



# MINUTES

## General Meeting

**Tuesday 28 May 2019**  
commencing at 10.42am

Caboolture Chambers  
2 Hasking Street, Caboolture

**ENDORSED GM20190604**

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***Adoption Extract from General Meeting – 4 June 2019 (19/1065)***

**4.1 General Meeting - 28 May 2019  
(Pages 19/887 - 19/891)**

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**RESOLUTION**

**Moved by Cr Adrian Raedel**

**Seconded by Cr Mick Gillam**

**CARRIED 11/0**

**That the minutes of the General Meeting held 28 May 2019 be confirmed.**

# Moreton Bay Regional Council

GENERAL MEETING - 472  
28 May 2019

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## 1. OPENING PRAYER

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

## 2. ATTENDANCE & APOLOGIES

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

Chief Executive Officer	(Mr Daryl Hitzman)
Director Community & Environmental Services	(Mr Bill Halpin)
Director Planning & Economic Development	(Mr Mike Pickering)
Director Engineering, Construction & Maintenance	(Mr Tony Martini)
Director Infrastructure Planning	(Mr Andrew Ryan)

Meeting Support (Kim Reid)

## 3. MEMORIALS OR CONDOLENCES

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Cr Brooke Savige conveyed her condolences to the family of a well-known Meldale local, the late **Mr George Turner**. Cr Brooke Savige noted that George was a kind, generous man who loved his family and his community. Mr Turner was known for his advocacy around the neighbourhood hub element of Council's planning scheme as it is applied to Meldale. Cr Savige noted that George was a great source of encouragement and support to herself and that she would miss his friendship, his guidance and his humour.

Cr Brooke Savige also made mention of the late **Mr Ambrosia Leslie Nepelle Bin Juda**, known to his friends and family as Ambrose. Ambrose was a well-known, respected and loved member of the community who passed away last week at the age of 29 after suffering complications from the flu.

Cr Savige conveyed her condolences, thoughts and prayers to Ambrose's family, all of his friends and the wider region who have all been rocked by Ambrose's passing.

Cr James Houghton made mention of Redcliffe resident, the late **Mr Ronald 'Ron' Arthur Cook** who recently passed away. Mr Cook had worked as a bank manager for NAB Strathpine and volunteered for Rotary Clubs in Pine Rivers, Redcliffe, the Gold Coast and Canberra, as well as being involved with Redcliffe Golf Club, Miss Australia Judges Board, Redcliffe Men's Shed and the Salvation Army. Cr Houghton described Mr Cook as a larrikin, noting he was a keen sportsman with a love for his community, and he would be sadly missed.

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

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4. CONFIRMATION OF MINUTES

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

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**RESOLUTION**

**Moved by Cr Adrian Raedel**

**Seconded by Cr Koliana Winchester**

**CARRIED 13/0**

**That the minutes of the General Meeting held 21 May 2019 be confirmed.**

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5. PRESENTATION OF PETITIONS

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*(Addressed to the Council and tabled by Councillors)*

There were no petitions for tabling.

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6. CORRESPONDENCE

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There was no correspondence for tabling.

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7. COMMUNITY COMMENT

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There are no participants in the Community Comment session.

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8. NOTIFIED MOTIONS

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

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**RESOLUTION**

**Moved by Cr Mick Gillam**

**Seconded by Cr Adrian Raedel**

**CARRIED 13/0**

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

8.1. Cr Mick Gillam (Division 8) - Establishment of new Standing Committee - Delegated Decisions Committee (cont.)

**REPORT:**

**Executive Summary**

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

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

**REPORT DETAIL**

**1. Background**

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

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

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

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

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

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

**2. Explanation of Item**

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

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

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

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

In this regard, it is suggested that:

- the sole purpose of the Committee would be to decide matters as may be delegated to it by Council, under s257 of the Act, where the delegation arises as a consequence of s175E(6) of the Act.
- the Committee consist of the Mayor and four Councillors, with a quorum being 3 (a majority of its members)

8.1. *Cr Mick Gillam (Division 8) - Establishment of new Standing Committee - Delegated Decisions Committee (cont.)*

- Chairperson and Councillor membership will be determined by resolution of Council and may be amended from time to time based on the matter being delegated to the Committee to decide.
- Dates and times for meetings will be fixed by resolution of Council on an 'as-needs' basis.
- Meeting days/times will be advertised as required under s.277(1)(b) of the Local Government Regulation 2012 (the Regulation).
- Committee meetings will be open to the public, unless the Committee resolves that the meeting is to be closed under s.275 of the Regulation.

