



MINUTES

Ordinary Meeting

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

On Wednesday 27 September 2023

ORDER OF BUSINESS

ITEM	PAGE
1. Attendance.....	4
2. Opening Prayer	4
3. Absent on Council Business	4
4. Apologies	4
4.1. Apology - Cr Michelle Green	4
4.2. Leave of Absence - Cr Pauline Townsend	4
4.3. Leave of Absence - Mayor GR Williamson.....	4
5. Condolences.....	5
6. Conflict of Interest	5
7. Confirmation of Minutes	5
7.1. Confirmation of Minutes - Ordinary Meeting - 23 August 2023.....	5
8. Business Arising out of Previous Minutes	5
9. Mayoral Minutes	5
10. Consideration of Committee Reports & Recommendations.....	5
10.1. Draft Minutes - Sustainability Advisory Committee Meeting - 18 August 2023.....	5
10.2. Audit Committee - Minutes of Meeting 24 August 2023	7
11. Correspondence and Officer's Reports	9
11.1. Office of the Mayor and CEO.....	9
11.1.1. Mayor's Monthly Review Report.....	9
11.1.2. Chief Executive Officer's Monthly Review Report - August 2023	10
11.1.3. Adoption of Council Policies	11
11.1.4. Legislative Delegations.....	14
11.1.5. Region Growth and Development Collaboration - New Caledonia.....	18
11.2. Capital Works	20
11.3. Community and Client Services	20
11.4. Development Services	20
11.4.1. Mackay Coast Our Future - Coastal Hazard Adaptation Study (CHAS).....	20
11.4.2. DA-2020-92 Material Change of Use - Variation Request - 225 Harbour Road, Mackay Harbour.....	24
11.5. Engineering and Commercial Infrastructure	48

11.5.1. Personal Mobility Device - 25 KPH Speed Limit.....	48
11.6. Organisational Services	50
11.6.1. Strategic Financial Report - August 2023	50
11.6.2. New Lease to Michele Bourke - 2/18 Victoria Street, Mirani	52
11.6.3. New Lease to Mackay Rowing Club - L201 Pleystowe Connection Rd, Balnagowan.....	55
11.6.4. New Lease to The Creche & Kindergarten Assoc Ltd - 1 Leisure Street, South Mackay.....	58
12. Receipt of Petitions	61
12.1. Receipt of Petition - Air-conditioning Slade Point Community Hall	61
13. Tenders	63
14. Consideration of Notified Motions.....	63
15. Public Participation.....	63
16. Late Business	63
17. Confidential Reports	63
17.1. Approved Sponsorship Under The Invest Mackay Events and Conference Attraction Program - August 2023	63
17.2. Approved Concessions Under the Facilitating Development in the Mackay Region Policy - August 2023	63
17.3. Draft Minutes - Invest Mackay Events and Conference Attraction Program Advisory Committee - 4 September 2023	64
18. Meeting Closure	64
19. For Information Only.....	64
19.1. Development Applications - August 2023.....	64
19.2. Building Works Statistics - August 2023	65

1. ATTENDANCE

2. OPENING PRAYER

3. ABSENT ON COUNCIL BUSINESS

4. APOLOGIES

4.1. APOLOGY - CR MICHELLE GREEN

THAT Cr Green be granted leave of absence for today's meeting as approved at the Council Meeting on 23 August 2023.

Council Resolution ORD-2023-242

4.1 LEAVE OF ABSENCE - Cr Green

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

Moved Cr Hassan

Seconded Cr Bonaventura

CARRIED UNANIMOUSLY

4.2. LEAVE OF ABSENCE - CR PAULINE TOWNSEND

Council Resolution ORD-2023-243

4.2 LEAVE OF ABSENCE - Cr Townsend

THAT Cr Townsend be granted leave of absence for Council meeting on 25 October 2023.

Moved Cr Mann

Seconded Cr Englert

CARRIED UNANIMOUSLY

4.3. LEAVE OF ABSENCE - MAYOR GR WILLIAMSON

Council Resolution ORD-2023-244

4.1 LEAVE OF ABSENCE - Mayor GR Williamson

Cr May requested a leave of absence for Mayor Williamson who was absent due to the passing of his father. Cr May confirmed that a formal condolence would be acknowledged at the next meeting.

THAT Mayor GR Williamson be granted leave of absence for today's meeting.

Moved Cr Mann

Seconded Cr Townsend

CARRIED UNANIMOUSLY

5. CONDOLENCES

Cr Mann expressed condolences, on behalf of Council to Kate Cotter, Team Leader Customer Service, Sarina whose mother Sandra (Sandy) passed away. Sandy was well known in the local community and nurtured, mothered and fed more than her own family. Anyone who walked through the door of the Cotter house was welcomed and were part of the family.

Cr Townsend expressed condolences, on behalf of Council to the family of Les 'Chook' Bradford former long-serving Pioneer Shire and Mackay City Council staff member who passed away recently. Cr said he worked for Council for 43 years before his retirement in 2005. He started with Pioneer Shire in 1962 aged 18 and upon his retirement was Manager of the Works Department in charge of 200 employees. Cr Townsend said he played a role in infrastructure development in our region. Under his supervision Council built the North Mackay pool (Pioneer Swim Centre) with their own staff and also built the first stage of the sewage treatment plant at Bucasia.

Cr Englert expressed condolences, on behalf Council to the family of former State Emergency Services (SES) local controller of Mirani, Mike Sarich. Mike served for more than 30 years in the SES. He single-handedly maintained the vertical rescue capability for the region, conducting many rescues up what we know at the Wheel of Fire. Cr Englert said he has left a very strong legacy, which is shown in the fact that Mirani is technically still one of our strongest SES groups in the Region.

6. CONFLICT OF INTEREST

Nil

7. CONFIRMATION OF MINUTES

7.1. CONFIRMATION OF MINUTES - ORDINARY MEETING - 23 AUGUST 2023

Council Resolution ORD-2023-245

THAT the Ordinary Meeting Minutes dated 23 August 2023 be adopted.

Moved Cr Mann

Seconded Cr Townsend

CARRIED UNANIMOUSLY

8. BUSINESS ARISING OUT OF PREVIOUS MINUTES

Nil.

9. MAYORAL MINUTES

Nil

10. CONSIDERATION OF COMMITTEE REPORTS & RECOMMENDATIONS

10.1. DRAFT MINUTES - SUSTAINABILITY ADVISORY COMMITTEE MEETING - 18 AUGUST 2023

Author	Director Development Services (Aletta Nugent)
Responsible Officer	Director Development Services (Aletta Nugent)
File Reference	SPSUS-002

Attachments	1. Draft Minutes - Sustainability Advisory Committee - 18 August 2023 [10.1.1 - 4 pages]
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Purpose

For Council to receive the draft minutes of the Sustainability Advisory Committee meeting held on 18 August 2023.

Related Parties

- Linked Group Services - Jason Sharam
- Dalrymple Bay Coal Terminal (DBCT) – Ricci Churchill
- North Queensland Bulk Ports (NQBP) – Luke Galea
- Sugar Research Australia (SRA) – Dylan Wedel
- Reef Catchments – Katrina Dent
- Tyson Willoughby
- Alison Adair
- Judith Wake
- GW3 – Jarrah Steen

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.

Officer's Recommendation

THAT the draft minutes of the Sustainability Advisory Committee meeting held on 18 August 2023 be received.

Council Resolution ORD-2023-246

THAT the draft minutes of the Sustainability Advisory Committee meeting held on 18 August 2023 be received.

Moved Cr Jones

Seconded Cr Hassan

CARRIED UNANIMOUSLY

10.2. AUDIT COMMITTEE - MINUTES OF MEETING 24 AUGUST 2023

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

Attachments	1. Draft Minutes - Audit committee [10.2.1 - 9 pages]
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Purpose

To receive the draft final minutes of the Audit Committee (the Committee) meeting held on 24 August 2023.

Related Parties

Nil

Corporate Plan Linkage

Priority: Organisational Performance

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

Background/Discussion

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

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

Consultation and Communication

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

Resource Implications

Nil

Risk Management Implications

Nil

Officer's Recommendation

THAT the minutes of the Committee meeting of 24 August 2023 is presented.

Council Resolution ORD-2023-247

THAT the minutes of the Committee meeting of 24 August 2023 is presented.

Moved Cr Hassan

Seconded Cr Mann

CARRIED UNANIMOUSLY

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 - August- September 2023 [**11.1.1.1** - 7 pages]

Purpose

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

Related Parties

Nil

Officer's Recommendation

THAT the Mayor's Monthly Review Report for August/September 2023 be received.

Council Resolution ORD-2023-248

THAT the Mayor's Monthly Review Report for August/September 2023 be received.

Moved Cr Mann

Seconded Cr Hassan

CARRIED UNANIMOUSLY

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

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

Attachments	1. FINAL - CEO Monthly Review Report - August 2023 [11.1.2.1 - 18 pages]
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Purpose

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

Related Parties

Nil

Cr Bonaventure queried the Kochs Road culvert replacement if Council had engaged with Mackay Sugar around the road closure as it was the crush season. The A/Director, Engineering and Commercial Infrastructure, Graeme Hawes advised he would take the question on notice.

