



MINUTES

Ordinary Meeting

**Held at Council Chambers
Sir Albert Abbott Administration Building
73 Gordon Street, Mackay**

On Wednesday 26 October 2022

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

Mayor 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.

Mayor 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, J F Englert, B C Hassan, A N Jones, F A Mann, K L May, R J Seymour and P A Townsend were in attendance at the commencement of the meeting.

Also present was Ms A Hays (Acting Chief Executive Officer), Mrs P Jaenke (Minute Secretary), Mr D McKendry (Executive Officer), Mr J Devitt (Director - Engineering & Commercial Infrastructure), Ms A Nugent (Director - Development Services), Mr J Carless (Director - Capital Works), Mr M Sleeman (Acting Director - Community & Client Services), Ms K Lamb (Director - Organisational Services), Ms M Rogers (Manager - Corporate Communications & Marketing) and Mrs K Verroen (Coordinator Corporate Governance).

The meeting commenced at 10:00 am.

2. OPENING PRAYER

Pastor Jaswanth Kukatlapalli from the Lutheran Church led those present in Prayer.

3. ABSENT ON COUNCIL BUSINESS

Nil

4. APOLOGIES

Nil

Council Resolution ORD-2022-305

4.1 LEAVE OF ABSENCE - CR GREEN

THAT Cr Green be granted leave of absence for today's Meeting.

Moved Cr May

Seconded Cr Hassan

CARRIED

5. CONDOLENCES

Nil

6. CONFLICT OF INTEREST

In accordance with Chapter 5B of the *Local Government Act 2009*, I Cr Alison Jones inform the meeting that I have a Declared conflict of interest in Agenda Item 11.5.6, 40 Ocean Avenue.

The nature of my interest is as follows:

My sister Beverley Budden, is employed by Mr William Paton.

The Particulars:

- (a) **The name of the related party is Beverley Budden.**
- (b) **The nature of my relationship with the related party is that Beverley Budden is my sister.**
- (c) **The nature of the related party's interest in this matter is that Beverley Budden is employed by Mr William Paton.**

As a result of my conflict of interest, I will leave the meeting when Agenda Item 11.5.6 is considered and voted on.

7. CONFIRMATION OF MINUTES

7.1. CONFIRMATION OF MINUTES - 12 OCTOBER 2022

Council Resolution ORD-2022-306

THAT the Ordinary Meeting Minutes dated 12 October 2022 be adopted.

Moved Cr Bonaventura

Seconded Cr Hassan

CARRIED



MINUTES

Ordinary Meeting

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73 Gordon Street, Mackay**

On Wednesday 12 October 2022

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

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1. ATTENDANCE

His Worship the Mayor, Cr G R Williamson (Chairperson), Crs M J Bella, L G Bonaventura, M I Green, B C Hassan, A N Jones, F A Mann, K L May, R J Seymour and P A Townsend were in attendance at the commencement of the meeting.

Also present was Ms A Hays (Acting Chief Executive Officer), Mrs P Jaenke (Minute Secretary), Mr D McKendry (Executive Officer), Mr C Jessup (Acting Director - Engineering & Commercial Infrastructure), Ms A Nugent (Director - Development Services), Mr J Carless (Director - Capital Works), Mr M Sleeman (Acting Director - Community & Client Services), Ms K Lamb (Director - Organisational Services) and Mr L Brake (Communications Coordinator).

The meeting commenced at 10:00 am.

2. OPENING PRAYER

Mayor Williamson led those present in Prayer.

3. ABSENT ON COUNCIL BUSINESS

Nil

4. APOLOGIES**4.1. APOLOGIES**

Nil

4.2. LEAVE OF ABSENCE - CR ENGLERT

THAT Cr Englert be granted leave of absence for today's Council Meeting.

Council Resolution ORD-2022-295**4.2 LEAVE OF ABSENCE - CR ENGLERT**

THAT Cr Englert be granted leave of absence for today's Meeting.

Moved Cr Jones

Seconded Cr Mann

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CARRIED**5. CONDOLENCES**

Mayor Williamson expressed condolences, on behalf of Council, to the family of Council's former Parks Maintenance Officer Joseph Roberts, who passed away recently. Mayor Williamson advised that after working with Council in a labour hire role, Joe commenced in a full time position with Council in 2016. In his leisure, Joe was a keen woodworker, enjoyed working on cars and playing golf and was an active member of Council's Social Club. Mayor Williamson noted that Joe had a unique sense of humour and always tried to see the funny side of life. Mayor Williamson advised that Council's thoughts were with Joe's family and friends.

6. CONFLICT OF INTEREST

Nil

7. CONFIRMATION OF MINUTES**7.1. CONFIRMATION OF MINUTES - 28 SEPTEMBER 2022**

Mayor Williamson noted that Item 11.2.2 of the minutes of the meeting held on 28 September had been amended to show the final alternate motion which had been circulated by Cr May to Councillors prior to the meeting, read out in the meeting by Cr May, displayed on the screen and voted on.

Council Resolution ORD-2022-296

THAT the Ordinary Meeting Minutes dated 28 September 2022 be adopted.

Moved Cr May

Seconded Cr Mann

CARRIED**8. BUSINESS ARISING OUT OF PREVIOUS MINUTES**

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UPDATE ON QUESTIONS ARISING FROM COUNCIL MEETING – 28 SEPTEMBER 2022

AGENDA ITEM	MATTER	RESPONSE
11.3.1 ECI – Transport & Drainage Monthly Review Report – August 2022	Cr Bella queried if the Telstra cable had been laying in the drain for long and had Telstra dealt with the cable inappropriately.	<p>The incident occurred when de-grassing a road side drain while delivering grading maintenance. De-grassing work is typically 50mm - 100mm deep. The current Telstra specification is for the cable to be laid 600mm below surface levels within a conduit system, however, this varies considerably within the older networks and is also dependant on ground conditions/formations with the result that cables can be located anywhere from 600mm to surface level.</p> <p>Unfortunately, these shallower and older networks are not always identified on Dial Before You Dig which is common in rural settings. In this instance, the Telstra cable was not evident in the pre scoping of the grading works and there were no Telstra markers to indicate a cable in the area. Without further investigations being undertaken, it is difficult to determine how long the cable had been at its current depth.</p> <p>The damage to the cable has been reported to Telstra for appropriate repairs to be undertaken.</p> <p>Consideration will be given to whether it is appropriate for MRC to write to Telstra requesting that Telstra use cable markers to identify all cabling.</p>
11.3.1 ECI – Transport & Drainage Monthly Review Report – August 2022	Cr Bonaventura queried how many years since the Paget Street drain was last cleaned and has the results of the desilting given rise to increasing the desilting of drains.	<p>It is unknown as to how long it had been since the previous clean/desilting of the Paget Street Drain.</p> <p>Going forward, Civil Operations Teams will assess the base line condition of open drains such as this one and determine cyclic cleaning rather than reactive event driven outcomes. A means of ascertaining silt level changes within area cycles will be implemented. Forward planning of routine cleansing will also be implemented in an effort to manage aged build up.</p>

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		<p>There has been a change in Supervision of Open Drainage Maintenance (due to a staff retirement) and the new Supervisor will take ownership for continuous improvement application of leading indicator maintenance.</p> <p>This information will be provided to staff in due course in an attempt to mitigate any potential impacts resulting from the upcoming wet season.</p> <p>It is also important to note that routine drainage maintenance does not generally include re-grading unless there is an event which necessitates re-grading. In the instance of the Paget Street Drain, there had been localised flooding adjacent to the Paradise Street Drain and it was elected to reform the Paget Street Drain back to the original design. (The original design was obtained from the Drawing Index.)</p> <p>It can be confirmed that the Paget Street Drain was still free flowing, however, the banks had built up in aggregate over a number of years. This build-up was not measured.</p>
11.3.1 ECI – Transport & Drainage Monthly Review Report – August 2022	Cr May referred to the Council's maintenance contract with Transport and Main Roads in relation to repairs to State controlled roads, and queried if the Department reports to Council on the work carried out, and what is the determination that triggers the need for maintenance to be undertaken.	<p>Civil Operations is in constant contact with TMR Maintenance Engineers, and any issues are raised, discussed and recorded at the Monthly Road Maintenance Performance Contract (RMPC) Management Meeting.</p> <p>The Road Maintenance Performance Contract (RMPC) is a Conditional Agreement between TMR and MRC to undertake stewardship/maintenance activities of the TMR Road Network. This contract is renewed each year and is limited by the amount of funding provided by TMR for each maintenance activity undertaken.</p> <p>The 2022/2023 Agreement is \$6.212M, dissected into Schedules and Maintenance Activities as per TMR's Funding Element Framework.</p> <p>The methodology for undertaking works can be triggered via the following avenues and are subject to Defect Intervention Levels/Response Time Criteria as set by TMR in conjunction with our MRC criteria:</p>

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		<ul style="list-style-type: none"> • Periodic Routine Maintenance Activities eg Roadside slashing, median/landscaping maintenance, herbicide spraying • Defects logged as a result of Routine Inspection Schedules eg Pavement failures, potholes, grading, formation works • Customer Requests/Complaints • Weather events/Emergent Works • Emergency call outs, e.g. Vehicle accidents, debris on road, fallen vegetation • Works requested by TMR within the scope of the Agreement <p>TMR provides MRC with their current Routine Maintenance Guidelines and the current Intervention Level has been built into MRC's software Program (Delta S).</p>
11.3.3 ECI – Water Services Monthly Review Report – August 2022	Cr Seymour noted that there had been 406 water meters changed during the month and queried why Council is not using this as a marketing tool for myh20.	<p>It has been confirmed that as part of the Water Meter Replacement Program, letters are issued to property owners advising them that their water meter has been identified as due to be replaced.</p> <p>This letter does currently include a blurb regarding the myh20 portal and encourages property owners to register their properties.</p>
11.4.1 Organisation Services Monthly Review Report – August 2022	Cr May referred to the employee turnover graph and noted that figures are being compared to those from 2018, and queried if there was any more up to date statistics that could be used.	Australian Human Resource Institute (AHRI) 2022 report reference will be used in all future reports.

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9. MAYORAL MINUTES

Nil

10. CONSIDERATION OF COMMITTEE REPORTS & RECOMMENDATIONS

10.1. AUDIT COMMITTEE - MINUTES OF MEETING 26 SEPTEMBER 2022

Author	Secretariat (Jeanne Ronald)
Responsible Officer	Executive Officer (David McKendry)
File Reference	Audit Committee

Attachments	1. Draft Audit Committee Minutes [10.1.1 - 4 pages]
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Purpose

To receive the draft final minutes of the Audit Committee (the Committee) meeting held on 26 September 2022.

Related Parties

Nil

Corporate Plan Linkage

Priority: Organisational Performance

Strategy: Governance and performance - Ensure that council complies with all of its statutory obligations, minimises its exposure to litigation, manages its risk, undertakes targeted internal audits, and meets community expectations of transparency and performance reporting.

Background/Discussion

In accordance with Section 211 (1) (c) of the *Local Government Regulation 2012* (the regulation), the Committee must as soon as practicable after a meeting, give the local government a written report about the matters reviewed at the meeting and the committee's recommendations about the matters.

Furthermore, under Section 211 (4) of the regulation, the Chief Executive Officer must present the report at the next meeting of the local government.

Consultation and Communication

The draft minutes were approved by the Chair of the Committee and circulated to the Committee.

Resource Implications

Nil

Risk Management Implications

Nil

Officer's Recommendation

THAT the minutes of the Committee meeting of 26 September 2022 be received.

MACKAY REGIONAL COUNCIL

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Council Resolution ORD-2022-297

THAT the minutes of the Committee meeting of 26 September 2022 be received.

Moved Cr Bella

Seconded Cr Hassan

CARRIED

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11. CORRESPONDENCE AND OFFICER'S REPORTS**11.1. OFFICE OF THE MAYOR AND CEO****11.1.1. THE OFFICE OF THE MAYOR AND CEO MONTHLY REVIEW REPORT - SEPTEMBER 2022**

Author
Responsible Officer
File Reference

Acting Chief Executive Officer (Angela Hays)
 Acting Chief Executive Officer (Angela Hays)
 DMRR

Attachments

1. FINAL - Report for Office of Mayor CE Os - Monthly Review - September 2022 [11.1.1.1 - 24 pages]

Purpose

To provide Council with the Office of the Mayor and Chief Executive Officer's Monthly Report for the month of September 2022.

Related Parties

Nil

Officer's Recommendation

THAT the Office of the Mayor and Chief Executive Officers Monthly Report for September 2022 be received.

The Acting Chief Executive Officer Angela Hays, provided an overview and highlights of the Office of the Mayor and CEO Monthly Review Report for September 2022.

Council Resolution ORD-2022-298

THAT the Office of the Mayor and Chief Executive Officers Monthly Report for September 2022 be received.

Moved Cr May

Seconded Cr Green

Cr May highlighted several items from the report including safety, the external funding received by Council and the decrease in insurance and public liability claims.

CARRIED

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**11.1.2. COUNCILLOR REPORT - ATTENDANCE AT THE DISABILITY SPORTS AUSTRALIA
CONFERENCE - CR GREEN**

Author Executive Support Officer (Pam Jaenke)
Responsible Officer Executive Officer (David McKendry)
File Reference Councillors General

Attachments 1. DSA National Conference Report [**11.1.2.1** - 20 pages]

Purpose

To present a report to Council, which includes information and outcomes resulting from attendance at the Disability Sports Australia Conference by Cr Michelle Green.

Background/Discussion

Council at its meeting on 25 May 2022 authorised the attendance of Cr Green at the Disability Sports Australia Conference on 15-17 June 2022.

Attached are the details as presented following attendance at this Conference.

Officer's Recommendation

THAT the report on attendance at the Disability Sports Australia Conference by Cr Green be received.

Cr Green provided an overview of her report to Council following her attendance at the Disability Sports Australia Conference held at the Sunshine Coast from 15-17 June 2022.

Cr Bella noted that Cr Green, in the conclusion of the report, referred to massive economic benefits but did not provide any data, and advised that he would like to see evidence of the economic benefits.

Cr Green advised that the economic benefits to the region had been discussed throughout the conference but no data on this had been given. Cr Green advised that she was happy to gather data on this.

Cr Mann noted that the report mentions the opportunity for athletes to gain careers while competing, and queried if there had been any mention of sporting employment opportunities for athletes with both mental and physical impairments.

Cr Green advised that there had been discussion about opportunities for people with both physical and cognitive disabilities and noted that the program at the Sunshine Coast University caters to the para-athletes, with athletes in this program having either a physical or cognitive disability.

Cr Jones thanked Cr Green for her very detailed report and queried if she would be able to provide further information from the presentation by Cr David Law, on the Sunshine Coast Council's initiative to improve beach access for all, and how that could be beneficial to our region. Cr Jones suggested that as all Councillors present their reports differently, perhaps staff and Councillors could work together to prepare a template.

Mayor Williamson advised that this could be discussed.

Cr Green suggested that it may be useful to provide a briefing to Council by herself and the other attending staff members.

Mayor Williamson suggested that this may be able to be scheduled.

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Cr Green advised that in relation to beach access, Cr Law did not elaborate on this but advised that this was something that the Sunshine Coast Council was focusing on. Cr Green noted that should Council wish to discuss this further, the Sunshine Coast Council would be a good resource.

Cr Bella advised that as this is a public document and the conclusion, especially item 4 is unsupported by data which he believed should be included before it is received by Council, he would like to move a procedural motion to lay this motion on the table.

PROCEDURAL MOTION

THAT the report be laid on the table.

CARRIED

Mayor Williamson, Cr May, Cr Green and Cr Hassan recorded their vote against the Motion.

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11.1.3. LEGISLATIVE DELEGATIONS

Author	Acting Coordinator Corporate Governance (Pam Currell)
Responsible Officer	David McKendry
File Number	Legislative Delegations
Attachments	<ol style="list-style-type: none"> 1. Mayoral Delegations 2021-2022 [11.1.3.1 - 2 pages] 2. Legislative Delegations Register 2021-2022 [11.1.3.2 - 604 pages] 3. Waterfront PDA Delegations Register 2021-2022 [11.1.3.3 - 10 pages]

Purpose

To adopt the annual review of the following Delegation Registers:

- Mayoral Delegations
- Legislative Delegations (Council to the Chief executive Officer (CEO)); and
- Waterfront Priority Development Area (PDA) Delegations

Related Parties

There are no identified related parties.

Corporate Plan Linkage

Financial Strength

Ethical Decision-Making and Good Governance - We are committed to keeping our community informed about our activities and performance and employing robust governance policies and procedures to ensure legislative compliance and organisational integrity.

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.

The Mackay Regional Council (MRC) delegation registers include:

1. Mayoral Delegations;
2. Legislative Delegations; and
3. Waterfront Priority Development Area (PDA) Delegations.

The process to review the registers include:

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1. Incorporation/removal/amending in line with the legislative updates provided quarterly by solicitors King & Co via the LGAQ delegation service.
2. Undertake consultation with the associated programs to ensure the appropriate positions are allocated against the new/amended delegations.
3. Undertake management consultation on the amended delegation registers.
4. Present the amended registers to the Executive Leadership Team for endorsement prior to adoption by Council.

The 2021/2022 Delegation Registers have now been reviewed and are attached for adoption.

New, amended or deleted delegations are highlighted for ease of reading, including:

- New and amended sections/wording are in red; and
- Repealed and deleted sections/wording are ~~struck through~~ and in red.

1. Mayoral Delegations

The Delegation Register to the Mayor has been reviewed with no amendments.

The Register has been included to be readopted by Council as part of this review process.

2. Legislative Delegations

The Legislative Delegations were previously adopted by Council on 10 November 2021.

These delegations have been reviewed in accordance with the above process.

As a result of this review, a number of new delegations and amendments to the registers have been made, particular in relation to:

New Legislation and their New Delegations:

- *Justice Act 1886*
- *Medicines and Poisons Act 2019*
- *Medicines and Poisons (Pest Management Activities) Regulation 2021*
- *Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021*
- *Retail Shop Leases Act 1994*
- *Retail Shop Leases and Other Commercial Leases (COVID-19 Emergency Response) regulation 2020*
- *Transport Operations (Road Use Management – Vehicle Standards and Safety) Regulation 2021*

Repealed Legislation (Acts that have been abolished and replaced with new or amended legislation:

- *Residential Tenancies and Rooming Accommodation (COVID-19) Emergency Response Regulation 2020*

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- *Standard Plumbing and Drainage Regulation 2003* (replaced by *Plumbing and Drainage Regulation 2019*)

New Delegations to Existing Legislation (due to changes in legislation or processes):

- *Acquisition of land Act 1967*
- *Aged Care Act 1997 (Cwth)*
- *Animal Management (Cats and Dogs) Act 2008*
- *Building Act 1975*
- *Building Regulation 2021*
- *Environmental Protection Act 1994*
- *Land Act 1994*
- *Land Regulation 2020*
- *Land Title Act 1994*
- *Local Government Act 2009*
- *Public Health (Infection control for Personal Appearance Services) Act 2003*
- *Queensland Heritage Act 1992*
- *Residential Tenancies and Rooming Accommodation Act 2008*
- *State Penalties Enforcement Act 1999*
- *Transport Operations (Road Use Management – Vehicle Registration) Regulation 2021*

Amendments to Existing Delegations of Existing Legislation (due to changes in legislation or processes):

These include minor section changes and changes in position titles to delegated officers:

<ul style="list-style-type: none"> • <i>Aged Care Act 1997</i> • <i>Animal Care and Protection Regulation 2012</i> • <i>Body Corporate and Community Management (Accommodation Module) Regulation 2020.</i> • <i>Body Corporate and Community Management (Commercial Module) Regulation 2020</i> • <i>Body Corporate and Community Management (Small Schemes Module) Regulation 2020</i> • <i>Building Act 1975</i> • <i>Building Regulation 2021</i> • <i>Environmental Protection Act 1994</i> 	<ul style="list-style-type: none"> • <i>Industrial Relations Act 2016</i> • <i>Land Act 1994</i> • <i>Land Regulation 2020</i> • <i>Local Government Act 2009</i> • <i>Local Government Regulations 2012</i> • <i>Nature Conservation (Plants) Regulation 2020</i> • <i>Planning Act 2016</i> • <i>Residential Tenancies and Rooming Accommodation Act 2008</i> • <i>Statement Penalties Enforcement Act 1999</i> • <i>Transport Operations (Road Use Management – Vehicle Registration) Regulation 2021</i>
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3. **Waterfront Priority Development Area (PDA) Delegations**

The delegation register has been reviewed with no amendments.

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

Consultation and Communication

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Consultation has taken place with:

- Executive Leadership Team;
- Senior Leadership Team;
- Impacted programs relating to new and amended delegations;
- Local Government Association of Queensland (LGAQ); and
- King & Co Solicitors.

Resource Implications

The service provided by LGAQ is part of MRC's annual subscription. The Delegations Registers are prepared in-house by the Executive Office Program and no additional expense is outlaid.

Risk Management Implications

The risk associated with this matter is considered to be a low risk to MRC.

Conclusion

It is recommended that Council adopt the proposed Delegation Registers.

Officer's Recommendation

THAT Council adopt the following:

1. Mayoral Delegation Register; and
2. Legislative Delegations Register (Council to Chief Executive Officer); and
3. Waterfront Priority Development Area Delegations Register.

Council Resolution ORD-2022-299

THAT Council adopt the following:

1. **Mayoral Delegation Register; and**
2. **Legislative Delegations Register (Council to Chief Executive Officer); and**
3. **Waterfront Priority Development Area Delegations Register.**

Moved Cr May

Seconded Cr Jones

Cr May noted that there were quite a number of changes in the CEO and Mayor's delegations and also the Waterfront PDA delegations, but these were necessary to provide clarity.

CARRIED

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11.2. COMMUNITY AND CLIENT SERVICES**11.2.1. COMMUNITY & CLIENT SERVICES MONTHLY REVIEW SEPTEMBER 2022**

Author A/Director Community & Client Services (Mark Sleeman)
Responsible Officer A/Director Community & Client Services (Mark Sleeman)
File Reference DMRR

Attachments 1. CCS MONTHLY REVIEW SEPTEMBER 2022 Updated [11.2.1.1 - 54 pages]

Purpose

Attached is a copy of the Community and Client Services Monthly Review for the month of September 2022.

Related Parties

N/A

Corporate Plan Linkage

This links to various corporate objectives and strategies within the corporate plan.

Officer's Recommendation

THAT the Community and Client Services Monthly Review for September 2022 be received.

The Acting Director for Community and Client Services Mark Sleeman, provided an overview and highlights of the Community and Client Services Monthly Review Report for September 2022.

Cr Seymour noted that a used syringe had been found in the gardens at the Mackay Entertainment and Convention Centre, and queried if the gardens are checked regularly for items such as this.

The Acting Director advised that the gardens are checked regularly.

Cr Bella noted that the spraying of weeds hours had gone down considerably over the last couple of years and noted that this year had been one of the most protracted growing seasons. Cr Bella queried why the hours are so low and whether steps are being taken to remedy that trend.

The Acting Director advise that he would take the question on notice.

Cr Bella referred to the Licensing and Approvals Summary table, noting the non-compliance of a public swimming pool and caravan park, and queried if this was a one off situation or whether Council has been working with them without compliance being achieved.

The Acting Director advised that he would take the question on notice.

Council Resolution ORD-2022-300

THAT the Community and Client Services Monthly Review for September 2022 be received.

Moved Cr Townsend

Seconded Cr Hassan

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Cr Townsend highlighted several items from the report including the opening of the new animal management centre and the annual Art Space Rock Paper Scissors Market and encouraged residents to visit Art Space to see the latest exhibition on display. Cr Townsend noted the great initiative by the Libraries team to hold a Reminisce Café, which allowed organisations, carers and individuals living with, caring for or interest in dementia, to discover library resources and programs.

Cr Bella noted that it was obvious that there will be cane stand-over this year and that, combined with the excellent growing season, will result in greater vegetation on verges and in drains and therefore more vermin and snakes. Cr Bella felt that this is going to be a problem for Council and will need to be addressed.

Cr Jones noted that the vector control team are some of Council's quiet achievers and it was great to see the work they are doing to combat mosquito breeding. Cr Jones referred to Council's participation in the family event held at Canelands to raise awareness and promote Child Protection Week, and noted that the information provided was very thorough.

CARRIED

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11.3. DEVELOPMENT SERVICES**11.3.1. FACILITATING DEVELOPMENT IN THE MACKAY REGION POLICY - CAPE HILLSBOROUGH NATURE TOURIST PARK**

Author	Principal Economic Development Officer (Nadine Connolly)
Responsible Officer	Director Development Services (Aletta Nugent)
File Number	Facilitating Development in the Mackay Region Policy Applications
Attachments	1. Cape Hillsborough Nature Tourist Park - Site Plan [11.3.1.1 - 1 page]

Purpose

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

Related Parties

- Atherton Enterprise Pty Ltd ATF The B.J. Atherton Family Trust
- Jewell Planning

Corporate Plan LinkageInvest and Work

Diversified Economy - We have a diversified economy that attracts new and emerging industries, such as sport, tertiary education, health, tourism, agribusiness, biofutures industry, and the Mining Equipment Technology and Services (METS) sector.

Industries, Jobs and Growth - Our core industries are growing and prosperous, encouraged to innovate, create jobs, and drive growth.

Live and Visit

Community Participation and Active Lifestyles - Our region is vibrant and culturally rich, home to a wide variety of events, experiences and attractions.

Eco-Tourism Adventure and Leisure - We are a world-famous tourism destination, providing eco, adventure and water-based sport, recreation, and leisure opportunities.

Places and Spaces - We provide well planned and designed places, facilities and infrastructure that meet the needs of our residents and visitors.

Background/Discussion

The applicant, Atherton Enterprise Pty Ltd, is applying under the Facilitating Development in the Mackay Region Policy (Policy) for infrastructure charges concessions arising from the Change Application (Other) for Cape Hillsborough Nature Tourist Park, 51 Risley Parade, Cape Hillsborough (Lot 346 SP319682 and Lot 399 SP319682).

The applicant's development application (5740924/1987/HIMARD/A) was approved on 16 September 2022 and seeks to regularise the existing accommodation onsite, as well as an additional 12 cabins. The application is a result of a discrepancy between the Development Permit which exists for the site issued in 1987, and the accommodation facilities on site today. When purchased in August 2012, the applicant believed that a Development Permit was in place approving all existing accommodation sites within the Tourist Park.

The request for an additional 12 cabins is a result of discussions with Council's Development Planning and Engineering Program. The applicant's future plans for the park will require 28 cabins in total and the applicant's initial intention was to transfer the existing 10 motel units (currently not in commercial use by the applicant) to

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additional cabins elsewhere onsite. However, the existing lawful use of the motel units cannot be transferred or relocated. The applicant was also under the mistaken impression that the original Development Permit authorised 18 cabins.

Substantial investment in future upgrades is contingent on the Development Permit reflecting what exists at the site, plus the additional 12 cabins.

A comparison of the 1987 approved plan and the proposed plan is as follows:

1987 Approved Plan	2022 Change Application (Other)	Change	Currently on site
58 caravan or tent sites	88 camping sites (tent or RV)	+30 sites	88 sites
10 motel units	10 motel units	-	10 motel units (not in use)
10 cabins	28 cabins	+18 cabins	16 cabins
6 permanent vans	0 permanent vans	- 6	-
Total sites: 88	Total sites: 126	+42	

The applicant's Change Application (Other) – Material Change of Use – Tourist Park approves an additional 30 tent/caravan sites and 18 cabins compared to the 1987 Permit. Overall, the Tourist Park will be approved to accommodate 88 camping/recreational vehicle/caravan sites, 10 motel units, 28 cabins and ancillary facilities including restaurant, kiosk and amenities. An Infrastructure Charge Notice of \$315,220 has been issued for the additional sites. The applicant is seeking 100% concession under Schedule 4: Tourism Development of the Policy.

Cape Hillsborough Nature Tourist Park is located adjacent to one of the Mackay region's most iconic tourism experiences, Sunrise with the Wallabies, on Casuarina Beach, Cape Hillsborough National Park. This experience is recognised and promoted Australia wide and has been the "hero" feature in the region's destination and brand development plan.

Incentive Requests

The applicant submitted an Expression of Interest under the Policy on 14 July 2022, and the revised Stage 2 Application was received on 16 September 2022 following the final assessment from Council's Development Planning and Engineering program.

The applicant is seeking concessions under Schedule 4: Tourism Development. The application has been assessed against Version 8 of the Policy which was endorsed on 9 February 2022.

The following concession has been requested:

Gross Infrastructure Charge	Applied Credit (permanent van sites)	Net Infrastructure Charges	Requested concession (100%)	Charges payable
\$345,446.60	\$30,226.60	\$315,220	\$315,220	Nil

As per Schedule 4: Tourism Development in Version 8 of the Policy, infrastructure charges may be reduced by up to 100% (based on the net charge amount identified on the Infrastructure Charges Notice and after the application of any offsets and credits) to a maximum concession value of \$1,000,000.

General Eligibility Criteria

The General Eligibility Criteria in Schedule 4: Tourism Development is listed below. While the development is already constructed, the Change Application (Other) will allow for significant future investment in the property.

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Criteria	Eligibility
Timing of development Use must commence within 2 years.	Construction completed. Future investment in additional cabins and upgrades to onsite facilities is anticipated.
Non-Government Development	Yes
Infrastructure capacity	The applicant has advised services are already provided to the site and no external or trunk infrastructure upgrades are anticipated.

Specific Eligibility Criteria

Based on information provided by the applicant, the proposal satisfies the requirements under the Eligibility Criteria in Schedule 4: Tourism Development of the Policy:

Criteria	Eligibility
Economic Investment The level of economic investment will be assessed on a case by case basis.	<p>The applicant estimates the capital investment in existing onsite accommodation, over and above what was approved in 1987, is as follows:</p> <ul style="list-style-type: none"> • \$280,000 to establish an additional 30 tent / caravan sites – as per submitted Change Application (Other) • \$960,000 to establish six cabins (the difference between the 1987 development permit (10 cabins) and the cabins currently onsite (16 cabins)). <p>In addition to the capital investment, construction costs are estimated as follows:</p> <ul style="list-style-type: none"> • \$30,000 surveyor fees (to enable purchase of leased portion) • \$180,000 (\$30,000 x 6 cabins) to prepare footings and connections to services etc. • \$60,000 to build/construct existing 30 sites. <p>Further, the applicant advises the purchase of the leased portion of land (in 2021) was \$630,000.</p> <p>Economic impact modelling has not been undertaken as the capital investment was completed over an extended period of time.</p> <p>It is worth noting that the Change Application (Other) Material Change of Use Development Permit will allow an additional 12 cabins (ie. difference between current 16 cabins onsite and proposed plan of 28 cabins) to be built which will result in significant investment for the region.</p>
Employment Generation	<p>The applicant advises the facility currently employs:</p> <ul style="list-style-type: none"> • 4 x Casual Reception/Cafe • 4 x Casual Housekeeping • 1 x Full Time Groundskeeper • 1 x Full Time Office Co-Ordinator <p>Economic modelling on employment generation has not been undertaken as construction works were completed over an extended period of time and benefits have been realised.</p>

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Criteria	Eligibility
Applicable Area In rural areas, appropriately zoned land for the applicable land use located outside established urban areas of Mackay, Marian, Mirani, Walkerston and Sarina. This may include Township zones.	The development is on appropriately zoned land in the rural area.
Applicable Land Uses The Policy applies to material change of use (MCU) for uses that are consistent with “applicable land uses” in Schedule 4 Tourism Development in rural and urban areas (refer to the table in the Policy).	The Change Application (Other) Material Change of Use Development Permit for a Tourist Park is an applicable use within rural areas under Schedule 4: Tourism Development.

Business and Regional Benefits

The Cape Hillsborough Nature Tourist Park is a significant operation within the region’s tourism industry, generating economic outcomes such as:

- Employing local staff in park operations (staff work in areas such as reception, café, housekeeping, groundskeeping, office marketing and management)
- Providing a unique beach, camping and accommodation experience
- Servicing a tourism market with significant growth potential
- Contributing to the development of eco-tourism experiences within the region
- Providing an anchor for the development of new tourism businesses
- Developing and promoting the Sunrise with the Wallabies experience which has become an iconic “hero” feature of Mackay region’s destination brand
- Adding to the awareness of Mackay region as a tourism destination through the Tourist Park’s national and international recognition
- Value adding to other local tourism attractions by encouraging guests to extend the length of stay.

With the development permit in place, there is considerable potential for the Tourist Park to invest in expanding their operations, allowing the facility to draw greater numbers of tourists and day visitors, and encourage further growth in the local tourism industry.

Consultation and Communication

The Development Planning and Engineering Program has considered and approved the Change Application (Other) through the statutory assessment provisions under the *Planning Act 2016*. As part of this assessment process, other relevant sections of Council have been consulted.

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

Councillors were briefed on this application on 10 August 2022.

Resource Implications

In accordance with the Infrastructure Charges Notice, the development has a net infrastructure charge of \$315,220 (+ annual adjustments).

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The applicant is seeking Council's approval of the full 100% concession, and to waive the timing requirement under the Policy.

Under Schedule 4: Tourism Development, infrastructure charges may be reduced by up to 100% (based on the net charge amount identified on the Infrastructure Charges Notice and after the application of any offsets and credits) up to a maximum concession value of \$1,000,000.

Concession calculations

Net Infrastructure Charge (IC minus Credit)	Concession (%)	Concession (\$)	Charges Payable
\$315,220	100%	\$315,220	\$0

Concessions based on the rates provided in Schedule 4 would result in Council not receiving any infrastructure charges.

Risk Management Implications

There is a risk that granting concessions for this development 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 Permit 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.
- Infrastructure charge concessions only apply to the net charge amounts calculated following the subtraction of any offsets and credits.
- Council can review the application of the Policy at any time.

There is also a risk that approving concessions to businesses where the developments are completed will encourage further applications outside of the Policy. However, the Policy provides Council with the ability to be discretionary and consider reductions in infrastructure charges for applications that demonstrate they will generate significant long-term economic benefits and have transformative outcomes that will diversify the existing economic base of the region. It is anticipated that this project will facilitate growth opportunities and deliver Council's strategic objectives.

Conclusion

While the development at Cape Hillsborough Nature Tourist Park is already established, there are sufficient considerations to warrant Council waiving the timing requirement under the Policy. These considerations include:

- Concessions will facilitate future investment in the Tourist Park which has potential to be catalytic for the region's tourism industry.
- There is an identified need for more tourism product in the region. Incentives will assist in bringing more product to market.
- The product provided by the Tourist Park is within a market segment (ie. campers, recreational vehicles users, eco-tourists) that is rapidly growing and expected to continue to grow. It is essential the region offers quality accommodation to this market to capture future growth.
- Investment in Tourist Park facilities may encourage investment in other tourism offerings in the region.

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The Policy seeks to attract investment in qualifying developments to stimulate growth, diversify and add value to the economy of the Mackay region. The application supports these outcomes and the intent of Schedule 4: Tourism Development of the Policy. It is therefore recommended this application is considered for the transformative outcomes that future investment in the Tourist Park will bring to the region.

Officer's Recommendation

THAT the following Specific Incentive is approved under the Facilitating Development in the Mackay Region Policy for Atherton Enterprise Pty Ltd, Cape Hillsborough Nature Tourist Park, located at 51 Risley Parade, Cape Hillsborough (Lot 346 SP319682 and Lot 399 SP319682):

- a) Concessions of 100% (estimated at \$315,220) be applied against the net charge amount (calculated following annual adjustments and subtraction of any offsets and credits) on the Infrastructure Charge Notice for DA 5740924/1987/HIMARD/A.

AND THAT the approval of the concession is dependent on:

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

Mayor Williamson noted that this application resulted from a discrepancy between the development permit for the site which was issued in 1987 and the accommodation facilities that are actually on site.

Council Resolution ORD-2022-301

THAT the following Specific Incentive is approved under the Facilitating Development in the Mackay Region Policy for Atherton Enterprise Pty Ltd, Cape Hillsborough Nature Tourist Park, located at 51 Risley Parade, Cape Hillsborough (Lot 346 SP319682 and Lot 399 SP319682):

- a) Concessions of 100% (estimated at \$315,220) be applied against the net charge amount (calculated following annual adjustments and subtraction of any offsets and credits) on the Infrastructure Charge Notice for DA 5740924/1987/HIMARD/A.

AND THAT the approval of the concession is dependent on:

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

Moved Cr Jones

Seconded Cr Hassan

Cr Jones noted that this matter had been discussed by Councillors on many occasions and it was important that Council rectify the issue.

CARRIED

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11.4. ENGINEERING AND COMMERCIAL INFRASTRUCTURE**11.4.1. CONTRACTUAL ARRANGEMENT TENDERING EXEMPTION REUSE - WATER TREATMENT PLANT RESIDUES WITHOUT ANY FURTHER TREATMENT - SOLE SUPPLIER ARRANGEMENTS**

Author	Executive Assistant (Robyn Smith)
Responsible Officer	Director Engineering & Commercial Infrastructure (Jason Devitt)
File Reference	NEBO RD WTP
Attachments	Nil

Purpose

The purpose of this report is to seek a Council Resolution that the nominated supplier is deemed as Specialised or Sole Supplier in accordance with Section 235 (b) of the *Local Government Regulation 2012* for Small, Medium, and Large - Sized Contractual Arrangement.

(b) the Local Government resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the Local Government to invite quotes or tenders;

Related Parties

The parties relating to this report are as follows:

- Mackay Compost Farm T/A ReNew Resource Recovery

Corporate Plan Linkage

This links to various Corporate objectives and strategies within the Corporate Plan:

Affordable Living - Our rates and charges provide value for residents and are sufficient in providing for required infrastructure, facilities and services.

Ethical Decision-Making and Good Governance - We are committed to keeping our community informed about our activities and performance and employing robust governance policies and procedures to ensure legislative compliance and organisational integrity.

Optimised Asset Management - Our asset spend is aligned with the optimised maintenance, replacement and renewal of our asset base.

Background/Discussion

In previous years, Mackay Regional Council (Council) has disposed of the Nebo Road Water Treatment Plant (WTP) sludge to Hogan's Pocket, incurring both an environmental and financial cost for the transportation and disposal into landfill.

The current fee for disposal of general waste to Hogan's Pocket is listed below. While this waste is currently exempt from the State Government's Waste Levy, it is understood that this may alter following a current process review.

	MRC Gate Charge	ReNew Resource Recovery
Waste charge (per tonne)	\$219.00	\$120.00
Delivery Charge (per load)	\$200.13	\$200.13

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The approximate monthly figure of sludge requiring removal ranges between 100 – 200 tonnes depending on external factors such as the weather.

A review of the Department of Environment and Science (DES) Environmental Authority Register identifies that there only two sites within the Mackay Region that are permitted to undertake Environmentally Relevant Activity (ERA) 53(a)-Organic material processing by composting. The locally approved organisations are Mackay Compost Farm Pty Ltd (Mackay Compost) and AJK Contracting (AJK) with the next authorised geographically located facilities being located in Rockhampton or Townsville.

Mackay Compost is the holder of an Environmental Authority (EA) with no limitations on the types or quantities of organic waste which can be accepted for composting, allowing for the collection of sludge residue from Council's Water Treatment Plant (WTP).

AJK also hold a relevant EA permit noting a specific list of waste which can be accepted for composting. WTP residues are not specified on this list.

An End of Waste (EoW) Code exists for WTP residues. MRC is able to apply to become a resource producer under the WTP and AJK could apply to become a resource processor. The WTP residue EoW Code also stipulates contaminate levels that residues must meet. MRC cannot guarantee that the WTP residues will meet these contamination limits as there have been recent and ongoing exceedances of the WTP residue EoW Code limits for some parameters. Based on this risk, and given previous experience with biosolids quality, it is considered that AJK would not actively seek to take this WTP residue.

Mackay Compost is considered the only local viable option available to MRC to compost (reuse) the WTP residues without any further treatment. Additional processing would be required for the WTP residues to meet the EoW Code limits before AJK could be considered as an option. The only other alternative would be to send the WTP residues to landfill which would be more expensive due to the landfill disposal fees.

By approving Mackay Compost Farm Pty Ltd TA ReNew Resource Recovery as a Specialist Supplier, it will permit the supplier to be engaged for a period of two years commencing 1 November 2022.

Consultation and Communication

As part of the review process, consultation has been undertaken with relevant stakeholders including responsible and associated Program Managers and Directors:

- Manager Water Treatment
- Water Treatment Staff
- Director Engineering & Commercial Infrastructure
- Manager Procurement & Plant
- Director Organisational Services
- Executive Officer

Resource Implications

Council's Relevant Programs manage the ongoing financial component for the service provider. These costs have been included in Relevant Programs' 2022/2023 Financial Year's Operational budget.

Purchase Orders are raised for a FY commitment and range between \$120,000 - \$170,000 per annum.

This provides the best financial outcome for Council given the options available.

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Risk Management Implications

The recommended supplier is required to provide all relevant insurance and compliances prior to executing Contract/Agreement and Council staff will ensure that relevant insurances are maintained through the life of the Agreement. This includes:

- Public Liability \$20,000,000.00

All conditions of the Contract/Agreement shall be reviewed by appropriate Council staff members to ensure there are sufficient remedies and warranties to Council based on the risk profile of the services being provided.

Conclusion

Due to both the financial cost savings and environmental benefits to Council of using the nominated supplier, it is recommended that under Section 235(b) of *the Local Government Regulations* that Council resolve that due to the specific nature of the service that it is impractical for Council to invite tenders.

Officer's Recommendation

THAT pursuant to *section 235(b) Local Government Regulations*, Council resolves that because of the specific nature of the service, it would be impractical and disadvantageous for Council to invite quotes or tenders and that ReNew Resource Recovery T/A Mackay Compost Farm Pty Ltd is awarded the services for the removal of Water Treatment Plant residue without any further treatment for a term of two years, commencing 1 November 2022 for the Fixed Schedule of Rates being Waste Charge \$120.00 per tonne and per load delivery fee of \$200.13, subject to annual CPI increase.

The Acting Director for Engineering and Commercial Infrastructure Cameron Jessup, advised that Council had conducted a trial with the contractor in question, with the other options being the disposal of the balance of the Water Treatment Plant residue at Hogans Pocket at a significant cost, or a formal tender process with the tender potentially going out of the region.

Council Resolution ORD-2022-302

THAT pursuant to *section 235(b) Local Government Regulations*, Council resolves that because of the specific nature of the service, it would be impractical and disadvantageous for Council to invite quotes or tenders and that ReNew Resource Recovery T/A Mackay Compost Farm Pty Ltd is awarded the services for the removal of Water Treatment Plant residue without any further treatment for a term of two years, commencing 1 November 2022 for the Fixed Schedule of Rates being Waste Charge \$120.00 per tonne and per load delivery fee of \$200.13, subject to annual CPI increase.

Moved Cr Hassan**Seconded Cr May****CARRIED**

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11.4.2. CONTRACTUAL ARRANGEMENT TENDERING/QUOTATION EXEMPTION - TENNYSON STREET FOOTPATH CONSTRUCTION

Author Executive Assistant (Robyn Smith)
Responsible Officer Director Engineering & Commercial Infrastructure (Jason Devitt)
File Reference TENNYSON STREET

Attachments Nil

Purpose

To seek a Council Resolution to engage Queensland Complete Contracting Services (QCCS Pty Ltd) without first inviting tenders to provide services, equipment and associated accessories for the replacement of a section of the Tennyson Street footpath adjacent to the current Ergon Sub-Station Refurbishment Project in accordance with s235(b) of the *Local Government Regulation 2012 (Regulation)*.

Related Parties

The parties relating to this report are as follows:

- QCCS Pty Ltd
- Ergon Energy

Corporate Plan Linkage

Financial Strength

Ethical Decision-Making and Good Governance - We are committed to keeping our community informed about our activities and performance and employing robust governance policies and procedures to ensure legislative compliance and organisational integrity.

Optimised Asset Management - Our asset spend is aligned with the optimised maintenance, replacement and renewal of our asset base.

Background/Discussion

Ergon Energy has engaged QCCS Pty Ltd to undertake restoration of footpath assets to the appropriate standards in Tennyson Street between Victoria and Gordon Streets as a result of damage/disturbance caused during Sub-Station Upgrade Works and installation of connection cabling.

Following completion of the restoration works, and with existing previous upgrade treatments, one section of 1.2m wide footway (Asset ID PTH413787) will exist in between a full width concrete footway. Current residual value of this path section is zero and construction costs proposed are \$73,613.50 exc GST. Alternative separate quotation is unlikely to receive suitable quotations of the same order given the need to establish on site for a relatively small site area where the current proposed contractor has and is established on site undertaking the current restoration works.

It is considered advantageous, while construction crews are on site, to undertake the adjacent construction works.

It is recommended that Council engage QCCS Pty Ltd in accordance with tendering exemptions available under s235(b) of the *Local Government Regulation 2012 (Regulation)*.

Consultation and Communication

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Consultation has been held with the Director Engineering & Commercial Infrastructure on this matter and general agreement reached that this represents the best value outcome for Council.

Discussion has occurred with Procurement & Plant to understand the process for aligning with the Local Government purchasing requirements. Based on this discussion, it was determined that the best outcome was to utilise the exemption under the Regulations.

Resource Implications

Council has a budget allocated against Minor Emergent Works of \$80,000 in the 2022/2023 Capital Works Budget and it is proposed to transfer available funds from this budget to establish a new project number (57413) for the required works.

The anticipated total cost of the works is \$73,613.50 with Supervision during construction by Civil Operations being funded from existing OPEX allocations.

Risk Management Implications

There is a need to place the order for the refurbishment works in the short term to take advantage of Works staff being onsite.

Conclusion

Due to adjacent works being undertaken, and the Contractor being established onsite, it is recommended that under s235(b) of the Regulation that Council resolve that due to the ability to source contract staff on the adjacent site undertaking the same nature of works, it is impractical and disadvantageous for Council to invite tenders and therefore should directly engage QCCS Pty Ltd without first inviting tenders/quotation.

Officer's Recommendation

THAT under s235(b) *Local Government Regulations*, Council resolve that, due to the ability to source contract staff on the adjacent site undertaking the same nature of works, it is impractical and disadvantageous for Council to invite tenders and, therefore, should directly engage QCCS Pty Ltd without first inviting tenders/quotation.

FURTHER THAT Council enters into an arrangement with QCCS Pty Ltd to undertake the required construction works at the quoted costs of \$73,613.50 exc GST.

Council Resolution ORD-2022-303

THAT under s235(b) *Local Government Regulations*, Council resolve that, due to the ability to source contract staff on the adjacent site undertaking the same nature of works, it is impractical and disadvantageous for Council to invite tenders and, therefore, should directly engage QCCS Pty Ltd without first inviting tenders/quotation.

FURTHER THAT Council enters into an arrangement with QCCS Pty Ltd to undertake the required construction works at the quoted costs of \$73,613.50 exc GST.

Moved Cr Jones

Seconded Cr Mann

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Cr Jones noted that it was great that this Legislation allows for flexibility, particularly in today's difficult market, for Council to take advantage of being able to access a company which is undertaking the same work on an adjacent property, rather than having to go through the tender process.

CARRIED

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11.5. ORGANISATIONAL SERVICES**11.5.1. NEW LEASE TO MACKAY & DISTRICT BMX CLUB INC**

Author	Commercial Lease & Property Officer (Barb Sauer)
Responsible Officer	Director Organisational Services (Kylie Lamb)
File Number	104856-461-SP

Attachments	1. MADI Image - Mackay & District BMX Club 1.docx [11.5.1.1 - 1 page]
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Purpose

To approve a new lease to Mackay & District BMX Club Inc. over an area of approximately 1.76ha being part of Lot 461 on SP104856, Snow Wright Court, Andergrove for a period of 10 years.

Related Parties

Mackay Regional Council and Mackay & District BMX Club Inc.

Corporate Plan Linkage

Live and Visit

Live, Visit and Play - We have a diverse mix of accessible spaces to live, visit and play.

Background/Discussion

The land located in Snow Wright Court, Andergrove has been used as a BMX track for over 30 years. In 2020 Mackay Pioneer BMX Club and Walkerston BMX Club amalgamated to become Mackay & District BMX Club Inc. The facility at Walkerston is also still utilised. Currently there is a lease and local law permit over the area – it is proposed that the whole area will be incorporated into the new lease document.

The Club provides BMX Coaching and Racing for children from 2 years of age and adults of all ages and new riders are always welcome. The Club hosts carnivals at local and state level.

The Club has recently received a grant to resurface the track and the clubhouse has recently been upgraded with painting being undertaken.

According to Section 236 (1) (b) (ii) of the *Local Government Regulation 2012*, “a local government may dispose of a valuable non-current asset other than by tender or auction if – the valuable non-current is disposed of to a community organisation.”

Therefore, Council is not required to tender this before leasing the property.

Consultation and Communication

Consultation occurred between Mackay & District BMX Club Inc., Manager Property Services, Supervisor, Land Operations – Property Services, Commercial Lease & Property Officer – Property Services and Mackay Regional Council Land & Road Use Committee.

Resource Implications

All costs incurred in respect of the preparation and lodgement of the lease documentation will be borne by the Lessee.

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The lease will be a standard "Trustee" lease inclusive of rental in accordance with the Mackay Regional Council's Community Leasing Policy and other like conditions.

Risk Management Implications

Mackay & District BMX Club Inc. provide a quality facility for the community to participate in the sport of BMX in a social and competitive setting. Should the lease not be approved, both the community and region would not be able to benefit from the opportunities that arise from this sporting group and facility.

Conclusion

That approving a new lease to Mackay & District BMX Club Inc., who have shown a long term commitment to the land, its infrastructure and the local community is the most advantageous outcome to Council and the Community.

Officer's Recommendation

THAT the Council -

- A. Resolves that an exemption applies under Section 236 (1) (b) (ii) of the *Local Government Regulation 2012*, "a local government may dispose of a valuable non-current asset other than by tender or auction if – the valuable non-current is disposed of to a community organisation.
- B. AND THAT Council approve a new lease for Mackay & District BMX Club Inc. for a total area of approx. 1.67ha being part of Lot 461 on SP104856, Snow Wright Court, Andergrove for a period of ten (10) years with such lease to commence on 08/10/2022.

Council Resolution ORD-2022-304

THAT the Council -

- A. **Resolves that an exemption applies under Section 236 (1) (b) (ii) of the *Local Government Regulation 2012*, "a local government may dispose of a valuable non-current asset other than by tender or auction if – the valuable non-current is disposed of to a community organisation.**
- B. **AND THAT Council approve a new lease for Mackay & District BMX Club Inc. for a total area of approx. 1.67ha being part of Lot 461 on SP104856, Snow Wright Court, Andergrove for a period of ten (10) years with such lease to commence on 08/10/2022.**

Moved Cr Green

Seconded Cr Hassan

Cr Green advised that in 2020 the Mackay Pioneer and Walkerston BMX clubs amalgamated to become the Mackay and District BMX Club Inc, with the land located in Snow Wright Court being used as a BMX track for over 30 years. Cr Green noted that the Club has shown a long term commitment to the land, the infrastructure and the local community and conduct BMX coaching and racing on a regular basis. Cr Green advised that the Club has been awarded a grant to resurface the track and have also recently repainted the clubhouse.

CARRIED

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12. RECEIPT OF PETITIONS

Nil

13. TENDERS

Nil

14. CONSIDERATION OF NOTIFIED MOTIONS

Nil

15. PUBLIC PARTICIPATION

Nil

16. LATE BUSINESS

Cr Mann advised that 9 athletes would be travelling to Launceston shortly to compete in the Special Olympics National Games which are to be held from 17-21 October, with this trip largely funded by families and some fund raising activities. Cr Mann advised that Wests Leagues Club have signed a MOU with the Special Olympics and provide opportunities for Special Olympics athletes and supporters to work at the Club and be paid for that work. Cr Mann advised that last Saturday night she, Cr Hassan and Cr Townsend, together with some of the athletes, had waited on tables at the Club and it was great that those athletes were able to be a part of that. Cr Mann advised that the athletes train every week with a small and dedicated team of coaches, and she is looking forward to hearing how they go in Launceston and hopes that above all, they enjoy themselves.

Cr Bonaventura invited residents to attend the commencement of the Shitbox Rally in Mulherin Park this Saturday morning with vehicles leaving for Darwin between 7.30am - 9am, with just over \$1.7M raised for cancer research. Cr Bonaventura advised that on a personal note, and on behalf of 'Duck You Cancer', his entry in the rally, he would like to thank local businesses, Council staff and his daughter and co-driver Jacinta, for their support. Cr Bonaventura thanked all the residents who had purchased a duck and noted that their family stories had certainly been touching. Cr Bonaventura advised that all the ducks were attached to the car and his team will carry the message all the way to Darwin.

Mayor Williamson congratulated Cr Bonaventura on a great effort.

17. CONFIDENTIAL REPORTS

Nil

18. MEETING CLOSURE

Meeting closed at 10:34 am.

19. FOR INFORMATION ONLY

Nil

Confirmed on Wednesday 26 October 2022.

ORDINARY MEETING - 12 OCTOBER 2022

.....
MAYOR

8. BUSINESS ARISING OUT OF PREVIOUS MINUTES

UPDATE ON QUESTIONS ARISING FROM COUNCIL MEETING – 28 SEPTEMBER 2022

AGENDA ITEM	MATTER	RESPONSE
11.2.1 Community & Client Services Monthly Review – September 2022	Cr Bella queried the reason for the decrease in spraying of weeds hours.	The reasons for reduced spraying hours were due to staff leave, a chemical shortage for Ratstail and Health & Safety requirements following an incident.
11.2.1 Community & Client Services Monthly Review – September 2022	Cr Bella queried if the non-compliance of a public swimming pool and caravan park were a one-off issue or ongoing.	The pool water compliance issue at the caravan park was a one-off issue that was addressed by the caravan park operator.

9. MAYORAL MINUTES

Nil

10. CONSIDERATION OF COMMITTEE REPORTS & RECOMMENDATIONS

Nil

11. CORRESPONDENCE AND OFFICER'S REPORTS

11.1. OFFICE OF THE MAYOR AND CEO

11.1.1. COUNCILLOR CONFERENCE ATTENDANCE - IGNITE 2032 - CR GREEN

Author	Councillor Support Officer (Pam Jaenke)
Responsible Officer	Executive Officer (David McKendry)
File Reference	Councillors General
Attachments	1. IGNITE 2032 Invitation and Partial Overview [11.1.1.1 - 5 pages]

Purpose

This report is to request Council approval for Cr Michelle Green to attend the IGNITE 2032 High-Performance Sport Conference in Brisbane on 17-18 November 2022.

Related Parties

N/A

Corporate Plan Linkage

Invest and Work – Diversified Economy
Live and Visit – Community Participation and Active Lifestyles

Background/Discussion

Following confirmation that Brisbane will host the Olympic and Paralympic Games in 2032, the Queensland Academy of Sport (QAS) will hold the IGNITE 2032 High-Performance Sport Conference in Brisbane from November 17-18, 2022.

The two-day Conference will provide ongoing networking opportunities for high-performance sports stakeholders, creating a platform to not only deliver educational value via the sharing of knowledge, but also the facilitation of projects and partnerships between national sport organisations, state sporting organisations, academia, and businesses across the sports industry.

This event will bring together the best coaches, athletes, and elite performance experts from Australia and internationally and will discuss the means of elevating the standard of athlete support across the nation.

Cr Michelle Green has indicated interest in attending.

Cr Green is Chair of Council's Sport and Recreation Advisory Group, a member of the Mountain Bike Alliance and a member of the Mayor's Olympics 2032 Taskforce.

The Conference was scheduled to be held in February but was postponed. The QAS has made one ticket available to elected members.

Consultation and Communication

Mayor and Councillors

As per Council's policy, a report on the Conference will be tabled at a future Council Meeting.

Resource Implications

The cost of travel and accommodation is estimated at \$1,450 to be charged to the Councillor Conference area of the Office of Mayor and CEO budget. A complimentary ticket to the Conference has been provided.

Risk Management Implications

Nil

Conclusion

The IGNITE 2032 Conference will provide an opportunity for Council to learn from the array of speakers and presentations and meet and network with sports industry representatives.

Officer's Recommendation

THAT Council approve Cr Green's attendance at the IGNITE 2032 High-Performance Sport Conference in Brisbane on 17 - 18 November 2022.

Cr Bonaventura noted that he often asks Councillors attending conferences to take note of various items on the conference program and thanked Cr Green for expressing her interest in attending this conference, however he noted that given the limited information available in the report, he was struggling to find the value that could be brought back to Council given the conference focus appears to be more on preparing athletes for the 2032 Olympic Games.

The Acting Chief Executive Officer (ACEO) Angela Hays, noted that it was very unusual that no program was available as yet for this Conference, however the Queensland Academy of Sport is organising the event and it is Council's understanding that there has been a great deal of interest from Local Governments across Queensland in terms of opportunities for 2032, so Council is looking at this Conference as an opportunity to be a part of that conversation and knowledge sharing. Council is hoping to learn what elite coaches and athletes may need and what Council may be able to provide within the region to support them so that they can remain in the region. The ACEO advised that Council is looking at the intent of the Conference and noted that 2032 forms part of Council's Corporate Goals and Plans, and to learn how we can support our athletes seemed a valid reason to attend the Conference.

Cr Englert noted that initially he had no problem with this Conference but after looking at the preliminary program he felt that the Conference was more tailored for coaches and queried how different the Conference program was expected to be from the preliminary program, as it currently appeared to be more operational.

The ACEO advised that she assumed that this Conference, rather than being a clinic for coaches, will have a more strategic look at how to encourage coaches and athletes to be successful at the Olympic level, which could have implications for the region in terms of how we attract and support quality coaches, and to learn what they need to have available to them in the region to support them to develop athletes. The ACEO advised that Council officers will also be attending and this Conference is seen as an opportunity to understand what we need to create within our region to support coaches, athletes and everyone involved in the elite sports performance area.

Cr Bonaventura noted that he did not realise staff were attending and queried what Department they were from.

The ACEO advised that the staff are from Community Lifestyle, which includes the sport and recreation function of Council, with the officers having a key role in supporting sporting organisations and will have significant input into what we need to do as a region as we move towards 2032.

Council Resolution ORD-2022-307

THAT Council approve Cr Green's attendance at the IGNITE 2032 High-Performance Sport Conference in Brisbane on 17 - 18 November 2022.

Moved Cr May

Seconded Cr Hassan

Cr May acknowledged the difficulty of this matter given there is no Conference program available, but felt that for the investment of \$1,450, it is well worth Council putting forward a Councillor to attend, along with staff, and believed that Council has more to gain than to lose.

Cr Jones spoke against the motion noting that without the updated program she could only go on the information currently available and did not believe there was any relevance for a Councillor to attend as the Conference appeared to have a more operational nature. Cr Jones noted that there would likely be more relevant Conferences available between now and 2032 that Cr Green may wish to attend.

Cr Hassan noted that when she first saw the draft agenda for the Sustainable Trails Conference she thought it was also more operational, however when the final agenda was released she completely changed her mind noting that four Councillors were now attending this Conference. Cr Hassan agreed with Cr May that the investment is not huge and she was prepared to give the Conference the benefit of the doubt.

Cr Englert advised that he felt it was important to explain his vote when he has already spoken in the negative and noted that while he does not have the insight into the Conference and does not know what Cr Green is hoping to achieve from the Conference, it is important that when Councillors put their hand up to do something, they be given the opportunity. Cr Englert advised that he looks forward to seeing in hindsight, if attending the Conference is a good decision, and also looks forward to the report to Council in relation to the relevance to Council, as opposed to the information brought back by the officers. Cr Englert acknowledged that there has been talk about where we send Councillors and suggested that this may be something to be looked at in the future. Cr Englert advised that he was prepared to give this Conference the benefit of the doubt.

CARRIED

Cr Townsend and Cr Jones recorded their vote against the motion.

Cr Bella and Cr Bonaventura abstained from voting.

Mayor Williamson advised Cr Bella and Cr Bonaventura that abstaining from voting was recorded as a vote against the motion.



17-18 November 2022

Brisbane Convention and Exhibition Centre

Ready, Set, Go...!

Register for the Queensland Academy of Sport's inaugural **IGNITE 2032** High Performance Conference on **17 - 18 November 2022** in **Brisbane**.

IGNITE 2032 will focus on themes relevant to those preparing elite athletes for success both now and towards 2032 as our green and gold runway begins to unfold.

IGNITE 2032 brings together leading experts in High Performance sports for us to learn from, collaborate, and be inspired by.

We are proud to announce our first session of Day 1. **"Winning after Winning"**.

*Please note, this event is invitation only
and NOT transferable. Confirmed
program to be released soon.*

Michael Bohl OAM | Olympic Swimming Coach**Tim Kerrison | QAS****Shaun Stephens | Executive Director High Performance Programs, QAS**

Winning is hard.

Achieving Mastery, winning after winning, is a whole new level and where true genius lies.

Michael Bohl and Tim Kerrison are two coaches who have mastered the art of guiding, mentoring and coaching athletes to win time and time again on the world's biggest sporting stages. Success leaves clues and these Masters of their trade will share their unique and special insights with us.

**Michael Bohl**

Olympic Swimming Coach

Michael Bohl OAM is one of Australia's leading swimming coaches. He has a long and successful history in the sport, coaching some of Australia's top swimmers to international greatness including the most decorated Australian Olympian and most successful Commonwealth Games athlete in history Emma McKeon (11 Olympic Medals and 20 Commonwealth Game Medals). Michael is also the former coach of Triple Olympic gold medallist Stephanie Rice. He is one of the most respected coaches in Australian sport and has been recognised with the Medal of the Order of Australia for his

service to swimming.

**Tim Kerrison**

Performance Scientist and Coach

Tim Kerrison is one of the most decorated coaches in elite sports. Starting his career at the QAS as a Performance Scientist, Tim worked with Swimming Australia and the QAS to re-invent the way female sprint swimmers trained and raced. Tim also holds notable global experience as a road cycling coach to over 160 professional victories which include six Tour de France and multiple Olympic, World and Commonwealth Gold medals.



Shaun Stephens - Moderator

Executive Director High Performance Programs, QAS

Shaun Stephens joined the QAS from leading Paddle Australia's High Performance Program as National Performance Director and bringing home six medals from the Tokyo Games. With over 20 years of experience, including attending the past six Olympic Games, Shaun returned to the QAS after successfully leading the QAS Triathlon program from 2000 to 2006 where he coached multiple World, Olympic and Commonwealth Triathlon medallists.

Queensland Academy of Sport



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17-18 November 2022

Brisbane Convention and Exhibition Centre

Have you secured your spot at Queensland Academy of Sport's inaugural **IGNITE 2032** High Performance Sport Conference?

IGNITE 2032 will bring the High Performance sport community together - to learn, collaborate and be inspired as we pursue the Brisbane 2032 runway.

We are proud to announce that Kelsey-Lee Barber, double World Champion, Olympic Bronze Medallist and Commonwealth Champion javelin athlete, will be joining us to share her insights on "**Performing When It Matters Most - #KLUTCHKELS**"

Performing When It Matters Most - #KLUTCHKELS

Kelsey-Lee Barber | Javelin Thrower, 2 x World Champion, Olympic Bronze Medallist and Commonwealth Champion

Mike Barber | High Performance Coach – Athletics Australia

Matt Hass | Head of Strength and Conditioning, QAS

Kelsey's incredible 2022 season solidified her reputation for being a "clutch thrower", never to be discounted until the final throw is over. We take a look behind the scenes into the preparation for major competitions, alongside coach and husband Mike Barber. This session will highlight the hustle, muscle and mental toughness that go in to performing when it matters most.



Kelsey-Lee Barber

Javelin Thrower, 2 x World Champion, Olympic Bronze Medallist and Commonwealth Champion

When it comes to sporting achievements, Kelsey-Lee Barber is one of Australia's most notable track and field athletes. Seeking a coaching change in 2014, Kelsey-Lee chose to link up with coach Mike Barber to help try and advance her career to the next level. The decision proved to be life changing as the pair have formed a successful partnership that has seen Kelsey rise to the top of the world. Furthermore, in 2021 Kelsey and Mike moved from the AIS to the QAS to find a further

performance stimulus.

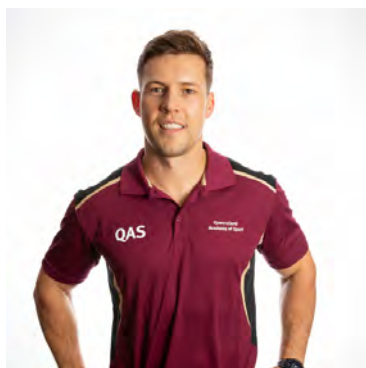
Since winning bronze at the 2014 Glasgow Commonwealth Games, Kelsey has gone on to become a two-time world champion (2019, 2022), Olympic bronze medallist (2020) and add another silver and gold (2018, 2022) to her Commonwealth Games tally. Her ability to repeatedly rise to the occasion in major competitions, when it truly counts, positions her as an elite performer with her eyes firmly set for Paris 2024.



Mike Barber

High Performance Coach – Athletics Australia

Mike Barber began his coaching career in 2014 and has gone on to develop a world beating partnership with his wife and world champion Javelin thrower Kelsey-Lee Barber. In addition to his coaching success with Kelsey, Mike has also developed numerous Olympic and Paralympic athletes in throws, jumps and combined events. Following a move from Canberra (AIS) to Brisbane (QAS) in late 2021, he continues to hone his craft to help develop the next generation of Australian field events athletes to deliver more winning moments in the years ahead.



Matt Hass - Facilitator

Head of Strength and Conditioning, QAS

Matt Hass is the Head of Strength and Conditioning at the QAS. Matt's entry into the world of elite sport began with the Brisbane Lions before moving to the Adelaide Crows for five seasons, helping the club to an appearance at the 2017 Grand Final.

As Head of Strength and Conditioning at the Queensland Academy of Sport, Matt has adapted his knowledge and expertise from a single sport to a multisport environment, overseeing the physical performance planning for Queensland's Olympic and Paralympic athletes as they prepare for Paris

2024 and beyond.

Queensland Academy of Sport



11.1.2. ADOPTION OF COUNCIL POLICIES

Author	Senior Governance Officer (Pam Currell)
Responsible Officer	Executive Officer (David McKendry)
File Number	101 - Councillor Investigations / 116 - Climate Change
Attachments	1. COU101 - Councillor Investigations [11.1.2.1 - 8 pages] 2. COU116 - Climate Change [11.1.2.2 - 8 pages]

Purpose

To present the following Council Policies for consideration and adoption:

1. COU101 – Councillor Investigations; and
2. COU116 – Climate Change.

Related Parties

There are no identified related parties.

Corporate Plan Linkage

Financial Strength

Ethical Decision-Making and Good Governance - We are committed to keeping our community informed about our activities and performance and employing robust governance policies and procedures to ensure legislative compliance and organisational integrity.

Background/Discussion

At the Ordinary Meeting of 13 July 2022 policies COU101 – Councillor Investigations and COU116 – Climate Change were presented for adoption.

At this meeting a procedural motion was resolved (ORD-2022-197 and ORD-2022-198):

“THAT the motion be laid on the table.”

This further review has now been completed and ready for Council’s further consideration.

COU101 – Councillor Investigations

This policy is a legislative requirement of section 150AE of the *Local Government Act 2009* and details the management of Councillor complaints.

The policy has undertaken a further review to provide for all Independent Assessor referrals, where they are not resolved via early resolution, to be directed to the President of the Councillor Conduct Tribunal for investigation.

COU116 – Climate Change

This is a revised, best practice policy that replaces COU089 Climate Change Adaptation. The policy reaffirms MRC’s commitment to effectively assessing, disclosing and managing climate-related risks impacting MRC operations and sustainable development in the Mackay region.

The policy has undertaken a further review to incorporate the potential implications of legislative changes on property owners.

Consultation and Communication

As part of the review process consultations been undertaken with relevant stakeholders including the responsible Program Manager, Director and ELT and with Council at its meeting of 13 July 2022.

Resource Implications

The implementation of these policies does not require additional resources beyond those currently budgeted.

Risk Management Implications

There were no risk management implications identified regarding the proposed policies.

Conclusion

It is recommended that Council adopt the following policies:

1. COU101 – Councillor Investigations; and
2. COU116 – Climate Change.

Officer's Recommendation

THAT Council adopt the following policies:

1. COU101 – Councillor Investigations; and
2. COU116 – Climate Change.

Mayor Williamson noted that both these policies had previously been laid on the table for further investigation at Council's meeting on 13 July 2022 and noted that the further review has now been completed. Mayor Williamson noted that Cr Bella had moved to lay this on the table and queried if he was satisfied with the information provided.

Cr Bella advised that he was satisfied.

Council Resolution ORD-2022-308

THAT Council adopt the following policies:

1. **COU101 – Councillor Investigations; and**
2. **COU116 – Climate Change.**

Moved Cr Jones

Seconded Cr Mann

In relation to Policy COU101, Cr Jones noted that the role of a Councillor was one that was very much in the public eye but she had taken the oath to fulfil her role faithfully and in accordance with the Local Government principles, including our Code of Conduct and Behavioural Standards, with this Policy solidifying even more to our community that Councillors must act with integrity for the betterment of the whole community. In relation to Policy COU116, Cr Jones noted that climate change effects many people and Council needs to be at the forefront of managing risk, while complying with legislation, in order to keep our community safe.

CARRIED

COUNCIL POLICY**COUNCILLOR INVESTIGATIONS**

Program: Office of the Mayor and CEO
Date of Adoption:
Resolution
Number:
Review Date:

Scope

This investigation policy applies to investigations and determinations of a complaint about the alleged inappropriate conduct of a Councillor/s which has been referred by the Independent Assessor.

However, this policy does not relate to the more serious categories of Councillor conduct (i.e. corrupt conduct and misconduct).

Objective

To outline how complaints about the inappropriate conduct of Councillor/s will be dealt with as required by the section 150AE of the *Local Government Act 2009* (the LGA).

Policy Statement

MRC is committed to meeting its statutory obligations in dealing with complaints relating to alleged inappropriate conduct of a Councillor.

MRC acknowledges the right of a person to lodge a complaint and is committed to upholding its duty of care by aiming to provide an effective process to all complaints received.

This process to remain in force until otherwise determined
by Mackay Regional Council

COUNCIL POLICY

COUNCILLOR INVESTIGATIONS

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COUNCIL POLICY

COUNCILLOR INVESTIGATIONS

1.0 Principles

1.1 Confidentiality

Matters of suspected inappropriate conduct of a Councillor are confidential except as otherwise specifically provided for either in the LGA or this investigation policy.

(Note: It must be kept in mind that the matter is an allegation only and not yet proven. Further, there will be circumstances where the detail of the referral will need to remain confidential to the Local Government. Any release of confidential information that a Councillor knows, or should reasonably know, to be confidential to the local government may be contrary to section 171(3) of the LGA and dealt with as misconduct.)

1.2 Natural Justice

Any investigation of suspected inappropriate conduct of a Councillor/s must be carried out in accordance with natural justice. An overview of the principles of natural justice follows.

“Natural justice” or procedural fairness, refers to three key principles:

- the person being investigated has a chance to have his or her say before adverse formal findings are made and before any adverse action is taken (fair hearing);
- the investigator(s) should be objective and impartial (absence of bias); and
- any action taken is based on evidence (not suspicion or speculation).

A fair hearing means the Councillor who is the subject of the suspected inappropriate conduct matter must be told of the case against them including any evidence and be provided with an opportunity to put their case in writing with the investigation report provided to the Councillors as part of the meeting agenda.

An absence of bias means that any investigation must not be biased or be seen to be biased in any way. This principle embodies the concept of impartiality.

Decisions based on evidence requires that the investigation should not be based on mere speculation or suspicion but instead must be based upon evidence material.

A proper examination of all issues means the investigation must give a proper and genuine consideration to each party's case.

1.3 Assessor's Referral

All complaints about the conduct of a Councillor/s that MRC received directly must be submitted to the Assessor who will assess the complaint and determine the category of allegation.

COUNCIL POLICY**COUNCILLOR INVESTIGATIONS**

The Council may receive from the Assessor a referral notice about the suspected inappropriate conduct of a Councillor/s.

Council may also receive referrals directly.

1.4 Receipt of Assessor's Referral

On receipt of a referral notice about the suspected inappropriate conduct of a Councillor/s from the Assessor, the Council's Chief Executive Officer will forward that referral notice to the President of the Councillor Conduct Tribunal ('the Investigator') to investigate.

1.5 Completion of Investigation

On the completion of the investigation the Investigator will provide a report to the Council outlining the investigation findings, any recommendations about dealing with the conduct and any record of the investigation costs.

The Council will consider the findings and recommendations of the Investigators report and decide whether the Councillor has engaged in inappropriate conduct and, if so, what action it will take under section 150AH of the LGA.

Provisions for internal and external review of decisions are set out in sections 150CO to 150CS of the LGA.

1.6 Early Resolution

Prior to referral to the Investigator to investigate the Chief Executive Officer must consider whether the matter is appropriate for early resolution prior to the investigation. This consideration includes any recommendation made by the Assessor.

A matter is only appropriate for early resolution if the parties to the matter agree to explore early resolution.

If the matter is resolved prior to the referral to the Investigator the Chief Executive Officer will advise the Mayor and all Councillors that the matter has been resolved. The Chief Executive Officer will also update the Councillor Conduct Register to reflect this.

1.7 Councillor Conduct Register

The Chief Executive Officer of the respective Council must ensure decisions about suspected inappropriate conduct of a Councillor/s must be entered into the Councillor conduct register.

COUNCIL POLICY

COUNCILLOR INVESTIGATIONS

Where a complaint has been resolved under paragraph 1.10 of this policy, the Chief Executive Officer will update the register to reflect that the complaint was withdrawn.

1.8 Expenses

Council must pay any reasonable expenses of Council associated with the informal early resolution or investigation of suspected inappropriate conduct of a Councillor.

(Note: Council may order the subject Councillor reimburse it for all or some of the costs arising from the Councillor's inappropriate conduct.)

Payment of incurred costs by the subject Councillor will be considered in accordance with the Legal Assistance for Councillors and Employees Policy.

2.0 Definitions

To assist in interpretation the following definitions shall apply:

Assessor shall mean means the Independent Assessor appointed under section 150CV of the LGA.

Behavioural standard shall mean a standard of behaviour for Councillors set out in the Code of Conduct approved under section 150E of the LGA.

Conduct shall include—

- (a) failing to act; and
- (b) a conspiracy, or attempt, to engage in conduct.

