



**Redland**  
CITY COUNCIL

# **AGENDA**

## **GENERAL MEETING**

**Wednesday, 25 January 2023**  
**commencing at 9:30am**

**The Council Chambers**  
**91 - 93 Bloomfield Street**  
**CLEVELAND QLD**

## Order Of Business

<b>1</b>	<b>Declaration of Opening</b> .....	<b>3</b>
<b>2</b>	<b>Record of Attendance and Leave of Absence</b> .....	<b>4</b>
<b>3</b>	<b>Devotional Segment</b> .....	<b>5</b>
<b>4</b>	<b>Recognition of Achievement</b> .....	<b>6</b>
<b>5</b>	<b>Receipt and Confirmation of Minutes</b> .....	<b>7</b>
<b>6</b>	<b>Declaration of Prescribed Conflict of Interests and Declarable Conflict of Interests</b> .....	<b>8</b>
<b>7</b>	<b>Matters Outstanding from Previous Council Meetings</b> .....	<b>11</b>
7.1	Notice of Motion - Investigation into Location for Wildlife Hospital.....	11
7.2	Birkdale Community Land Precinct - Statutory Planning Pathways.....	12
<b>8</b>	<b>Mayoral Minute</b> .....	<b>13</b>
<b>9</b>	<b>Public Participation</b> .....	<b>14</b>
<b>10</b>	<b>Petitions and Presentations</b> .....	<b>15</b>
10.1	Petition - Cr Paul Gollè - Request for assistance from Council in approaching Queensland transport department of transdev for a bus service close to Moreton Shores Retirement Village, Thornlands .....	15
<b>11</b>	<b>Motion to Alter the Order of Business</b> .....	<b>16</b>
<b>12</b>	<b>Reports from the Office of the CEO</b> .....	<b>17</b>
<b>13</b>	<b>Reports from Organisational Services</b> .....	<b>18</b>
13.1	December 2022 Monthly Financial Report .....	18
13.2	Commence Local Law Making Process - Local Law No. 3 (Community and Environmental Management) 2015 .....	35
<b>14</b>	<b>Reports from Advocacy, Major Projects and Economic Development</b> .....	<b>56</b>
<b>15</b>	<b>Reports from Community &amp; Customer Services</b> .....	<b>57</b>
15.1	Management Agreement: Bay Islands Aquatic Centre Russell Island .....	57
<b>16</b>	<b>Reports from Infrastructure &amp; Operations</b> .....	<b>61</b>
<b>17</b>	<b>Notices of Intention to Repeal or Amend a Resolution</b> .....	<b>62</b>
<b>18</b>	<b>Notices of Motion</b> .....	<b>63</b>
18.1	Notice of Motion - Cr Adelia Berridge - Request for Elected Representatives to Undergo Regular Drug & Alcohol Testing .....	63
<b>19</b>	<b>Urgent Business Without Notice</b> .....	<b>65</b>
<b>20</b>	<b>Confidential Items</b> .....	<b>66</b>
8.1	Authority for Multi-Year Delivery of Raby Bay Revetment Wall Renewal Project .....	66
<b>21</b>	<b>Meeting Closure</b> .....	<b>67</b>

## **1 DECLARATION OF OPENING**

On establishing there is a quorum, the Mayor will declare the meeting open.

### **Recognition of the Traditional Owners**

Council acknowledges the Quandamooka people who are the traditional custodians of the land on which we meet. Council also pays respect to their elders, past and present, and extends that respect to other indigenous Australians who are present.

## **2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE**

Motion is required to approve leave of absence for any Councillor absent from today's meeting.

### **3      DEVOTIONAL SEGMENT**

Member of the Ministers' Fellowship will lead Council in a brief devotional segment.

#### **4 RECOGNITION OF ACHIEVEMENT**

Mayor to present any recognition of achievement items.

## **5 RECEIPT AND CONFIRMATION OF MINUTES**

General Meeting - 14 December 2022.

## 6 DECLARATION OF PRESCRIBED CONFLICT OF INTERESTS AND DECLARABLE CONFLICT OF INTERESTS

Councillors are reminded of their responsibilities in relation to a Councillor's Prescribed Conflict of Interest and Declarable Conflict of Interest at a meeting. For full details see Chapter 5B of the *Local Government Act 2009*.