Officer's Recommendation

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

Council Resolution ORD-2023-249

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

Moved Cr Townsend

Seconded Cr Englert

CARRIED UNANIMOUSLY

11.1.3. ADOPTION OF COUNCIL POLICIES

Author	Senior Governance Officer (Pam Currell)
Responsible Officer	Executive Officer (David McKendry)
File Reference	010 - Roadside Memorials / 031 - Grants / 079 - Recognition of Service as a Councillor / 023 - Provision of Driveways and Property Accesses / 063 - Clearances to Water & Sewerage Assets / 021 - Closure or Reopening of Road to Through Traffic

Attachments

1. COU010 - Roadside Memorials [11.1.3.1 - 6 pages]
2. COU031 - Grants [11.1.3.2 - 25 pages]
3. COU079 - Recognition of Service as a Councillor [11.1.3.3 - 4 pages]
4. COU023 - Provision of Driveways and Property Accesses [11.1.3.4 - 5 pages]
5. COU063 - Clearances to Water & Sewerage Assets [11.1.3.5 - 10 pages]
6. COU021 - Closure or Reopening of Road to Through Traffic [11.1.3.6 - 3 pages]

Purpose

To present the following Council policies for consideration and adoption:

1. COU010 – Roadside Memorials

2. COU031 – Grants
3. COU079 – Recognition of Service as a Councillor
4. COU023 – Provision of Driveways and Property Accesses
5. COU063 – Clearances to Water & Sewerage Assets

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

1. COU021 – Closure or Reopening of Road to Through Traffic

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 any associated corporate standard to ensure that they are relevant and up to date. The process involves a review by the responsible program manager, circulation to the management team for consultation and final submission to the executive leadership team (ELT) for endorsement, prior to presenting to Council for endorsement and adoption.

COU010 – Roadside Memorials

This policy provides for the principles in dealing sensitively with issues associated with roadside memorials due to the potential road safety impacts of such memorials.

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

COU031 – Grants

This policy and its associated corporate standard provide for the fair, equitable and transparent framework when requesting, approving or administering grants.

This policy is reviewed annually and as part of MRC's policy review process.

COU079 – Recognition of Service as a Councillor

This policy provides to officially recognise the service given to the community by an elected member.

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

COU023 – Provision of Driveways and Property Accesses

This policy defines the size, number, location, standards and responsibility for construction costs in relation to property accesses where adjacent road construction activities are being undertaken by MRC.

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

COU063 – Clearances to Water & Sewerage Assets

This policy provides a framework for developers, contractors and MRC staff on clearance requirements to water and sewerage assets.

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

COU021 – Closure or Reopening of Road to Through Traffic

This policy was drafted due to a gap in legislative process which is now provided for within section 68 and 69 of the *Local Government Act 2009*, therein is now redundant and can be rescinded.

Consultation and Communication

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

Resource Implications

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

Risk Management Implications

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

Conclusion

It is recommended that Council adopt the following policies:-

1. COU010 – Roadside Memorials
2. COU031 – Grants
3. COU079 – Recognition of Service as a Councillor
4. COU023 – Provision of Driveways and Property Accesses
5. COU063 – Clearances to Water & Sewerage Assets

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

1. COU021 – Closure and Reopening of Road to Through Traffic

Officer's Recommendation

THAT Council adopt the following policies:

1. COU010 – Roadside Memorials
2. COU031 – Grants
3. COU079 – Recognition of Service as a Councillor
4. COU023 – Provision of Driveways and Property Accesses
5. COU063 – Clearances to Water & Sewerage Assets

And further THAT Council rescind the following policy as it is no longer required:

1. COU021 – Closure and Reopening of Road to Through Traffic

Council Resolution ORD-2023-250

THAT Council adopt the following policies:

1. **COU010 – Roadside Memorials**
2. **COU031 – Grants**
3. **COU079 – Recognition of Service as a Councillor**
4. **COU023 – Provision of Driveways and Property Accesses**
5. **COU063 – Clearances to Water & Sewerage Assets**

And further THAT Council rescind the following policy as it is no longer required:

1. **COU021 – Closure and Reopening of Road to Through Traffic**

Moved Cr Bella

Seconded Cr Bonaventura

CARRIED UNANIMOUSLY

11.1.4. LEGISLATIVE DELEGATIONS

Author	Senior Governance Officer (Pam Currell)
Responsible Officer	Executive Officer (David McKendry)
File Reference	Legislative Delegation

Attachments **Delegation Registers will be circulated separately due to the size of the document.**

Purpose

To adopt the annual review and updating of the following Delegation Registers in line with King & Co solicitors' recommendation and including the newly adopted organisation restructure:

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

Related Parties

There are no identified related parties.

Corporate Plan Linkage

Financial Strength

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

Background/Discussion

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

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

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

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

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

The Mackay Regional Council (MRC) delegation registers include:

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

The process to review the register includes:

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.

The 2023/2024 Delegation Registers have now been reviewed and are attached for adoption.

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 has been reviewed resulting in a number of new delegations to the register being made, particular in relation to:

- Amendment to COUNDEL08; and
- New COUNDEL09 and COUNDEL10.

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

2. Legislative Delegations

The Legislative Delegations were previously adopted by Council on 12 October 2022.

These delegations have been reviewed in accordance with King & Co's legislative updates and in accordance with the realignment of change.

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

New Legislative Registers:

- *Building Fire Safety Regulation 2008*
- *Electrical Safety Act 2002*

- *Electrical Safety Regulation 2013*
- *Retail Shop Leases Regulation 2016*
- *Working with Children (Risk management and Screening) Act 2000*

New Delegations and Minor Amendments to Existing Legislation Registers (due to changes in legislation or processes):

- *Animal Care and Protection Act 2001*
- *Industrial Relations Act 2016*
- *Land Act 1994*
- *Nature Conservation Act 1992*
- *Nature Conservation (Animals) Regulation 2020*
- *Nature Conservation (Plants) Regulation 2020*
- *Residential Tenancies and Rooming Accommodation Act 2008*
- *Retail Shop Leases Act 1994*
- *State Penalties Enforcement Act 1999*

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

- *Nature Conservation (Wildlife Management) Regulation 2006* which has been replaced with the *Nature Conservation (Animals) Regulation 2020* and *Nature Conservation (Plants) Regulation 2020*.

Administrative Amendments to the Existing Legislative Registers

As a result of the newly adopted organisation restructure of the 110 legislative registers all but 17 have been amended to provide for the new position titles and teams for delegated officers.

3. **Waterfront Priority Development Area (PDA) Delegations**

The delegation register has been reviewed with amendments only being made to provide for the new position titles and teams for delegated offices.

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

Consultation and Communication

Consultation has taken place with:

- Executive Leadership Team;
- Senior Leadership Team;
- Legal Counsel;
- Local Government Association of Queensland (LGAQ); and
- King & Co Solicitors

Resource Implications

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

Risk Management Implications

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

Conclusion

It is recommended that Council adopt the proposed Delegation Registers.

Officer's Recommendation

THAT Council adopt the following:

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

Council Resolution ORD-2023-251

THAT Council adopt the following:

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

Moved Cr Jones

Seconded Cr Englert

CARRIED UNANIMOUSLY

11.1.5. REGION GROWTH AND DEVELOPMENT COLLABORATION - NEW CALEDONIA

Author	Executive Officer (David McKendry)
Responsible Officer	Chief Executive Officer (Scott Owen)
File Reference	Councillors General

Attachments	Nil
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Purpose

To seek approval for the Mayor and Chief Executive Officer to travel to Noumea, New Caledonia between 2 October 2023 to 6 October 2023.

Related Parties

CQ University
DGH Engineering
Gough Plastics
Southern Queensland Steel
All Metal Laser
Enduraclad
CUMI Australia Pty Ltd

Corporate Plan Linkage

Invest and Work

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

Background/Discussion

Following a successful visit to Mackay recently from a New Caledonian contingent, representatives from CQ University and DGH Engineering, along with a delegation of business leader CEO's, have expressed their interest in traveling to Noumea, New Caledonia to explore collaboration initiatives.

The primary intent behind this proposed visit is to solidify the already established rapport and explore avenues for leveraging the strategic proximity of the Noumea ports (only 1,500Km away) for our regional benefit. By nurturing and enhancing relationships with key stakeholders we can position ourselves advantageously on the international stage for economic opportunities.

The invitation is exclusively inviting the Mayor and CEO and it is worth noting that the mayor's presence at this event is vital to demonstrate our Council's strong political backing for this endeavour. This delegation would present a unique opportunity to showcase the Mackay region's potential for growth, cooperation, and economic expansion.

This delegation aligns seamlessly with Council's overarching goals of fostering regional growth, economic diversification, and community engagement. Participating in this opportunity will contribute meaningfully to our region's development now and into the future.

Consultation and Communication

Consultation with Mayor & Councillors.

Resource Implications

The total costs for travel (Airfares and incidentals) are estimated at \$5,176.76 which can be covered within existing Budget areas. Accommodation for the delegation is being provided.

Risk Management Implications

Not Applicable.

Conclusion

That the Mayor & Chief Executive Officer be supported in the proposed trip as an opportunity to showcase the Mackay Region and to establish future relationships with neighbouring countries, with a view to exploring collaborative initiatives and economic opportunities.

During the absence of the Mayor, under the *Local Government Act 2009* (section 165), during any absence or temporary incapacity of a Mayor the Deputy Mayor automatically becomes the Acting Mayor without the need for formal resolution. Therefore during such absence Cr May would become the Acting Mayor.

Officer's Recommendation

THAT Council approve the international travel for the Mayor and Chief Executive Officer to Noumea, New Caledonia, between 2 October to 6 October 2023.

Council Resolution ORD-2023-252

THAT Council approve the international travel for the Mayor and Chief Executive Officer to Noumea, New Caledonia, between 2 October to 6 October 2023.

Moved Cr Englert

Seconded Cr Hassan

CARRIED UNANIMOUSLY

11.2. CAPITAL WORKS

Nil

11.3. COMMUNITY AND CLIENT SERVICES

Nil

11.4. DEVELOPMENT SERVICES

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

Author	Luke Ferguson (Principal Engineer)
Responsible Officer	Director Development Services (Aletta Nugent)
File Reference	SPSW 034

Attachments

1. Draft Mackay Coast Our Future - Coastal Hazard Adaptation Study [11.4.1.1 - 90 pages]

Purpose

To seek endorsement to release the draft 'Mackay Coast Our Future – Coastal Hazard Adaptation Study' for 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 project will result in 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
8. Strategy development, implementation and review.

The project is currently in its eighth and final phase. This report presents the key outcomes of each phase and the regional and location-specific implementation actions to adapt to projected future coastal hazards, in the attached draft Mackay Coast Our Future – Coastal Hazard Adaptation Study (CHAS) (Attachment A). It is proposed that subject to Council endorsement, that the attached draft CHAS be released for public consultation from Friday, 6 October 2023 to Friday, 8 November 2023.