Corrupt Conduct has the same meaning as 'corrupt conduct' under the *Crime and Corruption Act 2001* being conduct of a person, regardless of whether the person holds or held an appointment, that:

- (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of –
 - (i) a unit of public administration; or
 - (ii) a person holding an appointment; and
- (b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that –
 - (i) is not honest or is not impartial; or
 - (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or

COUNCIL POLICY

COUNCILLOR INVESTIGATIONS

- (iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment.
- (c) is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and
- (d) would, if proved, be –
 - (i) a criminal offence; or
 - (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Corrupt conduct may include, but is not limited to:

- (a) abuse of public office;
- (b) bribery, including bribery relating to an election;
- (c) extortion;
- (d) obtaining or offering a secret commission;
- (e) fraud;
- (f) stealing;
- (g) forgery;
- (h) perverting the course of justice;
- (i) an offence relating to an electoral donation;
- (j) loss of revenue of the State;
- (l) homicide, serious assault or assault occasioning bodily harm or grievous bodily harm;
- (m) obtaining a financial benefit from procuring prostitution or from unlawful prostitution engaged in by another person;
- (n) illegal drug trafficking;
- (o) illegal gambling.

Councillor conduct register shall mean the register required to be kept by Council as set out in section 150DX of the LGA.

Council shall mean the Mayor and Councillors of Mackay Regional Council.

Councillor shall mean the Mayor or a Councillor of Mackay Regional Council.

Inappropriate conduct see section 150K of the LGA.

COUNCIL POLICY**COUNCILLOR INVESTIGATIONS**

Investigation policy, refers to this policy, as required by section 150AE of the LGA.

Investigator shall mean the Councillor Conduct Tribunal *see Tribunal below*.

LGA shall mean the *Local Government Act 2009*.

Local government meeting shall mean a meeting of—

- (a) a local government; or
- (b) a committee of a local government.

Misconduct see section 150L of the LGA.

Model procedures shall mean the procedures to ensure the Local Government principles are reflected in the conduct of Council Meetings (including committee Meetings) as required by section 150F of the LGA.

MRC shall mean Mackay Regional Council.

Natural justice shall mean a set of principles to ensure fair and just decision making, including a fair hearing, an absence of bias, decisions based on evidence, and the proper examination of all issues.

Referral notice see section 150AC of the LGA.

Tribunal shall mean the Councillor Conduct Tribunal as established under section 150DK of the LGA.

Unsuitable meeting conduct see section 150H of the LGA.

3.0 Review of Policy

This policy will be reviewed when any of the following occur:

- The related documents are amended or replaced.
- Other circumstances as determined from time to time by a resolution of Council

Notwithstanding the above, this policy is to be reviewed at intervals of no more than three (3) years.

4.0 Reference

- *Local Government Act 2009*

COUNCIL POLICY**COUNCILLOR INVESTIGATIONS**

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1	New Policy		Council	13.0 2.19
2	Review	Amendments	Council	

COU101 – COUNCILLOR INVESTIGATIONS

Electronic version current – uncontrolled copy valid only at time of printing.

Page No. 8

COUNCIL POLICY**CLIMATE CHANGE**

Program: Strategic Planning
Date of Adoption: Revision of Policy 089 Climate Change Adaptation
Resolution Number:
Review Date:

Scope

This policy applies to all Mackay Regional Council (MRC) activities and staff. MRC recognises that climate change represents a material risk to MRC operations and sustainable development in the Mackay region.

Objective

The objective of the Climate Change Policy is to:

- a) Demonstrate that MRC is a leader in identifying and managing climate-related risks and adaption actions.
- b) Ensure long term risk, strategy and planning processes incorporate consistent, timely and scientifically sound information and local climate projections related to climate change.
- c) Ensure that climate risk management is a core component of planning for a more resilient organisation and regional community and is therefore mainstreamed into MRC's functions and activities.
- d) Ensure that the Mackay region is well placed to benefit from sustainable development opportunities that may eventuate from taking a proactive approach to climate risk management.

Policy Statement

Therefore, MRC is committed to:

- Taking a leadership approach in managing the risks associated with climate change for our community.
- Adopting a structured and strategic response to the potential impacts and opportunities that may eventuate from climate change; and
- Facilitating greater awareness of the causes and effects of climate change.

This process to remain in force until otherwise determined
 by Mackay Regional Council

COUNCIL POLICY

CLIMATE CHANGE

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COUNCIL POLICY

CLIMATE CHANGE

1.0 Principles

The need for a climate change policy was initially identified through MRC's participation in the Local Government Association of Queensland's Coastal Adaptation Taskforce (C-CAT). This policy also reinforces MRC's commitment to effectively managing climate-related risks as a long-standing member of the Queensland Climate Resilient Council program.

MRC acknowledges that climate change presents both challenges and opportunities for the future of the Mackay region. It has the potential to impact private and public property, infrastructure, natural systems, human health, agriculture, and the economy. MRC has a responsibility to manage risks to public assets (including the environment), delivering community services and supporting private resilience and action within the community

Modelling shows that over time, the Mackay region will be exposed to:

- Increases in average, maximum and minimum temperatures.
- More hot days and increase in the frequency and duration of extreme temperatures.
- Increased intensity of extreme rainfall events.
- Mean sea level rise and increases in the height of extreme sea level events.
- Fewer but more intense tropical cyclones.
- More extreme fire behaviour.
- Increases in evapotranspiration in all seasons.
- Warmer and more acidic oceans.

MRC commits to effectively managing climate-related risks to enhancing the resilience of our organisation and the capacity of our communities, infrastructure and natural areas to recover from stresses while maintaining function and identity.

Effective climate risk management can be achieved by integrating the following principles across our organisation and into our way of thinking and acting as opposed to achieving a specific end point or goal.

1.1 Principles for Effective Climate Risk Management

Principle	Outcome
MRC will use the best available science and sub-regional climate projections to identify, understand and respond to both short and long-term climate-related risks. Climate-related risks will be assessed through the MRC Enterprise Risk Management Framework and managed through relevant corporate strategies, plans and programs.	Material climate-related risks are identified, disclosed and managed effectively.
MRC will comply with applicable legal requirements and implement any relevant State and Federal government policies, guidelines and directives relating to climate risk management.	Legislative compliance

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Principle	Outcome
MRC will implement programs and initiatives that strive to increase community resilience and overall community wellbeing. MRC commits to effective climate risk management to strengthen community resilience for existing sites and greenfield developments.	Resilient community
MRC will encourage synergies with other local governments as well as State and Federal Governments to work collaboratively on projects and policies that meet the on-the-ground needs of the community. Collaboration will ensure that the respective roles and responsibilities are appropriate, and duplication is avoided. MRC will consider potential implications of draft State or Federal legislative changes on properties in the region including possible financial/economic impacts and lobby governments on these implications.	Collaboration and shared learning

Principle	Outcome
MRC builds industry and community partnerships to strengthen our influence at state and national levels, contributing to innovation, design and research, including pursuit of grants and other external funding opportunities.	Productive partnerships
MRC sets targets to improve regional biodiversity values and ecosystem services over time.	Enhanced ecosystem services
MRC maintains a corporate greenhouse gas emissions inventory and sets relevant targets to ensure operations become increasingly low carbon over time.	Low carbon operations
MRC will monitor community greenhouse gas emissions and set targets to facilitate the transition to a low carbon economy within the Mackay region over time.	Low carbon region
MRC seeks broad public involvement on climate change issues affecting the community. Engaging individuals, communities, stakeholders and businesses and adopting more open deliberations will build greater awareness of the causes and effects of climate change and promote collective responsibility for climate risk management.	Community leadership and education

COUNCIL POLICY**CLIMATE CHANGE****1.2 Information Sources**

MRC is committed to a science-based policy approach to climate risk management. MRC's primary source of climate change information will be the most recent Intergovernmental Panel on Climate Change (IPCC) Assessment Report and associated working group reports.

MRC will utilise regional and sub-regional climate projections for the MRC region if available from reliable sources such as the Queensland Government Department of Environment and Science and CSIRO. MRC recognises that effective responses to climate change are context-specific, and often addressed best at the local and regional levels.

1.3 Greenhouse Gas Emissions Projections

MRC will use, as a minimum, the top global Representative Concentration Pathway (currently RCP8.5) during decision making. It is an emissions scenario that describes the 'business as usual' trajectory where there is no effort to reduce emissions. MRC will take a precautionary approach with respect to long-term planning and risk assessments. As such the Planning Scheme 2017 considers the permanent inundation of land due to a sea-level rise of 0.8 metres by 2100 (relative to 1990).

1.4 Strategic Alignment with State Government Policy

MRC's approach to climate risk management recognises the diverse range of roles and responsibilities across all levels of government and the private sector. MRC will use the Environmental Sustainability Strategy 2017-2025 as the primary document to guide delivery of specific climate change initiatives that align with state and federal climate change adaptation and mitigation goals.

1.5 Climate Change Governance

MRC will maintain strong and effective governance arrangements that ensure cross program integration of climate risk management principles. MRC decisions should consider linkages between economic, environmental and community dimensions, and take account of both short and long-term impacts.

Climate risk management governance indicators will be established and monitored at the executive level to ensure continuous improvement regardless of leadership changes or short-term political influence. Where appropriate, indicators should be measurable and evaluated on a regular basis.

1.6 Communication

MRC commits to ensuring that the community, Councillors and staff are updated regularly regarding this policy, related programs and initiatives.

Council commits to providing clear, consistent and transparent climate change information and data which demonstrates best practice scientific knowledge. The MRC website will communicate key projects and links to reliable

COUNCIL POLICY**CLIMATE CHANGE**

information and projections. MRC will make all climate change studies undertaken by or on behalf of MRC publicly available at an appropriate time.

2.0 Definitions

To assist in interpretation the following definitions shall apply:

Climate Change shall mean the observed century-scale rise in the average temperature of the Earth's climate system and its related effects.

Climate Change Adaptation shall mean *proactively managing risks associated with climate change through a planned approach that takes into consideration the best available science and local climate projections.*

Council shall mean the Mayor and Councillors of Mackay Regional Council.

Climate Change Mitigation shall mean activities to reduce the extent of human induced climate change, primarily through eliminating or reducing carbon emissions entering the atmosphere.

IPCC shall mean Intergovernmental Panel on Climate Change

MRC shall mean Mackay Regional Council.

Q-CAS shall mean Queensland Climate Adaptation Strategy

Q-CRC shall mean Queensland Climate Resilient Councils

Resilience shall mean the capacity of individuals, communities and environmental systems to survive, adapt, and prosper despite experiencing chronic stresses and acute shocks. Resilient communities turn vulnerabilities into opportunities.

Sustainability: shall mean ensuring the way that we live today doesn't reduce the quality of life of future generations or degrade the quality of the environment they will live in. Sustainability for local government can be defined as an ongoing commitment to integrating sustainable development principles and processes into MRC operations as opposed to achieving a specific end point or goal.

3.0 Review of Policy

This policy will be reviewed when any of the following occur:

- The related documents are amended or replaced.
- Other circumstances as determined from time to time by a resolution of Council

Notwithstanding the above, this policy is to be reviewed at intervals of no more than three (3) years.

COUNCIL POLICY**CLIMATE CHANGE****4.0 Reference**National Legislation

- *Environmental Protection and Biodiversity Conservation Act 1999*

State Legislation

- *Local Government Act 2009*
- *Environmental Protection Act 1994*
- *Coastal Protection and Management Act 1995*
- *Disaster Management Act 2003*
- *Planning Act 2016*

National Strategies

- *National Climate Resilience and Adaptation Strategy 2015*
- *Reef 2050 Long-term Sustainability Plan 2018*
- *Climate Sustainability Plan 2016-2020 (Mackay, Whitsunday, Isaac)*

State Strategies

- *Queensland Climate Action Plan*
- *Queensland Climate Adaptation Strategy (Q-CAS) 2017–2030 - Pathways to a climate resilient Queensland*

Internal Documents

- *Enterprise Risk Management Framework*
- *Corporate Plan 2021-2026*
- *Environmental Sustainability Strategy 2017-2025*
- *Economic Development Strategy 2020-2025*
- *Mackay Region Planning Scheme 2017*
- *Community Development Strategy*
- *Corporate Environmental Sustainability Policy*
- *Local Disaster Management Plan 2021*

Other

- *IPCC, 2014: Fifth Assessment Report (AR5)*
- *IPCC, 2021: Climate Change 2021: The Physical Science Basis. Contribution of Working Group 1 to the Sixth Assessment report of the Intergovernmental Panel on Climate Change*

COUNCIL POLICY

CLIMATE CHANGE

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1	Policy Review			

11.1.3. ADOPTION OF COUNCIL POLICIES

Author	Senior Governance Officer (Pam Currell)
Responsible Officer	Executive Officer (David McKendry)
File Reference	092 - Footpath Trading and Structures

Attachments 1. COU092 - Footpath Trading and Structures [11.1.3.1 - 73 pages]

Purpose

To present Council Policy 092 – Footpath Trading and Structures for consideration and adoption.

Related Parties

There are no identified related parties.

Corporate Plan Linkage

Financial Strength

Ethical Decision-Making and Good Governance - We are committed to keeping our community informed about our activities and performance and employing robust governance policies and procedures to ensure legislative compliance and organisational integrity.

Background/Discussion

Mackay Regional Council (MRC) has a process of reviewing policies to ensure that they are relevant and up to date. The process involves a review by the responsible program manager, circulation to the management team for consultation and final submission to the Executive Leadership Team for endorsement, prior to presenting to Council for adoption.

COU092 – Footpath Trading and Structures

This policy is a best practice policy providing for the requirements and process for establishing footpath trading and structures.

The policy and its associated guideline have been reviewed as part of MRC's policy review process.

Consultation and Communication

As part of the review process consultation has been undertaken with the relevant stakeholders including the responsible program manager, director and ELT.

Resource Implications

The implementation of the policy will not require additional resources beyond that currently budgeted.

Risk Management Implications

There are no risk management implications identified regarding the proposed policy.

Conclusion

It is recommended that Council adopt Council Policy 092 – Footpath Trading and Structures and its associated guideline.

Officer's Recommendation

THAT Council adopt Policy 092 – Footpath Trading and Structures.

The ACEO Angela Hays noted that this was a very important Policy of Council and noted that there has been extensive consultation undertaken with the community, including people who have different sorts of access needs, to ensure that what is proposed today is in line with what is supported by those people and their peak bodies, as well as extensive consultation with the business community who see the need for flexibility within our Policy to enhance the vibrancy of our city centre and other parts of our region. The ACEO advised that by bringing the Policy forward today, Council believes it has found a position that is acceptable to all and provides a balance between economic outcomes and supporting the accessibility needs across the region.

Cr Bonaventura queried what Council's policing policy would be in relation to this.

The ACEO advised that Council has not actively regulated this Policy while it has been under review, but prior to that it was actively regulated and the intent is to go back to that pattern of regulation. The ACEO advised that when the Policy is formalised, the next steps will be going out and working with the businesses to establish what they are approved for and to determine if there needs to be any updates using a risk-based approach.

Council Resolution ORD-2022-309

THAT Council adopt Policy 092 – Footpath Trading and Structures.

Moved Cr Jones

Seconded Cr May

Cr Jones noted that there are many aspects to the Policy and the guidelines attached to it. Cr Jones noted that she hears from her community quite often about footpaths that are not accessible to people with a disability or parents with prams due to structures on footpaths, but recognises that businesses, especially during COVID, were struggling and placed tables on footpaths to attract more customers. Cr Jones noted that her stance is and will always be, that Council needs to equally consider the vulnerable people in our community.

Cr May endorsed the words of the ACEO noting that she felt this was one of the most extensive consultations that Council has undertaken and it was great that Council has heard from the community and businesses. Cr May advised that she felt Council has arrived in a really good place with a good set of guidelines that provide choice and surety to businesses and our vulnerable community members.

CARRIED

Mayor Williamson offered his congratulations to the ACEO on what has been a very large project and one that has achieved an excellent outcome.

COUNCIL POLICY

FOOTPATH TRADING AND STRUCTURES

Program: Health & Regulatory Services
Date of Adoption:
Resolution Number:
Review Date:

Scope

The “*Footpath Trading and Structures Policy*” applies to footpath trading activities and structures on footpaths in the road reserve within street orientated centres and approved commercial activities within the Mackay Regional Council area.

Objective

The policy provides for the orderly establishment and management of footpath trading and structures in the Mackay Regional Council area.

The purpose of this policy is to:

- provide a “one-stop shop” for the requirements of establishing footpath trading and structures used in conjunction with associated and approved indoor premises only;
- specify objectives and performance criteria for footpath trading and structures to ensure access, safety and amenity of public footpaths is maintained, while facilitating active and lively street frontages;
- promote a high quality visual environment to ensure footpath trading and structures are compatible with other community use of the footpath and contributes to the amenity of adjacent properties;
- ensure that proposed footpath trading and structures do not adversely impact upon the amenity of adjacent landowners and that management measures are implemented to mitigate such impacts; and
- ensure that proposed structures do not visually impact on heritage buildings. Proposed structures respect and complement the architectural significance and streetscape presence of a heritage building.

Policy Statement

This policy provides the requirements and processes for establishing footpath trading and structures. Council is endeavouring to fulfil its obligations to the broader community by accommodating the needs of business.

This process to remain in force until otherwise determined
 by Mackay Regional Council

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FOOTPATH TRADING AND STRUCTURES

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COUNCIL POLICY**FOOTPATH TRADING AND STRUCTURES****1.0 Principles**

There has been an increased interest in establishing footpath trading and structures, particularly within the Mackay City Centre. Given Council's desire to revitalise the City Centre and encourage placemaking in other centres through increased activation of the public realm, it is essential to provide a straightforward and holistic document that includes guidance on the requirements for, and a consistent approach to, footpath trading and structures. A footpath trading and structures policy guideline has been prepared to provide further background on the application process for footpath trading and structures and design requirements to support this policy.

The policy is in line with Council's overall vision for centre placemaking and the revitalisation of the Mackay City Centre to invigorate the City Centre into a vibrant, attractive, modern and accessible community hub that supports investment and inner city living - as part of a city that is a place to live, learn, earn and play.

The purpose of this policy is not to replace any overarching regulatory instruments, referenced in section 3.0 of this policy, relating to footpath trading and structures.

For all requirements and criteria of this policy relating to the assessment and applications process of footpath trading and structures, refer to the Footpath Trading and Structures Policy Guideline document. The requirements and criteria contained in the policy guideline are referenced from the relevant overarching regulatory instruments and therefore assessment under this policy is an assessment under these relevant overarching regulatory instruments.

In an instance where a proposal, or an element of a proposal, has a discrepancy with the requirements of this policy, the relevant overarching regulatory instrument(s) will prevail in determining the outcome.

Any infringement, enforcement or compliance issues relating to the requirements and criteria of the Footpath Trading and Structures Policy Guideline will be dealt with in accordance with the relevant overarching regulatory instrument.

Footpath trading activities and structures located on a designated State controlled road will require separate assessment and approval under a Road Corridor Permit from the Department of Transport and Main Roads - see Section 5 of the Footpath Trading and Structures Policy Guidelines for further details.

1.1 Footpath Structures

Proposals for footpath structures will only be considered where the footpath structure is associated with an existing or proposed footpath trading activity involving footpath dining and is required for the purpose of providing weather protection.

The landowner will be required to hold a separate approval from Council where a footpath structure is proposed to occupy an area within the road reserve. The landowner will be required to enter into a Deed of Agreement with Council to formalise that approval. Considerations as part of the Deed shall include maintenance access to the footpath as well as requirements for maintenance

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of an access to utilities owned and operated by both Council and other service providers including clearance to assets requirements from foundation works.

The Deed of Agreement puts sole responsibility on the landowner for the structure's management, maintenance, public liability and removal.

The Deed of Agreement must be signed prior to the approval of the Footpath Structure application.

1.2 Heritage considerations for freestanding footpath structures in front of a Local or State Heritage Place

This policy applies to freestanding footpath structures within a road reserve that are located in front of a building that is identified as a Local or State Heritage Place (Heritage Place).

The applicant must demonstrate compliance with the heritage assessment criteria contained within the Footpath Trading and Structures Policy Guideline.

Council has the right to refuse a freestanding footpath structure within the road reserve that is located in front of or adjacent to a Heritage Place, despite meeting other criteria.

Footpath structures that are attached to or sited on a Heritage Place cannot be assessed under this policy and will be assessed against the heritage requirements contained in either the Mackay Region Planning Scheme or Mackay Waterfront PDA development scheme (whichever is relevant to the subject site).

2.0 Complaints

Any complaints in relation to a decision or a service relating from this policy will be assessed and managed in accordance with MRC's Administrative Action Complaints Policy, a copy of which can be found on MRC's website.

When an individual feels that they are the subject of MRC's failure to act compatibly with human rights, they can make a complaint directly to MRC. These complaints will be assessed against the Human Rights Act 2019.

Complaints may be made as following:

In writing to
Chief Executive Officer
Mackay Regional Council
PO Box 41
MACKAY QLD 4740

Via Email - complaints@mackay.qld.gov.au

In person at the following Council Client Services Centres:

- MRC Mackay Office – 73 Gordon Street, Mackay

COUNCIL POLICY

FOOTPATH TRADING AND STRUCTURES

- MRC Sarina Office – 65 Broad Street, Sarina
- MRC Mirani Council Office – 20 Victoria Street, Mirani

3.0 Definitions

To assist in interpretation the following definitions shall apply:

Active and lively street frontages shall mean streets that house highly active non-residential uses that create the greatest degree of pedestrian activity and interaction and which are mostly accommodated in small individual tenancies with narrow building frontages, such as shops, restaurants and cafes.

Amenity shall mean the qualities of a location in regard to noise, vibration, dust, odour, air quality, lighting, daylight, glare, breezes and shade, freedom from hazard or risk of threats to health and well-being of occupants, and the uninterrupted ability to use and enjoy the land for the purpose it was designed, that may be affected by the level, time and duration of activities on nearby sites or the impacts of natural hazards, including spatial and temporal impacts.

Centres and approved commercial activities shall mean:

- Mackay City Centre;
- Sarina Major centre (Broad Street and Central Street);
- North Mackay District centre (Evans Avenue and Palmer Street);
- Fourways District centre (Bridge Road and Nebo Road – West Mackay);
- Walkerston District centre (Dutton Street);
- Local centres and Neighbourhood centres with street orientated development;
- street orientated commercial activities within Townships;
- any existing or future centre that establishes street orientated development.

Footpath shall mean the section of the road reserve between the property boundary (front boundary) and the face of the kerb.

Footpath trading shall mean the use of public footpaths for commercial purposes, and include activities such as footpath dining, display of goods, busking or temporary events (such as street events, charity events and the like). Footpath activities may involve the placement of signs, clothes racks, tables, chairs, and ancillary equipment such as umbrellas, planter boxes, removable barriers and retractable screens.

Footpath structures shall mean awnings over a pedestrian footpath that is either attached to or detached from a building.

State or Local Heritage Place shall mean a building/s and/or site identified as being of local or State heritage significance.

Mackay Regional Council area shall mean the Mackay Regional Council local government area.

COUNCIL POLICY

FOOTPATH TRADING AND STRUCTURES

Placemaking shall mean the collaborative process of making and enhancing characteristic, diverse, vibrant and resilient places that are valued by the community and admired by visitors, which involves a holistic, multi-disciplinary approach to planning, design and development of places.

Professional (independent) certification shall mean assessment and certification of compliance with the heritage assessment criteria contained within the Footpath Trading and Structures Policy Guideline by an independent heritage professional.

Public realm shall mean any publicly accessible streets, pathways, cross-block links, arcades, plazas, parks, open spaces and any public and civic building and facilities.

Street orientated shall mean buildings with a 0m lot alignment to the front boundary.

4.0 Review of Policy

This policy will be reviewed when any of the following occur:

- The related documents are amended or replaced.
- Other circumstances as determined from time to time by a resolution of Council.

Notwithstanding the above, this policy is to be reviewed at intervals of no more than three (3) years.

5.0 Reference

- *Building Act 1975*;
 - the Queensland Development Code (Building Code).
- *Disability Discrimination Act 1992*;
- *Food Act 2006*;
- *Queensland Heritage Act 1992*;
- *Planning Act 2016*;
 - Mackay Region Planning Scheme;
- *Local Government Act 2009*;
 - Local Law No.1 (Administration) 2011:
 - Subordinate Local Law 1.1 Alteration or Improvement to Local Government Controlled Areas and Roads 2011;
 - Subordinate Local Law 1.2 Commercial Use of Local Government Areas & Roads 2011;
 - Subordinate Local Law 1.4 Installation of Advertising Devices 2011;
 - Subordinate Local Law 1.12 Operation of Temporary Entertainment Events 2011;
 - Subordinate Local Law 1.14 Undertaking Regulated Activities on Local Government Areas & Roads 2011;
 - Local Law No.3 and Subordinate Local Law 3

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- Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) and Subordinate Local Law 4 Local Government Controlled Areas, Facilities and Roads 2011; and
- Local Law No.5 (Parking) and Subordinate Local Law 5 Parking 2011.

6.0 Attachments

- Footpath Trading and Structures Policy Guideline – February 2022

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1	New Policy		Council	16.12.15
2	Review of Policy	Minor amendments	Council	25.10.17
3	Review of Policy			



Footpath Trading and Structures Policy Guideline

July 2022



DISCLAIMER

This Footpath Trading and Structures Policy Guideline (the policy guideline) forms part of the urban and public realm planning initiatives for street orientated centres and activities within the Mackay region.

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Any requests for information or details regarding this document can be made to Mackay Regional Council.

Council reserves the right to accept, reject or alter the policy guideline provisions, criteria, figures, tables, images and recommendations based on further information, consultation, legislative changes and investigations.

This document is intended to provide a resource for the establishment of footpath trading and structures. The provisions, criteria, figures, tables and recommendations of this policy guideline do not replace, but reflect the relevant overarching regulatory instruments relating to footpath trading and structures.

The relevant overarching regulatory instrument(s) will prevail in the case of any discrepancy with the requirements of this policy guideline.

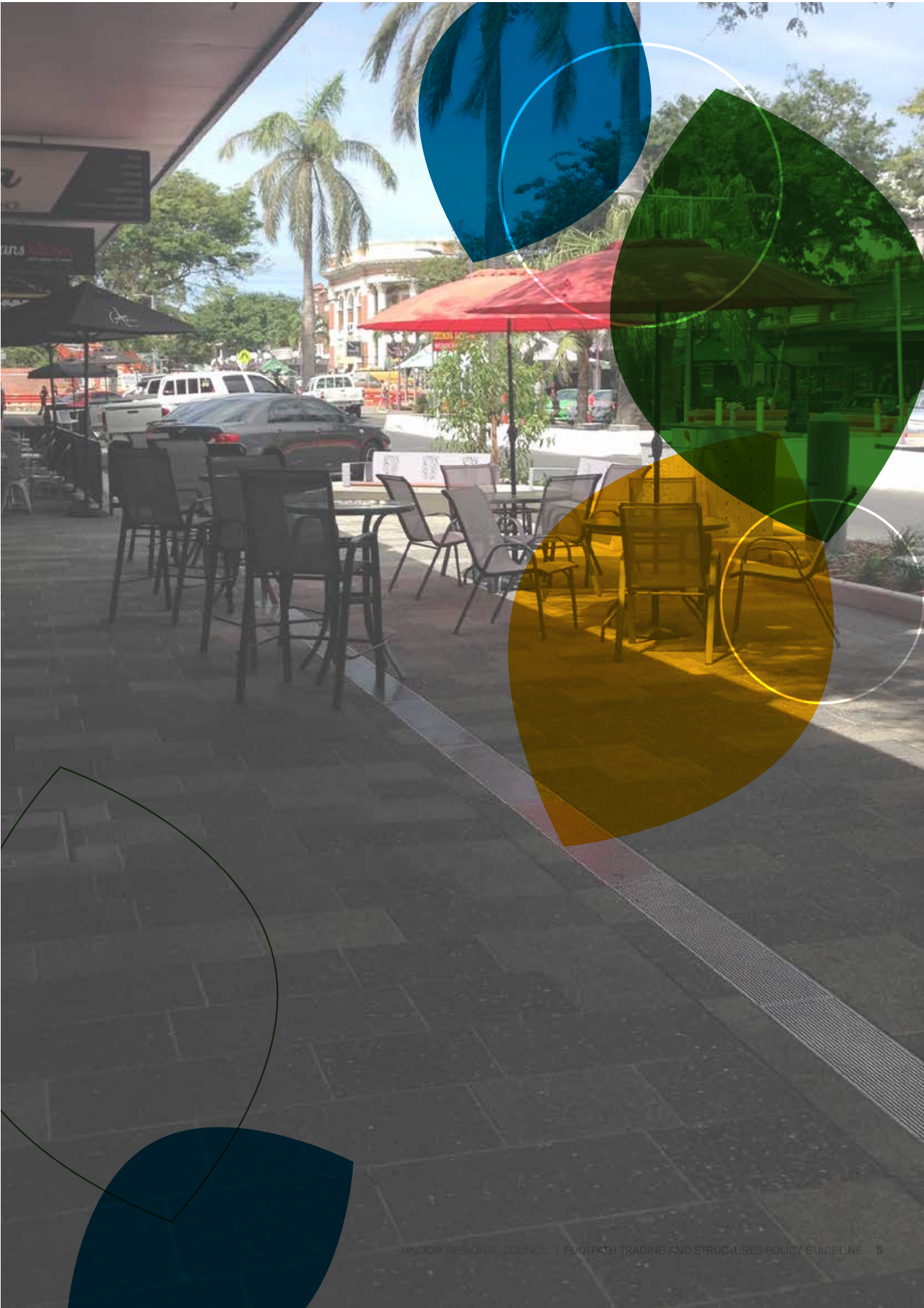
VERSION 2 - JULY 2022

FOOTPATH TRADING AND STRUCTURES POLICY GUIDELINE

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SECTION 1

OVERVIEW

The Footpath Trading and Structures Policy has been developed to provide a framework for the orderly establishment and management of footpath trading and structures in the Mackay Regional Council area. Although footpath trading is supported in principle, it is provided at Council's discretion.

Business should not assume any rights to extend a business onto the footpath, and any permit issued by Council should not be considered as a saleable commodity.

The policy guideline is in line with Council's overall vision for centre placemaking and the revitalisation of the Mackay City Centre to invigorate the City Centre into a vibrant, attractive, modern and accessible community hub that supports investment and inner city living - as part of a city that is a place to live, learn, earn and play.

This policy guideline provides the requirements and processes for establishing footpath trading and structures. This policy acknowledges that there will be times when it will not be possible for businesses to use the footpath in the way that they would like. Council is endeavouring to fulfil its obligations to the broader community by accommodating the needs of business.

The purpose of this policy guideline is to:

- provide a "one-stop shop" for the requirements of establishing footpath trading and structures used in conjunction with associated and approved indoor premises only;
- specify objectives and performance criteria for footpath trading and structures to ensure access, safety and amenity of public footpaths is maintained, while facilitating active and lively street frontages;
- promote a high quality visual environment to ensure
- footpath trading and structures are compatible with other community use of the footpath and contributes to the amenity of adjacent properties;
- ensure that proposed footpath trading and structures do not adversely impact upon the amenity of adjacent landowners and that management measures are implemented to mitigate such impacts; and

- ensure that proposed structures do not visually impact on heritage buildings. Proposed structures respect and complement the architectural significance and streetscape presence of a heritage building.

The purpose of this policy guideline is not to replace any overarching regulatory instruments relating to footpath trading and structures. In an instance where a proposal, or an element of a proposal, has a discrepancy with the requirements of this policy guideline, the relevant overarching regulatory instrument(s) will prevail in determining the outcome.

This document is part of an integrated approach to centres planning, which includes urban planning, public realm, integrated transport, economic and revitalisation initiatives.

Geographic application of this policy This policy applies to street orientated (meaning buildings with alignment to the front boundary (or close to) - 0m lot alignment) centres and approved commercial activities within the Mackay Regional Council area.

These include:

- Mackay City Centre;
- Sarina Major centre (Broad Street and Central Street);
- North Mackay District centre (Evans Avenue and Palmer Street);
- Fourways District centre (Bridge Road and Nebo Road - West Mackay);
- Walkerston District centre (Dutton Street);
- Local centres and Neighbourhood centres with street orientated development;
- street orientated commercial activities within Townships;
- any existing or future centre that establishes street orientated development.

For all other centres and commercial activities without street orientated development, any proposed outdoor trading and associated structures on private land that is greater than minor works (as defined by the planning scheme) will be assessed under the planning scheme and not this policy guideline.

1.1 Vision

Mackay is the regional centre for the broader Mackay Isaac Whitsunday region, and is a significant regional capital for commercial, residential, business, health, educational and industrial services in northern Australia. Council is committed to increasing the liveability of the region and the diversification of its economy to create a vibrant, diversified and sustainable city and region for future generations.

Council's vision is to create and maintain vibrant, diverse, dynamic, economically viable and pedestrian friendly centres that enhances and celebrates the unique sense of character, identity and experience of street orientated centres and businesses within the Mackay region.

DYNAMIC AND VIBRANT CENTRES

- Create and maintain a streetscape that is functional, practical, comfortable and convenient.
- Create and maintain a streetscape that is vibrant, interesting and inspiring.
- Create and maintain a streetscape that incorporates, and is responsive to, views and vistas of built and natural features.

PEDESTRIAN FRIENDLY CENTRES

- Create and maintain a streetscape that is comfortable, enjoyable, healthy and safe for people of all ages and levels of ability.
- Create opportunities for people to enjoy and experience Mackay's relaxed and pleasant tropical climate and lifestyle.

DIVERSE AND ECONOMICALLY VIABLE CENTRES

- Create and maintain a streetscape that supports and compliments the variety of commercial land use activities within centres.
- Create a vibrant, diverse and active streetscape setting that facilitates, supports and encourages economic growth and development.

CENTRES WITH A POINT OF DIFFERENCE

- Create and maintain a streetscape that enhances and accommodates the region's unique tropical lifestyle where streets provide outdoor living and recreation spaces.
- Create and maintain a streetscape that is distinctive by capitalising on the region's unique natural environment and heritage.
- Create and maintain a streetscape that offers a unique, enjoyable and memorable pedestrian experience where people want to visit and stay longer.



1.2 Aims and objectives

Council's footpath aims and objectives are:

- Promote a vibrant and diverse street life which balances the interests and needs of businesses, residents, landowners and visitors to centres.
- Regulate and control the placement of objects, both temporary and permanent on footpaths to achieve fairness and consistency between traders in the use of footpaths.
- Facilitate, support and encourage economic growth and development that enhances the streetscape setting and character.
- Ensure:
 - + safe and unobstructed passage for pedestrians, in particular those who may be physically or vision impaired;
 - + safe and unobstructed vision for motorists and cyclists; and
 - + limited impact on amenity, heritage value and the streetscape that characterises the area.

1.3 Overarching statutory instruments

This policy guideline applies to all roads (as defined by the Local Government Act 2009) within the Mackay Regional Council area.

This policy guideline is a supporting document to those matters that regulate the commercial use of roads and structures within the road reserve, more specifically, footpath trading and structures.

The commercial uses regulated under this policy include activities carried out on a road (including a footpath) or local government controlled area such as:

- soliciting or carrying on the supply of goods and services for profit (e.g. footpath dining);
- installing, erecting or displaying of advertisements or signs that are visible from the road;
- making alterations or improvements to local government controlled areas and roads; and
- the holding of a public place activity that has been prescribed under a Subordinate Local Law or Planning Scheme, for example, erecting an awning over a footpath.

The following overarching regulatory instruments govern footpath trading and structures within the road reserve:

- Building Act 1975:
 - + The Queensland Development Code (Building Act 1975) in relation to building matters and building over or near relevant infrastructure;
- Disability Discrimination Act 1992;
- Food Act 2006;
- Queensland Heritage Act 1992;
- Planning Act 2016 - the planning scheme in relation to heritage matters;
- Economic Development Act 2012 - the PDA development scheme in relation to heritage mappers
- Local Government Act 2009:
 - + Local Law No.1 (Administration) 2011:
 - Subordinate Local Law 1.1 2011 Alteration or Improvement to Local Government Controlled Areas and Roads;
 - Subordinate Local Law 1.2 Commercial Use of Local Government Areas & Roads;
 - Subordinate Local Law 1.4 Installation of Advertising Devices;
 - Subordinate Local Law 1.12 Operation of Temporary Entertainment Events;
 - Subordinate Local Law 1.14 Undertaking Regulated Activities on Local Government Areas & Roads;
 - + Local Law No.4 and Subordinate Local Law 4 Local Government Controlled Areas, Facilities and Roads;

This policy guideline encompasses the requirements from each of these regulatory provisions into one process to facilitate the establishment of footpath trading.

Where this policy guideline is silent on a matter(s) of relevance, the requirements of, and assessment against the relevant regulatory instrument will prevail in all circumstances. For example, this policy guideline does not include building work requirements, which are to be assessed under the Building Act 1975.

In an instance where a proposal, or element of a proposal, has a discrepancy with the requirements of this policy guideline, the relevant overarching regulatory instrument will prevail in determining the outcome.

Footpath trading activities and structures located on a designated State controlled road will not require separate assessment and approval from the Department of Transport and Main Roads (see Section 5 - Footpath trading and structures on a State Controlled Road, for further details).

1.4 Function of the footpath

The primary function of a footpath is to provide pedestrian access and movement within the streetscape and the location of significant utility corridors for stormwater, electricity and telecommunications. However, the footpath may also have a secondary function for trading purposes that can improve the character of streets and add life and vibrancy to centres. It supports the prosperity of the local economy and provides opportunities to dine, shop or recreate outside.

With the potential benefits come potential problems and competing demands. Footpath dining and awnings have the potential to obstruct the view of customers, businesses and pedestrians, and access to utility corridors. What is appropriate for one trader is not necessarily suitable for their neighbours. However, high quality design of structures and layout of footpath trading will minimise issues and impacts.

In issuing approvals for the use of footpaths, Council will consider the broader implications of any application and the interests of the streetscape and area as a whole, not just the individual trader. Council has a responsibility and authority to regulate the use of this public space.

1.5 Council's footpath priorities

Figure 1.1 - Council's footpath priorities, shows the order of Council's priorities for footpath use. It is a principle based rule-of-thumb for all decisions relating to the use of the footpath. Council's highest priority at all times is public safety, although this is not the only concern.

Public safety can be addressed while also creating a vibrant street life, ensuring accessibility for all and balancing a prosperous local economy with amenity. Achieving all these priorities is Council's goal.

There are times when it is not possible to evenly balance all priorities, so Council must favour one over another. Footpaths give streets vibrancy and liveliness but this must be limited

(in amount and location) to ensure that the footpath can be used safely by all members of the community. Council uses the following order of priority for assessing the use of footpaths and when making decisions on footpath trading applications.

PUBLIC SAFETY

Streets are:

- safe and have unobstructed passage for pedestrians, in particular those who may be physically or vision impaired; and
- safe and have unobstructed vision for drivers of vehicles and cyclists.

ACCESSIBILITY FOR ALL

- Streets are easily navigated by all pedestrians, allow unobstructed pedestrian traffic flows and support public transport use.

BALANCING A PROSPEROUS LOCAL ECONOMY WITH RESIDENTIAL AMENITY

- Supporting a prosperous local economy is balanced with ensuring that footpath use does not cause any significant impacts on pedestrian safety, parking or the amenity of surrounding areas.

VIBRANT STREET LIFE

- Streets are vibrant and lively and contribute positively to an area's sense of place and character.

ATTRACTIVE STREETScape

- Streets are attractive, clean and pleasant and any heritage significance is not diminished.

LEISURE AND COMMERCIAL OPPORTUNITIES

- The footpath supports social interaction, al fresco dining and drinking as enjoyable leisure activities.

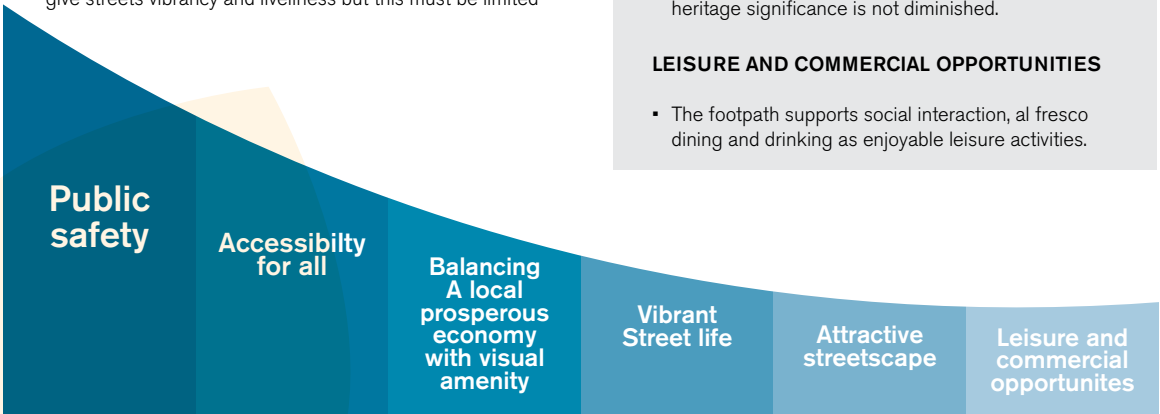


Figure 1.1 - Council's footpath priorities

1.6 Stakeholders

This policy guideline attempts to balance the different interests and needs of businesses, residents, landowners and visitors. Each has an important role to play.

COUNCIL

Interest: To provide safe and accessible pedestrian access on the footpath, while balancing the interests and needs of business, residents, landowners and visitors.

Role: Provide clear direction to businesses regarding permitted footpath trading activities and structures through the administration, enforcement and regulation of this policy guideline and the overarching statutory instruments mentioned in Section 1.3 - Links to the overarching statutory instruments.

BUSINESS

Interest: The placement of objects on the footpath achieves fairness and consistency between traders and enhances amenity to promote patronage.

Role: Manage the use of their designated Footpath Trading Zone in accordance with relevant legislation (particularly Council's Local Laws) and this policy.

PATRONS, RESIDENTS, LANDOWNERS AND VISITORS

Interest: Access to business and dining opportunities through easily defined Pedestrian and Trading Zones.

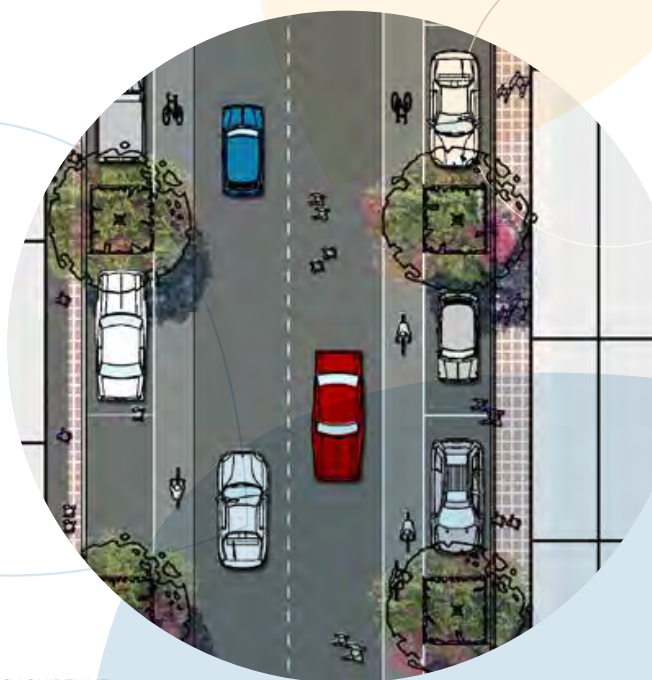
Role: Support businesses and Council's efforts to comply with legislative responsibilities and this policy guideline.

1.7 Deciding applications

Where applications meet all the requirements of the policy guideline, Council's delegated authorised officer will normally grant an approval.

In an instance where a proposal, or element of a proposal, has a discrepancy with the requirements of this policy, the relevant overarching regulatory instrument will prevail in determining the outcome.

In some cases a variation to this policy may be granted if the priority objectives can be met and there are extenuating circumstances. Each case will be decided on its merits.



1.8 Footpath management standards

A number of footpath management principles have been developed for this policy guideline.

1.8.1 Safety and accessibility

To ensure that safe and unobstructed access to the footpath area is available, the following standards apply:

- A continuous accessible path of travel must be provided along the front property boundary / building line and have a minimum width of 2 metres.
- Footpaths less than 3.2 metres in width are not suitable for footpath trading.
- Footpath trading located in close proximity to intersections should not obscure drivers' line of vision, traffic signs, signals or pedestrian crossing points and will be subject to assessment by Council.
- Required clearances and setbacks from kerbs, public assets and other street infrastructure must be maintained at all times.
- The footpath area should be an inviting, clean and safe place.
- It is the approval holder's responsibility to ensure that their patrons or clients do not unreasonably impede the flow of pedestrian traffic.
- There should be full compliance with the Disability Discrimination Act 2006 at all times.
- Bicycles should park on the footpath at designated bicycle storage areas. Bicycles parked on the footpath must not cause an inconvenience, obstruct, hinder or prevent the free passage of any pedestrian within the Pedestrian Zone.
- Use of motorised assistance scooters and electric wheelchairs is permitted on the footpath.
- Motorcycles and rickshaws (pedicabs) are not approved to be operated or parked on the footpath and must be parked within designated on-street parking zones.

1.8.2 Visual amenity

To ensure the amenity of the footpath and adjacent areas are protected and enhanced, the following standards apply:

- All footpath furniture and screens, with the exception of approved permanent/temporary structures, must be removed from the footpath upon close of business.
- All businesses must control and prevent any adverse impact on the amenity of the streetscape and surrounding area arising from the emission of noise, odour or appearance of the premises in accordance with the requirements of the Environmental Protection Act 1994 and the relevant overarching statutory instruments mentioned in Section 1.3 - Links to the overarching statutory instruments. Further details can be found at www.ehp.qld.gov.au or on Council's website, www.mackay.qld.gov.au, under Local Laws and Policies within the Laws Regulations and Forms section.

- Obstructive footpath furniture which creates a hazard for all users, including people with physical or vision impairments, must be avoided.

To ensure the appearance of any structures associated with footpath activity is appropriate and in keeping with Council's urban design and heritage controls for the streetscape and/or centre, the following standards apply:

- Structures must comply with Council's existing streetscape master plans and designs (where available), and the requirements of this policy under Section 4.2 - Permanent or temporary structures, furnishings and fixtures. Any proposed structures will be assessed as to whether they are appropriate to the streetscape and adjoining buildings. All proposed structures must have a signed Deed of Agreement prior to approval.
- Structures associated with the footpath should not privatise, fully enclose public spaces or adversely affect the openness of public footpaths and spaces.
- The types of permanent structures that may be considered are awnings, approved planter boxes and retractable screens or blinds. Any other items located on the footpath are considered temporary items and must be removed at the close of trade in accordance with the footpath trading approval.

1.8.3 Hygiene and cleanliness

To ensure the hygiene and cleanliness of a footpath is maintained, the following standards apply:

- Litter must be cleared from the footpath by the approval holder at all times.
- Food scraps, cigarette butts and any other rubbish within the footpath must be immediately removed and deposited within the approval holder's own bins, kept within the premises.
- Litter generated by footpath trading must not be swept into the street gutter or adjacent footpath areas. It must be picked up and deposited within the approval holder's own bins, kept within the premises.
- In most situations, all footpath furniture must be removed at the end of trade to ensure the footpath can be easily cleaned by Council.
- Waste generated from the business must not be placed in public street bins.

Council's street cleaning services operate early in the morning to ensure minimum disruption to local business. However, the approval holder has a responsibility to keep the street and footpath clean and must work with Council to ensure this is achieved. Failure to adequately keep the footpath clean may result in cancellation of the footpath trading approval.

SECTION 2

FOOTPATH ZONES AND CLEARANCES

2.1 Footpath zones

The footpath is the area between the property boundary and the kerb.

The footpath is to be managed using three zones (see Figures 2.1 - Plan view of the footpath zones, and Figure 2.2 - Transect of the footpath zones).

The footpath zones are:

- Pedestrian Zone;
- Trading Zone; and
- Kerb Zone.

The footpath width minus the minimum width requirements

for the Pedestrian Zone and Kerb Zone may prohibit the establishment of a Trading Zone, where the width of the Trading Zone is below 0.6 metres. Where a Trading Zone cannot meet the minimum width of 0.6 metres, a footpath trading activity cannot be approved.

Existing landscaping, street artwork, street furniture, public infrastructure may also prohibit or limit the Trading Zone and influence the layout of a footpath trading activity.

The width of a potential Trading zone can be calculated by using the simple formula illustrated in Figure 2.3 - Trading Zone calculation.

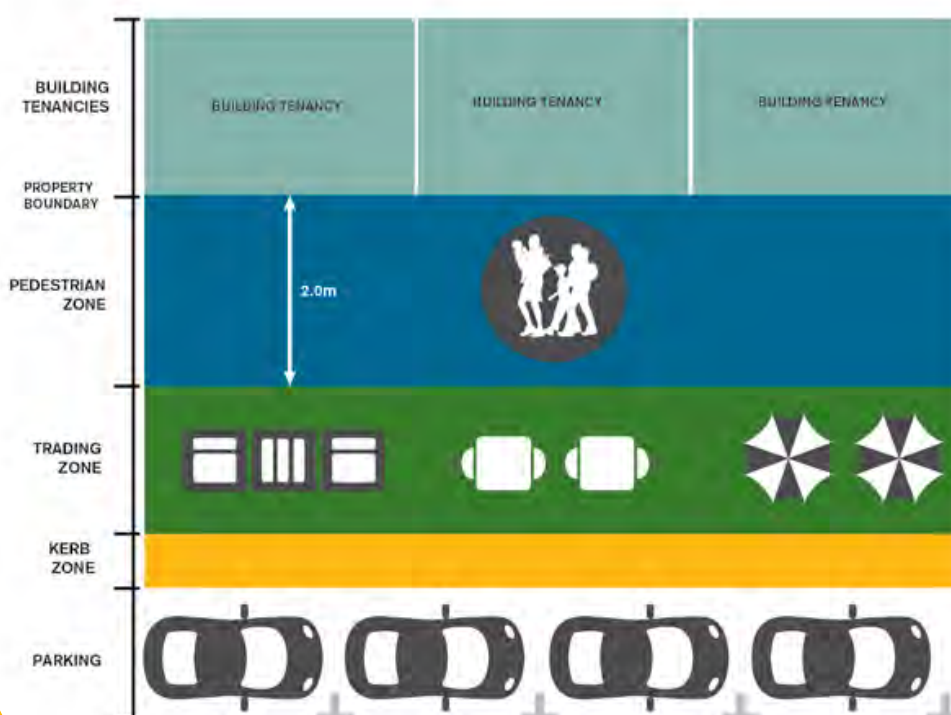


Figure 2.1 - Plan view of the footpath zones

2.1.1 Pedestrian Zone

The Pedestrian Zone is the area of the footpath measured outwards from the property boundary and is for the exclusive movement of pedestrians and must remain clear from obstructions at all times.

The Pedestrian Zone must be a continuous and accessible path of travel along the front property boundary and must provide for the safety of all the community, including meeting the access needs of people with mobility aids, prams and shopping trolleys.

The minimum clearance width required between a proposed Trading Zone and the front property boundary is 2 metres regardless of the footpath width. The minimum clearance width required at pedestrian crossing points is 3 metres.

Mackay Regional Council reserves the right to vary the width of the Pedestrian Zone from the minimum requirement depending on, but not limited to:

- pedestrian movement needs, activity, safety and circulation requirements;
- street furniture, fixtures, lighting equipment or landscaping;
- vehicular traffic; or
- existing footpath widths.

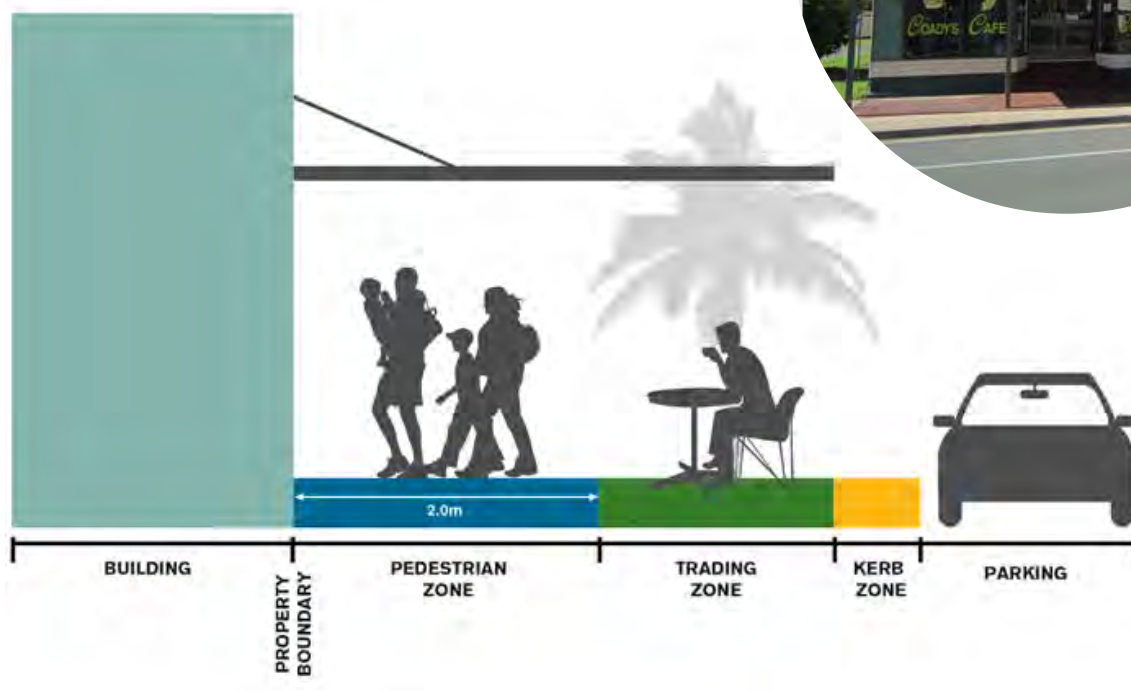


Figure 2.2 - Transect of the footpath zones

2.1.2 Trading Zone

The Trading Zone is the area of the footpath where an approved footpath trading activity is to occur. It is the area of the footpath between the Pedestrian Zone and the Kerb Zone after the relevant minimum distances for the Pedestrian Zone and the Kerb Zone are factored in.

The preferred location for the trading zone is generally on the kerb side of the footpath. This will allow all people including visually and physically impaired persons to comfortably use the property boundary line (the building edge in the majority of cases) as a continuous point of reference when moving along the footpath. It also serves to keep footpath features (furniture, equipment, trees etc.) to one side of the footpath, allowing a direct path of travel.

Proposals for trading (dining) against the property boundary may be acceptable if it can be demonstrated that this is a more desirable option for all potential users of the footpath, and is consistent with the location of existing approved footpath trading areas for other premises in the street.

Trading will not be permitted on the property boundary/building line where a bump out area is provided in the Mackay City Centre. The bump out area must first be utilised for footpath trading and if additional area is required this may be considered. Refer to Figure 3.4 in Appendix 3C for possible exception layouts.

Minimum Trading Zone width is 0.6 metres. Existing landscaping, street artwork, street furniture, public infrastructure may also prohibit or limit the Trading Zone and influence the layout of a footpath trading activity.

The width of a potential Trading zone can be calculated by using the simple formula illustrated in Figure 2.4 - Trading Zone calculation. If the remaining footpath width is less than 0.6 metres, then a Trading Zone cannot be established meaning that footpath trading cannot occur.

Where a Trading Zone is able to be established, all approved furniture and/or temporary structures associated with an approved footpath trading activity must be contained and remain within the Trading Zone at all times. Approved furniture and/or temporary structures must not protrude into the Pedestrian Zone or Kerb Zone. Chairs must not be placed to back into the Pedestrian Zone.

An access zone of 1 metre must be provided between adjoining Trading Zones with each zone set back 0.5 metres from the edge of the side property boundary - refer to Figure 2.4 – Access zone between or within Trading Zones. This is to ensure that adequate access is provided between adjoining Trading Zones for pedestrians crossing the road or alighting from vehicles.

This requirement does not apply to Trading Zones on bump-outs, as there is generally no adjoining parking and all bump-outs are frames by gardens along the kerb.

Mackay Regional Council reserves the right to vary the width of the Trading Zone.

A Trading Zone extending greater than 10 metres in length must provide an access zone in the centre of the Trading Zone. This access zone must be a minimum of 1.5 metres in width to provide for pedestrian safety when crossing the road and to allow passengers alighting from vehicles to gain immediate access to the Pedestrian Zone refer to Figure 2.3 – Access zone between or within Trading Zones.

If there is no adjacent Trading Zone, the subject Trading Zone may trade up to the property line (projected out from the property or tenancy side boundary to the Kerb Zone). If an adjacent Trading Zone is established at a later date, the gap requirement will apply to both properties and the gap requirement will be reinstated.

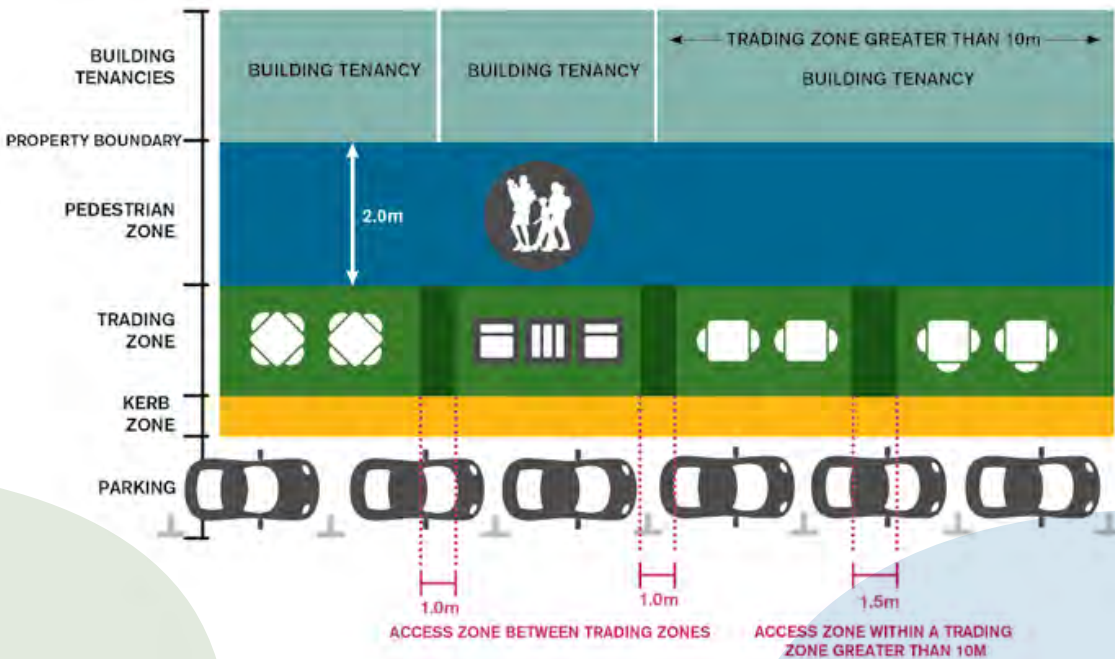


Figure 2.3 - Access zones between or within Trading Zones

2.1.2.1 Trading zones at intersections and pedestrian crossings

Any applications for footpath trading at intersections will be assessed with consideration to the width of the footpath and adequate sight lines for road users - refer to Figure 2.5 – Trading Zones at intersections and pedestrian crossings.

Trading zones and structures cannot encroach into the 3 metres Pedestrian Zone width that is required at a pedestrian crossing, refer to Figure 2.5 - Trading Zones at intersections and pedestrian crossings.

It is not permitted to obscure road users' line of vision at an intersection and pedestrian crossing points through the placement of structures (permanent or temporary) within the Trading Zone. In this case, the following may be acceptable:

- low structure under 1.05 metres that does not obstruct the road user's line of vision, or
- low structure under 1.15 metres that does not obstruct the vision of pedestrians using a road crossing.

It is not permitted to obscure the traffic signals at an intersection with any structure (permanent or temporary) within the Trading Zone.

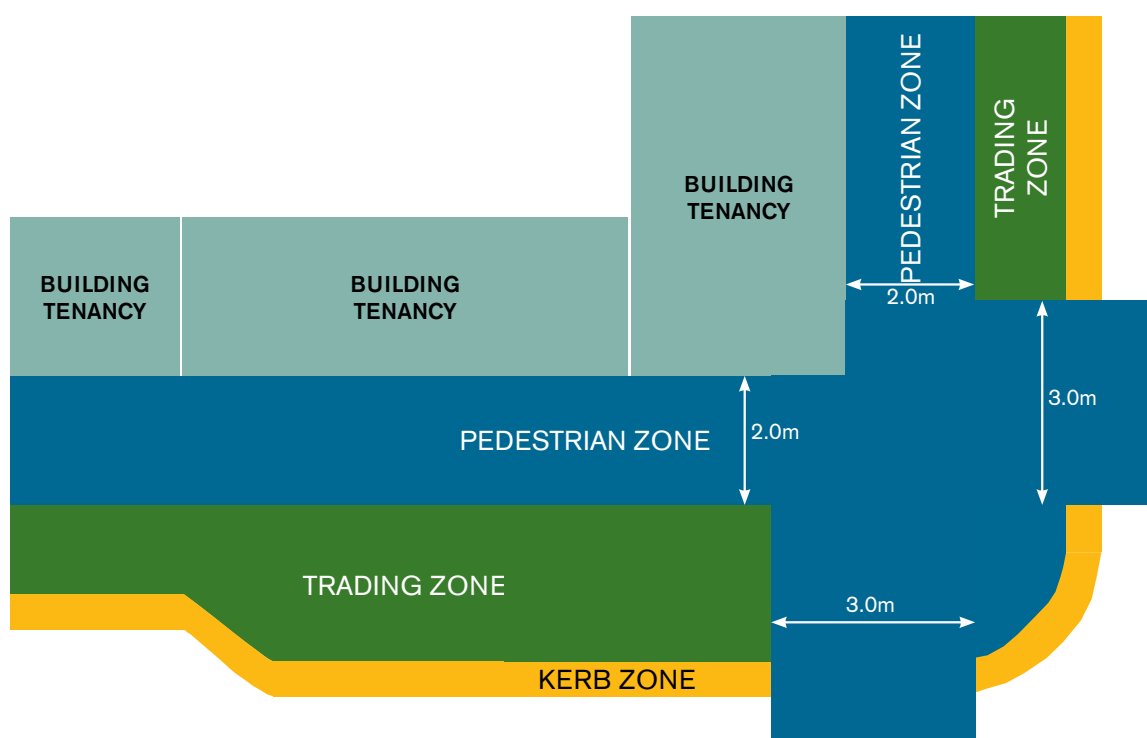


Figure 2.4 - Trading Zones at intersections and pedestrian crossings

2.1.3 Kerb Zone

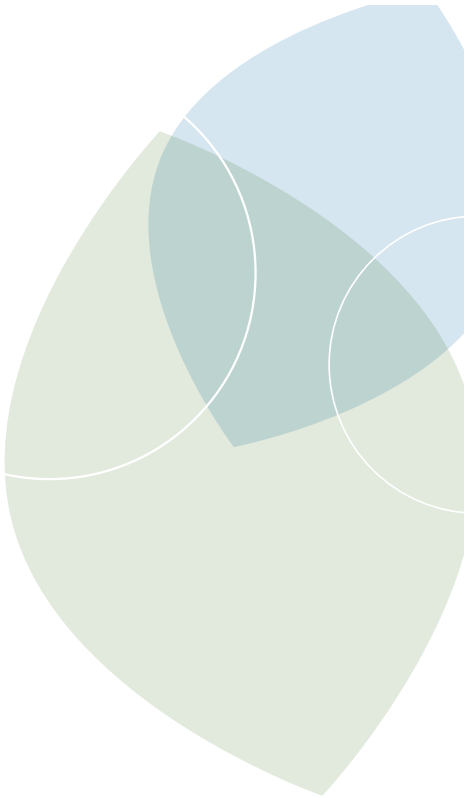
The Kerb Zone is the area between the face of the kerb and the Trading Zone. This zone is important for the safety of pedestrians crossing the road and allowing pedestrians to gain access to or from parked vehicles. This zone must remain clear of any approved furniture and/or temporary structures associated with an approved footpath trading activity within the Trading Zone.

The Kerb Zone helps to protect footpath trading activity from traffic that is either moving, parking or loading/unloading. Where there are no parking types or zones adjacent to the kerb line, a minimum Kerb Zone width will still apply. There are minimum widths specified for each of the on-street parking, bus zones, taxi ranks/zones and loading/unloading zones (refer to Table 2.1 - Minimum required widths of the Kerb Zone).

Mackay Regional Council reserves the right to vary the setback of a Kerb Zone, dependent on pedestrian activity and parking restrictions adjacent to the area.

Table 2.1 - Minimum required widths of the Kerb Zone

Parking type	Minimum Kerb Zone widths (measured from the face of the kerb)
Parallel parking	0.6 metres
Angle parking	0.6 metres where wheel stops are provided, otherwise 1 metre
Loading zone	1 metre
Taxi zone (2 or less bays)	1.5 metres
Bus zone and Taxi rank	No trading permitted
Disabled parking (parallel or angle)	1.5 metres



2.1.4 The 5 step Trading Zone calculation guide

The width of the Trading Zone can be determined by using the following formula, as illustrated, in Figure 2.4 - Trading Zone required width calculation, and the 5 step Trading Zone calculation guide.

1. Measure the footpath

The footpath is measured from the building line to the kerb. If the footpath width is 3.2 metres or less, then footpath trading is not supported.

2. Determine the required width of the Pedestrian Zone

The required width of the Pedestrian Zone on all footpaths is 2 metres, measured from the front property boundary.

3. Subtract the required Pedestrian Zone width from the footpath width

(Footpath width) minus (2 metres Pedestrian Zone width) = X

4. Determine the required width of the Kerb Zone

Table 2.1 - Minimum required widths of the Kerb Zone

Parking type	Minimum Kerb Zone widths (measured from the face of the kerb)
Parallel parking	0.6 metres
Angle parking	0.6 metres where wheel stops are provided, otherwise 1 metre
Loading zone	1 metre
Taxi zone (max. 2 bays)	1.5 metres
Bus zone and Taxi rank	No trading permitted
Disabled parking (parallel or angle)	1.5 metres

5. Determine the Trading Zone width by subtracting the required width of the Kerb Zone from answer at Step 2

(Step 2 answer) minus (required Kerb Zone width) = Trading Zone width

Existing landscaping, street art, street furniture, public infrastructure may also prohibit or limit the Trading Zone and influence the layout of a footpath trading activity.

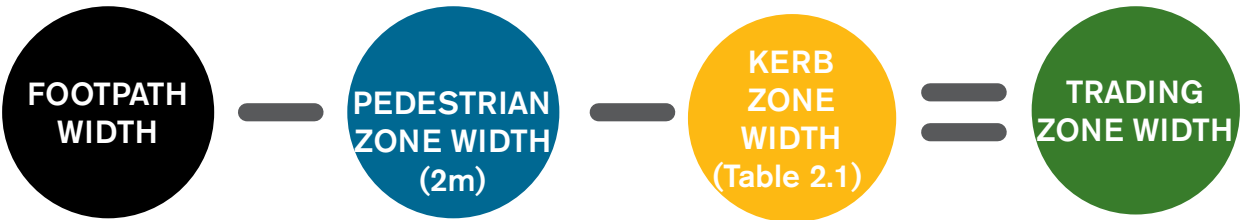


Figure 2.5 - Trading Zone required width calculation

2.2 Clearances from existing or planned public infrastructure

Public infrastructure includes items on the footpath that are required for the community and are for the benefit of the community. Minimum clearances are listed in Table 2.2 - Furniture clearances from existing public infrastructure, and illustrated in Figure A3.1 - Furniture clearances to existing or planned infrastructure.

In the event of any new public infrastructure being installed within the streetscape after the approval of a footpath trading activity, the footpath trading activities must amend its layout to comply with the prescribed clearances.

Table 2.2 - Clearances from existing public infrastructure

Public Infrastructure	Minimum Clearance from infrastructure
Litter bins	1 metre
Public seating	
Bicycle parking (from outer edges of the parking)	
Fire hydrants	
Payphones	
Traffic lights	
Pedestrian-operated lights	
Way-finding signs	
Trees	
Public art	
Electricity and telecommunications boxes	0.5 metres
Electricity poles	No clearance required
Street light poles	

Well-maintained public places improve the perception of how safe and enjoyable a place is and support the public's desire to occupy and use those places.

2.2.1 Public seating

Public seating gives people the opportunity to rest and take time out while walking to and from their destination. Public seating also provides a place for people to pause along busy walking routes and creates informal meeting places.

Council will not permit tables and chairs in the Trading Zone to be used for public seating purposes. Approvals for table and chairs will only be given for footpath dining purposes.

Footpath trading activities must not compromise or prevent the ability of the general public or service contractors to access public furniture.

2.2.2 Street trees and gardens

Clearance from existing street trees must be maintained at all times to prevent damage to root systems. Footpath trading activities and associated furniture must not protrude into gardens.

2.2.3 Bicycle parking and litter bins

Clearance from bicycle parking and litter bins must be maintained at all times to ensure direct access from the Pedestrian Zone and the Kerb Zone for the community and Council contractors.

2.2.4 Way-finding signs

Way-finding signs assist pedestrians to navigate their way around. It is important that clearance from way-finding signs is maintained at all times to ensure access and visibility.

2.2.5 Electricity and telecommunications boxes and traffic lights

Clearance from essential public infrastructure is required at all times for access purposes.

2.2.6 Relocation of public infrastructure and/or improvement to abutting footpaths

In special circumstances applicants may request Mackay Regional Council to consider relocating public infrastructure such as litter bins, bicycle parking, seating and the like. This will be considered on its merits, the level of difficulty in relocating the subject public infrastructure and if the new location is a better outcome for the general community.

Enquiries to relocate public infrastructure can be directed to Council on council@mackayqld.gov.au.

2.2.7 Bus zones

Footpath trading activities are not permitted on the footpath in front of a bus zone. This area must remain within the Pedestrian Zone. The Pedestrian Zone in front of a bus zone must be maintained at all times to ensure that direct access to and from the Pedestrian Zone so that users can enter and exit buses safely. A minimum 1.5 metres clearance must be kept from the departure side of a bus stop sign to ensure adequate access for bus users.

Where a bus zone is 20 metres or less, outdoor seating will not be permitted on the adjacent footpath. Outdoor seating will be considered adjacent to bus zones that are greater than 20 metres on a case-by-case basis - refer to Figure 2.6 – Clearance from bus zones and taxi ranks.

2.2.8 Taxi rank

Footpath trading activities are not permitted on the footpath in front of the taxi rank and queuing area. Access to the taxi queuing line must remain unobstructed at all times. A 1.5 metres clearance must be maintained around the taxi rank at all times to ensure direct access from the Pedestrian Zone for users and maintain visibility for taxi drivers.

2.2.9 Two bay taxi zones

A 1.5m clearance must be maintained around taxi zones at all times to ensure direct access from the Pedestrian Zone for users and maintain visibility for taxi drivers - refer to Figure 2.7 – Clearance from two bay taxi zones.

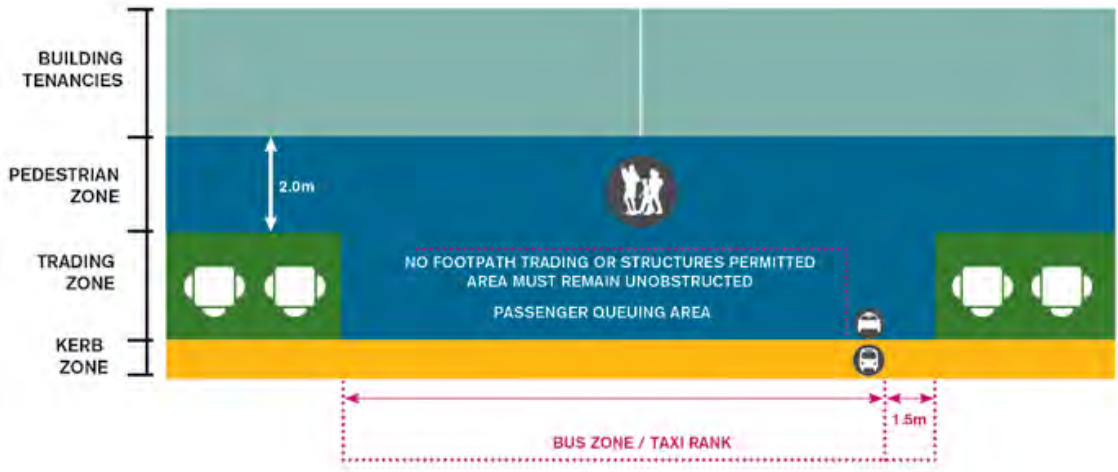


Figure 2.6 - Clearance from bus zones and taxi ranks

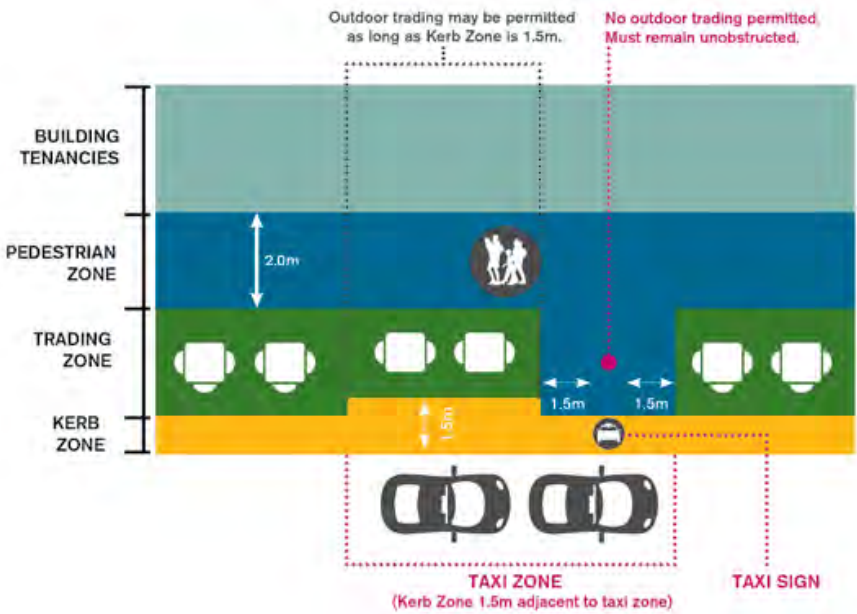


Figure 2.7 - Clearance from two bay taxi zones

2.3 Occupying an adjacent premises

If seeking to occupy the Trading Zone of an adjoining premise, the Mackay Regional Council requires the applicant to obtain and submit written consent from the building owner, body corporate (if applicable) and occupier of the adjoining premise to Council. The letters of consent must be provided on the third party's official letterhead. If the neighbouring business is sold, a new letter must be submitted to the Council by the new occupier.

