



MINUTES

Ordinary Meeting

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

On Wednesday 24 January 2024

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

The meeting commenced at 10:00 am.

2. OPENING PRAYER

Fr Dr Julia Pittman led those present in Prayer.

3. ABSENT ON COUNCIL BUSINESS

Nil

4. APOLOGIES

Nil

5. CONDOLENCES

Nil

6. CONFLICT OF INTEREST CONFLICT OF INTEREST - ITEM 16.1

Cr Laurence Bonaventura

In accordance with Chapter 5B of the *Local Government Act 2009*, Cr Laurence Bonaventura has a declarable conflict of interest in Agenda Item 16.1 Referral from Office of Independent Assessor. The nature of Cr Bonaventura's interest is as follows:

- Subject of Report

7. CONFIRMATION OF MINUTES

7.1. CONFIRMATION OF MINUTES - ORDINARY MEETING

Council Resolution ORD-2024-1

THAT the Ordinary Meeting Minutes dated 13 December 2023 be adopted.

Moved Cr Jones

Seconded Cr Hassan

CARRIED UNANIMOUSLY



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

Cr 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.

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Cr 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

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> 

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11.1.2	Chief Executive Officer's Monthly Review Report – October 2023	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. 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.
13.2	MRC 2024-016 51861 Bus Stop Upgrade Program PTAIP/BSSP	Question on Notice - Cr Bonaventura queried how many bus stops does this include? 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

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

ORDINARY MEETING - 13 DECEMBER 2023

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

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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

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.

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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 ~~strike through~~ 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;

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- 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

ORDINARY MEETING - 13 DECEMBER 2023

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 long 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 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.

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

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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

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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:

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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

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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 LinkageInvest and Work

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

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

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

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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.

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- *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 –

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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

ORDINARY MEETING - 13 DECEMBER 2023

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 LinkageInvest and Work

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

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

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).

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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

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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.

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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

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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

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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 LinkageInvest and Work

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

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

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

MACKAY REGIONAL COUNCIL

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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.

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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 marital 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.

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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):

- 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.

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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):

- e) 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:

- f) The development must be complete, and the use commenced by 13 December 2025.
- g) No additional infrastructure costs incurred by Council (including establishment and bring forward costs).
- h) The developer utilising local contractors and suppliers.

Moved Cr Jones

Seconded Cr Englert

CARRIED UNANIMOUSLY

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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](#)

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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.

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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

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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.

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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>

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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>

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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>

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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

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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

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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

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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

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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.

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- 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>
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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 C11905, Lot 2 on RP852611 and Lot 823 on C124111, subject to the following conditions:

ORDINARY MEETING - 13 DECEMBER 2023

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 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.

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Condition	Timing
<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>

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Condition		Timing
	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. Overlay mapping on the site has not been amended and Overlays will apply to all future Development Applications. b) Amend the Rural Residential Zone minimum lot size in Table 9.4.3.3.B of the Planning Scheme from 1 hectare to: i) 2,000m ² for Low Density Eco Residential Type 2; and ii) 5,000m ² for Low Density Residential Type 3. c) Add the following the Township Zone Acceptable Outcome 11.2 by adding a new (C) 1 dwelling per 200m ² where above ground floor in the area	At all times.

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Condition	Timing
<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

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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 C11905, 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
1) Carry Out the Approved Development Submit any Development Application associated with this Preliminary Approval, generally in accordance with the approved plan(s) and document(s), and the following: <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.
2) Amended Plan(s) and/or Document(s) Required Submit an amended Structure Plan, incorporating the following: <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.

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	<p>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</p> <p>e) Amend the Legend to align with the notations on the attached Structure Plan.</p>	
3)	<p>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>	As part of lodgement of each application for a Development Permit associated with the Preliminary Approval.
	<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.
4)	<p>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.
5)	<p>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>	Prior to the lodgement of any application for a Development Permit associated with the Preliminary Approval.

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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)	<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>	At all times.

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	<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>	
9)	<p>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.
10)	<p>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
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	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

ORDINARY MEETING - 13 DECEMBER 2023

11.4.5. MACKAY COAST OUR FUTURE STUDY - COASTAL HAZARD ADAPTATION STRATEGY (CHAS)

Author Acting Principal Engineer (Luke Ferguson)
Responsible Officer Director Planning, Growth & Sustainability (Aletta Nugent)
File Reference SPSW-034

Attachments

1. Mackay Coast Our Future - Coastal Hazard Adaptation Study [11.4.5.1 - 90 pages]
2. Register of Amendments - draft Mackay Coast Our Future Study [11.4.5.2 - 3 pages]

Purpose

For Council to consider adopting the 'Mackay Coast Our Future – Coastal Hazard Adaptation Study' following public consultation.

Related Parties

- Alluvium
- Local Government Association of Queensland (LGAQ)
- Department of Environment and Science

Corporate Plan Linkage**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.

Live and Visit

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

Background/Discussion

Mackay Regional Council received funding from the Queensland Government QCoast 2100 project (administered by the LGAQ) to develop a coastal hazard adaptation study. The Mackay Coast Our Future project will improve our understanding of coastal hazards and make the Mackay Region's coastline and coastal communities more resilient. The Mackay Coast Our Future – Coastal Hazard Adaptation Study (CHAS) provides a proactive plan to manage the impact of coastal hazards on the Region's communities, environment, cultural values and built assets.

The project was completed in line with the QCoast2100 guidelines in eight phases:

1. Plan for life-of-project stakeholder communication and engagement;
2. Scope coastal hazard issues for the LGA;
3. Identify areas exposed to current and future coastal hazards;
4. Identify key assets potentially impacted;
5. Undertake risk assessment of key assets in coastal hazard areas;
6. Identify potential adaptation actions;
7. Undertake socio-economic appraisal of adaptation options; and

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8. Strategy development, implementation and review.

The key outcomes of each phase and the regional and location-specific implementation actions to adapt to projected future coastal hazards is provided in the attached Mackay Coast Our Future – Coastal Hazard Adaptation Study (see Attachment 1). The project is in the eighth phase, with this report considering the adoption of the study.

Previous community consultation identified that the community highly values the unique landscapes, features and natural beauty, natural ecosystems and wildlife, outdoor recreation, access to beaches and business, and work and education opportunities associated with the Region's coastline. Additionally, there is a strong preference for considering nature-based solutions as the primary/initial pathway for coastal hazard adaptation. Understanding community preferences and preserving these values has informed the development of adaptation pathways in the CHAS.

Prior to seeking community input on adaptation options, the project provided detailed information and fact sheets on coastal hazards and adaptation options. Coastal hazards include cyclones, erosion, temporary inundation from seawater due to big tides and storms (known as storm tide inundation), or longer-term inundation due to sea-level rise. The risks presented by coastal hazards depends on the likelihood of exposure and the vulnerability to exposure, which varies significantly between our coastal communities.

Adaptation pathway development considers the community's exposure to risk, including both public and private infrastructure, and how this risk profile will potentially change through time. Two horizons were considered for the risk assessment, including existing climate conditions and projected climate conditions for the year 2100. Coastal hazard information, which defined the nature and extent of potential exposure with either a 1% or 0.2% chance of occurring in any one year, were overlayed onto spatial datasets of key assets to identify coastal hazard exposure. The consequence of an asset being exposed to coastal hazards is dependent on how vulnerable the asset is to the exposure. For example, a road experiencing inundation has a much lower consequence than a house being inundated. The consequence of exposure was considered against three key consequence categories; place, planning and sustainability, community wellbeing and culture and the environment. How exposure will potentially impact these values determined the consequence rating from insignificant through to catastrophic. The likelihood of exposure was considered against the consequence of exposure to define coastal hazard risk across the region on a scale of low to very high. Coastal hazard risks are summarised for the Region's buildings and facilities, transport and utilities assets and planning scheme zones to provide a regional perspective. Of note, the number of houses at high risk to king tides across the region grows from approximately 50 to over 700 under projected 2100 climate conditions. The report also notes coastal communities with septic tank systems may be impacted.

As expected, coastal hazard risks increase with projected changes to climate conditions. At a regional scale, average annual damage (AAD) associated with combined coastal hazard impacts on built assets is estimated to increase from \$90 million in the present day to \$900 million by 2100 in the absence of mitigation.

A range of adaptation options are outlined within the general framework of avoid and accommodate, monitor and maintain, actively mitigate and managed retreat. Against this framework, adaptation themes are defined under region wide initiatives, planning and internal policy updates, maintaining and improving infrastructure and nature-based coastal management and coastal engineering.

In addition to region wide initiatives, community specific actions are identified as individual adaptation pathways for each of the Region's coastal communities. Adaptation responses are identified for the short-term, medium-term and long-term. Of note, managed retreat is identified as a long-term adaptation pathway for limited areas within Midge Point, Slade Point, Town and Far Beach, Bakers Creek, Dunnrock and Armstrong Beach. Across

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several communities, short-term actions are monitor and maintain, with the exception of Cape Hillsborough, Haliday Bay, Shoal Point, Bucasia, Louisa Creek, Half Tide Beach and Salonika Beach, Grasstree, Campwin and Sarina Beaches and the Islands where 'avoid and accommodate' is nominated. Critically, at Slade Point, Harbour Beach, McEwens Beach and Armstrong Beach, actively mitigate is nominated.

The CHAS outlines 35 prioritised actions from high priority (within five years) through to long-term (implemented or reviewed within 20 years) for each of the Region's coastal communities. The majority of high-priority actions are region wide initiatives which apply to every coastal community that do not involve the implementation of physical works on the ground.

Consultation and Communication

The project has been informed through consultation with the community over 2022 and 2023. Engagement events and activities were undertaken in a range of virtual and in-person formats and included:

- Notification of the project in 2022 rates notice
- Community surveys during 8 June to 18 September 2022 and 17 November 2022 to 18 December 2022.
- Community drop-in sessions during June 2022, November 2022, February 2023 and October 2023
- Stakeholder workshops during November 2022 and February 2023.
- Targeted briefings with key industry stakeholders.
- Council briefings in May 2022, November 2022, January 2023, September 2023 and a workshop with Councillors in May 2023.

The draft Mackay Coast Our Future study was endorsed for public consultation at the Council meeting on 27 September 2023. Consultation was undertaken from Friday, 29 September 2023 to Sunday, 5 November 2023. Consultation included community drop-in sessions at Jubilee Community Centre, Sarina Beach Surf Life Saving Club, Eimeo Surf Life Saving Club, St Helens Beach, Mackay Surf Life Saving Club and at Caneland Shopping Centre as part of the Disaster Ready Saturday.

Ongoing consultation and communication activities have been supported by a permanent online presence on Council's Connecting Mackay online platform. The page facilitated an online survey inviting feedback on the draft document with the following statistics were recorded:

- 60 residents attended community drop in sessions
- 17 surveys (and 1 letter to Councillors)
- 627 web page visits
- 235 document downloads

Connecting Mackay also provides project status updates, links to fact sheets and hazard information to assist with achieving the objectives of the project.

Feedback received did not trigger material changes to the draft Mackay Coast Our Future Study, and a register of the changes to the document is provided in Attachment 2. General themes that arose from the consultation varied significantly, highlighting the diverse values that the community associate with coastal settings.

Resource Implications

The report identifies nine high priority actions recommended for implementation in the next five years. Of note, the first action is establishing roles and responsibilities within Council to support implementation of the CHAS, which will need to be considered upon endorsement of the final CHAS by Council.

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The review of coastal management guidelines and implementation of local coastal plans for dune and vegetation protection and maintenance is identified as a high priority action across each coastal community.

Risk Management Implications

The CHAS identifies a range of adaptation options across the region and also identifies adaptation pathways for specific coastal areas. The CHAS includes managed retreat as part of the long-term adaptation pathway for limited areas within Midge Point, Slade Point, Town and Far Beach, Bakers Creek, Dunrock and Armstrong Beach. Managed retreat does not rely on actively mitigating against coastal hazards but rather supports movement away from areas exposed to an intolerable risk. The CHAS will be the first clear signal that Council will not actively plan for or commit to the protection of certain areas within some coastal communities. This has the potential to be received negatively by those affected communities and property owners.

The CHAS provides Council with the foundation for effective short-term decision making in line with long-term objectives. It also provides the existing community and potential future residents with critical information to make informed decisions about coastal hazards. In the absence of the CHAS, Council is at risk of making reactive decisions about managing coastal hazards that do not align to long-term objectives, does not represent efficient investment and potentially could generate other unintended consequences.

Conclusion

Adapting to coastal hazards is a shared responsibility for all stakeholders and the Mackay community. The CHAS represents the start of an ongoing and strategic approach to adaptation over time. Adaptation pathways will be continually informed by community input and ideas, new knowledge and monitoring the effectiveness of actions. Adoption of the Mackay Coast Our Future – Coastal Hazard Adaptation Study represents a significant milestone for long-term coastal hazard adaptation across the Mackay local government area.

Officer's Recommendation

THAT the Mackay Coast – Our Future, Coastal Hazard Adaptation Study be adopted.

Council Resolution ORD-2023-324

THAT the Mackay Coast – Our Future, Coastal Hazard Adaptation Study be adopted.

Moved Cr Jones

Seconded Cr Hassan

CARRIED UNANIMOUSLY

ORDINARY MEETING - 13 DECEMBER 2023

11.5. INFRASTRUCTURE AND OPERATIONS**11.5.1. LEASE RENEWAL - EIMEO SURF LIFE SAVING CLUB**

Author	Land & Property Officer (Jacinta Pollock Bonnett)
Responsible Officer	Acting Director Infrastructure and Operations (Jim Carless)
File Reference	Current Securities Lease 187 6 Eimeo Esplanade EIMEO QLD 4740

Attachments

1. Lease Area [11.5.1.1 - 1 page]

Purpose

To consider a lease renewal request for Eimeo Surf Life Saving Club Inc for a total area of approximately 544 square meters being Lot 1 on RP719065, known as 6 Eimeo Esplanade, Eimeo for a period of ten (10) years with such lease to commence on 1 February 2024.

Related Parties

Eimeo Surf Life Saving Club Inc
Eimeo Surf Life Saving Supporters Club

Corporate Plan LinkageLive and Visit

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

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

Background/Discussion

Eimeo Surf Life Saving Club Inc (ESLSC) commenced their 20-year lease in February 2004, in which they were joint tenants with the Sunset Bay Outrigger Canoe Racing Association Club Inc (Outriggers) over 4 and 6 Eimeo Esplanade, Eimeo. In 2006/2007 the Outriggers transferred their interest in the lease over 6 Eimeo Esplanade, to ESLSC who then sub-leased to the Eimeo Surf Life Saving Supporters Club Inc.

ESLSC run multiple programs for a range of ages and abilities, as well as competitions and events with assistance from the Supporters Club.

The Nippers program provides a nurturing environment for young members to learn and develop valuable knowledge; from ocean awareness and surf safety to basic first aid and rescue techniques, combining education, physical activity and fun.

The Eimeo Albatross Nippers program commenced in the 2021 season, expanding the current Nippers program to be inclusive of kids with special needs. Eimeo is the only Albatross Nipper program outside of Southeast Queensland and the only one currently offered in our region.

Discussions between ESLSC and the Supporters Club have been positive and are agreeable to continue assisting each other by allowing shared usage when required for events. ESLSC have confirmed they wish to provide a new sub-lease agreement to the Supporters Club.

ORDINARY MEETING - 13 DECEMBER 2023

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 asset is disposed of to a community organisation.”

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 of land or an interest in land 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 granting a new lease.

Consultation and Communication

Representatives of Eimeo Surf Life Saving Club Inc, Manager Property Services, Supervisor Land Operations, Land and Property Officer, Land and Road Use Committee

Resource Implications

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

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

Risk Management Implications

ESLSC provides ocean awareness and surf safety to a range of members within the community. Should the lease not be renewed, both our community and region would not be able to benefit from the opportunities that arise from such a community group.

Conclusion

The approval of a new ten (10) year lease to ESLSC and sub-lease to the Supporters Club, who have shown a long-term commitment to the land, its infrastructure and the local community, is the most advantageous outcome to Mackay Regional Council.

Officer's Recommendation

THAT Council

1. Resolves that an exemption applied 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 asset is disposed of to a community organisation;” and
- 2.
3. Approves a new lease for Eimeo Surf Life Saving Club Inc for a total area of approximately 544 square meters being Lot 1 on RP719065, known as 6 Eimeo Esplanade, Eimeo for a period of ten (10) years with such lease to commence on 1 February 2024.
- 4.
5. Provides consent to a new sub-lease from Eimeo Surf Life Saving Club Inc to Eimeo Surf Life Saving Supporters Club on similar terms as the current sub-lease.

Council Resolution ORD-2023-325

ORDINARY MEETING - 13 DECEMBER 2023

THAT Council

1. Resolves that an exemption applied 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 asset is disposed of to a community organisation;" and
- 2.
3. Approves a new lease for Eimeo Surf Life Saving Club Inc for a total area of approximately 544 square meters being Lot 1 on RP719065, known as 6 Eimeo Esplanade, Eimeo for a period of ten (10) years with such lease to commence on 1 February 2024.
- 4.
5. Provides consent to a new sub-lease from Eimeo Surf Life Saving Club Inc to Eimeo Surf Life Saving Supporters Club on similar terms as the current sub-lease.

Moved Cr Green

Seconded Cr Englert

CARRIED UNANIMOUSLY

ORDINARY MEETING - 13 DECEMBER 2023

11.5.2. LEASE RENEWAL - EIMEO SURF LIFE SAVING CLUB INC AND SUNSET BAY OUTRIGGER CANOE RACING ASSOCIATION CLUB INC

Author	Land & Property Officer (Jacinta Pollock Bonnett)
Responsible Officer	Acting Director Infrastructure and Operations (Jim Carless)
File Reference	Current Securities Lease 187, Eimeo Esplanade, EIMEO QLD 4740

Attachments

1. Lease Area [11.5.2.1 - 1 page]

Purpose

To consider a lease renewal request for Eimeo Surf Life Saving Club Inc and Sunset Bay Outrigger Canoe Racing Association Club Inc for a total area of approximately 1337 square meters being Part of Lot 1 on SP192532, known as 4 Eimeo Esplanade, Eimeo for a period of ten (10) years with such lease to commence on 1 February 2024.

Related Parties

Eimeo Surf Life Saving Club Inc
Sunset Bay Outrigger Canoe Racing Association Club Inc

Corporate Plan LinkageLive and Visit

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

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

Background/Discussion

Eimeo Surf Life Saving Club Inc (ESLSC) and Sunset Bay Outrigger Canoe Racing Association Club Inc (Outriggers) commenced their 20-year lease in February 2004, in which they were joint tenants over 4 and 6 Eimeo Esplanade, Eimeo. In 2006/2007 the Outriggers transferred their interest in the lease over 6 Eimeo Esplanade and remained as a joint tenant over 4 Eimeo Esplanade for storage of their equipment.

ESLSC run multiple programs for a range of ages and abilities, as well as competitions and events. Their programs encourage members to learn and develop valuable skills such as ocean awareness, surf safety, basic first aid and rescue techniques.

Outriggers cater for all paddlers with experienced coaches to ensure maximum safety during training sessions. The club offers a relaxed environment to enjoy the sport of outrigger canoeing whether members wish to race competitively or to train to stay fit and healthy.

ESLSC and Outriggers are agreeable to continue the joint tenants Lease Agreement by allowing shared usage for storage purposes.

ORDINARY MEETING - 13 DECEMBER 2023

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 asset is disposed of to a community organisation.”

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 of land or an interest in land 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 granting a new lease.

Consultation and Communication

Representatives of Eimeo Surf Life Saving Club Inc and Sunset Bay Outrigger Canoe Racing Association Club Inc, Executive Manager Property and Plant, Supervisor Land Operations, Land and Property Officer, Land and Road Use Committee

Resource Implications

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

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

Risk Management Implications

ESLSC provides ocean awareness and surf safety to a range of members within the community, and Outriggers provide a safe environment for members to enjoy the outrigger canoeing sport. Should the lease not be renewed, both our community and region would not be able to benefit from the opportunities that arise from such a community group.

Conclusion

The approval of a new ten (10) year lease to ESLSC and Outriggers, who have shown a long-term commitment to the land, its infrastructure and the local community, is the most advantageous outcome to Mackay Regional Council.

Officer's Recommendation**THAT Council**

1. Resolves that an exemption applied 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 asset is disposed of to a community organisation;” and
- 2.
3. Approves a new lease for Eimeo Surf Life Saving Club Inc and Sunset Bay Outrigger Canoe Racing Association Club Inc for a total area of approximately 1337 square meters being Part of Lot 1 on SP192532, known as 4 Eimeo esplanade, Eimeo for a period of ten (10) years with such lease to commence on 1 February 2024.

Council Resolution ORD-2023-326**THAT Council**

ORDINARY MEETING - 13 DECEMBER 2023

1. Resolves that an exemption applied 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 asset is disposed of to a community organisation;” and
- 2.
3. Approves a new lease for Eimeo Surf Life Saving Club Inc and Sunset Bay Outrigger Canoe Racing Association Club Inc for a total area of approximately 1337 square meters being Part of Lot 1 on SP192532, known as 4 Eimeo esplanade, Eimeo for a period of ten (10) years with such lease to commence on 1 February 2024.

Moved Cr Jones**Seconded Cr Green****CARRIED UNANIMOUSLY/LOST**

ORDINARY MEETING - 13 DECEMBER 2023

11.5.3. LEASE RENEWAL - MACKAY RIDING FOR DISABLED ASSOCIATION INC

Author	Land and Property Officer (Jacinta Pollock Bonnett)
Responsible Officer	Acting Director Infrastructure and Operations (Jim Carless)
File Reference	Current Securities Lease 171 & 172, 9-10 Loughnane Court, NORTH MACKAY
QLD 4740	

Attachments

1. Lease Area [11.5.3.1 - 1 page]

Purpose

To consider a Lease for Mackay Riding for Disabled Association Inc for a total area of approximately 2.43ha being part of Lot 1 on SP262693 and Lot 296 on CI3986, known as 9 and 10 Loughnane Court, North Mackay for a period of ten (10) years with such lease to commence on 1 January 2024.

Related Parties

Mackay Riding for Disabled Association Inc

Corporate Plan LinkageLive and Visit

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

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

Background/Discussion

Mackay Riding for Disabled Association Inc (MRDA) were granted a 20-year lease in January 2002, over Lot 1 on SP262693 and Lot 296 on CI3986, both previous landfill sites.

MRDA provide both recreational and therapeutic horse-riding programs for children and adults with disabilities. Many students are referred to MRDA by physiotherapists involved in the special education units at local schools. The riding program is an integral part of the rider's ongoing exercise and education, promoting confidence and self-esteem.

Coach's design and execute a workable program which includes classical equestrian principles as well as games which focus on promoting body awareness and improvements in posture and control, encouraging decision-making, participation and concentration. MRDA are committed and should the lease not be approved, the community would not be able to benefit from the opportunities that arise from the activities of the organisation.

Due to the previous landfill use at the sites, Council's Waste Services team have been investigating the quantity of landfill and level of rehabilitation required at the sites. At the expiry of the leases in 2021, it was decided to grant a two-year licence agreement, with a right for Council to terminate early if Council's Waste Services team required the sites for rehabilitation. MRDA have reached out to Council to advise the licence agreement limits their ability to apply for funding opportunities and their preference at the expiry of the licence is to enter into a new 10-year Lease. A new 10-year Lease is consistent with Council's community leasing policy.

ORDINARY MEETING - 13 DECEMBER 2023

MRDA have been co-operative in allowing Council's Waste Services team access to the sites when testing has been required.

Waste Services, Property and Plant, and Legal Counsel have been consulted, and parameters have been determined for MRDA to enter into a Lease, with the ability for Council to give notice to MRDA to vacate the sites when Council requires use of the sites for rehabilitation.

The lease will be a standard "trustee" lease inclusive of rental in accordance with Council's Community Leasing Policy and other like conditions. Additional clauses relating to specific use and the previous landfill use of the sites will be included in the lease.

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 asset is disposed of to a community organisation. MRDA currently occupy the sites and is a community group for the purposes of the exception in Section 236 (1) (b) (ii) of the Local Government Regulation.

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 of land or an interest in land 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 granting a new lease.

Consultation and Communication

Representatives of Mackay Riding for Disabled Association Inc, Executive Manager Property and Plant, Supervisor Land Operations, Land and Property Officer, Legal Counsel, Waste Services Coordinator, Project Manager Waste Services

Resource Implications

All costs incurred in respect to 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

MRDA provides recreational and therapeutic horse-riding programs for children and adults with disabilities. Should the lease not be approved, both our community and region would not be able to benefit from the opportunities that arise from such a community group.

Conclusion

The approval of a new ten (10) year lease to MRDA, who have shown a long-term commitment to the land, its infrastructure and the local community, is the most advantageous outcome to Mackay Regional Council and the community.

Officer's Recommendation

THAT Council

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1. Resolves that an exemption applied 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 asset is disposed of to a community organisation;” and
- 2.
3. Approves a new lease for Mackay Riding for Disabled Association Inc for a total area of approximately 2.43ha being part of Lot 1 on SP262693 and Lot 296 on CI3986, known as 9 and 10 Loughnane Court, North Mackay for a period of ten (10) years with such lease to commence on 1 January 2024.

Council Resolution ORD-2023-327**THAT Council**

1. Resolves that an exemption applied 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 asset is disposed of to a community organisation;” and
- 2.
3. Approves a new lease for Mackay Riding for Disabled Association Inc for a total area of approximately 2.43ha being part of Lot 1 on SP262693 and Lot 296 on CI3986, known as 9 and 10 Loughnane Court, North Mackay for a period of ten (10) years with such lease to commence on 1 January 2024.

Moved Cr Townsend**Seconded Cr Englert****CARRIED UNANIMOUSLY**

ORDINARY MEETING - 13 DECEMBER 2023

**11.5.4. DRAFT NORTHERN BEACHES COMMUNITY HUB REFERENCE GROUP - MINUTES - 22
NOVEMBER 2023**

Author Executive Support Officer (Annette Eckart)
Responsible Officer Acting Director Infrastructure and Operations (Jim Carless)
File Reference SPLP-017 Northern Beaches Community Hub

Attachments

1. 231122 - NBCH - Reference Group meeting MINUTES [11.5.4.1 - 5 pages]

Purpose

To receive the draft minutes of the Northern Beaches Community Hub (NBCH) Reference Group meetings held on 22 November 2023

Related Parties

Related Parties include members of the NBCH Reference Group, as listed in the attached minutes.

Corporate Plan Linkage

Live and Visit

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

Background/Discussion

Council established the NBCH Reference Group in January 2021. The aim of the NBCH Reference Group is to provide a forum for the Northern Beaches community, relevant community groups and stakeholders to provide their views on the plans for the NBCH, in keeping with the most efficient use of public funds and resources.

A project status update was provided to the group. Minor design revisions to the current master plan, resulting from matters raised at the last reference group meeting as well as relevant council staff consultation, were presented. It was also confirmed that stage 2 and 3 will remain future works.

Communication of the project to promote the community's awareness has been primarily done through the Connecting Mackay web page. The reference group members were encouraged to promote the Connecting Mackay web page to colleagues and the community, including subscription to the project's dedicated eNewsletter.

Consultation and Communication

The minutes of the meetings were approved by the NBCH Reference Group Chair and will be circulated to the NBCH Reference Group members.

Conclusion

That the draft minutes of the NBCH Reference Group meetings held on 22 November 2023 be received.

Officer's Recommendation

THAT the draft minutes of the NBCH Reference Group meetings held on 22 November 2023 be received.

ORDINARY MEETING - 13 DECEMBER 2023

Council Resolution ORD-2023-328

THAT the draft minutes of the NBCH Reference Group meetings held on 22 November 2023 be received.

Moved Cr May

Seconded Cr Hassan

CARRIED UNANIMOUSLY

11.6. CORPORATE SERVICES

11.6.1. STRATEGIC FINANCIAL REPORT - NOVEMBER 2023

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

Attachments

- 1. November 23 Strategic Report Final 05 12 2023 [**11.6.1.1** - 19 pages]

Purpose

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

Related Parties

Insert Related Parties here

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 November 2023 against YTD budget is an unfavourable variance of \$782K, 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.

ORDINARY MEETING - 13 DECEMBER 2023

Conclusion

For the period ending November 2023, MRC reported an unfavourable operating surplus variance of \$782K against YTD budget. Operating revenue is reporting slightly below YTD budget, with a favourable variance in grants and subsidies received of \$308K; and unfavourable variances in rates and charges of \$488K, and sales, contracts and recoverable works of \$384K. Higher than anticipated expenditure across council is largely attributable to materials and services of 1.9M, specifically repairs and maintenance (\$872K), contractors (\$775K), and electricity (\$448K). This has been offset by a favourable variance of \$1.28M in employment benefit expenses due to ongoing employee vacancies.

To date, \$43M has been expended in the delivery of Council Projects; \$41.9M capital expenditure and \$1.1M 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 November 2023 be received.

Council Resolution ORD-2023-329

THAT the Strategic Financial Report for November 2023 be received.

Moved Cr Bella

Seconded Cr Englert

CARRIED UNANIMOUSLY

ORDINARY MEETING - 13 DECEMBER 2023

12. RECEIPT OF PETITIONS
12.1. EPETITION - INSTALLATION OF A BOOM GATE AT THE EIMEO SURF LIFESAVING CLUB CARPARK

Author	Chief Executive Officer (Scott Owen)
Responsible Officer	Chief Executive Officer (Scott Owen)
File Number	Petitions
Attachments	1. E-petition - Cynthia Hegerty - Eimeo Surf Lifesaving Club Boom Gate at carpark [12.1.1 - 3 pages]

Purpose

A petition was received by Council on the 13 November 2023 and relates to a request to install a boom gate at the Eimeo Surf Lifesaving Club carpark.

Related Parties

Listed petitioners per the attached petition.

Corporate Plan Linkage

N/A

Background/Discussion

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

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

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

Consultation and Communication

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

Resource Implications

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

Risk Management Implications

ORDINARY MEETING - 13 DECEMBER 2023

NIL.

Conclusion

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

Officer's Recommendation

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

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

Council Resolution ORD-2023-330

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

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

Moved Cr Townsend

Seconded Cr Green

CARRIED UNANIMOUSLY

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13. TENDERS

Nil

14. CONSIDERATION OF NOTIFIED MOTIONS
14.1. NOTIFIED MOTION AREAS OF INTEREST

Author	Acting Executive Officer (Kerri Verroen)
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 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 clause 6.3 of Council's Standing Orders, any Councillor can request that a matter be included on a Council meeting agenda. This matter was discussed at the Council's Ordinary Meeting on 22 November 2023 and was Lost.

Councillors Bella, Bonaventura, and Seymour have requested that a Notified Motion as below be represented 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 individual 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, Councillors Bella, Bonaventura, and Seymour have provided the below –

ORDINARY MEETING - 13 DECEMBER 2023

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 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.

This report has been re-tabled due to the confusion around the voting at the last Council meeting and due to a Councillor being unexpectedly absent when it was presented.

Consultation and Communication

Mayor and Councillors.

Resource Implications

Work has already commenced in line with the Operational Plan which is to build a strategic framework for Councillors. This will include a presentation of various options available that the elected Council will consider for formal adoption or change as required.

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.

Recommendation

THAT Council considers the Notified Motion by Councillors 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 individual areas of responsibility and interest.

ORDINARY MEETING - 13 DECEMBER 2023

Council Resolution ORD-2023-336

THAT Council considers the Notified Motion by Councillors 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 individual areas of responsibility and interest.

Moved Cr Bella

Seconded Cr Mann

For: Cr Bella, Cr Bonaventura, Cr Jones, Cr Mann, Cr Seymour, Cr Townsend,

Against: Cr Englert, Cr Green, Cr Hassan, Cr May, Cr Williamson

CARRIED

ORDINARY MEETING - 13 DECEMBER 2023

14.2. NOTIFIED MOTION - POLICIES

Author Acting Executive Officer (Kerri Verroen)
Responsible Officer Chief Executive Officer (Scott Owen)
File Reference Council Policies, Notice of Motion

Attachments Nil

Purpose

To present a Notified Motion as presented by Cr Martin Bella.

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 Ordinary Meeting Agenda.

Cr Bella, has requested that a Notified Motion as below be presented to Council:

That Policies to be brought to council for adoption are to be presented to councillors for consideration and evaluation no less than 2 weeks before it is to be presented to an Ordinary Meeting.

Further, that a briefing/discussion be held with councillors in this time at earliest point reasonably possible.

This briefing is to cover, but not be limited to;

- *History of the policy*
- *Need for the policy (what it is designed to achieve)*
- *Consideration as to whether this is best practice to achieve the intended outcome.*
- *Whether the policy complements or conflicts with any other policy.*
- *Possible unintended consequences/associated effects of the implementation of said policy.*

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, Cr Bella has provided the below –

Policies are the "instruction Manual" of council. They ensure that there is consistency and equity across instances dealt with in the area the policy is responsible for.

ORDINARY MEETING - 13 DECEMBER 2023

While every decision requires careful thought and consideration, the thought, background, and consideration involved in the formulation of a policy ensures that much of the work has already been done by officers.

Owing to the undeniable importance of policies, they must therefore be carefully considered by elected members before implementation or renewal.

This cannot be done if insufficient time and opportunity to investigate are given. It can be said that rushed decisions are rarely good decisions.

This motion has its eyes firmly fixed on giving new councillors next term every opportunity to have the time to make considered decisions while coping with the immense load of new information put before new councillors.

Consultation and Communication

Mayor and Councillors

Resource Implications

Internal resources

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.

Recommendation

That Council considers the Notified Motion by Cr Bella of -

That Policies to be brought to council for adoption are to be presented to councillors for consideration and evaluation no less than 2 weeks before it is to be presented to an Ordinary Meeting.

Further, that a briefing/discussion be held with councillors in this time at earliest point reasonably possible.

This briefing is to cover, but not be limited to;

- History of the policy*
- Need for the policy (what it is designed to achieve)*
- Consideration as to whether this is best practice to achieve the intended outcome.*
- Whether the policy complements or conflicts with any other policy.*
- Possible unintended consequences/associated effects of the implementation of said policy.*

Council Resolution ORD-2023-331

ORDINARY MEETING - 13 DECEMBER 2023

That Policies to be brought to council for adoption are to be presented to councillors for consideration and evaluation no less than 2 weeks before it is to be presented to an Ordinary Meeting.

Further, that a briefing/discussion be held with councillors in this time at earliest point reasonably possible.

This briefing is to cover, but not be limited to;

- *History of the policy*
- *Need for the policy (what it is designed to achieve)*
- *Consideration as to whether this is best practice to achieve the intended outcome.*
- *Whether the policy complements or conflicts with any other policy.*
- *Possible unintended consequences/associated effects of the implementation of said policy.*

Moved Cr Bella

Seconded Cr Seymour

Amendment Motion proposed by Cr May

That New Policies to be brought to council for adoption are to be presented to councillors for consideration and evaluation no less than 2 weeks before it is to be presented to an Ordinary Meeting.

Further, that a briefing/discussion be held with councillors in this time at earliest point reasonably possible.

This briefing is to cover, but not be limited to;

- *History of the policy*
- *Need for the policy (what it is designed to achieve)*
- *Consideration as to whether this is best practice to achieve the intended outcome.*
- *Whether the policy complements or conflicts with any other policy.*
- *Possible unintended consequences/associated effects of the implementation of said policy.*

Moved Cr May

Seconded Cr Green

For: Cr Green, Cr May, Cr Williamson

Against: Cr Bella, Cr Bonaventura, Cr Englert, Cr Hassan, Cr Jones, Cr Mann, Cr Seymour, Cr Townsend

LOST

The Mayor then put the original Notified Motion to the Vote -

That Policies to be brought to council for adoption are to be presented to councillors for consideration and evaluation no less than 2 weeks before it is to be presented to an Ordinary Meeting.

Further, that a briefing/discussion be held with councillors in this time at earliest point reasonably possible.

This briefing is to cover, but not be limited to;

- *History of the policy*
- *Need for the policy (what it is designed to achieve)*
- *Consideration as to whether this is best practice to achieve the intended outcome.*
- *Whether the policy complements or conflicts with any other policy.*
- *Possible unintended consequences/associated effects of the implementation of said policy.*

For: Cr Bella, Cr Bonaventura, Cr Mann, Cr Jones, Cr Seymour, Cr Townsend

ORDINARY MEETING - 13 DECEMBER 2023

Against: Cr Englert, Cr Green, Cr Hassan, Cr May, Cr Williamson

CARRIED

ORDINARY MEETING - 13 DECEMBER 2023

15. PUBLIC PARTICIPATION

16. LATE BUSINESS

17. CONFIDENTIAL REPORTS

17.1. APPROVED SPONSORSHIP UNDER THE INVEST MACKAY EVENTS CONFERENCE ATTRACTION PROGRAM - NOVEMBER 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-2023-337

{resolution}

Moved Cr May

Seconded Cr Englert

CARRIED UNANIMOUSLY

17.2. APPROVED CONCESSIONS UNDER THE FACILITATING DEVELOPMENT IN THE MACKAY REGION POLICY – NOVEMBER 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-2023-338

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

Moved Cr Englert

Seconded Cr Green

CARRIED UNANIMOUSLY

ORDINARY MEETING - 13 DECEMBER 2023

17.3. SALE OF LAND FOR ARREARS OF RATES COUNCIL REPORT

Confidential

Confidential Report to be forwarded separately.

This report is **CONFIDENTIAL** in accordance with the Section 254J (3) (g) of the *Local Government Regulation 2012* which permits the meeting to be closed to the public to discuss a matter relating to **negotiations relating to a commercial matter involving the Council for which a public discussion would be likely to prejudice the interests of the Council.**

Council Resolution ORD-2023-345

THAT pursuant to section 140(2) of the *Local Government Regulation 2012*, Council sells the land described as Lots 7, 8, 12 & 13 on BUP 106981 for overdue rates and charges; and

THAT Council delegates to the Chief Executive Officer its power to take all further steps under Chapter 4, Part 12, Division 3 of the *Local Government Regulation 2012* to sell the lots by auction or by negotiation or further auction if they do not sell in the first auction, or to end the sale procedures if appropriate.

Moved Cr Bonaventura

Seconded Cr Townsend

CARRIED UNANIMOUSLY

18. MEETING CLOSURE

Meeting closed at 11:54 am.

19. FOR INFORMATION ONLY

19.1. DEVELOPMENT APPLICATIONS - NOVEMBER 2023

ORDINARY MEETING - 13 DECEMBER 2023

19.2. BUILDING WORKS STATISTICS - NOVEMBER 2023

ORDINARY MEETING - 13 DECEMBER 2023

Confirmed on Wednesday XXXX

.....
MAYOR

8. BUSINESS ARISING OUT OF PREVIOUS MINUTES

Noted

9. MAYORAL MINUTES

Nil

10. CONSIDERATION OF COMMITTEE REPORTS & RECOMMENDATIONS

10.1. AUDIT COMMITTEE - MINUTES

Author	Secretary (Jeanne Ronald)
Responsible Officer	Acting Director Organisational Capability and Risk (David McKendry)
File Reference	Audit Committee

Attachments

1. Final Minutes [10.1.1 - 10 pages]

Purpose

To receive the draft final minutes of the Audit Committee (the Committee) meeting held on 07 December 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

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

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

Consultation and Communication

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

Resource Implications

Nil

Risk Management Implications

Nil

Conclusion

Nil

Officer's Recommendation

THAT the minutes of the Committee meeting of 07 December 2023 be received.

Council Resolution ORD-2024-2

THAT the minutes of the Committee meeting of 07 December 2023 be received.

Moved Cr Bella

Seconded Cr Townsend

CARRIED UNANIMOUSLY



FINAL MINUTES

Audit Committee

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

On Thursday 7 December 2023

AUDIT COMMITTEE - THURSDAY 07 DECEMBER 2023

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MACKAY REGIONAL COUNCIL

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AUDIT COMMITTEE - THURSDAY 07 DECEMBER 2023

Chair Mr T Cronin acknowledged the traditional custodians of the land on which we meet today, the Yuwibara and Yuibera people and paid his respects to their Elders past and present. He also extended his acknowledgement to all Aboriginal members of the Birri Gubba Nation.

1. ATTENDANCE**Committee Members:**

Mr T Cronin (Chairperson), His Worship the Mayor Cr GR Williamson and Cr M Bella.

Observers:

Cr K May

Council Officers:

Mr S Owen (Chief Executive Officer), Mrs A Hays (Director, Corporate Services), Mr C Molyneux (Chief Financial Officer), Mrs J Wix (Principal Internal Auditor) and Mrs J Ronald (Minute Secretary)

Visitors:

Mr A Bigby (Executive Manager, Ethical Standards, Audit & Risk), Mr P Hinton (External Auditor, SBB Partners), Mr S Narasimhan (Manager, QAO), Ms K Peeris (Co-ordinator Performance & Risk), Mrs A Kenny, (Senior Risk Officer) Mrs J Vandenberg (A/Coordinator, Corporate Governance), Mr S Hildred (Chief Information Officer), Ms J Prinsloo (Financial Accounting Coordinator), Mrs K Rogers (Associate Director, Infrastructure) and Mr C Jessup (A/Manager Asset Management), Mr J White (Grant Thornton), Mr J Rowland (Grant Thornton) and Mr J Lean (Grant Thornton).

The meeting commenced at 10.00 am.

2. APOLOGIES

Ms M McKendry (External Audit Committee Member) and Cr Hassan.

3. CONFLICT OF INTEREST

Nil

4. CONFIRMATION OF MINUTES**Council Resolution AC-2023-42**

THAT the Minutes of the Audit Committee of 24 August 2023 be adopted.

Moved Cr Williamson

Seconded Tim Cronin

CARRIED

Council Resolution AC-2023-43

THAT the Minutes of the Audit Committee of 10 October 2023 be adopted.

Moved Tim Cronin

Seconded Cr Williamson

CARRIED

AUDIT COMMITTEE - THURSDAY 07 DECEMBER 2023

5. BUSINESS ARISING OUT OF PREVIOUS MINUTES**6.6 Draft Financial Statements 2022/2023**

Action - QAO update on formalising an accounting guideline for Councils to follow, around the provisions for quarries and landfills.

Completed – QAO isn't formalising any accounting guide. It most likely will be LGFP. All QAO is doing is encouraging them to consider completing one. Whether one gets released or not we are unsure. It's probably more of a watch this space. If one does get released, QAO will inform council.

6.1.4 - Interim Accounting File Notes (known accounting issues) 2022/2023 - Meeting of 11 May 2023

Action – The committee requested the new sustainability ratios to be presented in December 2023 meeting.

Completed – Paper presented for today's meeting.

6.7 Valuation Activities

Action – Chief Executive Officer and Director Organisational Services to report back.

Completed - For future valuation reports Council officers will provide Council with a summary at the level that is provided to the Audit Committee. This summary would provide key information from the valuation process, such as methodology, assumptions and overall outcomes; this summary would provide Council with adequate information to undertake any informed decision-making process and allow for any questions which elected members may have regarding the process or results of the valuation.

6.9 Asset Management Update

Action – The Committee requested clarification on the two non-developer donated assets recorded in the management report update.

Action – A/Manager Asset management to provide report at December 2023 meeting regarding QAO – improving asset management in local government.

Completed – Provided in Asset management update report.

7.1 - Review of Annual Meeting Plan

Action – Secretary to remove Capital Works from December meeting.

Completed.

AUDIT COMMITTEE - THURSDAY 07 DECEMBER 2023

6. REPORTS TO BE TABLED**6.1. QAO BRIEFING PAPER****Audit Committee Resolution AC-2023-44**

THAT the Audit Committee receive the attached briefing paper.

Moved Tim Cronin

**Seconded Cr Bella
CARRIED**

6.2. AUDITED FINANCIAL STATEMENTS FOR MRC AND CONTROLLED ENTITIES**Audit Committee Resolution AC-2023-45**

THAT the Audit Committee receive the Audited Financial Statements for Mackay Regional Council for the financial year ended 30 June 2023, and the Audited Financial Statements for Mackay Region Enterprises Pty Ltd for the years ended 30 June 2022 and 30 June 2023.

Moved Cr Bella

**Seconded Cr Williamson
CARRIED**

6.3. MANAGEMENT LETTER - MACKAY REGION ENTERPRISES PTY LTD**Audit Committee Resolution AC-2023-46**

THAT the Audit Committee receives the Final Management Report for Mackay Region Enterprises Pty Ltd's financial statements for the years ended 30 June 2022 and 30 June 2023.

Moved Cr Williamson

**Seconded Tim Cronin
CARRIED**

Cr Williamson advised the meeting that Cr May will be his proxy during his absence as he is attending a District Disaster Management Group meeting on Cyclone Jasper.

10:27 am Cr Williamson left the meeting.

AUDIT COMMITTEE - THURSDAY 07 DECEMBER 2023

6.4. MANAGEMENT LETTER - QAO FOR FY2022/23**Audit Committee Resolution AC-2023-47**

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

Moved Tim Cronin

**Seconded Cr May
CARRIED**

6.5. QAO CLOSING REPORT FY2022/23**Audit Committee Resolution AC-2023-48**

THAT the Audit Committee receive the 2023 Closing Report from the Queensland Audit Office Engagement Leader (Paul Hinton, SBB Partners).

Moved Tim Cronin

**Seconded Cr May
CARRIED**

6.6. STRATEGIC FINANCIAL REPORT - OCTOBER 2023**Audit Committee Resolution AC-2023-49**

THAT the Audit Committee receive the Strategic Financial Report for October 2023.

Moved Tim Cronin

**Seconded Cr May
CARRIED**

6.7. LOCAL GOVERNMENT SUSTAINABILITY RATIOS

Action - QAO are to provide model (once developed) to input the data which is due for release in February 2024.

Action - Financial Services will provide a snapshot of ratio calculations (based on new ratio's) for the last five years, once the QAO model is received.

Audit Committee Resolution AC-2023-50

THAT the Audit Committee receive a summary of the formulas/calculation method for the sustainability ratios according to Financial Management (Sustainability Guideline) 2023 Version 1.

Moved Tim Cronin

**Seconded Cr Bella
CARRIED**

AUDIT COMMITTEE - THURSDAY 07 DECEMBER 2023

The Committee thanked SBB Partners for their time as External Auditors for Mackay Regional Council.

11.00am Mr P Hinton (SBB Partners) left the meeting
 Mr S Narasimhan (QAO) left the meeting.

6.8. ASSET MANAGEMENT UPDATE

The Committee noted the report was not included in the Agenda Papers.

Action - Secretary to circulate report.

Audit Committee Resolution AC-2023-51

THAT the Audit Committee note the verbal update for Asset Management.

Moved Cr May

**Seconded Tim Cronin
CARRIED**

6.9. INTERNAL AUDIT REPORT - PROCUREMENT**Audit Committee Resolution AC-2023-52**

THAT the Internal Audit Report – Procurement be received by the Audit Committee.

Moved Cr Bella

**Seconded Cr May
CARRIED**

6.10. INTERNAL AUDIT PROGRESS REPORT

11.30am Cr Williamson entered the meeting.

Audit Committee Resolution AC-2023-53

THAT the Internal Audit Progress Report be received by the Audit Committee.

Moved Tim Cronin

**Seconded Cr Williamson
CARRIED**

AUDIT COMMITTEE - THURSDAY 07 DECEMBER 2023

6.11. AUDIT ACTION REGISTER**Audit Committee Resolution AC-2023-54**

THAT the Audit Action Register as at 31 October 2023 be reviewed by the Audit Committee.

AND THAT all items identified as being completed, are endorsed by the Audit Committee so that they can be removed from the register.

Moved Cr Williamson

**Seconded Cr Bella
CARRIED**

6.12. CHARTERS - AUDIT COMMITTEE & INTERNAL AUDIT**Audit Committee Resolution AC-2023-55**

THAT the Audit Committee Policy Charter and Internal Audit Policy and Charter be received by the Audit Committee.

Moved Cr Williamson

**Seconded Tim Cronin
CARRIED**

6.13. INTERNAL AUDIT REPORT - MRC POLICIES & STRATEGIES**Audit Committee Resolution AC-2023-56**

THAT the Internal Audit Report – MRC Policies & Strategies be received by the Audit Committee.

Moved Tim Cronin

**Seconded Cr Bella
CARRIED**

6.14. 2023 AUDIT COMMITTEE SELF ASSESSMENT**Audit Committee Resolution AC-2023-57**

THAT the results of the 2023 AC Committee self-assessment questionnaire be tabled.

Moved Tim Cronin

**Seconded Cr Bella
CARRIED**

12.15pm Meeting Adjourned for Lunch

12.45pm Meeting Resumed

AUDIT COMMITTEE - THURSDAY 07 DECEMBER 2023

6.15. STRATEGIC RISK REPORT Q1 2023-2024**Audit Committee Resolution AC-2023-58**

That the Strategic Risk Report, First Quarter 2023-2024 is received by the Audit Committee, along with the updates provided regarding the progression of strategic risk, risk appetite and risk maturity at MRC.

Moved Cr Williamson

**Seconded Cr Bella
CARRIED**

6.16. PRESENTATION - CYBER SECURITY BI-ANNUAL UPDATE

Mr S Hildred (Chief Information Officer) presented to the Committee.

The Committee requested a ChatGPT/AI Session.

Action - Secretary to add to 2024 Meeting Plan for February

6.17. CORPORATE GOVERNANCE**Audit Committee Resolution AC-2023-61**

THAT the report be noted.

Moved Cr Williamson

**Seconded Tim Cronin
CARRIED**

6.18. WAIVING OF FEES AND CHARGES**Audit Committee Resolution AC-2023-62**

THAT the Waiving of Fees and Charges Annual Report be received.

Moved Cr Williamson

**Seconded Tim Cronin
CARRIED**

6.19. FRAUD AND CORRUPTION PREVENTION**Audit Committee Resolution AC-2023-60**

THAT the Fraud and Corruption Prevention report be received.

Moved Cr Williamson

**Seconded Tim Cronin
CARRIED**

AUDIT COMMITTEE - THURSDAY 07 DECEMBER 2023

6.20. CEO UPDATE

Mr S Owen (Chief Executive Officer) provided verbal update on realignment.

7. OTHER BUSINESS**7.1. ANNUAL MEETING PLAN 2024**

The annual meeting plan for 2024 was endorsed with the first meeting moved to 22 February 2024.

7.2. NEXT MEETING

The next meeting will be held on 22 February 2024.

The Chair thanked everyone for the year and wished the Committee a Merry Christmas and Happy New Year.

Mayor Williamson also thanked the committee and the Chair for his leadership during this past year.

8. MEETING CLOSURE

Meeting closed at 1:50 pm.

10.2. DRAFT MINUTES VISUAL ARTS ADVISORY COMMITTEE MINUTES (VAAC)

Author	Director Artspace Mackay (Tracey Heathwood)
Responsible Officer	Director Community Services (Janine Mckay)
File Reference	Visual Arts Advisory Committee (VAAC)
Attachments	<ol style="list-style-type: none">1. VAAC Minutes 27 November 2023 DRAFT [10.2.1 - 6 pages]2. VAAC Terms of Reference MR C 240124 [10.2.2 - 4 pages]

Purpose

Attached is a copy of the Visual Arts Advisory Committee (VAAC) minutes of 27 November 2023 and the updated VAAC Terms of Reference for information.

Related Parties

N/A

Operational Plan Linkage

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

Officer's Recommendation

THAT the minutes of the Visual Arts Advisory Committee meeting held on 27 November 2023 and the updated Terms of Reference be received.

Council Resolution ORD-2024-3

THAT the minutes of the Visual Arts Advisory Committee meeting held on 27 November 2023 and the updated Terms of Reference be received.

Moved Cr Townsend

Seconded Cr Hassan

CARRIED UNANIMOUSLY

**Mackay Regional Council
Visual Arts Advisory Committee (VAAC) Meeting
27 November 2023, 1pm – 2:30pm - Artspace Mackay**

MINUTES

Attendance: Cr Pauline Townsend (Chair), Director Community Services Janine McKay, Artspace Mackay Director Tracey Heathwood, Artspace Exhibitions Curator Lauren Turton, Glenda Hobdell, Bern Howlett, Leonie Wood, Artspace Administration Officer Caron Williams (minutes).

Apologies: Isacc Fatnowna, Kerry Smith.

The meeting opened at 1.05pm

Acknowledgement of Country – Cr Pauline Townsend opened the meeting with an Acknowledgement of Country.

ITEM	COMMENTS	ACTION
1. Minutes of the previous Meeting	The Minutes of the meeting held on 19 June 2023, having been previously distributed, were accepted as a true and accurate record.	
2. Matters arising	<p>Lauren advised that the large Michael Wardell Cultural Gift donation was still being considered by the team and will be presented for final VAAC sign-off in the New Year.</p> <p>Cr Townsend asked for update on Kyra Mancktelow artist's book commission and suggestion for Kyra to visit/engage with schools during a visit. Lauren advised that new artist's book was delivered to Artspace by N. Smith Gallery mid-October 2023. There was talk at the time of the work being hand-delivered by Kyra during a visit to Mackay, but this didn't eventuate.</p>	Artspace staff to keep school visit in mind for future engagement with/visit by Kyra.
3. Acquisition Proposal: Alfredo and Isabel Aquilizan new artwork commission	<p>Alfredo and Isabel Aquilizan and Ron McBurnie were invited back to Artspace Mackay in November 2023 as part of the gallery's ongoing artist-in-residence program, with the goal of completing the final stage of the <i>Take Root (Colony)</i> print project.</p> <p>The resulting artwork from this final residency was created by the Aquilizans (with Ron McBurnie in the role as master printer) and is proposed for acquisition, including: 2 x folios (edition 1/5) of prints; and one unique paper-based sculptural/collaged work created from the prints</p>	

ITEM	COMMENTS	ACTION
	<p>not selected for inclusion in the folios. The new artwork commission will be covered by the 2023/24FY Artwork Purchases capital budget.</p> <p>The VAAC unanimously agreed to acquire the newly commissioned artwork for the Mackay Regional Council Art Collection.</p>	
4. Acquisition Proposal: Kate Harding new artwork/s commission	<p>Lauren introduced Kate Harding, a First Nations textile artist from Sarina, who's been making quilts as a means of cultural storytelling. Kate is gaining a reputation as an up-and-coming contemporary First Nations artist. Kate is exhibiting in the Foyer Gallery in 2024.</p> <p>The proposed acquisition will consist of 1-2 newly commissioned textile works (size dependant) created for the artist's 2024 Artspace Mackay show. These proposed acquisitions align with identified acquisition targets, section 6.6 of the Art Collection Policy. This includes: 'Historical/Contemporary' work that will provide the community of Mackay access to an artist who continues to make works representing Queensland people and landscapes; 'Mackay Culture' as works that have a direct connection to the Mackay Region via their place of production; and 'Contemporary Indigenous' as works of art by an Indigenous Australian artist creating work that engages with cultural storytelling, history and research.</p> <p>Tracey confirmed that Artspace has enough storage to look after the works. Lauren explained the artwork/s can be rolled and kept in good condition for storage.</p> <p>The VAAC unanimously agreed to pursue an acquisition for Mackay Regional Council Art Collection. Artworks to be purchased with funds from the 2023/24FY Artwork Purchases capital budget.</p>	<p>Artspace to finalise details of new artwork commission (dependent on size of proposed new textile works and available capital budget) and seek final acquisition approval via flying minute.</p>
5. Acquisition Proposal: Niloufar Lovegrove donation	<p>Artspace Mackay hosted Rockhampton-based artist Niloufar Lovegrove's first solo exhibition in the Foundation Gallery in 2022. A strong relationship has been built since with Mackay and the artist would like to donate the print diptych <i>2023.88 Succeeding Tresses</i> to the Mackay Regional Council Art Collection.</p>	

ITEM	COMMENTS	ACTION
	<p>Since her exhibition in Mackay, Lovegrove has gone on to win the 2023 Burnie Print Prize (Burnie Regional Art Gallery, Tasmania) and the 2023 Bayton Art Prize (Rockhampton Museum of Art, Queensland).</p> <p>The VAAC unanimously agreed to accept the donation in its entirety into the Mackay Regional Council Art Collection.</p>	
6. Acquisition Proposal: Euan MacLeod donation	<p>Euan MacLeod has an international reputation as an artist. He has held more than fifty solo shows in New Zealand and Australia and has taken part in numerous group exhibitions in Australasia and internationally. Euan has a good, long-standing relationship with Artspace, developed over many years.</p> <p>Euan visited Artspace Mackay in June 2023 to view what works of his were already housed in the Art Collection to help him decide what donations would complement and enhance the Collection.</p> <p>The VAAC unanimously agreed to accept the donation in its entirety into the Mackay Regional Council Art Collection.</p>	
7. Acquisition Proposal: Simon and Lorraine McConnell donation	<p>Curator Lauren Turton first visited Townsville-based artists Simon and Lorraine McConnell as part of her research into artworks to loan for the 2023 major Artspace exhibition <i>Fire and Ash: The Woodfire Pottery of Arthur and Carol Rosser</i>. Upon arranging to return loaned items to the McConnells, they offered to donate several Rosser pots to the Art Collection.</p> <p>The VAAC unanimously agreed to accept the donation in its entirety to the Mackay Regional Council Art Collection.</p>	

ITEM	COMMENTS	ACTION
8. Jemima Wyman acquisition and new artwork commission	<p>Jemima Wyman is one of the highest profile practicing artists to come from Mackay. She was born in 1977 in Sydney, but grew up in Mackay, and currently lives and works between Brisbane and Los Angeles, USA.</p> <p>Artspace has been working with Jemima for more than two years towards a major exhibition, to be shown in the Main Gallery upon re-opening in May 2024.</p> <p>We currently house two of Jemima's artworks in the MRC Art Collection. Artspace are proposing to purchase the existing textiles artwork <i>Propaganda Textiles</i> (which will be shown in the 2024 Artspace exhibition) from the 2023/24FY Artwork Purchases capital budget.</p> <p>Artspace have also proposed a new artwork commission for the 2024 exhibition and for accession into the MRC Art Collection, comprising of 10 small-scale textile works. The new artwork commission (to the value of \$22,000) will be funded from the Artspace Gift Fund.</p> <p>The VAAC unanimously agreed to acquire the existing artwork and to pursue the new artwork commission for the 2024 Artspace exhibition and Mackay Regional Council Art Collection.</p>	
9. Deaccession Proposal – <i>Chiming Tree</i> by Tracey Johnson & Fiona Vuibeqa	<p>The public artwork <i>Chiming Tree</i>, by (then) local artists Tracey Johnson and Fiona Vuibeqa was installed in Woodlands Andergrove in 2013. The 7m sculpture, shaped to resemble the blossom of a Pink Bloodwood, has a central pole supporting the curved aluminium tubes, and inner rotating pole supporting the 'gumnut' on top, which is comprised of ten stainless steel arms. Attached to these arms are ten polyurethane balls, connected by stainless cables and these balls swing out and make sound when the handle is wound.</p> <p>In mid-2020, Artspace became aware of problems with the artwork from a member of the public. A rudimentary repair of the gearbox was carried out at the time to bring the sound element back to the artwork. It has since further deteriorated, with a member of the public reaching out to Council in May 2023 to advise that the artwork was not working and looked unsightly.</p>	Tracey to email the VAAC images and details of the second Woodlands Andergrove public artwork <i>One Community</i> .

