

David Simons

From: Elaine Lawson
Sent: Thursday, 3 June 2021 10:45 AM
To: 'SLAMLodgement@resources.qld.gov.au'
Subject: FW: St James Estate - pedestrian bridge over reserve - Lot 21 on SL811444 and Lot 33 on SP110622 [your ref: TF49021075] [BCC-C1.URI18689385]
Attachments: Council decision 1990.pdf; offer to enter deed of agreement.pdf

Good morning

Could you please confirm the below email was received and directed to the correct area? The first correspondence from DNRME to Council on this issue (in 2019) used the email address of SLAM-brisbane@dnrme.qld.gov.au, however I understand this email address may have been changed.

Please contact me if there are any issues.

Kind Regards

Elaine Lawson

Solicitor | Planning and Development | City Legal
City Administration and Governance | **BRISBANE CITY COUNCIL**

Brisbane Square | Level 20, 266 George Street, Brisbane, Qld 4000
GPO Box 1434, Brisbane, Qld 4001
Phone: 07 3178 8176 | Fax 07 3334 0058
Email: elaine.lawson@brisbane.qld.gov.au

From: Elaine Lawson
Sent: Monday, 31 May 2021 1:58 PM
To: SLAM-Brisbane@dnrme.qld.gov.au
Subject: FW: St James Estate - pedestrian bridge over reserve - Lot 21 on SL811444 and Lot 33 on SP110622 [your ref: TF49021075] [BCC-C1.URI18689385]

Dear Sir / Madam

I refer to correspondence from Ray Palmer of DNRME to Council (Bi-LandUse) dated 25, 28 and 29 of October 2019 and correspondence from Annette Thomas of Council to DNRME dated 6 December 2019.

The correspondence dated 25 October 2019 stated that "as Brisbane City Council are trustees of the reserve, it is responsible for the ongoing management and maintenance of the land and any improvements on the land..."

Council has considered the relevant legislation set out below in further detail and requests that DNRME reconsider the advice provided to the Body Corporate of St James Estate.

Relevant legislation

Section 46 of the Land Act (the "Act") states that (highlighted and underlining added by me):

46 Trustee's administrative functions

- (1) A trustee's functions are to—
- (a) manage the trust land consistent with achieving the purpose of the trust; and
 - (b) fulfil the trust within their conditions of appointment (if any); and

- (c) control noxious plants on the trust land; and
- (d) keep records required by the Minister or required under this and other Acts.
- (2) A trustee has the responsibility for a duty of care for the trust land.
- (3) Unless the Minister otherwise decides, a trustee's functions include protecting and maintaining, so far as is reasonable, all improvements on the trust land.
- (4) The Minister may direct a trustee to erect signs on trust land indicating the land has been granted in trust or dedicated as a reserve.
- (5) The trustee must comply with the Minister's direction.

The term "improvements" is defined to mean:

improvements means any—

- (a) building, fence or yard; and
 - (b) artificial watercourse or watering-place, bore, reservoir, well or apparatus for raising, holding or conveying water; and
 - (c) cultivation, garden, orchard or plantation; and
 - (d) building, structure or appliance that is a fixture for the working or management of land or stock pastured on the land or for maintaining, protecting or increasing the natural capabilities of the land;
- but does not include development work.

Development Work is defined to mean:

development work for land means—

- (a) if clearing of trees enhances the productivity of the land—the clearing of trees; and
- (b) work performed for the rehabilitation and sustainability of the land; and
- (c) filling, reclamation or any other works making the land suitable for use or the building or erection of a building or structure on the land.

Structure is not defined in the Act and the Oxford Dictionary defines structure to be "a building or other object constructed from several parts". The pedestrian bridge is clearly a structure.

The **attached** Council minutes detail the decision to approve the development on land now described as 50 Boblyne street, being the St James Estate Body Corporate. Also attached in the offer of acceptance regarding the bond to secure the works under the approval.

The pedestrian bridge has been constructed due to development work and is therefore not an improvement. Accordingly, Council as trustee is not required to protect or maintain the pedestrian bridge.

Could you please consider above and advise if DNRME disputes Council's position? Council intends of informing the Body Corporate's solicitor of its position under the Act (and why there isn't an intention to investigate a trustee lease further) and would appreciate a response first. I note that DNRME was conversing with Mr. White from the Body Corporate and would also appreciate you updating Mr. White directly (if DNRME does not dispute Council's position).

Happy to discuss any queries you may have.

Kind Regards

Elaine Lawson

Solicitor | Planning and Development | City Legal
City Administration and Governance | **BRISBANE CITY COUNCIL**

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Brisbane Square | Level 20, 266 George Street, Brisbane, Qld 4000
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Phone: 07 3178 8176 | Fax 07 3334 0058
Email: elaine.lawson@brisbane.qld.gov.au

David Simons

From: Elaine Lawson
Sent: Monday, 31 May 2021 2:02 PM
To: 'Vanessa Thompson'
Subject: RE: Pedestrian Bridge - St James Estate [BCC-C1.URI18689385]
Attachments: Council decision 1990.pdf; offer to enter deed of agreement.pdf

Good afternoon Vanessa

I refer to your below correspondence regarding your clients investigations into the history of the pedestrian bridge. Please see the **attached** documents which have been located:

- (i) extract of Council minutes; and
- (ii) offer to enter into deed.

Unfortunately, we have not been able to locate a copy of the deed referred to in item (ii). Any other relevant material located will be provided in due course.

In regards to items 1 – 6 below, if your client wishes to have documents provided in the timeframes set out in section 265 of the *Planning Act 2016*, please have them reconsider making an application for a planning and development certificate. A RTI search was merely suggested as a way of uncovering documentation that may not be obtainable through an application for a planning and development certificate or through Council's internal archive system. Nevertheless, the determination that "the information sought by my client is not of a confidential, personal or sensitive nature" is a matter for your client.

Council is corresponding with DNRME regarding obligations of parties stemming from the definitions of 'improvements' and 'development work' in section 46(3) of the *Land Act 1994*. An update will be provided once a response from DNRME is received.

Please contact me with any queries you may have.

Kind Regards

Elaine Lawson

Solicitor | Planning and Development | City Legal
City Administration and Governance | **BRISBANE CITY COUNCIL**

Brisbane Square | Level 20, 266 George Street, Brisbane, Qld 4000
GPO Box 1434, Brisbane, Qld 4001
Phone: 07 3178 8176 | Fax 07 3334 0058
Email: elaine.lawson@brisbane.qld.gov.au

From: Vanessa Thompson <Vanessa.Thompson@cgw.com.au>
Sent: Wednesday, 12 May 2021 3:53 PM
To: Elaine Lawson <Elaine.Lawson@brisbane.qld.gov.au>
Cc: Leanne O'Neill <Leanne.ONeill@cgw.com.au>
Subject: FW: Pedestrian Bridge - St James Estate

Hi Elaine

Thank you for your email.

Request to access development assessment files

We do not accept that either an RTI application or planning and development certificate request are reasonable or required to facilitate access to the relevant development assessment files. In particular:

1. there is a recognised public interest in development applications and approvals (which attach to land) being accessible by the public, including obligations under section 264 of the *Planning Act 2016* and section 70 and schedule 22 of the *Planning Regulation 2017*, for such documents to be made available for inspection;
2. development assessment material held by the Council is generally available to freely access on its iDevelopment (formerly PD Online) database – albeit this only contains information relating to applications from approximately 2006 onwards. There does not seem to be a basis to withhold access to earlier development assessment files, which we understand the Council has located and are readily to hand, simply because they are not held electronically;
3. the information sought by our client is not of a confidential, personal or sensitive nature and any assessment against the RTI provisions, or by imposing a requirement for a costly planning and development search, would be an unnecessary regulatory burden and cost;
4. our client, the body corporate for the relevant development, seeks information for the development the body corporate relates to. There can be no question that it is reasonable and appropriate for our client to have access to development approvals and related documents, including approved plans and conditions which may be relevant to the on-going management and operation of the estate, including its potential obligations (including in relation to the bridge) and liabilities;
5. it is in our client and the Council's interest that access to the information is provided, as it may assist all parties involved to achieve an earlier resolution of the current uncertainty regarding the pedestrian bridge and relevant obligations;
6. without further information regarding the background relating to the bridge, including development approval documents and conditions, our client cannot determine its obligations in relation to the bridge, or accept responsibility for it. As such, it has no choice but to put the Council on notice that it does not and cannot accept any liability relating to the bridge and as such unfortunately we have no alternative but to wholly reserve our clients' rights including in relation to indemnity costs.

