



# **MINUTES**

## **GENERAL MEETING**

**Wednesday 2 August 2023**

commencing at 9.36am

Caboolture Chambers  
2 Hasking Street, Caboolture

**ENDORSED GM20230816**

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**Membership = 13**  
Mayor and all Councillors

**Quorum = 7**

***Adoption Extract from General Meeting – 16 August 2023 (Page 23/1739)***

**General Meeting - 2 August 2023 (Pages 23/1670 - 23/1722)**

**RESOLUTION**

**Moved by Cr Mick Gillam**

**Seconded by Cr Yvonne Barlow**

**CARRIED 12/0**

**That the minutes of the General Meeting held 2 August 2023, be confirmed.**

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GENERAL MEETING - 582  
2 August 2023

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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 Yvonne Barlow provided the Acknowledgement of Country.

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

Cr Yvonne Barlow provided the opening prayer / reflection for the meeting.

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

#### **Attendance:**

Cr Peter Flannery (Mayor) (Chairperson)  
Cr Mark Booth  
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  
Cr Tony Latter (via video conference)

#### **Officers**

Acting Chief Executive Officer	(Paul Martins)
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)
Acting Chief Economic Development Officer	(Anne Lawrence)
Chief External Relations Officer	(Joshua O'Keefe)
Chief Legal Counsel	(Kate Draper)
Manager Strategic Planning & Placemaking	(David Hood)
Meeting Support	(Kathrine Crocker)

#### **Apologies:**

Cr Brooke Savige who is representing Council at the "Deadly Women in Local Government" Conference  
Cr Adam Hain

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#### 4. MEMORIALS OR CONDOLENCES

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Cr Karl Winchester made special mention of the recent passing of a well-known local and long-term Council employee, **Bob Cooper**.

Bob commenced employment with Redcliffe City Council in January 1988 and upon amalgamation continued his role with Council in the Local Laws, Animal Management and Pest Control sections until retirement earlier this year. Bob was also well-known for his voluntary community work associated with Clean Up Australia Day and the annual Million Paws Walk, as well as running the annual Santa Sleigh from his home for over 16 years with the help of his wife, family and other volunteers from the community.

Cr Winchester sought to recognise Bob's contribution to the Redcliffe Peninsula, Region and Council over many years of service.

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 - 19 July 2023 (Pages 23/1597 to 23/1669)

###### RESOLUTION

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Cath Tonks

CARRIED 11/0

That the minutes of the General Meeting held 19 July 2023, be confirmed.

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#### 6. PRESENTATION OF PETITIONS

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

##### 6.1. **Petition: Justin Bretherton regarding repairs to Caboolture Skate Bowl, Centenary Lakes (67521742)**

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Cr Jodie Shipway tabled a petition containing 85 eligible signatures, received from Justin Bretherton, reading as follows:

*"The goal of this petition is to lobby the Moreton Bay Regional Council to conduct repairs on the Caboolture Skate Bowl located at Centenary Lakes in the form of a resurface, lighting and coping installation.*

*The Caboolture Skate Bowl was built in the 80's and is in in [sic] dire need of an overhaul. The old bowl doesn't have any coping and features a 7ft deep end with a roll in on one side which then tapers down into a 2ft shallow end. The transitions have lumps and kinks which make it unpredictable and there are more frequent falls on the rough concrete. The rough surface also makes it difficult to ride as you lose speed very quickly. The absence of coping coupled with the very rough surface deters locals and keen riders from using the bowl.*

*We request for a full resurface of the bowl including lumps and kinks removed, Granite Pool Coping Tiles installed into the deep end and steel coping into the shallow end. The Caboolture Skate Bowl has good bones and a great transition, and it would be a shame if it wasn't maintained. If these works are completed it will provide the local and wider community with a high-quality facility utilised daily."*

**Council received the petition, referring it to the Director Infrastructure Planning for investigation and report to Council, if required.**

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## 7. CORRESPONDENCE

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There was no correspondence addressed to the Council for tabling by the Chief Executive Officer.

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## 8. COMMUNITY COMMENT

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Cr Peter Flannery (Mayor) opened the Community Comment session, making the required statement regarding the conduct of the Session, and invited Kenlie Williams to address Council.

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### 8.1. Community Comment: Kenlie Williams - Newport Marina DA/2023/1092 (67549394)

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As approved by the Chief Executive Officer, Kenlie Williams addressed the Council in respect of the Newport Marina - specifically related to DA/2023/1092, making the following points:

- Four years ago Council rejected a development application to change the use of Newport Marina from marine industry designated land to multi-level residential accommodation
- Council's reasons for rejection were supported and strengthened by various experts when responding to the developer's unsuccessful appeal
- Council's Strategic Framework and Planning Scheme have not changed, neither has the Newport community's expectations and commitment - however the developer's approach has changed in the new development application lodged
- The new development is to change the zoning of Newport Marina so that multi-level accommodation along with the addition of a hotel, bar, shops, function centre, indoor sports facility and various commercial activities can be constructed
- This application is not dissimilar to the application rejected in 2018
- The change in the developer's approach, if the proposal to change the zoning is approved, will lower the levels of assessment for future development, making them "code assessable" rather than "impact assessable" - thus nullifying the community's ability to have a say on future development for the Marina, but that same community will bear the heavy and permanent cost burden without the right to appeal
- The Marina is geographically and culturally central to the Newport community and any development will have impact on the whole community, noting the community is prepared for impact of development related to Marine Industry Precinct, as long as it fits within the requirements of the Marine Industry Precinct
- To remove the ability of the community to comment on development applications would remove confidence in the integrity, accountability and transparency of the Planning Scheme and the community's voice would be muted
- The new application conflicts significantly with Council's Strategic Framework, has striking inconsistencies with Council's Place Model and requires a quantum policy shift of Council's strategic intent for the Marina
- Councillors are urged to read the Town Planner's report provided as part of a pack of material
- The DA proposal has impediments including, no street frontage - rather relying upon a narrow 80metre easement shared with 38 homes for access. The developer has not sought approval from the other owners of the easement, nor consulted with the local community
- The Marina is built on reclaimed land which has proven to be unstable with slumping occurring, is supported by revetment wall batters. The extensive engineering and heavy earthworks required to construct the buildings under the new DA has the propensity to cause significant, permanent damage and undue duress to those homes and canals surrounding the Marina
- Who will pay to fix the problems?
- The same concerns were identified by the Newport community in 2018 and 2019, including the impacts a proposal as this would have on its low rise suburb - those impacts have not changed
- The proposal does not represent why the residents of Newport chose to live here, the community's expectation of the Marine Industry Precinct, and does not represent Council's Strategic Framework and Planning Scheme
- The current zoning of Newport Marina is correct - it is the development application that is wrong!



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

*(s262 of the Local Government Regulation 2012)*

There were no notices of motion to consider.

## **10. CONFLICTS OF INTEREST NOTIFIED TO THE CEO**

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

### **10.1. Prescribed Conflict of Interest - Cr Matt Constance (DA/2023/2803)**

Pursuant to s150EL of the *Local Government Act 2009*, Cr Matt Constance informed the meeting of a prescribed conflict of interest in matters relating to a Concurrence Agency Referral for Domestic Outbuilding (Carport) development application DA/2023/2803, at property described as Lot 11 on SP234186, Everton Hills.

Cr Matt Constance, his wife Deborah, and father-in-law Clarence Sheraton, are the owners of the property the subject of DA/2023/2803.

Cr Constance has indicated he will not participate in decisions relating to DA/2023/2803 including discussion, debate and voting and will elect to leave future meetings.

## **11. MAYORAL MINUTE - SUTTONS BEACH PUBLIC SPACE PROJECT UPDATE**

The Mayor directed Council's attention to the Suttons Beach Public Space Project, tabling the following Mayoral minute:

- Council is committed to the revitalisation of Suttons Beach with \$1.25 million in the 23/24 Council budget allocated to return this iconic destination to community use.
- The Suttons Beach Public Space project is multi-phased and has included extensive community engagement to determine the future of the site.
- Key to the project, is the removal of Suttons Beach Pavilion. This building has reached the end of its life and does not comply with modern building standards. Renovation of the existing building has been deemed impractical by experts.
- Before any new building can be constructed, the existing Suttons Beach Pavilion needs to be removed.
- On Wednesday, 26 July 2023, the Suttons Beach Public Space project progressed to the next phase, with the submission of a development application (DA/2023/2933) for the proposed demolition of the Suttons Beach Pavilion.
- This is a code assessable application. Code Assessable applications are assessed against relevant assessment benchmarks of Council's Planning Scheme.
- Following demolition, the park area will be landscaped with the temporary amenities and rotunda remaining while the replacement building is designed, and funding is secured.
- Results from recent consultation with community about preferred building style have also been finalised.
- Conducted from 21 March to 16 April 2023, the survey sought to understand:
  - preferred ways to respect our history and reflect stories of the past in the new building and its surrounds,
  - preferred ways for the building to connect with Marine Parade and park surrounds,
  - preferences for the architectural style of the new building.
- From 624 survey responses we learned that people want a balance between aesthetically pleasing Art Deco and contemporary design compatible with the sub-tropical climate.

11. *Mayoral Minute - Suttons Beach Public Space Project Update (cont.)*

- Community feedback, along with the detailed project plan that Council is yet to complete, will inform Council's brief for the building's conceptual design as well as other decisions about the building and its surrounds.
- Council will seek funding from federal and state government via the Liveability stream in the SEQ City Deal, to build the new community facility for everyone to enjoy.

In conclusion, the Mayor moved the following motion:

**MOTION**

**That the Suttons Beach Public Space Building Style community survey findings be released to the public and included on Council's website.**

Cr Jodie Shipway (Deputy Mayor) seconded the motion.

