues identified by the project team.



#### 2.4 RETAIL

A Tender Consideration Plan has been approved by Council to enable Hutchinson Builders as the existing head contractor for the Civic Project to undertake the delivery of the Retail Project as a variation. This includes providing 'open book' pricing of subcontract work.

Pricing has been received and reviewed by the project cost consultant RLB. Council are now reviewing the available budget. The scope of work as currently proposed includes:

Metro A- Bells Street Link (facades only with an add-alternate price for demolition)

Metro B - 2 Bell Street

Eats - Food & Beverage Building

Venue – Entertainment Building

Audio Visual projection onto retail facades

#### 2.5 AV PROJECT

The AV work is currently included as a provisional sum within the retail variation due to the integral nature of the work. The current design allows for projectors located on Eats, Civic Plaza and Admin Building projecting images onto Metro B and potentially Metro A facades.

#### 2.6 DEMOLITION WORK

Demolition work was completed in 2018 and included lot creation to facilitate construction of the Admin Building and adjacent Civic Project elements. The demolition work has reduced the risk and program duration of the Civic Project. This phase of work is now concluded, and site possession has been transferred from the Demolition team to the Construction team of Hutchinson Builders.

#### 2.7 SAFE CITY RELOCATION

The Safe City Relocation project has been completed.



## 3. Safety & Environment

#### 3.1 PUBLIC SAFETY

The month of December 2019 included no Lost Time Injuries. Refer to the Hutchinson Monthly Report for further details on the Civic Project.

Major public safety initiatives for December 2019 include the implementation of a sidewalk bridge on Bremer Street to protect the public during work to the Civic Plaza area. This scaffold and sidewalk bridge is expected to be in place until April 2020.

#### 3.2 SAFETY IN DESIGN

A safety-in-design workshop was held on Friday 11 October and was attended by nominated staff representatives of Ipswich City Council in their capacity as end users and maintainers of the building. The workshop has created a risk register that will be monitored and updated through the design and construction work.

#### 3.3 ENVIRONMENT

No incidents to report.

#### 3.4 SAFETY CONSULTANT

GCG has been appointed as Safety Consultant covering all projects in Nicholas Street. Their scope of work includes:

- Review and comment on Contractors Safety Management Plan
- Attendance at Safety-InDesign workshop
- Monthly inspection and reporting
- Attendance as required during the course of construction to inspect critical issues
- Design review of safe access submission

The monthly safety review on site has been completed for December 2019 and is included in Appendix F. Attendees at the safety walk included:

Antony Stafford	GCG
Luke Hinds	Hutchinson Builders
Julian Gougard	Hutchinson Builders
C. Love	Hutchinson Builders
Koby Slater	ICC
Dorryn Gentle	ICC
Kan Chan	Ranbury

# NICHOLAS <sup>\$</sup>

## 4. Marketing & Leasing

#### 4.1 RETAILER ENGAGEMENT

The Stakeholder Relations team continues to work with the traders and building owners located in the redevelopment 'impact zone' by providing detailed project updates, ongoing marketing and media support and activation.

During December 2019 and January 2020, the Stakeholder Relations team delivered the following initiatives:

- Meetings with private building owners in Nicholas Street to discuss new window branding campaign and information on how to engage with Ranbury's leasing team
- Invitation for building owners to take part in the Façade Improvement Incentive Scheme ICC will
  match building owner's contribution dollar-for-dollar up to the value of \$15,000/building for exterior
  improvements
- Invitation to the quarterly CBD Business briefing which covers both the Nicholas Street redevelopment and wider Ipswich Central updates on Tuesday 3 March 2020
- Activation Nicholas Street activation planning for major food truck events to kick off 29 Feb 2020
- Daily social media posts mix of trader products, Christmas messaging and redevelopment updates scheduled posts for every day over Christmas/New Year period to ensure consistent messaging
- Ongoing assistance with individual trader marketing and promotions
- · Weekly project updates to traders, building owners and internal stakeholders
- New postcards printed to reinforce 'We're Open' messaging
- Invitation to engage via Shape Your Ipswich digital platform

#### 4.2 SOCIAL MEDIA ENGAGEMENT

Platform	Date range	Reach	Engagement	Comment
Facebook	01/12/2019 – 13/01/2020	54,687	6,031 (11%)	-
Instagram	05/11 - 04/12	12,139	477 (3%)	*No update from last month

#### 4.3 COMMUNITY ENGAGEMENT

The upcoming community engagement activities include:

