



MINUTES

General Meeting

Tuesday 2 July 2019
commencing at 10.41am

Strathpine Chambers
220 Gympie Road, Strathpine

ENDORSED GM20190723

Adoption Extract from General Meeting – 23 July 2019 (Page 19/1448)

**4.1 General Meeting - 2 July 2019
(Pages 19/1341 - 19/1346)**

RESOLUTION

Moved by Cr Koliana Winchester

Seconded by Cr Denise Sims

CARRIED 11/0

That the minutes of the General Meeting held 2 July 2019 be confirmed.

Moreton Bay Regional Council

GENERAL MEETING - 478
2 July 2019

PAGE a
Minutes

LIST OF ITEMS

1. OPENING PRAYER	1341
2. ATTENDANCE & APOLOGIES	1341
3. MEMORIALS OR CONDOLENCES	1341
4. CONFIRMATION OF MINUTES	1341
4.1. General Meeting - 25 June 2019 (Pages 19/1230 - 19/1236)	1341
5. PRESENTATION OF PETITIONS	1342
(Addressed to the Council and tabled by Councillors)	
5.1. Petition - Objection to Construction of Footpath - Brigalow Court to Gallipoli Way - Murrumba Downs (A18750050)	1342
6. CORRESPONDENCE	1342
7. COMMUNITY COMMENT	1342
7.1. Community Comment: Ms Jodi Wood Concerns Surrounding MBRC Development Application: 2019/37805/V2M - MCU Multiple Dwelling (A18701099)	1342
8. NOTIFIED MOTIONS	1342
9. NOTICES OF MOTION (Repeal or amendment of resolutions)	1342
(s262 of the Local Government Regulation 2012)	
10. ADJOURN MEETING TO ENABLE CONDUCT OF COORDINATION COMMITTEE MEETING AND DELEGATED DECISIONS COMMITTEE MEETING	1343
11. RECONVENE GENERAL MEETING	1343
12. ADOPTION OF COMMITTEE MEETING REPORTS & RECOMMENDATIONS	1343
12.1. Coordination Committee Meeting - 2 July 2019 - ITEM 4.1 CONSIDERED SEPARATELY (Pages 19/1385 - 19/1389)	1343
<i>Conflict of Interest - Declaration - Cr Allan Sutherland (Mayor)</i>	1343
<i>Conflict of Interest - Declaration - Cr Mike Charlton (Deputy Mayor)</i>	1344
12.2. Coordination Committee Meeting - 2 July 2019 - BALANCE OF ITEMS EXCLUDING ITEM 4.1 (Pages 19/1347 - 19/1446)	1344
13. GENERAL BUSINESS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE	1345
13.1. CONFIDENTIAL REPORT - ORORA LIMITED - PETRIE PAPER MILL - DEED OF VARIATION - THE PATHWAY FORWARD - REGIONAL	1345

Moreton Bay Regional Council

GENERAL MEETING - 478
2 July 2019

PAGE b
Minutes

- | | |
|---|-------------|
| 14. SPECIAL GENERAL BUSINESS (Closed Session)
(s275 of the Local Government Regulation 2012) | 1346 |
| 15. CLOSURE | 1346 |

1. OPENING PRAYER

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

2. ATTENDANCE & APOLOGIES

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

Officers:

Chief Executive Officer	(Mr Daryl Hitzman)
Director Engineering, Construction & Maintenance	(Mr Tony Martini)
Acting Director Community & Environmental Services	(Mr Mark McCormack)
Director Corporate Services	(Mr Graeme Kanofski)
Director Planning & Economic Development	(Mr Mike Pickering)
Director Infrastructure Planning	(Mr Andrew Ryan)
Meeting Support	(Hayley Kenzler)

Apologies:

Nil

Suspended:

Under section 182A of the *Local Government Act 2009* Cr Adrian Raedel is currently suspended from office.

3. MEMORIALS OR CONDOLENCES

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 - 25 June 2019
(Pages 19/1230 - 19/1236)

RESOLUTION

Moved by Cr Julie Greer

Seconded by Cr Mick Gillam

CARRIED 12/0

That the minutes of the General Meeting held 25 June 2019 be confirmed.

