



## **MINUTES**

### **Ordinary Meeting**

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

**On Wednesday 28 September 2022**

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

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

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

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

## **1. ATTENDANCE**

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

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

The meeting commenced at 10:00am.

## **2. OPENING PRAYER**

Mayor Williamson led those present in Prayer.

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

Nil

## **4. APOLOGIES**

### **4.1. APOLOGIES**

Nil

## **5. CONDOLENCES**

Cr Hassan expressed condolences, on behalf of Council to the family of Neil Elworthy, who passed away recently. Cr Hassan noted that Mr Elworthy had made a huge impact on our community, and with his wife Helen, started their first business called Fishing World in 1988 and after several moves, built their own premises where Tackle World is now. Mr Elworthy had a wonderful work ethic with the shop open seven days a week sometimes for twelve hours a day. Mr Elworthy was very well respected by his customers, member of the public and his staff, some of whom had been with him for 23 years. Cr Hassan advised that Mr Elworthy had recently been awarded the Pat O'Reilly Tackle World Hall of Fame Award for outstanding service. Mr Elworthy had supported, encouraged and fostered a love of fishing over generations and had sponsored events and donated significant funds in vouchers and prizes for various causes. Cr Hassan expressed condolences to Neil's wife Helen and their children Andrew, Angela, Jonathan and Samantha.



## 6. CONFLICT OF INTEREST

Cr Bella advised that he had recently become aware that a property in the PDA at 31 Sydney Street is owned by Brean Commercial which is an investment company owned by a direct relative of Mayor Williamson which has not been declared in any meetings or briefings and as such believes that the Mayor has a conflict in relation to the PDA and should be investigated by the appropriate external body.

Mayor Williamson advised that he will be declaring a conflict at Item 11.2.3 which has already been prepared and has previously taken advice on this matter when his son purchased the property in late 2020. Mayor Williamson advised that based on the other applications through the Office of Independent Assessor in Queensland, there was no conflict at that stage, noting that this has already been challenged and while that challenge still remains unresolved, he will leave the meeting at Item 11.2.3.

In accordance with Chapter 5B of the *Local Government Act 2009*, I, Mayor Williamson, inform the meeting that I have a Prescribed conflict of interest in Agenda Item 11.2.3, Mackay Waterfront PDA Development Scheme - Proposed Amendment 1: Decide to Amend PDA Development Scheme.

The nature of my interest is as follows:

My son Dean Williamson is a property owner within the Mackay CBD, and area controlled by the PDA Development Scheme.

The Particulars:

- (a) **The name of the related party is Dean Williamson (via Brean Commercial Pty Ltd)**
- (c) **The nature of my relationship with the related party is that Dean Williamson is my son**
- (d) **The nature of the related party's interest in this matter is as property owners of 31 River Street, a property within the Mackay CBD and therefore controlled by the PDA Development Scheme.**

## 7. CONFIRMATION OF MINUTES

### 7.1. CONFIRMATION OF MINUTES - 14 SEPTEMBER 2022

#### Council Resolution ORD-2022-279

THAT the Ordinary Meeting Minutes dated 14 September 2022 be adopted.

**Moved Cr Jones**

**Seconded Cr Hassan**

**CARRIED**



## **MINUTES**

### **Ordinary Meeting**

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

**On Wednesday 14 September 2022**

ORDINARY MEETING - 14 SEPTEMBER 2022

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**1. ATTENDANCE**

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

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

The meeting commenced at 10:00 am.

**2. OPENING PRAYER**

Pastor Colin Hardy from Beaches Baptist Church led those present in Prayer. Pastor Hardy acknowledged the passing Queen Elizabeth II.

**3. ABSENT ON COUNCIL BUSINESS**

Nil

**4. APOLOGIES****4.1. APOLOGIES**

Nil

**4.2. LEAVE OF ABSENCE - CR BELLA**

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

**Council Resolution ORD-2022-265****4.1 LEAVE OF ABSENCE - CR BELLA**

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

**Moved Cr Mann**

**Seconded Cr Hassan**

**CARRIED**

**5. CONDOLENCES**

Mayor Williamson noted that it was appropriate that Council recognises the passing of Queen Elizabeth II.

Australia as a constitutional monarchy has had the Queen as Sovereign and our Head of State for over 70 years. Modelled on the Westminster system, the framework for government in Australia extends through to local government. The Queen's presence has been felt at every Council meeting of the current Mackay Regional Council, and previous Councils, for over this 70 years by virtue of the existence in various Council Chambers of a portrait of the Queen and appropriate sovereign flags.

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The Queen also visited Mackay in 1954 and 1970, something that many local residents still fondly remember.

Mayor Williamson requested Councillors indulgence to deviate from standard protocols and undertake a minutes silence in remembrance of Queen Elizabeth II, and then to formally resolve Council's condolences.

A minutes silence was observed.

**Council Resolution ORD-2022-266**

**THAT Mackay Regional Council officially records its condolences on the passing of Queen Elizabeth 11, and that the Mayor formally records Councils position by way of a message of condolence on the Queensland Government's on-line Condolence Book.**

**Moved: Mayor Williamson**

**Seconded: Cr May**

Cr May fully endorsed the Motion and advised that Mackay's own resident Keith Payne VC, AM, was one of the 10 Australians invited to attend the funeral of Queen Elizabeth II. Cr May noted that this was a great honour for Mackay and for Keith and wish to publicly acknowledge that.

**CARRIED**

Mayor Williamson encouraged Councillors and any Mackay residents who also wished to record their own personal message of condolence, to do so on the official Queensland Government Condolence Book website.

Cr Jones expressed condolences on behalf of Council, to the family of Olive Prout, who passed away recently. Cr Jones advised that Mrs Prout was born in 1928 and was very well-known in the local area of Finch Hatton where the family farm was located. Cr Jones noted that Mrs Prout had been awarded a Citizen of the Year Award in 1993.

**6. CONFLICT OF INTEREST**

Nil

**7. CONFIRMATION OF MINUTES**

**7.1. CONFIRMATION OF MINUTES - 24 AUGUST 2022**

**Council Resolution ORD-2022-267**

THAT the Ordinary Meeting Minutes dated 24 August 2022 be adopted.

**Moved Cr Green**

**Seconded Cr Hassan**

**CARRIED**

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

ORDINARY MEETING - 14 SEPTEMBER 2022

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**UPDATE ON QUESTIONS ARISING FROM COUNCIL MEETING – 24 AUGUST 2022**

<b>AGENDA ITEM</b>	<b>MATTER</b>	<b>RESPONSE</b>
10.3 Continuation of the Character and Heritage Advisory Committee as the heritage Reference Group	Cr Green noted the Group was seeking new members and queried how this would be advertised.	Corporate Communications issued a social media post calling for new members and also sent a Connecting Mackay email out. A letter will also be sent to former CHAC members on behalf of Cr Mann and Cr May, once the letter's wording has been approved. In addition, the call for new members will be advertised on the Council website <a href="#">here</a> .  Applications will close at 5pm on 14 September 2022.

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ORDINARY MEETING - 14 SEPTEMBER 2022

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## 9. MAYORAL MINUTES

Nil

## 10. CONSIDERATION OF COMMITTEE REPORTS & RECOMMENDATIONS

### 10.1. AUDIT COMMITTEE - MINUTES OF MEETING 25 AUGUST 2022

<b>Author</b>	Secretariat (Jeanne Ronald)
<b>Responsible Officer</b>	Executive Officer (David McKendry)
<b>File Reference</b>	Audit Committee

<b>Attachments</b>	1. draft minutes [10.1.1 - 8 pages]
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#### Purpose

To receive the draft final minutes of the Audit Committee (the Committee) meeting held on 25 August 2022.

#### Related Parties

Nil

#### Corporate Plan Linkage

Priority: Organisational Performance

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

#### Background/Discussion

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

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

#### Consultation and Communication

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

#### Resource Implications

Nil

#### Risk Management Implications

Nil

#### Officer's Recommendation

THAT the minutes of the Committee meeting of 25 August 2022.

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Mayor Williamson noted that in December, the Audit Committee are going to look at risk areas, particularly in relation to cyber security and capital works.

**Council Resolution ORD-2022-268**

**THAT the minutes of the Committee meeting of 25 August 2022.**

**Moved Mayor Williamson**

**Seconded Cr Hassan**

**CARRIED**

ORDINARY MEETING - 14 SEPTEMBER 2022

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

**Author**  
**Responsible Officer**  
**File Reference**

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

**Attachments**

1. FINA L \_ \_ Report for Office of Mayor CE Os \_ -  
 \_ Monthly Review \_ - August 2022 ya US T 0  
 D ok- X 2 E Tm [11.1.1.1 - 20 pages]

**Purpose**

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

**Related Parties**

Nil

**Officer's Recommendation**

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

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

Mayor Williamson noted that there was an alteration to Item 6.2 of the Report to remove mention of Andrew Willcox from that area.

**Council Resolution ORD-2022-269**

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

**Moved Cr May**

**Seconded Cr Green**

Cr May highlighted several items from the report including the Council in Community Day recently held, the number of matters being dealt with by Council's Legal Counsel, external grant funding received, corporate performance planning and reporting and risk management. Cr May highlighted the work of Council's internal audit team, noting that there is a significant amount of work that goes into the reports, and the team are doing a great job.

**CARRIED**

ORDINARY MEETING - 14 SEPTEMBER 2022

**11.1.2. CONFERENCE ATTENDANCE - SUSTAINABLE TRAILS CONFERENCE - 1-3 NOVEMBER 2022**

<b>Author</b>	Councillor Support Officer (Pam Jaenke)
<b>Responsible Officer</b>	Executive Officer (David McKendry)
<b>File Reference</b>	Councillors General

<b>Attachments</b>	1. Draft Program [11.1.2.1 - 11 pages]
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**Purpose**

This report is to request Council approval for Cr Michelle Green, Cr Belinda Hassan, Cr Justin Englert and Cr Russell Seymour to attend the Sustainable Trails Conference 2022 in Tasmania on Tuesday, November 1 to Thursday, November 3, 2022.

**Related Parties**

N/A

**Corporate Plan Linkage**

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

**Background/Discussion**

The Sustainable Trails Conference is Australia and New Zealand's leading sustainable recreational trails event. The three-day conference brings together a broad discipline of trail interests – trail users, designers, planners, land managers, volunteers, clubs and construction experts to share, connect and learn what is driving the trails industry.

The Conference offers opportunity to hear from leading professionals on sustainable trail development, management and marketing with speakers from TRC Tourism, World Trail, Converge Marketing, Trail Vision, Councils, ANZ Intrepid Travel, Parks Victoria and the Victorian Department of Environment, Land, Water and Planning.

Cr Michelle Green, Cr Belinda Hassan, Cr Justin Englert and Cr Russell Seymour have indicated interest in attending.

Cr Green is Chair of Council's Sport and Recreation Advisory Group, a member of the Mountain Bike Alliance and a member of the Mayor's Olympics 2032, Cr Hassan is a member of the Mountain Bike Alliance and the Sport and Recreation Advisory Committee, Cr Seymour is a member of the Mountain Bike Alliance and Cr Englert is a member of the Mountain Bike Alliance and the Chair of Mackay Tourism.

**Consultation and Communication**

Mayor and Councillors

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

**Resource Implications**

The cost of travel, accommodation and Conference registration is estimated at \$2,500 with costs to be charged to the Councillor Conference area of the Office of Mayor and CEO budget.

**Risk Management Implications**

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Nil

### **Conclusion**

The Sustainable Trails Conference 2022 will provide an opportunity for Council to learn from the array of speakers and presentations and meet and network with industry representatives.

### **Officer's Recommendation**

THAT Council approve Cr Green, Cr Hassan, Cr Englert and Cr Seymour's attendance at the Sustainable Trails Conference 2022 in Tasmania on 1 - 3 November 2022.

Mayor Williamson noted the adjustment to the resource implications listed, with the Report showing a cost of \$2,500 whereas the actual cost will be approximately \$2,850 per person.

Cr Bonaventura queried if Council was providing any sponsorship to this event.

The Acting Chief Executive Officer (A/CEO), Angela Hays, advised that Council had provided \$4,000 in sponsorship which gave Council one free ticket and other benefits throughout the Conference.

Cr Bonaventura queried how many staff were also attending this event.

The A/CEO advised that Council was sending three staff members to the Conference who would gain knowledge on how to operate and maintain the tracks when operational.

Cr Englert queried what programs the staff members were from.

The A/CEO advised that the staff were from Economic Development, Capital Works and Parks.

### **Council Resolution ORD-2022-270**

**THAT Council approve Cr Green, Cr Hassan, Cr Englert and Cr Seymour's attendance at the Sustainable Trails Conference 2022 in Tasmania on 1 - 3 November 2022.**

**Moved Cr Jones**

**Seconded Cr Mann**

Cr Jones noted that the Mountain Bike Trails project is extremely important to both Council and the community, and all Councillors who have put their hand up to attend have a very keen interest across sport and tourism. Cr Jones advised that she looks forward to receiving the Report from Councillors following the Conference.

Cr Englert advised that he was very pleased that Council is sending three staff members, noting that the Mountain Bike Trails project is potentially the biggest economic project this region has seen in 2 decades, other than the PDA. Cr Englert noted that Council's planned mountain trail isn't unique in the world but it is unique in that it is between 2 towns, with potential to have significant national and international competitions and noted that this facility will be an economic driver so must be successful, and we must ensure the trails are maintained to a very high standard. Cr Englert acknowledged the larger than normal cost to send Councillors and staff, but reiterated the economic opportunity to the region.

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Cr Bonaventura noted that the Conference also covers rail trails and walking trails and urged Councillors to look deeply into those options, noting that there was a possibility of spending a small amount of money in other areas, to gain an immediate response.

Cr Green advised that the Conference will provide an opportunity to network and learn from an array of speakers, noting that she was keen to understand the opportunities available for attracting training camps to the region in the lead up to and beyond the 2032 Olympics, and what plans and infrastructure other regions were putting in place. Cr Green advised that she was also exploring how to mobilise the Region's youth to develop biking skills and grow a base for the sport of mountain biking. Cr Green advised that she was an avid multi-day hiker and has observed first-hand the economic benefits derived from well planned, designed and maintained walking trails, believes now is the time to explore complimentary activities to the mountain bike trail and is looking forward to hearing from the diverse range of speakers at the Conference.

Mayor Williamson noted that sustainable trails are very important to Council, especially as we embark on our discussions with Widi and Yuwi in term of cultural heritage and sustainability, and believes it is very important that Council is represented.

**CARRIED**

ORDINARY MEETING - 14 SEPTEMBER 2022

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**11.2. CAPITAL WORKS****11.2.1. CAPITAL WORKS MONTHLY REVIEW REPORT - AUGUST 2022**

<b>Author</b>	Director Capital Works (Jim Carless)
<b>Responsible Officer</b>	Director Capital Works (Jim Carless)
<b>File Number</b>	Departmental Monthly Review Reports
<b>Attachments</b>	1. Capital Works Monthly Review Report - August 2022 [11.2.1.1 - 34 pages]

**Purpose**

To provide Council with the Capital Works Monthly Review Report for the month of August 2022.

**Related Parties**

- Nil

**Officer's Recommendation**

THAT the Capital Works Monthly Review Report for the month of August 2022 be received.

The Director for Capital Works Jim Carless, provided an overview and highlights of the Capital Works Monthly Review Report for August 2022.

Cr Mann referred to the creation of new projects in various Council systems and queried if this is a lengthy process and if so, is there a way that the process could be streamlined.

The Director advised that there is a couple of components to the systems with one being Council's system hub which was developed internally and has been in operation for a couple of years now, and has brought together all the capital projects allowing for an understanding of what phase each of the projects is at, with all the information about the project contained there, but acknowledged that this is fairly resource heavy with the PMO working full time on that. The Director noted that the other system mentioned is Empower which is the software tool used which among other things, allows for data to be sourced for the Capital Report. The Director advised that data is drawn from 5 different systems at the moment but the hope is that this can be reduced to 2, which will streamline the process.

Cr Jones sought an update on the Koumala Water Treatment Plant.

The Director advised that the switch over to the main supply wasn't able to be completed when anticipated however, documentation is now being reviewed and the hope is that this will be complete by the end of the month.

Cr Jones referred to the Mirani Precinct Project and queried why there wasn't a working group involving a Councillor for this project.

Mayor Williamson queried if Council was still operational with this project.

The Director advised that Council is very close to the end of the detailed design meaning that it will be a shovel ready project which will allow Council to seek funding, noting that it comes back to Council to prioritise the major and signature projects. The Director noted that if funding became available and Council went live with the project, there would be a working group of some sort established.

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Mayor Williamson requested a short briefing on the current status of the Mirani Precinct Project be brought to Councillors.

The Acting Chief Executive Officer Angela Hays, advised that community reference groups were possibly more relevant for the prior term of Council, noting that there was a community reference group which met periodically in relation to the Mirani Community Precinct with businesses and organisations who were potentially interested in utilising some of the space, which involved a number of Councillors at that time.

Cr Seymour sought an update on stage 3 of Lorne Road, Walkerston, including when it was expected to commence.

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

Cr Englert queried if the 3D scanning mentioned in the report was Council technology, or whether it was outsourced.

The Director advised that Council does have the capability to do this work inhouse, but it is also outsourced to contractors when necessary.

**Council Resolution ORD-2022-271**

**THAT the Capital Works Monthly Review Report for the month of August 2022 be received.**

**Moved Cr Green**

**Seconded Cr Jones**

Cr Green noted several items from the report including the recreational program projects that are underway, the work of the design services team and highlighted the Eimeo Road Blacks Beach shared path which is now completed and is enormously popular with the community, who use the path for getting to school and for exercise. Cr Green advised that she had received great feedback from community members and thanked all those involved in the project.

Cr Jones noted the tender for the construction of the Seaforth Esplanade had been awarded to Vassallo Constructions and work has now commenced on the project, and was very pleased that the community would soon have such a great facility.

Cr Seymour noted that it was good to see the capital works projects progressing even in today's challenging climate with labour and material being a major concern. Cr Seymour noted that he was particularly interested in the future development of what was Maria's Donkey, noting that any work on the building will be challenging due to tidal access and limited work space.

**CARRIED**

ORDINARY MEETING - 14 SEPTEMBER 2022

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**11.3. COMMUNITY AND CLIENT SERVICES****11.3.1. COMMUNITY & CLIENT SERVICES MONTHLY REVIEW AUGUST 2022**

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

**Attachments** 1. CCS MONTHLY REVIEW AUGUST 2022 [**11.3.1.1** - 58 pages]

**Purpose**

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

**Related Parties**

N/A

**Corporate Plan Linkage**

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

**Officer's Recommendation**

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

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

Cr Jones queried if it would be possible to have a graph in the report which shows museum visitation over a 12-month period.

Mayor Williamson advised that as the data is available, that would be able to be provided.

Cr Englert advised that he had previously asked if SES unit hours could be totalled, noting that this report also goes to the Strategic Advisory Group, so data is essential. Cr Englert advised that it was his understanding that the local controller is doing a fantastic job, improving recruit numbers and hours, but this was unable to be seen because of the way the information is currently presented. Cr Englert noted that the SES operational capability has no value to Councillors until the Strategic Advisory Group is able to put into context the actual numbers, and would be interested to know what groups have what members, and what hours with totals so there is a comparison from month to month. Cr Englert noted that numbers fluctuate for many reasons but without the totals it is very difficult to interpret.

Mayor Williamson agreed that this could be produced as the data was available.

The Acting Chief Executive Officer Angela Hays, suggested a table with an arrow to indicate if there had been growth or shrinkage.

Cr Englert advised that it would be difficult to take the figures at face value and memberships do ebb and flow and he would rather be able to do a deep dive of the data at the end of every year.

**Council Resolution ORD-2022-272**



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

**Moved Cr Townsend**

**Seconded Cr Jones**

Cr Townsend referred to Picnic in the Gardens, noting that she and Cr Bonaventura had visited the Walkerston State Primary School where Council librarian Sally Dhu did a fantastic job as emcee and getting into the spirit of the event with the children. Cr Townsend highlighted several items from the report including the mobile library team who erected pop-up libraries in McEwen's Beach, Seaforth and St Helens Beach because the van was not available, exhibitions at Artspace, the great work done by the team at the Mackay Entertainment and Convention Centre (MECC) who successfully delivered the RACQ CQ Rescue Ball and thanked Council staff who stepped into assist at this event. Cr Townsend noted that it had been a great privilege to meet the Governor of Queensland Dr Jeanette Young, along with Professor Graham Nimmo during their recent visit to Mackay.

Cr Jones referred to the 'Waste Cleaned By' pie chart and noted that a section of the chart showed that illegal dumping had been cleaned up by unknown people. Cr Jones acknowledged these people as quiet achievers who do this work without seeking any thanks. Cr Jones highlighted the libraries and Book Week and offered a shout out to the wonderful authors of children's books in our community and noted that 12 students from Kutta Mulla Gorrina had recently visit the JCC and learn about Council's Youth and Community Development team.

Cr Green referred to the Brewers Park Sports Precinct and noted that the draft Terms of Reference for the new management group has been received from consultants with the next step being to call for Expressions of Interest to the group, which will be based on skills and experience. Cr Green encouraged anyone interested in the future development and sustainability of sports in the Sarina area to apply, noting that it is anticipated that the group will be formed by the end of the year. Cr Green noted that the Active in the Regions program is still going very well and noted that a new session will be added at the evening market at the Blue Water Quay.

Cr May highlighted the great work done by Council staff who assisted MECC staff at the recent RACQ CQ Rescue Gala event and the great work of the Friends of the MECC who assist about 4,400 patrons through the doors for the Eisteddfod. Cr May referred to the Governor Jeanette Young's visit to Mackay and thanked the AWL Medical Centre in Sarina and in particular, Dr Umang Bassan, for his services when the Governor needed assistance, which included him collecting the required medication and delivering it to the event Dr Young was attending. Cr May thanked the Mayor for his offices' co-ordination of the visit and Robert Ryan for chauffeuring the Governor's secretary during the visit.

Cr Mann expressed her disappointment that staff members are being threatened or abused by member of the public. Cr Mann highlighted several items from the report including safety, the work of Artspace, including their online collection which currently has 810 artworks published and received 100 page visits during the month including visits from residents of Australia, the USA and UK, the great animal registration numbers and noted that the sixth red bench has been placed in the region, which is a great initiative of the Red Rose Foundation.

Cr Hassan paid tribute to the staff at the MECC and the Council staff who assisted at the RACQ CQ Rescue Gala and advised that ten of the regions SES volunteers were able to attend the event thanks to the generosity of the Member for Mackay, Julieanne Gilbert, who funded the purchase of their tickets.

Mayor Williamson thanked all staff who had been so cooperative in arranging the Governor's visit to Mackay, in particular his Executive Assistant De-Ann Jeffery, who made all the arrangements locally and worked with the Government House staff, noting that this was quite challenging at times as all arrangements had to be to the minute. Mayor Williamson advised that he had received a very nice hand-written card from the Governor who made mention of the assistance of the AWL Medical Centre and Dr Bassan in particular, and said that this had been one of the nicest Regional visits she had participated in.

**CARRIED**

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**11.4. DEVELOPMENT SERVICES****11.4.1. PETITION RESPONSE - NAMING OF SEAGULL STREET PARK, SLADE POINT**

<b>Author</b>	Executive Officer (David McKendry)
<b>Responsible Officer</b>	Director Development Services (Aletta Nugent)
<b>File Number</b>	Petitions, Seagull Street Park Slade Point
<b>Attachments</b>	Petition – Naming of Park, Slade Point Council Policy – Naming of Infrastructure Assets (COU090)

**Purpose**

To report back to Council on the petition as tabled at the Council meeting of 25 August 2021 related to a request for the Seagull Street Park, Slade Point, to be named after Nolear (Nanna) Ramsamy.

**Related Parties**

Listed petitioners per the attached petition.

**Corporate Plan Linkage**

N/A

**Background/Discussion**

Council received the petition on 18 August 2021, and at the Council meeting of 25 August 2021 resolved –

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

***FURTHER THAT the principal petitioner be advised of Council's determination.***

***Moved Cr Jones***

***Seconded Cr Mann***

***CARRIED***

The petition relates to a request to rename the Seagull Street Park, Slade Point, after Nanna Ramsamy, out of respect and recognition of Nanna Ramsamy's stature in the Slade Point and wider community.

Noting the period of time since the initial petition was received, the matter has been receiving attention within Council due to other similar requests that have been received. Also, the matter has been held-up pending the re-adoption of the associated Council Policy - Naming of Infrastructure Assets (COU090), which was readopted by Council at its meeting of 13 May 2022. This Policy includes coverage for naming, and renaming, of Parks.

Specifically related to renaming, the below extract from the Policy is applicable -

**1.1 Request for naming or Renaming of an Infrastructure Asset**

Renaming is discouraged however an infrastructure asset may be renamed upon request if:

- The person or body or entity after which the infrastructure asset was named has been discredited or dishonoured;
- There is strong community desire (receipt of petition with over 100 submissions) for the name change;
- The name is duplicated elsewhere in the MRC area;

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- It is found that the information submitted regarding the naming of the infrastructure asset is factually incorrect; or
- The name does not comply with AS/NZS 4819.2011 Rural and Urban Addressing.

In essence, the Policy discourages the renaming of any infrastructure (including a Park), however does include some criteria that will be used to assess any change. In particular relevance in this case the petition received does not have 100 signatures, however it isn't believed that this criteria was ever advised prior to receipt of what would otherwise be a standard petition. The Policy also includes a requirement to consider appropriate community consultation, with this aspect able to be addressed if required through such consultation if Council agreed to consider renaming.

The Policy also includes the below extract specific to Parks, and whilst linked to naming of new Parks, is still considered relevant to consider when renaming –

### 1.3 Naming of New Parks, Reserves, Open Spaces

Parks will be named after the major street or road in which they are situated. Should the street name be inappropriate through reason of duplication or lack of a major street frontage to the park or similarity with another existing named park, then a locality name should be adopted.

The locality name should be that of the suburb, locality, township, etc. in which the park is situated. Should the locality name be unsuitable through the existence of similarly named parks, then the park should be named from a list of significant historical events or historical personages.

The criteria for selection of a park name should include:

- (a) That the name identifies the area in which the park is situated; or
- (b) That the name relates to a significant person or historical event for which recognition in perpetuity should occur.

A register of significant historical events or persons will be maintained.

Members of the public will be able to suggest additions to the Register of Significant Historical Persons or Events and the register shall be maintained by Parks, Environment and Sustainability Program.

This Policy position states that parks should initially have naming linked to the major street/road or if this is not possible, the locality/suburb/township. If both of these options are not possible, only then should consideration of naming after significant historical events or historical personages be considered.

In this case, the current naming of the Park as Seagull Street Park, is in keeping with the Council naming protocols.

Another applicable Policy is Council's Memorial, Monument and Plaque Requests Policy, which deals with recognition within a Park, not naming or renaming.

The Policy position states in part –

### **Management of Requests for Plaques, Memorials or Monuments**

- 6.1 MRC will not permit the installation of plaques, memorials or monuments within any of its parks and reserves, other than for honouring:

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- a. Service Personnel of the Australian Defence Forces and Allied Forces and their nationally recognised military campaigns; or
  - b. Police and Emergency Services personnel who have lost their lives while carrying out their duties.
  - c. An event or place that is of local or regional significance.
- 6.2 Plaques, memorials and monuments for the purposes listed in clause 6.1 shall be designed and located such that they enhance the visual amenity of the park and comply with all relevant planning and building laws, codes and specifications.
- 6.3 All applications for installation of plaques, memorials or monuments, or park furniture within MRC parks and reserves referenced in 6.1 (a) and (b) will require the approval of the authorised officer.
- All applications in referenced in 6.1(c) will be approved by Council resolution.
- 6.4 Existing plaques, memorials and monuments are not considered precedent for MRC approval of any future requests.
- 6.5 MRC will not consider the installation of plaques, memorials or monuments for domestic pets in any of its parks and reserves
- 6.6 MRC will permit the donation and subsequent installation of park furniture at cost to the applicant within a park or reserve subject to the approval of the authorised officer. The park furniture is required to be compliant with MRC List of Furniture and Materials.
- 6.7 MRC will permit the installation of a donor's plate on a donated item of park furniture which has been installed in a park or reserve, the cost of which is to be borne by the applicant. The plaque is to be ordered by MRC and shall consist of bronze material, 120mm x 70mm with the approved notation:
- 'This (seat, bench, table, setting, shelter etc.) is donated in the memory of (name of person/organisation/event)'***
- 6.9 MRC will install and maintain all park furniture and plaques donated by the applicant.
- 6.10 MRC shall not be liable nor recompense anyone for damage to plaques, memorials, and monuments or to donated items of park furniture affixed with a donor's plate within its parks and reserves.
- 6.11 Subject to the approval of the authorised officer, MRC may, without notice, remove and dispose of any plaque, memorial, and monument or donated item of park furniture with affixed donor's plaque.

The applicable sections therefore being 6.6 and 6.7, which enable the installation of approved park furniture acknowledging the particular person.

### **Consultation and Communication**

Contact has been made with Mr John Ramsamy, Principal Petitioner but also a representative of the Ramsamy family.

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Noting that renaming of a Park itself wouldn't fit under Council's Policy, options allowed such as installation and naming of park infrastructure (ie park bench seat with plaque) were discussed. Mr Ramsamy believed that this could be an appropriate recognition, with an offer for Council to work with him and the Ramsamy family.

**Resource Implications**

There are minimal Council resources related to this matter as the installation of approved park furniture is at the cost of the applicant. In this regard an offer has been made to work with the Ramsamy family on potential funding opportunities.

**Risk Management Implications**

Any installed park infrastructure will be Council approved therefore minimising risk. Plus, following the position within adopted Council policies does not set an unacceptable precedent for Council.

**Conclusion**

It is recommended that in line with Council's adopted policies, does not rename the Seagull Street Park as requested, and rather the Council agrees to the installation of an appropriate piece of park infrastructure at the applicant's cost with the appropriate plaque recognising Nanna Ramsamy.

**Officer's Recommendation**

**THAT in considering the Petition as previously received by Council on 25 August 2021 requesting that the Seagull Street Park be renamed in honour of Nanna Ramsamy, in line with Council Policy - Naming of Infrastructure Assets, that the renaming not be supported and rather that Council works with the Principal Petitioner to achieve suitable park infrastructure installation (including dedication plaque) in accordance with Council's Memorial, Monument and Plaque Requests Policy.**

**Council Resolution ORD-2022-273**

**THAT in considering the Petition as previously received by Council on 25 August 2021 requesting that the Seagull Street Park be renamed in honour of Nanna Ramsamy, in line with Council Policy - Naming of Infrastructure Assets, that the renaming not be supported and rather that Council works with the Principal Petitioner to achieve suitable park infrastructure installation (including dedication plaque) in accordance with Council's Memorial, Monument and Plaque Requests Policy.**

**Moved Cr Townsend****Seconded Cr Green**

Cr Townsend advised that she had known and been friends with members of the Ramsamy family for many years and had met and had the greatest respect for Nanna Ramsamy, and while appreciating the family sentiment of having a memorial to her life and work and her significance to the region, noted that Council does have a Policy in place in relation to the naming of infrastructure assets and this request does not meet the Policy. Cr Townsend encouraged the Ramsamy family to contact Council officers to discuss the installation of park furniture with a plaque at Seagull Street Park, noting that Nanna Ramsamy had a particular spot where she liked to sit and this would be a fitting tribute to her life as well as a place where the family could gather on special occasions.

Cr Jones advised that she had spoke to Nanna Ramsamy's grandson recently who is accepting of the recommendation today, and was aware that there has been a GoFundMe set up to fund the purchase of a bench seat and plaque, which it is hoped could be installed at Seagull Street Park.

**CARRIED**

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**11.4.2. MATERIAL CHANGE OF USE - NATURE-BASED TOURISM (SEVEN SELF-CONTAINED RECREATIONAL VEHICLES) - IMPACT ASSESSABLE - LOT 1 MIRAN KHAN DRIVE, FRESHWATER POINT - LOT 1 ON SP251331 - DA-2021-221**

<b>Author</b>	Development Planner (Darryl Bibay)
<b>Responsible Officer</b>	Director Development Services (Aletta Nugent)
<b>File Number</b>	DA-2021-221
<b>Attachments</b>	Attachment 1: Locality Plan Attachment 2: Proposal Plan Attachment 3: Overlays
<b>Date Received:</b>	10 December 2021
<b>Applicant's Details:</b>	Michael and Lirelda Lynch c/o Michael Jewell of Jewell Planning Consultants
<b>Proposal:</b>	Material Change of Use – Nature Based Tourism (Seven Self-Contained Recreational Vehicle Sites)
<b>Site Address:</b>	Lot 1 Miran Khan Drive, Freshwater Point
<b>Property Description:</b>	Lot 1 on SP251331
<b>Owner's Details:</b>	Michael and Lirelda Lynch
<b>Area:</b>	9,879 m <sup>2</sup>
<b>Planning Scheme:</b>	Mackay Region Planning Scheme v3.1
<b>Planning Scheme Designations Zone:</b>	Rural Residential
<b>Assessment Level:</b>	Impact Assessment
<b>Submissions:</b>	Submitters (12 Properly Made) Submitters (2 Not Properly Made) Submitters (1 Properly Made Petition)
<b>Referral Agencies:</b>	Nil
<b>Recommendation:</b>	Approved Subject to Conditions

**Purpose**

This application seeks a Development Permit for a Material Change of Use for Nature Based Tourism on a Rural Residential zoned lot for seven self-contained recreational vehicle sites at Lot 1 Miran Khan Drive, Freshwater Point, more formally described as at Lot 1 on SP2511331. The application is Impact Assessable and was subject to public notification. Council received a total of 12 properly made submissions, one properly made petition and two not properly made submissions.

The application has been assessed in accordance with the legislative framework for Impact Assessment, including the *Planning Act 2016*, *Planning Regulations 2017*, Development Assessment Rules v1.3 and the applicable assessment benchmarks contained within the Mackay Region Planning Scheme v3.1.

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The application is recommended to be approved, subject to conditions.

**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.

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

**Related Parties**

- Applicant and Landowner – Michael Lynch
- Applicant and Landowner – Lirelda Lynch
- Planning Consultant – Jewell Planning Consultants

Submitters

- Submitters (Properly Made)
  - Patrick J McAuliffe
  - Sandra A and William R Zunker
  - Kerry and John Allison
  - Tania A and Clint T Higgs
  - Christine M and Rodney L Den Elzen
  - Dion N and Jillian Manix
  - Jan Sanders
- Submitters (Not Properly Made)
  - Damian and Donna Morton
- Submitters (Properly Made Petition)
  - Shianna Peacock (Head Petitioner)

**Background/Discussion**Subject Site and Surrounds

The property is located at Lot 1 Miran Khan Drive, Freshwater Point and is described as Lot 1 on SP251331 (refer to Attachment A - Locality Plan). It is zoned Rural Residential and has an area of 9,879m<sup>2</sup>. The subject site is currently vacant and is covered with trees and undergrowth. The lot is not serviced by Council sewer or water. There is overhead electricity available and telecommunications at a minimum by mobile. The lot frontage to Mira Khan Drive is 118m. There is a road reserve on the eastern side of the lot for a pathway however this is unconstructed.

The subject site is surrounded by similar rural residential land with a vacant lot to the east and a residential building to the north and west. To the south is reserve land zoned open space that leads to the beachfront.

Miran Khan Drive is a Minor Collector Street which is bitumen sealed. A traffic count undertaken by Council in November of 2021 counted 466 vehicles per day using the road. The allowable speed limit is 90k/hr.

Pre-lodgement Advice

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The landowner submitted a planning advice enquiry on 10 June 2021 regarding a Tourist Park. Basic planning information and level of assessment was provided in response by way of email.

Subsequently, the consultants Jewell Planning requested pre-lodgement advice from Council's Principal Development Planners on 11 October 2021. Council Officers reviewed the proposal, and provided the following feedback:

- The existing public walkway to the beach, adjoining the boundary of the site, is a positive; and
- The proposal will trigger Impact Assessment and will need to be assessed against all applicable Planning Scheme benchmarks.

#### Application Amendments

The proposal was originally for 20 sites. An Information Request was issued due to the proposal giving rise to inconsistencies with the zone. In response, the Applicant reduced the number of proposed sites to 15, 80m<sup>2</sup> in size, for self-contained Recreational Vehicles (Recreational vehicles) only. During the notification period, Council received 12 properly made submissions, two not properly made submissions and one properly made petition.

On review of the Planning Scheme and issues raised in submissions, Officers sent a Further Advice Notice to the Applicant recommending a reduction to the proposal to five sites as an appropriate scale of development for the site.

In response to the Further Advice Notice, the Applicant amended the development to seven sites, with a minimum size of 80m<sup>2</sup>, for Recreational Vehicles only.

#### Proposal

The proposal is for a Material Change of Use for Nature Based Tourism:

*"Nature Based Tourism is defined under the Mackay Region Planning Scheme (MRPS) 2017 as the use of premises for a tourism activity, including accommodation for tourists, for the appreciation, conservation of interpretation of:*

- (a) an area of environmental, cultural or heritage value; or*
- (b) a local ecosystem; or*
- (c) the natural environment.*

*Examples of Nature Based tourism: environmentally responsible accommodation facilities including cabins, huts, lodges, and tents."*

The proposal is as follows (see Attachment 2 – Proposal Plan):

- Setbacks are 10m from the frontage, 40m from the sides to rural residential zoned land or sensitive land uses and 1m from the rear boundaries.
- Maximum three consecutive night stay.
- Only self-contained recreational vehicles allowed.
- Site provides central refuse collection bin.
- No constructed facilities.
- Vehicle access limited to one entry/exit on lowest order road frontage and is a sealed road.
- On-site wastewater treatment system is not proposed.

#### Infrastructure Considerations

##### *Water*



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There is no reticulated water network at Freshwater Point. The Applicant proposes to utilise rainwater tanks and/or potable bore water for bushfire purposes. No potable water for use of guests will be provided.

#### *Sewer*

There is no reticulated sewer network at Freshwater Point. Due to the small-scale nature of the proposal, the provision of onsite effluent treatment is not required.

#### *Services*

The site can be connected to electricity and mobile telecommunication services. The Applicant has not indicated whether power will be provided to each individual site.

#### *Roadworks*

Recommended conditions of approval will require the construction of a new access point off Miran Khan Drive. The Applicant indicated in the Planning Report that the internal driveways will be constructed with gravel. To address potential dust nuisance and erosion control, it is recommended that a condition be imposed to seal the internal driveways.

Regarding the external road network, ss part of the Information Request for the proposal when it comprised 20 sites, Council requested a Traffic Impact Assessment (TIA) to determine the impact of the development on Miran Khan Drive.

As the number of sites have been reduced to seven, a TIA is not required. However, it is recommended that any approval include a condition that a turning treatment analysis must be submitted with a Development Application for Operational Works in accordance with Austroads Guide to Road Design Part 4: Intersection and crossings, and treatment if required by the analysis, must be constructed prior to the use.

#### Referral Agencies

The application did not require referral to the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP).

#### Legislative Framework

The application has been assessed in accordance with the provisions of Part 3 of the *Planning Act 2016* and its associated instruments, including Part 4, Division 4, Subdivision 2 of the *Planning Regulation 2017*, that apply to Impact Assessment.

#### Mackay Isaac Whitsunday Regional Plan

Detailed assessment against the Mackay Isaac Whitsunday not required as Part 2.2 of the Planning Scheme states that the Minister has identified that the Planning Scheme, specifically the Strategic Framework, appropriately advances the Mackay Isaac Whitsunday Regional Plan as it applies to the Planning Scheme area.

#### State Planning Policy (July 2017)

The July 2017 version of the State Planning Policy (SPP) is the current version which is integrated into Mackay Region Planning Scheme v3.1.

#### Planning Scheme

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The development application has been lodged and assessed against the Mackay Region Planning Scheme v3.1 (Planning Scheme). A detailed assessment against the key provisions of the relevant codes of the Planning Scheme is provided below.

#### Planning Scheme Assessment

The application has been assessed against the Strategic Framework and the following codes of the Planning Scheme:

- 1) Rural Residential Zone Code
- 2) Nature Based Tourism Code
- 3) General Development Requirements Code
- 4) Acid Sulfate Soils Overlay Code
- 5) Bushfire Hazard Overlay Code
- 6) Flood and Coastal Hazards Overlay Code.

A detailed assessment of the proposal against the relevant assessment benchmarks is provided below.

#### Strategic Framework

The proposal requires assessment against the Strategic Framework of the Planning Scheme. The Strategic Framework in its entirety represents the policy intent of the Planning Scheme.

*“Tourism development capitalises on the Region’s unique natural areas, inland forests, rural landscapes, coastal areas and islands.”*

The proposed development is considered to comply in that the proposal is for tourism development in the Mackay Region. The proposal provides a tourism facility that enables residents and tourists to experience the Region’s landscape character and environmentally important areas and is supported by transport infrastructure and related services.

Further to above, the following are relevant supporting key points from the Strategic Framework:

- *“Tourism opportunities range from activities showcasing natural assets in the region including mountains, forests, beaches, and reefs. These form the foundation for the further development of a vibrant and sustainable tourism industry that celebrates and supports the region’s unique qualities.”*
- *“Tourism opportunities are maximised in the Region. Tourism facilities enable residents and tourists to experience the region’s landscape character and environmentally important areas and is supported by short-term accommodation, transport infrastructure and related services.”*
- *“Ecotourism facilities in natural environments are encouraged to facilitate the management and appreciation of scenic, environmental, and cultural values.”*
- *“Development protects areas of environmental and cultural significance and heritage places & natural resources are protected to meet current and future needs.”*
- *“Rural residential development provides rural lifestyle options and does not compromise the environmental values of the landscape.”*
- *“Natural hazards are avoided or mitigated to reduce risk to life, property and infrastructure associated with the adverse coastal and natural hazard impacts.”*

#### Development Codes

##### *Rural Residential Zone Code*

The proposal is not readily consistent with the purpose or Overall Outcomes of the zone code. The purpose states the zone is to *“provide for residential uses”* and *“provide for low intensity residential development”*.

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Overall Outcome (3a) specifies *“the predominant form of development within the zone is low intensity residential development such as dwelling houses”* and *“development for urban purposes...and other uses more appropriately located in urban areas, or the rural zone are not located in the rural residential zone”*.

Overall Outcome (3d) specifies *“development does not adversely affect the amenity of adjacent areas and uses, particularly residential uses and other sensitive land uses”*.

In response to the above Overall Outcome, the proposed Nature Based Tourism comprising seven sites for Recreational Vehicles only is low in size, scale and intensity. The development maintains, enhances and responds to the features and the physical constraints of the land as it is not proposed to provide buildings and structures for the use. The proposed development can be reasonably conditioned so that it does not adversely affect the amenity of adjacent areas and uses, particularly residential uses and other sensitive land uses. On this basis, the proposed development integrates with the semi-rural amenity and landscape character of the local area and can be supported.

As discussed above, the use will specifically be for short-term stays for Recreational Vehicles. As a result, the use will not adversely impact the amenity of the surrounding rural residential area. To ensure the proposal is utilised for short-term stays only, a recommended condition seeks to limit the use to Recreational Vehicles for short term stays lasting no more than three days.

Acceptable Outcome 7 specifies a 10m setback to the development from a collector street (Miran Khan). The Applicant complies with the required setback for the Recreational Vehicle sites, with the maintenance of existing vegetation and landscape to lessen the impact of the development. No buildings are proposed for the development, with the sites only to be occupied by Recreational Vehicles. Therefore, the development avoids being visually dominant and overbearing when viewed from the road frontage.

#### *Nature Based Tourism Code*

The purpose of the Nature Based tourism code is *“to ensure Nature Based tourism uses are appropriately located and designed in a manner which meets visitor needs, protects environmental and landscape values and the amenity of surrounding premises.”* The proposal generally complies with this code, with an assessment provided below.

The Overall Outcome states:

- “(a) Nature Based tourism is low density, low intensity and sensitively responds to site characteristics*
- (c) Nature Based tourism is of a scale and intensity that is compatible with and subservient to its rural or natural setting and the preferred character of the local area*
- (d) Nature Based tourism does not adversely impact on the amenity of rural and residential areas”*

The proposed Nature Based Tourism comprising seven sites for Recreational Vehicles does not compromise the surrounding premises as the site is densely vegetated with limited clearing and the proposed site location is set back 40 metres to the boundaries. Thus, the proposal is low in density and intensity with no structures associated with the proposal. The scale and intensity are compatible with and subservient to the natural setting in the area. Compliance with the Overall Outcome is therefore achieved as it keeps the environmental and landscape values and the amenity of surrounding premises.

Table 9.3.12.3.B in the Nature Based Tourism code includes the following Performance Outcome 1 that applies to self-contained recreational vehicle grounds:

*“Development associated with nature-based tourism:*

- (a) is of a size, scale and intensity that minimises the potential for adverse noise, visual, privacy and traffic impacts on adjoining or nearby residential uses;*
- (b) is of a size, scale and intensity that is consistent with the character of the zone; and*
- (c) provides suitable open space and separation that meet the recreational, social and amenity needs of people staying onsite.”*

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The proposed Recreational Vehicle sites comply with the minimum area required of 75m<sup>2</sup> and setbacks of 40m from the common boundary. It is contended that the development is of a size, scale, intensity and design that minimises the potential for adverse impacts on adjoining or nearby residential uses. Furthermore, the proposed development is considered to be consistent with the character of the zone as detailed above in the Rural Residential zone code assessment, while providing sufficient scale for the social and amenity needs of people staying on site.

Performance Outcome 2 states that:

- “A nature or rural based tourism use incorporates site landscapes that:*
- (a) provide an attractive landscape setting for the enjoyment and appreciation of visitors; and*
  - (b) integrate the development into the surrounding landscape; and*
  - (c) maximise the retention of existing native vegetation in order to retain the landscape character of the area.”*

The Applicant proposes that the vegetation clearing will be the minimum required for the sites and the internal driveway. The internal design of the development has been cognisance of native vegetation on site and specific trees and natural features are preserved as a high priority. It is recommended that a condition be included as part of any approval to minimise or limit the clearing to the vehicle site and internal driveways.

Performance Outcome 4 states that:

- “Self-contained recreational vehicle grounds:*
- (a) are small-scale and compatible with the characteristics of the zone;*
  - (b) have limited amenities; and*
  - (c) are used for short-term stays only.”*

The Acceptable Outcome 4.1 suggests no more than 10 Recreational Vehicles are onsite at any time. The proposed seven sites comply with the code. Further, the proposal complies with Acceptable Outcome 4.2, Acceptable Outcome 4.3 and Acceptable Outcome 4.4 as it does not include the provision of amenities and will be used for short-term stays, a maximum of three days.

Performance Outcome 6 states that:

- “Vehicle access to, from, and within the site:*
- (a) is of a quality and durability suitable to the intended traffic volumes and loads; and*
  - (b) does not create or worsen any traffic hazard; and*
  - (c) provides all-weather access; and*
  - (d) does not have adverse effects on the amenity of the locality”*

The proposed development is generally consistent with this Performance Outcome. It is recommended that a condition be imposed that access to and from the development to Miran Khan Drive (specifically the vehicle crossover) must be constructed in accordance with Mackay Regional Council standard drawing A3-08323, and to the Council's satisfaction.

Acceptable Outcome 7.1 states that:

- “Development complies with the following:*
- (a) is located on land that is not subject to inundation during a DFE; or*
  - (b) the minimum ground level for self-contained recreational vehicle grounds is the highest of the following:*
    - (i) at or above the DFE; or*
    - (ii) at or above the DSTE relevant to the subject site”*

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The ground level in southern half of the site ranges from 4.5m AHD to 5.25m AHD. The DSTE for the site is 5.28m AHD and therefore, the filling required ranges from 0.78m to 0.03m in the southern half of property. The filling requirement is recommended as a condition of approval.

Performance Outcome 10 states that:

*“Self-contained recreational vehicle grounds incorporate infrastructure, services and utilities appropriate to its location and setting and are proportionate with its needs, including:*

- (a) reliable potable water supply; and*
- (b) treatment and disposal of sewerage and other waste water is managed in a way that will not cause environmental harm or pose a risk to public health”*

The proposed development is for seven sites and as shown in the proposal plan does not include amenities and is for Recreational Vehicles for short-term stays, a maximum of three days. Therefore, the Planning Scheme does not require the treatment and disposal of sewerage and other wastewater.

The Applicant will only supply water for bushfire purposes and not to supply to guests. This is considered acceptable when considering the short length of stay.

#### *General Development Requirements Code*

The proposal is generally consistent with the Overall Outcomes and relevant Performance Outcomes of the code.

The purpose of the General Development Requirements Code is to provide general requirements regarding infrastructure, amenity, safety and environmental standards for assessable development.

The proposed development will maintain all existing vegetation onsite where possible and practical to reinforce the tropical character of the region and maintain the natural amenity of the site.

Acceptable Outcome 1.2 suggests that if connection to Council's wastewater network is not possible, an on-site wastewater disposal system is provided. There is no reticulated sewer network at Freshwater Point and in this instance, the Applicant has advised that no onsite effluent system is required as the development does not include the provision of an amenities block. The nearest dump point is at the Field of Dreams in Sarina. A statement will be included listing of the available sullage sites in the region as part on site visitor management conditions.

Performance Outcome 3 states that

*“Drainage works are planned and designed to ensure that the adjoining land and existing upstream and downstream drainage systems are not adversely affected by development, taking into account:*

- (a) water sensitive urban design (WSUD) principles such as:*
  - (i) protect natural systems; and*
  - (iii) detention of stormwater instead of rapid conveyance; and*
  - (iv) minimise impervious areas; and*
  - (viii) protection of water related environmental values; and*
- (b) need for a stormwater system that can be economically maintained for the life of the system;*
- (d) location of discharge*

As identified in the Nature Based Tourism Code, the filling on site is to be conditioned. Any filling has to demonstrate the flood storage capacity onsite is maintained, no increase in the volume, velocity, concentration of flow path alignment of stormwater flows in the vicinity, and that there is no increase in the stormwater ponding on sites adjacent and nearby. The Applicant has not demonstrated this at any point in the application process.

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Therefore, a flood impact and stormwater assessment will be conditioned to demonstrate that the onsite filling does not increase flood impact off site.

*Acid Sulfate Soils Overlay Code*

Lot 1 is mapped as having acid sulfate soils. However, there will be little to no excavation, so the risk of encountering acid sulfate soils is extremely low.

*Bushfire Hazard Overlay Code*

The proposed development is generally consistent with the relevant Overall Outcomes and Performance Outcomes of the Bushfire Hazard Overlay Code. The site is partially mapped as being within the 100m buffer to a mapped 'High Bushfire Hazard' area on the western and southern sides of the site.

The proposed development is for temporary tourist accommodation. The Recreational Vehicle sites are not located within the bushfire hazard area but in the buffer area and additionally, the development will provide adequate measures to limit bushfire hazards, to be detailed in a Bushfire Management Plan in accordance with this code.

To ensure matters relating to bushfire are appropriately managed, conditions requiring a Bushfire Management Plan and a water tank supply system have been recommended.

*Flood and Coastal Hazards Overlay Code*

The site is within the Flood and Coastal Hazards Overlay due to the site being in the Erosion Prone and Storm Tide Inundation Areas.

The proposal does not include any permanent buildings or structures. Therefore, it is compliant with the development outcomes sought for the Erosion Prone Area.

The southern half of the site is subject to storm tide inundation. The ground level in southern half of the site ranges from 4.5m AHD to 5.25m AHD. The DSTE for the site is 5.28m AHD and therefore, the filling required ranges from 0.78m to 0.03m in the southern half of property.

Infrastructure Charges

An Infrastructure Charges Notice will be issued if the application is approved. The charges levied will be in accordance with Council's Infrastructure Charges Resolution dated December 2020. As such, the total charges will equate to approximately \$53,544.24. This has been calculated based upon the proposed number of self-contained recreational vehicle grounds only.

Public Notification and Submissions

The application was publicly notified in accordance with the requirements of the *Planning Act 2017*, and as a result, 12 properly made submissions, one properly made petition and two not properly made submissions objecting the proposal were received.

The principal views raised from the submissions are summarised and discussed below.

1. Amenity
2. Need
3. Environmental Impact
4. Traffic
5. Natural Hazards

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### *Amenity*

#### Submitter Concerns

Conflict with the purpose of the rural residential zone which is “to provide for residential uses and activities on large lots”. Submitters posit that the development and its size and scale will have an adverse impact on the privacy and amenity of existing low density residential uses established throughout the surrounding area of Freshwater Point as a result of noise, light, odour, smoke and traffic.

#### Applicant's Response

*“From the outset, it should be recognised that the proposal is for a small-scale, tourist orientated RV Park. A maximum of seven RV sites is provided, occupancy, at best, will average at approximately 50% throughout the year, with higher occupancy levels expected during the holiday periods. This equates to an average of less than ten Guests/campers that frequent the site. Campers that own RV vehicles are generally families and grey nomads that enjoy the outdoors and have a respect for the natural environment. Young “party goers” are not expected to frequent this type of development.*

*The Applicant is fully committed to preserving the rural amenity for neighbouring properties, as is demonstrated through the adjustment of camping sites from 20 to 15, to 7, the undertaking to remove the absolute minimum existing vegetation required for the development, and the orientation and siting of the sites, a clear 40m away from neighbouring properties. Also, the existing retained vegetation is considered to provide an appropriate buffer between the proposed development and neighbouring properties.*

*The Applicant is happy to accept a condition that an acoustic fence be provided to side boundaries to overcome any potential for offsite noise impacts.”*

#### Officers Comments:

The built form and designated sites are located 40m from site boundaries, with only the internal driveway located within this setback. Although the driveway is located within the setback, it is noted that the development is now down to seven sites thus, the development can be conditioned to not create adverse noise, visual and traffic impacts on adjoining of nearby residential uses and remains consistent with the character of the Rural Residential zone.

To ensure that the development continues to be managed so that the amenity of the area is not affected, a ‘general amenity’ condition has been recommended to form part of the conditions of approval. This requires that the use and or development must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) Transport of vehicles, materials, goods or commodities to or from the subject site.
- b) Appearance of any building, works or materials; and
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.

In addition, a condition detailing management of the use of the site has been recommended to handle requests or to resolve complaints in general.

It is acknowledged that the Applicant has suggested an acoustic fence could be provided but it is unclear what size, material or extent would be required, or what acoustic impact it would have without an acoustic study being undertaken and so it is not recommended to include such a condition.

### *Need*

#### Submitter Concerns

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Conflict with the need for additional tourism development in the locality. Submitters posit that the existing tourism developments established throughout the locality (i.e., Armstrong Beach Caravan Park) is sufficient for the existing demand, and that there is no need for additional tourism development to be established in the Freshwater Point locality.

*Applicant's Response*

*"From the outset, it should be recognised that the proposal is for a small-scale, tourist orientated RV Park. Guests/campers that own RV vehicles are generally families and grey nomads that enjoy the outdoors and have a healthy respect for the natural environment. It should also be noted that most of the matters raised by submitters related to issues of noise and amenity. These issues are discussed and addressed under a separate point in this letter.*

*In general, the proposal is deemed to be entirely compatible with the Overall Outcomes of the Planning Scheme and that the Nature Based Tourism facility will deliver a positive contribution to the subject site as well as the Freshwater Point region.*

*It is contended that the proposed development will increase the diversity of the regional economy, offering a new tourist experience to the region and strengthening the visibility and character of the local Freshwater Point area. The proposed development represents a regional recreational resource that will lead to a more vibrant and sustainable local tourism industry, celebrating the regions unique qualities and tourism assets. This benefit will not only be for Freshwater Point but also for the greater Mackay hinterland area. Short term accommodation provided by the development will also increase convenience and enhance tourist amenity in the local area. Furthermore, the proposed development is considered a sustainable rural industry as it increases visibility, awareness and appreciation of local tourism. Indirectly this adds to the strengthening and preservation of the rural residential culture and lifestyle of Freshwater Point and surrounds.*

*The proposed development will satisfy a specific demand within a unique locality. Given the nature of the proposed development and its catchment, it is contended that no other local location is better suited for this use. As such, the proposed development will enhance the liveability of the local rural community and will lead to increased economic opportunity for this locality.*

*With regard to scale, the Applicant has reduced the scale of the proposal and amended the plans to provide for seven RV sites and moved all sites, roads, services and amenities outside of a 20m wide side setback. Minimal removal of vegetation is proposed on a site which already has an abundance of existing vegetation."*

*Officers Comments*

As mentioned above, tourism opportunities range from activities showcasing natural assets in the Region including mountains, forests, beaches and reefs. These form the foundation for the further development of a vibrant and sustainable tourism industry that celebrates and supports the Region's unique qualities.

On 11 December 2019, Council resolved to adopt Major Amendment 1 to the Planning Scheme. This amendment commenced as part of version 3.0 of the Planning Scheme on 3 February 2020. The purpose and general effect of the Major Amendment was to provide opportunities for small-scale Recreational Vehicle grounds to establish in appropriate locations as new facilities or within existing tourist parks. This amendment was driven by a recognised need for this type of development within the greater Mackay Region.

*Environmental Impact**Submitter Concerns*

Conflict with the preservation of the natural environment including the foreshore outside of the development site. Submitters posit that the development will have an adverse impact on the local flora and fauna and overall biodiversity of the surrounding natural environment due to increased population, onsite infrastructure services,



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stormwater runoff and anthropological impacts such as unauthorised vehicle access and the taking of natural resources (e.g. collection of shells, wood, etc.) from the site and surrounds. Submitters also posit that pets should not be permitted.

Applicant's Response

*"The concerns listed above are 'emotional' concerns that can be addressed by conditions of approval. The Applicant has taken careful account of the desire to preserve the natural environment and all development will take place within the bounds of the law. No clearing has been proposed or will be undertaken on the adjoining esplanade area, as distinct to what has occurred on adjoining properties."*

Officers Comments

The proposed Nature Based Tourism comprising seven sites for Recreational Vehicles only does not compromise the ability of the surrounding premises as the proposal is low density, intensity and no structures are associated with the proposal. The scale and intensity is compatible with and subservient to the natural setting in the area. Conditions are recommended as part of any approval to minimise the environmental impact of the development are vegetation clearing, lighting, and code of conduct for visitors to the site.

TrafficSubmitter Concerns

In summary, the submitters had the following concerns in relation to traffic issues:

- a) Access – submitters stated that the current location of the site access is not appropriate in terms of visibility of the access and of oncoming vehicles. This issue mostly relates to concerns of vehicles, specifically long vehicles (caravans), causing delays when attempting a right turn onto the site.
- b) Increased Traffic – submitters expressed concern as to increased traffic volumes on Miran Khan Drive due to the addition of 20 new Recreational Vehicle sites in the area. Associated with this issue, is the risk of vehicles queuing on Miran Khan Drive as well as the increased risk to cyclists and pedestrians in the area.
- c) Other – A submitter stated that the current road infrastructure is already stressed and will not be able to handle the load of additional traffic from the proposed development. A submitter also voiced concern that there was no on-site visitor parking identified.

Further to the above submissions, a letter was also received from Traffic Plan Pty Ltd on behalf of a submitter/s. A summary of issues raised in this letter is provided below:

- a) Right Turn Conflict – The consultant stated that there could be up to 20 vehicles turning right into the site access during the PM peak hour based on stated assumptions. This peak could coincide with the existing PM traffic peak and subsequently cause a right turn conflict and associated disruptions.
- b) Speed Differential Conflict – The speed limit on Miran Khan Drive is 90km/h. The consultant assumes a speed differential of approximately 20km/h due to site visitors travelling at lower speeds as they look for the site entrance. The result could be an increased level of conflict.
- c) Crash Data – The consultant states that there have been 11 crashes recorded on Miran Khan Drive, 6 in the Freshwater Point area, over the past 17 years.

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- d) Road Geometry – The consultant states that there is a vertical curve (crest) on Miran Khan Drive that restricts available visibility of motorists travelling eastbound. This crest is located approximately 300m west of the proposed vehicle access to the subject site.
- e) Roadway width – The consultant states that the narrow roadway on Miran Khan Drive does not allow a vehicle intending to continue along the road to pass beside another vehicle waiting to turn right into a driveway or other access. Further, the construction of a BAR type turn treatment may be a potential solution.
- f) Steep Roadside Batter Slope – The batter slope is considered to be non-recoverable, meaning that a driver would not be able to control or manoeuvre a vehicle on this slope.
- g) Conclusion – the consultant concludes that all traffic related issues and perceived impacts should be comprehensively addressed and that a Traffic Impact Assessment (TIA) be undertaken for the proposed development.

Applicant's Response

*"The average traffic volumes expected for the site are summarised below:*

- Resident caretaker – maintenance/service trips maximum trips per day is five total ten (no longer proposed by the Applicant)
- Campers seven vehicles maximum trips per day is three total 21; and
- Visitors/service vehicles/other vehicles maximum trips per day is three total six.

*Based on the above assessment, it is contended that the proposed development will generate at an expected maximum, approximately 37 trips a day to and from the site. Given that the expected maximum is less than 100 vehicle trips per day, a detailed traffic assessment is not normally triggered, and the proposal should not exceed the capacity of the existing road network.*

*However, the Applicant is happy to accept a condition requiring that a TIA be undertaken and to construct a BAR type turn treatment, if required in the TIA."*

Officers Comments

Due to the site constraints (limited road width 5.5m approximately, poor sight distance, high speed 90km/hr speed limit) and the amount of through and turning vehicles, a turning treatment analysis must be undertaken in accordance with Austroads Guide to Road Design Part 4: Intersection and crossings.

The turning treatment analysis can be submitted with an operational works application, and treatment if warranted must be constructed prior to the use.

Note that a traffic volume of 466 vehicles per day (including 12.5% heavy vehicles) was recorded along Miran Khan Drive on the north side of Armstrong Beach (between Agatha Court and Coral Reef Court) in November 2021.

It is recommended to condition on any approval that a turning treatment analysis must be submitted with an operational works application in accordance with Austroads Guide to Road Design Part 4: Intersection and crossings, and treatment if warranted, must be constructed prior to the use.

Natural HazardsSubmitter Concerns

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Conflict with site suitability given the natural hazards mapped over the site. Submitters posit that the site is not suitable to support the proposed development given that it is impacted by the Acid Sulfate Soils Overlay, the Flood and Coastal Hazards Overlay and the Bushfire Hazard Overlay of the Planning Scheme. In particular, the following issues were raised:

- Drainage – The site drains towards ocean, and this may lead to a pollution impact on the beach and the bay. It may also lead to increased flow volumes onto neighbouring lots as well as increased ponding on neighbouring lots.
- Flooding – concern was raised that the subject site currently floods during the wet season. Also, that the subject site will be filled to a higher level than surrounding residential uses.

Applicant's Response

*"The development will not include any permanent structures that will be located within the Erosion Prone Area or below the DSTE. The site will not be filled and no changes to the natural drainage flows will occur as a result of the development. The future residence is located on the highest part of the site, adjacent to Miran Khan Drive (no longer part of the application)."*

Officers Comments

Though the subject lot is mapped as being an erosion prone and storm tide inundation area, the current proposal has no structures proposed on site. It is recommended that any approval include a condition that the minimum ground level for Recreational Vehicle sites be above DSTE.

The proposed development is for temporary tourist accommodation and the Recreational Vehicle sites are not located within the bushfire hazard area and additionally, the development will provide adequate measures to limit bushfire hazards (to be detailed in a future Bushfire Management Plan). A Bushfire Management Plan and a water tank supply system will be required for the development as part of a recommended condition of approval.

**Resource Implications**

There are no resource implications for Council arising from this recommendation.

**Risk Management Implications**

There is a risk that an appeal could be lodged by the Applicant or a submitter against Council's decision. This would give rise to cost implications, as Council would be required to participate in any appeal proceedings.

**Consultation**

During the assessment period, Council issued a formal Information Request to the Applicant seeking clarification and further material. The Applicant subsequently provided a formal response to Council's Information Request.

A Further Advice Notice was issued informing the Applicant that the proposed development was of a scale, intensity and design that will adversely impact upon the amenity of adjoining and nearby residential land uses in the locality. In response, the Applicant has provided an amended Plan of Development to address the matters raised. As a result, the scale of the development has been considerably reduced from the original 15 sites, down to seven.

As part of the Council in Community Day on 6 April 2022, Councillors and Council representatives met with submitters and local residents adjacent to the site.

Councillors were briefed on the application on 15 June 2022 and 17 August 2022.

**Conclusion**

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The report and plans provided by the Applicant demonstrates that the proposal will not have a detrimental impact on adjoining residents. The proposal has been assessed against the Planning Scheme and all assessment criteria. The Applicant reduced the number of Recreational Vehicle sites, and the resulting design of the development will ensure that the amenity of the surrounding area will not be adversely affected by the proposal.

It is therefore recommended that the proposal be approved, subject to conditions.

**Officer's Recommendation**

THAT Council approve the Development Application for a Development Permit for Material Change of Use for a Nature Based Tourism Seven (7) Self-Contained Recreational Vehicle Sites at Lot 1 Miran Khan Drive, Freshwater Point, formally described as Lot 1 on SP251331, subject to the following conditions:

1. Plan of Development

The approved development must be completed and maintained generally in accordance with the Plan of Development and supporting documentation which forms part of this application, except as otherwise specified by any condition of this approval.

2. Approved Use

The approved use for Nature based Tourism is only for self-contained recreational vehicles sites only. Any structures proposed to be constructed onsite not shown on the plan of development will be considered a change to this approval and require further assessment.

3. Compliance with Conditions

All conditions must be complied with prior to the commencement of the use on the subject site, unless specified in an individual condition.

4. Notice of Intention to Commence the Use

Prior to the commencement of the use on the site for each stage of the development, written notice must be given to Council that the use (development and works) fully complies with the decision notice issued in respect of the use (please see attached notice for your completion and return to [development.services@mackay.qld.gov.au](mailto:development.services@mackay.qld.gov.au)).

5. Maintenance of Development

The approved development (including landscaping, car parking, driveways and other external spaces) must be maintained in accordance with the approved plans and/or documents, and any relevant Council engineering or other approval required by the conditions.

6. Conflict between plans and written conditions

Where a discrepancy or conflict exists between the written conditions of the approval and the approved plans, the requirements of the written conditions will prevail.

7. Damage

The developer is responsible for the repair of any damage that is caused to Council's infrastructure as a result of the construction works associated with the proposed development. The developer must make any damage safe and then notify Council immediately. Council will make the decision as to who will carry out the rectification works and the timing for the completion of those works.

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## 8. Compliance with Council Standards

All design and construction for the development must be in accordance with Council's Policies, Planning Scheme Policies, Standard Drawings and Standard Construction Specifications.

## 9. Length of Stay

Guests are not permitted to stay on the site any longer than a maximum of three (3) days.

## 10. General Amenity Provision

The use and or development must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) Transport of vehicles, materials, goods or commodities to or from the subject site.
- b) Appearance of any building, works or materials.
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.

## 11. Vegetation Clearing

Vegetation clearing is limited to the self-contained recreational vehicle sites and internal driveway only.

## 12. On-site Landscaping

Landscaping is to be provided generally in accordance with the approved plans and Council's Planning Scheme Policy – Landscape v1.1 and associated documents. Landscaping is to be provided prior to the commencement of use where the landscaping is located on the approved plans, and is to be maintained at all times.

## 13. Refuse Storage and Collection

- a) Provision must be made on the land for the storage and collection of refuse and other solid waste generated by the development. This area must be drained and screened from view of neighbouring properties and road frontages.
- b) Where serviced by Council's refuse collection service, the storage area must provide:
  - i. an adequate manoeuvring area to enable a Council refuse truck to enter the site in forward gear, service the bins, and leave the site in forward gear after performing no more than a 3-point turn; and
  - ii. adequate vertical clearance to enable a Council refuse truck to service (empty) the bins.

## 14. Compliance with Council Standards

All design and construction for the development must be in accordance with Council's Policies, Engineering Design Guidelines, Standard Drawings and Standard Construction Specifications.

## 15. Invert Crossing and Driveways

Access to and from the development to Miran Khan Drive must be constructed in accordance with Mackay Regional Council standard drawing A3-08323, and to the council's satisfaction.

All driveways/internal roads must be sealed in order to prevent dust and noise impacts detrimentally impacting the surrounding environment.

## 16. Turtle protection lighting

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External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority. In particular the design of any seaward facing lights must be designed to be 'Turtle Friendly'.

## 17. Minimum Development Level

Minimum ground level for the self-contained recreational vehicle ground must be 5.28m AHD (Defined Storm Tide Event) in accordance with the Nature Based Tourism Code.

## 18. Flood Impact and Stormwater Assessment

Prior to the lodgement of the Operational Works Development Application, the applicant must submit to Council for approval a Flood and Stormwater Impact Assessment in accordance with Council's Guideline for Preparation of Flood and Stormwater Drainage Catchment Reports. The assessment must:

- a) model a range of design events up to and including the Defined Storm tide Event and 1% AEP (plus climate change) event accounting for the lot levels required by condition 17,
- b) demonstrate and justify the development does not cause an actionable nuisance offsite by changes to existing flood and stormwater conditions,
- c) Address the overland stormwater flow occurring into the proposed development from the upstream catchment will be managed
- d) be certified by a Registered Professional Engineer of Queensland (RPEQ).

The assessment must be reviewed and accepted by Council prior to lodgement of the Operational Works Application.

## 19. Turning treatment

Turning treatment analysis must be submitted with an Operational Works Application in accordance with Austroads Guide to Road Design Part 4: Intersection and Crossings. Treatment if warranted must be constructed prior to the use.

## 20. Vehicle Manoeuvring

All parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.

## 21. Parking Signs and Pavement Markings

A sign/signs and pavement markings must be provided directing drivers to the Recreational Vehicle parking.

## 22. Stormwater Drainage

Stormwater from the site shall be collected within the property boundaries and discharged to a legal point of discharge. Alternatively, all the stormwater emanating from the development must be retained on site.

## 23. Ponding and Diversion of Stormwater

Ponding of stormwater resulting from the development must not occur on adjacent sites and stormwater flowing onto the site must not be diverted onto other sites. The site shall be graded so that it is free draining.

## 24. Water Supply

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The development must be provided with an adequate water supply. This water supply system must comprise the following:

- a) components that are fireproof or non-combustible; and
- b) is fitted with male camlock fire brigade tank fittings; and
- c) connected to a constructed public road by a driveway with a maximum gradient of 12.5% and a minimum width of 6 metres (to be accessible to fire fighting vehicles); and
- d) within 6 metres of a fire fighting vehicle parking area that:
  - a. is level; and
  - b. has a minimum area of 60m<sup>2</sup>; and
- e) is connected to a pump that is independent of mains electricity supply; and
- f) is located external to, and a reasonable distance from, buildings; and
- g) is located to ensure safe and efficient access during a fire event.

## 25. Site Emergency Management Plan

A Site Emergency Management Plan which addresses Flood and Bushfire events must be submitted to Council for approval prior to the commencement of use, that incorporates the following as a minimum:

- a) How the stages of emergency will be managed (e.g. prior to event, at the event, following the event).
- b) Communication methods with visitors staying on the site.
- c) How an evacuation will be managed for visitors staying on the site.
- d) Where visitors will congregate on the site and how this area will be accessed ensuring that the land to be travelled is not flood prone or subject to bushfire risk. A diagram is to be provided demonstrating the safe evacuation route and evacuation location/meeting point as a minimum.

Note: Also refer to Acceptable Outcomes 9 and Acceptable Outcome 10 of the Nature Based Tourism Code.

## 26. Control of Light Spill

External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

## 27. On site visitor management

- a) The name and contact details of a nominated property manager are provided to Council. The property manager must:
  - a. reside within 30 minutes travel time of the premises;
  - b. remain contactable at all hours by phone to deal with complaints or visitor queries;
  - c. be responsible to maintain and manage the premises in accordance with the Code of Conduct.
- b) A professionally made, weather-proof sign is erected on the street frontage which:
  - a. is approximately 0.3 square meter sign face area;
  - b. displays the name of the property manager and their all-hours phone number.
- c) A 'Code of Conduct' must be provided to all guests prior to occupancy which must include as a minimum:
  - a. the maximum number of guests permitted to reside in the house at any one time, which cannot be more than eight persons;
  - b. rules requiring residents to minimise noise and other activities which would disturb neighbours;
  - c. an emergency/fire evacuation plan;
- d) A record keeping procedure must be maintained and available for Council inspection, which records:
  - a. details of each booking (guests, contact number etc);
  - b. a copy of the signed acceptance of the terms and conditions document;
  - c. details of any complaints received, time, date and the nature of the complaint.
- e) Information to visitors wishing to dispose of waste matter at waste points from recreational vehicles must be provided. The nearest dump point is at the Information Centre, Railway Square, Sarina.

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Information on sullage dump point sites in the region can be accessed through:

[https://www.mackay.qld.gov.au/facilities/fitness\\_and\\_health/caravans\\_and\\_motor\\_homes\\_sullage\\_sites](https://www.mackay.qld.gov.au/facilities/fitness_and_health/caravans_and_motor_homes_sullage_sites)

**ASSESSMENT MANAGER'S ADVICE**

## 1. Infrastructure Charges Notice

Pursuant to the *Planning Act 2016* and the State Planning Regulatory Provision (adopted charges) an Infrastructure Charges Notice relates to this Development Permit, and accompanies this notice.

## 2. Advertising Sign Approval

No advertising sign and/or advertising device can be erected without separate Council approval. An application to Council under Subordinate Local Law 1.4 must be made and approved prior to any such sign or device being erected.

## 3. Local Laws

The approved development must also comply with Council's current Local Laws under the *Local Government Act 2009*.

## 4. Hours of Work

It is the Applicant/owner's responsibility to ensure compliance with Section 440R of the *Environmental Protection Act 1994*, 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.

## 5. Dust Control

It is the Applicant/owner's responsibility to ensure compliance with Section 319 General Environmental Duty of the *Environmental Protection Act 1994*, which prohibits unlawful environmental nuisance caused by dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks and construction.

## 6. Sedimentation Control

It is the Applicant/owner's responsibility to ensure compliance with Chapter 8, Part 3C of the *Environmental Protection Act 1994* to prevent soil erosion and contamination of the stormwater drainage system and waterways.

## 7. Noise During Construction and Noise in General

It is the Applicant/owner's responsibility to ensure compliance with Chapter 8, Part 3B of the *Environmental Protection Act 1994*.

## 8. General Safety of Public During Construction

It is the principal contractor's responsibility to ensure compliance with Section 19 (2) of the *Work Health and Safety Act 2011*. 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 *Work Health and Safety Act 2011*. 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



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and anything arising from the workplace are without risks to the health and safety of any person.

9. Contaminated Land

It is strictly the Applicant/owner's responsibility to source information regarding contaminated land from the Department of Environment and Heritage Protection, Contaminated Land Section as Council has not conducted detailed studies and does not hold detailed information pertaining to contaminated land.

Mr Rod Den Elzen addressed Council advising that just over a year ago he and his wife purchased a block of land at Freshwater Point for their retirement and noting that it was zoned as rural residential, were confident that no one would be able to build anything except a residence. Mr De Elzen advised that he and his wife were very dismayed to see a proposal for a nature based tourism park and noted that there had been a lot of opposition from the local community, including 78 signatures and many emails forwarded to Council. Mr Den Elzen advised that he did not believe Council had listened to the locals with 78 signatures opposing this development a huge number considering the small community. Mr Den Elzen advised that as a businessman himself, he appreciated the value of business and opportunity, but could not see how a 7 site park could be financially viable or of benefit to the community and with several others, was prepared to take this matter further.

Cr May noted that there is no proposal to place a dwelling on the site presently and sought clarification that the report does not indicate that there is any proposal to do so at this stage.

The Director for Development Services Aletta Nugent, advised that the site is currently vacant but a dwelling could go on the site at any time without the need for a development permit, and reiterated that this proposal is for the 7 RV sites and does not include a dwelling.

Cr May queried how the developers proposed to manage the operations of the nature based tourism park if they were not on site.

The Director advised that there are conditions that relate to the ongoing management of the park and a number of those conditions relate to concerns that have been raised. The Director advised that she believes there was a requirement for someone to be within 30 minutes of the site in case there are any issues.

Cr Englert queried if, prior to the application or after it, there were any restrictions on where a dwelling could be built.

The Director advised that any dwelling would have to avoid the designated RV sites and noted that there are standard requirements for a dwelling around setbacks and the possible impact of any overlays.

The Director advised that this proposal had originally started out as 20 sites but based on an assessment against the Planning Scheme, the impacts of the development and the feedback from the community, Council has worked with the applicant to make a number of changes to the application, including reducing the number of sites from 20 to 7 and placing a number of conditions on any approval.

Cr Englert noted that it was his understanding that under the current application, if Council rejected it, the owner would have grounds to take Council to Court and potentially win.

The Director advised that if Council refused the application there would be the ability for an appeal to be launched by the applicant but conversely, if Council approved the application, there is an appeal right applied to the submitters. The Director advised that the officers have assessed the application and based on their professional opinion, have put forward what they consider a reasonable recommendation.

Cr Bonaventura queried if the appeal rights for the submitters dates back to the original lodgement or just from the recent application.

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The Director advised that anyone who had made a properly made submission through the formal submission process would have appeal rights.

**Council Resolution ORD-2022-274**

**THAT Council approve the Development Application for a Development Permit for Material Change of Use for a Nature Based Tourism Seven (7) Self-Contained Recreational Vehicle Sites at Lot 1 Miran Khan Drive, Freshwater Point, formally described as Lot 1 on SP251331, subject to the following conditions:**

**1. Plan of Development**

The approved development must be completed and maintained generally in accordance with the Plan of Development and supporting documentation which forms part of this application, except as otherwise specified by any condition of this approval.

**2. Approved Use**

The approved use for Nature based Tourism is only for self-contained recreational vehicles sites only. Any structures proposed to be constructed onsite not shown on the plan of development will be considered a change to this approval and require further assessment.

**3. Compliance with Conditions**

All conditions must be complied with prior to the commencement of the use on the subject site, unless specified in an individual condition.

**4. Notice of Intention to Commence the Use**

Prior to the commencement of the use on the site for each stage of the development, written notice must be given to Council that the use (development and works) fully complies with the decision notice issued in respect of the use (please see attached notice for your completion and return to [development.services@mackay.qld.gov.au](mailto:development.services@mackay.qld.gov.au)).

**5. Maintenance of Development**

The approved development (including landscaping, car parking, driveways and other external spaces) must be maintained in accordance with the approved plans and/or documents, and any relevant Council engineering or other approval required by the conditions.

**6. Conflict between plans and written conditions**

Where a discrepancy or conflict exists between the written conditions of the approval and the approved plans, the requirements of the written conditions will prevail.

**7. Damage**

The developer is responsible for the repair of any damage that is caused to Council's infrastructure as a result of the construction works associated with the proposed development. The developer must make any damage safe and then notify Council immediately. Council will make the decision as to who will carry out the rectification works and the timing for the completion of those works.

**8. Compliance with Council Standards**

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All design and construction for the development must be in accordance with Council's Policies, Planning Scheme Policies, Standard Drawings and Standard Construction Specifications.

**9. Length of Stay**

Guests are not permitted to stay on the site any longer than a maximum of three (3) days.

**10. General Amenity Provision**

The use and or development must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) Transport of vehicles, materials, goods or commodities to or from the subject site.
- b) Appearance of any building, works or materials.
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.

**11. Vegetation Clearing**

Vegetation clearing is limited to the self-contained recreational vehicle sites and internal driveway only.

**12. On-site Landscaping**

Landscaping is to be provided generally in accordance with the approved plans and Council's Planning Scheme Policy – Landscape v1.1 and associated documents. Landscaping is to be provided prior to the commencement of use where the landscaping is located on the approved plans, and is to be maintained at all times.

**13. Refuse Storage and Collection**

- a) Provision must be made on the land for the storage and collection of refuse and other solid waste generated by the development. This area must be drained and screened from view of neighbouring properties and road frontages.
- b) Where serviced by Council's refuse collection service, the storage area must provide:
  - i. an adequate manoeuvring area to enable a Council refuse truck to enter the site in forward gear, service the bins, and leave the site in forward gear after performing no more than a 3-point turn; and
  - ii. adequate vertical clearance to enable a Council refuse truck to service (empty) the bins.

**14. Compliance with Council Standards**

All design and construction for the development must be in accordance with Council's Policies, Engineering Design Guidelines, Standard Drawings and Standard Construction Specifications.

**15. Invert Crossing and Driveways**

Access to and from the development to Miran Khan Drive must be constructed in accordance with Mackay Regional Council standard drawing A3-08323, and to the council's satisfaction.

All driveways/internal roads must be sealed in order to prevent dust and noise impacts detrimentally impacting the surrounding environment.

**16. Turtle protection lighting**

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External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority. In particular the design of any seaward facing lights must be designed to be 'Turtle Friendly'.

**17. Minimum Development Level**

Minimum ground level for the self-contained recreational vehicle ground must be 5.28m AHD (Defined Storm Tide Event) in accordance with the Nature Based Tourism Code.

**18. Flood Impact and Stormwater Assessment**

Prior to the lodgement of the Operational Works Development Application, the applicant must submit to Council for approval a Flood and Stormwater Impact Assessment in accordance with Council's Guideline for Preparation of Flood and Stormwater Drainage Catchment Reports. The assessment must:

- a) model a range of design events up to and including the Defined Storm tide Event and 1% AEP (plus climate change) event accounting for the lot levels required by condition 17,
- b) demonstrate and justify the development does not cause an actionable nuisance offsite by changes to existing flood and stormwater conditions,
- c) Address the overland stormwater flow occurring into the proposed development from the upstream catchment will be managed
- d) be certified by a Registered Professional Engineer of Queensland (RPEQ).

The assessment must be reviewed and accepted by Council prior to lodgement of the Operational Works Application.

**19. Turning treatment**

Turning treatment analysis must be submitted with an Operational Works Application in accordance with Austroads Guide to Road Design Part 4: Intersection and Crossings. Treatment if warranted must be constructed prior to the use.

**20. Vehicle Manoeuvring**

All parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.

**21. Parking Signs and Pavement Markings**

A sign/signs and pavement markings must be provided directing drivers to the Recreational Vehicle parking.

**22. Stormwater Drainage**

Stormwater from the site shall be collected within the property boundaries and discharged to a legal point of discharge. Alternatively, all the stormwater emanating from the development must be retained on site.

**23. Ponding and Diversion of Stormwater**

Ponding of stormwater resulting from the development must not occur on adjacent sites and stormwater flowing onto the site must not be diverted onto other sites. The site shall be graded so that it is free draining.

**24. Water Supply**

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The development must be provided with an adequate water supply. This water supply system must comprise the following:

- a) components that are fireproof or non-combustible; and
- b) is fitted with male camlock fire brigade tank fittings; and
- c) connected to a constructed public road by a driveway with a maximum gradient of 12.5% and a minimum width of 6 metres (to be accessible to fire fighting vehicles); and
- d) within 6 metres of a fire fighting vehicle parking area that:
  - a. is level; and
  - b. has a minimum area of 60m<sup>2</sup>; and
- e) is connected to a pump that is independent of mains electricity supply; and
- f) is located external to, and a reasonable distance from, buildings; and
- g) is located to ensure safe and efficient access during a fire event.

**25. Site Emergency Management Plan**

A Site Emergency Management Plan which addresses Flood and Bushfire events must be submitted to Council for approval prior to the commencement of use, that incorporates the following as a minimum:

- a) How the stages of emergency will be managed (e.g. prior to event, at the event, following the event).
- b) Communication methods with visitors staying on the site.
- c) How an evacuation will be managed for visitors staying on the site.
- d) Where visitors will congregate on the site and how this area will be accessed ensuring that the land to be travelled is not flood prone or subject to bushfire risk. A diagram is to be provided demonstrating the safe evacuation route and evacuation location/meeting point as a minimum.

Note: Also refer to Acceptable Outcomes 9 and Acceptable Outcome 10 of the Nature Based Tourism Code.

**26. Control of Light Spill**

External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

**27. On site visitor management**

- a) The name and contact details of a nominated property manager are provided to Council. The property manager must:
  - a. reside within 30 minutes travel time of the premises;
  - b. remain contactable at all hours by phone to deal with complaints or visitor queries;
  - c. be responsible to maintain and manage the premises in accordance with the Code of Conduct.
- b) A professionally made, weather-proof sign is erected on the street frontage which:
  - a. is approximately 0.3 square meter sign face area;
  - b. displays the name of the property manager and their all-hours phone number.
- c) A 'Code of Conduct' must be provided to all guests prior to occupancy which must include as a minimum:
  - a. the maximum number of guests permitted to reside in the house at any one time, which cannot be more than eight persons;
  - b. rules requiring residents to minimise noise and other activities which would disturb neighbours;
  - c. an emergency/fire evacuation plan;

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- d) A record keeping procedure must be maintained and available for Council inspection, which records:
  - a. details of each booking (guests, contact number etc);
  - b. a copy of the signed acceptance of the terms and conditions document;
  - c. details of any complaints received, time, date and the nature of the complaint.
- e) Information to visitors wishing to dispose of waste matter at waste points from recreational vehicles must be provided. The nearest dump point is at the Information Centre, Railway Square, Sarina.

Information on sullage dump point sites in the region can be accessed through: [https://www.mackay.qld.gov.au/facilities/fitness\\_and\\_health/caravans\\_and\\_motor\\_homes\\_sullage\\_sites](https://www.mackay.qld.gov.au/facilities/fitness_and_health/caravans_and_motor_homes_sullage_sites)

**ASSESSMENT MANAGER'S ADVICE****1. Infrastructure Charges Notice**

Pursuant to the *Planning Act 2016* and the State Planning Regulatory Provision (adopted charges) an Infrastructure Charges Notice relates to this Development Permit, and accompanies this notice.

**2. Advertising Sign Approval**

No advertising sign and/or advertising device can be erected without separate Council approval. An application to Council under Subordinate Local Law 1.4 must be made and approved prior to any such sign or device being erected.

**3. Local Laws**

The approved development must also comply with Council's current Local Laws under the *Local Government Act 2009*.

**4. Hours of Work**

It is the Applicant/owner's responsibility to ensure compliance with Section 440R of the *Environmental Protection Act 1994*, 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.

**5. Dust Control**

It is the Applicant/owner's responsibility to ensure compliance with Section 319 General Environmental Duty of the *Environmental Protection Act 1994*, which prohibits unlawful environmental nuisance caused by dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks and construction.

**6. Sedimentation Control**

It is the Applicant/owner's responsibility to ensure compliance with Chapter 8, Part 3C of the *Environmental Protection Act 1994* to prevent soil erosion and contamination of the stormwater drainage system and waterways.

**7. Noise During Construction and Noise in General**

It is the Applicant/owner's responsibility to ensure compliance with Chapter 8, Part 3B of

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**the *Environmental Protection Act 1994*.**

#### **8. General Safety of Public During Construction**

**It is the principal contractor's responsibility to ensure compliance with Section 19 (2) of the *Work Health and Safety Act 2011*. 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 *Work Health and Safety Act 2011*. Sections 20 (2) states that the person in control of the workplace is obliged to ensure that the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person.**

#### **9. Contaminated Land**

**It is strictly the Applicant/owner's responsibility to source information regarding contaminated land from the Department of Environment and Heritage Protection, Contaminated Land Section as Council has not conducted detailed studies and does not hold detailed information pertaining to contaminated land.**

**Moved: Cr Bonaventura**

**Seconded: Cr Jones**

Cr Bonaventura thanked staff for working with the submitters over a period of time and also with the developer of the site to try to come up with something that is workable. Cr Bonaventura advised that he believed 7 sites was reasonable and noted that it was probably not a viable business at this stage, but if someone builds their own house and lives on the site, it could derive them a small income, noting that the proposal provides more accommodation options for those travelling.

Cr Hassan spoke against the motion, noting that even taking into account the officers recommendations and the conditions imposed, this was still a small community and following community consultation there was a significant amount of negative feedback and is concerned about the negative impact the development may have on this community. Cr Hassan advised that she was not confident of the benefit to the community and how Council would ensure compliance.

Cr Englert spoke in favour of the motion noting that he was very torn especially given the significant community objection to the development application, but felt there was no justifiable reason to vote against the motion, noting that there are significant conditions to the application. Cr Englert acknowledged the concerns of the community but felt that if the application was rejected the owner has the right to appeal, as do the submitters, and logically there would be a significant financial loss to Council if we went to Court so while personally against the proposal, there is no reason within our Policy to vote against it.

Cr May spoke in favour of the motion noting that she was also very torn but noted that in any planning matters, the officers need to make assessments against the codes and overlays that sit within the Planning Scheme and noted that if there is any benefit, it is that the development has been reduced from 20 sites to 7. Cr May advised that she does have some concerns around no one being on site to manage the development but noted that community consultation was very thorough and included a visit by Councillors to listen to residents on a Council in Community Day, which is why officers worked with the applicant to find a solution that met the planning requirements. Cr May noted that saying no to a planning development without having the grounds is not something that Council can do and advised that she had spoken to residents on the telephone yesterday and appreciates their concerns.

Mayor Williamson noted that this matter has been well discussed and well consulted but advised that he cannot support it, noting that it was very difficult for him to say this as Mayor and in terms of the officers recommendations but the officers are bound by the Act and Council's Planning Scheme. Mayor Williamson

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advised that in his view, the Planning Scheme has got it wrong in this area of land at Freshwater Point and regardless of whether it can make money or not, which is not the concern of Council, the concern is one of a community issue. Mayor Williamson apologised to staff who are bound by the Planning Scheme but advised that he could not support this motion.

**CARRIED**

**Mayor Williamson, Cr Mann, Cr Hassan, Cr Green recorded their vote against the Motion.**



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### **11.4.3. FACILITATING DEVELOPMENT IN THE MACKAY REGION POLICY - EULCOM PTY LTD - MATERIAL CHANGE OF USE FOR CHILDCARE CENTRE AND RECONFIGURATION OF A LOT - EDEN ACADEMY CHILDCARE - 1-11 CARL STREET, RURAL VIEW - DA-2021-77**

<b>Author</b>	Principal Economic Development Officer (Nadine Connolly)
<b>Responsible Officer</b>	Director Development Services (Aletta Nugent)
<b>File Number</b>	Facilitating Development in the Mackay Region Policy Applications
<b>Attachments</b>	1. Approved Plans - D A-2021-77 - Eulcom Pty Ltd - Eden Academy Childcare [11.4.3.1 - 10 pages]

#### **Purpose**

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

#### **Related Parties**

- Eulcom Pty Ltd
- Stockwell Development Group Pty Ltd
- Elevation Architecture
- Jewell Planning Consultants
- Bull + Bear Economics
- Location IQ
- BRD Group
- Northern Beaches Emporium
- Ignite Apartments
- Northern Beaches Central

#### **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.

##### Live and Visit

Enhance Liveability - We have a range of housing and social infrastructure options that supports a great quality of life and wellbeing in our community.

#### **Background/Discussion**

The applicant, Eulcom Pty Ltd, is applying for concessions for their Eden Academy Childcare development located at 33 Arana Drive and 1-11 Carl Street, Rural View (Lot 1 and Lot 5 on SP282340).

The development application (DA-2021-77) for Material Change of Use – Childcare Centre and Reconfiguration of a Lot (boundary realignment of two Low Impact Industry lots) was approved on 23 March 2022.

The approved development will result in the construction of a 100 place childcare facility (ages 0 – 5 years) on a vacant site fronting Arana Drive. The centre will be a single storey building (GFA 830m<sup>2</sup>), and include six activity rooms, three sleep rooms, two outdoor play areas, library, small yoga studio and staff room. The construction of the centre will cost approximately \$3.2M, with total capital investment anticipated at around \$5M.

The centre will be located adjacent to Eimeo State Primary School, which will provide a convenient childcare option for the local community who also have children attending the school.

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Stockwell Development Group Pty Ltd has entered into a formal lease with a childcare provider for the operation of the proposed Childcare Centre.

#### Incentive Requests

The applicant submitted an Expression of Interest under the Facilitating Development in the Mackay Region Policy (Policy) on 30 May 2022, and the subsequent Stage 2 Application was received on 23 August 2022.

The applicant is seeking concessions under Schedule 6: Communities Facilities. The application has been assessed against Version 8 of the Policy, which was endorsed on 9 February 2022.

The following concessions has been requested:

- Infrastructure Charges concession

Net Infrastructure Charges	Requested concession (50%)	Charges payable
\$115,055	\$57,527.50	\$57,527.50

As per Schedule 6: Community Facilities in Version 8 of the Policy, applications from not-for-profit groups may receive concessions of up to 75%, and recognised charities may receive concessions of up to 100%, to a maximum concession value of \$1,000,000. In any other scenario, concessions of up to 50% (to a maximum concession value of \$1,000,000) apply.

As the applicant is not a recognised charity nor a not-for-profit group, a reduction in infrastructure charges of up to 50% (based on the net charge amount identified on the Infrastructure Charges Notice after the application of any offsets) is eligible under the current Policy.

- Delayed Payment of Infrastructure Charges

In accordance with the Policy, the applicant has requested delayed payment of the infrastructure charges, with the charges to be payable within 12 months of the commencement of use.

- Service connection fee refund

The Policy allows for water and sewage connection fees to be discounted by 50%, up to maximum of \$500 per service, to a maximum of \$1,000. This concession has been requested by the applicant and would be applied at the time when the fees would be payable for the activity.

#### General Eligibility Criteria

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

Based on information provided by the applicant, the proposed development satisfies the requirements under the General Eligibility Criteria in Schedule 6: Community Facilities, as follows.

Criteria	Eligibility
<b>Timing of development</b> Lots are registered within 2 years.	Commencement of construction – October 2022 Commencement of use – May 2023  The applicant applied to the Policy prior to commencement of construction.

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<b>Non-Government Development</b>	Yes
<b>Infrastructure capacity</b>	<p>The applicant has advised services are already provided to the site and no external or trunk infrastructure upgrades will be required to service the development.</p> <p>As per the Infrastructure Charges Notices, no offsets or refunds are applicable.</p>

Specific Eligibility Criteria

Based on information provided by the applicant, the proposal satisfies the requirements under Eligibility Criteria in Schedule 6: Community Facilities of the Policy:

Criteria	Eligibility
<b>Economic Investment</b> The applicant must demonstrate that the minimum capital investment in the development is equal to or greater than \$100,000.	<ul style="list-style-type: none"> <li>Estimated construction cost of development is \$3.2M.</li> <li>Estimated total capital investment of \$5M.</li> <li>Based on Council's economic modelling, a direct injection of \$3.2M (construction costs), along with a combined supply chain and consumption effect of \$4.234M, will result in a total economic impact of \$7.434M for the region.</li> <li>The applicant has advised that close to 100% of their design and construction work will be undertaken by local contractors – a design and construct contract has been executed with WHF Group who are a local builder.</li> </ul>
<b>Employment Generation</b>	<ul style="list-style-type: none"> <li>The applicant has estimated that 50 temporary, indirect, and direct positions will be created during construction of this project.</li> <li>Based on Council's economic impact modelling, the project will generate 5 direct and 12 indirect jobs, totalling 17 FTE jobs during construction.</li> <li>Post construction, the applicant anticipates 30 new casual, part time and full time permanent positions will be created – eg. childcare educators, building and garden maintenance and cleaning services.</li> </ul>
<b>Applicable Area</b> Appropriately zoned land suitable for proposed use.	The development is on appropriately zoned land in the urban area.
<b>Applicable Land Uses</b> The Policy applies to Material Change of Use applications for uses that are consistent with "applicable land uses" in Schedule 6: Community facilities (refer to the table in the Policy).	The development application applies to a Material Change of Use for an Education facility (childcare centre) which is identified as an applicable use under Schedule 6: Community Facilities in the Policy.

Business and Regional Benefits

The applicant proposes that the development will deliver immediate benefits to the Mackay region's economy, such as:

- The centre will result in 100 childcare spaces for children from 0 – 5 years of age.
- Construction costs of \$3.2M will result in an increase of total regional output (including direct, supply chain and consumption effects) by up to \$7.434M.
- When operational, the centre will generate approximately 30 permanent jobs eg. child care educators, building and garden maintenance and cleaning services.

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- Eden Academy is a new child care centre operator to Mackay and this will be their first project. Eden Academy has expansion plans and secured a second site in the Kerrisdale area.

The centre will be located in the Northern Beaches – an area with the highest rate of population growth in the region. Demand has been identified for childcare services within the Northern Beaches area, and this is not expected to ease over the next 10 years (supporting economic needs assessments were undertaken by Location IQ and Bull and Bear Economics during the development assessment process).

### Consultation and Communication

The Development Planning and Engineering program has considered the development application through the statutory assessment provisions under the *Planning Act 2016*. As part of this assessment process, other relevant sections of Council were consulted.

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

### Resource Implications

In accordance with the Infrastructure Charges Notice, the development gives rise to a total net infrastructure charge of **\$115,055** (+ annual adjustments).

Under Schedule 6: Community Facilities, infrastructure charges may be reduced by up to 100% (based on the net charge amount identified on the Infrastructure Charges Notice and after the application of any offsets and credits) for not-for-profit groups that are a recognised charity; up to 75% for not-for-profit groups; and 50% in all other scenarios – up to a maximum concession value of \$1,000,000.

For this application, the applicant is eligible to apply for up to 50% concession under the Policy.

In this scenario, charges payable would be as follows:

Infrastructure Charge	Concession (%)	Concession (\$)	Charges Payable
<b>\$115,055</b>	50%	\$5,7527.50	\$5,7527.50

It is proposed that infrastructure charge concessions only apply to the net charge amounts calculated following the subtraction of any offsets and credits. The application of this methodology will ensure that the granting of concessions does not introduce any additional infrastructure costs to Council.

### Risk Management Implications

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

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

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**Conclusion**

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

The proposed application supports the desired outcomes of Schedule 6: Community Facilities of the Policy and the provision of concessions will facilitate the delivery of this project.

**Officer's Recommendation**

THAT the following Specific Incentive is approved under the Facilitating Development in the Mackay Region Policy for Eulcom Pty Ltd, Eden Academy Childcare, located at 33 Arana Drive and 1-11 Carl Street, Rural View (Lot 1 and Lot 5 on SP282340):

- a) Concessions of 50% (estimated at \$57,527.50) to be applied against the net charge amount, calculated following annual adjustments and subtraction of any offsets and credits, for the Material Change of Use – Childcare Centre and Reconfiguration of a Lot (DA-2021-77);
- b) Delayed Payment of the infrastructure charges payable within 12 months of the commencement of use;
- c) Reduction in water and sewer service connection fees (50% discount up to a maximum of \$500 for each service, totalling a maximum discount of \$1000) to be applied at the time when the fees would be payable for the activity.

AND THAT the approval of concessions is dependent on:

- d) The development must be completed and the use commenced by 14 September 2024.
- e) No additional infrastructure costs incurred by Council (including establishment and bring forward costs).
- f) The developer utilising local contractors and suppliers.

**Council Resolution ORD-2022-275**

THAT the following Specific Incentive is approved under the Facilitating Development in the Mackay Region Policy for Eulcom Pty Ltd, Eden Academy Childcare, located at 33 Arana Drive and 1-11 Carl Street, Rural View (Lot 1 and Lot 5 on SP282340):

- a) Concessions of 50% (estimated at \$57,527.50) to be applied against the net charge amount, calculated following annual adjustments and subtraction of any offsets and credits, for the Material Change of Use – Childcare Centre and Reconfiguration of a Lot (DA-2021-77);
- b) Delayed Payment of the infrastructure charges payable within 12 months of the commencement of use;
- c) Reduction in water and sewer service connection fees (50% discount up to a maximum of \$500 for each service, totalling a maximum discount of \$1000) to be applied at the time when the fees would be payable for the activity.

AND THAT the approval of concessions is dependent on:

- d) The development must be completed and the use commenced by 14 September 2024.
- e) No additional infrastructure costs incurred by Council (including establishment and bring forward costs).

ORDINARY MEETING - 14 SEPTEMBER 2022

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**f) The developer utilising local contractors and suppliers.**

**Moved Cr Hassan**

**Seconded Cr Green**

Cr Hassan noted that it was very pleasing to see another child care centre coming to the region and particularly in the Rural View area.

Cr Green noted that this development is for the construction of a 100 place childcare facility for 0 to 5 year olds across the road from the Eimeo State Primary School, and from her own personal experience, being able to park in the one location and drop children at different facilities is enormously beneficial to busy families during both drop off and pick up times, and believes this is a fantastic opportunity for the Northern Beaches and fills a gap in child care services.

**CARRIED**

ORDINARY MEETING - 14 SEPTEMBER 2022

#### **11.4.4. FACILITATING DEVELOPMENT IN THE MACKAY REGION POLICY - HIGGINS DESIGNER HOMES - MATERIAL CHANGE OF USE FOR MULTIPLE DWELLING UNITS (3) - 10 KATE STREET, EAST MACKAY - DA-2021-33**

<b>Author</b>	Principal Economic Development Officer (Nadine Connolly)
<b>Responsible Officer</b>	Director Development Services (Aletta Nugent)
<b>File Number</b>	Facilitating Development in the Mackay Region Policy Applications
<b>Attachments</b>	1. Approved Plans - D A-2021-33 - Higgins Designer Homes - 10 Kate Street, East Mackay Units [11.4.4.1 - 9 pages]

#### **Purpose**

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

#### **Related Parties**

- Lori and Leo Higgins
- Higgins Investment Trust & Higgins Super Fund
- Higgins Designer Homes
- RPS Group

#### **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.

##### Live and Visit

Enhance Liveability - We have a range of housing and social infrastructure options that supports a great quality of life and wellbeing in our community.

#### **Background/Discussion**

The applicant, Higgins Designer Homes, is applying for Policy concessions for their Kate Street Units development at 10 Kate Street, East Mackay (Lot 5 on RP701060).

The proponents received development approval (DA-2021-33) for the construction of three, two-story three-bedroom units on the vacant site on Kate Street in June 2021.

The applicant submitted an Expression of Interest under the Facilitating Development in the Mackay Region Policy (Policy) in September 2021, and the subsequent Stage 2 Application was received on 24 August 2022.

The total capital investment in the development is approximately \$1.229M, which includes construction costs of \$1,019,000 and land valued at \$210,000.

##### Incentive Requests

The applicant is seeking concessions under Schedule 7: Housing Diversity. The application has been assessed against Version 8 of the Policy, which was endorsed on 9 February 2022.

The following concessions have been requested:

##### *Infrastructure Charge concessions*

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Net Infrastructure Charges	Requested concession (50%)	Charges payable
\$60,453.40	\$30,226.70	\$30,226.70

As per Schedule 7: Housing Diversity, infrastructure charges may be reduced up to 50% based on the net charge amount identified on the Infrastructure Charges Notice and after the application of any offsets, up to a maximum concession value of \$500,000.

*Service connection fee refund*

As per Schedule 7: Housing Diversity, water and sewage connection fees can be discounted by 50%, up to maximum of \$500 per service, to a maximum of \$1,000.

General Eligibility Criteria

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

Based on information provided by the applicant, the proposed development satisfies the requirements under the General Eligibility Criteria in Schedule 7: Housing Diversity, as follows.

Criteria	Eligibility
<b>Timing of development</b> The development will be completed within 2 years of the approval of the incentives under this policy:	Commencement of construction – November 2021 Commencement of use – November 2022  The applicant applied under the Policy prior to commencement of construction.  The applicant's submission was received in September 2021, prior to commencement of construction. Due to commercial realities, the applicant has had to proceed with construction while waiting for their application to be presented to Council. In cases such as this, the application is considered to be "live" until a decision is able to be made.
<b>Non-Government Development</b>	Yes
<b>Infrastructure capacity</b>	The proposed development is able to be accommodated by existing infrastructure servicing the site, with no upgrades to trunk infrastructure required. The site is located in a Medium Density Residential area and within the Priority Infrastructure Area.  As per the Infrastructure Charges Notice, no offsets or refunds are applicable.

Specific Eligibility Criteria

Based on information provided by the applicant, the proposal satisfies the eligibility criteria in Schedule 7: Housing Diversity of the Policy:

Criteria	Eligibility
<b>Economic Investment</b>	<ul style="list-style-type: none"> <li>Estimated construction cost of development is \$1,019,000.</li> <li>Estimated total capital investment of \$1.229M.</li> </ul>



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The applicant must demonstrate that the minimum capital investment in the development is equal to or greater than \$500,000.	<ul style="list-style-type: none"> <li>Based on Council's economic modelling, a direct injection of \$1,019,000 (construction costs), along with a combined supply chain and consumption effect of \$1.348M will result in a total economic impact of \$2.367M for the region.</li> <li>The applicant will utilise local contractors and suppliers.</li> </ul>
<b>Employment Generation</b>	<ul style="list-style-type: none"> <li>Based on Council's economic impact modelling, the project will generate 1 direct and 4 indirect jobs, totalling 5 FTE jobs during construction.</li> </ul>
<b>Applicable Area</b> In relevant zones within the PIA where the applicable land uses are Code assessable development.	The development is on appropriately zoned land in the urban area.
<b>Applicable Land Uses</b> The Policy applies to material change of use applications for uses that are consistent with "applicable land uses" in Schedule 7 Housing Diversity (refer to the table in the Policy).	The development application applies to a Material Change of Use for Multiple Dwelling Units which is identified as an applicable use under Schedule 7: Housing Diversity in the Policy.

Business and Regional Benefits

Based on the information provided by the applicant, the new residential development supports increased business activity within the local construction industry and provides additional employment opportunities across various industry sectors.

Further, the applicant proposes that the development will deliver additional benefits to the Mackay region's economy, these being:

- The project involves the delivery of three new units to Mackay's property market which is experiencing a shortage of available housing for purchase or rent.
- The development aims to correct a current shortage in the market for three-bedroom properties.
- The proposal involves unit development in the suburb of East Mackay, supporting inner city development.
- The development offers housing diversity (multiple dwelling unit development as opposed to detached dwellings) and choice for current and future residents.
- The site is located within easy access to schools, employment and recreational facilities.
- The development has the potential to encourage further investment in the Mackay Waterfront PDA.
- The developer is a local resident and 97.5% of construction and supply will be undertaken by local contractors and suppliers.

**Consultation and Communication**

The Development Planning and Engineering program has considered the development application through the statutory assessment provisions under the *Planning Act 2016*. As part of this assessment process, other relevant sections of Council were consulted.

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

**Resource Implications**

In accordance with the Infrastructure Charges Notice, the development gives rise to a total net infrastructure charge of \$60,453.40 (+ annual adjustments) after the application of the credit in the amount of \$30,226.70.

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Gross Infrastructure Charge (IC)	Credit (House)	Net Infrastructure Charge	Concession (50%)	Charges Payable
\$90,680.10	\$30,226.70	<b>\$60,453.40</b>	\$30,226.70	\$30,226.70

Under Schedule 7: Housing Diversity, infrastructure charges may be reduced by up to 50% based on the net charge amount identified on the Infrastructure Charges Notice and after the application of any offsets, up to a maximum concession value of \$500,000.

### Risk Management Implications

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

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

### Conclusion

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

The proposed application supports the desired outcomes of Schedule 7: Housing Diversity of the Policy and the provision of concessions will facilitate the delivery of this project.

### Officer's Recommendation

THAT the following Specific Incentive is approved under the Facilitating Development in the Mackay Region Policy for Higgins Designer Homes, Kate Street Units, located at 10 Kate Street, East Mackay (Lot 5 RP701060):

- Concessions of 50% (estimated at \$30,226.70) to be applied against the net charge amount, calculated following annual adjustments and subtraction of any offsets and credits, for the Material Change of Use for Multiple Dwelling Units (DA-2021-33).
- Reduction in water and sewer service connection fees (50% discount up to a maximum of \$500 for each service, totalling a maximum overall discount of \$1000), to be applied at the time when the fees would be payable for the activity.

AND THAT the approval of concessions is dependent on:

- The development must be completed and the use commenced by 14 September 2024.
- No additional infrastructure costs incurred by Council (including establishment and bring forward costs).
- The developer utilising local contractors and suppliers.

### Council Resolution ORD-2022-276

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**THAT the following Specific Incentive is approved under the Facilitating Development in the Mackay Region Policy for Higgins Designer Homes, Kate Street Units, located at 10 Kate Street, East Mackay (Lot 5 RP701060):**

- a) Concessions of 50% (estimated at \$30,226.70) to be applied against the net charge amount, calculated following annual adjustments and subtraction of any offsets and credits, for the Material Change of Use for Multiple Dwelling Units (DA-2021-33).**
- b) Reduction in water and sewer service connection fees (50% discount up to a maximum of \$500 for each service, totalling a maximum overall discount of \$1000), to be applied at the time when the fees would be payable for the activity.**

**AND THAT the approval of concessions is dependent on:**

- c) The development must be completed and the use commenced by 14 September 2024.**
- d) No additional infrastructure costs incurred by Council (including establishment and bring forward costs).**
- e) The developer utilising local contractors and suppliers.**

**Moved Cr Green**

**Seconded Cr May**

Cr Green noted that the developer is seeking concessions under the Facilitating Development in the Mackay Region Policy for the construction of 3 x 2-storey 3-bedroom units. Cr Green noted the estimated total investment is \$1.2 million resulting in an economic impact of \$2.4 million and will utilise local contractors and suppliers. Cr Green highlighted the social and regional benefits brought about by adding a much needed mix to the housing diversity and affordability in the region and while providing affordable housing is not Council's core business, this Policy is a lever that Council does have to influence the housing stock by enticing developers to build a more diverse offering of housing in the region.

**CARRIED**

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**11.4.5. FACILITATING DEVELOPMENT IN THE MACKAY REGION POLICY - WHITSUNDAY ANGLICAN SCHOOL LIMITED - MATERIAL CHANGE OF USE FOR EDUCATIONAL FACILITY - KINDERGARTEN EXPANSION AND RESOURCE, SCIENCE & DESIGN CENTRE - 2-16 CELEBER DRIVE, ANDERGROVE - DA-2020-159**

<b>Author</b>	Principal Economic Development Officer (Nadine Connolly)
<b>Responsible Officer</b>	Director Development Services (Aletta Nugent)
<b>File Number</b>	Facilitating Development in the Mackay Region Policy Applications
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Approved Plans - DA-2020-159 - Whitsunday Anglican School Limited [11.4.5.1 - 6 pages]</li> <li>2. Approved Plans - DA-2021-109 - Whitsunday Anglican School Limited [11.4.5.2 - 13 pages]</li> </ol>

**Purpose**

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

**Related Parties**

- Whitsunday Anglican School
- Whitsunday Anglican School Limited
- RPS Group

**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.

Live and Visit

Enhance Liveability - We have a range of housing and social infrastructure options that supports a great quality of life and wellbeing in our community.

**Background/Discussion**

The proposed development by Whitsunday Anglican School Ltd includes two Material Change of Use development applications for the expansion of the existing educational establishment (DA-2020-159 and DA-2021-109). The development is located at 2-16 Celeber Drive, Andergrove (Lot 3 on SP262625). Whitsunday Anglican School is a non-government day and boarding school, catering for students from Kindergarten to Year 12.

Whitsunday Anglican School is seeking concessions for the following developments:

- Extension to existing Kindergarten (DA-2020-159) – The approved development is designed to increase the capacity of the school to meet the growing community need in the pre-prep (kindergarten) space, accommodating an additional 22 students.
- Resource, Science and Design Centre (RSDC) (DA-2021-109) – The RSDC facility will replace existing science classrooms with modern, specialist science and technology classrooms/laboratories which will provide improved learning opportunities and educational outcomes in Science Technology Engineering and Mathematics (STEM) subject areas.

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The combined construction cost of both projects is approximately \$11.657M, while the total investment in buildings, equipment and facilities is approximately \$12.86M. Local building companies, suppliers and contractors will be engaged to undertake the construction contract.

The applicant's development application for the extension to the Kindergarten (DA-2020-159) was approved on 12 January 2021, and the RSDC (DA-2021-109) was approved 20 October 2021.

Whitsunday Anglican School is a registered not-for-profit charity.

#### Incentive Requests

The applicant submitted an Expression of Interest under the Facilitating Development in the Mackay Region Policy (Policy) in March 2022, and the subsequent Stage 2 Application was received on the same day.

The applicant is seeking concessions under Schedule 6: Communities Facilities. Their application has been assessed against Version 8 of the Policy, which was in effect at the time of submission.

The following infrastructure charge concessions have been requested:

<b>Development</b>	<b>Infrastructure Charges</b>	<b>Concession Requested</b>	<b>Charges Payable</b>
Extension to Kindergarten (DA-2020-159)	\$17,085.16	100%	\$0
Resource, Science and Design Centre (DA-2021-109)	\$99,422.02	100%	\$0
<b>Total</b>	<b>\$116,507.18</b>	100%	\$0

As per Schedule 6: Community Facilities in Version 8 of the Policy, infrastructure charges may be reduced up to 100% based on the net charge amount identified on the Infrastructure Charges Notice (after the application of any offsets) for not-for-profit groups that are a recognised charity, to a maximum concession value of \$1,000,000.

In accordance with the Policy, the applicant has also requested delayed payment of the infrastructure charges. However, it is noted that if the approval is granted, no charges will be payable.

#### General Eligibility Criteria

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

Based on information provided by the applicant, the proposed development satisfies the requirements under the General Eligibility Criteria in Schedule 6: Community Facilities, as follows.