In summary:

### Obligation of Councillor with Prescribed Conflict of Interest

Section 150EL of the *Local Government Act 2009* requires Councillors to declare a Prescribed Conflict of Interest in a matter as soon as they become aware of their interest in the matter, either:

- (1) *at a local government meeting, or*
- (2) *as soon as practicable, by giving the Chief Executive Officer written notice of the prescribed conflict of interest.*
- (3) The declaration must include the following particulars:
  - (a) *For a gift, loan or contract – the value of the gift, loan or contract;*
  - (b) *For an application for which a submission has been made – the matters the subject of the application and submission;*
  - (c) *The name of any entity, other than the Councillor, that has an interest in the matter;*
  - (d) *The nature of the Councillor's relationship with the entity mentioned in (c) above;*
  - (e) *Details of the Councillor's, and any other entity's, interest in the matter.*

### Dealing with Prescribed Conflict of Interest at a Meeting

Pursuant to section 150EM of the *Local Government Act 2009*, if a Councillor declares a Prescribed Conflict of Interest in a matter, ***the Councillor must leave the place at which the meeting is being held, including any area set aside for the public, and stay away from the place while the matter is discussed and voted on.***

### Obligation of Councillor with Declarable Conflict of Interest

Section 150EQ of the *Local Government Act 2009* requires Councillors to declare a Declarable Conflict of Interest in a matter as soon as they become aware of their interest in the matter, either:

- (1) *at a local government meeting, or*
- (2) *as soon as practicable, by giving the Chief Executive Officer written notice of the declarable conflict of interest.*
- (3) The declaration must include the following particulars:
  - (a) *The nature of the declarable conflict of interest;*
  - (b) *If the declarable conflict of interest arises because of the councillor's relationship with a related party:*
    - (i) *The name of the related party; and*
    - (ii) *The nature of the relationship of the related party to the Councillor; and*
    - (iii) *The nature of the related party's interests in the matter;*



- (c) *If the Councillor's or related party's personal interests arise because of the receipt of a gift or loan from another person:*
- (i) *The name of the other person; and*
  - (ii) *The nature of the relationship of the other person to the Councillor or related party; and*
  - (iii) *The nature of the other person's interests in the matter; and*
  - (iv) *The value of the gift or loan, and the date the gift was given or loan was made.*

#### **Procedure if Councillor has Declarable Conflict of Interest**

Pursuant to section 150ES of the *Local Government Act 2009*, eligible Councillors at the meeting must, by resolution, decide whether the Councillor who has declared the interest:

- (1) *May participate in a decision about the matter at the meeting, including by voting on the matter; or*
- (2) *Must leave the place at which the meeting is being held, including any area set aside for the public, and stay away from the place while the eligible Councillors discuss and vote on the matter.*

#### **Duty to report another Councillor's Prescribed Conflict of Interest or Declarable Conflict of Interest**

Pursuant to section 150EW of the *Local Government Act 2009*, a Councillor who reasonably believes or reasonably suspects another Councillor has a Prescribed Conflict of Interest or a Declarable Conflict of Interest in a matter must:

- (1) *Immediately inform the person who is presiding at the meeting about the belief or suspicion; or*
- (2) *As soon as practicable, inform the Chief Executive Officer of the belief or suspicion.*

*The Councillor must also inform the person presiding, or the Chief Executive Officer, of the facts and circumstances forming the basis of the belief or suspicion.*

#### **Record of Prescribed and Declarable Conflicts of Interest**

Where a Councillor informs the meeting of a Prescribed or Declarable Conflict of Interest, section 150FA of the *Local Government Act 2009* requires the following information to be recorded in the minutes of the meeting:

- (1) The name of the Councillor who may have a prescribed or declarable conflict of interest in the matter;
- (2) The particulars of the prescribed or declarable conflict of interest;
- (3) If another Councillor informs the meeting of a belief of suspicion, about another Councillor's Conflict of Interest:
  - (a) The action the Councillor takes;
  - (b) Any decision by eligible Councillors; and
  - (c) The name of each eligible Councillor who voted in relation to whether the Councillor has a declarable conflict of Interest, and how each eligible Councillor voted.
- (4) Whether the Councillor participated in deciding the matter, or was present for deciding the matter;
- (5) For a matter to which the Prescribed or Declarable Conflict of Interest relates:
  - (a) *The name of the Councillor who has declared the conflict of interest;*

- (b) The nature of the personal interest, as described by the Councillor;*
  - (c) The decision made;*
  - (d) Whether the Councillor participated in the meeting under an approval by the Minister;*
  - (e) If the Councillor voted on the matter, how they voted; and*
  - (f) How the majority of Councillors voted on the matter.*
- (6) If the Councillor has a Declarable Conflict of Interest, in addition to the information above, the following information must be recorded in the minutes:
- (a) The decision and reasons for the decision as to whether the Councillor with the Declarable Conflict of Interest may participate in the decision, or must not participate in the decision; and
  - (b) The name of each eligible Councillor who voted on the decision, and how the eligible Councillor voted.

## **7 MATTERS OUTSTANDING FROM PREVIOUS COUNCIL MEETINGS**

### **7.1 NOTICE OF MOTION - INVESTIGATION INTO LOCATION FOR WILDLIFE HOSPITAL**

At the General Meeting 15 June 2022 (Item 17.1 refers), Council resolved as follows:

- 1. To note and acknowledge the work of Council over a number of years in regard to the situation of a wildlife hospital, as well as the ongoing investigations being undertaken through Council to identify appropriate locations for a wildlife hospital, which may attract private investment within the Redland Local Government Area.*
- 2. To support the ongoing discussions on this matter with stakeholders in this endeavour and to have a workshop provided to Councillors by 16 November 2022 and a report back to Council as to the outcome of those discussions.*

A report will be brought to a future meeting of Council.