- Invitation to the quarterly CBD Business briefing which covers both the Nicholas Street redevelopment
   and wider Ipswich Central updates on Tuesday 3 March 2020
- Activation Nicholas Street activation planning for major food truck events to kick off 29 Feb 2020

28 JANUARY 2020

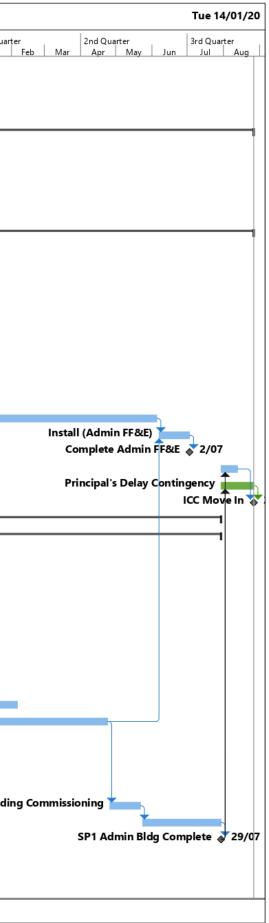
Item 28.28 / Attachment 2.



APPENDIX A - SUMMARY PROGRAM

DRAFT					NICHOLAS STREET - PROGRAM
ID	Task Name	Duration	Start	Finish	4th Quarter 1st Quarter 2nd Quarter 3rd Quarter 4th Quarter 1st (
1	KEY MEETINGS	16 days	Mon 18/11/19	Tue 10/12/19	Sep Oct Nov Dec Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec Ja
2	November Council Mtg	0 days	Tue 19/11/19	Tue 19/11/19	♦ 19/11
3	December Council Mtg	0 days	Tue 10/12/19	Tue 10/12/19	♦ 10/12
4	Project Steering Committee	0 days	Mon 18/11/19	Mon 18/11/19	♦ 18/11
5	CIVIC PROJECT	494 days	Mon 9/09/19	Thu 26/08/21	· · ·
6	CIVIC DESIGN	66 days	Mon 23/09/19	Tue 7/01/20	
7	80% Design Development	0 days	Mon 23/09/19	Mon 23/09/19	♦ 23/09
8	100% Design Development	0 days	Tue 8/10/19	Tue 8/10/19	♦ 8/10
9	50% Construction Docs	0 days	Tue 19/11/19	Tue 19/11/19	♦ 19/11
10	100% Construction Docs	0 days	Tue 7/01/20	Tue 7/01/20	7/01 💊 100% Construction Docs
11	FF&E / MOVE IN	446 days	Thu 14/11/19	Thu 26/08/21	
12	Establish Procurement Plan	27 days	Thu 14/11/19	Fri 20/12/19	
13	Staff Consultation	40 days	Mon 6/01/20	Fri 28/02/20	
14	Tender Phase (Library FF&E)	20 days	Mon 2/03/20	Fri 27/03/20	
15	Review & Award	10 days	Mon 30/03/20	Fri 10/04/20	
16	Lead Time (Library FF&E)	90 days	Mon 13/04/20	Fri 14/08/20	
17	Install (Library FF&E)	10 days	Mon 17/08/20	Fri 28/08/20	
18	Complete Library FF&E	0 days	Fri 28/08/20	Fri 28/08/20	Complete Library FF&E 28/08
19	ICC Evaluation	10 days	Mon 31/08/20	Fri 11/09/20	ICC Evaluation
20	Tender Phase (Admin FF&E)	20 days	Mon 14/09/20	Fri 9/10/20	
21	Review & Award	10 days	Mon 12/10/20	Fri 23/10/20	
22	Lead Time (Admin FF&E)	150 days	Mon 26/10/20	Fri 4/06/21	
23	Install (Admin FF&E)	20 days	Mon 7/06/21	Fri 2/07/21	
24	Complete Admin FF&E	0 days	Fri 2/07/21	Fri 2/07/21	
25	IT & AV Commissioning	10 days	Fri 30/07/21	Thu 12/08/21	
26		-			
20	Principal's Delay Contingency ICC Move In	20 days 0 days	Fri 30/07/21 Thu 26/08/21	Thu 26/08/21 Thu 26/08/21	
27		474 days	Mon 9/09/19	Thu 29/07/21	
20	SP1 Admin Building	474 days 474 days	Mon 9/09/19	Thu 29/07/21	
30	Start on site	0 days	Mon 9/09/19	Mon 9/09/19	(a) 9/09
31	Piling	30 days	Mon 9/09/19	Fri 18/10/19	
32	Basement Structure	80 days	Mon 21/10/19	Fri 21/02/20	
33	Tower Structure	110 days	Mon 24/02/20	Fri 24/07/20	
34	Concrete Structure Complete	0 days	Fri 24/07/20	Fri 24/07/20	Concrete Structure Complete 💊 24/07
35	Curtain Wall Install			Fri 13/11/20	
36	Level 9 Roof Walls	55 days	Mon 31/08/20	Fri 9/10/20	
37		55 days	Mon 27/07/20		Roof On y9/10
	Roof On Ground Floor Fitout	0 days	Fri 9/10/20	Fri 9/10/20	
38 39	Level 1 Fitout	100 days	Mon 27/07/20	Fri 11/12/20	
	Fitout Office Floors	50 days	Mon 16/11/20	Fri 5/02/21	Fitout Office Floors
40		130 days	Mon 12/10/20	Fri 23/04/21	
41	Fitout Basement 3 & 2	80 days	Mon 22/06/20	Fri 9/10/20	
42	Fitout Basement 1	60 days	Mon 7/09/20	Fri 27/11/20	
43	Lifts	45 days	Mon 12/10/20	Fri 11/12/20	Substation  2/10
44	Substation	0 days	Fri 2/10/20	Fri 2/10/20	Bubstation & 2/10
45	Building Commissioning	20 days	Mon 26/04/21	Fri 21/05/21	Bu Bu
46	Builder's Delay Allowance	49 days	Mon 24/05/21	Thu 29/07/21	
47	SP1 Admin Bldg Complete	0 days	Thu 29/07/21	Thu 29/07/21	
48	SP2 Library	268 days	Mon 9/09/19	Wed 30/09/20	
49	Demolition	40 days	Mon 9/09/19	Fri 1/11/19	
50	Floor Slabs	30 days	Mon 4/11/19	Fri 13/12/19	

