



MINUTES

Ordinary Meeting

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

On Wednesday 13 December 2023

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His Worship the Mayor, Cr Williamson conducted an acknowledgement of Country acknowledging the traditional custodians of the land on which we meet today.

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, 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 Mr S Owen (Chief Executive Officer), Ms K Hoare (Minute Secretary), Mrs K Verroen (A/Executive Officer), Mr J Carless (A/Director - Infrastructure & Operations), Ms A Nugent (Director - Planning, Growth & Sustainability), Mr D McKendry (A/Director - Organisational Capability & Risk), Ms J McKay (Director - Community Services), Ms A Hays (Director - Corporate Services) and Mr M Sleeman (Manager - Corporate Communications & Marketing).

The meeting commenced at 10:00 am.

2. OPENING PRAYER

3. ABSENT ON COUNCIL BUSINESS

Nil

4. APOLOGIES

Nil

5. CONDOLENCES

Mayor Williamson expressed condolences, on behalf of Council to the family of Eric Eastment, who passed away recently. Married to Colleen for 62 years and raised 4 children in Mackay. A true gentleman and a good friend to many in the Community. Eric was in the Army Reserve, he served on Mackay Regional Council from 1991 to 1994 and served terms as Regional President of St Vincent De Paul.

Mayor Williamson expressed condolences, on behalf of Council to the family of Barry Dee. Started his working life as a plumber where he met his future wife Helen. Barry then joined Helen's family business Royal Cruises which became synonymous with tourism in Mackay Region. Barry was also past President of the Aero Club and Mackay Tourism and instrumental in bringing the Pine Islet Lighthouse back to Mackay

Cr May expressed condolences, on behalf of Council to the family of Neville Parchert who lost his battle with cancer on 20th November 2023. Married to Karen and raised their children in Sarina where he was a Scout Leader and a Fire Warden of Rural Fire Brigade at West Plane Creek for over 10 years. Working for nearly 40 years in Ergon Energy, Neville was instrumental in implementing the electrical grid in this area.

6. CONFLICT OF INTEREST

7. CONFIRMATION OF MINUTES

Council Resolution ORD-2023-317

THAT the Ordinary Meeting Minutes dated 22 November 2023 be adopted.

Moved Cr Green

Seconded Cr Hassan

CARRIED UNANIMOUSLY



MINUTES

Ordinary Meeting

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

On Wednesday 22 November 2023

ORDINARY MEETING - 22 NOVEMBER 2023

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ORDINARY MEETING - 22 NOVEMBER 2023

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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.

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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, M I Green, B C Hassan, A N Jones, K L May, R J Seymour and P A Townsend were in attendance at the commencement of the meeting.

Also present was Mr S Owen (Chief Executive Officer), Ms K Hoare (Minute Secretary), Mr D McKendry (Executive Officer), Mr J Devitt (Director - Engineering & Commercial Infrastructure), Ms A Nugent (Director - Planning, Growth & Sustainability), Mr J Carless (Director - Capital Works), Ms J McKay (Director - Community Services), Ms A Hays (Director - Corporate Services), Mr M Sleeman (Manager - Corporate Communications & Marketing) and Mrs K Verroen (Coordinator - Corporate Governance).

The meeting commenced at 10:00 am.

Moved Cr Hassan

Seconded Cr Jones

CARRIED UNANIMOUSLY

2. OPENING PRAYER

Pastor Paul Hicks led those present in Prayer.

3. ABSENT ON COUNCIL BUSINESS

4. APOLOGIES

4.1 LEAVE OF ABSENCE - Cr Mann

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

Council Resolution ORD-2023-287

ORDINARY MEETING - 22 NOVEMBER 2023

Moved Cr Hassan**Seconded Cr Jones****CARRIED UNANIMOUSLY****5. CONDOLENCES**

Cr Hassan expressed condolences, on behalf of Council to the family of Lynette Laffin, who passed away recently. Born in Gladstone in 1950 before moving to Mackay and Marian with her family, her disability never stopped her living her life and her strength and determination inspired everyone who knew her. Lyn was very active in our community with over 35 years as a Lifeline Counsellor and Girl Guides volunteer. In 2013 she was Mackay Citizen of the Year and was involved in many clubs in our community.

6. CONFLICT OF INTEREST

In accordance with Chapter 5B of the *Local Government Act 2009*, I Cr Jones inform the meeting that I have a Declared conflict of interest in Agenda Item 11.4.3, Decide to make and prepare TLPI 01/2023 (Finch Hatton Flood Hazard Regulation).

The nature of my interest is as follows:

My brother-in-law is a property owner and business owner in Finch Hatton.

The Particulars:

- (a) The name of the related party is Jeffery Jones
- (b) The nature of my relationship with the related party is that of sister-in-law.
- (c) The nature of the related party's interest in this matter is property owner in Finch Hatton

7. CONFIRMATION OF MINUTES**Council Resolution ORD-2023-288**

THAT the Ordinary Meeting Minutes dated 25 October 2023 be adopted.

Moved Cr Green**Seconded Cr Hassan**

ORDINARY MEETING - 22 NOVEMBER 2023

CARRIED UNANIMOUSLY

8. BUSINESS ARISING OUT OF PREVIOUS MINUTES
UPDATE ON QUESTIONS ARISING FROM COUNCIL MEETING – 25 OCTOBER 2023

| AGENDA ITEM | MATTER | RESPONSE |
|-------------|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11.4.2 | Facilitating Development in the Mackay Region Policy – Xanth Lodge – 62 Smalley's Beach Road, Cape Hillsborough | <p>Question on Notice - CR Bonaventura asked what size and type of water main runs along Cape Hillsborough Road, have there been any reliability issues with that main line, and do we anticipate the life span of that services, similar to others which is around 80 years to be the same.</p> <p>Response The water main in question is a HDPE 63mm poly pipe that was installed in 2017. This asset nominally has an asset life of 60 years which is less than a PVC water main. There have been no apparent additional maintenance requirements with this main as compared to any other similarly aged water main assets up until this point in time</p> |

9. MAYORAL MINUTES**10. CONSIDERATION OF COMMITTEE REPORTS & RECOMMENDATIONS**

ORDINARY MEETING - 22 NOVEMBER 2023

10.1. LOCAL DISASTER MANAGEMENT GROUP (LDMG) MINUTES - 10 OCTOBER 2023

| | |
|----------------------------|------------------------------------------------------------------------|
| Author | Emergency Management Co-ordinator (Kristie Brown) |
| Responsible Officer | Director Community Services (Janine McKay) |
| File Number | LDMG |
| Attachments | 1. MINUTES - LDMG Meeting - 10 October 2023 [10.1.1 - 4 pages] |

Purpose

To present to Council the Local Disaster Management Group (LDMG) Minutes of the meeting held on 10 October 2023 for information purposes.

Related Parties

n/a

Corporate Plan Linkage

Priority: Community Health & Wellbeing

Strategy: Disaster preparedness - Build community preparedness and responsiveness to emergencies and natural disasters.

Officer's Recommendation

THAT the Minutes of the Local Disaster Management Group Meeting of 10 October 2023 be received.

Council Resolution ORD-2023-290

THAT the Minutes of the Local Disaster Management Group Meeting of 10 October 2023 be received.

Moved Cr May

Seconded Cr Englert

CARRIED UNANIMOUSLY

ORDINARY MEETING - 22 NOVEMBER 2023

10.2. DRAFT MINUTES - SUSTAINABILITY ADVISORY COMMITTEE MEETING - 3 NOVEMBER 2023

Author Executive Manager Strategic Planning (Jaco Ackerman)
Responsible Officer Director Planning, Growth & Sustainability (Aletta Nugent)
File Reference SPSUS-002

Attachments 1. Draft Minutes - Sustainability Advisory Committee Meeting - 3 November 2023 [10.2.1 - 5 pages]

Purpose

For Council to receive the draft minutes of the Sustainability Advisory Committee meeting held on 3 November 2023.

Related Parties

- Linked Group Services - Jason Sharam
- Dalrymple Bay Coal Terminal (DBCT) – Ricci Churchill
- North Queensland Bulk Ports (NQBPs) – Odette Langham
- Sugar Research Australia (SRA) – Dylan Wedel
- Reef Catchments – Katrina Dent
- Tyson Willoughby
- Alison Adair
- Judith Wake

Corporate Plan LinkageCommunity and Environment

Sustainable Practices - We are responsible and active custodians of our natural environment, with future targets and commitments aimed at driving us towards a cleaner, greener and more sustainable region. Climate change will continue to be a consideration in forward planning and we will continue to implement sustainability initiatives in council operations.

Officer's Recommendation

THAT the draft minutes of the Sustainability Advisory Committee meeting held on 3 November 2023 be received.

Council Resolution ORD-2023-291

THAT the draft minutes of the Sustainability Advisory Committee meeting held on 3 November 2023 be received.

Moved Cr May

Seconded Cr Jones

CARRIED UNANIMOUSLY

ORDINARY MEETING - 22 NOVEMBER 2023

10.3. DRAFT MINUTES - HERITAGE REFERENCE GROUP - 30 OCTOBER 2023

Author Executive Manager Strategic Planning (Jaco Ackerman)
Responsible Officer Director Planning, Growth and Sustainability (Aletta Nugent)
File Reference SPLP-031

Attachments

1. Draft Minutes - Heritage Reference Group - 30 October 2023 [**10.3.1** - 2 pages]

Purpose

To receive the draft minutes of the Heritage Reference Group meeting held on 30 October 2023.

Related Parties

- Sandra Field
- Steven Pritchard
- Jean Turvey
- Christine Vaughan
- Kate Large
- Nicholas McDougall
- Beverley Currie
- Sandra Amooore

Officer's Recommendation

THAT the draft minutes of the Heritage Reference Group meeting dated 30 October 2023 be received.

Council Resolution ORD-2023-292

THAT the draft minutes of the Heritage Reference Group meeting dated 30 October 2023 be received.

Moved Cr May

Seconded Cr Jones

CARRIED UNANIMOUSLY

ORDINARY MEETING - 22 NOVEMBER 2023

11. CORRESPONDENCE AND OFFICER'S REPORTS

11.1. OFFICE OF THE MAYOR AND CEO

11.1.1. MAYOR'S MONTHLY REVIEW REPORT

| | |
|----------------------------|-------------------------|
| Author | Mayor (Greg Williamson) |
| Responsible Officer | Mayor (Greg Williamson) |
| File Reference | DMRR |

Attachments

1. Mayoral Monthly Report - October- November 2023 [**11.1.1.1** - 9 pages]

Purpose

To provide Council with the Mayor's Monthly Review Report for the month of October/November 2023.

Related Parties

Nil

Officer's Recommendation

THAT the Mayor's Monthly Review Report for October/November 2023 be received.

Council Resolution ORD-2023-293

THAT the Mayor's Monthly Review Report for October/November 2023 be received.

Moved Cr Williamson

Seconded Cr Hassan

CARRIED UNANIMOUSLY

ORDINARY MEETING - 22 NOVEMBER 2023

11.1.2. CHIEF EXECUTIVE OFFICER'S MONTHLY REVIEW REPORT - OCTOBER 2023

Author Chief Executive Officer (Scott Owen)
Responsible Officer Chief Executive Officer (Scott Owen)
File Reference DMRR

Attachments 1. FINAL - CEO Monthly Report - October 2023
[11.1.2.1 - 22 pages]

Purpose

To provide Council with the Chief Executive Officer's Monthly Review Report for the month of October 2023.

Related Parties

Nil

Officer's Recommendation

THAT the Chief Executive Officer's Monthly Review Report for October 2023 be received.

Cr Bella queried the storage of the ladders while in transit ie where are they to be stored and secured on the truck?

CEO, Scott Owen advised that he would take the question on notice.

Cr Bonaventura queried Page 109 of the report regarding the economic indicators and the lots registered, is that per quarter or per month as it seems low.

The Director, Planning Growth & Sustainability, Aletta Nugent advised that she would take the question on notice.

Council Resolution ORD-2023-294

THAT the Chief Executive Officer's Monthly Review Report for October 2023 be received.

Moved Cr Hassan

Seconded Cr Townsend

CARRIED UNANIMOUSLY

ORDINARY MEETING - 22 NOVEMBER 2023

11.1.3. 2022-23 AUDITED FINANCIAL STATEMENTS

| | |
|----------------------------|---------------------------------------------------|
| Author | Financial Accounting Co-ordinator (Jena Prinsloo) |
| Responsible Officer | Director Corporate Services (Angela Hays) |
| File Reference | Financial Statements |

Attachments

1. Signed 2023 Audited Financial Statements - Mackay Regional Council [**11.1.3.1** - 46 pages]

Purpose

To present the end of year result to Council, upon finalisation of the external audit of the 2022/23 Annual Financial Statements.

Related Parties

Nil

Consultation and Communication

Chapter 5 Part 3 of the *Local Government Regulation 2012* prescribes the required information that must be included in Council's annual report and the financial statements.

Included in Chapter 5 Part 3 is:

- Section 182 that requires Council to prepare and adopt its annual report and financial statements within one month of the Auditor-General's report on the annual financial statements.
- Section 183 that prescribes information that the annual financial statements must contain.
- Section 184 to 190 that prescribes information that the annual report must contain.
- Mackay Regional Council's Annual Report and Annual Financial Statements for the 2022/23 financial year meets the requirements of the Regulation and is presented for adoption.

In accordance with section 182 of the *Local Government Regulation 2012*, it is recommended that Council adopt the Mackay Regional Council Annual Report and Annual Financial Statements for the year ended 30 June 2023

Council's 2022/23 Annual Financial Statements have been reviewed by the Audit Committee and issued an unmodified audit opinion by the Auditor-General.

Resource Implications

Council reported a \$4.3M operating deficit for the 2022/23 financial year, with the net result being a surplus of \$36.7M.

Risk Management Implications

The 2022/23 end of year result is now reflected as the opening balance of Council's long term financial forecast.

Conclusion

ORDINARY MEETING - 22 NOVEMBER 2023

In accordance with section 182 of the *Local Government Regulation 2012*, it is recommended that Council adopt the Mackay Regional Council Annual Report and Annual Financial Statements for the year ended 30 June 2023

Officer's Recommendation

THAT the Audited Financial Statements for the financial year ended 30 June 2023 be received by Council.

Council Resolution ORD-2023-295

THAT the Audited Financial Statements for the financial year ended 30 June 2023 be received by Council.

Moved Cr Townsend

Seconded Cr Jones

CARRIED UNANIMOUSLY

ORDINARY MEETING - 22 NOVEMBER 2023

11.1.4. ADOPTION OF 2022-2023 ANNUAL REPORT

| | |
|----------------------------|--------------------------------------------------------------------------|
| Author | Executive Manager Corporate Communications & Marketing (Mark Sleeman) |
| Responsible Officer | Director Community Services (Janine McKay) |
| File Reference | Annual Report |

Attachments

1. Annual Report 22-23 FINAL WEB [11.1.4.1 - 77 pages]
2. Signed 2023 Mackay Regional Council financial statements [11.1.4.2 - 46 pages]

Purpose

For council to adopt the Mackay Regional Council Annual Report (inclusive of the Audited Financial Statements) for the period from July 2022 to June 2023.

Related Parties

No related parties are impacted by the adoption of this report.

Corporate Plan Linkage

Financial strength and Operational Excellence.

Deliver an easy-to-read and informative annual report, detailing council's performance and meeting legislative requirements.

Provide a governance framework to ensure public accountability, transparency and conformance with policies and legislation.

Background/Discussion

Under the *Local Government Regulation 2012(Regulation)*, it is a requirement for a local government authority to prepare an annual report for each financial year, with the report to be presented to council for adoption within one month after the day the auditor-general gives the auditor-general's audit report about the local government's financial statements for the financial year.

With council now meeting once a month, rather than twice a month, an extension of one week was sought and approved by Deputy Premier Steven Miles, Minister for State Development Infrastructure, Local Government and Planning, for the adoption of this report at today's November 22 meeting.

Mackay Regional Council's 2022-2023 Annual Report has been prepared with the cooperation of Financial Services, Corporate Governance, management, and staff. It meets all statutory requirements.

This is the first annual report to report on council's 2022-2027 Corporate Plan, which includes outward pillars Invest and work; Live and visit: Community and environment; and inward pillars Financial strength and Operational excellence.

The report also reports on council's commercialised business units: Waste and Water services.

ORDINARY MEETING - 22 NOVEMBER 2023

It has been developed with a focus on providing an overview of the achievements, information on key projects and a detailed synopsis of how the organisation fared for the 2022-2023 financial year.

This year's annual report has been designed in a landscape orientation and once again a link to a digital version is via a QR code. This year's report once again features snapshots of council's major projects and key accomplishments in The Year in Review section at the front of the publication.

Managers and staff from most council programs contributed information to assist with compilation of the annual report.

Consultation and Communication

There was extensive consultation with all council programs, with most providing statistical data and information about their key achievements for 2022-2023. Additional consultations were conducted with the Local Government Association of Queensland.

Resource Implications

Compilation of the annual report was completed by the staff in Corporate Communications and Marketing. The report's design was produced by council's graphic design team. Printing costs will amount to a total of about \$1700. In total, only 100 copies will be printed, and we will be directing people online where applicable.

Risk Management Implications

It is a requirement under the Local Government Regulation 2012 to adopt an Annual Report within one month of receiving the auditor-general's audit report.

Conclusion

The 2022-2023 Annual Report has been prepared in compliance with the requirements of the *Local Government Act 2009* and *Local Government Regulation 2012*. The report includes the Audited Financial Statements for the period July 1, 2022, to June 30, 2023.

Officer's Recommendation

THAT the 2022-2023 Mackay Regional Council Annual Report, including the Audited Financial Statements, be adopted.

Council Resolution ORD-2023-314

THAT the 2022-2023 Mackay Regional Council Annual Report, including the Audited Financial Statements, be adopted.

Moved Cr Townsend

Seconded Cr May

CARRIED UNANIMOUSLY

ORDINARY MEETING - 22 NOVEMBER 2023

11.1.5. ADOPTION OF COUNCIL POLICIES

Author Senior Governance Officer (Pam Currell)
Responsible Officer Executive Manager, Ethical Standards, Audit & Risk (Anthony Bigby)
File Reference 042 - Asset Management / 043 - Enterprise Risk Management / 104 - Councillor Acceptable Requests / 107 - Councillor Advisors and Administrative Support

Attachments

1. Asset Management [**11.1.5.1** - 8 pages]
2. Enterprise Risk Management [**11.1.5.2** - 6 pages]
3. Councillor Acceptable Requests [**11.1.5.3** - 12 pages]
4. Councillor Advisors and Administrative Support [**11.1.5.4** - 6 pages]

Purpose

To present the following Council policies for consideration, and adoption:

1. COU042 – Asset Management
2. COU043 – Enterprise Risk Management
3. COU104 – Councillor Acceptable Requests

Further to present the following Council policy for rescission as it is no longer required:

1. COU107 – Councillor Advisors and Administrative Support Staff

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) have a process of reviewing policies and their associated corporate standards 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 (ELT) for review and endorsement by the CEO, prior to presentation to Council for adoption.

COU042 - Asset Management

This policy is a mandated policy by the Local Government Association of Queensland and has been reviewed as part of MRC's policy review process.

COU043 – Enterprise Risk Management

This policy supports the implementation of a formal integrated risk management system and creating an environment where all identified risk will be assessed utilising Council's Risk Management Framework.

ORDINARY MEETING - 22 NOVEMBER 2023

The policy has been reviewed as part of MRC's policy review process.

COU104 – Councillor Acceptable Requests

This policy is a legislative requirement and as part of its review and linkage in content has been merged with policy 107 Councillor Advisors and Administrative Support.

The policy has been reviewed as part of MRC's policy review process.

Policy 107 Councillor Advisors and Administrative Support is now not required and can be rescinded.

Consultation and Communication

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

Resource Implications

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

Risk Management Implications

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

Conclusion

It is recommended that Council adopt the following policies:

1. COU042 – Asset Management
2. COU043 – Enterprise Risk Management
3. COU104 – Councillor Acceptable Requests

It is further recommended that Council rescind the following policy as it is no longer required:

1. COU107 – Councillor Advisors and Administrative Support Staff

Officer's Recommendation

THAT Council adopt the following policies and any associated corporate standards:-

1. COU042 – Asset Management
2. COU043 – Enterprise Risk Management
3. COU104 – Councillor Acceptable Requests

AND FURTHER THAT Council rescind the following policy as it is no longer required:-

1. COU107 – Councillor Advisors and Administrative Support

Council Resolution ORD-2023-315

PROCEDURAL MOTION

THAT Council not adopt or rescind the policies as presented today, rather that they be laid on the table pending the opportunity for further consideration outside the meeting process and before formal consideration at a future meeting.

ORDINARY MEETING - 22 NOVEMBER 2023

Moved Cr Bella

CARRIED UNANIMOUSLY

ORDINARY MEETING - 22 NOVEMBER 2023

11.1.6. OPERATIONAL PLAN 2023 2024 1ST QUARTER REPORT

Author Senior Risk Officer (Audrey Kenny)
Responsible Officer Executive Manager, Ethical Standards, Audit & Risk (Anthony Bigby)
File Reference Operational Plan 2023-2024 Q1 Report

Attachments

1. Q 1 Operational Plan Quarterly Report 2023-2024 [**11.1.6.1** - 18 pages]

Purpose

To advise the Mayor and Councillors of progress made during the first Quarter (1 July to 30 September 2023) toward delivering actions in the Operational Plan 2023/2024.

Related Parties

N/A

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.

Resilient and Agile Economy - Our long-term vision guides our planning for present and future needs, understanding the future implications of decisions made today.

Operational Excellence

Customer/Community Focus - Improving community wellbeing is a primary goal of our services to the Mackay region. This encompasses residents, businesses, visitors and investors. Council believes all members of the community play a crucial role in supporting the vision and strategic outcomes and we encourage community engagement.

Background/Discussion

Section 174 Local Government Regulation 2012 requires that a written assessment of the local government's progress towards implementing the annual operational plan is presented at meetings of the local government held at regular intervals of not more than three months.

The Operational Plan Quarterly Report – First Quarter details Mackay Regional Council's (MRC) performance in delivering actions detailed in the annual Operational Plan 2023-2024, as at 30 September 2023.

Performance against targets is reported as 'on target', 'ahead of target', 'ongoing', 'below target' or 'not required this quarter'.

Performance measures have been updated to reflect a new category where an action is progressing towards being achieved it is reported as 'ongoing' as opposed to being identified as 'below target'. Below target is reserved for actions with a defined date where the action did not meet target.

ORDINARY MEETING - 22 NOVEMBER 2023

At the close of the first quarter 51 Operational Plan KPIs were reported as progressing with 24 (47%) KPIs on target, 11 (21.5%) ahead of target, 7 (13.7%) actions ongoing and 9 (17.6%) actions not required this quarter.

Pages 4 - 5 of the report include a list of the goals and key performance indicators that are actions on-going and an explanatory comment regarding variance from the forecast quarterly target.

The largely positive progress this quarter provides confidence that the Corporate Objectives of the current Corporate Plan are on track to be achieved as planned.

This quarter's key achievements section has a low number of milestones being reached which is noted to correlate with the year's projected targets.

Consultation and Communication

Inputs to the Operational Plan quarterly report are gathered from Directors and Program Managers, drawing on insights provided against KPIs in the relevant Program Plans.

Following Adoption by Council, the Operational Plan quarterly report is made available to the community via Council's website.

The report is available to all staff through MRC's intranet with dedication communication to the Management Team that is encouraged for sharing and discussing with teams.

Resource Implications

Nil

Risk Management Implications

The risks associated with achieving objectives are identified and monitored through Council's Enterprise Risk Management Framework.

Conclusion

The largely positive progress this quarter of Operational Plan items, provides confidence that the Corporate Objectives of the current Corporate Plan are on track to be achieved as planned.

Officer's Recommendation

THAT Council receive the Operational Plan Quarterly report for the First Quarter of 2023-2024, in accordance with Section 174 of the *Local Government Regulation 2012*.

Council Resolution ORD-2023-296

THAT Council receive the Operational Plan Quarterly report for the First Quarter of 2023-2024, in accordance with Section 174 of the *Local Government Regulation 2012*.

Moved Cr Hassan

Seconded Cr Townsend

CARRIED UNANIMOUSLY

ORDINARY MEETING - 22 NOVEMBER 2023

11.2. CAPITAL WORKS**11.3. COMMUNITY SERVICES****11.4. PLANNING, GROWTH & SUSTAINABILITY****11.4.1. FACILITATING DEVELOPMENT IN THE MACKAY REGION POLICY – MATERIAL CHANGE OF USE FOR MULTIPLE DWELLINGS – 419 SHAKESPEARE STREET, MACKAY**

| | |
|----------------------------|------------------------------------------------------------|
| Author | Principal Economic Development Officer (Nadine Connolly) |
| Responsible Officer | Director Planning, Growth & Sustainability (Aletta Nugent) |
| File Reference | Facilitating Development in the Mackay Region Applications |

Attachments

1. 419 Shakespeare Street, Mackay Site Plan [11.4.1.1 - 12 pages]

Purpose

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

Related Parties

- Conor Smith
- Veris (Matthew Ward)
- Becker Sunner Consulting
- Palmview Homes

Corporate Plan LinkageInvest and Work

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

Region of Choice - We are recognised as Australia's best region for attracting, retaining, and developing a skilled workforce.

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.

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

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 proposed development by Conor Smith is located at 419 Shakespeare Street, West Mackay (Lot 12 on RP704604). The Development Permit for the Material Change of Use (DA-2022-225) for Multiple Dwellings was approved on 12 May 2023.

The development will occupy a vacant residential allotment, which encompasses a total lot size of 814m². The subject site is located on a corner lot which provides the property with two road frontages, Gibson Street and Shakespeare Street.

ORDINARY MEETING - 22 NOVEMBER 2023

The applicant intends to deliver four x two-storey town houses, each with a floor area of 159.9m² (inclusive of balconies and verandas), three bedrooms and two parking spaces per unit.

The development is estimated to cost approximately \$1.25M to construct, resulting in \$2.575M economic impact for the region. It is anticipated construction will commence in February 2024 and should be completed by August 2024.

This development will provide the Mackay region with an affordable and diverse housing option in a market where there is high demand for residential stock.

Incentive Requests

The applicant submitted an Expression of Interest under the Facilitating Development in the Mackay Region Policy (Policy) on 1 September 2023, and the subsequent Stage 2 Application was received on 5 October 2023.

The applicant is seeking concessions under Schedule 7 Housing Diversity which supports the Development Permit for a Material Change of Use (MCU) for Multiple Dwellings (Town Houses) DA-2022-225.

The following concessions have been requested:

- a) 100% concession on infrastructure charges:
 - Infrastructure Charges = \$90,680.10
 - Requested concession = \$90,680.10
 - Charges payable = NIL

Under Schedule 7 Housing Diversity of the current Policy (endorsed April 2023), infrastructure charges may be reduced by up to 100% based on the net charge amount identified on the Infrastructure Charges Notice (after annual adjustments and the application of any offsets), up to a maximum concession value of \$500,000.

The maximum concession value above will include any previous stages of the development or other development of the site that has been previously approved under the policy.

- b) Service connection fee refund

As per Schedule 7 Housing Diversity, water and sewage connection fees can be discounted by up to 50% or a maximum of \$500 per service.

General Eligibility Criteria

The Policy seeks to attract investment in qualifying developments to stimulate growth, and diversify 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 7 Housing Diversity as follows:

| Criteria | Eligibility |
|---------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Timing of development Lots are registered within 2 years. | Commencement of construction – February 2024 Commencement of use – August 2024 |
| Non-Government Development | Yes |
| Infrastructure capacity | The applicant has advised all required urban services are already provided to the site, and no external or trunk infrastructure upgrades will be required to service the proposed development. |

ORDINARY MEETING - 22 NOVEMBER 2023

| | |
|--|------------------------------------------------------------------------------------|
| | As per the Infrastructure Charges Notice, no offsets are in place for DA-2022-225. |
|--|------------------------------------------------------------------------------------|

Specific Eligibility Criteria

Based on information provided by the applicant, the proposal satisfies the requirements under Eligibility Criteria in Schedule 7 Housing Diversity of the Policy:

| Criteria | Eligibility |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Economic Investment Minimum capital investment in the development is equal to or greater than \$100,000 under Schedule 7 Housing Diversity. | <ul style="list-style-type: none"> Estimated construction cost of development is \$1.25M. Based on Council's economic modelling, a direct injection of \$1.25M (construction costs) will result in combined supply chain and consumption effects of \$1.32M, totalling \$2.575M economic impact. The applicant has committed to utilising local contractors and suppliers during construction of the development. |
| Employment Generation | <ul style="list-style-type: none"> Based on Council's economic modelling, the project will generate one direct job, a further four indirect jobs, resulting in five jobs in total. The applicant has committed to utilising local contractors and suppliers during construction of the development. |
| Applicable Area | The proposal is to provide medium density residential development within the Medium-Density Residential zone. A Development Permit for the Material Change of Use (DA-2022-225) for Multiple dwelling was approved on 12 May 2023. |
| Applicable Land Uses The Policy applies to material change of use (MCU) for applicable land uses in Schedule 7 Housing Diversity (Refer to the table in the Policy). | The development application applies to a Material Change of Use – Development Permit Multiple Dwellings (4 Units) which is consistent with land uses identified in Schedule 7 Housing Diversity. |

Business and Regional Benefits

Based on the information provided by the applicant, the new multi-dwelling development supports increased business activity within the local construction industry, provides additional employment opportunities across various industry sectors, and addresses critical shortages in housing stock in the Mackay region.

The applicant proposes that the development will deliver the following benefits to the Mackay region's economy:

- The project involves the delivery of 4 dwelling units to Mackay's property market, providing affordable and diverse housing options.
- The proposal supports inner city living which is a desired outcome for Mackay City and Waterfront PDA.
- The site is located within easy access to schools, employment, retail centres and recreational facilities.
- The development has the potential to encourage further investment in the Mackay Waterfront PDA.
- A local building firm will be constructing the development.
- The site has access to all services such as reticulated water, sewer, electricity and telecommunication services.

Consultation and Communication

ORDINARY MEETING - 22 NOVEMBER 2023

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 Planning, Growth & Sustainability has also considered this application and provided approval for the Expression of Interest to progress to a Stage 2 application.

Resource Implications

a) Concessions on Infrastructure Charges

In accordance with the Infrastructure Charges Notice, the development gives rise to total net infrastructure charges of \$90,680.10 (+ annual adjustments).

| Gross Infrastructure Charge (IC) | Credit Unit (Residential dwellings) | Net Infrastructure Charge (IC minus Credit) | Concession (%) | Concession (\$) | Charges Payable |
|----------------------------------|-------------------------------------|---------------------------------------------|----------------|--------------------|-----------------|
| \$120,906.80 | \$30,266.70 | \$90,680.10 | 100% | \$90,680.10 | Nil |

Under Schedule 7 Housing Diversity (Multiple Dwellings), infrastructure charges may be reduced up to 100% of the net charge amount identified on the Infrastructure Charges Notice (after annual adjustments and the subtraction of any offsets or credits) to a maximum concession value of \$500,000.

It is proposed that infrastructure charge concessions only be applied to the net charge amount calculated following the application of annual adjustment and 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.

b) Service connection fee refund

As per Schedule 7 Housing Diversity, water and sewage connection fees can be discounted by 50%, up to maximum of \$500 per service.

Risk Management Implications

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

- An existing development approval is in place and on-site infrastructure requirements have been reviewed as part of the development 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 be applicable and 100% of the applicable Infrastructure Charges will be applicable to the development;
- Council can review the application of the Policy at any time.

Conclusion

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

ORDINARY MEETING - 22 NOVEMBER 2023

The proposed development supports the desired outcomes of Schedule 7 of the Policy. The provision of concessions will facilitate the delivery of the project, resulting in new housing stock for the region and increased economic output.

Officer's Recommendation

THAT the following Specific Incentives are approved under the Facilitating Development in the Mackay Region Policy for the proposed development by Conor Smith at 419 Shakespeare Street, Mackay (Lot 12 on RP704604):

- a) Concessions of 100% (estimated at \$90,680.10) apply on the net charge amount on the Infrastructure Charge Notice (calculated following annual adjustments, and subtraction of any offsets and credits) for DA-2022-225;
- b) Reduction in water and sewer service connection fees (50% discount up to a maximum of \$500 for each service, totalling a maximum discount of \$1000) apply at the time when the fees would be payable for the activity.

AND THAT the approval of concessions is dependent on:

- c) The development must be complete and in use by 22 November 2025;
- d) No additional infrastructure costs are incurred by Council (including establishment and bring forward costs);
- e) The developer utilising local contractors and suppliers.

Council Resolution ORD-2023-297

THAT the following Specific Incentives are approved under the Facilitating Development in the Mackay Region Policy for the proposed development by Conor Smith at 419 Shakespeare Street, Mackay (Lot 12 on RP704604):

- a. Concessions of 100% (estimated at \$90,680.10) apply on the net charge amount on the Infrastructure Charge Notice (calculated following annual adjustments, and subtraction of any offsets and credits) for DA-2022-225;
- b. Reduction in water and sewer service connection fees (50% discount up to a maximum of \$500 for each service, totalling a maximum discount of \$1000) apply at the time when the fees would be payable for the activity.

AND THAT the approval of concessions is dependent on:

- c. The development must be complete and in use by 22 November 2025;
- d.
- e. No additional infrastructure costs are incurred by Council (including establishment and bring forward costs);
- f.
- g. The developer utilising local contractors and suppliers.

Moved Cr Englert

Seconded Cr Townsend

CARRIED UNANIMOUSLY

ORDINARY MEETING - 22 NOVEMBER 2023

ORDINARY MEETING - 22 NOVEMBER 2023

11.4.2. FACILITATING DEVELOPMENT IN THE MACKAY REGION POLICY - MATERIAL CHANGE OF USE FOR MULTIPLE DWELLINGS - 7 ENGLISH STREET, SOUTH MACKAY

Author Principal Economic Development Officer (Nadine Connolly)
Responsible Officer Director Planning, Growth & Sustainability (Aletta Nugent)
File Reference Facilitating Development in the Mackay Region Applications

Attachments

1. 7 English Street - Site Plans [11.4.2.1 - 5 pages]

Purpose

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

Related Parties

- Horizon Property Alliance
- Jewell Planning Consultants
- The Design House NQ

Corporate Plan LinkageInvest and Work

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

Region of Choice - We are recognised as Australia's best region for attracting, retaining, and developing a skilled workforce.

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 proposed development by Horizon Property Alliance is located at 7 English Street, South Mackay (Lot 7 on RP706909). The proposed development (DA-2023-99) will be delivered over two-stages with Stage 1 incorporating a Material Change of Use Development Permit for Multiple Dwellings (two x dual occupancy units), and Stage 2 requiring a Reconfiguration of a Lot. Only Stage 1 of the development application is being considered under this Facilitating Development application as reconfigurations are not eligible under the policy.

Four new units will be purpose-built to cater exclusively for NDIS supported disabled persons. The development will provide specialist disability accommodation (SDA) for people requiring higher independent living needs.

The subject site has a total area of approx. 1,052m² and is situated within the South Mackay residential area. It is in proximity to the CBD, health care and other services such as primary schools, high schools, community centres and commercial and retail centres.

ORDINARY MEETING - 22 NOVEMBER 2023

The development is estimated to cost approximately \$2M to construct resulting in a \$4.119M economic impact. The project is scheduled to commence construction in late in January 2024 and should be completed by December 2024.

Incentive Requests

The applicant submitted an Expression of Interest under the Facilitating Development in the Mackay Region Policy (Policy) on 11 July 2023, and the subsequent Stage 2 Application was received on 3 October 2023. The applicant is seeking concessions under Schedule 7 Housing Diversity which supports Material Change of Use development for Multiple Dwellings.

The following concessions have been requested:

- a. 100% concession on infrastructure charges:
 - o Infrastructure Charges = \$56,135.50
 - o Requested concession = \$56,135.50
 - o Charges payable = NIL

Under Schedule 7 Housing Diversity of the current Policy (April 2023), 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, up to a maximum concession value of \$500,000.

The maximum concession value will include any previous stages of the development, or other development of the site, that has been previously approved under the policy.

General Eligibility Criteria

The Policy seeks to attract investment in qualifying developments to stimulate growth, diversify 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 7 Housing Diversity as follows:

| Criteria | Eligibility |
|---------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Timing of development Lots are registered within 2 years. | Commencement of construction – January 2024 Commencement of use – December 2024 |
| Non-Government Development | Yes |
| Infrastructure capacity | The applicant has advised all required urban services are already provided to the site, and no external or trunk infrastructure upgrades will be required to service the proposed development. As per the Infrastructure Charges Notice, no offsets are in place for DA-2023-99. |

Specific Eligibility Criteria

Based on information provided by the applicant, the proposal satisfies the requirements under Eligibility Criteria in Schedule 7 Housing Diversity of the Policy:

| Criteria | Eligibility |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Economic Investment | <ul style="list-style-type: none"> Estimated construction cost of development is \$2M. Estimated total capital investment of \$2.5M |

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| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Minimum capital investment in the development is equal to or greater than \$100,000 under Schedule 7 Housing Diversity. | <ul style="list-style-type: none"> Based on Council's economic modelling, a direct injection of \$2M (construction costs) will result in combined supply chain and consumption effects of \$2.12M, totalling \$4.12M economic impact. The applicant has committed to utilising local contractors and suppliers during construction of the development. |
| Employment Generation | <ul style="list-style-type: none"> Based on Council's economic modelling, the project will generate two direct jobs, and a further six indirect jobs during construction, resulting in the creation of eight jobs in total. The applicant has committed to utilising local contractors and suppliers during construction of the development. |
| Applicable Area | The subject site is identified within the Medium-Density Residential zone. |
| Applicable Land Uses The Policy applies to material change of use (MCU) for applicable land uses in Schedule 7 Housing Diversity (Refer to the table in the Policy). | The development application applies to a Material Change of Use – Development Permit Multiple Dwellings (4 Units) which is consistent with land uses identified in Schedule 7 Housing Diversity. |

Business and Regional Benefits

The applicant proposes that the development will deliver the following benefits to the Mackay region's economy:

- The development will provide new specialist disability accommodation in Mackay for up to four NDIS supported individuals.
- The accommodation will support independent living for persons with disabilities, providing a safe and comfortable living environment.
- Additional residential product is required in Mackay to accommodate current demand and future population growth.
- The subject site is situated within the South Mackay residential area and in close proximity to the CBD, health care and other services such as primary schools, high schools, community centres, and commercial and retail centres.

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 Planning, Growth & Sustainability has also considered this application and provided approval for the Expression of Interest to progress to a Stage 2 application.

Resource Implications

a. Concessions on Infrastructure Charges

In accordance with the Infrastructure Charges Notice, the development gives rise to total net infrastructure charges of \$56,135.50 (+ annual adjustments).

| Gross Infrastructure Charge (IC) | Credit Unit (Residential dwellings) | Net Infrastructure Charge (IC minus Credit) | Concession (%) | Concession (\$) | Charges Payable |
|----------------------------------|-------------------------------------|---------------------------------------------|----------------|-----------------|-----------------|
|----------------------------------|-------------------------------------|---------------------------------------------|----------------|-----------------|-----------------|

ORDINARY MEETING - 22 NOVEMBER 2023

| | | | | | |
|-------------|-------------|-------------|------|-------------|-----|
| \$86,362.00 | \$30,266.70 | \$56,135.50 | 100% | \$56,135.50 | Nil |
|-------------|-------------|-------------|------|-------------|-----|

Please note: Under the Stage 2 part of this development application (DA-2023-99), a Net Levied Charge Amount of \$4,318.10 will be payable for Reconfiguring a Lot, which is not covered under the Policy.

Under Schedule 7 Housing Diversity (Multiple Dwellings), infrastructure charges may be reduced up to 100% of the net charge amount (identified on the Infrastructure Charges Notice after the subtraction of any offsets or credits) to a maximum concession value of \$500,000.

It is proposed that infrastructure charge concessions only be applied to the net charge amount 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 significant concessions can leave Council exposed to similar claims in the future and that a potential infrastructure funding gap could present. These risks are sufficiently mitigated through the following measures:

- An existing development approval is in place;
- 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 be applicable and 100% of the applicable Infrastructure Charges will be applicable to the development;
- Council can review the application of the Policy at any time.

Conclusion

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

The proposed development supports the desired outcomes of Schedule 7 of the Policy. Provision of concessions will facilitate the delivery of the project, resulting in jobs during construction, increased economic output, and new diverse housing stock for the region.

Officer's Recommendation

THAT the following Specific Incentive is approved under the Facilitating Development in the Mackay Region Policy for the proposed development by Horizon Property Alliance, 7 English Street, South Mackay (Lot 7 on RP706909):

- Concessions of 100% (estimated at \$56,135.50) apply on the net charge amount on the Infrastructure Charge Notice (calculated following annual adjustments, and subtraction of any offsets and credits) for the Material Change of Use – Development Permit for Multiple Dwellings (2 x dual occupancy) component of DA-2023-99;

AND THAT the approval of concessions is dependent on:

- The development must be completed and use commenced by 22 November 2025;

ORDINARY MEETING - 22 NOVEMBER 2023

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

Council Resolution ORD-2023-298

THAT the following Specific Incentive is approved under the Facilitating Development in the Mackay Region Policy for the proposed development by Horizon Property Alliance, 7 English Street, South Mackay (Lot 7 on RP706909):

- a. Concessions of 100% (estimated at \$56,135.50) apply on the net charge amount on the Infrastructure Charge Notice (calculated following annual adjustments, and subtraction of any offsets and credits) for the Material Change of Use – Development Permit for Multiple Dwellings (2 x dual occupancy) component of DA-2023-99;

AND THAT the approval of concessions is dependent on:

- b. The development must be completed and use commenced by 22 November 2025;
- c. No additional infrastructure costs incurred by Council (including establishment and bring forward costs);
- d. The developer utilising local contractors and suppliers.

Moved Cr Green

Seconded Cr Hassan

CARRIED UNANIMOUSLY

ORDINARY MEETING - 22 NOVEMBER 2023

11.4.3. DECIDE TO MAKE AND PREPARE TLPI 01/2023 (FINCH HATTON FLOOD HAZARD REGULATION)

Author Principal Planner (Andrew Schembri)
Responsible Officer Director Planning, Growth & Sustainability (Aletta Nugent)
File Reference SPRP-076

Attachments

1. Proposed TLPI 01-2023 - Finch Hatton Flood Hazard Regulation [11.4.3.1 - 20 pages]

Purpose

The purpose of this report is for Council to:

- (a) decide to make a proposed Temporary Local Planning Instrument (TLPI) in accordance with section 23(1) of the *Planning Act 2016* (the Act) and using the process under Chapter 3, Part 2, section 7.1 of the *Minister's Guidelines and Rules under the Planning Act 2016 – version 2.0* (MGR),
- (b) receive and note the proposed TLPI 01/2023 (Finch Hatton Flood Hazard Regulation) prepared in accordance with Chapter 3 Part 2, section 7.2 of the MGR,
- (c) authorise the submission of the proposed TLPI 01/2023 (Finch Hatton Flood Hazard Regulation) to the Minister for State Development, Infrastructure, Local Government and Planning (the Minister) in accordance with Chapter 3, Part 2, section 8.1 of the MGR, and
- (d) delegate authority to the Chief Executive Officer to decide to adopt TLPI 01/2023 (Finch Hatton Flood Hazard Regulation) in accordance with Chapter 3, Part 2, section 9.1 of the MGR, if the Minister for State Development, Infrastructure, Local Government and Planning gives a notice approving the making of the TLPI under Chapter 3, Part 2, section 8.4 of the MGR.

Related Parties

- Property owners within the mapped area identified in the proposed TLPI
- Department of State Development, Infrastructure, Local Government and Planning (the Department)
- Department of Regional Development, Manufacturing and Water

Corporate Plan LinkageCommunity and Environment

Safe, Healthy and Engaged Region - Our Region is a safe and resilient community, with services that support high standards of public health, and extends friendship and support to each other through both good and challenging times.

Sustainable Practices - We are responsible and active custodians of our natural environment, with future targets and commitments aimed at driving us towards a cleaner, greener and more sustainable region. Climate change will continue to be a consideration in forward planning and we will continue to implement sustainability initiatives in council operations.

Background/Discussion

Following the Ordinary meeting of 27 April 2022, Council commenced the proposed major amendment to the Mackay Region Planning Scheme (planning scheme) in relation to the Finch Hatton and Eungella townships. As part of the State Interest Review phase of this amendment process, the Department identified concerns relating

ORDINARY MEETING - 22 NOVEMBER 2023

to flood hazard, specifically the identification of flood hazards in Finch Hatton for development and sought the inclusion of flood hazard regulation for the Finch Hatton area as a priority.

Council was briefed on 25 October 2023 on options to progress the proposed amendment in consideration of State interest feedback. The outcome of the briefing was to modify the proposed amendment in response to the flood hazard and to make and prepare a TLPI. The TLPI puts in place Flood hazard regulation (provisions) and overlay mapping (identified by a previous flood study by WRM Water & Environment that was updated in 2023) as an interim measure while a new flood study for Finch Hatton is undertaken. The new flood study is budgeted for in the 2023/24 financial year and will provide a more comprehensive study of the affected catchment. The mapping identified by the new study will ultimately be incorporated into the planning scheme as a Minor amendment (separate amendment process), replacing (repealing) the mapping identified by the proposed TLPI.

The proposed TLPI will introduce flood hazard regulation and mapping, including relevant categories of development (levels of assessment) and assessment (new code with development requirements). The flood hazard overlay code in the proposed TLPI will regulate development locating in flood hazard areas as shown in mapping forming part of the TLPI.

Once Council decides to make a TLPI, the proposed instrument, including supporting documents, will be submitted to the Minister for consideration. The Minister then has up to 20 business days to give Council a notice stating if the proposed TLPI is approved or not approved. Part of the Minister's consideration is to decide if the proposed TLPI satisfies section 23(1) of the Act. The TLPI process under the MGR does not include a formal state interest review step and therefore the TLPI process has no opportunity for change to be made or directed to the document once the process is started.

The following table demonstrates how the proposed TLPI satisfies the criteria of section 23(1) of the Act.

| A local government may make a TLPI if the local government and Minister decide— | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area | <p>A significant flood hazard risk exists in the Finch Hatton community, and this represents significant risk of serious economic, environmental and social conditions in Finch Hatton due to the potential loss of life or property during flood events. This risk has previously been low due to low expected levels of development in Finch Hatton. However, this risk is increasing due to the establishment of the mountain bike trails (under construction, with stage 1 trails anticipated to be operational in December 2023) and an increased level of development interest (enquiries and applications) in the local area as a result of the trails.</p> <p>This increase in activity requires an interim policy response to ensure development is appropriately regulated and managed in the flood hazard area surrounding the Finch Hatton township, until a new flood study is completed and the associated flood hazard mapping (from the new study) and associated assessment benchmarks are incorporated into the planning scheme. These actions will occur during the life of the TLPI.</p> |

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| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (b) the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk | <p>The TLPI process in this instance is shorter and quicker than other amendment processes (like a minor amendment process) in addressing the immediate risk (i.e. having flood hazard regulation and mapping in place) in the interim period whilst a new flood study for Finch Hatton is being prepared.</p> <p>It is estimated that a TLPI could be in place by December 2023 or January 2024 (at the latest). Should a minor amendment process be considered as an alternative process, it will delay the flood hazard mapping by four to five months due to additional Council and community consultation required to satisfy the eligibility criteria for a minor amendment as per Schedule 1 of the MGR, as the WRM (2013) flood study needs to be formally accepted by Council. This delay is not recommended given the increasing development interest in the area as a result of the mountain bike trails.</p> |
| (c) the making of the TLPI would not adversely affect State interests | <p>The TLPI introduces flood hazard regulation and mapping to address the requirements of the State Planning Policy (SPP) to identify flood hazards and risk. Therefore, the TLPI does not adversely affect State interests.</p> |

If the Minister decides to approve the proposed TLPI, Council then must decide to adopt or not proceed with the proposed TLPI. This step is proposed to be undertaken under delegated authority as the TLPI process under the MGR will not significantly change the content of the document. If adopted, the TLPI will take effect as per the effective day identified on the Public Notice. Once the TLPI is effective, it will be in place for a maximum of two years, unless it is repealed earlier. A TLPI cannot be extended beyond two years.

Consultation and Communication

Council was provided a briefing on 25 October 2023 in relation to the TLPI process and options to progress the proposed amendment in identifying and regulating flood hazards relating to Finch Hatton.

Based on the State interest review of proposed Major amendment 3, council officers prepared a draft TLPI and provided it to the Department for comment. The Department conducted a pre-lodgement review of the proposed TLPI document and Council's response to the TLPI eligibility criteria under section 23(1) of the Act. The Department is strongly encouraging Council in making a TLPI to address flood hazard and risk in Finch Hatton and provided further advice on the document to improve alignment with the SPP.

The proposed TLPI was distributed to internal stakeholders for a preliminary review. No concerns were raised through the internal review process.

There is no statutory period of public consultation required for a TLPI under the MGR. Despite this, the proposed TLPI will be communicated to the Finch Hatton community via the following methods and actions:

- letter to be sent to property owners affected by the flood hazard mapping
- the proposed TLPI will be published on Council's website during the Minister's consideration period
- community information session to be held in Finch Hatton
- dedicated webpage established on Council's Connecting Mackay website providing information on the proposed TLPI
- communications may be sent via channels established by the mountain bike project
- the community will be able to make enquiries about the proposed TLPI.

The above actions will be implemented after this Ordinary meeting (if resolutions are made) and consultation on the proposed TLPI will occur prior to the adoption and commencement of the TLPI.

ORDINARY MEETING - 22 NOVEMBER 2023

Further, public engagement on the Finch Hatton flood study is underway, where the Finch Hatton community has further opportunities to provide local knowledge and information on flooding to better inform the new study and proposed major amendment.

Resource Implications

The process of making the TLPI will be managed by Strategic Planning. Resources required will be funded from the current operational budget.

Risk Management Implications

The risk of not proceeding to decide to make a TLPI will:

- result in Council not identifying and addressing an immediate natural hazard risk as required by the SPP,
- impede the ability of the planning scheme to reduce a material risk of serious harm to persons or property from natural events or processes (in this instance flood hazard),
- impede the ability of investors or future property owners to undertake due diligence on a property potentially affected by a flood hazard,
- continue to have more onerous and cost prohibitive requirements for developers or landowners needing to carry out their own flood study to determine the acceptable, tolerable or intolerable flood risk on the site – which has been determined by the flood study mentioned in this report,
- potentially result in the Minister taking action to make the TLPI to address the immediate natural hazard risk, and
- have consequential issues for the proposed major amendment 3, being that it would likely further delay the proposed amendment.

Conclusion

Council is undertaking a proposed major amendment to the planning scheme in relation to the Finch Hatton and Eungella townships. During the State Interest Review of this amendment process, concerns relating to flood hazards, specifically the identification and regulation of flood hazards in Finch Hatton, were identified. Council's response in this regard is to establish a TLPI to put in place Flood hazard overlay regulation and mapping (identified by an existing flood study by WRM, updated in 2023) as a temporary measure while a new flood study for Finch Hatton is being prepared during the 2023/24 financial year.

It is recommended that Council make the TLPI 01/2023 (Finch Hatton Flood Regulation) and submit the required documentation to the Minister for consideration and approval.

ORDINARY MEETING - 22 NOVEMBER 2023

Officer's Recommendation

THAT Council:

- decides to make a proposed Temporary Local Planning Instrument (TLPI) in accordance with section 23(1) of the *Planning Act 2016* and the TLPI process under Chapter 3, Part 2, section 7.1 of the Minister's Guidelines and Rules (MGR) under the *Planning Act 2016* – version 2.0, and
- notes the proposed TLPI 01/2023 (Finch Hatton Flood Hazard Regulation), prepared in accordance with Chapter 3, Part 2, section 7.2 of the MGR, and
- authorises the submission of proposed TLPI 01/2023 (Finch Hatton Flood Hazard Regulation) to the Minister for State Development, Infrastructure, Local Government and Planning in accordance with Chapter 3, Part 2, section 8.1 of the MGR, and
- delegates authority to the Chief Executive Officer to decide to adopt TLPI 01/2023 (Finch Hatton Flood Hazard Regulation) in accordance with Chapter 3, Part 2, section 9.1 of the MGR, if the Minister for State Development, Infrastructure, Local Government and Planning gives a notice approving the making of the TLPI under Chapter 3, Part 2, section 8.4 of the MGR.

Cr Jones left the chambers at 10:29 am having declared a Conflict of Interest at Agenda Item 6.

Council Resolution ORD-2023-299

THAT Council:

- decides to make a proposed Temporary Local Planning Instrument (TLPI) in accordance with section 23(1) of the *Planning Act 2016* and the TLPI process under Chapter 3, Part 2, section 7.1 of the Minister's Guidelines and Rules (MGR) under the *Planning Act 2016* – version 2.0, and
- notes the proposed TLPI 01/2023 (Finch Hatton Flood Hazard Regulation), prepared in accordance with Chapter 3, Part 2, section 7.2 of the MGR, and
- authorises the submission of proposed TLPI 01/2023 (Finch Hatton Flood Hazard Regulation) to the Minister for State Development, Infrastructure, Local Government and Planning in accordance with Chapter 3, Part 2, section 8.1 of the MGR, and
- delegates authority to the Chief Executive Officer to decide to adopt TLPI 01/2023 (Finch Hatton Flood Hazard Regulation) in accordance with Chapter 3, Part 2, section 9.1 of the MGR, if the Minister for State Development, Infrastructure, Local Government and Planning gives a notice approving the making of the TLPI under Chapter 3, Part 2, section 8.4 of the MGR.

Moved Cr May

Seconded Cr Englert

CARRIED UNANIMOUSLY

Cr Jones returned to the chambers at 10:30 am.

11.4.4. ACTIVATE MY PLACE REPORT - APPLICATION REVIEW AND RECOMMENDATION

Author Executive Manager of Economic Development (Teona Cousin)
Responsible Officer Director Planning, Growth & Sustainability (Aletta Nugent)
File Reference Activate My Place – Round 5

Attachments Nil

Purpose

To endorse the Activate My Place Grant (AMP! Grant) Round 5 recommendations.

Related Parties

- Mackay City Heart Collective
- Grasstree Beach Progress Association
- Sarina Beach Progress Association
- Rebecca Cooper

Background/Discussion

The Activate My Place! (AMP!) is a placemaking grants program that supports communities and businesses across the region to create and deliver inspiring, inclusive and vibrant projects in public spaces. AMP! aims to connect and engage communities and facilitate thriving local economies through an enhanced quality of life. Projects can include public art, beautification works, signage, lighting, pop-up activations and events. The AMP! round five offered grants of up to 80% of the project budget. The total budget for the grant program is \$30,000.

Applications were opened for a seven week period, from 2 August until 30 September. At the conclusion of the round, a total of five AMP! applications were submitted with funding requests totalling \$68,504.10.

The assessment panel, consisted of an Economic Development Officer, Public Art Officer, Project Manager and Mackay City and Waterfront Project Support Officer, who reviewed the applications against the assessment criteria.

The applications received and assessment panel recommendations are outlined below.

1. Applicant Name: Mackay City Heart Collective

Project Name: Bee Mindful Mural Project

Amount Request: \$30,000

Project Description: The Bee Mindful Mural Project is an initiative involving the creation of a large mural installation intended to activate and connect Wood Street Park with 7th Lane. This highly visible and accessible mural site is designed to engage the public. The Mackay City Heart Collective team proposes to create a bee mural installation to commemorate 'World Bee Day' in May 2024 with the location known as a long standing pollination ground for bees. Additionally, the project proposes to include a series of activities that engage the community and are volunteer led.

The mural aims to enhance the area by developing a laneway activation project that is designed for future diverse activations. Some examples provided were markets, marquee dinners and lunches, and a range of community-oriented events. The applicant advises the activities could exist within the Laneway itself or extend into Wood Street Park.

ORDINARY MEETING - 22 NOVEMBER 2023

Recommendation: That this project be partially funded to the amount of \$12,170.90.

The funding requested for this project was \$30,000, being the entire budget allocation for this round of funding. Therefore, while the panel was unable to recommend the full amount requested, Economic Development Officers were able to negotiate a counteroffer with the Mackay City Heart Collective team. Due to the staged approach of the project, the applicant advised they were willing to accept part funding, as they are confident further funding support can be sourced from local businesses to complete the project.

The applicant has engaged Council's Public Art Officer and initiated the Installation of Art in Public Places Application process. The funding will be conditional on recommendations from the Installation of Art in Public Places Application.

2. Applicant Name: Grasstree Beach Progress Association Inc

Project Name: Grasstree Grooves

Amount Request: \$7,000

Project Description: Grasstree Grooves is a series of three planned events on the foreshore of Grasstree Beach. The applicant proposes to start the events after funding from Council has been confirmed (approx. December). The events are scheduled for Saturday evenings and will offer a mix of culinary experiences, a pop-up bar, enchanting festoon lighting and stylish seating arrangements. The centrepiece of the event is a dedicated stage featuring an artist, while a professionally managed blackboard will provide a platform for community members to showcase their talents.

The chosen event location is strategically positioned near the playground area, providing convenient access to amenities and making it an ideal setting for families seeking a memorable and enjoyable beachside experience. The applicant has noted their long-standing experience in delivering successful events at Grasstree Beach.

Recommendation: That the project be funded in full in the amount of \$7,000.

3. Applicant Name: Rebecca Cooper

Project Name: Northern Beaches Community Activation

Amount Request: \$10,829.10

Project Description: The Northern Beaches Community Activation is a nine-day event aimed at showcasing the diverse local businesses, services and activities within the rapidly growing Northern Beaches area. The primary goal of this project is to foster community connection, while encouraging economic and social development. The event will offer a variety of activities – such as fitness sessions, children's activities and a pop-up library – that will appeal to a wide range of community members. Following the nine-day activation, a weekly Northern Beaches Community Playgroup will be established for six weeks, with the intention of it becoming a community-run initiative. The project aims to create a vibrant, connected community, offering a sense of place while they await the construction of a Community Hub.

The project leverages local partnerships with venues like the Northern Beaches Bowls Club, Eimeo SLSC, and Bucasia Beachfront Cafe to boost their profiles and enhance their offerings through placemaking strategies.

Recommendation: That the project be funded in full in the amount of \$10,829.10.

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4. Applicant Name: Mackay City Heart Collective

Project Name: Blue Trees Project

Amount Request: \$15,000

Project Description: The Blue Trees project is an environmental art installation aimed at raising awareness about deforestation's impact on forests and species. This initiative seeks to draw attention to global issues like climate change and the vital role of rainforests. The installation is proposed to start with the trees from the CBD river end of Wood Street and extending to River Street to create a trail leading to the region's blue river.

