



MINUTES

GENERAL MEETING

Wednesday 17 March 2021

commencing at 9.35am

Strathpine Chambers
220 Gympie Road, Strathpine

Membership = 13
Mayor and all Councillors

Quorum = 7

ENDORSED GM20210331

5. CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

General Meeting - 17 March 2021 (Pages 21/157 to 21/201)

RESOLUTION

Moved by Cr Karl Winchester

Seconded by Cr Tony Latter

CARRIED 12/0

That the minutes of the General Meeting held 17 March 2021, be confirmed.

LIST OF ITEMS

1.	ACKNOWLEDGEMENT OF COUNTRY	157
2.	OPENING PRAYER / REFLECTION	157
3.	ATTENDANCE & APOLOGIES	157
4.	MEMORIALS OR CONDOLENCES	158
5.	CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING	158
	General Meeting - 3 March 2021 (Pages 21/114 - 21/156)	158
	RESOLUTION	
6.	PRESENTATION OF PETITIONS	158
	<i>(Addressed to the Council and tabled by Councillors)</i>	
7.	CORRESPONDENCE	158
8.	COMMUNITY COMMENT	158
9.	NOTICES OF MOTION (Repeal or amendment of resolutions)	159
	<i>(s262 of the Local Government Regulation 2012)</i>	
10.	CONFLICTS OF INTEREST NOTIFIED TO THE CEO	159
	10.1. Declarable Conflict of Interest - Cr Darren Grimwade	
11.	OFFICERS' REPORTS TO COUNCIL (conducted in Sessions)	159
	<i>(as referred by the Chief Executive Officer)</i>	
	1 GOVERNANCE & ENGAGEMENT SESSION (Cr P Flannery, Mayor)	160
	ITEM 1.1	160
	FOREIGN ARRANGEMENTS SCHEME	
	RESOLUTION	
	REPORT DETAIL	
	ITEM 1.2 - DECLARATION OF INTEREST	164
	<i>Conflict of Interest (Previously Notified) - Cr Darren Grimwade - matters relating to Expressions of Interest (EOI) for Destination Management, Economic Development & Events</i>	164
	ITEM 1.2	164
	DESTINATION MANAGEMENT, ECONOMIC DEVELOPMENT AND EVENTS	
	EXPRESSION OF INTEREST	
	RESOLUTION	
	REPORT DETAIL	
	2 INFRASTRUCTURE PLANNING SESSION (Cr A Hain)	170
	ITEM 2.1	170
	FLOOD MANAGEMENT DEVICES PORTFOLIO ASSET MANAGEMENT PLAN	
	RESOLUTION	

REPORT DETAIL

ITEM 2.2 178

BANKSIA BEACH - PACIFIC HARBOUR - MAINTENANCE DREDGING

RESOLUTION

REPORT DETAIL

3 ENGINEERING, CONSTRUCTION & MAINTENANCE SESSION (Cr B Savige) 185

4 PLANNING SESSION (Cr D Grimwade) 185

5 COMMUNITY & ENVIRONMENTAL SERVICES SESSION (Cr M Gillam) 186

ITEM 5.1 186

PROPOSED AMENDMENT TO SUBORDINATE LOCAL LAW NO. 5 (PARKING) 2011

RESOLUTION

REPORT DETAIL

ITEM 5.2 190

INFRINGEMENT NOTICE COURT ELECTIONS

RESOLUTION

REPORT DETAIL

ITEM 5.3 194

COMMENCEMENT OF PROSECUTIONS

RESOLUTION

REPORT DETAIL

6 FINANCE & CORPORATE SERVICES SESSION (Cr M Constance) 198

**12. NOTIFIED GENERAL BUSINESS ITEMS OR RESPONSE TO QUESTIONS
TAKEN ON NOTICE** 198

ITEM 12.1 198

NORTH LAKES GOLF COURSE - PROPOSED REDEVELOPMENT - INDEPENDENT
DETERMINATION UPDATE

ITEM 12.2 198

DEPUTY PREMIER AND MINISTER FOR STATE DEVELOPMENT, INFRASTRUCTURE,
LOCAL GOVERNMENT AND PLANNING - INVITATION TO ATTEND COUNCIL MEETING

RESOLUTION

13. CLOSED SESSION 199

(s254J of the Local Government Regulation 2012)

ITEM C.1 - DECLARATION OF INTEREST 199

Conflict of Interest (Previously Notified) - Cr Darren Grimwade - Telstra Corporation Limited
199

14a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL 200

ITEM C.1 – CONFIDENTIAL 200

PROPOSED LEASE FOR TELECOMMUNICATIONS FACILITY

RESOLUTION

Moreton Bay Regional Council

GENERAL MEETING - 526
17 March 2021

PAGE c
Minutes

ITEM C.2 – CONFIDENTIAL	201
PROPERTY ACQUISITION - KALLANGUR <i>RESOLUTION</i>	
14b. CONFIDENTIAL GENERAL BUSINESS	202
14. CLOSURE	202

Statement - livestreaming

Prior to opening the meeting, Cr Denise Sims (Deputy Mayor), in the absence of the Mayor, advised that this meeting will be live streamed and the video recording of the meeting will be available on the council's website.

Attendees must be aware that incidental capture of an image or sound of persons in the public gallery may occur.

By remaining at the meeting attendees consent to being filmed and the possible use of their image and sound being published in the live streaming and recorded video of this meeting.

1. ACKNOWLEDGEMENT OF COUNTRY

The Deputy Mayor opened the meeting and asked Cr Ruck to provide the Acknowledgement of Country.

2. OPENING PRAYER / REFLECTION

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

3. ATTENDANCE & APOLOGIES

Attendance:

Cr Denise Sims (Deputy Mayor)
Cr Brooke Savige
Cr Mark Booth
Cr Adam Hain
Cr Jodie Shipway
Cr Sandra Ruck
Cr Karl Winchester
Cr Mick Gillam
Cr Cath Tonks
Cr Matt Constance
Cr Darren Grimwade

Officers:

Chief Executive Officer
Director Community & Environmental Services
Director Finance & Corporate Services
Director Infrastructure Planning
Director Planning
Chief Economic Development Officer

(Mr Greg Chemello)
(Mr Bill Halpin)
(Ms Donna Gregory)
(Mr Andrew Ryan)
(Mr David Corkill)
(Mr Paul Martins)

Meeting Support

(Kim Reid)

Apologies:

Cr Peter Flannery (Mayor) attending Council of Mayors delegation in Canberra.
Cr Tony Latter attending Infrastructure Strategy and Resilience Queensland's Plan Conference

4. MEMORIALS OR CONDOLENCES

Cr Mick Gillam made special mention of his second cousin, **Fr Peter Gillam** who passed away recently after a short illness.

Cr Gillam noted that Fr Gillam was ordained in 1962 at Stephen's Cathedral and went onto work in a variety of positions within the Church including one role that lead him to travel overseas to study at St Peter's in Rome.

During Fr Gillam's time as Parish priest at Our Lady Help of Christians in Hendra, he developed a close relationship with the racing fraternity and held a yearly Mass for those associated with racing and was the Racing Chaplain for 30 years. As a sign of respect black armbands were worn by jockeys during race 5 at Brisbane's Eagle Farm last Saturday as the racing industry mourned Cr Gillam's sudden passing.

Cr Gillam said Fr Gillam will be remembered as a humble and caring priest who was well respected and loved by many, especially in the Queensland Horse Racing Community.

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

5. CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

General Meeting - 3 March 2021 (Pages 21/114 - 21/156)

RESOLUTION

Moved by Cr Cath Tonks

Seconded by Cr Sandra Ruck

CARRIED 11/0

That the minutes of the General Meeting held 3 March 2021, be confirmed.

6. PRESENTATION OF PETITIONS

(Addressed to the Council and tabled by Councillors)

There were no petitions for tabling.

7. CORRESPONDENCE

There was no correspondence for tabling.

8. COMMUNITY COMMENT

There were no participants in the Community Comment session for this meeting.

9. NOTICES OF MOTION (Repeal or amendment of resolutions)*(s262 of the Local Government Regulation 2012)*

There were no Notices of Motion for this meeting.

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. Declarable Conflict of Interest - Cr Darren Grimwade**

Cr Darren Grimwade has notified the Chief Executive Officer that pursuant to s150EQ of the *Local Government Act 2009*, he has a declarable conflict of interest in matters relating to development application DA/2021/0494 located at 10 Henderson Road Burpengary QLD 4505, as he is a friend of Mr Robert Comiskey the son of Erica and Paul Comiskey, the owners of the land subject to the application.

Cr Grimwade has indicated he will not participate in decisions relating to DA/2021/0494 including discussion, debate and voting and will elect to leave future meetings.

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
FOREIGN ARRANGEMENTS SCHEME**

Meeting / Session: 1 GOVERNANCE & ENGAGEMENT
Reference: 61232222 : 1 March 2021 **Refer Supporting Information 61585891 & 61585893**
Responsible Officer: MS, Project Officer (CEO Economic Development)

Executive Summary

Australia's Foreign Relations (State and Territory Arrangements) Act 2020 fosters a systematic and consistent approach to foreign engagement across all levels of Australian government. It creates a scheme (the Foreign Arrangements Scheme) to ensure that arrangements between State or Territory Governments and Foreign Government entities do not adversely affect Australia's foreign relations and are not inconsistent with Australia's foreign policy.

Under the scheme, local governments, including Moreton Bay Regional Council, are required to notify the Minister for Foreign Affairs (the Minister) if they enter, or propose to enter, a foreign arrangement (including arrangements already in place as at 10 December 2020).

RESOLUTION

Moved by Matt Constance**Seconded by Cr Karl Winchester****CARRIED 11/0**

That pursuant to section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer all functions and powers under *Australia's Foreign Relations (State and Territory Arrangements) Act 2020* (the Act), as amended from time to time, including, but not limited to, the power to make all required notifications under the Act.

ITEM 1.1 FOREIGN ARRANGEMENTS SCHEME - 61232222 (Cont.)

OFFICER'S RECOMMENDATION

That pursuant to section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer all functions and powers under *Australia's Foreign Relations (State and Territory Arrangements) Act 2020* (the Act), as amended from time to time, including, but not limited to, the power to make all required notifications under the Act.

REPORT DETAIL

1. Background

The Foreign Arrangements Scheme (the scheme) deals with foreign arrangements. These are written arrangements, agreements, contracts, understandings or undertakings between State and Territory entities and foreign entities. They may be legally-binding or not legally-binding.

The scheme provides a process for States and Territories and their entities to notify the Minister of Foreign Affairs (the Minister) if they propose to enter, or enter, a foreign arrangement. It creates obligations in respect of both future arrangements and existing arrangements. It also deals with subsidiary arrangements entered into for the purposes of implementing a foreign arrangement.

