

ITEM 3.1 RESHAPING OUR REGION'S PLANNING - PROPOSED MAJOR AMENDMENT NO.3 (Cont.)

#2 Previous Council Resolutions and Briefing Outcomes

Extracts of resolutions of relevant Council Meetings

A number of Council resolutions have directed work on the Better Housing amendment components. In line with Council's decision-making framework, relevant excerpts of resolutions are provided below:

MBRC PLANNING SCHEME - PROPOSED S18 TAILORED AMENDMENT - STATE INTEREST REVIEW, CONSIDERATION OF SUBMISSIONS AND REQUEST FOR MINISTER'S APPROVAL - REGIONAL (29 October 2019)

8. *That in response to the community feedback received during this amendment process, Council will undertake the following further bodies of work, noting the outcomes of this work may inform future amendments to the planning scheme:*
 - a) *A review of Secondary dwellings and the outcomes being achieved; and*
 - b) *A review of the Next generation neighbourhood precinct and the outcomes being achieved.*

REPORT ON PLANNING SCHEME FOR THE NEW COUNCIL - REGIONAL (25 February 2020)

That the Chief Executive Officer be requested to bring forward a report to the new Council which outlines an approach to address community concerns with regards to development occurring across the region, including issues such as building heights, dwelling density and environmental protection, through either amendments to the existing Moreton Bay Regional Planning Scheme, or a new planning scheme, or both.

MBRC PLANNING SCHEME AMENDMENT - OFF-STREET CAR PARKING (5 August 2020) RESOLUTION

That the Chief Executive Officer be requested to bring forward a report that advances an amendment to the Moreton Bay Regional Council Planning Scheme to address current concerns regarding the existing planning scheme requirements for off-street car parking within the region including, but not limited to, potential increases in residential off-street car parking rates required for new Multiple Dwelling and Rooming Accommodation (Student Accommodation) developments in the region.

PLANNING SCHEME AMENDMENTS - STUDENT ACCOMMODATION BUILDINGS (25 November 2020)

That the Chief Executive Officer ensure the issues of car parking requirements and design quality being addressed by Council planning officers in a proposed planning scheme amendment in relation to Next Generation and Secondary Dwellings, also deal with student accommodation buildings.

SECONDARY DWELLINGS DEFINITION AND FUNCTION (9 December 2020)

1. *That Council notes a 'Secondary Dwelling', as required by the definition set by the Queensland Government in the Planning Regulation 2017 must operate 'in conjunction with and subordinate to' the primary 'Dwelling House'.*
2. *That action be taken to address a perceived misunderstanding of the 'Secondary Dwelling' definition and ensure the correct interpretation of the definition is applied. This will reaffirm that a 'Dwelling House and Secondary Dwelling' should not be used separately, independently or otherwise function as a 'Dual Occupancy'.*
3. *That Council officers appropriately inform community, real estate and development industry stakeholders of the correct interpretation of the 'Secondary Dwelling' definition via written correspondence, webpage updates and one-on-one or small group forums, where appropriate. This will include development of simple and concise communications to advise of the correct interpretation of the relevant definitions and include examples and information about what is a 'Secondary Dwelling' versus what is a 'Dual Occupancy'.*
4. *That a managed transition occur to balance the need to correctly implement the definition whilst acknowledging existing living arrangements and lease agreements, such that:*

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- a) *Secondary Dwelling uses that commence after 26 February 2021 will be reviewed closely for compliance with the 'Secondary Dwelling' definition. Non-compliant development after this time may result in compliance action being taken under the Planning Act 2016.*
- b) *That Council reserves its right on 'Secondary Dwelling' uses that have commenced on or before 26 February 2021 to investigate and undertake compliance action, on a case by case basis, where there is concern of adverse safety or neighbourhood amenity impacts.*
5. *That Council acknowledges that in some cases the Planning & Environment Court may give ultimate clarity as to whether a particular circumstance is a 'Dwelling House and Secondary Dwelling' or a 'Dual Occupancy'.*
6. *That Council officers prepare draft planning scheme amendments to address identified design issues and amenity impacts that have arisen from 'Secondary Dwelling' development in the region for Council's consideration in 2021.*
7. *That the Planning Division undertake a holistic Housing Study to better understand and gain up-to-date information on the housing needs of the region, including housing choice and diversity, and the delivery of affordable living solutions.*