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 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:

- 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 and February 2023.
- Stakeholder workshops during November 2022 and February 2023.
- Targeted briefings with key industry stakeholders.
- Council briefings in May 2022, November 2022 and January 2023, and a workshop with Councillors in May 2023.

Ongoing consultation and communication activities have been supported by a permanent online presence on Council's Connecting Mackay online platform. The page provides project status updates, links to fact sheets and hazard information to assist with achieving the objectives of the project.

Subject to Council endorsement, consultation on the draft CHAS is planned to proceed from Friday, 6 October 2023 to Friday, 8 November 2023. During this period, the community will be able to provide their feedback online through Connecting Mackay or in person at a community session. Commencing Thursday, 12 October through to Sunday, 15 October, community sessions are proposed to be held in Mackay at the Jubilee Centre, Sarina Beach, Eimeo Beach, St Helens Beach and East Point.

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.

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 draft CHAS identifies a range of adaptation options across the region and also identifies adaptation pathways for specific coastal areas. The CHAS does include managed retreat as part of the long-term adaptation pathway for limited areas within Midge Point, Slade Point, Town and Far Beach, Bakers Creek, Dunnrock 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 draft 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. Endorsement of the draft CHAS for public consultation represents a significant milestone for long-term coastal hazard adaptation across the LGA.

Officer's Recommendation

THAT the draft Mackay Coast – Our Future, Coastal Hazard Adaptation Study be endorsed for public consultation.

Council Resolution ORD-2023-253

THAT the draft Mackay Coast – Our Future, Coastal Hazard Adaptation Study be endorsed for public consultation.

Moved Cr Jones

Seconded Cr Mann

CARRIED UNANIMOUSLY

11.4.2. DA-2020-92 MATERIAL CHANGE OF USE - VARIATION REQUEST - 225 HARBOUR ROAD, MACKAY HARBOUR

Author Principal Development Planner (Dennis O’Riely)
Responsible Officer Director Development Services (Aletta Nugent)
File Number DA-2020-92

Attachments

1. Locality Plan [11.4.2.1 - 1 page]
2. Proposal Plan [11.4.2.2 - 1 page]
3. Referral Agency Response [11.4.2.3 - 7 pages]

Date Received: 30 June 2020

Applicant's Details: Kevin and Robert Rebgetz
C/- BNC Planning
PO Box 5493
TOWNSVILLE QLD 4810

Proposal: Material Change of Use – Preliminary Approval including a Variation Request for land use rights in accordance with the Low Impact Industry Zone

Site Address: 225 Harbour Road, Mackay Harbour

Property Description: Lot 2 RP708752

Owner’s Details: Kevin and Robert Rebgetz

Area: 2.406 hectares

Planning Scheme: Mackay Region Planning Scheme 2017, v3.0

Planning Scheme Designations:

Zone: Sport and Recreation

Assessment Level: Impact

Submissions: Two Properly Made

Referral Agencies: State Assessment Referral Agency

Recommendation: Approved Subject to Conditions

Executive Summary

The Applicant has submitted a Material Change of Use Preliminary Approval (including a Variation Request) to allow land uses in accordance with the Low Impact Industry Zone on land at 225 Harbour Road, Mackay Harbour. The site is currently zoned Sport and Recreation and is the location of the Mackay Indoor Sports Arena.

An alternative Variation to the Planning Scheme is recommended that requires any future Material Change of Use Development Application to be submitted to Council for assessment to ensure that future land uses on the

site comply with Council's Planning Scheme. Acoustic impacts on neighbouring sensitive land uses will also be considered and managed as part of these assessments.

The Development Application was referred to the State Assessment Referral Agency (SARA) as the subject site has frontage to Harbour Road, which is a State-controlled Road. The SARA approved the application subject to conditions.

The application underwent impact assessment and two properly made submissions were received, both objecting to the proposal. No issues were raised that cannot be appropriately conditioned.

The application is recommended for approval, subject to conditions.

Related Parties

- Landowner/Applicant – Kevin and Robert Rebgetz
- Planning Consultant – BNC Planning
- Other Consultants – Northern Consulting, Knight Frank and Live It Acoustics
- Referral Agency – State Assessment Referral Agency (SARA)
- Submitters - Alta Snyders, Discovery Holiday Parks Pty Ltd C/-MasterPlan QLD.

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.

Subject Site

The rectangular site is 2.406 hectares and gently slopes to the rear. The site contains the Mackay Indoor Sports Arena, which is a 2,235m² warehouse style building that was constructed in 2002 (refer to Attachment 1 – Locality Plan). The building provides a reception area, toilets, bar and five courts catering for indoor cricket, netball, soccer and volleyball. Outdoor volleyball courts are located along the Harbour Road frontage of the site. Access to the 97 space car parking area on the site is provided from two existing vehicle crossovers from Harbour Road Service Road.

The site is adjoined to the east by Discovery Parks Mackay Caravan Park (zoned Rural), the former Bayersville Landfill Facility to the west (zoned Special Purpose) and wetlands to the north (zoned Open Space). A single Dwelling House is located opposite the subject site on the southern side of Harbour Road Service Road. Industrial Warehouses and a Crematorium are located opposite the site on the southern side of Harbour Road. The site is serviced by Council's reticulated water and sewer.

An 800m² area has been fenced off at the rear of the site and holds Shipping Containers and other equipment. This area appears to be accessed from the adjoining Caravan Park site. Aerial photographs indicate that this use established on the site between 2009 and 2012 but Council has no record of a Development Permit being issued for this use.

Background

The subject site was historically the location of the Bayersville Zoo and later the Whitsunday Water Park waterslide.

In 2001, Council approved a Material Change of Use Development Permit for Sport and Recreation which permitted the development of the current Indoor Sport Centre building, volleyball courts and associated car parking on the site.

Council issued a Development Permit for Reconfiguring a Lot (one into two lots) in 2021. The Development Permit approved the creation of an 8,717m² lot that would contain the existing Indoor Sports Centre and part of the associated car parking and a 1.53-hectare balance lot. To date, the landowner has not enacted this approval.

The land has been included in the Sport and Recreation Zone since the Planning Scheme's adoption in July 2017. Prior to this, under the superseded Mackay City Planning Scheme (in effect from March 2006) the land was zoned Open Space. Under the historic Transitional Planning Scheme (in effect from May 1999) the land was also zoned Open Space.

Proposal

The Applicant seeks a Material Change of Use Preliminary Approval including a Variation Request to facilitate land uses consistent with the Low Impact Industry Zone (refer to Attachment 2 – Proposal Plan). The Applicant proposes that the Low Impact Industry Table of Assessment be adopted to determine the level of assessment for future development applications over the site. No building or site works are proposed as part of this Development Application.

If approved in the form submitted by the Applicant, the following uses would be 'accepted development subject to requirements' in the existing building and not require a Material Change of Use development application to be submitted (instead of being Impact Assessable under the current Sport and Recreation zone Table of Assessment):

- a) Low Impact Industry
- b) Research and Technology
- c) Service Industry, and
- d) Warehouse.

The Applicant has sought the Variation Request to the Planning Scheme to apply to the entirety of the subject site.

Note that an alternative Variation Request to the Planning Scheme is recommended for approval which makes the above uses code assessable so that impacts from the use can be assessed through future Development Applications.

Referrals

The Development Application was referred to the SARA in relation to the development's impacts on Harbour Road, being a State-controlled Road.

On 4 April 2023, the SARA provided its referral agency response approving the application, subject to conditions. The conditions of the approval maintain the all-movement intersection from Harbour Road Service Road on to Harbour Road, however intersection works are required to be undertaken prior to the commencement of any future use on the site to accommodate a 19m articulated vehicle (refer to Attachment 3 – Referral Agency Response).

Planning Assessment

Planning Act 2016 and Planning Regulation 2017

In accordance with 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.

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.

Mackay Isaac Whitsunday Regional Plan 2012

Ordinarily, an assessment against the Mackay Isaac Whitsunday Regional Plan is not required as the Minister has identified that the Planning Scheme appropriately advances the Regional Plan. However, Section 32 of the *Planning Regulation 2017* requires that a Variation Request must consider the regional plan to the extent it is relevant to the request. A review of the proposal has been undertaken against the Regional Plan and is considered to have no material impact upon the desired regional outcomes of the Regional Plan given that the site is 2 hectares in area. Future development on the site will be required to comply with the Planning Scheme and will therefore comply with the Regional Plan.

State Planning Policy July 2017 – Water Quality

The Minister has identified that the Planning Scheme appropriately advances the State Planning Policy as it applies in the planning scheme area, other than for water quality. The assessment benchmarks for water quality apply where the development application is for:

- 1) A Material Change of Use for an urban purpose that involves premises 2,500m² or greater in size and:
 - a) Will result in six or more Dwellings, or
 - b) Will result in an impervious area greater than 25% of the net developable area, or
- 2) Reconfiguring a Lot for an urban purpose that involves premises 2,500m² or greater in size and will result in six or more lots, or
- 3) Operational Works for an urban purpose that involves disturbing a land area 2,500m² or greater in size.

Assessment Benchmark	Officer's Assessment
(2) 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 Version 3.0

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	Code Compliance	Officer's Assessment
Strategic Framework	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The proposal generally complies with the relevant assessment benchmarks.
Acid Sulfate Soils Overlay Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The proposal generally complies with the relevant assessment benchmarks.
Airport Environs 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 checked="" type="checkbox"/> No <input type="checkbox"/>	The proposal generally complies with the relevant assessment benchmarks.
Extractive Resources and High Impact Activities Overlay Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The proposal generally complies with the relevant assessment benchmarks.
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"/>	The proposal generally complies with the relevant assessment benchmarks.
Sport and Recreation Zone Code	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	A further assessment has been provided below.
General Development Requirements Code	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	A further assessment has been provided below.
Healthy Waters Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The proposal generally complies with the relevant assessment benchmarks.