#### Item 28.28 / Attachment 2.

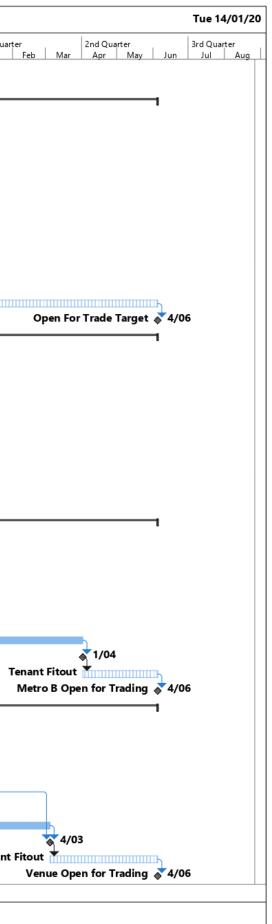


DRAFT					NICHOLAS STREET - PROGRAM Tue 14/01/
)	Task Name	Duration	Start	Finish	4th Quarter     1st Quarter     2nd Quarter     3rd Quarter     4th Quarter     1st Quarter     2nd Quarter     3rd Quarter       Sep     Oct     Nov     Dec     Jan     Feb     Mar     Apr     May     Jun     Jul     Aug     Sep     Oct     Nov     Dec     Jan     Feb     May     Jun     Jul     Aug
51	Steel Fabrication	30 days	Mon 4/11/19	Fri 13/12/19	
52	Steel Installation	30 days	Mon 16/12/19	Fri 7/02/20	
53	Roofing	20 days	Mon 10/02/20	Fri 6/03/20	
54	Shopfront	60 days	Mon 10/02/20	Fri 1/05/20	
55	Façade	60 days	Mon 9/03/20	Fri 29/05/20	
56	Elevators	30 days	Mon 4/05/20	Fri 12/06/20	
57	Fitout	60 days	Mon 4/05/20	Fri 24/07/20	
58	Commissioning	18 days	Mon 27/07/20	Wed 19/08/20	
59	Builder's Delay Allowance	20 days	Thu 20/08/20	Wed 16/09/20	
60	SP2 Library Complete	0 days	Wed 16/09/20	Wed 16/09/20	SP2 Library Complete 🔿 16/09
61	Principal's Delay Contingency	10 days	Thu 17/09/20	Wed 30/09/20	Principal's Delay Contingency 🎽
62	IT & AV Commissioning	5 days	Thu 17/09/20	Wed 23/09/20	
63	Library Target Opening	0 days	Wed 30/09/20	Wed 30/09/20	Library Target Opening 😽 30/09
64	SP3 Civic Plaza	266 days	Mon 9/09/19	Mon 28/09/20	
65	Demolition	75 days	Mon 9/09/19	Fri 20/12/19	
66	Topping Slabs	130 days	Mon 6/01/20	Fri 3/07/20	
67	Install Pavers	130 days	Mon 2/03/20	Fri 28/08/20	
68	Install Planters	40 days	Mon 27/04/20	Fri 19/06/20	
69	Soft Landscaping & Trees	40 days	Mon 22/06/20	Fri 14/08/20	
70	Pavilion Structure	30 days	Mon 17/02/20	Fri 27/03/20	
71	Lifts	30 days	Mon 8/06/20	Fri 17/07/20	Lifts
72	Commissioning	9 days	Mon 17/08/20	Thu 27/08/20	
73	Builder's Delay Allowance	22 days	Fri 28/08/20	Mon 28/09/20	