The Mackay City Heart Collective team proposes that this project is a community-driven effort, involving local residents, school children and volunteers in the installation. The artist will use non-toxic blue paint to temporarily transform living trees, symbolizing the concept of 'blue trees' that exist only in our imagination. The paint is harmless to all flora, fauna, insects, waterways and humans. Over one to two years, the non-toxic paint naturally fades and wears with the weather.

Recommendation: That the application is declined.

While the project has potential to activate Wood Street, officers were concerned that the applicant may not have adequately assessed the project's potential impact on the stakeholders involved. This project needs further planning with a more structured approach to stakeholder consultation and the completion of an Installation of Art in Public Places application.

5. Applicant Name: Sarina Beach Progress Association

Project Name: Sarina Beach Park BBQ Shelter Mural Refurbishment

Amount Request: \$5,675

Project Description: This project proposes the refurbishment of BBQ shelters located at Owen Jenkins Drive Park located in Sarina Beach, that were initially created by the Sarina Beach Progress Association (SBPA) in 2011. The applicant noted that updating the murals will maintain the appealing standard of the BBQ shelters and allowing the existing artwork to further degrade would negatively impact the park's aesthetic and the impression it leaves on visitors.

SBPA will engage a local artist to create, design and install the mural portraying the Sarina Beach identity with the purpose of offering a vibrant representation of the area.

Recommendation: That the application is declined.

Although the project focuses on the refurbishment and activation of Owen Jenkins Drive Park, the application did not demonstrate sufficient community and stakeholder engagement during the art design creation and development phases. The absence of an Installation of Art in Public Places application highlights the significance of utilising the application process to methodically identify and address stakeholder concerns. This project needs further planning and a more structured approach to stakeholder engagement to involve the community in this project.

Summary

The AMP! placemaking program was first introduced in 2018 and since then has provided over \$93,000 in funding to many regional projects. Recent projects include the Keswick Island Art Trail and soon to be completed Maltese Corner installation on Victoria Street.

ORDINARY MEETING - 22 NOVEMBER 2023

The projects recommended for approval comply with the grant guidelines and demonstrate the ability to empower communities and have the potential to enhance quality of life and improve local economies.

Consultation and Communication

The Economic Development team actively promoted the AMP! program to all eligible applicants across the region including not-for-profit groups, registered businesses, entrepreneurs, sole traders, partnerships and progress associations.

The team worked with Corporate Communications to create interest through existing media platforms including media releases, social media, website, E-Newsletters and Council Connect. Video and radio advertisements were also used to promote the grant program.

Economic Development Officers partnered with the Community Development program to promote and encourage placemaking projects through facilitated workshops conducted in Sarina, Northern Beaches, Pioneer Valley and Mackay City. The Economic Development team also communicated directly to various progress associations, member organisations and community groups promoting the round of funding.

Resource Implications

A budget of \$30,000 is allocated for the AMP! Program for the 2023/24 financial year.

Risk Management Implications

The risks associated with approving grants to successful applicants is sufficiently mitigated by using a rigorous application, assessment and acquittal process facilitated by the Economic Development and Tourism Program.

Conclusion

The AMP! Program provides funding for placemaking projects that will deliver vibrant, activated spaces in our region. The proposed applications support the desired outcomes of the program and will deliver community driven solutions.

The panel is recommending three out of the five applications receive funding approval, to a combined total of \$30,000 (excl. GST).

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Officer's Recommendation

THAT funding to the following applicants be endorsed for the amounts stated, to a total of \$30,000 (excl. GST):

- Mackay City Heart Collective - Bee Mindful Mural Project for \$12,170.90 (excl. GST)
- Grasstree Beach Progress Association Inc - Grasstree Grooves for \$7,000.00 (excl. GST)
- Rebecca Cooper - Northern Beaches Community Activation for \$10,829.10 (excl. GST)

AND THAT the following applications be declined:

- Mackay City Heart Collective - Blue Tree Project
- Sarina Beach Progress Association - Sarina Beach Park BBQ Shelter Mural Refurbishment

Council Resolution ORD-2023-300

THAT funding to the following applicants be endorsed for the amounts stated, to a total of \$30,000 (excl. GST):

- Mackay City Heart Collective - Bee Mindful Mural Project for \$12,170.90 (excl. GST)
- Grasstree Beach Progress Association Inc - Grasstree Grooves for \$7,000.00 (excl. GST)
- Rebecca Cooper - Northern Beaches Community Activation for \$10,829.10 (excl. GST)

AND THAT the following applications be declined:

- Mackay City Heart Collective - Blue Tree Project
- Sarina Beach Progress Association - Sarina Beach Park BBQ Shelter Mural Refurbishment

Moved Cr Green

Seconded Cr May

CARRIED UNANIMOUSLY

ORDINARY MEETING - 22 NOVEMBER 2023

11.5. ENGINEERING AND COMMERCIAL INFRASTRUCTURE**11.6. CORPORATE SERVICES****11.6.1. STRATEGIC FINANCIAL REPORT - OCTOBER 2023**

| | |
|----------------------------|---------------------------------------------------|
| Author | Financial Accounting Co-ordinator (Jena Prinsloo) |
| Responsible Officer | Director Corporate Services (Angela Hays) |
| File Reference | Financial Statements |

Attachments

1. Strategic Financial Report October 2023 [**11.6.1.1** - 19 pages]

Purpose

To adopt Mackay Regional Council's (MRC) Strategic Financial Report for the month of October 2023.

Related Parties

Nil

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

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

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

Consultation and Communication

Chief Executive Officer, Directors, Chief Financial Officer.

Resource Implications

MRC is forecasting an operating deficit of \$5.4M for the 2023/24 financial year. The variance of the actual operating result for YTD October 2023 against YTD budget is an unfavourable variance of \$1.3M, this variance is in the 3% to ± 4.99% range.

Risk Management Implications

Variances will be closely reviewed and considered in future budget processes where required.

Conclusion

For the period ending October 2023, MRC reported an unfavourable operating surplus variance of \$1.3M against YTD budget. Operating revenue is reporting in line with YTD budget. Higher than anticipated expenditure across

ORDINARY MEETING - 22 NOVEMBER 2023

MRC is largely attributable to materials and services, specifically repairs and maintenance and contractors, and finance costs related to the 'make good' liability for the rehabilitation of landfill and quarry sites.

To date, \$31.6M has been expended in the delivery of Council Projects; \$30.6M capital expenditure and \$0.8M operational expenditure. Council projects includes accrued expenditure for works in progress and associated operational costs expended in the delivery of these works.

Officer's Recommendation

THAT the Strategic Financial Report for October 2023 be received.

Council Resolution ORD-2023-301

THAT the Strategic Financial Report for October 2023 be received.

Moved Cr Townsend

Seconded Cr Hassan

CARRIED UNANIMOUSLY

ORDINARY MEETING - 22 NOVEMBER 2023

11.6.2. FINAL MANAGEMENT REPORT FOR MACKAY REGIONAL COUNCIL 2022/23 FINANCIAL YEAR

| | |
|----------------------------|---------------------------------------------------------------------|
| Responsible Officer | Director Corporate Services (Angela Hays) |
| File Reference | 2022/23 Audit |
| Attachments | 1. 2023 Final Management Letter - QAO Reviewed [11.6.2.1 - 4 pages] |

Purpose

The purpose of this report is to table, for Audit Committee's information, the results of the final audit of MRC's Annual Financial Statements. This audit was completed by Council's external auditors (SBB Partners) on behalf of the Queensland Audit Office.

Related Parties

Nil

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

The attached letter summarises the audit findings identified by Council's external auditor (SBB Partners) on behalf of the Queensland Audit Office. In accordance with section 213 of the *Local Government Regulation 2012* the Mayor must table a copy of this letter at the next ordinary meeting of the local government.

The Auditor General has issued an unmodified audit opinion on Mackay Regional Council's presented financial statements. This means that the financial statements are presented in all material respects, in accordance with the applicable financial reporting framework.

As detailed in the attached letter, two internal control deficiencies have been identified and resolved as part of the current years' external audit process. This relates firstly to the fact that MRC had no formal documented policy for general journal control activities, comprehensive guidelines are now in place. Secondly, a lack of review of payroll system Masterfile Data updates, review processed have been put in place since the reporting of this deficiency.

Continuation of the internal control deficiency from 2021 is a noted outcome of the final management letter. This matter references a time delay between registration and capitalisation of assets in the council's corporate asset register for projects complete with assets in use. As at 30 June 2023, an amount of \$59.3M (2022: \$36.7M) made up of 119 (2022: 191) projects was awaiting asset registration with assets in use. Management direction remains on the prioritisation of completed projects greater than 180 days, based on priority 1, more than 365 days; and priority 2, more than 180 days for asset recognition and capitalisation processes. Reporting is presented to Council monthly as part of the Strategic Financial Report, with a dashboard (updated daily) available for user access as a resource. A review of current processes will be done in the new year.

Consultation and Communication

Chief Executive Officer, Directors, Chief Financial Officer

ORDINARY MEETING - 22 NOVEMBER 2023

Resource Implications

The final audited results have been brought to account and are reflected in Council's financial reports.

Risk Management Implications

An internal control issue was identified as part of the final audit of MRC's Annual Financial Statements. The audit was completed by external auditors (SBB Partners) on behalf of the Queensland Audit Office. Corrective action by management to address the issue raised has been completed.

Conclusion

The attached letter confirms an unmodified audit opinion on Mackay Regional Council's 2022/23 financial statements. The internal control deficiency raised by external audit is being addressed by Management.

Officer's Recommendation

THAT the Audit Committee receives the Final Management Report for the year ended 30 June 2023.

Council Resolution ORD-2023-302

THAT Council receives the Final Management Report for Mackay Regional Council for the year ended 30 June 2023.

Moved Cr May

Seconded Cr Hassan

CARRIED UNANIMOUSLY

ORDINARY MEETING - 22 NOVEMBER 2023

11.6.3. NEW LEASE TO BROWNSEY SPORTS & ENTERTAINMENT PTY LTD, L1 ILLAWONG DRIVE, SOUTH MACKAY

Author Commercial Lease & Property Officer (Barb Sauer)
Responsible Officer Director Corporate Services (Angela Hays)
File Reference Current Securities Lease 120 Illawong Drive SOUTH MACKAY QLD 4740

Attachments

1. Image Brownsey Sports 1 Illawong Dr [11.6.3.1 - 1 page]

Purpose

To approve a new lease to Brownsey Sport and Entertainment Pty Ltd for a period of five (5) years, over an area of approximately 8,435m², being Lot 1 on CP883637, L1 Illawong Drive, South Mackay, for the purpose of operation of Citibeach Volleyball Mackay and associated activities.

Related Parties

Mackay Regional Council and Brownsey Sports and Entertainment Pty Ltd

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.

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.

Background/Discussion

Mackay Regional Council is freehold owner of Lot 1 on CP883637, L1 Illawong Drive, South Mackay.

Brownsey Sport and Recreation Pty Ltd have occupied the site since June 2014. The current lease expires on 4th December 2023, and the lessee has indicated that they wish to renew the lease for a further 5 years.

Citibeach Volleyball currently have approximately 80 teams registered, made up of 120 players. The facility hosts 1-2 tournaments a year and the recent Great Barrier Reef Challenge hosted 124 teams from Mackay and other regions.

The facility can also cater for private functions using the volleyball courts, BBQ's, swimming pool, mini golf course and laser tag.

According to Section 236 (1) (c) (iii) 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 disposal is for the purpose of renewing the lease of land to the existing tenant of the land." Therefore, Council is not required to tender this before leasing the property.

ORDINARY MEETING - 22 NOVEMBER 2023

Section 236 also states that a local government may only dispose of land under the exemption if the consideration of the disposal is equal to or more than the market value of the land and Council has obtained a written report from a registered valuer as evidence of this.

Consultation and Communication

Consultation has occurred between representatives of Brownsey Sport and Entertainment Pty Ltd, Executive Manager Property & Plant, Commercial Lease & Property Officer – Property & Plant, and Mackay Regional Council Land & Road Use Committee.

Resource Implications

The lease will be a standard commercial lease with a five (5) year term, inclusive of commencing rental of \$29,523 + GST net per annum. Rent will be reviewed annually in accordance with CPI. The current market rent has been confirmed by Knight Frank, Registered Valuers.

All costs incurred in respect to the preparation of the lease documents to be borne by the Lessee.

Risk Management Implications

Brownsey Sport and Entertainment Pty Ltd have occupied and maintained the site for some years. If the lease is not approved, the community and region would not be able to benefit from the opportunities such a facility provides.

Conclusion

The lease to Brownsey Sport and Entertainment Pty Ltd would represent the most advantageous outcome for Council and the community as it will ensure the sporting and recreation benefits provided to the community are maintained whilst providing an income to Council.

Officer's Recommendation

THAT Council:

1. Resolves that an exemption applies under Section 236 (1) (c) (iii) 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 disposal is for the purpose of renewing the lease of land to the existing tenant of the land."
- 2.
3. Approves a new lease to Brownsey Sport and Entertainment Pty Ltd, for a period of five (5) years commencing on 5 December, 2023 over Lot 1 on CP883637, L1 Illawong Drive, South Mackay. Annual rent will commence at \$29,523 + GST net and will be reviewed annually in accordance with CPI.

Council Resolution ORD-2023-303

THAT Council:

1. Resolves that an exemption applies under Section 236 (1) (c) (iii) 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 disposal is for the purpose of renewing the lease of land to the existing tenant of the land."
- 2.

ORDINARY MEETING - 22 NOVEMBER 2023

3. Approves a new lease to Brownsey Sport and Entertainment Pty Ltd, for a period of five (5) years commencing on 5 December, 2023 over Lot 1 on CP883637, L1 Illawong Drive, South Mackay. Annual rent will commence at \$29,523 + GST net and will be reviewed annually in accordance with CPI.

Moved Cr Englert

Seconded Cr May

CARRIED UNANIMOUSLY

ORDINARY MEETING - 22 NOVEMBER 2023

11.6.4. NEW LEASE TO MACKAY VETERANS SUPPORT GROUP INC, 2 LEISURE ST, SOUTH MACKAY

Author Commercial Lease & Property Officer (Barb Sauer)
Responsible Officer Director Corporate Services (Angela Hays)
File Reference Current Securities Lease 153, 2 Leisure Street, SOUTH MACKAY QLD 4740

Attachments

1. Image Mackay Veterans Support Group Lease Area [11.6.4.1 - 1 page]

Purpose

To approve a new lease to Mackay Veterans Support Group Inc for a period of 10 years, over an area of approximately 1,380m², being part Lot 532 on SP239851, 2 Leisure Street, South Mackay, for the purpose of community meetings and associated activities.

Related Parties

Mackay Regional Council and Mackay Veterans Support Group Inc

Corporate Plan LinkageLive and Visit

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

Background/Discussion

Mackay Veterans Support group was founded in 1997 with serving and former members of the Australian, Commonwealth and Allied Defence Forces invited to join the group.

The current lease commenced on 1st January, 2003 and expires on 31st December 2023. The centre was established with the financial assistance of Federal & State Government Support along with the support of Mackay Regional Council Community Funding and the Mackay Business Community.

Mackay Veterans Support Group Inc have shown a commitment to providing support and advocacy to serving and former members of the Defence Forces and the facility provides meeting rooms, fully equipped kitchen, computer access. They have also recently completed extensions to the existing shed. Current membership is approximately 30 members.

Some activities and services provided include assistance with DVA claims, hospital visits to unwell veterans, Anzac Day school visits, Vietnam Veterans' Day service and construction of mud kitchens for local schools.

The group provides a social atmosphere for veterans with meetings held each week.

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.

ORDINARY MEETING - 22 NOVEMBER 2023

Consultation and Communication

Consultation has occurred between representatives of Mackay Veterans Support Group Inc, Executive Manager Property & Plant, Commercial Lease & Property Officer – Property & Plant, 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.

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 Veterans Support Group Inc have occupied and maintained the site for 20 years. If the lease is not approved, members and the community would not be able to benefit from the support and services provided by the group.

Conclusion

The lease to Mackay Veterans Support Group Inc would represent the most advantageous outcome for Council and the community as it will ensure the services and benefits provided to veterans in the community are maintained.

Officer's Recommendation

THAT Council:

1. 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."
2. Approves a new lease to Mackay Veterans Support Group Inc, for a period of ten years, commencing on 1 January 2024 over an area of approximately 1,380m², being part Lot 532 on SP239851, 2 Leisure Street, South Mackay. The rent will be in accordance with the Mackay Regional Council's Community Leasing Policy.

Council Resolution ORD-2023-304

THAT Council:

1. 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."
2. Approves a new lease to Mackay Veterans Support Group Inc, for a period of ten years, commencing on 1 January 2024 over an area of approximately 1,380m², being part Lot 532 on SP239851, 2 Leisure Street, South Mackay. The rent will be in accordance with the Mackay Regional Council's Community Leasing Policy.

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Moved Cr Jones

Seconded Cr Townsend

CARRIED UNANIMOUSLY

ORDINARY MEETING - 22 NOVEMBER 2023

12. RECEIPT OF PETITIONS**13. TENDERS****13.1. MRC 2023-066 60405 BLOOMSBURY WATER PIPELINE**

Author Executive Manager Portfolio Management Office (Michael Zimmerle)
Responsible Officer Director Capital Works (Jim Carless)
File Number MRC 2023-066

Attachments Nil

Purpose

To present to Council for approval MRC 2023-066 60405 Bloomsbury Water Pipeline.

Related Parties

The parties relating to this report are as follows:

- Roebuck Civil Pty Ltd
- SNG Engineering Pty Ltd
- Utilstra Pty Ltd
- Vassallo Constructions Pty Ltd

Corporate Plan LinkageFinancial Strength

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

Planned Capital and Forecasting - Our planned capital and operational projects are delivered with agility in the line with our business needs.

Background/Discussion

Mackay Regional Council (Council) issued tender documents seeking contractors to construct a new pipeline, new storage tank and a new booster pump for residents at Bloomsbury. The new pipeline provides opportunity for residents along the pipeline to connect to the main and be provided with safe treated water from a plentiful supply.

The tender was advertised on 16 June 2023 via Mackay Regional Council's website and on the Queensland Government's Procurement QTenders website.:

The submissions were received by the closing time of 10.00am, 08 August 2023

The weighting attributed to each qualitative criteria was:

| Criterion | Weighting % |
|---------------------------------------------|--------------------|
| Relevant Experience | 20% |
| Tenderer's Resources and Key Personnel | 20% |
| Demonstrated Understanding and Availability | 20% |

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| | |
|-----------------|-----|
| Value for Money | 40% |
|-----------------|-----|

The Tender price of the preferred tender is \$5,550,698.81

Resource Implications

The funding for these works is in the 23/24 and 24/25 budgets as follows:

Project 60405 – 2023-2024 budget of nominally \$2,500,000 and 2024-2025 budget of nominally \$3,400,000 for this project. With the tendered price and other costs associated with the delivery of this project a shortfall of \$1,290,271.51 has been identified.

| Description | Amount | Notes |
|----------------------------------------|-------------------------|------------------------------------------|
| 60405 Bloomsbury Water Pipeline | | |
| Expenditure to Date | \$112,210.00 | <i>Reference to previous expenditure</i> |
| Contract Price | \$5,550,698.81 | <i>Utilstra Pty Ltd</i> |
| Project risks | \$832,604.82 | <i>15% Contingency allowed</i> |
| Council's costs | \$694,757.88 | <i>Below the line costs for council</i> |
| Estimated Cost of Project | \$7,190,271.51 | |
| BUDGET | | |
| Budget for 2023/2024 and 2024-2025 | \$5,900,000 | |
| BALANCE | (\$1,290,271.51) | <i>Identify budget over expenditure</i> |

The additional funding required is to be allocated to the 2024-2025 budget as additional expenditure is anticipated to be expended in 2024-2025 financial year with no budget change to the 2023-2024 financial year.

Risk Management Implications

Risks to Council for this project include community liaison, working in and around traffic, environmental and safety risks and existing services. Some of the mitigation actions to be carried out by the contractor include:

- Throughout delivery, the traffic (including pedestrian) risks will be mitigated through notification to the residents and the implementation and monitoring of the approved Traffic Management Plan
- The contractor has been made aware of the existing services and constraints to allow their costing and methodology to comply with risk control activities associated with the project.
- Measures taken to minimise safety risks are utilising an experienced contractor for the works who will carry out the works in compliance with Workplace Health and Safety Legislation. The delivery methodology (Safe Work Method Statement) from the successful contractor must address any high-risk work activity and will be reviewed and monitored by the Project Manager.
- Existing high voltage and low voltage overhead power lines – the successful contractor must be appropriately trained to perform 'work near overhead and underground electrical lines'.

Conclusion

That awarding the contract to Utilstra Pty Ltd represents the most advantageous outcome and demonstrated value for money to Mackay Regional Council as Utilstra Pty Ltd have the experience, capacity and resources to complete the works to the quantity and quality as specified in the request for tender.

ORDINARY MEETING - 22 NOVEMBER 2023

Officer's Recommendation

THAT Council award contract MRC 2023-066 60405 Bloomsbury Water Pipeline to Utilstra Pty Ltd for the part lump sum, part schedule of rates tender price of \$5,550,698.81 (excl GST).

Council Resolution ORD-2023-305

THAT Council award contract MRC 2023-066 60405 Bloomsbury Water Pipeline to Utilstra Pty Ltd for the part lump sum, part schedule of rates tender price of \$5,550,698.81 (excl GST).

Moved Cr Englert

Seconded Cr Townsend

CARRIED UNANIMOUSLY

13.2. MRC 2024-016 51861 BUS STOP UPGRADE PROGRAM PTAIP/BSSP

| | |
|---------------------|------------------------------------------------------------------|
| Author | Executive Manager Portfolio Management Office (Michael Zimmerle) |
| Responsible Officer | Director Capital Works (Jim Carless) |
| File Number | MRC 2024-016 51861 Bus Stop Upgrade Program PTAIP/BSSP |
| Attachments | Nil |

Purpose

To present to Council for approval MRC 2024-016 51861 Bus Stop Upgrade Program PTAIP/BSSP.

Related Parties

The parties relating to this report are as follows:

- Seaforth Civil Pty Ltd
- Haber Excavations Pty Ltd
- Vassallo Constructions Pty Ltd

Corporate Plan Linkage

Financial Strength

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

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

Resilient and Agile Economy - Our long-term vision guides our planning for present and future needs, understanding the future implications of decisions made today.

Background/Discussion

Mackay Regional Council (Council) issued tender documents for the construction of a series of bus set down areas, and upgrades to existing bus stops to meet the Disability Discrimination Act 1992 requirements. External funding sources for this project include Passenger Transport Accessible Infrastructure Program (PTAIP) and Bus Shelter Subsidy Program (BSSP).

The tender was advertised on 25 August 2023 via the Queensland Governments QTenders website and advertised on Mackay Regional Council’s website.

The submissions were received by the closing time of 10:00am 19 September 2023:

The weighting attributed to each qualitative criteria was:

| Criterion | Weighting % |
|----------------------------|-------------|
| Relevant Experience | 15% |
| Tenderer’s Resources | 15% |
| Demonstrated Understanding | 40% |
| Value for Money | 30% |

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The Tender price of the preferred tender is \$ 1,144,530.95

Resource Implications

Funding allocations for this project are provided through the capital budget in the 23/24 financial year. There are two external grant funding allocations for this project as follows:

- Bus Shelter Subsidy Program (BSSP) \$190,000.00
 - Passenger Transport Accessible Infrastructure Program (PTAIP) \$807,799.03
- 22/23

| Description | Amount | Notes |
|--------------------------------------------------|------------------------|-----------------------------------------------------|
| 51861 Bus Stop Upgrade Program PTAIP/BSSP | | |
| Expenditure to Date | \$24,316.07 | Reference to previous expenditure |
| Contract Price | \$1,144,530.95 | Seaforth Civil Pty Ltd |
| Estimated Cost for Bus Shelters scope of work | \$213,783.00 | Project's cost estimate Principal Supplied Items |
| Project risks | \$135,831.40 | 10% Contingency allowed |
| Council's costs | \$ 162,611.40 | Below the line costs for council |
| Estimated Cost of Project | \$ 1,681,072.82 | |
| BUDGET | | |
| Budget for 2023/2024 | \$ 1,521,687.90 | (Fin 1 @ 7.11. 23) |
| BALANCE | \$ (159,384.92) | Identified budget over expenditure |

Additional funding required for completion of this project is proposed to be allocated in the 2023/2024 financial year Capital Works budget to cover the total project spend, this additional funding is depicted in the table above.

Risk Management Implications

- Throughout delivery, the pedestrian and vehicular traffic risks will be mitigated through the implementation and monitoring of the Traffic Management Plan and Safety Management Plan, including signage, as per MUTCD requirements, submitted by the Contractor and accepted by Council.
- Contractors have been made aware of the existing services and constraints to allow their methodology to comply with activities associated with this project.
- Measures taken to minimise safety risks are utilising experienced Contractors for the works and compliance with Work Health & Safety legislation.
- The successful Contractor must develop site specific Environmental Management Plans.
- Existing high voltage (HV) and low voltage (LV) overhead power lines – the successful Contractor must be appropriately trained to perform 'work near overhead and underground electric lines'
- Damage to trees or tree roots. The successful Contractor must adhere to AS4970 Protection of Trees and AS4373 Pruning of Amenity Trees.

Conclusion

That awarding the contract to Seaforth Civil Pty Ltd represents the most advantageous outcome and demonstrated value for money to Mackay Regional Council as Seaforth Civil Pty Ltd have the experience, capacity and resources to complete the works to the quantity and quality as specified in the request for tender.

Officer's Recommendation

ORDINARY MEETING - 22 NOVEMBER 2023

THAT Council award contract MRC 2024-016 51861 Bus Stop Upgrade Program PTAIP/BSSP to Seaforth Civil Pty Ltd for the part lump sum, part schedule of rates total price of \$1,144,530.95 (excl GST).

Cr Bonaventura queried how many bus stops does this include?

The Director, Capital Works, Jim Carless advised he would take the question on notice.

Council Resolution ORD-2023-306

THAT Council award contract MRC 2024-016 51861 Bus Stop Upgrade Program PTAIP/BSSP to Seaforth Civil Pty Ltd for the part lump sum, part schedule of rates total price of \$1,144,530.95 (excl GST).

Moved Cr Jones

Seconded Cr Englert

CARRIED UNANIMOUSLY

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14. CONSIDERATION OF NOTIFIED MOTIONS**14.1. NOTIFIED MOTION**

| | |
|----------------------------|--------------------------------------|
| Author | Executive Officer (David McKendry) |
| Responsible Officer | Chief Executive Officer (Scott Owen) |
| File Number | Council Policies, Notice of Motion |
| Attachments | N/a |

Purpose

To present a Notified Motion as presented by Cr Martin Bella, Cr Laurence Bonaventura, and Cr Russell Seymour.

Related Parties

- MRC Councillors

Corporate Plan LinkageFinancial 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

Under clause 6.3 of Council's Standing Orders, any Councillor can request that a matter be included on a Council meeting agenda.

Crs Bella, Bonaventura, and Seymour have requested that a Notified Motion as below be presented to Council –

THAT the Chief Executive Officer undertake for consideration by the newly elected Council at its first Ordinary Meeting the formulation of a proposed operating guideline and structure for Councillors linked to areas of responsibility and interest

The Notified Motion in effect is Council setting a framework for involvement of Councillors in both Council business and linkage to the community, and as such may result in changes to supporting Council Guidelines and Policies.

In support of the Notified Motion, Crs Bella, Bonaventura, and Seymour have provided the below –

The proposed operating guideline should include specific areas of responsibility and interest which align with such things as experience, interest etc. This would also include being the “face of council” with regard to activities in that specific area.

This would also provide a clear pathway for resident requests, and enable councillors to

ORDINARY MEETING - 22 NOVEMBER 2023

have better insight in subject knowledge of a specific and defined area.

As presenters of the Notified Motion it is believed that this is essential in preventing the confusion that has reigned both within and outside council during this term.

It is also believed it will go some way to preventing "councillor shopping", and mixed messages being given to residents, for whatever reason by councillors.

Consultation and Communication

Mayor and Councillors

Resource Implications

Work has already begun related to define Councillor roles including via reestablishing Council Advisory Committees, and linkages to Community Committees (including those that currently have Councillor representation). Any such work in reality to be effective only from the establishment of the new Council following the March elections.

Risk Management Implications

Risk mitigation measures will form part of the assessment and recommendations presented in any overall operating guideline or framework.

Conclusion

Councillors are able to request a Notified Motion be presented for consideration of Council on any matter. In relation to this particular issue, work has already begun investigating options with the view to presenting a recommended position for the newly elected Council.

Timing could align with tabling at the first Ordinary Meeting of the newly elected Council in 2024.

Officer's Recommendation

THAT Council considers the Notified Motion by Crs Bella, Bonaventura, and Seymour of –

THAT the Chief Executive Officer undertake for consideration by the newly elected Council at its first Ordinary Meeting the formulation of a proposed operating guideline and structure for Councillors linked to areas of responsibility and interest

Council Resolution ORD-2023-307

THAT Council considers the Notified Motion by Crs Bella, Bonaventura, and Seymour of –

ORDINARY MEETING - 22 NOVEMBER 2023

THAT the Chief Executive Officer undertake for consideration by the newly elected Council at its first Ordinary Meeting the formulation of a proposed operating guideline and structure for Councillors linked to areas of responsibility and interest.

FURTHER THAT Councillors are briefed before the end of this term on the proposed operating guideline to see if any further suggestions could be considered.

Moved Cr Bella

Seconded Cr Bonaventura

During the debate on the item Cr Green raised that in her opinion the matter was nothing more than political grandstanding.

Cr Bella requested a Point of Order.

Mayor Williamson advised that there was no Point of Order however that Cr Green should not be using the sort of language in this forum.

Cr Bella requested a retraction and an apology.

Cr Green retracted the statement.

Mayor Williamson advised that there was no further need for an apology.

Mayor Williamson called for the vote and announced at the meeting that the outcome was 4 Against, and therefore that the resolution had been Carried.

However, post the meeting upon review of the live stream recording and confirming with those who voted in the negative, the actual vote was 5 For and 5 Against, being -

Cr Green, Cr May, Cr Hassan, Cr Townsend, Cr Williamson voted against the notified motion.

Cr Seymour, Cr Bella, Cr Bonaventura, Cr Jones, Cr Englert voted for the notified motion.

Whilst a casting vote was not exercised at the meeting, 254E(2)(c) of the *Local Government Regulation 2012* states that "if a councillor or committee member present and entitled to vote fails to vote, the councillor or member is taken to have voted in the negative.", therefore the required casting vote is taken to have been in the negative, and the motion is Lost.

LOST

Cr Green, Cr May, Cr Hassan, Cr Townsend, Cr Williamson voted against the notified motion (with the casting vote also deemed to be against by virtue of section 254E(2)(c) of the *Local Government Regulation 2012*)

ORDINARY MEETING - 22 NOVEMBER 2023

15. PUBLIC PARTICIPATION

Maxine Godley – Dangerous Dogs in Council area

Mrs Godley raised the issue of dangerous dogs being allowed to roam in the Habana area, and referenced a recent fatal attack on a family pet by a cross breed dog, the same breed was also responsible for the fatal attack of a Brisbane meter reader last year. Mrs Godley requested that DNA testing become included in the legislation to ensure that the correct animals be dealt with for the safety of the public.

Mayor Williamson thanks Mrs Godley for the address and advised that through the CEO, Council would make contact with her to further the specific issue raised.

16. LATE BUSINESS**17. CONFIDENTIAL REPORTS****17.1. APPROVED SPONSORSHIP UNDER THE INVEST MACKAY EVENTS CONFERENCE ATTRACTION PROGRAM - OCTOBER 2023****Confidential**

Confidential Report to be forwarded separately.

This report is **CONFIDENTIAL** in accordance with the Section 254J (3) (c) of the *Local Government Regulation 2012* which permits the meeting to be closed to the public to discuss a matter **relating to Council's budget**.

Council Resolution ORD-2023-308

THAT the sponsorship approved under the Invest Mackay Events and Conference Attraction Program are noted.

Moved Cr Hassan

Seconded Cr Englert

CARRIED UNANIMOUSLY

17.2. DRAFT MINUTES - INVEST MACKAY EVENTS AND CONFERENCE ATTRACTION PROGRAM ADVISORY COMMITTEE - 3 OCTOBER 2023**Confidential**

Confidential Report to be forwarded separately.

This report is **CONFIDENTIAL** in accordance with the Section 254J (3) (c) of the *Local Government Regulation 2012* which permits the meeting to be closed to the public to discuss a matter **relating to Council's budget**.

Council Resolution ORD-2023-312

ORDINARY MEETING - 22 NOVEMBER 2023

THAT the draft minutes of the Invest Mackay Events and Conference Attraction Program Advisory Committee meeting dated 6 November 2023 be received.

AND THAT funding is approved as recommended by the Invest Mackay Events and Conference Attraction Program Advisory Committee for Item 4.1.

AND THAT funding is approved as recommended by the Invest Mackay Events and Conference Attraction Program Advisory Committee for Item 4.2.

AND THAT funding is approved as recommended by the Invest Mackay Events and Conference Attraction Program Advisory Committee for Item 4.3.

AND THAT funding is approved as recommended by the Invest Mackay Events and Conference Attraction Program Advisory Committee for Item 4.4.

AND THAT funding is approved as recommended by the Invest Mackay Events and Conference Attraction Program Advisory Committee for Item 4.5.

AND THAT funding is approved as recommended by the Invest Mackay Events and Conference Attraction Program Advisory Committee for Item 4.6.

AND THAT funding is approved as recommended by the Invest Mackay Events and Conference Attraction Program Advisory Committee for Item 4.7.

AND THAT funding is approved as recommended by the Invest Mackay Events and Conference Attraction Program Advisory Committee for Item 5.1.

AND THAT funding is approved as recommended by the Invest Mackay Events and Conference Attraction Program Advisory Committee for Item 6.1.

Moved Cr May

Seconded Cr Englert

CARRIED UNANIMOUSLY

17.3. APPROVED CONCESSIONS UNDER THE FACILITATING DEVELOPMENT IN THE MACKAY REGION POLICY - OCTOBER 2023

Confidential

Confidential Report to be forwarded separately.

This report is **CONFIDENTIAL** in accordance with the Section 254J (3) (c) of the *Local Government Regulation 2012* which permits the meeting to be closed to the public to discuss a matter **relating to Council's budget**.

Council Resolution ORD-2023-313

THAT the concessions approved under the Facilitating Development in the Mackay Region Policy are noted.

Moved Cr Englert

Seconded Cr Townsend

CARRIED UNANIMOUSLY

ORDINARY MEETING - 22 NOVEMBER 2023

18. MEETING CLOSURE

Meeting closed at 11:08 am.

19. FOR INFORMATION ONLY

19.1. DEVELOPMENT APPLICATIONS - OCTOBER 2023

ORDINARY MEETING - 22 NOVEMBER 2023

19.2. BUILDING WORKS STATISTICS - OCTOBER 2023


ORDINARY MEETING - 22 NOVEMBER 2023

Confirmed on Wednesday XXXX

.....
MAYOR

8. BUSINESS ARISING OUT OF PREVIOUS MINUTES

UPDATE ON QUESTIONS ARISING FROM COUNCIL MEETING – 22 NOVEMBER 2023

| AGENDA ITEM | MATTER | RESPONSE |
|-------------|----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11.1.2 | Chief Executive Officer's Monthly Review Report – October 2023 | <p>Question on Notice - Cr Bella queried the storage of the ladders while in transit ie where are they to be stored and secured on the truck?</p> <p>Response The ladder for truck access designed and constructed by Council staff, please be advised that as part of the project was also constructed a frame to which the ladder is attached during transit</p>  |
| 11.1.2 | Chief Executive Officer's Monthly Review Report – October 2023 | <p>Question on Notice - Cr Bonaventura queried Page 109 of the report regarding the economic indicators and the lots registered, is that per quarter or per month as it seems low.</p> <p>Response I confirm that the Lots Registered figures in the table represent the number of lots registered within the relevant quarter and is not a cumulative figure.</p> |
| 13.2 | MRC 2024-016 51861 Bus Stop Upgrade Program PTAIP/BSSP | <p>Question on Notice - Cr Bonaventura queried how many bus stops does this include?</p> <p>Response The program has 13 sites as per below locations: Site A: Napier Street Site B & C: Downie Avenue Site D: Bruce Highway Site E: Eimeo RD Site F: Peak Downs Highway Site G: Nebo RD Site H: Charles Hodge Avenue Site I: Kippen Street Site J: Bourke Street Site K & L: Anzac Avenue Site N: Annie Wood Avenue</p> |

Noted

9. MAYORAL MINUTES

10. CONSIDERATION OF COMMITTEE REPORTS & RECOMMENDATIONS

11. CORRESPONDENCE AND OFFICER'S REPORTS

11.1. OFFICE OF THE MAYOR AND CEO

11.1.1. MAYOR'S MONTHLY REVIEW REPORT

| | |
|----------------------------|-------------------------|
| Author | Mayor (Greg Williamson) |
| Responsible Officer | Mayor (Greg Williamson) |
| File Reference | DMRR |

Attachments

1. Mayoral Monthly Report - November- December 2023 [**11.1.1.1** - 7 pages]

Purpose

To provide Council with the Mayor's Monthly Review Report for the month of November/December 2023.

Related Parties

Nil

Officer's Recommendation

THAT the Mayor's Monthly Review Report for November/December 2023 be received.

Council Resolution ORD-2023-318

THAT the Mayor's Monthly Review Report for November/December 2023 be received.

Moved Cr Williamson

Seconded Cr Green

CARRIED UNANIMOUSLY

MAYORAL MONTHLY REVIEW REPORT

NOVEMBER/DECEMBER 2023



Mayor Greg Williamson



SUMMARY OF CONTENT

Key Events Attended

Key Events Attended – Points of Note

Key Meetings Held

Key Meetings Held – Points of Note

KEY EVENTS ATTENDED

Listing of key events attended as Mayor representing council

- Provided Welcome at Global Leadership Summit
- Attended Sarina Army Cadet Unit's Annual Ceremonial Parade
- Speaker at 80th Anniversary of Crediton School and Crediton Hall Recreation Club
- Delivered welcome at MECC 2024 Educator's Launch
- Attended Regional Queensland Dinner at Government House Brisbane
- Attended Helicore Collective Networking Evening
- On Air interview Queensland Tidy Towns Sarina Broadcast by AB & Elliott Triple M
- Attended CQ Rescue Christmas Party
- Presented awards at 105 City of Mackay Squadron AAFC Passing Out Parade
- Attended Keith Payne's 90th Birthday
- Speaker at Friends of the Sarina Sugar Shed Thank You Party
- Business presentation and tour at Stacked Farms on the Gold Coast
- Business tour of Kool Beanz HQ centre in Carrara
- Business meeting and tour of Gold Coast Suns Facilities in Carrara
- Recorded the presentation of Player's Player award 2023 for Suns AFLW team.
- Attended Connect Housing Group 2023 AGM
- Speak at Grand Opening of Mt Tyson Holdings Pty Ltd
- Attended Loose Ends Fundraiser and Performance Evening
- Attended Council's Children's Christmas Party
- Launched Dave Casey's Book = *The Chronicles of Case*
- Attended Christmas in Sarina
- Opened Carols in the Botanic Gardens
- Presented awards at the Mackay and District Orchid Society Christmas Luncheon
- Planted first tree at the Mackay Urban Greening Strategy – Blacks Beach Road
- Speak at Combined AGM for Mackay Womens Centre and DVRS
- Speak at Women in Leadership Pilot Program Final Event
- Attended Resource Industry Network Christmas Party
- Attended Mackay Region Chamber of Commerce Christmas Party
- Speaker at Mackay Churches Together Christmas Lunch
- Officially opened Master Builders new Building

KEY EVENTS ATTENDED - POINTS OF NOTE

From the listing of key events attended, the following are listed as points of note

Queensland Governor's Dinner in recognition of Regional Queensland

Annette and I were honoured to have been invited to dinner with the Governor of Queensland, Her Excellency The Honourable Jeannette Young AC PSM, at Government House in Brisbane. The dinner was in support of Regional Queensland and was attended by the Mayors and partners of Toowoomba, Blackall-Tambo, Charters Towers, Quilpie, Winton, and Cook. Major General (Retd) Jake Ellwood, the new CEO of the Queensland Reconstruction Authority, was also a guest. The Governor's speech was a fantastic recognition of the role Regional Queensland plays in the Queensland economic and social structure.

80th Anniversary of Crediton School and Crediton Hall

Eighty years to the day, about 120 people celebrated the opening of the Crediton Hall with an afternoon of family networking and reminiscing in the grounds of the newly restored hall. When it opened on October 18, 1943 it actually served as a classroom for the Crediton Provisional School's twelve students. It was a lot of fun and after the formalities of the welcome address I ended up MC'ing the afternoon. There were many original pioneering families who had travelled back to Crediton from all over the State to be there for the celebrations – including two ladies who were students on the first day who at the age of 85, could recite the alphabet backwards perfectly.

There were some great stories told about those pioneering times when the hall was the central point for the Crediton community. A huge congratulations to the hall restoration committee who have raised the money and restored this iconic building. If you want a destination for a Sunday drive, seek out the Crediton Hall.

Keith Payne's 90th Birthday

Keith Payne, VC AM turned 90 recently and several members of our community got to celebrate the occasion with him at his home. Keith is one of our living legends and although he was born in Ingham, he has called Mackay home now for decades.

Keith received the Victoria Cross (the highest decoration for gallantry in the presence of the enemy) for his actions in the Vietnam War.

He received his VC from Queen Elizabeth II aboard the Royal Yacht Britannia in Brisbane on 13 April 1970 and is the last living Australian recipient of the original Imperial Victoria Cross.

Keith and his wife Flo are tireless supporters of veterans and veteran families and are in high demand around the nation to ensure a focus on those who serve this nation in uniform.

Business Presentation by Stacked Farm at Arundel

The CEO and our Director Planning Growth and Sustainability and I attended a business presentation and tour of Stacked Farm – Australia's first end-to-end fully automated vertical farm on the Gold Coast. The business was introduced to us through our sponsorship with the Gold Coast Suns. To say we were blown away is an understatement. This business represents leading-edge technology to ensure food security for generations to come. They are looking to establish a major (\$120M) facility outside of their HQ and we committed to working with them to attract that investment to Mackay.

KEY EVENTS ATTENDED - POINTS OF NOTE

From the listing of key events attended, the following are listed as points of note

First tree planting for the Mackay Urban Greening Strategy

The need for an urban greening strategy was identified when studies revealed that we were losing canopy coverage and shade in our urban environment. Alarming, canopy cover over our pathways was only 16% and our public parks and open spaces had just 33% canopy cover.

Subsequently, Council adopted an Urban Greening Strategy at the December meeting in 2022 which includes objectives like:

- growing greener and cooler neighbourhoods
- protecting and nurturing our green assets, and
- building community stewardship and partnerships

The Strategy aims to increase canopy cover over our pathways and parks and open spaces to an average of 40% and deliver an annual net gain of public tree numbers.

After a year of planning, and growing the right trees in our nursery, the Strategy was implemented with the first planting of 75 trees on the Blacks Beach road pathway.

Women in Leadership Program

Regional Development Greater Whitsundays have completed a two-stage program of workshops and masterclasses in Mackay to address the under-representation of women in leadership roles in regional communities. Through local and regional leadership mentors, and industry networking opportunities, 30 women have graduated and the feedback in terms of building leadership confidence has been fantastic. The program looks like it has attracted sponsorship to enable it to continue in 2024.

KEY MEETINGS HELD

Key meetings attended as Mayor representing council

- Growing Respect Joint Mayoral Taskforce Launch in Cooktown
- Master Builders Queensland Board Members and Local Committee of Management
- GW3 Board Meeting and AGM
- Local Disaster Management Group Meeting
- Finch Hatton TLPI Flood Regulation Community Information Session

KEY MEETINGS HELD - POINTS OF NOTE

From the listing of key meetings held, the following are listed as points of note

Growing Respect Joint Mayoral Taskforce Meeting in Cooktown

The Domestic and Family Violence Protection Council (DFVPC) invited me to speak at a councils' workshop and a public meeting in Cooktown with the aim of forming a Joint Taskforce in the Cook, Hopevale and Wujal Wujal Shire Councils. The invitation was based around the traction gained by our Mayor's Taskforce on DV in the Mackay Region.

Bob Atkinson AO APM (former QPS Commissioner) and Vanessa Fowler OAM represented the volunteer body of the DFVPC at the meetings.

The end result was the signing of the Growing Respect Joint Mayoral Taskforce by Mayor Peter Scott of Cook Shire, Mayor Jason Woibo of Hopevale Aboriginal Shire Council, and Mayor Bradley Creek of Wujal Wujal Aboriginal Shire Council which has committed their communities to entering into the same sort of discussions we implemented here in Mackay to say domestic violence has no place in our community.

Local Disaster Management Group Meeting

Our LDMG meeting reviewed the preparedness of all stakeholder organisations for the storm season and endorsed training around cyclone-shelter management.

Master Builders Queensland Board Members and Local Committee of Management

Master Builders have opened a new office and meeting facility in North Mackay and to mark the occasion the Queensland Board met in Mackay for the first time in many years.

The Member for Mackay and I had the opportunity to meet with the board and the Master Builders local committee to discuss a range of issue, the most important of which was the local housing shortage.

Needless to say, the board members were just as concerned over the housing issue, which is of course happening across the State. They articulated the concerns their members have with the increase in housing costs being imposed on them by State legislation which in some member's opinions are putting the cost of building a home out of the reach of ordinary people.

11.1.2. CHIEF EXECUTIVE OFFICERS MONTHLY REVIEW REPORT - NOVEMBER 2023

| | |
|----------------------------|----------------------------------------------------------------------------|
| Author | Chief Executive Officer (Scott Owen) |
| Responsible Officer | Chief Executive Officer (Scott Owen) |
| File Reference | DMRR |
| Attachments | 1. FINAL - CEO Monthly Review Report - November 2023 [11.1.2.1 - 22 pages] |

Purpose

To provide Council with the Chief Executive Officer's Monthly Review Report for the month of November 2023.

Related Parties

Nil

Officer's Recommendation

THAT the Chief Executive Officer's Monthly Review Report for November 2023 be received.

Council Resolution ORD-2023-332

THAT the Chief Executive Officer's Monthly Review Report for November 2023 be received.

Moved Cr Townsend

Seconded Cr Englert

CARRIED UNANIMOUSLY

CEO MONTHLY REVIEW REPORT NOVEMBER 2023



Scott Owen CEO



SUMMARY OF CONTENT

CEO's summary

Safety

Highlights

Workforce profile

Utilisation of council facilities

Community events

Community engagement

Customer contacts

Regional growth

Economic snapshot

Development activity

CEO'S SUMMARY

It is with pleasure that I present the consolidated CEO's report for council for the month of November 2023.

Whilst each is further detailed in the report, items of note include the below in what has been a very big month:

- November saw the inaugural Safety Day for Council, an opportunity for staff to gather with a focus on safety via key presenters and display stands. The staff attendance and enthusiasm on the day was excellent with plans already underway for planning for the 2024 event.
- Disaster Ready Saturday was well received by the public, and very timely with the first cyclone of the coming season being tracked off the Queensland coast.
- The Finch Hatton Mountain Bike Brand was launched following significant research, analysis and consultation. This is an exciting step for this transformational project.
- The Pioneer River Floating Pontoon is progressing very well and is expected to be completed late January, opening up accessibility to the river.
- Being a large employer, it is Pleasing to see a focus on trainee and apprentice positions, both in receiving funding for future roles but also commencing the process for recruitment for current opportunities.
- External funding is well down on previous years, however with a number of large applications having been lodged (including for the Northern Beaches Community Hub) there is confidence that the result will improve towards the end of financial year.

SAFETY



2023 Safety Day

A total of 460 staff attended our 2023 Safety Day, which featured a morning and afternoon session.

Keynote speaker Robyn Neilson delivered a moving account of her experience saving her then 27-year-old neighbour Gayle Shann's life after her arm was forcibly removed by a post hole digger.

Robyn revealed a first-hand account of how she saved her neighbour's life, the trauma she experienced following the event and she encouraged all staff to ensure they had their first aid certificate and emergency plans in place.

She also encouraged those present to download the Emergency+ app, which can provide emergency services with longitudinal and latitudinal coordinates of your location if you ever get into an accident or become a first responder.

There were also several booths, presentations and displays throughout the day, including some "staff improvement incentives" from across the business including:

- A storm water grate tool – to minimise pinch and manual handling issues when removing these grates.
- A manhole safety grate – being used by the Sewer Networks team to minimise the fall risk and eliminate the need for fall arrest and rescue equipment when working around manholes.
- A traffic light lifting tool developed by the Parks Electrical department to minimise the manual handling risk and weight of pole when lowering/ lifting traffic lights for wide loads to pass through.



This month there were **85** safety interactions, **24** site safety inspections across council, and **95%** of MAP actions were carried out.

- A hydration pack put together by Water Network crews with items to help outdoor work crews manage heat stress during the hotter months.
- An access ladder for plant trailers designed by Civil Ops/Fleet workers to minimise the risk of fall when accessing and egressing these trailers to load/unload plant.

Psychosocial safety in focus

Psychosocial safety training presentations are being developed in conjunction with People & Culture for roll-out to staff and availability for key areas. This is particularly due to a growing trend of aggressive customer interactions with staff.

HIGHLIGHTS

Disaster Ready Saturday staged

The Emergency Management Team held a disaster preparedness event at Caneland Central on November 4.

This event, run each year (previously known as Cyclone Saturday) is the pinnacle event in the disaster preparedness calendar for the year.

This year saw 13 agencies sharing information with around 1200 members of the public, keen to learn how best to prepare for a disaster. This year's event has been hailed the most successful event since it began.



Water and Waste team introduce QR codes.

The Water and Waste Team has embraced the use of QR Codes to streamline access to critical documents while in the field.

The initiative is proving to be a game-changer for operators, particularly when it comes to accessing calibration procedures for analysers at remote sites. Once scanned, the relevant documents are instantly displayed on their screens thus ensuring quick and hassle-free access

The integration of QR Codes has proven to be a cost-effective, straightforward and efficient solution.



MECC Hosts Educators Launch for 2024 Education Season

The MECC Engagement team hosted the Educator's Launch on November 21.

It showcased all performances, workshops, and community engagement opportunities for students at the MECC in 2024.

Joined by major sponsors from DBCT, BMA, Glencore Hail Creek Mine and more than 50 teachers from around the Mackay Region who are the decision makers when it comes to class attendance at these events.

Mayor Greg Williamson opened the afternoon and spoke about the true value of the arts in the younger years and praised our sponsors DBCT, BMA and Glencore Hail Creek Mine for their continued support of in 2024.

More than 5197 students and families attended the Educators Season performances in 2023.



Ideas flow at Water Alliance Forum

The Whitsunday Isaac Mackay (WIM) Water Alliance Annual Forum was held at the Resource Centre of Excellence on November 24.

The Annual Forum was well attended with 29 representatives from the three councils, the Local Government Association of Queensland (LGAQ), the Qld Water Directorate, CQU University and Regional Development, Manufacturing & Water (RDMW).

Topics covered on the day included Trade Waste Smart Metering, Regional Waste Challenges, QWRAP, the Environmental Protection Act and other issues of regional importance. The Forum also included the prestigious annual Water Tapping Competition with Water Network taking out the win this year with a time of 2.53 minutes.



Pioneer River Floating Pontoon work begins

Installation of the piles for the Pioneer River Floating Pontoon has started and the project is progressing well.

Due to the upcoming Christmas period, transport permits for the pontoon gangway are not available.

Therefore, the pontoon is likely to be finished by the end of January 2024.



Economic Development grants approved

Activate My Place Grants were approved at the November council meeting for three projects.

Projects that received funding were Northern Beaches Community Activation by Rebecca Cooper, Grasstree Grooves by Grasstree Beach Progress Association and the Bee Mindful Mural by Mackay City Heart Collective.

Façade Improvement Grants have been awarded to seven businesses: Whitsunday Design Drafting, Goanna Brewery, Sprinkles and Love Cake Emporium, Soulfood, Flavours of Vietnam, Bings and Ninety-Five.



Finch Hatton Mountain Bike Brand launched

The official launch of the Finch Hatton MTB brand was held at the Finch Hatton RSL on Monday, November 13, 2023.

A total of 81 community members, industry stakeholders and project supporters registered their attendance for the event.

The launch was followed by hard hat tours at the Finch Hatton Mountain Bike Trailhead site and a workshop for the business community on bike tourism readiness.

The new brand is the result of significant research, analysis, and consultation to position and create an identity for the mountain bike trail network for the future. It presents an opportunity to build awareness of and showcase our extraordinary destination.

Mackay Coast Our Future consultation closes

Consultation on the Draft Mackay Coast Our Future Study closed on Sunday, November 5. Feedback received has been considered and the final Study will be presented to Council for adoption at its meeting on December 13.

WORKFORCE PROFILE

Staff Contingent

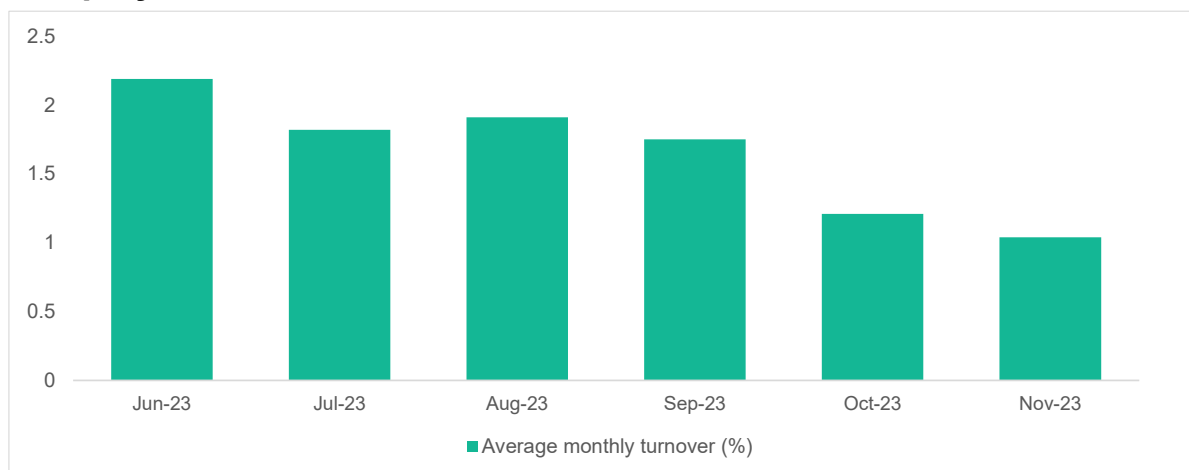
The current make-up of council's workforce is below. Of note, more than 80 per cent of staff are permanently employed. The number of active vacancies remains relatively consistent.

| | COMS | CORS | IO | OCR | PGS | TOTAL | Prev. month |
|--------------------------|------|------|-----|-----|-----|-------|-------------|
| Casual | 81 | 3 | 4 | 1 | 5 | 94 | 96 |
| Contract | 5 | 4 | 15 | 3 | 4 | 31 | 30 |
| Permanent Full Time | 106 | 129 | 538 | 35 | 36 | 844 | 844 |
| Permanent Part Time | 26 | 32 | 9 | 3 | 9 | 79 | 78 |
| Permanent Job Share | 3 | 2 | 2 | 0 | 0 | 7 | 8 |
| Temporary Full Time | 18 | 16 | 35 | 4 | 12 | 85 | 80 |
| Temporary Part Time | 7 | 6 | 2 | 0 | 0 | 15 | 16 |
| Temporary Job Share | 1 | 2 | 0 | 0 | 1 | 4 | 5 |
| TOTAL EMPLOYEES* | 247 | 194 | 605 | 46 | 67 | 1159 | 1157 |
| TOTAL ACTIVE VACANCIES** | 31 | 21 | 83 | 2 | 13 | 150 | 145 |

* Total employees excludes Councillors, Mayor & Deputy Mayor

** Total active vacancies are defined as vacant positions which have been approved for and are undergoing recruitment

Employee Turnover



STAFF TURNOVER

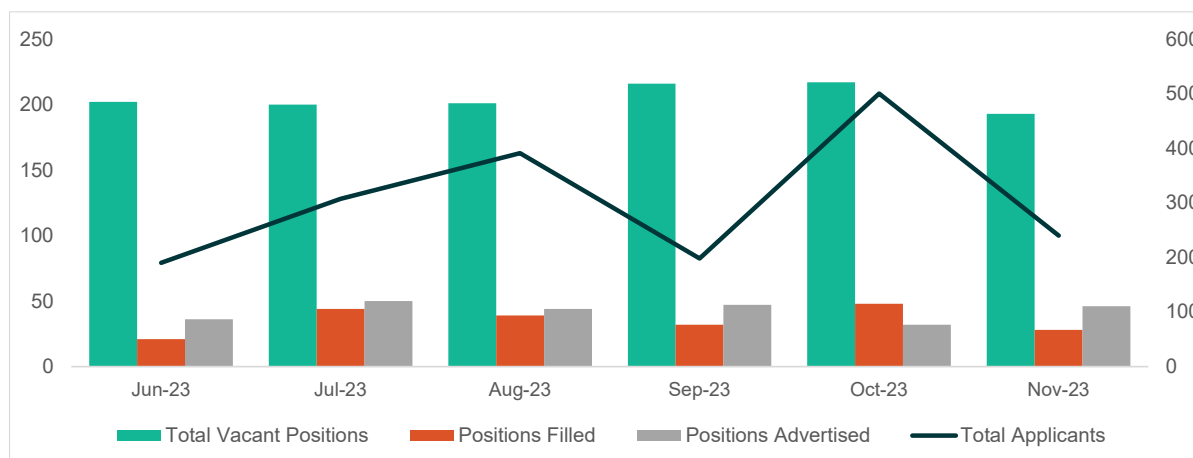


The monthly turnover for October was **1.04%**

The reporting mechanism for the rolling staff turnover is currently under review. Only the monthly turnover figures were available at the time of reporting for November.

+

Monthly Recruitment



This month there were **193** vacant positions, **46** positions were advertised resulting in **240** applicants and **28** positions filled.

