

Redland
CITY COUNCIL

AGENDA

GENERAL MEETING

Wednesday, 25 January 2023
commencing at 9:30am

The Council Chambers
91 - 93 Bloomfield Street
CLEVELAND QLD

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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.

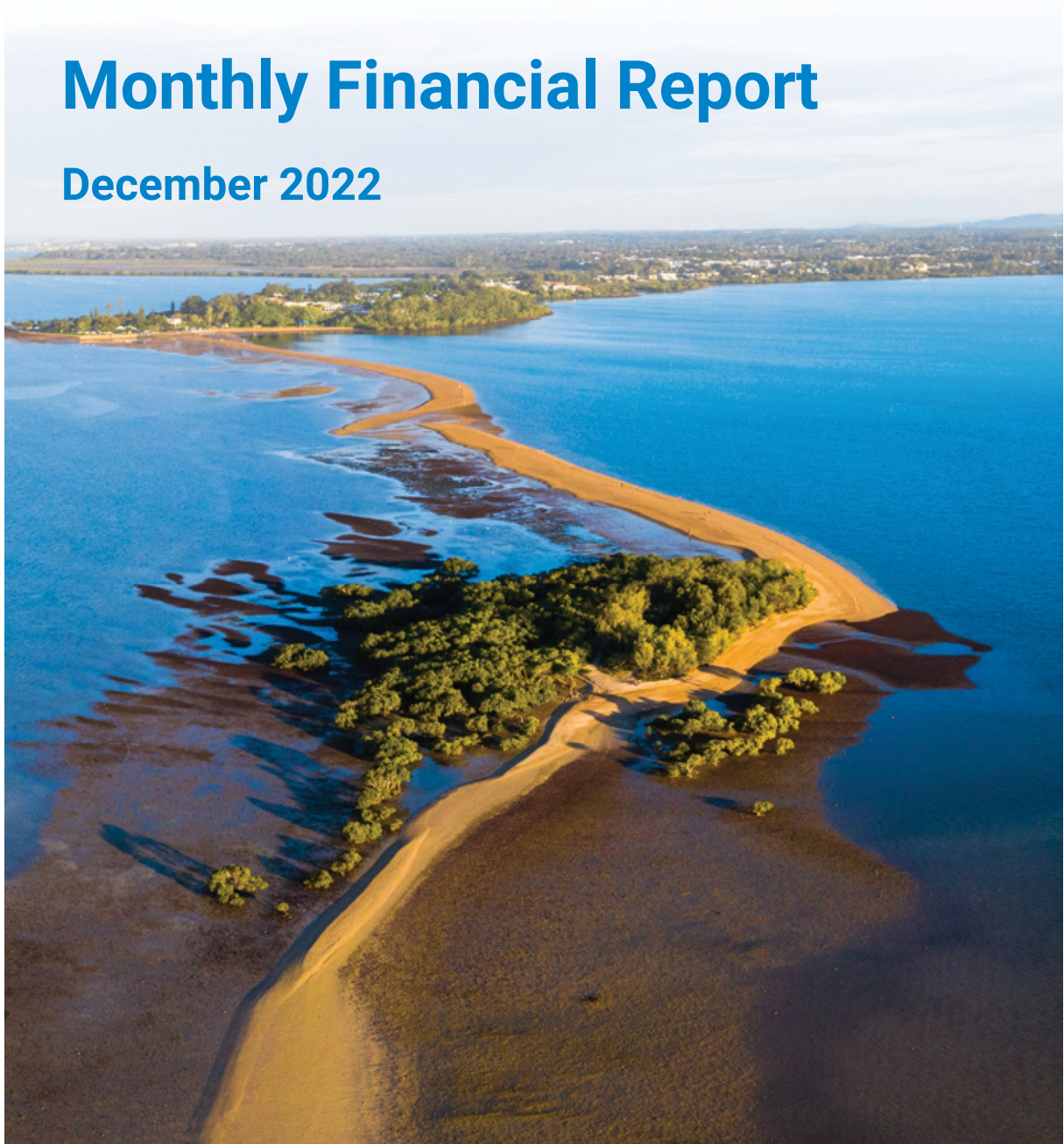
OFFICER'S RECOMMENDATION

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



Monthly Financial Report

December 2022



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1. EXECUTIVE SUMMARY

This monthly report illustrates the financial performance and position of Redland City Council compared to its adopted budget at an organisational level for the period ended 31 December 2022. The year to date annual revised budget referred to in this report incorporates the changes from the budget review adopted by Council on 16 November 2022.

Key Financial Highlights and Overview

Key Financial Results (\$000)	Annual Revised Budget	YTD Budget	YTD Actual	YTD Variance	YTD Variance %	Status Favourable ✓ Unfavourable ✗
Operating Surplus / (Deficit)	(1,723)	10,709	14,783	4,074	38%	✓
Recurrent Revenue	330,821	167,080	167,403	323	0%	✓
Recurrent Expenditure	332,544	156,371	152,620	(3,751)	-2%	✓
Capital Works Expenditure	150,181	49,648	27,920	(21,728)	-44%	✓
Closing Cash & Cash Equivalents	205,472	243,279	250,035	6,756	3%	✓

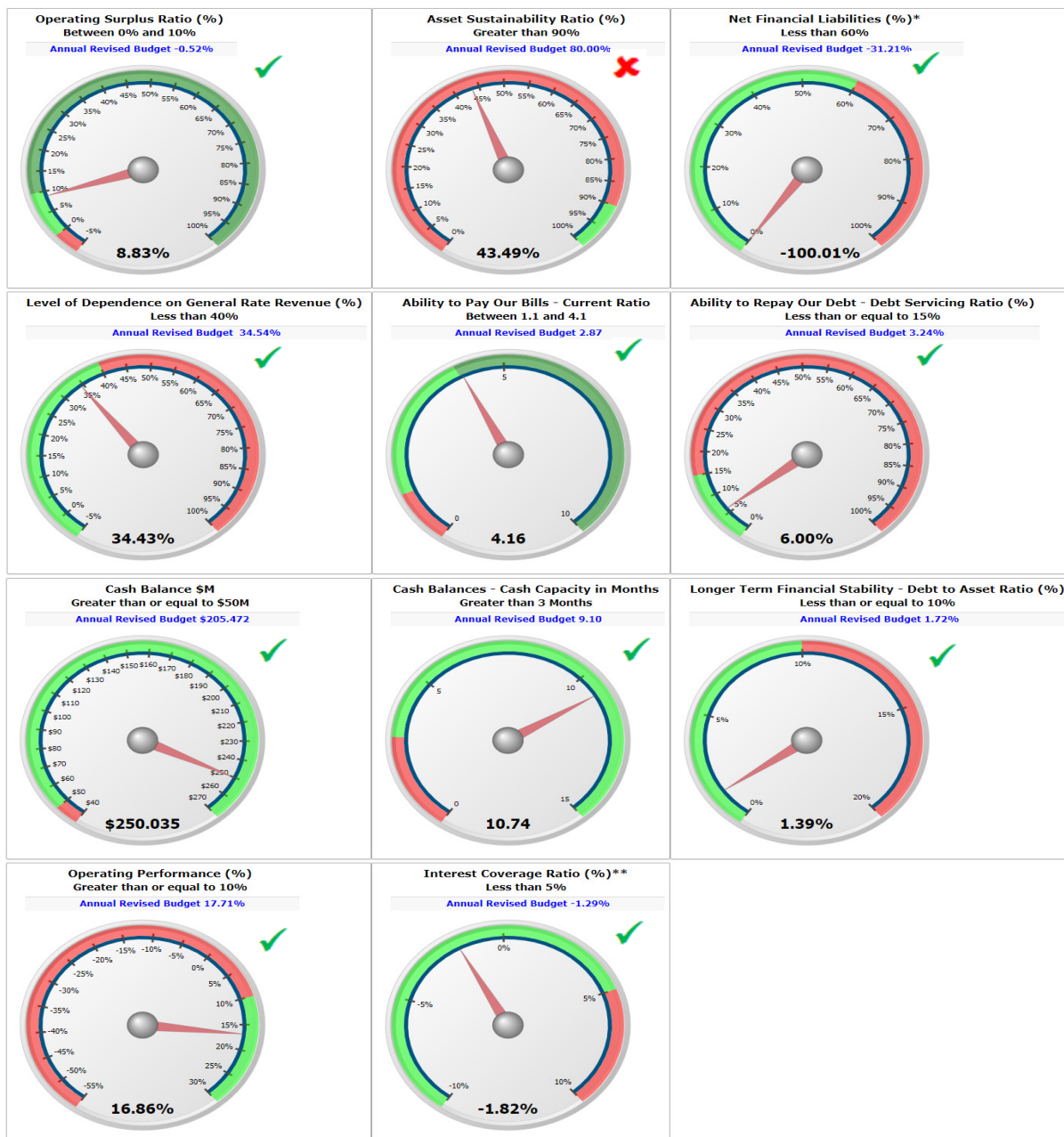
Council reported a year to date operating surplus of \$14.78M which is favourable to budget by \$4.07M. This is mainly due to lower than budgeted materials and services expenses, lower depreciation, lower employee expenses, higher interest revenue, higher rates charges offset by lower levies and utility charges as well as lower grants, subsidies and contributions.

