

**GOVERNANCE AND TRANSPARENCY COMMITTEE NO. 2022(01)****10 FEBRUARY 2022**

## REPORT

<b><u>COUNCILLORS' ATTENDANCE:</u></b>	Councillor Jacob Madsen (Chairperson); Councillors Russell Milligan, Mayor Teresa Harding, Marnie Doyle, Kate Kunzelmann and Deputy Mayor Nicole Jonic
<b><u>COUNCILLOR'S APOLOGIES:</u></b>	Nil
<b><u>OFFICERS' ATTENDANCE:</u></b>	Chief Executive Officer (Sonia Cooper), General Manager Planning and Regulatory Services (Peter Tabulo), Acting General Manager Corporate Services (Jeff Keech), General Manager Community, Cultural and Economic Development (Ben Pole), Manager Community and Cultural Services (Don Stewart), Manager Marketing and Promotions (Carly Gregory), Acting Property Services Manager (Kerry Perrett), Senior Property Officer (Acquisitions and Disposals)(Alicia Rieck), Manager Economic Development (Cat Matson), Senior Digital Media and Content Officer (Jodie Richter), Executive Services Manager (Wade Wilson), Manager Procurement (Richard White), Chief of Staff – Office of the Mayor (Melissa Fitzgerald), Senior Policy and Communications Officer (David Shaw) and Theatre Technician (Harrison Cate)
<b><u>OTHER ATTENDANCE:</u></b>	Pro-Av Representative (Brad Hebbard)

**WELCOME TO COUNTRY/ACKNOWLEDGEMENT OF COUNTRY**

Councillor Jacob Madsen (Chairperson) delivered the Acknowledgement of Country.

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**DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA**

In accordance with section 150EM of the *Local Government Act 2009*, Deputy Mayor Nicole Jonic informed the meeting that she has a prescribed conflict of interest in Item 8 titled Procurement: Contract for 17692 Organic Waste Management Services.

The nature of the prescribed conflict of interest is Remondis are listed as having submitted a tender offer (however, in the comments section under tender rankings it states Remondis declined to submit an offer for this Request for Tender). Deputy Mayor Jonic's relationship with Remondis is that two (2) of her brothers are employees.

Deputy Mayor Nicole Jonic advised that she will leave the meeting room (including any area set aside for the public) while this matter is being discussed and voted on.

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### **BUSINESS OUTSTANDING**

Nil

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### **CONFIRMATION OF MINUTES**

1. CONFIRMATION OF MINUTES OF THE GOVERNANCE AND TRANSPARENCY COMMITTEE NO. 2021(11) OF 1 DECEMBER 2021

#### **RECOMMENDATION**

Moved by Councillor Marnie Doyle:  
Seconded by Councillor Russell Milligan:

**That the minutes of the Governance and Transparency Committee No. 2021(11) held on 1 December 2021 be confirmed.**

#### AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

Jonic

#### NEGATIVE

Councillors:

Nil

The motion was put and carried.

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### **OFFICERS' REPORTS**

2. QUARTER 2 - OPERATIONAL PLAN 2021-2022 QUARTERLY PERFORMANCE

This is a report concerning an assessment of Ipswich City Council's progress towards implementation of the 2021-2022 Operational Plan with notable achievements that have occurred during quarter two (Q2) (October to December 2021). Departmental representatives have provided the presented Q2 data.

#### **RECOMMENDATION**

Moved by Mayor Teresa Harding:  
Seconded by Councillor Kate Kunzelmann:

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

AFFIRMATIVE	NEGATIVE
Councillors:	Councillors:
Madsen	Nil
Milligan	
Harding	
Doyle	
Kunzelmann	
Jonic	

The motion was put and carried.

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3. REVISED INDIGENOUS ACCORD POLICY

This is a report seeking Governance and Transparency Committee approval to repeal the existing Indigenous Australian Social Justice Accord Policy and adopt the revised Indigenous Accord Policy, managed by Economic and Community Development Branch within the Community, Cultural and Economic Development Department.