Key Workforce Initiatives

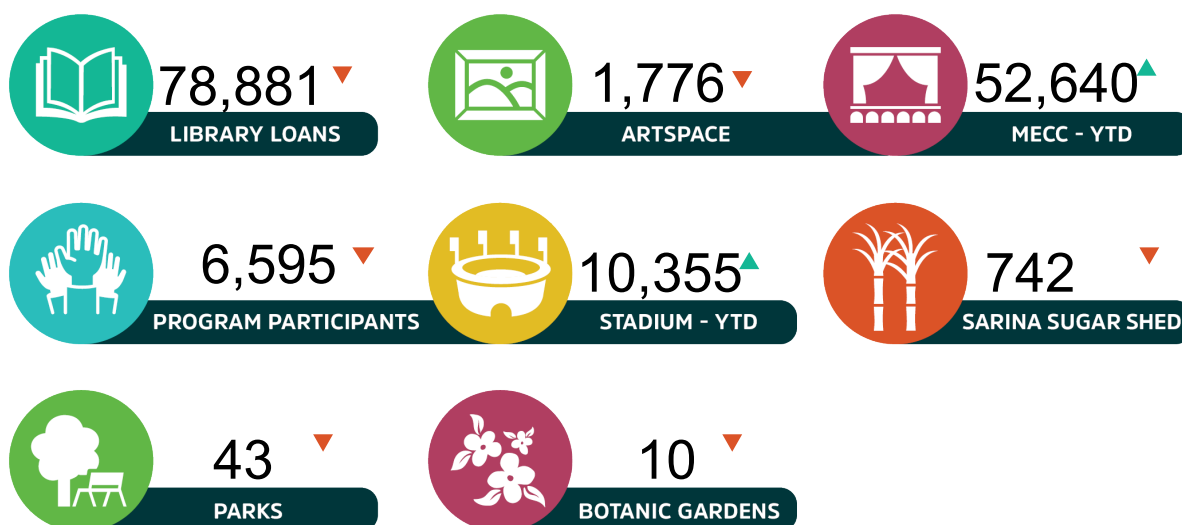
- The annual workforce planning is underway and will conclude at the end of January 2024. Executive Managers and Coordinators are involved in planning sessions focussing on the process and capturing workforce issues. A strategic workforce planning report will be delivered to ELT in early February.
- This month one of our Apprentice Heavy Commercial Vehicle Mechanics completed his apprenticeship and was successful in securing a permanent role in the Mackay Workshop as a Diesel fitter. It is a great outcome to grow and keep our own talent in a hard to fill role.
- MRC had a successful bid for the Qld Government for First Start Funding for 12 apprentice/trainee positions. This funding provides a small contribution to the wages of eligible apprentices' and trainees and is highly contested. The process is underway to fill 15 new apprentice and trainee positions to commence in January 2024.
- The 2023 Mackay mentoring program ended in October. Resource Industry Network (RIN) in partnership with MRC Mentoring Partnership have already begun discussions for our next mentoring program, with registrations due to open to the public in February 2024. MRC is working to encourage more partnerships with local industry networking groups to join the program in 2024.

UTILISATION OF COUNCIL FACILITIES

Aquatic Facilities



Public Programs and Facilities



Library loans decreased slightly from the October figure of 82,128. Program participants are up from 10,659 in September.

Health and Regulatory Services registrations and statistics

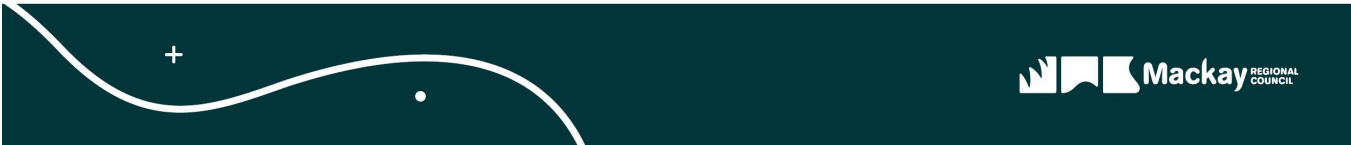


The area of mosquito breeding areas treated decreased compared to October due to no major high tides, reduced rainfall and mosquito numbers observed through monitoring. Illegal dumping volumes increased by 2.4Kl compared to the previous month, with 39 customer requests received.

COMMUNITY EVENTS

Upcoming events

| Date | Event | Location |
|----------|----------------------------------------------------------------------------------------------------------------|----------------------|
| 13/12/23 | 2024 Artspace Mackay Foundation and Jack Sturgeon Bursary Presentations (Part of councillor morning tea event) | JCC foyer |
| 15/12/23 | Sarina Beach Christmas Event | Sarina Beach |
| 16/12/24 | Sarina Surf Lifesaving Club Carols by Candlelight | Sarina Beach |
| 17/12/24 | Christmas morning tea for senior members of the Pioneer Valley Melba House community | |
| 23/12/24 | Habana Carols Under the Stars | Habana Community Hub |



COMMUNITY ENGAGEMENT

Active and upcoming engagement

East Gordon Street water main renewal (Inform)

As part of the final works, a full road closure will be in place for two days during mid-December at Goldsmith Street between East Gordon and Park streets. Minor works prior and following the road closure are expected to have minimal traffic disruptions.

Eimeo and Blacks Beach roads street tree planting (Inform)

Council is planting 74 street trees along Eimeo and Blacks Beach roads during December. This is the first major planting project of the Mackay Urban Greening Strategy, with more to planned.

TLPI 01/2023 Finch Hatton Flood Hazard Regulation (Inform)

Council has resolved to make a Temporary Local Planning Instrument (TLPI) 01/2023 Finch Hatton Flood Hazard Regulation to ensure flood hazards in Finch Hatton are identified and managed in relation to development. Letters were sent to property owners, a Connecting Mackay page was developed, and a community information and drop-in session was held in early December to provide an overview of the TLPI and answer any questions.

Forbes Road Causeway Replacement Works (Inform)

A letter was sent to nearby property owners to inform them that contractor Pentacon Pty Ltd was awarded the tender for the Forbes Road causeway replacement works. The works were discussed with property owners earlier this year, works include replacing the concrete causeway and fish ladder on Forbes Road, O'Connell River. The works are expected to start in April 2024, weather permitting.

Shoal Point Road Bus Stop (Inform)

Contractor Seaforth Civil completed the construction of a new bus stop on Shoal Point Road at the entrance of Royal Sands Estate in mid-November. The project was funded by the State Government, through Translink, and designed and project managed by council. Our Connecting Mackay webpage was updated with completed photos and a link to the Translink website for operational details.

Artspace building improvement work (Inform)

Artspace Mackay will be closed from Monday, December 4, to early May 2024, for building improvement works. Both the gallery and Foodspace café will be closed during this period. Foodspace will be operating out of a temporary location at the MECC as a takeaway-only facility. The curatorial team from Artspace will be moving into the quiet space at Dudley Denny Library, the team will continue to deliver their numerous programs throughout the region in alternative venues.

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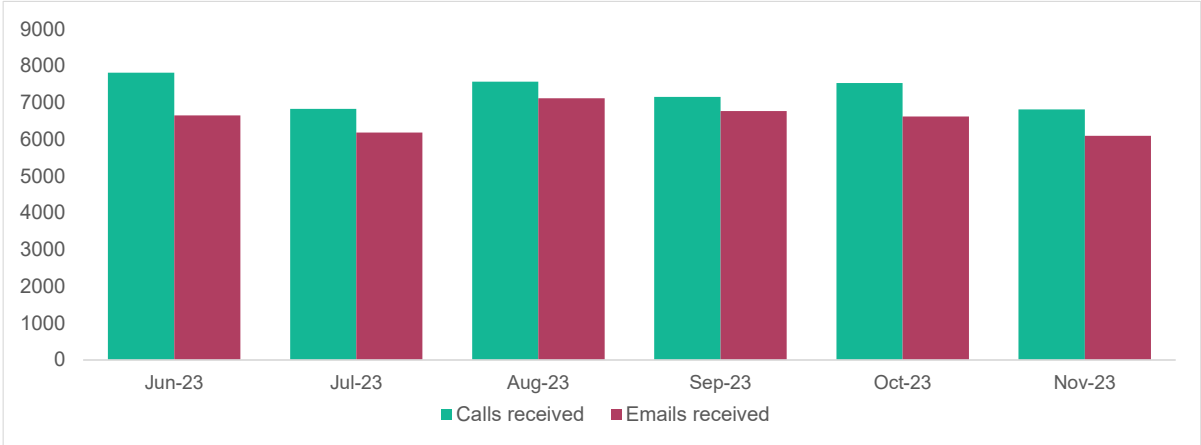
CUSTOMER CONTACTS

Top Five Customer Requests

| Pathway requests lodged | Volume | % of total requests |
|----------------------------|--------|---------------------|
| Replace wheelie bin | 540 | 17.1% |
| Phone Message | 308 | 9.7% |
| Water – leak (public area) | 136 | 4.3% |
| Change of mailing address | 121 | 3.8% |
| Repair wheelie bin | 112 | 3.5% |

Across council, **79%** of customer requests were responded to on time.

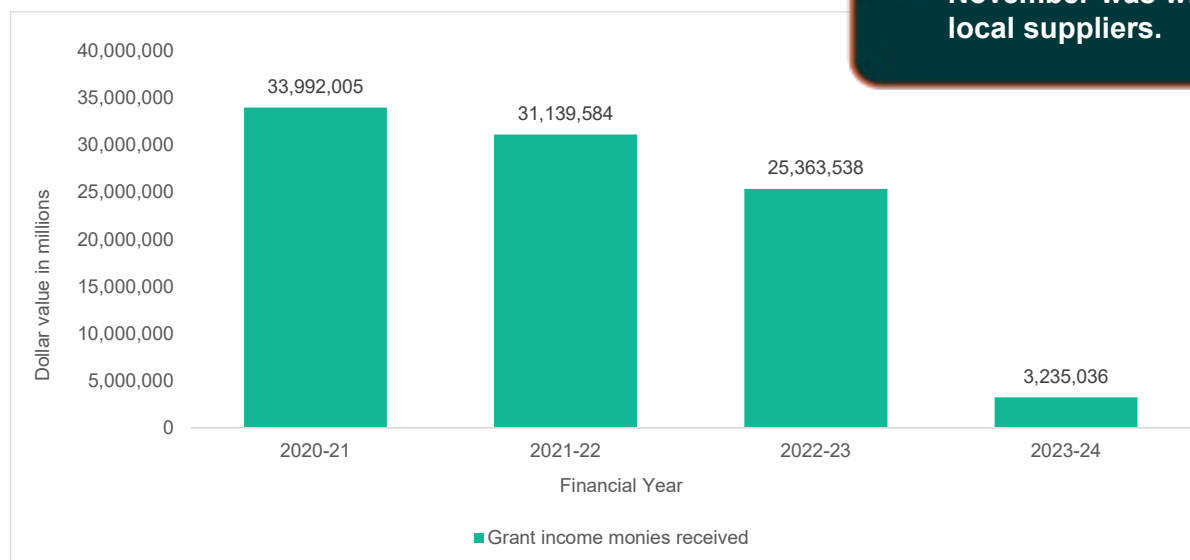
Customer Enquiries



| 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% | 56% |
| Abandoned Calls | The percentage of customers that abandon their call before being served. | > 6% | 4.5-6% | < 4.5% | 4% |
| Customer Satisfaction | A measure of customer satisfaction as reported by the end of call survey. | < 80% | 80-85% | > 85% | 97% |

REGIONAL GROWTH

External Grant Funding



Successful funding submissions announced

- National Australia Day Council – Australia Day 2024 \$10,000.00
- Dalrymple Bay Coal Terminal – 2024/25 Libris Awards \$30,000.00
- Queensland Reconstruction Authority – Disaster Recovery Funding \$813,056.01

Key Applications Submitted

- Department of Infrastructure, Transport, Regional Development, Communications and the Arts – Regional Precincts & Partnerships Program – Northern Beaches Community Hub Stage 1B \$21,959,770.00
- Department of Tourism, Innovation and Sport – Minor Infrastructure and Inclusive Fund – Athletics Track Shade Structure \$177,533.00
- Queensland Reconstruction Authority – N&CQ Monsoon – CDO Claim \$12,518.78
- Queensland Reconstruction Authority – N&CQ Monsoon – REPA Gravel Roads \$1,153,067.92
- Queensland Reconstruction Authority – N&CQ Monsoon – REPA Owens Creek Loop Rd \$191,291.12
- Queensland Reconstruction Authority – N&CQ Monsoon – REPA Flood Monitoring System \$24,547.07
- State Emergency Service – SES Support Grant – Replacement of Roller Door \$5,469.75

SIGNIFICANT PROJECTS



Barton Street Drainage Upgrade

Construction scheduled from December 2022 to March 2024.

Project Budget: \$3,212,078.67

Project Status: In construction works are progress well with works concentrated on the Holland and Barton Street area.



Asphalt Resurfacing Works 2023/24

Construction scheduled from November 2023 to January 2024.

Project Budget: \$ 4.4 million

Project Status: In construction.



Pioneer Valley Timber Bridge Renewal and Rehabilitation Works Package

Construction scheduled from January to June 2024.

Project Budget: \$2.5 million

Project Status: Design and construct contract awarded, inspection completed, design 90%.

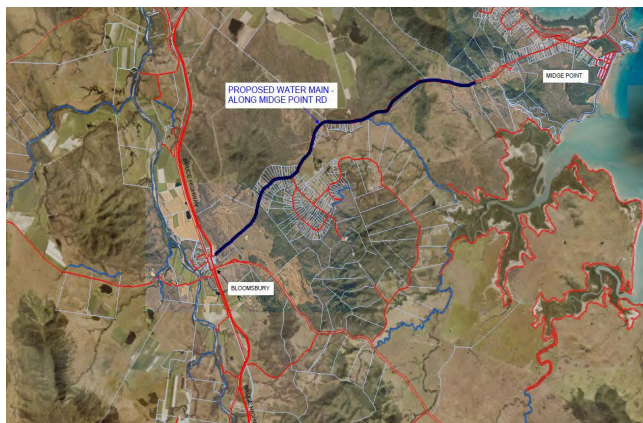


Bluewater Lagoon Resurfacing and Pipe Relining

Construction scheduled from June 2023 to August 2024.

Project Budget: \$1.5 million

Project Status: Phase one complete. Awaiting winter closure for phase 2 – installation of new liner to main and top lagoon.

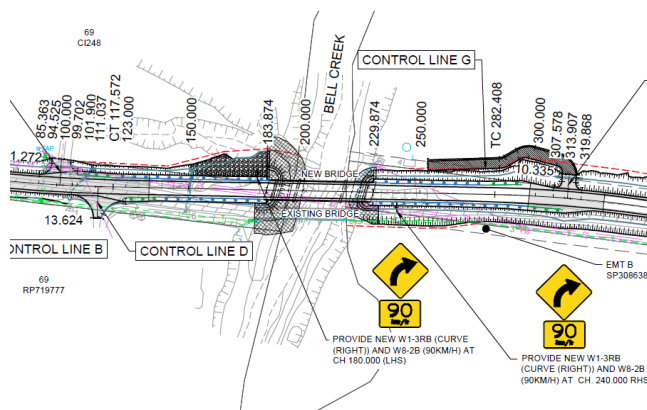


Bloomsbury Water Pipeline

Construction scheduled from February 2024 to November 2024.

Project budget: \$7.5 million

Project status: Contract awarded with site works commencing early 2024



Bell Creek Bridge Rehabilitation Construction

Design complete with Construction to commence in June 2024

Project Budget: \$7,300,000

Project Status: 3 Span concrete bridge to replace existing timber bridge. Detailed design complete, Services relocation design underway. Grant funded.

ECONOMIC SNAPSHOT

Economic Indicators (Quarterly)

| Indicator | Jun 22 | Sep 22 | Dec 22 | Mar 23 | Jun 23 | Sep 23 |
|-------------------------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|
| Employment | | | | | | |
| Unemployment rate | 2.6% | 2.6% | 2.4% | 2.7% | 3.1% | NA |
| Employed persons | 68,335 | 70,470 | 70,721 | 71,847 | 69,676 | NA |
| Real Estate | | | | | | |
| Median house sale | \$425,000 | \$440,000 | \$440,000 | \$445,000 | \$450,000 | \$450,000 |
| Median house rent 3 bed house (12 month ending) | \$425 | \$450 | \$450 | \$460 | \$470 | \$480 |
| Median rent 2 bed unit (12 month ending) | \$325 | \$340 | \$350 | \$350 | \$360 | \$370 |
| Res. Vacancy rate | 0.5% | 0.6% | 1.0% | 1.0% | 0.8% | 0.5% |
| Residential Lot Supply | | | | | | |
| Lots approved | 21 | 78 | 3 | 215 | 2 | NA |
| Lots registered | 44 | 56 | 26 | 27 | 74 | 75 |

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

| | Jun 23 | Jul 23 | Aug 23 | Sep 23 | Oct 23 | Nov 23 |
|---------------------------------------------------------------|--------|--------|--------|--------|--------|--------|
| Mackay Region Joblink Analytic Report Active Users | 560 | 331 | 545 | 759 | 512 | 1057 |
| Internet Vacancy Index (Central Qld) Advertised Jobs* | 4,926 | 5,117 | 5,206 | 5,187 | 5,212 | NA |
| SEEK Advertised Jobs** | 1,667 | 1,767 | 1,646 | 1,493 | 1,604 | 1,525 |
| Sarina Field of Dreams Website Visitation | 519 | 599 | 699 | 585 | 479 | 381 |
| Hooked on Mackay Facebook | 6,245 | 6,320 | 6,403 | 6,444 | 6,502 | 6,550 |
| Hooked on Mackay Instagram | 942 | 945 | 959 | 963 | 966 | 995 |
| Hooked on Mackay Youtube Subscribers | 420 | 425 | 435 | 442 | 462 | 471 |
| Net Free Zone Voluntary Code Sign-ups | 716 | 716 | 716 | 716 | 716 | 716 |
| Mackay Region Event Organisers Connect Facebook Group Members | 153 | 155 | 156 | 156 | 160 | 160 |
| Invested in Mackay Subscribers | 594 | 596 | 590 | 598 | 598 | 592 |

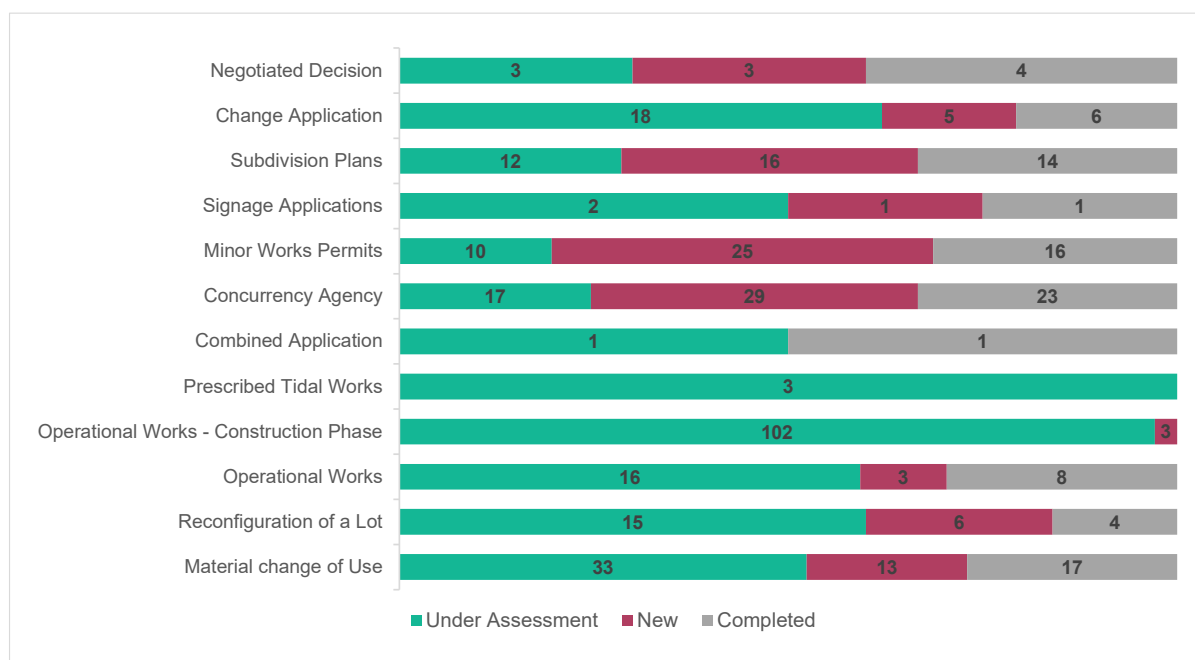
*The Internet Vacancy Index (IVI) is the only publicly available source of detailed data on online vacancies, for 350 occupations (at all skill levels), and for all states/territories and 37 regions. The IVI is based on a count of online job advertisements newly lodged on SEEK, CareerOne and Australian 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 does not take account of multiple positions being advertised in a single job advertisement. The data is broken down to Central QLD covering 9 Local Government Areas (including Mackay Regional Council) and is calculated on a 3-month moving average.

**SEEK data is captured on the 1st Tuesday of each month.



DEVELOPMENT ACTIVITY

Applications received by Development Planning and Engineering



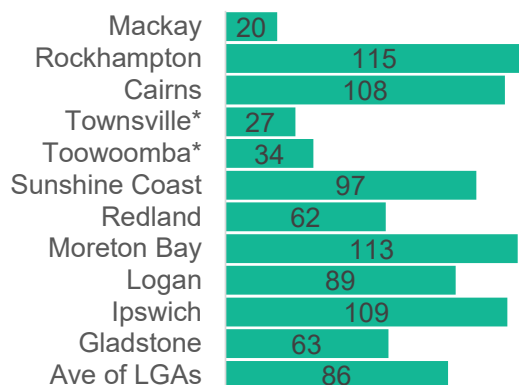
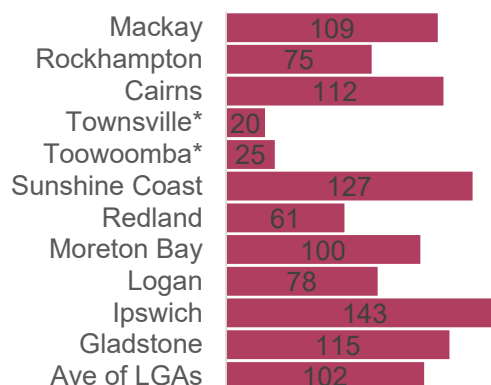
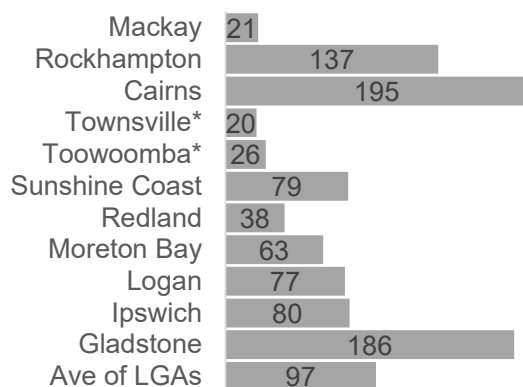
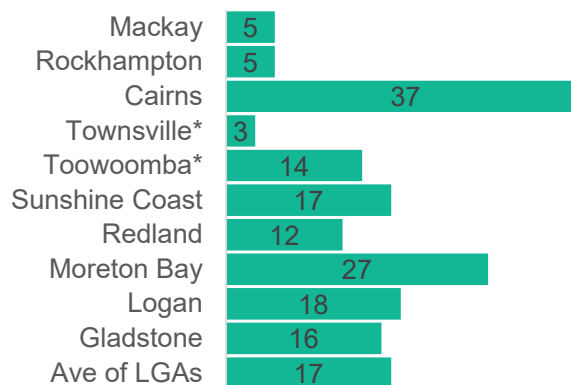
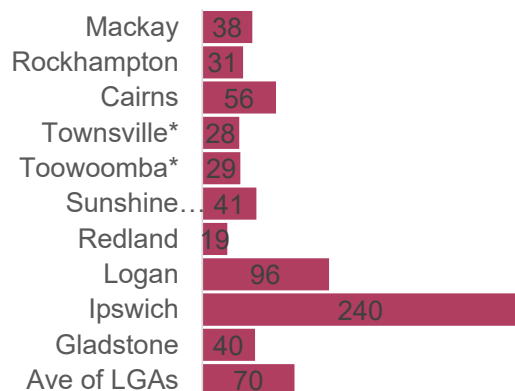
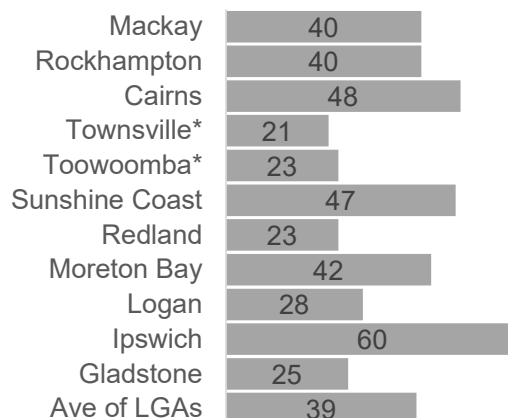
This month **183** building approvals incl. amendments together with **104** development and **74** plumbing applications were lodged.



Building applications lodged with council

| Class | November 22 | November 23 | Year to date | Total value of proposed works |
|---------------|-------------|-------------|--------------|-------------------------------|
| Class 1A | 56 | 46 | 472 | \$14,473,990 |
| Other classes | 117 | 125 | 1,317 | \$20,915,240 |
| Totals | 173 | 171 | 1,789 | \$35,389,231 |



Material Change of Use**Reconfiguration of a Lot****Operational Works****Concurrence Referrals****Negotiated Decisions****Minor Change Development Approvals**

*Statistics provided by Toowoomba Regional Council (TRC) for MCU, RoL, OPW and BWA reflects decision periods only. Townsville is also reporting decision period only for all categories.
The information in these tables is supplied by Urban Development Institute of Australia and updated quarterly.



11.2. ORGANISATIONAL CAPABILITY AND RISK

11.2.1. LEGISLATIVE DELEGATIONS

| | |
|----------------------------|----------------------------------------------------------------------------|
| Author | Senior Governance Officer (Pam Currell) |
| Responsible Officer | Executive Manager, Ethical Standards, Audit & Risk (Anthony Bigby) |
| File Number | Legislative Delegations |
| Attachments | 1. Legislative Delegation Register King & Co Updates [11.2.1.1 - 13 pages] |

Purpose

To adopt the reviewed and updated Legislative Delegations Register.

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 Council held on 27 September 2023, the delegations registers were adopted as per the requirement on local government to annually review the delegations to the Chief Executive Officer under section 257(5) and to incorporate the changes in the organisational structure.

Since that adoption, the King & Co Solicitors delegation updates have been received and incorporated into Council's Legislative Delegations Register in line with their recommendations.

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 review process for the register included:

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/changed delegations.
3. Undertake management consultation on the amended delegation registers.
4. Emailing of the amended register to the Executive Leadership Team prior to adoption by Council.

The updated Legislative Delegations Register is attached and provides only for the King & Co Solicitors updates for easier read.

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

- New and changed sections/wording are in red; and
- Repealed and deleted sections/wording are ~~striketrough~~ and in red.

1. Mayoral Delegations

The Delegation Register to the Mayor was not amended therein has not been attached.

2. Legislative Delegations

This register has been updated with a number of new delegations and amendments being made, particular in relation to:

New Delegation Registers:

- *Petroleum and Gas (Production and Safety) Act 2004*
- *Waste Reduction and Recycling Regulation 2023*

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

- *Aged Care Act 1997 (Cwth)*
- *Building Fire Safety Regulation 2008*
- *Environmental Protection Act 1994*
- *Fire and Emergency Service Act 1990*
- *Housing Act 2022*
- *Industrial Relations Act 2016*
- *Land Act 1997*
- *Stock Route Management Act 2002*
- *Tobacco and Other Smoking Products Act 1998*
- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulation 2011*
- *Planning Act 2016*

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

- *Waste Reducing and Recycling Regulation 2011.*

3. Waterfront Priority Development Area (PDA) Delegations

The delegation register was not amended therein has not been attached.

Consultation and Communication

Consultation has taken place with:

- Executive Leadership Team;

- Senior Leadership Team;
- Legal Counsel;
- 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 Ethical Standards, Audit and Risk program and no additional expense is outlaid.

Risk Management Implications

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

Conclusion

It is recommended that Council adopt the updated Legislative Delegations Register.

Officer's Recommendation

THAT Council adopt the Legislative Delegations Register (Council to Chief Executive Officer);

Council Resolution ORD-2023-333

THAT Council adopt the Legislative Delegations Register (Council to Chief Executive Officer);

Moved Cr Hassan

Seconded Cr Green

CARRIED UNANIMOUSLY



Legislative Delegations

Register of Delegations from Council to CEO

Definitions:

Member of Executive Leadership Team Shall mean - Director Corporate Services, Director Organisational Capability & Risk, Director Community Services, Director Planning, Growth & Sustainability, Director Infrastructure & Operations, and Executive Officer

Member of Senior Leadership Team Shall Mean - Associate Director Infrastructure, Associate Director Operations, Chief Financial Officer, Chief Information Officer, Chief Human Resources Officer, Chief Procurement Officer, Executive Manager Shared Services, Executive Manager Ethical Standards, Audit & Risk, Executive Manager Business Improvement & Change, Executive Manager WHS & Emergency Management, Executive Manager Corporate Communications & Marketing, Executive Manager MECC & Events, Executive Manager Health & Regulatory Services, Executive Manager Community Lifestyles, Executive Manager Strategic Planning, Executive Manager Development Planning & Engineering, Executive Manager Economic Development & Tourism, Mackay City & Waterfront Project Manager, Executive Manager Asset Management, Executive Manager Portfolio Management Office, Executive Manager Design Services, Executive Manager Infrastructure Planning, Executive Manager Civil Operations, Executive Manager Water Networks, Executive Manager Water Treatment, Executive Manager Waste Services, Executive Manager Parks & Open Space, Executive Manager Property & Plant, Executive Manager Field Services.

Disclaimer: All appropriate powers under this Act have been delegated to the CEO unless otherwise limited as set out below. These delegated powers shall include any future amendments to the below Legislation and any sub delegations, as well as any changes in position titles unless otherwise specially delegated below. Any reference to new position titles in the realignment structure shall be interpreted to include the previous position title reference. Please refer to Management Position clarification on first tab entitled "New Organisational Structure".

| Register of CEO to Council Officers. | | | | | | |
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| No | APPROVAL DATE 27.09.2023 ORD-2023-251 | DESCRIPTION OF POWER DELEGATED | SECTION WITHIN LEGISLATION | LEGISLATION | SPECIAL DELEGATION CONDITIONS | DELEGATION TO THE CEO |
| SUB DELEGATION FROM CEO TO COUNCIL OFFICERS (APPROVED BY CEO - 27.09.2023) | | | | | | |
| AGED CARE ACT 1997 | | | | | | |
| ACA76 | | Power, in the circumstances listed in subsection (1), to ensure that at least one registered nurse is on site, and on duty, at all times at the residential facility. | Section 54-1A | Aged Care Act 1997 (Cth) | | Yes |
| BUILDING FIRE SAFETY REGULATION 2008 | | | | | | |
| BFSR01 | | Power, as the occupier of a building, to take reasonable steps to ensure that a person does not obstruct an evacuation route of the building. | Section 8(3) | Building Fire Safety Regulation 2008 | | Yes |
| BFSR02 | | Power, as the occupier of a building, to ensure that a door on an evacuation route of the building is not locked, if the occupier knows, or reasonably ought to know, that a person is within the building on the internal side of the door. | Section 11(2) | Building Fire Safety Regulation 2008 | | Yes |
| BFSR03 | | Power, as the occupier of a building, in the circumstances set out in subsection 12(1), to ensure that a door on an evacuation route of the building cannot be locked in a way that would be likely to unduly restrict, hinder or delay a custodian for the occupant in opening the door. | Section 12(3) | Building Fire Safety Regulation 2008 | | Yes |
| BFSR04 | | Power, as the owner or occupier of a building, to ensure that a person does not- (a) install or alter a mechanical ventilation or air | Section 13(4) | Building Fire Safety Regulation 2008 | | Yes |

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| | | conditioning system in the building in contravention of subsection 13(1); or (b) do another act in contravention of subsection 13(2). | | | | | Chief Fire Warden Executive Manager WHS & Emergency Management Workplace Health & Safety Advisor |
| BFSR05 | | Power, as the occupier of a building, to ensure that the number of persons in the building at any 1 time is not more than the maximum number that may be accommodated under subsection 16(1) or (2). | Section 16 | Building Fire Safety Regulation 2008 | | Yes | Member of Executive Leadership Team Executive Manager Property & Plant Fire Safety Advisor Chief Fire Warden Executive Manager WHS & Emergency Management Workplace Health & Safety Advisor |
| BFSR06 | | Power, as the occupier of a building, to ensure that the fire and evacuation plan for the building:- (a) is kept in written form; and (b) states the matters mentioned in subsection 21(3); and (c) includes:- (i) the evacuation diagram of the building; and (ii) if an evacuation diagram has been made for a part of the building—the evacuation diagram of the part of the building. | Section 21(2) | Building Fire Safety Regulation 2008 | | Yes | Member of Executive Leadership Team Executive Manager Property & Plant Fire Safety Advisor Chief Fire Warden Executive Manager WHS & Emergency Management Workplace Health & Safety Advisor |
| BFSR07 | | Power, as a managing entity, in the circumstances set out in subsection 22(1), to ensure that the fire and evacuation plan takes into account the evacuation coordination procedures stated in the fire and evacuation plans for all pa | Section 22(2) | Building Fire Safety Regulation 2008 | | Yes | Member of Executive Leadership Team Executive Manager Property & Plant Fire Safety Advisor Chief Fire Warden Executive Manager WHS & Emergency Management Workplace Health & Safety Advisor |
| ENVIRONMENTAL PROTECTION ACT 1994 | | | | | | | |
| EPA43 | | Power, as an administering authority, to decide to approve an application to amalgamate environmental authorities or refuse an amalgamation application to which section 247(1)(b) applies and impose conditions on the amalgamated environmental authority. | Section 247 | Environmental Protection Act 1994 | | Yes | Director Planning, Growth & Sustainability Director Community Services Executive Manager Development Planning & Engineering Executive Manager Health & Regulatory Coordinator Environmental Health |
| EPA45 | | Power, as an administering authority, to:- (a) de-amalgamate an environmental authority; (b) issue the de-amalgamated environmental authorities; (c) impose conditions on each de-amalgamated environmental authority to the extent necessary for the de-amalgamation; and (d) include each environmental authority in the relevant register. 2 or more environmental authorities; and (e) include each environmental authority in the relevant register. | Section 250C | Environmental Protection Act 1994 | | Yes | Director Planning, Growth & Sustainability Director Community Services Executive Manager Development Planning & Engineering Executive Manager Health & Regulatory Coordinator Environmental Health |
| EPA53 | | Power, as an administering authority, to:- (a) approve or refuse an application made by the holder of an environmental authority to suspend the environmental authority; (b) record the decision in the appropriate register; and (c) if the decision is to refuse, give the holder an information notice about the decision. | Section 284C and 284F | Environmental Protection Act 1994 | | Yes | Director Planning, Growth & Sustainability Director Community Services Executive Manager Development Planning & Engineering Executive Manager Health & Regulatory Coordinator Environmental Health |
| EPA70 | | Power, as an administering authority, to:- (a) grant or refuse the temporary authority; and (b) if the decision is refuse, give an information notice for the decisi | Section 316GD | Environmental Protection Act 1994 | | Yes | Director Planning, Growth & Sustainability Director Community Services Executive Manager Development Planning & Engineering Executive Manager Health & Regulatory |

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| | | | | | | Coordinator Environmental Health |
| EPA71 | | Power, as an administering authority, to:- (a) impose conditions on the authority; and (b) notify the applicant of the proposed conditions. | Section 316GE | Environmental Protection Act 1994 | Yes | Director Planning, Growth & Sustainability Director Community Services Executive Manager Development Planning & Engineering Executive Manager Health & Regulatory Coordinator Environmental Health |
| EPA72 | | Power, as an administering authority, to give the temporary authority to the applicant. | Section 316GF | Environmental Protection Act 1994 | Yes | Director Planning, Growth & Sustainability Director Community Services Executive Manager Development Planning & Engineering Executive Manager Health & Regulatory Coordinator Environmental Health |
| EPA85 | | Power, as a local government mentioned in section 320A(3)(a) or 320A(3)(b), to within 24 hours after becoming aware of the event or the matter mentioned in section 320A(3)(a) or (b), change in conditions of the land give the administering authority written Notice. Nb. The section in the Act incorrectly refers to section 320(3)(b). This delegation refers to the correct section. | Section 320DB(2) | Environmental Protection Act 1994 | Yes | Director Planning, Growth & Sustainability Director Community Services Executive Manager Development Planning & Engineering Executive Manager Health & Regulatory Coordinator Environmental Health |
| EPA88 | | Power, as an administering authority, to ask for further information and extend the time for making a request under subsection (2). | Section 326F | Environmental Protection Act 1994 | Yes | Director Planning, Growth & Sustainability Director Community Services Executive Manager Development Planning & Engineering Executive Manager Health & Regulatory Coordinator Environmental Health |
| EPA92 | | Power, as an administering authority, to require a person or public authority to apply to the administering authority for the issue of a submit a draft transitional environmental program. | Section 332 | Environmental Protection Act 1994 | Yes | Director Planning, Growth & Sustainability Director Community Services Executive Manager Development Planning & Engineering Executive Manager Health & Regulatory Coordinator Environmental Health Team Leader Environmental Health |
| EPA93 | | Power to apply for the issue of a submit a draft transitional environmental program to the administering authority for approval. | Section 333 | Environmental Protection Act 1994 | Yes | Director Planning, Growth & Sustainability Director Community Services Executive Manager Development Planning & Engineering Executive Manager Health & Regulatory Coordinator Environmental Health Team Leader Environmental Health |
| EPA94 | | Power, as an administering authority, to by written notice require the person or public authority that submitted the draft transitional environmental authority to give further information. | Section 334(1) | Environmental Protection Act 1994 | Yes | Director Planning, Growth & Sustainability Director Community Services Executive Manager Development Planning & Engineering Executive Manager Health & Regulatory Coordinator Environmental Health Team Leader Environmental Health |
| EPA95 | | Power to give the administering authority the requested information and ask the administering authority to extend the information response period. | Section 334(3) and (4) | Environmental Protection Act 1994 | Yes | Director Planning, Growth & Sustainability Director Community Services Executive Manager Development Planning & Engineering Executive Manager Health & Regulatory Coordinator Environmental Health Team Leader Environmental Health |
| | | Power, as an administering authority, to by written Notice require the person or public authority that submitted the draft transitional environmental authority to give further information. | Section 334A | Environmental Protection Act 1994 | Yes | Director Planning, Growth & Sustainability Director Community Services Executive Manager Development Planning & Engineering Executive Manager Health & Regulatory Coordinator Environmental Health Team Leader Environmental Health |
| EPA96 | | Power to make a submission in relation to an application for the issue of a draft transitional environmental program. | Section 335 | Environmental Protection Act 1994 | Yes | Director Planning, Growth & Sustainability Director Community Services Executive Manager Health & Regulatory Director Infrastructure & Operations Associate Director Infrastructure Associate Director Operations Executive Manager Water Networks Executive Manager Design Services Executive Manager Water Treatment Executive Manager Waste Services Coordinator Environmental Health Team Leader Environmental Health |

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| EPA97 | | Power to give public notice of the application for the issue of a transitional environmental program. | Section 335(2) | Environmental Protection Act 1994 | | Yes | <p>Director Planning, Growth & Sustainability Director Community Services Executive Manager Health & Regulatory Director Infrastructure & Operations Associate Director Infrastructure Associate Director Operations</p> <p>Executive Manager Water Networks Executive Manager Design Services Executive Manager Water Treatment Executive Manager Waste Services Coordinator Environmental Health Team Leader Environmental Health</p> |
| EPA99 | | Power, as an administering authority, to seek advice, comment or information about an application for the issue of a transitional environmental plan- HEP-submission. | Section 336A | Environmental Protection Act 1994 | | Yes | <p>Director Planning, Growth & Sustainability Director Community Services Executive Manager Health & Regulatory Associate Director Infrastructure Associate Director Operations Director Infrastructure & Operations</p> <p>Executive Manager Water Networks Executive Manager Water Treatment Executive Manager Infrastructure Planning Executive Manager Waste Services Coordinator Environmental Health Team Leader Environmental Health</p> |
| EPA100 | | Power, as an administering authority to extend the period for decision about an application for the issue of a draft transitional environmental program and approve a draft transitional environmental program. | Section 337 | Environmental Protection Act 1994 | | Yes | <p>Director Planning, Growth & Sustainability Director Community Services Executive Manager Health & Regulatory Director Infrastructure & Operations Associate Director Infrastructure Associate Director Operations</p> <p>Executive Manager Water Networks Executive Manager Water Treatment Executive Manager Infrastructure Planning Executive Manager Waste Services Coordinator Environmental Health Team Leader Environmental Health</p> |
| EPA101 | | Power, as an administering authority, to:- a) where the administering authority approves the application issue the transitional environmental program; and b) where the administering authority refuses the application or imposes conditions - give an information notice. approve a draft transitional environmental program as submitted or with amendments requested or agreed to by the administering authority; or b) refuse to approve a draft transitional environmental program. | Section 339(1) | Environmental Protection Act 1994 | | Yes | <p>Director Planning, Growth & Sustainability Director Community Services Executive Manager Health & Regulatory Associate Director Infrastructure Associate Director Operations Director Infrastructure & Operations</p> <p>Executive Manager Water Networks Executive Manager Water Treatment Executive Manager Infrastructure Planning Executive Manager Waste Services Coordinator Environmental Health Team Leader Environmental Health</p> |
| EPA103 | | Power, as an administering authority, to:- (a) where the administering authority approves the application issue the transitional environmental program; and (b) where the administering authority refuses the application or imposes conditions - give an information notice. give a person or public authority who submitted a draft transitional environmental program for approval written Notice of the decision. | Section 340 | Environmental Protection Act 1994 | | Yes | <p>Director Planning, Growth & Sustainability Director Community Services Executive Manager Health & Regulatory Associate Director Infrastructure Associate Director Operations Director Infrastructure & Operations</p> <p>Executive Manager Water Networks Executive Manager Water Treatment Executive Manager Infrastructure Planning Executive Manager Waste Services Coordinator Environmental Health Team Leader Environmental Health</p> |
| EPA105 | | Power, as an administering authority when issuing a transitional environmental program, to include a note in the environmental authority. | Section 343A | Environmental Protection Act 1994 | | Yes | <p>Director Planning, Growth & Sustainability Director Community Services Executive Manager Health & Regulatory Associate Director Infrastructure Associate Director Operations Director Infrastructure & Operations</p> <p>Executive Manager Water Networks Executive Manager Water Treatment</p> |

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| | | | | | | Executive Manager Infrastructure Planning Executive Manager Waste Services Coordinator Environmental Health Team Leader Environmental Health |
| EPA107 | | Power, as an administering authority, to cancel a transitional environmental program, give notice of the decision or record details of the decision in a register, the approval for a transition environmental program, give Notice of the decision or record details of the decision in a register. | Section 344E | Environmental Protection Act 1994 | Yes | Director Planning, Growth & Sustainability Director Community Services Executive Manager Health & Regulatory Associate Director Infrastructure Associate Director Operations Director Infrastructure & Operations Executive Manager Water Networks Executive Manager Water Treatment Executive Manager Infrastructure Planning Executive Manager Waste Services |
| EPA110 | | Power, as an administering authority, to give written notice of the matters listed in section 352(1). | Section 352 | Environmental Protection Act 1995 | Yes | Director Planning, Growth & Sustainability Director Community Services Associate Director Infrastructure Associate Director Operations Executive Manager Health & Regulatory Director Infrastructure & Operations Executive Manager Water Networks Executive Manager Water Treatment Executive Manager Infrastructure Planning Executive Manager Waste Services |
| EPA113 | | Power, as administering authority, to - • grant an application for a temporary emissions licence, with or without conditions as submitted or on different terms than have been requested in the application; or • refuse to grant the application for a temporary emissions licence; and • where necessary, give an information notice. | Sections 357C, 357D, 357E and 357F | Environmental Protection Act 1994 | Yes | Director Planning, Growth & Sustainability Director Community Services Executive Manager Health & Regulatory Director Infrastructure & Operations Executive Manager Water Networks Associate Director Infrastructure Associate Director Operations Executive Manager Infrastructure Planning Executive Manager Waste Services |
| EPA122 | | Power, as the land's owner, to:- (a) make a written submission to the administering authority in response to a show cause Notice issued pursuant to section 375; (b) make the dclaration mentioned in section 375(2)(e); and (c) include a copy of any investigation report mentioned in section 375(4). | Section 376 | Environmental Protection Act 1994 | Yes | Director Infrastructure & Operations Associate Director Infrastructure Associate Director Operations Executive Manager Water Networks Executive Manager Water Treatment Executive Manager Infrastructure Planning Executive Manager Waste Services Director Community Services Executive Manager Health & Regulatory Coordinator Environmental Health |
| EPA123 | | Power, as the owner of land, to make an inclusion request and respond to any request for further information from the administering authority. | Section 379B and 379C | Environmental Protection Act 1994 | Yes | Director Infrastructure & Operations Associate Director Infrastructure Associate Director Operations Executive Manager Water Networks Executive Manager Water Treatment Executive Manager Infrastructure Planning Executive Manager Waste Services Director Community Services Executive Manager Health & Regulatory Coordinator Environmental Health |
| EPA145 | | Power, as the administering executive, to sign a certificate stating any of the matters listed in subsection 490(6)(a). | Section 490(6)(a) | Environmental Protection Act 1994 | Yes | No |
| EPA146 | | Power, as the administering executive, to sign a certificate stating that stated costs and expenses were incurred and the way and purpose for which they were incurred. | Section 490(10) | Environmental Protection Act 1994 | Yes | No |

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| EPA137 | | Power, as the administering Executive, to sign a certificate stating that stated costs and expenses were incurred and the way and purpose for which they were incurred. | Section 490(9) | Environmental Protection Act 1994 | | Yes | No |
| FIRE AND EMERGENCY SERVICE ACT 1990 | | | | | | | |
| FRSA02 | | Power, at the direction of an authorised fire officer, to exercise a power conferred upon the authorised fire officer. | Section 59 | Fire and Emergency Service Act 1990 | | Yes | Member of Executive Leadership Team MRC Chief Fire Warden Associate Director Infrastructure Associate Director Operations Executive Manager Development Planning & Engineering MRC Chief Deputy Fire Warden Compliance Officer Executive Manager Water Treatment Executive Manager Infrastructure Planning |
| FRSA03 | | Power as an occupier of land to ask the commissioner to give a notice under section 64(1) o an occupier of adjoining land. | Section 64(2) | Fire and Emergency Service Act 1990 | | Yes | Member of Executive Leadership Team MRC Chief Fire Warden Associate Director Infrastructure Associate Director Operations Executive Manager Development Planning & Engineering MRC Chief Deputy Fire Warden Compliance Officer Executive Manager Water Treatment Executive Manager Infrastructure Planning |
| FRSA04 | | Power to apply to the commissioner for a permit to light a fire on land. | Section 65(1) | Fire and Emergency Service Act 1990 | | Yes | Member of Executive Leadership Team MRC Chief Fire Warden Associate Director Infrastructure Associate Director Operations Executive Manager Development Planning & Engineering MRC Chief Deputy Fire Warden Compliance Officer Executive Manager Water Treatment Executive Manager Infrastructure Planning |
| FRSA05 | | Power, as occupier of the land, to: (a) take all reasonable steps to extinguish or control the fire; and (b) report the existence and location of the fire to a person identified in subsection 67(b). | Section 67 | Fire and Emergency Service Act 1990 | | Yes | Member of Executive Leadership Team MRC Chief Fire Warden Associate Director Infrastructure Associate Director Operations Executive Manager Development Planning & Engineering MRC Chief Deputy Fire Warden Compliance Officer Executive Manager Water Treatment Executive Manager Infrastructure Planning |
| FRSA06 | | Power, as occupier of land, to: (a) enter the land on which the fire is burning and any other land in order to gain access to the land where the fire is burning; and (b) take on to the land, equipment for extinguishing or controlling the fire; and (c) take all reasonable measures to extinguish or control the fire | Section 68(1) | Fire and Emergency Service Act 1990 | | Yes | Member of Executive Leadership Team MRC Chief Fire Warden Associate Director Infrastructure Associate Director Operations Executive Manager Development Planning & Engineering MRC Chief Deputy Fire Warden Compliance Officer Executive Manager Water Treatment Executive Manager Infrastructure Planning |
| FRSA07 | | Power, as occupier of land, to direct persons to:- (a) enter the land on which the fire is burning and any other land in order to gain access to the land where the fire is burning; and (b) take on to the land, equipment for extinguishing or controlling the fire; and (c) take all reasonable measures to extinguish or control the fire. | Section 68(1) | Fire and Emergency Service Act 1990 | | Yes | Member of Executive Leadership Team MRC Chief Fire Warden Associate Director Infrastructure Associate Director Operations Executive Manager Development Planning & Engineering MRC Chief Deputy Fire Warden Compliance Officer Executive Manager Water Treatment Executive Manager Infrastructure Planning |
| HOUSING ACT 2003 | | | | | | | |
| HA21 | | Power, as the registered owner of a lot, to request that the registrar of titles remove the record of the existence of the deed. | Section 94K(1)(b) | Housing Act 2022 | | Yes | No |
| INDUSTRIAL RELATIONS ACT 2016 | | | | | | | |

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| IRA147 | | Power, as a party to an unpaid amount claim referred for conciliation, to advise the Registrar that Council does not wish to participate in conciliation. | Section 547C(4) | Industrial Relations Act 2016 | Subject to seeking Legal Advice | Yes | Director Corporate Services Executive Officer Executive Manager Ethical Standards, Audit & Risk |
| IRA148 | | Power, as a party to an unpaid amount claim referred for conciliation, to: (a) participate in the conciliation; (b) agree on a resolution of all or part of the unpaid amount claim; and (c) sign the agreement. | Section 547G(2) | Industrial Relations Act 2016 | Subject to seeking Legal Advice | Yes | Director Corporate Services Executive Officer Executive Manager Ethical Standards, Audit & Risk |
| IRA149 | | Power, as a party to an unpaid amount claim, to apply to the industrial tribunal for the claim for an order giving effect to an agreement reached in a conciliation process | Section 547H(1) | Industrial Relations Act 2016 | Subject to seeking Legal Advice | Yes | Director Corporate Services Executive Officer Executive Manager Ethical Standards, Audit & Risk |
| LAND ACT 1994 | | | | | | | |
| LA85 | | Power, as lessee, to:- (a) provide the Minister with an improvements report; (b) give the Minister information, or further information, about a building or other structure on the lease land; and (c) give the Minister a report about the condition of the buildings and other structures on the lease land. | Section 156(2) and (4) | Land Act 1997 | | Yes | Member of Executive Leadership Team |
| LA86 | | Power, as lessee, to within the reasonable period stated in the notice, make written submissions about any matter relevant to the reasons for the chief executive's proposal. | Section 157B(2)(a)(iii) | Land Act 1997 | | Yes | Member of Executive Leadership Team |
| LA87 | | Power, as lessee, to apply for an offer of a new lease (a renewal application). | Section 158 | Land Act 1997 | | Yes | Member of Executive Leadership Team |
| LA88 | | Power, as trustee, to consult with the Chief Executive. | Section 159A(2) | Land Act 1997 | | Yes | Member of Executive Leadership Team |
| LA89 | 27 September 2023 | Power, as an applicant for a renewal application, to appeal against the chief Executive's decision to refuse the renewal application if the only reason for the refusal was that the applicant had not complied with fulfilled the conditions of the lease. | Section 160(3) | Land Act 1994 | | Yes | Member of Executive Leadership Team |
| LA93 | 27 September 2023 | Power, as applicant for a conversion application, to appeal against the chief Executive's decision to refuse the conversion application if the only reason for the refusal was that the applicant had not complied with fulfilled the conditions of the lease. | Section 168(5) | Land Act 1994 | | Yes | Member of Executive Leadership Team |
| LA177 | | Power to sign the document creating the easement where Council acts as the public utility provider or the owner of the land to be burdened. | Section 363(1)(b) | Land Act 1994 | | Yes | Member of Executive Leadership Team Executive Manager Property & Plant Executive Manager Development Planning & Engineering Coordinator Major Developments Coordinator Development Planning Coordinator Development Engineering |
| LA178 | | Power to transfer a public utility easement to another public utility provider. | Section 369A | Land Act 1994 | | Yes | Member of Executive Leadership Team Executive Manager Development Planning & Engineering Coordinator Major Developments Coordinator Development Planning Coordinator Development Engineering |
| LA179 | | Power to sign a document surrendering an easement in favour of Council, where Council is one or more of the entities listed in subsections 371(2)(a) to (c). | Section 371(2) | Land Act 1994 | | Yes | Member of Executive Leadership Team Executive Manager Development Planning & Engineering Coordinator Major Developments Coordinator Development Planning Coordinator Development Engineering |
| LA183 | | Power, as covenantor, to sign a document wholly or partly discharging the covenant. | Section 373D(2) | Land Act 1994 | | Yes | Member of Executive Leadership Team Executive Officer |

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| | | | | | | Executive Manager Development Planning & Engineering Coordinator Major Developments Coordinator Development Planning Coordinator Development Engineering |
| LA185 | | Power, as caveator, to sign the caveat. | Section 389C | Land Act 1994 | Yes | Member of Executive Leadership Team Executive Officer Executive Manager Development Planning & Engineering Coordinator Major Developments Coordinator Development Planning Coordinator Development Engineering |
| PETROLEUM AND GAS (PRODUCTION AND SAFETY) ACT 2004 | | | | | | |
| PGPSA01 | | Power to make a submission about an application for a pipeline licence. | Section 411(2)(a)(v) | Petroleum and Gas (Production and Safety) Act 2004 | Yes | Director Infrastructure & Operations Associate Director Infrastructure Associate Director Operations Director Planning, Growth & Sustainability Executive Manager Planning & Development |
| PGPSA02 | | Power, as a public road authority in the circumstances set out in subsection 427(1), to give the relevant pipeline licence holder a notice stating: (a) details of the proposed road or proposed change; and (b) that the holder may, within a stated period, lodge submissions to the authority about the proposal at the office of the authority stated in the notice. | Section 427(2) | Petroleum and Gas (Production and Safety) Act 2004 | Yes | Director Infrastructure & Operations Associate Director Infrastructure Associate Director Operations Director Planning, Growth & Sustainability Executive Manager Planning & Development |
| PGPSA03 | | Power, as a public road authority in the circumstances set out in subsection 427(1), to give the holder notice of the decision to implement the proposal. | Section 427(5) | Petroleum and Gas (Production and Safety) Act 2004 | Yes | Director Infrastructure & Operations Associate Director Infrastructure Associate Director Operations Director Planning, Growth & Sustainability Executive Manager Planning & Development |
| PGPSA04 | | Power, as a public road authority in the circumstances set out in subsection 429(1), to comply with the request from the holder. | Section 429(2) | Petroleum and Gas (Production and Safety) Act 2004 | Yes | Director Infrastructure & Operations Associate Director Infrastructure Associate Director Operations Director Planning, Growth & Sustainability Executive Manager Planning & Development |
| PGPSA05 | | Power, as a public land authority in the circumstances set out in subsection 431(1), to give the holder a works direction. | Section 431(2) | Petroleum and Gas (Production and Safety) Act 2004 | Yes | Director Infrastructure & Operations Associate Director Infrastructure Associate Director Operations Director Planning, Growth & Sustainability Executive Manager Planning & Development |
| PGPSA06 | | Power, as a public land authority, to ensure the works the subject of the direction are carried out. | Section 432(2) | Petroleum and Gas (Production and Safety) Act 2004 | Yes | Director Infrastructure & Operations Associate Director Infrastructure Associate Director Operations Director Planning, Growth & Sustainability Executive Manager Planning & Development |
| PGPSA07 | | Power, as a public land authority, to recover from the holder as a debt any reasonable costs the authority incurs in ensuring the works are carried out. | Section 432(3) | Petroleum and Gas (Production and Safety) Act 2004 | Yes | Director Infrastructure & Operations Associate Director Infrastructure Associate Director Operations Director Planning, Growth & Sustainability Executive Manager Planning & Development |
| PGPSA08 | | Power, as an owner of land, to consult with the applicant about the proposed permission and conditions and lodge submissions. | Section 465(2)(c) | Petroleum and Gas (Production and Safety) Act 2004 | Yes | Director Infrastructure & Operations Associate Director Infrastructure Associate Director Operations Director Planning, Growth & Sustainability Executive Manager Planning & Development |
| PGPSA09 | | Power, as an owner of land, to agree with the authority holder that the equipment or improvements need not be removed from the land. | Section 560(3) | Petroleum and Gas (Production and Safety) Act 2004 | Yes | Director Infrastructure & Operations Associate Director Infrastructure Associate Director Operations Director Planning, Growth & Sustainability Executive Manager Planning & Development |
| PGPSA10 | | Power, as an owner or occupier of land in the circumstances set out in subsection 584(1), to claim compensation from the State. | Section 584(3) | Petroleum and Gas (Production and Safety) Act 2004 | Yes | Director Infrastructure & Operations |

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| | | | | | | | Associate Director Infrastructure Associate Director Operations Director Planning, Growth & Sustainability Executive Manager Planning & Development |
| PGPSA11 | | Power to claim compensation from the State if Council incurs a cost, damage or loss because of the exercise, or purported exercise, of a power under this part by or for an inspector or authorised officer. | Section 778(1) | Petroleum and Gas (Production and Safety) Act 2004 | Yes | | Director Infrastructure & Operations Associate Director Infrastructure Associate Director Operations Director Planning, Growth & Sustainability Executive Manager Planning & Development |
| PGPSA12 | | Power, as an owner or occupier of land, to agree to a shorter period of notice to enter the land. | Section 799F(1)(b) | Petroleum and Gas (Production and Safety) Act 2004 | Yes | | Director Infrastructure & Operations Associate Director Infrastructure Associate Director Operations Director Planning, Growth & Sustainability Executive Manager Planning & Development |
| PGPSA13 | | Power, as an owner or occupier of land, to give consent to the authorised person entering the land and sign an acknowledgement of the consent. | Section 779G(4) | Petroleum and Gas (Production and Safety) Act 2004 | Yes | | Director Infrastructure & Operations Associate Director Infrastructure Associate Director Operations Director Planning, Growth & Sustainability Executive Manager Planning & Development |
| PLANNING ACT 2016 | | | | | | | |
| PA03 | | Power to apply a planning scheme as a categorising instrument in relation to prescribed tidal works in the tidal area for Council's local government area. | Section 19 | Planning Act 2016 | | Yes | Director Planning, Growth & Sustainability Executive Manager Strategic Planning Executive Manager Development Planning & Engineering Coordinator Major Developments Coordinator Development Engineering Coordinator Development Planning Principal Development Engineer |
| PA09 | | Power to decide whether or Not to agree to a superseded planning scheme request and give Notice of the decision. | Section 29 | Planning Act 2016 | This delegation does Not include any powers that are required to be exercised by Council pursuant to a resolution of Council. | Yes | Director Planning, Growth & Sustainability Executive Manager Development Planning & Engineering Executive Manager Strategic Planning Coordinator Major Developments Coordinator Development Engineering Coordinator Development Planning |
| PA22 | | Power to act as the "assessment manager" for all development applications, change representations, cancellation applications and extension applications received by Council under Chapter 3 of the Planning Act 2016. For avoidance of doubt, the power delegated includes the power to take all actions of an assessment manager and consider all matters as detailed in sections 48, 51, 53, 54, 59, 60, 61, 62, 63, 64, 65, 67, 68, 71, 75, 76, 84, 85, 86, 87, 93, 100, 101, 105, 107 and 109 of the Planning Act 2016 and Development Assessment Rules. | Sections 48, 51, 53, 54, 59, 60, 61, 62, 63, 64, 65, 67, 71, 75, 76, 84, 85, 86, 87, 93, 100, 101, 105, 107 and 109 | Planning Act 2016 | | Yes | Director Planning, Growth & Sustainability Director Community Services Executive Manager Development Planning & Engineering Coordinator Development Engineering Coordinator Development Planning Coordinator Major Developments Principal Development Planner Principal Development Engineer Executive Manager Health & Regulatory Coordinator Environmental Health Environmental Health Officer Team Leader Environmental Health See Instrument of Sub-Delegation DEL-71.018 |
| PA26 | | Power to act as a "referral agency" for all development applications and cancellation applications received by Council as a referral agency under Chapter 3 of the Planning Act 2016. For avoidance of doubt, the power delegated includes the power to take all actions of a referral agency and consider all matters as detailed in sections 46, 54, 55, 56, 57, 65, 66, 67, 84, 85, 100, 107 and 109 of the Planning Act 2016. (Including Exemption Certificates.) | 46, 54, 55, 56, 57, 65, 66, 67, 84, 85, 100, 107 and 109 | Planning Act 2016 | | Yes | Director Planning, Growth & Sustainability Coordinator Development Engineering Coordinator Development Planning Executive Manager Development Planning & Engineering Coordinator Major Developments Principal Development Planner Senior Development Planner Director Community Services Executive Manager Health & Regulatory Coordinator Environmental Health Environmental Health Officer |