<b>Criteria</b>	<b>Eligibility</b>
<b>Timing of development</b>	<p>Commencement of construction – May/July 2022 Commencement of use – September 2023</p> <p>The applicant's submission was received in March 2022, prior to commencement of construction. Due to commercial realities, the applicant had to proceed with construction while waiting for their application to be presented to Council. In cases such as this, the application is considered to be "live" until a decision is able to be made.</p>

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<b>Non-Government Development</b>	Yes
<b>Infrastructure capacity</b>	<p>The applicant has advised that no upgrade to trunk infrastructure is required for the development. The Kindergarten expansion and the RSDC are an expansion of the existing use and will be connected to the existing infrastructure already servicing the school.</p> <p>As per the Infrastructure Charges Notices, no offsets or refunds were identified for DA-2021-109 or DA-2020-159.</p>

Specific Eligibility Criteria

Based on information provided by the applicant, the proposal satisfies the eligibility criteria under Schedule 6: Community Facilities of the Policy:

Criteria	Eligibility
<b>Economic Investment</b> The applicant must demonstrate that the minimum capital investment in the development is equal to or greater than \$100,000.	<ul style="list-style-type: none"> <li>Estimated construction cost of both developments is \$11.657M.</li> <li>Based on Council's economic modelling, a direct injection of \$11.657M (construction costs) will result in combined supply chain and consumption effects of \$15.422M, totalling \$27.08M economic impact.</li> <li>The applicant has committed to utilising local contractors and suppliers during construction of the development.</li> </ul>
<b>Employment Generation</b>	<ul style="list-style-type: none"> <li>Based on Council's economic modelling, the project will generate 17 direct and 43 indirect jobs, totalling 60 jobs during construction.</li> <li>Post construction, the applicant anticipates 1.3 new permanent jobs will be created as a result of the project.</li> <li>The applicant has committed to utilising local contractors and suppliers during construction of the development.</li> </ul>
<b>Applicable Area</b> Appropriately zoned land.	Both developments are on appropriately zoned land in the urban area.
<b>Applicable Land Uses</b> The policy applies to material change of use applications for uses that will provide new or additional facilities that support the community. The uses must be consistent with "applicable land uses" under Schedule 6 (refer to the table in the Policy).	Both development applications are for Material Change of Use for Educational Establishments, which is an identified use under Schedule 6.

Business and Regional Benefits

Based on the information provided by the applicant, the proposed development will deliver immediate benefits to the Mackay region's economy, such as:

- The Kindergarten expansion will accommodate an additional 22 places for children and generate an additional 1.3 permanent jobs (FTE) when operational.
- The Kindergarten expansion will value-add to the existing education product offered by the School, providing additional opportunities for pre-prep children to enter the school community and commence their learning journey.
- The provision of additional places for pre-prep aged children will assist in alleviating the high demand for child care services.

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- RSDC will be a purpose-built facility that will value-add to the School's educational offering, attracting parents and students alike.
- The RSDC will provide a learning environment specifically suited to STEM subjects with the aim of producing students highly skilled in this area, potentially leading to future innovation in local industries.
- The construction of the RSDC will ensure the School's ability to provide an education of the highest academic rigour is maintained.
- The RSDC will enhance the School's links with universities and the Resource Centre of Excellence which may lead to the establishment of new / future industries in the community or innovation in existing industries.
- The project will result in a direct injection of \$11.657M into the regional economy during construction, increasing total economic output by up to \$27.08M.
- The project will result in increased business activity across a number of industry sectors, benefiting the communities and businesses of Mackay region.
- The expansion will allow the school to meet the growing need within the community.

### Consultation and Communication

The Development Planning and Engineering program has considered the development applications through the statutory assessment provisions under the *Planning Act 2016*. As part of this assessment process, other relevant sections of Council were consulted.

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

### Resource Implications

In accordance with the Infrastructure Charges Notices for DA-2020-159 and DA-2021-109, the development gives rise to total infrastructure charges of **\$116,507.18** (+ annual adjustments).

Under Schedule 6: Community Facilities, infrastructure charges may be reduced by up to 100% based on the net charge amount identified on the Infrastructure Charges Notice (and after the application of any offsets and credits) for not-for-profit groups that are a recognised charity, to a maximum concession value of \$1,000,000.

It is proposed that infrastructure charge concessions only apply to the net charge amounts calculated following the subtraction of any offsets and credits. The application of this methodology will ensure that the granting of concessions does not introduce any additional infrastructure costs to Council.

The Policy concessions for the developments are as follows:

Development	Net Infrastructure Charges	Concession %	Concession \$	Charges Payable
Extension to Kindergarten (DA-2020-159)	\$17,085.16	100%	\$17,085.16	\$0
Resource, Science and Design Centre (DA-2021-109)	\$99,422.02	100%	\$99,422.02	\$0
<b>Total</b>			<b>\$116,507.18</b>	<b>\$0</b>

### Risk Management Implications

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

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

**Conclusion**

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

The proposed application supports the desired outcomes of Schedule 6: Community Facilities of the Policy and will increase economic output for the region.

**Officer's Recommendation**

THAT the following Specific Incentive is approved under the Facilitating Development in the Mackay Region Policy for Whitsunday Anglican School Ltd, located at 2-16 Celeber Drive, Andergrove (Lot 3 on SP262625):

- Concessions of 100% (estimated at \$17,085.16) to be applied against the net charge amount (calculated following annual adjustments and subtraction of any offsets and credits) on DA-2020-159 Material Change of Use – Educational Establishment – Extension to Existing Kindergarten (Pre-Prep School); and
- Concessions of 100% (estimated at \$99,422.02) to be applied against the net charge amount (calculated following annual adjustments and subtraction of any offsets and credits) on DA-2021-109 Material Change of Use – Educational Establishment – Expansion to Resource, Science and Design Centre.

AND THAT the approval of concessions is dependent on:

- The development must be completed and the use commenced by 14 September 2024.
- No additional infrastructure costs incurred by Council (including establishment and bring forward costs).
- The developer utilising local contractors and suppliers.

**Council Resolution ORD-2022-277**

THAT the following Specific Incentive is approved under the Facilitating Development in the Mackay Region Policy for Whitsunday Anglican School Ltd, located at 2-16 Celeber Drive, Andergrove (Lot 3 on SP262625):

- Concessions of 100% (estimated at \$17,085.16) to be applied against the net charge amount (calculated following annual adjustments and subtraction of any offsets and credits) on DA-2020-159 Material Change of Use – Educational Establishment – Extension to Existing Kindergarten (Pre-Prep School); and**
- Concessions of 100% (estimated at \$99,422.02) to be applied against the net charge amount (calculated following annual adjustments and subtraction of any offsets and credits) on DA-2021-109 Material Change of Use – Educational Establishment – Expansion to Resource, Science and Design Centre.**



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**AND THAT the approval of concessions is dependent on:**

- d) The development must be completed and the use commenced by 14 September 2024.**
- e) No additional infrastructure costs incurred by Council (including establishment and bring forward costs).**
- a) The developer utilising local contractors and suppliers.**

**Moved Cr Englert**

**Seconded Cr Hassan**

Cr Englert noted that this application was about meeting the growing community needs for schooling, with the project totalling \$11.5 million and with the applicant requesting a 100% concession. Cr Englert noted that Schedule 6 of the Policy allows for this concession with the benefit to the community being in the vicinity of \$15 million, with conditions that construction must be completed by next year and local contractors and suppliers engaged.

Cr Green referred to the social and regional benefits of the project, in particular the Resource Science and Design Centre, which sounds like a fantastic classroom laboratory facility that will help build upon the capabilities of the region to provide pathways for our students into those skills and future jobs.

**CARRIED**

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**11.5. ORGANISATIONAL SERVICES****11.5.1. ADOPTION OF COUNCIL POLICIES**

<b>Author</b>	Acting Coordinator Corporate Governance (Pam Currell)
<b>Responsible Officer</b>	Executive Officer (David McKendry)
<b>File Number</b>	103 - Children or Young People Risk Management / 109 Encroachment on Public Land

<b>Attachments</b>	1. COU103 - Children and Young People Risk Management [ <b>11.5.1.1</b> - 6 pages]
	2. COU109 - Encroachment on Public Land [ <b>11.5.1.2</b> - 14 pages]

**Purpose**

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

1. COU103 – Children or Young People Risk Management; and
2. COU109 – Encroachment on Public Land

**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 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.

COU103 – Children or Young People Risk Management

This policy and its associated corporate standard provide for the requirements of working with children or young people in accordance with the *Working with Children (Risk Management and Screening) Act 2000*.

This policy and its standard have been reviewed as part of MRC's policy review process.

COU109 – Encroachment on Public Land

This is a new policy and associated corporate standard with the objective to determine the impact of an encroachment on the community to either formalise or remove from public land.

This policy and its standard have been reviewed as part of MRC's policy review process.

**Consultation and Communication**

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

### **Resource Implications**

The implementation of the 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. COU103 – Children or Young People Risk Management; and
2. COU109 – Encroachment on Public Land

### **Officer's Recommendation**

THAT Council adopt the following policies:

1. COU103 – Children or Young People Risk Management; and
2. COU109 – Encroachment on Public Land

### **Council Resolution ORD-2022-278**

**THAT Council adopt the following policies:**

1. **COU103 – Children or Young People Risk Management; and**
2. **COU109 – Encroachment on Public Land**

### **Moved Cr Jones**

### **Seconded Cr May**

Cr Jones advised that she was pleased to see the new Children or Young People Risk Management Policy being brought forward and reminded all Councillors to provide their Blue Cards to Council and in relation to the Encroachment of Public Land Policy, feels very strongly that public land is public land and is pleased that Council officers have been able to work through this Policy.

Cr Green referred to the Encroachment on Public Land Policy, noting that it has been arduous and is quite complex and thanked staff for the briefings and the collaborative effort to ensure Councillors know exactly what they are endorsing.

Cr May endorsed Cr Green's comments, noting that encroachment has been a problem for Council for many years and to finally arrive at a Policy that Councillors have been fully briefed on including discussions around the categorisation of the encroachments and the remedy to repair or remove. Cr May noted that the Policy will now give officers a reference and allow Council to move forward.

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**CARRIED**

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**12. RECEIPT OF PETITIONS**

Nil

**13. TENDERS**

Nil

**14. CONSIDERATION OF NOTIFIED MOTIONS**

Nil

**15. PUBLIC PARTICIPATION**

Nil

**16. LATE BUSINESS**

Cr Townsend advised that September is Ovarian Cancer Awareness Month and as Chair of the Trudy Crowley Community Cancer Support Centre, advised that the organisation, which opened its doors in February, offers support to women undergoing treatment for ovarian cancer and have expanded to any type of cancer, provides a counsellor and a palliative care nurse and a wig room which is dedicated to the ladies who want to look and feel their best with all services from the Centre free of charge. Cr Townsend noted that this type of facility is not widely done in Australia and to start from very humble beginnings to where the Centre is today is something she is very proud of.

Mayor Williamson congratulated Cr Townsend for her work on the Trudy Crowley Foundation and the Community Cancer Support Centre.

Cr May advised that Friday would see the final announcement of the winners of International Men's Day art competition, noting that she had the great privilege to open the art display at the Mackay Art Society with the artwork of the finalists now moved to the Botanic Garden Gallery. Cr May advised that the Gold Coast Suns would be arriving in Mackay this weekend for their game against St Kilda, noting that Councillors have a number of functions to engage with the Suns and it's great to see them coming to Mackay.

Cr Mann advised that last Friday night saw the holding of the Touch of Teal Soiree and noted that guest speaker, Ann Brunke, credited Council's staff member Bridgeen Doherty, with saving her life after hearing her speak at an event she happened to attend. Following tests, Mrs Brunke was diagnosed with ovarian cancer and is now classed as a survivor at this point. Cr Mann noted that the work that Bridgeen has done has been vital and she has been so selfless while she is going through such very invasive treatment.

Cr Mann advised that this Sunday at Wests Leagues Club, the Special Olympics Mackay will be having their Queensland team uniform presentation and as she is associated with Special Olympics Mackay as a committee member, encouraged as many people to be in attendance as possible, to see the athletes receive their uniforms.

Cr Jones advised that she had attended the Cane Country Ball in Finch Hatton recently, which had been lucky enough to receive funding from Council to assist with its' staging. Cr Jones noted that it had been a wonderful night with Mango Junction providing entertainment and the outcome of the night was that the group have funds to assist them with next year's event.

Cr Green advised that last week had been Suicide Prevention Week and highlighted two events held - the Australian premier screening of My Ascension which is a story about a teenager who attempted to take her life and where she is now and the Light Up The Lake event which is now in its fourth year and has grown significantly over that time and saw people come together to support people who have gone through the

ORDINARY MEETING - 14 SEPTEMBER 2022

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trauma of either the live experience of losing a loved one or having attempted suicide themselves. Cr Green paid tribute to Sonia from Mad Cow Coffee who is dedicated to having conversations and showing support to the community and hopefully saving lives.

**17. CONFIDENTIAL REPORTS**

Nil

**18. MEETING CLOSURE**

Meeting closed at 11:30 am.

**19. FOR INFORMATION ONLY**

Nil

Confirmed on Wednesday 28 September 2022.

.....  
MAYOR

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

**UPDATE ON QUESTIONS ARISING FROM COUNCIL MEETING – 14 SEPTEMBER 2022**

<b>AGENDA ITEM</b>	<b>MATTER</b>	<b>RESPONSE</b>
11.2 Capital Works Monthly Review Report – August 2022	Cr Seymour sought an update on stage 3 of Lorne Road, Walkerston.	This work is planned to commence in mid-October and is a 12-week program. This pushes some of the work into the wet season but is unavoidable due to ongoing and significant staff shortages/vacancies in the Field Services crews.



**9. MAYORAL MINUTES**

Nil

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

Nil

## 11. CORRESPONDENCE AND OFFICER'S REPORTS

### 11.1. OFFICE OF THE MAYOR AND CEO

#### 11.1.1. ADOPTION OF COUNCIL POLICIES

<b>Author</b>	Acting Coordinator Corporate Governance (Pam Currell)
<b>Responsible Officer</b>	Executive Officer (David McKendry)
<b>File Number</b>	100 - Complaints Against the Chief Executive Officer / 041 - Gifts and Benefits / 045 - Fraud and Corruption Prevention
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. COU100 - Complaints against the Chief Executive Officer [<b>11.1.1.1</b> - 7 pages]</li><li>2. COU041 - Gifts and Benefits [<b>11.1.1.2</b> - 13 pages]</li><li>3. COU045 - Fraud and Corruption Prevention [<b>11.1.1.3</b> - 24 pages]</li></ol>

#### **Purpose**

To present the following Council policy and its associated Corporate Standard for consideration and adoption:

1. COU100 – Complaints Against the Chief Executive Officer; and
2. COU041 – Gifts and Benefits
3. COU045 – Fraud and Corruption Prevention

#### **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.

#### COU100 – Complaints Against the Chief Executive Officer

This policy is a legislative requirement of Section 48A of the *Crime and Corruption Act 2001* and outlines the way in which MRC will deal with complaints against the Chief Executive Officer including any allegations that may involve corruption conduct.

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

#### COU041 – Gifts and Benefits

This policy and its associated corporate standard developed in accordance with the principles of the *Local Government Act 2009*, *Local Government Regulations 2012* and the *Public Sector Ethics Act 1994* to provide transparency in good governance and accountability.

This policy and its associated corporate standard have been reviewed as part of MRC's policy review process.

#### COU045 – Fraud and Corruption Prevention

This policy and its associated corporate standard developed in accordance with the principles of the *Local Government Act 2009* and the *Local Government Regulations 2012* to set out the organisational requirements to prevent, detect, respond to and report fraud and corruption.

This policy and its associated corporate standard have been reviewed as part of MRC's policy review process.

#### **Consultation and Communication**

As part of the review process consultation has been undertaken with relevant stakeholders including responsible and associated program managers, director 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 and their associated corporate standards:-

1. COU100 – Complaints Against the Chief Executive Officer;
2. COU041 – Gifts and Benefits; and
3. COU045 – Fraud and Corruption Prevention

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

THAT Council adopt the following policies and their associated corporate standard:

1. COU100 – Complaints Against the Chief Executive Officer;
2. COU041 – Gifts and Benefits; and
3. COU045 – Fraud and Corruption Prevention

#### **Council Resolution ORD-2022-280**

**THAT Council adopt the following policies and their associated corporate standard:**

- 1. COU100 – Complaints Against the Chief Executive Officer;**
- 2. COU041 – Gifts and Benefits; and**
- 3. COU045 – Fraud and Corruption Prevention**

**Moved Cr Bonaventura**

**Seconded Cr Townsend**

Cr Bonaventura advised that he was happy to support this resolution noting that COU100 was a Legislative requirement, COU041 has been developed to provide transparency and good governance and COU045 has been developed to set out the organisational requirements to prevent, detect and respond to fraud and corruption.

**CARRIED**

## COUNCIL POLICY

COMPLAINTS AGAINST THE CHIEF  
EXECUTIVE OFFICER

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

**Scope**

This policy applies to:

- all complaints against the Chief Executive Officer (CEO) of Mackay Regional Council (MRC); and
- to all persons who hold an appointment in or are Staff of the MRC.

**Objective**

The objective of this policy is to outline the way in which the Council will *deal with* complaints against the CEO including any allegations that may involve corrupt conduct as defined in the *Crime and Corruption Act* (CC Act).

The policy also assists the MRC in complying with s48A of the CC Act.

**Policy Statement**

This policy is designed to assist the Council to:

1. Comply with s48A of the CC Act.
2. Comply with *Local Government Act 2009* (LGA) and *Local Government Regulation 2012* (LGR).
3. Promote public confidence, accountability, integrity and transparency in the way the Council deals with all allegations against the CEO including those of a serious nature that may involve, misconduct or corrupt conduct.

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

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

COUNCIL POLICY

COMPLAINTS AGAINST THE CHIEF  
EXECUTIVE OFFICER

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**COUNCIL POLICY****COMPLAINTS AGAINST THE CHIEF  
EXECUTIVE OFFICER****1.0 Nominated Person**

Having regard to s48A (2) and (3) of the CC Act, the nominated person appointed under this policy to **deal with** complaints against the CEO is the person holding the position of Mayor of MRC.

The contact details for the nominated person are:

Mayor

Mackay Regional Council

Phone: 07 4961 9455

Email: Current email details located @  
[mackay.qld.gov.au/contact/councillors](mailto:mackay.qld.gov.au/contact/councillors)

Post: PO Box 41  
Mackay QLD 4740

Once the MRC nominates a person, the CC Act applies as if a reference about notifying or dealing with the complaint to the CEO is a reference to the nominated person.

**2.0 Resourcing and Authority of the Nominated Person**

The nominated person has the discretion to acquire the services of suitably qualified persons (either internal or external to MRC) to act as his/her agent to assist him/her deal with such complaints.

The Council will ensure that sufficient resources are available to the *nominated person* to enable him/her to deal with the complaint appropriately.

The *nominated person* is to ensure that consultations, if any, for the purpose of securing resources sufficient to deal with the complaint appropriately are confidential

The *nominated person* (or his/her agent) must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:

- purposes of the CC Act
- the importance of promoting public confidence in the way suspected corrupt conduct in the Council is dealt with, and
- the Council's statutory, policy and procedural framework.

The *nominated person* is delegated the same authority, functions and powers as the CEO to direct and control staff of the Council and to enter into contracts on behalf of the Council as if the nominated person is the CEO of the Council for the specific purpose of dealing with the complaint only.

## COUNCIL POLICY

COMPLAINTS AGAINST THE CHIEF  
EXECUTIVE OFFICER**3.0 Dealing with complaints about the CEO**

If a complaint may involve an allegation of corrupt conduct of the CEO, the complaint may be reported to:

- the nominated person, or
- a person to whom there is an obligation to report under an Act <sup>[1]</sup> (this does not include an obligation imposed by ss37, 38 and 39(1) of the CC Act).

If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the nominated person.

If the CEO reasonably suspects that the complaint may involve corrupt conduct on their part, the CEO must:

- (i) report the complaint to the nominated person as soon as practicable and may also notify the CCC, and
- (ii) take no further action to deal with the complaint unless requested to do so by the nominated person.

If directions issued under s40 apply to the complaint:

- (i) the nominated person is to deal with the complaint, and
- (ii) the CEO is to take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Mayor.

If the *nominated person* reasonably suspects the complaint may involve an allegation of corrupt conduct of the CEO, the nominated person or his/her agent is to:

- notify the CCC of the complaint in accordance with the requirements of the *directions notice* issued by the CCC to MRC; and
- *deal with* the complaint, subject to the CCC's monitoring role and any directions issued by the CCC under s40 of the CC Act.

All other complaints against the CEO, including those involving allegations of *misconduct* are to be dealt with by the *nominated person* or his/her agent accordance with Council's Administrative Actions Complaints Policy.

The CEO is to keep the CCC and the *nominated person* informed of:

- The contact details for the public official/CEO and the nominated persons;
- Any proposed changes to this policy.

<sup>[1]</sup> See s39(2) of the CC Act



## COUNCIL POLICY

COMPLAINTS AGAINST THE CHIEF  
EXECUTIVE OFFICER

The CEO will consult with the CCC when preparing any policy about how MRC will deal with a complaint that involves or may involve corrupt conduct of the public official/CEO.

#### 4.0 Definitions

To assist in interpretation the following definitions shall apply:

**CCC** shall mean the Crime and Corruption Commission

**CC Act** shall mean the *Crime and Corruption Act 2001*.

**CEO** means the Chief Executive Officer of the Mackay Regional Council, including people acting temporarily in the role.

**Complaint** includes any complaint:

- Relating to information or matter as provided by s48A (4) of the CC Act; or
- about the behaviour of the CEO; or
- that constitutes an *administrative action complaint* against the CEO in accordance with s268(2) of the LGA i.e.:
  - a decision, or a failure to make a decision,
  - an act, or a failure to do an act;
  - the formulation of a proposal or intention; or
  - the making of a recommendation.

**Contact Details** shall mean a direct telephone number, email address and postal address to enable confidential communications.

**Corruption** means corrupt conduct.

**Corrupt Conduct** see section 15 of the *Crime and Corruption Act 2001*.

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

**Deal with**, shall mean undertaking all actions to address the complaint in an appropriate way which includes:

- (a) investigate the complaint, information or matter; and
- (b) gather evidence for –
  - (i) prosecutions for offences; or
  - (ii) disciplinary proceedings; and
- (c) refer the complaint, information or matter to an appropriate authority to start a prosecution or disciplinary proceeding; and
- (d) start a disciplinary proceeding; and
- (e) other actions required to process the complaint in accordance with Council's complaint management policies and processes.

## COUNCIL POLICY

COMPLAINTS AGAINST THE CHIEF  
EXECUTIVE OFFICER

**Directions Notice** shall mean the directions issued by the CCC to MRC outlining the notification obligations of the nominated officer pursuant to S40 of the CC Act.

**LGA** shall mean the *Local Government Act 2009*

**LGR** shall mean the *Local Government Regulation 2012*

**Misconduct** shall mean when the CEO breaches his/her obligations under his/her contract of employment. Examples of misconduct include but are not limited to:

- breaches of policies, code of conduct and other reasonable instructions;
- unauthorised absence from duty; or
- inappropriate use of Council property and facilities.

**MRC** shall mean Mackay Regional Council.

**Nominated Person** shall mean the person responsible to **deal with** complaints against the CEO in accordance with the policy.

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

## 5.0 Review of Policy

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

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

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

## 6.0 Reference

- *Crime and Corruption Act 2001*
- *Local Government Act 2009*
- *Local Government Regulation 2012*

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Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
2	Review of Policy	Minor amendments	Council	13.02.19

**COUNCIL POLICY****COMPLAINTS AGAINST THE CHIEF  
EXECUTIVE OFFICER**

3	Advice from CCC in an email to the CEO dated 29/03/19	Change to the definition of corrupt conduct and inclusion of the last sentence in s5 as a result of advice from the CCC	Council	12.06.19
4	Review			

**COUNCIL POLICY****GIFTS AND BENEFITS**

**Program:** Executive Office  
**Date of Adoption:**  
**Resolution Number:**  
**Review Date:**

**Scope**

This Policy applies to all Councillors and Staff of Mackay Regional Council (MRC) who may be offered or may receive gifts and/or benefits whilst undertaking their duties and/or while representing MRC.

This Policy does not apply to electoral gifts to Councillors as defined in the Electoral Act 1992

**Objective**

This policy has been developed in accordance with the principles of the *Local Government Act 2009*, the *Local Government Regulation 2012* and the *Public Sector Ethics Act 1994* to ensure transparency and the principles of good governance and accountability are practised by Councillors and Staff if offered gifts and benefits in the course of their duties.

The objective of this policy is to outline the ethical considerations involved in the giving and receiving of gifts and benefits by Councillors and Staff.

**Policy Statement**

The community expects Councillors and Staff to discharge their responsibilities impartially and with integrity.

Consequently, it is not appropriate for Councillors or Staff to accept gifts and/or benefits that affect or may be seen to affect the performance of their official duties or be seen to influence their decision-making.

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

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

COUNCIL POLICY

GIFTS AND BENEFITS

Contents

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2.0 Complaints ..... 3

3.0 Definitions ..... 4

4.0 Review of Policy ..... 5

5.0 Reference ..... 5

6.0 Attachments ..... 5

**COUNCIL POLICY****GIFTS AND BENEFITS****1.0 Principles**

In determining whether acceptance of a gift and/or benefit is appropriate, the two major considerations are:

- the intent in which the gift and/or benefit is given; and
- the public perception of acceptance of the gift and/or benefit.

Councillors and Staff must be mindful at all times of their obligation to maintain public confidence in the integrity of MRC's administration and must be aware that acceptance of any gifts and/or benefits from an external party may or may be seen to affect the performance of their official duties, or influence, or be seen to influence their decision-making or behaviour

Any gift and/or benefit accepted, regardless of monetary value, implies, or may imply a relationship which may interfere with objectivity and independence.

Any offers of gifts and/or benefits from a supplier or tenderers must be immediately reported to the Chief Executive Officer.

This Policy and its associated Corporate Standard 041.1 Gifts and Benefits set out the principles that apply to the offer and acceptance of gifts and/or benefits.

**2.0 Complaints**

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

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

Complaints may be made as following:

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

Via Email - [complaints@mackay.qld.gov.au](mailto:complaints@mackay.qld.gov.au)

In person at the following MRC Client Services Centres:

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

## COUNCIL POLICY

## GIFTS AND BENEFITS

**3.0 Definitions**

To assist in interpretation the following definitions shall apply:

**CEO** shall mean the person appointed to the position of Chief Executive Officer under the *Local Government Act 2009* (the Act) and anyone acting in that position.

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

**Councillor** shall mean the Mayor and elected Councillors.

**Electoral Gifts** shall mean gifts offered to candidates relating to an election and separately governed by the *Electoral Act 1992*.

**Gifts and/or benefits** shall mean a present given voluntarily to show favour toward someone, honour an occasion, or make a gesture of assistance or goodwill, which is offered outside of normal open contractual arrangements. This could include but is not limited to the following examples.

- Cash or the transfer of money;
- Transfer of property of presentational or charitable nature or otherwise;
- Preferential treatment such as the provision or use of property, equipment or services free of charge, at a reduced rate, for a period of time or unspecified period;
- Corporate offers of transportation, accommodation, tickets, meals and functions as part of a major event;
- Loans of money, or equipment including provision of overdraft facilities (e.g. credit card) or guarantor for a loan;
- Catering received or given as part of a meeting, conference, trade display or other event attended which are not part of official duties;
- The sale of property with a sale price below proper valuation;
- Hospitality, including restaurant meals, beverages and entertainment;
- Travel or accommodation (all overseas travel requires disclosure);
- Any bargain deal;
- Alcohol, clothes or products;
- Tickets to the theatre, cultural events, sporting and other events or access to a private spectator box at a sporting or other venue;
- Sports team sponsorship;
- Artworks;
- Souvenirs;
- Awards or prizes including lucky door prizes or similar

**MRC** shall mean Mackay Regional Council.

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

## COUNCIL POLICY

## GIFTS AND BENEFITS

*The Act* shall mean the *Local Government Act 2009*.

#### 4.0 Review of Policy

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

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

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

#### 5.0 Reference

- *Local Government Act 2009*
- *Local Government Regulations 2012*
- *Public Sector Ethics Act 1994*
- MRC Employee Code of Conduct
- Public Service Commission Directive Number 22/09
- COU018 - Entertainment and Hospitality
- COU078 - Public Interest Disclosure
- CS041.1 – Gifts and Benefits Corporate Standard

#### 6.0 Attachments

- Corporate Standard 041.1 – Gifts and Benefits

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Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
2	Review of Policy	Amendments to Policy	Council	28.09.16
3	Review of Policy	Amendments to Policy	Council	25.10.17
4	Review of Policy	Amendments to Policy	Council	13.02.19
5	Review of Policy			

COU041 – GIFTS AND BENEFITS

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## CORPORATE STANDARD

## GIFTS AND BENEFITS

### Attachment 1

<b>Program</b>	Executive Office
<b>Date of Endorsement</b>	New
<b>Review Date</b>	

#### 1.0 Scope

This Corporate Standard applies to all Mackay Regional Council (MRC) Councillors and Staff.

#### 2.0 Objective

To set out the principals that apply to the offer and acceptance of gifts and/or benefits.

#### 3.0 Reference

- *Local Government Act 2009*
- *Local Government Regulations 2012*
- *Public Sector Ethics Act 1994*
- MRC Employee Code of Conduct
- Public Service Commission Directive Number 22/09
- MRC COU041 - Gifts and Benefits
- MRC COU018 - Entertainment and Hospitality
- MRC COU078 - Public Interest Disclosure

#### 4.0 Definitions

To assist in interpretation the following definitions shall apply:

**CEO** shall mean the person appointed to the position of Chief Executive Officer under the *Local Government Act 2009* (the Act) and anyone acting in that position.

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

**Councillor** shall mean the Mayor and elected Councillors.

**Electoral Gifts** shall mean gifts offered to candidates relating to an election and separately governed by the *Electoral Act 1992*.

**ELT** shall mean the Executive Leadership Team. This team consist of the CEO, Directors, Executive Officer and Senior Legal Counsel.

**Gifts and/or benefits** shall mean a present given voluntarily to show favour toward someone, honour an occasion, or make a gesture of assistance or goodwill, which is offered outside of normal open contractual arrangements. This could include but is not limited to the following examples.

- Cash or the transfer of money;

## CORPORATE STANDARD

## GIFTS AND BENEFITS

- Transfer of property of presentational or charitable nature or otherwise;
- Preferential treatment such as the provision or use of property, equipment or services free of charge, at a reduced rate, for a period of time or unspecified period;
- Corporate offers of transportation, accommodation, tickets, meals and functions as part of a major event;
- Loans of money, or equipment including provision of overdraft facilities (e.g. credit card) or guarantor for a loan;
- Catering received or given as part of a meeting, conference, trade display or other event attended which are not part of official duties;
- The sale of property with a sale price below proper valuation;
- Hospitality, including restaurant meals, beverages and entertainment;
- Travel or accommodation (all overseas travel requires disclosure);
- Any bargain deal;
- Alcohol, clothes or products;
- Tickets to the theatre, cultural events, sporting and other events or access to a private spectator box at a sporting or other venue;
- Artworks;
- Souvenirs;
- Awards or prizes including lucky door prizes or similar

**MRC** shall mean Mackay Regional Council.

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

**The Act** shall mean the *Local Government Act 2009*.

### 5.0 Standard Statement

This standard must be read in conjunction with Council Policy 041 Gifts and Benefits.

#### 5.1 Soliciting Gifts and/or Benefits

Soliciting personal gifts and/or benefits is strictly prohibited under all circumstances.

If a Councillor or Staff become aware of a situation of soliciting gifts and/or benefits, they must report it to the CEO immediately.

The CEO is required to notify the Crime and Corruption Commission of any soliciting of gifts and/or benefits by Councillors or Staff.

#### 5.2 Bribery

Acceptance of money or any other gifts and/or benefits perceived as bribery is strictly prohibited in all cases and the offer must be reported immediately to the CEO.

The CEO is required to notify the Crime and Corruption Commission of any offer of money as soon as practicable after the offer has been made.

#### 5.3 Prizes (j.e. lucky door prizes, gifts from conferences or functions, raffles)

**CORPORATE  
STANDARD****GIFTS AND BENEFITS**

On occasions Councillors and Staff may enter a competition while representing MRC on official business, for example a door prize at a community event or a business card prize draw at a conference.

If the winning of such a prize does not influence or compromise the integrity and impartiality of the recipient, create a conflict of interest or compromises MRC's position in any way, it is deemed reasonable for such prize to be retained by the prize winner.

Raffle winnings from tickets that a Councillor or Staff have paid for privately during an official function are not considered a gift or benefit and will not need to be declared.

5.4 Individual Awards received in an official capacity

If Staff or Councillor receives an individual award in recognition of work undertaken in an official capacity which includes components that could be deemed a gift or benefit, then the award must be declared subject to the provisions in section 6.9. Generally, it is deemed reasonable for such a gift or benefit to be retained by the award recipient if it does not compromise the integrity or impartiality of the recipient, create a conflict of interest or comprises MRC in any way.

If the award is received in a personal capacity for work unrelated to their employment with MRC, then the award does not need to be declared.

5.5 Sponsorship and General Invitations (i.e. Corporate Box and event invitations)

5.5.1 *Sponsorship*

There may be occasions when MRC is offered entry tickets as a result of MRC sponsoring an event or Agreement with a third party.

Tickets which have been gifted because of some form of MRC sponsorship will become the property of MRC and are not required to be declared.

**Note:** for clarity sponsorship gifts are not required to be entered into the *Waiving of Fees and Charges Register*.

For consistency in the distribution of bulk sponsorship tickets and invitations offered and received by MRC (e.g., Mackay Cutters home games and Mackay Beach Horse Races) these must be distributed as follows:

1. Mayor; then
2. Councillors; then
3. ELT members; then
4. Program Managers; then
5. Coordinators and Officers.

5.5.2 *General invitations*

Any invitations in relation to corporate box, sporting events, concerts or other events issued to a Councillor or Staff personally must be declared, even when the invitation appears to be issued on a personal basis, this includes personal invitations for events which MRC sponsors.

CORPORATE  
STANDARD

## GIFTS AND BENEFITS

5.6 Small Tokens of Thanks

These types of gifts (i.e. bottles of wine, box of chocolates) can normally be accepted as a matter of social convention, however the value of the gift, sensitivity of the recipient's position and perception should be considered and declared in accordance with clause 5.8.1.

5.7 Register of Interests

In accordance with the requirements of the *Local Government Act 2009* and the *Local Government Regulation 2012*, Councillors and Senior Contract Employees must also ensure that any gifts and/or sponsored hospitality benefits received are included in their individual Registers of Interests.

5.8 Principles for acceptance of gifts/benefits

Each type of gift and/or benefit carries a level of risk that should be considered when deciding whether it should be accepted or declined.

In determining whether acceptance of a gift and/or benefit is appropriate, the two major considerations are:

- the intent in which the gift and/or benefit is given; and
- the public perception of acceptance of the gift and/or benefit.

As gifts and/or benefits can create obligations and expectations, if it can be considered in any way that the gift and/or benefit is given with the intention of influencing a decision or action of the recipient, it must be declined.

Acceptance of a gift and/or benefit may be considered only if it complies with the following principles:

- It does not influence, or have the potential or perceived potential to influence, in any way the integrity and impartiality of the recipient;
- It does not, create a conflict of interest, or a perception of a conflict of interest;
- It does not affect the performance of the recipient's official duties, or be seen to influence the decision-making or behaviour of the recipient, such as but not limited to:
  - granting licences;
  - inspecting and regulating businesses;
  - giving approvals; and
  - letting of contracts.
  - MRC does not incur any costs.
- It must not involve money, or anything easily converted to money such as shares.

5.8.1 *Gifts and/or Benefits of Nominal Value (less than \$150)*

Where a Councillor or member of Staff are offered a gift and/or benefit of nominal value (less than \$150) MRC deems it reasonable for the recipient to

**CORPORATE  
STANDARD****GIFTS AND BENEFITS**

accept and keep the gift and/or benefit, provided that doing so does not breach any part of this Policy or the Act.

This gift and/or benefit is not required to be recorded in the Gifts Register, however may need to be recorded in the Councillor's and Senior Contract Employee's Register in accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012*.

**Note: Cash is excluded and should not be accepted under any circumstances.**

Any gift and/or benefit received by a Councillor or Staff as appreciation of a task or service carried out by a group of Staff members or Councillors should be shared with the members of that respective team.

Cumulative gifts and/or benefits received from the same giver which when combined exceed the nominal value threshold of \$150 in a twelve-month period must be disclosed to the CEO. In the case of the CEO and Councillors, disclosure will be to the Mayor. In the case of the Mayor, disclosure will be to the Deputy Mayor. The offer of cumulative gifts and/or benefits which exceed the threshold of \$150 over a period of 12 months must also be entered on the Gifts Register.

#### 5.8.2 Gifts and/or Benefits with a Value of \$150 - \$350

Any gift and/or benefit received by a Councillor or Staff with a value between \$150 - \$350 will become the property of MRC in the first instance. The gift and/or benefit must be entered in the Gifts Register or in the Councillor's and Senior Contract Employee's Register in accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012*.

Retention of a gift and/or benefit by the recipient will be at the discretion of either the CEO, Mayor or Deputy Mayor.

Should the decision be that the gifts and/or benefits will not be retained by the recipient, it must be disposed of in an appropriate and transparent manner. For example:

- return the gifts and/or benefits to the giver;
- share the gifts and/or benefits amongst the recipient's team and/or department;
- auction the gifts and/or benefits with the proceeds being donated to charity;
- donate the gifts and/or benefits to a charitable or community facility;
- ownership passed to MRC allowing the gifts and/or benefits to go on public display where appropriate.

**CORPORATE  
STANDARD****GIFTS AND BENEFITS****5.8.3 Gifts and/or Benefits with a Value of Greater than \$350**

Any gift and/or benefit received by a Councillor or Staff with a value greater than \$350 must be reported, and acceptance of the gifts and/or benefits by the recipient will be at the discretion of the CEO, Mayor or Deputy Mayor.

Unless there are specific reasons to support acceptance, approval is unlikely to be given for gift and/or benefit with a value greater than \$350 to be retained by the individual. Retention will only be granted in exceptional circumstances.

Should the decision be that the gifts and/or benefits will not be retained by the recipient, it must be disposed of in an appropriate and transparent manner. For example:

- return the gifts and/or benefits to the giver;
- share the gifts and/or benefits amongst the recipient's team and/or department;
- auction the gifts and/or benefits with the proceeds being donated to charity;
- donate the gifts and/or benefits to a charitable or community facility;
- ownership passed to MRC allowing the gifts and/or benefits to go on public display where appropriate.

Gifts and/or benefits with a value greater than \$350 (whether retained or not) must be entered in the Gifts Register. There may still be a requirement to include receipt of the gifts and/or benefits on an individual Councillors and Senior Contract Employees Register of Interests in accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012*.

**5.8.4 Ceremonial Gifts**

All ceremonial gifts presented to a Councillor or Staff on behalf of MRC will be the property of MRC and **must** be passed to the CEO.

**5.8.5 Exceptions – Official Business**

The above limits do not apply in the case of gifts and/or benefits, if the gifts and/or benefits are in relation to official MRC business and/or official duties of Staff or Councillor. The benefit received must relate directly to carrying out official duties and/or fulfilling official responsibilities in relation to the functions and activities of MRC.

The gifts and/or benefits must be reasonable and appropriate to the circumstances and should not be seen as a substitute for general business meetings which would ordinarily be conducted in a workplace.



## CORPORATE STANDARD

## GIFTS AND BENEFITS

### 5.9 Gifts Register

When gifts and/or benefits are received, it is important that they are dealt with in a consistent and appropriate manner. All gifts and/or benefits received over \$150 must be recorded in MRC's Gifts Register.

Any Councillor or Staff who receives a gift and/or benefit is required to fill out the appropriate form and forward the completed form to the CEO within five business days of receipt of the gift and/or benefit.

Should the CEO or Councillor accept a gift and/or benefit he/she is required to submit the form to the Mayor. In the case of the Mayor receiving a gift and/or benefit, this must be reported to the Deputy Mayor.

The Gifts Register will be maintained by the Office of the Mayor and CEO and will include the following information:

- date of the offer;
- details of the person and/or organisation offering the gift;
- the name of the recipient;
- description of the gift;
- estimated value of the gift;
- decision regarding whether the gift should be retained by the recipient or otherwise;
- name of the person who made the decision.

### 6.0 **Review of Standard**

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

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

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

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Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1				

CORPORATE  
STANDARD

## GIFTS AND BENEFITS

Notification/Approval of Receipt  
of a Gift or Benefit**IMPORTANT NOTES:**

1. Do not accept or use a gift and benefit without approval under the Policy.
2. Any gift or benefit offered/received **must** be declared to the CEO (in the case of a Councillor to the Mayor) and **must** be recorded in the Gifts Register. The CEO approves whether a gift/benefit over the value of \$150.00 may be retained (in the case of the CEO or Councillor this form must be submitted to the Mayor).
3. Please **complete** and **sign** this form within **five (5) business days** of receipt of the gift or benefit.

**SECTION A - EMPLOYEE/COUNCILLOR'S DECLARATION**

Employee/Councillor's Name:	<input type="text"/>
Employee Position Number: (Leave blank if you are a Councillor)	<input type="text"/>
Department/Program:	<input type="text"/>
Date Gift/Benefit Offered:	<input type="text"/>
Description of Gift/Benefit:	<input type="text"/>
Market Value of Gift/Benefit:	<input type="text"/>
Name of Giver (Organisation or person offering benefit or gift):	<input type="text"/>
Giver's Association to Council:	<input type="text"/>
Giver's Association to Employee/Councillor:	<input type="text"/>
Did you accept the gift or benefit received/offered?	<input type="checkbox"/> Yes <input type="checkbox"/> No

**SECTION B: Employee's/Councillor's advice of all information relevant to matter:**

Additional Information or identified conflicts of interest:	<input type="text"/>
---	----------------------

**Employee's/Councillor's Declaration:**

1. I have read and understood the Gift and Benefits Council and Administrative Policies.
2. The information submitted by me on this matter is complete and accurate.
3. There is no basis for any actual or perceived conflict of interest.

Date:	<input type="text"/>	Employee/Councillor's Name:	<input type="text"/>	Employee/Councillor's Signature:	<input type="text"/>
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**SECTION C: CHIEF EXECUTIVE OFFICER'S/MAYOR'S DECISION****Approval Process**

1. The Chief Executive Officer approves the notification by an Employee who declares a gift or benefit valued over \$150.00.
2. The Mayor approves the notification by the Chief Executive Officer or Councillor who declares a gift or benefit valued over \$150.00.

Date:	<input type="text"/>	CEO/Mayor's Name:	<input type="text"/>	CEO/Mayor's Signature:	<input type="text"/>
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Approved - Retain Gift: ☐ Yes ☐ No

Decision Comments:	<input type="text"/>
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Office Use Only

☐ Registered BCM - subject Register of Gifts



**COUNCIL POLICY****FRAUD & CORRUPTION PREVENTION**

**Program:** Executive Office  
**Date of Adoption:**  
**Resolution Number:**  
**Review Date:**

**Scope**

This policy applies to any fraud or corruption, or suspected fraud or corruption, involving Mackay Regional Council (MRC) Staff or other party dealing with MRC.

**Objective**

The objective of this policy is to set out the organisational requirements to prevent, detect, respond to and report fraud and corruption at MRC.

**Policy Statement**

MRC is committed to the detection and prevention of all forms of fraud and corruption and the creation of an ethical culture and environment that discourages and prevents fraud and corruption. MRC is committed to:

- A zero-tolerance approach to fraud and corruption.
- Fraud and corruption control and management as an integral component of effective corporate governance;
- Transparent and accountable processes consistent with sound business practices and organisational standards of compliance;
- Preventing fraud and corruption whilst investigating any suspected incidents and taking appropriate action;
- Establishing and maintaining an annual Fraud & Corruption Prevention Plan to minimise the impact and reduce the incidence of fraud and corruption within the work environment.

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

\*\*\*\*\*

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

COUNCIL POLICY

FRAUD & CORRUPTION PREVENTION

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**COUNCIL POLICY****FRAUD & CORRUPTION PREVENTION****1.0 Principles**

MRC recognises that fraud and corruption management is an integral part of good governance and management practice.

MRC will establish an environment in which fraud and corruption is not tolerated and will demonstrate a commitment to the rigorous management of fraud and corruption risks by implementing a range of mechanisms to prevent, detect and respond to fraud and corruption. These mechanisms are based on the Australian Standard Fraud and Corruption Control (AS 8001-2021) and the *Crime and Corruption Commission Fraud and Corruption Control Best Practice Guide (March 2018)*.

The aim of this Policy and associated documentation is to:

- Avoid any incidence of fraud and corruption;
- Minimise opportunities for fraud and corruption through effective internal controls, awareness and appropriate supervision;
- Encourage ethical dealings at all levels of MRC;
- Ensure compliance with legal and statutory obligations; and
- Prevent any financial or reputational damage to MRC.

All Staff must act with integrity in accordance with MRC's Code of Conduct and are responsible for the prevention and detection of fraud and corruption as outlined in MRC's Fraud & Corruption Prevention Policy and Corporate Standard.

Any allegation or suspicion of fraud or corruption will be investigated appropriately in accordance with the requirements of the particular case (i.e. criminal, disciplinary or administrative mechanisms).

This Policy is to be read in conjunction with Corporate Standard 045.1 Fraud & Corruption Prevention.

**2.0 Complaints**

MRC encourages the reporting of any concerns or suspicions about fraudulent or corrupt activity to:-

- Line Supervisors, Coordinators, Managers or Directors;
- The Executive Officer;
- The Chief Executive Officer; or
- The Mayor;
- MRC Disclosure Portal.

All reports of alleged fraud and corruption will be treated confidentially to the fullest extent possible under the law.

## COUNCIL POLICY

## FRAUD &amp; CORRUPTION PREVENTION

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

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

Complaints may be made as following:

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

Via Email - [complaints@mackay.qld.gov.au](mailto:complaints@mackay.qld.gov.au)

In person at the following Council Customer Service Centres:

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

### 3.0 Definitions

To assist in interpretation the following definitions shall apply:

**Benefit** includes property, advantage, service, entertainment, the use of or access to property or facilities, and anything of benefit to a person whether it has any inherent or tangible value, purpose or attribute.

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

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

## COUNCIL POLICY

## FRAUD &amp; CORRUPTION PREVENTION

- (c) would, if proved, be –
  - (i) a criminal offence; or
  - (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that -

- (a) impairs, or could impair, public confidence in public administration; and
- (b) involves, or could involve, any of the following—
  - (i) collusive tendering;
  - (ii) fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)—
    - (A) protecting health or safety of persons;
    - (B) protecting the environment;
    - (C) protecting or managing the use of the State's natural, cultural, mining or energy resources;
  - (iii) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;
  - (iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;
  - (v) fraudulently obtaining or retaining an appointment; and
- (c) would, if proved, be—
  - (i) a criminal offence; or
  - (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

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

**Fraud** has the same meaning as defined in the Criminal Code Act 1899 shall mean a

A person who dishonestly:

- (a) applies to his or her own use or to the use of any person:
  - (i) property belonging to another; or
  - (ii) property belonging to the person, or which is in the person's possession, either solely or jointly with another person, subject to a trust, direction or condition or on account of any other person; or

## COUNCIL POLICY

## FRAUD &amp; CORRUPTION PREVENTION

- (b) obtains property from any person; or
- (c) induces any person to deliver property to any person; or
- (d) gains a benefit or advantage, pecuniary or otherwise, for any person; or
- (e) causes a detriment, pecuniary or otherwise, to any person; or
- (f) induces any person to do any act which the person is lawfully entitled to abstain from doing; or
- (g) induces any person to abstain from doing any act which that person is lawfully entitled to do; or
- (h) makes off, knowing that payment on the spot is required or expected for any property lawfully supplied or returned or for any service lawfully provided, without having paid and with intent to avoid payment;

commits the crime of fraud.

**MRC** shall mean Mackay Regional Council.

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

#### 4.0 Review of Policy

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

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

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

#### 5.0 Reference

- *Crime & Corruption Act 2001*
- *Public Interest Disclosure Act 2010*
- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Criminal Code Act 1899*
- *Public Sector Ethics Act 1994*
- MRC Code of Conduct
- COU078 Public Interest Disclosure Policy and Corporate Standard
- CS045.1 Fraud & Corruption Prevention Corporate Standard

**COUNCIL POLICY****FRAUD & CORRUPTION PREVENTION****6.0 Attachments**

- CS045.1 Fraud and Corruption Prevention

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Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1	Review of Policy		Council	28.01.15
2	Review of Policy	Amendments made to Policy	Council	28.06.17
3	Review of Policy	Amendments made to Policy	Council	13.02.19
4	Review of Policy			

CORPORATE  
STANDARD

## FRAUD &amp; CORRUPTION PREVENTION

## Attachment 1

<b>Program</b>	Executive Office
<b>Date of Endorsement</b>	New
<b>Review Date</b>	New

**1.0 Scope**

This Standard applies to any fraud or corruption, or suspected fraud or corruption, involving Mackay Regional Council (MRC) Staff or other party dealing with MRC.

**2.0 Objective**

This Standard :-

- demonstrates MRC's commitment to rigorously manage fraud risk;
- provides guidance on how MRC will manage the prevention of fraud;
- clearly communicates internal reporting arrangements to encourage the free flow of information through appropriate channels;
- establishes a clear process covering the reporting of fraud and corruption matters to external agencies;
- assists in compliance with statutory obligations;
- assists to eliminate or minimise internally and externally instigated fraud against MRC; and,
- assists in the detection of all instances of fraud and corruption against MRC.

**3.0 Reference**

- *Crime & Corruption Act 2001*
- *Public Interest Disclosure Act 2010*
- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Criminal Code Act 1899*
- *Public Sector Ethics Act 1994*
- MRC Code of Conduct
- COU078 Public Interest Disclosure Policy and Corporate Standard
- MRC Fraud & Corruption Prevention Policy

**4.0 Definitions**

To assist in interpretation the following definitions shall apply:

**Benefit** includes property, advantage, service, entertainment, the use of or access to property or facilities, and anything of benefit to a person whether it has any inherent or tangible value, purpose or attribute.

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



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- (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of –
  - (i) a unit of public administration; or
  - (ii) a person holding an appointment; and
- (b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that –
  - (i) is not honest or is not impartial; or
  - (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or
  - (iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment.
- (c) would, if proved, be –
  - (i) a criminal offence; or
  - (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that -

- (a) impairs, or could impair, public confidence in public administration; and
- (b) involves, or could involve, any of the following—
  - (i) collusive tendering;
  - (ii) fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)—
    - (A) protecting health or safety of persons;
    - (B) protecting the environment;
    - (C) protecting or managing the use of the State's natural, cultural, mining or energy resources;
  - (iii) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;
  - (iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;
  - (v) fraudulently obtaining or retaining an appointment; and
- (c) would, if proved, be—
  - (i) a criminal offence; or
  - (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

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

**ELT** shall mean Executive Leadership Team.

**Fraud** has the same meaning as defined in the Criminal Code Act 1899 shall mean a

A person who dishonestly:

- (a) applies to his or her own use or to the use of any person:
  - (i) property belonging to another; or

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- (ii) property belonging to the person, or which is in the person's possession, either solely or jointly with another person, subject to a trust, direction or condition or on account of any other person; or
- (b) obtains property from any person; or
- (c) induces any person to deliver property to any person; or
- (d) gains a benefit or advantage, pecuniary or otherwise, for any person; or
- (e) causes a detriment, pecuniary or otherwise, to any person; or
- (f) induces any person to do any act which the person is lawfully entitled to abstain from doing; or
- (g) induces any person to abstain from doing any act which that person is lawfully entitled to do; or
- (h) makes off, knowing that payment on the spot is required or expected for any property lawfully supplied or returned or for any service lawfully provided, without having paid and with intent to avoid payment; commits the crime of fraud.

**Maladministration** shall mean administrative actions that are unlawful, unreasonable, unfair, improperly discriminatory, taken for an improper purpose or otherwise wrong.

**MRC** shall mean Mackay Regional Council.

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

## 5.0 Standard Statement

MRC recognises that fraud and corruption management is an integral part of good governance and management practice.

MRC has a zero tolerance for corrupt conduct and fraudulent activities. MRC aims to uphold a high level of service to the community, to protect the integrity, security and reputation of our organisation.

It is essential for MRC to have an efficient and effective system to:

- Manage its resources appropriately
- Prevent, detect and respond to fraud
- Assist Council, management and employees to promote professional integrity and ethical behaviour as outlined in MRC's Code of Conduct.

This system is based on the Australian Standard Fraud and Corruption Control (AS 8001-2021) and the *Crime and Corruption Commission Fraud and Corruption Control Best Practice Guide (March 2018)*.

### 5.1 Responsibility

The Chief Executive Officer has the responsibility to ensure compliance with this standard and to ensure that all employees are aware of the requirement to conduct their duties in a professional and ethical manner. The Chief Executive Officer is also responsible for

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STANDARD****FRAUD & CORRUPTION PREVENTION**

ensuring all legislative obligations in relation to reporting and investigating fraud and corruption matters are met.

ELT is responsible for setting the ethical tone for MRC, consistent with the values and ethical principles of the *Public Sector Ethics Act 1994* and MRC's Code of Conduct. ELT shall ensure that MRC has in place appropriate measures and resources to deal with allegations of fraud and corruption and to prevent and deter instances of fraudulent or corrupt conduct and that MRC operations are undertaken with integrity, honesty and transparency.

Program Managers are responsible for the implementation of systems and processes that integrate fraud and corruption prevention strategies into their day to day business processes. Program Managers should communicate, monitor and integrate MRC's Fraud and Corruption Prevention Policy and Standard into the area over which they have responsibility.

The Executive Officer is responsible for the implementation of the annual Fraud and Corruption Prevention Plan, for the statutory reporting of incidents of fraud, and for coordinating the investigation of all fraud and corruption allegations. Information about the incidents, trends and improvements will be reported to ELT and the Audit Committee.

The Audit Committee is responsible for monitoring the current and comprehensive risk management framework and associated procedures for effective identification and management of business and financial risks, including fraud.

MRC's Manager People & Culture is responsible for ensuring that human resource management arrangements promote good fraud and corruption prevention practices. The Manager People & Culture, in liaison with the Executive Officer, will also ensure that all alleged breaches are fully investigated and dealt with appropriately.

All MRC employees have an obligation to understand and adhere to MRC's Code of Conduct which outlines their obligations with regard to fraud and corruption prevention and reporting improper conduct. MRC employees also have an obligation to participate in learning and development activities aimed at improving their understanding of fraud and corruption prevention.

## 5.2 Guiding Principles

The four essential elements of fraud and corruption control are outlined below:-

**Ethical Culture** - Increasing levels of ethical awareness by embedding and implementing initiatives to deter and minimise the opportunities for fraud.

**Prevention** – Reducing instances of fraud by strengthening the systems of control and risk management.

**Detection** – Implementing initiatives to detect fraud as soon as possible after it occurs.

**Response, Outcomes and Recovery** - Implementing initiatives to deal with detected or suspected fraud in accordance with relevant policies and legislation. Ensuring appropriate

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outcomes (disciplinary, civil or criminal justice system) thereby helping to deter and prevent fraud from occurring. Recovery of losses maximised as far as possible, thereby limiting the financial impact and helping to deter and prevent reoccurrence.

### 5.3 Ethical Culture

#### 5.3.1 *Understanding why people commit fraud*

Fraud is more likely to occur when:

- A person has an incentive or pressure to commit fraud
- Weak controls provide a person with opportunities to commit fraud
- The person has the capability to recognise the opportunity to commit fraud and takes advantage of it
- The person can rationalise committing the fraudulent behaviour

Raising awareness of the above four contributing elements (including through fraud awareness training) can support an ethical culture and assist staff in recognising early warning signs (red flags).

#### 5.3.2 *Embedding an ethical culture*

The Fraud and Corruption Prevention Policy establishes the basis for controlling the risk of fraud and corruption and maintenance of a sound ethical culture across the MRC.

The Code of Conduct provides the standards of behaviour expected of all employees within MRC and describes the organisation's commitment to creating and maintaining a professional, client responsive and positive workplace culture.

#### 5.3.3 *Education and training program*

Fraud and corruption often goes undetected because of staff's lack of knowledge in recognising the early warning signs of fraudulent activity. Furthermore, staff may be unaware of how to report their suspicions or have a lack of confidence in the integrity of the reporting system or investigation process.

MRC has developed an eLearning training program to assist in raising the general awareness of fraud and corruption among staff and how they should respond should this type of activity be suspected or detected.

This training will provide information to all MRC employees on the following:-

- What is fraud
- Types of fraud
- Red flags
- Fraud prevention and controls
- Conflicts of interest
- Code of Conduct

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- Responsibilities of staff
- Detection and reporting of suspected fraud
- Consequences of fraud

**5.3.4 Tasks for improving an ethical culture**

Additional best practice tasks for improving an ethical culture include the following:-

- Ensuring all staff receive information on the Code of Conduct upon induction;
- Ensuring updates and changes to relevant policies and procedures are effectively communicated to all staff;
- Confirming that all staff have participated in relevant training including Code of Conduct training;
- Conducting meetings to discuss the ongoing effectiveness of this standard and to ascertain whether messages are being delivered to staff effectively;
- Regular discussion of ethical standards or behaviours at team meetings, and toolbox talks;
- Utilisation of all available media to disseminate fraud awareness materials, including:
  - Staff newsletter, bulletins, emails, factsheets;
  - Roll-out of the e-Learning package across the organisation;

These initiatives should be supported by effective and continuous communication and example-setting by management (tone from the top approach).

**5.4 Prevention**

Key aspects of preventing fraud include ensuring internal controls are in place to manage potential fraud risks, identify control weaknesses and implement measures to address these weaknesses. Regular fraud and corruption risk assessments are vital in identifying potential risks and control weaknesses and appropriate treatments.

**5.4.1 Internal controls**

Internal controls are often the first line of defence against fraud. MRC commits to maintaining a strong internal control system and promotes and monitors the use of effective internal controls.

Effective internal controls will continue to be developed and maintained through the cooperation and consultation with multiple work areas within the organisation including the Corporate Governance, Internal Audit and Financial Services.

Program Managers are to critically examine their areas of responsibility and business processes to identify and evaluate potential fraud and corruption risk situations.

**CORPORATE  
STANDARD****FRAUD & CORRUPTION PREVENTION****5.4.2 Fraud and Corruption Risk Assessments**

The assessment of routine work matters can identify internal control weaknesses that could increase the organisation's exposure to fraud and corruption. Fraud and corruption risk assessments will assist MRC in identifying those areas that have the potential to involve instances of fraud and/or corruption, and to implement measures to reduce risks.

MRC will undertake fraud and corruption risk assessments as part of its annual Fraud and Corruption Prevention Action Plan.

In addition to the assessment of risk, suitable operational practices are to be implemented to detect fraudulent and corrupt activities including:

- establishing best practice accounting and management controls;
- routine and random auditing of decisions and operational records;
- identifying variations from normal accounting methods or work practices;
- recognising deviations or exceptions in outcomes from expectations; and
- monitoring key indicators (red flags) of potential fraud and corruption.

**5.4.3 Fraud and Corruption Risk Identification**

Fraud and corruption risk identification is the process of finding, recognising and recording risks. To be effective in identifying fraud and corruption risks a variety of methods will be used such as:

- Utilising expert knowledge and judgement of staff to identify flaws in processes
- Internal audit reports
- Annual external audit reports
- Relevant Crime and Corruption Commission investigation reports
- Complaints by MRC staff, clients or stakeholders

**5.4.4 Pre-employment screening**

MRC acknowledges the importance of ensuring all employees are provided with a safe and secure workplace and is committed to promoting an ethical and professional work environment.

Pre-employment screening is an effective means of preventing fraud. When a preferred applicant has been selected for a position with MRC, pre-employment screening processes must be conducted (where applicable) and used to screen future employees for suitability, which may include any or all of the pre-employment screening processes outlined below:

- Criminal history checks
- Blue Card
- Reference checks
- Qualification verification



## CORPORATE STANDARD

## FRAUD & CORRUPTION PREVENTION

- Health assessment
- Psychometric assessment
- Proof of Identity
- Drug and alcohol test
- Right to Work in Australia

An offer of employment will not be made until all the applicable pre-employment screening processes have been completed.

### 5.4.5 *Contractor and supplier due diligence.*

MRC will perform effective due diligence on contractors and suppliers which may include the following:-

- Search on company register
- ABN confirmation
- Reference checks
- Verification of details of directors
- Assessment of credit rating
- Finance checks
- Insurance checks
- Search of legal proceedings pending and judgments entered
- Trading address verification
- Media search such as Google etc.

MRC will consider ongoing commercial relationships and reassess a future working relationship if it is found that there is an increased risk of fraud or corruption.

## 5.5 Detection

Despite prevention activities, fraud and corruption may still occur. Therefore it is important specific strategies are in place to detect fraud as soon as possible if it has occurred.

### 5.5.1 *Communicating Fraud and Corruption Prevention*

This standard will be communicated by way of:-

- Specific reference in the fraud and corruption prevention staff education and training program.
- Availability of the standard on the MRC intranet.
- This standard should be accessible to all personnel, particularly those with specific fraud and corruption accountabilities.
- Specific reference in the fraud and corruption prevention policy available to employees on the MRC intranet and externally on the MRC website.
- Availability of the code of conduct on the MRC website.
- Incorporating ethical standards and fraud prevention statements in contract documentation.

**CORPORATE  
STANDARD****FRAUD & CORRUPTION PREVENTION****5.5.2 Reporting instances of fraud**

As per the MRC Code of Conduct, MRC employees who know or have good reason to suspect any maladministration or fraudulent, corrupt or unethical conduct must report it immediately.

A report of known or suspected cases of fraud can be reported in various ways including:

- Line Supervisors, Coordinators, Managers or Directors;
- The Executive Officer;
- The Chief Executive Officer; or
- The Mayor.

Alternatively, reports can be made to MRC's public interest disclosure portal which provides employees with the ability to disclose information in a secure and confidential manner.

While the likelihood of a successful outcome is increased greatly if, when making a disclosure, the person makes their identity known, MRC will nonetheless accept disclosures anonymously.

**5.5.3 Public Interest Disclosures**

A public interest disclosure (PID) is a disclosure about wrongdoing in the public sector that serves the public interest. For an allegation to be considered a PID under the Public Interest Disclosure Act 2010 it must fall into the following categories:

- For public officers, the PID must be made in the public interest about serious wrongdoing involving serious misconduct, corrupt conduct or maladministration.
- For any other person, the PID must be made in the public interest about danger to public health or safety, the environment or a reprisal as a result of a PID.

The *Public Interest Disclosure Act 2010* provides particular protections in relation to public interest disclosures.

MRC recognises that the decision to report a concern can be difficult because of the fear of reprisal from those involved in the fraudulent/corrupt activity. MRC will not tolerate harassment or victimisation and will take action to protect those who raise a concern. Therefore employee safeguards will be established to encourage employees to raise concerns they may have about suspected fraud or corruption.

Anyone may choose to make a PID directly to an appropriate external entity rather than to MRC - this includes members of the public, elected representatives and MRC employees.



## CORPORATE STANDARD

## FRAUD & CORRUPTION PREVENTION

The Crime and Corruption Commission (CCC) will investigate a PID if it involves corrupt conduct.

The Queensland Ombudsman's Office will investigate a PID if it involves maladministration.

The Queensland Audit Office (QAO) will investigate a PID if it involves corrupt conduct or maladministration in regard to financial matters.

The protections of the *Public Interest Disclosure Act 2010* and/or this Policy does not cover reports that are:

- Intentionally false or misleading;
- Frivolous or vexatious;
- Substantially aimed at interfering with the implementation of lawful MRC or local government policy; or
- Made in attempt to avoid disciplinary action.

### 5.5.4 Identification of early warning signs (red flags)

Identifying and acting on warning signs (red flags) is paramount to the early detection of fraud. Fraud awareness training support early warning capabilities and an understanding of red flags amongst all staff.

Red flags do not indicate guilt or innocence, but they provide warning signs of possible fraud. There are two types of red flags: behavioural and transactional.

Transactional red flags refer to unusual or out of the ordinary exchanges related to common business activities or transactions. Behavioural red flags refer to unusual actions behaviours or traits exhibited by a person. No specific behaviour indicates fraud, rather changes in behaviour do.

Some examples are provided below:-

- Sudden employee lifestyle change - fraudsters tend to live beyond their means.
- Employee having significant personal debt or credit problems.
- Employee behavioural changes - most fraudsters feel guilty about their crime, which induces behavioural changes.
- Employee's refusal to take leave or job promotion - also working excessive hours.
- Employee insisting on working unusual or non-standard business hours.
- Suppliers/Contractors who insist on dealing with a particular employee.
- Employee attitude toward reporting procedures is overly aggressive.
- Policies and procedures are not documented or enforced.
- Alterations on documents (such as backdating, no original documentation only copies)
- Missing inventory or assets

**CORPORATE  
STANDARD****FRAUD & CORRUPTION PREVENTION**

- One employee has control of a process from start to finish - no segregation of duties.

**5.5.5 Data analysis**

Data analysis is a powerful means of detecting fraud and other improper behaviour. It is a process of uncovering patterns and relationships in datasets that appear unrelated and it can also highlight discrepancies which may indicate fraud and irregular behaviour.

MRC aims to strategically use computer systems (such as Finance1) in the identification of fraud indicators. Using data analytic techniques, trends can be examined and investigated which may be indicative of fraudulent conduct.

**5.5.6 Post-incident review**

MRC will ensure an effective review process following a critical incident. This includes a broader assessment of the issue/s and putting into practice the feedback from lessons learned.

**5.5.7 The Role of Internal Audit**

Internal audit assists management with the evaluation of internal controls used to detect or mitigate fraud, and may be involved in fraud investigations.

Internal audit is a mechanism to assess the effectiveness of internal controls. Internal Audit may receive direction from the Chief Executive Officer or the Audit Committee, and therefore, may play a variety of consulting, assurance and advisory roles in MRC's fraud management process.

**5.5.8 The Role of External Audit**

MRC will take a proactive approach and will liaise with the external auditor to facilitate the exchange of information in relation to the prevention and detection of fraud. MRC will respond quickly to concerns identified during the course of external audit work.

**5.5.9 Information Communication Technology (ICT) and Cyber Security**

Perpetrators of technology enabled fraud have shown that they are able to keep pace with the evolution of business technologies. In light of the increased fraud risks associated with information technology, MRC is committed to continually improving its cyber security maturity to nationally recognised standards.

**5.6 Response, Outcomes and Recovery****5.6.1 Internal Reporting and Investigation**

## CORPORATE STANDARD

## FRAUD & CORRUPTION PREVENTION

As per the MRC Code of Conduct, employees who know or have good reason to suspect any fraudulent, corrupt, criminal or unethical conduct must report it immediately.

MRC encourages the reporting of any concerns or suspicions about fraudulent or corrupt activity to:-

- Line Supervisors, Coordinators, Managers or Directors;
- The Executive Officer;
- The Chief Executive Officer; or
- The Mayor;
- MRC Disclosure Portal.

All reports of alleged fraud and corruption will be treated confidentially to the fullest extent possible under the law.

The Chief Executive Officer (or his/her delegate) has a specific role in determining how the alleged conduct is to be investigated and ultimately addressed, particularly if further investigation is required through an external agency.

### 5.6.2 External Reporting

In Queensland's public sector there are a number of independent agencies which are responsible for promoting good governance, accountability and integrity and that provide law enforcement:

- The Crime and Corruption Commission;
- The Queensland Audit Office;
- The Queensland Ombudsman;
- The Queensland Police Service.

The Executive Officer is MRC's delegated contact officer for reporting of any fraudulent or corruption conduct to the appropriate agency.

### 5.6.3 Referral to the Crime and Corruption Commission

Under the *Crime and Corruption Act 2001*, the CCC investigates reports of corrupt conduct — in particular, more serious or systemic corrupt conduct — affecting Queensland public sector agencies - including local government.

As well as investigating alleged corrupt conduct by employees and elected representatives, the CCC can investigate any person whose conduct adversely affects the performance of an agency or its employees.

The CEO is legally obliged to notify the CCC where a reasonable suspicion of corrupt conduct exists. The CEO has delegated this authority to the Director Organisational Services, Executive Officer and Manager People & Culture.

## CORPORATE STANDARD

## FRAUD & CORRUPTION PREVENTION

Corrupt conduct is engaged in for the purpose of providing a benefit to the person or another person, or causing a detriment to another person. In addition, the conduct must be serious enough that, if proved, would constitute a criminal offence or a disciplinary breach providing grounds for dismissal.

### 5.6.5 MRC Responsibilities when Reporting to CCC

- MRC must notify the CCC if there is a reasonable suspicion of corrupt conduct. The officers delegated this responsibility from the CEO are Director Organisational Services, Executive Officer and Manager People & Culture.
- MRC must take all appropriate actions to ensure the proper management of PIDs including the protection of all parties.
- Ask the CCC for advice if it is uncertain whether a matter should be referred. The contact number for CCC is 1800 061 611 or further information can be accessed from CCC website <https://www.ccc.qld.gov.au/>.
- If MRC has conducted a preliminary investigation, ensure all information and documentation (including copies of any photographs, medical reports, video evidence, transcripts or tapes of any interviews conducted) is recorded and made available to the CCC if required.

Further information is also provided at *Attachment A- Directions Issued by the Crime and Corruption Commission to Mackay Regional Council Pursuant to Section 40 of the Crime and Corruption Act 2001*.

### 5.6.6 Referral to Queensland Ombudsman's Office

The Queensland Ombudsman will investigate administrative action complaints about Queensland state government departments and agencies (including state schools, TAFE), local governments, and public universities.

For example, The Queensland Ombudsman's Office can investigate complaints about:

- a decision made by MRC
- the way an application has been handled by MRC
- fees or charges levied by MRC
- the conduct of an MRC employee
- a MRC policy or standard.

If a complainant remains dissatisfied with the way MRC processed and then reviewed a complaint, the next stage in this complaint management process is an external review through the Queensland Ombudsman's Office.

The Queensland Ombudsman's Office will also investigate a PID if it involves maladministration.

## CORPORATE STANDARD

## FRAUD & CORRUPTION PREVENTION

### 5.6.7 Referral to Queensland Audit Office

The QAO investigates concerns by members of the public, elected representatives, agencies, and from other integrity offices, about the financial management and accountability of Queensland's public sector.

A referral can be made to the QAO about known or suspected financial waste or mismanagement by public sector entities or their employees.

The QAO undertakes investigations from referrals that:

- strengthen and improve public sector performance, efficacy and accountability
- address governance deficits in public sector entities
- speak to systemic issues in government service delivery
- uncover and mitigate fraud relating to taxpayer or ratepayer funds.

The QAO (under the Auditor-General Act 2009) has the power to carry out independent audits and investigations of Queensland public sector agencies.

### 5.6.8 Referral to Queensland Police Service

If the matter is suspected to be a criminal offence, a referral to the Queensland Police Service (QPS) may be undertaken. These types of referrals could include matters such as serious corrupt conduct, fraud, wilful damage and theft.

Police investigate criminal matters in order to place evidence before a court. Police cannot investigate civil matters and are unable to recover money.

If the matter is assessed and a decision is made that the QPS will investigate the complaint, it is most likely that the matter will be referred to detectives located in the area where the offence of fraud has occurred.

The phone number for Policelink is 131444.

On-line reporting via Policelink can also be undertaken on the QPS website <https://https://www.police.qld.gov.au/policelink-reporting>.

### 5.6.9 Reportable Loss of Assets

Under the s307a of Local Government Regulations 2012, if MRC becomes aware of a reportable loss of an asset (valued at \$500 for money and more than \$1000 for other assets), MRC must notify the following agencies as soon as practicable:

- (a) the Minister;
- (b) the auditor-general (QAO)
- (c) for a loss resulting from the commission of an offence under the Criminal Code or another Act—a police officer;

## CORPORATE STANDARD

## FRAUD & CORRUPTION PREVENTION

- (d) for a loss resulting from the corrupt conduct of a councillor, local government employee or local government worker—the CCC.

A reportable loss means a loss resulting from—

- (a) the commission of an offence under the Criminal Code or another Act; or
- (b) the corrupt conduct of a councillor, local government employee or local government worker; or
- (c) conduct of a contractor of the local government that would be corrupt conduct if the contractor were a councillor, local government employee or local government worker.

### 5.7 Investigations

The Executive Officer, under the direction of the Chief Executive Officer, will coordinate the investigation in relation to any fraudulent or corrupt conduction to ensure that the appropriate processes have been adhered to.

### 5.8 Reviewing Systems and Procedures (post-fraud)

As part of close-out reporting, MRC will ensure that relevant process owners reassess the adequacy of the internal control environment (particularly those controls surrounding the fraud incident) and actively plan and implement improved mitigation controls of fraud and corruption risks.

### 5.9 Provision of Information to External Agencies and Third Parties

MRC will share relevant information with external agencies (eg CCC, Queensland Police Service) as identified in the Standard.

MRC recognises that a fraud and corruption event may impact on third parties such as our customers, businesses and other government agencies. MRC is committed to share information with relevant third parties, to prevent further or ongoing fraud.

### 5.10 Disciplinary Action

Action taken in response to allegations of fraud and corruption will be in accordance with the Code of Conduct, relevant legislation, policies and the principles of natural justice.

The management of discipline in MRC is contained in Disciplinary Procedure Administrative Policy No. 009. Council will consider reasonable management and/or disciplinary action against staff resulting from substantiated allegations of fraud or corruption. Action may include, but is not limited to: reprimand, reduction of the level of remuneration, transfer or redeployment or termination of employment.

MRC may still undertake disciplinary action against the employee regardless of the outcome at criminal or civil court.



## CORPORATE STANDARD

## FRAUD & CORRUPTION PREVENTION

### 5.11 Recovery of Losses

MRC is committed to quantifying fraud losses and maximising the recovery of losses incurred from fraud and corruption activities and will pursue every possible avenue in doing so through the Criminal Proceeds Confiscation Act 2002 or through civil recovery. The recovery of losses will help to limit any reputational damage MRC may suffer and the financial impact this may have on MRC's objectives.

### 6.0 Review of Standard

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

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

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

### 7.0 Attachments

- Directions – Crime and Corruption Commission

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1				

CORPORATE  
STANDARD

## FRAUD &amp; CORRUPTION PREVENTION

DIRECTIONS ISSUED BY THE  
CRIME AND CORRUPTION COMMISSION  
TO  
MACKAY REGIONAL COUNCIL  
PURSUANT TO SECTION 40 OF THE *CRIME AND CORRUPTION ACT 2001*

**1 Preamble**

The Chief Executive Officer (CEO) or the nominated officer of the Mackay Regional Council is the relevant public official for the purposes of sections 38, 40 and 48A of the *Crime and Corruption Act 2001* (CCA).

Pursuant to section 38 of the CCA, a public official must notify the CCC of a complaint or information or matter which the public official reasonably suspects involves, or may involve, corrupt conduct.

A reasonable suspicion must be based on an objective assessment of the information at hand. The public official does not have to have sufficient evidence to prove the corrupt conduct allegation, but the available facts, evidence or other information must provide reasonable grounds for suspecting that the allegation, involves, or may involve, corrupt conduct. Part 2 of the CCC's *Corruption in Focus* provides further clarification on the obligations of public officials to notify.

'Corrupt conduct' is conduct that could adversely affect, directly or indirectly, the performance of official duties. The conduct must be of a kind that could result, directly or indirectly, in the improper performance of those duties. Also the conduct must be engaged in for the purpose of providing a benefit, or causing a detriment, to a person. Finally, the conduct must be such that it would, if proved, be a criminal offence or a disciplinary breach providing reasonable grounds for termination (s15 of CCA).

The CCC takes the view that the performance of the official duties of a person elected to office could not amount to corrupt conduct unless the conduct could, if proved, amount to a criminal offence.

Section 40 of the CCA provides that the CCC may issue directions about how and when a public official must notify the CCC of complaints under section 38.

The CCC has decided to issue directions under section 40 in relation to three categories. The CCC has determined two categories are appropriate to be dealt with by the agency, prior to notifying the CCC. All other complaints must be immediately referred to the CCC prior to the agency dealing with the complaint. The categories of complaints are set out in the **ATTACHED** table.

This document also sets out the agreed administrative arrangements between the CCC and the Mackay Regional Council in relation to directions issued in accordance with section 40 of the CCA, and must be read in conjunction with:

- *Corruption in Focus*: The CCC's guide for dealing with suspected corrupt conduct in Queensland public sector agencies issued by the CCC,
- any other guidelines under section 48(1)(a) of the Act issued by the CCC, and
- any report generated by the CCC, and referred to the agency, in which it explains the assessment and the requirements of the agency for individual complaints.





## **11.2. DEVELOPMENT SERVICES**

### **11.2.1. DEVELOPMENT SERVICES MONTHLY REVIEW REPORT - AUGUST 2022**

<b>Author</b>	Director Development Services (Aletta Nugent)
<b>Responsible Officer</b>	Director Development Services (Aletta Nugent)
<b>File Reference</b>	DMRR

<b>Attachments</b>	1. Development Services Monthly Review Report - August 2022 [11.2.1.1 - 21 pages]
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#### **Purpose**

To provide Council with the Development Services Monthly Review Report for the month of August 2022.

#### **Related Parties**

Nil

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

**THAT the Development Services Monthly Review Report for August 2022 be received.**

The Director for Development Services Aletta Nugent, provided an overview and highlights of the Development Services Monthly Review Report for August 2022.

Cr Mann noted that there had been 5 safety interactions recorded for August however, the Department has a KPI of 44, and queried if the Director believed the remaining interactions would be completed in time, and where the details of the safety interactions are recorded.

The Director advised that she was confident the safety interactions would be completed in time and they are recorded in InControl.

Cr Mann referred to the outstanding maintenance work and queried if it was possible to have a month by month table which shows what is outstanding and notes to explain any issues in relation to the incomplete work.

The Director advised that the Department was looking at ways to improve the way this information is presented, possibly by graph, so that trends can be monitored more easily. The Director advised that she anticipated this would be ready for the next Departmental Monthly Review Report.

Cr Mann referred to Council's sponsorship of MackHack and queried why Councillors were not invited to this event.

The Director noted that in the special conditions of the sponsorship, there was a requirement that the Mayor and Councillors be invited to any open sponsored events. The Director advised that it was left to the funding recipient to issue the invitations and unfortunately, this did not occur.

Cr Bella queried if Council sponsors events and conferences in the Region, is there a check done to ensure that functions are being held at venues which have Council approval.

The Director advised that Council generally works closely with event organisers and endeavours to point them in the right direction in terms of venue.

Cr Bonaventura noted that the quarterly report is still missing the March indicators for residential lot supply for lots approved, and queried if the Director had any idea when this information would be available.

The Director advised that the statistics had just come through and the report will be updated. The Director advised that there were 100 lots.

Cr Englert referred to Cr Mann's question in relation to Councillors not receiving invitations to events and queried if there was a plan to address this.

The Acting Chief Executive Officer (A/CEO) advised that she and the Directors are very conscious of extending invitations to Councillors to everything that comes across their desks, and would be happy to look at any examples to try and understand why this may not have occurred.

Cr Englert referred to the RADF funding which had been granted for the wall at the back of Ninth Lane and noted there were other incidences like MackHack and Keswick Island where Councillors were not invited to events, or perhaps some Councillors were invited and others weren't.

The A/CEO advised that she would review those particular incidents to try and understand what we could have done differently.

Cr Bonaventura asked if the A/CEO had received invitations for the Police Remembrance Day which is on this evening and tomorrow morning.

Mayor Williamson advised that he had received a personal invitation but it appeared no other invitations had been received.

Cr Bonaventura advised that he felt it was very important that elected members were represented at this event.

#### **Council Resolution ORD-2022-281**

**THAT the Development Services Monthly Review Report for August 2022 be received.**

**Moved Cr Townsend**

**Seconded Cr Green**

Cr Townsend highlighted several items from the report including the recent opportunities Council has had to showcase the Region as a tourism and events destination, as well as a business and investment destination, the tours undertaken during the recent visit of the Gold Coast Suns and noted that it was great to see that the Manager of Economic Development and Tourism recently travelled to Melbourne for meetings with the AFL and cricket organisations.

Cr Bonaventura referred to requests for maintenance and was pleased to note that Council's 'six weeks and over' is now down to a very low 37 as opposed to a few months ago when it was in the hundreds. Cr Bonaventura thanked staff for their hard work.

**CARRIED**



# Development Services

## Monthly Review Report

### August 2022

## Executive Summary

### DEVELOPMENT SERVICES

This report is for Development Services for August 2022. Some highlights from this period are as follows:

- Council endorsed the extension of the Environmental Sustainability Strategy in August 2022. In addition, Council endorsed a pathway of net zero carbon emissions by 2031 (excluding carbon generated by waste management) as the target for the Energy and Carbon Management Plan to be developed.
- The process, coordinated by the Strategic Planning team, to commence a review of the current Local Government Infrastructure Plan, continued with internal stakeholders.
- Friday guided tours continued at the Mackay Regional Botanic Gardens in August, with volunteer guides hosting specially themed walks including a walk in the Coal Garden.
- The Mackay Regional Botanic Gardens hosted a community lunch for the Governor of Queensland which was attended by representatives of local stakeholder groups.
- Round 2 of the Small Business Mentoring Program was completed and the final report from mentors, Sparrowly Group, has been received. Eight established businesses and start-ups successfully completed the Program, which aims to assist participants develop their businesses and take advantage of the economic opportunities arising from the Pioneer Valley Mountain Bike Trails Project.
- A number of significant music events were held in Mackay in August with support through Council's Invest Mackay Events and Conference Attraction Program. These include BE Social, NQ Rock N Country and Legends on the Lawn.
- Sarina Sugar Shed partnered with The Dispensary for a 'Dinner with the Distiller' event on 25 August. 50 people attended the sell-out event which was hailed a huge success.



**Aletta Nugent**  
*Director Development Services*



Picnic in the Gardens, held as part of Book Week, was a great success with lots of children enjoying the interactive insect displays

# Development News

## 08/2022

Updates on significant developments currently being assessed by Council

### APPLICATION LODGED

DA-2022-152

Lodged 11 August 2022

476 Bridge Road, West Mackay

Material Change of Use of Premises for Hospital and Health Care Services



### APPLICATION LODGED

DA-2022-155

Lodged 17 August 2022

11 Anzac Parade, 17 Letchford Street, 101 Drew Street, Lot 20  
Zahmel Street and Lot 21 Matthew Street, Finch Hatton

Material Change of Use of Premises for Undefined Use  
(Pioneer Valley Mountain Bike Park Stage 1)

### APPLICATION DECIDED

DA-2022-53

Approved 2 August 2022

1 Zahmel Street, Finch Hatton

Material Change of Use of Premises for Food and Drink Outlet



### APPLICATION DECIDED

DA-2020-150

Approved 5 August 2022

16-14 Rankin Court, Lot 4 and Lot 57  
Melba Street, Armstrong Beach

Reconfiguration of a Lot (4 into 67 Village Residential Lots)


**THINK SAFE, STAY SAFE.**

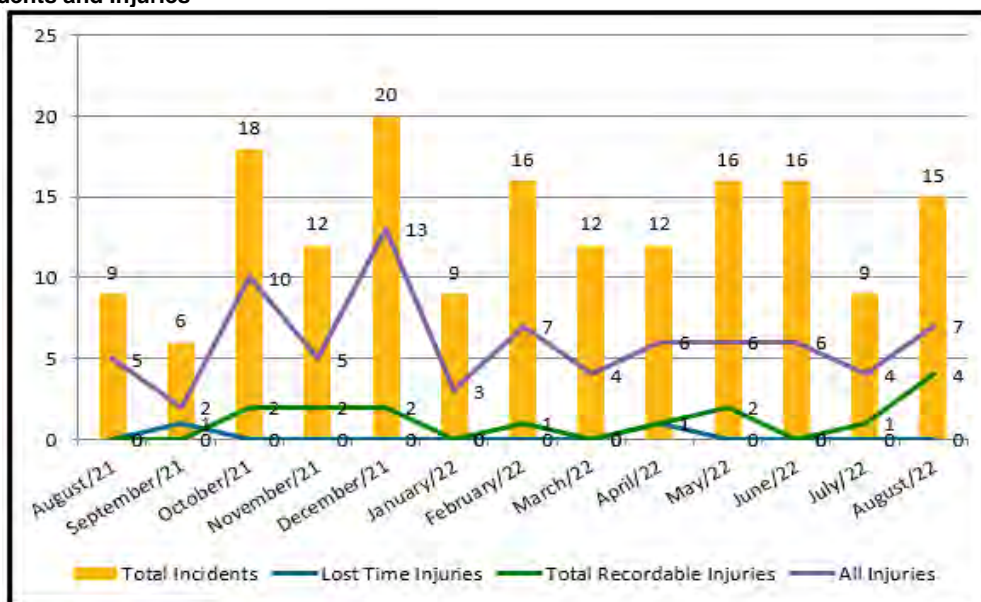

## Monthly Safety Review Summary

In August 2022:

- Five safety interactions were undertaken.
- Five site safety inspections were undertaken.
- 94% of monthly action plans activities were carried out.

Fifteen incidents were reported in August, involving MRC employees, members of the public or contractors.

### Incidents and Injuries



The following injuries to MRC employees were reported in August:

- Mulching all day and felt pain in shoulder, radiating down back.
- Struck hand while using lump hammer.
- Felt pain in chest muscles while moving containers.
- Found tick on side of head, prone to reactions so attended hospital and had tick removed.
- Worker felt irritation in eye after work, identified small particle in eye.
- While pruning tree in the park, branch flicked back and scratched chin.
- While feeding mulcher, branch struck face.

The following asset damage incidents involving MRC employees were reported in August:

- While whipper snipping, rock flicked up and hit NSM vehicle.
- While mowing the roadsides, approached by NSM who advised that his window had been damaged by a rock from the mower as he passed by.
- Canopy awning was open and clipped post, damaging post.
- Returned to find truck window smashed, after whipper snipping in area.

The following incidents involving a contractor or member of the public were reported in August:

- Struck playground equipment with excavator.
- NSM child foot went through deck.



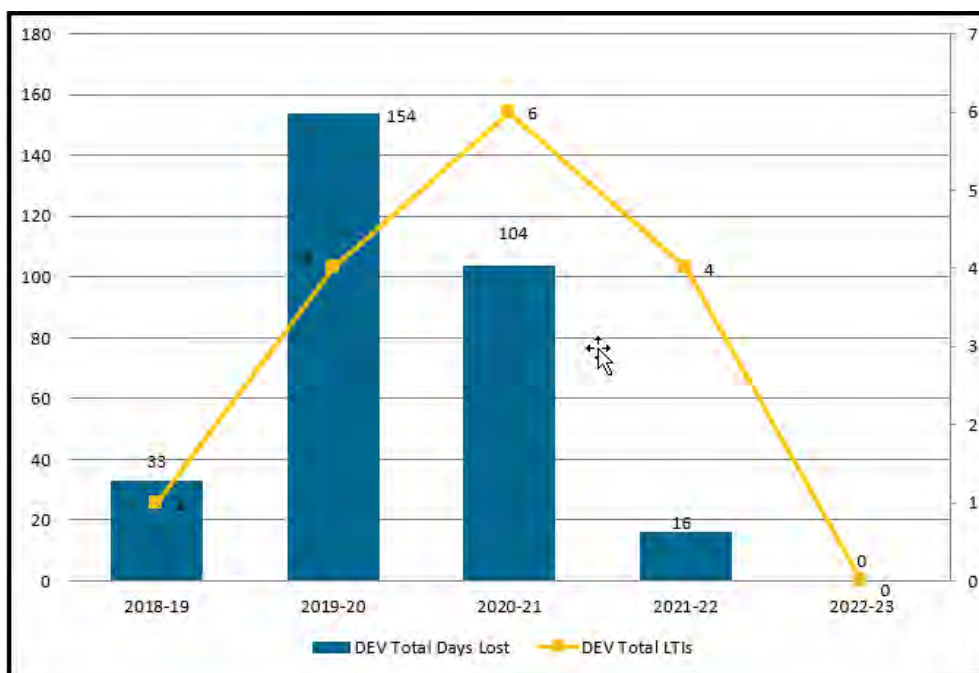
## Development Services Monthly Review August 2022

The following near miss incidents involving MRC employees were reported in August:

- While slashing roadside, slasher struck rock, starting small fire, which was extinguished by slasher operator.
- Employee threatened by NSM.

Each incident is investigated, and appropriate corrective measures implemented to reduce future risks.

## Lost Time Injuries &amp; Days Lost



Department	2018-19		2019-20		2020-21		2021-22		2022-23	
	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost
Development Planning & Engineering										
Parks & Environment	1	33	1	154	6	104	4	16	0	0
Strategic Planning										
Economic Development & Tourism										
<b>Development Services Total</b>	<b>1</b>	<b>33</b>	<b>1</b>	<b>154</b>	<b>6</b>	<b>104</b>	<b>4</b>	<b>16</b>	<b>0</b>	<b>0</b>

For the 2022-23 year, no lost time injuries have been recorded.



## Financial Report

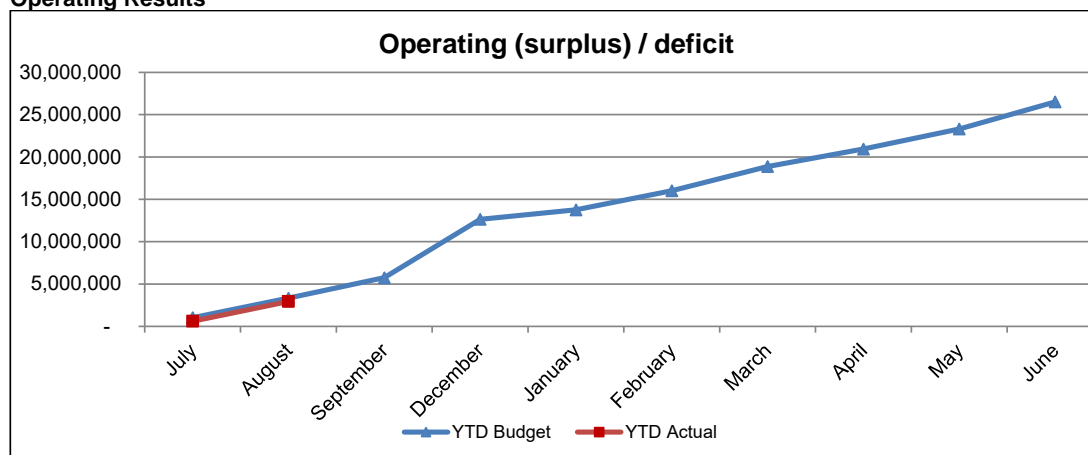
Period Covered: 1 July  
2022 to 31 August 2022

### % YTD Variance of YTD Budget

	YTD Variance favourable of budget
	YTD Variance unfavourable, between 0% and 5% of YTD Budget
	YTD Variance unfavourable, more than 5% of YTD Budget

	Amended Budget	YTD Budget	Actual	YTD Variance	Comments
2.01 - Development Services Management	1,100,363	179,079	133,602	(45,477)	Positive variance caused by minor under-expenditure across a number of different areas and savings in wages.
2.02 - Strategic Planning	2,685,933	363,536	339,905	(23,632)	Minor variance largely caused by savings in wages.
2.07 - Economic Development & Tourism	3,419,221	474,012	465,844	(8,168)	Budget tracking well.
2.08 - Parks and Environment	18,933,585	2,498,942	2,221,045	(277,897)	Positive variance caused by minor under-expenditure across a number of different areas and savings in wages.
2.09 - Development Planning & Engineering	366,994	(179,458)	(208,214)	(28,756)	Positive variance caused by savings in wages.
<b>Operating (surplus) / deficit</b>	<b>26,506,098</b>	<b>3,336,111</b>	<b>2,952,182</b>	<b>(383,930)</b>	

### Operating Results



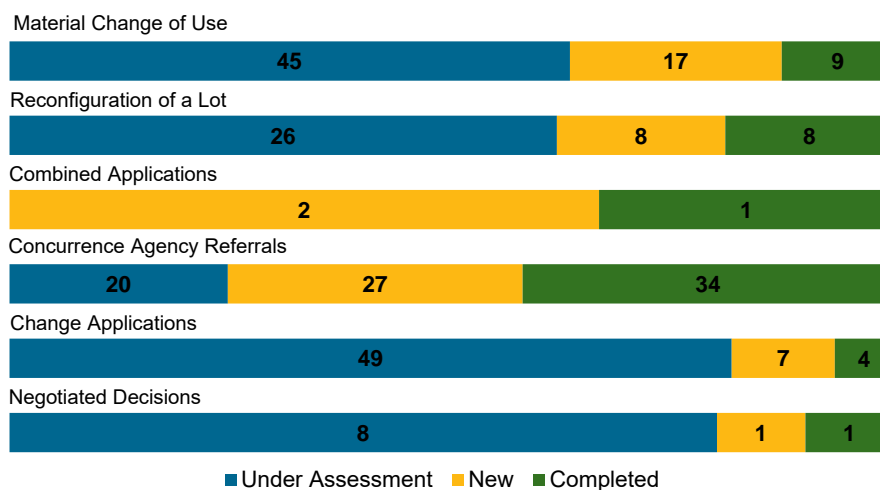


## Review of Operations

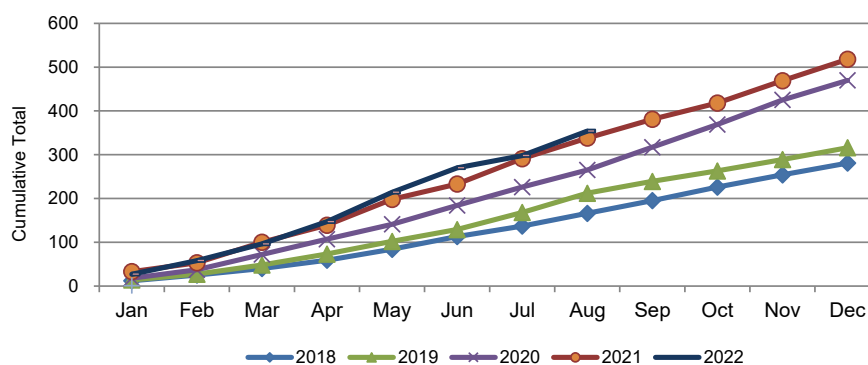
### DEVELOPMENT ASSESSMENT

- On Track
- Potential Issue
- Definite Issue

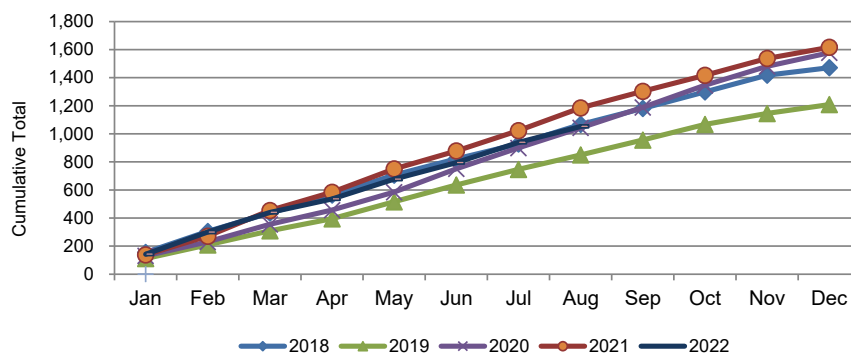
#### Volume of Operations

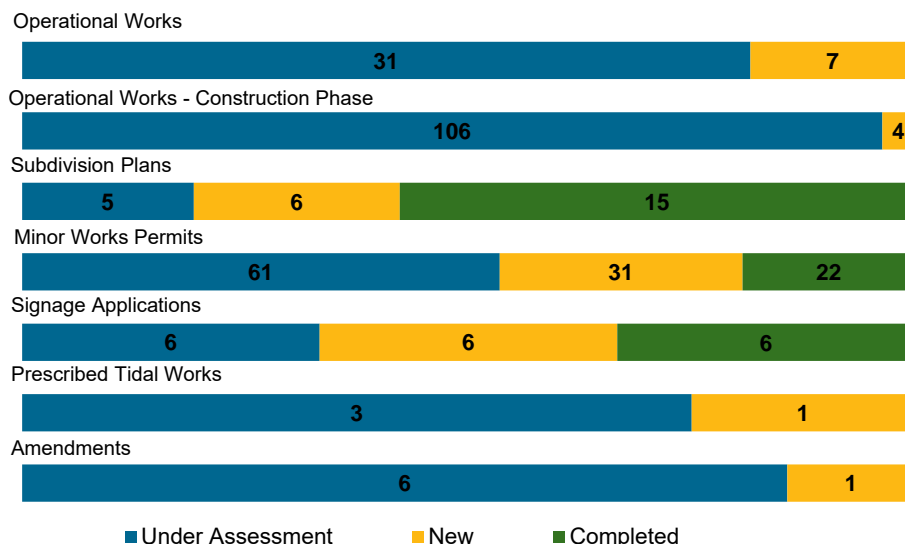
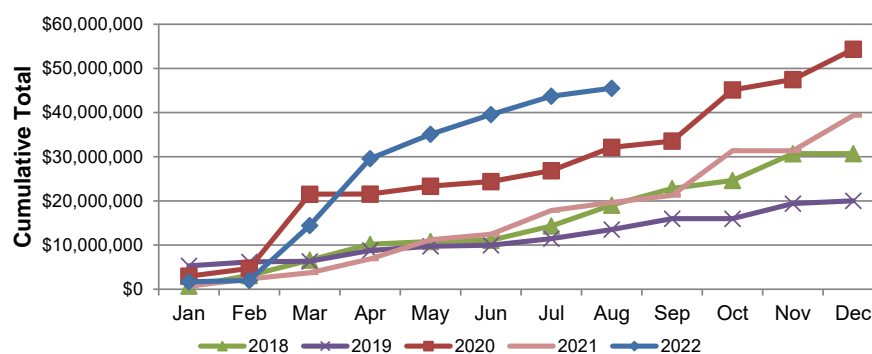


#### Cumulative Number of Approved Development Assessment Applications









#### Cumulative Number of Planning Enquiries



**DEVELOPMENT ENGINEERING****Volume of Operations****Value of Approved Construction Works****Development Planning and Engineering Performance Against Legislative Timeframes**

Application	Status	% Decided
MCU Code (85% in 35 Days)	🟢	100% decided in 35 days
ROL (85% in 35 Days)	🟢	88% decided in 35 days
Concurrence Agency (85% in 10 Days)	🟢	91% decided in 10 days
Minor Works (85% decided in <20 days)	🟢	92% decided in <20 days
Signage Applications (85% decided in <20 days)	🔴	83% decided in <20 days. Six applications were decided with one being outside of the KPI due to a response from Main Roads delaying the approval.
Operational Works (85% decided in 35 days)	🔴	83% decided in 35 days. Eight applications were decided with one being outside of the KPI due to negotiations with the applicant.
Plan Sealing (85% decided in 20 days)	🟢	100% decided in 20 days

## STRATEGIC PLANNING

Regional and Local Area Planning		
Projects	Status	Description / Update of Project
Mackay Region Planning Scheme – Planning Scheme Policy (PSP) review		<p>Council have now completed 4 rounds of planning scheme policy amendments. In 2022/23 the review of the following Planning Scheme Policies (PSPs) continues to progress through a governance process by relevant internal programs:</p> <ul style="list-style-type: none"> <li>• Planning scheme policy – geometric road design</li> <li>• Planning scheme policy – operational works application and construction requirements – draft document prepared and forms being prepared</li> <li>• Planning scheme policy – healthy waters – draft document nearing finalisation</li> <li>• Planning scheme policy – constructed lakes.</li> </ul>
Mackay Region Planning Scheme – Major amendment 3		<p>The state interest review for the proposed Major amendment 3 is underway. Consultation of the proposed amendment will occur after completion of the state interest review.</p> <p>The purpose and general effect of the proposed amendment is to:</p> <ul style="list-style-type: none"> <li>• Facilitate commercial and other specific non-residential uses within designated precincts and through appropriate provisions under the Township zone in the Finch Hatton and Eungella townships;</li> <li>• Encourage wider range of uses or adaptive re-use by changing the zone of a small number of lots to Township in the Finch Hatton and Eungella townships; and</li> <li>• Reduce the levels of assessment for certain uses to facilitate appropriate development outcomes for the Finch Hatton and Eungella townships in support of the Pioneer Valley mountain bike project.</li> </ul>
Mackay Waterfront PDA development scheme – proposed amendment 1		<p>A Council briefing was held in July 2022 to introduce the proposed amendment process to the PDA development scheme.</p> <p>A formal report will be presented at a Council Meeting in coming months to formally commence the amendment process under the Economic Development Act 2012.</p>
Finch Hatton and Eungella Township local planning		<p>Local planning frameworks for the Finch Hatton and Eungella townships have been prepared to support proposed amendments to the planning scheme and the Pioneer Valley mountain bike trail project.</p> <p>Further project work involving investigations and planning is being considered in relation to potential public realm, placemaking and wayfinding projects for both townships.</p>
Northern Beaches Community Hub		<p>The Masterplan for the Northern Beaches Community Hub site was endorsed by Council in December 2021.</p> <p>Tenders for the design of Stage 1A and 1B closed and being considered.</p> <p>Work is progressing on the site infrastructure detailed design including roads, drainage, and other services.</p>
Mackay Urban Greening Project		<p>Urban greening is a critical component of our urban areas that provides a broad range of community, environmental and economic benefits. This project considers how to enhance, protect and sustain the quality and quantity of trees and vegetation in the Region's urban areas.</p> <p>A draft Strategy document has been prepared and will undergo public consultation in the next few months.</p>

Environmental Sustainability Strategy 2017-2022	●	<p>The Environmental Sustainability Strategy acts as a roadmap, moving Council along a sustainability maturity curve – past a focus on ‘Environmental Sustainability’ and toward a more integrated approach where sustainability is fully embedded within corporate risk, strategy and planning frameworks. Council endorsed the extension of the Environmental Sustainability Strategy in August 2022. In addition, Council endorsed a pathway of net zero carbon emissions by 2031 (excluding carbon generated by waste management) as the target for the Energy and Carbon Management Plan to be developed in accordance with the Strategy.</p> <p>The Sustainability Executive Group (SEG) oversees implementation of the Environmental Sustainability Strategy. In 2021, the SEG approved the establishment of five working groups to implement the Strategy’s action plan. Three of the five working groups have been established:</p> <ul style="list-style-type: none"> <li>• Natural Assets and Biodiversity – established August 2021</li> <li>• Energy and Carbon Management – established August 2021</li> <li>• Corporate Waste Management – established March 2022</li> </ul> <p>Two groups are still to be established:</p> <ul style="list-style-type: none"> <li>• Climate Risk Management</li> <li>• Corporate Strategy.</li> </ul>
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Transport & Infrastructure Planning		
Projects	Status	Description / Update of Project
Growth Allocation Model	●	Lead and lag statistics are continually monitored to measure growth projections against actual economic activity and population movements.
Local Government Infrastructure Plan Review	●	The process to commence a review of the current Local Government Infrastructure Plan has commenced with internal stakeholders.
Northern Beaches Area Transport Planning	●	A consultant has been engaged to develop the Northern Beaches Road Traffic Model which will be used for road network scenario testing.

Stormwater		
Projects	Status	Description / Update of Project
Mackay Coast Our Future - Coastal Hazard Adaptation Study	●	<p>Council was successful in its application for funding assistance from the Queensland Government through the Local Government Association of Queensland (LGAQ) QCoast2100 Program to complete a coastal hazard adaptation study. The study will develop a strategic approach to managing coastal hazards in the Mackay Region.</p> <p>Consultation on initial stages of the project has commenced, including a community survey on coastal values.</p>
McCreadys Creek Flood Study	●	<p>Council has received funding assistance from the Queensland Government through the 2019-2020 Resilience and Risk Reduction Funding to deliver a Flood and Stormwater Study over the McCreadys Creek Catchment. The study included an aerial LiDAR survey over the catchment which was completed in 2021 to capture the extensive development that has occurred since the last aerial survey was completed in 2015.</p> <p>The study has progressed to the development of a flood model to provide an understanding of flood hazards across the catchment. The model will ultimately be used to inform planning and development over the catchment and assist with the assessment of mitigation options to target any high flood risk locations identified.</p>

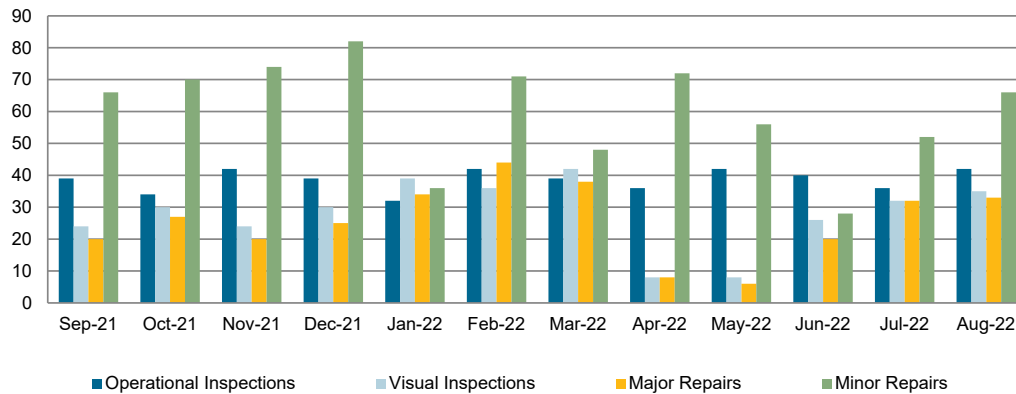
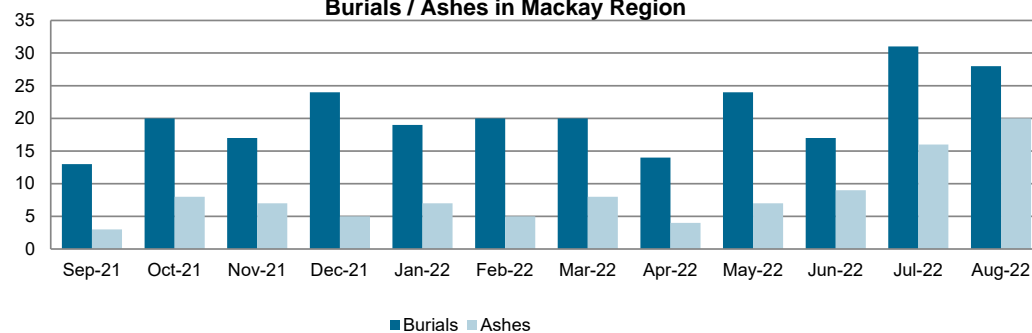
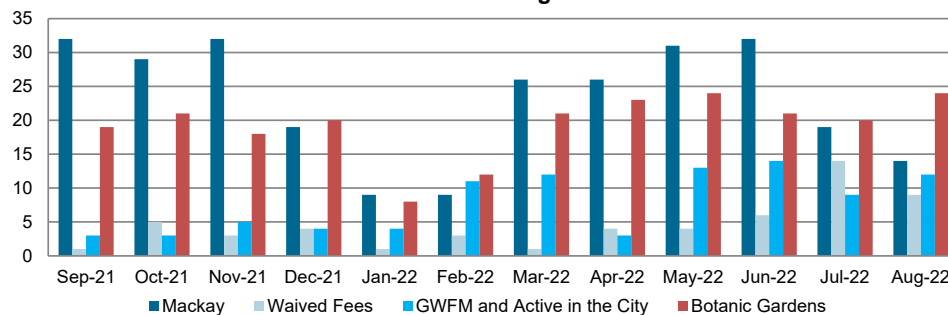
## MACKAY CITY AND WATERFRONT






Mackay City and Waterfront		
Projects	Status	Description / Update of Project
Council Land Tender	●	<p>Following Council endorsement in December 2021, Council continues to work with ReNew Mackay Pty Ltd in relation to the development of six Council owned sites. The development agreement stipulates a process and timeframes for development to occur on each of the sites, which will include a mix of residential, retail, health and hospitality offerings.</p> <p>The proposal by the ReNew consortium also includes development on their privately owned sites in addition, and complementary to the six public sites. Council is meeting with Renew Mackay on a regular basis to discuss their development proposal and staging and design approach.</p>
Riverside Revitalisation Project	●	<p>The Riverside Revitalisation Project was successful in receiving funding under the Federal Government Building Better Regions Fund Round Five. The contribution from the Federal Government will be \$4.12M towards a total project cost of \$10M.</p> <p>Construction of the first stage of the Riverside Revitalisation Project is underway following the award of the \$5.5M contract to Woollam Constructions in early 2022. The design includes a large pavilion, activity shelter, amenities block, picnic areas, a shared path and multiple seating areas overlooking the Pioneer River. Construction is currently on track to be completed prior to the end of year.</p> <p>The design and tender documentation for the existing riverfront building and pontoon is in its final stages with a tender expected to be released in the coming month.</p>
River and Sydney Street Intersection upgrade	●	<p>Council continues to meet monthly with the Department of Transport and Main Roads to progress the design of the intersection upgrade at River Street and Sydney Street to improve pedestrian and cycling safety along the Bluewater Trail. The project was recently listed on TMR Queensland Transport and Roads Investment Program (QTRIP) successful grants list. Council's project team are completing the detailed design to progress the upcoming tender package which will be released following receipt of the signed funding agreement.</p>
Activate Mackay City Centre	●	<p><u>Vacant Tenancy Window Activation Program</u> This pilot program creating colourful, shoppable window displays continues to receive positive feedback from participating building owners, local makers and nearby businesses on the initiative. Five displays were installed on Wood and Victoria Streets in the City Heart including works for four local artists/makers.</p> <p><u>Signage and Wayfinding</u> The design development plans are nearing completion for Stage 1 – Riverside Link. A tender package for manufacture and installation is currently being finalised and will be released in the coming weeks.</p> <p><u>Placemaking</u> 'City Heart Fridays' will continue monthly on the first Friday of each month. Council's Mackay City &amp; Waterfront Partnerships Coordinator is working with businesses to finalise their activities and create a schedule for each month.</p>

**e-Statistics**

Subscribers	March 22	April 22	May 22	June 22	July 22	Aug 22
City Centre Facebook Likes	6,598	6,615	6,607	6,605	6,708	6,751
City Centre Instagram Followers	1,458	1,458	1,459	1,458	1,469	1,486
City Centre Wi-Fi Sessions	483 users	581 users	655 users	nil*	nil*	nil*
	8425 sessions	9529 sessions	9102 sessions	nil*	nil*	nil*

\*A review of the City Centre Wifi is currently being undertaken and WiFi was not be available during this time.

**PARKS & ENVIRONMENT****Play Equipment Inspection and Maintenance****Burials / Ashes in Mackay Region****Park Bookings**

Regional Services Projects & Works		
Project	Status	Description / Update of Project
Botanic Areas -Desilting trial project		<p>The desilting trial aims to find a solution to create a usable product out of the silt which needs to be removed from the Lagoons at the Botanic Gardens.</p> <p>A final report was provided in June and a Council briefing was held in July to discuss the options available for desilting the lagoons.</p> <p>Concepts/business plans are being developed for potential future budget consideration.</p>
Botanic Areas -Lagoon Weed Management		<p>The water weed harvester returned mid-August to remove weed on the Lagoons. Many compliments have been received and photographers have captured lots of photos of the reflections on the clear water of the Lagoons.</p>
Botanic Areas - Stakeholder Activities		<p>The 'Heritage Gardeners' planted some colourful annuals, vegies including beetroot and more Calendulas, Salvias, Mackinlayas, Cat's Whiskers and Spider Plants.</p> <p>The Friends of the Gardens have continued their regular sessions in the nursery, undertaking a range of tasks including propagating plants for the Heritage Garden. They have also held their regular meeting, AGM, Botanic Art Interest Group meetings as well as a Photo Walkabout workshop.</p> <p>The Shade Garden and Visitor Information continue to be opened by the Friends on Sundays. A range of new books and carved timber items have been added to the products for sale.</p> <p>Native Plants Queensland/Society for Growing Australian Plants Mackay held a committee meeting, a regular meeting, a working bee in the Regional Forest, as well as their regular plant propagation sessions.</p> <p>Volunteer guides continued the Friday guided tours, with some specially themed walks this month including a walk in the Coal Garden.</p>
Botanic Areas – Activities in the Gardens		<p>Regular activities in the Gardens have included Friday morning yoga classes, Park Run, Falun Gong and children's yoga classes.</p> <p>Picnic in the Gardens was a huge success with lots of children and families dressed as their favourite book character enjoying interactive displays and story time. This event was coordinated by MRC Libraries. Gardens staff and the Friends of the Gardens worked together to host an interactive insect display which was very popular. Staff also held 'Books on Blankets' sessions on the Tropical Sun Lawn during the week.</p> <p>The Gardens hosted a community lunch for the Governor of Queensland which was attended by representatives of local stakeholder groups.</p> <p>National Tree Day was promoted with a range of activities including social media posts on some of the amazing trees in the Living Collection.</p>
Botanic Areas - Queens Park		<p>Dethatching work occurred on the ovals, which were then top dressed with sand in time for the start of the cricket season.</p>





## Development Services Monthly Review August 2022

**Requests for Maintenance Work**

Customer survey results have not been finalised for this period.