Arrangements are notified to the Minister through the online portal.

2. Explanation of Item

The scheme covers Moreton Bay Regional Council as a local government, and also **foreign entities**, including:

- a foreign country, its national government and a department or agency of that national government (core foreign entities); and
- a province, state, self-governing territory, region, local council, municipality or other political subdivision of a foreign country (including its governments, departments, agencies), an authority of a foreign country established for a public purpose, and a foreign university that does not have institutional autonomy (non-core foreign entities).

3. Strategic Implications

All applicable foreign arrangements already in operation, or that will come into operation between 10 December 2020 and 10 June 2021 are required to be submitted to the Minister via the Department of Foreign Affairs and Trade (DFAT) online portal by 10 June 2021. Future applicable foreign arrangements entered into, or proposed to be entered into, after 10 June 2021 must be submitted to the portal within 14 days of their commencement.

Table 1, below, shows those arrangements that have been identified as being applicable under the Act and will therefore be submitted to the online portal for notification to the Minister. Some non-applicable arrangements are also included for information and as example.

Table 1: Identified Foreign Arrangements for submitting as notification to the Minister

Arrangement	Criteria			Applicable for notification to Foreign Minister?
	Pre-existing? (operating on or after 10 Dec 2020)	Applicable foreign entity?	Applicable arrangement?	
Applicable Arrangements				
Sister City Agreement - Moreton Bay Regional Council and Sanyo Onoda city	Yes	Yes	Yes	Yes
Non-applicable Arrangements				
Planning Division project work with MIT Boston NY	No Project is complete	Yes	Yes	No

ITEM 1.1 FOREIGN ARRANGEMENTS SCHEME - 61232222 (Cont.)

More information of the detail to be inserted into DFAT's online portal is contained in the supporting information to this report.

Commencing 10 March 2021, Council will also be required to notify the Minister of a proposal to enter a non-core foreign arrangement.

For clarity, Council will not need to seek *approval* from the Minister for prospective non-core foreign arrangements prior to commencement, rather MBRC is only required to submit notification of intention to enter into negotiations with a foreign entity. The Minister may then make a declaration prohibiting negotiation or entering into a non-core arrangement if satisfied that the negotiation or arrangement would adversely affect Australia's foreign relations or would be inconsistent with Australia's foreign policy.

Should the Minister not be notified of an applicable foreign arrangement by 10 June 2021, that arrangement is then deemed to not be in operation after 10 June 2021.

All arrangements submitted as notification to the Minister will remain on the public register (unless determined to be sensitive in nature and to be excluded from the register).

In summary, applicable foreign arrangements in operation, or coming into operation between 10 December 2020 and 10 June 2021 must be lodged onto DFAT's online portal by 10 June 2021.

All applicable arrangements coming into operation after 10 June 2021 must be lodged onto DFAT's portal within 14 days of their commencement.

Appropriate administrative arrangements have been developed and will be implemented to ensure compliance with the required obligations.

3.1 Legislative / Legal Implications

Under the scheme, Moreton Bay Regional Council (MBRC), as a local government, is classed as a non-core State/Territory entity. As a consequence, all applicable foreign arrangements entered into by Moreton Bay Regional Council are non-core foreign arrangements. This is the case irrespective of the nature of the relevant foreign entity with whom the arrangement is entered into.

All non-core foreign arrangements between MBRC and an applicable foreign entity are required to be submitted as notification to the Minister. For clarity, this is inclusive of: if Council enters, or proposes to enter, a foreign arrangement and all arrangements in place as at 10 December 2020.

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 ☒ Nil identified

3.5 Delegated Authority Implications ☒ Nil identified

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

ITEM 1.1 FOREIGN ARRANGEMENTS SCHEME - 61232222 (Cont.)

3.10 Human Rights Implications ☒ Nil identified

3.11 Consultation / Communication

Council's Legal department have been consulted in the preparation of this report and the development of the administrative process.

ITEM 1.2 - DECLARATION OF INTEREST**Conflict of Interest (Previously Notified) - Cr Darren Grimwade - matters relating to Expressions of Interest (EOI) for Destination Management, Economic Development & Events**

Cr Darren Grimwade referred to previously declared conflict of interest relating to the EOI for Destination Management Economic Development & Events, the subject of Item 1.2, noting he has elected to not participate in any decision.

Cr Grimwade retired from the meeting at 9.47am.

**ITEM 1.2
DESTINATION MANAGEMENT, ECONOMIC DEVELOPMENT AND EVENTS
EXPRESSION OF INTEREST**

Meeting / Session: 1 GOVERNANCE & ENGAGEMENT
Reference: 61713034
Responsible Officer: KH, Economic Intelligence Manager (CEO Economic Development)

Executive Summary

Council called for expressions of interest (EOI) for Destination Management, Economic Development and Events which support the implementation of the Council's Regional Economic Development Strategy (REDS).

10 submissions were received and assessed through this process as follows:

- Seven (7) for Destination Management and Tourism
- Four (4) for Business development and support
- Three (3) for Knowledge, Innovation and Entrepreneurship
- Four (4) for Regional Awareness, Pride and Attractive Lifestyle

Of the above, only one respondent submitted an EOI for all four categories.

This report seeks Council's approval to progress a preferred shortlist of respondents to a closed request for tender (RFT) for three of the four service streams; and disaggregate one service stream to allow for open requests for quote (RFQ) to be invited at a program and service activity level.

RESOLUTION

Moved by Cr Adam Hain

Seconded by Cr Cath Tonks

CARRIED 10/0

Cr Darren Grimwade had declared a Conflict of Interest and had left the meeting.

1. That service specifications be prepared to allow for the request for tender and request for quote documentation to go to market and for selection of the best return on investment for services and programs and outcomes that support the Regional Economic Development Strategy.
2. That Council approve a closed request for tender be extended to the preferred short list of suppliers for Destination Management and Tourism programs (two suppliers); Knowledge, Innovation and Entrepreneurship programs (two suppliers); and Regional Awareness, Pride and Attractive Lifestyle (two suppliers) to be delivered by one or more external lead agencies under multi-year contract/s.

ITEM 1.2 DESTINATION MANAGEMENT, ECONOMIC DEVELOPMENT AND EVENTS EXPRESSION OF INTEREST - 61713034 (Cont.)

3. That the services outlined in the Expressions of Interest for Business development and support be disaggregated and that Request for Quotes be invited on a program and service activity level, to best complement the economic development activities being undertaken by Council in line with the Regional Economic Development Strategy.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, acting in accordance with section 228(7) of the Local Government Regulation 2012, negotiating and finalising related programs of work and contracts prior to submitting for final Council consideration/approval.

ITEM 1.2 DESTINATION MANAGEMENT, ECONOMIC DEVELOPMENT AND EVENTS EXPRESSION OF INTEREST - 61713034 (Cont.)

OFFICER'S RECOMMENDATION

1. That service specifications be prepared to allow for the request for tender and request for quote documentation to go to market and for selection of the best return on investment for services and programs and outcomes that support the Regional Economic Development Strategy.
2. That Council approve a closed request for tender be extended to the preferred short list of suppliers for Destination Management and Tourism programs (two suppliers); Knowledge, Innovation and Entrepreneurship programs (two suppliers); and Regional Awareness, Pride and Attractive Lifestyle (two suppliers) to be delivered by one or more external lead agencies under multi-year contract/s.
3. That the services outlined in the Expressions of Interest for Business development and support be disaggregated and that Request for Quotes be invited on a program and service activity level, to best complement the economic development activities being undertaken by Council in line with the Regional Economic Development Strategy.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, acting in accordance with section 228(7) of the Local Government Regulation 2012, negotiating and finalising related programs of work and contracts prior to submitting for final Council consideration/approval.

REPORT DETAIL

1. Background

In August 2020, Council discussed the need for engagement of lead agencies to support the delivery framework of the pending new Regional Economic Development Strategy (REDS), which has since been adopted by Council on 3 February 2021. Such lead agencies would, in conjunction with key regional stakeholders, deliver services that support tourism; innovation and start-ups; existing businesses; as well as the identity and lifestyle of the Moreton Bay Region.

The launch of the REDS has provided an opportunity to review economic development support services required by Council and at a Council meeting on 28 October 2020 (A20698203), Council resolved that:

- It would be in the public interest to invite expressions of interest (EOIs) before inviting written tenders for a number of regionally benefitting services broadly relating to Destination Management, Economic Development and Events which support the implementation of the Council's Regional Economic Development Strategy (REDS);
- That the invitation for Expressions of Interest for regionally benefitting services should broadly relate to Destination Management, Economic Development and Events that support the implementation of the Council's Regional Economic Development Strategy (REDS); and
- Prior to the progression from an EOI to Tender process the Chief Executive Officer would report back to General Meeting on the outcome of the Expression of Interest process.

On 7 November 2020, Council invited expressions of interest from proponents with the capability to deliver one or more of the following services as listed below:

- Destination Management and Tourism and/or
- Business development and support and/or
- Knowledge, Innovation and Entrepreneurship and/or
- Regional Awareness, Pride and Attractive Lifestyle.

ITEM 1.2 DESTINATION MANAGEMENT, ECONOMIC DEVELOPMENT AND EVENTS EXPRESSION OF INTEREST - 61713034 (Cont.)

The EOI process closed on 2pm, 9 December 2020 with 18 proposals from 10 respondents.

A Council briefing was conducted on 27 January 2021 to update Council on the EOI process.

2. Explanation of Item

In responses to the invitation for EOIs, Council received 18 proposals across all four service delivery categories from 10 respondents, as follows:

- Seven (7) for Destination Management and Tourism
- Four (4) for Business development and support
- Three (3) for Knowledge, Innovation and Entrepreneurship
- Four (4) for Regional Awareness, Pride and Attractive Lifestyle.

Only one respondent submitted a proposal for all for service delivery streams.

The Assessment Panel engaged an independent Probity Advisor to oversee the entire process and ensure appropriate governance around the short-listing process.

Destination Management and Tourism

- Two of the seven submissions demonstrated high capability and experience sought by Council in the majority of service activities required within this EOI stream.
- Some of the proposed activities of the higher ranked submissions would require a significant increase in funding investment by Council.

Business Development and Support

- One of the four submissions demonstrated sound capability in many service activities required within this EOI stream.
- Two submitters proposed to deliver a narrow subset of the full scope of activities required; however, the services offered were highly relevant to the delivery of the REDS and reflect contemporary approaches to Business Support and Development.
- Since the launch of the REDS, Council has increased internal resourcing to support and deliver components of this work.
- Specialist services, where required, will be obtained via RFQ. The individual cost of each service will be below the tender threshold.

Knowledge Innovation and Entrepreneurship

- Two of the three submissions demonstrated similarly high capability and experience in the majority of service activities required within this EOI stream. These two submissions demonstrated strengths in different EIO criteria.
- Some of the proposed activities of the higher ranked submissions would require a significant increase in funding investment by Council.

