



City of Ipswich

**IPSWICH
CITY
COUNCIL**

AGENDA

of the

GOVERNANCE AND TRANSPARENCY COMMITTEE

**Held in the Council Chambers
8th floor – 1 Nicholas Street
IPSWICH QLD 4305**

On Thursday, 10 March 2022
At 10 minutes after the conclusion of the Growth, Infrastructure and Waste
Committee

MEMBERS OF THE GOVERNANCE AND TRANSPARENCY COMMITTEE

Councillor Jacob Madsen (**Chairperson**)
Councillor Russell Milligan (**Deputy Chairperson**)

Mayor Teresa Harding
Councillor Marnie Doyle
Councillor Kate Kunzelmann
Deputy Mayor Nicole Jonic

GOVERNANCE AND TRANSPARENCY COMMITTEE AGENDA
*10 minutes after the conclusion of the Growth, Infrastructure and
Waste Committee on **Thursday, 10 March 2022***
in the Council Chambers, 8th Floor, 1 Nicholas Street, Ipswich

Item No.	Item Title	Page No.
	Declarations of Interest	
	Business Outstanding	
	Confirmation of Minutes	
1	Confirmation of Minutes of the Governance and Transparency Committee No. 2022(01) of 10 February 2022	9
	Officers' Reports	
2	Procurement: Renewal of Liquid Petroleum Gas (LPG) for Bundamba, Goodna and Leichhardt Aquatic Centres	23
3	**Renewal of Lease - Kiosk 1 Karalee Shopping Village, 39 Junction Road, Chuwar - CVS Lane Capital Partners Pty Ltd to Ipswich City Council	27
4	Procurement: ArcGIS Software Licencing, Maintenance and Online Credits	38
5	Procurement: OneMusic Australia Licence for the use of Music for Councils	43
	Notices of Motion	
	Matters Arising	

** Item includes confidential papers

GOVERNANCE AND TRANSPARENCY COMMITTEE NO. 2

10 MARCH 2022

AGENDA

DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

BUSINESS OUTSTANDING

CONFIRMATION OF MINUTES

1. **CONFIRMATION OF MINUTES OF THE GOVERNANCE AND TRANSPARENCY COMMITTEE NO. 2022(01) OF 10 FEBRUARY 2022**

RECOMMENDATION

That the Minutes of the Meeting held on 10 February 2022 be confirmed.

OFFICERS' REPORTS

2. **PROCUREMENT: RENEWAL OF LIQUID PETROLEUM GAS (LPG) FOR BUNDAMBA, GOODNA AND LEICHHARDT AQUATIC CENTRES**

This report recommends the renewal of the supply agreement for Liquid Petroleum Gas (LPG) for Bundamba, Goodna and Leichhardt Aquatic Centres with Origin Energy Retail Ltd to enable continuity of gas supply to these facilities.

This report recommends that Council resolve that the exception under section 235(b) of the *Local Government Regulation 2012* applies and that Council proceeds with the engagement of Origin Energy Retail Ltd to provide LPG Sale and Supply Agreements for Bundamba Goodna and Leichhardt Aquatic Centres for twelve (12) months.

The estimated sum for this period is one hundred and ninety thousand dollars (\$190,000) excluding GST for the three sites.

RECOMMENDATION

- A. That Council resolve it is satisfied under section 235(b) of the *Local Government Regulation 2012* (regulation) that the exception under section 235(b) of the regulation applies and that Origin Energy Retail Ltd is the only supplier reasonably available to it

to provide the LPG supply agreement for Bundamba, Goodna & Leichhardt Aquatic Centres for the following reasons:

1. The number of suppliers for heating LPG is limited.
 2. The equipment at the Council Aquatic Centres is owned by the supplier and Council pays a rent and supply of gas cost.
 3. The cost to Council for a new supplier for the removal and replacement of the current infrastructure at the aquatic centres.
- B. That Council enter into a supply agreement with Origin Energy Retail Ltd for the provision of the LPG sale and supply agreement for Bundamba, Goodna and Leichhardt Aquatic Centres for a period of twelve (12) months for the estimated sum of one hundred and ninety thousand dollars (\$190,000) excluding GST.

3. **RENEWAL OF LEASE - KIOSK 1 KARALEE SHOPPING VILLAGE, 39 JUNCTION ROAD, CHUWAR - CVS LANE CAPITAL PARTNERS PTY LTD TO IPSWICH CITY COUNCIL

This is a report concerning the renewal of a lease over Kiosk 1, Karalee Shopping Village, 39 Junction Road, Chuwar (**the Kiosk**) between Ipswich City Council (**Council**) and CVS Lane Capital Partners Pty Ltd as trustee for CVS Lane Karalee Retail Trust (**CVS Lane**).