ITEM	COMMENTS	ACTION
	<p>Public Art Officer Jennifer Dalton-Smith contacted the artists and original engineers involved in the project, and all agreed the artwork had reached its end of life and should be deaccessioned and removed from public display.</p> <p>The Public Art Officer is liaising with MRC's Parks and Community Engagement teams. Temporary signage will be installed next to the artwork for two weeks in December 2023 to inform the public of the intended deaccession and removal. Parks will remove and destroy the artwork following this two-week advice period.</p> <p>The VAAC unanimously agreed to support the deaccession of the public artwork <i>Chiming Tree</i>.</p>	
10. VAAC Terms of Reference (TOR)	<p>Following an internal audit of the public art approvals process, it was recommended that Artspace Mackay Director Tracey Heathwood undertake a review of the Terms of Reference (TOR) for the Visual Arts Advisory Committee, and consider incorporating benchmarked good practices, and including reference to the Corporate Plan and Public Art Strategy accordingly.</p> <p>Tracey informed the VAAC that she has updated the VAAC Terms of Reference based on this advice and is seeking VAAC approval of the updated Terms of Reference.</p> <p>VAAC agreed it was difficult to ascertain changes clearly/easily to the Terms of Reference via tracked changes presented in the document and that Tracey should re-distribute the updated TOR to the VAAC clearly highlighting changes and seek approval of changes via flying minute.</p>	Tracey to seek VAAC endorsement of updated Terms of Reference via email/via flying minute.
9. General Business	<p>(a) Artspace facility closure – from 4 December 2023 to May 2024.</p> <p>The MRC Art Collection will be packed and transported to Brisbane for specialised storage this week, with the team decanting the week of 4 – 8 December.</p> <p>(b) 2024 Artspace Mackay Foundation bursary winners – two existing tertiary students from our region have been awarded 2024</p>	

ITEM	COMMENTS	ACTION
	<p>Artspace Mackay Foundation bursaries. A Highly Commended bursary of \$1,000 will go to Emma Reginato and the \$3,000 winning bursary will go to Georgia Farlow. The Artspace bursaries will be presented to the winning students on Wednesday 13 December at the Councillor's morning tea event in the JCC foyer.</p> <p>(c) Cr Pauline Townsend thanked the VAAC for her enjoyable time with the VAAC over the past four years.</p>	
10. Date of next meeting	To be advised for 2024.	Tracey to advise the VAAC of the next committee meeting via email.
11. Close of meeting	The meeting closed at 2:32 pm	



**MACKAY REGIONAL COUNCIL
VISUAL ARTS ADVISORY COMMITTEE**

TERMS OF REFERENCE

1. Scope

The Visual Arts Advisory Committee will provide advice to Council on the ongoing development and management of the Mackay Regional Council Art Collection and the installation of art in public places.

2. Aim

To promote and support the development and implementation of systems, policies and practices that ensure the sound management of the Mackay Regional Council Art Collection and Public Art.

3. Roles and Responsibilities

3.1 The role of The Committee is to assist Council in meeting objectives in accordance with the Mackay Regional Council Art Collection Policy No. 071 and to make recommendations regarding;

- Applications for and accession of new works;
- Maintenance and conservation of existing works;
- Deaccession and removal of existing works.

3.2 The responsibilities of the Visual Arts Advisory Committee are to:

- Form relevant working groups to plan and implement appropriate strategies that enact the purposes of The Committee;
- Consider recommendations from the Artspace Mackay Director for future development of the Art Collection and art in public places;
- Undertake appropriate education on the collection, conflict of interest and confidentiality procedures at induction;
- Consider financial impacts of decisions.

4. Accountability and Procedures

- 4.1. The Committee will be accountable to Mackay Regional Council and will act in accordance with any formal resolutions of Council.
- 4.2. The Artspace Mackay Director is responsible for the identification, research, costing and recommendations that are brought before The Committee.
- 4.3. Prior to each decision, an agenda will be circulated to all members listing the artworks for consideration by The Committee plus relevant information and images and copies of public art applications for consideration.
- 4.4. Prior to the decision, the Artspace Mackay Director or Curator will outline the rationale for accepting or rejecting each proposal, addressing all the criteria outlined in the Art Collection Policy No.071.
- 4.5. The Committee will make their recommendations regarding art in public places based on the criteria outlined in the Art Collection Policy No. 071.
- 4.6. All discussions and decisions of The Committee are confidential including, but not limited to, issues of ownership, donors and value.
- 4.7. No member of the Committee or Artspace staff may compete with Mackay Regional Council for acquisition of artwork.
- 4.8. All Committee members must comply with Mackay Regional Council Code of Conduct whilst undertaking their role.

5. Membership

5.1. Key Representation

- Availability of positions on The Committee shall be advertised widely and the selection of members made against key selection criteria.
- Those meeting the criteria will be interviewed by a panel consisting of The Committee Chair, Manager Community Lifestyle and Director Artspace Mackay.
- Recommendation of appointment to The Committee shall be reported to Council.

5.2. Composition of Membership

- The Committee shall be composed of:
 - Councillor (Chair of VAAC);
 - Five (5) members of the arts community;
 - One (1) representative from Artspace Volunteers;
 - Director Community Services;
 - Artspace Mackay Director, and;
 - Artspace Mackay Exhibitions Curator (observer).
- The Administration Officer of Artspace Mackay will attend and minute all meetings and provide administrative support as required. The Administration Officer is ex-officio and will not be eligible to vote.

5.3. Term of Membership

- Membership of The Committee will apply for a period of four (4) years.
- There is no maximum number of terms to be served by Committee members. However, the assessment and selection process will take the number of terms into consideration to ensure equity of opportunity for individuals and organisations.

5.4. New Members

- Vacating committee members forward their withdrawal/resignation in writing to The Committee.
- The Committee will request an application for membership from suitable candidates including any suggested by outgoing members.

6. **Quorum**

The quorum for meetings of The Committee is four (4) voting members.

7. **Frequency of Meetings**

Decision forums will be held on a quarterly basis or as required by the Artspace Mackay Director.

8. **Key Milestones and Reporting Requirements**

Key projects are developed on an ongoing basis.

The Director Community Services is responsible, under Council delegation, for making the final decision on artwork acquisitions and de-accessions and public art applications in accordance with requirements outlined in the Art Collection Policy No. 071 and Public Art Approvals Corporate Standard No. 071.1.

9. Review of Terms of Reference

The Terms of Reference will be reviewed every two (2) years.

10. Associated Documents

- MRC Corporate Plan
- MRC Public Art Strategy
- MRC Art Collection Policy 071
- MRC Public Art Approvals Corporate Standard 071.1

10.3. LOCAL DISASTER MANAGEMENT GROUP MINUTES - 4 DECEMBER 2023

Author	Emergency Management Co-ordinator (Kristie Brown)
Responsible Officer	Acting Director Organisational Capability and Risk (David McKendry)
File Reference	LDMG

Attachments

1. MINUTES - LDMG Meeting - 4 December 2023 [**10.3.1** - 4 pages]

Purpose

To present to Council the Local Disaster Management Group Minutes of the meeting held on 4 December 2023 for information purposes.

Related Parties

N/A

Corporate Plan Linkage

Community 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.

Officer's Recommendation

THAT the Minutes of the Local Disaster Management Group Meeting of 4 December 2023 be received.

Council Resolution ORD-2024-4

THAT the Minutes of the Local Disaster Management Group Meeting of 4 December 2023 be received.

Moved Cr May

Seconded Cr Green

CARRIED UNANIMOUSLY

MACKAY LOCAL DISASTER MANAGEMENT GROUP MEETING

Monday, 4 December 2023, 1.00pm

MRC: Reception Room & Microsoft Teams Teleconference

MINUTES

Meeting Opened: 1.03pm

ATTENDEES	
AGENCY	NAMES
Mackay Regional Council	Cr Greg Williamson
	Scott Owen
	Cr Karen May
	Cr Fran Mann
	Cr Justin Englert
	Angela Hays
	Janine McKay
	David McKendry
	Mark Sleeman
	Kristie Brown
	Davina Harrison
	Melissa Rogers
	Vicki Booth
Dalrymple Bay Coal Terminal	Sam Franettovich
Department of Communities, Housing and Digital Economy	Scott Green
Department of Education	Rod Wood
Department of Transport and Main Roads (TMR)	Priyanga Senanayaka
State Development, Infrastructure, Local Government & Planning	James Sullivan
Ergon	Cameron Single
Mackay Airport	Philip Clark
Mackay Hospital and Health Service (MHHS)	Claire Molloy
NBN Co	Mick Allen
Queensland Ambulance Service	Dean Hay
Queensland Fire and Emergency Services (QFES)	Darryl Youngberry
Queensland Police Service (QPS)	Mark Leyer, Mitch Benson, Carla Duck
State Emergency Services (SES)	Alex McPhee
Reef Catchments	Katrina Dent
Meridian Urban Guest Speakers	Julie Brook, Laura Gannon

APOLOGIES	
AGENCY	NAMES
Mackay Regional Council	Jason Devitt, Aletta Nugent, Brenton Niemz
Department of Communities, Housing and Digital Economy	Cindy Reck
Ergon	Jade Hammer
Marine Safety Queensland	Matthew Cummings
North Queensland Bulk Ports	Anthony Lee
North Queensland Primary Health Network	Karin Barron
Queensland Fire and Emergency Services (QFES)	Geoff Dimond
Queensland Police Service (QPS)	Jeremy Novosel
State Development, Infrastructure, Local Government & Planning	Nikki Wright, Yolande Smith

TOPIC	
1	<p>WELCOME – Chair – Mayor, Cr Greg Williamson</p> <p>The Chair thanked everyone for their attendance at this LDMG meeting and acknowledged the Traditional Custodians of the land we met and in the Mackay region this is the Yuwi people.</p> <p>Additional Apologies noted above.</p>
2.	<p>MINUTES OF PREVIOUS MEETING</p> <ul style="list-style-type: none"> No business arising from the minutes dated 10 October 2023. <p>Moved: Cr Karen May Seconded: Cr Fran Mann <u>CARRIED</u></p>
3.	<p>ACTION LIST</p> <p>Nil</p>
4.	<p>CORRESPONDENCE</p> <p>Outwards correspondence was received and noted by the LDMG.</p>
AGENDA ITEMS:	
5.	<p>HIBISCUS COAST LOCAL RESILIENCE PILOT PLAN PROJECT OVERVIEW – Julie Brook, Laura Gannon (Meridian Urban)</p> <p>Project objectives were to:</p> <ul style="list-style-type: none"> Understand local risk and vulnerability Identify existing resources and capabilities Identify and prioritise actions to address resilience needs Develop a local resilience plan <p>Discussions were held and the final plan will be submitted later in December.</p>
6.	<p>NBN CO UPDATE – Mick Allen (NBN Co)</p> <ul style="list-style-type: none"> Presentation Fibre & Fixed Wireless Network Upgrades for our local area Discussion on emergency response assets Presentation on the Collinsville Fibre Access Node (Fan) and Tower Fire 2022 Very important to remember that NBN are a wholesaler and not a direct supplier to end user Useful links: <ul style="list-style-type: none"> Check your address: www.nbnco.com.au/connect-home-or-business/check-your-address NBN Rollout map: www.nbnco.com.au/learn/rollout-map Find out when you can upgrade to fibre: www.nbnco.com.au/residential/upgrades/more-fibre Updates of suburbs announced for fibre: www.nbnco.com.au/corporate-information/media-centre/media-statements/nbnco-announces-suburbs-and-towns-where-an-additional-ninty-thousand-homes-and-businesses-will-become-eligible-for-fibre-upgrades Home Internet Helper: www.nbnco.com.au/learn/optimisation/in-home-optimisation Aust. Govt Scams Watch: www.scamwatch.gov.au Regional Tech Hubs: Home • Regional Tech Hub NBN OSCAR tool: Feedback (Humanlistening.com) <p>Chair thanked Mick for the presentation which was well received by the group</p> <p><i>A copy of the presentation will be sent as a separate attachment to the minutes</i></p>
7.	<p>EXERCISE SHELTER READY OVERVIEW – Kristie Brown (MRC)</p> <ul style="list-style-type: none"> Exercise Purpose <ul style="list-style-type: none"> Review effectiveness of the Local Disaster Management Plan Presents staff and stakeholders an opportunity to practice their role in a safe and supportive learning environment Objectives of the exercise: <ul style="list-style-type: none"> Practice the activation of the Public Cyclone Shelter (PCS) as per the PCS Operational Sub Plan Test entry to the facility (collection of keys, gate entry, building entry etc)

	<ul style="list-style-type: none"> o Assess the effectiveness of Cyclone Shelter Operations Checklist o Assess timings in the practical set-up of the PCS Floor Plan in accordance with the Operational Sub Plan o Practice the use of Guardian IMS by staff
8.	<p>REPORTING: Agency Status Reports</p> <p>Chair called for any adhoc reports from attendees:</p> <ul style="list-style-type: none"> • Mackay Airport, Phil Clark <ul style="list-style-type: none"> o Plan updated and readily available • DoE, Rod Wood <ul style="list-style-type: none"> o Regional Response team annual disaster management training and exercise was held in early November o Chair asked in regards to if we need schools for evacuation centres do you at the local/district level have the ability to hand them over <ul style="list-style-type: none"> ▪ Responded that there are already MOU in place this would be the case ▪ Chair advised all that if an event is locally lead, all agencies need to have a local plan already in place • Mackay HHS, Claire Molloy <ul style="list-style-type: none"> o Subplan has been reviewed with Qld Health being the lead agency if it's a Heatwave event <ul style="list-style-type: none"> ▪ Messaging has been shared to agencies • QAS, Dean Hay <ul style="list-style-type: none"> o Business as Usual o Updated plans and contacts o Vehicles, generators etc ready for any event • SES, Alex McPhee <ul style="list-style-type: none"> o All equipment is ready to go o Training completed • EM, MRC, Kristie Brown <ul style="list-style-type: none"> o MRC and Woolworths collaboration project was a huge success which resulted in over 1,600 shopping list taken up by customers – thanks to Davina for all her hard work in this initiative o Disaster Ready Saturday (formally Cyclone Saturday) took place on 4 November at Caneland Shopping Centre was the most well attended to date with around 1200 information booklets handed out to eager community members – thanks to Vicki for all her hard work in running this event <ul style="list-style-type: none"> ▪ Cr May also congratulated the team on their hard work and continually educating the community on how to be better prepared and more resilient • QPS, Mark Lewer <ul style="list-style-type: none"> o Well placed for staffing o Transformation with QPS/QFES/SES/VMR is progressing o SES and VMR will move over in mid 2024 <ul style="list-style-type: none"> ▪ No change to their roles, functions, job descriptions ▪ Main messages given – no degradation of positions, same uniforms/vehicles/offices for this season • QFES, Darryl Youngberry <ul style="list-style-type: none"> o Business as Usual o Transition from fatigue management from deployed personnel • Reef Catchments, Katrina Dent <ul style="list-style-type: none"> o Plans updated and ready • DCHDE, Scott Green <ul style="list-style-type: none"> o Business as Usual o District Human Recovery Plan has been sent out for review <p>Mater Private Hospital, Maritime Safety Queensland, North Queensland Bulk Ports also submitted status reports.</p>
9.	<p>GENERAL BUSINESS:</p> <ul style="list-style-type: none"> • Disaster Management Training for LDMG Members: <ul style="list-style-type: none"> o It is important that if you are a representative on the LDMG for your organisation (primary or proxy) you must have the necessary training and skills to do so. <ul style="list-style-type: none"> ▪ those of you who are unsure about what training you may have completed please contact EMC, QPS Carla Duck – duck.carlam@police.qld.gov.au <ul style="list-style-type: none"> • A copy of the presentation will be sent as a separate attachment to the minutes

	<ul style="list-style-type: none"> Request was received from Surf Life Saving Queensland to be in a advisory role membership on the Mackay Local Disaster Management Group. It was noted that Surf Lifesaving are in the State Disaster Management Plan as a Member <ul style="list-style-type: none"> Adopted by the LDMG for Surf Life Saving to be a local advisor of the Mackay LDMG BoM advised that a cyclone may form of the coast in the next week <ul style="list-style-type: none"> update after meeting, Cyclone Jasper is a category 4 cyclone, currently sitting 1200km east northeast of Cairns (10.30am 8/12) Mackay Radar is expected to be back on line by the 14th December <ul style="list-style-type: none"> update after meeting, Radar went live on 8th December 2023.
10.	<p>NEXT MEETING</p> <ul style="list-style-type: none"> Monday, 29th January 2024 <p>Future Meetings:</p> <ul style="list-style-type: none"> Monday, 25th March 2024 Monday, 17th June 2024 Monday, 9th September 2024 Monday, 2nd December 2024 <p><u>Public Holidays 2024</u> – 26 Jan Australia Day, 29 Mar- 1 April Easter, 25 April Anzac, 6 May Labour Day, 20 June Mackay Show Holiday, 7 October Kings Birthday.</p> <p><u>School Holidays 2024</u> – Returns 22 Jan, 29 March to 14 April, 21 June to 7 July, 14-29 Sept, 14 Dec</p> <p>Chair thanked both online and in person members for their attendance at the meeting.</p>
11.	MEETING CLOSE – 2.25pm

11. CORRESPONDENCE AND OFFICER'S REPORTS

11.1. OFFICE OF THE MAYOR AND CEO

11.2. ORGANISATIONAL CAPABILITY AND RISK

11.2.1. ADOPTION OF COUNCIL POLICIES

Author	Senior Governance Officer (Pam Currell)
Responsible Officer	Executive Manager, Ethical Standards, Audit & Risk (Anthony Bigby)
File Reference	027 Artspace Mackay Exhibition / 071 Art Collection

Attachments

1. 027 - Artspace Mackay Exhibition [**11.2.1.1** - 6 pages]
2. 071 - Art Collection [**11.2.1.2** - 15 pages]

Purpose

To present the following Council policies and their associated Corporate Standard for consideration, and adoption:

1. COU027 – Artspace Mackay Exhibition
2. COU071 – Art Collection

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 Executive Manager or Chief Officer, 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.

COU027 – Artspace Mackay Exhibition

This policy defines the principles governing the selection and management of exhibitions at Artspace Mackay and has been reviewed as part of MRC's policy review process.

COU071 – Art Collection

This policy is a best practice policy which provides for the sound management of the MRC Art Collection MRC holds in trust for the community and includes new Corporate Standard 071.1 Public Art.

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

Consultation and Communication

As part of the review process consultation has been undertaken with the relevant stakeholders including responsible and associated executive managers and chief officers, 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 and associated corporate standards:-

1. COU027 – Artspace Mackay Exhibition
2. COU071 – Art Collection

Officer's Recommendation

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

1. COU027 – Artspace Mackay Exhibition
2. COU071 – Art Collection

Council Resolution ORD-2024-5

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

1. COU027 – Artspace Mackay Exhibition
2. COU071 – Art Collection

Moved Cr Townsend

Seconded Cr Hassan

CARRIED UNANIMOUSLY

COUNCIL POLICY

ARTSPACE MACKAY EXHIBITIONS

Program: Community Lifestyle
Date of Adoption:
Resolution Number:
Review Date:

Scope

This policy applies to public exhibitions and displays held at Artspace Mackay, including those exhibitions that tour to other venues. It does not cover the public exhibition or display of Artworks, or Item/s created by tenants or hirers of Mackay Regional Council (MRC) premises.

Objective

This Policy

- defines the principles governing the selection and management of exhibitions at Artspace Mackay;
- clearly outlines how MRC’s Art Collection is to be acknowledged and exhibited;
- defines the ways in which MRC endeavours to raise community interest in, and support for, arts and culture.

Policy Statement

This Policy guides gallery best practice for temporary and Touring Exhibition programs in line with ICOM standards.

MRC 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

ARTSPACE MACKAY EXHIBITIONS

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COUNCIL POLICY

ARTSPACE MACKAY EXHIBITIONS

1.0 Principles

1.1 Selection and management of exhibitions at Artspace Mackay

- 1.1.1 Artspace Mackay will endeavour to raise community interest in, and support for arts and culture through:
- presenting an exhibitions program that is broad and diverse in its appeal and allows the community an opportunity to experience a breadth of artistic expression, both traditional and contemporary that is representative of a wide range of art media;
 - encouraging and supporting exhibitions with a well-developed artistic or historical focus;
 - developing exhibitions of excellence which are a rich cultural and educational resource for the community; and
 - ensuring that exhibitions and public programs align with the values and goals of the Mackay Regional Council Arts and Cultural Plan as updated.
- 1.1.2 Artspace Mackay will attract and support quality touring intrastate and interstate exhibitions in order to provide access for the Mackay and wider community to a range of quality visual art experiences.
- 1.1.3 The Artspace Mackay exhibition program will include Curated Exhibitions from the MRC Art Collection which are of a social history or cultural interest.
- 1.1.4 The exhibition program will be determined at least eighteen months in advance.
- 1.1.5 Exhibition standards will be in line with ICOM professional standards for the global museum community. Handling, storage and presentation of Artwork and Items will be in accordance with ICOM standards.
- 1.1.6 Artspace Mackay will maintain a high standard in terms of professional exhibition display in all the gallery's exhibition spaces. Allocation of exhibition space for proposed exhibitions will be arranged according to the gallery's annual exhibition program.
- 1.1.7 Artspace Mackay expects Incoming Loan works for exhibition loans to be of a professional standard and to meet current industry standards. In respect to all Incoming Loan works from individuals, communities and collecting institutions, Artspace Mackay will exercise the same care as it does in safe keeping of comparable property of its own.
- 1.1.8 An Artwork should not be excluded from a public gallery on moral, political, racial, religious, sexist, language or other sensitive grounds alone other than those Artworks that have been subject to Federal or State prohibition. Nor should Artworks be included on these grounds alone; whatever pressure is brought to bear by groups or individuals.

COUNCIL POLICY**ARTSPACE MACKAY EXHIBITIONS**

1.1.9 Where it is reasonably considered that Artworks could be considered offensive by the public, the display area will be entered by a separate entrance contrived through appropriate screening. Any exhibition or display containing Artworks that could reasonably be considered offensive by the public will carry appropriate warning signage that is clear and positioned at the gallery entrance and in the screened display area. A warning will be conveyed to patrons entering the gallery, either verbally, via signage or other written communication, or a combination of these means.

1.2 Selection and display of art works and items at MRC Offices

Artwork/s and Items from MRC's Art Collection may be displayed in both public and private areas of the MRC Offices. The selection of Artworks and items will be made according to an assessment of any environmental and security risks relevant to the Artworks being displayed.

Handling of works will be undertaken by trained Employees or other appropriately trained or skilled persons.

1.3 Approvals

The Director Community Services (Director) is responsible for ensuring policy implementation, compliance, monitoring, evaluation and review and is also responsible for providing advice in relation to this policy. The Director, under delegation from Council, will approve the forward exhibition program.

2.0 Complaints

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

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

Complaints may be made as following:

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

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

In person at the following 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

COUNCIL POLICY**ARTSPACE MACKAY EXHIBITIONS****3.0 Definitions**

To assist in interpretation the following definitions shall apply:

Artwork/s or Item/s shall mean material for exhibition including (but not limited to) books, manuscripts, paintings, photographs, prints and drawings, maps, posters, ephemera, realia (objects), serials and sheet music. Digital files, facsimiles, audio and video recordings and multimedia may also be considered items within the scope of this policy.

Curated Exhibition shall mean a selection of collection or loan artworks or items on public view at Artspace Mackay which has a strong, well developed curatorial rationale. Artworks included may or may not be from the MRC Art Collection.

Employees 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.

ICOM shall mean International Council of Museums.

Incoming Loan shall mean the temporary bailment of artworks or items from an external organisation or individual to Artspace Mackay for the purpose of exhibition or display, where no transfer of ownership is involved.

Touring Exhibition shall mean a type of exhibition that is available for circulation to one or more venues in addition to the premises of the organiser.

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

- Arts and Cultural Plan
- MRC Policy – Art Collection
- Artspace Mackay Incoming Loan Agreement

Version Control:

COUNCIL POLICY**ARTSPACE MACKAY EXHIBITIONS**

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1	New Policy		Council	27/09/2017
2	Review	Amendments	Council	9/12/2020
3	Review	Updated	Council	

COU027 – ARTSPACE MACKAY EXHIBITIONS

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

Page No. 6

COUNCIL POLICY**ART COLLECTION**

Program: Community Lifestyle
Date of Adoption:
Resolution Number:
Review Date:

Scope

Artspace Mackay, as the regional art gallery operated by Mackay Regional Council (MRC), is the area responsible for the management and implementation of the Art Collection Policy.

Objective

To ensure sound management of the MRC Art Collection ('the Collection'). MRC holds the Collection in trust for the community.

Policy Statement

MRC is responsible for the proper stewardship of this valuable asset and will provide opportunities for future research, exhibitions and educational programs in order to benefit the community and MRC. The Collection will be categorised in accordance with the requirements of the Asset Management Policies.

MRC 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

ART COLLECTION

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COUNCIL POLICY

ART COLLECTION

1.0 Principles

1.1 Objectives

The objectives of this Policy are to:

- acquire Works of Art by purchase, acquisitive prize, commission, or gift, for inclusion in the Collection.
- conserve, document, develop and manage the Collection in accordance with current Museum practices.
- facilitate public access to the Collection.

1.2 Benefits

The Collection:

- Identifies the region's heritage and honours creative work in all media, and in particular recognises the genre of artists' books.
- Assists in building a community identity.
- Integrates artworks into the public realm through good quality public art so the community is regularly exposed to art that is of a high standard.
- Provides an educational function which allows residents to enjoy a wide range of quality visual art, thereby helping to enrich their lives.
- Provides opportunities to experience key aspects of the development of fine art and craft in Australia.
- Has an ambassadorial role for the region.
- Is a valuable drawcard for cultural tourism.
- Acts as an important reference for academic and historical studies.
- Is a valuable resource for schools and tertiary institutions.

1.3 Visual Arts Advisory Committee

MRC will maintain a Visual Arts Advisory Committee (VAAC) subject to the Terms of Reference.

1.4 Conservation and Management of the Collection

The Collection will be managed and documented by appropriately qualified Employees to Museum standards.

MRC will keep the Collection housed according to current Museum industry standards.

MRC will provide for a periodic assessment of the Collection by a professional conservator and regular valuations of the Collection by an approved valuer.

MRC will seek community and industry expertise to advise on management of the Collection. This expertise will be harnessed by way of the VAAC, and other recognised Museum, educational and visual arts professional organisations.

COUNCIL POLICY

ART COLLECTION

1.5 Artists' Book Collection

A major focus of the Collection is the nationally significant specialist artists' book collection, previously acquired by the Dudley Denny City Library and now housed at Artspace Mackay. The Collection, which has been further developed over the years, includes works by Australian and International artists working in the fields of artists' books, book arts, limited edition books and book related artworks including printmaking, folios, editions, bookplates, works on paper and digital artworks. Artists' book related ephemera such as artist's proofs, mock-ups, blocks and plates are also included for educational purposes, in addition to the Tate Adams Gift of archival and book related material.

The artists' book collection allows MRC to maintain one of the most focused art collections throughout the regional art galleries network in Queensland.

1.6 Acquisition and Development

The artworks in the Collection will be of the highest affordable quality and consist of professional work displaying excellence in that medium. Such a Collection will stimulate and inspire the community and encourage it to aspire to greater creative accomplishments.

New acquisitions will consolidate the existing Collection, its themes and media. New additions should strengthen long established collecting areas, with particular focus on the nationally significant artists' book collection (see section 1.5), but also works on paper and ceramics, as well as work that will develop new collection focus areas such as works by Aboriginal and Torres Strait Islanders and Australian South Sea Islanders.

The following themes will be the main focus for the future direction of the Collection, outside of the primary focus of artists' books. Priority for acquisition will be given to filling perceived gaps in the Collection, to ensure a comprehensive body of work across these themes:

- *Art & Environment* – Works of Art which relate to the unique Australian environment including photography, sculpture, mixed media, multimedia, painting, drawing and printmaking.
- *Mackay Region* – Works of Art by significant Australian and international artists who have links to the Mackay region through their life and/or artworks.
- *Mackay Culture* – Works of Art and cultural objects that reflect the diverse and unique cultural make up of the Mackay region (both past and current) and demonstrate a strong linkage and connection to community.
- *Historical/Contemporary* – Works of Art by important Australian or international artists that will provide the community of the Mackay region with access to the work of leading historical or contemporary artists for educational purposes.

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- *Contemporary Indigenous* – Works of Art by established or emerging contemporary Australian indigenous artists, exploring issues pertaining to Australia's First Peoples. This is in accordance with MRC's Reconciliation Action Plan, focus area: Opportunities, which lists the action: "Support First Nations artists" Works by Australian South Sea Islanders will also be collected.
- *Pasifika* – Works of Art or objects from the Pasifika region (Melanesia, Polynesia and Micronesia) that are high quality examples of the artistic and cultural heritage of the region.

Acquisitions will be made taking into account the strengths and holdings of neighbouring collections.

All proposed acquisitions will be presented to the VAAC by the Artspace Mackay Director. The VAAC will not consider any potential acquisition which has not been formally proposed by the Artspace Mackay Director.

All acquisitions will be made on the recommendation of the VAAC.

Donations to the Collection will not be accepted if they do not accord with this Policy.

MRC will not be bound to acquire work from any exhibitions held within the region.

Consideration will be given to public safety, display, storage, Conservation (including capital and ongoing building operational cost) and transport issues of a potential acquisition at the time of acquisition.

Public Art Collection: This is recognised as a developing area of the Collection. It includes artworks by leading Australian and local artists, commissioned by Council, and created with the specific intention of being sited or staged in the physical public domain, outside and accessible to all. The Public Art Collection shall not include memorials, mosaics, decorations, banners or commemorative works (including statues).

Memorabilia Collection: This Collection, separate to the Collection, exists as a repository for objects donated to, or purchased by, Council which are deemed not to be of any great significance or value. It may also include works that are in poor condition, have irreparable damage, cannot be stored, handled, displayed or cared for safely and securely. It is understood that no item within the Memorabilia Collection will be valued by an approved valuer or will be included in the insurance policy covering the Collection. No item in the Collection will have any Conservation or restoration work done to it.

MRC will endeavour to secure a non-exclusive Copyright license from an artist when new works are acquired for the Collection. This will allow for reproductions of works for educational, promotional and research purposes. In the longer term, all artists with works currently in the collection will be approached in an endeavour to secure a non-exclusive Copyright license for those works.

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1.7 Donations and Bequests

Every effort should be made to encourage gifts of artworks to enhance the region's Art Collection consistent with this Policy.

At the time of acquisition, the costs associated with valuation, Conservation, restoration, preparation, presentation and storage will be estimated and considered as part of the cost of acquiring the artwork.

Conditional gifts will not be accepted and donors of artworks will relinquish all rights, except Copyright (where the donor is the holder of Copyright) to the artwork.

MRC will not automatically accept any gift of a Work of Art offered as a donation. Donations of all Works of Art must be approved in accordance with this policy. Donors will be encouraged to follow the guidelines and processes of the Australian Government's Cultural Gifts Program, where possible.

1.8 Deductible Gift Recipient (DGR) Status

DGR status allows businesses to donate items over \$5000 to a not-for-profit organisation and claim the value of the donated item as a tax deduction. Obtaining DGR status encourages donations of suitable items to the Collection.

Gifts donated to the collection under the Cultural Gifts Program must abide by the conditions of the Cultural Gifts Program and Australian Tax Office.

Acknowledgement of the name and purpose of the fund

Mackay Regional Council maintains a bank account for the purposes of receiving gifts and deductible contributions, which will be used for the purchase of assets, facilities and resources for the Art Collection.

Dissolution clause

In the event of the fund being wound up or dissolved, or on revocation of endorsement, any surplus assets remaining after the payment of the fund's liabilities shall be transferred to another fund, authority or institution to be determined by Council, which has similar objects and to which income tax deductible gifts can made.

1.9 Deaccession and Disposal

Works from the Collection which are in poor condition or damaged beyond reasonable repair or do not meet with the requirements of this Policy (Acquisition and Development) will be considered for removal from the Collection.

The Artspace Mackay Director and/or Exhibitions Curator will, from time to time, recommend works for deaccessioning from the Art Collection to the VAAC.

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Where an artwork has been nominated for removal from the Collection, it will be fully documented prior to disposal. Undamaged artworks to be deaccessioned will either be offered to the artist or donor, offered to a non-profit organisation, put up for public auction or otherwise disposed of.

All effort will be made to ensure deaccessioned artworks are donated to an appropriate entity. However, if an artwork is damaged beyond reasonable repair, that artwork will be destroyed.

Deaccessioned artworks will not be made available for acquisition by Councillors, VAAC members or Employees of MRC or their families.

Where artworks are recommended for deaccession because of irreparable damage, a similar artwork by the artist of the damaged work could be selected for purchase if such a work is still available and affordable.

In the event that proceeds have been collected from the sale of deaccessioned artworks, funds will be deposited into the Artspace Mackay Gift Fund account from which other artworks can be purchased.

Artworks acquired through the Australian Government's Cultural Gifts Program are acquired with the intention of Permanent or Long-Term Loan and funded by the government through the donor's tax deduction. As such, their disposal should be considered very carefully. Under no circumstances are gifts received through the Cultural Gifts Program to be returned to their donor(s).

1.10 Public Access, Display and Exhibitions

The Collection will be documented and catalogued, and research information be made available to the public.

The Collection will be exposed to as wide an audience as possible, and this may encompass temporary displays in appropriate public places including MRC buildings and facilities.

Exhibition spaces within Artspace Mackay will be maintained to Museum standards. This will facilitate loans to the region of significant artworks and will ensure the preservation of artworks from the Collection for future generations.

The possibility of artwork(s) from the Collection being included in travelling exhibitions or being loaned to other institutions for the purpose of display, will be considered subject to appropriate loan agreements being negotiated.

The display of artworks in any MRC building or facility is at the discretion of the Exhibitions Curator, taking into consideration the care and preservation of the Collection.

2.0 Roles and Responsibilities

Oversight of the implementation of the Policy is the responsibility of the Director Community Services.

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The Artspace Mackay Director is responsible for recommendation of artworks for acquisition or de-accession consideration to the Visual Art Advisory Committee.

The Visual Art Advisory Committee is responsible for recommending art works for purchase and de-accession to the Director Community Services.

The Director Community Services is responsible, under MRC delegation, for making the decision on Works of Art purchases, de-accessions and approved Public Art applications.

3.0 Complaints

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

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

Complaints may be made as following:

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

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

In person at the following 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

4.0 Definitions

To assist in interpretation the following definitions shall apply:

Accession shall mean the process of formally transferring title or ownership from the providing source to MRC.

Acquisition shall mean the act of gaining physical possession of the artwork or object by purchase, award, gift exchange, bequest or commission.

Approved valuer shall mean a person approved to value items for the Australian Government's Cultural Gifts Program, in accordance with section 30-210 of the *Income Tax Assessment Act 1997*.

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Bequest shall mean the bestowal by will of privately owned cultural items to MRC.

Collection shall mean an identifiable selection of objects having some significant commonality. This could be by donor (e.g. Tate Adams Gift), subject matter or media (e.g. Artists' Book Collection).

Conservation shall mean the processes for preserving and protecting works of art from loss, decay, damage or other forms of deterioration, usually undertaken by a qualified professional conservator.

Copyright shall mean statutory legal right to print, publish, perform, film or record material.

Council shall mean all elected representatives of Mackay Regional Council.

Deaccession shall mean the process of removing a work of art from the Art Collection and the recording of the disposal/removal of a work of art from the Art Collection when it is sold, donated, destroyed, or lost.

Employees 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.

Permanent or Long Term Loan shall mean that loans are of a fixed term and the length of a permanent or long term loan is negotiated between the lender and MRC. By definition, a loan does not involve a transfer of title, so the lender is entitled to the return of the item at the end of the agreed term. A permanent loan is considered to be of 50 years or more.

MRC shall mean Mackay Regional Council.

Museum shall mean a not-for-profit public institution (library, museum, art gallery) in the service of society and of its development, which is open to the public, and which acquires, conserves, researches, communicates and exhibits, for purposes of study, educations and enjoyment, material evidence of people and their environment, and which also adheres to the International Council of Museums (ICOM) Code of Ethics.

Public Art shall mean the inclusion of artworks in the public domain, including parks, precincts, building projects and streetscapes. Public art includes permanent site-specific works as well as ephemeral artworks such as installations and outdoor sculptural competitions.

Work of Art shall mean a form or expression of the visual arts and crafts. It may include painting, sculpture, ceramics, pottery, photographs, printmaking, use of information technology, multimedia, mixed media, use of fabrics/textiles, drawings, woodworking, metalworking, artists' books, etc.

5.0 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.

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

6.0 Reference

- Mackay Regional Council Corporate Plan 2016-2021
- Mackay Regional Council Arts and Cultural Plan 2016-2020
- Mackay Regional Council Public Art Strategy 2018 – 2023
- MRC Policy – Artspace Mackay – Deductable Gift Recipient (DGR) Fund

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1	Review of Policy		Endorsed by Council	23/11/16
2	Review of Policy		Endorsed by Council	27/09/17
3	Review	Amendments	Endorsed by Council	9/12/20
4	Review			

CORPORATE
STANDARD

PUBLIC ART

Program	Community Lifestyle
Date of Endorsement	New
Review Date	

1.0 Scope

This standard applies to all public art decisions made by Mackay Regional Council (MRC).

2.0 Objective

To provide the process for commissioning of public art in MRC.

3.0 Reference

- COU071 – Art Collection

4.0 Definitions

To assist in interpretation the following definitions shall apply:

Council shall mean all elected representatives of Mackay Regional Council.

Employees 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.

5.0 Standard Statement

Artwork commissioned or acquired for the outdoor physical public domain, such as sculpture or built form, will be included as an integral part of the Collection. Public art has the capacity to enhance the environment and to engender a great sense of community civic pride.

Public art sites should be significant or strategically important public places with high visibility and/or accessibility. In addition, the site must be in public ownership.

Public art sites that may be selected include:

- areas highly visible to the community generally
- places of high pedestrian activity
- places of high recreational usage
- places of civic importance and/or cultural significance.

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Public land within key shopping precincts, transport interchanges, major intersections, key capital works projects, key recreation sites and the Civic Centre Precinct are all considered appropriate sites for public art.

Public art will be procured by acquisition, commission or bequest.

When commissioned, the Manager Community Lifestyle and Director Artspace Mackay must be called upon by Council to provide professional advice and expertise to the overall project.

Public artworks are to be designed and created by an accomplished artist or artists, and be of a robust nature, needing minimal maintenance over the first ten-year period, except where a temporary installation work is specifically commissioned.

The Public Art Collection shall not include memorials, mosaics, decorations, banners or commemorative works - including statues.

These guidelines have been developed to assist applicants address the criteria for public art within the Mackay region. The information provided in this document is based on best practice models endorsed by NAVA (National Association of Visual Arts) Code of Practice for the Professional Australian Visual Arts, Craft and Design sector and Council.

Mackay Regional Council encourages and supports the design and installation of artwork in public places. It is however understood that not all locations will be suitable for the installation of artwork or all designs indicative of the local community's sense of identity and place. In recognising this Council has adopted a process to ensure that all stakeholders are consulted and that proposed artworks do not create a traffic hazard or are socially unacceptable.

NOTE: Prior written approval from Council must be granted before the installation of any public artwork. A proposal addressing the points outlined in this guideline must be submitted to Council, who will undertake its own internal approvals process for public art and will advise applicants of the outcome by written notice.

This Corporate Standard must be read in conjunction with Council Policy 071 – Art Collection.

5.1 Contact

Prior to commencing an application for public artwork intending applicants should contact Council's Public Art Officer to discuss their proposal on 4961 9529 or by email jennifer.dalton-smith@mackay.qld.gov.au.

5.2 Concept & Design

Applicants must provide a brief outline of the proposal including dimensions, theme, style, materials and the type of artwork together with a coloured A4 (minimum size) sketch of the proposed design. Consideration should be given to the nature and colour

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of the proposed artwork to ensure consistency with the character and amenity of the surrounding area. The design must not constitute advertising or signage.

An outline of the proposed project should include why the work is requested and any social, economic, environmental, commercial or philosophical basis for the work.

5.3 Location

Applicants must provide specific details of the site including a simple plan and/or visual documentation showing the proposed location of the artwork and detailing whether the artwork is freestanding, on a wall, fence, etc. The applicant must also consider and provide notes on the proposed footings for the work, as some structural considerations may require engineering/ development approval. The proposal also needs to make reference to the proposed location of the work/s with reference to a specific site, community, history or sponsors.

Applicants will need to consider information regarding public acknowledgement of the work, how the work will be launched and Council's involvement, if any.

5.4 Consultation

Applicants must undertake consultation to ensure nearby property owners are aware of the proposed artwork. Consultation could be via letterboxing a letter of explanation, with a copy of the design, asking for feedback to be directed to either Council's Arts Development Officer or yourself. As a minimal guide you will need to consult with the property owners or residents directly adjacent to the site, plus the two property owners or residents on each side of that property and similarly across the road. This is a total of 6 property owners or residents who are located nearest to the proposed site. Feedback received will be used to inform the approval process.

For larger pieces that impact into the public space broader consultation is required. A copy of *Council's Community Engagement Policy* is available if required or Council staff can assist with this process.

5.5 Consultation with Public Authorities

Depending on the location of the proposed artwork applicants may need to consult with public authorities e.g. *Transport and Main Roads QLD, Telstra, Ergon Energy*.

Conditions apply to city infrastructure that is owned by Council and/or a third party. Applicants should note that artwork on any such infrastructure does not confer ownership or copyright over such infrastructure to other parties. Applicants also need to be aware that if the owners of such infrastructure need to repair or replace the infrastructure no responsibility is accepted by them for replacing the artwork. Please note: specific conditions may apply to city infrastructure that requires further work for e.g. *height restrictions, concealing or obstructing signage, identification numbers or*

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equipment and should be included in an agreement between the applicant and the owner.

5.6 Timeframe

Consideration should be given to the time required to complete the project. When do you propose to start and finish the project?

5.7 Lifespan & Maintenance

What is the projected life of the artwork? Who will maintain the artwork in terms of public safety and aesthetics? What impact will the artwork have on the maintenance of the surrounding area? How will climatic conditions impact on the artwork?

5.8 Copyright & Employment of Artist(s)

Information as to the method of engaging artists should be included in the application. Consideration should also be given to copyright issues.

5.9 Materials

What materials will be used for the artwork? If appropriate, it is strongly encouraged that two coats of anti-graffiti treatment be applied to the artwork to protect it from graffiti vandalism.

5.10 Public Safety

How will the artwork be designed to be safe as far as reasonably practicable? How will you manage the safe production and/or installation of the public artwork? A risk assessment must be submitted with your application. (Refer to Appendix 1: Risk Assessment Form example/template.)

5.11 Budget

Have you considered the costs involved with the project? Such costs may include artist(s) fee/s, materials, administrative maintenance, insurance, traffic management, elevated work platforms, consultation and installation.

5.12 Approvals and Agreements

Specific pieces, such as sculpture or works affixed to a surface that require structural considerations may require development approval. Written permission must also be obtained from the owner of the surface or area housing the artwork.

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Agreement between the commissioning agent/body and the owner of any public property, infrastructure or open space controlled by Council must be made prior to commencement of work. This would be in the form of a contract or memorandum of understanding.

Council will undertake its own internal approvals process for public art and advise applicants of the outcome by written notice.

5.13 Rights and Responsibilities

Council reserves the right to decline the offer of any work proposed for a public place which does not meet safety, aesthetic, structural or durability requirements.

5.14 Insurance

Until the work is complete and installed the Artist/Commissioning group shall carry appropriate public liability insurance cover and indemnify and keep indemnified the Council (or any other third party owner of infrastructure) for all claims, actions, or legal proceedings that may arise out of injury or death to any third parties from use or in connection with the work.

6.0 **Review of Standard**

This corporate standard will be reviewed when any of the following occur:

- 1. When any related policy documents are amended or replaced.
- 2. Other circumstances as determined from time to time.

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

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date

11.3. COMMUNITY SERVICES

11.4. PLANNING, GROWTH AND SUSTAINABILITY

11.4.1. DA-2023-212 - MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR DWELLING HOUSE - 26 HILL STREET, ETON

Author	Principal Development Planner (Cherise Ayling)
Responsible Officer	Director Planning, Growth and Sustainability (Aletta Nugent)
File Number	DA-2023-212

Attachments

1. Locality and Zoning Plans [**11.4.1.1** - 2 pages]
2. Proposal Plans [**11.4.1.2** - 4 pages]

Application Details

Application Number:	DA-2023-212
Applicant/s:	Kevin Hannan, C/- RPS AAP Consulting Pty Ltd
Lodgement Date:	9 November 2023
Approval Sought:	Development Permit
Description of Proposal:	Material Change of Use – Development Permit for Dwelling House
Category of Assessment:	Impact Assessment
Internal Referral/s:	Water and Sewage Infrastructure Planning
Number of Submission/s:	One Properly Made Submission
Assessment Officer:	Cherise Ayling

Site Details

Owner/s:	Jevin Hannan and Julie McNeill
Street Address:	26 Hill Street, Eton
Real Property Description:	Lot 704 on E1113
Zone/s:	Community Facilities

Planning Scheme Details

Planning Scheme:	Mackay Region Planning Scheme 2017 v4.0
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Purpose

The purpose of this report is to complete an assessment of a Development Application for a Material Change of Use for a Dwelling House and provide a recommendation to Council.

Executive Summary

The Development Application before Council is to establish a Dwelling House at 26 Hill Street, Eton. Due to the property being previously owned by the Roman Catholic Trust Corporation, the property is zoned Community Facilities whereby a Dwelling House triggers Impact Assessment. As part of the public notification period, the proposal attracted a properly made submission and the matters raised can be responded to via conditions.

As the proposal generally complies with the Mackay Region Planning Scheme 2017 v4.0 (the Planning Scheme), the application is recommended for approval subject to conditions.

Related Parties

- Kevin Hannan and Julie McNeill (Landowners)
- RPS (Planning Consultant)
- Anna Schmidt and Morgan Zulkarnain (Submitters)

Corporate Plan Linkage

Live and Visit

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.

Description of Subject Site and Surrounds

The site is rectangular in shape, zoned Community Facilities and has an area of 2,023m². The land is currently vacant and can connect to Council's reticulated water infrastructure, however due to the elevation of the lot relative to the water reservoir, on-site water storage and pumps will be required to provide an adequate water supply. An on-site effluent disposal system will be required as there is no reticulated sewer infrastructure in this area.

The surrounding land uses are as follows:

- North-West - Mackay Regional Council Reservoir and a Place of Worship
- North - Eton State School and residential lots containing Dwelling Houses
- South-West - Vacant land
- South-East - Dwelling Houses.

Refer to Attachment 1 – Locality and Zoning Plans.

Development Proposal

The Applicant seeks a Material Change of Use – Development Permit for Dwelling House and Outbuilding (Class 1a Dwelling House and Class 10a Shed) at 26 Hill Street, Eton.

The proposed Dwelling House is single storey, containing three bedrooms, two bathrooms, a laundry and an open plan kitchen/dining and living area. The Dwelling House will be sited 10m from the Hill Street frontage and 10m from the south-east boundary.

The proposed shed is 8.4m wide, 5.87m in length and has a height of 2.4m to eaves and 2.918m to apex. The shed will be located behind the Dwelling House, 9m from the south-east boundary and 14.3m from the rear boundary.

The zoning of the land is reflective of the previous owner, being the Roman Catholic Trust Corporation. As the land is zoned Community Facilities, a Dwelling House triggers Impact Assessment.

Refer to Attachment 2 – Proposal Plans.

Background

Previous Approvals

On 21 October 2013, Council approved a Material Change of Use for a Dwelling House on the site (DA-2013-240). This approval was issued while the owner of the lot was the Roman Catholic Trust Corporation and the zoning was Public Purposes (under the superseded Mackay City Planning Scheme).

Referrals

Internal Referral

The Development Application was referred to Infrastructure Planning to comment on the ability for the site to connect to Council's standard water service.

The advice received was that it is not possible for a standard water service to be provided due to the elevation of the lot relative to the water reservoir. The site would therefore require a non-standard water supply, requiring the installation of a water meter and a private registered break tank and a pump on the downstream side of the tank to boost pressure to the residence. The break tank and pump are to be as near as practical to the water meter. A legal agreement would need to be signed prior to a water service being supplied that outlines the responsibility of the owner to install and maintain the system to ensure safety of the water supply.

Planning Assessment

Planning Act 2016 and Planning Regulation 2017

As per s45(5) of the *Planning Act 2016* an Impact Assessment is an 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.

Sections 29-31 of the *Planning Regulation 2017* prescribe the assessment benchmarks and matters Impact Assessment must have regard to which has been applied during this assessment.

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. As such, an assessment is not required.

Mackay Region Planning Scheme 2017 Version 4.0:

Assessment of the proposal has been undertaken against the relevant assessment benchmarks. Where the proposal is considered to generally comply, a statement of compliance has been provided however where

compliance has been unable to be achieved with one or more of the relevant provisions, a more detailed assessment has been provided below.

Assessment Benchmark	Compliance
Landslide Hazard Overlay Code	Conditioned to achieve Accepted Development Subject to Requirements
Community Facilities Zone Code	No (refer to below assessment)
Dwelling House Code	Yes
General Development Requirements Code	Yes

Landslide Hazard Overlay Code

The site is mapped within the Landslide Hazard Overlay. A Dwelling House may be Accepted Development Subject to Requirements (self-assessable) if able to achieve compliance with the relevant Assessment Benchmarks of the Code. This includes the preparation of a Geotechnical Design Report that identifies a 'low' level of landslide risk. This report is to be prepared by a geotechnical professional, with certification of the design to be provided by a Registered Professional Engineer of Queensland (RPEQ).

A Geotechnical Design Report has not been submitted as part of the application material. However, the Town Planning Report indicates that this will be assessed as part of Building Works. This will require the Private Building Certifier to determine that the Building Work can achieve the requirements of the Code and remain self-assessable.

A recommended condition of approval requires written confirmation to be provided outlining that the development can achieve Accepted Development Subject to Requirements with the Code. The condition also requires the provision of certification by a suitably qualified geotechnical professional that the risk level in relation to landslide affecting the development and area surrounding the development is certified as 'low' at the completion of the development.

Community Facilities Zone Code

The proposed development is for a Dwelling House, being a use that is not consistent with Performance Outcomes PO1 and PO2 of the Community Facilities Zone Code. These Performance Outcomes prescribe that the zone primarily accommodates Community Activities, Childcare Centres, Cemeteries, Health Care Services, and other Community Uses that are compatible and have a direct relationship with the Community Use onsite.

Overall Outcome 3(a) contains similar requirements with regards to acceptable land uses in the zone. A proposal for a Dwelling House is therefore not supported in this zone. To justify approval notwithstanding this non-compliance, further detail is included within the Other Relevant Matters section of this report.

Dwelling House Code

The proposed development is consistent with the Acceptable Outcomes of the Code.

General Development Requirements Code

The proposed development is consistent with the Acceptable Outcomes of the Code.

Other Relevant Matters related to Impact Assessment

There are a number lots situated around the existing Place of Worship (Church) at 19 Barrier Street, Eton that carry the historic zoning of Community Facilities. The intention was for community uses to establish on the hill alongside the existing Church. However, the Church has sold two lots to private residents as the land was surplus to their requirements. These lots are located at the south-west end of Hill Street and Barrier Street and adjoin an existing residential area. On this basis, a proposal for a Dwelling House is considered appropriate on the site despite the inconsistency with the Community Facilities Zone.

It should also be considered that a Material Change of Use for a Dwelling House has previously been approved on the subject site. The Dwelling House was approved while zoned Public Purposes/Community Facilities and under the ownership of the Roman Catholic Trust (DA-2013-240).

Public Notification and Submissions

The application was publicly notified for at least 15 business days, between 27 November 2023 to 18 December 2023 in accordance with the *Planning Act 2016* as follows:

- Notice in a local paper – 24 November 2023
- Notice to adjoining landowners – 22 November 2023, and
- Sign placed on the land – 24 November 2023.

Council received one properly made submission. Council Officers have considered the contents of the submission as outlined below.

Items Raised in Submission	How matters were dealt with in reaching the Decision
<p>Common Driveway</p> <p>The submitter asserts that the development creates encroachment issue/s, where a Dwelling House, structure or driveway / access way is built within an extended boundary line to the Hill Street carriageway. This encroachment will detrimentally impact the current residential use and amenity enjoyed by the submitters.</p>	<p>The proposal plan identifies an indicative driveway access from Hill Street to the Dwelling House. Any future access works are subject to an Operational Works Development Permit from Council. A recommended condition of approval requires an Operational Works Development Permit for access to be obtained prior to commencing building works.</p>
<p>Landslide Hazard and Stormwater Flow</p> <p>The proposal failed to provide a proper assessment against the Landslide Hazard Overlay Code by attempting to defer necessary geotechnical investigations and assessment to the Building Works stage. As such, the geotechnical stability of the site remains uncertain and the feasibility of providing a driveway, Dwelling House and shed without potentially impacting on 28 Hill Street is unknown.</p> <p>The potential for increased landslide hazards as well as increased stormwater flows onto the submitters' property is deemed unacceptable. A geotechnical assessment and stormwater management plan would be required to properly assess these potential impacts. Further, the location of the proposed Dwelling House on steep land above 28 Hill Street will likely create visual amenity and overlooking impacts. It is contended that the proposal does not comply with PO5 of the Dwelling House Code – (PO5 maintains a high level of amenity and privacy for adjoining lots).</p>	<p>As previously outlined within this report, a Dwelling House within the Landslide Hazard Overlay is Accepted Development Subject to Requirements (self-assessable) and does not trigger Code Assessment if compliance with the Landslide Hazard Overlay Code is achieved.</p> <p>To ensure compliance with the code is achieved, a recommended condition of approval requires written confirmation to be provided outlining that the development can achieve Accepted Development Subject to Requirements with the Code. The condition also requires the provision of certification by a suitably qualified geotechnical professional that the risk level in relation to landslide affecting the development and area surrounding the development is certified as 'low' at the completion of the development.</p> <p>With regards to stormwater flow, recommended conditions of approval require the development to not</p>

	<p>create ponding nuisances and/or a concentration of stormwater flows to adjoining properties, with stormwater to be directed to a lawful point of discharge.</p> <p>With regards to amenity and privacy, Performance Outcome PO5 of the Dwelling House Code relates to site cover. The Dwelling House is of a single storey construction that will be sited 9m from the side boundary, with a site cover of considerably less than 50% as sought by the Planning Scheme. Therefore, although the development site is higher than the submitters' property, the proposed Dwelling House achieves compliance with this Performance Outcome.</p>
<p>Water Supply Pressure</p> <p>The submitters contend that the Applicant has not adequately addressed the potential impact on current reticulated water supply in the locality. As a result of the submitters interaction, Council is aware of inadequate water supply pressure to their, and surrounding properties. Consequently, further development in the locality will exacerbate this existing issue of water supply availability and pressure. As such, it is deemed that the application does not comply with PO1 or AO1.1 of the General Development Requirements Code – as the proposal is not efficiently serviced by reticulated water supply</p>	<p>As previously outlined within this report, advice has been received from Infrastructure Planning that it is not possible for a standard water service to be provided due to the elevation of the lot relative to the water reservoir. The site would therefore require a non-standard water supply, requiring the owner to install a private registered break tank and a pump on the downstream side of the tank to boost pressure to the residence. Although this is a non-standard water supply, the site can continue to be supplied with adequate water through additional requirements that will need to be achieved.</p>
<p>Potential Interim Works</p> <p>Potential interim work impacts on the submitters' property such as site works or other temporary accommodation use.</p>	<p>An advice note has been included advising that all construction or operational activities must not cause an 'environmental nuisance' within the meaning of the <i>Environmental Protection Act 1994</i> to any sensitive receptor as stated within Schedule 1 of the <i>Environmental Protection (Noise) Policy 2019</i>. The Applicant will need to comply with this legislation.</p>

Levied Charges

In accordance with the Council's Adopted Charges Resolution dated December 2023, a Levied Charge is applicable to the development proposal and has been calculated as shown below, taking into consideration any applicable credits.