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

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

### 3. Strategic Implications

#### 3.1 Legislative/Legal Implications

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

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

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

#### 3.4 Risk Management Implications

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

#### 3.5 Delegated Authority Implications

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

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

#### 3.6 Financial Implications

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

Sufficient budgetary allocation is made under Governance - Advertising 20003.000.22001.

#### 3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Consultation / Communication

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

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

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

*(s262 of the Local Government Regulation 2012)*

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There were no Notices of Motion.

10. ADJOURN MEETING TO ENABLE CONDUCT OF COORDINATION  
COMMITTEE MEETING

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**RESOLUTION**

**Moved by Cr James Houghton**

**Seconded by Cr Julie Greer**

**CARRIED 13/0**

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

The General Meeting adjourned at 10.49am.

11. RECONVENE GENERAL MEETING

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**RESOLUTION**

**Moved by Cr Adrian Raedel**

**Seconded by Cr Matt Constance**

**CARRIED 13/0**

**That the General Meeting be reconvened.**

The meeting reconvened at 4.22pm.

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12. ADOPTION OF COMMITTEE MEETING REPORTS & RECOMMENDATIONS

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12.1. Coordination Committee Meeting - 28 May 2019 - BALANCE OF ITEMS EXCLUDING 2.1, C.1 AND C.2 (Pages 19/892 to 19/1020)

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**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr Peter Flannery

CARRIED 13/0

That the report and recommendations of the Coordination Committee meeting held 28 May 2019, be adopted excluding Items 2.1, C.1 and C.2 to be considered separately.

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12.2. Coordination Committee Meeting - 28 May 2019: ITEM 2.1 CONSIDERED SEPARATELY

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**ITEM 2.1 - DEVELOPMENT APPLICATION DA/35817/2018/V3RL - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (2 INTO 50 LOTS AND BALANCE LOT) IN TWO STAGES LOCATED AT 265 CALLAGHAN ROAD AND 305 BURPENGARY ROAD, NARANGBA - DIVISION 2**

**Conflict of Interest - Declaration - Cr Allan Sutherland (Mayor)**

Pursuant to s175E of the Local Government Act 2009, Cr Allan Sutherland (Mayor) declared a perceived conflict of interest in Item 2.1 as Impact Homes was a contributor of \$3,000 to Moreton Futures Trust who in turn contributed to the Mayor's 2016 election campaign. Impact Homes is not the applicant or the landholder, however has a business relationship with Narangba View Pty Ltd (the applicant). Representatives of Impact Homes have attended pre-lodgement meetings and have been involved throughout the assessment process. Mr Robert Harder is a Director of Narangba View Pty Ltd and a former Director of Impact Homes Pty Ltd.

**Cr Allan Sutherland (Mayor) retired from the meeting at 4.24pm taking no part in the debate or resolution regarding same.**

**Conflict of Interest - Declaration - Cr Julie Greer**

Pursuant to s175E of the Local Government Act 2009, Cr Julie Greer declared a perceived conflict of interest in Item 2.1 as Impact Homes was a contributor of \$276.48 to Moreton Futures Trust who in turn contributed in-kind to Cr Greer's 2016 election campaign. Impact Homes is not the applicant or the landholder, however has a business relationship with Narangba View Pty Ltd (the applicant). Mr Robert Harder is a Director of Narangba View Pty Ltd and a former Director of Impact Homes Pty Ltd.

**Cr Julie Greer retired from the meeting at 4.24pm taking no part in the debate or resolution regarding same.**

**Conflict of Interest - Declaration - Cr Peter Flannery**

Pursuant to s175E of the Local Government Act 2009, Cr Peter Flannery declared a perceived Conflict of Interest in Item 2.1 as during the Councillors' 2016 Election campaign, he received in-kind support in the amount of \$408.55 from Impact Homes Pty Ltd whom were one of nine businesses in total who made a donation to Moreton Futures Trust. Impact Homes is not the applicant or the landholder, however has a business relationship with Narangba View Pty Ltd (the applicant). Mr Robert Harder is a Director of Narangba View Pty Ltd and a former Director of Impact Homes Pty Ltd.

**Cr Peter Flannery retired from the meeting at 4.24pm taking no part in the debate or resolution regarding same.**

12.2. *Coordination Committee Meeting - 28 May 2019 - ITEM 2.1 CONSIDERED SEPARATELY*

**Conflict of Interest - Declaration - Cr James Houghton**

Pursuant to s175E of the Local Government Act 2009, Cr James Houghton declared a perceived conflict of interest in Item 2.1 as the Councillor received in kind support during the 2016 electoral campaign from Moreton Futures Trust on 19 March 2016. Impact Homes was one of nine contributors to Moreton Futures Trust and at the time of the 2016 election. Impact Homes is not the applicant or the landholder, however has a business relationship with Narangba View Pty Ltd (the applicant).