RECOMMENDATION

- A. That pursuant to section 9 of the *Local Government Act 2009*, Council extend its interest in the land at 39 Junction Road, Chuwar, more particularly described as Lot 100 on SP298886, for library purposes.
- B. That Council, with CVS Lane Capital Partners Pty Ltd ACN 155 490 154 as trustee (the Lessor), amend the existing lease 720713750 on the following terms:
 - (i) at an annual rent of \$23,766.92 excluding GST is payable by Council, from the commencement of the amendment; and
 - (ii) for a further term of three (3) years, with no options for extension.
- C. That Council resolve to authorise the Chief Executive Officer to take the necessary action in order to implement Council's decision, including but not limited to making, amending and discharging the contractual arrangement.

4. PROCUREMENT: ARCGIS SOFTWARE LICENCING, MAINTENANCE AND ONLINE CREDITS

This a report seeking a resolution by Council to enter into a contract with Esri Australia Pty Ltd for the provision of ArgGIS software licencing and maintenance

and online credits 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 provision of licencing, maintenance and other related ancillary items 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 online credits, licencing and maintenance for the ArcGIS software products with Esri Australia Pty Ltd for an initial term of one (1) year, two (2) months and two (2) days (commencing 10 June 2021), with options for extension of an additional one (1) year term. This is an estimated total cost of approximately eighty-three thousand, three hundred and ten dollars (\$83,310.00) excluding GST for the full term of the contract if all extension options are exercised.

RECOMMENDATION

- 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 licencing and maintenance of the software products and online credits.
- B. That Council enter into a contractual arrangement (Council file reference 16591) with Esri Australia Pty Ltd, at an approximate purchase price of \$83,310.00 excluding GST over the entire term, being an initial term of one (1) year, two (2) months and two (2) days, with options for extension at the discretion of Council (as purchaser), of an additional one (1) year term.

5. PROCUREMENT: ONEMUSIC AUSTRALIA LICENCE FOR THE USE OF MUSIC FOR COUNCILS

This is a report seeking a resolution by Council to enter into a contract with Australasian Performing Right Association Limited Trading as ONEMUSIC AUSTRALIA (OneMusic Australia) for the licencing for the use of Music for Councils so as to maintain copyright compliance in relation to the use and playback of Licensed Music, Sound Recordings and/or Music Videos at Council premises and events.

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 provision of licencing by OneMusic Australia due to OneMusic Australia being the sole Australian supplier for this single-source service.

A resolution of Council is sought to enter into a contract with OneMusic Australia for an initial term of one (1) year and three (3) months, with options for extension of three (3) additional one (1) year terms. This is an estimated total cost of approximately one hundred and twenty thousand dollars (\$120,000.00) excluding GST for the full term of the contract if all extension options are exercised.

RECOMMENDATION

- 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 licencing for the use of Music for Councils.

- B. That Council enter into a contractual arrangement (Council file reference 18458) with Australasian Performing Right Association Limited Trading as ONEMUSIC AUSTRALIA, at an approximate purchase price of \$120,000.00 excluding GST over the entire term, being an initial term of one (1) year and three (3) months, with options for extension at the discretion of Council (as purchaser), of an additional three (3) x one (1) year terms.

NOTICES OF MOTION

MATTERS ARISING

GOVERNANCE AND TRANSPARENCY COMMITTEE NO. 2022(01)

10 FEBRUARY 2022

MINUTES

- COUNCILLORS' ATTENDANCE:** Councillor Jacob Madsen (Chairperson); Councillors Russell Milligan, Mayor Teresa Harding, Marnie Doyle, Kate Kunzelmann and Deputy Mayor Nicole Jonic
- COUNCILLOR'S APOLOGIES:** Nil
- OFFICERS' ATTENDANCE:** 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)
- OTHER ATTENDANCE:** Pro-Av Representative (Brad Hebbard)

WELCOME TO COUNTRY/ACKNOWLEDGEMENT OF COUNTRY

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

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.

BUSINESS OUTSTANDING

Nil

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.

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.

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.

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.

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.

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.

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) 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

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

NOTICES OF MOTION

Nil

MATTERS ARISING

Nil

PROCEDURAL MOTIONS AND FORMAL MATTERS

The meeting commenced at 9.39 am.

The meeting closed at 11.44 am.

Doc ID No: A7885089

ITEM: 2

SUBJECT: PROCUREMENT: RENEWAL OF LIQUID PETROLEUM GAS (LPG) FOR BUNDAMBA, GOODNA AND LEICHHARDT AQUATIC CENTRES

AUTHOR: CONTRACTS OFFICER

DATE: 9 FEBRUARY 2022

EXECUTIVE SUMMARY

This report recommends the renewal of the supply agreement for Liquid Petroleum Gas (LPG) for Bundamba, Goodna and Leichhardt Aquatic Centres with Origin Energy Retail Ltd to enable continuity of gas supply to these facilities.