Levied Charge Calculation

Adopted Infrastructure Charge Category	Adopted Infrastructure Charge	Demand Units	No. of Demand Units	Gross Levied Charge Amount
Residential	\$24,181.36 Includes 20% service discount.	3 or more bedroom Dwelling	1	\$24,181.36
Gross Levied Charge Amount Total				\$24,181.36

Applied Credit Calculation

Adopted Infrastructure Charge Category	Value of Credit Unit	Credit Unit	No. of Credit Units	Applied Credit Amount
Residential	\$24,181.36 Includes 20% service discount.	3 or more bedroom Dwelling	1	\$24,181.36
Applied Credit Amount Total				\$24,181.36

Net Levied Charge Summary

Gross Levied Charge Amount Total	Applied Credit Amount Total	Net Levied Charge Amount
\$24,181.36	\$24,181.36	\$0.00

Offsets/ and Refunds

No offsets or refunds are applicable to this application.

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 or submitter against Council's decision. This would give rise to cost implications, as Council would be required to participate in any appeal proceedings.

Conclusion

The Development Application has been assessed against the Planning Scheme and it is recommended that the proposal be approved, subject to conditions.

Officer's Recommendation

THAT Council approves the Development Application for a Material Change of Use – Development Permit for Dwelling House over land at 26 Hill Street, Eton, formally described as Lot 704 on E1113, subject to the following conditions:

Approved Plan(s) and Document(s)

The development must generally comply with the plan(s) and supporting documentation referenced in the table below and enclosed as stamped 'Approved Subject to Conditions' which forms part of this approval, unless otherwise specified by any condition of this approval.

Plan/ Document Name	Drawing Number	Prepared by	Date
Proposed Plan of Development	213012786-P01 Rev. B	RPS	9/11/2023
Floor Plan	-	-	-
Elevations Plan	-	-	-
Floor Plan & Elevation (Shed)	RBSQ01-57214	Ranbuild	-

Condition	Timing
<p>1) Carry Out the Approved Development</p> <p>Carry out the approved development 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, including recommendations and findings confirmed within technical reports; and b) The below conditions of approval and the requirements of Council's Planning Scheme and the 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) Maintain the Approved Development</p> <p>Maintain the approved development generally in accordance with the approved plan(s) and document(s), and any other approval required by the conditions.</p>	At all times.
<p>3) Damage to Infrastructure and Land</p> <p>Notify Council immediately if any Council infrastructure or land is damaged as a result of construction activities occurring and have it repaired, replaced or reinstated at no cost to Council.</p>	At all times.
<p>4) Lawful Point of Discharge</p> <p>Direct all stormwater from the site (including roof water) to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development.</p>	At all times.
<p>5) Concentration of Stormwater</p> <p>Ensure the development does not create ponding nuisances and/or a concentration of stormwater flows to adjoining properties. Stormwater formerly flowing onto the site must not be diverted onto other sites. The site shall be free draining.</p>	At all times.
<p>6) Landslide Hazard</p> <ul style="list-style-type: none"> a) Provide written confirmation that the development complies with the relevant Assessment Benchmarks of the Landslide Hazard Overlay Code to achieve Accepted Development Subject to Requirements. b) Provide certification that the risk level in relation to landslide affecting the development and area surrounding the development is certified as 'low' at completion of the development in accordance with <i>Landslide Risk Management Australian Geomechanics Journal Vol 42 No.1 March 2007</i>. 	<p>Prior to issue of a building work development permit.</p> <p>Prior to issue of a building work development permit.</p>

Condition		Timing
7)	Electrical and Telecommunications Ensure the development is provided with electricity and telecommunications services.	Prior to commencement of use.
8)	Water Connection Ensure the development is connected to the existing reticulated water services provided to the site. Should an alternative water supply be sought (i.e. on-site water tanks), approval in writing from Council is required. <i>Advisory Note: This lot is part of a Tank Replenishment Scheme and is subject to different water service conditions. Refer to Fact Sheet: Tank Replenishment Scheme.</i>	Prior to commencement of use.
9)	Operational Works a) Obtain an Operational Works – Development Permit for the following: i) Earthworks; and ii) Access	Prior to commencing any assessable works on-site.
	b) Submit a Construction Operational Works Notice to Commence Works for the following: i) Earthworks; and ii) Access	Prior to commencement of works.
	c) Obtain an Acceptance of Works or On Maintenance for the works completed.	At the completion of operational works.
10)	Plumbing and Drainage Works a) Obtain a plumbing and drainage works permit in accordance with the <i>National Construction Code</i> and the <i>Plumbing and Drainage Act 2018</i> .	Prior to commencing plumbing works.
	b) Obtain a final plumbing and drainage works certificate verifying the work has been completed in accordance with a) above.	Prior to commencement of use.
11)	Building Works a) Obtain a building works development permit in accordance with the <i>National Construction Code</i> and the <i>Planning Act 2016</i> .	Prior to commencing building works.
	b) Obtain a <i>Form 21 Final Inspection Certificate</i> verifying the work has been completed in accordance with a) above.	Prior to commencement of use.
Assessment Manager's Advice		
1)	Infrastructure Charges Notice	

Assessment Manager's Advice	
	An Infrastructure Charges Notice has been issued as part of this Development Approval, however there is no outstanding charge as the credit on the land equals the same as the levied charge.
2)	<p>Cultural Heritage</p> <p>The <i>Aboriginal Cultural Heritage Act 2003</i> establishes a Duty of Care for indigenous cultural heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting the activity. Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care.</p> <p>Those proposing an activity that involves additional surface disturbance beyond that which has already occurred on the proposed site need to be mindful of the Duty of Care requirement. Details of how to fulfil the Duty of Care are outlined in the Duty of Care Guidelines gazetted with the <i>Aboriginal Cultural Heritage Act 2003</i>.</p> <p>Council strongly advises that you contact the relevant state agency to obtain a copy of the Duty of Care Guidelines and further information on the responsibilities of Applicant under the terms of the <i>Aboriginal Cultural Heritage Act 2003</i>.</p> <p>The Duty of Care Guidelines provide further guidance on identifying and protecting Aboriginal cultural heritage and can be accessed here.</p>
3)	<p>Environmental Nuisance</p> <p>Construction or operational activities, including but not limited to, the operation of mechanical plant and equipment, must not cause an 'environmental nuisance' within the meaning of the <i>Environmental Protection Act 1994</i> to any sensitive receptor as stated within Schedule 1 of the <i>Environmental Protection (Noise) Policy 2019</i>.</p> <p>It is the Applicant and owner's responsibility to ensure compliance with Section 440R of the <i>Environmental Protection Act 1994</i>, which prohibits any construction, building and earthworks activities likely to cause audible noise (including the entry and departure of heavy vehicles) between the hours of 6:30pm and 6:30am from Monday to Saturday and at all times on Sundays or Public Holidays.</p>
4)	<p>Sedimentation Control</p> <p>It is the Applicant/owner's responsibility to ensure compliance with Chapter 8, Part 3C of the <i>Environmental Protection Act 1994</i> to prevent soil erosion and contamination of the stormwater drainage system and waterways.</p>
5)	<p>Cyclone Watch Site Management</p> <p>All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council, prior to commencement of works.</p>
6)	<p>General Safety of Public During Construction</p> <p>It is the principal contractor's responsibility to ensure compliance with Section 19 (2) of the <i>Work Health and Safety Act 2011</i>. Section 19(2) states that a person conducting a business or undertaking must ensure that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.</p> <p>It is the responsibility of the person in control of the workplace to ensure compliance with Section 20(2) of the <i>Work Health and Safety Act 2011</i>. Sections 20 (2) states that the person in control of the workplace is obliged to ensure that the means of entering and exiting the workplace and anything</p>

Assessment Manager's Advice	
	arising from the workplace are without risks to the health and safety of any person.
7)	Bushfire The Building Certifier is responsible for assessing whether the proposed development meets the relevant construction requirements in accordance with <i>AS3959-2009 Construction of buildings in bushfire-prone areas</i> .

Council Resolution ORD-2024-6

THAT Council approves the Development Application for a Material Change of Use – Development Permit for Dwelling House over land at 26 Hill Street, Eton, formally described as Lot 704 on E1113, subject to the following conditions:

Approved Plan(s) and Document(s)

The development must generally comply with the plan(s) and supporting documentation referenced in the table below and enclosed as stamped 'Approved Subject to Conditions' which forms part of this approval, unless otherwise specified by any condition of this approval.

Plan/ Document Name	Drawing Number	Prepared by	Date
Proposed Plan of Development	213012786-P01 Rev. B	RPS	9/11/2023
Floor Plan	-	-	-
Elevations Plan	-	-	-
Floor Plan & Elevation (Shed)	RBSQ01-57214	Ranbuild	-

Condition		Timing
12)	Carry Out the Approved Development Carry out the approved development generally in accordance with the approved plan(s) and document(s), and the following: <ul style="list-style-type: none"> e) The specifications, facts and circumstances as set out in the development application submitted to Council, including recommendations and findings confirmed within technical reports; and f) The below conditions of approval and the requirements of Council's Planning Scheme and the Planning Scheme Policies; and g) 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 h) Except where modified by these conditions of approval. 	At all times.
13)	Maintain the Approved Development Maintain the approved development generally in accordance with the approved plan(s) and document(s), and any other approval required by the conditions.	At all times.

Condition	Timing
14) Damage to Infrastructure and Land Notify Council immediately if any Council infrastructure or land is damaged as a result of construction activities occurring and have it repaired, replaced or reinstated at no cost to Council.	At all times.
15) Lawful Point of Discharge Direct all stormwater from the site (including roof water) to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development.	At all times.
16) Concentration of Stormwater Ensure the development does not create ponding nuisances and/or a concentration of stormwater flows to adjoining properties. Stormwater formerly flowing onto the site must not be diverted onto other sites. The site shall be free draining.	At all times.
17) Landslide Hazard c) Provide written confirmation that the development complies with the relevant Assessment Benchmarks of the Landslide Hazard Overlay Code to achieve Accepted Development Subject to Requirements. d) Provide certification that the risk level in relation to landslide affecting the development and area surrounding the development is certified as 'low' at completion of the development in accordance with <i>Landslide Risk Management Australian Geomechanics Journal Vol 42 No.1 March 2007</i> .	Prior to issue of a building work development permit. Prior to issue of a building work development permit.
18) Electrical and Telecommunications Ensure the development is provided with electricity and telecommunications services.	Prior to commencement of use.
19) Water Connection Ensure the development is connected to the existing reticulated water services provided to the site. Should an alternative water supply be sought (i.e. on-site water tanks), approval in writing from Council is required. <i>Advisory Note: This lot is part of a Tank Replenishment Scheme and is subject to different water service conditions. Refer to Fact Sheet: Tank Replenishment Scheme.</i>	Prior to commencement of use.
20) Operational Works d) Obtain an Operational Works – Development Permit for the following: iii) Earthworks; and iv) Access	Prior to commencing any assessable works on-site.

Condition		Timing
	e) Submit a Construction Operational Works Notice to Commence Works for the following: iii) Earthworks; and iv) Access	Prior to commencement of works.
	f) Obtain an Acceptance of Works or On Maintenance for the works completed.	At the completion of operational works.
21)	Plumbing and Drainage Works	
	c) Obtain a plumbing and drainage works permit in accordance with the <i>National Construction Code</i> and the <i>Plumbing and Drainage Act 2018</i> .	Prior to commencing plumbing works.
	d) Obtain a final plumbing and drainage works certificate verifying the work has been completed in accordance with a) above.	Prior to commencement of use.
22)	Building Works	
	c) Obtain a building works development permit in accordance with the <i>National Construction Code</i> and the <i>Planning Act 2016</i> .	Prior to commencing building works.
	d) Obtain a <i>Form 21 Final Inspection Certificate</i> verifying the work has been completed in accordance with a) above.	Prior to commencement of use.

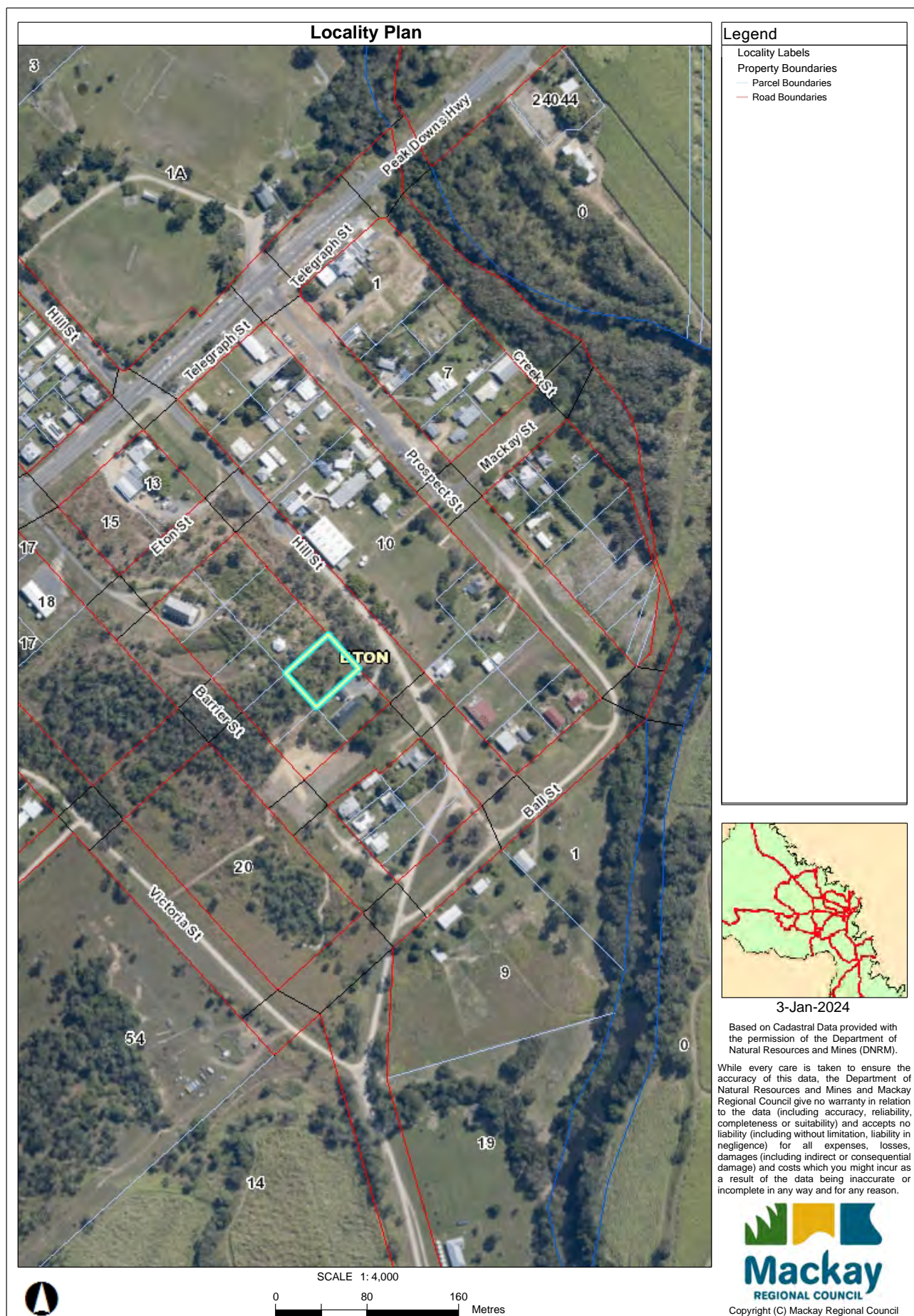
Assessment Manager's Advice	
8)	Infrastructure Charges Notice An Infrastructure Charges Notice has been issued as part of this Development Approval, however there is no outstanding charge as the credit on the land equals the same as the levied charge.
9)	Cultural Heritage The <i>Aboriginal Cultural Heritage Act 2003</i> establishes a Duty of Care for indigenous cultural heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting the activity. Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care. Those proposing an activity that involves additional surface disturbance beyond that which has already occurred on the proposed site need to be mindful of the Duty of Care requirement. Details of how to fulfil the Duty of Care are outlined in the Duty of Care Guidelines gazetted with the <i>Aboriginal Cultural Heritage Act 2003</i> . Council strongly advises that you contact the relevant state agency to obtain a copy of the Duty of Care Guidelines and further information on the responsibilities of Applicant under the terms of the <i>Aboriginal Cultural Heritage Act 2003</i> . The Duty of Care Guidelines provide further guidance on identifying and protecting Aboriginal cultural heritage and can be accessed here .
10)	Environmental Nuisance

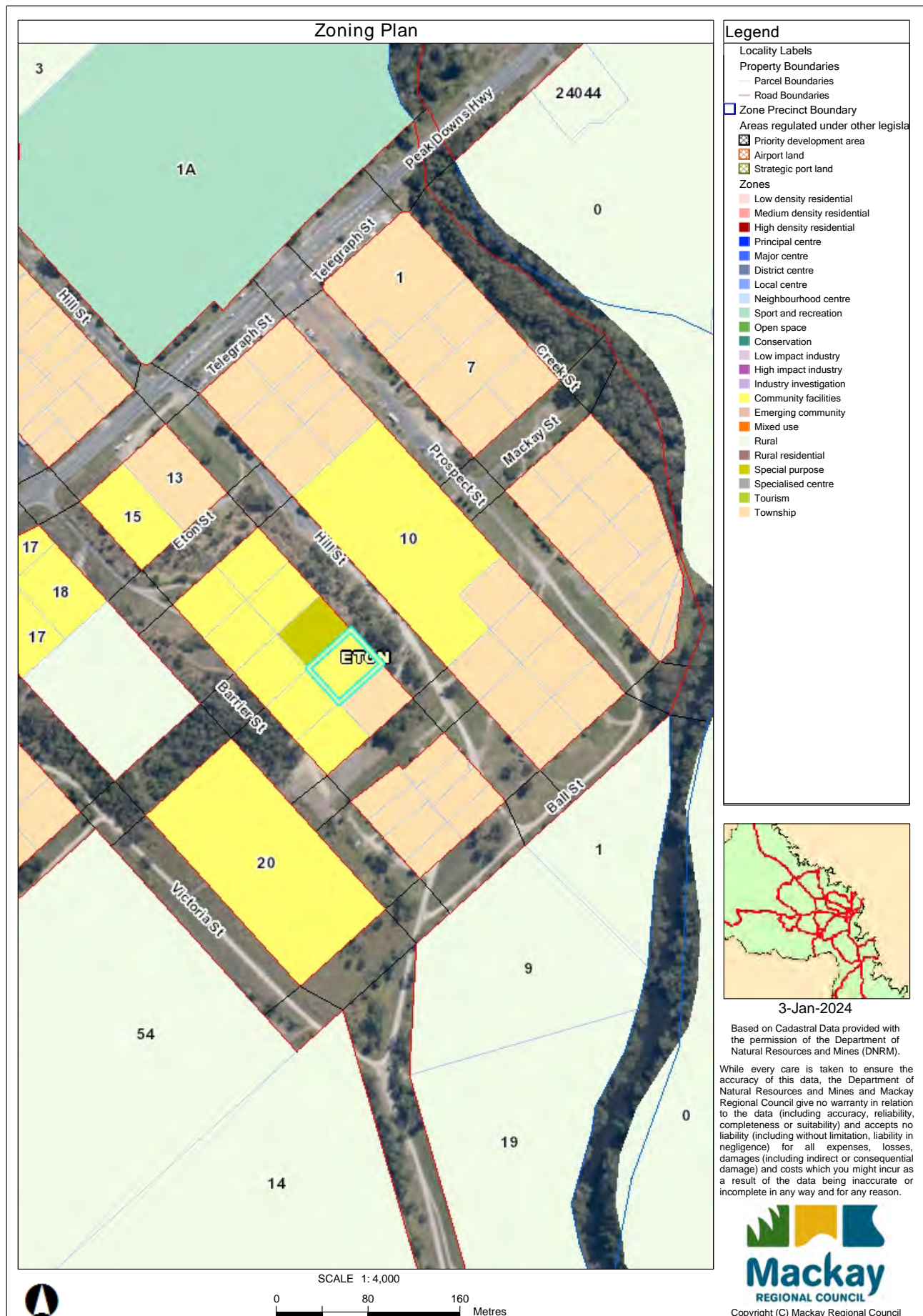
Assessment Manager's Advice	
	<p>Construction or operational activities, including but not limited to, the operation of mechanical plant and equipment, must not cause an 'environmental nuisance' within the meaning of the <i>Environmental Protection Act 1994</i> to any sensitive receptor as stated within Schedule 1 of the <i>Environmental Protection (Noise) Policy 2019</i>.</p> <p>It is the Applicant and owner's responsibility to ensure compliance with Section 440R of the <i>Environmental Protection Act 1994</i>, which prohibits any construction, building and earthworks activities likely to cause audible noise (including the entry and departure of heavy vehicles) between the hours of 6:30pm and 6:30am from Monday to Saturday and at all times on Sundays or Public Holidays.</p>
11)	<p>Sedimentation Control</p> <p>It is the Applicant/owner's responsibility to ensure compliance with Chapter 8, Part 3C of the <i>Environmental Protection Act 1994</i> to prevent soil erosion and contamination of the stormwater drainage system and waterways.</p>
12)	<p>Cyclone Watch Site Management</p> <p>All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council, prior to commencement of works.</p>
13)	<p>General Safety of Public During Construction</p> <p>It is the principal contractor's responsibility to ensure compliance with Section 19 (2) of the <i>Work Health and Safety Act 2011</i>. Section 19(2) states that a person conducting a business or undertaking must ensure that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.</p> <p>It is the responsibility of the person in control of the workplace to ensure compliance with Section 20(2) of the <i>Work Health and Safety Act 2011</i>. Sections 20 (2) states that the person in control of the workplace is obliged to ensure that the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person.</p>
14)	<p>Bushfire</p> <p>The Building Certifier is responsible for assessing whether the proposed development meets the relevant construction requirements in accordance with <i>AS3959-2009 Construction of buildings in bushfire-prone areas</i>.</p>

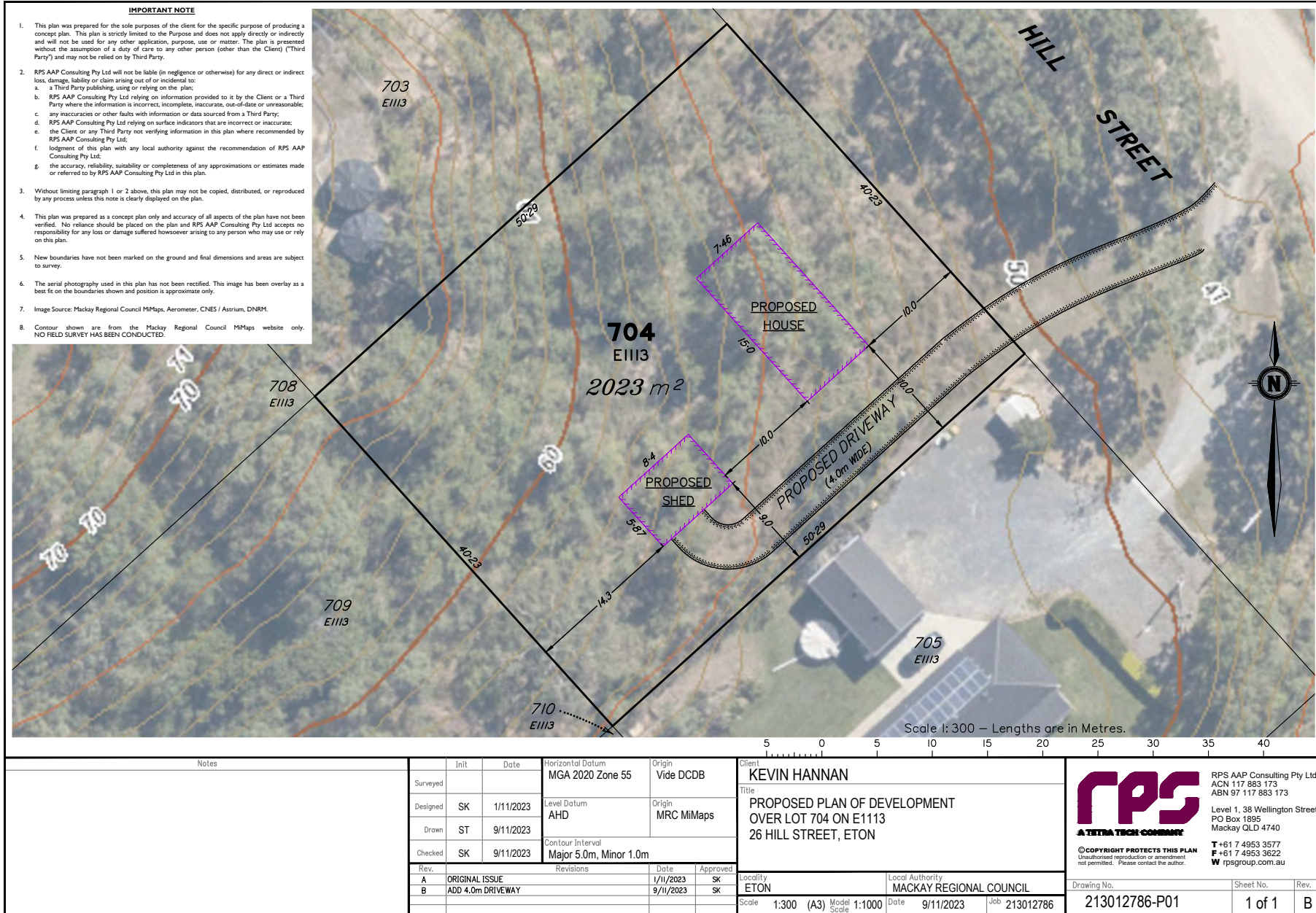
Moved Cr Englert

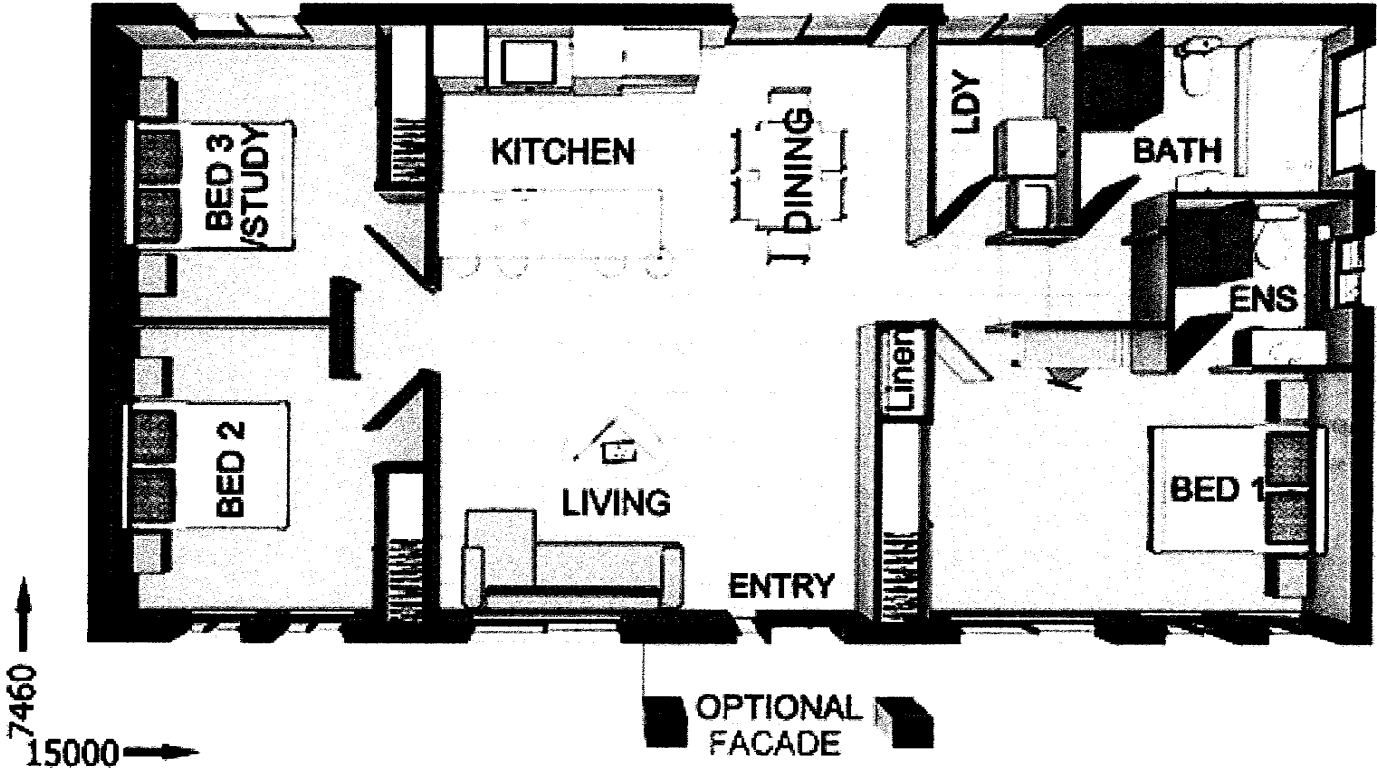
Seconded Cr Jones

CARRIED UNANIMOUSLY



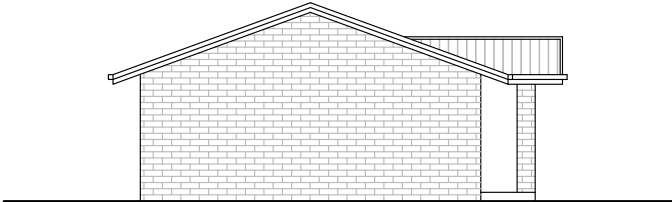




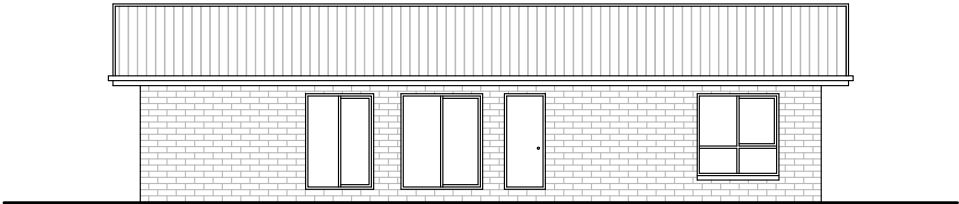




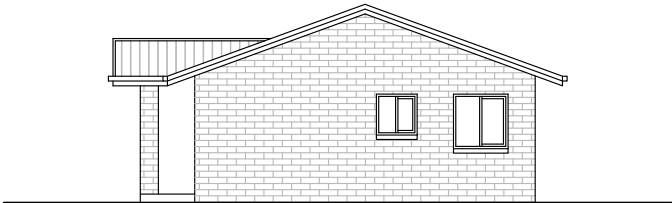
Eastern Elevation



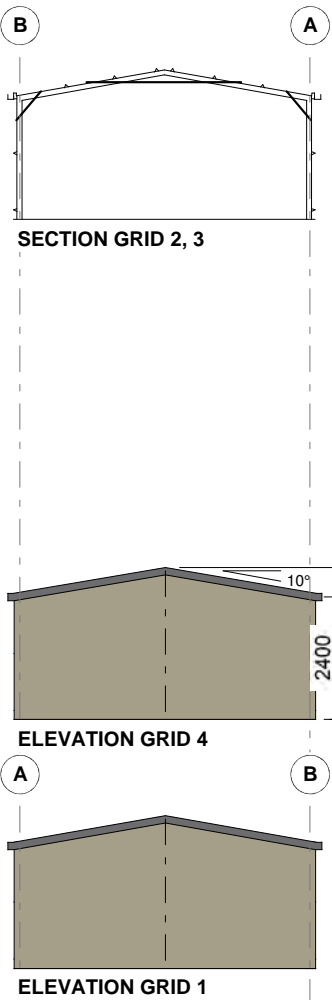
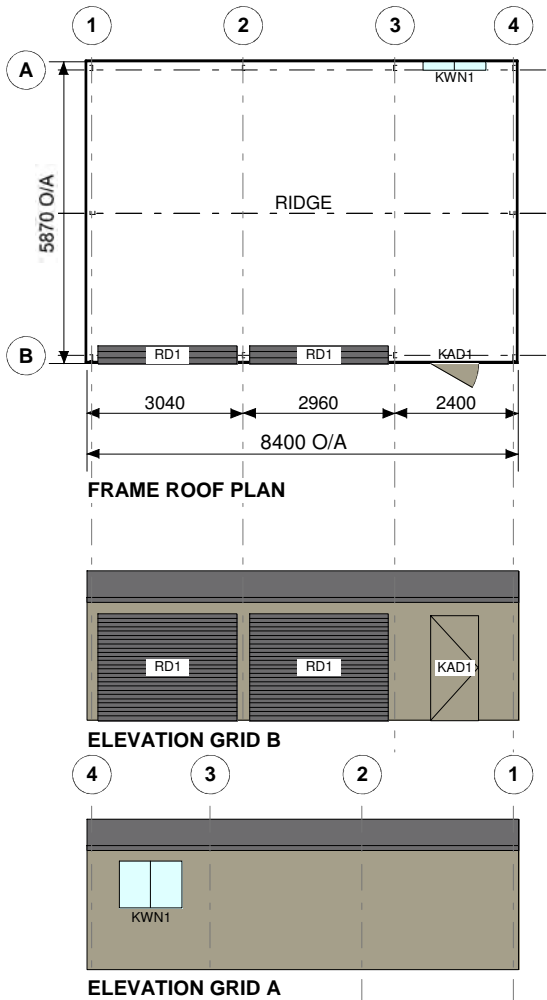
Southern Elevation



Western Elevation



Northern Elevation



Copyright 2016
Lysaght Building
Solutions Pty Ltd
trading as RANBUILD

CLADDING			
ITEM	PROFILE (min)	FINISH	COLOUR
ROOF	CUSTOM ORB 0.42 BMT	CB	BY
WALLS	MULTICLAD 0.35 BMT	CB	CV
CORNERS	-	CB	CV
BARGE	-	CB	BY
GUTTER	HI-QUAD	CB	BY

0.35bmt=0.40tct; 0.42bmt=0.47tct; 0.48bmt=0.53tct

ACCESSORY SCHEDULE & LEGEND		
QTY	MARK	DESCRIPTION
2	RD1	B&D, Firmadoor, R.D, Residential "R1F", 2000 high x 2700 wide Clear Opening C/B
1	KAD1	Premium (TA650DO) Access Door Kit, C/B (S) (Not Available in WA)
1	KWN1	GJames Window Kit, 900H x 1210W (N3) Window P/Coated, (S)

ARCHITECTURAL DRAWING ONLY, NOT FOR CONSTRUCTION USE

BUILDING SUNDOWN SUPER 5870 SPAN x 2400 EAVE x 8400 LONG		
TITLE FLOOR PLAN & ELEVATION		
SCALE A4 SHEET 1:125	DRAWING NUMBER RBSQ01-57214	PAGE 1/1

11.4.2. DA-2023-172 MATERIAL CHANGE OF USE - PLACE OF WORSHIP - 431 GRASSTREE BEACH ROAD, GRASSTREE BEACH

Author	Senior Development Planner (Darryl Bibay)
Responsible Officer	Director Planning, Growth and Sustainability (Aletta Nugent)
File Number	DA-2023-172

Attachments

1. Locality Plan [11.4.2.1 - 1 page]
2. Proposal Plan [11.4.2.2 - 6 pages]
3. Overlay Map [11.4.2.3 - 8 pages]

Application Details

Application Number:	DA-2023-172
Applicant/s:	Yogita K Awalmino
Lodgement Date:	8 September 2023
Approval Sought:	Development Permit
Description of Proposal:	Material Change of Use - Place of Worship
Category of Assessment:	Impact
Related Applications:	Nil
Internal Referral/s:	Infrastructure Planning Health and Regulatory Services
Referral Agencies/s:	Nil
Number of Submission/s:	51
Assessment Officer:	Darryl Bibay

Site Details

Owner/s:	Yogita K Awal
Street Address:	431 Grasstree Beach Road, Grasstree Beach
Real Property Description:	Lot 1 on MPH34802
Zone/s:	Rural

Planning Scheme Details

Planning Scheme:	Mackay Region Planning Scheme 2017 Version 4.0
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Executive Summary

A Development Application has been lodged with Council seeking a Development Permit for a Material Change of Use for a Place of Worship at 431 Grasstree Beach Road, Grasstree Beach, formally known as Lot 1 on MPH34802.

The land over which the Development Application has been lodged is zoned Rural under the Mackay Region Planning Scheme 2017 v4.0 (MRPS).

The Development Application is Impact Assessable and was subject to public notification. Council received a total of 51 submissions comprising seven properly made submissions and 44 not properly made submissions. Two of the not properly made submissions were not in support of the proposed development.

The application is recommended for approval subject to conditions.

Related Parties

- Landowners – Yogita K Awal
- Applicant – Yogita K Awal
- Planning Consultant – Steffan Town Planning
- Other Consultants – S5 Environmental

Corporate Plan Linkage

Live and Visit

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.

Description of Subject Site and Surrounds

The property is located at 431 Grasstree Beach Road, Grasstree Beach formally known as Lot 1 on MPH34802 (refer to Attachment 1 - Locality Plan). The property is zoned Rural and has an area of 2.454 hectares. The lot is serviced by reticulated water, onsite wastewater and overhead electricity.

The site is accessed from an existing driveway located on the southwestern corner of the site off Grasstree Beach Road. The subject site is surrounded by Rural zoned land to the west and reserve land zoned Open Space to the east and west. Township zoned land is located to the south and further east towards the beachfront.

Development Proposal

The proposal is for a Material Change of Use for a Place of Worship, specifically for the use as a Hindu Temple. Place of Worship is defined by the MRPS as the use of premises for:

- (a) *organised worship and other religious activities; or,*
- (b) *social, education or charitable activities, if the use is ancillary to the use in paragraph (a)."*

It is proposed to utilise 117.2m² of the existing building on site, originally used as a Dwelling House (see Attachment 2 – Proposal Plan). Internal features include a kitchen, dining, bathroom and prayer room. The premises has been used as a Place of Worship since 2018, although without development approval.

Operating hours proposed are 7 days a week for 24 hours. Congregations will solely be on Sunday's between 11am to 4pm with a maximum of 40 people.

The site will host temporary events including the Festival of Lights (was held in November 2023) and Festival of Colours (was held in September 2023). Where required, Temporary Event Permits will be obtained. These events typically host between 150 to 200 people.

There are six car parks located immediately adjacent to the building, whilst the remainder of the patrons typically park in the informal area approximately 100 metres south of the building in a cleared area. Signage is placed on the site to direct patrons to the formal and informal parking areas. The building is accessed via the existing driveway off Grasstree Beach on the south-western boundary of the subject site and is constructed of gravel.

On-site infrastructure includes two water tanks, septic system and solar panels. Kerbside collection is utilised to manage waste from the site. Refuse bins are located near the carpark and will be in reach of a hose for regular cleaning.

Referrals

Internal Referral

- Infrastructure Planning
- Health and Regulatory Services.

External Referral

The application did not require referral.

Planning Assessment

Planning Act 2016 and Planning Regulation 2017

As per s45(5) of the *Planning Act 2016* an Impact Assessment is an 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.

Sections 29-31 of the *Planning Regulation 2017* prescribe the assessment benchmarks and matters Impact Assessment must have regard to which has been applied during this assessment.

Mackay Isaac Whitsunday Regional Plan 2012

The Minister has identified that the MRPS appropriately advances the Mackay Isaac Whitsunday Regional Plan 2012, as it applies in the MRPS area. As such, an assessment is not required.

Mackay Region Planning Scheme 2017 Version 4.0:

Assessment of the proposal has been undertaken against the relevant assessment benchmarks. Where the proposal is considered to generally comply, a statement of compliance has been provided. However, where compliance has been unable to be achieved with one or more of the relevant provisions, a more detailed assessment has been provided below.

Assessment Benchmark	Compliance	Officer's Assessment
Acid Sulfate Soils Overlay Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The proposal generally complies with the relevant assessment benchmarks.
Agricultural Land Overlay Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The proposal generally complies with the relevant assessment benchmarks.
Biodiversity Overlay Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The proposal generally complies with the relevant assessment benchmarks.
Bushfire Hazard Overlay Code	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	A further assessment has been provided below.
Flood and Coastal Hazards Overlay Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The proposal generally complies with the relevant assessment benchmarks.
Landscape Character and Image Corridor Overlay Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The proposal generally complies with the relevant assessment benchmarks.
Landslide Hazard Overlay Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	A further assessment has been provided below.
Rural Zone Code	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	A further assessment has been provided below.
Community Activities Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The proposal generally complies with the relevant assessment benchmarks.
General Development Requirements Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The proposal generally complies with the relevant assessment benchmarks.

A detailed assessment has been undertaken against the following codes:

- Bushfire Hazard Overlay Code
- Landslide Hazard Overlay Code
- Rural Zone Code
- Community Activities Code, and
- General Development Requirements Code.

Bushfire Hazard Overlay Code

The subject building is located within the Medium Bushfire Hazard Area with the existing access traversing through High Hazard areas. A Bushfire Attack Level (BAL) Assessment was submitted in support of the application. However, the BAL Assessment does not satisfy the requirements of the Bushfire hazard overlay code in that it does not include a bushfire hazard assessment and relies only on recommending building construction standards and asset protection zones. To achieve compliance with the Bushfire hazard overlay code, a Bushfire Management Plan (BMP) is required to be prepared in accordance with both the Queensland Fire and Emergency Services Bushfire resilient communities document and Planning Scheme Policy – Bushfire. A condition is therefore recommended requiring a BMP to be provided to Council for approval prior to commencement of use.

The BMP will be able to make recommendations to manage bushfire risk through a mixture of asset protection zones to reduce fuel load, building construction upgrades, access upgrades, specifying minimum water storage for fire fighting and identifying emergency evacuation areas and arrangements. It is noted that implementing elements of the BMP may require the clearing of vegetation and other statutory approvals.

A further condition is recommended that requires the approved BMP to be implemented and states that it will form part of the approval.

Landslide Hazard Overlay Code

A portion of the proposed driveway will be located within the Landslide hazard overlay. AO2.3 states:

“Paths, driveways, and roads:

- (a) *are designed to:*
 - (i) *follow natural contours and have the minimum length necessary; and*
 - (ii) *minimise the number of crossings of water courses and drainage lines; and*
- (b) *be sealed with asphalt, concrete or another type of hardstand where traversing a slope greater than 10%; and*
- (c) *do not traverse land with a slope exceeding 25%."*

A condition is recommended that where the slope of the access driveway is 10% or greater, this must be sealed.

Rural Zone Code

The proposal generally complies with the overall intent of the Rural Zone Code, except for the amenity provision contained within Performance Outcome (PO) 15.

PO15 states:

"Development does not generate unreasonable levels of noise, odour, dust, air emission, light or vibration impacts that affect:

- (a) *adjoining and nearby sites within a residential zone; and*
- (b) *adjoining or nearby sites containing an existing sensitive land use."*

The proposal is located 240m from the closest adjoining sensitive land use. Group worship sessions typically operate between 11am to 4pm on a Sunday. For individual worshippers it is open 7 days, 24 hours, however it will predominantly be used between 8am and 5pm. It is acknowledged that worshippers using the site at night would be infrequent and on an individual basis and therefore considered to have minimal impact on the amenity of the area. A condition is recommended that no more than two people can worship between 10pm and 7am.

Community Activities Code

The proposed development is a Place of Worship, being a community activity and is in the Rural zone.

AO2.2 States:

"Community activities outside the Community facilities zone or a multi-purpose centre:

- (a) *fulfil a demonstrated need of residents within the local catchment; and*
- (b) *are located:*
 - (i) *either:*
 - (A) *within a building previously used for community activities or centre activities; or*
 - (B) *adjacent or opposite to existing community activities or centre activities; or*
 - (C) *not within 800 metres of existing community activities or centre activities; and*
 - (ii) *on sub-arterial roads or collector streets; and*
 - (iii) *on a public transport route; and*
 - (iv) *on sites large enough to mitigate potential impacts on adjoining and nearby properties within a sensitive land use zone and existing sensitive land uses; and*
 - (v) *only at ground level."*

Though the location is outside the Community Facilities Zone, the development complies with PO2 in that there is an identified local need, it will not impact designated centres and it is appropriately located so that it will have minimal amenity impacts. With respect to fulfilling a local need, 49 submissions have been received in support of the proposed development. Further, this would be the only Hindu temple within the Mackay Region.

General Development Requirements Code

The proposal generally complies with the intent of the General Development Requirements Code, except for PO12 and PO21.

PO12 states:

“Development generating a significant numbers of vehicle trips can be accessed on an all-weather road that does not create dust nuisance.”

Whilst the driveway is pre-existing, conditions requiring its upgrade and sealing where slopes exceed 10% are recommended to ensure compliance with PO12.

PO21 states:

“The acoustic amenity, privacy and livability of residential areas and sensitive land uses is maintained by ensuring that:

- (a) noise generating development in close proximity to existing and/or future sensitive land uses is located, designed and operated to minimise acoustic impacts on the sensitive land use; and*
- (b) sensitive land uses in close proximity to existing and/or future noise generating uses are located and designed to ensure minimal acoustic impacts on the sensitive land use.*

AO21 states:

“Development is located, designed and operated to achieve the following noise levels when measured from:

- *for proposed sensitive land uses: habitable rooms (assuming open windows) nearest the noise source; and*
- *for proposed noise generating development:*
 - *within the nearest habitable room (assuming open windows) of adjoining / nearby sensitive land uses; and*
 - *2 metres beyond the boundary of the site and 1.5 metres above ground level, here the adjoining site is undeveloped and in a residential zone or intended to accommodate a sensitive land use;*
- (a) background (L90) + 5dB(A) for variable noise between the hours of 7:00 am to 10:00 pm; and*
- (b) background (L90) + 3dB(A) for variable noise between the hours of 10:00 pm and 7:00 am; and*
- (c) background (L90) for continuous noise sources (measured at the facade of the sensitive use between 7:00 am and 10:00 pm and within habitable rooms assuming open windows from 10:00 pm – 7:00 am); and*
- (d) maximum limit LAmax 45dB(A); and*
- (e) the acoustic quality objectives (internal noise criterion) for the particular use identified in the Environmental Protection (Noise) Policy 2008 or, if not listed, the internal sound level design criterion contained in Australian Standard AS/NZS2107 Acoustics – Recommended design sound levels and reverberation times for building interiors.”*

It is proposed for the Place of Worship to be open 7 days, 24 hours. Congregations and use will be predominantly during daylight hours, however it is intended to have the flexibility to be open 24 hours. Congregations will solely be on Sunday's 11am to 4pm with no more than 40 people. Conditions have been recommended to this effect.

The nearest adjoining sensitive land use is 240m to the east. Noting that it is proposed to be open for use 24 hours, a condition is recommended that no more than two people can attend the site between 10pm and 7am.

Public Notification and Submissions

The application was publicly notified for a period of 15 business days and completed on 30 October 2023. Council received seven properly made submissions in support of the proposed development, two not properly made submissions opposed to the development and 42 not properly made submissions in support of the development.

The table below details the various concerns raised by the submitters opposed to the development.

Matter raised	Consideration
Access, driveway and traffic	Group congregations will occur on Sundays where approximately 25-40 people will attend. This will not adversely impact the traffic of the area as the road network has capacity. A condition is recommended requiring the access to be upgraded in accordance with <i>Council's standard drawing A3-08323 Rev D</i> .
Noise	A condition has been recommended that only two people can attend the site between 10pm and 7am. Further conditions have been recommended that congregations can only occur on Sundays between 11am to 4pm. Any festivals will require an appropriate Temporary Entertainment Event Permit as issued by Council's Health and Regulatory Services Program.

Levied Charges

The following Levied Charge as applicable to the proposal have been calculated in accordance with the Adopted Charges Resolution dated 18 December 2023.

Levied Charge Calculation

Credit is greater than the levied charge, therefore no Infrastructure Charge Notice is to be issued.

Adopted Infrastructure Charge Category	Adopted Infrastructure Charge	Demand Units	No. Demand Units	Gross Levied Charge Amount
Places of Assembly	\$60.48 (\$75.60 - Less service discount (20%) as no connection to sewer)	M ² Gross Floor Area (GFA)	117.2m ²	\$7,088.3
	\$10.80 Less service discount if applicable	\$10.80 per Impervious m ² (207.610m L X 3m W) Calculate driveway and parking	622.83m ²	\$6,726.5
		Gross Levied Charge Amount Total		\$13,814.8

Applied Credit Calculation

Adopted Infrastructure Charge Category	Credit Unit	Value of Credit Unit	No. of Credit Units	Applied Credit Amount
Residential	1	\$30,226.70	1	\$30,226.70
Applied Credit Amount Total				\$30,226.70

Net Levied Charge Summary

Gross Levied Charge Amount Total	Applied Credit Amount Total	Net Levied Charge Amount
\$13,814.8	\$30,226.70	Nil Charge

Offsets/ and Refunds

No offsets or refunds are applicable to this application.

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

In the circumstances of refusal, there is a risk that an appeal could be lodged by the Applicant and Submitters for the development in the Planning and Environment Court against Council's decision.

Conclusion

Overall, there is sufficient justification to approve the development application and the issues raised in the submissions have been addressed or can be conditioned. Therefore, it is recommended that the application be approved.

Officer's Recommendation

THAT Council approve the Development Application DA-2023-172 for a Material Change of Use for a Place of Worship over land at 413 Grasstree Beach Road, Grasstree Beach (formally described as described as Lot 1 on MPH34801) subject to the following conditions:

Approved Plan(s) and Document(s)

The development must generally comply with the plan(s) and supporting documentation referenced in the table below and enclosed as stamped 'Approved Subject to Conditions' which forms part of this approval, unless otherwise specified by any condition of this approval.

Plan/ Document Name	Drawing Number	Prepared by	Date
PM1037	A000 Issue A Cover Page	Place Mate Architects	14/08/23
PM1037	A001 Issue A Drawing List	Place Mate Architects	14/08/23
PM1037	A100 Issue A Site Plan	Place Mate Architects	14/08/23

PM1037	A120 Issue A Floor Plan	Place Mate Architects	14/08/23
PM1037	A200 Issue A Elevations Plan	Place Mate Architects	14/08/23
PM1037	A201 Issue A Elevations Plan	Place Mate Architects	14/08/23

Condition		Timing
1)	<p>Carry Out the Approved Development</p> <p>Carry out the approved development 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, including recommendations and findings confirmed within technical reports; 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.
2)	<p>Maintain the Approved Development</p> <p>Maintain the approved development generally in accordance with the approved plan(s), document(s), conditions of approval, and any other approval required by the conditions.</p>	At all times.
3)	<p>Damage to Infrastructure and Land</p> <p>Notify Council immediately if any Council infrastructure or land is damaged as a result of construction activities occurring and have it repaired, replaced or reinstated at no cost to Council.</p>	At all times.
4)	<p>Notice of Intention to Commence Use</p> <p>Return the attached 'Notice of Intention to Commence Use' confirming that the development complies with all conditions of the approval.</p>	Prior to commencement of use.
5)	<p>General Amenity Provision</p> <p>Ensure the use is managed so that the amenity of the area is not adversely affected through:</p> <ul style="list-style-type: none"> a) The transport of materials or goods to or from the subject site; and b) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, water products, grit or oil; and c) The location of all service equipment, lighting and air conditioning units as to not cause nuisance to neighbouring properties. 	At all times.
6)	<p>Operation of Use</p> <ul style="list-style-type: none"> a) Ensure the premises are restricted to no more than 2 persons at any one time between 10pm and 7am; and 	At all times.

Condition		Timing	
	b) Congregations only occur on Sundays between 11am and 4pm and do not exceed 40 people at any one time.		
7)	On-site Wastewater Treatment a) Confirm by a licensed Plumber that the existing on-site wastewater treatment system and effluent disposal area is fit for purpose for the approved use in accordance with <i>Plumbing and Drainage Act 2018</i> , <i>AS/NZS 1547:2012 On-site Domestic Wastewater Management</i> and <i>Queensland Plumbing and Wastewater Code</i> ; or b) Obtain a plumbing and drainage works permit and final plumbing and drainage works certificate in accordance with the <i>National Construction Code</i> and the <i>Plumbing and Drainage Act 2018</i> for a new on-site wastewater treatment system and effluent disposal area for the approved use.	Prior commencement use.	to of
8)	Building Work a) Obtain a building work development permit to reclassify the Class 1A building to a Class 9b in accordance with the <i>Building Act 1975</i> and the <i>Planning Act 2016</i> . b) Obtain a <i>Form 11 Certificate of Occupation</i> verifying the work has been completed in accordance with a) above.	Prior commencement use.	to of
9)	Refuse Storage Area Construct a refuse storage area provided in the location shown on the approved plans of development and the following: a) Contain an impervious surface area; and b) Contain sufficient space for the storage of adequately sized refuse and recycling bins; and a) Be screened so that they are not visible from the road frontage/s and adjoining properties.	Prior commencement use.	to of
10)	Bushfire Management a) Provide a Bushfire Management Plan in accordance with the methodology in the <i>Queensland Fire and Emergency Services (QFES) Bushfire resilient communities document</i> and <i>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; and b) Implement the requirements and recommendations of the approved Bushfire Management Plan. The approved document will form part of the approval.	Prior commencement use.	to of
11)	Access Undertake the following: a) Obtain a Minor Works Permit in accordance with <i>Local Law No. 1 (Administration) 2011</i> ; and	Prior commencement use.	to of

Condition	Timing
<ul style="list-style-type: none"> b) Submit a detailed design of the vehicular access including a sight distance assessment prepared by a suitably qualified professional generally in accordance with Council's standard drawing <i>A3-08323 Rev D</i>; and c) Construct an invert crossing and concrete driveway for access to Grasstree Beach Road at the location shown on the approved plans, in accordance with Council's <i>Standard Drawing A3-08323 Rev D</i>; and d) Seal the driveway pavement where the slope exceeds 10%. 	
12) On-Site Car Parking Requirements <ul style="list-style-type: none"> a) Construct a minimum of 6 car parking space in accordance with <i>AS/NZS 2890.1:2004 Parking facilities – Off-street Car Parking</i> and Austroads. b) Construct disability car parking spaces in accordance with <i>AS 2890.6:2022 Parking Facilities - Off-Street Parking for People with Disabilities</i>, including parking bay dimensions and shared area. c) Construct all driveway and vehicular manoeuvring areas being imperviously sealed, drained and line marked. d) Provide a 125mm high vertical concrete kerb adjacent to the car parking area/s; and e) Provide wheel stops to car parking bays abutting walls, footpaths and landscaping. 	Prior commencement to use.
13) Lawful Point of Discharge <p>Direct all stormwater from the site (including roof water) to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development.</p>	At all times.
14) Concentration of Stormwater <p>Ensure the development does not create ponding nuisances and/or a concentration of stormwater flows to adjoining properties. Stormwater formerly flowing onto the site must not be diverted onto other sites. The site shall be free draining.</p>	At all times.

