



# MINUTES

## GENERAL MEETING

**Wednesday 2 November 2022**

commencing at 9.32am

Strathpine Chambers  
220 Gympie Road, Strathpine

**ENDORSED GM20221116**

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**Membership = 13**  
Mayor and all Councillors

**Quorum = 7**

***Adoption Extract from General Meeting – 16 November 2022 (Page 22/1705)***

**General Meeting - 2 November 2022 (Pages 22/1643 - 22/1686)**

**RESOLUTION**

**Moved by Cr Jodie Shipway (Deputy Mayor)**

**Seconded by Cr Yvonne Barlow**

**CARRIED 13/0**

**That the minutes of the General Meeting held 2 November 2022, be confirmed.**

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## **STATEMENT - ATTENDEES AND LIVESTREAMING**

The Mayor advised that the meeting will be live streamed and the video recording of the meeting will be available on the council's website.

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

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

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### **1. ACKNOWLEDGEMENT OF COUNTRY**

Cr Adam Hain provided the Acknowledgement of Country.

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### **2. OPENING PRAYER / REFLECTION**

Cr Adam Hain provided the opening prayer / reflection for the meeting.

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### **3. ATTENDANCE & APOLOGIES**

#### **Attendance:**

Cr Peter Flannery (Mayor) (Chairperson)  
Cr Brooke Savige *\*via videoconference*  
Cr Mark Booth  
Cr Adam Hain  
Cr Jodie Shipway (Deputy Mayor)  
Cr Sandra Ruck  
Cr Karl Winchester  
Cr Yvonne Barlow  
Cr Mick Gillam  
Cr Cath Tonks  
Cr Matt Constance  
Cr Darren Grimwade

#### **Officers:**

Chief Executive Officer	(Greg Chemello)
Deputy CEO/Director Projects & Asset Services	(Tony Martini)
Director Community & Environmental Services	(Bill Halpin)
Director Finance & Corporate Services	(Donna Gregory)
Director Infrastructure Planning	(Amanda Creevey)
Director Planning	(David Corkill)
Chief Legal Counsel	(Kate Draper)
Chief Economic Development Officer	(Paul Martins)
Chief External Relations Officer	(Joshua O'Keefe)
Meeting Support	(Megan Donovan)

#### **Apologies:**

Cr Tony Latter

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#### 4. MEMORIALS OR CONDOLENCES

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Cr Yvonne Barlow made special mention of the late **Bert Baker OAM** who passed away on 9 October 2022. Bert joined the Royal Australian Air Force (RAAF) in 1949, serving missions in Korea, Japan and Malaysia and marched in the 1953 coronation of Queen Elizabeth II. A founding member of the Pine Rivers Branch of the RAAF Association, Bert became president in 2002 and, in 2015, was awarded a Medal of Australia for his contribution to the RAAF Association.

Bert lived at the Inverpine Retirement Village, Murrumba Downs for more than 18 years, and residents talk very highly of Bert's patriotism and community spirit.

Cr Barlow said Bert's pride and dedication to the RAAF was evident and is remembered as a true gentleman.

Cr Cath Tonks concurred with Cr Barlow's sentiments, saying that Bert was a very kind man and will be missed by the community.

Cr Cath Tonks made special mention of the late **Emily Thompson** who lost her life in most tragic circumstances on 22 October 2022 at just 18 years of age. Emily was a much-loved daughter, sister, granddaughter and friend who was about to complete her Year 12 exams and had her whole life ahead of her.

Last Saturday afternoon Emily's family, friends, colleagues and other members of the community gathered to share their stories and memories of this loving young lady.

Cr Tonks asked that Emily's family be kept in our thoughts as they navigate a world without her.

Cr Mick Gillam supported Cr Tonks' comments, adding that it was lovely to hear her friends and colleagues speak of her so highly and thanked the various organisations who enabled the vigil to take place.

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

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#### 5. CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

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##### **General Meeting - 26 October 2022 (Pages 22/1591 - 22/1642)**

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##### **RESOLUTION**

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Moved by Cr Yvonne Barlow

Seconded by Cr Karl Winchester

CARRIED 12/0

That the minutes of the General Meeting held 26 October 2022 be confirmed.

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#### 6. PRESENTATION OF PETITIONS

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

Receipt of petitions addressed to the Council and tabled by Councillors.

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## 7. CORRESPONDENCE

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### 7.1. Correspondence received from Electoral Commission Queensland - Classification Review Consultation (65727997)

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The Chief Executive Officer tabled a copy of correspondence received from Pat Vihdgen, Electoral Commissioner, Electoral Commission Queensland (dated 24 October 2022) advising the Local Government Change Commission's review timeframes for Council's reclassification proposal.

### 7.2. Mayoral response to Electoral Commission Queensland - Classification Review Consultation (65725938)

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The Chief Executive Officer further tabled a copy of the Mayor's response to Pat Vidgen, Electoral Commissioner, Electoral Commission Queensland (dated 31 October 2022) confirming Council's support in principle for the updated review timeframes.

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## 8. MAYORAL STATEMENTS

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### 8.1. 2022 National Awards for Local Government - Category Winner (65674311)

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Cr Peter Flannery (Mayor) made the following statement on the 2022 National Awards for Local Government:

*"On 13 October 2022, I am proud to announce, the Australian Government declared Moreton Bay as Regional Growth 'category winners' of the 2022 National Awards for Local Government.*

*The national award recognises – by popular vote – the Moreton Bay City project and our aspirations to reclassify from a regional to a city council.*

*The award, in particular, is given to local government projects that:*

- o improve the liveability of a region and take advantage of region-specific opportunities;*
- o empower vibrant and connected regional communities that promote diversity and inclusion; or*
- o strengthen investment and development opportunities, share resources, build local capability, and create jobs.*

*It acknowledges the benefit of this project to our Moreton Bay community.*

*And our commitment to "improving productivity, employment and workforce skills, valuing and promoting diversity, and fostering the development of self-reliant communities and regions with strong economic futures".*

*The aspiration behind this initiative – to evolve from a regional to a city council – aims to give us greater status and make it easier to advocate for investment in the region.*

*As I have said, we are a 'region'. But we are not 'regional'.*

*Becoming a city seeks to ensure Moreton Bay reaps the benefits from residents' taxes through funding from all levels of government being directed back into Moreton Bay.*

*City classification will also support Council's ambitious economic development strategy to create 100,000 more local jobs and build a \$40 billion economy.*

*The bid for Moreton Bay Region to become Moreton Bay City is now being assessed by the independent Local Government Change Commission, following Council's 20 July resolution and formal submission in August.*



*Item 8.1 Mayoral Statement - 2022 National Awards for Local Government - Category Winner cont'd*

*The Minister for Local Government referred Council's request to the Electoral Commission of Queensland on 16 September, noting Council met 'all the criteria' for a name change as set out in the Local Government legislation.*

*This award not only recognises us among a select group of councils across Australia but puts us on the national map.*

*Congratulations Moreton Bay."*

**8.2. Sanyo-Onoda, Japan - 30<sup>th</sup> Anniversary and Transition to Friendship City (65770125)**

Cr Peter Flannery (Mayor) made the following statement on Council's Sister City relationship with Sanyo-Onoda, Japan:

*"Councillors, as a number of you are aware, the Sister City relationship between Sanyo-Onoda City Japan and the Moreton Bay Region was renewed on August 22<sup>nd</sup>.*

*We held a virtual ceremony to commemorate the 30th anniversary of the relationship and transition to a Friendship City Agreement.*

*The virtual ceremony on 22 August 2022, involved delegations from both sides representing a cross-section of government officials, educational institutions, and business*

*The Sanyo-Onoda Mayor and I delivered speeches of appreciation.*

*Xavier College from Sanyo-Onoda sang a song titled 'Let us walk towards the top' followed by the signing of the revised Friendship Agreement and gift exchange*

*Sanyo-Onoda's gift, produced by renowned glass artisan Makoto Nishikawa, symbolises the natural beauty of the Sanyo-Onoda region by incorporating the ocean, mountains, and stars in a striking dark blue winged glass piece.*

*I have brought the gift from Sanyo-Onoda in to Chambers today to present to you all.*

*We will display the gift outside the Strathpine Chambers.*

*The gift presented by Moreton Bay was created by Mitch Proestos from GiftU in Brendale.*

*The piece of art is made from two pieces of Queensland Red Cedar that cannot be harvested and must only be sourced from the ground.*

*The cedar was arranged to symbolise two friends reaching for the sky and encased in teal resin, the colour of the Sanyo-Onoda flag.*

*We have a photo of the gift from us on screen for you all to see.*

*Following the exchange of gifts and signing of our renewed Friendship City Agreement, we discussed various opportunities to strengthen the relationship including:*

- o exploring exchange opportunities between Sanyo-Onoda City University and UniSC Moreton Bay,*
- o an invitation by both sides to receive delegations,*
- o a request by Moreton Bay for learnings from the 2020 Tokyo Olympics Games that may support organisational efforts in preparation for Brisbane 2032, and*
- o an invitation to support Team Japan's training and preparation for Brisbane 2032 Olympics by accessing and utilising Moreton Bay's significant sporting assets.*

*We look forward to continuing cultural exchange between our two cities. Thank you."*

**9. COMMUNITY COMMENT**

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

**10. NOTICES OF MOTION (Repeal or amendment of resolutions)**

*(s262 of the Local Government Regulation 2012)*

Consideration of any notice of motion to repeal or amend a resolution of the Council which is to be given to each Councillor at least 5 days before the meeting at which the proposal is to be made.

**11. CONFLICTS OF INTEREST NOTIFIED TO THE CEO**

*Conflicts of interest notified to the CEO where not specifically related to an item on this agenda*

Cr Matt Constance requested that the notified declarable conflict of interest and amendments to declarable conflicts of interest as appearing in the agenda be held over to the next General Meeting.

**12. OFFICERS' REPORTS TO COUNCIL (conducted in Sessions)**

*(as referred by the Chief Executive Officer)*

Consideration of officers' reports as referred by the Chief Executive Officer, to be conducted in Sessions.