This report recommends that Council resolve that the exception under section 235(b) of the *Local Government Regulation 2012* applies and that Council proceeds with the engagement of Origin Energy Retail Ltd to provide LPG Sale and Supply Agreements for Bundamba Goodna and Leichhardt Aquatic Centres for twelve (12) months.

The estimated sum for this period is one hundred and ninety thousand dollars (\$190,000) excluding GST for the three sites.

RECOMMENDATION

- A. That Council resolve it is satisfied under section 235(b) of the *Local Government Regulation 2012* (regulation) that the exception under section 235(b) of the regulation applies and that Origin Energy Retail Ltd is the only supplier reasonably available to it to provide the LPG supply agreement for Bundamba, Goodna & Leichhardt Aquatic Centres for the following reasons:**
- 1. The number of suppliers for heating LPG is limited.**
 - 2. The equipment at the Council Aquatic Centres is owned by the supplier and Council pays a rent and supply of gas cost.**
 - 3. The cost to Council for a new supplier for the removal and replacement of the current infrastructure at the aquatic centres.**
- B. That Council enter into a supply agreement with Origin Energy Retail Ltd for the provision of the LPG sale and supply agreement for Bundamba, Goodna and Leichhardt Aquatic Centres for a period of twelve (12) months for the estimated sum of one hundred and ninety thousand dollars (\$190,000) excluding GST.**

RELATED PARTIES

- Origin Energy Retail Ltd
- There are no discernible conflicts of interest

IFUTURE THEME

Natural and Sustainable

PURPOSE OF REPORT/BACKGROUND

The purpose of the report is to identify the continuing requirement for LPG Supply to Council's Aquatic Centres to meet community expectations for the services provided at the Aquatic Centres.

Origin Energy Retail Ltd have supplied LPG to the Council Aquatic Centres for several years, Goodna since 2002, Bundamba since 2004 and Leichhardt since 2017. They have supplied LPG through annual Agreements which have been renewed each year over this period. It has been identified that a review of the agreements with the LPG supplier is required. This review would also include Leichhardt Aquatic Centre which current supply agreement expires November 2022.

To enable appropriate time for this review and ensure legislative requirements are met, this report recommends that Council approve a renewal of the agreement with Origin Energy Retail Ltd in line with section 235(b) of the regulation, which operates as an exception to inviting quotes or written tenders for medium and large-sized contractual arrangements.

LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions:
Local Government Regulation 2012 section 235 (b)

RISK MANAGEMENT IMPLICATIONS

The risk to Council if the recommendation within this report is not approved is that Council's Continuity of supply of LPG to the three Aquatic Centres would be compromised.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS	
OTHER DECISION	
(a) What is the Act/Decision being made?	Recommend the renewal of the supply agreement for Liquid Petroleum Gas (LPG) for Bundamba, Goodna and Leichhardt Aquatic Centres
(b) What human rights are affected?	There are no human rights affected by this decision. This is because the decision impacts a company (only individuals have

	human rights). Further, the subject matter of the contract will not impact the human rights of any third parties.
(c) How are the human rights limited?	Not applicable
(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	Not applicable
(e) Conclusion	The decision is consistent with human rights.

FINANCIAL/RESOURCE IMPLICATIONS

Budget for the agreement is approximately \$190,000 (excluding GST) per year and budget is available.

COMMUNITY AND OTHER CONSULTATION

Internal consultation only.

CONCLUSION

Due to supply continuity and time and resources invested in setting up Origin Energy Retail Ltd facilities at the three Aquatic Centres, this report recommends to Council a resolution under s235 (b) of the regulation to engage Origin Energy Retail Ltd to provide an LPG Sale and Supply Agreement for Bundamba, Goodna and Leichhardt Aquatic Centres for twelve (12) months for the estimated sum of one hundred and ninety thousand dollars (\$190,000) excluding GST.

This will allow time to process a strategy for the three Aquatic Centres Bundamba, Goodna and Leichhardt.

John O'Donnell

CONTRACTS OFFICER

I concur with the recommendations contained in this report.

Juliana Jarvis

GOODS AND SERVICES CATEGORY MANAGER

I concur with the recommendations contained in this report.

Richard White

MANAGER, PROCUREMENT

I concur with the recommendations contained in this report.

Sean Madigan

GENERAL MANAGER - INFRASTRUCTURE AND ENVIRONMENT

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

Doc ID No: A7911851

ITEM: 3

SUBJECT: RENEWAL OF LEASE - KIOSK 1 KARALEE SHOPPING VILLAGE, 39 JUNCTION ROAD, CHUWAR - CVS LANE CAPITAL PARTNERS PTY LTD TO IPSWICH CITY COUNCIL

AUTHOR: ACTING PROPERTY SERVICES MANAGER

DATE: 23 FEBRUARY 2022

EXECUTIVE SUMMARY

This is a report concerning the renewal of a lease over Kiosk 1, Karalee Shopping Village, 39 Junction Road, Chuwar (**the Kiosk**) between Ipswich City Council (**Council**) and CVS Lane Capital Partners Pty Ltd as trustee for CVS Lane Karalee Retail Trust (**CVS Lane**).

