

## **ORDINARY MEETING**

### **MINUTES**

His Worship the Mayor, Cr Williamson acknowledged the traditional custodians of the land on which the meeting takes place, the Yuwibara and Yuibera people and paid his respects to their Elders past, present and emerging. He also extended his acknowledgement to all Aboriginal members of the Birri Gubba Nation.

Cr Williamson advised that the Council Meeting is being streamed live, recorded and published in accordance with Council's Standing Orders, including publishing on Council's web-site.

Cr Williamson advised those present in the public gallery that, by attending a public meeting of the Council they are consenting to their image, voice and comments being recorded and published, and comments will form part of the live stream and recording.

Attendees were also advised that they may be subject to legal action if their actions result in inappropriate and/or unacceptable behaviour and/or comments.

#### **1. ATTENDANCE:**

His Worship the Mayor, Cr G R Williamson (Chairperson), Crs M J Bella, L G Bonaventura, K J Casey, J F Englert, R C Gee, F A Mann, K L May, A R Paton and R D Walker were in attendance at the commencement of the meeting. Also present was Mr C Doyle (Chief Executive Officer) and Mrs P Jaenke (Minute Secretary).

The meeting commenced at 10am.

#### **2. OPENING PRAYER:**

Cr Greg Williamson led those present in prayer.

#### **3. ABSENT ON COUNCIL BUSINESS:**

Nil

#### **4. APOLOGIES:**

Cr  
Camm

#### **5. CONDOLENCES:**

Cr Williamson expressed condolences, on behalf of Council, to the family of Ian Husband, former Regional Director of the Department of Transport and Main Roads, who passed away recently.

#### **6. CONFLICT OF INTEREST:**

Nil

**7. CONFIRMATION OF MINUTES:**

**7.1 ORDINARY MEETING MINUTES - 27 NOVEMBER 2019**

THAT the Ordinary Meeting Minutes dated 27 November 2019 be adopted.

**Moved Cr Casey**

**Seconded Cr Paton.**

**CARRIED**

**8. BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING:**

Nil

**9. MAYORAL MINUTES:**

Nil

**10. CONSIDERATION OF COMMITTEE REPORTS & RECOMMENDATIONS:**

**10.1 DRAFT MINUTES - VISUAL ARTS ADVISORY COMMITTEE (VAAC)**

**Author**     **Manager Community Lifestyle**

**Purpose**

Attached is a copy of the Visual Arts Advisory Committee (VAAC) minutes of 28 October 2019 and the VAAC Flying Minute of 21 November 2019 for information.

**Related Parties**

n/a

**Officer's Recommendation**

THAT the minutes of the Visual Arts Advisory Committee meeting held on 28 October 2019 and the VAAC Flying Minute dated 21 November 2019 be received.

**Council Resolution**

THAT the Officer's Recommendation be adopted

**Moved Cr Englert**

**Seconded Cr Mann (nee Fordham).**

**CARRIED**

Cr Englert noted several key highlights of the Visual Arts Advisory Committee meeting held on 28 October 2019. He advised that the exhibitions in Artspace had been very popular with artists donating pieces to Artspace. Cr Englert advised that some of the artworks had been steam-rolled using a Council steam roller.

He noted that Reef Catchment have put in a public art application to print non-slip environmental signage proposed to be installed near storm water drains to encourage people not to put rubbish down the drains.

**11. CORRESPONDENCE AND OFFICERS' REPORTS:****11.1 OFFICE OF THE MAYOR AND CEO MONTHLY REPORT - DECEMBER 2019**

**Author** Chief Executive Officer

**Purpose**

To provide Council with the Office of the Mayor and Chief Executive Officer's Monthly Report for month of December 2019.

**Related Parties**

N/A.

**Background/Discussion**

All departments within MRC prepare a Monthly Review which identifies activities undertaken and progress made during the specific month.

**Consultation and Communication**

The report contains input from relevant Programs across Council.

**Resource Implications**

As required to compile report, which is a routine task for multiple employees.

**Risk Management Implications**

Nil.

**Conclusion**

Council is kept informed of activities within the Office of the Mayor and Chief Executive Officer and of major initiatives and projects across Council.

**Officer's Recommendation**

THAT the Office of the Mayor and Chief Executive Officer's Monthly Report for December 2019 be received.

The Chief Executive Officer (CEO) spoke to the report and provided an overview and highlights of the Office of the Mayor and CEO Monthly Review Report for November 2019.

He thanked the Director of Community and Client Services, Bridget Maher, for her achievements and for the work she has done for the community during the time she has been with Council and wished her all the very best for the future.

Cr Bonaventura congratulated the CEO on the level of reporting of injuries.

Cr Bonaventura sought information on the progress of the Sarina Sugar Shed business analysis and if it was taking a wider view of possible alternative structures.

The CEO advised that the first draft report from the consultants would be available in the next couple of weeks and would provide different options. It is expected that this would be discussed with Council before the end of January.

Cr Bonaventura advised that the residents living in the Dohertys Road area where repairs were being undertaken on the Boundary Creek Bridge, while very appreciative of the work being undertaken, were concerned that trucks using the gravel road were not slowing down when meeting vehicles also travelling on the road.

Cr Bonaventura requested that the CEO pass this concern on.

**Council Resolution**

THAT the Officer's Recommendation be adopted.

**Moved Cr Paton**

**Seconded Cr Mann (nee Fordham).**

Cr Paton congratulated the CEO on the improvement in the reporting of safety incidents, enabling corrective measures to be taken.

**CARRIED**

**11.2 ATTENEDANCE OF COUNCILLOR AT THE 2019 AUSTRALIAN TOURISM AWARDS**

**Author Chief Executive Officer**

**Purpose**

To seek approval for Cr Karen May to attend the Australian Tourism Awards Ceremony being held in Canberra on Friday 6 March 2020.

**Related Parties**

N/A

**Background/Discussion**

The Queensland Tourism Awards are linked to the Australian Tourism Awards with State winners automatically progressing to the National judging to determine the Australian Winners.

The Sarina Sugar Shed won the Queensland Tourism Award 2019 for Excellence in Food Tourism and therefore will be considered for the National Award which will be announced at the Australian Tourism Awards Gala Ceremony being held on Friday 6 March 2020 in Canberra

The Australian Tourism Awards are the tourism industry's peak awards, recognising and promoting excellence in tourism. The Awards event provides an opportunity to again showcase the Sarina Sugar Shed to a National and International market, and for attendees to promote the Mackay Region.

A Mackay Regional Council officer will also be attending the event.

### **Consultation and Communication**

Discussions have been held between Director Development Services, the Chief Executive Officer, the Mayor and Councillors.

### **Resource Implications**

Tickets for the event are \$242 per person. There will be also be a requirement for flights, accommodation and meals. The estimated cost per attendee is \$1,500.

### **Risk Management Implications**

The event is being held during the caretaker period of the Queensland Local Government Elections. Section 90D of the *Local Government Act 2009* prohibits the publishing or distribution of material during the caretaker period that raises the profile of a Councillor. Therefore, care must be taken by Mackay Regional Council not to publish or distribute any material associated with the Awards that could be perceived as raising the profile of the attending Councillor.

### **Conclusion**

It is proposed that Cr Karen May be approved to attend the Australian Tourism Awards Ceremony being held in Canberra on Friday 6 March 2020.

### **Officer's Recommendation**

THAT Council endorse the attendance of Cr Karen May at the Australian Tourism Awards Ceremony being held in Canberra on Friday 6 March 2020.

### **Council Resolution**

THAT the Officer's Recommendation be adopted.

### **PROCEDURAL MOTION**

THAT the motion of Attendance of Councillor at the 2019 Australian Tourism Awards be laid on the table until the January 2020 meeting to allow further information to be obtained from the Department of Local Government, Racing and Multicultural Affairs.

**Moved Cr May**

**CARRIED**

### **11.3 ORGANISATIONAL SERVICES MONTHLY REVIEW REPORT - NOVEMBER 2019**

**Author** Director Organisational Services

#### **Purpose**

To provide Council with the Organisational Services Monthly Review Report for the month of November 2019.

#### **Related Parties**

N/A

#### **Background/Discussion**

All departments within MRC prepare a monthly review which identifies activities undertaken and progress made during the specific month.

#### **Consultation and Communication**

The report contains input from each program within Organisational Services.

#### **Resource Implications**

NIL

#### **Risk Management Implications**

NIL

#### **Conclusion**

Council is kept informed of activities within the Organisational Services Department.

#### **Officer's Recommendation**

THAT the Organisational Services Monthly Report for November 2019 be received.

The Chief Executive Officer (CEO) spoke to the report and provided an overview and highlights of the Organisational Services Monthly Review Report for November 2019.

Cr Mann queried if discussions with Microsoft were any further advanced.

The CEO advised that he hadn't heard of any major upgrade but would obtain an update and circulate to Councillors out of session.

Cr Mann queried whether the external customer satisfaction statistic should be coloured blue given the result was 98%.

The CEO advised that this was an error and it would be changed to blue.

Cr Mann advised that the reason she raised this was because it was such a good result.

Cr Paton noted that there appears to be a lot of safety incidents occurring at the Blue Water Lagoon.

The CEO advised that the last three months had seen the highest level of attendance ever at the Blue Water Lagoon however unfortunately this increased patronage had resulted in a small percentage of patrons doing the wrong thing. Incidents are monitored every week at the Senior Executive Group Meeting and there is continual contact with the operator to understand each incident. Unfortunately, this is a trend being seen across Libraries and other public venues. Council is working to ensure staff and operators are getting the assistance they need. The situation is being monitored closely but also believe that operators have increased reporting as per our requests.

Cr Casey queried Council's local spend as it appears to be lowest he had seen for a long time.

The CEO advised this was a timing issue with some very large projects delivered by outside contractors receiving payment in that period. Very confident with the tenders that Council is letting and that we continue to meet our predominantly local content. Assure Councillors that meeting our local content is closely monitored.

Cr Bella queried the current status of the Rifle Range's general lease.

The CEO advised that the Club is still working with Queensland Police to obtain their licence. Council has agreed to give them a lease and the club is working with neighbouring private property owners and on their risk management policies.

Cr Williamson advised that he had spoken to Marty Eiteneuer who advised that club had held some very successful meetings with neighbouring property owners. The club is now waiting for Queensland Police to come back and conduct a further inspection.

Cr Walker queried the land tenure problem at Platypus Beach.

The CEO advised that Council was working with the State Government and is in agreement with the State on how we operate but it is a slow process. Council will continue to work through the land tenure issue.

Cr May noted there was quite an increase in staff vacancies from last month to this month and expressed concern that vacancies are in Engineer and Commercial Infrastructure (ECI) and Organisational Services (OS). Queried whether Council was having recruitment problems.

The CEO advised that he felt Council was actually in a slightly better position than three months ago and believed it was just the trend being seen when there is movement in different departments. He advised that there was a new process at SLPT level where every role that hasn't been filled in two attempts was monitored and that a new process had been agreed with the Manager of People and Culture to try different recruitment methods including using other agencies to assist with recruitment. Council is working to be proactive and the CEO is confident that we are not dropping our service levels.

The CEO gave an undertaking to distribute the new recruitment strategy to Councillors.

Cr Bonaventura queried the outcome of the Sarina Sugar Shed volunteer audit.

The CEO advised that there were no issues.

Cr Bella queried the non-payment by Optus of outstanding rates.

The CEO advised that there are two sites that Council believes Optus is required to pay rates on and there are two agreements. As discussions are currently underway, he would rather not comment too much other than to say that Council is working on it.

Cr Bella queried if Council was in a strong enforcement position.

The CEO advised it was all about the interpretation of the agreement and the belief is that Council is in a strong position on one of the agreements and although Council is also in a strong position in the second agreement, there are legal differences of opinion on the interpretation of the agreement.

Cr Bonaventura noted that Council was following up with 21 lessees for a copy of their public liability insurance.

The CEO advised that Council has an extremely large number of leases and every year lessees are required to submit a copy of the current public liability insurance document. This number is a typical amount for Council to be following up.

### **Council Resolution**

THAT the Officer's Recommendation be adopted.

