



MINUTES

General Meeting

Tuesday 19 March 2019
commencing at 11.31am

Caboolture Chambers
2 Hasking Street, Caboolture

ENDORSED GM20190326

Adoption Extract from General Meeting – 26 March 2019 (Page 19/478)

**4.1 General Meeting - 19 March 2019
(Pages 19/393 - 19/399)**

RESOLUTION

Moved by Cr Koliانا Winchester

Seconded by Cr Peter Flannery

CARRIED 11/0

That the minutes of the General Meeting held 19 March 2019 be confirmed.

Moreton Bay Regional Council

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1. OPENING PRAYER

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

2. ATTENDANCE & APOLOGIES

Committee Members:

Cr Mike Charlton (Deputy Mayor) (Chairperson)
Cr Brooke Savige
Cr Peter Flannery
Cr Adam Hain
Cr James Houghton
Cr Koliانا Winchester
Cr Denise Sims
Cr Matthew Constance
Cr Darren Grimwade
Cr Adrian Raedel

Officers:

Chief Executive Officer	(Mr Daryl Hitzman)
Director Engineering, Construction & Maintenance	(Mr Tony Martini)
Director Community & Environmental Services	(Mr Bill Halpin)
Director Infrastructure Planning	(Mr Andrew Ryan)
Senior Legal Officer	(Mr Kelvin Chin Fat)
Acting Manager Executive Services	(Mr Darren Dallinger)
Meeting Support	(Hayley Kenzler)

Apologies:

Cr Allan Sutherland (Mayor) who was accompanying His Excellency the Honourable Paul de Jersey AC, Governor of Queensland during his visit to the Moreton Bay Region.
Cr Julie Greer
Cr Mick Gillam

3. MEMORIALS OR CONDOLENCES

Cr Peter Flannery made special mention of the late **Mr John Francis Seal**, a resident of Burpengary East who had recently passed away at age 74. Cr Flannery said that Mr Seal and his wife Valmai (Val) contributed substantially to the community, particularly in relation to fundraising for cancer research.

Cr Denise Sims provided her sincere condolences to the people and community of **Christchurch, New Zealand** following the recent terrorist attack that saw many lives lost and many more injured. Cr Sims said that Council had lit its civic buildings white as a show of support and provided condolence books at the Strathpine and Caboolture administration buildings, as well as the region's libraries to enable residents to send messages of support to New Zealand. A community memorial service would also be held at North Lakes the proceeding weekend.

Cr Sims requested that on behalf of Council and the community, a letter of condolence be sent to the Muslim Community within the Moreton Bay Region as a show of its support.

3. Memorials and Condolences Cont'd

Cr Mike Charlton (Deputy Mayor), in echoing Cr Sim's sentiments, said that there could not be a person unaffected by the tragedy, and that it was an absolute travesty of justice. Further, Cr Charlton noted that while it was ok to disagree, it is certainly not ok to be disagreeable, and that hate speech would never be tolerated, especially in today's society. Cr Charlton asked Council to hold the people of Christchurch in their hearts.

Councillors observed a moment's silence in memory of residents who had passed away, noting Council's sympathy.

4. CONFIRMATION OF MINUTES

**4.1. General Meeting - 12 March 2019
(Pages 19/251 to 19/257)**

RESOLUTION

Moved by Cr Adrian Raedel

Seconded by Cr Denise Sims

CARRIED 10/0

That the minutes of the General Meeting held 12 March 2019 be confirmed.

5. PRESENTATION OF PETITIONS

(Addressed to the Council and tabled by Councillors)

There were no Petitions for presentation.

6. CORRESPONDENCE

There was no correspondence for tabling.

7. COMMUNITY COMMENT

Cr Mike Charlton (Deputy Mayor) opened the Community Comment session, making the required statement regarding the conduct of the Session, and invited the following participants to address Council.

7.1. Community Comment: Mr Colin Scobie - Concerns regarding Dog off leash trial situated at Queens Beach North, Scarborough (A18344666)

As part of the Community Comment session, Mr Colin Scobie addressed Council in respect of concerns surrounding the dog off leash trial situated at Queens Beach North, Scarborough.