The appointed Portfolio Councillor will facilitate the conduct of the respective session under the control of the Mayor as the Presiding Officer.

Session	Portfolio Councillors	
<b>1 Vibrant Communities</b>	Cr Y Barlow	Cr S Ruck
<b>2 Healthy Environments</b>	Cr C Tonks	Cr B Savige
<b>3 Well-planned Places</b>	Cr J Shipway (Deputy Mayor)	Cr M Booth
<b>4 Well-connected Places</b>	Cr A Hain	Cr M Gillam
<b>5 Progressive Economy</b>	Cr K Winchester	Cr T Latter
<b>6 Engaged Council</b>	Cr M Constance	Cr D Grimwade

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**1 VIBRANT COMMUNITIES SESSION**

(Cr Y Barlow / Cr S Ruck)

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No items for consideration.

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**2 HEALTHY ENVIRONMENTS SESSION**

**(Cr C Tonks / Cr B Savige)**

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No items for consideration.

**ATTENDANCE**

David Hood attended the meeting at 9.48am for discussion on Items 3.1 to 3.3.

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**3 WELL-PLANNED PLACES SESSION (Cr J Shipway (Deputy Mayor) / Cr M Booth)**

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**ITEM 3.1  
RESHAPING OUR REGION'S PLANNING - MBRC PLANNING SCHEME PROPOSED  
MAJOR AMENDMENT NO.3 'BETTER HOUSING AMENDMENT' - REQUEST FOR  
STATE INTEREST REVIEW**

*Meeting / Session:* 3 WELL-PLANNED PLACES  
*Reference:* 65351433: 19 October 2022 - Refer Supporting Information 65661100;  
65610403; 65691691  
*Responsible Officer:* DH, AJ (PL Strategic Planning & Place Making)

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**Executive Summary**

At its General Meeting on 8 December 2021, Council resolved to make an amendment to the MBRC Planning Scheme, and request early confirmation of state interests, under Section 20 (s20) of the *Planning Act 2016* for 'Major Amendment No.3, the Better Housing Amendment' (the Amendment).

The Amendment supports policy changes relating to the Next generation neighbourhood precinct (and the equivalent Transition precinct), secondary dwellings, off-street car parking ratios, and student accommodation. A Warner Investigation Area boundary reduction is also proposed to re-clarify Council's position on future urban growth and development in the area, in response to planning investigations and community consultation previously undertaken in 2017.

The purpose of this report is to seek a Council decision to provide the required notice and supporting material to the Minister and commence the formal state interest review for the Amendment. This is a critical step that must be completed before Council can proceed to public consultation on the Amendment.

This matter is brought to the attention of Council under the **Well-planned Places portfolio**, given that the amendment seeks to influence improved development outcomes across the region.

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**RESOLUTION**

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Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Cath Tonks

CARRIED 12/0

1. That Council confirms that it has considered the Department of State Development, Infrastructure, Local Government and Planning's (DSDILGP) response dated 7 April 2022 to the Council's request for an early confirmation of state interests.
2. That the Chief Executive Officer be authorised to prepare the proposed Major Amendment No.3, the 'Better Housing Amendment' pursuant to Chapter 2, Part 4, Section 16.4 of the Minister's Guidelines and Rules Version 1.1 which commenced on 11 September 2020 and having regard to the DSDILGP response referred to in officer recommendation No. 1 above.
3. That the Chief Executive Officer be authorised to progress Major Amendment No.3, the 'Better Housing Amendment' (supporting information #1), to state interest review by providing a notice to the Minister of the Department of State Development, Infrastructure, Local Government and Planning in accordance with Chapter 2, Part 4, Section 16.5 of the Minister's Guidelines and Rules that includes:
  - a) the decision to amend the planning scheme; and
  - b) the required material for a proposed major amendment as prescribed in Schedule 3 of the Minister's Guidelines and Rules.
4. That the Chief Executive Officer be authorised to make administrative and editorial changes to the proposed planning scheme amendment and any associated documentation, if required, prior to providing the notice to the Minister referred to in officer recommendation No. 3 above.

ITEM 3.1 RESHAPING OUR REGION'S PLANNING - MBRC PLANNING SCHEME PROPOSED MAJOR AMENDMENT NO.3 'BETTER HOUSING AMENDMENT' - REQUEST FOR STATE INTEREST REVIEW - 65351433 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That Council confirms that it has considered the Department of State Development, Infrastructure, Local Government and Planning's (DSDILGP) response dated 7 April 2022 to the Council's request for an early confirmation of state interests.
2. That the Chief Executive Officer be authorised to prepare the proposed Major Amendment No.3, the 'Better Housing Amendment' pursuant to Chapter 2, Part 4, Section 16.4 of the Minister's Guidelines and Rules Version 1.1 which commenced on 11 September 2020 and having regard to the DSDILGP response referred to in officer recommendation No. 1 above.
3. That the Chief Executive Officer be authorised to progress Major Amendment No.3, the 'Better Housing Amendment' (supporting information #1), to state interest review by providing a notice to the Minister of the Department of State Development, Infrastructure, Local Government and Planning in accordance with Chapter 2, Part 4, Section 16.5 of the Minister's Guidelines and Rules that includes:
  - a) the decision to amend the planning scheme; and
  - b) the required material for a proposed major amendment as prescribed in Schedule 3 of the Minister's Guidelines and Rules.
4. That the Chief Executive Officer be authorised to make administrative and editorial changes to the proposed planning scheme amendment and any associated documentation, if required, prior to providing the notice to the Minister referred to in officer recommendation No. 3 above.

**REPORT DETAIL**

**1. Background**

The amendment comprises a series of policy responses designed to support better housing in the region and improve liveability for current and future residents. Policy changes relate to the Next generation neighbourhood precinct (and the equivalent Transition precinct), secondary dwellings, off-street car parking ratios, student accommodation and a reduction to the Warner Investigation Area boundary.

Numerous Council resolutions and briefings have occurred that inform the amendment (refer supporting information #2). These include briefings on the Next generation neighbourhood precinct (and the equivalent Transition precinct), Secondary dwellings, off-street car parking ratios and Student accommodation. Council officers undertook engagement with internal stakeholders, relevant State government counterparts and a Joint Industry Working Group in preparing the proposed amendment. Council has also been briefed on the communications and engagement approach to support the amendment.

The following resolution appears on Minute Page 21/2035 of the General Meeting of Council held on 8 December 2021:

**RESOLUTION**

1. That Council make an amendment to the Moreton Bay Regional Council Planning Scheme 2016 under Section 20 of the Planning Act 2016 and Chapter 2, Part 4 of the Minister's Guidelines and Rules for 'Major Amendment No.3 - the Better Housing Amendment'.
2. That the Chief Executive Officer is authorised to give to the Chief Executive of the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) a notice requesting an early confirmation of state interests that includes the nature and details of the proposed amendment and a statement of the state interests expressed in a Regional Plan or State Planning Policy the Council considers relevant to the proposed amendment.

*ITEM 3.1 RESHAPING OUR REGION'S PLANNING - MBRC PLANNING SCHEME PROPOSED MAJOR AMENDMENT NO.3 'BETTER HOUSING AMENDMENT' - REQUEST FOR STATE INTEREST REVIEW - 65351433 (Cont.)*

On 19 January 2022, the Chief Executive Officer wrote to the Chief Executive of the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) advising of Council's intent to make an amendment under s20 of the *Planning Act 2016* to the MBRC Planning Scheme 2016. On 7 April 2022, the Chief Executive of DSDILGP issued correspondence to Council confirming the matters, including state interests, required to be considered when preparing the proposed amendment and also provided 'advice for Council to assist in the preparation of the proposed planning scheme amendment'.

Council and DSDILGP officers have closely engaged throughout the early confirmation of state interest process. In their written advice, DSDILGP have expressed support for policy facilitating improved housing mix, diversity, and liveability; planning for increased densities and dwelling types in walkable catchments, increasing greenery in subdivisions through a mix of private property and public realm responses and incorporating laneways in new developments (for improved streetscapes and housing variety). Some matters have also been resolved through the refinements to the draft amendment package, and a number of items were for noting or out of scope for this amendment and/or require further investigations to support their consideration.

At a briefing conducted with Councillors on 9 August 2022, officers provided an update on the early confirmation of state interests and state advice, and proposed responses; along with refined policy directions, and next steps in the amendment process. At this briefing officer's also foreshadowed that consequential changes to Planning Scheme Policies (PSPs) are also required to support the amendment, but these are required to follow a separate process under the Minister's Guidelines and Rules (MGR) which does not require a state interest review.

The amendment to PSPs will be subject to a separate future briefing and Council meeting for a decision to amend as required by the MGR, and is proposed to undergo consultation at the same time as the amendment.

Officers have continued to advance communication and engagement planning for the Better Housing Amendment consistent with the approach presented at the 11 October 2022 briefing. Council must provide details of this communication and engagement planning (communications strategy) when proceeding to state interest review.

## **2. Explanation of Item**

### 2.1 Summary of the amendment content

The amendment proposes improvements to the following planning scheme policy areas:

*Next generation neighbourhood precinct (and equivalent Transition precinct):*

- Housing mix and density in the 'right places';
- Neighbourhoods with more 'green'—open space, trees and landscaping;
- Resolving impacts of overdevelopment from Dwelling houses on small lots; and
- Neighbourhoods that are sensitively integrated with existing communities.

*Secondary dwellings:*

- Improving how a Secondary dwelling operates;
- Resolving impacts of overdevelopment on smaller lots;
- Managing amenity and privacy impacts on established urban neighbourhoods; and
- Improving streetscapes by adjusting off-street car parking outcomes.

*Note: Council officers have checked the amendment content against the recent State government regulatory updates that change who can now occupy a Secondary dwelling. It is considered that the amendment will support and complement the new regulatory context.*

ITEM 3.1 RESHAPING OUR REGION'S PLANNING - MBRC PLANNING SCHEME PROPOSED MAJOR AMENDMENT NO.3 'BETTER HOUSING AMENDMENT' - REQUEST FOR STATE INTEREST REVIEW - 65351433 (Cont.)