Council's capital works expenditure is below budget by \$21.73M due to timing of works for a number of infrastructure projects.

Council's cash balance is ahead of budget mainly due to lower than budgeted payments for property, plant and equipment as well as higher than anticipated receipts from customers, offset by higher than anticipated payments to suppliers. Constrained cash reserves represent 48% of the cash balance.

2. KEY PERFORMANCE INDICATORS

■ Target met
 ■ Target exceeded
 ■ Target not met



* The net financial liabilities ratio is negative as current assets are greater than total liabilities

** The interest coverage ratio is negative as interest revenue is greater than interest expense

3. STATEMENT OF COMPREHENSIVE INCOME

STATEMENT OF COMPREHENSIVE INCOME					
For the period ending 31 December 2022					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Budget	Actual	Variance
	Budget	Budget	\$000	\$000	\$000
	\$000	\$000			
Recurrent revenue					
Rates charges	117,211	117,411	58,575	59,177	602
Levies and utility charges	177,511	177,620	91,086	90,236	(850)
Less: Pensioner remissions and rebates	(3,661)	(3,661)	(1,846)	(1,817)	29
Fees	18,412	18,523	9,970	9,834	(136)
Rental income	1,140	1,140	600	612	12
Interest received	4,196	5,718	3,032	3,822	790
Dividend received	-	-	-	-	-
Sales revenue	3,989	4,089	2,210	2,563	353
Other income	465	518	371	538	167
Grants, subsidies and contributions	9,053	9,463	3,082	2,438	(644)
Total recurrent revenue	328,316	330,821	167,080	167,403	323
Recurrent expenses					
Employee benefits	101,228	101,164	50,291	49,461	(830)
Materials and services	160,436	160,615	70,692	69,066	(1,626)
Finance costs	1,980	1,980	965	965	-
Depreciation and amortisation	70,578	70,578	35,294	34,007	(1,287)
Other expenditure	525	525	286	332	46
Net internal costs	(2,314)	(2,318)	(1,157)	(1,211)	(54)
Total recurrent expenses	332,434	332,544	156,371	152,620	(3,751)
OPERATING SURPLUS / (DEFICIT)	(4,118)	(1,723)	10,709	14,783	4,074
Capital revenue					
Grants, subsidies and contributions	39,249	45,793	8,633	8,509	(124)
Non-cash contributions	2,250	2,250	-	-	-
Total capital revenue	41,499	48,043	8,633	8,509	(124)
Capital expenses					
(Gain) / loss on disposal of non-current assets	289	289	98	364	266
Total capital expenses	289	289	98	364	266
TOTAL INCOME	369,815	378,864	175,713	175,912	199
TOTAL EXPENSES	332,722	332,832	156,469	152,984	(3,485)
NET RESULT	37,093	46,032	19,244	22,928	3,684
Other comprehensive income / (loss)					
Items that will not be reclassified to a net result					
Revaluation of property, plant and equipment	-	-	-	-	-
TOTAL COMPREHENSIVE INCOME	37,093	46,032	19,244	22,928	3,684

3. STATEMENT OF COMPREHENSIVE INCOME - CONTINUED

LEVIES AND UTILITY CHARGES ANALYSIS For the period ending 31 December 2022

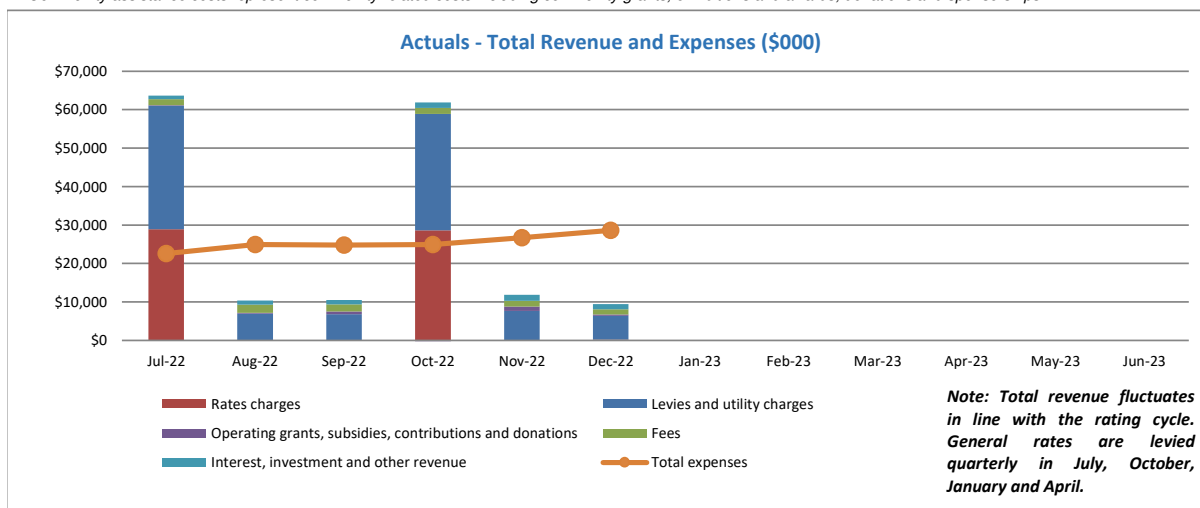
	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Budget \$000	YTD Actual \$000	YTD Variance \$000
Levies and utility charges					
Refuse collection rate charge	33,206	33,206	16,553	16,406	(147)
SES separate charge	500	500	250	250	-
Environment & Coastal Management Separate Charge	11,762	11,771	5,876	5,870	(6)
Separate charge landfill remediation	3,545	3,545	1,767	1,769	2
Wastewater charges	53,189	53,289	26,803	26,988	185
Water access charges	21,740	21,740	10,870	10,877	7
Water consumption charges	53,569	53,569	28,967	28,076	(891)
Total levies and utility charges	177,511	177,620	91,086	90,236	(850)

MATERIALS AND SERVICES ANALYSIS For the period ending 31 December 2022

	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Budget \$000	YTD Actual \$000	YTD Variance \$000
Materials and services					
Contractors	39,275	42,073	14,364	14,792	428
Consultants	5,435	5,111	1,967	2,065	98
Other Council outsourcing costs*	33,279	29,363	12,873	12,703	(170)
Purchase of materials	56,766	57,132	28,124	27,038	(1,086)
Office administration costs	7,181	7,192	3,647	3,392	(255)
Electricity charges	5,921	5,921	2,908	2,686	(222)
Plant operations	3,682	3,740	1,842	2,148	306
Information technology resources	4,493	5,857	2,984	2,417	(567)
General insurance	1,785	1,638	819	806	(13)
Community assistance**	1,975	1,945	838	710	(128)
Other material and service expenses	644	643	326	309	(17)
Total materials and services	160,436	160,615	70,692	69,066	(1,626)

* Other Council outsourcing costs are various outsourced costs including refuse collection and disposal, waste disposal, legal services, traffic control, external training, valuation fees, etc.