**7.2 BIRKDALE COMMUNITY LAND PRECINCT - STATUTORY PLANNING PATHWAYS**

At the General Meeting 17 August 2022 (Item 15.4 refers), Council resolved as follows:

1. *To confirm commencement of all statutory planning processes outlined in this report, ensuring reports on heritage, cultural and matters of national, state and local environmental significance are completed and integrated into the Local Government Infrastructure Designation.*
2. *To confirm that a Local Government Infrastructure Designation will be prepared and made in accordance with the Planning Act 2016, Planning Regulation 2017 and the Ministers Guidelines and Rules 2020.*
3. *That a report be brought to Council to endorse a Local Government Infrastructure Designation Consultation Strategy.*
4. *That a report be brought to Council to consider submissions made during the Local Government Infrastructure Designation statutory consultation period.*

Two reports will be brought to a future meeting of Council.

## **8 MAYORAL MINUTE**

In accordance with s.6.9 of Council Meeting Standing Orders, the Mayor may put to the meeting a written motion called a 'Mayoral Minute', on any matter. Such motion may be put to the meeting without being seconded, may be put at that stage in the meeting considered appropriate by the Mayor and once passed becomes a resolution of Council.

## 9 PUBLIC PARTICIPATION

In accordance with s.6.10 Council Meeting Standing Orders:

1. In each meeting (other than special meetings), a period of 15 minutes may be made available by resolution to permit members of the public to address the local government on matters of public interest relating to the local government. This period may be extended by resolution.
2. Priority will be given to members of the public who make written application to the CEO no later than 4.30pm two days before the meeting. A request may also be made to the chairperson, when invited to do so, at the commencement of the public participation period of the meeting.
3. The time allocated to each speaker shall be a maximum of five minutes. The chairperson, at his/her discretion, has authority to withdraw the approval to address Council before the time period has elapsed.
4. The chairperson will consider each application on its merits and may consider any relevant matter in his/her decision to allow or disallow a person to address the local government, e.g.
  - a) Whether the matter is of public interest;
  - b) The number of people who wish to address the meeting about the same subject
  - c) The number of times that a person, or anyone else, has addressed the local government previously about the matter;
  - d) The person's behaviour at that or a previous meeting; and
  - e) If the person has made a written application to address the meeting.
5. Any person invited to address the meeting must:
  - a) State their name and suburb, or organisation they represent and the subject they wish to speak about;
  - b) Stand (unless unable to do so);
  - c) Act and speak with decorum;
  - d) Be respectful and courteous; and
  - e) Make no comments directed at any individual Council employee, Councillor or member of the public, ensuring that all comments relate to Council as a whole.

**10 PETITIONS AND PRESENTATIONS****10.1 PETITION - CR PAUL GOLLÈ - REQUEST FOR ASSISTANCE FROM COUNCIL IN APPROACHING QUEENSLAND TRANSPORT DEPARTMENT OF TRANSDEV FOR A BUS SERVICE CLOSE TO MORETON SHORES RETIREMENT VILLAGE, THORNLANDS****Objective Reference: A7252282**

In accordance with s.6.11 of Council Meeting Standing Orders, Cr Paul Gollè will present the petition and motion as follows:

**That the petition be received.**

**11 MOTION TO ALTER THE ORDER OF BUSINESS**

The order of business may be altered for a particular meeting where the Councillors at that meeting pass a motion to that effect. Any motion to alter the order of business may be moved without notice.



**12      REPORTS FROM THE OFFICE OF THE CEO**

Nil.

## 13 REPORTS FROM ORGANISATIONAL SERVICES

### 13.1 DECEMBER 2022 MONTHLY FINANCIAL REPORT

**Objective Reference:** A7241871

**Authorising Officer:** Deborah Corbett-Hall, Executive Group Manager Financial Services & Chief Financial Officer

**Responsible Officer:** Deborah Corbett-Hall, Executive Group Manager Financial Services & Chief Financial Officer

**Report Author:** Udaya Panambala Arachchilage, Corporate Financial Reporting Manager

**Attachments:** 1. December 2022 Monthly Financial Report [↓](#)

#### PURPOSE

To note the year to date financial results as at 31 December 2022.

#### BACKGROUND

Council adopts an annual budget and then reports on performance against the budget on a monthly basis. This is not only a legislative requirement but enables the organisation to periodically review its financial performance and position and respond to changes in community requirements, market forces or other outside influences.