The motion was put to the vote and declared **CARRIED 11/0**

**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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**ITEM 1.1**

**COMMUNITY LEASE RENEWALS - APRIL 2023 TO JUNE 2023**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 67405338 : 17 July 2023  
*Responsible Officer:* CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

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**Executive Summary**

This report provides Council with information regarding the community leases which have been approved for renewal under delegated authority to the Chief Executive Officer between 1 April 2023 and 30 June 2023.

This matter is brought to the attention of Council under the **Vibrant Communities Portfolio** as it relates to the renewal of community leases that support the provision of community, cultural, sport and recreation opportunities for residents of the region.

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**RESOLUTION**

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**Moved by Cr Mick Gillam**

**Seconded by Cr Cath Tonks**

**CARRIED 11/0**

**That Council notes the community lease renewals which have been approved under delegated authority to the Chief Executive Officer (Council-141 and CEO-110) between 1 April 2023 to 30 June 2023, as detailed in this report.**

ITEM 1.1 COMMUNITY LEASE RENEWALS - APRIL 2023 TO JUNE 2023 - 67405338 (Cont.)

**OFFICER'S RECOMMENDATION**

That Council notes the community lease renewals which have been approved under delegated authority to the Chief Executive Officer (Council-141 and CEO-110) between 1 April 2023 to 30 June 2023, as detailed in this report.

**REPORT DETAIL**

**1. Background**

The Chief Executive Officer and appropriately qualified officers have delegated authority under delegation Council-141 and CEO-110 respectively, to:

- Approve the renewal of community leases under the terms and conditions of Council's Community Leasing Policy, when the renewal has been considered through the process detailed in Council's Community Lease Renewals Operational Directive, as amended from time to time; and
- Take all action necessary including but not limited to, negotiating, making, amending, signing and discharging renewed leases and any required variations of the leases on the Council's behalf.

The Directive sets out a six-stage process through which applications for lease renewals under Council's Community Leasing Policy are considered. Table 1 below provides an overview of these stages.

Table 1. Community lease renewal stages

No.	Stage	Detail
1.	Application for Renewal	Lessees seeking to have their tenure renewed with Council are required to submit a Lease Renewal Application Form.
2.	Officer Consultation	Upon receipt of the completed Lease Renewal Application Form, consultation with relevant internal stakeholders is undertaken to identify any relevant information that should be considered in the assessment and determination of the application.
3.	Assessment	Following the Officer Consultation stage, a qualitative assessment of the Lease Renewal Application is undertaken with consideration to various assessment criteria, and a recommendation formulated.
4.	Divisional Councillor Consultation	Following the formulation of a lease renewal recommendation, consultation is undertaken with the relevant Divisional Councillor(s) to seek feedback on the recommendation.
5.	Renewal Determination	Where both the officer's recommendation and the Divisional Councillor(s) support the Lease Renewal Application, the renewal is generally approved and issued under delegated authority to the Chief Executive Officer. However, where a major lease area amendment is proposed as part of the lease renewal, the matter is referred to a General Meeting of Council for consideration and determination.  Where either the officer's recommendation or the Divisional Councillor(s) does not support the renewal of the subject lease, the matter is brought to a Council Briefing for discussion with Council. Any subsequent decision regarding the renewal is subject to a Council resolution at a General Meeting.
6.	Lessee Advice	Following the Renewal Determination stage, the lessee is informed regarding the outcome of their application by way of formal written correspondence.

**2. Explanation of Item**

Historically, the standard term of tenure for a community lease under Council's Community Leasing Policy has been five (5) years. However, Council has recently adopted a revised Policy which took effect from 1 April 2023. This revised policy provides for an extended standard tenure term of up to ten (10) years.

ITEM 1.1 COMMUNITY LEASE RENEWALS - APRIL 2023 TO JUNE 2023 - 67405338 (Cont.)

Accordingly, for leases with a renewal date of 1 April 2023 and beyond, Council may now provide a lease term of up to ten (10) years.

In accordance with Council's Community Lease Renewals Operational Directive and the associated delegated authority to the Chief Executive Officer (Council-141 and CEO-110), the following community leases have been approved for renewal between 1 April and 30 June 2023.

Table 2. Community lease renewals approved during 1 April and 30 June 2023

Reference	Organisation	Location	Lease Renewal Term
LE/2023/0079	Sports Aeromodellers Association Moreton Bay Region Inc.	Uhlmann Road Park, Uhlmann Road, Burpengary East (Division 2)	10 years
LE/2023/0016	Meals on Wheels Moreton Bay Region Inc.	Caboolture Combined Services Hall, 21 Hayes Street, Caboolture (Division 03)	10 years
LE/2023/0003	Redcliffe City Junior Cricket Club Inc.	Filmer Park, Hornibrook Esplanade, Woody Point (Division 06)	10 years
LE/2023/0148	Bramble Bay Bowls and Recreation Club Inc.	Hornibrook Esplanade, Woody Point (Division 6)	10 years
LE/2022/0226	Pine Central Sports Club Inc	Les Hughes Sports Complex, 119 Francis Road, Bray Park (Division 08)	10 years
LE/2023/0011	Apex Club of Albany Creek Inc	Albany Creek Community Centre, 15 Ernie St, Albany Creek (Division 9)	10 years

This report is provided to Council for noting purposes only.

### 3. Strategic Implications

3.1 Legislative / Legal Implications  Nil identified

3.2 Corporate Plan linkage  
This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:  
Our Vibrant Communities: 01 Our communities make healthy and active lifestyle choices and have access to the services and facilities they need.

3.3 Policy Implications  
The terms and conditions of all renewed lease agreements will be in accordance with Council's Community Leasing Policy (2150-079).

3.4 Risk Management Implications  
It is recognised that permitting community organisations to occupy and manage Council controlled or owned land and assets presents an associated level of risk. As a core function of Council is the provision of community facilities, it is considered the level of risk is acceptable. However, to mitigate the risk, the lease document clearly outlines the responsibilities and obligations of the parties and includes a requirement for the community organisation(s) to hold appropriate levels public liability insurance.

3.5 Delegated Authority Implications  
The renewal of community leases referred to in this report have been considered in accordance with Council's Community Lease Renewals Operational Directive (No. 2180-052) and approved under delegated authority to the Chief Executive Officer (Council-141 and CEO-110).

3.6 Financial Implications  Nil identified

ITEM 1.1 COMMUNITY LEASE RENEWALS - APRIL 2023 TO JUNE 2023 - 67405338 (Cont.)

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications

The issuing of the lease renewals detailed in this report will provide each organisation with facilities to support their continued operations.

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 rights implications relevant to Council's decision.

3.11 Consultation / Communication

Relevant Divisional Councillors;  
Relevant Council departments; and  
Community organisations as detailed in this report.

**ITEM 1.2**  
**PROPOSED TRUSTEE LEASE - BRIBIE GARDENS ESTATE**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 67406512: 4 July 2023 - Refer **Confidential Supporting Information**  
**67406594**  
*Responsible Officer:* JW, Senior Land Dealings Officer (IP Property Services)

**Executive Summary**

This report seeks Council's approval to enter into a trustee lease to permit the construction of a pontoon within the Bribie Gardens Estate by adjoining property owners, on the terms outlined in this report.

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as it both encourages the recreational use of a Council asset and supports community wellbeing.

This matter is reported to Council as section 236(2) of the *Local Government Regulation 2012* (Regulation) requires Council resolution to apply the exception under section 236(1)(c)(iv) to dispose of land and buildings (by lease) other than by tender or auction.

Supporting information to this report is confidential to the extent that it contains information that is confidential to 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*.

**RESOLUTION**

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Cath Tonks

CARRIED 11/0

1. That the exception contained in section 236(1)(c)(iv) of the *Local Government Regulation 2012* applies to the Council regarding the disposal (by lease) of the property referred to in this report.
2. That the trustee lessee under the proposed lease be granted a trustee lease over the trustee lease area detailed in the Proposed Trustee Lease Schedule (*refer Supporting Information #1 (confidential)*) on the terms outlined in this report.
3. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the trustee lease and any required variations of that trustee lease on the Council's behalf, as described in this report.

ITEM 1.2 PROPOSED TRUSTEE LEASE - BRIBIE GARDENS ESTATE - 67406512 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the exception contained in section 236(1)(c)(iv) of the *Local Government Regulation 2012* applies to the Council regarding the disposal (by lease) of the property referred to in this report.
2. That the trustee lessee under the proposed lease be granted a trustee lease over the trustee lease area detailed in the Proposed Trustee Lease Schedule (*refer Supporting Information #1 (confidential)*) on the terms outlined in this report.
3. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the trustee lease and any required variations of that trustee lease on the Council's behalf, as described in this report.

**REPORT DETAIL**

**1. Background**

The canals within the 'Bribie Gardens Estate' at Bribie Island, are State reserve lands managed by Council as trustee (**Council's Land**).

The proposed trustee lessees have requested a trustee lease over part of Council's Land adjoining their property for the permitted use as noted in the table below. An aerial view of the premises and a plan for the proposed trustee lease area can be found at *Supporting Information #2 (confidential)*.

The commercial terms of the trustee lease are outlined below:

Core Term	Description
<b>Term</b>	Thirty (30) years
<b>Option</b>	Nil
<b>Commencement Date</b>	As set out in the Schedule at <i>Supporting Information #1 (confidential)</i>
<b>Rent</b>	\$1.00 plus GST (payable upon demand)
<b>Permitted Use</b>	The construction, placement or erection of facilities for the berthing and/or mooring of marine vessels

**2. Explanation of Item**

The establishment of the Bribie Gardens Estate created a number of canal front allotments offering direct boating access to the Pumicestone Passage. Accordingly, the construction of pontoons, by the owners of canal front allotments, within adjoining Council controlled land is considered an appropriate extension of that purpose.

In accordance with the *Land Act 1994* (Qld), Council is required to enter into trustee leases with adjoining landowners for part of Council's Land on which any pontoons are located. Such trustee leases can be granted by Council to the adjoining landowners, in compliance with section 236(1)(c)(iv) of the Regulation. Given the proposed lease area forms part of a canal and is specifically adjacent to a pontoon owner's property, the land is not considered to be practically accessible or appropriate to be leased by any other party.