*Off-street car parking ratios:*

- Providing sufficient off-street car parking for the following uses;
  - Multiple dwellings;
  - Rooming accommodation (Student accommodation); and
  - Dual occupancy and Dwelling houses.

*Student accommodation:*

- Better management of on-site density and development intensity;
- Improving open space and landscaped areas on-site;
- Using balconies to improve building design; and
- Providing sufficient off-street car parking.

*Warner investigation area boundary reduction:*

- The Warner Investigation Area boundary is proposed to be updated to re-clarify Council's position on future urban growth and development in the area, in response to planning investigations and community consultation previously undertaken in 2017 (refer supporting information #3).

2.2 Summary and status of the amendment process

As noted in the 8 December 2021 Council Report, the amendment process will be a 'major planning scheme amendment' as set out in the MGR. The MGR prescribes the major amendment process for section 20 of the Act and Council is legally required to follow this amendment process. Certain steps may need to be repeated/ restarted where changes to the amendment are made throughout the process (such as in response to advice from the Minister about appropriately addressing state interests, or if changes are made after public consultation that result in a "significantly different" amendment).

The section 20 amendment process is a multi-step and lengthy process. A summary of the key steps is provided below, along with confirmation about the proposed amendment's current status in the process:

Status	Summary of amendment process	
<b>Planning and preparation</b>		
<b>Complete</b> 8 Dec. 2021 Report	1	Council decides to amend the planning scheme ( <i>this meeting</i> ).
<b>Complete</b> 8 Dec. 2021 Report	2	Council gives a notice to the Chief Executive (DSDILGP) to request an early confirmation of state interests ( <i>following this meeting</i> ).
<b>Complete</b> 7 Apr. 2022	3	The Chief Executive (DSDILGP) confirms matters, including state interests, to be considered in the amendment.
<b>This report</b>	4	<b>Council prepares the amendment.</b>
<b>This report</b>	5	<b>Council gives the amendment package and a notice to the Minister with the required material, including the communications strategy (as per MGR, schedule 3).</b>
<b>State interest review</b>		
Future	6	The Minister and other relevant state agencies commence the state interest review. Details of what the Minister must consider are set out in the MGR.
Future	7	The Minister gives notice to Council of the outcome of the state interest review and whether public consultation may proceed, including any Minister's conditions to be satisfied and the communications strategy to implement.
Future	8	Council complies with any Minister's conditions before public consultation (unless stated otherwise). <i>Note: There are separate processes to follow if Council decides to change the proposed amendment in response to the state interest review.</i>



ITEM 3.1 RESHAPING OUR REGION'S PLANNING - MBRC PLANNING SCHEME PROPOSED MAJOR AMENDMENT NO.3 'BETTER HOUSING AMENDMENT' - REQUEST FOR STATE INTEREST REVIEW - 65351433 (Cont.)

Public consultation and changing the proposed amendment		
Future	9	Council undertakes public consultation in accordance with the public notice requirements (as per MGR, schedule 4 and the Act) and communications strategy.
Future	10	Council must consider every properly made submission about the amendment and may consider other submissions. <i>Note: There are separate processes to follow if Council decides to change the proposed amendment to address issues raised in submissions or to address new or changed planning circumstances or information.</i>
Future	11	Council prepares a consultation report about how properly made submissions have been addressed. This must be provided to each person who made a properly made submission and on Council's website or at each Council office.
Future	12	Council gives a notice to the Minister to request to adopt the amendment with the required supporting information (as per MGR, section 21).
Minister's consideration		
Future	13	The Minister considers if Council may adopt the amendment.
Future	14	The Minister gives a notice to Council that states if the amendment may be adopted and any Minister's conditions that apply.
Future	15	Council complies with any Minister's conditions before adoption (unless stated otherwise).
Adoption		
Future	16	Council decides to adopt the amendment.
Future	17	Council publishes a public notice (as per MGR, schedule 5 and the Act).
Future	18	Council gives the Chief Executive (DSDILGP) a copy of the public notice and amendment (including mapping).
Future	19	Council commences the amendment.

2.3 Preparing the amendment and commencing state interest review of amendment

Chapter 2, Part 4, Sections 16.4 and 16.5 of the MGR confirm the next steps in the major amendment process as follows:

'16.4 The local government must prepare the proposed amendment.

16.5 After preparing the proposed amendment, the local government must give a notice to the Minister that includes—  
a) the decision to amend its planning scheme; and  
b) the required material for a proposed major amendment as prescribed in Schedule 3'.

The required material outlined in Schedule 3 of the MGR includes the proposed amendment (supporting information #1) and supporting material (which will include a communications strategy and response to state interests).

The action of Council providing notice to the Minister will commence the state interest review in accordance with Chapter 2, Part 4, Section 17.1 of the MGR:

'Within 5 days of receiving the notice from the local government under section 16.5, the Minister must—  
a) commence the state interest review; and  
b) give the proposed amendment to other relevant state agencies for consideration of the effect of the amendment on state interests, including those identified in legislation, the State Planning Policy (SPP), or a regional plan'.

The state interest review is a critical step that must be completed before Council can proceed to public consultation on the proposed amendment.

ITEM 3.1 RESHAPING OUR REGION'S PLANNING - MBRC PLANNING SCHEME PROPOSED MAJOR AMENDMENT NO.3 'BETTER HOUSING AMENDMENT' - REQUEST FOR STATE INTEREST REVIEW - 65351433 (Cont.)

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

The recommendations in this report reflect the requirements and guidance in the MGR for making or amending a planning scheme. This report represents the remaining part of the 'planning and preparation' stages of the respective process for making a major amendment as required under the MGR.

#### 3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Well-planned Places: 03 Our communities have access to safe, affordable and diverse living choices; and

Our Well-planned Places: 04 We have well-planned neighbourhoods that support changing communities, respect cultural heritage and enjoy a unique sense of place.

#### 3.3 Policy Implications

Proposed policy settings associated with the amendment are anticipated to generate community and industry interest. Amending policy associated with housing development is challenging and there are inherent tensions between development feasibility and responding to the needs of the Moreton Bay community, considering environmental, social and economic factors, while also being consistent with state legislation and interests.

#### 3.4 Risk Management Implications

The amendment focuses on policy responses to priority design and amenity issues that can be made in the short term. Findings from the Housing needs investigation and the recently commenced Comprehensive off-street car parking study will inform future policy directions. The impact of these matters will continue to be monitored in consultation with relevant stakeholders.

#### 3.5 Delegated Authority Implications                      Nil identified

#### 3.6 Financial Implications

The amendment is being resourced internally and delivered in accordance with the approved budget.

#### 3.7 Economic Benefit Implications

Keeping the MBRC Planning Scheme up to date assists in attracting appropriate development into the Moreton Bay Region and boosts economic activity.

#### 3.8 Environmental Implications

Well planned growth will better manage environmental outcomes associated with urban development in the Moreton Bay Region.

#### 3.9 Social Implications

Well planned growth supports positive social outcomes within the Moreton Bay region.

#### 3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

#### 3.11 Consultation / Communication

- Council officers
- State Agencies
- Councillor briefings
- Future community and stakeholder engagement and communications will support awareness about the amendment, its reasoning and benefits, and facilitate 'properly made submissions' during the (statutory) public consultation period.

## ITEM 3.2 HOUSING NEEDS (CHOICE, DIVERSITY AND AFFORDABLE LIVING) INVESTIGATION

*Meeting / Session:* 3 WELL-PLANNED PLACES  
*Reference:* 64516528 : 15 October 2022 - Refer Supporting Information 65582487  
*Responsible Officer:* DH, HB (PL Strategic Planning & Place Making)

### Executive Summary

This report follows a briefing conducted with Councillors on 11 October 2022, which provided an overview of the recently-completed *Housing Needs (Choice, Diversity and Affordable Living) Investigation* (HNI). The HNI was completed by *Gaskell Planning Consultants* and *SGS Economics and Planning* in September 2022, after industry engagement, internal officer reviews, and two peer reviews by an independent, external consultant.

The HNI is part of the Reshaping our Region's Planning Portfolio and is the second foundational 'strategic policy' investigation that will inform a new planning scheme (with the first investigation being the Urban Areas Employment Lands Investigation). The HNI will help demonstrate compliance with State requirements for a new Planning Scheme - to facilitate a diverse, affordable and comprehensive range of housing options in well-serviced locations. Furthermore, the HNI will also help Council prepare for a State-led review of the SEQ Regional Plan 2017 (*ShapingSEQ*), expected between 2022-2024.

The purpose of this report is to summarise the HNI's key findings, recommendations and actions. Additionally, it is intended that Council will receive and note the HNI as the region's latest, most contemporary assessment of housing choice, accessibility, location, affordability, and capacity. The HNI will also replace the now out-dated *Residential Land Supply Assessment Report 2017* and *Housing Needs Assessment 2011* on Council's website.

This matter is brought to the attention of Council under the **Well-planned places portfolio**, as the HNI contributes to ensuring housing in Moreton Bay is well-planned and meets the needs of Moreton Bay's changing demographics.

### RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Jodie Shipway (Deputy Mayor)

CARRIED 12/0

**That Council notes the '*Housing Needs (Choice Diversity and Affordable Living) Investigation (Sep. 2022)*' (HNI) by Gaskell Planning Consultants and SGS Economics and Planning as the region's most contemporary assessment of housing needs and land supply, replacing the '*Residential Land Supply Assessment Report 2017*' and '*Housing Needs Assessment 2011*'.**

ITEM 3.2 HOUSING NEEDS (CHOICE, DIVERSITY AND AFFORDABLE LIVING) INVESTIGATION - 64516528  
(Cont.)