RESHAPING OUR REGION'S PLANNING - MORETON BAY PLANNING SCHEME 2016 PROPOSED MAJOR AMENDMENT NO.3 - BETTER HOUSING AMENDMENT - DECISION TO MAKE AMENDMENT AND REQUEST FOR EARLY CONFIRMATION OF STATE INTERESTS (8 December 2021)

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.*

Extracts from the minutes of relevant Council Briefings

Numerous Council Briefings have been conducted for the purpose of presenting advice to Council on policy directions for the Better Housing Amendment components. In some cases, outcomes from earlier briefings on matters have been superseded by later briefings as more information has come to light. In line with Council's decision-making framework, an extract from the minutes of these briefings, is provided below:

BRIEFING 2 SECONDARY DWELLING REVIEW PROJECT UPDATE NO.1 - ISSUES REVIEW AND WAY FORWARD (17 November 2020)

The CEO noted the way forward:

Council noted the proposed way forward for the short, medium and long term timeframes as presented. Correction of the interpretation of the definition is proposed for transition from 26 February 2021 and will include a communications plan to inform the industry and community. It was raised that non-compliance would be reserved for issues causing concern.

A council report to be submitted to the General Meeting for consideration of the way forward to address the correct interpretation.

A council briefing will be brought to Council to discuss a draft planning scheme amendment package.

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MBRC PLANNING SCHEME INVESTIGATION - OFF STREET CAR PARKING REVIEW - UPDATE NO.1 (23 February 2021)

The CEO noted the way forward:

Council to be provided with a comparison car parking rates list from Councils with a similar demographic/ locational and economic characteristic to Moreton Bay (such as Logan and Redland) for Council to review.

A report to be brought to Council to support endorsement of a future planning scheme amendment relating to off-street car parking for specific land use types, and to conduct a comprehensive car parking study examining all land use types.

OFF-STREET CAR PARKING REVIEW UPDATE NO.2 - ISSUES REVIEW AND WAY FORWARD (23 March 2021)

The CEO noted the way forward:

Interim action via a planning scheme amendment that seeks to change parking rates in the Next Generation Neighbourhood, Urban Neighbourhood and (EC) Transitional Precincts as follows:

Multiple Dwelling,

- 1 space per 1 bedroom unit*
- 1.25 spaces per 2 bedroom unit*
- 1.5 spaces per 3 bedroom unit,*
- 2 spaces per 4 bedroom unit*
- and 1 visitor space per 4 units.*

Rooming Accommodation (inc student accommodation)

- 1 space per 2 beds*
- and 1 space per staff member.*

Dwelling House + Dual Occupancy,

- 2 spaces per dwelling (one can be in tandem).*

A council report be submitted to the General Meeting for consideration of the interim action for parking rates changes as outlined above.

MBRC PLANNING SCHEME MAJOR AMENDMENT NO.3 UPDATE (15 June 2021)

The CEO noted the way forward:

The presentation was noted by Council including the timing for Major Amendment No.3 and that the team will continue to monitor for any changes to the code.

Future Council Briefings are scheduled June to August to progress policy discussions. Following briefings a report will be submitted to the General Meeting to consider making the amendment.

BETTER HOUSING AMENDMENT - PROPOSED SECONDARY DWELLING POLICY DIRECTIONS (10 August 2021)

The CEO noted the way forward:

The officer's initial assessment and proposal to include these changes in Major Amendment No.3 (Better Housing Amendment), was generally supported including:

- Defining minimum lot frontage and lot size (relating to over-development on small lots); and*
- Consideration to setback from rear boundary in lieu of the distance between the two buildings as another solution to managing privacy amenity.*

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BETTER HOUSING AMENDMENT - PROPOSED SECONDARY DWELLING POLICY DIRECTIONS - UPDATE NO.2 (7 September 2021)

The CEO noted the way forward:

The proposed update to earlier recommendations for secondary dwellings were discussed including minimum lot size, minimum frontage and separation distance with the following points:

- to reduce current 10m separation distance to 5m*
- to investigate inner suburban minimum lot sizes*

It was noted for offices to continue discussions with State government regarding proposed policy changes.

Following completion of Council briefings on Major Amendment No.3 package, a report will be submitted to the General Meeting for consideration of a future planning scheme amendment.