Regional Awareness & Pride

- One of the four submissions demonstrated high capability and experience in the majority of service activities required within this EOI stream.
- Some of the proposed activities of the higher ranked submissions would require an increase in funding investment by Council.
- More than one submission demonstrated a high level of capacity in community event delivery.

3. Strategic Implications

3.1 Legislative / Legal Implications

Under section 228 of the Local Government Regulation 2012, a local government may invite expressions of interest before inviting written tenders if the local government decides by resolution that it would be in the public interest to do so.

ITEM 1.2 DESTINATION MANAGEMENT, ECONOMIC DEVELOPMENT AND EVENTS EXPRESSION OF INTEREST - 61713034 (Cont.)

3.2 Corporate Plan / Operational Plan

Strengthening Communities: Healthy and supportive communities - a healthy and inclusive community.

3.3 Policy Implications

The primary purpose of the EOI is to test the market and develop a shortlist for a subsequent tender/s in order to support the delivery of the REDS.

3.4 Risk Management Implications

Risks outlined in Council Report A20698203 (28 October 2020) in relation to the EOI process are also applicable to the proposed closed tender process.

The most significant risks are probity, continuity of service and industry confidence.

The probity risk has been managed through the appointment of an independent probity advisor to support the EOI process, which was conducted in accordance with the relevant legislation and policies. Advice from the independent probity advisor is that it is normal practice during a tendering process not to disclose the names of the tenderers (outside of the formal evaluation and assessment panel) until the procurement process has been completed. This reduces associated risks and protects the integrity of the overall procurement process. In reflection of this advice, this report to Council has excluded the names of the companies/organisations on the preferred short list of suppliers.

The continuity of service and industry confidence risks will be managed through:

- the commitment of funding for MBRIT to deliver the 2021 events calendar, irrespective of the outcome of ongoing tender process; and
- the development and implementation of a comprehensive risk management plan.

3.5 Delegated Authority Implications

As noted in the recommendation.

3.6 Financial Implications

Appropriate financial considerations will be applied, and formal arrangements will be entered into with any successful tenderer. There is a potential future financial consideration related to the future work/scope of agreements(s). Such funding will be considered through Council's normal budget management process.

3.7 Economic Benefit Implications

There is no economic benefit arising as a direct result of this report. However, the tender/quote process will support Council's desired economic outcomes as outlined in the draft REDS and lead to regional economic benefit.

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications ☒ Nil identified

3.11 Consultation / Communication

Independent Probity Advisor, Executive Leadership Team, Councillors, Legal Services and Procurement Services have been consulted through this process.

ATTENDANCE

Moreton Bay Regional Council

GENERAL MEETING - 526
17 March 2021

PAGE 21/169
Minutes

ITEM 1.2 DESTINATION MANAGEMENT, ECONOMIC DEVELOPMENT AND EVENTS EXPRESSION OF INTEREST - 61713034 (Cont.)

Cr Darren Grimwade returned to the meeting at 9.52am, after consideration of Item 1.2.

2 INFRASTRUCTURE PLANNING SESSION**(Cr A Hain)**

ITEM 2.1**FLOOD MANAGEMENT DEVICES PORTFOLIO ASSET MANAGEMENT PLAN**

Meeting / Session: 2 INFRASTRUCTURE PLANNING
Reference: 61712125 : 3 March 2021 - Refer Supporting Information 61636744
Responsible Officer: JF, Asset Management Manager (IP Asset Management)

Executive Summary

The purpose of this report is to present the Flood Management Devices Portfolio Asset Management Plan to Council for adoption.

A Flood Management Devices Asset Management Plan (AMP) has been developed which includes the flood management devices throughout the region. Council currently has 288 devices, with a replacement value of \$3.18 million.

Flood management devices represent a significant risk should they not be maintained appropriately as they are critical assets throughout Council's flood response during flood events. To sustain the existing flood management devices asset portfolio and provide the expected community and technical levels of service, the Flood Management Devices Portfolio Asset Management Plan proposes that Council should increase the planned and reactive maintenance budget from \$46K to \$113.5K per annum, and continue to invest in the acquisition, upgrade and renewal of flood management device assets with a minor increase in the budget from \$125K to \$135K per annum from FY2024 to FY2029 and then increasing to \$227.5K per annum from FY2030.

The combined operational and capital funding increases will ensure the existing asset base is consistently functioning as expected and is in an adequate condition and maintained appropriately over a longer-term horizon. This will significantly reduce the risk of flood management device failure, health and safety risks and will minimise the likelihood of expensive lump sum replacement expenditure in the future.

RESOLUTION

Moved by Cr Mick Gillam**Seconded by Cr Cath Tonks****CARRIED 11/0**

1. That the Flood Management Devices Asset Management Plan be adopted, as tabled.
2. That provision be made in the next long term financial forecast for the capital and maintenance funding required to progressively improve and upgrade the Council's flood management devices network to meet the standards of service outlined in the Flood Management Devices Asset Management Plan. The budget allocation increases are:
 - a) An increase to the capital budget for asset renewals/new/upgrade from the current budget of \$125,000 on average, to \$135,000 per annum from FY2024 onwards, and further increase to \$227,500 per annum from FY2030 onwards.
 - b) An increase to the current maintenance budgets for planned and reactive maintenance from \$46,000 to \$113,500 per annum from FY2022 onwards, to allow for adequate maintenance and inspection of assets.

ITEM 2.1 FLOOD MANAGEMENT DEVICES PORTFOLIO ASSET MANAGEMENT PLAN - 61712125 (Cont.)

OFFICER'S RECOMMENDATION

1. That the Flood Management Devices Asset Management Plan be adopted, as tabled.
2. That provision be made in the next long term financial forecast for the capital and maintenance funding required to progressively improve and upgrade the Council's flood management devices network to meet the standards of service outlined in the Flood Management Devices Asset Management Plan. The budget allocation increases are:
 - a) An increase to the capital budget for asset renewals/new/upgrade from the current budget of \$125,000 on average, to \$135,000 per annum from FY2024 onwards, and further increase to \$227,500 per annum from FY2030 onwards.
 - b) An increase to the current maintenance budgets for planned and reactive maintenance from \$46,000 to \$113,500 per annum from FY2022 onwards, to allow for adequate maintenance and inspection of assets.

REPORT DETAIL

1. Background

A Council briefing was conducted on 3 March 2021 for the purpose of sharing information and providing advice/views to Council on the matter, and to receive Councillor feedback and input.

Council Briefing outcomes were noted as follows:

- The Flood Management Devices Asset Management Plan to be submitted to a General Meeting for consideration of adoption.

As part of the ongoing development of Council's asset management planning, a Flood Management Devices Portfolio Asset Management Plan (AMP) has been developed. The AMP outlines the Council's approach to the management of Flood Management Device (FMD) assets located throughout the Council's region. FMD assets include flood monitoring, flood warning and flood information devices. These assets are specifically relied on for the provision of public warning messages and collectively provide information of what is occurring within the region in a flood event including telemetry rain gauges services broadcast to public portals and BoM websites.

Their function supports the Moreton Bay Regional Council (MBRC) Local Disaster Management Plan (flood response) and the MBRC Floodplain Risk Management Framework and Water Strategy 2012-2031.

FMD assets typically have a useful life of 15 - 20 years and collectively have an estimated total replacement value of \$3.18M. The table and graphs below summarise Council's asset base, age profile, asset condition, and expected useful life within this portfolio.

ITEM 2.1 FLOOD MANAGEMENT DEVICES PORTFOLIO ASSET MANAGEMENT PLAN - 61712125 (Cont.)

Device Type	Asset Type Description	Qty	Expected Useful Life (Years)	Current Average Age (Years)	Current Replacement Cost
Flood Monitoring	Telemetry Gauge	98	15-20	10.0	\$2,391,174
	Seepage Monitoring Devices (Water Quality)	1	20	14.3	\$11,956
	Flooded Road Sensor	4	15	3.5	\$40,000
	Flooded Road Warning System	10	15	1.4	\$259,700
Flood Information	Environ Base Station	2	20	N/A	\$200,000
	Maximum Height Gauge	10	20	2.1	\$220,000
Flood Warning	Road Closure Identification Indicators	163	15	N/A	\$61,000
TOTAL		288			\$3,183,830

Table 1 - Asset Portfolio Breakdown

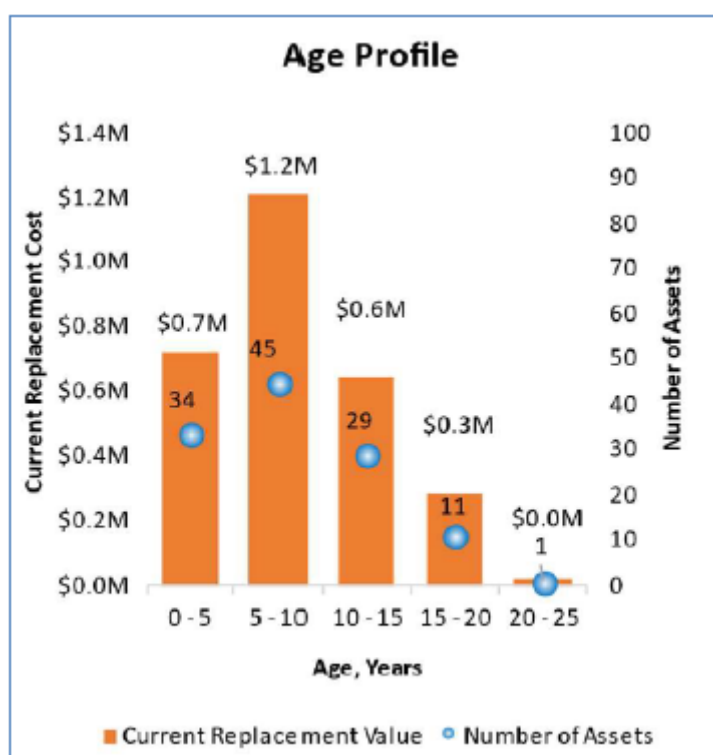


Figure 1 - Asset Management within MBRC Statutory Planning Context

ITEM 2.1 FLOOD MANAGEMENT DEVICES PORTFOLIO ASSET MANAGEMENT PLAN - 61712125 (Cont.)