### OFFICER'S RECOMMENDATION

That Council notes the 'Housing Needs (Choice Diversity and Affordable Living) Investigation (Sep. 2022)' (HNI) by Gaskell Planning Consultants and SGS Economics and Planning as the region's most contemporary assessment of housing needs and land supply, replacing the 'Residential Land Supply Assessment Report 2017' and 'Housing Needs Assessment 2011'.

### **REPORT DETAIL**

#### **1. Background**

Council commenced the HNI in 2021 to address State requirements, whilst also responding to the Next Generation Neighbourhood Precinct Review. The purpose was to identify and support the housing needs of Moreton Bay region's current and future residents, as a foundation for Council's new planning scheme preparations.

The HNI was completed in two stages:

- Part 1: Research and analysis to understand Moreton Bay region's performance against State interests and the current and future housing needs of Moreton Bay.
- Part 2: Recommendations in response to key issues identified in Part 1.

An initial briefing was conducted with Councillors on the outcomes of Part 1 (the research stage) on 7 June 2022. Key issues noted in that briefing included:

- a. Most homes in Moreton Bay region are large (3+ bedroom) houses, however, household sizes are now decreasing.
- b. Moreton Bay region's population aged over 65 is growing at twice the rate as the rest of SEQ.
- c. The majority of new housing is being built in greenfield areas, rather than in established areas and near existing centres.
- d. Most new homes are being built in areas which don't support affordable living (i.e. areas without existing public transport and local job opportunities).
- e. Moreton Bay region is on-track to achieve the State Government's dwelling supply benchmark by 2041.

Subsequently, on 11 October 2022, a second briefing was conducted with Councillors on the outcomes of Part 2 (recommendations). In line with Council's decision-making framework, an extract from the minutes of the briefing is provided below:

***The CEO noted the way forward:***

*That a report will be submitted to a General Meeting for Council's consideration to accept receipt of the Housing Needs Investigation report.*

*That a report will be submitted to a General Meeting for Council's consideration of establishing an Infill Housing Advisory Panel.*

Presented as a separate item for consideration on this General Meeting agenda, officers propose the establishment of an 'Infill Housing Expert Panel' (IHEP). If supported, the IHEP will provide independent expert advice on complex housing delivery issues, including market and development constraints to well-located infill development, and it is expected will provide further advice and guidance to the implementation of the HNI recommendations and example actions below. The change in proposed name from the 'Infill Housing Advisory Panel' (as mentioned in the Councillor Briefing outcome above) to the Infill Housing Expert Panel is to make clear that the proposed IHEP is not an advisory committee established under the auspices of the Local Government Act 2009 and Local Government Regulation 2012.

ITEM 3.2 HOUSING NEEDS (CHOICE, DIVERSITY AND AFFORDABLE LIVING) INVESTIGATION - 64516528  
(Cont.)

**2. Explanation of Item**

This item is accompanied by the full HNI report prepared by Gaskell Planning Consultants and SGS Economics and Planning (*refer supporting information #1*). The key findings from the report are listed in Part 1 - Background above, while recommendations and example actions in response to these findings are summarised below.

The recommendations and actions below are drawn from the HNI report and in each case are supported by officers' comments.

HNI recommendations	HNI example action/s	Council officer comments
1. Encourage greater diversity in housing types and sizes.	Investigate the opportunity, benefits and feasibility of allowing well-located development in the Suburban neighbourhood precinct (e.g. within 800m walking distance of a train station or centre zoned land) to develop at higher densities (e.g. perhaps densities similar to the Next generation neighbourhood precinct).	The recommendation is supported in principle and will be investigated further to inform the preparation of a new planning scheme. Officers intend to hold further discussions with Council regarding the appropriate timing for the example action. Subject to Council support, officers propose to also seek further advice and guidance on this matter from the proposed IHEP.
2. Support smaller homes for single-parent families and smaller households.	Consider adding a dwelling typology diversity benchmark to the Next generation neighbourhood precinct code, in addition to the existing density benchmark (e.g. "development comprising or facilitating 10 or more dwellings, ensures at least 30% of new dwellings are medium or high density dwellings").	The recommendation is supported in principle and will be investigated further to inform the preparation of a new planning scheme. Subject to Council support, officers propose to also seek further advice and guidance on this matter from the proposed IHEP.
3. Promote medium and higher density housing, and a lesser proportion of separate houses.	Advocate to the State Government during the review of <i>ShapingSEQ</i> , to better support housing choice and diversity (e.g. through a dwelling diversity benchmark, similar to the current expansion/consolidation benchmark).	The recommendation is supported in principle and will be investigated further to inform the preparation of a new planning scheme. Officers will provide a copy of the HNI report and example action to the State Government to assist with the forthcoming review of <i>ShapingSEQ</i> . Subject to Council support, officers propose to also seek further advice and guidance on this matter from the proposed IHEP.
4. Facilitate more accessible, adaptable and low-maintenance housing.	Investigate options to better support NDIS housing (e.g. through incentives, levels of assessment, or a dedicated contact person within Council (i.e. a concierge) to support NDIS housing providers through the planning and development process).	The recommendation is supported in principle and will be investigated further to inform the preparation of a new planning scheme. The example action is also supported in principle and will be investigated as part of continuous improvements to Council's development assessment

ITEM 3.2 HOUSING NEEDS (CHOICE, DIVERSITY AND AFFORDABLE LIVING) INVESTIGATION - 64516528  
(Cont.)

HNI recommendations	HNI example action/s	Council officer comments
		policies, processes and new planning scheme preparations.
5. Encourage housing diversity for 1-2 person households and empty-nesters.	Review, and, if appropriate, support National Construction Code or Queensland Development Code (QDC) 'Livable housing design' accessible dwelling requirements, when implemented (e.g. through guidelines relevant to the Moreton Bay region).	The recommendation is supported in principle and will be investigated further to inform the preparation of a new planning scheme.  It is noted the National Construction Code 'Livable housing design' accessible dwelling requirements have recently been released, as per the example action. Officers are considering the value of a Council guideline on this matter.  Subject to Council support, officers propose to also seek further advice and guidance on this matter from the proposed IHEP.
6. Focus new housing around public transport and services, to support ageing and less mobile populations.	Investigate potential incentive packages for residential care development (e.g. height and density bonuses on larger sites, with appropriate built form transitions for integration with local character) to support Moreton Bay region's ageing population.	The recommendation and example action is supported in principle and will be investigated further to inform the preparation of a new planning scheme.  Subject to Council support, officers propose to also seek further advice and guidance on this matter from the proposed IHEP.
7. Encourage more small-scale 'salt and pepper' infill development in established areas.	Create a suite of case study reference materials, to showcase and define successful 'salt and pepper' infill development (prioritising local examples where possible) to developers, landowners, and the community.	The recommendation is supported in principle and will be investigated further to inform the preparation of a new planning scheme.  The example action is also supported in principle and will be further investigated.  Subject to Council support, officers propose to also seek further advice and guidance on this matter from the proposed IHEP.
8. Enrich Moreton Bay region's centres by encouraging higher density development around existing centres, public transport and job opportunities.	Conduct a market sounding with potential or prospective medium density developers, to understand barriers to medium density development in Moreton Bay.	The recommendation is supported in principle and will be investigated further to inform the preparation of a new planning scheme.  The example action is also supported in principle and will be further investigated.  Subject to Council support, officers propose to also seek further advice and guidance on this matter from the proposed IHEP.
9. Promote medium and high-density housing in well-served, high	Investigate and compare measures (e.g. infrastructure charge reductions,	The recommendation and example action is supported in principle and will be further investigated to inform

ITEM 3.2 HOUSING NEEDS (CHOICE, DIVERSITY AND AFFORDABLE LIVING) INVESTIGATION - 64516528  
(Cont.)

HNI recommendations	HNI example action/s	Council officer comments
amenity locations (e.g. park front or riverfront land).	or application fee waivers) to encourage infill development.	the preparation of a new planning scheme. Subject to Council support, officers propose to also seek further advice and guidance on this matter from the proposed IHEP.
10. Encourage new housing that supports affordable living, in well-serviced locations.	Conduct an 'affordable living done well' ideas competition to generate collateral, which could be used when educating people and advertising contemporary best practice for affordable living.	The recommendation is supported in principle and will be investigated further to inform the preparation of a new planning scheme. The example action is also supported in principle and will be further investigated. Subject to Council support, officers propose to also seek further advice and guidance on this matter from the proposed IHEP.
11. Support more diverse housing stock that is 'affordable by design'.	Create guidance material or a suite of case study reference materials, to showcase and define 'affordable living', 'affordable housing' and 'affordable by design' housing outcomes (e.g. smaller homes of 1-2 or 3 bedrooms, efficient floorplans, natural lighting, heating and cooling, self-sufficiency, shared spaces etc) - including roles and responsibilities.	The recommendation is supported in principle and will be investigated further to inform the preparation of a new planning scheme. The example action is also supported in principle and will be further investigated. This matter may require updates to some of Council's current 'Your home and living guidelines' material available on the Council webpage. Subject to Council support, officers propose to also seek further advice and guidance on this matter from the proposed IHEP.
12. Maintain the green and leafy character, which Moreton Bay residents value.	Consider revising the densities permitted in the Next generation neighbourhood precinct, to align with the densities assumed in Council's October 2019 Planning Assumptions.	The recommendation is supported in principle and will be investigated further to inform the preparation of a new planning scheme. The example action is supported in principle and will be further investigated. Subject to Council support, officers propose to also seek further advice and guidance on this matter from the proposed IHEP.
13. Encourage higher density infill housing, to manage land supply and urban encroachment into Moreton Bay's open, green and agricultural spaces.	Advocate for clear urban growth boundaries - to maintain natural environment and scenic amenity qualities, productive rural land, and to prevent fragmentation of the urban fringe.	The recommendation is supported in principle and will be investigated further to inform the preparation of a new planning scheme. The example action is also supported in principle and will be further investigated.

ITEM 3.2 HOUSING NEEDS (CHOICE, DIVERSITY AND AFFORDABLE LIVING) INVESTIGATION - 64516528  
(Cont.)