**Moved Cr Mann (nee Fordham)**

**Seconded Cr Walker.**

Cr Mann noted the good safety results for November and the importance of staff attending regional safety forums with other Councils. Cr Mann also noted the excellent public patronage of the Blue Water Lagoon and the impressive KPI's achieved by Customer Service.

**CARRIED**

#### **11.4 STRATEGIC FINANCIAL REPORT FOR THE MONTH OF NOVEMBER 2019**

**File No 2019/20 Author Director Organisational Services**

##### **Purpose**

To adopt MRC's Strategic Financial Report November 2019.

##### **Related Parties**

Nil

##### **Background/Discussion**

Under Part 9, section 204 of the Local Government Regulation 2012, the Local Government is required to prepare a financial report which the Chief Executive Officer presents at a meeting of the local government once a month.

The financial report must state the progress that has been made in relation to the local government's budget for the period of the financial year up to a day as near as practicable to the end of the month before the meeting is held.

##### **Consultation and Communication**

Chief Executive Officer, Directors, Manager Financial Services.

##### **Resource Implications**

The financial result for FY2020 is a revised budgeted operating surplus of \$0.13M. The actual operating result for November 2019 is a favourable variance of \$2.3M against YTD budget.

### **Risk Management Implications**

No significant risks have been identified to date with variances continuing to be closely monitored as delivery of the budget progresses.

### **Conclusion**

During the reporting month, the November Budget Review was adopted by Council, with approved adjustments reflected in this report. All revenue and expense categories will continue to be closely monitored for variances as delivery of the budget progresses.

The operating result for November 2019 is a favourable variance of \$2.3M against YTD budget. This variance is primarily in materials and services and relates to cashflow timing issues for capital projects operating expenditure. It should also be noted that employee benefits are reporting a favourable variance due to a strengthening of Mackay's economy which is impacting MRC's ability to recruit for vacant positions in a timely manner

Capital delivery currently represents 26.0% of revised budget for the reporting period and includes accrued expenditure for works in progress. The delivery of capital expenditure continues to be a focus for MRC.

### **Officer's Recommendation**

THAT the attached Strategic Financial Report November 2019 be adopted.

The Chief Executive Officer (CEO) spoke to the report and provided an overview and highlights of the Strategic Financial Report for November 2019.

Cr May queried the Asset Sustainability Ratio KPI which the revised budget has set at 99.5% and in the green, while all other indicators say it will not be in the green.

The CEO advised this is linked to the timing of major capital projects and the percentage will swing every month. All projects in Capital Works linked to the sustainability ratio are on track to be done and our end year result is looking good.

### **Council Resolution**

THAT the Officer's Recommendation be adopted.

**Moved Cr Walker**

**Seconded Cr Paton.**

Cr Walker noted the favourable budget with capital deliveries at approximately 26% of revised budget. He noted that while water consumption revenue is down, it is likely the current weather may change that. He noted that it was pleasing to see the improved in-house collection methods and SMS reminders to ratepayers leading to a decrease in rates in arrears.

**CARRIED****11.5 LEGISLATIVE DELEGATIONS****File No Legislative Delegations Author Director Organisational Services****Purpose**

To adopt the annual review of the following Delegation Registers:

- Council to Mayor Delegations;
- Legislative Delegations (Council to the Chief Executive Officer (CEO)); and
- Waterfront PDA Delegations.

**Related Parties**

There are no identified related parties.

**Background/Discussion**

Section 257 (1)(a)(b) of the *Local Government Act 2009* (the Act) states that:

*"A local government may, by resolution, delegate a power under this Act or another Act to:*

- (a) the Mayor; or*
- (b) the Chief Executive Officer"*

The Act also places a requirement on the local government to annually review the delegations to the Chief Executive Officer under Section 257(5).

Section 260 of the Act states that the Chief Executive Officer must establish a Delegations Register and record all delegations by the local government to the Mayor and Chief Executive Officer and that the Register must be publicly available.

**Mayor Delegations**

The delegation register to the Mayor has been reviewed as part of the annual review. Amendments to the Register have been made at:

- COUDEL02; and
- COUDEL08.

All amendments have been tracked in red for Councillors reference.

The register has been included to be readopted as part of this review process.

### Legislative Delegations

Following the adoption of the Legislative Delegations by Council on 22 August 2018 the delegations been reviewed in accordance with LGAQ advice provided through its delegation update services. For ease of identification, the new delegations have been identified in red text and the deleted delegations have been highlighted by text being struck out in red. The attached amendments form part of the annual review.

In order for Mackay Regional Council to operate efficiently and for the appropriate officers to make decisions on behalf of Mackay Regional Council, the identified amendments are required to be adopted by Council.

Delegations associated with the following Acts have been reviewed and amended:

- *Aged Care Act 1997 (Cth)*
- *Body Corporate and Community Management (Commercial Module) Regulation 2008*
- *Body Corporate and Community Management (Small Schemes Module) Regulation 2008* •
- *Building Act 1975*
- *Building Regulations 2006*
- *Disaster Management Regulation 2014*
- *Economic Development Act 2012 (Waterfront PDA Delegations);*
- *Environmental Offsets Act 2014*
- *Environmental Protection Act 1994*
- *Environmental Protection Regulation 2008*
- *Fire and Rescue Services Act 1990*
- *Heavy Vehicle National Law (Qld)*
- *Information Privacy Act 2009*
- *Integrity Act 2009*
- *Land Act 1994*
- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Mineral and Energy Resources (Common Provisions) Act 2014*
- *Mineral Resources Act 1989*
- *Mining and Quarrying Safety and Health Act 1999*
- *Public Health (Infection Control for Personal Appearance Services) Act 2003*
- *Public Health Regulation 2018*
- *Public Records Act 2002*
- *Queensland Heritage Act 1992*
- *Right to Information Act 2009*
- *Standard Plumbing & Drainage Regulation 2003*

- *State Penalties Enforcement Act 1999*
- *Statutory Bodies Financial Arrangements Act 1982*
- *Stock Route Management Act 2003*
- *Transport Infrastructure Act 1994*
- *Transport Operations (Marine Safety) Regulation 2016*
- *Waste Reduction and Recycling Act 2011*
- *Waste Reduction and Recycling Regulation 2011* • *Water Act 2000*
- *Water Regulation 2016*
- *Water Supply (Safety and Reliability) Act 2008*
- *Work Health & Safety Act 2011*
- *Work Health & Safety Regulation 2011*

The following new Acts have been added to the legislative delegations register:

- *Animal Care and Protection Regulation 2012*
- *Human Rights Act 2019*
- *Industrial Relations Act 2016*
- *Industrial Relations Regulation 2018*
- *Labour Hire Licensing Act 2017*
- *Land Access Ombudsman Act 2017*
- *Land Title Act 1994*
- *Plumbing and Drainage Regulation 2019*
- *River Improvement Trust Act 1940*
- *Strong & Sustainable Resource Communities Act 2017*
- *Torres Strait Islander Cultural Heritage Act 2003*
- *Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2015*
- *Transport Operations (Road Use Management – Road Rules) Regulation 2009*
- *Transport Operations (Road Use Management – Vehicle Registration) Regulation 2009*

#### Waterfront PDA Delegations

The Waterfront PDA Delegations have recently been updated by Economic Development Queensland. The register has been amended to reflect these amendments. This delegation register provides appropriate delegations to planning staff in order to assess development applications within Mackay's Priority Development Area

#### **Consultation and Communication**

- Chief Executive Officer & Directors
- The Management Team
- Local Government Association of Queensland

**Resource Implications**

The service provided by LGAQ is part of Council's annual subscription. The Delegations Register was prepared in-house by Governance and Safety and no additional expense was outlaid.

**Risk Management Implications**

The risk associated with this matter is considered to be a low risk to Council. **Conclusion**

It is recommended that Council adopt the proposed delegation registers.

**Officer's Recommendation**

THAT Council adopt the following registers:

- Council to Mayor Delegations;
- Legislative Delegations (Council to the Chief Executive Officer (CEO)); and
- Waterfront PDA Delegations.

Cr Englert sought clarification on whether one of the changes was simply just to eliminate the word levy.

Cr Williamson confirmed this was the case.

**Council Resolution**

THAT the Officer's Recommendation be adopted.

**Moved Cr Paton**

**Seconded Cr Casey.**

**CARRIED**

**11.6 SUBORDINATE LOCAL LAW NO. 1.4 (INSTALLATION OF ADVERTISING DEVICES) 2011**

**File No Local Laws Review Author Director Organisational Services**

## **Purpose**

To formalise and adopt the amendments to Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011.

A summary of the amendments to the Subordinate Local Law are as follows:

- There was a number of proposed changes required around the criteria for approving permits for
  - Awning fascia signs,
  - Billboard/hoarding signs;
  - Election signs
  - Electronic and illuminated signs
  - Ground signs
  - Home based business signs;
  - Motor vehicle signs
  - Pole signs;
  - Pylon signs;
  - Trade works signs;
  - Window signs;
- The amendment will also allow Council to take compliance action in regard to signs which do not meet these criteria.

## **Related Parties**

There are no identified related parties.

## **Background/Discussion**

At Council's Ordinary Meeting of 26 July 2017 (Folio 45372), Council resolved to proceed with amendments to Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011.

The resolution included the public consultation process.

The first round of public consultation took place between 18 December 2017 to 19 January 2018. Significant feedback was received from the electronic signage industry which required Council to review the conditions and criteria around electronic signage in the Subordinate Local Law. The Subordinate Local Law was put on hold whilst this was being addressed.

A briefing to Council took place on 10 July 2019 in which Councillors were briefed on the proposed amendments to the Subordinate Local Law in relation to election signage and the electronic signage.

The amendments were made and due to the significant changes and the length of time since the first round of public consultation, a further round of public consultation was undertaken between 7 September 2019 to 30 September 2019.

Further amendments have been made to the Subordinate Local Law following this consultation period and these amendments are summarised in the attached “Summary of Amendments to the Subordinate Local Law 1.4 - Since Public Consultation”.

All the amendments to the Subordinate Local Law 1.4 are detailed in the attached “Installation of Advertising Devices (Amendment) Subordinate Local Law (No. 1) 2019”. The majority of the amendments have been in relation to new controls over election signage and conditions around the regulation of electronic signage,

Section 38 of the *Local Government Act 2009* provides that Council must not make a Local Law (including a Subordinate Local Law) that contains an anti-competitive provision unless Council has complied with the procedures prescribed under a regulation for the review of anti-competitive provisions.

Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011 was identified to contain anti-competitive provisions. MRC has complied with the procedures prescribed by the regulation by undertaking a public interest test as part of the public consultation between 7 September 2019 and 30 September 2019.

As part of MRC’s Local Law-Making process, Council is now able to resolve to make the proposed amendments to the Subordinate Local Law.

Once the Council has made the resolution, Council must then advise the public by publishing a notice in the Government Gazette and Council’s website within one month. MRC is also required to provide to the Minister for Local Government, Racing and Multicultural Affairs a copy of the following within 14 days of the Notice being published in the Gazette:

- Gazette Notice;
- Certified copy of the Subordinate Local Law referred to in the Notice.

The commencement of the new Subordinate Local Laws will take effect as at the date the Notice is published in the Gazette.

### **Consultation and Communication**

Consultation has been undertaken with Health & Regulatory Services Staff, relevant Managers, and SLPT.

According to the Local Law Making Process which was adopted by Council on 6 March 2013, Council was required to consult with the public for at least 21 days as previously advised. Council undertook the necessary consultation by:

- Publishing a notice about the proposed Local Law in a newspaper circulated generally in the local government’s area i.e. the Daily Mercury;
- Displaying the advertisement in a conspicuous place at the Local Government public office; MRC’s Client Service Centre Gordon Street;

- Having a copy of the proposed Local Law and Subordinate Local Law available for inspection or purchase at MRC's office;
- Placing a copy of the advertisement on MRC's website;

Three submissions were received during the last public consultation. Submissions were received from:

- M2Signs Outdoor Advertising;
- Mackay Stickers & Signs;
- Custom Signs & Safety.

All three submission were similar in content. All submissions have been considered and where agreed the Subordinate Local law was amended. A submissions summary is attached for Councillors' information.

### **Resource Implications**

Legal fees of \$9,692 have been expended to date on this matter for the preparation of the updated documents. Funds were included in the Legal Services budget.