**Cr James Houghton retired from the meeting at 4.24pm taking no part in the debate or resolution regarding same.**

Cr Mike Charlton (Deputy Mayor) assumed the Chair at this time.

**RESOLUTION - Item 2.1 of Coordination Committee - 28 May 2019 (Page 19/900)**

**Moved by Cr Koliana Winchester**

**Seconded by Cr Matt Constance**

**CARRIED 9/0**

*Crs Allan Sutherland (Mayor), Julie Greer, Peter Flannery and James Houghton had declared a conflict of interest and had left the meeting*

**That the report and recommendations for Item 2.1 of the Coordination Committee meeting held 28 May 2019, be adopted.**

**ATTENDANCE**

Crs Allan Sutherland (Mayor), Julie Greer, Peter Flannery and James Houghton returned to the meeting at 4.25pm after consideration of Item 2.1.

The Mayor resumed the Chair at this time.

**12.3. Coordination Committee Meeting - 28 May 2019: ITEM C.1 CONSIDERED SEPARATELY**

**ITEM C.1 - PROPOSED NEW TELECOMMUNICATIONS LEASE - DIVISION 6**

**Conflict of Interest - Declaration - Cr Darren Grimwade**

Pursuant to s175E of the *Local Government Act 2009*, Cr Darren Grimwade declared a perceived conflict of interest in Item C.1 as Telstra Corporation Limited has provided the Councillor with event tickets and hospitality to numerous events.

**Cr Darren Grimwade retired from the meeting at 4.26pm taking no part in the debate or recommendation regarding same.**

**RESOLUTION - Item C.1 of Coordination Committee - 28 May 2019 (Page 19/1012)**

**Moved by Cr Mick Gillam**

**Seconded by Cr James Houghton**

**CARRIED 12/0**

*Cr Darren Grimwade had declared a conflict of interest and had left the meeting*

**That the report and recommendations for Item C.1 of the Coordination Committee meeting held 28 May 2019, be adopted.**

**ATTENDANCE**

Cr Darren Grimwade returned to the meeting at 4.27pm after consideration of Item C.1.

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**12.4. Coordination Committee Meeting - 28 May 2019: ITEM C.2 CONSIDERED SEPARATELY**

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**ITEM C.2 - AGREEMENT WITH DEVELOPER TO CONSTRUCT WORKS FOR COUNCIL - PARADISE ROAD, BURPENGARY - DIVISION 2**

**Conflict of Interest - Declaration - Cr Allan Sutherland (Mayor)**

Pursuant to s175E of the *Local Government Act 2009*, Cr Allan Sutherland (Mayor) declared a perceived conflict of interest in Item C.2 as he owns property located in Paradise Road, Burpengary. The Mayor also declared he had utilised an election billboard owned by Villa World at Mango Hill for a two-week period prior to the 2016 election, which was subsequently removed after the election.

**Cr Allan Sutherland (Mayor) retired from the meeting at 4.27pm taking no part in the debate or resolution regarding same.**

**Conflict of Interest - Declaration - Cr Julie Greer**

Pursuant to s175E of the *Local Government Act 2009*, Cr Julie Greer declared a perceived conflict of interest in Item C.2 as she had utilised an election billboard owned by Villa World at Mango Hill for a two-week period prior to the 2016 election, which was subsequently removed after the election. Cr Greer also declared in-kind support received from the Mayor for her 2016 election campaign.

**Cr Julie Greer retired from the meeting at 4.27pm taking no part in the debate or resolution regarding same.**

**Conflict of Interest - Declaration - Cr Mike Charlton (Deputy Mayor)**

Pursuant to s175E of the *Local Government Act 2009*, Cr Mike Charlton (Deputy Mayor) declared a perceived conflict of interest in Item C.2 as the Mayor contributed \$2,300 in-kind to Cr Charlton's 2016 election campaign. The Mayor owns property located in Paradise Road, Burpengary.

**However, Cr Mike Charlton (Deputy Mayor) has considered his position and is firmly of the opinion that he could participate in the debate and resolution on the matter in the public interest.**

**Conflict of Interest - Declaration - Cr James Houghton**

Pursuant to s175E of the *Local Government Act 2009*, Cr James Houghton declared a perceived conflict of interest in Item C.2 as the Councillor received in-kind support from the Mayor as part of his 2016 election campaign. The Mayor owns property located in Paradise Road, Burpengary.