HNI recommendations	HNI example action/s	Council officer comments
		Subject to Council support, officers propose to also seek further advice and guidance on this matter from the proposed IHEP.

As noted in the officer comments above, Council officers will undertake further work to investigate and explore the key findings and recommendations of the HNI.

The HNI will provide a foundation for ongoing consultation with stakeholders in the development of a new planning scheme.

The HNI's findings will require ongoing monitoring as Moreton Bay grows and develops into the future, and as more contemporary data becomes available (including the full suite of 2021 Census data, once released, in 2023).

The HNI will be made available on Council's website as a reference source.

**3. Strategic Implications**

3.1 Legislative / Legal Implications

The HNI will help to ensure MBRC continues to meet the objectives of the State Planning Policy and *ShapingSEQ*.

3.2 Corporate Plan / Operational Plan

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Well-planned Places: 03 Our communities have access to safe, affordable and diverse living choices.

3.3 Policy Implications

The HNI is part of the Reshaping our Region's Planning Portfolio and is the second foundational strategic policy investigation that will inform a new planning scheme.

3.4 Risk Management Implications

Access to contemporary, up-to-date, peer-reviewed data is critical to inform robust planning policy decisions, and reduces risks associated with using dated or time-damaged information. Actions stemming from the HNI will help to ensure MBRC continues to support housing choice, diversity and affordability, in accordance with State and public interests.

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications

The HNI has been delivered in accordance with the approved budget. The establishment of the IHEP is at present an unfunded initiative subject to a future budget review.

3.7 Economic Benefit Implications

The HNI seeks to support housing choice, diversity and affordability in accordance with State and public interests. In doing so, the recommendations aim to promote housing development in well-serviced locations and promote diverse infill housing development.

3.8 Environmental Implications

The HNI recommends several actions to encourage higher density infill housing, which will relieve pressure on long-term land supply and maintain the green and leafy character which Moreton Bay residents' value.



*ITEM 3.2 HOUSING NEEDS (CHOICE, DIVERSITY AND AFFORDABLE LIVING) INVESTIGATION - 64516528*  
(Cont.)

3.9 Social Implications

The HNI's recommendations aim to improve people's access to appropriate housing that supports affordable living.

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

- Council officers
- Councillor Briefings

**ITEM 3.3  
ESTABLISHMENT OF A PROPOSED INFILL HOUSING EXPERT PANEL**

*Meeting / Session:* 3 WELL-PLANNED PLACES  
*Reference:* 65651981 : 19 October 2022  
*Responsible Officer:* DH, MS (PL Strategic Planning & Place Making)

**Executive Summary**

The recent Moreton Says engagement indicates community preference for setting a clear urban growth boundary and reducing urban sprawl, better protections for the region's rural and natural landscapes and providing more affordable living opportunities.

State legislation also requires Council to actively plan for and facilitate housing diversity and infill redevelopment in existing well-located urban areas. Recent research from the *Housing Needs (Choice, Diversity and Affordable Living) Investigation* (HNI) has also found most new housing in the Moreton Bay region is occurring in new greenfield areas rather than in existing well-located urban areas.

Achieving a greater balance of infill and greenfield housing at appropriate densities and diverse housing types is therefore needed to maintain long-term land (housing) supply, and help to avoid the need for future major greenfield expansions that don't support affordable living opportunities.

In order to better inform how Council may influence these matters, it is proposed to establish an '*Infill Housing Expert Panel*' (IHEP) to access independent expert advice on the regulatory, market and development constraints, and opportunities to achieving greater (and more diverse) infill housing outcomes in the Moreton Bay region.

This matter is brought to the attention of Council under the **Well-planned Places portfolio** as the IHEP will provide advice that will enable Council to effectively plan for and realise these infill housing objectives.

**RESOLUTION**

Moved by Cr Karl Winchester

Seconded by Cr Jodie Shipway (Deputy Mayor)

CARRIED 12/0

1. That an '*Infill Housing Expert Panel*' (IHEP) be established to provide the Chief Executive Officer with independent expert advice on the regulatory, market and development constraints, and opportunities to achieving greater (and more diverse) infill housing outcomes in the Moreton Bay region.
2. That the Chief Executive Officer be authorised to take all necessary actions to establish and administer the IHEP including, but not limited to, the setting of a Terms of Reference, appointment of an independent Chairperson and other members of the IHEP, and coordination of IHEP meetings from February to October 2023.
3. That the Chief Executive Officer bring the IHEP report and findings to Council for consideration by December 2023.

*ITEM 3.3 ESTABLISHMENT OF A PROPOSED INFILL HOUSING EXPERT PANEL - 65651981 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That an '*Infill Housing Expert Panel*' (IHEP) be established to provide the Chief Executive Officer with independent expert advice on the regulatory, market and development constraints, and opportunities to achieving greater (and more diverse) infill housing outcomes in the Moreton Bay region.
2. That the Chief Executive Officer be authorised to take all necessary actions to establish and administer the IHEP including, but not limited to, the setting of a Terms of Reference, appointment of an independent Chairperson and other members of the IHEP, and coordination of IHEP meetings from February to October 2023.
3. That the Chief Executive Officer bring the IHEP report and findings to Council for consideration by December 2023.

## **REPORT DETAIL**

### **1. Background**

Feedback from Moreton Says engagement since April 2021 has provided Council with key insights into community opinions on growth issues (including housing) and how they would like to see growth managed in the region, including:

- support for setting clear urban growth boundaries to reduce urban sprawl;
- acceptance that introducing more higher density housing in established urban areas is a good way to minimise impacts on the rural and natural environment and to address population growth and affordable living; and
- acceptance that higher density housing is appropriate in the right locations, such as close to a centre, train station or suitable coastal edges.

The Moreton Says engagement also highlights community support to retain the character and identity of the region's many communities as they grow and that there are differing understandings of higher density housing forms, of which not all will be appropriate in different community contexts, and which requires further and ongoing engagement and education with the community.

State requirements in the State Planning Policy and SEQ Regional Plan 2017 (*ShapingSEQ*) require that Council facilitates a diverse, affordable and comprehensive range of housing options in well-serviced locations as well as ensuring that a component of future growth is accommodated in existing urban areas. Of note, *ShapingSEQ* sets dwelling supply benchmarks for Moreton Bay to be achieved by 2041, of which 55% of all new dwellings are to be located within 'Consolidation' areas (i.e. as 'infill' housing within existing urban areas).

Recent research from the Housing Needs Investigation (HNI) (presented as a separate report on today's General Meeting agenda) has found that most new housing in the Moreton Bay region is occurring in new greenfield areas rather than in existing well-located urban areas that support affordable living opportunities due to their proximity to existing centres, public transport and local job opportunities. Accordingly, the HNI has highlighted the need to achieve greater and more diverse infill housing in existing well-located urban areas in order to address future housing needs, maintain long-term land supply and respond to State requirements.

The creation of the IHEP is seen as a means to obtain independent expert advice on the market and development constraints and opportunities to achieving greater (and more diverse) infill housing outcomes in the region.

ITEM 3.3 ESTABLISHMENT OF A PROPOSED INFILL HOUSING EXPERT PANEL - 65651981 (Cont.)

Councillor briefings were conducted on 20 September 2022 and 11 October 2022 for the purpose of sharing information and providing advice/views to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the latest briefing held on 11 October 2022, is provided below:

**The CEO noted the way forward:**

- *That a report will be submitted to a General Meeting for Council's consideration to accept receipt of the Housing Needs Investigation report.*
- *That a report will be submitted to a General Meeting for Council's consideration of establishing an Infill Housing Advisory Panel.*

The change in proposed name from the 'Infill Housing Advisory Panel' (as mentioned in the Councillor Briefing outcome above) to the Infill Housing Expert Panel is to make clear that the proposed IHEP is not an advisory committee established under the auspices of the Local Government Act 2009 and Local Government Regulation 2012.

**2. Explanation of Item**

While it is proposed that the CEO develop a detailed Terms of Reference for the IHEP, the purpose and scope of the IHEP is expected to include:

- Advising on planning and non-planning impediments to infill housing, and what to do about these impediments;
- Advising on opportunities for small scale infill housing in locations that fit with local character and scale;
- Commissioning independent research/ analysis where needed; including potentially an industry focussed survey related to infill perceptions, intentions and concerns;
- Advising on the desirability/ opportunities for Council to facilitate pilot development programs or model projects; and
- Advising on the form and timing of engagement with stakeholders, e.g. private investors and local communities.

The anticipated structure of the IHEP is as follows:

1. Independent Chairperson (planning and development expert);
2. Economic Expert;
3. Development Industry Expert;
4. (Infill) Housing Expert;
5. Not-for-profit Housing Expert;
6. Urban Design/Architecture Expert; and
7. Infrastructure Expert.

Two (2) MBRC Councillor's (yet to be identified) are proposed to be observers to the IHEP.

The IHEP is expected to hold its first meeting in February 2023 and meet monthly until October 2023. It is anticipated it will produce an interim report and a final report to the CEO detailing its findings and recommendations.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

The IHEP will help to ensure that Council continues to meet its housing objectives under the State Planning Policy and *ShapingSEQ*.

*ITEM 3.3 ESTABLISHMENT OF A PROPOSED INFILL HOUSING EXPERT PANEL - 65651981 (Cont.)*

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Well-planned Places: 03 Our communities have access to safe, affordable and diverse living choices; and

Our Well-planned Places: 04 We have well-planned neighbourhoods that support changing communities, respect cultural heritage and enjoy a unique sense of place

3.3 Policy Implications

Council is preparing a Growth Management Strategy (GMS) that provides a framework for the region's future growth to 2041 and beyond and will inform new planning scheme preparations. This strategy directly arises from the Corporate Plan pillar Our Well-Planned Places, which has a goal "By 2033, our Moreton Bay will be a network of well-planned and connected places and spaces, enhancing lifestyle, accessibility and employment choices."

To help protect and maintain the region's rural and natural landscapes, the GMS will need to support a shift towards greater infill housing to support the vision for the region's future, which requires activating greater numbers of infill development.