In addition, Council's independent market valuation confirms the rental being charged for the trustee lease meets the requirements of s236(3) and 236(5) of the Regulation.



*ITEM 1.2 PROPOSED TRUSTEE LEASE - BRIBIE GARDENS ESTATE - 67406512 (Cont.)*

### **3. Strategic Implications**

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

Section 236(1)(c)(iv) of the Regulation allows Council to dispose of a valuable non-current asset without putting the asset to tender or auction if the land is disposed of to a person who owns adjoining land and:

- (a) the land is not suitable to be offered for disposal by tender or auction for a particular reason;
- (b) there is not another person who owns other adjoining land who wishes to acquire the land;
- (c) it is in the public interest to dispose of the land without a tender or auction; and
- (d) the disposal is otherwise in accordance with sound contracting principles.

Council may only rely on this exception if, before granting a lease, it resolves that the exception applies.

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

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

Our Vibrant Communities: 01 Our communities make healthy and active lifestyle choices and have access to the services and facilities they need.

#### **3.3 Policy Implications Nil identified**

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

It is recognised that permitting the trustee lessee to occupy and manage Council-owned or controlled land and assets presents an associated level of risk. This risk level is considered acceptable, however, to mitigate the risk, the trustee lease document clearly outlines the responsibilities and obligations of the trustee lessee and includes a requirement for the trustee lessee to hold appropriate levels of public liability insurance.

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

Officer's Recommendation 3 of this report proposes that the Chief Executive Officer be authorised to take all actions necessary to execute the new trustee lease for the Premises outlined in this report but not limited to, negotiating, making, amending, signing and discharging the trustee lease and any required variations of that trustee lease on the Council's behalf, as described in this report.

#### **3.6 Financial Implications Nil identified**

#### **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**

- Legal Services
- Councillor for Division 1

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**ITEM 1.3**  
**BURPENGARY EAST - BRISTON AVENUE - PARK NAMING**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 66934496: 8 May 2023  
*Responsible Officer:* BS, Senior Business Systems Officer (IP Parks & Recreation Planning)

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**Executive Summary**

An application has been received, requesting that an unnamed park on Briston Avenue, Burpengary East, be named in recognition of the Scudamore family.

This report provides Council with background information relevant to the application and recommends that the parkland identified in Figure 1, be named "Scudamore Park".

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as the matter Relates to acknowledging and celebrating the efforts of an individual in contributing to community outcomes.

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**RESOLUTION**

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Moved by Cr Mark Booth

Seconded by Cr Sandra Ruck

CARRIED 11/0

1. That having regard to the information provided within this report and subject to the outcome of public advertising, that parkland at 41-47 Briston Avenue, Burpengary East and identified in Figure 1, be named as "Scudamore Park".
2. That public advertising of the proposal to name the area be undertaken via appropriate digital and/or print media platforms, having a distribution covering the general vicinity of the subject park with public submissions open for a period of 28 days.
3. That should non-supportive submissions be received as a result of public advertising; the matter be referred to Council in a subsequent report.

ITEM 1.3 BURPENGARY EAST - BRISTON AVENUE - PARK NAMING - 66934496 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That having regard to the information provided within this report and subject to the outcome of public advertising, that parkland at 41-47 Briston Avenue, Burpengary East and identified in Figure 1, be named as "Scudamore Park".
2. That public advertising of the proposal to name the area be undertaken via appropriate digital and/or print media platforms, having a distribution covering the general vicinity of the subject park with public submissions open for a period of 28 days.
3. That should non-supportive submissions be received as a result of public advertising; the matter be referred to Council in a subsequent report.

**REPORT DETAIL**

**1. Background**

An application has been received by Council requesting that parkland at 41-47 Briston Avenue, Burpengary East, on Lot 28 on SP127133 (figure 1), be named in recognition of the Scudamore family.



**Figure 1 parkland at 41-47 Briston Avenue, Burpengary East**

**2. Explanation of Item**

Under Policy 2150-039, Naming of Council Owned or Administered Buildings, Structures and other Assets (excluding roads), applicants are required to provide documentation to substantiate the good character of the person or persons being acknowledged. In this instance, three letters of support have been provided. Council's Senior Local History Officer has also provided information which supports the pioneering history and community involvement by the Scudamore family.

ITEM 1.3 BURPENGARY EAST - BRISTON AVENUE - PARK NAMING - 66934496 (Cont.)

Information found during background checking and/or received in the application notes the following in regard to the Scudamore family.

- Long-term residents of the area dating back to 1917
- Owned and farmed the land (the park now sits on) for over 40 years

While Brian and Isabella Scudamore appear to be the focus for this park naming request (featuring in the naming application), the family name has been associated with the general area for much longer. The decision to name the parkland using only the family name, reflects the wider association of the family and their pioneering connections.

- Brian and Isabella Scudamore were active members of the Deception Bay Progress Association, with Brian being Vice President for a number of years.
- Brian was also a volunteer who helped to establish the Deception Bay Auxiliary Fire Station

The recommendation to name the parkland after the Scudamore family complies with the policy's guideline as outlined below:

- Names of pioneering families and long-term residents,
- Persons with a historical connection to the land or area, and
- Names of respected community members of considerable service who are, or were, resident or working within the region.

Council policy requires that any proposal to name a park, reserve or place be advertised in local newspapers for a period of 28 days during which time submissions can be received. This process allows Council to assess any possible objections to the proposed naming.

A history board is proposed to be installed in conjunction with the park signage to explain why the park was named after the Scudamore family.

The proposed wording reads as follows:

*'The Scudamore family were active community volunteers and early pioneers in this area'*

**3. Strategic Implications**

3.1 Legislative / Legal Implications  Nil identified

3.2 Corporate Plan linkage

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

Our Vibrant Communities: 03 Our communities embrace opportunities for participation in creative experiences and celebrate our stories, cultures and identities.

3.3 Policy Implications

The submitted application complies with and has all the supporting documentation required under Council's Policy 2150-039, Naming of Council Owned or Administered Buildings, Structures and other Assets (excluding roads).

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications

The estimated cost of fabricating and installing a new sign in accordance with the draft Park and Open Space Signage Guidelines is approximately \$2,000. Costs will be met from within existing operational budgets.

ITEM 1.3 BURPENGARY EAST - BRISTON AVENUE - PARK NAMING - 66934496 (Cont.)

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications

Formal naming will provide improved awareness of, and the ability to recognise, distinct locations within the 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

The submission has been discussed with the Division 2 Councillor, who supports the proposal for the parkland to be named.

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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 9:59AM for discussion on Items 3.1 and 3.2.

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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' - STATE INTEREST REVIEW RESPONSE AND PUBLIC CONSULTATION**

*Meeting / Session:* 3 WELL-PLANNED PLACES  
*Reference:* 67060667 : 20 July 2023 - **Refer Supporting Information 67522411, 67174619 & 67394296**  
*Responsible Officer:* CE, Coordinator Planning Scheme (PL Strategic Planning & Place Making)

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**Executive Summary**

At its General Meeting on 8 December 2021, Council resolved to amend the MBRC Planning Scheme (PS2016) (version 6) 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.

At its General Meeting on 2 November 2022, Council resolved to progress the Amendment to State Interest Review (SIR) and on 7 November 2022 the amendment package, together with the required notice was provided to the State.

The Minister for State Development, Infrastructure Local Government and Planning has now given 'notice' to Council of the outcome of the SIR, including accompanying Minister's conditions, and advised that Council may proceed to public consultation on the Amendment.

The purpose of this report is to seek Council's approval of the updated Amendment and associated documentation (a full copy is provided as Supporting Information 2 to this report) which includes changes made to satisfy the Minister's notice and conditions. This report also seeks Council's approval to proceed to public consultation in accordance with S20 of the *Planning Act 2016* and Chapter 2, Part 4, Section 18 of the Minister's Guidelines and Rules (MGR).

Formal public consultation on the Amendment is proposed to occur from 7 August to 4 September 2023 (a period of 20 business days), in accordance with statutory requirements and the Minister's notice.

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.

ITEM 3.1 RESHAPING OUR REGION'S PLANNING - MBRC PLANNING SCHEME PROPOSED MAJOR AMENDMENT NO.3 'BETTER HOUSING AMENDMENT' - STATE INTEREST REVIEW RESPONSE AND PUBLIC CONSULTATION - 67060667 (Cont.)

## RESOLUTION

Moved by Cr Mark Booth

Seconded by Cr Mick Gillam

CARRIED 11/0

1. That Council confirms that it has considered the Minister for State Development, Infrastructure Local Government and Planning's formal notice to Council dated 17 July 2023 (Minister's notice) of the outcome of the state interest review and whether public consultation may proceed (refer Supporting Information 1 of this report), including the Minister's conditions to be satisfied and the communications strategy to be implemented.
2. That Council approves the updated Major Amendment No.3 - the '*Better Housing Amendment*' and associated documentation contained in Supporting Information 2 of this report which includes changes made to satisfy the Minister's notice and conditions.
3. That the Chief Executive Officer be authorised to undertake public consultation on the proposed Major Amendment No.3 - the '*Better Housing Amendment*' in accordance with Section 20 of the *Planning Act 2016* and Chapter 2, Part 4, Section 18 of the Minister's Guidelines and Rules.
4. That the Chief Executive Officer be authorised to do all things reasonable and necessary in order to follow the process outlined in the Minister's notice dated 17 July 2023 to undertake public consultation on the proposed Major Amendment No.3 - the '*Better Housing Amendment*.'
5. That the Chief Executive Officer be authorised to make administrative and editorial changes to the proposed Major Amendment No.3 - the '*Better Housing Amendment*' and any associated documentation, if required, prior to commencing public consultation.