The submission must include to-scale plans including both premises, a signed indemnity form from both properties and a copy of the certificate of currency noting both premises. The adjoining Trading Zone that is proposed to be occupied must be physically adjoining, meaning there is no more than 1m of separation between the 2 Trading Zones.

In the instance that the use of the footpath is not adjoining a business, Council may use its discretion in an approval if the outcome is to the benefit of the streetscape and the general community.

The footpath is public space and as such is not owned by any one business. This means a business owner and/or building owner cannot sell or sub-lease (charge rent) for the use of the footpath in front of their premises.

Mackay Regional Council will assess such applications on a case-by-case basis and consider any application with reference to streetscape and community outcomes.

Consent from the adjacent business owner and/or building owner, body corporate (if applicable) and/or occupier may be withdrawn at any time. If consent is withdrawn during the approval period, the approval will cease.

In the event that consent is withdrawn, no refund will be made in respect to fees paid in advance for the use of the Trading Zone in front of the neighbouring premises.

2.4 Delineation markers

Delineation markers must be installed on the footpath to clearly define the approved Trading Zone. This will assist owners, managers and the general community in identifying the approved Trading Zone.

The purchase of the delineation markers will be at the applicant's cost and included with the Footpath Trading Approval application fee. Delineation markers will be installed by Council upon approval of a footpath trading activity.

Delineation markers will not be required to be installed if they are already installed on the footpath.

The approval holder must ensure all furniture associated with commercial uses is located within the defined Trading Zone.





SECTION 3

FOOTPATH TRADING

3.1 What is footpath trading?

Footpath trading involves the use of public footpaths for commercial purposes.

Commercial purposes include the placement of advertising signs, display of goods (clothes racks), tables, chairs, and ancillary equipment such as umbrellas, planter boxes, removable barriers and retractable screens associated with the activities of the business.

Footpath trading is governed by Mackay Regional Council's Local Law 1.2 for the Commercial Use of Local Government Areas and Roads. The carrying on of this activity is therefore subject to an application, assessment and an annual approval from Council's Health and Regulatory Services program.

The aim of this Local Law is to control and regulate secondary activities on the footpath which does not compromise the primary function of the footpath for the safe and unobstructed movement of pedestrians.

Footpath Trading is only permitted in the Trading Zone of the footpath.

3.2 Footpath trading furnishings

Footpath trading approvals incorporate the use of tables, chairs and clothes racks with associated furnishings such as removable barriers, A-frame signs, planter boxes, menu displays, heaters and umbrellas.

Stand-alone A-frame signs on the footpath is not a footpath trading activity. As such, a stand-alone A-frame sign is assessed under Council's Local Law for advertising devices or the Planning Scheme (whichever is relevant at the time of application) and not this policy. Stand-alone planter boxes and pots on the footpath are not footpath trading activities and are not permitted to be located on the footpath at any time.

Permanent structures may be approved at Council's discretion, subject to assessment against design criteria and appropriate building approvals, in the absence of any footpath trading approval. See Section 4 - Structures for further detail on the establishment of structures.

Section 4 also provides specific requirements relating to furnishings and temporary structures associated with activities being carried out on the footpath.

3.3 Footpath trading activities

3.3.1 Permitted footpath trading activities

Activities generally supported in the Trading Zone requiring prior approval from Council are:

- Footpath dining (& permitted furnishings);
- Display of goods (& permitted furnishings);
- Busking;
- Other non-impacting footpath activities such as artists;
- Temporary activities such as:
 - + Street events including street sampling, commercial promotions, outdoor radio broadcasts, festivals and markets; and
 - + Charity events e.g. sausage sizzles, fundraising and the like.

The following activities are not permitted in the Trading Zone of a footpath:

- Street selling e.g. stands, stalls and touting;
- Masseurs or masseuses;
- Pedicures or manicures; and
- Food vans.

Where the proposed footpath trading activity results in a significant increase in dining patrons, the business must consider Building Code requirements for toilet amenities and disabled access to and within all areas normally used by patrons. A suitably qualified 'access' consultant should be engaged, particularly if the activity is within a heritage building, to assist with disability access requirements.

Council will assess applications on a case-by-case basis and reserves the right to approve, restrict or refuse any application under the relevant Local Law. Delineation markers will be installed by Council (at a cost to the applicant) in order to clearly identify the approved Trading Zone.

Footpath trading areas must be easily accessible from the footpath and must present an open and inviting image to entice participation. Pedestrians must not be forced onto the roadway or Kerb Zone by footpath dining activities or other non-permanent items/structures on the footpath.



3.3.2 Footpath dining

Footpath dining may increase risks to diners, pedestrians and motorists. To assist in the management of these risks, Council's Local Law No. 1 and Subordinate Local Law (Commercial Use of Local Government Areas and Roads) 2011 along with this policy guideline, provides for the following considerations:

- pedestrian access through the footpath dining area;
- clearances to public infrastructure;
- setbacks from the road;
- furniture, including amenity, safety, placement and storage;
- the use of umbrellas and shade structures.

Dining areas must ensure:

- safety of patrons using both indoor and outdoor areas of the business;
- safety and convenient passage of all pedestrians using the footpath (refer to 'Pedestrian Zone' requirements in Section 2);
- maintain clear view lines for both pedestrians, motorists and cyclists, especially at or near pedestrian crossings, street corners and intersections;
- no adverse impact on any adjoining premises by the activities carried out on the footpath.

Footpath dining is supported throughout the region, where the business operating this activity complies with their food business licensing requirements under the Food Act 2006 and can demonstrate compliance with the Local Law and intent of this document as mentioned above.

3.3.2.1 Provision of sanitary facilities

A proposed footpath dining activity may result in an increase in overall seating capacity. The applicant is responsible for the continued provision of the toilet facilities for their patrons. The Building Code of Australia provides guidance on what is considered an adequate number of toilets for indoor premises. As such, buildings that occupy more than 20 people must provide adequate toilet facilities that are accessible during hours of operation in accordance with the Building Code of Australia (refer to Appendix 4). Sanitary facilities need not be provided for patrons if the building accommodates not more than 20 people.

In calculating the number of patrons for footpath dining outside of the building, the same Building Code requirements are applied where more than 20 diners are proposed on the footpath and/or inside the building.

Therefore the following applies where no facilities are provided:

- Max number of patrons indoors is 20
- Max number of patrons outdoors is 20

3.3.2.2 Structures and furniture associated with footpath dining

Fixed awnings and permanent structures associated with a footpath activity may be considered by Council. See Section 4 for further information on the requirements, criteria and approvals required should this be proposed.

See Section 4.2 for further information on design and placement of temporary structures, furniture and fittings associated with footpath dining.

3.3.2.3 Alcohol consumption

Where liquor is intended to be sold, consumed or served within the Trading Zone, an approval must be obtained from the Office of Liquor and Gaming Regulation Queensland. This information should support an application made to Council, however Council may refer the application to Liquor and Gaming Regulation Queensland, in order to make a decision on the application.

Further information can be obtained from the Liquor and Gaming website: www.olgr.qld.gov.au

3.3.2.4 Designated outdoor smoking areas

Designated smoking areas on the footpath are generally not supported by Council.

Smoking within a Trading Zone must comply with Queensland's Department of Health legislation, see <http://www.health.qld.gov.au/tobaccolaws/eating/default.asp>.

Council may refer the application to the Queensland Department of Health, in order to make a decision on the application.

3.3.2.5 Dogs in footpath dining areas

A food business is prohibited from permitting live animals in areas where food is handled or served. Exemptions are in place for seafood, shellfish, other live fish and assistance animals such as guide dogs.

All food businesses must allow an assistance animal in areas used by customers. This applies to both indoor and outdoor dining areas and any other customer area. Assistance animals are not permitted to enter non-customer areas such as a kitchen, storeroom or other places where food is handled. The definition of an 'assistance animal' is contained in the Disability Discrimination Act 1992 and refers to an animal trained to assist a person with a disability to alleviate the effect of the disability.

A food business may choose to permit a dog to be present in an outdoor dining area provided the area is not enclosed by a ceiling or roof and walls and/or windows. An outdoor area with a roof and retractable screening meets the definition of an enclosed area under the Food Standards Code and therefore is not considered an outdoor dining area, meaning dogs are not allowed in this circumstance.

Animals other than dogs or assistance animals are not permitted in outdoor dining areas.

Food businesses choosing to permit dogs in footpath dining areas must consider and manage issues that may arise from the presence of dogs in their food premises, and must maintain high standards of food safety and personal hygiene required by the Food Act 2006. It is recommended that food businesses obtain the further advice on this matter from Council prior to permitting dogs in footpath dining areas.

3.3.3 Display of goods

Approval must sought from Council for the placement and display of specified goods associated with the business within the Trading Zone during trading hours.

The display of white goods or any other bulky goods in the Trading Zone is not permitted at any time.

Placement of these display items (refer to Figures 3.1 and 3.2) will consider:

- Maintenance of the Kerb Zone and Pedestrian Zone to ensure these areas are free from furniture and other obstructions.
- Suitable furnishings fit for intended use similar to footpath dining furniture.
- Selling cannot occur from the footpath and must be done in the approval holders business premises. No cash registers or money floats are permitted in the Trading Zone, Pedestrian

Zone and Kerb Zone.

- Clothes racks and display tables must be wholly located within the Trading Zone and are not permitted against the building in the Pedestrian Zone in line with disability access best practice standards.
- The length and width of the display must provide sufficient space for shoppers to look at the goods on display without obstructing pedestrian movement in the Pedestrian Zone.
- The length of a display can be up to 75 percent of the shopfront (refer to Figure 3.2 - Maximum length and width of goods displays).
- The width of a display can be up to 50 percent of the potential trading area (refer to Figure 3.2 - Maximum length and width of goods displays).
- The maximum height for goods and display stands is 1.5 metres (refer to Figure 3.1 - Maximum height of goods and display stands)

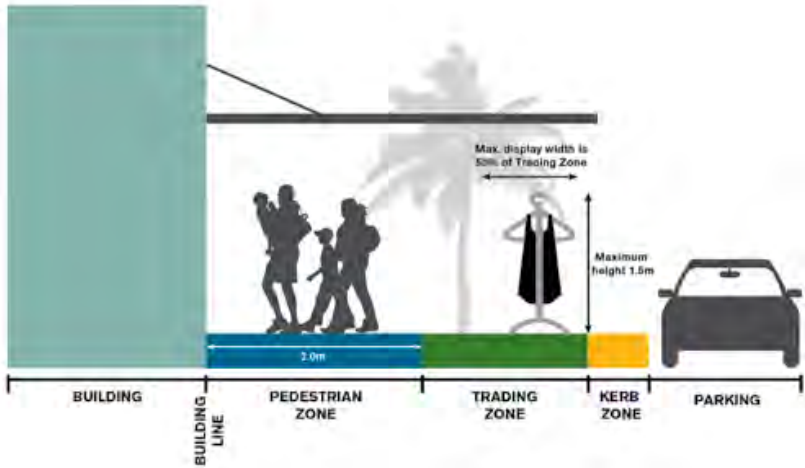


Figure 3.1 - Maximum height of goods and display stands

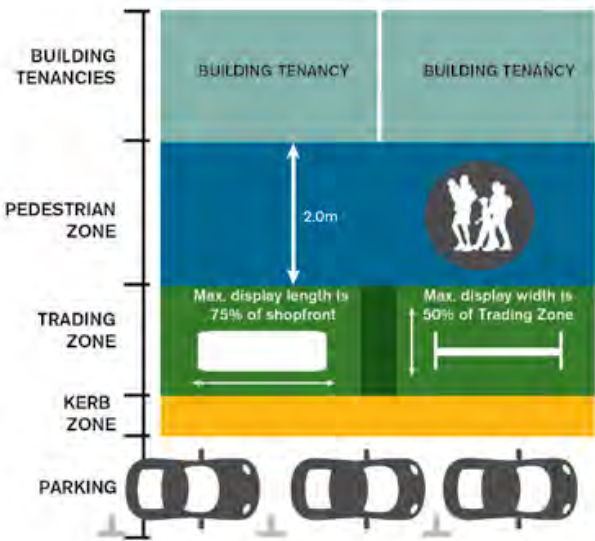


Figure 3.2 - Maximum length and width of goods displays

3.3.4 Busking

Busking involves a musical or theatrical performance undertaken by a person to entertain the public in a public place that seeks a voluntary reward for the performance.

- Busking does not include:
- Selling, offering or exposing for sale any article or commodity;
- Performances on behalf of any political or religious organisation; and
- Artists - drawing or painting (see Section 3.3.5 for requirements relating to artist activities on the footpath).

The busking activity must take place within the Trading Zone, must not obstruct the Pedestrian Zone and must not be located within the Kerb Zone. The positioning of the artist activity within the Trading Zone must provide sufficient space for on-lookers to view the activity within the Trading Zone without obstructing pedestrian movement in the Pedestrian Zone.

Anyone undertaking a busking activity must obtain a busking approval to do so. The approval holder must comply with the conditions of this approval.

Buskers must not:

- Harass, annoy or disturb any person, traders or residents of nearby accommodation premises.
- Use any amplification devices with the approved activity.
- Operate within 10m of any licensed premises.

Should a busker/s find themselves in a potentially volatile or harassing situation involving a member/s of the public, it is recommended that the busker/s:

- Remove themselves from the situation; and
- Contact Police for assistance.

If the busker is under 18 years of age, the application form must be signed by a parent/guardian and both parties must attend an interview with a Council officer. Additionally, if the busker is under 16 years of age, Council requires the parent/guardian to provide supervision during street performance activities.

3.3.5 Artists

Non-impacting footpath activities such as artists involving drawing, brush painting and the like, are generally supported by Council.

Anyone undertaking an artist activity on the footpath must obtain a footpath trading approval to do so. The approval holder must comply with the conditions of this approval.

The activity (including any selling of goods) must take place within the approved Trading Zone, must not obstruct the Pedestrian Zone and must not be located within the Kerb Zone. The positioning of the artist activity within the Trading Zone must provide sufficient space for on-lookers to view the activity within the Trading Zone without obstructing pedestrian movement in the Pedestrian Zone.

The approval holder must:

Ensure the footpath area is kept clean at all times and must provide measures to prevent any spillage of art materials directly onto the footpath. All art materials must be able to be easily removed if spilled onto the footpath. Any spillages must be cleaned immediately.

Ensure that the art drawn, brush painted and displayed is not offensive and of an appropriate nature to be displayed in a public place.

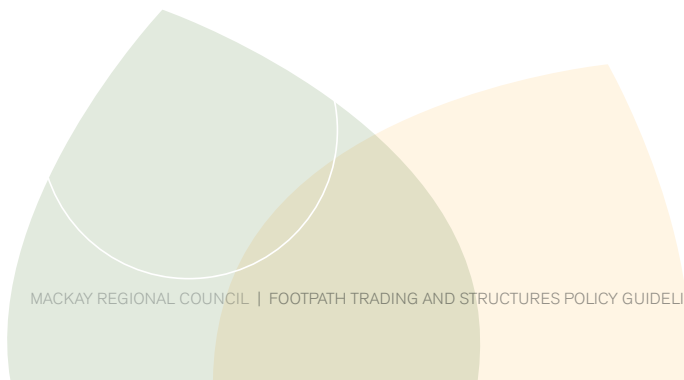
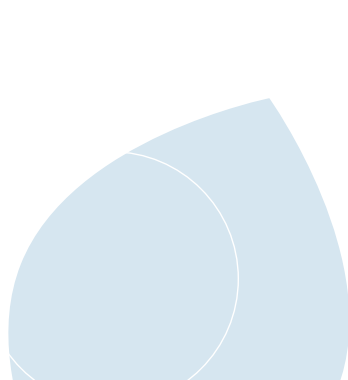
Not harass, annoy or disturb any person, traders or residents of nearby accommodation premises.

Not draw (chalk art) directly on to the footpath or wall without the express permission from Council. Drawing directly on to street furniture/infrastructure is not permitted in any circumstance.

Not paint, stick or glue anything directly on to the footpath, wall or street furniture/infrastructure in any circumstance.

Not use spray paint/s with the approved activity in any circumstance.

If the artist is under 18 years of age, the application form must be signed by a parent/guardian and both parties must attend an interview with a Council officer. Additionally, if the artist is under 16 years of age, Council requires the parent/guardian to provide supervision during the activity.



3.3.6 Street events

Street events are temporary events such as festivals, markets and commercial promotions which are generally supported by Council. These events may be subject to the following approvals:

- Temporary Entertainment Event Approval
- Traffic Management / Road Closures (Council)
- Road closure permit from DTMR (if on or affecting a State Controlled Road)
- Temporary Food Permits (Food Act 2006)
- Busking Approvals

During some of these events, businesses have an opportunity to participate by temporarily extending their approved Trading Zones onto the street or laneway.

All temporary extensions to approved Trading Zones must be approved by Council prior to events to ensure the event space is managed effectively and each activity has received relevant approval.

3.3.6.1 Commercial promotions

Temporary approvals are offered to existing businesses wishing to occupy the footpath for short periods of time for a promotional event.

This can include a business owner wanting to:

- Promote their business during an event or a commercial promotion (e.g. a store grand opening or anniversary).
- Extend an approved Trading Zone during events supported by Mackay Regional Council.

Businesses wishing to conduct street sampling and commercial promotions will require temporary approval for the use of the Trading Zone for this activity. These approvals will be subject to conditions which will be determined on assessment.

Applications are assessed on a case-by-case basis considering the information provided by the applicant. Council reserves the right to approve, restrict or refuse any application under the relevant Local Law.

3.3.6.2 Street markets and festivals

Street markets involves the sale of goods and/or local fresh produce and food originating from farms on an ongoing weekly or monthly basis, from an organised gathering of stallholders in a specific street location. Stalls and associated temporary structures and furniture must not be located within the Pedestrian Zone or established garden beds.

Festivals involve the sale of goods, food, beverages and festival specific merchandise. These events usually require the whole street space requiring the temporary closure of the street. Stalls, and temporary structures and furniture must not be located within the Pedestrian Zone or established garden beds. Approval to sell alcohol at the festival event must be gained from the Queensland Government Liquor Licensing Division.

All applications for markets and festivals must clearly indicate Pedestrian Zone (pedestrian movement corridors) and trading areas (including any dining or market stalls) on the event plans.

If it is intended for the street to be closed during the market or festival event, the event organiser must obtain a temporary road closure permit, including a traffic management plan.

3.3.6.3 Outdoor radio broadcasts

Outdoor radio broadcasts must be associated with a temporary event (market, festival or charity fundraiser) or commercial promotion and will require a Temporary Entertainment Event Approval.

The outdoor radio broadcast must be located within the Trading Zone and not within the Pedestrian Zone or Kerb Zone. Any amplification of music must not cause nuisance within the streetscape or to surrounding properties. Power leads must be made secure and not cause a nuisance to pedestrians.

3.3.7 Charity events

Mackay Regional Council generally supports the following charity event activities within the Trading Zone of the footpath:

- BBQs
- Fundraising (person only).

Where these activities apply, Council can issue a letter of no objection which will be issued after an assessment of the proposal has been submitted by the applicant. This proposal should include:

- Details of charity/non-profit organisation status;
- Public liability insurance (\$20 million);
- Details of proposed activity;
- Locations and times of activity;
- Other information required necessary by Council's assessing officer.

Any events relating to the preparation and handling of food provided to the public will require prior notification of the event to Council. Further information can be sought from Council.

3.4 FOOTPATH TRADING PROPOSALS AND APPROVALS

3.4.1 Applying for a Footpath Trading Approval

Applicants are advised to read and familiarise themselves with this policy guideline prior to making an application to Council.

Understanding the responsibilities involved in managing the footpath area, design requirements, legal obligations, costs and other relevant matters are important.

It is strongly recommended to organise a pre-lodgement meeting with Council officer prior to submitting an application. In this meeting the Council officer will be able to clarify any questions, advise of further referrals required, advise of fees associated with the application and advise of possible concerns or considerations Council may have when assessing the application (refer Appendix 2 for the application and approval process).

All footpath dining permits expire on June 30 of every year – refer to renewal of an existing permit in this Section.

3.4.2 Required information with application

Prior to any formal consideration of an application, the following information is required from the applicant when submitting an application form for Commercial use of local Government areas or Roads.

- Completed the application form (all sections, with signature);
- Appropriate fee for the application (if relevant at the time of application lodgement);
- Completed Footpath Dining Checklist.

Relevant supporting information for the activity as follows:

- A site plan of existing conditions, accurately showing:
 - + the width of the building frontage;
 - + the abutting properties – (Business names);
 - + existing public infrastructure including trees, street light/electricity poles, litter bins, street furniture, fire hydrants, parking and parking restrictions, in-ground infrastructure pits/manholes and other relevant features
 - + the area and layout of the proposed footpath trading activity. This includes the proposed location of chairs, tables, removable barriers, umbrellas and the required zone dimensions.
- All dimensions associated with the footpath must be clearly

demonstrated.

- A demonstrated public demand for the activity where deemed necessary.
- Proof of the company and business registration certificates showing the company name, ACN, ABN and business name.
- Photographs of the site clearly showing the proposed footpath activity zone relative to buildings and existing features in the footpath area.
- A colour photograph of the proposed footpath trading area.
- Details of advertising including a colour photograph or plans/drawings of any proposed advertising logo, and clear indication of its size and location.
- If goods are to be provided or displayed, the nature of these goods.
- Times and days proposed to carry on this activity.
- Details of proposed furniture including colour photographs or plans/drawings of proposed furniture, including screens, planter boxes and umbrellas.
- Public liability insurance policy, noting Council's interest, in the amount of \$20 million at a minimum in respect to any single occurrence. Public liability insurance must remain current and valid for the life of the approval.
- Form of indemnity to indemnify the Council against all claims, of any kind, arising from any negligent act either by the approval holder or the approval holder's agents and users.
- A copy of a Road Corridor Permit obtained if the activity is occurring on a State Controlled Road.
- A copy of the planning approval for the business (if relevant). It is the responsibility of the applicant to determine and confirm that a planning permit is not required where the use of premises (to which the footpath trading area relates) is accepted development under the planning scheme or PDA development scheme.
- A copy of all building approvals (if relevant).
- A copy of approval to conduct engineering works within a road reserve, where applicable.

Failure to submit all the above details may result in delays in processing the application or refusal of the application.

3.4.3 Trading Zone of adjacent premises

If applicant is proposing to occupy the Trading Zone of an adjacent premises, Mackay Regional Council requires the applicant to obtain and submit written consent of the business and/or building owner, body corporate (if applicable) and/or occupier of the adjacent premise. The letters of consent must be provided on the third party's official letterhead and signed by relevant persons. If the neighbouring business is sold, a new letter must be submitted to the Council by the new occupier.

The footpath is public space and as such is not owned by any one business. This means a business and/or building owner, body corporate (if applicable) and/or occupier cannot sell or charge rent for the use of the footpath in front of their premises.

3.4.4 Fees and charges

Application fees apply to some of the activities requiring approval under Mackay Regional Council's Local Law No. 1 for the Commercial use of Local Government Areas or Roads.

The fee applicable on lodgement of the application, is the application fee plus an annual fee and covers the following services provided by Council's Health and Regulatory Services:

- pre-lodgement meeting and advice provided;
- the assessment of the application;
- Obtaining referral advice from third parties if applicable;
- On site inspection;
- Purchase and installation of delineation markers (if not existing)
- The approval for the term of the current financial year (if approved, if the application is refused by Council, the annual fee is refundable, but the application fee is not refundable)

Fees paid are for the current financial year, 01 July to 30 June, and after approval is issued, these fees are paid when lodging an application for renewal of the approval, at the end of the financial year.

Refer to the current financial years adopted fees and charges which can be found on Council's website - www.mackay.qld.gov.au (search Schedule of Fees and Charges).

3.4.5 Lodging a Footpath Trading Application

A Footpath Trading Application must be lodged and paid with Council either:

- in person at any of Council's Customer Service Centres;
- by email council@mackay.qld.gov.au; or
- post to:
Mackay Regional Council
PO Box 41
Mackay QLD 4740

3.4.6 Application assessment process

This process is visually represented in a process flow chart which is located in Appendix 2.

On receiving an application, the Council's delegated authorised officer will:

- Check that all relevant information has been received.
- Check that the footpath trading is associated with a use legally established under the *Planning Act 2016* or *Economic Development Act 2012*.
- Check the application to ensure it meets the intent and requirements of Council's Local Law No.1 (Administration) 2011, Subordinate Local Law 1.2 (Commercial Use of Local Government areas and Roads) 2011 and proposed to be operated in line with this policy guideline.
- Refer the application to other departments within Council for advice and comment as necessary.
- Refer to other relevant agencies as deemed necessary e.g. Department of Transport and Main Roads, Office of Liquor and Gaming etc.
- Inspect the site and check the accuracy of submitted application plans
- Assess the application against other outstanding matters that may relate to the premises
- Advise the applicant of any changes that need to be made to the submitted plans, issue an information notice and await re-submission by the nominated date.
- Assess the application including referral to Council if appropriate
- Approve or refuse the approval application.



3.4.7 Decision making

Where applications meet all the requirements of the policy guideline, Council's delegated authorised officer will normally grant an approval.

Applications are not guaranteed approval and are subject to full assessment. Applications will be assessed on a case-by-case basis considering the information provided by the applicant. Council reserves the right to approve, restrict or refuse any application under the relevant Local Law.

In some cases a variation to this policy guideline may be granted if the policy guideline objectives can still be met and extenuating circumstances for deviation can be demonstrated to Council.

Extenuating or special circumstances could include, but are not limited to:

- Support of the achievement of the footpath priorities;
- Demonstrated hardship in conforming to new standards;
- Mitigating factors such as street barriers or kerb extensions;
- Previous Council approval and prohibitive expense in replacing existing infrastructure, including evidence of contributions to street furniture.

In considering applications that vary from this policy guideline, Council will assess the application and make a recommendation in accordance with the policy guideline objectives in conjunction with Council's Local Law No.1 (Administration) 2011 and Subordinate Local Law No.1.2 (Commercial Use of Government Controlled Areas and Roads) 2011. This includes matters such as:

- The effect on pedestrian traffic flows and safety;
- The impact on the appearance of the street and its surroundings;
- The impact on amenity;
- The duration of use;
- The effect on vehicular traffic flows and safety;
- Compatibility with other uses in the street;
- Whether it is complementary to the primary adjoining use;
- Whether it is less intensive than the primary adjoining use;
- The applicant's previous record of compliance;
- Any relevant policies of the Council;
- Any other matter relevant to the application.

3.4.8 Display of approval

Approval holders must display a current, legible approval clearly in the shop front window. This place must be prominent and visible to the public.

Failing to display a current approval for the activity will be in breach of a condition of the approval.



3.5 Administration of Approvals (amendments / transfers / renewals)

3.5.1 Amendments to an existing approval

Approval holders must submit an application in writing, using the required application form, for any amendments to their existing approval. Amendments may include changing furniture design, adding furniture or changing layout from an original approval.

Amendments must be made providing the information mentioned in Section 3.4.2 where relevant to the proposed changes. An amendment fee is required for Council officer assessment and liaison.

The normal assessment and decision making process will be followed as per the application process illustrated in Appendix 2. Mackay Regional Council reserves the right to amend approval conditions to ensure compliance.

3.5.2 Transfer of approvals

Footpath trading approvals belong only to the approval holder for which it is issued therefore should a business change occur it is necessary for the footpath trading approval to be amended to reflect these changes. The following three scenarios may occur in the event of a business change:

1. Should a **change in business location** be proposed, (business and activity move) this will require a new application for footpath trading and is not transferable. See Section 3.4.
2. If a **new business owner** wants to operate in an already approved footpath trading area and proposes **no changes** to furniture, layout, times etc. then a transfer of the approval can occur by completing the application form and paying a transfer fee. Note, should a transfer of a footpath trading approval occur the conditions and specifics of this approval are transferred as originally approved to the new owner. Any variation of the original approval triggers an amendment.
3. If a **new business owner** wants to operate in an already approved footpath trading area and proposes to **make changes** to furniture, layout, times etc. then an amendment of the original approval applies - see Section 3.5.1.

3.5.3 Renewal of an existing approval

Approvals for footpath trading are renewed annually at the beginning of each financial year (July 1). A renewal notice is issued for all existing approval holders. It is the responsibility of the approval holder to ensure all approval renewal details, including public liability, amendments and fees, are forwarded to the Council by June 30. Failure to provide all renewal documentation and meet the payment of annual or quarterly fees may be considered a non-application and therefore may result in the cancellation of the original approval.

Mackay Regional Council reserves the right to reassess and amend approval conditions to ensure compliance with current policy.

An annual footpath trading approval is required for all and/or occupation of the footpath in accordance with Council's Local Law No.1 (Administration) 2011 and Subordinate Local Law No. 1.2 (Commercial use of Local Government Areas and Roads) 2011. The approval holder is liable for any breach of the conditions set out in the approval, including those committed by their staff or patrons.

To be granted an annual approval for footpath trading, the applicant must agree to comply by signing the application form.



3.6 FOOTPATH TRADING MANAGEMENT RESPONSIBILITIES

3.6.1 Approval holder's responsibilities

3.6.1.1 Daily management

The management of a footpath trading approval is the responsibility of the approval holder. To ensure appropriate management, approval holders are required to:

- Operate in accordance with the conditions of the approval, endorsed plans and the requirements and objectives as outlined within this policy.
- Monitor the Trading Zone, including observing patrons at all times and responding to behaviour that may interfere with the use, enjoyment and personal comfort of others using the footpath area.
- Observe all Local Law and legislative provisions relating to footpath trading, including noise, responsible serving of liquor, and health and amenity.
- Maintain access for all users in and around the footpath at all times, including repositioning furniture when moved outside the Trading Zone by patrons.
- Uphold the cleanliness of the footpath area, ensuring tables and chairs are kept clean and litter is removed and deposited in bins kept inside the premises.
- Remove all approved furniture from the footpath area at close of business.
- Comply with all general and specific conditions of the approval.

3.6.2 Council responsibilities

3.6.2.1 Maintenance of the footpath

Council manages the maintenance of the footpath and reserves the right to reclaim access to the footpath and remove all trading furniture at any time.

3.6.2.2 Compensation and loss of trade

There is no compensation for the removal of footpath furniture or any loss of trade when service authorities and others are required to carry out works within the road reserve. It is the responsibility of the permit holder to reinstate fittings or fixtures, not the person, service authority or contractor executing the works.

No compensation is provided for any problems, inconvenience or loss of trade resulting from activities or works carried out by the Council or its contractors at, or adjacent to, an approval holder's footpath trading area.

3.6.2.3 Access to underground services

Services such as sewer, gas, water, telecommunications and electricity conduits must not be obstructed by any permanent structures, including fixed barriers, decking, umbrellas and planter boxes.

Removable tables and chairs may be placed on top of underground service pits providing these are structurally sound. In an emergency, immediate access is required.

Council and other service authorities reserve the right to access all underground services within the footpath trading area at all times, without notice to the approval holder.

3.6.2.4 Monitoring compliance with approval

Council's delegated authorised officers proactively and routinely monitor the operation of footpath trading approvals ensuring that businesses are operating according to their approval and ensure the conditions of the approval are met.

Council's delegated authorised officers also have a duty to respond to and investigate client requests and complaints regarding an alleged compliance breach or non conformance.

Following determining non-compliance with the Local Law and/or conditions of an approval, the authorised officer will engage the approval holder or alleged offender and require remedial action.

Depending on the seriousness and regularity of the breach, the normal enforcement/compliance action process taken by an authorised officer will consist of:

1. Verbal warning;
2. Compliance Letter;
3. Compliance Notice;
4. Penalty Infringement Notice;
5. Stop Order.

In the case of a serious breach, an officer may act immediately to resolve the situation. A serious breach is one where the officer considers there is an immediate public safety risk or repeated offences where approval holder has failed to remedy the breach.

This may include instances where access is impeded to an extent that it would be difficult or impossible to walk freely through the Pedestrian Zone.

Failure to comply with the above enforcements may result in Council amending, suspending or cancelling an approval and/or seizing footpath trading furniture and associated furnishings until the matter is rectified.

3.6.2.4 Amendment, Suspension and Cancellation of Approval

The following provides for the grounds in which an authorised person can amend, suspend or cancel an approval:

- for the safety of public health and safety;
- to prevent environmental harm;
- prevent property damage or loss of amenity;
- allow for works on the local government controlled area/road;
- improve access to a road;
- improve efficiency of vehicle or pedestrian traffic;
- another approval for the trading has been suspended or cancelled;
- failing to comply with the Local Law or an Act;
- failing to comply with Compliances Notice or Stop Order served under the Local Law;
- original approval granted because of a document or representation that was false or misleading or obtained or made in an improper way.

Where Council considers there is a ground for amendment, suspension or cancellation of an approval, a **Show Cause Notice** will be issued stating the:

- proposed action;
- the grounds for this action;
- an outline of the facts and circumstances forming the grounds for this action; and
- the proposed suspension period if necessary.

The Show Cause Notice will also provide the approval holder the opportunity to make written submissions on why this action should not be taken which can be made at least 21 days after the notice is given.

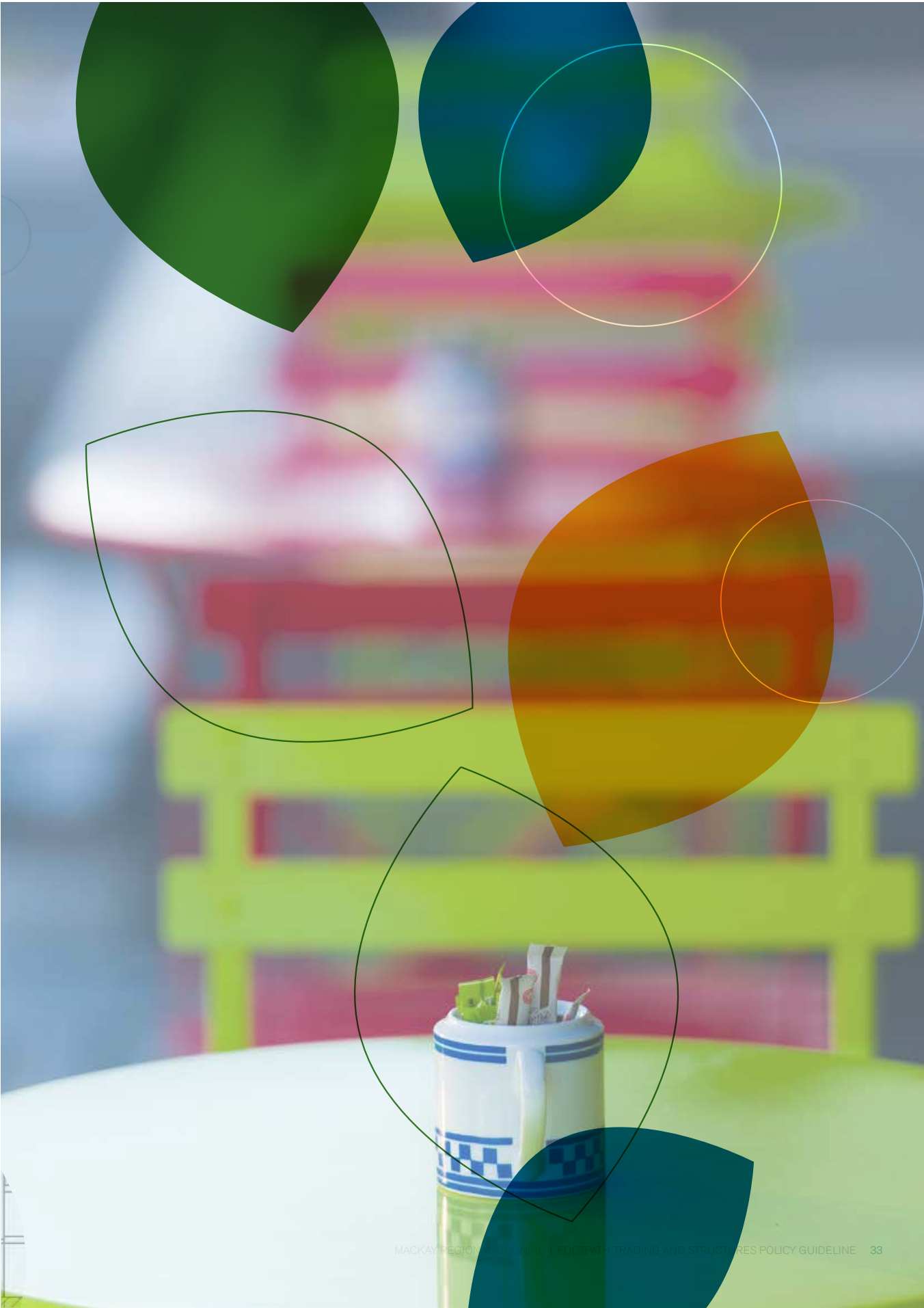
If the approval holder provides submissions, this will be considered and Council can either cease action on the Show Cause Notice and give written notice to the approval holder OR uphold the Show Cause Notice and issue an information notice informing the approval holder of the decision.

This decision will take effect on the day of the written notice or a later date specified by Council.

In the instance where Council deems there is an urgent and serious threat to public health and safety, environmental harm, damage to property or loss of amenity, Council can immediately suspend an approval by giving notice to the approval holder about this decision, which takes effect immediately.

Council may instigate legal proceedings where directions provided in the aforementioned are not complied with.





SECTION 4

FOOTPATH STRUCTURES, FURNISHINGS AND FIXTURES

This section looks at the requirements for the establishment, management and maintenance of permanent and temporary footpath structures, furnishings and fixtures within the streetscape.

Table 4.1 details the permitted (subject to approval) and not permitted structures, furnishings and fixtures (both permanent and temporary) within the streetscape.

Proposals for permanent awnings will only be considered where the structure is associated with an existing or proposed footpath dining activity and is required for the purpose of providing weather protection.

Proposals for temporary structures, furnishings and fixtures will be considered on a case by case basis and will be assessed according, but not limited to available space, streetscape character, pedestrian activity, amenity and traffic conditions.

4.1 Overarching regulatory instruments

The following overarching regulatory instruments govern structures within the road reserve:

- Building Act 1975;
- Disability Discrimination Act 1992;
- Queensland Heritage Act 1992;
- Planning Act 2016;
- Economic Development Act 2012;
- Local Law 1 (Administration) 2011:
 - + Subordinate Local Law 1.1 2011 Alteration or Improvement to Local Government Controlled Areas and Roads;
 - + Subordinate Local Law 1.2 Commercial Use of Local Government Areas & Roads;
 - + Subordinate Local Law 1.4 Installation of Advertising Devices;
 - + Subordinate Local Law 1.12 Operation of Temporary Entertainment Events;
 - + Subordinate Local Law 1.14 Undertaking Regulated Activities on Local Government Areas & Roads;
- the planning scheme in relation to heritage matters;
- the Queensland Development Code (Building Code) in relation to building matters and building over or near relevant infrastructure.

This policy guideline encompasses the requirements from each of these regulatory provisions into one process to facilitate the establishment of footpath trading.

Where this policy guideline is silent on a matter(s) of relevance, the requirements of, and assessment against the relevant regulatory instrument will prevail in all circumstances. For example, this policy does not include building work requirements, which are to be assessed under the Building Code.

In an instance where a proposal, or element of a proposal, has a discrepancy with the requirements of this policy guideline, the relevant overarching regulatory instrument will prevail in determining the outcome.

4.1.1 Footpath trading and structures on a State controlled road

Footpath trading activities and structures located on a designated State controlled road will require separate assessment and approval (Road Corridor Permit) from the Department of Transport and Main Roads (see Section 5 Footpath trading and structures on a State Controlled Road for further details).

This section includes the relevant criteria in relation to design, location, use and storage of permanent and temporary structures, furnishings and fixtures within the streetscape.

4.2 Permanent and temporary structures, furnishings and fixtures

This section includes the relevant criteria in relation to design, location, use and storage of permanent and temporary structures, furnishings and fixtures within the streetscape.

Table 4.1 - Permitted / not permitted structures, furnishings and fixtures in the road reserve.

Structure, furnishing or fixture	Permitted (subject to approval)	Not Permitted
PERMANENT STRUCTURES		
Awnings (freestanding or attached)	⊙	
Footpath dining - fixed chairs and tables		⊙
Umbrellas (fixed)		⊙
Barriers		⊙
Bollards		⊙
Decking		⊙
Building entrance access ramps		⊙
TEMPORARY STRUCTURES		
Retractable blinds or screens	⊙	
Tents / gazebos*		⊙
Removable barriers	⊙	
Bicycle parking rail	⊙	
TEMPORARY FURNISHINGS AND FIXTURES		
Footpath dining - non-fixed tables and chairs	⊙	
A-frames	⊙	
Heaters	⊙	
Flags	⊙	
Planter boxes and pots	⊙	
Menu displays	⊙	
Umbrellas	⊙	
Clothes racks and display tables	⊙	
Sound amplification device(s)*		⊙
Cash register		⊙
Portable dry bar		⊙
Waiter station	⊙	

* Temporary tents or gazebos, and sound amplification device(s) are appropriate for use (subject to approval) in association with temporary street events such as street markets, festivals, charity fundraisers or outdoor radio broadcasts.

4.2.1 Awnings (freestanding or attached)

Proposed awning structures within the streetscape that are above the minimal awning requirements of the planning scheme, can be either attached to a building or freestanding (not attached to a building). Both will require a different approach to design and structural responses, and have separate approval processes.

A proposed awning structure attached to or sited on a building on an identified Heritage place cannot be assessed under this Policy and will require a Material Change of Use development application for assessment of heritage matters under the Mackay Region Planning Scheme or Mackay Waterfront PDA development scheme.

4.2.1.1 Design objectives

The design objectives for freestanding structures in the road reserve:

- promote and celebrate the tropical character of the region;
- provide a safe public environment;
- retain an open character;
- considers the location and design of nearby constructed structures so as to avoid cluttering the streetscape;
- do not create an overbearing presence within the streetscape;
- improve pedestrian amenity and experience;
- are sympathetic, not diminish and reinforce heritage elements of local and state heritage buildings and places;
- enhance business opportunity as a result of increased footpath activity and vibrancy; and
- activate streets within centres with footpath dining and retail opportunities.

4.2.1.2 Design criteria

When complimenting a building with an outdoor structure, there are several design criteria that are to be adhered.

The proposed structure must adhere to the following set of design criteria.

STREETSCAPE AND BUILDING INTEGRATION

- The structure must be designed to create a positive visual integration with the streetscape / public realm and the adjoining building. Additional consideration must be given to buildings that are identified as 'local' or 'state' heritage (see section on heritage considerations).
- The structure design must not dominate the streetscape, be in conflict with the overall streetscape character, and appear out of proportion or character to the adjacent buildings.
- The structure design should not interfere with the neighbouring building's ability to perform their trading activities. In considering adjoining premises, the design should take into account rainwater runoff, noise, access and over shading.
- The structure must not interfere with the flow of pedestrian or vehicular traffic or create a hazard or obstruction within the streetscape.
- The structure must not obstruct the visual scope of the City Safe CCTV Network within the City Centre or any other established CCTV networks in other centres.
- The structure design must consider the location of existing street lighting and not diminish the effectiveness of the street lighting.
- The structure design must consider compatibility with existing or potential future street trees.

DESIGN PARTICULARS AND CLEARANCES

The structure design must consider the following design specifications and is also dependent on the existence of street lighting. Further detail is provided in Figure 4.1 - Site plan for a structure, and Figure 4.2 - Elevation plan for a structure

- The supporting columns of the structure must be located:
 - + within the centre of the structure and a minimum on 0.75 metres from the kerb (additional clearances may be required to accommodate street lights, traffic signs, signals, trees or traffic conditions);
 - + so they meet the requirements of public liability agencies.
- The minimum height of a structure to the soffit is 3 metres.
- The maximum fascia depth is 180mm.
- The structure design must consider the following minimum setbacks for the roofline, where not attached to a building:
 - + 0.3 metres from the footpath drainage grate;
 - + 1.2 metres from the kerb where street lighting is present, otherwise 0.6 metres from the kerb; and
 - + 0.5 metres from a driveway or laneway.

ACCESS AND MOBILITY

- The structure must provide equitable access and functionality to the premises is a mandatory requirement of any new upgrades and ensures the premises can be enjoyed by everyone. The design of the structure must be compliant with the relevant Disability Discrimination Act 1992 guidelines. Council, or your building design professional, can provide you with advice to ensure that your design complies with these requirements.

PERMEABILITY AND VISIBILITY

- The structure must provide maximum opportunity for people to admire the full streetscape with minimal disruption to the visual amenity or character of the City Centre. Permeability will also provide increased opportunity for natural light, pedestrian safety and customer supervision.
- The structure must be open on at least three sides with the option to include operable (retractable) transparent screens to modulate sun and rain.
- The structure must keep advertising signage to a minimum. Advertising signage does not obstruct or diminish the views and vistas to heritage buildings.

MATERIALS

- Lightweight materials and colours appropriate to Mackay's tropical environment and climate must be selected. A material palette of steel, timber, louvres, batten or decorative screens are to be considered. The materials must also be sensitive to the adjacent/attached building.
- The structure must be constructed of materials that are durable, non-combustible, weather proof, easily maintained, and do not stain, discolour or deteriorate.
- The design should be continuous along the façade of the associated building, rather than suiting the individual tenants.

STORMWATER DRAINAGE

- The structure design must ensure that runoff from any permanent roof or canopy is collected and legally discharged to the civic stormwater system. Stormwater runoff collected by the roof is not permitted to fall onto the footpath.

ELECTRICAL

- The structure design shall provide power to supply lighting and/or fans. Power for other requirements is to be discussed in detail with Council.

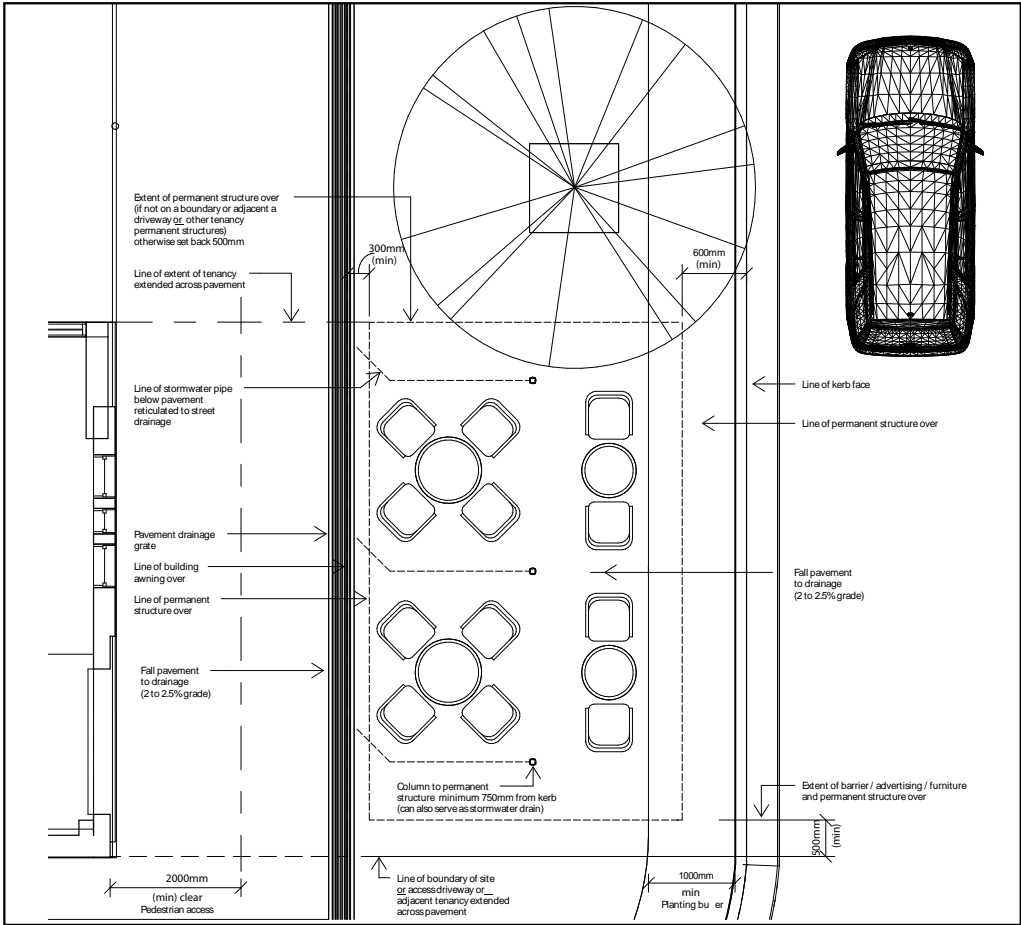


Figure 4.1 - Site plan for a structure

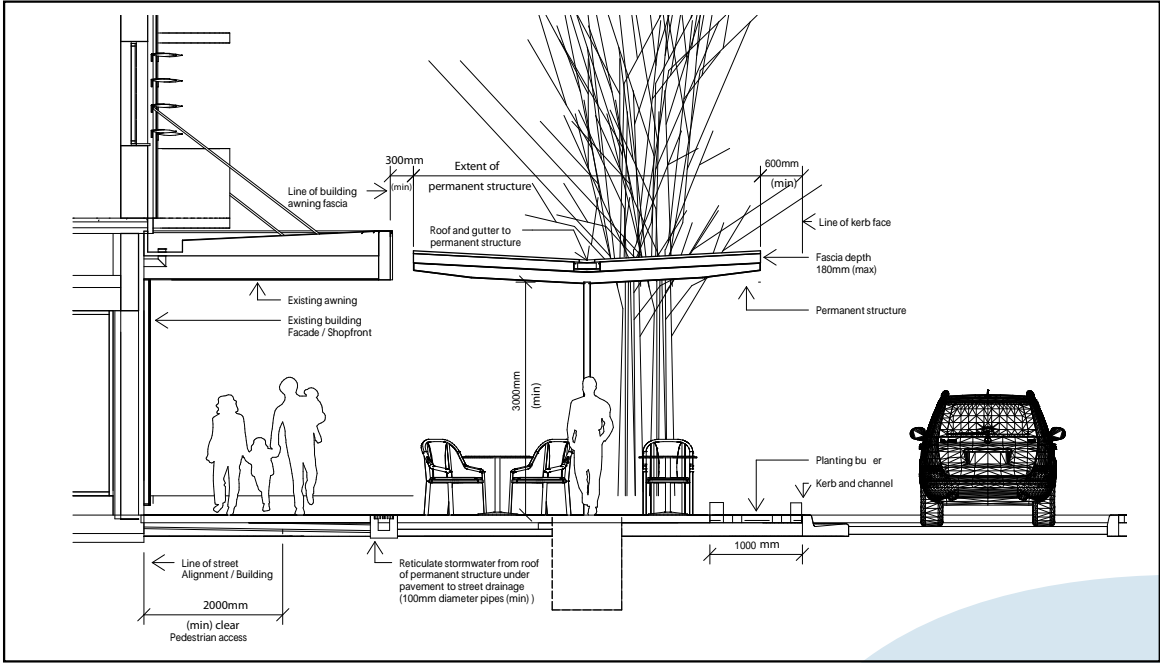


Figure 4.2 - Elevation plan for a structure

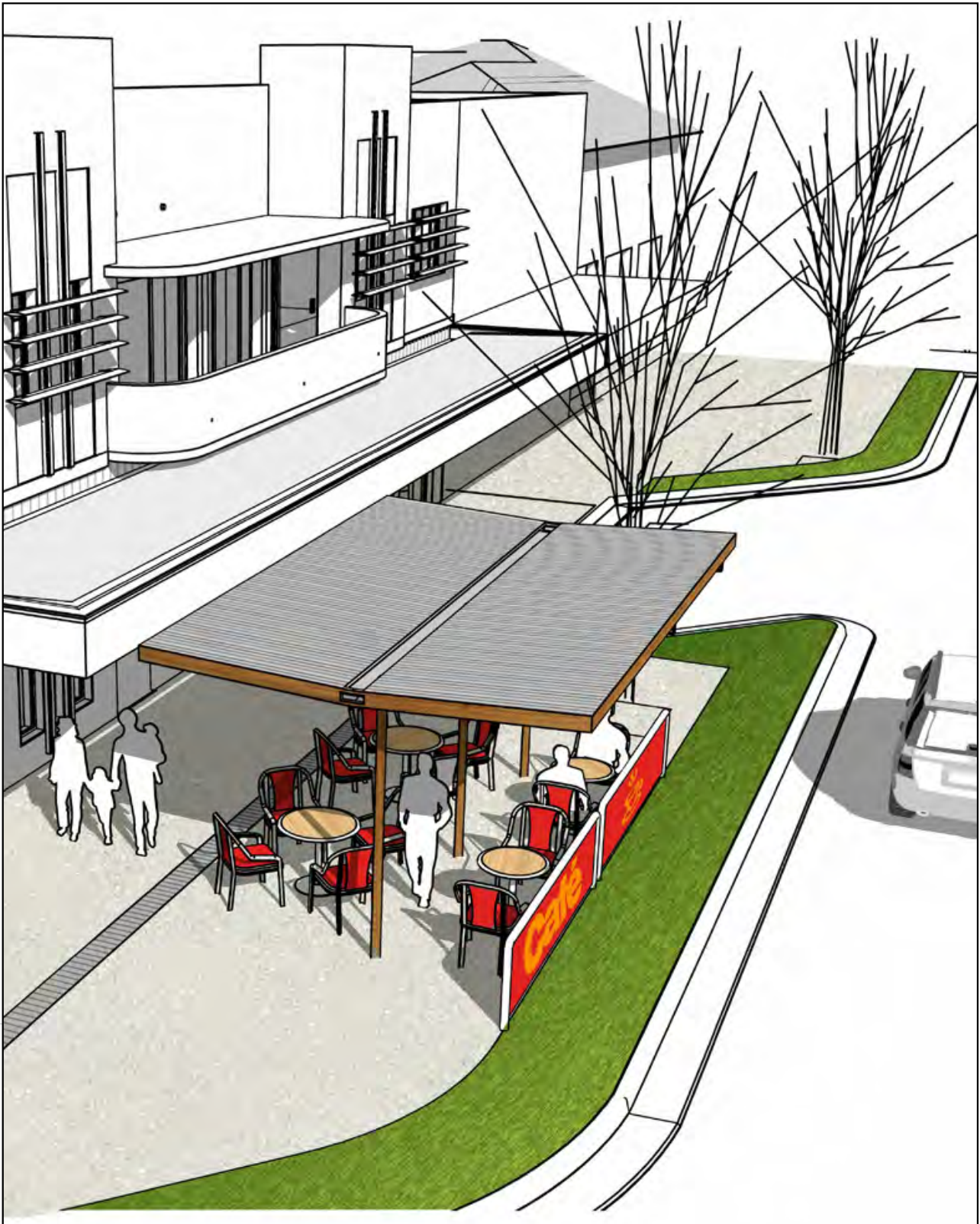


Figure 4.3 - Perspective plan for a structure



- Lighting shall be:
 - + provided below street awnings to supplement existing street lighting and 'spill' lighting from shop fronts;
 - + compliant with requirements for P4 lighting in pedestrian areas;
 - + recessed into the awning under surface and all associated wiring and conduits concealed;
 - + readily accessible to facilitate regular maintenance.

STRUCTURAL

- Structural design shall be sufficient to avoid unacceptable risks to public safety including obstructions to pedestrians, structural failure, vehicle collisions, fire, storms or earthquake.
- Structural design shall be certified by a RPEQ compliant structural engineer as being compliant with the Building Code of Australia.
- Footings for post supported awnings shall be concealed beneath the footway, or be integrated into the design of the post so as to avoid hazards to pedestrians.

HERITAGE PLACE CONSIDERATIONS

The City Centre is home to some of region's significant and prominent heritage buildings, most notably of Art Deco character.

This section only applies to freestanding structures in the road reserve that are in front of an identified Heritage place. Council has the right to refuse a freestanding structure located in front of or adjacent to a Heritage Place, despite meeting other criteria in this guideline.

The applicant must demonstrate compliance with the following criteria:

- The structure design must complement the architectural significance and streetscape presence of a heritage building by providing decorative features that are in keeping with the heritage building, applying a sympathetic colour palette, and being proportional to the heritage building.
 - The structure application must demonstrate compliance with the following:
 - + identifies the significance of, and design measures for lessening any impacts to, heritage buildings;
 - + the structure must not:
 - compromise value elements of heritage buildings;
 - impede or diminish views of heritage buildings from streets and other public places.
- Note - the structure application may be accompanied by a heritage impact statement prepared by a suitably qualified heritage professional or architect to assist in demonstrating compliance with these requirements.
- The structure design must be sympathetic to, and consider, adjoining heritage value elements in relation to the following:
 - + building height;
 - + building bulk, scale and shape;

- + setbacks and siting;
- + horizontal and vertical articulation;
- + roof lines, eaves and existing attached awnings;
- + building openings;
- + orientation; and
- + materials and footings.

Failure to comply will void this process and require the applicant to submit a development application that is assessed under the planning scheme (material change of use) in relation to heritage matters.

4.2.2 Tables and chairs

Permanently fixed tables and chairs for footpath dining are not permitted in the Trading Zone or any other part of the footpath in any circumstance, as it:

- significantly reduces the ability of the street to accommodate a dynamic and diverse range of footpath activities, particularly where occurring outside of cafe/restaurant trading hours;
- significantly increases the opportunity for vandalism of fixed furniture outside of business hours;
- obstructs access to the footpath for necessary repairs to infrastructure and general maintenance.

All dining furniture must be of a temporary nature and easily removed from the Trading Zone for storage on the premises at the end of trade.

Bar style tables and chairs/stools may be used for footpath dining in the Trading Zone, but must not be placed against the building line or exclusively used for the consumption of alcohol.

Council will not permit tables and chairs in the Trading Zone to be used for public seating purposes. Approvals for table and chairs will only be given for footpath dining that is associated with a tenancy.

4.2.2.1 Design

Tables and chairs must, at all times, be confined within the approved Trading Zone and council must approve all furniture (including tables and chairs before they are located in the Trading Zone).

Tables and chairs must:

- be of an outdoor design style. Indoor-style furniture is inappropriate for use in an outdoor environment.
- be hardy, sturdy and solid enough to resist wind gusts.
- be constructed of materials that do not deteriorate quickly
- be easy to clean.
- be stackable for ease of storage and readily removed and stored within the indoor (private) part of the premises or as stipulated on the approval.
- have a minimum 3cm diameter rubber pad on their legs to protect the pavement surface.

- table height maximum of 900mm for tables placed on building line. Bar stools & tables greater than 900mm high may be considered in bump out areas and dining on road side of footpath where there is no adverse effect to road and pedestrian safety.

It is the business owner's responsibility to maintain the base of all items and to ensure items placed on the footpath do not cause damage to the existing footpath or other public infrastructure. The cost of repairing any damage caused will be borne by the approval holder.

No form of advertising is approved on tables and chairs.

4.2.2.2 Placement and storage

The number of tables and chairs that will be approved for use on the footpath will be dictated by the size of the approved Trading Zone and whether or not seating is likely to have a significant adverse impact on adjoining parking and pedestrian movement.

Mackay Regional Council determines the placement and storage of furniture, as follows:

- No more than the maximum number of tables and chairs approved can be used in the footpath area
- Tables and chairs must be set back from existing infrastructure, including street trees, lights and public furniture (see Figure A3.1 - Furniture clearances to existing or planned infrastructure, in Appendix 3 for further detail).
- No furniture is approved to be located and used on grassed areas, garden beds or nature strips.
- All furniture must be removed from the footpath and stored inside the premises at the close of trade.
- The applicant must ensure that adequate storage is provided on the premises for all approved footpath furniture. The applicant will be required to demonstrate this to the assessing officer prior to approval being issued.
- No fixed tables or chairs may be used in the Trading Zone
- The number of tables and chairs placed within the Trading Zone must allow unobstructed access and circulation for patrons and staff
- 4.0m² (2.0m x 2.0m) is the minimum space requirement for a table and chairs and the separation distance between adjoining settings is as follows (see Figure A3.2 - Furniture layout options, in Appendix 3 for further detail):
 - + A two-person table requires a minimum of 2.0m² (unless a narrow footpath)
 - + A three-person table requires a minimum of 3.0m²
 - + A four-person table requires a minimum of 4.0m²
- A distance of 0.5m² must be allowed between adjoining settings.
- Tables and chairs must be durable, non-combustible, non-reflective, UV resistant, easily maintained, and do not stain, discolour or deteriorate. Glass tables must be shatter proof if proposed for use.
- Bench-style furniture is approved for use in outdoor areas,

however it must be constructed of lightweight material to ensure it can be easily removed and stored.

- Bench-style furniture must have a gap of 0.5 metres between each table setting to allow unobstructed access and circulation of patrons and staff.
- Chairs should be oriented parallel with the footpath and not be placed backing onto the Pedestrian Zone.

4.2.3 Umbrellas

Permanently fixed umbrellas are not permitted in any circumstance. Removable umbrellas must be used and located within the Trading Zone.

It is preferred that umbrellas be used where existing shelter, such as awnings do not provide sufficient sun protection. The use of umbrellas where existing awnings are present must not present a cluttered appearance or detract from the building facade and character of the street.

The following standards apply for umbrellas:

- Colour of umbrellas must be sympathetic to heritage values of adjoining heritage buildings (where relevant) and the streetscape character.
- The width of the umbrella must not protrude into the Kerb Zone, parking lane or travel lane causing a hazard to parking or passing vehicles.
- Umbrellas:
 - + may overhang into the Pedestrian Zone provided there is a minimum height clearance of 2.2 metres;
 - + where CCTV is present, must have a minimum height clearance of 3 metres;
 - + must be durable, non-combustible, non-reflective, UV resistant, weather proof, easily maintained, and do not stain, discolour or deteriorate;
 - + must have a stable base to ensure public safety;
 - + must not obstruct traffic signals or sight lines;
 - + take up space within the Trading Zone. This must be taken into account when considering the furniture layout;
 - + will only be permitted where tables and chairs have been approved; and
 - + must be removed from the footpath on close of business.
- When it is raining, water from large umbrellas should be discharged outside the access way and Pedestrian Zone.
- Advertising on umbrellas is minimal and may display the name/logo of the business or franchise. Product advertisement is kept to a minimum, is not overbearing and does not impact on the character of the streetscape. Advertising on umbrellas must not cause a visual distraction to traffic.

4.2.4 Barriers

4.2.4.1 Permanent barriers

The use of permanent barriers to separate the Trading Zone and Kerb Zone is not permitted in any circumstance.

4.2.4.2 Permanent bollards

The use of permanent bollards to separate the Trading Zone and Kerb Zone is not permitted in any circumstance.

4.2.4.3 Removable barriers

Removable barriers may be used within and on the edge of the Trading Zone to contain the footpath trading activity, define the limit of the footpath trading activity or delineate between adjoining footpath trading activities.

Removable barriers are primarily used in conjunction with footpath dining activities.

The following standards apply for removable barriers:

- To preserve the general appearance and openness of the streetscape, the maximum height for removable barriers is 0.9m.
- Removable barriers can be placed on a maximum of three sides of the Trading Zone.
- Barriers may not be placed on the boundary between the Trading Zone and the Pedestrian Zone to allow maximum access from the Pedestrian Zone to the dining activity within the Trading Zone.
- Barriers should not privatise, fully enclose or adversely impact access to the Trading Zone.
- All types of removable barriers must be lightweight to ensure they can be removed from the footpath in accordance with the footpath dining approval.
- No other structures (including plastic blinds, awnings and menu displays) can be attached to the removable barriers, at any time.
- Advertising on removable barriers is minimal and must only display the name/logo of the business or franchise. Any product advertisement is not permitted. Advertising on removable barriers must not cause a visual distraction to traffic.
- All removable barriers must be secure to ensure that they are not moved or knocked over.
- Removal barriers must be adequately stored on the premises

after close of business.

- For Trading Zones not within a footpath build-out, removable barriers will only be approved between the Kerb Zone and the edge of the Trading Zone parallel to the road.

Ropes, chains or other devices designed to cordon off the approved Trading Zone are not permitted unless specifically provided for in the approval.

4.2.5 Decking

Permanent decking to extend the footpath (and Trading Zone) into the parking zone is not permitted in any circumstance.

Any proposal for the extension of the footpath to increase its width, resulting in the reconfiguration or removal of on-street parking, must be discussed with Council with no guarantee of approval.

4.2.6 Retractable screens and blinds

Retractable blinds may be appropriately installed on structures where complying with the below requirements. These temporary structures will be given consideration where it is demonstrated to improve the visitor experience on streets where there is poor protection from the elements. Screens and blinds are primarily for use during periods of adverse weather conditions.

The location of these temporary structures will only be considered for structures on footpath build-outs.

Retractable screens and blinds must consider the following:

- available space, prevailing urban character, existing street infrastructure and traffic conditions;
- provided in areas with high exposure to rain and windy conditions;
- materials and colours - blinds must be durable, non-combustible, non-reflective, UV resistant, weather proof, easily maintained, and do not stain, discolour or deteriorate;
- must not adversely affect the streetscape character and heritage buildings (if relevant).

The following standards apply for retractable screens and blinds:

- No advertising is approved on a screen or blind.
- Screens and blinds must be UV resistant to avoid break down of the material and loss of transparency.
- Plastic selected for screens and blinds must be of maximum transparency.
- Retractable screens or blinds must not enclose public spaces or adversely affect the openness of the footpaths or create the effect of an 'outdoor room' (i.e. alienate or discourage use of footpath).
- Retractable screens or blinds must be completely raised to the highest point at close of business each day.
- All fixings must be marine-grade stainless steel.



- All screens and blinds must be retractable and ideally concealed within a pelmet when retracted.
- Screens and blinds must be kept clean at all times, maintained to a safe standard and repaired immediately if damaged.
- Council has the right to refuse a screen or blind attached to a significant heritage building or within a heritage overlay area, despite meeting other criteria.
- Screens and blinds must not intrude into the Pedestrian Zone or Kerb Zone.
- A 1.5 metre break must be provided in the centre of an outdoor area that is 10m or greater in length.
- Screens and blinds should not obscure sight lines.

4.2.7 Tents and gazebos

The use of collapsible tents or gazebos on a permanent basis is not permitted in any circumstance. However, tents or gazebos may be permitted for use during temporary events such as street festivals, markets, outdoor radio broadcasts, or short term charity fundraising events.

4.2.8 Bicycle parking rails

The use of bicycle parking rails will be considered on a case by case basis. Bicycle parking rails complement cafe activities on the footpath.

Bicycle parking rails must not be located within the Pedestrian Zone and Kerb Zone and clear of any seating used for footpath dining in the Trading Zone.

4.2.9 Signage and advertising

All signage including, but not limited to, A-frames, flags and bunting must not be located in the Pedestrian Zone.

Proposed advertising on removable umbrellas and barriers must be included in the proposal application for consideration.

All other advertising devices (e.g. wall sign, fascia sign, above/ below awning sign, roof sign, etc) are assessed under Council's Local Law 01.04 for advertising devices and not this policy.

4.2.9.1 A-frames

The following standards apply for A-frame signs:

- Only 1 A-frame sign per tenancy is permitted.
- A-frame signs must be wholly located within the Trading Zone and must not obstruct access ways.
- A-frame signs must not be located in the Pedestrian Zone, Kerb Zone or median strip.

Stand-alone A-frame signs on the footpath is not a footpath trading activity. As such, a stand-alone A-frame sign is assessed under Council's Local Law 01.04 for advertising devices and not this policy.

4.2.10 Heaters

The use of heaters will be considered on a case by case basis. Approved heaters must be located within the Trading Zone only.

The following standards apply for heaters:

- Patio style gas heaters must have a mounted base on the footpath and are not permitted to be mounted on any other surface.
- Fixed gas or electric heaters proposed to be suspended from the underside of an awning or from a building overhanging Council land must be fixed and installed in accordance with appropriate engineering standards by a licensed tradesperson and must have minimum clearance of 2.5m above the Trading Zone. Heaters will remain the responsibility of the owner / occupier of that business to provide all maintenance and upkeep at the business expense.
- Heaters must be licensed as part of the approval.
- Heaters must be covered by the approval holder's public liability insurance.
- Gas heaters must comply with the Petroleum & Gas Production & Safety Regulation 2004 (Refer to the Queensland Government, Department of Natural Resources, Mines and Energy) and Australia Standard AS4565.
- Heaters must not be positioned where they may present a fire hazard (e.g. close proximity to awnings and umbrellas).
- Gas heaters must not be in use unless sufficient ventilation is provided when retractable blinds are lowered and clear access and egress is provided.

4.2.11 Planter boxes and pots

Planter boxes and pots can be used to improve the look and feel of an outdoor area. A footpath approval must be obtained for the use of planter boxes or pots.

The following standards apply for planter boxes and pots:

- Planter boxes or pots can be used instead of removable barriers on the edge or within the Trading Zone.
- Planter boxes and pots must:
 - + be located within the Trading Zone and not in the Pedestrian Zone and Kerb Zone;
 - + not be affixed to any footpath, building, street furniture, pole or other structure;
 - + be no higher than 0.9 metres and no longer than 1.8 metres;
 - + be lightweight to ensure removal from the footpath in accordance with the footpath trading approval; and
 - + be designed to ensure mosquito breeding does not occur.
- To provide access to the street, there must be a 1.0m space between kerbside planter boxes and neighbouring zones.
- Irrigation of boxes must not stain pavements or cause spills creating puddles and slip hazards to footpaths.
- Advertising is not permitted on planter boxes or pots in any circumstance.
- Maximum height of planter box plus vegetation must not to exceed 1.2 metres.

- The placement of planter boxes and pots do not conflict with CCTV sightline requirements.
- Planter boxes are designed to enhance the streetscape and are constructed from durable materials.
- Plants are kept in a good, healthy condition and look neat and tidy all year round. Planter boxes are to be kept free of weeds and grass.

Council reserves the right to enforce removal permanent planter boxes from the footpath at a cost to the landowner.

Stand-alone planter boxes and pots on the footpath and not associated with a footpath trading activity are not footpath trading activities. Stand-alone planters and pots are not permitted to be located on the footpath at any time.

4.2.12 Menu displays

A limit of 1 freestanding menu display is permitted per tenancy. Additional signage sign displaying menus may be fixed to building frontages but must not be attached to removable barriers, umbrellas, awning columns or any other structure.

The following standards apply for menu displays:

- Freestanding menu display stands are only to be located in the Trading Zone and not in the Pedestrian Zone or Kerb Zone.
- The location of the menu display in the Trading Zone must not obstruct access ways.

4.2.13 Clothes racks and display tables

The following standards apply for clothes racks and display tables:

- Clothes racks must be no more than 1500mm height and 0.75 metres in width.
- Clothes racks and display tables must be located within the approved Trading Zone and stored on the premises at the close of trade.
- Clothes racks and display tables must not obstruct or be located in the Pedestrian Zone or Kerb Zone.
- The position of clothes racks and display tables must allow for a person to look at goods from within the Trading Zone and not from the Pedestrian Zone.

4.2.14 Sound amplification devices

No sound amplification equipment or jukeboxes may be utilised in the Trading Zone, Pedestrian zone or access ways. No live entertainment or amplified music systems are permitted without the written permission of Council. For outdoor radio broadcasts requirements relating to sound amplification, see section 3.3.6.3.

4.2.15 Cash register

Cash registers and payment counters must be located on the premises and are not permitted in the Pedestrian Zone, Trading Zone or Kerb Zone in any circumstance.

4.2.16 Portable dry bar

A portable dry bar for the purpose of serving alcoholic and non-alcoholic beverages from the Trading Zone is not permitted in any circumstance.

All alcoholic and non-alcoholic beverages must be prepared on, and served from the premises to the Trading Zone with food service.

A permanently fixed drinks service bar will not be permitted within the Trading Zone or any part of the footpath.

4.2.17 Waiter station

A maximum of one (1) waiter station per business will be permitted and must form part of the approval.

The following standards apply for waiter stations:

- The waiter station must be no more than 1500mm height x 1000mm width x 600mm depth and must be allocated an area of 1.5m².
- Menu boards and discrete product advising may be securely attached to the approved waiter station.
- The waiter station must be located within the approved Trading Zone and stored on the premises at the close of trade.
- The waiter station must not obstruct access ways or be located in the Pedestrian Zone or Kerb Zone.

4.3 Management and maintenance

4.3.1 Structure management and responsibility

The landowner will be required to hold a separate approval from Council where a structure is proposed to occupy an area within the road reserve. The landowner will be required to enter into a Deed of Agreement with Council to formalise that approval.

The Deed of Agreement puts sole responsibility on the landowner for the structure's management, maintenance, public liability and removal.

The Deed of Agreement must be signed prior to the approval of the Footpath Structure application (refer Appendix 2 for the application and approval process).

4.3.2 Structure maintenance

Provision is to be made for regular maintenance to ensure the continuing structural integrity and attractive appearance of the awning.

A maintenance plan is to be developed to include annual inspection of structural components, repainting after five (5) years minimum, regular guttering / down pipe maintenance, regular cleaning and replacement of defective lighting on other deteriorated components. No fixture or fitting will be permitted to be suspended from the underside of an awning or a building, unless all required permits required under the Building Act 1975 have been obtained.

4.3.3 Access to underground services

Services such as sewer, water, telecommunications and electricity conduits must not be obstructed by any permanent structures.

Removable tables and chairs may be placed on top of underground service pits providing these are structurally sound. In an emergency, immediate access is required.

Council and other service authorities reserve the right to:

- access all underground services within the footpath Trading Zone at all times, without notice to the footpath trading approval holder; and
- amend the footpath trading approval to better manage any conflicts with access to underground services.

4.3.4 Monitoring compliance with the approved structure

Council's officers will monitor the maintenance of approved structures and ensure the conditions of the approval are met.

Following a complaint or observation of a breach of the Footpath Structure approval, a Council officer will contact the approval holder and take appropriate enforcement action. This may be in the form of verbal instructions, a written notice or an infringement notice. Any breach of the approval will also conflict with the signed Deed of Agreement.

In the case of a serious breach, an officer may act immediately

to resolve the situation. A serious breach is one where the officer considers there is an immediate public safety risk.

This may include instances where access is impeded to an extent that it would be difficult or impossible to walk freely through the Pedestrian Zone.

Each breach will result in a compliance notice or an infringement notice depending on the seriousness of the offence.

Failure to comply with a notice may result in termination of the approval in accordance with the Deed of Agreement and removal of the structure at the sole cost to the approval holder.

Applicants are advised to read and familiarise themselves with this policy prior to making an application to Council.

The Footpath Structure Application is primarily for the assessment of permanent awning structures proposed in the road reserve (refer Appendix 2 for the application and approval process).