Of course, as you are well aware our client has always been committed to working cooperatively with Council to ensure the bridge can remain in situ, including offering to secure any suitable land tenure that may be available so it can 'take on' responsibility and cost for its maintenance etc. It simply needs the relevant regulatory bodies to facilitate a 'mechanism' for this to occur.

Please confirm by **17 May 2021** that access to the relevant development files will be provided. Our client reserves its rights in the event access is not provided.

Other matters

We note your response to the other matters raised in your below email. In particular, we look forward to being advised about options to facilitate our client's continued use and enjoyment of the pedestrian bridge.

Kind regards

Vanessa Thompson

Special Counsel



T 61 7 3231 2403 **M** 6 **Sch 4 Pt 4(6)(1)** **E** vanessa.thompson@cgw.com.au
Level 21, 400 George Street, Brisbane 4000 Australia | GPO Box 834, Brisbane 4001
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From: Elaine Lawson <Elaine.Lawson@brisbane.qld.gov.au>

Sent: Tuesday, 4 May 2021 10:01 AM

To: Vanessa Thompson <Vanessa.Thompson@cgw.com.au>

Subject: RE: Pedestrian Bridge - St James Estate

Good morning Vanessa

I refer to your email to Michelle Manning dated 24 March 2021. Please see my response to your numbered items below:

1. Your client will be notified prior to Council carrying out any substantial work on the pedestrian bridge.
2. Your client may wish to make an application for a planning and development certificate and/or a Right to Information application. Both of these applications can be made online through Council's website and links to and further information on these applications can be found by accessing the below link:
 - <https://www.brisbane.qld.gov.au/planning-and-building/buying-selling-and-searches/previous-development-applications-and-approvals>
3. Thank you for providing the visual condition report - the report findings may assist Council determine its position more quickly.
4. I understand that Council's communications with the State were in relation to an easement (between the State and your client) over the pedestrian bridge. The State responded, advising that its policy is not to grant easements over trustee land and instead suggested a trustee lease (between Council as trustee and your client) be considered. The State's response, along with tenure and governance issues of a trustee lease over the pedestrian bridge, are currently being considered.
5. Thank you for the offer. Council does not require an on-site meeting at present, however, I will contact you to arrange a meeting if that position changes.

Please contact me with any further queries you may have.

Kind Regards

Elaine Lawson

Solicitor | Planning and Development | City Legal
City Administration and Governance | **BRISBANE CITY COUNCIL**

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Brisbane Square | Level 20, 266 George Street, Brisbane, Qld 4000
GPO Box 1434, Brisbane, Qld 4001
Phone: 07 3178 8176 | Fax 07 3334 0058
Email: elaine.lawson@brisbane.qld.gov.au

From: Vanessa Thompson <Vanessa.Thompson@cgw.com.au>

Sent: Tuesday, 4 May 2021 8:22 AM

To: Elaine Lawson <Elaine.Lawson@brisbane.qld.gov.au>

Cc: Michelle Manning <Michelle.Manning@brisbane.qld.gov.au>

Subject: RE: Pedestrian Bridge - St James Estate

Hi Elaine

Further to the below email from Michelle, would you please provide an update regarding when access to the relevant development approval files will be provided, as well as a response to the other matters set out in my email of 24 March 2021 (copied below)?

Kind regards

Vanessa Thompson

Special Counsel



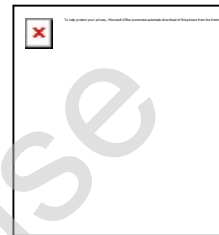
T 61 7 3231 2403 **M** 61 Sch 4 Pt 4(6)(1) **E** vanessa.thompson@cgw.com.au
Level 21, 400 George Str 4000 Australia | GPO Box 834, Brisbane 4001
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From: Michelle Manning <Michelle.Manning@brisbane.qld.gov.au>

Sent: Thursday, 22 April 2021 3:59 PM

To: Vanessa Thompson <Vanessa.Thompson@cgw.com.au>

Cc: Elaine Lawson <Elaine.Lawson@brisbane.qld.gov.au>

Subject: RE: Pedestrian Bridge - St James Estate

Hi Vanessa

Thanks for your patience as we continue to review this matter and options for resolution.

Elaine Lawson from Council's City Legal branch will take over as your primary point of contact on this matter including in responding to your request for assistance in accessing relevant development approvals relating to the St James Estate and pedestrian bridge.

Elaine will be in contact shortly but for your records her details are:

Elaine Lawson

Solicitor | Planning and Development | City Legal
City Administration and Governance | **BRISBANE CITY COUNCIL**

Brisbane Square | Level 20, 266 George Street, Brisbane, Qld 4000
GPO Box 1434, Brisbane, Qld 4001
Phone: 07 3178 8176 | Fax 07 3334 0058
Email: elaine.lawson@brisbane.qld.gov.au

Regards
Michelle

Michelle Manning

Team Leader | Park Assets and Governance
Natural Environment, Water & Sustainability | **BRISBANE CITY COUNCIL**



Security Label: Official Use

From: Vanessa Thompson <Vanessa.Thompson@cgw.com.au>
Sent: Wednesday, 24 March 2021 8:29 AM
To: Michelle Manning <Michelle.Manning@brisbane.qld.gov.au>
Cc: Leanne O'Neill <Leanne.ONeill@cgw.com.au>
Subject: SAVED: Pedestrian Bridge - St James Estate

This email originates from outside of Brisbane City Council.

Hi Michelle

Thank you for your time on the phone last Thursday, 18 March 2021.

Further to our discussion:

1. Would you please confirm that the Council will not take steps to remove/demolish the bridge without further reference to us/our client.
1. I confirm my client's request for a copy of any relevant development approvals relating to the St James Estate and pedestrian bridge. As discussed, we consider the circumstances relating to the construction of the bridge, including conditions of any relevant development approval, may be relevant to the obligations of the parties and how the bridge is to be managed moving forward.
1. As requested, we **attach** a copy of a visual condition report commissioned by our client regarding the bridge in 2019. Whilst it identifies some areas of concern, it also provides that appropriate rectification works to address these matters 'will extend the life of the bridge to 50 years'. This highlights that with a relatively modest spend (I understand various quotes indicate costs in the order of approximately \$180,000) the bridge can continue to provide convenience to residents, reducing reliance on vehicles, in accordance with reasonable expectations that the bridge will remain. I also confirm that our client is willing to consider entering into an agreement with the Council to facilitate the payment of reasonable construction costs associated with rectification works.
2. I note your suggestion that a lease may be an appropriate way to facilitate our client securing the necessary 'rights' to manage and maintain the bridge, however, the State was not receptive to this option. Would you please clarify whether your discussions with the State were in the context of a trustee lease (that is, between Council as trustee and our client, albeit that the Council may require State approval)?
3. A representative of our client is also willing to meet with Council representatives on-site to discuss the potential for greater public access to the bridge (albeit, if this is something which would be of interest to the Council, it would be subject to further consideration by the body corporate). Our client has provided the **attached** sketch to show how this may be achieved.

We look forward to receiving your response to these matters.

Kind regards

Vanessa Thompson

Special Counsel



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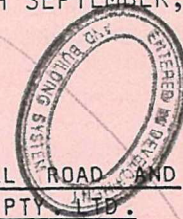


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RTI Release

DEVELOPMENT AND PLANNING Committee's Recommendation of 11TH SEPTEMBER, 1990.