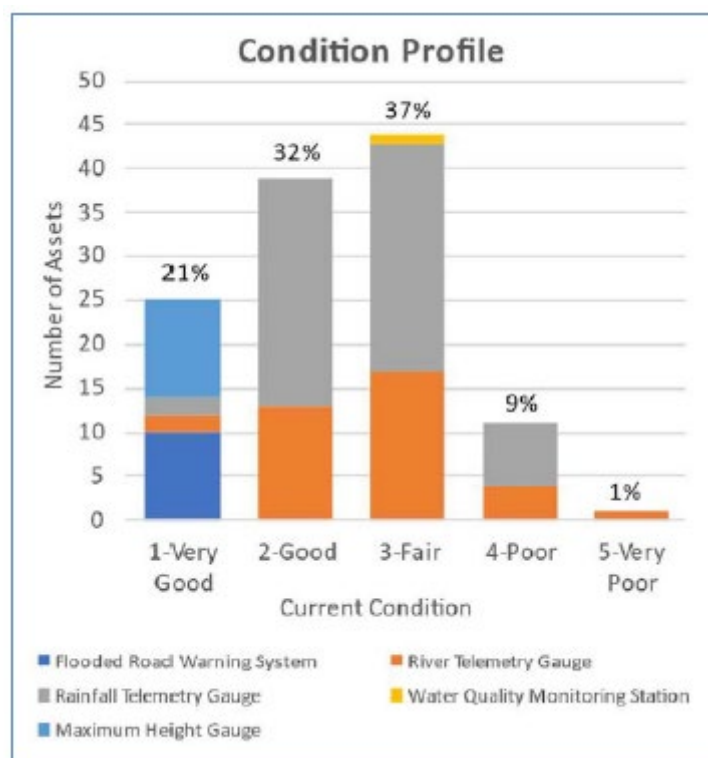


Figure 2 - Asset Condition Profile

2. Explanation of Item

The Flood Management Devices Portfolio Asset Management Plan has been developed as a tool to assist Council in achieving the following key strategic asset management objectives:

- Optimising maintenance and renewal practices
- Prioritising investment to achieve maximum value
- Validating investment decisions to confirm funds are being spent effectively
- Identifying lower lifecycle cost solutions
- Managing risk to an appropriate level
- Monitoring and recording of the condition of flood management device assets
- Modelling to predict future condition and associated maintenance requirements
- Optimise asset performance
- Minimise asset failure where minimal assets reach a condition state 4 (poor)

Condition

Understanding the condition of Council's flood management device assets is important for their effective management. It is noted that a Condition 1 rating is very good with a Condition 5 rating meaning an asset is in a very poor condition.

Key Issues

- FMD assets have a relatively short expected lifespan (15 - 20 years) compared to most local government infrastructure assets. Many of Council's FMD assets will start reaching the end of their expected life within the next 10 years.
- If budget allocations are not adjusted, there is an increased risk that flood management devices will not function as intended. This may result in substandard services being provided by the assets, ongoing customer complaints through the inability and/or failure to meet community expectations for timely flood warnings or major flood events, and inability and/or failure for Council's Disaster Management Group to adequately plan for future or major flood events.

ITEM 2.1 FLOOD MANAGEMENT DEVICES PORTFOLIO ASSET MANAGEMENT PLAN - 61712125 (Cont.)

Maintenance Strategy

The recommended maintenance strategy incorporates additional proactive maintenance with the aim of reducing reactive maintenance, preventing defects and prolonging the useful life of flood management devices. The goal of proactive maintenance is to maintain assets in condition state 1 or 2 and prevent deterioration to an unacceptable state.

3. Strategic Implications

3.1 Legislative / Legal Implications

Section 167 - Preparation of a Long-Term Asset Management Plan - of the Local Government Regulation 2012 states that –

- (1) *A local government must prepare and adopt a Long-Term Asset Management Plan.*
- (2) *The Long-Term Asset Management Plan continues in force for the period stated in the plan unless the local government adopts a new Long-Term Asset Management Plan.*
- (3) *The period stated in the plan must be 10 years or more.*

Additionally, Section 168 of the Local Government Regulation 2012 states that Council's Long-term Asset Management Plan must:

- (a) *provide for strategies to ensure the sustainable management of the assets mentioned in the local government's asset register and the infrastructure of the local government; and*
- (b) *state the estimated capital expenditure for renewing, upgrading and extending the assets for the period covered by the plan; and*
- (c) *be part of, and consistent with, the long-term financial forecast.*

3.2 Corporate Plan / Operational Plan

Council is committed to achieving the community's vision for the Moreton Bay Region. This vision represents a thriving region of opportunity where our communities enjoy a vibrant lifestyle and is structured upon three key elements; creating opportunities, strengthening communities and valuing lifestyle. These three tiers are underpinned by concepts such as local jobs for residents, strong local governance, and quality recreation and cultural opportunities.

The Strategic Asset Management Plan (SAMP) and supporting AMP have direct linkages with other corporate documents as illustrated in the diagram below:

ITEM 2.1 FLOOD MANAGEMENT DEVICES PORTFOLIO ASSET MANAGEMENT PLAN - 61712125 (Cont.)

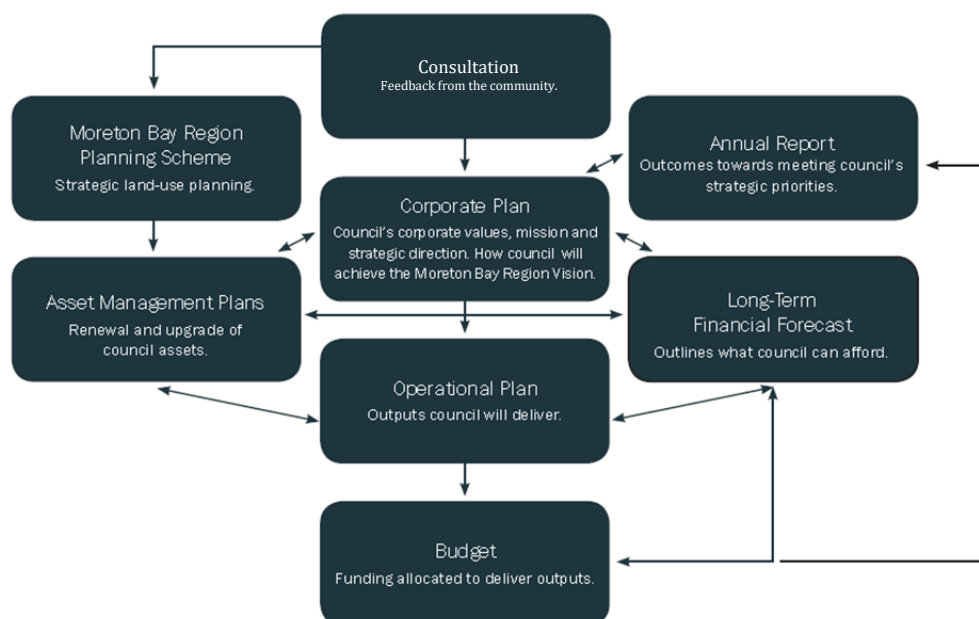


Figure 3 - Asset Management within MBRC Statutory Planning Context

As mentioned above, these plans inform Council's Long Term Financial Forecast (LTFF) in relation to costs associated with new, renewal and upgrade of assets. The plan also guides Council's Corporate Plan in relation to what Council intends to achieve, in relation to strategic asset management and informs Council's capital works program which forms part of the Operational Plan and Budget.

3.3 Policy Implications

The Infrastructure Asset Management Policy (Policy No. 12-2150-043) was adopted by Council on 9th December 2020.

3.4 Risk Management Implications

Risk management associated with flood management device assets are included in the plan

3.5 Delegated Authority Implications

☒ Nil identified

3.6 Financial Implications

Projected condition modelling below shows that with the currently adopted funding schedule the condition of flood management device assets will decline as per the figure below. With the recommended funding the overall portfolio is expected to continue to meet service levels and strategic objectives well into the future.

ITEM 2.1 FLOOD MANAGEMENT DEVICES PORTFOLIO ASSET MANAGEMENT PLAN - 61712125 (Cont.)

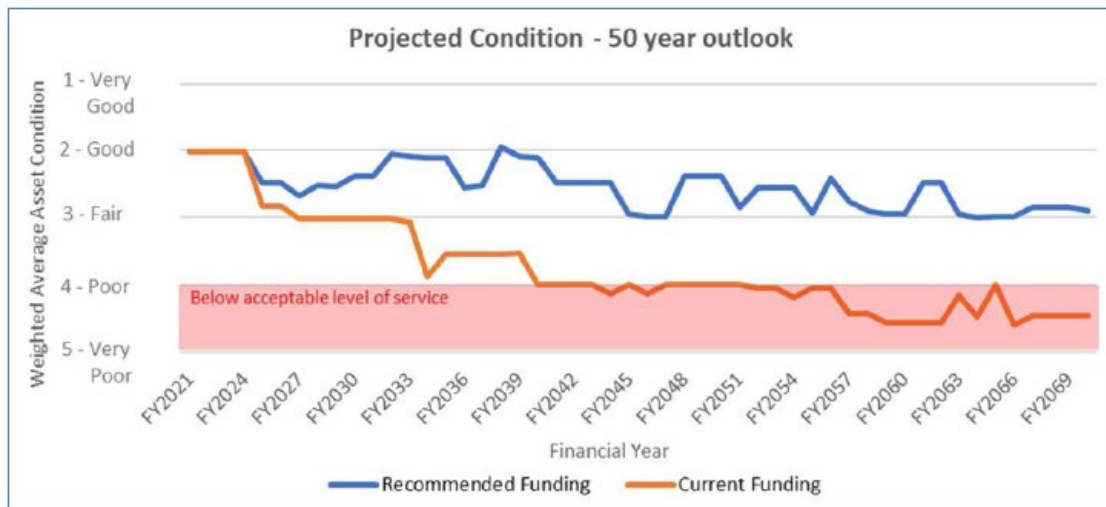


Figure 4 - Asset Projected Condition Outlook

The recommended budget allocations are outlined below:

- Increase the current budgets for planned and reactive maintenance from \$46,000 to **\$113,500 per annum** to allow for adequate maintenance and inspection of assets, from FY2022 onwards.
- Minor increase to the budget for asset renewals/new/upgrade from its **biennial** budget of \$250,000 (average annual expenditure of \$125,000 per annum) to an average annual spend of **\$135,000 from FY2024** onwards and further increase to an average annual spend of **\$227,500 from FY2030** onwards.

Should these recommended budget allocations be adopted into the next long term financial forecast, the predicted condition profile of the flood management device asset portfolio will be in a much improved position for the Council and will minimise the risk of future large lump sum replacement expenditure.

As per Council's strategic asset management framework, it is imperative that Council adopts a proactive approach to managing flood management device assets including planned preventative and routine maintenance. The recommended funding adjustments, both for capital renewal/replacement and routine and planned maintenance, will allow Council to achieve its strategic asset management objectives including:

- Organisational commitment to effective asset management
- Managing risk appropriately
- Delivery of services to agreed standards
- Optimise asset performance
- Minimize asset failure through earlier intervention

3.7 Economic Benefit Implications

Sustainable provision and management of MBRC's flood management device assets supports economic growth across the region. Additionally, a well-managed flood management device portfolio improves the overall amenity of the region and is highly valued by the community.