Strategic Framework

The proposal has been assessed against the Strategic Framework and generally complies.

The proposal to allow Low Impact Industry uses to establish on the site as well as Sport and Recreation uses will provide increased employment opportunities, a place for industry and will contribute to a diverse regional economy. The subject site is adjacent to a State-controlled Road with good access to the Mackay Port and the future Mackay Ring Road Stage Two. The proposal takes advantage of this accessibility. The subject site is devoid of vegetation and development of the site for industrial uses will not contribute to worsening impacts on the natural environment or the regional landscape.

The proposal promotes urban consolidation and the site is suitably serviced by all necessary infrastructure to service the existing building, whether it continues to be used for indoor sport and recreation or for industrial uses.

Overlay Codes

Future Development Applications will be required to demonstrate compliance with the following overlay codes that impact the site:

- a) Acid Sulfate Soils Overlay Code
- b) Airport Environs Overlay Code
- c) Bushfire Hazard Overlay Code
- d) Extractive Resources and High Impact Activities Overlay Code
- e) Flood and Coastal Hazards Overlay Code
- f) Landscape Character and Image Corridor Overlay Code, and
- g) Landslide Hazard Overlay Code.

The above Overlay Codes are not relevant to any proposal to re-use the existing building on the site but future development applications for new buildings will need to demonstrate compliance with the Overlay Codes.

The rear of the site is 3.5m AHD and the minimum development level for the site is 5.4m AHD. Therefore, any proposal to further develop the rear of the site will require significant fill to achieve the minimum development level. Filling on the site will require the submission of a Flood Impact Assessment to demonstrate that the filling will not impact on neighbouring properties. This reporting is required to be submitted to demonstrate compliance with the Flood and Coastal Hazard Overlay.

Sport and Recreation Zone

A Variation Request, by its very nature, is likely to conflict with the Purpose of the Zone Code and an assessment has been carried out against the Strategic Framework to address this conflict with the Sport and Recreation Zone. The Variation to the Planning Scheme that was requested by the Applicant has been amended in the recommended conditions of approval so that land uses that are code assessable in the Sport and Recreation zone will continue to be code assessable. This means that the Variation will not restrict the expansion or establishment of new Sport and Recreation uses if proposed in the future. Such uses that will remain code assessable include, *Club, Community Use, Indoor and Outdoor Sport and Recreation and Major sport, recreation and entertainment facility*.

General Development Requirements Code

Performance outcome 21 requires that:

The acoustic amenity, privacy and liveability 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.*

The Applicant has submitted a Noise Impact Assessment, prepared by Live It Acoustics to demonstrate that noise impacts from future development upon the adjacent Caravan Park and Dwelling House are able to be mitigated. The report investigated a range of possible noise impacts from future industrial uses on the adjoining properties which included mechanical plant noise, carpark noise, truck noise and waste collection. Modelling was undertaken on the following scenarios:

- a) With no noise barriers
- b) 3m high noise protection fences on eastern and southern boundaries, and
- c) 4m high noise protection fences on eastern and southern boundaries.

The report found that potential noise impacts from typical noise sources associated with Low Impact Industry uses can be suitably controlled through best practice site layout and if a suitable noise protection fence is constructed. The required noise controls and height of the noise barrier along the eastern and southern boundaries will be dependent on the severity of the noise impacts from the future uses on the site, which are not known at this time.

A condition is recommended that requires the submission of a revised Noise Impact Assessment for any future development that demonstrates compliance with the *Environmental Protection (Noise) Policy 2019* of the *Environmental Protection Act 1994*. This means that the actual noise impacts of future development will be known and the required height of noise barriers can be controlled through conditions of approval. This is the principal reason for not recommending approval of the request for Low Impact Industry, Service Industry, Research and Technology and Warehouse uses to be 'accepted development subject to requirements' on the site. The Variation Request requires the submission of a code assessable Material Change of Use application to ensure that noise and amenity impacts from the noise barrier can be addressed via future conditions of approval.

Other Relevant Matters related to Impact Assessment

Need

The Applicant submitted a report prepared by Knight Frank, dated 26 June 2019 and titled *Needs Analysis – Highest and Best Use*. The author of the report is a registered valuer and investigated the highest and best use of the site from a commercial perspective, however it should be noted that the financial circumstances of the landowner is not a relevant matter under the *Planning Act 2016*. The report considered the surrounding dominant uses, the history of industrial uses in the area, lack of residential population in the immediate area to make sport and recreation uses on the site viable, transport linkages to the future Stage 2 of Mackay Ring Road, lack of freehold tenure at the Mackay Harbour, and argues the most beneficial commercial use of the site is an industrial use that benefits from the existing road linkage to the Port of Mackay. The report did not demonstrate that there is an overriding need for additional industrial land in Mackay that is not already addressed by the zoning of land in existing industrial areas.

Council has recently undertaken the 'Land for Community Facilities Report 2021' which details the supply of Indoor Sport and Recreation facilities available across the Region. The report found that if all Indoor Sport and Recreation land is calculated throughout the Region, there is currently a small deficit of land supply of 790m² which increases to 1.12 hectares in 2036 with population increases. This means that if the subject site is removed from the Indoor Sport and Recreation land supply, the deficit will increase to 3.53 hectares in 2036. However, this is on the basis that no new Indoor Sport and Recreation land is added over this period. The site is the only privately owned land to be included in the calculation of land supply.

Although the report identified that a deficit exists, the subject site is not necessarily considered to be the optimal location for Indoor Sport and Recreation uses. Currently there is no supply of land for Indoor Sport and Recreation in the Northern Beaches catchment, an area that has a growing residential population. The current Sport and Recreation zoning of the site reflects a historic use of the site rather than a strategic intent for recreation uses to be in this area. The site is privately owned and so cannot be relied upon to provide an indoor sport venue to the public into the future if it is not commercially viable.

This Variation Request is framed so that any use that would be able to be developed on the site under the current Sport and Recreation zone, such as Indoor Sport and Recreation or Outdoor Sport and Recreation, will continue to be code assessable and supported by the Planning Scheme. This will allow the existing indoor sport centre to expand if proposed by the landowner.

Variation Request

The Applicant has proposed that the Low Impact Industry Table of Assessment be adopted for future development applications over the site, which is not supported because it would allow the existing building on the site to be converted to a Low Impact Industry, Service Industry, Research and Technology Industry or Warehouse use without the need for a development application to be submitted to Council.

Under s61(3) of the *Planning Act 2016*, Council must decide whether to approve all or some of the variation sought, different variations from those sought or to refuse the variations sought. In this instance, it is

recommended that different variations from those sought be approved to ensure acoustic mitigation measures are in place prior to the commencement of any industrial land use within the existing building. It is recommended that a Variation to the Planning Scheme be approved that amends the level of assessment for future Material Change of Use development in accordance with the following:

Current Code Uses	Proposed Code Uses
Caretakers Accommodation	Agricultural Supplies Store
Club	Car Wash
Community Use	Caretakers Accommodation
Environment Facility	Club**
Major Sport, Recreation and Entertainment Facility	Community Use**
Market	Educational Establishment
Park	Emergency Services
Parking Station	Environment Facility
Recreation Activities	Low Impact Industry*
Telecommunications Facility	Major Sport, Recreation and Entertainment Facility**
Utility Installation	Park
	Recreation Activities**
	Research and Technology*
	Service Industry*
	Telecommunications Facility
	Tourist Park
	Transport Depot (B99 vehicles only)
	Utility Installation
	Warehouse*

* The level of assessment for these uses has been amended from the Low Impact Industry Zone so that any proposal to use the existing building triggers code assessment rather than 'accepted, subject to requirements'.

** The level of assessment for these uses has remained code assessable, as if in the Sport and Recreation zone.

All other development is impact assessable. Several land uses that are code assessable in the Low Impact Industry zone have not been included in the Variation and will remain impact assessable because the uses are not considered suitable to develop on the site under code assessment. These include Food and drink outlet, Hardware and Trade Supplies, Marine Industry, Outdoor Sales and Service Station.

The Variation Request does not change the levels of assessment for Reconfiguring a Lot or Operational Works, or where development triggers an Overlay.

Public Notification and Submissions

The Application was publicly notified in accordance with the Planning Act 2016. Specifically, a notice was published in the Daily Mercury, the adjoining landowners were notified directly and a sign was placed on the road frontage of the subject site for a period of 30 business days between November 2021 and January 2022. Council received two properly made submissions objecting to the Development Application. The table below details the concerns raised by submitters.

Matter raised submissions	Officer's comments
Lack of Need	The submitter contends that the Applicant failed to demonstrate that there is an overriding need for additional industrial land in Mackay that is not already addressed by

Matter raised submissions	Officer's comments
	<p>the provision of industrial zoned land throughout the Region and failed to demonstrate that the site is unsuitable for activities provided for in the Sport and Recreation Zone.</p> <p>The Applicant did not submit a needs assessment undertaken by a property economist, rather a registered property valuer. However, it is considered that adequate information has been submitted by the Applicant to demonstrate that the site is able to be converted to industrial land uses without impacting upon surrounding sensitive land uses or impacting upon industrial land supply.</p> <p>The building is a privately owned Indoor Sports Arena and Council cannot guarantee that it is available for that purpose into the future if the use is not commercially viable. If the building is not used for Indoor Sport and Recreation, it is considered suitable for Low Impact Industry uses as it is a warehouse style building with a large area for car parking and vehicle manoeuvring.</p> <p>The Applicant has demonstrated that the site is well connected to the Mackay Port via State-controlled roads and that industrial land uses are able to be accommodated on the site.</p>
Incompatibility of Uses	<p>The submitter raised concerns with the incompatibility of industrial and recreational uses on the site.</p> <p>The Variation Request requires that Material Change of Use Applications be submitted to Council so that conditions can be imposed that require landscaping, car parking and vehicle manoeuvring areas to be provided for each separate use on the site. Due to the industry thresholds of Industry Low Impact being restricted to repairing engines, fitting and turning workshops, printing, food preparation, brewery and the like, noxious industry would not be code assessable on the site and therefore not supported. These lower level industry uses are compatible with indoor sport and recreation uses.</p>
Loss of Tourism	<p>The submitter raised concerns that changing the use of the land will discourage visitors and tourism and the site will soon be absorbed as another industrial area.</p> <p>The purpose of the Sport and Recreation Zone is to provide for recreation and sporting uses and activities that require built infrastructure such as clubhouses, gymnasiums, swimming pools and tennis courts. Council has other land appropriately zoned for tourism uses throughout the Region such as East Point which is within proximity to the site.</p>
Acoustic Impacts	<p>The submitter raised concerns that acoustic impacts would adversely impact the residents and guests of the adjoining caravan park and that many industrial uses in the Low Impact Industry Zone are 'accepted development, subject to requirements' which would restrict the ability for future uses to be appropriately controlled.</p> <p>The Applicant submitted an acoustic report that demonstrated that the acoustic impacts from a range of industrial uses can be mitigated by design and the provision of an acoustic fence. The report took in to account existing background noise levels and projected noise from future industry uses. The Variation to the Planning Scheme will require that a Material Change of Use application be submitted for any change of use to the existing building on the site. This will allow Council to assess the acoustic requirements for the use when the impacts are known, to protect the amenity of adjoining residents. In addition, hours of operation can be limited through development conditions on future Development Applications.</p>

Levied Charges

There are no Infrastructure Charges associated with a Variation approval. Infrastructure charges will be levied on future development applications when approved by Council in accordance with the policy in place at the time.