ITEM 3.1 RESHAPING OUR REGION'S PLANNING - MBRC PLANNING SCHEME PROPOSED MAJOR AMENDMENT NO.3 'BETTER HOUSING AMENDMENT' - STATE INTEREST REVIEW RESPONSE AND PUBLIC CONSULTATION - 67060667 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That Council confirms that it has considered the Minister for State Development, Infrastructure Local Government and Planning's formal notice to Council dated 17 July 2023 (Minister's notice) of the outcome of the state interest review and whether public consultation may proceed (refer Supporting Information 1 of this report), including the Minister's conditions to be satisfied and the communications strategy to be implemented.
2. That Council approves the updated Major Amendment No.3 - the 'Better Housing Amendment' and associated documentation contained in Supporting Information 2 of this report which includes changes made to satisfy the Minister's notice and conditions.
3. That the Chief Executive Officer be authorised to undertake public consultation on the proposed Major Amendment No.3 - the 'Better Housing Amendment' in accordance with Section 20 of the *Planning Act 2016* and Chapter 2, Part 4, Section 18 of the Minister's Guidelines and Rules.
4. That the Chief Executive Officer be authorised to do all things reasonable and necessary in order to follow the process outlined in the Minister's notice dated 17 July 2023 to undertake public consultation on the proposed Major Amendment No.3 - the 'Better Housing Amendment.'
5. That the Chief Executive Officer be authorised to make administrative and editorial changes to the proposed Major Amendment No.3 - the 'Better Housing Amendment' and any associated documentation, if required, prior to commencing public consultation.

**REPORT DETAIL**

**1. Background**

Numerous Council resolutions and Councillors' briefings have occurred that inform the Amendment (refer Supporting Information 3 to this report for a listing of relevant Council minutes or briefing outcomes).

Council officers also 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 22/1650 of the General Meeting of Council held on 2 November 2022:

**RESOLUTION**

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:

*ITEM 3.1 RESHAPING OUR REGION'S PLANNING - MBRC PLANNING SCHEME PROPOSED MAJOR AMENDMENT NO.3 'BETTER HOUSING AMENDMENT' - STATE INTEREST REVIEW RESPONSE AND PUBLIC CONSULTATION - 67060667 (Cont.)*

- 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.

On 7 November 2022 the amendment package, together with the required notice was provided to the State. On 20 January 2023, the State provided notice to Council (under Chapter 2, Part 5 of the MGR) to 'pause' the SIR process and request further information. Council provided a formal response to the State's information request on 7 March 2023.

Throughout early 2023 Council officers worked with officers of the State on proposed changes to 'Secondary dwelling' requirements within the Amendment to ensure there are no unnecessary impediments that restrict housing supply and diversity.

A Councillors' Briefing on the Communication and Engagement Plan initially occurred on 11 October 2022 and was followed by a further briefing on 23 May 2023 outlining the plan for public consultation. These briefings provided details of a variety of tools and tactics proposed to be used to inform the community and stakeholders about the Amendment and the opportunity to provide feedback.

## 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.

*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.

ITEM 3.1 RESHAPING OUR REGION'S PLANNING - MBRC PLANNING SCHEME PROPOSED MAJOR AMENDMENT NO.3 'BETTER HOUSING AMENDMENT' - STATE INTEREST REVIEW RESPONSE AND PUBLIC CONSULTATION - 67060667 (Cont.)

*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.

2.2 Summary and status of the amendment process

As noted in previous Council reports, the amendment process is a 'major planning scheme amendment' as set out in the MGR. The MGR prescribes the major amendment process for S20 of the *Planning Act 2016* 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 S20 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.
<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>Complete</b> 2 Nov. 2022 Report	4	Council prepares the amendment.
<b>Complete</b> 2 Nov. 2022 Report	5	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>State interest review</b>		
<b>Complete</b> 2 Nov. 2022 Report	6	The Minister and other relevant state agencies commence the state interest review.
<b>This report</b>	7	<b>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.</b>
<b>This report</b>	8	<b>Council complies with any Minister's conditions before public consultation (unless stated otherwise).</b>
<b>Public consultation and changing the proposed amendment</b>		
<b>This report</b>	9	<b>Council undertakes public consultation in accordance with the public notice requirements (as per MGR, schedule 4 and the Act) and communications strategy.</b>
Future	10	Council considers every properly made submission about the amendment and makes changes accordingly.
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).
<b>Minister's consideration</b>		
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.

*ITEM 3.1 RESHAPING OUR REGION'S PLANNING - MBRC PLANNING SCHEME PROPOSED MAJOR AMENDMENT NO.3 'BETTER HOUSING AMENDMENT' - STATE INTEREST REVIEW RESPONSE AND PUBLIC CONSULTATION - 67060667 (Cont.)*

Status	Summary of amendment process	
Future	15	Council complies with any Minister's conditions before adoption (unless stated otherwise).
<b>Adoption</b>		
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 Response to State Interest Review (SIR) and undertaking Public Consultation**

The Minister for State Development, Infrastructure, Local Government and Planning has given formal 'notice' to Council (dated 17 July 2023) of the outcome of the SIR and the communications strategy that the Council must implement in accordance with Chapter 2, Part 4, Section 17.5 of the MGR. The 'notice':

- confirms that the Amendment appropriately integrates the relevant state interests;
- acknowledges that the accompanying Minister's conditions (specifically related to the design/ siting of 'Secondary dwellings') represent a negotiated position that balances the interests of both the state and the council;
- confirms that Council may now proceed with public consultation; and
- confirms that Council must, at a minimum, undertake public consultation in accordance with the communications strategy provided as part of the notice to the State preceding the SIR.

The Minister's notice set out a number of conditions that must be satisfied before Council can proceed to public consultation on the Amendment. These include changes to the Amendment as approved by Council on 2 November 2022 (in respect to the design/ siting of 'Secondary dwelling' development), specifically to achieve the following:

- Remove any requirement for a 'Secondary dwelling' to share the same colour, buildings style and roof form as the primary dwelling;
- Amend any requirement encouraging access to all private open space areas and car parking on the site to refer to access to shared private open space areas and allocated car parking on the site and remove specific references to fencing outcomes not restricting access;
- Reinstate a maximum 10m separation distance (rather than 5m) to the primary dwelling (where a freestanding 'Secondary dwelling');
- Clarify that Requirements for Accepted Development for the orientation of a 'Secondary dwelling' (to face the primary dwelling and not adjoining properties) relate to instances where they are freestanding and in the Suburban neighbourhood precinct or Coastal communities precinct of the General residential zone; and
- Amend the Performance Outcome and corresponding Example for the orientation of a 'Secondary dwelling' to clarify this applies to where 'Secondary dwellings' are freestanding and in the Suburban neighbourhood precinct or Coastal communities precinct of the General residential zone, and to focus on design, siting and orientation to avoid adverse impacts on the privacy and amenity of adjoining properties (rather than specifying a 'Secondary dwelling' must face the primary dwelling).

An additional condition is included in the Minister's notice requiring updates to a number of Performance Outcomes and corresponding Examples to ensure relevant existing quantifiable standards for car parking provision are appropriately called up. This condition is not required to be satisfied prior to proceeding to public consultation.

*ITEM 3.1 RESHAPING OUR REGION'S PLANNING - MBRC PLANNING SCHEME PROPOSED MAJOR AMENDMENT NO.3 'BETTER HOUSING AMENDMENT' - STATE INTEREST REVIEW RESPONSE AND PUBLIC CONSULTATION - 67060667 (Cont.)*

The Minister's notice also foreshadows that monitoring of the 'Secondary dwelling' provisions will be required through a performance condition at the adoption stage, with a requirement to report back to the State. This monitoring program in the lead up to Council's new planning scheme is intended to evaluate the effectiveness of the 'Secondary dwelling' provisions included in the Amendment and if any further revisions are required.

Council officers confirm that changes to the Amendment (refer updated Amendment contained in Supporting Information 2 of this report) have been made to satisfy the Minister's notice and conditions (specifically in respect of 'Secondary dwelling' development) in readiness for the commencement of public consultation.

In line with the agreed communications strategy the range of tools and tactics to be used in the statutory public consultation process include:

- a public notice published in the Courier Mail and displayed at Council's Customer Service Centres and on Council's website;
- updated 'Your Say Moreton Bay' webpage information;
- policy directions papers (addressing key components of the Amendment);
- a rate notice insert, councillor newsletters and a video introduction to the Amendment from the Mayor;
- meet the planner sessions and displays at council's Customer Service Centres; and
- promotional advertising and media releases.

Formal public consultation on the Amendment is proposed to occur from 7 August to 4 September 2023 in accordance with statutory requirements and the Minister's notice. During this time the updated Amendment will be made available electronically via the 'Your Say Moreton Bay' webpage and during business hours at council's Customer Service Centres. Submissions will be able to be lodged online via the 'Your Say Moreton Bay' webpage, by email, by mail or delivered in person at council's Customer Service Centres.

### **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 part of the 'state interest review' and 'public consultation' stages for progression of the *'Better Housing Amendment'* as required under the MGR.

#### **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.
- 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 *'Better Housing 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.

*ITEM 3.1 RESHAPING OUR REGION'S PLANNING - MBRC PLANNING SCHEME PROPOSED MAJOR AMENDMENT NO.3 'BETTER HOUSING AMENDMENT' - STATE INTEREST REVIEW RESPONSE AND PUBLIC CONSULTATION - 67060667 (Cont.)*

3.4 Risk Management Implications

The '*Better Housing Amendment*' includes tailored policy responses to identified adverse design and amenity issues that can be made in the short term. Longer-term projects such as the Comprehensive Off-street Car Parking Study (commenced) and findings from the Housing Needs (Choice, Diversity and Affordable Living) Investigation will inform future policy directions. The impact of these matters will continue to be monitored in consultation with stakeholders.

3.5 Delegated Authority Implications             Nil identified

3.6 Financial Implications

The consultation costs of the proposed amendment are provided for in the current budget.

3.7 Economic Benefit Implications

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

3.8 Environmental Implications

Well-planned growth supports improved environmental outcomes associated with urban development in the City of Moreton Bay.