Request Type	Received	Actioned	Outstanding – 6 weeks & over
Mowing & Weed Maintenance	14	45	37
Tree Maintenance	26	76	75
Beach & Foreshore	3	4	10
Blue Water Trail Maintenance	0	1	0
Footpaths/Cycleways – Parks	3	3	2
Fence/Bollard Maintenance	3	13	2
Garden Ben Maintenance	2	4	5
Graffiti and Vandalism Reports - Parks	2	9	0
Park-Amenity/Building – Maintenance & Repairs	10	21	10
Park-Park Furniture Maintenance & Repairs	3	4	7
Parks Cleaning – Amenity & BBQs	2	3	0
Parks Cleaning – Parks Furniture	0	5	1
Parks Miscellaneous	17	30	56
Playgrounds & Playground Equipment	0	3	2
Parks Capital Expenditure Requests	0	0	17
Tree – Emergency Tree Maintenance	1	4	4
	<b>86</b>	<b>168</b>	<b>228</b>

**ECONOMIC DEVELOPMENT & TOURISM**

Economic Development and Tourism		
Team Priority	Status	Action
<b>Regional Growth</b>  Facilitating sustainable and diversified jobs and investment in the Mackay Region		<p><u>Facilitating Development in the Mackay Region Policy</u> Four applications are being progressed and will be presented to Council for consideration at a Council meeting in September.</p> <p><u>Pioneer Valley Mountain Bike Trail</u> The Pioneer Valley Mountain Bike Trail Destination Marketing Plan and Brand Guide draft scope has been finalised and is being prepared to be released for tender.</p> <p>Round 2 of the Small Business Mentoring Program has been completed and the final report from mentors, Sparrowly Group, has been received. Eight established businesses and start-ups successfully completed the program. The program aimed to assist participants develop their businesses and take advantage of the economic opportunities arising from the Pioneer Valley Mountain Bike Trails Project. The planning for the Graduation and Networking event for Round 1 and 2 mentees is in progress for October.</p> <p><u>Small Business Support</u> The Economic Development team is currently reviewing small business support programs and investigating initiatives for implementation in 2022/23.</p>
<b>Visitor Attraction</b>  Developing the Mackay region as a leading tourism and events destination		<p><u>Invest Mackay Events and Conference Attraction Program</u> One event sponsorship was approved through the Invest Mackay Events and Conference Attraction Program in August 2022: 1. Master Swimming QLD State Championships</p> <p>The following Invest Mackay Events and Conference Attraction Program supported events were held in August 2022:</p> <ul style="list-style-type: none"> <li>• QLD Amputee Golf Day</li> <li>• BE Social</li> <li>• Provincial Surgeons Conference</li> <li>• NQ Rock N Country</li> <li>• Zack Mack</li> <li>• Duel in The Pool</li> <li>• Legends on the Lawn.</li> </ul> <p>Mackay Isaac Tourism has also created specialised day tours for recent events and conferences. The Provincial Surgeons Conference delegates utilised the booking service provided by through the Visitor Information Centre for a range of tours across the region.</p> <p>During August, Council's Manager Economic Development and Tourism travelled to Melbourne in a delegation with representatives from Great Barrier Reef Arena for meetings with AFL and cricket organisations to present the opportunities for elite sporting content to be held in Mackay at the new facility.</p> <p><u>Mackay Region Recreational Vehicle (RV) Strategy</u> The evaluation panel has identified the preferred consultant for the RV Strategy. Awarding of the contract will occur in September with a project start date in October 2022.</p> <p><u>Mackay Region Recreational Fishing Strategy</u> A very productive meeting of the Recreational Fishing Strategy Steering Group was held in August. Members of the stakeholder</p>

		<p>group identified opportunities for recreational fishing in the region. These projects will form part of the future objectives of the steering group.</p> <p>The upgraded “Hooked on Mackay” website has gone live and features a new design, resources and content.</p>
<p><b>Liveability and Innovation</b></p> <p>Creating a vibrant region that is a great place to live and do business</p>	<p>•</p>	<p><u>Building Improvement Rebate Program</u> Seven recipients of the Building Improvement Rebate have finalised their projects, while work continues for four recipients. Future rounds of this program for 2022/23 will be reviewed in line with available resources.</p> <p><u>Activate My Place Program</u> The Keswick Island Art Trail project is still ongoing with an estimated finalisation date in October 2022. The Maltese Corner Project has forecasted a project start date of 1 January 2023.</p> <p>Future rounds of this program in 2022/23 will be reviewed in line with available resources.</p> <p><u>Skills Attraction and Retention</u> Regional Development Australia (Mackay Isaac Whitsunday) is in discussions with the Department of Home Affairs regarding the option for a Designated Area Migration Agreement (DAMA) for the Greater Whitsunday Region. Representatives from the department will be holding an information session on 15 September to provide details of the operation and requirements of a DAMA. The meetings will be held in Proserpine and online.</p>
<p><b>Partnerships and Connections</b></p> <p>Working collaboratively with our partners to generate economic outcomes for our community</p>	<p>•</p>	<p><u>Queensland Cricket</u> Officers are currently working with QLD Cricket on the WBBL Fixture Mackay opening rounds for the 2022/23 Season at Great Barrier Reef Arena. Mackay Isaac Tourism has created personalised day tours for the event.</p> <p><u>Gold Coast SUNS</u> The Round 4 match has been confirmed to play at Great Barrier Reef Arena on 17 September 2022. Planning is underway for game promotion and supporting partnership activities which includes hosting a delegation of Gold Coast Suns Executives and Corporate Partners. Activities to showcase the opportunities for new business and investment will include a site tour of the Mackay Waterfront Riverside Link project, Wildcat Mackay Harbour cruise and visit to the Pioneer Valley Mountain Bike Trails Project site in Finch Hatton.</p> <p><u>Queensland Mining and Engineering Exhibition (QME)</u> A debrief meeting was held regarding the Greater Whitsunday METS Innovation Lounge at QME 2022. The stand was a collaboration between the Resource Industry Network, Resources Centre of Excellence, Greater Whitsunday Alliance, Whitsunday Regional Council, Isaac Regional Council, the Queensland Government and eight local businesses. The feedback was very positive and the working group is keen to identify strategies to provide further visibility for participating businesses and local innovations at QME 2024.</p> <p><u>Split Spaces</u> Council was a major sponsor of Mack Hack held at Split Spaces in August. The event attracted 11 participants for the weekend with an additional seven participants joining for the Friday evening.</p>

		<p><u>Resources Centre of Excellence (RCOE)</u> Support for the operation of the RCOE is continuing and includes the development of investment collateral for Stage 2 Future Industries Hub, as well as funding for Stage 2 construction.</p> <p><u>First Nations Stakeholders and Agencies</u> The Economic Development team is supporting Indigenous Business Month by sponsoring the 'Meet the Buyers and Suppliers' event to be held in October. The event will showcase local indigenous businesses and provide information, resources and support to new and existing indigenous business operators from a range of agencies and departments. Economic Development will have a stand on the day.</p>
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Sarina Sugar Shed		
Strategy / Project	Status	Description / Update of Project
<p><b>Operational Performance</b></p> <p>Operate a successful tourism facility which meets its performance targets</p>	<p>●</p>	<p><u>Overview</u> August was another challenging month for the Sarina Sugar Shed with bitter-sweet outcomes. Visitation reached 4,490 which was 2,077 (86%) more than August 2021, with YTD visitor numbers being 3,589 (62%) higher than the same period in 2021.</p> <p>However, retail revenue was significantly impacted by the suspension of distillery operations for most of the month due to essential safety works. As a result, alcohol sales as a % of total retail revenue only achieved 26% in August instead of the usual average of 47%.</p> <p>Despite these limited alcohol sales, YTD total revenue is 0.53% above the same period in 2021 which is a positive sign, and already almost a quarter (22.5%) of the annual revenue budget has been achieved in just two months.</p> <p>Café revenue continues to grow, achieving sales of \$9,508 in August, which is a 106% increase over August 2021. YTD café sales are \$19,680, showing that this is becoming an important part of the business. More resources will be allocated to support the café as to meet the increased demand.</p> <p>Wages continue to drive higher expenditure as two new Visitor Experience Officers were trained during August to help relieve the pressure as a result of unplanned leave, and casual staff were required for additional shifts.</p> <p>These staff shortages also resulted in parts of the business needing to be closed at various times, including a reduction in the number of tours and food service.</p> <p>It is anticipated that normal operations will return for the upcoming school holidays with additional trained staff and the full range of alcoholic products available for purchase once again.</p> <p><u>Production</u> New batches of the Colonial Spiced Rum and Sugar Shed Rum were released at the end of August for Father's Day gift boxes. Following the resumption of distillery operations, stocks of all liqueurs were restored by 23 August and available for sale again in the retail store and the online store.</p> <p><u>Events and functions</u> Sarina Sugar Shed partnered with The Dispensary for a 'Dinner with the Distiller' event on 25 August. 50 people attended the sell-out event which was hailed a huge success.</p>

		<p>The Sarina Sugar Shed welcomed the Governor of Queensland on 24 August for a tour of the Sugar Shed with Professor Nimmo and Mayor Greg Williamson.</p> <p><u>Industry Engagement</u>  Sarina Sugar Shed was invited to participate in the Mackay Regional Tourism Workforce Plan Consultation facilitated by Queensland Tourism Industry Council (QTIC), as well as the Mackay Decarbonisation Workshop (for tourism) facilitated by EarthCheck on behalf of QTIC.</p>			
Business Operations (excluding accruals)		<b>Item</b>	<b>August</b>	<b>YTD</b>	<b>Annual Target</b>
	●	Tour Visitation (Paid)	1,536	3,418	22,000
	●	Visitation (Total)	4,490	9,314	30,000
	●	Volunteer Hours	212	414	n/a
		<b>Item</b>	<b>August</b>	<b>YTD</b>	<b>Annual Budget</b>
	●	Ticket Sales	33,857	68,645	220,000
	●	Retail Sales	48,409	106,256	555,000
	●	Total Income (incl. Ticket income)	82,266	174,901	775,000
	●	Total Expenses	125,659	208,012	1,136,935

**Economic Indicators (Quarterly)**

Indicator	Sep 20	Dec 20	Mar 21	Jun 21	Sep 21	Dec 21	Mar 22	Jun 22
<b>Employment</b>								
Unemployment rate	5.5%	5.7%	5.4%	4.4%	3.5%	2.6%	2.5%	NA
Employed persons	65,885	66,957	66,993	66,884	65,844	65,416	65,696	NA
<b>Real Estate</b>								
Median house sale	\$379,000	\$385,000	\$383,500	\$400,000	\$400,000	\$410,000	\$415,000	NA
Median rent 3 bed house (12 month ending)	\$365	\$370	\$380	\$390	\$400	\$400	\$420	\$425
Median rent 2 bed unit (12 month ending)	\$280	\$288	\$290	\$300	\$300	\$320	\$320	\$325
Res vacancy rate	0.6%	0.9%	1.0%	0.8%	0.7%	0.7%	0.6%	0.5%
<b>Residential Lot Supply</b>								
Lots Approved^	13	39	5	11	84	116	NA	NA
Lots Registered	129	114	26	100	55	78	99	NA

Data relates to the Mackay Local Government Area and is updated on a quarterly basis as it is received by Council. There is often a 3-6 month lag from the receipt of data for a previous quarter.

The 'employed persons' data does get adjusted retrospectively by the source. This may see quarterly figures change but is a valuable indicator for recognising trends.

^ Queensland Government data (QLD Treasury).

NA = data not yet released

## e-Statistics

	March 22	April 22	May 22	June 22	July 22	August 22
Mackay Region Joblink Analytic Report	301 active users	201 active users	245 active users	170 active users	238 active users	211 active users
	375 sessions	267 sessions	323 sessions	227 sessions	267 sessions	302 sessions
	1m 35 average sessions	2m 23 average sessions	1m 29 average sessions	1m 35 average sessions	1m 24 average sessions	2m 51 average sessions
Internet Vacancy Index (Central Qld) Advertised Jobs*	4,000	4,000	4,000	3,908	4,119	NA
SEEK Advertised Jobs**	1,663	1,404	1,651	1,669	1,661	1,796
Sarina Field of Dreams Usage Wi-Fi ***	72 users	55 users	61 users	62 users	41 users	55 users
	1,484 sessions	1,289 sessions	1,077 sessions	1,324 sessions	532 sessions	498 sessions
Sarina Field of Dreams Website Visitation	266 active users	302 active users	314 active users	366 active users	982 active users	366 active users
	309 sessions	368 sessions	421 sessions	491 sessions	1,286 sessions	414 sessions
Hooked on Mackay Facebook	4,830	4,855	4,907	4,946	5,004	5,104
Hooked on Mackay Instagram	769	778	796	802	805	814
Hooked on Mackay Youtube Subscribers	187	211	236	240	253	254
Net Free Zone Voluntary Code Sign-ups	690	693	694	695	703	716
Mackay Region Event Organisers Connect Facebook Group Members	104	115	115	115	116	118
Invested in Mackay Subscribers	582	585	585	586	589	585

\*Economic Development will now include Federal Government data which reports on the Internet Vacancy Index (IVI). The IVI is the only publicly available source of detailed data on online vacancies, including for around 350 occupations (at all skill levels), as well as for all states/territories and 37 regions. The IVI is based on a count of online job advertisements newly lodged on SEEK, CareerOne and Australian JobSearch during the month. As such, the IVI does not reflect the total number of job advertisements in the labour market as it does not include jobs advertised through other online job boards, employer websites, word of mouth, in newspapers, and advertisements in shop windows. The IVI also does not take account of multiple positions being advertised in a single job advertisement. The data available is broken down as far as Central QLD which includes 9 local Government areas and is calculated on a 3-month moving average.

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

\*\*\* During the month of September and October Red Fox Internet confirmed there were technical issues with the WIFI network which has impacted the calculation of statistics for the usage Sarina Field of Dreams.

**UPCOMING EVENTS**

Date	Event	Location
28 September – 1 October 2022	Rumble on the Reef – Wakeboarding*	Wakehouse Australia, Andergrove
30 September 2022	Palmyra Nitro Showdown*	Palmyra Dragway
1 October 2022	Orchid Extravaganza	Queens Park
7 October 2022	City Heart Fridays	City Heart incl. locations along Wood, Victoria and Macalister Streets.
1-3 October 2022	2022 Hydrofoil Pro Tour*	Lamberts Beach
13 October 2022	Brisbane Heat vs Sydney Sixers*	Harrup Park Country Club
14 – 17 October 2022	2021 Freshwater Fishing & Stocking Association of QLD Workshop*	Windmill Hotel Mackay
15 October 2022	Adelaide Strikers vs Sydney Sixers & Brisbane Heat vs Melbourne Stars*	Harrup Park Country Club
15 October 2022	Mack Pop Con*	Mackay Showgrounds
16 October 2022	Adelaide Strikers vs Melbourne Renegades & Sydney Sixers vs Melbourne Stars*	Harrup Park Country Club
18 October 2022	Brisbane Heat vs Melbourne Renegades*	Harrup Park Country Club
22-27 October 2022	Souths Suburban Bowls Club Champion of Champion Finals*	Souths Bowls Club
22 October 2022	F5WC*	Mackay Multisports Stadium
28 October 2022	2022 North QLD Australian Surf Life Saving Championships*	Mackay Aquatic Recreation Centre & Mackay Harbour Beach
5 November 2022	Adventurethon Demolish Multisport Festival*	TBA
18 November 2022	U13 Boys Indoor State Hockey Championships*	Indoor Stadium
25 November 2022	QLD Netball Firebirds Trial Match*	Mackay Multisports Stadium
25 November 2022	U13 Girls Indoor State Hockey Championships*	Mackay Multisports Stadium
3 December 2022	Star 101.9's Carols in the Gardens with thanks to Glencore and Mackay Regional Botanic Gardens	Mackay Regional Botanic Gardens Amphitheatre

\* Invest Mackay Events and Conference Attraction Program

**11.2.2. CHANGE APPLICATION (MINOR) – RECONFIGURING A LOT – 1 RURAL LOT INTO 3 LOTS - LOT 3 AND 1860 MARAJU-YAKAPARI RD, THE LEAP QLD 4740 - LOTS 21 ON SP316179 AND 3 ON RP746422 - 1801303/1988/HIMARD/A**

<b>Author</b>	Senior Development Planner (Brogan Jones)
<b>Responsible Officer</b>	Director Development Services (Aletta Nugent)
<b>Application Number</b>	1801303/1988/HIMARD/A
<b>Attachments</b>	Attachment A: Locality Plan Attachment B: Survey Plan History Attachment C: Agreements Attachment D: Planning Scheme Overlay Mapping
<b>Date Received:</b>	22 June 2022
<b>Applicant's Details:</b>	Richard Bruce and Jennifer Anne Annetts c/- Development Planning and Approvals PO Box 4499 Mackay QLD 4740
<b>Proposal:</b>	Change Application (Minor) – Reconfiguring a Lot – 1 Rural Lot into 3 Lots
<b>Site Address:</b>	Lot 3 and 1860 Maraju-Yakapari Rd, The Leap
<b>Property Description:</b>	Lot 21 SP316179 and Lot 3 RP746422
<b>Owner's Details:</b>	Richard Bruce and Jennifer Anne Annetts
<b>Area:</b>	Lot 21 – 15.17ha Lot 3 – 5.783ha
<b>Planning Scheme:</b>	Mackay Region Planning Scheme v4.0
<b>Planning Scheme Designations:</b>	
<b>Zone:</b>	Rural
<b>Precinct:</b>	N/A
<b>Assessment Level:</b>	Code
<b>Submissions:</b>	N/A
<b>Referral Agencies:</b>	N/A
<b>Recommendation:</b>	Refusal

**Purpose**

This report outlines the assessment of a current Change Application (Minor) before Council. Specifically, the applicant seeks to change an existing subdivision approval 1801303/1988/HIMARD issued by Pioneer Shire Council on 16 September 1988. The application to change the existing approval is recommended for refusal.

**Corporate Plan Linkage**

Live and Visit



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

### **Related Parties**

- Landowner: Richard Bruce and Jennifer Anne Annetts
- Planning consultant: Development Planning & Approvals (Director: Justin Peel)

### **Background/Discussion**

#### Subject Site and Surrounds

The subject site consists of two parcels of land along Maraju-Yakapari Road at The Leap (refer to Attachment A – Locality Plan). The lots are lot 3 on RP746422 and lot 21 on SP316179 and they are currently tied in ownership by a Local Government Agreement. Lot 3 is located wholly on the western side of Maraju-Yakapari Road and lot 21 is located wholly on the eastern side of the road.

Lot 3 is 5.783ha and is currently vacant of structures while lot 21 is 15.17ha and contains a dwelling house.

Maraju-Yakapari Road is a State-controlled road.

Land to the east and west of the subject site consists of large rural parcels used for rural activities. Small rural lifestyle lots are located in the area where the land makes agriculture difficult due to topography.

#### Background

The subdivision approval given by Pioneer Shire Council on 16 September 1988 resulted in lots being approved either side of Maraju-Yakapari Road, less than the minimum lot size in the rural zone at the time. To address this, Council applied a condition of approval requiring two of the resulting lots to be tied in ownership through a mechanism available under s34(12G) of the *Local Government Act 1965*. Section 34(12G) permitted Council and a landowner to enter into an agreement ensuring lots are tied in ownership in circumstances where the lots created are less than the minimum lot size for the zone. The planning intent of the condition was to ensure the agricultural land was held in the same ownership, giving the land the best opportunity to continue as a single farming unit.

Section 34(12G) of the *Local Government Act 1965* is provided in full as follows:

- a) *'Where pursuant to a by-law, whether: made before or after the date of the coming into force of this subsection, the Local Authority has determined a minimum area for allotments in the subdivision of land then, notwithstanding the provisions of such by-law, it shall be competent for the Local Authority to approve an application for a subdivision of land (whether or not the subdivision involves the opening of a road) which provides for an allotment having an area less than the minimum prescribed in such by-law in circumstances where –*
- i) the land to be subdivided is intersected by a river, creek or stream or surveyed road; and*
  - ii) the applicant for approval of a subdivision and the Local Authority have entered into an agreement that any separate and distinct part of the land which has an area less than the area prescribed in the by-laws of the Local Authority be not capable of separate disposition but that the ownership thereof be held in the same ownership as that of another separate and distinct part or other separate and distinct parts of the land in the plan of subdivision which is not or are not contiguous thereto or to each other by virtue of being separated by such river, creek or stream or surveyed road or by any part or parts thereof:*

*Provided that the total area of those separate and distinct parts to be held in the same ownership complies with the by laws of the Local Authority as to the minimum area for allotments.*

- b) Where a Local Authority has approved an application for a subdivision of land pursuant to paragraph (a) such approval shall indicate, in respect of each allotment having an area less than the minimum area prescribed by the by-laws of the Local Authority, the other allotment or allotments contained in the plan of subdivision with which the first mentioned allotment is to be held in the same ownership, and such indication shall be noted on the plan lodged for registration in the office of the Registrar of Titles pursuant to paragraph (e) of subsection (6), or paragraph (d) of subsection (8), as the case may be.*
- c) The Registrar of Titles is hereby empowered to register a plan of subdivision lodged with him and containing a notation by the Local Authority in accordance with paragraph (b), but shall not register such a plan unless or until there shall be produced to him an application to register the agreement referred to in paragraph (a) (ii) accompanied by an executed copy of the agreement and the Registrar of Titles shall then register such agreement upon all grants or certificates of title to the lands concerned and thereafter such agreement shall, until it is cancelled, be binding upon every person who is, at the time of making thereof, or who at any time after the making thereof, becomes possessed of an estate or interest in or in connection with such lands.*
- d) An agreement registered pursuant to paragraph (c) may be cancelled either wholly or in part, and upon the application of the registered proprietor of the lands, the subject of the agreement, with his signature duly attested pursuant to the provisions of section 115 of the Real Property Act 1861-1980 and with the written consent of the Local Authority endorsed thereon the Registrar of Titles shall endorse a memorial on the grants or certificates of title to the lands concerned to the effect that the agreement is cancelled either wholly or in part as the case may be.'*

The initial agreement was entered into by Council and the landowner on 4 May 1989. Further subdivisions and boundary realignments have occurred over the land over time and each time the agreement has been updated to reflect new lot numbers (in 1994 and 2020) (refer to Attachment B – Survey Plan History and Attachment C – Agreements). The latest version of the agreement includes a transparent background section which explains the intent of the agreement. That background is provided in full as follows:

*'Background*

- A. The Lots described in Item 2 of the Form 31 were, originally, each part of a larger, single farm lot;*
- B. The original farm lot was subdivided, and agreement entered into tying lot 3 on RP746422 to the adjacent lot of which it was previously part, which was now on the other side of Maraju-Yakapari Road.*
- C. The boundaries of the original farm lot have subsequently been re-aligned on occasion, but the agreement tying the Lots remains.*
- D. The current registered owners of the Lots have realigned the boundary of the land such that lot 21 on SP316179 was created.*
- E. The agreement tying the Lots avoids the unintended consequence of effectively creating an additional small rural lot, which would otherwise be inconsistent with the intent of the Planning Scheme.'*

The agreement remains current and now takes the form of a covenant under the *Land Title Act 1994*.

Pre-lodgement Advice

Council officers met with the landowner onsite on 21 April 2022 to discuss the proposal. Officers advised the landowner the proposal wasn't supported by the Mackay Region Planning Scheme v4.0 and that Council officers could not recommend approval.

### Proposal

The applicant seeks to cancel the existing covenant which currently ties the two parcels (lot 21 on SP316179 and lot 3 on RP746422) in ownership. This cancellation is sought via the lodgement of a Change Application (Minor). The covenant is the result of a condition of the 1988 subdivision approval granted by Pioneer Shire Council. To give effect to the change requested the 1988 subdivision approval needs to be changed to delete the relevant condition.

In deleting the requirement to have the lots tied by ownership, the landowner will be able to have the existing covenant cancelled and be able to sell lot 3 on RP746422 independently.

The proposal does not include a plan of development as the application is only to delete a condition of approval.

### Infrastructure Considerations

#### *Water*

Nil. The subject site and surrounds is not part of Council's reticulated water network.

#### *Sewer*

Nil. The subject site and surrounds is not part of Council's reticulated sewer network.

#### *Stormwater*

Drainage in the area generally follows natural waterways and farm drains. A culvert exists carrying water from east to west under Maraju-Yakapari Road between the two parcels of land.

#### *Roadworks*

No roadwork is proposed or required as part of the proposal.

### Referral Agencies

The change application does not require referral to the State government for assessment in accordance with the *Planning Regulation 2017*.

### Mackay Isaac Whitsunday Regional Plan

The Minister has identified that the Mackay Region Planning Scheme v4.0 appropriately advances the Mackay Isaac Whitsunday Regional Plan 2012 where it applies in the planning scheme area. As such, an assessment against the Regional Plan is not required.

### Planning Act 2016

Under s78(1) of the *Planning Act 2016*, a person may make an application (a Change Application) to change a development approval.

The applicant has submitted the change application as a minor change. Schedule 2 of the *Planning Act 2016* defines a minor change to a development approval as development that:

- a) would not result in 'substantially different development', and
- b) would not result in the changed proposal requiring referral to additional referral agencies (see minor change definition for specifics), and

- c) would not result in the changed proposal requiring public notification where public notification was not required as part of the original application.

The terms 'substantially different development' is defined by the *DA Rules v1.3* as development that:

- a) *'involves a new use, or*
- b) *results in the application applying to a new parcel of land, or*
- c) *dramatically changes the built form in terms of scale, bulk and appearance, or*
- d) *changes the ability of the proposed development to operate as intended, or*
- e) *removes a component that is integral to the operation of the development, or*
- f) *significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or*
- g) *introduces new impacts or increase the severity of known impacts; or*
- h) *removes an incentive or offset component that would have balanced a negative impact of the development; or*
- i) *impacts on infrastructure provisions.'*

Provisions (d), (e) and (g) above are relevant for consideration. Specifically, the proposal would change the ability of the approved development to operate as intended, seeks to remove a component that is integral to the operation of the approved development and introduces new impacts and increases the severity of known impacts (those impacts being the adverse impacts on the ability for agricultural land to operate as a single farming unit).

The *DA Rules v1.3* give discretion to assessment managers in determining what is 'substantially different development'. To be facilitative to the applicant, Council has reasonably considered the proposed change application to be for a minor change.

Section 81(2) of the *Planning Act 2016* provides what assessment managers must consider when assessing a minor change:

- a) the information included in the application, and
- b) any properly made submissions about the development application or another change application that was approved, and
- c) any pre-request response notice or response notice given in relation to the change application, and
- d) all the matters the responsible entity would or may assess against or have regard to, if the change application were a development application, and
- e) another matter that the responsible entity considers relevant.

#### Planning Scheme Assessment

An assessment of the proposed change is made against the relevant codes of the Mackay Region Planning Scheme v4.0 below.

#### Rural zone code

The proposal is inconsistent with the purpose of the zone code and key overall outcomes, and is consistent with the performance outcomes and acceptable outcomes.

The purpose of the rural zone is to:

- *'provide for rural uses and activities; and'*
- *'provide for other uses and activities; and'*
- *'maintain the capacity of land for rural uses and activities by protecting and managing significant natural resources and processes.'*
- *'provide for a range of rural activities, residential uses that support rural activities, intensive rural activities and other uses that cannot be located in urban areas.'*

Overall outcome (3)(a)(ii) more specifically relates to residential uses in the rural zone and states *'residential uses, such as dwelling house and rural workers accommodation, are limited to those which support the use of the land for rural activities'*.

The proposed change is for the purpose of creating a rural lifestyle lot capable of individual title, undoing the legal mechanism currently in place to ensure the two parcels continue to operate as one farm. Having the land in separate ownership adversely impacts the ability to maintain the capacity of the land for rural activities and to operate and one farming unit. Further, any residential uses in the rural zone are intended to support the use of the land for rural activities. The proposal would permit a residential use on land where no rural use is intended. On this basis, the proposal is not consistent with the purpose of the rural zone and the key relevant overall outcome.

#### Agricultural land overlay code

The subject site is identified as agricultural land (both class A and B and locally important) (refer to Attachment D – Planning Scheme Overlay Mapping).

The proposal is inconsistent with the purpose, overall outcomes, performance outcomes and acceptable outcomes of the overlay code. A detailed assessment of the proposal against the code follows.

The purpose of the overlay code *'is to ensure development on or near agricultural land maintains the productive capacity of the land for agricultural purposes.'*

The overall outcomes of the overlay code ensure:

- a) *'development that fragments, alienates or diminishes the productive capacity of agricultural land for agricultural purposes is avoided; and*
- b) *agricultural activities on agricultural land is protected and promoted; and*
- c) *the full productive capacity of agricultural land for agricultural purposes is not compromised by the location of sensitive land uses that will prevent or constrain current or future farming operations.'*

The existing situation ensures land with agricultural capacity is kept under the same ownership. The proposal to have the agricultural land in separate ownership does not maintain the productive capacity of the land or protect it for agricultural activities. Separating ownership harms the ability for the agricultural land to act as a farming unit. On this basis the proposal is inconsistent with the purpose and overall outcomes of the overlay code.

Acceptable outcome 5 ensures *'reconfigured lots maintain the agricultural productive capacity, access and utility of agricultural land by:*

- a) *resulting in a lesser number of lots; or*
- b) *improving the utility and efficiency of the lot/s for agricultural activities; or*
- c) *where through a boundary realignment:*
  - i) *separating:*
    - A. *agriculturally productive and non-agriculturally productive land; or*
    - B. *different land uses; or*
    - C. *infrastructure; or*
  - ii) *resolving an encroachment issue/s, where a house, structure or driveway / access way is built over a boundary line, are resolved.'*

The proposal is inconsistent with (b) above and the remainder of the provisions are not relevant to the change application. The existing situation ensures land with agricultural capacity is kept under the same ownership. The proposal to have the agricultural land in separate ownership does not maintain the productive capacity of the land or protect it for agricultural activities. Separating ownership harms the ability for the agricultural land to act as a farming unit. On this basis the proposal is inconsistent with the acceptable outcome.

Performance outcome 5 ensures *'reconfigured lots:*

- a) *maintain or improve the agricultural productive capacity, access and utility of agricultural land; and*
- b) *do not fragment, alienate or diminish the productive capacity of agricultural land; and*
- c) *do not increase potential conflict between agricultural and non-agricultural uses; and*

- d) minimise encroachment on agricultural resources to ensure viable tracts of agricultural land are maintained.'*

As above, the existing situation ensures land with agricultural capacity is kept under the same ownership. The proposal to have the agricultural land in separate ownership does not maintain or improve the agricultural capacity of the land. The proposal would also result in a rural lifestyle lot in the rural zone which increases the potential conflict between agricultural and non-agricultural uses. On this basis the proposal is inconsistent with the provision.

#### Biodiversity overlay code

The subject site is traversed by a mapped waterway (refer to Attachment D – Planning Scheme Overlay Mapping). The waterway flows from the high point at the eastern end of the subject site, through lot 21, under Maraju-Yakapari Road and across lot 3, discharging to the west.

The existing 1988 subdivision approval is already inconsistent with the development outcomes of this code (in that it increased the number of lots encroaching on a waterway) and the proposed change to the approval does not change this inconsistency. On this basis no further assessment of the code is made.

#### Bushfire hazard overlay code

The subject site is impacted by Bushfire hazard overlay mapping (Refer to Attachment D – Planning Scheme Overlay Mapping). Specifically, lot 21 on the eastern side of Maraju-Yakapari Road is impacted by the buffer area of a bushfire hazard while lot 3 on the western side of the road is impacted by a high bushfire hazard area.

The existing 1988 subdivision approval created two lots within bushfire hazard and buffer areas. The proposed change application relates only to the deletion of the requirement for the lots to be held in different ownership. Lot 21 already has an existing dwelling house and there is land on lot 3 to build a dwelling house outside of the bushfire hazard area. Should a dwelling house be built on lot 3 within the bushfire hazard area, that dwelling house will be required to comply with the Planning Scheme bushfire provisions. On this basis no further assessment of the code is made.

#### Landscape character and image corridor overlay code

The subject site is impacted by the overlay mapping (refer to Attachment D – Planning Scheme Overlay Mapping). Specifically, lot 21 to the west of Maraju-Yakapari Road is partly identified as having landscape character.

The proposal to change the existing approval does not materially impact on the existing landscape character of the rural area and is therefore consistent with the relevant development outcomes of the overlay code.

#### Landslide hazard overlay code

The subject site is impacted by the Landslide hazard overlay mapping (refer to Attachment D – Planning Scheme Overlay Mapping). Specifically, lot 21 to the west of Maraju-Yakapari Road is partly identified as being prone to landslide hazard along its western boundary as is the northern half of lot 3 across the road.

Lot 21 already has an existing dwelling house and there is enough land on lot 3 to site a dwelling house that is free of the landslide hazard area. Should a dwelling house be built on lot 3 within the landslide hazard area, that dwelling house will be required to provide geotechnical reporting required by the overlay code with certification by a building certifier. On this basis, no further assessment of the code is made.

#### General development requirements code

The proposed change to the existing approval is consistent with the relevant overall outcomes, performance outcomes and acceptable outcomes of the code.

#### Reconfiguring a lot code

The proposal is consistent with the purpose and overall outcomes of the zone but not with a key performance outcome.

Performance outcome 8 requires each lot to achieve the minimum lot size, which, per Table 9.4.3.3.B, is 100ha for the rural zone. The existing 1988 subdivision approval resulted in lots less than the minimum lot size in the rural zone and Council applied a legal mechanism available at the time to ensure the agricultural land remained in the same ownership. The proposed change, like the existing approval, remains inconsistent with this performance outcome.

#### Infrastructure Charges Regime

Infrastructure charges do not arise as a result of the proposal.

### **Resource Implications**

There are no resource implications for Council arising from this proposal.

### **Risk Management Implications**

There is a risk that an appeal could be lodged by the Applicant against Council's decision. This would give rise to cost implications, as Council would be required to participate in any appeal proceedings. This risk is considered low, given the planning assessment of the application outlined above.

### **Consultation**

Prior to the current application being formally lodged with Council, the applicant's initial query to cancel the covenant came to Council as part of the regular planning enquiries process. There were also a number of other meetings with the proponents in relation to this matter over an extended period. In relation to the current proposal, Council officers met with the landowner onsite on 27 April 2022 where the proposal was discussed and Council officers advised the proposed change was not supported by the Mackay Region Planning Scheme v4.0.

Council officers briefed Councillors on the application on 11 August 2021 and 14 September 2022.

### **Conclusion**

The applicant's proposal to change the existing approval 1801303/1988/HIMARD by deleting the condition requiring the two lots to be held in the same ownership is not supported due to the land's capacity to be used for agricultural activities being adversely impacted.

### **Officer's Recommendation**

THAT Council refuse the Change Application (Minor) to the existing 1 Rural Lot into 3 Rural Lot subdivision 1801303/1988/HIMARD approved by Pioneer Shire Council on 16 September 1988 over former Lot 1 on RP722431 on the following grounds:

1. The proposed change does not comply with the purpose and relevant overall outcomes of the Rural zone code in accordance with the Mackay Region Planning Scheme v4.0.

2. The proposed change does not comply with the purpose, relevant overall outcomes, relevant performance outcomes and relevant acceptable outcomes of the Agricultural land overlay code in accordance with the Mackay Region Planning Scheme v4.0.
3. The proposed change does not comply with the relevant performance outcomes of the Reconfiguring a lot code in accordance with the Mackay Region Planning Scheme v4.0.

Mayor Williamson advised that Cr May had prepared an alternate recommendation which has been circulated to Councillors.

Mayor Williamson asked if anyone would like to move the original motion.

As there were no responses, Mayor Williamson advised that he would accept the alternate motion.

### **Council Resolution ORD-2022-282**

THAT in accordance with section 254H of the *Local Government Regulation 2012*, the following are recorded as reasons in support of a decision made at a local government meeting inconsistent with a recommendation or advice given to the local government by an advisor of the local government –

- **The subject site has never meet the 100ha minimum lot size requirement for the Rural Zone. Supporting this Change Application (Minor) there would be no additional requirements for infrastructure. There is no additional lots being created. The lots are situated close to an already established rural lifestyle node.**
- **The agriculture use of these lots is already restricted by the following Overlay codes:**

#### **Biodiversity overlay code**

- **The subject site is traversed by a mapped waterway (refer to Attachment D – Planning Scheme Overlay Mapping). The waterway flows from the high point at the eastern end of the subject site, through Lot 21, under Maraju-Yakapari Road and across Lot 3, discharging to the west. The existing 1988 subdivision approval is already inconsistent with the development outcomes of this code (in that it increased the number of lots encroaching on a waterway) and the proposed Change Application (Minor) to the approval does not change this inconsistency.**

#### **Bushfire hazard overlay code**

- **The subject site is impacted by Bushfire hazard overlay mapping (Refer to Attachment D – Planning Scheme Overlay Mapping). Specifically, Lot 21 on the eastern side of Maraju-Yakapari Road is impacted by the Buffer area of a Bushfire hazard while lot 3 on the western side of the road is impacted by a High bushfire hazard area. The existing 1988 subdivision approval created two lots within Bushfire hazard and Buffer areas. The proposed Change Application (Minor) relates only to the deletion of the requirement for the lots to be held in different ownership. Lot 21 already has an existing Dwelling house and there is land on Lot 3 to build a Dwelling house outside of the Bushfire hazard area.**



### **Landscape character and Image corridor overlay code**

- The subject site is impacted by the overlay mapping (refer to Attachment D – Planning Scheme Overlay Mapping). Specifically, Lot 21 to the west of Maraju-Yakapari Road is partly identified as having landscape character. The proposal to change the existing approval does not materially impact on the existing landscape character of the rural area and is therefore consistent with the relevant development outcomes of the Overlay code.

### **Landslide hazard overlay code**

- The subject site is impacted by the Landslide hazard overlay mapping (refer to Attachment D – Planning Scheme Overlay Mapping). Specifically, lot 21 to the west of Maraju-Yakapari Road is partly identified as being prone to landslide hazard along its western boundary as is the northern half of Lot 3 across the road. Lot 21 already has an existing Dwelling house and there is enough land on Lot 3 to site a dwelling house that is free of the landslide hazard area.

FURTHER THAT Council approve the Change Application (Minor) to the existing 1 Rural Lot into 3 Rural Lot subdivision 1801303/1988/HIMARD approved by Pioneer Shire Council on 16 September 1988 over former Lot 1 on RP722431. The approval will:

- Delete the original condition requiring the tying of the lots via a Local Government Agreement, and
- Allow for the extinguishment of the existing Covenant tying Lot 21 SP316179 and Lot 3 RP746422 together.

### **Moved Cr May**

### **Seconded Cr Hassan**

Cr May advised that Councillors had received a number of briefings and some Councillors have visited the site. Cr May provided an overview of the alternative motion.

Cr Jones spoke against the alternate motion stating that she takes a strong stance in relation to the loss of good quality agricultural land.

Cr Bonaventura queried whether there would be two lots or three lots.

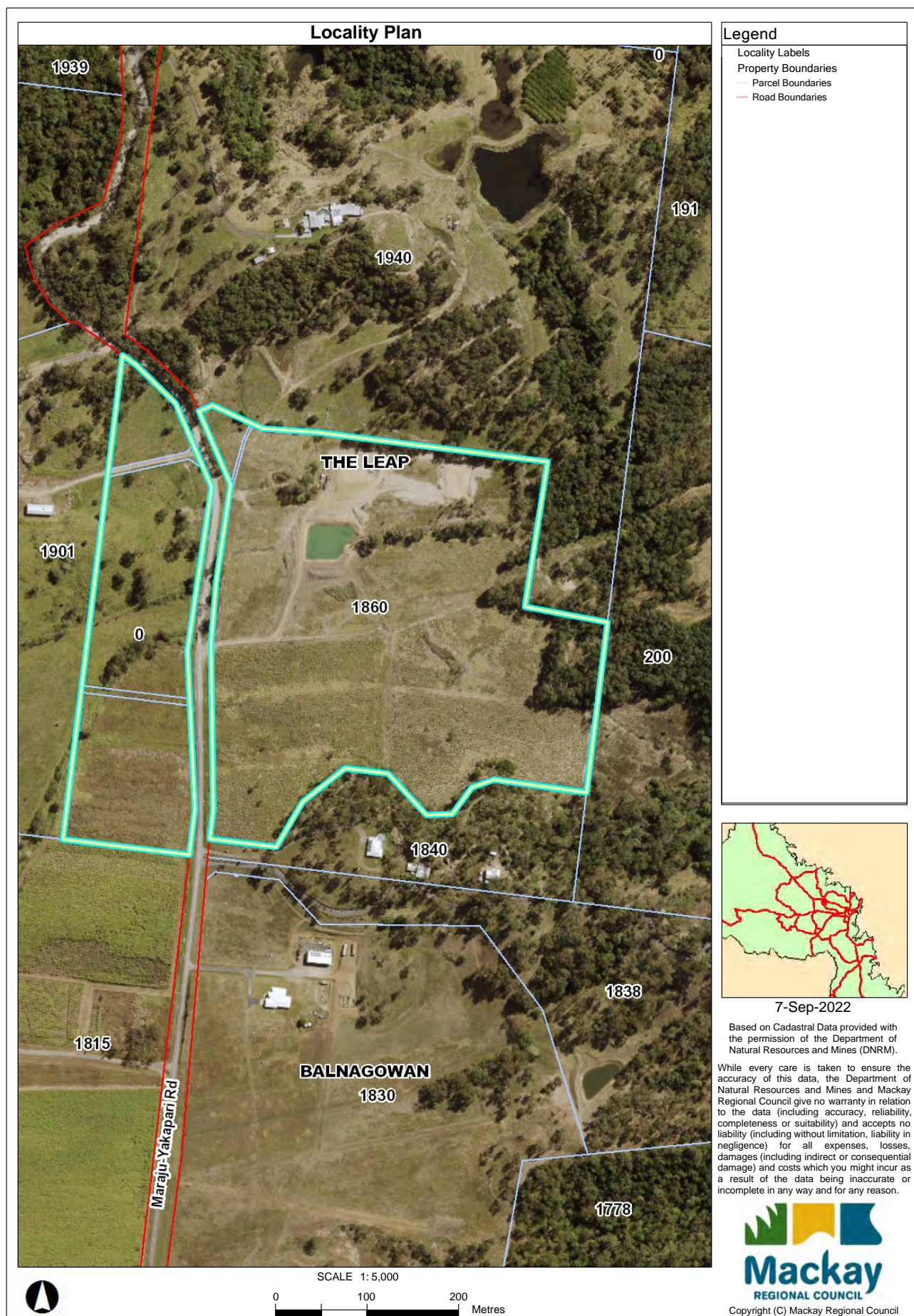
The Director advised that there is an existing approval which was for the three lots but the practical effect of the change is to split a lot off, noting that this isn't an application to reconfigure, but is actually to change the old approval.

Cr Bonaventura sought clarification that there would still only be two titles.

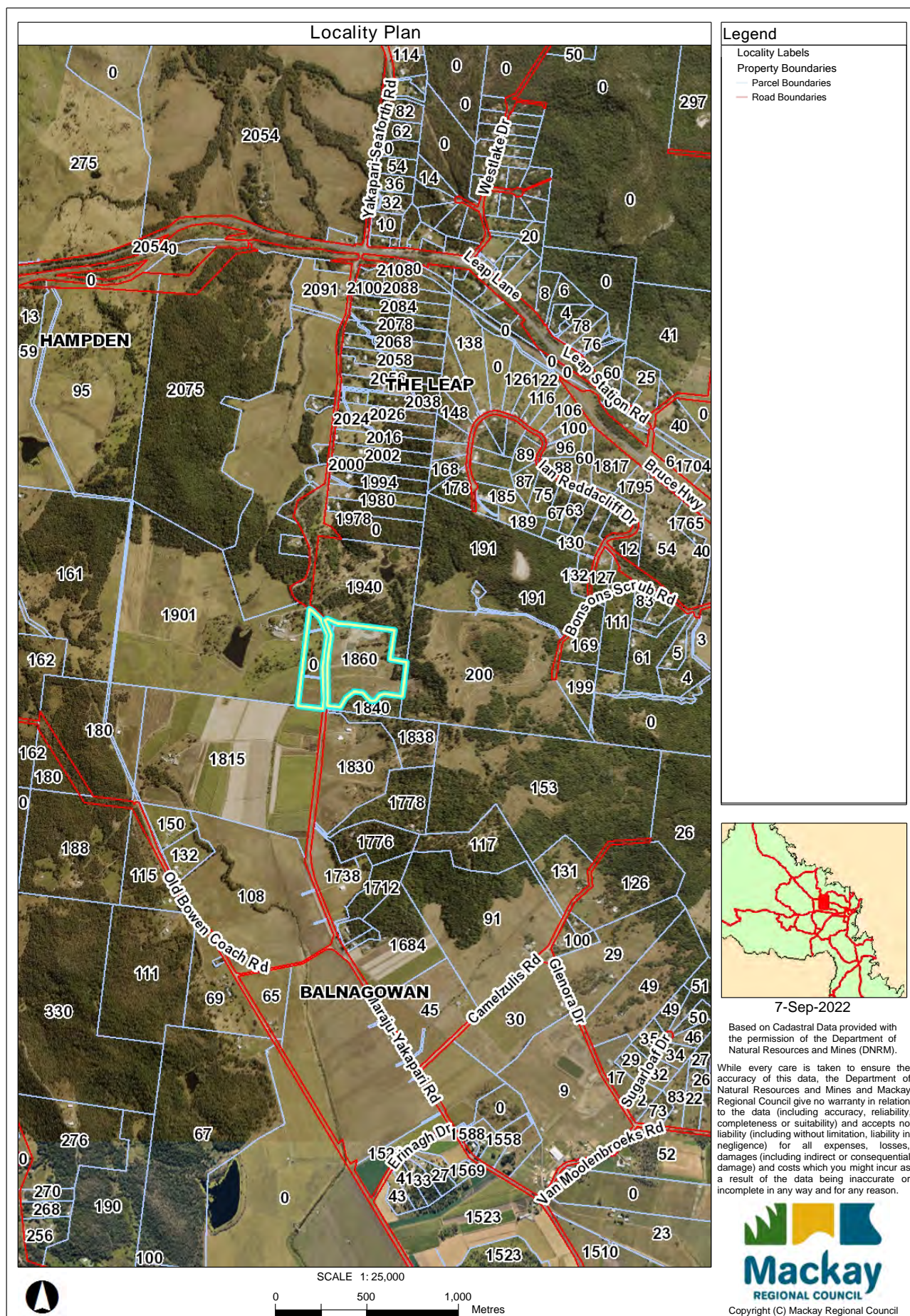
The Director advised that the outcome is to untie the two lots to enable the two lots to be sold in separate ownership.

**CARRIED**

Cr Bella and Cr Jones recorded their votes against the motion.







Page 1 of 2 Not to Scale

799

This plan MUST NOT BE FOLDED but may be rolled.

**DIAGRAM**

Scale: 2 chains to an Inch

Specify that this plan has been correctly compiled from plans obtained C.124.16, C.989 & 2232 in the Survey Office, as shown herein.

*AB. Yates*  
Acting Surveyor General  
5th July, 1967.

Lots..... 1 & 2 & Easement A in Lot 1

Orig. Portion..... 913

Orig. Grant..... N. 17355

Cancelling..... Por. 913 on S.D. plan C. 124.16

Town of.....

Parish of.....

Surveyed by.....

Compiled Plan..... / 19

M.R.D. FILE NO. 98-5322-122

SCALE: 6 M.F. chains to an inch

County of HAMPDEN

REGISTERED PLAN 722431

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REGISTRAR OF TITLES, QUEENSLAND

RP746422 V0 Page 1 of 2 Not To Scale

WARNING - FOLDING OR MUTILATING WILL LEAD TO REJECTION - PLAN MAY BE ROLLED

PERMANENT MARK		DIST.	NUMBER
PM	BEARING		
9 - OPM	151° 42'	0.5	59660

REFERENCE MARKS				
STN.	TO	REMARK	BEARING	DIST.
1	Pin		154° 30'	1.195
	O. Bloodwd		24° 25'	9.435
2	Pin		358° 24'	1.31
	ORT	Gone	139° 30'	4.365
3	Pin		255° 35'	0.5
	ORT	Gone	358° 30'	6.98
3a	Pin		278° 23'	1.347
	ORT	Gone	206° 43'	13.056
4	Pin		306° 30'	0.5
5	Pin		152° 37'	0.775
	ORT	Gone	271° 30'	1.006
6	OIP		260° 20'	1.006
7	Pin		212° 38'	5.26
	ORT	Gone	265° 09'	1.006
8	Pin		89° 55'	6.71
	Spike		266° 31'	9.46
9	OIP		151° 42'	1.0
10	Pin		0° 03'	0.71
	ORT	Gone	148° 33'	11.265
11	Pin		93° 40'	0.66
	GI Nail	In Shield	42° 33'	4.635
12	Pin		256° 50'	0.5
13	Pin		62° 20'	0.83
14	OIP		270° 13'	1.05
15	Pin		323° 35'	0.61
16	Pin		315° 00'	0.8
17	Pin		2° 30'	0.8
18	Pin		273° 40'	0.5

Original information compiled from  
RP 722431 in the Department of  
Freehold Land Titles, Townsville.

NO. FIELD NOTES LODGED		PLAN OF		ORIG. PORTION	
ORIGINAL GRANT		LOTS 1, 2 & 3		913	
N 14385		Cancelling Lot 1 on RP722431		TOWN	
				PARISH HAMPDEN	
				COUNTY Carlisle	
MAP REF.	PROCLAIMED SURVEY AREA	SURVEYED BY EVAN WESTLAKE NOMINEES PTY LTD ...12.1.12.1.1988.	MERIDIAN	SCALE 1:5000	REGISTERED PLAN 746422

CROWN COPYRIGHT RESERVED, REGISTRAR OF TITLES, QUEENSLAND

CISP

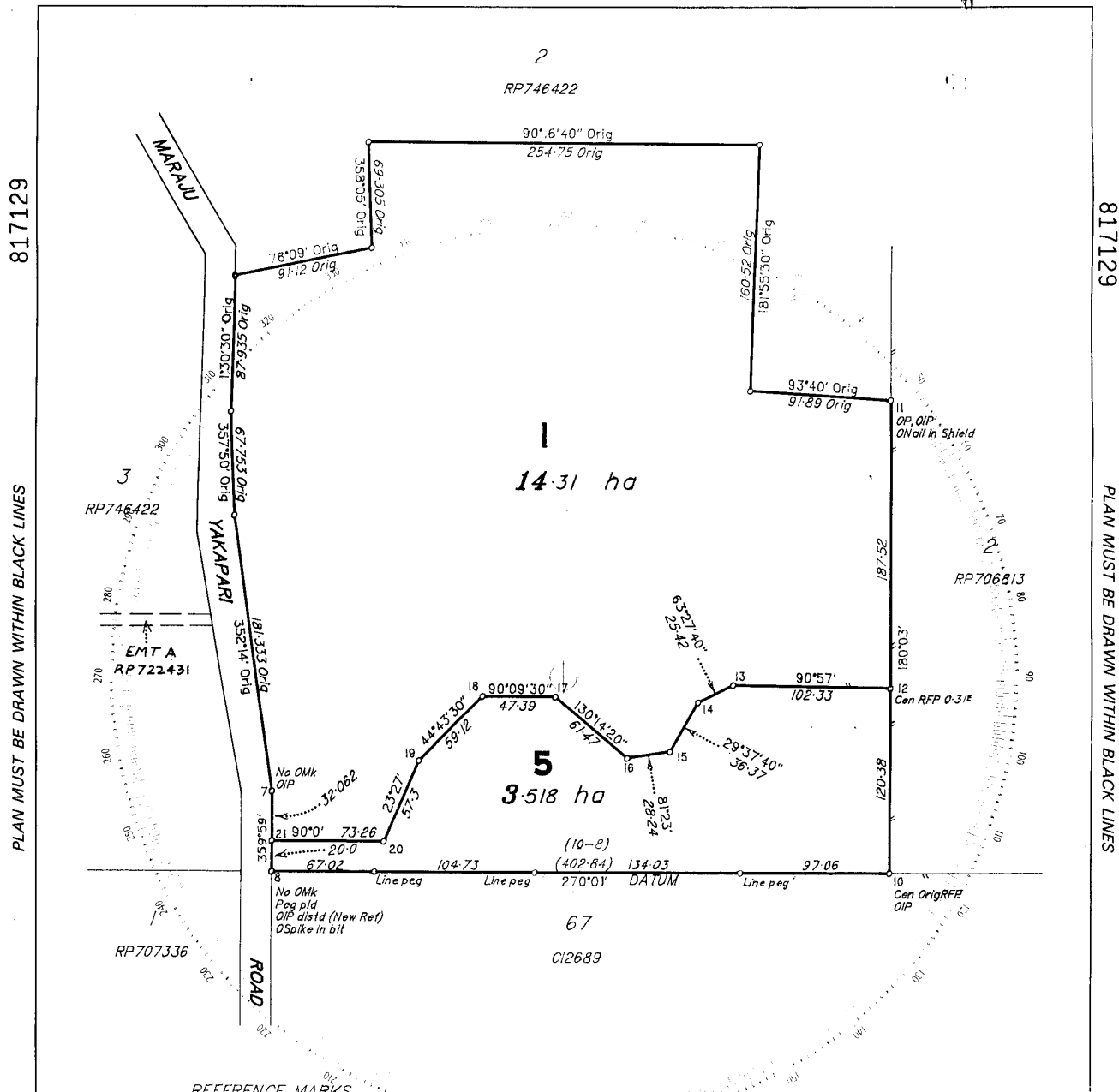
Copyright protects the plan/s being ordered by you. Unauthorised reproduction or amendments are not permitted.



RP817129 V0 REGISTERED Recorded Date 08/04/1994 10:51 Page 1 of 2 Not To Scale

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93/93



## REFERENCE MARKS

STN	TO	REMARKS	BEARING	DIST
7	OIP	RP746422	212°38'	5.26
8	OIP(New Ref)	RP746422	89°36'	6.72
8	OSpike in bit	RP746422	266°31'	9.46
10	OIP	RP746422	0°03'	0.71
11	OIP	RP746422	93°40'	0.66
11	ONail in shield	RP746422	42°33'	4.635
12	Pin		291°17'	18.1
13	Pin		198°45'	0.46
15	Pin		296°48'	0.44
18	Pin		34°25'	0.5
20	Pin		280°40'	0.53

Subtract 42' for CAM vide C12232

Original information compiled from  
RP746422 in the Department of Lands.

Peg placed at stations 8 &amp; 12-21.

KANE & LEGGE SURVEYS Pty Ltd (ACN 057 202 078)  
hereby certify that the Company have surveyed the  
land contained in this plan, either personally or by  
Registered Professional Licensed Surveyors,  
for whom the Company accept responsibility,  
that the plan is accurate, that the said survey was  
performed in accordance with the Surveyors Act and  
the Survey Regulations and that the said survey  
was conducted by the Surveyors  
KANE & LEGGE  
A.C.N. 057 202 078  
Licensed Surveyors/  
Director  
Date 21.1.94

## PLAN OF

**Lots 1 & 5**  
**Cancelling Lot 1 on RP746422**

## ORIGINAL Portion 9/3

MERIDIAN  
RP746422  
MAP REF  
THE LEAP  
8755-443

SCALE  
1:2500

FILE REF  
817129

ENDORSED  
725  
24/3/94

REGISTERING DIST  
NORTHERN

PARISH  
COUNTY  
**HAMPDEN  
Carlisle**

TOWN/LOCALITY  
LOCAL AUTHORITY  
**PIONEER S.C.**

LAND AGENTS/MINING  
DISTRICT

MINING FIELD

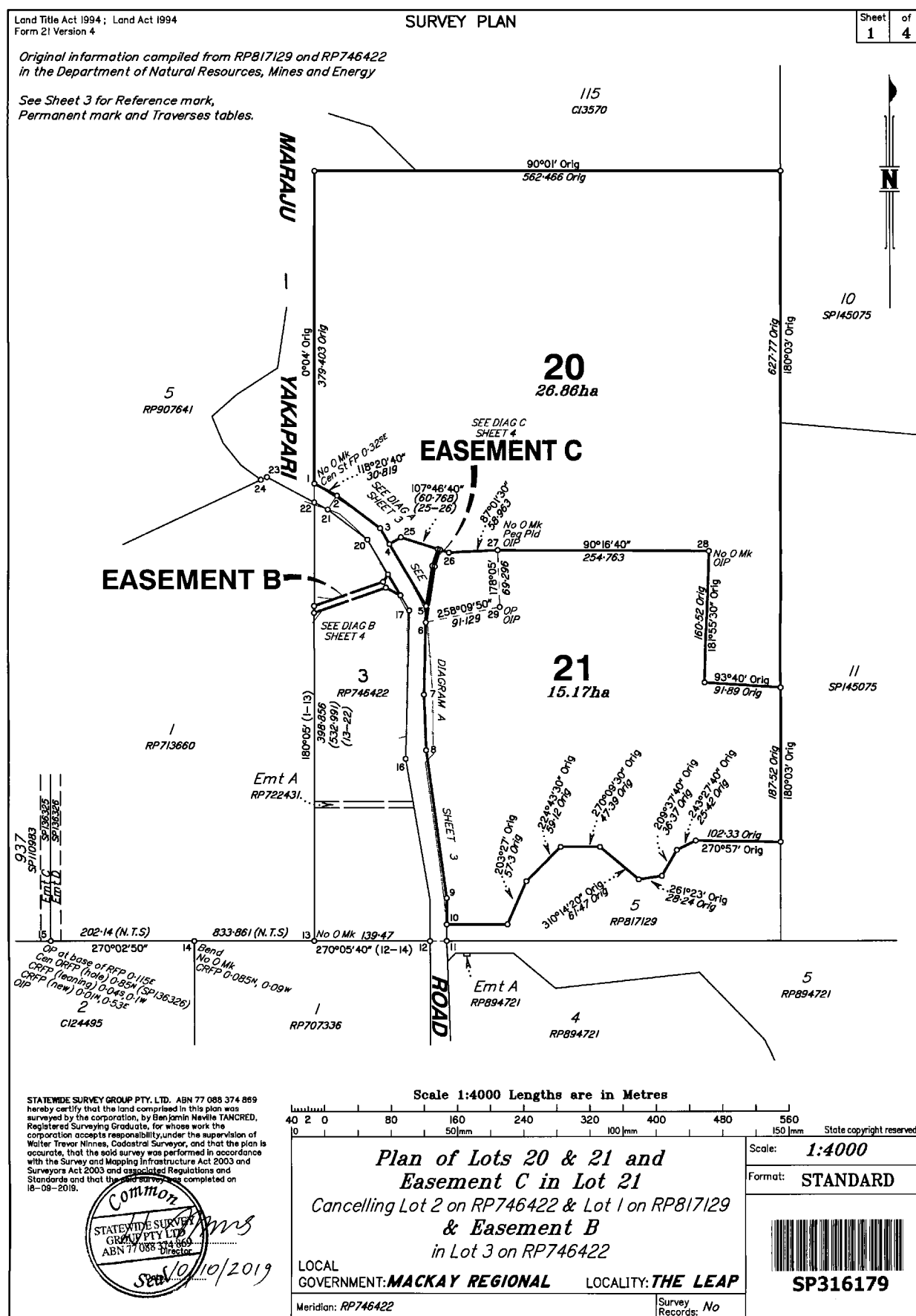
REGISTERED PLAN 817129

0 1 2 3 4 5 6 7 8 9 10 cm CROWN COPYRIGHT RESERVED

THE INSTITUTION OF SURVEYORS AUSTRALIA (QUEENSLAND DIVISION)  
BY AUTHORITY LICENCE NUMBER 67

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SP316179 V1 REGISTERED Recorded Date 28/01/2020 11:09 Page 1 of 4 Not To Scale



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**COPY ONLY**

THIS INDENTURE is made this 4th day of May, One thousand nine hundred and eighty-nine BETWEEN the COUNCIL OF THE SHIRE OF PIONEER (hereinafter referred to as "the Council") of the One Part

AND NOEL FRANCIS RUSSELL, JOHN JOSEPH RUSSELL, JOHN-MICHAEL RUSSELL and KARAN ANN RUSSELL of Yakapari via Mackay in the State of Queensland (hereinafter referred to as "the Subdividers") of the Other Part

WHEREAS THE Subdividers are the owners of all that piece and parcel of land described as Lot 1 on Registered Plan No. 746422 in the County of Carlisle, Parish of Hampden, containing an area of 17.83 hectares and all that piece and parcel of land described as Lot 3 on Registered Plan No. 746422, County of Carlisle, Parish of Hampden, containing an area of 5.783 hectares

AND WHEREAS the Council has approved the subdivision of the said land in accordance with the said Plan

NOW THIS INDENTURE WITNESSETH THAT THE Subdividers shall not sell or otherwise dispose of either of the parcels Lots 1 and 3 on the said Plan of Subdivision No. 746422 independent of either of the said Lots 1 and 3 on the said Plan of Subdivision No. 746422 and further that the said Lots 1 and 3 on the said Plan of Subdivision No. 746422 shall be held in the same ownership.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and affixed their seals on the days and dates hereinafter appearing.

THE COMMON SEAL of the COUNCIL OF THE SHIRE OF PIONEER was hereunto affixed by Order of the said Council on the 4th day of May, 1989) and these presents were also signed by GORDON SINCLAIR WHITE Chairman and Thomas Patrick Grompton Shire Clerk thereof in the presence of:

G. Sinclair White  
Chairman  
Thomas Patrick Grompton  
Shire Clerk

[Signature]  
A Justice of the Peace/Solicitor:

SIGNED SEALED AND DELIVERED by the said NOEL FRANCIS RUSSELL, JOHN JOSEPH RUSSELL, JOHN MICHAEL RUSSELL and KARAN ANN RUSSELL this 2nd day of May, 1989, in the presence of:

Noel F. Russell  
J. Russell  
John J. Russell

[Signature]  
A Justice of the Peace/Solicitor:



THIS INDENTURE is made this 5th day of July 1994  
BETWEEN the MACKAY CITY COUNCIL (hereinafter referred to as "the Council") of  
the first part and JOHN JOSEPH RUSSELL JOHN MICHAEL RUSSELL and KARAN  
ANN RUSSELL of Yakapari Via Mackay in the State of Queensland (hereinafter referred  
to as "the Subdividers") of the other part

WHEREAS:-

A. The Subdividers are the owners of land described as Lot 1 on Registered Plan no. 746422 in the county of Carlisle, parish of Hampden, containing an area of approximately 17.83 hectares (hereinafter called "the Land") and Lot 3 on Registered Plan no. 746422 in the county of Carlisle, parish of Hampden containing an area of approximately 5.783 hectares;

B. The Council has approved the subdivision of the Land in accordance with Plan no. 817129 (hereinafter called "the Plan") by virtue of which the Land is divided into Lot 1 containing an area of approximately 14.31 hectares (hereinafter called "Lot 1 on R.P. 817129") and Lot 5 containing an area of approximately 3.518 hectares SUBJECT to the following conditions:-

- (i) that Agreement no. T419349R be cancelled;
- (ii) that the Subdividers enter into an Agreement with the Council pursuant to Section 5.8(3)(a)(ii) of the Local Government (Planning and Environment Act) WHEREBY Lot 3 on R.P. 746422 be incapable of separate disposition but that the ownership thereof be held in common with Lot 1 on R.P. 817129.

NOW THIS INDENTURE WITNESSETH as follows:-

1. In order to comply with the said condition (ii) IT IS AGREED between the Council and the Subdividers that Lot 3 on R.P. 746422 shall not be capable of separate disposition but that the ownership thereof shall be held in common with the said Lot 1 on R.P. 817129.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and affixed their seals on the days and dates hereinafter appearing.

THE COMMON SEAL of the MACKAY CITY COUNCIL was hereunto affixed on the 20th day of June 1994 by order of the said Council and these presents were also signed by Gordon Sinclair White Mayor thereof and Countersigned by Thomas Patrick Crompton Chief Executive Officer thereof in the presence of:-

A Justice of Peace/Solicitor

700088914 V1 REGISTERED Recorded Date 06/07/1994 15:10 Page 1 of 3

FORM 14 Version 1

Land Title Act 1994 and Land Act 1962

## GENERAL REQUEST

Queensland Land Registry

82(15)94(5)15

700088914

\$87.00



06/07/1994

15:10

402

LOC GOVT AGR

Stamp Duty Imprint

Office of State Revenue USE ONLY

## 1. Nature of Request

Register an Agreement under section 4.17 of the Local Government (Planning and Environment) Act 1990

## Lodger Name, address and phone number

S.R. Wallace & Wallace, Solicitors  
60 Sydney Street, Mackay  
(079) 533566 CES:TAR:67756

## 2. Description of Lot

## County

## Parish

## Title Reference

Lot 1 on R.P. 817129  
Lot 3 on R.P. 746422Carlisle  
CarlisleHampden  
Hampden5000 5876  
N1404/106

## 3. Registered Proprietor/Crown Lessee

John Joseph Russell, John Michael Russell and Karan Ann Russell

## 4. Interest

Fee simple

## 5. Applicant

Council of the City of Mackay

## 6. Request

I hereby request that:

You register the Agreement dated 5th day of July 1994 made pursuant to Section 4.17 of the Local Government (Planning and Environment) Act 1990 and deposited herewith.

## 7. Execution by Applicant

Execution Date

Applicant's or Solicitor's Signature

6/6/94

John J. Russell, J. M. Russell, K. A. Russell



2

Signed sealed and delivered by the said JOHN  
JOSEPH RUSSELL JOHN MICHAEL RUSSELL  
and KARAN ANN RUSSELL this 16th day of  
June 1994 in the presence of:

) *John J Russell*  
) *John Russell*  
) *KARussell*  
)

*Sally* C Dec 1987

A Justice of the Peace/Solicitor

719867395 V1 REGISTERED Recorded Date 28/01/2020 11:15 Page 1 of 3

QUEENSLAND TITLES REGISTRY  
Land Title Act 1994 and Land Act 1994

## COVENANT

FORM 31 Version 3  
Page 1 of 2

719867395

\$192.00  
28/01/2020 11:15

MY 616

Lodger (Name, address, E-mail &amp; phone number)

Statewide Conveyancing Shop Pty Ltd  
34 Wood Street  
Mackay QLD 4740  
Phone: 07 4963 0800Lodger  
Code

160

## 1. Covenantor

RICHARD BRUCE ANNETTS  
JENNIFER ANNE ANNETTS

## 2. Description of Covenant / Lot on Plan

LOT 21 ON SP 316179  
LOT 3 ON RP 746422

Title Reference

21404106

21404106 21404106

## 3. Covenantee

MACKAY REGIONAL COUNCIL

## 4. Description of Covenant (Include reference to relevant section of legislation)

Pursuant to Section 97A(3)(c) of the Land Title Act 1994

## 5. Execution

The Covenantor being the registered owner of the lot described in item 2 covenants with the Covenantee in respect of the covenant described in item 4 and:- \*the attached schedule; ~~the attached schedule and document no. \_\_\_\_\_; document no. \_\_\_\_\_~~

\* delete if not applicable

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

*C. Gibson* .....signature  
 Erin Louise Gibson .....full name  
 Solicitor .....qualification  
 Witnessing Officer

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

*De Ann Maree Jeffery* .....signature  
 DE ANN MAREE JEFFERY .....full name  
 COEC103651 .....qualification  
 Witnessing Officer

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

21/01/2020  
Execution DateMackay Regional  
Council by duly  
Authorised delegate  
Per Local Government  
Act 2009

*[Signature]*  
 Covenantor's Signature

17/1/20  
Execution Date

*[Signature]*  
 CRAIG DYER  
 CEO  
 Covenantee's Signature

QUEENSLAND LAND REGISTRY  
Land Title Act 1994, Land Act 1994  
and Water Act 2000

**SCHEDULE / ENLARGED PANEL /  
ADDITIONAL PAGE / DECLARATION**

**FORM 20** Version 2  
Page 2 of 1

Title Reference 21404106 & 21404106

**5. Execution**

The Covenantor being the registered owner of the lot described in item 2 covenants with the Covenantee in respect of the covenant described in item 4 and:- \*the attached schedule; \*the attached schedule and document no. \_\_\_\_\_;  
document no. \_\_\_\_\_

\* delete if not applicable

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

*E. Gibson*

signature

*Erin Louise Gibson*

full name

*Solicitor*

qualification

**Witnessing Officer**

(Witnessing officer must be in accordance with Schedule 1  
of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

22/01/2020  
Execution Date

*[Signature]*

Covenantor's Signature

QUEENSLAND LAND REGISTRY  
Land Title Act 1994, Land Act 1994 and Water Act 2000

**SCHEDULE**

**FORM 20** Version 2  
Page 2 of 2

**Title Reference [21404106 & 21404106 ]**

This is the Schedule referred to in the Form 31 Covenant dated 22 day of Janvy, 2020.

**BACKGROUND**

- A. The Lots described in Item 2 of the Form 31 were, originally, each part of a larger, single farm lot;
- B. The original farm lot was subdivided, and agreement entered into tying lot 3 on RP 746422 to the adjacent lot of which it was previously part, which was now on the other side of Maraju-Yakapari Road.
- C. The boundaries of the original farm lot have subsequently been re-aligned on occasion, but the agreement tying the Lots remains.
- D. The current registered owners of the Lots have realigned the boundary of the land such that lot 21 on SP 316179 was created.
- E. The agreement tying the Lots avoids the unintended consequence of effectively creating an additional small rural lot, which would otherwise be inconsistent with the intent of the Planning Scheme.

**OPERATIVE PROVISIONS****1. Interpretation**

1.1. In this Covenant, unless the contrary intention appears, the following terms shall mean:

**Covenant** means this covenant comprising the Form 31 and the Form 20

**Covenantee** means the person named in Item 3 of the Form 31, together with their successors in title

**Covenantor** means the person named in Item 1 of the Form 31 together with their successors in title

**Form 31** means the Form 31 Covenant to which this Form 20 is attached

**Lots** means each Lot described in Item 2 of the Form 31

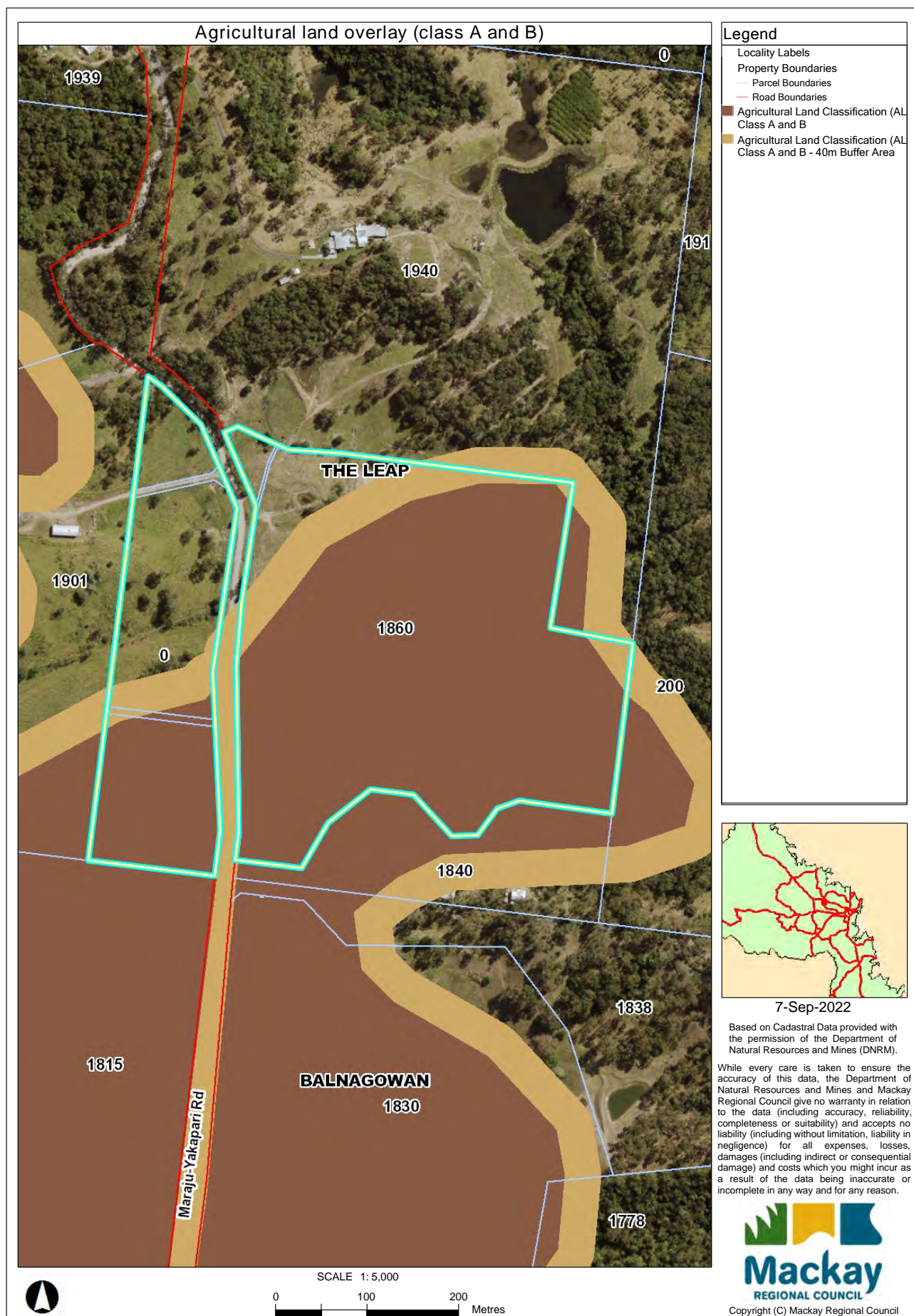
**2. Purpose of this Covenant**

2.1. This Covenant is entered into between the Covenantor and Covenantee pursuant to s 97A(3)(c) of the *Land Title Act 1994* and requires the lots described in Item 2 of the Form 31 to be held in, and remain in, common ownership such that each lot described in Item 2 of the Form 31 may only be transferred to another registered owner if the other lot described in Item 2 of the Form 31 is also transferred to the same registered owner, at the same time.

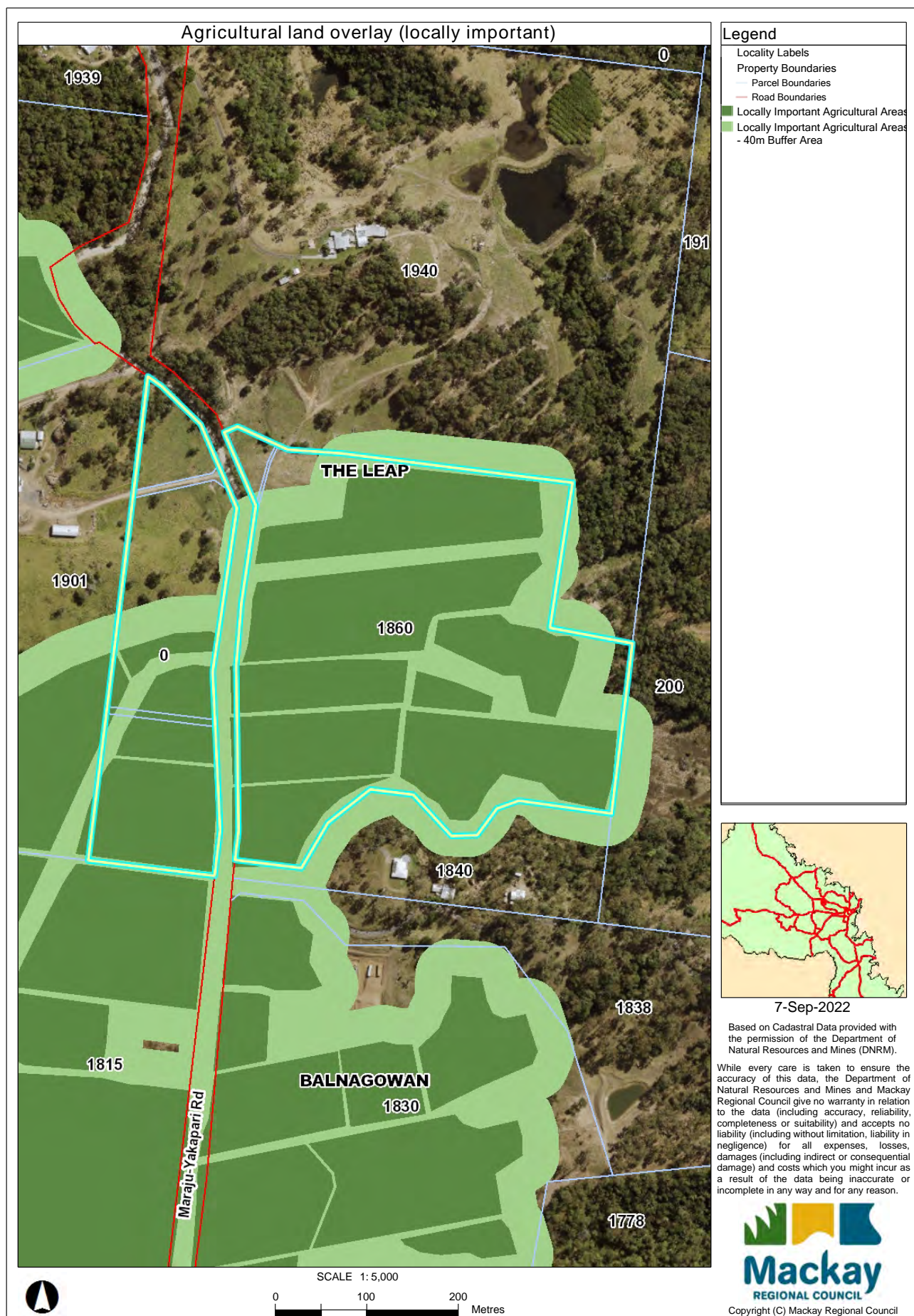
**3. General Provisions**

3.1. The Covenantor will attend to the stamping and registration of this Covenant and will provide the Covenantee with a copy of the registration confirmation statement within 7 days of receiving same.

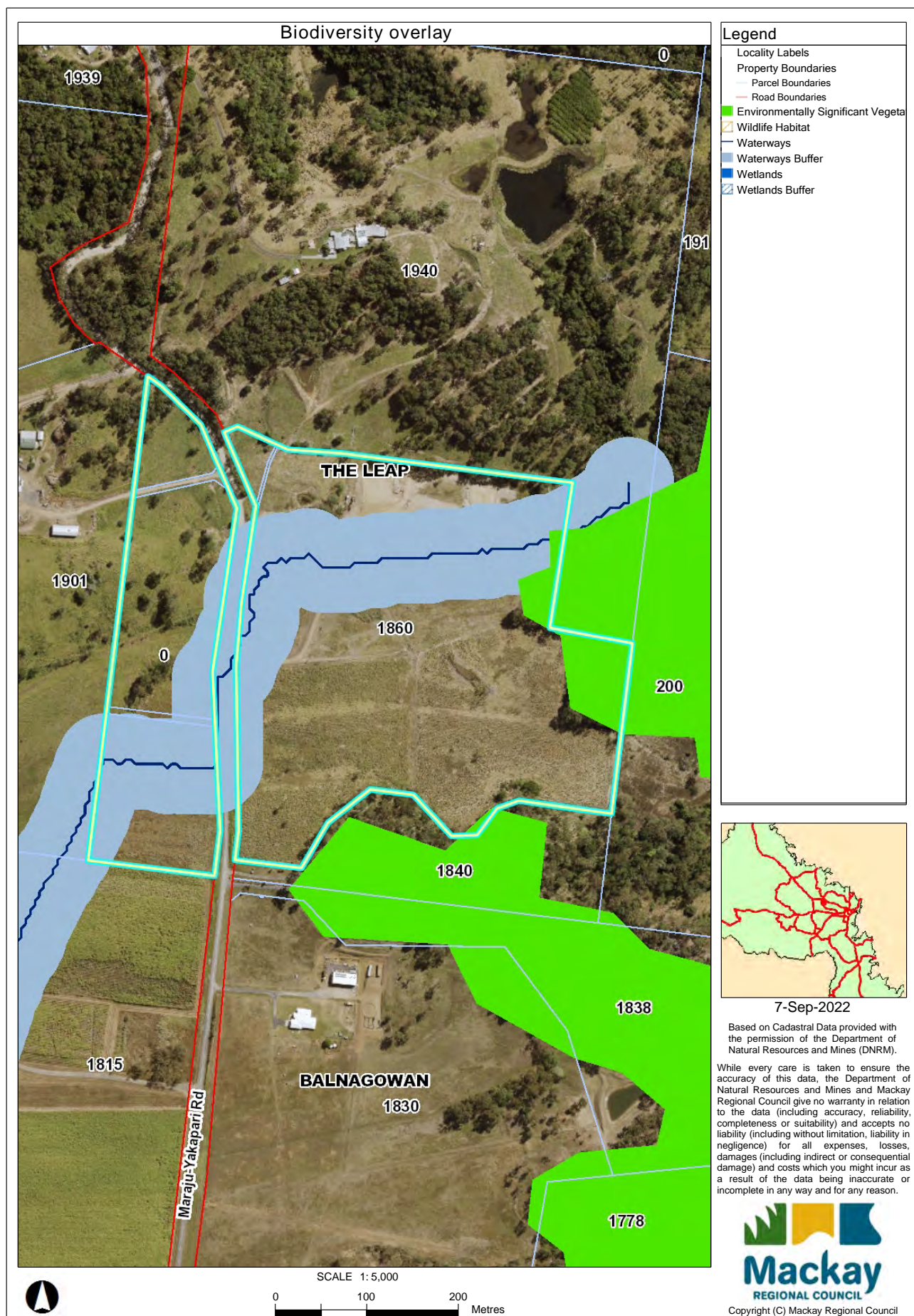
3.2. Each party shall bear its own costs of and ancillary to the preparation and execution of this document. The Covenantor shall pay any registration fees, duty, mortgagee consent fees and any other ancillary or resultant costs associated with the registration of this Covenant.



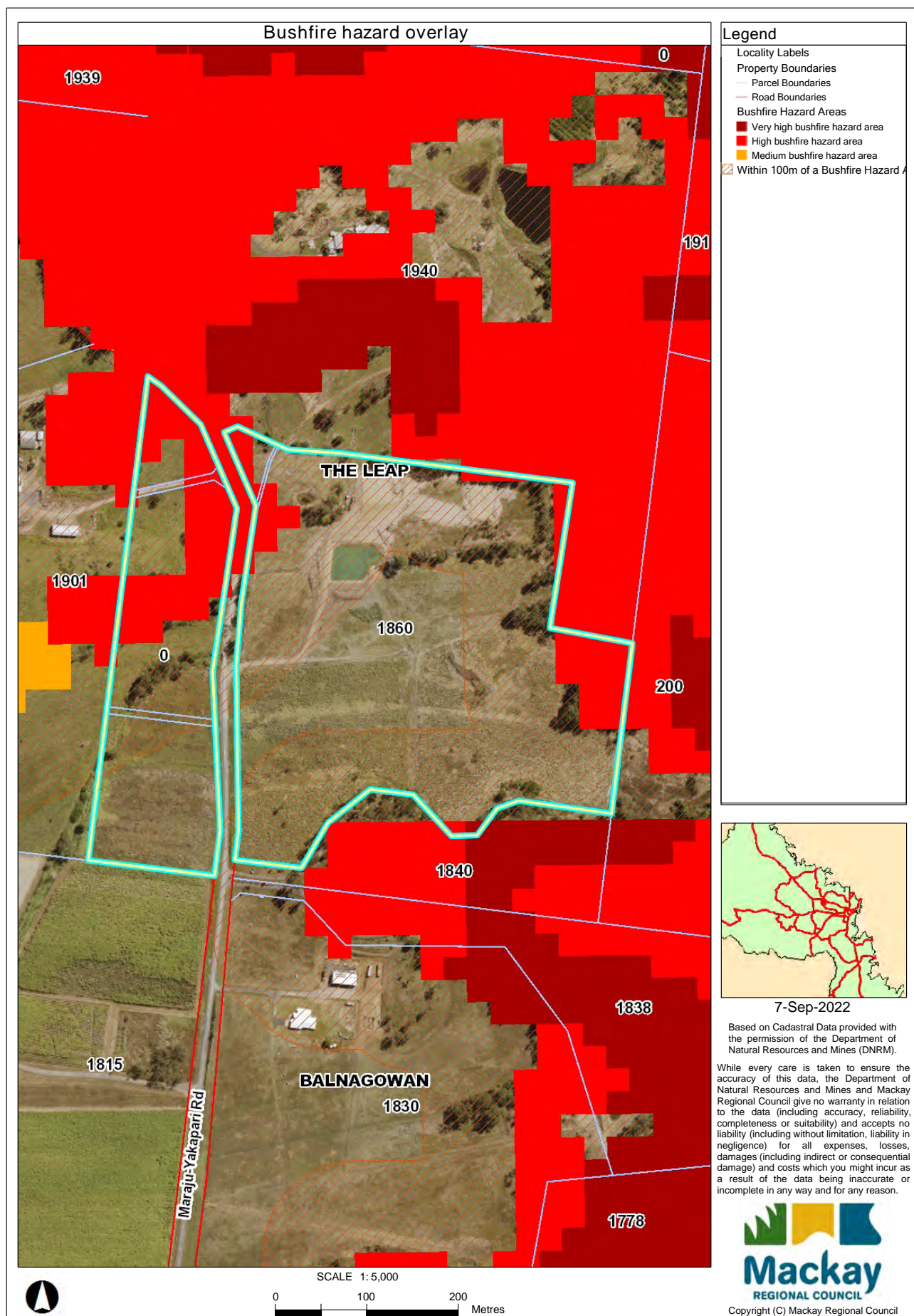


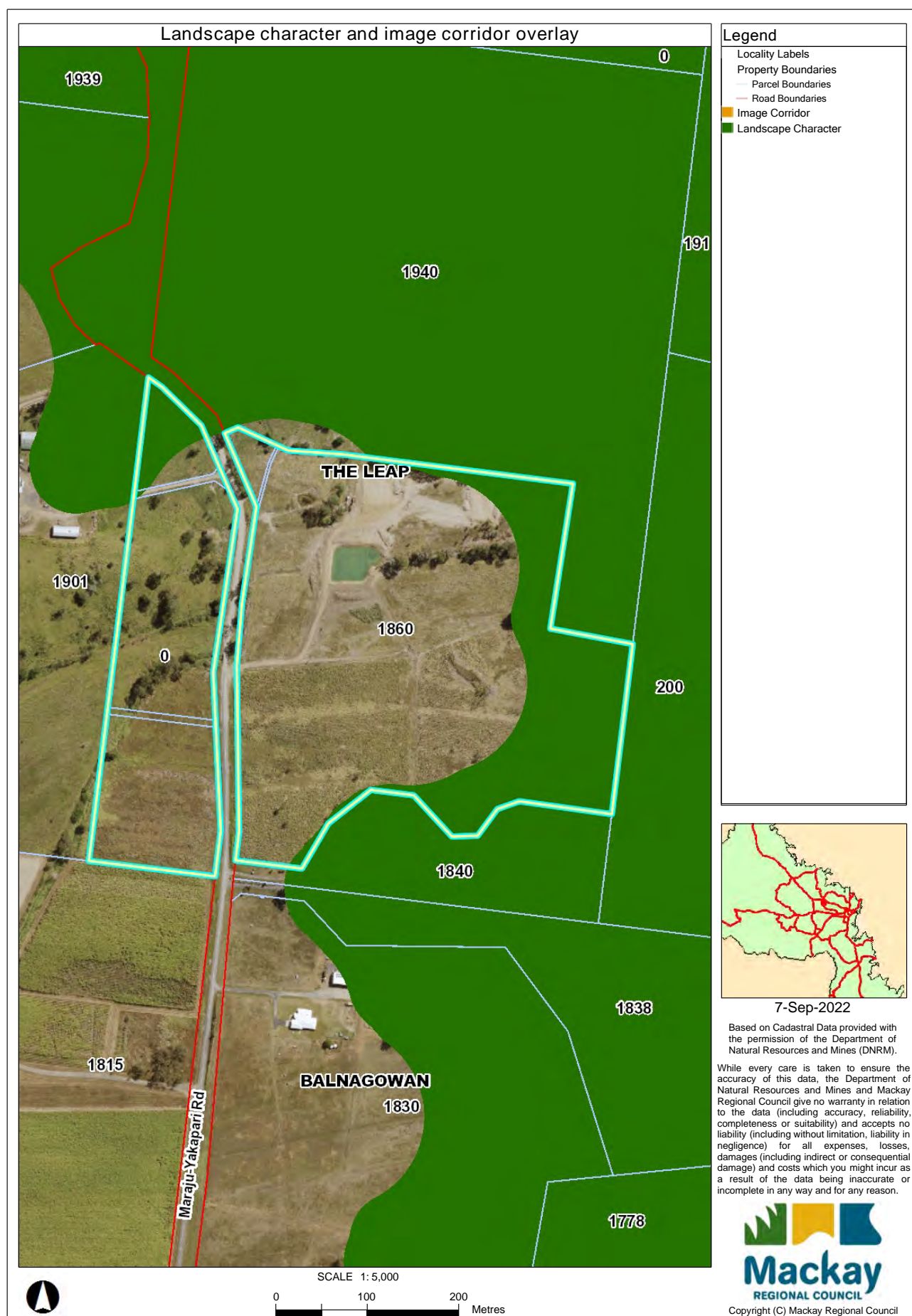




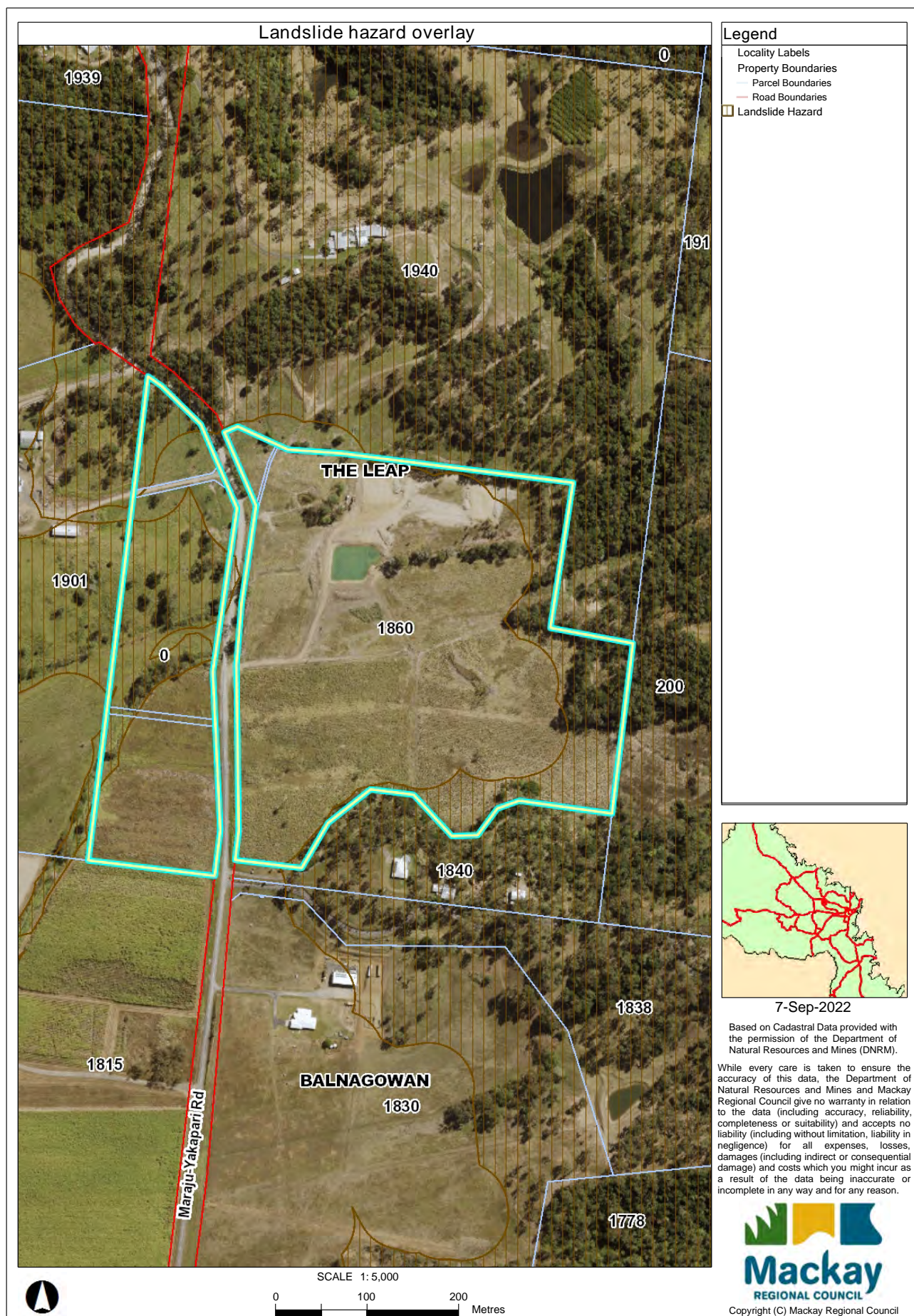












### **11.2.3. MACKAY WATERFRONT PDA DEVELOPMENT SCHEME - PROPOSED AMENDMENT 1: DECIDE TO AMEND PDA DEVELOPMENT SCHEME**

<b>Author</b>	Principal Planner – Local Planning (Andrew Schembri)
<b>Responsible Officer</b>	Director Development Services (Aletta Nugent)
<b>File Reference</b>	SPLP-033
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Proposed amendment 1 to Mackay Waterfront PDA Development Scheme - tracked changes [11.2.3.1 - 108 pages]</li><li>2. Schedule of amendments for proposed PDA development scheme amendment [11.2.3.2 - 88 pages]</li></ol>

#### **Purpose**

The purpose of this report is to:

- (a) decide to amend the Mackay Waterfront PDA development scheme (PDA development scheme)
- (b) endorse the proposed PDA development scheme amendment 1 (proposed amendment)
- (c) authorise the Chief Executive Officer (CEO) to:
  - give notice to the Minister for Economic Development Queensland (MEDQ) of the decision to amend the PDA development scheme and provide the required material for the proposed amendment to undertake a state interest review
  - subject to confirmation by the MEDQ, proceed to public consultation.

#### **Related Parties**

- Economic Development Queensland

#### **Corporate Plan Linkage**

##### Invest and Work

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

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

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

Technologically Advanced Region - We harness technology to support business and the economy.

##### Live and Visit

Enhance Liveability - We have a range of housing and social infrastructure options that supports a great quality of life and wellbeing in our community.

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

#### **Background/Discussion**

The Mackay Waterfront Priority Development Area (PDA) was designated by the MEDQ in May 2018. The PDA development scheme was then prepared in the following 12 months and became effective on 24 May 2019.

Regular reviews of Council's local planning instruments and policies from time to time ensures that these remain workable, contemporary and fit-for-purpose. It has been 3 years since the commencement of version 1 of the PDA development scheme and so it is timely that a review is undertaken to achieve these objectives.

The proposed amendments work within the established policy of the development scheme and wider policy under the Mackay Region Planning Scheme and does not propose significant changes to policy in the document. The purpose and general effect of proposed amendment 1 to the PDA development scheme is to:

- improve the 'line of sight' between the strategic framework and the PDA development requirements
- improve the use of the strategic framework in development assessment
- improve the legibility and workability of development requirements, specifically:
  - built form, amenity, sustainability or precinct specific
  - inclusion of 'notes' to assist with interpretation of requirements
  - align with Mackay Region Planning Scheme requirements for consistency
  - minor mapping changes to update existing elements
- facilitate new opportunities to ensure the Mackay Waterfront PDA remains competitive and attractive to development, which align with recent amendments to the Mackay Region Planning Scheme
- ensure PDA accepted development categories are workable and align with other regulatory instruments
- update the implementation strategy
- remove repetition or redundant content.

The proposed amendment will be undertaken in partnership with Economic Development Queensland (EDQ) and will be undertaken in accordance with the amendment provisions outlined in Chapter 3 Part 3 Division 2 of the Economic Development Act 2012 (ED Act) and follow the plan making process outlined in Chapter 3 Part 3 Division 1 of the ED Act.

The purpose and general effect of the proposed amendment and an indicative amendment timeframe was discussed with Council at a briefing on 27 July 2022.

The proposed amendment has been prepared in accordance with section 58 of the ED Act, including consideration of relevant state interests. A summary of the key elements of the proposed amendment is outlined below with a full list of proposed amendments provided in the schedule of amendments provided in Attachment 2.

#### *Throughout the document*

General amendments proposed throughout the document:

- increase the use of notes, which form part the scheme
- add section and sub-section numbering
- correct grammar, punctuation and spelling errors.

#### *Strategic framework*

Proposed amendments in the strategic framework section seek to:

- clearly outline the core principles of the PDA
- improve the 'line of sight' between core principles of the PDA that are identified in the strategic framework and the development requirements in following parts of the document
- improve the usability of the strategic framework in development assessment.

#### *PDA structural elements*

Proposed amendments in the PDA structural elements section seek to:

- identify existing structural elements mapped on the PDA Structural Elements Plan and to update references (no new elements are proposed)

- update mapping elements on Map 2: PDA structural elements plan, to correctly display constructed pedestrian / cycle infrastructure in Queens Park, display correct references, and remove the redundant pedestrian / cycling link to the north of Chain Street.

#### *PDA-wide criteria*

Proposed amendments in the PDA-wide criteria section seek to:

- improve the workability of provisions
- reorder provisions within sub-sections and introduce sub-headings to improve usability of the document in assessment
- provide further clarity on built form requirements, including sustainability and climate responsive outcomes
- improve alignment and integration with state planning policy, including alignment with relevant overlay codes (e.g. airport environs overlay code) in the planning scheme.

#### *Precinct provisions*

Proposed amendments in the Precinct provisions section seek to:

- provide further clarity around the development intent for each precinct
- clarify the range of preferred land uses
- improve the workability and legibility of provisions, including line of sight to PDA-wide criteria
- calibrate accepted development triggers for interchangeable uses
- include the following minor mapping changes to the precinct framework plans:
  - remove 'primary frontage' on Chain Street in precinct 3 as it is not referred to by section 2.6.3 of the development scheme and therefore redundant
  - remove a redundant potential active transport link in precinct 2 located north of Chain Street, as this link is identified further east by the PDA master plan
  - update constructed active transport infrastructure elements in Queens Park (precinct 4).

#### *Infrastructure Plan*

Proposed amendments to the infrastructure plan section seek to:

- clarify the use of Council's adopted infrastructure charges resolution in the PDA unless a development charges and offsets plan is commenced
- update the list of infrastructure to align with the structural elements plan.

#### *Implementation strategy*

Proposed amendments to the implementation strategy section update objectives and actions to ensure these remain relevant and achievable.

#### *Schedules*

Proposed changes in the Schedules include:

- calibrating the accepted development categories in Schedule 1 to align with the Planning Regulation 2017 or clarify the range of circumstances that are accepted development
- calibrating the list of prohibited uses in Schedule 2, including billboard and digital (electronic) advertising devices on a heritage place
- removing the heritage place list and mapping and referring to mapping in the Mackay Region Planning Scheme.

To progress this proposed amendment, Council must decide to amend the PDA development scheme in accordance with section 67 of the ED Act. In addition, Council endorsement of the prepared proposed amendments is being sought prior to sending the proposed amendment to the MEDQ for a state interest review.



EDQ will coordinate a state interest review with the state agencies to ensure the proposed amendment advances the purpose of the ED Act and appropriately considers the relevant state interests under the State Planning Policy.

During the state interest review, EDQ may advise Council how the proposed amendment may be changed to appropriately address state interests. Should any significant changes be proposed, further Council endorsement will be sought. If the requested state interest changes are minor in nature, the changes can be made and the package resubmitted to the MEDQ without seeking further formal approval from Council. The MEDQ will give a notice detailing the outcome of the state interest review and advising whether the proposed amendments may proceed to public notification.

Public notification of the proposed amendment will be undertaken in accordance with section 59 of the ED Act for a minimum period of 15 business days as per section 67(2)(c) of the ED Act.

### **Consultation and Communication**

A preliminary review of the proposed amendment has been undertaken with key Council staff and with EDQ.

Council was briefed on the amendment process at a Council briefing on 27 July 2022.

The proposed amendment requires public notification for a minimum period of 15 business days in accordance with section 67(2)(c) of the ED Act. Public notification can commence after the state interest review is complete and the MEDQ gives notice stating Council may proceed to public notification. Public notification will be open to the general public to make a submission and will also include targeted consultation with the development industry. The proposed public notification methods, activities and identified stakeholder groups are detailed within a communications plan, which will be included in the material submitted to the State.

### **Resource Implications**

The process for amending the PDA development scheme will be managed by Strategic Planning. Resources required will be funded from the current operational budget.

### **Risk Management Implications**

The PDA development scheme requires an amendment to ensure that identified outstanding matters within multiple areas of the development scheme are addressed and for the instrument to remain workable, contemporary and fit-for-purpose.

The risks of not undertaking the proposed amendment are as follows:

- the development scheme will not appropriately consider state interest policies of the SPP
- improvements affecting its usability, legibility and workability in relation to line of sight within the document, assessment triggers, overall outcomes and development requirements will not be made
- amendments to encourage emerging industries, like brewery or distillery to establish in appropriate locations will not be made.

### **Conclusion**

A PDA development scheme amendment is proposed to ensure that the document remains current and addresses identified outstanding matters that effect the facilitation of development.

It is recommended that Council:

- decides to amend the PDA development scheme
- endorses the proposed PDA development scheme amendment 1



- authorises the CEO to:
  - give notice to the MEDQ of the decision to amend the PDA development scheme and provide the required material for the proposed amendment to undertake a state interest review
  - subject to confirmation by the MEDQ, proceeds to public consultation.

### **Officer's Recommendation**

THAT Council decides to amend the Mackay Waterfront PDA development scheme (PDA development scheme) in accordance with section 67 of the *Economic Development Act 2012* as delegated to Council by the Minister for Economic Development Queensland (MEDQ) under section 169 of the *Economic Development Act 2012*.

AND THAT Council endorses the proposed PDA development scheme amendment 1 (proposed amendment) prepared in accordance with section 58 of the *Economic Development Act 2012*.

AND THAT Council authorises the Chief Executive Officer to:

- give notice to the MEDQ of the decision to amend the PDA development scheme and provide the required material for the proposed amendment to undertake a state interest review; and
- subject to confirmation by the MEDQ, proceed to public consultation in accordance with section 59 of the *Economic Development Act 2012* for a minimum period of 15 business days as per section 67(2)(c) of the *Economic Development Act 2012*.

Mayor Williamson advised of his declared conflict of interest (as per Chapter 5B of the *Local Government Act 2009*) and recorded at Item 6 of the Minutes (Conflict of Interest) due to his son being a property owner within the Mackay CBD, and area controlled by the PDA Development Scheme and left the room at 10:26am taking no part in the debate or decision of the meeting. Voting then recorded as per usual.

Deputy Mayor Cr Karen May assumed the Chair while the Mayor left the Meeting Room for the matter to be considered and voted on.

The Director for Development Services Aletta Nugent, noted that with any planning document it was important that they are regularly reviewed and it was timely to undertake a review of the Mackay Waterfront PDA Development Scheme. The Director advised that the amendments are largely around improving workability to make the Scheme consistent with the Mackay Regional Council Planning Scheme.

### **Council Resolution ORD-2022-283**

**THAT Council decides to amend the Mackay Waterfront PDA development scheme (PDA development scheme) in accordance with section 67 of the *Economic Development Act 2012* as delegated to Council by the Minister for Economic Development Queensland (MEDQ) under section 169 of the *Economic Development Act 2012*.**

**AND THAT Council endorses the proposed PDA development scheme amendment 1 (proposed amendment) prepared in accordance with section 58 of the *Economic Development Act 2012*.**

**AND THAT Council authorises the Chief Executive Officer to:**

- **give notice to the MEDQ of the decision to amend the PDA development scheme and provide the required material for the proposed amendment to undertake a state interest review; and**

- **subject to confirmation by the MEDQ, proceed to public consultation in accordance with section 59 of the *Economic Development Act 2012* for a minimum period of 15 business days as per section 67(2)(c) of the *Economic Development Act 2012*.**

**Moved Cr Bonaventura**

**Seconded Cr Green**

Cr Bonaventura noted that Councillors had been briefed on this matter and it was clear that the PDA Development Scheme requires an amendment to make it workable and fit for purpose.

Cr Green reiterated that this amendment just keeps the PDA Development Scheme consistent with the Planning Scheme and ensures it fits the vision of Council.

Cr May offered her congratulations to the team, noting that there is an enormous amount of work which has gone into the preparation of the amendment.

**CARRIED**

**10:30 am Mayor Williamson returned to the room.**

## Mackay Waterfront Priority Development Area

Development Scheme – proposed amendment 1

Month Date



**Queensland  
Government**

The Department of State Development, Manufacturing, Infrastructure, Local Government and Planning is responsible for driving the economic development program for Queensland by creating a diverse and thriving economy, and generating new jobs.

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1. Introduction

1.1 Economic Development Act 2012

The *Economic Development Act 2012* (the ED Act)<sup>1</sup> establishes the Minister for Economic Development Queensland (MEDQ) as a corporation sole to exercise the functions and powers of the ED Act.

The main purpose of the ED Act<sup>2</sup> is to facilitate economic development and development for community purposes, in the state. The ED Act<sup>3</sup> seeks to achieve this by establishing the MEDQ and providing for a streamlined planning and development framework for particular parts of the State declared as priority development areas (PDAs).

1.2 Priority Development Area description

The Mackay Waterfront (refer Map 1) was declared a Priority Development Area (PDA) by regulation<sup>4</sup> on 25 May 2018. The Mackay Waterfront PDA (the PDA) is approximately 172 hectares in size and is located in the Mackay Regional Council local government area. The PDA includes land and water located on the southern side of the Pioneer River, including the city centre core, and extends east to the adjacent coastal waters along Binnington Esplanade (Town Beach). The PDA is in close proximity to the Mackay Airport, major road infrastructure (Bruce Highway and Peak Downs Highway), Port of Mackay, and the diverse range of cultural and recreational facilities in the Mackay city centre. The boundaries of the PDA are shown on Map 1.

Map 1: PDA boundary



<sup>1</sup> See section 8 of the ED Act  
<sup>2</sup> See section 3 of the ED Act.  
<sup>3</sup> See section 4 of the ED Act.  
<sup>4</sup> See section 37 of the ED Act

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### 1.3 Application of the development scheme

The Mackay Waterfront PDA Development Scheme (the development scheme) is applicable to all development on land and water<sup>5</sup> within the boundaries of the Mackay Waterfront PDA (refer Map 1).

From the date of approval under a regulation, the development scheme replaces the Mackay Waterfront PDA interim land use plan which commenced upon declaration.

### 1.4 Contents of the development scheme

The development scheme consists of:

1. a land use plan that regulates development in the PDA (section 2)
2. an infrastructure plan that describes infrastructure required to support achievement of the land use plan and states applicable infrastructure charges (section 3)
3. an implementation strategy that describes objectives and actions that complement the land use plan and infrastructure plan to achieve the main purpose of the ED Act (section 4).

### 1.5 Infrastructure designations

Under the *Planning Act 2016* both public and non-public sector entities can seek designation of premises for development of infrastructure (a designation). A designation can be a community infrastructure designation (designated under the *Integrated Planning Act 1997* or *Sustainable Planning Act 2009*), or a Ministerial or Local Government infrastructure designations (designated under the *Planning Act 2016*).

The designation provides entities with a streamlined assessment process to facilitate the delivery of community infrastructure. Once a designation is made there is no need to attain further planning approvals that would otherwise be regulated by the *Planning Act 2016* or the ED Act, unless development departs from the designation.

Where within a PDA, the ability for an entity to continue to operate under an existing designation, and to seek new designations, remains unaffected by the ED Act. The process of making and determining a designation is set out within the Minister's Guidelines and Rules<sup>6</sup>.

For this PDA, there is one existing designation over key community infrastructure associated with the Mackay Police Station and Courthouse, as detailed in Table 1.

Table 1: Infrastructure designations

ID reference	Description	ID type	Date of gazettal
71	Mackay Police Station and Courthouse	(s) any other facility not in (a) to (r) and intended to accommodate govt. functions	25/08/2000

Commented [A51]: S1-1

<sup>5</sup> See section 47A of the *Acts Interpretation Act 1954*.

<sup>6</sup> For guidance, refer to chapters 7 and 8 of Minister's Guidelines and Rules, available at the State Government's QLD Planning Framework website.

**1.6 Drawings, maps, notes, and footnotes**

Commented [AS2]: S1-2

- 1. Drawings contained in the development requirements are part of the development scheme.
- 2. Maps provide information to support the development requirements of the development scheme and are part of the development scheme.
- 3. Notes are identified by the title 'Note' and are part of the development scheme.
- Note – this is an example of a note.
- 4. Footnotes are extrinsic material, as per the *Acts Interpretation Act 1954*. Footnotes are identified by a superscripted number and are provided to assist in the interpretation of the development scheme. Footnotes do not have the force of law.

<sup>1</sup> This is an example of a footnote.

**4.51.7 Acknowledgements**

Commented [AS3]: S1-3

The development scheme was prepared and subsequently amended under delegation by Mackay Regional Council in collaboration with the Department of State Development, Manufacturing, Infrastructure and Planning Economic Development Queensland and state agencies.

## 2. Land use plan

### 2.1 Components of the land use plan – hierarchy of provisions

The land use plan establishes the strategic intent for the PDA and the PDA development requirements for achieving the strategic intent (refer to Figure 1). The strategic ~~intent~~ framework and PDA development requirements, including notes, are organised in a hierarchy with the structural elements and PDA-wide criteria stating outcomes to achieve the intent of the strategic ~~framework~~ intent and the precinct provisions stating outcomes and quantitative measures, to achieve the structural elements and PDA-wide criteria.

Commented [AS4]: S2-1

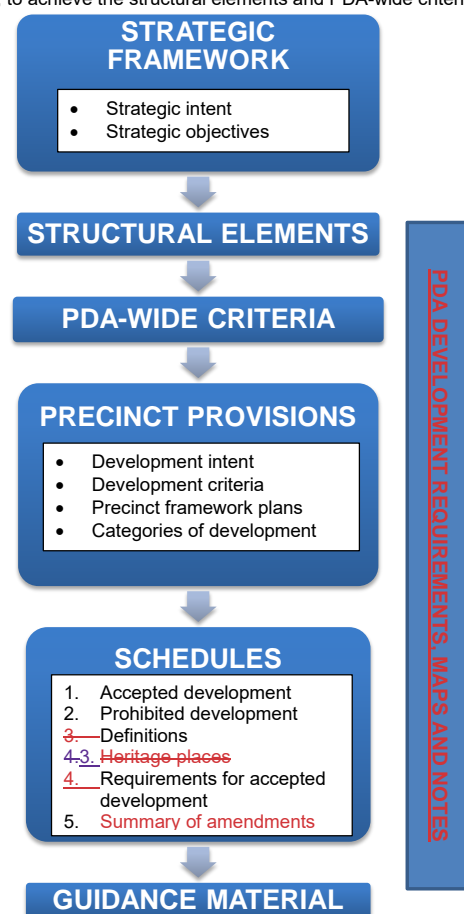


Figure 1: Components of the land use plan

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### 2.1.1 Strategic framework

The strategic framework establishes the overall outcomes to be achieved in the PDA, that:

- seek to achieve the purpose of the ED Act for the PDA; and
- provide the basis for the PDA development requirements.

### 2.1.2 PDA development requirements

The PDA development requirements apply to all PDA assessable development and incorporate:

1. structural elements (section 2.4);
2. PDA-wide criteria (section 2.5); and
3. precinct provisions (section 2.6).

### 2.1.3 Schedules

Schedule 1 identifies PDA accepted development.

Schedule 2 identifies PDA prohibited development.

Schedule 3 defines terms used in the development scheme.

~~Schedule 4 identifies the local and state heritage places in the PDA as identified in the Queensland Heritage Register and within the Mackay Region Planning Scheme 2017.~~

Schedule ~~5-4~~ identifies requirements for accepted development.

~~Schedule 5 provides a summary of amendments which have been made to the scheme.~~

Commented [A55]: S2-2

### 2.1.4 Guidance material

Guidance material includes EDQ guidelines and any other documents ~~(as amended from time to time) or guideline~~ that ~~is~~ are either referenced in the development scheme or as developed through the implementation strategy. Guidance material should be read in conjunction with the land use plan, infrastructure plan and implementation strategy and any other document or guideline called up by the development scheme.

Commented [A56]: S2-3

Refer to Figure 1.

## 2.2 Development assessment

### 2.2.1 Interpretation

The interpretation of terms and definitions will rely on:

- Section 33 of the ED Act which defines development; and
- Schedule 3 of this development scheme, which provides the definitions required to interpret and apply the development scheme with reference to the ED Act and the Mackay Region Planning Scheme 2017.