No additional resources will be required for the administration of the amended Subordinate Local Law.

### **Risk Management Implications**

The risk associated with this activity is assessed as being low.

### **Conclusion**

In accordance with the Local Law Making Process, Council is required to resolve to make and amend the Subordinate Local Law in order to be able to enforce and issue appropriate prescribed infringement notices.

### **Officer's Recommendation**

THAT Council resolve to proceed to make the following:

- (a) having considered the content of a public interest test report in relation to anti-competitive provisions contained in Installation of Advertising Devices (Amendment) Subordinate Local Law (No. 1) 2019 — note the content of the public interest test report and implement the recommendations of the public interest test report; and
- (b) proceed with the making of, and make, Installation of Advertising Devices (Amendment) Subordinate Local Law (No. 1) 2019, as advertised, but amended as per the attached "Summary of Amendments to Subordinate Local Law 1.4 – Since Public Consultation"—

- (c) note that Installation of Advertising Devices (Amendment) Subordinate Local Law (No. 1) 2019 contains anti-competitive provisions; and adopt, pursuant to section 32 of the *Local Government Act 2009*, in the form attached to this report to Council, a consolidated version of *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011*.

The Mayor invited Mr Lance Murray to address Council.

Mr Murray spoke to the council about his concerns with the enforcement of signage laws.

The Mayor requested the CEO contact Mr Murray to obtain the remainder of his address to Council.

### **Council Resolution**

THAT the Officer's Recommendation be adopted.

**Moved Cr Mann (nee Fordham)**

**Seconded Cr Paton.**

**CARRIED**

### **11.7 CAPITAL WORKS MONTHLY REVIEW - 1 NOVEMBER 2019 TO 30 NOVEMBER 2019**

**Author     Director Capital Works**

#### **Purpose**

Attached is a copy of the Capital Works Monthly Review for the month of 1 November 2019 to 30 November 2019.

#### **Officer's Recommendation**

THAT the Capital Works Monthly Review for the period of 1 November 2019 to 30 November 2019, be received.

The Chief Executive Officer (CEO) spoke to the report and provided an overview and highlights of the Capital Works Monthly Review Report for November 2019.

Cr Mann queried the status of the seepage issues at the dam at Greenmount.

The CEO advised that the survey team from Capital Work is assisting the Community Lifestyle Program to determine the extent of the issue and provide Council with options.

Cr May sought clarification on how a rural road was classified and expressed concern that Council may not be classifying roads in satellite towns like Sarina and Mirani as rural roads.

The Director of Engineering and Commercial Infrastructure, Mr Jason Devitt advised that he believed that rural roads are any that are outside the urban centres.

Mr Devitt gave an undertaking to seek clarification and provide this information to Councillors.

Cr Mann queried the naming of the new boardwalk in the Brewers Park area in Sarina which was raised at the Council in Community Day.

The CEO advised that this had not been progressed but advised that Council has a policy on the naming of assets and would bring this matter forward early in the new year.

Cr Bonaventura noted there was an underspend on the Hospital Bridge fishing platform and sought clarification on the current status of the platform.

The CEO advised that the Hospital Bridge fishing platform was on track to finish on time in February 2020.

Cr Casey noted that Council has finished the works at the Milton Street/Boundary Road intersection and noted the very unique features of the traffic lights and street lighting and suggested there may be a way Council could market those features.

The Mayor asked the CEO to relay this suggestion to the Corporate Communications team.

### **Council Resolution**

THAT the Officer's Recommendation be adopted.

**Moved Cr Walker**

**Seconded Cr Casey.**

Cr Walker noted that Council has finalised designs for footpath upgrades in River, Nelson and Gordon Streets and Halliday Bay. He noted that the Northview Park upgrade design has commenced, storm water upgrades are continuing, and rural culvert upgrade designs are apparently now completed. He also noted the interesting new technology of a laser scanner which provides a 3D picture inside manholes. He noted the concept design pricing was finalised for the mountain bike project, Brewers Park was nearing completion and the capital spend was at 91% year to date forecast.

Cr Casey noted that the asphalt surfacing program designs were complete and going out for tender shortly, as is the spray reseal program.

**CARRIED**

**11.8 COMMUNITY AND CLIENT SERVICES MONTHLY REVIEW 1-30  
NOVEMBER 2019**

**File No      Author      Director Community & Client Services**

**Purpose**

Attached is a copy of the Community and Client Services Monthly Review for the month of November 2019.

**Related Parties**

N/A

**Officer's Recommendation**

THAT the Community and Client Services Monthly Review covering 1-30 November 2019 be received.

The Chief Executive Officer (CEO) spoke to the report and provided an overview and highlights of the Community and Client Services Monthly Review Report for November 2019.

Cr Englert noted that the Midge Point SES volunteers were now zero and asked if Council was sure that the four volunteers at the Armstrongs Beach SES group were active, current and competent.

The CEO gave an undertaking to follow this matter up.

Cr Englert queried whether Council considers the SES operational capability an actual representation of capability and queried how long until Council has a strategy that defines what the final numbers should be.

The CEO advised that the Strategic Working Group meeting that was due to be held which involved the State Department had to be postponed due to the fires and it is planned to have a meeting in January and following this will be briefing Council on those key strategies.

Cr Englert queried whether there was a deadline to have that information by and should Council be putting pressure on the state?

The CEO advised that there will be further discussions at the Strategic Directions Group meeting with both Council and State and an agreement on priorities and actions for 2020.

Cr Englert noted that he was seeing a centralised model and if the Strategic Directions Group decided they wanted a decentralised group it would be difficult to achieve that.

### **Council Resolution**

THAT the Officer's Recommendation be adopted.

**Moved Cr Mann (nee Fordham)**

**Seconded Cr Paton.**

Cr Mann noted that Young Peoples Services which includes First Five Forever held 64 programs for children aged five and under with over 2,200 attendees showing that Council is promoting the love of reading and books in our children. Cr Mann noted that the Heritage Collection team held a display at Dudley Denny Library to mark the 85<sup>th</sup> anniversary of the first town planning scheme with Mackay being the first city in Queensland to have a town planning scheme and the second in Australia. Cr Mann noted that Community Programs in partnership with RSDC delivered four workshops on governance to community organisations. Cr Mann advised that she and Cr May attended a thank you event to acknowledge our RADF committee and noted that Ros Campbell was able to bring along her puppet Dingo, made possible because she received a grant to travel to the USA to learn how to make puppets and now makes puppets for our community or instructs others in how to make them.

Cr Bonaventura thanked Crs Walker and Paton for the choice of sites that were visited during the November Council in Community day. Cr Bonaventura noted his personal enjoyment of the visit to the Pioneer Valley Hack & Pony club which was the old Balnagowan school, the Finch Hatton Railway Station and the Mirani Water Recycling facility.

Cr Bella noted that Council was continuing with wild dog and pig baiting and suggested the need for an increased focus on foxes and cat control due to the problems caused by feral cats.

Cr May noted that Swayneville School received a highly commended in the 2019 Resilient Australia Awards in the National Schools category and there were several art creations which were part of the resilience program at Eungella relating to the fires experienced 12 months ago. Cr Mann noted that Cyclone Saturday was conducted very successfully at Canelands recently and stressed the importance of being ready for emergency events which could occur.

**CARRIED**

**11.9 ENGINEERING & COMMERCIAL INFRASTRUCTURE - WASTE SERVICES MONTHLY REVIEW - NOVEMBER 2019**

**Author** Director Engineering & Commercial Infrastructure

**Purpose**

Attached is a copy of the Engineering & Commercial Infrastructure - Waste Services Monthly Review for the month of November 2019.

**Related Parties**

N/A

**Officer's Recommendation**

THAT the Engineering & Commercial Infrastructure - Waste Services Monthly Review for the period of 1 November 2019 - 25 November 2019 be received.

The Chief Executive Officer (CEO) spoke to the report and provided an overview and highlights of the Engineering & Commercial Infrastructure – Waste Services Monthly Review Report for November 2019.

Cr Bonaventura noted the 28 annual monthly medium rate of new bins.

The CEO advised that almost all were delivered to new residential properties.

Cr Bonaventura noted the lower level of green waste reflecting the dry conditions and asked if the CEO would consider launching a campaign around cyclone tidy ups.

The CEO advised that this is being done on the digital screens with the focus being on rationalising the number of key messages at this time of year.

The CEO gave an undertaking to determine what else could be done to promote this.

Cr Casey noted the pleasing result of not for profits organisations' waste disposal tracking about on par with the rest of the community.

**Council Resolution**

THAT the Officer's Recommendation be adopted.

**Moved Cr Paton**

**Seconded Cr Mann (nee Fordham).**

Cr Paton noted the positive feedback on the snap and check your recyclables, that the not for profit organisations were doing well and that there a good number of schools bringing students to learn about waste education. Cr Paton noted that he was looking forward to seeing the Regional Waste Management Action Plan.

**CARRIED**

**11.10 ENGINEERING & COMMERCIAL INFRASTRUCTURE - TRANSPORT & DRAINAGE MONTHLY REVIEW - NOVEMBER 2019**

**Author** Director Engineering & Commercial Infrastructure

**Purpose**

Attached is a copy of the Engineering & Commercial Infrastructure - Transport & Drainage Monthly Review for the month of December 2019.

**Related Parties**

N/A

**Officer's Recommendation**

THAT the Engineering & Commercial Infrastructure - Transport & Drainage Monthly Review for the period of 1 November 2019 - 30 November 2019 be received.

The Chief Executive Officer (CEO) spoke to the report and provided an overview and highlights of the Engineering & Commercial infrastructure – Transport & Drainage Monthly Review Report for November 2019.

Cr May queried the Cod Hole drain outlet and build-up of sand and asked if this will be an ongoing maintenance problem for Council.

The CEO advised that it will be an ongoing maintenance issue depending on the weather and the siltation built-up. The design allows for concrete strips to make cleaning easy.

Cr Bonaventura queried whether the CEO felt it would require annual or more frequent cleaning.

The CEO advise that it would likely be an annual event unless there was a significant weather event to impact on the siltation build-up.

Cr Bonaventura noted that number of pot hole repairs were down which was another indication of the ongoing dry weather.

### **Council Resolution**

THAT the Officer's Recommendation be adopted.

**Moved Cr Casey**

**Seconded Cr May.**

Cr Casey noted that maintenance was continuing very well and noted the additional water trucks required. Cr Casey noted the roll out of the Asstetic maintenance system which appeared to be working well and should make maintenance work more efficient. He noted that the Transport and Drainage Advisory Board had about 13 business cases at its last meeting with most being endorsed. Cr Casey noted that the outdoor staff enjoyed Council's recent awards afternoon and the chance to be in the cool. Cr Casey passed on Council's congratulations to the outdoor staff for the wonderful job they have done in extremely hot conditions.

Cr Bonaventura noted that over 16kms of roadside drainage had been done and had received quite a few compliments from residents.

Cr Bella noted the difficulty of extra cartage and the sourcing of water and noted the work being carried out on the roads. Cr Bella noted and commended Council on the very responsible decision taken to place a hold on slashing due to the risk of fire.

**CARRIED**

### **11.11 ENGINEERING & COMMERCIAL INFRASTRUCTURE - WATER SERVICES MONTHLY REVIEW - NOVEMBER 2019**

**Author Director Engineering & Commercial Infrastructure**

#### **Purpose**

Attached is a copy of the Engineering & Commercial Infrastructure - Water Services Monthly Review for the month of November 2019.

#### **Related Parties**

N/A

**Officer's Recommendation**

THAT the Engineering & Commercial Infrastructure - Water Services Monthly Review for the period of 1 November 2019 - 30 November 2019 be received.

The Chief Executive Officer (CEO) spoke to the report and provided an overview and highlights of the Engineering & Commercial Infrastructure – Water Services Monthly Review Report for November 2019.

Cr Paton noted that lab analysis numbers had decreased and queried how the marketing was going.

The CEO advised that he has the draft business plan which will be reviewed internally then shared early in the new year.

Cr Bonaventura queried if there had been progress on the handover of the waste recycling facilities and if Council would continue to push this.

The CEO advised that minimal progress had been made and the legal process was continuing. The mediation had been cancelled and new issues had been raised by the contractor.