#### ISSUES

##### ***2022-23 Budget Review***

Council officers are currently conducting a further review of the current year's budget and the monthly analysis will be consolidated into the budget review 2022-23 for Council's consideration in early 2023. The differences between the revised budget figures contained in the attached report and those published on 16 November 2022 are due to the actual opening balances on 1 July 2022. The final audited opening balances, together with other revisions to the budget, will be adopted as part of the budget review in early 2023, which will reconcile to the financial management system and end of year accounts.

##### ***Monitoring of the capital program progress***

As mentioned in the risk management section below, the Executive Leadership Team reviews the progress of the capital program on a regular basis. The global pandemic and emerging world conditions have played a role in the procurement lead time, availability of contractors and price of materials. Constant focus, review and mitigation where possible is occurring by the organisation's senior leaders and these factors are considerations when management reviews the organisation risk registers.

#### STRATEGIC IMPLICATIONS

Council has either achieved or favourably exceeded the following key financial stability and sustainability ratios as at the end of December 2022.

- Operating surplus ratio
- Net financial liabilities
- Level of dependence on general rate revenue

- Ability to pay our bills – current ratio
- Ability to repay our debt – debt servicing ratio
- Cash balance
- Cash balances – cash capacity in months
- Longer term financial stability – debt to asset ratio
- Operating performance
- Interest coverage ratio

The asset sustainability ratio did not meet the target at the end of December 2022 and continues to be a stretch target for Council with renewal spends of \$13.50M and depreciation expense of \$31.06M year to date on infrastructure assets. This ratio is an indication of how Council currently maintains, replaces and renews its existing infrastructure assets as they reach the end of their useful lives. Capital spend on non-renewal projects increases the asset base and therefore increases depreciation expense, resulting in a lower asset sustainability ratio.

Council's Capital Portfolio Prioritisation Administrative Directive demonstrates its commitment to maintaining existing infrastructure and the adoption of a renewal strategy for its existing assets ahead of 'upgrade' and/or 'new' works.

### **Legislative Requirements**

The December 2022 financial report is presented in accordance with the legislative requirement of section 204(2) of the *Local Government Regulation 2012*, requiring the Chief Executive Officer to present the financial report to a monthly Council meeting.

### **Risk Management**

The December 2022 financial report has been noted by the Executive Leadership Team and relevant officers who can provide further clarification and advice around actual to budget variances.

### **Financial**

There is no direct financial impact to Council as a result of this report, however it provides an indication of financial outcomes at the end of December 2022.

### **People**

Nil impact expected as the purpose of the attached report is to provide financial information to Council based upon actual versus budgeted financial activity.

### **Environmental**

Nil impact expected as the purpose of the attached report is to provide financial information to Council based upon actual versus budgeted financial activity.

### **Social**

Nil impact expected as the purpose of the attached report is to provide financial information to Council based upon actual versus budgeted financial activity.

### **Human Rights**

There are no human rights implications for this report as the purpose of the attached report is to provide financial information to Council based upon actual versus budgeted financial activity.

### Alignment with Council's Policy and Plans

This report has a relationship with the following items of Council's *Our Future Redlands – A Corporate Plan to 2026 and Beyond*:

Efficient and effective organisation objectives

- 7.1 Improve the efficiency and effectiveness of Council's service delivery to decrease costs and enhance customer experience and community outcomes.
- 7.4 Demonstrate good governance through transparent, accountable processes and sustainable practices and asset management.

### CONSULTATION

Consulted	Date	Comment
Council departmental officers	Year to date 31 December 2022	Consulted on financial results and outcomes
Financial Services Group officers	Year to date 31 December 2022	Consulted on financial results and outcomes
Executive Leadership Team and Senior Leadership Team	Year to date 31 December 2022	Recipients of variance analysis between actual and budget. Consulted as required

### OPTIONS

#### Option One

That Council resolves to note the financial position, results and ratios for December 2022 as presented in the attached Monthly Financial Report.

#### Option Two

That Council resolves to request additional information.

### OFFICER'S RECOMMENDATION

**That Council resolves to note the financial position, results and ratios for December 2022 as presented in the attached Monthly Financial Report.**

































## 13.2 COMMENCE LOCAL LAW MAKING PROCESS - LOCAL LAW NO. 3 (COMMUNITY AND ENVIRONMENTAL MANAGEMENT) 2015

**Objective Reference:** A7212976

**Authorising Officer:** Amanda Daly, Acting General Manager Organisational Services

**Responsible Officer:** Tony Beynon, Group Manager Corporate Governance

**Report Author:** Kristene Viller, Senior Adviser Legislative Compliance & Advisory

**Attachments:**

1. [Community Consultation Activity Plan](#) ↓
2. [Draft Local Law No. 3 \(Community and Environmental Management\) 2015](#) ↓

### PURPOSE

To seek approval to commence the local process and undertake community consultation on proposed changes to *Local Law No. 3 (Community and Environmental Management) 2015* to remove the native bird feeding prohibition.