RECOMMENDATION

Moved by Mayor Teresa Harding:  
Seconded by Councillor Kate Kunzelmann:

- A. That the Policy titled, “Indigenous Australian Social Justice Accord Policy (current)” as detailed in Attachment 1 be repealed.**
- B. That the Policy titled, “Indigenous Accord Policy (revised)” as detailed in Attachment 2 be adopted.**

AFFIRMATIVE	NEGATIVE
Councillors:	Councillors:
Madsen	Nil
Milligan	
Harding	
Doyle	
Kunzelmann	
Jonic	

The motion was put and carried.

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4. BOUNDARY ANOMALIES BETWEEN IPSWICH CITY COUNCIL AND LOCKYER VALLEY REGIONAL COUNCIL

This is a report concerning the amendment of local government boundaries in relation to three properties located on the boundary of Ipswich City Council (ICC) and Lockyer Valley Regional Council (LVRC). LVRC are seeking ICC's consent for LVRC to make application to seek a determination for a local government boundary change to the individual properties that have been identified.

"The attachment/s to this report are confidential in accordance with section 254J(3)(g) of the *Local Government Regulation 2012*."

RECOMMENDATION

Moved by Councillor Russell Milligan:

Seconded by Councillor Kate Kunzelmann:

- A. That Council resolve to support an application by Lockyer Valley Regional Council to the Minister for State Development, Infrastructure, Local Government and Planning and to the Local Government Change Commission to have included Lot 84 Unnamed Road, Grandchester (47 Beames Road, Laidley South) more particularly described as Lot 84 on Crown Plan CC389, in its entirety, in the Ipswich City Council boundary and excluded from the Lockyer Valley Regional Council boundary.**
- B. That Council resolve to support an application by Lockyer Valley Regional Council to the Minister for Local Government and the Local Government Change Commission to have included 379-449 Coynes Road, Mount Mort and Lot 16 Coynes Road, Mount Mort more particularly described as Lots 14 & 16 on SP200498 respectively, in the Lockyer Valley Regional Council area.**
- C. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take any action in order to implement Council's decisions.**

AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

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### ADJOURN MEETING

Moved by Mayor Teresa Harding that the meeting be adjourned at 10.01 am to reconvene at 10.31 am.

AFFIRMATIVE	NEGATIVE
Councillors:	Councillors:
Madsen	Nil
Milligan	
Harding	
Doyle	
Kunzelmann	
Jonic	

The motion was put and carried.

The meeting reconvened at 10.31 am.

5. NEW LEASE OVER PART OF 125A CHUBB STREET, ONE MILE TO WEST MORETON GREYHOUND OWNERS & TRAINERS ASSOCIATION INC.

This is a report concerning the proposed new lease over part of freehold land located at 125A Chubb Street, One Mile, described as part of Lot 69 on SP169626 (the Land), between Ipswich City Council (Council) and West Moreton Greyhound Owners & Trainers Association Inc. (WMGOTA)

“The attachment/s to this report are confidential in accordance with section 254J(3)(g) of the *Local Government Regulation 2012*.”

### RECOMMENDATION

Moved by Councillor Russell Milligan:  
Seconded by Deputy Mayor Nicole Jonic:

- A. That pursuant to section 236(2) of the *Local Government Regulation 2012* (Regulation), Council resolve that the exception at section 236(1)(b)(ii) of the Regulation applies to the disposal of interest in land at 125A Chubb Street, One Mile, described as part of Lot 69 on SP169626 for greyhound training purposes, because West Moreton Greyhound Owners & Trainers Association Inc. (Lessee) is a community organisation.**
- B. That Council enter into a lease (Council file reference 5514) with the Lessee:**
- (i) at a yearly rent of \$1.00 excluding GST, payable to Council if demanded, and**
  - (ii) for a term of five (5) years, with a five (5) year option for extension.**

- C. **That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “*contractual action*” pursuant to section 238 of the Regulation, in order to implement Council’s decision.**

## AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Jonic

## NEGATIVE

Councillors:

Kunzelmann

The motion was put and carried.

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6. ACQUISITION OF EASEMENT FOR INF04088 HAYNE STREET DRAINAGE PROJECT

This is a report concerning the acquisition of an easement for drainage purposes over land owned by the State of Queensland (the “State”) located at 7A Hayne Street, Woodend, described as Lot 10 on RP818248.

“The attachment/s to this report are confidential in accordance with section 254J(3)(h) of the *Local Government Regulation 2012*.”