The Mayor gave the assurance that the CEO would continue this push this issue.

Cr Walker queried the water pressure in Marian which seemed to be low.

The CEO advised that Council believed the low water pressure was because of extremely high usage by some properties and expressed confidence that it is not related to infrastructure capabilities. Council is working through the education process with those properties.

The Director of Engineering and Commercial Infrastructure, Mr Jason Devitt advised that pressure issues were occurring at a time when there is peak water usage. Council has written to all residents to alert them to the extreme use.

Cr May expressed concern about a recent media release which named streets where there had been high water usage and questioned if Council had written to those residents first.

The CEO agreed that Council, while needing to get the message across, needed to be careful about naming and shaming.

Cr May noted that naming streets could create problems in the community and that if residents are excessively using water, Council should be writing to them.

Cr Bella expressed the view that it isn't wrong to name the streets as Council has named Marian at various times.

Cr Bonaventure disagree with Cr Bella's comments as Marian is a separate water treatment area. Cr Bonaventura agreed that Council should not be naming streets and thanked the CEO for rectifying this so that streets are not named in the future.

**Council Resolution**

THAT the Officer's Recommendation be adopted.

**Moved Cr Mann (nee Fordham)**

**Seconded Cr Walker.**

Cr Mann noted the staff focus on safety and the budget tracking well. Cr Mann noted that there were 51 plumbing applications received with a turnaround average of three days which is well under the target of five days. Cr Mann also noted the 235 new MyH2O registrations making a total of 15,099 registrations.

Cr Bonaventura also noted the growth in numbers of MyH2O registrations.

Cr Bella noted that Mackay residents were very good keeping water usage to below 200 litres per person per day and encouraged people to sign up to MyH2O. Cr Bella noted that Council was monitoring water usage and discussing the possibility of water restrictions depending on the extent of the wet season.

**CARRIED**

**11.12 WATER RESTRICTIONS POLICY**

**Author** Director Engineering & Commercial Infrastructure

**Purpose**

To present to Council the amended Water Restrictions Policy for adoption as a formal Policy.

**Related Parties**

N/A

**Background/Discussion**

This policy is to provide guidelines to effectively manage the conservation of water by consumers and transporters of potable water supplied by Mackay Regional Council.

**Consultation and Communication**

Consultation has occurred with the Managers and staff within Council. SLPT has considered and approved the Policy amendments.

**Resource Implications**

The Water Restrictions Policy has been in place with Mackay Regional Council for a considerable period of time. As such there are no new resource implications relating to the Policy or the Policy amendments.

**Risk Management Implications**

Mackay Regional Council is responsible for providing a reliable water supply to its customers. Water restrictions are necessary to ensure that the Region's consumption does not outweigh supply, and that the water infrastructure can deal with the level of demand. Without effectively monitoring and managing water, the Region could face serious water supply issues which would have an adverse impact on the Region.

**Conclusion**

It is recommended that Council adopt the amended Water Restrictions Policy.

**Officer's Recommendation**

THAT the Council adopt the attached amended Water Restrictions Policy as a formal Policy of Mackay Regional Council.

**Council Resolution**

THAT the Officer's Recommendation be adopted.

**Moved Cr Paton**

**Seconded Cr Walker.**

Cr Paton noted that this report outlines Council's requirements.

**CARRIED**

**11.13 ATTENDANCE AT THE 30TH ANNUAL BERKELEY SPRINGS INTERNATIONAL WATER TASTING - FEBRUARY 2020**

**Author Director Engineering & Commercial Infrastructure**

**Purpose**

To seek approval for a Water Services Manager to attend the 30<sup>th</sup> Annual Berkeley Springs International Water Tasting to be held in Berkeley Springs, West Virginia, USA from 20 - 23 February 2020.

**Related Parties**

N/A

**Operational Plan Linkage**

Water and Sewerage Networks - Maintain and improve Council's water and sewerage networks by optimising the useful life of assets and by adopting more efficient service delivery mechanisms in consultation with the community

**Background/Discussion**

Water from our Marian Water Treatment Plant was selected "top drop" at the 2019 Ixom Best of the Best Queensland Water Taste Test held at the Queensland Water Directorate Annual Forum in Logan in September 2019. Mackay Regional Council has won this Queensland title for the past two years; first winning with water from the Nebo Road Water Treatment Plant in 2018.

This was quickly followed with a further win at the 2019 Ixom Best Tasting Tap Water in Australia Competition in Dunkeld in Victoria in October 2019.

Our water is now eligible for entry into the Berkeley Springs International Water Tasting Competition held every February.

The award-winning 30<sup>th</sup> Annual Berkeley Springs International Water Tasting welcomes more than 100 waters from across the USA and around the globe from 20 - 23 February 2020. Held in the historic spa town of Berkeley Springs, West Virginia, it is the largest water tasting competition in the world.

This is a high-profile opportunity for networking with other global Water Industry professionals, government representatives, media and water bottling companies. Entries compete for gold, silver and bronze medals in their respective categories of bottled, carbonated, purified, municipal and spring waters. The event garners much local, regional and national media coverage each year with the event having previously been covered by USA Today, CNN, Time Magazine and CBS This Morning. Every year the size of the competition increases with more than 700 district waters entering the Municipal Water Category since the competition's inception. Entries come from all over the United States and from every continent (except Antarctica) including Brazil, Bosnia, Macedonia, Germany, France, Switzerland, North Korea and China. In 2019, Hamilton, Victoria, was awarded second place in the Best Municipal Water category.

A world class Seminar, featuring several international speakers of world renown, is held in conjunction with the Berkeley Springs International Water Tasting and provides attendees with once in a lifetime-opportunities to network and learn about emerging industry issues such as controlling sediments and nutrients from entering water supplies, skills development within the industry, green stormwater management and the Bottled Water Industry's role in response to natural disasters and other emergency situations.

### **Consultation and Communication**

Discussions have been held between Director Engineering & Commercial Infrastructure, the Chief Executive Officer, the Mayor and the Councillors.

### **Resource Implications**

The total cost to attend the 30<sup>th</sup> Annual Berkeley Springs International Water Tasting in Berkeley Springs, West Virginia, USA are estimates at present, but it is believed that the Water Industry Operators Association of Australia (WIOA) will assist with entry registration and possibly some additional costs.

Major costs of note are return flights from Mackay to Washington DC which are in the vicinity of \$3,000, car hire from Washington DC to Berkeley Springs, West Virginia totalling approximately \$650, accommodation costs totalling approximately \$1,000 and cost of meals. These costs will be borne by the Water Treatment budget within the Department of Engineering & Commercial Infrastructure.

### **Risk Management Implications**

There are no risks associated with the attendance at the 30<sup>th</sup> Annual Berkeley Springs International Water Tasting in Berkeley Springs, West Virginia, USA.

### **Conclusion**

The invitation to showcase Mackay's prize-winning local water product at the 30<sup>th</sup> Annual Berkeley Springs International water Tasting in Berkeley Springs, West Virginia, USA provides a truly unique opportunity for Mackay. Combined with this are the benefits of exposing Mackay and the surrounding region to the world stage. Therefore, based on this unique opportunity it is recommended Council support the attendance by a Water Services Manager to this international event.

### **Officer's Recommendation**

THAT Council approve attendance of a Water Services Manager at the 30<sup>th</sup> Annual Berkeley Springs International Water Tasting in Berkeley Springs, West Virginia, USA in February 2020.

### **Council Resolution**

THAT the Officer's Recommendation be adopted.

**Moved Cr Englert**

**Seconded Cr May.**

Cr Englert noted that Council having representation at this event is a great opportunity reputationally to showcase the liveability of the Mackay region.

Cr May noted that being represented at this event is a great opportunity for MRC on the international stage and may lead to Mackay having exposure to different opportunities. Cr May also noted that attendance at this event sends a message to our staff that they have done a great job in the treatment of the water at the Marian plant in particular.

**CARRIED**

#### **11.14     DEVELOPMENT SERVICES MONTHLY REVIEW - NOVEMBER 2019**

**Author     Director Development Services**

##### **Purpose**

To provide Council with the Development Services Monthly Review for the period of 1 November to 30 November 2019.

##### **Officer's Recommendation**

THAT the Development Services Monthly Review for the period of 1 November to 30 November 2019 be received.

The Chief Executive Officer (CEO) spoke to the report and provided an overview and highlights of the Development Services Monthly Review Report for November 2019.

Cr Bonaventura asked about the community consultations on the flood studies from Cyclone Debbie

The CEO advised that turnout was pretty good and there was a lot of interest in the Eton area on the impact on the operations on the dam.

##### **Council Resolution**

THAT the Officer's Recommendation be adopted.

**Moved Cr Englert**

**Seconded Cr Mann (nee Fordham).**

Cr Englert noted that it had been a busy month for Development Services with applications approved for operational works on 18 residential lots in Andergrove and applications for civil works on a further 47 residential lots in Rural View. Cr Englert noted the adoption through Council of the Regional Events Strategy, the Economic Development Strategy and the Mountain Bike Strategy being advanced to detailed design. Cr Englert noted the Facilitating Development Policy was adopted last month and the Mirani Master Plan has been viewed. Cr Englert reminded Councillors about Christmas in the Gardens at the Botanical Gardens this Friday.

Cr Bonaventura noted there had been \$3.5 million in operational works approvals which indicated a strengthening economy.

**CARRIED**

#### **11.15 LOCAL COASTAL PLAN FOR MCEWENS BEACH**

**Author**     **Manager Parks, Environment and Sustainability**

#### **Purpose**

To provide information on the changes made to the draft Local Coastal Plan for McEwens Beach following community consultation, and to seek Council's endorsement of the final plan.

#### **Related Parties**

- Reef Catchments
- Community members making submissions or attending community consultation events
- McEwens Beach Progress Association

#### **Background/Discussion**

A draft Local Coastal Plan (LCP) for McEwens Beach was released for public comment on 30 August 2019. A range of consultation activities were undertaken including letters, emails, social media, newspaper articles, a Connecting Mackay page, on-line and hardcopy surveys, and a scheduled community event which took place on 14 September 2019. The consultation period closed on 30 September. Council received a detailed briefing on the community consultation undertaken, the comments received and the proposed changes to the draft plan on 13 November.

Approximately 25-30 members of the community attended the community event on 14 September. At this community event, an overview of the LCP was given, which included information on how the plan was structured, the management zones and the recommendations. There was a general question and answer session, followed by small group discussions around zone maps, where recommendations were discussed in more detail. Comments made during the question and answer session were captured and recorded, and the comments made during the small group discussions were recorded on the zone maps. A total of three surveys were completed during the consultation period (two online and one hardcopy). All the comments received were reviewed in detail and as a result of the comments, changes are recommended to the plan and highlights document. The major comments and changes recommended are summarised below. Further details are given in Attachment 3

<b>Zone</b>	<b>Comment</b>	<b>Discussion/Change</b>
Not associated with a specific zone	Locals keen to help with collecting data on beach profiles	Training can be provided through the Coastcare program
Not associated with a specific zone	Shoreline Erosion Management Plan (SEMP) should be a high priority	SEMP is a key recommendation in the LCP
Not associated with a specific zone	Not many turtles nest at McEwens Beach	It is noted in the LCP that there are significant challenges for turtle nesting on the beach including the presence of the rock revetment at the northern end of the beach
Not associated with a specific zone	Weed control required	Weed control is a key recommendation in the LCP
Zone A	Request for easement behind rock wall to allow pedestrian access at high tide	Existing easement is for maintenance access only. Referred to Legal Counsel for further advice
Zone A	Request for extension of Zone A	Zone A extended to include land in front of the northern most residence (Council owned)

Zone A/B	Request for shaded playground, bbq, toilet block, recycling bin, shower and a tap. Various suggestions about where these facilities could be located	The LCP references investigating the feasibility of constructing additional recreational assets. Tap/shower proposed to be installed
Zone B	Request for signage about the history of McEwens Beach and how it was named	Can be incorporated into the already recommended interpretive signage

<b>Zone</b>	<b>Comment</b>	<b>Discussion/Change</b>
Zone B	Mosquitos are an issue	Recognised in the LCP as associated with drainage issues
Zone B	Need a rock wall	Addressed in the LCP. Maintenance and extension of the rock wall falls to the land owners. Council will assist with monitoring and advice. LCP proposes the establishment of vegetation to slow erosion
Zone B	Request that any car park improvements do not include bitumen	Bitumen is not recommended in the LCP
Zone B	Request for changes to drainage infrastructure to restrict high tide flows which results in ponding in the reserve	Already covered in LCP. More discussion added to clarify community concerns and potential solutions
Zone B	Request to formalise an unofficial access that is well used	Recommendation added for an additional access MCE02
Zone B	Concrete slab under tables and chairs requires maintenance due to erosion	Additional discussion included in the LCP to recognise and address this as an ongoing issue requiring maintenance

Zone B	Request to upgrade the approach to beach access MCE01 as it can be inaccessible after wet weather	Plan amended to include this as a recommendation
Zone B	Request for extension of Zone B	Zone B has been extended to include land for which Council is the interim manager/owner, until such time as the second stage of the rock wall is constructed
Zone B/C	Coconuts need removing and cleaning. Revegetation supported when coconuts removed	Already covered in LCP
<b>Zone</b>	<b>Comment</b>	<b>Discussion/Change</b>
Zone B/C	Reclaim the local boat ramp Install new boat ramp	Previously investigated – boat ramp is on private property. Residents previously advised of outcome of feasibility study that a boat ramp in this location would be difficult given carparking and access requirements and is a low priority at this time. Access to boat ramp at Dunrock
Zone C	Support for maintaining drainage infrastructure	Already included as a key high priority activity in the LCP

Additional comments raised that were considered to be outside the scope of the plan have been referred on to the relevant organisation or Council department.