5. PRESENTATION OF PETITIONS

(Addressed to the Council and tabled by Councillors)

5.1. Petition - Objection to Construction of Footpath - Brigalow Court to Gallipoli Way - Murrumba Downs (A18750050)

Cr Denise Sims tabled a petition containing 28 signatures and 5 supporting email signatures, received from A.J and Ann Neilsen on behalf of homeowners of Brigalow Court, Murrumba Downs, reading as follows:

'Help keep our area beautiful. Objection petition - unwanted footpath and walkway in catchment area to Gallipoli Way by Residents in Brigalow Court Area, Murrumba Downs'.

Cr Denise Sims confirmed that residents were notified of the project (in accordance with Council's usual project notification process).

Cr Allan Sutherland (Mayor) requested that safety issues be carefully considered when investigating the matter, stating that the recommendation to construct the footpath was made for a reason and that Council should be cautious regarding any withdrawal from the project. The Mayor also suggested legal advice be obtained.

Council received the petition, referring it to the Director Engineering Construction & Maintenance for investigation and report to Council, if required.

6. CORRESPONDENCE

There was no correspondence for tabling.

7. COMMUNITY COMMENT

7.1. Community Comment: Ms Jodi Wood Concerns Surrounding MBRC Development Application: 2019/37805/V2M - MCU Multiple Dwelling (A18701099)

Prior to the General Meeting, Ms Jodi Wood advised that she was unable to attend to address the Council in respect of concerns surrounding MBRC Development Application: 2019/37805/V2M - MCU Multiple Dwelling.

Ms Wood will attend the next General Meeting to be held 23 July 2019 in respect of the above.

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 Notice of Motions.

10. ADJOURN MEETING TO ENABLE CONDUCT OF COORDINATION
COMMITTEE MEETING AND DELEGATED DECISIONS COMMITTEE
MEETING

RESOLUTION

Moved by Cr Koliانا Winchester

Seconded by Cr James Houghton

CARRIED 12/0

That the General Meeting be adjourned to enable to conduct of the Coordination Committee meeting, and following its conclusion, the conduct of the Delegated Decisions Committee meeting.

The General Meeting adjourned at 10.49am.

11. RECONVENE GENERAL MEETING

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Matt Constance

CARRIED 12/0

That the General Meeting be reconvened.

The General Meeting reconvened at 4.15pm.

12. ADOPTION OF COMMITTEE MEETING REPORTS & RECOMMENDATIONS

**12.1. Coordination Committee Meeting - 2 July 2019 - ITEM 4.1 CONSIDERED SEPARATELY
(Pages 19/1385 - 19/1389)**

ITEM 4.1 - PETRIE - YOUNGS CROSSING ROAD - ROAD REHABILITATION - DIVISION 7

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 4.1 as BMD Constructions (a tenderer of Item 4.1) provided \$2200 on 2 November 2010 to Moreton Futures Trust. Cr Sutherland advised that Moreton Futures Trust contributed \$110,500 between 12 April 2012 and 25 May 2012 to the Mayor's 2012 election campaign.

Cr Allan Sutherland (Mayor) retired from the meeting at 4.12pm taking no part in the debate or recommendation regarding same.

12.1. Coordination Committee Meeting - 2 July 2019 - ITEM 4.1 CONSIDERED SEPARATELY (Pages 19/1385 - 19/1389) cont'd

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 4.1 as BMD Constructions (a tenderer of Item 4.1) provided \$2200 on 2 November 2010 to Moreton Futures Trust for his 2012 election campaign. 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.

Cr Mike Charlton (Deputy Mayor) retired from the meeting at 4.12pm taking no part in the debate or recommendation regarding same.

RESOLUTION - APPOINT CHAIRPERSON

Moved by Cr Koliana Winchester

Seconded by Cr Mick Gillam

CARRIED 10/0

That pursuant to s267(3) of the *Local Government Regulation 2012*, Cr Adam Hain be appointed as Chairperson of the General Meeting for Item 12.1 (adoption of Item 4.1 of the Coordination Committee 2 July 2019 considered separately) in the absence of the Mayor and the Deputy Mayor.

