



**Redland**  
CITY COUNCIL

# **AGENDA**

## **GENERAL MEETING**

**Wednesday, 6 March 2024**  
**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 - 21 February 2024.

## 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 SUBORDINATE LOCAL LAW NO. 4 (LOCAL GOVERNMENT CONTROLLED AREAS, FACILITIES AND ROADS) (2015) 2023 COMMUNITY CONSULTATION**

At the General Meeting 15 February 2023 (Item 13.3 refers), Council resolved as follows:

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

- 1. To receive and note the Community Consultation Feedback Review (Attachment 3) of this report.*
- 2. To request officers provide Councillors with a detailed briefing of the proposed changes, discuss concerns including pedestrian and rider safety, infrastructure requirements and solutions at a Councillor workshop to be held on 13 March 2023.*
- 3. To request officers to bring back a further report to a future General Meeting with recommendations and the amended Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015 to a future meeting of Council.*

A report addressing this matter is listed as Item 13.2 of this agenda.

**7.2 NOTICE OF MOTION - CR JULIE TALTY - REPORT ON COUNCIL'S PROGRAMS RELATED TO THE ENVIRONMENTAL PROTECTION AND BIODIVERSITY CONSERVATION ACT**

At the General Meeting 19 July 2023 (Item 18.1 refers), Council resolved as follows:

*That Council resolves as follows:*

1. *That Council undertakes a comprehensive report on the programs and infrastructure provision including expenditure, both operational and capital, in relation to koalas and threatened species management, and native vegetation rehabilitation and revegetation.*
2. *That a report be brought back to Council, and made publicly available on the Council website, explaining the success or other outcomes over the last ten years, and where known, planned in the coming five years in relation to koalas and threatened species management, and native vegetation rehabilitation and revegetation.*
3. *That the report be provided to the Federal Government to assist in Environmental Protection Biosecurity Conservation (EPBC) assessment of community infrastructure.*

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

### **7.3 DRAFT BIRKDALE COMMUNITY PRECINCT LOCAL GOVERNMENT INFRASTRUCTURE DESIGNATION CONSULTATION REPORT**

At the General Meeting 13 September 2023 (Item 14.1 refers), Council resolved as follows:

*That Council resolves as follows.*

- 1. To endorse the Birkdale Community Precinct Local Government Infrastructure Designation Consultation Summary Report, including responses to submissions.*
- 2. To note that officers will continue to progress amendments to the Birkdale Community Precinct Local Government Infrastructure Designation based on the Consultation Report, and that a report seeking Council endorsement to make the designation will be brought to a future meeting of Council.*
- 3. To thank the community for its participation in the consultation.*

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

## 7.4 SUSPECTED CONDUCT BREACH

At the General Meeting 17 January 2024 (Item 20.2 refers), Council resolved as follows:

*In making this decision, the Council has considered the conduct circumstances, including the livestream publication of the General Meeting of 13 December 2023, the costs incurred to date, and the disruption caused to the meeting Chamber, the community, staff and Councillors present at the time.*

*The Council has also considered this officer report at Item 20.2, the Councillor legal advice circulated by email on 15 January 2024, the Councillor legal submission on 11 January 2024 and the Council legal response to the submission on 12 January 2024.*

*Subsequently, Council resolves as follows:*

- 1. Pursuant to section 150AG (1)(a) of the Local Government Act 2009, and in accordance with 150K (1) of the Local Government Act 2009, the subject Councillor engaged in a conduct breach by refusing to follow an order from the Acting Chairperson to leave the meeting whilst a matter was discussed and voted on.*
- 2. Pursuant to sections 150AG (1)(b) and 150AH (1) of the Local Government Act 2009, to make the following orders:*
  - a) An order that the Councillor make a public apology, in a way agreed to by the Chief Executive Officer, for the conduct at the General Meeting scheduled 21 February 2024;*
  - b) An order reprimanding the Councillor for the conduct;*
  - c) An order that the Councillor attend training conducted by the Department of Local Government, to address the Councillor's conduct, including at the Councillor's expense, within the next six months if re-elected;*
  - d) An order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct;*
  - e) An order that the Councillor reimburse the local government for the legal costs arising from the Councillor's conduct breach, up to a maximum amount of \$1,500, within the next three months.*
- 3. Pursuant to sections 150DX and 150DY of the Local Government Act 2009, to update the Councillor Conduct Register.*
- 4. That this report and attachment be made publicly available when the General Meeting minutes are published.*

## **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 WENDY BOGLARY - REQUEST TO PRESERVE BIRD HABITATS IN SHORELINE ESTATE REDLAND BAY**

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

**That the petition is of an operational nature and be received and referred to the Chief Executive Officer for consideration.**

**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    FEBRUARY 2024 MONTHLY FINANCIAL UPDATE**

This report is being finalised.