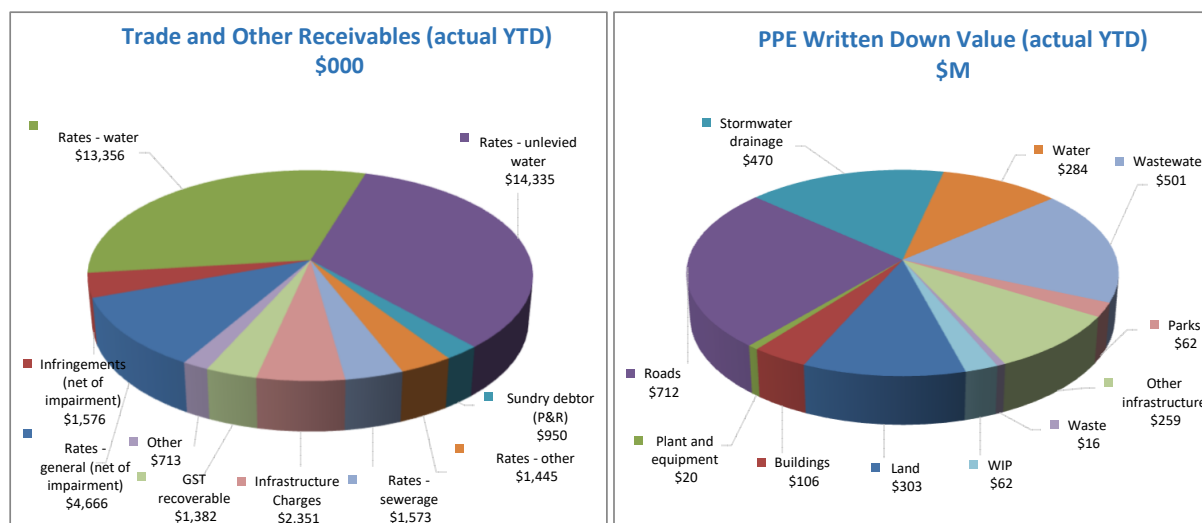
** Community assistance costs represent community related costs including community grants, exhibitions and awards, donations and sponsorships.



4. STATEMENT OF FINANCIAL POSITION

STATEMENT OF FINANCIAL POSITION As at 31 December 2022				
	Annual	Annual	YTD	YTD
	Original Budget \$'000	Revised Budget \$'000	Budget \$'000	Actual \$'000
CURRENT ASSETS				
Cash and cash equivalents	208,298	205,472	243,279	250,035
Short-term investment - CBA	-	10,068	10,068	10,122
Trade and other receivables	43,669	43,794	44,292	42,347
Inventories	818	928	903	1,053
Other current assets	4,172	5,486	5,486	6,971
Total current assets	256,956	265,748	304,028	310,528
NON-CURRENT ASSETS				
Investment property	1,225	1,293	1,293	1,293
Property, plant and equipment	2,735,181	2,882,752	2,815,251	2,794,780
Intangible assets	584	1,285	1,579	1,423
Right-of-use assets	3,963	4,017	4,518	4,559
Other financial assets	73	73	73	73
Investment in other entities	12,657	12,657	12,657	12,657
Total non-current assets	2,753,683	2,902,077	2,835,371	2,814,785
TOTAL ASSETS	3,010,640	3,167,825	3,139,399	3,125,313
CURRENT LIABILITIES				
Trade and other payables	43,417	49,354	53,819	34,349
Borrowings - current	8,919	9,355	9,355	9,355
Lease liability - current	1,130	1,044	1,044	1,044
Provisions - current	16,125	18,257	19,084	18,107
Other current liabilities	3,569	14,426	11,492	11,829
Total current liabilities	73,160	92,436	94,794	74,684
NON-CURRENT LIABILITIES				
Borrowings - non-current	40,684	40,262	28,804	28,862
Lease liability - non-current	3,742	3,689	4,255	4,281
Provisions - non-current	22,073	15,499	16,673	18,927
Other non-current liabilities	-	10,628	16,350	16,350
Total non-current liabilities	66,498	70,078	66,082	68,420
TOTAL LIABILITIES	139,658	162,514	160,876	143,104
NET COMMUNITY ASSETS	2,870,982	3,005,311	2,978,523	2,982,209
COMMUNITY EQUITY				
Asset revaluation surplus	1,106,353	1,225,400	1,225,400	1,225,400
Retained surplus	1,667,474	1,685,589	1,642,212	1,636,455
Constrained cash reserves	97,154	94,322	110,911	120,354
TOTAL COMMUNITY EQUITY	2,870,982	3,005,311	2,978,523	2,982,209

4. STATEMENT OF FINANCIAL POSITION - CONTINUED



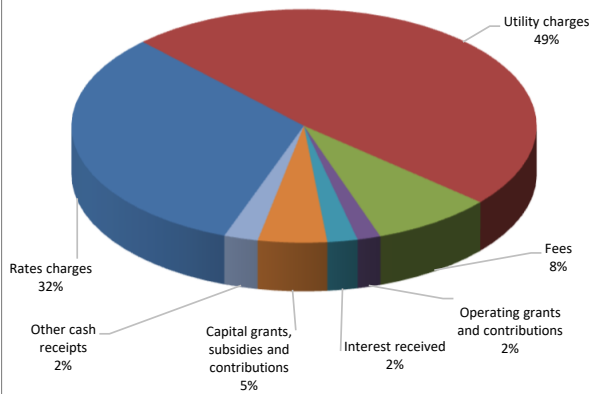
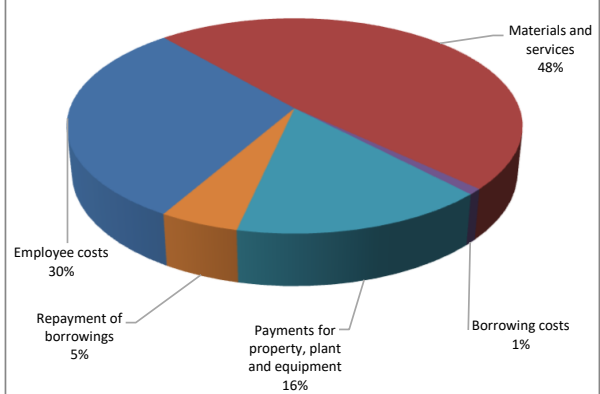
RIGHT-OF-USE ASSETS For the period ending 31 December 2022				
	Annual Original Budget \$'000	Annual Revised Budget \$'000	YTD Budget \$'000	YTD Actual Balance \$'000
Right-of-use asset				
Buildings	1,548	1,282	1,579	1,615
Land	2,134	2,451	2,635	2,640
Plant and Equipment	281	284	304	304
Closing balance	3,963	4,017	4,518	4,559

PROPERTY, PLANT AND EQUIPMENT (PPE) MOVEMENT* For the period ending 31 December 2022				
	Annual Original Budget \$'000	Annual Revised Budget \$'000	YTD Budget \$'000	YTD Actual Balance \$'000
PPE movement				
Opening balance (includes WIP from previous years)	2,687,627	2,800,792	2,800,792	2,800,792
Acquisitions and WIP in year movement	118,025	152,431	49,648	27,920
Depreciation in year	(68,978)	(68,978)	(34,488)	(33,087)
Disposals	(1,493)	(1,493)	(701)	(845)
Closing balance	2,735,181	2,882,752	2,815,251	2,794,780

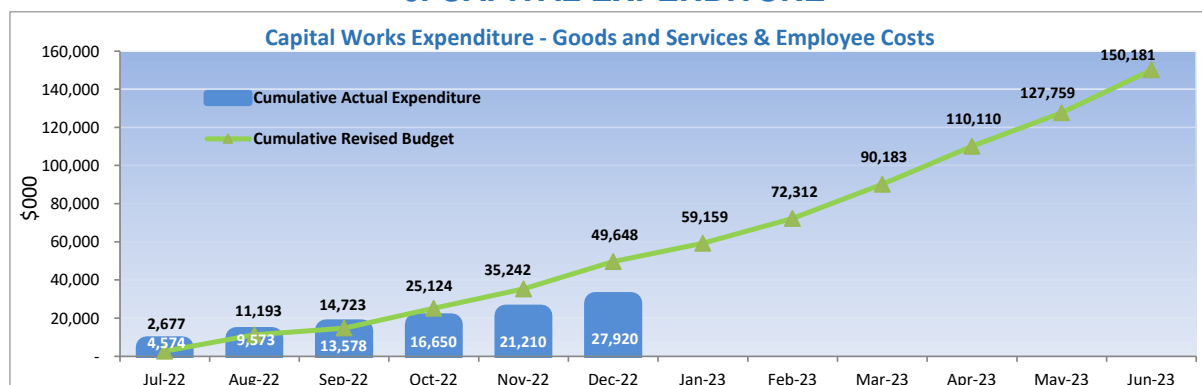
* This table includes movement relating to property, plant and equipment only and is exclusive of intangible assets.