4.4 Applications and approvals process

4.4.1 Prior to lodging a Footpath Structure Application

Prior to lodging an application for a Footpath Structure (and a Footpath Trading), the applicant should organise a pre-lodgement meeting with Council to discuss the proposal.

The purpose of the pre-lodgement meeting is to explore any issues or concerns to:

- determine if the proposal should or should not advance to application lodgement;
- address any issues or concerns, which should be included and addressed in the application.

A pre-lodgement meeting can be organised by contacting Council on 1300 622 529 or council@mackay.qld.gov.au.

4.4.2 Footpath Structure Application process

An application for a freestanding footpath structure in the road reserve must be made and assessed under this Policy, except where attached to, or located on, a Heritage place (building or site), which is to be assessed against the Mackay Region Planning Scheme or Mackay Waterfront PDA development scheme.

Proposals for awnings that are attached to, or located on, a State heritage place (building or site) cannot be assessed under this Policy and will require separate assessment under the planning scheme (Material Change of Use for assessment against the Heritage overlay) and referral to the Department of Environment and Heritage Protection.

Applicants proposing to establish a footpath structure in the road reserve in all other circumstances, must complete, sign and lodge a Footpath Structure application (an application form can be obtained from one of Council's customer service centres or online at www.mackay.qld.gov.au) that accompanies a Footpath Trading application where no footpath trading approval exists (see Section 3 on how to make a Footpath Trading application).

Once the application is lodged, it will be assessed against the criteria of this policy. The application may be referred to other departments within Council in relation to planning, parks and infrastructure matters.

The application processing time will be a minimum of 30 business days. If further information is required to properly assess the application, then the processing time is likely to be extended. The applicant will be notified in writing of the decision within 5 business days of a decision being made on the application.

The full application process for footpath trading and structures is provided in Appendix 2.

4.4.2.1 Required information

Applications containing all of the required information will allow for an accurate and complete assessment. To avoid unnecessary delay in assessing a Footpath Structure application, the application must include the following information:

- Site plan showing the location of the proposed structure on the footpath and in relation to the building, adjoining properties and existing infrastructure elements;
- Elevations (front and side), footings and sections. Perspective drawings will further assist with the visual and aesthetic assessment of the proposed structure;
- Statement of compliance with the design criteria prescribed in Section 4.2.1.2;
- Photographs of the site clearly showing the proposed Trading Zone relative to buildings and existing features in the footpath area;
- If located in front of a Local heritage place (attached or detached structure) or State heritage place (detached structure):
 - + a heritage impact statement by a suitably qualified independent heritage professional; and
 - + a statement of compliance with the heritage considerations criteria certified by a suitably qualified independent heritage professional.
- where the proposed footpath structure is to be over an approved footpath trading activity, a copy of the current Footpath Trading approval;
- a Certificate of Currency in relation to a public liability policy of insurance, insuring against liability for the death or injury to any person or damage to any property arising out of the structure that will be authorised by the licence. The insurance policy may be Broad form or must list:
 - + Mackay Regional Council as an interested party;
 - + A minimum of 20 million dollars in public liability;
 - + The insured (including situation of risk);
 - + The Company insuring you;
 - + Expiry date; and
 - + Policy Number.

All plans, elevations and sections must:

- illustrate compliance with the design criteria prescribed in Section 4.2.1.2; and
- be drawn to scale and include dimensions of all elements, and setbacks/clearances from the kerb, boundaries and all other existing elements.

Failure to provide the required information will delay the processing and assessment of the application and may result in a refusal of the application.

The assessing officer will be available to provide advice and assistance in relation to matters relating to the application assessment.

4.4.2.2 Application fee

There is an application fee payable to Mackay Regional Council (non-refundable), being the fee for a Footpath Structure application. The nominated application fee can be obtained from Council's website www.mackay.qld.gov.au (search for Commercial Fees and Charges). The assessment of the application will not commence until the application fee is paid in full.

4.4.2.3 Lodging a Footpath Structure Application

A Footpath Structure Application must be lodged and paid with Development Services either:

- in person at any of Council's Customer Service Centres;
- by email council@mackay.qld.gov.au; or
- post to:
Mackay Regional Council
PO Box 41
Mackay QLD 4740

4.4.3 Temporary structures, furnishings and fixtures proposals

Proposals for all other temporary structures, furnishings and fixtures must be included in detail with the design and/or layout of the Footpath Trading application (see Section 3 - Footpath Trading).

4.4.4 Building works approval

If the Footpath Structure application is approved, the applicant will be required to obtain a Building Works approval for the proposed footpath structure.

This will require the applicant to lodge a Building Works application with a suitably qualified Building Certifier.

The applicant must provide evidence to Council of obtaining the Building Works approval prior to construction of the structure.

4.4.5 Building over or near relevant infrastructure

Where a proposed footpath structure is over or near to infrastructure, the proposal must be assessed under MP1.4 - Building over or near relevant infrastructure of the Queensland Development Code (QDC). This assessment will form part of the Building Works application.

The purpose of MP1.4 of the QDC is to ensure building work for a building or structure that is over or near relevant infrastructure, is carried out so the work does not:

- adversely affect the operation of the infrastructure; or
- place a load on the infrastructure that could adversely affect its structure.

Where the proposed structure does not comply with the criteria of MP1.4 of the QDC, the matter is referred to the relevant infrastructure owner to determine requirements in regard to the protection of the infrastructure. These bodies may include, but not limited to Council, Ergon Energy, Telstra, Optus, NBN, Nextgen, Reef Network for example dependent on the infrastructure within the zone being considered.

4.4.6 Building over or adjacent to stormwater infrastructure

Where a proposed footpath structure is over or adjacent to stormwater infrastructure, the proposal must be assessed under Internal Operating Guideline for Building Over and Adjacent to Constructed Drainage Systems and Easements.

The purpose of the guideline is to

- Ensure protection is provided against structural damage to existing underground infrastructure services from construction works or imposed loads;
- Ensure access is available for future maintenance of the services;
- Prevent consequential damage to the owner's structures;
- Maintain the amenity (functional use) of the property and allow the occupant use of the property without unnecessary constraints;
- Ensure that Council's costs and liabilities are minimized when constructing, replacing, maintaining or obtaining emergency access to constructed public drainage systems located within private property.

4.4.7 Application assessment process

On receiving an application, the Council's delegated authorised officer will:

- Check that all relevant information has been received.
- Check that the proposed structure is associated with an existing or proposed footpath trading activity.
- Check the application to ensure it meets the intent and

requirements of the relevant overarching statutory instruments and the requirements of this policy guideline.

- Advise the applicant of any changes that need to be made to the submitted plans and request further information to properly assess the proposal.
- Refer the application to other departments within Council for advice and comment as necessary.
- Refer to other relevant agencies as deemed necessary
- Inspect the site and check the accuracy of submitted application plans.
- Assess the application against other outstanding matters that may relate to the proposal.
- Assess the application including referral to Council if appropriate.
- Approve or refuse the application.

4.4.8 Decision-making on applications

If the application is approved, a letter outlining conditions of approval will be issued along with additional documents and approvals needed to be completed prior to construction such as Building Works approval and Building Over and Adjacent to Sewers approval (if relevant).

If the application is refused, the applicant will be notified in writing with an explanation for the refusal. Further clarification can be sought from Council.

In some cases a variation to this policy may be granted if the policy objectives can be met and there are extenuating circumstances. Each case will be decided on its merits.

Extenuating or special circumstances could include, but are not limited to:

- Support of the achievement of the footpath priorities
- Demonstrated hardship in conforming to new standards
- Mitigating factors such as street barriers or kerb extensions

In considering applications that vary from this policy, Council will assess the application and make a recommendation in accordance with the overarching requirements of the relevant statutory instrument(s).

This includes matters such as:

- The effect on pedestrian traffic flows and safety
- The impact on the appearance of the street and its surroundings
- The impact on amenity
- The duration of use
- The effect on vehicular traffic flows and safety
- Compatibility with other uses in the street
- Whether it is complementary to the primary adjoining use
- Whether it is less intensive than the primary adjoining use
- The applicant's previous record of compliance
- Any relevant policies of the Council
- Any other matter relevant to the application.



SECTION 5

FOOTPATH TRADING AND STRUCTURES ON A STATE CONTROLLED ROAD

5.1 Applications, assessment and approvals

The Department of Transport and Main Roads (DTMR) plans, provides and manages Queensland's state controlled road network. This includes managing the non-road transport activities, works and structures that occur within state controlled road corridors.

However, DTMR can delegate the management of non-road transport activities, works and structures that occur within state controlled roads to local government. This arrangement is in place for the Mackay Regional Council local government area and allows for a much more convenient, efficient and streamlined approach to the applications, assessment and approvals process, and management of footpaths across the region.

Applicants wishing to undertake a footpath activity, conduct works or erect a structure within a state controlled road corridor are not required to apply directly to DTMR for a Road Corridor Permit (RCP) as required under section 50 of the Transport Infrastructure Act 1994.

An applicant must lodge all Footpath Trading or Footpath Structure Applications under this policy to council for all roads including state controlled roads and follow the applications and approvals process as outlines in sections 3.4 and 4.4.

In addition, consideration will be given to key impacts on road safety, road network efficiency and community access to the road network.

All applications received that are located on a state controlled road will be referred to DTMR for their records.

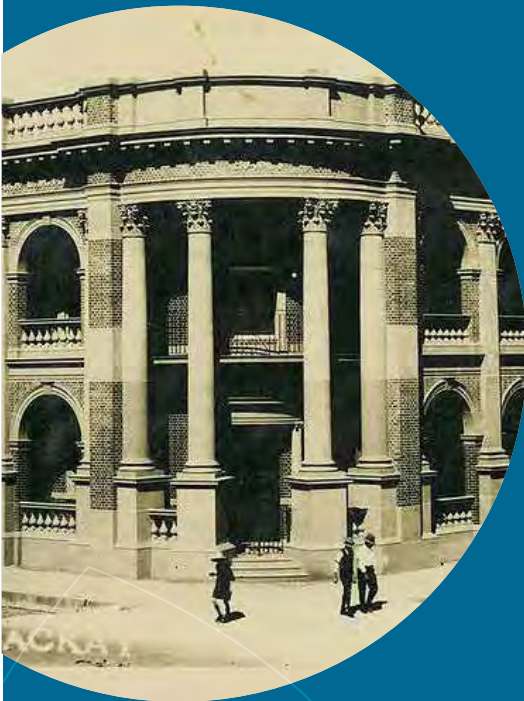




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APPENDIX ONE

Map indicating Local and State heritage places in the Mackay City Centre



1A. Heritage places map: Mackay City Centre

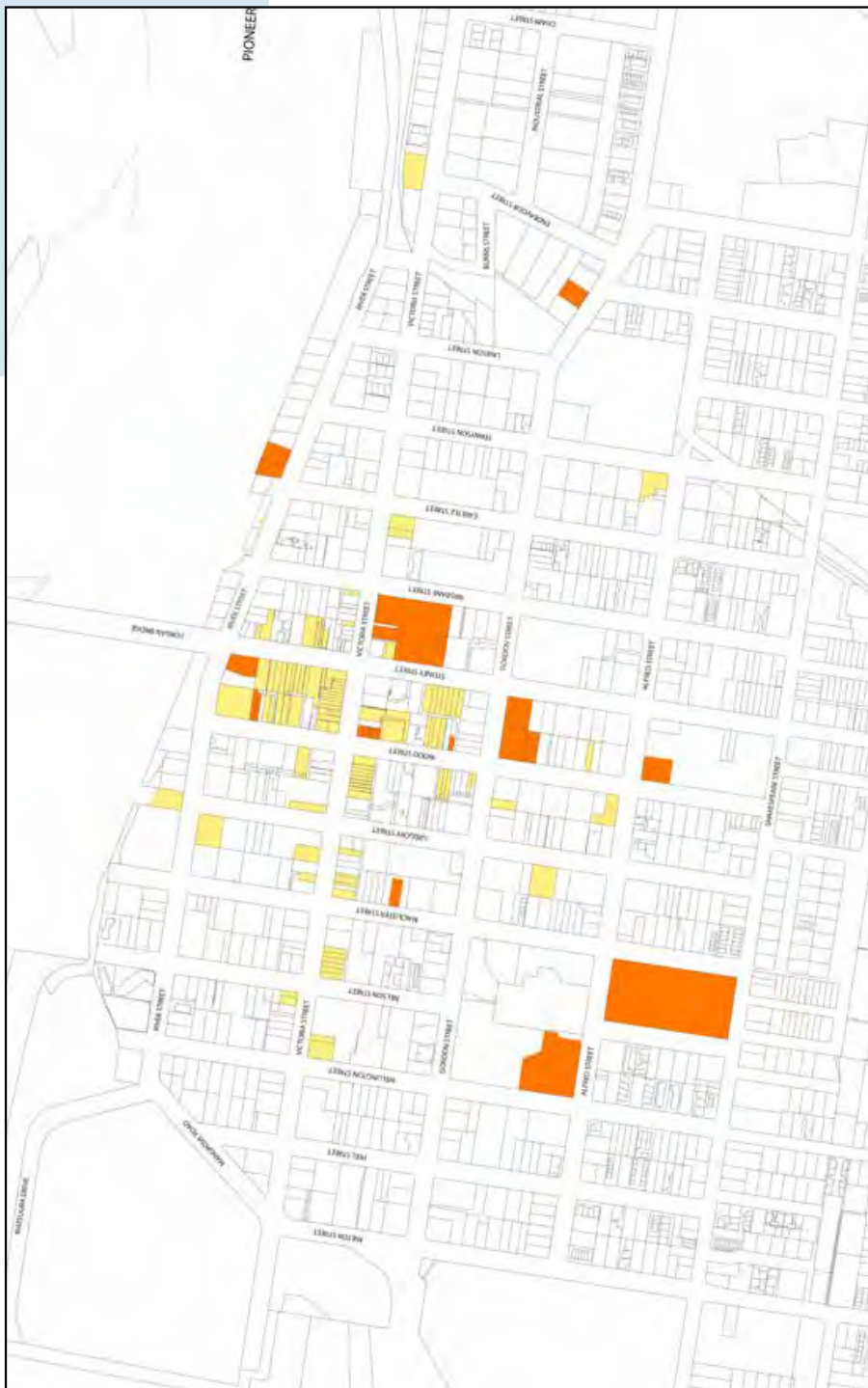


Figure A1.1 - Local and State heritage places within the Mackay City Centre. Refer to the planning scheme and State Heritage listing for the most up-to-date register. For the most up-to-date mapping visit www.mackay.qld.gov.au (search for MIMAPS).

1B. List of heritage places within centres

Heritage places in the Mackay Region

Table A1.1 comprises both Local and State heritage places within centres that are likely to accommodate footpath trading on frontages.

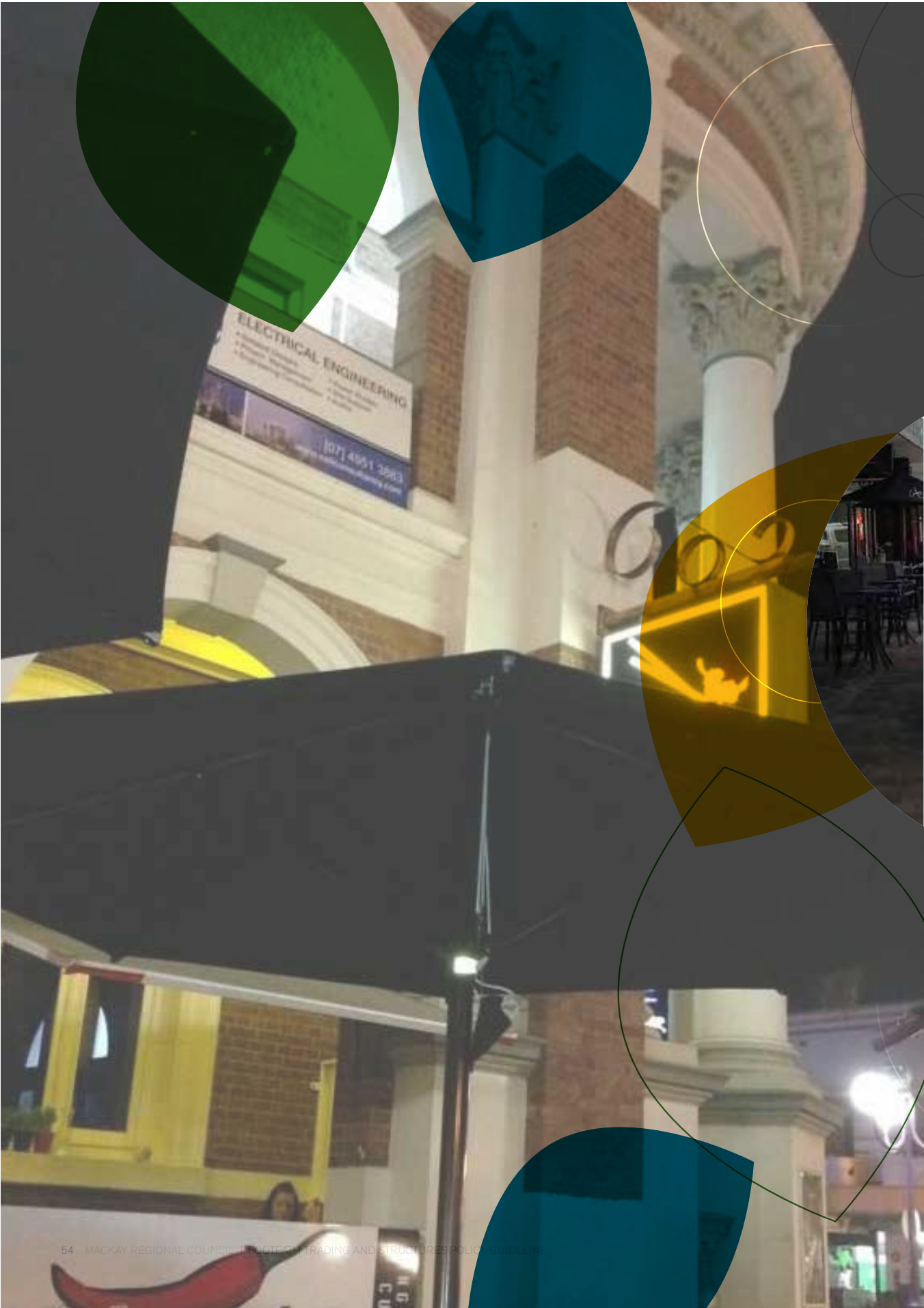
Refer to the planning scheme or State Heritage register for the most up-to-date heritage register and mapping.

NAME OF PLACE	ADDRESS
STATE HERITAGE PLACES	
Mackay Customs House	31 River Street, Mackay
Cenotaph and Jubilee Park	73 Gordon Street (Alfred Street side), Mackay
Police Station (Brisbane Street) and former Court House (Victoria Street)	57 Sydney Street, Mackay
National Bank	79 Victoria Street, Mackay
Former residence of the National Bank	29 Wood Street, Mackay
Saint Pauls Uniting Church	21 Macalister Street, Mackay
The Australian Bank of Commerce (Commonwealth Bank)	63 Victoria Street, Mackay
Town Hall	63 Sydney Street, Mackay
Former Mackay Technical College	133 Alfred Street, Mackay
Holy Trinity Church and Hall	67 Gordon Street, Mackay
Mackay Central State School	251 Alfred Street, Mackay
Pioneer Shire Building	1 Wood Street, Mackay
Masonic Temple	57 Wood Street, Mackay
Paxton Markets	10 River Street, Mackay
Sewerage pump station	38 East Gordon Street, Mackay
Former Walkerston butcher shop	13-17 Dutton Street, Walkerston
Mirani railway station	4-36 Alexandra Street, Mirani
Lt Thomas Armstrong Memorial	28 Victoria Street, Mirani
Sarina War Memorial	Broad Street, Sarina
LOCAL HERITAGE PLACES	
Port Curtis Dairy Co-op	14 Victoria Street, Mackay
Buffalo Hall	41 Victoria Street, Mackay
Blacks Building	75 Victoria Street, Mackay
Palace Hotel	82 Victoria Street, Mackay
Australian Hotel	83 Victoria Street, Mackay
Commercial premises	39, 60, 73, 74, 83, 84, 88, 89, 90, 91, 93, 94, 95, 96, 97, 99, 100-102, 104, 110, 121, 133, 139, 149 and 206 Victoria Street, Mackay
Hamiltons Building	114 Victoria Street, Mackay
T&G Building	114 Victoria Street, Mackay
Wilkinson's Hotel	140 Victoria Street, Mackay
Taylor's Building	164 Victoria Street, Mackay
Keogh's Building	172 Victoria Street, Mackay
Hotel Mackay	177 and 204 Victoria Street, Mackay

Table 1.1 Local and State heritage places within centres

NAME OF PLACE	ADDRESS
LOCAL HERITAGE PLACES	
CWA Hall	43 Gordon Street, Mackay
Saint Patricks Convent	2 Gregory Street, Mackay
Commercial Premises	34 Gregory Street, Mackay
Saint Patricks Catholic Church	12 River Street, Mackay
Former Post Office	35 River Street, Mackay
Ambassador Hotel	2 Sydney Street, Mackay
Friendly Society Building	5 Sydney Street, Mackay
Chaseley House	7 Sydney Street, Mackay
Commercial premises	8, 10, 14, 21, 22, 24, 26, 28, 29, 34, 33, 36, 49, 53, 62, 66 and 68 Sydney Street, Mackay
Cominos Building	18 Sydney Street, Mackay
Central Land council	31 Sydney Street, Mackay
RSL	70 Sydney Street, Mackay
Maguires Hotel	11, 15 and 17 Wood Street, Mackay
Commercial premises	31, 41, 47, 49, 51, 53, 58, 80, 84, 86, 98 Wood Street, Mackay
Former Daily Mercury Building	36 Wood Street, Mackay
Taylors Hotel	126 Wood Street, Mackay
Former theatre	81 Wood Street, Mackay
Old Railway Hotel	40 Tennyson Street, Mackay
John Mackay Clock	Victoria Street
Leichhardt Tree	Blewater Quay (River Street)

Table 1.1 Local and State heritage places within centres



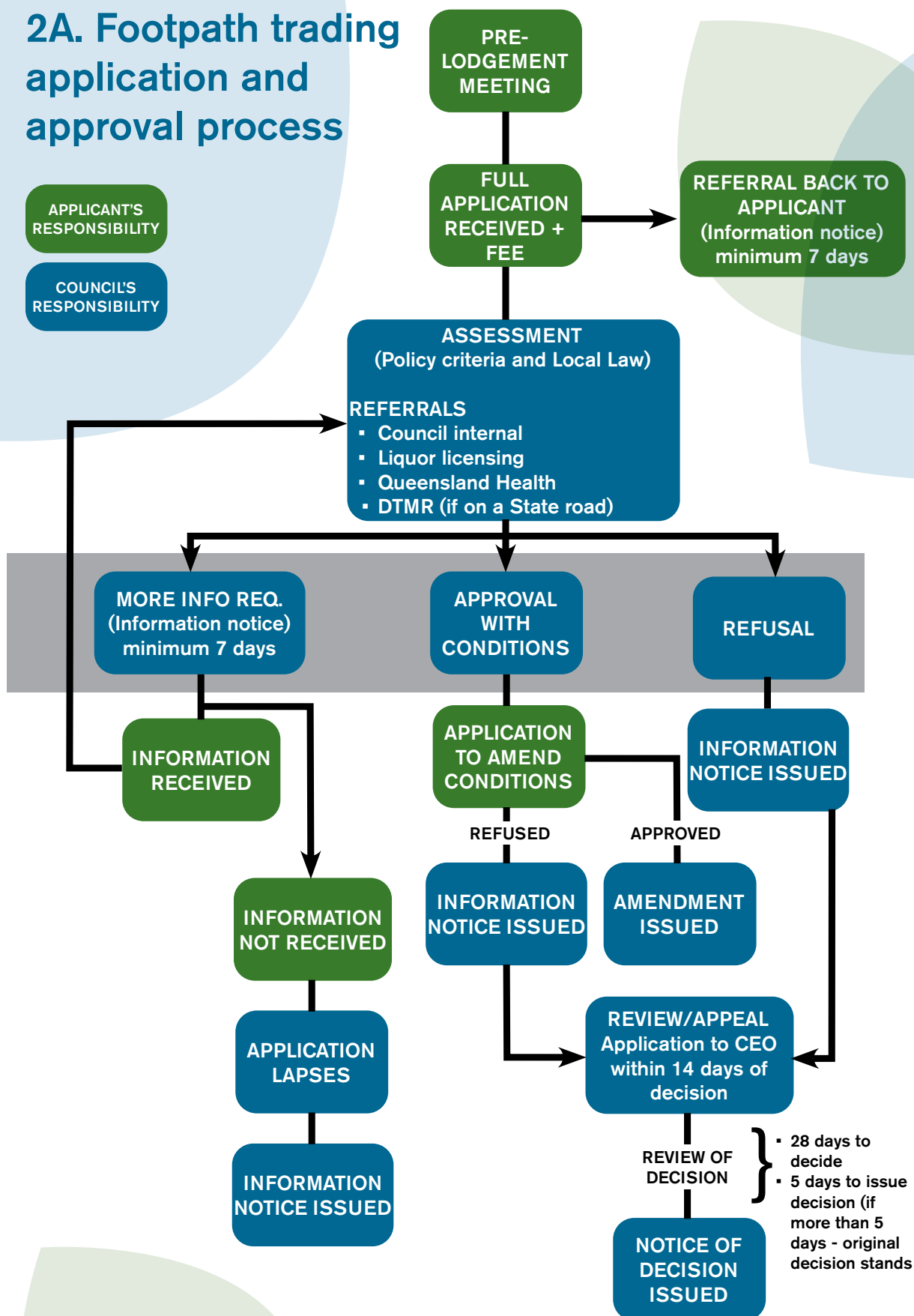
APPENDICES

APPENDIX TWO

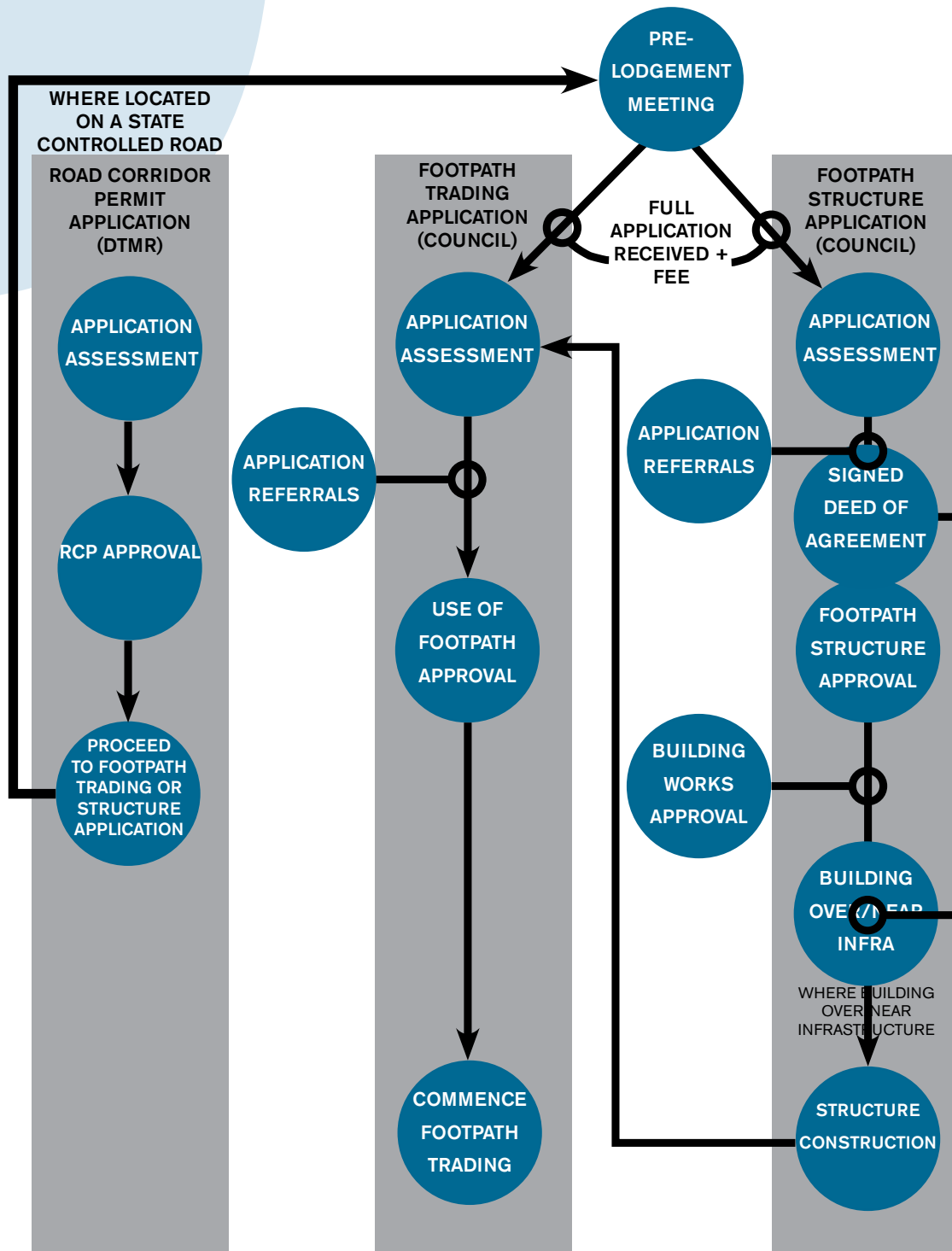
FOOTPATH TRADING AND STRUCTURES: APPLICATIONS PROCESS

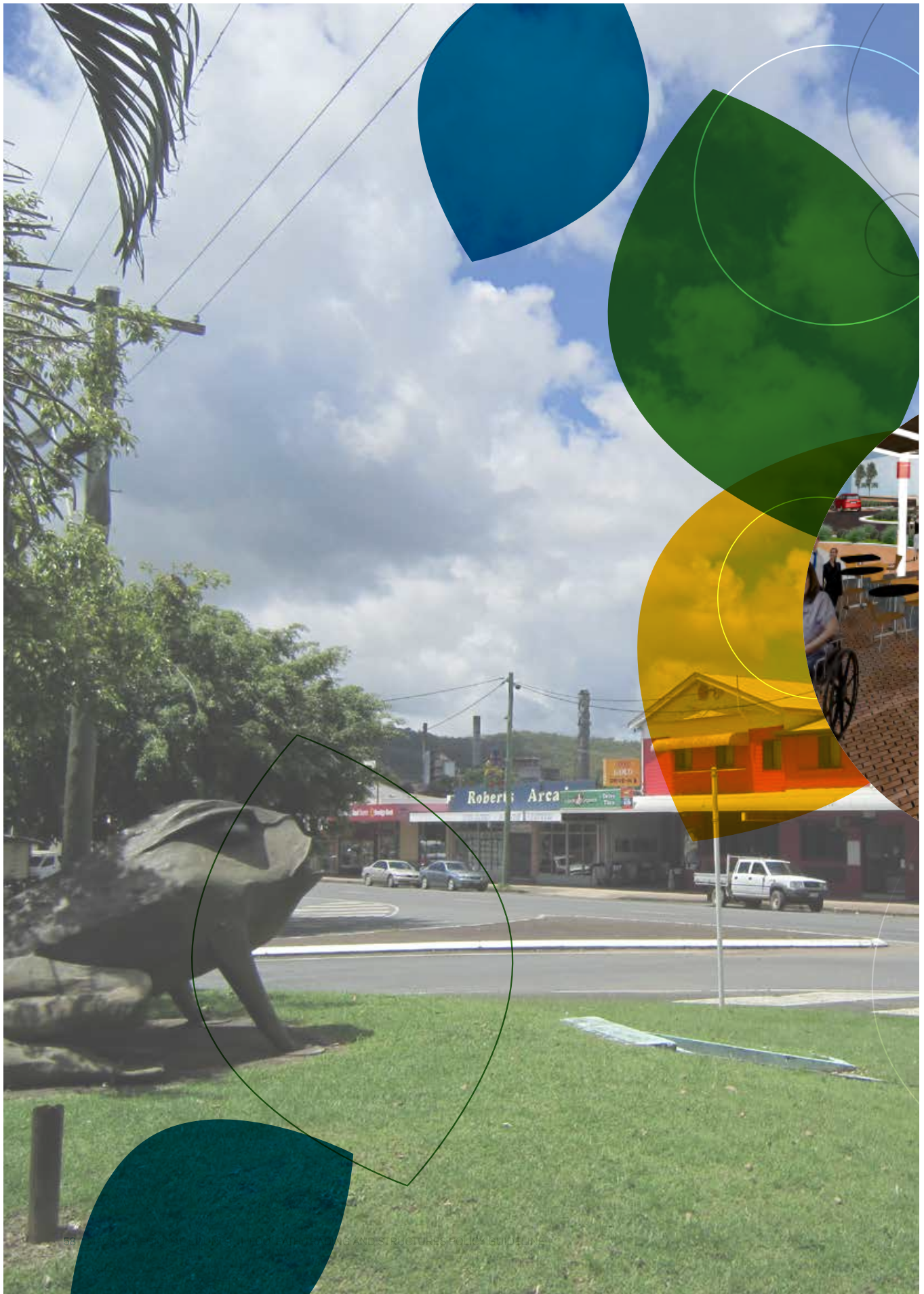


2A. Footpath trading application and approval process



2B. Applications and approvals process





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APPENDIX THREE

FURNITURE LAYOUT AND CLEARANCES



3A. Furniture clearances to existing or planned infrastructure

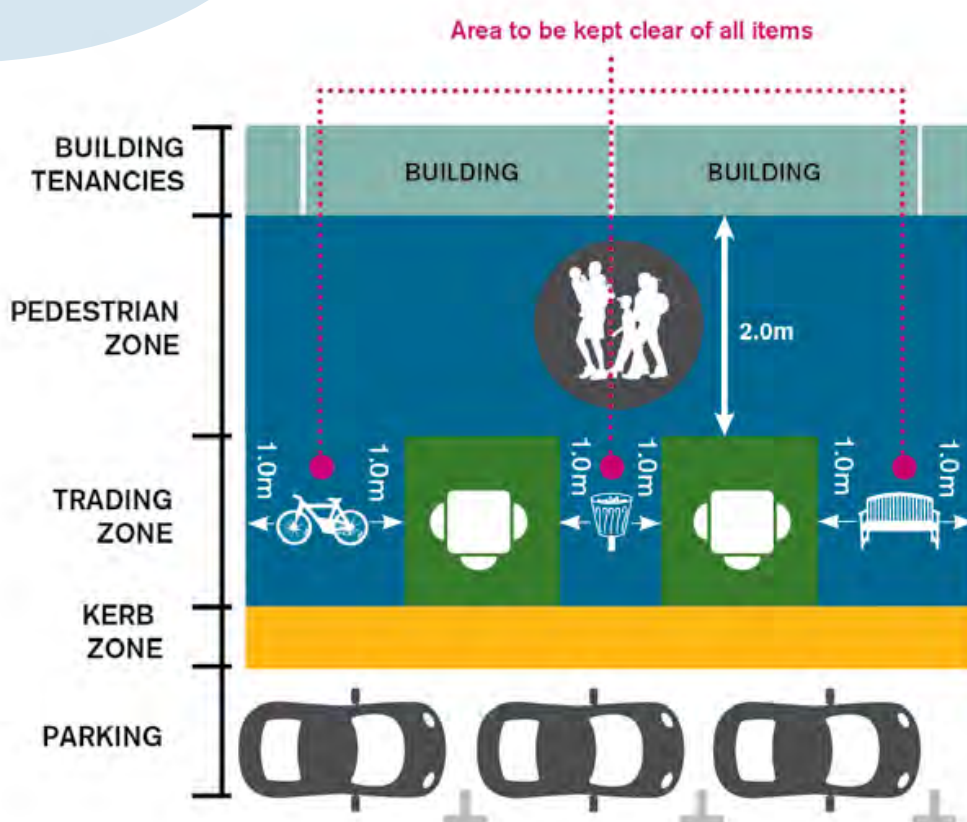


Figure A3.1 - Furniture clearances to existing or planned infrastructure

3B. Furniture layout options

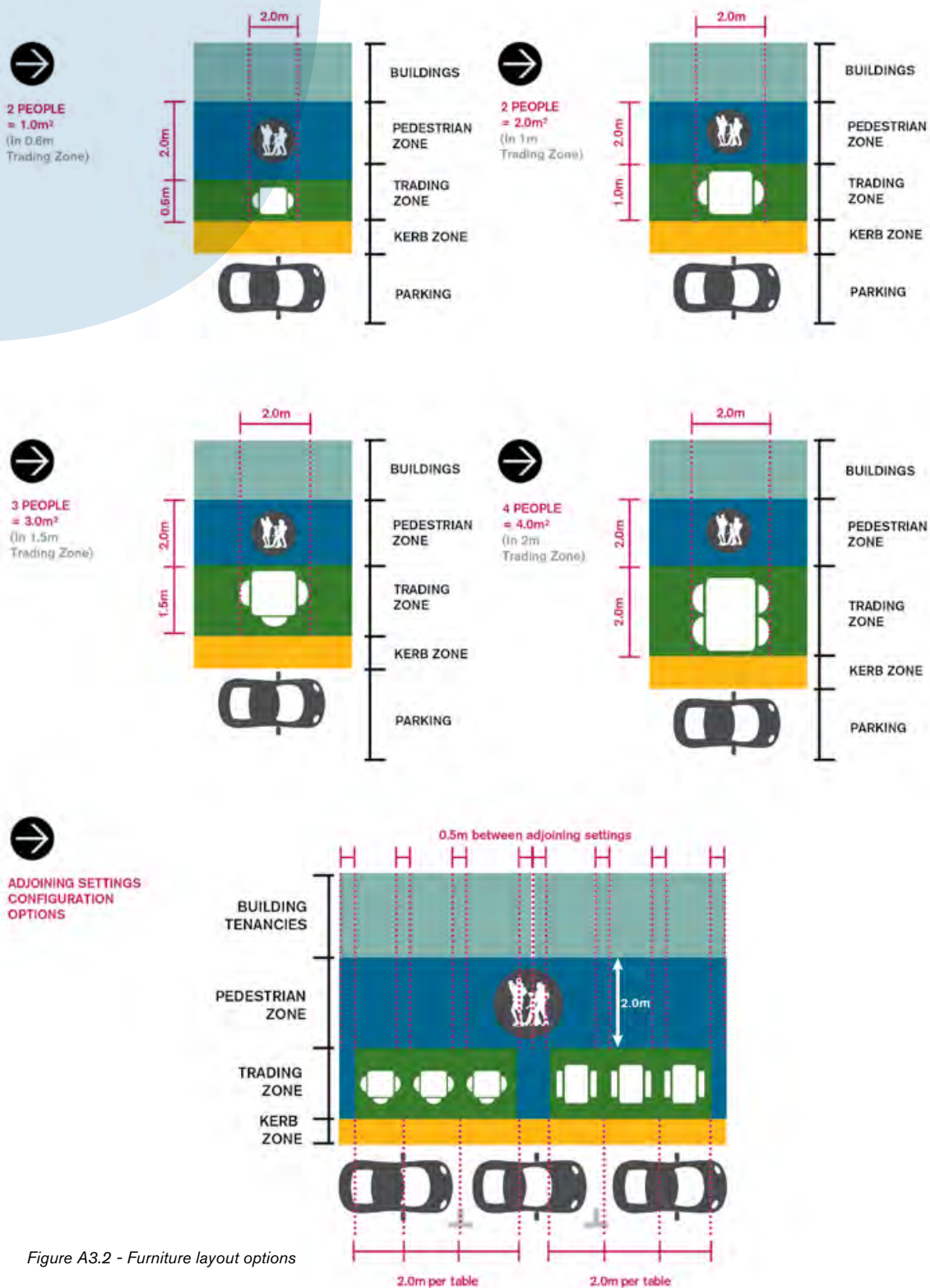


Figure A3.2 - Furniture layout options

MACKAY REGIONAL COUNCIL PROGRAM TRADING AND STRUCTURED FOOT GUIDELINE

3C. Possible exceptions to footpath zone configuration

In certain exceptional circumstances, the Pedestrian Zone and Trading Zone may have an alternative configuration to fit a specific footpath setting. Alternative zone configurations can only occur if all footpath dining activities within the street are consistent.

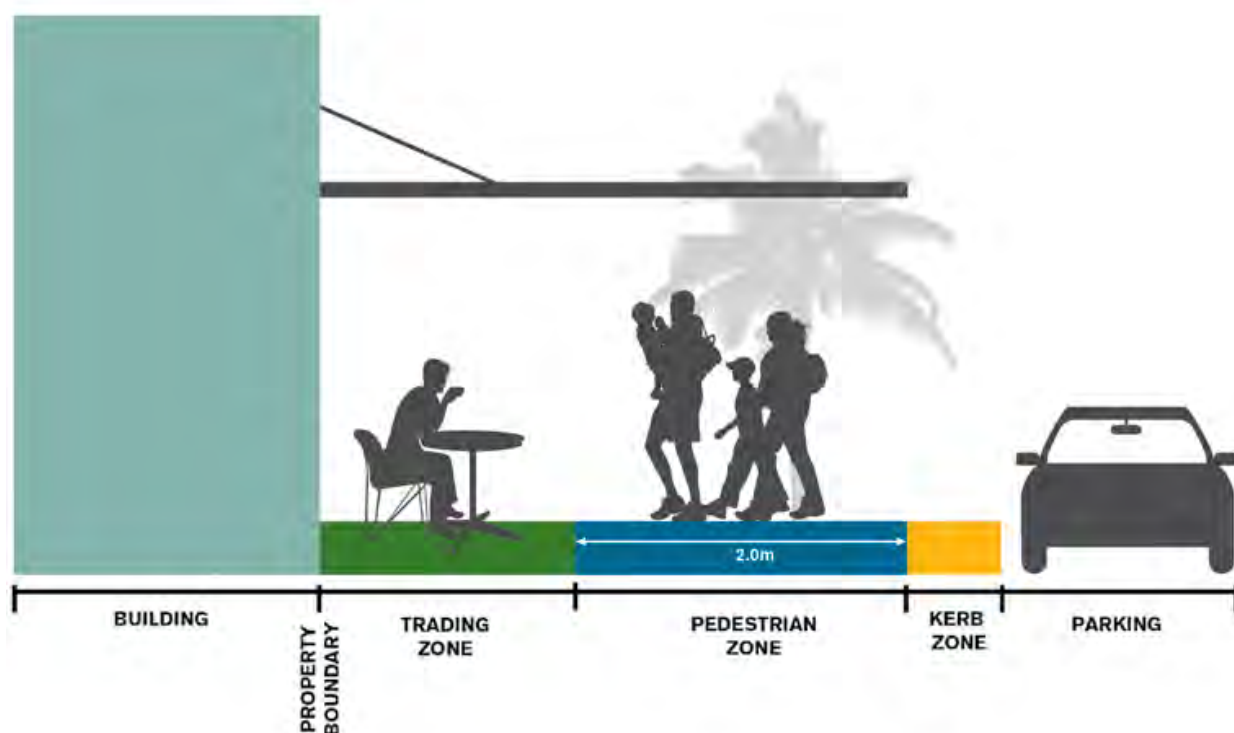


Figure A3.3 - Transect of an alternative footpath zones arrangement within the streetscape

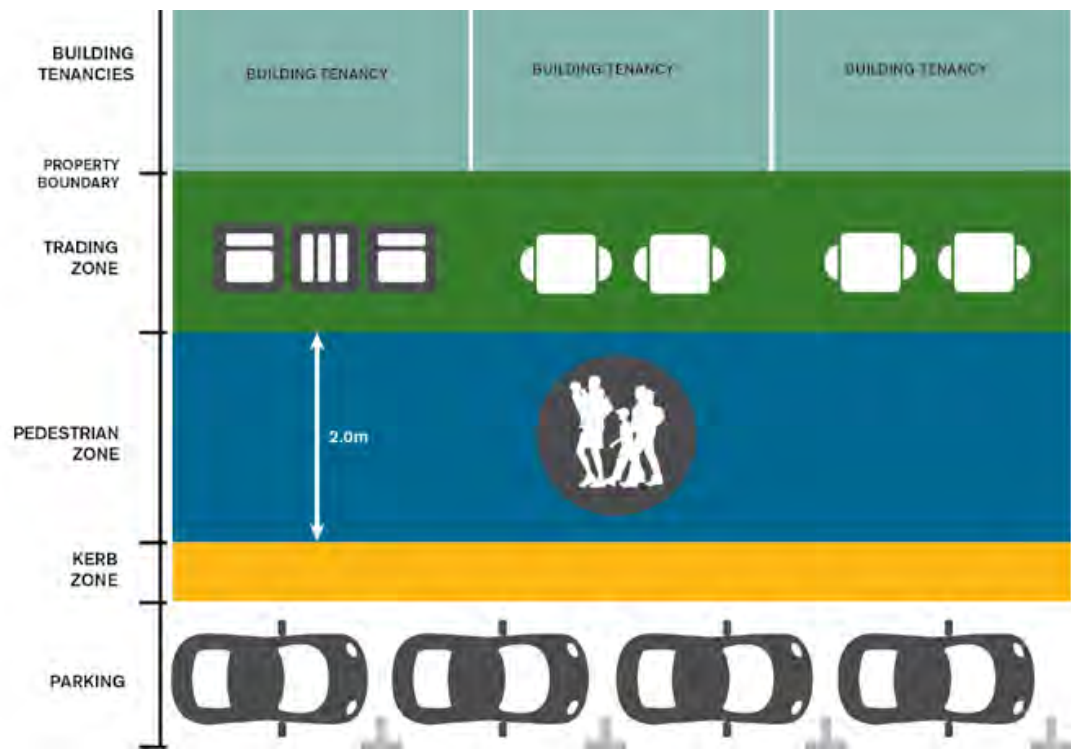


Figure A3.4 - Alternative footpath zones arrangement - Trading Zone against the building and the Pedestrian Zone against the Kerb Zone

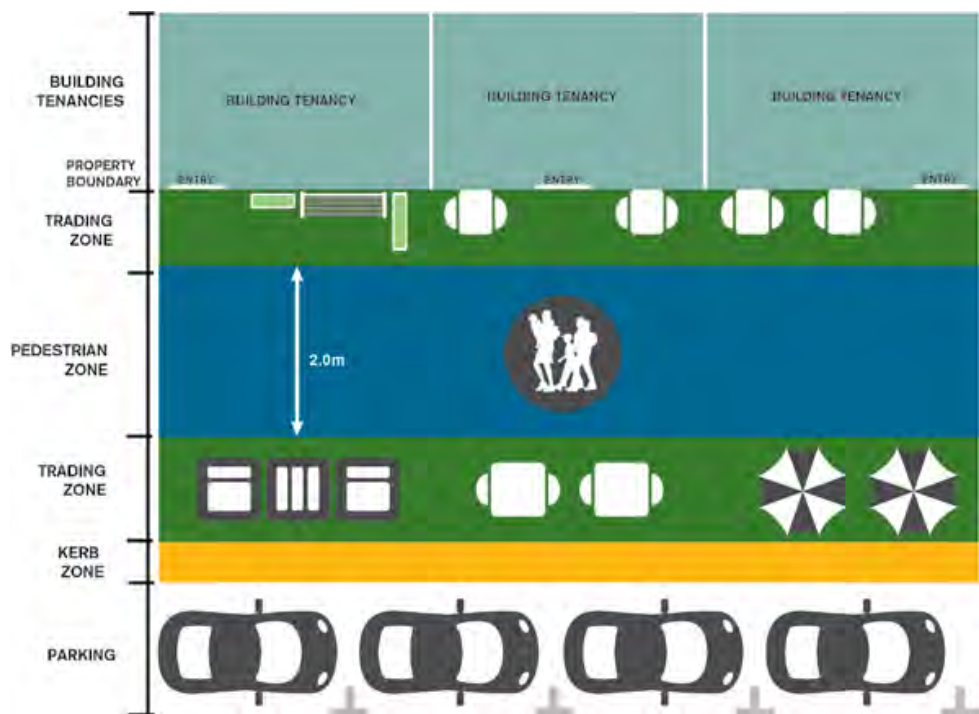


Figure A3.5 - Alternative footpath zones arrangement - split Trading Zones with the Pedestrian Zone in the centre of the footpath area

APPENDICES

APPENDIX FOUR

Access, sanitary and other facility requirements and ratios



4A. Access, sanitary and other facility requirements and ratios

The information contained in Appendix 4 was accurate at the time of printing and taken from the National Construction Code 2015 – Building Code of Australia Volume 1 - which is called upon by the Building Act 1975 and is subject to update. Please refer to the National Construction Code (NCC) <http://services.abcb.gov.au/NCCOnline> for current requirements.

Table A4.1 indicates the numbers of sanitary and other facilities to be provided in a restaurant, café, bar per occupants. These may be different if your business is different to those mentioned. Unless the premises are used predominantly by one sex, sanitary facilities must be provided on the basis of equal numbers of males and females.

Table A4.2 includes form access and egress requirements for persons with a disability.

CLASS 6 BUILDING - RESTAURANTS, CAFES, BARS						
User group	Closet pans		Urinals		Washbasins	
	Design occupancy	Number	Design occupancy	Number	Design occupancy	Number
Male patrons	1 to 100	1	1 to 50	1	1 to 50	1
	101 to 300	2	51 to 100	2	51 to 200	2
	More than 300	Add 1 per 200	101 to 150	3	More than 200	Add 1 per 200
			151 to 200	4		
			201 to 250	5		
			More than 200	Add 1 per 100		
Femal patrons	1 to 25	1	Not applicable	Not applicable	1 to 50	1
	26 to 50	2			51 to 150	2
	51 to 100	3			More than 150	Add 1 per 200
	101 to 150	4				
	151 to 200	5				
	201 to 250	6				
	More than 250	Add 1 per 100				

Note: Sanitary facilities need not be provided for patrons if the building accommodates more than 20 people.

Table A4.1 - Sanitary and other facilities requirements and ratios

CLASS OF BUILDING	ACCESS REQUIREMENTS
Class 6	To and within all areas normally used by the occupants

Table A4.2 - Requirements for access for people with a disability



GET IN TOUCH

POST

Civic Precinct, Gordon Street
PO Box 41 Mackay QLD 4740

PHONE

1300 MACKAY (622529)

EMAIL

council@mackay.qld.gov.au

WEB

www.mackay.qld.gov.au

CUSTOMER SERVICE CENTRES

MACKAY

Sir Albert Abbott Administrative Building
73 Gordon Street, Mackay

SARINA

60 Broad Street, Sarina

MIRANI

20 Victoria Street, Mirani



11.2. CAPITAL WORKS

11.2.1. CAPITAL WORKS MONTHLY REVIEW REPORT - SEPTEMBER 2022

Author	Director Capital Works (Jim Carless)
Responsible Officer	Director Capital Works (Jim Carless)
File Number	Departmental Monthly Review Reports
Attachments	1. Capital Works Monthly Review Report - September 2022 [11.2.1.1 - 36 pages]

Purpose

To provide Council with the Capital Works Monthly Review Report for the month of September 2022.

Related Parties

- Nil

Officer's Recommendation

THAT the Capital Works Monthly Review Report for the month of September 2022 be received.

The Director for Capital Works Jim Carless, provided an overview and highlights of the Capital Works Monthly Review Report for September 2022.

Cr Mann referred to the Gooseponds Creek bank protection works and queried if the owner was satisfied as she had received a number of calls about the protection of their property.

The Director advised that there were a couple of owners in the near vicinity of the work that Council has been in contact with throughout the project, but advised that he was not aware if the team had specifically been in contact with them since the work was complete. The Director advised that a survey would be conducted by the quality team of key stakeholders and he would be happy to provide the response from that survey.

Council Resolution ORD-2022-310

THAT the Capital Works Monthly Review Report for the month of September 2022 be received.

Moved Cr Jones

Seconded Cr Townsend

Cr Jones referred to stage one and stage two of the Pioneer River North Bank Footpath and was pleased to see that it is all coming to fruition and will be finished by early next year and that it received some grant funding. Cr Jones highlighted the completion of the Gooseponds and Seaforth Creek bank protection works noting that it was important to protect the environment and community infrastructure.

Cr Townsend highlighted several items from the report including the commencement of the Seaforth Esplanade project, the work undertaken on the Riverside Revitalisation Project and the finalisation of the Milton and Archibald Streets roundabout.

Mayor Williamson added his congratulations on the great piece of trunk infrastructure at the corner of Milton and Archibald Streets, noting that it was a tremendous outcome for Mackay residents.

CARRIED



Capital Works Monthly Review Report

September 2022

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OVERVIEW

This report is for Capital Works Department activities during the month of September 2022. Significant items in this period include:

- No lost time injuries.
- The YTD capital project spend is \$21.1M which is approximately \$0.7M below the YTD forecast of \$21.8M (approximately 96.8%).
- Projects where construction was completed* includes:
 - ✓ Sydney Street, Mackay - Water Main Renewal, River Street to Shakespeare Street
 - ✓ Dome Chiller - Replace Two Compressor Stage
 - ✓ Finch Hatton New Bore
 - ✓ Recycled Water Infrastructure, Renewals and Upgrades 21/22
 - ✓ Mackay North Water Recycling Facility Screening Upgrade
 - ✓ Sewer Pump Stations 21/22, Regional Telemetry Upgrades
 - ✓ Denman Avenue, Shoal Point – Sewer Pump Station, Pump Replacement
 - ✓ Habana Road, Habana - Sewer Pump Station, Pump Replacement and Renewal
 - ✓ Botanic Gardens Banyan Playground Revitalisation
 - ✓ Mackay Animal Management Centre - New Facility
 - ✓ Hamilton Street, North Mackay - Water Main Renewal, Canberra Street to Grendon Street
 - ✓ Canberra Street, North Mackay - Bank Protection Works and Stabilisation
- Projects where construction is in progress includes:
 - Koumala Water Supply Upgrades
 - Dalrymple Street, East Mackay - Culvert Replacement x2
 - Milton Street and Archibald Street Intersection Upgrade – Single Lane Roundabout
 - Pioneer River North Bank Shared Path, Stage 1- Heaths Road to Mercy Drive, North Mackay
 - Hume Street, West Mackay - Water Main Renewal, Bridge Road To Lagoon Street
 - Sydney Street and Alfred Street, Mackay - Intersection Upgrade
 - Boundary Road East, Paget - Intersection Reconfiguration, Jack Connor Drive Intersection
 - Recycled Water Scheme, 21/22 - Flowmeter Replacement And Renewals
 - Mackay Entertainment and Convention Centre - Fire System Design And Install
 - Warland Street, South Mackay - Drainage Reconstruction, Stages 1, 2 & 3
 - Mackay Water - SCADA Data Management Repository Software - WATER
 - Mackay Water - SCADA Data Management Repository Software - SEWERAGE
 - Mackay South Water Recycling Facility - Upgrade Disinfection Facility
 - Mackay CBD, Water Network - Flow & Pressure Monitoring
 - Mirani Liquid Stream
 - Building work required to rectify abuilt issues with Paget D
 - Creek Street, Walkerston – Replace Gully Pits, Anne Street and Dane Street

** Note: construction means practical works were completed however project accounts remain open to close out financials and to manage defects and maintenance periods, and as constructed/handover documents.*



Jim Carless
Director Capital Works

SAFETY

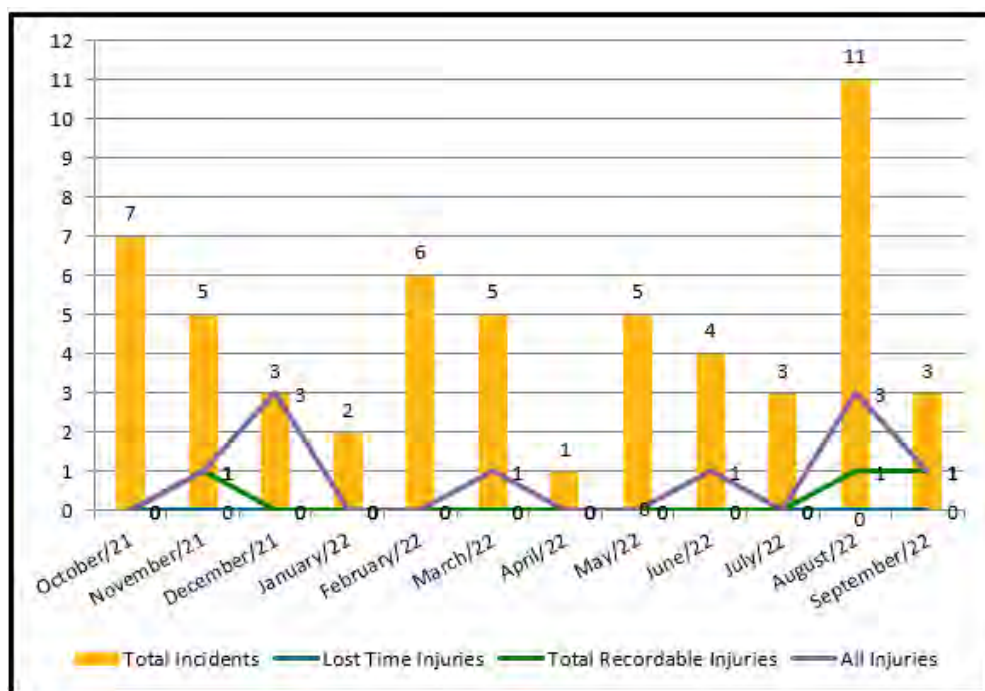
1.1. Summary

In September 2022:

- Twenty-five safety interactions were completed.
- Two site safety inspections were completed.
- 97% of monthly action plan activities were carried out.

Three incidents were reported in September, involving MRC employees or contractors.

1.2. Incidents and Injuries



The following injury to an MRC employee was reported in September:

- SDI – Raking back a pile of sand with a concrete rake, felt a tear pain on his abdomen.

The following asset damage incident was reported in September:

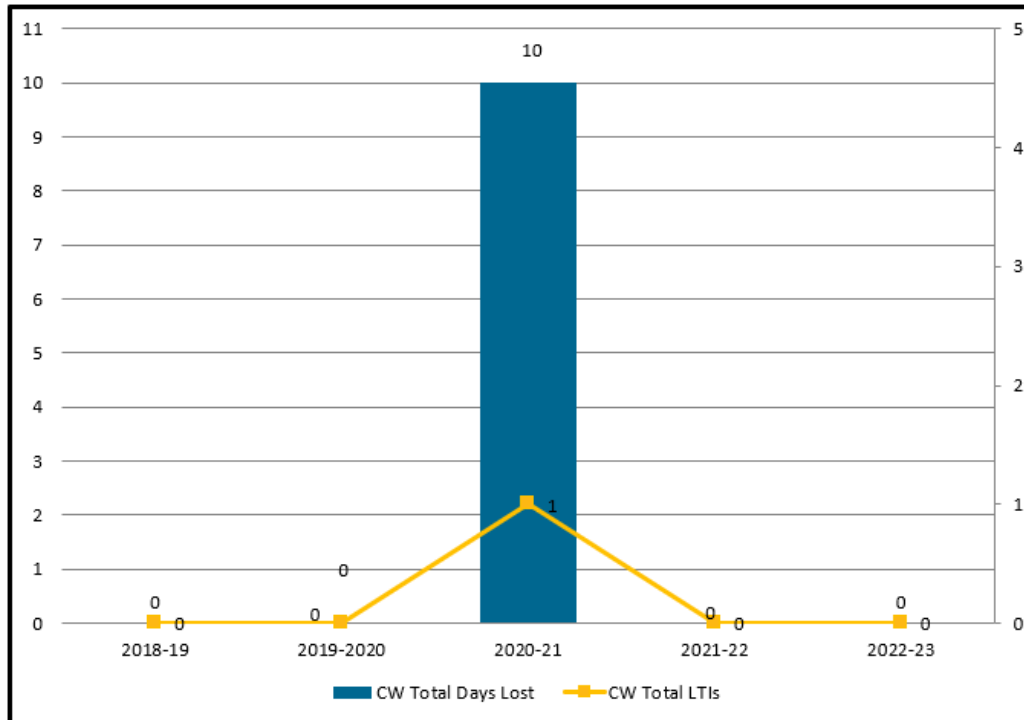
- While turning out of jobsite, truck clipped small motor set up to pump water from drains.

The following incident involving a contractor was reported in September:

- While drilling through timber, drill bit broke and hand slipped, causing laceration to middle finger.

Each incident is investigated, and appropriate corrective measures implemented to reduce future risks.

1.3. Lost Time Injuries & Days Lost



Department	2018-19		2019-20		2020-21		2021-22		2022-23	
	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost
Major Projects					1	10				
Portfolio Management Office										
Field Services										
Contract Services										
Design Services										
Capital Works Total	0	0	0	0	1	10	0	0	0	0

For the 2022-23 year, there have been no lost time injuries recorded.

Glossary

Incident	Any unplanned event resulting in or having a potential for injury or ill health.
Lost Time Injury (LTI)	Incidents that resulted in a fatality, permanent disability or time lost from work of one day / part of a day or more
Total Recordable Injuries (TRI)	Incidents that result in a Lost Time Injury (LTI), Suitable Duties Injury (SDI) and Medical Treatment Injury (MTI)
Medical Treatment Injury (MTI)	
NTI	Non-Treatment Injury
FAI	First Aid Injury
MTI	Medical Treatment Injury
SDI	Suitable Duties Injury
LTI	Lost Time Injury

CAPITAL PROJECT UPDATES

2.1. Capital Summary Report

The capital financial summary for the YTD capital delivery to end of September 2022 is as follows.

The current approved 2022/23 amended budget is \$110.4M.

The YTD capital project spend is \$21.1M which is approximately \$0.7M below the YTD forecast of \$21.8M (approximately 96.8%). The top five projects underspent account for \$0.9M of this variance. Context and comments on each variance can be found on page 7 of this the report. The underspent variance is offset by some small over budgeted expenditure on projects.

The project spend to the end of September is \$21.1M, approximately \$89.3M below the 22/23 amended budget of \$110.4M (19.1% delivered against 22/23 amended budget).

2.2. Financial Performance

The table below summarises the year to date financial summary for the 2022/23 Capital program at the end of September 2022.

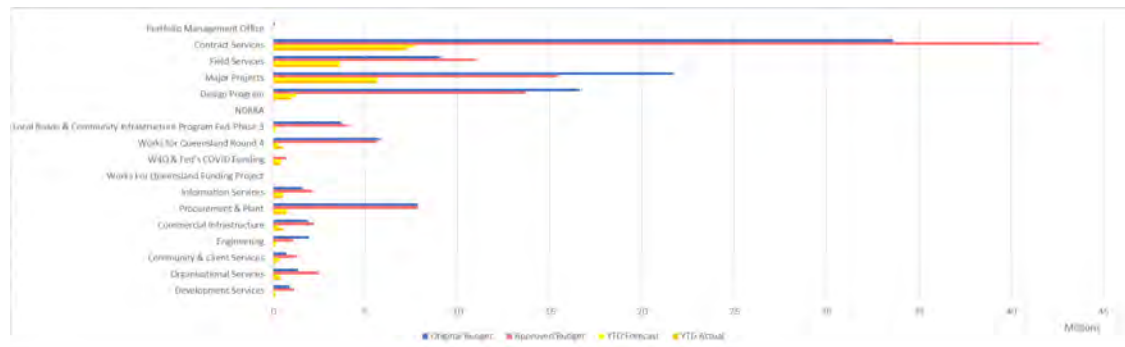
Capital Projects Expenditure 2022/2023

September 2022

Department	Approved Budget	Current Forecast	YTD Forecast	YTD Actual	% Spent of YTD Forecast	% Spent of Approved Budget
PLANT & EQUIPMENT PURCHASES						
Development Services	59,725	92,210	47,485	32,485	68.4%	54.4%
Organisational Services	7,144	7,000	0	0	0.0%	0.0%
Community & Client Services	607,752	647,804	92,887	91,605	98.6%	15.1%
Engineering	67,600	71,075	64,575	63,449	98.3%	93.9%
Commercial Infrastructure	130,085	130,085	301	25,853	8589.0%	19.9%
Procurement & Plant	7,867,896	7,878,024	764,269	752,089	98.4%	9.6%
Information Services	2,142,710	2,133,204	528,193	508,911	96.3%	23.8%
Design Program	109,215	109,496	47,966	49,966	104.2%	45.7%
Field Services	31,003	31,000	0	0	0.0%	0.0%
Contract Services	41,928	41,928	1,103	1,103	100.0%	2.6%
	11,065,058	11,141,825	1,546,779	1,525,460	98.6%	13.8%
CAPITAL PROJECTS (Excluding Plant & Equipment)						
Development Services	1,077,091	1,054,187	72,572	88,879	122.5%	8.3%
Organisational Services	6,527,955	6,835,274	541,328	456,735	84.4%	7.0%
Community & Client Services	695,310	656,423	282,045	140,976	50.0%	20.3%
Engineering	1,018,555	1,150,832	136,309	42,010	30.8%	4.1%
Commercial Infrastructure	2,073,163	2,358,446	322,434	500,603	155.3%	24.1%
Information Services	0	0	0	0	0.0%	0.0%
Works For Queensland Funding Project	0	0	0	0	0.0%	0.0%
W4Q & Fed's COVID Funding	726,932	782,463	414,601	383,395	92.5%	52.7%
Works for Queensland Round 4	5,674,090	5,670,261	284,807	511,304	179.5%	9.0%
Design Program	13,598,472	14,583,810	1,227,231	944,262	76.9%	6.9%
Major Projects	15,418,912	16,527,960	5,676,399	5,622,055	99.0%	36.5%
Field Services	10,976,116	11,503,034	3,643,159	3,619,963	99.4%	33.0%
Contract Services	41,507,630	42,508,505	7,664,285	7,276,537	94.9%	17.5%
Portfolio Management Office	6,350	80,000	0	0	0.0%	0.0%
	99,300,575	103,711,196	20,265,171	19,586,720	96.7%	19.7%
Total	\$ 110,365,633	\$ 114,853,021	\$ 21,811,950	\$ 21,112,180	96.8%	19.1%

Capital Spend by Department for September 2022

The table below summarises the year to date financial summary for the 2022/23 Capital program at the end of September 2022.



Capital Expenditure Forecast 2022/2023

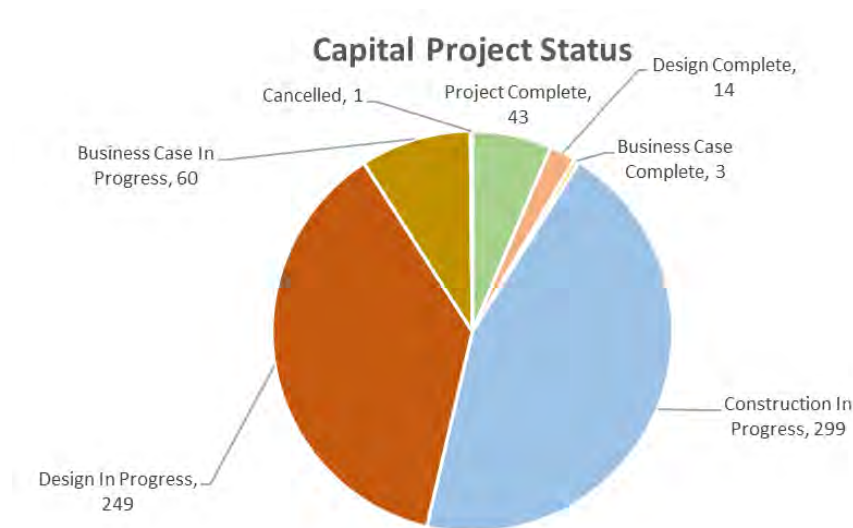
The top five variances (underspend) between actuals and forecast for the month of September 2022 are:

Project	Description	Comments	Variance	Forecast Spend Achieved (%)
53978	Mackay Bus Station – Bus Set down	Waiting for confirmation from TMR to go ahead with Council's proposals of works to be done for the project. It will then be out to market to finalise the tender and award the contract.	-\$141,647	6%
53992	Pioneer River, Stage 2 North Bank shared path	TMR delays the start of the earthworks and site preparation for September as scheduled. Site works scheduled to commence in October instead.	-\$134,915	23%
63334	Nebo Road Water Treatment Plant, Filter Media Replacement	Delays in the completion of each individual filter as forecasted to be all cleaned in September. Scheduled works and invoices will be processed in October.	-\$285,774	52%
70205	Sewerage Pump Station Refurbishment \ Renewals - FY20/21	The contractor has been delayed in doing the works as forecasted for September due to priority demand of works in some other Council projects. Works expected to continue in October.	-\$145,753	50%
70248	MSWRF - Asset Renewal Expenditure Program - FY 21/22	Delays in first valve installation due to change in installation methodology. Valve is now scheduled to be installed in October.	-\$212,382	15%

2.3. Capital Projects Phases at End of September 2022

Currently tracking 669 capital projects in the 2022/23 year.

The below graph shows the phases of capital projects at the end of September 2022.



2.4 Key Contracts Approved for September 2022

Contracts finalised and approved during September 2022 are valued at \$2,283,152.23.

Below is a listing of the key contracts awarded during the same period.

Contract	Design / Construction	Amount Award (ex GST)	Contractor
MRC 2022-061 Northern Beaches Community Hub – Detailed Design	Design	\$1,444,553.95	CA Architects Pty Ltd
MRC 2023-003 Marian and Mirani Reservoir Refurbishment	Construction	\$636,280.00	Freyssinet Australia Pty Ltd
Quote 2023-009 Cement Stabilisation Works	Construction	\$202,318.28	Sat Civil Pty Ltd

PORTFOLIO MANAGEMENT OFFICE

3.1 Monthly Achievements - August

Moving forward with Empower has been a focus this month. Major and Contract Services schedules have been set-up allowing monthly updates to be completed in Empower. Training with Sensai the software developer has been scheduled for the PMO team in October and November.

The PMO team provided further training for staff in the Parks & Environment team who are responsible for managing the operationally delivered capital projects. The training involved the elements of using the Project Hub to store and share project documentation, progress projects through Gateway and how to update project schedules.

The PMO team has successfully migrated all files from the K:drive to the Team environment.

DESIGN SERVICES

4.1 Design Summary Report

Design Services commenced detailed design for two new programs for the Passenger Transport Infrastructure Grants. In total there are 17 upgrades to existing and new stops on the Translink route being part of the ongoing upgrade to “all abilities” compliance and shelter installation.

Detailed design has also commenced on several water main and major culvert projects being part of an ongoing program to replace or upgrade aging civil infrastructure.

Designs Completed

- ✓ Tolcher Street Park improvement
- ✓ Griffin Street Park improvement
- ✓ Christian Street water main replacement
- ✓ Harvison Street kerb and Channel replacement
- ✓ East Gordon Street shared pathway, Byron Street to Chain Street

Notable Designs in Progress:

- Sarina Youth Centre expansion
- Northern Beaches Community Hub earthworks including stormwater management
- Mirani Precinct frontage works
- Stages 1, 2 & 3 of Marwood/Sunnyside Road shoulder widening (nine kilometres)
- Continuation of the stormwater and road design of the Phillip Street extension through to Norris Road
- Design of Alsatia Park upgrade stages 1 and 2
- Camilleri Park upgrade stage 3
- Woodlands Park playground and track
- East Gordon Street and Goldsmith Street watermain replacements
- Horse and Jockey Road/ Lansdowne Road upgrade
- Forbes Road causeway upgrade
- Shoal Point reservoir upgrade
- Bassett Street Sewerage pump station upgrade
- Hamilton Street sewerage rising main renewal
- Artspace facility upgrade
- Stevenson Street water main renew
- Griffin Street water main renewal
- Shakespeare Street water main renewal.

4.2 Survey Office Summary Report

Overview

The focus on large projects and on water and sewer infrastructure renewals continued throughout September. One of the surveys required was for the existing trunk water main which crosses Alligator Creek Bridge. Council's surveyors used a combination of remote measurements from the bank and direct measurements from a boat to obtain the dimensions needed for the engineers to design new structural supports for the pipe.

Surveys were completed for:

- ✓ Archibald Street, West Mackay – Bluewater Trail to Cross City Link Paget
- ✓ Bruce Highway, Alligator Creek – Water main renewal on bridge
- ✓ Holts Road, Richmond – Intersection upgrade at Pioneer Street
- ✓ Hume Street, West Mackay – Water main renewal Bridge to Cemetery Road
- ✓ Munbura Road, Balberra – Culvert replacement
- ✓ Quarry Volumes – Comellis Quarry, St Helens Beach and Omands Quarry, Septimus
- ✓ Sewer Pump Station Renewals
 - ✓ Alexandria Road, Alexandra
 - ✓ Bedford Road, Andergrove

- ✓ Blackwood Street, Slade Point
- ✓ Bucas Drive, Bucasia
- ✓ Denman Avenue, Shoal Point
- ✓ Dianella Drive, Glenella
- ✓ Downie Avenue, Bucasia
- ✓ Heaths Road, Glenella
- ✓ Holts Road, Beaconsfield
- ✓ Main Street, Bakers Creek
- ✓ Pacific Esplanade, Slade Point
- ✓ Service Locations for:
 - ✓ Dunwold Lumburra Road, Gargett – Silver Creek Bridge
 - ✓ Mackay Bucasia Road, Beaconsfield – Water pump station booster upgrade
 - ✓ Nebia Coningsby Road, Farleigh – Pavement rehabilitation works
 - ✓ Owens Creek Loop Road, Gargett – Bob Hobbs Bridge



Figures 1 and 2: Surveying for renewal of the water main over Alligator Creek

4.3 **Estimating and Specifications Summary Report**

Overview

The Capital Works Estimating and Specifications (CWES) team have achieved one of its milestones in September by assisting two internal designers to produce an estimate through the Benchmark Estimating Software. We aim to complete this expansion with the rest of the internal designers progressively. We have also started a discussion with the Parks & Environment team to establish the 'fit for purpose' cost estimate template for Parks projects.

The CWES team have also completed reviews of the following estimates to identify any rates that are below current market conditions

Estimates:

- 22303 – Mirani Caravan Park, Roadway Upgrade.
- 29110 – Alsatia Park, Play Equipment Renewal.
- 57363 – Roy Court Glenella, Kerb and Channel Upgrade, Cul-de-sac only.
- 57369 – Valley Street Footpath Renewal.

CONTRACT SERVICES

5.1 Koumala Water Quality Upgrade – Water Treatment Plant

Overview

This project comprises the design and construction of a new water treatment plant in Koumala located on Water Tower Road, Koumala. The proposed project works includes the direct treatment of raw water being softened with the use of an ion exchange softening process.

Project Status

Activity	Delivery	Original Scheduled Start Date	Original Scheduled Completion Date	Budget	Comments
Construction	External	Mid December 2020	October 2021 Revised Date October 2022 – proof of performance testing.	\$2,563,301	C0-C4 commissioning completed. Once these have been accepted by MRC connection of the town water supply to the new facility will occur and proof of performance testing will start. POPT will occur for 1 month.