### 2.2.2 Requirements for accepted development

PDA accepted development that is subject to requirements must comply with all of the development requirements in:

- Schedule 4 of the development scheme; or
- the relevant referred part of the Mackay Region Planning Scheme 2017.

Commented [A57]: S2-4

Where development, except for dwelling house, does not comply with one or more of the requirements for accepted development, as stated in Column 1 PDA accepted development in Tables 5, 8, 11, 15 and 19, development becomes PDA assessable development limited to the subject matter of the requirements of accepted development that are not complied with or are not capable of being complied with.

#### **2.2.22.2.3 PDA development applications**

To the extent the land use plan (section 2), infrastructure plan (section 3), implementation strategy (section 4) and the guidance material are relevant, they are to be taken into account in the preparation of a PDA development application and the assessment of the application by the MEDQ<sup>7</sup>.

Development proponents are encouraged to hold pre-application discussions with the MEDQ to obtain feedback and advice on compliance with the development scheme to expedite the development application assessment process and timeframes.

#### **2.2.32.2.4 Categories of development**

##### **PDA accepted development**

Column 1 in Tables 5, 8, 11, 14, 15, 16, 19 and 20 4, 7, 10, 13, 14, 15, 18, 19 and 20 identify PDA accepted development, and includes Schedule 1 of the development scheme.

Commented [A58]: GN-1

##### **PDA assessable development<sup>8</sup>**

Column 2A in Tables 5, 8, 11, 14, 15, 16, 19 and 20 4, 7, 10, 13, 14, 15, 18, 19 and 20 identifies PDA assessable development that is permissible development.

Commented [A59]: GN-1

Column 2B in Tables 5, 8, 11, 14, 15, 16, 19 and 20 4, 7, 10, 13, 14, 15, 18, 19 and 20 identifies PDA assessable development that is prohibited development under the development scheme.

Commented [A510]: GN-1

#### **2.2.42.2.5 Development consistent with the land use plan**

PDA assessable development is consistent with the land use plan if it is consistent with all outcomes of the relevant PDA development requirements (see Figure 1), including the relevant outcomes for any quantitative measures.

However, aspects of assessable development that is are inconsistent with any of the outcomes of the relevant PDA development requirements, including quantitative measures, may still be consistent with the land use plan if the development outcome:

Commented [A511]: S2-5

- the development is an interim use<sup>9</sup> that due to its nature, scale, form or intensity does not conflict with the strategic framework (section 2.3); or

##### **1. both of the following apply:**

the development does not conflict with the strategic framework for the PDA (section 2.3); and

- there are sufficient grounds to justify approval of the development despite the non-compliance with the relevant provisions of the PDA development requirements through the assessment of the development.

<sup>7</sup> MEDQ may delegate certain functions and powers under s.169 of the ED Act to a local government. Development assessment powers have been delegated by the MEDQ to Mackay Regional Council.

<sup>8</sup> Under section 73 of the ED Act, PDA assessable development cannot be carried out without a PDA development permit.

<sup>9</sup> Refer to section 2.2.11.

Where development is unforeseen by the development scheme, at the time of its preparation or amendment, the development may still be consistent with the land use plan if:

- it does not conflict with the strategic framework (section 2.3); and
- there are sufficient grounds to justify the approval of the development, as well as superior design outcomes<sup>10</sup> and a demonstrated overwhelming community need/benefit.

In this section, 'grounds' means matters of public interest which include the matters specified as the main purposes of the ED Act. ~~Grounds and~~ does not include the personal circumstances of an applicant, owner or interested third party.

#### **2.2.52.2.6 Development inconsistent with the land use plan**

PDA assessable development that is identified as prohibited development in Schedule 2 and Tables 5, 8, 11, 14, 15, 16, 19 and 20, 4, 7, 10, 13, 14, 15, 18, 19 and 20 as prohibited development is inconsistent with the development scheme<sup>11</sup>.

Commented [A512]: S2-6

Development that is inconsistent with the land use plan cannot be granted a PDA development approval<sup>12</sup>.

#### **2.2.62.2.7 Plans of development**

A plan of development (PoD)<sup>13</sup> may:

Commented [A513]: S2-7

- accompany a PDA development application for a material change of use or reconfiguring a lot
- consider any proposed use, and any associated building work or operational work<sup>14</sup>
- form part of a PDA development approval.

Schedule 1 identifies development consistent with an approved PoD as PDA accepted development.

#### **2.2.72.2.8 Notice of applications**

A PDA development application will require public notification if the application is ~~for a material change of use that is:~~

1. ~~for a material change of use that is~~ not a preferred land use for each precinct identified in:
  - (a) Table 23: Precinct 1 preferred land uses
  - (b) Table 56: Precinct 2 preferred land uses
  - (c) Table 89: Precinct 3 preferred land uses
  - (d) Table 44:12: Precinct 4 preferred land uses
  - (e) Table 46:17: Precinct 5 preferred land uses; ~~or-~~

2. ~~an undefined use.~~

Commented [A514]: S2-8

<sup>10</sup> An Urban design review panel, see Implementation Strategy section 4.5, will provide guidance on the assessment and acceptance of superior design outcomes.

<sup>11</sup> Section 86 of the ED Act.

<sup>12</sup> Section 86 of the ED Act.

<sup>13</sup> PoD is further defined in Schedule 3. For further advice of preparing a PoD refer to the applicable EDQ practice note available at <http://www.stateldevelopment.qld.gov.au/resources/guideline/pda/practice-note-10-plans-of-development.pdf> on EDQ's website.

<sup>14</sup> For guidance on the requirements for the assessment of operational works, refer to the *General development requirements code*, *Healthy waters code* and relevant *Planning Scheme Policies* in the Mackay Region Planning Scheme 2017.

The MEDQ<sup>15</sup> may require public notification in other circumstances if the development application is for a use or of a size or nature which, in the opinion of the MEDQ<sup>15</sup>, warrants public notification.

Commented [AS15]: GN-2

#### 2.2.82.2.9 State Interests

Relevant matters of state interest<sup>15</sup> have been considered in the preparation of this development scheme and will be considered further as part of the assessment of a PDA development application<sup>16</sup>.

#### 2.2.92.2.10 Relationship with other legislation

Commented [AS16]: S2-9

In addition to assessment against the development scheme, development may require assessment against other legislation including, but not limited to, the *Building Act 1975*, *Coastal Protection and Management Act 1995*, *Environmental Protection Act 1994*, *Fisheries Act 1994*, *Land Act 1994*<sup>17</sup>, *Nature Conservation Act 1992*, *Plumbing and Drainage Act 2002*, *Queensland Heritage Act 1992* and *Planning Act 2016* including subordinate legislation.

Relevant local laws made under the *Local Government Act 2009* apply in the PDA to the extent they are not replaced by this development scheme or a by-law made under the *ED Act*<sup>18</sup>.

Works involving advertising devices not mentioned in Table 5: Precinct 1 – Categories of development, Table 8: Precinct 2 – Categories of development or Schedule 2 are assessed against the requirements under Mackay Regional Council Local Law 1 (Community and Environmental Management) 2021 and Subordinate Local Law No. 1.4 (Installation of advertising devices) 2011. If the advertising device is proposed to be located on or over a state controlled road, refer to Management of advertising devices on state controlled roads.

#### 2.2.102.2.11 Relationship with the ~~local government planning scheme~~ Mackay Region Planning Scheme 2017

Commented [AS17]: GN-3 and S2-10

Schedule 6 of the *Planning Regulation 2017* (Planning Regulation) prohibits the Mackay Region Planning Scheme 2017 from making PDA-related development assessable under the *Planning Act 2016*.

However, the development scheme refers to various codes, overlays, policies and definitions in the Mackay Region Planning Scheme 2017 (as amended from time to time) for guidance in assessment of requirements in the development scheme.

The development scheme:

- Schedule 3 adopts use definitions and administrative terms from the Mackay Region Planning Scheme 2017, and the development scheme

<sup>15</sup> Relevant matters of state interest include coastal environment; cultural heritage; natural hazards, risk and resilience; transport infrastructure; and strategic airports and aviation facilities.

<sup>16</sup> Section 87 of the *ED Act* states that any relevant state interest must be considered and decided in a PDA development application. For the purposes of addressing State interests in development assessment, the State Planning Policy (SPP) and State Development Assessment Provisions (SDAP) codes, provide guidance in identifying if a state interest is relevant to the assessment of a PDA development application. For further advice on the consideration of state interests refer to the EDQ Practice Note 14: State interests in development assessment in priority development areas, available at <http://www.statedevelopment.qld.gov.au/edq/pdas-guidelines-and-practice-notes.html>

<sup>17</sup> Proposed development on State land will require consideration under the *Land Act 1994*.

<sup>18</sup> Refer to section 54 of the *ED Act*.

- adopts the industry thresholds listed in the Mackay Region Planning Scheme 2017, which are to be used in conjunction with the defined use definitions of low impact industry and medium impact industry; and
- refers to overlay mapping under the Mackay Region Planning scheme 2017 in identifying development constraints relating to development requirements in the development scheme, including acid sulfate soils overlay, airport environs overlay, flood and coastal hazards overlay, heritage overlay, road hierarchy overlay and transport noise corridor overlay; and
- calls up various other parts of the Mackay Region Planning Scheme 2017 as guidance when assessing the development scheme requirements.

Under section 71 of the ED Act, if there is a conflict between the development scheme and a planning instrument, or assessment benchmarks prescribed by regulation under the *Planning Act 2016* or another Act for the Planning Act, the development scheme prevails to the extent of any inconsistency.

#### **2.2.142.2.12 Interim uses**

An interim use is a land use that, because of its nature, scale, form or intensity, is not an appropriate long-term use of the land, but may be appropriate for a short or medium-term period as the PDA develops.

A PDA development application for an interim use must demonstrate that the use will not prejudice or delay:

- an appropriate long-term use(s)
- an appropriate intensity of development, or
- infrastructure delivery envisaged by the vision for the PDA.

Relevant PDA development requirements also apply to PDA assessable development that is an interim use.

The MEDQ<sup>19</sup> may impose conditions of approval related to the interim use including, for example, limiting the duration of an interim use.

Information to support a PDA development application for an interim use may include:

1. a suitability assessment; and
2. plans showing how the development could transition from the proposed interim use to an appropriate longer-term use.

<sup>19</sup> MEDQ may delegate certain functions and powers under s.169 of the ED Act to a local government. Development assessment powers have been delegated by the MEDQ to Mackay Regional Council.



## 2.3 Strategic framework

### 2.3.1 Strategic intent

The Mackay Waterfront PDA is a vibrant, liveable and accessible inner city area of Mackay that:

Commented [AS18]: S2-11

- strengthens the city's relationship to the Pioneer River and Coral Sea,
- accommodates a diverse, integrated and balanced range of uses, activities and attractions that are connected by a high-quality public realm,
- preserves and utilises its heritage places,
- supports investment, choice and affordability, and
- promotes sustainability and enhances Mackay's character and identity through good design.

The diverse range and intensity of development across the PDA:

Commented [AS19]: S2-12

- Development in the Mackay Waterfront PDA will revitalise land and infrastructure within the Mackay city centre, along the Pioneer River waterfront, through Queens Park and along the Binnington Esplanade waterfront, creating social, liveability and economic benefits for the whole community.
- plays an important role in Mackay's future growth and development by accommodating a diverse mix of activities and attractions housing, accommodation, commercial, tourism, community and employment opportunities, which increases the appeal of inner city living, supports choice and affordability, diversifies the regional economy, and boosts investment confidence, and provides new attractive recreational spaces for the community
- builds on Mackay's exceptional natural, cultural and heritage assets and positively contributes to Mackay's identity, lifestyle and community connections,
- contributes to the activation, vibrancy and accessibility of places, spaces, and streets all day and throughout the week, and
- is well designed, accessible, functional and sustainable.

Development will utilise the opportunities provided by the:

- redevelopment of the Pioneer River and Binnington Esplanade waterfronts to deliver vibrant, active and accessible engaging river and ocean waterfront destinations for Mackay and its visitors, and to connect people and places visually and physically with the water. The riverfront and beachside waterfronts accommodate new investment opportunities in hospitality, residential and accommodation activities.
- growth and advancement of the Mackay city centre as the primary business and innovation centre precinct servicing ongoing population and economic development of Mackay and the Greater Whitsunday Region, which can accommodate new business, residential and accommodation investment opportunities.
- establishment of a mixed innovation industry, research and knowledge technology hub within the Enterprise precinct, which can accommodate new business investment and create employment opportunities that diversify Mackay's economic profile. Employment-generating development in the Enterprise precinct is supported by a range of living options and high value amenity areas located in the adjacent Riverside or Queens Park precincts.

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- rejuvenation of Queens Park as a high amenity lifestyle, recreation and leisure destination.

### 2.3.2 Strategic outcomes

#### 2.3.2.1 Land uses, place design and development

The PDA provides for a range of development and investment opportunities for high density uses such as residential, accommodation, commercial, health and wellbeing, and tourism activities, supported by quality recreation and community activities.

The relationship between public spaces, streets and buildings in the PDA creates an urban environment that is human scale, attractive, safe and activated.

Development in the PDA ~~will~~:

- ~~provides~~promote high-quality built form, smart design elements, landscape, urban design and climate-responsive<sup>20</sup> outcomes, respectful of the site's location and environmental characteristics
- addresses street frontages and public spaces, creating an interface that is integrated and activated with human movement and passive surveillance
- enhances the unique Mackay character, landscape and identity qualities of streetscapes and places
- supports and positively contributes to inviting, accessible and engaging streets, places and attractions that improves the city's liveability, walkability, tourism appeal and investment attraction
- ensures housing and commercial options deliver choice, adaptability and diversity to cater to a range of needs and incomes.

#### 2.3.2.2 Public realm area

Open spaces, streetscapes and other public realm areas cater for universal access and are improved with quality landscape and features that create an inviting and memorable place with a strong identity. Streetscaping along key pedestrian and active transport linkages contributes to the visual appeal of the public realm and reinforces connections between key destinations in the PDA. These public spaces provide safe and convenient access throughout the PDA and connect to the surrounding urban areas.

Queens Park, Iluka Park, Cod Hole open space, and the public realm areas along the Pioneer River and Binnington Esplanade are the most significant recreational and amenity spaces in the PDA. Their active and passive recreation functions are enhanced with high quality facilities and landscape features as well as the development of complementary uses and activities supporting the community's leisure and lifestyle.

Development in the PDA will support and utilise opportunities provided by the:

- attractive, high quality, accessible, well-connected and multi-functional public realm, which creates a strong sense of place, character, identity and amenity
- generous multi-functional public waterfront ~~promenades~~areas; plazas and activity nodes; event spaces; placemaking opportunities; cultural, recreation and tourist facilities and attractions; and large open recreational areas ~~at~~along the water's edge and across the urban environment
- Bluewater Trail and Cross City Link, which are the primary walking and cycling-active

<sup>20</sup> The Mackay climate is further defined in Schedule 3 of this development scheme.

Commented [AS20]: S2-13

Commented [AS21]: S2-14

transport routes traversing the PDA and providing connectivity between precincts, places, destinations, attractions and facilities.

### **2.3.2.3 Movement and connectivity**

The PDA is integrated with the city's transport networks and is well connected, accessible and permeable to a full range of pedestrian, active transport, public transport and private vehicle movements.

Commented [AS22]: S2-15

Development in the PDA ~~will~~:

- supports connectivity between precincts, activity nodes, public realm areas, employment areas, destinations, facilities and attractions through a high quality street and movement network that prioritises the safe and convenient movement of passenger transport, pedestrians and ~~cyclists~~ active transport modes, and promotes a healthier lifestyle through active modes of transport
- promotes and encourage convenient and safe active travel via the street and pedestrian/~~cycle~~ active transport movement network.

## 2.4 Structural elements

The structural elements as identified in Map 2 – PDA ~~S~~structural elements plan apply to all PDA assessable (permissible) development in the PDA. To the extent that the structural elements are relevant, they are to be taken into account in the preparation and assessment of PDA assessable development applications. The structural elements support the delivery of the strategic framework (section 2.3), the PDA-wide criteria (section 2.5), and precinct provisions (section 2.6) and should be read in conjunction with these sections.

The structural elements plan establishes and illustrates the following ~~four~~ overarching categories ~~and designations~~:

Commented [AS23]: S2-16

- ~~precincts and sub-precincts, which indicate the development intent, preferred land uses, and additional development criteria specific to each precinct,~~
- ~~development areas,~~ where the majority of development within the PDA may occur,
- ~~investigation areas,~~ which require further investigation and consideration prior to realising opportunities at these locations,
- ~~public realm areas, indicates:~~
  - o ~~the location of where public parks and spaces, where recreation, tourism and small-scale complementary commercial development will occur; and~~
  - o ~~land that is low-lying or environmentally sensitive, where minor sacrificial recreational facilities may occur to provide an inter-urban active transport link or enhance the appreciation of environmental values in these areas, and~~
- ~~movement and connectivity network, ensuring efficient and safe movement across the existing road network and primary pedestrian and active transport connections to, from and within the PDA.~~

The plan also identifies key connectivity and movement infrastructure referred to in the infrastructure plan (section 3) and their preferred or indicative locations.

The key structural components of the PDA ~~S~~structural elements plan include:

- ~~roads network (local and state controlled) and laneways (local controlled),~~
- ~~primary pedestrian and active transport connections:~~
  - o ~~Bluewater Trail, and traversing precincts 1, 2, 4 and 5, and connecting to areas outside of the PDA, being south of precinct 5 (Kippen Street), west of precinct 1 (Gregory Street) and north of precinct 1 (Forgan Bridge),~~
  - o ~~Cross City Link, traversing precincts 2, 3 and 4, and connecting to areas outside of the PDA, being west of precinct 4 (Park Street),~~
  - o ~~Queens Park to City Link (via Gordon and Wood Streets), traversing precincts 1 and 4, and~~
  - o ~~Queens Park to Town Beach Link (via East Gordon and Shakespeare Streets), traversing precincts 4 and 5,~~
  - o ~~Tennyson Street potential pedestrian and active transport route (linking south to Cross City Link), traversing precinct 2,~~
  - o ~~Evan Street potential pedestrian and active transport route (linking west from Binnington Esplanade), traversing precinct 5, and~~

- parks:

- local parks – including:

- River Street Park, Wood Street Park and Town Hall Park (precinct 1),
    - Bluewater Quay, Riverside Link, Burns Street Park, Fisher's Tale (boating and fishing quarter) and Sandfly Creek Park (precinct 2),

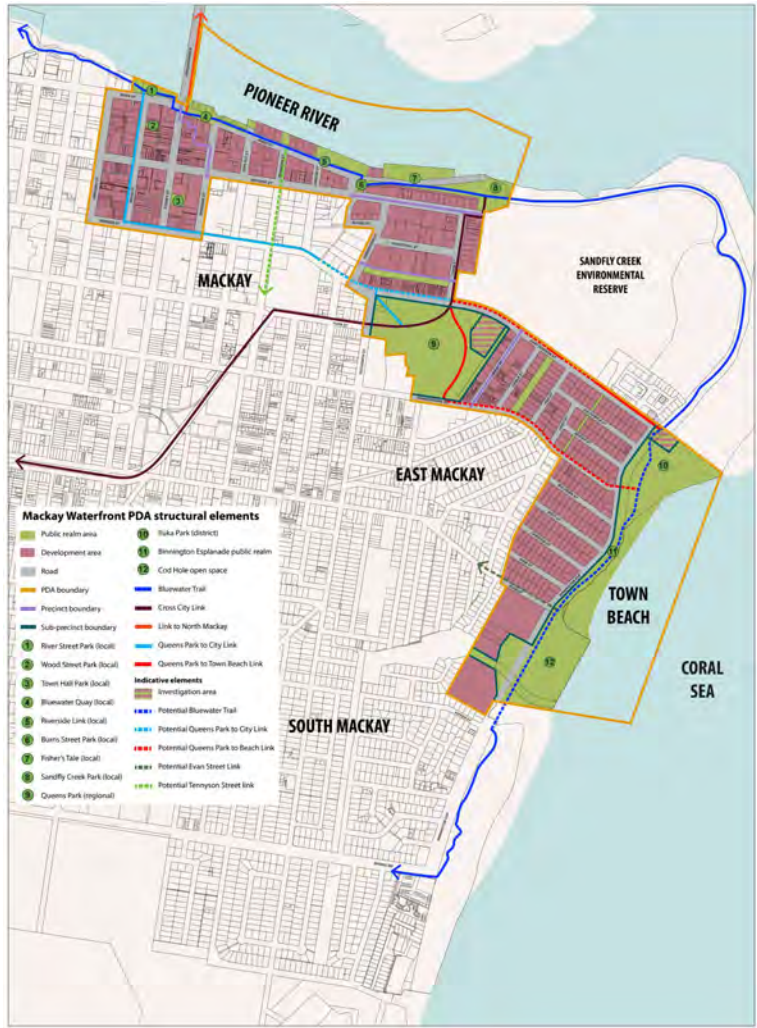
- district park – Iluka Park (precinct 5), and

- regional park – Queens Park (precinct 4).

These structural components are shown in the context of the entire PDA demonstrating how each component will relate and connect to existing infrastructure in the area.

Map 2: PDA Structural elements plan

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Mackay Waterfront Priority Development Area

## 2.5 PDA-wide criteria

### 2.5.1 Built form and urban design

Development delivers high-quality built form, ~~and~~ urban design ~~and sustainability~~ outcomes<sup>21</sup> ~~that~~by:

~~Note~~ – refer to the Development intensity and built form parameters table for each precinct in section 2.6 on how to achieve the built form and urban design outcomes mentioned in this section.

#### Built form and design

1. ~~positively contributing to and reinforcing the human scale, vibrancy, accessibility, and pedestrian amenity of the public realm by:~~

1. ~~ensure buildings:~~

- (a) ~~are providing well designed, articulated and engaging buildings, which are high quality, well designed, and provide create~~ visual interest through ~~high quality, tropical design and a range of~~ climatically responsive and durable ~~design features and articulation materials measures; and~~

- (b) ~~orientate~~ing toward street frontages to have a physical presence on the street; ~~and~~

- (c) ~~provide~~allow foring adequate access to winter sunlight in the public realm;

2. ~~promote~~ing diversity of built form and contributeing to achieving a cohesive cityscape and streetscape rhythm.

3. ~~provide~~ing building height<sup>22</sup> (including podium height), scale, mass, and length that:

- (a) is compatible with the development intent of the precinct and building height identified in Map 3 – PDA building heights plan; and

- (b) makes efficient use of land, ensures building form is varied and delivers appropriate massing forms.

4. ~~provide~~ing a transition in height and intensity, ~~including appropriate setbacks, bulk and massing~~, where adjoining ~~or adjacent~~ to a lower density ~~urban development area~~ outside of the PDA in East Mackay ~~and or~~ South Mackay, ~~including appropriate building setback, bulk and massing~~ to minimise the impacts on residential amenity ~~in these areas~~.

- 4.5. ~~provide~~ing appropriate building separation from property boundaries and adjoining buildings that:

- (a) allows light penetration, air circulation and access to breezes; ~~and~~

- (b) minimises overshadowing, overlooking and maintains a high level of amenity and privacy for building occupants and adjoining residential uses; ~~and~~

- (c) accommodates landscaping and recreation areas on the site.

6. ~~orientate~~ing buildings to take advantage of views, vistas and outlooks to:

- (a) ~~natural features, such as~~ the Pioneer River, coastline ~~and or~~ offshore islands; ~~or~~

- (b) ~~open spaces, such as Queens Park and or~~ the Sandfly Creek environmental area; ~~or and~~

- (c) ~~heritage places.~~

<sup>21</sup> For guidance on how to achieve the built form outcomes, refer to the Development intensity and built form parameters table for each precinct in section 2.6.

<sup>22</sup> In areas affected by flooding, building height above ground level is the building height identified in Map 3 – PDA building heights plan plus the highest of either the defined flood event (DFE) or defined storm tide event (DSTE) relevant to the subject site.

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5.7. ~~ensuring~~ sensitive land uses are ~~orientated~~, designed and constructed to reduce exposure to amenity impacts<sup>23</sup> generated from:

Commented [A529]: S2-21

- (a) vehicular traffic on streets and service / refuse collection vehicles;
- (b) commercial, tourism and recreational activities, and festival, entertainment, and community events located at ground level, on streets, ~~and/or~~ in public spaces; and
- (c) designated transport noise corridors<sup>24</sup> by providing acoustic amelioration measures in accordance with the relevant building standards to achieve recommended sound levels for building interiors<sup>25</sup>.

Note – development conforms with the requirements, standards and guidance identified in the SPP, as well as the Transport and Main Roads Traffic Noise Management: Code of Practice with respect to external road traffic noise levels, and the Queensland Development Code, Mandatory Part 4.4 'Buildings in a Transport Noise Corridors', each as amended or replaced from time to time.

8. ~~ensuring~~ rooftops:

Commented [A530]: S2-22

- (a) ~~are designed to screen or otherwise integrate plant and equipment with the overall roof design; and~~
- (b) ~~incorporate varied roof forms to reduce bulk and contribute to the architectural distinction of the building; and~~
- (c) ~~provide opportunities allow~~ for unique ~~opportunities such as~~ recreation experiences / facilities such as:
  - (i) ~~open communal spaces, roof gardens or vegetation and associated ancillary open structures for use by building occupants; or and~~
  - (ii) where appropriate, publicly accessible uses such as bar, food and drink outlet, or observation facilities.

Note - Communal open space, outdoor recreation or observation facilities, gardens, vegetation and associated ancillary open structures on a rooftop can sit above the nominated building height identified in Map 3 – PDA building heights plan and must not exceed 49 metres AHD. This note does not apply to bar or food and drink outlet mentioned in (c)(ii).

9. ~~minimising~~ the impacts of reflective glass or surfaces that cause nuisance, discomfort or hazard to the public realm and adjoining properties.

#### Sustainability

10. ~~ensure applying~~ best practice sustainable<sup>26</sup>, innovative and climatically responsive<sup>27</sup> ~~tropical design is achieved~~, including:

Commented [A531]: S2-23

- (a) ~~appropriate solar orientation and minimising solar heat gain effects to ensure buildings and outdoor spaces are comfortable throughout the year; and,~~
- (b) ~~shading, and shelter and greenery; and,~~
- (c) ~~cross ventilation, passive cooling techniques and/~~ access to breezes; ~~and~~
- (d) ~~access to~~ natural lighting; ~~and,~~
- (e) ~~water recycling, energy reduction~~, and stormwater and waste management; ~~and~~

<sup>23</sup> For guidance, refer to the Mackay Region Planning Scheme 2017 *General development requirements code*.

<sup>24</sup> Refer to the Mackay Region Planning Scheme 2017 *Transport Noise Corridor overlay map*.

<sup>25</sup> Development conforms with the requirements, standards and guidance identified in the SPP, as well as the Transport and Main Roads Traffic Noise Management: Code of Practice with respect to external road traffic noise levels, and the Queensland Development Code, Mandatory Part 4.4 'Buildings in a Transport Noise Corridors', each as amended or replaced from time to time.

<sup>26</sup> For guidance, refer to the QDC.

<sup>27</sup> The Mackay climate is further defined in Schedule 3 of this development scheme.



(f) ~~the incorporation of providing and facilitating innovative design, smart design city elements / initiatives, and technology driven improvements throughout the built form, public realm and infrastructure.~~

Integration with the public realm

11. ~~positively ensure buildings at ground level:~~

(a) ~~contributing to and reinforcing the area at a human scale; and~~

(b) ~~contribute to the vibrancy, accessibility, and pedestrian amenity of the public realm; and~~

(c) ~~include pedestrian-friendly features, such as articulated entrances and windows / glazing, shade and shelter, and landscaping along the street frontage; and~~

(d) ~~allow overlooking of streets or public spaces.~~

Note – windows and other glazed openings that face streets or public spaces are not covered or obscured, unless to provide obscured privacy for a consulting room associated with a health care service, or office.

(a) ~~ensuring ground floor tenancy frontages are at a human scale, with large single occupant tenancies and car parking for the development sleeved with smaller tenancies on primary frontages or articulation / activation measures on non-primary frontages;~~

6. ~~promoting high quality building, landscape and urban design outcomes that are respectful of the site's location, character and history.~~

12. ~~achieve a graduated floor level transition from street level up to the finished floor level of the ground floor, where development is required to mitigate a flood or storm tide hazard.~~

Note – any ramps, stairs, elevators or other accessibility features utilised to bridge the variation in floor level are contained wholly within the premises.

7.13. ~~promoting pedestrian activity at street level by locating publicly accessible uses (indoor and outdoor) on primary frontages, along waterfront edges, and where adjacent to public spaces.~~

14. ~~ensure podium levels or low-rise buildings up to 2 storeys:~~

(a) ~~are designed to address, activate and provide character and visual interest to street frontages; and~~

(b) ~~include façade articulation, landscaping treatments, and varied colours, materials and textures to:~~

(i) ~~reduce the visual bulk and avoid blank walls; or~~

(ii) ~~screen parking levels through an attractive and articulated façade treatment; or~~

(iii) ~~provide an appropriate transition between the podium and storeys above the podium, where development includes a tower.~~

(c) ~~provide opportunities on podium tops for:~~

(i) ~~communal open spaces and roof gardens for use by building occupants; or~~

(ii) ~~where appropriate, publicly accessible uses such as bar or food and drink outlet.~~

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Building spaces and services

15. ~~creating useable~~ provide communal and private open spaces<sup>28</sup> ~~within residential and accommodation developments that~~

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Commented [A538]: S2-28

(a) allow for equitable access; and

(b) achieve a depth and width that is suitable for use in a tropical environment and are comfortable throughout the year; and

(c) are safe, adaptable and functional to meet the requirements of occupants / users; and

(d) provide opportunities for deep planting in communal open spaces, that accommodate a range of landscaping treatments including larger trees; and

(e) ensure balconies on towers maintain privacy of habitable rooms or outdoor spaces and provide visual variety and articulation in the built form.

8-16. ~~concealing~~ onsite vehicular parking / circulation, ~~and service areas and loading~~ bays by locating these elements beneath, behind, or within a building.

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Lot design

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9-17. ensure lot design, size and dimensions are suited for the intended use of the site having regard to the ability to accommodate buildings, structures, access, parking, on-site services and open space.

**2.5.2 Diverse urban environment**

Development will deliver diverse and mixed-use neighbourhoods within the PDA that:

1. provide for a ~~diverse range and mix of~~ housing options ~~and types delivering choice, adaptability and diversity through with~~ a mix of densities, ~~types, tenures,~~ designs and levels of affordability that caters for different forms of households, ~~needs~~ and life-cycle changes.

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2. provide for a diverse range and mix of commercial tenancy options, types and sizes that

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2. considers the adaptable ~~and flexible building~~ design of ~~commercial~~ tenancy spaces to:

(a) allow interchangeable uses, ~~cater for a range of businesses or and promote~~ formal / informal shared working spaces ~~that promotes tenancy flexibility and diversity;~~ and

(b) promotes the longevity and mixed-use nature of buildings and maximises high value and publicly accessible spaces in lower levels.

Note – refer to the Development intensity and built form parameters table in the relevant precinct for minimum requirements for internal floor to ceiling height in lower levels of a building.

**2.5.3 Movement, access and transport network**

Development supports the high-quality street and movement network by:

1. providing onsite vehicle and bicycle parking that meets the functional requirements of development in accordance with Table 24: Car and bicycle parking rates.

2. encouraging the use of active and public transport to reduce the need for car-based travel and demand for public parking in the PDA.

3. providing ~~safe, easily and~~ accessible ~~and clearly defined~~ end-of-trip facilities for pedestrians and ~~users of active transport modes~~ cyclists that promotes active

Commented [A543]: S2-32

<sup>28</sup> For guidance on communal and private open spaces, refer to the Mackay Region Planning Scheme 2017 *Multiple dwelling activities code* for residential developments and *Short-term accommodation code* for accommodation developments.

- ~~transport~~<sup>29</sup>, including facilities for the storage and charging of micro-mobility devices.
4. ensuring the location and design of vehicular access, parking, manoeuvring areas, refuse collection, and service vehicle access:
    - (a) is safe, legible, logical and located as far as practical from intersections;
    - ~~(a)(b)~~ considers the readiness of development for future electric vehicle charging in parking areas by making provision for adequate wiring, circuit boards, electrical capacity and control systems;
    - ~~(b)(c)~~ minimises fragmentation and the safe movement of pedestrian pathways and road traffic;
    - ~~(e)(d)~~ caters for vehicles accessing the development, and allows for safe onsite vehicle queuing, parking and manoeuvring;
    - ~~(d)(e)~~ co-locates servicing and parking access points to minimise impacts on the streetscape; and
    - ~~(e)(f)~~ avoids the need for service and refuse collection vehicles to park, stop or queue on the existing public road network and internal vehicular network.
  5. maintaining the function, navigability and efficiency of the established road hierarchy<sup>30</sup>.
  6. establishing a permeable, highly connected and legible urban environment that supports the creation of open spaces and cross block links.

Table 24: Car and bicycle parking rates

Car parking rates	For residential activities	<ul style="list-style-type: none"> <li>1 space per unit containing up to 2 bedrooms; or</li> <li>1.5 spaces per unit containing 3 or more bedrooms</li> </ul>
	For: <ul style="list-style-type: none"> <li>commercial activities</li> <li>community activities</li> <li>industrial activities</li> </ul>	<ul style="list-style-type: none"> <li>1 space per 50-m<sup>2</sup> of gross floor area</li> </ul>
	For accommodation activities	Where located in: <ul style="list-style-type: none"> <li>Precincts 1 and 2:               <ul style="list-style-type: none"> <li>room only unit – 0.5 spaces per unit; or</li> <li>serviced apartment – refer to car parking rates for residential activities</li> </ul> </li> <li>Where located in Precincts 4 and 5:               <ul style="list-style-type: none"> <li>refer to car parking rates for residential activities</li> </ul> </li> </ul>

<sup>29</sup> For guidance, refer to Queensland Development Code Mandatory Part 4.1 – Sustainable buildings 2013

<sup>30</sup> Refer to the Mackay Region Planning Scheme 2017 *Road hierarchy overlay map*.

	For all other uses	For guidance, refer to car parking rates <del>contained within</del> the General development requirements code within the Mackay Region Planning Scheme 2017.
<b>Bicycle parking rates</b>	For all uses	For guidance, refer to bicycle parking rates <del>contained within</del> the General development requirements code within the Mackay Region Planning Scheme 2017.

#### 2.5.4 Public realm

Development supports and enhances an attractive, high quality, accessible, well-connected, multi-functional public realm with a strong sense of place, character, identity and amenity by:

1. ~~creating a high level of amenity and identity by~~ providing landscaping, ~~shade tree planting~~, street furniture and footpath treatments ~~along to the public realm where adjoining a site street frontages that creates a high level of amenity and positively contributes to the character and identity of the streetscape and locality.~~  
Note – refer to the relevant Planning scheme policies (PSP) under the Mackay Region Planning Scheme for landscaping, street furniture and footpath treatments (as amended from time to time). The PSP standards will apply until a specific PDA guideline for these elements is implemented.
2. ~~appropriately~~ integrating public art that is suitable for the origins, history ~~and~~, character ~~and identity~~ of Mackay<sup>31</sup>.
3. having regard to the relationship and interface with the adjoining public realm.
4. having regard to the relationship between, and safety of pedestrians, ~~cyclists active transport modes~~ and vehicles to minimise conflicts to, from and within the site.
5. reflecting and reinforcing the tropical image and coastal character of Mackay by extending the character and amenity of the adjoining public realm from the street into the building foyers, onto podiums, balconies or external walls, communal spaces surrounding buildings, and including elements such as arbours and green walls.
6. accommodating opportunities for temporary placemaking activities within streets, laneways, parks, and other public spaces.

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#### 2.5.5 Community safety and development constraints

The siting, design, construction and operation of development supports community safety and minimises adverse impacts on people, property and the environment from development constraints by:

##### *Community safety and wellbeing*

1. incorporating Crime Prevention through Environmental Design (CPTED) principles<sup>32</sup> in the design of all development and public realm spaces within the PDA to create safe, secure and inviting buildings, places and spaces for people both day and night.
2. incorporating appropriate safety features in line with current standards, best practice guidance, including fire safety, emergency vehicle access and flood immunity.
3. promoting community health and well-being through a design that supports a healthy and active lifestyle.

<sup>31</sup> For guidance, refer to Mackay Regional Council's Public Art Strategy.

<sup>32</sup> For guidance, refer to the Queensland Police Service *Crime Prevention Through Environmental Design: Guidelines for Queensland 2007/2021*.

4. ensuring all buildings, as well as private spaces, publicly accessible areas and pedestrian entrances, are designed to be inclusive, accessible and welcoming for all users, including people with disabilities.

~~5. minimising~~ensuring adverse impacts on people, property and the environment from contaminated land.

~~6. ensuring~~ potential amenity impacts, such as light, odour, vibration and noise, to existing sensitive land uses are avoided, to the greatest extent practicable, then managed or mitigated.

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#### Acid sulfate soils

~~Note~~ – refer to the *Acid sulfate soils overlay map* under the Mackay Region Planning Scheme 2017 to identify acid sulfate soils.

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~~5-7.~~ avoiding the disturbance of acid sulfate soils to the greatest extent practical, then managing impacts to reduce risks posed to the natural and built environments from the release of acid and metal contaminants<sup>33</sup>.

~~6-8.~~ ensuring acid sulfate soils are treated in accordance with current best practice in Queensland<sup>34</sup>.

#### Airport environs

~~Note~~ – refer to the *Airport environs overlay map* under the Mackay Region Planning Scheme 2017 to identify obstacle limitation surface, lighting restriction zones and wildlife hazard buffers mapping.

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~~7-9.~~ maintaining the safety and efficiency of the operational airspace<sup>35</sup> for the Mackay Airport, ~~by ensuring~~ including the:

- (a) ~~development, including associated equipment used during construction (such as cranes), landscaping (at maturity) and other structures (such as aerials), does not exceed the~~ obstacle limitation surface height<sup>36</sup>, ~~or~~
- (b) ~~development located the~~ lighting restriction zones ~~does not include external lighting or reflective surfaces where such fixtures could distract and confuse pilots and increase the risk of an aircraft incident; or and~~
- ~~(b)(c)~~ ~~development located in the~~ wildlife hazard buffers<sup>37</sup> ~~does not attract birds or bats.~~

#### Environment

~~8-10.~~ protecting the environmental values and ecological functions and connections of the Pioneer River and Sandfly Creek by:

- (a) ~~ensuring development avoiding~~ ing, to the greatest extent practicable, then minimises ~~or managing or mitigating~~ es adverse impacts on fisheries resources including fish habitats, marine plants<sup>38</sup> and fish passage<sup>39</sup> to ensure long-term fisheries

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<sup>33</sup> For guidance, refer to the Mackay Region Planning Scheme 2017 *Acid sulfate soils overlay code*

<sup>34</sup> Refer to Queensland Acid Sulfate Soils Technical Manual. Note, the Interim DA for acid sulfate soils has been removed from the SPP July 2017.

<sup>35</sup> For guidance, refer to the *Airport environs overlay map* under the Mackay Region Planning Scheme 2017 to identify obstacle limitation surface, lighting restriction zones and wildlife hazard buffers mapping

<sup>36</sup> Any building (including construction equipment), structure or landscaping (whether temporary or permanent) that exceeds the obstacle limitation surface is referred to the airport operator and Civil Aviation Safety Authority (CASA) and complies with any CASA directives.

<sup>37</sup> For guidance, refer to the Mackay Region Planning Scheme 2017 *Airport environs overlay code*.

<sup>38</sup> Refer to action 6 in section 4.6 of the implementation strategy.

<sup>39</sup> Refer to Fisheries Guidelines including Fisheries guidelines for fish habitat buffer zones and Queensland wetland buffer planning guideline and State Development Assessment Provisions for guidance on appropriate buffer widths to marine plants. The guidelines are available at [www.daf.qld.gov.au](http://www.daf.qld.gov.au).

productivity and accessibility in accordance with the Queensland Environmental Offsets Policy;

- (b) maintaining and enhancing water quality through the use of best practice total water cycle management and water sensitive urban design principles; and
- (c) meeting water quality objectives<sup>40</sup> for receiving waters and wetlands, including groundwater, at all times.

~~9-11.~~ ~~avoiding, to the greatest extent practicable, then minimising or managing or mitigating~~ impacts on water and ecological processes and connections that support and interact with the Great Barrier Reef, including estuarine and coastal habitats and landforms.

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~~10-12.~~ not interfering with either coastal processes or enables these processes to continue as closely as possible to their natural way<sup>41</sup>.

~~13.~~ ~~avoiding, to the greatest extent practicable, then minimising and managing or mitigating~~ adverse impacts on the adjoining Sandfly Creek environmental area<sup>42</sup> and other areas of environmental value that may be present in, or adjacent to, the PDA.

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#### Natural hazards

~~Note – refer to the Flood and coastal hazards overlay map under the Mackay Region Planning Scheme 2017 to identify flood, storm tide inundation and erosion prone mapping.~~

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~~14.~~ ~~either~~ appropriately designing, locating and constructing development to:

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- (a) avoid ~~to the greatest extent practicable, then~~ minimise susceptibility to and ~~the~~ impact of flood and coastal hazards<sup>43</sup> including the potential impacts of climate change;<sup>44</sup> or

~~(a)(b)~~ mitigating the risks to people and property to an acceptable or tolerable level.

~~14-15.~~ ensuring development is designed and located to be compatible with the nature of the flood or storm tide hazard by providing a ~~minimum~~ floor level<sup>44</sup> for ~~non-residential uses or~~ all habitable rooms that is:

Commented [AS55]: S2-40

- (a) 300mm above the defined flood event (DFE) or defined storm tide event (DSTE); or

~~Note – DFE is the 1% AEP flood event plus climate change factor. The DFE is derived from adopted studies regarding riverine and local flood events. Where a site is covered by more than one study, the highest flood level is the DFE.~~

- (b) 600mm above the DSTE if located 100 metres of the foreshore area<sup>45</sup>.

~~Note – non-residential uses include adult store, agricultural supplies store, childcare centre, commercial activities, community activities, home-based business (not applicable to a proposed home-based business in an existing building), industrial activities, major sport, recreation and entertainment facility, nightclub entertainment facility, sales office, service station, and tourist attraction.~~

~~Note – habitable rooms associated with accommodation activities, caretaker's accommodation, residential activities, and resort complex.~~

<sup>40</sup> For guidance, refer to the SPP 2017 Appendix 2 – Stormwater management design objectives, and Mackay Region Planning Scheme 2017 *Healthy waters code* and the *Engineering design guideline – healthy waters planning scheme policy*.

<sup>41</sup> Action 4 of section 4.6 will investigate the requirements and impacts of future coastal-dependent development in relation to coastal protection works along the coast and within the Pioneer River with respect to coastal processes and resources.

<sup>42</sup> Refer to SPP mapping to identify the environmental values and constraints for the Sandfly Creek environmental area.

<sup>43</sup> For guidance, refer to the Mackay Region Planning Scheme 2017 *Flood and coastal hazards overlay code* and associated mapping.

<sup>44</sup> Visit Mackay Regional Council's website to make an enquiry to identify the DFE or DSTE level - <https://onlineservices.mackay.qld.gov.au/ePathway/ePathProd/Web/Mobility/CityWatch/index.html?Action=CREATE&Module=ECRREQT&Class=ONLINE&Type=OLQ100>.

<sup>45</sup> ~~The foreshore area shall be taken as extending inland for a minimum of 100 metres from the higher of the toe of the frontal dune or Highest astronomical tide.~~

Note – the foreshore area shall be taken as extending inland for a minimum of 100 metres from the higher of the toe of the frontal dune or Highest astronomical tide.

~~42-16.~~ providing no worsening for surrounding sites upstream, downstream or in the general vicinity of the development site, and maintaining overland flowpaths.

~~43-17.~~ ensuring underground car parks are designed to prevent the intrusion of flood or storm tide waters by the incorporation of a bund or similar barrier with a minimum height of 300mm above the DFE or 600mm above DSTE, whichever is higher.

~~44-18.~~ ensuring utilities associated with a development, including substation equipment and switchboards, are located above the DFE or DSTE.

~~45-19.~~ complying with the SPP provisions for erosion prone areas within a coastal management district<sup>46</sup>.

Note – refer to the SPP 2017 and the state interest guidance material for natural hazards, risks and resilience – coastal hazards.

Commented [A556]: S2-41

~~46-20.~~ locating and designing community infrastructure to maintain the required level of functionality during and immediately after a natural hazard event.

~~47-21.~~ supporting, and not hindering disaster management capacity and capabilities, and safe evacuation routes.

~~48-22.~~ maintaining and / or minimising impacts on the protective function of infrastructure, natural landforms and vegetation that can mitigate risks associated with natural hazards.

~~49-23.~~ ensuring the design of public realm areas in flood and coastal hazard areas is resilient.

#### *Tidal works*

~~20-24.~~ appropriately undertaking tidal works<sup>47</sup>, where required.

~~24-25.~~ ensuring marine infrastructure avoids adverse impacts on coastal resources and processes.

~~22-26.~~ reflecting the natural tidal processes into the design of buildings, infrastructure and the public realm.

#### **2.5.6 Infrastructure**

Note – in this section, refer to the General development requirements code, Healthy waters code and relevant Planning Scheme Policies under the Mackay Region Planning Scheme 2017 for the assessment and construction requirements of operational works.

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The design and operation of development, including during construction, will support the efficient and effective delivery and operation of infrastructure<sup>48</sup> by:

1. having regard to impacts on the safety and efficiency of the broader transport and traffic network in the surrounding area.
2. ensuring the delivery of planned trunk infrastructure is not adversely impacted.
3. providing infrastructure and services in a timely, orderly, integrated and coordinated manner ~~to support urban uses and works.~~
4. ensuring infrastructure and services are available or capable of being made available including roads, public and active transport, water supply, sewerage, stormwater, park network, community facilities, energy and telecommunications.

<sup>46</sup> ~~Refer to the SPP 2017 and the State interest guidance material for natural hazards, risks and resilience – coastal hazards~~

<sup>47</sup> For guidance, refer to SDAP State Code 8: Coastal development and tidal works.

<sup>48</sup> ~~For guidance on the requirements for the assessment and construction of operational works, refer to the General development requirements code, Healthy waters code and relevant Planning Scheme Policies in the Mackay Region Planning Scheme 2017.~~

5. ensuring infrastructure and services maximise efficiency and ease of maintenance and minimise whole of lifecycle costs.

~~5.6. ensuring allowing for public events and~~ interim uses ~~to~~ have access to ~~essential infrastructure and services where required.~~

~~2.5.7. maximising the infrastructure investment by providing opportunities to deliver best practice development outcomes and higher residential densities on both waterfronts, around Queens Park and in the city centre.~~

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#### **2.5.82.5.7 Heritage**

~~Note – refer to the Heritage overlay map under the Mackay Region Planning Scheme 2017 to identify a State or Local heritage place.~~

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Development retains the historic identity within the ~~Mackay Waterfront~~ PDA by protecting, maintaining and enhancing the region's distinctive cultural and heritage places<sup>49</sup> and sensitively managing any development opportunities<sup>50</sup> ~~to~~by:

Commented [A560]: S2-45

1. ~~avoiding, to the greatest extent practicable, then managing or~~ and minimising adverse impacts on the heritage significance ~~of the place,~~ particularly the unique art deco heritage character of buildings (including internal elements), facades, and streetscapes ~~which gives the precinct its unique sense of place and identity.~~

Commented [A561]: S2-46

4-2. ~~encourage, where appropriate, by the protection or~~ the adaptive reuse of ~~the a~~ heritage place ~~in a way that is compatible, respectful and sympathetic to its heritage significance~~<sup>51</sup>.

3. ~~ensure development adjoining a heritage place respecting heritage values by minimising~~ impacts from built form, bulk and proximity ~~to adjoining heritage places.~~

2-4. ~~ensure development involving reconfiguring a lot on a heritage place does not result in an allotment size, configuration or pattern which would adversely affect the setting or views of a heritage place.~~

Commented [A562]: S2-47

3-5. ~~maintaining~~ the visual prominence and views of heritage places and heritage value elements from streets and public places.

4-6. ~~ensuring~~ advertising devices do not detract from character, visual amenity and heritage values.

5-7. ~~avoiding~~ adverse impacts on areas or objects with cultural heritage significance to Aboriginal and Torres Strait Islander groups where these areas or objects are discovered<sup>52</sup>.

<sup>49</sup> For information about a heritage place, refer to the heritage register listed in Schedule 4; the relevant Queensland Heritages Register statement of significance ~~or~~ or Mackay Regional Council ~~council's~~ Heritage Local Heritage Register ~~statements of significance (on council's website).~~

<sup>50</sup> For guidance ~~in the assessment of heritage related provisions:~~

- ~~local heritage place –~~ refer to the Mackay Region Planning Scheme 2017 *Heritage and neighbourhood character overlay code*, ~~or~~

- ~~state heritage place –~~ refer to SDAP *State Code 14: Queensland Heritage*.

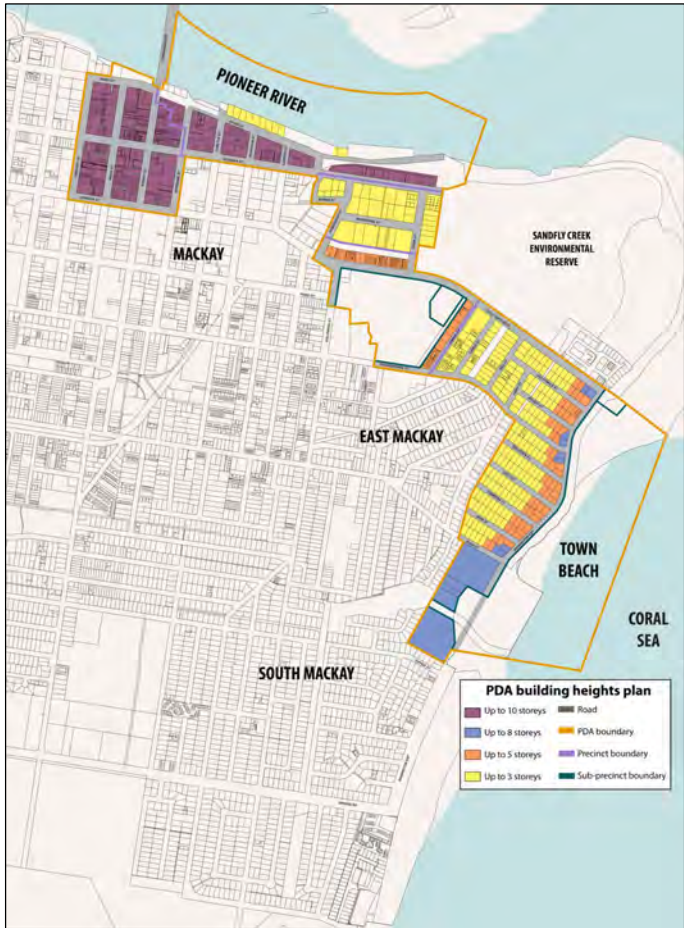
<sup>51</sup> To understand how to fulfil these requirements, development applicants should refer to:

- Developing Heritage Places: Using the development criteria document, a guideline prepared by Department of Environment and Science, and available at <https://www.qld.gov.au/environment/land/heritage/publications/>.
- The Burra Charter: The Australia ICOMOS Charter for Places of Cultural heritage significance 2013, available at <http://australia.icomos.org/publications/charters/> along with a number of useful Practice Notes.

<sup>52</sup> Development that may impact upon matters of Aboriginal cultural heritage and Torres Strait Islander cultural heritage supports the requirements of the *Aboriginal Cultural Heritage Act 2013* and the *Torres Strait Islander Cultural Heritage Act 2003*.



Map 3: PDA building heights plan



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## 2.6 Precinct provisions

The PDA is made up of five precincts (Map 4: PDA precincts and sub-precincts), each with unique attributes and redevelopment opportunities specific to their location. Each precinct contains a precinct development intent, preferred land uses, development provisions, precinct framework plan, and the levels of assessment table/s. Precincts 4 and 5 each contain three sub-precincts.

The ~~five~~ precincts and sub-precincts within the PDA are:

- Precinct 1 – Mackay city centre
- Precinct 2 – Riverside
- Precinct 3 – Enterprise
- Precinct 4 – Queens Park, including:
  - Sub-precinct 4A: Parkland
  - Sub-precinct 4B: Parkside living
  - Sub-precinct 4C: Parkside investigation area, and
- Precinct 5 – Beachside, including:
  - Sub-precinct 5A: Beachside living
  - Sub-precinct 5B: Beachside public space, and
  - Sub-precinct 5C: Beachside investigation area.

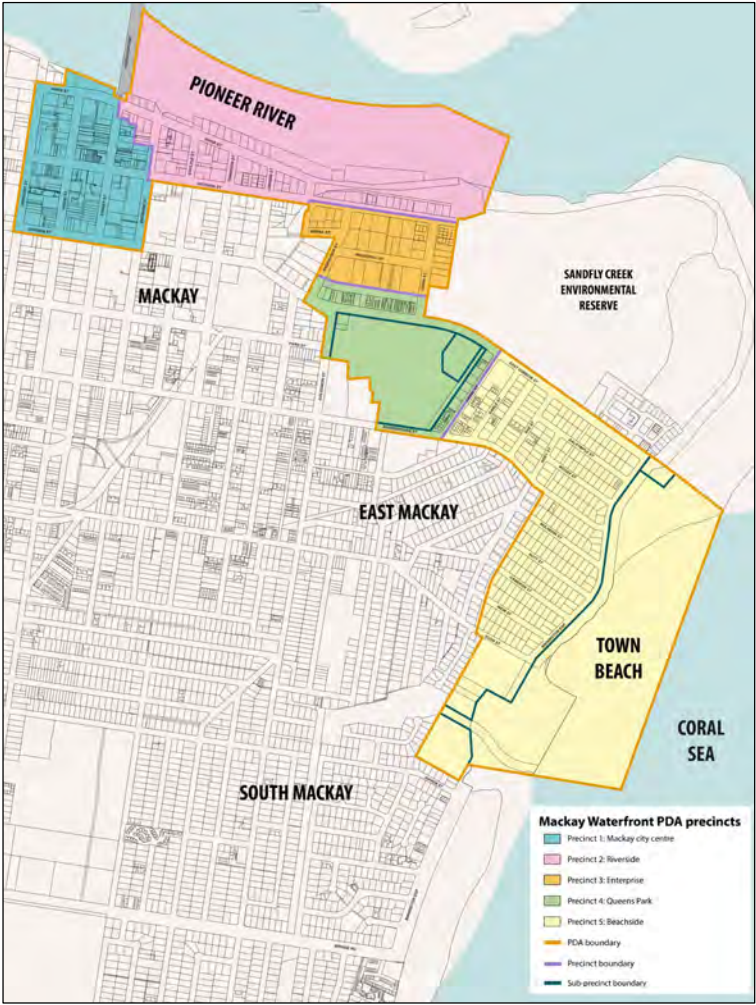
Map 4: PDA precincts and sub-precincts shows the location and boundaries of each precinct and sub-precinct.

Precinct development provisions:

- must be read in conjunction with the structural elements (section 2.4) and PDA-wide criteria (section 2.5) sections of the development scheme,
- provide guidance on where activities and development within the PDA is preferred, and development provisions to
- support the achievement of the strategic intent and strategic outcomes for the PDA.

Commented [A563]: S2-48

Map 4: PDA precincts and sub-precincts



Mackay Waterfront Priority Development Area

## 2.6.1 Precinct 1 – Mackay city centre

### 2.6.1.1 Precinct development intent

~~The Mackay city centre precinct will develop a~~ is the urban heart of Mackay and functions as the primary business, administration, and employment centre for the region. ~~The precinct is~~ a vibrant, accessible and engaging place for people to live, learn, work, trade and play. ~~Streets and the public realm<sup>53</sup> are inviting and incorporate shade, footpath activities, public art, and access to pedestrian, active transport and parking facilities, and~~ The Mackay city centre will be a high density mixed-use precinct that will accommodate

Commented [AS64]: S2-49

The precinct accommodates a diverse range, mix and intensity of the following uses in predominantly attached building forms:

- residential and accommodation activities, which are located above the ground floor either in towers or as shop top living; and
- business, professional services, creative industry, retail, dining, entertainment, community, and health and wellbeing activities.

Victoria Street (west of Sydney Street) and Wood Street are a focus for retail, dining, footpath trading and entertainment activities at street level, which contribute to the vibrancy of the public realm and enable the precinct to function all day and throughout the week.

Development in the Mackay city centre precinct:

1. supports the population and economic growth and development of Mackay and the Greater Whitsunday Region by:
  - (a) developing a critical mass of residents and workforce to support business, administration, and professional services providers, and the adjacent high value amenity areas along the Pioneer River; and
  - (b) providing a diverse mix of tenancy types and sizes to support a range of commercial activities and opportunities for informal / formal shared working spaces.
2. provides diverse work, business and lifestyle opportunities through a diverse range, mix and intensity of commercial, high density residential, accommodation, health and wellbeing, recreation, entertainment and community activities, as identified in Table 32: Precinct 1 – Preferred land uses.
3. provides opportunities for temporary or interim uses that promote activity and deliver amenity including markets, pop up retail, outdoor dining, and events including cultural, entertainment and artistic performances to increase visitors to the city centre.

Table 32: Precinct 1 – Preferred land uses

Preferred land uses		
• accommodation activities	• dwelling unit	• park
• childcare centre	• hospital/indoor sport and recreation	• residential activities
• caretaker's accommodation	• low impact industry (involving brewery, coffee)	• sales office
• commercial activities		

Commented [AS65]: S2-50

<sup>53</sup> Refer to the Mackay Waterfront PDA master plan for guidance on potential public realm outcomes for the Mackay city centre precinct.

- community activities roasting or -distilling alcohol
  - market
  - nightclub entertainment facility

### 2.6.1.2 Built form and urban design

Development in the Mackay city centre precinct ~~will~~:

~~6~~ delivers a built form that:

~~(a) reflects and reinforces the character and identity of the Mackay city centre as the primary business activity centre of Mackay and the Greater Whitsunday Region;~~ and

Commented [AS66]: S2-51

4. is generally designed in accordance with Table 43: Precinct 1 – Development intensity and built form parameters.

5. has regard to the place characteristics of the precinct relating to its unique art deco architecture, north-orientated grid pattern, wide verdant streetscapes, network of laneways, and proximity to the Pioneer River.

Commented [AS67]: S2-52

6. supports the activation of laneways, where the site has a frontage to a laneway, by providing building activation measures that are accessible from the laneway.

Commented [AS68]: S2-52

~~5-7~~ emphasise the prominence of intersections by providing provides corner truncations (identified on Map 5: Precinct framework plan 1 – Mackay city centre) in accordance with Figure 2 – Corner truncation that forms part of the public footpath and is reflected in the design of the building.

Commented [AS69]: S2-53

~~6-8~~ strengthens the Mackay city centre as a waterfront destination and the precinct's relationship and interface with the Pioneer River by:

Commented [AS70]: S2-54

(a) orientating buildings toward the Pioneer River ~~Street to face north towards to the river and Post Office Park and public realm areas;~~ and

(b) providing mixed-use buildings, where deliver active uses at the ground level and within podium levels to activate River Street and take advantage of views to the river on levels above the ground floor are occupied by retail commercial or community uses.

Table 43: Precinct 1 – Development intensity and built form parameters

Building height	As identified on Map 3 – PDA building heights plan <sup>64</sup>	Up to 10 storeys (inclusive of podium)
	<u>Note</u> – in areas affected by flooding, building height above ground level is the building height identified in Map 3 – PDA building heights plan plus the highest of either the defined flood event (DFE) or defined storm tide event (DSTE) relevant to the subject site.	

Commented [AS71]: S2-55

<sup>64</sup> In areas affected by flooding, building height above ground level is the building height identified in Map 3 – PDA building heights plan plus the highest of either the defined flood event (DFE) or defined storm tide event (DSTE) relevant to the subject site.

	Podium	Up to 2 storeys (inclusive of ground floor)
	State heritage place	Up to 4 storeys
<b>Minimum internal floor to ceiling height</b>	Up to 2 storeys	<ul style="list-style-type: none"> <li>• 4 metres on ground floor; or</li> <li>• 3.3 metres on the first floor</li> </ul>
<b>Minimum setback to a street</b>	<del>Podium (u</del> Up to 2 storeys)	0 metres, unless setback further from the street boundary to accommodate: <ul style="list-style-type: none"> <li>• civic, <del>foyer</del> or outdoor trading spaces; or</li> <li>• <del>a</del> graduated floor level transition from street level up to the finished floor level of the ground floor, where development is required to mitigate a flood or storm tide hazard</li> </ul> <p><i>Note – where development incorporates a graduated floor level transition from street level to the finished floor level inside the building, the transition may include civic, foyer or outdoor trading spaces. Any ramps, stairs, elevators or other accessibility features utilised to bridge the variation in floor level are contained wholly within the premises.</i></p>
	3 or more storeys	5 metres (outermost projection) to 8 metres (wall)
<b>Minimum setback to a laneway</b>	<del>Podium (u</del> Up to 2 storeys)	0 metres
	3 or more storeys	3 metres
<b>Minimum setback to side and rear boundaries</b>	<del>Podium (u</del> Up to 2 storeys)	0 metres
	3 or more storeys	3 metres
<b>Maximum building bulk</b>	<del>Tower elements</del>	1,500-m <sup>2</sup> floorplate per storey
<b>Maximum building length</b>	<del>Tower elements</del>	60 metres in any horizontal direction
<b>Building interface with street at ground floor</b>	Doors and openings / full length glazing	Minimum 75 per cent of total frontage
<b>Pedestrian amenity</b>	Footpath awning	Required on a primary frontage for the full length of the site frontage <sup>55</sup>
		<i>Note – excludes development on a State heritage place.</i>

Commented [AS72]: S2-56

Commented [AS73]: S2-57

**2.6.1.3 Public realm**Development in the Mackay city centre precinct ~~will~~:

~~7.9~~ ~~has~~ regard to the relationship and interface with the ~~local parklands of~~ Wood Street Park, ~~Post Office~~ River Street Park and Town Hall Park.

Commented [AS74]: S2-59

**2.6.1.4 Movement, access and transport network**Development in the Mackay city centre precinct ~~will~~:

<sup>55</sup> Excludes development on a State heritage place.

~~8-10.~~ retains the existing network of laneways providing for rear servicing and vehicular access to sites, and ~~for safe pedestrian and cyclist-active transport access across city blocks.~~

Commented [A575]: S2-60

~~9-11.~~ ensures that extensions to laneways or a new laneway (in public or private ownership) ~~can~~ provides adequate access and opportunities for ancillary temporary activation and placemaking activities.

~~40-12.~~ improves pedestrian and cyclist-active transport access and permeability across city blocks.

~~14-13.~~ avoids new vehicular access points ~~for sites with frontage to designated from~~ state-controlled roads of Sydney Street (north from Gordon Street) and Gordon Street (west from Sydney Street)<sup>56</sup>.

Commented [A576]: S2-61

~~42-14.~~ maintains the function, efficiency, safety and visual amenity of the public transport interchange facility on Gregory Street (between Victoria Street and Gordon Street) ~~by creating an appropriate interface and orientation to avoid conflicts.~~

#### 2.6.1.5 Heritage

Development in the Mackay city centre precinct:

~~15. where on a heritage place:~~

Commented [A577]: S2-62

- (a) ~~protects and preserves the natural, aesthetic, architectural, historic or cultural values of significant trees, places, objects or buildings of heritage and cultural significance; and~~
- (b) ~~where on a State heritage place,~~ does not result in the loss of any significant façade, roof, structure, interior or other significant fabric of the ~~State heritage place;~~ ~~and-~~
- (c) avoids the full or partial demolition or modification of ~~iconic~~ building facades, ~~including awning structures,~~ on a heritage place ~~where~~ located on ~~the~~:
  - (i) ~~northern side~~ Victoria Street, between ~~Wood~~ Gregory and ~~Sydney~~ Brisbane Streets;
  - (ii) ~~eastern side of~~ Wood Street, between Gordon and River Streets; and
  - (iii) ~~western side of~~ Sydney Street, between ~~Victoria~~ Gordon and River Streets.

~~16. where adjoining a heritage place, ensures buildings:~~

- (a) ~~appropriately design and locate~~ with a height of 5 or more storeys ~~do not:~~
  - (i) ~~adversely affect views to and from the heritage place; and~~
  - (ii) ~~obscure or destroy any pattern of historic context, landscape setting or the scale of consistency of the streetscape relating to heritage places; and~~
- ~~(a)(b)~~ are appropriately designed to avoid and minimise adverse impacts on the heritage significance and character values of buildings ~~(including internal elements),~~ facades, and streetscapes<sup>57</sup>.

<sup>56</sup> Where associated with a state-controlled road, further requirements or approvals may be required from the Department of Transport and Main Roads.

<sup>57</sup> Refer to the requirements, standards and guidance identified in the Developing Heritage Places: Using the development criteria document, prepared by Department of Environment and Heritage Protection, 2013, as amended or replaced from time to time.



2.6.1.6 Precinct framework plan

Map 5: Framework plan 1 – Mackay city centre

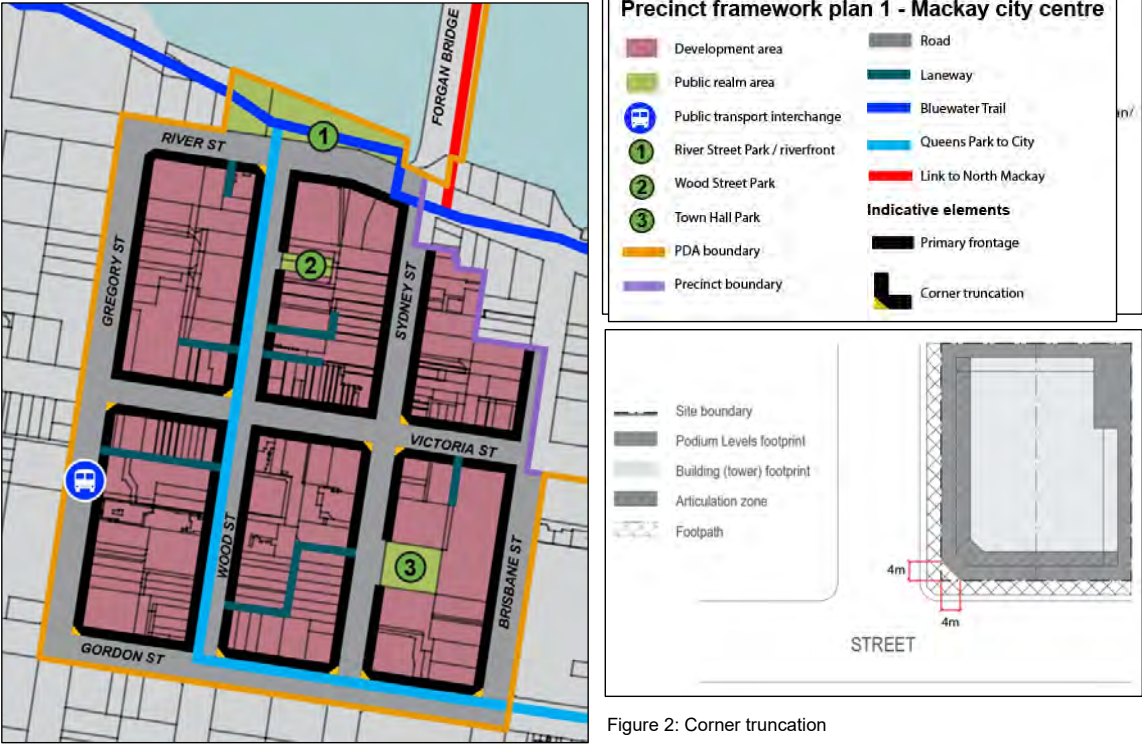


Figure 2: Corner truncation

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**2.6.1.7 Categories of development**

Table 54: Precinct 1 – Categories of development

Column 1	Column 2	
PDA accepted development	PDA assessable development	
	Column 2A	Column 2B
	Permissible development	Prohibited development
1. Development specified in Schedule 1. 2. Material change of use for any of the following uses where located within an existing building that has been previously occupied by any of these uses: (a) commercial activities, excluding bar <u>and hotel (involving a pub)</u> <b>(b) community activities</b> <b><u>(b)(c) dwelling unit, where located above the ground floor</u></b> <del>(c) indoor sport and recreation</del> (d) market. 3. Material change of use for any of the following uses <u>if where</u> located within the podium levels of an existing building and complying with the requirements for accepted development in Schedule 54.1: (a) bar (b) hotel (involving a pub) (c) nightclub entertainment facility. 4. <u>Material change use for low impact industry (involving brewery, coffee roasting or distilling alcohol) where located within an existing building that has been previously occupied by a non-residential use and complying with the requirements for accepted development in Schedule 4.2.</u>	1. All development other than development mentioned in columns 1 and 2B. 2. <u>Operational work that is the placing of advertising devices, other than advertising devices mentioned in Schedule 2, on a heritage place.</u> Note – assessment of the advertising device(s) on a heritage place under this development scheme does not replace the assessment and approval of the advertising device(s) under Subordinate Local Law 1.4 (Installation of advertising devices) 2011.	1. Development specified in Schedule 2.

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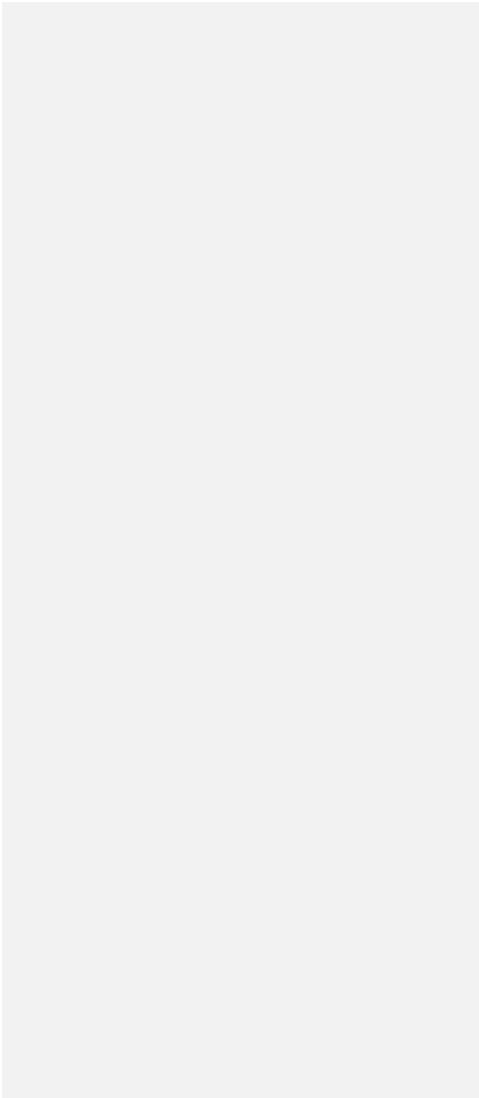
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5.4.		
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## 2.6.2 Precinct 2 – Riverside

### 2.6.2.1 Precinct development intent

Development in the Riverside precinct ~~is will support a new and vibrant mixed-use distinctive waterfront destination on the southern bank of the Pioneer River, extending between Sydney Street and the River Street boat ramp.~~

Commented [A580]: S2-65

~~The precinct accommodates a diverse range and intensity of residential and accommodation activities that capitalise on the riverside location and proximity to employment or business activities in the Mackay city centre precinct and Enterprise precinct.~~

~~Retail, dining, tourism, entertainment, and placemaking activities in the precinct are focussed along River Street to support a vibrant and activated public realm along the riverfront and enable the precinct to function all day and throughout the week.~~

The central feature of the precinct is a vibrant, ~~engaging-inviting, safe and publicly-accessible riverside promenade public realm~~<sup>58</sup> ~~(including public spaces and community infrastructure) along the riverfront that~~ establishes a sense of place, character, and identity for the precinct by:

- ~~incorporating shade, opportunities for recreation and outdoor dining, generous spaces for social gathering and events, and public art with associated. The riverside promenade~~
- ~~maintainings and enhancings~~ safe and convenient pedestrian and active transport access and linkages along the riverfront ~~and through the precinct; and;~~
- ~~providings~~ physical and visual connectivity with the water, ~~and forms part of the Bluewater Trail. The precinct will be supported by a range of cultural, festive and placemaking activities that activate the riverfront day and night, and.~~

The ~~Fisher's Tale public realm area, located at the~~ eastern end of the precinct ~~(east of Burns Street)~~, is enhanced as a boating and fishing quarter that retains and improves the boat ramp and associated infrastructure, and provides for a range of water-based activities and associated ~~public realm /~~ placemaking opportunities.

Development in the Riverside precinct ~~will;~~

1. ~~supports the riverfront as a new and~~ distinctive waterfront destination.
2. ~~provides diverse lifestyle and leisure opportunities through a range of residential, accommodation, commercial, tourism, recreation, and community activities, as identified in Table 66: Precinct 2 – Preferred land uses.~~
3. ~~provides opportunities for interim uses that promote activity and deliver amenity including markets, pop up retail, outdoor dining, and events including cultural, entertainment and artistic performances to increase visitors to the riverfront.~~

Table 65: Precinct 2 – Preferred land uses

Preferred land uses		
• accommodation activities	<del>food and drink outlet</del>	• market <del>office</del>
• <del>caretaker's</del>	<del>function facility</del>	• park
<del>accommodation bar</del>	<del>health care services</del>	• residential activities
• childcare centre	• community use	<del>service industry</del>

Commented [A581]: S2-66

<sup>58</sup> Refer to the Mackay Waterfront PDA master plan for guidance on potential public realm outcomes for the Riverside precinct.

- |  |   |   |
|--|---|---|
| <ul style="list-style-type: none"> <li>club</li> <li><del>commercial activities</del></li> <li>community care centre</li> <li>community residence</li> <li><del>dwelling unit</del></li> </ul> | <ul style="list-style-type: none"> <li>education establishment</li> <li><del>hospital</del></li> <li><del>hotel</del></li> <li><del>indoor sport and recreation</del></li> <li>landing</li> <li><del>low impact industry (involving brewery, coffee roasting and distilling alcohol)</del></li> </ul> | <ul style="list-style-type: none"> <li><del>shop</del></li> <li><del>shopping centre</del></li> <li><del>theatre</del> tourist attraction</li> <li><del>veterinary service</del></li> </ul> |
|--|---|---|

### 2.6.2.2 Built form and urban design

Development in the Riverside precinct ~~will~~:

1. ~~delivers~~ a built form that :
  2. ~~responds to, reflects and reinforces the Pioneer River location and historic river port character; and~~
4. is ~~generally designed~~ in accordance with Table 67: Precinct 2 – Development intensity and built form parameters.
- 3-5. occurs in varied built forms that are setback from the Pioneer River ~~frontage~~ to maximise the community's access along the riverfront and visual relationship with the water.
6. ~~contributes to the place characteristics of the precinct relating to its history as a working port, verdant streetscapes and public realm areas, and proximity to the Pioneer River.~~
- 4-7. engages with, overlooks and takes advantage of views and amenity provided by the Pioneer River.
8. ~~maintains~~ a human scale along ~~River Street and the riverfront north of the River Street levee wall and avoid being visually dominant when viewed from the river.~~
- 5.
- 6-9. ~~emphasise the prominence of intersections by providing~~ corner truncations (identified on Map 6: Precinct framework plan 2 – Riverside) at intersections on Victoria Street in accordance with Figure 2 – Corner truncation that forms part of the public footpath and is reflected in the design of the building.
10. integrates with, and provides opportunities for, public access to the:
  - (a) ~~Pioneer River, where located north of River Street; or~~
  - (a)
  - (b) ~~integrate with and provide opportunities for public access to the~~ Bluewater Trail, where located north of Victoria Street and east of Burns Street.

Commented [AS82]: S2-67

Commented [AS83]: S2-68

Commented [AS84]: S2-69

Table 76: Precinct 2 – Development intensity and built form parameters

Building height	As identified on Map 3 – PDA building heights plan <sup>69</sup>	<ul style="list-style-type: none"> <li>South of River Street – up to 10 storeys (inclusive of podium)</li> <li>North of River Street – up to 3 storeys (inclusive of podium)</li> </ul>
	<u>Note – in areas affected by flooding, building height above ground level is the building height identified in Map 3 – PDA building heights plan plus the highest of either the defined flood event (DFE) or defined storm tide event (DSTE) relevant to the subject site.</u>	
	Podium	Up to 2 storeys (inclusive of ground floor)
	State heritage place	Up to 3 storeys
Minimum internal floor to ceiling height	Up to 2 storeys	<ul style="list-style-type: none"> <li>4 metres on ground floor; or</li> <li>3.3 metres on the first floor</li> </ul>
Minimum setback to a street	Podium (up to 2 storeys)	0 metres, unless setback further from the street boundary to accommodate: <ul style="list-style-type: none"> <li>civic, foyer or outdoor trading spaces; or</li> <li>a graduated floor level transition from street level up to the finished floor level of the ground floor, where development is required to mitigate a flood or storm tide hazard</li> </ul>
	3 or more storeys	0 metres (outermost projection) to 3 metres (wall)  <u>Note – where development incorporates a graduated floor level transition from street level to the finished floor level inside the building, the transition may include civic, foyer or outdoor trading spaces. Any ramps, stairs, elevators or other accessibility features utilised to bridge the variation in floor level are contained wholly within the premises.</u>
Minimum setback to a laneway	Podium (up to 2 storeys)	0 metres
	3 or more storeys	3 metres
Minimum setback to side and rear boundaries	Podium (up to 2 storeys)	0 metres
	3 or more storeys	3 metres (outermost projection) to 6 metres (wall)
Maximum building bulk	Tower elements	1,500-m <sup>2</sup> floorplate per storey
Maximum building length	Tower elements	60 metres in any horizontal direction
Building interface with street at ground level	Doors and openings / full length glazing	Minimum 75 per cent of total frontage

Commented [A585]: S2-70

Commented [A586]: S2-71

Commented [A587]: S2-72

<sup>69</sup> In areas affected by flooding, building height above ground level is the building height identified in Map 3 – PDA building heights plan plus the highest of either the defined flood event (DFE) or defined storm tide event (DSTE) relevant to the subject site.

Pedestrian amenity	Footpath awning	Required on streets identified as a primary frontage and Victoria Street for the full length of the site frontage  <u>Note</u> – excludes development on a State heritage place.
	Shade and shelter	Combination of shade (trees and landscaping) and shelter on streets not: • identified as a primary frontage; or • on Victoria Street
	Footpath	For the full frontage of the site on all streets

Commented [A588]: S2-73

**2.6.2.3 Public realm**Development in the Riverside precinct ~~will~~:

~~7-11.~~ where located north of River Street, provides an accessible boardwalk along the river side of buildings that is wide enough to accommodate outdoor activation activities, pedestrian movement, furniture and shade structures, viewing areas, and physical access points to the river.

~~8-12.~~ hasve regard to the relationship and interface with the ~~local parklands of~~ Bluewater Quay, ~~riverfront public realm areas~~, Burns Street Park and Sandfly Creek Park.

Commented [A589]: S2-74

**2.6.2.4 Movement, access and transport network**Development in the Riverside precinct ~~will~~:

~~9.~~ retains and enhances Eleventh Lane and Nineteenth Lane that provides for rear servicing and vehicular access to ~~adjacent sites and for safe pedestrian access~~.

Commented [A590]: S2-76

~~10-13.~~ provide a north-south pedestrian connection from the Victoria Street end of Chain Street to the Bluewater Trail.

Commented [A591]: S2-75

~~11-14.~~ ensures that extensions to laneways or a new laneway (in public or private ownership) ~~can~~ provides adequate access and opportunities for ancillary temporary activation and placemaking activities.

~~12.~~ improve pedestrian and cyclist access and permeability across city blocks.

Commented [A592]: S2-75

~~13-15.~~ maintains, and does not obstruct, the designated navigation corridor in the Pioneer River.

~~14-16.~~ establishes and maintains and enhance safe and convenient pedestrian and cyclist active transport access and linkages across city blocks, along the Pioneer riverfront and to the river.

Commented [A593]: S2-76

~~16-17.~~ reduces the number of vehicle access points on ~~en~~ sites with frontage to the southern side of River Street, where vehicle access is either co-located vehicle access on River Street or provided vehicle access on north-south side streets to enable safe pedestrian movement and maximise opportunities for outdoor activation activities along River Street.

Commented [A594]: S2-76

**2.6.2.5 Heritage**Development in the Riverside precinct ~~will~~:

~~16-18.~~ protects and preserves the natural, aesthetic, architectural, historic or cultural values of significant trees, places, objects or buildings of heritage and cultural significance, including and incorporate the Leichhardt tree into the redeveloped waterfront as a historic and culturally significant place for the community and WH Paxton Warehouse.

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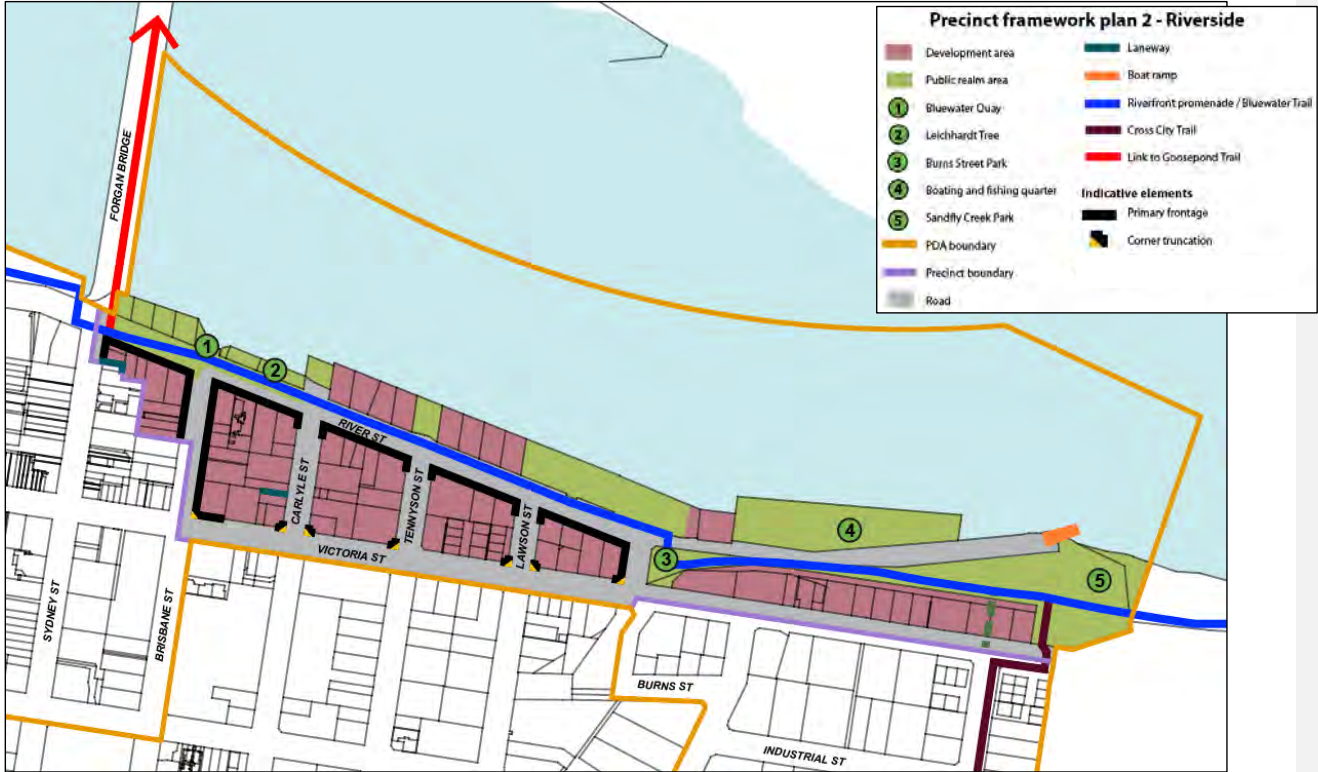
Mackay Waterfront Priority Development Area

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**2.6.2.6 Infrastructure**

Development in the Riverside precinct ~~will~~:

- ~~17-19~~ retains the river levee system and maintain its function to provide protection to the adjacent urban area from river flooding.
- ~~18-20~~ does not compromise, and where necessary provides, bed and bank stability appropriate to the intensity of development adjacent to, on or above the river bank having regard for large tidal variations, flood events, wave action and debris loading.
- ~~19-21~~ where located north of River Street, provides publicly accessible jetties and floating pontoons in strategic locations along the riverfront that allow access to the water, accommodates a range of water-based activities, and supplement the River Street boat ramp facilities.

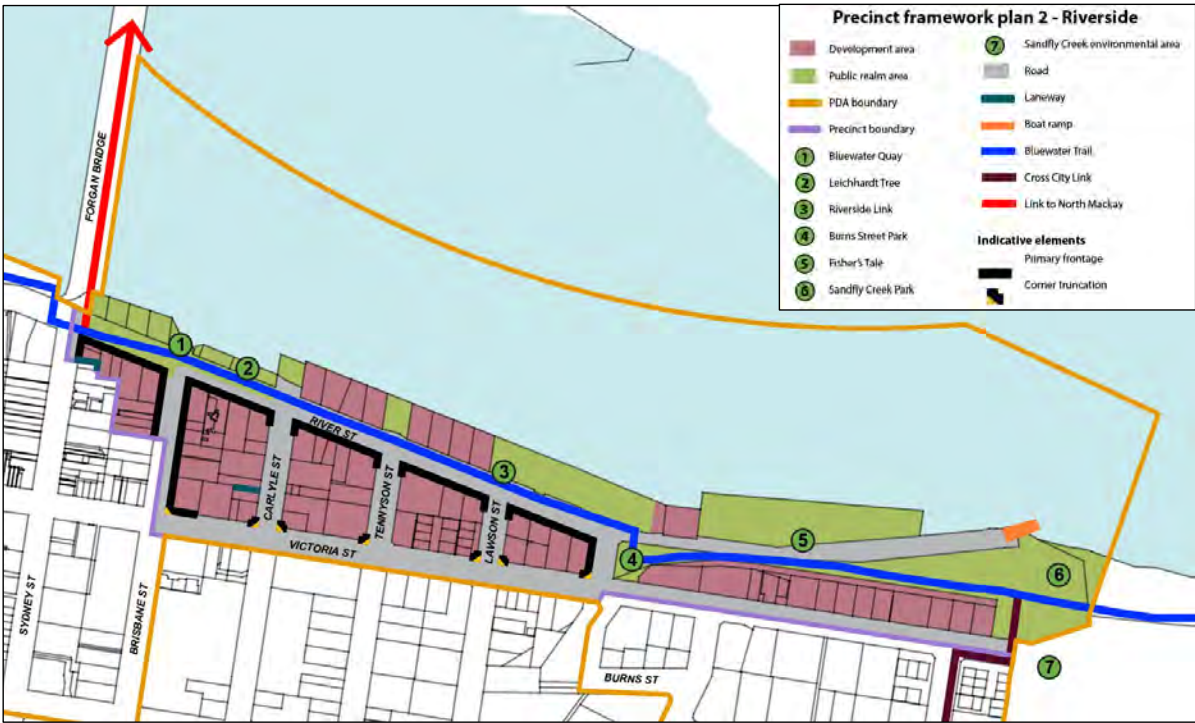


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2.6.2.7 Precinct framework plan

Map 6: Precinct framework plan 2 – Riverside



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**2.6.2.8 Categories of development**

Table 78: Precinct 2 – Categories of development

Column 1 PDA accepted development	Column 2 PDA assessable development	
	Column 2A Permissible development	Column 2B Prohibited development
<p>1. Development specified in Schedule 1.</p> <p>2. Material change of use for any of the following uses where located within an existing building that has been previously occupied by any of these uses:</p> <p>(a) commercial activities</p> <p>(b) community activities</p> <p>(c) dwelling unit, where located above the ground floor</p> <p>(b) indoor sport and recreation</p> <p>(e)(d) market.</p> <p>4. Material change of use for home-based business (other than what is specified in Schedule 1) if compliant with the requirements for accepted development in the Home-based business code in the Mackay Region Planning Scheme 2017.</p> <p>4.5. Material change use for low impact industry (involving brewery, coffee roasting and distilling alcohol) where located within an existing building that has been previously occupied by a non-residential use and complying with the requirements for accepted development in Schedule 4.2.</p>	<p>1. All development other than development mentioned in columns 1, 2 and 2B.</p> <p>2. Operational work that is the placing of advertising devices, other than advertising devices mentioned in Schedule 2, on a heritage place.</p> <p>Note – assessment of the advertising device(s) on a heritage place under this development scheme does not replace the assessment and approval of the advertising device(s) under Subordinate Local Law 1.4 (Installation of advertising devices) 2011.</p>	<p>1. Development specified in Schedule 2.</p>

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## 2.6.3 Precinct 3 – Enterprise

### 2.6.3.1 Precinct development intent

The Enterprise precinct ~~will develop as the a mixed industry, research and technology innovation and knowledge hub, that accommodates providing opportunities for shared working spaces, labour skills training, local industrial services (such as repairs, supplies or trades services), research and technology industry (with links to tertiary education and other institutions), and products urban manufacturing (such as brewing, baking or making products).~~ Activities in the precinct that brew, bake or make may sell products directly to the public from the premises to increase the vibrancy and diversity of the precinct.

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Residential activities in the precinct are limited due to the primary intent of the precinct to accommodate low to medium industrial development.

Development in the Enterprise precinct:

1. ~~will accommodate~~ provides a range of mixed light industry, innovation, research and technology activities, as identified in Table 89: Precinct 3 – Preferred land uses. ~~Other compatible uses that complement the development intent of the precinct may also occur, such as ancillary commercial activities (bar, office or shop), caretaker's accommodation, dwelling unit or indoor sport and recreation, that~~
- 4.2 supports significant business, health, education, technology, and research activities seeking to establish in the region. ~~Employment generating development within the precinct is supported by a range of high density living options and high value amenity areas located in the adjacent precincts. Development on the northern and southern frontages of the precinct act as a buffer to minimise amenity impacts on sensitive land uses in adjoining precincts.~~

Table 89: Precinct 3 – Preferred land uses

Preferred land uses		
<ul style="list-style-type: none"> <li>bar</li> <li>caretaker's accommodation</li> <li>dwelling unit</li> <li>education establishment</li> </ul>	<ul style="list-style-type: none"> <li>food and drink outlet</li> <li>emergency services</li> <li>indoor sport and recreation</li> <li>industry activities</li> <li>low impact industry</li> </ul>	<ul style="list-style-type: none"> <li>park</li> <li>research and technology</li> <li>service industry</li> <li>shop</li> </ul>

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### 2.6.3.2 Built form and urban design

Development in the Enterprise precinct will:

3. delivers a built form that is generally designed in accordance with Table 910: Precinct 3 – Development intensity and built form parameters.
4. reflects a modern industrial character that contributes to a distinctive and cohesive and inviting streetscape character, precinct identity and maintains a human scale.
5. provides onsite landscaping to:
  - (a) visually screen any outdoor utility areas, storage and service areas that can be viewed from the street; and
  - (b) soften/enhance the appearance of the development where located on a non-primary frontage along street frontages and increase the overall amenity of the precinct.
6. provide/ensures bar, food and drink outlet/office and shop uses where these uses

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- (a) are small-scale and ~~an ancillary component to the primary subordinate to the predominant industrial, research or technology use of the site with a clear nexus to these primary uses; and~~
- (b) ~~address orientated towards~~ the street frontage ~~to provide activation and increase the vibrancy of the streetscape.~~

~~2. provide offices where the use is small-scale and an ancillary component of the predominant industrial use of the site.~~

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Table 910: Precinct 3 – Development intensity and built form parameters

Building height	As identified on Map 3 – PDA building heights plan <sup>60</sup>	Up to 3 storeys (inclusive of podium)
	<del>Note – in areas affected by flooding or coastal hazards, building height above ground level is the building height identified in Map 3 – PDA building heights plan plus the highest of either the defined flood event (DFE) or defined storm tide event (DSTE) relevant to the subject site.</del>	
Minimum setback to a street	Chain Street and Victoria Street	0 metres
	All other streets	6 metres
Minimum setback to side and rear boundaries	All building storeys	0 metres
Site cover	Total site area	60 per cent
Maximum building length	Whole building	30 metres in any horizontal direction
Building interface with street at ground level	Doors and openings / windows	Minimum 40 per cent of total frontage
Pedestrian amenity	Footpath awning	Required on Chain Street and Victoria Street

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#### 2.6.3.3 Public realm

Development in the Enterprise precinct ~~will~~:

~~3-7~~ maintains and not obstruct the view corridor on Chain Street south to Queens Park.

#### 2.6.3.4 Movement, access and transport network

Development in the Enterprise precinct ~~will~~:

~~4-8~~ encourages pedestrian and ~~cycling active transport~~ connectivity by providing connections to the Cross City Link on Chain Street.

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~~5-9~~ locates vehicle access points as far away as practical from road intersections and

<sup>60</sup> ~~In areas affected by flooding, building height above ground level is the building height identified in Map 3 – PDA building heights plan plus the highest of either the defined flood event (DFE) or defined storm tide event (DSTE) relevant to the subject site.~~

vehicle access points on adjoining sites.

6-10. provides a sealed surface treatment for external vehicle manoeuvring, parking, and loading / unloading areas associated with industrial uses to prevent impacts from dust, sediment run off, inadequate drainage and cater for expected vehicle sizes and movements.

#### 2.6.3.5 Community safety and development constraints

Development in the Enterprise precinct ~~will~~:

7-11. ~~be~~ is designed to mitigate the impacts of noise, odour, dust, air emission, light or vibration ~~impacts~~<sup>61</sup> that affect adjoining and nearby sensitive land uses on properties located ~~to~~ on the northern ~~of~~ Victoria Street) and southern ~~of the~~ drainage corridor (located between Industrial Street and north of East Gordon Street) ~~frontages of the precinct.~~

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8-12. ensure s areas used for the manufacture, storage, use or disposal of hazardous materials and chemicals, dangerous goods and flammable or combustible substances are located and designed to:

- (a) maintain public safety and the environment;
- (b) prevent spills from leaving the site; and
- (c) be above the defined flood event or otherwise avoid flood impacts.

<sup>61</sup> Refer to the Mackay Region Planning Scheme 2017 *General development requirements code* and relevant standards such as ANZECC *guideline standards*, Australian Standard AS4282 – *Control and effects of outdoor lighting*, or Australian Standard AS/NZS2107 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.



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**2.6.3.6 Precinct framework plan**

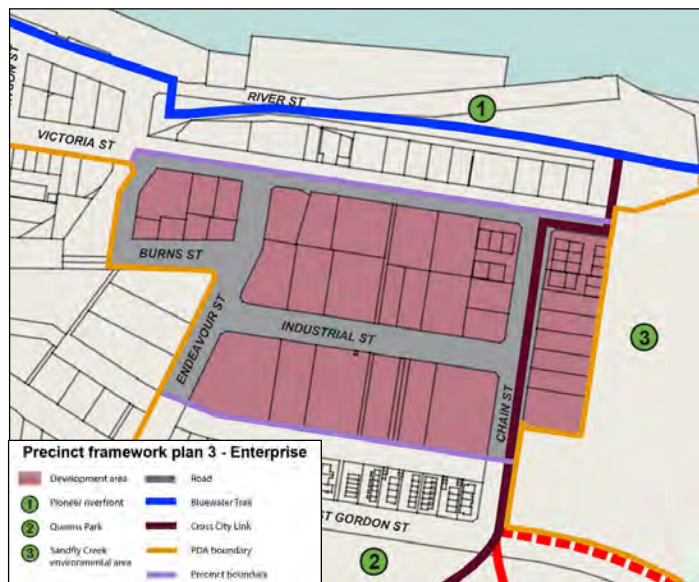


Map 7: Precinct framework plan — Enterprise

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**2.6.3.7 Categories of development**

Table 4011: Precinct 3 – Categories of development

Column 1	Column 2	
PDA accepted development	PDA assessable development	
	Column 2A	Column 2B
	Permissible development	Prohibited development
1. Development specified in Schedule 1. 2. Material change of use for the following uses where located within an existing building that has been previously occupied by a <del>non-residentially these</del> uses: a. emergency services b. service industry. 3. Material change of use for <del>low impact industry the following uses</del> where located within an existing building that has been previously occupied by <del>this a non-residential</del> use and complying with the requirements of <del>for</del> accepted development in Schedule <del>54.2</del> : a. <del>low impact industry</del> a.b. <del>research and technology</del> .	1. All development other than development mentioned in columns 1 and 2B.	1. Development specified in Schedule 2.

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## 2.6.4 Precinct 4 – Queens Park

### 2.6.4.1 Precinct development intent

Queens Park precinct is a significant regional recreational destination that is will develop as activity and amenity node, supported by a diverse range of higher density living options in areas adjacent to the park. The precinct consists of sub-precinct 4A: Parkland, sub-precinct 4B: Parkside living and sub-precinct 4C: Investigation area, as identified in precinct framework plan 4 – Queens Park.

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#### Sub-precinct 4A: Parkland

Sub-precinct 4A accommodates uses identified in Table 12: Precinct 4 – Preferred land uses. The sub-precinct contains Queens Park, which is a recreation and events space capable of hosting outdoor community festivals and events, and a range of recreational activities. The park will become is characterised as a modern, permeable, and distinct and regionally significant tropical garden and parklands. Queens Park will retain and enhance existing features including the open ovals, orchid house, bandstand, cricket sheds, historic arboretum and monuments, planted avenues, and the park circuit. Complementary small-scale and temporary uses may locate within the sub-precinct to activate and support the park's existing features.

#### Sub-precinct 4B: Parkside living

Sub-precinct 4B is where the majority of development for residential and complementary commercial uses, such as food and drink outlet, within the precinct may occur.

#### Development in Sub-precinct 4B:

1. will accommodate provides a range of residential and accommodation activities, as identified in Table 12: Precinct 4 – Preferred land uses, that
2. supports nearby employment and businesses, and the activities and attractions within Queens Park.
3. food and drink outlet is located on sites with a primary frontage as identified on Map 8: Precinct framework plan 4 – Queens Park.

#### Sub-precinct 4C: Parkside investigation area

Sub-precinct 4C<sup>62</sup> accommodates uses identified in Table 12: Precinct 4 – Preferred land uses. The sub-precinct, located on the eastern edge of the Queens Park, is an investigation area (identified on Map 2: Structural elements plan) for opportunities that activate, enhance, and integrate with Queens Park, and complement the precinct<sup>63</sup>.

Table 12: Precinct 4 – Preferred land uses

Preferred land uses		
Sub-precinct 4A: Parkland	Sub-precinct 4B: Parkside living	Sub-precinct 4C: Parkside investigation area
<ul style="list-style-type: none"> <li>community use</li> <li>park</li> </ul>	<ul style="list-style-type: none"> <li>community care centre</li> <li>community residence</li> <li>community use</li> </ul>	<ul style="list-style-type: none"> <li>community use</li> <li>park</li> </ul>

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<sup>62</sup> Within the Investigation area, uses other than those listed in Table 11, will be subject to further community consultation.

<sup>63</sup> Refer to actions 7 and 9 in section 4.1 of the implementation strategy.

	<ul style="list-style-type: none"> <li>• dual occupancy</li> <li>• <del>dwelling house</del></li> <li>• <del>dwelling unit</del></li> <li>• food and drink outlet, <del>where located on a primary frontage identified on Map 8: Precinct framework plan 4 – Queens Park</del></li> <li>• home based business</li> <li>• <del>multiple dwelling</del></li> <li>• <del>retirement facility</del></li> <li>• <del>park</del></li> <li>• <del>shop</del></li> <li>• short-term accommodation</li> </ul>	
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#### 2.6.4.2 Built form and urban design

Development in the Queens Park precinct, sub-precinct 4A: Parkland ~~will~~:

~~4.4~~ preserves the views across the park's open spaces and to key features including the bandstand and the 'avenue of royal palms'.

~~2.5~~ ensures building height is compatible with the character and amenity of Queens Park.

Development in the Queens Park precinct, sub-precinct 4B: Parkside living ~~will~~:

~~3.6~~ delivers a built form that:

- ~~contributes~~supports to the Queens Park setting, and the park's tropical, verdant and open space character; and
- is ~~generally designed~~ in accordance with Table ~~4.213~~: Precinct 4 – Development intensity and built form parameters.

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Development in the Queens Park precinct, sub-precinct 4C: Parkside investigation area will:

~~4.7~~ ensure development on the eastern edge of Queens Park:

- maintains a human scale and avoid being visually dominant when viewed from the park; and
- ~~(b)~~ overlooks and addresses the ovals.

~~2.~~

Table ~~4.213~~: Precinct 4 – Development intensity and built form parameters

Building height	As identified on Map 3 – PDA building heights plan <sup>64</sup>	Within sub-precinct 4B – up to 5 storeys (inclusive of podium)
	<del>Note] – in areas affected by flooding or coastal hazards, building height above ground level is the building height identified in Map 3 – PDA building heights plan plus the highest of either the defined flood event (DFE) or defined storm tide event (DSTE) relevant to the subject site.</del>	

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<sup>64</sup> ~~In areas affected by flooding, building height above ground level is the building height identified in Map 3 – PDA building heights plan plus the highest of either the defined flood event (DFE) or defined storm tide event (DSTE) relevant to the subject site.~~

	Podium	Up to 1 storey (inclusive of ground floor)
Minimum setback to a street	<del>Podium (up to 1 storey)</del>	3 metres, unless setback further from the street boundary to accommodate civic, <del>foyer</del> or outdoor trading spaces
	2 or more storeys	3 metres (outermost projection) to 6 metres (wall)
Minimum setback to side and rear boundaries	Up to 3 storeys	3 metres (outermost projection) to 6 metres (wall)
	4 or more storeys	6 metres (outermost projection) to 9 metres (wall)
<del>Minimum boundary setbacks for a dwelling house</del>	<del>All property boundaries</del>	<del>For guidance, refer to the Dwelling house code in the Mackay Region Planning Scheme.</del>
Site cover	For: <ul style="list-style-type: none"> <li>residential activities</li> <li>accommodation activities</li> </ul>	Where building height is: <ul style="list-style-type: none"> <li>up to 3 storeys – 70 per cent of site area</li> <li>4 to 5 storeys – 60 per cent of site area</li> </ul>
Maximum building length	<del>Tower elements</del>	30 metres in any horizontal direction
Building interface with street at ground level	Doors and openings / glazing	On a primary frontage, minimum 75 per cent of total frontage
Pedestrian amenity	Shade and shelter	Combination of shade (trees and landscaping) and shelter on all streets
	Footpath	For the full frontage of the site on: <ul style="list-style-type: none"> <li>the northern side East Gordon Street (west of Chain Street)</li> <li>the southern side of East Gordon Street (east of Chain Street)</li> </ul>

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**2.6.4.3 Public realm**

Development in the Queens Park precinct, sub-precinct 4A: Parkland ~~will~~:

~~5-8~~ provides regional recreation parkland, facilities and activities consisting of passive and active recreation, tourism and community uses at Queens Park.

Development in the Queens Park precinct, sub-precinct 4B: Parkside living and sub-precinct 4C: Parkside investigation area ~~will~~:

~~6-9~~ has regard to the relationship and interface with Queens Park and its associated activities.

~~7-10~~ extends and reflects the verdant character of Queens Park into the onsite landscaping for sites located on East Gordon Street and Creal Street.

**2.6.4.4 Movement, access and transport network**

Development in the Queens Park precinct, sub-precinct 4A: Parkland ~~will~~:

~~8-11~~ enables safe and convenient pedestrian and ~~cyclist~~ active transport access and connectivity:

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- (a) through Queens Park, via the Cross City Link between Chain Street and Goldsmith Street / Park Street, and a link from Chain Street to Shakespeare Street; and

(b) from the Cross City Link northwest to, and along East Gordon Street (linking west to the Mackay city centre precinct).

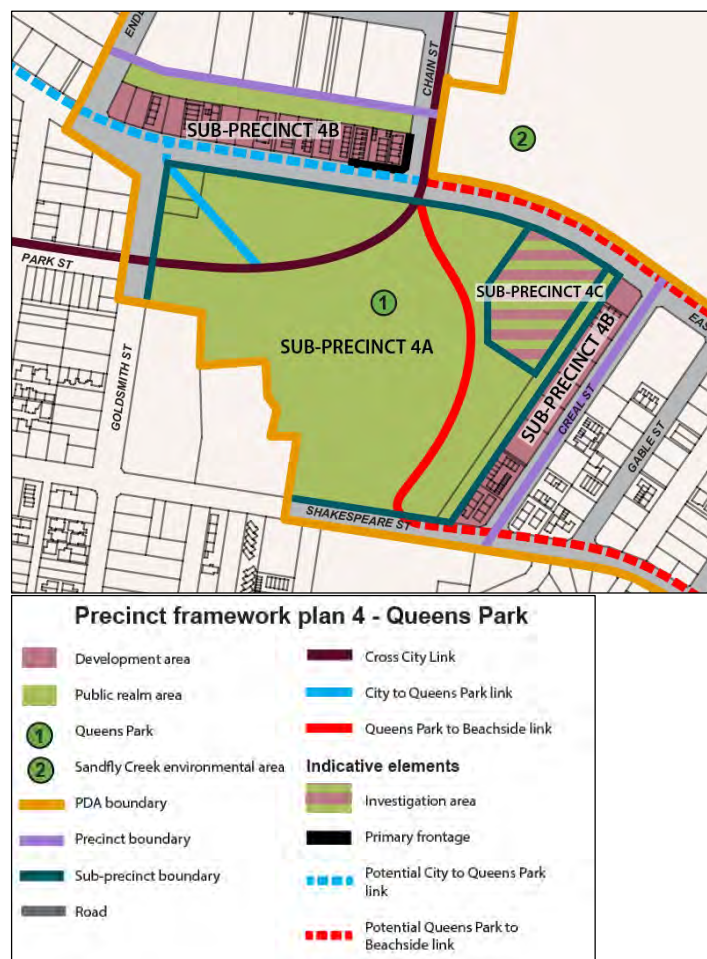
Development in the Queens Park precinct, sub-precinct 4B: Parkside living and sub-precinct 4C: Parkside investigation area ~~will~~:

9-12 supports safe and convenient pedestrian and ~~cyclist-active transport~~ access and connectivity north to Chain Street (links to Enterprise precinct and Riverside precinct), and east along East Gordon Street and Shakespeare Street (links to Beachside precinct).

2.6.4.5 Precinct framework plan

Map 8: Precinct framework plan 4 – Queens Park

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**2.6.4.6 Categories of development**

Table 1314: Precinct 4, sub-precinct 4A – Categories of development

Column 1 PDA accepted development	Column 2 PDA assessable development	
	Column 2A Permissible development	Column 2B Prohibited development
1. Development specified in Schedule 1. 2. Material change of use for community use where located within an existing building that has been previously occupied by this use.	1. All development other than development mentioned in columns 1 and 2B.	1. Development specified in Schedule 2.

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Table 44.15: Precinct 4, sub-precinct 4B – Categories of development

Column 1	Column 2	
PDA accepted development	PDA assessable development	
	Column 2A	Column 2B
	Permissible development	Prohibited development
1. Development specified in Schedule 1. 2. Material change of use for <u>community activities (excluding place of worship)</u> <del>any of the following uses</del> where located within an existing building	1. All development other than development mentioned in columns 1 and 2B.	1. Development specified in Schedule 2.

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	<p>that has been previously occupied by any of these uses <u>in this activity group</u>:-</p> <p>a. <u>commercial activities</u></p> <p>b. <u>community activities</u></p> <p>c. <u>indoor sport and recreation</u></p> <p>d. <u>market</u>.</p> <p>3. Material change of use for dwelling house <u>if complying with the requirements for accepted development in the Dwelling house code in the Mackay Region Planning Scheme 2017 and, if where located in the flood hazard area or storm tide inundation area, results in a habitable floor level that achieves the finished floor level relevant to the defined flood event or defined storm tide event, whichever is the higher level</u><sup>65</sup>.</p> <p>4. Material change of use for home-based business (other than what is specified in Schedule 1) if complying with the requirements <u>for</u> accepted development in the Home-based business code <u>in</u> <u>under</u> the Mackay Region Planning Scheme 2017.</p>			

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<sup>65</sup> Visit Mackay Regional Council's website to make an enquiry to identify the DFE or DSTE level - <https://onlineservices.mackay.qld.gov.au/ePathway/ePathProd/Web/Mobility/CityWatch/index.html?Action=CREATE&Module=ECRREQT&Class=ONLINE&Type=OLQ100>.

Table 1516: Precinct 4, sub-precinct 4C – Categories of development

Column 1 PDA accepted development	Column 2 PDA assessable development	
	Column 2A Permissible development	Column 2B Prohibited development
1. Development specified in Schedule 1.	1. All development other than development mentioned in columns 1 and 2B.	1. Development specified in Schedule 2.

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## 2.6.5 Precinct 5 – Beachside

### 2.6.5.1 Precinct development intent

~~Development in the Beachside precinct is will support a new and vibrant beachside lifestyle, leisure and tourism destination along Binnington Esplanade at Town Beach, extending between East Gordon Street and Kippen Street.~~ The precinct consists of sub-precinct 5A: Beachside living, sub-precinct 5B: Beachside public space, and sub-precinct 5C: Beachside investigation area, as identified in the precinct framework plan 5 – Beachside.

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#### Sub-precinct 5A: Beachside living

~~Sub-precinct 5A is where the majority of development in the precinct may occur. A mix of residential and accommodation options are provided in varied forms, ranging from detached dwellings away from the esplanade to multi-level apartment developments closer to the esplanade. A range of retail, dining, tourism, and placemaking activities are focussed along Binnington Esplanade, particularly where Evan Street and Shakespeare Street intersect with Binnington Esplanade, to support a vibrant and activated public realm and enable the esplanade to function all day and throughout the week.~~

#### Development in Sub-precinct 5A:

- ~~1. supports a vibrant beachside destination along Binnington Esplanade, extending between East Gordon Street and Kippen Street.~~
- ~~2. provides will accommodates a diverse range and mix of uses, as identified in Table 17: Precinct 5 – Preferred land uses, including: high density residential;~~
  - ~~(a) accommodation, residential, and complementary commercial, tourism and recreational activities, as identified in Table 16: Precinct 5 – Preferred land uses, along the western frontage of Binnington Esplanade (where located in the 'up to 5 storeys' or 'up to 8 storeys' areas as identified on Map 3: PDA building heights plan) to activate and take advantage of capitalise on the ocean waterfront location; and-~~
  - ~~(b) Low-medium density residential land uses activities are intended in the remainder of the sub-precinct (where located in the 'up to 3 storeys' area as identified on Map 3: PDA building heights plan).~~
- ~~4.3. where located Development on large vacant sites, within the sub-precinct is designed to maximise land use mix, infrastructure, and investment opportunities.~~

#### Sub-precinct 5B: Beachside public space

~~Sub-precinct 5B, accommodates uses identified in Table 17: Precinct 5 – Preferred land uses. The sub-precinct features an extensive vibrant, engaging and accessible public realm overlooking Town Beach, the ocean and offshore islands. The public realm along Binnington Esplanade will be characterised by a safe, generous and comfortable multi-functional public promenade realm and, associated public spaces and community infrastructure, and establishes a sense of place, character, and identity for the precinct. The Bluewater Trail beachside promenade maintains and enhances safe and convenient pedestrian and active transport access through the precinct, and linkages along the foreshore and to the beach. The beachside promenade, which forms part of the Bluewater Trail, accommodates placemaking activities that activate Binnington Esplanade day and night, and establishes a sense of place, character, and identity for the precinct.~~

#### Sub-precinct 5C: Beachside investigation area

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Sub-precinct 5C<sup>66</sup> accommodates uses identified in Table 17: Precinct 5 – Preferred land uses. The sub-precinct, located at the northern edge of Iluka Park, is an investigation area (identified on Map 2: Structural elements plan) for potential opportunities that activate, enhance, and integrate with Iluka Park and the esplanade's public realm spaces; and complement the precinct<sup>67</sup>.

Table 17: Precinct 5 – Preferred land uses

Preferred land uses		
Sub-precinct 5A: Beachside living	Sub-precinct 5B: Beachside public space	Sub-precinct 5C: Beachside investigation area
<ul style="list-style-type: none"> <li>• accommodation activities</li> <li>• childcare centre</li> <li>• community care centre</li> <li>• community residence</li> <li>• community use</li> <li>• dual occupancy</li> <li>• dwelling house</li> <li>• home based business</li> <li>• park</li> <li>• residential activities</li> <li>• sales office</li> <li>• where located in the 'up to 5 storeys' and/or 'up to 8 storeys' areas as identified on Map 3: PDA building heights plan:               <ul style="list-style-type: none"> <li>○ bar</li> <li>○ caretaker's accommodation</li> <li>○ club</li> <li>○ dwelling unit</li> <li>○ food and drink outlet</li> <li>○ function facility</li> <li>○ health care services</li> <li>○ hotel</li> <li>○ indoor sport and recreation</li> <li>○ market</li> <li>○ resort complex</li> <li>○ service industry</li> <li>○ shop</li> <li>○ tourist attraction</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• community use</li> <li>• park</li> </ul>	<ul style="list-style-type: none"> <li>• community use</li> <li>• park</li> </ul>

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#### 2.6.5.2 Built form and urban design

Development in the Beachside precinct, sub-precinct 5A: Beachside living ~~will~~:

<sup>66</sup> Within the Investigation area, uses other than those listed in Table 16, will be subject to ~~further~~ community consultation.