5. STATEMENT OF CASH FLOWS

STATEMENT OF CASH FLOWS				
For the period ending 31 December 2022				
	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Budget \$000	YTD Actual \$000
CASH FLOWS FROM OPERATING ACTIVITIES				
Receipts from customers	312,698	313,271	158,507	160,831
Payments to suppliers and employees	(269,244)	(269,329)	(119,888)	(138,151)
	43,454	43,942	38,619	22,680
Interest received	4,196	5,718	3,032	3,715
Rental income	1,140	1,140	600	612
Non-capital grants and contributions	14,301	9,089	2,856	2,852
Borrowing costs	(1,466)	(1,466)	(1,465)	(1,483)
Right-of-use assets interest expense	(114)	(114)	(57)	(55)
Net cash inflow / (outflow) from operating activities	61,511	58,308	43,585	28,321
CASH FLOWS FROM INVESTING ACTIVITIES				
Payments for property, plant and equipment	(115,776)	(150,181)	(49,648)	(27,366)
Proceeds from sale of property, plant and equipment	1,205	1,205	602	482
Capital grants, subsidies and contributions	39,249	45,793	8,633	8,480
Net cash inflow / (outflow) from investing activities	(75,322)	(103,183)	(40,413)	(18,404)
CASH FLOWS FROM FINANCING ACTIVITIES				
Proceeds of borrowings	10,805	10,805	-	-
Repayment of borrowings	(7,982)	(7,982)	(7,982)	(7,952)
Right-of-use lease payment	(1,143)	(1,143)	(578)	(597)
Net cash inflow / (outflow) from financing activities	1,679	1,679	(8,560)	(8,549)
Net increase / (decrease) in cash held	(12,132)	(43,195)	(5,388)	1,368
Cash and cash equivalents at the beginning of the year	220,429	248,667	248,667	248,667
Cash and cash equivalents at the end of the financial year / period	208,298	205,472	243,279	250,035

Cash Inflow (actual YTD) 		Cash Outflow (actual YTD) 	
Total Cash Funding (Actual YTD)	176,972	Total Cash Expenditure (Actual YTD)	175,604
Total Cash Funding (Annual Revised Budget)	387,021	Total Cash Expenditure (Annual Revised Budget)	430,216
% of Budget Achieved YTD	46%	% of Budget Achieved YTD	41%

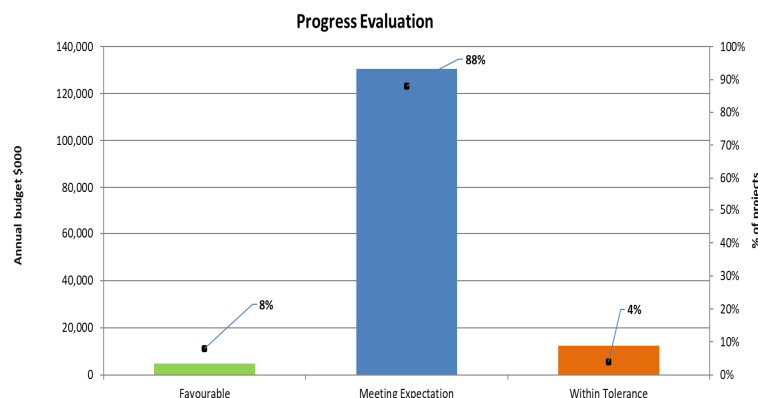
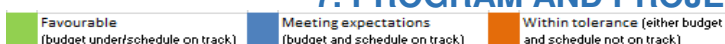
6. CAPITAL EXPENDITURE



	Annual Revised Budget \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Variance \$'000
Capitalised goods and services*	139,068	44,936	24,265	(20,671)
Capitalised employee costs	11,113	4,712	3,655	(1,057)
Total	150,181	49,648	27,920	(21,728)

* Excludes capital prepayments.

7. PROGRAM AND PROJECT UPDATE



- Programs and projects are what Council uses to introduce change to achieve corporate outcomes. They allow new infrastructure, products, systems, procedures and services to be delivered. Projects may be undertaken on a standalone basis or as part of a program. Programs and projects may span multiple financial years.
- Council is currently progressing more than 100 programs and projects.

Notable Projects

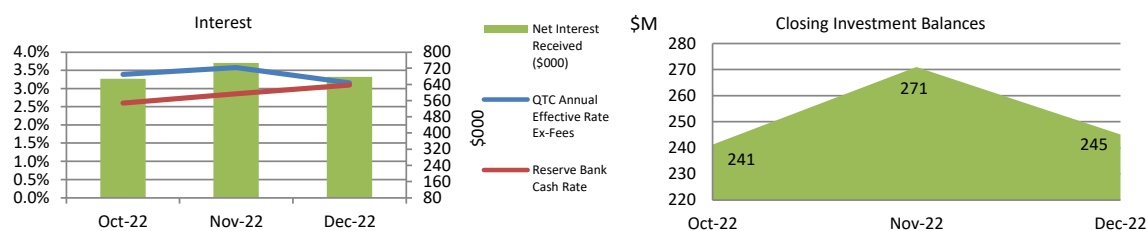
The status of two notable projects are as follows:

Project description	Progress
Minjerribah Panorama Coastal Walk - this project is continuation of Stage 2 for construction of Frenchman's Stairs and Boardwalk along Mooloomba Road Point Lookout.	Meeting Expectations
Open Space Asset Renewal Program - this program includes drainage works at Lamb Island tennis courts, shade sail renewals at Mount Cotton Community Park and William Stewart Park as well as various park upgrade and renewal across the City.	Meeting Expectations

8. INVESTMENT & BORROWINGS REPORT

For the period ending 31 December 2022

INVESTMENT RETURNS - QUEENSLAND TREASURY CORPORATION (QTC)



Total QTC Investment at End of Month was \$245.05M

Council investments are currently held predominantly in the Capital Guaranteed Cash Fund, which is a fund operated by the Queensland Treasury Corporation (QTC). In October 2022 \$10.12M was re-invested in a term deposit of Commonwealth Bank of Australia (CBA) to maximise interest earnings.

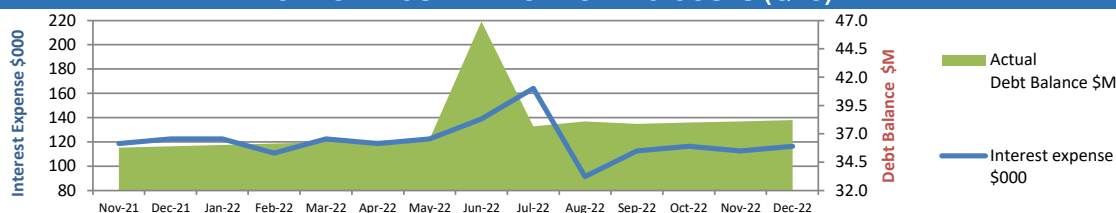
The movement in interest earned is indicative of both the interest rate and the surplus cash balances held, the latter of which is affected by business cash flow requirements on a monthly basis as well as the rating cycle. The interest income decreased from November to December due to decrease in QTC annual effective rate (excluding fee) from 3.58% to 3.16%.

Note: the Reserve Bank increased the cash rate to 3.10% during December 2022.

On a daily basis, cash surplus to requirements is deposited with QTC to earn higher interest as QTC is offering a higher rate than what is achieved from Council's transactional bank accounts. The current annual effective interest rate paid by QTC is 3.16%. Term deposit rates are being monitored to identify investment opportunities to ensure Council maximises its interest earnings.