### BACKGROUND

*Local Law No. 3 (Community and Environmental Management) 2015* currently prohibits the feeding of native birds at residential premises in a way that causes, or may cause a nuisance, which includes:

- *Feeding the native bird where it results in excessive or unsightly accumulation of native bird droppings.*
- *Feeding the native bird where the result is an offensive odour caused by the accumulation of native bird droppings or food waste.*
- *Feeding the native birds where it results in damage to property caused by excessive bird droppings or destructive behaviour in the immediate area to where the birds are fed.*
- *Feeding the native birds in a manner that results in an accumulation of food waste, which includes seed husks or bread.*
- *Feeding a native bird prior to 8am or after 7pm on any given day.*

### ISSUES

Since 2015, the Health and Environment Unit has received 180 customer requests that relate to native bird feeding, this equates to approximately 25 requests per annum.

Twenty six percent (26%) of these requests relate to matters outside the jurisdiction of the local law and sixty nine percent (69%) were investigated under the local law, with fifty percent (50%) of these investigations having insufficient evidence to substantiate the issue. Despite the number of requests, no enforcement action has been required to be taken since the introduction of the native bird feeding provision, with officers managing the issues through mediation and negotiation.

Managing these customer requests requires officer involvement in what is, in essence, a civil issue or neighbour dispute. This diverts Council time and resources to managing issues which are not considered core business through a regulatory approach with little community benefit.

### Alternative Management Approach

In lieu of a local law approach, the public health risks and environmental nuisance issues associated with native bird feeding can be managed under existing State legislation. The *Public Health Act 2005* can effectively deal with the issue of accumulation of bird seeds, bird droppings and the attraction of rodents, while the *Environmental Protection Act 1994* can address issues of odour.

This report seeks changes to the local law to remove the native bird feeding prohibition. **Please note that in the consolidated version of Local Law No.3 (Community and Environmental Management) 2015, the only changes made are:**

Provision	Amendment
Part 8, item 23	Remove whole item
Part 9	Rename as Part 8
Part 9, item 24	Rename as Part 8, item 23

### State Interest Check

Section 29A of the *Local Government Act 2009* requires state interest checks to be completed on all amendments to Local Laws. Local Governments must consult with relevant government bodies about the overall state interest in the proposed local law before making the local law.

### Public Interest Review

The *Local Government Act 2009* requires that any local law made with anti-competitive provisions is to comply with the procedures prescribed under a regulation for the review of the anti-competitive provisions.

The *Local Government Regulation 2012* provides that the procedure for review of anti-competitive provisions is set out in the National Competition Policy- guidelines for conducting reviews of anti-competitive provisions in local laws (guidelines).

Review of *Local Law No. 3 (Community and Environmental Management) 2015* found that the proposed amendment did not create an anti-competitive provision.

### Community Consultation

It is proposed that the public participation on draft *Local Law No.3 (Community and Environmental Management) 2015* be conducted in accordance with IAP2 standard – **Inform level**, for a period of 21 days (the consultation period) commencing on 1 February 2023 and concluding on 21 February 2023. Inform level public participation is not a consultation and is used as a means to provide the public with balanced and objective information to assist them in understanding the change in the local law but does not seek submissions regarding the change.

In accordance with the adopted local law making process a community consultation plan has been provided (attachment 1) outlining:

- a) The nature of the engagement
- b) The period of the engagement
- c) Where notice of the proposed local law will be displayed or published
- d) The information that will generally be stated about the proposed local law in any notice
- e) Where the proposed local law will be available for inspection or purchase

All comments received will be provided to and considered by the Health and Environment Unit and included in the final community consultation report.

## STRATEGIC IMPLICATIONS

### Legislative Requirements

The *Local Government Act 2009* details prescriptive provisions that local governments are required to adhere to in the process of making, recording, and reviewing local laws.

The Local Law amendment attached to this report has been drafted in accordance with the *Local Government Act 2009*, the Guidelines for Drafting Local Laws issued by the Parliamentary Counsel and the principles under the *Legislative Standards Act 1992*.

### Risk Management

The risks associated with amending the local law have been managed by:

- a) Ensuring the process to amend the local law is in accordance with legislative standards and the adopted Redland City Council Local Law Making Process.
- b) Comprehensive internal stakeholder engagement to ensure the local law will promote effective governance to the community.
- c) Utilising a solicitor to review the draft subordinate local law to ensure the legislative principles are followed in the drafting.
- d) Conducting a review of the identified anti-competitive provisions to ensure adherence to the National Competition Policy Guidelines.

### Financial

The cost of drafting the local law and publications is funded through existing budget allocations within the Legal Services and Strategy and Governance Unit.

Removing the local law provision concerning bird feeding will reduce officer resource commitment to this issue allowing for increased capacity more broadly across other public health and environmental protection services provided by Council.