RESOLUTION - Item 4.1 of Coordination Committee - 2 July 2019

Moved by Cr Denise Sims

Seconded by Cr Mick Gillam

CARRIED 10/0

Cr Allan Sutherland (Mayor) and Mike Charlton (Deputy Mayor) had declared a Conflict of Interest and had left the meeting

That the report and recommendations for Item 4.1 of the Coordination Committee meeting held 2 July 2019, be adopted.

ATTENDANCE

Cr Allan Sutherland (Mayor) and Mike Charlton (Deputy Mayor) returned to the meeting at 4.14pm after Item 12.1 (adoption of Item 4.1 of the Coordination Committee 2 July 2019 considered separately).

Cr Allan Sutherland (Mayor) resumed the Chair at that time.

12.2. Coordination Committee Meeting - 2 July 2019 - BALANCE OF ITEMS EXCLUDING ITEM 4.1 (Pages 19/1347 - 19/1446)

RESOLUTION - Balance of Items excluding Item 4.1

Moved by Cr Koliana Winchester

Seconded by Cr Mick Gillam

CARRIED 12/0

That the report and recommendations of the Coordination Committee meeting held 2 July 2019 be adopted, excluding Item 4.1 considered separately.

13. GENERAL BUSINESS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE

13.1. CONFIDENTIAL REPORT - ORORA LIMITED - PETRIE PAPER MILL - DEED OF VARIATION - THE PATHWAY FORWARD - REGIONAL

Reference: A18766679 : 1 July 2019
Responsible Officer: JH, Manager Legal Services (CEO Legal)

Basis of Confidentiality

Pursuant to s275 (1) of the Local Government Regulation 2012, clause (h), as the matter involves other business for which a public discussion would be likely to prejudice the interests of the Council or someone else, or enable a person to gain a financial advantage.

Executive Summary

On 20 July 2015, Council entered into a contract to purchase the Petrie Paper Mill site from Orora Limited (Orora) and the land's subsequent decommissioning.

The original contracted decommissioning date of the site by Orora was 19 July 2018 but with the provision to extend that date by 12 months to 19 July 2019. As advised at the workshop of 25 September 2018, despite Council successfully ensuring progress by Orora with decommissioning certain developable areas, there was no possibility that all the property would be decommissioned and handed over to Council by 19 July 2019.

At that workshop of 25 September last year, a proposed Pathway Forward Deed was discussed. Pursuant to that workshop and by way of Council resolution dated 16 October 2018, Council resolved to authorise the CEO to enter into a Pathway Forward Deed to give effect to the outcomes discussed at that workshop.

As discussed in the workshop today, a series of unexpected delays have occurred and new issues arisen that have not enabled the execution of a Pathway Forward Deed in the form proposed in September and October last year. It is now proposed that following the consideration of these matters at the workshop earlier today, Council authorise the CEO to now proceed with a revised Pathway Forward Deed (more formally called a 'Deed of Variation to the Contract of Sale').

RESOLUTION

Moved by Cr Adam Hain

Seconded by Cr Matt Constance

CARRIED 12/0

1. That Council authorise the Mayor and Chief Executive Officer to negotiate, make, sign, amend as required and discharge a Deed of Variation to the Contract for Sale with Orora Limited to achieve the outcomes as discussed in today's workshop and in confidential session or that are otherwise not inconsistent with Council's key objectives as set out in the workshop presentation.
2. That Council authorise the Chief Executive Officer to do all things necessary including sign any documents reasonably associated with a Deed to give effect to recommendation 1.
3. That the Deed of Variation to the Contract of Sale and this report remain confidential.

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 4.16pm.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 19/1341 to 19/1446 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 2 July 2019.

Daryl Hitzman
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Tuesday 23 July 2019.

Daryl Hitzman
Chief Executive Officer

Councillor Allan Sutherland
Mayor