



AGENDA

General Meeting

Tuesday 28 May 2019
commencing at 10.30am

Caboolture Chambers
2 Hasking Street, Caboolture

COUNCILLOR:

NOTICE IS HEREBY GIVEN, that a General Meeting of the Moreton Bay Regional Council will be held on Tuesday 28 May 2019 commencing at 10.30am in Caboolture Chambers, 2 Hasking Street, Caboolture to give consideration to the matters listed on this agenda.

Daryl Hitzman
Chief Executive Officer

23 May 2019

Moreton Bay Regional Council

GENERAL MEETING - 472
28 May 2019

PAGE 2
Agenda

LIST OF ITEMS

1. OPENING PRAYER	3
2. ATTENDANCE & APOLOGIES	3
3. MEMORIALS OR CONDOLENCES	3
4. CONFIRMATION OF MINUTES	3
4.1. General Meeting - 21 May 2019 (Pages 19/854 to 19/857)	3
5. PRESENTATION OF PETITIONS	3
(Addressed to the Council and tabled by Councillors)	
6. CORRESPONDENCE	3
7. COMMUNITY COMMENT	3
8. NOTIFIED MOTIONS	4
8.1. Cr Mick Gillam (Division 8) - Establishment of new Standing Committee - Delegated Decisions Committee (A18484882; Supporting Information A18395326)	4
REPORT DETAIL	
Item 8.1 #1 Draft Terms of Reference - Delegated Decisions Committee	
9. NOTICES OF MOTION (Repeal or amendment of resolutions)	6
(s262 of the Local Government Regulation 2012)	
10. ADJOURN MEETING TO ENABLE CONDUCT OF COORDINATION COMMITTEE MEETING	6
11. RECONVENE GENERAL MEETING	6
12. ADOPTION OF COMMITTEE MEETING REPORTS & RECOMMENDATIONS	7
12.1. Coordination Committee Meeting - 28 May 2019 (Pages TBA)	7
13. GENERAL BUSINESS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE	7
14. SPECIAL GENERAL BUSINESS (Closed Session)	7
(s275 of the Local Government Regulation 2012)	
ATTACHMENTS	7
Item 4.1 Unconfirmed Minutes – General Meeting 21 May 2019	
Item 8.1 Draft Terms of Reference - Delegated Decisions Committee	

1. OPENING PRAYER

2. ATTENDANCE & APOLOGIES

Cr Allan Sutherland (Mayor & Chairperson)

3. MEMORIALS OR CONDOLENCES

Council to observe a moment's silence for residents who have passed away.

4. CONFIRMATION OF MINUTES

**4.1. General Meeting - 21 May 2019
(Pages 19/854 to 19/857)**

RESOLUTION that the minutes of the General Meeting held 21 May 2019 be confirmed.

5. PRESENTATION OF PETITIONS

(Addressed to the Council and tabled by Councillors)

Receipt of petitions addressed to the Council and tabled by Councillors.

6. CORRESPONDENCE

7. COMMUNITY COMMENT

There are no participants in the Community Comment session.

8. NOTIFIED MOTIONS

8.1. Cr Mick Gillam (Division 8) - Establishment of new Standing Committee - Delegated Decisions Committee (A18484882; Supporting Information A18395326)

Cr Mick Gillam has advised his intention to move the following motions at the General Meeting to be held Tuesday 28 May 2019, in line with information provided in the supporting report and attachment:

1. That a Standing Committee - to be known as the Delegated Decisions Committee, be established in accordance with s.264 of the Local Government Regulation 2012 consisting of the Mayor and four Councillors.
2. That the Terms of Reference for the Delegated Decisions Committee be adopted as appearing in Supporting Information #1.
3. That meetings of the Delegated Decisions Committee be conducted on an 'as-needs basis' fixed by resolution of Council. Generally to be conducted on the same day/location as Council's General and Coordination Committee meeting - commencing at the conclusion of the Coordination Committee meeting on that day.
4. That meetings of the Delegated Decisions Committee be advertised as required under s277(1)(b) of the Local Government Regulation 2012.