### **Consultation and Communication**

An extensive community consultation program was undertaken which included letters, emails, social media, newspaper articles, Connecting Mackay, on-line and hardcopy surveys and a scheduled community event. Comments made at the community event and in the surveys have been considered, and where appropriate, changes have been incorporated into the final plan.

Council received a briefing on the feedback received and proposed changes to the plan on 13 November 2019.

### **Resource Implications**

The implementation of any recommended activities will be undertaken according to priority, in line with available funding as allocated via the annual operational and capital budgeting processes.

### **Risk Management Implications**

Approving the Local Coastal Plan for McEwens Beach will provide clear direction on the management of Council land in this area.

### **Conclusion**

An extensive consultation program has been undertaken for the draft plan and community feedback incorporated into the revised Local Coastal Plan for McEwens Beach where appropriate.

### **Officer's Recommendation**

THAT Council endorse the Local Coastal Plan and Summary Highlights document for McEwens Beach as shown in Attachments 1 and 2.

### **Council Resolution**

THAT the Officer's Recommendation be adopted.

**Moved Cr May**

**Seconded Cr Englert.**

Cr May noted that the McEwens Beach community had supported community consultation very well. Cr May noted that Council was looking at interpretative signage, weed control, fencing, shore line management and was encouraging residents to become involved in the shore line management and monitoring.

The Mayor noted the community's positive interactions with Council staff.

**CARRIED**

### **11.16 FACILITATING DEVELOPMENT IN THE MACKAY REGION POLICY – ADVENTURE RIDERS RANCH - LOT 4 RUNNING CREEK ROAD, OAKENDEN**

**Author     Principal Economic Development Officer**

## **Purpose**

To assess an application under the Facilitating Development in the Mackay Region Policy.

## **Related Parties**

- Desmond McCallum (Applicant)

## **Background/Discussion**

This application is for a Caravan Park and Food and Drink Outlet located at Lot 4 Running Creek Road, Oakenden (Lot 4 on SP170230). The project is a small-scale rural tourism development which provides cabins, camping, amenities, bar and dining facilities for travelling motorcyclists.

Previous concessions under the *Facilitating Development in the Mackay Region Policy* (the Policy) were approved over the site for a Caravan Park on 11 May 2016. A 12-month extension was approved on 13 June 2018 which extended the lapse date of the following concessions until 31 May 2019:

- Concession of 75% (estimated at \$30,720) on the infrastructure charges •  
A reduction in the annual food license and commercial trade waste fees: ○  
1<sup>st</sup> year of operation – 100% discount  
○ 2<sup>nd</sup> year of operation – 50% discount

While the applicant completed construction of the development by this lapse date, the use did not formally commence given unforeseen limitations of the approved Development Permit which restricted the sale of food and alcohol to visitors of the site staying in the on-site accommodation.

The applicant lodged a request to change to their Development Permit to add the Food and Drink Outlet land use on 19 December 2018. This request was made to permit the sale of food and alcohol to visitors of the site who were not staying in the on-site accommodation. This was identified as an integral part of the development's business plan and something that would restrict the success of the business if not addressed.

This application was approved by Council on 2 May 2019 and a revised Infrastructure Charge Notice was issued which increased the applicable infrastructure charges from \$30,720 to \$72,699. The applicant subsequently lodged a new application under the Facilitating Development Policy on 20 June 2019 requesting that concessions be applied against the revised infrastructure charges. The application has been assessed against Version 5 of the Policy which was in effect at the time the application was submitted.

## **Incentive Requests**

The applicant has requested the following Specific Incentive under *Schedule 4 of the Facilitating Development in the Mackay Region Policy – Tourism*.

- 100% concession on infrastructure charges:

- Infrastructure Charges = \$72,699
- Requested concession = \$72,699
- Service connection fee refund
- Reduction in Food License and Trade Waste Fees

As per *Schedule 4* of the policy, infrastructure charges may be reduced up to 100% based on the net charge amount identified on the Infrastructure Charges Notice. The Policy is discretionary and seeks to support projects that will deliver the greatest economic benefits to the region.

The service connection fee refund and reduction to Trade Waste Fees is not relevant for this application as the subject site is not connected to council's services and no trade waste fees will be incurred. Furthermore, the reduction to food license fees has not been considered as the applicant previously enacted this fee reduction through their original approval under the Policy.

### **General Eligibility Criteria**

The Policy seeks to attract investment in qualifying development to stimulate growth, diversify and add value to the economy of the Mackay region.

Based on information provided by the applicant, the proposal does not satisfy the timing requirements under the General Eligibility Criteria for consideration under *Schedule 4* of the Policy.

<b>Criteria</b>	<b>Eligibility</b>
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<p><b>Timing of development</b> Estimated Commencement of Use within 2 years</p>	<p>Construction of the Caravan Park and Food and Drink Outlet has been completed and the use has commenced operations.</p> <p>While it is not the Policy’s intent to support the approval of concessions for development which has commenced, it is proposed that there are extenuating grounds that should be considered to this regard, including:</p> <ul style="list-style-type: none"> <li>• The applicant complied with the timing conditions of the existing approval by completing the construction within the applicable timeframe. Unforeseen limitations of the Development Permit restricted the applicant from formally commencing the use in accordance with the intended operations of the business and delays to the commencement of use were subsequently experienced while the applicant progressed the necessary statutory changes to their Development Permit.</li> <li>• Since the approval of the applicant’s original application the Policy has been amended and Version 5 of the Policy which was in effect at the time supported infrastructure charge concessions of 100% for tourism uses. On this basis it is considered reasonable that the applicant would have requested the development to be assessed against the version of the Policy current at the time the application was made.</li> <li>• The situation of this application is unique and excluding the construction status, the development continues to comply with all eligibility criteria.</li> <li>• The consideration of this application is undertaken in good faith at the discretion of Council and does not set a precedent given its unique circumstances and history.</li> </ul>
<p><b>Non-Government Development</b></p>	<p>Yes</p>
<p><b>Infrastructure capacity</b></p>	<p>Based on the information provided by the applicant and the approved development permit the proposed development can be serviced without requiring trunk infrastructure upgrades.</p>

### Location Specific Eligibility Criteria – Stage 2

Based on information provided by the applicant the proposal satisfies the requirements under the Location Specific Eligibility Criteria of *Schedule 4 – Tourism* of the Policy:

Criteria	Eligibility
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<p><b>Economic Investment</b> To be assessed on a case by case basis.</p>	<ul style="list-style-type: none"> <li>• Estimated total capital investment: \$756,000.</li> <li>• Estimated construction cost: \$370,000</li> <li>• Based on economic modelling, from a direct injection of \$370,000 (construction costs), total economic output would increase by \$748,000.</li> <li>• The applicant has provided evidence demonstrating the use of local contractors and suppliers.</li> </ul>
<p><b>Employment Generation</b></p>	<ul style="list-style-type: none"> <li>• Economic modelling projected that the project would generate one direct and one in-direct job.</li> <li>• The applicant has proposed that the development will generate fifteen jobs during the construction phase and up to 5 FTE ongoing positions.</li> </ul>
<p><b>Applicable Area</b> Appropriately zoned land outside established urban areas of Mackay, Marian, Mirani, Walkerston and Sarina.</p>	<p>The development is in the Rural zone and a development approval is in place.</p>
<p><b>Applicable Land Uses</b> The policy applies to material change of use (MCU) for uses that are consistent with the “applicable land uses” listed in the policy as defined by the relevant planning schemes in effect at the time of application.</p>	<p>The development is defined as a Caravan Park and Food and Drink Outlet which are identified as applicable land uses under the Policy.</p>

### **Business and Regional Benefits**

Based on information provided by the applicant and Council’s economic modelling, the development is considered to be value-adding to the regional economy and will achieve the anticipated benefits of *Schedule 4* of the Policy, as listed below:

- Alternative income source and increased profitability of rural businesses; and
- Increased tourism activity and expenditure in the region.

The applicant has proposed that the development will deliver significant short and long-term business and regional benefits, including:

- This is a new business based on attracting tourists to the Mackay area, focusing mainly on traveling motorcyclists.
- The business is a specialised niche and is a new concept which is not currently provided in the region.

- The business aims to attract adventure motorcycle riders to the Mackay area who will be encouraged to use Adventure Riders Ranch as a base while they visit attractions throughout the Mackay Region.
  - The business will provide travellers with food, accommodation (cabins and camping), entertainment, licensed bar, access to computers and Wi-Fi, motorcycle maintenance facilities, laundry facilities and a place to relax.
  - This business has the potential to become a market leader in a new and exciting growing industry with potential for future growth creating more jobs and investment opportunities.
- Motorcyclist travellers are unique as they are heavily dependent on buying local as they are limited to what they can carry.

### **Consultation and Communication**

Development Assessment has considered the development application through the statutory assessment provisions provided by the *Planning Act 2016*. As part of this assessment process Development Assessment consulted with the other relevant sections of Council.

The Director of Development Services has also considered this application and provided approval for the Expression of Interest to progress to a Stage 2 application.

The Development Permit and Infrastructure Charge Notice have both been reviewed with regards to infrastructure requirements.

### **Resource Implications**

In accordance with the Infrastructure Charges Notices the development has a net infrastructure charge of \$72,669.15 (+ annual adjustments).

Concessions based on the rates provided in *Schedule 4* of the Policy would result in a 100% concession which would result in Council not receiving any infrastructure charges.

### **Risk Management Implications**

There is a risk that granting significant concessions can leave Council exposed to similar claims in the future and that a potential infrastructure funding gap could present. These risks are sufficiently mitigated through the following measures:

- An existing development approval is in place and on-site infrastructure requirements have been reviewed as part of the assessment process;
- A condition has been included as part of the officer's recommendation stating that the approved concessions are dependent on Council not incurring any additional infrastructure costs (including 'bring forward costs') to service the development;
- The consideration of this application, regardless of its construction status, is undertaken in good faith given its unique circumstances and is at the discretion of Council. The development does not set a precedent for other developments given its unique characteristics and the development's history;
- Council can review the application of the Policy at any time.

## **Conclusion**

The *Facilitating Development in the Mackay Region Policy* provides incentives for development that will deliver economic development and growth outcomes in alignment with Council's policy and planning objectives.

The application supports the desired outcomes of *Schedule 4* of the Policy and the provision of concessions in accordance with the Policy will support the feasibility of the project.

Adventure Riders Ranch will contribute to the regional tourism industry by supporting the diversification of rural uses to support new business opportunities. In this regard, the proposed application supports the desired outcomes of *Schedule 4* of the Policy by targeting increased tourism activity and expenditure in the region.