Presented to Council: 18TH SEPTEMBER, 1990. **ADOPTED**

J. PROPOSED REZONING OF LAND - 841 MOGGILL ROAD AND BOBLYNNE STREET, KENMORE - BANELLA HOLDINGS PTY. LTD.

(O)397/12-530/89

45. The Manager, Department of Development and Planning, reports that at its meeting held on 31st October, 1989, Council resolved to propose to grant an application submitted by Maclean Wargon Chapman Pty. Ltd., pursuant to Section 8 of the City of Brisbane Town Planning Act, to exclude land situated at 841 Moggill Road and Boblynn Street, Kenmore, described as part of lot 23 on registered plan No. 198010, Parish of Indooroopilly, containing an area of 2.954 hectares, in the ownership of Banella Holdings Pty. Ltd., from the Future Urban Zone and to include that land in the Residential "A" Zone, subject to the requirements of Subsection 11 of Section 22 of the abovementioned Act.
46. Continuing, the Manager states that no appeal to the Local Government Court pursuant to Section 22 of the City of Brisbane Town Planning Act, has been instituted or initiated against the proposal of the Council to grant such application and the time for the institution or initiation of such an appeal has expired.
47. Accordingly, the Manager recommends that the application now be approved and your Committee concurs.
48. **RECOMMENDATION:** (i) That it be and is hereby resolved that whereas:
- (a) at its meeting held on 31st October, 1989, the Council, for the reasons then specified, determined that it proposed to grant that application in the manner then specified;
 - (b) no appeal to the Local Government Court pursuant to Section 22 of the City of Brisbane Town Planning Act 1964-1989 has been instituted against the said proposal of the Council to grant that application; and
 - (c) the time for the institution of any such appeal has expired;

the COUNCIL HEREBY APPROVES THE APPLICATION made on or about 9th March, 1989, to the Council pursuant to Subsection (1) of Section 8 of the City of Brisbane Town Planning Act 1964-1989 to exclude land situated at 841 Moggill Road and Boblynn Street, Kenmore, described as part of lot 23 on registered plan No. 198010, Parish of Indooroopilly, and having an area of 2.954 hectares, from the Future Urban Zone under the Town Plan for the City of Brisbane and to include the land so excluded in the Residential "A" Zone thereunder subject to the applicant's entering into agreement with the Council making provision for development of the land to which the application relates in accordance with the offers as made by the applicant in letter dated 10th August, 1989, and accepted by the Council's Delegate on 31st October, 1989, and executing the appropriate form of agreement.

(ii) That the Council hereby authorises its execution of a Deed of Agreement prepared in accordance with the offers as made by the applicant in letter dated 10th August, 1989, and accepted by the Council's Delegate on 31st October, 1989.

(iii) Whereas the Council resolves as in (i) hereof, upon compliance with those conditions of approval specified in (i) hereof the Council make application pursuant to Section 6 of the City of Brisbane Town Planning Act 1964-1989 to the Deputy Premier and Minister for Housing and Local Government or other Minister of the Crown for the time being charged with the administration of that Act for amendment of the Town Plan for the City of Brisbane to exclude the land referred to in (i) hereof from the Future Urban Zone and to include that land in the Residential "A" Zone by including in the scheme maps forming part of the Town Plan a new scheme map marked Z/87/010 and otherwise in accordance with Clause 78 of the Schedule part of the Town Plan and being a map in conformity with the map tabled and marked "Q".

(iv) Subject to (v) hereof, the Town Clerk, which term shall, in the absence from duty for whatever reason of the Town Clerk, be read herein as a reference to the duties of the Town Clerk, be and is hereby authorised and directed to take such action and to do all things on behalf of the Council as may be necessary on its part for the making of the application determined to be made in (iii) hereof.

(v) For the purpose of Section 6(14)(b)(C) of the City of Brisbane Town Planning Act 1964-1989, the Council hereby determines that its representations on the objections made and lodged as prescribed by Subsection (5) of Section 22 of that Act to the application referred to in (i) hereof and which objections are tabled and marked "A" to "P" respectively be -

Summary of Objections:

1. Site is inappropriate for detached housing.
2. Not conveniently located/unsuitable for high density habitation.
3. Existing public transport unable to cater for additional passengers from unit development.
4. Peak hour traffic is already excessive. Proposal would result in chaotic traffic conditions.
5. Boblyne Street unable to cope with extra traffic.
6. Unit development is inappropriate in a high class residential suburb.
7. Area should be devoted to parkland or other community facilities.
8. Proposal is out of harmony with the area.
9. Proposal will lower quality of life and the class of the area.
10. If this proposal were allowed Council will be unable to stop other townhouse developments.
11. Existing flora and fauna should be preserved and the area to be undeveloped.
12. Shopping centre/tavern has already reduced the area of natural parkland.
13. Development will create higher water levels in the Cubberla Creek and part of the area will be subject to flash flooding.
14. Area should be developed as a children's playground as there is no available parkland on this side of Moggill Road.
15. Banks of the creek need to be properly sloped to avoid further erosion.
16. Proposal would be too intensive.
17. No sign on Moggill Road/Boblyne Street corner.

Representations:

1. The site is not considered inappropriate for housing, whether it be detached or attached houses.
2. The site is conveniently located with respect to shopping facilities. The attached housing scheme will have the lowest density (R1) for multi-unit development, which is acceptable in a Residential "A" zoned area.
3. Public transport along Moggill Road will need to be upgraded if there were to be a problem.
4. The proposal will not significantly add to the traffic intensity on Moggill Road. Boblyne Street is designed to cope with the traffic anticipated from the subject site.
5. Same as 4.
6. Attached housing as an alternative form of housing at an acceptable intensity is considered appropriate in any suburb be it "high" or "low class".
7. The land is privately owned and zoned Future Urban, which means that it is intended for residential purposes at some time in the future. The development will provide for its own recreational areas.

8. The proposal is set on a high and isolated piece of land and is well buffered from Boblynne Street.
9. The proposal will not necessarily lower the quality of life or the class of the area.
10. The Council does not necessarily want to stop other attached housing complexes.
11. Same as 7.
12. Same as 7.
13. Drainage works will have to be undertaken by the developer.
14. Approximately 25 per cent. of the land is to be dedicated as parkland and the proposed development will also provide for additional recreational spaces and the lack of park in this general area is to be solved by acquiring land in a location more publicly accessible than this development, which is more likely to be directly abutting Boblynne Street and Tristania Drive.
15. This will be a condition of the development.
16. The intensity is the lowest (R1) for multi-unit development.
17. The land at the corner of Moggill Road/Boblynne Street is not included in the application.

RTI Release

RTI Release

Sch 3(7)

LAND TO BE REZONED

(Description of land for recital (b) hereof)

County of Stanley, Parish of Indooroopilly,
City of Brisbane

Part of Lot 3 on R.P. 198010, commencing at a point being the most northern corner of Lot 3 on R.P. 198010, the land is bounded

by a line bearing	120°52'50"	for a distance of	71.415 metres
thence by a line bearing	115°48'50"	for a distance of	65.380 metres
thence by a line bearing	124°58'50"	for a distance of	28.767 metres
thence by a line bearing	144°18'50"	for a distance of	30.98 metres
thence by a line bearing	163°58'50"	for a distance of	23.134 metres
thence by a line bearing	178°57'20"	for a distance of	62.783 metres
thence by a line bearing	103°47'20"	for a distance of	35.808 metres
thence by a line bearing	176°17'40"	for a distance of	21.091 metres
thence by a line bearing	239°25'18"	for a distance of	27.528 metres
thence by a line bearing	285°45'10"	for a distance of	51.426 metres
thence by a line bearing	279°00'10"	for a distance of	93.501 metres
thence by a line bearing	251°45'10"	for a distance of	43.241 metres
thence by a line bearing	0°18'	for a distance of	220.322 metres

back to the point of commencement.

The land contains an area of 2.954 hectares.

**Pike
Mills
MCKnoulty**
Pty Ltd

Licensed Surveyors, Town Planners and Development Consultants



P.O. Box 338, Toowong 4066.
Suite 3, 29 Woodstock Road, Toowong 4066.

Telephone: (07) 371 7966
Facsimile: (07) 371 3602

Our Reference: 1946 JMCK Your Reference: (0)397/12-530/89 Attention: MR P VAN SLOTEN

10th August, 1989

The Town Clerk,
Brisbane City Council,
Department of Development & Planning,
14th Floor,
Brisbane Administration Centre,
69 Ann Street,
BRISBANE. QLD. 4000.

Dear Sir,

RE: PROPOSED REZONING AT 841 MOGGILL ROAD AND BOBLYNNE STREET, KENMORE.
PART OF LOT 3 ON RP 198010, PARISH OF INDOOROOPILLY.
COUNCIL FILE NO. (0)397/12-530/89.

We refer to discussions with Mr P Van Sloten on 3rd August 1989 and advise that in support of this application, we make the following offers on behalf of Banella Holdings Pty Ltd :-

1. LEGAL :

Authorise the preparation of by Council of a deed of agreement and any associated documents incorporating the matters in respect of which offers are made. The estimated cost of such documents being \$1460.00 is enclosed and we agree to pay any additional cost forthwith upon notification.

2. GENERAL :

- (i) Provide asphaltic concrete surfacing or similar to all vehicle movement areas.
- (ii) Layout to be generally in accordance with plan(s) numbered 276-88 sk6 submitted on 7/7/89, amended to comply with policy no. 7.01.
- (iii) The Gross Floor Area of the proposed development to limited 6210 m².