### People

The community consultation process will have an impact on resourcing within the Strategy and Governance Unit and Communication, Engagement and Tourism Group. It is anticipated the work will be absorbed by current resourcing. Community consultation will provide the opportunity for community members to have their say on the proposal through providing a comment during the consultation period.

### Environmental

There are no environmental implications as the State legislation still regulates the removed activities.

### Social

Local Government provides for the good governance of the local government area through its local laws. The local law attached to this report has the potential to impact all members of the Redlands Community.

### Human Rights

All human rights have been considered against the proposed amendments and it has been determined that none of the proposed changes impact on human rights.

## Alignment with Council's Policy and Plans

The process for making the proposed local law is in accordance with Council's adopted practice for making local laws.

This process is in keeping with Council's *Our Future Redlands – A Corporate Plan to 2026 and Beyond* goal for Strong Communities – Laws and Regulations.

## CONSULTATION

Consulted	Consultation Date	Comments/Actions
Acting General Manager Community and Customer Services	January 2023	Reviewed and signed off on the report
Service Management Health and Environment	November – December 2022	Initial Request and presented to Councillor workshop
Group Manager Corporate Governance	December 2022	Signed off on the report
Senior Adviser Legislative Compliance and Advisory Services	November – December 2022	Prepared report, drafted amendments, and prepared community consultation plan
Elected Representatives	14 November 2022	Attended Workshop

## OPTIONS

### Option One

That in accordance with Council's Local Law Making Process adopted on 20 March 2019 and pursuant to sections 29 and 29A of the *Local Government Act 2009*, Council resolves as follows:

1. To commence the local law making process for *Local Law No. 3 (Community and Environmental Management) 2015*.
2. To undertake a state interest check for *Local Law No. 3 (Community and Environmental Management) 2015*.
3. To engage with the community for a period of 21 days (the consultation period) about *Local Law No. 3 (Community and Environmental Management) 2015* in accordance with the attached engagement plan.
4. To accept and review all comments received in relation to the proposed changes to *Local Law No. 3 (Community and Environmental Management) 2015* and provide to the business unit for review.

### Option Two

That Council resolves not to proceed with the Local Law Making Process for *Local Law No. 3 (Community and Environmental Management) 2015*.

**OFFICER'S RECOMMENDATION**

That in accordance with Council's Local Law Making Process adopted on 20 March 2019 and pursuant to sections 29 and 29A of the *Local Government Act 2009*, Council resolves as follows:

1. To commence the local law making process for *Local Law No. 3 (Community and Environmental Management) 2015*.
2. To undertake a state interest check for *Local Law No. 3 (Community and Environmental Management) 2015*.
3. To engage with the community for a period of 21 days (the consultation period) about *Local Law No. 3 (Community and Environmental Management) 2015* in accordance with the attached engagement plan.
4. To accept and review all comments received in relation to the proposed changes to *Local Law No. 3 (Community and Environmental Management) 2015* and provide to the business unit for review.





































**14 REPORTS FROM ADVOCACY, MAJOR PROJECTS AND ECONOMIC DEVELOPMENT**

Nil.



## 15 REPORTS FROM COMMUNITY & CUSTOMER SERVICES

### 15.1 MANAGEMENT AGREEMENT: BAY ISLANDS AQUATIC CENTRE RUSSELL ISLAND

**Objective Reference:** A7189023

**Authorising Officer:** Louise Rusan, General Manager Community & Customer Services

**Responsible Officer:** Bill Morley, Acting Group Manager Communities

**Report Author:** Kate Mullens, Principal Adviser City Sports & Venues

**Attachments:** Nil

#### PURPOSE

To consider renewing an agreement with the State of Queensland (the State), represented by the Department of Education and Training (DET) regarding the operational management of the Bay Islands Aquatic Centre (BIAC) and to delegate the authority to the Chief Executive Officer under s.257(1)(b) of the *Local Government Act 2009* to negotiate, make, vary, and discharge all documents regarding this matter.

#### BACKGROUND

Council has an agreement with the State of Queensland, represented by DET with regard to the management and operation of BIAC, located on Russell Island, which is due to expire on 28 April 2023. BIAC operates seasonally, being open for school and public use between mid-September to mid-April. Council manages the day-to-day operation of BIAC including labour costs. Council is not responsible for utilities, upgrades, or major repairs.

In October 2021, Council advised DET that under the terms of the Joint Development Agreement (JDA), Council would require DET to assume management obligation for the operational management of BIAC. DET sought legal advice and agreed that Council could withdraw from the management responsibility and that DET is responsible. Whilst DET accepts responsibility for operational management, DET has advised that BIAC would revert to a school-based usage model for the pool that will not include general community use.

Based on this advice from DET, City Sport and Venues presented at a Councillor Briefing on 1 August 2022, options for the future management of the pool including relinquishing management responsibility.

The briefing recognised that to guarantee public access Council would need to continue as an operator. This operational cost can be mitigated through minimising costs by:

- Seeking maximum contribution for maintenance and chemicals by DET.
- Minimising increase to operating costs through non-extension of operating hours.
- Formalising long term arrangement with the State.

