



MINUTES

GENERAL MEETING

Wednesday 20 January 2021

commencing at 9.37am

Strathpine Chambers
220 Gympie Road, Strathpine

Pursuant to section 277E of the Local Government Regulation 2012 it is considered not practicable for the public to attend the meeting because of health and safety reasons associated with the public health emergency involving COVID-19

Accordingly, this meeting is physically closed to the public.

However, will be live-streamed via a link on Council's website

ENDORSED GM20210203

General Meeting - 20 January 2021 (Pages 21/1 - 21/36)

RESOLUTION

Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Matt Constance

CARRIED 13/0

That the minutes of the General Meeting held 20 January 2021, be confirmed.

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1. ACKNOWLEDGEMENT OF COUNTRY

Cr Sandra Ruck provided the Acknowledgement of Country.

2. OPENING PRAYER / REFLECTION

Cr Sandra Ruck provided the opening prayer / reflection for the meeting.

3. ATTENDANCE & APOLOGIES

Attendance:

Cr Peter Flannery (Mayor) (Chairperson)
Cr Brooke Savige
Cr Mark Booth
Cr Adam Hain
Cr Jodie Shipway
Cr Sandra Ruck
Cr Karl Winchester
Cr Denise Sims (Deputy Mayor)
Cr Mick Gillam
Cr Matt Constance
Cr Darren Grimwade
Cr Tony Latter

Officers:

Chief Executive Officer	(Mr Greg Chemello)
Deputy CEO/Director Engineering, Construction & Maintenance	(Mr Tony Martini)
Director Community & Environmental Services	(Mr Bill Halpin)
Director Finance & Corporate Services	(Ms Donna Gregory)
Director Infrastructure Planning	(Mr Andrew Ryan)
Director Planning	(Mr David Corkill)
Chief Economic Development Officer	(Mr Paul Martins)
Manager Strategy & Engagement	(Mr Joshua O'Keefe)
Meeting Support	(Larissa Kerrisk)

Apologies:

Cr Cath Tonks

4. MEMORIALS OR CONDOLENCES

Council observed a moment's silence for residents who have passed away and noted the recent passing of Cr Cath Tonks' father, whose funeral was being held today.

5. CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

General Meeting - 9 December 2020 (Pages 20/2037 - 20/2204)

RESOLUTION

Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Sandra Ruck

CARRIED 12/0

That the minutes of the General Meeting held 9 December 2020, be confirmed.

6. PRESENTATION OF PETITIONS

(Addressed to the Council and tabled by Councillors)

There were no petitions addressed to the Council for tabling by Councillors.

7. CORRESPONDENCE

There was no correspondence addressed to the Council for tabling by the Chief Executive Officer.

8. COMMUNITY COMMENT

In accordance with Council's Policy 2150-062, the Community Comment session was not conducted at the first General Meeting of Council for the calendar year.

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

(s262 of the Local Government Regulation 2012)

There were no notices of motion for consideration

10. CONFLICTS OF INTEREST NOTIFIED TO THE CEO

Conflicts of interest notified to the CEO where not specifically related to an item on this agenda

10.1. Conflict of Interest (previously notified) - Cr Sandra Ruck - Queens Beach North proposed dog off-leash area

At the General Meeting held 28 October 2020, Cr Sandra Ruck declared a conflict of interest in relation to Queens Beach North proposed dog off-leash area and elected to not participate in decisions relating to the matter.

Following Council's decision regarding amended trial arrangements for Queens Beach North Dog Off-Leash area at the General Meeting held 9 December 2020 (20/2067), Cr Ruck has reconsidered her previously declared conflict of interest as the area designated for the dog-off leash area is no longer in the vicinity of Cr Ruck's friend (Colin Scobie).

10.1 Conflict of Interest (previously notified) - Cr Sandra Ruck - Queens Beach North proposed dog off-leash area (cont'd)

Cr Ruck is seeking Council's approval to participate in decisions relating to the amended trial arrangements for Queens Beach North proposed dog off-leash area including discussion, debate and voting on the matter.

Declarable Conflict of Interest - Cr Sandra Ruck

Pursuant to s150EQ of the Local Government Act 2009, I inform the meeting that I have a declarable conflict of interest in matters relating to Queens Beach North proposed dog off-leash area due to a relationship with a resident (Colin Scobie) who resides and owns property at Queens Beach North, however which is not located in the vicinity of the designated area determined as part of the new trial arrangements.

Mr Scobie has been a strong advocate for not allowing dogs on the beach at Queens Beach North.

Mr Scobie is also a friend of Cr Ruck and has been known to her through her involvement with a local Rotary Club for 12 years and having attended Rotary Functions at his home.

Mr Scobie also assisted Cr Ruck during her election campaign by handing out How To Vote Cards at a pre-poll booth, as well as attending fundraising events - making the following purchases amounting in total to approximately \$50:

- dinner ticket and raffle tickets at a fundraising event on 22 November 2019
- raffle tickets at a fundraising event on 18 January 2020
- raffle tickets at a fundraising event on 23 February 2020

I have considered my position and am firmly of the opinion that I could participate in decisions relating to new trial arrangements for Queens Beach North Dog Off-Leash area and seek Council approval to participate in decisions including discussion, debate and voting, and that the previous declarable conflict of Interest made on 28 October 2020 is no longer applicable.

Councillor seeking to participate in the decision - eligible Councillors must decide

RESOLUTION

Moved by Cr Tony Latter

Seconded by Cr Matt Constance

CARRIED 11/0

That in accordance with s150ES of the Local Government Act 2009, and having considered the Councillor's conflict of interest as described, it is decided that Cr Sandra Ruck may participate in the discussion and debate relating to the new trial arrangements for Queens Beach North Dog Off-Leash area, however must leave the meeting when the matter is voted on.

<p>FOR: Cr Peter Flannery (Mayor) (Chairperson) Cr Brooke Savige Cr Mark Booth Cr Adam Hain Cr Jodie Shipway Cr Karl Winchester Cr Denise Sims (Deputy Mayor) Cr Mick Gillam Cr Matt Constance Cr Darren Grimwade Cr Tony Latter</p>	<p>AGAINST: Nil</p>
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Cr Sandra Ruck having declared a conflict of interest was not eligible to vote

10.2. Declarable Conflict of Interest - Cr Darren Grimwade

Pursuant to s150EQ of the *Local Government Act 2009*, Cr Darren Grimwade informed the meeting of a declarable conflict of interest in matters relating to DA/27168/2012/VCHG/5 02/12/2020 Request for Change (Minor) - Material Change of Use - Development Permit for Caravan Park, 1780-1820 Bribie Island Road, Sandstone Point QLD 4511, a development application that is currently at decision stage with Council, as he is a friend of Mr Robert Comiskey, a Director of Bribie Waters Pty Ltd, the applicant.

Cr Grimwade has indicated he will not participate in decisions relating to DA/27168/2012/VCHG/5 02/12/2020 including discussion, debate and voting and will elect to leave future meetings.

MAYORAL MINUTE

(Cr Peter Flannery, Mayor)

MORETON BAY TIM TAMS

The Mayor tabled a Mayoral Minute making the following statement:

"In a year like no other there was plenty of cause for angst and uncertainty in 2020. And while the impacts of COVID-19 are undeniable and ongoing, I want to start 2021 by taking this opportunity to celebrate the wins.