Funds obtained from 2019-2021 Local Government Grants and Subsidies Program.

Recent Project Activities

- ✓ C0-C4 Commissioning activities completed
- ✓ Operator Training

5.2 Sydney Street Water Main Replacement between River Street and Shakespeare Street

Overview

This project includes the replacement of the DN200 PVC (Unlined) water main running along the eastern side of Sydney Street between the extents of River Street and Shakespeare Street.

The works will include open trenching within a barricaded area as well as horizontal directional drilling (HDD), under-boring installation, in highly trafficked sections of Sydney Street, Gordon Street and Alfred Street intersections. The works will be predominantly within the existing parking lane and road shoulder.

Construction works will include new connections to business and house services, connections to existing reticulation infrastructure, supply and installation of new valves and hydrants, decommissioning of the existing water main, road restoration and rehabilitation works to all disturbed work areas including footpaths and grassed areas to pre-existing condition.

Project Status

Activity	Delivery	Original Scheduled Start Date	Original Scheduled Completion Date	Budget	Comments
Construction	External	Early September 2021	February 2022 Revised Date Mid-September 2022	\$3,881,616	Construction complete, defect and As Construction Documentation to be submitted

Recent Project Activities

- ✓ Stage 1 works complete from Shakespeare Street end through to Alfred Street
- ✓ Stage 2 works complete between Alfred Street and Gordon Street - under bore of Gordon Street too
- ✓ Stage 3 works complete across Gordon Street
- ✓ Stage 4 works complete from Gordon Street to Victoria Street
- ✓ Stage 6 works complete Victoria Street to River Street
- ✓ Stage 5 works complete Victoria Street/Sydney Street crossing

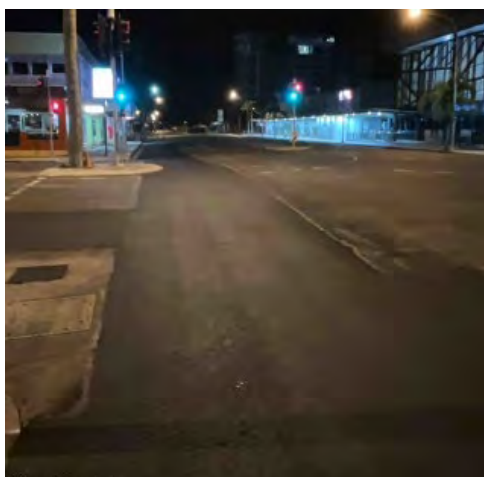


Figure 3: Connection of 375mm water main across Gordon Street

Figure 4: Asphalt on Gordon Street crossing

5.3 Pioneer River North Bank Shared Path - Stage 1

Overview

This project is the first stage of the Pioneer River North Bank Shared Path project which will link major residential areas, commercial precincts, parks/recreational areas, principal activity centres, hospitals and the CBD, and is staged to be constructed over a number of years. This first stage comprises delivering 0.5km of 3m wide (nominal) concrete shared path, 0.39km of boardwalk and various size connecting paths along the eastern and western sides of the Bruce Highway from the Sams Road intersection South to the Ron Camm Bridge, via a bridge underpass. Council was successful in obtaining 50% funding of the project estimated cost through the Cycle Network Local Government Grants Program 2019-2020.

Project Status

Activity	Delivery	Original Scheduled Start Date	Original Scheduled Completion Date	Budget	Comments
Construction	External	Early August 2021	March 2022 Revised Date October 2022	\$2,997,510	Remainder of materials received 20/09/2022, Contractor is currently installing these to finish off works.

Recent Project Activities

- ✓ Bike safe rail installation
- ✓ Clean up of areas
- ✓ Balustrade installation
- ✓ Handrail installation



Figure 5: Bikesafe installation



Figure 6: Remaining works underway



Figure 7: Final Works underway



Figure 8: Balustrade installed

5.4 Pioneer River North Bank Shared Path - Stage 2

Overview

This project is the second stage of the Pioneer River North Bank Shared Path project which will link major residential areas, commercial precincts, parks/recreational areas, principal activity centres, hospitals and the CBD, and is staged to be constructed over a number of years. The second stage comprises delivering 0.25km of 3m wide (nominal) concrete shared path, 0.15km of boardwalk and various size connecting paths along the western sides of the Bruce Highway from the Sams Road intersection North to the Gooseponds existing pathway. Council was successful in obtaining 50% funding of the project estimated cost through the Cycle Network Local Government Grants Program.

Project Status

Activity	Delivery	Original Scheduled Start Date	Original Scheduled Completion Date	Budget	Comments
Construction	External	Early August 2022	January 2023	\$1,574,889	TMR have granted access to site clearing activities underway and concrete pours on the footings have started.

Recent Project Activities

- ✓ Mobilisation to site
- ✓ Clearing of site in TMR road reserve
- ✓ Formwork installation for footing and drain liner
- ✓ Concrete pours underway



Figure 9: Footing Poured



Figure 10: Preparation on Saturdays Pour

5.5 Warland Street Drain Reconstruction - Stages 1, 2 & 3

Overview

This project comprises reconstruction of the existing open channel trunk drain in South Mackay. The extent of the open drain runs in two sections, Paradise Street to Warland Street and Warland Street to Milton Street running west to east within a freehold allotment behind residential properties. Approximate length in total is 530m.

Warland Street Drain has had significant adjacent development occur since the drain was originally constructed causing increased flow in the open channel. There have been significant public complaints due to flood overtopping potential, bank erosion and slip circle failure. In addition, the drain has been difficult to maintain due to poor access and vegetation growth. Silting during minor events largely reduces the cross-sectional depth of the drain and erosion of banks on major events has raised safety concerns from the residents of adjoining properties.

Project Status

Activity	Delivery	Original Scheduled Start Date	Original Scheduled Completion Date	Budget	Comments
Construction	External	Late July 2021	December 2021 Revised Date Late-October 2022	\$2,968,795	Concrete works completed for Stage 2 & 3. Landscaping underway. Fence and gates delay in arrival.

Recent Project Activities

- ✓ Stage 2 concrete base/batters and rat walls complete.
- ✓ Stage 3 concrete base, batters and rat walls all underway complete.
- ✓ Headwalls and wingwalls all installed in Stage 2 & 3. Landscaping and Turfing underway.



Figure 11: Stage 3 turfing Paradise Street end



Figure 12: Stage 3 turfing Warland Street end



Figure 13: Stage 2 turfing Milton Street end



Figure 14: Stage 2 Headwall, ramp complete and turf underway

5.6 Kelsey Creek Water Pump Station - Stage 2

Overview

This project involves the installation of an in-line filtering treatment process plant (WTP) using granular pre-filters and iron and manganese removal filters to reduce the level of iron and manganese levels below the Australian Drinking Water Guidelines (ADWG).

The Midge Point Water Supply System (MPWSS) is an isolated scheme supplying water from nine (9) bores, treating it at the Kelsey Creek Water Pump Station (KCWPS) located in Proserpine, pumped via a 375mm diameter water trunk pipeline from Kelsey Creek Water Treatment Plant (KCWTP) to Midge Point water reservoir for water storage and distributed via a reticulation network in Midge Point.

This augmentation project is for the design, supply, installation, and commissioning of treatment units as part of upgrade to the existing Water Treatment Plant. The project includes the construction of associated civil, structural, mechanical, electrical and communication infrastructure.

Project Status

Activity	Delivery	Original Scheduled Start Date	Original Scheduled Completion Date	Budget	Comments
Construction	External	August 2022	May 2023	\$1,347,803	Contract awarded and under Design by Contractor

Recent Project Activities

- ✓ 50% Design including electricals and control submitted by the Contractor. Design Reviewed by Council.
- ✓ Raw Water Pumps selected for procurement by Contractor. Council reviewed and issued to proceed with procurement to the Contractor.
- ✓ pH dosing system procurement has been brought forward to mitigate the current Manganese exceedance levels in the current raw water quality

5.7 Nebo Road Water Treatment Plant Media Replacement

Overview

This project involves undertaking critical work to refurbish the River Stage 2 Filters' performance with regards to filter run times and filtered water quality at the Nebo Road Water Treatment Plant (WTP).

The filter improvements are to be achieved by replacing the existing dual media filter beds (anthracite coal and sand) with a new dual media configuration (anthracite coal, sand, and two layers of garnet).

Project Status

Activity	Delivery	Original Scheduled Start Date	Original Scheduled Completion Date	Budget	Comments
Construction	External	August 2022	September 2022 Revised date Mid October 2022	\$1,478, 765	Contract awarded

Recent Project Activities

- ✓ Enabling works completed on Filters 9 and 10
- ✓ Filter 9 media replacement completed
- ✓ Filter 10 refurbishment works commenced

5.8 Pioneer Valley Culvert Replacement Works

Overview

Council has a significant network of road assets with over 2500 Km of local roads with associated drainage structures and has an ongoing inspection program undertaking condition assessments of rural culverts. Several culverts have been identified as requiring replacement due to damage that has occurred to structures or found to be at the end of their serviceable life, in need of renewal beyond regular maintenance.

This project is for the removal and replacement of stormwater culvert structures within the Pioneer Valley area as follows:

- Site 1 - Owens Creek Loop Road culvert, Owens Creek
- Site 2 - Owens Creek Loop Road culvert
- Site 3 - Mirani Bolden Road replacement drainage culvert, Mirani

Project Status

Activity	Delivery	Original Scheduled Start Date	Original Scheduled Completion Date	Budget	Comments
Construction	External	September 2022	January 2023	\$1,132,763.33	Contractor appointed

Recent Project Activities

- ✓ Delivery of pre-cast concrete culvert products in progress
- ✓ Procurement and tender evaluation for civil works have been completed and Contract awarded to Pentacon Pty Ltd

5.9 Gooseponds & Seaforth Creek Bank Protection Works

Overview

Council is undertaking this project to stabilise and protect the banks of Gooseponds Creek and Seaforth Creek following continuing erosion, which is threatening private properties in both locations and the current road formation of Evans Avenue, Seaforth.

At Gooseponds Creek, bank protection works were previously constructed in 2001. After Cyclone Debbie in 2017, significant erosion occurred to the creek bank on the northern end of these works and necessitated the continuation of bank protection works, per this project.

At Seaforth Creek, design was undertaken in 2015 and construction staged due to budget constraints. Stage 1 was previously constructed in the 2016/2017 financial year and this project is the construction of Stage 2 works.

Project Status

Activity	Delivery	Original Scheduled Start Date	Original Scheduled Completion Date	Budget	Comments
Construction	External	July 2022	Gooseponds – early Sept 2022 Seaforth – mid October 2022 Seaforth Revised Date -end September / early October 2022	\$1,581,033	Gooseponds site – works are completed with a small area of turfing to be finalised before the end of September 2022. Seaforth site – works are essentially completed with Contractor to demobilise end of September. Some bollards to be installed and re-vegetation works to be undertaken. Project is ahead of schedule.

Recent Project Activities

- ✓ Contract awarded to Vassallo Constructions.
- ✓ Works complete at the Gooseponds Creek site with only a small area of turfing works to be completed late September. Landscape maintenance period is for a period of approximately 3 months.
- ✓ Works are essentially complete at the Seaforth Creek site. Some bollards to be installed, tidying up and revegetation works remaining.



*Figure 15: Seaforth Creek Bank Protection Works, from Southern end looking North.
Previous Stage 1 works in the middle section where grass has revegetated over the rock work.*

MAJOR PROJECTS

6.1 Animal Management Centre

Overview

The Animal Management Centre (AMC) is in construction phase, the new facility will cater for the growing needs of the Mackay Animal Management Services. The scope of works includes the construction of a new administration building, two new kennel buildings and a cattery.

Project Status

Activity	Delivery	Original Scheduled Start Date	Original Scheduled Completion Date	Budget	Comments
Construction	External	<u>STAGE 1</u> December 2020	<u>STAGE 1</u> July 2021	\$3.39M	Project delays due to COVID19 impacts on resources and wet weather.
			Actual December 2021		Performance of contractor lacking ability to deliver to program.
		<u>STAGE 2</u> July 2021	<u>STAGE 2</u> November 2021		Project is within budget.
			Revised Date September 2022		

Recent Project Activities

The Contractor has completed the new purpose-built enforcement kennel and cattery building (Stage 2) with minor defects being addressed over the coming weeks, in preparation for the official opening at the end of this month.

Upcoming planned works includes:

- Commissioning of the new building (Stage 2)
- Preparation for official opening

The outcomes of the project will include increased capacity to house cats and dogs, increased wellbeing for the animal's housed and an increase in safety and risk reduction for both animals and staff.

The Health & Regulatory Services staff will continue to provide their current level of service during the entire construction process.



Figure 17: Animal Management Centre

6.2 Northern Beaches Community Hub

Overview

The Northern Beaches Community Hub is a large multi-staged project that will ultimately provide a community facility for all of Mackay's resident's, visitors and businesses and is situated within the Northern Beaches area.

The project is currently broken into the following stages:

- **Stage 1 – Current Works**
 - **Civil Works (early works)** – Drainage, earthworks and J4 Road including intersections of Eimeo Road and Rosewood Drive.
 - **Stage 1A** – Covered Multipurpose & Play Area
 - **Stage 1B** – Library & Community Hub
- Stage 2 – Aquatic Centre (future works)
- Stage 3 – Development Area (future works)

Stage 1A

In general terms, the scope comprises the new multi-purpose covered areas (including netball line markings), adult change rooms, parking area, nature play spaces along the eastern edges of the site and adjoining the Library Hub, a picnic area and landscaping, pedestrian links and internal roads.

Stage 1B

In general terms, the scope comprises the library and various meeting, program and activity rooms, café, town square and landscaping, pedestrian links and internal roads.

Stage 2

Future works comprises of the Aquatics Centre, Kick & Throw space adjoining the Centre.

Stage 3

Future works and final Stage comprise the development of the northern parcel.

The tender for the Design Consultancy Services for Stages 1A & 1B of the Community Hub was released on 21.05.2022 and closed on 28.06.2022. After tender assessment the contract for the Design Consultancy Services was awarded to CA Architects Pty Ltd on 26th September 2022. The design phase for Stage 1A is expected to be completed by the end of June 2023.

Civil Works Status

The design of the J4 road component is being finalised. The delivery of J4 Road and associated works are proposed to be completed by MRC Field Services.

Following completion of the Drainage and earthworks design component, Council will be able to proceed with the tender phase commencing shortly thereafter.

Project Status

Activity	Delivery	Original Scheduled Start Date	Original Scheduled Completion Date	Budget	Comments
Multi-sports covered area (Stage 1A)	Design Phase	October 2022	June 2023	\$10.75M (\$6.5M funded)	Tender for Design Services closed and Consultant awarded.
Community Hub – Main Building (Stage 1B)	Design Phase	October 2022	August 2023	\$37.25M	Tender for Design Services closed and Consultant awarded.
Civil Works	Design Phase	February 2022	October 2022	TBA	Budget Estimate available at conclusion of design

Recent Project Activities

- ✓ Federal funding under Building our Future Fund approved for Stage 1A
- ✓ State funding application outcome pending for Stage 1B under Resources Community Infrastructure Fund.
- ✓ Tender for Design Consultancy Services of Stages 1A and 1B closed and awarded
- ✓ Stakeholder engagement continuing
- ✓ Civil Design Documentation approximately 95% complete
- ✓ Electrical/Lighting design 95% complete
- ✓ J4 road design 98% complete
- ✓ Flood modelling investigation has been completed. Design has now been progressing for earthworks, eastern drain and landscaping design.



Figure 18: Artist Impression of Northern Beaches Community Hub

6.4 Seaforth Esplanade

Overview

The Seaforth Esplanade Master Plan sets a vision for the continued development of the Seaforth Esplanade and identifies the community's priorities for delivering additional recreational infrastructure aimed at increasing the liveability of Seaforth and attracting visitors to the Hibiscus Coast.

Project Deliverables will include:

- Children's playground
- Waterplay feature to replace the aged wading pool
- New public amenities with change room facilities and external beach showers
- Accessible adult change facility
- Extension of the existing car park
- Replacement of the existing picnic/BBQ facilities (shelters and furniture)
- New fencing and/or bollards to control unauthorised vehicle access to the Recreational Hub
- Expansion of the path network

Works for Queensland announced funding to the value of \$2.2M in conjunction with council's proposed contribution of \$6.45M bringing the total estimated project costs to \$8.65M.

Project Status

Activity	Delivery	Original Scheduled Start Date	Original Scheduled Completion Date	Budget	Comments
Detailed Design	External	April 2021	July 2021 Revised Date April 2022	\$8.65M	Scope change adding additional stages delayed design. Delay in consultant completing detail design and meeting MRC requirements. Design has now been completed. Construction awarded and anticipated to commence September 2022
Construction	External	May 2022 Revised Date August 2022	December 2022 Revised Date September 2023		

Recent Project Activities

Contract was awarded during August to Vassallo Constructions Pty Ltd, project completion scheduled by September 2023:

- ✓ Possession of Site granted 30.08.22
- ✓ Demolition work almost complete
- ✓ Fencing installation commenced
- ✓ Footpath construction commenced
- ✓ Carpark works commenced



Figure 19: Dune protection post & rail fencing



Figure 20: Footpath construction underway

6.5 Riverside Revitalisation

Overview

The Mackay Waterfront Priority Development Area was declared on 25 May 2018 to kick start a visionary project that will improve the tourism aesthetic, liveability and economic activity in Mackay's CBD and wider region.

The Mackay Waterfront Revitalisation project is being developed in three stages:

- Riverside Link
- Riverside Pontoon
- 8 River Street Improvements

The projects aim to enhance the public realm along the riverfront and allow the Mackay community to access and enjoy the amenity provided by the Pioneer River.

Project Deliverables include:

- Roadworks to convert the two-way section of River Street into a one-way street (west bound) creating increased numbers of carparks
- General minor earthworks to support the roadworks
- Shared footpaths and surface treatments
- Significant landscaping improvements (numerous trees & other plantings, seating, irrigation)
- Bespoke pavilion shelters and furniture
- Public toilet facilities
- Bank stabilisation works (tidal works) along the rock wall opposite Burns Street
- Road lighting, feature lighting and other electrical works
- New water & sewer infrastructure works as required to service the area
- Refurbishment of 8 River Street
- New pontoon to encourage tourism and recreation activities

This project has received \$4.1M in funding from the Australian Government, Building Better Regions Fund.

Project Status

Activity	Delivery	Original Scheduled Start Date	Original Scheduled Completion Date	Budget	Comments
Riverside Link	Construction (External)	March 2022	December 2022	\$7.3M	Construction works underway and on schedule
Riverside Pontoon	Design and Construction	June 2022	December 2023	TBC	D&C tender expected to be released in September 2022
8 River Street Improvement	Design & Construction	June 2022	December 2023	TBC	D&C tender expected to be released in September 2022

Recent Project Activities

- ✓ Riverside Link
 - Underground Services all substantially complete
 - Installation of bespoke furniture commenced
 - Installation of amenities commenced
 - Construction of Shelters commenced
 - Roadworks on River Street undertaken with road now one directional

- ✓ Riverside Pontoon
 - Functional brief is being developed to enable a design and construct methodology to be adopted
- ✓ 8 River Street Improvements
 - Structural remediation design works are progressing with a methodology to be adopted which will allow the works to be tendered.
 - Concept designs are being produced to enable the development of the refurbished external façade and other internal works to bring the building back to a leasable building.



Figure 21: Installation of the pavilion shelter

6.6 Woodlands District Park

Overview

The Woodlands District Park project is being undertaken to address a critical shortage of district-level parks in the region. The park will cater to the recreational needs of residents living in the adjoining suburbs of Andergrove & Beaconsfield.

The 21-hectare Woodlands District Park will be created by the amalgamation of several existing parks including Broomdykes Drive Park, Schnapper Court Park, Woodlands Reserve, Domino Crescent Park and Council owned allotments.

In accordance with the Masterplan, the works to be included in the park have been broken into four stages. The first stage will include widening the drainage channel, new pathway connectivity, installation of BBQs and picnic settings, provision of amenities, lighting and landscaping improvements. Also, to be included is an accessible adult change facility (AACF) and an all-abilities playground.

This project has received \$2M funding from the State Government's Works for Queensland (W4Q) funding.

Project Status

Activity	Delivery	Original Scheduled Start Date	Original Scheduled Completion Date	Budget	Comments
Detailed Design of Stormwater, pathway and amenities	Internal / External	Commenced	January 2022 Revised Date June 2022	\$2M	Detailed design completed.
Construction of Stage 1 – Phase 1, stormwater, pathway and amenities	External	October 2022	March 2023		Tender released, closing date 06.09.22
Design of the All-abilities Playground and Adult Accessible Change Facility	External	July 2022	December 2022	\$1.5M	Consultants recently engaged to undertake this design.

Recent Project Activities

- ✓ Civil Design finalised
- ✓ Tender for Stage 1 - Phase 1 closed 6 September 2022
- ✓ 2 x Tenders received, currently being assessed
- ✓ Playground design underway

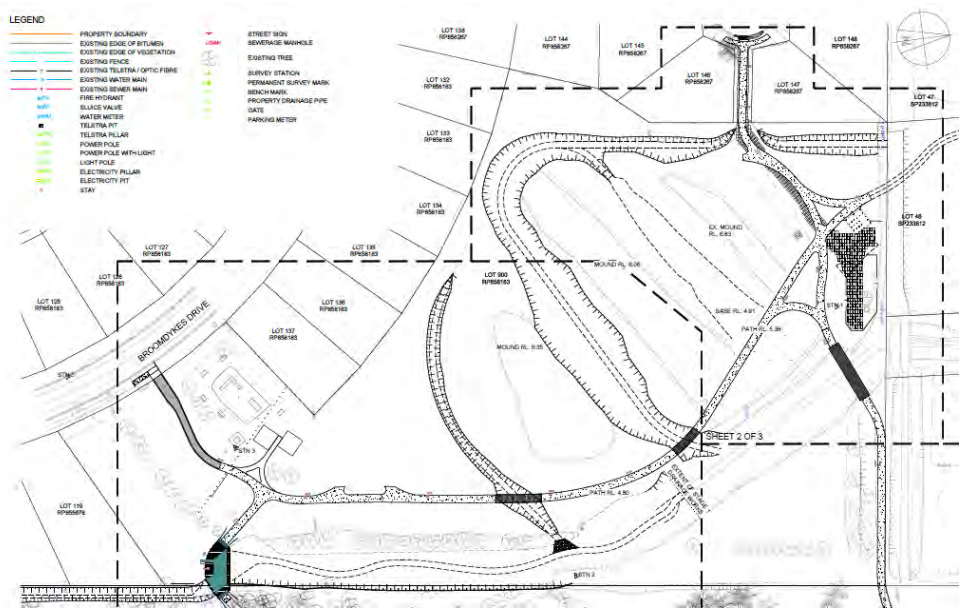


Figure 22: General Arrangement Plan for Stage 1, Phase 1 works

6.7 Pioneer Valley Mountain Bike Trails

Overview

The Pioneer Valley Mountain Bike Trail Project is currently in design phase with many components of the project currently in progress.

Finch Hatton Trailhead

Development Assessment (DA) approval documentation is underway for the trailhead site and associated Council owned freehold land. DA was submitted mid-August and is currently in the information request stage.

Ground Truthing of Trails and Cultural Heritage Investigations

Ground truthing of trails commenced in December 2021. World Trail have now completed the ground truthing with approx. 94km of trails ground truthed.

Council has commenced the development of a Cultural Heritage Management Plan with Yuwi and discussions with Widi have also occurred in August 2022.

Council aims to complete the construction of the Finch Hatton trailhead, pump track and Stage 1 trails by end of 2023.

Activity	Delivery	Original Scheduled Start Date	Original Scheduled Completion Date	Budget	Comments
Ground truthing activities	External	December 2021	September 2022	\$200,000	World Trail have completed ground truthing of trail alignments, over a number of visits. AHS and Yuwi then completing cultural heritage survey.
Development Assessment	External	August 2022	May 2023		As per Council briefing 14 Sept '22, worst case for DA approval is May '23.



Figure 23: One of the creek crossings in Stage 1 area

6.8 Milton Archibald Intersection Upgrade

Overview

The construction of a single lane roundabout at the intersection of Milton Street and Archibald Street is well advanced. The scope of works will include the construction of the roundabout and associated works including the relocation of telecommunication and electrical services, watermain relocation and the installation of new trunk drainage infrastructure.

The contractor, Bellwether Contractors, commenced onsite in mid-June 2021. The project has been impacted by issues around supply of materials, supply of labour including impacts from Covid, unsuitable subgrade material and inclement weather.

Care has been taken to ensure the neighbouring properties and the community are informed of the works and associated traffic impacts.

The project is expected to be completed in September 2022.

This project is funded 50% by The Department of Transport and Main Roads, Transport Infrastructure Development Scheme (TIDS).

Project Status

Activity	Delivery	Original Scheduled Start Date	Original Scheduled Completion Date	Budget	Comments
Construction	External	June 2021	December 2021 Revised Date September 2022	\$3.8M	Pavement works complete. Line marking, concreting of medians & landscaping underway.



Figure 24: Completion works in progress

FIELD SERVICES

7.1 Pioneer Street Rehabilitation

Overview

All road networks suffer pavement surface deterioration from traffic and environmental impact. Shoulder widening is designed to improve road safety and longevity, surface correction and pavement strengthening. This road was identified as requiring intervention and pavement rehabilitation, to prolong the life of the pavement. Pioneer Street is a Rural Major Collector as per the MRC Road Hierarchy, with an average seal width of 6.2 m. The scope of work also involves minor formation widening to achieve a 7.0 m cross section include two 3.0 m lanes and two 0.5 m shoulders.

Project Status

Activity	Delivery	Original Scheduled Start Date	Original Scheduled Completion Date	Budget	Comments
Construction	Internal	Late July 2022	Dec 2022	\$3,325,000	Negotiations ongoing with QR around relocation of their assets

Recent Project Activities

- ✓ Subgrade Replacement is completed for the section from Holts Road to the Qld Rail corridor
- ✓ Subbase Stabilisation is completed for the section from Holts Road to the Qld Rail corridor
- ✓ Majority of property access pipes installed



Figure 25: Looking South toward to Roundabout/Railway Line



Figure 26: Looking North toward to Holts Road

11.3. DEVELOPMENT SERVICES

11.3.1. DEVELOPMENT SERVICES MONTHLY REVIEW REPORT - SEPTEMBER 2022

Author	Director Development Services (Aletta Nugent)
Responsible Officer	Director Development Services (Aletta Nugent)
File Reference	DMRR

Attachments	1. Development Services Monthly Review Report - September 2022 [11.3.1.1 - 23 pages]
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Purpose

To provide Council with the Development Services Monthly Review Report for the month of September 2022.

Related Parties

Nil

Officer's Recommendation

THAT the Development Services Monthly Review Report for September 2022 be received.

The Director for Development Services Aletta Nugent, provided an overview and highlights of the Development Services Monthly Review Report for September 2022.

Cr Mann queried the difference between major and minor repairs to playground equipment.

The Director advised that she would take the question on notice.

Cr Mann referred to the RV Strategy and noted the comment that contact has been made with the consultant and a meeting was planned for October 10. Cr Mann queried if that meeting had gone ahead and what the next steps would be.

The Director advised that the meeting had gone ahead with officers providing the consultant an overview of the recent Camping Analysis Report and other key projects including the Mountain Bike Project, Recreational Fishing Strategy activities, as well as the program and activity schedule for the project. The Director advised that there will be a briefing for Councillors in late January or early February.

Cr Jones noted that it had been some time since Councillors had been briefed on the council land tender and queried if an update could be given.

The Director advised that a briefing had been scheduled for November.

Council Resolution ORD-2022-311

THAT the Development Services Monthly Review Report for September 2022 be received.

Moved Cr Townsend

Seconded Cr Hassan

Cr Townsend highlighted the success of the vacant tenancy window activation program and the work City Heart traders have done to add to the ambiance of the city centre. Cr Townsend offered her congratulations to

the management, staff and volunteers at the Sarina Sugar Shed for their outstanding sales results for the month of September and noted that they had taken out a number of awards at the recent Tourism Awards. Cr Townsend highlighted the vital role volunteers play in the community and offered a shout out to the volunteers at the Botanical Gardens, who work on Sundays to keep the Visitor Information Centre open.

CARRIED



Development Services

Monthly Review Report

September 2022

Executive Summary

DEVELOPMENT SERVICES

This report is for Development Services for September 2022. Some highlights from this period are as follows:

- Council has formally commenced the amendment to the Mackay Waterfront Priority Development Area (PDA) in accordance with the *Economic Development Act 2012*. The proposed amendment will be sent to Economic Development Queensland for a State interest review prior to public notification.
- The draft Mackay Urban Greening Strategy has been prepared and was presented to Council at a briefing in September. The draft Strategy considers how to enhance, protect and sustain the quality and quantity of trees and vegetation in our urban areas. The draft Strategy will undergo public consultation in October.
- A range of activities were undertaken at the Mackay Regional Botanic Gardens in September as part of National Wattle Day. There were social media posts and displays as well as wattles for sale and giveaways. Several wattle themed items were available for sale in Visitor Information. There was a guided walk focusing on wattles and a self-guided map was produced.
- The tender for the consultancy for the Pioneer Valley Mountain Bike Trail Destination Marketing Plan and Brand Guide was advertised and will close on 11 October.
- The Mackay Isaac Lucky Catch and Snap competition was held during September. The inaugural event attracted over 500 registrations and one angler walked away with a \$15,000 cash prize. Multiple prizes were awarded to junior anglers and other participants.
- The Sarina Sugar Shed was busy in September with visitation and tours, particularly during the school holiday period. In the month of September, there were 43 bookings on the special school holiday kids tour, 24 bookings for the Rum Distillery tour, 458 bookings for the Sugar Shed tour and 44 bookings for the combined Rum Distillery/Sugar Shed tour.



Aletta Nugent
Director Development Services

Rumble on The Reef Wakeboarding



Development News

09/2022

Updates on significant developments currently being assessed by Council

APPLICATION LODGED

DA-2022-184
Lodged 29 September 2022
40-42 Caterpillar Drive, Lot 68 Industroplex Drive and Lot 601 Diesel Drive, Paget

Application lodged for Material Change of Use for Warehouse, Low Impact Industry and Outdoor Sales



APPLICATION LODGED

DA-2022-177
Lodged 14 September 2022
279 Diggings Road, Eungella

Application lodged for Material Change of Use for a Food and Drink Outlet and Farm Based Tourism

APPLICATION DECIDED

DA-2022-117
Approved 8 September 2022
10 Valroy Street, Hay Point

Development Permit issued for Material Change of Use for a Service Station (Unmanned Re-Fuelling Station)



APPLICATION DECIDED

DA-2022-46
Approved 2 September 2022
Lot 301 Mackay-Bucasia Road, Rural View

Development Permit issued for Material Change of Use for a Childcare Centre


THINK SAFE, STAY SAFE.

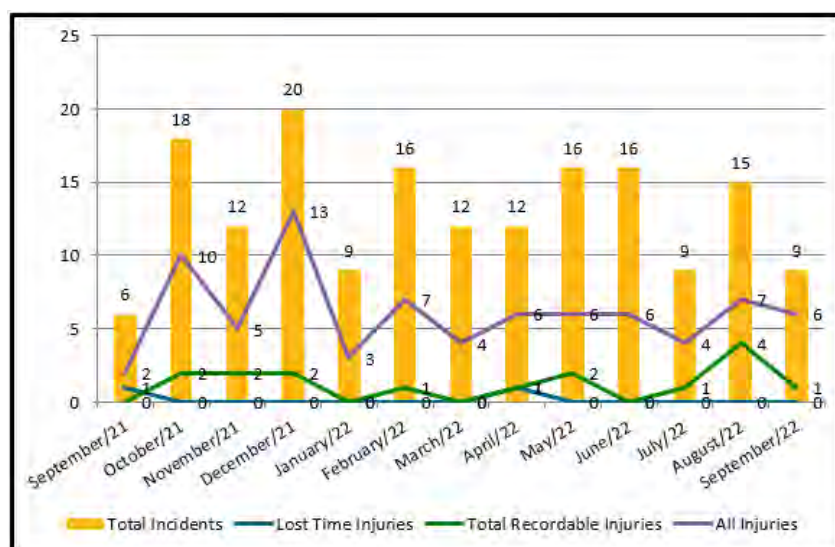

Safety Review Summary

In September 2022:

- Thirty-five safety interactions were undertaken.
- Three site safety inspections were undertaken.
- 100% of monthly action plans activities were carried out.

Nine incidents were reported in September, involving MRC employees, members of the public or contractors.

Incidents and Injuries



The following injuries to MRC employees were reported in September:

- When loading green waste into bin a branch has flung back striking left thumb.
- Slipped on wet concrete, falling and grazing knee.
- While setting up for meeting, found wall mounted computer on the floor, while picking it up, scratched arm on exposed screw.
- Bent down and strained muscle while changing whipper snipper cord.
- While loading mower, stepped down from draw bar of trailer and felt pain in leg.
- While pulling vine imbedded in garden bed, felt pain in back.

The following asset damage incident involving MRC employees was reported in September:

- Recently inflated tyres, (to recommended pressure) and tyre popped soon after.

The following incidents involving a member of the public was reported in September:

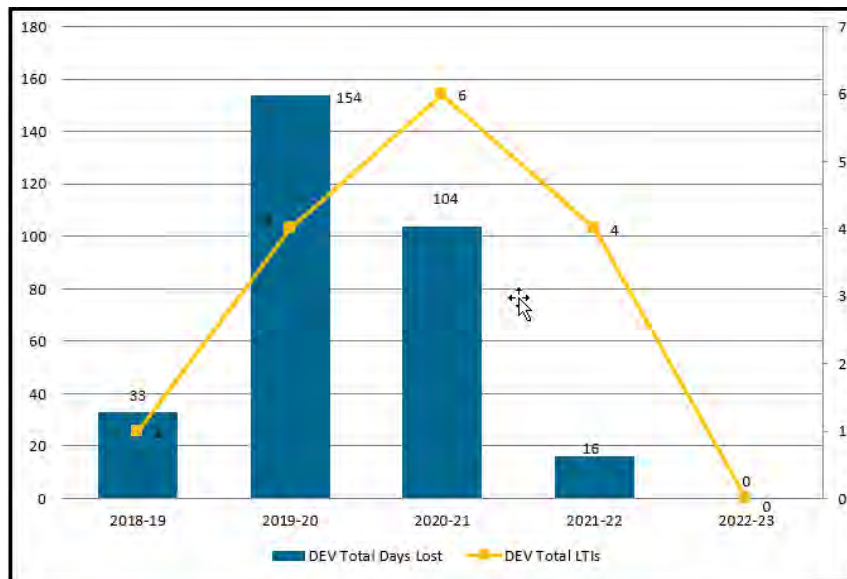
- Stubbed toe while opening toilet door.

The following near miss incident involving MRC employees was reported in September:

- Boom spraying curb stopped operations to allow NSM to walk past. NSM attempted to enter machine and operator quickly locked doors.

Each incident is investigated, and appropriate corrective measures implemented to reduce future risks.

Lost Time Injuries & Days Lost



Department	2018-19		2019-20		2020-21		2021-22		2022-23	
	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost
Development Planning & Engineering										
Parks & Environment	1	33	1	154	6	104	4	16	0	0
Strategic Planning										
Economic Development & Tourism										
Development Services Total	1	33	1	154	6	104	4	16	0	0

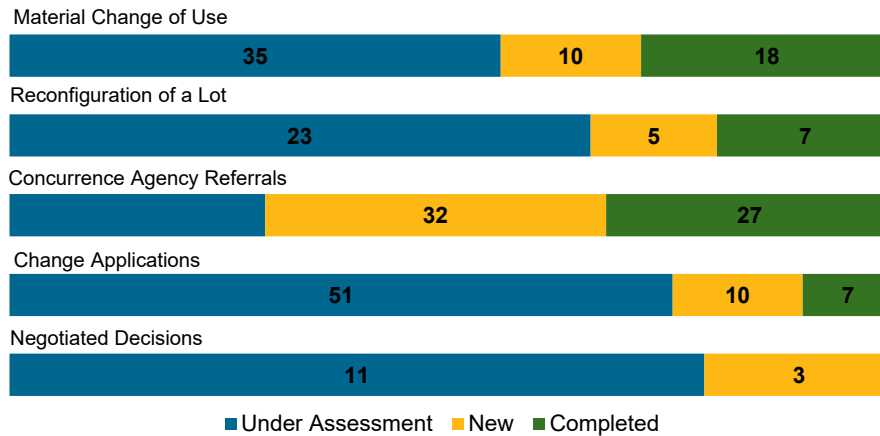
For the 2022-23 year, no lost time injuries have been recorded.

Review of Operations

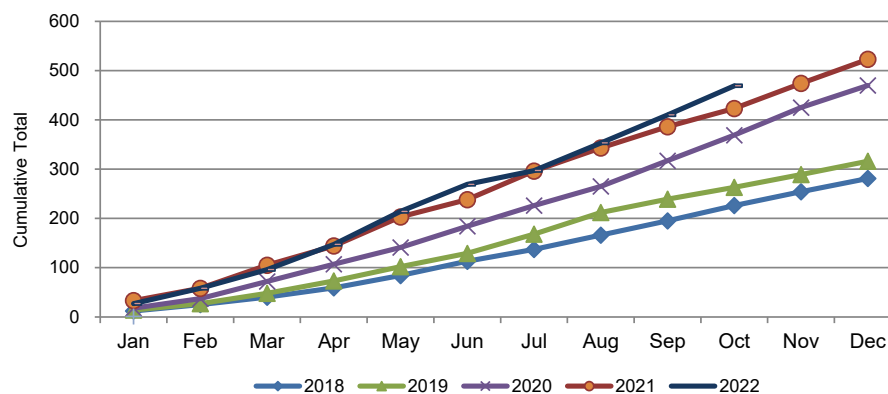
DEVELOPMENT ASSESSMENT

- On Track
- Potential Issue
- Definite Issue

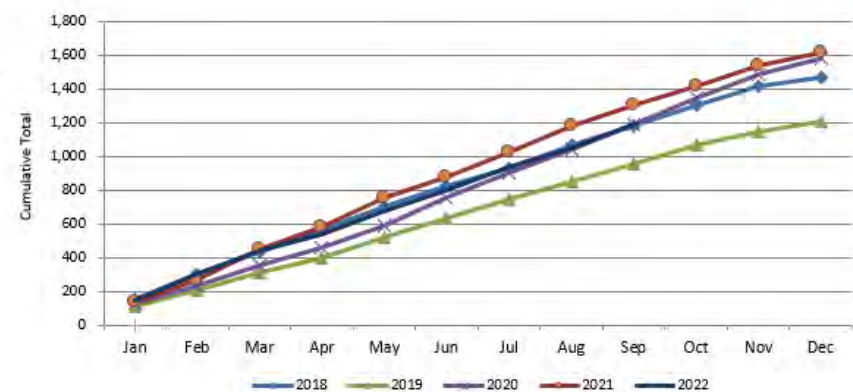
Volume of Operations

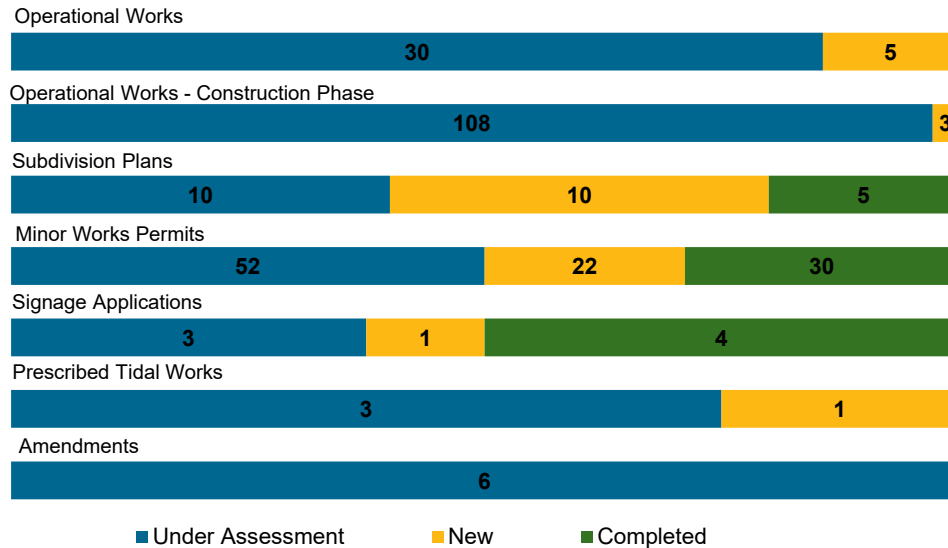
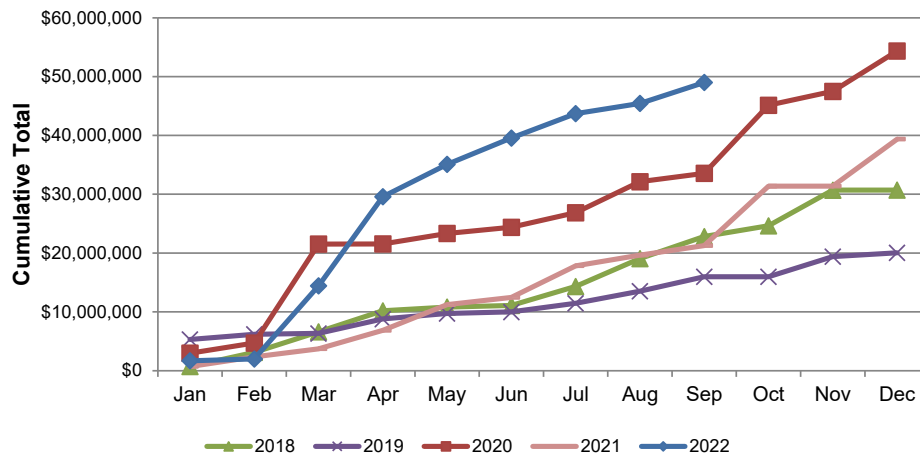


Cumulative Number of Approved Development Assessment Applications



Cumulative Number of Planning Enquiries



DEVELOPMENT ENGINEERING**Volume of Operations****Value of Approved Construction Works**






The value of approved Operational Works in September totaled \$3 572 692.

Development Planning and Engineering Performance Against Legislative Timeframes

Application	Status	% Decided
MCU Code (85% in 35 Days)	●	100% decided in 35 days
ROL (85% in 35 Days)	●	71% decided in 35 days. Eight applications were decided, with three being outside of the KPI due to delays caused by negotiating development conditions
Concurrence Agency (85% in 10 Days)	●	100% decided in 10 days
Minor Works (85% decided in <20 days)	●	76% decided in 20 days. Thirty applications were decided, with seven being outside of the KPI due to delays in signing, Mackay Sugar requiring further information for one application and resolving unlawful works for one application
Signage Applications (85% decided in <20 days)	●	75% decided in <20 days. Four applications were decided, with one being outside of the KPI due to delays caused by negotiating development conditions
Operational Works (85% decided in 35 days)	●	83% decided in 35 days. Six applications were decided, with one being outside of the KPI due to amendments being required to the final design
Plan Sealing (85% decided in 20 days)	●	75% decided in <20 days. Four applications were decided, with one being outside of the KPI due to the issue of an Action Notice requiring several items to be addressed prior to signing of the survey plan

**Note that the Development Planning and Engineering Program is currently sitting at a 20% vacancy rate primarily in Development Planners. This is having an impact on meeting KPIs. Notwithstanding this, the Program is working with the development industry, working to meet the expectations of its customers.*

STRATEGIC PLANNING

Regional and Local Area Planning		
Projects	Status	Description / Update of Project
Mackay Region Planning Scheme – Planning Scheme Policy (PSP) review		<p>Council has now completed four rounds of planning scheme policy amendments. In 2022/23 the review of the following Planning Scheme Policies (PSPs) continues to progress through a governance process by relevant internal programs:</p> <ul style="list-style-type: none"> • Planning scheme policy – geometric road design • Planning scheme policy – operational works application and construction requirements – draft document prepared and forms being prepared • Planning scheme policy – healthy waters – draft document nearing finalisation • Planning scheme policy – constructed lakes.
Mackay Region Planning Scheme – Major amendment 3		<p>The State interest review for proposed Major amendment 3 is underway. Consultation of the proposed amendment will occur after completion of the State interest review.</p> <p>The purpose and general effect of the proposed amendment is to:</p> <ul style="list-style-type: none"> • Facilitate commercial and other specific non-residential uses within designated precincts and through appropriate provisions under the Township zone in the Finch Hatton and Eungella townships • Encourage wider range of uses or adaptive re-use by changing the zone of a small number of lots to Township in the Finch Hatton and Eungella townships • Reduce the levels of assessment for certain uses to facilitate appropriate development outcomes for the Finch Hatton and Eungella townships in support of the Pioneer Valley Mountain Bike Trails Project.
Mackay Waterfront PDA development scheme – proposed amendment 1		<p>At its meeting on 28 September 2022, Council resolved to commence the amendment to the Mackay Waterfront Priority Development Area (PDA) development scheme in accordance with the <i>Economic Development Act 2012</i>. The proposed amendment will be sent to Economic Development Queensland for a State interest review prior to public notification.</p> <p>The purpose and general effect of the proposed amendment is:</p> <ul style="list-style-type: none"> • Improve the 'line of sight' between the strategic framework and the PDA development requirements • Improve the use of the strategic framework in development assessment • Improve the legibility and workability of development requirements • Facilitate new opportunities to ensure the Mackay Waterfront PDA remains competitive and attractive to development, which align with recent amendments to the Mackay Region Planning Scheme • Ensure PDA accepted development categories are workable and align with other regulatory instruments • Update the implementation strategy • Remove repetition or redundant content.
Finch Hatton and Eungella Township local planning		<p>A local planning framework for the Finch Hatton and Eungella townships has been prepared to support proposed amendments to the planning scheme and the Pioneer Valley Mountain Bike Trail Project.</p> <p>Further project work involving investigations and planning is being considered in relation to potential public realm, placemaking and wayfinding projects for both townships.</p>
Northern Beaches Community Hub		<p>The Masterplan for the Northern Beaches Community Hub site was endorsed by Council in December 2021.</p>

		Tenders for the detailed design of Stage 1A and 1B was awarded in September 2022. Work is progressing on the site infrastructure detailed design including roads, drainage, and other services.
Mackay Urban Greening Project	●	<p>Urban greening provides a broad range of community, environmental and economic benefits. These include improving physical and mental health, providing shade from the hot sun and reducing stormwater loads into receiving waters. The Mackay Urban Greening Project considers how to enhance, protect and sustain the quality and quantity of trees and vegetation in our urban areas.</p> <p>The draft Strategy document has been prepared and was presented to Council at a briefing in September. The Strategy will undergo public consultation within the next few months.</p>
Environmental Sustainability Strategy 2017-2022	●	<p>The Environmental Sustainability Strategy acts as a roadmap, moving Council along a sustainability maturity curve – past a focus on ‘Environmental Sustainability’ and toward a more integrated approach where sustainability is fully embedded within corporate risk, strategy and planning frameworks. Council endorsed the extension of the Environmental Sustainability Strategy to 2025 in August 2022. In addition, Council endorsed a pathway of net zero carbon emissions by 2031 (excluding carbon generated by waste management) as the target for the Energy and Carbon Management Plan to be developed.</p> <p>The Sustainability Executive Group (SEG) oversees implementation of the Environmental Sustainability Strategy. In 2021, the SEG approved the establishment of five working groups to implement the Strategy’s action plan.</p> <p>Three of the five working groups have been established:</p> <ul style="list-style-type: none"> • Natural Assets and Biodiversity – established August 2021 • Energy and Carbon Management – established August 2021 • Corporate Waste Management – established March 2022. <p>Two groups are yet to be established:</p> <ul style="list-style-type: none"> • Climate Risk Management • Corporate Strategy.

Stormwater		
Projects	Status	Description / Update of Project
Mackay Coast Our Future - Coastal Hazard Adaptation Study	●	<p>Council was successful in its application for funding assistance from the Queensland Government through the Local Government Association of Queensland (LGAQ) QCoast2100 Program to complete a coastal hazard adaptation study. The study will provide a strategic approach to managing coastal hazards in the Mackay Region.</p> <p>Consultation on initial stages of the project has commenced, including a community survey on coastal values.</p>
McCreadys Creek Flood Study	●	<p>Council has received funding assistance from the Queensland Government through the 2019-2020 Resilience and Risk Reduction Funding to deliver a Flood and Stormwater Study over the McCreadys Creek Catchment. The study included an aerial LiDAR survey over the catchment which was completed in 2021 to capture the extensive development that has occurred since the last aerial survey was completed in 2015.</p> <p>The study has progressed to the development of a flood model to provide an understanding of flood hazards across the catchment. The model will ultimately be used to inform planning and development within the catchment and assist with the assessment of mitigation options to target any high flood risk locations identified.</p>

Transport & Infrastructure Planning		
Projects	Status	Description / Update of Project
Growth Allocation Model	●	The Mackay Growth Allocation Model 2020 run was completed. Lead and lag statistics are continually monitored to measure growth projections against actual economic activity and population movements.
Local Government Infrastructure Plan Review	●	The review of the current Local Government Infrastructure Plan has commenced with internal stakeholders.
Northern Beaches Area Transport Planning	●	A consultant has been engaged to develop the Northern Beaches Road Traffic Model which will be used for road network scenario testing.

MACKAY CITY AND WATERFRONT

Mackay City and Waterfront		
Projects	Status	Description / Update of Project
Council Land Tender	●	<p>Following Council endorsement in December 2021, Council continues to work with ReNew Mackay Pty Ltd in relation to the development rights of six Council owned sites. The development agreement stipulates a process and timeframes for development to occur on each of the sites, which includes a mix of residential, retail, health and hospitality offerings.</p> <p>The proposal by the ReNew consortium also includes development on their privately owned sites, in addition and complementary to the six public sites. Council is meeting with Renew Mackay on a regular basis to discuss their development proposals, staging and design approach. A briefing to Council in relation to this has been scheduled for November.</p>
Riverside Revitalisation Project	●	<p>The Riverside Revitalisation Project was successful in receiving funding under the Federal Government Building Better Regions Fund Round Five. The contribution from the Federal Government will be \$4.12M towards a total project cost of \$10M.</p> <p>Construction of the first stage of the Riverside Revitalisation Project is underway following the award of the \$5.5M contract to Woollam Constructions in early 2022. The design includes a large pavilion, activity shelter, amenities block, picnic areas, a shared path and multiple seating areas overlooking the Pioneer River. Construction is currently on track to be completed prior to the end of year. River Street has also now permanently changed to one-way traffic flow in a westerly direction between Carlyle and Lawson Streets.</p> <p>The design and tender documentation for the existing Riverfront building and pontoon is in its final stages with a tender document expected to be released in the coming month.</p>
River and Sydney Street Intersection upgrade	●	<p>Council continues to meet monthly with the Department of Transport and Main Roads (TMR) to progress the design of the intersection upgrade at River Street and Sydney Street to improve pedestrian and cycling safety along the Bluewater Trail. The project was recently listed on TMR Queensland Transport and Roads Investment Program (QTRIP) successful grants list. Council's project team are completing the detailed design to progress the upcoming tender package which will be released following receipt of the signed funding agreement.</p>
Activate Mackay City Centre	●	<p><u>Vacant Tenancy Window Activation Program</u> This pilot program creating colourful, shoppable window displays continues to receive positive feedback from participating building owners, local makers and nearby businesses on the initiative. Five displays were installed on Wood and Victoria Streets in the City Heart including works by four local artists/makers.</p> <p><u>Signage and Wayfinding</u> The design development plans are nearing completion for Stage 1 – Riverside link. A tender package for manufacture and installation is currently being finalised and will be released in the coming weeks.</p> <p><u>Placemaking</u> 'City Heart Fridays' will continue monthly on the first Friday of each month. Council's Mackay City & Waterfront Partnerships Coordinator is working with businesses to finalise their activities and create a schedule for each month.</p>



Development Services Monthly Review September 2022

Mackay City and Waterfront Grants

The Safe Night Precinct Safety Initiative and Activate My Place Grant Micro Grants were awarded earlier this year. Below is a list of successful applications, that have a combined value of \$20,937.49.

Acquittals are currently being finalised for both grants.

Safe Night Precinct Grant

Business/Individual	Amount Requested	Amount Approved (excl. GST)	Details
Connole Carlisle	\$3,000.00	\$3,000.00	Installation of two CCTV cameras
The Dispensary	\$2,994.48	\$2,994.48	Upgrade to existing CCTV and installation of additional camera.
Haunt Cabaret	\$2,515.83	\$2,515.83	Installation of first CCTV for exterior of the building
McGuire's CBD Hotel Mackay	\$2,364.50	\$2,364.50	Installation of new CCTV system.
Byrnes Pie Factory	\$2,984.28	\$2,984.28	Installation of new CCTV and surveillance equipment.
Rabbit Hole	\$1,193.91	\$1,193.91	Installation of security lighting and CCTV along Victoria Street frontage.
		\$15,053.00	

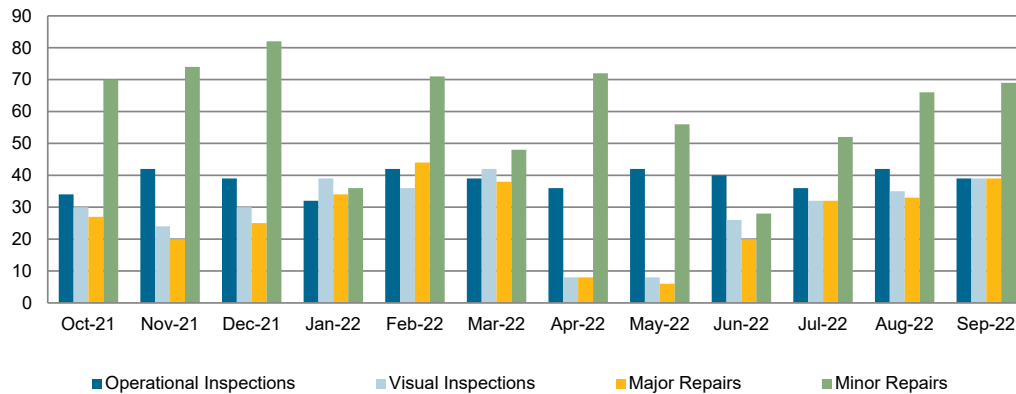
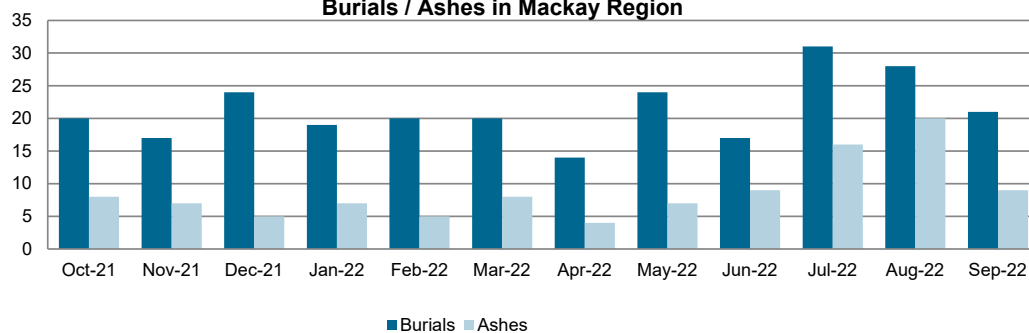
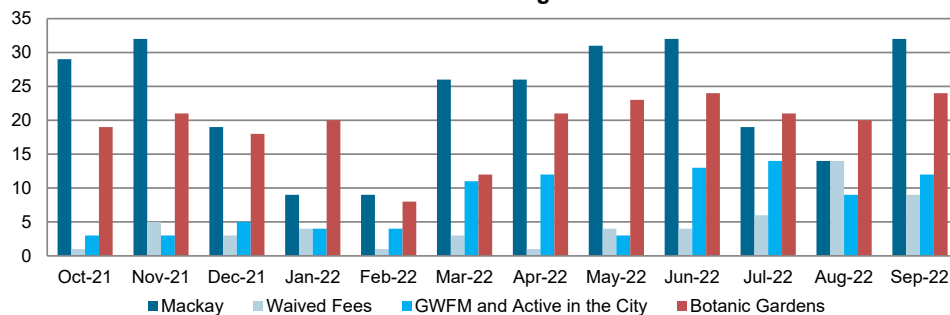
Activate My Place Micro Grant




Business/Individual	Amount Requested	Amount Approved (excl. GST)	Details
Bottletops and Brushes	\$1,433.00	\$1,000.00	Fifth Lane Way Paint & Sip
Cynthia Gregg (auspiced by Crossroad Arts)	\$1,000.00	\$1,000.00	Aquamarine – River to Art Stream Mural
Bohemian Elyse	\$3,134.23	\$1,000.00	Monthly Sidewalk Markets
Mackay Farmers Market Inc.	\$891.49	\$891.49	Gathering Area pop-up furniture.
Coco Cubano Mackay	\$1,000.00	\$1,000.00	Latin Street Party
M'Lady's Shoes	\$993.00	\$993.00	40 Years Celebration
		\$5,884.49	


e-Statistics

Subscribers	April 22	May 22	June 22	July 22	Aug 22	Sep 22
City Centre Facebook Likes	6,615	6,607	6,605	6,708	6,751	6,918
City Centre Instagram Followers	1,458	1,459	1,458	1,469	1,486	1,497
City Centre Wi-Fi Sessions	581 users	655 users	nil*	nil*	nil*	nil*
	9529 sessions	9102 sessions	nil*	nil*	nil*	nil*

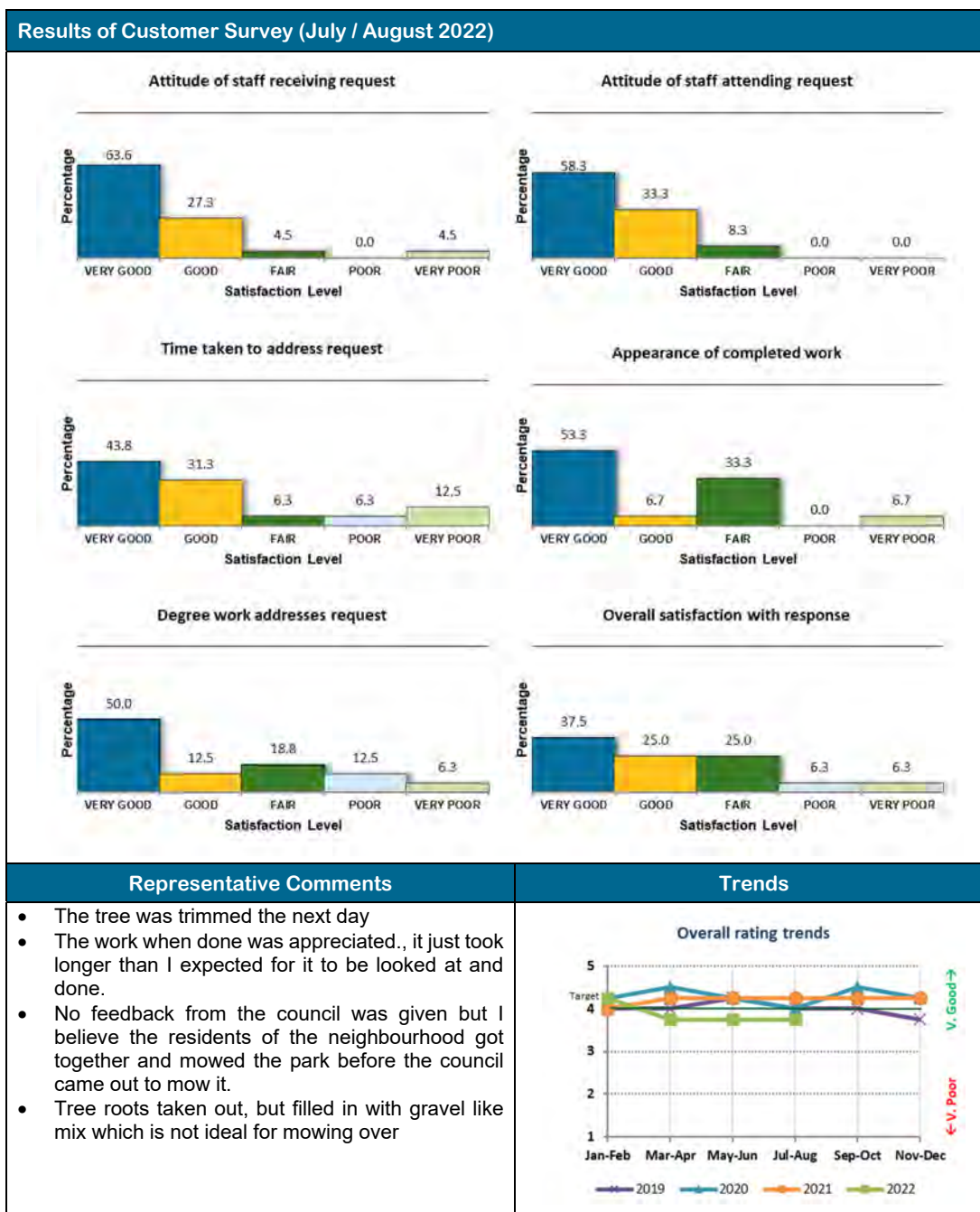
*A review of the City Centre Wifi is currently being undertaken and WiFi was not available during this time.

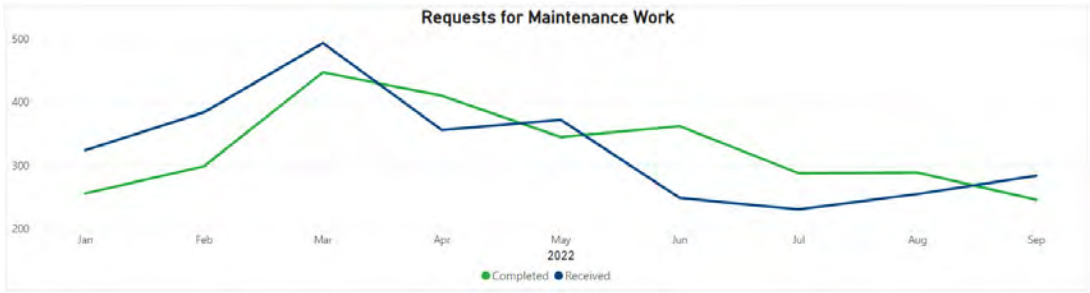
PARKS & ENVIRONMENT**Play Equipment Inspection and Maintenance****Burials / Ashes in Mackay Region****Park Bookings**

Regional Services Projects & Works		
Project	Status	Description / Update of Project
Botanic Areas -Desilting trial project		<p>The desilting trial aims to find a solution to create a usable product out of the silt which needs to be removed from the Lagoons at the Botanic Gardens.</p> <p>A final report was provided in June and a council briefing was held in July to discuss the options available for desilting the lagoons.</p> <p>Concepts/business plans are being developed for potential future budget consideration.</p>
Botanic Areas - Stakeholder Activities		<p>The 'Heritage Gardeners' planted some Bird's nest ferns and some orange-flowered Clivias.</p> <p>The Friends of the Gardens have continued their regular sessions in the nursery, undertaking a range of tasks including propagating plants for the Heritage Garden. They have also held their regular meeting, Botanic Art Interest Group meetings, stall at the Rock, Paper Scissors market, Photo Walkabout workshop focusing on macro photography and a display for Threatened Species Day. In addition, they held a guided walk in the Malta Garden and Matsuura Sister City Garden which featured the gifts from Council's Sister City in the Tropical Shade Garden.</p> <p>The Tropical Shade Garden and Visitor Information continue to be opened by the Friends of the Gardens on Sundays. A range of new books, bookmarks, prints and notebooks have been added to the products for sale.</p> <p>Native Plants Queensland/Society for Growing Australian Plants Mackay held a committee meeting, a regular meeting, a working bee in the Regional Forest, as well as their regular plant propagation sessions. They also prepared plants for the upcoming sale at the Orchid Extravaganza.</p> <p>Volunteer guides continued the Friday guided tours.</p> <p>A Horticultural Reference Group meeting was held.</p>
Botanic Areas – Activities in the Gardens		<p>Regular activities in the gardens have included Friday morning yoga classes, Park Run, Falun Gong and children's yoga classes.</p> <p>School holiday activities included Tibbles Hunts in the Tropical Shade Garden, self-guided activities including leaf hunts and butterfly bingo build a bug, build an insect hotel and a composting workshop. The Friends of the Gardens ran a two-day drop-in session titled 'Birds and Bungee Jumping Caterpillars'.</p> <p>A range of activities were undertaken as part of National Wattle Day. The top five local wattles as voted by staff was announced. There were social media posts and displays as well as wattles for sale and giveaways. Several wattle themed items were available for sale in Visitor Information. There was a guided walk focusing on wattles and a self-guided map was produced.</p> <p>Mulching has continued across the site, including in the bamboo collection. Several plantings have been undertaken.</p> <p>Several events were held recently including a baby shower, River to Reef Bike-a-thon and ride, school visits and Pasifika.</p>

Botanic Areas - Queens Park		<p>A team planting morning was held, adding several new plants to the collection.</p> <p>Staff were kept busy preparing for the Orchid Extravaganza.</p> <p>Events at Queens Park included weddings, birthday celebrations, home school visits and Jazz in the Park.</p>
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Requests for Maintenance Work






ECONOMIC DEVELOPMENT & TOURISM

Economic Development and Tourism		
Team Priority	Status	Action
Regional Growth Facilitating sustainable and diversified jobs and investment in the Mackay Region		<p><u>Facilitating Development in the Mackay Region Policy</u> Three new applications were approved by Council at its meeting on 14 September including: Whitsunday Anglican School, Eulcom Pty Ltd and Higgins Designer Homes</p> <p><u>Pioneer Valley Mountain Bike Trail</u> The consultancy for the Pioneer Valley Mountain Bike Trail Destination Marketing Plan and Brand Guide is being advertised on QTenders and will close on 11 October.</p> <p>Round 2 of the Small Business Mentoring Program has been completed and the final report from mentors, Sparrowly Group, has been received. Eight established businesses and start-ups successfully completed the program. The program aims to assist participants develop their businesses and take advantage of the economic opportunities arising from the Pioneer Valley Mountain Bike Trails Project. The Graduation and Networking events for Round 1 and 2 mentees will be held on 27 October.</p> <p><u>Small Business Support</u> The Economic Development team is currently reviewing small business support programs and investigating initiatives for implementation in 2022/23.</p>
Visitor Attraction Developing the Mackay region as a leading tourism and events destination		<p><u>Invest Mackay Events and Conference Attraction Program</u> One event sponsorship was approved through the Invest Mackay Events and Conference Attraction Program in September 2022:</p> <ul style="list-style-type: none"> • 2023 Unisport Nationals T20 Cricket <p>The following Invest Mackay Events and Conference Attraction Program supported events were held in September 2022:</p> <ul style="list-style-type: none"> • PIA Conference • Bioeconomy Forum • Gold Coast Suns Game Day • Gold Coast Suns Executive Delegation • U15 Boys Hockey State Championships • Rumble on The Reef Skateboarding • Rumble on the Reef Wakeboarding • Rhythm and the Reef Music and Arts Festival • Palmyra Nitro Showdown <p>Mackay Isaac Tourism has created specialised day tours for recent events and conferences and provided visitor guides and local brochures for visiting attendees.</p> <p><u>Mackay Region Recreational Vehicle (RV) Strategy</u> Contact has been made with the consultant for the project, Otium Planning Group Pty Ltd, and an inception meeting is planned for 10 October.</p> <p><u>Mackay Region Recreational Fishing Strategy</u> A recreational fishing ambassador program has been established and is due to start in October.</p> <p>Online engagement on social media platforms is increasing each month due to content upload and management.</p>

		<p>The next meeting of the Recreational Fishing Strategy Steering Group will be held on 6 October.</p> <p>The Mackay Isaac Lucky Catch and Snap competition was held during the month of September. The inaugural event attracted over 500 registrations with a very high percentage of female anglers participating in this event. One angler walked away with a \$15,000 cash prize and multiple prizes were awarded to junior anglers and other participants. A final report will be available in November.</p> <p>The Terms of Reference for the Barramundi Highway project has now been finalised by project partners Mackay Regional Council, Rockhampton Regional Council and Mackay Isaac Tourism. Work has commenced on the development of a marketing plan, website and social media presence. The project aims to highlight and promote fishing opportunities across the two regions.</p>
<p>Liveability and Innovation</p> <p>Creating a vibrant region that is a great place to live and do business</p>		<p><u>Building Improvement Rebate Program</u> Eight recipients of the Building Improvement Rebate have finalised their projects, while work continues for three recipients due to contractor shortages and scale of projects. Future rounds of this program for 2022-23 will be reviewed in line with available resources.</p> <p><u>Activate My Place Program</u> The Keswick Island Art Trail project is still ongoing with an estimated finalisation date in October 2022. Proponents of the Maltese Corner Project plan to commence their project in January 2023 as they are still sourcing additional funding.</p> <p><u>Skills Attraction and Retention</u> A meeting of key regional stakeholders and industry associations was held with representatives from the Department of Home Affairs to discuss the benefits, opportunities and process involved in the Mackay Isaac and Whitsunday Region applying for a Dedicated Area Migration Agreement (DAMA). Following the presentation, the group decided to form a working group. A survey is being prepared and will be distributed to a broad range of industries and employers throughout the region to assess the demand for a DAMA in the region.</p> <p>Updates are being made to the Mackay Region Jobs website. This includes refreshed branding, content and improved functionality for job seekers and employers. The website is planned to go live in October.</p> <p>A framework and design for a new liveability website has now been completed. This will complement the Mackay Region Jobs website and be a valuable tool for the attraction of new residents to the region. Content is currently being written with images and graphics being sourced. The website should be completed by the end of December.</p>
<p>Partnerships and Connections</p> <p>Working collaboratively with our partners to generate economic outcomes for our community</p>		<p><u>Queensland Cricket</u> Officers are currently working with QLD Cricket on the upcoming WBBL fixture at Great Barrier Reef Arena. Mackay Isaac Tourism has created personalised day tours for the event.</p> <p><u>Gold Coast SUNS</u> A Round 4 AFLW match was played at the Great Barrier Reef Arena on 17 September with 1,200 spectators attending the game. It was also the Indigenous AFLW round which saw Yuwi representatives sharing a Welcome to Country and an exchange of cultural gifts prior to the game. A delegation of Gold Coast Suns</p>

		<p>executives and corporate partners also travelled to the region for the AFLW match. Activities included a site tour with the Mackay Waterfront team and a bus trip to Finch Hatton with the Pioneer Valley Mountain Bike Trails project team giving the delegation an update at the Cattle Creek Administration Building.</p> <p><u>Resources Industry Network (RIN)</u> Council is sponsoring the delivery of the Company Directors Course, coordinated by RIN. The course is presented by the Australian Institute of Company Directors (AICD) and will be run one day a week, over a five-week period, from 8 November.</p> <p><u>Resources Centre of Excellence (RCOE)</u> Support for the operation of the RCOE is continuing and includes the development of investment collateral for Stage 2 Future Industries Hub, as well as funding for Stage 2 construction.</p> <p><u>Mackay Region Chamber of Commerce</u> Council sponsored one of the September Chamber B2B Brews events held at Birch Carroll & Coyle, Mount Pleasant. The Economic Development team shared information about Council's events and attractions program to the group, and even dressed in theme.</p> <p><u>First Nations Stakeholders and Agencies</u> The Economic Development team is supporting Indigenous Business Month by sponsoring the "Meet the Buyers and Suppliers" event to be held in October. The event will showcase local indigenous businesses and provide information, resources and support for new and existing indigenous business operators from a range of agencies and departments. Economic Development will have an exhibition stand on the day.</p>
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Sarina Sugar Shed		
Strategy / Project	Status	Description / Update of Project
<p>Operational Performance</p> <p>Operate a successful tourism facility which meets its performance targets</p>		<p><u>Overview</u> September, which included the Queensland school holidays, was a successful month for the Sarina Sugar Shed, with near-record visitation of 4,512 which is slightly higher than August and a significant 41.7% (1,328 visitors) higher than September 2021. This means for Q1 2022-2023, visitation was 55% higher (4,917 visitors) than for the corresponding period in 2021-2022.</p> <p>Revenue in September reached \$112,229 which is an outstanding result given there was a one-day closure for the national public holiday, plus the partial closure of some services throughout the month due to staff shortages. This led to a small monthly profit of \$18.00.</p> <p>Alcohol sales returned to their usual contribution of total revenue (44%) after the suspension of distillery operations in July/August, and the café also continues to power ahead, contributing almost 10% of total revenue.</p> <p>In terms of tours, there were 43 bookings on the special school holidays kids tour, 24 bookings for the Rum Distillery tour, 458 bookings for the Sugar Shed tour, and 44 bookings for the combined Rum Distillery/Sugar Shed tour, which were all very pleasing results.</p>

		<u>Facility</u> Minor upgrades to the facility continue to be made, including the replacement of peeling and faded signs, and a change in plantings for the outside gardens with the support of the Parks and Environment team. A new sugar cane plot, to provide additional cane, was also planted in September.			
		<u>Media</u> The Sarina Sugar Shed hosted a media visit from Outback Magazine and participated in a paid opportunity on Channel 7's Weekender program which is scheduled to go to air on 16 October.			
Business Operations (excluding accruals)		Item	September	YTD	Annual Target
	🟢	Tour Visitation (Paid)	579	3,997	22,000
	🟢	Visitation (Total)	4,512	13,826	30,000
	🟢	Volunteer Hours	194	608	n/a
		Item	September	YTD	Annual Budget
	🟢	Ticket Sales	28,998	97,643	220,000
	🟢	Retail Sales	83,282	189,487	555,000
	🟢	Total Income (incl. Ticket income)	112,229	287,131	775,000
	🟢	Total Expenses	112,212	320,223	1,136,935

Economic Indicators (Quarterly)

Indicator	Mar 21	Jun 21	Sep 21	Dec 21	Mar 22	Jun 22	Sept 22
Employment							
Unemployment rate	5.4%	4.4%	3.5%	2.6%	2.5%	NA	NA
Employed persons	66,993	66,884	65,844	65,416	65,696	NA	NA
Real Estate							
Median house sale	\$383,500	\$400,000	\$400,000	\$410,000	\$415,000	NA	NA
Median rent 3 bed house (12 month ending)	\$380	\$390	\$400	\$400	\$420	\$425	NA
Median rent 2 bed unit (12 month ending)	\$290	\$300	\$300	\$320	\$320	\$325	NA
Res vacancy rate	1.0%	0.8%	0.7%	0.7%	0.6%	0.5%	NA
Residential Lot Supply							
Lots Approved [^]	5	11	84	116	NA	NA	NA
Lots Registered	26	100	55	78	99	NA	NA

Data relates to the Mackay Local Government Area and is updated on a quarterly basis as it is received by Council. There is often a 3-6 month lag from the receipt of data for a previous quarter.