Any recommendations for new or refined planning or non-planning policy proposed by the IHEP should they be accepted for further consideration will be included in ongoing consultation with stakeholders, and undergo community consultation as part of standard local government policy making processes.

3.4 Risk Management Implications

The proposed IHEP seeks to minimise the risk of a mismatch between the current supply of housing and the emerging and future housing needs of the community.

3.5 Delegated Authority Implications

The proposal includes authorising the Chief Executive Officer to take all necessary actions to establish and administer the IHEP, including, but not limited to, the setting of a Terms of Reference and appointment of an independent Chairperson and other members of the IHEP.

3.6 Financial Implications

The proposed IHEP is currently not funded and a Q3 budget variation is currently under consideration.

3.7 Economic Benefit Implications

The proposed IHEP will provide advice on recommendations that increase housing choice, diversity and affordability, in accordance with State and public interests.

3.8 Environmental Implications

The proposed IHEP will provide advice on ways to encourage higher density infill housing, which will relieve pressure on long-term land supply and help protect the region's rural and natural landscapes which Moreton Bay residents' value.

3.9 Social Implications

The proposed IHEP will provide advice on recommendations that aim to improve people's access to appropriate housing that supports affordable living.

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

- Councillor briefings
- Council officers

**ATTENDANCE**

David Hood left the meeting at 10.06am after Item 3.3.

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**4 WELL-CONNECTED PLACES SESSION**

**(Cr A Hain / Cr M Gillam)**

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No items for consideration.

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**5 PROGRESSIVE ECONOMY SESSION**

(Cr K Winchester / Cr T Latter)

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No items for consideration.

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**6 ENGAGED COUNCIL SESSION**

(Cr M Constance / Cr D Grimwade)

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**ITEM 6.1**

**MONTHLY FINANCIAL REPORTING PACKAGE - 30 SEPTEMBER 2022**

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 65648576 : 12 October 2022 - **Refer Supporting Information 65647836**  
*Responsible Officer:* DC, Manager Accounting Services (FCS Accounting Services)

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**Executive Summary**

The purpose of this report is to present the Financial Reporting Package for the year-to-date period ending 30 September 2022. In accordance with Part 9, Section 204 of the *Local Government Regulation 2012*, a financial report is required to be presented to Council on a monthly basis.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as prudent fiscal management is important to ensure the financial sustainability of Council

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**RESOLUTION**

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Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Adam Hain

**CARRIED 12/0**

**That the Financial Reporting Package for the year-to-date period ending 30 September 2022 be received.**



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ITEM 6.1 MONTHLY FINANCIAL REPORTING PACKAGE - 30 SEPTEMBER 2022 - 65648576 (Cont.)

## OFFICER'S RECOMMENDATION

That the Financial Reporting Package for the year-to-date period ending 30 September 2022 be received.

### **REPORT DETAIL**

#### **1. Background**

The Financial Reporting Package for the month ending 30 September 2022 is contained within the supporting information to this report.

This package contains financial documents to provide a breakdown of key financial data and includes:

- Statement of Revenues and Expenses
- Capital Expenditure by Portfolio Program
- Balance Sheet and Cash Flows
- Treasury Report

#### **2. Explanation of Item**

The 2022/23 financial year to the end of September is outlined below in the context of the attached report (supporting information #1).

##### Operating Result (page 1)

As at 30 September 2022, operating revenue was \$143.2M compared to operating expenses of \$130.8M thus representing an operating surplus of \$12.4M. The full year operating surplus for 2022/23 is budgeted to be \$37.8M.

##### Operating Revenues (page 1)

The first quarter rates and utility charges were levied in July and accords with 25% of the total revenue expected for the financial year. Future levies will occur in October, January and April of 2022/23.

Fees and charges are running slightly above budget as annual notices have been issued for animal registrations and licencing and compliance during the month, while plumbing and buildings fees are also trending above budget at this point as well.

Interest revenue is performing well as invested funds are earning higher rates of return than we anticipated at the time the budget was set.

Operational grants and subsidies will track well below the budget until June at which time the 2023/24 financial assistance grant is expected to be paid.

Other revenue is trending below budget but is expected to pick up closer to the end of the year. Unitywater's tax payments to Council represent the bulk of this revenue item.

The Unitywater participation revenue is a monthly estimate based on Unitywater's historic financial results. This is a non-cash revenue item and reflects the increase in investment value of Council's participation in Unitywater.

##### Operational Expenses (page 1)

Employee benefits are trending marginally below budget at this stage. Staff turnover and the timing of recruitment for new positions approved for the 2022/23 budget is contributing to the variance thus far.

Material and Services are a little behind budget so far this year, but this is not unexpected as expenditure is not linear in nature and this variance is likely to be due to timing.

Depreciation expenses are tracking to budget at this stage.

*ITEM 6.1 MONTHLY FINANCIAL REPORTING PACKAGE - 30 SEPTEMBER 2022 - 65648576 (Cont.)*

Finance costs are slightly above budget due to merchant terminal fees incurred for a significant event held at QSEC. The additional cost is fully offset by increased revenue.

Capital Revenue (page 1)

Infrastructure cash contributions from developers are trending below budget at the end of the third month. It is a little early to determine whether this is due to the current economic environment or is more a timing issue. How this trends leading up to Christmas will be important as to whether budget amendments need to be considered.

As the 2021/22 Audit is now finalised, the recognition of contributed assets from developers will recommence in October.

Capital grants and subsidies are well below budget for September due to timing differences. As capital revenue recognition is based on expenditure being incurred and projects reaching certain milestones most of this revenue will be recognised in the second half of the financial year.

Operating Revenue and Operating Expenditure Graphs (page 2)

The purpose of these graphs is to track actual revenue and actual expenses to a linear monthly budget.

Given the majority of Council's operating revenue cycle is rate related (quarterly in advance), revenue will track above the budgeted revenue line and slowly edge closer to the line as the quarters end.

Conversely, operating expenses will generally track below the budget line and trend that way, gradually drawing closer to the line as the end of the financial year approaches. The orange trend line is progressing as expected.

Capital Expenditure (page 3, 4 and 5)

The *total capital expenditure progress* line graph summarises the percentage of all capital expenditure completed to date compared to a linear budget spend.

The *capital expenditure by portfolio program* table breaks down the capital spend into program categories. The budget also includes an allowance for unforeseen circumstances like weather impacts or material delivery delays that may impact delivery of the full capital program.

Capital expenditure after the third month amounted to \$31M or 11.77% of the total program. The committed expenses column on the far right of the table indicates purchase orders placed, which during the year will translate into actual expenses. In total there is approximately \$167M of the capital works program committed (actuals column plus the committed column) for 2022/23.

The *capital expenditure progress % to date by portfolio program* graph tracks the percentage spend by portfolio program compared to the budget to date. The orange line represents the year-to-date budget at 25% highlighting the linear budget spend to September 2022. Spend patterns associated with projects can be lumpy and not linear, so timing differences will occur and affect the graphical representation.

Supply chain shortages and very strong workloads being experienced by most contractors and consulting firms are impacting adversely on Council's ability to secure committed contracts for various capital projects. This is common across the country.

Balance Sheet and Cash Flow (page 6)

The Balance sheets list Council assets and liabilities and net community equity.

The Cash flow statement indicates a closing cash balance in the amount of \$333.5M for September. This amount is higher than would normally be expected as the State Government paid Council approximately \$66M in June for future abatement payments to meet waste levy obligations from 2022/23 to 2025/26. It should be noted that the forecast for the end of June 2023 will see the cash balance decrease to \$260.8M.

*ITEM 6.1 MONTHLY FINANCIAL REPORTING PACKAGE - 30 SEPTEMBER 2022 - 65648576 (Cont.)*

Treasury Report (page 7 and 8)

The Treasury Report outlines Council performance with respect to cash investments and borrowings.

Interest earned on investments was approximately \$1.8M after the third month and achieved 39.1% of the annual budget (\$4.6M). The higher returns are reflective of the current higher interest rate environment. The weighted average return on all investments for Council is now sitting at 1.92%.

The Investment graphs give an indication of the percentage of investments held with each financial institution and the maturity profile of Council's investments. Council currently has \$184M of cash at call with the remaining \$150M maturing over next 3 to 12 months.

The QIC Growth Fund is valued at \$112M as at the end of September, having decreased by \$5M during September. Council originally invested \$100M in this fund in June 2018. The investment is subject to volatility at present given the state of the share market. The funds were originally intended to be held with QIC for a five-year period, then reassessed for continuation.

Council's total debt position is currently \$301M. Council is expected to repay debt in the amount of \$42M for the year and budgeted to borrow \$67M to fund capital works. Borrowings, if required, would be drawn down in May/June 2023. The debt balance at the end of the financial is forecast to be \$337M.

### **3. Strategic Implications**

#### **3.1 Legislative / Legal Implications**

Part 9, Section 204 of the *Local Government Regulation 2012* states the following:

- (1) The local government must prepare a financial report.
- (2) The chief executive officer must present the financial report—
  - (a) if the local government meets less frequently than monthly—at each meeting of the local government; or
  - (b) otherwise—at a meeting of the local government once a month.
- (3) The financial report must state the progress that has been made in relation to the local government's budget for the period of the financial year up to a day as near as practicable to the end of the month before the meeting is held.

#### **3.2 Corporate Plan / Operational Plan**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Engaged Council: 01 We are leaders in good governance and sustainably manage our finances and assets.

#### **3.3 Policy Implications**

Compliance to Council's Investment Policy is confirmed.

#### **3.4 Risk Management Implications**

Council is subject to numerous risks associated with revenue and expenses that can impact upon Council's financial performance and position. The current inflationary environment will add pressures to the deliverability of services and projects within the budget parameters adopted for 2022/23. The quarterly budget review process will act as the review mechanism to manage the potential outcomes of the current economic climate and adjust priorities accordingly and represent an amended budget to Council if required.