Dike
Mirls
McKnoulty
Ply Ltd

1946

- 2 -

MR P VAN SLOTEN

Secured
Amount

- (iv) The plan of layout to comply with Planning Policy No. 21.01 and to take account of policy no. 7.01 (building length and bulk).
- (v) Provision of an engineering report with regard to the access point and bridge, to the satisfaction of the Traffic Planning Branch and Department of Works.

3. TITLE ADJUSTMENT:

NOT APPLICABLE.

4. ROADWORKS AND DRAINAGE:

(i) External Construction.

Construction of a culvert access the tributary and associated works such that any works will not have any adverse effects on existing drainage paths or flood levels.

\$104,200

- (ii) The gradients of roads to be to the satisfaction of the Manager, Department of Works and Manager of the Department of Development and Planning.

- (iii) Construction of a footbridge connecting this development to the shopping centre to the satisfaction of the Department of Works.

- (iv) The applicant to provide a detailed hydraulic study and physical model to confirm the detailed design of culvert in relation to this site to the requirements and satisfaction of the Manager, Department of Works, prior to approval of the subsequent Section 24.2 application (Town Planning Consent).

Pike
Mirls
McKnoulty
Pty Ltd

1946

- 3 -

MR P VAN SLOTEN

5. SEWERAGE:

Secured
Amount

- (i) Headworks contribution - net site area 2.5234 hectares @ \$10,200 per hectare. \$25,739
- (ii) External construction :
Construct a 150mm dia. sewer from manhole 1A/1 (Order of Cost estimated \$3000). \$3,000
- (iii) Agree to construct internal reticulation to the satisfaction of Chief Engineer and Manager, Department of Water Supply and Sewerage.
-

6. WATER SUPPLY:

- (i) Headworks contribution - net site area 2.5234 hectares @ \$14,095.00 per hectare. \$35,567
- (ii) External construction :
100mm service connection, common internal fire/domestic line.
- (iii) Separate water services and meter to each Lot.
- (iv) Agree to construct internal reticulation to the satisfaction of Chief Engineer and Manager, Department of Water Supply and Sewerage.
-

7. PARK AND FOOTPATH TREES:

- (i) Land indicated on Pike Mirls McKnoulty drawing No. 1946-05, having an area 7130 m² to be transferred to the Crown for park purposes free of cost to Council.
- (ii) Payment of \$2.00 per m² of Gross Floor Area to Council as a park contribution.
- (iii) Payment of \$35.00 per Lot (45 Lots) for footpath trees. \$1,575

Pike
Mirls
McKnoulty
Pty Ltd

1946

- 4 -

MR P VAN SLOTEN

8. UNDERGROUND SERVICES:

(i) Electricity

- a. Produce documentary evidence prior to sealing plans of subdivision by Council that a contract has been entered into with SEQEB to provide underground electricity and street lighting to the development.
- b. Transfer free of cost any easements and ground transformer sites to SEQEB and any associated .3 metres access restriction strips to Council.
- c. Advise any purchaser of property of their responsibility regarding connection from street supply.

(ii) Telecom

Obtain an undertaking from Telecom that all its services will be underground.

9. PAYMENTS:

Acknowledge :-

- (i) Amounts for cost of road and footpath works, drainage, water supply and sewerage construction are estimates and agree to pay to Council, for any such work carried out by Council, the current rate at time of payment.
- (ii) Rates at time of payment will apply for water supply and sewerage headworks.

10. PROGRAM:

Agree all payments and works to be completed within two (2) years of gazettal of the new zoning or prior to sealing of plan of Group Title Subdivision for Townhouses, whichever is the sooner.

Dike
Mirls
McKnoulty
Pty Ltd

1946

- 5 -

MR P VAN SLOTEN

	Secured Amount
11. <u>SECURITY AND BONDING:</u>	
Total amount to be secured	\$170,081

FORM OF SECURITY:

A Bank Guarantee for the full amount of Security required (\$170,081) will be supplied by the applicant from :

HONG KONG BANK AUSTRALIA LIMITED
400 QUEEN STREET
BRISBANE QLD 4000

We trust the offers contained herein will be sufficient for the rezoning to be finalized and ask that you contact the writer if any matter requires further clarification.

We thank you for your assistance in the matter.

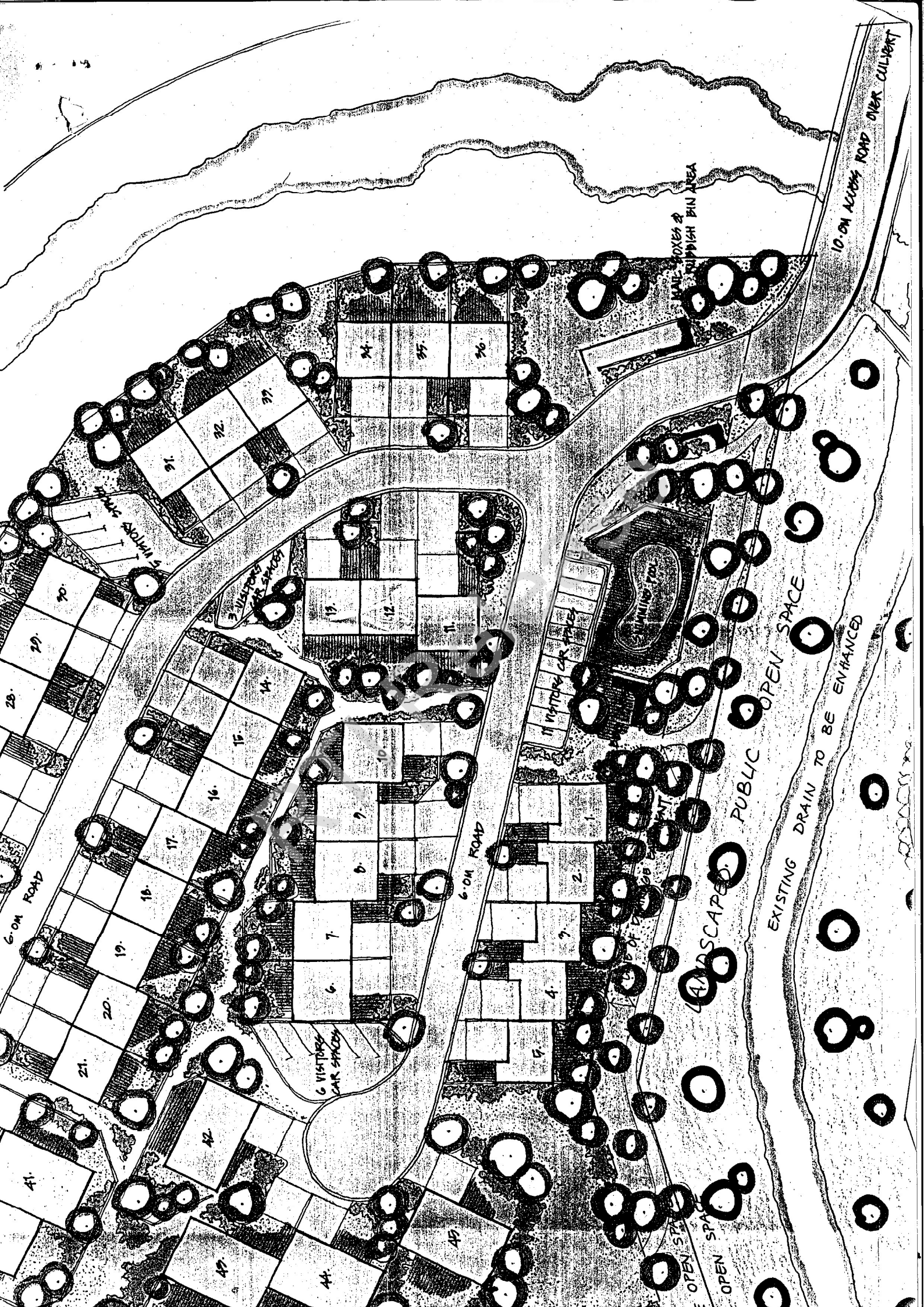
Yours faithfully,
PIKE MIRLS MCKNOULTY PTY LTD

Sch 4 Pt 4(6)(1)

for J. A. McKnoulty

c.c. Sch 4 Pt 4(6)(1)

Maclean Wargon Chapman



10.0M ACCESS ROAD OVER CULVERT

MAIL BOXES &
RUBBISH BIN AREA

5.0M ROAD

6.0M ROAD

6.0M ROAD

EXISTING DRAIN TO BE ENHANCED

4 LANDSCAPED PUBLIC OPEN SPACE

6 VISITORS CAR SPACES

11 MATING CAR SPACES

DRAINAGE DITCH

OPEN SPACE

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David Simons

From: Elaine Lawson
Sent: Monday, 31 May 2021 1:58 PM
To: 'SLAM-Brisbane@dnrme.qld.gov.au'
Subject: FW: St James Estate - pedestrian bridge over reserve - Lot 21 on SL811444 and Lot 33 on SP110622 [your ref: TF49021075] [BCC-C1.URI18689385]
Attachments: Council decision 1990.pdf; offer to enter deed of agreement.pdf

Dear Sir / Madam

I refer to correspondence from Ray Palmer of DNRME to Council (Bi-LandUse) dated 25, 28 and 29 of October 2019 and correspondence from Annette Thomas of Council to DNRME dated 6 December 2019.