Council adopted its Investment Policy (FIN-001-P) in June 2022 for the 2022/2023 financial year

BORROWINGS AND BORROWING COSTS (QTC)



The existing loan accounts were converted to fixed rate loans on 1 April 2016 following a QTC restructure of loans and policies. In line with Council's debt policy, debt repayment of \$9.43M, being \$7.95M principal and \$1.48M interest has been made in July 2022 for 2022/2023, which will result in the loans being repaid approximately one year earlier.

The debt balance increased in June 2022 due to new borrowings of \$10.30M as part of Council's Capital Works Plan.

In July 2022 the debt balance showed a decrease due to the Annual Debt Service Payment (ADSP). Interest will accrue monthly on a daily balance until next ADSP in July 2023 which is reflected in the increasing debt balance.

Total Borrowings at End of Month were \$38.22M

Council adopted its Debt Policy (FIN-009-P) in June 2022 for the 2022/2023 financial year

BORROWINGS

For the period ending 31 December 2022

	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Budget \$000	YTD Actual Balance \$000
Borrowings				
Opening balance	(46,924)	(46,938)	(46,938)	(46,938)
Accrued interest on borrowings	(1,322)	(1,322)	(669)	(714)
Interest paid on borrowings	1,466	1,466	1,466	1,483
Principal repaid	7,982	7,982	7,982	7,952
Loan drawdown	(10,805)	(10,805)	-	-
Closing balance	(49,603)	(49,617)	(38,159)	(38,217)

9. CONSTRAINED CASH RESERVES

Reserves as at 31 December 2022	Purpose of reserve	Opening Balance \$000	To Reserve \$000	From Reserve \$000	Closing Balance \$000
Special Projects Reserve:					
Aquatic Paradise Revetment Wall Reserve	To fund Aquatic Paradise revetment wall works program	-	15	(4)	11
Weinam Creek Reserve	Maintenance and improvements associated with Weinam Creek projects	652	159	(2)	809
Waste Levy Reserve	To fund Waste Levy Program	379	2,788	(2,867)	300
Raby Bay Revetment Wall Reserve	To fund Raby Bay revetment wall works program	3,677	1,415	(299)	4,793
Fleet Plant & Capital Equipment Reserve*	To support the long term fleet replacement program	4,599	-	(4,599)	-
		9,307	4,377	(7,771)	5,913
Constrained Works Reserve:					
Public Parks Trunk Infrastructure Reserve	Capital projects for public parks trunk infrastructure	4,309	1,672	(888)	5,093
Land for Community Facilities Trunk Infrastructure Reserve	Land for community facilities trunk infrastructure	5,297	43	-	5,340
Water Supply Trunk Infrastructure Reserve	Upgrade, expansion or new projects for water supply trunk infrastructure	14,952	531	-	15,483
Sewerage Trunk Infrastructure Reserve	Upgrade, expansion or new projects for sewerage trunk infrastructure	13,341	1,291	(60)	14,572
Local Roads Trunk Infrastructure Reserve	Capital projects for local roads trunk infrastructure	40,631	3,034	(1,283)	42,382
Cycleways Trunk Infrastructure Reserve	Capital projects for cycleways trunk infrastructure	14,819	887	(16)	15,690
Stormwater Trunk Infrastructure Reserve	Capital projects for stormwater trunk infrastructure	10,559	246	-	10,805
Tree Planting Reserve	Acquisition and planting of trees on footpaths	259	45	-	304
Koala Tree off-set Planting Reserve	Acquisition and planting of trees for koala habitat	259	-	(1)	258
Special Property Reserve	Acquisition of property in line with the strategic property framework	1,654	629	-	2,283
		106,080	8,378	(2,248)	112,210
Separate Charge Reserve:					
Environment & Coastal Management Separate Charge Reserve	Ongoing conservation and maintenance operations	2	5,870	(4,617)	1,255
SES Separate Charge Reserve	On-going costs of maintaining the Redland SES	119	250	(258)	111
		121	6,120	(4,875)	1,366
Special Charge Reserve - Canals:					
Aquatic Paradise Canal Reserve	Maintenance and repairs of Aquatic Paradise canals	758	5	-	763
Sovereign Waters Lake Reserve	Maintenance and repairs of Sovereign Lake	430	3	-	433
1718 Raby Bay Canal Reserve	Service, facility or activity of works in respect of the canals of the Raby Bay canal estate	219	1	-	220
1718 Aquatic Paradise Canal Reserve	Service, facility or activity of works in respect of the canals of the Aquatic Paradise canal estate	(495)	-	-	(495)
1718 Sovereign Waters Lake Reserve	Service, facility or activity of works in respect of the lake	(56)	-	-	(56)
		856	9	-	865
TOTALS		116,364	18,884	(14,894)	120,354
		Closing cash and cash equivalents			250,035
		Reserves as percentage of cash balance			48%

*Council does not require to constrain cash for fleet plant and capital equipment. The cash has been made available for general use and the reserve was closed following the end of year accounts finalisation.

10. CITY WATER STATEMENTS

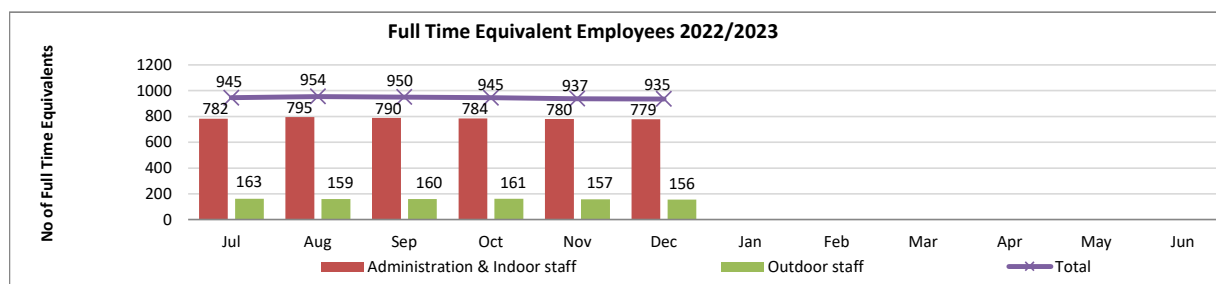
CITY WATER SUMMARY OPERATING STATEMENT					
For the period ending 31 December 2022					
	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Budget \$000	YTD Actual \$000	YTD Variance \$000
Total revenue	134,826	136,128	70,450	69,865	(585)
Total expenses	78,703	78,760	38,980	37,048	(1,932)
Earnings before interest, tax and depreciation (EBITD)	56,123	57,368	31,470	32,817	1,347
External interest expense	355	228	115	115	-
Internal interest expense	14,750	14,750	7,375	7,375	-
Depreciation	25,587	25,587	12,793	12,777	(16)
Operating surplus / (deficit)	15,432	16,804	11,187	12,550	1,363
CITY WATER CAPITAL FUNDING STATEMENT					
For the period ending 31 December 2022					
	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Budget \$000	YTD Actual \$000	YTD Variance \$000
Capital contributions, donations, grants and subsidies	4,847	6,307	2,221	1,822	(399)
Net transfer (to) / from constrained capital reserves	(502)	909	(319)	(1,762)	(1,443)
Non-cash contributions	652	652	-	-	-
New loans	-	-	-	-	-
Funding from utility revenue	11,941	17,552	7,352	2,935	(4,417)
Total sources of capital funding	16,937	25,419	9,254	2,995	(6,259)
Contributed assets	652	652	-	-	-
Capitalised expenditure	15,512	23,989	8,601	2,326	(6,275)
Loan redemption	774	779	653	669	16
Total application of capital funds	16,937	25,419	9,254	2,995	(6,259)