#### **3.5 Delegated Authority Implications**

Nil identified

*ITEM 6.1 MONTHLY FINANCIAL REPORTING PACKAGE - 30 SEPTEMBER 2022 - 65648576 (Cont.)*

3.6 Financial Implications

As at the end of September 2022, Council's financial position continues to be sound.

3.7 Economic Benefit Implications                       Nil identified

3.8 Environmental Implications                       Nil identified

3.9 Social Implications                                       Nil identified

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

- Director Finance and Corporate Services.

**ITEM 6.2  
INFRINGEMENT NOTICE COURT ELECTION - LOCAL LAW 2 (ANIMAL  
MANAGEMENT)**

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 65608129 : 30 September 2022  
*Responsible Officer:* JD, Brief Management and Prosecutions Coordinator (CES Customer Response)

**Executive Summary**

Council's approval is sought for the commencement of five prosecutions in the Magistrates Court for alleged offences under the *Moreton Bay Regional Council Local Law No. 2 (Animal Management) 2011* (Local Law 2).

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

Council has received five election requests from members of the community who have (separately) received a penalty infringement notice. These matters have been assessed and are considered appropriate to proceed as requested to the Magistrates Court. In order to progress the matter a resolution of Council is sought authorising officers to commence court proceedings.

This matter is brought to the attention of Council under **Engaged Council portfolio** as the enforcement of statutory offences, including the commencement of prosecutions, is a function required to support community safety and amenity.

**RESOLUTION**

Moved by Cr Sandra Ruck

Seconded by Cr Karl Winchester

CARRIED 12/0

1. That Council authorise the Chief Executive Officer to take steps to commence, conduct and resolve five prosecutions in the Magistrates Court for the matters described in this report, for what Council officers allege to be offences under the *Moreton Bay Regional Council Local Laws No.2 (Animal Management) 2011* (Local Law 2).
2. That the prosecutions described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

*ITEM 6.2 INFRINGEMENT NOTICE COURT ELECTION - LOCAL LAW 2 (ANIMAL MANAGEMENT) - 65608129*  
(Cont.)

## OFFICER'S RECOMMENDATION

1. That Council authorise the Chief Executive Officer to take steps to commence, conduct and resolve five prosecutions in the Magistrates Court for the matters described in this report, for what Council officers allege to be offences under the *Moreton Bay Regional Council Local Laws No.2 (Animal Management) 2011* (Local Law 2).
2. That the prosecutions described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

## **REPORT DETAIL**

### **1. Background**

Council is the responsible agency for enforcement and regulation under the Local Law 2, which broadly pertains to the effective management of cats and dogs, and the responsible ownership of cats and dogs.

Local Law 2 provides legal and procedural frameworks for the administration, implementation and enforcement of animal ownership, and management practices broadly define as "control of animals".

For example, Local Law 2 provides, amongst other provisions, it is an offence to fail to provide a proper enclosure and prevent an animal from wandering at large; or allow an animal to be in a public space where animals are prohibited or restricted.

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

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

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

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

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

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

### **2. Explanation of Item**

Investigations have been conducted in relation to several animals found wandering at large, animals walking in prohibited places and animals attacking other animals where the alleged defendant has elected to have the matter determined by a Magistrate's Court.

ITEM 6.2 INFRINGEMENT NOTICE COURT ELECTION - LOCAL LAW 2 (ANIMAL MANAGEMENT) - 65608129  
(Cont.)

The improper keeping of animals is prescribed at law and presents a risk within the community. In each instance, the recipient of the infringement notice has elected to have the matter determined by the Magistrate’s Court. In proceeding to prosecution, Council will seek from the court, costs of \$110 per appearance in addition to any fine or penalty determined by the Court. A thorough assessment of the elements and evidence of each offence has been undertaken prior to recommending Council approve prosecution.

Officers propose to proceed as requested by the alleged offenders with a prosecution via the Magistrates Court. Table 1 below outlines the alleged offences for each animal offence matter which the alleged offenders have elected to proceed to court.

Table 1 - Court elect prosecutions

Summary of charges - Prosecutions			Prosecution reference number
<b>Matter 1</b>	Charge 1 13/04/2022	<b>Animal found wandering at large</b> <i>MBRC Local Law No 2.13(3) (Animal Management) 2011, s13(3)</i>	LS/2022/0529
<b>Matter 2</b>	Charge 1 18/04/2022	<b>Control of animals in public places</b> <i>MBRC Local Law No 2. (Animal Management) 2011, s11(1))</i>	LS/2022/0562
<b>Matter 3</b>	Charge 1 02/05/2022  Charge 2 02/05/2022	<b>Animal found wandering at large</b> <i>MBRC Local Law No 2.13(3) (Animal Management) 2011, s13(3)</i>  <b>Animal found wandering at large</b> <i>MBRC Local Law No 2.13(3) (Animal Management) 2011, s13(3)</i>	LS/2022/0528
<b>Matter 4</b>	Charge 1 25/07/2022	<b>Fail to maintain a proper enclosure to prevent animal wandering or escaping</b> <i>MBRC Local Law No 2. (Animal Management) 2011, s13(1)</i>	LS/2022/0561
<b>Matter 5</b>	Charge 1 03/08/2022	<b>Fail to maintain a proper enclosure to prevent animal wandering or escaping</b> <i>MBRC Local Law No 2. (Animal Management) 2011, s13(1)</i>	LS/2022/0522

3. **Strategic Implications**

3.1 Legislative / Legal Implications

Prosecutions would be commenced in the Magistrates Court against each of the individuals who were, at the material time, the responsible person for each offence under Local Law 2.

Section 237(2) of the *Local Government Act 2009* provides that ‘a local government may start proceeding under the *Justices Act 1886* in the name of a local government employee who is a public officer within the meaning of that Act’. The Chief Executive Officer falls within that definition and there are a number of advantages in commencing a prosecution in the name of the employee as opposed to the Council itself, in particular some degree of protection in relation to costs and the ability to deal with the matter should the defendant fail to appear.

*ITEM 6.2 INFRINGEMENT NOTICE COURT ELECTION - LOCAL LAW 2 (ANIMAL MANAGEMENT) - 65608129*  
(Cont.)

3.2 Corporate Plan / Operational Plan

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:  
Our Engaged Council: 04 We are responsive, trusted and provide great customer experiences.

3.3 Policy Implications  Nil identified

3.4 Risk Management Implications

The matters have been reviewed and assessed in preparation for court.

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications

Legal and court costs associated with the commencement of legal proceedings, including court filing fees will be met through existing budget allocations. The matters will be handled by Council officers through to the Magistrates Court therefore no external costs will be applicable. Council seeks the awarding of costs in instances where its matters are upheld.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications

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

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. Council officers consider that Council's decision in this circumstance is compatible with a person's human rights because any person against whom prosecution proceedings are commenced will have the right to a fair hearing.

3.11 Consultation / Communication

- Director Community and Environmental Services
- Manager Governance and Executive Services
- Chief Legal Counsel
- Local Laws Manager



**ITEM 6.3  
ANIMAL ATTACKS AND COMPLIANCE BREACHES - COMMENCEMENT OF  
PROSECUTION**

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 65670011: 30 September 2022  
*Responsible Officer:* SK, Manager Customer Response (CES Customer Response)

**Executive Summary**

Council's approval is sought for the commencement of court action for four matters against the responsible persons for dogs involved in dog attacks. These matters are proposed to be progressed to prosecution action in a Magistrates Court. The matters have been reviewed and assessed in preparation for court.

The *Animal Management (Dogs and Cats) Act 2008* provides that it is an offence for a person to fail to take reasonable steps to ensure a dog does not attack. The Act further provides that it is an offence for a person responsible for a declared dangerous dog to not comply with each permit condition.

Council is the responsible agency for enforcement and regulation under the Act and as such has a responsibility to take enforcement action when breaches are identified. Due to the risk posed by dog owners failing to ensure that dogs do not attack, Council has traditionally taken a firm position on prosecuting offenders to send a cautionary message to other dangerous dog owners about the consequences of noncompliance, while also ensuring public safety and mitigating risk of dog attacks.

This matter is brought to the attention of Council under **Engaged Council portfolio** as the enforcement of statutory offences, including the commencement of prosecutions, is a function required to support community safety and amenity.

**RESOLUTION**

Moved by Cr Sandra Ruck

Seconded by Cr Yvonne Barlow

CARRIED 12/0

1. That Council authorise the Chief Executive Officer to commence appropriate prosecution proceedings against the responsible persons for the offending dogs as described in this report, in relation to alleged offences under the *Animal Management (Cats and Dogs) Act 2008*.
2. That the prosecution proceedings described be commenced in the name of the Chief Executive Officer, pursuant to section 237 (2) of the *Local Government Act 2009*.

ITEM 6.3 ANIMAL ATTACKS AND COMPLIANCE BREACHES - COMMENCEMENT OF PROSECUTION - 65670011  
(Cont.)

**OFFICER'S RECOMMENDATION**

1. That Council authorise the Chief Executive Officer to commence appropriate prosecution proceedings against the responsible persons for the offending dogs as described in this report, in relation to alleged offences under the *Animal Management (Cats and Dogs) Act 2008*.
2. That the prosecution proceedings described be commenced in the name of the Chief Executive Officer, pursuant to section 237 (2) of the *Local Government Act 2009*.

**REPORT DETAIL**

**1. Background**

The *Animal Management (Cats and Dogs) Act 2008* provides the legal and procedural framework for the administration, implementation and enforcement of animal ownership and management practices.

Investigations have been conducted in relation to four dog attacks resulting in injuries or deaths to animals and/or serious injuries to people.

It is considered appropriate and in the public interest to progress these matters to the Magistrates Court. A summary of facts has been drafted in preparation and the matters have been reviewed to ensure there is sufficiency of evidence to prove the offences and achieve a successful outcome for Council.

**2. Explanation of Item**

Council is responsible for regulating appropriate animal ownership and management practices throughout the region, including the investigation of serious animal attack, and ensuring public safety by regulating owners' compliance with mandatory statutory obligations for dangerous dog permit conditions.