Assessment Manager's Advice	
1)	Infrastructure Charges Notice <p>No Infrastructure Charges are applicable to this development as the credits on the land exceed the charges.</p>
2)	Cultural Heritage <p>The <i>Aboriginal Cultural Heritage Act 2003</i> establishes a Duty of Care for indigenous cultural heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting the activity. Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care.</p> <p>Those proposing an activity that involves additional surface disturbance beyond that which has already occurred on the proposed site need to be mindful of the Duty of Care requirement. Details of how to fulfil the Duty of Care are outlined in the Duty of Care Guidelines gazetted with the <i>Aboriginal Cultural Heritage Act 2003</i>.</p>

Assessment Manager's Advice	
	<p>Council strongly advises that you contact the relevant state agency to obtain a copy of the Duty of Care Guidelines and further information on the responsibilities of Applicant under the terms of the <i>Aboriginal Cultural Heritage Act 2003</i>.</p> <p>The Duty of Care Guidelines provide further guidance on identifying and protecting Aboriginal cultural heritage and can be accessed here.</p>
3)	<p>Environmental Nuisance</p> <p>Construction or operational activities, including but not limited to the operation of mechanical plant and equipment, must not cause an 'environmental nuisance' within the meaning of the <i>Environmental Protection Act 1994</i> to any sensitive receptor as stated within Schedule 1 of the <i>Environmental Protection (Noise) Policy 2019</i>.</p> <p>It is the Applicant and owner's responsibility to ensure compliance with Section 440R of the <i>Environmental Protection Act 1994</i>, which prohibits any construction, building and earthworks activities likely to cause audible noise (including the entry and departure of heavy vehicles) between the hours of 6:30pm and 6:30am from Monday to Saturday and at all times on Sundays or Public Holidays.</p>
4)	<p>Sedimentation Control</p> <p>It is the Applicant/owner's responsibility to ensure compliance with Chapter 8, Part 3C of the <i>Environmental Protection Act 1994</i> to prevent soil erosion and contamination of the stormwater drainage system and waterways.</p>
5)	<p>Cyclone Watch Site Management</p> <p>All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council, prior to commencement of works.</p>
6)	<p>Local Laws</p> <p>The approved development must also comply with Council's current Local Laws under the <i>Local Government Act 2009</i>.</p>
7)	<p>General Safety of Public During Construction</p> <p>It is the principal contractor's responsibility to ensure compliance with Section 19 (2) of the <i>Work Health and Safety Act 2011</i>. Section 19 (2) states that a person conducting a business or undertaking must ensure that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.</p> <p>It is the responsibility of the person in control of the workplace to ensure compliance with Section 20 (2) of the <i>Work Health and Safety Act 2011</i>. Sections 20 (2) states that the person in control of the workplace is obliged to ensure that the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person.</p>
8)	<p>Bushfire</p> <p>The Building Certifier is responsible for assessing whether the proposed development meets the relevant construction requirements in accordance with <i>AS3959-2009 Construction of buildings in bushfire-prone areas</i>.</p>
9)	<p>Noise During Construction and Noise in General</p>

Assessment Manager's Advice	
	It is the Applicant/owner's responsibility to ensure compliance with chapter 8, part 3B of the <i>Environmental Protection Act 1994</i> .
10)	Temporary Event Permit An application for a Temporary Event Permit is required for all future festivals and events outside of this approval.

Dr Awal Rajendra spoke in support of Support for DA-2023-172 Material Change of Use - Place of Worship - 431 Grasstree Beach Road, Grasstree Beach. Dr Rajendra spoke how warmly they were welcomed into the community working in the hospitals in Mackay, Dysart, Sarina and surrounds. Dr Rajendra and his wife started small group home prayer meetings with 20-30 people and established the Temple in April 2018. Dr Rajendra requests support to establish a Hindu place of worship to allow more people to build a better community.

Council Resolution ORD-2024-7

THAT Council approve the Development Application DA-2023-172 for a Material Change of Use for a Place of Worship over land at 413 Grasstree Beach Road, Grasstree Beach (formally described as described as Lot 1 on MPH34801) subject to the following conditions:

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Condition	Timing
<p>1) Carry Out the Approved Development</p> <p>Carry out the approved development 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, including recommendations and findings confirmed within technical reports; 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) Maintain the Approved Development</p> <p>Maintain the approved development generally in accordance with the approved plan(s), document(s), conditions of approval, and any other approval required by the conditions.</p>	At all times.
<p>3) Damage to Infrastructure and Land</p> <p>Notify Council immediately if any Council infrastructure or land is damaged as a result of construction activities occurring and have it repaired, replaced or reinstated at no cost to Council.</p>	At all times.
<p>4) Notice of Intention to Commence Use</p> <p>Return the attached 'Notice of Intention to Commence Use' confirming that the development complies with all conditions of the approval.</p>	Prior to commencement of use.
<p>5) General Amenity Provision</p> <p>Ensure the use is managed so that the amenity of the area is not adversely affected through:</p> <ul style="list-style-type: none"> a) The transport of materials or goods to or from the subject site; and b) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, water products, grit or oil; and c) The location of all service equipment, lighting and air conditioning units as to not cause nuisance to neighbouring properties. 	At all times.
<p>6) Operation of Use</p> <ul style="list-style-type: none"> a) Ensure the premises are restricted to no more than 2 persons at any one time between 10pm and 7am; and b) Congregations only occur on Sundays between 11am and 4pm and do not exceed 40 people at any one time. 	At all times.
<p>7) On-site Wastewater Treatment</p>	

Condition	Timing
<ul style="list-style-type: none"> a) Confirm by a licensed Plumber that the existing on-site wastewater treatment system and effluent disposal area is fit for purpose for the approved use in accordance with <i>Plumbing and Drainage Act 2018</i>, <i>AS/NZS 1547:2012 On-site Domestic Wastewater Management</i> and <i>Queensland Plumbing and Wastewater Code</i>; or b) Obtain a plumbing and drainage works permit and final plumbing and drainage works certificate in accordance with the <i>National Construction Code</i> and the <i>Plumbing and Drainage Act 2018</i> for a new on-site wastewater treatment system and effluent disposal area for the approved use. 	Prior to commencement of use.
8) Building Work <ul style="list-style-type: none"> a) Obtain a building work development permit to reclassify the Class 1A building to a Class 9b in accordance with the <i>Building Act 1975</i> and the <i>Planning Act 2016</i>. b) Obtain a <i>Form 11 Certificate of Occupation</i> verifying the work has been completed in accordance with a) above. 	Prior to commencement of use. Prior to commencement of use.
9) Refuse Storage Area <p>Construct a refuse storage area provided in the location shown on the approved plans of development and the following:</p> <ul style="list-style-type: none"> a) Contain an impervious surface area; and b) Contain sufficient space for the storage of adequately sized refuse and recycling bins; and a) Be screened so that they are not visible from the road frontage/s and adjoining properties. 	Prior to commencement of use.
10) Bushfire Management <ul style="list-style-type: none"> a) Provide a Bushfire Management Plan in accordance with the methodology in the <i>Queensland Fire and Emergency Services (QFES) Bushfire resilient communities document</i> and <i>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; and b) Implement the requirements and recommendations of the approved Bushfire Management Plan. The approved document will form part of the approval. 	Prior to commencement of use. Prior to commencement of use.
11) Access <p>Undertake the following:</p> <ul style="list-style-type: none"> a) Obtain a Minor Works Permit in accordance with <i>Local Law No. 1 (Administration) 2011</i>; and b) Submit a detailed design of the vehicular access including a sight distance assessment prepared by a suitably qualified professional generally in accordance with Council's standard drawing <i>A3-08323 Rev D</i>; and c) Construct an invert crossing and concrete driveway for access to Grasstree Beach Road at the location shown on the approved plans, in accordance 	Prior to commencement of use.

Condition		Timing
	with Council's <i>Standard Drawing A3-08323 Rev D</i> ; and d) Seal the driveway pavement where the slope exceeds 10%.	
12)	On-Site Car Parking Requirements a) Construct a minimum of 6 car parking space in accordance with <i>AS/NZS 2890.1:2004 Parking facilities – Off-street Car Parking</i> and Austroads. b) Construct disability car parking spaces in accordance with <i>AS 2890.6:2022 Parking Facilities - Off-Street Parking for People with Disabilities</i> , including parking bay dimensions and shared area. c) Construct all driveway and vehicular manoeuvring areas being imperviously sealed, drained and line marked. d) Provide a 125mm high vertical concrete kerb adjacent to the car parking area/s; and e) Provide wheel stops to car parking bays abutting walls, footpaths and landscaping.	Prior to commencement of use.
13)	Lawful Point of Discharge Direct all stormwater from the site (including roof water) to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development.	At all times.
14)	Concentration of Stormwater Ensure the development does not create ponding nuisances and/or a concentration of stormwater flows to adjoining properties. Stormwater formerly flowing onto the site must not be diverted onto other sites. The site shall be free draining.	At all times.

Assessment Manager's Advice	
1)	Infrastructure Charges Notice No Infrastructure Charges are applicable to this development as the credits on the land exceed the charges.
2)	Cultural Heritage The <i>Aboriginal Cultural Heritage Act 2003</i> establishes a Duty of Care for indigenous cultural heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting the activity. Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care. Those proposing an activity that involves additional surface disturbance beyond that which has already occurred on the proposed site need to be mindful of the Duty of Care requirement. Details of how to fulfil the Duty of Care are outlined in the Duty of Care Guidelines gazetted with the <i>Aboriginal Cultural Heritage Act 2003</i> . Council strongly advises that you contact the relevant state agency to obtain a copy of the Duty of Care Guidelines and further information on the responsibilities of Applicant under the terms of the <i>Aboriginal Cultural Heritage Act 2003</i> .

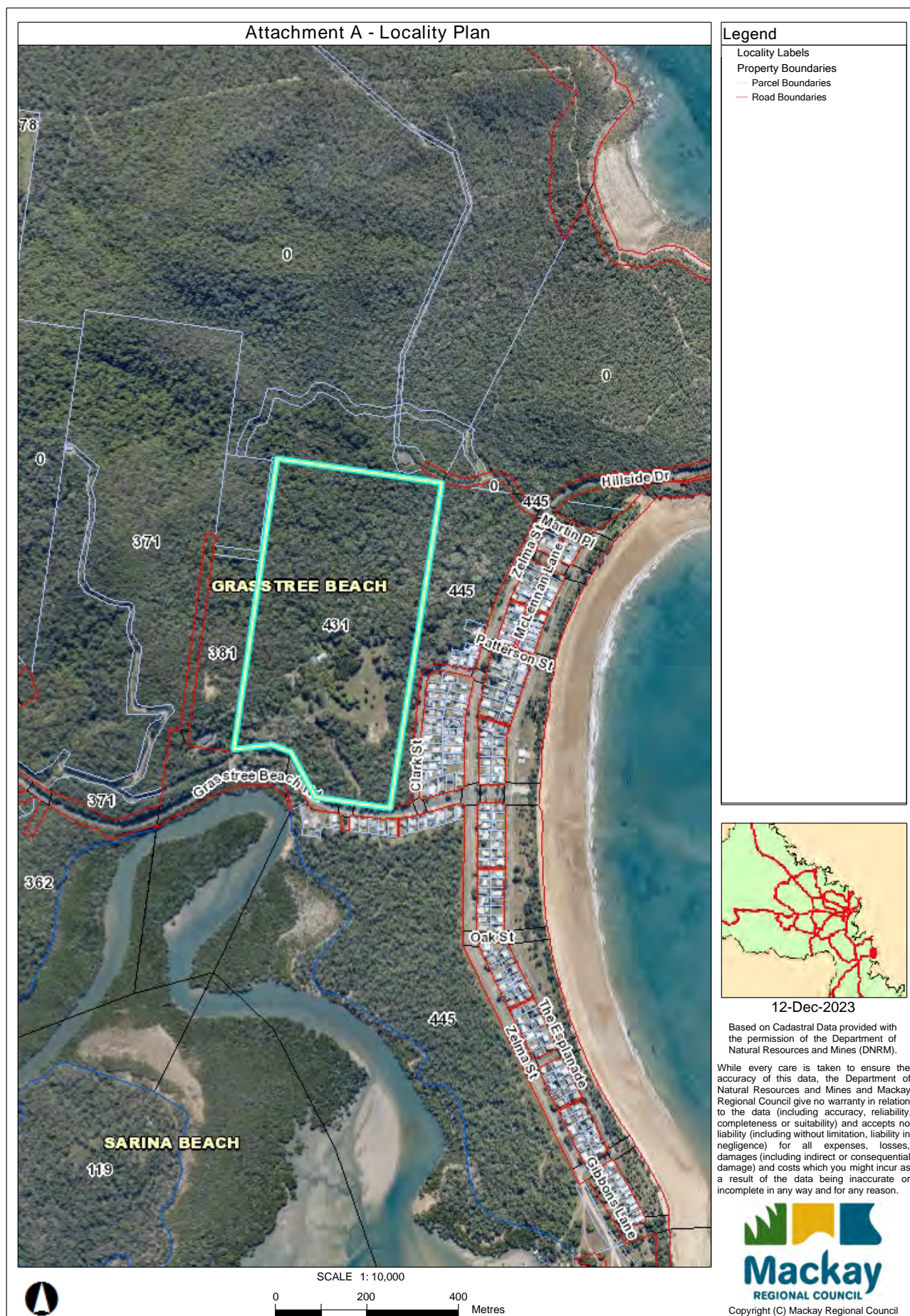
Assessment Manager's Advice	
	The Duty of Care Guidelines provide further guidance on identifying and protecting Aboriginal cultural heritage and can be accessed here .
3)	<p>Environmental Nuisance</p> <p>Construction or operational activities, including but not limited to the operation of mechanical plant and equipment, must not cause an 'environmental nuisance' within the meaning of the <i>Environmental Protection Act 1994</i> to any sensitive receptor as stated within Schedule 1 of the <i>Environmental Protection (Noise) Policy 2019</i>.</p> <p>It is the Applicant and owner's responsibility to ensure compliance with Section 440R of the <i>Environmental Protection Act 1994</i>, which prohibits any construction, building and earthworks activities likely to cause audible noise (including the entry and departure of heavy vehicles) between the hours of 6:30pm and 6:30am from Monday to Saturday and at all times on Sundays or Public Holidays.</p>
4)	<p>Sedimentation Control</p> <p>It is the Applicant/owner's responsibility to ensure compliance with Chapter 8, Part 3C of the <i>Environmental Protection Act 1994</i> to prevent soil erosion and contamination of the stormwater drainage system and waterways.</p>
5)	<p>Cyclone Watch Site Management</p> <p>All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council, prior to commencement of works.</p>
6)	<p>Local Laws</p> <p>The approved development must also comply with Council's current Local Laws under the <i>Local Government Act 2009</i>.</p>
7)	<p>General Safety of Public During Construction</p> <p>It is the principal contractor's responsibility to ensure compliance with Section 19 (2) of the <i>Work Health and Safety Act 2011</i>. Section 19 (2) states that a person conducting a business or undertaking must ensure that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.</p> <p>It is the responsibility of the person in control of the workplace to ensure compliance with Section 20 (2) of the <i>Work Health and Safety Act 2011</i>. Sections 20 (2) states that the person in control of the workplace is obliged to ensure that the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person.</p>
8)	<p>Bushfire</p> <p>The Building Certifier is responsible for assessing whether the proposed development meets the relevant construction requirements in accordance with <i>AS3959-2009 Construction of buildings in bushfire-prone areas</i>.</p>
9)	<p>Noise During Construction and Noise in General</p> <p>It is the Applicant/owner's responsibility to ensure compliance with chapter 8, part 3B of the <i>Environmental Protection Act 1994</i>.</p>

10)	Temporary Event Permit An application for a Temporary Event Permit is required for all future festivals and events outside of this approval.
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Moved Cr Bella

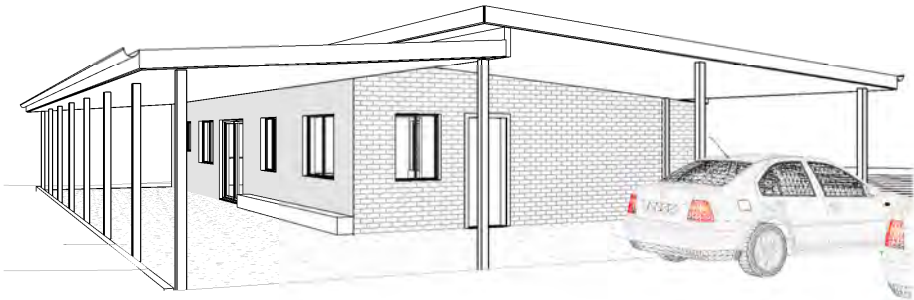
Seconded Cr Jones

CARRIED UNANIMOUSLY



431 GRASSTREE BEACH RD. GRASSTREE BEACH
YOGITA AND RAJENDRA AWAL
DEVELOPMENT APPLICATION

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Client Name
**YOGITA & RAJENDRA
AWAL**

Project
**431 GRASSTREE BEACH
RD, GRASSTREE BEACH**

Drawing Name
COVER PAGE

Scale: Job No: **PM1037**
Drawn By: KK Drawing No: **A000**
Checked by: JH Date: **14/08/23**
Stage: CD Issue: **A**

DRAWING ISSUE MEASURED DRAWING			
Issue	Date	Description	Issued To
A	14/08/23	DEVELOPMENT APPLICATION	O, F, P

DRAWING LIST CONCEPT DRAWING			
Pages	Sheet Name	Scale	Issued
A000	COVER PAGE	N/A	A
A001	DRAWING LIST	N/A	A
A100	SITE PLAN	1:200	A
A120	FLOOR PLAN EXISTING	1:100	A
A200	ELEVATIONS	1:100	A
A201	ELEVATIONS	1:100	A

O - Owner F - File C - Certifier S - Structural Engineer B - Builder P - Planner E - Energy Assessor

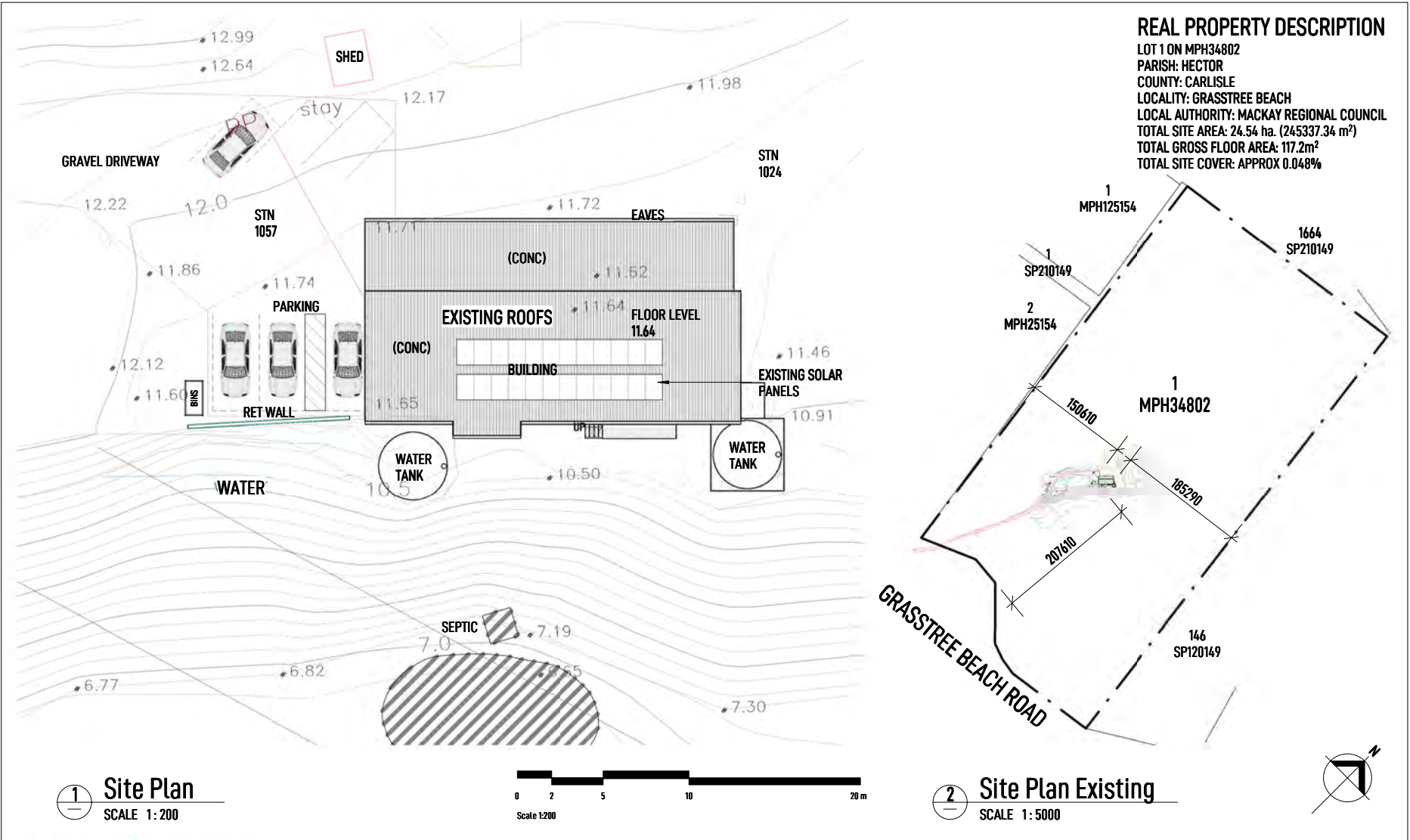


Client Name
**YOGITA & RAJENDRA
AWAL**

Project
**431 GRASSTREE BEACH
RD, GRASSTREE BEACH**

Drawing Name
DRAWING LIST

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Drawn By: KK Drawing No: **A001**
Checked by: JH Date: **14/08/23**
Stage: CD Issue: **A**

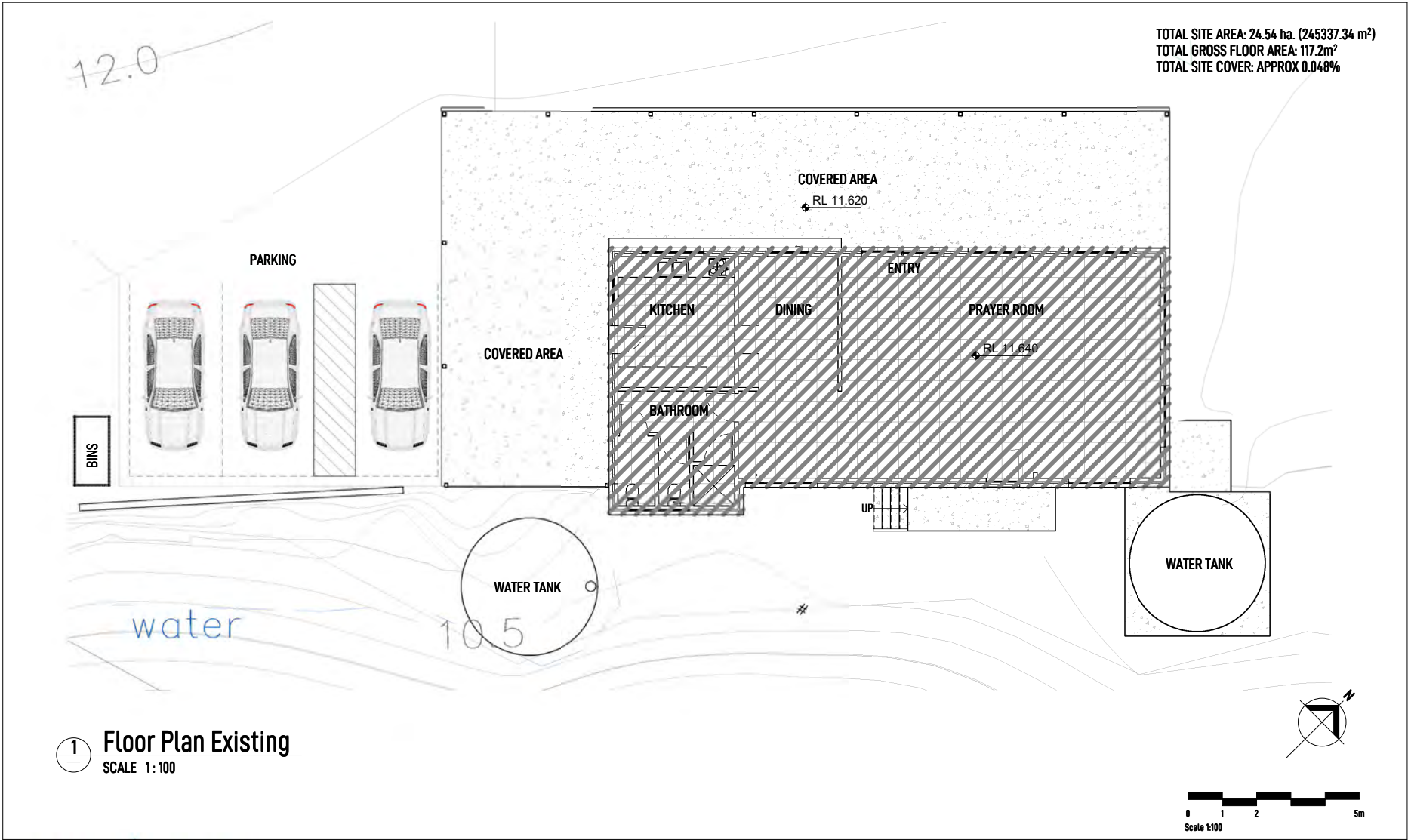


Client Name
**YOGITA & RAJENDRA
AWAL**

Project
**431 GRASSTREE BEACH
RD, GRASSTREE BEACH**

Drawing Name
SITE PLAN

Scale: As indicated
Job No: **PM1037**
Drawn By: **KK**
Drawing No: **A100**
Checked by: **JH**
Date: **14/08/23**
Stage: **CD**
Issue: **A**

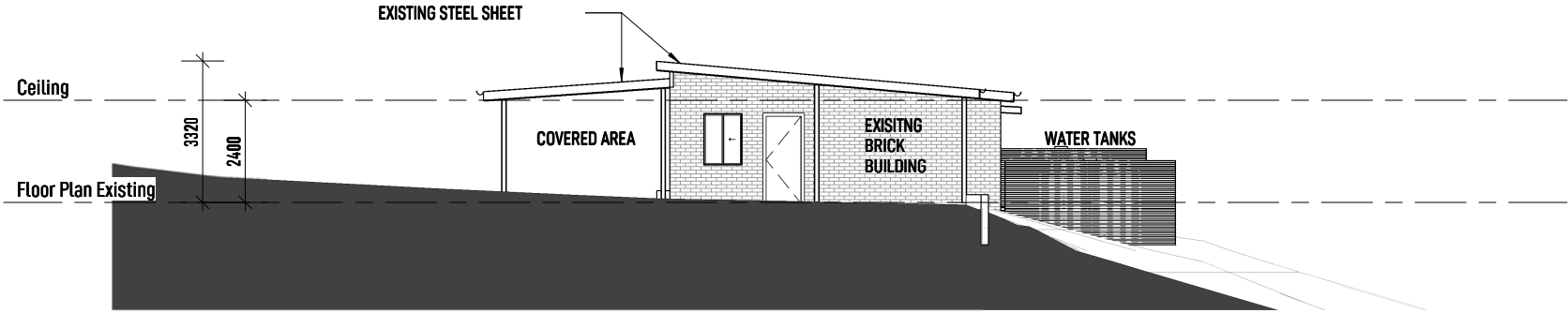


Client Name
**YOGITA & RAJENDRA
AWAL**

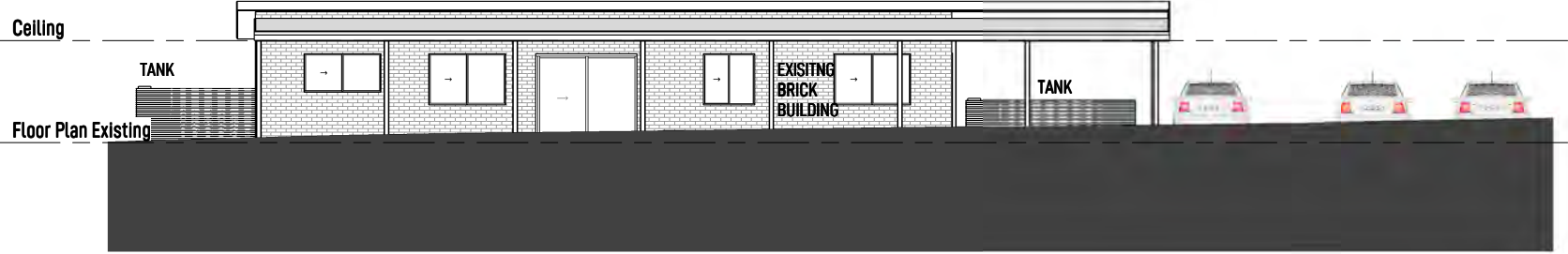
Project
**431 GRASSTREE BEACH
RD, GRASSTREE BEACH**

Drawing Name
**FLOOR PLAN
EXISTING**

Scale: As indicated
Job No: **PM1037**
Drawn By: **KK** Drawing No: **A120**
Checked by: **JH** Date: **14/08/23**
Stage: **CD** Issue: **A**



1 Southwest Elevation
SCALE 1:100



2 Northwest Elevation
SCALE 1:100

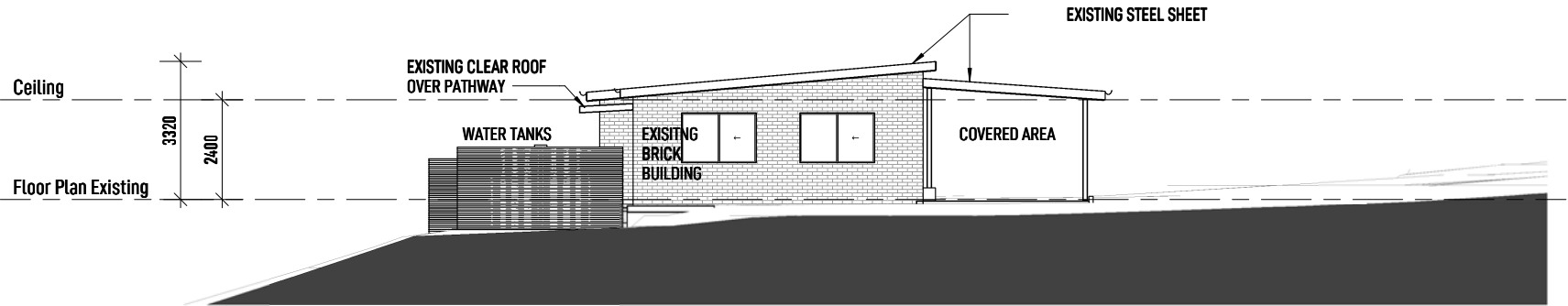


Client Name
**YOGITA & RAJENDRA
AWAL**

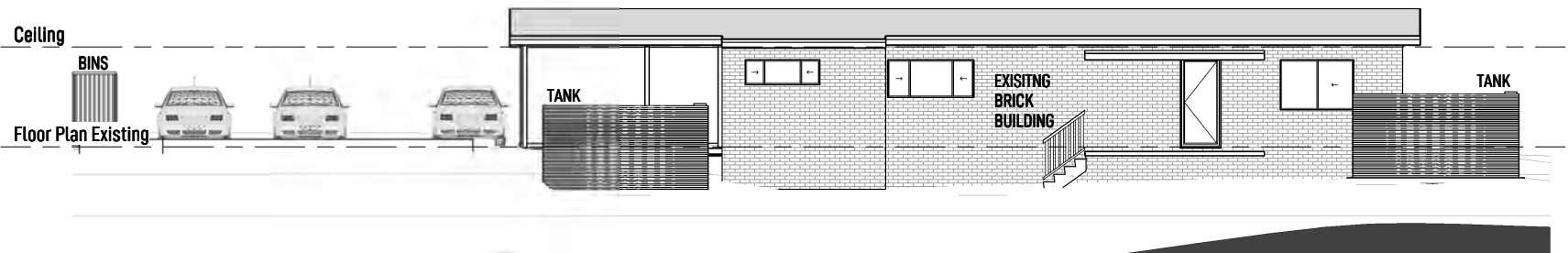
Project
**431 GRASSTREE BEACH
RD, GRASSTREE BEACH**

Drawing Name
ELEVATIONS

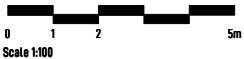
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Checked by: JH Date: **14/08/23**
Stage: CD Issue: **A**



1 Northeast Elevation
SCALE 1:100



2 Southeast Elevation
SCALE 1:100

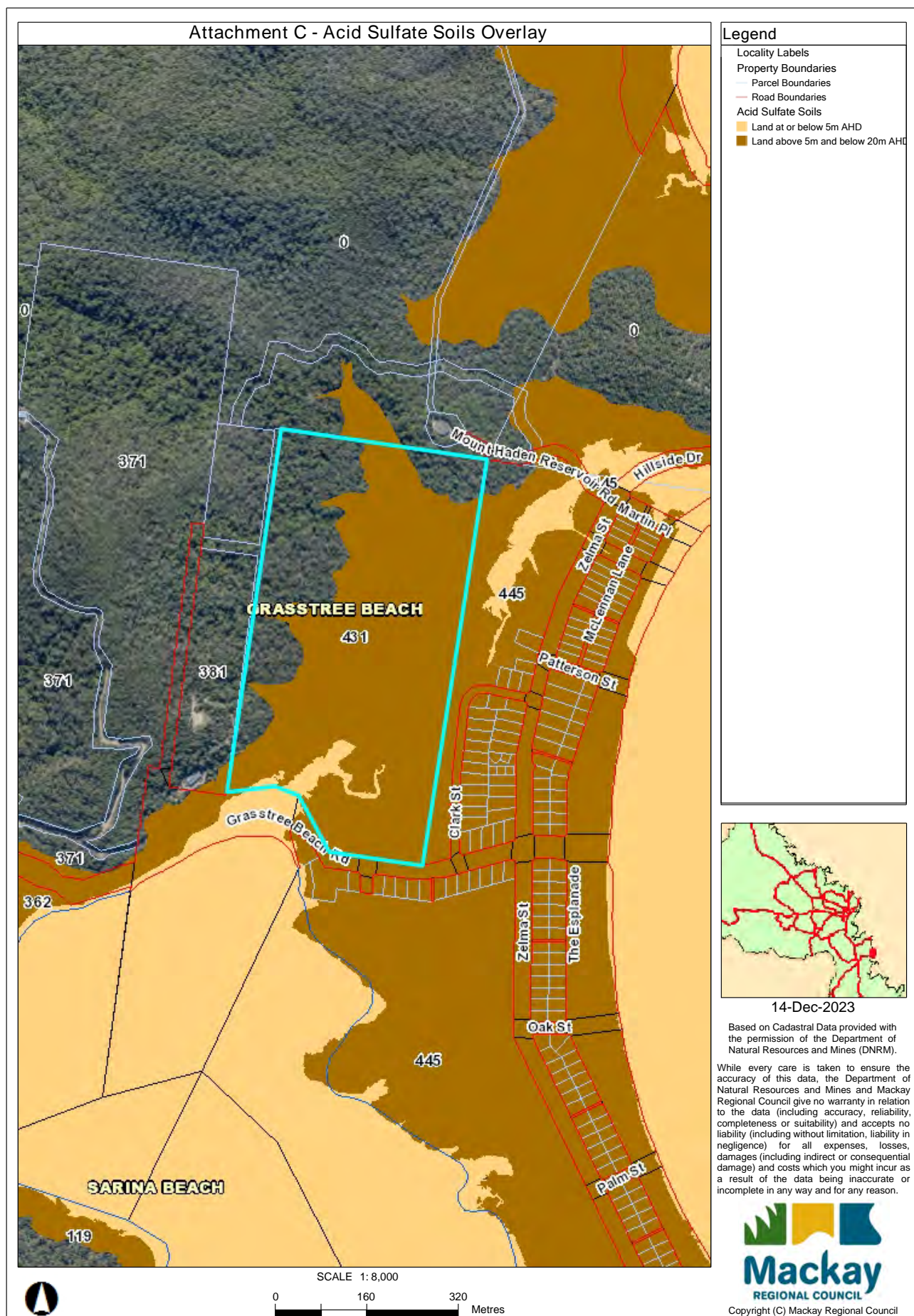


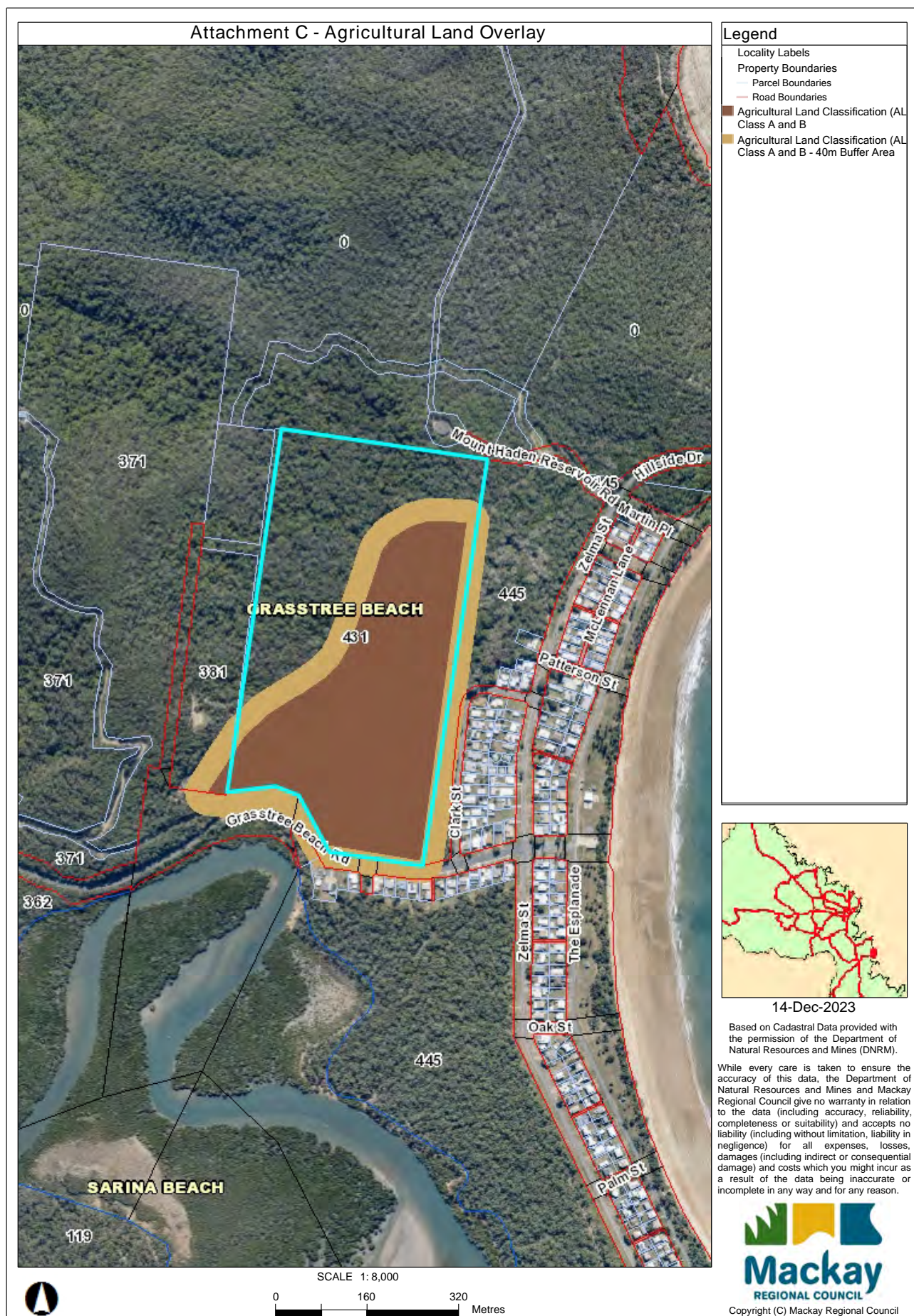
Client Name
**YOGITA & RAJENDRA
AWAL**

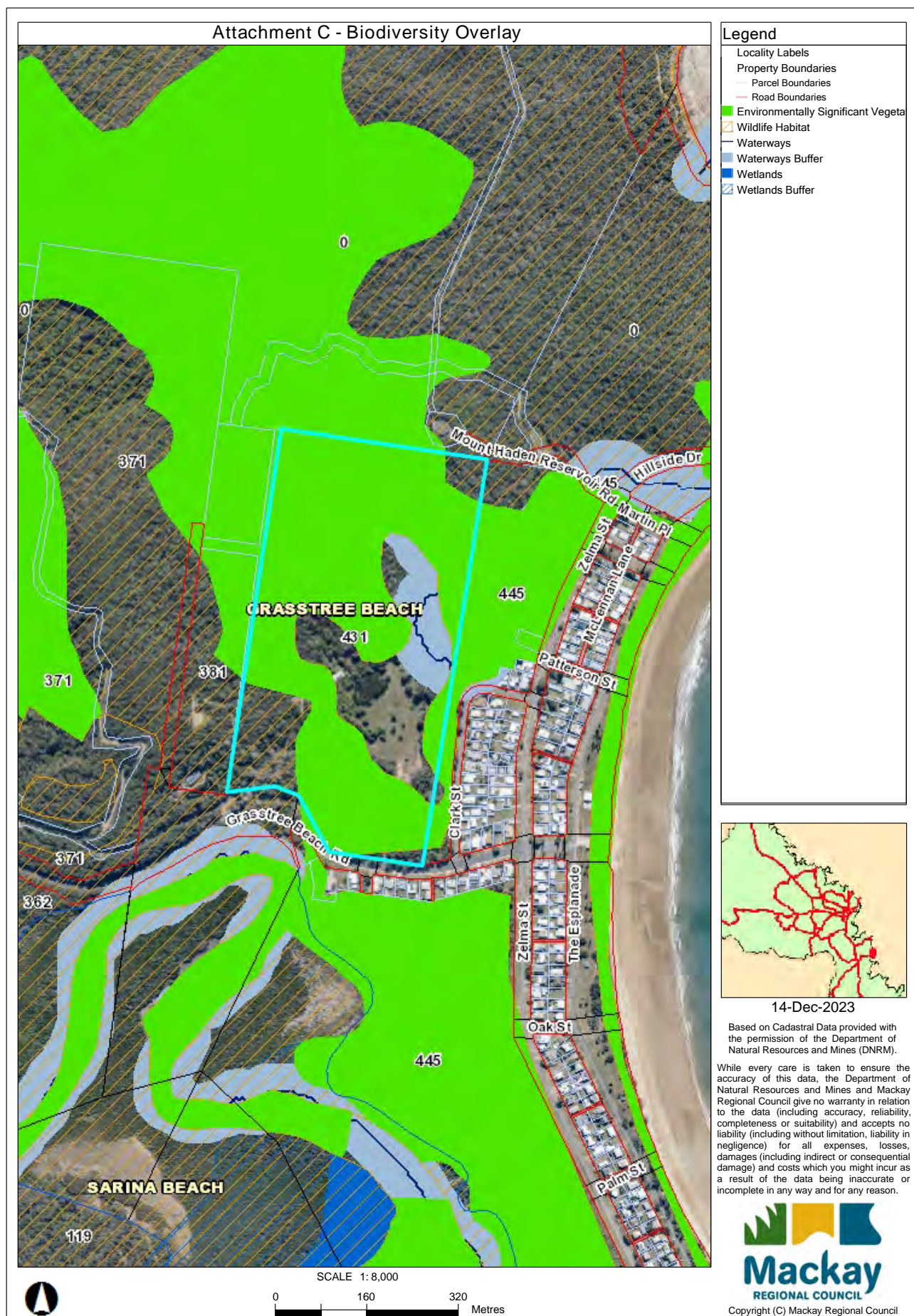
Project
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RD, GRASSTREE BEACH**

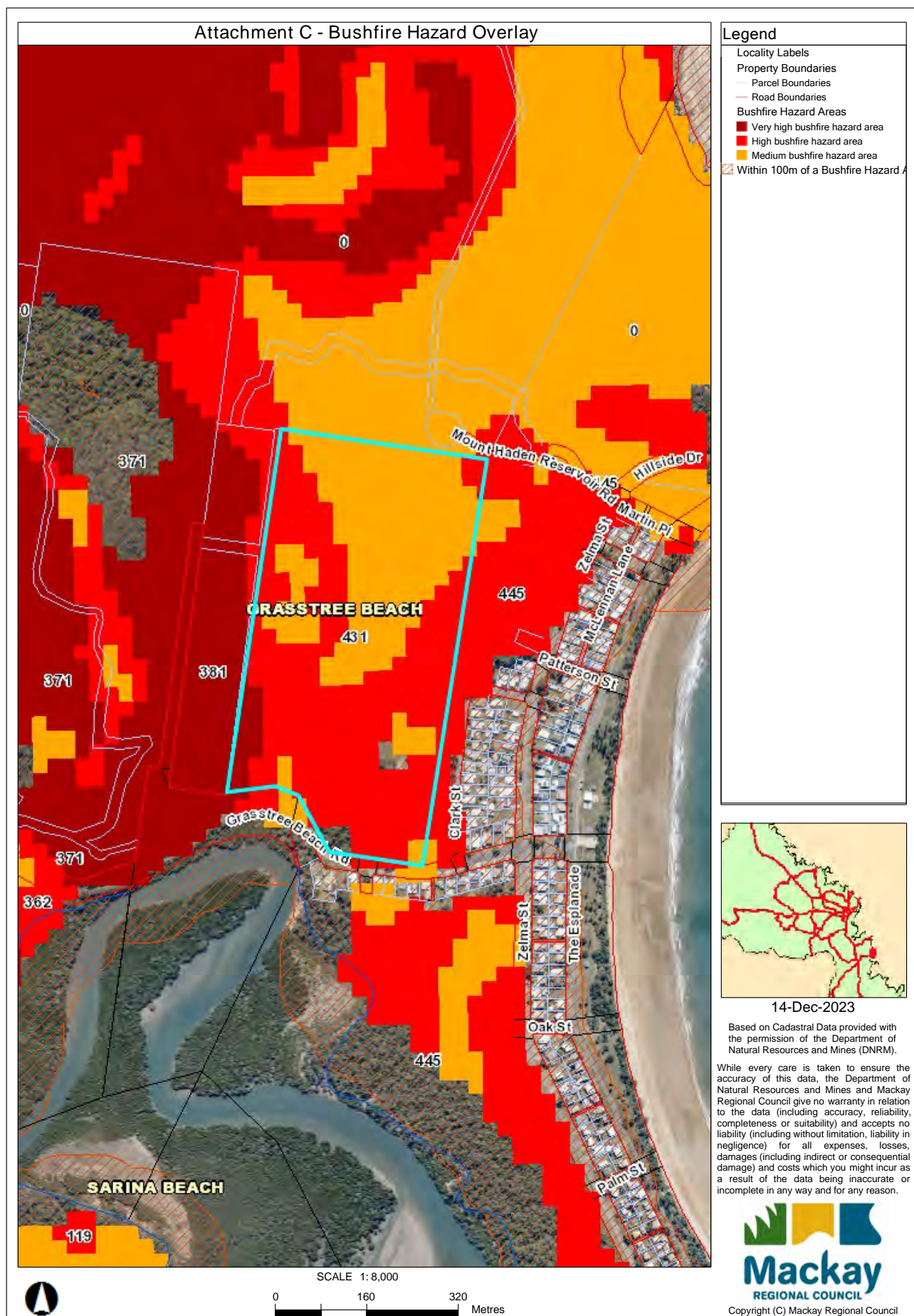
Drawing Name
ELEVATIONS

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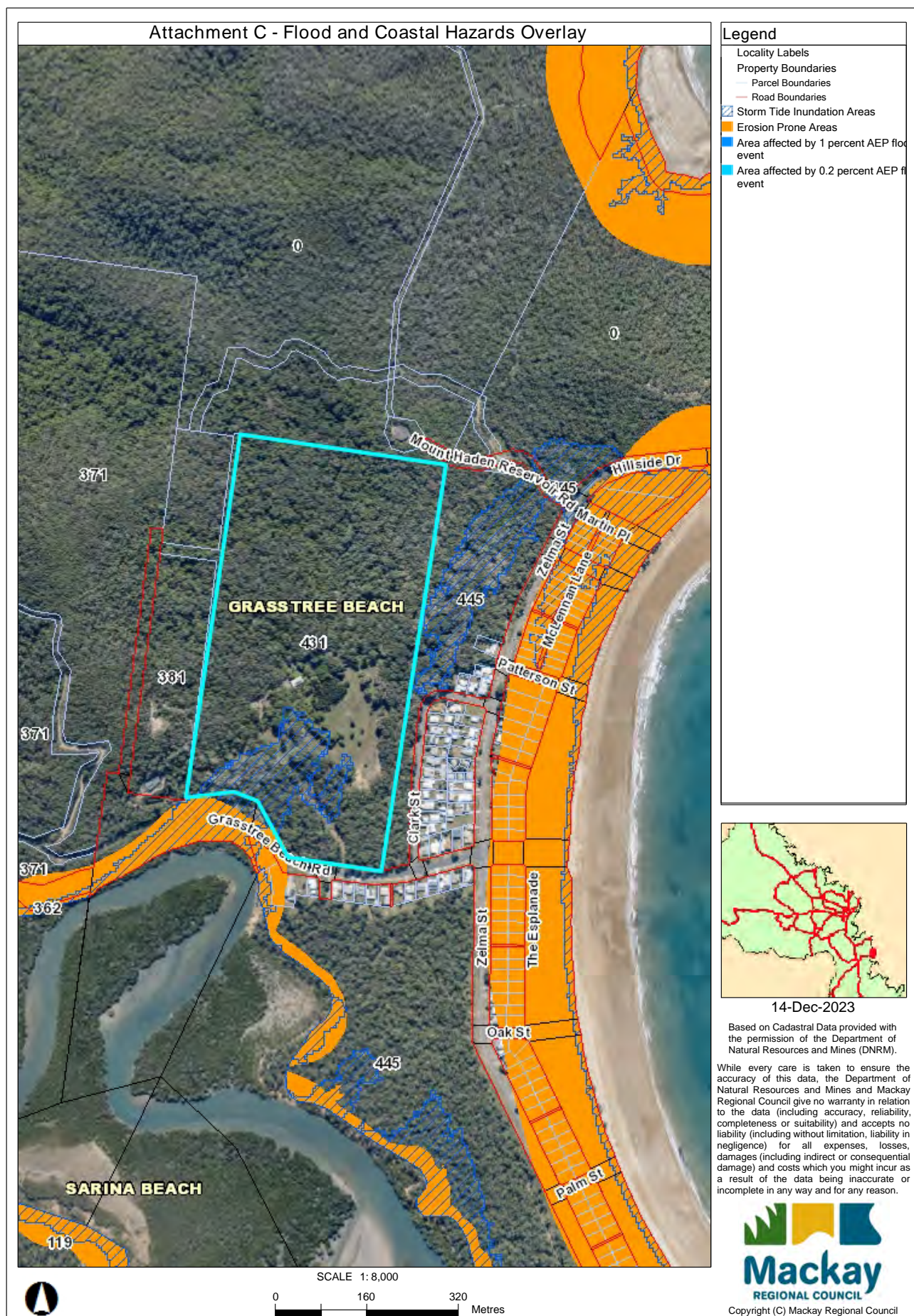


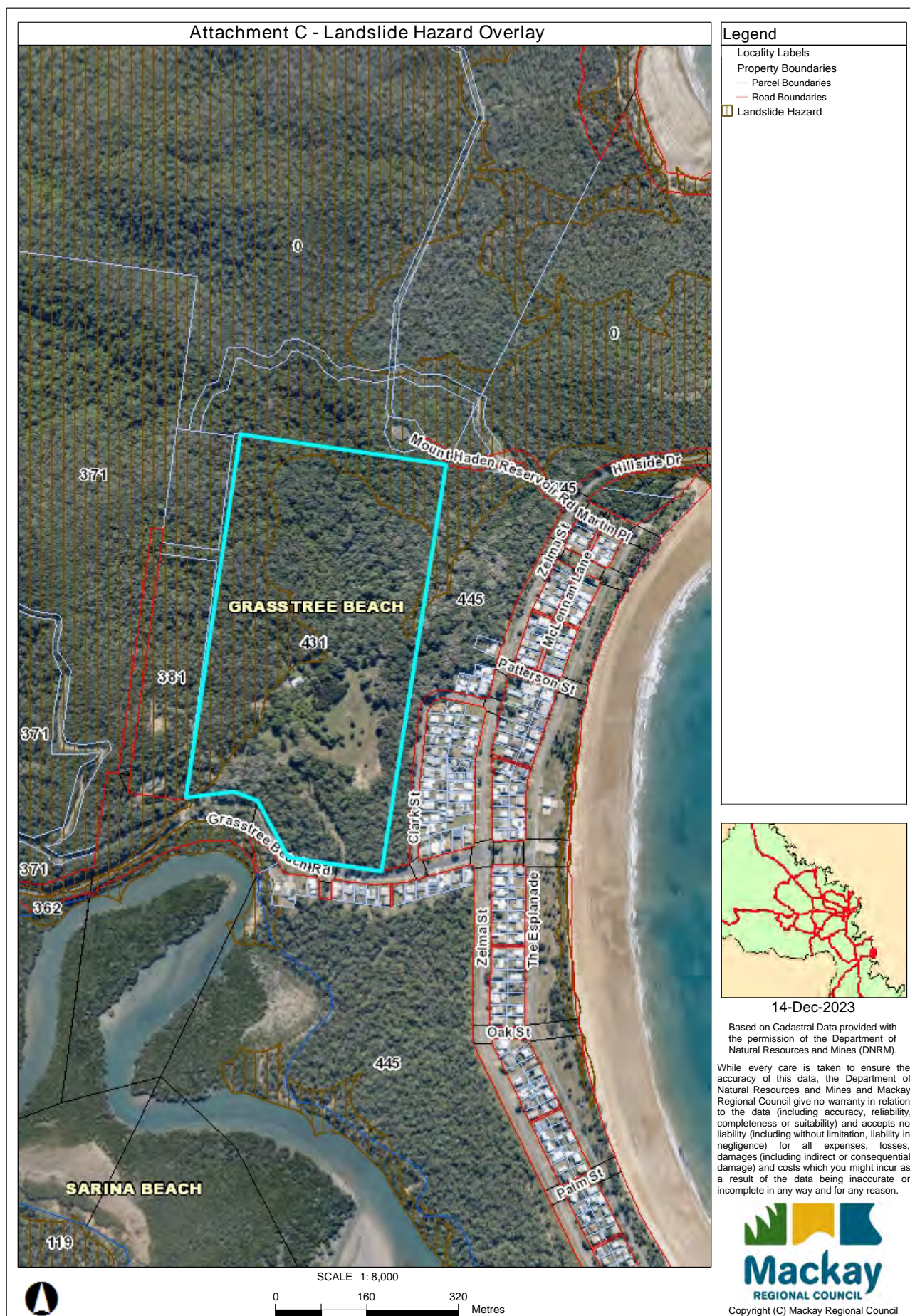


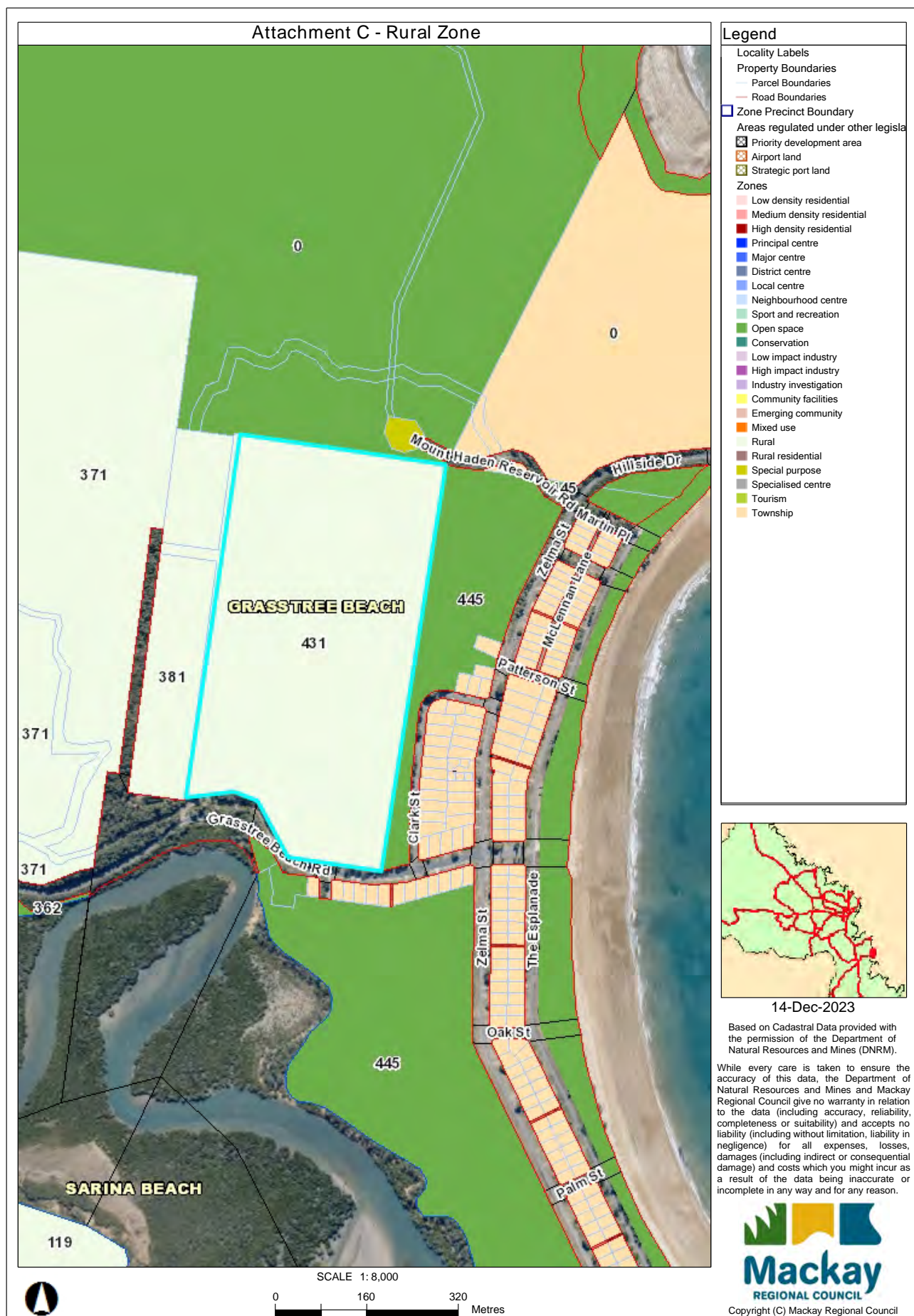












11.5. INFRASTRUCTURE AND OPERATIONS

11.5.1. MRC 2014-072 RECYCLABLES PROCESSING SERVICES

DEED OF AMENDMENT CONTRACTUAL ARRANGEMENT- MRC 2014-072 RECYCLABLES PROCESSING SERVICES

Author	Manager Waste Services (Jason Grandcourt)
Responsible Officer	Director Engineering & Commercial Infrastructure (Jason Devitt)
File Number	MRC2014-072
Attachments	Contract: MRC 2014-072 Recyclables Processing Services

Purpose

The purpose of this report is to seek a Council resolution to amend contract MRC 2014-072 Recyclables Processing Services Clause 2.1. The amendment will allow Council to extend the contract term by one year with a one-year option.