11. CITY WASTE STATEMENTS

CITY WASTE OPERATING STATEMENT					
For the period ending 31 December 2022					
	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Budget \$000	YTD Actual \$000	YTD Variance \$000
Total revenue	35,765	35,943	17,931	18,168	237
Total expenses	26,515	26,539	12,495	13,292	797
Earnings before interest, tax and depreciation (EBITD)	9,249	9,404	5,436	4,876	(560)
External interest expense	6	6	3	3	-
Depreciation	556	556	278	239	(39)
Operating surplus / (deficit)	8,687	8,842	5,155	4,634	(521)
CITY WASTE CAPITAL FUNDING STATEMENT					
For the period ending 31 December 2022					
	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Budget \$000	YTD Actual \$000	YTD Variance \$000
Capital contributions, donations, grants and subsidies	1,577	1,577	-	-	-
Funding from utility revenue	828	1,145	198	156	(42)
Total sources of capital funding	2,405	2,722	198	156	(42)
Capitalised expenditure	2,366	2,683	178	138	(40)
Loan redemption	39	39	20	18	(2)
Total application of capital funds	2,405	2,722	198	156	(42)

12. APPENDIX: ADDITIONAL AND NON-FINANCIAL INFORMATION

Workforce Reporting



December 2022: Headcount		Employee Type			
Department Level		Casual	Full Time	Part Time	Total
Office of CEO and People and Culture		4	39	8	51
Organisational Services		2	175	22	199
Community and Customer Services		65	272	77	414
Infrastructure and Operations		1	323	14	338
Advocacy Major Projects and Economic Development		2	32	-	34
Total		74	841	121	1,036

Note: Full Time Equivalent Employees includes all full time employees at a value of 1 and all other employees, at a value less than 1. The table above demonstrates the headcount by department. Following Ourspace, the table includes contract of service and temporary personnel. It includes casual staff in their non-substantive roles as at the end of the period where relevant.

Overdue Rates Debtors & Statistics

Comparison December 2022 to December 2021									
Days Overdue	Dec-22	% Overdue	Dec-21	% Overdue	\$ Variance	% Variance	Rates & Charges Statistics	Dec-22	Dec-21
0 - 30	\$2,537	0.0%	\$910	0.0%	\$1,627	0.0%	Levied (Billed) Rates & Charges since 1 July 2022	\$153,451,923	\$146,439,795
31 - 60	\$4,086,663	2.5%	\$3,761,695	2.4%	\$324,968	0.1%	Rate arrears b/fwd 1 July 2022	\$9,031,746	\$10,693,344
61 - 90	\$0	0.0%	\$2,343	0.0%	-\$2,343	0.0%	Total	\$162,483,669	\$157,133,139
91 - 180	\$1,759,152	1.1%	\$1,570,834	1.0%	\$188,318	0.1%	Balance of overdue rates & charges	\$9,405,839	\$8,838,672
>180	\$3,557,487	2.2%	\$3,502,890	2.2%	\$54,597	0.0%	Percentage Overdue	5.8%	5.6%
Total	\$9,405,839	5.8%	\$8,838,672	5.6%	\$567,167	0.2%			

13. GLOSSARY

Key Terms

Written Down Value:

This is the value of an asset after accounting for depreciation or amortisation, and it is also called book value or net book value.

Work In Progress:

This represents an unfinished project that costs are still being added to. When a project is completed, the costs will be either capitalised (allocated to relevant asset class) or written off.

Definition of Ratios

Operating Surplus Ratio*: <i>This is an indicator of the extent to which revenues raised cover operational expenses only or are available for capital funding purposes</i>	$\frac{\text{Net Operating Surplus}}{\text{Total Operating Revenue}}$
Asset Sustainability Ratio*: <i>This ratio indicates whether Council is renewing or replacing existing non-financial assets at the same rate that its overall stock of assets is wearing out</i>	$\frac{\text{Capital Expenditure on Replacement of Infrastructure Assets (Renewals)}}{\text{Depreciation Expenditure on Infrastructure Assets}}$
Net Financial Liabilities*: <i>This is an indicator of the extent to which the net financial liabilities of Council can be serviced by operating revenues</i>	$\frac{\text{Total Liabilities} - \text{Current Assets}}{\text{Total Operating Revenue}}$
Level of Dependence on General Rate Revenue: <i>This ratio measures Council's reliance on operating revenue from general rates (excludes utility revenues)</i>	$\frac{\text{General Rates} - \text{Pensioner Remissions}}{\text{Total Operating Revenue} - \text{Gain on Sale of Developed Land}}$
Current Ratio: <i>This measures the extent to which Council has liquid assets available to meet short term financial obligations</i>	$\frac{\text{Current Assets}}{\text{Current Liabilities}}$
Debt Servicing Ratio: <i>This indicates Council's ability to meet current debt instalments with recurrent revenue</i>	$\frac{\text{Interest Expense}^{***} + \text{Loan Redemption}^{\wedge}}{\text{Total Operating Revenue} - \text{Gain on Sale of Developed Land}}$
Cash Balance - \$M: <i>Cash balance includes cash on hand, cash at bank and other short term investments.</i>	$\text{Cash Held at Period End}$
Cash Capacity in Months: <i>This provides an indication as to the number of months cash held at period end would cover operating cash outflows</i>	$\frac{\text{Cash Held at Period End}}{[(\text{Cash Operating Costs} + \text{Interest Expense}) / \text{Period in Year}]}$
Longer Term Financial Stability - Debt to Asset Ratio: <i>This is total debt as a percentage of total assets, i.e. to what extent will our long term debt be covered by total assets</i>	$\frac{\text{Current and Non-current Debt}^{**}}{\text{Total Assets}}$
Operating Performance: <i>This ratio provides an indication of Council's cash flow capabilities</i>	$\frac{\text{Net Cash from Operations} + \text{Interest Revenue and Expense}}{\text{Cash Operating Revenue} + \text{Interest Revenue}}$
Interest Coverage Ratio: <i>This ratio demonstrates the extent to which operating revenues are being used to meet the financing charges</i>	$\frac{\text{Net Interest Expense on Debt Service}^{***}}{\text{Total Operating Revenue}}$

* These targets are set to be achieved on average over the longer term and therefore are not necessarily expected to be met on a monthly basis.

** Debt includes lease liabilities.

*** Interest expense includes interest on leases.

[^] Loan redemption includes lease redemption.

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.

Local Law No. 3 (Community and Environmental Management) 2015

Local Law Community Consultation

Draft Community Consultation Activity Plan

Objective: Utilising the IAP2 Public Participation Spectrum community consultation will be undertaken at the ‘Inform’ level.

INCREASING IMPACT ON THE DECISION 					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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It will provide the Redlands Coast Community with information regarding the Local Law amendments. Information will include consultation dates and direct interested parties to the yoursay page to make comment.

Timing: Community consultation will commence 1 February 2023 and close 21 February 2023.

Activity Plan:

ACTIVITY	CONTENT / COMPONENT PARTS	WHO	ITEMS	BUDGET GST Ex	Comments
Yoursay project page	Content and functionality to include background, community consultation dates, and comment capture facility.	CET, Strategy and Governance	na	na	Absorbed in current budget allocations
Press ad	Display ad in the Redland City Bulletin - appearing 1 February 2023. Content to include background, community consultation as 'Inform' level only, community consultation dates, and detail on how to make comment (not submissions).	CET, Strategy and Governance	1	\$484	T42 (186mm x 129mm). Booking deadline 3pm previous Wednesday 11 January 2023.
Social media	RCC social media channels used to create awareness of notification.	CET	na	\$100	Block of Social Media Blasts
RCC Call Centre scripting	Covering proposed amendment, community consultation dates and detail on how community can make comment.	CET, Strategy and Governance	na	na	Absorbed in current budget allocations
ICCC	Hard copies to be available for inspection at the Counters. Posters to be placed in the customer service centres.	Strategy and Governance	na	na	Absorbed in current budget allocations
			Total	\$584	



Redland City Council

Local Law No. 3 (Community and Environmental Management) 2015

It is hereby certified that this a true and correct copy of *Local Law No. 3 (Community and Environmental Management) 2015* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated

A. Chesterman
Chief Executive Officer

BNEDOCs Draft Local Law 3 (Community and Environmental Management) 2015 (A3384878).docx



Redland City Council

Local Law No. 3 (Community and Environmental Management) 2015

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 3 (Community and Environmental Management) 2015*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to protect the environment and public health, safety and amenity within the local government's area.
- (2) The purpose is to be achieved by providing for the elimination or reduction of risks and threats to the environment and public health, safety and amenity resulting from—
 - (a) inadequate protection against animal and plant pests; and
 - (b) vegetation overgrowth; and
 - (c) visual pollution resulting from accumulation of objects and materials; and
 - (d) fires and fire hazards not regulated by State law; and
 - (e) community safety hazards; and
 - (f) noise that exceeds noise standards.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other laws¹

This local law is—

- (a) in addition to and does not derogate from laws for pest management, regulation of fires and environmental protection; and
- (b) to be read with *Local Law No. 1 (Administration) 2015*.