I'm proud to say that our businesses have been absolutely exceptional in the face of a global pandemic and economic recession. Some luminaries have even turned the economic downturn into opportunity.

As former Starbucks CEO Howard Schultz said: "In times of adversity and change, we really discover who we are and what we're made of".

Some examples off the top of my head:

- *Earlier this week we saw local dairy legend Jim Sullivan launch a new flavour of iced coffee with spicy chilli in it! You need to give that a go.*
- *When restaurants closed, Goat Cheese producer Karen Lindsay invented freeze dried fetta and has taken Wamuran to the world!*
- *Elexon Mining in Brendale is the only company in the world specialising in the monitoring of flow in underground cave mining.*
- *Big business has its eyes on Moreton Bay, with Bunnings about to start construction on a brand new \$30 million centre in Caboolture, and two local companies are building new premises in the industrial estate - they are Aspect Cabinet Makers and Kel Stanton's Mobile Diesel Service.*
- *Even sporting codes see the bright future here in Moreton Bay, with the Brisbane Roar relocating here from Logan this year, making Moreton Bay the home of A-League soccer.*

This is an amazingly strong start to what will certainly be a challenging year, and the list of achievements goes on and on.

But today I want to celebrate the launch of Moreton Bay's very own Tim Tam flavour - Moreton Bay Raspberry and Dark Choc.

Mayoral Minute (cont'd)

Tim Tam biscuits have been a made-in-Australia icon for more than 50 years, so getting our region etched in history like this is an achievement that must be celebrated. Over 670 million Tim Tam biscuits are made every year in Australia and I'm proud to say Moreton Bay is one of the largest raspberry farming regions in Australia. Our perfect climate means raspberries can be grown all year round. In fact, our region accounts for 57% of Queensland's strawberry production, which Tim Tam is already using in its Strawberries & Cream flavour.

This exceptional achievement would not have been possible without the tireless efforts of the McGruddy families in Caboolture who collaborated with Arnott's to create this flavour sensation:

- *Local berry growers Richard and Melissa McGruddy;*
- *and Aussie grown frozen fruit producers at My Berries Stuart and Allison McGruddy.*

While it might be a bit tongue in cheek, we certainly need to lift the spirits of our region as we actively fight COVID so, I'd like to propose that for as long as Moreton Bay Tim Tams are stocked on Australian shelves, that we will provide these biscuits at our Australia Day citizenship ceremony and gift a packet to a member of the public attending Council's general meetings.

To the people watching on livestream right now, I hope this will give you a reason to come back into the chamber when COVID restrictions allow. We miss having locals in the chamber.

I'll also be giving a packet to each of our Australia Day Award winners tomorrow.

I think the resilience and innovation of our business community is an inspiration to all of us in this chamber, especially as we chart the course to economic recovery."

RESOLUTION

Moved by Cr Peter Flannery (Mayor)

Seconded by Cr Brooke Savige

CARRIED 12/0

1. **That Council notes the achievements of all our local businesses during these difficult times.**
2. **That the Moreton Bay Raspberry and Dark Choc flavoured Tim Tams be provided at our Australia Day Awards and Australia Day citizenship ceremony, to celebrate this achievement.**

11. OFFICERS' REPORTS TO COUNCIL (conducted in Sessions)

(as referred by the Chief Executive Officer)

Consideration of officers' reports as referred by the Chief Executive Officer, to be conducted in Sessions.

The appointed Portfolio Councillor will facilitate the conduct of the respective session under the control of the Mayor as the Presiding Officer.

Session	Portfolio Councillor	Deputy Portfolio Councillor
1 Governance & Engagement	Cr P Flannery (Mayor)	Cr D Sims (Deputy Mayor)
2 Infrastructure Planning	Cr A Hain	C T Latter
3 Engineering, Construction & Maintenance	Cr B Savige	Cr C Tonks
4 Planning	Cr D Grimwade	Cr K Winchester / Cr M Booth
5 Community & Environmental Services	Cr M Gillam	Cr S Ruck
6 Finance & Corporate Services	Cr M Constance	Cr J Shipway

1 GOVERNANCE & ENGAGEMENT SESSION

(Cr P Flannery, Mayor)

ITEM 1.1

**FINANCIAL AND CONTRACTUAL DELEGATION TO CHIEF EXECUTIVE OFFICER -
QUARTER ENDING 31 DECEMBER 2020**

Meeting / Session: 1 GOVERNANCE
Reference: 61237768 : 10 January 2021 - **Refer Supporting Information 61237778**
Responsible Officer: DD, Manager Executive Services (FCS Governance & Executive Services)

Executive Summary

At its meeting of 5 August 2020, Council delegated its powers to the Chief Executive Officer to authorise expenditure of money up to and including the amount of \$25,000,000 as well as power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges, subject to certain criteria.

In accordance with specified criteria, this report provides detail of contracts in excess of \$500,000 for the quarter ending 31 December 2020.

RESOLUTION

Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Jodie Shipway

CARRIED 12/0

That Council notes the report provided in supporting information #1 detailing contracts in excess of \$500,000 which the Chief Executive Officer has entered into for the quarter ending 31 December 2020 under Council delegation (Council-163).

ITEM 1.1 FINANCIAL AND CONTRACTUAL DELEGATION TO CHIEF EXECUTIVE OFFICER - QUARTER ENDING 31 DECEMBER 2020 - 61237768 (Cont.)

OFFICER'S RECOMMENDATION

That Council notes the report provided in supporting information #1 detailing contracts in excess of \$500,000 which the Chief Executive Officer has entered into for the quarter ending 31 December 2020 under Council delegation (Council-163).

REPORT DETAIL

1. Background

Council revised the Chief Executive Officer's financial and contractual delegations at its meeting of 5 August 2020. The purpose of the review was to implement a system to better reflect operational needs and enable efficient and effective decisions to be made.

The Chief Executive Officer was authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging any of the particular contracts and any required variations of the contracts on Council's behalf.

2. Explanation of Item

The following resolution appears on minute page 20/1454-55 of the General Meeting held 5 August 2020.

- | |
|---|
| <ol style="list-style-type: none">1. That pursuant to section 257 of the <i>Local Government Act 2009</i>, Council delegates to the Chief Executive Officer its power to authorise expenditure of money up to and including the amount of \$25,000,000 subject to the following criteria:<ol style="list-style-type: none">a) the expenditure is in accordance with the <i>Local Government Act 2009</i>;b) the expenditure has been provided for in Council's annual budget, except in the case of genuine emergency or hardship where the budget does not make provision; andc) the expenditure is not materially greater than the budget allocation.2. That pursuant to section 257 of the <i>Local Government Act 2009</i>, Council delegates to the Chief Executive Officer its power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report, subject to the following criteria:<ol style="list-style-type: none">a) the contract has been formed in accordance with the <i>Local Government Act 2009</i> and Council's Procurement Policy;b) the expenditure under the contract has been provided for in Council's annual budget, except in the case of genuine emergency or hardship where the budget does not make provision;c) any contract greater than the budget allocation is to be reported to Council; andd) details of contracts in excess of \$500,000 to be reported to Council on a quarterly basis.3. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging any of the above contracts and any required variations of the contracts on Council's behalf. |
|---|

ITEM 1.1 FINANCIAL AND CONTRACTUAL DELEGATION TO CHIEF EXECUTIVE OFFICER - QUARTER ENDING 31 DECEMBER 2020 - 61237768 (Cont.)