The 'employed persons' data does get adjusted retrospectively by the source. This may see quarterly figures change but is a valuable indicator for recognising trends.

[^] Queensland Government data (QLD Treasury).

NA = data not yet released

e-Statistics

	Apr 22	May 22	Jun 22	Jul 22	Aug 22	Sep 22
Mackay Region Joblink Analytic Report	201 active users	245 active users	170 active users	238 active users	211 active users	159 active users
	267 sessions	323 sessions	227 sessions	267 sessions	302 sessions	195 sessions
	2m 23 average sessions	1m 29 average sessions	1m 35 average sessions	1m 24 average sessions	2m 51 average sessions	1m 59 Average sessions
Internet Vacancy Index (Central Qld) Advertised Jobs*	4,000	4,000	3,908	4,119	4360	N/A
SEEK Advertised Jobs**	1,404	1,651	1,669	1,661	1,796	1,657
Sarina Field of Dreams Usage Wi-Fi ***	55 users	61 users	62 users	41 users	55 users	72 users
	1,289 sessions	1,077 sessions	1,324 sessions	532 sessions	498 sessions	732 sessions
Sarina Field of Dreams Website Visitation	302 active users	314 active users	366 active users	982 active users	366 active users	358 active users
	368 sessions	421 sessions	491 sessions	1,286 sessions	414 sessions	400 sessions
Hooked on Mackay Facebook	4,855	4,907	4,946	5,004	5,104	5,591
Hooked on Mackay Instagram	778	796	802	805	814	838
Hooked on Mackay Youtube Subscribers	211	236	240	253	254	263
Net Free Zone Voluntary Code Sign-ups	693	694	695	703	716	716
Mackay Region Event Organisers Connect Facebook Group Members	115	115	115	116	118	119
Invested in Mackay Subscribers	585	585	586	589	585	585

*Economic Development will now include Federal Government data which reports on the Internet Vacancy Index (IVI). The IVI is the only publicly available source of detailed data on online vacancies, including for around 350 occupations (at all skill levels), as well as for all states/territories and 37 regions. The IVI is based on a count of online job advertisements newly lodged on SEEK, CareerOne and Australian JobSearch during the month. As such, the IVI does not reflect the total number of job advertisements in the labour market as it does not include jobs advertised through other online job boards, employer websites, word of mouth, in newspapers, and advertisements in shop windows. The IVI also does not take account of multiple positions being advertised in a single job advertisement. The data available is broken down as far as Central QLD which includes 9 local Government areas and is calculated on a 3-month moving average.

**SEEK data is captured on the 1st Tuesday of each month.

*** During the month of September and October Red Fox Internet confirmed there were technical issues with the WIFI network which has impacted the calculation of statistics for the usage Sarina Field of Dreams.

UPCOMING EVENTS

Date	Event	Location
20 October 2022	Indigenous Business Month 2022: Meet the Buyer and Supplier Event	Mackay Entertainment and Convention Centre
22-27 October 2022	Souths Suburban Bowls Club Champion of Champion Finals	Souths Suburban Bowls Club
28 October 2022	2022 North QLD Australian Surf Life Saving Championships	MARC & Mackay Harbour Beach
28-30 October 2022	2022 Hydrofoil Pro Tour	Lamberts Beach
4 November 2022	City Heart Fridays	City Heart
18 November 2022	U13 Boys Indoor State Hockey Championships	Pioneer State High School
25 November 2022	QLD Netball Firebirds	Mackay Basketball Stadium
25 November 2022	U13 Girls Indoor State Hockey Championships	Pioneer State High School

* Invest Mackay Events and Conference Attraction Program

11.3.2. FACILITATING DEVELOPMENT IN THE MACKAY REGION POLICY - ZANDABAY PTY LTD

Author	Principal Economic Development Officer (Nadine Connolly)
Responsible Officer	Director Development Services (Aletta Nugent)
File Number	Facilitating Development in the Mackay Region Policy Applications

Attachments	1. D A-2022-83 Design Drawing [11.3.2.1 - 9 pages]
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Purpose

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

Related Parties

Zandabay Pty Ltd
Jewell Planning Consultants

Corporate Plan Linkage

Live and Visit

Enhance Liveability - We have a range of housing and social infrastructure options that supports a great quality of life and wellbeing in our community.

Places and Spaces - We provide well planned and designed places, facilities and infrastructure that meet the needs of our residents and visitors.

Background/Discussion

The applicant, Zandabay Pty Ltd, is applying for concessions under the Policy for infrastructure charge concessions arising from their Genius Childcare Centre development located at 1-3 Napier Street, South Mackay (Lot 71 on RP727600 and Lot 72 on RP727600).

The development includes the demolition of an existing building and the amalgamation of two existing lots. The new 2,413m² lot will wholly contain the proposed childcare centre, allowing sufficient area to accommodate the building, play areas, access, landscaping, servicing and carparking.

The childcare centre will comprise a double story building with a total GFA of 965m² and an outdoor play area 1,045m² in size. The building will contain an internal lift and an internal and external stairwell. The centre will have an occupancy of 126 children and up to 19 staff, as per staff ratio requirements.

The childcare centre will have 7 activity rooms, 4 sleep rooms each occupying up to 4 children, 2 outdoor play areas, staff room and kitchen, multiple toilet amenities, multiple preparation areas and various storage areas.

The applicant has noted that Paget is located approximately 800m to the south of the site and is expected to be the employment / catchment node for the proposed childcare centre.

The development application (DA-2022-83) for Material Change of Use – Childcare Centre was approved on 19 August 2022.

Incentive Request

The applicant submitted an Expression of Interest under the Policy on 6 October 2022, and the subsequent Stage 2 Application was received on the same day.

The applicant is seeking concessions under Schedule 6 Communities Facilities of the Policy. The application has been assessed against version 8 of the Policy, which was endorsed on 9 February 2022.

The following concessions have been requested:

1. Reduction in Infrastructure Charges – 50%:
 - o Net Infrastructure Charges = **\$45,046.41**
 - o Requested concession (50%) = \$22,523.21
 - o Charges payable = \$22,523.20

In accordance with Schedule 6 Community Facilities in version 8 of the Policy, applications from not-for-profit groups may receive concessions of up to 75%, and recognised charities may receive concessions of up to 100% – to a maximum concession value of \$1,000,000. In any other scenario, concessions of up to 50% (to a maximum concession value of \$1,000,000) apply.

As the applicant is not a recognised charity or a not for profit enterprise, a reduction in infrastructure charges of up to 50% (based on the net charge amount identified on the Infrastructure Charges Notice after the application of any offsets) is available under the current Policy.

2. Reduction in water and sewer service connection fees (50% discount up to a maximum of \$500 for each service, totally a maximum discount of \$1000) be applied at the time when the fees would be payable for the activity.

General Eligibility Criteria

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

Based on information provided by the applicant, the proposed development satisfies the requirements under the General Eligibility Criteria in Schedule 6 Community Facilities, as follows.

Criteria	Eligibility
Timing of development Lots are registered within 2 years	Commencement of construction – Early 2023 Commencement of use – Mid 2024
Non-Government Development	Yes
Infrastructure capacity	The applicant has advised services are already provided to the site and no external or trunk infrastructure upgrades will be required to service the development. Under the Infrastructure Charges Notice, no offsets or refunds are applicable.

Specific Eligibility Criteria

Based on information provided by the applicant, the proposal satisfies the requirements under Eligibility Criteria in Schedule 6 Community Facilities of the Policy, as follows:

Criteria	Eligibility
Economic Investment The applicant must demonstrate that the minimum capital investment in the development is equal to or greater than \$100,000	<ul style="list-style-type: none"> • Estimated construction cost of development is \$3.5M. • Estimated total capital investment of \$5.5M. • Based on Council's economic modelling, a direct injection of \$3.5M (construction costs), along with a combined supply chain and consumption effect of \$4.173M, will result in a total economic impact of \$7.674M for the region.

Employment Generation	<ul style="list-style-type: none"> The applicant has estimated that 100-140 temporary positions will be created during construction of this project. Based on Council's economic impact modelling, the project will generate 4 direct and 12 indirect jobs, totalling 16 FTE jobs during construction. Post construction, the applicant anticipates 19 new permanent staff – eg. childcare educators, site maintenance, kitchen staff, cleaners, etc.
Applicable Area Appropriately zoned land suitable for proposed use	The development is on appropriately zoned land in the urban area.
Applicable Land Uses The Policy applies to a Material Change of Use for uses that are consistent with "applicable land uses" in Schedule 6 Community facilities. (refer to the table in the Policy)	The development application applies to a Material Change of Use – Childcare Centre which is identified as an applicable use under Schedule 6 Community Facilities in the Policy.

Business and Regional Benefits

The applicant proposes that the development will deliver immediate benefits to the Mackay region's economy, such as:

- The centre will result in 126 childcare spaces for children from 0 – 5 years of age.
- Construction costs of \$3.5M will result in an increase of total regional output (including direct, supply chain and consumption effects) by up to \$7.674M.
- When operational, the centre will generate approximately 19 permanent positions.
- The centre is expected to service the employment node of Paget – approximately 800m to the south of the site.
- There is demand for childcare services in the Mackay region. This is supported by an internal review of childcare centres, availability of spaces for children under 5 years, wait lists for places in centres, and population growth.

Consultation and Communication

The Development Planning and Engineering program has considered the development application through the statutory assessment provisions under the *Planning Act 2016*. As part of this assessment process, other relevant sections of Council were consulted.

The Director 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 Infrastructure Charges Notice, the development gives rise to a total net infrastructure charge of **\$45,046.41** (+ annual adjustments).

Under Schedule 6 Community Facilities of the Policy, the applicant is eligible to apply for a reduction of 50% to the net infrastructure charge (based on the net charge amount identified on the Infrastructure Charges Notice and after the application of any offsets and credits) – up to a maximum concession value of \$1,000,000.

In this scenario, charges payable would be as follows:

Gross Infrastructure Charge	Applied Credits	Net Infrastructure Charge	Concession (%)	Concession (\$)	Charges Payable
\$161,724.95	\$116,678.54	\$45,046.41	50%	\$22,523.21	\$22,523.20

Note that infrastructure charge concessions only apply to the net charge amounts calculated following the subtraction of any offsets and credits. The application of this methodology will ensure that the granting of concessions does not introduce any additional infrastructure costs to Council.

Risk Management Implications

There is a risk that granting concessions for any development 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 for claiming approved concessions. If the use has not commenced within the recommended timeframe, the concessions will no longer apply and 100% of the applicable Infrastructure Charges will be payable.
- Concessions only apply to the net charge amounts calculated following the subtraction of any offsets and credits.
- Council can review the application of the Policy at any time.

Conclusion

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

The proposed application supports the desired outcomes of Schedule 6 Community Facilities of the Policy and the provision of concessions will facilitate the delivery of this project.

Officer's Recommendation

THAT the following Specific Incentives is approved under the Facilitating Development in the Mackay Region Policy for Zandabay Pty Ltd, Genius Childcare Centre, located at 1-3 Napier Street, South Mackay (Lot 71 on RP727600 and Lot 72 on RP727600):

- Concessions of 50% (estimated at \$22,523.21 plus annual adjustments) apply on the net charge amount (\$45,046.41 plus annual adjustments) identified on the Infrastructure Charges Notice for DA-2022-83;
- Reduction in water and sewer service connection fees (50% discount up to a maximum of \$500 for each service, totally a maximum discount of \$1000) be applied at the time when the fees would be payable for the activity.

AND THAT the approval of concessions is dependent on:

- The development must be completed and commenced use by 26 October 2024.
- No additional infrastructure costs are incurred by Council (including establishment and bring forward costs).

- c) The developer must utilise local contractors and suppliers.

The Director for Development Services Aletta Nugent, advised that Zandabay Pty Ltd has lodged a Development Application for a child care centre in South Mackay and has applied for concessions which are in line with Council's Policy.

Council Resolution ORD-2022-312

THAT the following Specific Incentives is approved under the Facilitating Development in the Mackay Region Policy for Zandabay Pty Ltd, Genius Childcare Centre, located at 1-3 Napier Street, South Mackay (Lot 71 on RP727600 and Lot 72 on RP727600):

- a) **Concessions of 50% (estimated at \$22,523.21 plus annual adjustments) apply on the net charge amount (\$45,046.41 plus annual adjustments) identified on the Infrastructure Charges Notice for DA-2022-83;**
- b) **Reduction in water and sewer service connection fees (50% discount up to a maximum of \$500 for each service, totally a maximum discount of \$1000) be applied at the time when the fees would be payable for the activity.**

AND THAT the approval of concessions is dependent on:

- a) **The development must be completed and commenced use by 26 October 2024.**
- b) **No additional infrastructure costs are incurred by Council (including establishment and bring forward costs).**
- c) **The developer must utilise local contractors and suppliers.**

Moved Cr May

Seconded Cr Englert

Cr May noted that this was a great project as there is a high demand for child care facilities in the Region and it is good that Council is able to assist by applying our Facilitating Development Policy.

CARRIED



PLANNING ISSUE

Rev	Amendment	Date
0	Issue For Planning	20/05/2022



ARCHITECTURAL DRAWINGS SCHEDULE	
No.	Sheet Name
DA01	FRONT COVER DRAWING SCHEDULE
DA02	-
DA03	-
DA04	PROPOSED SITE PLAN
DA05	PROPOSED GROUND FLOOR PLAN
DA06	PROPOSED FIRST FLOOR PLAN
DA07	PROPOSED ROOF PLAN
DA08	PROPOSED ELEVATIONS
DA09	PROPOSED ELEVATIONS
DA10	MATERIALS SELECTIONS
DA11	CONCEPT IMAGES



DN Architecture Pty Ltd abn 71 627 522 043
3 St. Thomas Street Hawthorndene, SA 5051
Trey Street Mackay
08 8522 0000 08 8522 0000
trey@dnarchitecture.com.au trey@dnarchitecture.com.au

This is a Mackay Regional Council digitally signed document.

CHILD CARE FACILITY
1-3 Napier Rd, South Mackay QLD

Job No: 2022008
Dwg No: DA01
Date: May 2022





PLANNING ISSUE		
Rev	Amendment	Date
0	Issue For Planning	20/05/2022
1	Issue For Planning	01/07/2022



SITE DATA	
SITE AREA	2400sqm
BUILDING AREAS (GFA)	Ground - 672sqm First - 293sqm (incl void) 965sqm (7.65sqm per child)
PROPOSED CHILD CARE PLACES	126
REQUIRED CARPARKING	TBC
PROPOSED CARPARKING	30 Carparks 18 staff, 12 visitors



Location Plan
Scale: 1:1500 @ A3

Site Plan
Scale: 1:250 @ A3

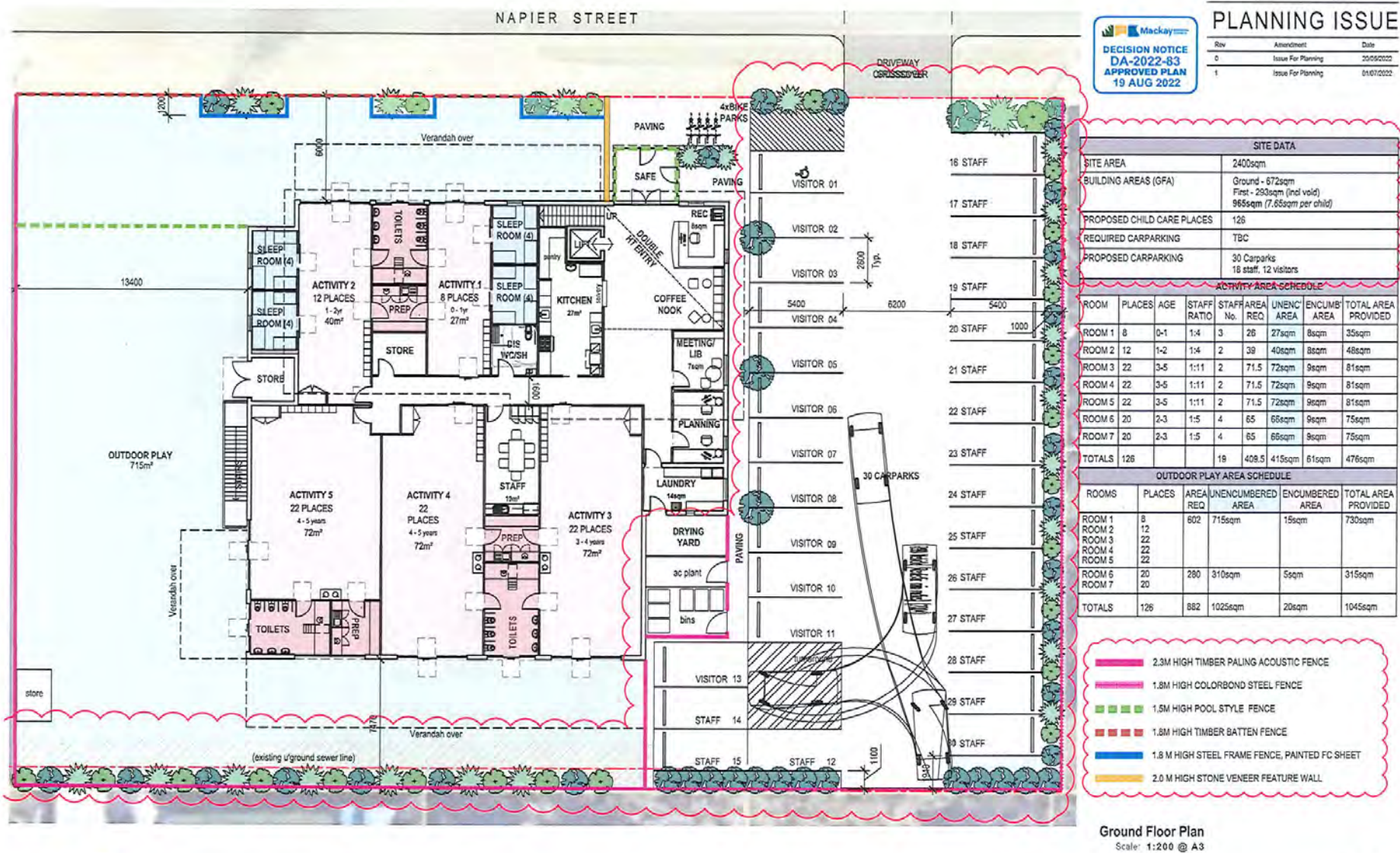


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CHILD CARE FACILITY
1-3 Napier Rd, South Mackay QLD

Job No: 2022008
Dwg No: DA04
Date: May 2022





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CHILD CARE FACILITY
1-3 Napier Rd, South Mackay QLD

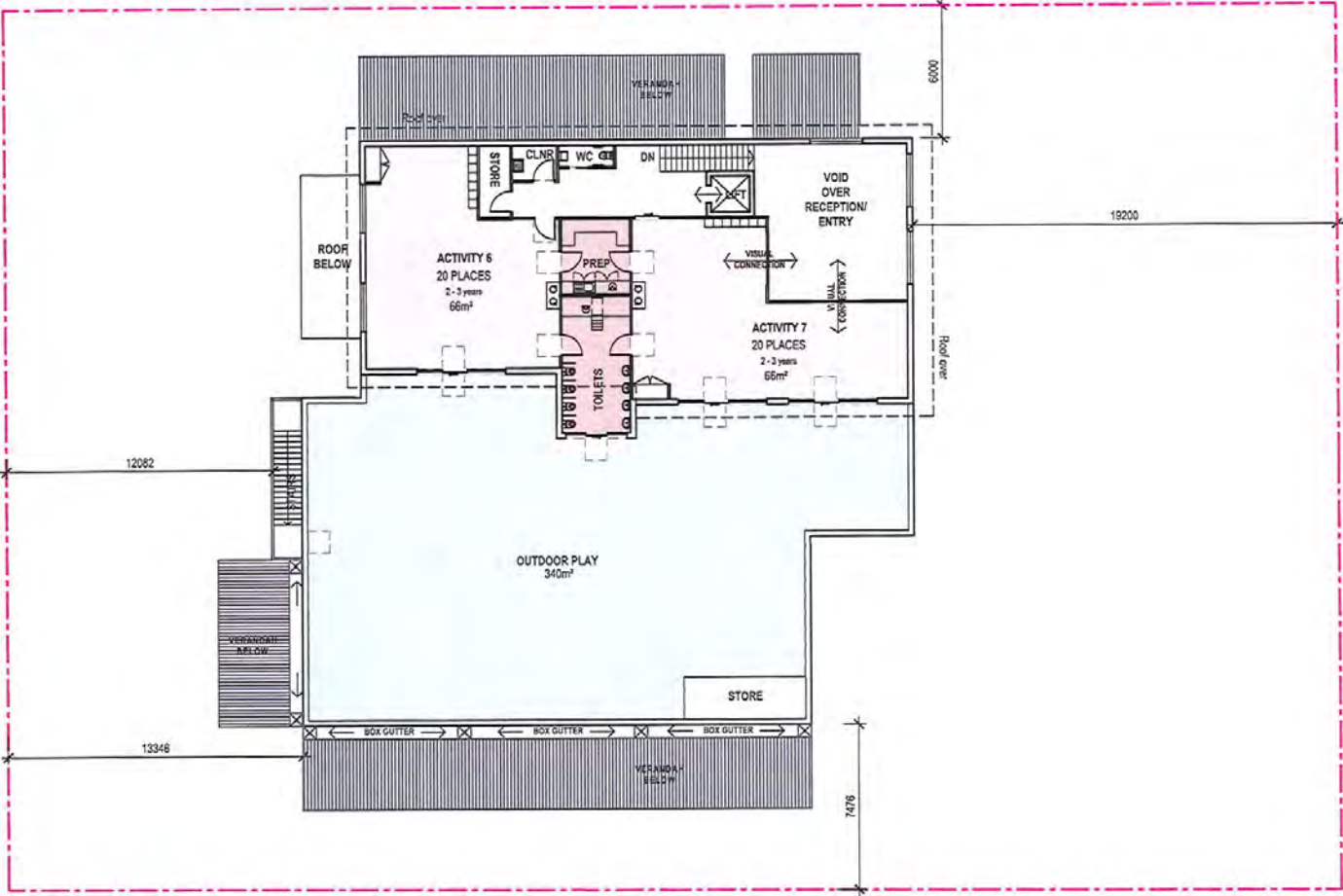
Job No: 2022008
Dwg No: DA05
Date: May 2022



PLANNING ISSUE		
Rev	Amendment	Date
0	Issue For Planning	20/06/2022



DECISION NOTICE
DA-2022-83
APPROVED PLAN
19 AUG 2022



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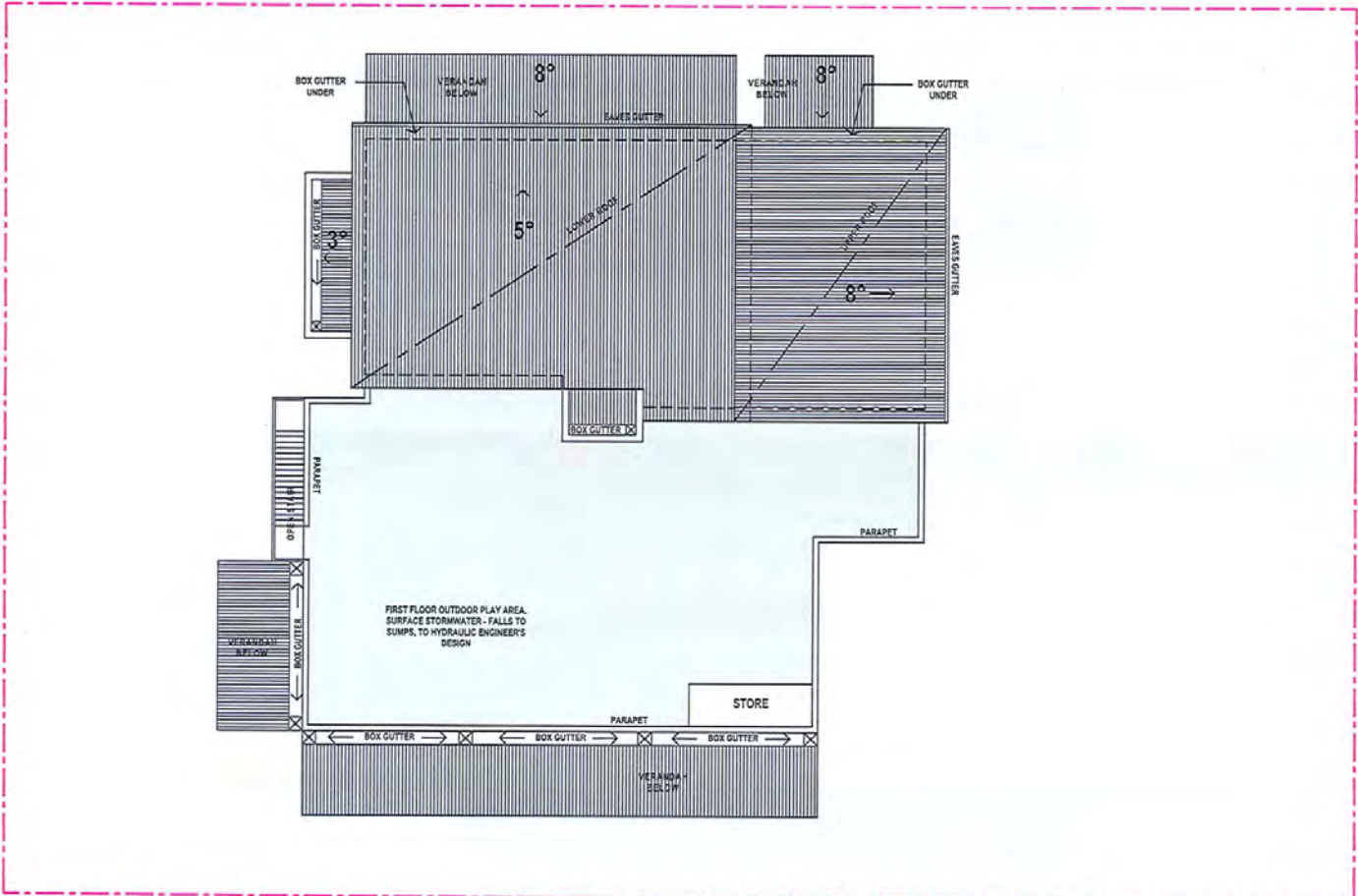
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CHILD CARE FACILITY
1-3 Napier Rd, South Mackay QLD

Job No: 2022008
Dwg No: DA06
Date: May 2022



PLANNING ISSUE		
Rev	Amendment	Date
0	Issue For Planning	20/08/2022



Proposed Roof Plan
Scale: 1:200 @ A3



ON Architecture Pty Ltd abn 71 627 522 043
3 St. Thomas Street Hawthorndene, SA 5051
Key Dates: 04/12/2021 Mark Hogg
Comments: 11/08/2022 11/08/2022 11/08/2022

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CHILD CARE FACILITY
1-3 Napier Rd, South Mackay QLD

Job No: 2022008
Dwg No: DA07
Date: May 2022





NORTH-WEST ELEVATION (NAPIER STREET)
1:200



NORTH-WEST ELEVATION (FRONT FENCE)
1:200



SOUTH-EAST ELEVATION (REAR)
1:200

Fence omitted for clarity

PLANNING ISSUE

Rev	Amendment	Date
0	Issue For Planning	20/05/2022



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CHILD CARE FACILITY
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Job No: 2022008
Dwg No: DA08
Date: May 2022



PLANNING ISSUE

Rev	Amendment	Date
0	Issue For Planning	20/05/2022



SOUTH-WEST ELEVATION
1:200



NORTH-EAST ELEVATION (CAR PARK)
1:200



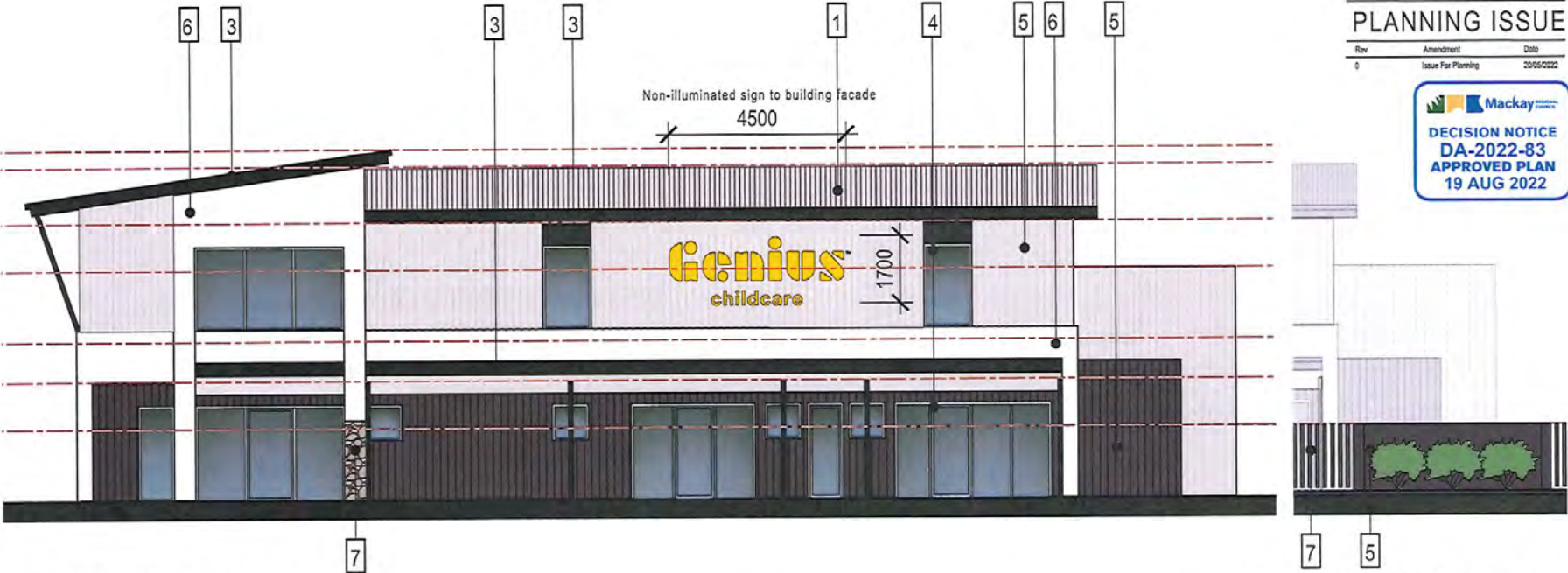
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CHILD CARE FACILITY
1-3 Napier Rd, South Mackay QLD

Job No: 2022008
Dwg No: DA09
Date: May 2022





MATERIALS SELECTION

(FRONT FENCE, DETAIL)



1 COLORBOND 'SURFMIST' CORRUGATED STEEL ROOFING

2 COLORBOND 'SURFMIST' GOOD NEIGHBOUR SIDE & REAR FENCING

3 COLORBOND 'NIGHT SKY' ROOF GUTTERS AND TRIM

4 POWDERCOAT - BLACK WINDOW FRAMES

5 JAMES HARDIE 'AXON' CLADDING. PAINT FINISH. COLOUR AS INDICATED

6 TEXTURE RENDER. SOLVER 'WHITE WEAVE'

7 NATURAL STONE CLADDING OVER MASONRY SUBSTRATE. EQUAL TO ECO OUTDOOR 'NEWPORT'. ALLOW FOR CORNER PIECES.

8 TIMBER-LOOK ALUMINIUM BATTEN FENCING SYSTEM



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CHILD CARE FACILITY
1-3 Napier Rd, South Mackay QLD

Job No: 2022008
Dwg No: DA10
Date: May 2022





PLANNING ISSUE

Rev	Amendment	Date
0	Issue For Planning	20/05/2022



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CHILD CARE FACILITY
1-3 Napier Rd, South Mackay QLD

Job No: 2022008
Dwg No: DA11
Date: May 2022



Document Set ID: 9396479

11.4. ENGINEERING AND COMMERCIAL INFRASTRUCTURE

11.4.1. ENGINEERING & COMMERCIAL INFRASTRUCTURE - TRANSPORT & DRAINAGE MONTHLY REVIEW - SEPTEMBER 2022

Author	Executive Assistant (Robyn Smith)
Responsible Officer	Director Engineering & Commercial Infrastructure (Jason Devitt)
File Reference	MONTHLY REVIEW
Attachments	1. ECI - Transport Drainage Monthly Review - September 2022 [11.4.1.1 - 18 pages]

Purpose

Attached is a copy of the Engineering & Commercial Infrastructure – Transport & Drainage Monthly Review for September 2022.

Related Parties

N/A

Officer's Recommendation

THAT the Engineering & Commercial Infrastructure – Transport & Drainage Monthly Review for September 2022 be received.

The Director for Engineering and Commercial Infrastructure Jason Devitt, provided an overview and highlights of the Transport and Drainage Monthly Review Report for September 2022.

Cr Bonaventura referred to footpath assessments and queried if deficiencies are found in a particular footpath, does it move up the priority list.

The Director advised that there are two processes, one is from a defect and risk point of view with a program of works scheduled from that, and the other process is the condition data which identifies footpath conditions and prioritises when the asset replacement is required.

Cr Bonaventura queried the width that a substandard footpath would be upgraded to.

The Director advised that Council follows the standard wherever possible which is 1.5m but takes into account the available verge width and other conditions.

Council Resolution ORD-2022-313


THAT the Engineering & Commercial Infrastructure – Transport & Drainage Monthly Review for September 2022 be received.

Moved Cr Mann

Seconded Cr Hassan

Cr Mann highlighted several items from the report including safety, the high number of open drainage and footpath maintenance requests that have been closed out and the great survey results the Department achieved in September. Cr Mann asked the Director to pass on her thanks to the staff on the achievement of such great survey results.

CARRIED



Engineering and Commercial Infrastructure - Transport & Drainage Monthly Review

September 2022



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OVERVIEW

This report is for Transport and Drainage activities during the month of September 2022. Significant items in this period include:

- Five safety incidents were reported during September 2022. These included three incidents causing asset damage involving Council assets, one tick bite/sting and one incident where an object hit part of the body (neck) causing bruising.
- Civil Operations and Transport & Drainage Infrastructure Planning Teams have relocated to various locations to accommodate the closure of the Paget Administration Building while repairs are undertaken.
- The cleaning contract for Boat Ramps and Footpaths has recently been awarded to CQ Ramp Cleaning.

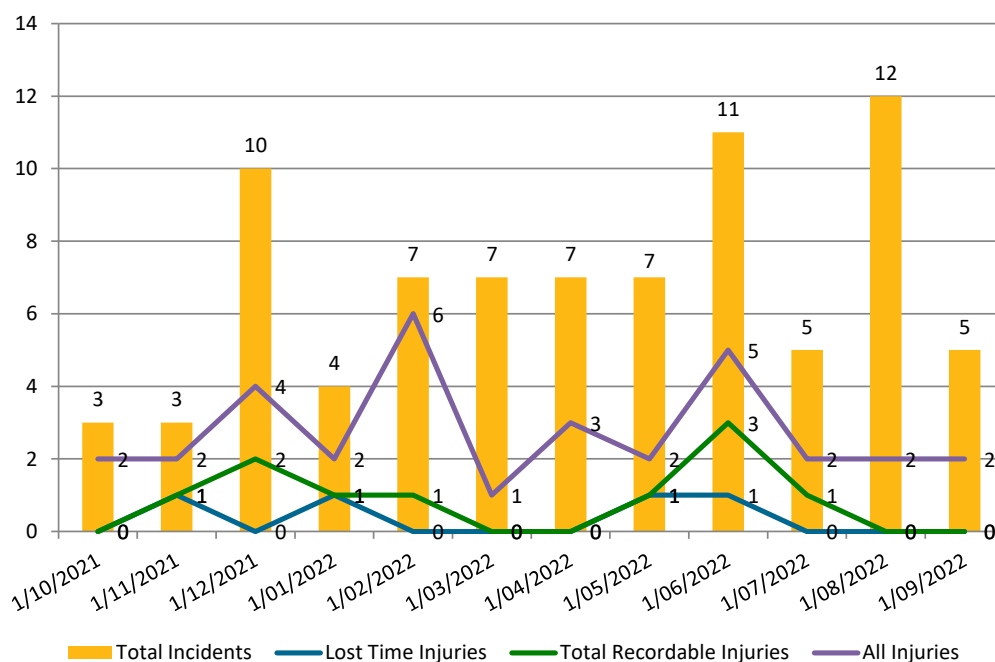


Director Engineering & Commercial Infrastructure

SAFETY

1.1. Incidents and Injuries

The incident statistic details a summary of the Transport and Drainage safety incident performance. Transport and Drainage aspires to achieve zero harm with a stretch target of zero injuries.



September 2022 Summary:

- Eighteen safety interactions undertaken.
- Eight site safety inspections were completed.
- 89% of monthly action plans activities were carried out.

Five incidents were reported during September.

The following injuries to MRC employees were reported during September:

- FAI – Sought medical attention to get tick removed from back of head
- NTI – Carrying 2 sheets of tactile when one moved suddenly causing contact with left side of neck

The following asset damage incidents involving MRC employees were reported during September:

- While reversing multi roller, collided with Telstra Pole
- While sweeping, inspection cover has become caught in broom, causing damage to bracket
- NSM vehicle collided with MRC truck. Police attended

Each incident is investigated, and appropriate corrective measures implemented to reduce future risks.

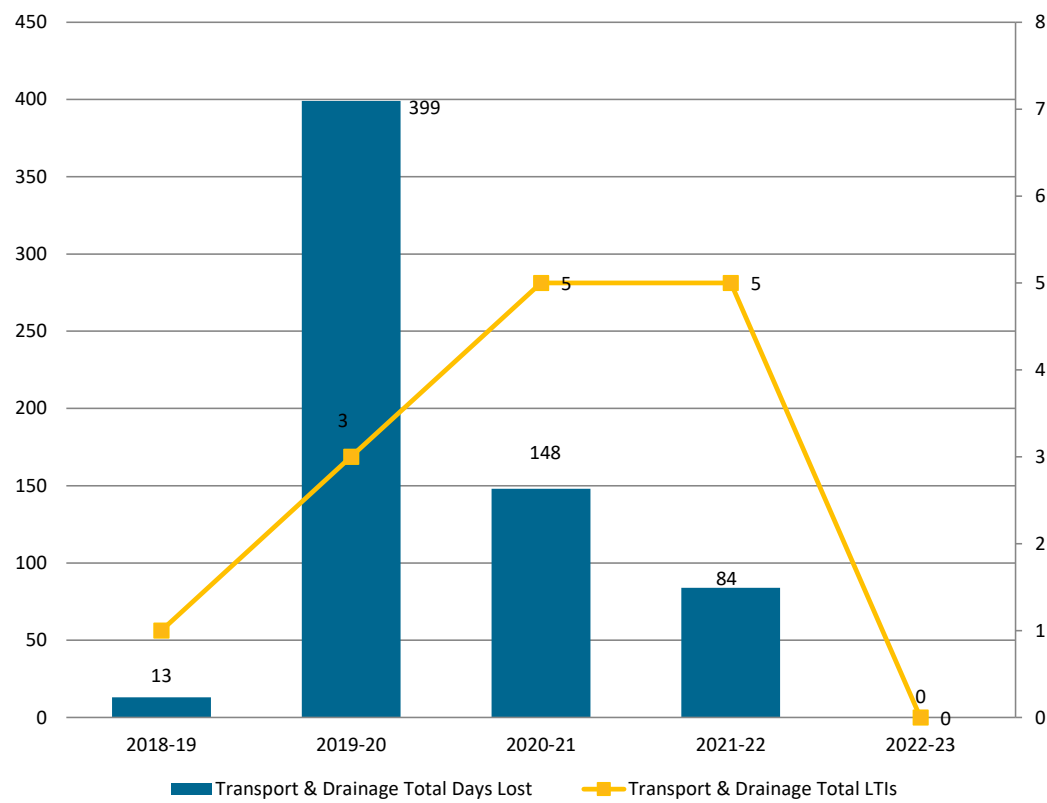


Glossary

Incident	Any unplanned event resulting in or having a potential for injury or ill health.
Lost Time Injury (LTI)	Incidents that resulted in a fatality, permanent disability or time lost from work of one day / part of a day or more
Total Recordable Injuries (TRI)	Incidents that result in a Lost Time Injury (LTI), Suitable Duties Injury (SDI) and Medical Treatment Injury (MTI)
NTI	Non-Treatment Injury
FAI	First Aid Injury
MTI	Medical Treatment Injury
SDI	Suitable Duties Injury
LTI	Lost Time Injury

1.2. Lost Time Injuries & Days Lost

Transport and Drainage aspires to achieve zero Lost Time Injuries by improving safety performance by developing a proactive safety culture and implementing best practice safety management across all business areas.





Engineering & Commercial Infrastructure
Transport & Drainage Monthly Review > September 2022

Department	218-19		2019-20		2020-21		2021-22		2022-23	
	LTI	Day s Lost	LTI	Day s Lost	LTI	Day s Lost	LTI	Day s Lost	LTI	Day s Lost
Civil Operations	1	13	3	399	5	148	5	84	0	0
Transport & Infrastructure Projects (Field Services/Civil Projects)	0	0	0	0	0	0	0	0	0	0
Transport & Drainage Infrastructure Planning	0	0	0	0	0	0	0	0	0	0
Asset Management	0	0	0	0	0	0	0	0	0	0
Transport & Drainage	1	13	3	399	5	148	5	84	0	0

FINANCE

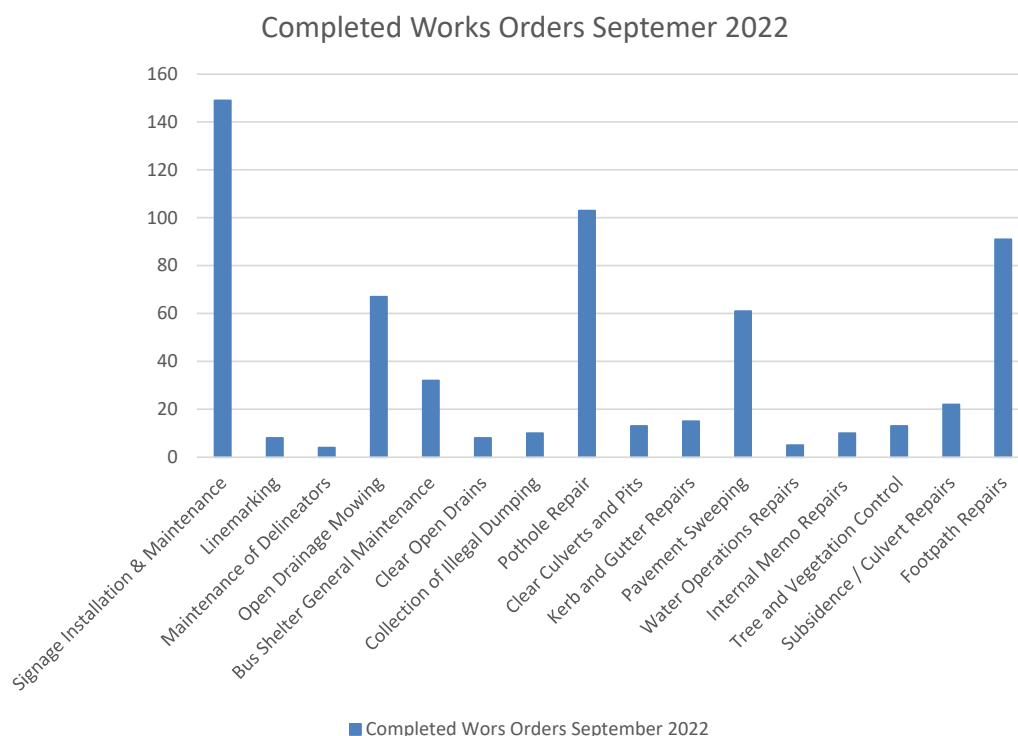
2.1. Operational Financial Report – September 2022

Financial data for the month is being presented in the Strategic Financial Report.

MAINTENANCE ACTIVITIES

3.1. Road and Drainage Maintenance Activities

The following chart details maintenance activities completed during the period as recorded in our Assetic Maintenance Management System (MMS), together with the monthly average.



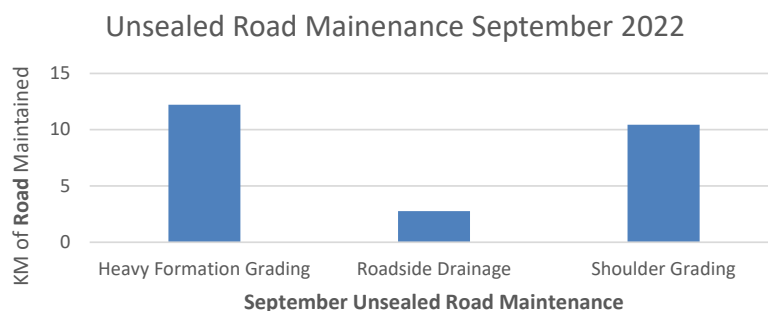
The 2022 Program of Heavy Patching is progressing as planned and is on target to be completed early in November 2022.

Delivery of pavement sweeping has improved with the review of daily programs to increase sweeping in the urban residential areas. This activity has also been bolstered by all positions being filled. Sweeping in the rural areas has been delivered during the period with the route commencing at Koumala and progressing back through the southern beaches, Walkerston and up the Valley. This route had not been completed for some time due to a long-term vacancy.

High focus has again been given to the backlog of works for footpath repairs with good progress made during September 2022 despite some reduction in resources due to vacancies in the form-setters' crew. The Asset Management Team has now completed external data pickup for footpaths and kerb and channel. It is important to note, that there will be a significant scope increase in identified defects at intervention level for footpath assets.

The line-marking in the Pioneer Valley is now complete. The line-marking of Dalrymple Road will also be completed by mid-October 2022. Line-marking works have commenced in the Mackay Harbour area and when completed, crews will then proceed into Slade Point.

3.2. Unsealed Road Maintenance Activities



The Capital Works at Treveys Road, Mt Ossa are progressing and these works are on schedule to be completed by the end of October 2022.

Works For Queensland (W4Q) programmed grading has been impacted by reduced resources and the availability of grader operators. Currently, approximately 50% of the W4Q funding has been completed and we are still planning to have the entire Program completed by the end of January 2023. Some additional contract resources have been engaged to supplement our existing Grading Teams to maintain production.

3.3. Open Drainage Maintenance

The Special Drainage Maintenance planned for Wilson Drain on Miran Khan Drive, Armstrong Beach has been delayed further due to concerns raised by a resident regarding the scope of work and Permit Conditions. Additional onsite meetings, in consultation with the concerned property owners, have now been completed and works are now scheduled to be completed by the end of October 2022.

Special Drainage Maintenance is in progress at Lockerbie Street Drain in Beaconsfield. These works include removal of vegetation throughout the drain creating better water flow, emptying and cleaning of trash bags and replacement of tidal flaps on five outlets. These works are being delivered by Haber Excavations.

Mowing and maintenance of our Open Drainage Network remains a high focus and good delivery was made during September 2022 with 67 Works Orders being completed. This activity will remain a high priority in preparation for the upcoming wet season.

An immediate emphasis is being placed on desilting Levels of Service across our Open Drainage Network. Our Teams will be assessing our technical and inspection data to determine the next steps being cognisant of the imminent wet season

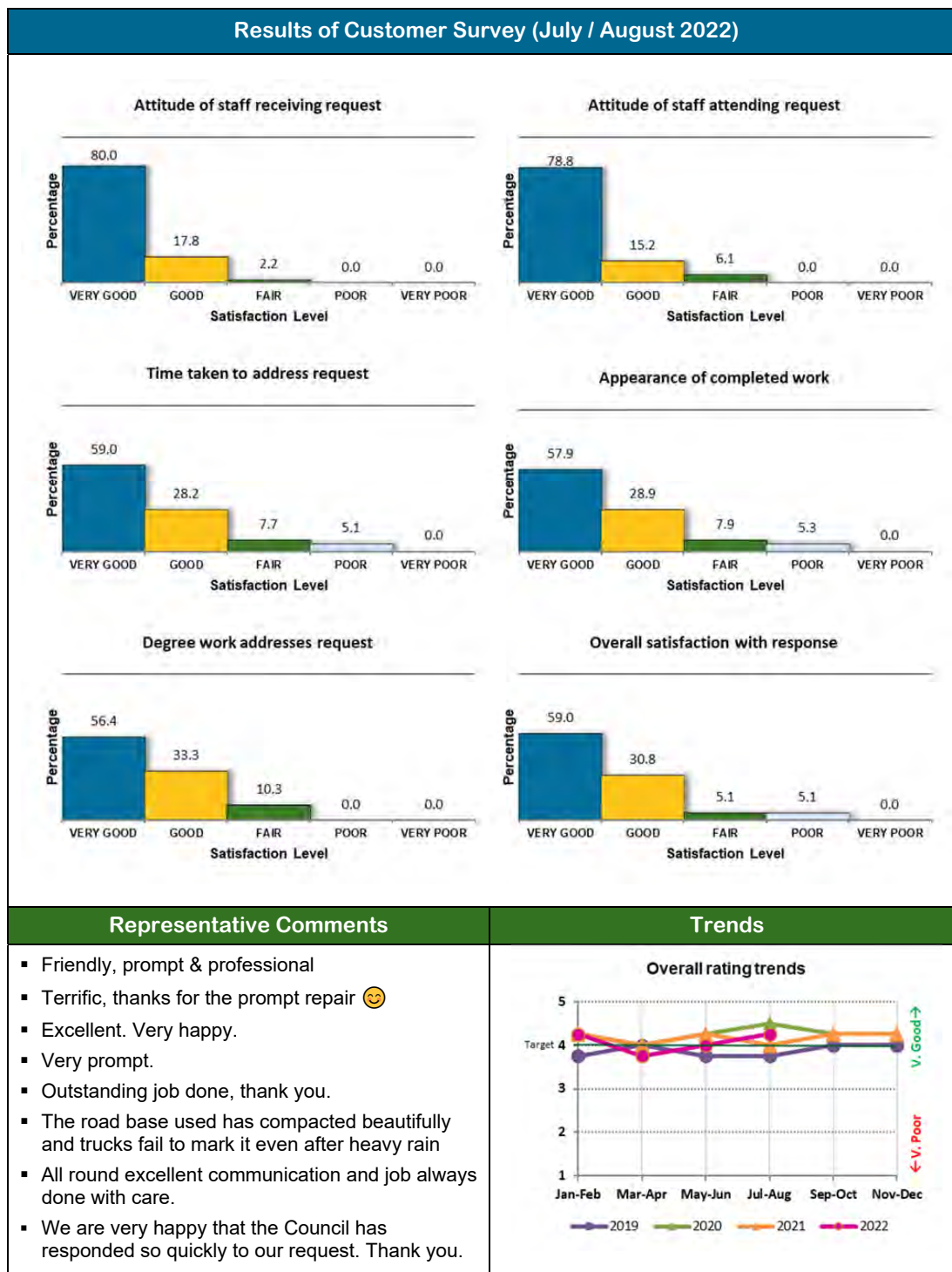


3.4. Bridge Maintenance

Limited maintenance has been completed during the month. The works undertaken have been in response to either Customer Requests received or minor works identified during Level 1 Inspections. Our resource pool and skill set in this area is lagging and, at a higher level of asset management and Capital Works, we have identified an express need for external providers to encompass the broader scope of work.

Clearing of bridge accesses for Level 2 Inspections is being planned and will be delivered by external resources. These works are planned to commence mid-October 2022 to coincide with the Program of Works for Inspections.

4.1. Requests for Maintenance Work



ASSET MANAGEMENT

5.1. Asset Management Program – Strategic Goals

The Asset Management Program has managed to fill some of the outstanding vacancies within the Program with two (2) new starters scheduled to commence in October 2022; this does still leave two longstanding vacant roles. Asset Management has also commenced engagement with staff and impacted unions on a minor change within the Program that will result in an increase in overall Program numbers by two (2) roles.

Low staff numbers have impacted on the Program's ability to deliver project work and drive down the outstanding Work in Progress (WIP) and Donated Assets backlogs. Asset Management is continuing to work with the Development Services and Capital Departments to improve the process for As-Constructed information capture and transfer to reduce the risk of asset information not being captured in a timely manner. It is considered that this risk will be reduced in the coming months as the new starters build capability in capture and recognition of assets.

The Asset Management Program Operating Model Review Project was completed in September 2022 with a final report and recommendations to be presented to the Executive Leadership Team (ELT) in October 2022. The project findings have identified that other Local Government Areas (LGAs) are moving, or have moved, towards a more centralised approach to the delivery of Asset Management functions across their organisation.

Recruitment

Position Number	Position Title	Type	Recruitment Status
AM0001	Manager – Asset Management	Contract	Recruitment unsuccessful. Advertising of position on hold until completion of Asset Management Program Operating Model Review Project.
AM0016	Asset Management Specialist	Permanent	Recruitment process ongoing.
AM0007	Project Officer Assets	Permanent	Incumbent seconded. Temporary role filled with new starter to commence in late October 2022.
AM0009	Asset Project Coordinator	Permanent	Minor structure change in progress, currently consulting with staff and the relevant unions.
AM0013	Project Officer Assets	Permanent	Preferred applicant identified working through recruitment finalisation.
AM0011	Project Officer Assets	Permanent	Role filled with new starter to commence mid-October 2022.

Performance and Governance

In line with the Internal Audit recommendations, the Asset Management Program will review all Terms of Reference of the Governance Groups that have been created ensuring that they are functioning effectively and are reporting to their higher Groups.

Meeting Held	Attendance 2022				Actions	
	Qtr. 1	Qtr. 2	Qtr. 3	Qtr. 4	New	Outstanding
AVRG Roads	68%				1	4
AVRG Water, Sewer, and Waste	80%				0	5
AVRG Parks and Environment	73%				0	2

Asset Valuations

Asset Valuations are completed by Asset Class on a rolling three-year basis. Asset Valuations are delivered between Financial Services and Asset Management with ownership of the Corporate Risks around Asset Valuations residing between the Manager Financial Services and Manager Asset Management.

MRC is planning to complete comprehensive Revaluations for Site Improvements, Buildings and Land Financial Asset Classes in the 2023 financial year. The Asset Management Program is working closely with the impacted asset owners and Financial Services in completing project planning and preliminary activities to support the completion of the Asset Valuation.

5.2. Asset Management Projects Update

No projects were finalised during September 2022.

The current Asset Management Projects have progressed as per the below table.

Property Services - Predictor Pilot

Project Status			
Overall Status	On Track	Schedule	On Track
Project Update		Risks	
<ul style="list-style-type: none"> Predictor Tool and condition data to be presented to ELT. Awaiting review of condition data. 		<p>Predictor / Condition Data Not Meeting the Needs</p> <p>The condition data that has been collected is too low level and is not financially manageable. The data collected for Predictor is more beneficial to managing maintenance and not financial data. This may affect the ongoing use of the data.</p> <p>Update:</p> <p>No update for September 2022.</p>	

Laboratory Maintenance Rollout

Project Status			
Overall Status	On Hold	Schedule	On Hold
Project Update		Risks	
<ul style="list-style-type: none"> A Workshop was conducted to prioritise the data cleanse and maintenance rollout of the Laboratory assets. The Project Plan has outlined 4 phases: <ul style="list-style-type: none"> Large Instruments (service contracts) Parts – Balance, Auto Pipette, etc Parts – Autoclaves, Thermometers, Incubators General Site Assets – Buildings, Fences, etc A phase consists of both data cleanse and implementation of maintenance. 		<p>Availability of Resources Resourcing for the Project is dependent on resources in both Asset Management and the Laboratory. Existing workloads and COVID restrictions may affect availability.</p> <p>Update: Resourcing is not available at this current time, so the project has been put on hold. Re-engagement will occur later in 2022.</p> <p>Assets Not Cleansed Many assets have been identified as missing and these will require cleansing/capture prior to the maintenance rollout commencing. This will impact the schedule.</p> <p>Update: Project remains On Hold.</p>	

Transport & Drainage - Shepherd Engagement and Data Structure

Project Status			
Overall Status	At Risk	Schedule	Risk
Project Update		Risks	
<ul style="list-style-type: none"> Data Structure sign-off documents received from Asset Owner. A final review of documents to be undertaken by Asset Management to complete requirements. Data Review has been completed for Pathway assets as there is no comparative data for Kerb and Channel assets. Still finalising some outstanding matters with the contactor. This Project is to continue in parallel with Maintenance Review of Civil Operations. 		<p>Loss Data During Purge Potential loss of Carpark and Kerb and Channel data during Assetic purge. Preventative measures are being implemented.</p> <p>Update: It was determined that both Pathway and Kerb and Channel data sets would be purged with Asset Management to create a methodology to document processes and Quality Assurance checks. This is a significant milestone within the project.</p>	

Assetic – Maintenance Module Review

Project Status			
Overall Status	On Track	Schedule	On Track
Project Update		Risks	
<ul style="list-style-type: none"> The Assetic Maintenance Module Review has identified enhancement options for Assetic and will be provided to Assetic as a package. The enhancements will provide efficiencies to the users of Assetic who use the Maintenance Module. 		<p>The enhancements that are suggested are not a priority for Assetic or will not be implemented.</p> <p>Update: Enhancements have been identified and prioritised. User requirements have been identified for High and Medium Priority enhancements.</p>	

Engagement for two future Projects for Parks and Environment and Waste Services will occur in October 2022.

5.3. Asset Maturity Targets

There has been no significant change to the Asset Maturity state for September 2022.

5.4. Work in Progress (WIP)

During September 2022, Asset Management continued to focus on the development of the Asset Data Capture System and the asset capture of Donated Assets with a plan to prioritise WIP from October 2022.

5.4.2 Work in Progress (WIP) – Priority 1

Priority 1 (>365 days old)	Gateway Status		
Total Priority 1 Backlog	Total Number	Asset Technical	Number
\$6.6M	36	\$57,000	3

5.4.3 Work in Progress (WIP) – Priority 2

Priority 2 (>90 days old)	Gateway Status		
Total Priority 2 Backlog	Total Number	Asset Technical	Number
\$33M	125	\$3M	14

The total value of Capital Projects to be capitalised is **\$45 million** with the number of projects being **174**.

5.5. Donated Assets

The following table outlines the applications received and completed for Donated Assets.

The non-developer donated is for projects that are constructed by a third party e.g., DTMR that impact Mackay Regional Council assets and maintenance requirements.

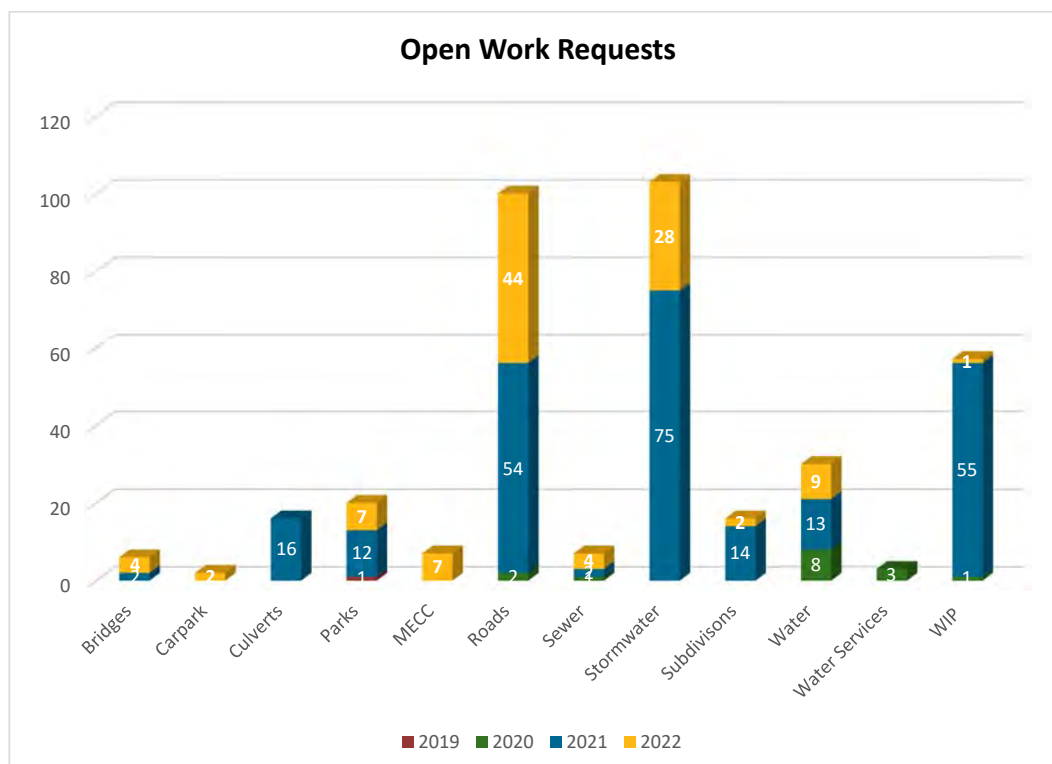
Donated Assets	Number Completed September 2022	Number Outstanding
Subdivisions	1	2
Other Donated	0	0
Non-Developer donated	2	1

Asset Management prioritised the asset capture of the non-developer donated works for the Ring Road and Bald Hill Road in September 2022.

5.6 Work Requests / Work Orders

The total of outstanding Work Requests for September 2022 is **367**. A total of **13** new Work Requests were lodged.

The graph below displays the open Work Requests by type and the year the request was logged.

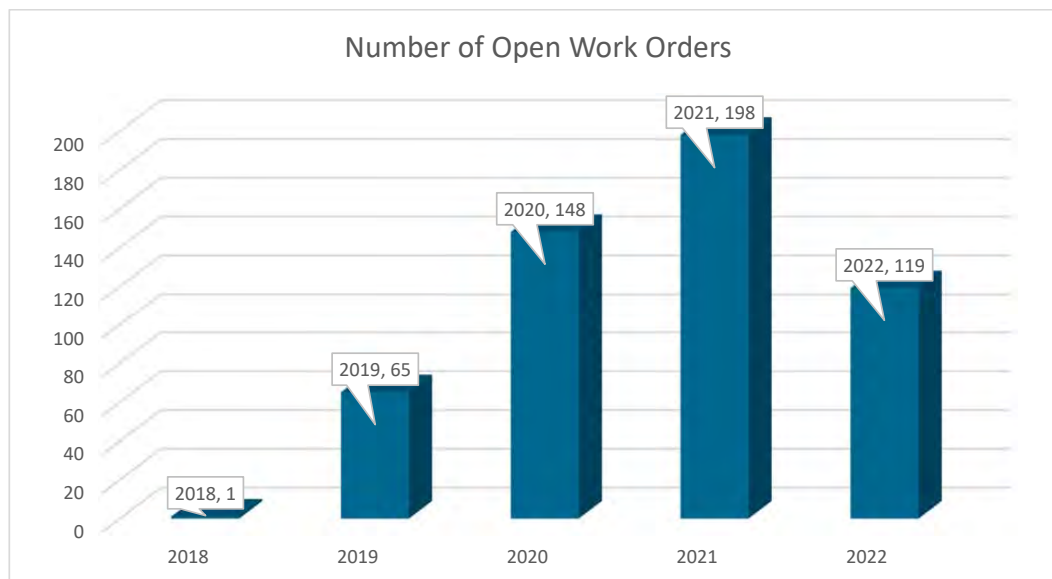


The total of outstanding Work Orders for September 2022 is **1,058**. This includes:

- **531** open Work Orders that were created from a Work Request.
- **527** open Work Orders that have been created for internal Asset Management, Financial Services or GIS work processes. **6** Work Orders have been finalised in September 2022.

Work Orders remain open until all assigned Tasks are completed. This includes Tasks that are assigned to the other corporate asset stakeholders e.g. GIS, Financial Services, asset owners/maintainers. Asset Management has completed **42** tasks across various Work Orders.

The graph below displays the total number of Work Orders that are outstanding and the year the Work Order was logged. Please note, this only includes Work Orders that were created from a Work Request.



5.7 Asset Data Capture System

Asset Management is developing an Asset Data Capture System to improve the quality and efficiency of the Asset Recognition Process. This is a key project that includes:

- Review and trial of an ESRI (Madi)/Asstetic integration – asset information prepopulated from drawing files and automated into Asstetic and spatially represented with linework in MADI.
- New Template (Database) – a new system to capture information through a Template Database based on agreed Data Structures. This is a simplified version of the current Template and will improve the quality and complexity of asset capture.
- Embed ADAC – improve the quality and consistency of ADAC through education and process development with Lions Systems consultancy.

In September 2022, the ESRI/Asstetic integration investigation began with the development and testing of sample data. Initial testing has been successful and we now moving to further development of the creation of asset attributes

The Pilot Template has been created for Waste Infrastructure and an initial test is in progress.

Asset Management has engaged Lions System to prepare for future works.

11.4.2. ENGINEERING & COMMERCIAL INFRASTRUCTURE - WASTE SERVICES MONTHLY REVIEW - SEPTEMBER 2022

Author	Executive Assistant (Robyn Smith)
Responsible Officer	Director Engineering & Commercial Infrastructure (Jason Devitt)
File Reference	MONTHLY REVIEW
Attachments	1. ECI - Waste Services Monthly Review September 2022 [11.4.2.1 - 16 pages]

Purpose

Attached is a copy of the Engineering & Commercial Infrastructure – Waste Services Monthly Review – September 2022.

Related Parties

N/A

Officer's Recommendation

That the Engineering & Commercial Infrastructure – Waste Services Monthly Review for September 2022 be received.

The Director for Engineering and Commercial Infrastructure Jason Devitt, provided an overview and highlights of the Waste Services Monthly Review Report for September 2022.

Council Resolution ORD-2022-314

That the Engineering & Commercial Infrastructure – Waste Services Monthly Review for September 2022 be received.

Moved Cr Hassan

Seconded Cr Jones

Cr Hassan highlighted several items from the report including safety, the great number of volunteers who participated in the Clean-up Mackay Region initiative, the number of bin lifts for the month with minimal bins missed, and noted that she was looking forward to the Regional Waste Management Plan and commended the management team and staff on their commitment to ongoing improvement in the waste services business.

CARRIED



Engineering and Commercial Infrastructure - Waste Services

Monthly Review
September 2022

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OVERVIEW

This report is for Waste Services activities for the September 2022 period.

Significant items in this period include:

- There were three safety incidents recorded during the period with all of them contractor related.
- Tonnages received at Hogan's Pocket Landfill for September 2022 (7,716 tonnes) were slightly lower than those received in August 2022 (7,822 tonnes).
- The last "Clean Up, The Mackay Region" event for the year occurred at North Wall Beach on 11 September 2022
- 707 tonnes of green waste were received which is an increase over the previous month
- 238 tonnes of material were sold at the Incredible Tip Shop during this period
- The Dump Voucher Redemption Rate for Season 22A was 25.3% for the rating period (38,306 vouchers redeemed out of 151,428 available vouchers) as at the end of September 2022

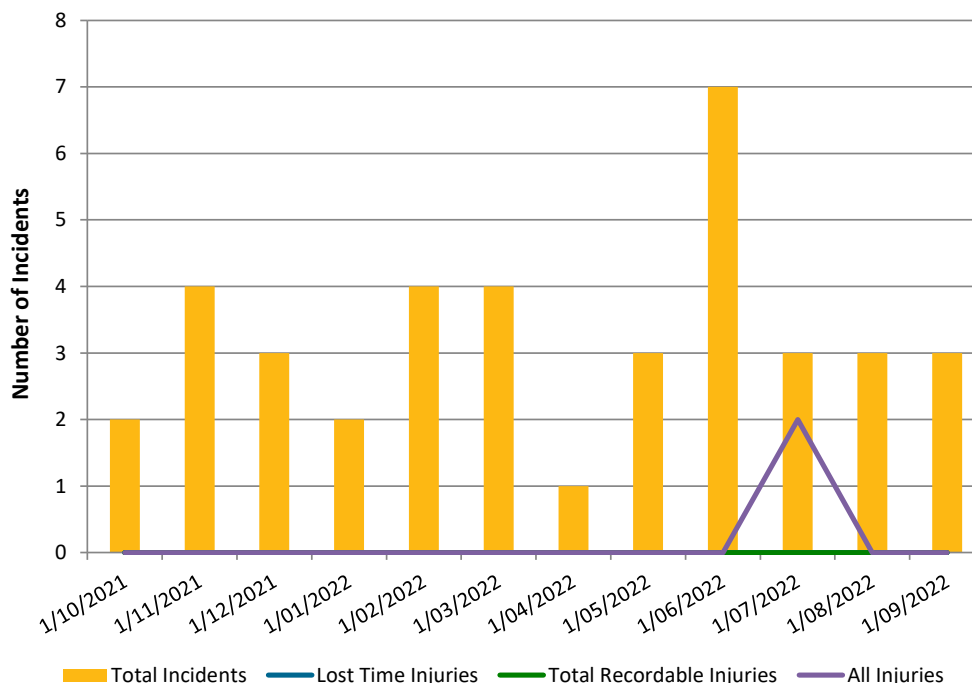


Director Engineering & Commercial Infrastructure

SAFETY

1.1 Safety Incidents and Lost Time Injuries

Waste Services aspires to achieve zero harm with a stretch target of zero injuries. The following incident graph details a summary of the Waste Services safety incident performance.



September 2022 Summary:

- 100% of MAPs were completed
- Six safety interactions were completed
- Five Site Safety Inspections were undertaken.

There were three incidents reported during September.

The following incidents involving a contractor were reported during September:

- While performing a domestic run the driver has reversed into a gate
- Altercations between contractor and NSM at waste transfer station.
- Waste collection vehicle lost control in greasy/wet conditions.

Each incident is investigated, and appropriate corrective measures implemented to reduce future risks.

Glossary

Incident
 Lost Time Injury (LTI)
 Total Recordable Injuries (TRI)
 NTI
 FAI
 MTI
 SDI
 LTI

Any unplanned event resulting in or having a potential for injury or ill health.
 Incidents that resulted in a fatality, permanent disability or time lost from work of one day / part of a day or more
 Incidents that result in a Lost Time Injury (LTI), Suitable Duties Injury (SDI) and Medical Treatment Injury (MTI)
 Non-Treatment Injury
 First Aid Injury
 Medical Treatment Injury
 Suitable Duties Injury
 Lost Time Injury

1.2 Lost Time Injuries

Waste Services aspires to achieve zero Lost Time Injuries by improving safety performance and developing a proactive safety culture while implementing the best practice of safety management across the whole of Waste Services.

Department	2017-18		2018-19		2019-20		2020-21		2021-22	
	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost
Waste Services	0	0	0	0	0	0	0	0	0	0

FINANCE

2.1 Community Service Obligations – Fee Waivers

The graph and the table below show the Charities' and Organisations' expenditure to 30 September 2022. Tonnage rates apply however minimum gate charges will override when applicable.

Expenditure for the Period:

Charity/Organisation	Sep-22		YTD Expenditure 2022/2023		Budget for 2022/2023
	Tonnage	\$ (excl gst)	Tonnage	\$ (excl gst)	\$ (excl gst)
Adopt-a-Spot			0.00	\$0.00	\$80.00
Bolzys Go4 Services	0.04	\$14.27	0.08	\$42.81	\$900.00
Community Accommodation & Support			0.00	\$0.00	\$80.00
Iona West Mens Shed			0.00	\$0.00	\$80.00
Kidney Support Network Inc			0.26	\$38.06	\$800.00
Lifeline Mackay	17.94	\$2,625.78	54.34	\$7,953.40	\$28,000.00
Mackay Coloured Co-op.	0.46	\$109.52	0.48	\$123.79	\$1,400.00
Mackay & District Spinal Injuries Assoc Inc			0.00	\$0.00	\$80.00
Mackay Regional Housing Company			0.00	\$0.00	\$700.00
New Life Christian Church	0.60	\$95.16	0.60	\$95.16	\$700.00
RSL Pioneer - Fitzroy District			0.08	\$19.05	\$550.00
Sarina Landcare Catchment Support			0.00	\$0.00	\$110.00
Society of St Vincent De Paul	8.34	\$1,220.68	25.22	\$3,691.31	\$11,500.00
St Vincent De Paul Society - Sarina			0.00	\$0.00	\$860.00
The Salvation Army	2.52	\$374.33	8.64	\$1,278.48	\$10,000.00
The Samaritan House	0.16	\$47.59	0.16	\$47.59	\$110.00
TOTAL	30.06	4487.33	89.86	\$13,289.65	\$55,950.00

September 2022 Summary:

Year to date expenditure for Not-for-Profit Organisations is reported on a calendar month basis.

Not for profit Organisations Total Waste Disposals**2.2 Waste Financial Report**

Financial data for the month is being presented in the Strategic Financial Report.

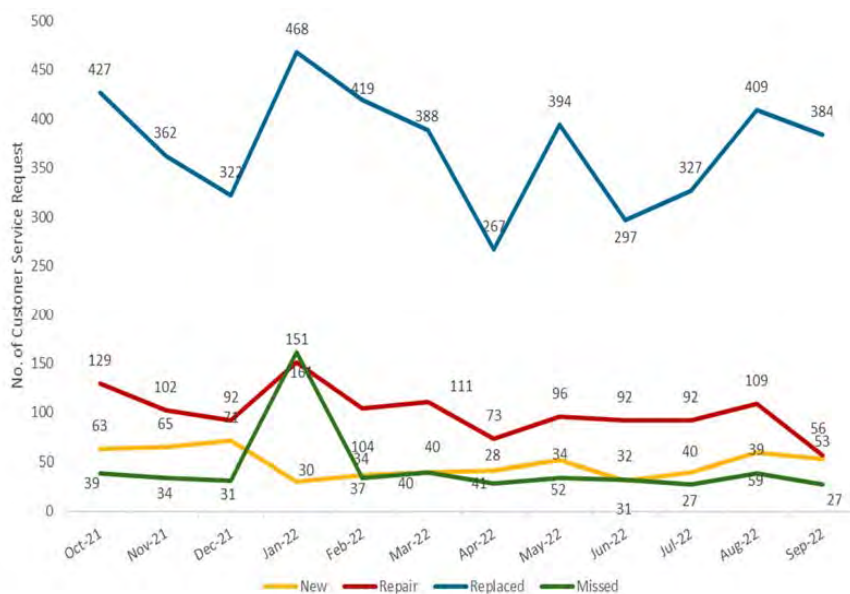
2.3 Operating Result for Waste Fund

Financial Data for the month is being presented in the Strategic Financial Report.