RECOMMENDATION

- A. That pursuant to section 9 of the *Local Government Act 2009*, Council extend its interest in the land at 39 Junction Road, Chuwar, more particularly described as Lot 100 on SP298886, for library purposes.**
- B. That Council, with CVS Lane Capital Partners Pty Ltd ACN 155 490 154 as trustee (the Lessor), amend the existing lease 720713750 on the following terms:**
 - (i) at an annual rent of \$23,766.92 excluding GST is payable by Council, from the commencement of the amendment; and**
 - (ii) for a further term of three (3) years, with no options for extension.**
- C. That Council resolve to authorise the Chief Executive Officer to take the necessary action in order to implement Council's decision, including but not limited to making, amending and discharging the contractual arrangement.**

RELATED PARTIES

There was no declaration of conflict of interest

IFUTURE THEME

A Trusted and Leading Organisation

PURPOSE OF REPORT/BACKGROUND

Ipswich Libraries currently has 6 branches and 1 Library Pod in the following locations:

- Ipswich Central Library

- Redbank Plaza Library
- Redbank Plains Library
- Rosewood Library
- Springfield Central Library
- Ipswich Children’s Library
- Karalee Library Pod

Under the *Ipswich Library and Information Service Coping with Growth 2008-2026* strategy, Ipswich Libraries aims to extend the collection and presence of the library service into areas identified as remote to the city’s main library facilities. The service is intended to be accessible and complement the lifestyle of Ipswich residents.

The plan implemented in the 2008-2026 strategy included deploying kiosks or library links to locations with high pedestrian traffic, such as popular and busy community or retail hubs. The Library Pod concept has shown an increase in membership through the local delivery of physical and virtual collection and access to all residents.

Initially the Ripley Town Centre and Karalee Shopping Village were identified by Ipswich Libraries as two potential locations offering alignment to the strategic growth of the library service. A recommendation was adopted at the Council Ordinary Meeting on 26 June 2018, that Karalee Shopping Village was the most suitable location for the Library Pod and a lease agreement was entered into with CVS Lane Capital Partners Pty Ltd on 1 May 2018.

The existing Lease for the Library Pod is due to expire on 30 April 2022. An amendment to the existing Lease for a further 3 years has been offered to Council by CVS Lane Capital Partners Pty Ltd.

The essential lease terms are as follows:

Lease Terms	Existing Terms	Amended Terms
Period:	3 Years	3 Years
Commencement Date:	01/05/2019	01/05/2022
Expiry Date:	30/04/2022	30/04/2025
Options:	Nil	Nil
Rent:	\$21,750.00 per annum (excl. GST) plus outgoings	\$23,766.92 per annum (excl. GST) plus outgoings

Review Date(s):	Fixed Review (3% increase) on each anniversary of the date of commencement	Fixed Review (3% increase) on each anniversary of the date of commencement
Permitted Use:	Provision of a library service	Provision of a library service
Maintenance Responsibilities:	<p>Council is responsible for;</p> <ul style="list-style-type: none"> • keeping the premises in good repair other than fair wear and tear • Replace all glass • Redecorate during the last 3 months of the lease term 	<p>Council is responsible for;</p> <ul style="list-style-type: none"> • keeping the premises in good repair other than fair wear and tear • Replace all glass • Redecorate during the last 3 months of the lease term

LEGAL/POLICY BASIS

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

Land Title Act 1994

Local Government Regulation 2012

Local Government Act 2009

Retail Shop Leases Act 1994

RISK MANAGEMENT IMPLICATIONS

There are low risk management implications for this lease as Council will be entering into a new lease with CVS Lane Capital Partners Pty Ltd on expiry of the existing lease.

The risk implications for Council not entering into a tenure over the Kiosk for the Library Pod will result in a deficiency of library services to the Karalee community.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS	
OTHER DECISION	
(a) What is the Act/Decision being made?	The Recommendations resolve for Council to enter into a new lease from CVS Lane Capital Partners Pty Ltd for a three (3) year term for the provision of a library service
(b) What human rights are affected?	<p>Recognition and equality before the law (section 15)</p> <p>Protection from torture and cruel, inhuman or degrading treatment</p> <p>Freedom of movement (section 19)</p> <p>Freedom of expression (section 21)</p> <p>Peaceful assembly and freedom of association (section 22)</p> <p>Privacy and reputation (section 25)</p>

(c) How are the human rights limited?	Human Rights not affected under s11 <i>Human Rights Act 2019</i> , only individuals affected, Council contracting with corporation.
(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	Human rights not limited by the decision.
(e) Conclusion	The decision is consistent with human rights.