All delegations are subject to any limitations of the *Local Government Act 2009* and Local Government Regulation 2012, Council's budget, and Council's Procurement Policy (where applicable).

Any contracts entered into under delegation Council-163, that exceed \$500,000, must be reported to the Council on a quarterly basis.

3. Strategic Implications

3.1 Legislative/Legal Implications

Under s257 of the *Local Government Act 2009* (Act), the Council may, by resolution, delegate powers given to it under the Act or any other Act, to the Chief Executive Officer. The Council cannot delegate a power that an Act states must be exercised by resolution.

Details of contracts awarded by Council worth \$200,000 or more, are published on the Council's website in accordance with Section 237 of the *Local Government Regulation 2012*.

3.2 Corporate Plan / Operational Plan

Governance & Leadership: Efficient and effective management of Council's operations.

3.3 Policy Implications

Exercising of the delegation must be in accordance with Council's Procurement Policy.

3.4 Risk Management Implications

The regular review of delegations to the CEO will ensure that Council's delegations are up-to-date and accord with legislation.

Reporting of contracts entered into exceeding \$500,000 keeps Council informed of decisions made under delegation by the Chief Executive Officer.

3.5 Delegated Authority Implications

Council's financial and contractual delegation to the Chief Executive Officer enables efficient and effective decisions to be made, with a greater number of tenders being awarded and contracts entered into in a timely manner, without requiring a Council resolution.

3.6 Financial Implications

All expenditure under delegation Council-163 must be provided for in Council's annual budget, except in the case of genuine emergency or hardship where the budget does not make provision.

3.7 Economic Benefit Nil identified

3.8 Environmental Implications Nil identified

3.9 Social Implications Nil identified

3.10 Human Rights Implications Nil identified

3.11 Consultation / Communication

Consultation has been undertaken with the Chief Executive Officer.

ITEM 1.2
PUMICESTONE CATCHMENT CONVERGENCE 2021: INSIGHTS FOR A HEALTHY FUTURE CONFERENCE

Meeting / Session: 1 GOVERNANCE & ENGAGEMENT
Reference: 61250565 : 13 January 2021
Responsible Officer: LK, Executive Support Officer (FCS Governance & Executive Services)

Executive Summary

The purpose of this report is to determine Councillor attendance to the Pumicestone Catchment Convergence 2021: Insights for a Healthy Future conference to be held at the USC Auditorium, University of the Sunshine Coast, and online, from 16-18 February 2021.

RESOLUTION

Moved by Cr Jodie Shipway

Seconded by Cr Mark Booth

CARRIED 12/0

1. That Councillor Brooke Savige be authorised to attend the Pumicestone Catchment Convergence 2021: Insights for a Healthy Future conference.
2. That the Chief Executive Officer arrange for officer attendance at this conference as appropriate.

ITEM 1.2 PUMICESTONE CATCHMENT CONVERGENCE 2021: INSIGHTS FOR A HEALTHY FUTURE
CONFERENCE - 61250565 (Cont.)

OFFICER'S RECOMMENDATION

1. That Councillor Brooke Savige be authorised to attend the Pumicestone Catchment Convergence 2021: Insights for a Healthy Future conference.
2. That the Chief Executive Officer arrange for officer attendance at this conference as appropriate.

REPORT DETAIL

1. Background

Advice has been received that the Pumicestone Catchment Convergence 2021: Insights for a Healthy Future conference will be held at the USC Auditorium, University of the Sunshine Coast, and online, from Tuesday 16 to Thursday 18 February 2021. Councillor Brooke Savige has expressed an interest in attending this conference.

2. Explanation of Item

The Pumicestone Catchment Convergence 2021: Insights for a Healthy Future conference will discuss topics for a healthy future of the Pumicestone Passage and its catchment including:

- Traditional Owner knowledge;
- Terrestrial and marine habitats and species;
- Climate impacts and adaptations;
- Agriculture knowledge and science;
- Community stewardship and knowledge;
- Sustainable development;

3. Strategic Implications

- 3.1 Legislative / Legal Implications Nil identified
- 3.2 Corporate Plan / Operational Plan
Valuing Lifestyle: Healthy natural environment - a clean and healthy environment.
- 3.3 Policy Implications
Arrangements will be made in accordance with Council's Professional Development Policy 2150-089.
- 3.4 Risk Management Implications Nil identified
- 3.5 Delegated Authority Implications Nil identified
- 3.6 Financial Implications
Appropriate funds have been provided in the 2020/21 budget.
- 3.7 Economic Benefit Implications Nil identified
- 3.8 Environmental Implications
Topics associated with the conference will address a range of environmental issues relevant to a local government context.
- 3.9 Social Implications
Topics associated with the conference will address a range of social issues relevant to a local government context.

*ITEM 1.2 PUMICESTONE CATCHMENT CONVERGENCE 2021: INSIGHTS FOR A HEALTHY FUTURE
CONFERENCE - 61250565 (Cont.)*

3.10 Human Rights Implications Nil identified

3.11 Consultation / Communication
Consultation was undertaken with Councillors, the Chief Executive Officer and Directors.

2 INFRASTRUCTURE PLANNING SESSION

(Cr A Hain)

No items for consideration.

3 ENGINEERING, CONSTRUCTION & MAINTENANCE SESSION

(Cr B Savige)

ITEM 3.1

MORAYFIELD - OAKEY FLAT ROAD (ASHBROOK TO LAKEVIEW) - ROAD AND INTERSECTION UPGRADE (NBN RELOCATION)

Meeting / Session: 3 ENGINEERING, CONSTRUCTION & MAINTENANCE
Reference: 61221873 : 6 January 2021
Responsible Officer: RS, Senior Project Manager (ECM Project Management)

Executive Summary

This report seeks Council approval to enter into a contract with NBN Co Limited ('NBN') for the relocation of its telecommunications network in Oakey Flat Road, Morayfield as part of the broader '*Morayfield - Oakey Flat Road, (Ashbrook to Lakeview) - Road and Intersection Upgrade*' project. NBN is the owner of this network and has provided an estimate for the works.

This matter is reported to Council as section 235(a) of the Local Government Regulation 2012 requires Council resolution regarding sole supplier arrangements.

RESOLUTION

Moved by Cr Tony Latter

Seconded by Cr Mick Gillam

CARRIED 12/0

1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that NBN Co Limited ('NBN') is the only supplier who is reasonably available to undertake the relocation of the NBN network on Oakey Flat Road, Morayfield, as described in this report.
2. That the Council enters into an agreement with NBN Co Limited as described in this report for the estimated sum of \$448,325.45 (excluding GST) as per the NBN estimate to engage NBN to complete these relocation works.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with NBN Co Limited for relocation of the NBN network on Oakey Flat Road, Morayfield, as described in this report, and any required variations of the agreement on Council's behalf.