7.1 Community Comment: Mr Colin Scobie cont'd

The following points were made:

- MBRC priority species document - endangered species - Loggerhead Turtles (effect on the turtles, as one had recently been found on Queens Beach)
- Dr Richard Harris, Australian of the Year 2019 - mission that he wants to get kids out and about in the community
- Dog Attack Register - statistics
- That dogs have a choice as to the beach they can go to, however humans do not
- Queens Beach North precinct is a family friendly environment with significant council funds spent on infrastructure
- Concerns over the packs of dogs present, and that it is only a matter of time before there is a dog attack
- Requested that the dog trial cease

Cr Charlton (Deputy Mayor) thanked Mr Scobie for his address to Council.

7.2. Community Comment: Mr Kenneth Park - Sandstone Point Hotel Development Application to increase the number of events (A18344664)

As part of the Community Comment session, Mr Kenneth Park, addressed Council in respect of the Sandstone Point Hotel development application to increase the number of events, including the counting of multiple day events as a single event.

The following points were made in relation to Mr Park's Community Comment address:

- Requested Council be reminded of their obligations to declare interests
- Noted that the rules for declarations are complex and that it is an offence to fail to make a declaration of interest
- Ratepayer perception (whether right or wrong), that staff are pressured to make the right decision
- When matters are delegated to the Chief Executive Officer

Cr Charlton (Deputy Mayor) thanked Mr Park for his address to Council.

8. NOTIFIED MOTIONS

There were no Notified Motions.

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

There were no Notices of Motion.

10. ADJOURN MEETING TO ENABLE CONDUCT OF COORDINATION
COMMITTEE MEETING

RESOLUTION

Moved by Cr James Houghton

Seconded by Cr Koliana Winchester

CARRIED 10/0

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

The General Meeting adjourned at 11.50am.

11. RECONVENE GENERAL MEETING

RESOLUTION

Moved by Cr Darren Grimwade

Seconded by Cr Koliana Winchester

CARRIED 10/0

That the General Meeting be reconvened.

The General Meeting reconvened at 3.12pm.

ATTENDANCE

Mr Kelvin Chin Fat and Mr Darren Dallingier were present when the meeting reconvened, having attended during the conduct of the Coordination Committee meeting.

Mr Anthony Martini and Mr Andrew Ryan were not present when the meeting reconvened.

12. ADOPTION OF COMMITTEE MEETING REPORTS & RECOMMENDATIONS

12.1. Coordination Committee Meeting - 19 March 2019 - ITEM 2.2 CONSIDERED SEPARATELY

ITEM 2.2: DA/31643/2016/VCHG/1 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SPORT AND RECREATION (CHANGE OTHER) - DIV. 1

Conflict of Interest - Declaration - Cr Brooke Savige

Pursuant to s175E of the *Local Government Act 2009*, Cr Brooke Savige declared a personal interest in Item 2.2 as a complaint was lodged by Mr Robert Comiskey, a Director of Bribie Waters Pty Ltd, the applicant of Item 2.2 in 2018 about the Councillor's conduct as a Councillor which was dismissed by the regional conduct review panel, and Mr. Comiskey's subsequent interactions with the Councillor at a photo opportunity in September 2018.

However the Councillor has considered her position and advice received by the Integrity Commissioner and is firmly of the opinion that the Councillor does not have a conflict of interest and therefore would like to remain and participate in the debate and recommendations on the matter in the public interest. However in the interests of transparency the Councillor raised this personal interest for discussion and determination by Council as per the *Local Government Act 2009*.

- 12.1 *Coordination Committee Meeting - 19 March 2019 - ITEM 2.2 CONSIDERED SEPARATELY*
ITEM 2.2: DA/31643/2016/VCHG/1 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR
OUTDOOR SPORT AND RECREATION (CHANGE OTHER) - DIVISION 1 (Cont'd)

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 2.2 as the Councillor received in-kind support during the 2016 electoral campaign from Moreton Futures Trust on 19 March 2016 to the value of \$2,873. Rio Vista Security was one of nine contributors to Moreton Futures Trust and at the time of the 2016 election, Rio Vista Security was owned by the Comiskey Group being the applicant of Item 2.2.