74	SP4 Civic Plaza Complete	0 days	Mon 28/09/20	Mon 28/09/20	SP4 Civic Plaza Complete 💊 28/09
75	SP4 Car Park	217 days	Mon 9/09/19	Tue 21/07/20	
76	Misc Demo & works	120 days	Mon 9/09/19	Fri 6/03/20	
77	Remove Backpropping	60 days	Mon 17/02/20	Fri 8/05/20	
78	Finishes & Services	40 days	Mon 11/05/20	Fri 3/07/20	
79	Commissioning	11 days	Mon 6/07/20	Mon 20/07/20	
80	Builder's Delay Allowance	1 day	Tue 21/07/20	Tue 21/07/20	
81	SP3 Car Park Complete	0 days	Tue 21/07/20	Tue 21/07/20	SP3 Car Park Complete 😽 21/07
82	SP5 Existing Lift	60 days	Thu 17/09/20	Wed 9/12/20	
83	Replace Lift Car	60 days	Thu 17/09/20	Wed 9/12/20	
84	Adjacent Finishes	20 days	Thu 12/11/20	Wed 9/12/20	
85	SP5 Existing Lift Complete	0 days	Wed 9/12/20	Wed 9/12/20 Wed 9/12/20	SP5 Existing Lift Complete 9/12
86	NICHOLAS / UNION	85 days	Mon 26/08/19	Fri 20/12/19	
87	Paver Delivery	0 days	Mon 14/10/19	Mon 14/10/19	♦ 14/10
88	Paver Installation	50 days	Mon 14/10/19 Mon 14/10/19	Fri 20/12/19	
89	_			Fri 13/12/19	
09 90	Remove Temp Fencing Step 1	2 days	Thu 12/12/19		
90 91	Remove Temp Fencing Step 2	2 days	Thu 19/12/19	Fri 20/12/19	
	Landscape Installation	85 days	Mon 26/08/19	Fri 20/12/19	20/12 💊 SP1 Nicholas St Complete
92	SP1 Nicholas St Complete	0 days	Fri 20/12/19	Fri 20/12/19	20/12 SP1 Victorias St Complete
93 94	SP2 Union Pl Complete	0 days	Fri 20/12/19	Fri 20/12/19	
94 95	COMMONWEALTH HOTEL	395 days	Mon 4/11/19	Fri 4/06/21	
	Design	65 days	Mon 11/11/19	Fri 21/02/20	♦ 11/11
	Award Architecture	0 days	Mon 11/11/19	Mon 11/11/19	
	Concept Designs	20 days	Mon 11/11/19	Fri 6/12/19	
97			Mon 9/12/19	Fri 13/12/19	
96 97 98	ICC Review & Approval	5 days			
97	ICC Review & Approval Schematic Design Services Consultant Input	20 days 20 days 20 days	Mon 16/12/19 Mon 16/12/19	Fri 24/01/20 Fri 24/01/20	