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 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 proposal to make certain industrial uses code assessable on the subject site by varying the Planning Scheme will not inhibit the existing Indoor Sport and Recreation use on the site from continuing or expanding. The Applicant has demonstrated that any acoustic impacts from the site converting to Low Impact Industry uses is able to be mitigated by acoustic treatments. The Variation approval requires future development applications to demonstrate compliance with Council's Planning Scheme development and overlay codes.

Officer's Recommendation

THAT Council approves the application for a Material Change of Use – Preliminary Approval for Low Impact industry land uses including a Variation Request at 225 Harbour Road, Mackay Harbour, formally described as Lot 2 on RP708752, subject to the following conditions:

Approved Plan(s) and Document(s)

Any future Development Application submitted in accordance with this Preliminary Approval 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
Site Plan	NA	NA	30 June 2020

Plan(s) and/or Document(s) to be Amended

Plan/ Document Name	Drawing Number	Prepared by	Date
Noise Impact Assessment	1310d1-A	Live It Acoustics	6 August 2021

Assessment Manager Conditions

Condition	Timing
<p>1) Future Development Applications</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, 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) Variation to the Local Planning Instrument</p> <p>Pursuant to s61(3)(a) of the <i>Planning Act 2016</i>, the Variation Approval varies the effect of the Mackay Region Planning Scheme 2017 – Version 3.0, or any subsequent Planning Scheme in effect for the Mackay Region Council local government area as at a date a future development application is made in respect of land to which the Variation Approval applies as follows:</p> <ul style="list-style-type: none"> a) The categories of development and assessment – Material Change of Use on the land shall be determined in accordance with the “Table of Assessment” (Annexure A) which replaces Table 5.5.21 – Sport and Recreation Zone of the Mackay Region Planning Scheme, to the extent of any inconsistency. b) The categories of development and assessment – Reconfiguring a Lot on the land is unchanged. c) The categories of development and assessment – Operational Works on the land is unchanged. d) The categories of development and assessment – Building Works on the land is unchanged. e) The categories of development and assessment – Overlays on the land is unchanged. <p>If there is an inconsistency between conditions of this approval and the Table of Assessment (Annexure A), the conditions of this approval prevail to the extent of the inconsistency.</p> <p>If there is an inconsistency between the Mackay Region Planning Scheme and the Table of Assessment (Annexure A), the Table of Assessment (Annexure A) prevail to the extent of the inconsistency.</p> <p>Where the conditions of this approval and/or the approved plans and documents are ‘silent’ in respect of how an aspect of development should be treated, the provisions of the Mackay Region Planning Scheme in effect at the time shall apply to that aspect of development.</p>	At all times.

Condition	Timing
<p>3) Noise Impact Assessment</p> <p>Submit an amended Noise Impact Assessment for any future Development Application, undertaken by a suitably qualified professional that demonstrates that the proposed development complies with the <i>Environmental Protection (Noise) Policy 2019</i> under the <i>Environmental Protection Act 1994</i>.</p>	At all times.
<p>4) Unique Notations</p> <p>The following notation will apply to the parent lots and all lots created on the land.</p> <p>This lot forms part of land which is subject to a Variation Approval issued under the <i>Planning Act 2016</i>.</p> <p>(Council Reference: DA-2020-92). The Variation Approval incorporates Table of Assessment (Annexure) to be used in determining the category of assessment for development undertaken on the land, to the extent stated in the Table of Assessment. Development undertaken pursuant to this Variation Approval must comply with all relevant conditions.</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>
3)	<p>Unapproved Uses on Site</p> <p>The 800m² fenced area at the rear of the site that contains shipping containers and other equipment is not approved and requires the submission of a Material Change of Use application to Council. This use must either be removed or an application submitted to Council for its approval.</p>
4)	<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>

Assessment Manager's Advice	
	The Duty of Care Guidelines provide further guidance on identifying and protecting Aboriginal cultural heritage and can be accessed here .
5)	Environmental Authority It is the Applicant/Owner's responsibility to ensure all relevant Environmental Authority approvals are in place for any Environmentally Relevant Activity. Schedule 2 of the <i>Environmental Protection Regulation 2017</i> prescribes Environmentally Relevant Activities and their aggregate environmental scores.
6)	Environmental Nuisance 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> . 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.
7)	Sedimentation Control 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.
8)	Cyclone Watch Site Management 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.
9)	Local Laws The approved development must also comply with Council's current Local Laws under the <i>Local Government Act 2009</i> .
10)	Advertising Sign Approval No advertising sign and/or advertising device is to be erected without separate Council approval, where required. Where not meeting accepted provisions, an application to Council under Subordinate Local Law 1.4 must be made and approved prior to any such sign or device being erected.
11)	General Safety of Public During Construction 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. 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> . Section 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.

Assessment Manager's Advice	
12)	<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>

ANNEXURE A - Table of Assessment – 225 Harbour Road, Mackay Harbour

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Agricultural supplies store	Code assessment	
	All circumstances	<ul style="list-style-type: none"> • Low impact industry zone code • General development requirements code • Healthy waters code (section 9.4.2.1. identifies if the code applies)
Car wash	Code assessment	
	All circumstances	<ul style="list-style-type: none"> • Low impact industry zone code • Service station and car wash code • General development requirements code • Healthy waters code (section 9.4.2.1. identifies if the code applies)
Caretaker's accommodation	Code assessment	
	All circumstances	<ul style="list-style-type: none"> • Low impact industry zone code • Caretaker's accommodation, dwelling unit and rural workers accommodation code • General development requirements code – provisions in the "utility and infrastructure services" and "flooding" subsections only
Club	Code assessment	
	All circumstances	<ul style="list-style-type: none"> • Sport and recreation zone code • Community activities code • General development requirements code • Healthy waters code (section 9.4.2.1. identifies if the code applies)
Community use	Code assessment	
	All circumstances	<ul style="list-style-type: none"> • Sport and recreation zone code • Community activities code • General development requirements code • Healthy waters code (section 9.4.2.1. identifies if the code applies)
Educational establishment	Code assessment	
	If involving the provision of training exclusively and specifically related to industry activities and other uses of an industrial nature	<ul style="list-style-type: none"> • Low impact industry zone code • Industry activities code • General development requirements code • Healthy waters code (section 9.4.2.1. identifies if the code applies)
Emergency services	Code assessment	

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
	All circumstances	<ul style="list-style-type: none"> Low impact industry zone code Community activities code General development requirements code Healthy waters code (section 9.4.2.1. identifies if the code applies)
Environment facility	Accepted development	
	All circumstances	No assessment benchmarks apply
Low impact industry	Code assessment	
	All circumstances	<ul style="list-style-type: none"> Low impact industry zone code Industry activities code General development requirements code Healthy waters code (section 9.4.2.1. identifies if the code applies)
Major sport, recreation and entertainment facility	Code assessment	
	All circumstances	<ul style="list-style-type: none"> Sport and recreation zone code General development requirements code Healthy waters code (section 9.4.2.1. identifies if the code applies)
Park	Code assessment	
	All circumstances	<ul style="list-style-type: none"> Low impact industry zone code General development requirements code Healthy waters code (section 9.4.2.1. identifies if the code applies)
Recreation activities	Accepted development subject to requirements	
	If involving: <ul style="list-style-type: none"> indoor sport and recreation if within an existing / approved building that has previously, or is approved to be, occupied by a non-residential use; or extensions to an existing facility not more than: <ul style="list-style-type: none"> 25% increase in the total participant, spectator and employee capacity of outdoor sport and recreation; or 25% increase in the total GFA of indoor sport and recreation 	Recreation activities code
	Code assessment	
	Otherwise	<ul style="list-style-type: none"> Sport and recreation zone code Recreation activities code General development requirements code Healthy waters code (section 9.4.2.1. identifies if the code applies)
	Code assessment	

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Research and technology industry	All circumstances	<ul style="list-style-type: none"> • Low impact industry zone code • Industry activities code • General development requirements code • Healthy waters code (section 9.4.2.1. identifies if the code applies)
Service industry	Code assessment	
	All circumstances	<ul style="list-style-type: none"> • Low impact industry zone code • Industry activities code • General development requirements code • Healthy waters code (section 9.4.2.1. identifies if the code applies)
Telecommunications facility	Code assessment	
	All circumstances	<ul style="list-style-type: none"> • Low impact industry zone code • Telecommunications facility code • General development requirements code
Tourist park	Code assessment	
	If involving an extension to an existing tourist park	<ul style="list-style-type: none"> • Low impact industry zone code • Tourist park and relocatable home park code • General development requirements code • Healthy waters code (section 9.4.2.1. identifies when the code applies)
Transport depot	Code assessment	
	If involving the storage of: <ul style="list-style-type: none"> • vehicles associated with a taxi service; or • B99 or smaller vehicles 	<ul style="list-style-type: none"> • Low impact industry zone code • Industry activities code • General development requirements code
Utility installation	Accepted development	
	If not involving: <ul style="list-style-type: none"> • mail depot; or • sewerage treatment plant; or • waste (refuse) management facilities 	No assessment benchmarks apply
Warehouse	Code assessment	
	All circumstances	<ul style="list-style-type: none"> • Low impact industry zone code • Industry activities code • General development requirements code • Healthy waters code (section 9.4.2.1. identifies if the code applies)
Impact assessment		
Any other use not listed in this table. Any use listed in this table and not meeting the criteria in the "Categories of development and assessment" column. Any other undefined use.		The planning scheme

Editor's note – The above categories of development and assessment apply unless otherwise prescribed in the Regulation.