**However, Cr James Houghton has considered his position and is firmly of the opinion that he could participate in the debate and resolution on the matter in the public interest.**

**Conflict of Interest - Declaration - Cr Koliana Winchester**

Pursuant to s175E of the *Local Government Act 2009*, Cr Koliana Winchester declared a perceived conflict of interest in Item C.2 as the Mayor provided in-kind support to Cr Winchester's 2016 election campaign for a billboard. The Mayor owns property located in Paradise Road, Burpengary.

**However, Cr Koliana Winchester has considered her position and is firmly of the opinion that she could participate in the debate and resolution on the matter in the public interest.**

12.4. Coordination Committee Meeting - 28 May 2019: ITEM C.2 CONSIDERED SEPARATELY (Cont.)

**Conflict of Interest - Declaration - Cr Peter Flannery**

Pursuant to s175E of the *Local Government Act 2009*, Cr Peter Flannery declared a perceived conflict of interest in Item C.2 as the Mayor assisted Cr Flannery in receiving in-kind support for his 2016 election campaign. The Mayor owns property located in Paradise Road, Burpengary.

**However, Cr Peter Flannery has considered his position and is firmly of the opinion that he could participate in the debate and resolution on the matter in the public interest.**

**RESOLUTION - Appoint Chairperson**

**Moved by Cr Adrian Raedel**

**Seconded by Cr Matt Constance**

**CARRIED 7/0**

*(being other Councillors entitled to vote)*

**That Cr Mick Gillam be appointed as Chairperson of the General Meeting at this point in time.**

**Councillors not voluntarily left meeting - other Councillors entitled to vote must decide**

*Pursuant to s175E(3) of the Local Government Act 2009, the other Councillors who are entitled to vote at the meeting have been informed about a number of Councillor's personal interests in the matter and the Councillors have not voluntarily left the meeting, and in accordance with s175E(4) the other Councillors must decide whether the Councillors have a real or perceived conflict of interest in the matter and what action the Councillors must take.*

**RESOLUTION**

**Moved by Cr Matt Constance**

**Seconded by Cr Denise Sims**

**CARRIED 6/1**

*Cr Adrian Raedel voted against the resolution*

**That in accordance with s175E(4) of the *Local Government Act 2009*, it is considered that Cr Mike Charlton (Deputy Mayor), Cr James Houghton, Cr Koliانا Winchester and Cr Peter Flannery have a perceived conflict of interest in the matter however, may participate in the meeting including voting on the matter as it is considered that this is in the public interest.**

Crs Mike Charlton (Deputy Mayor), James Houghton, Koliانا Winchester and Peter Flannery remained in the meeting.

**RESOLUTION - Resume Chair**

**Moved by Cr Adrian Raedel**

**Seconded by Cr Brooke Savige**

**CARRIED 11/0**

*Crs Allan Sutherland (Mayor) and Julie Greer had declared a conflict of interest and had left the meeting*

**That in the absence of the Mayor, Cr Mike Charlton (Deputy Mayor) resume the Chair at this time.**

12.4. *Coordination Committee Meeting - 28 May 2019: ITEM C.2 CONSIDERED SEPARATELY (Cont.)*

**RESOLUTION - Item C.2 of Coordination Committee - 28 May 2019 (Page 19/1017)**

**Moved by Cr Mick Gillam**

**Seconded by Cr Brooke Savige**

**CARRIED 11/0**

*Crs Allan Sutherland (Mayor) and Julie Greer had declared a conflict of interest and had left the meeting*

**That the report and recommendations for Item C.2 of the Coordination Committee Report and Recommendations of 28 May 2019, be adopted.**

**ATTENDANCE**

Crs Allan Sutherland (Mayor) and Julie Greer returned to the meeting at 4.30pm after consideration of Item C.2.

The Mayor resumed the Chair at this time.

**13. GENERAL BUSINESS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE**

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

**14. SPECIAL GENERAL BUSINESS (Closed Session)**

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*(s275 of the Local Government Regulation 2012)*

There was no Special General Business.

**15. CLOSURE**

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There being no further business the meeting closed at 4.31pm.

**CHIEF EXECUTIVE OFFICER'S CERTIFICATE**

I certify that minute pages numbered 19/887 to 19/1020 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 28 May 2019.

\_\_\_\_\_  
Daryl Hitzman  
Chief Executive Officer

**CONFIRMATION CERTIFICATE**

The foregoing minutes were confirmed by resolution of Council at its meeting held Tuesday 4 June 2019.

\_\_\_\_\_  
Daryl Hitzman  
Chief Executive Officer

\_\_\_\_\_  
Councillor Allan Sutherland  
Mayor