3.8 Environmental Implications

The effective management of MBRC's flood management device assets assists in improving environmental outcomes.

ITEM 2.1 FLOOD MANAGEMENT DEVICES PORTFOLIO ASSET MANAGEMENT PLAN - 61712125 (Cont.)

3.9 Social Implications

The timely and cost-effective management of MBRC's flood management device assets contributes to the overall benefit of residents, visitors, business and industry, by providing the necessary assets to support the region's quality lifestyle.

3.10 Human Rights Implications ☒ Nil identified

3.11 Consultation / Communication

MBRC officers, asset owners and Councillors have been consulted in the preparation of this plan.

ITEM 2.2**BANKSIA BEACH - PACIFIC HARBOUR - MAINTENANCE DREDGING**

Meeting / Session: 2 INFRASTRUCTURE PLANNING
Reference: 61599363 : 3 March 2021 - Refer **Confidential** Supporting Information
61614274
Responsible Officer: JS, Lead Engineer - Coastal Infrastructure (IP Drainage, Waterways & Coastal Planning)

Executive Summary

This report seeks Council approval to progress stakeholder consultation, contract preparation and tendering for the *Pacific Harbour Maintenance Dredging* project (the Project) based on the preferred dredging and material transport methodology determined following the Expressions of Interest (EOI).

The Project involves the removal of approximately 75,000 m³ of material from within Pacific Harbour, plus transport, placement and treatment at Moreton Bay Regional Council's (MBRC) site located at 1077 Bribie Island Road, Ningi.

The EOI was tendered on Saturday, 26 September 2020 for a period of 6.5 weeks. Eight submissions from six Respondents were received. The submissions broadly identified two viable dredging and material disposal options by Contractors:

1. Cutter Suction Dredger (CSD) and transport by Pipeline via Ningi Creek; and
2. Grab Dredger (barge-mounted excavator), transfer to trucks within the canal estate, and transport by Road (via Cosmos Ave, Sunderland Drive, and Bribie Island Road).

A high-level summary of each option is provided in Table 1.

Table 1 High-level options summary

Option	#1 CSD + Pipeline	#2 Grab Dredge + Trucks
Number of Submissions	4	2
Estimated dredging duration (weeks)	28	51
Estimated total truck movements	60	8,000

Based on the information provided by EOI respondents, the Preferred Option is Option 1 (CSD + Pipeline). This option is preferred as it will avoid an estimated 8,000 round-trips by trucks on local and state roads, and the overall project duration is expected to be significantly less than for Option 2 (approximately half). Additionally, limited relevant experience for projects of this scale were provided by EOI Respondents for the trucking option, whereas a number of previous projects with comparable dredging volumes and pumping distances were provided by Respondents for the pipeline option.

It is recommended that MBRC progress stakeholder engagement, statutory approvals applications, contract preparation and tendering for the project based on the Preferred Option of CSD and Pipeline via Ningi Creek. It is also intended that Alternatives to the Preferred Option will be allowed in the eventual tender.

RESOLUTION

Moved by Cr Brooke Savige

Seconded by Cr Jodie Shipway

CARRIED 11/0

1. That stakeholder engagement, statutory approvals applications, contract preparation and tendering for the project based on the Preferred Option of Cutter Suction Dredge and Pipeline via Ningi Creek, be progressed.
2. That all Respondents to the Expression of Interest (EOI) be invited to tender the works.
3. That the Chief Executive Officer be authorised to do all things necessary to implement recommendations 1 and 2 in accordance with the Local Government Regulation 2012.

ITEM 2.2 BANKSIA BEACH - PACIFIC HARBOUR - MAINTENANCE DREDGING - 61599363 (Cont.)

OFFICER'S RECOMMENDATION

1. That stakeholder engagement, statutory approvals applications, contract preparation and tendering for the project based on the Preferred Option of Cutter Suction Dredge and Pipeline via Ningi Creek, be progressed.
2. That all Respondents to the Expression of Interest (EOI) be invited to tender the works.
3. That the Chief Executive Officer be authorised to do all things necessary to implement recommendations 1 and 2 in accordance with the Local Government Regulation 2012.

REPORT DETAIL

1. Background

The *Canal Estates Portfolio Asset Management Plan* (CEPAMP) outlines MBRC's objective to maintain canals to the depths nominated in the *Long-Term Maintenance Plans* (LTMPs) to ensure safe navigation and mooring of vessels. Canal depths within the lower reaches of the Pacific Harbour canal estate have reached the nominated 'trigger depths' and therefore maintenance dredging is required.

The proposed maintenance dredging campaign involves the removal of approximately 75,000m³ of material from within lower Skippers Canal and the Marina, as shown in Figure 1.

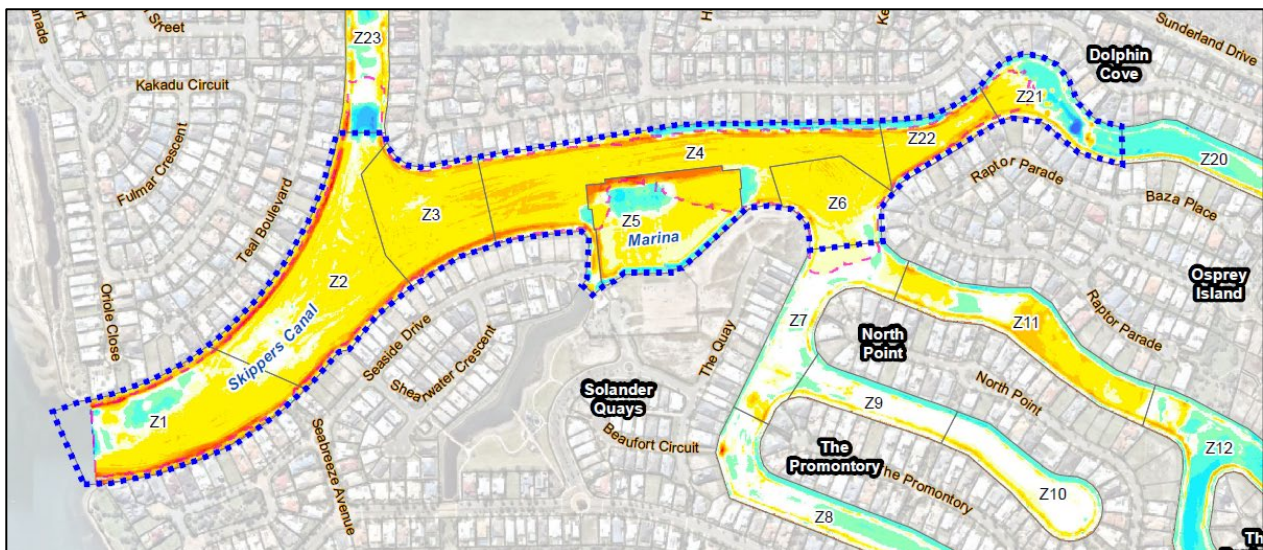


Figure 1 Pacific Harbour Maintenance Dredging project - proposed dredge area (refer dotted blue polygon)

The maintenance dredging was originally planned (several years ago) to be completed via grab dredging (i.e. barge-mounted excavator or similar) into barges with disposal of the material at the State managed Mud Island Dredged Material Placement Area (in Moreton Bay offshore from Fishermen's Island). However, statutory approvals applications for this proposal were rejected by the Department of Transport and Main Roads (DTMR) due to the risk of a barge impacting the Bribie Island Bridge. MBRC subsequently investigated alternative dredging and material disposal methods, including potential land-based sites that could receive the dredged material.

Following a number of workshops to consider potential dredge spoil disposal options, a report to Council was submitted proposing that Council acquire a land site, specifically for this purpose.

ITEM 2.2 BANKSIA BEACH - PACIFIC HARBOUR - MAINTENANCE DREDGING - 61599363 (Cont.)

The following resolution appears on Minute Page 19/167 of the General Meeting of Council held 19 February 2019:

Ex. Coordination Committee held 19 February 2019 (Page 19/194):

1. That the land described in this confidential report be acquired in accordance with Council Policy No. 12-2150-057 Resumptions and Acquisitions of Land.
2. That the Chief Executive Officer be authorised to do all things necessary to give effect to Recommendation 1.

The property located at 1077 Bribie Island Road was formally acquired for the purpose of managing and disposing dredge spoil in April 2019, and a public consultation session was held at the Ningi Community Hall shortly following the site acquisition on 22 May 2019.

Since acquisition of the Ningi site, the Infrastructure Planning department has been working to complete the necessary planning, design, and statutory approvals acquisition tasks to allow for dredged material placement at the site. Detailed sediment sampling and analysis of sediments in Pacific Harbour was completed in early-mid 2020, and a specialist consultant is currently engaged to prepare the requisite statutory approvals applications for the project. Existing engineering design and specification documents are available from the originally planned project (2013-14), and the update of this documentation will be commissioned once the Preferred Option is confirmed by Council.

Significant site works have also been undertaken on the Ningi site, including demolition and removal of dilapidated buildings; installation of security and boundary fencing; rehabilitation and revegetation of the western vegetation buffer; and attainment of approvals to install a drain along the western site boundary.

Most recently, Council resolved to invite Expressions of Interest (EOI) for the maintenance dredging works in line with the following resolution on Minute Page 20/1631 of the General Meeting of Council held 2 September 2020:

RESOLUTION

1. That Council resolve that it is in the public's interest to invite Expressions of Interest prior to requesting written tenders for this project.
2. That Council invite Expressions of Interest for the Pacific Harbour Maintenance Dredging project and subsequently invite tenders from an appropriate short-list of respondents to the EOI.
3. That the Chief Executive Officer be authorised to do all things necessary to implement recommendation 2 in accordance with the Local Government Regulation 2012.

The following section of this report outlines the EOI objectives, outcomes, and proposed path-forward.

2. Explanation of Item

As per the EOI Council Report, the EOI was developed to facilitate:

- *assessment of dredging and material transport options available in the market, including indicative pricing;*
- *selection of a preferred option(s) to carry forward into the detailed design & specification and approvals acquisition tasks/phases;*
- *shortlisting of suitably experienced contractors for the eventual tender;*
- *further consultation with stakeholders regarding likely dredging and material transport methods, plus project timeframes.*

ITEM 2.2 BANKSIA BEACH - PACIFIC HARBOUR - MAINTENANCE DREDGING - 61599363 (Cont.)

The EOI was tendered on Saturday 26th September 2020 for a period of 6.5 weeks. Eight submissions from six Respondents were received.

Following review of the EOI submissions a summary of the submitted information, including a map of the proposed material transport routes and estimated project costs, has been prepared and is provided within the Supporting Information. In addition to the Supporting Information, a summary of the key advantages and risks for each of the two options is presented in Table 2.