ITEM 3.1 MORAYFIELD - Oakey Flat Road (Ashbrook to Lakeview) - Road and Intersection Upgrade (NBN Relocation) - 61221873 (Cont.)

OFFICER'S RECOMMENDATION

1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that NBN Co Limited ('NBN') is the only supplier who is reasonably available to undertake the relocation of the NBN network on Oakey Flat Road, Morayfield, as described in this report.
2. That the Council enters into an agreement with NBN Co Limited as described in this report for the estimated sum of \$448,325.45 (excluding GST) as per the NBN estimate to engage NBN to complete these relocation works.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with NBN Co Limited for relocation of the NBN network on Oakey Flat Road, Morayfield, as described in this report, and any required variations of the agreement on Council's behalf.

REPORT DETAIL

1. Background

The broader project is located on Oakey Flat Road, between Ashbrook Drive and south of Lakeview Road, Morayfield (Division 12). The broader project scope includes road widening and duplication of Oakey Flat Road and improvements at intersections along the Oakey Flat road corridor and provision of facilities to cater for future public transport needs.

The overall project scope was outlined in the construction tender report considered by Council on 19 August 2020 including service relocations by Energex, Telstra, Unitywater and NBN.

The following resolution appears on Minute Page 20/1542 of the General Meeting of Council held 19 August 2020:

RESOLUTION

1. That the tender for the 'Morayfield - Oakey Flat Road, (Ashbrook to Lakeview) - Road and Intersection Upgrade (MBRC009897)' project be awarded to Hazell Bros (QLD) Pty Ltd for the sum of \$6,792,663.58 (excluding GST).
2. That the Council enters into an agreement with Hazell Bros (QLD) Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Hazell Bros (QLD) Pty Ltd for 'Morayfield - Oakey Flat Road, (Ashbrook to Lakeview) - Road and Intersection Upgrade (MBRC009897)' project and any required variations of the agreement on Council's behalf.
4. That the allocation of \$2,500,000 for the project in the 2021-22 financial year be reduced by \$1,500,000 to \$1,000,000 to complete the project.

The NBN relocation scope has been updated since the council report on 19 August 2020 and is the subject of this report. The NBN scope of works includes:

- Installing new fibre cabling through the revised conduit route;
- Installing new copper cabling through the revised conduit route;
- Installing a new NBN node cabinet;
- Installing power supply to the NBN node cabinet;
- Proving, hauling, jointing, splicing and testing the replacement fibre and copper cables;
- Installing telecommunications pits and conduit, as required;

ITEM 3.1 MORAYFIELD - OAKEY FLAT ROAD (ASHBROOK TO LAKEVIEW) - ROAD AND INTERSECTION UPGRADE (NBN RELOCATION) - 6122 1873 (Cont.)

- Recovering, removing and disposing of the replaced sections of fibre, copper and network equipment; and
- All labour and materials required as part of the work.

The broader road construction project commenced on 7 December 2020 and is expected to take approximately 27 weeks to complete, including three weeks allowance for wet weather. The NBN works will be completed under the supervision of the principal project contractor.



Figure 1 - Project Locality Plan

2. Explanation of Item

The NBN telecommunications network is required to be relocated along Oakey Flat Road as part of the broader 'Morayfield - Oakey Flat Road, (Ashbrook to Lakeview) - Road and Intersection Upgrade' project.

As NBN is the asset owner, only NBN is permitted to design and undertake the relocation of its network. This relocation work is necessary to facilitate the Oakey Flat Road upgrade project.

NBN has now provided its estimate for the works based upon Council's design plans. The estimated cost of the NBN relocation is \$448,325.45 (excluding GST). Council will be required to fund the cost of the works and to sign the NBN Agreement to engage NBN to complete these relocation works.

3. Strategic Implications

3.1 Legislative / Legal Implications

Under the Local Government Regulation 2012, Council cannot enter into a large sized contractual arrangement without first inviting written tenders for the contract, unless an exception is applicable. Under section 235(a) of the Local Government Regulation, Council can enter into a large sized contractual arrangement without first inviting tenders if it resolves that it is satisfied there is only one supplier who is reasonably available. NBN is the asset owner and only NBN is permitted to design and undertake the relocation of its network.

Council's legal section has reviewed the NBN agreement and is satisfied with the arrangement.

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Diverse transport options - an integrated regional transport network.

ITEM 3.1 MORAYFIELD - OAKEY FLAT ROAD (ASHBROOK TO LAKEVIEW) - ROAD AND INTERSECTION UPGRADE (NBN RELOCATION) - 61221873 (Cont.)

3.3 Policy Implications

This contract has been procured in accordance with the provisions of the following documents:

- Council's Procurement Policy 2150-006
- Local Government Act 2009
- Local Government Regulation 2012 Chapter 6.

3.4 Risk Management Implications

The project risk has been assessed and the following issues identified. The manner in which the possible impact of these risks are minimised is detailed below.

Construction Risks:

- a. Traffic Management - NBN will undertake its network relocations during the broader road upgrade project in conjunction with the Telstra relocations and under the principal contractor's traffic management plan.
- b. Delays in NBN mobilisation - the principal contractor for the broader road upgrade project has submitted a construction program which allows for relocation works to be scheduled.
- c. There are no Development Assessment impacts related to this project.
- d. NBN have not identified any Covid19 related impacts which will affect the delivery of this project.

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications

Council has allocated \$8,500,000 in the 20-21 FY and a further \$1,000,000 in the 21-22 FY for construction for the broader project. All financial information below is excluding GST.

Tender Price (Road Construction awarded 19 August 20)	\$ 6,792,663.58
Contingency (15%)	\$ 1,018,899.54
QLeave (0.575%)	\$ 39,057.82
Unitywater Relocations	\$ 176,810.00
Energex Relocations	\$ 516,646.36
Telstra Relocations	\$ 150,302.09
NBN Relocations (this contract)	\$ 448,325.45

Total Project Cost	\$ 9,142,704.84
	=====

There are no ongoing operational/maintenance costs associated with these works. The asset is operated and maintained by NBN Co.

The budget amount for this component of the project is sufficient.

3.7 Economic Benefit Implications

The relocation of the NBN network will allow completion of the road and intersection upgrade project. The broader project will supplement capacity improvements created by the recent construction of the Walkers Road and Oakey Flat Road intersection upgrade to accommodate future traffic volumes and provide pedestrian/cyclist connectivity.

3.8 Environmental Implications

An Environmental Management Plan has been submitted by the road works principal contractor detailing how the surrounding area will be protected during construction, and how sediment run-off will be managed. NBN will be working under this plan.

ITEM 3.1 MORAYFIELD - OAKEY FLAT ROAD (ASHBROOK TO LAKEVIEW) - ROAD AND INTERSECTION UPGRADE (NBN RELOCATION) - 61221873 (Cont.)

3.9 Social Implications

The broader upgrade project will provide an improved road surface with increased turn lanes to reduce traffic delays. The upgrade, once will complete will introduce new benefits to the local community, not least being safer intersections and improved pedestrian and cycling facilities.