3.9 Social Implications

Well-planned growth supports positive social outcomes within the City of Moreton Bay.

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. Council officers consider that there are no human rights implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

The Amendment has been updated to reflect input as a result of Councillor briefings; State feedback and directions arising from the Minister's formal SIR process.

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. Public consultation will be undertaken in accordance with Section 20 of the *Planning Act 2016* and the requirements and guidance in the MGR, as well as the Communications Strategy referenced in the Minister's notice. Council will then consider the community feedback received, including potential changes to the Amendment.

**ITEM 3.2****RESHAPING OUR REGION'S PLANNING - PROPOSED MBRC PLANNING SCHEME POLICIES AMENDMENT TO SUPPORT MAJOR AMENDMENT NO.3 'BETTER HOUSING AMENDMENT' AND INTEGRATE TOWNSHIP CHARACTER INVESTIGATION FINDINGS**

*Meeting / Session:* 3 WELL-PLANNED PLACES  
*Reference:* 67060668 : 20 July 2023 - **Refer Supporting Information 67169796**  
*Responsible Officer:* CE, Coordinator Planning Scheme (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 2016 (version 6), under Section 20 (S20) of the *Planning Act 2016* for Major Amendment No.3 - the '*Better Housing Amendment*'.

The '*Better Housing 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 support of the '*Better Housing Amendment*,' a complementary and concurrent amendment to the following Planning Scheme Policies (PSPs) is proposed, providing updated guidance and standards for consistency:

- PSP Neighbourhood Design;
- PSP Residential Design; and
- PSP Integrated Design (Appendix A - Streets, Roads & Utilities and Appendix D - Landscape design & Street trees).

Changes to the PSP Township Character are also proposed to better reflect and support the unique township character of D'Aguilar, Dayboro, Samford Village, Wamuran and Woodford.

The purpose of this report is to seek a Council decision to amend the PSPs, referred to as '*Planning Scheme Policies Amendment No.2*' (contained in Supporting Information 1 of this report), and commence formal public consultation in accordance with Section 22 of the *Planning Act 2016* and Chapter 3, Part 1, Section 3 of the Minister's Guidelines and Rules (MGR).

A separate report detailing the outcomes of the '*Better Housing Amendment's*' state interest response and seeking Council's approval to proceed to public consultation is also included on this Council agenda. This Council report relates to that report noting each matter is required to undergo a separate approval process under the *Planning Act 2016* and MGR.

Formal public consultation on the PSPs amendment is proposed to occur from 7 August to 4 September 2023 (a period of 20 business days), in accordance with statutory requirements and concurrent with the public consultation on the '*Better Housing 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.

ITEM 3.2 RESHAPING OUR REGION'S PLANNING - PROPOSED MBRC PLANNING SCHEME POLICIES AMENDMENT TO SUPPORT MAJOR AMENDMENT NO.3 'BETTER HOUSING AMENDMENT' AND INTEGRATE TOWNSHIP CHARACTER INVESTIGATION FINDINGS - 67060668 (Cont.)

## RESOLUTION

Moved by Cr Mark Booth

Seconded by Cr Darren Grimwade

CARRIED 11/0

1. That Council decides to amend the following Planning Scheme Policies (PSP) which form part of version 6 of the MBRC Planning Scheme 2016 in accordance with Section 22 of the *Planning Act 2016* and Chapter 3, Part 1, section 2.1 of the Minister's Guidelines and Rules (MGR):
  - a) PSP - Neighbourhood Design;
  - b) PSP - Residential Design;
  - c) PSP - Integrated Design (Appendix A - Streets, Roads & Utilities and Appendix D - Landscape design & Street trees); and
  - d) PSP - Township Character.
2. That in accordance with Chapter 3, Part 1, section 2.2 of the MGR, the Council notes that the proposed amendments to the following PSPs have been prepared and are contained in Supporting Information 1 - '*Planning Scheme Policies Amendment No.2*':
  - a) PSP - Neighbourhood Design;
  - b) PSP - Residential Design;
  - c) PSP - Integrated Design (Appendix A - Streets, Roads & Utilities and Appendix D - Landscape design & Street trees); and
  - d) PSP - Township Character.
3. That Council approves the '*Planning Scheme Policies Amendment No.2*' and authorises the Chief Executive Officer to carry out public consultation on the '*Planning Scheme Policies Amendment No. 2*' in accordance with Chapter 3, Part 1, section 3 of the MGR and do all things reasonable and necessary in order to comply.
4. That the Chief Executive Officer be authorised to make any administrative and editorial changes to the '*Planning Scheme Policies Amendment No.2*' and any associated documentation, if required, prior to commencing public consultation.



*ITEM 3.2 RESHAPING OUR REGION'S PLANNING - PROPOSED MBRC PLANNING SCHEME POLICIES AMENDMENT TO SUPPORT MAJOR AMENDMENT NO.3 'BETTER HOUSING AMENDMENT' AND INTEGRATE TOWNSHIP CHARACTER INVESTIGATION FINDINGS - 67060668 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That Council decides to amend the following Planning Scheme Policies (**PSP**) which form part of version 6 of the MBRC Planning Scheme 2016 in accordance with Section 22 of the *Planning Act 2016* and Chapter 3, Part 1, section 2.1 of the Minister's Guidelines and Rules (MGR):
  - (i) PSP - Neighbourhood Design;
  - (ii) PSP - Residential Design;
  - (iii) PSP - Integrated Design (Appendix A - Streets, Roads & Utilities and Appendix D - Landscape design & Street trees); and
  - (iv) PSP - Township Character.
2. That in accordance with Chapter 3, Part 1, section 2.2 of the MGR, the Council notes that the proposed amendments to the following PSPs have been prepared and are contained in Supporting Information 1 - '*Planning Scheme Policies Amendment No.2*':
  - (i) PSP - Neighbourhood Design;
  - (ii) PSP - Residential Design;
  - (iii) PSP - Integrated Design (Appendix A - Streets, Roads & Utilities and Appendix D - Landscape design & Street trees); and
  - (iv) PSP - Township Character.
3. That Council approves the '*Planning Scheme Policies Amendment No.2*' and authorises the Chief Executive Officer to carry out public consultation on the '*Planning Scheme Policies Amendment No. 2*' in accordance with Chapter 3, Part 1, section 3 of the MGR and do all things reasonable and necessary in order to comply.
4. That the Chief Executive Officer be authorised to make any administrative and editorial changes to the '*Planning Scheme Policies Amendment No.2*' and any associated documentation, if required, prior to commencing public consultation.

## **REPORT DETAIL**

### **1. Background**

Major Amendment No.3 - the '*Better Housing Amendment*' comprises a series of policy responses designed to support better housing in the region and improve liveability for current and future residents. The '*Better Housing 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.

PSPs support the operation of the MBRC Planning Scheme by providing guidance and specifications referenced by the planning scheme. To support the '*Better Housing Amendment*,' as well as integrate relevant findings of the Township Character and Coastal Communities Investigation (as it applies to the township areas of D'Aguilar, Dayboro, Samford Village, Wamuran and Woodford), the following PSPs are proposed to undergo a separate, yet concurrent amendment and consultation process:

- PSP Neighbourhood Design;
- PSP Residential Design;

*ITEM 3.2 RESHAPING OUR REGION'S PLANNING - PROPOSED MBRC PLANNING SCHEME POLICIES AMENDMENT TO SUPPORT MAJOR AMENDMENT NO.3 'BETTER HOUSING AMENDMENT' AND INTEGRATE TOWNSHIP CHARACTER INVESTIGATION FINDINGS - 67060668 (Cont.)*

- PSP Integrated Design (Appendix A - Streets, Roads & Utilities and Appendix D - Landscape design & Street trees); and
- PSP Township Character.

A separate report detailing the outcomes of the 'Better Housing Amendment's' state interest response and seeking Council's approval to proceed to public consultation is also included on this meeting agenda. This Council report relates to that report, noting each matter is required to undergo a separate approval process under the *Planning Act 2016* and MGR.

A Councillor's Briefing was conducted on 7 March 2023 for the purpose of informing Councillors on the proposed PSPs amendment. 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:***

*To support the Better Housing amendment, as well as integrating relevant findings of the Township Character Investigation [sic], Councillors generally expressed support for the separate progression of the following Planning Scheme policies (PSPs):*

- *PSP Neighbourhood Design*
- *PSP Residential Design*
- *PSP Integrated Design (Appendix A - Streets, Roads & Utilities and Appendix D Landscape design & Street trees); and*
- *PSP Township Character*

*Councillors noted the finalisation of the Township Character PSP will be the subject of a further briefing, prior to being submitted to Council for consideration.*

A Briefing Note was placed on the Councillor Portal on 5 June 2023 to seek feedback on the proposed changes to the PSP Township Character. No feedback was received on the proposed changes to the PSP.

## **2. Explanation of Item**

### **2.1 Summary of the amendment content**

The proposed PSPs amendment supports the operation of the MBRC Planning Scheme and implementation of the endorsed policy directions in the proposed 'Better Housing Amendment,' as well as findings of the 'Township and Coastal Communities Character Investigation', for the identified township areas. Key changes are proposed to the following PSPs:

**PSP Neighbourhood Design:**

- Alignment with updated density outcomes for Next generation neighbourhoods;
- Updated design guidance for reconfiguring a lot to reflect new lot diversity outcomes in Next generation neighbourhoods;

**PSP Residential Design:**

- Alignment with updated density outcomes for Next generation neighbourhoods;
- Minor changes to siting and design guidance to reflect updated standards for secondary dwellings and development in Next generation neighbourhoods; and

**PSP Integrated Design (Appendix A - Streets, Roads & Utilities and Appendix D - Landscape design & Street trees):**

- Updated diagrams and parameters for laneways, driveways and street trees supporting assessment benchmarks in the planning scheme and outcomes for Dwelling houses.