CLIENT SERVICE

3.1 Number of Bin Requests Actioned by Bin Contractors

The following graph shows the number of bin requests actioned by Bin Contractors for September 2022.



September 2022 Summary:

The statistics for September 2022 are as follows:

- 53 New Bin Services – annual median of 49
- 57 Repaired Bins – annual median of 106
- 384 Replaced Bins – annual median of 376
- 27 Missed Bins – annual median of 44

Approximately 280,886 bin lifts were performed during the month of September 2022 of which 53 were New Bin Services.

A total of 468 Bin Maintenance Requests were received of which 27 were Missed Bins, 56 were Bin Repairs and 384 were Bin Replacements.

Requests for New Bin Services were six less than for the previous month. The number of Missed Bins and Bin Repairs were lower than for August 2022 and Bin Replacements were slightly lower this month by 25.

There were 27 Missed Bins by the Contractor which represents 0.0096% of the total number of bins collected: 26 general waste bins and 1 recycling bin were missed.

For clarity, Waste Services reporting on New Bin Request numbers is for New Bin Services. A standard New Bin Service includes one general waste wheelie bin and one recycling wheelie bin.

3.2 Dump Vouchers

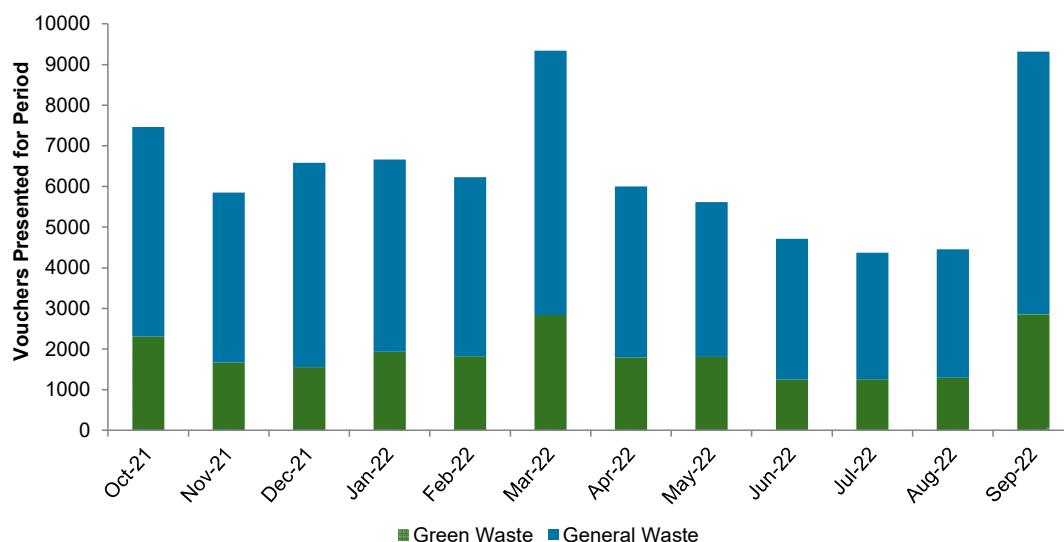
Vouchers are valid for the relevant 6-month rating period (A= April – September and B= October – March)

	No Vouchers issued	No Vouchers used	%
15' (valid to 31 March 2015)	145,344	34,494	23.7%
15A (valid to 30 September 2015)	146,313	32,414	22.2%
15B (valid to 31 March 2016)	146,790	38,080	25.9%
16A (valid to 30 September 2016)	147,456	36,739	24.9%
16B (valid to 31 March 2017)	147,411	41,977	28.5%
17A (valid to 30 September 2017)	147,411	35,564	24.1%
17B (valid to 31 March 2018)	147,555	40,119	27.2%
18A (valid to 30 September 2018)	147,693	35,546	24.1%
18B (valid to 31 March 2019)	147,984	41,772	28.2%
19A (valid to 30 September 2019)	148,416	38,731	26.1%
19B (valid to 31 March 2020)	148,647	44,898	30.2%
20A (valid to 30 September 2020)	148,905	41,573	27.9%
20B (valid to 31 March 2021)	149,175	38,997	26.1%
21A (valid to 30 September 2021)	150,000	36,585	24.4%
21B (valid to 31 March 2022)	150,657	38,819	25.8%
22A (valid to 30 September 2022)	151,428	38,306	25.3%
22B (valid to 31 March 2023)	151,743	3,328	2.2%

Total number and \$ value of vouchers presented to date:		
2014/2015 Financial Year (to 30.06.2015)	58,276	\$419,227
2015/2016 Financial Year (to 30.06.2016)	75,459	\$553,204
2016/2017 Financial Year (to 30.06.2017)	76,790	\$542,853
2017/2018 Financial Year (to 30.06.2018)	72,685	\$558,552
2018/2019 Financial Year (to 30.06.2019)	77,218	\$639,860
2019/2020 Financial Year (to 30.06.2020)	85,258	\$643,421
2020/2021 Financial Year (to 30.06.2021)	83,013	\$618,756
2021/2022 Financial Year (to 30.06.2022)	84,527	\$579,211
2022/2023 Financial Year (to 30.06.2023)	18,147	\$155,364

September 2022 Summary:

The redemption rate for period 22A was 25.3%. The voucher usage for the month of September 2022 was slightly higher than the reported usage for the same period last year, however, is within the expected range of +/- 2%.



3.3 Community Engagement – Education

No “War on Waste” style Bin Audits conducted in September 2022 due to school holidays.

Talks to kindergarten students occurred as follows:

- Emmanuel Kindergarten - 88 students
- C & K Kindergarten Walkerston – 22 students
- Whitsunday Anglican School - 22 students

3.4 Material Recovery Facility (MRF)

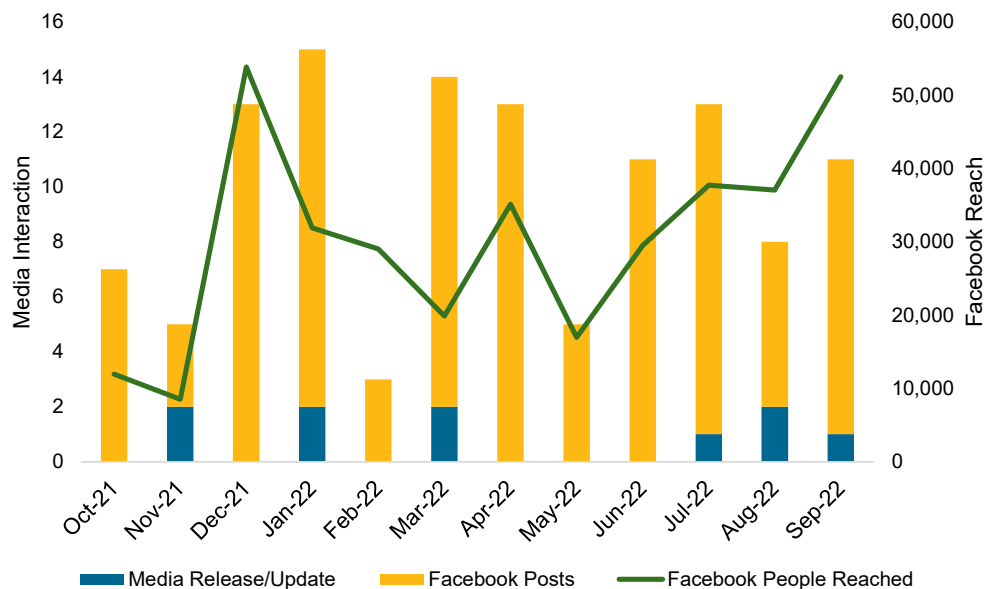
No MRF Tours conducted in September 2022 due to school holidays.

3.5 Education Programs in the Community

- Seven people attended the Composting and Worm Farm Workshop held at Mackay Regional Botanic Gardens.
- 97 volunteers participated in the last event of “Clean Up, The Mackay Region” for the year that took place at North Wall Beach on 11 September 2022. In total, 3,268 tonnes were collected including six shopping trolleys (all returned to supermarkets), 36 tyres, 531 Containers for Change donated to the Incredible Tip Shop, and 852kg of resources recovered for recycling and resale at the Incredible Tip Shop. Prizes for volunteers were donated by Arlec, Bunnings Paget, Coles Caneland, Woolworths Caneland, Pryme Sales and ATOM, and Caneland Central.

3.6 Community Engagement – Social Media

Waste Services engagement with the community is monitored; the following chart shows the number of Media Releases/Updates, informative Facebook posts, and the number of people reached through this social media platform.



September 2022 Summary:

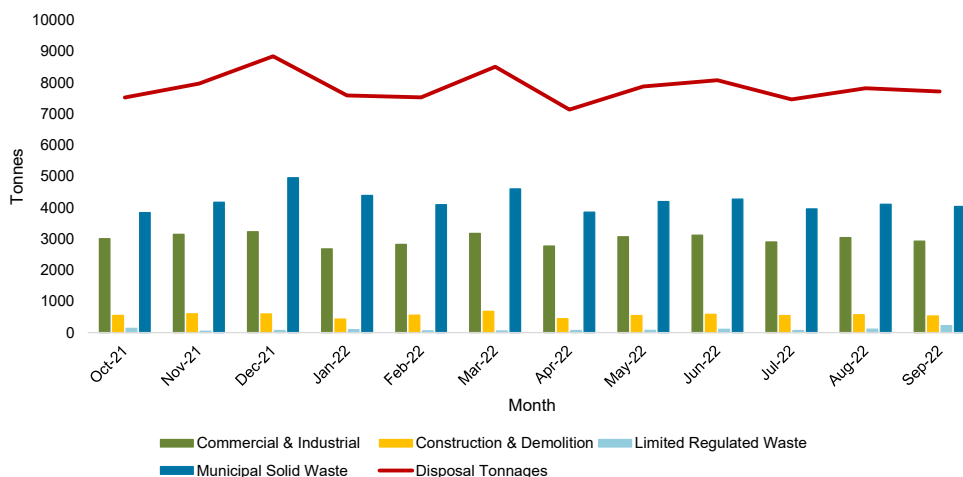
There was 1 Media Release/Update and 9 Facebook Posts for the September 2022 period:

- 812 likes for "Figures are in! more than 3 tonnes of rubbish collected during Clean Up"
- 291 likes for "Congratulations to winner of Can of Worms at composting workshop"
- 141 likes for "Last chance to clean up our region at Northwall clean up event"

ASSET MANAGEMENT

4.1 Hogan's Pocket Landfill Waste Disposal Tonnages

The chart shows the continued variability in waste disposal tonnages for the region.

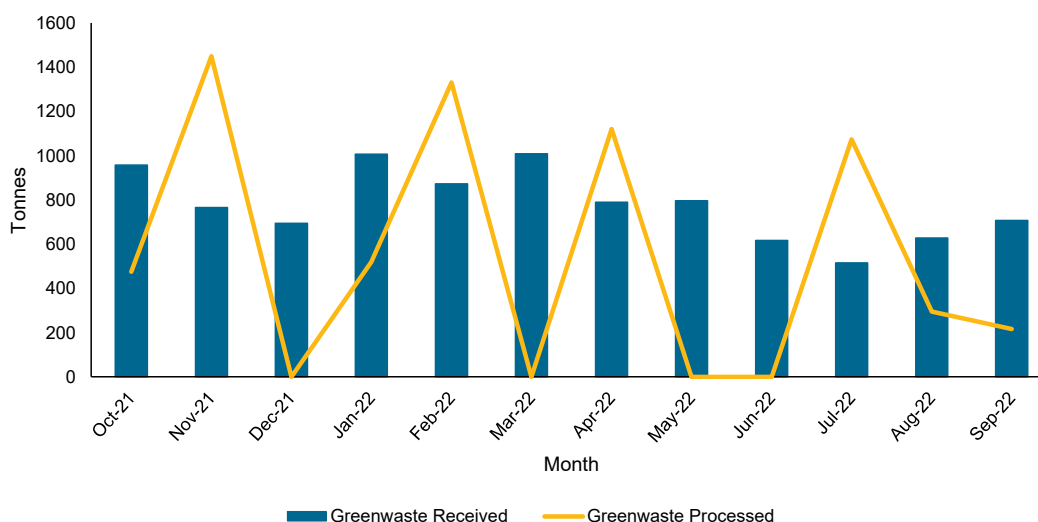


September 2022 Summary:

The total waste received at Hogan's Pocket Landfill for September 2022 was 7,716 tonnes which is a decrease of 106 tonnes less than for the previous month. There were decreases of 115 tonnes in Commercial and Industrial, 36 tonnes in Construction and Demolition, and 71 tonnes in Municipal Solid Waste and an increase of 116 tonnes in Limited Regulated Waste when compared to the previous month.

4.2 Green Waste Management

The following graph illustrates the tonnage for green waste received and processed for past 12 months.

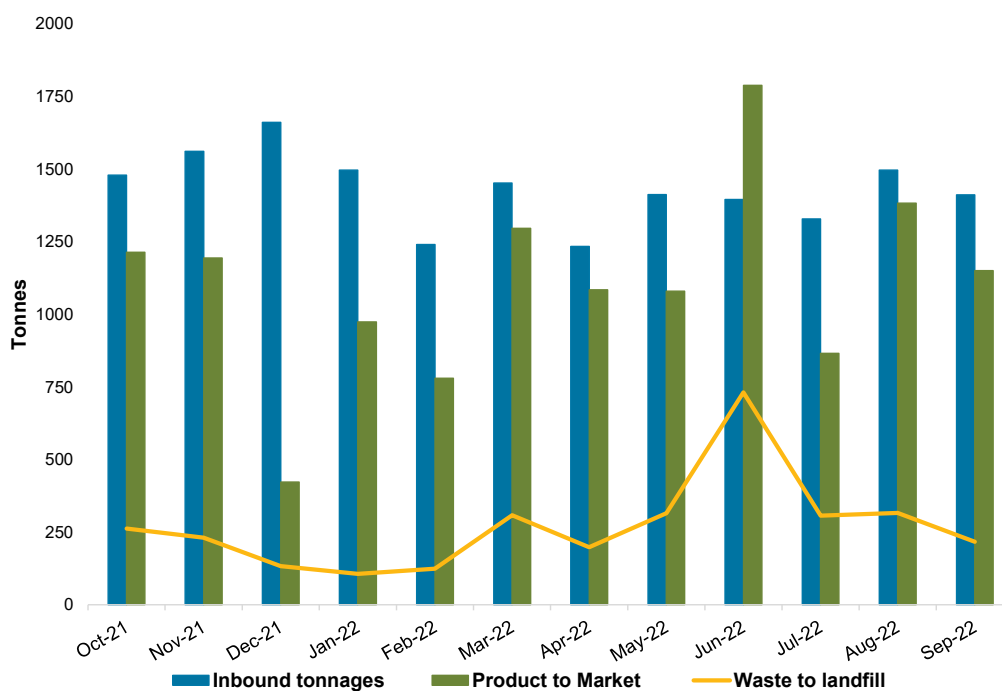


September 2022 Summary:

707 tonnes of green waste were received for the reporting period which is an increase of 79 tonnes over the previous month. Tonnages received are slightly higher than for the same reporting period last year and can be attributed to the favourable growing season. The amount of material processed for the month was 217 tonnes.

4.3 Material Recovery Facility Operations

The following graph shows tonnages of materials received and processed at the Materials Recovery Facility (MRF) for the past 12 months.

**September 2022 Summary:**

Inbound and Product to Market tonnages decreased slightly during the month.

Transport News

Transport costs are continuing to be impacted by high fuel prices.

Market News

The demand in the recycling market has dropped this month. Pricing for Cardboard, Paper, HDPE and aluminium has dropped.

Plant News

The MRF Plant had minimal disruptions this month. Some work has been completed on the hardstand pavement at the back of the MRF with Civil Operations Crews completing half of the work.

Contamination News

Re-Group has worked hard on reducing bail contamination by adding additional sorters and making improvements to the Plant. As a result, the contamination rate has dropped from 21% to 15%.

4.4 Resource Recovery Facility – Tonnages

The below graph shows the total tonnages sold at the Resource Recovery Facility and the amount of residual waste sent to landfill over the 12-month period.

**September 2022 Summary:**

There was a slight decrease in tonnage sales and tonnes of material transported to landfill during September 2022 when compared to August 2022.

REGULATORY COMPLIANCE

5.1 Surface Water Discharge Management

There were no stormwater releases during September 2022.

5.2 Waste Facility Audits

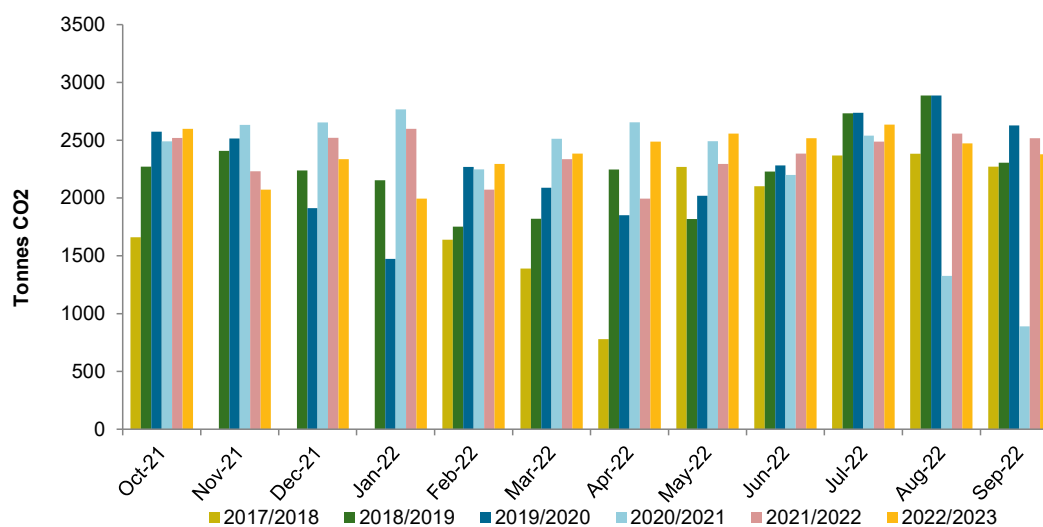
Inspection Frequency	Number required	% Complete	Completed/ Carryover	Comments
Bi-Monthly	15	100%	15/15	All waste facility audits were completed during September 2022

September 2022 Summary:

A total of 18 Waste Facility Audits were completed during this period of which three were carried over from August 2022.

5.3 Landfill Biogas Safety

The graph below displays five years of monthly gas destruction in real time.



September 2022 Summary:

The bio-gas flare operated with 2,377.79 tonnes of CO₂-e (280,400 LFG volume Nm³) being flared for the period which is within the expected range.

MANAGEMENT INITIATIVES

6.1 COVID-19 – Waste Services Status

Waste Services continues to implement relevant parts of its Business Continuity Plan and has continued to apply all Council, State and Australian Government directives where necessary.

In terms of operations:

- The Waste Services Team has seen some impacts due to COVID19, however, core operations have continued to be delivered
- All sites and services are open as per normal operations
- Collection Services currently operate as per normal operations; and
- Some Consultancies have been impacted and have implemented working from home protocols

As the current situation evolves, Waste Services will continuously monitor any impacts and, with approval, modify and respond in accordance with the local circumstances.

6.2 Current Waste Services Management Improvements

Waste Services has been working on several initiatives this month to improve our business. Some of the business improvements currently in progress include:

- **Bi-Annual Recycling Bin Survey**
The draft report has been completed. Due to impacts of staff absences, the review of the draft report has not been finalised. It is expected that the report will be available in November 2022.
- **Capital Project - Stormwater Network Improvements Project at Hogan's Pocket**
Project is scheduled for construction in 2023/2024 FY.
- **Operational Project - Asset Management Project**
The project is in the Asset Maintenance Phase. Progress this month includes continued work on developing Asset Inspection Templates for various sites.
- **Operational Project - Closed Landfill Review**

Project Background

The "Closed Landfill Project" is a review of Council's closed landfills to determine the need for and extent of work and or monitoring that Council is required to undertake to minimise impacts to the environment because of legacy landfills.

To date the Project has completed the following:

- "Initial Closed Landfill Site Review".
- Council's Consultants, Golders, has completed 13 detailed Site Summary Reports for review and sign off.
- A qualified Closed Landfill Adviser has also been engaged by Council to review the Site Summary Reports and has provided advice on a path forward and a clearer understanding on potential legal obligations and the differences between sites that are Environmentally Licenced versus sites that were closed before the Licencing System came into force.
- A Gap Analysis Roadmap was developed to determine the expected deliverables in 2022.

Project Update:

This month field investigation work at the Bayersville and Grendon Street Closed Landfills was completed. The work included clearing and drilling/boring work.

- **Operational Project - Hogan's Pocket Gas Flare - Preparation of Emissions Reduction Fund Offsets Report**

Project Background

NDEVR Environmental has been appointed to undertake an analysis of the abatement potential for the Hogans Pocket Gas Plant and to apply to register the gas project under the Emissions Reduction Fund. This will enable the establishment of a baseline for abatement potential to develop and submit future Offset Reports.

This Project has the potential to create revenue for Council by on-selling carbon credits or the retention of credits to offset Council's Corporate Carbon Emissions.

Project Update

The Application to register MRC with the Clean Energy Regulator (CER) has been submitted. CER has requested that further data be provided for assessment of the Application.

- **Operational Project - Hogan's Pocket Ground Water Monitoring Assessment**
The draft Investigation Report from Terra Sana, for the site investigation work has been received. The report will be finalised next month.

- **Operational Project - Waste Management and Resource Recovery Strategy Review**

Project Background

The Waste Management and Resource Recovery Strategy is currently being developed by Waste Services. This Strategy will demonstrate key focus areas for waste management within the Mackay Region.

Project Update

Work continues on the Waste Education Strategy. Workshops are scheduled for Councillors and officers in early October 2022.

- **Operational Project – Regional Waste Management Plan**

Project Background

The Queensland Government has requested that Waste Management Plans be developed for all Regions by December 2022. These Plans will be used to model future investment needs for region, in relation to waste management, resource recovery and waste diversion requirements. The Regional Plans will be a vehicle to help articulate priorities for each Region to the Government.

Project Update

The consultants are working through the data and plan to meet with Regional Councils in October, November and December 2022 to workshop the initial draft documents. Council presentations will be scheduled if appropriate.

11.4.3. ENGINEERING & COMMERCIAL INFRASTRUCTURE - WATER SERVICES MONTHLY REVIEW - SEPTEMBER 2022

Author	Executive Assistant (Robyn Smith)
Responsible Officer	Director Engineering & Commercial Infrastructure (Jason Devitt)
File Reference	MONTHLY REVIEW
Attachments	1. ECI - Water Services Monthly Review - September 2022 [11.4.3.1 - 21 pages]

Purpose

Attached is a copy of the Engineering & Commercial Infrastructure – Water Services Monthly Review for September 2022.

Related Parties

N/A

Officer's Recommendation

THAT the Engineering & Commercial Infrastructure – Water Services Monthly Review for September 2022 be received.

The Director for Engineering and Commercial Infrastructure Jason Devitt, provided an overview and highlights of the Water Services Monthly Review Report for September 2022. The Director noted that Mackay Regional Council had won Best Tasting Water in Queensland again, which made it four out of five years, with this years award being won by the Nebo Road Water Treatment Plant.

Cr Jones referred to the Works Completed by Assets Type graph, noting that there was significant work done in two areas but not a lot in the other areas and queried the reason for this.

The Director advised that the AMR and meter replacement program was a priority so a lot more work was done in this area than would be normally expected.

Cr Jones referred to the Leak Detection Notifications graph noting that it shows that 5,042 people were contacted but there were only 1,915 leaks.

The Director advised that people may get multiple leak notifications via various means, which continue to be sent if the leak is not fixed.

Cr Bonaventura noted that just under 2,000 AMR's were replaced during the month and queried if this number would ramp up given there are 47,000 to be replaced.

The Director advised that the replacement of the AMR's is a rolling program based on the age of the device, consumption or the level of fault.

Cr Mann noted that the report overview states that one incident was reported but further down it is stated that the number of safety incidents is five.

The Director advised that his reference to five incidences is correct, the statement that there was one incident is incorrect.

Cr May referred to the Wastewater Compliance graph, particularly in relation to the non-compliance of the Mirani Water Recycling Facility and queried if there was any end in sight to the contractor control of this facility.

The Director advised that he felt Council was getting closer to taking over the plant but there are still ongoing discussions and disputes around a number of contractual matters.

Cr May referred to the cross contamination mentioned in the report at the Sarina Water Recycling Facility and queried if this had occurred after the sample had been taken.

The Director advised that he would take the question on notice.

Cr Englert queried if other Councils contact Mackay Regional Council for advice given that we have achieved Best Tasting Water four times.

Mayor Williamson noted that at the recent Local Government Association of Queensland Conference, he had fielded several remarks, and noted that it was a feather in Council's cap that not only had the Marian Water Treatment Plant won, but so had the Nebo Road Water Treatment Plant.

Council Resolution ORD-2022-315

THAT the Engineering & Commercial Infrastructure – Water Services Monthly Review for September 2022 be received.

Moved Cr Jones

Seconded Cr Hassan

Cr Jones noted that it was great to see the water from the Nebo Road Water Treatment Plan win Best Tasting Water in Queensland, was pleased to see the new registrations for myh2o and congratulated staff for receiving such great customer feedback.

CARRIED



Engineering and Commercial Infrastructure - Water Services

Monthly Review
September 2022



1

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OVERVIEW

This report is for Water Services activities for the September 2022 period.

Significant items in this period include:

- There were no lost time injuries recorded and one incident occurred within the reporting period.
- Nebo Road Water Treatment Plant won the best tasting tap water in Queensland at the 'Best of the Best' water taste testing conducted at the Queensland Water Directorate Annual Forum on 7 September 2022. This is the fourth time we have won this competition in the last five years.
- Water consumption decreased slightly in Mackay and increased for the Sarina and Marian/Mirani communities from August 2022 to September 2022. The Mackay and Sarina communities remain under the Daily Residential Water Consumption Target of 200 l/p/d with Marian/Mirani communities exceeding the target.
- A total of 343 Work Requests were received to 30 September 2022 resulting in 234 Work Orders relating to Water and 43 Work Orders relating to Sewer.
- There was a significant increase in meter replacement figures for the month due to the commencement of the Residential Meter Replacement Program for 2022/2023. Both the Residential and Commercial Meter Replacement Programs are being undertaken by an external contractor and will continue over several months.
- Most 'Liked' Facebook Post (802) was for: *Best tasting water in Qld*
- Four representatives attended the Queensland Water Directorate Annual Forum hosted by City of Gold Coast from 6 - 8 September 2022

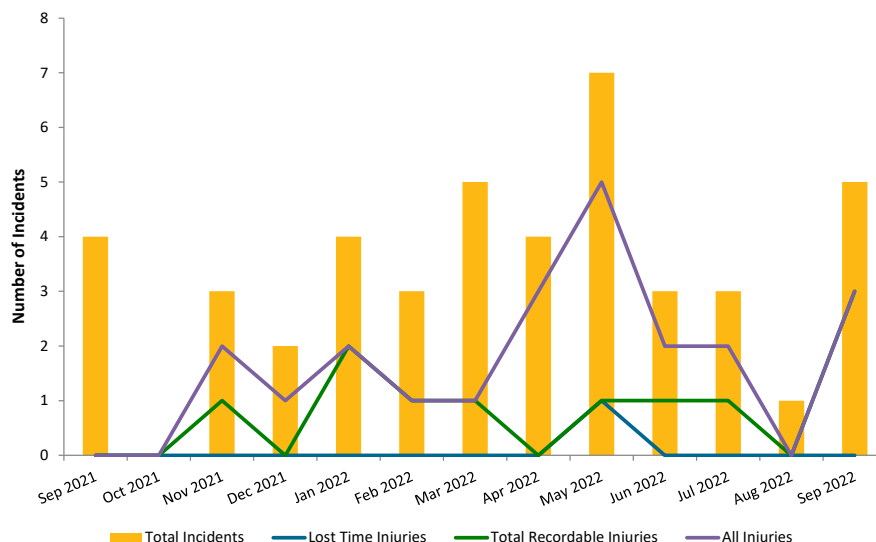


Director Engineering & Commercial Infrastructure

SAFETY

1.1. Incident Statistics

The incident statistic details a summary of the Water Services safety incident performance. Water Services aspires to achieve zero harm with a stretch target of zero injuries.



September 2022 Summary:

- Twenty-five safety interactions were undertaken.
- Six safety inspections were undertaken.
- 97% of monthly action plans activities were carried out.

There were five incidents reported during September. The following injuries to MRC employees were reported during September:

- SDI – Felt pain in abdomen, had been lifting drums earlier in the day.
- MTI – Whilst operating Vacuum Excavation truck, was removing a rock and had a sharp stabbing pain in lower back.
- MTI – While undertaking meter read, stuck hand under fence and was bitten by dog.

The following incidents involving a contractor were reported during September:

- Over filled pump while refuelling, fuel leaked on to hot exhaust cause fire and damaging trash pump.
- While installing air conditioner unit, grinding disc broke and shattered onto face causing cuts. Attended Hospital

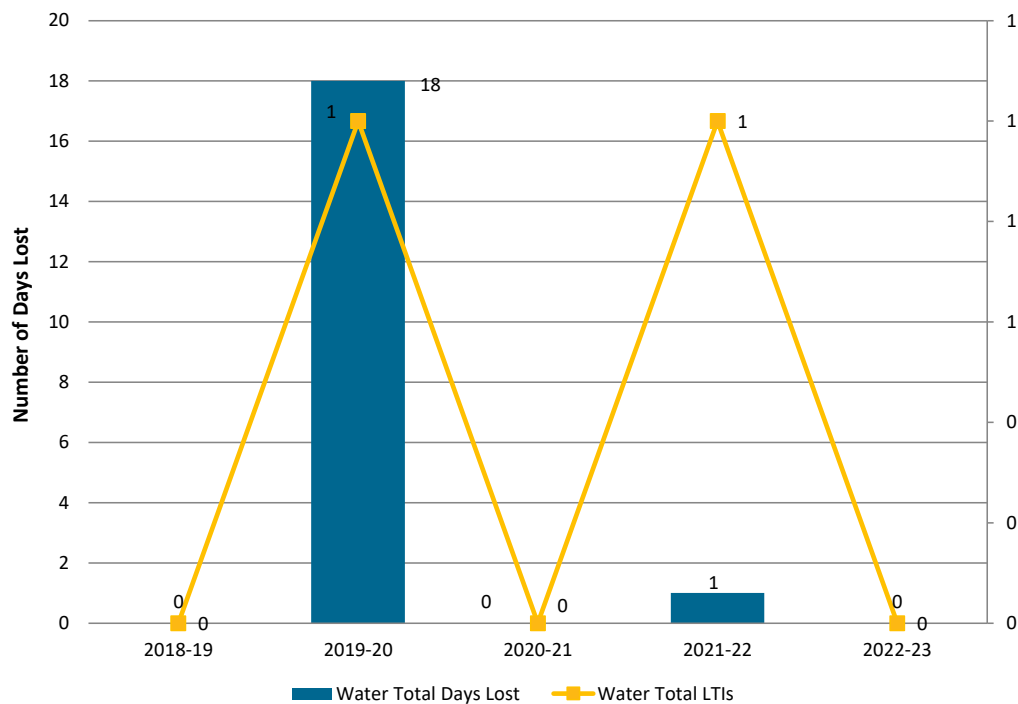
Each incident is investigated, and appropriate corrective measures implemented to reduce future risks.

Glossary

Incident	Any unplanned event resulting in or having a potential for injury or ill health.
Lost Time Injury (LTI)	Incidents that resulted in a fatality, permanent disability or time lost from work of one day / part of a day or more
Total Recordable Injuries (TRI)	Incidents that result in a Lost Time Injury (LTI), Suitable Duties Injury (SDI) and Medical Treatment Injury (MTI)
NTI	Non-Treatment Injury
FAI	First Aid Injury
MTI	Medical Treatment Injury
SDI	Suitable Duties Injury
LTI	Lost Time Injury

1.2. Lost Time Injuries

Water Services aspires to achieve zero Lost Time Injuries (LTI) by improving safety performance through developing a proactive safety culture and implementing best practice safety management across all business areas.



Department	2018-19		2019-20		2020-21		2021-22		2022-23	
	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost
ECI Management	0	0	0	0	0	0	0	0	0	0
Water & Sewerage Infrastructure Planning	0	0	0	0	0	0	0	0	0	0
Water Network	0	0	1	18	0	0	1	1	0	0
Water Treatment	0	0	0	0	0	0	0	0	0	0
Infrastructure Delivery	0	0	0	0	0	0	0	0	0	0
Water Services	0	0	1	18	0	0	0	0	0	0

FINANCE

2.1. Water and Wastewater Financial Report

Financial data for the month is being presented in the Strategic Financial Report.

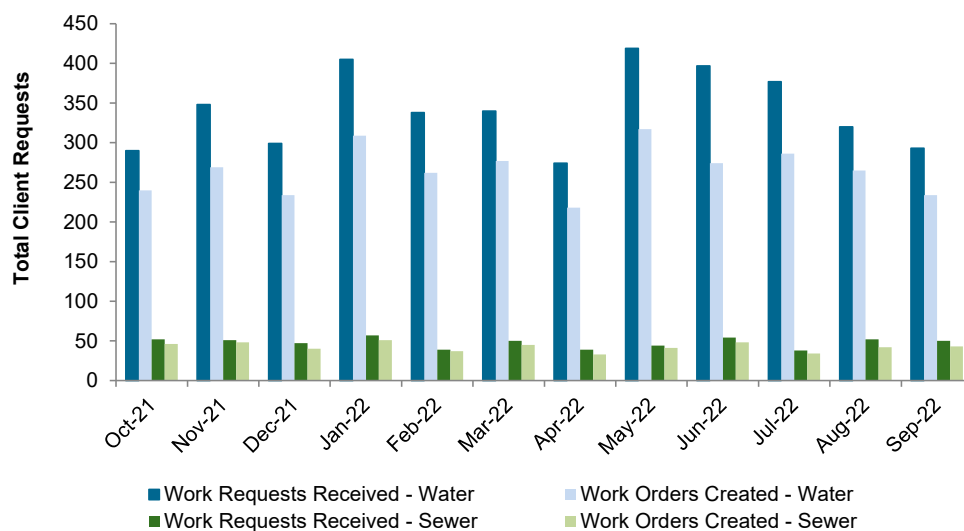
2.2. Operating Result for Water and Sewerage Fund

Financial data for the month is being presented in the Strategic Financial Report.

CUSTOMER SERVICES

3.1. Work Requests Received

The following Chart details the number of Customer Requests received during the reporting period that relate to both Water and Sewer requests. The associated Work Orders created from the Work Requests are also displayed.



September 2022 Summary:

A total of 343 Work Requests were received to 30 September 2022; i.e., 293 Work Requests relating to Water and 50 Work Requests relating to Sewer. From these Work Requests, 234 Work Orders were generated for Water and 43 Work Orders were generated for Sewer.

3.2. Work Orders Completed

The following Chart displays the number of Work Orders created during the previous reporting period. The target is to have 90% of all customer requests closed. A summary of the performance and percentage of Work Orders completed within that month is detailed below.

Please note, results are one month in arrears to allow for accurate reporting due the timing of completed work (i.e., a request received at the end of one month being actioned at the start of the next month).



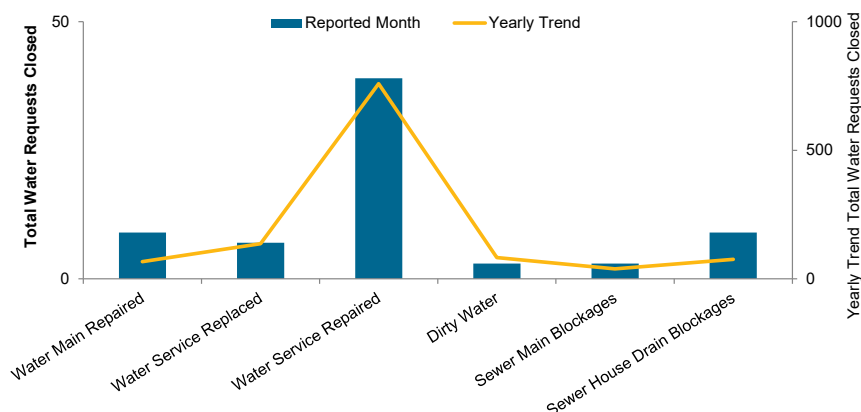
August 2022 Summary:

The number of Work Orders generated from Pathway Requests to 30 September 2022 was 271. 88% of these Work Orders were completed within the specified time which is just below the 90% target. The numbers of Customer Requests will not always match the number of actions undertaken mostly due to multiple customers reporting the one issue and the timing of completed work (i.e., a request received at the end of one month being actioned at the start of the next month).

3.3. Water Requests Closed

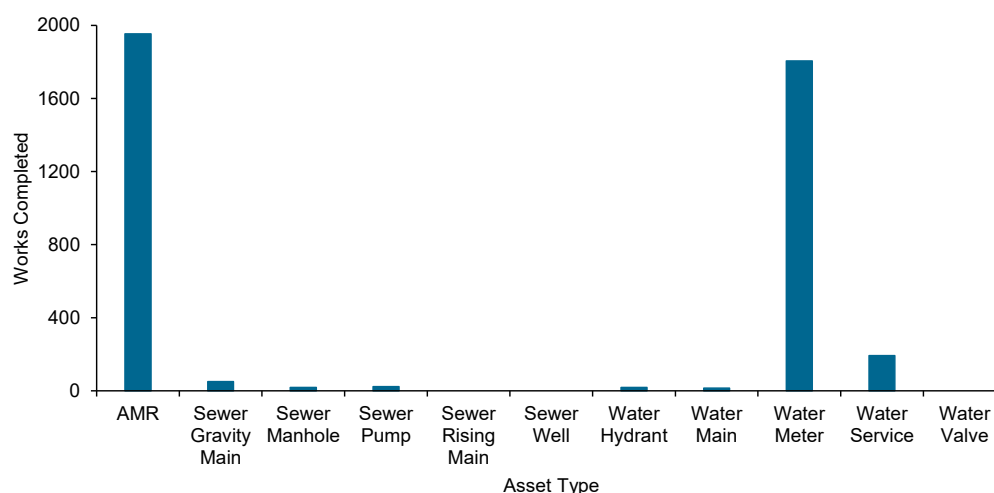
When a customer lodges a request via the Call Centre, it is sometimes not reflective of the actual problem. Therefore, the following graph shows the actual work undertaken and completed. The numbers of Customer Requests will not always match the number of actions undertaken mainly due to multiple customers reporting the one issue.

Please note, results are one month in arrears to allow for accurate reporting due the timing of completed work (i.e., a request received at the end of one month being actioned at the start of the next month).



3.4. Works Completed by Asset Type

The following Chart displays the work that was completed for each asset type during the reporting period. The work that was completed includes Corrective Maintenance (reactive) works, along with Preventative Maintenance Works.



September 2022 Summary:

The number of Work Orders completed for the reporting period was 4,080. This includes 1,806 Water Meter replacements or new installations. There was a significant increase in meter replacement figures for the month due to the commencement of the Residential Meter Replacement Program for 2022/2023. Both the Residential and Commercial Meter Replacement Programs are being undertaken by an external contractor and will continue over several months.

3.5. Estimated Works

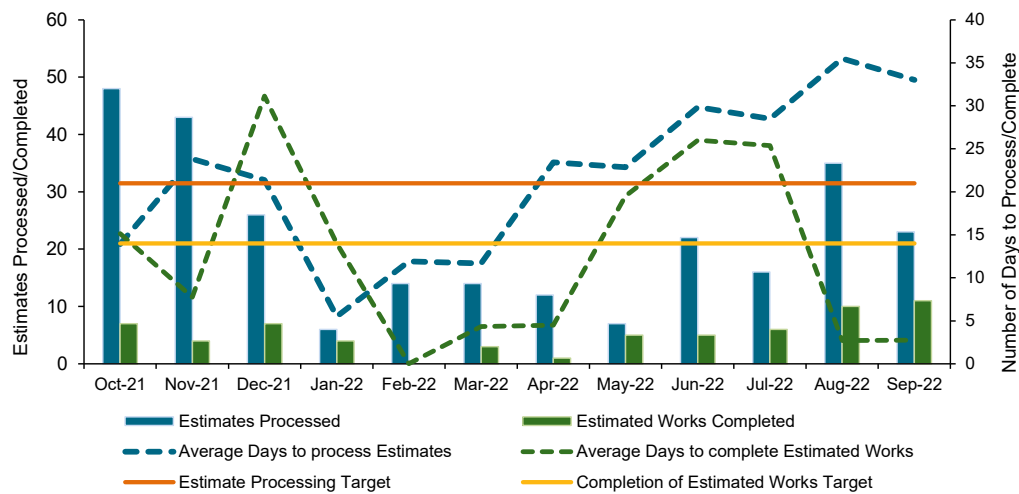
Water Services receives requests from customers for quotations to connect to Council's infrastructure (Estimates). It is important to note that many Estimates are requested by Developers as part of pre-planning for future development stages. As a result, many of the Estimates completed do not result in requests for immediate work to be undertaken. Also, of note is the fact that often requests are received for two block subdivisions where clients seek to understand the total costs involved with subdivision before determining their final course of action.

In the instance where a client does not accept our initial estimate provided, they can request a further breakdown of the fees and charges involved. On some occasions, clients may be able to undertake certain aspects of the work themselves, however, Council always stipulates that any live works undertaken on Council's water or sewerage infrastructure is undertaken by Council. These requests range from large subdivision development connections to a single service connection for a property.

The following Chart displays the number of Estimates processed for customers for the reporting period and the average time taken to complete. The Chart also shows the number of Estimated Works completed and the average time taken for Water Services to complete the Estimated Works.



Engineering & Commercial Infrastructure - Water Services Monthly Review > September 2022



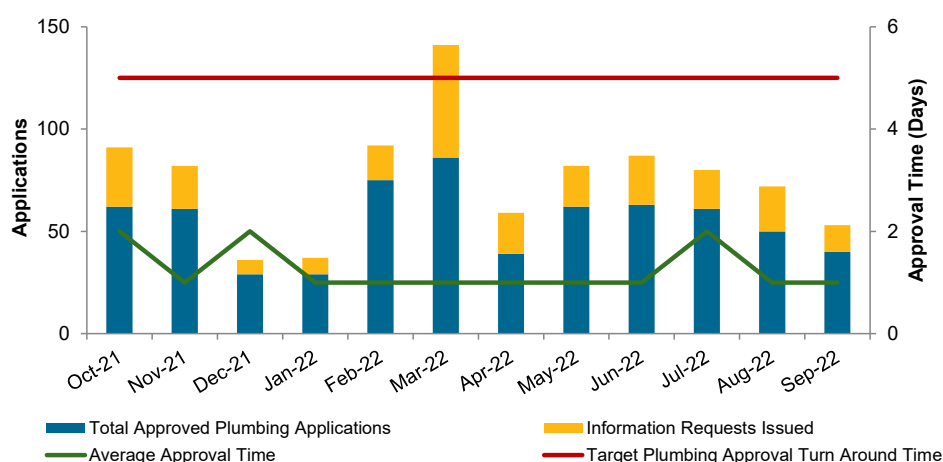
September 2022 Summary:

The number of Estimates processed for customers during the reporting period was 23 with the average time taken to process requests being 33 days which is outside the target of 21 working days. The number of Estimated Works Completed during the reporting period was 11 with an average time taken to complete works in the field of three days which is within the 14-working day target. Site meetings, customers requesting additional information and situations that did not comply with Standards or Policy resulted in delays in processing estimates. These jobs included:

1. The installation of a water meter and MetCheck set up tapped off the Main
2. Two manhole raisers, in addition to a lowering, required additional work completed by contractors prior to Council commencing work
3. A delay of a block requiring a Water Service to the boundary due to one water meter per block policy and requirement for Approval Certificate to be registered prior to works commencing

3.6. Plumbing Applications:

In accordance with the Plumbing and Drainage Act, a plumbing application is required for all new or modifications to plumbing installations. A plumbing application must be lodged to Local Government. Water Services have a regulatory time frame of 20 business days to assess a plumbing application. An internal target of five business days has been set for all residential plumbing applications.



September 2022 Summary:

The number of Plumbing Applications approved for the period was 40 which is a decrease of 20% over the previous month. The Approval Turnaround Time was one day which remains well within the five-day target.

3.7. Trade Waste Approvals

There is an ongoing program for undertaking trade waste assessment and licensing applicable businesses that discharge trade waste. As part of the trade waste assessment process a temporary Trade Waste Approval is established while the formal approval process is undertaken. The table below summarises the number of Trade Waste Approvals for the Mackay region.

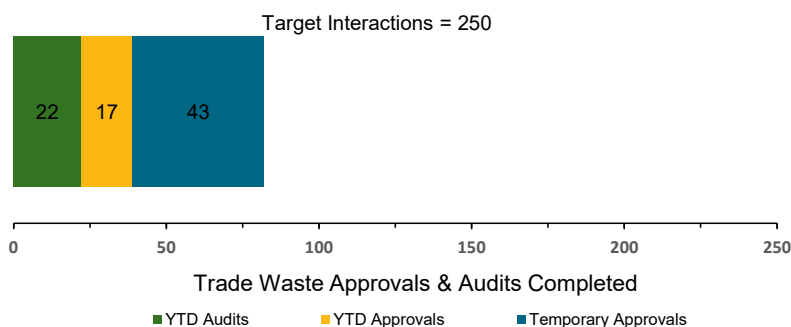
	Total Approved Businesses	Temporary Approvals in Place	New Approved Businesses for the Month
Mackay South	828	40	1
Mackay North	92	1	0
Sarina	56	1	0
Mirani/Marian	36	1	0
Total	1,012	43	1

September 2022 Summary:

One new Trade Waste Approval was provided to a new business after completion of their Trade Waste requirements.

3.8. Annual Trade Waste Activity

Annual targets are set for the Trade Waste Team with respect to licensing trade waste businesses. A combined target of 250 has been set for both new licensed businesses and audits to be completed by July 2022. The following Chart shows the actual approvals, temporary approvals and audits achieved for the year to date.

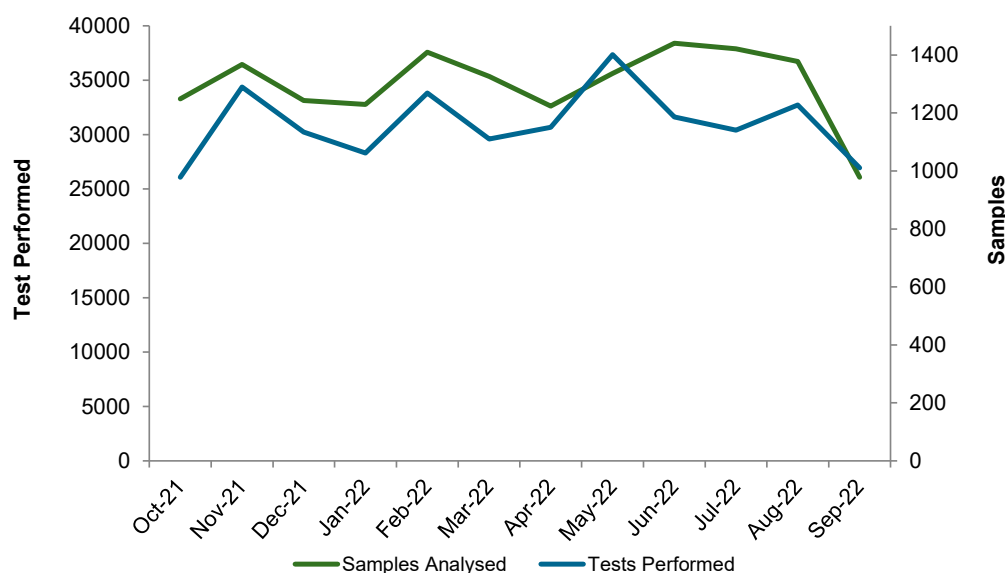


September 2022 Summary:

One approval was issued, and seven Audits were conducted. The combined annual target for Audits and Approvals is 250 for the 2022/2023 financial year.

3.9. Scientific and Analytical Services

Scientific and Analytical Services (MRC Laboratory) is National Association of Testing Authorities (NATA) accredited (ISO 17025) to provide sampling and laboratory analysis to both Mackay Regional Council and external customers. A summary of the laboratory activities is detailed below.

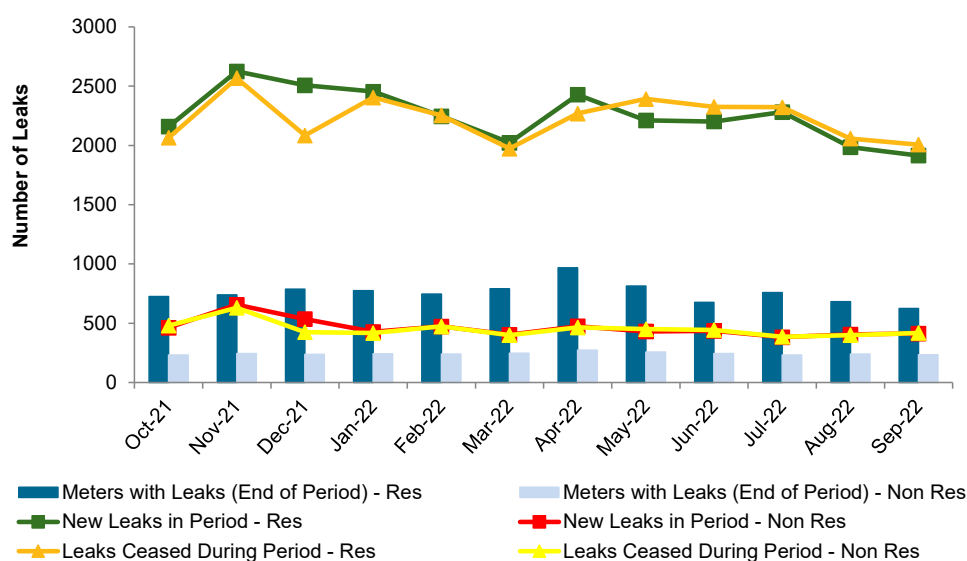


September 2022 Summary:

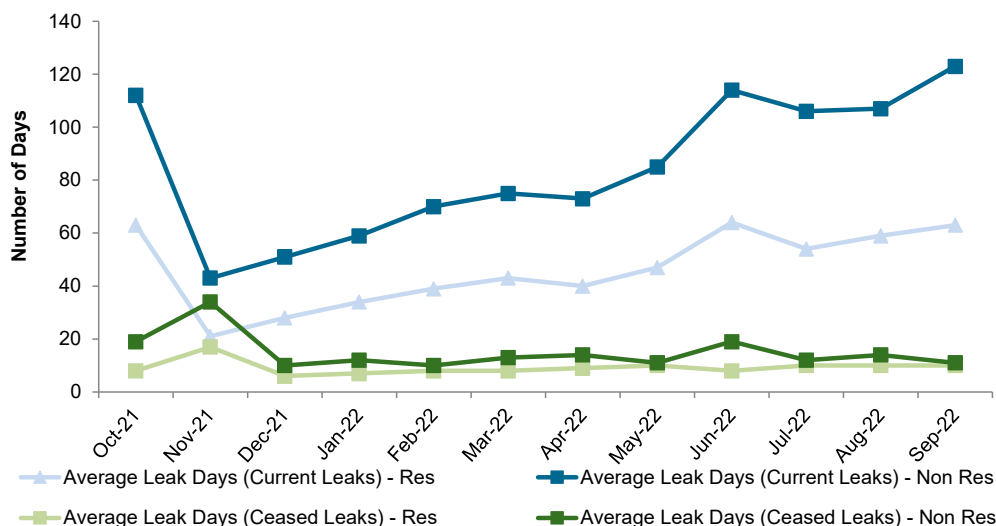
The number of sample batches registered during this period was 440 with 978 samples analysed. The total number of tests performed for the month was 26,944.

3.10. Leak Detection Notifications

Potential leak notifications are sent to customers when the leak is identified as greater than 10 litres per hour (L/h). Notifications are sent by email, SMS and by post to those owners who have not signed up to the myh2o portal and cease after three consecutive months of notification. Property owners signed up to myh2o also receive notifications by email and/or SMS.



Potential Leak Notifications Sent			
Via Aqualus (those not registered to myh2o)			Via myh2o
Email	SMS	Letters	Email & SMS
562	112	513	5,042


September 2022 Summary (25 August 2022 – 25 September 2022):

2,007 leaks ceased for residential properties during the reporting period with an average of 10 days for the leak to cease (i.e., for the leak to be addressed by the property owner). However, there have been leaks that commenced prior to 25 August 2022 that are still ongoing with an average of 63 leak days.

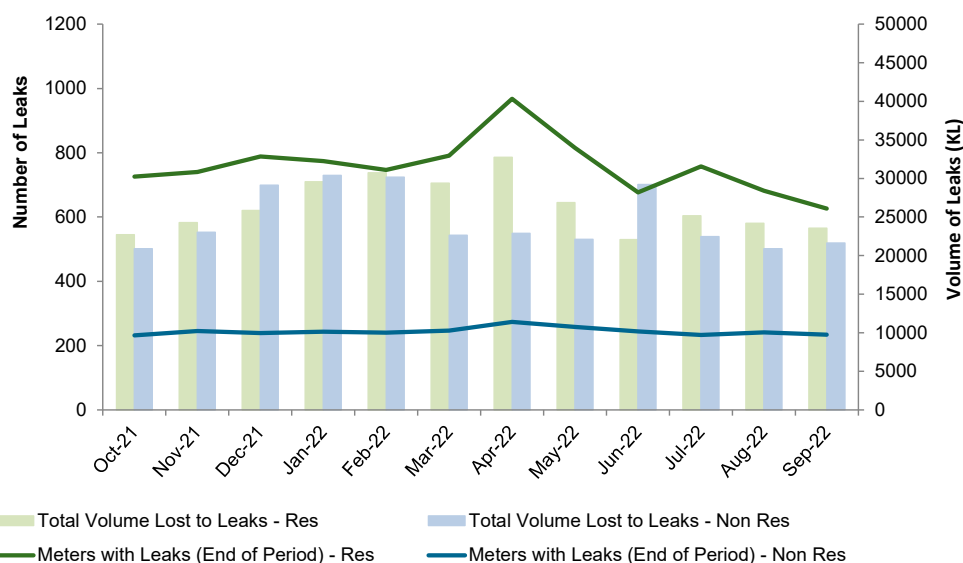
1,915 residential property leaks commenced during the period.

The number of average leak days for residential properties increased to 63 in September 2022. The number of Automated Meter Readers (AMRs) replaced during the month was 1,953. This will continue to impact reported leaks as data is now being received for these replaced meters whereas data was not being received previously and leaks were not being identified/reported.

419 leaks ceased for non-residential properties during the reporting period with an average of 11 days for the leak to cease (i.e., for the leak to be repaired by the property owner). However, there have been leaks that commenced prior to 25 August 2022 that are still ongoing with an average of 123 leak days.

414 non-residential property leaks commenced during the period.

Considerable effort is devoted towards encouraging non-residential customers to fix the identified leaks, however, some of these leaks are difficult to track down due to the size and complexity of the property.

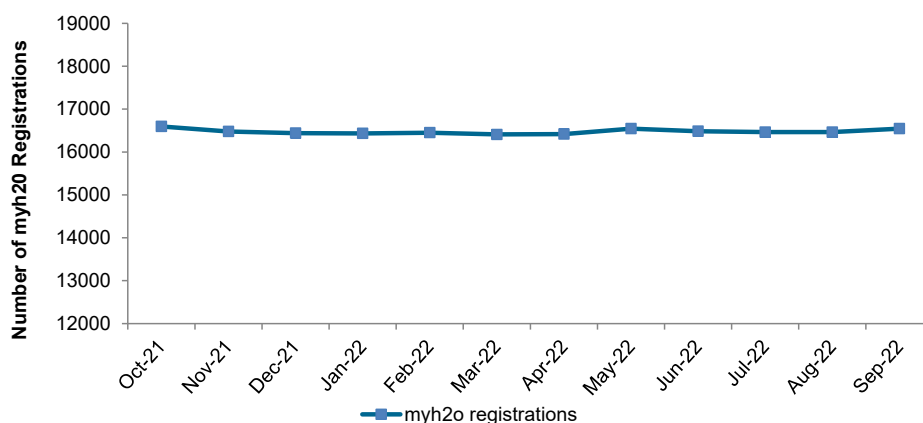

September 2022 Summary (25 August 2022 – 25 September 2022):

This graph highlights the actual total volume of water lost due to leaks for residential and non-residential property owners. For residential, a total of 23,570kL of water was lost due to leaks and for non-residential the total lost was 21,631kL.

3.11. Myh2o Registrations

The following chart shows the cumulative number of myh2o registrations for the reporting period. If a property changes ownership, this property will automatically be removed from the previous owner profile within the myh2o portal.

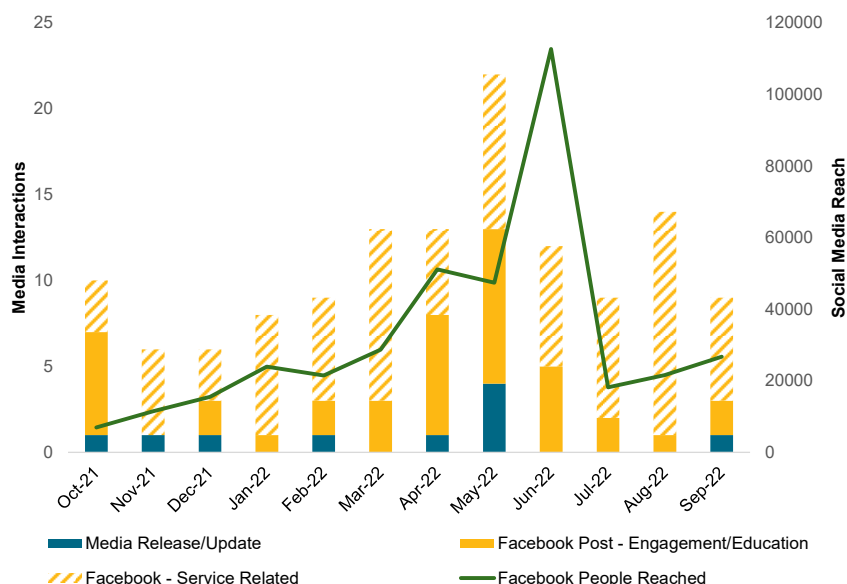
Please note: MiWater relaunched as Aqualus in May 2020, with a new user interface – there has been no change to the public portal name 'myh2o'.


September 2022 Summary:

There were 108 new registrations for the reporting period, and 26 de-registrations bringing the total number of myh2o registrations to 16,547 including property owners, tenants, and real-estate agents.

3.12. Community Engagement – Social Media

Water Services engagement with the community is monitored; the following chart shows the number of Media Releases/Updates, informative Facebook posts, and the number of people reached through this social media platform.



September 2022 Summary:

There was one Media Release and no Media Updates for the period and a total of eight Facebook Posts. Six Posts were service related, i.e., either notices of water supply interruptions or service-related water advice, and two were engagement posts. 26,717 Facebook post impressions were recorded.

- 802 likes were received for: *Best tasting water in QLD*
- 336 likes were received for: *Major upgrades to SWRF save ratepayers \$1M*

3.13. Community Engagement – Education and Information

Water Education Sessions generally cover "Water Wise" content together with other topical issues such as the 3 Ps' message: what can and cannot be flushed down the toilet.

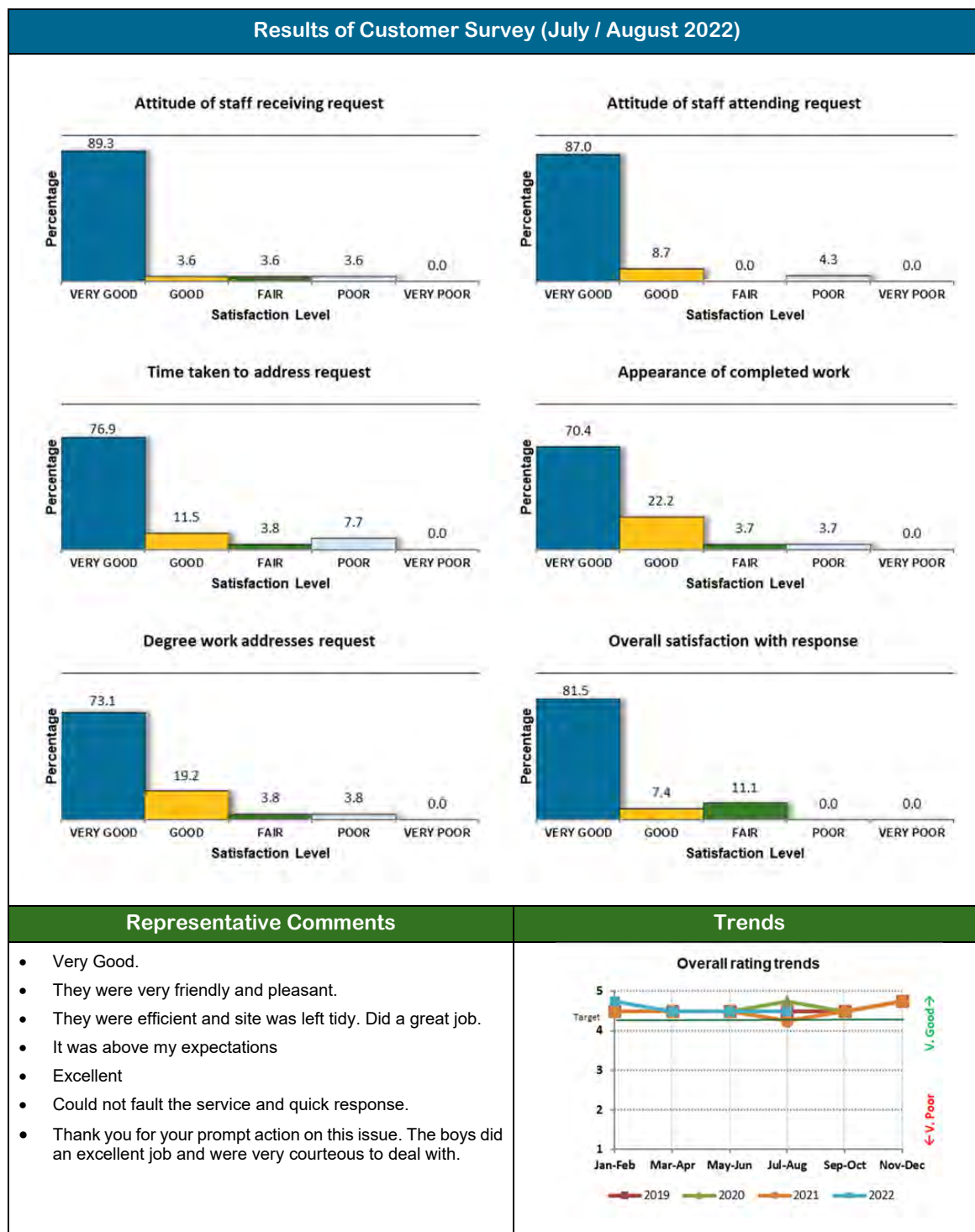
The Mackay Regional Council website also continues to provide a vast array of Water information to residents covering 22 important topics with the information updated as and when required. A sample of the topics covered are listed below:

- "Choose Tap"
- "Portable and Permanent Water Refill Stations"
- "Backflow Prevention"
- "Building Over Sewers"

The following Water Education Sessions were delivered to 40 students at the following schools during September 2022:

- Whitsunday Anglican School – Kindy - 22 students
- Seaforth State School – Year 4 - 18 students

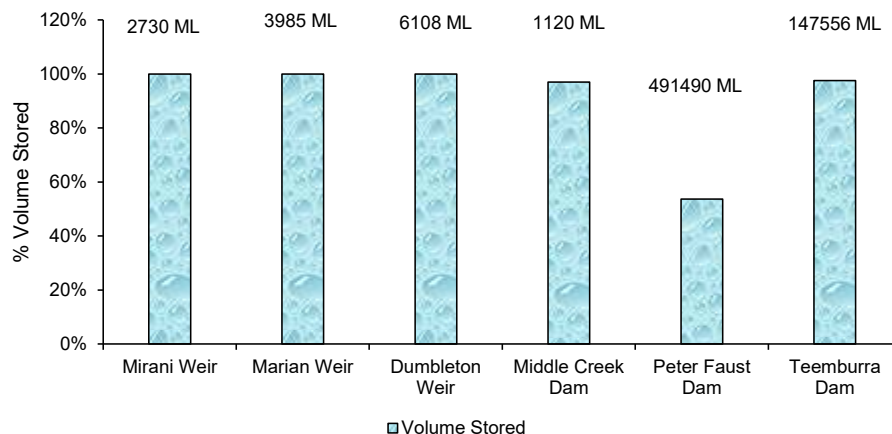
3.14. Customer Survey Results



ASSET MANAGEMENT

4.1. Surface Water Raw Water Storage Capacities

Water is sourced from a combination of surface and groundwater sources. With the exception of Middle Creek Dam, the storage facilities are owned and operated by SunWater. Middle Creek Dam is under Council's control. The water stored in each of the storages is detailed below.

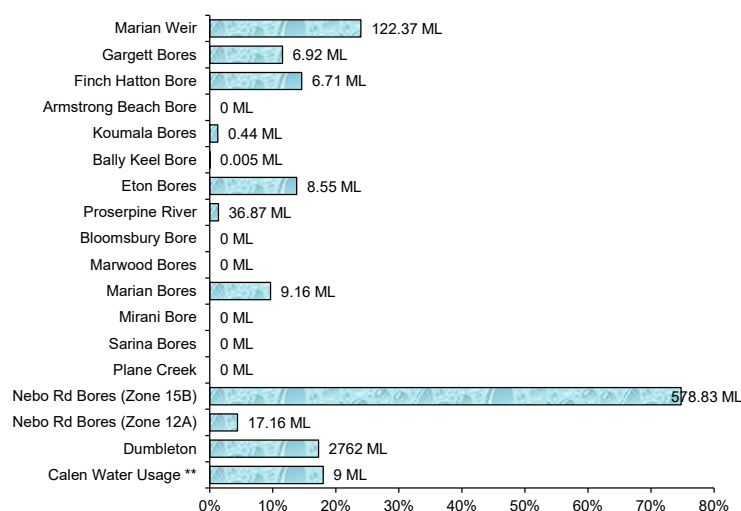


September 2022 Summary:

Dumbleton, Marian, and Mirani Weirs are all at or above 100% of capacity. Middle Creek Dam and Teemburra Dam are at 97% of capacity. Peter Faust Dam recorded the lowest level of all the storages and is currently sitting at 54% of capacity.

4.2. Annual Water Consumption vs Allocation by Source

Water Services has an annual water allocation or water license for each water source. The water allocation and year to date water consumption for each of the water source is detailed below.

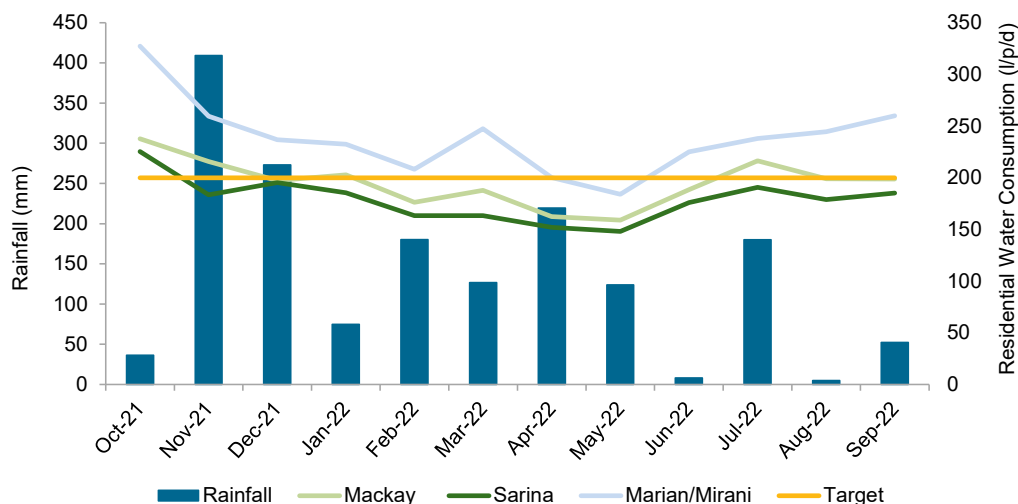


*Calen Water Usage figures are not based on Water Allocation but show the amount of water usage for the area to date.

** Please note no current flowmeter reading is available for Koumala. Estimated values are represented above.

4.3. Water Consumption by Locality – Residential Customers Only

Water Services supplies potable water to both residential and non-residential customers throughout the Mackay region. The average water consumption in each of the three major community centres is detailed below for residential customers only. The water consumption is presented as litres per equivalent person per day (L/p/d).



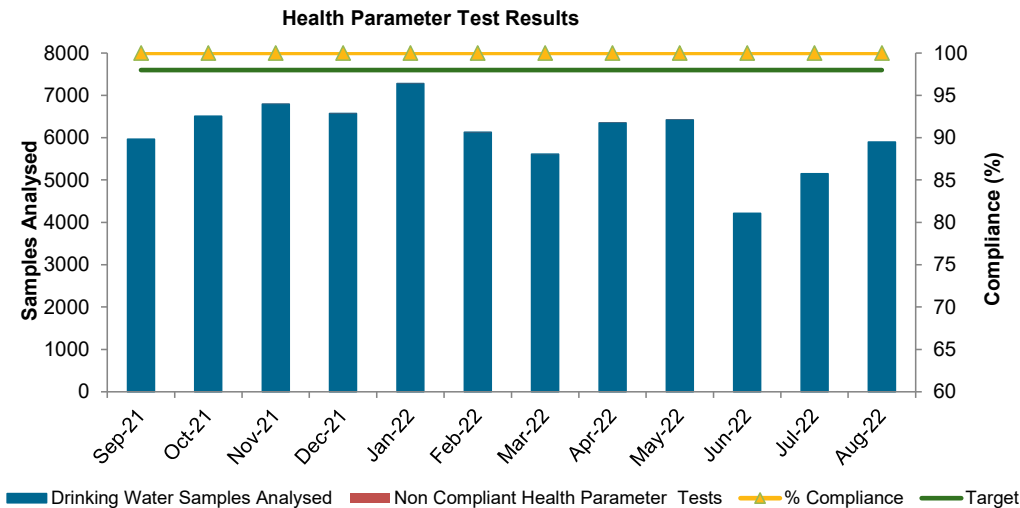
September 2022 Summary:

Water consumption has decreased slightly for the Mackay community and increased for the Sarina and Marian/Mirani communities from August 2022 to September 2022. The Mackay and Sarina communities remain under the Daily Residential Water Consumption Target of 200 l/p/d, however, the Marian/Mirani communities have exceeded the daily water consumption target recording an average of 259 l/p/d. Rainfall increased in September 2022 (52.4mm) compared to August 2022 (5mm).

REGULATORY COMPLIANCE

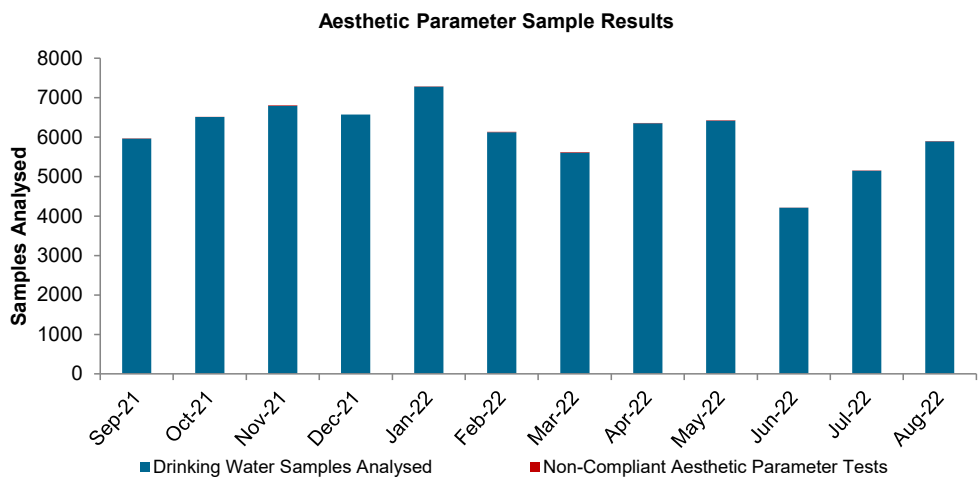
5.1. Drinking Water Compliance

Potable water is provided in accordance with the requirements of the *Water Supply Safety and Reliability Act*, measured against the *Australian Drinking Water Quality Guidelines*. Drinking Water samples are taken at the outlet of Water Treatment Plants and at various locations within the reticulation network. Please note, results are one month in arrears to allow for accurate reporting.



August 2022 Summary:

All Drinking Water Verification Monitoring Results, from sampling undertaken in August 2022, complied with Queensland Health and Australian Drinking Water Guidelines (ADWG) Health Guideline Values. Queensland Health's Preferred Guideline Value for chlorate was also complied with throughout August 2022.



August 2022 Summary:

There were eight Drinking Water Verification Monitoring Sample Results which breached the corresponding ADWG Aesthetic Guideline Values in August 2022 (excluding Total Chlorine, Dissolved Oxygen and pH Aesthetic Guideline Value breaches which are considered operational aesthetic issues).

There were two Drinking Water Verification Monitoring Sample Results which exceeded the ADWG Hardness Aesthetic Guideline Value of 200 mg/L. Both exceedances (reported as 333 mg/L and 386 mg/L) were recorded for the Koumala Water Supply Scheme (WSS). Hardness in the Koumala WSS will be addressed by the upcoming softener installation.

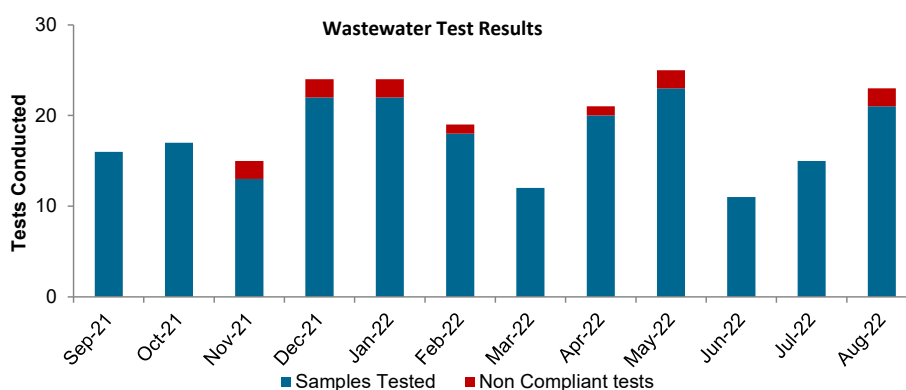
There was one Drinking Water Verification Monitoring Sample Result which exceeded the ADWG Iron Aesthetic Guideline Value of 0.3 mg/L. The result of 0.39 mg/L was recorded in the Marian WSS and is attributed to sedimentation settling within the Network. A revised sampling method is being implemented to counteract the sedimentation settling.