The correspondence dated 25 October 2019 stated that "as Brisbane City Council are trustees of the reserve, it is responsible for the ongoing management and maintenance of the land and any improvements on the land..."

Council has considered the relevant legislation set out below in further detail and requests that DNRME reconsider the advice provided to the Body Corporate of St James Estate.

Relevant legislation

Section 46 of the Land Act (the "Act") states that (highlighted and underlining added by me):

46 Trustee's administrative functions

(1) A trustee's functions are to—

- (a) manage the trust land consistent with achieving the purpose of the trust; and
- (b) fulfil the trust within their conditions of appointment (if any); and
- (c) control noxious plants on the trust land; and
- (d) keep records required by the Minister or required under this and other Acts.

(2) A trustee has the responsibility for a duty of care for the trust land.

(3) **Unless the Minister otherwise decides, a trustee's functions include protecting and maintaining, so far as is reasonable, all improvements on the trust land.**

(4) The Minister may direct a trustee to erect signs on trust land indicating the land has been granted in trust or dedicated as a reserve.

(5) The trustee must comply with the Minister's direction.

The term "improvements" is defined to mean:

improvements means any—

- (a) building, fence or yard; and
 - (b) artificial watercourse or watering-place, bore, reservoir, well or apparatus for raising, holding or conveying water; and
 - (c) cultivation, garden, orchard or plantation; and
 - (d) building, structure or appliance that is a fixture for the working or management of land or stock pastured on the land or for maintaining, protecting or increasing the natural capabilities of the land;
- but does not include development work.**

Development Work is defined to mean:

development work for land means—

- (a) if clearing of trees enhances the productivity of the land—the clearing of trees; and
- (b) work performed for the rehabilitation and sustainability of the land; and

(c) filling, reclamation or any other works making the land suitable for use **or the building or erection of a building or structure on the land.**

Structure is not defined in the Act and the Oxford Dictionary defines structure to be “a building or other object constructed from several parts”. The pedestrian bridge is clearly a structure.

The **attached** Council minutes detail the decision to approve the development on land now described as 50 Boblynne street, being the St James Estate Body Corporate. Also attached in the offer of acceptance regarding the bond to secure the works under the approval.

The pedestrian bridge has been constructed due to development work and is therefore not an improvement. Accordingly, Council as trustee is not required to protect or maintain the pedestrian bridge.

Could you please consider above and advise if DNRME disputes Council’s position? Council intends of informing the Body Corporate’s solicitor of its position under the Act (and why there isn’t an intention to investigate a trustee lease further) and would appreciate a response first. I note that DNRME was conversing with Mr. White from the Body Corporate and would also appreciate you updating Mr. White directly (if DNRME does not dispute Council’s position).

Happy to discuss any queries you may have.

Kind Regards

Elaine Lawson

Solicitor | Planning and Development | City Legal
City Administration and Governance | **BRISBANE CITY COUNCIL**

Brisbane Square | Level 20, 266 George Street, Brisbane, Qld 4000
GPO Box 1434, Brisbane, Qld 4001
Phone: 07 3178 8176 | Fax 07 3334 0058
Email: elaine.lawson@brisbane.qld.gov.au

RTI Release

David Simons

From: Elaine Lawson
Sent: Monday, 31 May 2021 1:48 PM
To: 'ray.palmer@dnrme.qld.gov.au'
Subject: St James Estate - pedestrian bridge over reserve - Lot 21 on SL811444 and Lot 33 on SP110622 [BCC-C1.URI18689385]
Attachments: Council decision 1990.pdf; offer to enter deed of agreement.pdf

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Happy to discuss any queries you may have.

Kind Regards

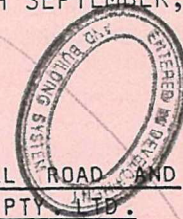
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.....
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GPO Box 1434, Brisbane, Qld 4001
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Email: elaine.lawson@brisbane.qld.gov.au

RTI Release

DEVELOPMENT AND PLANNING Committee's Recommendation of 11TH SEPTEMBER, 1990.

Presented to Council: 18TH SEPTEMBER, 1990. **ADOPTED**

J. PROPOSED REZONING OF LAND - 841 MOGGILL ROAD AND BOBLYNNE STREET, KENMORE - BANELLA HOLDINGS PTY. LTD.

(O)397/12-530/89

45. The Manager, Department of Development and Planning, reports that at its meeting held on 31st October, 1989, Council resolved to propose to grant an application submitted by Maclean Wargon Chapman Pty. Ltd., pursuant to Section 8 of the City of Brisbane Town Planning Act, to exclude land situated at 841 Moggill Road and Boblynn Street, Kenmore, described as part of lot 23 on registered plan No. 198010, Parish of Indooroopilly, containing an area of 2.954 hectares, in the ownership of Banella Holdings Pty. Ltd., from the Future Urban Zone and to include that land in the Residential "A" Zone, subject to the requirements of Subsection 11 of Section 22 of the abovementioned Act.
46. Continuing, the Manager states that no appeal to the Local Government Court pursuant to Section 22 of the City of Brisbane Town Planning Act, has been instituted or initiated against the proposal of the Council to grant such application and the time for the institution or initiation of such an appeal has expired.
47. Accordingly, the Manager recommends that the application now be approved and your Committee concurs.
48. **RECOMMENDATION:** (i) That it be and is hereby resolved that whereas:
- (a) at its meeting held on 31st October, 1989, the Council, for the reasons then specified, determined that it proposed to grant that application in the manner then specified;
 - (b) no appeal to the Local Government Court pursuant to Section 22 of the City of Brisbane Town Planning Act 1964-1989 has been instituted against the said proposal of the Council to grant that application; and
 - (c) the time for the institution of any such appeal has expired;

the COUNCIL HEREBY APPROVES THE APPLICATION made on or about 9th March, 1989, to the Council pursuant to Subsection (1) of Section 8 of the City of Brisbane Town Planning Act 1964-1989 to exclude land situated at 841 Moggill Road and Boblynn Street, Kenmore, described as part of lot 23 on registered plan No. 198010, Parish of Indooroopilly, and having an area of 2.954 hectares, from the Future Urban Zone under the Town Plan for the City of Brisbane and to include the land so excluded in the Residential "A" Zone thereunder subject to the applicant's entering into agreement with the Council making provision for development of the land to which the application relates in accordance with the offers as made by the applicant in letter dated 10th August, 1989, and accepted by the Council's Delegate on 31st October, 1989, and executing the appropriate form of agreement.

(ii) That the Council hereby authorises its execution of a Deed of Agreement prepared in accordance with the offers as made by the applicant in letter dated 10th August, 1989, and accepted by the Council's Delegate on 31st October, 1989.

(iii) Whereas the Council resolves as in (i) hereof, upon compliance with those conditions of approval specified in (i) hereof the Council make application pursuant to Section 6 of the City of Brisbane Town Planning Act 1964-1989 to the Deputy Premier and Minister for Housing and Local Government or other Minister of the Crown for the time being charged with the administration of that Act for amendment of the Town Plan for the City of Brisbane to exclude the land referred to in (i) hereof from the Future Urban Zone and to include that land in the Residential "A" Zone by including in the scheme maps forming part of the Town Plan a new scheme map marked Z/87/010 and otherwise in accordance with Clause 78 of the Schedule part of the Town Plan and being a map in conformity with the map tabled and marked "Q".

