



Redland
CITY COUNCIL

MINUTES

GENERAL MEETING

Wednesday, 25 January 2023

The Council Chambers
91 - 93 Bloomfield Street
CLEVELAND QLD

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**GENERAL MEETING
HELD AT THE COUNCIL CHAMBERS, 91 - 93 BLOOMFIELD STREET, CLEVELAND QLD
ON WEDNESDAY, 25 JANUARY 2023 AT 9:30AM**

1 DECLARATION OF OPENING

The Mayor declared the meeting open at 9:32am and acknowledged the Quandamooka people, who are the traditional custodians of the land on which Council meets.

The Mayor also paid Council's respect to their elders, past and present, and extended that respect to other indigenous Australians who were present.



2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

MEMBERS PRESENT: Cr Karen Williams (Mayor), Cr Wendy Boglary (Division 1), Cr Peter Mitchell (Division 2), Cr Paul Gollè (Division 3), Cr Lance Hewlett (Division 4), Cr Mark Edwards (Division 5), Cr Julie Talty (Deputy Mayor and Division 6), Cr Rowanne McKenzie (Division 7), Cr Adelia Berridge (Division 9), Cr Paul Bishop (Division 10)

VIRTUAL ATTENDANCE: Cr Tracey Huges (Division 8), in accordance with resolution 2022/214, where the chair of the meeting allows a Councillor who has been affected by COVID-19 to participate via audio or audio/visual link.

EXECUTIVE LEADERSHIP TEAM: Andrew Chesterman (Chief Executive Officer), Louise Rusan (General Manager Community & Customer Services), Dr Nicole Davis (General Manager Infrastructure & Operations), Amanda Pafumi (General Manager Organisational Services), Andrew Ross (Executive Group Manager Procurement, Risk & General Counsel) and Amanda Daly (Executive Group Manager People, Culture & Organisational Performance)

MINUTES: Natalie Merlehan (Corporate Meetings & Registers Coordinator)

LEAVE OF ABSENCE

Nil.

COUNCILLOR ABSENCES DURING THE MEETING

Nil.



3 DEVOTIONAL SEGMENT

Jos Damant of Redlands Healing Rooms also a member of the Minister's Fellowship led Council in a brief Devotional segment.



4 RECOGNITION OF ACHIEVEMENT

Mayor Williams recognised Redland City Council:

I would like to recognise the efforts of Council staff, volunteers (including the Rotary Club of Cleveland), partners, and most importantly the community, who helped raise more than \$23,000 for domestic and family violence services at last month's Christmas on the Coast event.

Thanks to the generosity of the community by making this a sell-out festival, with 12,000 plus attendees this year. Christmas on the Coast alone has now raised more than \$50,000 over the last three years for local domestic and family violence support and awareness services.

When you add the proceeds of Diner en Rouge, local philanthropists, the generosity of the Redlands White Christmas community choir and the Rotary Club of Cleveland, the total raise for local domestic and family violence services now exceeds \$400,000, which has helped support local organisations such as Maybanke, Redlands Community Centre and Centre for Women and Co.

I am excited to advise that continuing our commitment to supporting those impacted by domestic and family violence, yesterday I met with members of the Small Steps for Hannah Foundation to discuss a program we are aiming to roll out across the Redlands in honour of Hannah and her children Aaliyah, Laianah, and Trey.

The tragic story of Hannah and her children is well known not only in the Redlands but across the country. We know that Hannah was well connected to this community and I am pleased to advise that with the funds raised at last year's Christmas on the Coast and other funding we hope to raise at this year's Diner en Rouge in May, will go to supporting a local education program to stem domestic and family violence in the next generations. While the details of the program are still being worked through, given this funding was provided by the community, I wanted to put my gratitude on record, particularly for the team here and all of the volunteers.

This new initiative is really exciting and it will continue to make a real difference in our community. So again, thank you to the community, Council staff, volunteers and our partners who made it possible. Thank you.



5 RECEIPT AND CONFIRMATION OF MINUTES

COUNCIL RESOLUTION 2023/1

Moved by: Cr Paul Bishop

Seconded by: Cr Rowanne McKenzie

That the minutes of the General Meeting held on 14 December 2022 be confirmed.

CARRIED 11/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Rowanne McKenzie, Tracey Huges, Adelia Berridge and Paul Bishop voted FOR the motion.



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

Nil.



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

Nil.



9 PUBLIC PARTICIPATION**MOTION TO ADJOURN MEETING AT 9:48AM****COUNCIL RESOLUTION 2023/2**

Moved by: Cr Mark Edwards

Seconded by: Cr Lance Hewlett

That Council adjourn the meeting for a 15 minute public participation segment.