Part 2 Declared local pests

Division 1 Application

5 Application of part

- (1) This part does not apply to an animal or plant that is restricted matter or prohibited matter under the *Biosecurity Act 2014*.²

¹ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

² See the *Biosecurity Act 2014*, sections 19 and 21, regarding prohibited and restricted matter for the State or part of the State.

- (2) In this section—

prohibited matter, see the *Biosecurity Act 2014*, section 19

restricted matter, see the *Biosecurity Act 2014*, section 21

Division 2 Declaration of local pests

6 Declaration of local pests

- (1) The local government may, by subordinate local law, declare an animal or plant of a specified species to be a local pest.
- (2) Before the local government makes a declaration under this section, it must consult with the chief executive about the desirability of the declaration.
- (3) A declaration under this section—
- (a) must be published in a newspaper circulating generally in the local government's area; and
 - (b) comes into force on the date of publication.
- (4) In this section—
- chief executive** means the chief executive of the department in which the *Biosecurity Act 2014* is administered.

7 Emergency declarations

- (1) This section applies if the local government is satisfied urgent action is needed to avoid or minimise an immediate risk of environmental harm posed by a plant or animal.
- (2) The local government may, by resolution, declare an animal or plant of the relevant species to be a local pest.
- (3) A declaration under this section—
- (a) must be published in a newspaper circulating generally in the local government's area; and
 - (b) comes into force on the date of publication; and
 - (c) comes to an end three months after the date of publication.
- (4) In this section—
- environmental harm** see *Environmental Protection Act 1994*, section 14.

8 Application of declaration

A declaration may apply—

- (a) to the whole of the local government's area or in a specified part or parts of the area; and
- (b) generally or only in specified circumstances.

Division 3 Control of local pests

9 Power to search for declared local pests

- (1) This section applies if an authorised person wants to enter a property to search for declared local pests.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
 - (a) enter the property without the permission of the occupier; and
 - (b) take reasonable action to search for declared local pests.
- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
 - (i) of the reason for entering the property; and
 - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
 - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

10 Pest control notices

- (1) An authorised person may, by compliance notice³ given to the owner of land, require the owner⁴ to take specified action to control declared local pests.
- (2) The specified action may include action to—
 - (a) destroy declared local pests on the land; or
 - (b) minimise the risk of an outbreak of declared local pests on the land; or
 - (c) prevent or minimise seeding or reproduction by declared local pests; or
 - (d) contain infestation by declared local pests within a localised area; or
 - (e) reduce the density or extent of infestation by declared local pests; or
 - (f) remove harbour provided to declared local pests.
- (3) The notice may require the repetition of a specified action at stated intervals or

³ See *Local Law No.1 (Administration) 2015*, section 28, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

⁴ See the Act, section 140, in relation to the owner's right to enter property where the owner is not the occupier to take action to comply with a remedial notice, and section 141, in relation to an occupier's right to recover amounts incurred to satisfy an owner's obligations.

on the reappearance of the declared local pest within a specified period.

Division 4 Prohibition of sale and propagation

11 Prohibition on sale

A person must not—

- (a) sell or supply a declared local pest; or
- (b) offer or display a declared local pest for sale or supply.

Maximum penalty—50 penalty units.

12 Prohibition on introducing, propagating etc a declared local pest

- (1) A person must not—

- (a) introduce, propagate or breed a declared local pest; or
- (b) provide harbour to a declared local pest.

Maximum penalty for subsection (1)—50 penalty units.

- (2) However, subsection (1) does not apply to a person who has been prescribed under a subordinate local law for this subsection as exempt from the offence in subsection (1) in relation to a specified pest.

Example of persons that might be exempted from subsection (1) in relation to specified pests—

- Staff of research organisations such as universities or the CSIRO who require a particular pest for research purposes.
- An employee of a circus using a particular pest to provide entertainment to the public.
- Staff of an organisation using a particular pest as part of an education program.
- An employee of a zoo that keeps a particular pest.

- (3) In this section—

introduce means to introduce, or cause to introduce, into the local government's area.

Part 3 Overgrown and unsightly allotments

13 Unsightly objects, materials or vegetation

- (1) The responsible person for an allotment must not—

- (a) bring on to the allotment; or
- (b) allow to remain on the allotment; or
- (c) allow to accumulate on the allotment; or
- (d) place on the allotment,

any objects, materials or vegetation which, in the opinion of an authorised person, is unsightly or not in accordance with the amenity of the locality in which the allotment is located.

Examples of objects or materials which may be unsightly or not in accordance with the amenity of the locality—

- Broken down vehicles and car bodies;
- Broken down boats, boat trailers and dilapidated boat parts;
- Scrap machinery or machinery parts;
- Discarded bottles, containers or packaging;
- Dilapidated or unsightly building hoardings;
- Shopping trolleys;
- Overgrown vegetation that seriously affects the visual amenity of the allotment or is likely to attract or harbour reptiles.

Maximum penalty—20 penalty units.

- (2) The authorised person may, by compliance notice⁵ given to the responsible person for the allotment, require the responsible person to—
- (a) remove objects, materials or vegetation that is causing the circumstance mentioned in subsection (1)(a), (b), (c) or (d); or
 - (b) take other specified action to remedy the circumstance mentioned in subsection (1)(a), (b), (c) or (d).

Example of action that might be required under paragraph (b)—

Erecting an appropriate structure (in accordance with requirements under the Planning Act) to screen unsightly objects or materials from public view.

- (3) A notice issued under subsection (2) may also require the repetition of the specified action at stated intervals or on the reappearance of the accumulation of objects, materials or vegetation on the allotment within a specified period.
- (4) Without limiting subsection (2), subsection (5) applies if:
- (a) the responsible person does not comply with a compliance notice given to the responsible person pursuant to subsection (2); and
 - (b) the time for making an application for review of the compliance notice under section 22 of Local Law No. 1 (Administration) 2015 has expired; and
 - (c) the compliance notice includes a requirement that the responsible person remove objects, materials or vegetation from the allotment; and
 - (d) an authorised person enters the allotment pursuant to section 142 of the *Local Government Act 2009* to take the action that is required under the compliance notice.

⁵ See footnote 3.

- (5) Subject to subsection (4), an authorised person may seize (by dismantling if necessary) and impound any objects, materials or vegetation removed from the allotment.
- (6) However, the notice cannot prevent a use of land authorised under the Planning Act⁶ or the *Environmental Protection Act 1994*.
- (7) In this section—
vegetation includes a tree, bush, shrub, plant or grass, but does not include vegetation that is protected under a law⁷ of the State or Commonwealth or under the local government's planning scheme.

Part 4 Fires and fire hazards

14 Regulation of lighting and maintaining fires in the open

- (1) This section does not apply to the lighting or maintaining of a fire that is authorised or excluded under the *Fire and Emergency Services Act 1990*.⁸
- (2) The local government may, by subordinate local law, prohibit or restrict the lighting or maintaining of fires in the open in the whole, or designated parts, of the local government's area.

Example—

The subordinate local law might prohibit the lighting of fires, or a particular type of fire, in the open, unless 1 or more of the following conditions is met—

- the fire is contained in an approved incinerator;
 - the fire is established in a specified way and specified precautions are taken to prevent the spread of fire;
 - the fire is lit and extinguished within a specified time.
- (3) A person must comply with a prohibition or restriction imposed under this section.
Maximum penalty for subsection (3)—50 penalty units.
 - (4) A person must not light or maintain a fire if the fire exposes property to the risk of damage or destruction by fire.
Maximum penalty for subsection (4)—50 penalty units.
 - (5) However, a person does not commit an offence under subsection (3) or (4) if

⁶ See definition of *Planning Act* in the Act, schedule 4

⁷ For example, vegetation may be protected under the *Nature Conservation Act 1994*, the *Vegetation Management Act 1999*, the *Planning Act*, the *Queensland Heritage Act 1992*, the *Fisheries Act 1994* and the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth).