(iv) Subject to (v) hereof, the Town Clerk, which term shall, in the absence from duty for whatever reason of the Town Clerk, be read herein as a reference to the duties of the Town Clerk, be and is hereby authorised and directed to take such action and to do all things on behalf of the Council as may be necessary on its part for the making of the application determined to be made in (iii) hereof.

(v) For the purpose of Section 6(14)(b)(C) of the City of Brisbane Town Planning Act 1964-1989, the Council hereby determines that its representations on the objections made and lodged as prescribed by Subsection (5) of Section 22 of that Act to the application referred to in (i) hereof and which objections are tabled and marked "A" to "P" respectively be -

Summary of Objections:

1. Site is inappropriate for detached housing.
2. Not conveniently located/unsuitable for high density habitation.
3. Existing public transport unable to cater for additional passengers from unit development.
4. Peak hour traffic is already excessive. Proposal would result in chaotic traffic conditions.
5. Boblyne Street unable to cope with extra traffic.
6. Unit development is inappropriate in a high class residential suburb.
7. Area should be devoted to parkland or other community facilities.
8. Proposal is out of harmony with the area.
9. Proposal will lower quality of life and the class of the area.
10. If this proposal were allowed Council will be unable to stop other townhouse developments.
11. Existing flora and fauna should be preserved and the area to be undeveloped.
12. Shopping centre/tavern has already reduced the area of natural parkland.
13. Development will create higher water levels in the Cubberla Creek and part of the area will be subject to flash flooding.
14. Area should be developed as a children's playground as there is no available parkland on this side of Moggill Road.
15. Banks of the creek need to be properly sloped to avoid further erosion.
16. Proposal would be too intensive.
17. No sign on Moggill Road/Boblyne Street corner.

Representations:

1. The site is not considered inappropriate for housing, whether it be detached or attached houses.
2. The site is conveniently located with respect to shopping facilities. The attached housing scheme will have the lowest density (R1) for multi-unit development, which is acceptable in a Residential "A" zoned area.
3. Public transport along Moggill Road will need to be upgraded if there were to be a problem.
4. The proposal will not significantly add to the traffic intensity on Moggill Road. Boblyne Street is designed to cope with the traffic anticipated from the subject site.
5. Same as 4.
6. Attached housing as an alternative form of housing at an acceptable intensity is considered appropriate in any suburb be it "high" or "low class".
7. The land is privately owned and zoned Future Urban, which means that it is intended for residential purposes at some time in the future. The development will provide for its own recreational areas.

8. The proposal is set on a high and isolated piece of land and is well buffered from Boblynne Street.
9. The proposal will not necessarily lower the quality of life or the class of the area.
10. The Council does not necessarily want to stop other attached housing complexes.
11. Same as 7.
12. Same as 7.
13. Drainage works will have to be undertaken by the developer.
14. Approximately 25 per cent. of the land is to be dedicated as parkland and the proposed development will also provide for additional recreational spaces and the lack of park in this general area is to be solved by acquiring land in a location more publicly accessible than this development, which is more likely to be directly abutting Boblynne Street and Tristania Drive.
15. This will be a condition of the development.
16. The intensity is the lowest (R1) for multi-unit development.
17. The land at the corner of Moggill Road/Boblynne Street is not included in the application.

RTI Release

RTI Release

Sch 3(7)

LAND TO BE REZONED

(Description of land for recital (b) hereof)

County of Stanley, Parish of Indooroopilly,
City of Brisbane

Part of Lot 3 on R.P. 198010, commencing at a point being the most northern corner of Lot 3 on R.P. 198010, the land is bounded

by a line bearing	120°52'50"	for a distance of	71.415 metres
thence by a line bearing	115°48'50"	for a distance of	65.380 metres
thence by a line bearing	124°58'50"	for a distance of	28.767 metres
thence by a line bearing	144°18'50"	for a distance of	30.98 metres
thence by a line bearing	163°58'50"	for a distance of	23.134 metres
thence by a line bearing	178°57'20"	for a distance of	62.783 metres
thence by a line bearing	103°47'20"	for a distance of	35.808 metres
thence by a line bearing	176°17'40"	for a distance of	21.091 metres
thence by a line bearing	239°25'18"	for a distance of	27.528 metres
thence by a line bearing	285°45'10"	for a distance of	51.426 metres
thence by a line bearing	279°00'10"	for a distance of	93.501 metres
thence by a line bearing	251°45'10"	for a distance of	43.241 metres
thence by a line bearing	0°18'	for a distance of	220.322 metres

back to the point of commencement.

The land contains an area of 2.954 hectares.

**Pike
Mills
MCKnoulty**
Pty Ltd

Licensed Surveyors, Town Planners and Development Consultants



P.O. Box 338, Toowong 4066.
Suite 3, 29 Woodstock Road, Toowong 4066.

Telephone: (07) 371 7966
Facsimile: (07) 371 3602

Our Reference: 1946 JMCK Your Reference: (0)397/12-530/89 Attention: MR P VAN SLOTEN

10th August, 1989

The Town Clerk,
Brisbane City Council,
Department of Development & Planning,
14th Floor,
Brisbane Administration Centre,
69 Ann Street,
BRISBANE. QLD. 4000.

Dear Sir,

RE: PROPOSED REZONING AT 841 MOGGILL ROAD AND BOBLYNNE STREET, KENMORE.
PART OF LOT 3 ON RP 198010, PARISH OF INDOOROOPILLY.
COUNCIL FILE NO. (0)397/12-530/89.

We refer to discussions with Mr P Van Sloten on 3rd August 1989 and advise that in support of this application, we make the following offers on behalf of Banella Holdings Pty Ltd :-

1. LEGAL :

Authorise the preparation of by Council of a deed of agreement and any associated documents incorporating the matters in respect of which offers are made. The estimated cost of such documents being \$1460.00 is enclosed and we agree to pay any additional cost forthwith upon notification.

2. GENERAL :

- (i) Provide asphaltic concrete surfacing or similar to all vehicle movement areas.
- (ii) Layout to be generally in accordance with plan(s) numbered 276-88 sk6 submitted on 7/7/89, amended to comply with policy no. 7.01.
- (iii) The Gross Floor Area of the proposed development to limited 6210 m².

Dike
Mirls
McKnoulty
Ply Ltd

1946

- 2 -

MR P VAN SLOTEN

Secured
Amount

- (iv) The plan of layout to comply with Planning Policy No. 21.01 and to take account of policy no. 7.01 (building length and bulk).
- (v) Provision of an engineering report with regard to the access point and bridge, to the satisfaction of the Traffic Planning Branch and Department of Works.

3. TITLE ADJUSTMENT:

NOT APPLICABLE.

4. ROADWORKS AND DRAINAGE:

(i) External Construction.

Construction of a culvert access the tributary and associated works such that any works will not have any adverse effects on existing drainage paths or flood levels.

\$104,200

- (ii) The gradients of roads to be to the satisfaction of the Manager, Department of Works and Manager of the Department of Development and Planning.

- (iii) Construction of a footbridge connecting this development to the shopping centre to the satisfaction of the Department of Works.

- (iv) The applicant to provide a detailed hydraulic study and physical model to confirm the detailed design of culvert in relation to this site to the requirements and satisfaction of the Manager, Department of Works, prior to approval of the subsequent Section 24.2 application (Town Planning Consent).

Pike
Mirls
McKnoulty
Pty Ltd

1946

- 3 -

MR P VAN SLOTEN

5. SEWERAGE:

Secured
Amount

- (i) Headworks contribution - net site area 2.5234 hectares @ \$10,200 per hectare. \$25,739
- (ii) External construction :
Construct a 150mm dia. sewer from manhole 1A/1 (Order of Cost estimated \$3000). \$3,000
- (iii) Agree to construct internal reticulation to the satisfaction of Chief Engineer and Manager, Department of Water Supply and Sewerage.

6. WATER SUPPLY:

- (i) Headworks contribution - net site area 2.5234 hectares @ \$14,095.00 per hectare. \$35,567
- (ii) External construction :
100mm service connection, common internal fire/domestic line.
- (iii) Separate water services and meter to each Lot.
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7. PARK AND FOOTPATH TREES:

- (i) Land indicated on Pike Mirls McKnoulty drawing No. 1946-05, having an area 7130 m² to be transferred to the Crown for park purposes free of cost to Council.
- (ii) Payment of \$2.00 per m² of Gross Floor Area to Council as a park contribution.
- (iii) Payment of \$35.00 per Lot (45 Lots) for footpath trees. \$1,575

Pike
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1946

- 4 -

MR P VAN SLOTEN

8. UNDERGROUND SERVICES:

(i) Electricity

- a. Produce documentary evidence prior to sealing plans of subdivision by Council that a contract has been entered into with SEQEB to provide underground electricity and street lighting to the development.
- b. Transfer free of cost any easements and ground transformer sites to SEQEB and any associated .3 metres access restriction strips to Council.
- c. Advise any purchaser of property of their responsibility regarding connection from street supply.