RECOMMENDATION

Moved by Councillor Marnie Doyle:

Seconded by Mayor Teresa Harding:

**That pursuant to section 362 of the *Land Act 1994*, Council accept the State’s offer to approve an easement over the Hayne Street Reserve (“Reserve”) located at 7A Hayne Street, Woodend, described as Lot 10 on RP818248.**

## AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

Jonic

## NEGATIVE

Councillors:

Nil

The motion was put and carried.

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7. ACQUISITION OF LAND FOR ROAD PURPOSES FOR INF03875 KEANES ROAD ROSEWOOD BRIDGE REPLACEMENT

This is a report concerning the acquisition of land for road purposes for the construction of a new bridge across the Bremer River at Keanes Road, Rosewood.

“The attachment/s to this report are confidential in accordance with section 254J(3)(h) of the *Local Government Regulation 2012*.”

RECOMMENDATION

Moved by Councillor Marnie Doyle:  
Seconded by Councillor Russell Milligan:

- A. **That Council resolve to purchase or acquire part of land located at 1008-1028 Ipswich-Rosewood Road, Rosewood, described as part of Lot 1 on RP35531 (“the land”) (Council file reference 5523), for road purposes.**
- B. **That in the first instance the method of acquisition will be as a purchase by agreement with the affected persons pursuant to the *Property Law Act 1974*.**
- C. **That should Council fail to purchase the land by agreement with the affected persons (as outlined in recommendation B above), Council, as a “*constructing authority*” pursuant to Section 5(1)(b)(i) of the *Acquisition of Land Act 1967*, will proceed to acquire the subject land.**
- D. **That Council be kept informed as to the progress and outcome of the acquisition.**

AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

Deputy Mayor Nicole Jonic left the meeting at 10.36 am due to a previously declared interest in Item 8.

MOVE INTO CLOSED SESSION

It was moved by Councillor Jacob Madsen that in accordance with section 254J(3)(g) of the *Local Government Regulation 2012*, the meeting move into closed session to discuss Item 8 titled Procurement: Contract 17692 Organic Waste Management Services.

## AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

## NEGATIVE

Councillors:

Nil

All councillors except Deputy Mayor Nicole Jonic were present when the vote was taken.

The meeting moved into closed session at 10.37 am.

MOVE INTO OPEN SESSION

It was moved by Councillor Jacob Madsen that the meeting move into open session.

The meeting moved into open session at 11.10 am.

8. PROCUREMENT: CONTRACT 17692 ORGANIC WASTE MANAGEMENT SERVICES

This is a report concerning the Recommendation to Award to tender #17692 for the provision of Organic Waste Management Services and to seek Council's approval to enter into a contract with the supplier outlined below:

1. NuGrow Ipswich Pty Ltd (ACN: 124 571 875)

The expenditure for the provision of Organic Waste Management Services is estimated at \$4,459,598.00 (excluding GST) for the total contract period of two (2) years and three (3) months including the options to extend the contract by two (2) x one (1) year periods.

"The attachment/s to this report are confidential in accordance with section 254J(3)(g) of the *Local Government Regulation 2012*."

RECOMMENDATION

Moved by Councillor Marnie Doyle:

Seconded by Councillor Kate Kunzelmann:

- A. **That pursuant to Section 228 of the *Local Government Regulation 2012* (Regulation), Council award Tender No. #17692 for the provision of Organic Waste Management Services to NuGrow Ipswich Pty Ltd (Supplier).**



- B. That Council enter into a contractual arrangement with the Supplier at an approximate purchase price of \$4,459,598.00 (excluding GST) over the entire term, being an initial term of two (2) years and three (3) months, with options for extension at the discretion of Council (as purchaser), of an additional two (2) X one (1) year terms.**
- C. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolves to delegate to the Chief Executive Officer the power to take “contractual action” pursuant to section 238 of the Regulation, in order to implement Council’s decision.**

AFFIRMATIVE

NEGATIVE

Councillors:

Councillors:

Madsen

Nil

Milligan

Harding

Doyle

Kunzelmann

All Councillors except Deputy Mayor Nicole Jonic were present when the vote was taken.

The motion was put and carried.

Deputy Mayor Nicole Jonic returned to the meeting at 11.27 am.