CARRIED 11/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Rowanne McKenzie, Tracey Huges, Adelia Berridge and Paul Bishop voted FOR the motion.

1. Mr David Bentley of Cleveland addressed Council regarding *Traffic on Fitzroy Street, Cleveland*.
2. Mr Mark FitzGerald representing Sail2growth regarding *Australia Day events*.

MOTION TO RESUME MEETING AT 10:00AM**COUNCIL RESOLUTION 2023/3**

Moved by: Cr Mark Edwards

Seconded by: Cr Paul Bishop

That meeting proceedings resume.

CARRIED 11/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Rowanne McKenzie, Tracey Huges, Adelia Berridge and Paul Bishop voted FOR the motion.



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****Attachments: Nil**

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

COUNCIL RESOLUTION 2023/4**Moved by: Cr Paul Gollè****Seconded by: Cr Julie Talty****That the petition be received.****CARRIED 11/0**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Rowanne McKenzie, Tracey Huges, Adelia Berridge and Paul Bishop voted FOR the motion.

11 MOTION TO ALTER THE ORDER OF BUSINESS

Nil.



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/COUNCIL RESOLUTION 2023/5

Moved by: Cr Mark Edwards

Seconded by: Cr Peter Mitchell

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

CARRIED 11/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Rowanne McKenzie, Tracey Huges, Adelia Berridge and Paul Bishop voted FOR the motion.

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/COUNCIL RESOLUTION 2023/6

Moved by: Cr Peter Mitchell

Seconded by: Cr Julie Talty

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.

CARRIED 11/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Rowanne McKenzie, Tracey Huges, Adelia Berridge and Paul Bishop voted FOR the motion.

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 BIAC.
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	Deed of Variation executed to cover the new management agreement for 2022/2023 season.
	June, August 2022	Discussed a Deed of Variation to existing management agreement to cover 2022/23 season.
	February 2022	Discussed future management options with DET.
	October 2021	Letter to DET regarding future management options of BIAC.

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.

OFFICERS 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

COUNCIL RESOLUTION 2023/7

Moved by: Cr Mark Edwards

Seconded by: Cr Julie Talty

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 raise awareness of the significant contribution the local community has made by providing the Aquatic Centre facility.
5. 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.

CARRIED 11/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Rowanne McKenzie, Tracey Huges, Adelia Berridge and Paul Bishop voted FOR the motion.

16 REPORTS FROM INFRASTRUCTURE & OPERATIONS

Nil.



17 NOTICES OF INTENTION TO REPEAL OR AMEND A RESOLUTION

Nil.



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**

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.

COUNCIL RESOLUTION 2023/8**Moved by: Cr Adelia Berridge****Seconded by: Cr Paul Gollè**

That Council resolves, following the finalisation of the updates to the Employee Drug & Alcohol Guideline and Procedures, that a similar Drug and Alcohol Policy be developed specifically for Councillors and brought back to Council for a decision prior to 30 June 2023.

CARRIED 10/1

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards,

Rowanne McKenzie, Tracey Huges, Adelia Berridge and Paul Bishop voted FOR the motion.

Cr Julie Talty voted AGAINST the motion.

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 Polices, 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 Polices, 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

Nil.



20 CONFIDENTIAL ITEMS**20.1 AUTHORITY FOR MULTI-YEAR DELIVERY OF RABY BAY REVETMENT WALL RENEWAL PROJECT****OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION 2023/9**

Moved by: Cr Peter Mitchell

Seconded by: Cr Lance Hewlett

That Council resolves as follows:

1. To endorse the delivery and approve the total project budgets for the Raby Bay Revetment Wall Remediation Project over multiple financial years (FY2022/2023 and FY2023/2024) to enable Council to enter into contract(s) for project delivery.
2. Continue to engage with the Raby Bay Ratepayers Association in relation to the delivery of the Raby Bay Revetment Wall Remediation Projects.
3. That this report remains confidential until after procurement has been finalised, but for maintaining confidentiality of private, commercial in confidence and legally privileged information in accordance with the *Right to Information Act 2009*.

CARRIED 11/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Rowanne McKenzie, Tracey Huges, Adelia Berridge and Paul Bishop voted FOR the motion.



21 MEETING CLOSURE

The Meeting closed at 10:29am

The minutes of this meeting were confirmed at the General Meeting held on 15 February 2023.



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CHAIRPERSON