FINANCIAL/RESOURCE IMPLICATIONS

Budget implications include rent and outgoings, maintaining the Kiosk in good repair and redecorating at the end of the tenancy.

COMMUNITY AND OTHER CONSULTATION

Council initiated discussions with CVS Lane Capital Partners Pty Ltd on the renewal of the tenure over the Kiosk and expressed an interest, for security of tenure for a further term of three (3) years on the same conditions as the existing Lease.





Internal consultation was completed with Community, Cultural and Economic Development:

- Community and Cultural Services confirmed their interest in renewing tenure over the Kiosk for a further term of three (3) years.

CONCLUSION

It is recommended that Council support the lease renewal from CVS Lane Capital Partners Pty Ltd for a term of three (3) years. The lease renewal will clearly outline maintenance responsibilities between CVS Lane and Council and will reflect the requirements of the *Local Government Act 2009*, *Local government Regulation 2012*, and the *Land Titles Act 1994*.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Lease Amendment ↓ 
2.	Property Plan ↓ 
3.	Lease Area Plan ↓ 
4.	Karalee Shopping Village Leasing Plan ↓ 
5.	CONFIDENTIAL Title Search

Kerry Perrett
ACTING PROPERTY SERVICES MANAGER

I concur with the recommendations contained in this report.

Anthony Dunleavy
MANAGER, LEGAL AND GOVERNANCE (GENERAL COUNSEL)

I concur with the recommendations contained in this report.

Jeffrey Keech
ACTING GENERAL MANAGER (CORPORATE SERVICES)

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

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

AMENDMENT

FORM 13 Version 7
Page 1 of 3



Dealing Number

Duty Imprint

OFFICE USE ONLY

Privacy Statement

Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department's website.

Print one sided only

1. Type/Dealing No of Instrument/Document being amended	Lodger (Name, address, email & phone number)	Lodger Code
Type of Instrument Lease	MULLINS LAWYERS	
Dealing Number 720713750	GPO Box 2026 Brisbane Qld 4001 E-mail: titles@mullinslawyers.com.au Tel: (07) 3224 0222 Ref: FSE:SSA:	BE107A

2. Lot on Plan Description	Title Reference
Lot 100 on SP 298886	51224397

3. Lessor
CVS Lane Capital Partners Pty Ltd ACN 155 490 154 Trustee Under Instrument 716649230 and 716934534

4. Lessee
Ipswich City Council ABN 61 461 981 077

5. Amendment of Lease Details (Both parts (a) AND (b) must be completed. Do not complete if amending covenants only.)
 (a) Expiry date: 30/04/2025 AND/OR Event (if applicable):
 (b) Option/s#: Nil
 # insert NIL if no option or insert option period (e.g. 2 years or 2 x 3 years)

6. Request/Execution
 The parties identified in items 3 and 4 agree that the instrument in item 1 is amended in accordance with:-
 item 5 and attached schedule
 * rule through or delete if not applicable

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

signature

full name

qualification

Witnessing Officer
 (Witnessing officer must be in accordance with Schedule 1 of the Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

/ /
Execution Date

.....
 director
 director/secretary
 CVS Lane Capital Partners Pty Ltd ACN 155 490 154

Lessor's Signature

signature

full name

qualification

Witnessing Officer
 (Witnessing officer must be in accordance with Schedule 1 of the Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

/ /
Execution Date

.....
 Ipswich City Council ABN 61 461 981 077

Lessee's Signature

*Mayor/ *Authorised Councillor
 *Chief Executive Officer/*Delegated Officer
 for IPSWICH CITY COUNCIL

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994
and Water Act 2000

SCHEDULE

FORM 20 Version 2
Page 2 of 3

Title Reference 51224397

The Landlord and Tenant agree as follows:

BACKGROUND:

- A. The Landlord leases the Premises to the Tenant under the Lease.
- B. The Landlord and Tenant have agreed to vary the terms of the Lease by extending the Expiry Date and amending certain other terms and conditions as modified by this document.
- C. The Landlord and the Tenant have agreed to sign this document to evidence these variations.

AGREED TERMS:

1. DEFINITIONS AND INTERPRETATION

1.1 **Definitions:** In this document unless a contrary intention appears:

"**Landlord**" means CVS Lane Capital Partners Pty Ltd ACN 155 490 154 Trustee Under Instrument 716649230 and 716934534 and includes the Landlord's successors and assigns.

"**Lease**" means registered lease 720713750.

"**Premises**" means the area leased under the Lease.

"**Tenant**" means Ipswich City Council ABN 61 461 981 077 and includes the Tenant's successors and assigns.

"**Variation Date**" means 29 November 2021.