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| | | | | | | | Senior Development Compliance Officer Coordinator Regulatory Services Team Leader Compliance Development Compliance Officer Building Governance Officer Team Leader Environmental Health Building Surveyor Development Compliance Officer (Plumbing) See Instrument of Sub-Delegation DEL-71.018 |
| PA28 | | Power to act as a "responsible entity" for all change applications received by Council as a responsible entity under Chapter 3 of the Planning Act 2016. For avoidance of doubt, the power delegated includes the power to take all actions of a responsible entity and consider all matters as detailed in sections 78A, 79, 80, 81, 81A, 81B, 82, 83, 100, 105, 107 and 109 of the Planning Act 2016. | Sections 78A, 79, 80, 81, 81A, 81B, 82, 83, 100, 105, 107 and 109 | Planning Act 2016 | | Yes | Director Planning, Growth & Sustainability Principal Development Planner Principal Development Engineer Executive Manager Development Planning & Engineering Coordinator Major Developments Coordinator Development Engineering Coordinator Development Planning See Instrument of Sub-Delegation DEL-71.018 |
| PA29 | | Power to act as an "affected entity" for all change applications received by Council as an affected entity under Chapter 3 of the Planning Act 2016. For avoidance of doubt, the power delegated includes the power to take all actions of an affected entity and consider all matters as detailed in section 80 of the Planning Act 2016. | Section 80 | Planning Act 2016 | | Yes | Director Planning, Growth & Sustainability Coordinator Development Engineering Coordinator Development Planning Coordinator Major Developments Executive Manager Development Planning & Engineering Principal Development Planner Principal Development Engineer |
| PA30 | | Power to act as an "additional referral agency" for a change application where section 82A applies. For the avoidance of doubt, the power delegated includes the power to take all actions of an additional referral agency and consider all matters as detailed in section 82A of the Planning Act 2016. | Section 82A | Planning Act 2016 | | Yes | Director Planning, Growth & Sustainability Coordinator Development Engineering Coordinator Development Planning Executive Manager Development Planning & Engineering Director Community Services Coordinator Major Developments Principal Development Planner Principal Development Engineer Executive Manager Health & Regulatory Senior Development Compliance Officer Coordinator Environmental Health Environmental Health Officer Coordinator Regulatory Services Team Leader Compliance Development Compliance Officer Building Governance Officer Team Leader Environmental Health Building Surveyor Development Compliance Officer (Plumbing) |
| PA42 | | Power, as a local government, to consider representations made on an infrastructure charges Notice and, issue a negotiated Notice or give a decision Notice. | Section 125 | Planning Act 2016 | | Yes | Director Planning, Growth & Sustainability Development Planner Executive Manager Development Planning & Engineering Coordinator Major Developments Coordinator Development Engineering Coordinator Development Planning Principal Development Planner See Instrument of Sub-Delegation DEL-71.018 |
| PA46 | | Power in the circumstances referred to in subsection (1) to, by Notice given to the applicant, amend the infrastructure charges Notice. | Section 137 | Planning Act 2016 | *In the event that the Notice falls across several financial years, please confirm the project is captured in the LTFF. If the project is Not captured in the LTFF, the matter must be referred to the CEO. | Yes | Director Planning, Growth & Sustainability Executive Manager Development Planning & Engineering Principal Development Planner Coordinator Major Developments Coordinator Development Engineering Coordinator Development Planning |
| PA47 | | Power, as a local government, to consider and decide a conversion application. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters as detailed in sections 140, 141 and 142 | Sections 140, 141 and 142 | Planning Act 2016 | *In the event that the condition falls across several financial years, please confirm the project is captured in the LTFF. If the project is Not captured in the LTFF, the matter must be referred to the CEO. | Yes | Director Planning, Growth & Sustainability Executive Manager Development Planning & Engineering See Instrument of Sub-Delegation DEL-71.018 |

| | | | | | | | |
|----------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------------------------------|--|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PA49 | | Power, as a local government, to impose a development condition about Non-trunk infrastructure. | Section 145 | Planning Act 2016 | | Yes | Director Planning, Growth & Sustainability Executive Manager Development Planning & Engineering Coordinator Major Developments Coordinator Development Engineering Coordinator Development Planning |
| STOCK ROUTE MANAGEMENT ACT 2002 | | | | | | | |
| | | Note: No power to delegate CEO's powers included in Stock Route Management Act 2002. Section 259 of the LGA sufficient. Except as provided by section 305(2) of the Stock Route Management Act 2002 section 27A(12) of the Acts Interpretation Act 1954 would prevent sub-delegation. of powers delegated by the CEO. | | | | | |
| SRMA01 | | Power to :- (a) prepare a stock route network management plan; (b) consult on the stock route network management plan as required by sections 107 and 108; and (c) carry out public notification as required by section 109. | Sections 105 to 109 | Stock Route Management Act 2002 | | Yes | Director Community Services Executive Manager Health & Regulatory |
| SRMA02 | | Power to review, amend or renew, its stock route network management plan when the chief Executive officer of the local government considers it appropriate. | Section 113 | Stock Route Management Act 2002 | | Yes | Director Community Services Executive Manager Health & Regulatory |
| SRMA04 | | Power to:- (a) publish a copy of the stock route network management plan on Council's website; and (b) keep an electronic copy of the plan available for inspection at Council's public office | Section 115 | Stock Route Management Act 2002 | | Yes | Director Community Services Executive Manager Health & Regulatory |
| SRMA06 | | Power, as an issuing entity, to waive payment of the application fee if satisfied the applicant is experiencing financial hardship | Section 116(5) | Stock Route Management Act 2002 | | Yes | Director Community Services Executive Manager Health & Regulatory |
| SRMA09 | | Power, as an issuing entity, to waive payment of the renewal application fee if satisfied the applicant is experiencing financial hardship. | Section 122(3) | Stock Route Management Act 2002 | | Yes | Director Community Services Executive Manager Health & Regulatory |
| SRMA15 | | Power, as an issuing entity, to waive payment of the application fee if satisfied the applicant is experiencing financial hardship | Section 134(3) | Stock Route Management Act 2007 | | Yes | Director Community Services Executive Manager Health & Regulatory |
| | | Power to pay half of the amounts referred to in subsection (1) to the department. | Section 187A | Stock Route Management Act 2002 | | Yes | Director Community Services |
| SRMA41 | | Power to provide any information that the Minister may require in relation to: (a) details of amounts received by payable to Council under the <i>Stock Route Management Act 2002</i> ; and (b) functions or powers performed or exercised or required to be performed or exercised by Council under the <i>Stock Route Management Act 2002</i> . | Section 188 | Stock Route Management Act 2002 | | Yes | Director Community Services Executive Manager Health & Regulatory |
| TOBACCO AND OTHER SMOKING PRODUCTS ACT 1998 | | | | | | | |
| | | Power, as the owner or occupier of a place, to give the authorised person reasonable help or information. | Section 37(1) | Tobacco and Other Smoking Products Act 1998 | | Yes | Director Community Services Executive Manager Health & Regulatory |

| WASTE REDUCTION AND RECYCLING ACT 2011 | | | | | | | |
|-----------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|---------------------------------------------------------------|--|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| WRRRA34 | | Power, as the operator of a waste disposal site with a resource recovery area, to:- (a) make a written submission to the chief executive; or (b) take stated actions. | Section 72 VA(3)(e) | Waste Reduction Recycling Act 2011 | | Yes | Director Infrastructure & Operations Associate Director Operations Associate Director Infrastructure Executive Manager Waste Services Executive Manager Infrastructure Planning |
| WRRRA43 | | Power to request payment of an additional amount for the financial year to further mitigate the direct effects of the waste levy on households. | Section 73DB(1) | Waste Reduction Recycling Act 2011 | | Yes | Director Infrastructure & Operations Associate Director Operations Associate Director Infrastructure Executive Manager Waste Services Executive Manager Infrastructure Planning |
| WRRRA44 | | Power to use a relevant payment to mitigate the direct effects of the waste levy on households in the local government's local government area. | Section 73DC(1) | Waste Reduction Recycling Act 2011 | | Yes | Director Infrastructure & Operations Associate Director Operations Associate Director Infrastructure Executive Manager Waste Services Executive Manager Infrastructure Planning |
| WRRRA45 | | Power to ensure the first rates notice issued to an entity after receiving a relevant payment state the matters listed in subsection 73DD(1). | Section 73DD(1) | Waste Reduction Recycling Act 2011 | | Yes | Director Infrastructure & Operations Associate Director Operations Associate Director Infrastructure Executive Manager Waste Services Executive Manager Infrastructure Planning |
| WRRRA46 | | Power to satisfy the Chief Executive that Council has informed the intended recipients of the misinformation of how the misinformation is false or misleading. | Section 73DE(2) | Waste Reduction Recycling Act 2011 | | Yes | Director Infrastructure & Operations Associate Director Operations Associate Director Infrastructure Executive Manager Waste Services Executive Manager Infrastructure Planning |
| | | Power, as a local government affected by the waste levy, to receive an annual payment from the chief Executive and use that payment to mitigate any direct impacts of the waste levy on households in Council's local government area. | Section 73D(1) | Waste Reduction Recycling Act 2011 | | Yes | Director Infrastructure & Operations Associate Director Operations Associate Director Infrastructure Executive Manager Waste Services Executive Manager Infrastructure Planning |
| | | Power, as a local government affected by the waste levy that receives an annual payment from the chief Executive, to include a statement on rate Notices that informs the ratepayer of the amount paid to the local government and the purpose of the payment. | Section 73D(4) | Waste Reduction Recycling Act 2011 | | Yes | Director Infrastructure & Operations Associate Director Operations Associate Director Infrastructure Executive Manager Waste Services Executive Manager Infrastructure Planning |
| WASTE REDUCTION AND RECYCLING REGULATION 2023 | | | | | | | |
| WRRR01 | | Power, where Council has, by resolution, designated areas to conduct general waste or green waste collection, to decide the frequency of the collection of general waste or green waste in the designated areas. | Section 5(b) | Waste Reduction and Recycling Regulation 2023 | | No | Director Infrastructure & Operations Associate Director Infrastructure Associate Director Operations Executive Manager Waste Services Executive Manager Infrastructure Planning |
| WRRR02 | | Power to prepare an emergency plan and keep it up to date. | Section 56 | Waste Reduction and Recycling Regulation 2023 | | No | Director Infrastructure & Operations Associate Director Infrastructure Associate Director Operations Executive Manager Waste Services |

| | | | | | | | |
|-----------------------------------------------|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|--|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | | | | | | Executive Manage Infrastructure Planning |
| WRRR03 | | Power as a local government recycling provider who operates or provides a kerbside recycling collection service to give the chief executive the information prescribed in subsection 83(1) for the financial year | Section 83(1) | Waste Reduction and Recycling Regulation 2023 | | No | Director Infrastructure & Operations Associate Director Infrastructure Associate Director Operations Executive Manager Waste Services Executive Manage Infrastructure Planning |
| WRRR04 | | Power as a local government recycling provider who operates or provides a recycling service other than a kerbside recycling collection service to give the chief executive information about the percentage of households within the service area with access to the service. | Section 83(2) | Waste Reduction and Recycling Regulation 2023 | | No | Director Infrastructure & Operations Associate Director Infrastructure Associate Director Operations Executive Manager Waste Services Executive Manage Infrastructure Planning |
| Waste Reduction and Recycling Act 2011 | | | | | | | |
| WRRR03 | 27-September-2023 | Power to sign the Notice about a recovery sharing arrangement on behalf of Council. | Section 26(3)(a) | Waste Reduction and Recycling Regulation 2011 | | Yes | Director Infrastructure & Operations Associate Director Infrastructure Associate Director Operations Executive Manager Waste Services Executive Manager Infrastructure Planning |
| WRRR04 | 27-September-2023 | Power to decide the frequency of general waste or green waste collection in designated areas. | Section 41Q | Waste Reduction and Recycling Regulation 2011 | | No | No |
| WRRR05 | 27-September-2023 | Power to give the information required by sections 41Q(2) and 41Q(3) to the Chief Executive. | Section 41Q | Waste Reduction and Recycling Regulation 2011 | | Yes | Director Infrastructure & Operations Associate Director Infrastructure Associate Director Operations Executive Manager Waste Services Executive Manager Infrastructure Planning |
| WRRR06 | 27-September-2023 | Power to give the information required by sections 41ZL(1) and 41ZL(2) to the Chief Executive. | Section 41ZL | Waste Reduction and Recycling Regulation 2011 | | Yes | Director Infrastructure & Operations Associate Director Infrastructure Associate Director Operations Executive Manager Waste Services Executive Manager Infrastructure Planning |
| WRRR07 | 27-September-2023 | Power to prepare an emergency plan and keep it up to date. | Section 41ZM | Waste Reduction and Recycling Regulation 2011 | | Yes | Director Infrastructure & Operations Associate Director Infrastructure Associate Director Operations Executive Manager Waste Services Executive Manager Infrastructure Planning |
| WORK HEALTH AND SAFETY ACT 2011 | | | | | | | |
| | | Power to ask the regulator to appoint an inspector to decide the matter. | Section 72(5) | Work Health and Safety Act 2011 | | Yes | No |
| WH&SA09 | | Power to ask the regulator to appoint an inspector to decide the matter. | Section 76(5) | Work Health and Safety Act 2011 | | Yes | No |
| WORK HEALTH AND SAFETY REGULATION 2011 | | | | | | | |
| WH&SR03 | | Power, as a person conducting a business or undertaking, to manage psychosocial risks under part 3.1. | Section 55C | Work Health and Safety Regulation 2011 | | Yes | Member of Executive Leadership Team Associate Director Operations MRC Chief Fire Warden MRC Chief Deputy Fire Warden Executive Manager Property & Plant Compliance Officer |

11.2.2. ADOPTION OF COUNCIL POLICIES

Author Senior Governance Officer (Pam Currell)
Responsible Officer Executive Manager, Ethical Standards, Audit & Risk (Anthony Bigby)
File Reference 042 - Asset Management / 043 - Enterprise Risk Management / 104 - Councillor Acceptable Requests / 087 - Voluntary Mechanism for Stormwater Quality Management / 032 Coastal Erosion Protection Works / 107 - Councillor Advisors and Administrative Support Staff

Attachments

1. 042 - Asset Management [11.2.2.1 - 8 pages]
2. 043 - Enterprise Risk Management [11.2.2.2 - 6 pages]
3. 104 - Councillor Acceptable Requests [11.2.2.3 - 12 pages]
4. 087 - Voluntary Mechanism for Stormwater Quality Management [11.2.2.4 - 12 pages]
5. 032 - Coastal Erosion Protection Structures - Contribution & Cost Recovery [11.2.2.5 - 7 pages]
6. 107 - Councillor Advisors and Administrative Support Staff [11.2.2.6 - 6 pages]

Purpose

To present the following Council policies for consideration and adoption:

1. COU042 – Asset Management
2. COU043 – Enterprise Risk Management
3. COU104 – Councillor Acceptable Requests
4. COU087 - Voluntary Mechanism for Stormwater Quality Management
5. COU032 – Coastal Erosion Protection Works – Contribution & Costs Recovery

Further to present the following Council policy for rescission as it is no longer required:

1. COU107 – Councillor Advisors and Administrative Support Staff.

Related Parties

Urban Development Institute of Australia (UDIA) – Mackay/Whitsunday Branch is a related party to COU087 - Voluntary Mechanism for Stormwater Quality Management.

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.

Community and Environment

Sustainable Practices - We are responsible and active custodians of our natural environment, with future targets and commitments aimed at driving us towards a cleaner, greener and more sustainable region. Climate change will continue to be a consideration in forward planning, and we will continue to implement sustainability initiatives in council operations.

Background/Discussion

Mackay Regional Council (MRC) has a process of reviewing policies and their associated corporate standards 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 (ELT) for review and endorsement by the CEO, prior to presentation to Council for adoption.

COU042 – Asset Management

This policy is a mandated policy by the Local Government Association of Queensland to ensure that assets owned and maintained by MRC are managed safely, effectively and efficiently such that an appropriate and consistent level of service is provided now and into the future.

The policy has been reviewed as part of MRC's policy review process.

This policy was briefed with Council on 6 December 2023.

COU043 – Enterprise Risk Management

This policy supports the implementation and maintenance of a formal integrated risk management system and creates an environment where all identified risk will be assessed utilising MRC's Risk Management Framework.

This policy has been reviewed as part of MRC's policy review process.

This policy was briefed with Council on 6 December 2023.

COU104 – Councillor Acceptable Requests

This policy is a legislative requirement to provide guidance to Councillors and Staff about the provision of advice to assist Councillors having appropriate access to information they require to fulfil their roles and make informed decision.

As part of its review and linkage this policy has been merged with COU107 - Councillor Advisors and Administrative Support.

This policy was briefed with Council on 6 December 2023.

COU107 - Councillor Advisors and Administrative Support is now not required and can be rescinded.

COU087 – Voluntary Mechanism for Stormwater Quality

This policy is a best practice policy which has been reviewed as part of MRC's policy review process.

Council Policy - Voluntary Mechanism for Stormwater Quality was first endorsed by Council in October 2014. It allows developers to make a payment to MRC in lieu of providing stormwater quality management infrastructure within their development and was introduced to address issues associated with post construction phase stormwater quality management. Payments made to MRC are to fund regional stormwater quality improvements. The mechanism rates were first introduced in 2014 and have not been revised since the endorsement of the mechanism, while the cost to implement regional stormwater quality improvements has escalated significantly.

This review of the Policy includes an increase of the rates using the PPI (Road & Bridge Construction Index – Queensland, index 3101) for the period between 2014 up to the present. In addition to the revision of the base rate, a payment increase provision has been included, similar to that applied to infrastructure charges. However, participation in the mechanism remains voluntary.

This policy was briefed with Council by the policy owners on 15 November 2023.

COU032 – Coastal Erosion Protection Works – Contribution & Costs Recovery

This policy establishes the circumstances under which MRC may be willing to act as lead agent for the planning, design, construction and maintenance of coastal erosion protection works. Foreshore erosion protection measures will only be utilised to protect essential constructed public infrastructure where it is both economic to do so and there is limited opportunity to relocate the infrastructure at risk.

The policy also establishes that protection of private property adjacent to coastal land is the responsibility of the private property holder. Notwithstanding, it establishes that although MRC has no obligation to do so, it may choose to assist multiple property owners by facilitating a single solution. Cost recovery arrangements are also outlined for such instances.

The policy has been reviewed as part of MRC's policy review process and is being adopted as an interim measure until a more detailed review can be undertaken.

This policy was briefed with Council on 6 December 2023.

Consultation and Communication

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

The review and draft amendments of COU087 - Voluntary Mechanism for Stormwater Quality Management were discussed with the UDIA Joint Working Committee and briefed with Council by the policy owners on 15 November 2023.

The remaining four policies as outlined above were briefed with Council on 6 December 2023.

Resource Implications

The implementation of this policy will not require additional resources beyond those currently budgeted. A planned comprehensive review of the policy and its implementation may identify further resources required into the future.

Risk Management Implications

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

Conclusion

It is recommended that Council adopt the following policies:

1. COU042 – Asset Management
2. COU043 – Enterprise Risk Management
3. COU104 – Councillor Acceptable Requests
4. COU087 - Voluntary Mechanism for Stormwater Quality Management
5. COU032 - Coastal Erosion Protection Works – Contribution & Costs Recovery

It is further recommended that Council rescind the following policy as it is no longer required:

1. COU107 – Councillor Advisors and Administrative Support Staff

Officer's Recommendation

THAT Council adopt the following policies:

1. COU042 – Asset Management
2. COU043 – Enterprise Risk Management
3. COU104 – Councillor Acceptable Requests
4. COU087 - Voluntary Mechanism for Stormwater Quality Management
5. COU032 - Coastal Erosion Protection Works – Contribution & Costs Recovery

AND FURTHER THAT Council rescinds the following policy as it is no longer required:

1. COU107 – Councillor Advisors and Administrative Support.

Council Resolution ORD-2023-321

THAT Council adopt the following policies:

1. COU042 – Asset Management
2. COU043 – Enterprise Risk Management
3. COU104 – Councillor Acceptable Requests
4. COU087 - Voluntary Mechanism for Stormwater Quality Management
5. COU032 - Coastal Erosion Protection Works – Contribution & Costs Recovery

AND FURTHER THAT Council rescinds the following policy as it is no longer required:

1. COU107 – Councillor Advisors and Administrative Support.

Moved Cr Jones

Seconded Cr Englert

CARRIED UNANIMOUSLY

COUNCIL POLICY

ASSET MANAGEMENT

Program: Asset Management
Date of Adoption:
Resolution Number:
Review Date:

Scope

This policy applies to all assets owned and/or managed by Mackay Regional Council (Council) and to all functions relating to the management of these assets.

Objective

The purpose of this policy is to ensure that assets owned and maintained by Council are managed safely, effectively and efficiently such that an appropriate and consistent level of service is provided now and into the future. Asset management practices at Council will also consider the balance of whole of lifecycle costs, effective risk management and alignment to organisational objectives.

The policy will:

- Demonstrate alignment to Council's Corporate Plan
- Define Council's asset management principles
- Provide guidance for implementation of consistent asset management processes

Policy Statement

The overall intent of this policy is encapsulated in the following statement:

Council through strong asset management practices shall provide an appropriate and consistent level of service to current and future stakeholders. The level of service provided shall consider social, safety, environmental and financial sustainability and any other drivers contained with Council's Corporate Plan.

Council considers that to the extent this policy engages and limits, or potentially limits, any human rights, that limitation is reasonable in that it is proportionate and justified.

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

COUNCIL POLICY

ASSET MANAGEMENT

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COUNCIL POLICY

ASSET MANAGEMENT

1.0 Principles

Council will apply the following principles for the development and delivery of its Asset Management Policy:

1.1 Asset Ownership

Each asset will have a designated Asset Owner.

1.2 Level of Service

The purpose of asset ownership for Council is to provide services to an agreed standard.

For all services Council delivers, Level of Service outcomes will be defined and measured. Both community and technical levels of service will be defined and an agreed level of service determined for delivery.

Level of Service outcomes impact the wider community and stakeholders and include, but are not limited to:

- Safety;
- Public Health;
- Environment;
- Levels of Service;
- Cost of Service; and
- Relationships Between Services

1.3 Importance of Asset Management

- The lifecycle cost of assets is recognised as having the biggest impact on the cost of service delivery.
- Assets are used to provide services to our community and stakeholders and there is an expectation from these groups that assets perform consistently, reliably and safely.
- Council has an asset base with a gross replacement value in excess of \$4.5 billion.
- Effective asset management is balancing these requirements to ensure financial sustainability of service provision. As a guiding principle Council should ensure alignment with Queensland Audit Office Asset Sustainability Ratio recommendations for each asset class.

1.4 Document Hierarchy

- An Asset Management Framework will be applied across all of Council to leverage economies of scale and scope and ensure standardisation across all asset functions. The framework shall incorporate all aspects

COUNCIL POLICY

ASSET MANAGEMENT

of the asset and project lifecycle and will be detailed within the Strategic Asset Management Plan (SAMP).

- The SAMP will be developed to align with Council's Corporate Plan and other key documents and applied across the organisation.
- The effect of each asset on service outcomes will be understood and included in individual Asset Management Plan (AMP).
- All assets will be covered by an AMP or approved equivalent with an overarching portfolio management plan that considers infrastructure risk and alignment to the corporate plan.
- The AMPs, overarching portfolio management plan and other asset planning documents, including business cases and strategies, will inform the development of the Long-Term Financial Forecast (LTFF) and Long-Term Financial Plan (LTFP).

1.5 Decision Making

- The decisions with the largest impact to whole-of-life costing are made prior to the acquisition of the asset.
- Alternative service delivery options need to be considered before the acquisition of an asset including:
 - Outsourcing;
 - Leasing;
 - Demand Management;
 - Modification of existing Asset Base; and
 - Adjusting Level of Service.
- New assets can add costs to the business which alters operating performance and bottom line. The effects of the following costs will be understood and included in any business case for capital budget:
 - Operations;
 - Maintenance;
 - Depreciation; and
 - Disposal/Replacement.
- The full cost of service delivery will be understood and considered in any project with the objective to provide effective services at the lowest total practicable lifecycle cost.
- Decision making will be informed through the delivery of AMPs, Strategies and Business Case documents. Projects that are not identified through one of these means will not be considered for delivery.
- Decision making for assets will be delegated to the Manager – Asset Management by the Asset Management Steering Committee.

COUNCIL POLICY

ASSET MANAGEMENT

1.6 Relationship between Risk, Cost and Service Outcomes

- The impact of changing level of service on cost-of-service provision is understood and communicated particularly if it results in a cost of service that is greater than the lowest practicable total lifecycle cost.
- Level of Services outcomes are reviewed to ensure alignment with community expectations and the operating environment.
- The effective delivery of services requires an appropriate balance of risk, lifecycle cost and level of service outcomes.
- The responsibility of the Asset Owner is to plan for and provide services (infrastructure and non-infrastructure) that meet the agreed level of service, manage risk in alignment with Council's risk appetite and is provided at the lowest total practicable lifecycle cost.

1.7 Climate Change

Council recognises that climate change is likely to affect asset design and construction standards, asset life and asset performance requirements. Asset planning and analysis will examine this risk and consider appropriate mitigation in both AMPs and Business Cases.

2.0 Processes

This Policy and its associated principles will be embedded into Council processes including:

- AMPs will be the responsibility of the Asset Management Program.
- AMPs will work in conjunction with the corporate performance planning and reporting framework which includes:
 - Corporate plan
 - Operational Plan
 - Annual Program Plans
- AMPs will consistently consider Asset Risk as a product of Asset Condition and Asset Criticality.
- Asset Condition assessment works will be completed in accordance with an agreed industry standard or best practice.
- Asset Criticality will be assessed in alignment with Council's Enterprise Risk Management Framework.
- Asset capital and operational investment requirements will be informed by agreed intervention points within individual AMPs. These are to be determined based on Asset Risk.

COUNCIL POLICY

ASSET MANAGEMENT

- AMPs will be updated annually and will cover a rolling 10 year period.
- AMPs will inform the LTFF, Operational Budgets and assessment of Council's Asset Sustainability Ratio in accordance with reporting requirements.
- Asset Management Strategies will be applied within a continuous improvement context.
- AMPs, Strategies or Business cases will be required for any project to be added to the LTFF. The extent of documentation required will be informed by the cost, benefit and risk of any potential project.
- Fit for purpose governance processes will be used to ensure consistent and effective management of assets across Council. Governance processes will be endorsed by the Asset Management Steering Committee as will asset decision making for development of the LTFF.

3.0 Definitions

To assist in interpretation the following definitions shall apply:

Asset means an item or resource controlled by Council with a useful life of more than 12 months from which future economic benefits are expected to flow to Council.

Asset Maintainer means the Council officer responsible for day-to-day operations and maintenance of the Council asset to ensure that it is providing an appropriate level of service for users.

Asset Management (AM) means the combination of management, financial, economic and technical practices applied to assets to achieve required levels of service now and into the future at the lowest practicable total lifecycle cost.

Asset Management Plan (AMP) means a documented approach for an asset class to achieve the organisation's asset management objectives and is aligned to Council's Corporate Plan and Strategic Asset Management Plan. The AMP will include a documented approach outlining how an asset's criticality, condition, risk and performance are determined and contain a decision-making approach to drive capital and operational budgeting to ensure assets provide an appropriate level of service at the lowest practicable total lifecycle cost.

Asset Management Steering Committee (AMSC) means a committee that represents the organisational interests across the asset and service lifecycle. The role of the committee will be to oversee delivery of asset management services across the organisation and to approve asset management documentation including:

- Asset Management Policy
- Strategic Asset Management Plan
- Asset Management Plans
- Asset Planning documentation including strategy and business case templates
- Capital prioritisation processes informing the LTFF
- Asset related risk reporting

COUNCIL POLICY

ASSET MANAGEMENT

- Asset management benchmarking and reporting

Asset Owner means the Council officer accountable for management decisions, performance, and the level of risk appetite associated with an asset.

Asset Sustainability Ratio is a measure of an organisation's approach to replacing assets as they reach the end of their useful life and is expressed as a percentage calculated by the dollar value of capital expenditure on asset renewal divided by the organisation's depreciation expense. A rolling 5-year target of >90% is recommended by the Queensland Audit Office.

Business Case means a document that demonstrates the advantage and value of a proposed service/asset including consideration of alternative delivery methods and a recommended option based on the overarching principles of prudence and efficiency. That is delivery of the asset/service will achieve strong alignment to Council corporate objectives and/or mitigation of organisational risk and will do so at the lowest practicable total lifecycle cost.

Council means Mackay Regional Council.

Level of Service means the parameters, or combination of parameters, which reflect social, political, environmental and economic outcomes that the organisation delivers. The Level of Service that is provided shall align with Council's Corporate Plan objectives.

Long-Term Financial Forecast (LTFF) means Council's financial projections for a 10 year period and will include projections for revenue, expenditure, assets and liabilities. This information is used to assess Council's sustainability through calculation of sustainability ratio values in accordance with Queensland Audit Office requirements.

Long-Term Financial Plan (LTFP) means Council's 10 year financial strategy, this document is informed by the Long-Term Financial Forecast, AMPs and other strategic planning documents. The LTFP contains summary financial data, a statement of MRC's financial position and cash flows and an overview of Council's capital program.

Lowest Practicable Total Lifecycle Cost means the lowest total cost of an asset throughout its life, including planning, design, construction, acquisition, operation, maintenance, rehabilitation and ultimately disposal costs that meets organisational objectives, level of service expectations and any other requirements.

Strategic Asset Management Plan (SAMP) means the Strategic Asset Management Plan being a guide to prioritise Council's activities in data, maintenance and asset management to ensure a coordinated effort to achieve organisational objectives.

4.0 Review of Policy

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

- The related documents (Corporate Plan, SAMP) are amended or replaced.
- Other circumstances as determined from time to time by a resolution of Council.

COUNCIL POLICY

ASSET MANAGEMENT

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

5.0 Reference

- *Local Government Act 2009*
- *Local Government Regulations 2012*
- *Mackay Regional Council Corporate Plan 2022-2027*
- *International Standard ISO 55000 Asset Management*
- *International Infrastructure Management Manual 2015*
- *Global Forum on Maintenance & Asset Management – The Asset Management Landscape 2014*
- *Australian Accounting Standards Board – Relevant Australian Accounting Standards*
- *Queensland Treasury – Non-current Asset Policies for the Queensland Public Sector*

Version Control:

| Version | Reason / Trigger | Change | Endorsed / Reviewed | Date |
|---------|------------------|---------|---------------------|----------|
| 1 | To be review | | Council | 22.03.17 |
| 2 | Review of Policy | Updated | Council | 22.07.20 |
| 3 | Review of Policy | Updated | xxx | |

COUNCIL POLICY**ENTERPRISE RISK MANAGEMENT**

Program: Ethical Standards, Audit & Risk
Date of Adoption:
Resolution Number:
Review Date:

Scope

This policy applies to all Mackay Regional Council (MRC) Employees.

Objective

Council is committed to an enterprise-wide approach to managing risks through increasing awareness of potential threats and opportunities impacting capacity to achieve corporate objectives.

Council supports the implementation and maintenance of a formal integrated risk management system that will mitigate these risks and take advantage of identified opportunities.

Additionally, this Policy directs – in accordance with the Australian/New Zealand Standard ISO 31000:2018:

- A consistent and structured approach in identifying, assessing, monitoring and controlling enterprise risk.
- The implementation of integrated risk management practices across council that provides for:
 - Decision making in support of achieving strategic, operational and project objectives.
 - The consideration of risk in the development of corporate, operational and project plans
 - Employees being aware of and considering their risk management responsibilities.
 - Formalisation of council's commitment to the principles of risk management and incorporating these into all areas of the organisation.

Policy Statement

Council recognises that as a public authority it is exposed to a broad range of risks which, if not managed, could adversely impact on the organisation achieving its strategic objectives. Council is committed to creating an environment where:

COUNCIL POLICY**ENTERPRISE RISK MANAGEMENT**

- All identified risks will be assessed utilising Council's Enterprise Risk Management Framework (ERMF).
- Appropriate training and resources will be made available to assist Employees in understanding, managing and reporting risk.
- Identification and reporting of risks is encouraged.

Council is committed to embedding ERM to all areas of the business in order to drive consistent, effective and accountable action and decision-making. This policy must be read in conjunction with the ERMF.

The ERMF outlines the risk management arrangements which guide the implementation of risk management across council. The framework also sets out the methodologies for the monitoring, review and reporting of risks. It was developed with reference to AS/NZS ISO 31000:2018 *Risk Management Guidelines*.

This process to remain in force until otherwise determined.

by Mackay Regional Council

COUNCIL POLICY

ENTERPRISE RISK MANAGEMENT

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COUNCIL POLICY**ENTERPRISE RISK MANAGEMENT****1.0 Principles**

ERM and its processes have been defined in the Australian and New Zealand ISO 31000:2018 *Risk Management - Principles and Guidelines* as the culture, processes, and structures that are directed towards realising potential opportunities whilst managing adverse effects.

Key drivers for risk management include sound governance, legislative frameworks, decision-making, environmental sustainability, social sustainability, community sustainability and financial sustainability.

Further weight has also been added to the importance of effective ERM by the Queensland Audit Office. The Queensland Auditor General has stated that he believes ERM to be a significant factor in ensuring the good governance of all Local Governments.

1.1 Consultation and Communication

Council acknowledges that:

- Effective and open communication and consultation with stakeholders during all stages of the risk management process is crucial for successful identification and mitigation of risk.
- The ERMF will outline processes for the communication and escalation of risk ensuring all impacted stakeholders are appropriately engaged.

1.2 Responsibilities

The various Stakeholder responsibilities and accountabilities are broadly outlined in the ERMF document at 7.0 and more specifically in ERMF Appendix 1: Stakeholder Roles, Responsibilities and Accountabilities.

- Are responsible for the implementation of organisational policies to achieve effective risk management, and for ensuring adherence to policies by Employees.
- Are responsible for identifying and evaluating risks within their area of responsibility and implementing agreed actions to manage risk.

1.3 Enterprise Risk Management Performance

ERM performance will be measured and reported in accordance with the ERMF.

2.0 Definitions

To assist in interpretation the following definitions shall apply:

COUNCIL POLICY**ENTERPRISE RISK MANAGEMENT**

Audit Committee shall mean the advisory committee of Council consisting of Councillors and independent external members charged with providing assurance, oversight and advice to Council and the Chief Executive Officer in relation to the operations of Mackay Regional Council and its controlled entities.

Council shall mean all elected representatives of Mackay Regional Council.

Employees shall mean all persons employed at MRC on a permanent, temporary, volunteer or casual basis and may include persons engaged under a contract of service.

Enterprise Risk Management, (ERM) shall mean co-ordinated activities to direct and control an organisation with regard to risk.

Enterprise Risk Management Process shall mean the systematic application of management policies, procedures and practices to the tasks of communicating, establishing the context, identifying, analysing, evaluating, treating, monitoring and reviewing risk.

Enterprise Risk Management Framework, (ERMF) shall mean set of components that provide the foundations and organisational arrangements for designing, implementing, monitoring, reviewing and continually improving Enterprise Risk Management through the organisation.

MRC shall mean Mackay Regional Council.

Operational risks are those which will impact an operational process, function or expected outcome.

Risk shall mean effect of uncertainty on objectives.

Risk appetite is the level of risk that Council is willing to take or accept in order to achieve its objectives.

Strategic risks are internal and/or external events or scenarios that could impact (negative or positive) MRC'S ability to achieve its corporate objectives.

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**ENTERPRISE RISK MANAGEMENT**

- *Local Government Regulation 2012, Section 164 (1)*
- *AS/NZS ISO 31000:2018 Risk Management Guidelines*
- Enterprise Risk Management Framework

Version Control:

| Version | Reason / Trigger | Change | Endorsed / Reviewed | Date |
|---------|------------------|----------------------|---------------------|------------|
| 2 | Review of Policy | Amendments to Policy | Council | 12.09.2018 |
| | | | | |

COUNCIL POLICY**COUNCILLOR ACCEPTABLE REQUESTS**

Program: Ethical Standards, Audit & Risk
Date of Adoption:
Resolution Number:
Review Date:

Scope

This Policy applies to all Councillors and Staff of Mackay Regional Council (MRC).

Objective

The purpose of this policy is to provide guidance for Councillors and Staff about the provision of advice and information to assist Councillors in accordance with the *Local Government Act 2009* ('the Act').

Policy Statement

MRC is committed to ensuring that its elected representatives have appropriate access to relevant advice or information they require to fulfil their roles and to make informed decisions.

This Policy confirms MRC's committed to Section 170A of the Act to establish:

- (a) The way in which Councillors may ask Staff for advice, to help a Councillor carry out their responsibilities under the Act;
- (b) The way in which a Councillor may ask the Chief Executive Officer (CEO) to provide information, that the local government has access to, relating to the local government; and
- (c) The reasonable limits on requests that a Council may make.

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

COUNCIL POLICY

COUNCILLOR ACCEPTABLE REQUESTS

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COUNCIL POLICY

COUNCILLOR ACCEPTABLE REQUESTS

1.0 Principles

The following protocol is to provide guidance for all day-to-day communication between Councillors and Staff:

1.1 Councillor Responsibilities

1.1.1 Communication by Councillors with Staff must be conducted:

- a) In a respectful, reasonable and professional manner;
- b) In accordance with the law and the local government principles;
- c) In accordance with MRC's policies, corporate standards and procedures;
- d) In accordance with Council's organisational culture values – Safety and Wellbeing, Respect, Working Together, Service Excellence and Integrity;
- e) In good faith.

1.1.2 Councillors shall not direct, or attempt to direct, Staff in the course of their employment, with the exception of the Mayor who may direct the CEO in accordance with the Act. A breach of this clause may result in action being taken in accordance with clause 1.1.12.

1.1.3 The preferred method of communication of requests is via email to ensure that MRC can maintain appropriate records in accordance with the *Public Records Act 2002*.

1.1.4 Councillors may request advice or information from the following:

- CEO;
- Director;
- Executive Officer.

Staff identified in Attachment 1 may be contacted where technical expertise is required upon approval by the above.

Where the approved designated Staff members are not available, another suitably qualified Staff may provide the advice or information requested subject to clause 1.1.5.

1.1.5 Councillors may be given approval by the CEO, Directors or Executive Officer to request advice and information from Staff other than the designated positions, in specific circumstances. In these circumstances, written approval will be provided to both the Councillor and relevant Staff member.

1.1.6 Councillors may request, in writing, access to confidential information through the CEO, Executive Officer or Director.

COUNCIL POLICY

COUNCILLOR ACCEPTABLE REQUESTS

Councillors should be mindful that any documentation provided which contains confidential material must be handled appropriately to ensure that the Council and MRC maintains its reputation and good standing with the community and to meet its obligations at law.

No Staff, other than a Director or the CEO, is entitled to distribute commercial-in-confidence information or data to a Councillor.

- 1.1.7 A Councillor must only use information or advice obtained from Staff for a proper purpose and must not use the information or advice in contravention of Section 171 of the Act.
- 1.1.8 Councillors shall not discuss any Staff employment contract, employment record, disciplinary matter or any other human resource/industrial matter with any Staff member. Councillors should refer the Staff member to the CEO or the relevant Director.
- 1.1.9 Councillors are not able to request copies of the following information:
 - a) A record from the Councillor Conduct Tribunal;
 - b) A record of a former conduct review body;
 - c) A disclosure of information or document to the Councillor which is contrary to an order of a court or tribunal;
 - d) Information that would be privileged from production in a legal proceeding on the grounds of legal professional privilege;
 - e) Is confidential information under the *Crime and Corruption Act 2001*;
- 1.1.10 This policy should not be used as an alternative procedure for dealing with customer enquiries and complaints. Please refer to clause 1.5 for the preferred process.
- 1.1.11 To avoid inappropriate interaction opportunities with Staff, Councillors should limit their access to necessary areas and paths only within office areas, and not enter general Staff areas unless necessary.
- 1.1.12 Any breach of clause 1.1.2 will be considered misconduct in accordance with section 150L of the Act. In accordance with section 150S of the Act and the Code of Conduct for Councillors, misconduct will be referred to the Office of Independent Assessor (OIA) for assessment and investigation. The OIA may then refer the matter to the Conduct Tribunal to be heard and determined.

1.2 Chief Executive Officer Responsibilities

- 1.2.1 The CEO must keep and make available a record of each direction given by the Mayor.

COUNCIL POLICY**COUNCILLOR ACCEPTABLE REQUESTS**

- 1.2.2 The CEO or delegate must comply with a request for advice or information made in accordance with this policy within ten business days after receiving the request. If the CEO or delegate reasonably believes it is not practicable to comply with the request within ten business days, the CEO, or delegate, must comply with the request within 20 business days, providing notice to the Councillor that effect within ten business days of the request.

1.3 Employee's Responsibilities

- 1.3.1 Communication by Staff with Councillors must be conducted:

- a) In a respectful, reasonable and professional manner;
- b) In accordance with the law and the local government principles;
- c) In accordance with MRC's policies, guidelines and procedures;
- d) In accordance with Council's organisational culture values - Safety and Wellbeing, Respect, Working Together, Service Excellence and Integrity;
- e) In good faith.

- 1.3.2 Approved designated Staff are to reasonably ensure that any information that is provided to a Councillor is accurate and correct and brought to the attention of an appropriate Manager or Director in a timely manner.

Staff shall consider the likely resource implications in responding to the Councillors' requests for assistance or information, and where the Staff member has concerns to either the cost or other use of resources, they should refer the request to their Manager, Director, Executive Officer or CEO.

- 1.3.3 If a Councillor directs or attempts to direct Staff about the way in which their duties are to be performed, or if they believe a Councillor has behaved in a manner contrary to this policy, Staff should report the circumstances to their Manager and Director as soon as possible.

- 1.3.4 Any request for information by a Councillor which cannot be answered quickly with minimal resources or is allocated to an officer for response shall be recorded in a Councillor Requests Document and where necessary MRC's electronic records management system by the relevant approved designated Staff.

- 1.3.5 Staff shall not discuss with a Councillor any Staff employment contract, employment record, disciplinary matter or any other human resource/industrial relation matter.

COUNCIL POLICY**COUNCILLOR ACCEPTABLE REQUESTS****1.4 Response Timeframes**

The following timeframes shall be met by all approved designated Staff:

- 1.4.1 Where the information requested by the Councillors is routine and is readily available from Council's business systems, a response would ordinarily be provided within one business day.
- 1.4.2 All other requests requiring investigation or resources will be considered in priority with other business requests but would ordinarily be provided within ten business days after receiving the request, except where the information requested is of a complex nature or requires substantial research.
- 1.4.3 Where the matter is complex and requires substantial research and analysis or requires input from various directorates, a response will be provided within twenty business days after receiving the request.

1.5 Emergency Situations

- 1.5.1 When an emergency situation occurs after hours, Councillors may contact one of the following:
 - CEO;
 - Director;
 - Executive Officer.
- 1.5.2 Other than in emergency situations (as per clause 1.4.1) Councillors are not to contact any other Staff member outside normal office hours, other than with the prior approval of the CEO.
- 1.5.3 For all other customer requests outside of normal office hours Councillors are requested to lodge a request through the general after-hours customer service phone number.

1.6 Customer Requests/Complaints

Where Councillors through interaction with customers receive requests for assistance or complaints, the following process should be followed:

- In the first instance Councillors should direct customers to contact MRC directly via 1300 Mackay, or by lodging the request via MRC's web-site.
- Alternatively, Councillors can take the details and have them registered within Council's Customer Request System as follows:

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COUNCILLOR ACCEPTABLE REQUESTS

1. Any such customer requests are forwarded to the Councillors Executive Support Officer for submission;
2. A Customer Request number will be allocated and advised to the Councillor;
3. Councillors can pass this request number on to the customer, and also retain the number for further follow-up of status;
4. A report will be produced monthly recording the status of the requests submitted by the Councillor under such a process, including updated status comments.

2.0 Administrative Support and Councillor Advisors

2.1 Administrative Support Staff

The following Employee positions and resources are specifically provided in direct support of Councillors and their functions:

- Executive Assistant – Provision for the Mayor of a full time Council staffed Executive Assistant position with the Office of the Mayor and CEO;
- Executive Support Officer – Provision for Councillors of access to the services of a Council Staff Executive Support Officer position with the Executive Office; and

As well as the above, adhoc Support Staff may include but not be limited to the below to assist Councillors –

- co-ordination of committees or groups that Councillors Chair or are members of as part of their Council appointed roles;
- co-ordination of community consultation sessions or community meeting sessions attended by Councillors
- other Council appointed or directed tasks allocated to Councillors and for which adhoc support is needed.
- Support Staff to assist with the coordination of registers of interests.

The following tasks may be directed by a Councillor to Support Staff, and include but are not limited to:

- Answering telephone calls;
- Managing appointments calendar;
- Photocopying, printing and ordering stationery;
- Liaising with Council about office maintenance or health and safety issues on behalf of the Councillor;
- Room or travel bookings, for example booking Council vehicles or meeting rooms;
- Logging requests for service jobs from the community, for example requests for street or park maintenance;
- Locating information for Councillors such as legislation, information from Council's website or other sources; or
- Assisting the Mayor with communication to the community through emails, e-newsletters, informational advice flyers about construction

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COUNCILLOR ACCEPTABLE REQUESTS

works, or other similar mediums, if the communication is objective, factual, informational, 'business as usual' and an efficient use of funds.

Except in exceptional circumstances, and if approved and arranged in advance, any Support Staff services will be –

- within standard working hours;
- shared between multiple Councillors;

When a request for advice or information is received that is considered to be outside the scope of a Councillor's official duties or a request for advice or information is received which, upon consideration, will take a significant amount of resources to satisfy or cause an undue impact on the Support Staff, the matter is to be escalated to the CEO and/or the Executive Officer or applicable Director to make a decision as to whether it is considered that the fulfilment of the request is required to allow the Councillor to perform their duties.

Council Support Staff cannot assist with the Councillor's re-election or other 'campaigning' tasks.

Should a Councillor have concerns or are dissatisfied with their Support Staff they must submit their concerns directly to the CEO and/or Executive Officer or applicable Director who are generally responsible for managing Support Staff.

2.2 Councillor Advisor/s

MRC is permitted under the Act to appoint two appropriately qualified Councillor Advisors to assist the Mayor in performing their duties.

As standard terms, the requirements under the Act for MRC to employ a Councillor Advisor is that:

- Council must resolve to allow a Councillor to appoint an appropriately qualified Councillor Advisor.
- A Councillor must not appoint a close associate of the Councillor as a Councillor Advisor.
- Should a Councillor have concerns or are dissatisfied with their Advisors they must submit their concerns directly to the CEO who is responsible for managing all Councillor Advisors.
- The Councillor Advisor must enter into a written contract of employment with MRC.

3.0 Complaints

A Councillor's failure to follow any Council Policy regarding Support Staff and/or contracted Councillor Advisor contravenes the behaviour standards set out under the *Code of Conduct for Councillors in Queensland* and is considered inappropriate conduct. MRC Employees including Support Staff and Councillor Advisors, other Councillors or

COUNCIL POLICY

COUNCILLOR ACCEPTABLE REQUESTS

members of the community may lodge complaints about suspected inappropriate conduct to the Office of the Independent Assessor.

Telephone: 1300 620 722

Via Email: OIAcomplaints@oia.qld.gov.au

4.0 Human Rights Complaints

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.

5.0 Definitions

To assist in interpretation the following definitions shall apply:

Act shall mean the *Local Government Act 2009*.

Advice shall mean an opinion or recommendation offered as a guide to action, conduct etc.

CEO shall mean the Chief Executive Officer. A person who holds an appointment under section 194 of the *Local Government Act 2009*. This includes a person acting in this position..

Constituent shall refer to any resident, ratepayer or person residing with in the Mackay Regional Council's local government area including business and commercial operators.

Council shall mean all elected representatives of Mackay Regional Council.

Councillor shall mean an individual elected representative of Mackay Regional Council.

Councillor Advisor shall mean an appropriately qualified person to assist the Mayor in performing their responsibilities, including administrative support, coordinating media activities, event management functions, policy development and office management.

Councillor Administrative Support Staff (Support Staff) shall mean an MRC employee who assists the Mayor and Councillors in meeting the responsibilities of their roles and delivery of important services and infrastructure for local communities.

Councillor Conduct Tribunal shall mean an independent body appointed by the Governor in Council for dealing with complaints of misconduct by councillors.

Emergency Situation shall mean a matter that may cause harm to MRC or the community or damage the reputation of Council if not dealt with promptly.

Information shall include letters, reports/documents, facsimiles, attachments, tapes, emails, electronic media and or other forms of information including discussions during meetings.

COUNCIL POLICY

COUNCILLOR ACCEPTABLE REQUESTS

MRC shall mean Mackay Regional Council.

Register of Interest shall mean a Register to record a Councillor Advisors interests or person who is related to that Councillor Advisor.

Staff shall mean all persons employed by Mackay Regional Council on a permanent, temporary, casual basis, or otherwise engaged by Mackay Regional Council including those under a contract of service or a volunteer program.

6.0 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.

7.0 Reference

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Electoral and Other Legislation (Accountability, Integrity and other Matters) Act 2020*
- *Information Privacy Act 2009*
- *Right to Information Act 2009*
- *Public Sector Ethics Act 2004*
- Councillor Code of Conduct
- Employee Code of Conduct
- 002 – Reimbursement of Expenses and Provision of Facilities for Councillors Policy

Version Control:

| Version | Reason / Trigger | Change | Endorsed / Reviewed | Date |
|---------|------------------|----------------------|---------------------|------------|
| 1 | New | | Council | 13/05/2020 |
| 2 | Review of Policy | Amendments to Policy | Council | |

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COUNCIL POLICY**COUNCILLOR ACCEPTABLE REQUESTS****Attachment 1 – Approved Designated Staff**

- Chief Executive Officer
- All Directors
- *Associate Directors
- *All Executive Managers
- Executive Officer

Administrative Support

- Relevant Directorate Executive Assistants
- Executive Support Officer

Corporate Governance

- Coordinator Corporate Governance
- Senior Governance Officer

Information Services Help Desk

- Team Leader ICT
- Team Leader ICT Service Desk
- ICT Operations Officer

Advisory Committees

- All Secretariat Positions to relevant advisory committees

*Subject to approval by the CEO, Director or Executive Officer

COUNCIL POLICY

COUNCILLOR ACCEPTABLE REQUESTS
GUIDELINE

Attachment 2 – Approved Communication Channels for Councillors

| Topic | CEO | Executive Officer | Relevant Directors | Relevant Associate Director/Executive Manager | Relevant Directorate Executive Assistants | Councillor Support | Corporate Governance | Information Service Help Desk | Relevant Advisory Committee Secretariats |
|----------------------------------------------------------------|-----|-------------------|--------------------|-----------------------------------------------|-------------------------------------------|--------------------|----------------------|-------------------------------|------------------------------------------|
| Council Plan, Strategy and Policy | √ | √ | √ | √ | | √ | √ | | |
| Operational Issues, Service Delivery, Complaints | √ | √ | √ | √ | √ | √ | √ | | |
| Media, promotions and communications | √ | √ | √ | √ | | √ | | | |
| Civil and Ceremonial | √ | √ | √ | √ | √ | √ | | | |
| IT Help | √ | √ | | | | √ | | √ | |
| Council Meetings/Agendas; Meeting procedures; Notified motions | √ | √ | √ | | | √ | | | |
| Councillor General Questions | √ | √ | √ | √ | √ | √ | | | |
| Planning/Development Matters | √ | √ | √ | √ | √ | √ | | | |
| Regulatory Matters | √ | √ | √ | √ | √ | √ | | | |
| Councillor Code of Conduct | √ | √ | | | | | | | |
| Register of Interests | √ | √ | | | | √ | √ | | |
| Declaration and Perceived Conflicts | √ | √ | √ | | | √ | | | |
| Legal Assistance | √ | √ | √ | | | | | | |
| Advisory Committees (Chairperson and Committee Members) | | | | | | | | | √ |

*Subject to approval by CEO, Director, Executive Officer

COUNCIL POLICY**VOLUNTARY MECHANISM FOR
STORMWATER QUALITY**

Program: Strategic Planning
Date of Adoption:
Resolution Number:
Review Date:

Scope

Water Quality is a specific matter of state interest in land use planning and development. The healthy waters code of the Mackay Region Planning Scheme 2017 (Planning Scheme) addresses this state interest. This policy applies to the types of development in the healthy waters code section 9.4.2.1 (1) of the Planning Scheme.

Objective

The objective of the voluntary mechanism (the mechanism) for stormwater quality management is to provide an alternative, regional best management approach for managing operational phase stormwater pollutants from new developments that meets the requirements of the Planning Scheme.

This document outlines the mechanism scenarios, rates, indexation, application and compliance requirements.

Policy Statement

The Planning Scheme defines outcomes to help protect the water environmental values specified in the Environmental Protection (Water & Wetland Biodiversity) Policy 2019, Schedule 1. Developers shall either comply with post-construction stormwater quality management requirements of the Planning Scheme, or make a payment to Council in lieu of providing stormwater quality management within their development.

This refers to the post-construction phase only and does not exempt developments from their responsibilities to manage stormwater design objectives during the construction phase, or flooding in accordance with the Planning Scheme, SPP and the Queensland Urban Drainage Manual (QUDM).

Council considers that to the extent this policy engages and limits, or potentially limits, any human rights, that limitation is reasonable in that it is proportionate and justified.

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

COUNCIL POLICY

VOLUNTARY MECHANISM FOR
STORMWATER QUALITY

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COUNCIL POLICY

VOLUNTARY MECHANISM FOR STORMWATER QUALITY

1.0 Principles

The mechanism for stormwater quality management provides an alternative for managing stormwater pollutants (on-site) for the post-construction phase of development.

The mechanism allows developers to make a payment to Council in lieu of providing stormwater quality management within their development. Payments made to Council will fund the delivery of regional stormwater quality improvements.

The mechanism is voluntary and as such, does not constitute an infrastructure charge. Following the mechanism payment to Council, the developer will be deemed to comply with the stormwater quality management requirements of the Planning Scheme and *State Planning Policy 2017*.

2.0 Mechanism Scenarios

Three scenarios apply to development in Mackay under this policy. The scenario mapping in attachment 4 identifies the locations where each scenario applies.

2.1 No Mechanism

Application of the mechanism will not be considered where the local receiving waterway is highly valued for ecosystem or social value. In this case Council requires stormwater management to occur on-site in accordance with the Planning Scheme and the *State Planning Policy 2017*.

2.2 Level 1

Level 1 applies where the local receiving waterway is resilient to nutrient loading. In this case, treatment of stormwater from the development is required to achieve the Total Suspended Solids objective (i.e. 75% removal of annual average TSS load) prior to discharge from the development site.

2.3 Level 2

Level 2 applies where the local receiving waterway is disturbed or where the development area is <0.5ha.

3.0 Gross Pollutant Traps for Industrial and Commercial Development

Where developers wish to apply the mechanism to commercial and industrial developments, GPT(s) **must** be installed to capture litter and coarse sediment. The developer must provide a detailed maintenance plan for the ongoing maintenance and operation of the GPT.

COUNCIL POLICY

VOLUNTARY MECHANISM FOR STORMWATER QUALITY

4.0 Mechanism Rates

Table 1 presents the mechanism rates and Table 2 provides multipliers that are applied to these rates. The mechanism payments are defined as follows:

Mechanism payment (\$) = development area (ha) X mechanism rate (\$/ha) X land use multiplier

Table 1 – Mechanism Rates

| Mechanism Scenario | Mechanism Base Rate (\$/ha) @ 01/07/2014 | Mechanism Base Rate (\$/ha) @ 01/07/2023 |
|--------------------|------------------------------------------|------------------------------------------|
| Level 1 | 15,000 | 17,900 |
| Level 2 | 42,000 | 50,130 |

Table 2 – Mechanism Land Use Multipliers

| Land use | Multiplier |
|------------------------------------------------------------------------------------------------------------|------------|
| Rural residential* lots (<2,000m ² , assumed f _i 50%) | 1.0 |
| Rural residential* lots (between 2,000m ² and 4,000m ² , assumed f _i 25%) | 0.75 |
| Low density residential | 1.0 |
| Medium density residential | 1.1 |
| High density residential | 1.7 |
| Commercial/Industrial | 2.0 |
| Community facilities (schools, sports facilities, recreation etc) | 0.75 |

* Rural residential lots greater than 4,000m² have an assumed fraction impervious (f_i) of <25% therefore not triggering the State interest for water quality in the SPP 2017. Note: The minimum lot size for rural residential lots is 1ha under the current Planning Scheme.

5.0 Applying to Utilise the Mechanism for Stormwater Quality Management

Developers must submit an application form (Appendix A) to Council for consideration as part of the Reconfiguration of Lot / Material Change of Use (RoL/MCU) development application. Council will determine the merit of the application and appropriate mechanism where applicable. For Level 1, a stormwater management plan is to be submitted to Council that provides on-site treatment to achieve 75% TSS.