DET has confirmed support for Council by continuing to manage the operations of the BIAC, either through direct management or through third party agreements. Council has investigated the operational model at BIAC and several market participants have expressed interest in the operation.

If Council resolves to continue operational management of BIAC, the appointment of a professional operator to manage the site will be investigated.

In 2020/21, Council increased the operating hours by 20% and updated the fee structure to include season passes and discounted rates for seniors/pensioners and a reduction in youth entry fees in response to community feedback outlined in a Your Say survey in 2019.

Council recognises the important role the pool provides for the island communities and as such, supports the renegotiation of an agreement and the investigation into the potential of utilising a third party to manage the pool on Council's behalf. It is noted that the community in the recent survey were strongly in favour of Council continuing to operate the facility.

## **ISSUES**

The existing agreement with the State expires on 28 April 2023 and Council has a requirement to determine its ongoing management arrangement.

DET is currently preparing Terms of Reference to establish an Advisory Committee made up of State, Council, Schools, and community representatives as outlined in the JDA. It is anticipated the commencement of this committee will be in early 2023 and will provide a mechanism for feedback to the State and Council on operations.

Council's service offering for BIAC could occur through the engagement of a third-party operator. Consultation with market participants suggest this model would be a similar cost to Council as the current direct operating model. If this were to occur, the proposal would be to have any such arrangements put in place over an extended period to ensure adequate consultation and change management with the community.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

Royal Life Saving Society – Australia provides the Guidelines for Safe Pool Operations – National Policy (2016). Council, as the operating manager of the BIAC, operates the facility consistent with these guidelines.

### **Risk Management**

Council has recently reviewed and finalised its Emergency Operations Plan which includes:

- Bay Islands Aquatic Centre – Emergency Action Plan
- Bay Islands Aquatic Centre - Supervision Risk Assessment

This documentation now aligns with the Royal Life Saving Society – Australia, Guidelines for Safe Pool Operations – National Policy (2016).

### **Financial**

The current net operating cost for Council is approximately \$200,000, equating to approximately \$21 per patron visit. This cost is not expected to change under the new agreement.

### **People**

There are no people impacts as a result of the new agreement.

### **Environmental**

There are no environmental impacts associated with this report.

## Social

Swimming is one of the most popular sports activities in Australia and a good way to get regular aerobic physical activity. People can exercise longer in water than on land without increased effort, or joint or muscle impact. Exercising in water offers many physical and mental health benefits and is a good low impact choice for anyone who wants to be more active.

## Human Rights

There are no impacts to Human Rights as a result of this report.

## Alignment with Council's Policy and Plans

*Our Future Redlands – A Corporate Plan to 2026 and Beyond*, particularly:

### GOAL 2. Strong Communities

2.1 Enhance the health, safety and wellbeing of our community through the delivery of inclusive and responsive services focused on preserving and improving our naturally wonderful lifestyle by leveraging partnerships, networks, facilities and infrastructure.

2.4 Enhance community inclusion where people of all locations, ages, abilities, and cultures can participate and have access to the necessary services and facilities.

### GOAL 5. Liveable Neighbourhoods

5.1 Enhance the unique character and liveability of our city for its communities through co-ordinated planning, place making, and management of community assets.

## CONSULTATION

Consulted	Consultation Date	Comments/Actions
Councillor Division 5	December 2022	Consulted regarding draft report.
Council Workshop	August 2022	Presented future management options for Bay Islands Aquatic Centre.
Bay Island Aqua Group	Various times 2022	Progress updates on the future management options for BIAC.
Department of Education and Training Infrastructure Advisor	October 2022 June, August 2022 February 2022 October 2021	Deed of Variation executed to cover the new management agreement for 2022/2023 season. Discussed a Deed of Variation to existing management agreement to cover 2022/23 season. Discussed future management options with DET. Letter to Department of Education and Training regarding future management options of Bay Islands Aquatic Centre.

## OPTIONS

### Option One

That Council resolves as follows:

1. To enter into an agreement for the management of the Bay Island Aquatic Centre with the State of Queensland, which includes an option for Redland City Council to engage a third party operator.
2. To delegate the Chief Executive Officer under s.257(1)(b) of the *Local Government Act 2009* to negotiate, make, vary and discharge all documents in regard to this matter.
3. To authorise the Chief Executive Officer to apply any necessary administrative amendments and execute all documents in regard to this matter.
4. To continue to advocate to the State Government to allow community access of the Bay Island Aquatic Centre that is broader than school-based use and for Department of Education and Training to take on operational responsibility of the facility.

### Option Two

That Council resolves to not enter into a new agreement for the management of the Bay Island Aquatic Centre and relinquishes management responsibility.