3.10 Human Rights Implications Nil identified

3.11 Consultation / Communication

A detailed communication management plan has been prepared for the broader road works project. Communication strategies include project notices issued four weeks prior to the commencement of works, project signs displayed on site four weeks prior to construction, variable message boards (VMS Boards) deployed on site two weeks prior to construction and continuing for the duration of the project. Construction updates for affected residents to be provided two days in advance of relevant works commencing. Weekly e-mail updates to the Divisional Councillor, and regular project updates on the Council website. The Divisional Councillor has been consulted and is supportive of the overall project as noted in the council report to award the road works construction tender dated 19 August 2020. The Divisional Councillor has been consulted in relation to these NBN relocation requirements and is supportive of the works.

**ITEM 3.2
MORAYFIELD - GRAHAM ROAD - ROAD AND INTERSECTION UPGRADE
(SERVICE RELOCATION)**

Meeting / Session: 3 ENGINEERING, CONSTRUCTION & MAINTENANCE
Reference: 61221648 : 7 January 2021
Responsible Officer: HM, Senior Project Manager (ECM Project Management)

Executive Summary

A quotation was sought from Energex Limited ('Energex') for the construction of non-contestable works (works required to be completed by Energex) for the relocation of existing power and street lighting infrastructure as part of the broader '*Morayfield - Graham Road - Road and Intersection Upgrade*' project.

It is recommended that Council proceed with works as per the quotation contained in the Letter of Offer (WR7433114) from Energex for the sum of \$206,669.38 (excluding GST).

This matter is reported to Council as section 235(a) of the Local Government Regulation 2012 requires Council resolution regarding sole supplier arrangements.

RESOLUTION

Moved by Cr Mark Booth

Seconded by Cr Tony Latter

CARRIED 12/0

1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Energex Limited is the only supplier who is reasonably available to undertake the relocation of existing power and street lighting infrastructure as part of the '*Morayfield - Graham Road - Road and Intersection Upgrade*' project.
2. That Energex Limited's Letter of Offer (WR7433114) for the relocation of electrical power infrastructure, as part of the broader '*Morayfield - Graham Road - Road and Intersection Upgrade*' project, for the sum of \$206,669.38 (excluding GST) be accepted.
3. That the Council enters into an agreement with Energex Limited as described in this report.
4. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Energex Limited for works described in the Letter of Offer (WR7433114) and any required variations of the agreement on Council's behalf.

ITEM 3.2 MORAYFIELD - GRAHAM ROAD - ROAD AND INTERSECTION UPGRADE (SERVICE RELOCATION) - 61221648 (Cont.)

OFFICER'S RECOMMENDATION

1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Energex Limited is the only supplier who is reasonably available to undertake the relocation of existing power and street lighting infrastructure as part of the *'Morayfield - Graham Road - Road and Intersection Upgrade'* project.
2. That Energex Limited's Letter of Offer (WR7433114) for the relocation of electrical power infrastructure, as part of the broader *'Morayfield - Graham Road - Road and Intersection Upgrade'* project, for the sum of \$206,669.38 (excluding GST) be accepted.
3. That the Council enters into an agreement with Energex Limited as described in this report.
4. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Energex Limited for works described in the Letter of Offer (WR7433114) and any required variations of the agreement on Council's behalf.

REPORT DETAIL

1. Background

The broader *'Morayfield - Graham Road - Road and Intersection Upgrade'* project is located on a 500-metre section of Graham Road, between Hargrave Street and Lomandra Drive, Morayfield. The broader project includes the upgrade of Graham Road to a four-lane carriageway, the upgrade of Morayfield East State School car park and the signalisation of the intersections of Graham Road and Laver Street, Graham Road and Glenwood Drive. The project is being delivered with *'Morayfield - Graham Road/Lomandra Drive - Intersection Upgrade - Blackspot Project'* which involves the signalisation of the intersection of Graham Road and Lomandra Drive.

Energex's Letter of Offer (WR7433114) includes the construction of non-contestable works (works required to be completed by Energex) for the relocation of existing power and street lighting infrastructure as part of the *'Morayfield - Graham Road - Road and Intersection Upgrade'* project. The commencement of works is dependent on Energex formally programming the works upon receipt of approval from Council. Energex has indicated that the construction would commence eleven weeks from the date of issue for construction and the construction duration would be no longer than two weeks.

ITEM 3.2 MORAYFIELD - GRAHAM ROAD - ROAD AND INTERSECTION UPGRADE (SERVICE RELOCATION) - 61221648 (Cont.)