6.0 Payment of the Mechanism

Following approval, Council will enter into an agreement with the developer for payment of the mechanism. For reconfiguring a lot (RaL) applications, payment of the mechanism will occur at plan sealing or signed survey stage.

For material change of use (MCU) applications payment of the mechanism will occur prior to commencement of use. The mechanism rate (\$/ha) cannot be negotiated.

COUNCIL POLICY

VOLUNTARY MECHANISM FOR STORMWATER QUALITY

7.0 Automatic Increase Provision

The base rate may be increased after the Mechanism Payment is levied and before the mechanism payment is paid to Council.

Council will calculate the increase using the PPI (Road & Bridge Construction Index – Queensland, index 3101), adjusted to the 3-yearly PPI moving average quarterly percent change, for the period:

- starting on the 01/07/2023
- ending on the day the charge is paid.

8.0 Complaints

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

When an individual feels that they are the subject of Council's failure to act compatibly with human rights, they can make a complaint directly to Council. 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:

- Mackay Office – 73 Gordon Street, Mackay
- Sarina Office – 65 Broad Street, Sarina
- Mirani Council Office – 20 Victoria Street, Mirani

9.0 Definitions

To assist in interpretation the following definitions shall apply:

Council shall mean the Mackay Regional Council

Development Area shall mean the total site area contained in the development application excluding drainage reserves and open space.

GPT shall mean Gross Pollutant Trap.

10.0 Review of Policy

This policy is to be reviewed every two years including an assessment to ensure the intent and functionality of the policy is being met.

COUNCIL POLICY

VOLUNTARY MECHANISM FOR STORMWATER QUALITY

11.0 Reference

- Voluntary Mechanism for Stormwater Quality Management Maps (4 in total)
- *State Planning Policy 2017* – State Interest Water Quality
- SPP 2017 State Interest Water Quality Supplementary Implementation Guideline February 2021
- Mackay Region Planning Scheme 2017

12.0 Attachments

1. Application for the Mechanism for Stormwater Quality Management
2. Request for Mechanism
3. Application Checklist
4. Stormwater Quality Management Scenario Mapping

Version Control:

| Version | Reason / Trigger | Change | Endorsed / Reviewed | Date |
|---------|------------------|--------|---------------------|----------|
| 1 | New Policy | | Council | 13.08.14 |
| 2 | Policy Review | | Council | 23.11.16 |
| 3 | Policy Review | | Council | 09.12.20 |
| 4 | Policy Review | | Council | |

COUNCIL POLICY**VOLUNTARY MECHANISM FOR
STORMWATER QUALITY****Attachment 1****Application for the Mechanism for Stormwater Quality
Management**

Details of Owner/Applicant

Name: _____

Contact address: _____

Email: _____

Phone: _____

Details of Development

Estate name/stage: _____

No. of lots/area of subdivision: _____ / _____

Address (if applicable): _____

Lot reference: _____

Area: _____
_____**PROPOSED OVERALL DEVELOPMENT LAYOUT AND DEVELOPMENT AREA TO BE
SUBMITTED WITH THIS APPLICATION.***Development statistics to be provided including landuse split, development stages; number of allotments, area and type; passive open space area; drainage and road areas per stage of development.*

COUNCIL POLICY

VOLUNTARY MECHANISM FOR
STORMWATER QUALITY

Attachment 2

Request for Mechanism

| Mechanism Level | Area (ha) | Land Use | Multiplier | Mechanism Amount |
|-----------------|-----------|----------------------------------------------------------------------------------------------------|------------|------------------|
| Level 1 | | Rural residential (<2000m ² , assumed f _i 50%) | 1.0 | |
| Level 1 | | Rural residential (between 2000m ² and 4000m ² , assumed f _i 25%) | 0.75 | |
| Level 1 | | Low density residential | 1.0 | |
| Level 1 | | Medium density residential | 1.1 | |
| Level 1 | | High density residential | 1.7 | |
| Level 1 | | Commercial / Industrial | 2.0 | |
| Level 1 | | Community facilities (schools, sports facilities, recreation etc) | 0.75 | |
| Level 2 | | Rural residential (<2000m ² , assumed f _i 50%) | 1.0 | |
| Level 2 | | Rural residential (between 2000m ² and 4000m ² , assumed f _i 25%) | 0.75 | |
| Level 2 | | Low density residential | 1.0 | |
| Level 2 | | Medium density residential | 1.1 | |
| Level 2 | | High density residential | 1.7 | |
| Level 2 | | Commercial / Industrial | 2.0 | |
| Level 2 | | Community facilities (schools, sports facilities, recreation etc) | 0.75 | |
| TOTAL | | Mechanism Payment | | \$ |

COUNCIL POLICY**VOLUNTARY MECHANISM FOR
STORMWATER QUALITY****Attachment 3****Application Checklist**

| | |
|---------------------------------------------------------------------------------------------------------------|--|
| Has the development been mapped as Level 1? | |
| Has the development been mapped as Level 2? | |
| Has a development plan been provided that shows the area of land use used to calculate the mechanism payment? | |
| If Level 1, has a Site Based Stormwater Management Plan been provided? | |

For more information, please refer to the voluntary mechanism for stormwater quality management, scenario maps (4 in total).

Declaration:

I _____ declare that the information provided in this application is correct and will enter into a mechanism payment agreement with Mackay Regional Council should this application be approved.

Signature of owner/applicant: _____ Date: _____

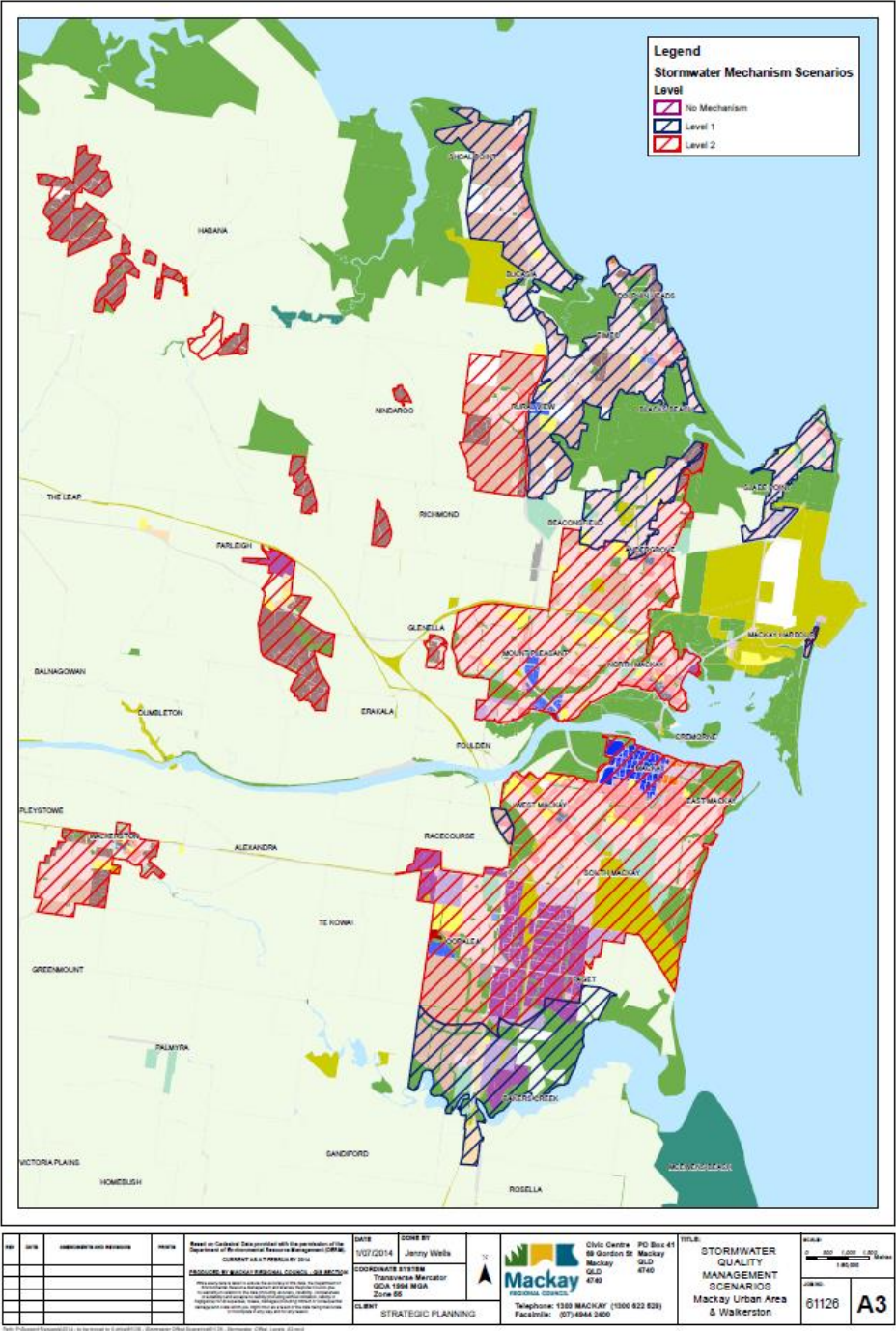
Office use only:

COUNCIL POLICY

VOLUNTARY MECHANISM FOR
STORMWATER QUALITY

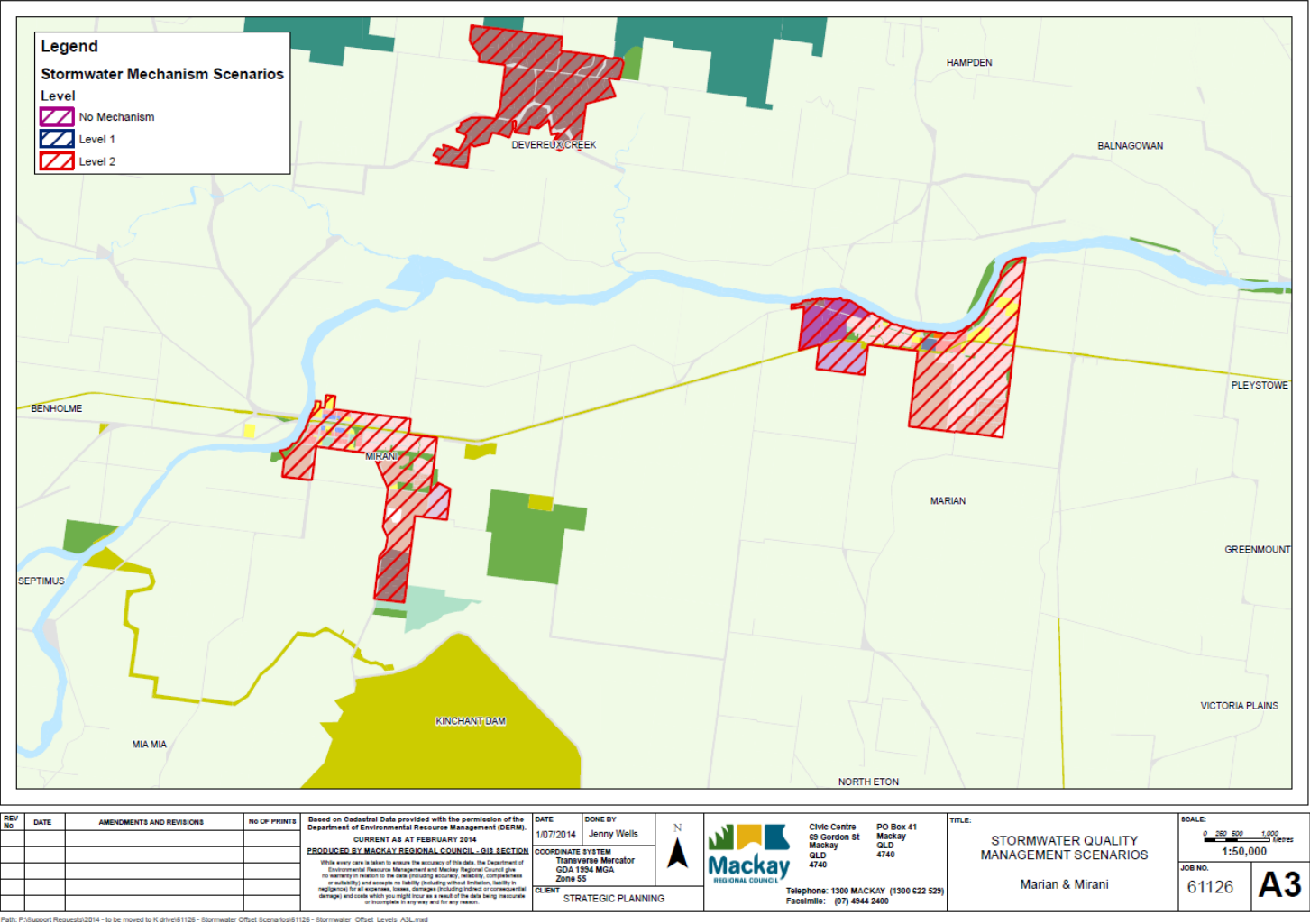
Attachment 4

Stormwater Quality Management Scenario Mapping



COU087 – VOLUNTARY MECHANISM FOR STORMWATER QUALITY
Electronic version current – uncontrolled copy valid only at time of printing.
Page No. 10

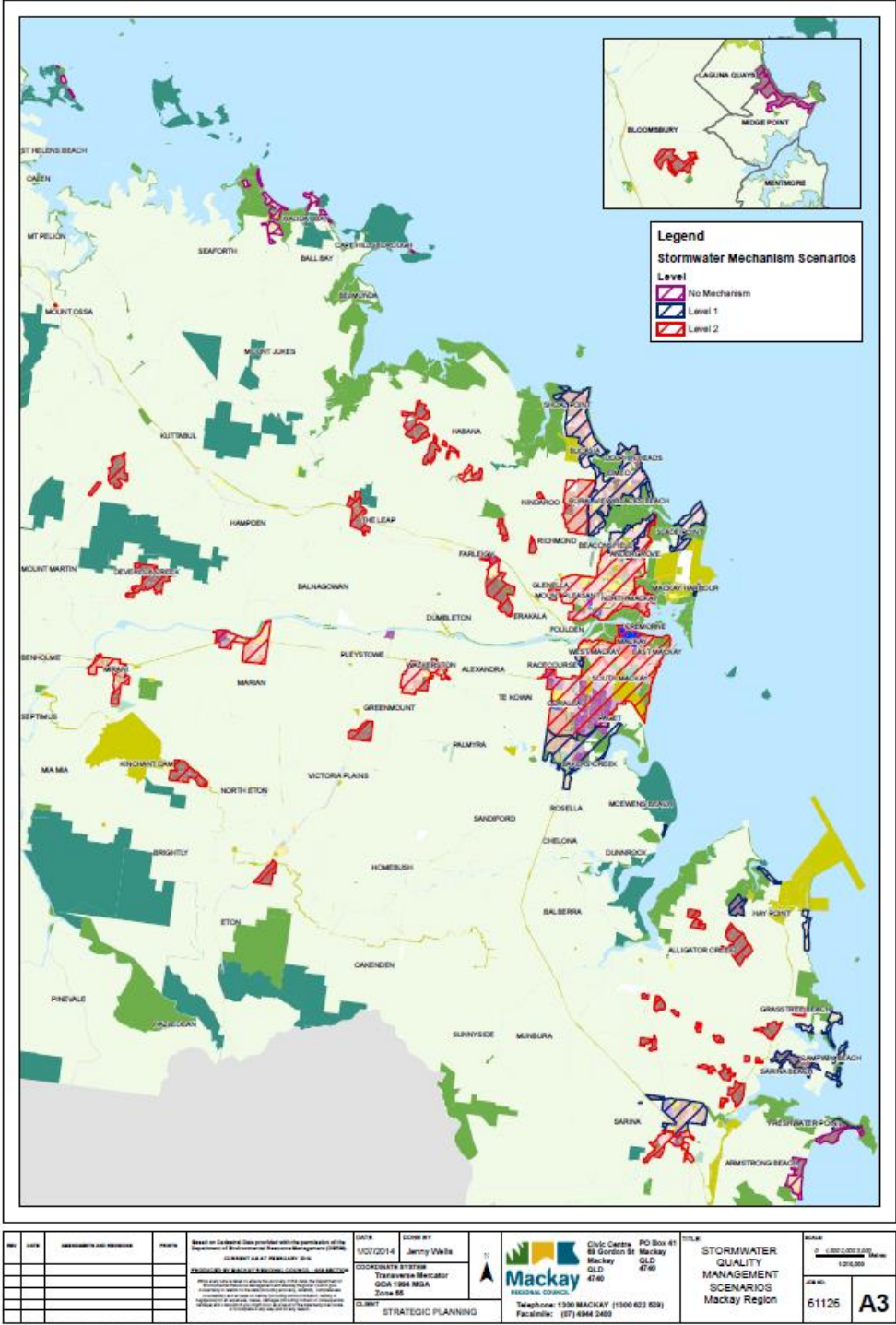
VOLUNTARY MECHANISM FOR
STORMWATER QUALITY



COU087 – VOLUNTARY MECHANISM FOR STORMWATER QUALITY
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Page No. 11

COUNCIL POLICY

VOLUNTARY MECHANISM FOR
STORMWATER QUALITY



COU087 – VOLUNTARY MECHANISM FOR STORMWATER QUALITY
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Page No. 12

COUNCIL POLICY**COASTAL EROSION PROTECTION WORKS –
CONTRIBUTION AND COSTS RECOVERY**

Program: Strategic Planning
Date of Adoption:
Resolution Number:
Review Date:

Scope

To establish the circumstances under which Mackay Regional Council (MRC) may be willing to act as lead agent for the planning, design, construction and maintenance of coastal erosion protection works.

Objective

Where MRC elects to take this lead agency role, the policy outlines the cost sharing arrangements which will apply. It allows for MRC to meet the initial cost of the works and any ongoing maintenance costs to recover its expenditure via a special rate or charge.

Each specific case will be dealt with on its merits in terms of whether MRC accepts the lead agency role, the apportionment of costs and the establishment of scheme beneficiaries.

Policy Statement

Coastal strips are retained in public ownership to provide access to and from the water's edge and to provide buffer zones between housing or other infrastructure and the water line. Wider coastal strips may be developed as structured parkland to meet public demand for recreational facilities adjacent to the beach. The title of this land is generally "Esplanade", "Recreational Reserve" or "Unallocated State Land". However, in some cases the land may be owned by MRC in freehold because of historic planning arrangements.

MRC administers and maintains a range of beaches and coastal strips within its region. Ultimate authority over these areas usually rests with the State through the Department of Environment & Science (DES). Establishment of structures on these areas is therefore subject to various State controls and DES permits which are required prior to the construction or implementation of any erosion protection works.

DES generally views coastal erosion as a natural fluctuation of the coast and has demonstrated a preference of allowing nature to take its course or to utilise beach nourishment rather than constructing permanent structures to control erosion. Nevertheless, some infrastructure may be substantiated in exceptional circumstances to protect public infrastructure or private property.

Council considers that to the extent this policy engages and limits, or potentially limits, any human rights, that limitation is reasonable in that it is proportionate and justified.

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

COUNCIL POLICY

COASTAL EROSION PROTECTION WORKS –
CONTRIBUTION AND COSTS RECOVERY

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COUNCIL POLICY

COASTAL EROSION PROTECTION WORKS – CONTRIBUTION AND COSTS RECOVERY

1.0 Principles

1.1 Head of Power

Chapter 4, Part 1, Section 92 of the *Local Government Act 2009* gives MRC the authority to impose a special rate or charge.

To impose a lawful rate or charge under Chapter 4, Part 1, Section 92 of the *Local Government Act 2009*, the rate must be for services, facilities and activities that have a special association with the particular land because: -

- a) the land or its occupier
 - (i) specifically benefits from the service, facility or activity; or
 - (ii) has or will have special access to the service, facility or activity; or
- b) the land is or will be used in a way that specially contributes to the need for the service, facility or activity; or
- c) the occupier of the land specially contributes to the need for the service, facility or activity.

1.2 Protection of Public Infrastructure

Foreshore erosion protection measures will only be utilised to protect essential constructed public infrastructure where it is both economic to do so and there is limited opportunity to relocate the infrastructure at risk. They will not be utilised merely to protect MRC controlled esplanade or parkland areas as these exist in part, to provide a buffer to cyclical coastal movements. However, it is provided that construction of coastal erosion protection may be undertaken in any instance where MRC considers the protection of such an area as being overwhelmingly in the public interest.

Where MRC elects to undertake foreshore erosion protection works to protect essential constructed infrastructure and in doing so also provides protection to private property, it will apply a special rate or charge to recover a contribution from the benefited landholders.

In general, it is proposed that the division of cost recovery associated with works of this nature would be established as follows:

1.2.1 *Works for public infrastructure protection and benefiting private landowners.*

Costs shall be borne by MRC, landowner and State / Federal Governments subject to sourcing available grant funds. Determination of contributions breakdown to be determined upon project initiation.

Costs to be recovered from private landowners shall be done so via a special rate or charge established under Chapter 4, Part 1, and Section 92 of the *Local Government Act 2009*.

COUNCIL POLICY

COASTAL EROSION PROTECTION WORKS –
CONTRIBUTION AND COSTS RECOVERY1.2.2 *Work solely for public infrastructure protection.*

Costs shall be borne by MRC together with possible grant funds sourced from State and Federal Governments.

For clarity, this section on protection of public infrastructure only applies where foreshore erosion protection works are solely initiated by MRC. Where works are initiated by benefiting private landowners, the following sections “Works initiated by and benefiting private landowners” and “Private Infrastructure and Housing” applies, regardless of the existence of public infrastructure.

1.2.3 *Works initiated by and benefiting private landowners but also protecting essential public infrastructure.*

Costs shall be borne by MRC and landowners with a determination of contributions breakdown to be assessed upon project initiation. Refer to Section “*Private Infrastructure and Housing*” following.

For the purpose of this Policy, essential constructed infrastructure includes, but is not limited to:

- a. Water mains and associated pumping infrastructure;
- b. Sewerage mains and associated pumping infrastructure;
- c. Roads which provide the only access to occupied properties.

Essential constructed infrastructure does not include:

- a. Equipment;
- b. Carparks;
- c. Public toilets;
- d. Playground.

1.3 Private Infrastructure and Housing

Coastal erosion affecting private infrastructure or housing predominantly occurs where privately owned land abuts coastal strips. That is, there is no roadway separating the private land from the water line.

In these cases, due to the private land separating the coastal strip from the roadway, public access is somewhat limited, and it is unlikely that the MRC controlled land will be used for significant structured parkland. The predominate purpose of these coastal strips is to provide some buffer between the water's edge and the privately owned land. Consequently, the primary beneficiary of protecting such coastal strips is the private landholders whose properties may be at risk. The onus therefore rests with the private landholder to take any necessary action within the confines of their property and government regulation to mitigate such risks.

COUNCIL POLICY**COASTAL EROSION PROTECTION WORKS –
CONTRIBUTION AND COSTS RECOVERY**

Ultimately, individuals who elect to construct or purchase property which abuts coastal strips often do so in order to obtain the amenity associated with such locations. In making this choice they must accept the associated risk of coastal erosion. This is akin to the risk incurred by private landholders who elect to build on the side of a hill, in remote locations or adjacent to seasonal creeks or rivers.

Notwithstanding the benefit and onus resting with private landholders adjacent to coastal strips as outlined above, MRC may assist with facilitating the construction of foreshore erosion protection measures to the benefit of multiple landowners. That is, where there are multiple individually owned properties at risk, MRC may elect to assist by facilitating a single solution. MRC is under no obligation to agree to facilitate the works and cost recovery of the project, however factors that it will take into consideration include the following:

- (a) The involvement of MRC in coordinating a number of private landowners to undertake foreshore erosion protection works will only occur if at least 75% of all affected landowners agree on the type and need for the proposed measures and are prepared to pay for a component of its planning, design, construction and maintenance costs.
- (b) The foreshore erosion protection works is considered by MRC, after consultation with DES, as the preferred option.
- (c) The engineering design of the foreshore erosion protection measures is practical to build and maintain and meets the State's relevant Building and engineering standards for tidal works. Structures proposed for design at a lower standard which would necessitate further development consents and further capital investments are considered outside the scope of this policy.
- (d) Dependent on the type of foreshore protection undertaken, ongoing maintenance costs will also be the subject of costs recovery.

1.4 Cost Recovery Arrangements

Where MRC has agreed to facilitate coastal erosion protection works for the benefit of multiple private landholders, costs shall be recovered / borne based on the following:

- Costs shall be borne by MRC, landowners together with the State and Federal Governments subject to the receipt of grant funding. Determination of contributions breakdown would be assessed upon project initiation.
- Costs to be recovered from private landowners shall be done so via a special rate or charge established under Chapter 4, Part 1, and Section 92 of the Local Government Act 2009.

COUNCIL POLICY**COASTAL EROSION PROTECTION WORKS –
CONTRIBUTION AND COSTS RECOVERY**

- The recovery of rates shall apply to all benefited landholders irrespective of whether they were part of the minority not supporting the works.

The cost to be recovered from private landowners will be recovered against all ratable land deriving special coastal protection benefit, as a proportion of coastal frontage that the landowner has of the total coastal frontage of all properties subject to the special rate or charge, or such other appropriate basis as MRC determines in the particular circumstances.

MRC, as part of project initiation, will establish the special rate or charge on benefiting landowners or occupiers together with the period over which the special rate or charge shall be in place. Note that the special rate or charge should reflect the actual cost of the works.

As part of the determination of the special rate or charge, future maintenance costs over the life of the asset shall be included in the assessment of annual costs to be recovered, or the subject of a future special rate as necessary.

In determining the duration of the recovery period, MRC will give consideration to:

- The total cost of the project.
- Construction material utilized and the anticipated life of the erosion protection measure.
- The preference of the affected landholders.
- MRC's financial position.
- Future required maintenance costs.

MRC's debt recovery policy would apply when recovering the special rate or charge.

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

COUNCIL POLICY

COASTAL EROSION PROTECTION WORKS –
CONTRIBUTION AND COSTS RECOVERY

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

In person at the following MRC Client Services Centres:

- MRC Mackay Office – 73 Gordon Street, Mackay
- 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:

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

MRC shall mean Mackay Regional Council.

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

- Chapter 4, Part 1, Section 92 of the *Local Government Act 2009*
- *Coastal Protection and Management Act 1995*
- *Coastal Protection & Management Regulation 2017*
- *Planning Act 2016*
- State Planning Policy
- State Development Assessment Provisions (SDAP) State Code 8: Coastal development and tidal works
- Building and engineering standards for tidal works (DEHP 2013)

Version Control:

| Version | Reason / Trigger | Change | Endorsed / Reviewed | Date |
|---------|------------------|-----------------------|---------------------|----------|
| 1 | New Policy | | Council | 13.06.12 |
| 2 | Review of Policy | Amendment document to | Council | 24.10.18 |
| 3 | Review | Update | | |

|  | COUNCIL POLICY | |
|-----------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------|
| | Councillor Advisors and Administrative Support Staff | |
| | POLICY NO | 107 |
| | DEPARTMENT | Office of the Mayor and CEO |
| | PROGRAM | Office of the Mayor and CEO |
| | ENDORSED BY COUNCIL | 28 October 2020 Resolution ORD-2020-289 |

1.0 Scope

This policy applies to the elected Mayor, Deputy Mayor and Councillors (Councillors) of Mackay Regional Council (MRC).

2.0 Purpose

This policy will ensure accountability in respect to the assistance provided to Councillors in carrying out their responsibilities as elected representatives in an open and transparent manner.

3.0 Reference

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Electoral and Other Legislation (Accountability, Integrity and other Matters) Act 2020*
- *Information Privacy Act 2009*
- *Right to Information Act 2009*
- *Public Sector Ethics Act 2004*
- Councillor Code of Conduct
- Employee Code of Conduct
- 002 – Reimbursement of Expenses and Provision of Facilities for Councillors Policy
- 104 - Councillor Acceptable Request Guidelines Policy.

4.0 Definitions

To assist in interpretation the following definitions shall apply:

Act shall mean the *Local Government Act 2009*.

Councillors shall mean the Mayor, Deputy Mayor and Councillors as elected representatives of Mackay Regional Council.

Councillor Advisor shall mean an appropriately qualified person to assist the Councillors in performing their responsibilities, including administrative support, coordinating media activities, event management functions, policy development and office management.

Councillor Administrative Support Staff (Support Staff) shall mean an MRC employee who assists the Mayor and Councillors in meeting the responsibilities of their roles and delivery of important services and infrastructure for local communities.

MRC Employee shall mean all persons employed by MRC on a permanent, temporary or casual basis and includes persons engaged under a contract of service, and volunteers.

MRC shall mean Mackay Regional Council.

Register of Interest shall mean a Register to record a Councillor Advisors interests or person who is related to that Councillor Advisor.

5.0 Background

Part of the Queensland Government's rolling reform agenda in the local government sector includes new legislation for administrative support staff, and Councillor Advisors.

This Policy meets the reform and principles pertaining to:-

1. Councillors directing Support Staff consistent with Council guidelines about administrative assistance;
2. Council making a resolution to create Councillor Advisor positions;
3. Councillor Advisors appointment by contract for the Councillors term, and cease if a Councillor ceases to be a Councillor, unless re-appointed by a new Councillor;
4. Councillor Advisors requirement to submit registers of interest;
5. Councillor Advisors offences about integrity matters and about the use of information obtained in their role;
6. The Cost of Councillor Advisors being reported (e.g. in annual report).

6.0 Policy Statement

6.1 Councillors directing Administrative Support Staff (Support Staff)

In relation to administrative support staff, a new section of the Act includes—

“170AA Guidelines about provision of administrative support to councillors

- (1) *The chief executive officer of a local government may make guidelines about the provision of administrative support by local government employees to a councillor.*
- (2) *The guidelines must include—*
 - (a) *when a councillor may be provided with administrative support by a local government employee; and*
 - (b) *how and when a councillor may give a direction to a local government employee in relation to the provision of administrative support; and*

(c) a requirement that a councillor may give a direction to a local government employee only if the direction relates directly to administrative support to be provided by the local government employee to the councillor under the guidelines.

(3) A direction purportedly given by a councillor to a local government employee is of no effect if the direction does not comply with the guidelines."

6.1.1 MRC provides Support Staff for Councillors.

The following MRC Employee Support Staff positions and resources are specifically provided in direct support of Councillors and their functions:

- Executive Assistant – Provision for the Mayor of a full time Council staffed Executive Assistant position with the Office of the Mayor and CEO;
- Executive Support Officer – Provision for Councillors of access to the services of a Council staff Executive Support Officer position with the Office of the Mayor and CEO; and
- Communication Specialist – Provision for the Mayor of a strategic communications contractor in supplement to services from Council's Corporate Communications program

As well as the above, adhoc Support Staff may include but not be limited to the below as assistance to Councillors –

- co-ordination of committees or groups that Councillors Chair or are members of as part of their Council appointed roles;
- co-ordination of community consultation sessions or community meeting sessions attended by Councillors
- other Council appointed or directed tasks allocated to Councillors and for which adhoc support is needed

The following tasks may be directed by a Councillor to Support Staff, and include but are not limited to:

- Answering telephone calls;
- Managing appointments calendar;
- Photocopying, printing and ordering stationery;
- Liaising with Council about office maintenance or health and safety issues on behalf of the Councillor;
- Room or travel bookings, for example booking Council vehicles or meeting rooms;
- Logging requests for service jobs from the community, for example requests for street or park maintenance;
- Locating information for Councillors such as legislation, information from Council's website or other sources; or
- Assisting the Mayor with communication to the community through emails, e-newsletters, informational advice flyers about construction works, or other similar mediums, if the communication is objective, factual, informational, 'business as usual' and an efficient use of funds.

Except in exceptional circumstances, and if approved and arranged in advance, any Support Staff services will be –

- within standard working hours;
- shared between multiple Councillors;

For any urgent out of standard hours services or requests contact should be made via the CEO and/or the Executive Officer or applicable Director and not initially directly with the Support Officer.

When a request for advice or information is received that is considered to be outside the scope of a Councillor's official duties or a request for advice or information is received which, upon consideration, will take a significant amount of resources to satisfy or cause an undue impact on the Support Staff, as per Policy 104 - Councillor Acceptable Request Guidelines the matter is to be escalated to the CEO and/or the Executive Officer or applicable Director to make a decision as to whether it is considered that the fulfilment of the request is required to allow the Councillor to perform their duties.

Council Support Staff cannot assist with the Councillor's re-election or other 'campaigning' tasks.

Should a Councillor have concerns or are dissatisfied with their Support Staff they must submit their concerns directly to the CEO and/or Executive Officer or applicable Director who are generally responsible for managing Support Staff.

6.2 Councillor Advisors

It should be noted that MRC has no allocated Councillor Advisor positions, however MRC is permitted under the Act to appoint one(1) appropriately qualified Councillor Advisor to assist the Mayor in performing their duties and as such this policy is established to cover any future possible role creation.

6.2.1 As standard terms, the requirements under the Act for MRC to employ a Councillor Advisor are that:

- Council must vote to pass a resolution to create a Councillor Advisor position.
- A Councillor must not appoint a close associate of the Councillor as a Councillor Advisor.
- Should a Councillor have concerns or are dissatisfied with their Advisors they must submit their concerns directly to the CEO who is responsible for managing all Councillor Advisors.
- The Councillor Advisor must enter into a written contract of employment with MRC, which contract must provide for:
 - Their conditions of employment, including remuneration, leave and superannuation entitlements; and
 - Their functions and key responsibilities; and

- A requirement that they comply with the Councillor Advisor code of conduct made by the Minister under section 197C of the Act; and
- When disciplinary action may be taken, and the types of disciplinary action that may be taken, against the Councillor Advisor which will be directed and managed by the CEO; and
- The contract ends two weeks after the day either of the following happen:-
 - The term of the Councillor who appointed the Councillor Advisor ends; or
 - The Councillor who appointed the Councillor advisor is suspended.
- A Councillor Advisor when at the end of their contract may be re-appointed by a new Councillor and enter into a new contract.
- MRC must report the costs of the Councillor Advisors to the community within each respective MRC Annual Report.

6.2.2 Requirements for Councillor Advisors:

- a). Must submit and maintain a "Register of Interests";
- b). Must not assist in an activity related to a Councillor campaign for re-election;
- c). Must comply with the local government principles and can be found guilty of integrity offences;
- d). Must not direct an MRC Employee.

6.3 Complaints

A Councillor's failure to follow any Council Policy regarding Support Staff and/or contracted Councillor Advisor contravenes the behaviour standards set out under the *Code of Conduct for Councillors in Queensland* and is considered inappropriate conduct. MRC Employees including Support Staff and Councillor Advisors, other Councillors or members of the community may lodge complaints about suspected inappropriate conduct to the Office of the Independent Assessor.

Telephone: 1300 620 722

Via Email: OIAcomplaints@oia.qld.gov.au

6.4 Human Right Complaints

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.

7.0 **Review of Policy**

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

1. The related documents are amended or replaced.

107 Councillor Advisor and Administrative Support Policy Electronic version current – uncontrolled copy valid only at time of printing

2. 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.

Version Control:

| Version | Reason / Trigger | Change | Endorsed / Reviewed | Date |
|---------|------------------|--------|---------------------|----------|
| 1 | New Policy | | Council | 28.10.20 |
| | | | | |

11.3. COMMUNITY SERVICES

11.4. PLANNING, GROWTH & SUSTAINABILITY

11.4.1. FACILITATING DEVELOPMENT IN THE MACKAY REGION POLICY REVIEW (POLICY 81)

| | |
|----------------------------|------------------------------------------------------------|
| Author | Executive Manager Infrastructure Planning (Jay Rosenberg) |
| Responsible Officer | Director Development Services (Aletta Nugent) |
| File Reference | 081 – Facilitating Development in the Mackay Region Policy |

Attachments

1. 081 - Facilitating Development in the Mackay Region [**11.4.1.1** - 32 pages]

Purpose

To present the amended Facilitating Development in the Mackay Region Policy No 81 (the Policy) for consideration and adoption by Council.

Related Parties

- Urban Development Institute of Australia (Mackay/Whitsunday Branch)
- Mackay Regional Chamber of Commerce
- Master Builders (Mackay)
- Housing Industry Association
- Resource Industry Network
- Real Estate Institute of Queensland
- Mackay Isaac Tourism

Corporate Plan Linkage

Invest 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.

Region of Choice - We are recognised as Australia's best region for attracting, retaining, and developing a skilled workforce.

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.

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

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 Policy was first endorsed by Council on 3 December 2014 and became effective on 10 December 2014. The Policy has been reviewed and amended each year with the last amendment adopted by Council at its meeting on 12 April 2023.

The current schedules of the Policy are listed below:

- Schedule 1 – *Development within the Mackay Waterfront Priority Development Area (PDA)*
- Schedule 2 – *Major industry development in the Industrial investigation zone*
- Schedule 3 – *Health, Aged care and Retirement living*
- Schedule 4 – *Tourism development*
- Schedule 5 – *Bio-futures industry development*
- Schedule 6 – *Community facilities*
- Schedule 7 – *Housing diversity*

Since the adoption of the first version of the Policy, a total of 75 applications have been approved through the Policy (as of 22 November 2023). The approved applications have a combined construction value of over \$538 million which is modelled to generate over \$1,265 million economic output and 2,440 construction jobs. If all approvals were to be constructed and completed in accordance with the timeframes and approval conditions, the following concessions would be realised:

- Infrastructure charge concessions - \$12.9 million (initial infrastructure charges were \$32.2 million)
- Service connection application discount - \$45,500
- Food/trade waste application discount - \$2,485
- Potential delayed payment for 33 applicants.

Monitoring of the status of approvals indicates that not all developments were completed within the two-year approval timeframe and the concessions to be realised are less than what has been approved. The ongoing monitoring is an important consideration of the Policy review as it allows for a more accurate representation of the concessions likely to be realised and reduces the risk to Council of approving disproportionate concessions and forfeiting excessive revenue.

The review of the Policy for 2023 commenced in September 2023 with an internal review of available data relating to the region's development activity, building approvals, construction, property sales, rentals and other statistics related to current and historical enquiries, applications and approvals under the Policy. Councillor briefings were held on 25 October 2023 and 27 November 2023 as part of the internal review.

Proposed Amendments

In response to the internal review and the stakeholder feedback, there are a number of proposed minor amendments to the Policy as follows:

- *Purpose*, section 2.0 - update to correct reference to the Economic Development Strategy 2020-2025
- *General eligibility criteria – Timing of development*, section 9.1 - remove reference to reconfiguring a lot development as this is no longer included within the schedules.
- *Approval under this policy – When the notice lapses*, section 11.1b) - remove reference to reconfiguring a lot development as this is no longer relevant.
- *Schedule 4: Tourism development*, section 2.3 – remove reference to the urban areas of Marian, Mirani, Walkerston and Sarina from the applicable area, as the map included in Figure 1 identifies the applicable urban areas for the policy.
- *Schedule 7: Housing diversity*, section 1.0 – inclusion of additional information around the purpose, to result in increased densities and housing choices.

- *Schedule 7: Housing diversity*, section 2.5 – include reference to the Mackay Region Planning Scheme for the applicable land uses.
- *Schedule 7: Housing diversity*, section 3.1 – remove reference to the potential other reduction in infrastructure charges as this is no longer applicable, where the potential charges reduction is 100%.

Consultation and Communication

The following targeted stakeholders were invited on 31 October 2023 to provide their written feedback on the Policy:

- Urban Development Institute of Australia (Mackay Whitsunday Branch)
- Mackay Chamber of Commerce
- Master Builders (Mackay)
- Housing Industry Association
- Resource Industry Network
- Real Estate Institute of Queensland
- Mackay Isaac Tourism

A written submission was received from the UDIA (Mackay Whitsunday Branch), which was supportive of the existing policy. Additional comments, feedback and suggestions were also provided on other matters, however these are addressed within the current Policy or have previously been considered by Council.

Internal consultation has also been undertaken with the Economic Development and Tourism, Development Planning & Engineering and Strategic Planning Programs.

Resource Implications

The proposed amendments to the Policy are relatively minor and do not change the intent or the potential incentives offered within the existing policy, so there is no change to existing resource implications. The current resource requirements of the Policy include:

- The Economic Development and Tourism Program to act as a first point of contact. Responsibilities include: liaising with applicants; qualifying developments; consideration of business cases submitted by the proponent; determining the required level of facilitation and support; and preparing reports and other documentation pertaining to applications.
- Infrastructure programs to assess the impact of the proposed development on available infrastructure.
- Legal Services may need to facilitate agreements in some circumstances where deferral of charges is requested.
- The Development Planning & Engineering Program to accelerate assessment of development applications for major projects.

Risk Management Implications

Currently, a database of approved applications is presented as a monthly confidential report in accordance with Section 275 (1)(c) of the *Local Government Regulation 2012*. This monitoring and reporting process will continue to be undertaken and will provide for the regular monitoring of any applications received under the proposed Policy.

The proposed amendments to the Policy are relatively minor and do not change the intent or the potential incentives offered within the existing policy.

Conclusion

To continue to facilitate targeted economic development and growth outcomes, in alignment with Council's strategic priorities and planning objectives, it is recommended that Council adopt the amended Council Policy – Facilitating Development in the Mackay Region – Version 10 as included in Attachment 1, to replace the current Policy.

Officer's Recommendation

THAT Council adopt the Facilitating Development in the Mackay Region Policy (Version 10) as a formal Policy of Mackay Regional Council commencing Monday 18 December 2023.

Council Resolution ORD-2023-334

THAT Council adopt the Facilitating Development in the Mackay Region Policy (Version 10) as a formal Policy of Mackay Regional Council commencing Monday 18 December 2023.

Moved Cr May

Seconded Cr Englert

For: Cr Englert, Cr Green, Cr Hassan, Cr Mann, Cr May, Cr Townsend, Cr Williamson

Against: Cr Bella, Cr Bonaventura, Cr Jones, Cr Seymour

CARRIED

COUNCIL POLICY

FACILITATING DEVELOPMENT IN THE
MACKAY REGION

Program: Strategic Planning
Date of Adoption: 13 December 2023
Resolution Number:
Review Date:

Scope

The “*Facilitating Development in the Mackay Region Policy*” (the policy) applies to targeted development within the Mackay Regional Council area as defined in the policy. Development that qualifies under this policy will be eligible for the incentives detailed in Section 3.1 and the applicable schedules.

The Schedules include:

- Schedule 1: Development within the Mackay Waterfront Priority Development Area (PDA)
- Schedule 2: Major industry development in the Industrial Investigation Zone
- Schedule 3: Health, Aged Care and Retirement Living
- Schedule 4: Tourism Development
- Schedule 5: Bio-futures Industry Development
- Schedule 6: Community Facilities
- Schedule 7: Housing Diversity.

The policy is effective from Monday 18 December 2022 to Friday 26 April 2024.

Objective

The policy provides incentives for developments that will deliver economic development and growth outcomes in alignment with Council’s policy and planning objectives. These include but are not limited to the Mackay Region Planning Scheme, Mackay Waterfront PDA Development Scheme, Economic Development Strategy 2020-25, development processes, economic development initiatives and City Centre revitalisation objectives.

Policy Statement

The policy seeks to attract investment in qualifying developments to stimulate growth, diversify and add value to the economy of the Mackay region. The policy is discretionary and seeks to support projects that will deliver the greatest economic benefits to the area of Mackay Regional Council.

Council considers that to the extent this policy engages and limits, or potentially limits, any human rights, that limitation is reasonable in that it is proportionate and justified.

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

COUNCIL POLICY**FACILITATING DEVELOPMENT IN THE
MACKAY REGION**

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COUNCIL POLICY

FACILITATING DEVELOPMENT IN THE MACKAY REGION

1.0 Principles

The policy seeks to encourage development to occur within prescribed timeframes by conditioning ongoing eligibility on deadlines for completion of the development. The focus of the policy is on developments that will:

- create new jobs and investment;
- boost the local economy, making it more sustainable and resilient; and
- provide a key local and regional service.

The policy does not replace the function or application of the relevant Adopted Charges Resolution or any representations made against an Infrastructure Charge Notice that may result in a Negotiated Infrastructure Charge Notice.

The policy is subject to an applicant demonstrating eligibility and no additional cost to Council by bringing forward costs or new necessary infrastructure as a result of the development. The incentives offered will be linked to the regional economic benefit of development in the short term, availability of infrastructure to service the development and no additional cost to Council.

2.0 Application of Policy

Unless otherwise stated in an approval under this policy, the policy applies to:

- a) Future development that requires development approval from Council, or
- b) Existing development approvals that are subject to an Infrastructure Charges Notice, where infrastructure charges have not yet been paid and construction has not commenced.

3.0 Incentives

3.1 General Incentives

3.1.1 *Dedicated point of contact*

Council established a dedicated point of contact from within the Economic Development program. The dedicated point of contact will work with proponents to:

- a) Determine the required level of facilitation and support from inception to completion.
- b) Assess the program suitability of the proposed development.
- c) Facilitate access to the relevant departments and officers within the appropriate area of Council to assist with:
 - Identifying the necessary approvals and permitting processes;
 - Assess any relevant Council approvals that are required;
 - Assist with state and federal agencies where applicable; and
 - Work through approval and condition requirements.

COUNCIL POLICY

FACILITATING DEVELOPMENT IN THE MACKAY REGION

- d) Assist with the preparation of the Stage 2 application, including determining the economic benefits of the proposed development to the Mackay Regional Council area.

3.1.2 Accelerated development assessment

Where a development approval is required, Council commits to facilitate accelerated development assessment timeframes, subject to:

- a) The payment of all applicable application fees;
- b) A prelodgement meeting with relevant staff;
- c) The lodgement of a properly made application;
- d) All mandatory and supporting information lodged with the application;
- e) Demonstrated compliance with the relevant planning instrument in force at the time of application, which may include minor discretionary requests;
- f) The application and supporting information demonstrates that the capacity of infrastructure networks, particularly sewerage, water, roads and drainage, can accommodate the development.

3.2 Specific Incentives

The Specific Incentives that may apply are outlined in the relevant Schedules, but may include:

- Reduced infrastructure charges;
- Delayed payment of infrastructure charges;
- Service connection fee discount;
- Planning instrument concessions.

4.0 General Eligibility Criteria

4.1 Timing of development

Unless otherwise stated in an approval under this policy, the development will be completed within 2 years of the approval of the incentives under this policy:

- For a material change of use, the use must commence within 2 years.

As outlined in Section 6.1, in the event that an approval under this policy lapses, the approved incentives will no longer apply. Council may consider applications for an extension of up to 12 months where the applicant can demonstrate that the development will be completed within the extended timeframe.

4.2 Government development

Development undertaken by, or on the behalf of State or Federal Government Departments, Agencies or Government Owned Corporations is not eligible for incentives under this policy.

COUNCIL POLICY

FACILITATING DEVELOPMENT IN THE
MACKAY REGION4.3 Infrastructure capacity

The trunk infrastructure requirements of the development can be accommodated by either the existing or planned trunk infrastructure based on the timing of the development.

If the development requires new trunk infrastructure or brings forward the requirement for trunk infrastructure that has a cost to Council, incentives may not be supported by Council.

4.4 Eligibility criteria detailed in the applicable Schedules

Additional eligibility criteria are outlined in each of the Schedules.

5.0 **Process**

To be eligible for incentives under this policy, the development must be approved as 'qualifying development'. There are two stages of approval as detailed in the table below.

| Stage | Purpose |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 – Expression of Interest | Provide general information about the applicant, requested incentives and demonstration that the proposed development will meet the key eligibility criteria |
| 2 – Application | Demonstrate that the development provides sufficient economic benefit and will meet the relevant general eligibility criteria. |

The applicant's eligibility will be assessed based on the information provided in the Expression of Interest (EOI) stage.

This application process and Council's assessment is separate to any development application.

Council staff from the Economic Development program can provide assistance to the applicant throughout the process.

5.1 Stage 1 – Expression of Interest

The applicant must submit an Expression of Interest in the approved form that addresses, but is not limited to the following:

- a) Key information about the developer or proponent/s;
- b) General information about the proposed development including location and land use;
- c) An estimate of the construction costs and capital investment to be made as part of the development (not including the land value/purchase);
- d) Estimated commencement of use;
- e) Initial assessment of the availability and capacity of infrastructure required to service the development;
- f) Details of prior agreements; and

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FACILITATING DEVELOPMENT IN THE
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- g) The General and Specific Incentives being requested.

The Expression of Interest can be lodged at any time, provided the applicant has sufficient information about the proposed development to support their application.

Following an assessment of the application, Council will provide a written notice to the applicant advising them of the outcomes of the Stage 1 application process. The **Stage 1 Notice** will state either of the following:

- a) The development is approved as a qualifying development including the general incentives that will be offered and any other specific conditions; or
- b) The development is approved as a qualifying development and a Stage 2 Application will be accepted for consideration of Specific Incentives; or
- c) The development is not considered eligible and the reasons for this decision.

5.2 Stage 2 – Application

The applicant must submit their Stage 2 application in the approved form for a request for Specific Incentives within 12 months of receiving a **Stage 1 Notice**. The application will need to address, but not be limited to the following:

- a) Demonstrate that the development remains eligible for consideration based on the general eligibility criteria mentioned in Section 4.0 and any specific criteria identified in the applicable Schedules;
- b) Provide a comprehensive estimate of the capital investment, including construction costs to be made as part of the development (not including the land value/purchase);
- c) Submit the number of temporary (construction) and new permanent jobs (in Full Time Equivalent's) based on the construction activity and the proposed use, with assistance from the Economic Development Program;
- d) Where there is no current development approval or development application lodged with Council, the Applicant will need to provide evidence of a Pre-lodgement meeting including Council's Pre-Lodgement Reference Number.
- e) Include an assessment of the infrastructure required to service the development to demonstrate that there will be no additional infrastructure costs to Council. Where there is no current development approval, any Stage 2 approval under this policy will be contingent upon there being no additional infrastructure costs to Council (including 'bring forward costs') as determined at the development application stage; and
- f) Provide an economic assessment of the project that clearly identifies the anticipated economic benefits of the project. The types of considerations will include:
 - i) The development is facilitating the supply of a product that is required in the overall market and is not already in over-supply;

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- ii) The development facilitates a new business activity to enter the market that currently is not represented in the local economy;
- iii) The development facilitates innovation and or value-adding to the existing business activity;
- iv) For a development that is an expansion or relocation of an existing use, there is a net benefit beyond the construction phase of the project.
- v) Demonstrate a commitment to use of local contractors and suppliers.

Stage 2 Applications will be considered and where supported, approved by the Council at an Ordinary Meeting or the delegate, where applicable.

Following an assessment of the Stage 2 application, Council will provide a written notice to the applicant, advising them of the outcomes. The **Stage 2 Notice** will state either of the following:

- a) The development is approved as a qualifying development (Stage 2), for incentives under the Policy, including the Specific Incentives that will be offered and any other specific conditions; or
- b) The development is not supported and the reasons for this decision.

Where the Stage 2 application is not supported, Council will provide feedback and assist the applicant further as necessary.

6.0 Approval under this policy

Approval for General or Specific Incentives under this Policy will be as follows:

- a) Where the value of the combined incentives is greater than \$20,000, at the sole discretion of Council; or
- b) Where the value of the combined incentives is less than or equal to \$20,000, delegated to the Director Development Services.

6.1 When the notice lapses

Unless otherwise stated in an approval under this policy, the approved incentives will lapse in any of the following:

- a) The Stage 2 application has not been submitted in the approved form within 12 months of the date of the **Stage 1 Notice**.
- b) The approved use has not commenced within 2 years of the approval of the incentives; or
- c) The conditions of a development approval have not been met by the required time; or
- d) When any other condition or requirement of the **Stage 2 Notice** has not been met.

The Council may consider applications for an extension of up to 12 months, where the applicant can demonstrate that the development will be completed within the extended timeframe. A request for an extension must be made prior to the lapsing of the approved incentives.

COUNCIL POLICY

FACILITATING DEVELOPMENT IN THE
MACKAY REGION6.2 Effect of lapse

In the event that an approval under this policy lapses, the approved incentives will no longer apply to the development.

Any outstanding or future fees or charges applicable to the development will be payable in accordance with Council's adopted fees and charges schedule, the Infrastructure Charges Notice or the Negotiated Infrastructure Charges Notice.

6.3 Prior Agreements

The incentives available under this policy may not be available to applicants who have previously entered into an Infrastructure Agreement for the development.

7.0 **Definitions**

To assist in interpretation the following definitions shall apply:

PIA – means the Priority Infrastructure Area as defined in the Mackay Region Planning Scheme's Local Government Infrastructure Plan.

PDA – means the Priority Development Area

FTE – means Full Time Equivalent

MRPS – means the proposed Mackay Region Planning Scheme

Not-for-profit – means an organisation that does not operate for the profit or gain of particular people including its individual members.

Recognised charity – a not-for-profit that is a recognised charity by the Australian Charities and Not-for-profits Commission and/or is recognised as a charity for tax purposes by the Australian Tax Office.

8.0 **Review of Policy**

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

- a) Within 12 months of the adoption date of this policy; or
- b) At another time at the sole discretion of the Council.

9.0 **References**

- *Economic Development Act 2012*
- *Environmental Protection Act 1994*
- *Environmental Protection Regulation 1998*
- *Planning Act 2016*
- Mackay Region Planning Scheme 2017
- Mackay Waterfront Priority Development Area Development Scheme 2019
- Adopted Charges Resolution
- Economic Development Strategy 2020-2025

COUNCIL POLICY

FACILITATING DEVELOPMENT IN THE
MACKAY REGION

10.0 Responsibilities

| | |
|------------------------------------|------------------------------------------------------------------------------------------|
| Sponsor | Chief Executive Officer |
| Business and Process Owner | Economic Development & Tourism in consultation with Development Planning and Engineering |
| Dedicated Point of Contact | Economic Development & Tourism in consultation with Development Planning & Engineering |
| Accelerated Development Assessment | Development Planning and Engineering |
| Policy Owner | Strategic Planning |

11.0 Attachments

- Schedule 1: Development within the Mackay Waterfront Priority Development Area
 Schedule 2: Major Industry Development in Industry Investigation Zone
 Schedule 3: Health care, Aged care and Retirement living
 Schedule 4: Tourism Development
 Schedule 5: Biofutures Industry Development
 Schedule 6: Community Facilities
 Schedule 7: Housing Diversity

Version Control:

| Version | Reason / Trigger | Change | Endorsed / Reviewed | Date |
|---------|------------------|---------------------------|---------------------|------------|
| 1 | New Policy | | Council | 3/12/2014 |
| 2 | Review of Policy | Amendments made to Policy | Council | 3/02/2016 |
| 3 | Review of Policy | Amendments made to Policy | Council | 23/11/2016 |
| 4 | Review of Policy | Amendments made to Policy | Council | 22/11/2017 |
| 5 | Review of Policy | Amendments made to Policy | Council | 28/11/18 |
| 6 | Review of Policy | Amendments made to Policy | Council | 27/11/19 |
| 7 | Review of Policy | Amendments made to Policy | Council | 9/12/2020 |
| 8 | Review of Policy | Amendments made to Policy | Council | 9/02/2022 |
| 9 | Review of Policy | Amendments made to Policy | Council | 12/04/2023 |
| 10 | Review of Policy | Amendments made to Policy | Council | |

Schedule 1:

Development within the Mackay Waterfront Priority Development Area

1.0 Rationale

The Mackay Waterfront Priority Development Area (PDA) was declared by regulation on 25 May 2018 under the *Economic Development Act 2012*. The PDA establishes an overarching framework that will support the future development and community outcomes in the area. The PDA provides:

- opportunities to redevelop public spaces along the Pioneer River and Binnington Esplanade waterfronts;
- establishes a precinct for innovation and knowledge industries;
- promotes the city centre as a key business hub; and
- provides for exciting and activated streets, places and attractions that improve the city's liveability, tourism appeal and investment attraction.

Council is committed to the development of Mackay Waterfront PDA and this schedule provides for a range of incentives to promote and support development in the PDA.

2.0 Eligibility Criteria

The proposed development is within the PDA and demonstrates:

- Compliance with the Mackay Waterfront Priority Development Area Development Scheme, as relevant to the PDA at the time
- Generates an increase in one or a combination of the following in the Mackay Waterfront PDA:
 - High quality public spaces that promote economic and social activity;
 - permanent residential population; or
 - workforce population; or
 - short-term accommodation offerings; or
 - tourism opportunities; or
 - commercial activities (office, shop, restaurant, café and the like).

2.1 Economic Investment

There is no minimum capital investment, however the applicant must demonstrate how the development will contribute to the overall objectives of the Mackay Waterfront PDA and the broader economy of Mackay during construction and when operational.

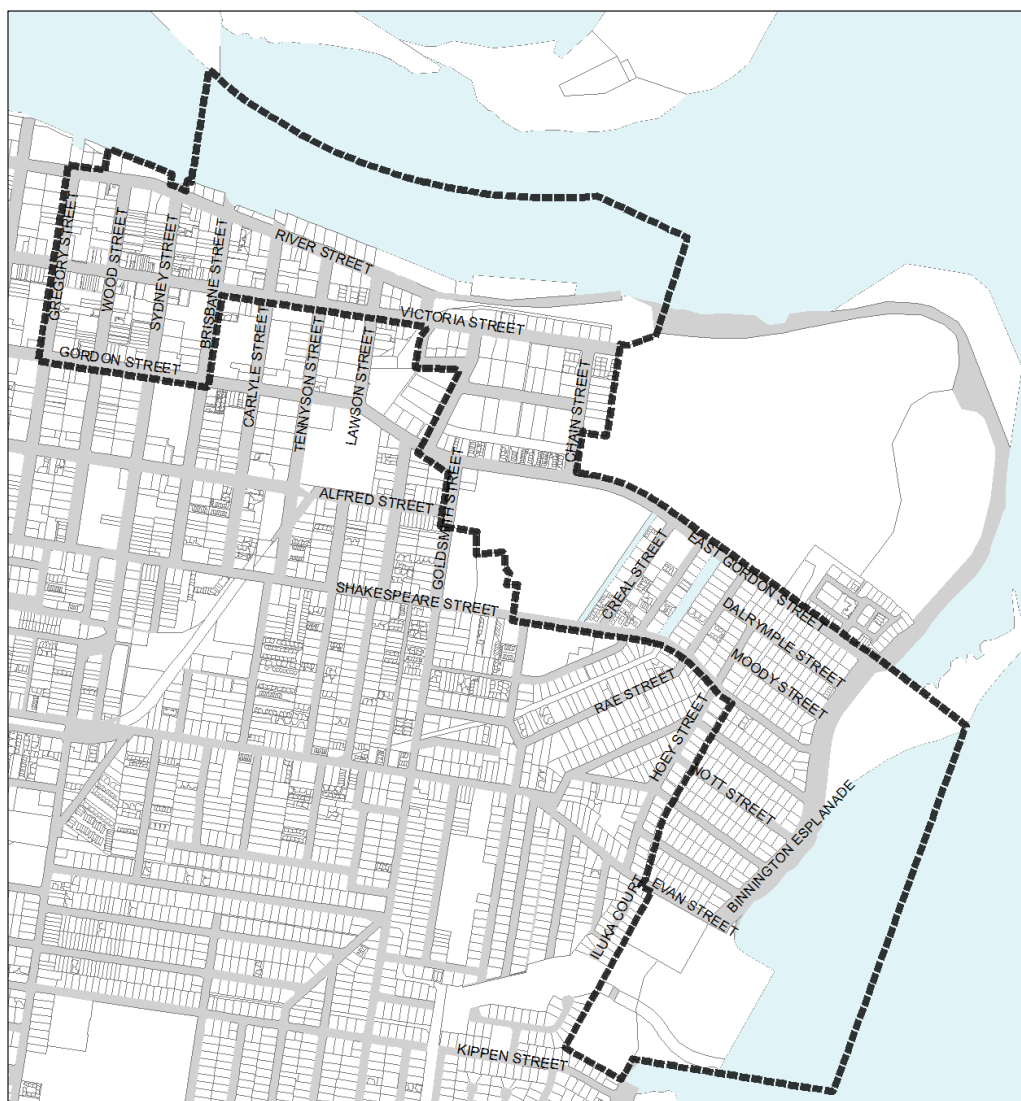
2.2 Employment Generation

The Stage 2 application must provide detail and supporting information about the number of construction jobs and ongoing jobs created by the development.