## **Officer's Recommendation**

THAT the following Specific Incentives are approved under the Facilitating Development in the Mackay Region Policy for the Caravan Park and Food and Drink Outlet at Lot 4 Running Creek Road, Oakenden:

- a) Concessions of 100% (\$72,669.15) on the net charge amount (\$72,669.15 + annual adjustments) identified on the Infrastructure Charge Notices for (DA-2019-71 & DA-2016-71/A) at Lot 4 Running Creek Road, Oakenden (Lot 3 on SP170230).

AND THAT the approval of the concessions is dependent on:

- b) No additional infrastructure costs incurred to Council (including 'bring forward costs').
- c) The developer utilising local contractors and suppliers.

The Chief Executive Officer (CEO) spoke to the report and provided an overview and highlights of the Facilitating Development in the Mackay Region Policy – Adventure Riders Ranch – Lot 4 Running Creek Road, Oakenden.

Cr Mann – sought clarification on whether the applicant was asking for a 2<sup>nd</sup> concession.

The Chief Executive Officer (CEO) advised the request was an upgrade as the policy has changed.

## **Council Resolution**

THAT the Officer's Recommendation be adopted.

**Moved Cr Englert**

**Seconded Cr Bonaventura.**

Cr Englert noted this as an excellent rural tourism development for travelling motor cyclists.

Cr Bonaventura noted that small scale tourism developments are those that Council needs to support and this is an excellent example of what Council's facilitating development should be supporting.

**CARRIED**

**11.17 FACILITATING DEVELOPMENT IN THE MACKAY REGION POLICY - CC BEGINNINGS PTY LTD - CHILDCARE CENTRE EXPANSION - 22 MORETON DRIVE, RURAL VIEW**

**Author** Principal Economic Development Officer

**Purpose**

To assess an application under the *Facilitating Development in the Mackay Region Policy*.

**Related Parties**

- CC Beginnings Pty Ltd
- Peter Cardiff Law
- Mackay Land Sales

**Background/Discussion**

The proposed development is for an extension to a Childcare Centre located at 22 Moreton Drive, Rural View (Lots 278 on SP295265 and 141 on SP305842). The centre, Moreton Drive Early Learning Centre, is located within Avalon Estate, an established residential estate.

The development will be located on the adjoining site to the existing centre and will provide additional after-school care and kindergarten facilities. A development application (DA-2018122/B) for the development was approved on 6 September 2019.

A previous approval under the Facilitating Development in the Mackay Region Policy was approved by Council for the initial stage of the child care centre on 13 September 2017. The approval provided a 50% (\$28,999) concession against the development's infrastructure charges.

**Incentive Requests**

The applicant has requested concessions under Schedule 6 of the *Facilitating Development in the Mackay Region Policy – Community facilities* (Policy). The application was lodged on 10 April 2019 against Version 5 of the Policy. The following concessions have been requested:

- 50% concession on infrastructure charges:
  - Infrastructure Charges = \$11,601.68
  - Requested concession = \$5,800.84
- Service connection fee refund

Approval of these concessions would result in a combined concession amount of \$34,799.84 across both approved stages of the development which is below the maximum concession cap of \$500,000.

As per Schedule 6, infrastructure charges may be reduced by up to 75% for not-for-profit organisations and 50% for all other applicants. Council may consider reductions in infrastructure charges beyond these rates for applications that can demonstrate that they will generate significant long-term economic benefits, job creation and have transformative outcomes that will diversify the existing economic base of the region. The Policy is discretionary and seeks to support projects that will deliver the greatest economic benefits to the region.

### **General Eligibility Criteria**

The Policy seeks to attract investment in qualifying development to stimulate growth, diversify and add value to the economy of the Mackay region.

Based on information provided by the applicant, the proposal satisfies the requirements under the General Eligibility Criteria for consideration under Schedule 6 of the Policy.

<b>Criteria</b>	<b>Eligibility</b>
<b>Timing of development</b> Development completed within 2 years.	Construction is planned to commence in December 2019/January 2020 with completion expected by February 2020.
<b>Non-Government Development</b>	Yes
<b>Infrastructure capacity</b>	The development is located within an existing urban area with all infrastructure services readily available to the site.

### **Location Specific Eligibility Criteria – Stage 2**

Based on information provided by the applicant, the proposal satisfies the requirements under the Location Specific Eligibility Criteria of Schedule 6 of the Policy:

<b>Criteria</b>	<b>Eligibility</b>
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<p><b>Economic Investment</b> The applicant must demonstrate that the minimum capital investment for the development is equal to or greater than \$100,000.</p>	<ul style="list-style-type: none"> <li>• Estimated total capital investment: \$1.22M</li> <li>• Estimated construction cost \$0.8M</li> <li>• Based on Council’s economic modelling, from a direct injection of \$0.8M (construction costs) flow-on economic output would be \$1.08M, totalling \$1.88M economic impact.</li> </ul>
<p><b>Employment Generation</b></p>	<ul style="list-style-type: none"> <li>• Economic modelling indicates the project will generate 1 direct and 3 indirect jobs, totalling 4 jobs during construction.</li> </ul>
	<ul style="list-style-type: none"> <li>• The applicant has committed to utilising local contractors and suppliers.</li> </ul>
<p><b>Applicable Area</b> Appropriately zoned land suitable for the land use.</p>	<p>The development is on appropriately zoned land.</p>
<p><b>Applicable Land Uses</b> The Policy applies to a Material Change of Use for uses that are consistent with the “applicable land uses” listed in the Policy as defined by the relevant planning schemes in effect at the time of application.</p>	<p>The development is defined as an applicable land use.</p>

### **Business and Regional Benefits**

Based on the information provided by the applicant, the development supports increased business activity within the local construction industry, manufacturers and suppliers and provides additional employment opportunities.

### **Consultation and Communication**

Development Assessment has considered the development application through the statutory assessment processes provided by the *Planning Act 2016*. As part of this assessment process Development Assessment consulted with the other relevant Council programs.

The Director of Development Services has also considered this application and provided approval for the Expression of Interest to progress to a Stage 2 application.

### **Resource Implications**

In accordance with the Adopted Charges Resolution, the development has a nett infrastructure charge of \$28,242.74.

Schedule 6 of the Policy supports infrastructure charge concessions of 50% where the development complies with the Policy Eligibility Criteria. Concession scenarios based on this rate are provided below for consideration:

<b>Net Charge</b>	<b>Concession (%)</b>	<b>Concession (\$)</b>	<b>Charges Payable to Council</b>
\$11,601.68	50%	\$5,800.84	\$5,800.84

The further requested concession would result in the additional incentive below:

- Service connection fee refund - reduction in water and sewer service connection fees (50% discount up to a maximum of \$500 for each service), applied at the time when the fees would be payable for the activity.

#### **Risk Management Implications**

There is a risk that granting significant concessions can leave Council exposed to similar claims in the future and that a potential infrastructure funding gap could present. These risks are sufficiently mitigated through the following measures:

- An existing development approval is in place and on-site infrastructure requirements have been reviewed as part of the assessment process;
- A condition has been included as part of the officer's recommendation stating that the approved concessions are dependent on Council not incurring any additional infrastructure costs (including 'bring forward costs') to service the development;
- Strict timeframes are placed on claiming approved concessions. If the development is not completed within the recommended timeframe, the concessions will no longer be applicable and 100% of the applicable Infrastructure Charges will be applicable to the development;
- Council can review the application of the Policy at any time.

#### **Conclusion**

The Policy provides incentives for development that will deliver economic and growth outcomes in alignment with Council's policy and planning objectives.

The proposed application supports the desired outcomes of Schedule 5 of the Policy and the provision of concessions will facilitate the delivery of the project and the delivery of construction jobs and increased economic output.

#### **Officer's Recommendation**

THAT the following Specific Incentives are approved under the Facilitating Development in the Mackay Region Policy for Childcare Centre at 22 Moreton Drive and Lot 801 on Devereux Street, Rural View:

- a) Concessions of 50% (\$5,800.84) to be applied against the net charge amount identified on the Infrastructure Charges Notices for Childcare Centre (DA-2018-112/B) at 22 Moreton Drive and Lot 801 on Devereux Street, Rural View.
- b) Reduction in water and sewer service connection fees (50% discount up to a maximum of \$500 for each service), applied at the time when the fees would be payable for the activity.

AND THAT the approval of the concessions is dependent on:

- c) The development must be completed and the use commenced by 11 December 2021.
- d) No additional infrastructure costs incurred by Council (including establishment and bring forward costs).
- e) The developer utilising local contractors and suppliers.

#### **Council Resolution**

THAT the Officer's Recommendation be adopted.

**Moved Cr May**

**Seconded Cr Englert.**

Cr May noted the increased need for child car especially in the Rural View area.

**CARRIED**

**11.18 MACKAY REGION PLANNING SCHEME 2017 – ADMINISTRATIVE AMENDMENT 6 (SUPPORTING MAJOR AMENDMENT 1, SEPARATING PLANNING SCHEME POLICIES AND CADASTRE UPDATE) - DECIDE TO ADOPT AMENDMENTS AND CREATE A CONSOLIDATED VERSION OF THE PLANNING SCHEME**

**Author     Manager Strategic Planning**

## **Purpose**

The purpose of this report is:

- (a) to provide the proposed Administrative amendment 6 prepared in accordance with chapter 2, part 1, section 2.1 of the *Minister's Guidelines and Rules – July 2017* (MGR);
- (b) for Council to decide to adopt or not proceed with the proposed administrative amendment to the Mackay Region Planning Scheme 2017 (planning scheme), in accordance with chapter 2, part 1, section 3.1 of the MGR; and
- (c) if adopting the proposed amendment, for Council to publish a public notice and provide the required material to the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) in accordance with chapter 2, part 1, sections 6.2 and 6.3 of the MGR.

## **Related Parties**

There are no related parties. Public consultation is not required for an administrative amendment to the planning scheme. The Strategic Planning program prepared and managed this amendment.

## **Background/Discussion**

Administrative amendments are important to update formatting, cross-references, correct grammatical mistakes and keep material and version numbers up to date in the planning scheme.

The proposed Administrative amendment 6 will:

1. Support Major amendment 1 by updating cross references and page numbers.
2. Separate the planning scheme policies (PSP) out of the planning scheme document to allow them to sit as separate documents on Council's website. This will involve deleting schedule 6 from the planning scheme and removing cross references to schedule 6. The separation of the PSPs from the planning scheme will shorten the process of amending the PSPs by removing the need make further amendments to the planning scheme and version numbers when a PSP is amended. The PSPs will continue to function in the same way and have a relationship with the planning scheme – only their location is changing.
3. Update cross-references to the PSPs to reflect the new names proposed under planning scheme policy administrative amendment 1, which is presented for adoption in a separate report at this Ordinary Meeting. Names of the PSPs have been standardised and the term "engineering design guideline" removed. Planning scheme policy administrative amendment 1, in addition to changing the names of the PSPs, places each PSP in a new template and introduces standard formatting.
4. Update all of the Schedule 2 and 3 mapping to display the October 2019 cadastre. This process involves removing the out of date cadastre and replacing it with the new cadastre. For the zone maps, this also involves snapping the zones to the property boundaries to reflect any minor deviations in the cadastre boundaries and reflecting new road reserves etc. For the schedule 3 local government implementation plan (LGIP) maps, the updating of these is also considered to satisfy the requirements of the MGR for an Administrative LGIP amendment.

5. Update the version number of the planning scheme to version 3.0 and consolidate the changes made by Administrative amendment 6 and Major amendment 1.
6. Update page numbers and cross references.

The proposed amendment is supported by the following attachments:

- Attachment 1 – Administrative amendment 6 – full list of amendments;
- Attachment 2 – Mackay Region Planning Scheme 2017 version 3.0 – track changes;
- Attachment 3 – Mackay Region Planning Scheme 2017 version 3.0 – clean;
- Attachment 4 – Schedule 2 and 3 mapping;

#### Administrative amendment – MGR process

The proposed administrative amendment, as detailed in Attachment 1, accords with the definition of an administrative amendment in Schedule 1, section 1 of the MGR.