## OFFICER'S RECOMMENDATION

That Council resolves as follows:

1. To enter into an agreement for the management of the Bay Island Aquatic Centre with the State of Queensland, which includes an option for Redland City Council to engage a third party operator.
2. To delegate the Chief Executive Officer under s.257(1)(b) of the *Local Government Act 2009* to negotiate, make, vary and discharge all documents in regard to this matter.
3. To authorise the Chief Executive Officer to apply any necessary administrative amendments and execute all documents in regard to this matter.
4. To continue to advocate to the State Government to allow community access of the Bay Island Aquatic Centre that is broader than school-based use and for Department of Education and Training to take on operational responsibility of the facility.

**16      REPORTS FROM INFRASTRUCTURE & OPERATIONS**

Nil.

**17 NOTICES OF INTENTION TO REPEAL OR AMEND A RESOLUTION**

In accordance with *s.262 Local Government Regulation 2012*.

## 18 NOTICES OF MOTION

### 18.1 NOTICE OF MOTION - CR ADELIA BERRIDGE - REQUEST FOR ELECTED REPRESENTATIVES TO UNDERGO REGULAR DRUG & ALCOHOL TESTING

**Objective Reference:** A7261985

**Attachments:** Nil

In accordance with section 6.16 of *Council Meeting Standing Orders*, at the General Meeting scheduled for Wednesday, 25 January 2023, notice is hereby given that Cr Adelia Berridge intends to move the motion as follows:

#### MOTION

**That Council resolves as follows:**

1. **To require its elected representatives be subject to the workplace regular drug and alcohol testing program, covering the following triggers:**
  - **Voluntary testing.**
  - **Post incident testing.**
  - **Random testing.**
  - **Testing for reasonable suspicion of impairment.**
  - **Targeted random testing (for workers who have given a confirmed non-negative result for alcohol and/or drugs).**
2. **That testing be conducted in accordance with:**
  - **Australian Standard 3547:2019 and current random breath testing procedure in Queensland for alcohol testing.**
  - **Australian Standard 4760:2019 for saliva testing.**
3. **For any elected representatives found in the workplace who test positive to drugs, or are over the legal limit of alcohol, or are refusing to participate in the testing program be referred to the Office of the Independent Assessor to be dealt with accordingly. (Alcohol and other drugs (AOD) includes alcohol, opiates, cannabinoids, cocaine and amphetamines. It does not include prescribed dosage of prescription medication).**
4. **That Councillors be included in a review of Council's Alcohol and Other Drugs Policies, Guidelines and Procedures.**

#### BACKGROUND

As outlined in the Standards of Behaviour, subsection 1.5 of the Code of Conduct for Councillors in Queensland Councillors are to *'Ensure that their behaviour or capacity to perform their responsibilities as a Councillor is not impaired by the use of substances that may put them or others at risk while performing their duties (for example, alcohol, illegal drugs or prescribed/non-prescribed and/or restricted substances)'*.

As Councillors are respected community leaders and have a responsibility to ratepayers a level of conduct is expected at all times. As Councillors are not classified as Council officers, they are not bound by the same Policies, Guidelines and Procedures as officers.

If Council officers are expected to have a blood or breath alcohol concentration (BAC) below 0.05%, or a zero 'no alcohol' limit depending on the licence held or vehicle driven as legally prescribed in Queensland, then the expectation should be the same for Councillors.

To mitigate this risk a review of Council Policies, Guidelines and Procedures should be undertaken to close any loopholes.

Mackay Regional Council recently introduced random testing and test on suspicion if a Councillor appeared to be impaired. Councillors need to show the staff that there are equal standards in the workplace. The intention of this Notice of Motion is about showing leadership to Council Officers and ensuring clarity of thought when decisions are made which impact the Redlands and its citizens.



## 19 URGENT BUSINESS WITHOUT NOTICE

In accordance with s.6.17 of Council Meeting Standing Orders, a Councillor may bring forward an item of urgent business if the meeting resolves that the matter is urgent.

<b>Urgent Business Checklist</b>	<b>YES</b>	<b>NO</b>
To achieve an outcome, does this matter have to be dealt with at a general meeting of Council?		
Does this matter require a decision that only Council make?		
Can the matter wait to be placed on the agenda for the next Council Meeting?		
Is it in the public interest to raise this matter at this meeting?		
Can the matter be dealt with administratively?		
If the matter relates to a request for information, has the request been made to the CEO or a General Manager Previously?		

## **20 CONFIDENTIAL ITEMS**

### **COUNCIL MOTION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with section 254J of the *Local Government Regulation 2012*:

#### **20.1 Authority for Multi-Year Delivery of Raby Bay Revetment Wall Renewal Project**

This matter is considered to be confidential under section 254J(3)(c) and (g) of the *Local Government Regulation 2012*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with the local government's budget and negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

#### **Overview**

To seek Council's endorsement for the delivery and funding for the revetment wall remediation project over multiple financial years.

**21 MEETING CLOSURE**