Section 194(1) of the *Animal Management (Cats and Dogs) Act 2008* (the Act) provides that the relevant person must ensure a dog does not attack or act in a way that causes fear to someone else or another animal.

Section 194(1) of the Act is a general offence and not contained within the State Penalties Enforcement Regulations, which means infringement notices are unable to be issued under the Act.

A review and assessment of the four dog attack incidents are sufficiently serious that in the public interest it is recommended to proceed to the Magistrates Court.

The table below outlines the offences for each matter which the alleged offenders are to be prosecuted.

Summary of charges			Prosecution reference number
<b>Matter 1</b>	Charge 1 18/02/2022	Failure to ensure dog does not attack another person causing the death of or grievous bodily harm to the person.	LS/2022/0575
<b>Matter 2</b>	Charge 1 12/01/2022	Failure to ensure dog does not cause the death of or grievous bodily harm to the animal.	LS/2022/0573
<b>Matter 3</b>	Charge 1 23/01/2022	Failure to ensure dog does not attack another animal causing the death of or grievous bodily harm to the animal.	LS/2022/0574
<b>Matter 4</b>	Charge 1 01/03/2022	Failure to ensure dog does not attack another animal causing the death of or grievous bodily harm to the animal.	LS/2022/0576

ITEM 6.3 ANIMAL ATTACKS AND COMPLIANCE BREACHES - COMMENCEMENT OF PROSECUTION - 65670011  
(Cont.)

**3. Strategic Implications**

3.1 Legislative / Legal Implications

Prosecutions would be commenced in the Magistrates Court against the responsible person for the dog for various offences under the *Animal Management (Cats and Dogs) Act 2008*.

Prosecution of offenders through the Magistrates Court is considered an appropriate action due to the serious nature of dog attack offences. Further, as these offences are not contained within the State Penalties Enforcement Regulations, infringement notices are unable to be issued.

Section 237(2) of the *Local Government Act 2009* provides that 'a local government may start proceeding under the *Justices Act 1886* in the name of a local government employee who is a public officer within the meaning of that Act'. An appropriately delegated employee falls within that definition and there are a number of advantages in commencing a prosecution in the name of an employee as opposed to the Council itself, in particular some degree of protection in relation to costs and the ability to deal with the matter should the defendant fail to appear.

3.2 Corporate Plan / Operational Plan

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:  
Our Engaged Council: 04 We are responsive, trusted and provide great customer experiences.

3.3 Policy Implications  Nil identified

3.4 Risk Management Implications

Council has obligations under the Act to manage dogs which pose a risk to the community from damage or injury, or risk of damage or injury.

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications

Legal and court costs associated with the commencement of legal proceedings, including court filing fees will be met through existing budget allocations. The matters will be handled by Council officers through to the Magistrates Court therefore no external legal fees will be applicable. Council also seeks the awarding of costs in such matters.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications

Approved commencement of court proceedings has been proven to establish broader understanding of inadequate and unsafe animal management practices and build community confidence in Council effectively regulating offending animals and animal owners.

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human rights implications relevant to Council's decision.

3.11 Consultation / Communication

- Director Community and Environmental Services
- Manager Governance and Executive Services
- Chief Legal Counsel

**ITEM 6.4**  
**ANNUAL REPORT 2021/22**

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 65658075 : 11 October 2022 - Refer Supporting Information 65456679  
*Responsible Officer:* AI, Senior Media & Communications Officer (CEO External Relations)

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**Executive Summary**

This report seeks Council's consideration of the Moreton Bay Regional Council 2021/22 Annual Report.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as part of its corporate and financial reporting obligations and requirement to measure its performance against its Operational Plan and the objectives of its 2017-2022 Corporate Plan.

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**RESOLUTION**

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Moved by Cr Mick Gillam

Seconded by Cr Jodie Shipway (Deputy Mayor)

**CARRIED 12/0**

That the Moreton Bay Regional Council 2021/22 Annual Report be adopted as tabled.

ITEM 6.4 ANNUAL REPORT 2021/22 - 65658075 (Cont.)

## OFFICER'S RECOMMENDATION

That the Moreton Bay Regional Council 2021/22 Annual Report be adopted as tabled.

## **REPORT DETAIL**

### **1. Background**

The Moreton Bay Regional Council 2021/22 Annual Report (refer Supporting Information) has been prepared in accordance with the *Local Government Act 2009* and *Local Government Regulation 2012*. This legislation stipulates how a council is required to measure its performance in its annual report against its Operational Plan and the objectives of its Corporate Plan.

In accordance with section 182 of the *Local Government Regulation 2012*, a local government must adopt its annual report within one month after the day the auditor-general gives the auditor-general's audit report about the local government's financial statements for the financial year to the local government.

### **2. Explanation of Item**

The 2021/22 Annual Report outlines Council's operations, activities and financial performance for the reporting period for residents, ratepayers, customers and other interested parties. It highlights Council's investment in initiatives, projects and partnerships which support the region's vibrant communities and thriving regional economy.

The report provides an overview of Council's response to the February 2022 weather event and the continuing impacts of COVID-19. This included financial supports for business, providing a rate rebate to property owners who were significantly affected by the flooding, allocating \$1 million in recovery funding to local groups, clubs and not-for-profits and driving stimulus spending on construction and community projects.

Council's continued approach to engaging with its communities is also outlined, including the introduction of Community Council meetings and informing the development of the new Corporate Plan from feedback received through community consultation.

In addition, Council also established an advocacy agenda and adopted an Advocacy Plan highlighting key region-building projects and initiatives which require the collaborative support of industry and other levels of government in order to be realised.

The 2021/22 Annual Report is guided by the Council's Corporate Plan 2017-22 and contains operational achievements, corporate governance requirements, financial highlights, the Community Financial Report and audited financial statements for the reporting period.

Once adopted, the 2021/22 Annual Report will be made available for download from Council's website and available for viewing at Council's customer service centres.

### **3. Strategic Implications**

#### **3.1 Legislative / Legal Implications**

The preparation and adoption of an annual report is a requirement of the *Local Government Regulation 2012*. The annual report must contain specific detail as required by the *Local Government Act 2009*.

#### **3.2 Corporate Plan linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Engaged Council: 01 We are leaders in good governance and sustainably manage our finances and assets.

*ITEM 6.4 ANNUAL REPORT 2021/22 - 65658075 (Cont.)*

3.3 Policy Implications  Nil identified

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications  
The Annual Report was prepared by Council officers within operational budgets.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications  Nil identified

3.10 Human Rights Implications  
Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

- Councillors
- Executive Leadership Team
- Council officers

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

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**ITEM 12.1  
IAP2 2022 CORE VALUES AWARDS**

Cr Cath Tonks proudly reported that Council's Beachmere Shoreline Management project was recently announced as the winner of the Infrastructure Planning category of the International Association of Public Participation 2022 Core Values awards. It was a highly competitive category and the judges noted this was an excellent initiative and a response to complex environmental and community challenges.

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**14. CLOSED SESSION**

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*(s254J of the Local Government Regulation 2012)*

Consideration of confidential officers' reports as referred by the Chief Executive Officer and confidential general business matters as raised at the meeting.

**CLOSED SESSION**

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**RESOLUTION**

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Moved by Cr Cath Tonks

Seconded by Cr Yvonne Barlow

**CARRIED 12/0**

**That Council move into closed session pursuant to the provisions of s254J of the Local Government Regulation 2012 to discuss Item C.1.**

Members of the press and public gallery left the Chambers.  
The closed session commenced at 10.23am (livestreaming paused).

**OPEN SESSION**

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**RESOLUTION**

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Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Mick Gillam

**CARRIED 12/0**

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

The open session (livestreaming) resumed at 10.40am.

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**15. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL**

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**ITEM C.1 – CONFIDENTIAL  
COMMUNITY GRANTS PROGRAM REVIEW**

**Meeting / Session:** 1 VIBRANT COMMUNITIES (Cr Y Barlow / Cr S Ruck)  
**Reference:** 64881336: 20 October 2022 - Refer **Confidential Supporting Information 65704177**  
**Responsible Officer:** JB, Community Grants and Partnerships Team Leader (CES Community Services, Sport & Recreation)

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**Basis of Confidentiality**

Pursuant to s254J(3) of the Local Government Regulation 2012, clause (c), as the matter involves the local government's budget.

**Executive Summary**

Officers have undertaken a review of Council's Community Grants program and budget. This report seeks Council's approval to provide grants to 22 community organisations in accordance with Council's Community Grants Policy, and to amend Council's forward community grants budget accordingly.

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as it relates to the provision of grants to community organisations that support the delivery of services and activities for the benefit of residents and visitors of the region.

The supporting information to this confidential report is confidential to the extent that it contains information that is confidential to the Council and is made available to councillors for the purposes of this meeting, in accordance with sections 254D(3) and 254D(5) of the *Local Government Regulation 2012*.

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**RESOLUTION**

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Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Yvonne Barlow

CARRIED 12/0

1. That having taken into account the matters for consideration under Council's Community Grants Policy, Council considers that the activities undertaken by the 22 community organisations referred in Supporting Information #1, #2 and #3 (Confidential), will deliver significant public benefits to residents of the Moreton Bay Region.
2. That Council provides Community Grants under the provisions of Council's Community Grants Policy to the community organisations included in Supporting Information #1, #2 and #3 (Confidential), for the respective activities, terms and in the amounts as referenced.
3. That Council provides sufficient funds as part of its 2023/24, 2024/25 and 2025/26 operational budgets to meet the costs associated with the grants referred to in Recommendation 2 .
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the funding agreements on Council's behalf, as described in this report.



**16. CONFIDENTIAL GENERAL BUSINESS**

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No items for consideration.

**17. CLOSURE**

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There being no further business the Chairperson closed the meeting at 10.42am.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 22/1643 to 22/1686 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 2 November 2022.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Wednesday 16 November 2022.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

\_\_\_\_\_  
Councillor Peter Flannery  
Mayor