1.2 **Interpretation:** In this document, unless a contrary intention appears:

- (a) reference to a clause or schedule is to a clause or schedule in this document;
- (b) reference to the singular includes the plural and vice versa;
- (c) reference to any gender includes all other genders;
- (d) reference to a person includes a corporation and an association whether incorporated or not and vice versa;
- (e) where a word is not defined in this document but is defined in the Lease, it has the meaning set out in the Lease; and
- (f) headings are included for ease of reference only and do not affect the construction of this document.

2. LEASE:

2.1 **Varied Lease:** The Landlord and the Tenant agree that the term of the Lease of the Premises is extended to 30 April 2025.

2.2 **Variations:** From the Variation Date the Lease is varied as follows:

- (a) the expiry date in Item 6 of the Form 7 is deleted and replaced with 30 April 2025 and any other reference to the former expiry date is likewise varied;
- (b) the annual base rent payable during the Lease Year commencing 1 May 2022 is \$23,766.92 plus GST per annum; and
- (c) Lease Term of the Particulars of the Lease is amended to read:

"*Lease Term: six (6) years*".

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994
and Water Act 2000

SCHEDULE

FORM 20 Version 2
Page 3 of 3

Title Reference 51224397

2.3 **Covenant:** The parties agree that from the Variation Date they will respectively perform and observe the terms of the Lease as varied by this document.

3. GENERAL PROVISIONS

3.1 **Costs:** Each party will bear its own costs in relation to the negotiation, preparation and execution of this document. The Tenant must pay any duty and registration fees in relation to this document.

3.2 **Jurisdiction:** This document is governed by the laws of Queensland and the parties submit to the non-exclusive jurisdiction of the courts that have jurisdiction in Queensland.

3.3 **Joint and Several Liability:** An obligation incurred by two or more persons is to be constructed as an obligation incurred jointly and severally by each of those persons.

3.4 **Deed:** This document is signed as a deed and is to take effect as a deed.

Doc ID No: A7913326

ITEM: 4

SUBJECT: PROCUREMENT: ARCGIS SOFTWARE LICENCING, MAINTENANCE AND ONLINE CREDITS

AUTHOR: CONTRACTS OFFICER ICT

DATE: 24 FEBRUARY 2022

EXECUTIVE SUMMARY

This a report seeking a resolution by Council to enter into a contract with Esri Australia Pty Ltd for the provision of ArgGIS software licencing and maintenance and online credits 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 provision of licencing, maintenance and other related ancillary items 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 online credits, licencing and maintenance for the ArcGIS software products with Esri Australia Pty Ltd for an initial term of one (1) year, two (2) months and two (2) days (commencing 10 June 2021), with options for extension of an additional one (1) year term. This is an estimated total cost of approximately eighty-three thousand, three hundred and ten dollars (\$83,310.00) excluding GST for the full term of the contract if all extension options are exercised.

RECOMMENDATION

- 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 licencing and maintenance of the software products and online credits.**
- B. That Council enter into a contractual arrangement (Council file reference 16591) with Esri Australia Pty Ltd, at an approximate purchase price of \$83,310.00 excluding GST over the entire term, being an initial term of one (1) year, two (2) months and two (2) days, with options for extension at the discretion of Council (as purchaser), of an additional one (1) year term.**

RELATED PARTIES

Esri Australia Pty Ltd

Ipswich City Council

There are no conflicts of interest identified and declared in relation to the contents of this report.

IFUTURE THEME

Vibrant and Growing

PURPOSE OF REPORT/BACKGROUND

To ensure continuity of the necessary supply of Council's current key spatial implementation.

Background

Esri Australia Pty Ltd (ESRI) is an international supplier of geographic information system software, web GIS and geodatabase management applications, headquartered in the USA, with a registered office located in Brisbane QLD. ESRI is a long established and well-reputed company, with its mapping & spatial analytics technology being widely known and used across the globe.

The supplier's proprietary ArcGIS products have been in use at Council as part of Council's spatial services tool suite since prior to June 2021, but the number of licences and online credits required at that time resulted in a spend that remained under the \$15,000 threshold prescribed by the Regulation that requires either approach to a minimum of 3 supplier or the application of an exception under the Regulation.

In June 2021, additional licences and online credits were required to meet the need of a growing Council and were procured in a series of ad-hoc purchases across this time. It has subsequently been identified that the total spend for the engagement commencing 10 June 2021 exceeds \$15,000. To that end, approval is sought from Council to enter into the contract with ESRI commencing 10 June 2021, and due to the requirement to continue the engagement with the supplier, for the contract to be approved for an initial term of one (1) year, two (2) months and two (2) days with options for extension of an additional one (1) year term.