<sup>67</sup> Refer to actions 7 and 9 in section 4.1 of the implementation strategy.

2.4. delivers a built form that is generally designed in accordance with Table 4718: Precinct 5 – Development intensity and built form parameters.

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3.5. ~~has regard, responds to the place characteristics of the precinct relating to, reflects and supports~~ the tropical coastal character of Town Beach; and

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4. provides a transition in building height intensity from Binnington Esplanade by decreasing height westward of the esplanade, as identified on Map 3 – PDA building heights plan.

5.6. ~~focus commercial activities on primary frontages (identified on Map 9: Precinct framework plan 5 – Beachside).~~

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6.7. preserves the views to the ocean at the eastern end of each street that intersects with Binnington Esplanade.

7.8. engages with, overlooks and takes advantage of views and amenity provided by the Coral Sea and offshore islands.

8.9. avoids the creation of battle-axe lots on sites with a building height of 'up to 5 storeys' or 'up to 8 storeys', as identified on Map 3: PDA building heights plan.

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Table 4718: Precinct 5 – Development intensity and built form parameters

Building height	As identified on Map 3 – PDA building heights plan <sup>68</sup>	Within sub-precinct 5A: <ul style="list-style-type: none"> <li>Binnington Esplanade western frontage – up to 5 storeys (inclusive of podium height)</li> <li>where East Gordon Street, Shakespeare Street and Evan Street intersect with Binnington Esplanade, and south of Evan Street – up to 8 storeys (inclusive of podium height)</li> <li>all other sites – up to 3 storeys (inclusive of podium height)</li> </ul>
	Podium	Up to 1 storey (inclusive of ground floor)
Minimum internal floor to ceiling height	Ground floor	4 metres
Minimum setback to a street	Podium (up to 1 storey)	3 metres, unless setback further from the street boundary to accommodate: <ul style="list-style-type: none"> <li>civic, foyer or outdoor trading spaces; or</li> <li>a graduated floor level transition from street level up to the finished floor level of the ground floor, where development is required to mitigate a flood or storm tide hazard</li> </ul>

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<sup>68</sup> In areas affected by flooding, building height above ground level is the building height identified in Map 3 – PDA building heights plan plus the highest of either the defined flood event (DFE) or defined storm tide event (DSTE) relevant to the subject site.

		Note – where development incorporates a graduated transition from street level to the finished floor level inside the building, the transition may include civic, foyer or outdoor trading spaces. Any ramps, stairs, elevators or other accessibility features utilised to bridge the variation in floor level are contained wholly within the premises.
	2 or more storeys	3 metres (outermost projection) and 6 metres (wall)
Minimum setback to side and rear boundaries	Up to 3 storeys	3 metres (outermost projection) to 6 metres (wall)
	4 or more storeys	6 metres (outermost projection) to 9 metres (wall)
Site cover	For: • residential activities • accommodation activities	Where building height is: • up to 3 storeys – 70 per cent of site area • 4 to 6 storeys – 60 per cent of site area • 7 or more storeys – 50 per cent of site area
Minimum boundary setbacks for a dwelling house	All property boundaries	For guidance, refer to the Dwelling house code in the Mackay Region Planning Scheme.
Maximum building length	Tower elements	30 metres in any horizontal direction
Building interface with street at ground level	Doors and openings / glazing	On a primary frontage, minimum 75 per cent of total frontage
Pedestrian amenity	Shade and shelter	Combination of shade (trees and landscaping) and shelter on all streets
	Footpath	For the entire length the following streets: • East Gordon Street (southern side) • Binnington Esplanade (western side) • Shakespeare Street (northern side) • Evan Street (southern side)

Commented [A5128]: S2-105

**2.6.5.3 Public realm**

Development in the Beachside precinct, sub-precinct 5A: Beachside living ~~will~~:

~~9-10~~ has ~~ve~~ regard to the relationship and interface with ~~regional~~ ~~the~~ recreation parkland, facilities and activities consisting of passive and active recreational, tourism and community uses at Iluka Park and along the Binnington Esplanade frontage.

~~40-11~~ extends the coastal character of Binnington Esplanade west along East Gordon Street that contributes to the character transition between the Beachside precinct and Queens Park precinct.

**2.6.5.4 Movement, access and transport network**

Development in the Beachside precinct, sub-precinct 5A: Beachside living ~~will~~:

~~44-12~~ delivers a future extension of Binnington Esplanade south of Evan Street to improve road, pedestrian and ~~cycle~~ ~~active transport~~ connectivity to urban areas south and southwest of the PDA, and between the PDA and the Mackay Airport.

~~42-13.~~ on sites with frontage to the western side of Binnington Esplanade, ~~either co-locate vehicle access on Binnington Esplanade or provides~~ vehicle access on east-west side streets ~~or co-locates vehicle access on Binnington Esplanade~~ to enable safe pedestrian movement and ~~maximise~~ opportunities for outdoor activation activities along the Binnington Esplanade frontage.

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#### **2.6.5.5 Community safety and development constraints**

Development in the Beachside precinct, sub-precinct 5A: Beachside living and sub-precinct 5C: Beachside investigation area ~~will~~:

~~43-14.~~ minimises impacts to coastal processes, landforms, ~~and~~ habitats and significant vegetation in the vicinity of Iluka Park and the Cod Hole open space area (south of Evan Street).

~~44-15.~~ minimises the impacts of, and improves resilience to, natural hazard events for sites south of Evan Street by providing appropriate flood and coastal hazard mitigation measures and infrastructure.

~~45-16.~~ on development sites with frontage to the western side of Binnington Esplanade (north of Mulherin Street), discharge site and roofwater runoff east to Binnington Esplanade through either:

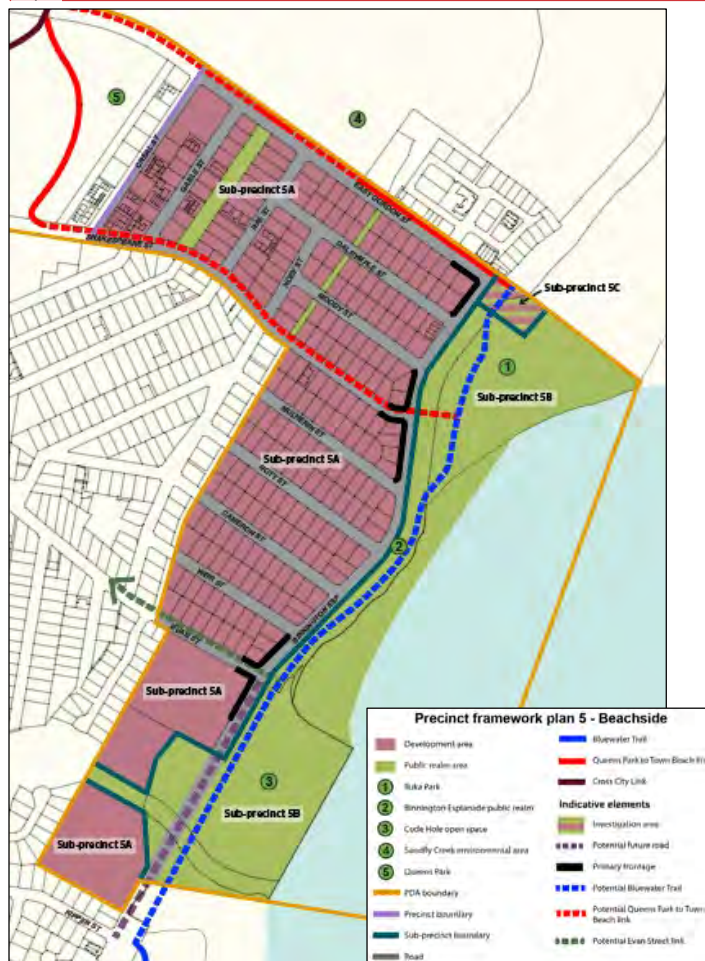
- (a) providing on-site detention to ensure no worsening; or
- (b) connecting 1% AEP roofwater runoff to the kerb and channel making allowance for connection into future stormwater infrastructure in Binnington Esplanade.

#### **2.6.5.6 Precinct framework plan**



Map 9: Precinct framework plan 5 – Beachside

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Mackay Waterfront Priority Development Area

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### 2.6.5.7 Categories of development

Table 4819: Precinct 5, sub-precinct 5A: Beachside living – Categories of development

Column 1 PDA accepted development	Column 2 PDA assessable development	
	Column 2A Permissible development	Column 2B Prohibited development
1. Development specified in Schedule 1.	1. All development other than development mentioned in columns 1 and 2B.	1. Development specified in Schedule 2.
2. Material change of use for any of the following uses where located within an existing building that has been previously occupied by any of these uses: (a) commercial activities, <del>excluding office, shopping centre, showroom, theatre and veterinary service</del> (b) community activities, <del>excluding place of worship</del> (c) <del>indoor sport and recreation</del> (d)(c) market.		
3. Material change of use for dwelling house, <del>if complying with the requirements of accepted development in the Dwelling house code in the Mackay Region Planning Scheme 2017 and, if where located in the flood hazard area or storm tide inundation area, results in a habitable floor level that achieves the finished floor level relevant to the defined flood event or defined storm tide event, whichever is the higher level<sup>69</sup>.</del>		
4. Material change of use for home-based business (other than what is specified in Schedule 1) if complying with requirements <del>of for</del> accepted development in the Home-based business code <del>in under</del> the Mackay Region Planning Scheme 2017.		

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<sup>69</sup> Visit Mackay Regional Council's website to make an enquiry to identify the DFE or DSTE level - <https://onlineservices.mackay.qld.gov.au/ePathway/ePathProd/Web/Mobility/CityWatch/index.html?Action=CREATE&Module=ECRREQT&Class=ONLINE&Type=OLQ100>.

Table 1920: Precinct 5, sub-precinct 5B: Beachside public space and sub-precinct 5C: Beachside investigation area – Categories of development

Commented [AS132]: S2-109

Column 1 PDA accepted development	Column 2 PDA assessable development	
	Column 2A Permissible development	Column 2B Prohibited development
1. Development specified in Schedule 1.	1. All development other than development mentioned in columns 1 and 2B.	1. Development specified in Schedule 2.

Table 20: Precinct 5, sub-precinct 5C: Beachside investigation areas – Categories of development

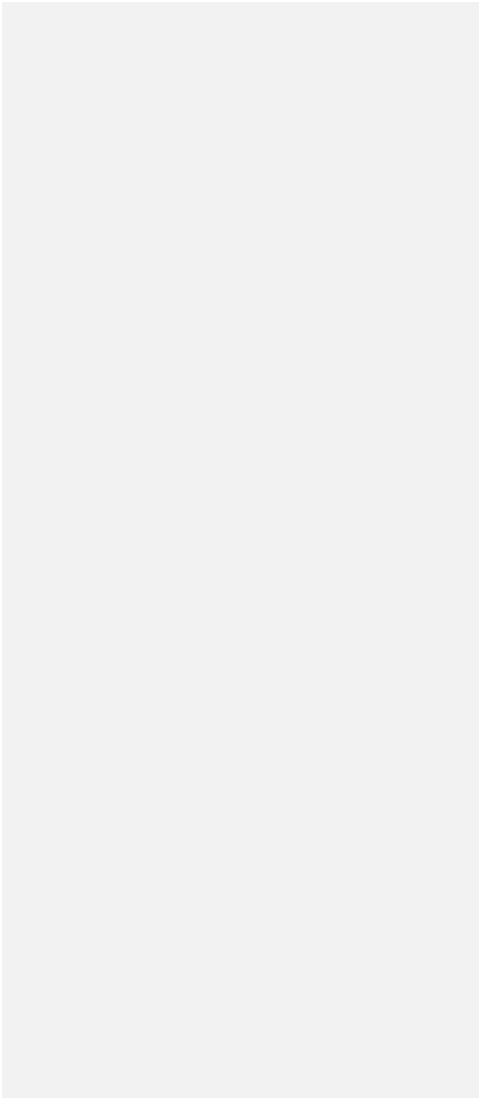
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Column 1 PDA accepted development	Column 2 PDA assessable development
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	Column 2A Permissible development	Column 2B Prohibited development
<del>1. Development specified in Schedule 1.</del>	<del>1. All development other than development mentioned in columns 1 and 2B.</del>	<del>1. Development specified in Schedule 2.</del>

Mackay Waterfront Priority Development Area



## 3 Infrastructure plan

### 3.1 Purpose

The purpose of this infrastructure plan is to ensure that the strategic intent and strategic outcomes for the PDA are achieved through:

- integrating infrastructure planning with land use planning identified in this ~~d~~Development ~~s~~Scheme;
- identifying the infrastructure requirements to be delivered by ~~the local government~~ Mackay Regional Council, state government, water supply and sewer provider and / or developers; and
- providing a basis for imposing conditions on development approvals responding to the increased demand on the relevant infrastructure networks.

Commented [AS134]: GN-3

### 3.2 Infrastructure networks

Table 21 identifies the infrastructure networks and the key infrastructure that will be provided or upgraded to enable the strategic intent and strategic outcomes of the PDA to be delivered.

### 3.3 Infrastructure categories

The infrastructure planned to be delivered within the PDA will fall into one of the following categories:

- trunk infrastructure
- non-trunk infrastructure
- other infrastructure.

The inclusion of infrastructure in Table 21 does not necessarily make the infrastructure eligible for a development charges offset. Non-trunk infrastructure is not eligible for offsets.

~~To determine if infrastructure is eligible for an offset, refer to the Development Charges and Offset Plan<sup>70</sup> (DCOP).~~

Commented [AS135]: S3-1

#### 3.3.1 Trunk infrastructure

Trunk infrastructure is the high-order shared infrastructure that is planned to service wider catchments in the PDA, rather than individual development sites. Trunk infrastructure may be delivered by the relevant infrastructure provider, such as Mackay Regional Council, or by developers if required by a condition of a PDA development approval.

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#### 3.3.2 Non-trunk infrastructure

Non-trunk infrastructure is the lower order infrastructure, which generally services a single development site, is internal to a development site, or connects the development site to trunk infrastructure.

<sup>70</sup> ~~The DCOP is currently under preparation. Until the DCOP is effective, infrastructure charges will be based on the applicable local government infrastructure charges instrument in force at the time the development application is approved.~~

Non-trunk infrastructure will be provided by the developer, in accordance with the relevant responsible entity's requirements and as specified in a condition of a PDA development approval. Non-trunk infrastructure will not be eligible for offsets.

### 3.3.3 Other infrastructure

Other infrastructure includes infrastructure, which is not part of Mackay Regional Council's infrastructure networks. Other infrastructure may include necessary development infrastructure or provision for upgrades to the electricity, gas, telecommunications and / or state-controlled road networks.

Other infrastructure may be delivered by the local or ~~S~~state ~~G~~government, other infrastructure providers or by developers who may be required to deliver or provide for this infrastructure by a condition of a PDA development approval.

### 3.4 Infrastructure charges, funding and conditions

~~As per EDQ's Infrastructure Funding Framework, infrastructure charges will be based on the applicable Mackay Regional Council infrastructure charges instrument in force at the time the development application is approved unless:~~

Commented [AS137]: S3-2

- ~~1. a development charges and offset plan (DCOP) is approved for the PDA; or~~
- ~~2. an infrastructure agreement is entered into between the applicant and the MEDQ<sup>71</sup>.~~

~~Applicable trunk infrastructure delivered as part of the development may be offset against the applicable infrastructure charges in accordance with a DCOP or the applicable policy in force at the time of the development approval.~~

~~Trunk infrastructure identified as necessary to service the PDA is set out in a Development Charges and Offset Plan (DCOP). The DCOP sets out whether infrastructure is eligible for an offset.~~

~~The Mackay Waterfront PDA DCOP sets out the following:~~

- ~~• development charges for the provision of local trunk infrastructure (Mackay Regional Council) trunk infrastructure plans and schedules of works identifying trunk infrastructure for which an offset against development charges shall be available~~
- ~~• matters relevant to calculating an offset, credit or refund for the provision of trunk infrastructure<sup>72</sup>.~~

The requirement to pay development charges ~~set out in the DCOP~~, or to deliver ~~the~~ trunk infrastructure identified in the ~~DCOP~~ applicable policy in force at the time of the development approval, will be through a condition of a PDA development approval. Infrastructure may be required to be delivered in accordance with a detailed Infrastructure Master Plan<sup>73</sup> (IMP) that is prepared to support a development application or required by condition.

The infrastructure identified in Table 21 will be funded from a combination of development charges and other revenue sources. State infrastructure funding may be provided through Federal Government grants. State expenditure on trunk infrastructure will be subject to consideration through normal ~~S~~state government budgetary processes and will be part of an approved ~~S~~state agency capital works program.

<sup>71</sup> MEDQ may delegate certain functions and powers under s.169 of the ED Act to a local government. Development assessment powers have been delegated by the MEDQ to Mackay Regional Council.

<sup>72</sup> Where the value of trunk infrastructure delivered by a developer (in accordance with the processes in the DCOP) is equal to or greater than the applicable charges for a development, the charge will be offset and therefore no charges will be payable.

<sup>73</sup> An IMP identifies existing and future trunk infrastructure required to service ultimate development of a single development approval within a PDA.

Not all the works identified in Table 21 will be delivered through conditions of approval. Some infrastructure may be delivered by other entities such as local government, state government or other infrastructure providers.

The infrastructure elements in Table 21 reflect current understanding at the time of publication making the development scheme, including any subsequent amendments. However, further detailed infrastructure investigations will occur as the development continues and the infrastructure requirements and delivery responsibilities will be reviewed and may be amended over time to reflect the outcomes of these investigations and changing circumstances.

Infrastructure required within any application area will be required to be delivered at the time of development occurring in that area unless otherwise agreed through conditions of a PDA development approval.

Table 21: Infrastructure plan

Infrastructure category	Item	Details
Transport	Roads and intersections	<ul style="list-style-type: none"> <li>New road connection between East Gordon Street and Kippen Street</li> <li>Binnington Esplanade upgrade</li> <li>Otherwise, as required to service the PDA</li> </ul>
	Bridges and culverts	As required to service the PDA
	Active transport	<ul style="list-style-type: none"> <li>Bluewater Trail connection between Evan Street and Kippen Street</li> <li>Queens Park to City Pedestrian footpath connection east of Chain Street along the northern side of East Gordon Street</li> <li>Queens Park to Town Beach pedestrian footpath connection (east of Queens Park) along East Gordon Street and Shakespeare Street</li> <li>Pedestrian footpath connection west of Binnington Esplanade along Evan Street</li> </ul>
	Public transport	New bus facility on Binnington Esplanade
Public parks and open space	Parkland	Parks as required to service the PDA including: <ul style="list-style-type: none"> <li>Regional recreation parkland in Queens Park</li> <li>Local / district / recreational parkland in the Beachside precinct</li> </ul>
	Public realm	Public realm as required to service the PDA including: <ul style="list-style-type: none"> <li>Riverside precinct</li> <li>Beachside precinct</li> </ul>
Stormwater	Collection and conveyance	As required to service the PDA
	Treatment	As required to manage the impacts of the PDA
Water supply and sewerage	Potable water	As required to service the PDA
	Sewer	As required to service the PDA
Electricity	Electrical network	As required to service the PDA
Telecommunications	Telecommunications network	As required to service the PDA

Commented [AS138]: S3-3

### 3.5 Infrastructure agreements

An infrastructure agreement may be negotiated and entered into with MEDQ and other relevant infrastructure providers to address the provisions and requirements of these

Infrastructure plan.  
Under section 120 of the ED Act, to the extent an infrastructure agreement is inconsistent with a PDA development approval, the infrastructure agreement prevails.

3.6 Infrastructure standards

Infrastructure will be delivered in accordance with the standards of MEDQ, Mackay Regional Council, state government or relevant infrastructure providers at the time a PDA development application or an IMP is approved identified in the Mackay Waterfront PDA DQOP.

Commented [A5139]: S3-4



## 4 Implementation strategy

### 4.1 Purpose

Commented [A5140]: GN-3

The ED Act requires a development scheme to include an implementation strategy to achieve the main purposes of the ED Act for the PDA, to the extent that they are not achieved by the land use plan (section 2) or infrastructure plan (section 3). The implementation strategy for the development scheme fulfills this requirement by identifying a number of key objectives and a suite of actions that support the achievement of the strategic intent and strategic outcomes for the PDA and support the delivery of economic development and development for community purposes within the PDA.

The key focus areas of this strategy are:

- ~~delivering an exemplar vibrant, engaging, innovative and diverse public realm and support catalyst development~~
- ~~positioning the Mackay city centre~~
- supporting the regional economy and private sector investment
- increasing pedestrian ~~and active transport~~ amenity, movement and experience
- delivering exemplar design and innovation
- planning for a safe, accessible, resilient and sustainable urban environment
- additional strategies, ~~initiatives~~, investigations and works.

Commented [A5141]: S4-1

Mackay Regional Council will actively seek to attract investment and drive economic development through various projects and actions as outlined below.

Investment facilitating the delivery of various projects and actions may be subject to coordinated decisions across private interests and various levels of government. The prioritisation and feasibility of these projects and actions will be determined on a case-by-case basis at the time they are proposed for commencement.

### 4.2 Implementation objectives and actions

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#### 4.2.1 Delivering an ~~exemplar vibrant, engaging, innovative and diverse~~ public realm and support catalyst development

Objective:

~~Maximise the strategic advantage of the PDA's To deliver a cohesive~~ inner city, river, and coastal locations ~~to deliver that provides~~ vibrant, engaging, innovative and diverse destinations, places and attractions.

Commented [A5143]: S4-2

Actions:

1. ~~A master plan<sup>74</sup> has been prepared~~ for the PDA that identifies:
  - (a) public and private development opportunities and benefits
  - (b) attractions and facilities
  - (c) public realm works and embellishments
  - (d) infrastructure works and requirements
  - (e) a strategy for delivery.

<sup>74</sup> Go to [www.mackaywaterfront.com.au/about/master-plan](http://www.mackaywaterfront.com.au/about/master-plan) to access and view the master plan.

- The ~~development implementation~~ of the master plan will include the preparation of concept plans and further detailed planning for each precinct, and further investigation of identified elements, works or opportunities.
2. Council to work collaboratively with land-owners of significant sites, key streets, waterfronts and other strategic locations in the PDA to:
    - (a) ensure integrated design outcomes are achieved
    - (b) facilitate and maximise economic and catalytic development outcomes
    - ~~(b)(c) manage and minimise the risk of small-scale piecemeal development compromising the intent of each precinct~~
    - (c)(d) facilitate the consolidation of smaller lots for increased development potential
    - (d)(e) investigate local road closures in strategic locations to facilitate optimum redesign and realise the development aspirations of the waterfronts.
  - ~~3. Where involving a permanent road closure, the land that is no longer designated as road is either:
 
    - ~~(a) amalgamated with the adjoining development site, where the land is to be used for a use other than park; or~~
    - ~~(b) becomes a separate freehold allotment where involving a public use such as park.~~~~
  3. Undertake further detailed planning for the following areas to inform development proposals of adjoining and nearby areas:
    - (a) Council owned land or land held in trust by Council, located on or adjacent to River Street
    - (b) Council owned land or land held in trust by Council, located on or adjacent to Binnington Esplanade.
  4. Develop, and then implement, a curation and activation strategy for strategic locations across the PDA. The strategy will outline temporary and short-term opportunities until the ultimate precinct can be achieved.
  - 4.5 Provide for the recognition and appropriate interpretation of important historical places, people and groups relevant to the area's historical and cultural background.
  - ~~5. Support the Department of Natural Resources, Mines and Energy in their determination under the Land Act 1994 of the future use and tenure of State land sites identified as potentially available for development under action 7 in section 4.1. The determination will include consideration of community needs and whether Native Title can be addressed.~~

Positioning the Mackay city centre

Commented [A5144]: S4-3

**Objective**

Increase the competitiveness and investment appeal of the Mackay city centre as a significant regional business / administrative hub and employment centre attracting regional office headquarters, government agencies, and professional and service businesses.

**Actions**

Develop a targeted investment and business attraction strategy to secure significant business investment, employment generation, and high-quality commercial buildings in the city centre.

Investigate public realm improvements that will strengthen the character, amenity and investment appeal of the city centre to increase pedestrian activity, support surrounding development, and provide opportunities for placemaking activities.

Prepare a strategy to encourage the adaptive reuse of buildings, including heritage places, to activate the Mackay city centre precinct, increase tenancy diversity and choice of services, and contribute to the vibrancy of the Mackay city centre precinct.

**4.2.2 Supporting the regional economy and private sector investment****Objective:**

Create an 'open for business' and 'investment ready' environment that attracts and facilitates development and investment in the PDA.

Commented [A5145]: S4-4

**Actions:**

1. Prepare a specific economic development strategy for the PDA that:

(a) includes a targeted investment and business attraction program that identifies key investment opportunities and promotes the unique points of difference of the PDA including the delivery of vibrant waterfront destinations, city centre investment, and establishment of the Enterprise precinct, and

(a)(b) explores strategies and initiatives to attract business and encourage high quality development

(b)(c) explores strategies and initiatives to increase the development of market appetite for townhouse and apartment living in proximity to the city centre.

2. Prepare a marketing strategy, which utilises fly-throughs, investment prospectus and commercial proposals to incentivise development both financially and operationally in the PDA.

3. Support enhanced tourism opportunities in the PDA through:

(a) developing a program to drive the development and delivery of tourism related projects and initiatives for the PDA

(b) investigating future tourism trends, initiatives and strategies.

4. Create and foster an 'open for business' and 'investment ready' environment by facilitating development outcomes, providing incentives, and minimising costs.

- 5.4. Work with the development industry and other key stakeholders to monitor and evaluate market take-up of property in the PDA. Establish ongoing performance monitoring, including regular stakeholder engagement to inform future demographic analysis, land use planning and project marketing.

- 6.5. Investigate/Implement development investment opportunities on key sites currently owned by council located at:

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- (a) River Street car park (Mackay city centre precinct)
- (b) Gordon Street car park (Mackay city centre precinct)
- (c) Wood Street car park (Mackay city centre precinct)
- (d) Brisbane Street car park (Riverside precinct).

~~7-6~~ Incorporate the PDA in the Mackay Regional Council Economic Development Strategy, Mackay tourism strategy and other relevant regional strategies with links to the PDA.

~~8-7~~ Investigate development incentive opportunities.

~~9-8~~ Explore opportunities for~~Promote~~ private sector investment in innovation-research and knowledge-technology industries within the Enterprise precinct by to inform future strategies and initiatives in attracting development, regional employment and synergies with local industry and tertiary education.-

~~(a) preparing a strategy to attract and facilitate the establishment of innovation and knowledge industries, understanding the jobs of the future, and investigating the establishment of an initial innovation hub~~

~~(b) establishing synergies with tertiary education and other institutions~~

~~(c) promoting job creation, regional services, skills, technology and products that are offered and produced by innovation and knowledge industries.~~

~~10~~ Establish mechanisms to build partnerships with business, investors and the community to:

~~(a) foster and develop existing businesses in the region while proactively targeting business and investment attraction to Mackay~~

~~(b) enable and enhance business within the community~~

~~(c) facilitate interaction between investment groups and industry~~

~~(d) work with local business to increase productivity.~~

~~11-9~~ Support the establishment of temporary and interim uses as a method to attract visitors and activity to various areas in the PDA during the initial stages of development.

~~12-10~~ Investigate telecommunications infrastructure demand and requirements to support growth and development of commercial, innovation, research and knowledge technology activities in the PDA.

#### 4.2.3 Increasing pedestrian and cyclist-active transport amenity, movement and experience

##### Objective:

~~Increase~~ Improve the pedestrian and active transport amenity and experience network across the PDA to encourage active modes of transport and create safe, vibrant, engaging and memorable places by promoting day and night activity support the development intent of the PDA.

Commented [AS146]: S4-5

##### Actions:

1. Engage with DTMR and other relevant stakeholders to prioritise-improve pedestrian and active transport movement and convenience through a range of the following measures at these following locations:

- (a) ~~investigating and implementing~~ pedestrian responsive signals at the River Street and Sydney Street intersection

- (b) ~~investigating and implementing~~ pedestrian responsive signals and / or a scramble crossing at the Victoria Street and Sydney Street intersection
  - (c) ~~provide~~ pedestrian crossings of Binnington Esplanade at ~~regular safe and practical~~ intervals
  - (d) ~~slow in speed~~ shared ~~street~~ environments, ~~streets adjacent to waterfront areas are designed to provide facilities that prioritise pedestrian and active transport modes.~~
2. Work collaboratively with Department of Transport and Main Roads (DTMR) to improve the amenity, aesthetics and character of Sydney Street, whilst maintaining the through ~~access-movement~~ function of the street.
  3. Develop, and ~~then~~ implement, a range of direct (e.g. signage), and indirect (e.g. featured landscaping and footpath treatments) wayfinding measures ~~that incorporate smart city technologies~~ at strategic locations across the PDA.
  4. ~~Develop a strategy for placemaking activities and activation within streets, laneways, parks, waterfronts, and other public spaces, such as:~~
    - (a) ~~permanent or temporary cultural and art installations that are suitable for the origins, history and character of Mackay~~
    - (b) ~~a range of festivals, events, outdoor entertainment, sport and recreation, and markets~~
    - (c) ~~temporary commercial uses like food trucks, carts and kiosks; or~~
    - (d) ~~holiday / seasonal attractions and events such as a summer carnival or outdoor cinemas.~~
- ~~5.4~~ Reinforce the sense and identity of place and pedestrian orientation through:
- (a) the inclusion of signature landscape planting, accent lighting, and landmark building architecture
  - (b) emphasising sightlines and views to natural features and buildings where these occur.
- ~~6.5~~ Maintain and enhance the Bluewater Trail and Cross City Link pedestrian / ~~cycle active~~ ~~transport~~ network connections to, from and through the PDA.

#### 4.2.4 Delivering exemplar design and innovation

##### Objective:

~~Encourage~~ and support the delivery of developments of exemplar design and innovation ~~that positively contributes to the character and identity of places within the PDA.~~

Commented [AS147]: S4-6

##### Actions:

1. Emphasise the importance of pre-application meetings to provide early feedback and advice in a collaborative and facilitative way to encourage high quality and innovative outcomes.
2. Investigate establishing a panel of experts that can be called upon to undertake design reviews of significant development proposals within the PDA to:
  - (a) ensure high-quality building and urban design outcomes in prominent locations
  - (b) promote design excellence
  - (c) advocate exemplary design.

3. Investigate tools to support the assessment of development proposals, such as a 3D model of the development area ~~that where~~ a proposal can be inputted to assess design, context and potential impacts.
4. Explore opportunities to facilitate innovative sustainable solutions in the design, construction and operation of development across the PDA to create a substantial point of difference.
5. ~~Develop, and then implement, a tropical Mackay building design and additional guidance materials as needed manual guideline to assist in communicating the development requirements of the development scheme relating to built form, adaptive reuse of buildings and heritage.~~  
~~guide and support the development of well designed and climatically responsive buildings, structures and spaces.~~
- 5.6. ~~Promote a human-centred approach and~~ the delivery of 'infrastructure as a service' and ~~'smart design elements city' concepts and technologies~~ to improve urban sustainability and drive innovation throughout the PDA to:
  - meet the needs of ~~people and~~ end users
  - increase community engagement, employee productivity, competitive advantage, community satisfaction, and liveability
  - generate investment and jobs growth
  - improve reliability and resilience
  - reduce costs and promote affordability.

~~For example, explore the following smart city initiatives and opportunities:~~

  - ~~(a) smart buildings and consolidated control systems~~
  - ~~(b) use of recycled water~~
  - ~~(c) renewable energy and low emission technologies~~
  - ~~(d) adaptive places, spaces and tenancies to promote a range of activities or shared working and living arrangements~~
  - ~~(e) multi-modal transport~~
  - ~~(f) smart lighting~~
  - ~~(g) digital city services: high speed fibre optic, wireless and mobile networks, integrated Wi-Fi, and connecting people through internet, smart phones / devices, and other mobile device connectivity~~
  - ~~(h) connected sensors and CCTV~~
  - ~~(i) power systems integration~~
  - ~~(j) parking and transport real time tracking and assessment~~
  - ~~(k) integrated signage / display panels~~
  - ~~(l) inclusion of smart infrastructure within the streetscape and digital wayfinding.~~

#### 4.2.5 Planning for a safe, accessible, resilient and sustainable urban environment

##### Objective:

Create a safe, accessible, resilient and sustainable urban environment that has regard to environmental values and community safety.

##### Actions:

1. ~~Develop, and then implement, additional guidance material as needed to assist in communicating the development requirements of the development scheme in relation to a public realm and streetscape; manual guideline to deliver cohesive and legible public spaces, improve safety and wayfinding, create a walkable, comfortable and inviting environment, and increase public and active transport use.~~  
~~Investigate opportunities to promote sustainability and innovation in the public realm and built form through the design, construction and operation of development in the PDA.~~
2. Develop stormwater drainage guidance for development sites with frontage to the western side of Binnington Esplanade.
3. Undertake a survey of ~~land~~ areas without tenure, ~~specifically connecting the Cod Hole open space area (identified on Map 2: Structural elements plan) and Binnington Esplanade (south of Kippen Street), to determine areas that are water and land, and the type of tenure to facilitate connectivity between north and south Binnington Esplanade.~~
4. Develop a Marine Plant Management ~~Strategy Guideline~~ for coastal and riverine areas within the PDA.
5. ~~Engage with stakeholders and landowners to ensure car parking is managed to meet demand. Identify short, medium and long term access and parking objectives in the PDA that achieves a highly accessible and appealing urban environment.~~
6. Investigate the extent of the State marine park and potential impacts in consideration to future planning and design of the identified investigation area and potential future public realm works located in Precinct 5.
- ~~7. Identify and investigate works intended as coastal protection works with regard to coastal hazards.~~
- ~~8.7.~~ Undertake a geotechnical investigation of Precinct 2 to determine the stability of the existing embankment to ensure extents of the investigation meet the intended development requirements.
- ~~9.8.~~ Prepare a Flood Emergency Management Plan (FEMP) that fully considers passive and active flood measures including monitoring, evacuation trigger levels, roles and responsibilities, training and post flood response measures.
- ~~10.9.~~ Work with Ergon Energy around the undergrounding of electricity lines in key streets, waterfronts and other strategic locations, where specific public realm outcomes are to be achieved in these areas.

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#### 4.2.6 Additional strategies, initiatives, investigations and works

##### Actions:

1. ~~Identify and pursue external funding opportunities and grants where available to obtain capital funding to deliver identified initiatives, opportunities, public realm and infrastructure projects.~~

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- ~~2. Develop additional guidance material as needed to assist in communicating the intent of criteria within the development scheme (for example street profiles, cross sections and built form character).~~
- ~~3.1.~~ Work with the State Government to investigate tenure, and appropriate future use and potential opportunities on key sites currently owned by the State government and identified as investigation areas on Map 2: PDA structural elements plan. Tenure investigations will also include a review of Native Title determination outcomes.
- ~~4.2.~~ Prepare a Land Management Plan (LMP) under *the Land Act 1994* on key areas of Trust Land in the PDA where secondary uses are proposed. To ensure the benefit of the people of Queensland, the LMP will consider the requirements of the *Land Act 1994* including the principles of sustainability, protection, consultation and community purpose. The LMP will identify sustainable use, development and management of reserves relating to social and economic values, and future intentions for reserves in accordance with the PDA development scheme.
- ~~5.3.~~ Consider the extension and promotion of council's Façade improvement policy in the short to medium term applying to buildings within the Mackay city centre.
- ~~6. Prepare a specific plant species list and planting regime for the PDA for use in landscaping and public realm treatments that:~~
- ~~(a) — is easily and readily maintained and / or replaceable if required~~
  - ~~(b) — includes local native and tropical species that contribute to and celebrate the established or intended character for each precinct~~
  - ~~(c) — does not cause a nuisance to users, structures and infrastructure~~
  - ~~(d) — achieves the objective of providing shade, amenity and comfort in the public realm.~~
- ~~7.4.~~ Investigate the requirements and impacts of future coastal-dependent development in relation to coastal protection works along the coast and within the Pioneer River with respect to coastal processes and resources.



## 5 Schedules

### Schedule 1 PDA accepted development

Schedule 1 identifies development that is accepted development in accordance with column 1 of Tables ~~45, 78, 4011, 4314, 4415, 4516, 48,~~ 19 and 20.

Table 22: PDA accepted development

A. Building work	
1. Minor building work where not on a <u>state</u> heritage place.	Commented [AS150]: S5-1
2. Building work for <u>the partial or full demolition of</u> a building or other structure where <u>not</u> :	Commented [AS151]: S5-2
(a) <u>not</u> on a heritage place; or	
(b) <u>not</u> within 10 <u>metres</u> of a building on a <u>state</u> heritage place.	
<del>Minor building work where on a heritage place and where consistent with a General Exemption Certificate or an Exemption Certificate issued under the Queensland Heritage Act 1992.</del>	Commented [AS152]: S5-3
3. Building work, not associated with a material change of use, if an extension to an existing non-residential premises for a preferred commercial or community activity, where the extension:	Commented [AS153]: S5-5
(a) is not located on a state heritage place; and	
(b) is not a standalone structure; and	
(c) results in an increase of gross floor area or roofed area that is not more than 80m <sup>2</sup> ; and	
(d) complies with the applicable built form parameters for the relevant precinct; and	
(e) does not result in a loss of existing onsite car parks or landscaping; and	
(f) if located in a mapped flood hazard or coastal hazard area, results in a floor level that is equal to the floor level of the existing building.	
<small>Note – includes any previous increases in gross floor area and roofed area undertaken as accepted development or accepted development subject to requirements under this development scheme.</small>	
3.4. Carrying out building work, where not on a heritage place, associated with:	
(a) a material change of use that is PDA accepted development; or	
(b) an approved material change of use.	
B. Reconfiguring a lot	
1. Reconfiguring a lot involving road widening and truncations required as a condition of <u>a</u> development approval.	
C. Material change of use	
1. <del>Making a</del> material change of use of premises for:	Commented [AS154]: S5-5
(a) <u>community use, community care centre, emergency services, landing, market, outdoor sport and recreation, park, parking station</u> or utility installation, –if provided by <u>or on behalf of Mackay Regional Council</u> or a public-sector entity; <u>or</u>	
(b) <u>environment facility; or</u>	
(c) <u>food and drink outlet, if:</u>	

- (i) a mobile food vehicle or light refreshment cart; and
- (ii) holding a current food licence for mobile food vending and/or temporary food/market stall<sup>75</sup>; and
- (iii) temporarily located on premises lawfully operated as a non-residential use for no longer than 100 days in a calendar year per premises; and
- Note – the activity mentioned in (c)(i) cannot be permanently parked on the premises mentioned in (c)(iii).
- (iv) the activity is ancillary to and has a nexus with the predominant non-residential use on the premises; or

~~(b)(d)~~ home-based business, if:

- (i) occupying a floor area of 30m<sup>2</sup> or less and the activity does not involve:
- A. employees on the site that do not also reside in the dwelling; and/or
- B. customers or clients visiting the site; or
- C. direct retail activity or hiring of goods; or
- B-D. industrial or service industry activities; or
- (ii) involving home-based childcare; or-
- ~~(c)(e)~~ sales office and display home; or
- ~~(d)(f)~~ telecommunications facility – if underground cabling for broadband purposes.

#### D. Operational work

1. Operational work undertaken by or on behalf of Mackay Regional Council or a public sector entity.

Commented [AS155]: S5-6

~~2.~~ Operational work that is Filling or excavation, where not on a heritage place, and where:

- (a) not exceeding 50m<sup>3</sup> in volume; or
- (b) top dressing to a depth of less than 100 vertical millimetres from ground level.

~~3.~~ Carrying out Operational work associated with the decontamination of land.

4. Carrying out Operational work that is the clearing of:

Commented [AS156]: S5-7

- (a) vegetation that is clearing of vegetation not other than Ssignificant vegetation; or
- ~~(a) unless the clearing of Ssignificant vegetation, where, is:~~

(b)

- (i) by or on behalf of Mackay Regional Council or a public sector entity, where the works being undertaken are:

- prescribed in Schedule 7, Part 3, Sections 8 and 12 of the Planning Regulation 2017 and in accordance with the relevant State codes for accepted development; or
- Note – relevant State codes for accepted development (as amended from time to time) for use in self-assessment include:
  - Code for accepted development for operational work that is the removal, destruction or damage of marine plants
  - Accepted development vegetation clearing code – clearing for infrastructure

<sup>75</sup> Refer to [www.mackay.qld.gov.au/business/permits\\_and\\_licenses/licensing\\_and\\_approvals](http://www.mackay.qld.gov.au/business/permits_and_licenses/licensing_and_approvals) for further information on obtaining or renewing a food licence.

<ul style="list-style-type: none"> <li>• <del>authorised under a State law; or</del></li> <li>• <del>in accordance with an approved Marine Plant Management Guideline; or</del></li> </ul>	
(ii) in accordance with the conditions of a PDA development approval for a material change of use or reconfiguring a lot.	
<del>Carrying out operational work that is the placing of advertising devices where on a heritage place and where consistent with a General Exemption Certificate issued under the Queensland Heritage Act 1992<sup>76</sup>.</del>	Commented [AS157]: S5-8
<del>Carrying out operational work that is the placing of advertising devices where not on a heritage place<sup>76</sup>.</del>	Commented [AS158]: S5-9
5. <del>Operational work that is minor works in a road reserve involving invert crossings, stormwater connection or footpaths, where in accordance with Local Law 1 and Subordinate Local Law 1.16 Carrying Out Works on a Road or Interfering with a Road or its Operation 2011.</del>	Commented [AS159]: S5-10
<del>Note – a minor works application may still be required where compliance with Subordinate Local Law 1.16 Carrying Out Works on a Road or Interfering with a Road or its Operation 2011 cannot be achieved.</del>	
6. <del>Operational work that involves landscaping works when associated with:</del>	Commented [AS160]: S5-11
<del>(a) dwelling house, dwelling unit, dual occupancy, or caretaker's residence; or</del>	
<del>(b) development that is PDA accepted development.</del>	
<b>E. Plumbing or drainage work</b>	
1. Carrying out plumbing or drainage work.	
<b>F. All aspects of development</b>	
1. Development prescribed in Schedule 6 of the <i>Planning Regulation 2017</i> , other than:	
(a) <del>Part 2;</del>	Commented [AS161]: S5-12
<del>(i) Section 2 (2), where located in precincts 1, 2 and 3; and</del>	
<del>Note – a concurrence agency response is required from council if development involving a dwelling house located in precincts 4 and 5 is inconsistent with:</del>	
<del>• the alternative or varied building assessment provisions listed in section 1.6 of the Mackay Region Planning Scheme 2017; or</del>	
<del>• MP1.1 or MP1.2 of the Queensland Development Code, where no alternative or varied provisions exist for a particular benchmark.</del>	
<del>(ii) Section 2 (3); or</del>	
<del>(iii) Section 3; or</del>	
<del>(iv) Section 5; or</del>	
<del>(v) Section 7; or</del>	
<del>(a)(b) Part 3 Section 18; and</del>	
<del>(b)(c) Part 5 Section 28.</del>	
2. <del>Development prescribed in Schedule 7 of the Planning Regulation 2017.</del>	Commented [AS162]: S5-13
<del>Note – relevant State codes for accepted development (as amended from time to time) for use in self-assessment include (amongst others):</del>	
<del>• Code for accepted development for tidal works or work completely in a coastal management district</del>	

<sup>76</sup> Refer to Subordinate Local Law No. 1.4 (Installation of advertising devices) 2014 ( ) for requirements and assessment of advertising devices within the Mackay Regional Council area.

<ul style="list-style-type: none"><li>• <u>Code for accepted development requirements for operational work that is constructing or raising waterway barrier work</u></li></ul>
<u>3. Development consistent with an approved Plan of Development<sup>77</sup>.</u>
<u>4. <del>Development</del> consistent with a General Exemption Certificate<sup>78</sup> or an Exemption Certificate issued under the <u>Queensland Heritage Act 1992</u>.</u>

Commented [A5163]: S5-14

<sup>87</sup> Refer to section 2.2.7 of the development scheme.

<sup>78</sup> Refer to the General Exemption Certificate for:

- State Heritage Places - Queensland Heritage Places document on the Department of Environment and Sciences website for more information - <https://www.qld.gov.au/environment/land/heritage/development/exemptions>
- Local Heritage Places - [https://www.mackay.qld.gov.au/business/planning\\_and\\_development/heritage\\_planning](https://www.mackay.qld.gov.au/business/planning_and_development/heritage_planning)

**Schedule 2 PDA prohibited development**

Schedule 2 identifies development that is prohibited within the PDA<sup>79</sup>.

Commented [AS164]: S5-15

Table 23: PDA prohibited development

**A. Material change of use**

For the whole of the PDA—~~Material change of use of premises for:~~

- (a) animal husbandry
- (b) brothel
- (c) cemetery
- (d) crematorium
- (e) cropping
- (f) detention facility
- (g) extractive industry
- (h) high impact industry
- (i) intensive animal husbandry
- (j) motor sport facility
- (k) non-resident workforce accommodation
- (l) outstation
- (m) permanent plantation
- (n) relocatable home park
- (o) rural industry

(p) rural workers' accommodation

~~(p)(g)~~ special industry

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In addition –

- for the whole of Precinct 1:
  - (a) bulk landscape supplies
  - (b) dual occupancy
  - (c) dwelling house
  - (d) intensive horticulture

special industry, if not distilling alcohol

Commented [AS166]: S5-16

- (e) transport depot
- (f) wholesale nursery

<sup>79</sup> Refer to section 2.2.6 of the development scheme

- for the whole of Precinct 2:
  - (a) agricultural supplies store
  - (b) bulk landscape supplies
  - ~~(c)~~ intensive horticulture
  - ~~(d)~~(c) special industry, if not distilling alcohol
  - ~~(e)~~(d) transport depot
  - ~~(f)~~(e) wholesale nursery

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- for the whole of Precinct 3:
  - (a) accommodation activities
  - (b) dual occupancy
  - (c) dwelling house
  - ~~(d)~~ residential activities multiple dwelling
  - ~~(e)~~ residential care facility
  - ~~(f)~~ retirement facility

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- for the whole of Precinct 4:
  - (a) agricultural supplies store
  - (b) aquaculture
  - ~~(c)~~ high impact industry
  - ~~(d)~~(c) low impact industry
  - ~~(e)~~(d) marine industry
  - ~~(f)~~(e) medium impact industry
  - ~~(g)~~(f) nightclub entertainment facility
  - ~~(g)~~ outdoor sales
  - ~~(h)~~ service station
  - ~~(h)~~(h) special industry
  - ~~(i)~~ transport depot
  - ~~(j)~~ warehouse

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In addition –

- within Sub-precinct 4A:
  - (a) accommodation activities
  - (b) dual occupancy
  - (c) dwelling house
  - (d) residential activities
  - (e) shopping centre
  - (f) showroom

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- within Sub-precinct 4B:
    - (a) bulk landscape supplies
    - (b) intensive horticulture
  - within Sub-precinct 4C:
    - (a) bulk landscape supplies
    - (b) dual occupancy
    - (c) dwelling house
    - (d) intensive horticulture
  - for the whole of Precinct 5:
    - (a) agriculture supplies store
    - (b) bulk landscape supplies
    - (c) garden centre
    - ~~(d) high impact industry~~
    - ~~(e)~~(d) intensive horticulture
    - ~~(f)~~(e) nightclub entertainment facility
    - ~~(g) special industry~~
    - (f) transport depot
    - ~~(h)~~(g) warehouse
    - ~~(i)~~(h) wholesale nursery
- In addition –
- within Sub-precinct 5B:
    - (a) accommodation activities
    - (b) dual occupancy
    - (c) dwelling house
    - (d) industry activities
    - (e) residential activities
    - (f) shopping centre
    - (g) showroom
  - within Sub-precinct 5C:
    - (a) dual occupancy
    - (b) dwelling house
    - (c) low impact industry
    - (d) shopping centre
    - (e) showroom

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**B. Operational work**

For the whole of the PDA:

- (a) Operational works that is the placing of the following advertising devices<sup>80</sup> where on a heritage place:
- (i) billboards; or
  - (ii) digital display or electronic display component signs, including LED screen signs.

Note – digital display excludes temporary light projections on to a building as public art.

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<sup>80</sup> Refer to Mackay Regional Council Local Law 1 (Community and Environmental Management) 2021 and Subordinate Local Law No. 1.4 (Installation of advertising devices) 2011 for the definitions of the listed advertising devices.



**Schedule 3 Definitions****Definitions**

Unless defined below in this schedule, the definitions under the ED Act and the Mackay Region Planning Scheme 2017 apply to all development within the PDA. Terms not defined have their common meaning.

Commented [AS177]: S5-21

**S3.1 Use definitions**

Table 24: Use definitions

Use definitions	
Use term	Definition
All uses	Refer to the use definitions, including the industry thresholds, in Schedule 1 of the Mackay Region Planning Scheme 2017.

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**S3.2 Defined activity groups**

The following defined activity groups are referenced in precinct provisions and the level of assessment table in each precinct.

Table 25: Defined activity groups

Defined activity group	Land uses
Accommodation activities	<ul style="list-style-type: none"> <li>rooming accommodation</li> <li>short term accommodation</li> </ul>
Commercial activities	<ul style="list-style-type: none"> <li>bar</li> <li>food and drink outlet</li> <li>function facility</li> <li>health care services</li> <li>hotel</li> <li>indoor sport and recreation</li> <li>office</li> <li>service industry</li> <li>shop</li> <li>shopping centre</li> <li>showroom</li> <li>theatre</li> <li>veterinary service</li> </ul>
Community activities	<ul style="list-style-type: none"> <li>club</li> <li>community care centre</li> <li>community use</li> <li>educational establishment</li> <li>emergency services</li> <li>place of worship</li> </ul>
Industry activities	<ul style="list-style-type: none"> <li>low impact industry</li> <li>medium impact industry (involving brewery or distilling alcohol)</li> <li>research and technology industry</li> </ul>

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Defined activity group	Land uses
	<del>warehouse</del>
Residential activities	<ul style="list-style-type: none"> <li>• <del>dwelling unit</del></li> <li>• multiple dwelling</li> <li>• residential care facility</li> <li>• retirement facility</li> </ul>

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### S3.3 Administrative terms

Table 26: Administrative terms

Administrative terms	
Term	Definition
<u>Administrative terms not listed in this table</u>	Refer to the administrative terms in: <ul style="list-style-type: none"> <li>• Schedule 1 Dictionary of the ED Act; and</li> <li>• Schedule 1 Administrative terms of the Mackay Region Planning Scheme 2017.</li> </ul>
<u>Active transport</u>	Means physical activity undertaken as a means of transport. It includes all micro-mobility modes including human-powered devices and electric powered devices that comply with relevant legislation.  Examples of active transport include travel by foot, bicycle, scooter, skateboard, skates and other physically active ways of travelling that can be undertaken alone or combined with public transport.
<u>Articulation</u>	Means designing a building, including the façade of a building, with clearly distinguishable parts (both vertically and horizontally), features, curves and changes in depth (steps, projections and recesses) that gives shape, texture and visual appeal to a building.
<u>Building Activation measures</u>	Means building elements such as pedestrian entrances / doors, windows and balconies.
<u>Articulation measures</u>	Means building elements such as building line projections / recessions, awnings, articulated roof profile, alternating materials and colours.
<u>Bluewater Trail</u>	Is a 16 km walking and <del>cycling active transport</del> trail on the southern side of the city <del>that</del> traverses through the PDA and connects the Mackay city centre to southern urban areas via the riverfront, coast and Mackay Regional Botanic Gardens.
<u>Community benefit</u>	Is the public good that a development delivers as indicated by (but not limited to) the following: <ul style="list-style-type: none"> <li>• Productivity – development contributes to increasing and or diversifying employment and the local economy, and improving equal opportunity</li> <li>• Quality of life – development provides new, or improves on existing services like education, healthcare,</li> </ul>

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<b>Administrative terms</b>	
<b>Term</b>	<b>Definition</b>
	<p><u>community facilities that could improve quality of life for the community</u></p> <ul style="list-style-type: none"> <li>• <u>Environmental sustainability – development contributes to a sustainable urban environment through improvements to air and water quality, reduced emissions or protecting/enhancing vegetation</u></li> <li>• <u>Infrastructure development – development provides needed, or improves on existing infrastructure such as transport, utilities and recreation that benefits the local area</u></li> <li>• <u>Equity and social inclusion – development addresses issues of poverty, social isolation and contributes towards the creation of equitable communities through improved opportunities for minority and vulnerable groups</u></li> </ul>
<b>Cross City Link</b>	Is a 5km walking and <u>cycling-active transport</u> trail that traverses through the PDA and connects the Mackay city centre to the industrial employment hub at Paget.
<b>Facade</b>	<u>Means the frontage of a building that faces a street, road, laneway, or other public space.</u>
<b>Greater Whitsunday Region</b>	Includes the local government areas of Mackay Regional Council, Isaac Regional Council and Whitsunday Regional Council.
<b>Ground level</b>	Means: <ol style="list-style-type: none"> <li>the level of the natural ground; or</li> <li>if the level of the natural ground has changed, the level as lawfully changed; or</li> <li>the ground floor of a building.</li> </ol>
<b>Heritage place</b>	Means a place listed on either or both the Queensland Heritage Register <u>(a state heritage place)</u> or the Mackay Region Planning Scheme 2017 <u>(a local heritage place)</u> , as amended from time to time.
<b>Mackay climate</b>	<u>The Mackay climate is neither entirely tropical (like Cairns) or sub-tropical (like Brisbane) and is typically characterised by both hot humid summers (tropical) and mild winters (sub-tropical) with distinct wet and dry seasons. The prevailing breeze originates from the southeast, with prolonged periods of warm northerly breezes occurring in spring and summer.</u>

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Administrative terms	
Term	Definition
<b>Mackay Region Planning Scheme 2017</b>	Means the Mackay Region Planning Scheme 2017, as amended and replaced from time to time.
<b>Non-trunk infrastructure</b>	Means the lower order infrastructure which generally services a single development site, is internal to a development site, or connects the development site to trunk infrastructure.
<b>Other infrastructure</b>	Means infrastructure which is not part of council's infrastructure networks, and may include necessary development infrastructure or provision for upgrades to the electricity, gas, telecommunications and/or state-controlled road networks.
<b>Placemaking</b>	Means the process of activating public spaces by transforming them in ways people relate best to, <del>so thereby strengthening the connection between people and places being more</del> that are memorable, appealing, surprising, activating and engaging. <u>Placemaking relies on community participation and</u> Typically includes public art, landscaping, lighting, seating, play features, <u>use of</u> pedestrian pathways <u>for temporary activities</u> , tactical urbanism, <u>temporary 'lighter quicker cheaper' elements</u> , and public events.
<b>Plan of development</b>	<p>A plan of development (PoD) may:</p> <ul style="list-style-type: none"> <li>• accompany an application for a material change of use or reconfiguring a lot;</li> <li>• deal with any proposed use and any associated building work or operational work; and</li> <li>• form part of the development approval.</li> </ul> <p>A PoD is prepared by an applicant and may include maps, graphics and text. A PoD should indicate the location and function of uses and structure and how these uses and structures will relate to each other.</p> <p>The PoD cannot include land beyond the boundary of the land the subjection of the application, but may cover only part of the land the subject of the application. An applicant may also be required to demonstrate impacts and connections to areas adjoining the subject land in a separate plan to the PoD.</p>
<b>Podium</b>	<p>Means a section of a building at its base, which is clearly differentiated from the spaces above it by its physical form or by the type of space inside it.</p> <p>Podiums can also be used to define the lower floors of a building without setbacks, when these floors hold common areas in contrast to the private floors above them.</p> <p>A podium includes the ground floor level.</p>

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<b>Administrative terms</b>	
<b>Term</b>	<b>Definition</b>
<b>Preserve / preservation</b>	For the purpose of heritage values, means maintaining the fabric of a place in its existing state and retarding deterioration <sup>81</sup> .
<b>Primary frontage</b>	Means primary streets and public realm frontages, where it is considered important that new development maintains / creates a street-orientated built form character and high-quality pedestrian environment. Primary frontages within the PDA are identified on Precinct framework plans.
<b>Private open space</b>	Means an outdoor space for the exclusive use of occupants of a building.
<b>Public realm</b>	Means the spaces that are used by the general public, including streets, laneways, squares, plazas, <u>esplanades</u> and parks.
<b>Public space</b>	Means the spaces between and within buildings that are publicly accessible, including streets, squares, forecourts, parks and open spaces and may be in public or private ownership.
<b>Room <u>only</u>ing unit</b>	Means an accommodation unit that is a room only and does not contain kitchen or laundry facilities.
<b>Significant vegetation</b>	Means all vegetation, except those listed as pest vegetation by state or local government, that is significant in its: <ul style="list-style-type: none"> <li>(a) ecological value at local, state or national levels <u>including remnant vegetation, non juvenile koala habitat trees in bushland habitat and marine plants</u>; or</li> <li>(b) contribution to the preservation of natural landforms; or</li> <li>(c) contribution to the character of the landscape; or</li> <li>(d) cultural or historical value; or</li> <li>(e) amenity value to the general public</li> </ul> <p>Note: <u>vegetation</u> may be living or dead and the term includes their root stock.</p>
<b>Serviced apartment</b>	Means a self-contained accommodation unit that contains kitchen <u>and/or</u> laundry facilities.
<b>Smart design elements</b>	Means the following elements and initiatives: <ul style="list-style-type: none"> <li>• <u>smart buildings and consolidated control systems</u></li> <li>• <u>use of recycled water</u></li> <li>• <u>renewable energy generation and low-emission technologies</u></li> <li>• <u>integration of green roofs, green walls and other sustainable landscape elements</u></li> <li>• <u>adaptive places, spaces and tenancies to promote a range of activities or shared working and living arrangements</u></li> <li>• <u>multi-modal transport</u></li> <li>• <u>real time traffic and parking assessment and tracking</u></li> </ul>

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<sup>81</sup> The source of this definition is the Australia ICOMOS Charter for Places of Cultural Significance.

<b>Administrative terms</b>	
<b>Term</b>	<b>Definition</b>
	<ul style="list-style-type: none"> <li>• <u>smart lighting</u></li> <li>• <u>digital city services: high-speed fibre optic, wireless and mobile networks, integrated Wi-Fi, and connecting people through internet, smart phones / devices, and other mobile device connectivity</u></li> <li>• <u>connected sensors and CCTV</u></li> <li>• <u>power systems integration and smart technology which passively controls the use of electricity</u></li> <li>• <u>parking and transport real time tracking and assessment</u></li> <li>• <u>digital wayfinding</u></li> <li>• <u>inclusion of smart infrastructure within the streetscape</u></li> <li>• <u>facilities to support the charging of electric vehicles - refer to PDA Practice Note 20: Electric vehicle charging infrastructure for information on the requirements of EV charging infrastructure.</u></li> </ul>
<u>Temporary use</u>	<p>Means a use or activity that:</p> <p>(a) is carried out on a non-permanent basis;</p> <p>(b) does not involve the construction of, or significant changes to, permanent buildings, structures or infrastructure.</p>
<u>Tower</u>	Means the part of the building that sits above podium levels.
<b>Trunk infrastructure</b>	Means the high-order shared infrastructure that is planned to service wider catchments, rather than individual development sites.
<b>Urban design</b>	Means the holistic design of urban environments, including the overall townscape, individual buildings, street networks, streetscapes, parks and other public spaces.

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Schedule 4: Heritage places

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Table 2: List of state and local heritage places

Heritage place name	Address
<b><u>State heritage places</u></b>	
Customs House	31 River Street, Mackay
Police Station	67 Brisbane Street, Mackay
Mackay Court House	67 Brisbane Street, Mackay
National Bank and residence	79 Wood Street and 29 Wood Street, Mackay
Commonwealth Bank Building	63 Victoria Street, Mackay
Town Hall	63 Sydney Street, Mackay
Pioneer Shire Building	1 Wood Street, Mackay
Masonic Hall	57 Wood Street, Mackay
Paxtons Warehouse	10 River Street, Mackay
<b><u>Local heritage places</u></b>	
Wilkinson Hotel	140 Victoria Street, Mackay
ACB Building	99 Victoria Street, Mackay
Tilse Building	97 Victoria Street, Mackay
Shops	91, 93 and 95 Victoria Street, Mackay
Lamberts Building	89 Victoria Street, Mackay
Australian Hotel	83 Victoria Street, Mackay
William's Building	31 Wood Street, Mackay
Cross Printery	41 Wood Street, Mackay
Coleman's Building	47 Wood Street, Mackay
Shop	49 Wood Street, Mackay
Crocker's Building	51 Wood Street, Mackay
Shop	80 Wood Street, Mackay
Aronoy's Building	84 Wood Street, Mackay
Shop	86 Wood Street, Mackay

Mackay Waterfront Priority Development Area

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Heritage place name	Address
Shop	98 Wood Street, Mackay
Daily Mercury Building	36 Wood Street, Mackay
McGuires Hotel	15 Wood Street, Mackay
Andrews Building	11 Wood Street, Mackay
Gominos Building	7 Wood Street, Mackay
Mackay Post Office	35 River Street, Mackay
T & G Building	116 Victoria Street, Mackay
Hamilton's Building	114 Victoria Street, Mackay
Armati's Building	110 Victoria Street, Mackay
Dalrymple Building	84, 88, 90, 94, 96, 98, 100 and 104 Victoria Street, Mackay
John Mackay memorial town clock	Victoria Street, Mackay
Black's Building	75 Victoria Street, Mackay
Imperial Hotel	73 Victoria Street, Mackay
RSL	70 Sydney Street, Mackay
Shop	68 Sydney Street, Mackay
Shop	66 Sydney Street, Mackay
Shop	62 Sydney Street, Mackay
Shop	53 Sydney Street, Mackay
Shop	49 Sydney Street, Mackay
Palace Hotel	38 Sydney Street, Mackay
Shop	36 Sydney Street, Mackay
JM Ramsamy Memorial Building	33 Sydney Street, Mackay
Shop	29 and 31 Sydney Street, Mackay
Sharps Building	26 and 28 Sydney Street, Mackay
Mackay Spare Parts	21 Sydney Street, Mackay
McKeever's Building	22 and 24 Sydney Street, Mackay
Gominos Store	14 and 18 Sydney Street, Mackay
AMP Building	10 Sydney Street, Mackay
Shop	8 Sydney Street, Mackay
Ambassador Hotel	2 Sydney Street, Mackay
Chaseley House	7 Sydney Street, Mackay
Friendly Societies Dispensary	5 Sydney Street, Mackay

Mackay Waterfront Priority Development Area

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Heritage place name	Address
Shop	74 Victoria Street, Mackay
Croker and Sons Building	60 Victoria Street, Mackay
Leichhardt Tree	10A River Street, Mackay
Butter Factory	14A Victoria Street, Mackay

Mackay Waterfront Priority Development Area

**Schedule 4 Requirements for accepted development**

Schedule 4 specifies the requirements for accepted development for certain uses as indicated under column 1 in Tables 5, 8 and 11.

Commented [AS198]: S5-39

**S4.1 Requirements for accepted development: Bar, hotel (involving a pub) or nightclub entertainment facility in Precinct 1 – Mackay city centre**

Development involving bar, hotel (involving a pub) and or nightclub entertainment facility within the Precinct 1 – Mackay city centre precinct will:

1. so locate to maintain a vibrant entertainment node on the following streets:

Commented [AS199]: S5-40

(a) Victoria Street (between Sydney Street and Gregory Street);

(b) Sydney Street (between Victoria Street and River Street); and

(c) Wood Street (between Gordon Street and River Street).

2. locate within podium levels (inclusive of ground floor) of an existing building.

Commented [AS200]: S5-41

3. avoid nightclub entertainment facility as the active frontage of a building.

3. ensure hotel (involving a pub) or bar (excluding nightclub entertainment facility):

Commented [AS201]: S5-42

(a) provide an active frontage to streets by retaining or providing openings (doors and windows) to streets and laneways; and

(b) do not cover or obscure windows and other glazed openings that face streets and laneways.

Note – excludes internal blinds, shutters or curtains.

4. ensure external noise levels, when measured from adjoining properties and the street, do not exceed:

(a) background (L90) + 3dB(A) for variable noise between the hours of 10:00 pm and 7:00 am; and

(b) maximum limit L<sub>Amax</sub> 45dB(A)<sup>82</sup>.

5. ensure gaming lounges and poker machines are not visible or audible from the street.

6. ensure the location of the entry / exit point is:

(a) clearly visible and accessible to patrons from the public footpath;

(b) setback no more than 2 metres from the property boundary; and

(c) kept and maintained at all times in a clean, sanitary and tidy condition, including the adjoining pedestrian footpath area.

7. provide for the safe and orderly queuing of patrons on the public footpath and maintain through pedestrian movement along the public footpath by:

(a) providing a minimum 10 metre separation distance between bar or nightclub entertainment facility entrances; and

(b) ensuring the queuing area does not exceed 1.5 metres in width when measured from the property boundary.

<sup>82</sup> For guidance refer to the acoustic quality objectives (internal noise criterion) for the particular use identified in the Environmental Protection (Noise) Policy 2008 or, if not listed, the internal sound level design criterion contained in *Australian Standard AS/NZS2107 Acoustics – Recommended design sound levels and reverberation times for building interiors*.

**Precinct 3 — Enterprise precinct S4.2 Requirements for accepted development: Low impact industry or research and technology**

Development involving low impact industry or research and technology, where located within an existing building previously occupied by a non-residential use within the Enterprise precinct will:

1. maintains existing onsite parking, vehicle access, and landscaping and activation measures to the street frontage.
2. occupies the same or less gross floor area within the existing building, and a external gross floor area extensions constitutes minor building work.
3. does not generate external air, noise, light, vibration or odour emissions.
4. where on a site that contains or adjoins an accommodation, hotel (with accommodation) or residential activity, ensures the loading and unloading of deliveries and other goods does not occur:
  - (a) between 6.30pm and 6.30am Monday to Saturday; or
  - (b) on a Sunday; or
  - (c) on a public holiday.

Commented [AS202]: S5-44

Commented [AS203]: S5-45

Commented [AS204]: S5-46

Commented [AS205]: S5-47

**Schedule 5 Development scheme amendments**  
Amendment 1: schedule of amendments – Month 2022

<b>Column 1</b> <u>Mackay Waterfront PDA</u> <u>development scheme section</u>	<b>Column 2</b> <u>Mackay Waterfront PDA</u> <u>development scheme provision</u>	<b>Column 3</b> <u>Amendment</u>

Mackay Waterfront Priority Development Area



## **Schedule of proposed amendments**

**for**

## **Mackay Waterfront PDA development scheme – proposed amendment 1**

*August 2022*

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1. General document and mapping amendments	3	5. Section 4 Implementation strategy	59
2. Section 1 Introduction	4	6. Section 5 Schedules	68
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2.4 Structural elements	14	Appendix 1 Map changes	84
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## \* Notes:

- In the “Development scheme page & page no.” column, page numbers mentioned below relate to page numbers in the Track change version of the proposed amendment
- In the “Proposed amendment” column, *italicised text* is the amendment that appears in the development scheme
- In the “Proposed amendment” column, ~~red strikethrough text~~ is text to be deleted from the development scheme
- In the “Proposed amendment” column, **red text** is new text to be included in the development scheme



**1. General document and mapping amendments**

Amendment Number	Development scheme reference	Proposed amendment	Rationale
<b>GENERAL</b>			
GN-1	Whole document	Numbering of sections, tables, maps or figures – updating existing numbering and introducing new numbering for consistency	To correct errors and ensure consistency is applied.
GN-2	Whole document	Include additional numbered references to footnotes	Ensure the document is properly referenced.
GN-3	Whole document	Correct or include new headings, references and terminology	To correct errors and ensure consistency is applied.
GN-4	Whole document	Spelling, grammar, and punctuation	To correct errors.
GN-5	Whole document	Remove redundant or repeated content	Ensure the document is concise

## 2. Section 1 Introduction

Amendment Number	Development scheme reference	Proposed amendment	Rationale								
S1-1	1.5 Infrastructure designations  Page 2	<p>Include new section relating to infrastructure designations, to read:</p> <p><b><u>1.5 Infrastructure designations</u></b></p> <p><u>Under the Planning Act 2016 both public and non-public sector entities can seek designation of premises for development of infrastructure (a designation). A designation can be a community infrastructure designation (designated under the Integrated Planning Act 1997 or Sustainable Planning Act 2009), or a Ministerial or Local Government infrastructure designations (designated under the Planning Act 2016).</u></p> <p><u>The designation provides entities with a streamlined assessment process to facilitate the delivery of community infrastructure. Once a designation is made there is no need to attain further planning approvals that would otherwise be regulated by the Planning Act 2016 or the ED Act, unless development departs from the designation.</u></p> <p><u>Where within a PDA, the ability for an entity to continue to operate under an existing designation, and to seek new designations, remains unaffected by the ED Act. The process of making and determining a designation is set out within the Minister's Guidelines and Rules.</u></p> <p><u>For this PDA, there is one existing designation over key community infrastructure associated with the Mackay Police Station and Courthouse, as detailed in Table 1.</u></p> <p><u>Table 1: Infrastructure designations</u></p> <table border="1"> <thead> <tr> <th><u>ID reference</u></th><th><u>Description</u></th><th><u>ID type</u></th><th><u>Date of gazettal</u></th></tr> </thead> <tbody> <tr> <td><u>71</u></td><td><u>Mackay Police Station and Courthouse</u></td><td><u>(s) any other facility not in (a) to (r) and intended to accommodate govt. functions</u></td><td><u>25/08/2000</u></td></tr> </tbody> </table>	<u>ID reference</u>	<u>Description</u>	<u>ID type</u>	<u>Date of gazettal</u>	<u>71</u>	<u>Mackay Police Station and Courthouse</u>	<u>(s) any other facility not in (a) to (r) and intended to accommodate govt. functions</u>	<u>25/08/2000</u>	Recognise infrastructure designations in the PDA and the ability to operate under these.
<u>ID reference</u>	<u>Description</u>	<u>ID type</u>	<u>Date of gazettal</u>								
<u>71</u>	<u>Mackay Police Station and Courthouse</u>	<u>(s) any other facility not in (a) to (r) and intended to accommodate govt. functions</u>	<u>25/08/2000</u>								

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<p>Associated footnote to read:</p> <p><u><i>For guidance, refer to chapters 7 and 8 of Minister's Guidelines and Rules, available at the State Government's QLD Planning Framework website.</i></u></p>	
S1-2	<p>1.6 Drawings, maps, notes and footnotes</p> <p>Page 3</p>	<p>Include new section relating to the use of drawings, maps, notes and footnotes in the development scheme, to read:</p> <p><u><b>1.6 Drawings, maps, notes, and footnotes</b></u></p> <p><u><i>1. Drawings contained in the development requirements are part of the development scheme.</i></u></p> <p><u><i>2. Maps provide information to support the development requirements of the development scheme and are part of the development scheme.</i></u></p> <p><u><i>3. Notes are identified by the title 'Note' and are part of the development scheme.</i></u></p> <p><u><i>Note – this is an example of a note.</i></u></p> <p><u><i>4. Footnotes are extrinsic material, as per the Acts Interpretation Act 1954. Footnotes are identified by a superscripted number and are provided to assist in the interpretation of the development scheme. Footnotes do not have the force of law.</i></u></p> <p><u><i><sup>1</sup> This is an example of a footnote.</i></u></p>	Clarify the use of drawings, maps, notes and footnotes within the development scheme and to align with relevant legislation.
S1-3	1.7 (previously 1.5) Acknowledgments	<p>Amend the section to read:</p> <p><u><i>The development scheme was prepared and subsequently amended under delegation by Mackay Regional Council in collaboration with the Department of State Development, Manufacturing, Infrastructure and Planning Economic Development Queensland and state agencies.</i></u></p>	Ensure information and references remains current.

## 3. Section 2 Land use plan

Amendment Number	Development scheme reference	Proposed amendment	Rationale
<b>2.1 Components of the land use plan</b>			
S2-1	2.1 Components of the land use plan – hierarchy of provisions  Page 4	<p>Amend the section to read:</p> <p><i>The land use plan establishes the strategic intent for the PDA and the PDA development requirements for achieving the strategic intent (refer to Figure 1). The strategic <del>intent framework</del> and PDA development requirements, <u>including notes</u>, are organised in a hierarchy with the structural elements and PDA-wide criteria stating outcomes to achieve the <u>intent of the strategic framework-intent</u> and the precinct provisions stating outcomes and quantitative measures, to achieve the structural elements and PDA-wide criteria.</i></p> <p>In Figure 1, include:</p> <ul style="list-style-type: none"> <li>• new heading 'Development requirements, maps and notes' to Figure 1</li> <li>• remove reference to 'Heritage places'</li> <li>• include reference to new schedule 5 Summary of amendments.</li> </ul>	Ensure the development scheme reflects correct terminology.
S2-2	2.1.3 Schedules  Page 5	<p>Amend referenced to schedules in this section to read:</p> <p><del>Schedule 4 identifies the local and state heritage places in the PDA as identified in the Queensland Heritage Register and within the Mackay Region Planning Scheme 2017.</del></p> <p><del>Schedule 54</del> identifies requirements for accepted development.</p> <p><del>Schedule 5 provides a summary of amendments which have been made to the scheme.</del></p>	Update the listed schedules included in the development scheme.
S2-3	2.1.4 Guidance material  Page 5	<p>Amend the section to read:</p> <p><i>Guidance material includes EDQ guidelines and any other documents <u>(as amended from time to time)</u> or guideline that <u>are</u> either referenced in the development scheme or as developed through the implementation strategy. <u>Guidance material should be read in conjunction with the land use plan.</u></i></p>	Provide clarity.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<i>infrastructure plan and implementation strategy and any other document or guideline called up by the development scheme.</i>	
<b>2.2 Development assessment</b>			
S2-4	2.2.2 Requirements for accepted development  Page 5	<p>Insert new section to cover 'Requirements for accepted development' to read:</p> <p><b><u>2.2.2 Requirements for accepted development</u></b></p> <p><u>PDA accepted development that is subject to requirements must comply with all of the development requirements in:</u></p> <ul style="list-style-type: none"> <li><u>Schedule 4 of the development scheme; or</u></li> <li><u>the relevant referred part of the Mackay Region Planning Scheme 2017.</u></li> </ul> <p><u>Where development, except for dwelling house, does not comply with one or more of the requirements for accepted development, as stated in Column 1 PDA accepted development in Tables 5, 8, 11, 15 and 19, development becomes PDA assessable development limited to the subject matter of the requirements of accepted development that are not complied with or are not capable of being complied with.</u></p>	<p>Provide clarity on the process for assessing a non-compliance with the requirements for accepted development. This is consistent with ADSR process under the Mackay Region Planning Scheme.</p>
S2-5	2.2.5 Development consistent with the land use plan  Page 6	<p>Amend section 2.2.5 to include a new sub-section relating to development outcomes unforeseen by the development scheme, to read:</p> <p><u>PDA assessable development is consistent with the land use plan if it is consistent with all outcomes of the relevant PDA development requirements (see Figure 1), including the relevant outcomes for any quantitative measures.</u></p> <p><u>However, aspects of assessable development that <del>is-are</del> inconsistent with any of the outcomes of the relevant PDA development requirements, including quantitative measures, may still be consistent with the land use plan if the development outcome:</u></p> <ul style="list-style-type: none"> <li><u><del>the development</del> is an interim use<sup>9</sup> that due to its nature, scale, form or intensity does not conflict with the strategic framework (section 2.3); or</u></li> <li><u><del>both of the following apply:</del></u></li> </ul>	<p>Provide clarity on the difference between justification of a non-compliance through regular assessment of an application and justifying development that is unforeseen by the development scheme through significant grounds, including superior design outcomes and community benefit.</p> <p>Community benefit is included as a new administrative term in schedule 3. The changed term is a better fit with the main purpose of the ED Act.</p>

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<ul style="list-style-type: none"> <li><del>the development</del> does not conflict with the strategic framework <del>for the PDA</del> (section 2.3); and</li> <li><del>there are sufficient grounds to justify approval of the development despite the non-compliance with the relevant provisions of the PDA development requirements</del> <u>is justified the assessment of the development.</u></li> </ul> <p><u>Where development is unforeseen by the development scheme, at the time of its preparation or amendment, the development may still be consistent with the land use plan if:</u></p> <ul style="list-style-type: none"> <li><u>it does not conflict with the strategic framework (section 2.3); and</u></li> <li><u>there are sufficient grounds to justify the approval of the development, as well as superior design outcomes<sup>10</sup> and a demonstrated overwhelming community need/benefit.</u></li> </ul> <p>In this section, 'grounds' means matters of public interest which include the matters specified as the main purposes of the ED Act. <del>Grounds and</del> does not include the personal circumstances of an applicant, owner or interested third party.</p>	
S2-6	2.2.6 Development inconsistent with the land use plan  Page 7	<p>Amend the section, to read:</p> <p><del>PDA assessable development that is identified as prohibited development in Schedule 2 and Tables 5, 8, 11, 14, 15, 16, 19 and 20-4, 7, 10, 13, 14, 15, 18, 19 and 20 as prohibited development</del> is inconsistent with the development scheme<sup>11</sup>.</p>	Improves legibility of the section and update table references.
S2-7	2.2.7 Plans of development  Page 7	<p>Amend footnote 13 to read:</p> <p><del>PoD is further defined in Schedule 3. For further advice of preparing a PoD refer to the applicable EDQ practice note available at <a href="http://www.statedevelopment.qld.gov.au/resources/guidelines/pda/practice-note-10-plans-of-development.pdf">http://www.statedevelopment.qld.gov.au/resources/guidelines/pda/practice-note-10-plans-of-development.pdf</a> on EDQ's website.</del></p>	Provide further reference.
S2-8	2.2.8 Notice of application	Include additional circumstances requiring applications to be publicly notified and include subsequent amendment to existing wording to read:	Provide clarity for when an assessable development requires public notification.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
	Page 7	<p>A PDA development application will require public notification if the application is <del>for a material change of use that is:</del></p> <ol style="list-style-type: none"> <li><del>for a material change of use that is</del> not a preferred land use for each precinct identified in: <ol style="list-style-type: none"> <li>Table <del>23</del>: Precinct 1 preferred land uses</li> <li>Table <del>56</del>: Precinct 2 preferred land uses</li> <li>Table <del>89</del>: Precinct 3 preferred land uses</li> <li>Table <del>44</del><del>12</del>: Precinct 4 preferred land uses</li> <li>Table <del>46</del><del>17</del>: Precinct 5 preferred land uses; <del>or-</del></li> </ol> </li> <li><del>an undefined use.</del></li> </ol>	
S2-9	2.2.10 Relationship with other legislation  Page 8	<p>Include reference to the following Acts: <i>Fisheries Act 1994</i> and <i>Coastal Protection and Management Act 1995</i>.</p> <p>Include new sections on relevant local laws which still apply in the PDA, to read:</p> <p><u><i>Relevant local laws made under the Local Government Act 2009 apply in the PDA to the extent they are not replaced by this development scheme or a by-law made under the ED Act<sup>18</sup>.</i></u></p> <p><u><i>Works involving advertising devices not mentioned in Table 5: Precinct 1 – Categories of development, Table 8: Precinct 2 – Categories of development or Schedule 2 are assessed against the requirements under Mackay Regional Council Local Law 1 (Community and Environmental Management) 2021 and Subordinate Local Law No. 1.4 (Installation of advertising devices) 2011. If the advertising device is proposed to be located on or over a state controlled road, refer to Management of advertising devices on state controlled roads.</i></u></p> <p>Include new footnote 18, to read:</p>	Provide clarity on the applicability of other legislation and local laws.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<u>Refer to section 54 of the ED Act.</u>	
S2-10	2.2.11 Relationship with the local government planning scheme  Page 9	<p>Amend wording to clarify the relation with the planning scheme to read:</p> <p><i>Schedule 6 of the Planning Regulation 2017 (Planning Regulation) prohibits the Mackay Region Planning Scheme 2017 from making PDA-related development assessable under the Planning Act 2016.</i></p> <p><i>However, <u>the development scheme refers to various codes, overlays, policies and definitions in the Mackay Region Planning Scheme 2017 (as amended from time to time) for guidance in assessment of requirements in the development scheme.</u></i></p> <p><i>The development scheme:</i></p> <ul style="list-style-type: none"> <li><i><u>Schedule 3 adopts use definitions and administrative terms from the Mackay Region Planning Scheme 2017; and the development scheme</u></i></li> <li><i><u>adopts the industry thresholds listed in the Mackay Region Planning Scheme 2017, which are to be used in conjunction with the defined use definitions of low impact industry and medium impact industry; and</u></i></li> <li><i><u>refers to overlay mapping under the Mackay Region Planning scheme 2017 in identifying development constraints relating to development requirements in the development scheme, including acid sulfate soils overlay, airport environs overlay, flood and coastal hazards overlay, heritage overlay, road hierarchy overlay and transport noise corridor overlay; and</u></i></li> <li><i><u>calls up various other parts of the Mackay Region Planning Scheme 2017 as guidance when assessing the development scheme requirements.</u></i></li> </ul>	Provide clarity on the relationship between the development scheme and Mackay Region Planning Scheme in relation to codes, definitions and mapping that are referred to for guidance in assessment.
<b>2.3 Strategic framework</b>			
S2-11	2.3.1 Strategic intent  Page 10	<p>Include a new section at the beginning of the strategic framework relating to the core principles that underpin the PDA, to read:</p> <p><u><i>The Mackay Waterfront PDA is a vibrant, liveable and accessible inner city area of Mackay that:</i></u></p>	To capture the core principles that underpin the PDA and improve the line of sight to the PDA development requirements.



Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<ul style="list-style-type: none"> <li><u>strengthens the city's relationship to the Pioneer River and Coral Sea,</u></li> <li><u>accommodates a diverse, integrated and balanced range of uses, activities and attractions that are connected by a high-quality public realm,</u></li> <li><u>preserves and utilises its heritage places, and</u></li> <li><u>supports investment, choice and affordability, and</u></li> <li><u>promotes sustainability and enhances Mackay's character and identity through good design.</u></li> </ul>	
S2-12	2.3.1 Strategic intent  Page 10	<p>Amend the following dot point statements within the strategic framework, to read:</p> <p><u>The diverse range and intensity of development across the PDA:</u></p> <ul style="list-style-type: none"> <li><u>Development in the Mackay Waterfront PDA</u> will revitalise land and infrastructure within the Mackay city centre, along the Pioneer River waterfront, through Queens Park and along the Binnington Esplanade waterfront, creating social, liveability and economic benefits for the whole community.</li> <li><u>plays an important role in Mackay's future growth and development by accommodating a diverse mix of activities and attractions housing, accommodation, commercial, tourism, community and employment opportunities, which increases the appeal of inner city living, supports choice and affordability, diversifies the regional economy, and boosts investment confidence, and provides new attractive recreational spaces for the community</u></li> <li><u>builds on Mackay's exceptional natural, cultural and heritage assets and positively contributes to Mackay's identity, lifestyle and community connections.</u></li> <li><u>contributes to the activation, vibrancy and accessibility of places, spaces, and streets all day and throughout the week, and</u></li> <li><u>is well designed, accessible, functional and sustainable.</u></li> </ul>	Provide further clarity around the core principles for the PDA.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<p>Development will utilise the opportunities provided by the:</p> <ul style="list-style-type: none"> <li>• redevelopment of the Pioneer River and Binnington Esplanade waterfronts to deliver vibrant, active and <del>accessible</del> <del>engaging</del> river and ocean waterfront destinations for Mackay and its visitors, <u>and to connect people and places visually and physically with the water. The riverfront and beachside waterfronts accommodate new investment opportunities in hospitality, residential and accommodation activities.</u></li> <li>• growth and advancement of the Mackay city centre as the primary business and innovation <del>centre</del> <del>precinct</del> servicing ongoing population and economic development of Mackay and the Greater Whitsunday Region, which can accommodate new business, <u>residential and accommodation investment opportunities.</u></li> <li>• establishment of a <del>mixed</del> <del>innovation</del> <del>industry, research and knowledge</del> <del>technology</del> hub within the Enterprise precinct, which can accommodate new business investment and create employment opportunities that diversify Mackay's economic profile. <u>Employment-generating development in the Enterprise precinct is supported by a range of living options and high value amenity areas located in the adjacent Riverside or Queens Park precincts.</u></li> <li>• rejuvenation of Queens Park as a high amenity lifestyle, <u>recreation</u> and leisure destination.</li> </ul>	
S2-13	<p>2.3.2 Strategic outcomes</p> <p>2.3.2.1 Land uses, place design and development</p> <p>Page 11</p>	<p>Improve strategic outcome statements to read:</p> <p>The PDA provides for a range of development and investment opportunities for <del>high density</del> uses such as residential, accommodation, commercial, <u>health and wellbeing</u>, and tourism activities, supported by quality recreation and community activities.</p> <p><u>The relationship between public spaces, streets and buildings in the PDA creates an urban environment that is human scale, attractive, safe and activated.</u></p> <p>Development in the PDA <del>will</del>:</p> <ul style="list-style-type: none"> <li>• <del>provides</del> <del>promote</del> high-quality built form, <u>smart design elements,</u></li> </ul>	Improve line of sight and workability changes to ensure outcome statements can be used in assessment (where required).

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<p><del>landscape, urban design and climate-responsive<sup>19</sup> outcomes, respectful of the site's location and environmental characteristics</del></p> <ul style="list-style-type: none"> <li><del>addresses street frontages and public spaces, creating an interface that is integrated and activated with human movement and passive surveillance</del></li> <li>enhance<del>s</del> the unique Mackay character, landscape and identity qualities of streetscapes and places</li> <li>support<del>s</del> and positively contribute<del>s</del> to inviting, accessible and engaging streets, places and attractions that improves the city's liveability, walkability, tourism appeal and investment attraction</li> <li><del>ensures housing and commercial options deliver choice, adaptability and diversity to cater to a range of needs and incomes.</del></li> </ul> <p>Include new footnote relating to climate, to read:  <u>The Mackay climate is further defined in the Administrative definitions section under schedule 3 of this development scheme.</u></p>	
S2-14	2.3.2 Strategic outcomes  2.3.2.2 Public realm area  Page 11	<p>Improve strategic outcome statements to read:</p> <p><u>Open spaces, streetscapes and other public realm areas cater for universal access and are improved with quality landscape and features that create an inviting and memorable place with a strong identity. Streetscaping along key pedestrian and active transport linkages contributes to the visual appeal of the public realm and reinforces connections between key destinations in the PDA. These public spaces provide safe and convenient access throughout the PDA and connect to the surrounding urban areas.</u></p> <p>Queens Park, Iluka Park, Cod Hole open space, and the public realm areas along the Pioneer River and Binnington Esplanade are the most significant recreational and amenity spaces in the PDA. Their active and passive recreation functions are enhanced with high quality facilities and landscape features as well as <del>the</del> development of complementary uses and activities supporting the community's leisure and lifestyle.</p> <p>Development in the PDA will support and utilise opportunities provided by the:</p> <ul style="list-style-type: none"> <li>attractive, high quality, accessible, well-connected and multi-functional</li> </ul>	<p>The inclusion of a lead in statement is consistent with other strategic outcome sections.</p> <p>Improve line of sight and workability changes to ensure outcome statements can be used in assessment (where required).</p>

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<p>public realm, which creates a strong sense of place, character, identity and amenity</p> <ul style="list-style-type: none"> <li>• <u>generous multi-functional public waterfront <del>promenade</del> areas</u>; plazas and activity nodes; event spaces; placemaking opportunities; cultural, recreation and tourist facilities and attractions; and large open recreational areas <del>at</del><u>along</u> the water's edge and across the urban environment</li> <li>• Bluewater Trail and Cross City Link, which are the primary walking and <u>cycling-active transport</u> routes traversing the PDA and providing connectivity between precincts, places, destinations, attractions and facilities.</li> </ul>	
S2-15	2.3.2 Strategic outcomes  2.3.2.3 Movement and connectivity  Page 12	<p>Include a lead-in statement for this section to read:</p> <p><u>The PDA is integrated with the city's transport networks and is well connected, accessible and permeable to a full range of pedestrian, active transport, public transport and private vehicle movements.</u></p> <p><del>Development in the PDA will:</del></p> <ul style="list-style-type: none"> <li>• <u>supports</u> connectivity between precincts, activity nodes, public realm areas, employment areas, destinations, facilities and attractions through a high quality street and movement network that prioritises the safe and convenient movement of passenger transport, pedestrians and <u>cyclists/active transport modes</u>, and promotes a healthier lifestyle through active modes of transport</li> <li>• <u>promotes</u> and encourage convenient and safe active travel via the street and pedestrian/ <u>cycle-active transport</u> movement network.</li> </ul>	<p>The inclusion of a lead in statement is consistent with other strategic outcome sections.</p> <p>Improve line of sight and workability to ensure outcome statements can be used in assessment (where required).</p>
<b>2.4 Structural elements</b>			
S2-16	2.4 Structural elements  Pages 13 and 14	<p>Include wording to match the mapped elements on the structural elements plan, to read:</p> <p><i>The structural elements plan establishes and illustrates the following <del>four</del> overarching categories <u>and designations</u>:</i></p>	<p>Changes expand upon the existing mapped elements indicated on the structural elements plan.</p>

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<ul style="list-style-type: none"> <li>• <u>precincts and sub-precincts, which indicate the development intent, preferred land uses, and additional development criteria specific to each precinct,</u></li> <li>• <del>development areas</del>, where the majority of development within the PDA may occur,</li> <li>• <u>investigation areas</u>, which require further investigation and consideration prior to realising opportunities at these locations,</li> <li>• <u>public realm areas, indicates:</u> <ul style="list-style-type: none"> <li>○ <u>the location of <del>where</del> public parks and spaces, where recreation, tourism and small-scale complementary commercial development will occur; and</u></li> <li>○ <u>land that is low-lying or environmentally sensitive, where minor sacrificial recreational facilities may occur to provide an inter-urban active transport link or enhance the appreciation of environmental values in these areas, and</u></li> </ul> </li> <li>• <u>movement and connectivity network, ensuring efficient and safe movement across the existing road network and primary pedestrian and active transport connections to, from and within the PDA.</u></li> </ul> <p>The plan also identifies key connectivity and movement infrastructure referred to in the infrastructure plan (section 3) and their preferred or indicative locations.</p> <p>The key structural components of the PDA <del>S</del>structural elements plan include:</p> <ul style="list-style-type: none"> <li>• <u>roads network (local and state controlled) and laneways (local controlled),</u></li> <li>• <u>primary pedestrian and active transport connections:</u> <ul style="list-style-type: none"> <li>○ <u><del>Bluewater Trail, and traversing precincts 1, 2, 4 and 5, and connecting to areas outside of the PDA, being south of precinct 5 (Kippen Street), west of precinct 1 (Gregory Street) and north of precinct 1 (Forgar Bridge).</del></u></li> </ul> </li> </ul>	

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<ul style="list-style-type: none"> <li>○ <u>Cross City Link, traversing precincts 2, 3 and 4, and connecting to areas outside of the PDA, being west of precinct 4 (Park Street).</u></li> <li>○ <u>Queens Park to City Link (via Gordon and Wood Streets), traversing precincts 1 and 4, and</u></li> <li>○ <u>Queens Park to Town Beach Link (via East Gordon and Shakespeare Streets), traversing precincts 4 and 5.</u></li> <li>○ <u>Tennyson Street potential pedestrian and active transport route (linking south to Cross City Link), traversing precinct 2.</u></li> <li>○ <u>Evan Street potential pedestrian and active transport route (linking west from Binnington Esplanade), traversing precinct 5, and</u></li> <li>• <u>parks:</u> <ul style="list-style-type: none"> <li>○ <u>{local parks – including:</u> <ul style="list-style-type: none"> <li>▪ <u>River Street Park, Wood Street Park and Town Hall Park (precinct 1).</u></li> <li>▪ <u>Bluewater Quay, Riverside Link, Burns Street Park, Fisher's Tale (boating and fishing quarter) and Sandfly Creek Park (precinct 2).</u></li> </ul> </li> <li>○ <u>district park – Iluka Park (precinct 5), and</u></li> <li>○ <u>regional park – Queens Park (precinct 4).</u></li> </ul> </li> </ul>	
S2-17	2.4 Structural elements  Page 15	<p>Update to Map 2: PDA Structural elements plans as follows:</p> <ul style="list-style-type: none"> <li>• Links (Cross City Link, Queens Park to City Link and Queens Park to Town Beach Link) in Queens Park are constructed – shown as solid lines</li> <li>• Names of elements in the legend are updated to be consistent with the development scheme wording</li> <li>• remove the redundant pedestrian / cycling link to the north of Chain Street.</li> </ul> <p>The amended map is included in Appendix 1.</p>	To correctly display and reflect constructed pedestrian / cycle infrastructure in Queens Park, display correct references, and remove the redundant pedestrian / cycling link to the north of Chain Street.
<b>2.5 PDA-wide criteria</b>			
S2-18	2.5.1 Built form and urban design	Amend the lead in sentence to read:	Improving the line of sight within the document. Improve the workability of the

Amendment Number	Development scheme reference	Proposed amendment	Rationale
	Page 16	<p><i>Development delivers high-quality built form, <del>and</del> urban design <u>and sustainability</u> outcomes <del>that</del>by:</i></p> <p>Relocate footnote 20 to become a note, to read:</p> <p><i><u>Note – refer to the Development intensity and built form parameters table for each precinct in section 2.6 on how to achieve the built form and urban design outcomes mentioned in this section.</u></i></p>	document and provide guidance for achieving the performance benchmarks.
S2-19	2.5.1 Built form and urban design  <i>Built form and design</i>  Page 16	<p>Amend provision 1(a), to read:</p> <p><i><u>1. ensure buildings:</u></i></p> <p><i><u>(a) are providing well designed, articulated and engaging buildings, which are high quality, well designed, and provide create visual interest through high quality, tropical design and a range of climatically responsive and durable design features and articulation materials measures; and</u></i></p> <p><i><u>(a)(b) orientateing toward street frontages to have a physical presence on the street; and</u></i></p> <p><i><u>(b)(c) providallow foring adequate access to winter sunlight in the public realm.</u></i></p>	Simplify the provision.
S2-20	2.5.1 Built form and urban design  <i>Built form and design</i>  Page 16	<p>Amend provision 4 (previously 7), to read:</p> <p><i><u>4. provid<del>es</del>ing a transition in height and intensity, including appropriate setbacks, bulk and massing, where adjoining or adjacent to a lower density urban development area outside of the PDA in East Mackay and or South Mackay, including appropriate building setback, bulk and massing to minimise the impacts on residential amenity in these areas.</u></i></p>	Improve legibility of the provision.
S2-21	2.5.1 Built form and urban design  <i>Built form and design</i>	<p>In provision 7 (previously 9), remove the work 'orientated' to read:</p> <p><i><u>7. ensure<del>s</del>ing sensitive land uses are <del>orientated</del>, designed and constructed to reduce exposure to amenity impacts generated from:</u></i></p>	Simplify the provision.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
	Page 17		
S2-22	2.5.1 Built form and urban design  <i>Built form and design</i>  Page 17	<p>Amend provision 8 (previously 11) and replace associated footnote with a note, to read:</p> <p><u>8. ensure</u><del>ing</del> <u>rooftops:</u></p> <p><u>(a) are designed to screen or otherwise integrate plant and equipment with the overall roof design; and</u></p> <p><u>(b) incorporate varied roof forms to reduce bulk and contribute to the architectural distinction of the building; and</u></p> <p><u>(c) provide opportunities allow</u><del>for unique opportunities such as</del> <u>recreation experiences / facilities such as:</u></p> <p><u>(i) open communal spaces, roof gardens or vegetation and associated ancillary open structures for use by building occupants; or</u><del>and</del></p> <p><u>(ii) where appropriate, publicly accessible uses such as bar, food and drink outlet, or observation facilities.</u></p> <p><i>Note - Communal open space, outdoor recreation or observation facilities, gardens, vegetation and associated ancillary open structures on a rooftop can sit above the nominated building height identified in Map 3 – PDA building heights plan and must not exceed 49 metres AHD. This note does not apply to bar or food and drink outlet mentioned in (c)(ii).</i></p>	Strengthen the provision to include roof form requirements to be consistent with MRPS.
S2-23	2.5.1 Built form and urban design  <i>Sustainability</i>  Page 17	<p>Include new provision 10 (previously 1(b) and 15) to read:</p> <p><u>10. ensure</u><del>applying</del> <u>best practice sustainable, innovative and climatically responsive</u><del>tropical</del> <u>design is achieved, including:</u></p> <p><u>a. appropriate solar orientation and minimising solar heat gain effects to ensure buildings and outdoor spaces are comfortable throughout the year; and,</u></p> <p><u>b. shading, and shelter and greenery; and,</u></p> <p><u>c. cross ventilation, passive cooling techniques and</u><del>access to breezes;</del> <u>and</u></p>	To consolidate the 'sustainability' related provisions. Updated reference to 'smart design elements' rather than 'smart city'.



Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<p><del>d. access to natural lighting; and, ;</del></p> <p><del>e. water recycling, energy reduction, and stormwater and waste management; and</del></p> <p><del>a-f. the incorporation of providing and facilitating innovative design, smart design city elements / initiatives, and technology driven improvements throughout the built form, public realm and infrastructure.</del></p>	
S2-24	<p>2.5.1 Built form and urban design</p> <p><i>Integration with the public realm</i></p> <p>Page 17</p>	<p>Amend provision 11 (replacing previous 1 (b) and (c)), to read:</p> <p><del>11. positively ensures buildings at ground level:</del></p> <p><del>a. contributing to and reinforcing the area at a human scale; and</del></p> <p><del>a-b. contribute to the vibrancy, accessibility, and pedestrian amenity of the public realm; and</del></p> <p><del>c. include pedestrian-friendly features, such as articulated entrances and windows / glazing, shade and shelter, and landscaping along the street frontage; and</del></p> <p><del>d. allow overlooking of streets or public spaces.</del></p> <p><del>Note – windows and other glazed openings that face streets or public spaces are not covered or obscured, unless to provide obscured privacy for a consulting room associated with a health care service, or office.</del></p>	Simplify and consolidate provisions. To ensure development at ground level overlooks streets and public spaces.
S2-25	<p>2.5.1 Built form and urban design</p> <p><i>Integration with the public realm</i></p> <p>Page 18</p>	<p>Remove provision 3 (as numbered in version 1).</p> <p><del>promoting high quality, landscaping and urban design outcomes that are respectful of the site's location, character and history.</del></p>	<p>Reduce duplication of provisions. The provision is adequately covered by:</p> <ul style="list-style-type: none"> <li>• section 2.5.1 – provision 1, and</li> <li>• section 2.5.4 - Public realm section – provision 1.</li> </ul>
S2-26	<p>2.5.1 Built form and urban design</p> <p><i>Integration with the public realm</i></p>	<p>Include new provision 12 and associated note relating to floor level transitions from street level to finished floor levels of the ground floor, to read:</p> <p><del>12. achieve a graduated floor level transition from street level up to the finished floor level of the ground floor, where development is required to mitigate a flood or storm tide hazard.</del></p>	New provision ensures appropriate design of a building is considered at ground level and will provide clarity and guidance to developers in delivering well designed and accessible buildings.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
	Page 18	<u>Note – any ramps, stairs, elevators or other accessibility features utilised to bridge the variation in floor level are contained wholly within the premises.</u>	
S2-27	2.5.1 Built form and urban design  <i>Integration with the public realm</i>  Page 18	<p>Include new provision 14 relating to podium design, to read:</p> <p><u>14. ensures podium levels or low-rise buildings up to 2 storeys:</u></p> <p><u>(a) are designed to address, activate and provide character and visual interest to street frontages; and</u></p> <p><u>(b) include façade articulation, landscaping treatments, and varied colours, materials and textures to:</u></p> <p><u>(i) reduce the visual bulk and avoid blank walls; or</u></p> <p><u>(ii) screen parking levels through an attractive and articulated façade treatment; or</u></p> <p><u>(iii) provide an appropriate transition between the podium and storeys above the podium, where development includes a tower.</u></p> <p><u>(c) provide opportunities on podium tops for:</u></p> <p><u>(i) communal open spaces and roof gardens for use by building occupants; or</u></p> <p><u>(ii) where appropriate, publicly accessible uses such as bar or food and drink outlet.</u></p>	New provision ensures appropriate design of podiums and low-rise buildings and will provide clarity and guidance to developers in delivering well designed, articulated and visually interesting buildings.
S2-28	2.5.1 Built form and urban design  <i>Building spaces and services</i>  Page 18	<p>Amend provision 15 (previously 4) and relocate associated footnote to become a note with the provision, to read:</p> <p><u>15. creating usable provide communal and private open spaces within residential and accommodation developments that:</u></p> <p><u>a. allow for equitable access; and</u></p> <p><u>b. achieve a depth and width that is suitable for use in a tropical environment and are comfortable throughout the year; and-and</u></p>	Strengthen the provision to include roof form requirements to be consistent with MRPS.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<p><u>c.</u> are safe, adaptable and functional to meet the requirements of occupants / users; <u>and</u></p> <p><u>a-d.</u> provide opportunities for deep planting in communal open spaces, that accommodate a range of landscaping treatments including larger trees; and</p> <p><u>b-e.</u> ensure balconies on towers maintain privacy of habitable rooms or outdoor spaces and provide visual variety and articulation in the built form.</p>	
S2-29	2.5.1 Built form and urban design  Building spaces and services  Page 18	<p>Amend provision 16 (previously 12), to read:</p> <p>16. <del>conceal</del><u>ing</u> onsite vehicular parking / circulation, <del>and</del> service areas and loading bays by locating these elements beneath, behind, or within a building.</p>	Provide clarity.
S2-30	2.5.2 Diverse urban environment  Page 19	<p>Amend provision 1 to read:</p> <p>1. provide for a <del>diverse range and mix</del> of housing options <del>and types</del><u>delivering choice, adaptability and diversity through</u> with a mix of densities, <del>types, tenures</del> designs and levels of affordability that caters for different forms of households, <u>needs</u> and life-cycle changes</p>	Improve workability of the provision.
S2-31	2.5.2 Diverse urban environment	<p>Amend provision 2 to read:</p> <p><del>1.</del> provide for a diverse range and mix of commercial tenancy options, types and sizes that;</p> <p><u>2.</u> considers the adaptable <u>and flexible</u> <del>building</del> design of <del>commercial</del> tenancy spaces to;</p> <p><u>(a)</u> allow interchangeable uses, <u>cater for a range of businesses or</u> <del>and promote</del> formal / informal shared working spaces <del>that promotes tenancy flexibility and diversity</del>; and</p>	Improve workability of the provision.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<p><del>(a)(b)</del> promotes the longevity and mixed-use nature of buildings and maximises high value and publicly accessible spaces in lower levels.</p> <p><i>Note – refer to the Development intensity and built form parameters table in the relevant precinct for minimum requirements for internal floor to ceiling height in lower levels of a building.</i></p>	
S2-32	2.5.3 Movement, access and transport network  Page 19	<p>Amend provision 3 to read:</p> <p>3. <del>providing safe, easily and accessible and clearly defined end-of-trip facilities for pedestrians and users of active transport modes</del><del>cyclists that promotes active transport, including facilities for the storage and charging of micro-mobility devices.</del></p> <p>Amend provision 4 to read:</p> <p>4. ensuring the location and design of vehicular access, parking, manoeuvring areas, refuse collection, and service vehicle access:</p> <p><del>(a)</del> is safe, legible, logical and located as far as practical from intersections;</p> <p><del>(a)(b)</del> considers the readiness of development for future electric vehicle charging in parking areas by making provision for adequate wiring, circuit boards, electrical capacity and control systems;</p> <p><del>(b)(c)</del> minimises fragmentation and the safe movement of pedestrian pathways and road traffic;</p> <p><del>(c)(d)</del> caters for vehicles accessing the development, and allows for safe onsite vehicle queuing, parking and manoeuvring;</p> <p><del>(d)(e)</del> co-locates servicing and parking access points to minimise impacts on the streetscape; and</p> <p><del>(e)(f)</del> avoids the need for service and refuse collection vehicles to park, stop or queue on the existing public road network and internal vehicular network.</p>	<p>Simplify the provision and include reference to the:</p> <ul style="list-style-type: none"> <li>• storage and charging of micro-mobility devices</li> <li>• readiness of development for electric vehicle charging.</li> </ul>
S2-33	2.5.4 Public realm  Page 20	<p>Amend provision 1 and include a new note, to read:</p> <p>1. <del>creating a high level of amenity and identity by providing landscaping,</del></p>	To improve legibility and provide reference to relevant standards.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<p><del>street furniture and footpath treatments along to the public realm where adjoining a site street frontages that creates a high level of amenity and positively contributes to the character and identity of the streetscape and locality.</del></p> <p><i>Note – refer to the relevant Planning scheme policies (PSP) under the Mackay Region Planning Scheme for landscaping, street furniture and footpath treatments (as amended from time to time). The PSP standards will apply until a specific PDA guideline for these elements is implemented.</i></p>	
S2-34	2.5.4 Public realm  Page 20	<p>Amend provision 2 to read:</p> <p><i>appropriately integrating public art that is suitable for the origins, history <del>and</del>, character <u>and identity</u> of Mackay</i></p>	Improve clarity.
S2-35	2.5.5 Community safety and development constraints  <i>Community safety and wellbeing</i>  Page 21	<p>Include new provision 6, relating to minimising amenity impacts on existing sensitive land uses, to read:</p> <p><u>6. ensuring potential amenity impacts, such as light, odour, vibration and noise, to existing sensitive land uses are avoided, to the greatest extent practicable, then managed or mitigated.</u></p>	Correct a drafting error. Provision is consistent with same requirements under the Mackay Region Planning Scheme.
S2-36	2.5.5 Community safety and development constraints  <i>Acid sulfate soils</i>  Page 21	<p>Include a new note at the beginning of the sub-section, to read:</p> <p><i><u>Note – refer to the Acid sulfate soils overlay map under the Mackay Region Planning Scheme 2017 to identify acid sulfate soils.</u></i></p>	Improve the workability of the document.
S2-37	2.5.5 Community safety and development constraints  <i>Airport environs</i>	<p>Include a new note with the sub-section, to read:</p> <p><i><u>Note – refer to the Airport environs overlay map under the Mackay Region Planning Scheme 2017 to identify obstacle limitation surface, lighting restriction zones and wildlife hazard buffers mapping.</u></i></p> <p>Amend provision 9, to read:</p>	Improve the workability of the document and aligning requirements with Mackay Region Planning Scheme.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
	Page 21	<p>9. <i>maintaining the safety and efficiency of the operational airspace for the Mackay Airport, <u>by ensuring including the:</u></i></p> <p>(a) <i><u>development, including associated equipment used during construction (such as cranes), landscaping (at maturity) and other structures (such as aerals), does not exceed the obstacle limitation surface height; or</u></i></p> <p>(b) <i><u>development located the lighting restriction zones does not include external lighting or reflective surfaces where such fixtures could distract and confuse pilots and increase the risk of an aircraft incident; or and</u></i></p> <p>(c) <i><u>development located in the wildlife hazard buffers does not attract birds or bats.</u></i></p> <p>Include new footnotes, to read:</p> <p><sup>35</sup> <i><u>For guidance, refer to the Airport environs overlay map under the Mackay Region Planning Scheme 2017 to identify obstacle limitation surface, lighting restriction zones and wildlife hazard buffers mapping</u></i></p> <p><sup>36</sup> <i><u>Any building (including construction equipment), structure or landscaping (whether temporary or permanent) that exceeds the obstacle limitation surface is referred to the airport operator and Civil Aviation Safety Authority (CASA) and complies with any CASA directives.</u></i></p>	
S2-38	2.5.5 Community safety and development constraints <ul style="list-style-type: none"> <li>• Environment</li> <li>• Natural hazards</li> </ul> Page 22	Amend provisions 10(a), 11, 13 and 14, to include the following wording:  <i><u>avoidings, to the greatest extent practicable, then <del>minimises or managines</del> or mitigating</u></i>	Improved wording to align with the State Planning Policy
S2-39	2.5.5 Community safety and	Include a new note at the beginning of the sub-section, to read:	Improve the workability of the document.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
	development constraints  <i>Natural hazards</i>  Page 22	<u>Note – refer to the Flood and coastal hazards overlay map under the Mackay Region Planning Scheme 2017 to identify flood, storm tide inundation and erosion prone mapping.</u>	
S2-40	2.5.5 Community safety and development constraints  <i>Natural hazards</i>  Page 23	<p>Amend provision 15 (previously 14) and include new notes associated with the provision, to read:</p> <p>15. <i>ensuring development is designed and located to be compatible with the nature of the flood or storm tide hazard by providing a <u>minimum</u> floor level for <u>non-residential uses or all habitable rooms</u> that is:</i></p> <p><i>a. 300mm above the defined flood event (DFE) or defined storm tide event (DSTE); or</i></p> <p><u>Note – DFE is the 1% AEP flood event plus climate change factor. The DFE is derived from adopted studies regarding riverine and local flood events. Where a site is covered by more than one study, the highest flood level is the DFE.</u></p> <p><i>b. 600mm above the DSTE if located 100 metres of the foreshore area.</i></p> <p><u>Note – non-residential uses include adult store, agricultural supplies store, childcare centre, commercial activities, community activities, home-based business (not applicable to a proposed home-based business in an existing building), industrial activities, major sport, recreation and entertainment facility, nightclub entertainment facility, sales office, service station, and tourist attraction.</u></p> <p><u>Note – habitable rooms associated with accommodation activities, caretaker's accommodation, residential activities, and resort complex.</u></p> <p><u>Note – the foreshore area shall be taken as extending inland for a minimum of 100 metres from the higher of the toe of the frontal dune or Highest astronomical tide.</u></p>	Improve alignment with same provision under the Mackay Region Planning Scheme.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
S2-41	2.5.5 Community safety and development constraints  <i>Natural hazards</i>  Page 23	Relocate footnote associated with provision 19 (previously 18) to a note, to read:  <u>Note - refer to the SPP 2017 and the state interest guidance material for natural hazards, risks and resilience – coastal hazards.</u>	Improve the workability of the document.
S2-42	2.5.6 Infrastructure  Page 24	Relocate a footnote associated with this section as a note, to read:  <u>Note – in this section, refer to the General development requirements code, Healthy waters code and relevant Planning Scheme Policies under the Mackay Region Planning Scheme 2017 for the assessment and construction requirements of operational works.</u>  Amend the following provisions to read:  3. <i>providing infrastructure and services in a timely, orderly, integrated and coordinated manner</i> <del>to support urban uses and works.</del>  5. <i>ensuring infrastructure and services maximise efficiency and ease of maintenance</i> <u>and minimise whole of lifecycle costs.</u>  6. <del>ensuring allowing for public events and interim uses to have access to essential infrastructure and services</del> <u>where required.</u>	To improve workability and simplify provisions.
S2-43	2.5.6 Infrastructure  Page 24	Delete provision 6.  <del>maximising the infrastructure investment by providing opportunities to deliver best practice development outcomes and higher residential densities on both waterfronts, around Queens Park and in the city centre</del>	Reduce duplication of provisions. This provision is covered by provision 5.
S2-44	2.5.7 Heritage  Page 24	Include a new note at the beginning of the section, to read:  <u>Note – refer to the Heritage overlay map under the Mackay Region Planning Scheme 2017 to identify a State or Local heritage place.</u>	Improve the workability of the document.
S2-45		Update the footnote relating references to State and Local heritage place statements of significance, to read:	Improve the referenced within the document.



Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<i>For information about a heritage place, refer to the heritage register listed in Schedule 4, the relevant Queensland Heritages Register statement of significance or Mackay Regional Council's Heritage Local Heritage Register citation statements of significance (on council's website).</i>	
S2-46	2.5.7 Heritage  Page 24	Amend the following provisions to read:  1. <i>avoiding, to the greatest extent practicable, then managing or and minimising adverse impacts on the heritage significance of the place, particularly the unique art deco heritage character of buildings (including internal elements), facades, and streetscapes which gives the precinct its unique sense of place and identity.</i>  2. <i>encourage, where appropriate, by the protection or the adaptive reuse of the a heritage place in a way that is compatible, respectful and sympathetic to its heritage significance</i>  3. <i>ensure development adjoining a heritage place respecting heritage values by minimising impacts from built form, bulk and proximity to adjoining heritage places</i>	Improve alignment with State Planning Policy.
S2-47	2.5.7 Heritage  Page 25	Include new provision 4 to read:  4. <i>ensure development involving reconfiguring a lot on a heritage place does not result in an allotment size, configuration or pattern which would adversely affect the setting or views of a heritage place.</i>	Ensure reconfiguring a lot on a heritage place does not adversely affect the place
<b>2.6 Precinct provisions</b>			
S2-48	2.6 Precinct provisions  Page 29	Amend the final paragraph in the section introduction, to read:  <i>Precinct development provisions:</i>  <ul style="list-style-type: none"> <li><i>must be read in conjunction with the structural elements (section 2.4) and PDA-wide criteria (section 2.5) sections of the development scheme,</i></li> <li><i>provide guidance on where activities and development within the PDA is preferred, and development provisions to</i></li> <li><i>support the achievement of the strategic intent and strategic outcomes for the PDA.</i></li> </ul>	Improve clarity.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
S2-49	2.6.1 Precinct 1 – Mackay city centre  2.6.1.1 Precinct development intent  Page 31	<p>Amend the precinct development intent to read:</p> <p><i>The Mackay city centre precinct <del>will develop a</del> is the <u>urban heart of Mackay and functions as the</u> primary business, administration, and employment centre for the region. <u>The precinct is</u> a vibrant, accessible and engaging place for people to live, learn, work, <u>trade</u> and play. <u>Streets and the public realm are inviting and incorporate shade, footpath activities, public art, and access to pedestrian, active transport and parking facilities.</u> <del>and</del> <u>The Mackay city centre will be a high-density mixed-use precinct that will accommodate</u></i></p> <p><i><u>The precinct accommodates a diverse range, mix and intensity of the following uses in predominantly attached building forms:</u></i></p> <ul style="list-style-type: none"> <li><i><u>residential and accommodation activities, which are located above the ground floor either in towers or as shop top living; and</u></i></li> <li><i><u>business, professional services, creative industry, retail, dining, entertainment, community, and health and wellbeing activities.</u></i></li> </ul> <p><i><u>Victoria Street (west of Sydney Street) and Wood Street are a focus for retail, dining, footpath trading and entertainment activities at street level, which contribute to the vibrancy of the public realm and enable the precinct to function all day and throughout the week.</u></i></p> <p><i>Development in the <u>Mackay city centre</u> precinct:</i></p> <ol style="list-style-type: none"> <li><i>supports the population and economic growth and development of Mackay and the Greater Whitsunday Region by:</i> <ol style="list-style-type: none"> <li><i>developing a critical mass of residents and workforce to support business, administration, and professional services <del>s-providers, and</del> <u>the adjacent high value amenity areas along the Pioneer River;</u> and</i></li> <li><i>providing a diverse mix of tenancy types and sizes to support a range of commercial activities and opportunities for <del>informal / formal</del> <u>shared working</u> spaces.</i></li> </ol> </li> </ol>	<p>Improved clarity around the development intent of the precinct to be consistent with expected development identified by the preferred land uses table.</p> <p>Statements have been rearranged into provisions for better use in assessment.</p>

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<p>2. <u>provides diverse work, business and lifestyle opportunities through a diverse range, mix and intensity of commercial, <del>high density</del> residential, accommodation, health and wellbeing, recreation, entertainment and community activities, as identified in Table 32: Precinct 1 – Preferred land uses.</u></p> <p>3. <u>provides opportunities for temporary or interim uses that promote activity and deliver amenity including markets, pop up retail, outdoor dining, and events including cultural, entertainment and artistic performances to increase visitors to the city centre.</u></p>	
S2-50	<p>2.6.1 Precinct 1 – Mackay city centre</p> <p>2.6.1.1 Precinct development intent</p> <p>Page 31</p>	<p>In Table 2: Precinct 1 – Preferred land uses:</p> <ul style="list-style-type: none"> <li>remove <i>dwelling unit</i> as it is proposed to be included in the <i>residential activities activity group</i></li> <li>remove <i>indoor sport and recreation</i> as it is proposed to be included in the <i>commercial activities activity group</i></li> <li>include <i>hospital and low impact industry (involving brewery, coffee roasting and distilling alcohol)</i> as a preferred land use</li> </ul>	Remove uses included in an activity group or add new preferred uses that fit with the development intent for the precinct.
S2-51	<p>2.6.1 Precinct 1 – Mackay city centre</p> <p>2.6.1.2 Built form and urban design</p> <p>Page 32</p>	<p>Amend provision 4 (previously 1) to read:</p> <p><del>1. delivers a built form that:</del></p> <p><del>(a) reflects and reinforces the character and identity of the Mackay city centre as the primary business activity centre of Mackay and the Greater Whitsunday Region; and</del></p> <p>4. is <del>generally designed</del> in accordance with Table 43: Precinct 1 – Development intensity and built form parameters.</p>	Simplify the provision. 1(a) is covered by new provision 5.
S2-52	<p>2.6.1 Precinct 1 – Mackay city centre</p> <p>2.6.1.2 Built form and urban design</p> <p>Page 32</p>	<p>Include new provisions 5 and 6, to read:</p> <p>5. <u>has regard to the place characteristics of the precinct relating to its unique art deco architecture, north-orientated grid pattern, wide verdant streetscapes, network of laneways, and proximity to the Pioneer River.</u></p>	<p>Provision 5 further clarifies requirement relating to place characteristics.</p> <p>Provision 6 supports laneway project either completed or underway.</p>

Amendment Number	Development scheme reference	Proposed amendment	Rationale			
		6. <u>supports the activation of laneways, where the site has a frontage to a laneway, by providing building activation measures that are accessible from the laneway.</u>				
S2-53	2.6.1 Precinct 1 – Mackay city centre  2.6.1.2 Built form and urban design  Page 32	Amend provision 7 (previously 5) to read:  7. <del>emphasise the prominence of intersections by providing</del> <u>provides</u> corner truncations (identified on Map 5: Precinct framework plan 1 – Mackay city centre) in accordance with Figure 2 – Corner truncation that forms part of the public footpath and is reflected in the design of the building.	Simplify the provision.			
S2-54	2.6.1 Precinct 1 – Mackay city centre  2.6.1.2 Built form and urban design  Page 32	Amend provision 8 to read:  8. <u>strengthens the Mackay city centre as a waterfront destination and the precinct's relationship</u> <del>and interface with the Pioneer River by:</del> (a) <u>orientating buildings toward the</u> <del>on Pioneer River</del> <del>Street to face north towards to the river and Post Office Park and public realm areas;</del> and (b) <u>providing mixed-use buildings, where deliver active uses at the</u> <del>ground level and within podium levels to activate River Street and take advantage of views to the river on levels above the ground floor are occupied by retail commercial or community uses.</del>	Clarify the intent of the provision relating to strengthening the relation between the precinct and the river.			
S2-55	2.6.1 Precinct 1 – Mackay city centre  2.6.1.2 Built form and urban design  Page 32	In Table 4: Precinct 1 – Development intensity and built form parameters, relocate the footnote associated with building height to become a note, to read: <table><tr><td><b>Building height</b></td><td>As identified on Map 3 – PDA building heights plan  <u>Note – in areas affected by flooding, building height above ground level is the building height identified in Map 3 – PDA building heights plan plus the highest of either the defined flood event (DFE) or defined stormtide event</u></td><td>Up to 10 storeys (inclusive of podium)</td></tr></table>	<b>Building height</b>	As identified on Map 3 – PDA building heights plan  <u>Note – in areas affected by flooding, building height above ground level is the building height identified in Map 3 – PDA building heights plan plus the highest of either the defined flood event (DFE) or defined stormtide event</u>	Up to 10 storeys (inclusive of podium)	Improve the workability of the document and provide guidance for achieving the performance benchmarks.
<b>Building height</b>	As identified on Map 3 – PDA building heights plan  <u>Note – in areas affected by flooding, building height above ground level is the building height identified in Map 3 – PDA building heights plan plus the highest of either the defined flood event (DFE) or defined stormtide event</u>	Up to 10 storeys (inclusive of podium)				

Amendment Number	Development scheme reference	Proposed amendment			Rationale
			<i>(DSTE) relevant to the subject site.</i>		
S2-56	2.6.1 Precinct 1 – Mackay city centre  2.6.1.2 Built form and urban design  Page 33	In Table 4: Precinct 1 – Development intensity and built form parameters, include new provision relating to minimum internal floor to ceiling height, to read:			Provision relates to proposed changes in the PDA-wide criteria, which are consistent and align with the Mackay Region Planning Scheme.
		<b><u>Minimum internal floor to ceiling height</u></b>	<u>Up to 2 storeys</u>	<ul style="list-style-type: none"> <li><u>4 metres on ground floor; or</u></li> <li><u>3.3 metres on the first floor</u></li> </ul>	
S2-57	2.6.1 Precinct 1 – Mackay city centre  2.6.1.2 Built form and urban design  Page 33	In Table 4: Precinct 1 – Development intensity and built form parameters, amend provision to include graduated transition from street level to a finished floor level on the ground floor and an associated note, to read:			Provision relates to proposed changes in the PDA-wide criteria, which are consistent and align with the Mackay Region Planning Scheme.
		<b>Minimum setback to a street</b>	<del>Pediment (u</del> <u>Up to 2 storeys)</u>	<p><i>0 metres, unless setback further from the street boundary to accommodate:</i></p> <ul style="list-style-type: none"> <li><i><u>civic, foyer or outdoor trading spaces; or</u></i></li> <li><i><u>a graduated floor level transition from street level up to the finished floor level of the ground floor, where development is required to mitigate a flood or stormtide hazard</u></i></li> </ul>	

Amendment Number	Development scheme reference	Proposed amendment		Rationale
			<p><i>Note – where development incorporates a graduated floor level transition from street level to the finished floor level inside the building, the transition may include civic, foyer or outdoor trading spaces. Any ramps, stairs, elevators or other accessibility features utilised to bridge the variation in floor level are contained wholly within the premises.</i></p> <p>3 or more storeys</p> <p>5 metres (outermost projection) to 8 metres (wall)</p>	
S2-58	2.6.1 Precinct 1 – Mackay city centre  2.6.1.2 Built form and urban design  Page 33	<p>In Table 4: Precinct 1 – Development intensity and built form parameters, relocate the footnote associated with footpath awning provision to become a note, to read:</p> <p><i>Note – excludes development on a State heritage place.</i></p>		Improve the workability of the document and provide guidance for achieving the performance benchmarks.
S2-59	2.6.1 Precinct 1 – Mackay city centre  2.6.1.3 Public realm  Page 33	<p>Amend provision 9 (previously 7) to read:</p> <p>9. <del>has</del><i>ve</i> regard to the relationship and interface with the <del>local parklands of</del> Wood Street Park, <del>Post Office</del><i>River Street</i> Park and Town Hall Park.</p>		Improve legibility.
S2-60	2.6.1 Precinct 1 – Mackay city centre  2.6.1.4 Movement, access and transport network	<p>Amend the following provisions to read:</p> <p>10. <del>retain</del><i>s</i> the existing network of laneways providing for rear servicing and vehicular access to sites, and <del>for</del><i>safe</i> pedestrian and <del>eyelist</del><i>active</i> transport access <del>across city blocks</del>.</p> <p>11. <del>ensure</del><i>s</i> that extensions to laneways or a new laneway (in public or private ownership) <del>can</del><i>provides</i> adequate access and opportunities for</p>		Improve legibility.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
	Page 34	<p><i>ancillary temporary activation and placemaking activities.</i></p> <p>13. <i>avoid<del>s</del> new vehicular access points <del>for sites with frontage to designated from</del> state-controlled roads <del>of</del> Sydney Street (north from Gordon Street) and Gordon Street (west from Sydney Street).</i></p> <p>14. <i>maintain<del>s</del> the function, efficiency, safety and visual amenity of the public transport interchange facility on Gregory Street (between Victoria Street and Gordon Street) <del>by creating an appropriate interface and orientation to avoid conflicts.</del></i></p>	
S2-61	2.6.1 Precinct 1 – Mackay city centre  2.6.1.4 Movement, access and transport network  Page 34	<p>Include new footnote with provision 13 (previously 11) to read:</p> <p><u><i>Where associated with a state-controlled road, further requirements or approvals may be required from the Department of Transport and Main Roads.</i></u></p>	Improve the workability of the document and provide guidance for achieving the performance benchmarks.
S2-62	2.6.1 Precinct 1 – Mackay city centre  2.6.1.5 Heritage  Page 34	<p>Amend the following provisions to read:</p> <p><u><i>15. where on a heritage place:</i></u></p> <p>(a) <u><i>protects and preserves the natural, aesthetic, architectural, historic or cultural values of significant trees, places, objects or buildings of heritage and cultural significance; and</i></u></p> <p>(b) <u><i><del>where on a State heritage place,</del> does not result in the loss of any significant façade, roof, structure, interior or other significant fabric of the <del>State heritage</del> place; and</i></u></p> <p>(c) <u><i>avoid<del>s</del> the full or partial demolition or modification of <del>iconic</del>-building facades, <del>including awning structures,</del> on a heritage place <del>where</del> located on <del>the</del>:</i></u></p> <p>(i) <u><i><del>northern side</del> Victoria Street, between <del>Wood</del> Gregory and Sydney-Brisbane Streets;</i></u></p>	Workability improvements for development on or adjoining a heritage place.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<p>(ii) <del>eastern side of</del> Wood Street, between Gordon and River Streets; and</p> <p>(iii) <del>western side of</del> Sydney Street, between <del>Victoria</del> Gordon and River Streets.</p> <p><u>16. where adjoining a heritage place, ensures buildings:</u></p> <p><u>(a) <del>appropriately design and locate</del> with a height of 5 or more storeys do not:</u></p> <p><u>(i) adversely affect views to and from the heritage place; and</u></p> <p><u><del>(ii)</del> (ii) obscure or destroy any pattern of historic context, landscape setting or the scale of consistency of the streetscape relating to heritage places; and</u></p> <p><u><del>(iii)</del> (iii) are appropriately designed to avoid and minimise adverse impacts on the heritage significance and character values of buildings <del>(including internal elements)</del>, facades, and streetscapes.</u></p>	
S2-63	<p>2.6.1 Precinct 1 – Mackay city centre</p> <p>2.6.1.7 Categories of development</p> <p>Page 36</p>	<p>In Table 5: Precinct 1 – Categories of development, amend column 1 as follows:</p> <ul style="list-style-type: none"> <li>Include <i>hotel (involving pub)</i> in item 2(a) as this use is included in the criteria for item 4, to read: <p><u>(a) commercial activities, excluding bar <del>and hotel (involving a pub)</del></u></p> </li> <li>Include new accepted development criteria for dwelling unit, to read: <p><u>(c) dwelling unit, where located above the ground floor</u></p> </li> <li>Remove <i>indoor sport and recreation</i> as it is proposed to be part of the commercial activities activity group</li> <li>Include new accepted development criteria for low impact industry (involving brewery, coffee roasting and distilling alcohol), to read:</li> </ul>	To ensure the range interchangeable preferred uses are able to utilise accepted development where appropriate.



Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<u>Material change use for low impact industry (involving brewery, coffee roasting and distilling alcohol) where located within an existing building that has been previously occupied by a non-residential use and complying with the requirements for accepted development in Schedule 4.2.</u>	
S2-64	2.6.1 Precinct 1 – Mackay city centre  2.6.1.7 Categories of development  Page 36	In Table 5: Precinct 1 – Categories of development, amend column 2A to include a permissible development trigger and associated note for operational work for an advertising device on a heritage place, to read:  <u>Operational work that is the placing of advertising devices, other than advertising devices mentioned in Schedule 2, on a heritage place.</u>  <u>Note – assessment of the advertising device(s) on a heritage place under this development scheme does not replace the assessment and approval of the advertising device(s) under Subordinate Local Law 1.4 (Installation of advertising devices) 2011.</u>	Proposed assessable development trigger resolves an issue with making all signs not on a heritage place accepted development in Schedule 1.  The intent is for the local law to be used to assess advertising devices and ensure a planning instrument does not unintentionally cause the local law to not apply.
S2-65	2.6.2 Precinct 2 – Riverside  2.6.2.1 Precinct development intent  Page 38	Amend the precinct development intent to read:  <del>Development in the</del> <u>The Riverside precinct is will support a new and vibrant mixed-use -distinctive waterfront destination on the southern bank of the Pioneer River, extending between Sydney Street and the River Street boat ramp.</u>  <u>The precinct accommodates a diverse range and intensity of residential and accommodation activities that capitalise on the riverside location and proximity to employment or business activities in the Mackay city centre precinct and Enterprise precinct.</u>  <u>Retail, dining, tourism, entertainment, and placemaking activities in the precinct are focussed along River Street to support a vibrant and activated public realm along the riverfront and enable the precinct to function all day and throughout the week.</u>  <u>The central feature of the precinct is a vibrant, <del>engaging-inviting, safe and publicly-accessible riverside promenade</del> public realm (including public spaces and community infrastructure) along the riverfront that establishes a sense of place, character, and identity for the precinct by:</u>	Improved clarity around the development intent of the precinct to be consistent with expected development identified by the preferred land uses table.  Statements have been rearranged into provisions for better use in assessment.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<ul style="list-style-type: none"> <li><del>incorporating shade, opportunities for recreation and outdoor dining, generous spaces for social gathering and events, and public art; with associated. The riverside promenade</del></li> <li><del>maintainings and enhancings safe and convenient pedestrian and active transport access and linkages along the riverfront and through the precinct; and;</del></li> <li><del>providings physical and visual connectivity with the water; and forms part of the Bluewater Trail. The precinct will be supported by a range of cultural, festive and placemaking activities that activate the riverfront day and night, and.</del></li> </ul> <p>The <u>Fisher's Tale public realm area, located at the</u> eastern end of the precinct <u>(east of Burns Street)</u>, is enhanced as a boating and fishing quarter that retains and improves the boat ramp and associated infrastructure, and provides for a range of water-based activities and associated <u>public realm / placemaking opportunities</u>.</p> <p>Development in the Riverside precinct <del>will</del>:</p> <ol style="list-style-type: none"> <li><u>supports the riverfront as a new and distinctive waterfront destination.</u></li> <li><u>provides diverse lifestyle and leisure opportunities through a range of residential, accommodation, commercial, tourism, recreation, and community activities, as identified in Table 56: Precinct 2 – Preferred land uses.</u></li> <li><u>provides opportunities for interim uses that promote activity and deliver amenity including markets, pop up retail, outdoor dining, and events including cultural, entertainment and artistic performances to increase visitors to the riverfront.</u></li> </ol>	
S2-66	2.6.2 Precinct 2 – Riverside  2.6.2.1 Precinct development intent  Page 38	<p>In Table 6: Precinct 2 – Preferred land uses:</p> <ul style="list-style-type: none"> <li>include <i>commercial activities</i> and remove <i>bar, food and drink outlet, function facility, healthcare services, hotel, indoor sport and recreation, office, service industry, shop, shopping centre, theatre and veterinary service</i>, as all uses in this activity group are listed as preferred land uses</li> <li>remove <i>dwelling unit</i> as it is proposed to be part of the residential activities activity group</li> </ul>	Remove uses included in an activity group or add new preferred uses that fit with the development intent for the precinct.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<ul style="list-style-type: none"> <li>include caretaker's accommodation, hospital and low impact industry (involving brewery, coffee roasting and distilling alcohol) as preferred land uses</li> </ul>	
S2-67	2.6.2 Precinct 2 – Riverside  2.6.2.2 Built form and urban design  Page 39	Amend provision 4 (previously 1) to read:  <del>2. delivers a built form that:</del>  <del>3. responds to, reflects and reinforces the Pioneer River location and historic river port character; and</del>  4. is <del>generally designed</del> in accordance with Table <del>67</del> : Precinct 2 – Development intensity and built form parameters.	Simplify the provision. The character part of provision 1 is covered by new provision 6.
S2-68	2.6.2 Precinct 2 – Riverside  2.6.2.2 Built form and urban design  Page 39	Include new provision 6 to read:  6. <u>contributes to the place characteristics of the precinct relating to its history as a working port, verdant streetscapes and public realm areas, and proximity to the Pioneer River.</u>	Provision 6 further clarifies requirement relating to place characteristics.
S2-69	2.6.2 Precinct 2 – Riverside  2.6.2.2 Built form and urban design  Page 39	Amend the following provisions to read:  <del>7. maintains a human scale along River Street and the riverfront north of the River Street levee wall and avoid being visually dominant when viewed from the river.</del>  <del>7.8. emphasise the prominence of intersections by providing</del> <u>corner truncations (identified on Map 6: Precinct framework plan 2 – Riverside) at intersections on Victoria Street in accordance with Figure 2 – Corner truncation that forms part of the public footpath and is reflected in the design of the building.</u>  9. <u>integrates with and provides opportunities for public access to the:</u> a. <del>Pioneer River, where located north of River Street, or</del> a. <u>integrate with and provide opportunities for public access to the</u> b. <del>Bluewater Trail, where located north of Victoria Street and east of</del>	Simplify provisions and improve legibility..

Amendment Number	Development scheme reference	Proposed amendment	Rationale			
		<i>Burns Street.</i>				
S2-70	2.6.2 Precinct 2 – Riverside  2.6.1.2 Built form and urban design  Page 40	<p>In Table 7: Precinct 2 – Development intensity and built form parameters, relocate the footnote associated with building height to become a note, to read:</p> <table><tr><td><b>Building height</b></td><td><p><i>As identified on Map 3 – PDA building heights plan</i></p><p><i>Note – in areas affected by flooding, building height above ground level is the building height identified in Map 3 – PDA building heights plan plus the highest of either the defined flood event (DFE) or defined stormtide event (DSTE) relevant to the subject site.</i></p></td><td><ul style="list-style-type: none"><li>• <i>South of River Street – up to 10 storeys (inclusive of podium)</i></li><li>• <i>North of River Street – up to 3 storeys (inclusive of podium)</i></li></ul></td></tr></table>	<b>Building height</b>	<p><i>As identified on Map 3 – PDA building heights plan</i></p> <p><i>Note – in areas affected by flooding, building height above ground level is the building height identified in Map 3 – PDA building heights plan plus the highest of either the defined flood event (DFE) or defined stormtide event (DSTE) relevant to the subject site.</i></p>	<ul style="list-style-type: none"><li>• <i>South of River Street – up to 10 storeys (inclusive of podium)</i></li><li>• <i>North of River Street – up to 3 storeys (inclusive of podium)</i></li></ul>	Improve the workability of the document and provide guidance for achieving the performance benchmarks.
<b>Building height</b>	<p><i>As identified on Map 3 – PDA building heights plan</i></p> <p><i>Note – in areas affected by flooding, building height above ground level is the building height identified in Map 3 – PDA building heights plan plus the highest of either the defined flood event (DFE) or defined stormtide event (DSTE) relevant to the subject site.</i></p>	<ul style="list-style-type: none"><li>• <i>South of River Street – up to 10 storeys (inclusive of podium)</i></li><li>• <i>North of River Street – up to 3 storeys (inclusive of podium)</i></li></ul>				
S2-71	2.6.2 Precinct 2 – Riverside  2.6.1.2 Built form and urban design  Page 40	<p>In Table 7: Precinct 2 – Development intensity and built form parameters, include new provision relating to minimum internal floor to ceiling height, to read:</p> <table><tr><td><b><u>Minimum internal floor to ceiling height</u></b></td><td><b><u>Up to 2 storeys</u></b></td><td><ul style="list-style-type: none"><li>• <b><u>4 metres on ground floor; or</u></b></li><li>• <b><u>3.3 metres on the first floor</u></b></li></ul></td></tr></table>	<b><u>Minimum internal floor to ceiling height</u></b>	<b><u>Up to 2 storeys</u></b>	<ul style="list-style-type: none"><li>• <b><u>4 metres on ground floor; or</u></b></li><li>• <b><u>3.3 metres on the first floor</u></b></li></ul>	Provision relates to proposed changes in the PDA-wide criteria, which are consistent and align with the Mackay Region Planning Scheme.
<b><u>Minimum internal floor to ceiling height</u></b>	<b><u>Up to 2 storeys</u></b>	<ul style="list-style-type: none"><li>• <b><u>4 metres on ground floor; or</u></b></li><li>• <b><u>3.3 metres on the first floor</u></b></li></ul>				
S2-72	2.6.2 Precinct 2 – Riverside  2.6.1.2 Built form and urban design  Page 40	<p>In Table 7: Precinct 2 – Development intensity and built form parameters, amend provision to include graduated transition from street level to a finished floor level on the ground floor and an associated note, to read:</p>	Provision relates to proposed changes in the PDA-wide criteria, which are consistent and align with the Mackay Region Planning Scheme.			

Amendment Number	Development scheme reference	Proposed amendment		Rationale
		<div>Minimum setback to a street</div>	<p><del>Pediment (u</del>Up to 2 storeys)</p> <p>0 metres, unless setback further from the street boundary to accommodate:</p> <ul style="list-style-type: none"> <li>civic, foyer or outdoor trading spaces; or</li> <li>a graduated floor level transition from street level up to the finished floor level of the ground floor, where development is required to mitigate a flood or stormtide hazard</li> </ul> <p><i>Note – where development incorporates a graduated floor level transition from street level to the finished floor level inside the building, the transition may include civic, foyer or outdoor trading spaces. Any ramps, stairs, elevators or other accessibility features utilised to bridge the variation in floor level are contained wholly within the premises.</i></p>	
			3 or more storeys	5 metres (outermost projection) to 8 metres (wall)
S2-73	2.6.2 Precinct 2 – Riverside  2.6.1.2 Built form and urban design  Page 41	<p>In Table 7: Precinct 2 – Development intensity and built form parameters, relocate the footnote associated with footpath awning provision to become a note, to read:</p> <p><i>Note – excludes development on a State heritage place.</i></p>		Improve the workability of the document and provide guidance for achieving the performance benchmarks.
S2-74	2.6.2 Precinct 2 – Riverside	Amend provision 12 (previously 8) to read:		Simplify the provision.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
	2.6.1.2 Built form and urban design Page 41	5. <del>has</del> <u>ve</u> regard to the relationship and interface with the <del>local parklands of</del> Bluewater Quay, <u>riverfront public realm areas</u> , Burns Street Park and Sandfly Creek Park.	
S2-75	2.6.2 Precinct 2 – Riverside  2.6.2.4 Movement, access and transport network Page 41	Remove provisions 10 and 12:  <del>10. provide a north-south pedestrian connection from the Victoria Street end of Chain Street to the Bluewater Trail.</del>  <del>12. improve pedestrian and cyclist access and permeability across city blocks.</del>	Provisions are redundant for the following reasons: <ul style="list-style-type: none"> <li>provision 10 – the pedestrian connection is no longer relevant</li> <li>provision 12 – covered by provision 16 (previously 14)</li> </ul>
S2-76	2.6.2 Precinct 2 – Riverside  2.6.2.4 Movement, access and transport network Page 41	Amend the following provisions:  13. <del>retains</del> <u>s</u> and <del>enhances</del> <u>s</u> Eleventh Lane and Nineteenth Lane that provides for rear servicing and vehicular access to <del>adjacent sites and for safe pedestrian access.</del>  14. <del>ensure</del> <u>s</u> that extensions to laneways or a new laneway (in public or private ownership) <del>can provide</del> <u>s</u> adequate access and opportunities for ancillary temporary activation and placemaking activities.  16. <del>establishes and maintains and enhance</del> <u>s</u> safe and convenient pedestrian and <del>cyclist active transport</del> <u>access</u> and linkages <u>across city blocks</u> , along the Pioneer riverfront and to the river.  17. <del>reduces the number of vehicle access points on on</del> <u>s</u> sites with frontage to the southern side of River Street, <u>where vehicle access is either</u> co-locate <del>d vehicle access on River Street</del> <u>d vehicle access</u> on north-south <del>side</del> <u>s</u> streets to enable safe pedestrian movement and <del>maximise</del> <u>s</u> opportunities for outdoor activation activities along River Street.	Improve the legibility of provisions.
S2-77	2.6.2 Precinct 2 – Riverside	Amend provision 18 (previously 16) to read:	Changes to provision 18 are consistent with other changes related made in sections 2.6.1.5 and 2.5.7.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
	2.6.2.5 Heritage  Page 41	18. <del>protects and preserves the natural, aesthetic, architectural, historic or cultural values of significant trees, places, objects or buildings of heritage and cultural significance, including and incorporate the Leichhardt tree into the redeveloped waterfront as a historic and culturally significant place for the community and WH Paxton Warehouse.</del>	
S2-78	2.6.2 Precinct 2 – Riverside  2.6.2.7 Precinct framework plan  Page 43	Amend the precinct framework plan to remove the potential pedestrian link north of Chain Street.  See Appendix 1 Map changes.	Remove a redundant element – potential pedestrian link is no longer required as this link is identified further east by the PDA master plan.
S2-79	2.6.2 Precinct 2 – Riverside  2.6.2.8 Categories of development  Page 45	In Table 8: Precinct 2 – Categories of development, amend column 1 as follows: <ul style="list-style-type: none"> <li>• Include new Accepted development criteria for <i>dwelling unit</i>, to read:  <u>c. dwelling unit, where located above the ground floor</u></li> <li>• Remove <i>indoor sport and recreation</i> as it is proposed to be part of the commercial activities activity group</li> <li>• Include new Accepted development criteria for low impact industry (involving brewery, coffee roasting and distilling alcohol), to read:  <u>Material change use for low impact industry (involving brewery, coffee roasting and distilling alcohol) where located within an existing building that has been previously occupied by a non-residential use and complying with the requirements for accepted development in Schedule 4.2</u></li> </ul>	To ensure the range interchangeable preferred uses can utilise accepted development where appropriate.
S2-80	2.6.2 Precinct 2 – Riverside	In Table 8: Precinct 2 – Categories of development, amend column 2A to include a permissible development trigger and associated note for operational work for an advertising device on a heritage place, to read:	Proposed assessable development trigger resolves an issue with making all signs

Amendment Number	Development scheme reference	Proposed amendment	Rationale
	2.6.2.8 Categories of development  Page 45	<u>Operational work that is the placing of advertising devices, other than advertising devices mentioned in Schedule 2, on a heritage place.</u>  <u>Note – assessment of the advertising device(s) on a heritage place under this development scheme does not replace the assessment and approval of the advertising device(s) under Subordinate Local Law 1.4 (Installation of advertising devices) 2011.</u>	not on a heritage place accepted development in Schedule 1.  The intent is for the local law to be used to assess advertising devices and ensure a planning instrument does not unintentionally cause the local law to not apply.
S2-81	2.6.3 Precinct 3 – Enterprise  2.6.3.1 Precinct development intent  Page 46	Amend the precinct development intent to read:  <u>The Enterprise precinct <del>will develop as the a mixed industry, research and technology innovation and knowledge hub, that accommodates providing opportunities for shared working spaces, labour skills training, local industrial services (such as repairs, supplies or trades services), research and technology industry (with links to tertiary education and other institutions), and products</del>urban manufacturing (such as brewing, baking or making products). Activities in the precinct that brew, bake or make may sell products directly to the public from the premises to increase the vibrancy and diversity of the precinct.</u>  <u>Residential activities in the precinct are limited due to the primary intent of the precinct to accommodate low to medium industrial development.</u>  <u>Development in the Enterprise precinct:</u>  <u>1. <del>will accommodate</del>provides a range of mixed light industry, innovation, research and technology activities, as identified in Table 89: Precinct 3 – Preferred land uses. Other compatible uses that complement the development intent of the precinct may also occur, such as ancillary commercial activities (bar, office or shop), caretaker's accommodation, dwelling unit or indoor sport and recreation, that</u>  <u>4.2. supports significant business, health, education, technology, and research activities seeking to establish in the region. <del>Employment-generating development within the precinct is supported by a range of high-density living options and high value amenity areas located in the adjacent precincts. Development on the northern and southern frontages</del></u>	Improved clarity around the development intent of the precinct to be consistent with expected development identified by the preferred land use table.  Statements have been rearranged into provisions for better use in assessment.



Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<del>of the precinct act as a buffer to minimise amenity impacts on sensitive land uses in adjoining precincts.</del>	
S2-82	2.6.3 Precinct 3 – Enterprise  2.6.3.1 Precinct development intent  Page 46	In Table 8: Precinct 3 – Preferred land uses: <ul style="list-style-type: none"> <li>include <i>industry activities</i> activity group and remove <i>low impact industry</i> and <i>research and technology</i> as all uses in this activity group are preferred uses</li> <li>remove <i>bar</i> and <i>shop</i> as these are ancillary uses, with reference to provision 6 in section 2.3.6.2</li> </ul>	Remove uses included in an activity group or add new preferred uses that fit with the development intent for the precinct.
S2-83	2.6.3 Precinct 3 – Enterprise  2.6.3.2 Build form and urban design  Page 46	Amend provision 3 (previously 1(b)) and provision 4 (previously 1(a)) to read: <ol style="list-style-type: none"> <li><del>deliver</del><u>s</u> a built form that: <del>is generally designed</del> in accordance with Table 9: Precinct 3 – Development intensity and built form parameters.</li> <li><del>reflects a modern industrial character that contributes to a distinctive, and cohesive and inviting streetscape character, precinct identity and maintains a human scale</del></li> </ol>	Improve legibility of provisions.
S2-84	2.6.3 Precinct 3 – Enterprise  2.6.3.2 Build form and urban design  Page 46	Amend provision 5 to read: <ol style="list-style-type: none"> <li><u>provides onsite landscaping to:</u> <ol style="list-style-type: none"> <li>visually screen any outdoor utility areas, storage and service areas that can be viewed from the street; and</li> <li><del>soften-enhance</del> the appearance of the development <del>where located on a non-primary frontage along street</del> <u>frontages and increase the overall amenity of the precinct.</u></li> </ol> </li> </ol>	Primary frontages have been removed from the precinct as they are not necessary to achieving the development intent.
S2-85	2.6.3 Precinct 3 – Enterprise  2.6.3.2 Build form and urban design  Page 47	Combine provisions 4 and 5 to create provision 6, to read: <ol style="list-style-type: none"> <li><u>provide-ensures</u> <del>bar, food and drink outlet, office and shop; uses where these uses</del></li> </ol>	Simplify and consolidate provisions.

Amendment Number	Development scheme reference	Proposed amendment	Rationale			
		<p>(a) <del>are small-scale and</del> <u>an ancillary component to the primary subordinate to the predominant industrial, research or technology use of the site with a clear nexus to these primary uses; and</u></p> <p>(b) <del>address orientated towards the street frontage</del> <u>to provide activation and increase the vibrancy of the streetscape.</u></p> <p><del>6.7. provide offices where the use is small scale and an ancillary component of the predominant industrial use of the site.</del></p>				
S2-86	2.6.3 Precinct 3 – Enterprise  2.6.3.2 Build form and urban design  Page 47	<p>In Table 10: Precinct 3 – Development intensity and built form parameters, relocate the footnote associated with building height to become a note, to read:</p> <table><tr><td><b>Building height</b></td><td><p>As identified on Map 3 – PDA building heights plan</p><p><u>Note – in areas affected by flooding, building height above ground level is the building height identified in Map 3 – PDA building heights plan plus the highest of either the defined flood event (DFE) or defined stormtide event (DSTE) relevant to the subject site.</u></p></td><td><p>Up to 3 storeys (inclusive of podium)</p></td></tr></table>	<b>Building height</b>	<p>As identified on Map 3 – PDA building heights plan</p> <p><u>Note – in areas affected by flooding, building height above ground level is the building height identified in Map 3 – PDA building heights plan plus the highest of either the defined flood event (DFE) or defined stormtide event (DSTE) relevant to the subject site.</u></p>	<p>Up to 3 storeys (inclusive of podium)</p>	Improve the workability of the document and provide guidance for achieving the performance benchmarks.
<b>Building height</b>	<p>As identified on Map 3 – PDA building heights plan</p> <p><u>Note – in areas affected by flooding, building height above ground level is the building height identified in Map 3 – PDA building heights plan plus the highest of either the defined flood event (DFE) or defined stormtide event (DSTE) relevant to the subject site.</u></p>	<p>Up to 3 storeys (inclusive of podium)</p>				
S2-87	2.6.3 Precinct 3 – Enterprise  2.6.3.5 Community safety and development constraints  Page 48	<p>Amend provision 11 (previously 2) to read:</p> <p>11. <del>be is</del> <u>designed to mitigate the impacts of noise, odour, dust, air emission, light or vibration</u> <del>impacts</del> <u>that affect adjoining and nearby sensitive land uses</u> <u>on properties</u> <u>located</u> <del>to the northern</del> <u>of Victoria Street</u>) and <del>southern</del> <u>of the drainage corridor</u> <u>(located between Industrial Street and north of East Gordon Street)</u> <del>frontages of the precinct.</del></p>	Improve legibility of the provision.			

Amendment Number	Development scheme reference	Proposed amendment	Rationale
S2-88	2.6.3 Precinct 3 – Enterprise  2.6.3.6 Precinct framework plan  Page 51	Amend the precinct framework plan to remove the primary frontages on Chain Street and potential pedestrian connection north of Chain Street.  See Appendix 1 Map changes.	Remove redundant mapping elements. Primary frontages are not used or referenced in section 2.6.3.
S2-89	2.5 PDA-wide criteria  2.6.3 Precinct 3 – Enterprise  2.6.3.7 Categories of development  Page 52	In Table 11: Precinct 3 – Categories of development, amend column 1 as follows:  2. <i>Material change of use for the following uses where located within an existing building that has been previously occupied by a <u>non-residentially</u> <del>these</del> uses:</i> a. emergency services b. service industry.  3. <i>Material change of use for <del>low impact industry</del> the following uses where located within an existing building that has been previously occupied by <del>this a non-residential</del> use and complying with the requirements <del>of for</del> accepted development in Schedule <del>54.2</del>:</i> a. <u>low impact industry</u> b. <u>research and technology</u> .	To ensure the range interchangeable preferred uses are able to utilise accepted development where appropriate.
S2-90	2.6.4 Precinct 4 – Queens Park  2.6.4.1 Precinct development intent  Page 53	Amend the precinct development intent to read:  <i>Queens Park precinct <u>is a significant regional recreational destination that is will develop as activity and amenity node</u>, supported by a diverse range of <del>higher</del> -density living options <u>in areas adjacent to the park</u>. The precinct consists of sub-precinct 4A: Parkland, sub-precinct 4B: Parkside living and sub-precinct 4C: Investigation area, as identified in precinct framework plan 4 – Queens Park.</i>  <i>Sub-precinct 4A: Parkland</i>  <i><u>Sub-precinct 4A accommodates uses identified in Table 12: Precinct 4 – Preferred land uses. The sub-precinct contains Queens Park, which is a recreation and events space capable of hosting outdoor community festivals and events, and a range of recreational activities. The park will become is</u></i>	Improved clarity around the development intent of the precinct to be consistent with expected development identified by the preferred land uses table.  Statements have been rearranged into provisions for better use in assessment.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<p><u>characterised as a modern, permeable, <del>and</del> distinct and regionally significant tropical garden and parklands. Queens Park will retain and enhance existing features including the open ovals, orchid house, bandstand, <del>cricket sheds</del>, historic <del>arboretum and</del> monuments, planted avenues, and the park circuit. <del>Complementary small-scale and temporary uses may locate within the sub-precinct to activate and support the park's existing features.</del></u></p> <p>Sub-precinct 4B: Parkside living</p> <p><u>Sub-precinct 4B is where the majority of development for residential and complementary commercial uses, such as food and drink outlet, within the precinct may occur. Development in Sub-precinct 4B:</u></p> <ol style="list-style-type: none"> <li><u>1. <del>will accommodate</del> provides a range of residential and accommodation activities, as identified in Table <del>44</del>12: Precinct 4 – Preferred land uses, <del>that</del></u></li> <li><u>2. supports nearby employment and businesses, and the activities and attractions within Queens Park.</u></li> <li><u>3. <del>food and drink outlet is located on sites with a primary frontage as identified on Map 8: Precinct framework plan 4 – Queens Park.</del></u></li> </ol> <p>Sub-precinct 4C: Parkside investigation area</p> <p><u>Sub-precinct 4C accommodates uses identified in Table 12: Precinct 4 – Preferred land uses. The sub-precinct, located on the eastern edge of the Queens Park, is an investigation area (identified on Map 2: Structural elements plan) for opportunities that activate, enhance, and integrate with Queens Park, and complement the precinct.</u></p>	
S2-91	<p>2.6.4 Precinct 4 – Queens Park</p> <p>2.6.4.1 Precinct development intent</p> <p>Page 53</p>	<p>In Table 12: Precinct 4 – Preferred land uses:</p> <ul style="list-style-type: none"> <li>include <i>dwelling unit</i> and <i>retirement facility</i> as a preferred land use in sub-precinct 4B</li> <li>include <i>where located on a primary frontage identified on Map 8: Precinct framework plan 4 – Queens Park with food and drink outlet</i></li> <li>remove <i>park</i> and <i>shop</i> as preferred land uses</li> </ul>	Remove uses included in an activity group or add new preferred uses that fit with the development intent for the precinct.

Amendment Number	Development scheme reference	Proposed amendment	Rationale			
S2-92	2.6.4 Precinct 4 – Queens Park  2.6.4.2 Built form and urban design  Page 54	Amend provision 6 (previously 3) to read:  6. <i>delivers</i> a built form that: (a) <del>contributes</del> <i>supports</i> <del>to</del> the Queens Park setting, and the park’s tropical, verdant and open space character; and (b) is <del>generally-designed</del> in accordance with Table <del>42</del> <b>13</b> : Precinct 4 – Development intensity and built form parameters.	Improve legibility of the provision.			
S2-93	2.6.4 Precinct 4 – Queens Park 2.6.4.2 Built form and urban design  2.6.5 Precinct 5 – Beachside  Pages 54 and 55	In Table 13: Precinct 4 – Development intensity and built form parameters relocate the footnote associated with building height to become a note, to read:  <table><tr><td><b>Building height</b></td><td>As identified on Map 3 – PDA building heights plan  <i>Note – in areas affected by flooding, building height above ground level is the building height identified in Map 3 – PDA building heights plan plus the highest of either the defined flood event (DFE) or defined stormtide event (DSTE) relevant to the subject site.</i></td><td>Within sub-precinct 4B – up to 5 storeys (inclusive of podium)</td></tr></table>	<b>Building height</b>	As identified on Map 3 – PDA building heights plan  <i>Note – in areas affected by flooding, building height above ground level is the building height identified in Map 3 – PDA building heights plan plus the highest of either the defined flood event (DFE) or defined stormtide event (DSTE) relevant to the subject site.</i>	Within sub-precinct 4B – up to 5 storeys (inclusive of podium)	Improve the workability of the document and provide guidance for achieving the performance benchmarks.
<b>Building height</b>	As identified on Map 3 – PDA building heights plan  <i>Note – in areas affected by flooding, building height above ground level is the building height identified in Map 3 – PDA building heights plan plus the highest of either the defined flood event (DFE) or defined stormtide event (DSTE) relevant to the subject site.</i>	Within sub-precinct 4B – up to 5 storeys (inclusive of podium)				
S2-94	2.6.4 Precinct 4 – Queens Park 2.6.4.2 Built form and urban design  2.6.5 Precinct 5 – Beachside  Page 55	In Table 13: Precinct 4 – Development intensity and built form parameters, remove the minimum boundary setback for a dwelling house.  <table><tr><td><del>Minimum boundary setbacks for a dwelling house</del></td><td><del>All property boundaries</del></td><td><del>For guidance, refer to the Dwelling house code in the Mackay Region Planning Scheme.</del></td></tr></table>	<del>Minimum boundary setbacks for a dwelling house</del>	<del>All property boundaries</del>	<del>For guidance, refer to the Dwelling house code in the Mackay Region Planning Scheme.</del>	Dwelling house is made accepted development by Schedule 1. Therefore, the applicant / developer would not come to this section of the development scheme for requirements and would refer to either section 1.6 of MRPS or MP1.1 and MP1.2 of the QDC – as indicated by the note in Schedule 1.
<del>Minimum boundary setbacks for a dwelling house</del>	<del>All property boundaries</del>	<del>For guidance, refer to the Dwelling house code in the Mackay Region Planning Scheme.</del>				
S2-95	2.6.4 Precinct 4 – Queens Park	Amend references in provision 11 (previously 8) and provision 12 (previously 9), to read:	Improve legibility of these provisions.			

Amendment Number	Development scheme reference	Proposed amendment	Rationale
	2.6.4.4 Movement, access and transport network  Pages 55 and 56	<p>11. <del>enables</del> safe and convenient pedestrian and <del>cyclist</del> <u>active transport</u> access and connectivity:  (a) through Queens Park, via the Cross City Link between Chain Street and Goldsmith Street / Park Street, and a link from Chain Street to Shakespeare Street; and  (b) from the Cross City Link northwest to, and along East Gordon Street (linking west to the <u>Mackay</u> city centre <u>precinct</u>).</p> <p>12. <del>supports</del> safe and convenient pedestrian and cyclist access and connectivity <u>north</u> to Chain Street (links to <u>Enterprise precinct</u> <del>and Riverside precinct</del>), and east along East Gordon Street and Shakespeare Street (links to Beachside precinct).</p>	
S2-96	2.6.4 Precinct 4 – Queens Park  2.6.4.5 Precinct framework plan  Page 57	<p>Amend the precinct framework plan to update constructed active transport infrastructure elements.</p> <p>See Appendix 1 Map changes.</p>	Update mapping elements in Queens Park.
S2-97	2.6.4 Precinct 4 – Queens Park  2.6.4.6 Categories of development  Page 61	<p>In Table 14: Precinct 4, sub-precinct 4B – Categories of development, amend column 1 as follows:</p> <p>2. <u>Material change of use for <del>community activities (excluding place of worship)</del>any of the following uses</u> where located within an existing building that has been previously occupied by any of the <del>se</del> uses <u>in this activity group</u>:-  <del>a. commercial activities</del>  <del>a. community activities</del>  <del>b. indoor sport and recreation</del>  <del>c. market.</del></p> <p>3. <u>Material change of use for dwelling house</u> <del>if complying with the requirements for accepted development in the Dwelling house code in</del></p>	<p>To ensure the range of preferred uses are able to utilise accepted development where appropriate.</p> <p>Accepted development criteria for dwelling house is covered in Schedule 1.</p>

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<p><del>the Mackay Region Planning Scheme 2017 and, if where located</del> in the flood hazard <del>area or storm tide inundation</del> area, results in a habitable floor level that achieves the finished floor level relevant to the defined flood event or defined storm tide event, whichever is the higher level.</p> <p>4. Material change of use for home-based business (other than what is specified in Schedule 1) if complying with the requirements <del>foref</del> accepted development in the Home-based business code <del>in-under</del> the Mackay Region Planning Scheme 2017.</p>	
S2-98	<p>2.6.5 Precinct 5 – Beachside</p> <p>2.6.5.1 Precinct development intent</p> <p>Page 63</p>	<p>Amend the precinct development intent to read:</p> <p><del>Development in the Beachside precinct is will support a -new and- vibrant beachside-lifestyle, leisure and tourism destination along Binnington Esplanade at Town Beach, -extending between East Gordon Street and Kippen Street-</del> The precinct consists of sub-precinct 5A: Beachside living, sub-precinct 5B: Beachside public space, and sub-precinct 5C: Beachside investigation area, as identified in the precinct framework plan 5 – Beachside.</p> <p>Sub-precinct 5A: Beachside living</p> <p><del>Sub-precinct 5A is where the majority of development in the precinct may occur. A mix of residential and accommodation options are provided in varied forms, ranging from detached dwellings away from the esplanade to multi-level apartment developments closer to the esplanade. A range of retail, dining, tourism, and placemaking activities are focussed along Binnington Esplanade, particularly where Evan Street and Shakespeare Street intersect with Binnington Esplanade, to support a vibrant and activated public realm and enable the esplanade to function all day and throughout the week.</del></p> <p><u>Development in Sub-precinct 5A:</u></p> <p>1. <u>supports</u> a vibrant beachside destination along Binnington Esplanade, extending between East Gordon Street and Kippen Street.</p> <p>2. <u>provides will accommodates</u> a diverse <u>range and</u> mix of uses <u>as identified in Table 17: Precinct 5 – Preferred land uses</u>, including: <u>high density residential</u>.</p>	<p>Improved clarity around the development intent of the precinct to be consistent with expected development identified by section 2.6.5.</p> <p>Statements have been rearranged into provisions for better use in assessment.</p>

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<p><del>(a) accommodation, residential, and complementary commercial, tourism and recreational activities, as identified in Table 16: Precinct 5 – Preferred land uses, along the western frontage of Binnington Esplanade (where located in the 'up to 5 storeys' or 'up to 8 storeys' areas as identified on Map 3: PDA building heights plan) to activate and take advantage of/capitalise on the oceanwater front locationity; and-</del></p> <p><del>(b) Low-medium density residential land uses activities are intended in the remainder of the sub-precinct (where located in the 'up to 3 storeys' area as identified on Map 3: PDA building heights plan).</del></p> <p><del>4.3. where located Development on large vacant sites, within the sub-precinct is designed to maximise land use mix, infrastructure, and investment opportunities.</del></p> <p>Sub-precinct 5B: Beachside public space</p> <p><del>Sub-precinct 5B: accommodates uses identified in Table 17: Precinct 5 – Preferred land uses. The sub-precinct features an extensive vibrant, engaging and accessible public realm overlooking Town Beach, the ocean and offshore islands. The public realm along Binnington Esplanade will be characterised by a safe, generous and comfortable multi-functional public promenade realm and, associated public spaces and community infrastructure, and establishes a sense of place, character, and identity for the precinct. The Bluewater Trail beachside promenade maintains and enhances safe and convenient pedestrian and active transport access through the precinct, and linkages along the foreshore and to the beach. The beachside promenade, which forms part of the Bluewater Trail, accommodates placemaking activities that activate Binnington Esplanade day and night, and establishes a sense of place, character, and identity for the precinct.</del></p> <p>Sub-precinct 5C: Beachside investigation area</p> <p><del>Sub-precinct 5C accommodates uses identified in Table 17: Precinct 5 – Preferred land uses. The sub-precinct, located at the northern edge of Iluka Park, is an investigation area (identified on Map 2: Structural elements plan) for potential opportunities that activate, enhance, and integrate with Iluka</del></p>	



Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<i>Park and the esplanade's public realm spaces; and complement the precinct.</i>	
S2-99	2.6.5 Precinct 5 – Beachside  2.6.5.1 Precinct development intent  Page 64	In Table 11: Precinct 4 – Preferred land uses: <ul style="list-style-type: none"> <li>include <i>caretaker's accommodation, dwelling unit, indoor sport and recreation and resort complex</i> as preferred land uses in sub-precinct 5A where located in the 'up to 5 storeys' and 'up to 8 storeys' areas identified on Map 3: PDA building heights plan.</li> <li>remove <i>park</i> as a preferred land use in sub-precinct 5A.</li> </ul>	Remove uses included in an activity group or add new preferred uses that fit with the development intent for the precinct.
S2-100	2.6.5 Precinct 5 – Beachside  2.6.5.2 Built form and urban design  Page 65	Amend provision 4 (previously 2), provision 5 (previously 3) and provision 9 (previously 8), to read: <p><del>2.4. delivers</del> a built form that is <del>generally-designed</del> in accordance with Table 17: Precinct 5 – Development intensity and built form parameters.</p> <p><del>3.5. has regard -responds to the place characteristics of the precinct relating to, reflects and supports</del> the tropical coastal character of Town Beach; and</p> <p>9. <del>avoids</del> the creation of battle-axe lots on sites with a building height of 'up to 5 storeys' <del>or-and</del> 'up to 8 storeys', as identified on Map 3: PDA building heights plan.</p>	Improve legibility of provisions.
S2-101	2.6.5 Precinct 5 – Beachside  2.6.5.2 Built form and urban design  Page 65	Remove provision 5: <p><del>5. focus commercial activities on primary frontages (identified on Map 9: Precinct framework plan 5 – Beachside).</del></p>	Remove a redundant provision as it is covered by provision 2(a).
S2-102	2.6.5 Precinct 5 – Beachside  2.6.5.2 Built form and urban design	In Table 18: Precinct 5 – Development intensity and built form parameters relocate the footnote associated with building height to become a note, to read:	Improve the workability of the document and provide guidance for achieving the performance benchmarks.

Amendment Number	Development scheme reference	Proposed amendment			Rationale			
	Page 65	<div>Building height</div>	<p>As identified on Map 3 – PDA building heights plan</p> <p><i>Note – in areas affected by flooding, building height above ground level is the building height identified in Map 3 – PDA building heights plan plus the highest of either the defined flood event (DFE) or defined stormtide event (DSTE) relevant to the subject site.</i></p>	<p>Within sub-precinct 5A:</p> <ul style="list-style-type: none"><li>• Binnington Esplanade western frontage – up to 5 storeys (inclusive of podium height)</li><li>• where East Gordon Street, Shakespeare Street and Evan Street intersect with Binnington Esplanade, and south of Evan Street – up to 8 storeys (inclusive of podium height)</li><li>• all other sites – up to 3 storeys (inclusive of podium height)</li></ul>				
S2-103	<p>2.6.5 Precinct 5 – Beachside</p> <p>2.6.5.2 Built form and urban design</p> <p>Page 65</p>	<p>In Table 18: Precinct 5 – Development intensity and built form parameters, include new provision relating to minimum internal floor to ceiling height, to read:</p> <table><tr><td><u>Minimum internal floor to ceiling height</u></td><td><u>Up to 2 storeys</u></td><td><u>4 metres</u></td></tr></table> <p><i>Note – this applies to new development (excluding dwelling house or dual occupancy) with a height of 2 or more storeys along the western frontage of</i></p>			<u>Minimum internal floor to ceiling height</u>	<u>Up to 2 storeys</u>	<u>4 metres</u>	<p>Provision relates to proposed changes in the PDA-wide criteria, which are consistent and align with the Mackay Region Planning Scheme.</p> <p>New note regarding the provision of adaptable spaces at ground level for the ‘activated’ part of the precinct – relates to provision 2 in s2.5.2.</p>
<u>Minimum internal floor to ceiling height</u>	<u>Up to 2 storeys</u>	<u>4 metres</u>						

Amendment Number	Development scheme reference	Proposed amendment			Rationale
				<u>Binnington Esplanade (where located in the 'up to 5 storeys' or 'up to 8 storeys' areas as identified on Map 3: PDA building heights plan) to allow for adaptable uses at ground level over time.</u>	
S2-104	2.6.5 Precinct 5 – Beachside  2.6.5.2 Built form and urban design  Page 65	In Table 18: Precinct 5 – Development intensity and built form parameters, amend provision to include graduated transition from street level to a finished floor level on the ground floor and an associated note, to read:			Provision relates to proposed changes in the PDA-wide criteria, which are consistent and align with the Mackay Region Planning Scheme.
		<b>Minimum setback to a street</b>	<del>Pediment (u</del> Up to 1 storeys)	<p>3 metres, unless setback further from the street boundary to accommodate:</p> <ul style="list-style-type: none"> <li>• <u>civic, foyer or outdoor trading spaces; or</u></li> <li>• <u>a graduated floor level transition from street level up to the finished floor level of the ground floor, where development is required to mitigate a flood or stormtide hazard</u></li> </ul> <p><u>Note – where development incorporates a graduated transition from street level to the finished floor level inside the building, the transition may include civic, foyer or outdoor trading spaces. Any ramps, stairs, elevators or other accessibility features utilised to bridge the variation in floor level are contained wholly within the premises.</u></p>	

Amendment Number	Development scheme reference	Proposed amendment			Rationale
			3 or more storeys	5 metres (outermost projection) to 8 metres (wall)	
S2-105	2.6.5 Precinct 5 – Beachside  2.6.5.2 Built form and urban design  Page 66	In Table 18: Precinct 5 – Development intensity and built form parameters, remove the minimum boundary setback for a dwelling house.			Dwelling house is made accepted development by Schedule 1. Therefore, the applicant / developer would not come to this section of the development scheme for requirements and would refer to either section 1.6 of MRPS or MP1.1 and MP1.2 of the QDC – as indicated by the note in Schedule 1.
		<del>Minimum boundary setbacks for a dwelling house</del>	<del>All property boundaries</del>	<del>For guidance, refer to the Dwelling house code in the Mackay Region Planning Scheme.</del>	
S2-106	2.6.5 Precinct 5 – Beachside  2.6.5.4 Movement, access and transport network	Amend provision 13 (previously 10) to read:  13. on sites with frontage to the western side of Binnington Esplanade, <del>either co-locate vehicle access on Binnington Esplanade or provides vehicle access on east-west side streets or co-locates vehicle access on Binnington Esplanade</del> to enable safe pedestrian movement and <del>maximise</del> opportunities for outdoor activation activities along the Binnington Esplanade frontage.			Improve legibility of the provision.
S2-107	2.6.5 Precinct 5 – Beachside  Precinct framework plan 5 – Beachside	Amend the precinct framework plan to update constructed active transport infrastructure elements.  See Appendix 1 Map changes.			Update mapping elements in Queens Park.
S2-108	2.6.5 Precinct 5 – Beachside  2.6.5.6 Categories of development	In Table 18: Precinct 4, sub-precinct 5A – Categories of development, amend column 1 as follows:  2. <i>Material change of use for any of the following uses where located within an existing building that has been previously occupied by any of these uses:</i> (a) <i>commercial activities, excluding office, shopping centre, showroom, theatre and veterinary service</i>			To ensure the range of preferred uses are able to utilise accepted development where appropriate.  Accepted development criteria for dwelling house is covered in Schedule 1.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<p>(b) community activities, <del>excluding place of worship</del>  <del>(c) indoor sport and recreation</del>  <del>(d)(c)</del> market.</p> <p>3. Material change of use for dwelling house, <del>if complying with the requirements of accepted development in the Dwelling house code in the Mackay Region Planning Scheme 2017 and, if where located in the flood hazard area or storm tide inundation area, results in a habitable floor level that achieves the finished floor level relevant to the defined flood event or defined storm tide event, whichever is the higher level.</del></p> <p>4. Material change of use for home-based business (other than what is specified in Schedule 1) if complying with requirements <del>of for</del> accepted development in the Home-based business code <del>in under</del> the Mackay Region Planning Scheme 2017.</p>	
S2-109	2.6.5 Precinct 5 – Beachside  2.6.5.6 Categories of development	Consolidate Tables 19 and 20.	Reduce repetition.

## 4. Section 3 Infrastructure plan

Amendment Number	Development scheme reference	Proposed amendment	Rationale
<b>Section 2 LAND USE PLAN</b>			
S3-1	3.3 Infrastructure categories  Page 73	<p>Remove last sentence from section 3.3.</p> <p><b>3.3 Infrastructure categories</b></p> <p><i>The infrastructure planned to be delivered within the PDA will fall into one of the following categories:</i></p> <ul style="list-style-type: none"> <li>• trunk infrastructure</li> <li>• non-trunk infrastructure</li> <li>• other infrastructure.</li> </ul> <p><i>The inclusion of infrastructure in Table 21 does not necessarily make the infrastructure eligible for a development charges offset. Non-trunk infrastructure is not eligible for offsets. <del>To determine if infrastructure is eligible for an offset, refer to the Development Charges and Offset Plan (DCOP).</del></i></p>	The requirements relating to infrastructure charges in the PDA have been updated to reflect current arrangements.
S3-2	3.4 Infrastructure charges, funding and conditions  Page 74	<p>Amend section 3.4 to read:</p> <p><u><i>As per EDQ's Infrastructure Funding Framework, infrastructure charges will be based on the applicable Mackay Regional Council infrastructure charges instrument in force at the time the development application is approved unless:</i></u></p> <p><u><i>1. a development charges and offset plan (DCOP) is approved for the PDA;</i></u></p> <p><u><i>or</i></u></p> <p><u><i>2. an infrastructure agreement is entered into between the applicant and the MEDQ.</i></u></p> <p><u><i>Applicable trunk infrastructure delivered as part of the development may be offset against the applicable infrastructure charges in accordance with a DCOP or the applicable policy in force at the time of the development approval.</i></u></p> <p><del><i>Trunk infrastructure identified as necessary to service the PDA is set out in a Development Charges and Offset Plan (DCOP). The DCOP sets out whether infrastructure is eligible for an offset.</i></del></p>	Improve workability of the document. The requirements relating to infrastructure charges in the PDA have been updated to reflect current arrangements.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<p><del>The Mackay Waterfront PDA DCOP sets out the following:</del></p> <ul style="list-style-type: none"> <li><del>development charges for the provision of local trunk infrastructure (Mackay Regional Council) trunk infrastructure plans and schedules of works identifying trunk infrastructure for which an offset against development charges shall be available</del></li> <li><del>matters relevant to calculating an offset, credit or refund for the provision of trunk infrastructure.</del></li> </ul> <p>The requirement to pay development charges <del>set out in the DCOP</del>, or to deliver <del>the</del> trunk infrastructure identified in the <del>DCOP</del> <u>applicable policy in force at the time of the development approval</u>, will be through a condition of a PDA development approval. Infrastructure may be required to be delivered in accordance with a detailed Infrastructure Master Plan (IMP) that is prepared to support a development application or required by condition.</p> <p>The infrastructure identified in Table 21 will be funded from a combination of development charges and other revenue sources. State infrastructure funding may be provided through Federal Government grants. State expenditure on trunk infrastructure will be subject to consideration through normal <del>S</del> <u>state government</u> budgetary processes and will be part of an approved <del>S</del> <u>state</u> agency capital works program.</p> <p>Not all the works identified in Table 21 will be delivered through conditions of approval. Some infrastructure may be delivered by other entities such as local government, state government or other infrastructure providers.</p> <p>The infrastructure elements in Table 21 reflect current understanding at the time of <del>publication</del> <u>making the development scheme, including any subsequent amendments</u>. However, further detailed infrastructure investigations will occur as the development continues and the infrastructure requirements and delivery responsibilities will be reviewed and may be amended over time to reflect the outcomes of these investigations and changing circumstances.</p> <p>Infrastructure required within any application area will be required to be delivered at the time of development occurring in that area unless otherwise agreed through conditions of a PDA development approval.</p>	

Amendment Number	Development scheme reference	Proposed amendment	Rationale				
S3-3	3.4 Infrastructure charges, funding and conditions  Page 75	<p>Amend section 3.4 and Table 21: Infrastructure plan to include the following active transport links:</p> <table><tr><td>Roads and intersections</td><td><ul style="list-style-type: none"><li>New road connection between East Gordon Street and Kippen Street</li><li>• <u>Binnington Esplanade upgrade</u></li><li>• <u>Otherwise, as required to service the PDA</u></li></ul></td></tr><tr><td>Active transport</td><td><ul style="list-style-type: none"><li>Bluewater Trail connection between Evan Street and Kippen Street</li><li>• <u>Queens Park to City pedestrian footpath connection east of Chain Street along the northern side of East Gordon Street</u></li><li>• <u>Queens Park to Town Beach pedestrian footpath connection (east of Queens Park) along East Gordon Street and Shakespeare Street</u></li><li>• <u>Pedestrian footpath connection west of Binnington Esplanade along Evan Street</u></li></ul></td></tr></table>	Roads and intersections	<ul style="list-style-type: none"><li>New road connection between East Gordon Street and Kippen Street</li><li>• <u>Binnington Esplanade upgrade</u></li><li>• <u>Otherwise, as required to service the PDA</u></li></ul>	Active transport	<ul style="list-style-type: none"><li>Bluewater Trail connection between Evan Street and Kippen Street</li><li>• <u>Queens Park to City pedestrian footpath connection east of Chain Street along the northern side of East Gordon Street</u></li><li>• <u>Queens Park to Town Beach pedestrian footpath connection (east of Queens Park) along East Gordon Street and Shakespeare Street</u></li><li>• <u>Pedestrian footpath connection west of Binnington Esplanade along Evan Street</u></li></ul>	Include mapped elements on the structural elements plan in section 2.4.
Roads and intersections	<ul style="list-style-type: none"><li>New road connection between East Gordon Street and Kippen Street</li><li>• <u>Binnington Esplanade upgrade</u></li><li>• <u>Otherwise, as required to service the PDA</u></li></ul>						
Active transport	<ul style="list-style-type: none"><li>Bluewater Trail connection between Evan Street and Kippen Street</li><li>• <u>Queens Park to City pedestrian footpath connection east of Chain Street along the northern side of East Gordon Street</u></li><li>• <u>Queens Park to Town Beach pedestrian footpath connection (east of Queens Park) along East Gordon Street and Shakespeare Street</u></li><li>• <u>Pedestrian footpath connection west of Binnington Esplanade along Evan Street</u></li></ul>						
S3-4	3.6 Infrastructure standards  Page 76	<p>Amend section 3.6 to read:</p> <p><i>Infrastructure will be delivered in accordance with the standards <u>of MEDQ, Mackay Regional Council, state government or relevant infrastructure providers at the time a PDA development application or an IMP is approved identified in the Mackay Waterfront PDA DCOP.</u></i></p>	Improve the workability of the document.				



## 5. Section 4 Implementation strategy

Amendment Number	Development scheme reference	Proposed amendment	Rationale
S4-1	4.1 Purpose  Page 77	<p>Update the following key focus areas in line with changes made to section headings in the implementation strategy:</p> <ul style="list-style-type: none"> <li>• delivering a <del>an exemplar vibrant, engaging, innovative and diverse public realm</del> <u>and support catalyst development</u></li> <li>• <del>positioning the Mackay city centre</del></li> <li>• increasing pedestrian <u>and active transport</u> amenity, movement and experience</li> <li>• additional strategies, <u>initiatives</u>, investigations and works.</li> </ul>	Update references.
S4-2	4.2.1 Delivering an exemplar public realm and support catalyst development  Page 77	<p>In section 4.2.1, amend the objective and following actions to read:</p> <p><del>Maximise the strategic advantage of the PDA's</del> <u>To deliver a cohesive inner city, river, and coastal locations</u> <del>to deliver that provides</del> vibrant, engaging, innovative and diverse destinations, places and attractions.</p> <p><u>Actions:</u></p> <ol style="list-style-type: none"> <li>1. <u>A</u> master plan <del>has been prepared</del> for the PDA that identifies:             <ol style="list-style-type: none"> <li>(a) public and private development opportunities and benefits</li> <li>(b) attractions and facilities</li> <li>(c) public realm works and embellishments</li> <li>(d) infrastructure works and requirements</li> <li>(e) a strategy for delivery.</li> </ol> <p>The <del>development implementation</del> of the master plan will include the preparation of concept plans and further detailed planning for each precinct, and further investigation of identified elements, works or opportunities.</p> </li> <li>2. Council to work collaboratively with land-owners of significant sites, key streets, waterfronts and other strategic locations in the PDA to:             <ol style="list-style-type: none"> <li>(a) ensure integrated design outcomes are achieved</li> <li><u>(b) facilitate and maximise economic and catalytic development outcomes</u></li> </ol> </li> </ol>	Ensure the implementation strategy is up to date.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<p><del>(b)(c) manage and minimise the risk of small-scale piecemeal development compromising the intent of each precinct</del></p> <p><del>(c)(d) facilitate the consolidation of smaller lots for increased development potential</del></p> <p><del>(d)(e) investigate local road closures in strategic locations to facilitate optimum redesign and realise the development aspirations of the waterfronts.</del></p> <p><del>3. Where involving a permanent road closure, the land that is no longer designated as road is either:</del></p> <p><del>(a) amalgamated with the adjoining development site, where the land is to be used for a use other than park; or</del></p> <p><del>(a) becomes a separate freehold allotment where involving a public use such as park.</del></p> <p><del>3. Undertake further detailed planning for the following areas to inform development proposals of adjoining and nearby areas:</del></p> <p><del>(a) Council owned land or land held in trust by Council, located on or adjacent to River Street</del></p> <p><del>(b) Council owned land or land held in trust by Council, located on or adjacent to Binnington Esplanade.</del></p> <p><del>4. Develop, and then implement, a curation and activation strategy for strategic locations across the PDA. The strategy will outline temporary and short-term opportunities until the ultimate precinct can be achieved.</del></p> <p>Remove action 5.</p> <p><del>5. Support the Department of Natural Resources, Mines and Energy in their determination under the Land Act 1994 of the future use and tenure of State land sites identified as potentially available for development under action 7 in section 4.1. The determination will include consideration of community needs and whether Native Title can be addressed.</del></p>	
S4-3	4.2.2 Positioning the Mackay city centre  Page 79	<p>Remove 4.2.2 Positioning the Mackay city centre. Relocate relevant actions to other themes.</p> <p><del>Positioning the Mackay city centre</del></p> <p><del>Objective</del></p>	Other key focus areas adequately cover objectives and actions associated with the Mackay city centre precinct.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<p><del>Increase the competitiveness and investment appeal of the Mackay city centre as a significant regional business / administrative hub and employment centre attracting regional office headquarters, government agencies, and professional and service businesses.</del></p> <p><b>Actions</b></p> <p><del>Develop a targeted investment and business attraction strategy to secure significant business investment, employment generation, and high quality commercial buildings in the city centre.</del></p> <p><del>Investigate public realm improvements that will strengthen the character, amenity and investment appeal of the city centre to increase pedestrian activity, support surrounding development, and provide opportunities for placemaking activities.</del></p> <p><del>Prepare a strategy to encourage the adaptive reuse of buildings, including heritage places, to activate the Mackay city centre precinct, increase tenancy diversity and choice of services, and contribute to the vibrancy of the Mackay city centre precinct.</del></p>	
S4-4	<p>4.2.2 Supporting the regional economy and private sector investment</p> <p>Pages 79 and 80</p>	<p>In section 4.2.2, amend the objective and following actions to read:</p> <p><u>Objective:</u></p> <p>Create an 'open for business' <del>and 'investment ready'</del> environment that attracts and facilitates development and investment in the PDA.</p> <p><u>Actions:</u></p> <p>1. Prepare a specific economic development strategy for the PDA that:</p> <p><del>(a) includes a targeted investment and business attraction program that identifies key investment opportunities and promotes the unique points of difference of the PDA including the delivery of vibrant waterfront destinations, city centre investment, and establishment of the Enterprise precinct, and</del></p> <p><del>(a)(b) explores strategies and initiatives to attract business and encourage high quality development</del></p> <p><del>(b)(c) explores strategies and initiatives to increase the development of market appetite for townhouse and apartment living in proximity to the city centre.</del></p>	Ensure the implementation strategy is up to date.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<p>4. <del>Work with the development industry and other key stakeholders to monitor and evaluate market take-up of property in the PDA</del><u>Establish ongoing performance monitoring, including regular stakeholder engagement</u> to inform future demographic analysis, land use planning and project marketing.</p> <p>5. <del>Investigate</del><u>Implement</u> development investment opportunities on key sites currently owned by council located at:</p> <p>(a) River Street car park (Mackay city centre precinct)</p> <p>(b) Gordon Street car park (Mackay city centre precinct)</p> <p>(c) Wood Street car park (Mackay city centre precinct)</p> <p>(d) Brisbane Street car park (Riverside precinct).</p> <p>8. <del>Explore opportunities for</del><u>Promote</u> private sector investment in <del>innovation research and knowledge technology</del> industries within the Enterprise precinct <del>by to inform future strategies and initiatives in attracting development, regional employment and synergies with local industry and tertiary education.:</del></p> <p><del>(e) preparing a strategy to attract and facilitate the establishment of innovation and knowledge industries, understanding the jobs of the future, and investigating the establishment of an initial innovation hub</del></p> <p><del>(f) establishing synergies with tertiary education and other institutions</del></p> <p><del>(g) promoting job creation, regional services, skills, technology and products that are offered and produced by innovation and knowledge industries.</del></p> <p>10. Investigate telecommunications infrastructure demand and requirements to support growth and development of commercial, innovation, research and <del>knowledge technology</del> activities in the PDA.</p> <p>Remove the following actions from section 4.2.2:</p>	

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<p><del>4. Create and foster an 'open for business' and 'investment ready' environment by facilitating development outcomes, providing incentives, and minimising costs.</del></p> <p><del>10. Establish mechanisms to build partnerships with business, investors and the community to:</del></p> <ul style="list-style-type: none"> <li><del>(c) foster and develop existing businesses in the region while proactively targeting business and investment attraction to Mackay</del></li> <li><del>(d) enable and enhance business within the community</del></li> <li><del>(e) facilitate interaction between investment groups and industry</del></li> <li><del>(f) work with local business to increase productivity.</del></li> </ul>	
S4-5	<p>4.2.3 Increasing pedestrian and active transport amenity, movement and experience</p> <p>Pages 80 and 81</p>	<p>In section 4.2.3, amend the objective and following actions to read:</p> <p><del>increase</del> <u>improve</u> the pedestrian <del>and active transport amenity and experience</del> <u>network</u> across the PDA to encourage active <del>modes of transport</del> and <del>create safe, vibrant, engaging and memorable places by promoting day and night activity</del> <u>support the development intent of the PDA.</u></p> <p>Actions:</p> <ol style="list-style-type: none"> <li>Engage with DTMR and other relevant stakeholders to <del>prioritise</del> <u>improve</u> pedestrian <del>and active transport</del> movement <del>and convenience</del> through a <del>range of the following</del> measures at the <del>se following</del> locations:             <ol style="list-style-type: none"> <li><del>investigating and implementing</del> pedestrian responsive signals at the River Street and Sydney Street intersection</li> <li><del>investigating and implementing</del> pedestrian responsive signals and / or a scramble crossing at the Victoria Street and Sydney Street intersection</li> <li><del>provide</del> pedestrian crossings of Binnington Esplanade at <del>regular</del> <u>safe and practical</u> intervals</li> <li><del>slow in speed</del> shared <del>street</del> environments, <u>streets adjacent to waterfront areas are designed to provide facilities that prioritise pedestrian and active transport modes.</u></li> </ol> </li> </ol>	Ensure the implementation strategy is up to date.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<p>2. Work collaboratively with Department of Transport and Main Roads (DTMR) to improve the amenity, aesthetics and character of Sydney Street, whilst maintaining the through <del>access-movement</del> function of the street.</p> <p>3. Develop <u>and then</u> implement a range of direct (e.g. signage), and indirect (e.g. featured landscaping and footpath treatments) wayfinding measures <del>that incorporate smart city technologies</del> at strategic locations across the PDA.</p> <p>Remove the following action:</p> <p><del>4. Develop a strategy for placemaking activities and activation within streets, laneways, parks, waterfronts, and other public spaces, such as:</del></p> <p><del>(a) permanent or temporary cultural and art installations that are suitable for the origins, history and character of Mackay</del></p> <p><del>(b) a range of festivals, events, outdoor entertainment, sport and recreation, and markets</del></p> <p><del>(c) temporary commercial uses like food trucks, carts and kiosks; or</del></p> <p><del>(d) holiday / seasonal attractions and events such as a summer carnival or outdoor cinemas.</del></p>	
S4-6	4.2.4 Delivering exemplar design and innovation  Pages 81 and 82	<p>In section 4.2.4, amend the objective and following actions to read:</p> <p><i>Encourage and support the delivery of developments of exemplar design and innovation <del>that positively contributes to the character and identity of places within the PDA.</del></i></p> <p>5. <del>Develop and then implement a tropical Mackay building design and additional guidance materials as needed manual guideline to assist in communicating the development requirements of the development scheme relating to built form, adaptive reuse of buildings and heritage.</del></p> <p>6. <del>Promote a human-centred approach and the delivery of 'infrastructure as a service' and 'smart design elements city' concepts and technologies</del> to improve urban sustainability and drive innovation throughout the PDA to:</p> <ul style="list-style-type: none"> <li>meet the needs of <del>people and</del> end users</li> </ul>	Ensure the implementation strategy is up to date.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<ul style="list-style-type: none"> <li>increase community engagement, employee productivity, competitive advantage, community satisfaction, and liveability</li> <li>generate investment and jobs growth</li> <li>improve reliability and resilience</li> <li>reduce costs and promote affordability.</li> </ul> <p><del>For example, explore the following smart city initiatives and opportunities:</del></p> <p><del>(a) smart buildings and consolidated control systems</del></p> <p><del>(a) use of recycled water</del></p> <p><del>(b) renewable energy and low-emission technologies</del></p> <p><del>(c) adaptive places, spaces and tenancies to promote a range of activities or shared working and living arrangements</del></p> <p><del>(d) multi-modal transport</del></p> <p><del>(e) smart lighting</del></p> <p><del>(f) digital city services: high-speed fibre optic, wireless and mobile networks, integrated Wi-Fi, and connecting people through internet, smart phones / devices, and other mobile device connectivity</del></p> <p><del>(g) connected sensors and CCTV</del></p> <p><del>(h) power systems integration</del></p> <p><del>(i) parking and transport real time tracking and assessment</del></p> <p><del>(j) integrated signage / display panels</del></p> <p><del>(k) inclusion of smart infrastructure within the streetscape and digital wayfinding.</del></p>	
S4-7	<p>4.2.5 Planning for a safe, accessible, resilient and sustainable urban environment</p> <p>Page 83</p>	<p>In section 4.2.5, amend the following actions, to read:</p> <ol style="list-style-type: none"> <li><del>Develop, and then implement, additional guidance material as needed to assist in communicating the development requirements of the development scheme in relation to a public realm and streetscapes</del> <del>manual guideline to deliver cohesive and legible public spaces, improve safety and wayfinding, create a walkable, comfortable and inviting environment, and increase public and active transport use.</del></li> <li><del>Undertake a survey of land areas without tenure, specifically connecting the Cod Hole open space area (identified on Map 2: Structural elements plan) and Binnington Esplanade (south of Kippen Street), to determine</del></li> </ol>	Ensure the implementation strategy is up to date.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<p><del>areas that are water and land, and the type of tenure to facilitate connectivity between north and south Binnington Esplanade.</del></p> <p>5. <del>Develop a Marine Plant Management Strategy Guideline</del> for coastal and riverine areas within the PDA.</p> <p>6. <del>Engage with stakeholders and landowners to ensure car parking is managed to meet demand. Identify short, medium and long term access and parking objectives in the PDA that achieves a highly accessible and appealing urban environment.</del></p> <p>Remove the following actions:</p> <p><del>2. Investigate opportunities to promote sustainability and innovation in the public realm and built form through the design, construction and operation of development in the PDA.</del></p> <p><del>7. Identify and investigate works intended as coastal protection works with regard to coastal hazards.</del></p>	
S4-8	4.2.6 Additional strategies, initiatives, investigations and works  Pages 83 and 84	<p>In section 4.2.6, amend the following action, to read:</p> <p>1. <del>Work with the State Government to investigate tenure, and appropriate future use and potential opportunities on key sites currently owned by the State government and identified as investigation areas on Map 2: PDA structural elements plan. Tenure investigations will also include a review of Native Title determination outcomes.</del></p> <p>Remove the following actions:</p> <p><del>1. Identify and pursue external funding opportunities and grants where available to obtain capital funding to deliver identified initiatives, opportunities, public realm and infrastructure projects.</del></p> <p><del>2. Develop additional guidance material as needed to assist in communicating the intent of criteria within the development scheme (for example street profiles, cross sections and built form character).</del></p>	Ensure the implementation strategy is up to date.



Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<p><del>6. Prepare a specific plant species list and planting regime for the PDA for use in landscaping and public realm treatments that:</del></p> <p><del>(a) is easily and readily maintained and / or replaceable if required</del></p> <p><del>(b) includes local native and tropical species that contribute to and celebrate the established or intended character for each precinct</del></p> <p><del>(c) does not cause a nuisance to users, structures and infrastructure</del></p> <p><del>(d) achieves the objective of providing shade, amenity and comfort in the public realm.</del></p>	

## 6. Section 5 Schedules

Amendment Number	Development scheme reference	Proposed amendment	Rationale
<b>Schedule 1 PDA accepted development</b>			
S5-1	A. Building work Page 85	Amend accepted development criteria 1, to read:  <i>Minor building work where not on a <u>state</u> heritage place.</i>	Clarify the application of this trigger and allows minor building work to occur on a Local heritage place as accepted development.
S5-2	A. Building work Page 85	Amend accepted development criteria 2, to read:  <i>1. Building work for <u>the partial or full demolition of</u> a building or other structure where <u>not</u>:</i> <i>(a) <del>not</del> on a heritage place; or</i> <i>(b) <del>not</del> within 10 metres of a building on a <u>state</u> heritage place.</i>	Accepted development criteria to only apply to a State heritage place.
S5-3	A. Building work Page 85	Relocate the accepted development criteria for minor building work on a heritage place where consistent with an exemption certificate to <i>F. All aspects of development section.</i>	Development that is consistent with a General Exemption Certificate or an Exemption Certificate issued under the <i>Queensland Heritage Act 1992</i> can apply to all development types.
S5-4	A. Building work Page 85	Include new accepted development criteria for building work involving an 80m <sup>2</sup> extension, to read:  <i><u>1. Building work, not associated with a material change of use, if an extension to an existing non-residential premises for a preferred commercial or community activity, where the extension:</u></i> <i><u>(a) is not located on a state heritage place; and</u></i> <i><u>(b) is not a standalone structure; and</u></i> <i><u>(c) results in an increase of gross floor area or roofed area that is not more than 80m<sup>2</sup>; and</u></i> <i><u>(d) complies with the applicable built form parameters for the relevant precinct; and</u></i> <i><u>(e) does not result in a loss of existing onsite car parks or landscaping; and</u></i>	To facilitate small gross floor area extensions (that are greater than minor building works of 50m <sup>2</sup> ) to non-residential uses as accepted development.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<p><u>(f) if located in a mapped flood hazard or coastal hazard area, results in a floor level that is equal to the floor level of the existing building.</u></p> <p><u>Note – includes any previous increases in gross floor area and roofed area undertaken as accepted development or accepted development subject to requirements under this development scheme.</u></p>	
S5-5	<p>C. Material change of use</p> <p>Pages 85 and 86</p>	<p>Amend accepted development criteria 1, to read:</p> <p>1. <del>Making a material change of use of premises for:</del></p> <p>(a) <u>community use, community care centre, emergency services, landing, market, outdoor sport and recreation, park, parking station or utility installation, –if provided by or on behalf of Mackay Regional Council or a public sector entity; or</u></p> <p><u>(b) environment facility; or</u></p> <p><u>(c) food and drink outlet, if:</u></p> <p><u>(i) a mobile food vehicle or light refreshment cart; and</u></p> <p><u>(ii) holding a current food licence for mobile food vending and/or temporary food/market stall; and</u></p> <p><u>(iii) temporarily located on premises lawfully operated as a non-residential use for no longer than 100 days in a calendar year per premises; and</u></p> <p><u>Note – the activity mentioned in (c)(i) cannot be permanently parked on the premises mentioned in (c)(iii).</u></p> <p><u>(iv) the activity is ancillary to and has a nexus with the predominant non-residential use on the premises; or</u></p> <p><del>(b)</del><u>(d) home-based business, if:</u></p> <p>(i) occupying a floor area of 30m<sup>2</sup> or less and the activity does not involve:</p> <p>A. employees on the site that do not also reside in the dwelling; <del>and/or</del></p> <p><u>B. customers or clients visiting the site; or</u></p>	Expand upon the range of low risk uses able to be accepted development in the PDA, particularly municipal / government services and facilities that will benefit the community by being delivered sooner.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		<p><del>C. direct retail activity or hiring of goods; or</del></p> <p><del>B-D. industrial or service industry activities; or</del></p> <p>(ii) <del>involving home-based childcare; or-</del></p> <p><del>(e)(e) sales office and display home; or</del></p> <p><del>(e)(f) telecommunications facility – if underground cabling for broadband purposes.</del></p>	
S5-6	D. Operational work Page 86	<p>Include new accepted development criteria 1, to read:</p> <p><u>Operational work undertaken by or on behalf of Mackay Regional Council or a public sector entity.</u></p>	This accepted development criteria is consistent with the categories of development and assessment under the Mackay Region Planning Scheme.
S5-7	D. Operational work Page 86	<p>Amend accepted development criteria 4, to read:</p> <p><del>4. Carrying out operational work that is the clearing of:</del></p> <p><del>(a) vegetation that is clearing of vegetation not other than Ssignificant vegetation; or</del></p> <p><del>(a) unless the clearing of Ssignificant vegetation, where:-is:-</del></p> <p><del>(b)</del></p> <p>(i) <del>by or on behalf of Mackay Regional Council or a public sector entity, where the works being undertaken are:</del></p> <ul style="list-style-type: none"> <li><del>prescribed in Schedule 7, Part 3, Sections 8 and 12 of the Planning Regulation 2017 and in accordance with the relevant State codes for accepted development; or</del></li> </ul> <p><del>Note – relevant State codes for accepted development (as amended from time to time) for use in self-assessment include:</del></p> <ul style="list-style-type: none"> <li><del>Code for accepted development for operational work that is the removal, destruction or damage of marine plants</del></li> <li><del>Accepted development vegetation clearing code – clearing for infrastructure</del></li> <li><del>authorised under a State law; or</del></li> <li><del>in accordance with an approved Marine Plant Management Guideline; or</del></li> </ul>	Ensure alignment with the Planning Regulation and appropriate criteria is captured.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		(ii) <i>in accordance with the conditions of a PDA development approval for a material change of use or reconfiguring a lot.</i>	
S5-8	D. Operational work Page 87	Remove accepted development criteria relating to placing advertising devices on a heritage place where consistent with a general exemption certificate or exemption certificate.	Covered by a consolidated accepted development criteria in F. <i>All aspects of development</i> of the schedule.
S5-9	D. Operational work Page 87	Remove accepted development criteria relating to placing advertising devices where not on a heritage place.	Criteria is removed due to complications with provisions in Subordinate Local Law 1.4 that make accepted development activities exempt from assessment under the subordinate local law. Additional wording in section 2.2.10 explains the application of local laws in the PDA.  Replaced with new triggers in precincts 1 and 2 and prohibited development in schedule 2.
S5-10	D. Operational work Page 87	Include a new accepted development criteria items relating to minor works in road reserve, to read:  5. <u>Operational work that is minor works in a road reserve involving invert crossings, stormwater connection or footpaths, where in accordance with Local Law 1 and Subordinate Local Law 1.16 Carrying Out Works on a Road or Interfering with a Road or its Operation 2011.</u>  <u>Note – a minor works application may still be required where compliance with Subordinate Local Law 1.16 Carrying Out Works on a Road or Interfering with a Road or its Operation 2011 cannot be achieved.</u>	Additional accepted development criteria are consistent with the categories of development and assessment in the Mackay Region Planning Scheme.
S5-11	D. Operational work Page 87	Include a new accepted development criteria items relating to landscape works in certain circumstances, to read:  6. <u>Operational work that involves landscaping works when associated with:</u> (a) <u>dwelling house, dwelling unit, dual occupancy, or caretaker's residence; or</u>	Additional accepted development criteria are consistent with the categories of development and assessment in the Mackay Region Planning Scheme.

Amendment Number	Development scheme reference	Proposed amendment	Rationale
		(b) <u>development that is PDA accepted development.</u>	
S5-12	F. All aspects of development Page 87	<p>Amend accepted development criteria 1, to read:</p> <p>1. <i>Development prescribed in Schedule 6 of the Planning Regulation 2017, other than:</i></p> <p><u>(a) Part 2:</u></p> <p><u>(i) Section 2 (2), where located in precincts 1, 2 and 3; <del>or</del></u></p> <p><i>Note – a concurrence agency response is required from council if development involving a dwelling house located in precincts 4 and 5 is inconsistent with:</i></p> <ul style="list-style-type: none"> <li><i>the alternative or varied building assessment provisions listed in section 1.6 of the Mackay Region Planning Scheme 2017; or</i></li> <li><i>MP1.1 or MP1.2 of the Queensland Development Code, where no alternative or varied provisions exist for a particular benchmark.</i></li> </ul> <p><u>(ii) Section 2 (3); or</u></p> <p><u>(iii) Section 3; or</u></p> <p><u>(iv) Section 5; or</u></p> <p><u><del>(v)</del> Section 7; or</u></p> <p><u>(a) <del>Part 3 Section 18;</del> and</u></p> <p><u>Part 5 Section 28.</u></p>	<p>Ensure certain development prescribed in Schedule 6 of the Planning Regulation is not accepted development.</p> <p>For dwelling house, align with other assessment triggers and prohibited development in the development scheme.</p> <p>A new note is included to explain the process for a concurrence application (to council) to be submitted for dwelling house, which is consistent with the practice under the Mackay Region Planning Scheme.</p>
S5-13	F. All aspects of development Page 87	<p>Include new accepted development criteria relating to development prescribed in Schedule 7 of the Planning Regulation 2017, to read:</p> <p><u>2. Development prescribed in Schedule 7 of the Planning Regulation 2017.</u></p> <p><i>Note - relevant State codes for accepted development (as amended from time to time) for use in self-assessment include (amongst others):</i></p> <ul style="list-style-type: none"> <li><i>Code for accepted development for tidal works or work completely in a coastal management district</i></li> <li><i>Code for accepted development requirements for operational work that is constructing or raising waterway barrier work</i></li> </ul>	

Amendment Number	Development scheme reference	Proposed amendment	Rationale
S5-14	F. All aspects of development  Page 88	New accepted development criteria items added relating to development consistent with the General Exemption Certificate or Exemption Certificate issued under the Heritage Act, to read:  <u>Development consistent with a General Exemption Certificate or an Exemption Certificate issued under the Queensland Heritage Act 1992.</u>	Brings accepted development circumstances under the Planning Regulation into play in the PDA.  Simply with accepted development criteria relating to development that is consistent with a General Exemption Certificate or Exemption Certificate under the Heritage Act.
<b>Schedule 2 PDA prohibited development</b>			
S5-15	Schedule 2  Page 89	Include new lead in sentence, to read:  <u>Schedule 2 identifies development that is prohibited within the PDA</u>	Improve legibility of the document.
S5-16	A. Material change of use  Pages 89, 90 and 91	Include <i>special industry</i> into the list of prohibited development for the whole PDA. Remove <i>special industry</i> and <i>special industry, if not distilling alcohol</i> from additional sections in all precincts.	Special industry, if not distilling alcohol has been replaced by brewing or distilling alcohol under either the low impact industry use or medium impact industry use.  As special industry is prohibited development across the PDA, there is no need to specifically mention the use in each precinct.
S5-17	A. Material change of use  Page 90	For precinct 3, remove <i>residential activities</i> and replace with <i>multiple dwelling, residential care facility and retirement facility</i> ,	Dwelling unit has been included in the residential activities activity group. Therefore, there is a need to separate the uses listed in the residential activities activity group to ensure dwelling unit remains permissible development, which is consistent with the development intent of precinct 3.
S5-18	A. Material change of use	In the list of additional prohibited uses for precinct 4, include <i>service station</i> and <i>warehouse</i>	Land for development in the precinct is limited and therefore it is important to ensure the list of prohibited uses enables

Amendment Number	Development scheme reference	Proposed amendment	Rationale						
	Page 90		the developable areas of the precinct to primarily accommodate residential uses.						
S5-19	A. Material change of use  Page 91	In the list of prohibited uses for precinct 5, include <i>warehouse</i> .	Warehouse is considered to be inappropriate for precinct 5.						
S5-20	B. Operational work  Page 92	Include new list of prohibited development for operational work relating to certain types of advertising devices on a heritage place, to read:  <u>For the whole of the PDA:</u>  <u>(a) Operational works that is the placing of the following advertising devices where on a heritage place:</u>  <u>(i) billboards; or</u>  <u>(ii) digital display or electronic display component signs, including LED screen signs.</u>  <u>Note – digital display excludes temporary light projections on to a building as public art.</u>	To prohibit development that is not intended.						
Schedule 3 Definitions									
S5-21	Schedule 3  Page 93	Amend the lead-in sentence, to read:  <u>Unless defined below in this schedule, the definitions under the ED Act and the Mackay Region Planning Scheme 2017 apply to all development within the PDA. Terms not defined have their common meaning.</u>	To improve legibility of the document.						
S5-22	S3.1 Use definitions  Page 93	Include new table, to read: <table><tr><th colspan="2"><u>Use definitions</u></th></tr><tr><th><u>Use term</u></th><th><u>Definition</u></th></tr><tr><td><u>All uses</u></td><td><u>Refer to the use definitions, including the industry thresholds, in Schedule 1 of the Mackay Region Planning Scheme 2017.</u></td></tr></table>	<u>Use definitions</u>		<u>Use term</u>	<u>Definition</u>	<u>All uses</u>	<u>Refer to the use definitions, including the industry thresholds, in Schedule 1 of the Mackay Region Planning Scheme 2017.</u>	Improve reference to other related documents.
<u>Use definitions</u>									
<u>Use term</u>	<u>Definition</u>								
<u>All uses</u>	<u>Refer to the use definitions, including the industry thresholds, in Schedule 1 of the Mackay Region Planning Scheme 2017.</u>								



Amendment Number	Development scheme reference	Proposed amendment	Rationale		
S5-23	S3.2 Defined activity groups  Page 93	Add <i>indoor sport and recreation</i> to the commercial activities activity group.	Inclusion of this use in the activity group allows for simplification of provisions in other parts of the document.		
S5-24	S3.2 Defined activity groups  Page 93	Add <i>medium impact industry (involving brewery or distilling alcohol)</i> and remove <i>warehouse</i> in the industry activities activity group.	<p>Inclusion of medium impact industry (involving brewery or distilling alcohol) in the activity group allows for simplification of provisions in other parts of the document.</p> <p>The exclusion of warehouse from the activity group aligns with the development intent of the PDA.</p>		
S5-25	S3.2 Defined activity groups  Page 94	Add <i>dwelling unit</i> to the residential activities activity group.	Inclusion of this use in the activity group allows for simplification of provisions in other parts of the document.		
S5-26	S3.3 Administrative terms  Page 94	<table><tr><td>Include reference to <i>administrative terms not listed in the table</i>, to read:</td><td><div><p><u><b>Administrative terms not listed in this table</b></u></p><p><u>Refer to the administrative terms in:</u></p><ul style="list-style-type: none"><li><u>Schedule 1 Dictionary of the ED Act; and</u></li><li><u>Schedule 1 Administrative terms of the Mackay Region Planning Scheme 2017.</u></li></ul></div></td></tr></table>	Include reference to <i>administrative terms not listed in the table</i> , to read:	<div><p><u><b>Administrative terms not listed in this table</b></u></p><p><u>Refer to the administrative terms in:</u></p><ul style="list-style-type: none"><li><u>Schedule 1 Dictionary of the ED Act; and</u></li><li><u>Schedule 1 Administrative terms of the Mackay Region Planning Scheme 2017.</u></li></ul></div>	Include reference to other instruments with applicable terms and definitions.
Include reference to <i>administrative terms not listed in the table</i> , to read:	<div><p><u><b>Administrative terms not listed in this table</b></u></p><p><u>Refer to the administrative terms in:</u></p><ul style="list-style-type: none"><li><u>Schedule 1 Dictionary of the ED Act; and</u></li><li><u>Schedule 1 Administrative terms of the Mackay Region Planning Scheme 2017.</u></li></ul></div>				
S5-27	S3.3 Administrative terms  Page 94	<table><tr><td>Include a new administrative term for <i>active transport</i>, to read:</td><td><div><p><u><b>Active transport</b></u></p><p><u>Means physical activity undertaken as a means of transport. It includes all micro-mobility modes including human-powered devices and electric powered devices that comply with relevant legislation.</u></p><p><u>Examples of active transport include travel by foot, bicycle, scooter.</u></p></div></td></tr></table>	Include a new administrative term for <i>active transport</i> , to read:	<div><p><u><b>Active transport</b></u></p><p><u>Means physical activity undertaken as a means of transport. It includes all micro-mobility modes including human-powered devices and electric powered devices that comply with relevant legislation.</u></p><p><u>Examples of active transport include travel by foot, bicycle, scooter.</u></p></div>	The new administrative term replaces the terms cycle, cycling and cyclist used throughout the scheme. Active transport is more inclusive of a range of micro-mobility modes.
Include a new administrative term for <i>active transport</i> , to read:	<div><p><u><b>Active transport</b></u></p><p><u>Means physical activity undertaken as a means of transport. It includes all micro-mobility modes including human-powered devices and electric powered devices that comply with relevant legislation.</u></p><p><u>Examples of active transport include travel by foot, bicycle, scooter.</u></p></div>				

Amendment Number	Development scheme reference	Proposed amendment		Rationale		
			<u>skateboard, skates and other physically active ways of travelling that can be undertaken alone or combined with public transport.</u>			
S5-28	S3.3 Administrative terms  Page 94	Include a new administrative term for <i>articulation</i> , to read:  <table><tr><td><u><b>Articulation</b></u></td><td><u>Means designing a building, including the façade of a building, with clearly distinguishable parts (both vertically and horizontally), features, curves and changes in depth (steps, projections and recesses) that gives shape, texture and visual appeal to a building.</u></td></tr></table>  Remove the administrative term for articulation measures.		<u><b>Articulation</b></u>	<u>Means designing a building, including the façade of a building, with clearly distinguishable parts (both vertically and horizontally), features, curves and changes in depth (steps, projections and recesses) that gives shape, texture and visual appeal to a building.</u>	The new administrative term replaces the administrative term articulation measures and assists with the design requirements of development.
<u><b>Articulation</b></u>	<u>Means designing a building, including the façade of a building, with clearly distinguishable parts (both vertically and horizontally), features, curves and changes in depth (steps, projections and recesses) that gives shape, texture and visual appeal to a building.</u>					
S5-29	S3.3 Administrative terms  Page 94	Include a new administrative term for <i>community benefit</i> , to read:  <table><tr><td><u><b>Community benefit</b></u></td><td><u>Is the public good that a development delivers as indicated by (but not limited to) the following:</u><ul style="list-style-type: none"><li><u>Productivity – development contributes to increasing and or/diversifying employment and the local economy, and improving equal opportunity</u></li><li><u>Quality of life – development provides new, or improves on existing services like education, healthcare, community facilities that could improve quality of life for the community</u></li><li><u>Environmental sustainability – development contributes to a sustainable urban environment through improvements to air and</u></li></ul></td></tr></table>		<u><b>Community benefit</b></u>	<u>Is the public good that a development delivers as indicated by (but not limited to) the following:</u> <ul style="list-style-type: none"><li><u>Productivity – development contributes to increasing and or/diversifying employment and the local economy, and improving equal opportunity</u></li><li><u>Quality of life – development provides new, or improves on existing services like education, healthcare, community facilities that could improve quality of life for the community</u></li><li><u>Environmental sustainability – development contributes to a sustainable urban environment through improvements to air and</u></li></ul>	The new administrative term replaces the term community need and assists with using sufficient grounds to justify development in section 2.2.5 of the development scheme. The change in terminology is considered to fit better with the main purpose of the ED Act.
<u><b>Community benefit</b></u>	<u>Is the public good that a development delivers as indicated by (but not limited to) the following:</u> <ul style="list-style-type: none"><li><u>Productivity – development contributes to increasing and or/diversifying employment and the local economy, and improving equal opportunity</u></li><li><u>Quality of life – development provides new, or improves on existing services like education, healthcare, community facilities that could improve quality of life for the community</u></li><li><u>Environmental sustainability – development contributes to a sustainable urban environment through improvements to air and</u></li></ul>					

Amendment Number	Development scheme reference	Proposed amendment		Rationale
			<p><u>water quality, reduced emissions or protecting/enhancing vegetation</u></p> <ul style="list-style-type: none"> <li><u>Infrastructure development – development provides needed, or improves on existing infrastructure such as transport, utilities and recreation that benefits the local area</u></li> <li><u>Equity and social inclusion – development addresses issues of poverty, social isolation and contributes towards the creation of equitable communities through improved opportunities for minority and vulnerable groups</u></li> </ul>	
S5-30	S3.3 Administrative terms  Page 95	Include new administrative term for <i>façade</i> , to read:		The new administrative term assists with the design requirements of development.
		<b><u>Façade</u></b>	<u>Means the frontage of a building that faces a street, road, laneway, or other public space.</u>	
S5-31	S3.3 Administrative terms  Page 95	Include new administrative term for <i>Mackay climate</i> , to read:		The new administrative term provides an explanation what the climate of Mackay is, which relates to the requirements for climatically responsive design.
		<b><u>Mackay climate</u></b>	<u>The Mackay climate is neither entirely tropical (like Cairns) or sub-tropical (like Brisbane) and is typically characterised by both hot humid summers (tropical) and mild winters (sub-tropical) with distinct wet and dry seasons. The prevailing breeze originates from the southeast, with prolonged periods of warm northerly breezes occurring in spring and summer.</u>	
S5-32	S3.3 Administrative terms  Page 96	Amend the administrative term <i>Placemaking</i> to read:		Improve legibility and align with placemaking literature.
		<b><u>Placemaking</u></b>	<u>Means the process of activating public spaces by transforming them in ways</u>	

Amendment Number	Development scheme reference	Proposed amendment		Rationale		
			people relate best to; <del> so thereby strengthening the connection between people and places being more</del> that are <u>memorable</u> , appealing, surprising, activating and engaging. <u>Placemaking relies on community participation and typically</u> includes public art, landscaping, lighting, seating, play features, <u>use of</u> pedestrian pathways <u>for temporary activities</u> , tactical urbanism, <u>temporary 'lighter quicker cheaper' elements</u> , and public events.			
S5-33	S3.3 Administrative terms  Page 97	Amend the administrative term <i>Public realm</i> to read: <table><tr><td><b><i>Public realm</i></b></td><td><i>Means the spaces that are used by the general public, including streets, laneways, squares, plazas, <u>esplanades</u> and parks.</i></td></tr></table>		<b><i>Public realm</i></b>	<i>Means the spaces that are used by the general public, including streets, laneways, squares, plazas, <u>esplanades</u> and parks.</i>	Improve legibility.
<b><i>Public realm</i></b>	<i>Means the spaces that are used by the general public, including streets, laneways, squares, plazas, <u>esplanades</u> and parks.</i>					
S5-34	S3.3 Administrative terms  Page 97	Amend the administrative term <i>Significant vegetation</i> to read: <table><tr><td><b><i>Significant vegetation</i></b></td><td><i>Means all vegetation, except those listed as pest vegetation by state or local government, that is significant in its: (a) ecological value at local, state or national levels <del>including remnant vegetation, non-juvenile koala habitat trees in bushland habitat and marine plants</del>; or (b) contribution to the preservation of natural landforms; or (c) contribution to the character of the landscape; or (d) cultural or historical value; or (e) amenity value to the general public</i></td></tr></table>		<b><i>Significant vegetation</i></b>	<i>Means all vegetation, except those listed as pest vegetation by state or local government, that is significant in its: (a) ecological value at local, state or national levels <del>including remnant vegetation, non-juvenile koala habitat trees in bushland habitat and marine plants</del>; or (b) contribution to the preservation of natural landforms; or (c) contribution to the character of the landscape; or (d) cultural or historical value; or (e) amenity value to the general public</i>	Simplify the administrative term.
<b><i>Significant vegetation</i></b>	<i>Means all vegetation, except those listed as pest vegetation by state or local government, that is significant in its: (a) ecological value at local, state or national levels <del>including remnant vegetation, non-juvenile koala habitat trees in bushland habitat and marine plants</del>; or (b) contribution to the preservation of natural landforms; or (c) contribution to the character of the landscape; or (d) cultural or historical value; or (e) amenity value to the general public</i>					

Amendment Number	Development scheme reference	Proposed amendment		Rationale
			Note: - vegetation may be living or dead and the term includes their root stock.	
S5-35	S3.3 Administrative terms Page 97	Include new administrative term for <i>smart design elements</i> , to read:		The new administrative term replaces 'smart cities' and assists in the interpretation of sustainable design / development. Reference is included to EV charging.
		<u><b>Smart design elements</b></u>	<p><u>Means the following elements and initiatives:</u></p> <ul style="list-style-type: none"> <li>• <u>smart buildings and consolidated control systems</u></li> <li>• <u>use of recycled water</u></li> <li>• <u>renewable energy generation and low-emission technologies</u></li> <li>• <u>integration of green roofs, green walls and other sustainable landscape elements</u></li> <li>• <u>adaptive places, spaces and tenancies to promote a range of activities or shared working and living arrangements</u></li> <li>• <u>multi-modal transport</u></li> <li>• <u>real time traffic and parking assessment and tracking</u></li> <li>• <u>smart lighting</u></li> <li>• <u>digital city services: high-speed fibre optic, wireless and mobile networks, integrated Wi-Fi, and connecting people through internet, smart phones / devices, and other mobile device connectivity</u></li> <li>• <u>connected sensors and CCTV</u></li> <li>• <u>power systems integration and smart technology which passively controls the use of electricity</u></li> <li>• <u>parking and transport real time tracking and assessment</u></li> <li>• <u>digital wayfinding</u></li> </ul>	

Amendment Number	Development scheme reference	Proposed amendment		Rationale		
			<ul style="list-style-type: none"><li>• <u>inclusion of smart infrastructure within the streetscape</u></li><li>• <u>facilities to support the charging of electric vehicles - refer to PDA Practice Note 20: Electric vehicle charging infrastructure for information on the requirements of EV charging infrastructure.</u></li></ul>			
S5-36	S3.3 Administrative terms  Page 98	Include new administrative term for <i>temporary use</i> , to read:  <table><tr><td><u><b>Temporary use</b></u></td><td><u>Means a use or activity that:</u> <u>(a) is carried out on a non-permanent basis;</u> <u><del>(a)(b)</del> does not involve the construction of, or significant changes to, permanent buildings, structures or infrastructure.</u></td></tr></table>		<u><b>Temporary use</b></u>	<u>Means a use or activity that:</u> <u>(a) is carried out on a non-permanent basis;</u> <u><del>(a)(b)</del> does not involve the construction of, or significant changes to, permanent buildings, structures or infrastructure.</u>	The new administrative term will assist with the establishment of temporary uses for placemaking purposes.
<u><b>Temporary use</b></u>	<u>Means a use or activity that:</u> <u>(a) is carried out on a non-permanent basis;</u> <u><del>(a)(b)</del> does not involve the construction of, or significant changes to, permanent buildings, structures or infrastructure.</u>					
S5-37	S3.3 Administrative terms  Page 98	Include new administrative term for <i>tower</i> , to read:  <table><tr><td><u><b>Tower</b></u></td><td><u>Means the part of the building that sits above podium levels.</u></td></tr></table>		<u><b>Tower</b></u>	<u>Means the part of the building that sits above podium levels.</u>	The new administrative term will reduce a repeated term used throughout the document.
<u><b>Tower</b></u>	<u>Means the part of the building that sits above podium levels.</u>					
Schedule 4 Requirements for accepted development						
S5-38	Heritage places  Pages 100-103	Remove heritage places from the development scheme.		Refer to overlay mapping and assessment requirements under the Mackay Region Planning Scheme, which is consistent with how the development scheme uses and refers to other overlay mapping.		
S5-39	Schedule 4 (previously Schedule 5)  Page 104	Include new lead-in sentence, to read:  <u>Schedule 4 specifies the requirements for accepted development for certain uses as indicated under column 1 in Tables 5, 8 and 11.</u>		Improve legibility.		

Amendment Number	Development scheme reference	Proposed amendment	Rationale
S5-40	S4.1 Requirements for accepted development: Bar, hotel (involving a pub) or nightclub entertainment facility in Precinct 1 – Mackay city centre  Page 104	Remove provision 1.  <del>1. co-locate to maintain a vibrant entertainment node on the following streets: (a) Victoria Street (between Sydney Street and Gregory Street); (b) Sydney Street (between Victoria Street and River Street); and (c) Wood Street (between Gordon Street and River Street).</del>	Provision is limiting, where such uses could locate in an existing building anywhere within the precinct.
S5-41	S4.1 Requirements for accepted development: Bar, hotel (involving a pub) or nightclub entertainment facility in Precinct 1 – Mackay city centre  Page 104	Amend provision 1 (previously provision 2), to read:  <del>2.1.</del> <u>locates</u> within podium levels <u>(inclusive of ground floor)</u> of an existing building.	Improve legibility of the provision.
S5-42	S4.1 Requirements for accepted development: Bar, hotel (involving a pub) or nightclub entertainment facility in Precinct 1 – Mackay city centre  Page 104	Amend provision 3 (previously provision 8), to read:  <del>3. ensures hotel (involving a pub) or bar (excluding nightclub entertainment facility): a. provide an active frontage to streets by retaining or providing openings (doors and windows) to streets and laneways; and b. do not cover or obscure windows and other glazed openings that face streets and laneways.  Note – excludes internal blinds, shutters or curtains.</del>	Improve legibility of the provision.
S5-43	S4.1 Requirements for accepted development: Bar, hotel (involving a	Amend provision 7 to read:  7. <u>provides</u> for the safe and orderly queuing of patrons on the <u>public</u> footpath and <u>maintains</u> through pedestrian movement along the <u>public</u> footpath by:	Improve legibility of the provision.

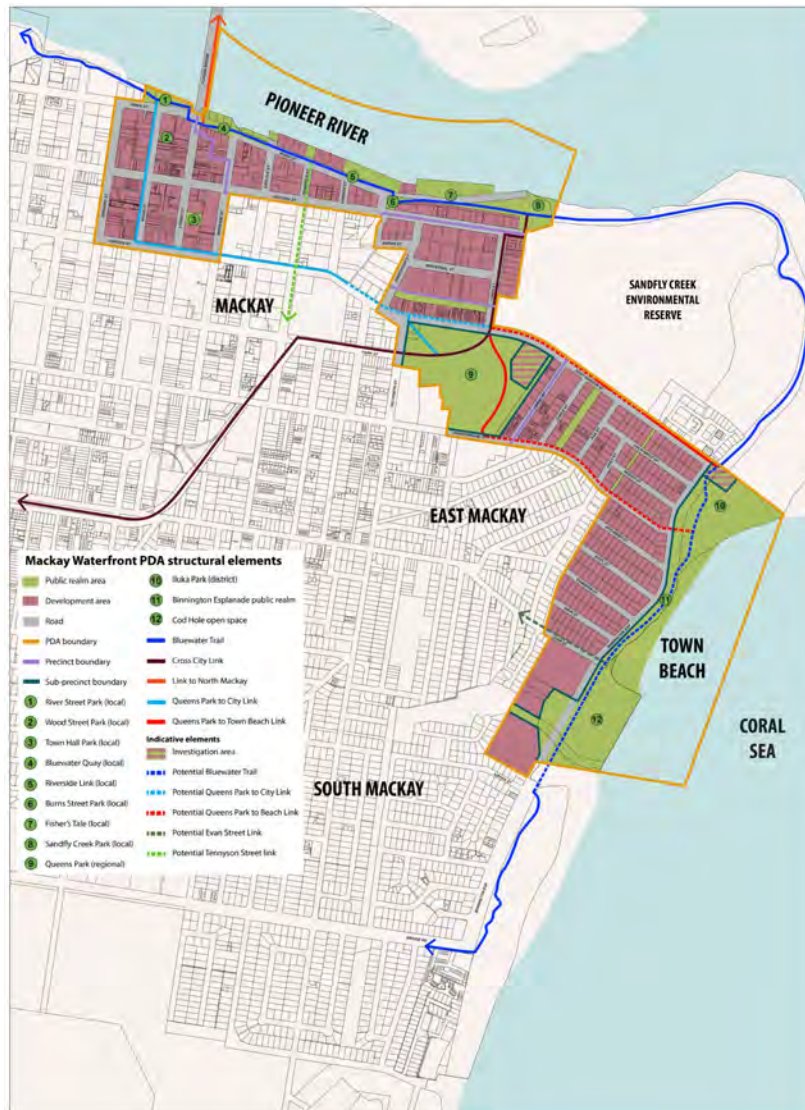
Amendment Number	Development scheme reference	Proposed amendment	Rationale
	pub) or nightclub entertainment facility in Precinct 1 – Mackay city centre  Page 104	(a) providing a minimum 10 metre separation distance between <del>bar or</del> nightclub entertainment facility entrances; and  (b) ensuring the queuing area does not exceed 1.5 metres in width <del>when measured from the property boundary.</del>	
S5-44	S4.2 Requirements for accepted development: Low impact industry or research and technology  Page 105	Amend the lead-in statement of S4.2, to read:  <i>Development involving low impact industry <u>or research and technology, where located within an existing building previously occupied by a non-residential use</u> within the Enterprise precinct will:</i>	Improve legibility of the provision.
S5-45	S4.2 Requirements for accepted development: Low impact industry or research and technology  Page 105	Amend provision 1, to read:  1. <i>maintains <u>existing</u> onsite parking, vehicle access, <del>and</del> landscaping <u>and activation measures to the street frontage.</u></i>	Improve legibility of the provision.
S5-46	S4.2 Requirements for accepted development: Low impact industry or research and technology  Page 105	Amend provision 2 to read:  2. <i>occupies the same or less gross floor area within the existing building, and <u>a external-gross floor area</u> extensions constitutes minor building work.</i>	Improve legibility of the provision.
S5-47	S4.2 Requirements for accepted development: Low	Include a new provision relating to deliveries to a non-residential use, to read:  <i>3. <u>where on a site that contains or adjoins an accommodation, hotel (with</u></i>	To ensure the amenity of existing residential uses is not impacted.