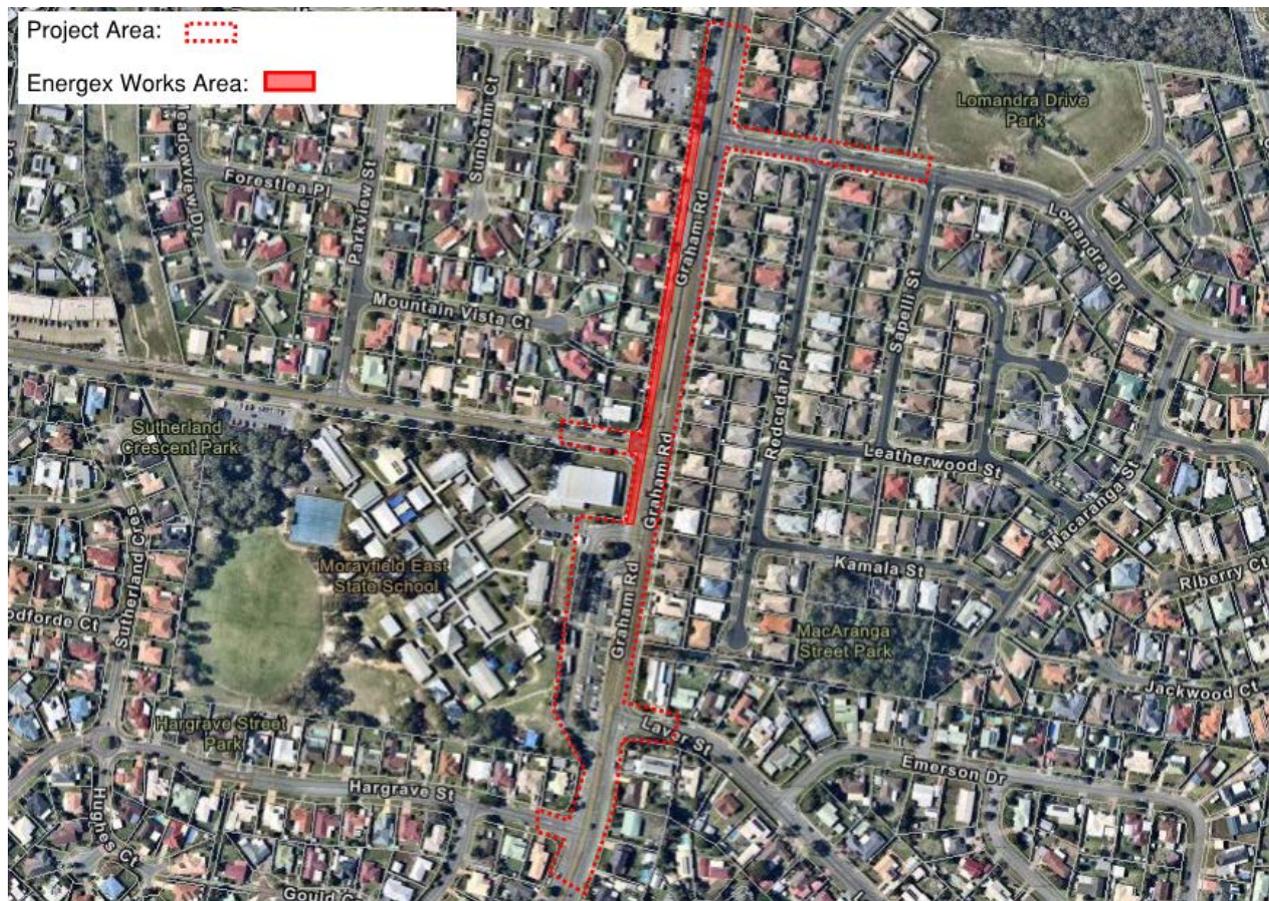


Figure 1 - Project location and extent of Energex works area

2. Explanation of Item

A quotation was sought from Energex for the relocation of existing power and street lighting infrastructure as part of the broader 'Morayfield - Graham Road - Road and Intersection Upgrade' project. Energex provided a Letter of Offer (WR7433114) for the construction of the required works for the sum of \$206,669.38 (excluding GST). The works are considered non-contestable works by Energex, therefore only Energex can undertake the works.

3. Strategic Implications

3.1 Legislative / Legal Implications

Under the Local Government Regulation 2012, Council cannot enter into a large sized contractual arrangement without first inviting written tenders for the contract, unless an exception is applicable. Under section 235(a) of the Local Government Regulation, Council can enter into a large sized contractual arrangement without first inviting tenders if it resolves that it is satisfied there is only one supplier who is reasonably available. Works or modifications to existing Energex assets are required to be done by Energex.

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Diverse transport options - an integrated regional transport network.

ITEM 3.2 MORAYFIELD - GRAHAM ROAD - ROAD AND INTERSECTION UPGRADE (SERVICE RELOCATION) - 61221648 (Cont.)

3.11 Consultation / Communication

A detailed communications plan has been prepared. Variable message boards will be in place and project notices and project signs will be distributed two weeks prior to commencement. Weekly project updates via email will be provided to the Divisional Councillor who has been consulted and is supportive of the project.

4 PLANNING SESSION

(Cr D Grimwade)

No items for consideration.

5 COMMUNITY & ENVIRONMENTAL SERVICES SESSION

(Cr M Gillam)

ITEM 5.1

PROPOSED LEASE FOR SHELTER SHED - BELLTHORPE HALL TENNIS COURT

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES
Reference: 61235149 : 4 December 2020 - **Refer Supporting Information 61235148**
Responsible Officer: AS, Manager Property Services (CES Property & Commercial Services)

Executive Summary

The purpose of this report is to seek Council's approval to enter into a lease for the purposes of repairing and maintaining the shelter shed located at the Bellthorpe Hall Tennis Court.

RESOLUTION

Moved by Cr Tony Latter

Seconded by Cr Sandra Ruck

CARRIED 12/0

1. That Council resolves to enter into a lease of part of the land located at 8 Bellthorpe West Road, Bellthorpe, QLD 4514, (Lot 147 on SP227527) (Land), as described in this report.
2. That the Chief Executive Officer be authorised to take all action necessary including but not limited to, negotiating, making, amending, signing and discharging the lease on the Council's behalf, as described in this report.

ITEM 5.1 PROPOSED LEASE FOR SHELTER SHED - BELLTHORPE HALL TENNIS COURT - 61235149 (Cont.)

OFFICER'S RECOMMENDATION

1. That Council resolves to enter into a lease of part of the land located at 8 Bellthorpe West Road, Bellthorpe, QLD 4514, (Lot 147 on SP227527) (**Land**), as described in this report.
2. That the Chief Executive Officer be authorised to take all action necessary including but not limited to, negotiating, making, amending, signing and discharging the lease on the Council's behalf, as described in this report.

REPORT DETAIL

1. Background

The shelter shed at the Bellthorpe Hall Tennis Court (Lot 59 on CP902785) has recognised historical value and requires structural repairs and ongoing maintenance.

To undertake the repairs to the shelter shed, a low height retaining wall is required to be constructed at the rear of the structure to protect it from further groundwater impact. As the rear wall of the shelter shed is located on the boundary of the Council land, the works will need to be constructed on the adjacent land. The aerial overview (*refer Supporting Information #1*) shows the location of the shelter shed in relation to the adjoining land and the Tennis Court.

2. Explanation of Item

The owner of the adjoining land has agreed to grant a lease to Council over 7m² of land, to allow for the construction and future maintenance of a retaining wall.

The lease is required to provide Council with access to construct the retaining wall, as well as provide security of tenure for maintenance purposes once completed. The lease terms have been negotiated and agreed by the parties and a copy of the lease signed by the lessor has been received by Council.

Council officers seek a resolution to enter into the lease on the following agreed terms:

Core Term	Description
Lessee	Moreton Bay Regional Council
Lessor	Edwin Joseph Abercrombie
Commencement Date	16 November 2020
Expiry Date	15 November 2030
Option	NA
Commencing annual gross rent	\$1.00 on demand
Lease Area	7m ²

The proposed lease area is shown on the sketch plan at Supporting Information #2.

3. Strategic Implications

- 3.1 Legislative / Legal Implications Nil identified
- 3.2 Corporate Plan / Operational Plan
Creating Opportunities: Well-planned growth - a sustainable and well-planned community.
- 3.3 Policy Implications Nil identified
- 3.4 Risk Management Implications Nil identified

ITEM 5.1 PROPOSED LEASE FOR SHELTER SHED - BELLTHORPE HALL TENNIS COURT - 61235149 (Cont.)

3.5 Delegated Authority Implications

As per recommendation 2 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary to execute the lease.

3.6 Financial Implications Nil identified

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

3.9 Social Implications

The Tennis Court is an integral part of the social and cultural landscape of the Bellthorpe community and region.

3.10 Human Rights Implications

Under the *Human Rights Act 2019 (Qld)*, Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Council's decision in this circumstance may affect a person's property rights. Officers consider that Council's decision in this circumstance (if it reflects the officer's recommendation) is compatible with (and does not limit) a person's property rights because the lease is being entered into after negotiations and by consent of both parties.

3.11 Consultation / Communication

Councillor for Division 12
Deputy CEO
Manager Community Services, Sport and Recreation

ITEM 5.2 ANIMAL ATTACKS - COMMENCEMENT OF PROSECUTION

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES
Reference: 61238308 : 11 January 2020 - Refer **Confidential** Supporting Information
61238452
Responsible Officer: SK, Manager Customer Response (CES Customer Response Services)

Executive Summary

The *Animal Management (Dogs and Cats) Act 2008* provides that it is an offence for a person to fail to take reasonable steps to ensure a dog does not attack. Council is the responsible agency for enforcement and regulation under the Act and as such has a responsibility to take enforcement action when breaches are identified.