Council Resolution ORD-2023-254

THAT Council approves the application for a Material Change of Use – Preliminary Approval for Low Impact industry land uses including a Variation Request at 225 Harbour Road, Mackay Harbour, formally described as Lot 2 on RP708752, subject to the following conditions:

Approved Plan(s) and Document(s)

Any future Development Application submitted in accordance with this Preliminary Approval 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
Site Plan	NA	NA	30 June 2020

Plan(s) and/or Document(s) to be Amended

Plan/ Document Name	Drawing Number	Prepared by	Date
Noise Impact Assessment	1310d1-A	Live It Acoustics	6 August 2021

Assessment Manager Conditions

Condition	Timing
1) Future Development Applications 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, 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) Variation to the Local Planning Instrument Pursuant to s61(3)(a) of the <i>Planning Act 2016</i> , the Variation Approval varies the effect of the Mackay Region Planning Scheme 2017 – Version 3.0, or any subsequent Planning Scheme in effect for the Mackay Region Council local government area as at a date a future development application is made in respect of land to which the Variation Approval applies as follows: <ul style="list-style-type: none"> a. The categories of development and assessment – Material Change of Use on the land shall be determined in accordance with the “Table of Assessment” (Annexure A) which replaces Table 5.5.21 – Sport and Recreation Zone of the Mackay Region Planning Scheme, to the extent of any inconsistency. 	At all times.

Condition	Timing
<p>b. The categories of development and assessment – Reconfiguring a Lot on the land is unchanged.</p> <p>c. The categories of development and assessment – Operational Works on the land is unchanged.</p> <p>d. The categories of development and assessment – Building Works on the land is unchanged.</p> <p>e. The categories of development and assessment – Overlays on the land is unchanged.</p> <p>If there is an inconsistency between conditions of this approval and the Table of Assessment (Annexure A), the conditions of this approval prevail to the extent of the inconsistency.</p> <p>If there is an inconsistency between the Mackay Region Planning Scheme and the Table of Assessment (Annexure A), the Table of Assessment (Annexure A) prevail to the extent of the inconsistency.</p> <p>Where the conditions of this approval and/or the approved plans and documents are 'silent' in respect of how an aspect of development should be treated, the provisions of the Mackay Region Planning Scheme in effect at the time shall apply to that aspect of development.</p>	
<p>3) Noise Impact Assessment</p> <p>Submit an amended Noise Impact Assessment for any future Development Application, undertaken by a suitably qualified professional that demonstrates that the proposed development complies with the <i>Environmental Protection (Noise) Policy 2019</i> under the <i>Environmental Protection Act 1994</i>.</p>	At all times.
<p>4) Unique Notations</p> <p>The following notation will apply to the parent lots and all lots created on the land.</p> <p>This lot forms part of land which is subject to a Variation Approval issued under the <i>Planning Act 2016</i>.</p> <p>(Council Reference: DA-2020-92). The Variation Approval incorporates Table of Assessment (Annexure) to be used in determining the category of assessment for development undertaken on the land, to the extent stated in the Table of Assessment. Development undertaken pursuant to this Variation Approval must comply with all relevant conditions.</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>

Assessment Manager's Advice	
3)	<p>Unapproved Uses on Site</p> <p>The 800m² fenced area at the rear of the site that contains shipping containers and other equipment is not approved and requires the submission of a Material Change of Use application to Council. This use must either be removed or an application submitted to Council for its approval.</p>
4)	<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>
5)	<p>Environmental Authority</p> <p>It is the Applicant/Owner's responsibility to ensure all relevant Environmental Authority approvals are in place for any Environmentally Relevant Activity. Schedule 2 of the <i>Environmental Protection Regulation 2017</i> prescribes Environmentally Relevant Activities and their aggregate environmental scores.</p>
6)	<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>
7)	<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>
8)	<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>

Assessment Manager's Advice	
9)	Local Laws The approved development must also comply with Council's current Local Laws under the <i>Local Government Act 2009</i> .
10)	Advertising Sign Approval No advertising sign and/or advertising device is to be erected without separate Council approval, where required. Where not meeting accepted provisions, an application to Council under Subordinate Local Law 1.4 must be made and approved prior to any such sign or device being erected.
11)	General Safety of Public During Construction 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. 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> . Section 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.
12)	Bushfire The Building Certifier is responsible for assessing whether the proposed development meets the relevant construction requirements in accordance with AS3959-2009 <i>Construction of buildings in bushfire-prone areas</i> .

ANNEXURE A - Table of Assessment – 225 Harbour Road, Mackay Harbour

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Agricultural supplies store	Code assessment	
	All circumstances	<ul style="list-style-type: none"> • Low impact industry zone code • General development requirements code • Healthy waters code (section 9.4.2.1. identifies if the code applies)
Car wash	Code assessment	
	All circumstances	<ul style="list-style-type: none"> • Low impact industry zone code • Service station and car wash code • General development requirements code • Healthy waters code (section 9.4.2.1. identifies if the code applies)
Caretaker's accommodation	Code assessment	
	All circumstances	<ul style="list-style-type: none"> • Low impact industry zone code • Caretaker's accommodation, dwelling unit and rural workers accommodation code

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
		<ul style="list-style-type: none"> General development requirements code – provisions in the “utility and infrastructure services” and “flooding” subsections only
Club	Code assessment	
	All circumstances	<ul style="list-style-type: none"> Sport and recreation zone code Community activities code General development requirements code Healthy waters code (section 9.4.2.1. identifies if the code applies)
Community use	Code assessment	
	All circumstances	<ul style="list-style-type: none"> Sport and recreation zone code Community activities code General development requirements code Healthy waters code (section 9.4.2.1. identifies if the code applies)
Educational establishment	Code assessment	
	If involving the provision of training exclusively and specifically related to industry activities and other uses of an industrial nature	<ul style="list-style-type: none"> Low impact industry zone code Industry activities code General development requirements code Healthy waters code (section 9.4.2.1. identifies if the code applies)
Emergency services	Code assessment	
	All circumstances	<ul style="list-style-type: none"> Low impact industry zone code Community activities code General development requirements code Healthy waters code (section 9.4.2.1. identifies if the code applies)
Environment facility	Accepted development	
	All circumstances	No assessment benchmarks apply

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Low impact industry	Code assessment	
	All circumstances	<ul style="list-style-type: none"> • Low impact industry zone code • Industry activities code • General development requirements code • Healthy waters code (section 9.4.2.1. identifies if the code applies)
Major sport, recreation and entertainment facility	Code assessment	
	All circumstances	<ul style="list-style-type: none"> • Sport and recreation zone code • General development requirements code • Healthy waters code (section 9.4.2.1. identifies if the code applies)
Park	Code assessment	
	All circumstances	<ul style="list-style-type: none"> • Low impact industry zone code • General development requirements code • Healthy waters code (section 9.4.2.1. identifies if the code applies)
Recreation activities	Accepted development subject to requirements	
	If involving: <ul style="list-style-type: none"> • indoor sport and recreation if within an existing / approved building that has previously, or is approved to be, occupied by a non-residential use; or • extensions to an existing facility not more than: <ul style="list-style-type: none"> - 25% increase in the total participant, spectator and employee capacity of outdoor sport and recreation; or - 25% increase in the total GFA of indoor sport and recreation 	Recreation activities code
	Code assessment	
	Otherwise	<ul style="list-style-type: none"> • Sport and recreation zone code • Recreation activities code • General development requirements code • Healthy waters code (section 9.4.2.1.

Use		Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
			identifies if the code applies)
Research and technology industry	Code assessment		
	All circumstances	<ul style="list-style-type: none">• Low impact industry zone code• Industry activities code• General development requirements code• Healthy waters code (section 9.4.2.1. identifies if the code applies)	
Service industry	Code assessment		
	All circumstances	<ul style="list-style-type: none">• Low impact industry zone code• Industry activities code• General development requirements code• Healthy waters code (section 9.4.2.1. identifies if the code applies)	
Telecommunications facility	Code assessment		
	All circumstances	<ul style="list-style-type: none">• Low impact industry zone code• Telecommunications facility code• General development requirements code	
Tourist park	Code assessment		
	If involving an extension to an existing tourist park	<ul style="list-style-type: none">• Low impact industry zone code• Tourist park and relocatable home park code• General development requirements code• Healthy waters code (section 9.4.2.1. identifies when the code applies)	
Transport depot	Code assessment		
	If involving the storage of: <ul style="list-style-type: none">• vehicles associated with a taxi service; or• B99 or smaller vehicles	<ul style="list-style-type: none">• Low impact industry zone code• Industry activities code• General development requirements code	
Utility installation	Accepted development		
	If not involving: <ul style="list-style-type: none">• mail depot; or• sewerage treatment plant; or• waste (refuse) management facilities	No assessment benchmarks apply	
Warehouse	Code assessment		
	All circumstances	<ul style="list-style-type: none">• Low impact industry zone code• Industry activities code• General development requirements code• Healthy waters code (section 9.4.2.1. identifies if the code applies)	
Impact assessment			
Any other use not listed in this table.		The planning scheme	

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
	Any use listed in this table and not meeting the criteria in the “Categories of development and assessment” column. Any other undefined use.	