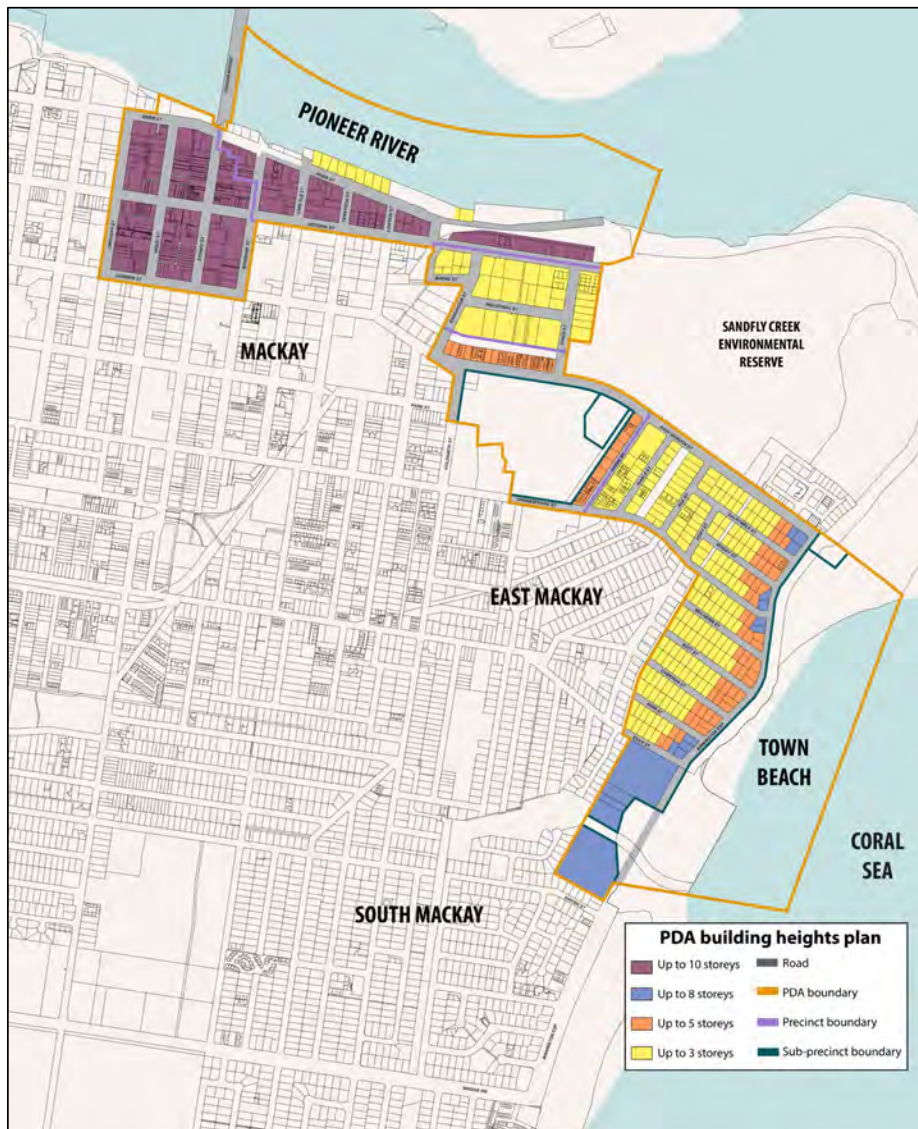
Amendment Number	Development scheme reference	Proposed amendment	Rationale
	impact industry or research and technology  Page 105	<u>accommodation) or residential activity, ensures the loading and unloading of deliveries and other goods does not occur:</u> <u>(a) between 6.30pm and 6.30am Monday to Saturday; or</u> <u>(b) on a Sunday; or</u> <u>(c) on a public holiday.</u>	

## Appendix 1 Map changes

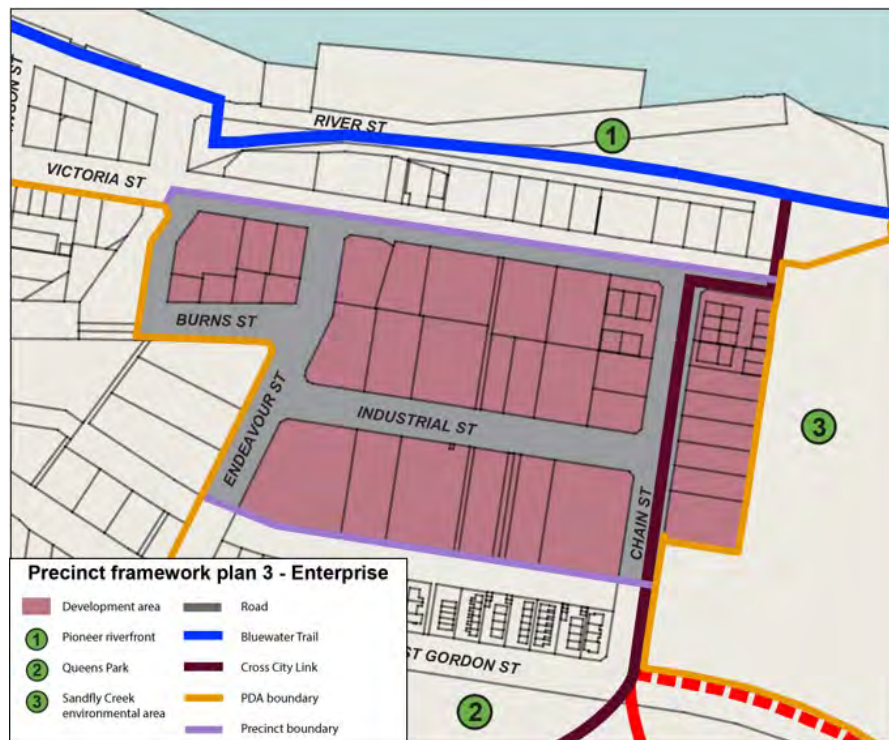
**Amendment S2-17** (in section 2 of this document) – proposed changes to the PDA structural elements plan.



**Amendment S2-47** (in section 2 of this document) – proposed changes to the PDA building heights plan.

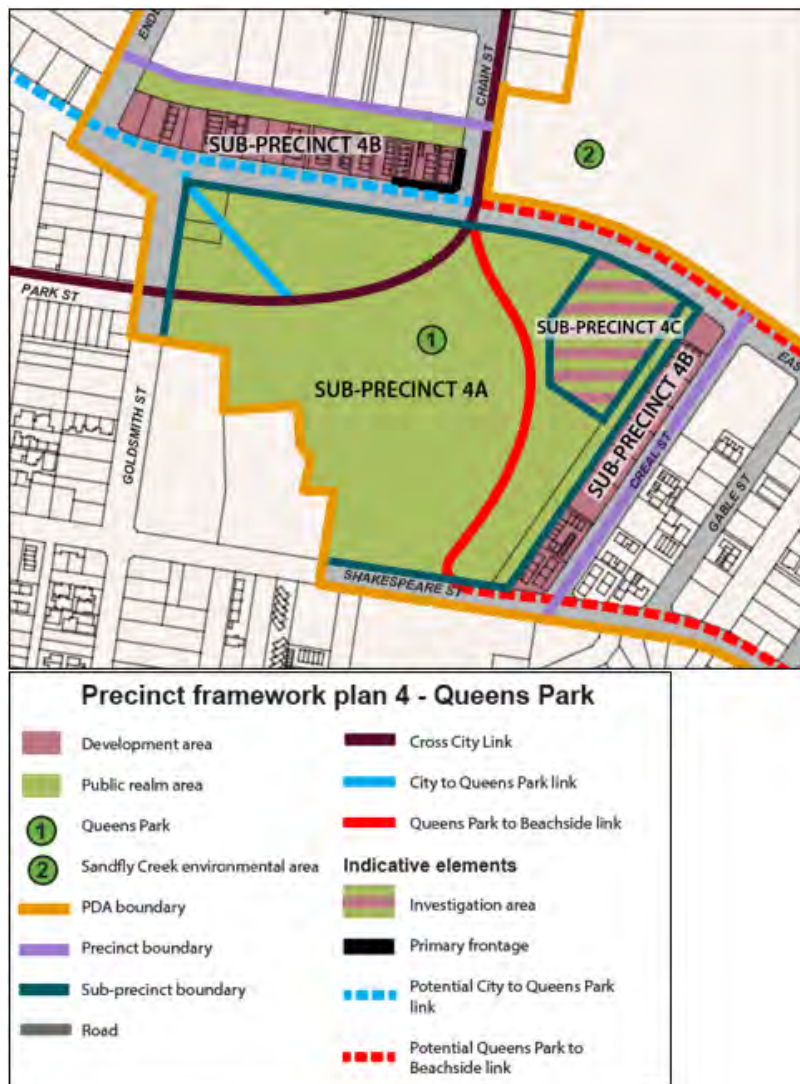


**Amendment S2-88** (in section 2 of this document) – proposed changes to Precinct framework plan 3 – Enterprise.





**Amendment S2-96** (in section 2 of this document) – proposed changes to Precinct framework plan 4 – Queens Park.



**Amendment S2-107** (in section 2 of this document) – proposed changes to Precinct framework plan 5 – Beachside.



### **11.3. ENGINEERING AND COMMERCIAL INFRASTRUCTURE**

#### **11.3.1. ENGINEERING & COMMERCIAL INFRASTRUCTURE - TRANSPORT & DRAINAGE MONTHLY REVIEW - AUGUST 2022**

<b>Author</b>	Executive Assistant (Robyn Smith)
<b>Responsible Officer</b>	Director Engineering & Commercial Infrastructure (Jason Devitt)
<b>File Reference</b>	MONTHLY REVIEW
<b>Attachments</b>	1. ECI - Transport Drainage Monthly Review - August 2022 [11.3.1.1 - 18 pages]

#### **Purpose**

Attached is a copy of the Engineering & Commercial Infrastructure – Transport & Drainage Monthly Review for August 2022.

#### **Related Parties**

N/A

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

THAT the Engineering & Commercial Infrastructure – Transport & Drainage Monthly Review for August 2022 be received.

The Acting Director of Engineering and Commercial Infrastructure Cameron Jessup, provided an overview and highlights of the Transport and Drainage Monthly Review Report for August 2022. The Acting Director offered his thanks to the staff members in the Civil Operations team for stepping up into other roles or into Acting Manager roles.

Cr Jones queried why the combined teams trial for open drainage maintenance was not successful.

The Acting Director advised that combined teams were trialled to determine if there could be more efficiencies with this showing that in the northern drainage area plant could be utilised more efficiently however, in the southern drainage areas, plant usage was inefficient and feedback from staff was that they had not observed any improvements.

Cr Jones noted that we are moving toward the wettest part of the year and queried if Council's open drainage maintenance, where vegetation removal permits were required, was on track.

The Acting Director advised that there will be only one outstanding at the end of the month which is Wilson Drain at Armstrongs Beach, with this work to be completed in October.

Cr Mann noted that there had been five incidents involving street sweepers and queried if further training was required.

The Acting Director advised that four of the incidents related to a single operator and the issue was more of a behavioural matter than a training matter, with discussions to be held with the operator.

Cr Mann queried how long Council will be using contractors for heavy patching works.

The Acting Director advised that this work should be completed by late November or early December.

Cr Bella queried the meaning of the acronym NSM referred to in the report.

The Acting Director advised that this meant non staff member.

Cr Bella noted incidents in relation to Telstra cable in a drain and hoped that Council did not have to pay for this. Cr Bella queried if the cable had been laying there for long, had Telstra dealt with the cable inappropriately and what steps Council was going to take to fix this issue.

The Acting Director advised that a lot of the older cable infrastructure does not comply with Telstra's own requirement for minimum cover noting that Council can contact 'Before You Dig Australia' prior to commencing work, but often older infrastructure is not signed on plans, but sometimes has not been removed. The Acting Director advised that he would take on notice the question in relation to what we can do to address these issues with Telstra.

Cr May referred to the Council's maintenance contract with Transport and Main Roads in relation to repairs to State controlled roads, and queried if the Department reports to Council on the work carried out, and what is the determination that triggers the need for maintenance to be undertaken.

The Acting Director advised that he would take the question on notice but advised that there is a service agreement in place.

Cr Bonaventura noted that the Paget Street drain had been opened and widened with 300mm of silt removed and queried how Council had come up with the 300mm figure.

The Acting Director advised that the volume of silt was determined from design plans on record and noted that the Department is trying to profile the drains to determine the amount of silt deposited, and understand what the cause of that build up is.

Cr Bonaventura queried how many years since the drain was last cleaned and has the results of the desilting given rise to increasing the desilting of drains such as this one.

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

#### **Council Resolution ORD-2022-284**

**THAT the Engineering & Commercial Infrastructure – Transport & Drainage Monthly Review for August 2022 be received.**

**Moved Cr Jones**

**Seconded Cr Mann**

Cr Jones highlighted several items from the report including the drains maintenance which is designed to improve flow and capacity, the completion of the work at Cod Hole, and thanked staff for working to get the drains up to scratch for the wet season.

Cr Mann highlighted several items from the report including safety, the under budget spend in various areas predominantly due to the high level of vacancies, culvert repairs and the high level of illegal dumping.

Cr Bella referred to the open drain maintenance and noted that it was good to see the widening of drains which allows for tractor mowing. Cr Bella noted that a couple of months ago the grading crews were down Koumala way and he advised that three of his neighbours had remarked that it was the best grading they have seen for a long time, with drains cleared and sight lines improved.

**CARRIED**





# **Engineering and Commercial Infrastructure - Transport & Drainage Monthly Review**

August 2022



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## OVERVIEW

This report is for Transport and Drainage activities during the month of August 2022. Significant items in this period include:

- Twelve safety incidents were reported during August 2022. These included eight incidents causing asset damage involving Council assets, two muscular stress injuries and two contractor incidents.
- The new Manager Civil Operations commenced on Monday, 5 September 2022. The position had been covered by secondments for several months.

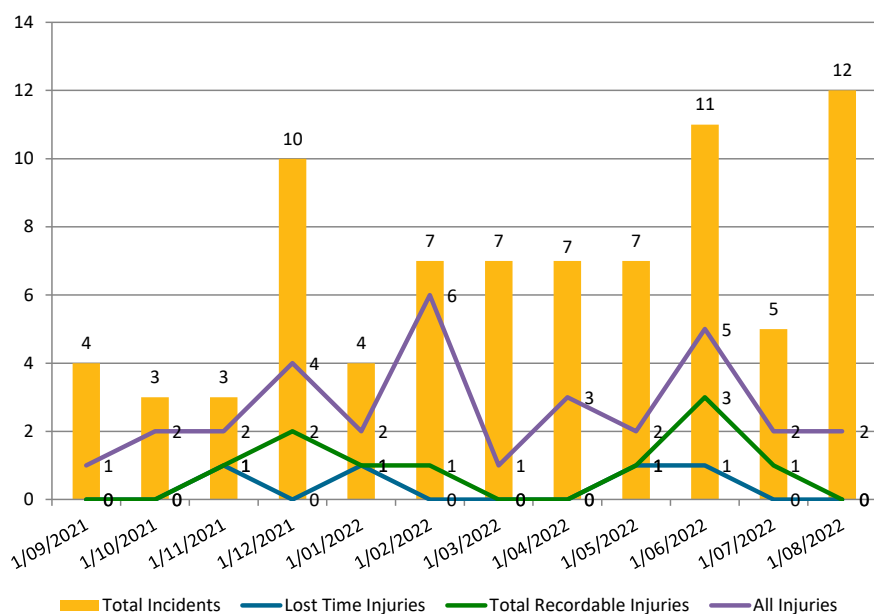


**Director Engineering & Commercial Infrastructure**

## SAFETY

### 1.1. Incidents and Injuries

The incident statistic details a summary of the Transport and Drainage safety incident performance. Transport and Drainage aspires to achieve zero harm with a stretch target of zero injuries.



#### **August 2022 Summary:**

- Two safety interactions undertaken.
- Five site safety inspections were completed.
- 90% of monthly action plans activities were carried out.

The following injuries to MRC employees were reported during August:

- NTI – While exiting truck felt pain in right knee.
- NTI – While lifting dead animal from road, felt strain in groin.

The following asset damage incidents involving MRC employees were reported during August:

- Damage to sweeper, scratched side on roundabout.
- Damage to Vehicle while reversing out of driveway.
- Noticed scrape marks on the sweeper after cleaning up broken glass on footpath.
- While driving sweeper from footpath to road, damaged broom mounting.
- While sweeping kerb, sweeper tyre rubbed against pit lid on kerb causing tyre to split.
- While sweeping footpath, NSM struck rear of small sweeper with object. Reported to Police.
- While operating mower, noticed smoke coming from steering column which was extinguished.
- Collected Telstra cable while de-grassing drain.

The following incidents involving a contractor were reported during August:

- Suffered medical episode and transported to hospital.
- Spraying box and the quick connect fitting on the emulsion hose let go and spray emulsion overhead.

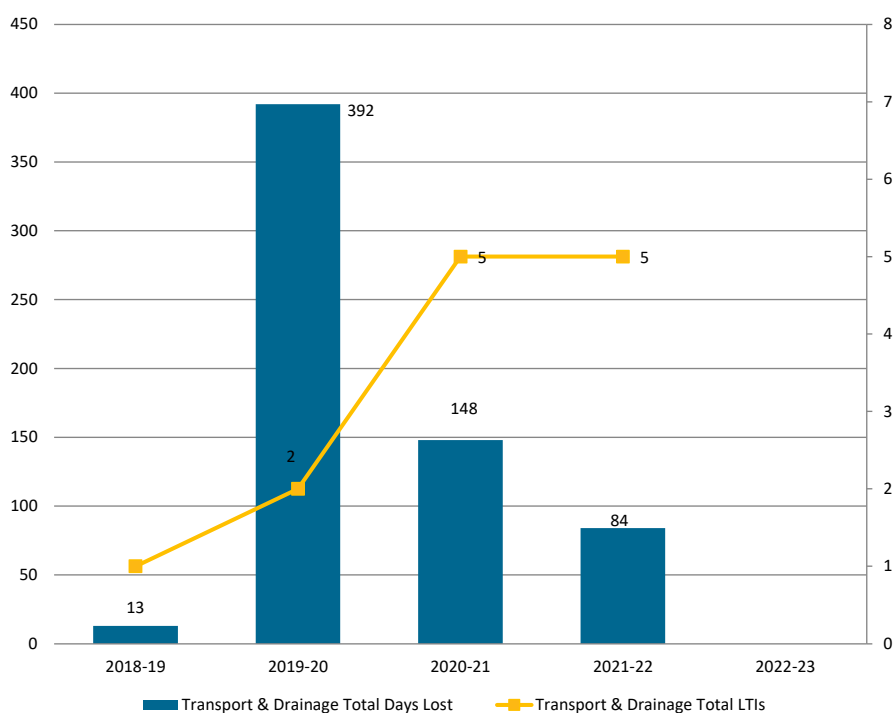
Each incident is investigated, and appropriate corrective measures implemented to reduce future risks.

### Glossary

Incident	Any unplanned event resulting in or having a potential for injury or ill health.
Lost Time Injury (LTI)	Incidents that resulted in a fatality, permanent disability or time lost from work of one day / part of a day or more
Total Recordable Injuries (TRI)	Incidents that result in a Lost Time Injury (LTI), Suitable Duties Injury (SDI) and Medical Treatment Injury (MTI)
NTI	Non-Treatment Injury
FAI	First Aid Injury
MTI	Medical Treatment Injury
SDI	Suitable Duties Injury
LTI	Lost Time Injury

### 1.2. Lost Time Injuries & Days Lost

Transport and Drainage aspires to achieve zero Lost Time Injuries by improving safety performance by developing a proactive safety culture and implementing best practice safety management across all business areas.





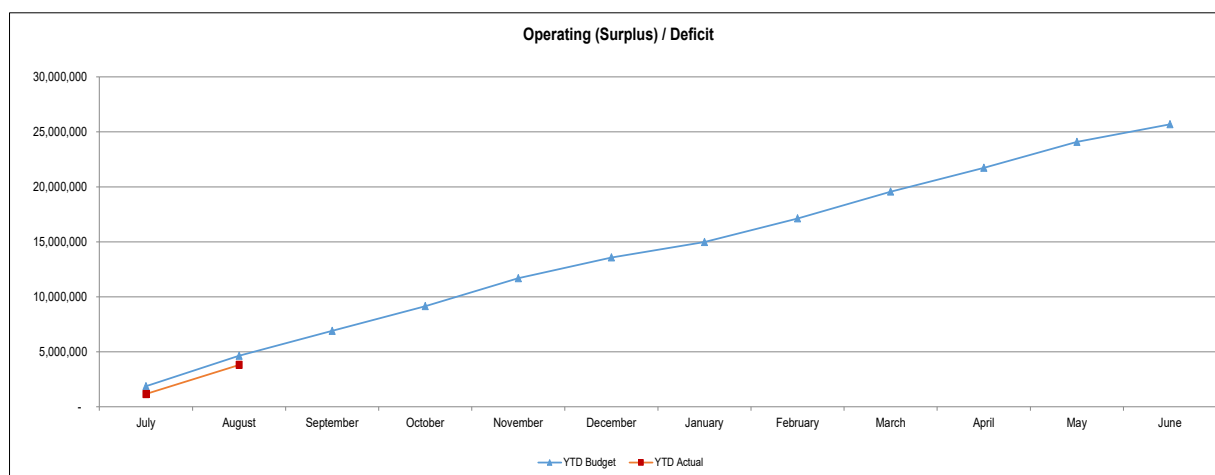
**Engineering & Commercial Infrastructure**  
Transport & Drainage Monthly Review > August 2022

Department	218-19		2019-20		2020-21		2021-22		2022-23	
	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost
Civil Operations	1	13	2	392	5	148	5	84	0	0
Transport & Infrastructure Projects (Field Services/Civil Projects)	0	0	0	0	0	0	0	0	0	0
Transport & Drainage Infrastructure Planning	0	0	0	0	0	0	0	0	0	0
Asset Management	0	0	0	0	0	0	0	0	0	0
<b>Transport &amp; Drainage</b>	<b>1</b>	<b>13</b>	<b>2</b>	<b>392</b>	<b>5</b>	<b>148</b>	<b>5</b>	<b>84</b>	<b>0</b>	<b>0</b>

## FINANCE

### 2.1. Operational Financial Report – August 2022

Financial Performance Report					% YTD Variance of YTD Budget
Engineering					YTD Variance favourable of budget
Period Covered: 1 July 2022 to 31 August 2022					YTD Variance unfavourable, between 0% and 5% of YTD Budget
					YTD Variance unfavourable, more than 5% of YTD Budget
	Amended Budget	YTD Budget	Actual	YTD Variance	Comments
5.01 - Engineering Management	(880,886)	(534,477)	(521,461)	13,016	Over budget yearly in Subscription Fee by \$6,000. Budget Spreading to be corrected. YTD Road Levy Collection is slightly below budget by \$4,300. Small overrun in Employee Costs of \$2,700.
5.02 - Civil Operations	20,066,615	3,942,579	3,358,115	(584,464)	Underbudget spend achieved for Sealed Road Maintenance (\$209,000), Main Roads Maintenance (\$96,000), Drainage Maintenance (\$884,000), Road Maintenance Supervision (\$61,000) and Street Cleaning (\$53,000). This is predominately due to a large number of vacant positions which is resulting in savings in Employee Costs and Internal Plant Hire Expenses.
5.03 - Transport and Drainage Infrastructure Planning	4,884,846	978,532	795,390	(183,142)	There have been some delays in engaging Consultants to begin work on Program Development activities (\$142,000). Also, a saving in Employee Costs due to a vacant position (\$30,000).
5.04 - Asset Management	1,615,929	261,617	175,790	(85,828)	Savings in Employee Costs due to vacant postions (\$51,000) and delays in Consultant engagement (\$37,000).
Operating (surplus) / deficit	25,686,503	4,648,251	3,807,834	(840,417)	



## MAINTENANCE ACTIVITIES

### 3.1. Road and Drainage Maintenance Activities

The following chart details maintenance activities completed during the period as recorded in our Assetic Maintenance Management System (MMS), together with the monthly average.



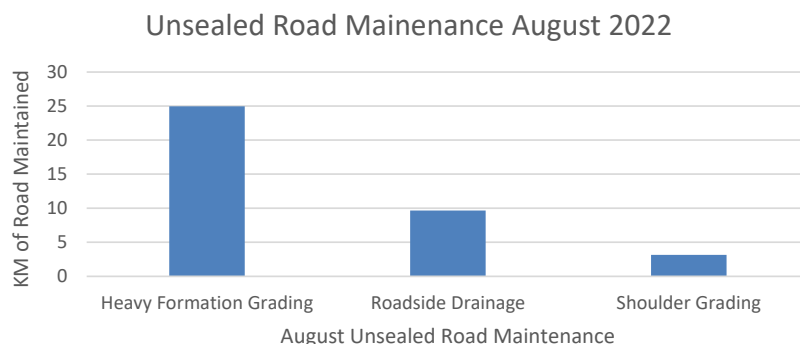
The 2022 Program of Heavy Patching is now in progress with reported good outcomes being delivered. With favourable conditions and available resources, this activity will progress through until the end of October/ early November 2022.

Due to current vacancies, absenteeism and the resources needed to deliver the Heavy Patching Program of Works, in association with other assigned workloads, and to deliver these works within assigned timeframes with optimal efficiencies, it was identified that road repairs for the Water Network Program would need to be managed by the Water Network Program through the engagement of contract type resources.

The linemarking team are working in the Valley area – completing long line works at Gargett and Finch Hatton and hand works at Mirani. The Valley area should be completed by end of October – Early November.



### 3.2. Unsealed Road Maintenance Activities



The Capital Works at Teveys Road, Mt Ossa are about to commence weather permitting and are scheduled to be completed by the end of September/early October 2022.

External Grading Contractors have been retained in the Southern area to facilitate the delivery of programmed works and this work is almost complete.

Shoulder patching works at O'Brien Esplanade will be delivered this week to improve the parking facilities in the recreational area

### 3.3. Open Drainage Maintenance

Further review and feedback from key personnel has requested that the Combined Team approach be abandoned, and that staff revert back to the original structure of two teams working in both the urban and rural areas. This change was instigated due to the length of time taken to complete the first round of maintenance on the North Side Drains.

The Special Drainage Maintenance planned for Wilson Drain, Miran Khan Drive Armstrong Beach has been delayed due to the unavailability of contract resources and the need for a Vegetation Permit. These works are now scheduled to be completed by the end of September 2022.

Special Drainage Maintenance has been completed at the Paget Street Drainage Systems from Paget Street through to Field Street widening the Drainage Easement at the back of the houses.

The Paget Street Open Drain has been widened at the bottom to allow mowing with the tractor slasher rather than the ride on mower. All systems had build-up of silt to approximately 300mm – 400mm. These works will improve the drainage in the area which has experienced localised flooding issues in the past.



**Drainage Maintenance – Paget  
Street Easement – Works in  
Progress**

Maintenance works at Cod Hole Beach Outlet were completed. This involved removing all the existing debris, rock and sand from the sumps and replacement with new rock.



**Rock Work – Cod Hole Beach  
Outlet**

### **3.4. Bridge Maintenance**

Only very minor bridge maintenance has been completed during the month and these works have been undertaken in response to Customer Requests received.

Plans are under way to manage the bridge maintenance in preparation for Level 2 Inspections. Due to reduced resources, this is planned to be delivered with external resources.

### **4.1. Requests for Maintenance Work**

Customer survey results have not been finalised for this period.

## ASSET MANAGEMENT

### 5.1. Asset Management Program – Strategic Goals

The Asset Management Program is currently carrying a number of vacancies that it is endeavouring to fill. Low staff numbers have impacted on the Program's ability to deliver project work and drive down the outstanding Work in Progress (WIP) and Donated Assets backlogs. Over the past month, the Asset Management Team has continued to work on capture of Donated Assets as further review and audit of records has identified additional assets for capture and recognition. Asset Management is continuing to work with the Development Services and Capital Departments to improve the process for As-Constructed information capture and transfer to reduce the risk of asset information not being captured in a timely manner.

The Asset Management Program Operating Model Review Project continued during August 2022 with key internal stakeholders interviewed one on one to understand how they interact with the Asset Management Program and what some of the existing issues/concerns are and how the Asset Management function performs in accordance with the Institute of Asset Management (IAM) Framework that encompasses the 39 subject areas of Asset Management. The Project will continue into September 2022 with the Consultant interviewing other LGAs to understand how they are delivering asset management functions and the structures that they have in place.

#### Recruitment

Position Number	Position Title	Type	Recruitment Status
AM0001	Manager – Asset Management	Contract	Recruitment unsuccessful. Advertising of position on hold until completion of Asset Management Program Operating Model Review Project.
AM0016	Asset Management Specialist	Permanent	Preferred applicant identified.
AM0007	Project Officer Assets	Permanent	Incumbent seconded.  Role currently readvertised with a closing date of 1 September 2022.
AM0009	Asset Project Coordinator	Permanent	Recruitment on hold. Investigation into minor structure change underway.
AM0013	Project Officer Assets	Permanent	All applicants from previous recruitment have withdrawn their applications.  Role currently readvertised with closing date of 1 September 2022.
AM0011	Project Officer Assets	Permanent	Role advertised with closing date of 1 September 2022.





### Performance and Governance

In line with the Internal Audit recommendations, the Asset Management Program will review all Terms of Reference of the Governance Groups that have been created ensuring that they are functioning effectively and are reporting to their higher Groups.

Meeting Held	Attendance 2022				Actions	
	Qtr. 1	Qtr. 2	Qtr. 3	Qtr. 4	New	Outstanding
AVRG Roads					0	4
AVRG Water, Sewer, and Waste	80%				0	5
AVRG Parks and Environment	73%				0	2

### Asset Valuations

Asset Valuations are completed by Asset Class on a rolling three-year basis. Asset Valuations are delivered between Financial Services and Asset Management with ownership of the Corporate Risks around Asset Valuations residing between the Manager Financial Services and Manager Asset Management.

MRC is planning to complete comprehensive Revaluations for Site Improvements, Buildings and Land Financial Asset Classes in the 2023 financial year; however, market indicators remain volatile with annual cost price movements greater than 5%. The volatility in the market may result in a change to the planned valuation activities and will be informed by completion of detailed financial assessments and discussion with external auditors.

As at 30 June 2022 cost indices were applied to all MRC Financial Asset Classes at value excluding the Water and Sewerage Asset Classes as a comprehensive Revaluation was completed during the FY22. The Water and Sewerage Valuation has been completed and the Financial Services and Asset Management Programs are currently undertaking a Lessons Learned process and will seek to incorporate any improvements into the valuation process in the valuations scheduled for FY23.

## 5.2. Asset Management Projects Update

No projects were finalised during August 2022.

The current Asset Management Projects have progressed as per the below table.

### Property Services - Predictor Pilot

Project Status			
Overall Status	On Track	Schedule	On Track
Project Update		Risks	
<ul style="list-style-type: none"> <li>Predictor Tool and condition data to be presented to ELT.</li> </ul>		<p><b>Predictor / Condition Data Not Meeting the Needs</b></p> <p>The condition data that has been collected is too low level and is not financially manageable. The data collected for Predictor is more beneficial to managing maintenance and not financial data. This may affect the ongoing use of the data.</p> <p><b>Update:</b> No update for August 2022</p>	

### Laboratory Maintenance Rollout

Project Status			
Overall Status	On Hold	Schedule	On Hold
Project Update		Risks	
<ul style="list-style-type: none"> <li>A Workshop was conducted to prioritise the data cleanse and maintenance rollout of the Laboratory assets.</li> <li>The Project Plan has outlined 4 phases:               <ul style="list-style-type: none"> <li>Large Instruments (service contracts)</li> <li>Parts – Balance, Auto Pipette, etc</li> <li>Parts – Autoclaves, Thermometers, Incubators</li> <li>General Site Assets – Buildings, Fences, etc</li> </ul> </li> <li>A phase consists of both data cleanse and implementation of maintenance.</li> </ul>		<p><b>Availability of Resources</b></p> <p>Resourcing for the Project is dependent on resources in both Asset Management and the Laboratory. Existing workloads and COVID restrictions may affect availability.</p> <p><b>Update:</b> Resourcing is not available at this current time so the project has been put on hold. Re-engagement will occur later in 2022.</p> <p><b>Assets Not Cleansed</b></p> <p>Many assets have been identified as missing and these will require cleansing/capture prior to the maintenance rollout commencing. This will impact the schedule.</p>	

	<b>Update:</b> Project has been placed On Hold.
--	--

**Transport & Drainage - Shepherd Engagement and Data Structure**

Project Status			
Overall Status	At Risk	Schedule	Risk
Project Update		Risks	
<ul style="list-style-type: none"> <li>Data Structure sign-off documents received from Asset Owner. A final review of documents to be undertaken by Asset Management to complete requirements.</li> <li>Data Review has been completed for Pathway assets as there is no comparative data for Kerb and Channel assets. Still finalising some outstanding matters with the contactor.</li> <li>This Project is to continue in parallel with Maintenance Review of Civil Operations.</li> </ul>		<b>Loss Data During Purge</b> Potential loss of Carpark and Kerb and Channel data during Assetic purge. Preventative measures are being implemented.  <b>Update:</b> Technical Review has been completed. Kerb and Channel and Pathway technically ready to be uploaded awaiting financial review.	

**Assetic – Maintenance Module Review**

Project Status			
Overall Status	On Track	Schedule	On Track
Project Update		Risks	
<ul style="list-style-type: none"> <li>The Assetic Maintenance Module Review has identified enhancement options for Assetic and will be provided to Assetic as a package.</li> <li>The enhancements will provide efficiencies to the users of Assetic who use the Maintenance Module.</li> </ul>		The enhancements that are suggested are not a priority for Assetic or will not be implemented.  <b>Update:</b> Enhancements have been identified, prioritised and the High Priority enhancements have identified user requirements.	

Engagement for two future Projects for Parks and Environment and Waste Services will occur in September 2022.

**5.3. Asset Maturity Targets**

There has been no significant change to the Asset Maturity state for August 2022.

**5.4. Work in Progress (WIP)**

There has been minimal progress in the asset capture of WIP for July 2022 and August 2022. This is due to the following:

- Focus on completing the registration of Donated Assets for the 2021/2022 financial year
- Limited resources due to vacancies within the Asset Management Program
- Prioritisation of improving the quality of the asset capture through the implementation of templates and ADAC

**5.4.1 Work in Progress (WIP) – Priority 1**

Priority 1 (>365 days old)	Gateway Status		
Total Priority 1 Backlog	Total Number	Asset Technical	Number
\$4.6M	36	\$57,000	3

**5.4.2 Work in Progress (WIP) – Priority 2**

Priority 2 (>90 days old)	Gateway Status		
Total Priority 2 Backlog	Total Number	Asset Technical	Number
31.3M	89	\$666,000	7

The total value of Capital Projects to be capitalised is **\$44 million** with the number of projects being **174**. Asset Management completed **one** WIP Project for August 2022 with a value of **1.4 million**.

**5.5. Donated Assets**

The following table outlines the applications received and completed for donated assets.

Donated Assets	Number Completed August 2022	Number Outstanding
Subdivisions	3	3
Other Donated	0	0

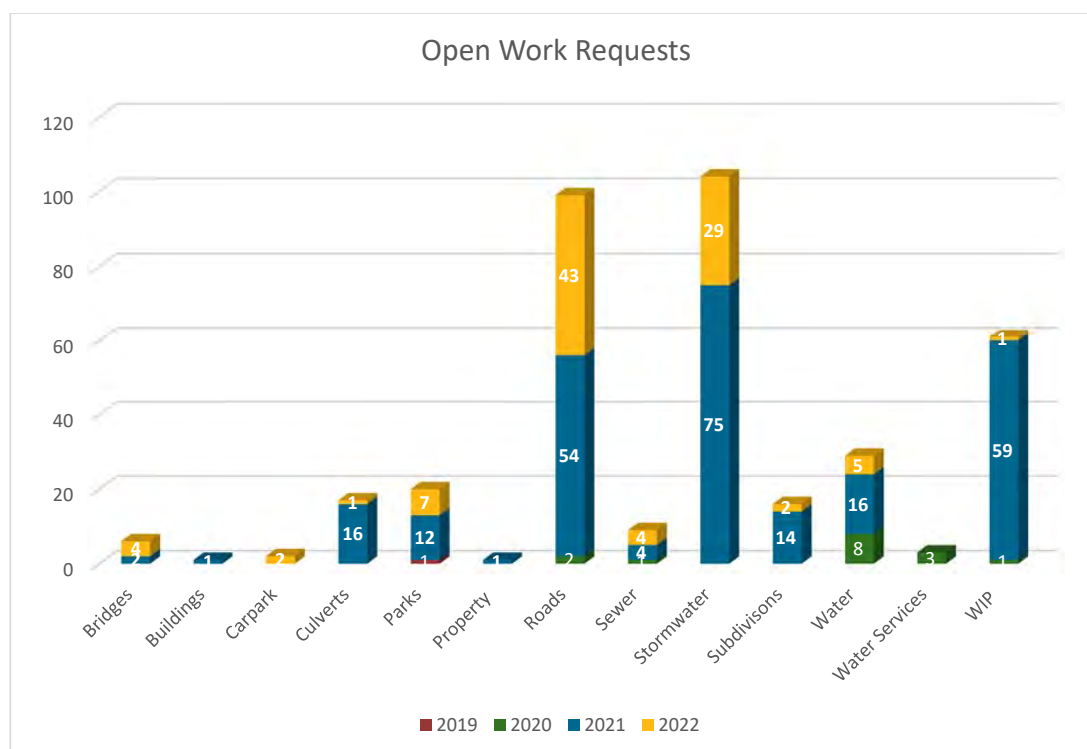


Asset Management, together with Development Engineering (DPE) and Financial Services, conducted a review of the current Donated Asset process. It was highlighted that more engagement between the Programs is required including additional checks on documentation. The quality of the As Constructed drawings is being assessed by Asset Management on receipt of the documents before Applications are issued 'on-maintenance'

### 5.6 Work Requests / Work Orders

The total of outstanding Work Requests for August 2022 is **368**. This is a decrease of **7%** from the previous month. A total of 7 new Work Requests were lodged.

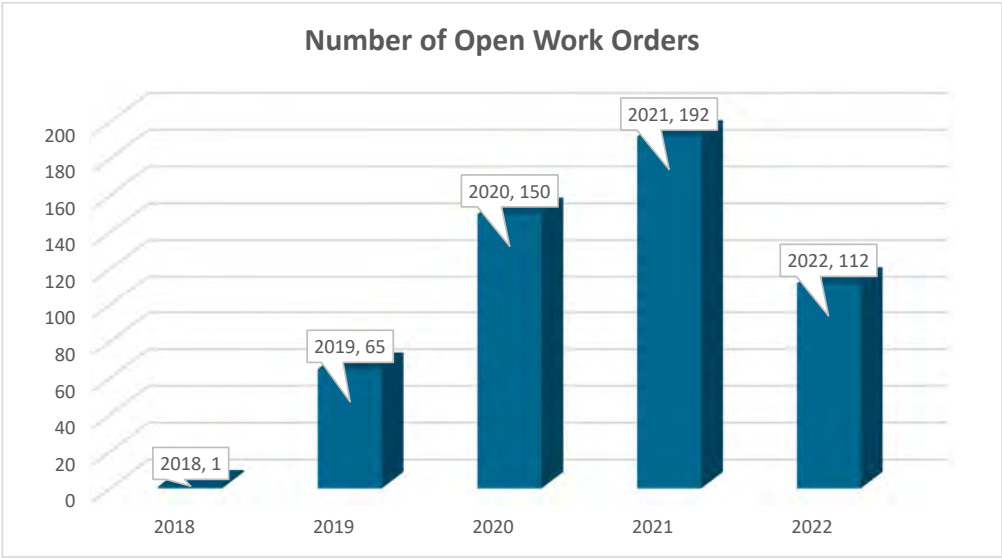
The graph below displays the open Work Requests by type and the year the request was logged.



The total of outstanding Work Orders for August 2022 is **1,046**. This includes:

- **520** open Work Orders that were created from a Work Request. **22** Work Orders were finalised during the month which is a decrease of **4%** from July 2022.
- **526** open Work Orders have been created for internal Asset Management, Financial Services or GIS work processes. **25** Work Orders have been finalised in August 2022

The graph below displays the total number of Work Orders that are outstanding and the year the Work Order was logged. Please note, this only includes Work Orders that were created from a Work Request.



**11.3.2. ENGINEERING & COMMERCIAL INFRASTRUCTURE - WASTE SERVICES MONTHLY REVIEW - AUGUST 2022**

<b>Author</b>	Executive Assistant (Robyn Smith)
<b>Responsible Officer</b>	Director Engineering & Commercial Infrastructure (Jason Devitt)
<b>File Reference</b>	MONTHLY REVIEW
<b>Attachments</b>	1. ECI - Waste Services Monthly Review August 2022 [11.3.2.1 - 17 pages]

**Purpose**

Attached is a copy of the Engineering & Commercial Infrastructure – Waste Services Monthly Review for August 2022.

**Related Parties**

N/A

**Officer's Recommendation**

THAT the Engineering & Commercial Infrastructure – Waste Services Monthly Review for August 2022 be received.

The Acting Director for Engineering and Commercial Infrastructure Cameron Jessup, provided an overview and highlights of the Waste Services Monthly Review Report for August 2022.

Cr Jones referred to bin lifts and noted that the numbers of missed bin lifts did not appear to add up given the amount of rateable properties in the Region.

The Acting Director advised that he had gone back to the team to review the data and noted that not all properties have an active bin service, some residents may own several adjoining properties with only one bin service, there are some rural properties that are not able to be serviced, and not every residents puts their bins out each week.

Cr Bella advised that there are a number of elderly people living in rural areas who have to move bins quite some distance and because of this, are unable to put their bins out, but rather rely on family to remove their rubbish. Cr Bella expressed the view that Council should be introducing bin banks to these areas.

**Council Resolution ORD-2022-285**

**THAT the Engineering & Commercial Infrastructure – Waste Services Monthly Review for August 2022 be received.**

**Moved Cr Townsend**

**Seconded Cr Green**

Cr Townsend highlighted several items from the report including education provided to school children by Council into recycling, waste management and composting, and noted that several Councillors had recently visited the Material Recycling Centre.

Cr Green referred to the Clean Up Mackay Region event with nine sites registered this year with more than 3 tonnes of rubbish collected. Cr Green noted that she and her children had participated and thanked all participants and the organisers of the event including Council's Waste Education Officer Bruce Thomson and the Mackay Conservation volunteers.

Cr Jones advised that she was pleased to see that Council will target contamination of bins and will be undertaking media education in this area.

Cr Bella referred to the fee waivers given to charities and noted that this was a great success story with Council having helped charities to reduce their waste levels and congratulated all involved in this reduction in waste.

Cr Bonaventura reminded residents that their dump vouchers expire this Friday.

**CARRIED**



# **Engineering and Commercial Infrastructure - Waste Services**

Monthly Review

August 2022

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## OVERVIEW

This report is for Waste Services activities for the August 2022 period.

Significant items in this period include:

- There were three safety incidents recorded during the period with all of them relating to actions by customers.
- Tonnages received at Hogan's Pocket Landfill for August 2022 (7,822 tonnes) were higher than those received in July 2022 (7,464 tonnes).
- "Clean Up, The Mackay Region" event was conducted during the month.
- During the month of August 2022, 628 tonnes of green waste were received which was higher than for the previous month.
- 240 tonnes of material were sold at the Incredible Tip Shop during August 2022.
- The Dump Voucher Redemption Rate for Season 22A is currently sitting at 23.1% for the rating period (34,958 vouchers redeemed out of 151,428 available vouchers) as at the end of August 2022. The cost of vouchers redeemed for the 2022/2023 financial year is currently sitting at \$71,411.
- Regional Waste Planning Workshops were held during the month.
- LAWMAC Meeting was held in Moranbah on 18 & 19 August 2022.

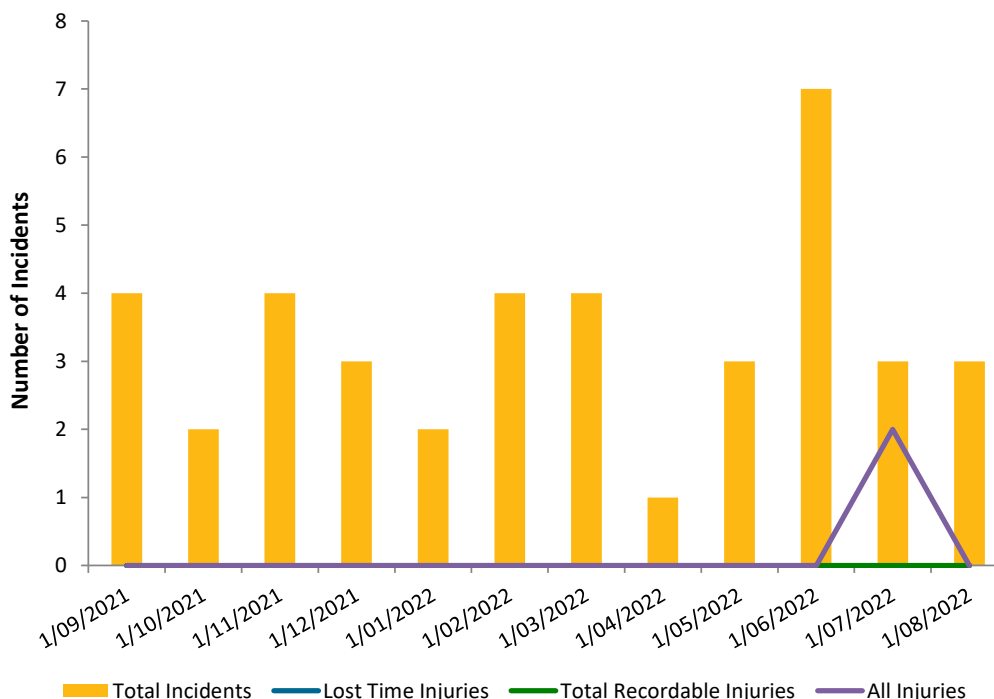


**Director Engineering & Commercial Infrastructure**

## SAFETY

### 1.1 Safety Incidents and Lost Time Injuries

Waste Services aspires to achieve zero harm with a stretch target of zero injuries. The following incident graph details a summary of the Waste Services safety incident performance.



#### August 2022 Summary:

- 71% of MAPs were completed
- There were three incidents reported during August.

The following incidents involving a contractor was reported during August:

- Contractor observed smoke coming from bunker and activated emergency protocol, plant was shut down, discarded Battery found to be the source of fire.
- Contractor was bailing Tin when a small aerosol can exploded in the bailer causing flames to come out the side
- Grinding disc was flicked out of the ballistics it ricocheted off the roof and hit contractor in the back of the neck- reported no injury.

Each incident is investigated, and appropriate corrective measures implemented to reduce future risks.

#### Glossary

Incident	Any unplanned event resulting in or having a potential for injury or ill health.
Lost Time Injury (LTI)	Incidents that resulted in a fatality, permanent disability or time lost from work of one day / part of a day or more
Total Recordable Injuries (TRI)	Incidents that result in a Lost Time Injury (LTI), Suitable Duties Injury (SDI) and Medical Treatment Injury (MTI)
NTI	Non-Treatment Injury
FAI	First Aid Injury
MTI	Medical Treatment Injury
SDI	Suitable Duties Injury
LTI	Lost Time Injury



**1.2 Lost Time Injuries**

Waste Services aspires to achieve zero Lost Time Injuries by improving safety performance and developing a proactive safety culture while implementing the best practice of safety management across the whole of Waste Services.

Department	2017-18		2018-19		2019-20		2020-21		2021-22	
	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost
Waste Services	0	0	0	0	0	0	0	0	0	0

## FINANCE

**2.1 Community Service Obligations – Fee Waivers**

The graph and the table below show the Charities' and Organisations' expenditure to 31 August 2022. Tonnage rates apply however minimum gate charges will override when applicable.

**Expenditure for the Period:**

Charity/Organisation	Aug-22		YTD Expenditure 2022/2023		Budget for 2022/2023
	Tonnage	\$ (excl gst)	Tonnage	\$ (excl gst)	\$ (excl gst)
Adopt-a-Spot			0.00	\$0.00	\$80.00
Bolzys Go4 Services	0.04	\$14.27	0.04	\$28.54	\$900.00
Community Accommodation & Support			0.00	\$0.00	\$80.00
Iona West Mens Shed			0.00	\$0.00	\$80.00
Kidney Support Network Inc	0.10	\$14.64	0.26	\$38.06	\$800.00
Lifeline Mackay	18.02	\$2,637.46	25.56	\$3,741.05	\$28,000.00
Mackay Coloured Co-op.			0.02	\$14.27	\$1,400.00
Mackay & District Spinal Injuries Assoc Inc			0.00	\$0.00	\$80.00
Mackay Regional Housing Company			0.00	\$0.00	\$700.00
New Life Christian Church			0.00	\$0.00	\$700.00
RSL Pioneer - Fitzroy District			0.08	\$19.05	\$550.00
Sarina Landcare Catchment Support			0.00	\$0.00	\$110.00
Society of St Vincent De Paul	7.94	\$1,162.15	16.88	\$2,470.63	\$11,500.00
St Vincent De Paul Society - Sarina			0.00	\$0.00	\$860.00
The Salvation Army	\$3.76	\$558.74	6.12	\$904.15	\$10,000.00
The Samaritan House			0.00	\$0.00	\$110.00
<b>TOTAL</b>	<b>29.86</b>	<b>4387.26</b>	<b>48.96</b>	<b>\$7,215.75</b>	<b>\$55,950.00</b>

**August 2022 Summary:**

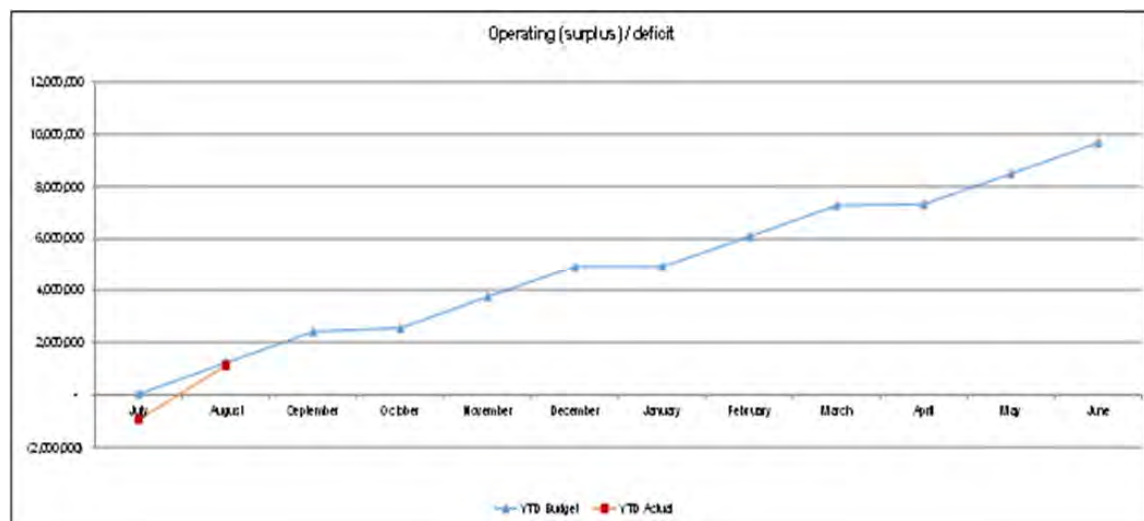
Year to date expenditure for Not-for-Profit Organisations is reported on a calendar month basis



## 2.2 Waste Financial Report

Financial Performance Report						% YTD Variance of YTD Budget	
Period Covered: 1 July 2022 to 31 August 2022						Commercial Infrastructure	
	Amended Budget	YTD Budget	YTD Actual	YTD Variance	YTD % Spent		
<b>Waste Fund</b>							
6.01 - Commercial Infrastructure Management	103,469	16,824	10,971	(5,853)	65%		Under budget Training Expenditure (\$2,400) and small saving in Employee Costs (\$2,900).
6.05 - Waste Services	9,403,326	1,175,929	1,023,309	(152,620)	87%		Under budget Contractor Expenditure due to late processing of invoices (\$394,000) and delays in processing Waste Voucher Usage (\$103,000). Offset by under budget Waste Disposal Fees and Charges received to date (\$357,000).
6.07 - Water Treatment	182,154	27,766	86,338	58,572	311%		Under budget income as Internal Laboratory Testing Charges have not yet been processed.
<b>Total Waste Fund</b>	<b>9,688,950</b>	<b>1,220,519</b>	<b>1,120,618</b>	<b>(99,901)</b>	<b>92%</b>		
<b>Operating (surplus) / deficit</b>	<b>9,688,950</b>	<b>1,220,519</b>	<b>1,120,618</b>	<b>(99,901)</b>	<b>92%</b>		

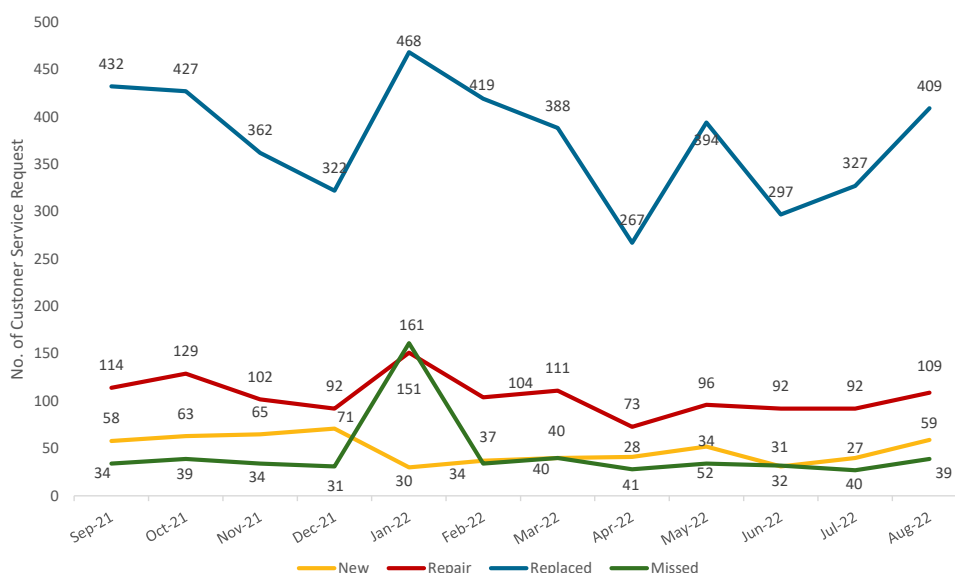
## 2.3 Operating Result for Waste Fund



## CLIENT SERVICE

### 3.1 Number of Bin Requests Actioned by Bin Contractors

The following graph shows the number of bin requests actioned by Bin Contractors for August 2022



#### August 2022 Summary:

The statistics for August 2022 are as follows:

- 59 New Bin Services – annual median of 49
- 109 Repaired Bins – annual median of 106
- 409 Replaced Bins – annual median of 376
- 39 Missed Bins – annual median of 44

Approximately 284,553 bin lifts were performed during the month of August 2022 of which 59 were New Bin Services.

A total of 557 Bin Maintenance Requests were received of which 39 were Missed Bins, 109 were Bin Repairs and 409 were Bin Replacements.

Requests for New Bin Services were 19 higher than for the previous month. The number of Missed Bins and Bin Repairs were slightly higher than July 2022 and Bin Replacements increased this month by 82 due to the Annual Bin Inspection Program where flyers were placed in mailboxes informing residents that if they have a damaged, spilt or broken bin they can receive a replacement bin at no cost.

There were 39 Missed Bins by the Contractor which represents 0.0137% of the total number of bins collected. Of these, six general waste and 33 recycling bins were missed.

For clarity, Waste Services reporting on new bin request numbers is for new bin services. A standard new bin service includes one general waste wheelie bin and one recycling wheelie bin.

**3.2 Dump Vouchers**

Vouchers are valid for the relevant 6-month rating period (October – March and April – September)

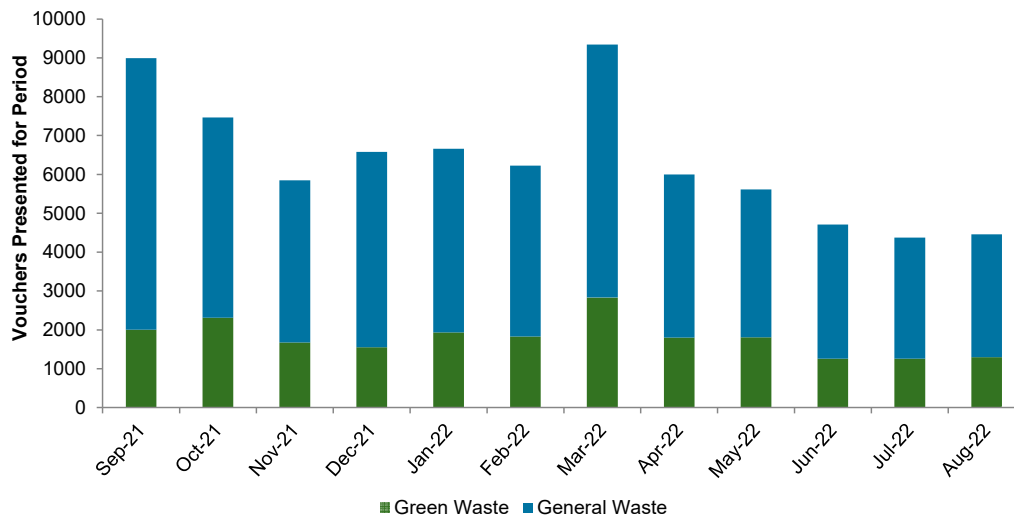
	No Vouchers issued	No Vouchers used	%
15' (valid to 31 March 2015)	145,344	34,494	23.7%
15A (valid to 30 September 2015)	146,313	32,414	22.2%
15B (valid to 31 March 2016)	146,790	38,080	25.9%
16A (valid to 30 September 2016)	147,456	36,739	24.9%
16B (valid to 31 March 2017)	147,411	41,977	28.5%
17A (valid to 30 September 2017)	147,411	35,564	24.1%
17B (valid to 31 March 2018)	147,555	40,119	27.2%
18A (valid to 30 September 2018)	147,693	35,546	24.1%
18B (valid to 31 March 2019)	147,984	41,772	28.2%
19A (valid to 30 September 2019)	148,416	38,731	26.1%
19B (valid to 31 March 2020)	148,647	44,898	30.2%
20A (valid to 30 September 2020)	148,905	41,573	27.9%
20B (valid to 31 March 2021)	149,175	38,997	26.1%
21A (valid to 30 September 2021)	150,000	36,585	24.4%
21B (valid to 31 March 2022)	150,657	38,819	25.8%
22A (valid to 30 September 2022)	151,428	34,958	23.1%
22B (valid to 31 March 2023)	151,743	218	0.1%

Total number and \$ value of vouchers presented to date:		
2014/2015 Financial Year (to 30.06.2015)	58,276	\$419,227
2015/2016 Financial Year (to 30.06.2016)	75,459	\$553,204
2016/2017 Financial Year (to 30.06.2017)	76,790	\$542,853
2017/2018 Financial Year (to 30.06.2018)	72,685	\$558,552
2018/2019 Financial Year (to 30.06.2019)	77,218	\$639,860
2019/2020 Financial Year (to 30.06.2020)	85,258	\$643,421
2020/2021 Financial Year (to 30.06.2021)	83,013	\$618,756
2021/2022 Financial Year (to 30.06.2022)	84,527	\$579,211
2022/2023 Financial Year (to 30.06.2023)	8,828	\$71,411

**August 2022 Summary:**

The redemption rate for August 2022 was 23.1%. The voucher usage during August 2022 was slightly lower than the reported usage for the same period last year.

July's voucher numbers have been adjusted due to several manual tickets needing to be processed during August 2022 due to computer failures.



### 3.3 Community Engagement – Education

“War on Waste” style bin audits occurred at the following schools:

- Dundula State School Years 4 to 6 - 22 students
- Kutta Mulla Gorinna School, Senior Years 7 to 10 - 30 students
- Saint Francis Xavier Catholic Primary School Year 4 - 72 students
- Andergrove State School Year 4 - 80 students
- Emmanuel Catholic Primary School Year 4 - 80 students
- Bucasia State School Year 4 - 26 students

Talks to kindergarten students occurred as follows:

- C & K Kindergarten, Walkerston - 22 students
- Lady Gowrie Pioneer Valley Kindergarten - 44 students

### 3.4 Material Recovery Facility (MRF)

- Mirani State School Year 4 - 48 students

### 3.5 Education Programs in the Community

- Composting and Worm Farm Workshop held at Melba House was attended by 10 people.
- The Resource Recovery Education Officer attended LAWMAC Moranbah and presented Council's Waste Education Trailer to LAWMAC attendees including the WIM Alliance member councils and Dr Karen Hussey, Deputy Director-General of the Department of Environment and Science.

- Nine clean-up sites were registered for the “Clean Up, The Mackay Region” event:

- 1) Shellgrit Creek
- 2) Paget in partnership with North Queensland Airports
- 3) Sandfly Creek Reserve
- 4) Bridge Road (two sites)
- 5) Paget
- 6) Bluewater Trail, Caneland Central
- 7) Riverside Drive, Cremorne
- 8) Grasstree Beach (two sites)
- 9) Plane Creek Revegetation Site in partnership with Sarina Landcare

### 3.6 Community Engagement – Social Media

Waste Services engagement with the community is monitored; the following chart shows the number of Media Releases/Updates, informative Facebook posts, and the number of people reached through this social media platform.



#### August 2022 Summary:

There was 1 Media Release/Update and 10 Facebook Posts for the August 2022 period:

- 885 likes for “fantastic effort, more than (Clean up the Mackay Region)”
- 551 likes for “Attention residents - Missed bin collection”
- 375 likes for “Have you noticed these signs popping up around the region? (Clean up, The Mackay region)”

## ASSET MANAGEMENT

### 4.1 Hogan's Pocket Landfill Waste Disposal Tonnages

The chart shows the continued variability in waste disposal tonnages for the region.

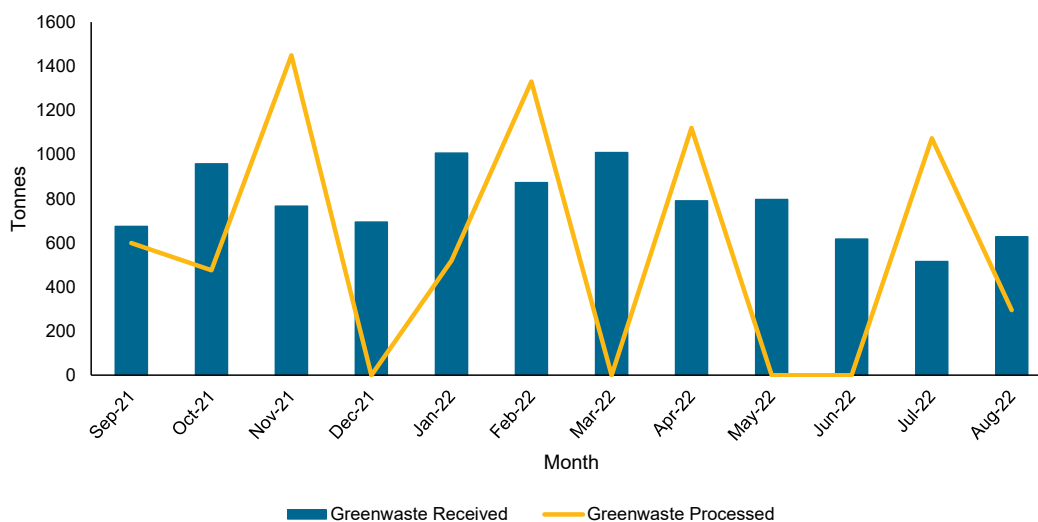


#### August 2022 Summary:

The total waste received at Hogan's Pocket Landfill for August 2022 was 7,822 tonnes which is an increase of 358 tonnes more than for the previous month. There were increases of 46 tonnes in Limited Regulated Waste, 140 tonnes in Commercial and Industrial, 21 tonnes in Construction and Demolition, and 151 tonnes in Municipal Solid Waste when compared to the previous month.

### 4.2 Green Waste Management

The following graph illustrates the tonnage for green waste received and processed for past 12 months.

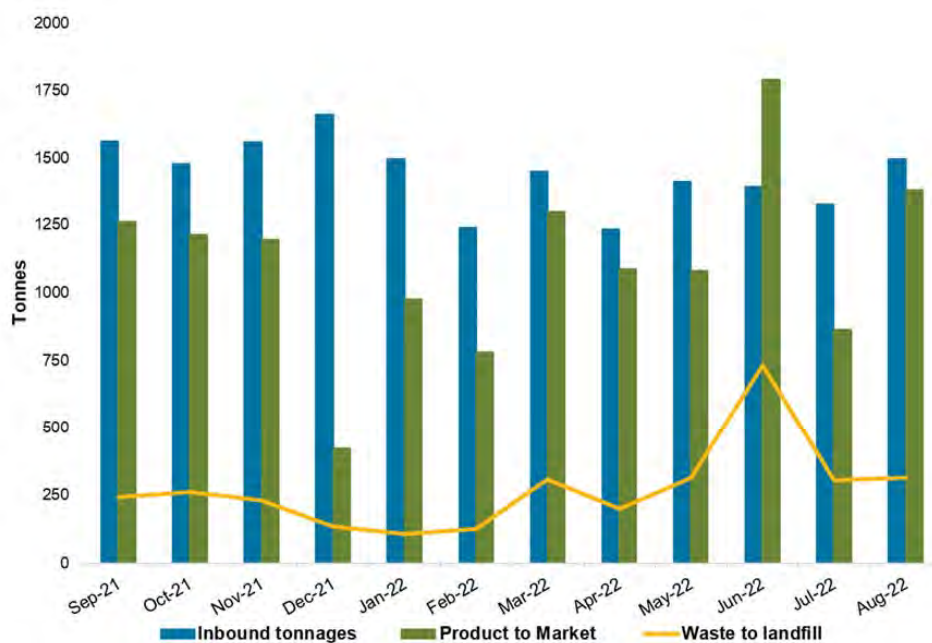


**August 2022 Summary:**

628 tonnes of green waste were received for the reporting period which is an increase of 112 tonnes over the previous month. Tonnages received are slightly higher than for the same reporting period last year and can be contributed to the favourable growing season. The amount of material processed for the month was 295 tonnes.

**4.3 Material Recovery Facility Operations**

The following graph shows tonnages of materials received and processed at the Materials Recovery Facility (MRF) for the past 12 months.

**August 2022 Summary:**

Inbound and Product to Market tonnages increased slightly during the month.

**Transport News**

Transport costs are continuing to be impacted by high fuel prices. ReGroup confirmed that transport costs continue to be around 20% higher than for this time last year.

**Market News**

Demand for aluminium and cardboard continues to remain strong.



**Plant News**

The MRF Plant had minimal disruptions during the month.

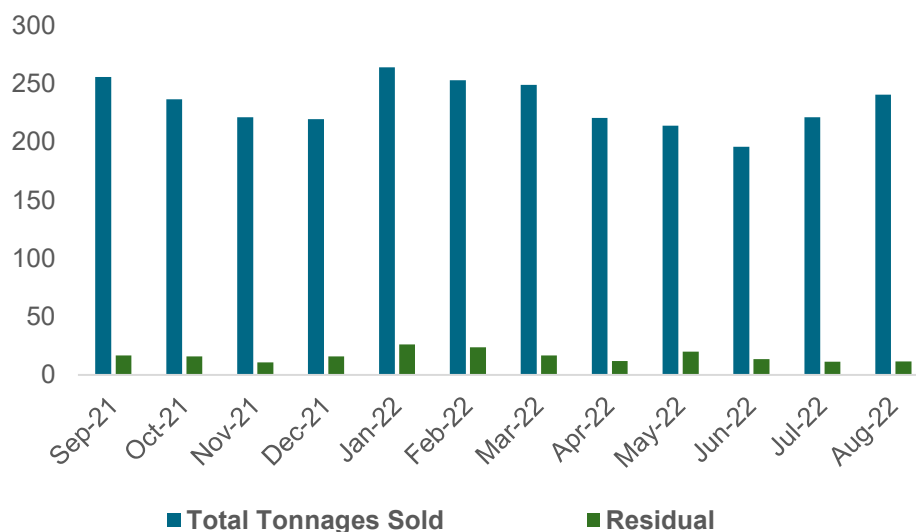
The pavement at the back of the MRF has been breaking up and potholing. It has been difficult to procure contractors or internal crews to complete necessary maintenance repairs due to staff shortages.

**Contamination News**

Construction materials are continuing to make their way into recycling bins. This behaviour seems to have become a trend and will be a focus in future Media Releases.

**4.4 Resource Recovery Facility – Tonnages**

The below graph shows the total tonnages sold at the Resource Recovery Facility and the amount of residual waste sent to landfill over the 12-month period.

**August 2022 Summary:**

There was a slight increase in tonnage sales and, also, a slight increase in tonnes of material transported to landfill during August 2022 when compared to July 2022.

An aspect of the resource recovery service that may not be generally known, is that volunteers assist the Not-for-Profit Contractor (Incredible Ltd) to operate. The Incredible Tip Shop has been fortunate to have received 170 hours of volunteer contributions from 1 August 2022. The volunteers are individuals who provide their time and are an essential part of the community that make up the operations at the facility.

## REGULATORY COMPLIANCE

### 5.1 Surface Water Discharge Management

There were no stormwater releases during August 2022.

### 5.2 Waste Facility Audits

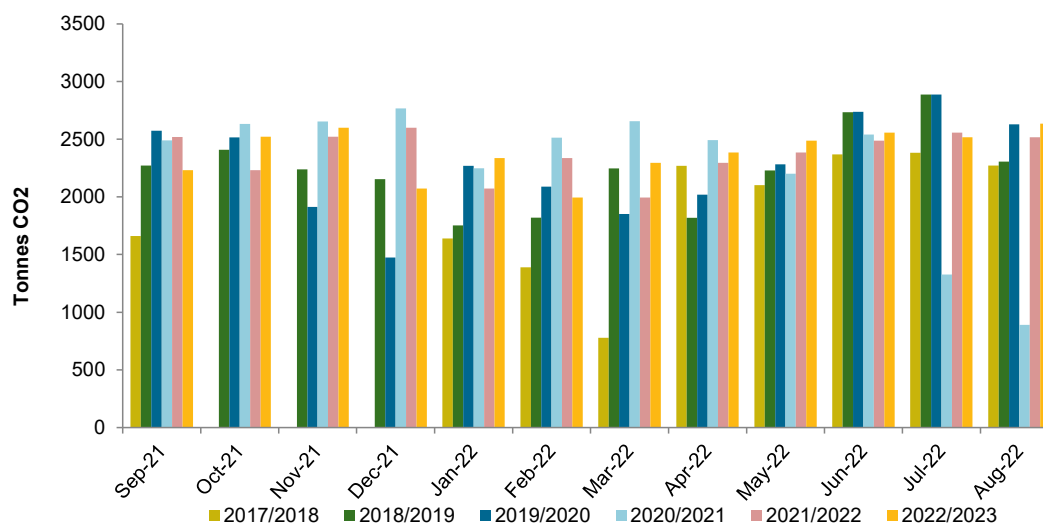
Inspection Frequency	Number required	% Complete	Completed/ Carryover	Comments
Bi-Monthly	17	85%	14/3	Otterburn to carry over to September 2022

#### August 2022 Summary:

Fifteen Waste Facility Audits were completed during this period.

### 5.3 Landfill Biogas Safety

The graph below displays five years of monthly gas destruction in real time.



#### August 2022 Summary:

The bio-gas flare operated with 2,472.56 tonnes of CO<sub>2</sub>-e (291,575 LFG volume Nm<sup>3</sup>) being flared for the period, which is within the expected range.

## MANAGEMENT INITIATIVES

### 6.1 COVID-19 – Waste Services Status

Waste Services continues to implement relevant parts of its Business Continuity Plan and has continued to apply all Council, State and Australian Government directives where necessary.

In terms of operations:

- The Waste Services Team has seen some impacts due to COVID19, however, core operations have continued to be delivered
- All sites and services are open as per normal operations
- MRF Education Tours recommenced during August 2022
- Collection Services currently operate as per normal operations; and
- Some Consultancies have been impacted and have implemented working from home protocols

As the current situation evolves, Waste Services will continuously monitor any impacts and, with approval, modify and respond in accordance with the local circumstances.

### 6.2 Current Waste Services Management Improvements

Waste Services has been working on several initiatives this month to improve our business. Some of the business improvements currently in progress include:

- **Bi-Annual Recycling Bin Survey**  
The field work for the Annual Recycling Bin Survey was completed this month. The draft report has been completed and will be finalised next month. Information from the Survey will be provided in the September 2022 Waste Services Monthly Review.
- **Capital Project - Stormwater Network Improvements Project at Hogan's Pocket**  
Project is scheduled for construction in 2023/2024 FY.
- **Operational Project - Asset Management Project**  
The project is in the Asset Maintenance Phase and progress this month included undertaking work on development of Asset Inspection Templates for various sites.
- **Operational Project - Closed Landfill Review**

#### Project Background

The "Closed Landfill Project" is a review of Council's closed landfills to determine the need for and extent of work and or monitoring that Council is required to undertake to minimise impacts to the environment because of legacy landfills.

To date the Project has completed the following:

- "Initial Closed Landfill Site Review".
- Council's Consultants, Golders, has completed 13 detailed Site Summary Reports for review and sign off.
- A qualified Closed Landfill Adviser has also been engaged by Council to review the Site Summary Reports and has provided advice on a path forward and a clearer understanding on potential legal obligations and the differences between sites that are Environmentally Licenced versus sites that were closed before the Licencing System came into force.
- A Gap Analysis Roadmap was developed to determine the expected deliverables in 2022.

**Project Update**

This month we commenced field investigation work at Grendon Street Closed Landfill. The work to date included clearing and drilling/boring work.

- **Operational Project - Hogan's Pocket Gas Flare - Preparation of Emissions Reduction Fund Offsets Report**

**Project Background**

NDEVR Environmental has been appointed to undertake an analysis of the abatement potential for the Hogans Pocket Gas Plant and to apply to register the gas project under the Emissions Reduction Fund. This will enable the establishment of a baseline for abatement potential to develop and submit future Offset Reports.

This Project has the potential to create revenue for Council by on-selling carbon credits or the retention of credits to offset Council's Corporate Carbon Emissions.

**Project Update**

The application to register MRC with the Clean Energy Regulator has been submitted to the Regulator. Further information may be requested as required. Further work was undertaken on validating gas flow data.

- **Operational Project - Hogan's Pocket Ground Water Monitoring Assessment**  
This month Waste Services received the Investigation Report from Terra Sanna. The Report has determined areas where we can focus our attention.
- **Operational Project - Waste Management and Resource Recovery Strategy Review**  
**Project Background**  
The Waste Management and Resource Recovery Strategy is currently being developed by Waste Services. This Strategy will demonstrate key focus areas for waste management within the Mackay Region.

**Project Update**

The Community Engagement Plan continued this month with further discussion taking place with Council's Community Engagement Team and Arcadis. Planning has commenced for two Workshops for Councillors and staff which are scheduled to occur in October 2022.

- **Operational Project – Regional Waste Management Plan**

**Project Background**

The Queensland Government has requested that Waste Management Plans be developed for all Regions by December 2022. These Plans will be used to model future investment needs for Region, in relation to waste management, resource recovery and waste diversion requirements. The Regional Plans will be a vehicle to help articulate priorities for each Region to the Government.

As the Queensland Government is funding the development of the Plans, the Department of Environment and Science (DES) has engaged the LGAQ Inc. to facilitate a Project Management Office (PMO) to coordinate the delivery of the Regional Plans across the State.

To enable sufficient resourcing, Consultancies will be used for the Regions to develop the Plans. For the Greater Whitsunday Council of Mayors (GWCoM) Region, the three participating Councils will have representatives involved with the development and, as milestones are reached, the three councils will be briefed by their respective representatives.

For the GWCoM Region, an Alliance of Consultants has been awarded the work. The Consultancies are SLR, Arcadis and PwC.

#### **Project Update**

The inception meeting was held in August 2022 where a Program Plan was to be developed. Subsequently in August 2022, a Workshop was held to develop an Investment Logic Map (ILM).

The following key issues for the Region were discussed at the Workshop:

- Problem/Opportunity
- Benefits
- Strategic Responses
- Solution Options

The Consultants are currently gathering data and plan to undertake further Workshops in October, November and December 2022. Council presentations will be scheduled if appropriate.

### **6.3 External Engagement**

Mackay Waste Services' Officers participated in the following external interactions:

- 17 & 18 August 2022 - The Local Authority Waste Management Advisory Committee (LAWMAC) was hosted by Isaac Regional Council and was attended by Mackay Regional Council representatives. Council's Education Trailer was presented to the group, to exhibit the potential of similar assets for future regional resource recovery education delivery. Council's Resource Recovery Education Officer demonstrated the trailer's functionality.
- Tuesday, 19 August 2022 - LAWMAC held a Strategy Plan Workshop in Townsville, with Mackay Regional Council representatives attending. The development of the LAWMAC Strategy is essential to provide a clear message of the group's Mission and Vision, following the recent incorporation of LAWMAC.

**11.3.3. ENGINEERING & COMMERCIAL INFRASTRUCTURE - WATER SERVICES MONTHLY REVIEW - AUGUST 2022**

<b>Author</b>	Executive Assistant (Robyn Smith)
<b>Responsible Officer</b>	Director Engineering & Commercial Infrastructure (Jason Devitt)
<b>File Reference</b>	MONTHLY REVIEW
<b>Attachments</b>	1. ECI - Water Services Monthly Review - August 2022 [11.3.3.1 - 21 pages]

**Purpose**

Attached is a copy of the Engineering & Commercial Infrastructure – Water Services Monthly for August 2022.

**Related Parties**

N/A

**Officer's Recommendation**

THAT the Engineering & Commercial Infrastructure – Water Services Monthly Review for August 2022 be received.

The Acting Director for Engineering and Commercial Infrastructure Cameron Jessup, provided an overview and highlights of the Water Services Monthly Review Report for August 2022 and expressed his thanks to staff who have stepped up to the challenge of taking on higher level roles.

Cr Jones noted that there were no myh20 registrations listed for the month and queried why this data was not available.

The Acting Director advised that there appeared to be an error in reporting, but the water team had advised that there were 84 registrations and would work to determine how this error occurred, and would also look to see if registrations and deregistrations could be shown.

Cr Seymour noted that there had been 406 water meters changed during the month and queried why Council is not using this as a marketing tool for myh20.

The Acting Director advised that he was happy to consider this suggestion when water meter change notifications were forwarded.

**Council Resolution ORD-2022-286**

**THAT the Engineering & Commercial Infrastructure – Water Services Monthly Review for August 2022 be received.**

**Moved Cr Jones**

**Seconded Cr Hassan**

Cr Jones congratulated the staff in the team who turn around plumbing applications in a shorter timeframe than their target.

Cr Bonaventura offered his compliments to the crews who tackle the work orders created, noting that the team have been above their target since February and thanked the team for the water education sessions offered to school children.

**CARRIED**



# **Engineering and Commercial Infrastructure - Water Services**

Monthly Review  
August 2022





## 1

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## OVERVIEW

This report is for Water Services activities for the August 2022 period.

Significant items in this period include:

- There were no lost time injuries recorded and one incident occurred within the reporting period.
- Water consumption decreased in Mackay and communities and increased for the Marian/Mirani communities from July 2022 to August 2022. The Mackay Sarina community remains under the Daily Residential Water Consumption Target of 200 l/p/d with Marian/Mirani communities exceeding the target.
- A total of 372 Work Requests were received to 31 August 2022: resulting in 265 Work Orders relating to Water and 42 Work Orders relating to Sewer.
- The 2022 Ixom Water of Origin was awarded to Mackay at the Water industry Operators Association (WIOA) Awards on 3 August 2022.

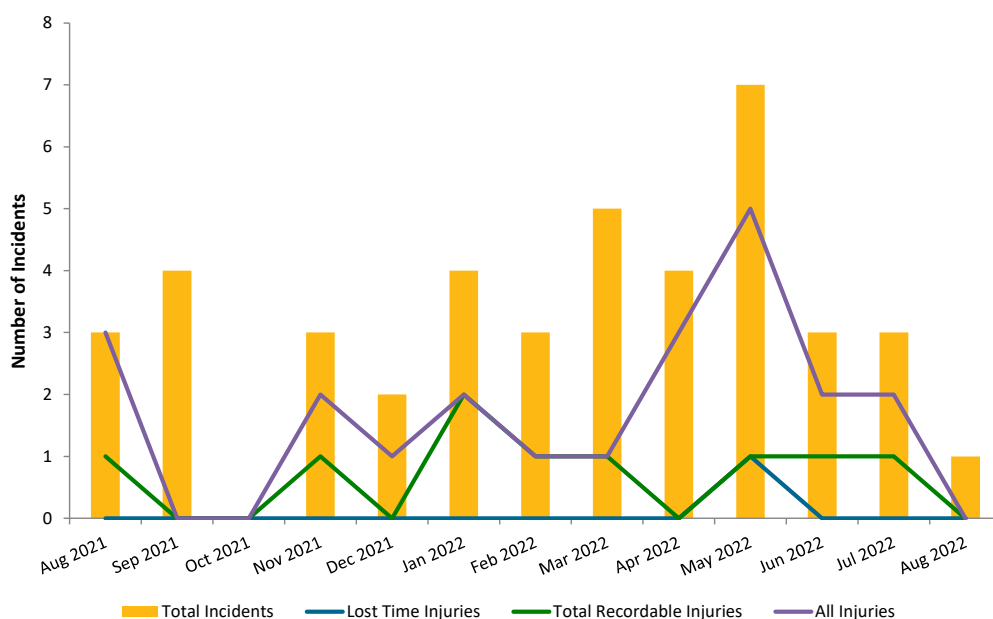
A handwritten signature in black ink, consisting of a stylized 'S' and 'E' intertwined.

**Director Engineering & Commercial Infrastructure**

## SAFETY

### 1.1. Incident Statistics

The incident statistic details a summary of the Water Services safety incident performance. Water Services aspires to achieve zero harm with a stretch target of zero injuries.



#### August 2022 Summary:

- Two safety interactions were undertaken.
- Four safety inspections were undertaken.
- 96% of monthly action plans activities were carried out.

There was one incident reported during August.

The following asset damage involving MRC employees was reported during August:

- While replacing poly water services, clearing tree roots with shovel and damaged Telstra cable

Each incident is investigated, and appropriate corrective measures implemented to reduce future risks.

#### **Glossary**

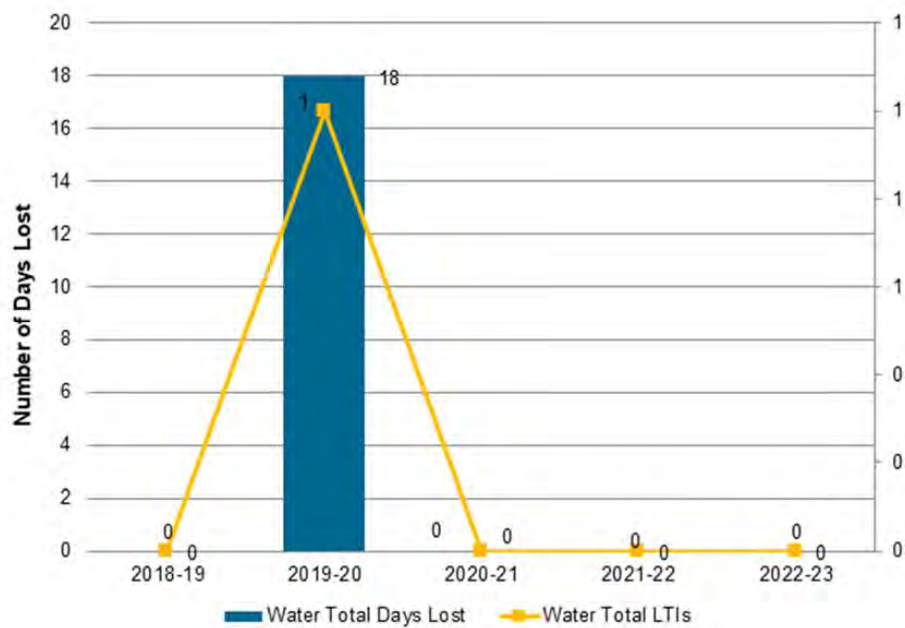
Incident	Any unplanned event resulting in or having a potential for injury or ill health.
Lost Time Injury (LTI)	Incidents that resulted in a fatality, permanent disability or time lost from work of one day / part of a day or more
Total Recordable Injuries (TRI)	Incidents that result in a Lost Time Injury (LTI), Suitable Duties Injury (SDI) and Medical Treatment Injury (MTI)
NTI	Non-Treatment Injury
FAI	First Aid Injury
MTI	Medical Treatment Injury
SDI	Suitable Duties Injury
LTI	Lost Time Injury



**Engineering & Commercial Infrastructure -**  
Water Services Monthly Review > August 2022

### 1.2. Lost Time Injuries

Water Services aspires to achieve zero Lost Time Injuries (LTI) by improving safety performance through developing a proactive safety culture and implementing best practice safety management across all business areas.



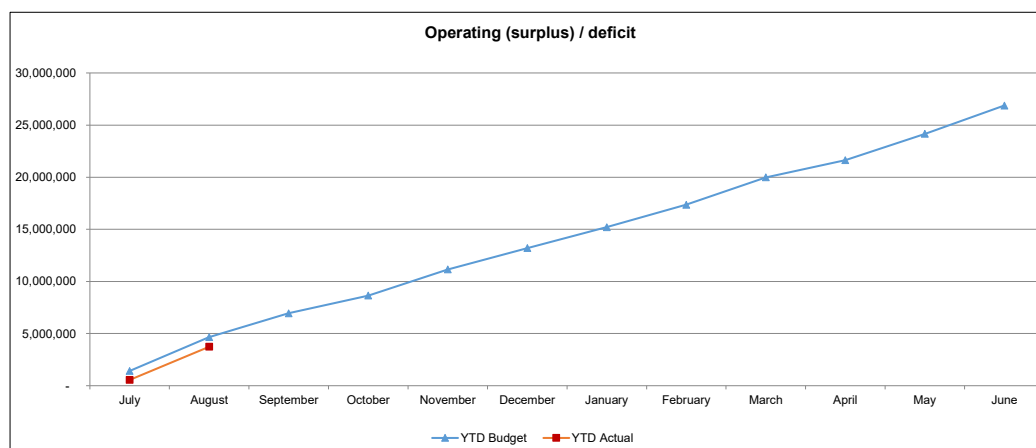
Department	2018-19		2019-20		2020-21		2021-22		2022-23	
	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost
ECI Management	0	0	0	0	0	0	0	0	0	0
Water & Sewerage Infrastructure Planning	0	0	0	0	0	0	0	0	0	0
Water Network	0	0	1	18	0	0	0	0	0	0
Water Treatment	0	0	0	0	0	0	0	0	0	0
Infrastructure Delivery	0	0	0	0	0	0	0	0	0	0
<b>Water Services</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>18</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## FINANCE

### 2.1. Water and Wastewater Financial Report

Financial Performance Report		Commercial Infrastructure					% YTD Variance of YTD Budget
Period Covered: 1 July 2022 to 31 August 2022							<div style="width: 100%; height: 10px; background-color: #90EE90; margin-bottom: 2px;"></div> YTD Variance favourable of budget <div style="width: 100%; height: 10px; background-color: #FFD700; margin-bottom: 2px;"></div> YTD Variance unfavourable, between 0% and 5% of YTD Budget <div style="width: 100%; height: 10px; background-color: #FF0000; margin-bottom: 2px;"></div> YTD Variance unfavourable, more than 5% of YTD Budget
	Amended Budget	YTD Budget	YTD Actual	YTD Variance	YTD % Spent		
<b>Water Fund</b>							
6.01 - Commercial Infrastructure Management	(677,768)	(309,929)	(337,221)	(27,292)	109%		Additional bulk water sales recognised. Budget spreading to be reviewed.
6.02 - Water & Sewage Infrastructure Planning	1,005,375	201,055	240,627	39,572	120%		Additional consultant costs incurred for Planning project activities.
6.04 - Water Networks	6,978,342	1,249,297	1,064,610	(184,687)	85%		Under budget due to delays in processing Internal Laboratory charges (\$106K), lower than expected external equipment hire (\$42K), delays in recognition of Water billing internet expenditure (\$35K) and delays in recognition of August Water pump station operations electricity usage expenditure (\$32K). Offset by reduced employee costs due to vacant positions.
6.07 - Water Treatment	5,989,007	1,290,979	1,296,727	5,748	100%		Delays in processing of internal laboratory charges \$234k income offset by expenses (\$104K). Also, offset by delays in recognition of Electricity expenses (\$62K) at various water treatment plants and chemical usage (\$52K) predominately at the Nebo Road WTP.
<b>Total Water Fund</b>	<b>13,294,957</b>	<b>2,431,402</b>	<b>2,264,743</b>	<b>(166,658)</b>	<b>93%</b>		
<b>Sewerage Fund</b>							
6.01 - Commercial Infrastructure Management	(906,922)	40,680	51,219	10,539	126%		Below budget trade waste fees and charges income collected to
6.02 - Water & Sewage Infrastructure Planning	1,006,875	201,305	179,155	(22,150)	89%		Under budget in employee costs and consultant fees, predominately in planning project activities.
6.04 - Water Networks	6,273,204	468,920	90,629	(378,291)	19%		Delays in recognition of electricity expenses (\$47K), magnesium hydroxide expenses (\$108K), internal laboratory charges (\$46K) and external equipment hire (\$31K). Also, savings in Employee costs (\$100K) due to vacant positions. Predominately in Odour control operations, Sewerage Pump stations operations and maintenance.
6.07 - Water Treatment	7,213,268	1,508,426	1,147,186	(361,240)	76%		Predominately due to delays in recognition of Electricity expenses (\$130K) at various Sewerage Treatment plants. Also, under budget repairs and maintenance activities (\$147K) and chemical usage (\$137K). Both predominately at Bakers Creek STP and Bucasia STP.
<b>Total Sewerage Fund</b>	<b>13,586,425</b>	<b>2,219,330</b>	<b>1,468,188</b>	<b>(751,142)</b>	<b>66%</b>		
<b>Operating (surplus) / deficit</b>	<b>26,881,382</b>	<b>4,650,732</b>	<b>3,732,931</b>	<b>(917,801)</b>	<b>80%</b>		

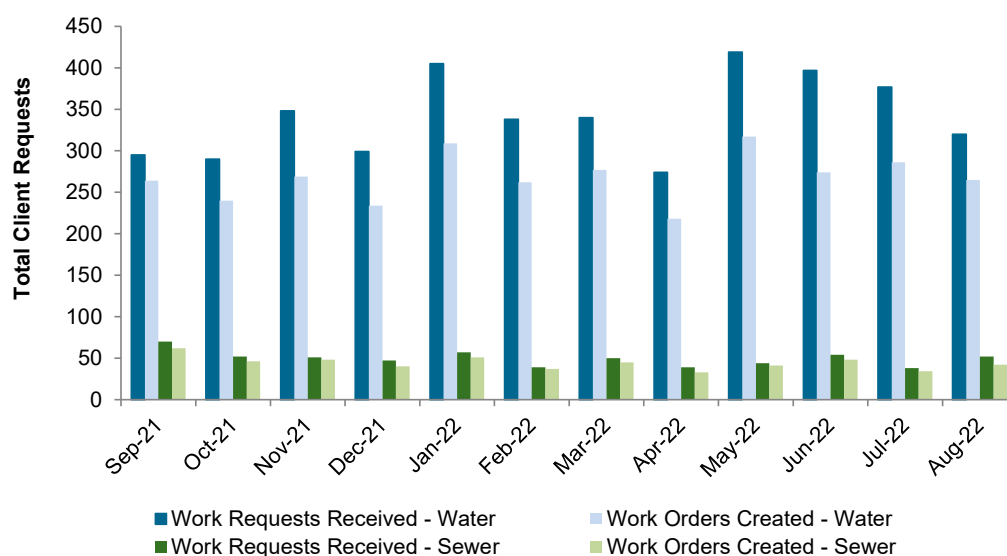
## 2.2. Operating Result for Water and Sewerage Fund



## CUSTOMER SERVICES

### 3.1. Work Requests Received

The following Chart details the number of Customer Requests received during the reporting period that relate to both Water and Sewer requests. The associated Work Orders created from the Work Requests are also displayed.



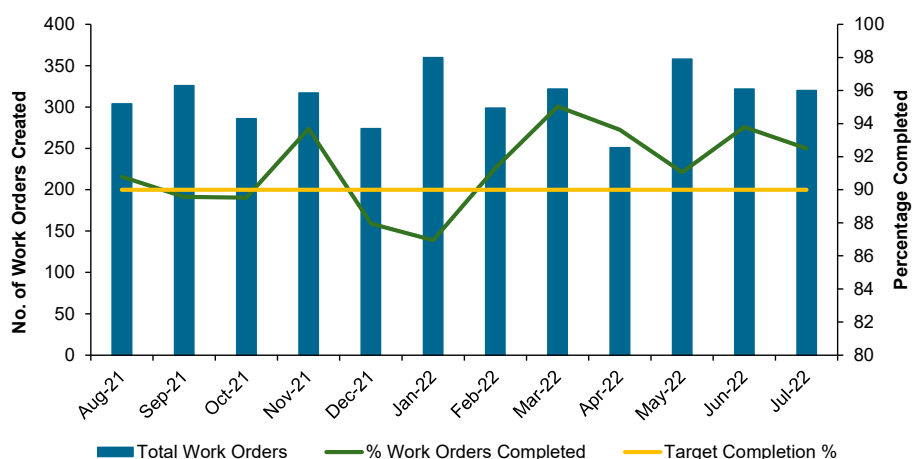
#### **August 2022 Summary:**

A total of 372 Work Requests were received to 31 August 2022; i.e. 320 Work Requests relating to Water and 52 Work Requests relating to Sewer. From these Work Requests, 265 Work Orders were generated for Water and 42 Work Orders were generated for Sewer.

### 3.2. Work Orders Completed

The following Chart displays the number of Work Orders created during the previous reporting period. The target is to have 90% of all customer requests closed. A summary of the performance and percentage of Work Orders completed within that month is detailed below.

*Please note, results are one month in arrears to allow for accurate reporting due the timing of completed work (i.e., a request received at the end of one month being actioned at the start of the next month).*



#### July 2022 Summary:

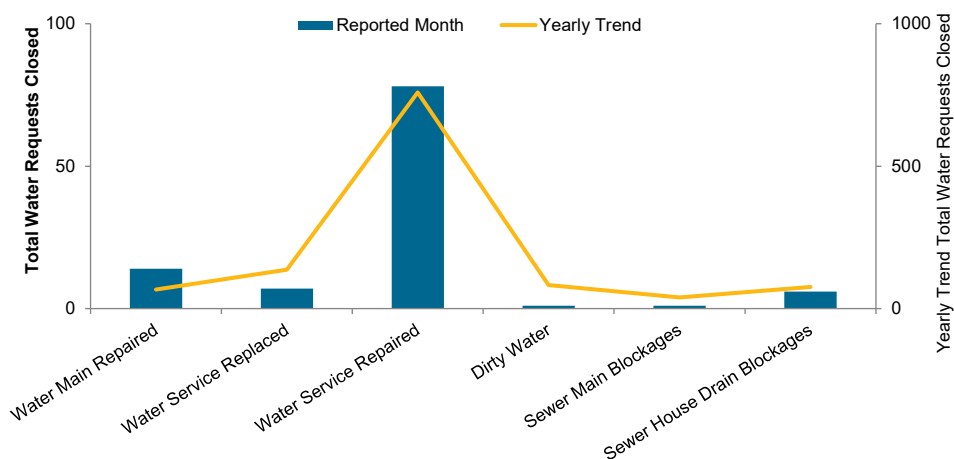
The number of Work Orders generated from Pathway Requests to 30 July 2022 was 296.

92.5% of these Work Orders were completed which is above the 90% target.

### 3.3. Water Requests Closed

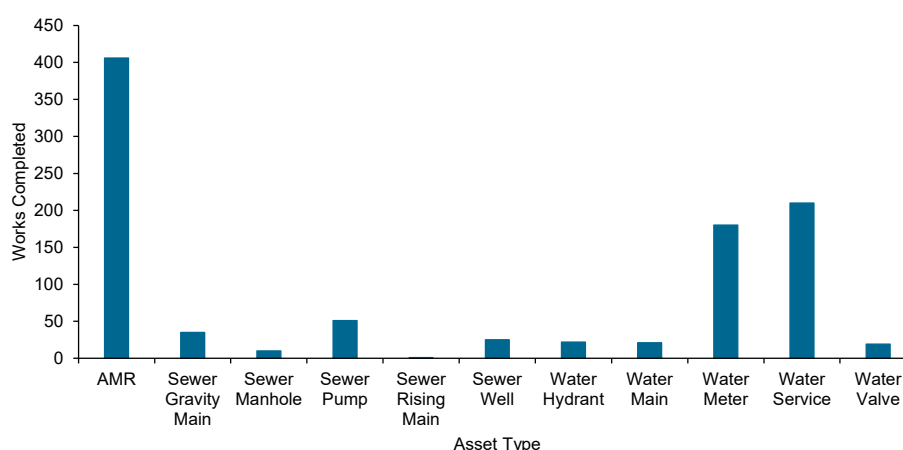
When a customer lodges a request via the Call Centre, it is sometimes not reflective of the actual problem. Therefore, the following graph shows the actual work undertaken and completed. The numbers of Customer Requests will not always match the number of actions undertaken mainly due to multiple customers reporting the one issue.

*Please note, results are one month in arrears to allow for accurate reporting due the timing of completed work (i.e., a request received at the end of one month being actioned at the start of the next month).*



### 3.4. Works Completed by Asset Type

The following Chart displays the work that was completed for each asset type during the reporting period. The work that was completed includes Corrective Maintenance (reactive) works, along with Preventative Maintenance Works.



#### **August 2022 Summary:**

The number of Work Orders completed for the reporting period was 980. This includes 180 Water Meter replacements or new installations.

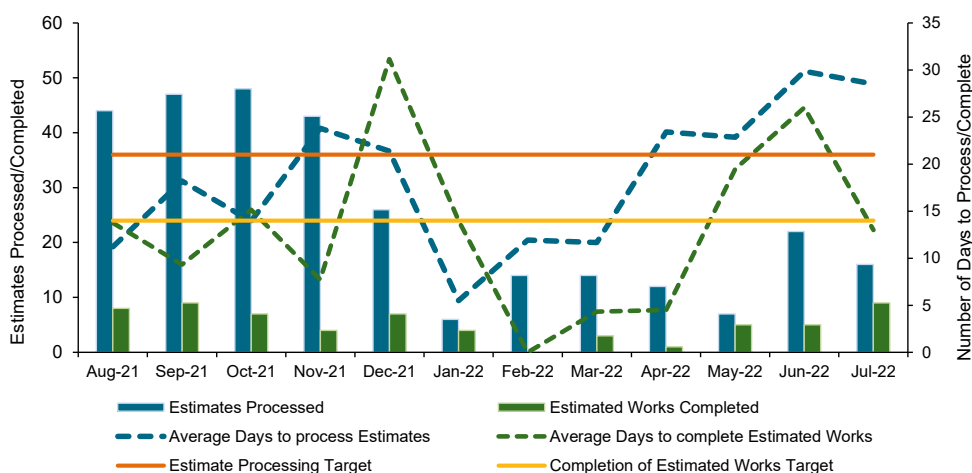
### 3.5. Estimated Works

Water Services receives requests from customers for quotations to connect to Council's infrastructure (Estimates). It is important to note that many Estimates are requested by Developers as part of pre-planning for future development stages. As a result, many of the Estimates completed do not result in requests for immediate work to be undertaken. Also, of note is the fact that often requests are received for two block subdivisions where clients seek to understand the total costs involved with subdivision before determining their final course of action.

In the instance where a client does not accept our initial estimate provided, they can request a further breakdown of the fees and charges involved. On some occasions, clients may be able to undertake certain aspects of the work themselves, however, Council always stipulates that any live works undertaken on Council's water or sewerage infrastructure is undertaken by Council. These requests range from large subdivision development connections to a single service connection for a property.

The following Chart displays the number of Estimates processed for customers for the reporting period and the average time taken to complete. The Chart also shows the number of Estimated Works completed and the average time taken for Water Services to complete the Estimated Works.



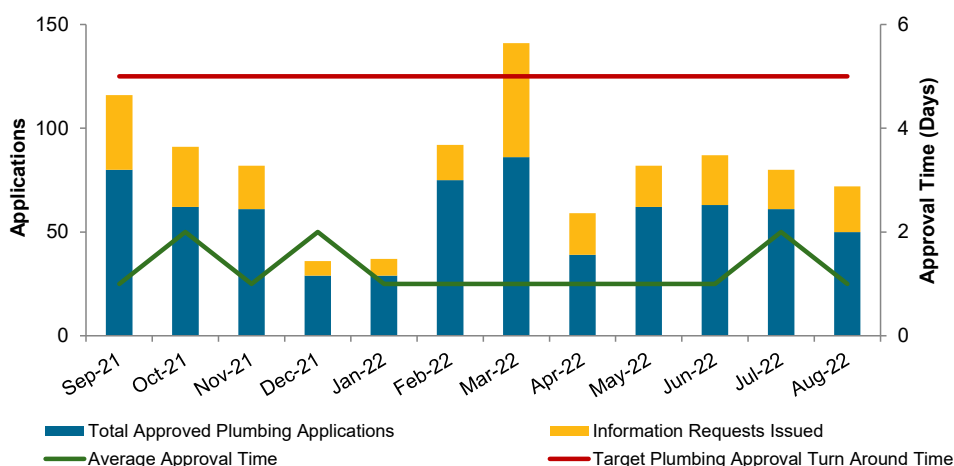


#### **August 2022 Summary:**

The number of Estimates processed for customers during the reporting period was 35 with the average time taken to process requests being 35.5 days which is outside the 21 working day target. The number of Estimated Works Completed during the reporting period was ten with an average time taken to complete works in the field of three days which is within the 14-working day target. Customers requesting additional information and continued efforts to streamline the estimation process has resulted in delays in processing estimates.

#### **3.6. Plumbing Applications:**

In accordance with the Plumbing and Drainage Act, a plumbing application is required for all new or modifications to plumbing installations. A plumbing application must be lodged to Local Government. Water Services have a regulatory time frame of 20 business days to assess a plumbing application. An internal target of five business days has been set for all residential plumbing applications.



#### **August 2022 Summary:**

The number of Plumbing Applications approved for the period was 50 which is on par with the previous month. The Approval Turnaround Time was two days which remains well within the five-day target.

### 3.7. Trade Waste Approvals

There is an ongoing program for undertaking trade waste assessment and licensing applicable businesses that discharge trade waste. As part of the trade waste assessment process a temporary Trade Waste Approval is established while the formal approval process is undertaken. The table below summarises the number of Trade Waste Approvals for the Mackay region.

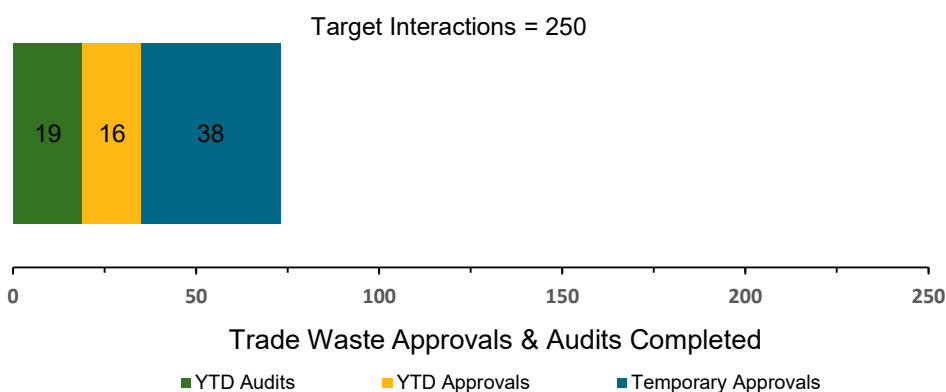
	Total Approved Businesses	Temporary Approvals in Place	New Approved Businesses for the Month
Mackay South	783	31	6
Mackay North	72	2	0
Sarina	54	1	0
Mirani/Marian	31	4	0
<b>Total</b>	<b>940</b>	<b>38</b>	<b>6</b>

#### August 2022 Summary:

Six new Trade Waste Approvals were provided to businesses after completion of their Trade Waste requirements: three were for new businesses and three for change of ownership.

### 3.8. Annual Trade Waste Activity

Annual targets are set for the Trade Waste Team with respect to licensing trade waste businesses. A combined target of 250 has been set for both new licensed businesses and audits to be completed by July 2022. The following Chart shows the actual approvals, temporary approvals and audits achieved for the year to date.

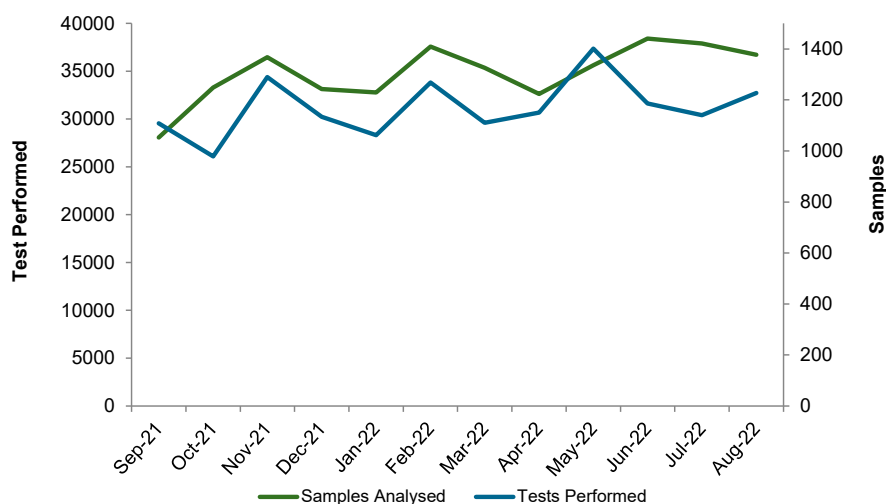


#### August 2022 Summary:

Six approvals were issued, and ten Audits were conducted. The combined annual target for Audits and Approvals is 250 for the 2022/2023 financial year.

### 3.9. Scientific and Analytical Services

Scientific and Analytical Services (MRC Laboratory) is National Association of Testing Authorities (NATA) accredited (ISO 17025) to provide sampling and laboratory analysis to both Mackay Regional Council and external customers. A summary of the laboratory activities is detailed below.

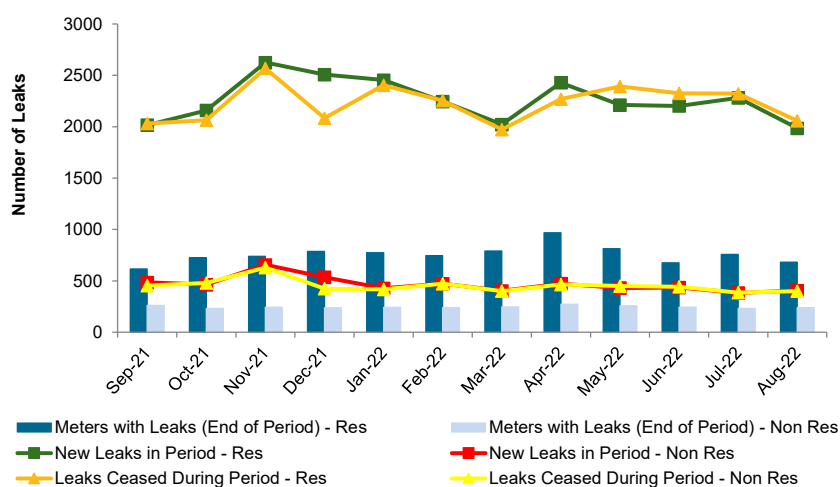


#### August 2022 Summary:

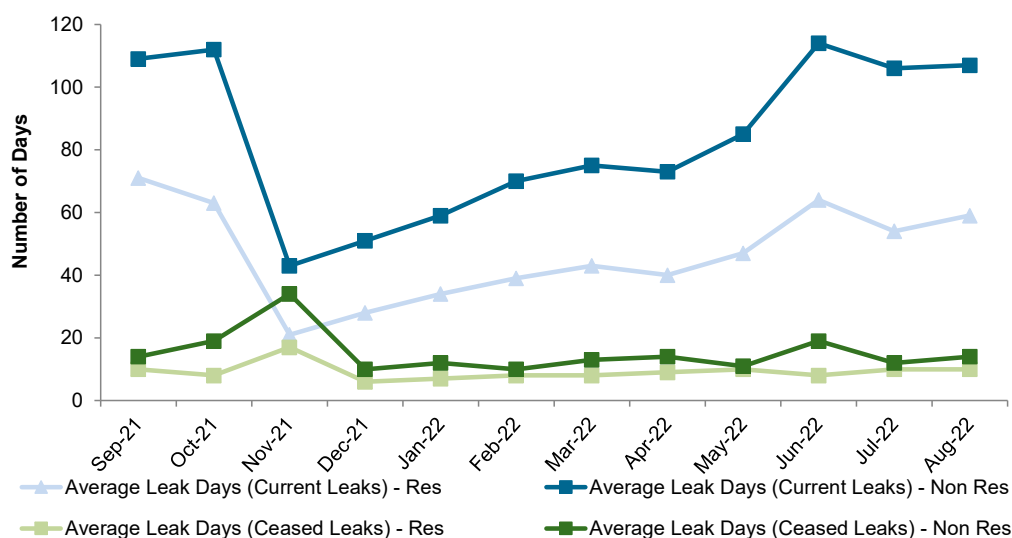
The number of sample batches registered during this period was 517 with 1,377 samples analysed. The total number of tests performed for the month was 32,724. Testing for Mirani Water Recycling Facility (WRF) ceased on 15 August 2022. Recruitment is currently in progress to fill roles and labour hire has been utilised to cover the vacancies and sick leave. Workflow planning is being trialled to manage and prioritise the workload.

### 3.10. Leak Detection Notifications

Potential leak notifications are sent to customers when the leak is identified as greater than 10 litres per hour (L/h). Notifications are sent by email, SMS and by post to those owners who have not signed up to the myh2o portal and cease after three consecutive months of notification. Property owners signed up to myh2o also receive notifications by email and/or SMS.



Potential Leak Notifications Sent			
Via Aqualus (those not registered to myh2o)			Via myh2o
Email	SMS	Letters	Email & SMS
516	99	498	5,769


**August 2022 Summary (25 July 2022 – 25 August 2022):**

2,059 leaks ceased for residential properties during the reporting period with an average of 10 days for the leak to cease (i.e., for the leak to be addressed by the property owner). However, there have been leaks that commenced prior to 25 July 2022 that are still ongoing with an average of 59 leak days.

1,986 residential property leaks commenced during the period.

The number of average leak days for residential properties increased to 59 in August 2022. The number of Automated Meter Readers (AMRs) replaced during the month was 406. This will continue to impact reported leaks as data is now being received for these replaced meters whereas data was not being received previously and leaks were not being identified/reported.

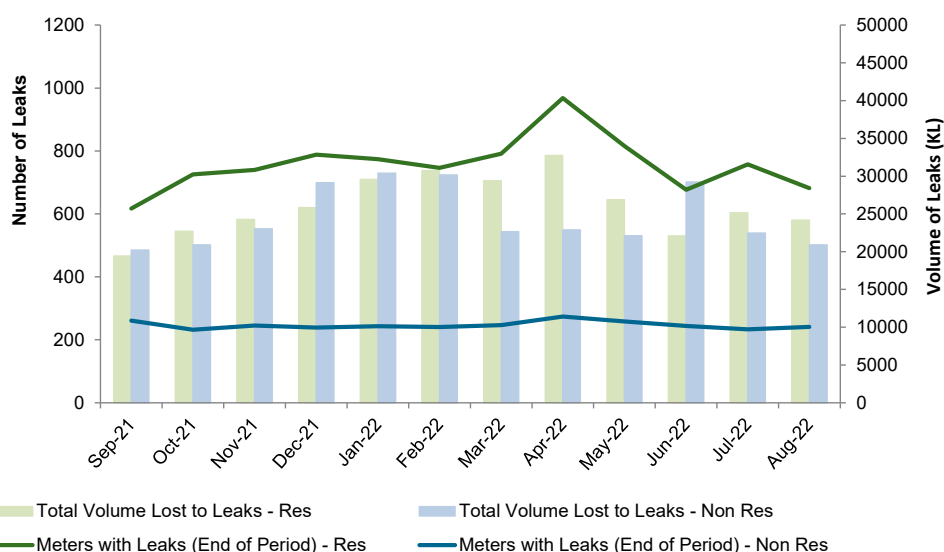
401 leaks ceased for non-residential properties during the reporting period with an average of 14 days for the leak to cease (i.e., for the leak to be repaired by the property owner). However, there have been leaks that commenced prior to 25 July 2022 that are still ongoing with an average of 107 leak days.

406 non-residential property leaks commenced during the period.

Considerable effort is devoted towards encouraging non-residential customers to fix the identified leaks, however, some of these leaks are difficult to track down due to the size and complexity of the property.