**ITEM 3.2 RESHAPING OUR REGION'S PLANNING - PROPOSED MBRC PLANNING SCHEME POLICIES AMENDMENT TO SUPPORT MAJOR AMENDMENT NO.3 'BETTER HOUSING AMENDMENT' AND INTEGRATE TOWNSHIP CHARACTER INVESTIGATION FINDINGS - 67060668 (Cont.)**

PSP Township Character

- Inclusion of individual township character descriptions, imagery and guidance for the rural townships of D'Aguiar, Dayboro, Samford Village, Wamuran and Woodford.

Supporting Information 1 contains the proposed PSPs amendment.

2.2 Summary of the PSPs amendment and public consultation process

Section 22 of the *Planning Act 2016* and Chapter 3, Part 1 of the MGR prescribe the process that Council is required to undertake to amend the PSPs and carry out public consultation. This is summarised as follows:

Status	Summary of amendment process	
<b>Planning and preparation</b>		
This report	1	Council makes a decision to make or amend a PSP and undertakes preparation of the proposed amendment. Note - review or endorsement of the amendment by the state government is not required.
<b>Public consultation</b>		
This report	2	Public consultation for at least 20 business days is required. Public notice must be given in accordance with the Act and Schedule 4 of the MGR. At the end of the consultation period, Council must prepare a consultation report about how it has dealt with properly made submissions.
<b>Changing a proposed PSP or PSP amendment</b>		
Future	3	Council may make changes to the PSP amendment to address submissions, amend a drafting error or address new or changed planning information. If the change is significantly different following public consultation the public consultation process must be repeated.
<b>Adoption</b>		
Future	4	Council makes a decision to adopt the amendment and must publish a public notice of the decision. Under section 9(3) of the Act, the PSP or PSP amendment takes effect from the day on which the notice is published in the gazette, or the later day stated in the notice or in the instrument. Council gives a copy of the public notice and the amendment to the Chief Executive (DSDILGP).

A Council decision is therefore required to amend the PSPs, noting the proposed amendments that have been prepared and are contained in Supporting Information 1, and undertake the necessary public consultation step.

Consistent with the *'Better Housing Amendment,'* the range of tools and tactics to be used in the statutory public consultation process include:

- a public notice published in the Courier Mail and displayed at Council's Customer Service Centres and on the Council's website;
- updated 'Your Say Moreton Bay' webpage information;
- policy directions papers (addressing key components of the amendment);
- a rate notice insert, councillor newsletters and a video introduction to the Amendment from the Mayor;
- meet the planner sessions and displays at Council's Customer Service Centres; and
- promotional advertising and media releases.

Formal public consultation on the PSPs amendment is proposed to occur from 7 August to 4 September 2023 in accordance with statutory requirements and concurrent with the public consultation on the *'Better Housing Amendment.'* During this time the PSPs amendment will be made available electronically via the 'Your Say Moreton Bay' webpage and during business hours at Council's Customer Service Centres. Submissions will be able to be lodged online via the 'Your Say Moreton Bay' webpage, by email, by mail or delivered in person at Council's Customer Service Centres.

ITEM 3.2 RESHAPING OUR REGION'S PLANNING - PROPOSED MBRC PLANNING SCHEME POLICIES AMENDMENT TO SUPPORT MAJOR AMENDMENT NO.3 'BETTER HOUSING AMENDMENT' AND INTEGRATE TOWNSHIP CHARACTER INVESTIGATION FINDINGS - 67060668 (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 policy. This report and Council's decision forms part of the 'planning and preparation' stage of the respective process for amending a planning scheme policy as set out in the MGR, which is required to be followed in accordance with Section 22 of the *Planning Act 2016*.

#### 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 supports policy responses to priority design and amenity issues that can be made in the short term. Findings from the Housing Needs (Choice, Diversity and Affordable Living) 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 City of Moreton Bay and boosts economic activity.

#### 3.8 Environmental Implications

Well planned growth supports improved environmental outcomes associated with urban development within the City of Moreton Bay.

#### 3.9 Social Implications

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

#### 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 rights implications relevant to Council's decision.

*ITEM 3.2 RESHAPING OUR REGION'S PLANNING - PROPOSED MBRC PLANNING SCHEME POLICIES  
AMENDMENT TO SUPPORT MAJOR AMENDMENT NO.3 'BETTER HOUSING AMENDMENT' AND INTEGRATE  
TOWNSHIP CHARACTER INVESTIGATION FINDINGS - 67060668 (Cont.)*

3.11 Consultation / Communication

The proposed PSPs amendment has been refined to reflect input as a result of Council officer consultation and 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. Public consultation will be undertaken in accordance with Section 22 of the *Planning Act 2016* and the requirements and guidance in the MGR. Council will then consider the community feedback received, including potential changes to the PSPs amendment.

**ATTENDANCE**

David Hood left the meeting at 10:10 AM after Item 3.2.

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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**

**COUNCIL OPERATIONS - CHRISTMAS-NEW YEAR PERIOD 2023/24**

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 67396702 : 30 June 2023  
*Responsible Officer:* BH, Director Community & Environmental Services (CES Directorate)

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**Executive Summary**

The purpose of this report is to seek approval for Council's operational arrangements over the 2023/24 Christmas/New Year period occurring from 5pm Friday 22 December 2023 to 8.30am on Tuesday 2 January 2024.

This matter is brought to Council under the **Engaged Council Portfolio** as the matter is considering and responding to service delivery requirements.

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**RESOLUTION**

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Moved by Cr Yvonne Barlow

Seconded by Cr Mick Gillam

**CARRIED 11/0**

1. That during the 2023/24 Christmas/New Year period, reduced operations be approved from 5.00pm on Friday 22 December 2023 until 8.30am on Tuesday 2 January 2024, with operational arrangements during this period being determined by the Chief Executive Officer in consultation with the Executive Leadership Team.
2. That the Chief Executive Officer ensure details of the reduced operations be appropriately advertised.

*ITEM 6.1 COUNCIL OPERATIONS - CHRISTMAS-NEW YEAR PERIOD 2023/24 - 67396702 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That during the 2023/24 Christmas/New Year period, reduced operations be approved from 5.00pm on Friday 22 December 2023 until 8.30am on Tuesday 2 January 2024, with operational arrangements during this period being determined by the Chief Executive Officer in consultation with the Executive Leadership Team.
2. That the Chief Executive Officer ensure details of the reduced operations be appropriately advertised.

## **REPORT DETAIL**

### **1. Background**

Council has historically reduced operations from Christmas Eve, until the business day following the New Year's Day public holiday.

During this period, service areas such as waste facilities, galleries, museums and libraries continue to operate as normal. Whilst key service teams such as customer services, local laws, rating services, payroll and public health operate reduced services and emergency crews are available to respond to urgent service-level matters.

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

For the 2023/24 Christmas/New Year period it is recommended that Council:

- reduce its operations from 5pm on Friday, 22 December 2023 until Tuesday, 2 January 2024
- continue to operate the after-hours service, emergency crews and key service teams as determined by the Chief Executive Officer in consultation with the respective Directors
- open its Call Centre, during normal business hours, on 27, 28 and 29 December 2023
- close its administration buildings and Customer Service Centres on 27, 28 and 29 December 2023.

Details of Council's 2023/24 Christmas/New Year operational arrangements will be made available in Council facilities, on Council's website, and be appropriately advertised prior to Christmas.

In line with normal practice, those officers not required to work over the Christmas/New Year period will be required to utilise leave or banked RDOs to offset the days taken during the period (typically 3 days - 27, 28 and 29 December 2023).

### **3. Strategic Implications**

3.1 Legislative / Legal Implications  Nil identified

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.

3.3 Policy Implications  Nil identified

3.4 Risk Management Implications  Nil identified

The availability of key service teams and emergency crews ensures the continuation of services for residents and ratepayers.

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications  Nil identified



ITEM 6.1 COUNCIL OPERATIONS - CHRISTMAS-NEW YEAR PERIOD 2023/24 - 67396702 (Cont.)

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications

The opening of the Call Centre ensures residents and ratepayers retain access to Council services.

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

Cultural Services

Customer Response

Waste Services

After-Hours Service Providers

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## ITEM 6.2 INFRINGEMENT NOTICE COURT ELECTION - LOCAL LAW COMPLIANCE BREACHES

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 67466911: 19 July 2023  
*Responsible Officer:* JD, Brief Management and Prosecutions Coordinator (CES Customer Response)

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### Executive Summary

Council's approval is sought for the commencement of a prosecution in the Magistrates Court for alleged offences under the *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011* ("the Local Law").

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 a court election request from a potential defendant, who received a penalty infringement notice for failing to comply with a compliance notice. This matter has been assessed and is considered appropriate to proceed to the Magistrates Court. To progress the matter, a resolution of Council is sought from authorising officers to commence court proceedings.

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

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### RESOLUTION

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Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Cath Tonks

CARRIED 11/0

1. That Council authorise the Chief Executive Officer to take steps to commence, conduct and resolve one prosecution 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 Law No. 1 (Administration) 2011*.
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 COMPLIANCE BREACHES - 67466911*  
(Cont.)

## OFFICER'S RECOMMENDATION

1. That Council authorise the Chief Executive Officer to take steps to commence, conduct and resolve one prosecution 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 Law No. 1 (Administration) 2011*.
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**

*Moreton Bay Regional Council Local Law No. 1 (Administration) 2011* provides powers to authorised persons under section 25 to give a written notice comprising a compliance notice to a person, when the authorised person is satisfied on reasonable grounds that the person is contravening a local law or condition of approval.

The compliance notice must detail the particular provision of the local law that the authorised person reasonably believes has been broken; briefly how the provision has been contravened and the time by which remediation must be completed.

On 31 October 2022 an authorised person investigated a complaint and identified breaches of a Local Law. The authorised person issued a compliance notice requiring rectification of the breach by a nominated date.