#### Item 28.28 / Attachment 2.

DRAFT					NICHOLAS STREET - PROGRAM
D	ask Name	Duration	Start	Finish	4th Quarter     1st Quarter     2nd Quarter     3rd Quarter     4th Quarter     1st Quarter       Sep     Oct     Nov     Dec     Jan     Feb     Mar     Apr     May     Jun     Jul     Aug     Sep     Oct     Nov     Dec     Jan
101	ICC Review & Approval	5 days	Mon 27/01/20	Fri 31/01/20	
102	Tender Documents	15 days	Mon 3/02/20	Fri 21/02/20	Tender Documents
103	Construction (Base Building)	395 days	Mon 4/11/19	Fri 4/06/21	
104	Create TCP	20 days	Mon 4/11/19	Fri 29/11/19	
105	Council Assess TCP	0 days	Tue 10/12/19	Tue 10/12/19	10/12
106	Shortlist Contractors	20 days	Tue 10/12/19	Mon 20/01/20	
107	Issue Tender Documents	0 days	Fri 21/02/20	Fri 21/02/20	21/02
108	Tender Period	20 days	Mon 24/02/20	Fri 20/03/20	Tender Period 📩
109	Tenders Due	0 days	Fri 20/03/20	Fri 20/03/20	Tenders Due 🔿 20/03
110	Review & Approve Contractor	20 days	Mon 23/03/20	Fri 17/04/20	
111	Mobilisation	15 days	Mon 20/04/20	Fri 8/05/20	
112	Commence on Site	0 days	Fri 8/05/20	Fri 8/05/20	Commence on Site 😽 8/05
113	Construction Phase	90 days	Mon 11/05/20	Fri 11/09/20	★
114	Complete Comm Hotel Bldg	0 days	Fri 11/09/20	Fri 11/09/20	Complete Comm Hotel Bldg 💣 11/09
115	Tenant Fitout / Extension	180 days	Mon 14/09/20	Fri 4/06/21	Tenant Fitout / Extension
116	Open For Trade Target	0 days	Fri 4/06/21	Fri 4/06/21	
117	RETAIL	366 days	Fri 13/12/19	Fri 4/06/21	
118	Award Retail Variation	0 days	Fri 13/12/19	Fri 13/12/19	Award Retail Variation
119	Eats	252 days	Fri 13/12/19	Mon 14/12/20	
120	Detailed Design	60 days	Fri 13/12/19	Thu 19/03/20	
121	Fabrication	50 days	Fri 20/03/20	Thu 28/05/20	
122	Façade	80 days	Fri 29/05/20	Thu 17/09/20	Façade
123	Long Lead Items	70 days	Fri 20/03/20	Thu 25/06/20	
124	Interiors / Services	100 days	Fri 26/06/20	Thu 12/11/20	• • • • • • • • • • • • • • • • • • •
125	Complete Eats Base Bldg	0 days	Thu 12/11/20	Thu 12/11/20	Complete Eats Base Bldg 💊 12/11
126	Tenant Fitout	52 days	Fri 2/10/20	Mon 14/12/20	Tenant Fitout
127	Eats Potential Open Date	0 days	Mon 14/12/20	Mon 14/12/20	Eats Potential Open Date 📡 14/12
128	Metro B	366 days	Fri 13/12/19	Fri 4/06/21	
129	Detailed Design	60 days	Fri 13/12/19	Thu 19/03/20	
130	Mobilisation	20 days	Fri 13/12/19	Thu 23/01/20	
131	Demolition	20 days	Fri 24/01/20	Thu 20/02/20	
132	Fabrication	70 days	Fri 20/03/20	Thu 25/06/20	
133	Façade	30 days	Fri 26/06/20	Thu 6/08/20	Façade
134	Long Lead Items	120 days	Fri 20/03/20	Thu 3/09/20	
135	Interiors / Services	140 days	Fri 4/09/20	Thu 1/04/21	
136	Metro B Base Bldg	0 days	Thu 1/04/21	Thu 1/04/21	
137	Tenant Fitout	46 days	Fri 2/04/21	Fri 4/06/21	
138	Metro B Open for Trading	0 days	Fri 4/06/21	Fri 4/06/21	
139	Venue	366 days	Fri 13/12/19	Fri 4/06/21	
140	Detailed Design	60 days	Fri 13/12/19	Thu 19/03/20	<b>*</b>
141	Mobilisation	20 days	Fri 13/12/19	Thu 23/01/20	★
142	Demolition	20 days	Fri 24/01/20	Thu 20/02/20	
143	Fabrication	70 days	Fri 20/03/20	Thu 25/06/20	
144	Façade	30 days	Fri 26/06/20	Thu 6/08/20	Façade
145	Long Lead Items	120 days	Fri 20/03/20	Thu 3/09/20	*
146	Interiors / Services	120 days	Fri 4/09/20	Thu 4/03/21	+
147	Venue Base Bldg	0 days	Thu 4/03/21	Thu 4/03/21	
	Tenant Fitout	66 days	Fri 5/03/21	Fri 4/06/21	Tenan
148					

#### Item 28.28 / Attachment 2.



28 JANUARY 2020

Item 28.28 / Attachment 2.



**APPENDIX B – SITE PHOTOS** 

#### **APPENDIX B – SITE PHOTOS**



Civic Plaza & Admin Building: Site Closed for New Year / Christmas break.



#### **APPENDIX B – SITE PHOTOS**



Nicholas Street: Temporary hoarding between completed Nicholas Street & Civic Plaza site installed