**13.2 LOCAL LAW NO. 2 (SUBORDINATE LOCAL LAW NO. 4 (LOCAL GOVERNMENT CONTROLLED AREAS, FACILITIES AND ROADS) 2015 REPORT FOR NOTING****Objective Reference:** A8162246**Authorising Officer:** Amanda Pafumi, General Manager Organisational Services**Responsible Officer:** Tony Beynon, Group Manager Corporate Governance**Report Author:** Lizzi Striplin, Acting Service Manager Ethics & Integrity**Attachments:** Nil**PURPOSE**

To defer further consideration of the Local Law changes, as the Queensland Government has adopted the next phase of motorised scooter and personal mobility device reforms to improve safety for all users of paths and recreational areas, and to address point 3 of the matter outstanding from General Meeting of 15 February 2023 as follows:

3. *To request officers to bring back a further report to a future General Meeting with recommendations and the amended Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015 to a future meeting of Council.*

**BACKGROUND**

A report was brought to Council 15 February 2023 which provided a summary of the Community Consultation Feedback review for amendments to *Local Law No. 2 (Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015) 2023*. The changes are, in summary, to remove the prohibition of riding bicycles, wheeled recreational devices or wheeled toys (e-scooters) within road reserves in the shopping precincts of Cleveland, Capalaba and Wellington Point.

The Community Consultation occurred between 14 February 2022 and 4 March 2022 resulting in 222 submissions with 54.5% against the proposed changes and 38.5% for the proposed changes. Council resolved to note the Community Consultation Feedback Review and to request officers to provide Councillors with a detailed briefing of the proposed changes, discuss concerns, including pedestrian and rider safety, infrastructure requirements and solutions. This briefing took place at a Councillor Workshop on 13 March 2023.

Officers have continued to liaise with Councillors whose divisions the prohibitions apply to, and with officers from Council's Legal Services, Risk and Liability Services, Compliance Services, as well as the Queensland Police, regarding the implications of the legislation on the subordinate local law.

Officers are currently investigating the implications around the prohibition remaining, being pared back or removed, in line with legislation that was passed by Queensland Parliament on 15 February 2024, under the *Transport and Other Legislation Amendment Act 2024*.

The objectives of the amendments to the legislation are to:

- Facilitate the transition of certain regulatory services from the Department of Transport and Main Roads to the National Heavy Vehicle Regulator; and

- Improve road safety, streamline and improve administrative and legislative processes, and clarify existing requirements in relation to personal mobility devices (PMDs), such as e-scooters.

These amendments inform or direct amendments to Local Law No. 2 (*Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*).

## ISSUES

The amendments to the legislation may impact the subordinate local law relating to the prohibition of riding certain devices in Cleveland Centre, Wellington Point Village and around Capalaba Place.

Council will be required to consult with the community again on any changes under the *Local Government Act 2009*, in light of the time that has passed since the original proposal was considered.

Officer's advice is to defer consultation and the report to Council until officers have reviewed the amended legislation and undertaken further investigations, with a view to submitting a report to a future meeting of Council.

## STRATEGIC IMPLICATIONS

### Legislative Requirements

The *Local Government Act 2009* Chapter 3, Part 1, provides power for local governments to make and enforce local laws and set the framework that the local government must adhere to. Council has adopted a Local Law Making Process that is consistent with the *Local Government Act 2009* provisions.

### Risk Management

The risks associated with amending the Subordinate Local Law are managed by:

- a) Ensuring the process to amend the Subordinate 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 Subordinate Local Law will promote effective governance to the community.
- c) Review of the identified anti-competitive provisions identified and adhering to the National Competition Policy Guidelines

### Financial

This report is for noting only and as such, there are no financial implications associated with this report.

### People

This report is for noting only, so no people are implicated as a result of this report.

### Environmental

Continuous investigation into modifying the Local Law is imminent and if future modifications/amendments are required, it is expected that these would cause a reduction of air emissions with ridership replacing private motor vehicle trips.

## Social

Local Government provides for the good governance of the local government area through its local laws.

## Human Rights

Consideration has been given to Human Rights in the drafting of this report and there are no implications to Human Rights.

## Alignment with Council's Policy and Plans

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 |
|---|-------------------------------|------------------|
| Executive Group Manager Risk and Liability and Legal Services | 6 February 2024               | various          |
| Group Manager City Planning and Assessment                    | 7 February 2024               | various          |
| Acting Service Manager Ethics & Integrity                     | January 2024<br>February 2024 | various          |

## OPTIONS

### Option One

That Council resolves as follows:

1. To note that officers will continue investigating the implications of the amendments to the *Transport and Other Legislation Amendment Act 2024* that direct amendments to *Local Law No. 2 (Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015)*.
2. To note that should the amendments to the *Transport and other Legislation Amendment Act 2024* direct changes, a report will be brought back to Council.

### Option Two

That Council resolves to seek further information.

## OFFICER'S RECOMMENDATION

That Council resolves as follows:

1. To note that officers will continue investigating the implications of the amendments to the *Transport and Other Legislation Amendment Act 2024* that direct amendments to *Local Law No. 2 (Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015)*.
2. To note that should the amendments to the *Transport and Other Legislation Amendment Act 2024* direct changes, a report will be brought back to Council.

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

Nil.

**15      REPORTS FROM COMMUNITY & CUSTOMER SERVICES**

Nil.

**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**

In accordance with s.6.16 Council Meeting Standing Orders.

## 19 URGENT BUSINESS WITHOUT NOTICE

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

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

## **20 CONFIDENTIAL ITEMS**

### **COUNCIL MOTION**

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

#### **20.1 Court Update: 3869/23 Labuschewski -V- Redland City Council**

This matter is considered to be confidential under section 254J(3)(e) 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 legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

#### **Overview**

To make a determination on Council's position on a matter that is before the Planning & Environment Court

**21 MEETING CLOSURE**