REPORT:

Executive Summary

At its meeting of 19 March 2019, Council resolved to workshop the formation of a new Standing Committee for the purpose of deciding matters delegated to the Committee by the Council, in instances where a majority of Councillors have declared a personal interest in a matter and a quorum cannot be formed.

In this regard, it is recommended that Council establish a Standing Committee - to be known as the Delegated Decisions Committee.

REPORT DETAIL

1. Background

On previous occasions, Council has had to deal with situations where a majority of Councillors have declared a personal interest in a matter and a quorum cannot be formed.

In these instances, s175E(7)(a) of the *Local Government Act 2009* (the Act) has been enlivened permitting all Councillors (including those declaring a personal interest) to vote for the purpose of delegating deciding the matter pursuant to s175E(6) of the Act.

Consequently, Council has had no option but to delegate the deciding of the matter to the Chief Executive Officer (CEO) under s257 of the Act.

Public feedback indicates that delegating to the CEO to decide a matter, is taking the decision-making power away from the Council.

It is therefore considered appropriate to establish a new Standing Committee for the sole purpose of deciding matters as may be delegated to it by Council under s257 of the Act, where that delegation arises as a consequence of s175E(6) of the Act.

“175E(6) – If a majority of the councillors at a meeting of the local government inform the meeting about personal interests in the matter under subsection (2), the local government must delegate deciding the matter under section 257, unless deciding the matter cannot be delegated under that section.”

2. Explanation of Item

Under the Act, Council has the ability to establish Standing Committees and Special Committees.

Where the Council is forced to delegate a matter to decide under s257 of the Act, it can only delegate its power to:

- (a) The Mayor; or
- (b) The Chief Executive Officer; or
- (c) A Standing Committee of the local government; or
- (d) The Chairperson of a Standing Committee

Given that delegating a matter to the CEO to decide is not preferred, the only viable option is to establish a new Standing Committee to deal with such matters.

In this regard, it is suggested that:

- the sole purpose of the Committee would be to decide matters as may be delegated to it by Council, under s257 of the Act, where the delegation arises as a consequence of s175E(6) of the Act.
- the Committee consist of the Mayor and four Councillors, with a quorum being 3 (a majority of its members)
- Chairperson and Councillor membership will be determined by resolution of Council and may be amended from time to time based on the matter being delegated to the Committee to decide.
- Dates and times for meetings will be fixed by resolution of Council on an ‘as-needs’ basis.
- Meeting days/times will be advertised as required under s.277(1)(b) of the Local Government Regulation 2012 (the Regulation).
- Committee meetings will be open to the public, unless the Committee resolves that the meeting is to be closed under s.275 of the Regulation.

To reduce impact on those members of the public wishing to attend, it is suggested that meeting dates/times coincide with normal Tuesday General and Coordination Committee meeting days, and be held at the conclusion of the Coordination Committee meeting on that day.

- The Committee will be a decision-making Committee and will maintain and confirm its own minutes in accordance with s272 of the Regulation.

3. Strategic Implications

3.1 Legislative/Legal Implications

Under section 264 of the Local Government Regulation 2012 Council may appoint standing committees from its councillors.

3.2 Corporate Plan / Operational Plan

Strengthening Communities: Strong local governance - strong leadership and governance.

3.3 Policy Implications

There are no policy implications arising as a direct result of this report, however meetings of this Committee will be conducted in a manner that is not inconsistent with Council’s adopted Meeting Procedures.

3.4 Risk Management Implications

The establishment of the Delegated Decisions Committee will provide Council with a solution when faced with an instance where a majority of Councillors have declared a personal interest in a matter and a quorum cannot be formed and the Council has previously been forced to delegate the deciding of the matter to the CEO.

3.5 Delegated Authority Implications

Pursuant to s257 of the Act, Council can delegate its power to a Standing Committee of the local government.

Pursuant to s175E(6) of the Act, in the instance where a majority of the councillors at the meeting of Council have informed the meeting about personal interests and a quorum cannot be formed, all Councillors (including those declaring a conflict of interest) can vote for the purpose of delegating deciding the matter.