The number of jobs shall be measured in Full Time Equivalent (FTE) positions.

2.3 Applicable Area

This schedule is applicable to development on land within the bounds of Mackay Waterfront PDA are shown in the map below.



2.4 Applicable Land Uses

The policy applies to making a material change of use (MCU) or carrying out building works for any residential or non-residential land uses consistent with the following “applicable land uses” (refer to the applicable land uses table below).

| MACKAY WATERFRONT AREA |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mackay Waterfront PDA Development Scheme – other than tourism related uses |
| <ul style="list-style-type: none"> • All uses identified in the Preferred land uses table for each precinct other than tourism related uses |
| Mackay Waterfront PDA Development Scheme – tourism related uses |
| <ul style="list-style-type: none"> • Function facility • Low impact industry (where involving brewery, coffee roasting or distilling alcohol) – when in the Mackay city centre or Riverside precinct • Medium impact industry (where involving brewery, coffee roasting or distilling alcohol) – when located Enterprise precinct • Market • Resort complex • Short-term accommodation • Tourist attraction |

3.0 Location Specific Incentives: Mackay Waterfront PDA

3.1 Reduction in Infrastructure Charges

For tourism related uses infrastructure charges may be reduced up to 100% and for uses other than tourism related uses, infrastructure charges may be reduced up to 75% based on the net charge amount identified on the Infrastructure Charges Notice and after the application of any offsets, to a maximum concession value of \$2,000,000. The maximum concession value will include any previous stages of the development, or other development of the site, that has been approved under the policy.

Council may consider reductions in infrastructure charges beyond 75% for applications that: will fast track their development; are eligible for further incentives under a separate schedule of this policy; and/or can demonstrate that they will:

- Generate significant long-term economic benefits, job creation and have transformative outcomes that will support the objectives of the PDA;
- Be designed and delivered to provide exemplar design outcomes that are high quality, innovative, engaging and positively contribute to the character and identity of a place within the PDA;
- Promote a human-centred approach and delivery of smart city initiatives and opportunities through design to meet the needs of people and end users;
- Contributes to public art in accordance with Mackay Region's Public Art Strategy policy and/or guidelines, as current at the time of application.

3.2 Delayed Payment

Delayed payment of the infrastructure charges payable under the Infrastructure Charges Notice may be considered as per the table below.

| Development type | Typical payment trigger | Potential delayed trigger |
|------------------------|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Material Change of Use | Prior to the commencement of the use | <p>For residential development - at the time of sale of each dwelling unit, or within 12 months of commencement of the use, whichever occurs first.</p> <p>For other development – within 12 months of the commencement of the use.</p> |

Delayed payment of infrastructure charges will be subject to an acceptable infrastructure agreement between the Developer, Landowner and Council.

3.3 Concession on Residential and Non-Residential Car Parking Rates

Council may grant parking concessions for qualifying developments for residential and non-residential activities within the PDA on a case by case basis, where development:

- demonstrates a no worsening effect to on-street parking;
- incorporates substantial end of trip facilities for the building occupants, and including creative, efficient and safe public bicycle parking areas within the streetscape for visitors and patrons; and
- demonstrates compliance with the intended development intensity and built form parameters of the Mackay Waterfront PDA Development Scheme.

3.4 Construction Outside of Normal Hours

The timing of construction activity is mostly governed by the provisions of the Environmental Protection Act 1994 (Division 3). Under s440R, a person must not carry out building work in a way that makes an audible noise:

- on a business day or Saturday, before 6.30am or after 6.30pm; or
- on any other day, at any time.

Except in extraordinary circumstances, this requirement will be the default condition on any qualifying development's Work Permits and Development Approvals, where construction works are a part of the approved or permitted activity as defined.

Where it is considered important to the success of the development and sufficient justification is provided demonstrating the need for exemptions or concessions from these provisions, Council will assist the applicant to obtain

exemptions or concessions under the terms of the *Environmental Protection Act 1994*.

This will require the submission of a construction program highlighting likely works required to be undertaken outside of normal construction hours and separate approval or permits will be required for each occurrence of out of hours work.

3.5 Reduction in Food License and Trade Waste Fees

A reduction in the annual food license and commercial trade waste fees may be provided for eligible development, as per the table below.

| Application | Discount | Timing |
|-----------------------------------|---------------|---------------------------------------------------------------------------------------------------------------------------|
| Initial application fee | 100% discount | Applied at the time when the fees would be payable |
| 1 st year of operation | 100% discount | Applied at the time when the fees would be payable for the activity |
| 2 nd year of operation | 50% discount | Calculated at the anniversary date of the 1 st year of operation, when the fees would be due for the activity. |

3.6 Service Connection Fee Discount

The applicable costs for service connections may be discounted as per the table below.

| Connection fees | Discount | Timing |
|-----------------|-------------------------------------|---------------------------------------------------------------------|
| Water | 50% discount up to maximum of \$500 | Applied at the time when the fees would be payable for the activity |
| Sewerage | 50% discount up to maximum of \$500 | Applied at the time when the fees would be payable for the activity |

3.7 Facilitation of Footpath Activity

Qualifying development will be offered assistance through the dedicated point of contact, for any application proposed under the Footpath Trading and Structures Policy Guideline 2015.

3.8 Façade Improvement Scheme

Qualifying development will be offered assistance through the dedicated point of contact, for any application proposed under the Facade Improvement Scheme.

Schedule 2:**Major Industry Development in Industry Investigation Zone.****1.0 Rationale**

Council recognises the strategic importance of the region's industrial sector and the significant economic benefits it delivers to the region through employment and economic output.

Council continues to invest in infrastructure projects that ensure future industrial areas are supported through high levels of service, including accessibility for a diverse range of industrial activities and services.

2.0 Eligibility Criteria**2.1 Economic Investment**

The applicant must demonstrate that the minimum capital investment in the development is equal to or greater than \$1 million.

Where the capital investment is less than the threshold, the policy may still be applicable where there is a demonstration that the development is providing a significant positive contribution to the economy.

2.2 Employment Generation

To be eligible for financial incentives as per this Schedule, the Stage 2 application must provide detail and supporting information about the number of construction jobs and ongoing jobs created by the development.

The number of jobs shall be measured in Full Time Equivalent (FTE) positions.

2.3 Applicable Area

For eligible development, the policy is applicable to land within the bounds of the Industry investigation zone areas as detailed in the MRPS zoning maps.

2.4 Applicable Land Uses

The policy applies to material change of use (MCU) consistent with the following "applicable land uses" (refer to the applicable land uses table below).

| MACKAY REGIONAL COUNCIL AREA |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mackay Region Planning Scheme |
| <ul style="list-style-type: none"> • High impact industry • Low impact industry • Medium impact industry • Research and technology industry • Service industry • Special industry • Transport depot • Warehouse |

3.0 Location Specific Incentives: Industry investigation Zone

3.1 Reduction in Infrastructure Charges

Infrastructure charges may be reduced up to 50% based on the net charge amount identified on the Infrastructure Charges Notice and after the application of any offsets, to a maximum concession value of \$1,000,000. The maximum concession value will include any previous stages of the development, or other development of the site, that has been approved under the policy.

Council may consider reductions in infrastructure charges beyond 50%, for applications that will fast track their development and/or can demonstrate that they will generate significant long-term economic benefits, job creation and have transformative outcomes that will diversify the existing economic base of the region.

3.2 Delayed Payment

Delayed payment of the infrastructure charges payable under the Infrastructure Charges Notice may be considered as per the table below.

| Development type | Typical payment trigger | Potential delayed trigger |
|-------------------------|--------------------------------------|--------------------------------------------------|
| Material Change of Use | Prior to the commencement of the use | Within 12 months of the commencement of the use. |

Delayed payment of infrastructure charges will be subject to an acceptable infrastructure agreement between the Developer, Landowner and Council.

3.3 Service Connection Fee Refund

The applicable costs for service connections may be refunded as per the table below.

| Connection fees | Discount | Timing |
|------------------------|-------------------------------------|---------------------------------------------------------------------|
| Water | 50% discount up to maximum of \$500 | Applied at the time when the fees would be payable for the activity |
| Sewerage | 50% discount up to maximum of \$500 | Applied at the time when the fees would be payable for the activity |

Schedule 3:**Health Care, Aged Care and Retirement Living****1.0 Rationale**

With decreasing mortality rates (people living longer) and reducing fertility rates (less births), the population of Australia is ageing. For the Mackay Regional Council area, it is forecast that the number of residents aged over 65 years of age will increase from a proportion of 10.6% of the population (12,265) in 2011 to 15.2% in the year 2036 (30,164). These demographic changes will have a significant impact on the community. The ageing population will create a shift in the demand for housing types, lifestyle opportunities, increased services and different infrastructure.

Mackay Regional Council recognises that with a growing and ageing population, the demand for health care services will continue to increase to support this population. To help ensure that Mackay is positioned to support its population, Council will incentivise a range of health care, aged care and retirement developments. It is expected that in the short term there will be an increase in construction and investment as well as new jobs created to run and operate new facilities.

2.0 Eligibility Criteria**2.1 Economic Investment**

The applicant must demonstrate that the minimum capital investment in the development is equal to or greater than \$1 million.

Where the capital investment is less than \$1 million, the Policy may still be applicable where there is demonstration that the development is providing a significant positive contribution to the economy.

2.2 Employment Generation

To be eligible for financial incentives as per this Schedule, the Stage 2 application must provide detail and supporting information about the number of construction jobs and new ongoing jobs created by the development.

The number of jobs shall be measured in Full Time Equivalent (FTE) positions.

2.3 Applicable Area

Appropriately zoned land located within the Priority Infrastructure Area.

2.4 Applicable Land Uses

The policy applies to material change of use (MCU) for uses that are targeted towards accommodation and/or the provision of services associated with the ageing population. The uses must be consistent with the following “applicable land uses” (refer to the applicable land uses table below) as defined below.

Should there be instances where the below land uses are also identified under another Schedule, it will be at the discretion of Council to determine the most appropriate Schedule for which concessions will be assessed against.

| MACKAY REGIONAL COUNCIL AREA |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mackay Region Planning Scheme |
| <ul style="list-style-type: none"> • Community care centre • Community residence • Health care services • Hospital • Residential care facility • Retirement facility |

3.0 Location Specific Incentives

3.1 Reduction in Infrastructure Charges for Material Change of Use

Infrastructure charges may be reduced up to 50% based on the net charge amount identified on the Infrastructure Charges Notice and after the application of any offsets, to a maximum concession value of \$1,000,000. The maximum concession value will include any previous stages of the development, or other development of the site, that has been approved under the policy.

Infrastructure charges may be reduced up to 100% based on the net charge amount identified on the Infrastructure Charges Notice including application of any offsets, for Not-for-profit groups that are a Recognised charity, to a maximum concession value of \$1,000,000.

Council may consider reductions in infrastructure charges beyond 50%, for applications that will fast track their development and/or can demonstrate that they will generate significant long-term economic benefits, job creation and have transformative outcomes that will diversify the existing economic base of the region.

3.2 Delayed Payment

Delayed payment of the infrastructure charges payable under the Infrastructure Charges Notice may be considered as per the table below.

| Development type | Typical payment trigger | Potential delayed trigger |
|-------------------------|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Material Change of Use | Prior to the commencement of the use | <p>For Retirement facility - at the time of sale of each dwelling unit, or within 12 months of commencement of the use, whichever occurs first.</p> <p>For other development – within 12 months of the commencement of the use.</p> |

Delayed payment of infrastructure charges will be subject to an acceptable infrastructure agreement between the Developer, Landowner and Council.

3.3 Service Connection Fee Discount

The applicable costs for service connections may be discounted as per the table below.

| Connection fees | Discount | Timing |
|-----------------|-------------------------------------|---------------------------------------------------------------------|
| Water | 50% discount up to maximum of \$500 | Applied at the time when the fees would be payable for the activity |
| Sewerage | 50% discount up to maximum of \$500 | Applied at the time when the fees would be payable for the activity |

Schedule 4:
Tourism Development

1.0 Rationale

Tourism is a major economic and lifestyle driver for the Mackay Region which supports several industry sectors. The Policy seeks to support private investment in tourism related business which encourage tourists to visit and stay in the Mackay region.

In urban areas it is the intent of the Policy to promote development that will support increased tourism to the region and/or enhance the reputation of the Mackay Region as a tourist destination.

In rural areas it is the intent of the Policy to promote development in the local tourism industry and the diversification in the use of rural properties to support new business opportunities that will take advantage of the environment or natural assets.

Anticipated benefits include:

- Increased tourism activity and expenditure in region
- Alternative income source and increased profitability of rural business
- Rural and environmental education

The types of development that are anticipated include:

- On-farm tours
- Accommodation such as tourist parks, bed and breakfast, nature retreats or farm-stays
- Dining and entertainment facilities
- Low-impact small scale tourism developments

2.0 Eligibility Criteria

2.1 Economic Investment

The level of economic investment will be assessed on a case by case basis.

2.2 Employment Generation

To be eligible for financial incentives as per this Schedule, the Stage 2 application must provide detail and supporting information about the number of construction jobs and new ongoing jobs created by the development.

The number of jobs shall be measured in Full Time Equivalent (FTE) positions.

2.3 Applicable Area

In urban areas, appropriately zoned land that supports the development of tourism- uses or accommodation options that principally services short-stay needs.

In rural areas, appropriately zoned land for the applicable land use located outside established urban areas of Mackay.

2.4 Applicable Land Uses

The policy applies to material change of use (MCU) for uses that are consistent with the following “applicable land uses” (refer to the applicable land uses table below).

Should there be instances where the below land uses are also identified under another Schedule, it will be at the discretion of Council to determine the most appropriate Schedule for which concessions will be assessed against.

| MACKAY REGIONAL COUNCIL AREA | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Mackay Region Planning Scheme – outside of Mackay urban areas (see Figure 1) | |
| <ul style="list-style-type: none"> • Bar • Caretaker’s accommodation (when associated with a new Applicable Land Use in this table) • Environment facility • Food and drink outlet • Function facility • Hotel • Market • Motor sport facility • Nature-based tourism • Resort complex • Roadside stall • Short-term accommodation • Tourist attraction • Tourist park • Winery | |
| Mackay Region Planning Scheme – Mackay urban areas (see Figure 1) | |
| <ul style="list-style-type: none"> • Function facility • Market • Resort complex • Short-term accommodation • Tourist attraction • Tourist park | |



3.0 Location Specific Incentives

3.1 Reduction in Infrastructure Charges for Material Change of Use

Infrastructure charges may be reduced up to 100% based on the net charge amount identified on the Infrastructure Charges Notice and after the application of any offsets, to a maximum concession value of \$1,000,000. The maximum concession value will include any previous stages of the development, or other development of the site, that has been approved under the policy.

In consideration of a request for a 100% concession, Council may consider the impacts the development will have on long-term economic benefits, job creation and/or the enhancement of the Mackay Region's profile as a tourism destination.

3.2 Delayed Payment

Delayed payment of the infrastructure charges payable under the Infrastructure Charges Notice may be considered as per the table below.

| Development type | Typical payment trigger | Potential delayed trigger |
|------------------------|--------------------------------------|--------------------------------------------------|
| Material Change of Use | Prior to the commencement of the use | Within 12 months of the commencement of the use. |

Delayed payment of infrastructure charges will be subject to an acceptable infrastructure agreement between the Developer, Landowner and Council.

3.3 Service Connection Fee Discount

The applicable costs for service connections may be discounted as per the table below.

| Connection fees | Discount | Timing |
|-----------------|-------------------------------------|---------------------------------------------------------------------|
| Water | 50% discount up to maximum of \$500 | Applied at the time when the fees would be payable for the activity |
| Sewerage | 50% discount up to maximum of \$500 | Applied at the time when the fees would be payable for the activity |

3.4 Reduction in Food Licence and Trade Waste Fees

A reduction in the annual food license and commercial trade waste fees may be provided for eligible development, as per the table below.

| Application | Discount | Timing |
|-----------------------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------|
| Initial application fee | 100% discount | Applied at the time when the fees would be payable |
| 1 st year of operation | 100% discount | Applied at the time when the fees would be payable for the activity |
| 2 nd year of operation | 50% discount | Calculated at the anniversary date of the 1 st year of operation, when the fees would be due for the activity. |

Schedule 5:**Biofutures industry development****1.0 Rationale**

The biofutures industry provides a major opportunity for diversification of the regional economy through the creation of significant high-value and high-knowledge jobs and economic output.

In accordance with the State Government Queensland Biofutures 10-Year Roadmap and Action Plan, the biofutures sector *'focuses on the development and manufacturing of products from sustainable organic and/or water resources, rather than fossil fuels. It encompasses a spectrum of innovative scientific and industrial technologies designed to convert sustainable feedstock s or waste into a diverse range of bioproducts'*.

The industry is a growing global market and one that the Mackay region is well positioned to capitalise on given our access to feedstock, climate and established involvement in the sector. Council seeks to attract development that supports domestic and international investment, research and commercialisation of products in the biofutures industry.

2.0 Eligibility Criteria**2.1 Economic Investment**

The applicant must demonstrate that the minimum capital investment in the development is equal to or greater than \$1 million.

Where the capital investment is less than \$1 million, the Policy may still be applicable where there is demonstration that the development is providing a significant positive contribution to the economy.

2.2 Employment Generation

To be eligible for financial incentives as per this Schedule, the Stage 2 application must provide detail and supporting information about the number of construction jobs and new ongoing jobs created by the development.

The number of jobs shall be measured in Full Time Equivalent (FTE) positions.

2.3 Applicable Area

Appropriately zoned land suitable for the proposed use.

2.4 Applicable Land Uses

The policy applies to material change of use (MCU) for biofutures industry uses across the council area. The uses should be consistent with the following "applicable land uses" (refer to the applicable land uses table below) and must be related to the biofutures industry (industrial biotechnology and bioproducts sectors).

| MACKAY REGIONAL COUNCIL AREA |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mackay Region Planning Scheme |
| <ul style="list-style-type: none"> • High impact industry • Low impact industry • Medium impact industry • Research and technology industry • Special industry |

3.0 Location Specific Incentives

3.1 Reduction in Infrastructure Charges for Material Change of Use

Infrastructure charges may be reduced up to 50% based on the net charge amount identified on the Infrastructure Charges Notice and after the application of any offsets, to a maximum concession value of \$1,000,000. The maximum concession value will include any previous stages of the development, or other development of the site, that has been approved under the policy.

Council may consider reductions in infrastructure charges beyond 50%, for applications that will fast track their development and/or can demonstrate that they will generate significant long-term economic benefits, job creation and have transformative outcomes that will diversify the existing economic base of the region.

3.2 Delayed Payment

Delayed payment of the infrastructure charges payable under the Infrastructure Charges Notice may be considered as per the table below.

| Development type | Typical payment trigger | Potential delayed trigger |
|-------------------------|--------------------------------------|--------------------------------------------------|
| Material Change of Use | Prior to the commencement of the use | Within 12 months of the commencement of the use. |

Delayed payment of infrastructure charges will be subject to an acceptable infrastructure agreement between the Developer, Landowner and Council.

3.3 Service Connection Fee Discount

The applicable costs for service connections may be discounted as per the table below.

| Connection fees | Discount | Timing |
|------------------------|-------------------------------------|---------------------------------------------------------------------|
| Water | 50% discount up to maximum of \$500 | Applied at the time when the fees would be payable for the activity |
| Sewerage | 50% discount up to maximum of \$500 | Applied at the time when the fees would be payable for the activity |

Schedule 6:
Community facilities

1.0 Rationale

The expansion and/or development of new community facilities will ultimately increase the availability and/or type of services available to the community. These facilities will typically be not-for-profit and provide a range of opportunities and benefits to support local communities and improve the liveability of the region. The development and construction phase can also create jobs and in most cases there will be ongoing job opportunities.

2.0 Eligibility criteria

2.1 Community Impact

The applicant must demonstrate that the project will enhance the lifestyle and liveability of the region and contribute towards community development.

2.2 Economic Investment

The applicant must demonstrate that the minimum capital investment in the development is equal to or greater than \$100,000.

Where the capital investment is less than \$100,000, the Policy may still be applicable where there is demonstration that the development is providing a significant positive contribution to the community.

2.3 Employment Generation

To be eligible for financial incentives as per this Schedule, the Stage 2 application must provide detail and supporting information about the number of construction jobs and new ongoing jobs created by the development.

The number of jobs shall be measured in Full Time Equivalent (FTE) positions.

2.4 Applicable Area

Appropriately zoned land.

2.5 Applicable Land Uses

The policy applies to material change of use (MCU) for uses that will provide new or additional facilities that support the community. The uses must be consistent with the following "applicable land uses" (refer to the applicable land uses table below).

Should there be instances where the below land uses are also identified under another Schedule, it will be at the discretion of Council to determine the most appropriate Schedule for which concessions will be assessed against.

| MACKAY REGIONAL COUNCIL AREA |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mackay Region Planning Scheme |
| <ul style="list-style-type: none"> • Child care centre • Club • Community use • Crematorium • Educational establishment • Environment Facility • Funeral parlour • Health care services • Hospital • Outdoor sport and recreation • Place of worship |

3.0 Location Specific Incentives

3.1 Reduction in Infrastructure Charges for Material Change of Use

Infrastructure charges may be reduced in accordance with the table below.

| Applicable Land Uses | Charges reduction | Applicant type | Maximum concession value |
|--------------------------------------------------|--------------------------|-----------------------|---------------------------------|
| As per section 2.5, except for Child care centre | 100% | Registered Charity | \$1,000,000 |
| | 75% | Not-for-profit group | |
| | 50% | Any other | |
| Child care centre | 100% | Registered Charity | \$1,000,000 |
| | 100% | Not-for-profit group | |
| | 75% | Any other | |

The maximum concession value above, will include any previous stages of the development, or other development of the site, that has been previously approved under the policy.

Council may consider reductions in infrastructure charges beyond 75% or 50%, for applications that will fast track their development and/or can demonstrate that they will generate significant long-term economic benefits, job creation and have transformative outcomes that will diversify the existing economic base of the region.

3.2 Delayed Payment

Delayed payment of the infrastructure charges payable under the Infrastructure Charges Notice may be considered as per the table below.

| Development type | Typical payment trigger | Potential delayed trigger |
|-------------------------|--------------------------------------|--------------------------------------------------|
| Material Change of Use | Prior to the commencement of the use | Within 12 months of the commencement of the use. |

Delayed payment of infrastructure charges will be subject to an acceptable infrastructure agreement between the Developer, Landowner and Council.

3.3 Service Connection Fee Discount

The applicable costs for service connections may be discounted as per the table below.

| Connection fees | Discount | Timing |
|------------------------|-------------------------------------|---------------------------------------------------------------------|
| Water | 50% discount up to maximum of \$500 | Applied at the time when the fees would be payable for the activity |
| Sewerage | 50% discount up to maximum of \$500 | Applied at the time when the fees would be payable for the activity |

Schedule 7:
Housing Diversity

1.0 Rationale

A residential housing market that provides a range of options and choices for buyers and renters can help to create more affordable housing, better meet local demands and increase diversity within communities. Council already promotes the development of smaller residential lots of less than 550m² through its Adopted Charges Resolution, however this schedule is about promoting the development of different housing types such as dual occupancy and multiple dwelling development to increase densities and provide housing choices. In new development areas, ideally these types of development are integrated into the design of new subdivisions.

2.0 Eligibility Criteria

2.1 Community Impact

The applicant must demonstrate that the project will enhance the lifestyle and liveability of the region and contribute towards community development.

2.2 Economic Investment

The applicant must demonstrate that the minimum capital investment in the development is equal to or greater than \$500,000.

Where the capital investment is less than \$500,000, the Policy may still be applicable where there is demonstration that the development is providing a significant positive contribution to the community.

2.3 Employment Generation

To be eligible for financial incentives as per this Schedule, the Stage 2 application must provide detail and supporting information about the number of construction jobs and new ongoing jobs created by the development.

The number of jobs shall be measured in Full Time Equivalent (FTE) positions.

2.4 Applicable Area

In relevant zones within the PIA where the applicable land uses are Code assessable development.

2.5 Applicable Land Uses

The uses must be consistent with the following “applicable land uses” (refer to the applicable land uses table below) in the Mackay Region Planning Scheme.

Should there be instances where the below land uses are also identified under another Schedule, it will be at the discretion of Council to determine the most appropriate Schedule for which concessions will be assessed against.

| MACKAY REGIONAL COUNCIL AREA |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mackay Region Planning Scheme |
| <ul style="list-style-type: none"> • Dual occupancy • Multiple dwelling • Rooming accommodation • Relocatable home park |

3.0 Location Specific Incentives

3.1 Reduction in Infrastructure Charges for Material Change of Use

Infrastructure charges may be reduced as follows:

- Up to 100% based on the net charge amount identified on the Infrastructure Charges Notice and after the application of any offsets, up to a maximum concession value of \$500,000;

The maximum concession value above, will include any previous stages of the development, or other development of the site, that has been previously approved under the policy.

3.2 Delayed Payment

Delayed payment of the infrastructure charges payable under the Infrastructure Charges Notice may be considered as per the table below.

| Development type | Typical payment trigger | Potential delayed trigger |
|-------------------------|--------------------------------------|--------------------------------------------------|
| Material Change of Use | Prior to the commencement of the use | Within 12 months of the commencement of the use. |

Delayed payment of infrastructure charges will be subject to an acceptable infrastructure agreement between the Developer, Landowner and Council.

3.3 Service Connection Fee Discount

The applicable costs for service connections may be discounted as per the table below.

| Connection fees | Discount | Timing |
|------------------------|-------------------------------------|---------------------------------------------------------------------|
| Water | 50% discount up to maximum of \$500 | Applied at the time when the fees would be payable for the activity |
| Sewerage | 50% discount up to maximum of \$500 | Applied at the time when the fees would be payable for the activity |

11.4.2. AMENDMENT TO ADOPTED CHARGES RESOLUTION

Author Executive Manager Infrastructure Planning (Jay Rosenberg)
Responsible Officer Director Planning, Growth & Sustainability (Aletta Nugent)
File Reference Proposed Adopted Charges Resolution 2023

Attachments

1. Proposed Adopted Charges Resolution December 2023 [**11.4.2.1** - 27 pages]

Purpose

To present the proposed Adopted Charges Resolution – December 2023 for consideration and adoption.

Related Parties

- Urban Development Institute of Australia (Mackay/Whitsunday Branch)
- Mackay Regional Chamber of Commerce
- Master Builders (Mackay)
- Housing Industry Association
- Resource Industry Network
- Real Estate Institute of Queensland
- Mackay Isaac Tourism

Corporate Plan Linkage

Invest 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.

Region of Choice - We are recognised as Australia's best region for attracting, retaining, and developing a skilled workforce.

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.

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

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 existing Adopted Charges Resolution December 2020 (ACR 2020) was adopted by Council at its meeting of 9 December 2020. ACR 2020 is used to levy adopted charges as part of development approvals through an Infrastructure Charges Notice (ICN).

A number of amendments are proposed to the existing resolution as part of the proposed Adopted Charges Resolution December 2023 (ACR 2023) included as Attachment 1. The proposed amendments relate to the following:

- Lot size factor (section 5.1.2) – amendments to categories and factors that apply to the calculation of infrastructure charges for reconfiguring a lot developments, that will create residential lots less than 550m²;
- Calculating and re-calculating establishment costs (section 7.1 and 7.2.3) – include a new option for a contract price method that is based on an open tender process;
- Accommodation (short-term) (Schedule 1) – moving Nature-based tourism from the Specialised use adopted infrastructure charge category to the Accommodation (short-term) category and changing the rates and associated method for tents and caravan sites; and
- Minor formatting amendments.

These amendments are discussed further below.

Lot size factors

Lot registration data from the Queensland Government Statistician's Office (Queensland Treasury) shows that the average lot sizes for new residential lots developed across the Mackay region trended downward from a high of approximately 840m² in the early 1990s, to approximately 600m² in the 2015-2016 financial year. From then it has trended back up to approximately 720m² in the 2022-2023 financial year.

The Mackay Region Planning Scheme 2016 (MRPS) seeks to achieve a mix of residential lot sizes and densities across the range of residential zones, ranging between 200-300m² in the Medium density zones to 400m² and greater in the low density residential zone. For Emerging community zoned land, which represents the greenfield urban development areas, the planned density assumed by the MRPS and the associated infrastructure planning is 12 dwellings per hectare. Although there is variability within growth areas, with the average lot size currently at approximately 720m², the emerging development areas are not achieving the target of 12 dwellings per hectare. This results in an inefficient use of developable land and the associated trunk infrastructure.

To reflect the increased efficiency of smaller lots, section 5.1.2 of ACR 2020 already includes a Lot Size Factor which is applied as part of the calculation method for reconfiguring a lot development. This provides an effective discount of 10% for lots between 450m² and up to 550m² and 35% for lots less than 450m². This factor is applied to the relevant rate for a 3+ bedroom dwelling which is currently \$30,226.70. To further promote the development of a mix of lot sizes and increase the supply of more diverse subdivision developments within development areas, it is proposed as part of ACR 2023 to modify and increase the Lot Size Factor for lots less than 550m². The table below highlights the difference between the existing Lot Size Factor and the proposed changes.

| Existing ACR 2020 | | | | |
|-------------------------|-----------------|----------|----------|-------------------|
| Lot size m ² | Lot size factor | Discount | | Amount payable \$ |
| | | % | \$ | |
| >550 | 1 | Nil | Nil | 30,226.70 |
| 450-459 | 0.9 | 10% | 3,022.67 | 27,204.03 |
| <450 | 0.75 | 25% | 7,556.68 | 22,670.03 |

| Proposed ACR 2023 | | | | |
|-------------------------|-----------------|----------|-----------|-------------------|
| Lot size m ² | Lot size factor | Discount | | Amount payable \$ |
| | | % | \$ | |
| >550 | 1 | Nil | Nil | 30,226.70 |
| 550 ≤ 450 | 0.50 | 50% | 15,113.35 | 15,113.35 |
| 450 < 300 | 0.25 | 75% | 22,670.03 | 7,556.68 |
| ≤ 300 | 0.10 | 90% | 27,204.03 | 3,022.67 |

As shown in the above table, the proposed changes to the Lot Size Factor will increase the number of categories and the factors applicable to lots less than 550m². The proposed factors have been developed to provide a pricing signal to the market to encourage smaller lots. It is not anticipated that the proposed changes to the Lot Size Factor will result in significant shifts in the median lot sizes in the region but likely to result in providing

greater diversity of lot sizes within subdivisions to include more smaller lots within the development, that will reduce the mean lot sizes and increase overall density.

The effective discount for lots $\leq 300\text{m}^2$ is recommended to be 90%, which recognises that despite efficiencies in providing infrastructure for smaller lots, there are still costs associated with providing trunk infrastructure. Further to this, the development of medium density residential development is also a potential development outcome that could achieve similar densities. For this type of development, discounts of up to 100% on the material change of use infrastructure charges may be approved by Council through a separate application and approval process under Council Policy 081 – Facilitating Development in the Mackay Region.

Importantly, the proposed changes to the Lot Size Factor will not change any of the existing requirements of the MRPS in terms of the suitability or appropriateness of smaller lots to be developed across the urban area. Therefore, the potential development outcomes from any changes to the lot sizes will still need to comply with all the relevant planning scheme requirements including lot size requirements.

Establishment costs

Section 7 of ACR 2020 includes provision for the establishment cost of trunk infrastructure to be determined through a first principles cost estimation process for infrastructure that is works and a land valuation method for trunk infrastructure that is land. Similar provisions also apply when the Applicant requests that the establishment costs be re-calculated in accordance with the Planning Act 2016. The current methods are consistent with the Planning Act 2016 and the relevant statutory guidance documents. The establishment cost is critical to understand the implications of any offsets or refunds that may apply to the levied infrastructure charges, which are applicable when the provision of necessary trunk infrastructure is also a requirement of the development approval.

In practice, experience has shown that the existing methods are not always the practical or the best way to determine the establishment costs for infrastructure that is works. The current method is essentially a planned cost based on project and unit-rate assumptions. With changing construction and market conditions, this method does not always reflect the current market conditions for the delivery of the trunk infrastructure. To provide greater flexibility, the proposed ACR 2023 at section 7.1 and 7.2.3 introduces the option to use a contract-price method that is based on an open tender process, or by way of agreement between parties. These proposed inclusions will provide greater scope for the Applicant and Council to calculate or re-calculate the establishment cost.

Accommodation (short-term)

Nature-based tourism uses are currently included in the Specialised uses Adopted Infrastructure Charge Category of the resolution (Schedule 1). This means that the assessment officer is required to undertake a first principles assessment of the infrastructure demands related to the development to determine which maximum adopted charge category and charge should apply for the use at the time of the assessment. Experience has shown that in most applications for Nature-based tourism, the category that is adopted is the same as for Accommodation (short-term), and the adopted charge applied is the same as for either a caravan or tent site or for a cabin with either 3+ bedrooms or 1-2 bedrooms. To provide greater clarity for the Applicant and for Council officers, it is proposed to include Nature-based tourism into the Accommodation (short-term) adopted infrastructure charge category.

The other proposed change for this category within Schedule 1 relates to changing the rate and adopted infrastructure charge for tents and caravan sites. Currently the following method is used for calculating the charges for a tent or caravan site in a tourist park:

- \$15,113.30 per 3 tent/caravan sites; and
- \$5,397.60 for each tent/caravan site after.

This method is generally consistent with Schedule 16 of the Planning Regulation and is intended to be implemented by dividing the total number of sites by 3, multiplying this by \$15,113.30 and then the remaining sites (where applicable) are multiplied by \$5,397.60. However, this method still creates some confusion for Applicants and Assessment officers, with varying interpretations. It is therefore proposed to use a single rate per tent/caravan site of \$5,037.77. This has been calculated as the unit rate from the current \$15,113.30 per 3 tent/caravan sites rate. This will result in a reduction in revenue for up to 2 sites of \$359.83 per site, up to a maximum total of \$719.66 per development application. When considering the low number of development applications for Accommodation (short-term) involving tents and caravan sites, the potential loss of \$719.66 in revenue is not considered substantial enough to not improve the simplicity and workability of the resolution.

Other considerations

Since the commencement of the ACR 2020, the State Government has updated the prescribed amount identified in Schedule 16 of the Planning Regulation 2017 in line with the method provided for within the Planning Act 2016. The effect of the indexation of the current maximum adopted charge in Schedule 16 of the Planning Regulation is that the prescribed amount has increased by approximately 2.8% since ACR 2020 was adopted. Increasing the maximum adopted charge has been considered. However, in acknowledging that the local development market has slowed in the last 12 months, with latest development statistics showing reduced annual lot approvals, lot registrations and building approvals, it is proposed that ACR 2023 maintains the existing adopted charge rates. This will represent an effective 2.8% discount to future levied charges across all development types.

Consultation and Communication

An initial Councillor Briefing was held on 25 October 2023 regarding potential changes to ACR 2020 including discussion about the potential changes to the Lot Size Factor and maintaining the existing adopted charge rates. Internal consultation has also been undertaken with the Economic Development and Tourism, Development Planning & Engineering and Strategic Planning Programs.

The following targeted stakeholders were invited on 31 October 2023 to provide their written feedback on ACR 2020 and specifically the proposed changes to the Lot Size Factor:

- Urban Development Institute of Australia (Mackay Whitsunday Branch)
- Mackay Chamber of Commerce
- Master Builders (Mackay)
- Housing Industry Association
- Resource Industry Network
- Real Estate Institute of Queensland
- Mackay Isaac Tourism.

A written submission was received from the Urban Development Institute of Australia (Mackay Whitsunday Branch). They provided their support for the proposed changes to the Lot Size Factor and retaining the adopted charges as per the existing ACR 2020 rates.

Resource Implications

The proposed amendments to ACR 2023 will not fundamentally change the way charges are levied and have the potential to improve the way in which establishment costs are determined, so is not expected to have any impact on Council resources.

Risk Management Implications

Depending on the proposed lot layouts and sizes, a reduction in charges revenue is likely as a result of the proposed changes to the Lot Size Factor. Where development achieves a greater development density, this will

result in more rateable properties and more people over the equivalent developable area. This will increase potential rates revenue, improve the utilisation of trunk infrastructure and provide a mix of lot sizes to support different markets, changing household sizes and supporting housing affordability. These potential benefits are considered to outweigh any loss in revenue that may occur in some instances.

Any proposed reconfiguration of a lot will still need to demonstrate compliance with the MRPS to ensure appropriate development outcomes are achieved. The take-up of developing smaller lots as a result of the amended lot size factor will be monitored to ensure appropriate outcomes are achieved.

The proposed change to the tent/caravan site charge rate may result in a reduction in charges revenue up to a maximum total of \$719.66 per development application. When considering the low number of development applications for Accommodation (short-term), this is not anticipated to have a significant impact on charges revenue.

Other proposed changes as part of ACR 2023 are not anticipated to have any risks.

Conclusion

The proposed amendments as part of ACR 2023 will support the desired development outcomes of the MRPS to achieve improved development and trunk infrastructure outcomes in new development areas. Other amendments will improve the workability of the adopted charges resolution for both the Applicant and Council.

Officer's Recommendation

THAT Council adopt the proposed Adopted Charges Resolution – December 2023, in accordance with section 113 of the Planning Act 2016, with a commencement date of 18 December 2023.

Council Resolution ORD-2023-335

THAT Council adopt the proposed Adopted Charges Resolution – December 2023, in accordance with section 113 of the Planning Act 2016, with a commencement date of 18 December 2023.

Moved Cr May

Seconded Cr Hassan

For: Cr Englert, Cr Green, Cr Hassan, Cr Jones, Cr Mann, Cr May, Cr Townsend, Cr Williamson

Against: Cr Bella, Cr Bonaventura, Cr Seymour

CARRIED

MACKAY REGIONAL COUNCIL – Adopted Charges Resolution December 2023

1. Relevant legislation

- (a) This resolution is made in accordance with section 113 of the *Planning Act 2016* (PA) to adopt a charges resolution.

2. Application to local government area

- (a) This resolution declares that an adopted charge applies to the entire Mackay Regional Council local government area however, in accordance with section 113(3) of the PA, this resolution does not apply to:
 - (i) Works or use of premises authorised under the Greenhouse Gas Storage Act 2009, the Mineral Resources Act 1989, the Petroleum Act 1923 or the Petroleum and Gas (Production and Safety) Act 2004;
 - (ii) Development in a priority development area under the Economic Development Act 2012; or
 - (iii) Development by a department, or part of a department, under a designation; or
 - (iv) Development for a non-State school under a designation.
- (b) In relation to 2.(a)(ii), in accordance with the *Economic Development Act 2012* a special rate or charge may be levied in a priority development area in a way the Minister for Economic Development Queensland considers appropriate. In these circumstances, the charge may be based on the local government infrastructure charges instrument in force at that time.

3. When resolution has effect

- (a) This resolution has effect on and from 18 December 2023.
- (b) This resolution replaces Council's *Adopted Charges Resolution – December 2020*, which took effect 14 December 2020.

4. Relationship to Local Government Infrastructure Plan

- (a) This resolution includes references to the Local Government Infrastructure Plan (LGIP) which is included as part of the Mackay Region Planning Scheme 2017. The LGIP includes the following information:
 - (i) Planning assumptions;
 - (ii) Priority Infrastructure Area (PIA);
 - (iii) Desired standards of service; and
 - (iv) Plans for trunk infrastructure including schedules of works.

5. Levying of charges

- (a) Infrastructure charges will be levied by Council based on the following calculation method for the total development:

- (i) **LC = sum (AC x (1 – SD)) – C**, where:

LC = Levied charge for the total development inclusive of all development types

AC = Adopted infrastructure charge for each development type

SD = Service discount (%)

C = Credit

5.1. Adopted charge

- (a) The adopted charge will be calculated for the total development in accordance with the calculation methods included in section 5.1.1 and 5.1.2 below.
- (b) For the calculation methods, the adopted charge for development approved under the Mackay Region Planning Scheme 2017 will be based on the use identified in Schedule 1.
- (c) For development applications approved under the superseded planning schemes, Schedule 2 will be used to determine the equivalent SPRP use category to be applied in Schedule 1.

5.1.1. Material change of use

- (a) For development that is a material change of use, the adopted infrastructure charge will be determined based on the following calculation method:

- (i) **AC_{MCU} = sum (GFA x UR) + (IA x IR)**, where:

AC_{MCU} = Adopted charge for the sum of all uses

GFA = Gross floor area for each applicable use (m²)

UR = Applicable use rate shown in Schedule 1, column 3 (\$/m²) for each applicable use in Schedule 1, column 2, or as determined by council where not specified.

IA = Impervious area for the total development (m²)

IR = Applicable impervious rate shown in Schedule 1, column 3 (\$/m²) for each applicable use, or as determined by council where not specified.

5.1.2. Reconfiguring a lot

- (a) For development that is reconfiguring a lot, the adopted infrastructure charge will be determined based on the following calculation method:

- (i) **AC_{ROL} = sum (UR_{3+dwelling} x LSF)**, where:

AC_{ROL} = Adopted charge for the sum of all lots

UR_{3+dwelling} = Adopted charge shown in Schedule 1, column 3, for a 3 or more bedroom residential dwelling, for each lot that will generate demand on any trunk infrastructure network.

LSF = Lot Size Factor as per table below.

| Lot size | Lot Size Factor |
|-------------------------|-----------------|
| > 550m ² | 1 |
| 450 ≥ 550m ² | 0.50 |
| 300 ≥ 450m ² | 0.25 |
| ≤ 300m ² | 0.1 |

5.2. Service discount

- (a) A service discount (SD) will be applied to the calculation for both Material Change of Use and Reconfiguration of a lot development where there is no access to, or no planned local government provision for reticulated water or sewerage service. The SD will be calculated as follows:
- (i) Development with access to, or planned access to reticulated water infrastructure and sewerage infrastructure – SD = 0
 - (ii) Developments with no access or planned access to reticulated water infrastructure – **SD = 10%;**
 - (iii) Developments with no access or planned access to reticulated sewerage infrastructure – **SD = 20%;**
 - (iv) Developments with no access or planned access to reticulated water infrastructure and sewerage infrastructure – **SD = 30%.**

5.3. Credits

- (a) Section 120 of the PA provides that a levied charge may be only for additional demand placed upon trunk infrastructure that the development will generate. Subject to section 5.3(b) below, in working out additional demand the demand on trunk infrastructure generated by the following must not be included:
- (i) An existing use on the premises, if the use is lawful and already taking place on the premises;
 - (ii) A previous use that is no longer taking place on the premises, if the use was lawful at the time it was carried out;
 - (iii) Other development on the premises if the development may be lawfully carried out without the need for a further development permit.
- (b) The demand generated by:
- (i) A use or development stated in section 5.3(a)(i) and 5.3(a)(ii) may be included in a levied charge if an infrastructure requirement that applies, or applied to the use or development, has not been complied with; and
 - (ii) Development stated in section 5.3(a)(iii) may be included in a levied charge if an infrastructure requirement applies to the premises on which the development will be carried

out and the infrastructure requirement was imposed on the basis of development of a lower scale or intensity being carried out on the premises.

- (c) To ensure that only additional demand is levied as part of a charge, a credit (C) will be applied to a levied charge, as calculated in accordance with section 5.3.1.
- (d) The credit amount applied to the calculation of the Levied Charge (LC) at 5.3.1 cannot be greater than the adopted charge taking into account any service discounts, i.e. $C \leq (AC \times (1 - SD))$.

5.3.1. Calculating a credit

- (a) The credit (C) amount to be applied to the calculation will be determined as per the below method.
 - (i) Where the premises is subject to an existing lawful use taking place on the premises (as per 5.3(a)(i)), or a previous lawful use that is no longer taking place (as per 5.3(a)(ii)), the greater of the following:
 - i. The same calculation method as AC_{MCU} at section 5.1.1 including any applicable service discount as per section 5.2; or
 - ii. The amount of previously paid contributions or infrastructure charges for development of the premises.
 - (ii) For other development on the premises, if the development may be lawfully carried out without the need for a further development permit (as per 5.3(a)(iii)), the greater of the following:
 - i. The same calculation method as AC_{MCU} at section 5.1.1 for the use including any applicable service discount as per section 5.2; or
 - ii. The same calculation method as AC_{ROL} at section 5.1.2 including any applicable service discount as per section 5.2; or
 - iii. The amount of previously paid contributions or infrastructure charges for development of the premises.
 - (iii) For other development on the premises that requires a further development permit, the Applicant may seek a credit for previously paid contributions or infrastructure charges relating to the premises, where there has been no increase in demand for infrastructure as a result of the use of the premises.
- (b) Where the applicant is seeking a credit to be calculated based on an amount of previously paid contributions or infrastructure charges, the onus is on the Applicant to provide all necessary information to support their request. In calculating the credit, previously paid contributions or infrastructure charges that are eligible to be used in the calculation will be subject to indexation in using the CPI (Consumer Price Index – Brisbane), adjusted to the 3-yearly CPI moving average quarterly percent change, for the period:
 - (i) starting on the day of the contribution or infrastructure charge was previously paid; and
 - (ii) the day of the current calculation.

6. Automatic increase provision

- (a) The levied charge may be increased after the charge is levied and before the levied charge is paid to the local government, provided the charge does not exceed the maximum adopted charge that the local government could have levied for the development when the charge is paid.
- (b) Council will calculate the increase using the PPI (Road & Bridge Construction Index – Queensland, index 3101), adjusted to the 3-yearly PPI moving average quarterly percent change, for the period:
 - (i) starting on the day the levied charge was levied; and
 - (ii) ending on the day the charge is paid.
- (c) Council will calculate the automatic increase based on the DILGP – PPI index calculation spreadsheet, available at: <http://www.dilgp.qld.gov.au/resources-ilgp/forms-templates-checklists/infrastructure-charges.html> or an equivalent method developed by Mackay Regional Council.

7. Establishment costs

- (a) For trunk infrastructure subject of a necessary infrastructure condition that is the same as infrastructure identified in the LGIP, the establishment cost will be as identified in the LGIP or as recalculated in accordance with section 7.1 of this resolution.
- (b) Where the trunk infrastructure subject of a necessary trunk infrastructure condition is different to the infrastructure identified in the LGIP or is not identified, the establishment cost will be calculated in accordance with section 7.1 of this resolution.
- (c) The establishment cost will be stated in the Infrastructure Charges Notice (ICN), except where the Applicant has notified the local government in writing under section 121(2) PA that the information stated in section 121(1)(f) is not required.

7.1. Calculating establishment cost

- (a) This section provides the method that local government will use to calculate the establishment cost for trunk infrastructure for the purposes of section 116 of the PA, for working out the cost of trunk infrastructure that is the subject of an offset or refund.
- (b) The local government will calculate the establishment cost using the following methods as appropriate:
 - (i) A first principles estimate for the cost of designing, constructing and commissioning the trunk infrastructure based on the scope of works and bill of quantities; or
 - (ii) A contract price method which determines the establishment cost for the supply of the trunk infrastructure based on the scope of works using an open tender process.
- (c) The establishment cost calculated at paragraph 7.1(b) is the establishment cost of the trunk infrastructure that is works.

- (d) The local government will appoint a certified practicing valuer at its cost to prepare a valuation of the trunk infrastructure that is land. The valuer will apply the valuation methodology in accordance with sections 7.2.4(b) to (e).
- (e) The amount of the valuation referred to in paragraph 7.1(d) is the establishment cost of the trunk infrastructure that is land.

7.2. Recalculating establishment cost

- (a) This section outlines the method in accordance with section 116 of the PA for recalculating the establishment cost of trunk infrastructure for an offset or refund included in an ICN where the Applicant does not agree with the amount of the establishment cost that is the subject of the offset or refund.

7.2.1. When this section applies

- (a) In accordance with section 137 of the PA, the Applicant can require the local government to recalculate the establishment cost, where:
 - (i) A development approval requires the applicant to provide trunk infrastructure; and
 - (ii) The local government has given the applicant an ICN that includes information about an offset or refund under this part relating to the establishment cost of the trunk infrastructure; and
 - (iii) The applicant does not agree with the amount of the establishment cost.

7.2.2. Applicant gives notice

- (a) The Applicant must provide a notice to the local government under section 137(2) of the PA, before the levied charge under the ICN becomes payable in accordance with the ICN, requiring the local government to recalculate the establishment cost of trunk infrastructure using the method in this resolution.

7.2.3. Method for infrastructure that is works

- (a) The Applicant must at their cost, submit to the local government a proposed revised establishment cost using one of the following methods:
 - (i) A cost estimate for the works based on a first principles estimate for the cost of designing, constructing and commissioning the trunk infrastructure based on the scope of works and the bill of quantities; or
 - (ii) A contract price method which determines the establishment cost for the supply of the trunk infrastructure based on the scope of works using an open tender process; or
 - (iii) By agreement between both parties.
- (b) For the method identified in 7.2.3(a)(i), the following applies:
 - (i) The local government must provide to the Applicant the scope of works.
 - (ii) The local government will review the proposed *bill of quantities* against the scope of works and the *cost estimate* for the works;

- (iii) If the local government accepts the proposed *bill of quantities* and *cost estimate*, the *cost estimate* is the establishment cost for the infrastructure that is works.
 - (iv) If the local government does not accept the proposed *bill of quantities* and the *cost estimate*, the local government will notify the Applicant in writing that it will have an assessment undertaken at its own cost by an appropriately qualified person to:
 - i. Determine whether the bill of quantities is in accordance with the scope of works;
 - ii. Determine whether the costs estimate is consistent with current market costs calculated by applying a first principles estimating approach to the bill of quantities; and
 - iii. Provide an amended cost estimate using a first principles estimating approach.
 - (v) Council will provide the assessment undertaken under 7.2.3(b)(iv) to the Applicant for consideration to negotiate the cost estimate;
 - (vi) If agreement is reached about the cost estimate, the agreed cost estimate is the establishment cost for the infrastructure that is works.
 - (vii) If agreement is not reached, the local government will consult with the Applicant to appoint an independent qualified person to:
 - i. Determine whether the bill of quantities is in accordance with the scope of works;
 - ii. Determine whether the cost estimate is consistent with current market costs calculated by applying a first principles estimating approach to the bill of quantities; and
 - iii. Provide an amended cost estimate using a first principles estimating approach.
 - (viii) Where an independent qualified person is required to be appointed, the costs will be shared equally between the Applicant and the local government;
 - (ix) Following the receipt of the amended cost estimate, the value of the amended cost estimate is the establishment cost for the infrastructure that is works.
- (c) For the method identified in 7.2.3(a)(ii), the following applies:
- (i) The proposed open tender methodology and process for assessment is to be accepted by Council prior to being undertaken by the Applicant;
 - (ii) Prior to entering into any contract for the trunk infrastructure, the Applicant is to provide Council a summary of their open tender process and assessment and identify their preferred tenderer outlining the reasons for their preference and a copy of the terms of the proposed work contract;
 - (iii) Where Council accepts the preferred tenderer, the preferred tender amount for the trunk infrastructure is the establishment cost for the infrastructure that is works;

- (iv) Where Council does not accept the preferred tender, reasons will be provided in writing to the Applicant and the Applicant can either re-assess their preferred tenderer at 7.2.3(b)(c)(ii), restart the tender process or undertake a different method (see 7.2.3(a)).
- (d) For the method identified in 7.2.3(a)(iii)(ii), the following applies:
 - (i) The Applicant and Council enter into a written agreement, to the satisfaction of both parties, about the establishment cost for the infrastructure that is works.

7.2.4. Method for infrastructure that is land

- (a) For trunk infrastructure that is land, the Applicant at their own cost must provide to the local government a *valuation* for the specified land in accordance with the following requirements:
 - (i) The *valuation* must be prepared by a *certified practicing valuer*;
 - (ii) The *certified practicing valuer* must act professionally as a neutral and independent expert;
 - (iii) The *certified practicing valuer* is to provide to Council evidence of their current certification with the Australian Property Institute.
- (b) If the land infrastructure has been identified in the LGIP – a valuation must be undertaken to determine the market value that would have applied on the day the development application, which is the subject of a condition to provide trunk infrastructure, first became properly made.
- (c) If the land infrastructure has not been identified in the LGIP – a valuation must be undertaken to determine the market value that would have applied on the day the development application that resulted in a condition to provide trunk infrastructure was approved.
- (d) The *valuation* of land infrastructure must be undertaken using the before and after method of valuation by:
 - (i) Determining the value of the original land before any land is transferred to a local authority;
 - (ii) Determining the value of the remaining land that will not be transferred to a local authority; and
 - (iii) Subtracting the value determined for the remaining land that will not be transferred to a local authority from the value determined for the original land.
- (e) A supporting *valuation report* must be provided as part of the *valuation*. The *valuation report* must:
 - (i) Include supporting information regarding the highest and best use of the land which the valuer has relied on to form an opinion about the value;
 - (ii) Identify the area of land that is above the Q100 (1% AEP) flood level and the area that is below the Q100 (1% AEP) flood level;
 - (iii) Identify and consider all other real and relevant constraints including:

- i. vegetation protection;
 - ii. ecological values including riparian buffers and corridors;
 - iii. stormwater or drainage corridors;
 - iv. slope;
 - v. bushfire and landslide hazards;
 - vi. heritage
 - vii. airport environs;
 - viii. coastal erosion;
 - ix. extractive resources;
 - x. flooding;
 - xi. land use buffer requirements;
 - xii. tenure related constraints; and
 - xiii. restrictions such as easements, leases, licences and other dealings whether or not registered on title; and
 - xiv. contain relevant sales evidence and clear analysis of how those sales and any other information was relied upon in forming the valuation assessment
- (f) The local government will review the valuation of the land and the supporting valuation report;
- (g) If the local government accepts the valuation, the value will be the establishment cost of the infrastructure that is land;
- (h) If the local government does not accept the valuation provided by the Applicant, the local government must engage an alternate certified practicing valuer, at its own cost, to prepare an alternate valuation and alternate valuation report in accordance with the same requirements identified in section 7.2.4(d) and (e).
- (i) Council will provide the Applicant with a copy of the alternate valuation and alternate valuation report for consideration to negotiate any outstanding matters relating to the alternate valuation;
- (j) If agreement is reached about the alternate valuation, then the agreed value will be the establishment cost of the infrastructure that is land;
- (k) If agreement is not reached in relation to the value of the land, the Council will consult with the Applicant to appoint an independent certified practicing valuer to prepare an independent valuation and independent valuation report. The independent valuation must be prepared in accordance with the requirements identified in section 7.2.4(d) and 7.2.4(e).
- (l) Where an independent certified practicing valuer is required to be appointed, the costs will be shared equally between the Applicant and the local government.

- (m) Following the receipt of the independent valuation and independent valuation report, the value of the independent valuation will be the establishment cost of the land.

7.2.5. Amended Infrastructure Charges Notice

- (a) Following the recalculation of the establishment cost, Council will issue an amended ICN. The amended ICN will state the following:
 - (i) The value of the establishment cost of the infrastructure which has been indexed to the date stated in the amended ICN;
 - (ii) That the establishment cost of the infrastructure stated in the amended ICN is indexed from the date that it is stated in the amended ICN to the date it is to be offset against the levied charge. Indexation will be calculated using the same method as the automatic increase provision in section 6, for the relevant indexation period. If the indexation period includes any period prior to September 1998, (commencement of the PPI – Road & Bridge Construction Index, Queensland), the CPI Brisbane index will be used in the calculation for that part of the period.

7.3. Indexation of establishment cost

- (a) The establishment cost will be subject to indexation from the date of the ICN.
- (b) Indexation will be calculated using the same method as the automatic increase provision in section 6, for the relevant indexation period. If the indexation period includes any period prior to September 1998, (commencement of the PPI – Road & Bridge Construction Index, Queensland), the CPI Brisbane index will be used in the calculation for that part of the period.

7.4. Determining the establishment cost by agreement

- (a) Where the Applicant has notified the local government in writing under section 121(2) PA that the information stated in section 121(1)(f) is not required, the establishment cost may be determined in accordance with section 7.2.3 and 7.2.4 or an alternate methodology that is agreed between the Applicant and Council.

8. Refund payment timing

- (a) To better integrate Council's land use and infrastructure planning and to implement the funding of trunk infrastructure in a financially sustainable manner, the timing of any refunds will be undertaken in accordance with this part of the resolution.

8.1. Refund eligibility

- (a) Trunk infrastructure that is subject to an offset or refund, as identified in the ICN will be eligible for a refund payment:
 - (i) If the establishment cost of the trunk infrastructure required to be provided under the development approval is more than the levied charge for the development;
 - (ii) The trunk infrastructure that is works, has been completed in accordance with the requirements of the development approval and accepted 'on-maintenance' by Mackay Regional Council;

- (iii) The trunk infrastructure that is land, has transferred to Council or is dedicated as reserve;
and
- (iv) An offset has been applied to the levied charge in relation to the development approval.