Chapter 2, Part 1 of the MGR sets out the process required to make an administrative amendment. Key steps considered relevant to the amendments proposed are:

#### ***2 Planning and preparation***

*2.1 The local government must prepare the proposed amendment.*

#### ***3 Adoption***

*3.1 The local government must decide to adopt or not proceed with the proposed amendment. 3.2 If the local government decides to adopt the proposed amendment, the local government must publish a public notice in accordance with the Act and the requirements prescribed in schedule 5.*

*3.3 The local government must, within 10 business days of publishing a public notice, give the chief executive—*

- a) a copy of the public notice; and*
- b) a certified copy of the administrative amendment, as adopted, including—
  - i. an electronic copy of the amendment or instrument; and*
  - ii. a copy of all electronic planning scheme spatial data files (mapping) relevant to the administrative amendment.**

The administrative amendment has been prepared in accordance with chapter 2, part 1, section 2.1 of the MGR. Council must decide to either adopt or not proceed with the proposed amendment and, if proceeding to adopt the amendment, complete all subsequent steps of the administrative amendment process in accordance with the MGR.

#### Consolidated version of the planning scheme

Major amendment 1 is the subject of a separate report at this Ordinary meeting. If Council decide to adopt Major amendment 1 and Administrative amendment 6, the amendments packages under these two amendments will form a consolidated version 3.0 of the planning scheme.

#### **Consultation and Communication**

The proposed administrative amendment to the planning scheme does not require public consultation in accordance with the MGR. Public notices will be published as required by the

MGR and a MyMackay eNewsletter will be issued that advises of the amendment and commencement date and provides links to further information about the amendment.

### **Resource Implications**

The process of finalising the proposed planning scheme amendment will be managed by Strategic Planning and will be funded from the current operational budget.

**Risk Management Implications** The risk of not undertaking the proposed administrative amendment will:

- prevent Major amendment 1 from commencing as administrative changes are required to support this amendment;
- not improve and streamline the process of amending planning scheme policies;
- result in an out-of-date cadastre being used for schedule 2 and 3 maps.

### **Conclusion**

It is recommended that the proposed Administrative amendment 6 is adopted and become effective on 3 February 2020.

### **Officer's Recommendation**

THAT Council prepared the proposed Administrative amendment 6 in accordance with the *Minister's Guidelines and Rules under the Planning Act 2016 (July 2017)*, chapter 2, part 1, section 2.1.

AND THAT Council decide to adopt the proposed Administrative amendment 6 in accordance with the *Minister's Guidelines and Rules under the Planning Act 2016 (July 2017)*, chapter 2, part 1, section 3.1.

AND THAT Council publish a notice in accordance with the requirements prescribed in the *Minister's Guidelines and Rules under the Planning Act 2016 (July 2017)*, chapter 2, part 1, section 3.2.

AND THAT Council give the chief executive a copy of the public notice and a certified copy of the administrative amendment in accordance with *Minister's Guidelines and Rules under the Planning Act 2016 (July 2017)*, chapter 2, part 1, section 3.3.

AND THAT Council resolve to satisfy the requirements for an Administrative LGIP amendment in accordance with the *Minister's Guidelines and Rules under the Planning Act 2016 (July 2017)* chapter 5, part 3, section 12.2.

AND THAT Council make version 3.0 of the Mackay Region Planning Scheme 2017 – which will consolidate the amendment adopted under this report (Administrative amendment 6) and Major amendment 1 to commence on 3 February 2020.

**Council Resolution**

THAT the Officer's Recommendation be adopted.

**Moved Cr Englert**

**Seconded Cr Mann (nee Fordham).**

Cr Englert noted these were largely administrative amendments with no significant changes to the scheme.

**CARRIED**

**11.19 MACKAY REGION PLANNING SCHEME 2017 - PLANNING SCHEME POLICY  
ADMINISTRATIVE AMENDMENT 1 - DECIDE TO ADOPT AMENDMENTS**

**Author**     **Manager Strategic Planning**

**Purpose**

The purpose of this report is:

- (a) to provide the proposed planning scheme policy (PSP) administrative amendment 1 prepared in accordance with chapter 3, part 1, section 2.2 of the *Minister's Guidelines and Rules – July 2017* (MGR);
- (b) for Council to decide to adopt or not proceed with the proposed PSP administrative amendment, in accordance with chapter 3, part 1, section 5.1 of the MGR; and
- (c) if adopting the proposed amendment, for Council to publish a public notice and provide the required material to the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) in accordance with chapter 3, part 1, sections 5.2 and 5.3 of the MGR.

**Related Parties**

There are no related parties. Public consultation is not required for PSP administrative amendments. The Strategic Planning program prepared and managed this amendment.

## **Background/Discussion**

At the Ordinary Meeting on 27 November 2019, Council decided to amend the PSPs and to prepare the PSP administrative amendment in accordance with chapter 3, part 1, section 2.1 and 2.2 of the MGR.

The proposed PSP administrative amendment 1 has now been prepared. The intent of the proposed administrative amendment to the PSPs is to:

- a) support an administrative amendment to the planning scheme which will separate the PSPs from the planning scheme document and place them as individual PSP documents on

Council's website;

- b) improve usability, legibility and functionality of the PSPs for internal and external clients; and
- c) enable a more streamlined review and amendment process for each PSP into the future.

This proposed PSP administrative amendment 1 makes the following changes to each PSP: a) insert new title pages;

- b) rename the PSPs to simplify their titles;
- c) introduce standardised formatting;
- d) insert a new footer;
- e) insert a table detailing the amendment history of the PSP;
- f) insert standard explanatory wording about the application of the PSP;
- g) insert a section which lists the sections of the planning scheme which reference the PSP; and
- h) create a standard document structure with an introduction section.

These proposed administrative amendments do not change the policy intent of the PSPs.

The proposed amendment is supported by the following attachments which detail the proposed changes:

- Attachment 1 – PSP Administrative Amendment 1 – full list of proposed amendments;
- Attachment 2 – Planning scheme policies

### PSP administrative amendment – MGR process

Chapter 3, part 1 of the MGR sets out the process required to make an administrative amendment to a PSP. The remaining steps in the PSP administrative amendment process are:

#### **5 Adoption**

*5.1 The local government must decide to adopt or not proceed with the proposed PSP or PSP amendment.*

*5.2 Public notice about the decision must be given in accordance with the requirements in the Act and as prescribed in schedule 5.*

*5.3 The local government must, within 10 business days of giving public notice under this section, give the chief executive—*

- a) *a copy of the public notice; and*

b) *if adopted, a certified copy of the PSP as adopted or amended, including—*  
*i. an electronic copy of the amendment or instrument; and ii. a copy of all electronic planning scheme spatial data files (mapping) relevant to the PSP.*

Council must decide to either adopt or not proceed with the proposed PSP administrative amendment and, if proceeding to adopt the amendment, complete all subsequent steps of the PSP administrative amendment process in accordance with the MGR.

If the proposed amendment is adopted, it is recommended that the PSP administrative amendment 1 commences on 3 February 2020 which is the proposed date of commencement of version 3.0 of the Mackay Region Planning Scheme 2017 (planning scheme). Version 3.0 of the planning scheme is proposed to consolidate Major amendment 1 and Administrative amendment 6, which are subject to separate reports at this Ordinary Meeting. Proposed Administrative amendment 6 separates the PSPs in schedule 6 out of the planning scheme and places them as individual documents on Council's website. It is therefore important that the proposed PSP Administrative amendment 1 occurs at the same time as the PSPs are removed from schedule 6 under proposed Administrative amendment 6.

### **Consultation and Communication**

The proposed PSP administrative amendment does not require public consultation in accordance with the MGR. Public notices will be published as required by the MGR. Further, a MyMackay eNewsletter will be issued that advises of the amendment and commencement date and provides links to further information about the amendment, including where to access the PSPs.

### **Resource Implications**

The process of finalising the proposed planning scheme policy amendment will be managed by Strategic Planning and will be funded from the current operational budget.

### **Risk Management Implications**

The proposed amendment will ensure that the PSPs have a consistent and formal appearance and structure. The risk of not proceeding with this amendment will reduce the effectiveness of future PSP amendments and these documents will not have a professional format.

### **Conclusion**

It is recommended that the proposed PSP administrative amendment 1 is adopted and becomes effective on 3 February 2020.

### **Officer's Recommendation**

THAT Council prepared the proposed planning scheme policy administrative amendment 1 in accordance with the *Minister's Guidelines and Rules under the Planning Act 2016 (July 2017)*, chapter 3, part 1, section 2.2.

AND THAT Council decide to adopt the proposed planning scheme policy administrative amendment 1 in accordance with the *Minister's Guidelines and Rules under the Planning Act 2016 (July 2017)*, chapter 3, part 1, section 5.1.

AND THAT Council publish a notice in accordance with the requirements prescribed in the *Minister's Guidelines and Rules under the Planning Act 2016 (July 2017)*, chapter 3, part 1, section 5.2.

AND THAT Council give the chief executive of Department of State Development, Manufacturing, Infrastructure and Planning a copy of the public notice and a certified copy of the PSPs as amended in accordance with *Minister's Guidelines and Rules under the Planning Act 2016 (July 2017)*, chapter 3, part 1, section 5.3.

AND THAT the following amended planning scheme policies under planning scheme policy administrative amendment 1 commence on 3 February 2020:

- 1) Planning scheme policy – bushfire protection
- 2) Planning scheme policy – constructed lakes
- 3) Planning scheme policy – cycleway and pathway design
- 4) Planning scheme policy – geometric road design
- 5) Planning scheme policy – healthy waters
- 6) Planning scheme policy – landscape
- 7) Planning scheme policy – pavement design
- 8) Planning scheme policy – quality assurance requirements for design
- 9) Planning scheme policy – sewerage system design
- 10) Planning scheme policy – site regrading
- 11) Planning scheme policy – stormwater drainage design
- 12) Planning scheme policy – structures / bridge design
- 13) Planning scheme policy – subsurface drainage design
- 14) Planning scheme policy – water supply design
- 15) Planning scheme policy – open space

### **Council Resolution**

THAT the Officer's Recommendation be adopted.

**Moved Cr Englert**

**Seconded Cr Mann (nee Fordham).**

Cr Englert noted these were again largely administrative amendments with no significant changes to the scheme.

**CARRIED**

## 12. RECEIPT OF PETITIONS:

### **12.1 PETITION REPORT - REQUEST FOR UPGRADE OF NARROW STRIPS OF BITUMEN ON MARWOOD ROAD, SUNNYSIDE BALBERRA**

**Author** Chief Executive Officer

#### **Purpose**

A petition was received by Council on 2 December 2019 and relates to a request for work to be completed to upgrade the narrow strips of bitumen on Marwood Road, Sunnyside, Balberra.

#### **Related Parties**

Listed petitioners per the attached Petition.

#### **Background/Discussion**

In terms of Council's Standing Orders, where a petition is put to a meeting, no debate is undertaken on the petition itself, with the only motion which may be moved being:

- (a) the petition be received, and consideration stand as an order of the day for:
  - (i) the meeting; or
  - (ii) a future meeting; or
- (b) the petition be received and referred to the Chief Executive Officer for consideration and a report to the local government; or
- (c) the petition not be received.

The petitioners' main points of contention are as follows:

- A lot of ill feeling about condition of road
- In 30 years of using the road the bitumen has become narrower
- Existing maintenance ensures new loose rocks put in place at side of roads but does nothing to stop the continued narrowing of the edges
- Edges of road are high and dangerous
- Multiple windscreens broken, tyre damage and rock damage to vehicles
- Road is a school bus route and is in a dangerous condition
- Riding a motorbike sustains serious injury from rocks hitting leg
- Road is often used as a bypass when highway is closed for any reason.

The petition meets the requirements as per the Standing Orders, in that it is legible and has more than 25 signatures.

**Consultation and Communication**

That the petitioners, through their lead petitioner, be informed that Council acknowledges receipt of the Petition and that it has been accepted as a formal submission. The issues raised will be addressed in the report to be tabled before Council in the future.

**Resource Implications**

NIL at this stage as the recommendation relates only to the preparation of a report on the matter.

**Risk Management Implications**

NIL.

**Conclusion**

It is proposed that as the petition meets the necessary requirement for consideration by Council, that the petition be referred to the Chief Executive Officer for a report to be prepared for further consideration by Council.