3.6 Financial Implications

Scheduled meetings of the Delegated Decisions Committee will be required to be advertised in the Courier Mail - the publication normally used for advertising Council's meeting schedule.

Sufficient budgetary allocation is made under Governance - Advertising 20003.000.22001.

3.7 Economic Benefit

There are no economic benefit implications arising as a direct result of this report.

3.8 Environmental Implications

There are no environmental implications arising as a direct result of this report.

3.9 Social Implications

There are no social implications arising as a direct result of this report.

3.10 Consultation / Communication

Mayor & Councillors, CEO, Manager Legal Services and Acting Manager Executive Services have been consulted in the preparation of this report.

Item 8.1 #1 Draft Terms of Reference - Delegated Decisions Committee

9. NOTICES OF MOTION (Repeal or amendment of resolutions)

(s262 of the Local Government Regulation 2012)

10. ADJOURN MEETING TO ENABLE CONDUCT OF COORDINATION
COMMITTEE MEETING

RESOLUTION to adjourn meeting to enable the conduct of the Coordination Committee meeting.

11. RECONVENE GENERAL MEETING

RESOLUTION that the General Meeting be reconvened.

12. ADOPTION OF COMMITTEE MEETING REPORTS & RECOMMENDATIONS

**12.1. Coordination Committee Meeting - 28 May 2019
(Pages TBA)**

RESOLUTION that the report and recommendations of the Coordination Committee meeting held 28 May 2019 be adopted.

13. GENERAL BUSINESS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE

14. SPECIAL GENERAL BUSINESS (Closed Session)
(s275 of the Local Government Regulation 2012)

ATTACHMENTS

Item 4.1 Unconfirmed Minutes – General Meeting 21 May 2019

Item 8.1 Draft Terms of Reference - Delegated Decisions Committee



MINUTES

General Meeting

Tuesday 21 May 2019
commencing at 10.36am

Strathpine Chambers
220 Gympie Road, Strathpine

UNCONFIRMED

LIST OF ITEMS

1. OPENING PRAYER	854
2. ATTENDANCE & APOLOGIES	854
3. MEMORIALS OR CONDOLENCES	854
4. CONFIRMATION OF MINUTES	855
4.1. General Meeting - 14 May 2019 (Pages 19/785 - 19/792)	855
5. PRESENTATION OF PETITIONS (Addressed to the Council and tabled by Councillors)	855
6. CORRESPONDENCE	855
7. COMMUNITY COMMENT	855
8. NOTIFIED MOTIONS	855
9. NOTICES OF MOTION (Repeal or amendment of resolutions) (s262 of the Local Government Regulation 2012)	855
10. ADJOURN MEETING TO ENABLE CONDUCT OF COORDINATION COMMITTEE MEETING	856
11. RECONVENE GENERAL MEETING	856
12. ADOPTION OF COMMITTEE MEETING REPORTS & RECOMMENDATIONS	856
12.1. Coordination Committee Meeting - 21 May 2019 (Pages 19/858 - 19/886)	856
13. GENERAL BUSINESS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE	856
14. SPECIAL GENERAL BUSINESS (Closed Session) (s275 of the Local Government Regulation 2012)	856
15. CLOSURE	857

1. OPENING PRAYER

The Mayor recited the Opening Prayer and invited Councillors to join him in the recitation of the Lord's Prayer.

2. ATTENDANCE & APOLOGIES

Committee Members:

Cr Allan Sutherland (Mayor) (Chairperson)
Cr Brooke Savige
Cr Peter Flannery
Cr Adam Hain
Cr Julie Greer
Cr James Houghton
Cr Koliana Winchester
Cr Denise Sims
Cr Mick Gillam
Cr Mike Charlton (Deputy Mayor)
Cr Matthew Constance
Cr Darren Grimwade
Cr Adrian Raedel

Officers:

Chief Executive Officer	(Mr Daryl Hitzman)
Director Community & Environmental Services	(Mr Bill Halpin)
Director Planning & Economic Development	(Mr Mike Pickering)
Director Infrastructure Planning	(Mr Andrew Ryan)
Meeting Support	(Larissa Kerrisk)

Apologies:

Nil

3. MEMORIALS OR CONDOLENCES

Cr Allan Sutherland (Mayor) made special mention of the late **Mr Bob Hawke**, former Prime Minister of Australia, who passed away last week.