Editor’s note – The above categories of development and assessment apply unless otherwise prescribed in the Regulation.

Moved Cr Englert

Seconded Cr Townsend

CARRIED UNANIMOUSLY

11.5. ENGINEERING AND COMMERCIAL INFRASTRUCTURE

11.5.1. PERSONAL MOBILITY DEVICE - 25 KPH SPEED LIMIT

Author Manager Transport & Drainage Infrastructure Planning (Graeme Hawes)
Responsible Officer Director Engineering & Commercial Infrastructure (Jason Devitt)
File Reference Nil

Attachments

1. Concept Plan PMD speed limits- PLAN SET [11.5.1.1 - 5 pages]

Purpose

Council has undertaken a review of speed limits on applicable shared path networks to ensure they can be signed as suitable for Personal Mobility Devices (PMDs) to travel up to 25 kph where appropriate. Formal approval from Council for the reviewed network for introduction of these speed limits is sought.

Related Parties

The parties relating to this report are as follows:

- Nil

Corporate Plan Linkage

Financial Strength

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

Live and Visit

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

Background/Discussion

Correspondence was received from the Minister of Transport and Main Road on 31 October 2022 advising of a range of Personal Mobility Device reforms commencing on 1 November 2022. As part of this package of reforms was a request for Local Government to review the suitability of its shared path networks to consider those shared paths where introduction of a 25kph speed limit would be appropriate.

Subsequently reference documentation Technical Note (TN) 203 'Footpath or shared path speed zones for PMDs' has been released by Department of Transport and Main Roads (DTMR). Council has reviewed the suitability of the shared path network via the Integrated Transport Plan working group members against the reference documentation and submitted a draft layout for review by members of the Traffic Advisory Committee (TAC).

The normal situation would be that following the TAC meeting, minutes with recommendations would be presented to Council for adoption. In this case however given no other Agenda items for a TAC meeting existed the matter was considered and then approved by "flying minute".

As such the approved plans for consideration by Council are submitted for formal approval by Council. Once adopted these will then need to formally be approved by the Speed Management Committee with members from Council, DTMR and Queensland Police Service (QPS) for formal action on installation of the relevant signage

Consultation and Communication

Consultation has been held with the Director of Engineering & Commercial Infrastructure & the Traffic Advisory Committee members on this matter. DTMR and QPS were also consulted.

Resource Implications

Maintenance funds would be utilised for the required signage installations on the applicable sites.

Risk Management Implications

Risk is primarily assessed with non-compliance to the applied speed limit by PMD users on the shared path network and providing consistency of treatment throughout the region.

Conclusion

Council has reviewed the shared path network in conjunction with TN 203 requirements and submitted proposals which following modifications have been endorsed by the TAC.

Council is therefore requested to confirm adoption so that action may be taken to implement the introduction of the required speed signage.

Officer's Recommendation

THAT Council note the outcomes of the investigation into the requested speed changes and approve the following actions:

- Confirm acceptance of the Traffic Advisory Committee recommended 25kph speed limits for Personal Mobility Devices use on shared paths as per the attached concept plans.
- Referral of the approval to the Speed Management Committee for formal approval of the speed limit

Council Resolution ORD-2023-255

THAT Council note the outcomes of the investigation into the requested speed changes and approve the following actions:

- **Confirm acceptance of the Traffic Advisory Committee recommended 25kph speed limits for Personal Mobility Devices use on shared paths as per the attached concept plans.**
- **Referral of the approval to the Speed Management Committee for formal approval of the speed limit**

Moved Cr Bonaventura

Seconded Cr Jones

CARRIED UNANIMOUSLY

11.6. ORGANISATIONAL SERVICES

11.6.1. STRATEGIC FINANCIAL REPORT - AUGUST 2023

Author	A/Manager, Financial Services (Jaco Ackerman)
Responsible Officer	Director Organisational Services (Angela Hays)
File Reference	Strategic Financial Report

Attachments

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

Purpose

To adopt Mackay Regional Council's Strategic Financial Report for the month of August 2023.

Related Parties

Nil

Corporate Plan Linkage

Financial Strength

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

Background/Discussion

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

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

Consultation and Communication

Chief Executive Officer, Directors, Acting Manager Financial Services.

Resource Implications

MRC is forecasting an operating surplus of \$0.3M for the 2023/24 financial year. The actual operating result for August 2023 is within the 0% to $\pm 2.99\%$ range, with an unfavourable variance of \$0.6M against YTD budget.

Risk Management Implications

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

Conclusion

For the period ending August 2023, MRC reported an unfavourable operating variance of \$0.6M against YTD budget. Operating revenue is reporting slightly below YTD budget, with lower than anticipated rates, levies and charges income being received to date. Higher than anticipated expenditure across MRC is largely attributable to materials and services, specifically contractors, consultants and equipment hire being utilised to meet community service levels while ongoing labour vacancies are experienced.

To date, \$14.8M has been expended in the delivery of Council Projects; \$14.4M capital expenditure and \$0.4M 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 August 2023 be received.

Council Resolution ORD-2023-256

THAT the Strategic Financial Report for August 2023 be received.

Moved Cr Englert

Seconded Cr Townsend

CARRIED UNANIMOUSLY

11.6.2. NEW LEASE TO MICHELE BOURKE - 2/18 VICTORIA STREET, MIRANI

Author	Commercial Lease & Property Officer (Barb Sauer)
Responsible Officer	Director Organisational Services (Angela Hays)
File Reference	734688-001-RP

Attachments

1. MADI Image Michele Bourke Lease Area Victoria Street Mirani [**11.6.2.1** - 1 page]
2. Michele Bourke Lease Drawing [**11.6.2.2** - 1 page]

Purpose

To approve a new retail shop lease to Michele Bourke over 2/18 Victoria Street, Mirani for an initial term of one (1) year commencing on 1st October 2023 with 2 x one year option periods, for the purpose of operating a hairdressing salon with associated beauty therapy.

Related Parties

Mackay Regional Council and Michele Bourke

Corporate Plan Linkage

Invest and Work

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

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

Background/Discussion

Mackay Regional Council is the freehold owner of the commercial premises located at 18 Victoria Street, Mirani. The lease area is approximately 27m² and the fit out, which was installed by the lessee, is consistent with that required to operate a hairdressing business.

Michele Bourke is the owner of The Hair Cottage located in Victoria Street, Mirani and has leased the premises for approximately 29 years providing an important service to the Pioneer Valley community. The most recent lease expired on 27th May 2021 and consent was given to continue the occupancy of the premises on a month-to-month basis due to premises being included in the Mirani Community Precinct Redevelopment Project.

As the redevelopment project is still in the initial stages and there is no definite timeline of when works will commence, a new lease will formalise the leasing arrangements. Should Council wish to commence works on the Mirani Community Precinct Redevelopment Project, the new lease will include provisions to give notice to terminate the lease with three (3) months' notice to the lessee.

According to Section 236 (1) (c) (iii) of the *Local Government Regulation 2012*, "a local government may dispose of a valuable non-current asset other than by tender or auction if – the disposal is for the purpose of renewing the lease of land to the existing tenant of the land" Therefore, Council is not required to tender this before leasing the property.

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

Consultation and Communication

Consultation has occurred between Michele Bourke, Manager Property Services, Commercial Lease and Property Officer, Property Services, Mackay Regional Council Land & Road Use Committee and Manager, Major Projects.

Resource Implications

The lease will be a retail shop lease for an initial term of one (1) year, inclusive of rental of \$4,700 + gst per annum, with 2 x 1 year option terms. Rent will be reviewed in accordance with CPI at the commencement of each option term. The current rent has been confirmed by Herron Todd White, Registered Valuers.

Risk Management Implications

If the new lease to Michele Bourke is not approved the tenancy will be vacant and the rental income to Council will be lost.

Conclusion

The lease to Michele Bourke would represent the most advantageous outcome for Council and the community as it will ensure the services provided to the community are maintained whilst providing an income to Council.

Officer's Recommendation

THAT Council-

A. resolves that an exemption applies under Section 236 (1) (c) (iii) of the *Local Government Regulation 2012*, "a local government may dispose of a valuable non-current asset other than by tender or auction if – the disposal is for the purpose of renewing the lease of land to the existing tenant of the land."

B. And that Council approve a new retail shop lease to Michele Bourke over 2/18 Victoria Street, Mirani for an initial term of one (1) year, commencing on 1st October 2023, with 2 x 1 year option terms. The commencing rent will be of \$4,700 + gst per annum and will be reviewed in accordance CPI at the commencement of each option term.

Council Resolution ORD-2023-257

THAT Council-

A. resolves that an exemption applies under Section 236 (1) (c) (iii) of the *Local Government Regulation 2012*, “a local government may dispose of a valuable non-current asset other than by tender or auction if – the disposal is for the purpose of renewing the lease of land to the existing tenant of the land.”

B. And that Council approve a new retail shop lease to Michele Bourke over 2/18 Victoria Street, Mirani for an initial term of one (1) year, commencing on 1st October 2023, with 2 x 1 year option terms. The commencing rent will be of \$4,700 + gst per annum and will be reviewed in accordance CPI at the commencement of each option term.

Moved Cr Mann

Seconded Cr Englert

CARRIED UNANIMOUSLY

**11.6.3. NEW LEASE TO MACKAY ROWING CLUB - L201 PLEYSTOWE CONNECTION RD,
BALNAGOWAN**

Author	Commercial Lease & Property Officer (Barb Sauer)
Responsible Officer	Director Organisational Services (Angela Hays)
File Reference	160195-201-SP

Attachments

1. MADI Image Mackay Rowing Club L201 Pleystowe Connection Road (1) [11.6.3.1 - 1 page]

Purpose

To approve a new lease to Mackay Rowing Club Inc. over an area of approximately 6,934m², being Lot 201 on SP160195, L201 Pleystowe Connection Road, Balnagowan for a period of 10 years, for the purpose of rowing related activities.