On a date after compliance was required, the authorised person identified that the compliance notice has not been fulfilled. A Penalty Infringement Notice for failing to comply with a compliance notice was therefore issued.

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.

Council has issued a compliance notice to the occupier of a premises following an investigation by officers which revealed the occupier is storing a shipping container and various other large items on Council land without permission. An aerial view of the cadastral boundary confirms the items are stored on Council land.

ITEM 6.2 INFRINGEMENT NOTICE COURT ELECTION - LOCAL LAW COMPLIANCE BREACHES - 67466911  
(Cont.)

**2. Explanation of Item**

Council has received a request from a community member, issued with a penalty infringement notice to have the matter heard by the Magistrates Court instead of paying the infringement.

The penalty infringement notice was issued to the requestor for what Council officers allege to be an offence under the *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011*, specifically the storage of waste and goods on Council lands without permission.

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.

In proceeding to prosecution, Council will seek from the court, costs of \$115 per appearance in addition to any fine or penalty determined by the Court. A thorough assessment of the elements and evidence of the offence has been undertaken prior to recommending Council approve prosecution.

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

**Table 1 - Summary of charges**

Summary of charges			Prosecution reference number
Matter 1	09-Nov-2022	Fail to comply with a compliance notice, s26 of MBRC Local Law 1	BP/2023/0100

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

The prosecution would be commenced in the Magistrates Court against the individual who was, at the material time, the responsible person for each offence under the Local Law 1.

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.

There are advantages in commencing a prosecution in the name of the employee as opposed to the Council itself, 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 linkage**

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 matter has been reviewed and assessed in preparation for court.

**3.5 Delegated Authority Implications**

This report recommends that the Chief Executive Officer be authorised to take steps to commence, conduct and resolve one prosecution in the Magistrates Court.

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*ITEM 6.2 INFRINGEMENT NOTICE COURT ELECTION - LOCAL LAW COMPLIANCE BREACHES - 67466911*  
(Cont.)

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 at first instance by Council officers through to the Magistrates Court therefore no external costs will be applicable. Council seeks the awarding of court costs in instances where its matters are upheld and will seek additional penalties in this prosecution due to the wilful nature of the defendant.

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 Customer Response
- Local Laws Manager
- Chief Legal Counsel

**ITEM 6.3**  
**2023 ASIA PACIFIC CITIES SUMMIT (2023APCS) AND MAYOR'S FORUM**

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 67380956 : 29 June 2023  
*Responsible Officer:* AC, Team Leader Office of the Mayor (CEO External Relations)

**Executive Summary**

The purpose of this report is to seek Council approval for Cr Peter Flannery (Mayor) to attend the 2023 Asia Pacific Cities Summit (2023APCS) and Mayor's Forum to be held in Brisbane from 11-13 October 2023.

Approval is also sought for officer attendance at this Summit to be arranged as appropriate by the Chief Executive Officer.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as the program of the 2023APCS and Mayor's Forum provides an opportunity for advocacy and networking with other city leaders in the Asia Pacific region, as well as business and industry leaders. The event is an important platform for connection and knowledge exchange.

**RESOLUTION**

**Moved by Cr Mick Gillam**

**Seconded by Cr Matt Constance**

**CARRIED 11/0**

1. That Cr Peter Flannery (Mayor) be authorised as Council's delegate to attend the 2023 Asia Pacific Cities Summit and Mayor's Forum to be held in Brisbane from 11-13 October 2023.
2. That the Chief Executive Officer arrange for officer attendance, as appropriate.

ITEM 6.3 2023 ASIA PACIFIC CITIES SUMMIT (2023APCS) AND MAYOR'S FORUM - 67380956 (Cont.)

## OFFICER'S RECOMMENDATION

1. That Cr Peter Flannery (Mayor) be authorised as Council's delegate to attend the 2023 Asia Pacific Cities Summit and Mayor's Forum to be held in Brisbane from 11-13 October 2023.
2. That the Chief Executive Officer arrange for officer attendance, as appropriate.

## **REPORT DETAIL**

### **1. Background**

Advice has been received that the 2023 Asia Pacific Cities Summit (2023APCS) and Mayor's Forum will be held in Brisbane from 11-13 October 2023. This Summit is considered a must-attend event for Mayor's in the Asia Pacific region as it represents a key networking and information gathering opportunity is not replicated by any other events.

At the 2021 Asia Pacific Cities Summit the Mayor co-presented with Peter Edwards from Archipelago about the concept of a polycentric city and reclassifying Moreton Bay Regional Council as a City Council. At this year's event, the intention is to again speak about the city reclassification and Moreton Bay's status as Australia's newest 'city'.

Council of Mayors SEQ (CoMSEQ) has also arranged a complementary event to coincide with the Asia Pacific Cities Summit and Mayors' Forum. Several Mayor's from Vancouver will be participating in the Summit, and the CoMSEQ event will build on the North America delegation in February 2023 and continue the strategic partnership between Council of Mayors (SEQ) and Metro Vancouver.

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

The Asia Pacific Cities Summit (APCS) and Mayors' Forum is the Asia Pacific region's premier summit that brings together one of the largest numbers of city leaders with business and industry leaders. The global reach represented at the summit is 140 cities, 1484 delegates approximately and 83 Mayors.

The 2023 theme is 'Shaping Cities for our Future', with the following sub-themes;

- Cities of Connection - Technology, data, and the people
- Cities of Sustainability - Adapting to growth, inclusivity, and wellbeing
- Cities of Legacy - Creating events for prosperity and longevity

The themes at the summit relate to the Community Wellbeing Strategy, Growth Management Strategy, Regional Economic Development Strategy and the Environment and Sustainability Strategy.

### **3. Strategic Implications**

3.1 Legislative / Legal Implications  Nil identified

3.2 Corporate Plan linkage

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

Our Engaged Council: 02 We actively plan for the future and advocate in the best interests of our communities.

3.3 Policy Implications

Arrangements relating to Councillor attendance will be made in accordance with the Councillor Attendance at Conferences and Training Policy and officer attendance in accordance with the Professional Development Procedure.

3.4 Risk Management Implications  Nil identified

*ITEM 6.3 2023 ASIA PACIFIC CITIES SUMMIT (2023APCS) AND MAYOR'S FORUM - 67380956 (Cont.)*

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications

The Mayor receives a complimentary registration to attend this event.

3.7 Economic Benefit Implications

Topics discussed and showcased at the Summit will align with Council's Regional Economic Development Strategy (REDS).

Leveraging the continuing relationship with other Councils in the Asia Pacific Region, as well as the Mayor's from Vancouver provides an opportunity to develop business outcomes across the trade and investment portfolio supporting the REDS and the progressive economy pillar. There may be other opportunities and collaborations that may come from these discussions that also have other economic benefit to the Region such as Tourism Benefit and Investment. Not only will there be other Council's represented at the Summit, but there will be world leading businesses and contributors to the global economy that represent investment opportunity.

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

CoMSEQ  
APCS Secretariat



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**ITEM 6.4**  
**2023 LGAQ CONFERENCE MOTIONS**

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 67489735: 13 July 2023 - **Refer Supporting Information 67395905**  
*Responsible Officer:* JO, Chief External Relations Officer (CEO External Relations)

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**Executive Summary**

The 127th annual Local Government Association of Queensland (LGAQ) conference will be held in Gladstone from 16-18 October 2023.

The purpose of this report is to seek Council approval to submit three motions as appearing in the supporting information to this report, for inclusion in the 2023 LGAQ Conference agenda.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as it is related to Council's participation as an LGAQ member in the annual conference motions, which is an opportunity to advocate on key policy matters beyond the control of local governments.

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**RESOLUTION**

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**Moved by Cr Mark Booth**

**Seconded by Cr Cath Tonks**

**CARRIED 11/0**

**That the Chief Executive Officer be authorised to submit City of Moreton Bay's motions, as contained in Supporting Information #1 to this report, for inclusion in the 2023 LGAQ conference agenda.**

ITEM 6.4 2023 LGAQ CONFERENCE MOTIONS - 67489735 (Cont.)

## OFFICER'S RECOMMENDATION

That the Chief Executive Officer be authorised to submit City of Moreton Bay's motions, as contained in Supporting Information #1 to this report, for inclusion in the 2023 LGAQ conference agenda.

## **REPORT DETAIL**

### **1. Background**

Each year, approximately 90 motions are considered at the LGAQ Conference. Motions that are passed go on to inform the LGAQ's advocacy activity, initially with letters sent to relevant Ministers in State and Federal Government.

The collective weight of the full membership of the LGAQ (all 77 Queensland Councils) is a powerful advocacy tool for Council to support a range of topical matters in local government that generally have not been addressed in the past or have had limited success in achieving their intended purpose. Council considered and put forward a number of motions in recent years that focused on issues such as:

- The mandatory disclosure of flood and other natural hazard risks information (2022),
- FBT concessions for local government employees (2022),
- The critical role of Regional Infrastructure Plans (2022),
- The regulation of dangerous dogs (2021) and
- Job creation for South East Queensland (2020)\*.

*\*Resulted in significant extra funding for Councils across our region and more specifically an extra \$37.5 million in funding for Council.*

A Councillors' briefing was conducted on 19 July 2023 for the purpose of sharing information regarding possible motions to put forward to the 2023 LGAQ Conference. In line with Council's decision-making framework, an extract from the minutes recorded at the briefing is provided below:

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

*A report be provided to a General Meeting for Council's consideration of motions to be submitted to the Local Government Association of Queensland (LGAQ) annual conference.*

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

The following three (3) motions have been identified for potential inclusion in the 2023 LGAQ Conference Agenda (refer to Supporting Information #1 to this report):

#### #1: Financial sustainability: Additional grant funding to address council cost escalation

That the LGAQ call on the State and Federal Governments to introduce new grant funding programs to address escalating local government infrastructure and service delivery costs. Increases in the cost of labour, materials and services have challenged all councils. The LGAQ's Council Cost Index released in May 2023 revealed a 6.9% increase in the cost of delivering council services and infrastructure in 2022-23. Repeated calls by the LGAQ to the Federal and State Governments to increase funding to local government have gone unanswered (refer Supporting Information #1).