The Mayor recalled the first time he met Mr Hawke was during the 1970's when legislation was passed which allowed for sand mining on Moreton Island. Mr Hawke provided intrinsic assistance, along with Jack Munday and Don Henry, which resulted in the black banning of sand mining activities, and to this day Moreton Island has not been mined. The Mayor said that they rekindled their relationship 10 years ago during Mr Hawke's annual visits to the Woodford Folk Festival, adding that he was a strong supporter and advocate of the festival.

The Mayor said that no matter which side of politics, the history books will remember Bob Hawke as a great Australian and Prime Minister who had an equal affinity with the working man and world leaders. The Mayor asked for a moment's thought to be spared in memory of Bob.

Council to observed a moment's silence for residents who had passed away.

4. CONFIRMATION OF MINUTES

4.1. General Meeting - 14 May 2019
(Pages 19/785 - 19/792)

RESOLUTION

Moved by Cr Koliana Winchester
Seconded by Cr Adrian Raedel

CARRIED 13/0

That the minutes of the General Meeting held 14 May 2019 be confirmed.

5. PRESENTATION OF PETITIONS

(Addressed to the Council and tabled by Councillors)

There were no petitions for tabling by Councillors.

6. CORRESPONDENCE

There was no correspondence for tabling.

7. COMMUNITY COMMENT

There were no participants in the Community Comment Session.

8. NOTIFIED MOTIONS

There were no Notified Motions.

9. NOTICES OF MOTION (Repeal or amendment of resolutions)

(s262 of the Local Government Regulation 2012)

There were no Notices of Motion.

10. ADJOURN MEETING TO ENABLE CONDUCT OF COORDINATION
COMMITTEE MEETING

RESOLUTION

Moved by Cr Julie Greer

Seconded by Cr Matt Constance

CARRIED 13/0

That the General Meeting be adjourned to enable the conduct of the Coordination Committee meeting.

The General Meeting adjourned at 10.42am.

11. RECONVENE GENERAL MEETING

RESOLUTION

Moved by Cr Adrian Raedel

Seconded by Cr Julie Greer

CARRIED 13/0

That the General meeting be reconvened.

The meeting reconvened at 3.06pm.

12. ADOPTION OF COMMITTEE MEETING REPORTS & RECOMMENDATIONS

12.1. Coordination Committee Meeting - 21 May 2019
(Pages 19/858 - 19/886)

RESOLUTION

Moved by Cr Adrian Raedel

Seconded by Cr Mick Gillam

CARRIED 13/0

That the report and recommendations of the Coordination Committee meeting held 21 May 2019 be adopted.

13. GENERAL BUSINESS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE

There was no General Business or response to questions taken on notice.

14. SPECIAL GENERAL BUSINESS (Closed Session)

(s275 of the Local Government Regulation 2012)

There was no Special General Business.

15. CLOSURE

There being no further business the meeting closed at 3.07pm.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 19/854 to 19/886 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 21 May 2019.

Daryl Hitzman
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Tuesday 28 May 2019.

Daryl Hitzman
Chief Executive Officer

Councillor Allan Sutherland
Mayor

Item 8.1 - Establishment of new Standing Committee - Delegated Decisions Committee (Cont.)

#1 Draft Terms of Reference - Delegated Decisions Committee



Terms of Reference

Delegated Decisions Committee

Moreton Bay Regional Council

GENERAL MEETING - 472
28 May 2019

Agenda - Attachment

Item 8.1 - Establishment of new Standing Committee - Delegated Decisions Committee (Cont.)