Table 2 Advantages & risks - Options comparison

Option	Option 1 - CSD + Pipeline	Option 2 - Grab Dredge + Trucks
Key advantages	<ul style="list-style-type: none"> • Shorter dredging duration • Most economical dredging method • Accurate dredging • Largely continuous operation (within permitted day-time working hours) • Limited disturbance to residents and road users 	<ul style="list-style-type: none"> • Fewer statutory approvals required • Easier to treat PASS (Potential Acid Sulphate Soils) • Negligible tailwater to manage at Ningi site • Reduced impact on marine navigation within canal estate & waterways (Pumicestone Passage & Ningi Ck)
Key risks/ challenges	<ul style="list-style-type: none"> • Additional statutory approvals required • Pipeline crossing of Pumicestone Passage • Potential for pipeline leaks • Tailwater management within Ningi site & water quality impacts to Ningi Ck • In-line treatment of PASS material • Booster station operations & potential pipeline blockages • Potential noise impacts due to booster stations • Additional preparatory earthworks required at Ningi site 	<ul style="list-style-type: none"> • Traffic & Pedestrian management - large number of traffic movements incl. on local roads & Bribie Island Bridge • Significantly longer dredging duration • Spillage of material on roads • Higher cost

The third option identified by two Respondents, entailing dredging, material rehandling through/beneath the Bribie Island Bridge, and disposal at the Mud Island Dredged Material Placement Area (MIDMPA) has previously been precluded by DTMR due to restrictions on vessel movements in proximity to the Bribie Island Bridge. As such, this option has not been considered further.

A pre-lodgement meeting was held with State Agencies and MBRC's approvals consultant on Tuesday 1st December 2020 to discuss the project and the Agencies' interests. Key feedback received from agencies for the two options is summarised as follows:

- Option 1 - CSD + Pipeline:
 - Temporary structures (pipeline) in a Fish Habitat Area B (Ningi Creek) - approvals from Department of Agriculture & Fisheries (DAF)
 - Impacts to marine plants (principally seagrasses) - approvals from DAF
 - Pipeline Crossing of Pumicestone Passage - approval conditions (incl. Marine Execution Plan) from MSQ
 - Pipeline and Booster Stations in Moreton Bay Marine Park - Marine Park Permit required from DES
- Option 2 - Grab Dredge + Road-based transport:
 - General traffic management (Bribie Island Road & Bribie Island Bridge) - requires Traffic Report and DTMR approval
 - Site entrance off Bribie Island Road - requires detailed assessment and DTMR approval

ITEM 2.2 BANKSIA BEACH - PACIFIC HARBOUR - MAINTENANCE DREDGING - 61599363 (Cont.)

Overall, State Agencies did not identify any critical issues or concerns regarding the proposed works and attainment of approvals.

Based on the information provided by EOI respondents, and the outcomes of the pre-lodgement meeting with State Agencies, the recommended option to progress through to design and tendering is Option 1 (CSD + Pipeline). As captured in Table 3, this option is preferred as it will avoid an estimated 8,000 round-trips by trucks on local and state roads, and the overall project duration is expected to be significantly less than for Option 2 (approx. half). Additionally, limited relevant experience for projects of this scale were provided by EOI Respondents for Option 2, whereas a number of previous projects with comparable dredging volumes and pumping distances were provided by Respondents for Option 1.

Table 3 Key differentiating factors

Option	Option 1 - CSD + Pipeline	Option 2 - Grab Dredge + Trucks
Dredging duration (weeks)	28	51
Impacts to residents	Limited impacts expected	1 truck every 8-13 mins for >1 year on local roads (approx. 8,000 round trips)
Project experience	At least three relevant previous projects provided	Limited to no relevant experience for projects of this size/scale provided

Accordingly, it is recommended that MBRC progress stakeholder engagement, statutory approvals applications, contract preparation and tendering for the project based on the Preferred Option of Cutter Suction Dredge and Pipeline via Ningi Creek. Additionally, it is recommended that all six respondents to the EOI be invited to tender the works.

3. Strategic Implications

3.1 Legislative / Legal Implications

The proposed tender process will be undertaken in accordance with the requirements set out in the Local Government Regulation 2012.

3.2 Corporate Plan / Operational Plan

Valuing Lifestyle: Quality recreation and cultural opportunities - active recreation opportunities.

3.3 Policy Implications

The tender process will be completed in accordance with the provisions of the following documents:

- Council's Procurement Policy 10-2150-006
- *Local Government Act 2009*
- Local Government Regulation 2012 Chapter 6.

3.4 Risk Management Implications

The Project Risk Management Plan identified that seeking Expressions of Interest and shortlisting contractors prior to requesting written tenders will help mitigate a range of project risks, including the following:

- Approvals delays (or rejection) due to alternative dredging & transport methodologies submitted at tender phase.
- Inexperienced contractors tendering the works and subsequent failure to fulfil project objectives.
- Inadequate consultation with stakeholders regarding transport methods and project timeframes prior to works commencement.
- Project delays as a result of obtaining approvals for, and specifying, dredging and material transport methods that are not available in the market, environmentally unsustainable and/or not financially feasible.

3.5 Delegated Authority Implications

☒ Nil identified

ITEM 2.2 BANKSIA BEACH - PACIFIC HARBOUR - MAINTENANCE DREDGING - 61599363 (Cont.)

3.6 Financial Implications

The cost of maintenance dredging and spoil disposal within Pacific Harbour is funded by the *Pacific Harbour Canal Maintenance Special Charge*.

A total of \$8,977,000, covering dredging and spoil disposal, is currently allocated across FY21/22 and FY22/23 for this project within the Pacific Harbour 50y Canal Maintenance Model. The budgeted costs include a charge to the levy of \$30 per cubic meter for placement of material at the Ningi site - totalling \$2.25M for this project.

The Indicative Pricing provided by EOI respondents indicates that the above allocated budget will be adequate to fund the works.

Note that funds currently allocated in Council's FY20/21 Budget and Operational Plan (\$2,710,600) will not be expended and will be returned to the reserve to fund future works.

3.7 Economic Benefit Implications

The proposed maintenance dredging will help to ensure safe navigation and mooring at the Pacific Harbour Marina, and therefore help to maintain the economic benefits to the area associated with the marina and attached businesses.

3.8 Environmental Implications

The project sites are located adjacent to parts of the Moreton Bay Marine Park and a designated Fish Habitat Area. Whilst environmental permits and approvals have not yet been finalised, these will be secured prior to tendering the works. Environmental monitoring, as required by the final approvals, will be undertaken throughout the works. An environmental management plan will also likely be required, including review and endorsement by the Department of Environment and Science prior to works commencing.

3.9 Social Implications

The proposed maintenance dredging will have a positive impact to the residents and marina users of Pacific Harbour. However, there are a range of potential negative social impacts associated with the project and these are broadly outlined on MBRC's project web page, along with proposed high-level measures to minimise impacts. The identified potential impacts include; Noise, Dust, Odour and Water Quality, and these will be managed during the works.

MBRC's Cultural Heritage Planning Officer continues to work with representatives of the traditional custodians (Kabi Kabi people), and the Infrastructure Planning and Asset Maintenance departments, towards preparation of a Cultural Heritage Management Plan (within a broader Environmental Management Plan for the site), to help protect cultural heritage values identified within the site.

3.10 Human Rights Implications

☒ Nil identified

3.11 Consultation / Communication

The Councillor for Division 1 has been consulted regarding the outcomes of the EOI as well as the proposed path-forward for the project, and is supportive of the Preferred Option (Option 1). The Councillor has also provided feedback and advice regarding community consultation moving forward.

Other consultation undertaken to-date regarding this project is summarised as follows:

- Public consultation session at Ningi Community Hall - 22 May 2019.
- Pacific Harbour Canal Property Owner's Association (PHCPOA) - four-monthly meetings (ongoing) - including Division 1 Councillor & DWCP Manager (incl. Jun 2019, Oct 2019, Feb 2020, Jun 2020, Oct 2020 and March 2021).
- Project Web Page established June 2019 (ongoing).

ITEM 2.2 BANKSIA BEACH - PACIFIC HARBOUR - MAINTENANCE DREDGING - 61599363 (Cont.)

This Council Report has been prepared in-lieu of a Council Briefing Session as originally identified in the EOI Council Report. The original purpose of the Briefing Session was to advise Council of the proposed methodology that will be tendered and to inform the community consultation program.

Future stakeholder communication will be delivered in-line with the Project Communication Management Plan. This is proposed to include:

- Project update communication - in parallel with the Council Report
- Updates to project webpage
- Already scheduled meetings with PHCPOA
- Future project update communication following attainment of Statutory Approvals
- Media release during project tendering
- Projects works notifications following Contract Award - as appropriate.

Communication will be targeted to reach the following key groups:

- Ningi residents
- Pacific Harbour residents
- Recreational users (i.e. recreational boating & fishing)
- Local State and Federal parliament members

3 ENGINEERING, CONSTRUCTION & MAINTENANCE SESSION

(Cr B Savige)

No items for consideration.

4 PLANNING SESSION

(Cr D Grimwade)

No items for consideration.

5 COMMUNITY & ENVIRONMENTAL SERVICES SESSION

(Cr M Gillam)**ITEM 5.1****PROPOSED AMENDMENT TO SUBORDINATE LOCAL LAW NO. 5 (PARKING) 2011**

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES
Reference: 61635540 : 17 February 2021 - **Refer Supporting Information 61696595, 61696642 & 61696652**
Responsible Officer: SM, Local Laws Manager (CES Customer Response)

Executive Summary

This report recommends that Council makes:

- *Moreton Bay Regional Council Amendment Subordinate Local Law No. 1 (Subordinate Local Law No. 5 (Parking) 2011) 2021; and*
- *A consolidated version of Moreton Bay Regional Council Subordinate Local Law No. 5 (Parking) 2011.*

The purpose and general effect of the proposed amendment is to amend Schedule 3 of *Moreton Bay Regional Council Subordinate Local Law No. 5 (Parking) 2011* to increase the penalty units from two (2) to four (4), for the offence of 'stopping (without displaying a current parking permit for people with disabilities) in a parking area for people with disabilities'.

The below recommendations comply with Council's adopted local law-making process.