The incumbent supplier is deemed as specialised in accordance with Section 235 (a)(b) of the *Local Government Regulation 2012* for Small, Medium and Large - Sized Contractual Arrangement.

(a) the local government resolves it is satisfied that there is only 1 supplier who is reasonably available;
or

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

The contract amendment supports the continuation of critical services which underpins the management of sorting and processing of kerbside recycling bin content currently conducted under contract *MRC 2014-072* Recyclables Processing Services.

Related Parties

The parties relating to this report are as follows:

- Recycling Design and Technologies (Aust) Pty Ltd (RDT)
- Re. Group (Parent company of RDT)

Corporate Plan Linkage

Operational Excellence

Process and Systems - We develop and continually improve and innovate to create efficient processes that deliver value for our community. Council will endeavour to make service levels more transparent and harness opportunities for existing and emerging technologies to aid this delivery.

Background/Discussion

Recycling Design and Technologies (Aust) Pty Ltd (RDT) currently operate and maintain the Mackay Material Recovery Facility (MRF) which provides recycling processing services across the Mackay regional.

In addition to processing MRC kerbside collection waste, the MRF also provides processing services to a number of external clients to support resource recovery initiatives and landfill diversion rates which contribute towards

the Qld Governments Waste Strategy targets. These clients include, but are not currently limited to, the Whitsunday, Isaac and Mackay Regional Council GWCoM members, Hamilton Island Enterprises, Central Highlands Regional Council and Rockhampton Regional Council.

RDT have supplied recycling processing services since 2014. They have provided the service throughout challenging market conditions and significantly improved performance in materials diversion from landfill. Their knowledge and implementation of the contract agreement has shown their ability to undertake the work successfully.

An eight-year term contract commenced on 1 March 2015 with RDT, with a contract extension granted until 28 February 2024. Further extension is required from 28 February 2024 with a contract term proposed to be extended by one year with a further one-year option.

As the facility is nearing the end of the current operational contract, work has commenced on developing the next version of the facility [including process infrastructure, and contract service scope,] that is required to service the region. The contract extension also allows for continuity of service levels while Council finalises the development and review the Regional Waste Management Plan and its Waste and Resource Recovery Strategy.

Resource Implications

There is currently an approved budget of \$1,098,576 allocated in the current financial year to manage the operation of the MRF.

The proposed contract extension does not have any changes to the current rates however continues to have rise and fall provisions with the expected budget for the contract extension to remain in line with council budget assumptions within the Long-Term Financial Forecast (LTFF).

Risk Management Implications

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

- Public Liability \$20,000,000
- Products Liability \$20,000,000
- Securities \$100,000

Asset Life

The facility assets are nearing the end life, by engaging RDT to continue to maintain the site through existing asset management plans ensures Council maximises asset life.

Market impact on commodities

Due to ongoing policy change recoverable commodities prices have become volatile to market fluctuations, Council has agreed with RDT to review the commodities indices which impact the viability of the contract and consider any changes to rates through the standard contract variation process.

Conclusion

RDT possesses distinctive technical skills and experience to operate the MRF in an efficient and effective capacity. RDT staff have specific training and practical capabilities that are unique in responding to the management and daily operations of the purpose built MRF.

The current asset maintenance and management plan is developed and designed by RDT. The ongoing delivery of the asset management plan is key to ensuring Council maximises MRF asset life.

The learning curve to bring on a new contractor would result in significant financial risk to Council while not providing the same level of expertise at this time.

Officer's Recommendation

THAT pursuant to *section 235(b) Local Government Regulations*, Council resolves that:

- due to the specific nature of the service, it would be impractical and disadvantageous for Council to invite tenders for the provision of Recyclables Processing Services as this time.
- Clause 2.1 of contract MRC 2014-072 Recyclables Processing Services be amended to allow the contract term to be extended by one year with a one-year option.

Council Resolution ORD-2024-8

THAT Council award contract MRC 2024-007 Transfer Station Site Control Services to Outlook (Australia) Ltd commencing 29 February 2024 for a 3 year and four-month term contract with the option of two x 1-year extensions for the schedule of rates total, subject to indexation, for \$1,971,916 excluding GST.

Moved Cr Hassan

Seconded Cr Bonaventura

CARRIED UNANIMOUSLY

11.6. CORPORATE SERVICES

11.6.1. STRATEGIC FINANCIAL REPORT - DECEMBER 2023

Author	Chief Financial Officer (Chris Molyneaux)
Responsible Officer	Director Corporate Services (Angela Hays)
File Reference	Strategic Financial Report

Attachments

1. December 23 Strategic Report - Final 05.01.2024 [11.6.1.1 - 19 pages]

Purpose

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

Council is forecasting a full year operating deficit of \$5.4m for the 2023/24 financial year following the adoption of the September Budget Review on the 25 October 2023. For the month ended 31 December Council is reporting a variance of \$3.05m against the Year-to-Date (YTD) budget. This unfavourable variance is largely due to higher than anticipated expenditure on materials and services, specifically repairs and maintenance (\$1.28m), contractors (\$1.31m) and electricity costs (\$0.77m). This is partially offset by a favourable variance of \$235k in employee benefits due to staff vacancies.

Council's total project expenditure is \$52.8M for the period YTD and \$123.8M as per the annual revised budget and is reflective of the resources required to construct, upgrade and renew community assets. Council is reporting a YTD variance of \$3.3m as at 31 December, this variance is largely due to equipment delivery and manufacturing delays and the delays caused by the impacts of wet weather. Project delivery is reviewed monthly and necessary changes to delivery timelines will be reflected in Council's December Budget Review if adjustments are necessary.

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 against YTD budget is an unfavourable variance of \$3M as at 31 December, this variance is in the equal to or greater than $\pm 5\%$ range.

Risk Management Implications

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

Conclusion

As at 31 December Council's full year operating position remains unchanged with an operating deficit of \$5.4m. Council's actual position as at 31 December is showing a \$3m variance to YTD Budget, largely reflective of higher than anticipated Materials and Services expenditure. Expenditure on Council projects is behind budgeted schedule due to equipment delivery, manufacturing and wet weather delays.

Officer's Recommendation

THAT Council receives the December 2023 Strategic Financial Report.

Council Resolution ORD-2024-9

THAT Council receives the December 2023 Strategic Financial Report.

Moved Cr May

Seconded Cr Green

CARRIED UNANIMOUSLY



Strategic Financial Report

> December 2023

Summary

Council is forecasting an operating deficit of \$5.4M for the 2023/24 financial year following the adoption of the September budget review by Council on 25 October 2023.

	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Budget \$000	YTD Actual \$000	YTD Variance \$000
Total operating revenue	292,142	293,037	145,435	145,344	(91)
Total operating expenses	291,591	298,462	148,356	151,311	(2,955)
Operating surplus or (deficit)	551	(5,425)	(2,921)	(5,967)	(3,046)

% YTD Variance from YTD Budget (KPI)

YTD Variance between 0% and ± 2.99%

YTD Variance between ± 3% and ± 4.99%

YTD Variance equal to or greater than ± 5%

For the month ended 31 December, an unfavourable operating variance of \$3.05M against YTD budget is reported. Higher than anticipated expenditure across council is largely attributable to materials and services of \$3.35M, specifically repairs and maintenance \$1.28M, contractors \$1.31M, and electricity \$0.77M. This has been offset by a favourable variance of \$235K in employment benefits expenses due to ongoing employee vacancies.

To date, \$52.8M has been expended in the delivery of council projects, including associated operational expenditure in the delivery of these projects, representing 42.7% of the revised budget. The delivery of several major projects under construction is progressing ahead of forecast delivery including projects but limited to Barton Street Drainage Upgrade, Mackay Bus Station at Canelands and the Artspace Facility Upgrade. MRC is continuing to plan work for other large projects to commence construction in the new calendar year.

Chris Molyneux

Chief Financial Officer

Angela Hays

Director Corporate Services

Figures provided are accurate as at the date of publication and are cumulative year to date. Amounts disclosed are rounded to the nearest thousand (\$000) unless otherwise stated. Consequently, rounded balances in the categories may not exactly add to the reported totals.

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1 Budget analysis

1.1 Operating result

Statement of Profit or Loss For the period ending 31 December 2023

	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Budget \$000	YTD Actual \$000	YTD Variance \$000
Rates and charges	240,557	240,557	120,483	119,799	(684)
Fees and charges	19,806	20,019	11,900	11,635	(265)
Sales contracts and recoverable works	8,230	8,112	3,325	2,888	(437)
Grants, subsidies, contributions, donations	9,839	10,488	2,720	3,160	440
Rental income	1,497	1,432	840	808	(32)
Interest income	6,676	6,676	3,413	3,831	418
Other income	5,537	5,753	2,754	3,223	469
Total operating revenue	292,142	293,037	145,435	145,344	(91)
Employee benefits	99,822	98,441	45,557	45,322	235
Materials and services	103,100	104,524	54,970	58,314	(3,344)
Finance costs	3,230	6,785	4,010	4,057	(47)
Depreciation and amortisation	85,439	88,712	43,819	43,618	201
Total operating expenses	291,591	298,462	148,356	151,311	(2,955)
Operating surplus or (deficit)	551	(5,425)	(2,921)	(5,967)	(3,046)
Grants, subsidies, contributions, donations	31,410	28,008	6,589	5,979	(610)
Other capital revenue	-	68	6	96	91
Capital expenses	2,740	2,740	1,174	1,656	(482)
Total capital revenue and expenses	28,670	25,336	5,421	4,420	(1,002)
Net result	29,221	19,911	2,500	(1,547)	(4,048)

% YTD Variance from YTD Budget (KPI)

YTD Variance between 0% and ± 2.99%

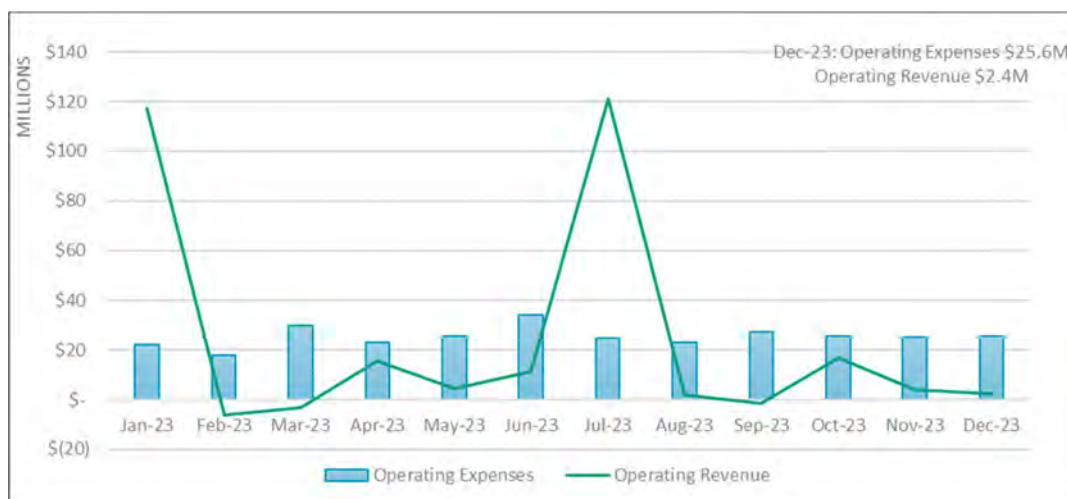
YTD Variance between ± 3% and ± 4.99%

YTD Variance equal to or greater than ± 5%

1.2 Revenue and expenditure

Council is currently reporting an unfavourable operating variance of \$3.05M against YTD budget for the period ending December 2023.

Trend revenue and expenditure



The operating variance includes the following significant variances:

	YTD Variance \$000	Comment
REVENUE		
Rates and charges	(684)	Unfavourable variance due to an increased number of Mackay residents taking up the Pay on time-rates discount.
Other income	469	Favourable variance due to an increase in MECC ticket sales.
Grants, subsidies, contributions, donations	440	Revenue recognised from government grant funding is more than anticipated, partially due to council reaching performance milestones earlier than expected for the QRA Disaster Recovery funding project during Nov 2023.
EXPENSES		
Materials and services	(3,344)	Repairs and maintenance higher than forecasted, due to an increase in costs and additional work done for particularly property and plant, and water networks; in total \$1,280K. This are partially due to the early completion of the re-tiling of Pioneer Pool, and the sealed road maintenance program being ahead of schedule in anticipation of the wet season. Contractor costs also continues to trend higher than forecasted by \$1,313K due to staff vacancies, and electricity and utilities has been \$770K more than anticipated.
Employee benefits	235	Ongoing vacancies due to market influences.
CAPITAL REVENUE AND EXPENSES		
Grants, subsidies, contributions, donations	(610)	Unfavourable variance due to discounts granted for developer contributions.
Capital expenses	(482)	Unfavourable variance due to the derecognition of non-current assets

1.3 Council projects expenditure

Council is responsible for the provision of a diverse range of services to meet community needs and expectations. A significant number of these services are provided through infrastructure assets and other property, plant, and equipment. Council manages the construction, upgrade, and renewal of community assets as part of its capital works program.

	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Budget \$000	YTD Actual \$000	YTD Variance \$000
Capital expenditure ^	124,420	120,686	54,204	51,445	(2,759)
Operational expenditure	2,128	3,089	1,945	1,385	(560)
Total council projects expenditure	126,548	123,775	56,149	52,830	(3,319)

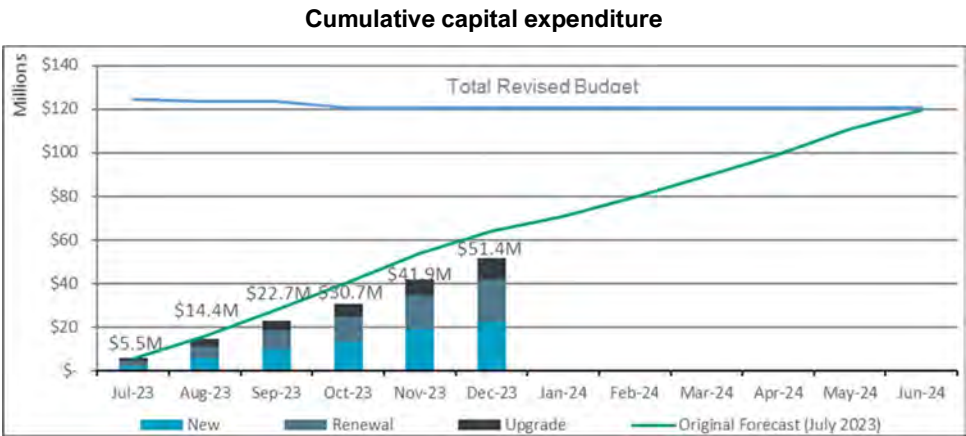
^ as depicted in the below graph

% YTD Variance from YTD Budget (KPI)	
YTD Variance between 0% and ± 2.99%	
YTD Variance between ± 3% and ± 4.99%	
YTD Variance equal to or greater than ± 5%	

Total council projects expenditure is currently tracking \$3.3M below YTD forecast, with \$52.8M expended to date in the delivery of these projects, representing 42.7% of the revised budget for December 2023.

Capital Expenditure

Capital expenditure is currently tracking \$2.76M below YTD forecast.





The delivery of several major projects under construction is progressing well during this favourable construction period, including projects such as Barton Street Drainage Upgrade, Mackay Bus Station at Canelands and the Artspace Facility Upgrade.

Some projects were under forecasted costs for the period to date, including plant and equipment replacement program due to equipment delivery delays, the Pioneer River Floating Pontoon due to manufacturing delays of the gangway, and the Mountain Bike project was impacted by wet weather delays.

Capital expenditure by asset type

	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Budget \$000	YTD Actual \$000	YTD Variance \$000
Water	12,800	15,859	5,254	4,559	(695)
Sewerage	5,585	6,844	3,570	3,266	(304)
Land, improvements and airspace	19,166	19,435	10,398	10,125	(273)
Buildings	13,166	12,466	3,805	4,008	204
Plant and equipment	11,235	11,595	4,134	2,869	(1,264)
Roads, drainage and bridge network	62,468	54,487	27,042	26,617	(425)
Total capital expenditure	124,420	120,686	54,204	51,445	(2,759)

% YTD Variance from YTD Budget (KPI)

YTD Variance between 0% and ± 2.99%
YTD Variance between ± 3% and ± 4.99%
YTD Variance equal to or greater than ± 5%

2 Financial Position

2.1 Statement of Financial Position

The statement of financial position shows council's assets and liabilities. The result of these two components determines the net worth of our community equity (what we own less what we owe).

Statement of Financial Position For the period ending 31 December 2023	Annual Original Budget \$000	Annual Revised Budget \$000	Actual \$000
Current assets			
Cash and cash equivalents	142,190	113,306	63,840
Financial assets	-	-	70,000
Trade and other receivables	21,059	21,098	21,012
Contract assets	3,500	3,500	3,870
Other assets	3,216	4,506	807
Inventories	2,988	3,136	3,722
Non-current assets classified as held for sale	79	-	-
Total current assets	173,032	145,546	163,251
Non-current assets			
Investment property	5,277	5,580	5,580
Property, plant and equipment	3,730,542	3,970,976	3,981,712
Right of use assets	1,143	1,143	1,183
Intangible assets	3,927	4,106	4,122
Total non-current assets	3,740,889	3,981,805	3,992,597
Total assets	3,913,921	4,127,351	4,155,848
Current liabilities			
Trade and other payables	8,488	8,895	14,232
Employee entitlements	14,135	1,883	21,387
Borrowings	11,644	11,646	7,242
Lease liabilities	66	68	49
Provisions	49,858	59,631	60,685
Contract Liabilities	3,500	3,500	4,045
Other liabilities	19,572	14,947	16,510
Total current liabilities	107,263	100,570	124,150

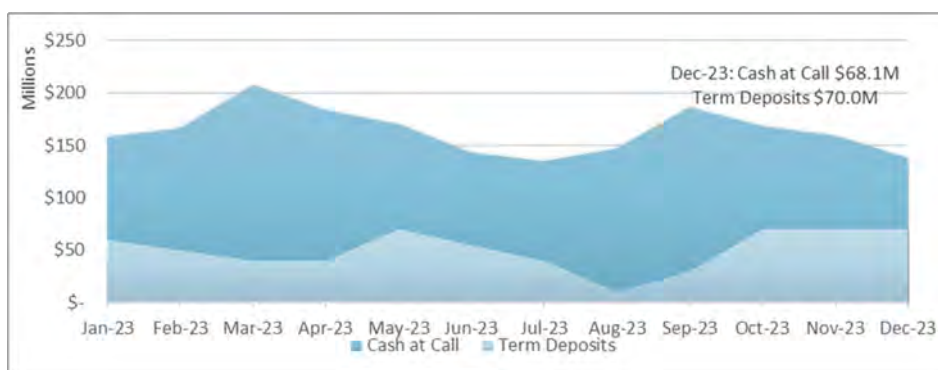
Statement of Financial Position For the period ending 31 December 2023	Annual Original Budget \$000	Annual Revised Budget \$000	Actual \$000
Non-current liabilities			
Employee entitlements	1,699	1,601	1,601
Borrowings	48,406	48,408	38,755
Lease liabilities	1,241	1,213	1,230
Provisions	13,268	21,685	23,989
Other liabilities	11,691	9,685	6,184
Total non-current liabilities	76,305	82,592	71,759
Total liabilities	183,568	183,162	195,909
Net community assets	3,730,353	3,944,189	3,959,939
Community equity			
Retained surplus	2,340,937	2,333,099	2,348,849
Asset revaluation surplus	1,389,416	1,611,090	1,611,090
Total community equity	3,730,353	3,944,189	3,959,939

2.2 Cash and investment portfolio

The total balance of cash at call and investments at the end of the reporting period is shown in the graph below. The balance of cash at call will vary from the reported balance of cash and cash equivalents on the statement of financial position due to unbanked cheques and other uncleared amounts.

Currently, 42% of the total cash and investment portfolio is currently deposited with Queensland Treasury Corporation (QTC). Cash held at call with QTC continues to be reviewed for yield and liquidity requirements. The market is monitored during the month for investment opportunities that will deliver comparable or better than what can be achieved via the QTC at call account.

Closing portfolio balance



• Investments

MRC maintains an investment portfolio diversified across various institutions and terms to maturity, which is reviewed regularly to maximise performance and minimise risk. MRC currently has \$70M invested with financial institutions other than QTC. Maturity of these investments is scheduled between January 2024 and September 2024.

Portfolio returns continues to exceed the benchmark of Ausbond Bank Bill Index. Financial indicators and other available data suggest further increase in interest rate yields is possible. Investment opportunities to maximise returns where possible will continue to be investigated.

	December 2023	12 Month Comparative
MRC Portfolio	5.09%	4.41%
AusBond Bank Bill Index	3.76%	2.66%

2.3 Current receivables

Revenue is recognised at the amounts due at the time of sale or service delivery. Council's standard settlement terms for trade receivables are 30 days from invoice date.

	Actual \$000	Actual %
Trade and other receivables		
Rates and utility charges	8,241	18%
Development contributions	4,751	11%
Other debtors	8,020	18%
Total	21,012	47%

- Rates receivables

Rates and charges revenue represent 82% of MRC's original operating revenue budget for the financial year.

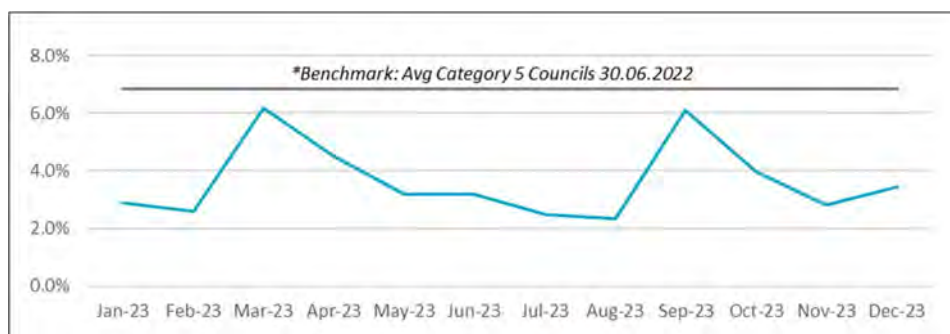
MRC frequently reviews its collection process to ensure rates are collected efficiently and effectively, whilst being cognisant of individual circumstances. Collection action is continuing, both with our external collection agency and monitoring of in-house payment schedules. In-house collection methods include the use of SMS reminders for ratepayers.

	Total Current year Overdue \$000	2023/2024 \$000	1 year 2022/2023 \$000	2 years 2021/2022 \$000	> 3 years \$000
Total rate arrears	8,299	5,463	1,719	673	444

	Issue date of notice	Due date of payment
Rates notice	14/08/2023	13/09/2023
Pensioner rates notice	14/08/2023	1/12/2023
Rates reminder notice	25/09/2023	9/10/2023

Rates arrears as depicted in the trend rate arrears % graph remains consistent with the previous reporting period, noting rates notices are issued twice per financial year. The current arrears balance is anticipated to decrease as collection action continues.

Trend rate arrears %



* Each year the Department of State Development, Infrastructure, Local Government and Planning collects information from local governments about the key services they provide and publishes it in the Queensland local government comparative information report. The report includes a suite of efficiency, effectiveness and quality-of-service indicators covering key functional and financial areas of local government, including rates arrears performance indicators. The benchmark reported above represents the average rates arrears of like councils (category 5) for comparative years 30 June 2022 – 6.9%.

2.4 Property, plant and equipment

	Annual Original Budget \$000	Annual Revised Budget \$000	Actual \$000
Opening balance as at 1 July	3,690,867	3,938,870	3,938,870
Opening balance adjustment	-	-	37,209
Net additions (including WIP) and contributed assets	127,859	123,535	51,261
Depreciation	(85,354)	(88,599)	(43,562)
Disposals and write offs	(2,830)	(2,830)	(2,065)
Closing written down value	3,730,542	3,970,976	3,981,713

A majority of MRC's assets are in the form of infrastructure, such as roads, drainage, water, sewerage and waste assets. Significant parts of MRC's long-term financial forecast are focused on the construction, upgrade, and renewal of these assets, with the associated capital expenditure recognised as work in progress (WIP) until projects are complete and assets are ready for their intended use.

Refer to section 1.3 Council Projects Expenditure for current year budget estimates.

Total WIP as at the end of December represents \$173M, inclusive of current year additions and accruals. **Of this, \$43.5M relates to projects complete, with assets in use.** MRC employs a 180-day target from project completion through to capitalisation of detailed assets within the corporate asset register as detailed in the MRC non-asset accounting policy.

Project Phase	Actual \$'000
Business case	3,834
Design	25,099
Construction	100,578
Projects completed	43,561
Total WIP	173,072

Total Projects Completed	Aged				
	> 180 days	> 90 days	> 60 days	> 30 days	< 30 days
\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
43,561	20,871	14,919	1,720	4,305	1,746

The below graph details movement in WIP by period.

Work in progress movement



*Note: **Incurred**; represents capital expenditure for the construction or acquisition of assets. These assets are incomplete and are non-depreciating. **Capitalised**; refers to the recognition of property, plant and equipment in Mackay Regional Council's asset register. **Expensed**; relates to costs transferred from WIP that will not be capitalised, with expenditure recognised in the Income Statement.*

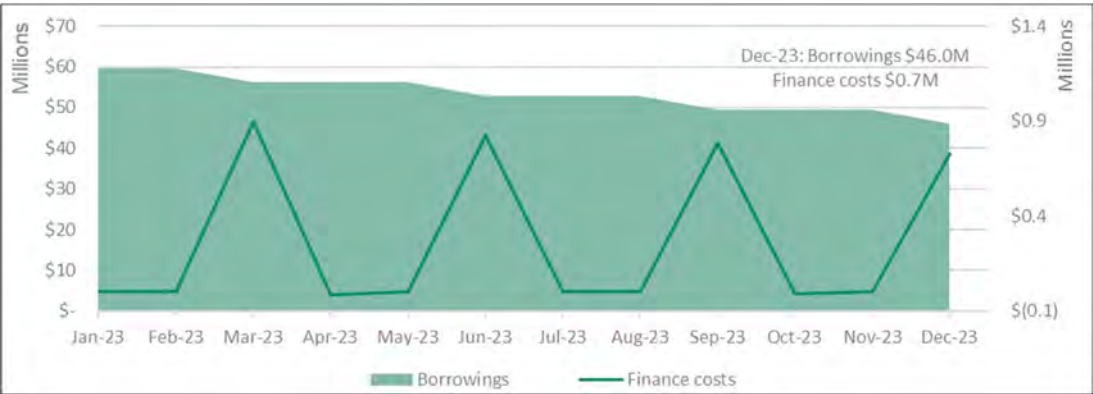
2.5 Borrowings

Loan borrowings are an important funding source for local government; reflecting that the full cost of infrastructure should not be borne entirely by present-day ratepayers alone, rather by all those who benefit from the infrastructure over its lifetime.

Borrowing costs associated with the debt balance are recognised when the principal repayments are made, on a quarterly basis.

At the end of December, MRC had \$46M in total loan borrowings outstanding.

Borrowings movement



3 Cash Flow

3.1 Statement of Cash Flows

Statement of Cash Flows For the period ending 31 December 2023

	Annual Original Budget \$000	Annual Revised Budget \$000	Actual \$000
Cash flows from operating activities			
Receipts from customers	275,075	277,575	135,623
Receipts from grantors, donors for operational activities	9,824	10,981	3,160
Payments to suppliers and employees	(204,004)	(235,704)	(103,020)
Interest income	6,676	6,676	3,831
Borrowing costs	(2,787)	(2,787)	(1,503)
Net cash inflow from operating activities	84,784	56,741	38,091
Cash flows from investing activities			
Payments for non-current assets	(123,863)	(119,535)	(51,261)
Payments for investments	-	-	(15,000)
Payments for capital projects	(2,000)	(4,130)	(63)
Proceeds from sale of non-current assets	2,090	2,090	472
Receipts from grantors, donors for capital projects	27,410	20,837	3,368
Net cash outflow from investing activities	(96,363)	(100,738)	(62,484)
Cash flows from financing activities			
Proceeds from borrowings	21,200	21,200	-
Repayment of borrowings	(14,045)	(14,045)	(6,901)
Repayments made on leases (principal only)	(17)	(17)	(31)
New cash outflow from financing activities	7,138	7,138	(6,932)
Net increase or (decrease) in cash and cash equivalents	(4,441)	(36,859)	(31,325)
Cash and cash equivalents at beginning of the period	146,631	150,165	95,165
Cash and cash equivalents at end of the period	142,190	113,306	63,840

4 Financial analysis

4.1 Key performance indicators

The timing of receipts impacts the YTD results and are anticipated to return to budget levels by the end of the financial year following finalisation of year end processes.

The actual asset sustainability ratio is consistently below target as MRC boasts a relatively new asset base. Significant investment in new assets over prior years has reduced the immediate need for renewal of those assets. MRC continues to invest adequately in asset renewals to ensure continued services to the community over the long-term as well optimising operating and maintenance costs of the assets over their useful life.

The key performance indicator trends are observed in the following graphs. Historical financial years are represented on the axis using actual (a) results, with revised budget forecasts (f) applied in future financial periods.

MRC will be adopting the new Local Government Sustainability Framework ratios in the 2023/24 Annual Financial Statements.

Ratio	Description	Target	FY2022	FY2023	Revised Budget FY2024	December FY2024
Operating surplus ratio (%)	Extent to which operating revenues covers operating expenses (excludes capital items)	0% - 10%	0.2%	(1.5%)	(1.9%)	(4.1%)
Debt service cover ratio	Extent to which available cash flow covers current debt obligations	>2 times	3.2	4.9	4.5	3.0
Net financial liabilities ratio (%)	Extent to which net financial liabilities can be serviced by operating revenues	< 60%	4.3%	9.6%	12.8%	24%
Current ratio	Extent to which current assets cover current liabilities	Between 1 and 4	1.5	1.3	1.4	1.3
Asset sustainability ratio (%)	Extent to which the infrastructure assets are being replaced/renewed	> 90%	65.4%	63.6%	84.4%	44.6%
Capital expenditure ratio (times)	Extent to which capital expenditure exceeds depreciation.	> 1.1 times	1.3	1.3	1.9	1.2



Strategic Financial Report > December 2023

Operating surplus ratio %

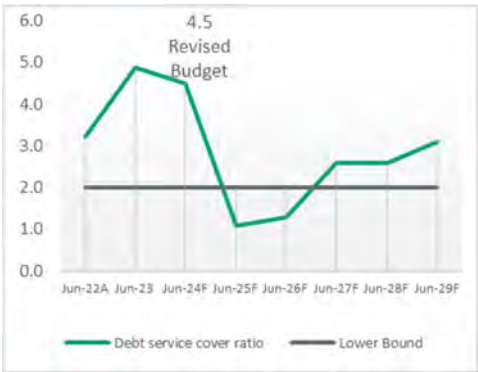
A percentage between 0% and 10% over the long term means Council is expecting to generate healthy levels of revenue with an ability to fund proposed capital expenditure and / or debt repayments.



Debt service coverage ratio

This ratio measures the extent to which available cash flow covers current debt obligations.

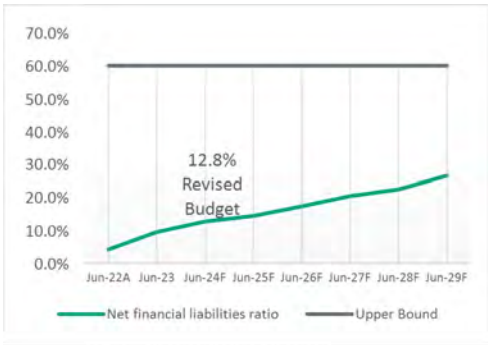
It is noted that MRC is expected to remain within target bounds indicative that the financial risk is being effectively managed.



Net financial liabilities ratio %

This ratio measures Council's ability to fund its net financial liabilities from recurrent revenue.

It is noted that MRC is expected to remain within target bounds indicative that the financial risk is being effectively managed.

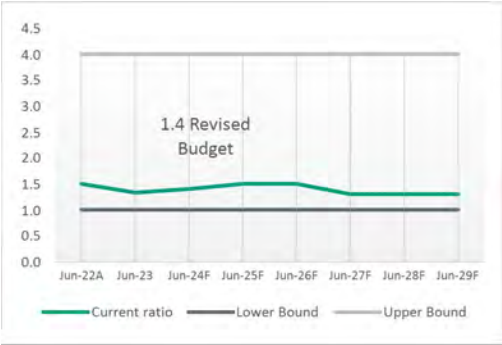




Current ratio

The current ratio is a good indicator of Council’s liquidity and ability to meet short term obligations.

If the current ratio is too high over a sustained period, this may indicate that council may not be efficiently using its current assets or its short-term financing facilities and may also indicate problems in working capital management.

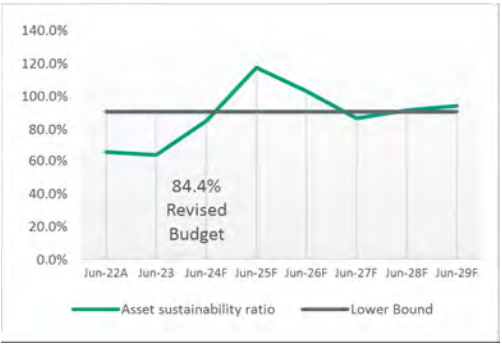


Asset sustainability ratio %

This ratio is calculated based on the planned capital expenditure on the renewal of assets.

MRC is confident that although it does not reach the set target in the first few years of the LongTerm Financial Forecast, it does contribute to sustainable asset replacement over the long term.

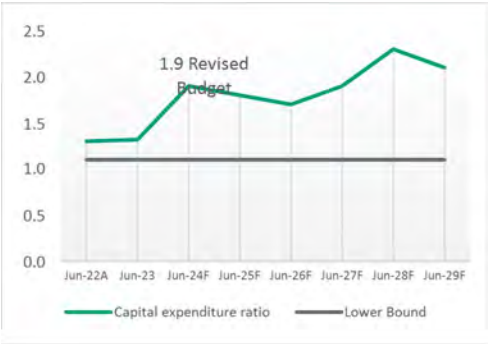
This ratio is also reflective of the relative new age of MRC’s asset base following a period of high growth and investment in new assets. This means the requirement to spend significant funds on renewals at this stage is relatively low but will be monitored to ensure future spend is sufficient.



Capital expenditure ratio (times)

This ratio measures the extent to which annual capital expenditure is covered by annual depreciation. A ratio above 1.1 indicates investment in long term asset growth beyond current existing levels.

This ratio indicates that council is willing to invest more than depreciation into expanding its assets base for the life of the adopted Long Term Financial Forecast.



5 Budget analysis - Commercial businesses

5.1 Mackay Water Services

Statement of Profit or loss For the period ending 31 December 2023

	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Budget \$000	YTD Actual \$000	YTD Variance \$000
Operating revenue	105,453	105,411	53,086	52,314	(772)
Operating expenses	40,727	40,499	20,307	20,982	(675)
Earnings before interest, depreciation, dividends and tax	64,726	64,912	32,779	31,332	(1,447)
Finance costs	1,176	1,176	612	648	(36)
Depreciation	32,488	34,080	16,983	16,860	123
Earnings before dividend and tax	31,062	29,656	15,184	13,824	(1,360)
Dividend and tax	29,571	29,549	14,779	14,785	(6)
Operating surplus or (deficit)	1,491	107	405	(961)	(1,354)
Total capital revenue	5,050	4,944	552	446	(106)
Total capital expenses	600	600	-	797	(797)
Net result	5,941	4,451	957	(1,312)	(2,257)

% YTD Variance from YTD Budget (KPI)

YTD Variance between 0% and ± 2.99%

YTD Variance between ± 3% and ± 4.99%

YTD Variance equal to or greater than ± 5%

Mackay Water Services is reporting an operating deficit of \$961K for the period ended December 2023, which is less than YTD budget.

Operating revenue is \$772K below YTD budget at period end. Favourable variance to budget is seen in interest received of \$258K. Unfavourable variances to budget include rates, levies, and charges \$466K; and sales contracts and recoverable works \$367K.

Operating expenses is \$675K above YTD budget at period end, with an unfavourable variance seen in Materials and services of \$651K against budget.

Capital revenue is \$106K below YTD budget at period end.

Capital expenses consist of the derecognition of water infrastructure.

5.2 Mackay Waste Services

Statement of Profit or loss For the period ending 31 December 2023

	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Budget \$000	YTD Actual \$000	YTD Variance \$000
Operating revenue	34,324	34,324	17,504	17,160	(344)
Operating expenses	22,847	22,541	9,186	8,925	261
Earnings before interest, depreciation, dividends and tax	11,477	11,783	8,318	8,235	(83)
Finance costs	475	3,920	2,513	2,510	3
Depreciation	2,133	2,571	1,105	975	130
Earnings before dividend and tax	8,869	5,292	4,700	4,750	50
Dividend and tax	3,193	3,146	1,573	1,596	(23)
Operating surplus or (deficit)	5,676	2,146	3,127	3,154	73
Total capital revenue	-	-	-	-	-
Total capital expenses	100	100	5	3	2
Net result	5,576	2,046	3,122	3,151	75

% YTD Variance from YTD Budget (KPI)

YTD Variance between 0% and ± 2.99%
YTD Variance between ± 3% and ± 4.99%
YTD Variance equal to or greater than ± 5%

Mackay Waste Services is reporting an operating surplus of \$3.15M for the period ended December 2023, which is in line with YTD budget.

Operating revenue is \$344K below YTD budget at period end, with unfavourable variances seen in fees and charges of \$265K and interest received of \$77K.

Operating expenses are reporting a favourable variance of \$261K against YTD budget at period end, with a favourable variance seen in materials and services of \$274K.

Total capital revenue and expenses is yet to see any significant activity.

11.6.2. BUDGET REVIEW DECEMBER 2023 2024

Author Chief Financial Officer (Chris Molyneaux)
Responsible Officer Director Corporate Services (Angela Hays)
File Reference 2023-2024 Budget Review

Attachments

1. Statement of Income and Expenses 10 Yr DBR [11.6.2.1 - 1 page]
2. Statement of Financial Position 10 Yr DBR [11.6.2.2 - 1 page]
3. Statement of Cashflow 10 Yr DBR [11.6.2.3 - 1 page]
4. Statement of Changes in Equity 10 Yr DBR [11.6.2.4 - 1 page]
5. Ratios 10 Yr DBR [11.6.2.5 - 1 page]
6. Capital Summary 10 Yr DBR [11.6.2.6 - 1 page]

Purpose

To present the 2023-2024 second quarter budget review.

Related Parties

Nil.

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.

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

Background/Discussion

In accordance with section 170(3) of the *Local Government Regulation 2012*, Council may by resolution, amend the budget for a financial year at any time before the end of the financial year.

Following completion of the second quarter of the financial year, it is timely to review the budget, for any known variations, to better reflect the forecasted closing position for the 2023-2024 financial year.

The revised budget proposed for adoption with this report is summarised as follows:

Operational

	Original Budget \$'000	Current Amended Budget \$'000	December Budget Review Adjustment \$'000	Amended Budget \$'000
Operating Revenue	\$292,143	\$293,037	\$2,334	\$295,371
Operating Expense	(\$291,592)	(\$298,461)	(\$2,334)	(\$300,795)
Operating Surplus/(Deficit)	\$551	(\$5,424)	\$0	(\$5,424)

As a result of the above movements in revenue and expenses, MRC's forecasted operating result remain steady reporting a deficit of \$5.4M for the 2023-2024 financial year.

Revenue

Operating revenue is forecasted to favourably increase by \$2.3M, with adjustments to rates, levies and charges, fees & charges, and interest income.

It should be noted that adjustments to grants & subsidies and recurrent income for the MECC has a corresponding increase or decrease in expenses.

Category	Amount	Comments
Rates, levies and charges	\$1,000,000	Increased water usage across regional Mackay.
Fees and charges	\$807,170	Waste Disposal fees have increased by \$461K based on current usage analysis. Parks & Opens Spaces have increased income across the camping and cemetery operations \$180K based on year-to-date usage. Parking revenue has been forecast to increase compared to budget by \$60K as the region's parking meters come online. Recognition of increased trade waste licence fees received \$47K. Infrastructure Planning have seen a greater than budgeted use of Traffic Management Applications \$23K and Sarina Sugar Shed have seen a greater number of visitors participating in tours \$20K.
Other recurrent income	\$353,699	MECC Sales have exceeded original budgets resulting in a \$274K forecast increase (note this will be offset by additional expenditure). Recognition of \$56K in additional commissions due to be received after an amendment to the QGAP Deed. Sarina Sugar Shed has also forecast to receive an additional \$20K due to increased store sales as an increased number of visitors visit the facility.
Recurrent grants, subsidies, contributions and donations	\$273,958	Recognition of final payment received from QRA for the N & CQ Monsoon January 2023 Disaster Event \$244K. Recognition of \$15K received from DBCT for the Libris Awards.
Interest received	\$230,580	Based on actual interest received to date.
Operational Income in Capital Projects	(\$331,812)	Net operational income decreased due to the deferral of projects with grant income.
	\$2,333,595	Total operating revenue adjustments

Expenses

Operating expenditure is forecasted to increase overall by \$2.3M. The majority of the increased expenditure is associated with increases in depreciation and the recognition of finance costs associated with rehabilitation provisions. Increase in expenditure have been partially offset by savings in employee benefits cost.

Category	Amount	Comments
Employee Benefits	\$1,135,229	Reduction in expenditure due to staff vacancies across Council and time required to fill vacant positions in the current economic climate.
Finance Costs	(\$1,100,775)	Recognition of finance costs associated with the revaluation of the provision for rehabilitation of landfill sites in future years.
Materials and Services	(\$971,782)	Materials and Services increases primarily due to contract increases across multiple areas of Council, including security, camping facility management, lifesavings operations and waste collection. Electricity budgets have also seen increases based on actual usage (\$540K). MECC additional expenditure (\$338K), which is partially offset by previously mentioned increased MECC income. Savings identified include a reduction in plant diesel expenditure \$500K and asset valuation expenditure \$154K.
Depreciation	(\$1,515,510)	The value of council's assets increased during a recent valuation activity and has impacted depreciation charges to recognise the revised asset cost over its useful life.
Operational Expenses in Capital Projects	\$119,243	Other minor changes to reflect timing and forecasted spend of capital projects.
	(\$2,333,595)	Total operating expenditure adjustments

Capital Projects

Project	Capital Expenditure Amount	Operational Expenditure Amount	Capital Income Amount	Operational Income Amount
New Projects	(\$625,542)	\$0	\$0	\$0
Project Adjustments	(\$10,900,468)	(\$343,859)	\$1,049,457	(\$23,275)
Project Savings	\$1,030,335	\$84,565	\$0	\$0
Projects Deferred	\$12,442,161	\$378,537	(\$300,000)	(\$308,537)
TOTAL	\$1,946,486	\$119,243	\$749,457	(\$331,812)

Capital projects expenditure is forecasted to decrease overall by \$2.1M. This consists of savings and deferrals of \$13.9M offset by additional capital project expenditure \$11.8M. It should be noted that \$12.8M of expenditure is being deferred to next financial year in line with expected delivery periods.

Overall capital projects revenue is increasing by \$417K because of net grant income adjustments from existing and deferred projects.

	Original Budget \$'000	Current Amended Budget \$'000	December Budget Review Adjustment \$'000	Amended Budget \$'000
Capital project budget	(\$126,548)	(\$123,775)	\$2,065	(\$121,709)
- Capital expenditure	(\$124,420)	(\$120,686)	\$1,946	(\$118,740)
- Operational expenditure	(\$2,128)	(\$3,089)	\$119	(\$2,969)
Capital Project funding budget	\$45,137	\$42,230	\$417	\$42,647

- Capital funding	\$45,110	\$41,776	\$749	\$42,525
- Operational funding	\$27	\$454	(\$332)	\$122

In summary, known changes to the capital works program have been identified and adjusted as detailed above.

Ongoing review of the capital program will continue throughout the year.

Consultation and Communication

The requirements of the capital program are monitored during the financial year, including detailed monthly reporting to Management and Councillors.

Identified changes which require budget amendments will be reviewed by the Executive Leadership Team and presented regularly to Council for approval.

Resource Implications

The revised capital project expenditure program for 2023-2024 has decreased by \$2.1M to \$121.7M.

The Operating Result will remain steady reporting a deficit of \$5.4M for the 2023-2024 financial year. This will continue to be monitored during the remainder of the year.

Risk Management Implications

The budget needs to reflect expected costs of delivery, therefore changes to budgets associated with changes in delivery timing and changes in costs need to be addressed as soon as possible.

This budget review brings to account known variations to the original budget adopted on 21 June 2023 and adjustments throughout the year.

Conclusion

The December 2023-2024 budget review amendments will be included in the current approved budget and become the current amended budget.

The amended budget will be reflected in the January monthly Strategic Financial Report.

The Long-Term Financial Forecast has been updated based on the changes identified in this report and the effect on future forecasts.

Council's current forecasted operating deficit is \$5.4M for the 2023-2024 financial year. Costs and revenue will continue to be monitored.

Capital expenditure delivery is progressing and will continue to be monitored. Known adjustments have been made to the budget to reflect any changes to estimates, current construction market and delivery timing. Capital delivery remains a focus of Council.

Officer's Recommendation

THAT the changes identified in the December budget review be adopted and become the approved amended budget from January 2024.

Council Resolution ORD-2024-10

THAT the changes identified in the December budget review be adopted and become the approved amended budget from January 2024.

Moved Cr Hassan

Seconded Cr Englert

CARRIED UNANIMOUSLY

MACKAY REGIONAL COUNCIL
STATEMENT OF INCOME AND EXPENSES
For the year ending 30 June 2024
(including long term forecast until 2032/33)

	Budget 2023/24 \$000	Forward Estimate								
		2024/25 \$000	2025/26 \$000	2026/27 \$000	2027/28 \$000	2028/29 \$000	2029/30 \$000	2030/31 \$000	2031/32 \$000	2032/33 \$000
Operating revenue										
Rates and charges	264,002	277,037	290,563	304,259	316,793	328,273	340,315	352,810	366,066	379,832
Discounts	(19,906)	(20,822)	(21,686)	(22,597)	(23,444)	(24,206)	(25,126)	(26,081)	(27,098)	(28,155)
Remissions	(2,539)	(2,656)	(2,766)	(2,882)	(2,990)	(3,087)	(3,189)	(3,294)	(3,407)	(3,522)
Net Rates and charges	241,557	253,559	266,111	278,780	290,359	300,980	312,000	323,435	335,561	348,155
Fees and charges	20,826	20,598	21,319	22,065	22,727	23,345	23,980	24,633	25,249	25,880
Rental income	1,432	1,557	1,611	1,667	1,718	1,760	1,804	1,850	1,896	1,943
Sales - contracts and recoverable works	8,080	8,559	8,859	9,169	9,444	9,680	9,922	10,170	10,424	10,685
Grants and subsidies	10,462	8,653	8,956	9,270	9,548	9,787	10,031	10,282	10,539	10,802
Interest earned	6,907	6,811	5,951	5,911	4,228	3,099	2,887	2,618	2,776	2,912
Other operating revenue	6,107	5,759	5,961	6,169	6,354	6,513	6,676	6,843	7,014	7,189
Total operating revenue	\$ 295,371	\$ 305,496	\$ 318,768	\$ 333,031	\$ 344,378	\$ 355,164	\$ 367,300	\$ 379,831	\$ 393,459	\$ 407,566
Operating expenses										
Employee costs	97,305	104,200	108,267	112,497	116,347	120,331	124,454	128,721	133,138	137,465
Materials and services	105,377	108,052	115,135	119,591	124,494	131,264	135,885	140,295	146,425	150,345
Finance costs	7,886	3,402	3,873	4,524	4,150	4,159	4,648	5,840	7,769	9,160
Depreciation	90,227	91,027	92,193	93,250	93,676	94,002	94,676	96,486	98,486	100,556
Total operating expenses	300,795	\$ 306,681	\$ 319,468	\$ 329,862	\$ 338,667	\$ 349,756	\$ 359,663	\$ 371,342	\$ 385,818	\$ 397,526
Operating result	\$ (5,424)	\$ (1,185)	\$ (700)	\$ 3,169	\$ 5,711	\$ 5,408	\$ 7,637	\$ 8,489	\$ 7,641	\$ 10,040
Capital revenue										
Grants and subsidies	21,024	30,675	31,128	42,755	54,075	58,741	41,720	44,950	65,620	72,330
Contributions from developers	3,500	4,000	4,500	5,500	6,500	7,000	7,500	8,000	9,000	9,000
Donated assets	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000
Other capital income	301	-	-	-	-	-	-	-	-	-
Total capital revenue	\$ 28,825	\$ 38,675	\$ 39,628	\$ 52,255	\$ 64,575	\$ 69,741	\$ 53,220	\$ 56,950	\$ 78,620	\$ 85,330
Capital expenses										
Loss on disposal or sale of assets	740	768	799	812	1,120	872	925	892	1,003	987
Revaluation decrement and loss on impairment	-	-	-	-	-	-	-	-	-	-
Other capital expenses	2,500	2,000	2,000	2,000	2,000	2,000	2,000	2,065	2,086	2,000
Total capital expenses	3,240	\$ 2,768	\$ 2,799	\$ 2,812	\$ 3,120	\$ 2,872	\$ 2,925	\$ 2,957	\$ 3,089	\$ 2,987
Net result	\$ 20,161	\$ 34,722	\$ 36,129	\$ 52,612	\$ 67,166	\$ 72,277	\$ 57,932	\$ 62,482	\$ 83,172	\$ 92,383

MACKAY REGIONAL COUNCIL
STATEMENT OF FINANCIAL POSITION
For the year ending 30 June 2024
(including long term forecast until 2032/33)

	Budget 2023/24 \$000	Forward Estimate								
		2024/25 \$000	2025/26 \$000	2026/27 \$000	2027/28 \$000	2028/29 \$000	2029/30 \$000	2030/31 \$000	2031/32 \$000	2032/33 \$000
Current assets										
Cash, cash equivalents and investments	116,900	112,851	111,077	78,701	58,696	45,259	29,605	33,986	36,425	43,548
Trade and other receivables	21,253	22,094	23,140	24,198	25,093	26,043	26,957	27,903	28,821	29,933
Contract assets	3,500	3,500	3,500	3,500	3,500	3,500	3,500	3,500	3,500	3,500
Other assets	4,506	4,506	4,506	4,506	4,506	4,506	4,506	4,506	4,506	4,506
Inventories	3,136	3,136	3,136	3,136	3,136	3,136	3,136	3,136	3,136	3,136
Non-current assets held for sale	-	-	-	-	-	-	-	-	-	-
Total current assets	\$ 149,295	\$ 146,087	\$ 145,359	\$ 114,041	\$ 94,931	\$ 82,444	\$ 67,704	\$ 73,031	\$ 76,388	\$ 84,623
Non-Current Assets										
Investments	5,580	5,580	5,580	5,580	5,580	5,580	5,580	5,580	5,580	5,580
Trade and other receivables	-	-	-	-	-	-	-	-	-	-
Property, plant and equipment	3,967,644	4,008,963	4,056,233	4,121,624	4,198,084	4,287,277	4,384,704	4,487,653	4,601,397	4,718,880
Intangible assets	4,106	4,101	4,097	4,092	4,088	4,084	4,079	4,075	4,071	4,066
Right of use assets	1,143	1,062	982	902	821	741	661	581	500	450
Total non-current assets	\$ 3,978,473	\$ 4,019,706	\$ 4,066,892	\$ 4,132,198	\$ 4,208,573	\$ 4,297,682	\$ 4,395,024	\$ 4,497,889	\$ 4,611,548	\$ 4,728,976
Total assets	\$ 4,127,768	\$ 4,165,793	\$ 4,212,251	\$ 4,246,239	\$ 4,303,504	\$ 4,380,126	\$ 4,462,728	\$ 4,570,920	\$ 4,687,936	\$ 4,813,599
Current liabilities										
Contract liabilities	3,500	3,500	3,500	3,500	3,500	3,500	3,500	3,500	3,500	3,500
Lease liabilities	68	68	68	68	68	68	68	68	68	68
Trade and other payables	9,055	8,920	9,501	9,871	10,247	10,831	11,213	11,575	12,048	12,405
Employee entitlements	1,861	1,998	2,076	2,157	2,225	2,308	2,387	2,469	2,546	2,636
Borrowings	11,646	8,849	7,247	7,632	6,151	4,861	6,471	8,891	11,034	11,552
Provisions	59,659	58,204	56,007	46,957	34,569	24,767	9,819	7,889	6,620	-
Other liabilities	14,947	14,947	14,947	14,947	14,947	14,947	14,947	14,947	14,947	14,947
Total current liabilities	\$ 100,736	\$ 96,486	\$ 93,346	\$ 85,132	\$ 71,707	\$ 61,282	\$ 48,405	\$ 49,339	\$ 50,763	\$ 45,108
Non-current liabilities										
Lease liabilities	1,213	1,196	1,179	1,162	1,145	1,128	1,111	1,095	1,078	1,061
Trade and other payables	1,601	1,601	1,601	1,601	1,601	1,601	1,601	1,601	1,601	1,601
Employee entitlements	-	-	-	-	-	-	-	-	-	-
Borrowings	48,408	59,561	76,118	68,485	72,336	87,477	120,510	173,125	212,096	251,049
Provisions	21,685	21,685	21,685	21,685	21,376	21,020	25,552	17,729	11,195	11,195
Other liabilities	9,685	6,105	3,031	273	273	273	273	273	273	273
Total non-current liabilities	\$ 82,592	\$ 90,148	\$ 103,614	\$ 93,206	\$ 96,731	\$ 111,499	\$ 149,047	\$ 193,823	\$ 226,243	\$ 265,179
Total liabilities	\$ 183,328	\$ 186,634	\$ 196,960	\$ 178,338	\$ 168,438	\$ 172,781	\$ 197,452	\$ 243,162	\$ 277,006	\$ 310,287
Net community assets	\$ 3,944,440	\$ 3,979,159	\$ 4,015,291	\$ 4,067,901	\$ 4,135,066	\$ 4,207,345	\$ 4,265,276	\$ 4,327,758	\$ 4,410,930	\$ 4,503,312
Community equity										
Retained surplus	2,333,349	2,368,071	2,404,199	2,456,812	2,523,977	2,596,254	2,654,187	2,716,668	2,799,840	2,892,223
Asset revaluation reserve	1,611,090	1,611,090	1,611,090	1,611,090	1,611,090	1,611,090	1,611,090	1,611,090	1,611,090	1,611,090
Total community assets	\$ 3,944,439	\$ 3,979,161	\$ 4,015,289	\$ 4,067,902	\$ 4,135,067	\$ 4,207,344	\$ 4,265,277	\$ 4,327,758	\$ 4,410,930	\$ 4,503,313

MACKAY REGIONAL COUNCIL
STATEMENT OF CASH FLOW
For the year ending 30 June 2024
(including long term forecast until 2032/33)