8.2. Refund payments

- (a) The payment timing and scope of the eligible refund payment will be determined based on the following:
 - (i) Where the scope of the subject works is consistent with the LGIP, or the scope is different but delivers the same standard of service as identified in the LGIP and is completed no earlier than identified in the LGIP –
 - i. For works having an establishment cost up to, or equal to \$3m – refund payment by 31 December of the financial year following the works being accepted ‘on-maintenance’;
 - ii. For works having an establishment greater than \$3m – two equal refund payments to be made annually over two financial years by 31 December in each financial year commencing in the financial year following the works being accepted ‘on-maintenance’.
 - (ii) Where the scope of the subject works is consistent with the LGIP, or the scope is different but delivers the same standard of service as the LGIP and if required, an extra payment condition about a bring forward cost in relation to the works has been paid –
 - i. For works having an establishment cost up to, or equal to \$3m – refund payment by 31 December of the financial year following the works being accepted ‘on-maintenance’;
 - ii. For works having an establishment greater than \$3m – two equal refund payments to be made annually over two financial years by 31 December in each financial year commencing in the financial year following the works being accepted ‘on-maintenance’.
 - (iii) Where the subject works have not been identified in the LGIP –
 - i. For works having an establishment cost up to, or equal to \$3m – refund payment in by 31 December in the financial year that Council estimates that the infrastructure would have been planned to be provided;
 - ii. For works having an establishment greater than \$3m – two equal refund payments to be made annually over two financial years by 31 December in each financial year commencing in the financial year that Council estimates that the infrastructure would have been planned to be provided.

8.3. Indexation of refund

- (a) Any outstanding refund payments that have not yet been paid by Council to the Applicant will be subject to indexation, calculated between the time of the subject works being accepted ‘on maintenance’ and the time of the refund payment by Council is due.

- (b) Indexation will be calculated using the same method as the provisions in section 5.3.1(b).

9. Trunk conversions

- (a) This section outlines:
 - (i) The process to apply for a conversion application where non-trunk infrastructure has been conditioned as part of a development application and the Applicant considers the non-trunk infrastructure to be trunk infrastructure; and
 - (ii) The criteria for deciding a conversion application.

9.1. Application to convert non-infrastructure to trunk infrastructure

- (a) An application to convert particular non-trunk infrastructure to trunk infrastructure may be made to the Council only where the following applies:
 - (i) The Council has required non-trunk infrastructure to be provided in a particular condition of a development approval under section 145 of the PA; and
 - (ii) The construction of the non-trunk infrastructure has not started; and
 - (iii) The conversion application is made in writing to council, within one (1) year after the development approval starts to have effect, in accordance with section 139 of the PA.
- (b) When Council is deciding the application, Council must consider the decision criteria outlined in section 9.2 below, and section 140 and 141 of the PA.

9.2. Criteria for deciding conversion application

- (a) Under section 117 of the PA, the criteria that must be considered by Council when deciding a conversion application made under section 139 of the PA is outlined below:
 - (i) The infrastructure services premises in an area which is intended to be serviced with development infrastructure networks and that will accommodate growth up to 2031;
 - (ii) The infrastructure has capacity to service other developments in the area;
 - (iii) The function and purpose of the infrastructure is consistent with other trunk development infrastructure identified in the LGIP;
 - (iv) The infrastructure is not consistent with non-trunk infrastructure for which conditions may be imposed in accordance with section 145 of the PA;
 - (v) The type, size and location of the infrastructure is the most cost-effective option for servicing multiple users in the area; and
 - (vi) The infrastructure is consistent with the desired standards of service.

9.2.1. Most cost-effective option

- (a) The most cost effective option referred to at 9.29.2(a)(v) is the least cost option based upon the life cycle cost of the infrastructure required to service future urban development in the area at the desired standard of service.

10. Dictionary

- (a) Where words and terms used in this resolution have the meaning given in the PA or the Minister's Guidelines and Rules or the Mackay Region Planning Scheme.
- (b) The following terms have specific meaning, as follows:
- (i) *Amended ICN* – is the amended infrastructure charges notice issued after the recalculation of the establishment cost in accordance with this resolution.
 - (ii) *Annual Exceedance Probability (AEP)* – is the probability of the occurrence of a flood of a given discharge within a period of one year, generally expressed as a percentage.
 - (iii) *Alternate certified practicing valuer* – the *certified practicing valuer* engaged by Council to prepare the *alternate valuation*.
 - (iv) *Alternate valuation* – The value of establishment cost that is land, determined by the *alternate certified practicing valuer*.
 - (v) *Alternate valuation report* – the report prepared by the *alternative certified practicing valuer*.
 - (vi) *Amended cost estimate* – the estimate prepared by the appropriately qualified person.
 - (vii) *Bill of quantities* – defines the scope of the infrastructure requirements based on the *scope of works* with sufficient detail to enable the preparation of the cost estimate for the infrastructure that is works,
 - (viii) *Certified practicing valuer* – the *certified practicing valuer* engaged by the Applicant to prepare the *valuation*.
 - (ix) *Cost estimate* – the estimate of the value of the establishment cost for infrastructure that is works based on the *first principles estimate*.
 - (x) *First principles estimate* – the method used to determine the *cost estimate* using the market cost of infrastructure items using the *bill of quantities*.

The following items may be included in the *first principles estimate*:

- i. Design costs to facilitate the construction;
- ii. Construction costs at applicable market rates;
- iii. Contingency in accordance with Mackay Regional Council's *Cost Estimating Manual*;
- iv. Project owners' costs including project management, contract management and relevant approvals.

The following items cannot be included in the *first principles estimate*:

- i. GST, unless otherwise agreed
- (xi) *Impervious area* – an area within a site which does not allow natural infiltration of rainfall to the underlying soil and the majority of rainfall would become runoff. For example, roadways,

car parks, footpaths, roofed area, hardstand area (sealed and unsealed), compacted and other such spaces.

- (xii) *Independent certified practicing valuer* – the *certified practicing valuer* engaged in consultation by Council and the Applicant to prepare the *independent valuation*.
- (xiii) *Independent valuation* – the value of establishment cost that is land, determined by the *independent certified practicing valuer*.
- (xiv) *Independent valuation report* – the report prepared by the *independent certified practicing valuer*.
- (xv) *ICN* - means the infrastructure charges notice, amended infrastructure charges notice, negotiated notice, or an infrastructure charges notice mentioned in section 301 of the Planning Act 2016, that applies to the development approval.
- (xvi) *Infrastructure requirement* – an infrastructure charges notice, or a condition of a development approval, that requires infrastructure or a payment in relation to demand on trunk infrastructure.
- (xvii) *LGIP* – means the Local Government Infrastructure Plan as adopted in the Mackay Region Planning Scheme 2017.
- (xviii) *Scope of works* – the required works for the trunk infrastructure including the standard to which the trunk infrastructure is to be provided and the location of the trunk infrastructure that does not include:
 - i. Non-trunk infrastructure;
 - ii. Works that are a requirement of an extra payment condition;
 - iii. Decommissioning, removal and rehabilitation of infrastructure not made necessary in the delivery of the *scope of works*; and
 - iv. Temporary works that are not made necessary in the delivery of the *scope of works*.
- (xix) *Valuation* – the value of establishment cost that is land, determined by the *certified practicing valuer*.
- (xx) *Valuation report* – the report prepared by the *certified practicing valuer*.

Schedule 1 – Adopted infrastructure charges for Mackay Region Planning Scheme 2017

| Column 1 Adopted infrastructure charge category | Column 2 Use | Column 3 | |
|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| | | Adopted infrastructure charge | Adopted infrastructure charges for stormwater network |
| Residential | <ul style="list-style-type: none"> • Dwelling house • Dual occupancy | \$21,590.50 per dwelling unit for a 1 or 2 bedroom dwelling | N/A |
| | <ul style="list-style-type: none"> • Caretaker's accommodation • Multiple dwelling • Dwelling unit | \$30,226.70 per dwelling unit for a 3 or more bedroom dwelling | N/A |
| Accommodation (short term) | <ul style="list-style-type: none"> • Hotel • Short-term accommodation • Resort complex | For a tent or caravan site in a Tourist park or as part of Nature-based tourism: \$ \$5,037.77 for each tent/caravan site | N/A |
| | <ul style="list-style-type: none"> • Tourist park • Nature-based tourism | For a cabin in a Tourist park or as part of Nature-based tourism: \$10,795.20 per cabin with 1 or 2 bedrooms \$15,113.30 per cabin with 3 or more bedrooms | |
| | | For a hotel or short-term accommodation: \$10,795.20 per suite with 1 or 2 bedrooms \$15,113.30 per suite with 3 or more bedrooms \$10,795.20 per bedroom when not within a suite | |

| Column 1 Adopted infrastructure charge category | Column 2 Use | Column 3 | |
|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| | | Adopted infrastructure charge | Adopted infrastructure charges for stormwater network |
| Accommodation (long term) | <ul style="list-style-type: none"> Community residence Relocatable home park Retirement facility Rooming accommodation Rural workers' accommodation | For a community residence or retirement facility: \$21,590.50 per suite with 1 or 2 bedrooms \$30,226.70 per suite with 3 or more bedrooms \$21,590.50 per bedroom when not within a suite | N/A |
| | | For a relocatable home park: \$21,590.50 per relocatable dwelling site with 1 or 2 bedrooms \$30,226.70 per relocatable dwelling site with 3 or more bedrooms | N/A |
| | | For rooming accommodation or rural workers' accommodation: \$21,590.50 per suite with 1 or 2 bedrooms \$30,226.70 per suite with 3 or more bedrooms | N/A |
| Places of assembly | <ul style="list-style-type: none"> Club Community use Function facility Funeral parlour Place of worship | \$75.60 per m ² of Gross Floor Area (GFA) | \$10. 80 per impervious m ² |
| Commercial (bulk goods) | <ul style="list-style-type: none"> Agricultural supplies store Bulk landscape supplies Garden centre Hardware and trade supplies Outdoor sales Showroom | \$151.15 per m ² of GFA | \$10. 80 per impervious m ² |

| Column 1 Adopted infrastructure charge category | Column 2 Use | Column 3 | |
|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| | | Adopted infrastructure charge | Adopted infrastructure charges for stormwater network |
| Commercial (retail) | <ul style="list-style-type: none"> • Adult store • Food and drink outlet • Service station • Shop • Shopping centre | \$194.30 per m ² of GFA | \$10. 80 per impervious m ² |
| Commercial (office) | <ul style="list-style-type: none"> • Office • Sales office | \$151.15 per m ² of GFA | \$10. 80 per impervious m ² |
| Education facility | <ul style="list-style-type: none"> • Child care centre • Community care centre • Educational establishment | \$151.15 per m ² of GFA No charge for an educational establishment for the Flying Start for Qld Children program | \$10. 80 per impervious m ² |
| Entertainment | <ul style="list-style-type: none"> • Bar • Hotel (non-residential component) • Nightclub entertainment facility • Theatre • Party house | \$215.90 per m ² of GFA | \$10. 80 per impervious m ² |
| Indoor sport and recreational facility | <ul style="list-style-type: none"> • Indoor sport and recreation | \$215.90 per m ² of GFA, court areas at \$21.55 per m ² of GFA | \$10. 80 per impervious m ² |
| Industry | <ul style="list-style-type: none"> • Low impact industry • Medium impact industry • Research and technology industry • Rural industry • Warehouse • Marine industry | \$54.00 per m ² of GFA | \$10. 80 per impervious m ² |

| Column 1 Adopted infrastructure charge category | Column 2 Use | Column 3 | |
|--------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| | | Adopted infrastructure charge | Adopted infrastructure charges for stormwater network |
| | <ul style="list-style-type: none"> • Car Wash | | |
| High impact industry | <ul style="list-style-type: none"> • High impact industry • Special industry • Service industry • Transport depot | \$75.60 per m ² of GFA | \$10.80 per impervious m ² |
| Low impact rural | <ul style="list-style-type: none"> • Animal husbandry • Cropping • Permanent plantations | Nil Charge | |
| High impact rural | <ul style="list-style-type: none"> • Aquaculture • Intensive animal industries • Intensive horticulture • Wholesale nursery • Winery | \$21.55 per m ² of GFA | N/A |
| Essential services | <ul style="list-style-type: none"> • Emergency services • Health care services • Hospital • Residential care facility • Veterinary services | \$151.15 per m ² of GFA | \$10.80 per impervious m ² |
| Specialised uses | <ul style="list-style-type: none"> • Air services • Animal Keeping • Brothel • Crematorium • Detention facility • Extractive industry • Environment facility • Major sport, recreation and entertainment facility | The maximum adopted infrastructure charge is the charge (in column 3) for the charge category (in column 1) (other than this row) that the local government determines should apply for the use at the time of assessment. | |

| Column 1 Adopted infrastructure charge category | Column 2 Use | Column 3 | |
|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| | | Adopted infrastructure charge | Adopted infrastructure charges for stormwater network |
| | <ul style="list-style-type: none"> • Major electricity infrastructure • Motor sport facility • Non-resident workforce accommodation • Outdoor sport and recreation • Outstation • Parking station • Port services • Renewable energy facility • Tourist attraction • Utility Installation | | |
| Minor uses | <ul style="list-style-type: none"> • Cemetery • Home-based business • Landing • Market • Park • Roadside stall • Telecommunications facility | Nil charge | |
| Any other use | A use not otherwise listed in column 2, including a use that is unknown because the development application does not specify a proposed use | The maximum adopted infrastructure charge is the charge (in column 3) for the charge category (in column 1) (other than this row) that the local government determines should apply for the use at the time of assessment. | |

Schedule 2 – Superseded planning scheme use categories and SPRP (adopted charges) charge categories

| Superseded planning scheme use categories | | | Equivalent SPRP (adopted charge) categories – Schedule 1 | |
|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|---------------------------------------------|----------------------------------------------------------|----------------------------------------------------|
| Column 1 Mackay City Planning Scheme 2006 | Column 2 Sarina Shire Planning Scheme 2005 | Column 3 Mirani Shire Plan 2007 | Column 4 Use | Column 5 Adopted infrastructure charge category |
| Dwelling house | Dwelling house | Dwelling house | Dwelling house | Residential |
| Dependent person's accommodation | Relative's apartment | Dependent person's accommodation | Dwelling unit | |
| Residential storage shed | Second house Dwelling House (Outbuildings) | Oversized shed(s) | | |
| Dual occupancy | Dual occupancy | Dual occupancy | Dual occupancy | |
| Caretaker's residence | Caretaker's residence | N/A | Caretaker's accommodation | |
| Multiple dwelling units | Multiple dwelling (town house, unit, apartment) | Multiple dwelling units | Multiple dwelling | |
| Hotel (accommodation component) | Licensed premises (accommodation component) Motel | Licensed premises (accommodation component) | Hotel | Accommodation (short term) |
| Accommodation units (temporary accommodation) Motel | Host home accommodation Motel Rural tourist facility (accommodation component) | Tourist accommodation | Short-term accommodation | |
| Caravan park (temporary accommodation) Tourist facility (including accommodation) | Caravan park (temporary accommodation) Camping ground | Tourist accommodation Caravan park | Tourist park | |

| Superseded planning scheme use categories | | | Equivalent SPRP (adopted charge) categories – Schedule 1 | |
|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|----------------------------------------------------------|----------------------------------------------------|
| Column 1 Mackay City Planning Scheme 2006 | Column 2 Sarina Shire Planning Scheme 2005 | Column 3 Mirani Shire Plan 2007 | Column 4 Use | Column 5 Adopted infrastructure charge category |
| N/A | N/A | Accommodation units (works camp) | Non-resident workforce accommodation | |
| Accommodation units (permanent accommodation) | N/A | Accommodation units | Community residence | Accommodation (long term) |
| Accommodation units (permanent accommodation) | Multiple dwelling (hostel) | Accommodation units | Rooming accommodation | |
| Caravan park (permanent accommodation) | Caravan park (permanent accommodation) | N/A | Relocatable home park | |
| Accommodation units (permanent accommodation) | Multiple dwelling (retirement village) | Retirement housing (independent living) | Retirement facility | |
| N/A | N/A | Accommodation units | Rural workers' accommodation | |
| Indoor entertainment (Club) | Indoor entertainment (Club) Licensed premises | Indoor recreation and entertainment (Club) Licensed premises | Club | Places of assembly |
| Local community facility Educational establishment (art gallery, cultural centre, museum, library, lecture hall) | Community facilities (community hall or centre, senior citizens centre, youth centre,) Indoor entertainment (museum) | Community facilities (community centre / hall, library, museum) | Community use | |
| Indoor entertainment (convention centre) | Indoor entertainment (exhibition centre) Licensed premises | Indoor recreation and entertainment (Convention centre) | Function facility | |

| Superseded planning scheme use categories | | | Equivalent SPRP (adopted charge) categories – Schedule 1 | |
|-----------------------------------------------------------|---------------------------------------------------------------------------------------|-----------------------------------------|----------------------------------------------------------|----------------------------------------------------|
| Column 1 Mackay City Planning Scheme 2006 | Column 2 Sarina Shire Planning Scheme 2005 | Column 3 Mirani Shire Plan 2007 | Column 4 Use | Column 5 Adopted infrastructure charge category |
| Cemetery (chapel, columbarium) Commercial premises | Community facilities | Community facilities | Funeral parlour | |
| Place of worship | Community facilities (church, chapel, synagogue, temple) | Community facilities (place of worship) | Place of worship | |
| N/A | N/A | Rural business | Agricultural supplies store | |
| Bulk landscape supplies | Warehouse (bulk landscaping supply) | Building or landscape supplies | Bulk landscape supplies | Commercial (bulk goods) |
| Plant nursery (retail) | Plant nursery (retail) | Plant nursery (retail) | Garden centre | |
| Hardware store | Commercial premises (hardware) | Hardware shop | Hardware and trade supplies | |
| Outdoor sales premises Vehicle hire | Vehicle showroom (where outdoors) | Outdoor sales premises | Outdoor sales | |
| Retail showroom Machinery and vehicle sales showroom | Vehicle showroom (where indoors) | N/A | Showroom | |
| Shop | Commercial premises (adult store) | Shop/Shopping centre | Adult store | Commercial (retail) |
| Catering Shop | Commercial premises (restaurant, cafe) | Restaurant | Food and drink outlet | |
| Service industry | Industry (low impact) | Light industry | Service industry | |
| Service station | Service station | Service station | Service station | |
| Shop | Commercial premises (shop, detached bottle shop, local store, hairdressers, pharmacy) | Shop/Shopping centre | Shop | |
| Shopping centre | Commercial premises | Shop/Shopping centre | Shopping centre | |

| Superseded planning scheme use categories | | | Equivalent SPRP (adopted charge) categories – Schedule 1 | |
|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|----------------------------------------------------|
| Column 1 Mackay City Planning Scheme 2006 | Column 2 Sarina Shire Planning Scheme 2005 | Column 3 Mirani Shire Plan 2007 | Column 4 Use | Column 5 Adopted infrastructure charge category |
| Commercial premises | Commercial premises (professional offices) | Office building | Office | Commercial (office) |
| N/A | N/A | N/A | Sales office | |
| Child care centre | Community facilities (child care centre) | Community facilities (child care facilities) | Child care centre | Education facility |
| Local community facility | Community facilities | Community facilities | Community care centre | |
| Educational establishment (school, college, university, sheltered workshop) | Community facilities (school, college, university and other learning facilities) | Community facilities (educational facilities) | Educational establishment | |
| Hotel (non-residential component) | Licensed premises (non-accommodation component) | Licensed premises | Hotel (non-residential component) | Entertainment |
| Indoor entertainment (theatre) | Indoor entertainment (cinemas) | Indoor recreation and entertainment (cinema) | Theatre | |
| Hotel | Nightclub | Licensed premises | Nightclub | |
| Sport and recreation (where indoors) Indoor entertainment (amusement parlour, gymnasium) | Indoor entertainment (amusement centres, indoor sporting centres, gymnasiums) | Indoor recreation and entertainment (amusement parlour or centre, indoor bowling, cinema, gymnasium, or sport and fitness centre, theatres) Sport and recreation (where indoors) | Indoor sport and recreation | Indoor sport and recreational facility |
| Car repair workshop | Industry (low impact) | Repair workshop | Low impact industry | Industry |
| N/A | Industry (medium impact) | Commercial vehicle parking Special purpose (depot or workshop facility) | Medium impact industry | |

| Superseded planning scheme use categories | | | Equivalent SPRP (adopted charge) categories – Schedule 1 | |
|-------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----------------------------------------------------------|----------------------------------------------------|
| Column 1 Mackay City Planning Scheme 2006 | Column 2 Sarina Shire Planning Scheme 2005 | Column 3 Mirani Shire Plan 2007 | Column 4 Use | Column 5 Adopted infrastructure charge category |
| Transport depot Heavy vehicle parking | Transport depot | Commercial vehicle parking | Transport depot | |
| N/A | N/A | N/A | Research and technology industry | |
| Rural industry | N/A | Rural industry | Rural industry | |
| Warehouse Bulk store | Warehouse Self-storage | Warehouse | Warehouse | |
| Maritime Services | N/A | N/A | Marine Industry | |
| Noxious, offensive or hazardous industries | N/A | Noxious or hazardous industry | Special industry | High impact industry |
| General industry Concrete batching plant Junk yard | Industry (high impact) | General industry External storage yard | High impact industry | |
| Animal husbandry (excluding depasturing or stabling) | Animal husbandry (excluding depasturing or stabling) | Animal husbandry (excluding depasturing or stabling) | Animal husbandry | |
| Agriculture | Agriculture | Agriculture | Cropping | Low impact rural |
| Forestry | Agriculture | Forest plantation | Permanent plantations | |
| N/A | N/A | N/A | Renewable energy facility | |
| Aquaculture | Aquaculture (minor impact) Aquaculture (significant impact) | Aquaculture | Aquaculture | High impact rural |
| Intensive animal husbandry Stockyard Animal husbandry (including depasturing or stabling) | Intensive animal industry Animal husbandry (including depasturing or stabling) | Intensive animal husbandry Animal husbandry (including depasturing or stabling) Stock saleyard | Intensive animal industries | |

| Superseded planning scheme use categories | | | Equivalent SPRP (adopted charge) categories – Schedule 1 | |
|----------------------------------------------|--------------------------------------------------------------------------------------------------|---------------------------------------------|----------------------------------------------------------|----------------------------------------------------|
| Column 1 Mackay City Planning Scheme 2006 | Column 2 Sarina Shire Planning Scheme 2005 | Column 3 Mirani Shire Plan 2007 | Column 4 Use | Column 5 Adopted infrastructure charge category |
| Agriculture | Agriculture | Agriculture | Intensive horticulture | |
| Plant nursery (wholesale) | Plant nursery (wholesale) | Plant nursery (wholesale) | Wholesale nursery | |
| Agriculture | Agriculture | Agriculture | Winery | |
| Special purpose | Community facilities (ambulance station, fire brigade, police station, emergency services depot) | Special purposes | Emergency services | Essential services |
| | | | | |
| Public utility | Utility local Utility public | Major utility | Substation | |
| Special purpose Health care centre | Commercial premises (Medical clinic, pharmacy) | Health care centre | Health care services | |
| Hospital | Community facilities (hospital) | Community facilities (hospital) | Hospital | |
| Institution Hospital | N/A | Retirement housing (non-independent living) | Residential care facility | |
| Veterinary hospital | Commercial premises | Veterinary centre | Veterinary services | |
| Airport | N/A | N/A | Air services | Specialised uses |
| Kennels | Kennels and catteries | Kennels | Animal keeping | |
| Stable | Stables | Stable | | |
| Car park | N/A | Car park | Parking station | |
| N/A | N/A | N/A | Car wash | |
| Crematorium | Community facilities (crematorium) | Community facilities (crematorium) | Crematorium | |
| Institution | Community facilities | Special purposes | Detention Facility | |

| Superseded planning scheme use categories | | | Equivalent SPRP (adopted charge) categories – Schedule 1 | |
|---------------------------------------------------|--------------------------------------------------|---------------------------------------|----------------------------------------------------------|----------------------------------------------------|
| Column 1 Mackay City Planning Scheme 2006 | Column 2 Sarina Shire Planning Scheme 2005 | Column 3 Mirani Shire Plan 2007 | Column 4 Use | Column 5 Adopted infrastructure charge category |
| Park | Open space | Conservation area | Environment facility | |
| Extractive industry | Extractive industry | Extractive industry | Extractive industry | |
| Public utility | Utility local Utility public | Major utility | Major electricity infrastructure | |
| Outdoor entertainment | Outdoor entertainment | Sport and recreation | Major sport recreation and entertainment facility | |
| Outdoor entertainment | Outdoor entertainment | Sport and recreation | Motor sport facility | |
| Tourist facility | Rural tourist facility | Tourist accommodation | Nature based tourism | |
| Sport and recreation (where outdoors) | Outdoor entertainment | Sport and recreation (where outdoors) | Outdoor sport and recreation | |
| N/A | N/A | N/A | Outstation | |
| Marina Maritime services Transport terminal | Utilities public | Major utility | Port services | |
| N/A | N/A | N/A | Resort complex | |
| Tourist facility (excluding accommodation) | Rural tourist facility (excluding accommodation) | N/A | Tourist attraction | |
| Public utility Rail transport terminal | Utilities local Utilities public | Local utility Major utility | Utility installation | |
| Cemetery | Community facilities (cemetery) | Community facilities (cemetery) | Cemetery | Minor uses |

| Superseded planning scheme use categories | | | Equivalent SPRP (adopted charge) categories – Schedule 1 | |
|----------------------------------------------|-----------------------------------------------|-----------------------------------------------|----------------------------------------------------------|----------------------------------------------------|
| Column 1 Mackay City Planning Scheme 2006 | Column 2 Sarina Shire Planning Scheme 2005 | Column 3 Mirani Shire Plan 2007 | Column 4 Use | Column 5 Adopted infrastructure charge category |
| Home based business | Home based business | Home based business | Home based business | |
| Home occupation | Host home accommodation | Home occupation | | |
| Bed and breakfast accommodation | | Bed and breakfast accommodation | | |
| Family day care | | | | |
| N/A | N/A | N/A | Landing | |
| N/A | N/A | N/A | Market | |
| Park | Open space | Community facilities (park) | Park | |
| Roadside stall | Roadside stall | Produce Sales | Roadside stalls | |
| Telecommunications facilities | Telecommunications facility | Major Utility (telecommunications facilities) | Telecommunications facility | |

11.4.3. FACILITATING DEVELOPMENT IN THE MACKAY REGION POLICY – NORTHERN BEACHES BOWLS CLUB REDEVELOPMENT - 2 AND 14-20 ROSEWOOD DRIVE, RURAL VIEW

| | |
|----------------------------|------------------------------------------------------------|
| Author | Principal Economic Development Officer (Nadine Connolly) |
| Responsible Officer | Director Planning, Growth & Sustainability (Aletta Nugent) |
| File Reference | Facilitating Development in the Mackay Region Applications |

Attachments

1. Northern Beaches Bowls Club - Redevelopment - Approved Plans [11.4.3.1 - 6 pages]

Purpose

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

Related Parties

- Northern Beaches Bowls Club
- Jewell Planning Consultants
- BRD Group
- Empire Engineering
- Core Building Certification

Corporate Plan Linkage

Invest 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.

Region of Choice - We are recognised as Australia's best region for attracting, retaining, and developing a skilled workforce.

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.

Enhance Liveability - We have a range of housing and social infrastructure options that supports a great quality of life and wellbeing in our community.

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

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 proposed development by the Northern Beaches Bowls Club Inc will include staged alterations and extensions to the existing Club located at 2 and 14-20 Rosewood Drive, Rural View (Lot 40 on SP254846, Lot 17 on SP308347 & Lot 0 on SP151924).

The construction cost for the redevelopment is projected to be \$14million which will include removing the existing driveway and creating an access point further east along Rosewood Drive, as well as increasing the club's GFA by 1,371m². The proposal involves:

- Increasing car parks from 129 to 180 spaces (+51 spaces)
- New gaming room
- Sports bar
- Café lounge
- Restaurant
- Kitchen
- Alfresco dining area
- Children's playground
- Mini golf, ten pin bowling
- Outdoor function and entertainment areas
- Board room and members facilities

The redevelopment will provide additional family facilities and activities for the Northern Beaches area of Mackay which will enhance the liveability of the region.

The development application DA-2006-109/C for a Material Change of Use (Other Change – Club) was approved on 17 May 2023. A minor change to reduce the setback of the shade structure over the bowling green was approved on 17 October 2023.

The development is scheduled to commence construction in January 2024 and should be operational by July 2025. The applicant anticipates the redevelopment will create 20 new FTE positions within the Club post construction with an additional 10-50 casual staff depending on season and events.

Incentive Request

The applicant submitted an Expression of Interest under the Facilitating Development in the Mackay Region Policy (Policy) on 11 July 2023, and Stage 2 Application was also received on 11 July 2023. The applicant is seeking concessions under Schedule 6 Community Facilities which extends to a Material Change of Use (MCU) for the redevelopment of a Club.

The following concession has been requested:

- a) 100% concession on infrastructure charges:
 - Infrastructure Charges = \$71,349.30
 - Requested concession = \$71,349.30
 - Charges payable = Nil

Under Schedule 6 Community Facilities in the current Policy (April 2023), infrastructure charges may be reduced by up to 75% of the net charge amount identified on the Infrastructure Charges Notice (following annual indexation and deduction of offsets or credits) to a maximum concession value of \$1,000,000 for a Not-for-profit group, such as the Northern Beaches Bowles Club Inc.

Council may consider reductions in infrastructure charges beyond these rates for applications that can demonstrate they will generate significant long-term economic benefits, job creation and have transformative outcomes that will diversify the existing economic base of the region.

General Eligibility Criteria

The Policy seeks to attract investment in qualifying developments to stimulate growth, diversify 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 – January 2024 Commencement of use – July 2025 |
| Non-Government Development | Yes |
| Infrastructure capacity | The applicant has advised that all required urban services are already provided to the site, and no external or trunk infrastructure upgrades will be required to service the proposed development. As per the Infrastructure Charges Notice, no offsets are in place for DA-2006-109/D. |

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:

| Criteria | Eligibility |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Economic Investment Minimum capital investment in the development is equal to or greater than \$100,000 under Schedule 6 Community Facilities. | <ul style="list-style-type: none"> Estimated construction cost of the development is \$14M. Estimated total capital investment of \$17M (plant, equipment, land, construction costs) Based on Council's economic modelling, a direct injection of \$14M (construction costs) will result in combined supply chain and consumption effects of \$16.466M, totalling \$30.466M economic impact. The applicant has committed to utilising local contractors and suppliers during construction of the development. |
| Employment Generation | <ul style="list-style-type: none"> The applicant has proposed that the development will generate approximately 200 local temporary workers for the construction period. Post construction, the applicant anticipates the development will result in 20 direct FTE jobs once operational. Based on Council's economic modelling, the project will generate 16 direct and 43 indirect jobs, totalling 59 jobs during construction. The applicant has committed to utilising local contractors and suppliers during construction of the development. |
| Applicable Area | Development is on appropriately zoned land in the urban area. |
| Applicable Land Uses The Policy applies to material change of use (MCU) for 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 for Other Change – Club, which is consistent with land uses identified in Schedule 6 Community Facilities. |

Business and Regional Benefits

The applicant proposes the development will deliver immediate benefits to the Mackay region's economy, these being:

- The project involves the delivery of new community facilities that will benefit the Northern Beaches residents and the wider community.
- This development will add to the lifestyle and liveability of this growing area and complements the broader Northern Beaches Community Hub master plan.
- This project will allow the Club to continue its proactive approach to supporting charities and other sporting, recreational and community associations and initiatives.
- New facilities will allow the club to attract new event and entertainment opportunities (eg. larger bowling tournaments, indoor events such as boxing, kick boxing, and martial arts, etc)
- The project will create nearly 60 construction jobs over an 18-month period.
- The project will result in 20 FTE staff positions post construction.
- The development supports increased business activity within the local construction industry, manufacturers and suppliers, and provides additional employment opportunities across various industry sectors.

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 Planning, Growth & Sustainability has also considered this application and provided approval for the Expression of Interest to progress to a Stage 2 application.

A briefing was held with Council on 15 November 2023, to provide an overview of the Northern Beaches Bowls Club redevelopment project, and to seek direction on Council's position regarding concessions under the Policy for this development.

Resource Implications

a) Concession on Infrastructure Charges

In accordance with the Infrastructure Charges Notice, the development gives rise to total infrastructure charges of \$71,349.30 (+ annual adjustments).

The applicant is seeking 100% concession on charges, resulting in the following outcome:

| Gross Infrastructure Charge (IC) | Applied Credit | Net Infrastructure Charge (IC minus Credit) | Concession (%) | Concession (\$) | Charges Payable |
|----------------------------------|----------------|---------------------------------------------|----------------|-----------------|-----------------|
| \$474,044.40 | \$402,695.10 | \$71,349.30 | 100% | \$71,349.30 | Nil |

Under Schedule 6 Community Facilities of the Policy, the applicant is only eligible for a reduction of 75% of the net charge amount identified on the Infrastructure Charges Notice (after annual adjustments and application of offsets or credits) as they are a not-for-profit organisation. Only charities are eligible for 100% concession under the current policy.

Application of 75% concession will result in the following outcome:

| Gross Infrastructure Charge (IC) | Credit Unit | Net Infrastructure Charge (IC minus Credit) | Concession (%) | Concession (\$) | Charges Payable |
|----------------------------------|--------------|---------------------------------------------|----------------|-----------------|-----------------|
| \$474,044.40 | \$402,695.10 | \$71,349.30 | 75% | \$53,511.98 | \$17,837.32 |

The 75% concession would result in infrastructure charges payable of **\$17,837.32** (+ annual adjustments).

It is proposed that infrastructure charge concessions only be applied 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 significant concessions can leave Council exposed to similar claims in the future and that a potential infrastructure funding gap could present. These risks are sufficiently mitigated through the following measures:

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

Conclusion

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

The proposed development supports the desired outcomes of Schedule 6 of the Policy and will deliver regional economic benefits for residents of the Northern Beaches and surrounding areas.

The applicant is seeking 100% concession, however, the current Policy specifies a rate of 75% concession for not-for-profit organisations. While Council has the discretion to consider reductions in infrastructure charges beyond the nominated rate for applications, this development is not considered to provide sufficient transformative outcomes to warrant an exception to the Policy.

Officer's Recommendation

THAT the following Specific Incentive is approved under the Facilitating Development in the Mackay Region Policy for the Northern Beaches Bowles Club Inc Redevelopment located at 2 & 14-20 Rosewood Drive, Rural View, Mackay (Lot 17 on SP308347 and Lot 40 on SP254846):

- a) Concession of 75% (estimated at \$53,511.98) apply on the net charge amount on the Infrastructure Charge Notice (calculated following annual adjustments and application of offsets and credits) for DA-2006-109/D.

AND THAT the approval of concessions is dependent on:

- b) The development must be complete, and the use commenced by 13 December 2025.
- c) No additional infrastructure costs incurred by Council (including establishment and bring forward costs).
- d) The developer utilising local contractors and suppliers.

Council Resolution ORD-2023-322

THAT the following Specific Incentive is approved under the Facilitating Development in the Mackay Region Policy for the Northern Beaches Bowles Club Inc Redevelopment located at 2 & 14-20 Rosewood Drive, Rural View, Mackay (Lot 17 on SP308347 and Lot 40 on SP254846):

- a) Concession of 75% (estimated at \$53,511.98) apply on the net charge amount on the Infrastructure Charge Notice (calculated following annual adjustments and application of offsets and credits) for DA-2006-109/D.

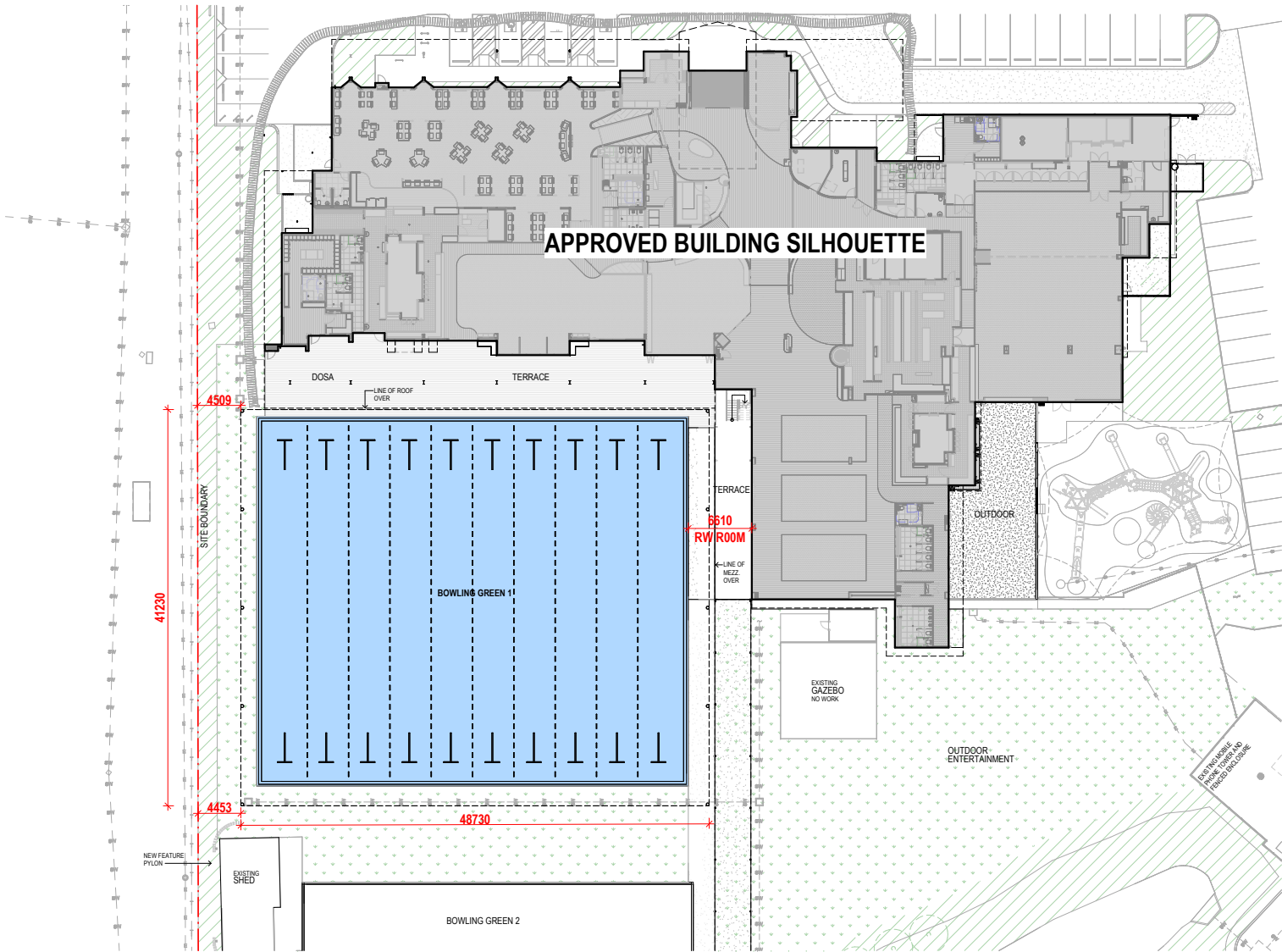
AND THAT the approval of concessions is dependent on:

- b) The development must be complete, and the use commenced by 13 December 2025.
- c) No additional infrastructure costs incurred by Council (including establishment and bring forward costs).
- d) The developer utilising local contractors and suppliers.

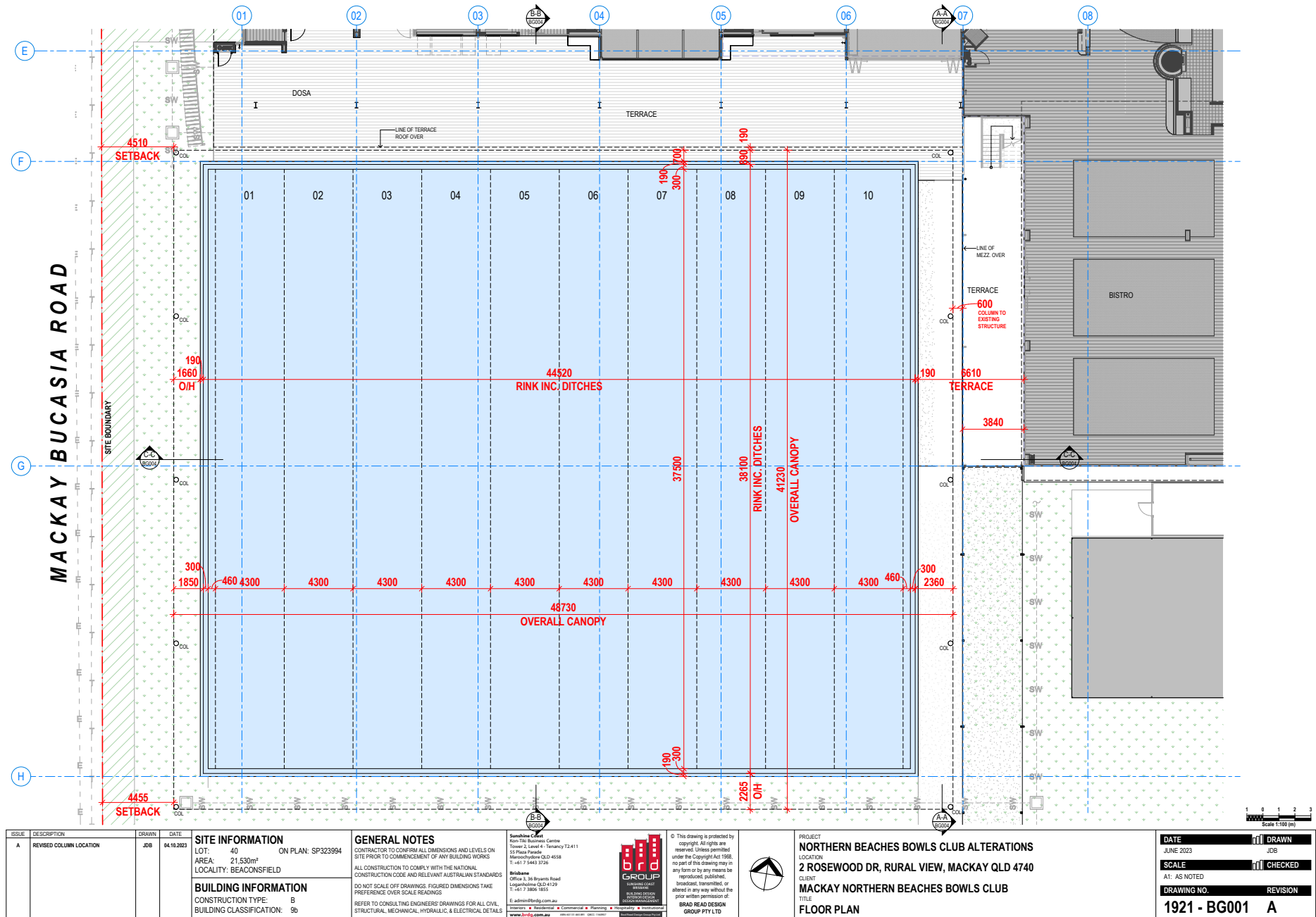
Moved Cr Jones

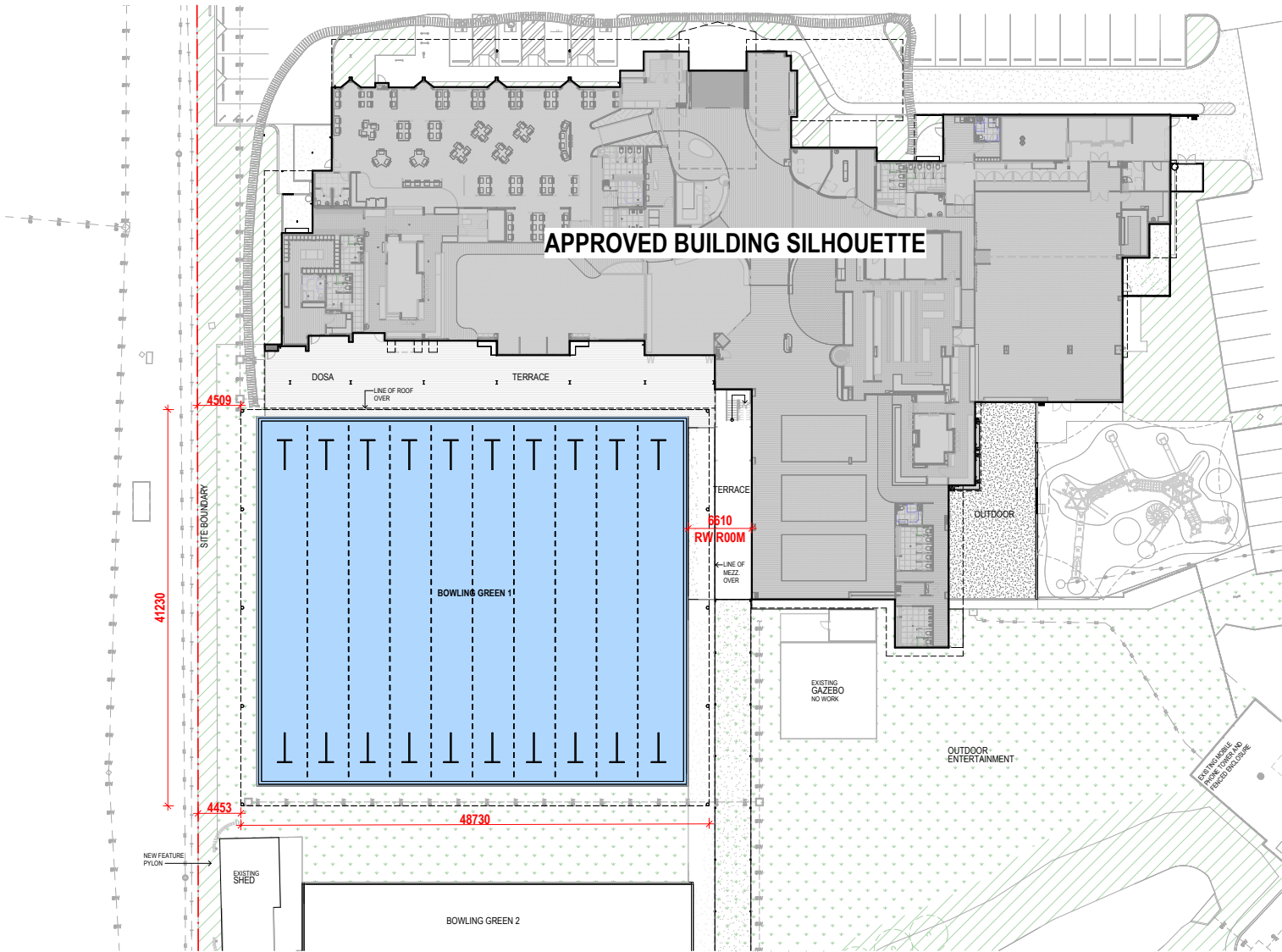
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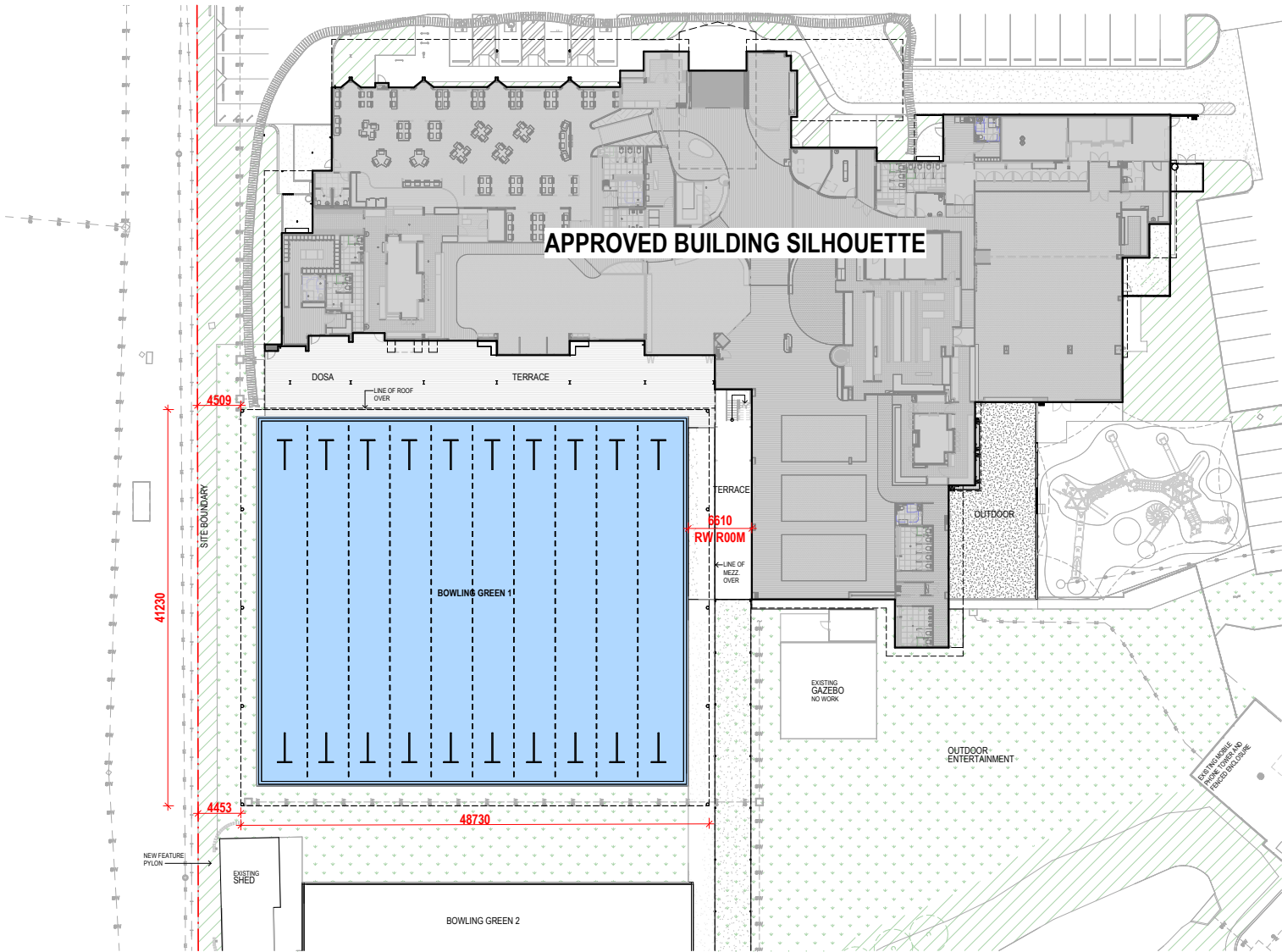


| ISSUE | DESCRIPTION | DRAWN | DATE | SITE INFORMATION | GENERAL NOTES | PROJECT | DATE | DRAWN |
|-------|-------------------------|-------|------------|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------|
| A | REVISED COLUMN LOCATION | JOB | 04.10.2023 | LOT: 40 ON PLAN: SP323994 AREA: 21,530m ² LOCALITY: BEACONSFIELD | CONTRACTOR TO CONFIRM ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO COMMENCEMENT OF ANY BUILDING WORKS ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL CONSTRUCTION CODE AND RELEVANT AUSTRALIAN STANDARDS DO NOT SCALE OFF DRAWINGS. FIGURED DIMENSIONS TAKE PREFERENCE OVER SCALE READINGS REFER TO CONSULTING ENGINEERS' DRAWINGS FOR ALL CIVIL, STRUCTURAL, MECHANICAL, HYDRAULIC, & ELECTRICAL DETAILS | NORTHERN BEACHES BOWLS CLUB ALTERATIONS LOCATION: 2 ROSEWOOD DR, RURAL VIEW, MACKAY QLD 4740 CLIENT: MACKAY NORTHERN BEACHES BOWLS CLUB TITLE: SITE PLAN | JUNE 2023 JDB | DRAWN |
| | | | | BUILDING INFORMATION CONSTRUCTION TYPE: B BUILDING CLASSIFICATION: 9b | | | SCALE | CHECKED |
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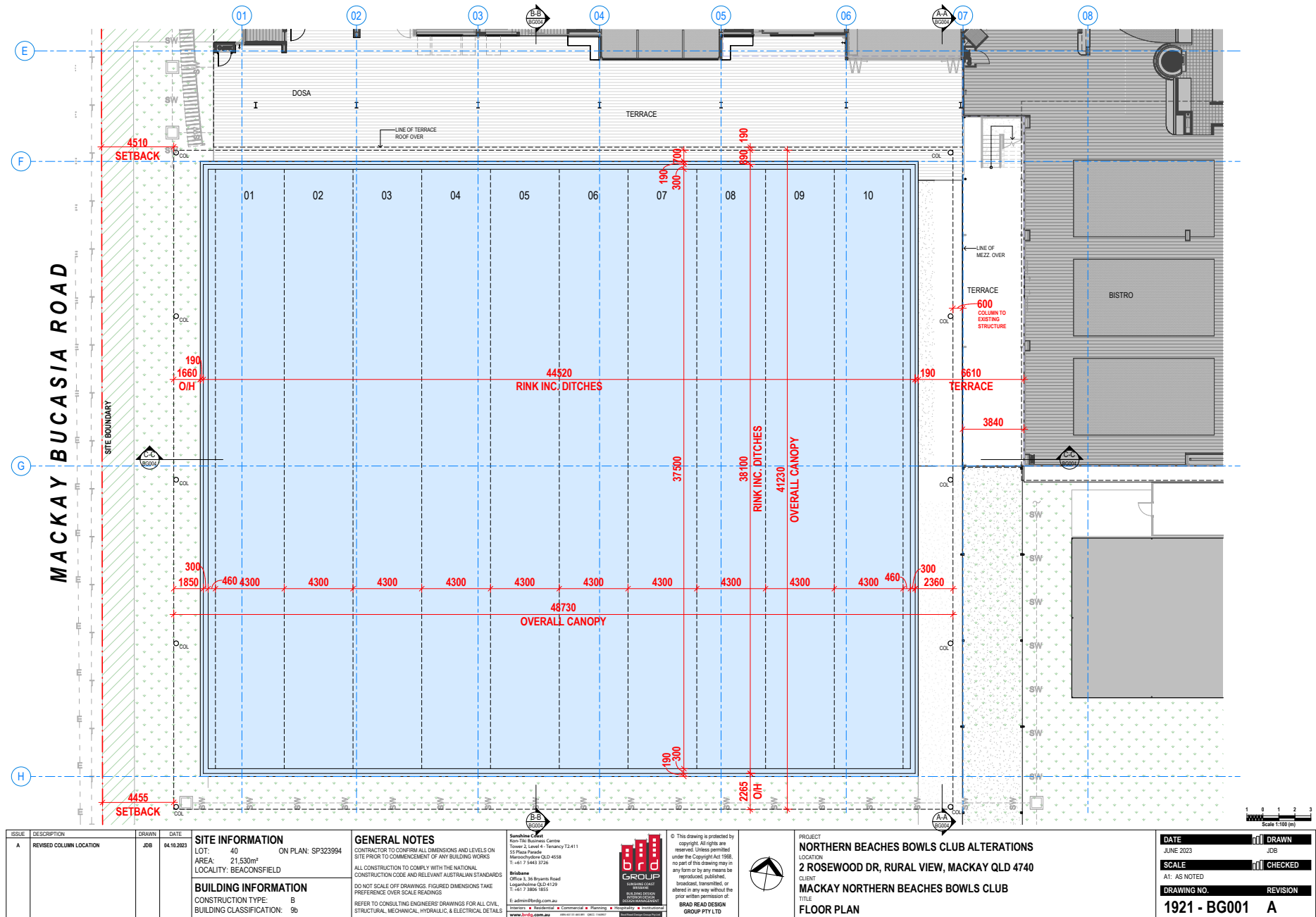


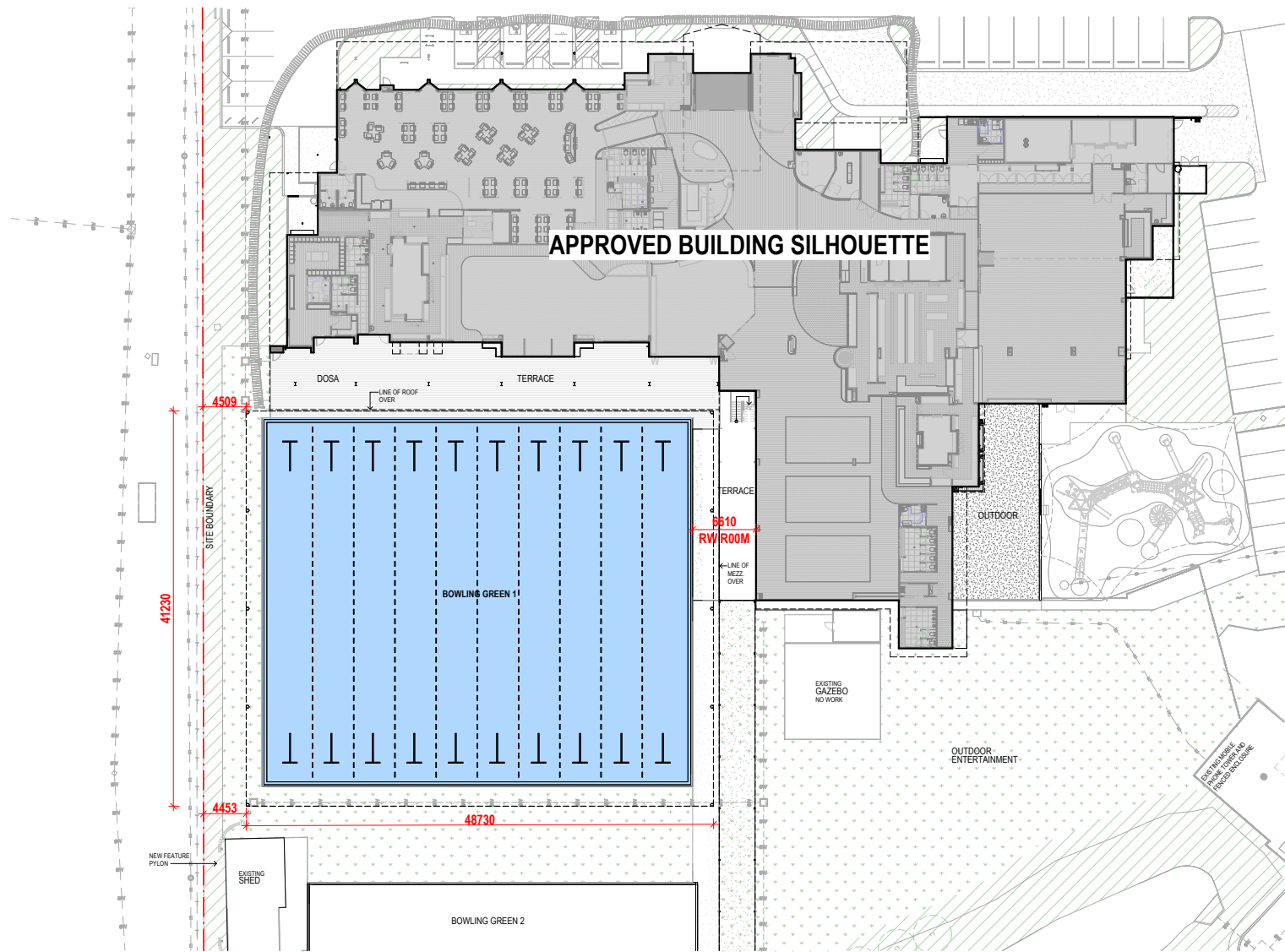


| ISSUE | DESCRIPTION | DRAWN | DATE | SITE INFORMATION | GENERAL NOTES | BRAD READ DESIGN GROUP | PROJECT | DATE | DRAWN |
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| BUILDING INFORMATION | | | | CONSTRUCTION TYPE: B BUILDING CLASSIFICATION: 9b | | | | | |





| ISSUE | DESCRIPTION | DRAWN | DATE | SITE INFORMATION | GENERAL NOTES | BRAD READ DESIGN GROUP | PROJECT | DATE | DRAWN |
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**11.4.4. DA-2018-165 MATERIAL CHANGE OF USE - UNDEFINED USE (SARINA BEACH ECO VILLAGE)
INCLUDING A VARIATION REQUEST**

Author Principal Development Planner (Dennis O’Riely)
Responsible Officer Director Planning, Growth and Sustainability (Aletta Nugent)
File Number DA-2018-165

Attachments

1. Locality Plan [**11.4.4.1** - 1 page]
2. Structure Plan [**11.4.4.2** - 1 page]
3. Referral Agency Conditions [**11.4.4.3** - 26 pages]

Date Received: 20 December 2018

Applicant's Details: Della Brooks
C/- RPS Mackay
PO Box 1895
MACKAY QLD 4740

Proposal: Material Change of Use – Preliminary Approval for an Undefined Use (Sarina Eco Village) including a Variation Request

Site Address: Lots 1, 2 and 823 Sarina Beach Road, Sarina Beach

Property Description: Lot 1 on CI1905, Lot 2 on RP852611 and Lot 823 on C124111

Owner's Details: Della Catherine Brooks

Area: 147.78 hectares

Planning Scheme: Mackay Region Planning Scheme 2017, v3.1

Planning Scheme Designations:
Zone: Part Rural and Township

Assessment Level: Impact

Submissions: One submission and one petition (containing six signatures)

Referral Agencies: State Assessment Referral Agency

Recommendation: Approved subject to conditions

Related Parties Della Catherine Brooks (Landowner)
RPS Mackay (Planning Consultant)
Premise (Engineering Consultant)
Green Tape Solutions (Bushfire Consultant)
Referral Agency – State Assessment Referral Agency
Sharon Sellars – Head Petitioner / Submitter

Corporate Plan Linkage

Live and Visit

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

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

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

Executive Summary

The Applicant has applied for a Material Change of Use Preliminary Approval to develop the Sarina Beach Eco Village and has included a Variation Request to vary the effect of the Mackay Region Planning Scheme (Planning Scheme) for future development over the site.