INDEX

1.	ESTABLISHMENT	3
2.	PURPOSE	3
3.	DUTIES AND RESPONSIBILITIES	3
4.	COMPOSITION & CHAIRPERSON	3
5.	QUORUM	3
6.	MEETINGS	3
7.	AGENDA PREPARATION	4
8.	ADMINISTRATIVE SUPPORT	4
9.	ACCESS BY COMMITTEE	4
10.	REPORTING REQUIREMENTS	4
11.	LEGISLATION REFERENCED IN THE TERMS OF REFERENCE	4

TOR / SC-02 Document Status

Version	Committee Consideration	Council Adoption
V1		

Moreton Bay Regional Council

GENERAL MEETING - 472
28 May 2019

Agenda - Attachment

Item 8.1 - Establishment of new Standing Committee - Delegated Decisions Committee (Cont.)

DELEGATED DECISIONS COMMITTEE

TERMS OF REFERENCE

1. Establishment

The Delegated Decisions Committee ("the Committee") is established as a Standing Committee in accordance with s.264 of the Local Government Regulation 2012 ("the Regulation").

2. Purpose

The sole purpose of the Committee is to decide matters as may be delegated to it by Council under s.257 of the *Local Government Act 2009* ("the Act"), where that delegation arises as a consequence of s175E(6) of the Act, and a quorum cannot be formed.

"175E(6) If a majority of the councillors at a meeting of the local government inform the meeting about personal interests in the matter under subsection (2), the local government must delegate deciding the matter under section 257, unless deciding the matter cannot be delegated under that section."

3. Duties and Responsibilities

The duties and responsibilities of the Committee are to act in a manner that is consistent with its purpose.

4. Composition & Chairperson

The Committee will consist of the Mayor and four Councillors.

- a) Cr Allan Sutherland (Mayor)
- b) Cr Mick Gillam
- c) Cr Adam Hain
- d) Cr Matt Constance
- e) Cr Kolianna Winchester

The Chairperson will be Cr Allan Sutherland (Mayor).

Pursuant to s.12(4)(g) of the Act, the Mayor is a member of each standing committee of the local government.

Determination of the Chairperson and Committee membership may be amended from time to time by resolution of Council, based on matter delegated to it to decide.

The Chairperson will have the casting vote.

5. Quorum

Pursuant to s.269 of the Regulation, the quorum for this Committee is a majority of the members - being 3.

6. Meetings

Meetings of the Committee will be held on an 'as-needs' basis.

The date and time of the Committee meetings will be fixed by resolution of Council.

Generally, Committee meetings are to be conducted on the same day/location as Council's General and Coordination Committee meeting - commencing at the conclusion of the Coordination Committee meeting on that day.

Moreton Bay Regional Council

GENERAL MEETING - 472
28 May 2019

Agenda - Attachment

Item 8.1 - Establishment of new Standing Committee - Delegated Decisions Committee (Cont.)

DELEGATED DECISIONS COMMITTEE

TERMS OF REFERENCE

6. Meetings (cont'd)

Meetings of the Committee will be advertised as required under s.277(1)(b) of the Regulation.

Committee meetings will be open to the public unless the Committee resolves that the meeting is to be closed under s.275 of the Regulation and will be conducted in a manner that is not inconsistent with Council's adopted Meeting Procedures.

Minutes of Committee meetings will be maintained in accordance with s.272 of the Regulation and will be provided for confirmation at the next meeting of the Committee.

7. Agenda Preparation

The Chief Executive Officer will be responsible for the preparation of the Committee meeting agenda.

8. Administrative Support

The Chief Executive Officer will provide administrative support to the Committee.

This support will include:

8.1 Preparation and distribution of the Notice of the meeting as well as the agenda, including supporting information, and other material to the Committee Members prior to the meeting, in accordance with s.258 of the Regulation.

8.2 Minutes of Committee meetings will be maintained for the Committee in accordance with s.272 of the Regulation and will be provided to the Council (via the General Meeting agenda) for information and noting only.

9. Access by Committee

9.1 The Committee will be supplied with information it requires from any Council employee.

9.2 Requests for Council employees and independent experts to attend a Committee meeting to provide information will be approved by the Chief Executive Officer in consultation with the relevant Director.

10. Reporting Requirements

The Committee is a decision-making Committee, as delegated by Council and has no direct reporting requirements.

11. Legislation referenced in the Terms of Reference

Local Government Act 2009
Local Government Regulation 2012

Moreton Bay Regional Council - Meeting Procedures