	Budget 2023/24 \$000	Forward Estimate								
		2024/25 \$000	2025/26 \$000	2026/27 \$000	2027/28 \$000	2028/29 \$000	2029/30 \$000	2030/31 \$000	2031/32 \$000	2032/33 \$000
Cash flows from operating activities:										
Receipts from customers	279,552	289,085	302,837	316,815	329,725	341,348	353,487	366,001	379,243	392,761
Payments to suppliers and employees	(236,355)	(214,161)	(225,406)	(241,176)	(253,593)	(261,599)	(270,822)	(278,927)	(287,455)	(294,552)
	\$ 43,197	\$ 74,924	\$ 77,431	\$ 75,639	\$ 76,132	\$ 79,749	\$ 82,665	\$ 87,074	\$ 91,788	\$ 98,209
Interest received	6,907	6,811	5,951	5,911	4,228	3,099	2,887	2,618	2,776	2,912
Non capital grants and contributions	10,951	8,758	8,934	9,247	9,529	9,767	10,013	10,263	10,522	10,781
Borrowing Costs	(2,787)	(2,949)	(3,404)	(4,038)	(3,649)	(3,645)	(4,122)	(5,300)	(7,216)	(8,593)
Net cash inflow (outflow) from operating activities	\$ 58,268	\$ 87,544	\$ 88,912	\$ 86,759	\$ 86,240	\$ 88,970	\$ 91,443	\$ 94,655	\$ 97,870	\$ 103,309
Cash flow from investing activities:										
Payments for property, plant and equipment	(117,718)	(131,431)	(138,751)	(158,964)	(170,107)	(182,998)	(192,349)	(199,555)	(212,373)	(218,195)
Payments for intangible assets	-	-	-	-	-	-	-	-	-	-
Net movement in loans and advances	1,676	-	-	-	-	-	-	-	-	-
Proceeds from sale of property plant and equipment	2,090	2,403	2,574	3,596	2,935	3,016	3,406	3,313	3,225	3,225
Grants, subsidies, contributions and donations	21,353	34,675	35,628	48,255	60,575	65,741	49,220	52,950	74,620	81,330
Other investing activities	(6,072)	(5,580)	(5,074)	(4,758)	(2,000)	(2,000)	(2,000)	(2,000)	(2,000)	(2,000)
Net cash inflow (outflow) from investing activities	\$ (98,671)	\$ (99,933)	\$ (105,623)	\$ (111,871)	\$ (108,597)	\$ (116,241)	\$ (141,723)	\$ (145,292)	\$ (136,528)	\$ (135,640)
Cash flow from financing activities:										
Proceeds from borrowings	21,200	20,000	23,800	-	10,000	20,000	39,500	61,500	50,000	50,500
Repayment of borrowings	(14,045)	(11,643)	(8,846)	(7,247)	(7,631)	(6,149)	(4,857)	(6,465)	(8,886)	(11,029)
Principal lease repayments	(17)	(17)	(17)	(17)	(17)	(17)	(17)	(17)	(17)	(17)
Net cash inflow (outflow) from financing activities	\$ 7,138	\$ 8,340	\$ 14,937	\$ (7,264)	\$ 2,352	\$ 13,834	\$ 34,626	\$ 55,018	\$ 41,097	\$ 39,454
Net increase (decrease) in cash held	\$ (33,265)	\$ (4,049)	\$ (1,774)	\$ (32,376)	\$ (20,005)	\$ (13,437)	\$ (15,654)	\$ 4,381	\$ 2,439	\$ 7,123
Cash at beginning of reporting period	150,165	116,900	112,851	111,077	78,701	58,696	45,259	29,605	33,986	36,425
Cash at end of reporting period	\$ 116,900	\$ 112,851	\$ 111,077	\$ 78,701	\$ 58,696	\$ 45,259	\$ 29,605	\$ 33,986	\$ 36,425	\$ 43,548

MACKAY REGIONAL COUNCIL
STATEMENT OF CHANGES IN EQUITY
For the year ending 30 June 2024
(including long term forecast until 2032/33)

	Budget 2023/24 \$000	Forward Estimate								
		2024/25 \$000	2025/26 \$000	2026/27 \$000	2027/28 \$000	2028/29 \$000	2029/30 \$000	2030/31 \$000	2031/32 \$000	2032/33 \$000
Retained Surplus										
Opening balance	2,313,187	2,333,348	2,368,070	2,404,200	2,456,811	2,523,977	2,596,254	2,654,186	2,716,668	2,799,840
Adjustment to opening balance	-	-	-	-	-	-	-	-	-	-
Net result for the period	20,161	34,722	36,129	52,612	67,166	72,277	57,932	62,482	83,172	92,383
Closing balance	\$ 2,333,348	\$ 2,368,070	\$ 2,404,200	\$ 2,456,811	\$ 2,523,977	\$ 2,596,254	\$ 2,654,186	\$ 2,716,668	\$ 2,799,840	\$ 2,892,223
Asset Revaluation Reserve										
Opening balance	1,611,090	1,611,090	1,611,090	1,611,089	1,611,091	1,611,090	1,611,090	1,611,090	1,611,090	1,611,089
Adjustment to opening balance	-	-	-	-	-	-	-	-	-	-
Asset revaluation adjustments	-	-	(1)	2	(1)	-	-	-	(1)	-
Closing balance	\$ 1,611,090	\$ 1,611,090	\$ 1,611,089	\$ 1,611,091	\$ 1,611,090	\$ 1,611,090	\$ 1,611,090	\$ 1,611,090	\$ 1,611,089	\$ 1,611,089
Total										
Opening balance	3,924,277	3,944,438	3,979,160	4,015,289	4,067,902	4,135,067	4,207,344	4,265,276	4,327,758	4,410,929
Adjustment to opening balance	-	-	-	-	-	-	-	-	-	-
Net result for the period	20,161	34,722	36,129	52,612	67,166	72,277	57,932	62,482	83,172	92,383
Asset revaluation adjustments	-	-	(1)	2	(1)	-	-	-	(1)	-
TOTAL COMMUNITY EQUITY	\$ 3,944,438	\$ 3,979,160	\$ 4,015,289	\$ 4,067,902	\$ 4,135,067	\$ 4,207,344	\$ 4,265,276	\$ 4,327,758	\$ 4,410,929	\$ 4,503,312

MACKAY REGIONAL COUNCIL
KEY FINANCIAL SUSTAINABILITY METRICS
For the year ending 30 June 2024
(including long term forecast until 2032/33)

	Target	Budget 2023/24	Forward Estimate								
			2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33
Operating surplus ratio <i>Operating result (excluding capital items) as a percentage of operating revenue</i>	0% - 10%	-1.8%	-0.4%	-0.2%	1.0%	1.7%	1.5%	2.1%	2.2%	1.9%	2.5%
Current ratio <i>Current assets / current liabilities</i>	Between 1 and 4	1.5	1.5	1.6	1.3	1.3	1.3	1.4	1.5	1.5	0.9
Debt service cover ratio <i>EBITDA / (interest expense + principal loan repayment)</i>	>2 times	4.2	6.3	7.7	8.8	9.0	10.4	11.7	9.2	7.0	6.0
Net financial liabilities ratio <i>(Total liabilities - current assets) / total operating revenue (excluding capital items)</i>	< 60%	11.5%	13.3%	16.2%	19.3%	21.3%	25.4%	35.3%	44.8%	51.0%	66.1%
Asset sustainability ratio <i>Capital expenditure on renewals / depreciation expense</i>	> 90%	66.1%	94.0%	94.2%	84.9%	85.5%	95.0%	90.2%	88.7%	93.3%	84.4%
Capital expenditure ratio <i>Capital expenditure / depreciation</i>	> 1.1 times	1.4	1.5	1.6	1.7	1.9	2.0	2.1	2.1	2.2	2.2

**MACKAY REGIONAL COUNCIL
CAPITAL WORKS PROGRAM
For the year ending 30 June 2024
(including long term forecast until 2032/33)**

	Budget 2023/24 \$000	Forward Estimate								
		2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33
		\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000
Buildings and Facilities	12,374	7,829	13,607	28,724	31,341	25,165	9,850	7,228	9,166	10,521
Renewal	4,256	6,155	6,735	7,569	5,777	4,826	3,981	4,323	6,277	3,921
Upgrade	1,090	308	1,059	7,120	219	97	99	102	-	-
New	7,029	1,365	5,814	14,035	25,344	20,243	5,769	2,803	2,889	6,599
Parks, Gardens, Coastal & Foreshores, Waste	17,902	21,711	17,000	8,399	15,777	21,553	12,801	12,165	8,879	8,545
Renewal	2,785	4,992	2,893	4,014	4,488	6,365	5,012	4,275	5,648	3,826
Upgrade	1,703	1,398	1,198	1,103	2,841	1,036	1,727	5,196	1,139	195
New	13,415	15,322	12,909	3,283	8,447	14,151	6,062	2,695	2,092	4,525
Intangible	-	-	-	-	-	-	-	-	-	-
Renewal	-	-	-	-	-	-	-	-	-	-
Upgrade	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-
Land	201	-	-	4,175	5,760	-	-	-	-	-
Renewal	-	-	-	-	-	-	-	-	-	-
Upgrade	-	-	-	-	-	-	-	-	-	-
New	201	-	-	4,175	5,760	-	-	-	-	-
Plant & Equipment	12,000	13,353	13,641	11,136	10,654	10,944	12,646	12,838	13,726	12,564
Renewal	10,924	13,269	13,558	9,565	9,142	9,528	11,320	11,472	12,319	11,115
Upgrade	46	84	-	303	-	-	-	-	-	-
New	1,031	-	83	1,268	1,512	1,416	1,326	1,366	1,407	1,449
Roads, Drainage & Network	52,232	55,390	49,401	53,893	71,119	71,369	80,461	98,485	107,567	101,066
Renewal	25,748	38,827	32,966	26,771	32,134	33,969	32,349	31,811	37,752	36,654
Upgrade	10,455	5,928	7,088	10,564	20,972	21,914	22,886	35,851	34,069	14,864
New	16,030	10,636	9,347	16,558	18,013	15,486	25,226	30,822	35,746	49,549
Sewerage	6,657	15,244	12,977	27,666	15,979	21,250	41,324	36,636	52,604	59,253
Renewal	4,633	10,017	8,246	14,768	12,164	17,140	16,075	16,348	12,386	12,830
Upgrade	1,223	3,186	2,769	6,313	2,982	2,923	24,650	17,857	1,253	10,201
New	801	2,041	1,963	6,585	834	1,187	599	2,431	38,964	36,221
Water	16,351	17,904	32,124	24,971	19,478	32,716	35,269	32,202	20,431	26,247
Renewal	11,188	12,198	22,412	16,390	16,316	17,375	16,574	17,289	17,407	16,513
Upgrade	1,915	1,301	6,795	1,699	2,756	8,472	4,574	3,448	105	4,521
New	3,248	4,404	2,917	6,883	406	6,869	14,121	11,465	2,919	5,212
Quarry and Landfill Remediaton	1,021	1,636	2,197	9,050	12,696	10,308	10,589	9,980	7,996	6,680
Renewal	1,021	1,636	2,197	9,050	12,696	10,308	10,589	9,980	7,996	6,680
Upgrade	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-
	\$ 118,740	\$ 133,067	\$ 140,947	\$ 168,015	\$ 182,803	\$ 193,306	\$ 202,938	\$ 209,535	\$ 220,369	\$ 224,875

11.6.3. 2024-25 PUBLIC FEES & CHARGES - EARLY ADOPTION

Author	Senior Revenue & Treasury Accountant (Kristen Filtness)
Responsible Officer	Director Corporate Services (Angela Hays)
File Reference	2024/25 Fees & Charges

Attachments

1. Public Fees & Charges Early Adoption 2024-25 [**11.6.3.1** - 15 pages]

Purpose

To seek Council's endorsement of the reviewed Council Fees and Charges Schedule that require early adoption for consideration.

Related Parties

Nil.

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.

Background/Discussion

In accordance with the *Local Government Act 2009* (the Act), Council has charging powers to establish user pay charges. These charges are in relation to the use of Mackay Regional Council (MRC) facilities and for the provision of identified services.

This schedule of public fees and charges is required to be adopted earlier than previous years to meet legislative requirements which are impacted by Council Elections and the associated caretaker period.

The fees and charges being tabled in this report are either cost recovery or commercial in nature, and management have reviewed all charges to ensure they address appropriate cost drivers or industry standards.

A base increase of 5.4%, reflective of CPI adjustments, was applied to all applicable commercial fees and charges. There are minor variations to this increase as a result of rounding and adjustments to reflect market conditions.

Some fees have been removed either:

- a) where they have been incorporated into another fee
- b) are a duplication of an existing fee, or
- c) the service is no longer provided.

The Sarina Sugar Shed have introduced 13 new fees to simplify their entry fees. The entry fees for the Sugar Shed now have the same categories from adult to family for all entry fees, which includes general entry, package tasting, self-guided tour and specialty experiences.

Health and Regulation have introduced 11 new fees for animals that we were previously not charging for. These fees consist of renewal fees and licence fees.

Consultation and Communication

The schedule of proposed fees and charges has been reviewed by relevant Directors and Managers and discussed with the Executive Leadership Team. Fees that have changed have been further reviewed by the relevant Director to provide justification.

Resource Implications

Fees and charges form a significant part of Council's revenue raising requirements and provide a source of funding and/or contribution to programs delivered by MRC.

Risk Management Implications

The Act allows Council to establish cost recovery fees and charges and fees and charges in line with commercial principles. Where the true cost of services is not recovered through fees, then additional impost is placed on other revenue sources, typically rates.

Conclusion

It is recommended that the proposed schedule of MRC fees and charges be adopted as tabled.

Officer's Recommendation

THAT Council adopts the Fees and Charges Schedule as attached, to take effect from 1 July 2024.

Council Resolution ORD-2024-11

THAT Council adopts the Fees and Charges Schedule as attached, to take effect from 1 July 2024.

Moved Cr Mann

Seconded Cr Townsend

CARRIED UNANIMOUSLY

Mackay Regional Council | Schedule of Fees and Charges 2024-2025

Council Product/Service	Unit	LGA Legislative Authority	Relevant Legislation/Policy	Adopted Fee GST Inclusive where applied <small>(Both % & \$\$)</small>	GST
Council Facilities					
Mackay Entertainment and Convention Centre (MECC)					
Mackay Entertainment and Convention Centre (MECC)					
For the latest rates, please contact the sales and marketing team at the Mackay Entertainment and Convention Centre	Price on Application			Price on Application	0.00%
Ticketing postage fee	Each			3.10	0.00%
Ticket Seller	Hour			68.00	0.00%
Video call	Each			92.00	0.00%
Sarina Sugar Shed					
Entry Fees					
Adult	Person			30.00	10.00%
Child (4 to 17 Years)	Person			15.00	10.00%
Infant (Under 4 Years)	Person			0.00	10.00%
Concession (ID Required)	Person			25.00	10.00%
Family (2 Adults and 2 Children)	Package			79.00	10.00%
Family additional Child (4 to 17 years)	Person			9.50	10.00%
Package Tasting - Adult	Person			10.00	10.00%
Package Tasting - Infant (under 4 years)	Person			0.00	10.00%
Package Tasting - Child (4 -17 Years)	Person			5.00	10.00%
Package Tasting - Concession	Person			8.00	10.00%
Package Tasting - Family (2 Adults, 2 Children)	Package			25.00	10.00%
Package Tasting - Family additional Child (4 to 17 years)	Person			3.00	10.00%
Self-guided tour - Adult	Person			15.00	10.00%
Self-guided tour - Infant (under 4)	Person			0.00	10.00%
Self-guided tour - Child (4 -17 Years)	Person			7.50	10.00%
Self-guided tour - Concession	Person			12.50	10.00%
Self-guided tour - Family (2 Adults, 2 Children)	Package			40.00	10.00%
Self-guided tour - Family (additional child 4-17)	Person			5.00	10.00%
Self-guided tour - Family additional Child (4 to 17 years)	Person			5.00	10.00%
Specialty Experiences - Tasting Experience - Adult	Person			17.00	10.00%
Specialty Experiences - Tasting Experience - Child (4 to 17)	Person			6.50	10.00%
Specialty Experiences - Tasting Experience - Infant (Under 4 Years)	Person			0.00	10.00%
Specialty Experiences - Tasting Experience - Concession (ID Required)	Person			15.00	10.00%

Mackay Regional Council | Schedule of Fees and Charges 2024-2025

<i>Council Product/Service</i>	<i>Unit</i>	<i>LGA Legislative Authority</i>	<i>Relevant Legislation/Policy</i>	<i>Adopted Fee GST Inclusive where applied</i>	<i>GST</i>
Specialty Experiences - Tasting Experience - Family (2 Adults and 2 Children)	Package			38.00	10.00%
Specialty Experiences - Tasting Experience - Family additional child (5 to 17)	Person			6.50	10.00%
Specialty Experiences - Rum Distillery Tour - Adult 18+ (no concession)	Person			20.00	10.00%

Group Tours minimum 10 people. FOC for coach driver & host

Group Tour Package - Adult guided tour including tastings	Person			27.00	10.00%
Group Tour Package - Child guided tour including tastings	Student			13.50	10.00%

Packages

Delivery service fee	Price on Application			Price on Application	10.00%
Shipping Fee	Price on Application			Price on Application	10.00%

Facility Hire

Staff Attendance (hourly, per staff member)	Hour			58.00	10.00%
After hours - before 9am, after 5pm including 2 staff (minimum 2 hour hire)	Hour			116.00	10.00%

Mackay Stadium

Mackay Stadium

For the latest rates, please contact the sales and marketing team at the Mackay Entertainment and Convention Centre	Price on Application			Price on Application	0.00%
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Regulation

Animals

Animal Registration

Additional Dogs (Per Premises) Renewal Fee - Annual	Annual	LGA 2009 s97(2)(a)	LL No. 2 2011	98.00	0.00%
Additional Cats (Per Premises) Renewal Fee - Annual	Annual	LGA 2009 s97(2)(a)	LL No. 2 2011	98.00	0.00%
Pet Shops (Per Premises) Renewal Fee - Annual	Annual	LGA 2009 s97(2)(a)	LL No. 2 2011	136.00	0.00%
Poultry (Per Premises) Renewal Fee - Annual	Annual	LGA 2009 s97(2)(a)	LL No. 2 2011	98.00	0.00%
Budgerigar, Canary or Other Bird of a Similar Size (Per Premises) Renewal Fee - Annual	Annual	LGA 2009 s97(2)(a)	LL No. 2 2011	98.00	0.00%
Cattery (Per Premises) Commercial Renewal Fee - Annual	Annual	LGA 2009 s97(2)(a)	LL No. 2 2011	165.00	0.00%
Rooster Approval (Per Premises) Renewal Fee - Annual	Annual	LGA 2009 s97(2)(a)	LL No. 2 2011	98.00	0.00%
Kennels (Per Premises) Commercial Renewal Fee - Annual	Annual	LGA 2009 s97(2)(a)	LL No. 2 2011	165.00	0.00%
Annual Licence Fees - Less than 6 stalls - Renewal Fee- Annual	Annual	LGA 2009 s97(2)(a)	LL No. 2 2011	256.00	0.00%
Annual Licence Fees - Between 6 stalls and 12 stalls - Renewal Fee - Annual	Annual	LGA 2009 s97(2)(a)	LL No. 2 2011	256.00	0.00%

Mackay Regional Council | Schedule of Fees and Charges 2024-2025

<i>Council Product/Service</i>	<i>Unit</i>	<i>LGA Legislative Authority</i>	<i>Relevant Legislation/Policy</i>	<i>Adopted Fee GST Inclusive where applied</i>	<i>GST</i>
Annual Licence Fees - More than 12 stalls - Renewal Fee - Annual	Annual	LGA 2009 s97(2)(a)	LL No. 2 2011	338.00	0.00%
Cat Registration Discount Fee (Entire Cat) - if paid by 30th June	Annual	LGA 2009 s97(2)(a)	LL No. 2 2011	32.00	0.00%
Cat Registration Discount Fee (Desexed Cat) - if paid by 30th June	Annual	LGA 2009 s97(2)(a)	LL No. 2 2011	14.00	0.00%
Dog and Cat Registration - registration between 1 July and 30 September Percentage of prescribed Fee	Percentage	LGA 2009 s97(2)(a)	AM(CD)A 2008 & LL No. 2 2011	100.00	0.00%
Dog and Cat Registration - registration between 1 October and 31 December Percentage of prescribed Fee	Percentage	LGA 2009 s97(2)(a)	AM(CD)A 2008 & LL No. 2 2011	75.00	0.00%
Dog and Cat Registration - registration between 1 January and 31 March Percentage of prescribed Fee	Percentage	LGA 2009 s97(2)(a)	AM(CD)A 2008 & LL No. 2 2011	50.00	0.00%
Dog and Cat Registration - registration between 1 April and 30 June Percentage of prescribed Fee	Percentage	LGA 2009 s97(2)(a)	AM(CD)A 2008 & LL No. 2 2011	25.00	0.00%
Dangerous Dog Initial Registration (including sign & tag)	Each	LGA 2009 s97(2)(a)	AM(CD)A 2008	727.00	0.00%
Dangerous Dog Annual Registration	Annual	LGA 2009 s97(2)(a)	AM(CD)A 2008	582.00	0.00%
Dangerous Dog Annual Reduced Registration (For Approved Applicants only)	Annual	LGA 2009 s97(2)(a)	AM(CD)A 2008	435.00	0.00%
Menacing Dog Initial Registration (including sign & tag)	Each	LGA 2009 s97(2)(a)	AM(CD)A 2008	500.00	0.00%
Menacing Dog Annual Registration	Annual	LGA 2009 s97(2)(a)	AM(CD)A 2008	412.00	0.00%
Menacing Dog Annual Reduced Registration (For Approved Applicants only)	Annual	LGA 2009 s97(2)(a)	AM(CD)A 2008	322.00	0.00%
Dog Registration Full Fee (Entire Dog) - Including Restricted Dogs which also have an Annual Approval Fee listed separately	Annual	LGA 2009 s97(2)(a)	AM(CD)A 2008	140.00	0.00%
Dog Registration Full Fee (Entire Dog) - Pensioners	Annual	LGA 2009 s97(2)(a)	AM(CD)A 2008	90.00	0.00%
Dog Registration Full Fee (Desexed Dog)	Annual	LGA 2009 s97(2)(a)	AM(CD)A 2008	65.00	0.00%
Dog Registration Full Fee (Desexed Dog) - Pensioners	Annual	LGA 2009 s97(2)(a)	AM(CD)A 2008	39.00	0.00%
Dog Registration Senior Dog for Senior Person and Guide Dogs	No Charge	LGA 2009 s97(2)(a)	AM(CD)A 2008	No Charge	0.00%
Dog Registration Replacement Tags	No Charge	LGA 2009 s97(2)(a)	AM(CD)A 2008	No Charge	0.00%
Dog Registration Discount Fee (Entire Dog) - if paid by 30th June	Annual	LGA 2009 s97(2)(a)	AM(CD)A 2008	100.00	0.00%
Dog Registration Discount Fee (Entire Dog) - Pensioners if paid by 30th June	Annual	LGA 2009 s97(2)(a)	AM(CD)A 2008	46.00	0.00%
Dog Registration Discount Fee (Desexed Dog) - if paid by 30th June	Annual	LGA 2009 s97(2)(a)	AM(CD)A 2008	43.00	0.00%
Dog Registration Discount Fee (Desexed Dog) - Pensioners if paid by 30th June	Annual	LGA 2009 s97(2)(a)	AM(CD)A 2008	22.00	0.00%
Cat Registration Full Fee (Entire Cat)	Annual	LGA 2009 s97(2)(a)	AM(CD)A 2008	55.00	0.00%
Cat Registration Full Fee (Desexed Cat)	Annual	LGA 2009 s97(2)(a)	AM(CD)A 2008	23.00	0.00%
Cat Registration Senior Cat for Senior Person	No Charge	LGA 2009 s97(2)(a)	AM(CD)A 2008	No Charge	0.00%

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<i>Council Product/Service</i>	<i>Unit</i>	<i>LGA Legislative Authority</i>	<i>Relevant Legislation/Policy</i>	<i>Adopted Fee GST Inclusive where applied</i>	<i>GST</i>
Animal Release					
Cat Release if Registered (Release to owners) - 1st Impounding	Each	LGA 2009 s97(2)(d)	LL 2011 No. 2 & SLL 2011 No. 2	69.00	0.00%
Cat Release if Unregistered - Release Fee (Includes Registration of the Animal)	Each	LGA 2009 s97(2)(d)	LL 2011 No. 2 & SLL 2011 No. 2	134.00	0.00%
Dog Release if Registered (Release to owners) - 1st Impounding	Each	LGA 2009 s97(2)(d)	LL 2011 No. 2 & SLL 2011 No. 2	116.00	0.00%
Dog Release if Registered (Release to owners) - 1st Impounding and no proven nuisance to the Community (e.g. Noise, Aggression, Off Leash or Straying issues) recorded for the past 3 years	Each	LGA 2009 s97(2)(d)	LL 2011 No. 2 & SLL 2011 No. 2	58.00	0.00%
Dog Release if Unregistered - Release Fee (Plus Registration of the Animal Fee)	Each	LGA 2009 s97(2)(d)	LL 2011 No. 2 & SLL 2011 No. 2	210.00	0.00%
Dog Release Pound Fee (Per Dog) Per Day in Excess of 48 hours in Pound	Each	LGA 2009 s97(2)(d)	LL 2011 No. 2 & SLL 2011 No. 2	23.00	0.00%
Dog Release 2nd and Subsequent Impounding in 12 months	Each	LGA 2009 s97(2)(d)	LL 2011 No. 2 & SLL 2011 No. 2	233.00	0.00%
Dog Released to new Senior owner within Council area (Includes Registration and Microchip)	No Charge	LGA 2009 s97(2)(d)	LL 2011 No. 2 & SLL 2011 No. 2	No Charge	0.00%
Cat Release 2nd and Subsequent Impounding in 12 months	Each	LGA 2009 s97(2)(d)	LL 2011 No. 2 & SLL 2011 No. 2	139.00	0.00%
Cat Released to new Senior owner within Council area (Includes Registration and Microchip)	No Charge	LGA 2009 s97(2)(d)	LL 2011 No.2 & SLL 2011 No.2	No Charge	0.00%
Dog Release - Male (Entire Dog) to new owner (Plus Registration paid to Council and Microchip paid to Contract Vet)	Each	LGA 2009 s97(2)(d)	LL 2011 No.2 & SLL 2011 No.2	116.00	0.00%
Dog Release - Female (Entire Dog) to new owner (Plus Registration paid to Council and Microchip paid to Contract Vet)	Each	LGA 2009 s97(2)(d)	LL 2011 No.2 & SLL 2011 No.2	143.00	0.00%
Dog Release - Desexed Dog to new owner (Plus Registration paid to Council and Microchip paid to Contract Vet)	Each	LGA 2009 s97(2)(d)	LL 2011 No.2 & SLL 2011 No.2	69.00	0.00%
Dog Release - Dog Release to owner outside Council Area (Plus Microchip paid to Contract Vet)	Each	LGA 2009 s97(2)(d)	LL 2011 No.2 & SLL 2011 No.2	69.00	0.00%
Cat Release - Male (Entire Cat) to new owner (Plus Registration paid to Council and Microchip paid to Contract Vet)	Each	LGA 2009 s97(2)(d)	LL 2011 No.2 & SLL 2011 No.2	81.00	0.00%
Cat Release - Female (Entire Cat) to new owner (Plus Registration paid to Council and Microchip paid to Contract Vet)	Each	LGA 2009 s97(2)(d)	LL 2011 No.2 & SLL 2011 No.2	101.00	0.00%
Cat Release - Desexed Cat to new owner (Plus Registration paid to Council and Microchip paid to Contract Vet)	Each	LGA 2009 s97(2)(d)	LL 2011 No.2 & SLL 2011 No.2	30.00	0.00%
Cat Release - Cat release to new owner outside Council Area (Plus Microchip paid to Contract Vet)	Each	LGA 2009 s97(2)(d)	LL 2011 No.2 & SLL 2011 No.2	30.00	0.00%
Dog Release - Entire Dog to new owner outside Council area (Plus Microchip paid to contract vet)	Each	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.11	70.00	0.00%
Cat Release - Entire Cat to new owner outside Council (Plus Microchip paid to contract vet)	Each	LGA 2009 s97(2)(a)	LL 2011 No. 1,7 & SLL 2011 No. 1.17,7	31.00	0.00%
Regulated Dog					
Regulated Dog Replacement Sign	Each	LGA 2009 s97(2)(a)	AM(CD)A 2008	53.00	0.00%
Regulated Dog Replacement Reflective Collar	Each	LGA 2009 s97(2)(a)	AM(CD)A 2008	42.00	0.00%
Regulated Dog Replacement Identification Tag	Each	LGA 2009 s97(2)(a)	AM(CD)A 2008	0.00	0.00%
Reciprocal Registration - Transfer of Current Registration from another Local Government - (For the current registration period only, Evidence of current registration to be provided)	Each	LGA 2009 s97(2)(a)	AM(CD)A 2008 & LL No. 2 2011	0.00	0.00%

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Animal Approvals					
Additional Dogs (Per Premises) Initial Application Fee	Annual	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.5	123.00	0.00%
Pet Shops (Per Premises) Initial Application Fee	Annual	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.5	170.00	0.00%
Restricted Dog (By Breed) In addition to Annual Registration Fee	Annual	LGA 2009 s97(2)(a)	AM(CD)A 2008	350.00	0.00%
Additional Cats (Per Premises) Initial Application Fee	Annual	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.5	123.00	0.00%
Poultry (Per Premises) Initial Application Fee	Annual	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.5	123.00	0.00%
Budgerigar, Canary or Other Bird of a Similar Size (Per Premises) Initial Application Fee	Annual	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.5	123.00	0.00%
Cattery (Per Premises) Commercial Initial Application Fee	Annual	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.5	205.00	0.00%
Rooster Approval (Per Premises) Initial Application Fee	Annual	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.5	123.00	0.00%
Kennels (Per Premises) Commercial Initial Application Fee	Annual	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.5	206.00	0.00%
Equipment Hire					
Refundable Bond - Spray Trailer	Each			119.00	0.00%
Cat Traps (All Inclusive - Per Week) plus Bond	No Charge			No Charge	0.00%
Refundable Bond - Cat Trap	Each			93.00	0.00%
Pig Traps Hire (All Inclusive - Per Week) plus Bond	No Charge			No Charge	0.00%
Refundable Bond - Pig Trap	Each			119.00	0.00%
Spray Trailer Hire (All Inclusive - Per Week) plus Bond	No Charge			No Charge	0.00%
Anti-Barking Collar Hire (All Inclusive - Per Week) plus Bond	Week			27.00	0.00%
Refundable Bond - Anti-Barking Collar	Each			93.00	0.00%
Pound Fees for each head of livestock					
Rates of Collection - Impounded by private person or by Local Government	Each	LGA 2009 s97(2)(d)	LL 2011 No. 2 & SLL 2011 No. 2	327.00	0.00%
Poundage - for each day or part thereof during which such animal is impounded	Day	LGA 2009 s97(2)(d)	LL 2011 No. 2 & SLL 2011 No. 2	36.00	0.00%
Health and Health Licencing					
Food Destruction and Safety					
Unsound Food Destruction Service Fee (Excludes Disposal)	Each	LGA 2009 s97(2)(a)	FA 2006 s31	134.00	0.00%
Disposal of Unsound Food Fee	Each	LGA 2009 s97(2)(a)	FA 2006 s31	128.00	0.00%
Audit of Food Safety Program	Each	LGA 2009 s97(2)(a)	FA 2006 s31	648.00	0.00%

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Health, Environment, Inspection and General Fees					
Health Search - Inspection (Fast track, 5 business days) - Single Licence Activity on Premises (Refund 25% if application withdrawn and/or no licensed activity on the premises)	Visit	LGA 2009 s97(2)(c)		424.00	0.00%
Health Search - Inspection (10 business days) - Multiple Licence Activity on Premises (e.g. accommodation, food, pool) (Refund 50% if application withdrawn and/or no licensed activity at the premises)	Visit	LGA 2009 s97(2)(c)		424.00	0.00%
Health Search - Inspection (Fast track - 5 business days) - Multiple Licence Activity on Premises (e.g. accommodation, food, pool) (Refund 25% if application withdrawn and/or no licensed activity at the premises)	Visit	LGA 2009 s97(2)(c)		570.00	0.00%
Environmental Health Property Search - Physical Inspection in relation to Health Matters only for Class 2 to 9 Buildings (Per registered/licensed premises)	Visit	LGA 2009 s97(2)(c)		353.00	0.00%
Health Requisition Enquiry (5 business days) (Refund 25% if application withdrawn)	Each	LGA 2009 s97(2)(c)		66.00	0.00%
Health Requisition Enquiry (Fast track 2 business days) (Refund 25% if application withdrawn)	Each	LGA 2009 s97(2)(c)		213.00	0.00%
Pest Management Property Search - Declared Plants (Land Protection - Pest & Stock Route Management - Act 2002)	Visit	LGA 2009 s97(2)(c)		289.00	0.00%
Environmental Search - Inspection (10 business days) - Single Licence Activity on Premises (Refund 50% if application withdrawn and/or no licensed activity on the premises)	Visit	LGA 2009 s97(2)(c)		279.00	0.00%
Eat Safe Administrative Review Application - The application for a review must be made within 5 business days of the Eat Safe Mackay Inspection.	Each	LGA 2009 s97(2)(a)	FA 2006 s31	160.00	0.00%
Eat Safe Minor Re-grade Assessment Application - A maximum of 3 separate minor non-compliances will be assessed (i.e. Limited Inspection). The application for a minor re-grade must be made within 5 business days of the Eat Safe Mackay Inspection.	Visit	LGA 2009 s97(2)(a)	FA 2006 s31	319.00	0.00%
Eat Safe Major Re-grade Assessment Application - The entire business is reassessed. Waiting periods apply and Rating increases are limited	Visit	LGA 2009 s97(2)(a)	FA 2006 s31	480.00	0.00%
Reinspection of Premises - for all Environmental Health Licences where ongoing non-compliance is evident OR consultation/advice when inspection and report requested (Not relevant for Health Searches)	Visit	LGA 2009 s97(2)(a)		139.00	0.00%
Inspection of Development / Site / Building - for all Development Compliance matters where ongoing non-compliance is evident	Visit	LGA 2009 s97(2)(a)		140.00	0.00%
Inspection of Development / Site / Premises - for all Environmental Protection matters where ongoing non-compliance is evident	Visit	LGA 2009 s97(2)(a)		139.00	0.00%
Health Search - Inspection (10 business days) - Single Licence Activity on Premises (Refund 50% if application withdrawn and/or no licensed activity on the premises)	Visit	LGA 2009 s97(2)(a)		279.00	0.00%
Environmental Search - Inspection (Fast track, 5 business days) - Single License Activity on Premises (Refund 25% if application withdrawn and/or no licensed activity on the premises)	Visit	LGA 2009 s97(2)(a)		424.00	0.00%
Environmental Requisition Enquiry (5 business days) (Refund 25% if application withdrawn)	Each	LGA 2009 s97(2)(a)	EPA 1994 s514(5)	66.00	0.00%
Environmental Requisition Enquiry (Fast track 2 business days) (Refund 25% if application withdrawn)	Each	LGA 2009 s97(2)(a)	EPA 1994 s514	213.00	0.00%
Late Fee for when Annual Reminder Notice is issued	Each	LGA 2009 s97(2)(a)		95.00	0.00%
Replacement of Licence in the event of loss/damage etcetera to Original	Each	LGA 2009 s97(2)(a)		32.00	0.00%
Accreditation of Food Safety Program	Each	LGA 2009 s97(2)(a)	FA 2006 s31	570.00	0.00%
Accreditation of Food Safety Program - No Auditor advice by Council	Each	LGA 2009 s97(2)(a)	FA 2006 s31	275.00	0.00%
Assessment of Amendment to Food Safety Program (changes that involve process change or new process/procedures)	Each	LGA 2009 s97(2)(a)	FA 2006 s31	275.00	0.00%

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Food Premises - Annual Licence Fees					
Home Based Food Business (per annum) - Type 3 - 4 Star - Combined Home Based Type 2 and Temporary Food Type 3	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	365.00	0.00%
Home Based Food Business (per annum) - Type 3 - 5 Star - Combined Home Based Type 2 and Temporary Food Type 3	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	242.00	0.00%
Late Fee for when Annual Reminder Notice is issued	Each	LGA 2009 s97(2)(a)	FA 2006 s49	95.00	0.00%
Replacement of Approval in the event of loss/damage etcetera to Original	Each	LGA 2009 s97(2)(a)	FA 2006 s49	32.00	0.00%
Food Licence 3 Star (application default) (per annum)	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	486.00	0.00%
Food Licence 2 Star (per annum)	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	938.00	0.00%
Food Licence 0 Star (per annum)	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	1,140.00	0.00%
Mobile Food Vendor 3 Star (per annum)	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	486.00	0.00%
Temporary Food Business (per annum) - Type 1 - 3 Star - Low Risk, Taste Testers (breads, oils, chillies etc.) Single or multiple locations	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	121.00	0.00%
Temporary Food Business (per annum) - Type 3 - 4 Star - Unpackaged Potentially Hazardous Foods - Single or multiple locations	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	264.00	0.00%
Temporary Food Business (per annum) - Type 2 - 3 Star - Unpackaged Non-Potentially Hazardous Foods, Cakes and Snacks - Single or multiple locations	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	176.00	0.00%
Temporary Food Business (per annum) - Type 3 - 3 Star - Unpackaged Potentially Hazardous Foods - Single or multiple locations	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	352.00	0.00%
Home Based Food Business (per annum) - Type 1 - 3 Star - Non-Potentially Hazardous Foods, Cakes and Snacks, Jams and Chutneys	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	176.00	0.00%
Home Based Food Business (per annum) - Type 2 - 3 Star - Potentially Hazardous Foods	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	352.00	0.00%
Home Based Food Business (per annum) - Type 3 - 3 Star - Combined Home Based Type 2 and Temporary Food Type 3	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	486.00	0.00%
Honey Food Business (per annum)	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	86.00	0.00%
Temporary Food Business (per annum) - Type 3 - 5 Star - Unpackaged Potentially Hazardous Foods - Single or multiple locations	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	176.00	0.00%
Home Based Food Business (per annum) - Type 1 - 4 Star - Non-Potentially Hazardous Foods, Cakes and Snacks, Jams and Chutneys	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	131.00	0.00%
Home Based Food Business (per annum) - Type 1 - 5 Star - Non-Potentially Hazardous Foods, Cakes and Snacks, Jams and Chutneys	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	87.00	0.00%
Home Based Food Business (per annum) - Type 2 - 4 Star - Potentially Hazardous Foods	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	264.00	0.00%
Home Based Food Business (per annum) - Type 2 - 5 Star - Potentially Hazardous Foods	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	176.00	0.00%
Food Licence 4 Star (per annum)	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	365.00	0.00%
Food Licence 5 Star (per annum)	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	242.00	0.00%
Water Carrier (per annum)	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	486.00	0.00%
Mobile Food Vendor 0 Star (per annum)	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	1,215.00	0.00%
Mobile Food Vendor 2 Star (per annum)	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	972.00	0.00%
Mobile Food Vendor 4 Star (per annum)	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	365.00	0.00%
Mobile Food Vendor 5 Star (per annum)	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	242.00	0.00%
Temporary Food Business (per annum) - Type 1 - 0 Star - Low Risk, Taste Testers (breads, oils, chillies etc.) - Single or multiple locations	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	302.00	0.00%

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<i>Council Product/Service</i>	<i>Unit</i>	<i>LGA Legislative Authority</i>	<i>Relevant Legislation/Policy</i>	<i>Adopted Fee GST Inclusive where applied</i>	<i>GST</i>
Temporary Food Business (per annum) - Type 1 - 2 Star - Low Risk, Taste Testers (breads, oils, chillies etc.) - Single or multiple locations	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	242.00	0.00%
Temporary Food Business (per annum) - Type 1 - 4 Star - Low Risk, Taste Testers (breads, oils, chillies etc.) - Single or multiple locations	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	92.00	0.00%
Temporary Food Business (per annum) - Type 1 - 5 Star - Low Risk, Taste Testers (breads, oils, chillies etc.) - Single or multiple locations	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	61.00	0.00%
Temporary Food Business (per annum) - Type 2 - 0 Star - Unpackaged Non-Potentially Hazardous Foods, Cakes and Snacks - Single or multiple locations	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	440.00	0.00%
Temporary Food Business (per annum) - Type 2 - 2 Star - Unpackaged Non-Potentially Hazardous Foods, Cakes and Snacks - Single or multiple locations	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	351.00	0.00%
Temporary Food Business (per annum) - Type 2 - 4 Star - Unpackaged Non-Potentially Hazardous Foods, Cakes and Snacks - Single or multiple locations	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	132.00	0.00%
Temporary Food Business (per annum) - Type 2 - 5 Star - Unpackaged Non-Potentially Hazardous Foods, Cakes and Snacks - Single or multiple locations	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	87.00	0.00%
Temporary Food Business (per annum) - Type 3 - 0 Star - Unpackaged Potentially Hazardous Foods - Single or multiple locations	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	878.00	0.00%
Temporary Food Business (per annum) - Type 3 - 2 Star - Unpackaged Potentially Hazardous Foods - Single or multiple locations	Annual	LGA 2009 s97(2)(a)	FA 2006 s49	703.00	0.00%

Food Premises - Application Licence Fees

Temporary Food Premises - Commercial (One Day/Event)	Each	LGA 2009 s97(2)(a)	FA 2006 s52	85.00	0.00%
Large Food Events - Exempt Outdoor Events (concerts) e.g. Food stall at an event, whereby 500+ people are likely to be served from a single stall	Each	LGA 2009 s97(2)(a)	FA 2006 s52	382.00	0.00%
New Temporary Food Premises Application Not Applicable to Temporary Food Premises One Day/Event. One-off Fee (non refundable if application is withdrawn, cancelled or refused) - Includes assessment of plans and final inspection - plus prescribed Annual Fee - Type 1 - Low Risk, Taste Testers (breads, oils, chillies etc.) - Single or multiple locations	Each	LGA 2009 s97(2)(a)	FA 2006 s52	97.00	0.00%
New Temporary Food Premises Application Not Applicable to Temporary Food Premises One Day/Event. One-off Fee (non refundable if application is withdrawn, cancelled or refused) - Includes assessment of plans and final inspection - plus prescribed Annual Fee - Type 2 - Unpackaged Non-Potentially Hazardous Foods, Cakes and Snacks - Single or multiple locations	Each	LGA 2009 s97(2)(a)	FA 2006 s52	97.00	0.00%
New Temporary Food Premises Application Not Applicable to Temporary Food Premises One Day/Event. One-off Fee (non refundable if application is withdrawn, cancelled or refused) - Includes assessment of plans and final inspection - plus prescribed Annual Fee - Type 3 - Unpackaged Potentially Hazardous Foods - Single or multiple locations	Each	LGA 2009 s97(2)(a)	FA 2006 s52	363.00	0.00%
New Home Based Food Business - One-off Fee (non refundable if application is withdrawn, cancelled or refused) - Includes assessment of plans and final inspection plus prescribed Annual Fee - Type 1 - Non-Potentially Hazardous Food, Cakes and Snacks, Jams and Chutneys	Each	LGA 2009 s97(2)(a)	FA 2006 s52	97.00	0.00%
New Home Based Food Business - One-off Fee (non refundable if application is withdrawn, cancelled or refused) - Includes assessment of plans and final inspection plus prescribed Annual Fee - Type 2 - Potentially Hazardous Foods	Each	LGA 2009 s97(2)(a)	FA 2006 s52	363.00	0.00%
New Fixed Food Premises Application for Food Business Licence Café, Restaurants, Bakery, Childcare, Takeaway, Supermarkets, Food Shops, Convenience Stores, Caters etc. - One-off Fee (non-refundable if application is withdrawn, cancelled or refused) - Includes assessment of plans and final inspection plus prescribed annual fee.	Each	LGA 2009 s97(2)(a)	FA 2006 s52	742.00	0.00%
New Mobile Food Vehicle and Water Carriers Application for Food Business Licence - One-off Fee (non-refundable if Application is withdrawn, cancelled or refused) - Includes assessment of plans and final inspection plus prescribed Annual Fee.	Each	LGA 2009 s97(2)(a)	FA 2006 s52	742.00	0.00%
New Home Based Food Business - One-off Fee (non refundable if application is withdrawn, cancelled or refused) - Includes assessment of plans and final inspection plus prescribed Annual Fee - Type 3 - Combined Home Based Type 2 and Temporary Food Type 3	Each	LGA 2009 s97(2)(a)	FA 2006 s52	363.00	0.00%
New Honey Food Business - One-off Fee (non refundable if application is withdrawn, cancelled or refused) - Includes assessment of plans and final inspection plus prescribed Annual Fee	Each	LGA 2009 s97(2)(a)	FA 2006 s52	97.00	0.00%
Application for Food Business Licence - Already Licenced Premises or Vehicle or Temporary Food Type 3 or Home Based Type 2 or 3, no renovations/ amendments to operation - One-off Fee (non-refundable if application is withdrawn, cancelled or refused) - Includes inspection plus prescribed annual fee	Each	LGA 2009 s97(2)(a)	FA 2006 s52	218.00	0.00%
Application for Amendment to Licence (Food Act 2006, S74) - Administrative charge only, no plans required	Each	LGA 2009 s97(2)(a)	FA 2006 s52	97.00	0.00%
Application to Amend Licence (Fixed Premises or Mobile Food Vehicle and Water Carrier) - Operational change and/or renovations to food premises - Includes assessment of plans and inspection	Each	LGA 2009 s97(2)(a)	FA 2006 s52	580.00	0.00%

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<i>Council Product/Service</i>	<i>Unit</i>	<i>LGA Legislative Authority</i>	<i>Relevant Legislation/Policy</i>	<i>Adopted Fee GST Inclusive where applied</i>	<i>GST</i>
Footpath Trading Approvals					
Application to Amend Approval - Operational or Location Change - Includes assessment of plans and inspection	Each	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.2	79.00	0.00%
Casual Use Fee (Per Day) Requires Footpath Trading Approval	Day	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.2	32.00	0.00%
Continuous Use Fee (Per Annum) Requires Footpath Trading Approval:- Up to 15m2 Area - For Display of Trading Goods or typically Up to 5 Dining Tables	Annual	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.2	364.00	0.00%
Continuous Use Fee (Per Annum) Requires Footpath Trading Approval:- Up to 30m2 Area - For Display of Trading Goods or typically Up to 10 Dining Tables	Annual	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.2	605.00	0.00%
Continuous Use Fee (Per Annum) Requires Footpath Trading Approval:- Up to 45m2 Area - For Display of Trading Goods or typically Up to 15 Dining Tables	Annual	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.2	1,029.00	0.00%
Continuous Use Fee (Per Annum) Requires Footpath Trading Approval:- More than 45m2 Area - For Display of Trading Goods or typically More than 15 Tables:- Base Fee (Plus Additional Area Fee)	Annual	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.2	1,029.00	0.00%
Continuous Use Fee (Per Annum) Requires Footpath Trading Approval:- More than 45m2 Area - For Display of Trading Goods or typically More than 15 Tables:- Fee for Each Additional 3m2 Area (Plus Base Fee)	Annual	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.2	61.00	0.00%
Transfer Fee	Each	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.2	170.00	0.00%
Late Fee for when Annual Reminder Notice is issued	Each	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.2	95.00	0.00%
Replacement of Approval in the event of loss/damage etcetera to Original	Each	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.2	32.00	0.00%
New Application for Footpath Trading Approval (Continuous or Casual) - One-off Fee (Non-refundable if application cancelled, withdrawn or refused) plus prescribed Fee	Each	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.2	228.00	0.00%
Supply and Installation of Boundary Markers	Marker	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.2	79.00	0.00%
Itinerant and Static Vendors					
Late Fee for when Annual Reminder Notice is issued	Each	LGA 2009 s97(2)(c)	LL 2011 No. 1 & SLL 2011 No. 1.2	95.00	0.00%
Replacement of Approval in the event of loss/damage etcetera to Original	Each	LGA 2009 s97(2)(c)	LL 2011 No. 1 & SLL 2011 No. 1.2	32.00	0.00%
Container Deposit Locations on Council Land. New Application Fee for Container Deposit Location (bottles & cans) (one location only) - One-off Fee (non refundable if application cancelled, withdrawn or refused) plus prescribed Annual Fee	Each	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.2	225.00	0.00%
Container Deposit Locations on Council Land. Annual Approval Fee for Container Deposit Location (bottles & cans) (one location only)	Annual	LGA 2009 s97(2)(c)	LL 2011 No. 1 & SLL 2011 No. 1.2	1,009.00	0.00%
New Application for Static and/or Itinerant Vendor Approval - One-off Fee (non-refundable if application cancelled, withdrawn or refused) plus prescribed Annual Fee	Each	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.2	230.00	0.00%
New Application for Multiple Location Static Vendor Approval (maximum of three (3) locations) - One-off Fee (non-refundable if application cancelled, withdrawn or refused) plus prescribed Annual Fee	Each	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.2	593.00	0.00%
Application to Amend Approval - Operational or Location change - Includes assessment of plans and inspection (per amendment)	Each	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.2	79.00	0.00%
Itinerant Vendors Approval (per annum)	Annual	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.2	1,082.00	0.00%

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Casual Itinerant Vendors (per day)	Day	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.2	172.00	0.00%
Static Vendors Approval (per annum) MINOR plus relevant Regulated Parking Fees	Annual	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.2	1,029.00	0.00%
Multiple Location Static Vendors Approval (per annum) MINOR plus relevant Regulated Parking Fees (maximum three (3) locations)	Annual	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.2	2,374.00	0.00%
Casual Static Vendors Approval (per day) plus relevant Regulated Parking Fees	Day	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.2	172.00	0.00%
Transfer Fee	Each	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.2	170.00	0.00%

Temporary Event Approval

Amendment Fee	Each	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.2	163.00	0.00%
Temporary Entertainment Event - Non-Profit Organisation & Community Group Temporary Entertainment Event Application	No Charge	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.2	No Charge	0.00%
Temporary Entertainment Event (non-refundable if application is withdrawn, cancelled or refused)	Each	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.2	559.00	0.00%

Skin Penetration Annual Licence

New Application for Licence One-off Fee (non-refundable if application is withdrawn, cancelled or refused) plus prescribed Annual Fee - Includes assessment of plans and final inspection	Each	LGA 2009 s97(2)(a)	PH(ICFPAS)A 2003 s106	742.00	0.00%
Application to Amend Licence Operational Change and/or Renovations to Premises - Includes assessment of plans and inspection	Each	LGA 2009 s97(2)(a)	PH(ICFPAS)A 2003 s106	575.00	0.00%
Licence Fee (per annum)	Annual	LGA 2009 s97(2)(a)	PH(ICFPAS)A 2003 s106	524.00	0.00%
Transfer Fee	Each	LGA 2009 s97(2)(a)	PH(ICFPAS)A 2003 s106	170.00	0.00%
Late Fee for when Annual Reminder Notice is issued	Each	LGA 2009 s97(2)(a)	PH(ICFPAS)A 2003 s106	95.00	0.00%
Replacement of Approval/Permit in the event of loss/damage etcetera to Original	Each	LGA 2009 s97(2)(a)	PH(ICFPAS)A 2003 s106	32.00	0.00%

Public Use Swimming Pools

New Application for Approval One-off Fee (non-refundable if application is cancelled, withdrawn or refused) plus prescribed Annual Fee - Includes assessment of plans and inspection	Each	LGA 2009 s97(2)(a)	LL 2011 No.1 & SLL 2011 No. 1.10	590.00	0.00%
Application to Amend Approval Operational Change and/or Renovations to Pool - Includes assessment of plans and inspection	Each	LGA 2009 s97(2)(a)	LL 2011 No.1 & SLL 2011 No. 1.10	145.00	0.00%
Licence Fee (per annum) Motels, Caravan Parks, Resorts, Lodge etcetera	Annual	LGA 2009 s97(2)(a)	LL 2011 No.1 & SLL 2011 No. 1.10	255.00	0.00%
Swimming Pools Fencing Standards (ASA Booklet)	No Charge	LGA 2009 s97(2)(a)	LL 2011 No.1 & SLL 2011 No. 1.10	No Charge	0.00%
Transfer Fee	Each	LGA 2009 s97(2)(a)	LL 2011 No.1 & SLL 2011 No. 1.10	170.00	0.00%
Late Fee for when Annual Reminder Notice is issued	Each	LGA 2009 s97(2)(a)	LL 2011 No.1 & SLL 2011 No. 1.10	95.00	0.00%
Replacement of Approval in the event of loss/damage etcetera to Original	Each	LGA 2009 s97(2)(a)	LL 2011 No.1 & SLL 2011 No. 1.10	32.00	0.00%

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Accommodation - Annual Registration					
New Application for Registration as Rental Accommodation - One-off Fee (non-refundable if application is cancelled, withdrawn or refused) Includes assessment of plans and final inspection plus prescribed Annual Fee	Each	LGA 2009 s97(2)(c)	LL2011 No.1, 7 & SLL 2011 No. 1.17, 7	742.00	0.00%
Replacement of Registration - in the event of loss/damage etcetera to Original	Each	LGA 2009 s97(2)(a)	LL2011 No.1, 7 & SLL 2011 No. 1.17, 7	32.00	0.00%
Backpackers Hostel - Including Hotels offering Backpackers Accommodation (Plus \$3 p/bed in excess of 25 beds)	Annual	LGA 2009 s97(2)(a)	LL2011 No.1, 7 & SLL 2011 No. 1.17, 7	306.00	0.00%
Holiday Flats and Units (Per Unit)	Annual	LGA 2009 s97(2)(a)	LL2011 No.1, 7 & SLL 2011 No. 1.17, 7	102.00	0.00%
Resorts / Motels / Hotels / Lodge (Per Unit) Excluding Backpacking Style	Annual	LGA 2009 s97(2)(a)	LL2011 No.1, 7 & SLL 2011 No. 1.17, 7	47.00	0.00%
Bed and Breakfast	Annual	LGA 2009 s97(2)(a)	LL2011 No.1, 7 & SLL 2011 No. 1.17, 7	270.00	0.00%
Transfer of Registration Fee	Each	LGA 2009 s97(2)(a)	LL2011 No.1, 7 & SLL 2011 No. 1.17, 7	170.00	0.00%
Late Fee for when Annual Reminder Notice is Issued	Each	LGA 2009 s97(2)(a)	LL2011 No.1, 7 & SLL 2011 No. 1.17, 7	95.00	0.00%
New Application for Registration as Bed and Breakfast Rental Accommodation - One-off Fee (non-refundable if application is cancelled, withdrawn or refused) Includes assessment of plans and final inspection plus prescribed Annual Fee	Each	LGA 2009 s97(2)(a)	LL2011 No.1, 7 & SLL 2011 No. 1.17, 7	471.00	0.00%
Application to Increase/Amend (where approval is required) Rooms/Units of Rental Accommodation Registration - One-off Fee (non-refundable if application is cancelled, withdrawn or refused) Includes assessment of plans and final inspection	Each	LGA 2009 s97(2)(a)	LL2011 No.1, 7 & SLL 2011 No. 1.17, 7	579.00	0.00%
Temporary Homes Approval					
New application for Approval One-off fee (Non-refundable if application cancelled, withdrawn or refused) - Includes assessment of plans and inspection	Each	LGA 2009 s97(2)(a)	LL 2011 No.1 & SLL 2011 No. 1.3	395.00	0.00%
Stables - Annual Licence Fee					
Annual Licence Fees - Less than 6 stalls - Initial Application Fee	Annual	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.5	214.00	0.00%
Annual Licence Fees - Between 6 stalls and 12 stalls - Initial Application Fee	Annual	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.5	320.00	0.00%
Annual Licence Fees - More than 12 stalls - Initial Application Fee	Annual	LGA 2009 s97(2)(a)	LL 2011 No. 1 & SLL 2011 No. 1.5	422.00	0.00%
Overgrown Allotments and Untidy Properties					
Overgrown Allotments and Untidy Properties - (Cost + Administration fee \$618.00 + legal fees (if applicable)	Actual Cost	LGA 2009 s97(2)(a)	LL 2011 No. 3 & SLL 2011 No. 3	Actual Cost	0.00%

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Caravan Parks - Annual Registration					
Application to Increase/Amend (where approval is required e.g. Introduction of new cabins) the number of sites on Caravan Park Approval - One-off Fee (non-refundable if application is cancelled, withdrawn or refused) Includes assessment of plans and final inspection	Each	LGA 2009 s97(2)(a)	LL 2011 No.1 & SLL 2011 No.1.8	575.00	0.00%
Licence (Per Site) - Per Annum	Annual	LGA 2009 s97(2)(a)	LL 2011 No.1 & SLL 2011 No.1.8	16.00	0.00%
Transfer of Registration Fee	Each	LGA 2009 s97(2)(a)	LL 2011 No.1 & SLL 2011 No.1.8	170.00	0.00%
Late Fee for when Annual Reminder Notice is Issued	Each	LGA 2009 s97(2)(a)	LL 2011 No.1 & SLL 2011 No.1.8	95.00	0.00%
Replacement of Registration - in the event of loss/damage etcetera to Original	Each	LGA 2009 s97(2)(a)	LL 2011 No.1 & SLL 2011 No.1.8	32.00	0.00%
New Application for RV Friendly Caravan Park (10 sites or less)	Each	LGA 2009 s97(2)(a)	LL 2011 No.1 & SLL 2011 No.1.8	114.00	0.00%
New Application for RV Friendly Caravan Park (more than 10 sites)	Each	LGA 2009 s97(2)(a)	LL 2011 No.1 & SLL 2011 No.1.8	285.00	0.00%
Licence Applications Outside Standard Annual Renewal Period					
New Licence between 1 July and 30 September Percentage of prescribed Fee	Percentage	LGA 2009 s97(2)(c)		100.00	0.00%
New Licence between 1 October and 31 December Percentage of prescribed Fee	Percentage	LGA 2009 s97(2)(c)		75.00	0.00%
New Licence between 1 January and 31 March Percentage of prescribed Fee	Percentage	LGA 2009 s97(2)(c)		50.00	0.00%
New Licence between 1 April and 30 June Percentage of prescribed Fee	Percentage	LGA 2009 s97(2)(c)		25.00	0.00%
Permits and Approvals					
Abandoned Vehicles and Other Impounded Goods					
Release Fee for Seized and Impounded Goods (including Signs)	Each	LGA 2009 s97(2)(a)	LL No.1 2011	57.00	0.00%
Release and Towing Fee	Each	LGA 2009 s97(2)(a)	TORUM 1995	354.00	0.00%