**9. PROCUREMENT: TCP - 18178 GEOGRAPHIC INFORMATION SYSTEM (GIS) ENTERPRISE SPATIAL SOLUTION**

This is a report seeking a Council resolution regarding the procurement of a Geographic Information System (GIS) Enterprise Spatial Solution (the system), without first inviting written quotes or tenders.

Section 230(1) of the *Local Government Regulation 2012* (Regulation) allows a local government to enter into medium and large contractual agreements, through the preparation and adoption of a Tender Consideration Plan.

A Tender Consideration Plan has been prepared, setting out the background to this matter, the options considered, market and supplier capability analysis, risk analysis and the preferred option recommended to the Council.

Council seeks approval to negotiate directly with the selected vendor on price and service outcome. Confidential information has been included in the Tender Consideration Plan (Attachment 1) regarding the market analysis and alternate options considered, and Council’s budgetary considerations. For these reasons, it is recommended that Attachment 1 remain confidential, as it would inform the supplier of the budgetary amount available to Council and would impact on those

negotiations and would also disclose confidential information provided by other parties consulted.

This report recommends that Council resolve to adopt the Tender Consideration Plan for the acquisition, implementation, and ongoing licencing, support, maintenance, upgrade and other related ancillary items of the system, and enter into a contract with Esri Australia Pty Ltd (ESRI) for a period consisting of an implementation period, plus an initial term of three (3) years subsequent to Council's acceptance of the implementation delivery, and a further five (5) x one (1) year extension options (Implementation+3+1+1+1+1+1) for the estimated value as set out in confidential Attachment 1 if all extension options of the proposed contractual arrangement are exercised.

"The attachment/s to this report are confidential in accordance with section 254J(3)(g) of the *Local Government Regulation 2012*."

### RECOMMENDATION

- A. That pursuant to Section 230(1)(a) of the *Local Government Regulation 2012* (Regulation), Council resolve to prepare Tender Consideration Plan number 18178 for the provision of a Geographic Information System (GIS) Enterprise Spatial Solution (including acquisition, implementation, and ongoing licencing, support, maintenance, upgrade and other related ancillary items).
- B. That pursuant to Section 230(1)(b) of the *Local Government Regulation 2012* (Regulation), Council resolve to adopt Tender Consideration Plan number 18178 that was prepared for the provision of a Geographic Information System (GIS) Enterprise Spatial Solution (including acquisition, implementation, and ongoing licencing, support, maintenance, upgrade and other related ancillary items) as detailed in the report by the Contracts Officer ICT dated 21 January 2022.
- C. That in accordance with the Tender Consideration Plan, Council enter into a contractual arrangement with Esri Australia Pty Ltd for the approximate value as set out in confidential Attachment 1 over the entire term, being a total term consisting of an Implementation period, plus an initial term of three (3) years, with options for extension at the discretion of Council (as purchaser), of an additional five (5) X one (1) year terms.
- D. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take "*contractual action*" pursuant to section 238 of the Regulation, in order to implement Council's decision.

Council's Manager of Procurement requested the committee consider removing Recommendations C and D and that these recommendations be brought back to Committee/Council once a contract and contract amount has been agreed.

RECOMMENDATION

Moved by Mayor Teresa Harding:  
Seconded by Councillor Marnie Doyle:

- A. That pursuant to Section 230(1)(a) of the *Local Government Regulation 2012* (Regulation), Council resolve to prepare Tender Consideration Plan number 18178 for the provision of a Geographic Information System (GIS) Enterprise Spatial Solution (including acquisition, implementation, and ongoing licencing, support, maintenance, upgrade and other related ancillary items).**
- B. That pursuant to Section 230(1)(b) of the *Local Government Regulation 2012* (Regulation), Council resolve to adopt Tender Consideration Plan number 18178 that was prepared for the provision of a Geographic Information System (GIS) Enterprise Spatial Solution (including acquisition, implementation, and ongoing licencing, support, maintenance, upgrade and other related ancillary items) as detailed in the report by the Contracts Officer ICT dated 21 January 2022.**

## AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

Jonic

## NEGATIVE

Councillors:

Nil

The motion was put and carried.

10. PROCUREMENT: INTERGRAPH (HEXAGON) SPATIAL SOFTWARE MAINTENANCE

This is a report seeking a resolution by Council to continue the annual software maintenance renewal for the Intergraph Corporation Pty Ltd T/A Hexagon Geospatial APOLLO and IMAGINE products that are operationally utilised as part of Council's existing spatial services.