(ii) Telecom

Obtain an undertaking from Telecom that all its services will be underground.

9. PAYMENTS:

Acknowledge :-

- (i) Amounts for cost of road and footpath works, drainage, water supply and sewerage construction are estimates and agree to pay to Council, for any such work carried out by Council, the current rate at time of payment.
- (ii) Rates at time of payment will apply for water supply and sewerage headworks.

10. PROGRAM:

Agree all payments and works to be completed within two (2) years of gazettal of the new zoning or prior to sealing of plan of Group Title Subdivision for Townhouses, whichever is the sooner.

Dike
Mirls
McKnoulty
Pty Ltd

1946

- 5 -

MR P VAN SLOTEN

	Secured Amount
11. <u>SECURITY AND BONDING:</u>	
Total amount to be secured	\$170,081

FORM OF SECURITY:

A Bank Guarantee for the full amount of Security required (\$170,081) will be supplied by the applicant from :

HONG KONG BANK AUSTRALIA LIMITED
400 QUEEN STREET
BRISBANE QLD 4000

We trust the offers contained herein will be sufficient for the rezoning to be finalized and ask that you contact the writer if any matter requires further clarification.

We thank you for your assistance in the matter.

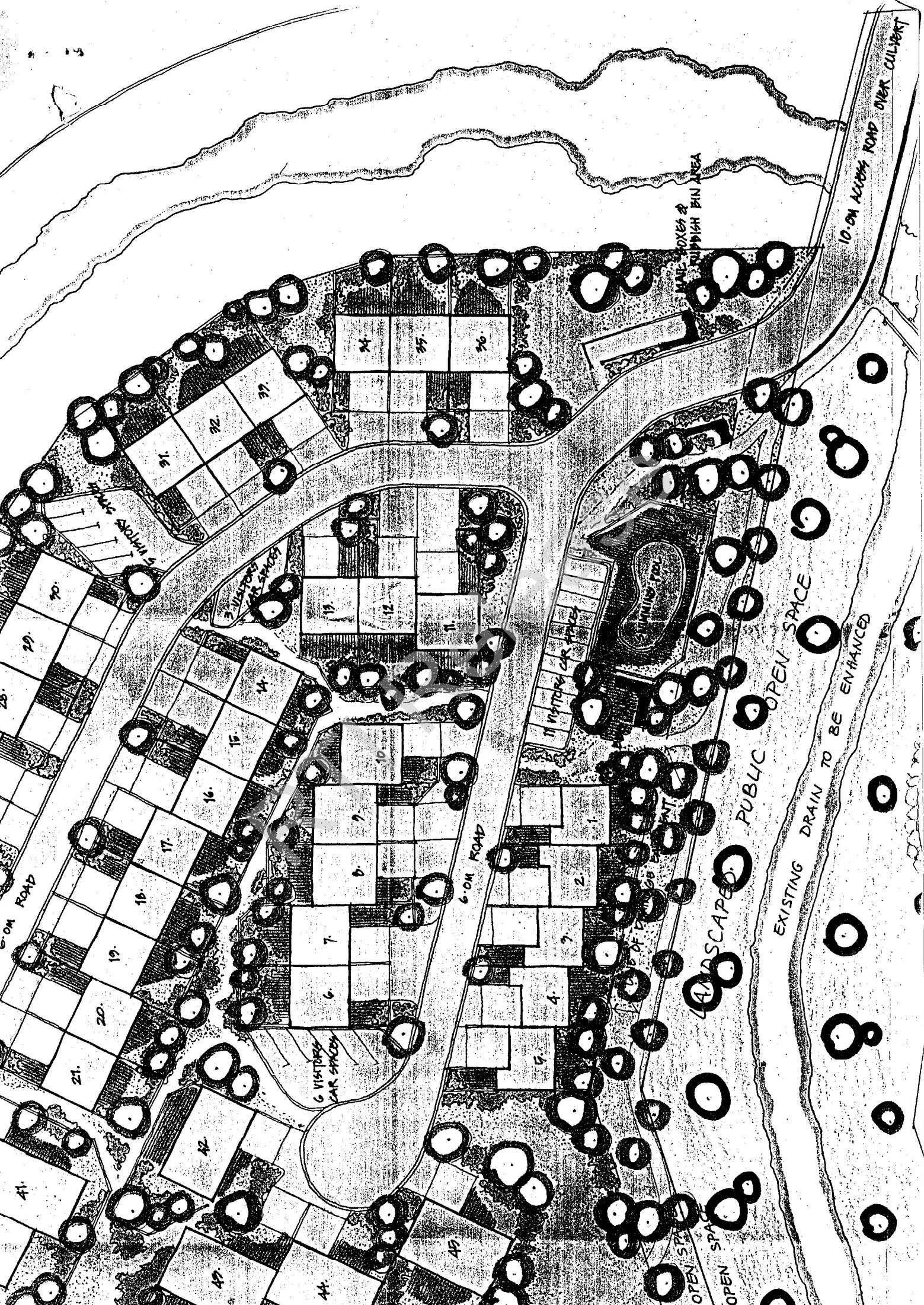
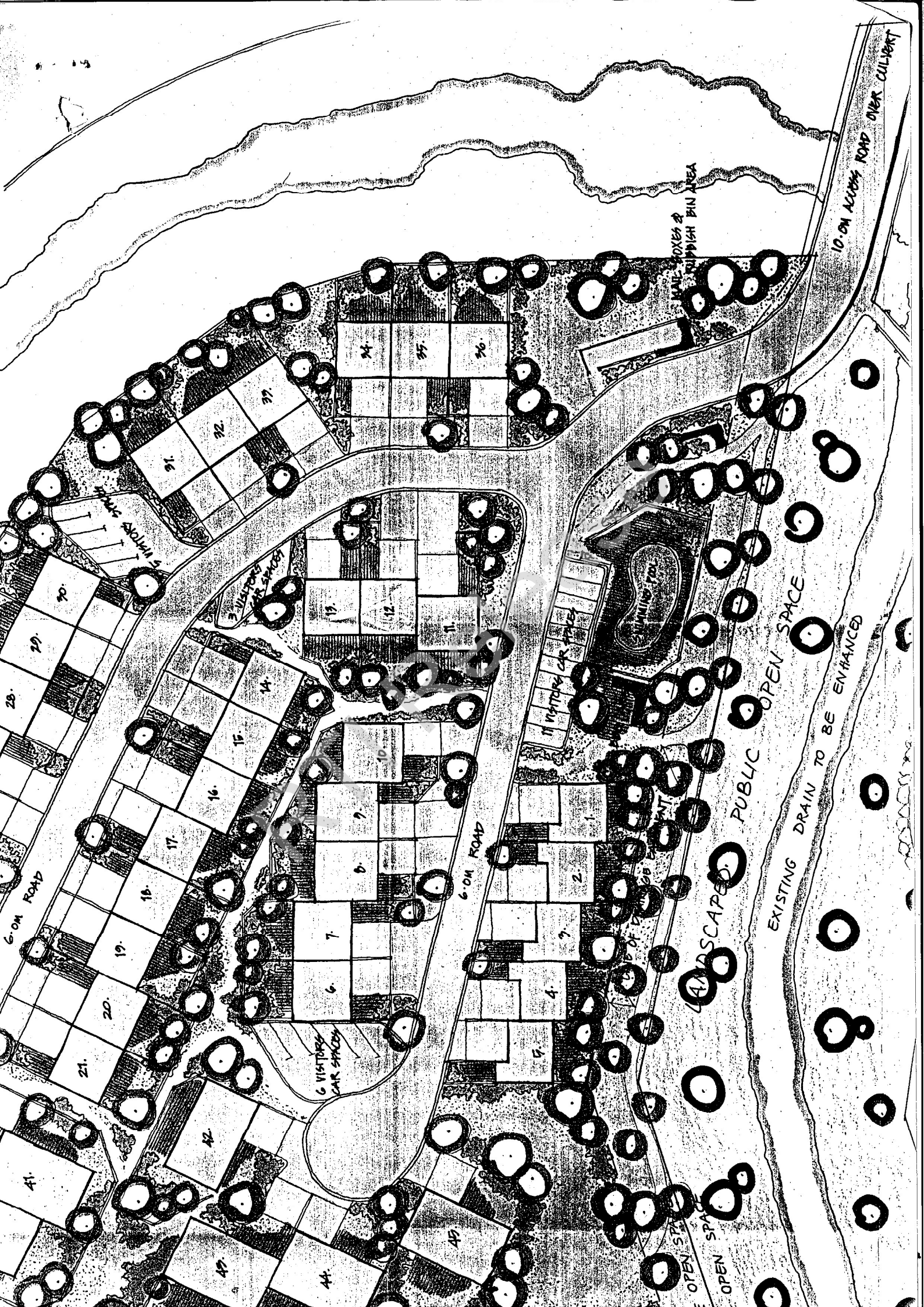
Yours faithfully,
PIKE MIRLS MCKNOULTY PTY LTD