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Permits and Approvals					
Off-street Parking Meters (Per hour - To a maximum of \$7.00 per day - Where signed)	Hour	LGA 2009 s97(2)(a)	LL 2011 No.5 & SLL 2011 No.5	1.00	0.00%
Pre-Paid Parking Permit (Metered Parking Areas Only) - 1 month	Month	LGA 2009 s97(2)(a)	LL 2011 No.5 & SLL 2011 No.5	74.00	0.00%
Resident Parking Approval/Permit (Annual Permit)	Annual	LGA 2009 s97(2)(a)	LL 2011 No.5 & SLL 2011 No.5	74.00	0.00%
Community Service Organisation Parking Approval/Permit (Per Day, Per Space)	Day	LGA 2009 s97(2)(a)	LL 2011 No.5 & SLL 2011 No.5	23.00	0.00%
Temporary Parking Approval/Permit (Per Day, Per Space)	Day	LGA 2009 s97(2)(a)	LL 2011 No.5 & SLL 2011 No.5	23.00	0.00%
Work Zone Parking Approval/Permit (Per Space, Per Day)	Day	LGA 2009 s97(2)(a)	LL 2011 No.5 & SLL 2011 No.5	23.00	0.00%
Local Government Works Approval/Permit (Per Space, Per Day)	Day	LGA 2009 s97(2)(a)	LL 2011 No.5 & SLL 2011 No.5	23.00	0.00%
Visitor Parking Approval/Permit (Annual Permit - Maximum 2 Per Property)	Annual	LGA 2009 s97(2)(a)	LL 2011 No.5 & SLL 2011 No.5	74.00	0.00%
Commercial Parking Approval/Permit (Annual Permit)	Annual	LGA 2009 s97(2)(a)	LL 2011 No.5 & SLL 2011 No.5	84.00	0.00%
Heavy Vehicle Parking on Private Property. New Application / Amendment Fee for Heavy Vehicle Parking on Residential or Rural Property (one location only). One-off Fee (non-refundable if application cancelled, withdrawn or refused) plus prescribed Annual Fee.	Each	LGA 2009 s97(2)(a)	LL No.8 2011	507.00	0.00%
Motor Vehicle Ownership Search Fee for Overdue Infringement - eg. CITEC Search	Each	LGA 2009 s97(2)(a)		30.00	0.00%

Environmental

Environmental Protection

Application for Assessment of a Development Application for 1 or more Environmentally Relevant Activities (ERA's) - Base Fee plus Annual Fee	Each	LGA 2009 s97(2)(a)	EPR 2008 s117	904.00	0.00%
Fee for Late Payment of an Annual Fee for an Environmental Authority	Each	LGA 2009 s97(2)(a)	EPR 2008 s117	155.00	0.00%
Fee for Consideration of a Report about a Site Investigation (Act, s 382) for a Development Application, or Environmental Authority (EA), for a Relevant Activity	Each	LGA 2009 s97(2)(a)	EPR 2008 s117	730.00	0.00%
Fee for Consideration of a Report about a Site Investigation (Act, s 382) for any Other Land - For each lot	Lot	LGA 2009 s97(2)(a)	EPR 2008 s117	1,483.00	0.00%

Environmental Activity Annual Fees - Part 2

PPOA - ERA 12 Plastic Product Manufacturing 1, in a year, a total of 50t or more of Plastic Product - Other than a Plastic Product mentioned in item 2, aes=28	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	3,900.00	0.00%
PPOB - ERA 12 Plastic Product Manufacturing 1, in a year, a total of 50t or more of Plastic Product - Other than a Plastic Product mentioned in item 2, aes=28 - Small business	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	3,563.00	0.00%
PPMB - ERA 12 Plastic Product Manufacturing 2, in a year, a total of 5t or more of:- Carbon Fibre, Epoxy Coating, Foam, Foam Sandwich, Matting, Resin, Composite Plastics or Rigid Fibre-Reinforced Plastics, aes=54 - Small business	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	3,900.00	0.00%

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PPMC - ERA 12 Plastic Product Manufacturing 2, in a year, a total of 5t or more of:- Carbon Fibre, Epoxy Coating, Foam, Foam Sandwich, Matting, Resin, Composite Plastics or Rigid Fibre-Reinforced Plastics, aes=54 - Above compliance	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	3,900.00	0.00%
PPMD - ERA 12 Plastic Product Manufacturing 2, in a year, a total of 5t or more of:- Carbon Fibre, Epoxy Coating, Foam, Foam Sandwich, Matting, Resin, Composite Plastics or Rigid Fibre-Reinforced Plastics, aes=54 - Small business and above compliance	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	3,236.00	0.00%
PPOC - ERA 12 Plastic Product Manufacturing 1, in a year, a total of 50t or more of Plastic Product - Other than a Plastic Product mentioned in item 2, aes=28 - Above compliance	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	3,559.00	0.00%
PPOD - ERA 12 Plastic Product Manufacturing 1, in a year, a total of 50t or more of Plastic Product - Other than a Plastic Product mentioned in item 2, aes=28 - Small business and above compliance	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	2,909.00	0.00%
PPMA - ERA 12 Plastic Product Manufacturing 2, in a year, a total of 5t or more of:- Carbon fibre, Epoxy Coating, Foam, Foam Sandwich, Matting, Resin, Composite Plastics or Rigid Fibre-Reinforced Plastics, aes=54	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	4,554.00	0.00%
ASMA - ERA 6 Asphalt Manufacturing in a year - 1000t or more of Asphalt, aes=32	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	3,900.00	0.00%
ASMB - ERA 6 Asphalt Manufacturing in a year - 1000t or more of Asphalt, aes=32 - Small business	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	3,385.00	0.00%
ASMC - ERA 6 Asphalt Manufacturing in a year - 1000t or more of Asphalt, aes=32 - Above compliance	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	3,385.00	0.00%
ASMD - ERA 6 Asphalt Manufacturing in a year - 1000t or more of Asphalt, aes=32 - Small business and above compliance	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	3,048.00	0.00%

Environmental Activity Annual Fees - Part 5

MTLF - ERA 19 Metal Forming, no aes	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	698.00	0.00%
MTLR - ERA 20 Metal Recovery - recovering less than 100t of Metal in a day, no aes	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	736.00	0.00%
MRWA - ERA 20 Metal Recovery - recovering 100t or more of Metal in a day, or 10 000t or more of Metal Product in a year, and carrying out the Relevant Activity - without using a Fragmentiser, aes=19	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	2,867.00	0.00%
MRWB - ERA 20 Metal Recovery - recovering 100t or more of Metal in a day, or 10 000t or more of Metal Product in a year, and carrying out the Relevant Activity - without using a Fragmentiser, aes=19 - Small business	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	2,530.00	0.00%
MRWC - ERA 20 Metal Recovery - recovering 100t or more of Metal in a day, or 10 000t or more of Metal Product in a year, and carrying out the Relevant Activity - without using a Fragmentiser, aes=19 - Above compliance	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	2,530.00	0.00%
MRWD - ERA 20 Metal Recovery - recovering 100t or more of Metal in a day, or 10 000t or more of Metal Product in a year, and carrying out the Relevant Activity - without using a Fragmentiser, aes=19 - Small business and above compliance	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	2,030.00	0.00%

Environmental Activity Annual Fees - Part 8

SCGA - ERA 38 Surface Coating - Anodising, Electroplating, Enamelling, Galvanizing or using, in a year, the following quantity of Surface Coating Materials - 1t to 100t, aes=10	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	1,789.00	0.00%
SCGB - ERA 38 Surface Coating - Anodising, Electroplating, Enamelling, Galvanizing or using, in a year, the following quantity of Surface Coating Materials - 1t to 100t, aes=10 - Small business	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	1,460.00	0.00%
SCGC - ERA 38 Surface Coating - Anodising, Electroplating, Enamelling, Galvanizing or using, in a year, the following quantity of Surface Coating Materials - 1t to 100t, aes=10 - Above compliance	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	1,460.00	0.00%
SCGD - ERA 38 Surface Coating - Anodising, Electroplating, Enamelling, Galvanizing or using, in a year, the following quantity of Surface Coating Materials - 1t to 100t, aes=10 - Small business and above compliance	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	1,126.00	0.00%

Mackay Regional Council | Schedule of Fees and Charges 2024-2025

Council Product/Service	Unit	LGA Legislative Authority	Relevant Legislation/Policy	Adopted Fee GST Inclusive where applied	GST
Environmental Activity Annual Fees - Part 11					
BMRA - ERA 49 Boat Maintenance or Repair, aes=17	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	2,867.00	0.00%
BMRB - ERA 49 Boat Maintenance or Repair, aes=17 - Small business	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	2,701.00	0.00%
BMRC - ERA 49 Boat Maintenance or Repair, aes=17 - Above compliance	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	2,701.00	0.00%
BMRD - ERA 49 Boat Maintenance or Repair, aes=17 - Small business and above compliance	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	2,380.00	0.00%
Environmental Activity Annual Fees - Part 12					
WITT - ERA 61 Waste Incineration and Thermal Treatment - Incinerating or Thermally Treating Waste Vegetation, Clean Paper or Cardboard, no aes	Annual	LGA 2009 s97(2)(a)	EPR 2008 s117	730.00	0.00%

12. RECEIPT OF PETITIONS

12.1. PETITION - INSTALLATION OF SHADE STRUCTURES ALONG BLUEWATER QUAY

Author	Chief Executive Officer (Scott Owen)
Responsible Officer	Chief Executive Officer (Scott Owen)
File Number	Petitions

Attachments	1. Petition - Shade Structures on Bluewater Quay [12.1.1 - 8 pages]
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Purpose

A petition was received by Council on the 5 January 2024 and relates to a request to install shade structures along Bluewater Quay.

Related Parties

Listed petitioners per the attached petition.

Corporate Plan Linkage

N/A

Background/Discussion

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

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

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

Consultation and Communication

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

Resource Implications

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

Risk Management Implications

NIL.

Conclusion

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

Officer's Recommendation

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

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

Council Resolution ORD-2024-12

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

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

Moved Cr Townsend

Seconded Cr Jones

CARRIED UNANIMOUSLY

To Whom it May Concern

Enclosed is a list of Mackay residents who patronize the Blue Water Key regularly for the frequent events that are held on these grounds.

The majority of these people relate directly to the markets and feel the effect of the lack of shade.

Families with their young and the elderly particularly are affected from the heat of the day.

It is our request to the Mackay Regional Council to please consider providing shade for the comfort of its residents.

We understand that this is a multi-functional space and shade structures may impede use of the area for other events, so we request that poles and anchor points be available for securing temporary, collapsible shade sails or that an engineer be consulted to come up with other options for temporary shading.

Thank you in advance

Mackay Residents

0400 526 971


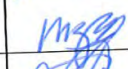


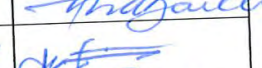
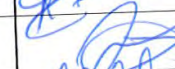




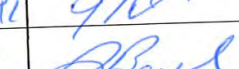

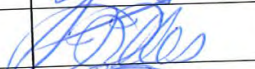





RCV'D 0 5 JAN 2024 MRC	
DOC. No.	

PETITION

To: Mackay City Council

In support of: The erection of shade structures or shade options for residents to utilise outdoor space at Blue Water Quay

Date:

Name	Address	Signature
P. Hilder	1/77 Dawson Blvd ^{Rural View}	
S. Vella	The Dome 134 Victoria St	
Mick Gavei	30 pioneer st	
Sharron Kleidon	11 Eucalyptus Ct	
Brooke Mcgregor	1/379 Bridge Rd	
Mary Anne Baidie	343 Shakespeare St	
K. Fitzmaurice	3 Barclays Road, Dumbleton ^{Mackay}	
JAZMINE A.	451 Grassfree bch RD	
URSULA S.	2/2 foundation st okenella	
Candice Rebre	19 Lindeman drive Bloombury	
Mercedesz Gyrai	24 Milne Lane, West Mackay	
Mariann Gyrai	24 Milne Lane, West Mackay	
Juanita Bosel	6 Bourkes RD Dowsell	
Steele Bosel	" " " " "	
J. Giles	170 Rayston park Drive	
Janelle Illes	14 Chertoon Av MacRay	
STEPHAN ILLES	" "	
Phil Stares	" " "	
Wendy Handley	3 Collo dunn Rd Mackay	

PETITION

To: Mackay City Council

In support of: The erection of shade structures or shade options for residents to utilise outdoor space at Blue Water Quay

Date:



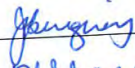
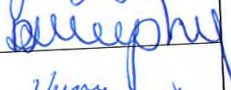




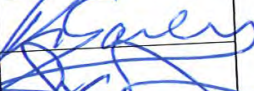


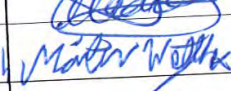


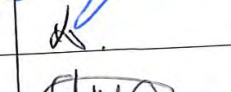


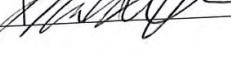

Name	Address	Signature
RAY PINDER	MACKAY	<i>[Signature]</i>
Lynn Treis	14 Froghollow Dve	<i>[Signature]</i>
Maree Kunst	2 Davey St	<i>[Signature]</i>
Chris Webb	14 Beaton St	<i>[Signature]</i>
Lisa Sandrey	3 Cicada Lane	<i>[Signature]</i>
Gallie T	Mackay	<i>[Signature]</i>
L. Gibson	18 Raleigh St Mackay	<i>[Signature]</i>
F. Robinson	Walkerston	<i>[Signature]</i>
J. Jenkins	DORALEA	<i>[Signature]</i>
Kethambeyron	DORALEA	<i>[Signature]</i>
Melissa Gorrin	Habona	<i>[Signature]</i>
D. JARING	MACKAY	<i>[Signature]</i>
Y. Rathwell	Blacks Beach	<i>[Signature]</i>
C. Phip	Ndk Ede	<i>[Signature]</i>
D Bell	Eungella	<i>[Signature]</i>
Jeff Pallier	Mackay	<i>[Signature]</i>
M. Pallier	Mackay	<i>[Signature]</i>

PETITION

To: Mackay City Council

In support of: The erection of shade structures or shade options for residents to utilise outdoor space at Blue Water Quay

Date:

Name	Address	Signature
Lisa Saunders	43 Kidston Ave	
Tricia Niem	Carlisle Gardens	
Judy Berginey	Carlisle Gardens	
Danner	Pinnacle	
VERNA	marion	
Bevan	61 Pennant St	
Perry	LETHEBROOK	
Steve. TROUBNO	55 MIRAI Bolder. RD	
Rob GALEY	3 ALDO COURT	
LAWRIE. KIGGAS	46/20 George St	
Indir Gabriel	12 ROSARY AVE	
Nadia Keisha	8 Beschen Court, BB	
Marten Wetterberg	8 Beschen Court, Blacks beach	
Samira Gabriel	18 Domingo Cres Andergrove	
Natasha Hardman	18 Lenasha Drive, Andergrove	
Karen Logan	18 Hillcrest St Gmeo	
Elizabeth Anderson	West Mackay	
Ria Tahana	BUCASCIA	
NEIL WILSON	BUCASCIA	

PETITION

To: Mackay City Council

In support of: The erection of shade structures or shade options for residents to utilise outdoor space at Blue Water Quay

Date:

Name	Address	Signature
Graeme Mau	313 Petersens Rd	G.P. Mau
KEVIN ECKER	1005 UP RIVER RD PROS.	Kevin Ecker
Christopher Leeson	38 Briston street North Mackay	Chris Leeson
Adel Fursell	MACKAY	Adel Fursell
D. Hunter	Brodie's Rd Celen	D. Hunter
DALE FORTESCUE	EUNGELLA DALE DAIRY	Dale Fortescue
George Fortescue	Eungella Dale Dairy	George Fortescue
Deanna Kopp	56 HIGH ST. NTH MACKAY	Deanna Kopp
S Cameron	Leichardt Way	S Cameron
C Pearson	Mackay	C Pearson
Kevin McLean	Mackay	Kevin McLean
Joy Zimmermann	Andergrove	Joy Zimmermann
John Kirkpatrick	Mackay	John Kirkpatrick
Susan Kirkpatrick	Mackay	Susan Kirkpatrick
Graham Jackson	ERISSO	Graham Jackson
LAURIE BARBA	Holt's Road	Laurie Barba
Scott Manning	90 Anderson Rd	Scott Manning
Debs Orr	37 Riverside Dr	Debs Orr
Alan Shady	104 Micko-Falls Rd	Alan Shady

PETITION

To: Mackay City Council

In support of: The erection of shade structures or shade options for residents to utilise outdoor space at Blue Water Quay

Date:

Name	Address	Signature
Nate Baggow	6 Belanger way Pool Pt	[Signature]
Judy FISHER	120 Paulette St Mackay	[Signature]
Kaden Clark	194 Goldsmith St Mackay	[Signature]
JIM CLARK	5 OSBORNE RD BAKENDEN	[Signature]
Stuart Mulhern	18 Black street, 5th Mackay	[Signature]
Mel Mulhern	" " " " "	[Signature]
Mavis May	50 Mains Rd Sandford	[Signature]
Annalise Mauer	10 Ambrose Way Nth Mackay	[Signature]
Ben Clark	9 Beaconfield Rd Beaconfield	[Signature]
Jessica Cosh	170 Royston Park Dr	[Signature]
Dianne Moore	146 Royston Park Dr	[Signature]
Shayla Murray	2116 Kennedy st	[Signature]
Darren Pallier	Mackay	[Signature]
HAROLD TICKLE	H. Tickle	[Signature]
BONNIE SPAIN	MACWAY	[Signature]
Lee Spinnagle	41 Dolphin Dr Buccarua	[Signature]
Sonyal Scoble	4 Cambresia CRT	[Signature]
KEITH ALLEN	8 PERCY COURT GLENELLA	[Signature]
LARRY VOLTZ	38 OASIS DRIVE	[Signature]

PETITION

To: Mackay City Council

In support of: The erection of shade structures or shade options for residents to utilise outdoor space at Blue Water Quay

Date:

Name	Address	Signature
R. HURMAN	81 PACIFIC DVE BHS Bldg	[Signature]
A. Mielij	11 COAKLEY CRT	[Signature]
Jack Fowler	2139 Garraway St	[Signature]
Katie Pilcher	11 Henry Crt, Beaconsfield	[Signature]
Chris Zorad	6 Woodroffe Pl	[Signature]
Trist Shuttlewood	24 SHUTTLEWOOD DR RICHMOND 4740	[Signature]
Renee Johansen	2/39 Garraway St, Wst Mky	[Signature]
Helen Howarth	381A BEACONSFIELD RD	[Signature]
Shirley Russell	33 Glenpark St, North Mackay	[Signature]
VICKI O'BRIEN	8 Pawlette St W. Mackay	[Signature]
Rae Deke	11 GRAVES ST N. MACKAY	[Signature]
Ngila Nereke	Glenella	[Signature]
Pav Khamchot	39 Botha St, Blackbeach	[Signature]
PAT MC GEE	25 PHARLAP TDR	[Signature]
CHRISTIN PINK	27 HACKER COURT	[Signature]
Gusjen Lin	15 Kynslcher St.	[Signature]
Vince Di Carlo	35 Canecutters Dr	[Signature]
Holly Angeles	247 Evan Street	[Signature]
Wesley McIner	1 WOTT ST, Mky	[Signature]

PETITION

To: Mackay City Council

In support of: The erection of shade structures or shade options for residents to utilise outdoor space at Blue Water Quay

Date:

Name	Address	Signature
JAMES NEILL	13 CHILDE CRT BUCARIA	[Signature]
TARA LAMBERT	4 Wall St. Emerald	[Signature]
PETER GRAY	4 Wall St Emerald	[Signature]
Imogen Hobbs	Zelma St Grasstree	[Signature]
PETER DEMPSEY	"	[Signature]
Jo Mielzel	McIntyre St East MKY	[Signature]
KAREN GEORGAKIS	KEELAN ST, MKY	[Signature]
Rachel Kleese	30 Crispin Dr, Mount P	[Signature]
C. Harcourt	Mackay.	[Signature]
John Barnes	Mackay	[Signature]
Nick G	Rural View	[Signature]
Chelsea G.	Rural View	[Signature]
Alessia B.	91 Broomdykes Dr Beaconsfield	[Signature]
Chad Buckby	8 Lloyd St West Mackay	[Signature]
Cam Plumptre	24 Raymond Croker Ave	[Signature]
Sharni Tidey	9 Hill Grove Andergrove	[Signature]
Cass Thorpe	87 Rural View	[Signature]
Simone Mairhead	15 Garraway Street	[Signature]
Rosemary Mairhead	"	[Signature]

13. TENDERS

Nil

14. CONSIDERATION OF NOTIFIED MOTIONS

Nil

15. PUBLIC PARTICIPATION

Dr Awal Rajendra – Statement of Support for DA-2023-172

16. CORRESPONDENCE AND OFFICER'S REPORT CONTINUED

16.1. REFERRAL FROM OFFICE OF INDEPENDENT ASSESSOR

Confidential

Author	A/Director Organisational Capability & Risk (David McKendry)
Responsible Officer	Chief Executive Officer (Scott Owen)
File Reference	Councillor Code of Conduct

Attachments

1. Councillor Investigations Policy [17.6.1 - 8 pages]
2. Councillor Acceptable Requests Guidelines Policy [17.6.2 - 6 pages]
3. Code of Conduct for Councillors in Queensland [17.6.3 - 11 pages]
4. Statement by Cr Bonaventura - Redacted [17.6.4 - 3 pages]
5. Investigation Report - Redacted [17.6.5 - 6 pages]
6. Summary Investigation Report [17.6.6 - 4 pages]

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with the Section 254J (3) (j) of the *Local Government Regulation 2012* which permits the meeting to be closed to the public to discuss a matter relating to **an investigation report given to the local government under chapter 5A, part 3, division 5 of the Act.**

Purpose

The purpose of this report is for Council to determine in its opinion whether or not Cr Laurence Bonaventura has engaged in a conduct breach as per Section 150AG of the *Local Government Act 2009* (LGA), and if so what if any actions to apply.

Related Parties

- Office of Independent Assessor (OIA)
- Cr Laurence Bonaventura
- McKay's Solicitor's

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

In Queensland, complaints concerning Councillor conduct are referred to the Office of the Independent Assessor (OIA). After investigating a matter, the OIA may decide to refer suspected conduct breach to the relevant local government for further investigation.

On 28 November 2023 a matter was referred to the OIA by Council's Chief Executive Officer. The basis of the referral was contact by a Councillor (Cr Laurence Bonaventura) directly with a staff member of Council, considered to be in contravention of Council's Councillor Acceptable Requests Guidelines Policy, which has specifically nominated contact points for Councillors (specifically per the Policy Councillors may request advice or information from the CEO, Director, Executive Officer, Chief Operating Officer or Manager, however not generally other staff). Also, the subject of the discussion related to a confidential Council briefing and as such was not appropriate for discussion including when Cr Bonaventura's wife was present.

It was also noted in the referral that this has been one of several complaints of a similar nature that have been submitted to the OIA regarding Cr Bonaventura.

There is a mandated legislative obligation as Chief Executive Officer under section 150R of the LGA to give notification to the OIA where a Councillor may have engaged in a conduct breach or misconduct.

The previously referred matters are noted as OIA cases C/23/00223 and C/23/00607.

In summary –

C/23/00223

Referral date –

21 April 2023

Allegation –

It was alleged Councillor Bonaventura had interactions with council staff on three occasions on 12, 13 and 20 April 2023, which were in breach of a resolution and in breach of the acceptable request guidelines.

Outcome of decision by OIA –

The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009 [the Act] on the basis that taking further action would be an unjustifiable use of resources.

The councillor's actions were technically not a breach of a resolution of council. A breach of policy did not occur in fact – but appears to have been intended by the councillor. Refresher training has been recommended.

C/23/00607

Referral date –

17 October 2023

Allegation –

It was alleged Councillor Bonaventura became involved in a council operational matter contrary to the delineation of roles and responsibilities of councillors, and the roles and responsibilities of the operational arm of local government.

Outcome of decision by OIA –

The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009 [the Act] on the basis that taking further action would be an unjustifiable use of resources as the councillor's intention was only to inform the resident of the status of the customer request rather than pre-empt the outcome.

As the OIA decided in each of these cases to take no further action, there was no action required by Council other than listing the required summary details (excluding the name of the Councillor involved) in the Councillor Conduct Register. They are however identified now given reference to them by the OIA and pertinent in consideration of the current matter.

As an outcome of the recommendation from the OIA regarding matter C/23/00223, Councillor and Council employee interactions – refresher session training was provided by the Department of State Development, Infrastructure, Local Government and Planning on 13 September 2023.

Also there was a commitment to update the Council Policy – Councillor Acceptable Requests Guidelines. This was undertaken and initially presented to Council on 22 November 2023, and ultimately adopted at the Ordinary Meeting of 13 December 2023. Therefore the applicable version of the policy which was current at the time of this matter is that originally adopted 13 May 2020.

In response to the matter the subject of this report and referred to the OIA on 28 November 2023, the OIA's response in referral back to Council is as below -

Reasons for Referral

I reasonably suspect that Councillor Bonaventura has engaged in a conduct breach for the following reasons:

The OIA considered that Councillor Bonaventura's request for information from (*Council staff member*) on the status of the confidential report on 8 River Street, breached Council's acceptable request guidelines as he was requesting information from an officer who was not delegated to provide that information as outlined in Council's guidelines.

The OIA considered whether Councillor Bonaventura's conduct, in raising the confidential matter with the Council Officer in the presence of his wife, reached the threshold of a conduct breach or misconduct. Whilst raising the confidential matter was not appropriate, the OIA did not consider that there were sufficient grounds to proceed with the matter as misconduct.

The OIA noted previous decisions relating to Councillor Bonaventura's conduct in recent matters C/23/00223 and C/23/00607 and noted the pattern of behaviour relating to the Councillor and alleged breaches of council's acceptable request guidelines.

The OIA, in assessing the complaint, considered under section 150SD(4)(a) of the Act that there was a reasonable suspicion of a conduct breach and decided to refer the matter to the Local Government to deal with.

In summary therefore the OIA has essentially dismissed any further action related to potential misconduct due to the confidential aspects raised, however has referred back to Council to deal with the aspect of interacting with and requesting information from an officer who was not delegated to provide that information as outlined in Council's guidelines on the basis that "***there was a reasonable suspicion of a conduct breach***".

Councils are required per section 150AE of the LGA to adopt a policy related to an investigations policy for Councillor complaints. Council's policy adopted 26 October 2022 (due for review 26 October 2025) was based on departmental policy template. The policy must include a procedure for investigating the suspected conduct breaches of councillors, and circumstances in which another entity may investigate the conduct. Council's current policy includes that on receipt of a referral notice about the suspected conduct breaches of a Councillor/s from the Assessor, the Council's Chief Executive Officer will forward that referral notice to the President of the Councillor Conduct Tribunal to investigate.

As a result of the State's recent review of the OIA, the legislation has been amended (22 November 2023) and there is no longer an ability for Councils to utilise the services of the Councillor Conduct Tribunal in such a situation (noting that not all Councils deferred to this option, some make use of private legal and other firms for such referral). Removing the ability to utilise the Tribunal for such activities essentially freeing up the resources of the Tribunal for more core roles. Given the timing of the recent changes, and the fact that the Department of State Development, Infrastructure, Local Government and Planning is yet to publish its new template policy document, Council's Policy has not yet been amended to remove the use of the Tribunal for external referral and update other aspects. As such it could be argued that Council's current Policy is not fully in alignment with the changes per section 150AE of the LGA. Section 324 of the LGA addresses this situation –

324 Process if no investigation policy

- (1) *This section applies if, on or after the commencement—*
 - (a) *a local government is required to deal with the inappropriate conduct of a councillor under chapter 5A, part 3, division 5; and*
 - (b) *the local government has not adopted an investigation policy under section 150AE.*
- (2) *The local government must decide, by resolution, the procedure for investigating the conduct.*
- (3) *However, subsections (4) and (5) apply if the assessor has recommended, under section 150AC(3), how the conduct may be dealt with.*
- (4) *The local government must follow the process recommended by the assessor or decide, by resolution, to deal with the complaint in another way.*
- (5) *The local government must state the reasons for its decision in the resolution.*

Under the same recent legislative changes, Councils are now responsible for the natural justice process regarding ensuring that the Councillor involved has the ability to have their side of the story heard in considering the matter (i.e. previously a section 150AA notice from the OIA). In ensuring such natural justice, Cr Bonaventura was contacted in writing and offered the ability to prepare a response, which could be considered by Councillors. Cr Bonaventura was also directly written to by the OIA regarding their recommendation and provided a copy of the OIA's letter to the Chief Executive Officer.

Cr Bonaventura's response is attached to this report, redacted for privacy reasons, and in line with advice from the OIA, in removal of any identifying information for persons other than the Councillor.

Cr Bonaventura's response has been provided to McKays Solicitors (as further detailed below), however as one point of factual clarification in the response regarding previous OIA case ref C/23/0023 Cr Bonaventura has listed only one of the instances covered in this case, however there were multiple matters raised. Also, the OIA response cited by Cr Bonaventura did not include the below part also included in the OIA recommendation –

The councillor's actions were technically not a breach of a resolution of council. A breach of policy did not occur in fact – but appears to have been intended by the councillor. Refresher training has been recommended.

Council has undertaken its own investigation into the suspected conduct breach. To achieve the same intention in the spirit of the Policy, Council has referred the matter to an independent external party (McKays Solicitors) to consider the investigation findings and provide a view to Council as to whether the facts are capable of supporting the allegation that there was a conduct breach as per section 150K of the LGA, and if so, any recommendations about dealing with the conduct.

McKays Solicitors Summary Report is attached to this Council report, however as an extract from the summary findings and recommendation –

- 4.1. Pursuant to section 150K, the conduct of a councillor is a conduct breach if the conduct contravenes:
 - (a) a behavioural standard; or
 - (b) a policy, procedure or resolution of the local government.
- 4.2. Council's Councillor Acceptable Requests Guidelines (Policy No. 104) (**Policy**) is a "policy of the local government" pursuant to section 150K(1)(b).
- 4.3. On balance, it is ambiguous as to whether Councillor Bonaventura has specifically contravened section 6.1.4 of the Policy, as when strictly applying the definitions under the Policy, his request for an update may fall short of constituting a request for "advice" or "information" – depending whether a wide or narrow interpretation is taken.
- 4.4. However, even so, it appears that Councillor Bonaventura had the intention of breaching section 6.1.4 of the Policy. This is especially in light of the previous conduct complaints (notified to the OIA on 21 April, 2023 and 17 October, 2023) against Councillor Bonaventura and his participation in the recent refresher training on 13 September, 2023, as recommended by the OIA.
- 4.5. However, whilst some of the facts are disputed, even if adopting Councillor Bonaventura's version of events, it is determined that he has breached section 6.1.1 of the Policy regarding his Councillor responsibilities when communicating with Council employees – specifically to conduct such communications:
 - (a) In a respectful, reasonable and professional manner;
 - (b) In accordance with MRC's policies, guidelines and procedures; and
 - (c) In good faith.
- 4.6. Accordingly, based on the evidence and other information provided, the investigation is capable of supporting, on the balance of probabilities, the allegation that there was a conduct breach as per section 150K of the LG Act – on the basis of a breach of local government policy.
- 4.7. It is now a matter for Council to decide whether the Councillor has engaged in the conduct breach as per section 150AG of the LG Act.

- 4.8. If Council decides the Councillor has engaged in a conduct breach – it must then decide what action it will take under section 150AH to discipline the Councillor.
- 4.9. Section 150AG(2) of the LG Act states that in deciding what action to take, Council may consider:
- (a) Any previous conduct breach of the councillor; and
 - (b) Any allegation made in the investigation that was admitted, or not challenged; and that the local government is reasonably satisfied is true.
- 4.10. If Council decides the Councillor has engaged in a conduct breach, then in deciding the action it will take to discipline the Councillor, Council has been recommended to consider:
- (a) The clear admissions made by Councillor Bonaventura during the investigation; and
 - (b) The two previous instances of a referral to the OIA about suspected conduct breaches by Councillor Bonaventura on 21 April, 2023 and 17 October, 2023, which the OIA has noted show a pattern of behaviour relating to alleged breaches of Council's Acceptable Request Guidelines by the Councillor and resulted in the recommendation of refresher training for the Councillor.

Councillors are now required to consider the matter and determine as per section 150AG of the LGA:

- a) Whether or not in its opinion Cr Bonaventura has engaged in a conduct breach; and
- b) If Council decides that Cr Bonaventura has engaged in a conduct breach – what action Council will take under section 150AH to discipline the councillor.

If Council determines that a conduct breach has been undertaken, a resolution to this effect is required as well as confirmation of which disciplinary action from the legislation is applicable, (i.e. one or more of the potential actions outlined below must be selected). Council may consider any previous inappropriate conduct of the Cr Bonaventura and any allegation made in the investigation that was admitted, or not challenged, and that Council is reasonably satisfied is true.

In addressing this aspect the previous relevant matters considered and referenced by the OIA have been included in this report.

To support Councillors to comply with the requirements of the LGA, the following draft motions are provided for consideration. If Council determines that no conduct breach has been undertaken, a resolution to this effect is required.

Conduct Breach decision:

- THAT Council decides that Cr Bonaventura <has / has not> engaged in a conduct breach as per section 150AG(1)(a) of the LGA in relation to the allegation that Cr Bonaventura has breached the behavioural standard in the Code of Conduct for Councillors in Queensland.

Potential actions if decided that conduct breach was undertaken:

- THAT Council decides that even though Cr Bonaventura has engaged in a conduct breach, as per section 150AH(a) of the LGA that no action be taken against the Councillor.

OR

- THAT Council decides that as Cr Bonaventura has engaged in a conduct breach, as per section 150AH(b) of the LGA the following disciplinary action/s will apply: (Council must select one or more of the following disciplinary actions, if it determines that disciplinary action is applicable.)
 - (i) an order that the councillor make a public apology, in the way decided by the local government, for the conduct;
 - (ii) an order reprimanding the councillor for the conduct;
 - (iii) an order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense;
 - (iv) an order that the councillor be excluded from a stated local government meeting;
 - (v) an order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor;
- Example—
The councillor is ordered to resign from an appointment representing the local government on a State board or committee.
- (vi) an order that if the councillor engages in the same type of conduct again, it will be treated as misconduct;
 - (vii) an order that the councillor reimburse the local government for all or some of the costs arising from the councillor's conduct breach.

Consultation and Communication

- Office of Independent Assessor
- Cr Bonaventura
- Mayor & Councillors
- McKay's Solicitors
- Executive Manager Ethical Standards, Audit & Risk
- A/Executive Officer

Resource Implications

The cost of the external review report was \$6,021 (ex GST).

Risk Management Implications

Should Council decide a Councillor has engaged in inappropriate conduct, there is a requirement to publish the decision in the Councillor Conduct Registers.

Conclusion

The allegations of suspected conduct breach by Cr Bonaventura referred to Council by the Office of the Independent Assessor have been investigated by McKay's Solicitors as Council's external investigator. Based on the response from McKay's Solicitors, Council must now determine in its opinion whether or not Cr Bonaventura has engaged in a conduct breach, and if so, determine what disciplinary action (if any) must be taken.

Councillors should also be aware that:

- in accordance with Section 150AFA of the *Local Government Act 2009* Council is required to make the summary of the investigation report available to the public on or before the meeting. This report has been attached to the Ordinary Meeting Agenda under “for information”; and
- in accordance with section 150AGA *Local Government Act 2009* a redacted version of the investigation report is to be made available up to 10 days after the meeting.

Officer's Recommendation

THAT Council resolves that as the following aspects of the investigation into this matter following referral from the Office of the Independent Assessor have been followed, that per section 324 of the *Local Government Act 2009* that Council is satisfied with the procedure undertaken for the investigation and presentation of information to enable a decision to be made –

- a. An external independent professional review has been undertaken as part of the process; and
- b. Has been undertaken consistent with the provisions of natural justice

AND THAT Council consider the matter and information provided and resolves to make a decision about allegations of conduct breach against Cr Bonaventura in accordance with section 150AG of the *Local Government Act 2009*.

AND THAT in accordance with section 150AGA of the *Local Government Act 2009*, Council make publicly available the Investigation Report in relation to this matter by including it as an attachment to these minutes.

AND FURTHER THAT Council give the Office of Independent Assessor a notice advising the decision of Council as to whether or not the Councillor has engaged in a conduct breach in accordance with section 150AHA of the *Local Government Act 2009*.

This matter references Confidential Report 17.6 which was decided by Council to be resolved in an open meeting.

The Mayor invited Councillor Bonaventura to remain in the meeting whilst council resolved if this matter was to remain confidential or moved to an open agenda item for discussion, however Cr Bonaventura could not and did not participate in the decision.

Council Resolution ORD-2024-13

17.6 Referral from Office of Independent Assessor

THAT Council decides to move this agenda item out of confidential and deal with this in the open council meeting.

Moved Cr Englert

Seconded Cr May

CARRIED

Cr Bonaventura did not vote

The Mayor invited Cr Bonaventura to make a public statement. Cr Bonaventura provided a verbal statement to the members in Chambers in addition to the already provided written statement.

Cr Bonaventura left the chambers at 10:37am having a declarable Conflict of Interest.

In accordance with Chapter 5B of the *Local Government Act 2009*, Cr Laurence Bonaventura has a declarable conflict of interest in Agenda Item 16.1 Referral from Office of Independent Assessor. The nature of Cr Bonaventura's interest is as follows:

- Subject of Report

Council Resolution ORD-2024-14

THAT Council resolves that as the following aspects of the investigation into this matter following referral from the Office of the Independent Assessor have been followed, that per section 324 of the *Local Government Act 2009* that Council is satisfied with the procedure undertaken for the investigation and presentation of information to enable a decision to be made –

a. An external independent professional review has been undertaken as part of the process; and
Has been undertaken consistent with the provisions of natural justice

Moved Cr Englert

Seconded Cr May

CARRIED 9/1

For: Cr Englert, Cr Green, Cr Hassan, Cr Jones, Cr Mann, Cr May, Cr Seymour, Cr Townsend and Cr Williamson

Against: Cr Bella

Council Resolution ORD-2024-15

THAT Council decides that Cr Bonaventura **has** engaged in a conduct breach as per section 150AG(1)(a) of the LGA in relation to the allegation that Cr Bonaventura has breached the behavioural standard in the Code of Conduct for Councillors in Queensland.

Moved Cr Englert

Seconded Cr May

CARRIED 9/1

For: Cr Englert, Cr Green, Cr Hassan, Cr Jones, Cr Mann, Cr May, Cr Seymour, Cr Townsend and Cr Williamson

Against: Cr Bella

Council Resolution ORD-2024-16

THAT Council decides that as Cr Bonaventura has engaged in a conduct breach, as per section 150AH(b) of the LGA the following disciplinary actions will apply:

(i) an order that the councillor make a public apology for the conduct;

(vii) an order that the councillor reimburse the local government for costs arising from the councillor's conduct breach, to an amount \$2,700 (inc GST).

AND THAT in accordance with section 150AGA of the *Local Government Act 2009*, Council make publicly available the Investigation Report in relation to this matter by including it as an attachment to these minutes.

AND FURTHER THAT Council give the Office of Independent Assessor a notice advising the decision of Council as to whether or not the Councillor has engaged in a conduct breach in accordance with section 150AHA of the *Local Government Act 2009*.

Moved Cr Englert

Seconded Cr May

CARRIED UNANIMOUSLY 10/0

For: Cr Bella, Cr Englert, Cr Green, Cr Hassan, Cr Jones, Cr Mann, Cr May, Cr Seymour, Cr Townsend and Cr Williamson

Against: Nil

Cr Bonaventura returned to the meeting at 10:48am

COUNCIL POLICY**COUNCILLOR INVESTIGATIONS**

Program:	Ethical Standards, Audit & Risk
Date of Adoption:	26 October 2022
Resolution Number:	ORD-2022-308
Review Date:	26 October 2025

Scope

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

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

Objective

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

Policy Statement

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

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

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

COUNCIL POLICY

COUNCILLOR INVESTIGATIONS

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COUNCIL POLICY

COUNCILLOR INVESTIGATIONS

1.0 Principles

1.1 Confidentiality

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

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

1.2 Natural Justice

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

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

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

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

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

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

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

1.3 Assessor's Referral

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

COUNCIL POLICY**COUNCILLOR INVESTIGATIONS**

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

Council may also receive referrals directly.

1.4 Receipt of Assessor's Referral

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

1.5 Completion of Investigation

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

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

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

1.6 Early Resolution

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

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

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

1.7 Councillor Conduct Register

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

COUNCIL POLICY

COUNCILLOR INVESTIGATIONS

Where a complaint has been resolved under paragraph 1.6 of this policy, the Chief Executive Officer will update the register to reflect that the complaint was withdrawn.

1.8 Expenses

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

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

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

2.0 Definitions

To assist in interpretation the following definitions shall apply:

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

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

Conduct shall include—

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

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

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

COUNCIL POLICY

COUNCILLOR INVESTIGATIONS

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

Corrupt conduct may include, but is not limited to:

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

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

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

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

Inappropriate conduct see section 150K of the LGA.

COUNCIL POLICY**COUNCILLOR INVESTIGATIONS**

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

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

LGA shall mean the *Local Government Act 2009*.

Local government meeting shall mean a meeting of—

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

Misconduct see section 150L of the LGA.

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

MRC shall mean Mackay Regional Council.

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

Referral notice see section 150AC of the LGA.

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

Unsuitable meeting conduct see section 150H of the LGA.

3.0 Review of Policy

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

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

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

4.0 Reference


- *Local Government Act 2009*

COUNCIL POLICY

COUNCILLOR INVESTIGATIONS

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1	New Policy		Council	13.02.19
2	Review	Amendments	Council	26.10.22

	COUNCIL POLICY	
	Councillor Acceptable Requests Guidelines	
	POLICY NO	104
	DEPARTMENT	Office of the Mayor & CEO
	PROGRAM	Governance & Safety
APPROVED BY COUNCIL 13 May 2020		RESOLUTION [ORD-2020-81]

1.0 Scope

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

2.0 Purpose

The purpose of this policy is to:

- Provide for the way in which a Councillor may ask an MRC employee for advice or information to help the Councillor carry out his/her responsibilities under the *Local Government Act 2009*;
- Set reasonable limits on requests made by Councillors;
- Provide clarity on Councillors access to MRC employees;
- Assist Councillors in carrying out their responsibilities as elected representatives in an open and transparent manner.

3.0 Reference

- *Local Government Act 2009*
- *Public Sector Ethics Act 1994*
- *Councillors Code of Conduct*
- *MRC Employees Code of Conduct*

4.0 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 or person acting that that capacity.

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 the Mayor and Councillors of Mackay Regional Council.

Councillor shall mean any Councillor including the Mayor unless otherwise mentioned.

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

Employee shall mean all persons employed by Council on a permanent, temporary or casual basis and includes persons engaged under a contract of service, and volunteers.

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.

MRC shall mean Mackay Regional Council.

5.0 Background

Councillors are elected representatives of the community who set the strategic direction for the Mackay local government region.

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 *Local Government Act 2009* as the way in which Councillors may ask MRC employees for advice or information so that a Councillor carry out their responsibilities under the legislation.

6.0 Policy Statement

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

6.1 Councillor Responsibilities

6.1.1 Communication by Councillors with employees 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 - employee health & safety, client satisfaction, respect, teamwork, accountability;
 - e) In good faith.
- 6.1.2 Councillors shall not direct, or attempt to direct, any employees in the course of their employment, with the exception of the Mayor who may direct the CEO in accordance with the Act.
- 6.1.3 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*.
- 6.1.4 Councillors may request advice or information from the CEO, Director, Executive Officer, Chief Operating Officer or Manager. Where the nominated employee is not available, another suitably qualified employee may provide the advice or information requested subject to clause 6.1.5.
- 6.1.5 Councillors may be given approval by the CEO to request advice and information from an employee other than the designated positions, in specific circumstances. In these circumstances, written approval will be provided to both the Councillor and employee.
- 6.1.6 Councillors may request, in writing, access to confidential information through the CEO, Executive Officer or Director.
- 6.1.7 Councillors use of any advice or information obtained is specifically constrained by Sections 171 and 171A of the Act.
- 6.1.8 Councillors must consider any likely cost implications in making requests for advice or information and will not make requests where the costs cannot be justified as being in the public interest. If the cost of providing information is likely to be high, the Councillor may make the request only to the CEO, who is expressly authorised by the Council to seek to minimise the costs of providing the advice.
- 6.1.9 Councillors shall not discuss a staff employment contract with any employee.
- 6.1.10 Councillors are not able to request copies of the following information from employees:
 - 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.

- 6.1.10 This policy should not be used as an alternative procedure for dealing with customer enquiries and complaints. Please refer to clause 6.5 for the preferred process.
- 6.1.12 Councillors understand that, as per the Act, contravening these acceptable request guidelines is misconduct. As per the Code of Conduct for Councillors, the Independent Assessor (IA) is responsible for assessing and investigating instances of suspected misconduct. The IA may then refer the matter to the Councillor Conduct Tribunal to be heard and determined.

6.2. Employee's Responsibilities

- 6.2.1 Communication by employees 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 - employee health & safety, client satisfaction, respect, teamwork, accountability;
 - e) In good faith.
- 6.2.2 If a Councillor contacts and employee in contravention of this Policy, then the employee must refer the request to his/her Manager;
- 6.2.3 Employees must reasonably ensure that any information that is provided to a Councillor is accurate and correct and brought to the attention of an appropriate Manager in a timely manner.
- 6.2.4 If an employee is of the opinion, that the information requested by the Councillor is unreasonably complex or onerous to fulfil and will scientifically divert them for their regular duties, the employee shall seek advice for their appropriate Manager as to the reasonableness of the request.
- 6.2.5 If a Councillor directs or attempts to direct an employee about the way in which their duties are to be performed, the employee shall report the circumstances to their Manager as soon as possible.
- 6.2.6 Employees shall keep records of advice given to Councillors in the same manner as if they were providing advice to a member of the public. Employees shall ensure that a record of the advice is stored electronically in MRC's electronic records management system.

Employees must include his/her Manager in all communication with Councillors.

- 6.2.7 No employee, other than a Director or the CEO, is entitled to distribute commercial-in-confidence information or data to a Councillor.
- 6.2.8 Employees shall not discuss with a Councillor any matter relating to the terms and conditions of their employment with MRC.
- 6.2.9 Employees shall inform the CEO if they believe a Councillor has behaved in a manner contrary to this policy.

6.3 Response Times to Requests for Assistance or Information

- 6.3.1 Where the information requested by the Councillors is routine and is readily available from Council's business systems, the employee shall, where possible provide the response within one (1) business day.
- 6.3.2 Employees shall respond to all other requests within three (3) business days except where the information requested is of a complex nature or requires substantial research;
- 6.3.3. Where the matter is complex and requires substantial research and analysis or requires input from various directorates, the employee shall provide a response within ten (10) business days.

6.4. Emergency Situations

- 6.4.1 When an emergency situation occurs after hours, Councillors may contact one of the following:
 - CEO;
 - Director;
 - Executive Officer.
- 6.4.2 Other than in emergency situations (as per clause 6.4.1) councillors are not to contact an employee outside normal office hours other than with the prior approval of the CEO.
- 6.4.3 For all other customer requests outside of normal office hours Councillors are requested to lodge, via the request through the general after-hours customer service phone number.

6.5 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 customers are recommended to contact Council directly via 1300 Mackay, or by lodging the request on Council's web-site
- Alternatively, Councillors can take the details and have them registered within Council's Customer Request System. The following then to apply –

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.

6.6 Complaints

Where Councillors are dissatisfied with the response from an employee, for a request for advice or information, the Councillor may report their dissatisfaction by putting their concerns in writing to the CEO.

7.0 **Review**

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

1. The related documents are amended or replaced.
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		Council	13/05/2020



Code of Conduct for Councillors in Queensland

Approved on 4 August 2020

| www.dlgrma.qld.gov.au |

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Purpose of the Code of Conduct

The Code of Conduct sets out the principles and standards of behaviour expected of Councillors and Mayors when carrying out their roles, responsibilities and obligations as elected representatives for their communities. By adhering to the behaviours set out below, Councillors will increase public confidence in local government and Council decisions.

Background

Under section 150D of the *Local Government Act 2009* (the LGA), the Minister for Local Government (the Minister) must make a Code of Conduct stating the standards of behaviour for Councillors in the performance of their responsibilities as Councillors. In addition to this, the Code of Conduct may contain anything the Minister considers necessary for, or incidental to, the standards of behaviour.

Before assuming public office, Councillors must understand and commit to complying with the local government principles and obligations of Councillors in accordance with section 169 of the LGA and 169 of the *City of Brisbane Act 2010* (CoBA), as well as the standards of behaviour set out in this Code of Conduct.

All Councillors are required to make a declaration of office under the applicable legislation. As part of that declaration, Councillors must declare that they will abide by this Code of Conduct.

The local government principles and values

The legislation is founded on five local government principles with which Councillors must comply while performing their roles as elected representatives. These principles are listed below:

1. Transparent and effective processes, and decision-making in the public interest
2. Sustainable development and management of assets and infrastructure, and delivery of effective services
3. Democratic representation, social inclusion and meaningful community engagement.
4. Good governance of, and by, local government
5. Ethical and legal behaviour of Councillors and local government employees.

This Code of Conduct provides a set of values that describe the types of conduct Councillors should demonstrate to ensure their compliance with the local government principles. These values are listed below:

1. In making decisions in the public interest, Councillors will:
 - make decisions in open council meetings
 - properly inform relevant personnel of all relevant information
 - make decisions in accordance with law and policy
 - commit to exercising proper diligence, care and attention.
2. To ensure the effective and economical delivery of services, Councillors will:
 - manage council resources effectively, efficiently and economically
 - foster a culture of excellence in service delivery.

3. In representing and meaningfully engaging with the community, Councillors will:

- show respect to all persons
- clearly and accurately explain Council's decisions
- accept and value differences of opinion.

4. In exercising good governance, Councillors are committed to:

- the development of open and transparent processes and procedures
- keeping clear, concise and accessible records of decisions.

5. To meet the community's expectations for high level leadership, Councillors will:

- be committed to the highest ethical standards
- uphold the system of local government and relevant laws applicable.

This Code of Conduct also sets out standards of behaviour aimed at helping Councillors understand how the principles and values are put into practice while performing their official duties as elected representatives.

Each standard of behaviour is not intended to cover every possible scenario. However, they provide general guidance about the manner in which Councillors are expected to conduct themselves.

It is important to note that the principles, values and standards set out in the Code of Conduct are of equal importance.

Standards of behaviour

This Code of Conduct sets out the standards of behaviour applying to all Councillors in Queensland. The behavioural standards relate to, and are consistent with, the local government principles and their associated values.

The standards of behaviour are summarised as the three Rs, being:

- 1. RESPONSIBILITIES
- 2. RESPECT
- 3. REPUTATION.

Each standard of behaviour includes, but is not limited to, several examples to guide Councillors in complying with the Code of Conduct when carrying out their role as elected officials. Councillors are to understand and comply with the following standards of behaviour as set out in the Code of Conduct listed below.

1. Carry out RESPONSIBILITIES conscientiously and in the best interests of the Council and the community

For example, Councillors will, at a minimum, have the following responsibilities:

- 1.1 Attend and participate meaningfully in all Council meetings, committee meetings, informal meetings, briefings, relevant workshops and training opportunities to assist them in fulfilling their roles other than in exceptional circumstances and/or where prior leave is given
- 1.2 Respect and comply with all policies, procedures and resolutions of Council

- 1.3 Use only official Council electronic communication accounts (e.g. email accounts) when conducting Council business
- 1.4 Report any suspected wrongdoing to the appropriate entity in a timely manner
- 1.5 Ensure that their behaviour or capacity to perform their responsibilities as a Councillor is not impaired by the use of substances that may put them or others at risk while performing their duties (for example, alcohol, illegal drugs or prescribed/non-prescribed and/or restricted substances)
- 1.6 Cooperate with any investigation being undertaken by the local government or other entity
- 1.7 Ensure that the Councillor's Advisor is aware of their obligations to comply with the standards of behaviour in the Code of Conduct for Councillor Advisors in Queensland.

2. Treat people in a reasonable, just, RESPECTFUL and non-discriminatory way

For example, Councillors will, at a minimum, act in the following ways:

- 2.1 Treat fellow Councillors, Council employees and members of the public with courtesy, honesty and fairness
- 2.2 Not use abusive, obscene or threatening language (either oral or written) or behaviour towards other Councillors, Council employees or members of the public
- 2.3 Have proper regard for other people's rights, obligations, cultural differences, safety, health and welfare.

**3. Ensure conduct does not reflect adversely
on the REPUTATION of Council**

For example, Councillors will, at a minimum, conduct themselves in the following manner:

- 3.1 When expressing an opinion dissenting with the majority decision of Council, respect the democratic process by acknowledging that the Council decision represents the majority view of the Council
- 3.2 When making public comment, clearly state whether they are speaking on behalf of Council or expressing their personal views
- 3.3 At all times strive to maintain and strengthen the public's trust and confidence in the integrity of Council and avoid any action which may diminish its standing, authority or dignity.

Consequences of failing to comply with the Code of Conduct

Failure to comply with the standards of behaviour in this Code of Conduct, or other conduct prescribed in this code of conduct may give rise to a complaint against a Councillor’s conduct and subsequent disciplinary action under the legislation.

A complaint about the conduct of a Councillor must be submitted to the Office of the Independent Assessor (OIA), who will assess the complaint and determine the category of the allegation. In order of least to most serious, the categories of complaint are **unsuitable meeting conduct, inappropriate conduct, misconduct**, and then **corrupt conduct**.

Unsuitable meeting conduct

Under the legislation, any conduct by a Councillor that is contrary to the standards of behavior in the Code of Conduct that occurs within a meeting of Council (including standing committee meetings), is dealt with as **unsuitable meeting conduct**.

Unsuitable meeting conduct by a Councillor is dealt with by the Chairperson of the meeting. It is important that the Chairperson deal with matters of unsuitable meeting conduct locally, and as efficiently and effectively as possible so that Council can continue with their business of making effective decisions in the public interest.

NOTE

Chairpersons of meetings are carrying out a statutory responsibility under the legislation to manage and lead the meeting. As such, where a Chairperson behaves inappropriately in a meeting this involves a serious breach of the trust placed in them as the Chairperson of the meeting and may be dealt with as misconduct (see right).

Inappropriate conduct

Under the legislation, any conduct by a Councillor that is contrary to the standards of behavior in the Code of Conduct or a policy, procedure or resolution of a Council, and is not unsuitable meeting conduct, misconduct or corrupt conduct is dealt with as **inappropriate conduct**.

The conduct of a Councillor is also inappropriate conduct if the conduct contravenes an order by the Chairperson of a meeting of Council for the Councillor to leave the meeting or is a series of conduct at Council meetings that leads to orders for the Councillor’s unsuitable meeting conduct being made on three occasions within a period of one year. The local government is not required to notify the OIA and may deal with the conduct under section 150AG of the LGA (including Brisbane City Council).

The OIA is responsible for assessing allegations of suspected inappropriate conduct other than those arising from unsuitable meeting conduct. If the OIA chooses to refer the matter to the Council to deal with, the Council must deal with the matter as quickly and effectively as possible.

Misconduct

Councillors are required to comply with all laws that apply to local governments, this includes refraining from engaging in **misconduct**.

The OIA is responsible for assessing and investigating instances of suspected misconduct. The OIA may make an application to the Councillor Conduct Tribunal to be heard and determined.

The conduct of a Councillor is misconduct if the conduct:

- adversely affects, directly or indirectly, the honest and impartial performance of the Councillor's functions or exercise of the Councillor's powers, or
- is, or involves:
 - a breach of trust placed in the Councillor, either knowingly or recklessly
 - misuse of information or material acquired by the Councillor, whether the misuse is for the benefit of the Councillor or for the benefit or to the detriment of another person
 - a Councillor giving a direction to any Council employee (other than the Mayor giving direction to the Chief Executive Officer, or for Brisbane City Council, the Lord Mayor giving direction to the Chief Executive Officer and senior contract officers)
 - a release of confidential information outside of the Council
 - failure to declare a conflict of interest or appropriately deal with a conflict of interest in a meeting
 - attempting to influence a decision maker about a matter in which the Councillor has a conflict of interest
 - failure by a Councillor to report a suspected prescribed conflict of interest of another Councillor
 - failure to submit, update or review your registers of interests, or
- is a failure by the Councillor to comply with:
 - an order made by the Council or the Councillor Conduct Tribunal
 - any acceptable request guidelines of the Council made under the legislation
 - the reimbursement of expenses policy of the Council.