**Officer's Recommendation**

THAT the petition be received and referred to the Chief Executive Officer for a report to be prepared for consideration by Council which investigates the issues identified within the petition.

THAT the principle petitioner be advised of Council's determination.

**Council Resolution**

THAT the Officer's Recommendation be adopted.

**Moved Cr May**

**Seconded Cr Casey.**

**CARRIED**

**13. TENDERS:**

Nil

**14. CONSIDERATION OF NOTIFIED MOTIONS:**

## **14.1 NOTIFIED MOTION - REPORTING BACK BY COUNCILLORS ON THE OUTCOMES OF SEMINARS, WORKSHOPS AND CONFERENCES**

**Author** Chief Executive Officer

### **Purpose**

To present for consideration an agenda item requested by Cr Bella seeking the formalisation of the requirement of Councillors to provide reports to Council on their return from official seminars, workshops and conferences.

### **Related Parties**

N/A

### **Background/Discussion**

Under the provisions of clause 6.3 of Council's Standing Orders, any Councillor has the ability to request that a matter be included on a Council meeting agenda. Cr Bella has advised of his desire for the following item to be tabled under this provision as a notified motion -

*That Council develop a Council Policy which sets out the requirement for Councillors who attend events such as seminars, workshops and conferences on an official basis to provide a report back to Council in a timely manner.*

Cr Bella believes the participation by Councillors at forums such as conferences, seminars and workshops can be an important way of bringing back learnings that can be shared with other Councillors, staff and the broader community. Cr Bella is concerned however that the Council is not optimising the benefits of the attendance of Councillors at these types of events.

Cr Bella noted that this matter was discussed by Council in its meeting of 24 January 2018 under Item 12.7, and that at Cr Bella's request the Mayor asked the CEO to prepare a template that Councillors could use for the purpose of reporting back.

Cr Bella observed that most Councillors have followed this protocol resulting in many very good examples of outcomes being shared with the rest of the Council. Cr Bella is concerned that unfortunately this approach has not been adopted by all Councillors, and that as a result the benefit of Councillors travelling to attend conferences and seminars is not being fully realised.

Cr Bella believes that if the requirement to report back was set out in a Council Policy it would encourage greater compliance.

### **Consultation and Communication**

Nil

**Resource Implications**

The development of the proposed Council Policy does not require any additional resources.

**Risk Management Implications**

The risk of not requiring Councillors to report back is that the full benefits of their attendance at events may not be realised.

**Conclusion**

Nil

**Officer's Recommendation**

THAT Council considers the Notified Motion by Cr Bella to develop a Council Policy which sets out the requirement for Councillors who attend events such as seminars, workshops and conferences on an official basis to provide a report back to Council in a timely manner.

**Council Resolution**

THAT the Officer's Recommendation be adopted.

**Moved Cr Bella**

**Seconded Cr Bonaventura.**

Cr Bella noted that if Councillors are travelling for information gathering purposes, he would like to see the process for receiving reports formalised so that reports are provided to Council in a timely manner.

The Mayor noted this motion was made with good intent and would be a very good policy initiative for a new Council.

**LOST**

**Cr Williamson, Cr Gee, Cr Englert, Cr Mann, Cr May and Cr Paton recorded their vote against the Motion.**

**15. PUBLIC PARTICIPATION:**

Mr Thompson of Mackay addressed Council to express his concern about the 5G initiative as he felt it was very dangerous. Mr Thompson advised that there was a public meeting this afternoon at 5pm.

The Mayor thanked Mr Thompson for his comments.

**16. LATE BUSINESS:**

Cr Mann provided some highlights from the trip to Matsuura, noting that the welcome received was humbling and overwhelming and showed the level of passion and commitment the residents of Matsuura have toward this relationship.

Cr May stated for the public record that she and Cr Mann had personally paid for their trip to Matsuura. Cr May added some of her highlights from the trip noting that it was very humbling to be there for the 30<sup>th</sup> anniversary of our relationship with Matsuura. She noted that the Mayor, Council and the people of Matsuura had made them feel very welcome and the cultural exchange was wonderful. Cr May expressed the view that Council needs to continue to work on and be part of the exchange to keep it moving forward. Cr May noted the opening of a new park in Matsuura known as “Sister Park” and thanked the citizens of Matsuura and the Council for their hospitality.

The Mayor noted that he was very pleased to have the opportunity to represent Council at several official occasions and a number of public addresses in Matsuura. The Mayor provided some highlights including the park with a plinth saying Mackay Regional Council, the children’s playground in the park in the shape of a platypus and the manhole covers which say Mackay and Matsuura in the city area. The Mayor noted that Matsuura had gone to an immense amount of trouble to cement the dedication to our region. He noted that Mackay was very well represented with the Member for Mackay and her husband attending, a representation from Dalrymple Bay Coal on the tour and also Mark Leyland who was first Chair of Mackay Matsuura Committee. The Mayor thanked Council for allowing him to represent Council at Matsuura.

Cr Bella advised that he and Cr Bonaventura recently attended the annual Koumala Christmas Fair run by the Koumala Progress Association and passed on the thanks from the Progress Association for the funding which allowed for the provision of lighting facilities.

Cr Bella noted that there had been a number of fires in the region and wished to acknowledge and commend Andrew Hawley who dispatched a helicopter to the fires and to congratulate the pilots on their skills. Cr Bella spoke about the danger of fires and the management of effective hazard reduction and was pleased to see Council developing a policy on hazard reduction on Council land.

Cr Casey noted that while attending the recent Staff Awards, he was approached by a staff member and two tourists who were seeking a water bubbler in the Council precinct. As Council do not have a public bubbler available Cr Casey suggested Council look at installing a bubble in the public outdoor area.

The Mayor requested the CEO investigate this.

Cr Paton advised that he recently attended community events and wished to relay thanks to Council from the Finch Hatton Progress Association and the Dows Creek community for Council's support.

Cr Bonaventura thanked the Director of Community and Client Services, Bridget Maher for her support over the years and in particular her support of Cr Bonaventura in his role as Chair of the Rural Safety Working Group. Cr Bonaventura wished Ms Maher well on her new appointment and advised that she would be missed.

Cr Bonaventura reminded Councillors that Carols under the Stars would be held on Saturday 21st December at Habana and extended an invitation to the Mayor, Councillors, staff and families to attend.

Cr Bonaventura advised that he, Cr Gee and the Deputy Mayor attended the opening of the new BP Service Station at Northern Beaches. Cr Bonaventura congratulated the Wessels family from Bundaberg for establishing the business in the Northern Beaches.

Cr Casey advised that he attended the North Queensland Sports Foundation Board Meeting last Friday at which time the North Queensland Games being held in Townsville was raised. The CEO of the North Queensland Sports Foundation Board asked that his thanks be passed on to Bridget Maher for the work she did when the Games were held in Mackay and his best wishes to her for the future.

Cr May advised that because she travelled to Matsuura she was unable to attend the Staff Awards but wished to pass on her congratulations to the staff, Directors, Managers and CEO and wish all a happy Christmas and new year. Cr May expressed her appreciation to Bridget Maher and wished her the very best in her new role.

Cr Englert advised that he, the Deputy Mayor and Cr Paton recently attended the first screening of Keith Payne's documentary. He advised that Ray Martin and the Producer had returned to Mackay to promote it and encouraged everyone to watch it. Cr Englert advised that many of Mr Payne's family were in attendance and were very appreciative of Council's representation at the screening.

## 17. CONFIDENTIAL REPORTS:

THAT the meeting be closed to the public in accordance with the *Local Government Act 2009 (Section 275 (1) of the Local Government Regulation 2012)* to discuss matters relating to:-

Confidential Item	Reason for Meeting Closure
• <b>Item 17.1</b> - Proposed Strategic Land Purchase	(e) contracts proposed to be made by it
• <b>Item 17.2</b> - Draft Minutes - Water & Waste Advisory Board Meeting - 19 November 2019	(h) for which a public discussion would be likely to prejudice the interests of the local government or someone else, or

	enable a person to gain a financial advantage
<ul style="list-style-type: none"> <li>• <b>Item 17.3</b> - Draft Minutes - Transport &amp; Drainage Advisory Board Meeting - 18 November 2019</li> </ul>	(h) for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage
<ul style="list-style-type: none"> <li>• <b>Item 17.4</b> - Mackay Region Planning Scheme 2017 - Major Amendment 1- Self-Contained Recreational Vehicle Grounds - Decide to Adopt or Not Proceed with Amendment</li> </ul>	(g) any action to be taken by the Local government under the Planning Act, including deciding applications made to it under that Act

**Moved Cr Mann (nee Fordham)**

**Seconded Cr Englert.**

**CARRIED**

**11.42am** - The meeting was closed to the public.

THAT the meeting be reopened to the public.

**Moved Cr Casey**

**Seconded Cr May.**

**CARRIED**

**11.45am** - The meeting was reopened to the public.

**17.1 PROPOSED STRATEGIC LAND PURCHASE****Confidential****Council Resolution**

THAT Council delegates to the Chief Executive Officer the authority to enter into a contract to purchase the properties of Lots 221 - 224 on Crown Plan M912.

Moved Cr May

Seconded Cr Bonaventura.

**CARRIED****17.2 DRAFT MEETING MINUTES - WATER & WASTE ADVISORY BOARD MEETING - 19 NOVEMBER 2019****Confidential****Council Resolution**

THAT the Minutes of the Water and Waste Advisory Board Meeting dated 19 November 2019 be received.

Moved Cr Bonaventura

Seconded Cr Casey.

**CARRIED****17.3 DRAFT MEETING MINUTES - TRANSPORT & DRAINAGE ADVISORY BOARD MEETING - 18 NOVEMBER 2019****Confidential****Council Resolution**

THAT the Minutes of the Transport & Drainage Advisory Board Meeting dated 18 November 2019 be received.

**Moved Cr Walker**

**Seconded Cr Casey.**

**CARRIED**

**17.4 MACKAY REGION PLANNING SCHEME 2017 - MAJOR AMENDMENT**  
**1 - SELF-CONTAINED RECREATIONAL VEHICLE GROUNDS -**  
**DECIDE TO ADOPT OR NOT PROCEED WITH AMENDMENT**

**Confidential**

**Council Resolution**

THAT Council make changes to the proposed amendment in accordance with chapter 2, part 4, section 21.6 of the *Minister's Guidelines and Rules under the Planning Act 2016 (July 2017)* to comply with the Minister's conditions as provided by the Department of State Development, Manufacturing, Infrastructure and Planning under chapter 2, part 4, section 21.5 of the *Minister's Guidelines and Rules under the Planning Act 2016 (July 2017)*.

AND THAT Council decide to adopt the proposed Major amendment 1 to the *Mackay Region Planning Scheme 2017*, in accordance with section 20 of the *Planning Act 2016* and chapter 2, part 4, section 21.1(a) of the *Minister's Guidelines and Rules under the Planning Act 2016 (July 2017)*.

AND THAT Council proceed to publish a public notice in accordance with the *Planning Act 2016* and the requirements prescribed in Schedule 5 of the *Minister's Guidelines and Rules under the Planning Act 2016 (July 2017)* in accordance with chapter 2, part 4, section 21.1(b) of the *Minister's Guidelines and Rules under the Planning Act 2016 (July 2017)*.

AND THAT Council give the chief executive of the Department of State Development, Manufacturing, Infrastructure and Planning a copy of the public notice and a certified copy of the major amendment in accordance with chapter 2, part 4, section 22.2 of the *Minister's Guidelines and Rules under the Planning Act 2016 (July 2017)*.

**Moved Cr Mann (nee Fordham)**

**Seconded Cr Englert.**

**CARRIED**

The Mayor extended his thanks to the Director for Community and Client Services, Bridget Maher from the elected members and expressed his personal thanks for her contribution to Mackay Regional Council and for her personal assistance on community-based issues that have come to his office. The Mayor wished her luck as the CEO of her new Council.

Ms Maher responded thanking the Mayor and the Councillors for their kind words. Cr Williamson wished the Councillors and their families a very happy Christmas and hoped they enjoyed the break.

**18. MEETING CLOSURE:**

The meeting closed at 11.57am.

**19. FOR INFORMATION ONLY:**

Nil

**APPENDIX / ATTACHMENTS**