Related Parties

Mackay Regional Council and Mackay Rowing Club Inc

Corporate Plan Linkage

Live and Visit

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

Background/Discussion

Mackay Regional Council is trustee over the reserve for sport and recreation located at Pleystowe Connection Road, Balnagowan.

Mackay Rowing Club Inc have occupied the site since November 2003 with the current lease expiring on 31 October 2023, and the club has indicated that they wish to renew the lease for a further 10 years.

The parcel of land is located on the south bank of the Pioneer River and provides access to the pontoon in the Pioneer River. The club have a lease directly with the State for the pontoon site. Mackay Rowing Club also have a lease with Council over an area of land across the road at 5 Pleystowe Connection Road. This area is where their boat shed and clubhouse are located.

Mackay Rowing Club have a current membership of approximately 40 members who enjoy both the social aspects of being a member and the opportunity to compete in regattas if they wish. Members have represented the club at state, national and international regattas.

The school-based program coaches junior rowers from Year 7-12. School rowers have competed in both school and club regattas at local, regional and state level.

The club also assists other sporting organisations such as triathlon clubs during major events by providing the toilet facilities and safety rescue teams. The pontoon and bank area is also used by the wider community for swimming, fishing and picnics. Mackay Rowing Club undertakes maintenance and mowing of the bank.

Following Cyclone Debbie in 2017, the riverbank had eroded the access to the pontoon. Mackay Rowing Club undertook civil works to re-instate safe access to the pontoon and rock protection of the embankment.

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

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

Consultation and Communication

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

Resource Implications

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

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

Risk Management Implications

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

Conclusion

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

Officer's Recommendation

THAT Council -

- A. Resolves that an exemption applies under Section 236 (1) (b) (ii) of the *Local Government Regulation 2012*, "a local government may dispose of a valuable non-current asset other than by tender or auction if – the valuable non-current is disposed of to a community organisation.
- B. AND THAT Council approve a new lease for Mackay Rowing Club Inc. over an area of approx. 6,934m² being Lot 201 on SP160195, L201 Pleystowe Connection Road, Balnagowan for a period of 10 years with such lease to commence on 01/11/2023. The rent will be in accordance with the Mackay Regional Council's Community Leasing Policy.

Council Resolution ORD-2023-258

THAT Council -

- A. Resolves that an exemption applies under Section 236 (1) (b) (ii) of the *Local Government Regulation 2012*, "a local government may dispose of a valuable non-current asset other than by tender or auction if – the valuable non-current is disposed of to a community organisation.
- B. AND THAT Council approve a new lease for Mackay Rowing Club Inc. over an area of approx. 6,934m² being Lot 201 on SP160195, L201 Pleystowe Connection Road, Balnagowan for a period of 10 years with such lease to commence on 01/11/2023. The rent will be in accordance with the Mackay Regional Council's Community Leasing Policy.

Moved Cr Englert

Seconded Cr Bonaventura

CARRIED UNANIMOUSLY

11.6.4. NEW LEASE TO THE CRECHE & KINDERGARTEN ASSOC LTD - 1 LEISURE STREET, SOUTH MACKAY

Author	Commercial Lease & Property Officer (Barb Sauer)
Responsible Officer	Director Organisational Services (Angela Hays)
File Reference	239851-532-SP

Attachments

1. MADI Image C K Assoc lease area South Mackay (1) [11.6.4.1 - 1 page]

Purpose

To approve a new lease to The Creche and Kindergarten Association Limited for a period of 10 years over an area of approximately 1,185m² being part Lot 532 on SP239851, 1 Leisure Street, South Mackay for the purpose of a Community Kindergarten and associated activities.

Related Parties

Mackay Regional Council, The Creche and Kindergarten Association Limited

Corporate Plan Linkage

Live and Visit

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

Background/Discussion

Mackay Regional Council is trustee over the reserve for sport and recreation located in Leisure Street, South Mackay.

The site was leased to South Mackay Pre-school Association Inc in 1994 and assigned to the Creche & Kindergarten Association Ltd in 2021 and operates as C&K South Mackay Community Kindergarten. The current lease expires on 31 December 2023, and the association has indicated that they wish to renew the lease for a further 10 years.

The kindergarten is a community based not for profit organisation and prides itself on its partnerships with families and works towards promoting curiosity, resilience and life-long learning within a play-based environment. The centre is approved for 25 places and runs a 5 day/fortnight kindy program.

They engage with the wider community by practical placement of students from Central Queensland University, engaging with local schools, participation in sustainability activities with Council and other groups, engagement with nearby sporting clubs and participation in Seniors Week and Christmas appeals.

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

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

Consultation and Communication

Consultation occurred between The Creche and Kindergarten Association Limited, Manager Property Services, Commercial Lease and Property Officer, Property Services and Mackay Regional Council Land & Road Use Committee.

Resource Implications

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

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

The Creche and Kindergarten Association Limited provide a quality facility for the community for children to participate in a kindergarten program. Should the lease not be approved, both the community and region would not be able to benefit from the opportunities that arise from this organisation and facility.

Conclusion

That approving a new lease to The Creche and Kindergarten Association Limited who have shown a long-term commitment to the land, its infrastructure and the local community is the most advantageous outcome to Council and the Community.

Officer's Recommendation

THAT Council -

- A. Resolves that an exemption applies under Section 236 (1) (b) (ii) of the *Local Government Regulation 2012*, "a local government may dispose of a valuable non-current asset other than by tender or auction if – the valuable non-current is disposed of to a community organisation.
- B. AND THAT Council approve a new lease for The Creche and Kindergarten Association Limited, over an area of approximately 1,185m² being part Lot 532 on SP239851, 1 Leisure Street, South Mackay for a period of 10 years with such lease to commence on 01/01/2024. The rent will be in accordance with the Mackay Regional Council's Community Leasing Policy.

Council Resolution ORD-2023-259

THAT Council -

- A. Resolves that an exemption applies under Section 236 (1) (b) (ii) of the *Local Government Regulation 2012*, "a local government may dispose of a valuable non-current asset other than by tender or auction if – the valuable non-current is disposed of to a community organisation.
- B. AND THAT Council approve a new lease for The Creche and Kindergarten Association Limited, over an area of approximately 1,185m² being part Lot 532 on SP239851, 1 Leisure Street, South Mackay for a period of 10 years with such lease to commence on 01/01/2024. The rent will be in accordance with the Mackay Regional Council's Community Leasing Policy.

Moved Cr Englert

Seconded Cr Hassan

CARRIED UNANIMOUSLY

12. RECEIPT OF PETITIONS

12.1. RECEIPT OF PETITION - AIR-CONDITIONING SLADE POINT COMMUNITY HALL

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

Attachments

1. Petition - Slade Point Community Hall [12.1.1 - 1 page]

Purpose

A petition was received by Council on 4 September 2023 and relates to a request to install air conditioning in the Slade Point Community Hall.

Related Parties

Listed petitioners per the attached petition.

Corporate Plan Linkage

N/A

Background/Discussion

In accordance with clause 1.7.4 of Council's Standing Orders, when a petition is presented for consideration at a Council Meeting, no debate shall be allowed on the petition itself, with the only motion which may be moved being:

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

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

In this instance the petition will be referred to Organisational Services which is the applicable Council Department which has the associated information to address the petition matter.

Consultation and Communication

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

Resource Implications

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

Risk Management Implications

Not applicable.

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 and presented to a future Council for consideration in accordance with Council's Standing Orders.

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 request identified within the petition.

AND THAT the lead petitioner be advised the petition has been accepted as a formal submission.

Council Resolution ORD-2023-260

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 request identified within the petition.

AND THAT the lead petitioner be advised the petition has been accepted as a formal submission.

Moved Cr Jones

Seconded Cr Townsend

CARRIED UNANIMOUSLY

13. TENDERS

Nil

14. CONSIDERATION OF NOTIFIED MOTIONS

Nil.

15. PUBLIC PARTICIPATION

Rhonda Marriage addressed Council related to concerns held regarding content of material in Council regional libraries.

Christine McDonald addressed Council related to same concerns regarding content of material in Council regional libraries.

During the address by Christine McDonald, Chair Deputy Mayor Karen May requested that she cease use of the language inappropriate for a public Council meeting. Christine McDonald agreed and continued her address.

16. LATE BUSINESS

17. CONFIDENTIAL REPORTS

17.1. APPROVED SPONSORSHIP UNDER THE INVEST MACKAY EVENTS AND CONFERENCE ATTRACTION PROGRAM - AUGUST 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-2023-261

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

Moved Cr Mann

Seconded Cr Hassan

CARRIED UNANIMOUSLY

17.2. APPROVED CONCESSIONS UNDER THE FACILITATING DEVELOPMENT IN THE MACKAY REGION POLICY - AUGUST 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-2023-262

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

Moved Cr Mann

Seconded Cr Townsend

CARRIED UNANIMOUSLY

17.3. DRAFT MINUTES - INVEST MACKAY EVENTS AND CONFERENCE ATTRACTION PROGRAM ADVISORY COMMITTEE - 4 SEPTEMBER 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-2023-263

THAT the draft minutes of the Invest Mackay Events and Conference Attraction Program Advisory Committee meeting dated 4 September 2023 be received.

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

AND THAT funding is approved as recommended by the Invest Mackay Events and Conference Attraction Program Advisory Committee for Item 7.1.

AND THAT funding is approved as recommended by the Invest Mackay Events and Conference Attraction Program Advisory Committee for Item 10.2.

AND THAT funding is approved as recommended by the Invest Mackay Events and Conference Attraction Program Advisory Committee for Item 10.3.

Moved Cr Townsend

Seconded Cr Seymour

CARRIED UNANIMOUSLY

18. MEETING CLOSURE

Meeting closed at 11:09 am.

19. FOR INFORMATION ONLY

19.1. DEVELOPMENT APPLICATIONS - AUGUST 2023

19.2. BUILDING WORKS STATISTICS - AUGUST 2023

Confirmed on Wednesday 27 September 2023.

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MAYOR