The continued use of the current ArcGIS products used have been identified as being dependent on the acquisition and implementation of an enterprise spatial solution by Council. This means that the enterprise spatial solution is expected to be developed to include the functionality provided by these products. As such, it would be counterproductive, costly and untimely to source and implement a new product which will potentially be superseded by the new enterprise solution. This renders ESRI the only supplier reasonably available for the provision of the licencing, maintenance and online credits for the proprietary ArcGIS products currently in use by Council. It is prudent to allow up to August 2023 for the enterprise spatial solution to be fully implemented within Council. Approval to enter direct negotiations with

ESRI for the provision of the enterprise spatial solution was resolved by Council on 24 February 2022.

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

The risk to Council if the recommendation within this report is not approved is that Council will not be able to continue receiving the operational benefit of the ArcGIS key spatial products currently in use at Council until such time as an enterprise spatial solution is implemented.

The ArcGIS products have not been scoped as part of the core systems being addressed by Council's iVolve Project, however the critical integration aspects of the replacement enterprise GIS system have been identified and form part of iVolve consideration to ensure optimal integration of the product into the core systems.

Accordingly, the risk of investing in this software at this time is low and can be addressed in the integration business requirements for the iVolve Project.

Application	iVolve Scope Alignment	iVolve Impact Rating	Impact Treatment
Esri Australia Pty Ltd ArcGIS software products and online credits	Low – not likely to be part of core systems	Low	Not identified as being in the Core system, or in the initial 5 year roadmap

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS	
OTHER DECISION	
(a) What is the Act/Decision being made?	Recommendations A and B state that Council enter into a contractual arrangement for an initial term of one (1) year, two (2) months and two (2) days, with options for extension of one (1) additional one (1) year term with Esri Australia for the continued provision of a licencing and maintenance of the software products and online credits.
(b) What human rights are affected?	No human rights are affected by this decision as the contracts will be with a Company. Further, the subject matter of the contract will not impact on the human rights of any third parties.
(c) How are the human rights limited?	Not applicable.

(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	Not applicable.
(e) Conclusion	The decision is consistent with human rights.

FINANCIAL/RESOURCE IMPLICATIONS

There are no new resourcing or budgeting implications, as the annual ArcGIS software licencing, maintenance and online credit cost is budgeted as an operational expense within the ICT Branch Budget. There are no additional financial implications.

This report seeks a resolution of Council for an approximate total cost of eighty-three thousand, three hundred and ten dollars (\$83,310.00) excluding GST to enter into a contract for ArcGIS software licencing, maintenance and online credits for an initial term of one (1) year, two (2) months and two (2) days (commencing 10 June 2021), with options for extension of an additional one (1) year term.

COMMUNITY AND OTHER CONSULTATION

The Procurement Branch has consulted with the Asset Services Branch and the ICT Branch who support the recommendations of this report. This report does not require community consultation.

CONCLUSION

In order for Council to receive continued provision of the functions performed by the ArcGIS products as part of Council's current spatial implementation, it is recommended that Council provide the requested approval in relation to the proposed contractual arrangement with Esri Australia Pty Ltd for an initial term of one (1) year, two (2) months and two (2) days (commencing 10 June 2021), with options for extension of one (1) additional one (1) year term to allow for an outcome in relation to the implementation of an enterprise spatial solution.

Amanda Cowen

CONTRACTS OFFICER ICT

I concur with the recommendations contained in this report.

Jacquie Whitham

ICT CATEGORY 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
CHIEF INFORMATION OFFICER

I concur with the recommendations contained in this report.

Brett McGrath
MANAGER, ASSET SERVICES

I concur with the recommendations contained in this report.

Sean Madigan
GENERAL MANAGER - INFRASTRUCTURE AND ENVIRONMENT

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

Doc ID No: A7914566

ITEM: 5

SUBJECT: PROCUREMENT: ONEMUSIC AUSTRALIA LICENCE FOR THE USE OF MUSIC FOR COUNCILS

AUTHOR: CONTRACTS OFFICER ICT

DATE: 25 FEBRUARY 2022

EXECUTIVE SUMMARY

This is a report seeking a resolution by Council to enter into a contract with Australasian Performing Right Association Limited Trading as ONEMUSIC AUSTRALIA (OneMusic Australia) for the licencing for the use of Music for Councils so as to maintain copyright compliance in relation to the use and playback of Licensed Music, Sound Recordings and/or Music Videos at Council premises and events.

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 provision of licencing by OneMusic Australia due to OneMusic Australia being the sole Australian supplier for this single-source service.

A resolution of Council is sought to enter into a contract with OneMusic Australia for an initial term of one (1) year and three (3) months, with options for extension of three (3) additional one (1) year terms. This is an estimated total cost of approximately one hundred and twenty thousand dollars (\$120,000.00) excluding GST for the full term of the contract if all extension options are exercised.