Council's approval is sought for the commencement of three prosecutions in the Magistrates Court against different individuals for what Council officers allege to be offences under the *Animal Management (Cats and Dogs Act 2008* (the 'AM Act') and the Moreton Bay Regional Council Local Law No. 2 (Animal Management) 20021 ('Local Law 2').

The matters have been reviewed and assessed in preparation for court.

The supporting information contains a table of the alleged offences and appears in a similar format to the table included in Section 2 of this Report. However, the supporting information also contains the Customer Request numbers related to the alleged offences. This information may be used to identify the alleged offenders and for this reason the information is confidential to Council.

RESOLUTION

Moved by Cr Karl Winchester

Seconded by Cr Jodie Shipway

CARRIED 12/0

1. That Council authorise the Chief Executive Officer to commence prosecutions in the Magistrates Court for each of the matters described in this report, for what Council officers allege to be offences under the *Animal Management (Cats and Dogs) Act 2008* and Local Law No 2 (Animal Management).
2. That the prosecutions described in recommendation 1 be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

ITEM 5.2 ANIMAL ATTACKS - COMMENCEMENT OF PROSECUTION - Confidential Supporting Information (Cont.)

OFFICER'S RECOMMENDATION

1. That Council authorise the Chief Executive Officer to commence prosecutions in the Magistrates Court for each of the matters described in this report, for what Council officers allege to be offences under the *Animal Management (Cats and Dogs) Act 2008* and Local Law No 2 (Animal Management).
2. That the prosecutions described in recommendation 1 be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

REPORT DETAIL

1. Background

The *Animal Management (Cats and Dogs) Act 2008* provides the legal and procedural framework for the administration, implementation and enforcement of animal ownership and management practices.

Investigations have been conducted in relation to several dog attacks where the investigating officer has recommended prosecution as a means of enforcement. It is considered appropriate, and in the public interest, to progress these matters to the Magistrates Court. A summary of facts has been drafted in preparation and the matters have been reviewed to ensure there is sufficiency of evidence to prove the offences and provide a successful outcome for Council.

2. Explanation of Item

The improper keeping of animals presents a risk within the community. An opportunity exists in each of these matters for Council to take enforcement action against the responsible person for keeping a dog improperly and, in doing so, encourage both individual and community compliance under the AM Act and Local Law 2.

Given the seriousness of the attacks in these matters, and that the most serious of the charges can only be enforced against by prosecution, Council officers consider this to be the most appropriate action.

The table below outlines the alleged offences for each matter. Additionally, the Customer Request numbers related to these offences are detailed in Confidential Supporting Information #1.

Summary of charges	
Matter 1	Charge 1 - A person has knowingly provided false or misleading information. Charge 2 - Permit condition breach for Dangerous Dog - Enclosure gate not childproof Charge 3 - Permit condition breach for Dangerous Dog - Dog not muzzled in public Charge 4 - Responsible person failing to ensure dog does not attack another animal causing death or grievous bodily harm
Matter 2	Charge 1 - Responsible person failing to ensure dog does not attack another animal causing death or grievous bodily harm
Matter 3	Charge 1 - Responsible person failing to ensure dog does not attack another animal causing death or grievous bodily harm Charge 2 - Responsible person failing to ensure the animal is not in a public space unless under effective control

ITEM 5.2 ANIMAL ATTACKS - COMMENCEMENT OF PROSECUTION - Confidential Supporting Information (Cont.)

3. Strategic Implications

3.1 Legislative / Legal Implications

Prosecutions would be commenced in the Magistrates Court against each of the individuals who were, at the material time, the responsible person for each of the dogs involved in these matters for offences under the AM Act and Local Law 2.

Section 237(2) of the *Local Government Act 2009* provides that 'a local government may start proceeding under the *Justices Act 1886* in the name of a local government employee who is a public officer within the meaning of that Act'. The Chief Executive Officer falls within that definition and there are a number of advantages in commencing a prosecution in the name of the employee as opposed to the Council itself, in particular some degree of protection in relation to costs and the ability to deal with the matter should the defendant fail to appear.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

Nil identified

3.4 Risk Management Implications

The statutory schemes established by the AM Act and Local Law 2 rely on Council to investigate, monitor and enforce the offences against those laws. While taking enforcement action here is discretionary, there is a statutory and community expectation that Council fulfils its role within the statutory scheme. The matters have been reviewed and assessed in preparation for court.

3.5 Delegated Authority Implications

Nil identified

3.6 Financial Implications

Legal and court costs associated with the commencement of legal proceedings, including court filing fees will be met through existing budget allocations. The matters will be handled by Council's Brief Management and Prosecutions Coordinator through to the Magistrates Court therefore no external fees will be applicable.

3.7 Economic Benefit Implications

Nil identified

3.8 Environmental Implications

Nil identified

3.9 Social Implications

Approved commencement of court proceedings has been proven to establish broader understanding of inadequate and unsafe animal management practices and build community confidence in Council effectively regulating offending animals and animal owners.

3.10 Human Rights Implications

Under the *Human Rights Act 2019 (Qld)*, Council must not make a decision which is incompatible with a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. Council officers consider that Council's decision in this circumstance is compatible with a person's human rights because any person against whom prosecution proceedings are commenced will have the right to a fair hearing.

3.11 Consultation / Communication

Director Community and Environmental Services
Legal Services

ITEM 5.3
SYSTEMATIC INSPECTION PROGRAM - REGULATED DOGS

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES
Reference: 61242003 : 27 November 2020
Responsible Officer: SK, Manager Customer Response (CES Customer Response)

Executive Summary

The *Animal Management (Cats and Dogs) Act 2008* (the Act) requires local governments to effectively manage regulated dogs within their boundaries. To keep a regulated dog an animal owner must adhere to mandatory conditions. Council conducts a proactive inspection program to monitor adherence with these conditions and reduce the risk posed by these animals.

Council's approval is being sought for the conduct of a systematic inspection program within the Moreton Bay Regional Council area in 2020/21 to monitor compliance with the mandatory conditions for the keeping of regulated dogs in accordance with the Act.

The 2020/21 Systematic Inspection Program - Regulated Dogs is proposed to be conducted between 1 April 2021 and 30 June 2021.

RESOLUTION

Moved by Cr Jodie Shipway

Seconded by Cr Sandra Ruck

CARRIED 12/0

That pursuant to section 113 of the *Animal Management (Cats and Dogs) Act 2008* (Act), Council resolves to approve a systematic inspection program to permit authorised persons to enter and inspect all properties in Council's local government area where a regulated dog register (kept pursuant to the Act) indicates a regulated dog is being kept, to ensure that the Act is being complied with, commencing on 1 April 2021 and concluding on 30 June 2021.

ITEM 5.3 SYSTEMATIC INSPECTION PROGRAM - REGULATED DOGS - 61242003 (Cont.)

OFFICER'S RECOMMENDATION

That pursuant to section 113 of the *Animal Management (Cats and Dogs) Act 2008* (Act), Council resolves to approve a systematic inspection program to permit authorised persons to enter and inspect all properties in Council's local government area where a regulated dog register (kept pursuant to the Act) indicates a regulated dog is being kept, to ensure that the Act is being complied with, commencing on 1 April 2021 and concluding on 30 June 2021.