The Sarina Beach Eco Village as proposed is a tourist and residential development on land fronting Sarina Beach Road and Sarina Inlet (refer to Attachment 1 – Locality Plan). The proposal includes the development of 160 residential lots over 37 hectares (ha) and 10.4 ha of tourism development. The remaining 100 ha of the site is proposed to remain undeveloped. The application is for a Preliminary Approval only, so the proposal plan shows the development concept which is subject to change when future applications are submitted to Council for assessment. The proposal includes a request to vary the effect of the Planning Scheme so that future Development Applications for tourism and residential uses are assessed as if proposed in the Tourism, Township, Rural Residential and Open Space zones as shown on the proposed Structure Plan (refer to Attachment 2 – Structure Plan).

Public notification of the application was undertaken and one submission and one petition containing six signatures were received requesting that access to the development be provided to existing residents of Antoney Lane. No changes are recommended to the proposed development because of the submissions. No submissions were received objecting to the proposal.

The Development Application was referred to the State Assessment Referral Agency (SARA) as the subject site has frontage to Sarina Beach Road, which is a State-controlled Road and the site contains native vegetation. The SARA approved the application, subject to conditions.

Sarina Beach is designated as a principal and tourist-oriented township in the Planning Scheme and the subject site is identified as appropriate for future development opportunities based on meeting demand and addressing infrastructure, environmental and other constraints. This report recommends that the area shown on the Structure Plan as Area 17 not be approved as residential development and remain undeveloped due to the environmental and hazard mapping over that part of the site. Alternative variations to those proposed by the Applicant are recommended to ensure that the changes align with the Planning Scheme. Continual negotiations have occurred with the Applicant since lodgement for an approval to be issued under the Planning Scheme resulting in the application being undecided for many years.

The application is recommended for approval, subject to conditions.

Subject Site

The 147 ha vacant site is located on the western side of the Sarina Beach township, approximately 12 kilometres east of Sarina. The subject site comprises three lots that have frontages to Sarina Beach Road, Antoney Lane, Ferries Terrace and the Sarina Inlet. The south-eastern corner of the land is known as Point Salisbury. A 4.5 ha area of Lot 2 on RP852611 that adjoins the existing residential development in Antoney Lane is zoned Township and the remainder of the land is zoned Rural. The land adjoining the site to the west is zoned Rural Residential while the other boundaries of the site adjoin Sarina Inlet.

The subject site is heavily vegetated and ranges in height from RL 4m Australian Height Datum (AHD) on the coast to RL 97m AHD. Tracks traverse the site that have long been used by the public to obtain vehicle access to the northern banks of Sarina Inlet including Point Salisbury.

Background

No development applications or approvals are recorded for the subject site. Parts of the site have historically been used for grazing and aerial imagery shows that huts existed in the Point Salisbury area of the site in the 1960s. Under the Superseded Sarina Shire Planning Scheme, the entire site was included in the Rural zone.

In 2010, the developer made submissions to Council through the Planning Scheme drafting process suggesting that the subject site be designated for future development. Council's Planning Scheme identifies the site in the Strategic Framework as an appropriate area for tourism expansion.

Proposal

The Applicant is seeking a Material Change of Use Preliminary Approval for the Sarina Beach Eco Village, which is an Undefined Use. The Applicant describes the proposed Sarina Beach Eco Village development as a:

"Holiday destination and coastal lifestyle location of choice, featuring a sustainable village-style setting with a vibrant village heart and range of tourism, centre, community and residential activities surrounded by an extensive network of connected natural green spaces and the Sarina Inlet."

The Applicant has submitted a Structure Plan that demonstrates how the site is intended to develop over the next 20 years, which includes areas of residential, tourism and open space. The Structure Plan comprises areas of:

| Type of Development | Area |
|----------------------------------------------------------------------|-------------------------|
| Passive Open Space/Constrained Land | 99.8 ha |
| Eco Village Green – Active Open Space | 0.58 ha |
| Eco Village Centre Activities | 2,000m ² GFA |
| Eco Tourism | 10.4 ha |
| Low Density Eco Residential Type 1 - 800m ² minimum lots | 62 Lots |
| Low Density Eco Residential Type 2 – 2000m ² minimum lots | 83 Lots |
| Low Density Eco Residential Type 3 – 5000m ² minimum lots | 15 Lots |

The Structure Plan shows an indicative road network, including public roads to provide public access to the Eco Village Centre Activities and Eco Tourism areas and the beach. The Applicant's stated vision of a sustainable 'eco-village' is proposed to be achieved by parts of the development being provided with off-grid power production, rainwater harvesting and seeking Green Star ratings for future development on the site.

This Development Application includes a Variation Request to vary the effect of the Planning Scheme so that future Development Applications over the site are assessed as if the land is partly included in the Open Space, Tourism, Township and Rural Residential Zones.

Information Request and Further Advice

The original proposal submitted in 2018 included the development of 590 Dwellings on the site. Council Officers have been working with the Applicant through the Information Request stage and via Further Advice Notices to reduce the scale and density of the residential component and increase the tourism area. This has resulted in several changes to the Structure Plan since lodgement.

Referrals

The Development Application was referred to the SARA in relation to the development's impacts on Sarina Beach Road, being a State-controlled Road and clearing of native vegetation.

The SARA provided its referral agency response on 30 April 2019 (refer to Attachment 3 – Referral Conditions) approving the application, subject to conditions. The conditions approve the location of the main and secondary accesses for the development from Sarina Beach Road. A channelised right turn is required to be provided from Sarina Beach Road into the main access and a round-a-bout on Sarina Beach Road must be constructed at the secondary access, opposite Gum Street. A 2.5m wide shared path is conditioned to be provided along the Sarina Beach Road frontage of the site from the main access to the eastern boundary of the site. No conditions were imposed in relation to the clearing of native vegetation on the site due to proposed development avoiding regulated vegetation.

Planning Assessment:

As per s45(5) of the *Planning Act 2016*, Impact Assessment is assessment that:

- a) Must be carried out:
 - i) Against the assessment benchmarks in a categorising instrument for the development, and
 - ii) Having regard to any matters prescribed by regulation for this subparagraph, and
- b) May be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.

In addition, s61(2) of the *Planning Act 2016* states that a Variation Request is an assessment that:

- a) Must consider:
 - i) The result of the assessment of that part of the Development Application that is not the variation request; and
 - ii) The consistency of the variations sought with the rest of the local planning instrument that is sought to be varied; and
 - iii) The effect the variations would have on submission rights for later Development Applications, particularly considering the amount and detail of information included in, attached to, or given with the application and available to submitters; and
 - iv) Any other matter prescribed by regulation.

Sections 29-32 of the *Planning Regulation 2017* prescribe the assessment benchmarks and matters impact assessment and a Variation Request must have regard to which has been the basis for this assessment.

State Planning Policy July 2017 – Water Quality

The Minister has identified that the Planning Scheme appropriately advances the State Planning Policy July 2017, as it applies in the planning scheme area other than for water quality. The assessment benchmarks for water quality apply where the Development Application is for:

- 1) A Material Change of Use for an urban purpose that involves premises 2,500m² or greater in size and:
 - a) Will result in six or more Dwellings, or
 - b) Will result in an impervious area greater than 25% of the net developable area, or
- 2) Reconfiguring a Lot for an urban purpose that involves premises 2,500m² or greater in size and will result in six or more lots, or
- 3) Operational Works for an urban purpose that involves disturbing a land area 2,500m² or greater in size.

| Assessment Benchmark | Officer's Assessment |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Development achieves the applicable stormwater management design objectives outlined in tables A and B (Appendix 2) of the State Planning Policy July 2017. | Development conditions on future approvals will ensure compliance with the development outcomes of the State Planning Policy for the purposes of water quality. |

Mackay Region Planning Scheme 2017

Strategic Framework

The proposed development requires assessment against the Strategic Framework which represents the policy intent of the Planning Scheme.

| Strategic Framework | Assessment |
|-----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.2 Strategic Intent 3.2.1 Regional Strategic Vision | <p>The proposal is considered to comply, in that the development supports a lifestyle that is connected to natural areas and its unique coastal location. The development will provide increased employment opportunities in tourism and will assist in creating a diverse regional economy by capitalising on tourism opportunities in coastal areas of the region.</p> <p>The Applicant submitted an Economic Needs Assessment titled 'Sarina Beach Eco Village Need and Impact Assessment' dated 26 November 2019, prepared by RPS. The Needs Assessment assessed the impact of the development when the area of tourism proposed was just 6.35 ha whereas the current proposal is for 10.4 ha of tourism. The Needs Assessment found that the smaller proposal would facilitate a doubling of visitor nights to the area and up to 385 direct and indirect jobs through hotel operations and resident and non-accommodation tourist spend.</p> |
| 3.2.2 Growth Management and Urban Consolidation | <p>Council's strategic intent states:</p> <p><i>The Principal coastal townships of Midge Point, Seaforth and Sarina Beach provide low intensity development and a range of non-residential activities that are located in a cluster to achieve a cohesive town centre. Sarina Beach, as both principal and tourist-orientated township, may offer future development opportunity based on meeting demand and addressing infrastructure, environmental and other constraints – noting the area bounded by the Sarina Beach township, Sarina Beach Road, Sarina inlet and rural residential land (opposite Herta Lane).</i></p> <p>The area nominated in the Strategic Framework for future expansion of the Sarina Beach township is the subject site. The Applicant also contends that the zoned area and potential greenfield expansion areas currently in Sarina Beach are smaller than most of the secondary townships it is intended to serve with very limited capacity for any growth.</p> <p>Sarina Beach is specifically identified by the Strategic Framework as both a principal and tourist-orientated township and expansion and development of the township is supported where demand can be demonstrated and adequate infrastructure is provided.</p> <p>It is considered that the proposal to increase the supply of residential land in Sarina Beach complies with the policy intent for Sarina Beach to function as a principal township. The proposed development has been designed to limit the impacts on the natural environment by avoiding the removal of regulated vegetation. The site is far removed from the existing residential areas in Sarina</p> |

| Strategic Framework | Assessment |
|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>Beach and will therefore not have a direct impact upon the amenity of surrounding residents. Future Development Applications will be required to comply with all overlay mapping on the site so that future development does not detrimentally impact on the amenity of the area and is not impacted by natural hazards.</p> |
| <p>3.2.3 Network of centres and industrial areas</p> | <p>The proposal includes the development of a 2,000m² Gross Floor Area (GFA) commercial centre as Eco Village Centre Activities. The area is intended to contain small-scale and low intensity Centre Activities and Community Activities required to serve the needs of tourists and residents of Sarina Beach, Campwin Beach and the surrounding area. The proposal represents 'out-of-centre' development because the centre is not identified in Council's network of centres. The Needs Assessment was submitted by the Applicant to address this non-compliance.</p> <p>The Economic Needs Assessment was prepared prior to negotiations with the Applicant on reducing the scale and density of the development when the density was proposed to be 431 residential Dwellings and 159 tourist Dwellings compared to the revised proposal of 160 residential Dwellings and 260 tourist Dwellings. Note that the number of residential Dwellings will further decrease to 140 as a result of the removal of Area 17 as part of assessment of the proposal against Overlay Codes later in this report.</p> <p>The assessment demonstrated that the combined resident and tourist population required 2,534m² of retail floor space. The Needs Assessment argued that if 2,000m² retail floor space is provided at Sarina Eco Village, the remainder of the demand will be directed to Sarina township and other major activity centres within the Mackay region. Using the calculation method in the Needs Assessment, the latest mix of tourism and residential development on the Structure Plan generates a retail floor space demand of 1,600m². It is considered reasonable that Council restricts the Eco Village Centre Activities to 1,000m² GFA and that as stated in the Needs Assessment, the remainder of the demand is likely to be absorbed by other locations. It is considered that a condition restricting the GFA to a maximum of 1,000m² will ensure that this approval does not provide for more retail floor area than what is required by the development. The 1,000m² GFA also aligns with the Centre Activities Code Acceptable Outcome (AO4) that nominates a maximum of 1,000m² GFA as acceptable for Centre Activities outside a centre zone. It should also be noted that some ancillary Centre Activities are likely to establish within the tourism zones on the site.</p> |
| <p>3.3 Settlement pattern</p> | <p>Although most of the site is zoned Rural and is outside the defined urban area, the site is not mapped as Good Quality Agricultural Land. The site is on the western edge of the Sarina Beach township. The development is a logical extension of urban development in the Sarina Beach principal township and will provide housing diversity by providing housing options in and around the Eco Village Centre Activities. The proposal also provides opportunities to provide tourist development to Sarina Beach which designated as a tourist-orientated township by the Planning Scheme.</p> <p>The Applicant has requested that the Planning Scheme be varied to allow Multiple Dwelling Activities and Short-term Accommodation uses to be provided in the Eco Village Centre Activities area at a maximum density of 1 Dwelling per 200m² where above ground floor. This variation, in addition to the tourist accommodation proposed on site, will provide housing choice for smaller households in the area.</p> |

| Strategic Framework | Assessment |
|--------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | It proposed to provide public access to the coastal foreshore to provide recreation opportunities to residents and tourists of the development and the public. |
| 3.4 Natural Environment and Regional Landscapes | <p>This Planning Scheme seeks to ensure that that areas of environmental significance are protected and conserved. The Applicant has prepared the Structure Plan to avoid endangered and of concern regional ecosystems, essential habitat, wetlands and watercourses and clearing that would result in a loss of connectivity, mapped regulated vegetation and areas of environmental significance. The Development Application has been assessed by SARA and approved subject to conditions.</p> <p>The proposal for eco-tourism facilities in natural environments are encouraged and it is considered that this proposal will facilitate the management and appreciation of scenic, environmental and cultural values. The proposal includes lookouts/viewing decks, walking tracks and pedestrian access to the beach within the passive Open Space areas.</p> <p>The Applicant has requested that the Planning Scheme be varied so that the Landscape Character and Image Corridor Overlay not apply to future Development Applications over the site. The scenic amenity of the coast should be protected particularly in the case of the subject site because it provides scenic views across Sarina inlet, particularly from Point Perpetua. The proposal to exclude the Landscape Character and Image Corridor Overlay as part of this variation is not recommended as discussed later in this report under the Landscape Character Overlay Code heading.</p> |
| 3.5 Strong Communities | The proposal will assist in providing housing affordability by increasing stock and providing housing choice. The Needs Assessment submitted by the Applicant noted that despite the increase in demand for smaller Dwelling types due to the ageing population and smaller households, detached Dwellings continued to increase as a share of Sarina's housing stock. The proposed development will help address this issue by providing housing diversity, particularly in the Eco Village Centre Activities area of the development. Areas for recreation and physical activity are proposed as part of the development which complies with this element of the Strategic Framework. |
| 3.6 Natural Resource Management | The subject site does not contain any mapped agricultural land. The Structure Plan has been developed to preserve areas of vegetation and high value biodiversity. With the removal of Area 17 from residential development, it is considered that the proposed development complies this component of the Strategic Framework. |
| 3.7 Transport | Sarina Beach is not currently serviced by public transport however future Development Applications will be required to consider public transport facilities when designing the development. The site is accessible from Sarina Beach Road which is a designated State-controlled road. |
| 3.8 Infrastructure | <p>The subject site is outside of the Priority Infrastructure Area.</p> <p>The Development Application has provided a strategy for delivering infrastructure throughout the development. A condition is recommended that requires any future development to provide access to reticulated water, electricity and telecommunications.</p> <p>The Applicant has proposed 800m² minimum lot sizes for the Low Density Eco Residential – Type 1. A condition is recommended to require the minimum lot size to 1,000m² to align the minimum lot size with the Township zone minimum lot size in the Planning Scheme. This is to provide the lots with additional area to</p> |

| Strategic Framework | Assessment |
|----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | accommodate onsite septic systems. The design of the systems must be submitted and approved as part of future Development Applications. |
| 3.9 Strong Economy | <p>The proposal will help provide a strong economy by maximising the tourism opportunities available in the Region. A key Strategic Outcome of the Strategic Framework is that:</p> <p><i>Tourism facilities enable residents and tourists to experience the region's landscape character and environmentally important areas and is supported by short-term accommodation, transport infrastructure and related services.</i></p> <p>The development proposal takes advantage of the unique coastal location and scenic value of the subject site. The Development Application is structured so that future proposals for Short-term Accommodation and other tourism related uses are code assessable and supported at the site.</p> |
| 3.10 Sustainability, climate change and natural hazards | <p>The Planning Scheme requires that development should avoid and mitigate risks to life, property and infrastructure.</p> <p>The subject site is mapped as Medium to Very High Bushfire Hazard on Council's Bushfire Hazard Overlay map. An assessment of the proposal against the Bushfire Hazard Overlay Code is included later in this report. Amendments are recommended to the Structure Plan enable compliance with this element, including the removal of Area 17 from residential development.</p> |

Based on the above assessment and the recommended conditions of approval, the proposed development is consistent with the Strategic Framework.

Mackay Isaac Whitsunday Regional Plan 2012

The Minister has identified that the Planning Scheme appropriately advances the Mackay Isaac Whitsunday Regional Plan 2012, as it applies in the Planning Scheme area. Section 32 of the *Planning Regulation 2017* requires that variation requests are assessed against the Region Plan specifically. As the Planning Scheme advances the State and Regional strategies in the Mackay Isaac Whitsunday Regional Plan, the proposal is considered to generally comply with the Desired Regional Outcomes, associated specific objectives, land use policies and strategies of the Regional Plan.

Zone Codes and Overlay Codes

An assessment has been carried out against the benchmarks contained within the Overlay and Zone Codes of the Planning Scheme to the extent they are considered relevant. The outcome of the assessment of the Zone and Overlay Codes is summarised below.

Acid Sulfate Soils Overlay Code

The subject site is within the Acid Sulfate Soils Overlay and most of the land is mapped as being above 5m AHD. For the areas proposed to be developed that are 5m AHD or below, future Operational Works applications will require the submission of an Acid Sulfate Soils Investigation Report that recommends appropriate management of Acid Sulfate Soils on the site.

Biodiversity Overlay Code

The site is within the Biodiversity Overlay and includes areas of Environmentally Significant Vegetation, Wildlife Habitat, Waterways and Wetland Buffer. The Applicant has included these areas in the Open Space zone, except for the Low Density Eco Residential – Type 2 in area 17 which contains an area of mapped Wildlife

Habitat. The code requires that areas of high value Wildlife Habitat are retained. As discussed earlier in this report, a condition will be imposed requiring that area 17 be removed from residential development. This will ensure that the area of mapped Wildlife Habitat on the subject site is retained in accordance with the purpose of the code. All future Development Applications over the site will be required to comply with the Biodiversity Overlay Code.

Bushfire Hazard Overlay Code

The purpose of the Bushfire Hazard Overlay Code is to ensure that the risk to life, property, and the environment, because of bushfire, is mitigated to an acceptable or tolerable level. A Bushfire Management Plan (BMP) was submitted in support of the proposed development. The BMP made several recommendations to demonstrate compliance with the Overlay Code. Recommendations include the creation of Asset Protection Zones, removal of vegetation, water storage for firefighting and emergency fire trails to evacuate people to Sarina Beach Road and onto the beach.

However, the BMP does contain some non-compliances with respect to not providing development footprint plans, exceeding maximum driveway gradients and developing on land greater than 15%. These non-compliances relate primarily to the proposed residential layout on the south-eastern most portion, being denoted as area 17 on the Structure Plan. It is considered that to achieve compliance, extensive earthworks upon the hillside would likely be required to develop this area, potentially resulting in non-compliances with the Landscape Character and Image Corridor Overlay Code and the Landslide Hazard Overlay Code. It is therefore recommended that Area 17 not be approved for residential development given the uncertainty around an appropriate level of bushfire hazard risk. Overall, apart from Area 17, it is considered that most of the proposed development can implement appropriate measures to comply with the Bushfire Hazard Overlay Code. Future development applications will be required to demonstrate compliance with the Bushfire Hazards Overlay.

Landscape Character and Image Corridor Overlay Code

The entire subject site is mapped as Landscape Character and the Sarina Beach Road frontage of the site is included in the Image Corridor. The Applicant has requested as part of the Variation Request for the Landscape Character and Image Corridor Overlay to not apply to future Development Applications in the Tourism, Township and Rural Residential zones. This variation is not recommended for approval to ensure that the landscape character of the site is maintained. This means that any future Development Application will be required to be assessed against the Landscape Character and Image Corridor Overlay Code. This will ensure that the residential lots that develop along the Sarina Beach Road frontage of the site will need to maintain a minimum 5 metre wide landscaping strip to provide a high quality visual amenity when the site is viewed from street in accordance with the Overlay Code.

In addition, Area 17 of the development is located on a visually prominent hillside area that will detrimentally impact upon the natural visual character of the area, particularly when the site is viewed from the existing residential properties in Sarina Beach. Council's Planning Scheme seeks to protect the scenic amenity of the coast and this unique location is an important area to remain in its natural state. In order to maintain the natural visual character of the site, Area 17 will be conditioned to be removed from the Low Density Eco Residential Type 2 and included in the Open Space area.

Landslide Hazards Overlay Code

The site contains mapped areas of landslide hazard and the Structure Plan shows that the proposed development generally avoids steep land. Area 17 of the development has slopes more than 15%. No geotechnical reporting has been undertaken by the Applicant to demonstrate that the proposal can comply with the performance outcomes of the Overlay Code. Given the slope of the land in Area 17 and the absence of geotechnical reporting, there is insufficient information to assess whether land developed for Dwelling Houses

could comply with the requirements of the Overlay Code, and it is not clear whether on-site sewer services could be located on site. As noted earlier, Area 17 is not recommended for approval for residential development.

Flood and Coastal Hazards Overlay Code

The site contains some mapped Erosion Prone Areas and Storm Tide Inundation Areas, however the Structure Plan has been designed to generally avoid these areas. The proposal is considered to comply with the Overlay Code.

Rural Zone Code

The proposal conflicts with the Rural Zone in that it proposes the development of residential and tourism uses, which may include Multiple Dwelling activities and Centre activities on the subject site. A Variation Request, by its very nature, conflicts with the Purpose of the Zone Code of the subject site and an assessment has been carried out against the Strategic Framework to address this conflict.

Township Zone Code

The development of the area of the site currently included in the Township Zone for residential lots is generally supported by the current zoning of the site. As noted earlier, a condition is recommended that requires the minimum lot size in this area be increased to 1,000m².

General Development Requirements Code

The General Development Requirements Code provides general requirements regarding infrastructure, amenity, safety and environmental standards for assessable development. Whilst it has little relevance to assessing a Variation Request, it is important to ascertain that future development supported by the variation approval can meet the provisions of the code. The following is a summary of the proposed infrastructure provision for the development by the Applicant.

Water

The Applicant proposes potable and fire-fighting water be supplied by a combination of storage tanks and connection to town water. It is proposed that the Low Density Eco Residential Type 1 lots be directly connected to reticulated town water supply and Low Density Eco Residential Type 2 and 3 be provided with 100 kilolitre (kL) rainwater tanks to supply potable and firefighting water supply. The Applicant proposes that the tanks be filled with rainwater and supplemented by water trucks as necessary. It is proposed that the Eco Tourism area be supplied with potable and firefighting water supply from a private main reservoir with town water connection. The ultimate sizing and location of the reservoir is to be confirmed through future Development Applications.

Sewerage

Sewerage infrastructure is not available in Sarina Beach. All sewage is to be treated on site using both onsite treatment and package treatment systems. Low Density Eco Residential Lots - Types 1, 2 and 3 are to be provided with onsite treatment. The Eco Tourism area is to be provided with a private packaged sewerage treatment plant that treats the effluent to Class A to be irrigated over parkland areas within the development. The design of the treatment is to be confirmed through future Development Applications. Separate geotechnical reports will be required to be submitted when Development Permits are submitted to Council for development of each stage.

Roads & Traffic

The Applicant has provided an indicative road hierarchy that shows the main access road into the site from Sarina Beach Road to the Eco Village Centre Activities area designated as a Major Collector road. The Applicant

has proposed that the main access road be public from Sarina Beach Road to the beach, to provide public access to the beach. The secondary access and roads servicing the Low Density Eco Residential Type 1 are also proposed to be public roads. All other roads are proposed to be private infrastructure, however this is subject to assessment as part of future Development Applications. The SARA has provided conditions regarding both the main access and secondary access requirements onto Sarina Beach Road.

Stormwater

The Applicant has prepared a Stormwater Management Plan for the development which concluded that stormwater can be effectively managed. Future Development Applications will be required to address stormwater infrastructure design.

Electricity & Telecommunications

The Eco Tourism area is proposed to be connected to the grid connection via overhead powerlines. The Applicant proposes that the Low Density Eco Residential lots be provided with an off-grid energy solution for their power needs. This would require the installation of solar panels and battery storage. The Applicant's engineering report notes that this would require the provision of a 15kw solar panel system which would need to include a ground mounted assembly for each lot and a 85kWh of battery storage.

Infrastructure Summary

Council's Planning Scheme requires that development is provided with reticulated services where it is available to development sites. The subject site can connect to town water supply, electricity and telecommunications. The Applicant has stated that their vision is for the site to be a sustainable off-grid development where future Dwelling Houses are serviced by a combination of rainwater tanks, on-site septic and solar power, battery storage and back-up generators.

A condition is recommended that requires any future Development Application submitted to demonstrate that the development can connect to reticulated water, electricity and telecommunications. Developing an off-grid Dwelling House is an option available to all future residents of the development, however to ensure that all residents have access to safe, reliable and cost-efficient services, future development must connect to services where available.

Variation Request

The Development Application includes a request to vary the effect the Planning Scheme by approving the 'Sarina Beach Eco Village – DA-2018-165 Variation Request Table'. This document is the Applicant's specific request to vary the Planning Scheme for future development on the subject site. The table includes a Structure Plan designation intent which sets out what is intended to develop on the various parts of the site and a statement on how the Planning Scheme should be varied to change levels of assessment for future Development Applications.

Under s61(3) of the *Planning Act 2016*, Council must decide whether to approve all or some of the variation to the Planning Scheme sought, different variations from those sought or to refuse the variations sought.

It is recommended that different variations from those sought be approved to ensure that the development aligns with Council's Planning Scheme. The table below shows the variation requested by the Applicant and the variation recommended because of the assessment of the application:

| Structure Plan Designation | Applicants Requested Variation | Recommended Variation |
|---------------------------------------|--------------------------------|-----------------------|
| Passive Open Space/Constrained Land | Open Space | Open Space |
| Eco Village Green – Active Open Space | Open Space | Open Space |
| Eco Village Centre Activities | Township Zone | Township Zone |

| | | |
|------------------------------------|----------|--------------------|
| Eco Tourism | Tourism | Tourism |
| Low Density Eco Residential Type 1 | Township | Township |
| Low Density Eco Residential Type 2 | Township | Rural Residential* |
| Low Density Eco Residential Type 3 | Township | Rural Residential* |

*Alternative variation to that proposed by the Applicant.

The alternative variation to include Low Density Eco Residential Type 2 and 3 Lots in the Rural Residential zone is recommended so that future development aligns with the Planning Scheme tables of assessment for Rural Residential land. If these areas were included in the Township zone as requested by the Applicant, future Development Applications for uses that are not appropriate for the area such as Service Station and Shop for example, would be code assessable, which is not intended to be developed in these areas.

The following requested variations are also not recommended for approval:

- a) Hotel being Code Assessable in the Eco Village Centre Activities area rather than Impact Assessable as per the Township Zone Tables of Assessment.
- b) Bar, Function Facility, Hotel, Indoor Sport and Recreation, Outdoor Sport and Recreation and Theatre being Code Assessable in the Eco Tourism area rather than Impact Assessable as per the Tourism Zone Tables of Assessment. These uses may be ancillary to a Resort Complex or other tourism uses which are supported under this Preliminary Approval in the Eco Tourism area.

Under section 62 (2) of the *Planning Act 2016*, Council must consider the effect the variations would have on submitters rights for later Development Applications. It is considered reasonable that the above uses should remain Impact Assessable, so that the ability of submitters to make comment on future development proposals is not restricted. In addition, it is reasonable that the proposed Township and Tourism areas accommodate the same Code Assessable uses as Council's Planning Scheme.

Variation request conditions are recommended to be imposed that requires the following:

- a) The Variation Request Table submitted by the Applicant not be approved and be replaced with the following variations:
 - i) The Structure Plan be amended so that the land use designations be included in the following zones:

| Structure Plan Designation | Zone |
|---------------------------------------|-------------------|
| Passive Open Space/Constrained Land | Open Space |
| Eco Village Green – Active Open Space | Open Space |
| Eco Village Centre Activities | Township Zone |
| Eco Tourism | Tourism |
| Low Density Eco Residential Type 1 | Township |
| Low Density Eco Residential Type 2 | Rural Residential |
| Low Density Eco Residential Type 3 | Rural Residential |

The colours on the Structure Plan must be amended so that the zone designation colours align with the Planning Scheme zones for ease of reading the Structure Plan. The Planning Scheme zone map will be amended to adopt the zones shown on the Structure Plan and the Tables of Assessment for the particular zone will apply to future Development Applications.

- ii) The minimum lot size of Low Density Residential Type 1 be a minimum 1,000m² to ensure that the minimum lot size aligns with the minimum lot size listed for Township zoned lots in the Planning Scheme. This is to ensure that there is sufficient area on each future lot for on-site septic disposal areas.
- iii) To facilitate development as shown on the proposal plan, the minimum Rural Residential lot size will be amended in Table 9.4.3.3.B of the Planning Scheme from 1 hectare to 2,000m² for Low Density Eco Residential Type 2 and from 1 hectare to 5,000m² for Low Density Residential Type 3.
- iv) An amendment to the Township Zone Acceptable Outcome 11.2 by adding a new (C) 1 Dwelling per 200m² where above ground floor in the area identified as Eco Village Centre Activities at Figure 6.2.23.3.A. This amendment is to accommodate the variation requested by the Applicant that Multiple Dwellings in the Eco Village Centre Activities area be allowed at a density of one Dwelling per 200m² of site area.
- v) An amendment to the Dwelling House Code Table 9.3.5.3 B – Dwelling house code – minimum primary road frontage setbacks – to note setbacks in the Low Density Eco Residential Type 2 and 3 be a minimum setback of 6m rather than 10m from access and collector streets. This amendment recognises that the proposed lots are smaller than regular Rural Residential zoned lots and will avoid the need to further Development Applications to be submitted where Dwelling Houses are proposed to be setback less than 10m from any of the proposed road frontages.
- vi) A note added that no overlay mapping has been amended and overlays will apply to all future Development Applications.

Public Notification and Submissions

The application was publicly notified in accordance with the requirements of the *Planning Act 2016*, and because of this process, one submission and one petition containing six signatures were received. The matters raised in the submission are addressed below:

| Matter raised Submissions | How matters were dealt with in reaching the Decision |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><u>Access to the development from Antoney Lane.</u></p> <p>The submission requested that Antoney Lane road reserve connect to the proposed adjacent development to the west to provide access to Sarina Beach Road for existing residents of Antoney Lane.</p> <p>Residents of Antoney Lane have requested that vehicle access be provided to formalise an informal track that residents currently use through the subject site to gain access to their properties for caravans, boats and motorhomes. Residents have also advised that the garbage collection vehicle currently uses the informal track.</p> | <p>The Applicant has not proposed vehicle access from Antoney Lane to the development and the SARA have assessed the application based on there being no connection. SARA have conditioned that a round-a-bout be provided at the secondary access to the development, opposite Gum Street.</p> <p>Residents of Antoney Lane gain access to Sarina Beach Road from an existing lawful intersection. Private property cannot be relied upon to gain access to Sarina Beach Road. If a connection to Antoney Lane was conditioned, this would not only provide access for residents of Antoney Lane, but also provide an additional access to Sarina Beach Road for residents of the new development. This would mean that the existing Antoney Lane access would need to be removed and would mean that residents of Antoney Lane would need to travel the 250m to the new round-a-bout to gain access to Sarina Beach</p> |

| | |
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| | <p>Road. Access from the development site to Antoney Lane is not supported.</p> <p>If future Development Applications propose a connection and the removal of the existing Antoney Lane access in consultation with SARA and existing residents of Antoney Lane, this may be assessed as part of a future Development Application.</p> |
|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Infrastructure charges

There are no infrastructure charges associated with this Preliminary Approval. Infrastructure charges will be calculated in accordance with the policy in place at the time future Development Permit applications are submitted to Council. The site is outside the Priority Infrastructure Area and therefore Council may condition extra trunk infrastructure payment conditions on future Development Applications if applicable.

Consultation and Communication

See public notification and submissions section of this report.

Resource Implications

There are no resource implications for Council arising from this proposal.

Risk Management Implications

There is a risk that an appeal could be lodged by the Applicant against Council's decision. This would give rise to cost implications, as Council would be required to participate in any appeal proceedings.

Conclusion

The Application for a Material Change of Use Preliminary Approval for Sarina Eco Village on the subject site is recommended for approval, subject to conditions. The proposal to vary the effect of the Planning Scheme to allow future Development Applications over certain parts of the site to be assessed as if the land was included in the Township, Tourism, Rural Residential and Open Space zones is also recommended for approval.

The Strategic Framework sets the policy direction of the Planning Scheme. The subject site is specifically identified in the Strategic Framework as being an appropriate location for development opportunities, subject to meeting demand and addressing infrastructure, environmental and other constraints. It is considered that the Applicant has adequately demonstrated that the land can be serviced for the purposes of this Preliminary Approval application. Following assessment of the environmental and natural hazard constraints of the site, the recommended conditions of approval require that Area 17 of the development be deleted from the proposal.

The Application seeks approval of the preliminary concept plans for the subject site. Any future Development Application submitted to Council will need to demonstrate compliance with Council's Planning Scheme through the provision of further engineering and technical reports.

Officer's Recommendation

THAT Council approves the application for a Material Change of Use – Preliminary Approval for an Undefined use (Sarina Eco Village) including a Variation Request at Lots 1, 2 and 823 Sarina Beach Road, Sarina Beach, formally described as Lot 1 on CI1905, Lot 2 on RP852611 and Lot 823 on C124111, subject to the following conditions:

Approved Plans and Documents

Any future Development Application for a Development Permit relating to this Preliminary Approval must generally comply with the plan and supporting documentation referenced in the tables below and enclosed which form part of this approval, unless otherwise specified by any condition of this approval.

Plan to be Amended

| Plan/ Document Name | Drawing Number | Prepared by | Date |
|---------------------|----------------|-------------|-----------------|
| Structure Plan | 102915-07 | RPS | 13 October 2023 |

Documents Not Approved

| Plan/ Document Name | Drawing Number | Prepared by | Date |
|-----------------------------------------------------------------|--------------------|----------------------|-----------------|
| Engineering Report | 102915-07 | RPS | 13 October 2023 |
| Bushfire Management Plan | PR23208 | Green Solutions Tape | 29 August 2023 |
| Sarina Beach Eco Village – DA-2018-165 Variation Request Table' | 102915-2 Version 6 | RPS | NA |

Material Change of Use – Preliminary Approval

| Condition | Timing |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <p>1) Carry Out the Approved Development</p> <p>Submit any Development Application associated with this Preliminary Approval, generally in accordance with the approved plan(s) and document(s), and the following:</p> <ul style="list-style-type: none"> a) The specifications, facts and circumstances as set out in the Development Application submitted to Council; and b) The below conditions of approval and the requirements of Council's Planning Scheme and the relevant Planning Scheme Policies; and c) Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written condition(s) will prevail; and d) Except where modified by these conditions of approval. | At all times. |
| <p>2) Amended Plan(s) and/or Document(s) Required</p> <p>Submit an amended Structure Plan, incorporating the following:</p> <ul style="list-style-type: none"> a) Delete the Low Density Eco Residential – Type 2 in Area 17 and include the area in the Open Space Zone; and b) Amend Low Density Eco Residential – Type 1 minimum area to 1,000m²; and c) Amend Eco Village Centre Activities – maximum GFA to 1,000m²; and d) Amend the colours of the development areas on the Structure Plan to be in accordance with zone colours in Schedule 2 of the <i>Planning Regulation 2017</i>; and e) Amend the Legend to align with the notations on the attached Structure Plan. | Prior to the lodgement of any application for a Development Permit associated with the Preliminary Approval. |

| Condition | Timing |
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| <p>3) Plan(s) and/or Document(s) not approved</p> <p>Submit amended documents with any future Development Application for a Development Permit, incorporating the following:</p> <p>a) Engineering Report prepared by a suitably qualified person that demonstrates that each area of the development is able to connect to reticulated:</p> <ul style="list-style-type: none"> i) Water; ii) Electricity; iii) Telecommunications; iv) Roads; and v) Stormwater drainage. <p>The Engineering Report must demonstrate that the sewage for each area of the development is able to be treated onsite.</p> <p>b) Provide a Bushfire Management Plan in accordance with the methodology in the <i>Queensland Fire and Emergency Services (QFES) Bushfire resilient communities document and Planning Scheme Policy – Bushfire</i>. The plan must demonstrate how the risks to public safety and the environment from the storage of hazardous substances on the site will be mitigated to an acceptable or tolerable level.</p> | <p>As part of lodgement of each application for a Development Permit associated with the Preliminary Approval.</p> <p>As part of lodgement of each application for a Development Permit associated with the Preliminary Approval.</p> |
| <p>4) Uses</p> <p>Ensure any Development Application seeking a Development Permit for a Material Change of Use under this Preliminary Approval is limited to any or all of the code assessable uses listed in the Table of Assessment for the following zones in the Mackay Region Planning Scheme:</p> <ul style="list-style-type: none"> a) Tourism Zone; b) Township Zone; c) Rural Residential Zone; and d) Open Space Zone. | <p>At all times.</p> |
| <p>5) Develop in Stages</p> <p>a) Submit a Staging Plan demonstrating the order of development to occur, if staging is proposed.</p> <p><i>Advisory Note: The submission of a Staging Plan is not required should staging not occur.</i></p> <p>b) Obtain approval for the Staging Plan.</p> | <p>Prior to the lodgement of any application for a Development Permit associated with the Preliminary Approval.</p> <p>Prior to the lodgement of any application for a Development Permit associated with the Preliminary Approval.</p> |

| Condition | | Timing |
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| | c) Ensure any future development of the site is generally in accordance with the stages identified on the approved plans in consecutive order, unless otherwise agreed to in writing by Council. | At all times. |
| 6) | Referral Agency Ensure any Development Application seeking a Development Permit for a Material Change of Use under this Preliminary Approval for the Undefined Use (Sarina Beach Eco Village) complies with the conditions of the Referral Agency response dated 30 April 2019 (reference: 1901-9245 SRA or as amended). | At all times. |
| 7) | Currency Period In accordance with section 85(1)(a)(i) of the <i>Planning Act 2016</i> , the development has a currency period for six years unless written approval has been obtained from Council for an extension of this period under section 86 of the <i>Planning Act 2016</i> . | |
| Variation Request Conditions | | |
| 8) | <p>Pursuant to s61(3) of the <i>Planning Act 2016</i>, the Variation Approval is approved to vary the effect of the Mackay Region Planning Scheme 2017, or any subsequent Planning Scheme in effect for the Mackay Regional Council local government area as follows:</p> <p>a) Apply the following Planning Scheme zones:</p> <ul style="list-style-type: none"> i) Tourism Zone; ii) Township Zone; iii) Rural Residential Zone; and iv) Open Space Zone, <p>to Lot 1 on Ci1905, Lot 2 on RP852611 and Lot 823 on C124111 as shown on the approved Structure Plan.</p> <p>Any references in the Mackay Region Planning Scheme including a Code, Table of Assessment, Planning Scheme Policy or a Zone Map in respect to development of Lots 1 on Ci1905, Lot 2 on RP852611 and Lot 823 on C124111 is to be taken as referring to the Zones shown on the approved plan.</p> <p>Overlay mapping on the site has not been amended and Overlays will apply to all future Development Applications.</p> <p>b) Amend the Rural Residential Zone minimum lot size in Table 9.4.3.3.B of the Planning Scheme from 1 hectare to:</p> <ul style="list-style-type: none"> i) 2,000m² for Low Density Eco Residential Type 2; and ii) 5,000m² for Low Density Residential Type 3. <p>c) Add the following the Township Zone Acceptable Outcome 11.2 by adding a new (C) 1 dwelling per 200m² where above ground floor in the area</p> | At all times. |

| Condition | Timing |
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| <p><i>identified as Eco Village Centre Activities on the approved Sarina Beach Eco Village Structure Plan; and</i></p> <p>d) Amend the Dwelling House Code Table 9.3.5.3 B – Dwelling house code – minimum primary road frontage setbacks – to note the minimum setback for Dwelling Houses (including garages) in the Low Density Eco Residential Type 2 and 3 (Rural Residential) area is 6 metres from access and collector streets; and</p> <p>e) Low Density Eco Residential – Type 1 minimum lot area must be 1,000m²; and</p> <p>f) Eco Village Centre Activities – maximum GFA is 1,000m².</p> <p>Any Development Application seeking a Development Permit under this Variation Request is to be assessed against the version of the Mackay Region Planning Scheme in effect when the Development Application is properly made, as varied by this approval. To remove any doubt, the specific variations given in this approval prevail over any further amendments to the Mackay Region Planning Scheme.</p> | |
| <p>9) Rates Notation</p> <p>The following notation will apply to the parent lots and all lots created on the land.</p> <p><i>This lot forms part of land which is subject to a Variation Approval issued under the Planning Act 2016 (Council Reference: DA-2018-165). The Variation Approval is to be used in determining the category of assessment for development undertaken on the land. Development undertaken pursuant to this Variation Approval must comply with all relevant conditions.</i></p> | At all times. |
| <p>10) Currency Period</p> <p>In accordance with section 88(2)(a) of the <i>Planning Act 2016</i>, the development is to be completed within six years unless written approval has been obtained from Council for an extension of this period under section 86 of the <i>Planning Act 2016</i>.</p> | At all times |

| Assessment Manager's Advice | |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1) | <p>Infrastructure Charges Notice</p> <p>Infrastructure charges will be levied in accordance with the policy in place at that time Development Applications are approved pursuant to this Variation Approval.</p> |
| 2) | <p>Notation of Mackay Regional Council Planning Scheme</p> <p>Pursuant to Section 89 of the <i>Planning Act 2016</i>, Council will notate Schedule 4 of the Planning Scheme to reflect the Variation Approval.</p> |

Council Resolution ORD-2023-323

THAT Council approves the application for a Material Change of Use – Preliminary Approval for an Undefined use (Sarina Eco Village) including a Variation Request at Lots 1, 2 and 823 Sarina Beach Road, Sarina Beach, formally described as Lot 1 on CI1905, Lot 2 on RP852611 and Lot 823 on C124111, subject to the following conditions:

Approved Plans and Documents

Any future Development Application for a Development Permit relating to this Preliminary Approval must generally comply with the plan and supporting documentation referenced in the tables below and enclosed which form part of this approval, unless otherwise specified by any condition of this approval.

Plan to be Amended

| Plan/ Document Name | Drawing Number | Prepared by | Date |
|---------------------|----------------|-------------|-----------------|
| Structure Plan | 102915-07 | RPS | 13 October 2023 |

Documents Not Approved

| Plan/ Document Name | Drawing Number | Prepared by | Date |
|-----------------------------------------------------------------|--------------------|----------------------|-----------------|
| Engineering Report | 102915-07 | RPS | 13 October 2023 |
| Bushfire Management Plan | PR23208 | Green Tape Solutions | 29 August 2023 |
| Sarina Beach Eco Village – DA-2018-165 Variation Request Table' | 102915-2 Version 6 | RPS | NA |

Material Change of Use – Preliminary Approval

| Condition | Timing |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <p>1) Carry Out the Approved Development</p> <p>Submit any Development Application associated with this Preliminary Approval, generally in accordance with the approved plan(s) and document(s), and the following:</p> <ul style="list-style-type: none"> a) The specifications, facts and circumstances as set out in the Development Application submitted to Council; and b) The below conditions of approval and the requirements of Council's Planning Scheme and the relevant Planning Scheme Policies; and c) Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written condition(s) will prevail; and d) Except where modified by these conditions of approval. | At all times. |
| <p>2) Amended Plan(s) and/or Document(s) Required</p> <p>Submit an amended Structure Plan, incorporating the following:</p> <ul style="list-style-type: none"> a) Delete the Low Density Eco Residential – Type 2 in Area 17 and include the area in the Open Space Zone; and b) Amend Low Density Eco Residential – Type 1 minimum area to 1,000m²; and c) Amend Eco Village Centre Activities – maximum GFA to 1,000m²; and | Prior to the lodgement of any application for a Development Permit associated with the Preliminary Approval. |

| Condition | Timing |
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| <ul style="list-style-type: none"> d) Amend the colours of the development areas on the Structure Plan to be in accordance with zone colours in Schedule 2 of the <i>Planning Regulation 2017</i>; and e) Amend the Legend to align with the notations on the attached Structure Plan. | |
| <p>3) Plan(s) and/or Document(s) not approved</p> <p>Submit amended documents with any future Development Application for a Development Permit, incorporating the following:</p> <ul style="list-style-type: none"> a) Engineering Report prepared by a suitably qualified person that demonstrates that each area of the development is able to connect to reticulated: <ul style="list-style-type: none"> i) Water; ii) Electricity; iii) Telecommunications; iv) Roads; and v) Stormwater drainage. <p>The Engineering Report must demonstrate that the sewage for each area of the development is able to be treated onsite.</p> b) Provide a Bushfire Management Plan in accordance with the methodology in the <i>Queensland Fire and Emergency Services (QFES) Bushfire resilient communities document and Planning Scheme Policy – Bushfire</i>. The plan must demonstrate how the risks to public safety and the environment from the storage of hazardous substances on the site will be mitigated to an acceptable or tolerable level. | <p>As part of lodgement of each application for a Development Permit associated with the Preliminary Approval.</p> <p>As part of lodgement of each application for a Development Permit associated with the Preliminary Approval.</p> |
| <p>4) Uses</p> <p>Ensure any Development Application seeking a Development Permit for a Material Change of Use under this Preliminary Approval is limited to any or all of the code assessable uses listed in the Table of Assessment for the following zones in the Mackay Region Planning Scheme:</p> <ul style="list-style-type: none"> a) Tourism Zone; b) Township Zone; c) Rural Residential Zone; and d) Open Space Zone. | At all times. |
| <p>5) Develop in Stages</p> <ul style="list-style-type: none"> a) Submit a Staging Plan demonstrating the order of development to occur, if staging is proposed. <p><i>Advisory Note: The submission of a Staging Plan is not required should staging not occur.</i></p> | Prior to the lodgement of any application for a Development Permit associated with the Preliminary Approval. |

| Condition | | Timing |
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| | b) Obtain approval for the Staging Plan. | Prior to the lodgement of any application for a Development Permit associated with the Preliminary Approval. |
| | c) Ensure any future development of the site is generally in accordance with the stages identified on the approved plans in consecutive order, unless otherwise agreed to in writing by Council. | At all times. |
| 6) | Referral Agency Ensure any Development Application seeking a Development Permit for a Material Change of Use under this Preliminary Approval for the Undefined Use (Sarina Beach Eco Village) complies with the conditions of the Referral Agency response dated 30 April 2019 (reference: 1901-9245 SRA or as amended). | At all times. |
| 7) | Currency Period In accordance with section 85(1)(a)(i) of the <i>Planning Act 2016</i> , the development has a currency period for six years unless written approval has been obtained from Council for an extension of this period under section 86 of the <i>Planning Act 2016</i> . | |
| Variation Request Conditions | | |
| 8) | Pursuant to s61(3) of the <i>Planning Act 2016</i> , the Variation Approval is approved to vary the effect of the Mackay Region Planning Scheme 2017, or any subsequent Planning Scheme in effect for the Mackay Regional Council local government area as follows: a) Apply the following Planning Scheme zones: i) Tourism Zone; ii) Township Zone; iii) Rural Residential Zone; and iv) Open Space Zone, to Lot 1 on Ci1905, Lot 2 on RP852611 and Lot 823 on C124111 as shown on the approved Structure Plan. Any references in the Mackay Region Planning Scheme including a Code, Table of Assessment, Planning Scheme Policy or a Zone Map in respect to development of Lots 1 on Ci1905, Lot 2 on RP852611 and Lot 823 on C124111 is to be taken as referring to the Zones shown on the approved plan. | At all times. |

| Condition | Timing |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <p>Overlay mapping on the site has not been amended and Overlays will apply to all future Development Applications.</p> <p>b) Amend the Rural Residential Zone minimum lot size in Table 9.4.3.3.B of the Planning Scheme from 1 hectare to:</p> <p>i) 2,000m² for Low Density Eco Residential Type 2; and</p> <p>ii) 5,000m² for Low Density Residential Type 3.</p> <p>c) Add the following the Township Zone Acceptable Outcome 11.2 by adding a new (C) <i>1 dwelling per 200m² where above ground floor in the area identified as Eco Village Centre Activities on the approved Sarina Beach Eco Village Structure Plan</i>; and</p> <p>d) Amend the Dwelling House Code Table 9.3.5.3 B – Dwelling house code – minimum primary road frontage setbacks – to note the minimum setback for Dwelling Houses (including garages) in the Low Density Eco Residential Type 2 and 3 (Rural Residential) area is 6 metres from access and collector streets; and</p> <p>e) Low Density Eco Residential – Type 1 minimum lot area must be 1,000m²; and</p> <p>f) Eco Village Centre Activities – maximum GFA is 1,000m².</p> <p>Any Development Application seeking a Development Permit under this Variation Request is to be assessed against the version of the Mackay Region Planning Scheme in effect when the Development Application is properly made, as varied by this approval. To remove any doubt, the specific variations given in this approval prevail over any further amendments to the Mackay Region Planning Scheme.</p> | |
| <p>9) Rates Notation</p> <p>The following notation will apply to the parent lots and all lots created on the land.</p> <p><i>This lot forms part of land which is subject to a Variation Approval issued under the Planning Act 2016 (Council Reference: DA-2018-165). The Variation Approval is to be used in determining the category of assessment for development undertaken on the land. Development undertaken pursuant to this Variation Approval must comply with all relevant conditions.</i></p> | At all times. |
| <p>10) Currency Period</p> <p>In accordance with section 88(2)(a) of the <i>Planning Act 2016</i>, the development is to be completed within six years unless written approval has been obtained from Council for an extension of this period under section 86 of the <i>Planning Act 2016</i>.</p> | At all times |

Assessment Manager's Advice

| | |
|-----------|--------------------------------------|
| 1) | Infrastructure Charges Notice |
|-----------|--------------------------------------|

| Assessment Manager's Advice | |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Infrastructure charges will be levied in accordance with the policy in place at that time Development Applications are approved pursuant to this Variation Approval. |
| 2) | Notation of Mackay Regional Council Planning Scheme Pursuant to Section 89 of the <i>Planning Act 2016</i> , Council will notate Schedule 4 of the Planning Scheme to reflect the Variation Approval. |

Moved Cr May

Seconded Cr Englert

During the debate on the item Cr May raised that Councillors are not experts and should rather be accepting the advice of Council officers.

Cr Bella requested a Point of Order based on the fact that Councillors should have the right to make their own decisions.

Mayor Williamson advised that this was not a Point of Order per the Standing Orders.

For: Cr Englert, Cr Green, Cr Hassan, Cr Mann, Cr Jones, Cr May, Cr Seymour, Cr Townsend, Cr Williamson

Against: Cr Bella, Cr Bonaventura

CARRIED



PRELIMINARY
NOT FOR DETAIL DESIGN

Note:
All Lot Numbers, Dimensions and Areas are approximate only, and are subject to survey and Council approval.
Dimensions have been rounded to the nearest 0.1 metres.
Areas have been rounded down to the nearest 5m².
The boundaries shown on this plan should not be used for final detailed engineers design.

Source Information:
Site boundaries: Registered Survey Plans.
Adjoining information: DCDB.
Contours: 2015 Lides, 1m Contour Intervals.
Aerial photography: AIA.
Environment constraints: 2017 DNRM State Mapping and MRC.
Municipal Data.
Flood: Superseded Sarina Shire Planning Scheme.

Legend

Site Boundary

Passive Open Space / Constrained Land - 99.8ha

Eco Village Green - Active Open Space - 0.58ha

Eco Tourism - 10.4ha

Low Density Eco Residential Type 1
62 Lots - Minimum Area 1.00

Low Density Eco Residential Type 2
83 Lots - Minimum Area 2000m²

Low Density Eco Residential Type 3
15 Lots - Minimum Area 5000m²

Eco Village Centre Activities 1.00 GFA

Public Road

Common Property Access Road

Optional Private Access Road

Firebreak (20m or 1.5x Nearest Veg)

Bushfire Emergency Access and Firebreak (10m Wide)

1

Lookout / Viewing Deck

2

Proposed 50m Wide Fauna Connection

3

Possible Active Reserve - Subject to further investigations

4

Beach

5

Pedestrian Access to the Beach

All residential lot boundaries are indicative only.

Open Space
Open Space
Tourism
Township
Rural Residential
Rural Residential
Township

Area 17 not approved. This area must be

Scale: 1:2500 @ A0
Plan Ref: 102915-07m

Date: 13 October 2023
Client: Delta Brooks
Drawn By: MB & ST
Checked By: BG

SARINA BEACH - Concept Plan



RA6-N

DEVELOPMENT SERVICES

RECEIVED: 30 Apr, 2019



Department of
**State Development,
 Manufacturing,
 Infrastructure and Planning**

SARA reference: 1901-9245 SRA
 Council reference: DA-2018-165
 Applicant reference: 102915-2

30 April 2019

Chief Executive Officer
 Mackay Regional Council
 PO Box 41
 Mackay QLD 4740
 development.services@mackay.qld.gov.au

Attention: Dennis O’Riely

Dear Mr O’Riely

**SARA response— Material Change of Use (preliminary approval
 including variation request) for proposed ‘Sarina Beach Eco Village’;
 Lots 1, 2 and 823 Sarina Beach Road, Sarina Beach QLD 4737**

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 21 January 2019.

Response

| | |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Outcome: | <p>Referral agency response – with conditions. Under section 56(1)(b)(i) and (iii) of the <i>Planning Act 2016</i>, the department directs the assessment manager to give any development approval subject to stated development conditions; and to give any development approval only as a preliminary approval.</p> <p>Under section 56(2)(a) of the <i>Planning Act 2016</i>, the department advises it has no requirements for the variation request.</p> |
| Date of response: | 30 April 2019 |
| Conditions: | The conditions in Attachment 1 must be attached to any development approval (preliminary approval) |
| Advice: | Advice to the applicant is in Attachment 2 . |
| Reasons: | The reasons for the referral agency response are in Attachment 3 . |

1901-9245 SRA

Development details

| | | |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| Description: | Preliminary approval | Material Change of Use - 'Sarina Beach Eco Village' Structure Plan and Variation Request |
| SARA role: | Referral Agency | |
| SARA trigger: | Schedule 10, Part 3, Division 4, Subdivision 3, Table 1 (10.3.4.3.1) – Native vegetation clearing (Planning Regulation 2017) | |
| | Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (10.9.4.2.4.1) - Development application for a material change of use within 25m of a state-controlled road (Planning Regulation 2017) | |
| | Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (10.9.4.1.1.1) - State transport infrastructure (thresholds) (Planning Regulation 2017) | |
| SARA reference: | 1901-9245 SRA | |
| Assessment Manager: | Mackay Regional Council | |
| Street address: | Sarina Beach Road, Sarina Beach QLD 4737 | |
| Real property description: | Lot 1 on CI1905, Lot 2 on RP852611 and Lot 823 on C124111 | |
| Applicant name: | Della C Brooks, C/- RPS | |
| Applicant contact details: | Level 1 38 Wellington Street Mackay QLD 4740 mackay@rpsgroup.com.au | |
| State-controlled road access permit: | <p>This referral included an application for a road access location, under section 62A(2) of <i>Transport Infrastructure Act 1994</i>. Below are the details of the decision:</p> <ul style="list-style-type: none"> • Approved 29 April 2019 • Reference: TMR19-026523 • Date: 29 April 2019 <p>If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at mackay.whitsunday.idas@tmr.qld.gov.au.</p> | |

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Ainsley Sullivan, Principal Planning Officer, on (07) 4898 6813 or via email MIWSARA@dsmip.qld.gov.au who will be pleased to assist.