RESOLUTION

Moved by Cr Matt Constance

Seconded by Cr Sandra Ruck

CARRIED 11/0

1. That Council resolves to propose to make Moreton Bay Regional Council Amendment Subordinate Local Law No. 1 (Subordinate Local Law No. 5 (Parking) 2011) 2021 (refer Supporting Information #1).
2. That Council resolves that the amending law referred to in paragraph 1 makes an insubstantial change and does not affect any anti-competitive provision such that steps 2 to 4 inclusive of Council's adopted local law-making process does not need to be satisfied.
3. That pursuant to section 29(2) of the Local Government Act 2009, Council resolves to make Moreton Bay Regional Council Amendment Subordinate Local Law No. 1 (Subordinate Local Law No. 5 (Parking) 2011) 2021 (refer Supporting Information #1).
4. That pursuant to section 32(1) of the Local Government Act 2009, Council resolves to adopt the consolidated version of Moreton Bay Regional Council Subordinate Local Law No. 5 (Parking) 2011 (refer Supporting Information #2).
5. That the Chief Executive Officer be authorised to:
 - a) publicise that the local laws referred to at paragraphs 3 and 4 have been made by publishing a notice of making each local law in accordance with section 29B of the Local Government Act 2009; and
 - b) do such other things as required under the Local Government Act 2009 in respect of the local laws referred to at paragraphs 3 and 4, which includes giving the Minister a copy of the local laws and making a copy of the local laws available for inspection and purchase at Council's public offices.

OFFICER'S RECOMMENDATION

1. That Council resolves to propose to make *Moreton Bay Regional Council Amendment Subordinate Local Law No. 1 (Subordinate Local Law No. 5 (Parking) 2011) 2021 (refer Supporting Information #1)*.
2. That Council resolves that the amending law referred to in paragraph 1 makes an insubstantial change and does not affect any anti-competitive provision such that steps 2 to 4 inclusive of Council's adopted local law-making process does not need to be satisfied.
3. That pursuant to section 29(2) of the *Local Government Act 2009*, Council resolves to make *Moreton Bay Regional Council Amendment Subordinate Local Law No. 1 (Subordinate Local Law No. 5 (Parking) 2011) 2021 (refer Supporting Information #1)*.
4. That pursuant to section 32(1) of the *Local Government Act 2009*, Council resolves to adopt the consolidated version of *Moreton Bay Regional Council Subordinate Local Law No. 5 (Parking) 2011 (refer Supporting Information #2)*.
5. That the Chief Executive Officer be authorised to:
 - a) publicise that the local laws referred to at paragraphs 3 and 4 have been made by publishing a notice of making each local law in accordance with section 29B of the *Local Government Act 2009*; and
 - b) do such other things as required under the *Local Government Act 2009* in respect of the local laws referred to at paragraphs 3 and 4, which includes giving the Minister a copy of the local laws and making a copy of the local laws available for inspection and purchase at Council's public offices.

REPORT DETAIL

1. Background

Schedule 3 of the *Moreton Bay Regional Council Subordinate Local Law No. 5 (Parking) 2011 (Parking Local Law)* sets out penalties for certain minor traffic offences enforced by Council under the *Transport Operations (Road Use Management – Road Rules) Regulation 2009*.

In 2020 the Queensland Government made the *Transport Legislation (Disability Parking and Other Matters) Amendment Act 2020*, which increased the penalty units listed in the *State Penalties Enforcement Regulation 2014* for the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*, section 203(1). The amendment increased the penalty from 2 penalty units (\$266) to four 4 penalty units (\$533) for the offence of '*stopping (without displaying a current parking permit for people with disabilities) in a parking area for people with disabilities*' (**Offence**).

The amendments made by the Queensland Government do not automatically change the penalty for the Offence under the Parking Local Law, which is currently 2 penalty units.

It is open to Council to amend the Parking Local Law to also increase the penalty for the Offence from 2 penalty units to 4 penalty units to align to the State's penalty increase.

2. Explanation of Item

It is recommended that Council make the *Moreton Bay Regional Council Amendment Subordinate Local Law No. 1 (Subordinate Local Law No. 5 (Parking) 2011) 2021 (Amending Local Law)* and a consolidated version of *Moreton Bay Regional Council Subordinate Local Law No. 5 (Parking) 2011 (Consolidated Local Law)* to increase the penalty for the Offence, in accordance with Council's adopted local law making process.

ITEM 5.1 PROPOSED AMENDMENT TO SUBORDINATE LOCAL LAW NO. 5 (PARKING) 2011 - 61635540 (Cont.)

The reasons for this are:

- Given the changes to State legislation, Council should now consider an amendment to the penalty units applied in its local laws.
- The amendment will ensure consistency with the penalty of the State. It is important to note that Queensland Police Officers may issue fines for this offence under the State's new penalty.
- The proposed amendment aligns with the intent of Council's Disability Access and Inclusion Plan.

Moreton Bay Regional Council's Disability Access and Inclusion Plan consultation identified the occupation of accessible car parking bays by people without a valid permit as a key issue of concern for people who depend on access to these parking bays. This proposed amendment aligns with the intent of Council's Disability Access and Inclusion Plan 2018-2022 to provide equal access to community facilities, services and opportunities for people with disabilities. It will provide a greater level of deterrence against people occupying accessible parking bays without a valid permit, thereby ensuring they are reserved for people who need access to them.

Under Council's adopted local law making process for making a subordinate local law (*refer Supporting Information #3*), Council is not required to undertake public consultation (steps 2 to 4 inclusive) where it decides by resolution that the proposed amendment only amends an existing subordinate local law to make an "insubstantial change" and the amendment does not affect an anti-competitive provision.

Council officers consider the proposed amendment is an insubstantial change as it seeks to increase a penalty in line with State penalties. The amendment does not affect an anti-competitive provision. Accordingly, Council officers do not consider public consultation is required on the amendment and considers that steps 2 to 4 of Council's adopted local law-making process does not need to be satisfied.

Council may now, by resolution, decide to make the amendments to the Parking Local Law.

If Council makes the Amending Local Law, Council officers recommend that Council also make the Consolidated Local Law, which is a document that accurately combines the local law as it was made with all the amendments made to the local law since it was originally made.

3. Strategic Implications

3.1 Legislative / Legal Implications

The amendment to *Moreton Bay Regional Council Subordinate Local Law No. 5 (Parking) 2011* will be undertaken in accordance with the *Local Government Act 2009* and Council's adopted local law-making process.

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 ☒ Nil identified

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications ☒ Nil identified

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

ITEM 5.1 PROPOSED AMENDMENT TO SUBORDINATE LOCAL LAW NO. 5 (PARKING) 2011 - 61635540 (Cont.)

3.9 Social Implications

The amendment to *Moreton Bay Regional Council Subordinate Local Law No. 5 (Parking) 2011* will increase the penalty for drivers who park in a disability parking space without the required permit. This amendment aligns with the intent of Council's Disability Access and Inclusion Plan.

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 not human rights implications relevant to Council's decision.

3.11 Consultation / Communication

Council's Legal Services Department and Community Services Sport and Recreation Department has been consulted and provided input into the formulation of this report.

ITEM 5.2
INFRINGEMENT NOTICE COURT ELECTIONS

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES
Reference: 61730299 : 1 March 2021
Responsible Officer: GL, Brief Management and Prosecutions Coordinator (CES Customer Response)

Executive Summary

Council's approval is sought for the commencement of two prosecutions in the Magistrates Court for alleged offences under Moreton Bay Regional Council Local Law No. 2 (Animal Management) 2011 and Moreton Bay Regional Council Local Law No. 4 (Local Government Controlled Areas and Roads) 2011.

The *State Penalties Enforcement Act 1999* allows for a person who has been issued with a penalty infringement notice to elect to have the matter heard through the Magistrates Court instead of paying the infringement.

Council has received two (2) elections requests from members of the community who have received penalty infringement notices. These matters have been assessed and are considered appropriate to proceed as requested to the Magistrates Court. In order to progress these matters a resolution of Council is sought authorising officers to commence proceedings for these matters.

RESOLUTION

Moved by Cr Karl Winchester

Seconded by Cr Cath Tonks

CARRIED 11/0

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 *Moreton Bay Regional Council Local Law No.2 (Animal Management)* and *Moreton Bay Regional Council Local Law No.4 (Local Government Controlled Areas and Roads) 2011*.
2. That the prosecutions described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

ITEM 5.2 INFRINGEMENT NOTICE COURT ELECTIONS - 61730299 (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 *Moreton Bay Regional Council Local Law No.2 (Animal Management)* and *Moreton Bay Regional Council Local Law No.4 (Local Government Controlled Areas and Roads) 2011*.
2. That the prosecutions described 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

Council's Local Laws provide a legal and procedural framework for their administration, implementation and enforcement.

The purpose of the Local Laws is to:

- maintain community expectations and standards;
- protect the environment, public health and safety; and
- maintain community amenity through the administration and regulation of activities such as:
 - prescribed activities (local law approvals)
 - prohibited and restricted activities
 - the keeping of animals
 - the regulation of parking.

Council officers are authorised by the Chief Executive Officer, in accordance with their delegations, to issue Penalty Infringement Notices for offences that relate to Council's Local Laws and State legislation.

When a Penalty Infringement Notice is issued to a person for an offence, the *State Penalties Enforcement Act 1999* states that the alleged offender must, within 28 days after the date of the infringement notice, elect one of the following options:

- a) pay the fine in full or
- b) pay the fine in instalments (penalty amounts over \$200) or
- c) make an election to the administering authority to have the matter of the offence decided in a Magistrates Court.

In addition to the abovementioned options, Council provides the alleged offender with the opportunity to request a review of the issuing of the penalty infringement notice. Whilst there is no legislative requirement for this review, Council will undertake a review of the facts and circumstances relating to the issue of the penalty infringement notice and consider any reasonable or compassionate grounds offered by the alleged offender. A review decision is provided to the requestor in writing.

If an alleged offender elects to have the matter heard and determined by a Magistrates Court, officers undertake the same review process to ensure that the infringement notice has been correctly and lawfully issued before progressing the matter.

2. Explanation of Item

Council has received two (2) requests from community members who were issued with a penalty infringement notice and who have elected for the matter to be heard by the Magistrates Court instead of paying the infringement, that are considered appropriate to proceed with to the Magistrates Court.

The penalty infringement notices were issued to the requestors for what Council officers allege to be offences under *Moreton Bay Regional Council Local Law No. 2 (Animal Management) 2011* ('Local Law 2')

ITEM 5.2 INFRINGEMENT NOTICE COURT ELECTIONS - 61730299 (Cont.)

and the *Moreton Bay Regional Council Local Law No. 4 (Local Government Controlled Areas and Roads) 2011* ('Local Law 4').

Local Law 2 provides amongst other things that it is an offence for a person to fail to provide proper enclosure and prevent animal from wandering.

Local Law 4 provides amongst other things that it is an offence for a person to engaging in a restricted activity by driving or parking a vehicle within a park/reserve.

Council is the responsible agency for enforcement and regulation of Moreton Bay Regional Council Local Laws. The matters have been reviewed to ensure the penalty infringement notices have been correctly and lawfully issued in preparation for progressing to court.