The conduct of a Councillor is also misconduct if the conduct leads to the Councillor being disciplined for inappropriate conduct on three occasions within a

period of one year or is conduct that is identified in an order of Council that will be dealt with as misconduct if the Councillor engages in the conduct again.

The conduct of a Councillor may also be misconduct if a Councillor purports to direct the Chief Executive Officer in relation to disciplinary action regarding the conduct of a Councillor Advisor.

Corrupt conduct

Corrupt conduct is defined by, and dealt with, under the *Crime and Corruption Act 2001*¹ and must be referred to the Crime and Corruption Commission (CCC). For a Councillor, corrupt conduct involves behaviour that:

- adversely affects or could adversely affect the performance of the Councillor's responsibilities, and
- involves the performance of the Councillor's responsibilities in a way that:
 - is not honest or impartial, or
 - involves a breach of the trust placed in the Councillor, or
 - involves the misuse of information acquired by the Councillor, and
- is engaged in for the purpose of providing a benefit or a detriment to a person, and
- if proven would be a criminal offence.

Councillors are reminded of their obligations under section 38 of the *Crime and Corruption Act 2001* to report suspected corrupt conduct.

The OIA has entered into a section 40² arrangement with the CCC which allows the OIA to commence investigation into some allegations of corrupt conduct and report the matters to the CCC on a monthly basis, to provide the CCC with the opportunity to assume responsibility for or monitor an investigation, should the CCC consider that appropriate.

Further information about the CCC's jurisdiction and other topics in relation to local government is available at <https://www.ccc.qld.gov.au/sites/default/files/Docs/Publications/CCC/Corruption-in-focus-Guide-2020.pdf> (Chapter 4).

¹Section 15, Crime and Corruption Act 2001

²Section 40, Crime and Corruption Act 2001

More information

The Department of Local Government, Racing and Multicultural Affairs website at www.dlgrma.qld.gov.au provides further information and resources for Councillors.

The Department also provides and facilitates training for Councillors and Council employees to assist them to develop the knowledge, skills and understanding necessary to undertake their roles and responsibilities effectively and in the best interests of their communities.

For more information, please contact your regional office within the Local Government Division of the Department of Local Government, Racing and Multicultural Affairs on:

Southern office

Phone: (07) 3452 6762

Email: southern@dlgrma.qld.gov.au

Northern office

Phone: (07) 4758 3472

Email: northern@dlgrma.qld.gov.au



Department of Local Government, Racing
and Multicultural Affairs

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Dear Scott,

In relation to advice from the Office of the independent Assessor (OIA) on the 8th December 2023, Ref: C/23/00706 I offer the following.

Unfortunately, without the full transcript of what the OIA received on 28 November it may be difficult to address all points as I am unsure what background information was given to the OIA.

I will therefore address the allegations contained in the "Relevant Facts and Circumstances" section and add a summary.

Relevant Facts and Circumstances

It was alleged that on 27 November 2023:

- At the entrance of the council building [REDACTED] held the door open for Councillor Bonaventura and his wife on the ground floor.

This is correct, it was the internal door on the long corridor and [REDACTED] was a long way ahead of us. I signalled to [REDACTED] to leave the door as we were in no rush. We were on the ground floor as I needed to sign my wife in as a visitor at reception as we had an hour to spare between a funeral and the start of the wake.

- Councillor Bonaventura introduced his wife to [REDACTED]

This is correct, My interest in our staff and what they do for us is something I have displayed from day one on council. I have known [REDACTED] for many years, and I have the upmost respect for [REDACTED] work ethic as council employee. The introduction to [REDACTED] was along the lines of sharing pleasantries and praise for [REDACTED] role over the years in relation to what [REDACTED] had achieved for Mackay Regional Council (MRC) [REDACTED]

- Councillor Bonaventura asked [REDACTED] where [REDACTED] was working now who confirmed that [REDACTED] was working with the MCW Team. Councillor Bonaventura then asked when they would have information on 8 River Street (the property had been attracting significant media attention and was the subject of a recent Council briefing, of which was confidential as marked in the presentation).

When asked, [REDACTED] did advise [REDACTED] was working on the Mackay City Waterfront (MCW) Team. From here my recollection of the order of events is different to [REDACTED] version, in particular the second sentence above did not occur and that effects the dot points and what happened on that morning, my recollection is as follows.

- *I asked how that was going and [REDACTED] reply was that "it was a bit tough at the moment as the project was getting some media attention and that was taking its toll on the team morale". My response was I am disappointed to hear that and agreed it was a bad situation and I was not happy with it and it was my personal view that the building was stuffed and needed to go.*

*I did ask if [REDACTED] knew how far away an update was and [REDACTED] response below advising me to contact the director is correct except this only occurred **once** in the entire conversation.*

- [REDACTED] responded that [REDACTED] didn't know, and that Councillor Bonaventura would have to ask Aletta Nugent (Director Planning, Growth & Sustainability). Councillor Bonaventura asked [REDACTED] again and [REDACTED] said again that he would need to ask Aletta.

- Councillor Bonaventura indicated to [REDACTED] that "it" was a bad situation he was not happy with.

This dot point has already been covered above.

- [REDACTED] mentioned how it was getting some media attention and that this was tough on the team.

This dot point has already been covered above.

- Councillor Bonaventura said if he had something to do with the media and it would only get worse if he had his way.

This dot point has already been covered above.

- [REDACTED] was uncomfortable with the interaction with Councillor Bonaventura in front of the councillor's wife.

I am unsure of why this would have been the case as all the matters discussed were in the public arena.

The series of events although differing slightly did occur, but the basis for the referral (see below) is on the grounds that I breached confidentiality.

"It is alleged, on 27 November 2023, Councillor Bonaventura engaged in a conduct breach when he approached a council officer at the front door of the council building and during the conversation enquired with the officer about the status of a confidential report on 8 River Street Mackay".

During the entire casual conversation that lasted no more than a minute and a half no breach of confidential information was released as everything that was spoken about was already in the public arena as distributed to media in the following ways;

- By the Mayor in press conference at River wharves on 16 November,
- Press release dated 17.11.23 opening line states,

"Attention media, Construction work on a prime riverfront food and beverage site in River Street has been paused to allow time to consider new design and construct options."

- And in the Mayors opening remarks to the media following council meeting on 22 November.

The following series of phrases are some of the words used by the Mayor in the conversation, It was Design and construct contract. We discovered that what we knew was only part of state the building was in. We paused until we discover what the cost might be. Engineering report did not cover what we found. Its on pause until we discover what the cost might be. See what we can do to recover this project within the budget scope. We need to wait & see what we can deliver. Pylons missing or not touching joist. Current building not salvageable as cost would be too high. The contractors will sit down with our people. Not worthwhile us continuing with the current building.

Summary

It is clear from the dot points above that there was no breach of Confidentiality to either my wife or the staff member therefore that needs to be taken out the disciplinary process on this matter.

Council needs to decide if what was a casual unplanned conversation from someone holding the door open in which I asked a question that was appropriately answered forms grounds for a conduct breach.

To be a conduct breach you need to answer to the following questions;

Did I deliberately approach the staff member with the intent to gain information?

Did I gain any advantage from my discussion?

Did I attempt to influence the staff members future actions?

Councillors, I was only displaying an interest in what the staff member was currently doing. The staff member volunteered information about the team morale, and that was of genuine concern to me and the only way to improve morale would be when a decision was made hence the spur of the moment question that is at the centre of this matter.

Other Matters

Councillors, in its report the OIA has noted two previous issues in which I was reported for suspected breaches of the acceptable guidelines, and I believe it is important that you are given a brief background into these.

Ref: C/23/00223

The first was April 23 when in the councillor support area I was introduced to a new member of staff and following a conversation with the new staff member about their skills and role in council I indicated I was the chair on a council committee that could use his skills to write a letter on behalf of the committee. I considered this area as a place where I was free to ask for assistance from staff.

The OIA response to this matter was;

Given the facts around these events, it was considered to be an unjustifiable use of resources to deal with this matter further.

Ref C/23/00607

The second incident was in October 2023 when I visited an elderly resident to discuss what her options were in relation to a neighbour's tree that was overhanging her property.

She advised that during a visit from council staff on another matter she had been asked if she still drove the car. The elderly resident was very worried as to why they would ask this question and could they report her and take away her licence. My advice was that we have nothing to do with this area. When she was still worried about it, I said that I would ask if there was any information relating to her car or driving on the report.

I contacted councillor support who checked the background of this job and advised that there was no mention of the car in the staff members notes. I then phoned the elderly lady and advised that staff had not made any notes in relation to her car and they would have no interest in relation to her licence.

It was alleged that "I relayed information from internal notes related to the customer request, stating that no additional measures had been taken". I had only asked staff if there were any notes relating to the elderly lady's car or ability to drive and that "lack of information on the notes" is all I passed on to the lady in this case.

The OIA response was;

On this occasion, the OIA has determined that further dealing with this matter would be an unjustifiable use of resources, however, any future complaints of a similar nature relating to your conduct may be considered to be justifiable to proceed.

Councillors it is in your hands to make the decision.



Report to Mackay Regional Council

Re: Councillor Bonaventura OIA Referral – Ref: C/23/00706

1. Overview/Background

It is alleged that, on 27 November, 2023, the Councillor engaged in a conduct breach when he approached a Council officer at the security door on the ground floor of the Council building and during the conversation enquired about the status of 8 River Street after receiving a confidential report from Council officers two weeks prior.

It is alleged that such conduct is a conduct breach pursuant to section 150K of the LG Act, being conduct which contravenes a policy of a local government, specifically Council's Acceptable Requests Guidelines (Policy No. 104).

On 28 November, 2023, the Chief Executive Officer (**CEO**) made a notification to the Office of Independent Assessor (**OIA**), pursuant to section 150R of the *Local Government Act 2009* (Qld) (**LG Act**) about a suspected conduct breach by Councillor Bonaventura.

On 8 December, 2023, Council received a referral from the OIA requiring it to investigate and determine the suspected conduct breach regarding Council Bonaventura (**Referral Notice**).

As outlined in the Referral Notice, after having considered the information provided to it, the OIA reasonably suspected the conduct, if proven, is a conduct breach under section 150K of the LG Act. It therefore decided to refer the suspected conduct breach to Council to deal with in accordance with section 150SD(4)(a).

Pursuant to section 150AF, Council is required to investigate the suspected conduct breach and must comply with its investigation policy. Council's outdated "Councillor Investigations Policy" mandates the referral of such a matter to the President of the Councillor Conduct Tribunal to investigate.

As a result of recent amendments to the legislative regime, the power to make a referral to the President of the Councillor Conduct Tribunal has been removed, and Council must itself investigate such matters.

Accordingly, Council has undertaken its own investigations into the suspected conduct breach. To achieve the same intention in the spirit of the Policy and in order to avoid "Caesar judging Caesar", Council has referred the matter to an independent external party (Suzanne Brown of McKays Solicitors) to consider the investigation findings and provide a view to Council as to whether the facts are capable of supporting the allegation that there was a conduct breach as per section 150K of the LG Act, and if so, any recommendations about dealing with the conduct.

2. Information Provided

Whilst McKays has not been engaged to undertake a full external investigation, we have considered the following provided to us by Council:

- (a) Email dated 27 November, 2023 from Aletta Nugent (Director Planning, Growth & Sustainability) to Scott Owen (Chief Executive Officer).
- (b) Email dated 28 November, 2023 from Scott Owen (CEO) to OIA notifying of suspected conduct breach (with attachments).



- (c) Referral Notice dated 8 December, 2023 from OIA to Scott Owen (CEO).
- (d) Email dated 11 December, 2023 from Scott Owen (CEO) to Councillor Bonaventura regarding suspected conduct breach and providing opportunity to respond in writing by close of business on 18 December, 2023.
- (e) Email dated 19 December, 2023 from Councillor Bonaventura to Scott Owen (CEO) enclosing response.
- (f) Record of Interview with [REDACTED] conducted on 10 January, 2024.

3. Our Considerations

Following our review of the information provided, we believe that it is necessary to analyse 2 separate aspects of the interaction that occurred, in so far as to whether there was any conduct breach:

- (a) Asking for an update on 8 River Street from [REDACTED]; and
- (b) Engaging in discussions about the media attention and expressing his personal views about 8 River Street with [REDACTED];

however the 2 also have equally been considered contextually together.

3.2. Asking for Update

The first issue relates to Councillor Bonaventura asking for an update from [REDACTED] on 8 River Street.

[REDACTED] states in [REDACTED] evidence that Councillor Bonaventura asked [REDACTED] twice during the conversation for an update on 8 River Street.

Councillor Bonaventura states in his evidence that he asked [REDACTED] once during the conversation for an update on River Street and denies asking [REDACTED] twice.

It therefore remains in dispute as to whether Councillor Bonaventura asked when they would have an update on 8 River Street, only once or twice, during the conversation.

In any event, as stated, Councillor Bonaventura has made clear admissions in his evidence that he asked [REDACTED] when they would have an update on 8 River Street once during the conversation. Accordingly, whether or not it was asked once or twice is largely irrelevant.

Sections 6.1.4 and 6.1.5 of the Council's Acceptable Guidelines (Policy No. 104) (**Policy**) requires Councillors to only request "*advice*" or "*information*" from the CEO, Director, Executive Officer, Chief Operating Officer or Manager. Where the nominated employee is not available, another suitably qualified employee (subject to a written approval by the CEO) may provide the advice or information requested.

Firstly, it is clear that [REDACTED] does not hold a delegated position under the Policy to provide advice and information to Councillors, and was not otherwise subject to any written approval by the CEO to do so.

However, under section 4.0 (Definitions) of the Policy, the following definitions of "advice" and "information" are adopted:



- *“Advice shall mean an opinion or recommendation offered as a guide to action, conduct etc”;*
- *“Information shall include letters, reports/documents, facsimiles, attachments, tapes, emails, electronic media and/or other forms of information including discussions during meetings”.*

In applying the definitions under the Policy, we think it is ambiguous as to whether the Councillor has requested “advice” or “information” by asking for an update on 8 River Street - depending whether a wide or narrow view is taken in interpreting the definitions.

We think it is borderline – and therefore on its own in isolation is not clear as to whether his conduct would constitute a breach of section 6.1.4 of the Policy.

In saying this, we do think that there was an *intent* by Councillor Bonaventura to breach the Policy in engaging in the discussion with [REDACTED] – even if it is determined that he was not strictly making a “request for advice or information” under the Policy.

Whilst we note Councillor Bonaventura’s comments that it was nothing more than a casual conversation as someone was holding a door open, we believe that in light of the previous conduct complaints (notified to the OIA on 21 April, 2023 and 17 October, 2023) against Councillor Bonaventura and his participation in the recent refresher training on 13 September, 2023, as recommended by the OIA, he should have known better and been more cautious.

Further, based on the entire conversation that occurred and noting the above history, we believe that Councillor Bonaventura certainly had an *intention* to breach section 6.1.4. of the Policy.

Even if his conduct does not breach section 6.1.4. of the Policy, we believe his conduct would constitute a breach of section 6.1.1 of the Policy, which outlines a Councillor’s responsibilities when communicating with Council employees.

Section 6.1.1 of the Policy states:

“6.1.1 Communication by Councillors with employees 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 – employee health and safety, client satisfaction, respect teamwork, accountability;*
- e) In good faith.*

There are differing versions of events from both Councillor Bonaventura and [REDACTED] of certain aspects of the conversation. We are unable to determine with certainty what factually occurred.

However, even if we rely upon the evidence of Councillor Bonaventura, it is clear that by continuing to engage in further discussions with [REDACTED] and the nature of some of the negative comments he made – that he was not acting in good faith.

In our view the negativity of the comments he expressed (which we outline further) also support the conclusion that he was not acting in good faith.

Accordingly, even if Councillor Bonaventura has not gone so far as to breach section 6.1.4 of the Policy, we consider that Councillor Bonaventura has breached section 6.1.1e) of the Policy in this regard – specifically the requirement to act in good faith in communications with Council employees.



3.3. Media Attention Discussions

The second issue relates to Councillor Bonaventura engaging in discussions with [REDACTED] about the media attention and the negative comments he expressed.

From the evidence, again, there are differing versions of events and we are unable to determine with certainty what factually occurred.

However, even if we rely upon the evidence of Councillor Bonaventura, he states: *"My response was I am disappointed to hear that and agreed it was a bad situation and I was not happy with it and it was my personal view that the building was stuffed and needed to go".*

In our view it was not appropriate for the Councillor to make these negative comments to the staff member, particularly after she had explained the media attention and the impacts on the team. In doing so, we consider that Councillor Bonaventura was also in breach of section 6.1.1 of the Policy, specifically:

- He was not acting in a respectful, reasonable and professional manner – subsection (a);
- He was not acting in accordance with MRC's policies, guidelines and procedures – subsection (c); and
- He was not acting in good faith – subsection (e).

Again, due to the previous conduct complaints and his participation in the recent refresher training, he should have known better than to continue to engage in discussions of this nature with [REDACTED] – and he should not have gone so far as he did in the conversation.

Accordingly, we consider that Councillor Bonaventura has breached sections 6.1.1 (a), (c) and (e) of the Policy in this regard.

4. Evidence of Councillor Bonaventura

The evidence by Councillor Bonaventura appears to lack sufficient particularity in response to certain alleged aspects of the interaction.

He also attempts to focus in his written response on the fact that there was no breach of confidentiality – though this is not any basis of the suspected conduct breach.

We also consider it necessary to point out that Councillor Bonaventura has cited various elements in his response, which relate to misconduct, and not a conduct breach [extract below].

"Summary

It is clear from the dot points above that there was no breach of Confidentiality to either my wife or the staff member therefore that needs to be taken out the disciplinary process on this matter. Council needs to decide if what was a casual unplanned conversation from someone holding the door open in which I asked a question that was appropriately answered forms grounds for a conduct breach.

To be a conduct breach you need to answer to the following questions;

Did I deliberately approach the staff member with the intent to gain information?

Did I gain any advantage from my discussion?

Did I attempt to influence the staff members future actions?

Councillors, I was only displaying an interest in what the staff member was currently doing. The staff member volunteered information about the team morale, and that was of genuine concern



to me and the only way to improve morale would be when a decision was made hence the spur of the moment question that is at the centre of this matter.”

The allegations were clearly put to him as a suspected conduct breach under section 150K of the LG Act, being a breach of a local government policy, and not misconduct under section 150L of the LG Act.

Accordingly, the points outlined by Councillor Bonaventura in his evidence regarding the breach of confidentiality and elements regarding misconduct are irrelevant and should carry no weight in considering the conduct and any outcome of the investigation.

5. Our View and Recommendations

- 5.1. Pursuant to section 150K of the LG Act, the conduct of a Councillor is a conduct breach if the conduct contravenes:
 - (a) a behavioural standard; or
 - (b) a policy, procedure or resolution of the local government.
- 5.2. Council's Councillor Acceptable Requests Guidelines (Policy No. 104) is a "policy of the local government" pursuant to section 150K(1)(b) of the LG Act.
- 5.3. On balance, we consider that it is ambiguous as to whether Councillor Bonaventura has specifically contravened section 6.1.4 of the Policy, as when strictly applying the definitions under the Policy, his request for an update may fall short of constituting a request for "advice" or "information" – as above, depending whether a wide or narrow interpretation is taken.
- 5.4. However, we consider that Councillor Bonaventura has clearly breached section 6.1.1 of the Policy regarding his Councillor responsibilities when communicating with Council employees – specifically to conduct such communications:
 - (a) In a respectful, reasonable and professional manner;
 - (b) In accordance with MRC's policies, guidelines and procedures; and
 - (c) In good faith.
- 5.5. Accordingly, based on the evidence and other information provided, our view is that the facts established by Council's investigation are capable of supporting, on the balance of probabilities, the allegation that there was a conduct breach as per section 150K of the LG Act – on the basis of a breach of local government policy.
- 5.6. For clarity, we have considered whether Councillor Bonaventura has breached a "behavioural standard" in section 150K(1)(a) of the LG Act (which, by definition under the LG Act, is the Councillor Code of Conduct). We were unable to find any specific behavioural standard he has breached, and given it is clear he has breached a local government policy, we think that Council should continue to rely upon section 150K(1)(b) to establish a conduct breach.
- 5.7. In our view, the conduct does not constitute serious misconduct as it does not fall into any of the categories outlined in section 150L of the LG Act.
- 5.8. It is a matter for Council to decide whether the Councillor has engaged in the conduct breach as per section 150AG of the LG Act.



- 5.9. If Council decides the Councillor has engaged in a conduct breach – it must then decide what action it will take under section 150AH to discipline the Councillor.
- 5.10. Section 150AG(2) of the LG Act states that in deciding what action to take, Council may consider:
- (a) Any previous conduct breach of the Councillor; and
 - (b) Any allegation made in the investigation that was admitted, or not challenged; and that the local government is reasonably satisfied is true.
- 5.11. In deciding any action it will take to discipline the Councillor, we recommend that Council considers:
- (a) The clear admissions made by Councillor Bonaventura during the investigation; and
 - (b) The two recent instances of a referral to the OIA about suspected conduct breaches by Councillor Bonaventura on 21 April, 2023 and 17 October, 2023, which the OIA has noted show a pattern of behaviour relating to alleged breaches of Council's Acceptable Request Guidelines by the Councillor and resulted in the recommendation of refresher training for the Councillor.



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Summary Report

Re: Councillor Bonaventura OIA Referral – Ref: C/23/00706

1. Description of Alleged Conduct

It is alleged that, on 27 November, 2023, the Councillor engaged in a conduct breach when he approached a Council officer at the security door on the ground floor of the Council building and during the conversation enquired about the status of 8 River Street after receiving a confidential report from Council officers two weeks prior.

It is alleged that such conduct is a conduct breach pursuant to section 150K of the LG Act, being conduct which contravenes a policy of a local government, specifically Council's Acceptable Requests Guidelines (Policy No. 104).

2. Statement of Facts Established By Investigation

- 2.1. Council conducted its own investigation of the matter.
- 2.2. No external full investigation was conducted.
- 2.3. A Principal of McKays Solicitors were briefed with documents from Council's investigation, which she reviewed independently to consider the investigation findings and provide a view to Council as to whether the facts are capable of supporting the allegation that there was a conduct breach as per section 150K of the LG Act, and if so, any recommendations about dealing with the conduct.
- 2.4. Below is a summary of the facts, including whether or not they are agreed or determined:

Fact	Agreed/Determined/Disputed
On 27 November, 2023, at the entrance of the Council building, a Council employee held the door open for Councillor Bonaventura and his wife on the ground floor.	Agreed by both the Council employee and Councillor Bonaventura
Councillor Bonaventura introduced his wife to the Council employee and talked about her role on the Mountain Bike Project.	Agreed by both the Council employee and Councillor Bonaventura
Councillor Bonaventura asked the Council employee where she was working now and she confirmed that she was working with Mackay City and Waterfront (MCW) team.	Agreed by both the Council employee and Councillor Bonaventura
Councillor Bonaventura then asked when they would have information on 8 River Street.	<p>Not agreed by the Council employee and Councillor Bonaventura:</p> <ul style="list-style-type: none"> - Employee says asked twice; - Councillor Bonaventura says asked once; - Timing of when asked the question is disputed. <p>Councillor Bonaventura admits asking the question in</p>

	<p>the course of the conversation.</p> <p>Accordingly, undetermined when occurred and whether occurred twice – but agreed and determined occurred once.</p>
<p>Council Employee responded that she didn't know, and that Councillor Bonaventura would have to ask Aletta Nugent (Director Planning, Growth & Sustainability).</p>	<p>Not determined:</p> <ul style="list-style-type: none"> - Employee's statement; - Not addressed in response by Councillor Bonaventura.
<p>Employee's version:</p> <p><i>"Council Employee raised the negative media regarding the project and that the team felt particularly attacked by media that week.</i></p> <p><i>Councillor Bonaventura made a comment to the effect that, "If I have anything to do with it, it will only get worse."</i></p> <p><i>Council Employee responded with words to the effect that, "it is likely that town planners are resilient then" and ended the conversation by walking away."</i></p> <hr/> <p>Councillor Bonaventura's version:</p> <p><i>"I asked how that was going and her [the Council Employee's] reply was that it was a bit tough at the moment as the project was getting some media attention and that was taking its toll on the team morale. My response was that I am disappointed to hear that and agreed it was a bad situation and I was not happy with it and it was my personal view that the building was stuffed and needed to go."</i></p>	<p>Not agreed.</p> <p>Unable to be determined.</p>

Where the facts are disputed, based on simply reviewing the documentation provided, the facts have not been able to be verified further. Even with a full external investigation, it is unlikely to provide any greater certainty or resolution.

In any event, Councillor Bonaventura has admitted to asking for an update on 8 River Street at least once during the conversation, which is the primary subject of the allegation. He also admitted that the *"series of events, although differing slightly, did occur."*

3. Principles of Natural Justice

On 11 December, 2023, Council provided sufficient particulars of the alleged conduct breach to the Councillor and provided him with the opportunity to respond in writing and provide any further submissions by close of business on 18 December, 2023.

A written response was provided by the Councillor on 19 December, 2023 (a day later than the specified deadline).

Given that the Councillor had admitted to the conduct subject of the allegation and the number of witnesses involved, Council did not consider it necessary to engage an external investigator to carry out an investigation.

Though to ensure that the outcome of the investigation was fair and unbiased, Council engaged an external party to review the evidence and provide a view as to whether the facts established are capable of supporting the allegation that there was a conduct breach as per section 150K of the LG Act.

Accordingly, Council has afforded natural justice to the Councillor as part of its investigations into the alleged conduct breach.

4. Summary of Investigation Findings and Recommendations

- 4.1. Pursuant to section 150K, the conduct of a councillor is a conduct breach if the conduct contravenes:
 - (a) a behavioural standard; or
 - (b) a policy, procedure or resolution of the local government.
- 4.2. Council's Councillor Acceptable Requests Guidelines (Policy No. 104) (**Policy**) is a "policy of the local government" pursuant to section 150K(1)(b).
- 4.3. On balance, it is ambiguous as to whether Councillor Bonaventura has specifically contravened section 6.1.4 of the Policy, as when strictly applying the definitions under the Policy, his request for an update may fall short of constituting a request for "advice" or "information" – depending whether a wide or narrow interpretation is taken.
- 4.4. However, even so, it appears that Councillor Bonaventura had the intention of breaching section 6.1.4 of the Policy. This is especially in light of the previous conduct complaints (notified to the OIA on 21 April, 2023 and 17 October, 2023) against Councillor Bonaventura and his participation in the recent refresher training on 13 September, 2023, as recommended by the OIA.
- 4.5. However, whilst some of the facts are disputed, even if adopting Councillor Bonaventura's version of events, it is determined that he has breached section 6.1.1 of the Policy regarding his Councillor responsibilities when communicating with Council employees – specifically to conduct such communications:
 - (a) In a respectful, reasonable and professional manner;
 - (b) In accordance with MRC's policies, guidelines and procedures; and
 - (c) In good faith.
- 4.6. Accordingly, based on the evidence and other information provided, the investigation is capable of supporting, on the balance of probabilities, the allegation that there was a conduct breach as per section 150K of the LG Act – on the basis of a breach of local government policy.
- 4.7. It is now a matter for Council to decide whether the Councillor has engaged in the conduct breach as per section 150AG of the LG Act.

- 4.8. If Council decides the Councillor has engaged in a conduct breach – it must then decide what action it will take under section 150AH to discipline the Councillor.
- 4.9. Section 150AG(2) of the LG Act states that in deciding what action to take, Council may consider:
- (a) Any previous conduct breach of the councillor; and
 - (b) Any allegation made in the investigation that was admitted, or not challenged; and that the local government is reasonably satisfied is true.
- 4.10. If Council decides the Councillor has engaged in a conduct breach, then in deciding the action it will take to discipline the Councillor, Council has been recommended to consider:
- (a) The clear admissions made by Councillor Bonaventura during the investigation; and
 - (b) The two previous instances of a referral to the OIA about suspected conduct breaches by Councillor Bonaventura on 21 April, 2023 and 17 October, 2023, which the OIA has noted show a pattern of behaviour relating to alleged breaches of Council's Acceptable Request Guidelines by the Councillor and resulted in the recommendation of refresher training for the Councillor.

17. CONFIDENTIAL REPORTS

17.1. 2024-25 CONFIDENTIAL FEES & CHARGES

Confidential

Confidential Report to be forwarded separately.

This report is **CONFIDENTIAL** in accordance with the Section 254J (3) (g) of the *Local Government Regulation 2012* which permits the meeting to be closed to the public to discuss a matter relating to **negotiations relating to a commercial matter involving the Council for which a public discussion would be likely to prejudice the interests of the Council.**

Council Resolution ORD-2024-17

THAT Council adopts the Confidential Fees and Charges Schedule for the MECC, Mackay Stadium and the Sugar Shed Group Tour as attached, to take effect from the 1 July 2024.

Moved Cr Mann

Seconded Cr Townsend

CARRIED UNANIMOUSLY

17.2. APPROVED SPONSORSHIP UNDER THE INVEST MACKAY EVENTS AND CONFERENCE ATTRACTION PROGRAM - DECEMBER 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-2024-21

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

Moved Cr Green

Seconded Cr Englert

CARRIED 7/4

For: Cr Englert, Cr Green, Cr Hassan, Cr Jones, Cr May, Cr Townsend and Cr Williamson

Against: Cr Bella, Cr Bonaventura, Cr Mann and Cr Seymour

17.3. APPROVED CONCESSIONS UNDER THE FACILITATING DEVELOPMENT IN THE MACKAY REGION POLICY – DECEMBER 2023

This matter was not voted on and will be held over to the Ordinary Meeting 7th February 2024.

**17.4. DRAFT MINUTES - INVEST MACKAY EVENTS AND CONFERENCE ATTRACTION PROGRAM
ADVISORY COMMITTEE - DECEMBER 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-2024-19

THAT the draft minutes of the Invest Mackay Events and Conference Attraction Program Advisory Committee meeting dated 4 December 2023 be received.

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

AND THAT funding is approved as recommended by the Invest Mackay Events and Conference Attraction Program Advisory Committee on 6 December 2023 for Item 4.1.

AND THAT funding is approved as recommended by the Invest Mackay Events and Conference Attraction Program Advisory Committee on 6 December 2023 for Item 6.1.

AND THAT funding is approved as recommended by the Invest Mackay Events and Conference Attraction Program Advisory Committee on 6 December 2023 for Item 9.4

AND THAT funding is approved as recommended by the Invest Mackay Events and Conference Attraction Program Advisory Committee on 6 December 2023 for Item 9.5

Moved Cr Englert

Seconded Cr May

CARRIED 8/3

For: Cr Bonaventura, Cr Englert, Cr Green, Cr Hassan, Cr Jones, Cr May, Cr Townsend and Cr Williamson

Against: Cr Bella, Cr Mann and Cr Seymour

**17.5. DRAFT MINUTES - INVEST MACKAY EVENTS AND CONFERENCE ATTRACTION PROGRAM
ADVISORY COMMITTEE - 8 JANUARY 2024**

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-2024-20

THAT the draft minutes of the Invest Mackay Events and Conference Attraction Program Advisory Committee meeting dated 8 January 2024 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 5.1.

AND THAT funding is approved as recommended by the Invest Mackay Events and Conference Attraction Program Advisory Committee for Item 9.1.

Moved Cr May

Seconded Cr Green

CARRIED 8/3

For: Cr Bonaventura, Cr Englert, Cr Green, Cr Hassan, Cr Jones, Cr May, Cr Townsend and Cr Williamson

Against: Cr Bella, Cr Mann and Cr Seymour

18. MEETING CLOSURE

Meeting closed at 11:00am.

19. FOR INFORMATION ONLY

Nil

19.1. DEVELOPMENT APPLICATIONS - DECEMBER 2023

Nil

Development Applications Received

App No.	Code / Impact	Address	Applicant	Description	Officer
DA-2008-216/E	Code	Lot 34 Tamarind Terrace ALLIGATOR CREEK	Robert B Power	Change Application (Minor) - Reconfiguration of a Lot (Stage 2 - 18 Lots)	Renee Andrea
DA-2017-116/E	Code	Lot 700 Whitsunday Drive BLOOMSBURY	Mt Tyson Holdings Pty Ltd	Change Application (Other)Reconfiguring a Lot – Development Permit for Subdivision (2 Rural Lots into 35 Airfield Park lots, 1 Airfield lot and 1 Balance lot) & Material Change of Use – Development Permit for Air Services	Brogan Jones
DA-2020-57/C	Code	89 Juliet Street SOUTH MACKAY	Mackay Cricket Association Inc	Change Application (Minor)- Stage 2 Removal, Clubhouse Extension & Reconfiguration and Realigned Stormwater Drainage Material Change of Use for Major Sport, Recreation and Entertainment Facility (Great Barrier Reef Arena)	Renee Andrea
DA-2021-100/A	Code	Lot 57 Gargett-Mia Mia Road GARGETT	Richard I Roberts and Camille T Roberts	Generally in Accordance - Dwelling House	Darryl Bibay
DA-2022-159/A	Code	1000 Kuttatubul Mount Jukes Road MOUNT JUKES	Sole Family Trust	Change Application (Other) Material Change of Use - Development Permit for Tourist Attraction (Food Based Tourism) and Low Impact Industry (Brewery)	Teagan Darvill
DA-2023-237	Impact	23897 Peak Downs Highway ETON	Eton Transit Pty Ltd	Material Change of Use – Development Permit for Transport Depot	Cherise Ayling
DA-2023-238	Code	795 Mackay-Eungella Road PLEYSTOWE	David R McVicar	Reconfiguring a Lot - Development Permit for Boundary Realignment (2 into 2 Lots)	Renee Andrea
DA-2023-239	Code	1 Butia Street RURAL VIEW	Cleave B Williams	Material Change of Use - Development Permit for Dwelling House (Shed - Class 10a) - (Flood and Coastal Hazards Overlay)	Teagan Darvill
DA-2023-240	Code	23 Mowlam Street EIMEO	Sadie M Wells	Material Change of Use - Development Permit for Home Based Business (Yoga Studio)	Emma Langford
DA-2023-241	Impact	Lot 2 Lindeman Island LINDEMAN ISLAND	Well Smart Investment Holdings (Bris) Pty Ltd	Material Change of Use - Development Permit for Undefined Use - Minor Electricity Infrastructure	Renee Andrea
DA-2023-242	Impact	3 Sandpiper Court SLADE POINT	Helen M Arthur	Material Change of Use – Development Permit for Short-term Accommodation	Teagan Darvill
DA-2023-243	Impact	Lot 241 Slater Avenue BLACKS BEACH	Crossroad Developments Pty Ltd	Material Change of Use - Preliminary Approval for Variation Request (Medium Density Residential Zone to Local Centre Precinct) and Reconfiguring a Lot - Development Permit for Subdivision (1 in to 16 Lots)	Teagan Darvill
DA-2023-245	Code	21 Jankes Road BALBERRA	Colin R Dunn and Lesley A Dunn and Andrew F Chetcuti	Reconfiguring a Lot - Development Permit for Boundary Realignment (2 into 2 Lots)	Teagan Darvill
DA-2023-246	Code	2276 Bruce Highway HAMPDEN	Andrew Wallis	Reconfiguring a Lot - Development Permit for Access Easement	Darryl Bibay

DA-2023-247	Code	19 Elamang Street SOUTH MACKAY	Luke F O'Brien and Laura M O'Brien	Material Change of Use - Development Permit for Dwelling House - (Secondary Dwelling - Class 1a) in Flood and Coastal Hazard Overlay	Teagan Darvill
DA-2023-248	Code	596 Crediton Loop Road CREDITON	Madonna A Tippett and Paul R Tippett	Reconfiguring a Lot - Development Permit for Boundary Realignment (2 into 2 Lots)	Darryl Bibay
DA-2023-249	Code	25 Stevenson Street SOUTH MACKAY	AAA Building Consultants	Material Change of Use – Development Permit for Dwelling House (Class 10a Shed) (Heritage and Neighbourhood Character Overlay)	Renee Andrea
DA-2023-250	Code	65 Shakespeare Street EAST MACKAY	CJ Smith Homes Pty Ltd	Material Change of Use - Development Permit for Multiple Dwelling (14 x 1 Bedroom Units)	Emma Langford
DA-2023-251	Code	35-91 Boundary Road East PAGET	Angelo A Sorbello and Beverley Sorbello	Reconfiguring a Lot - Development Permit for Boundary Realignment (2 into 2 Lots)	Darryl Bibay
DA-2023-252	Code	Lot 8 Mirabellas Road MARIAN	Joanne L Smith	Material Change of Use - Development Permit for Dwelling House (Extractive Resources and High Impact Activities Overlay)	Darryl Bibay
DA-2023-253	Code	7 Evolution Drive PAGET	Taipan Corporation Pty Ltd	Reconfiguring a Lot - Development Permit for Subdivision (1 Lot into 11 Lots)	Brogan Jones
DA-2023-254	Code	85 Maple Drive ANDERGROVE	South Brisbane DA Pty Ltd	Reconfiguring a Lot - Development Permit for Subdivision (1 Lot into 4 Lots)	Renee Andrea
DA-2023-255	Code	24 Eimeo Road RURAL VIEW	Graeme McMillan & Associates Pty Ltd and McMillan Healthcare Pty Ltd	Reconfiguring a Lot - Development Permit for Subdivision (1 into 15 Lots)	Renee Andrea

Development Applications Entering Decision Making Period

App No.	Code / Impact	Address	Applicant	Description	Officer
DA-2022-176	Impact	7-17 Heaths Road MOUNT PLEASANT	Overeasy Pty Ltd	Material Change of Use - Low Impact Industry (Motor Vehicle Workshop)	Cherise Ayling
DA-2023-163	Code	37 Goldsmith Street EAST MACKAY	Nack Group Pty Ltd	Material Change of Use - Development Permit for Childcare Centre	Renee Andrea
DA-2023-212	Impact	26 Hill Street ETON	Kevin M Hannan	Material Change of Use - Development Permit for Dwelling House	Cherise Ayling
DA-2023-227	Code	82 Andergrove Road ANDERGROVE	Daniel J Warrener	Reconfiguring a Lot - Development Permit for Subdivision (1 into 2 Lots)	Renee Andrea
DA-2023-98	Code	55 Ocean Avenue SLADE POINT	Adam G Harrison and Leah Harrison	Reconfiguring a Lot - Development Permit for Boundary Realignment (4 into 2 Lots)	Emma Langford

Development Applications Finalised

App No.	Code / Impact	Address	Applicant	Description	Officer
Extension to Relevant Period Refused					
DA-2005-321/C	Code	29 Jackson Street MIDGE POINT	Midge Point Homes Pty Ltd	Extension Application Material Change of Use (Preliminary Approval to Override the Planning Scheme in accordance with Section 3.1.6 of Integrated Planning Act) to facilitate development in accordance with the	Brogan Jones

				Urban Residential zone and to make the Relocatable Housing Park and Caravan Park Code Assessable in accordance with Plan of Development Reconfiguration of a Lot (Development Permit) for 48 residential lots, 5 open space lots, relocatable home site, caravan park site plus balance lot AND Material Change of Use (Development Permit) for Environmentally Relevant Activity No. 15	
Negotiated Decision					
DA-2014-252	Code	263-287 Connors Road PAGET	Charles Camilleri	General Industry, Transport Depot and Warehouse	Darryl Bibay
DA-2022-173	Code	120-140 Boundary Road East PAGET	Angelo A Sorbello and Salvatore M Sorbello	Reconfiguration of a Lot - 2 Low Impact Industry Lots into 28 Lots (including 1 drainage lot).	Brogan Jones
Application Withdrawn					
DA-2017-116/B	Code	61 Whitsunday Drive BLOOMSBURY	Mount Tyson Holdings Pty Ltd	Request to Consider Plans Generally in Accordance - Combined Application - Reconfiguring a Lot 1 Rural Lot into 67 Airfield park lots, 1 Airfield lot and 1 Balance lot) & Airservice - Whitsunday Park Estate	Brogan Jones
Approved Subject to Conditions					
DA-2018-165	Impact	Lot 2 Sarina Beach Road SARINA BEACH	Della C Brooks	Material Change of Use - Preliminary Approval for an Undefined Use (Sarina Eco Village) including a Variation Request	Dennis O'Riely
DA-2020-184/A	Code	23 Oak Street ANDERGROVE	McDonalds Australia Limited	Change Application (Minor) Material Change of Use - Food and Drink Outlet	Brogan Jones
DA-2020-46/A	Code	Lot 467 Heliconia Street BAKERS CREEK	Cougar Developments Pty Ltd	Change Application (Minor) Reconfiguring a Lot - Development Permit for Subdivision (1 Emerging Community Lot into 14 Residential lots, Common Property - Stage 4C)	Emma Langford
DA-2021-209	Code	Lot 101 Bedford Road ANDERGROVE	Risewild Enterprise Pty Ltd	Material Change of Use – Development Permit for Multiple Dwelling (26 x Multiple Dwelling Units) and Reconfiguring a Lot – Development Permit for 3 Lots into 13 Community Title Lots - in 4 Stages	Emma Langford
DA-2022-135	Code	Lot 2 Holts Road RICHMOND	Home Investment Consortium Company Pty Ltd	Reconfiguring a Lot - Development Permit for Subdivision (6 Lots into 4 Lots)	Patrick Hobson
DA-2022-94/A	Code	106 Eaglemount Road BEACONSFIELD	Griffith Group Pty Ltd	Change Application (Minor) Material Change of Use - Development Permit for Childcare Centre	Renee Andrea
DA-2023-139	Code	1/5 Bridge Road EAST MACKAY	Body Corporate For Ocean Resort Village (No 1)	Material Change of Use - Development Permit for Multiple Dwelling	Cherise Ayling
DA-2023-141/A	Code	3 Wellington Street MACKAY	3 Wellington Pty Ltd ATF	Change Application (Minor) – Material Change of Use - Development Permit for 17 Multiple Dwelling Units and Health Care Services	Emma Langford
DA-2023-174	Code	119 Ian Reddcliff Drive THE LEAP	AAA Building Consultants	Material Change of Use - Development Permit for Dwelling House (Secondary	Darryl Bibay

				Dwelling - Class 1a) (Bushfire Hazard and Landslide Hazard Overlay)	
DA-2023-204	Code	13-15 Southlink Drive BAKERS CREEK	MJ Mahon Transport	Material Change of Use - Development Permit for Transport Depot	Brogan Jones
DA-2023-205	Code	62 Kippen Drive BALL BAY	Daniel P Young and Elisha Y Young	Material Change of Use - Development Permit for Dwelling House (Bushfire Hazard, Extractive Resources and High Impact Activities, and Flood and Coastal Hazard Overlay)	Patrick Hobson
DA-2023-206	Code	43 Lloyd Street WEST MACKAY	AAA Building Consultants	Material Change of Use - Development Permit for Dwelling House (Heritage and Neighbourhood Character and Flood and Coastal Hazard Overlays)	Darryl Bibay
DA-2023-207	Code	191 Nebo Road WEST MACKAY	Bower Property Group	Material Change of Use - Development Permit for Childcare Centre	Cherise Ayling
DA-2023-211	Code	126 Sarina Beach Road SARINA	Scott N Ashworth	Reconfiguring a Lot - Development Permit for Subdivision (1 Lot into 2 Lots)	Patrick Hobson
DA-2023-215	Code	2 Poco Place ANDERGROVE	Halfback Pty Ltd	Material Change of Use - Development Permit for Food and Drink Outlets (2 Stages)	Emma Langford
DA-2023-222	Code	176 Victoria Street MACKAY	Petersen Property Group	Material Change of Use - Development Permit for Caretaker's Accommodation	Emma Langford
DA-2023-226	Code	24 Melba Street ARMSTRONG BEACH	Dennis J Wilson and Judith M Wilson	Material Change of Use - Development Permit for Dwelling House (Carport - Class 10a) In Flood and Coastal Hazards Overlay	Patrick Hobson
DA-2023-228	Code	16 Highview Close FARLEIGH	Amanda J McKinnon	Material Change of Use – Development Permit for Dwelling House (Shed - Class 10a)	Brogan Jones
DA-2023-231	Code	19 Fordyces Road MARIAN	Boldon Pty Ltd	Reconfiguring a Lot - Development Permit for Boundary Realignment (6 into 4 Lots)	Patrick Hobson
DA-2023-235	Code	1A Penfold Street SARINA	Tayla J Francis and Aaron J Anderson	Material Change of Use - Development Permit for Dwelling House (Secondary Dwelling) (Extractive Resource and High Impact Activities Overlay)	Renee Andrea
DA-2023-238	Code	795 Mackay-Eungella Road PLEYSTOWE	David R McVicar	Reconfiguring a Lot - Development Permit for Boundary Realignment (2 into 2 Lots)	Renee Andrea
DA-2023-239	Code	1 Butia Street RURAL VIEW	Cleave B Williams	Material Change of Use - Development Permit for Dwelling House (Shed - Class 10a) - (Flood and Coastal Hazards Overlay)	Teagan Darvill
DA-2023-25	Code	8 Brandon Street SARINA	The Bobbermein Family Trust and The Hawkins Family	Material Change of Use - Childcare Centre	Darryl Bibay
DA-2023-82	Code	65-85 Crichtons Road PAGET	Mackay Regional Council	Material Change of Use - Development Permit for Educational Establishment, Research and Technology Industry and Medium Impact Industry (Stage 2 in 2 Stages)	Emma Langford

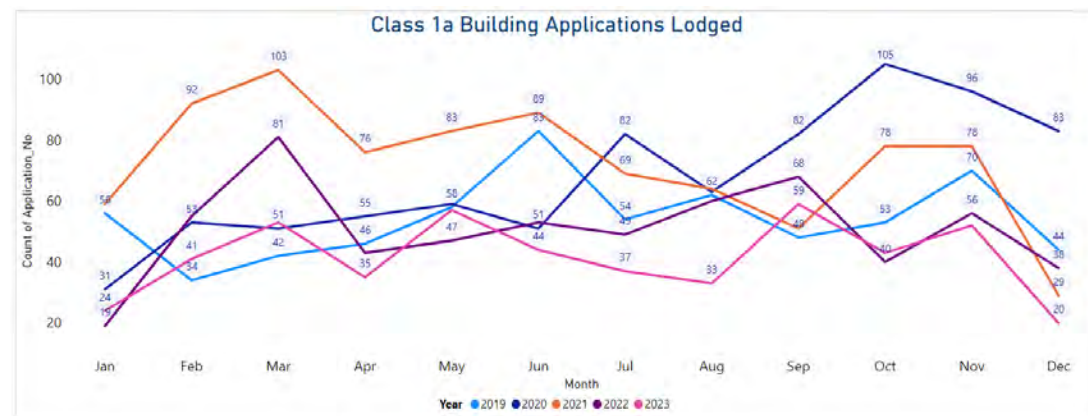
19.2. BUILDING WORKS STATISTICS - DECEMBER 2023

Nil

Class	Description	Total December 2023	Total Value of Proposed Works	Average Proposed Floor Area (m2)	Total December 2022	YTD
Class 1A	A single dwelling being a detached house, or one of a group of two or more attached dwellings, each being a building, separated by a fire-resisting wall, including a row house, terrace house, town house or villa unit	20	\$4,729,558	147	38	498
Class 1B	A boarding house, guest house, hostel or the like with a total area of all floors not exceeding 300m2, and where not more than 12 people reside, and is not located above or below another dwelling or another Class of building other than a private garage	0			0	3
Class 2	A building containing 2 or more sole-occupancy units each being a separate dwelling	0			1	1
Class 3	A residential building, other than a Class 1 or 2 building, which is a common place of long term or transient living for a number of unrelated persons. Example: boarding-house, hostel, backpackers accommodation or residential part of a hotel, motel, school or detention centre	0			0	9
Class 4	A dwelling in a building that is Class 5, 6, 7, 8 or 9 if it is the only dwelling in the building	0			0	0
Class 5	An office building used for professional or commercial purposes, excluding buildings of Class 6, 7, 8 or 9	1	\$1,519,332	0	1	21
Class 6	A shop or other building for the sale of goods by retail or the supply of services direct to the public. Example: café, restaurant, kiosk, hairdressers, showroom or service station	6	\$2,657,000	52	3	54
Class 7A	A building which is a car park	0			0	0
Class 7B	A building which is for storage or display of goods or produce for sale by wholesale	0			2	15
Class 8	A laboratory, or a building in which a handicraft or process for the production, assembling, altering, repairing, packing, finishing, or cleaning of goods or produce is carried on for trade, sale or gain	2	\$2,487,727	53	1	18
Class 9A	A health care building, including those parts of the building set aside as a laboratory	0			0	1
Class 9B	An assembly building, including a trade workshop, laboratory or the like, in a primary or secondary school, but	0			4	12

	excluding any other parts of the building that are of another class					
Class 9C	An aged care building	0			0	1
Class 10A	A private garage, carport, shed or the like	62	\$2,540,237	86	53	1,046
Class 10B	A structure being a fence, mast, antenna, retaining or free standing wall, swimming pool or the like	7	\$760,692	10	18	225
Class 10C	A private bushfire shelter	0			5	0
Sundry	Demolition residential/commercial/industrial, class n/a, class s/s	0		N/A	1	11
Totals		98	\$14,694,546	347	127	1,915

Description	Total December 2023	Total Value of Proposed Works	Average Proposed Floor Area (m2)	Total December 2022	YTD
New building or structure	72	\$7,008,373	103	88	1,352
Change of building classification	1	\$0	0	1	7
Demolition	4	\$397,636	N/A	6	82
Repairs, alterations, additions	21	\$7,732,315	64	15	363
Swimming pool and/or pool fence	6	\$409,219	N/A	18	221
Relocation or removal	0			1	7
Totals	104	\$15,547,543	165	129	2,032



19.4. REFERRAL FROM OFFICE OF INDEPENDENT ASSESSOR

Author A/Director Organisational Capability & Risk (David McKendry)
Responsible Officer Chief Executive Officer (Scott Owen)
File Reference Councillor Code of Conduct

Attachments

1. Summary Investigation Report [19.4.1 - 4 pages]

Purpose

This information is relevant to Confidential Report Item 17.6.

In accordance with section 150AFA of the *Local Government Act 2009* (the Act) Council is required to make publicly available the summary of the investigation report which has been given to assist the Council in the making of a decision under section 150AG of the Act.

A copy of the summary of the investigation report is attached.

Nil

Summary Report

Re: Councillor Bonaventura OIA Referral – Ref: C/23/00706

1. Description of Alleged Conduct

It is alleged that, on 27 November, 2023, the Councillor engaged in a conduct breach when he approached a Council officer at the security door on the ground floor of the Council building and during the conversation enquired about the status of 8 River Street after receiving a confidential report from Council officers two weeks prior.

It is alleged that such conduct is a conduct breach pursuant to section 150K of the LG Act, being conduct which contravenes a policy of a local government, specifically Council's Acceptable Requests Guidelines (Policy No. 104).

2. Statement of Facts Established By Investigation

- 2.1. Council conducted its own investigation of the matter.
- 2.2. No external full investigation was conducted.
- 2.3. A Principal of McKays Solicitors were briefed with documents from Council's investigation, which she reviewed independently to consider the investigation findings and provide a view to Council as to whether the facts are capable of supporting the allegation that there was a conduct breach as per section 150K of the LG Act, and if so, any recommendations about dealing with the conduct.
- 2.4. Below is a summary of the facts, including whether or not they are agreed or determined:

Fact	Agreed/Determined/Disputed
On 27 November, 2023, at the entrance of the Council building, a Council employee held the door open for Councillor Bonaventura and his wife on the ground floor.	Agreed by both the Council employee and Councillor Bonaventura
Councillor Bonaventura introduced his wife to the Council employee and talked about her role on the Mountain Bike Project.	Agreed by both the Council employee and Councillor Bonaventura
Councillor Bonaventura asked the Council employee where she was working now and she confirmed that she was working with Mackay City and Waterfront (MCW) team.	Agreed by both the Council employee and Councillor Bonaventura
Councillor Bonaventura then asked when they would have information on 8 River Street.	<p>Not agreed by the Council employee and Councillor Bonaventura:</p> <ul style="list-style-type: none"> - Employee says asked twice; - Councillor Bonaventura says asked once; - Timing of when asked the question is disputed. <p>Councillor Bonaventura admits asking the question in</p>

	<p>the course of the conversation.</p> <p>Accordingly, undetermined when occurred and whether occurred twice – but agreed and determined occurred once.</p>
<p>Council Employee responded that she didn't know, and that Councillor Bonaventura would have to ask Aletta Nugent (Director Planning, Growth & Sustainability).</p>	<p>Not determined:</p> <ul style="list-style-type: none"> - Employee's statement; - Not addressed in response by Councillor Bonaventura.
<p>Employee's version:</p> <p><i>"Council Employee raised the negative media regarding the project and that the team felt particularly attacked by media that week.</i></p> <p><i>Councillor Bonaventura made a comment to the effect that, "If I have anything to do with it, it will only get worse."</i></p> <p><i>Council Employee responded with words to the effect that, "it is likely that town planners are resilient then" and ended the conversation by walking away."</i></p> <hr/> <p>Councillor Bonaventura's version:</p> <p><i>"I asked how that was going and her [the Council Employee's] reply was that it was a bit tough at the moment as the project was getting some media attention and that was taking its toll on the team morale. My response was that I am disappointed to hear that and agreed it was a bad situation and I was not happy with it and it was my personal view that the building was stuffed and needed to go."</i></p>	<p>Not agreed.</p> <p>Unable to be determined.</p>

Where the facts are disputed, based on simply reviewing the documentation provided, the facts have not been able to be verified further. Even with a full external investigation, it is unlikely to provide any greater certainty or resolution.

In any event, Councillor Bonaventura has admitted to asking for an update on 8 River Street at least once during the conversation, which is the primary subject of the allegation. He also admitted that the *"series of events, although differing slightly, did occur."*

3. Principles of Natural Justice

On 11 December, 2023, Council provided sufficient particulars of the alleged conduct breach to the Councillor and provided him with the opportunity to respond in writing and provide any further submissions by close of business on 18 December, 2023.

A written response was provided by the Councillor on 19 December, 2023 (a day later than the specified deadline).

Given that the Councillor had admitted to the conduct subject of the allegation and the number of witnesses involved, Council did not consider it necessary to engage an external investigator to carry out an investigation.

Though to ensure that the outcome of the investigation was fair and unbiased, Council engaged an external party to review the evidence and provide a view as to whether the facts established are capable of supporting the allegation that there was a conduct breach as per section 150K of the LG Act.

Accordingly, Council has afforded natural justice to the Councillor as part of its investigations into the alleged conduct breach.

4. Summary of Investigation Findings and Recommendations

- 4.1. Pursuant to section 150K, the conduct of a councillor is a conduct breach if the conduct contravenes:
 - (a) a behavioural standard; or
 - (b) a policy, procedure or resolution of the local government.
- 4.2. Council's Councillor Acceptable Requests Guidelines (Policy No. 104) (**Policy**) is a "policy of the local government" pursuant to section 150K(1)(b).
- 4.3. On balance, it is ambiguous as to whether Councillor Bonaventura has specifically contravened section 6.1.4 of the Policy, as when strictly applying the definitions under the Policy, his request for an update may fall short of constituting a request for "advice" or "information" – depending whether a wide or narrow interpretation is taken.
- 4.4. However, even so, it appears that Councillor Bonaventura had the intention of breaching section 6.1.4 of the Policy. This is especially in light of the previous conduct complaints (notified to the OIA on 21 April, 2023 and 17 October, 2023) against Councillor Bonaventura and his participation in the recent refresher training on 13 September, 2023, as recommended by the OIA.
- 4.5. However, whilst some of the facts are disputed, even if adopting Councillor Bonaventura's version of events, it is determined that he has breached section 6.1.1 of the Policy regarding his Councillor responsibilities when communicating with Council employees – specifically to conduct such communications:
 - (a) In a respectful, reasonable and professional manner;
 - (b) In accordance with MRC's policies, guidelines and procedures; and
 - (c) In good faith.
- 4.6. Accordingly, based on the evidence and other information provided, the investigation is capable of supporting, on the balance of probabilities, the allegation that there was a conduct breach as per section 150K of the LG Act – on the basis of a breach of local government policy.
- 4.7. It is now a matter for Council to decide whether the Councillor has engaged in the conduct breach as per section 150AG of the LG Act.

- 4.8. If Council decides the Councillor has engaged in a conduct breach – it must then decide what action it will take under section 150AH to discipline the Councillor.
- 4.9. Section 150AG(2) of the LG Act states that in deciding what action to take, Council may consider:
- (a) Any previous conduct breach of the councillor; and
 - (b) Any allegation made in the investigation that was admitted, or not challenged; and that the local government is reasonably satisfied is true.
- 4.10. If Council decides the Councillor has engaged in a conduct breach, then in deciding the action it will take to discipline the Councillor, Council has been recommended to consider:
- (a) The clear admissions made by Councillor Bonaventura during the investigation; and
 - (b) The two previous instances of a referral to the OIA about suspected conduct breaches by Councillor Bonaventura on 21 April, 2023 and 17 October, 2023, which the OIA has noted show a pattern of behaviour relating to alleged breaches of Council's Acceptable Request Guidelines by the Councillor and resulted in the recommendation of refresher training for the Councillor.

Confirmed on Wednesday XXXX

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Mayor Greg Williamson