Council briefings scheduled for late 2021 to present the amendment package and community engagement plan.

BETTER HOUSING AMENDMENT: NEXT GENERATION NEIGHBOURHOOD PRECINCT - PRELIMINARY AND EMERGING POLICY DIRECTIONS (7 September 2021)

The CEO noted the way forward:

For continued liaison with State Government counterparts and the Joint Industry Working Group.

Council briefings to be scheduled in late 2021 to discuss engagement for Better Housing Amendment and the updated more refined Policy Directions for Next Generation Neighbourhoods.

A Council briefing for the overall amendment package for Better Housing Amendment to be held early in 2022.

MAJOR AMENDMENT 3 (BETTER HOUSING AMENDMENT) COMMUNICATION AND ENGAGEMENT PLAN (21 September 2021)

The CEO noted the way forward:

Consultation period to be a total of 6-week (20) business days, however, should school holidays fall within these 6 weeks, then the consultation period to be extended to 30 business days.

STUDENT ACCOMMODATION DESIGN REVIEW - INITIAL FINDINGS AND PROPOSED POLICY DIRECTIONS (16 November 2021)

The CEO noted the way forward:

Following conclusion of briefings related to the Better Housing Amendment package, a report to be provided to the General Meeting seeking Council's consideration of the package.

A briefing note For Information to be provided via the Cr Portal in the next couple of weeks providing additional information relating to carparking.

BRIEFING 4 BETTER HOUSING AMENDMENT: NEXT GENERATION NEIGHBOURHOODS - REFINED POLICY DIRECTIONS FOR HOUSING DENSITY, DIVERSITY AND CHOICE (30 November 2021)

The CEO noted the way forward:

Councillors acknowledged the refined policy directions to support preferred outcomes in the NGNP and TP for density outcomes, lot type mix, and site requirements for Dwelling Houses, Dual Occupancy and Multiple Dwellings, as outlined in the briefing note and presentation.

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Councillors noted the next steps:

- *Continued liaison with State Government and Joint Industry Working Group (JIWG) on key matters.*
- *Council report to resolve to undertake the Better Housing Amendment and commence pre-submission State agency engagement*
- *Council briefing on overall amendment package and content in early 2022.*

Future briefing to include further detail regarding eaves and whether the allowable encroachment could be achieved on frontages of 10m or less.

MBRC PLANNING SCHEME BETTER HOUSING AMENDMENT (MAJOR AMENDMENT NO.3): UPDATE AND PATHWAY TO STATE INTEREST CHECK (9 August 2022)

The CEO noted the way forward:

Officers to bring to a Council briefing in two weeks' time, examples of what setbacks would look like on blocks of land 600m² and 800m² wide.

Amendment package to be provided to Councillors before being finalised for review by the State.

BRIEFING 5 BETTER HOUSING AMENDMENT - PROPOSED SECONDARY DWELLING POLICY DIRECTIONS UPDATE (23 August 2022)

The CEO noted the way forward:

Councillors were generally supportive of the following secondary dwelling directions:

- *Minimum lot size:
600m²*
- *Minimum GFA for 600 and 800:
45m² for 600m²
55m² for 800m²*
- *Maximum separation distance:
5m*

Officers to investigate outdoor areas for exclusions from site cover - roof area/GFA.

Officers to investigate the Sunshine Coast rear set back solution raised.

Officers to take necessary steps to finalise draft amendment package and issue to Councillors for review.

Councillors noted that officers are still working on matters related to the supporting communications and engagement plan (and support collateral) for when the amendment detail is public and sent to the State Government. Further information is forthcoming on this matter.

End.

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#3 Proposed Boundary Adjustment of the Warner Investigation Area

Proposed boundary adjustment of the Warner Investigation Area

Planning Directorate



Warner Investigation Area

REFERENCE: PD_2210_04_SH
PREPARED BY: Simon Hill
DATE: 19/10/2022

0 0.1 0.2 0.4
Kilometres

SCALE (A4) 1:14,000

Projection: Map Grid of Australia, Zone 56
Horizontal Datum: Geocentric Datum of Australia 1994

Legend

- Proposed boundary adjustment
- Extent of current Warner Investigation Area in MBRC Planning Scheme 2016, Strategic Framework

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