Officers propose to proceed as requested by the alleged offenders with the two prosecutions to the Magistrates Court. Table 1 below outlines the offences for which the alleged offenders have elected to proceed to court.

Table 1 - Court elect infringements

Summary of charges - Infringement Notice Court Elections		Prosecution reference numbers
Matter 1	Charge 1 - Failure to provide proper enclosure and prevent animal from wandering	LS/2021/0062
Matter 2	Charge 1 - Engaging in a restricted activity - driving and parking within a park/reserve.	LS/2021/0170

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 these matters for offences under Local Law 2 and Local Law 4.

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 Local Laws rely on Council to investigate, monitor and enforce the offences against those laws. The matters have been reviewed in preparation for court.

3.5 Delegated Authority Implications

☒ Nil identified

ITEM 5.2 INFRINGEMENT NOTICE COURT ELECTIONS - 61730299 (Cont.)

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

Court proceedings can establish broader understanding of statutory and local laws regulation and build community confidence in Councils ability to effectively address offending.

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

Legal Services Department

Director Community & Environmental Services

ITEM 5.3
COMMENCEMENT OF PROSECUTIONS

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES
Reference: 61689076 : 1 March 2021
Responsible Officer: GL, Brief Management and Prosecutions Coordinator (CES Customer Response)

Executive Summary

Investigations have been conducted in relation to two dog attacks and a matter of unauthorised tree removal from a Council reserve where the investigating officers have recommended prosecution as a means of enforcement.

Council's approval is sought for the commencement of three prosecutions in the Magistrates Court for what Council Officers allege to be offences under the *Animal Management (Cats and Dogs) Act 2008* (the Act) and the *Moreton Bay Regional Council Local Law No. 2 (Animal Management) 2011* (Local Law 2) and the *Moreton Bay Regional Council Local Law No. 4 (Local Government Controlled Areas and Roads) 2011* (Local Law 4).

The matters have been reviewed and assessed as appropriate to progress for prosecution in the Magistrates court.

RESOLUTION

Moved by Cr Adam Hain

Seconded by Cr Sandra Ruck

CARRIED 11/0

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*, *Moreton Bay Regional Council Local Law No.2 (Animal Management) 2011* and *Moreton Bay Regional Council Local Law No.4 (Local Government Controlled Areas and Roads) 2011*.
2. That the prosecutions described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

ITEM 5.3 COMMENCEMENT OF PROSECUTIONS - 61689076 (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*, *Moreton Bay Regional Council Local Law No.2 (Animal Management) 2011* and *Moreton Bay Regional Council Local Law No.4 (Local Government Controlled Areas and Roads) 2011*.
2. That the prosecutions described 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

Council is the responsible agency for enforcement and regulation under the Act and Moreton Bay Regional Council Local Laws and as such has a responsibility to take enforcement action when breaches are identified.

Investigations have been conducted in relation to two dog attacks and a matter of unauthorised tree removal from a Council reserve. It is considered appropriate, and in the public interest, to progress these matters to the Magistrates Court for prosecution.

The Act and Local Law 2 provide legal and procedural frameworks for the administration, implementation and enforcement of animal ownership and management practices.

The Act provides that amongst others it is an offence for a person to fail to take reasonable steps to ensure a dog does not attack and Local Law 2 provides that amongst others it is an offence to fail to provide a proper enclosure and prevent an animal from wandering.

Council's approval is sought for the commencement of two (2) prosecutions in the Magistrates Court against two individuals for what Council officers allege to be offences under the Act and Local Law 2.

The *Moreton Bay Regional Council Local Law No. 4 (Local Government Controlled Areas and Roads) 2011* (Local Law 4) provides that it is an offence for a person to engage in restricted activities outside the extent permitted under a subordinate local law.

For the purpose of Local Law 4 it is a restricted activity to undertake an alteration or improvement to a local government area. This includes to plant, clear, damage, remove or interfere with any fauna, plants or plant material, trees, soils, sands, rocks or other materials in or on a local government-controlled area.

Council's approval is also sought for the commencement of one (1) prosecution in the Magistrates Court against an individual for what Council officers allege to be an offence under Local Law 4.

A summary of facts has been drafted for each matter and reviewed to ensure there is sufficiency of evidence to prove the offences.

2. Explanation of Item

Investigations have been conducted in relation to two dog attacks and a matter of unauthorised tree removal from a Council reserve where the investigating officers have recommended prosecution as a means of enforcement.

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 Act and Local Law 2.

ITEM 5.3 COMMENCEMENT OF PROSECUTIONS - 61689076 (Cont.)

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 undertaking of restricted activities presents a risk within the community and to community assets. An opportunity exists in this matter for Council to take enforcement action against the responsible person for the unauthorised removal of 4 mature trees from a Council reserve under Local Law 4.

Prosecution provides a means for Council to seek restitution of the costs to replace the trees from the offender. Council officers consider prosecution to be the most appropriate action.

Table 1 below outlines the alleged offences for each matter.

Table 1 - Prosecutions

Summary of charges - Prosecutions		Prosecution reference number
Matter 1	Charge 1 - Failure to provide proper enclosure and prevent animal from wandering Charge 2 - Failing to ensure dog does not attack a person causing bodily harm Charge 3 - Failing to ensure dog does not attack a person causing bodily harm Charge 4 - Fail to control animal in public place Charge 5 - Failing to ensure dog does not attack a person causing bodily harm Charge 6 - Knowingly provided false or misleading information. Charge 7 - Breach of a permit condition for Dangerous Dog - muzzled in public	LS/202/0098
Matter 2	Charge 1 - Failing to ensure dog does not attack another animal causing bodily harm.	LS/2021/0059
Matter 3	Charge 1 - Engage in a restricted activity outside the extent permitted under subordinate local law	LS/2021/0198

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 these matters for offences under the Act, Local Law 2 and Local Law 4.

Section 237(2) of the *Local Government Act 2009* provides that 'a local government may start proceedings 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 Act and Local Laws rely on Council to investigate, monitor and enforce the offences against those laws. The matters have been reviewed and assessed in preparation for court.

ITEM 5.3 COMMENCEMENT OF PROSECUTIONS - 61689076 (Cont.)

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

Court proceedings can establish broader understanding of statutory and local laws regulation and build community confidence in Councils ability to effectively address offending.

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

Legal Services Department

Director Community & Environmental 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

ITEM 12.1**NORTH LAKES GOLF COURSE - PROPOSED REDEVELOPMENT - INDEPENDENT DETERMINATION UPDATE**

Cr Jodie Shipway referred to the land previously used as the North Lakes Golf Course and reported that independent legal advice had been sought regarding the landowners proposed development of part of that land - the expert determination has recently been handed down and publicised.

Cr Shipway urged interested members of the community to read the determination.

ITEM 12.2**DEPUTY PREMIER AND MINISTER FOR STATE DEVELOPMENT, INFRASTRUCTURE, LOCAL GOVERNMENT AND PLANNING - INVITATION TO ATTEND COUNCIL MEETING**

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Karl Winchester

CARRIED 11/0

That the Hon Dr Steven Miles, Deputy Premier and Minister for State Development, Infrastructure, Local Government and Planning be invited to attend a Council meeting or Council briefing to address and discuss with Council his views on local government in the Moreton Bay Region.

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.

ITEM C.1 - DECLARATION OF INTEREST**Conflict of Interest (Previously Notified) - Cr Darren Grimwade - Telstra Corporation Limited**

Cr Darren Grimwade referred to a previously declared conflict of interest (General Meeting 25 November 2020) in relation to Telstra Corporation Limited who is a recommended supplier for this item.

As previously decided by Council, Cr Grimwade is permitted to participate in any decisions relating to Telstra including discussion, debate and voting on matters in the public interest.

Cr Grimwade remained in the meeting

CLOSED SESSION**RESOLUTION**

Moved by Cr Karl Winchester

Seconded by Cr Brooke Savage

CARRIED 11/0

That Council move into closed session pursuant to the provisions of s254J(3) of the Local Government Regulation 2012 to discuss Items C.1 to C.2.

The closed session commenced at 10.11am (livestreaming paused).

OPEN SESSION**RESOLUTION**

Moved by Cr Cath Tonks

Seconded by Cr Brooke Savage

CARRIED 11/0

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

The open session (livestreaming) resumed at 10.25am.

14a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL

ITEM C.1 – CONFIDENTIAL**PROPOSED LEASE FOR TELECOMMUNICATIONS FACILITY****Meeting / Session:** 5 COMMUNITY & ENVIRONMENTAL SERVICES**Reference:** 61483640 : 19 January 2021 - Refer **Confidential** Supporting Information
61483646**Responsible Officer:** AS, Manager Property Services (CES Property & Commercial Services)**Basis of Confidentiality**

Pursuant to s254J(3) of the Local Government Regulation 2012, clause (g), as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

This matter is reported to Council as section 236(2) of the Local Government Regulation 2012 requires Council resolution to apply the exception under section 236(1)(c)(vi) to dispose of a valuable non-current asset if the grant of a lease is for the purpose of a lease for a telecommunication tower.

Executive Summary

This report seeks Council's approval for the provision of a lease to Telstra Corporation Limited ACN 051 775 556 (**Telstra**), for the purpose of a telecommunications facility on the terms outlined in this report.

RESOLUTION

Moved by Cr Mark Booth**Seconded by Cr Sandra Ruck****CARRIED 11/0**

1. That the exception contained in section 236(1)(c)(vi) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the property referred to in this report.
2. That Telstra be granted a lease over Lease A in Lot 3 on RP134127 on SP115800 on the terms outlined 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 lease and any required variations of the lease on the Council's behalf, as described in this report.

ITEM C.2 – CONFIDENTIAL
PROPERTY ACQUISITION - KALLANGUR**Meeting / Session:** 2 INFRASTRUCTURE PLANNING**Reference:** 61657290 : 8 March 2021 - Refer **Confidential** Supporting Information
61657292**Responsible Officer:** AS, Manager Property Services (CES Property & Commercial Services)**Basis of Confidentiality**

Pursuant to s254J(3) of the Local Government Regulation 2012, clause (g), as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

Executive Summary

Council's approval is sought for the purchase of a residential property in Kallangur to enhance an important recreation and environmental / water way corridor.

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Cath Tonks

CARRIED 11/0

1. That Council delegates to the Chief Executive Officer the power to negotiate and finalise the purchase of the property described in this confidential report.
2. That Council authorises the Chief Executive Officer to do all other things that are necessary to give effect to recommendation 1.

14b. CONFIDENTIAL GENERAL BUSINESS

No items for consideration.

14. CLOSURE

There being no further business the Chairperson closed the meeting at 10.28am.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 21/157 to 21/201 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 17 March 2021.

Greg Chemello
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Tuesday 31 March 2021.

Greg Chemello
Chief Executive Officer

Councillor Denise Sims
Deputy Mayor