⁸ See the *Fire and Emergency Services Act 1990*, section 63, regarding fires authorised by notification, section 65 regarding fires authorised by permit and section 69, regarding notices requiring occupiers to take measures to reduce the risk of fire. For fires authorised by notification under section 63, see the Notification by the Commissioner of the Queensland Fire and Emergency Service published in the gazette on 6 August 2004.

the person is authorised or required to light or maintain the fire in the performance of duties under another Act.

15 Fire hazards

- (1) This section applies where an authorised person forms the opinion that a fire hazard exists on an allotment.
- (2) The authorised person may, by compliance notice⁹ given to the responsible person for the allotment, require the responsible person to take specified action to reduce or remove the fire hazard.¹⁰
- (3) In this section—

fire hazard means—

- (a) anything that, because of its flammable nature, its position or its quantity, exposes property to significant risk of damage or destruction by fire; or
- (b) a thing that is declared to be a fire hazard under a subordinate local law for this paragraph.

Examples of fire hazards for paragraph (a)—

- Live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash.
- A substantial accumulation of grass clippings that is liable to spontaneous combustion.
- Dry vegetation that could be easily ignited or other flammable materials.

Part 5 Community safety hazards

16 What is a community safety hazard

A community safety hazard is—

- (a) a fence or structure on land that, because of its nature or its position, poses a significant risk of causing injury to a person or damage to property; or
- (b) objects or materials on land that are likely to become airborne in periods of high wind in a way that poses a significant risk of causing injury to a person or damage to property; or
- (c) a thing that is declared to be a community safety hazard under a subordinate local law for this paragraph.

Examples of a fence or structure that may be a community safety hazard for paragraph (a)—

⁹ See footnote 3.

¹⁰ See also the *Fire and Emergency Services Act 1990*, section 69, under which the Queensland Fire and Emergency Service Commissioner can publish a general notification in the gazette requiring occupiers of land to take measures to reduce the risk of fire occurring or the risk to persons, property or environment in the event of fire occurring.

- Barbed wire fencing adjoining a public park or reserve or located in an urban area.
- Electric fences adjoining public land.
- An unfenced dam adjacent to a public park or reserve.

17 Power to enter property to inspect for community safety hazards

- (1) This section applies if an authorised person wants to enter a property to inspect it to identify any community safety hazards.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
 - (a) enter the property without the permission of the occupier; and
 - (b) take reasonable action to inspect the property for community safety hazards.
- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
 - (i) of the reason for entering the property; and
 - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
 - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

18 Removal or reduction of community safety hazards

- (1) This section applies where an authorised person forms the opinion that a community safety hazard exists on an allotment.
- (2) The authorised person may, by compliance notice¹¹ given to the responsible person for the allotment, require the responsible person to take specified action in relation to the community safety hazard to—
 - (a) remove the hazard; or
 - (b) reduce the level of risk to persons or property.

Example of specified action that might be required under paragraph (b) to reduce the risk to the community from a community safety hazard—

Securing objects or materials that may become airborne in periods of high wind.

¹¹ See footnote 3.

19 Prescribed requirements

- (1) The local government may, by subordinate local law, prescribe requirements that must be met by responsible persons relating to specified types of community safety hazards located on the owner's land.

Example of prescribed requirements—

- A requirement to place signs on electric fences or barbed wire fences adjoining public land to warn persons of the risk of injury.
 - A requirement to install and maintain an electric fence in accordance with appropriate standards.
- (2) A responsible person must comply with requirements prescribed under this section.

Maximum penalty for subsection (2)—50 penalty units.

Part 6 Noise standards

20 Prescribed noise standards

- (1) This section applies if the local government is the administering authority for the *Environmental Protection Act 1994*, chapter 8, part 3B.¹²
- (2) The local government may, by subordinate local law, prescribe a noise standard in the whole, or designated parts, of the local government's area by—
- (a) prohibiting the making of a stated noise (for example, by reference to the activity making the noise and the time at which the noise is made);¹³ and
 - (b) stating the section, in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3, for which the subordinate local law provision is prescribing a noise standard.¹⁴

Part 7 Shopping Trolleys

21 Removal of shopping trolleys

¹² See the *Environmental Protection Act 1994*, section 514, for the making of a regulation to devolve the administration and enforcement of parts of the Act to local governments as the administering authority. The *Environmental Protection Regulation 2008*, section 99, devolves the administration and enforcement of noise standards to local governments. Section 109 of the Regulation declares local government authorised persons to be authorised persons under the *Environmental Protection Act 1994*, section 445(1)(c). Chapter 9 of that Act provides for the investigation and enforcement powers of authorised persons.

¹³ See, however, *Local Law No.1 (Administration) 2015*, section 10(4)(a), regarding conditions of approvals that may authorise an act or omission that contravenes a noise standard.

¹⁴ Section 440O(3) provides that a local law that prescribes a noise standard replaces the nominated default noise standard in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3.

A person must not, without the consent of the shopping trolley's owner or a reasonable excuse, remove a shopping trolley from a shopping centre precinct or leave a shopping trolley at a place that is not a shopping centre precinct.

Maximum penalty—20 penalty units.

22 Retailers

- (1) A retailer must take all reasonable measures to ensure that all shopping trolleys provided by the retailer for customer use remain within the shopping centre precinct.

Maximum penalty for subsection (1)—20 penalty units.

- (2) A retailer must ensure that the following information is conspicuously and legibly displayed on each shopping trolley provided by the retailer for customer use:

- (a) the name of the retailer; and
- (b) contact details, including a telephone number for the retailer; and
- (c) any other information prescribed by subordinate local law.

Maximum penalty – 20 penalty units.

- (3) The information displayed on a shopping trolley under subsection (2) must be permanently affixed and not easily removed.

Part 8 Subordinate local laws

23 Subordinate local laws

The local government may make subordinate local laws about—

- (a) declaring animals or plants of specified species to be local pests;¹⁵ or
- (b) lighting and maintaining of fires in the open;¹⁶ or
- (c) fire hazards;¹⁷ or
- (d) community safety hazards;¹⁸ or
- (e) prescribed requirements relating to community safety hazards;¹⁹ or
- (f) prescribed noise standards for the *Environmental Protection Act 1994*;²⁰ or
- (g) shopping trolleys.²¹

¹⁵ See section 6(1).

¹⁶ See section 14(2).

¹⁷ See section 15(3)(b).

¹⁸ See section 16(c).

¹⁹ See section 19(1).

²⁰ See section 20(2).

²¹ See section 22(3).

Schedule Dictionary

Section 3

allotment means an individual parcel or piece of land.

animal means an organism (other than a human being) that is not a plant and includes eggs and semen.

compliance notice means a compliance notice mentioned in *Local Law No.1 (Administration) 2015*, section 28.

declared local pest means a plant or animal declared to be a pest under section 6 or 7.

plant means vegetation of any type, including its flowers, roots, seeds and other parts.

reasonable written notice means a written notice given at least 7 days before a property is to be entered, that informs the owner and the occupier of the property of—

- (a) the local government's intention to enter the property; and
- (b) the reason for entering the property; and
- (c) the days and times when the property is to be entered.

responsible person (for an allotment) means the person who has control or management of the allotment and includes a person in charge of activities or structures on the allotment that may result in a contravention of this local law.

retailer means any person who, in the connection with a retail or wholesale business, makes shopping trolleys available by whatever means for customer use.

shopping centre precinct means the entire area utilised by a retailer including any area provided for the parking of vehicles, pedestrian walkways or common areas within a shopping centre.

shopping trolley means any wheeled container primarily used for the carriage of goods by a customer to a retailer while at a shopping centre precinct.

the Act means the *Local Government Act 2009*.

**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	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 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.

Urgent Business Checklist	YES	NO
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