REPORT DETAIL

1. Background

The *Animal Management (Cats and Dogs) Act 2008* requires local governments to effectively manage regulated dogs within their boundaries. Council undertakes investigations of dog attacks on an animal or person and can declare dogs to be regulated dogs in accordance with the Act.

There are three categories of regulated dogs as defined under the Act:

- Declared dangerous dog
- Declared menacing dog and
- Restricted dog.

Once declared a regulated dog, the animal's owner must adhere to mandatory conditions as outlined in the Act. To ensure compliance with these conditions, Council conducts a proactive inspection program to monitor adherence with the conditions and reduce the risk posed by these animals. Annual inspections can only occur if Council approves, by resolution, a systematic inspection program.

An approved inspection program:

- ensures Council meets its obligations under the Act for the regulation of declared dogs
- provides authorised persons with the power to enter private premises to monitor compliance by the dog owner with the mandatory conditions for keeping a regulated dog
- provides the opportunity to reinforce to dog owners the importance of responsible pet ownership
- reduces the potential for dog owner complacency
- promotes community safety.

Failure by owners to maintain compliance could lead to further dog attacks in the community.

2. Explanation of Item

Council's authorised persons will commence the approved systematic inspection program on 1 April 2021. Properties will be identified from the Regulated Dog Register and will be inspected for compliance with the mandatory conditions for the keeping of a regulated dog.

Due to the potential risk for regulated dogs not being kept in accordance with the mandatory conditions of the declaration, the Act provides considerable powers to authorised persons to require compliance. Where an animal owner has failed to comply with the mandatory conditions for keeping a regulated dog, Council may in accordance with the Act:

- Issue an on-the-spot fine under the Act (\$934)
- Issue a compliance notice outlining the mandatory conditions which require attention
- Where an officer deems the dog may be a risk to the community, officers may seize a regulated dog (section 125 of the Act)
- Where an officer reasonably believes the dog is dangerous and the person cannot control it, they may seize the regulated dog and issue a destruction notice (section 127 of the Act)
- Undertake further legal action such as prosecution through the Magistrates Court. The maximum penalty for failure to comply with conditions for keeping a regulated dog is 75 penalty units (\$10,008).

ITEM 5.3 SYSTEMATIC INSPECTION PROGRAM - REGULATED DOGS - 61242003 (Cont.)

Council must provide notice of the systematic inspection program at least 14 days, but not more than 28 days before an approved inspection program starts. A letter will be sent to all regulated dog owners advising of the upcoming inspection program with a follow up phone call prior to program commencement.

The 2020/21 Systematic Inspection Program - Regulated Dogs is proposed to be conducted between 1 April 2021 to 30 June 2021. All regulated dogs listed on the Regulated Dog Register will be subject to the 2020/21 inspection program within the Moreton Bay Regional Council boundaries.

3. Strategic Implications

3.1 Legislative / Legal Implications

Section 113 of the Act (approval of an inspection program authorising entry) provides the power for a local government to pass a resolution to approve a program under which an authorised person may enter a place to monitor compliance with the Act.

3.2 Corporate Plan / Operational Plan

Strengthening Communities: Safe neighbourhoods - a safe and resilient community.

3.3 Policy Implications

Nil identified

3.4 Risk Management Implications

Council is empowered under the Act to protect the community from damage or injury, or risk of damage or injury, from particular types of dogs called 'regulated dogs' and may take steps to ensure the dogs are:

- (i) Not a risk to community health or safety and
- (ii) Controlled and kept in a way consistent with community expectations and the rights of individuals.

An approved systematic inspection program allows Council to proactively monitor and ensure animal owners are adhering to the conditions for keeping a regulated dog. These conditions are in place to reduce the risk posed by these animals.

3.5 Delegated Authority Implications

Local Laws officers are provided with the required delegations and authorisations to lawfully perform the inspection program.

3.6 Financial Implications

Nil identified

3.7 Economic Benefit Implications

Nil identified

3.8 Environmental Implications

Nil identified

3.9 Social Implications

Nil identified

3.10 Human Rights Implications

Under the Human Rights Act 2019 (Qld), Council must not make a decision which is incompatible with a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human rights implications relevant to Council's decision.

3.11 Consultation / Communication

Director Community and Environmental Services
Legal Services

6 FINANCE & CORPORATE SERVICES SESSION

(Cr M Constance)

No items for consideration.

12. NOTIFIED GENERAL BUSINESS ITEMS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE

There were no General Business items for discussion.

13. CLOSED SESSION

(s254J of the Local Government Regulation 2012)

Consideration of confidential officers' reports as referred by the Chief Executive Officer and confidential general business matters as raised at the meeting.

CLOSED SESSION

RESOLUTION

Moved by Cr Karl Winchester

Seconded by Cr Mick Gillam

CARRIED 12/0

That Council move into closed session pursuant to the provisions of s254J of the Local Government Regulation 2012 to discuss Item C.1.

The closed session commenced at 10.19am (livestreaming paused).

OPEN SESSION

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Mark Booth

CARRIED 12/0

That Council resume in open session and that the following motions be considered.

The open session (livestreaming) resumed at 10.21am.

13a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL

ITEM C.1 – CONFIDENTIAL

PROPOSED LAND ACQUISITION - NARANGBA - FUTURE ROAD UPGRADE

Meeting / Session: 2 INFRASTRUCTURE PLANNING

Reference: 61221455 : 11 January 2021 - Refer **Confidential Supporting Information 61221454**

Responsible Officer: PT, Engineer - Integrated Transport Planning (IP Integrated Transport Planning)

Basis of Confidentiality

Pursuant to s254J(3) of the Local Government Regulation 2012, clause (h), as the matter involves negotiations relating to the taking of land by the local government under the Acquisition of Land Act 1967.

Executive Summary

This report seeks Council's approval to proceed to acquire land to facilitate the provision of a future road upgrade.

RESOLUTION

Moved by Cr Darren Grimwade

Seconded by Cr Denise Sims (Deputy Mayor)

CARRIED 12/0

1. That Council delegates to the Chief Executive Officer the power to negotiate and finalise the purchase of the properties described in this confidential report (Land).
2. That failing a negotiated purchase of the Land on terms satisfactory to the Chief Executive Officer, Council delegates the power to the Chief Executive Officer to take the Land for road purposes by way of compulsory acquisition in accordance with the requirements of the *Acquisition of Land Act 1967* (Act) which includes, without limitation, the power to prepare, serve and amend a notice of intention to resume.
3. If no objections are received, Council delegates the power to the Chief Executive Officer to make an application to the Minister for Natural Resources, Mines and Energy to take the Land under section 9 of the Act.
4. That Council delegates authority to the Chief Executive Officer to settle the claims for compensation if the Land is compulsorily acquired; and
5. That Council authorises the Chief Executive Officer to do all other things that are necessary to give effect to the taking of the Land.

13b. CONFIDENTIAL GENERAL BUSINESS

No items for consideration.

14. CLOSURE

There being no further business the Chairperson closed the meeting at 10.23am.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 21/1 to 21/36 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 20 January 2021.

Greg Chemello
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Wednesday 3 February 2021.

Greg Chemello
Chief Executive Officer

Councillor Peter Flannery
Mayor