This matter is required as officers seek Council resolution that the exception under section 235(a) of the *Local Government Regulation 2012* applies to the continuation of support and maintenance for the operationally necessary products required. The proprietary nature of the incumbent supplier's products means that there is only one supplier who is reasonably available to provide the support and maintenance for the products. Further, due to the pending acquisition and implementation of an enterprise spatial solution by Council, it is more costly and disadvantageous to Council to tender for other software products when delivery of the enterprise spatial project will provide a final solution.

A resolution of Council is sought to approve the continuation of the maintenance renewals for the software products with Intergraph Corporation Pty Ltd T/A Hexagon Geospatial on a yearly or shorter basis as required for up to three (3) years for the period commencing 1 April 2022 and ending 31 March 2025. This is an estimated total cost of approximately sixty-five thousand dollars (\$65,000.00) excluding GST for the full three (3) year period.

#### RECOMMENDATION

Moved by Mayor Teresa Harding:

Seconded by Councillor Kate Kunzelmann:

- A. That pursuant to Section 235(a) of the *Local Government Regulation 2012* (Regulation), Council resolve that the exception applies as it is satisfied that there is only one supplier who is reasonably available for the provision of the support and maintenance of the software products.**
- B. That Council enter into a contractual arrangement with Intergraph Corporation Pty Ltd T/A Hexagon Geospatial on a yearly or shorter basis as required for up to the next three (3) years at an approximate purchase price of \$65,000.00 excluding GST over the three (3) year period.**

#### AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

Jonic

#### NEGATIVE

Councillors:

Nil

The motion was put and carried.

#### MOVE INTO CLOSED SESSION

It was moved by Deputy Mayor Nicole Jonic that in accordance with section 254J(3)(g) of the *Local Government Regulation 2012*, the meeting move into closed session to discuss Item 11 titled Procurement – Robelle Domain Parklands Facility Lease.

#### AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

#### NEGATIVE

Councillors:

Nil

Jonic

The motion was put and carried.

The meeting moved into closed session at 11.34 am.

### MOVE INTO OPEN SESSION

It was moved by Councillor Jacob Madsen that the meeting move into open session.

The meeting moved into open session at 11.41 am.

#### 11. PROCUREMENT - ROBELLE DOMAIN PARKLANDS FACILITY LEASE

This is a report concerning a proposed Expression of Interest (EOI) for the procurement of a suitable commercial or community operator to lease and activate the facility within the Robelle Domain Parklands at 155 Southern Cross Circuit, Springfield Central more particularly described as Lot 762 of SP221160.

“The attachment/s to this report are confidential in accordance with section 254J(3)(g) of the *Local Government Regulation 2012*.”

### RECOMMENDATION

- A. That pursuant to Section 228(3)(a) of the *Local Government Regulation 2012* (Regulation), Council resolve that it would be in the public interest to invite expressions of interest before inviting written tenders for the disposal of interest in land (lease) at 155 Southern Cross Circuit, Springfield Central more particularly described as part of Lot 762 and Plan SP221160 (Council file reference number 17859).
- B. That pursuant to Section 228(3)(b) of the Regulation, Council’s reasons for making such resolution are that:
- (i) it will allow Council to canvas the market for information to guide the best use of the facility;
  - (ii) it will allow Council to identify operators with serious interest and ability, without putting all parties to the expense of submitting full tender responses at this early stage of the project;
  - (iii) it will save Council the expense of running a request for tender and evaluating it at this early stage of the project.

### RECOMMENDATION

Moved by Councillor Jacob Madsen:

Seconded by Deputy Mayor Nicole Jonic:

**That this report be referred to the Council Ordinary Meeting on 24 February for further deliberation by councillors.**

AFFIRMATIVE

NEGATIVE

Councillors:

Councillors:

Madsen

Nil

Milligan

Harding

Doyle

Kunzelmann

Jonic

The motion was put and carried.

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**NOTICES OF MOTION**

Nil

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**MATTERS ARISING**

Nil

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**PROCEDURAL MOTIONS AND FORMAL MATTERS**

The meeting commenced at 9.39 am.

The meeting closed at 11.44 am.

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