There was one Drinking Water Verification Monitoring Sample Result which exceeded the ADWG Manganese Aesthetic Guideline value of 100 ug/L. The result of 154 ug/L was recorded for Midge Point WSS. The new treatment plant at Kelsey Creek will assist in addressing the manganese exceedances.

5.2. Wastewater Compliance

The discharges from wastewater treatment facilities are regulated by Development Approvals issued by the Department of Environment and Science (DES). The licence requirements differ based on the year the Development Approval was issued and the receiving environment associated with discharges.

Please note results are one month in arrears to allow for accurate reporting.


August 2022 Summary:

In August 2022 there were two non-compliant wastewater test results.

There are ongoing exceedances of the Total Chlorine levels in the effluent produced at the Mirani Water Recycling Facility (MWRF) which is still under the control of the Construction Contractor. This is considered a minor water quality breach as all effluent is currently being transferred to storage for re-use on farms and is not being discharged directly to the waterway.

At the Sarina Water Recycling Facility (SWRF) there was an exceedance of the Thermotolerant Coliform Level. The Investigation Report identified the breach was related to the cross contamination of the effluent sample and not as the result of poor-quality effluent being produced at the SWRF.

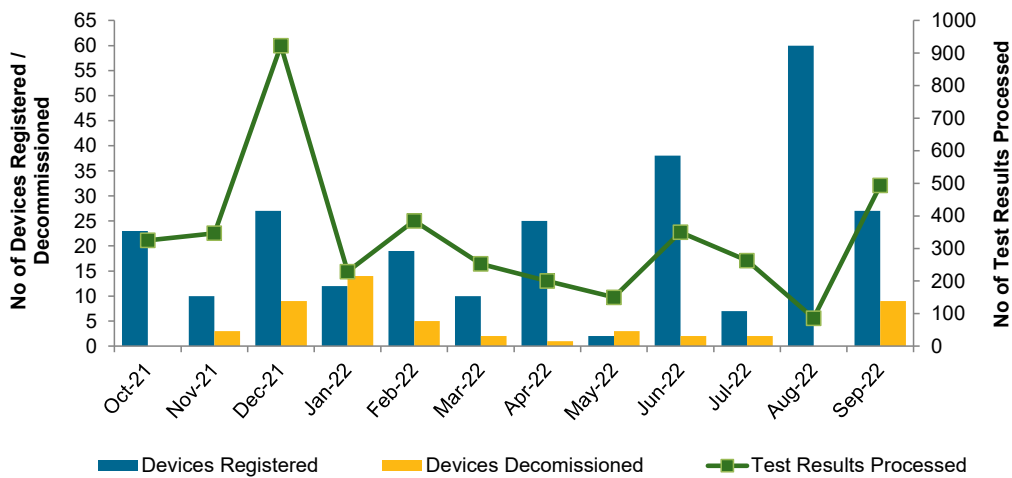


5.3. Regulator Reporting

There were no incidents that required reporting to the Department of Environment and Science (DES), the Environmental Regulator, during September 2022.

5.4. Backflow Prevention Device Register

Backflow prevention devices are designed to protect the town’s drinking water supply from contamination by acting as a barrier, keeping contaminated water separate from the drinking water supply. Local Governments have a legislative requirement in accordance with the *Plumbing and Drainage Regulation 2019* to implement and maintain a register of all devices in the municipality.



September 2022 Summary:

27 new devices were registered, nine devices were decommissioned, and 494 tests were processed on backflow devices for September 2022.

11.5. ORGANISATIONAL SERVICES

11.5.1. ORGANISATIONAL SERVICES MONTHLY REVIEW REPORT - SEPTEMBER 2022

Author	Director Organisational Services (Kylie Lamb)
Responsible Officer	Director Organisational Services (Kylie Lamb)
File Reference	Departmental Monthly Review Reports

Attachments	1. Organisational Services - Monthly Review Report - September 2022 [11.5.1.1 - 26 pages]
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Purpose

To provide Council with the Organisational Services Monthly Review Report for the month of September 2022.

Related Parties

Nil

Corporate Plan Linkage

Operational Excellence

Process and Systems - We develop and continually improve and innovate to create efficient processes that deliver value for our community. Council will endeavour to make service levels more transparent and harness opportunities for existing and emerging technologies to aid this delivery.

Officer's Recommendation

THAT the Organisational Services Monthly Review Report for the month of August 2022 be received.

The Director for Organisational Services Kyle Lamb, provided an overview and highlights of the Organisational Services Monthly Review Report for September 2022.

10:54 am - Mayor Williamson adjourned the Council Meeting due to the activation of the fire alarm in the Administration Building.

The meeting was not reconvened due to an emergency situation triggering the fire alarm, and the remainder of the agenda items not completed before the meeting were adjourned to be placed on the agenda for the next available Ordinary Meeting (9 November 2022) with such items to take priority.

Meeting Closed.



Organisational Services

Monthly Review

> September 2022

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EXECUTIVE SUMMARY

This report is for the Organisational Services Department for the month of September 2022:

- Safety continues to be a focus of the department.
- Since commencement of the concierge service the team have had face to face interaction with 625 customers and were able to assist 223 of our visitors using the publicly available kiosks. The team are starting to experience customers returning to use the self-serve kiosks and are finding the community receptive to education about Council's online service offerings.
- September saw Property Services relocate 170 employees from the Paget Administration building to other locations throughout Mackay and surrounding areas so that structural works can be conducted on the building and employees would not be affected in the workplace by dust and noise. The move was executed well, and all staff were relocated and back online and working with minimal time lost.
- MRC was presented with Employee Engagement survey Results in September 2022. Formal presentations are planned to Council in October.



Kylie Lamb
Director Organisational Services

1. SAFETY

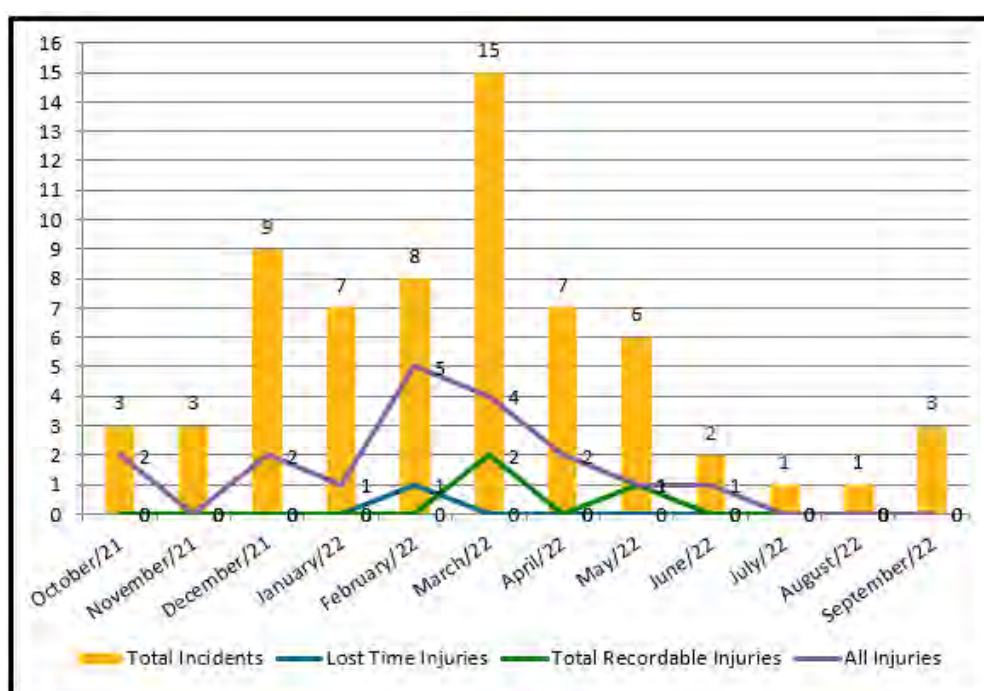
1.1 Incidents and Injuries

Summary

In September 2022:

- Forty-three safety interactions were completed.
- Six site safety inspection was completed.
- 98% of monthly action plans activities were carried out.

Three incidents were recorded in September.



The following near miss incident was reported in September:

- Top of palm tree fell to ground near walkways.

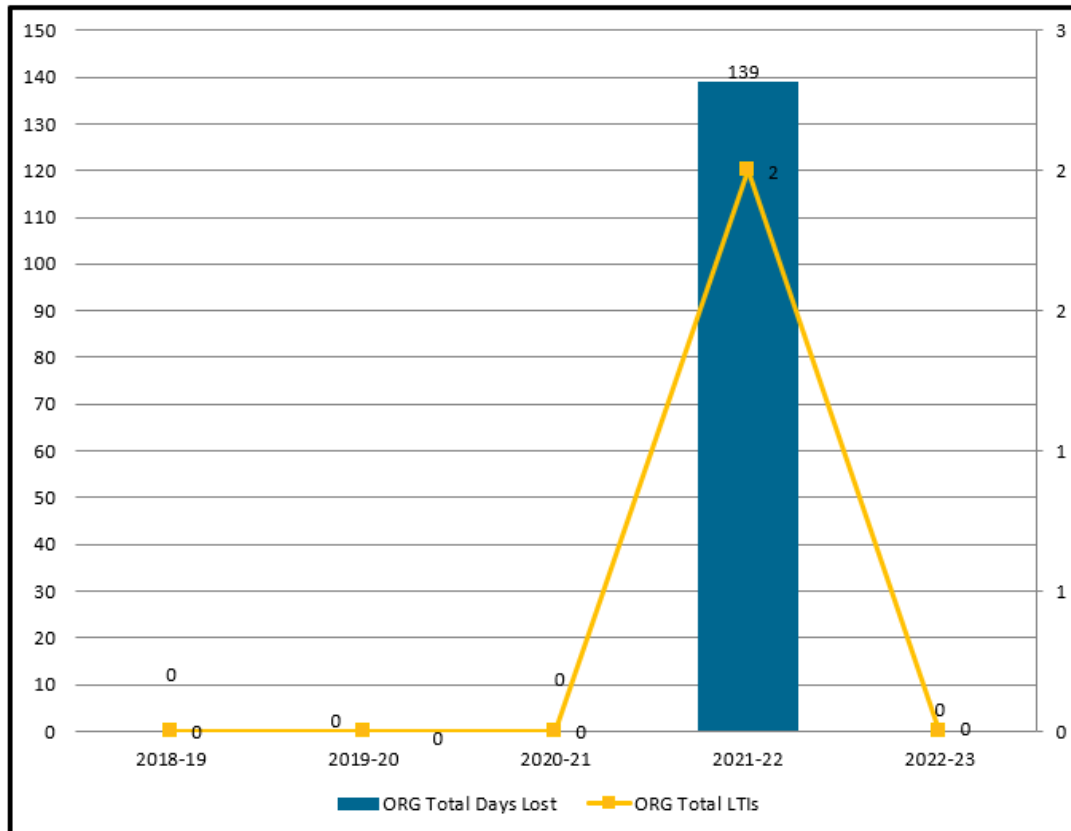
The following incidents involving a contractor or member of the public was reported in September:

- While emptying rubbish, broken glass shard has cut skin.
- Patron fell while attempting to get into wheelchair.

Each incident is investigated, and appropriate corrective measures implemented to reduce future risks.

1.2 Lost Time Injuries & Days Lost

For the 2022-23 year, there has been no lost time injuries recorded.



Department	2018-19		2019-20		2020-21		2021-22		2022-23	
	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost
Finance										
Information Services										
Shared Services							1	3		
People & Culture										
Procurement & Plant							1	136		
Property Services										
Governance & Safety										
Office of the Mayor & CEO										
Organisational Services Total	0	0	0	0	0	0	2	139	0	0

2. BUSINESS IMPROVEMENTS

2.1 Organisational Services Business Improvement Projects / Initiatives

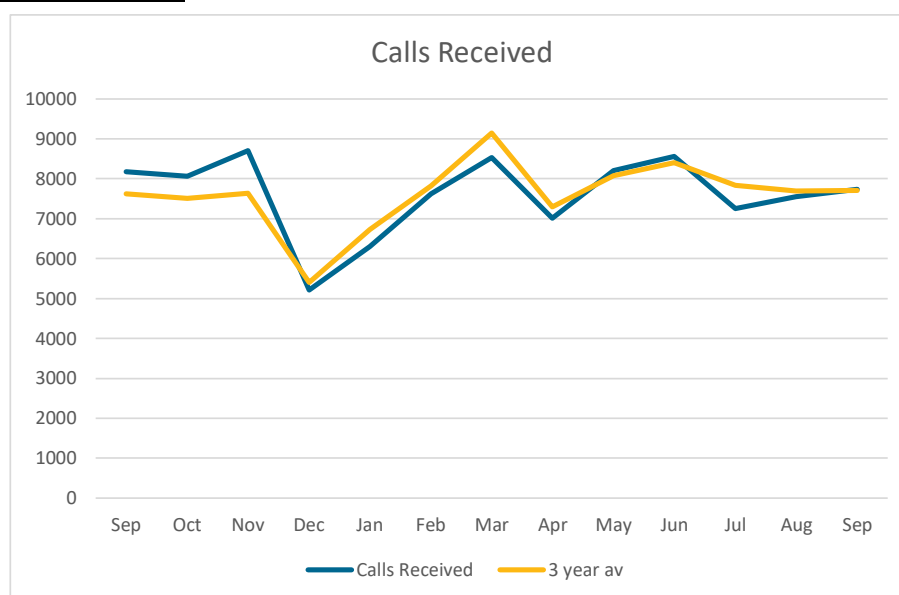
Description	Program	Comments
Long Term Financial Forecast (LTFF) Program Development Project	Director Organisational Services	<ul style="list-style-type: none"> Two officers have been seconded to allow dedicated time for the program development review commencing end September.
Business Process Management (BPM)	Shared Services	<ul style="list-style-type: none"> Improvement team working with the Organisational Development team to identify processes/activities related to the apprentice lifecycle Out of date processes remain a focus for September, with positive movement across the business, 1,029 processes published in September (1,007 for August)
Pathway UX	Shared Services	<ul style="list-style-type: none"> Pathway UX is to enable a web-based interface that provides anytime/anywhere access to Pathway. Shared Services are working with the IS team to complete onboarding leading to the testing of the new interface in preparation for organisational role out.
Online Services	Shared Services	<ul style="list-style-type: none"> Direct Debit Application: The Billing Services team have a focus to improve the direct debit process, including investigation to move to an online offering. ePathway: to improve usability, links have been added to existing ePathway pages to assist with ease of navigation 300 new eNotice registrations were received during September, the team are working with Corporate Communications to develop a marketing campaign
Print House Transition	Shared Services	<ul style="list-style-type: none"> Rates and reminder notices is complete, with backflow testing reminder notices nearing completion. Metered water notices have commenced progression eNotice portal is now live with historical data being transferred, expected completion date of two weeks.
Customer Service Concierge	Shared Services	<p>Since commencement of the concierge service the team have had face to face interaction with 625 customers and were able to assist 223 of our visitors using the publicly available kiosks.</p> <p>The team are starting to experience customers returning to use the self-serve kiosks and are finding the community receptive to education about Council's online service offerings.</p> <p>Feedback has been extremely positive, with many expressions of appreciation around being greeted with visiting Council.</p>

3. SHARED SERVICES

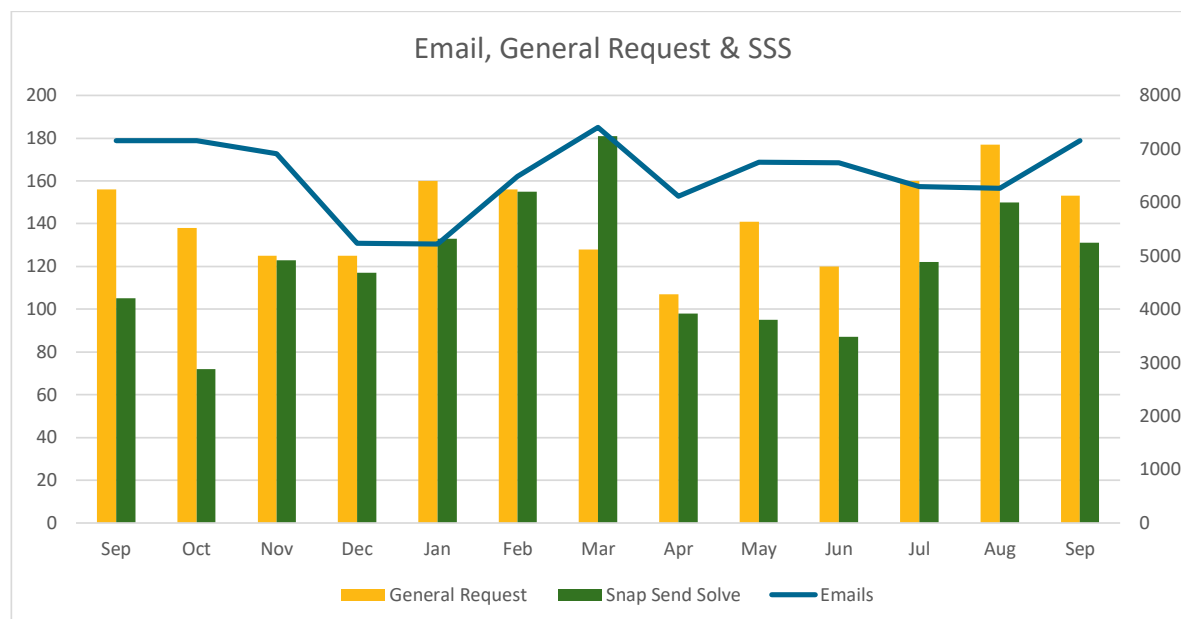
3.1 Overview of External Customer Services

KPI	KPI Description	Target			Result
		Red (Under KPI)	Green (Met KPI)	Blue (Exceed KPI)	
First Contact Resolution (FCR)	The percentage of external customer enquiries that are resolved at the first point of contact.	< 50%	50-60%	> 60%	59%
Abandoned Calls	The percentage of customers that abandon their call before being served.	> 6%	4.5-6%	< 4.5%	5%
Customer Satisfaction	A measure of customer satisfaction as reported by the end of call survey.	< 80%	80-85%	> 85%	98%
Customer Request Completion*	Service requests resolved within corporate standard timeframes.	< 80%	80-85%	> 85%	84%

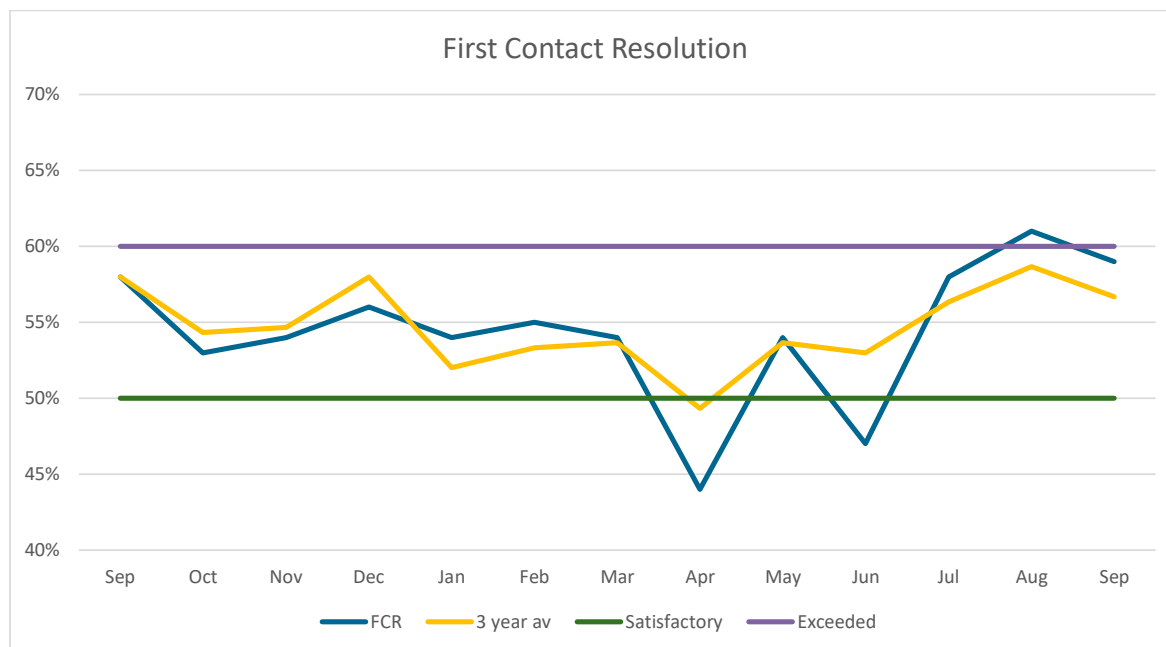
KPI Graphs and Commentary



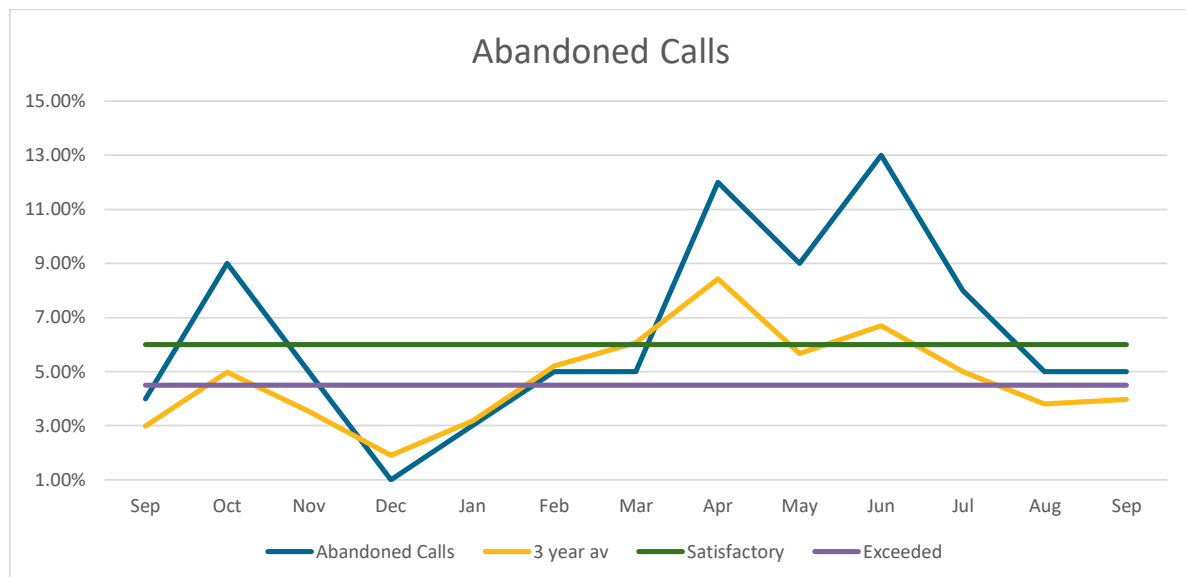
Calls Received: A total of 7,742 calls were received in the September reporting period, averaging 369 calls per day. Total calls received are in line with the 3-year average for the reporting period. Calls received for the same period in 2021 were 8,180.

Emails and Online Services:

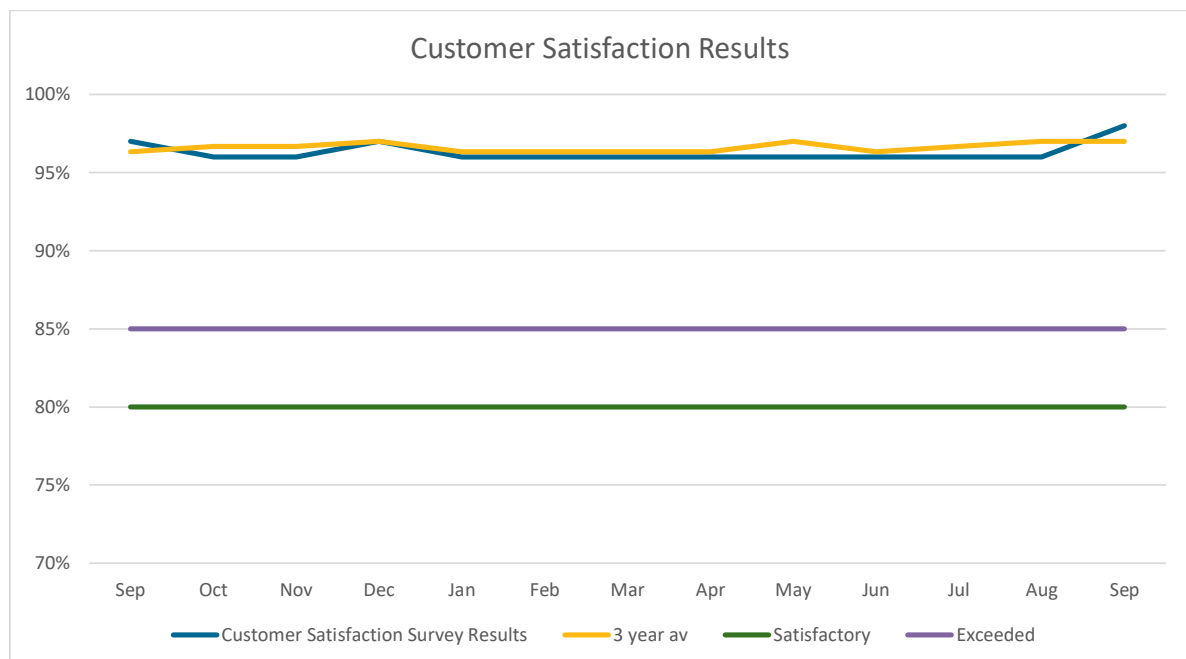
Emails and Online Services: A total of 7,150 emails were received in September, in line with the number of emails from the same period last year. General Requests have remained steady over the reporting period, and Snap, Send, Solve submissions showing a slight increase, receiving 153 and 131 respectively.

First Contact Resolution (FCR):

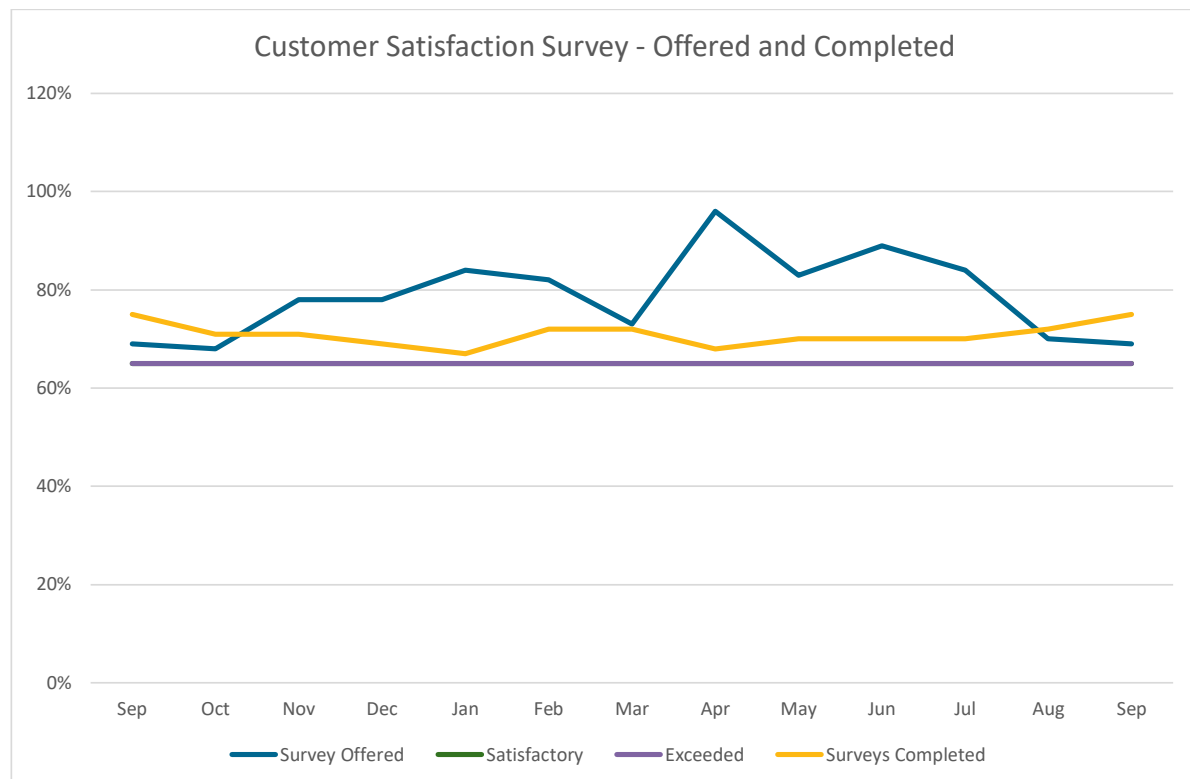
First Contact Resolution (FCR): In September, FCR showed that 59% of customer queries were resolved at first contact. This month's FCR was influenced by the rating period with the Customer Service team resolving 91% of rate related calls and 51% of requests for payment plans.

Abandoned Calls:

Abandoned Calls: Abandoned Calls were 5% for September (320 calls), whilst 4% (243 calls) took up the call back option, 217 call backs were successfully completed. The average time to answer a call was 2 minutes and 10 seconds.

External Customer Satisfaction:

External Customer Satisfaction: The Customer Service Team achieved outstanding customer satisfaction results this month, with 98% of completed surveys indicating that our external customers were highly satisfied with the service provided.

Customer Satisfaction Survey:


Customer Satisfaction Survey: Of the 4,123 eligible calls 2,840 (69%) of calls were offered surveys. This resulted in 2,121 (75%) surveys being completed.

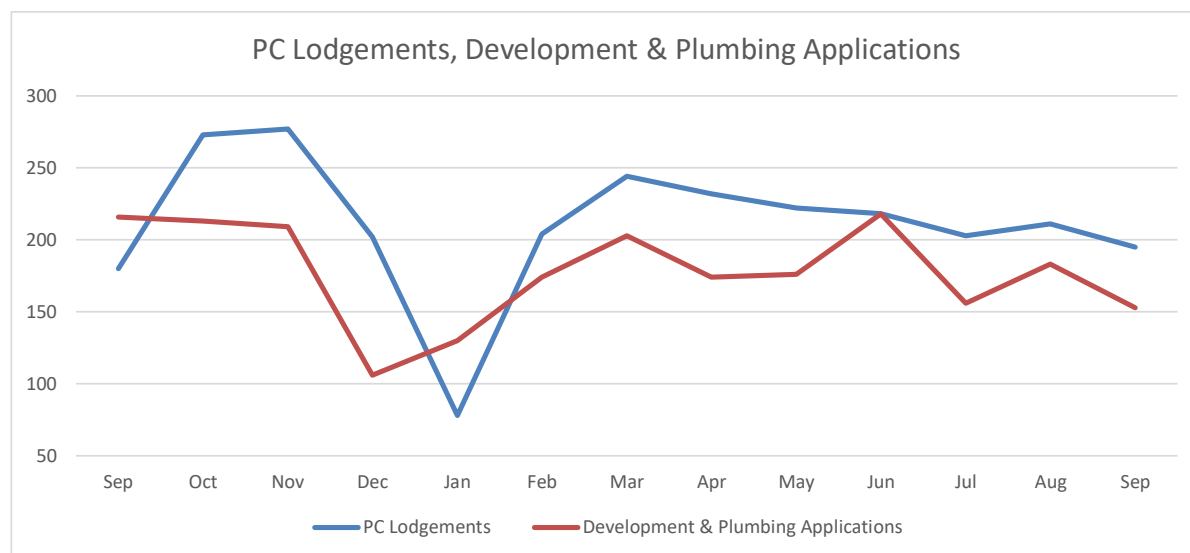
Customer Request Completion:

	Lodged	Resolved within SLA
MRC Total	3603	74%
SSC	873	82%

MRC Top 5 Pathway requests Lodged in September 2022	Volume	% of total requests
Replace wheelie bin	422	11.5%
Phone Message	379	10.4%
Change of mailing address	207	5.7%
Planning Advice Enquiries	146	4.0%
Plumbing Record Search - INTERNAL USE ONLY	114	3.1%

3.2 Development Services Business Support

PC Lodgments and Development/Plumbing Applications:



PC Lodgments and Development/Plumbing Applications: 195 building approvals were lodged by private certifiers (PC) in September, together with 153 development/plumbing applications.

Cross skilling within the Development Services team have enabled the team to process 100% of applications within service level agreements (SLA). This has not been achieved since June 2021 for applications and June 2020 for PC lodgements. Additionally, the team processed the 129 (average of 6 searches per day) plumbing record searches with the 10-business day SLA for the month of September.

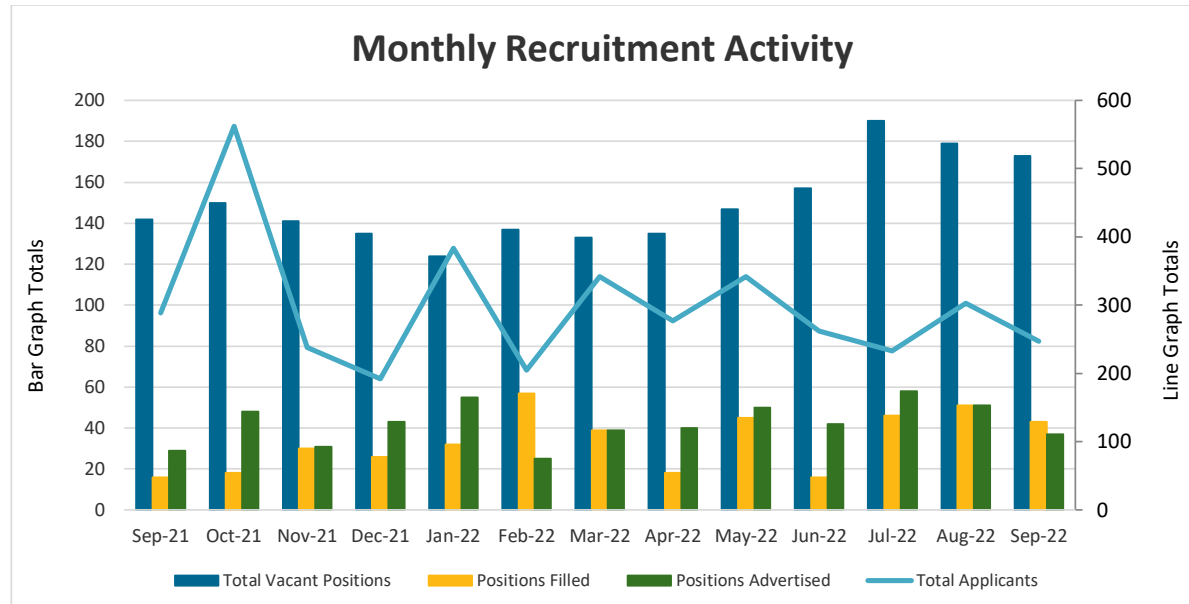
3.3 Employee Services

Staff Contingent:

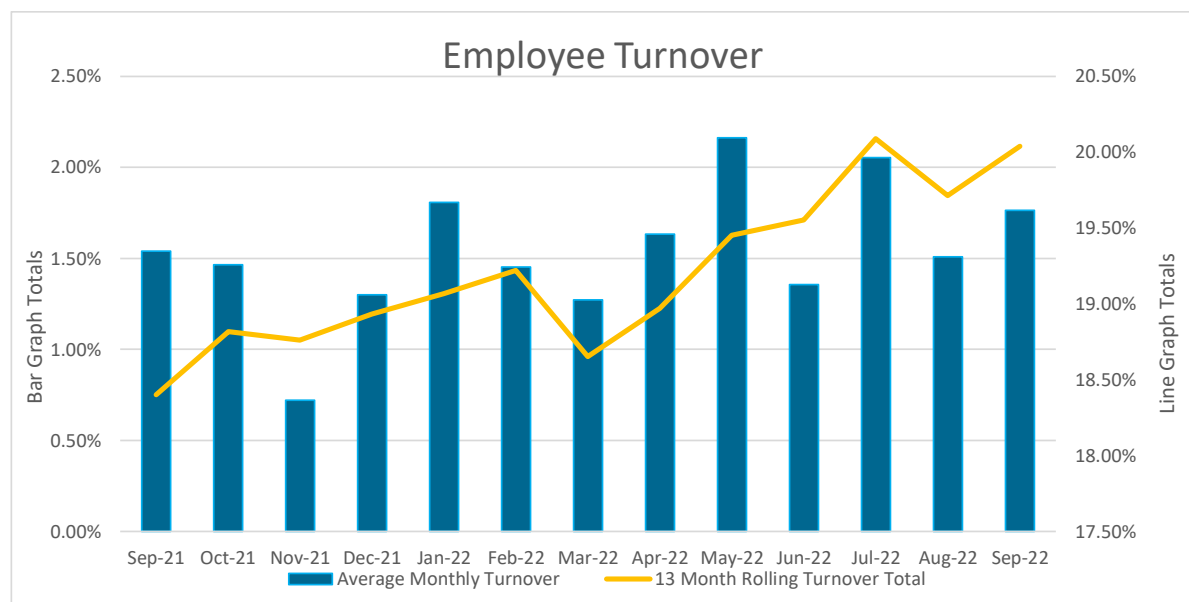
	CW	CCS	DS	ECI	OM & CEO	OS	TOTAL	Prev. Month
Casual	3	82	8	1	1	1	96	92
Contract	4	3	4	8	3	7	29	29
Job Share	0	7	0	1	0	4	12	12
Permanent Full Time	79	108	174	287	24	160	832	831
Permanent Part Time	4	31	8	6	1	34	84	82
Temporary Full Time	6	14	17	8	0	19	64	62
Temporary Part Time	0	5	0	1	0	11	17	18
TOTAL EMPLOYEES *	96	250	211	312	29	236	1134	1126
TOTAL ACTIVE VACANCIES **	15	16	18	32	1	17	99	144

* Total employees excludes Councillors, Mayor & Deputy Mayor

** Total active vacancies are defined as vacant positions which have been approved for and are undergoing recruitment

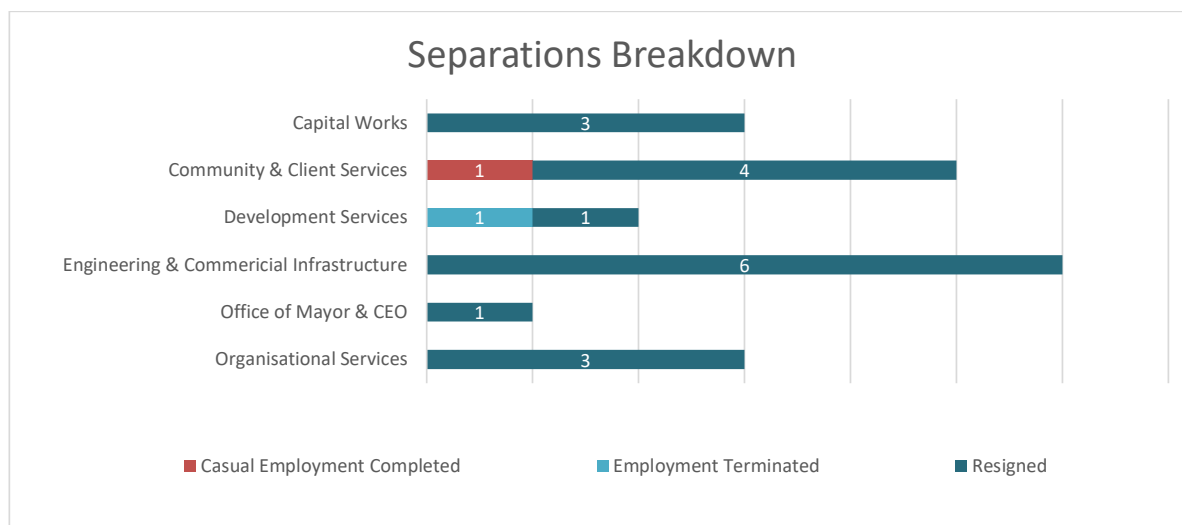
Monthly Recruitment:

Monthly Recruitment: For the month of September there were 173 total vacant positions, 37 positions were advertised resulting in 247 applicants and 43 positions filled.

Staff Turnover:

Staff Turnover: 13 month rolling average turnover was 20.04%. (12 month rolling average is 18.5%) The monthly turnover for September was 1.76%

[The HR Industry Benchmark Survey](#) conducted by the Australian Human Resource Institute (AHRI) in 2021 found the overall average employee turnover rate in Australia, across all sectors, is 17%. This is inline with findings for 2019 (also 17%) and up from 15% in 2020

Staff Separations:

Staff Separations: For the month of September there were 20 separations as detailed in the graph above.

4. INFORMATION SERVICES

4.1 IT Support

Internal Service Metrics:

KPI	KPI Description	Target			Result
		Red (Under KPI)	Green (Met KPI)	Blue (Exceed KPI)	
Incident Resolution	Percentage of incidents resolved within corporate standard timeframes	<80%	80-85%	>85%	72%
Service Request Resolution	Percentage of service requests resolved within corporate standard timeframes	<80%	80-85%	>85%	86%
Internal Customer Satisfaction Survey	IT email survey - % of customers whose experience met or exceeded expectations	<75%	75-85%	>85%	98%

Notes:

These are encouraging results for Information Services, noting the change in actioning of Incidents with handling of “at rest” status classifications. Further comments as follows:

- Incident resolution is indicating a below KPI result for September 2022 due to a changed way in which “at rest” status reporting contributes to the full incident lifecycle timeframes. This has been adjusted to provide the opportunity for a more customer response-based approach to managing resolution timeframes. This change in handling of “at rest” status and also a reduced resource pool within the specific incident resolution team (Service Desk) during September have resulted in this apparent worsened position. This will be monitored closely over the next few months to inform potential changes for improvements as part of ongoing continuous improvement initiatives.

- The survey request resolution and internal customer satisfaction survey results for July 2022 are again very satisfying especially with challenging resourcing period and absences due to unscheduled leave.
- Obtaining and retaining skilled resources within the Mackay region is a continuing challenge and one that we continue to explore further on techniques to attract and retain skilled people.
- Strategies are continuing to be explored to work in partnership with educational facilities and other key organisations recruiting IT skill sets in the region to build and foster an extended local resource pool. Information Services are actively participating in work experience appointments and assisting local educational facilities with training expertise. This is all to support the practice of ICT and Council in being a key employer for those emerging future colleagues. We are also exploring the capacity and capability of a local technology development supplier in fulfilling outcome-based results for the organisation in a temporary form.
- Succession planning and career path progression is of particular focus for our existing employees to ensure that we have retainment of staff where possible.

Information Services Satisfaction Survey – September 2022

September 2022 Survey		Rating %
1	How would you rate the level of customer service received? (Timely updates, follow through, helpfulness, communication skills)	87%
2	Was your request completed within a reasonable timeframe? (If not please state expectation in comments section please.)	87%
3	Was your support request completed to your satisfaction?	84%



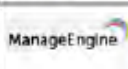









September 2022 Survey Results	Below Expectations	Met Expectations	Exceeding Expectations	Not Assigned	Totals
# of Responses	10	257	390	0	657
Overall Rating	2%	39%	59%	N/A	98%

* Not assigned excluded

Applications Availability:

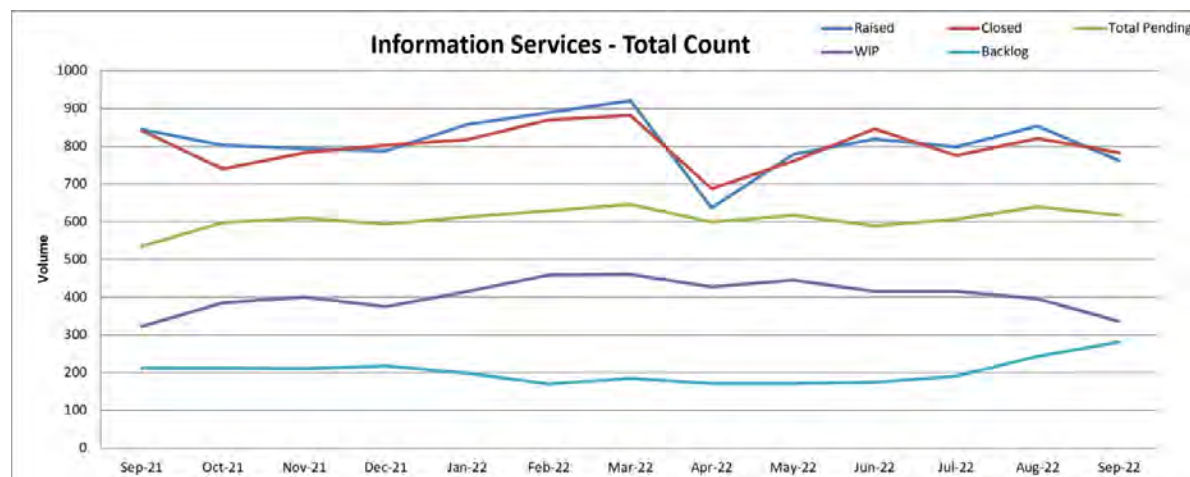
KPI	KPI Description	Target			Result
		Red (Under KPI)	Green (Met KPI)	Blue (Exceed KPI)	
Tier 1 Systems	Refer to the table under 'KPI Commentary' section below for detail on which systems are included in each tier.	< 98%	98-99%	> 99%	100%
Tier 2 Systems		< 98%	98-99%	> 99%	100%
Tier 3 Systems		< 98%	98-99%	> 99%	100%

Applications Availability: The below table shows which corporate applications are considered tier 1 and 2. All other systems not specifically noted are considered tier 3.

	Tier 1	Tier 2	Tier 3
	ECM	 Aurora	 ManageEngine
	Finance One	 Bruce	
	Email		
	GIS	 Mandalay	
	Internet		
	Kiosk_Chris21		
	Pathway		
	Assetic		

KPI Commentary:

Incident and Service Request Metrics: The volume of incident and service requests has decreased from 853 in August to 762 in September. Information Services continues to deliver significant infrastructure and application improvements (both functional and technical including security) whilst maintaining quality. The below graph identifies the Raised Vs Closed and Pending requests, along with WIP and backlog.



Definitions:

WIP – complex support requests that are within service level agreements and simple support requests open on day of raising.

Backlog – complex support requests that have exceeded service level agreements and simple support requests remaining unresolved after day of raising.

4.2 Cyber Security

The update below is aligned to work streams conducted under the Cyber Security @ Council (CS@C) Governance and Controls plan.

- **Sustainable cultural and behavioural change**
 - September 2022 as follows (inclusive employee and contractor):
 - 18 new enrolments notified to conduct training.
 - 12 enrolments successfully completed training.
 - 29 enrolments awaiting completion of training.
 - Distribution of Cyber Security Bulletin – September 2022.
- **Advancing Cyber Security – Industry Alignment**
 - Continuation of plan as follows:
 - Essential 8 review.
 - Blocking of legacy authentication protocols.
 - Incorporation of additional corporate access and applications currently non-federated to federated.
 - Multi Factor Authentication implementation rollout throughout the organisation.
 - Implementation and operationalisation of Security Information and Event Management (SIEM) system.
 - Implementation and operationalisation of Vulnerability Assessment System (VAS).

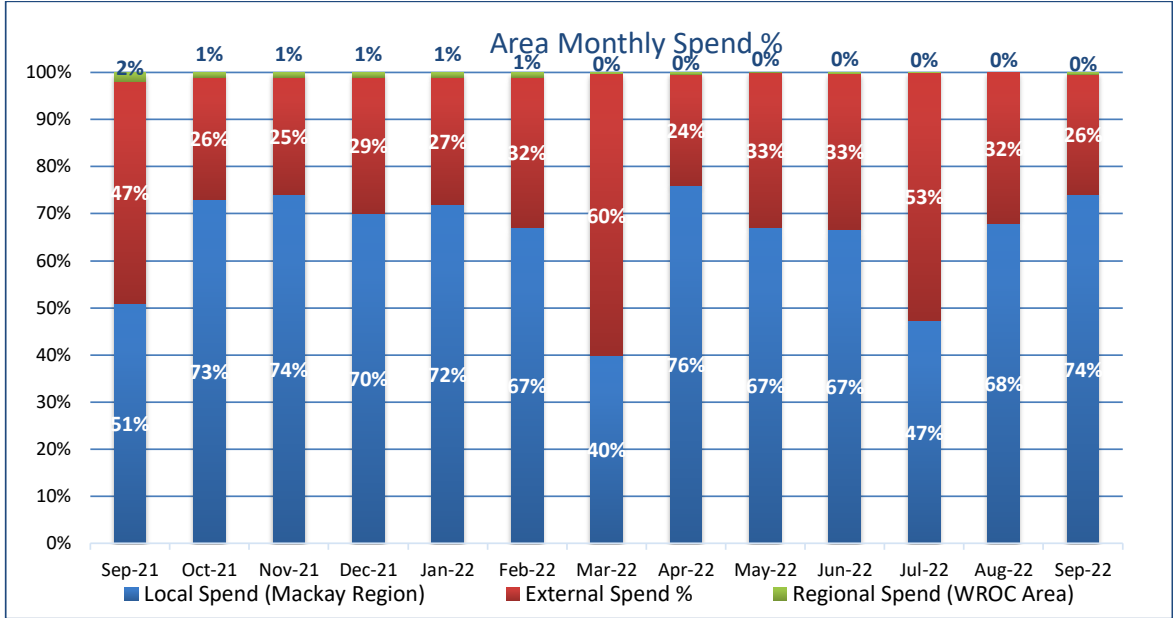
5. PROCUREMENT & PLANT

5.1 Procurement Services

Activity	September 2021	September 2022
Purchase Orders (PO) Raised	1,515	1,487
Line Items in POs	3,882	4,341
POs Received	1,843	765
Line Items in POs Received	6,995	3,506
Invoices Processed	3,241	2,980
Request for Quotes Issued	3	4
Request for Tenders Issued	6	6
Tenders Awarded	4	5
Quotes Awarded	2	3

Area	Monthly Amount September 2022	Monthly % September 2022	FYTD Amount	FYTD %
Local Spend (Mackay region)	\$11,028,224	74%	\$24,428,604	67%
Regional Spend (WROC area)	\$70,090	0.4%	\$158,991	0.4%
External Spend	\$3,831,332	25.6%	\$11,903,694	32.6%

Area Monthly Spend



5.2 Fleet

In September the Fleet team took delivery of a number of items including utilities, mowers, truck, fuel trailer, in addition to a number of items of small plant.



6. PROPERTY SERVICES

6.1 Overview of Property Services

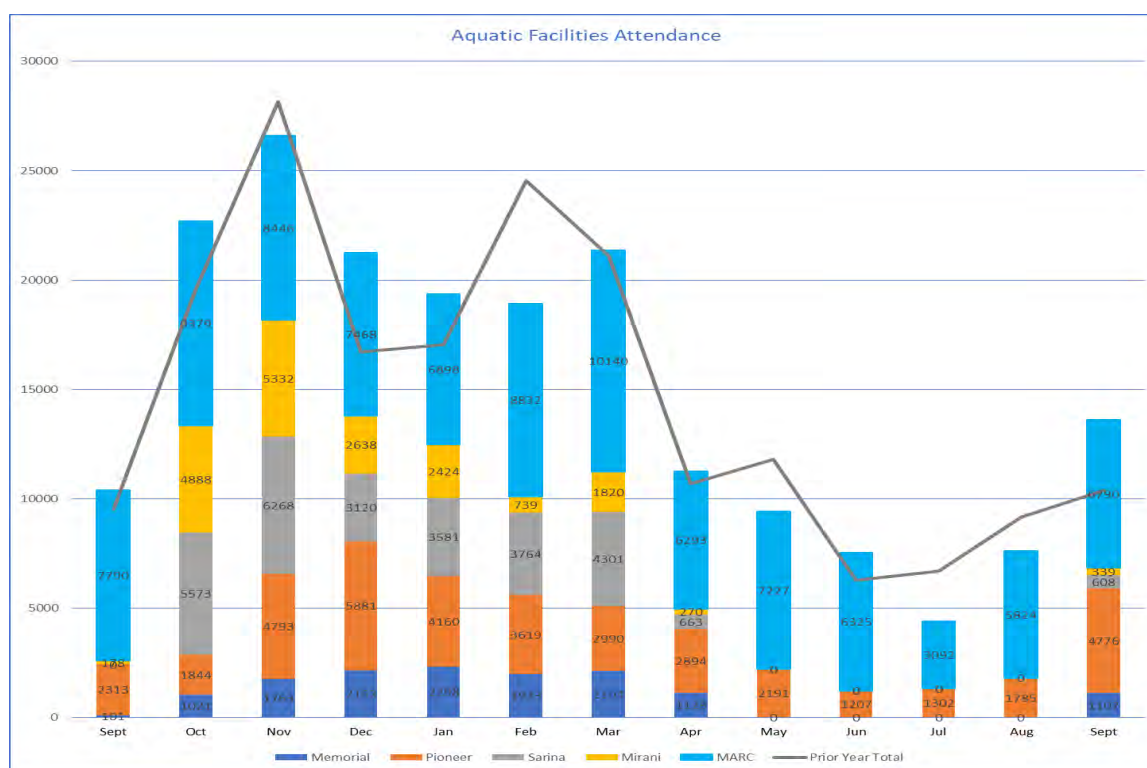
Property services had a very different month in September seeing the move and relocation some 170 employees from the Paget Administration Building to other locations throughout Mackay and surrounding areas. The reason for moving was so that structural works can be conducted on the Administration Building and employees would not be affected in the workplace by dust and noise. Credit to the Paget Managers who assisted Property Services in this task, which was executed well, and all staff were relocated and back online and working with minimal time lost.

6.2 Aquatic Facilities

Aquatic Facility Attendance Figures:

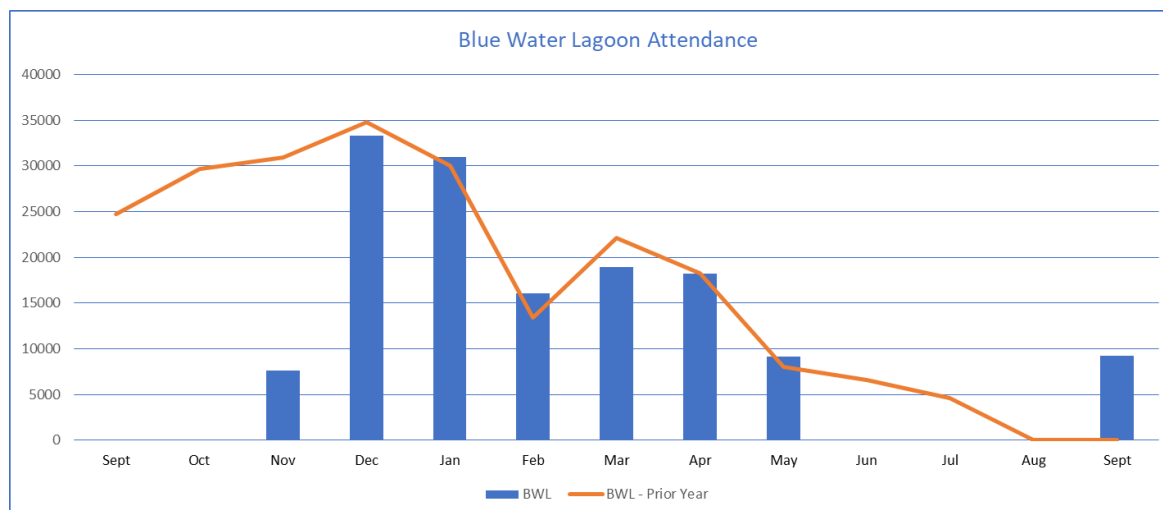
Facility	September 2021	September 2022
Memorial Pool	101	1107
Pioneer Pool	2,313	4,776
Mirani Pool	178	339
Sarina Pool	0	608
Mackay Athletic and Recreation Complex (MARC)	7,790	6,790

Aquatic Facilities Attendance September 2021 to September 2022 - Monthly Comparison:

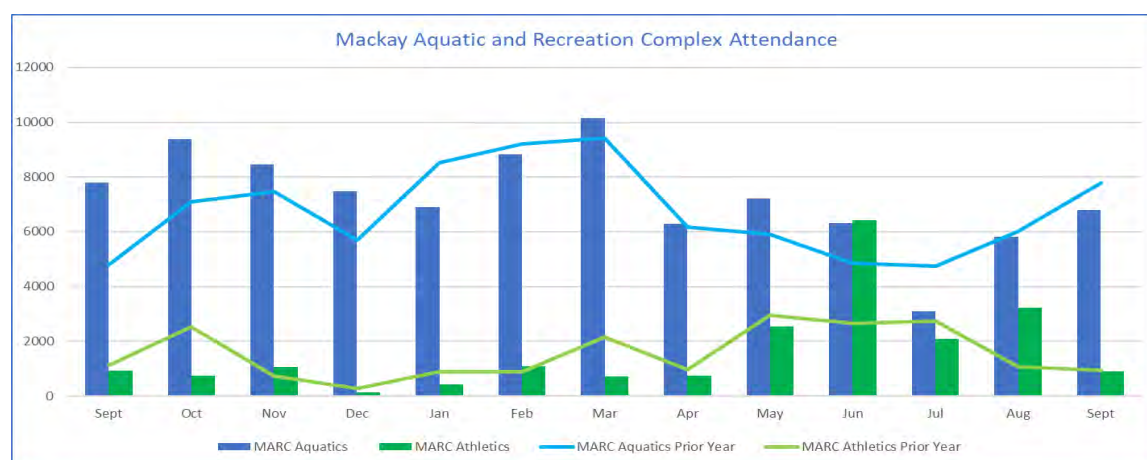


Bluewater Lagoon Attendance Figures:

Facility	September 2021	September 2022
Bluewater Lagoon	0	9192

Bluewater Lagoon Attendance – September 2021 to September 2022 – Monthly Comparison:**MARC Attendance Figures:**

	September 2021	September 2022
MARC Aquatic Attendances	7,790	6,790
MARC Athletic Attendances	932	894
MARC Total Attendances (Aquatics and Athletics)	8,722	7,684

MARC Attendance – September 2021 to September 2022 Monthly Comparison:

6.3 Building Maintenance

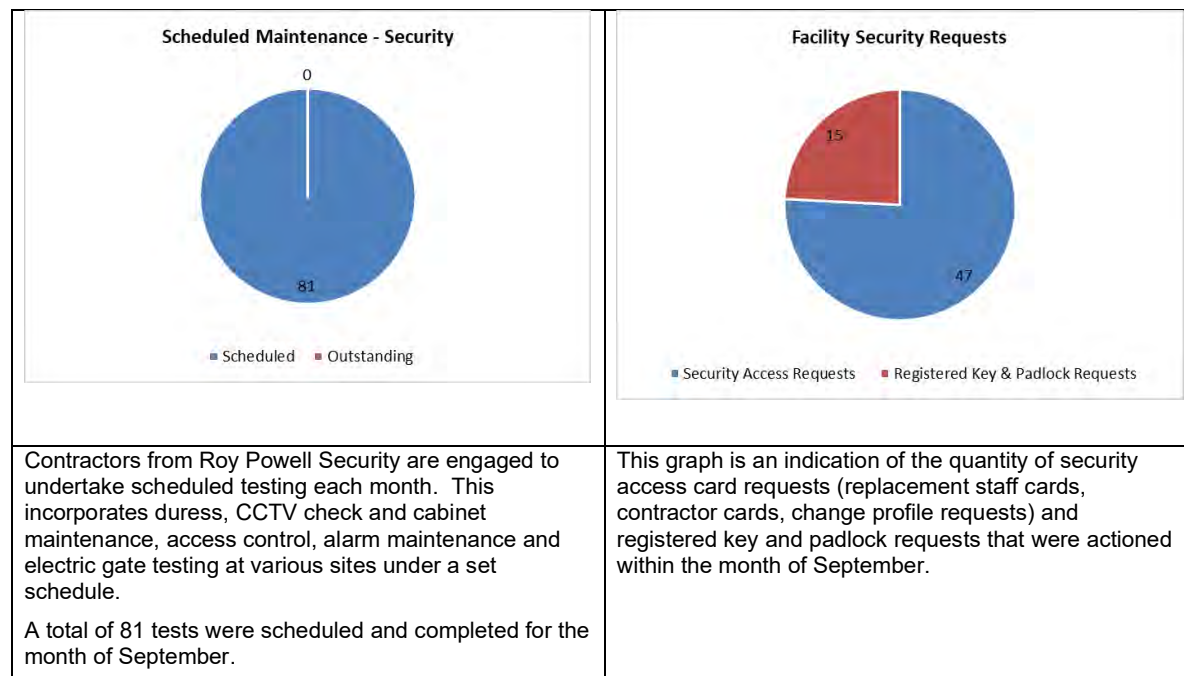


A total of 112 work orders were closed out within the Assetic portal during the month of September. Of these, 108 were reactive building maintenance requests and were categorised into the Failure Cause Codes as detailed in the table below.

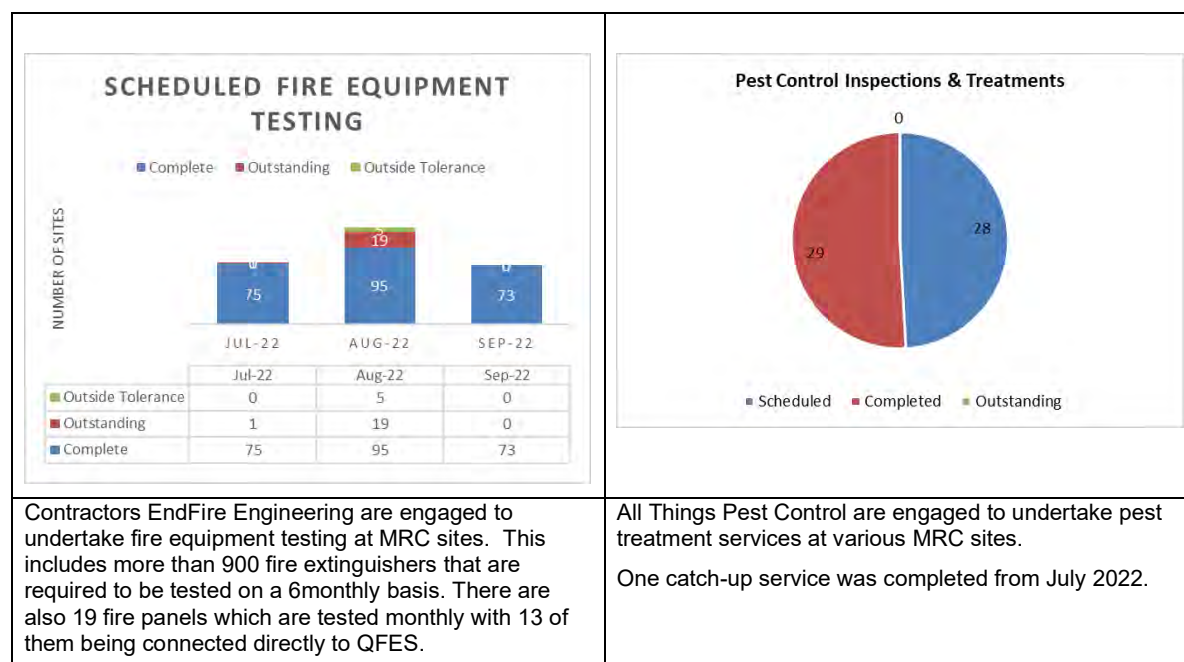
The remaining 4 work orders related to preventative/proactive maintenance requests.

Assetic Actioned Building Maintenance Work Orders (September 2022)	Volume
Structure, Internal	2
Structure, External	5
Fitout & Fittings, Internal	19
Fitout & Fittings, External	7
Services & Equipment, Plumbing	12
Services & Equipment, Air Conditioning	24
Services & Equipment, Cleaning	11
Services & Equipment, Security	7
Services & Equipment, Kitchen and Catering	5
Services & Equipment, Fire system	2
Services & Equipment, Electrical	14

6.4 Security



6.5 Scheduled Maintenance



6.6 Land & Tenure

Description:	
Leases	
Lease Renewals	8
Lease Surrenders	2
New Leases	1
Lease matters still being negotiated	1
Lease Inspections	3
General Lease Matters	21
Lease Compliance	34 x Insurance
The Dome	2 x lease enquiries 1 x general matter
Land Matters	
Fencing	5
Enquiries to purchase freehold land	5
Encroachments	2
Land & Road Use Committee	7 x land matters 0 x road matters
Miscellaneous	11

7. PEOPLE AND CULTURE

7.1 Key Projects and Initiatives

Description	Comments
Workforce Capability	<ul style="list-style-type: none"> The workforce planning process has been aligned with the business planning and performance for FY23-24 budget. The format of the process has been amended to reflect the operational planning process including the operational <i>plan on a page</i> format. Following a detailed review of the FY22-23 process the following changes have been made to ensure that the strategic workforce planning process supports the delivery of Program Plans and aligns with the budget process. The changes include: <ul style="list-style-type: none"> Organisation level reports: (quarterly and annual) provided to ELT Quarterly reviews: alignment with the business planning and budget planning process Number of positions required at each classification level: based on the work to be completed

Description	Comments
	<ul style="list-style-type: none"> Workforce plan: development of one workbook containing end to end workforce planning information Removal of micro level spreadsheet: the key sections have been incorporated into other questions within the process Implementation of a revised two-step Critical Positions process
Volunteers	<ul style="list-style-type: none"> The Internal Audit function is completing a review of the 2018 audit actions, supported by the People Capability team, to reassess the framework requirements for volunteers within MRC post-COVID-19. This review will occur in 2023.
Water Industry Worker (WIW) Pilot Program	<ul style="list-style-type: none"> QldWater presented members of the Water Skills Partnership (WSP) with a summary of the Qld Workforce Summit organised by the Department of Employment, Small Business and Training. The summary advised WSP members of Qld workforce strategy in supporting industries to grow and thrive through positioning Qld as an attractive place to live, work and invest in industry. Further opportunities to undertake micro-credential training for WSP was well received from the members. The Bid Pool Application to secure funding from Queensland Water Regional Alliance Program (QWRAP), for a Learning and Development Project Coordinator for a further three-years to facilitate the strategic vision of the WIW framework, assessing deliverable outcomes for cross-functional processes for council stakeholders was submitted for consideration.
Organisational Development	<p>Culture</p> <ul style="list-style-type: none"> MRC was presented with Employee Engagement survey Results in September 2022. Formal presentations are planned to Council in October. <p>Diversity, Inclusion and Belonging</p> <ul style="list-style-type: none"> Supporting greater inclusion in MRC systems and process, the MECC in conjunction with People and culture and Employee Services have piloted special induction programs for school aged casual intakes MRC Toastmasters Corporate Club hosted their first internal club Speech Contest this month. There were 3 categories for participants to try out their skills in the following categories: Evaluation, Table Topics & Humorous. Evaluation contest was to have a prepared external speaker share a speech, then contestants review the speech and provide constructive, detailed feedback. To participate in the Tables Topics contestants were provided a random question upon entry to the room and allowed 1-2 minutes to answer. As for the Humorous contestants were required to share a prepared speech of 5-7 minutes with humour as their focus. There were a lot of laughs and storytelling moments with our club. Members have now been participating for over 12 months with some members taking their development to the next level regarding taking on acting roles in their team, seeking to interact outside their comfort zones on other projects and building their confidence as each week progressed. Our winners will now progress to the Area Contest to complete on behalf of the MRC Toastmasters Club, where if they win, are eligible to compete at the International Contest.
	<p>Health & Wellbeing</p> <ul style="list-style-type: none"> Zest4Life Employee Health and Wellbeing Programs - Nourish to Nurture campaign was the focus of September, which was designed to help people improve their physical wellbeing and nutrition to feel better and achieve optimal health. Tools and insights have been provided to help develop a stronger understanding on eating a nutritious diet, improving energy levels, and increasing overall physical and mental wellbeing for a healthier life. RUOK day was on the 8th of September. The focus was on learning how to spot when someone may need to chat. Red-25 Blood Life Team Challenge- The Local Council Blood Drive challenge finished on the 30th of September.

Description	Comments
	Leadership, Coaching and Mentoring <ul style="list-style-type: none"> This year MRC are participating in the LGMA Rural Management Challenge in Central Qld. This development programme provides employees an opportunity to work within a team environment solving real-life problems facing local governments. It produces relevant, tangible and enduring benefits for employees, their teams and our organisation. Four employees and one Mentor will travel to Rockhampton in November to compete with other local governments.
	Learning & Development <ul style="list-style-type: none"> To support business needs, the Organisational Development Learning team delivered additional MRC inductions to accommodate MECC casual staff shortages. This included an induction designed for school students which will be trialled once a month until the end of the year.

7.2 Organisational Development Metrics

Employee Recognition

Employee recognition allows employees to recognise each other on the basis of living core values through daily behaviour and examples of positive performance.

The MRC values are the guiding principles that provide our organisation with purpose and direction. They support us in our decision making and how we conduct our work.

MRC takes the time to celebrate employees through a monthly employee recognition award program, whereby we take the time to celebrate employees who exemplify our values.

Winner/s are selected by peer employees who make up the Culture Connectors Reference Group.

The below table details nominations per month for employee recognition.



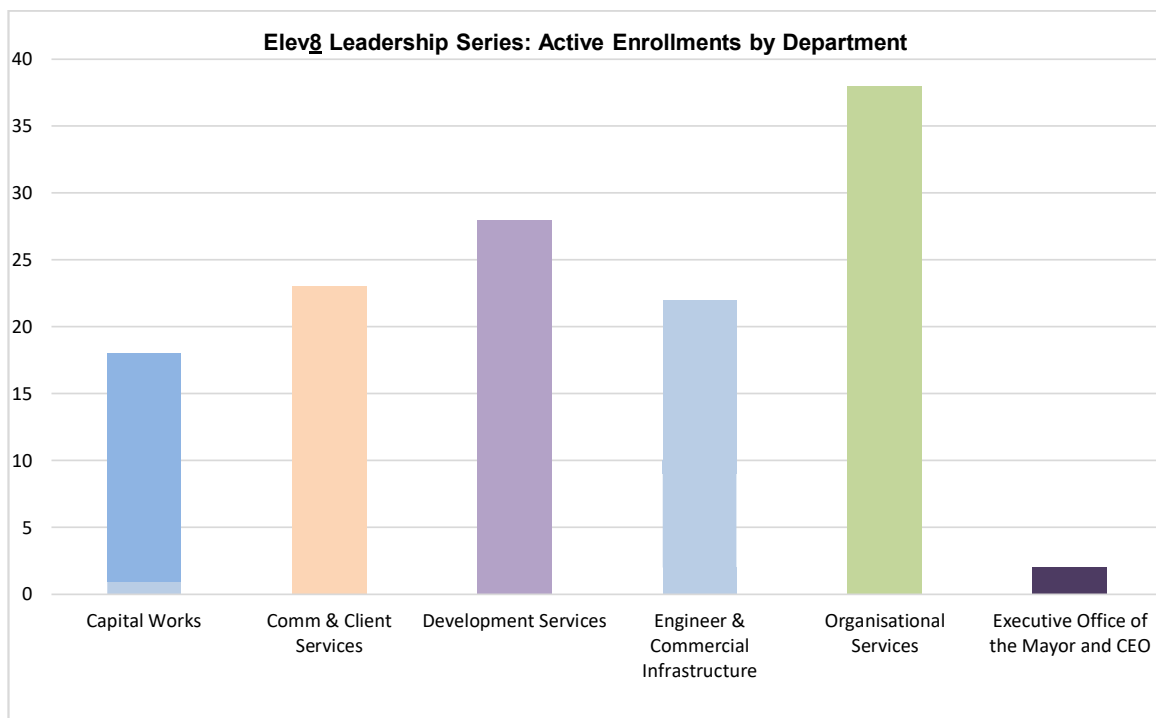
Month	Number of Nominations	Programs Nominated
August	25	Asset Management, Civil Operations, Corp Comms & Marketing, Health & Regulatory Services, Major Projects, Parks & Environment, Procurement & Plant, Shared Services, Strategic Planning, Transport Drainage & Infrastructure Planning, Water Network

Learning & Development

The following table summarises key learning and development data achieved across the organisation for the month.

Learning and Development Activities for September		Total Number
Inductees <i>The number of employees inducted in the month.</i>		25
Trainees <i>The number of trainees currently progressing through their traineeship.</i>		10

Apprentices <i>The number of apprentices currently progressing through their apprenticeship.</i>	10
Active Accredited Training Contracts (existing Workers) <i>The number of employees actively undertaking AQTF accredited professional development.</i>	27
Active Education Assistance Employee Development and Further Study <i>The number of current Education Assistance recipients</i>	21
Active Leadership Development <i>The number of employees currently progressing through leadership training via the Elev8 Leadership Series</i>	131
eLearning: MRC Compliance Modules Completed <i>Number of compliance-based MRC eLearning modules completed in the month.</i>	480
eLearning: Professional Development Completed <i>Number of self-paced professional development eLearning courses completed in the month.</i>	47 completed 43 in progress




8. FINANCIAL SERVICES

8.1 Financial Compliance

Description	Timeframe Met
Manage capital and operational budgets to achieve the benchmark Local Government financial sustainability ratios, including the operating surplus, net financial liabilities, and asset sustainability ratios. Measure: Completion of Long-Term Financial Forecast including applicable ratios	✓
Provide relevant and useful information to Council, stakeholders and clients. Measure: Production of monthly strategic financial reports	✓
Provide relevant and useful information to Council, stakeholders and clients. Measure: Number of high-risk audit issues	✓

8.2 Key Activities

Activity	Comments	Timeframe Met
External Audit	<ul style="list-style-type: none"> Awaiting final audit report. Verbal confirmation received from auditor that nothing major had been found during audit and a positive report is expected to be delivered shortly. Confirmation received from QAO to sign draft Financial Statements 	✓
September Budget Review	<ul style="list-style-type: none"> Closed for Manager input Management accounting team preparing MRC position report for Briefing in October. 	✓
Statutory Reporting	<ul style="list-style-type: none"> SWIM Data delivered to Mackay Water for inclusion into full data return Preparatory work completed and financial statements deliver to enable annual report to be published 	✓
Comprehensive Revaluation – Land; Buildings & Site Improvements	<ul style="list-style-type: none"> Preliminary work well underway with scope documents being drafted to be release to market early October 	✓

 On Target

 Below Target