RECOMMENDATION

- 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 licencing for the use of Music for Councils.**

- B. That Council enter into a contractual arrangement (Council file reference 18458) with Australasian Performing Right Association Limited Trading as ONEMUSIC AUSTRALIA, at an approximate purchase price of \$120,000.00 excluding GST over the entire term, being an initial term of one (1) year and three (3) months, with options for extension at the discretion of Council (as purchaser), of an additional three (3) x one (1) year terms.**

RELATED PARTIES

Australasian Performing Right Association Limited Trading as ONEMUSIC AUSTRALIA

Ipswich City Council

There are no conflicts of interest identified and declared in relation to the contents of this report.

IFUTURE THEME

A Trusted and Leading Organisation

PURPOSE OF REPORT/BACKGROUND

To ensure Council's compliance in relation to copyright for the use and playback of Licensed Music, Sound Recordings and/or Music Videos at Council premises and events.

Background

Australasian Performing Right Association Limited Trading as ONEMUSIC AUSTRALIA (OneMusic Australia) is joint licensing initiative between the music rights management organisations Australasian Performing Right Association and Australasian Mechanical Copyright Owners Society (APRA AMCOS) and Phonographic Performance Company of Australia Ltd (PPCA) that was launched in 2019.

The joint music licencing offered by OneMusic Australia allows Council to meet its copyright obligations for the commercial use of musical works, sound recordings and music videos without the need for separate licence agreements from PPCA and APRA AMCOS or obtaining permission from the copyright owners of every single song used. OneMusic is the only such provider in Australia.

OneMusic Australia provide a licencing option for Council's called "Music for Councils" that is uniquely modelled for Local Government requirements. The licencing fees each year are calculated based on CPI and LGA population.

The Music for Councils licence provides for the use of Licensed Music and/or Music Videos as featured and background music and exhibition of music videos at Council facilities and events, workplace and telephone hold music, and other Local Government specific applications as specified by OneMusic Australia.

The licence gives Council permission to use the musical works, sound recordings and music videos of more than two million music creators worldwide and provides protection against an infringement of the Copyright Act (1968) for commercial use of unlicensed music.

It would be counterproductive, costly and untimely to seek separate licencing agreements from PPCA and APRA AMCOS or obtaining permission from the copyright owners of every single song used. This renders OneMusic Australia the only supplier reasonably available for the provision of the licencing for Council.

LEGAL/POLICY BASIS

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

Local Government Act 2009

Local Government Regulation 2012

Copyright Act 1968

RISK MANAGEMENT IMPLICATIONS

The risk to Council if the recommendation within this report is not approved is that Council will not be able to procure the necessary licences from OneMusic Australia and will therefore fail to maintain copyright compliance in relation to the use and playback of Licensed Music, Sound Recordings and/or Music Videos at Council premises and events.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS	
OTHER DECISION	
(a) What is the Act/Decision being made?	Recommendations A and B state that Council enter into a contractual arrangement for an initial term of one (1) year and three (3) months, with options for extension of three (3) additional one (1) year terms with OneMusic Australia for the continued provision of licencing for the use of Music for Councils.
(b) What human rights are affected?	No human rights are affected by this decision as the contracts will be with a Company. Further, the subject matter of the contract will not impact on the human rights of any third parties.
(c) How are the human rights limited?	Not applicable.
(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	Not applicable.
(e) Conclusion	The decision is consistent with human rights.

FINANCIAL/RESOURCE IMPLICATIONS

There are no new resourcing or budgeting implications, as the annual OneMusic licencing is budgeted as an operational expense within the Community, Cultural and Economic Development. There are no additional financial implications.

This report seeks a resolution of Council for an approximate total cost of one hundred and twenty thousand dollars (\$120,00.00) excluding GST (allowing for CPI increase and LGA population growth) to enter into a contract for licencing for the use of Music for Councils for an initial term of one (1) year and three (3) months, with options for extension of three (3) additional one (1) year terms.

COMMUNITY AND OTHER CONSULTATION

The Procurement Branch has consulted with the Community and Cultural Services Branch who support the recommendations of this report. This report does not require community consultation.

CONCLUSION

OneMusic is the joint licencing issuer of APRA AMCOS, PPCA and ARIA licencing for the commercial use in Australia of musical works, sound recordings and music videos. In order for Council to continue to maintain copyright compliance in relation to the use and playback of Licensed Music, Sound Recordings and/or Music Videos, it is recommended that Council provide the requested approval in relation to the proposed contractual arrangement with Australasian Performing Right Association Limited Trading as ONEMUSIC AUSTRALIA for an initial term of one (1) year and three (3) months, with options for extension of three (3) additional one (1) year terms.

Amanda Cowen

CONTRACTS OFFICER ICT

I concur with the recommendations contained in this report.

Jacquie Whitham

ICT CATEGORY MANAGER

I concur with the recommendations contained in this report.

Richard White

MANAGER, PROCUREMENT

I concur with the recommendations contained in this report.

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”