Cr James Houghton has considered his position and will retire from the meeting.

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 2.2 as during the Councillors' 2016 Election campaign, he received in-kind support of \$408.55 from Rio Vista Security whom were one of nine businesses in total who made a donation to Moreton Futures Trust. Rio Vista Security, which was owned by Mr Robert Comiskey is also part owner of Bribie Waters Pty Ltd who are the applicant for Item 2.2.

Cr Peter Flannery has considered his position and will retire from the meeting.

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 2.2 as he is a friend of Mr Robert Comiskey, a Director of Bribie Waters Pty Ltd, the applicant of Item 2.2.

Cr Darren Grimwade has considered his position and will retire from the meeting.

Councillors Peter Flannery, James Houghton and Darren Grimwade voluntarily retired from the meeting at 3.31pm.

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 Cr Brooke Savige's personal interests in the matter and the Councillor has not voluntarily left the meeting and in accordance with s175E(4) the other Councillors must decide if the Councillor has a perceived conflict of interest in the matter and what action the Councillor must take.

However as a quorum cannot be formed, no decision can be made on this matter.

ATTENDANCE

Councillors Peter Flannery, James Houghton and Darren Grimwade returned to the meeting at 3.32pm.

RESOLUTION

Moved by Cr Darren Grimwade

Seconded by Cr Peter Flannery

CARRIED 8/2

Cr Brooke Savige and Cr Adrian Raedel voted against the resolution

That the report and recommendation in relation to Item 2.2 of the Coordination Committee meeting held 19 March 2019 (Page 19/407), be adopted.

12.2. Coordination Committee Meeting - 19 March 2019 - ITEM 4.4 CONSIDERED SEPARATELY

ITEM 4.4: PETRIE MILL REDEVELOPMENT - INTERNAL CIVIL WORKS STAGE 1 - DIV. 7

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 4.4 as BMD Constructions were a contributor to Moreton Futures Trust in 2010. Cr Charlton advised that he received an interest free loan in the amount of \$5000 from Moreton Futures Trust in late September 2011 which was repaid in full on 25 January 2012. Cr Charlton has not received a donation since that time.

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

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 Cr Mike Charlton's personal interests in the matter and the Councillor has not voluntarily left the meeting and in accordance with s175E(4) the other Councillors must decide if the Councillor has a perceived conflict of interest in the matter and what action the Councillor must take.

RESOLUTION

Moved by Cr James Houghton

Seconded by Cr Koliana Winchester

CARRIED 6/3

Cr Denise Sims, Cr Darren Grimwade and Cr Adrian Raedel voted against the matter

That in accordance with s175E(4) of the *Local Government Act 2009*, Cr Mike Charlton (Deputy Mayor) has 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.

Cr Mike Charlton (Deputy Mayor) remained in the meeting.

RESOLUTION

Moved by Cr Denise Sims

Seconded by Cr Peter Flannery

CARRIED 10/0

That the report and recommendation for Item 4.4 of the Coordination Committee meeting held 19 March 2019, be adopted.

**12.3. Coordination Committee Meeting - 19 March 2019 - BALANCE OF ITEMS
(Pages 19/400 - 19/477)**

RESOLUTION

Moved by Cr Adrian Raedel

Seconded by Cr James Houghton

CARRIED 10/0

That the report and recommendations of the Coordination Committee meeting held 19 March 2019 be adopted, excluding Item 2.2 and Item 4.4. which have been considered separately.

13. GENERAL BUSINESS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE

13.1. Formation of Standing Committee

RESOLUTION

Moved by Cr Peter Flannery

Seconded by Cr Matt Constance

CARRIED 10/0

That Council workshops the formation of a new Standing Committee for the purpose of deciding matters delegated to the Committee by the Council.

14. SPECIAL GENERAL BUSINESS (Closed Session)

(s275 of the Local Government Regulation 2012)

There was no Special General Business.

15. CLOSURE

There being no further business the meeting closed at 3.45pm.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 19/393 to 19/477 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 19 March 2019.

Daryl Hitzman
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Tuesday 26 March 2019.

Daryl Hitzman
Chief Executive Officer

Councillor Mike Charlton
Acting Mayor