Sch 4 Pt 4(6)(1)

for J. A. McKnoulty

c.c. Sch 4 Pt 4(6)(1)

Maclean Wargon Chapman



6.0M ROAD

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11 MATING CAR SPACES

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SECURITY LABEL: OFFICIAL

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SECURITY LABEL: OFFICIAL

RTI Release

David Simons

From: Elaine Lawson
Sent: Tuesday, 4 May 2021 10:01 AM
To: Vanessa Thompson
Subject: RE: Pedestrian Bridge - St James Estate

Good morning Vanessa

I refer to your email to Michelle Manning dated 24 March 2021. Please see my response to your numbered items below:

1. Your client will be notified prior to Council carrying out any substantial work on the pedestrian bridge.
2. Your client may wish to make an application for a planning and development certificate and/or a Right to Information application. Both of these applications can be made online through Council's website and links to and further information on these applications can be found by accessing the below link:
 - <https://www.brisbane.qld.gov.au/planning-and-building/buying-selling-and-searches/previous-development-applications-and-approvals>
3. Thank you for providing the visual condition report - the report findings may assist Council determine its position more quickly.
4. I understand that Council's communications with the State were in relation to an easement (between the State and your client) over the pedestrian bridge. The State responded, advising that its policy is not to grant easements over trustee land and instead suggested a trustee lease (between Council as trustee and your client) be considered. The State's response, along with tenure and governance issues of a trustee lease over the pedestrian bridge, are currently being considered.
5. Thank you for the offer. Council does not require an on-site meeting at present, however, I will contact you to arrange a meeting if that position changes.

Please contact me with any further queries you may have.

Kind Regards

Elaine Lawson

Solicitor | Planning and Development | City Legal
City Administration and Governance | **BRISBANE CITY COUNCIL**

.....
Brisbane Square | Level 20, 266 George Street, Brisbane, Qld 4000
GPO Box 1434, Brisbane, Qld 4001
Phone: 07 3178 8176 | Fax 07 3334 0058
Email: elaine.lawson@brisbane.qld.gov.au

From: Vanessa Thompson <Vanessa.Thompson@cgw.com.au>
Sent: Tuesday, 4 May 2021 8:22 AM
To: Elaine Lawson <Elaine.Lawson@brisbane.qld.gov.au>
Cc: Michelle Manning <Michelle.Manning@brisbane.qld.gov.au>
Subject: RE: Pedestrian Bridge - St James Estate

Hi Elaine

Further to the below email from Michelle, would you please provide an update regarding when access to the relevant development approval files will be provided, as well as a response to the other matters set out in my email of 24 March 2021 (copied below)?

Kind regards

Vanessa Thompson

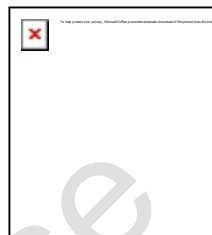
Special Counsel



T 61 7 3231 2403 **M** Sch 4 Pt 4(6)(1) **E** vanessa.thompson@cgw.com.au
Level 21, 400 George Street, Brisbane 4000 Australia | GPO Box 834, Brisbane 4001
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From: Michelle Manning <Michelle.Manning@brisbane.qld.gov.au>

Sent: Thursday, 22 April 2021 3:59 PM

To: Vanessa Thompson <Vanessa.Thompson@cgw.com.au>

Cc: Elaine Lawson <Elaine.Lawson@brisbane.qld.gov.au>

Subject: RE: Pedestrian Bridge - St James Estate

Hi Vanessa

Thanks for your patience as we continue to review this matter and options for resolution.

Elaine Lawson from Council's City Legal branch will take over as your primary point of contact on this matter including in responding to your request for assistance in accessing relevant development approvals relating to the St James Estate and pedestrian bridge.

Elaine will be in contact shortly but for your records her details are:

Elaine Lawson

Solicitor | Planning and Development | City Legal
City Administration and Governance | **BRISBANE CITY COUNCIL**

Brisbane Square | Level 20, 266 George Street, Brisbane, Qld 4000
GPO Box 1434, Brisbane, Qld 4001
Phone: 07 3178 8176 | Fax 07 3334 0058
Email: elaine.lawson@brisbane.qld.gov.au

Regards
Michelle

Michelle Manning

Team Leader | Park Assets and Governance
Natural Environment, Water & Sustainability | **BRISBANE CITY COUNCIL**

Brisbane Square | PO Box 1434, Brisbane City Qld 4001
Phone: +61-7-3403 4666 | Email: michelle.manning@brisbane.qld.gov.au



Security Label: Official Use

From: Vanessa Thompson <Vanessa.Thompson@cgw.com.au>
Sent: Wednesday, 24 March 2021 8:29 AM
To: Michelle Manning <Michelle.Manning@brisbane.qld.gov.au>
Cc: Leanne O'Neill <Leanne.ONeill@cgw.com.au>
Subject: **SAVED:** Pedestrian Bridge - St James Estate

This email originates from outside of Brisbane City Council.

Hi Michelle

Thank you for your time on the phone last Thursday, 18 March 2021.

Further to our discussion:

1. Would you please confirm that the Council will not take steps to remove/demolish the bridge without further reference to us/our client.
2. I confirm my client's request for a copy of any relevant development approvals relating to the St James Estate and pedestrian bridge. As discussed, we consider the circumstances relating to the construction of the bridge, including conditions of any relevant development approval, may be relevant to the obligations of the parties and how the bridge is to be managed moving forward.
3. As requested, we **attach** a copy of a visual condition report commissioned by our client regarding the bridge in 2019. Whilst it identifies some areas of concern, it also provides that appropriate rectification works to address these matters 'will extend the life of the bridge to 50 years'. This highlights that with a relatively modest spend (I understand various quotes indicate costs in the order of approximately \$180,000) the bridge can continue to provide convenience to residents, reducing reliance on vehicles, in accordance with reasonable expectations that the bridge will remain. I also confirm that our client is willing to consider entering into an agreement with the Council to facilitate the payment of reasonable construction costs associated with rectification works.
4. I note your suggestion that a lease may be an appropriate way to facilitate our client securing the necessary 'rights' to manage and maintain the bridge, however, the State was not receptive to this option. Would you please clarify whether your discussions with the State were in the context of a trustee lease (that is, between Council as trustee and our client, albeit that the Council may require State approval)?
5. A representative of our client is also willing to meet with Council representatives on-site to discuss the potential for greater public access to the bridge (albeit, if this is something which would be of interest to the Council, it would be subject to further consideration by the body corporate). Our client has provided the **attached** sketch to show how this may be achieved.

We look forward to receiving your response to these matters.

Kind regards

Vanessa Thompson

Special Counsel



T 61 7 3231 2403 **M** 6 Sch 4 Pt 4(6)(1) **E** vanessa.thompson@cgw.com.au
Level 21, 400 George St 4000 Australia | GPO Box 834, Brisbane 4001
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David Simons

From: Vanessa Thompson <Vanessa.Thompson@cgw.com.au>
Sent: Wednesday, 24 March 2021 8:29 AM
To: Michelle Manning
Cc: Leanne O'Neill
Subject: Pedestrian Bridge - St James Estate
Attachments: St James bridge report.pdf; Bridge Public Access.pdf

Follow Up Flag: Follow up
Flag Status: Completed

This email originates from outside of Brisbane City Council.

Hi Michelle

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Further to our discussion:

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Kind regards

Vanessa Thompson

Special Counsel



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