#### #2: Queensland 2032 Open Level Rail Crossing Prioritisation and Removal

That the LGAQ call on State and Federal Governments to commit to the removal of select Open Level Rail Crossings (OLCs) in Queensland by 2032. There are over 1200 private and public OLCs in Queensland. The motion is seeking a fully funded program of works to remove 40 OLCs by 2032 in locations that would have significant economic and safety impacts, including the seven OLCs within the City of Moreton Bay (refer Supporting Information #1).

*ITEM 6.4 2023 LGAQ CONFERENCE MOTIONS - 67489735 (Cont.)*

The seven OLCs within the City of Moreton Bay are located:

- Pumicestone Road, Caboolture
- McKean Road, Caboolture
- Station Road, Morayfield
- Rowley Road, Burpengary
- Mackie Road, Narangba
- Todds Road, Strathpine
- South Pine Road, Strathpine

While these crossings are within our city, impeding east-west movements, there are equally significant OLCs on the border or adjacent to our local government boundary. It is anticipated these would also be included in the call to remove 40 OLCs by 2032.

#3: Legislative amendments to prevent the sale of copper in certain circumstances

The LGAQ calls on the State Government to update all relevant legislation, including the Second-hand Dealers and Pawnbrokers Act 2003, to mitigate the rise of copper theft in Queensland. Thefts and attempted thefts of copper from the state-wide energy infrastructure network nearly tripled between 2020 and 2022, and Queensland legislation needs to be brought in line with that in other jurisdictions to counter this situation (refer Supporting Information #1).

### 3. Strategic Implications

3.1 Legislative / Legal Implications  Nil identified

3.2 Corporate Plan linkage

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

Our Engaged Council: 02 We actively plan for the future and advocate in the best interests of our communities.

3.3 Policy Implications

The proposed motions, where relevant, are consistent with Council policy on these matters.

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications  Nil identified

3.7 Economic Benefit Implications

**Motion 1** could relieve some of the financial burden placed on councils due to escalating infrastructure and service delivery costs.

**Motion 2** could facilitate significant economic uplift in the region, improving travel times, lowering vehicle operating costs, and reducing accidents.

3.8 Environmental Implications  Nil identified

3.9 Social Implications

**Motion 2** would significantly improve safety and access for road users and pedestrians and decrease fatalities.

**Motion 3** would disincentivise organised crime, minimising power disruption to communities within the local government area and wider SEQ.

*ITEM 6.4 2023 LGAQ CONFERENCE MOTIONS - 67489735 (Cont.)*

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

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**ITEM 6.5**  
**CONTRACTUAL DELEGATION EXERCISED - REPORT FOR PERIOD 1 APRIL TO 30 JUNE 2023**

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 67350096 : 26 June 2023 - **Refer Supporting Information 67454986**  
*Responsible Officer:* KR, Executive Support Officer (FCS Governance & Executive Services)

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**Executive Summary**

Council has delegated its powers to the Chief Executive Officer (CEO) to enter into contracts up to and including the amount of \$10,000,000 subject to certain criteria (delegation Council-163B).

The CEO has on-delegated these powers to members of the Executive Leadership Team (ELT) up to the value of their respective financial delegation (sub-delegations CEO-107B and CEO-107D).

Both the Council to CEO and CEO to officer delegations clearly articulate the intention of Council to enter into contracts consistent with the definitions provided in the *Local Government Act 2009* (LGA) in relation to the annual budget and long-term financial forecast. These delegations are also limited to specified criteria, including the requirement to report to Council on all contracts entered into in excess of \$500,000 (ex. GST).

In accordance with the respective delegations, this report provides detail of contracts entered into in excess of \$500,000 (ex. GST) for the period 1 April 2023 to 30 June 2023.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as Council is obligated under the LGA to ensure value for money expenditure and contractual outcomes; balanced with sound governance and accountability of public monies.

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**RESOLUTION**

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**Moved by Cr Yvonne Barlow**

**Seconded by Cr Mark Booth**

**CARRIED 11/0**

**That Council notes the report contained in supporting information #1, detailing contracts entered into in excess of \$500,000 for the period 1 April 2023 to 30 June 2023, as determined under delegations (Council-163B, CEO-107B and CEO-107D).**

ITEM 6.5 CONTRACTUAL DELEGATION EXERCISED - REPORT FOR PERIOD 1 APRIL TO 30 JUNE 2023 - 67350096 (Cont.)

## OFFICER'S RECOMMENDATION

That Council notes the report contained in supporting information #1, detailing contracts entered into in excess of \$500,000 for the period 1 April 2023 to 30 June 2023, as determined under delegations (Council-163B, CEO-107B and CEO-107D).

### **REPORT DETAIL**

#### **1. Background**

The Council has delegated its powers to the Chief Executive Officer (CEO) to enter into contracts up to and including \$10,000,000 subject to certain criteria (delegation Council-163).

The CEO has on-delegated these powers to members of the Executive Leadership Team (ELT) up to the value of their respective financial delegation (sub-delegations CEO-107B and CEO-107D).

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

All delegations are subject to any limitations of the *Local Government Act 2009* (LGA) and *Local Government Regulation 2012* (LGR), Council's annual budget, and Council's Procurement Policy (where applicable).

Under these delegations, contracts entered into that exceed \$500,000 (ex GST) are required to be reported to the Council on a quarterly basis.

Accordingly, a list of contracts entered into that exceed \$500,000 (ex GST) for the period 1 April 2023 to 30 June 2023 is provided in supporting information #1.

#### **3. Strategic Implications**

##### 3.1 Legislative / Legal Implications

Under s257 of the LGA Council may, by resolution, delegate powers given to it under the LGA or any other Act, to the CEO. The Council cannot delegate a power that an Act states must be exercised by resolution.

Under s259 of the LGA, the CEO may sub-delegate delegated powers to officers of Council having the qualifications, experience or standing to exercise those powers. Details of contracts awarded by Council worth \$200,000 or more, are published on the Council's website in accordance with section 237 of the LGR.

##### 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.

##### 3.3 Policy Implications

Exercising of the delegation must be in accordance with Council's Procurement Policy.

##### 3.4 Risk Management Implications

The regular review of delegations to the CEO will ensure that Council's delegations are up-to-date and accord with legislation.

Reporting of contracts entered into exceeding \$500,000 (ex GST) keeps Council informed of decisions made under delegation by the CEO and relevant on-delegated officers.

*ITEM 6.5 CONTRACTUAL DELEGATION EXERCISED - REPORT FOR PERIOD 1 APRIL TO 30 JUNE 2023 - 67350096 (Cont.)*

3.5 Delegated Authority Implications

The abovementioned contract delegations enables efficient and effective decisions to be made, and the awarding of tenders and contracts in a timely manner.

3.6 Financial Implications  Nil identified

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

Relevant ELT members as identified in Supporting Information #1.

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

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#### ITEM 13.1 REGIONAL EVENTS

Cr Jodie Shipway (Deputy Mayor) made mention of the **Moreton Bay Food & Wine Festival** commencing this Friday 4 August 2023 through to 6 August. The event will incorporate a wide range of activities, and everyone is encouraged to support the local suppliers and producers in attendance.

Cr Yvonne Barlow congratulated the organisers of the recent **Pooches in the Park** event held in Kallangur, which had attracted thousands of people and their furry friends throughout the day.

Cr Cath Tonks thanked the many community members who helped plant native trees and shrubs at Samford Parklands (along the bank of the South Pine River) as part of Planet Ark's **National Tree Day** on Sunday 30 July.

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### 14. CLOSED SESSION

*(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

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Mark Booth

CARRIED 11/0

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 10:18 AM (livestreaming paused).

#### OPEN SESSION

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##### RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Cath Tonks

CARRIED 11/0

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

The open session (livestreaming) resumed at 10:22 AM.



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

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**ITEM C.1 – CONFIDENTIAL**  
**PROPOSED PARKLAND ACQUISITION - ARANA HILLS**

**Meeting / Session:** 1 VIBRANT COMMUNITIES (Cr Y Barlow / Cr S Ruck)  
**Reference:** 67384011: 27 June 2023 - Refer **Confidential** Supporting Information  
67383947  
**Responsible Officer:** TQ, Property Advisory Manager (IP Property Services)

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**Basis of Confidentiality**

Pursuant to s254J(3) of the Local Government Regulation 2012, clause (g), as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

**Executive Summary**

This report seeks Council's approval to acquire the land described in the confidential report for open space and recreational purposes.

This matter is brought to the attention of Council under the **Vibrant Communities Portfolio** as it involves the acquisition of land for recreation purposes.

The supporting information to this 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 Yvonne Barlow

Seconded by Cr Matt Constance

CARRIED 11/0

1. That Council resolves to purchase the Land described in this confidential report for purposes relating to recreation, specifically a park.
2. That Council delegates to the Chief Executive Officer the power to negotiate and finalise the purchase of the Land for purposes relating to recreation, specifically a park in accordance with the terms and conditions contained in this confidential report.
3. That Council authorises the Chief Executive Officer to do all other things reasonable and necessary to give effect to the purchase of the Land for purposes relation to recreation specifically a park, in accordance with the terms and conditions contained in this confidential 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 10:23 AM.

**CHIEF EXECUTIVE OFFICER'S CERTIFICATE**

I certify that minute pages numbered 23/1670 to 23/1722 constitute the minutes of the General Meeting of the Moreton Bay City Council held 2 August 2023.

\_\_\_\_\_  
Paul Martins  
Acting Chief Executive Officer

**CONFIRMATION CERTIFICATE**

The foregoing minutes were confirmed by resolution of Council at its meeting held Wednesday 16 August 2023.

\_\_\_\_\_  
Paul Martins  
Acting Chief Executive Officer

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Councillor Peter Flannery  
Mayor