### Engineering & Commercial Infrastructure - Water Services Monthly Review > August 2022

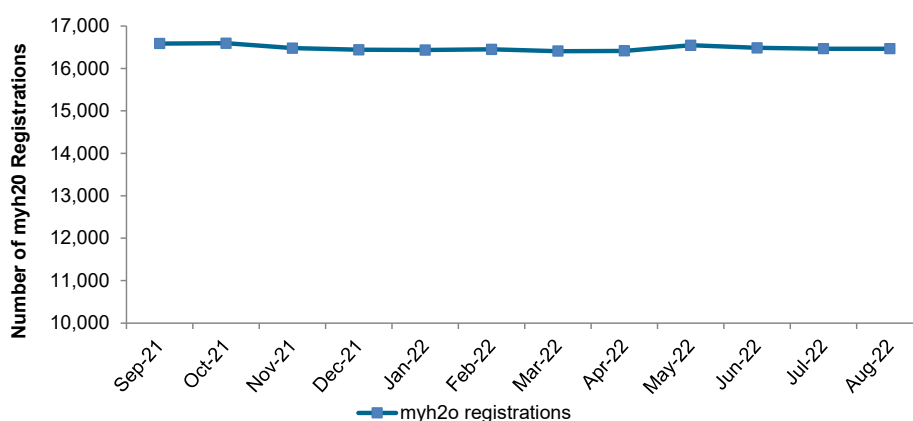


#### **August 2022 Summary (25 July 2022 – 25 August 2022):**

This graph highlights the actual total volume of water lost due to leaks for residential and non-residential property owners. For residential, a total of 24,168kL of water was lost due to leaks and for non-residential the total lost was 20,906kL.

#### **3.11. Myh2o Registrations**

The following chart shows the cumulative number of myh2o registrations for the reporting period. *Please note: MiWater relaunched as Aqualus in May 2020, with a new user interface – there has been no change to the public portal name 'myh2o'.*

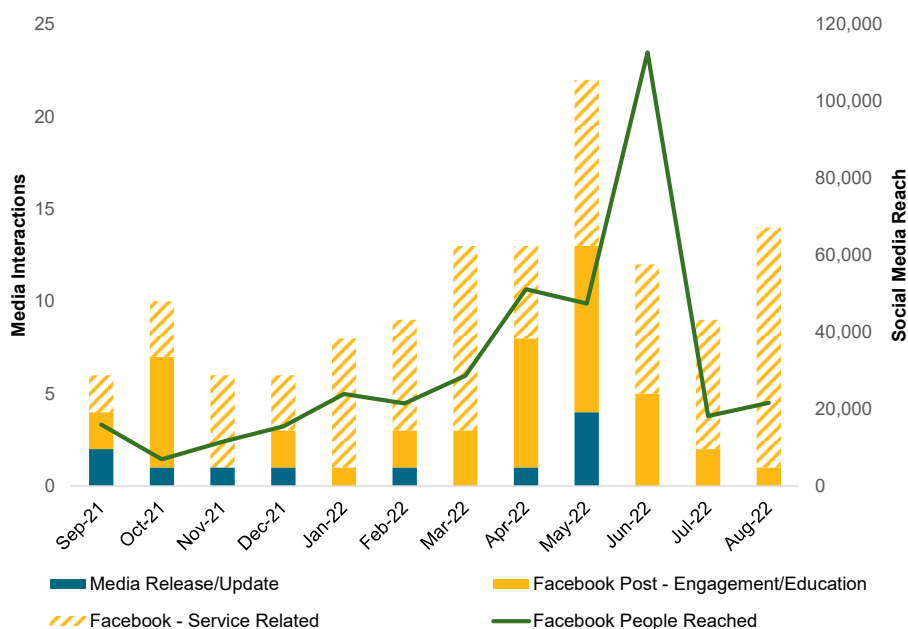


#### **August 2022 Summary:**

There was a nil change to registrations for the month of August 2022 leaving the total number of myh2o registrations at 16,465 including property owners, tenants, and real-estate agents. If a property changes ownership, this property will automatically be removed from the previous owners' profile within the myh2o portal. We are currently working on the best way to capture the new owners.

### 3.12. Community Engagement – Social Media

Water Services engagement with the community is monitored; the following chart shows the number of Media Releases/Updates, informative Facebook posts, and the number of people reached through this social media platform.



#### August 2022 Summary:

There were no Media Releases or Media Updates for the period and a total of 14 Facebook posts. 13 posts were service related, and one was an engagement post; i.e. all posts were either notices of water supply interruptions or service-related water advice.

21,585 Facebook post impressions were recorded:

- 338 likes were received for: *We're simply the best! (State of origin water award)*
- 24 likes were received for: *Coolum Crt and Bigola Place, Blacks Beach (Water Interruption)*

### 3.13. Community Engagement – Education and Information

Water Education Sessions generally cover "Water Wise" content together with other topical issues such as the 3 Ps' message: what can and cannot be flushed down the toilet.

The Mackay Regional Council website also continues to provide a vast array of Water information to residents covering 22 important topics with the information updated as and when required. A sample of the topics covered are listed below:

- "Choose Tap"
- "Portable and Permanent Water Refill Stations"
- "Backflow Prevention"
- "Building Over Sewers"



**Engineering & Commercial Infrastructure -**  
Water Services Monthly Review > August 2022

The following Water Education Sessions were delivered to 434 students across the following schools during August 2022:

- Dundula State School - 24 students
- Andergrove State School - 100 students
- North Mackay State School - 49 students
- Marian State School - 60 students
- Emmanuel Catholic Primary School - 81 students
- St Francis Catholic Primary School - 72 student
- Mirani State School - 48 students

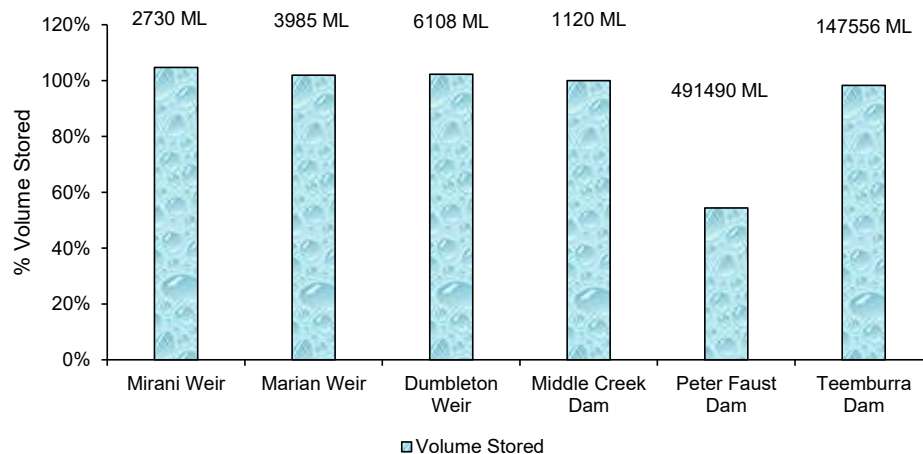
**3.14. Customer Survey Results**

The July/August 2022 Customer Survey Results will be finalised for the September 2022 Monthly Review.

## ASSET MANAGEMENT

### 4.1. Surface Water Raw Water Storage Capacities

Water is sourced from a combination of surface and groundwater sources. With the exception of Middle Creek Dam, the storage facilities are owned and operated by SunWater. Middle Creek Dam is under Council's control. The water stored in each of the storages is detailed below.

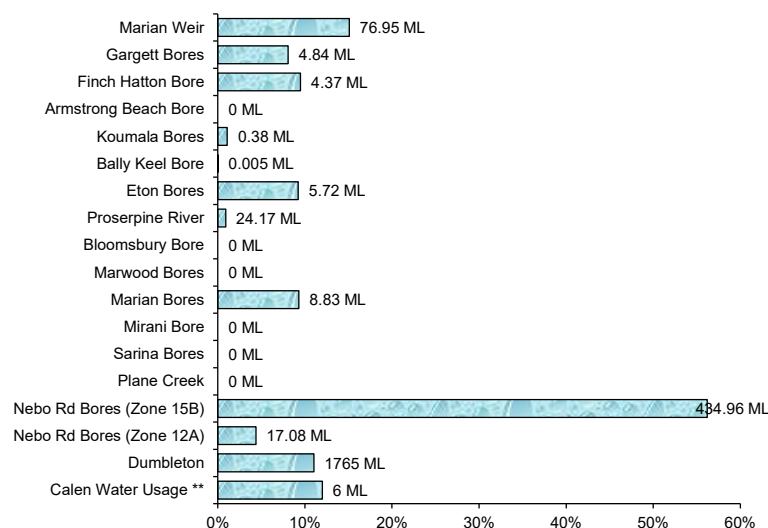


#### August 2022 Summary:

Dumbleton, Marian, and Mirani Weirs and Middle Creek Dam are all at or above 100% of capacity. Teemburra Dam is at 98% of capacity. Peter Faust Dam recorded the lowest level of all the storages and is currently sitting at 54% of capacity.

### 4.2. Annual Water Consumption vs Allocation by Source

Water Services has an annual water allocation or water license for each water source. The water allocation and year to date water consumption for each of the water source is detailed below.



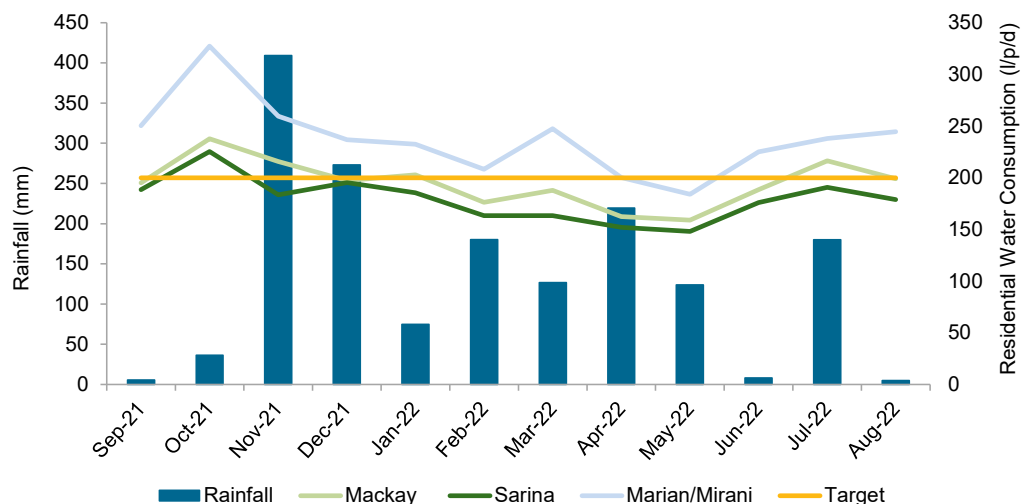
\*Calen Water Usage figures are not based on Water Allocation but show the amount of water usage for the area to date.

\*\* Please note no current flowmeter reading is available for Koumala. Estimated values are represented above.



#### 4.3. Water Consumption by Locality – Residential Customers Only

Water Services supplies potable water to both residential and non-residential customers throughout the Mackay region. The average water consumption in each of the three major community centres is detailed below for residential customers only. The water consumption is presented as litres per equivalent person per day (L/p/d).



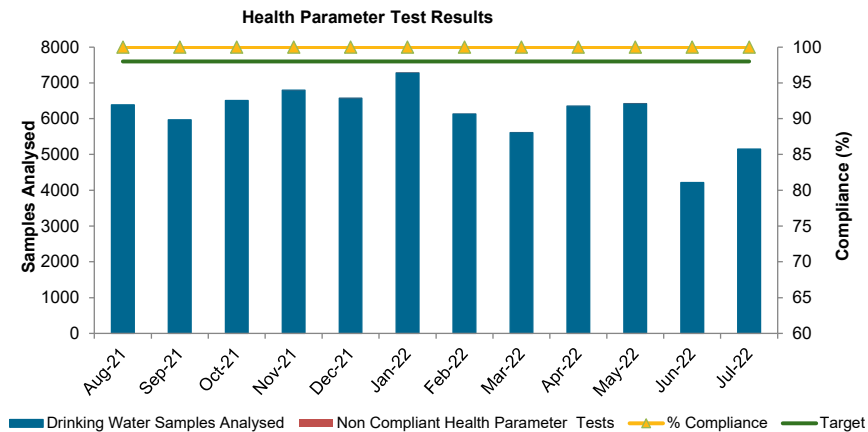
#### **August 2022 Summary:**

Water consumption has decreased for the Mackay and Sarina communities and increased for the Marian/Mirani communities from July 2022 to August 2022. The Mackay and Sarina communities remain under the Daily Residential Water Consumption Target of 200 l/p/d; however, the Marian/Mirani communities have exceeded the daily water consumption target recording an average of 244 l/p/d. Rainfall decreased significantly in August 2022 (5mm) when compared to July 2022 (179.8mm).

REGULATORY COMPLIANCE

5.1. Drinking Water Compliance

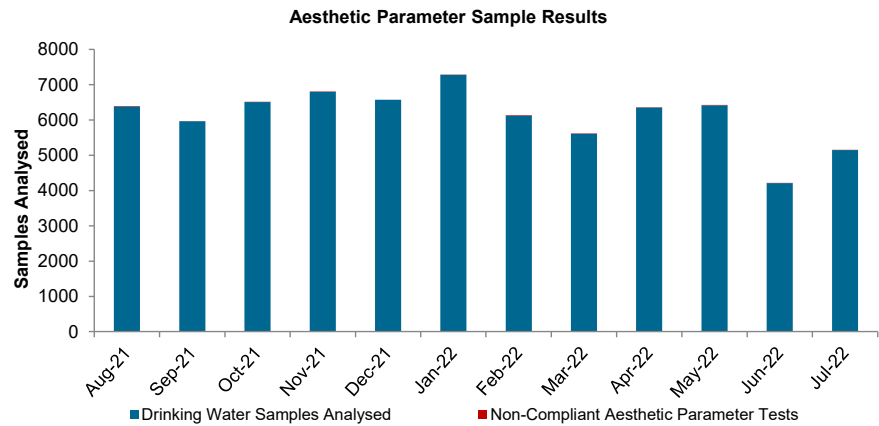
Potable water is provided in accordance with the requirements of the *Water Supply Safety and Reliability Act*, measured against the *Australian Drinking Water Quality Guidelines*. Drinking Water samples are taken at the outlet of Water Treatment Plants and at various locations within the reticulation network. Please note, results are one month in arrears to allow for accurate reporting.



July 2022 Summary:

All Drinking Water Verification Monitoring Results, from sampling undertaken in July 2022, complied with Queensland Health and Australian Drinking Water Guideline (ADWG) Health Guideline Values.

Queensland Health's Preferred Guideline Value for chlorate was also complied with throughout July 2022.



July 2022 Summary:

There were four Drinking Water Verification Monitoring Sample Results which breached the corresponding ADWG Aesthetic Guideline Values in July 2022 (excluding Total Chlorine, Dissolved Oxygen and pH Aesthetic Guideline Value breaches which are considered operational aesthetic issues).

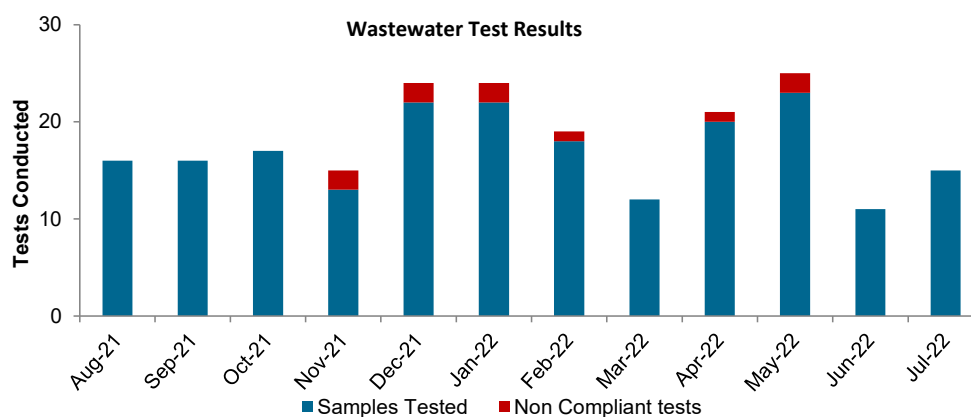
There were two Drinking Water Verification Monitoring Sample Results which exceeded the ADWG Hardness Aesthetic Guideline Value of 200 mg/L. Both exceedances (reported as 379 mg/L and 370 mg/L) were recorded for the Koumala Water Supply Scheme (WSS). Hardness in the Koumala WSS will be addressed by the upcoming softener installation.

There was one Drinking Water Verification Monitoring Sample Result which exceeded the ADWG Sodium Aesthetic Guideline Value of 180 mg/L. The result of 186 mg/L was recorded in the Eton WSS and as seen in previous months, this result is only marginally above the Aesthetic Guideline Value and is related to the plant's softening process. No follow up or action is deemed warranted as the result is within the operating range of the Water Softening Plant.

## 5.2. Wastewater Compliance

The discharges from wastewater treatment facilities are regulated by Development Approvals issued by the Department of Environment and Science (DES). The licence requirements differ based on the year the Development Approval was issued and the receiving environment associated with discharges.

*Please note results are one month in arrears to allow for accurate reporting.*



### July 2022 Summary:

All wastewater tests were compliant in July 2022 with the exception of the ongoing Discharge to Water Breaches at the Mirani Water Recycling Facility (MWRF) which is still under the control of the Construction Contractor. The MWRF breaches relates to an exceedance of the Total Chlorine levels in the effluent produced at the WWTP. This is considered a minor water quality breach as all effluent is currently being transferred to storage for re-use on farms and it is not being discharged directly to the waterway.

## 5.3. Regulator Reporting

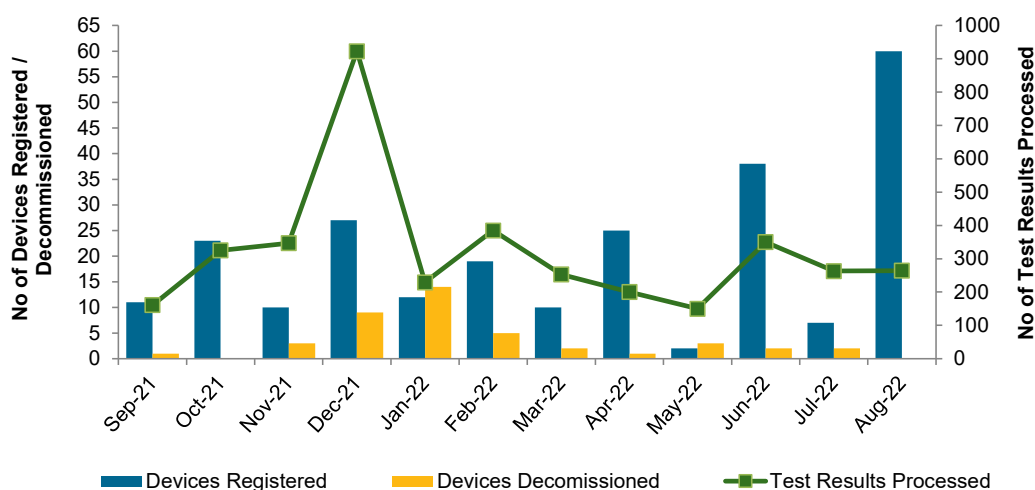
There were two incidents which required reporting to the Department of Environment and Science (DES), the Environmental Regulator, during August 2022.

The first incident related to the Seaforth Camping Grounds STP where high Total Suspended Solids levels were recorded in the discharged effluent. This incident was reported to the Regulator on 12 August 2022 with the final Part B Report submitted to the Regulator on 1 September 2022.

The second incident related to a Thermotolerant Coliform Breach at the Sarina Water Recycling Facility. This incident was reported to the Regulator on 25 August 2022, with the Part B Report due for submission on 14 September 2022. Preliminary investigations have identified that the breach was related to the sample collection process not being followed correctly. The correct process is for the outflow to be sampled before the inflow but, on this particular day, the inflow sample was taken prior to the outflow sample resulting in a contaminated outflow sample. The result did not reflect the performance of the Plant.

#### 5.4. Backflow Prevention Device Register

Backflow prevention devices are designed to protect the town's drinking water supply from contamination by acting as a barrier, keeping contaminated water separate from the drinking water supply. Local Governments have a legislative requirement in accordance with the *Plumbing and Drainage Regulation 2019* to implement and maintain a register of all devices in the municipality.



#### August 2022 Summary:

60 new devices were registered, no devices were decommissioned, and 86 tests were processed on backflow devices for August 2022. The majority of devices registered during the month were previously installed (but unregistered) devices that were discovered during yearly testing.

## 11.4. ORGANISATIONAL SERVICES

### **11.4.1. ORGANISATIONAL SERVICES MONTHLY REVIEW REPORT - AUGUST 2022**

<b>Author</b>	Director Organisational Services (Kylie Lamb)
<b>Responsible Officer</b>	Director Organisational Services (Kylie Lamb)
<b>File Reference</b>	Departmental Monthly Review Reports

<b>Attachments</b>	1. Organisational Services Monthly Review Report - August 2022 [11.4.1.1 - 29 pages]
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#### **Purpose**

To provide Council with the Organisational Services Monthly Review Report for the month of August 2022.

#### **Related Parties**

Nil

#### **Corporate Plan Linkage**

##### Operational Excellence

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

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

**THAT the Organisational Services Monthly Review Report for the month of August 2022 be received.**

The Acting Director for Organisational Services Stuart Hildred, provided an overview and highlights of the Organisational Services Monthly Review Report for August 2022.

Cr Jones referred to the August vacancies and staff separations and queried if the total number of separations was 17 or if this was the number of those who had completed the exit interview.

The Acting Director advised that this was the number of all leavers, regardless of whether they had an exit interview.

Cr May referred to the employee turnover graph and noted that figures are being compared to those from 2018, and queried if there was any more up to date statistics that could be used.

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

#### **Council Resolution ORD-2022-287**

**THAT the Organisational Services Monthly Review Report for the month of August 2022 be received.**

**Moved Cr Green**

**Seconded Cr Townsend**

Cr Green noted that the Shared Services team is working very hard in relation to the attraction and retention of staff and the introduction of the electronic employment pack pilot was very successful. Cr Green thanked the Shared Services team for rolling this out.

Cr Townsend referred to the new concierge position and believes this is an invaluable asset for older members of the community who may have a fear of technology. Cr Townsend congratulated Council for showing support for the Wear it Purple Day recently held, noting that sadly, the Mackay Region is the 5th highest in Australia for suicide.

**CARRIED**



# Organisational Services

Monthly Review

>August 2022

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# 1. EXECUTIVE SUMMARY

This report is for the Organisational Services Department for the month of August 2022:

- Safety continues to be a focus of the department.
- Customer Service have introduced a Concierge position within the Administration building. The Concierge Officers will assist the community through the use of self-serve kiosk's and education in the use of Council's online services. Data is being captured to gain an understanding of reasons that people visit Council and to monitor the effectiveness of this initiative.
- Rates notices were issued successfully by the new provider and the eNotice portal is now live and showing current notices in bill archive.
- The pilot to test the provision of Employment Packs electronically has been successful and Council will now provide new incoming staff with documentation in this format. This process supports the use of electronic acceptance, providing a greater experience for the incoming employee and the internal process.
- Information Services continue to advance and place a strong focus on Cyber Security with ongoing training throughout the organisation along with distribution of the monthly Cyber Security Bulletin.



**Kylie Lamb**  
*Director Organisational Services*

## 2. SAFETY

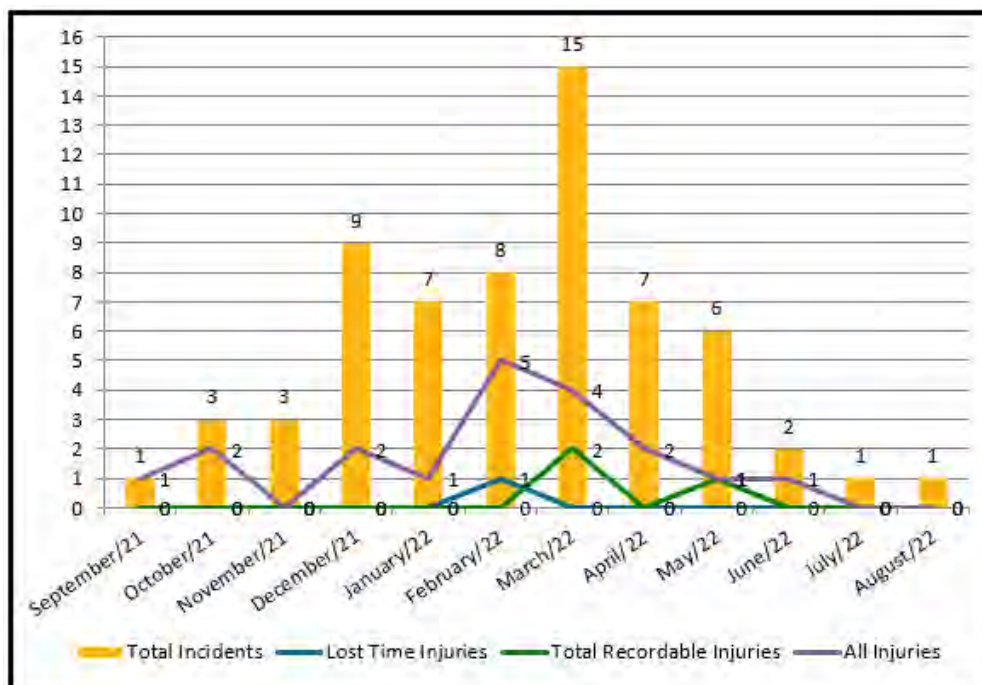
### 2.1 Incidents and Injuries

#### Summary

In August 2022:

- Forty-five safety interactions were completed.
- Three site safety inspection was completed.
- 93% of monthly action plans activities were carried out.

One incident was recorded in August.



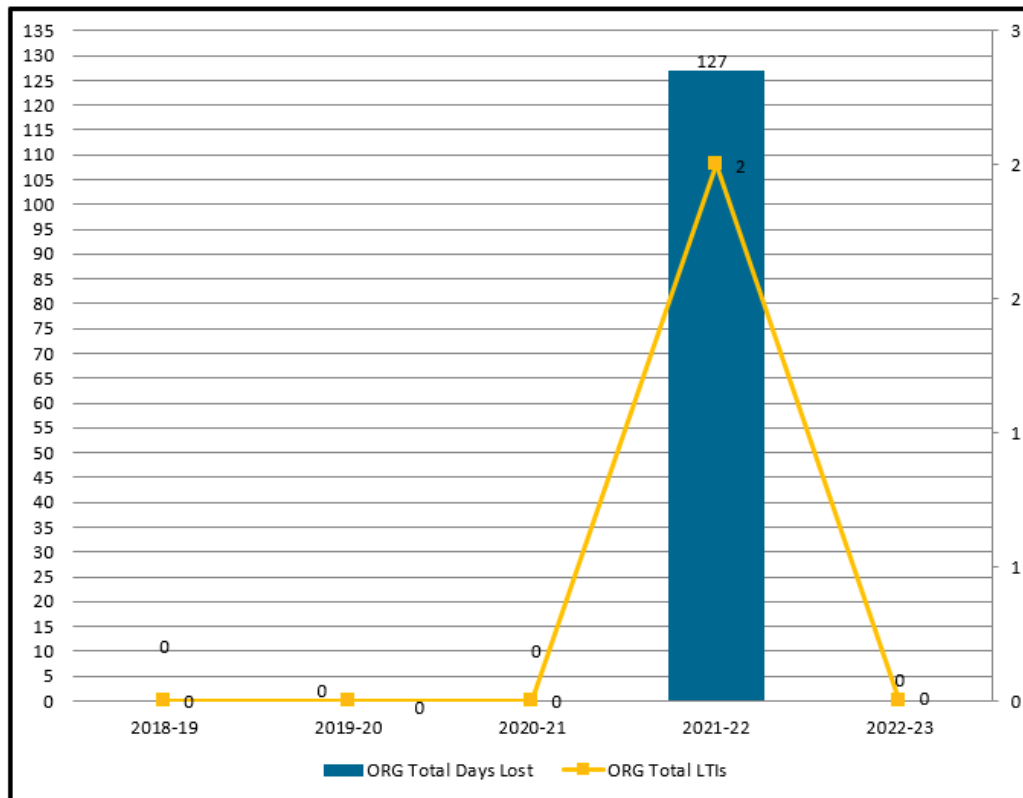
The following near miss incident was reported in August:

- While changing emulsion hose quick fittings, emulsion left pressurized and spilt onto path.

Each incident is investigated, and appropriate corrective measures implemented to reduce future risks.

## 2.2 Lost Time Injuries & Days Lost

For the 2022-23 year, there has been no lost time injuries recorded.



Department	2018-19		2019-20		2020-21		2021-22		2022-23	
	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost
Finance										
Information Services										
Shared Services							1	3		
People & Culture										
Procurement & Plant							1	124		
Property Services										
Executive Office										
Office of the Mayor & CEO										
<b>Organisational Services Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>127</b>	<b>0</b>	<b>0</b>

## 3. BUSINESS IMPROVEMENTS

### 3.1 Organisational Services Business Improvement Projects / Initiatives

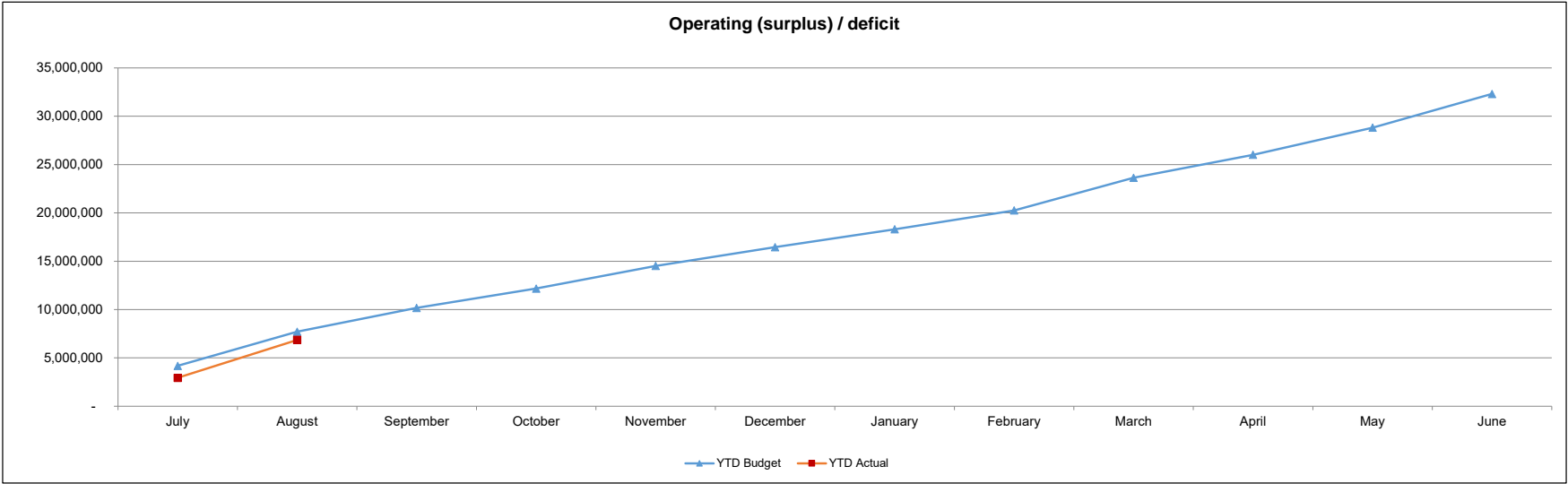
Description	Program	Comments
<b>Policy, Planning and Risk Framework Review.</b>	Director Organisational Services	<ul style="list-style-type: none"> <li>This month the 2022/2023 reporting regime and format was endorsed by ELT and rolled out to the wider Management Team. The regime and new report formats will go live as at first quarter 2022/2023 reporting.</li> <li>Activities that will inform the 2023/2024 planning cycle was also endorsed by ELT. The wider Management Team will be briefed on this later in September.</li> </ul>
<b>Long Term Financial Forecast (LTFF) Program Development Project</b>	Director Organisational Services	<ul style="list-style-type: none"> <li>Competing priorities as a result of the Policy, Planning and Risk Framework Review have impacted capacity this month to revisit this initiative.</li> <li>It is anticipated that focus on this initiative will resume next month.</li> </ul>
<b>Business Process Management (BPM)</b>	Shared Services	<p>The focus for August was to reduce the number of out-of-date processes. The initiative had good success and the following results</p> <ul style="list-style-type: none"> <li>Shared services achieved a 22% reduction in their out-of-date processes (105 down to 46)</li> <li>The organisation reduced their numbers from 335 (35%) of processes requiring review to 227 (23%) at the end of the month</li> </ul> <p>The business improvement team will continue to work closely with the business and process champions to reduce this figure further.</p>
<b>Customer Service Concierge Officer</b>	Shared Services	<p>The Customer Service team have introduced a Concierge position within the Administration building. After a few weeks of training, Kylie, and Bianca, commenced their engagement with visitors to our Customer Service office.</p> <p>The Concierge Officers have access to self-serve kiosk's and are positioned to assist and educate the community to use Council's online services.</p> <p>The team are capturing data to track the effectiveness of the initiative and gain an understanding of reasons that people visit Council.</p>
<b>Print House Transition</b>	Shared Services	<ul style="list-style-type: none"> <li>Rate notices successfully issued, with minor issues identified with email template and payment barcodes</li> <li>eNotice portal is live and showing current notices in bill archive. MRC and Forms Express working through transition of previous notices</li> <li>Rates reminder notices and Water notice in place to transition next.</li> </ul>

Description	Program	Comments
<b>Electronic Employment Pack</b>	Shared Services	<p>The pilot to test the effectiveness of an electronic employment pack was highly successful and the initiative went live this month.</p> <p>New staff will now receive pre-employment documentation via a PDF format that supports digital signature.</p> <p>This is a great initiative that provides a greater experience of the new employee and streamlines our internal process.</p>
<b>PD Library</b>	Shared Services	<p>The PD library is being transitioned to Sharepoint Online, a small pilot to test the process has been successful. The next phase will be to expand the pilot across whole of Organisational Services.</p>



## 4. FINANCIAL POSITION

Financial Performance Report Period Covered: 1 July 2022 to 31 August 2022					Organisational Services	% YTD Variance of YTD Budget
						<div></div> YTD Variance favourable of budget <div></div> YTD Variance unfavourable, between 0% and 5% of YTD Budget <div></div> YTD Variance unfavourable, more than 5% of YTD Budget
	Amended Budget	YTD Budget	Actual	YTD Variance	Comments	
3.01 - Organisational Services Management	1,605,436	87,453	89,960	2,507	On track	
3.02 - People & Culture	3,223,532	607,637	456,948	(150,689)	Operational plan alignment with budget still to be completed.	
3.03 - Financial Services	3,779,714	415,344	407,533	(7,811)	Differential between saving from staff vacancies and overspend on rates collection activities	
3.04 - Procurement & Plant	(4,552,380)	(130,286)	(231,574)	(101,287)	Some reduction in plant hire income, fuel accounts not correctly accrued	
3.05 - Information Services	10,189,846	3,951,692	3,841,256	(110,436)	On track, differential of 2.8% underspend to YTD Budget.	
3.09 - Shared Services	7,180,825	1,153,275	1,040,093	(113,182)	On track, savings stemming from vacancies and slight increase of revenue.	
3.11 - Property Services	10,713,612	1,614,834	1,219,946	(394,887)	On track, vacancies, maintenance invoice lag, maintenance execution lag make up majority of surplus	
3.17 - W4Q & Fed's COVID Funding	6,651	-	32,519	32,519	Capital grant program is finalised, but we still have some project completion costs being recognized. Full year expense is budget available, spreading to be reviewed.	
3.18 - Works for Queensland Round 4	152,107	3,974	-	(3,974)	On track to date. All expenses have been grant funded.	
<b>Operating (surplus) / deficit</b>	<b>32,299,344</b>	<b>7,703,922</b>	<b>6,856,682</b>	<b>(847,240)</b>		

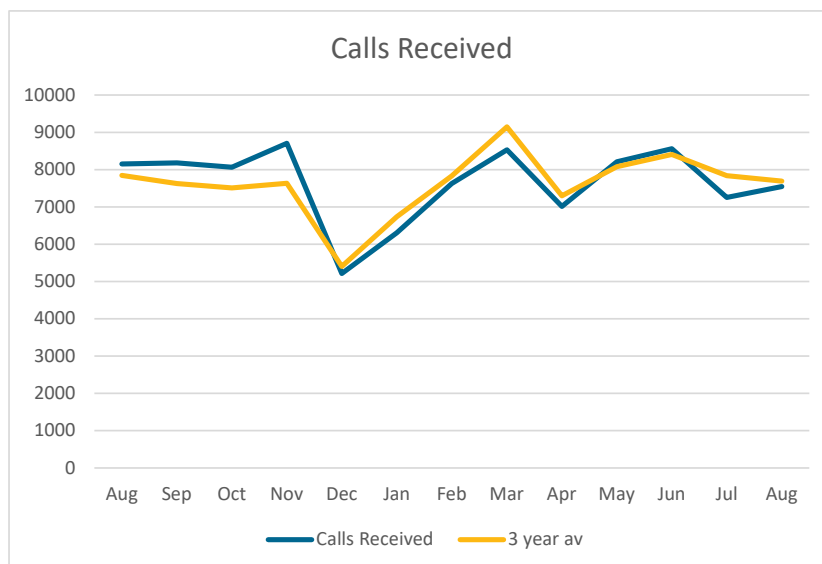


## 5. SHARED SERVICES

### 5.1 Overview of External Customer Services

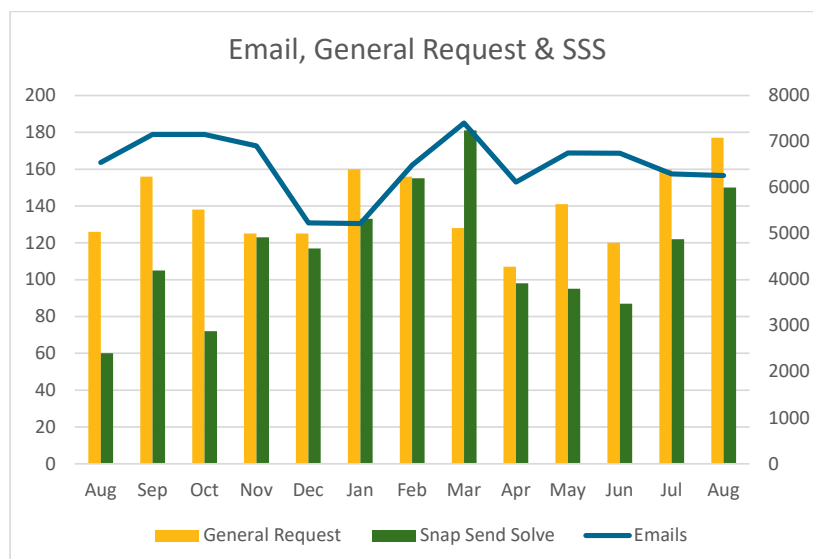
KPI	KPI Description	Target			Result
		Red (Under KPI)	Green (Met KPI)	Blue (Exceed KPI)	
<b>First Contact Resolution (FCR)</b>	The percentage of external customer enquiries that are resolved at the first point of contact.	< 50%	50-60%	> 60%	<b>61%</b>
<b>Abandoned Calls</b>	The percentage of customers that abandon their call before being served.	> 6%	4.5-6%	< 4.5%	<b>5%</b>
<b>Customer Satisfaction</b>	A measure of customer satisfaction as reported by the end of call survey	< 80%	80-85%	> 85%	<b>96%</b>
<b>Customer Request Completion*</b>	Service requests resolved within corporate standard timeframes	< 80%	80-85%	> 85%	<b>84%</b>

#### KPI Graphs and Commentary



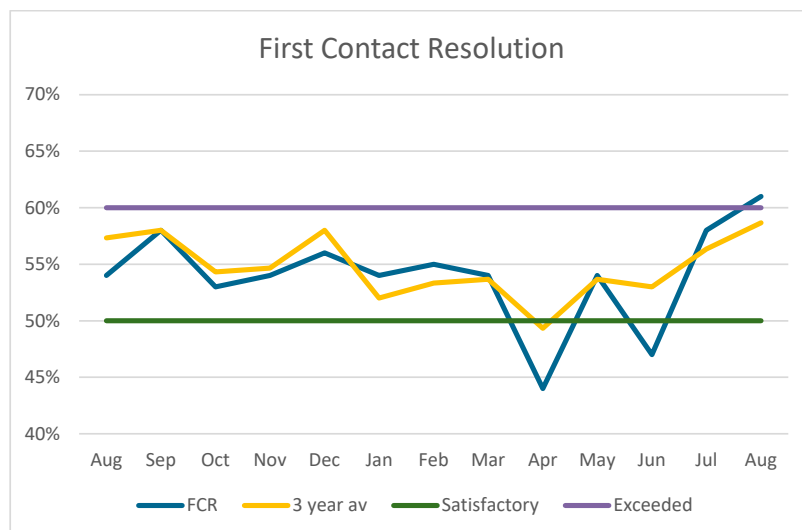
**Calls Received:** A total of 7,547 calls were received in the August reporting period, averaging 342 calls per day. Total calls received are in line with the 3-year average for the reporting period. Calls received for the same period in 2021 were 8,149.



**Emails and Online Services:**

**Emails and Online Services:** A total of 6,259 emails were received in August, showing a slight decrease of 284 from the same period last year.

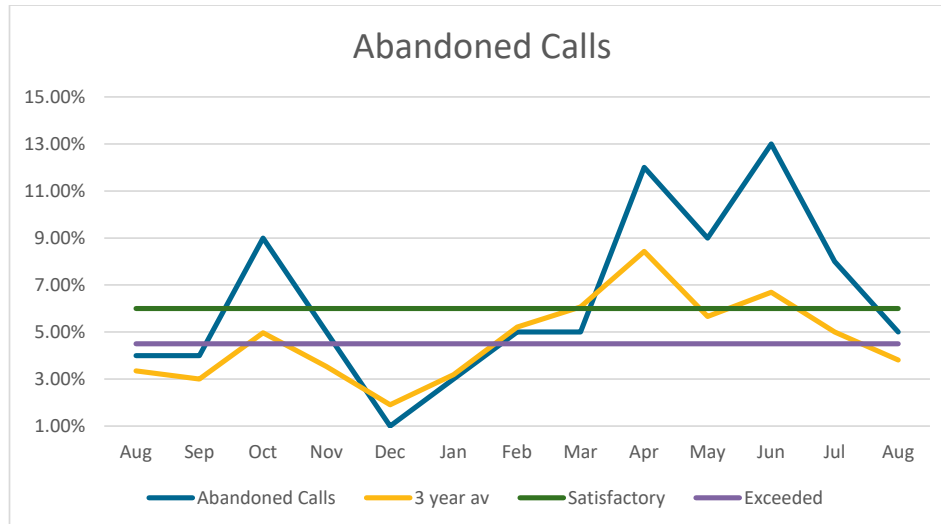
General Requests have increased over the reporting period, and Snap, Send, Solve submissions showing an increase, receiving 177 and 150 respectively.

**First Contact Resolution (FCR):**

**First Contact Resolution (FCR):** For the month of August, FCR showed that 61% (4,016) of customer queries were resolved at first contact, a significant increase from previous months.

The month of August resulted in a high number of animal registration related calls – in preparation for this the customer service officers were upskilled to update animal status, resulting in the team being able to satisfy over 50% (475) of calls animal related calls.

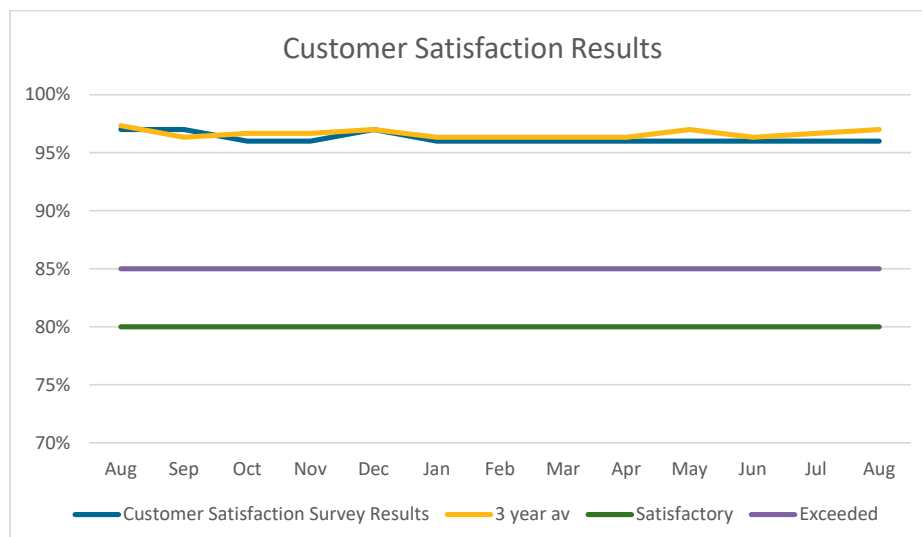
Additionally, the team were able to satisfy 70% of calls relating to payment plans, 82% of calls relating to bin enquiries and 93% of calls regarding rate notices.

**Abandoned Calls:**

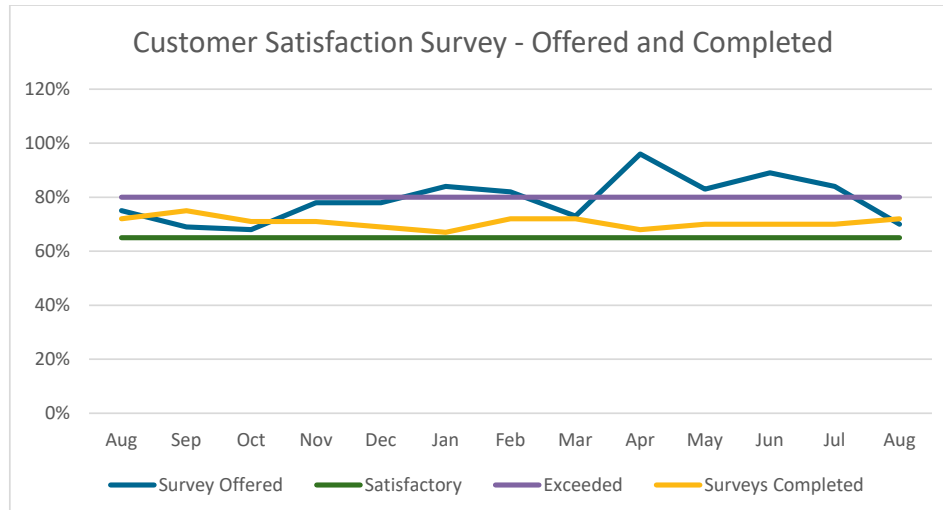
**Abandoned Calls:** Abandoned Calls were 5% for August (325 calls), 4% (228 calls) took up the call back option with 88% (201) of the calls being returned successfully.

The average time to answer a call was 2 minutes and 22 seconds.

Vendor is still investigating the correlation between the abandoned call and call back rates, however statistics from the past several months indicates a positive correlation. The team continue to work with the vendor to confirm the hypothesis.

**External Customer Satisfaction:**

**External Customer Satisfaction:** The Customer Service Team continue to achieve high levels of customer satisfaction results this month, with 96% of completed surveys indicating that our external customers were satisfied with the service provided.

**Customer Satisfaction Survey:**

**Customer Satisfaction Survey:** Of the 4,016 eligible calls 2,828 (70%) of calls were offered surveys. This resulted in 2,037 (72%) surveys being completed.

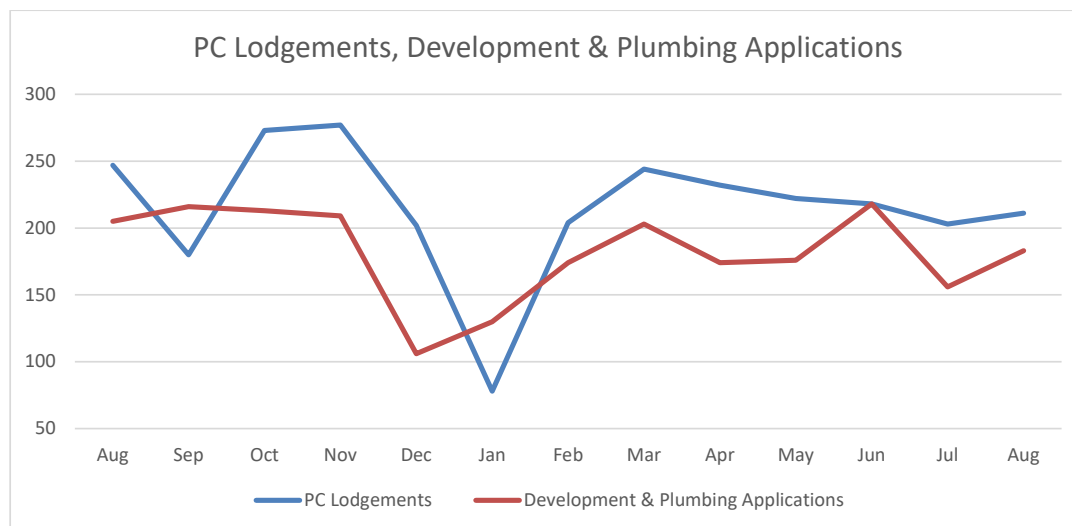
**Customer Request Completion:**

	Lodged	Resolved within SLA
<b>MRC Total</b>	3655	74%
<b>SSC</b>	690	84%

MRC Top 5 Pathway requests Lodged in August 2022	Volume	% of total requests
Replace wheelie bin	437	12.0%
Phone Message	426	11.7%
Change of mailing address	163	4.5%
Planning Advice Enquiries	123	3.4%
Repair wheelie bin	114	3.1%

## 5.2 Development Services Business Support

### PC Lodgments and Development/Plumbing Applications:



**PC Lodgments and Development/Plumbing Applications:** 211 building approvals were lodged by private certifiers (PC) in August, together with 183 development/plumbing applications.

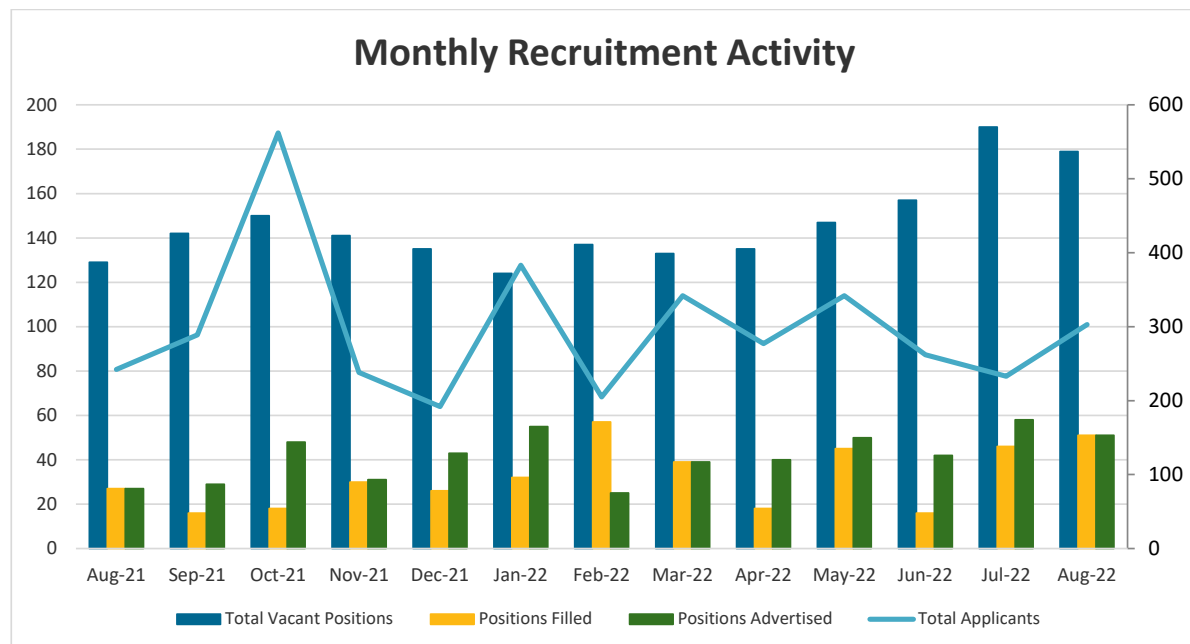
## 5.3 Employee Services

### Staff Contingent:

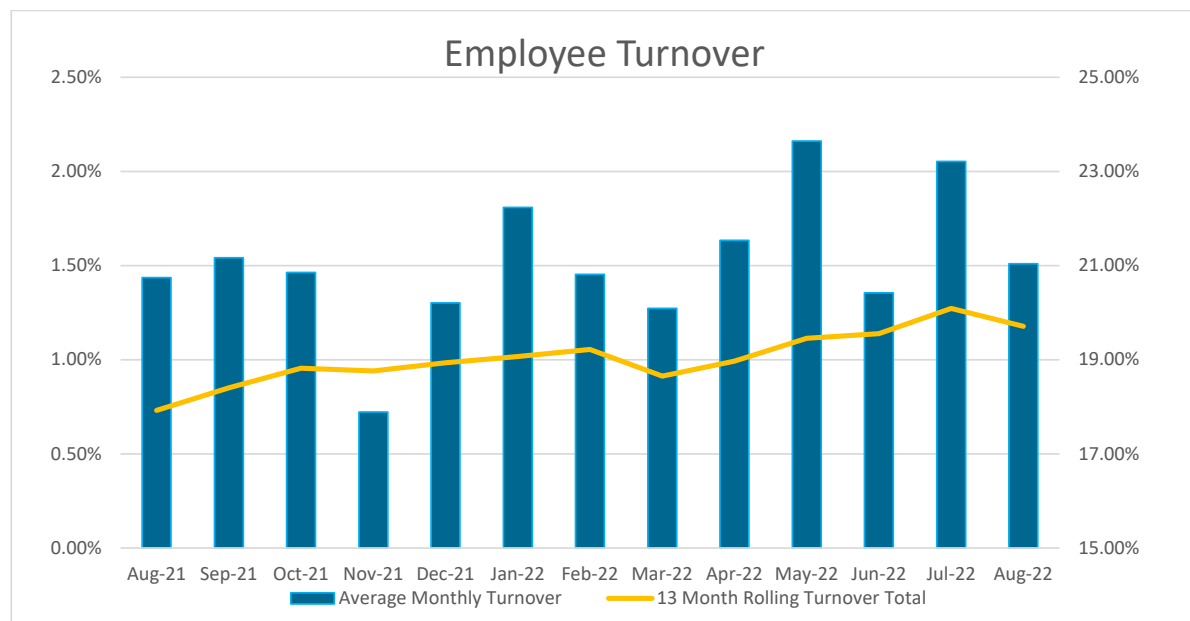
	CW	CCS	DS	ECI	OM & CEO	OS	TOTAL	Prev. Month
Casual	3	78	8	1	1	1	92	87
Contract	4	3	5	7	3	7	29	30
Job Share	0	7	0	1	0	4	12	12
Permanent Full Time	80	109	173	289	24	156	831	829
Permanent Part Time	3	30	7	6	1	35	82	80
Temporary Full Time	6	11	16	12	0	17	62	66
Temporary Part Time	0	6	0	1	0	11	18	16
<b>TOTAL EMPLOYEES *</b>	<b>96</b>	<b>244</b>	<b>209</b>	<b>317</b>	<b>29</b>	<b>231</b>	<b>1126</b>	<b>1120</b>
<b>TOTAL ACTIVE VACANCIES **</b>	<b>18</b>	<b>28</b>	<b>24</b>	<b>42</b>	<b>3</b>	<b>29</b>	<b>144</b>	<b>146</b>

\* Total employees excludes Councillors, Mayor & Deputy Mayor

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

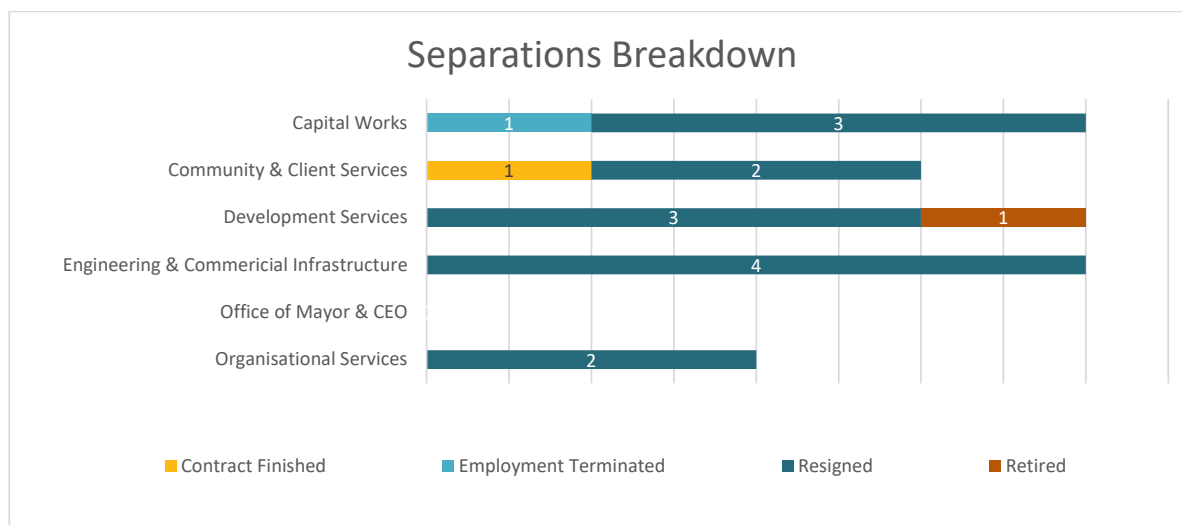
**Monthly Recruitment:**

**Monthly Recruitment:** For the month of August there were 179 total vacant positions, 51 positions were advertised resulting in 303 applicants and 51 positions filled.

**Staff Turnover:**

**Staff Turnover:** 13 month rolling average turnover was 19.71% . The monthly turnover for August was 1.51%, showing a slight decrease from the 2.01% turnover in July.

*The Turnover and Retention Research Report conducted by the Australian Human Resource Institute (AHRI) in 2018 found regional areas to have turnover rates of 19.32%.*

**Staff Separations:**

**Staff Separations:** For the month of August there were 17 separations as detailed in the graph above.

## 6. INFORMATION SERVICES

### 6.1 IT Support

**Internal Service Metrics:**

KPI	KPI Description	Target			Result
		Red (Under KPI)	Green (Met KPI)	Blue (Exceed KPI)	
<b>Incident Resolution</b>	Percentage of incidents resolved within corporate standard timeframes	<80%	80-85%	>85%	<b>85%</b>
<b>Service Request Resolution</b>	Percentage of service requests resolved within corporate standard timeframes	<80%	80-85%	>85%	<b>90%</b>
<b>Internal Customer Satisfaction Survey</b>	IT email survey - % of customers whose experience met or exceeded expectations	<75%	75-85%	>85%	<b>99%</b>

**Notes:**

These are consistently encouraging results for Information Services. Further comments as follows:

- The survey request resolution and internal customer satisfaction survey results for August 2022 are again very satisfying especially with challenging resourcing period and absences due to unscheduled leave.
- Obtaining and retaining skilled resources within the Mackay region is a continuing challenge and one that we continue to explore further on techniques to attract and retain skilled people.
- Strategies are continuing to be explored to work in partnership with educational facilities and other key organisations recruiting IT skill sets in the region to build and foster an extended local resource pool.



## Organisational Services Monthly Review >August 2022

Information Services are actively participating in work experience appointments and assisting local educational facilities with training expertise. This is all to support the practice of ICT and Council in being a key employer for those emerging future colleagues. We are also exploring the capacity and capability of a local technology development supplier in fulfilling outcome-based results for the organisation in a temporary form.

- Information Services have, aligned to resource plan, submitted an EOI for the next Apprentice and Traineeship intake, this being for a Cert IV, Microsoft Cloud Certified arrangement.
- Succession planning and career path progression is of particular focus for our existing employees to ensure that we have retainment of staff where possible. This has proven very successful with recent appointments to Systems Integration Developer and ICT Engineer roles.

### Information Services Satisfaction Survey – August 2022

August 2022 Survey		Rating %
1	How would you rate the level of customer service received? (Timely updates, follow through, helpfulness, communication skills)	90%
2	Was your request completed within a reasonable timeframe? (If not please state expectation in comments section please.)	88%
3	Was your support request completed to your satisfaction?	87%

August 2022 Survey Results	Below Expectations	Met Expectations	Exceeding Expectations	Not Assigned	Totals
# of Responses	7	229	522	0	758
Overall Rating	1%	30%	69%	N/A	99%

\* Not assigned excluded

### Applications Availability:

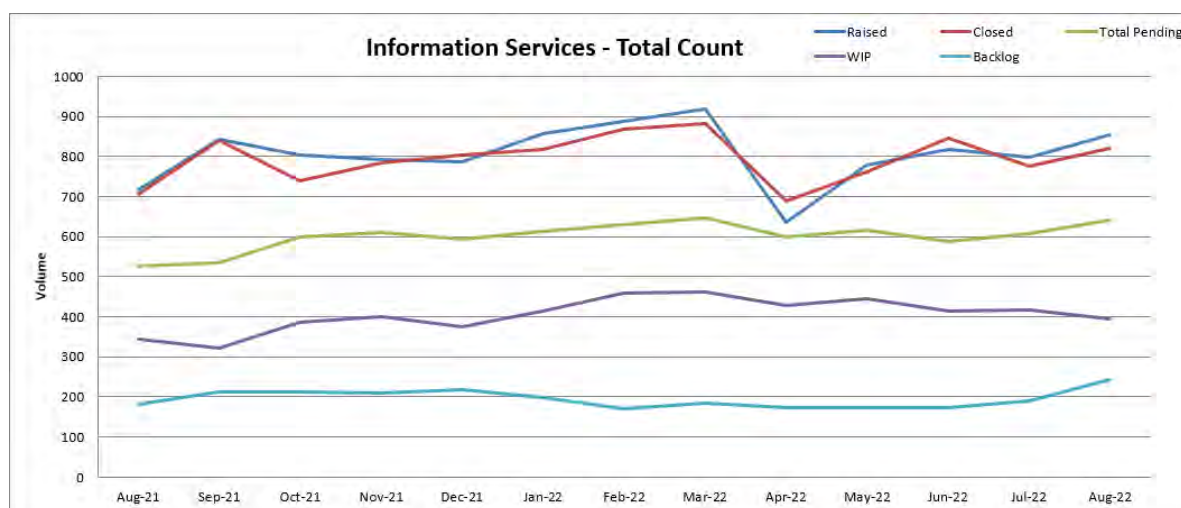
KPI	KPI Description	Target			Result
		Red (Under KPI)	Green (Met KPI)	Blue (Exceed KPI)	
Tier 1 Systems	Refer to the table under 'KPI Commentary' section below for detail on which systems are included in each tier.	< 98%	98-99%	> 99%	100%
Tier 2 Systems		< 98%	98-99%	> 99%	100%
Tier 3 Systems		< 98%	98-99%	> 99%	100%

**Applications Availability:** The below table shows which corporate applications are considered tier 1 and 2. All other systems not specifically noted are considered tier 3.

Tier 1	Tier 2	Tier 3
ECM Finance One Email GIS Internet Kiosk_Chris21 Pathway Assetic	Aurora Bruce Mandalay	ManageEngine ManageEngine

**KPI Commentary:**

**Incident and Service Request Metrics:** The volume of incident and service requests has increased from 798 in July to 853 in August. Information Services continues to deliver significant infrastructure and application improvements (both functional and technical including security) whilst maintaining quality. The below graph identifies the Raised Vs Closed and Pending requests, along with WIP and backlog.

**Definitions:**

**WIP** – complex support requests that are within service level agreements and simple support requests open on day of raising.

**Backlog** – complex support requests that have exceeded service level agreements and simple support requests remaining unresolved after day of raising.

## 6.2 Cyber Security

The update below is aligned to work streams conducted under the Cyber Security @ Council (CS@C) Governance and Controls plan.

- **Sustainable cultural and behavioural change**
  - August 2022 as follows (inclusive employee and contractor): -
    - 27 new enrolments notified to conduct training.
    - 28 enrolments successfully completed training.
    - 17 enrolments awaiting completion of training.
  - Distribution of Cyber Security Bulletin – August 2022.
- **Advancing Cyber Security – Industry Alignment**
  - Continuation of plan as follows: -
    - Blocking of legacy authentication protocols.
    - Incorporation of additional corporate access and applications currently non-federated to federated.
    - Multi Factor Authentication implementation rollout throughout the organisation.
    - Implementation and operationalisation of Security Information and Event Management (SIEM) system.
    - Implementation and operationalisation of Vulnerability Assessment System (VAS).



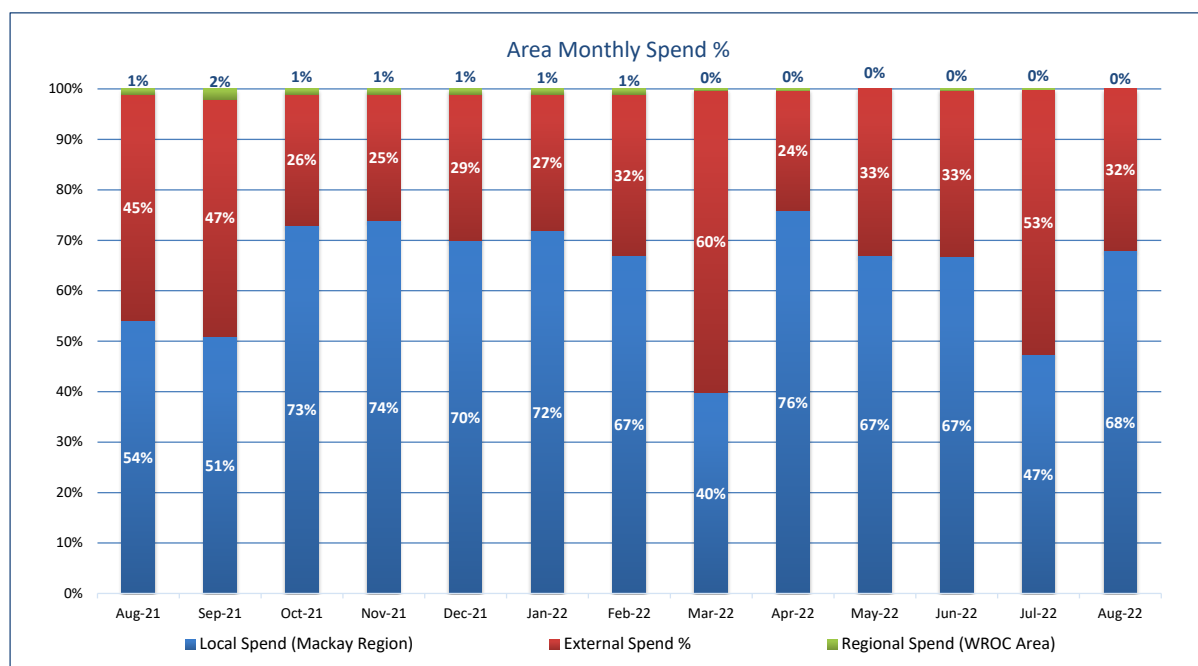
## 7. PROCUREMENT & PLANT

### 7.1 Procurement Services

Activity	August 2021	August 2022
Purchase Orders (PO) Raised	1419	1483
Line Items in POs	3708	3749
POs Received	1629	799
Line Items in POs Received	6225	3669
Invoices Processed	3229	3228

Request for Quotes Issued	0	0
Request for Tenders Issued	2	3
Tenders Awarded	4	5
Quotes Awarded	2	0

Area	Monthly Amount August 2022	Monthly % August 2022	FYTD Amount	FYTD %
Local Spend (Mackay region)	\$11,092,335	68%	\$13,538,424	63%
Regional Spend (WROC area)	\$83,106	0%	\$88,900	0%
External Spend	\$5,227,335	32%	\$7,934,318	37%



## 7.2 Fleet

The Fleet team have taken delivery of utilities, All Terrain vehicles together with ancillary items including trimmers, chain saws and blowers during the month of August. The month has seen a slight relief from supply shock in the ancillary items delivered only.



## 8. PROPERTY SERVICES

### 8.1 Overview of Property Services

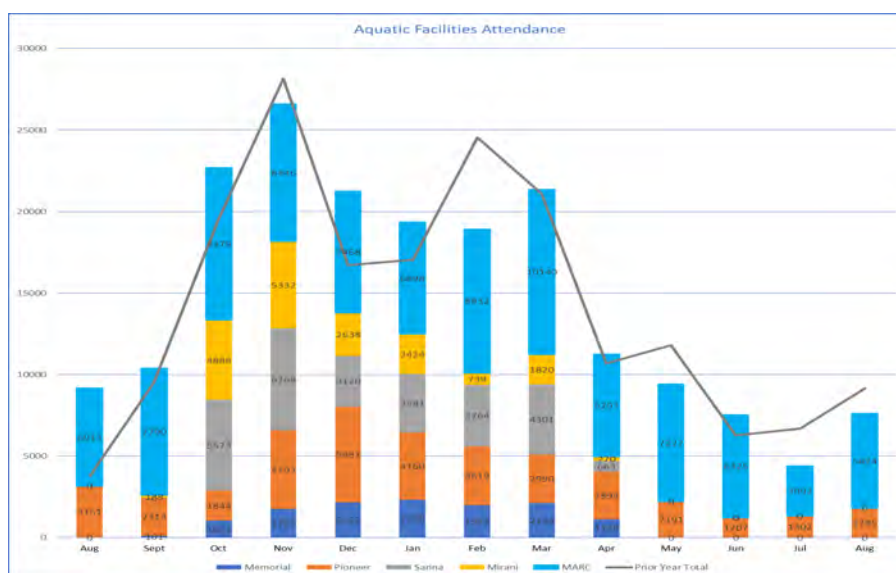
Property services saw a solid month of August with a slight drop in calls for service across the maintenance team. With 3 Aquatic centres closed it gave contractors and staff the ability to execute some much-needed maintenance on those complexes. The Paget depot works is ongoing with plans in place to complete these works this year, with the last stage starting in early October. The office was lucky enough to secure a contracts manager (Michelle Lakin) and Michelle has settled into the role and office very well. Advertisement for the 3 vacant positions was posted and we look forward to seeing those roles filled in the coming months. The workload for the staff remains solid, and we will see an increased workload as we head towards the warmer months, from both the maintenance and aquatics areas. Even though the team is down in staff, they remain in good spirits and are performing at a very high level of execution.

#### Aquatic Facility Attendance Figures

Facility	August 2021	August 2022
Memorial Pool	Closed	Closed
Pioneer Pool	3,151	1,785
Mirani Pool	Closed	Closed
Sarina Pool	Closed	Closed
Mackay Athletic and Recreation Complex (MARC)	6,013	5,824

*\*Note: Aquatic attendance numbers for the Pioneer SC were due to a cold snap in August this year along with two afternoons of unplanned closures due to staff shortages. Belgravia are in the process of a recruitment drive for multiple positions across a number of their sites*

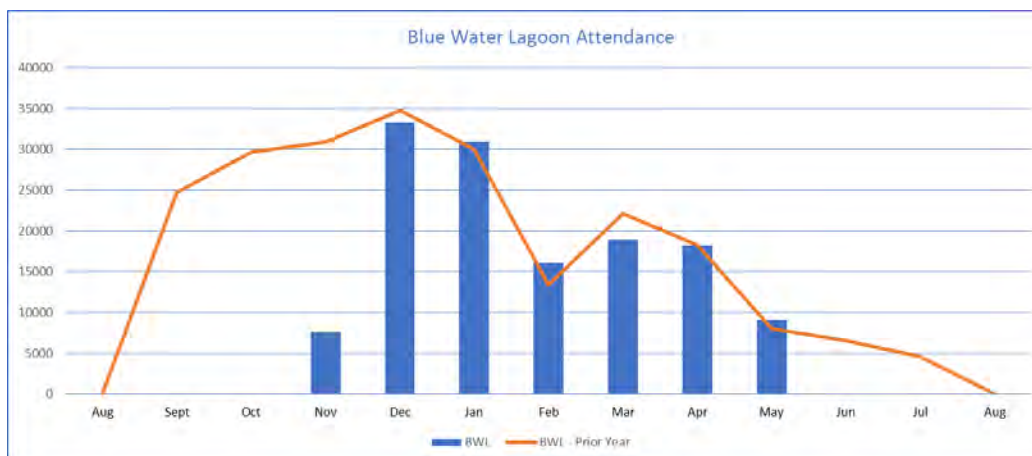
#### Aquatic Facilities Attendance August 2021 to August 2022 - Monthly Comparison



### Bluewater Lagoon Attendance Figures

Facility	August 2021	August 2022
Bluewater Lagoon	Closed	Closed

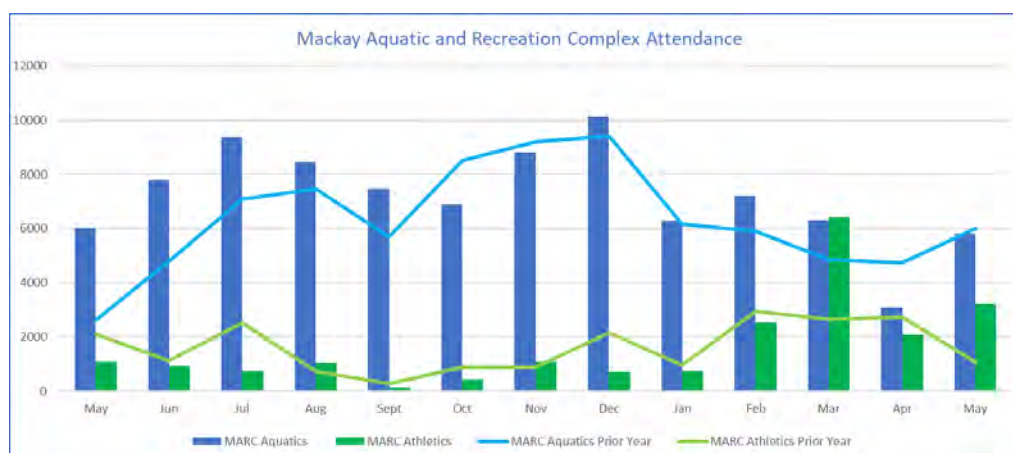
### Bluewater Lagoon Attendance – August 2021 to August 2022 – Monthly Comparison



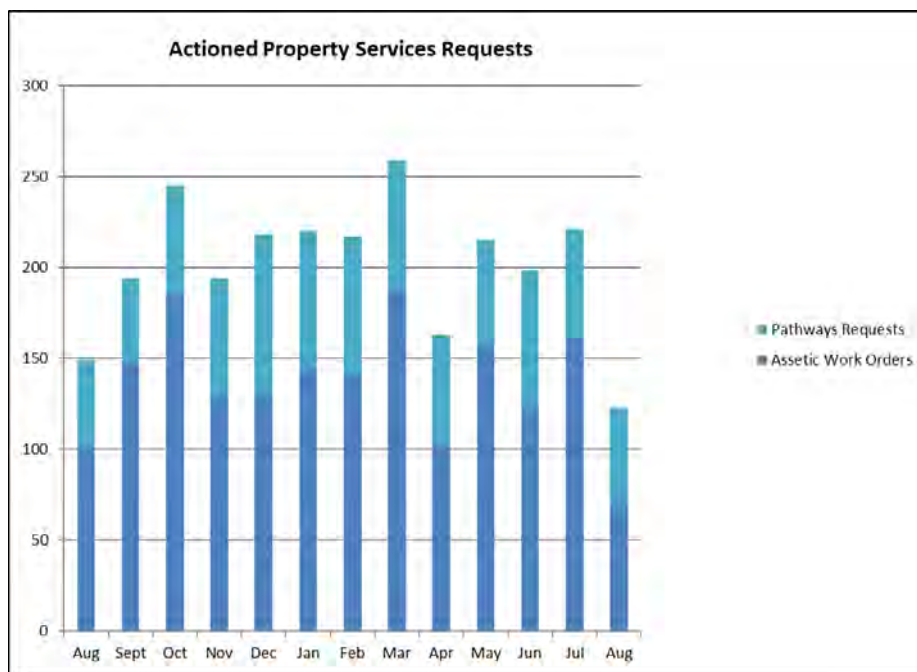
### MARC Attendance Figures

	August 2021	August 2022
MARC Aquatic Attendances	6,013	5,824
MARC Athletic Attendances	1,079	3,232
<b>MARC Total Attendances (Aquatics and Athletics)</b>	<b>7,092</b>	<b>9,056</b>

### MARC Attendance – August 2021 to August 2022 Monthly Comparison



## 8.2 Building Maintenance

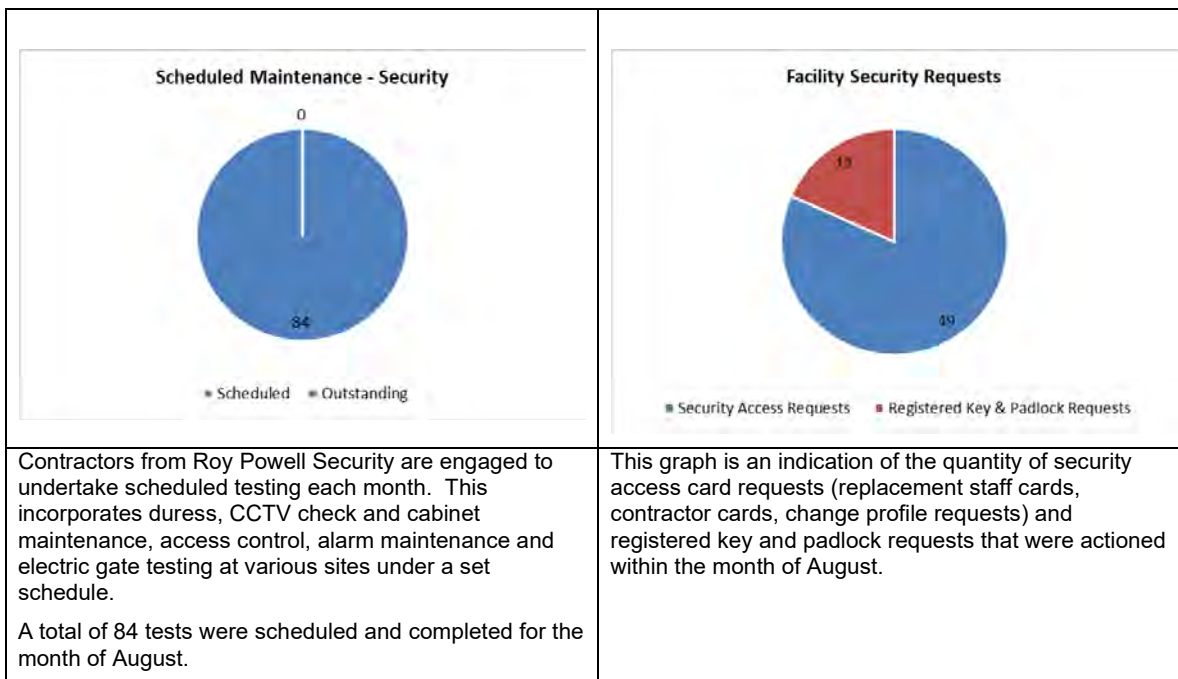


A total of 70 work orders were closed out within the Assetic portal during the month of August. All 70 requests were classified as reactive building maintenance and were categorised into the Failure Cause Codes as detailed in the table below.

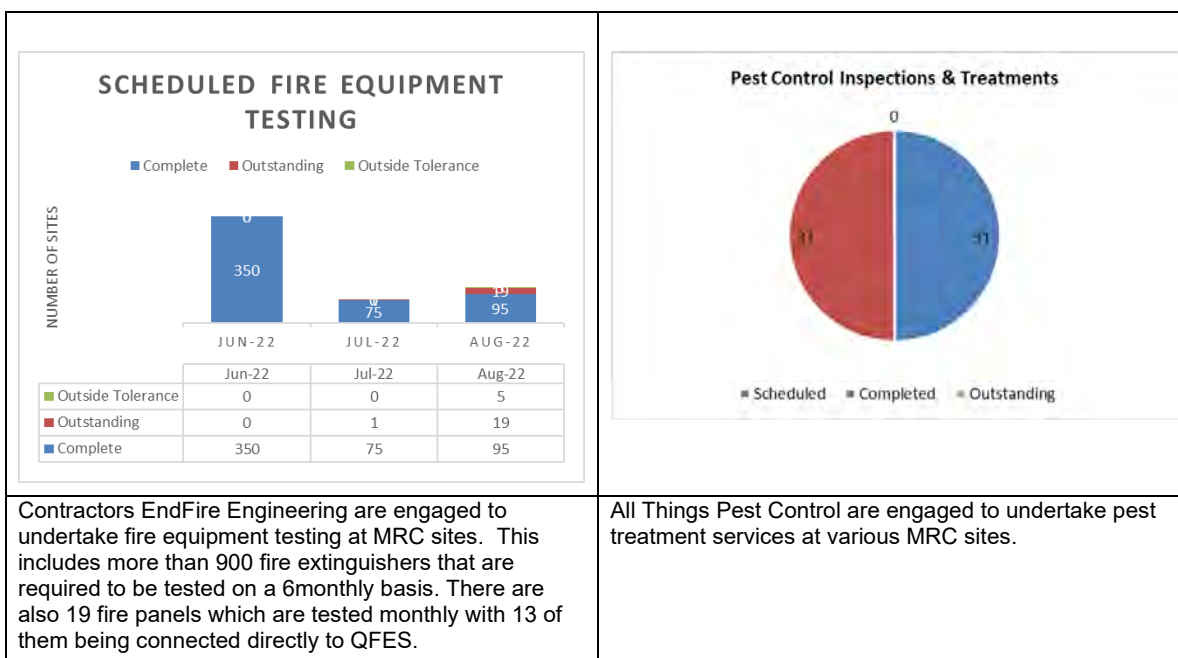
Assetic Actioned Building Maintenance Work Orders (August 2022)	Volume
Structure, Internal	1
Structure, External	2
Fitout & Fittings, Internal	24
Fitout & Fittings, External	7
Services & Equipment, Plumbing	12
Services & Equipment, Air Conditioning	9
Services & Equipment, Kitchen & Catering	3
Services & Equipment, Electrical	10
Services & Equipment, Pest Control	2



### 8.3 Security



### 8.4 Scheduled Maintenance




## 8.5 Land & Tenure

Description:	
<b>Leases</b>	
Lease Renewals	4
Lease Surrenders	1
New Leases	2
New Lease Enquiries	1
General Lease Matters	22
Lease Compliance	7 x insurance 6 x general
Lease Inspections	3
Council Reports	1
The Dome	1
<b>Land Matters</b>	
Fencing	8
Enquiries to purchase freehold land	2
Encroachments	3
Land & Road Use Committee	4 x land matters 0 x road matters
Miscellaneous	9

# 9. PEOPLE AND CULTURE

## 9.1 Key Projects and Initiatives

Description	Comments
<b>Workforce Capability</b>	<ul style="list-style-type: none"> <li>Planning phases underway within the People Capability team around Workforce planning activities. Planning with team will enable preparedness for roll out in line with Business Planning schedule</li> <li>PD library testing underway with Organisational Services Directorate commencing as first test group.</li> </ul>

Description	Comments
<b>Water Industry Worker (WIW) Pilot Program</b>	<ul style="list-style-type: none"> <li>In the last week in August 2022, the Whitsunday, Isaac, Mackay (WIM) Alliance endorsed a Bid Pool Application to secure funding from Queensland Water Regional Alliance Program (QWRAP), for a Learning and Development Project Coordinator for a further three-years to facilitate the strategic vision of the WIW framework, assessing deliverable outcomes for cross-functional processes for council stakeholders.</li> <li>The Darling Downs cohort embarked on their third round of training at Toowoomba, while the two cohorts from MRC and the northern regional councils completed their face-to-face training for the Certificate III in Water Industry Operations.</li> <li>The L&amp;D Project Coordinator virtually attended the WIM Alliance meeting where the Department of Regional Development Manufacturing and Water lead discussions for the water sectors workforce challenges experienced in regional areas.</li> </ul>
<b>Organisational Development</b>	<p><b>Culture</b></p> <ul style="list-style-type: none"> <li>In July, Kincentric our external facilitator empowered MRC leaders with an impactful presentation on what to expect from our 2022 Employee Engagement Survey and their role in the process for 2022.</li> </ul> <p><b>Health &amp; Wellbeing</b></p> <ul style="list-style-type: none"> <li>The MRC H&amp;WB Expo was held recently, this was a wonderful opportunity to get out with our Diversity station and meet some of the amazing employees and share our great D&amp;I and development initiatives and support we can provide for example, Contact officers, Toastmasters and more.</li> <li>Senior managers participated in Zest4Life system training this month. Upskilling Managers on the benefits accessible through the platform, along with ways to integrate wellbeing into their team and one-on-one discussions.</li> </ul> <p><b>Leadership, Coaching and Mentoring</b></p> <ul style="list-style-type: none"> <li>Resource Industry Network (RIN) / MRC Mentoring Partnership is in its final stages, with 3 remaining months in the 2022 program. Mentors &amp; Mentees had the opportunity recently to participate in a goal development webinar, to build on their skills around setting achievable goals.</li> </ul> <p><b>Diversity, Inclusion and Belonging</b></p> <ul style="list-style-type: none"> <li>This year MRC celebrated &amp; supported Wear It Purple day on Friday 26<sup>th</sup> August, by sharing a Purple themed morning tea. The Sir Abbott Building was also lit up Purple for the community to see. Wear It Purple was founded in 2010, in response to many global stories of teenagers taking their own lives due to bullying and harassment. At MRC we are striving to be safe, inclusive, and welcoming to all. Awareness events like this, enable us to show our ALLYSHIP and ensure visibility in our workplace.</li> </ul> 



Description	Comments
	<div></div> <div></div> <div><p><i>“Everybody has the right to be proud of who they are. This has the potential to save thousands of lives. Be part of this change.”</i></p></div> <div></div>

## 9.2 Organisational Development Metrics

### EMPLOYEE RECOGNITION

Employee recognition allows employees to recognise each other on the basis of living core values through daily behaviour and examples of positive performance.

The MRC values are the guiding principles that provide our organisation with purpose and direction. They support us in our decision making and how we conduct our work.

MRC takes the time to celebrate employees through a monthly employee recognition award program, whereby we take the time to celebrate employees who exemplify our values.

Winner/s are selected by peer employees who make up the Culture Connectors Reference Group.

The below table details nominations per month for employee recognition.



Month	Number of Nominations	Programs Nominated
July	20	Water Network; Community Lifestyle; Development Planning and Engineering; Procurement & Plant; Parks & Environment; Asset Management; Legal Services; Emergency Management; Executive Office of the Mayor and CEO; Information Services; Shared Services; Field Services; Corporate Communications and Marketing; MECC; Health and Regulatory Services, Development Services

### LEARNING & DEVELOPMENT

The following table summarises key learning and development data achieved across the organisation for the month.

Learning and Development Activities for August	Total Number
<b>Inductees</b> <i>The number of employees inducted in the month.</i>	24
<b>Trainees</b> <i>The number of trainees currently progressing through their traineeship.</i>	10
<b>Apprentices</b> <i>The number of apprentices currently progressing through their apprenticeship.</i>	10
<b>Active Accredited Training Contracts (existing Workers)</b> <i>The number of employees actively undertaking AQTF accredited professional development.</i>	27
<b>Active Education Assistance Employee Development and Further Study</b> <i>The number of current Education Assistance recipients</i>	16
<b>Active Leadership Development</b> <i>The number of employees currently progressing through leadership training via the Elev8 Leadership Series</i>	124
<b>eLearning: MRC Compliance Modules Completed</b> <i>Number of compliance-based MRC eLearning modules completed in the month.</i>	1934
<b>eLearning: Professional Development Completed</b> <i>Number of self-paced professional development eLearning courses completed in the month.</i>	35 completed 95 in progress


# 10. FINANCIAL SERVICES


## 10.1 Financial Compliance

Description	Timeframe
Manage capital and operational budgets to achieve the benchmark Local Government financial sustainability ratios, including the operating surplus, net financial liabilities, and asset sustainability ratios. Measure: Completion of Long-Term Financial Forecast including applicable ratios	✓
Provide relevant and useful information to Council, stakeholders and clients. Measure: Production of monthly strategic financial reports	✓
Provide relevant and useful information to Council, stakeholders and clients. Measure: Number of high-risk audit issues	✓

## 10.2 Key Activities

Activity	Comments	Timeframe
<b>External Audit</b>	<ul style="list-style-type: none"> <li>Audit committee met and draft financial reports were tabled for feedback. Other significant accounting issues were also raised, and guidance sought.</li> <li>End of year site visit commenced at the end of the month and will conclude early September.</li> </ul>	✓
<b>Carry over Budget Review</b>	<ul style="list-style-type: none"> <li>Completed and adopted by Council. Capital program was maintained at \$106M for FY22/23</li> </ul>	✓
<b>Statutory Reporting</b>	<ul style="list-style-type: none"> <li>Draft full year financials provided to external audit by due date. Significant additional hours required to complete required reporting due to staff illness since end of financial year.</li> </ul>	✓
<b>Comprehensive Revaluation – Water &amp; Sewerage Business</b>	<ul style="list-style-type: none"> <li>All comprehensive revaluation data and reports provided to external audit by due date. Awaiting feedback as part of external audit review due September 2022.</li> </ul>	✓

 On Target

 Below Target

### **11.4.2. STRATEGIC FINANCIAL REPORT - AUGUST 2022**

<b>Author</b>	Director Organisational Services (Kylie Lamb)
<b>Responsible Officer</b>	Acting Chief Executive Officer (Angela Hays)
<b>File Reference</b>	Strategic Financial Report

<b>Attachments</b>	1. AUGUST 2022 Strategic Financial Report [11.4.2.1 - 21 pages]
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#### **Purpose**

To adopt Mackay Regional Council's (MRC) Strategic Financial Report for the month of August 2022.

#### **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**

Acting Chief Executive Officer, Directors, Manager Financial Services.

#### **Resource Implications**

MRC is forecasting an operating surplus of \$0.5M for the 2022/23 financial year following adoption of the July budget review by Council on 24 August 2022. The actual operating result for August 2022 is a favourable variance of \$2.9M 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 2022, MRC reported a favourable operating variance of \$2.9M against YTD budget. Revenue categories, rates and charges, fees and charges and sales contracts and recoverable works are below current month forecast for the reporting period. Operating expenditure also reports under YTD budget, in particular from a delay in recognition of forecast materials and services.

To date, \$13.3M has been expended in the delivery of Council Projects; \$12.7M capital expenditure and \$0.6M operational expenditure. Council projects includes accrued expenditure for works in progress and associated operational costs expended in the delivery of these works.

Projects with multi-year delivery timeframes have been reviewed for budget carry over to the 2022/23 financial year. These amounts have been recognised as part of the July 2022 Budget Review, adopted during the month and have been included in this report.

It should be noted, this report is prepared based on interim opening account balances, pending finalisation of the accounts and QAO certification of the 2022 annual financial statements.

### **Officer's Recommendation**

**THAT the Strategic Financial Report for August 2022 be received.**

The Acting Chief Executive Officer Angela Hays, provided an overview and highlights of the Strategic Financial Report for August 2022.

### **Council Resolution ORD-2022-288**

**THAT the Strategic Financial Report for August 2022 be received.**

**Moved Cr May**

**Seconded Cr Jones**

Cr May noted that while the financial year is only a couple of months in, it is good to see that Council is on track with areas of concern being the cost of project expenditure, difficulties with the cost and obtaining of supplies, tenders, purchasing and the rising Australian inflation rate. Cr May advised that since Council amalgamations, she believed that Council had never had borrowings as low as they are now, which is testament to good solid management and planning.

Cr Jones referred to both the unfavourable and favourable variances, noting that this is likely due to the lack of materials and services impacting Council's businesses. Cr Jones noted that Council has an ongoing risk to the delivery of projects but currently has \$115m in various reserves, which places the organisation in a good position.

**CARRIED**



# Strategic Financial Report

> August 2022

## Executive summary

Council is forecasting an operating surplus of \$0.5M for the 2022/23 financial year following adoption of the July budget review by Council on 24 August 2022.

	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Budget \$000	YTD Actual \$000	YTD Variance \$000
Total operating revenue	278,056	278,087	121,278	120,204	(1,074)
Total operating expenses	277,327	277,538	49,859	45,930	(3,928)
<b>Operating surplus / (deficit)</b>	<b>729</b>	<b>549</b>	<b>71,419</b>	<b>74,274</b>	<b>2,854</b>
<b>% YTD Variance from YTD Budget</b>					
YTD Variance favourable of budget					
YTD Variance unfavourable, between 0% and 5% of YTD Budget					
YTD Variance unfavourable, more than 5% of YTD Budget					


For the month ended 31 August, a favourable operating variance of \$2.9M against YTD budget is reported.

Operating revenue is reporting slightly below YTD budget offset by operating expenses reporting a favourable variance of \$4M against YTD budget. All expense categories are reporting under budget, in particular materials and services where delays in recognition of forecasted expenditure were observed. As the year progresses budget forecasts are anticipated to align.

Income and expenditure trends continue to be reviewed, with budget closely monitored to ensure true variances are realised in future reports.

To date, \$13.3M has been expended on council projects and includes associated operational expenditure in the delivery of these projects, representing 12.1% of the annual revised budget. Ongoing risk in project delivery is still present with tightened local labour market conditions and the elevated lead times of some critical components having an impact. Mackay Regional Council has a focus on the completion of those projects that commenced in the prior financial year that suffered delivery date slippage while still ensuring critical planned works are not impacted in the new financial year.

This report is prepared based on interim opening balances, pending finalisation of the accounts and QAO certification of the 2022 Annual Financial Statements. Movements may still occur in the accounts through this process.



Kylie Lamb  
Director Organisational Services

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





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## 1 Significant risks

Risk	Likelihood	Consequence	Treatment	Financial impact
Nil to report				

## 2 Areas of concern for noting

Area/issue of Concern	Comment
COVID-19	Council continues to monitor any changes to the COVID-19 situation plus any associated impacts and will respond to and report on any changes that affect the financial operations of Mackay Regional Council.
Asset data cleansing	A significant body of work is currently being undertaken internally to validate, enhance and standardise data within Mackay Regional Council's financial asset classes. Financial impacts arising from this project will continued to be realised in future reporting periods when known.
Council projects expenditure	Product and service price increases are being observed due to tightened market conditions. This reflects resource shortages across local building and civil construction firms. Difficulties in sourcing some construction material and equipment due to supply chain issues are also noted. This is likely to negatively impact the capital program delivery and may create variances in future forecasted expenditure.
Australian Inflation Rate	Australia's inflation rate forecast is noted for consideration in ongoing budget review processes, due to its direct impact on Council's expenditure.

### 3 Budget analysis – Consolidated

#### 3.1 Income Statement

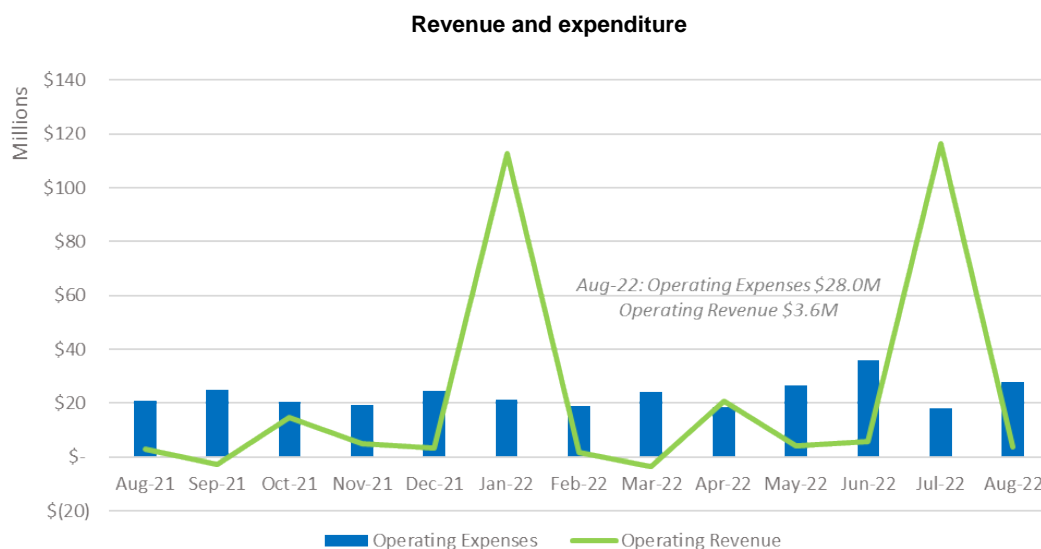
##### Income Statement For the period ending 31 August 2022

	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Budget \$000	YTD Actual \$000	YTD Variance \$000
Rates and charges	232,683	232,683	112,474	111,818	(657)
Fees and charges	19,555	19,555	5,267	4,894	(373)
Rental income	1,436	1,436	361	375	14
Interest income	1,992	1,992	451	613	162
Sales contracts and recoverable works	7,948	7,948	581	367	(214)
Other recurrent income	4,462	4,462	930	910	(20)
Grants, subsidies, contributions and donations	9,980	10,011	1,214	1,228	14
<b>Total operating revenue</b>	<b>278,056</b>	<b>278,087</b>	<b>121,278</b>	<b>120,204</b>	<b>(1,074)</b>
Employee benefits	94,563	94,563	14,369	13,786	(583)
Materials and services	98,742	98,953	22,347	19,149	(3,198)
Finance costs	4,520	4,520	67	28	(39)
Depreciation and amortisation	79,502	79,502	13,076	12,968	(108)
<b>Total operating expenses</b>	<b>277,327</b>	<b>277,538</b>	<b>49,859</b>	<b>45,930</b>	<b>(3,928)</b>
<b>Operating surplus / (deficit)</b>	<b>729</b>	<b>549</b>	<b>71,419</b>	<b>74,274</b>	<b>2,854</b>
Grants, subsidies, contributions and donations	40,512	32,950	3,047	417	(2,630)
Other capital revenue	0	0	0	7	7
Capital expenses	(2,740)	(2,740)	(124)	(233)	(109)
<b>Total capital revenue and expenses</b>	<b>37,772</b>	<b>30,210</b>	<b>2,923</b>	<b>191</b>	<b>(2,732)</b>
<b>Net result</b>	<b>38,501</b>	<b>30,759</b>	<b>74,342</b>	<b>74,465</b>	<b>122</b>

##### % YTD Variance from YTD Budget

YTD Variance favourable of budget
YTD Variance unfavourable, between 0% and 5% of YTD Budget
YTD Variance unfavourable, more than 5% of YTD Budget

### 3.2 Revenue and expenditure



#### Revenue

Total operating revenue reports an unfavourable variance of \$1.1M against YTD budget for the month.

This is mainly attributable to movement in the revenue categories; rates and charges, fees and charges and sales contracts and recoverable works, where the variances are mostly suggestive of timing and are anticipated to align with budget forecast in a later month.

All other revenue categories reported minor variances to forecast at the conclusion of the period.

#### Expenses

Total operating expenses report a favourable variance of \$4M against YTD budget for the month with all expense categories reporting below YTD budget.

The variance is mainly attributable to lower than forecast expenditure in materials and services due to delays in recognition of forecasted expenditure. Employee benefits is also of note, with savings identified in ordinary time but offset by an increase in overtime required to ensure service levels are maintained in the delivery of services. Mackay Regional Council is operating in a marketplace with tightened labour market conditions causing a higher than anticipated vacancy rate, in conjunction with absence of some employees affected by seasonal illness including COVID-19.

Being the second month of the new financial year, income and expenditure trends will not start to emerge and become evident until progressing further into the financial year. We will continue to closely monitor variances as delivery of the budget continues.



### Capital revenue and expenses

Total capital revenue and expenses is reporting an unfavourable variance of \$2.7M against YTD budget. This largely relates to lower than forecast development contributions and capital grants revenue recognised during the period.

### 3.3 Council projects expenditure

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

	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Budget \$000	YTD Actual \$000	YTD Variance \$000
Capital expenditure ^	104,649	107,539	13,511	12,718	(793)
Operational expenditure	2,117	2,827	595	582	(13)
<b>Total council projects expenditure</b>	<b>106,766</b>	<b>110,366</b>	<b>14,106</b>	<b>13,300</b>	<b>(806)</b>

^ as depicted in the below graph

#### % YTD Variance from YTD Budget

YTD Variance favourable of budget	
YTD Variance unfavourable, between 0% and 5% of YTD Budget	
YTD Variance unfavourable, more than 5% of YTD Budget	

Total council projects expenditure is currently tracking \$0.8M under YTD budget, with \$13.3M expended to date in the delivery of these projects, representing 12.1% of the annual revised budget including remediation expenditure.

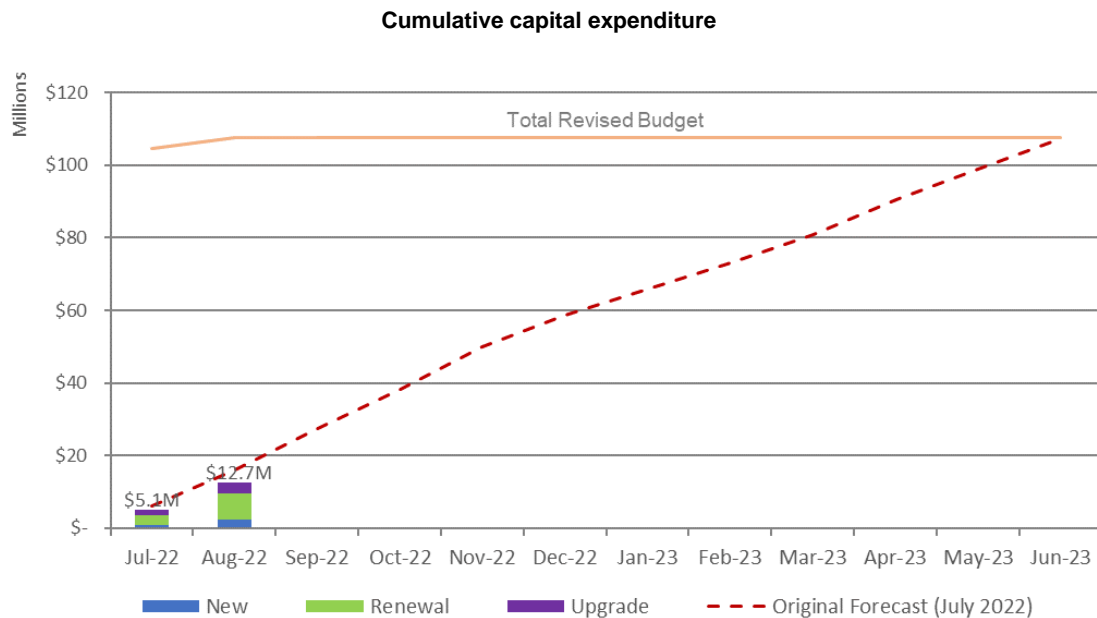
Ongoing risk in project delivery is still present with tightened local labour market conditions and the elevated lead times of some critical components. Council has a focus on the completion of those projects that commenced in the prior financial year that suffered delivery date slippage while still ensuring critical planned works are not impacted in the new financial year.

Council projects were reviewed as part of the July budget review. The outcomes of this review have been included within this report as part of the annual revised budget and detailed below.

	Carryover \$000	Project Adjustments \$000	New Works \$000	Deferred Works \$000	Total Budget Movement \$000
Budget carryovers to the 2022/23 financial year	14,076	-	-	-	14,076
Budget adjustment	-	10,637	-	(21,113)	(10,476)
Budget adjustments adopted 24th August	14,076	10,637	-	(21,113)	3,600
<b>Total budget adjustments adopted</b>	<b>14,076</b>	<b>10,637</b>	<b>-</b>	<b>(21,113)</b>	<b>3,600</b>

### 3.3.1 Capital expenditure

Capital expenditure is currently tracking \$0.8M under YTD budget and includes accrued expenditure for work completed during the month.



## 4 Balance Sheet

### 4.1 Statement of financial position

#### Statement of Financial Position For the period ending 31 August 2022

	Annual Original Budget \$000	Annual Revised Budget \$000	Actual \$000
<b>Current assets</b>			
Cash and cash equivalents	117,698	107,081	46,638
Investments	0	0	95,000
Trade and other receivables	20,421	20,423	114,106
Contract Assets	3,500	3,500	2,414
Other assets	2,710	2,710	192
Inventories	2,745	2,745	3,098
Non-current assets classified as held for sale	79	79	79
<b>Total current assets</b>	<b>147,153</b>	<b>136,538</b>	<b>262,803</b>
<b>Non-current assets</b>			
Investments	5,102	5,102	5,277
Trade and other receivables	0	0	1,676
Property, plant and equipment	3,471,822	3,474,995	3,665,242 <sup>^</sup>
Right of use assets	741	741	1,290
Intangible assets	4,202	4,202	3,975
<b>Total non-current assets</b>	<b>3,481,867</b>	<b>3,485,040</b>	<b>3,677,214</b>
<b>Total assets</b>	<b>3,629,020</b>	<b>3,621,578</b>	<b>3,940,017</b>
<b>Current liabilities</b>			
Trade and other payables	10,002	10,019	20,878
Borrowings	14,049	14,049	13,292
Lease liabilities	25	25	60
Provisions	62,458	62,741	63,428
Contract Liabilities	3,500	3,500	9,833
Other liabilities	12,654	12,654	10,340
<b>Total current liabilities</b>	<b>102,688</b>	<b>102,988</b>	<b>117,831</b>

<b>Non-current liabilities</b>			
Borrowings	38,848	38,848	52,770
Lease liabilities	750	750	1,298
Provisions	16,746	16,746	14,968
Other liabilities	1,163	1,163	11,691
<b>Total non-current liabilities</b>	<b>57,507</b>	<b>57,507</b>	<b>80,728</b>
<b>Total liabilities</b>	<b>160,195</b>	<b>160,495</b>	<b>198,559</b>
<b>Net community assets</b>	<b>3,468,825</b>	<b>3,461,083</b>	<b>3,740,427</b>
<b>Community equity</b>			
Retained surplus	2,299,637	2,291,895	2,351,010
Asset revaluation surplus	1,169,188	1,169,188	1,389,416
<b>Total community equity</b>	<b>3,468,825</b>	<b>3,461,083</b>	<b>3,740,426</b>

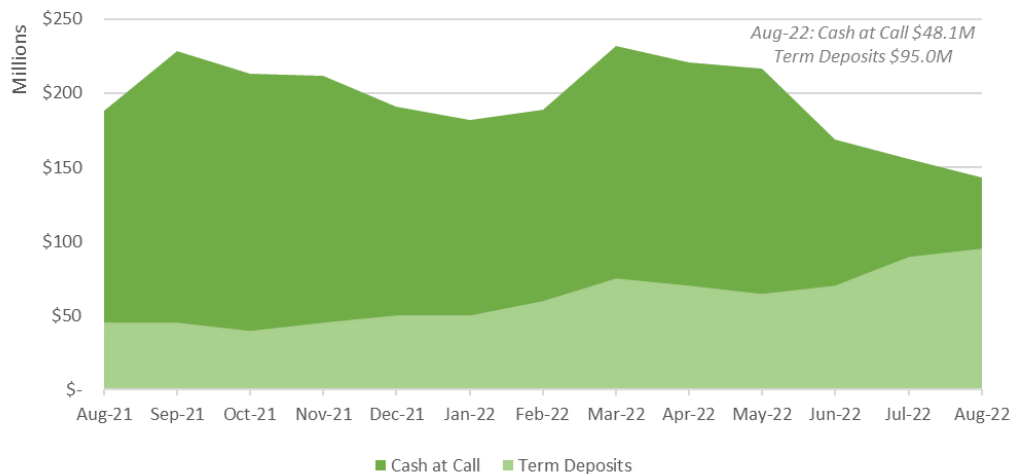
^ refer section 4.4 for breakdown

## 4.2 Cash and Investment Portfolio

### 4.2.1 Total Cash and Investment Portfolio

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

Mackay Regional Council is currently holding (30%) of its investment portfolio balance with Queensland Treasury Corporation (QTC) in accordance with Council's Investment Policy. Cash held at call with QTC continues to be reviewed for yield and liquidity requirements. The market is monitored during the month for investment opportunities that will deliver comparable or better than what can be achieved via the QTC at call account.

**Closing investment portfolio balance****MACKAY REGIONAL COUNCIL's portfolio diversification**

	Actual \$000	Percentage of Portfolio	Weighted Average Rate of Return
A1	30,000	21%	
A2	45,000	31%	
A3	20,000	14%	
<b>Total investments in term deposits</b>	<b>95,000</b>	<b>66%</b>	<b>2.14%</b>
QTC	42,312	30%	
Other financial institution	5,828	4%	
<b>Total cash at call</b>	<b>48,140</b>	<b>34%</b>	<b>1.85%</b>
<b>Total investment portfolio</b>	<b>143,140</b>	<b>100%</b>	

*Note: All investment categories referenced are in accordance with Mackay Regional Council's adopted investment policy. This is available for viewing via the Mackay Regional Council website.*

**4.2.2 Cash and cash equivalents**

Mackay Regional Council's cash and cash equivalents are subject to internal and external restrictions that limit amounts available for discretionary or future use. At the end of the reporting period, approximately \$115M was maintained in various reserves and is anticipated to be expended over differing timeframes.

A significant amount of the reserve balances relates to funds received as contributions for future capital trunk infrastructure. Council regularly conducts reviews on reserve balances to confirm the validity of restrictions.



#### 4.2.3 Investments

Mackay Regional Council maintains an investment portfolio diversified across various institutions and terms to maturity, which is reviewed regularly to maximise performance and minimise risk. Mackay Regional Council currently has \$95M invested with financial institutions other than QTC. Maturity of these investments is scheduled between September 2022 and June 2023.

The Mackay Regional Council portfolio return continues to exceed the benchmark of Ausbond Bank Bill Index. Investments continue to perform well against the current market, indicators suggest there is still upside in future earnings. As surplus cash is collected through the rating cycle this opportunity will be capitalised upon. The outcomes from the changing interest rate market on Council's forecasted interest income budget will continue to be monitored and adjustments made if required during future budget reviews.

	August	12 Month Comparative
MRC Portfolio	2.03%	0.90%
AusBond Bank Bill Index	0.36%	0.08%

#### 4.3 Receivables

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

	Actual \$000
<b>Trade and other receivables</b>	
<b>Current</b>	
Rates and utility charges	100,213
Interest receivable	1,038
GST recoverable	1,424
Other debtors	11,834
Less: provision for impairment of debt	(404)
<b>Total current receivables</b>	<b>114,106</b>
<b>Non-current</b>	
Other debtors	1,676
<b>Total non-current receivables</b>	<b>1,676</b>
<b>Total receivables</b>	<b>115,782</b>

## 4.3.1 Rates Receivables

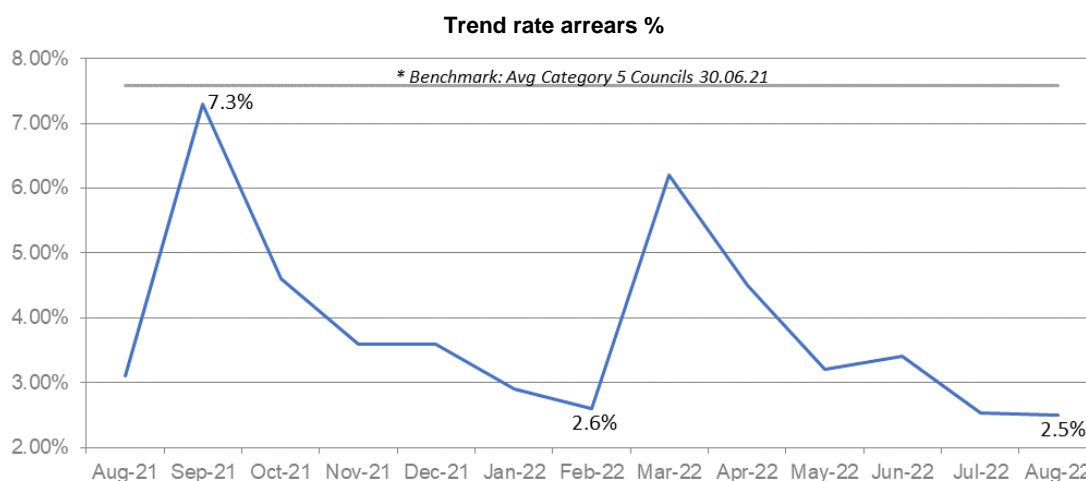
Rates and charges revenue represent ~84% of Mackay Regional Council's original operating revenue budget for the financial year.

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

	Total Overdue \$000	Current year 2022/2023 \$000	1 year 2021/2022 \$000	2 years 2020/2021 \$000	> 3 years \$000
Total rate arrears	5,885	2	3,882	957	1,044

	Issue date of notice	Due date for payment
<b>Rates notice</b>	15/08/2022	14/09/2022
<b>Pensioner rates notice</b>	15/08/2022	01/12/2022
<b>Rates reminder notice</b>	03/10/2022	17/10/2022

The rates arrears percentage at month end, is consistent with the previous reporting period, noting rates notices are issued twice a financial year. The current arrears balance is anticipated to decrease as collection action continues.



\* Each year the Department of State Development, Infrastructure, Local Government and Planning collects information from local governments about the key services they provide and publishes it in the Queensland local government comparative information report. The report includes a suite of efficiency, effectiveness and quality-of-service indicators covering key functional and financial areas of local government, including rates arrears performance indicators. The benchmark reported above represents the average rates arrears of like councils (category 5) for comparative years 30 June 2021 – 7.58%.

#### 4.4 Property, plant and equipment

##### Property, plant and equipment

	Annual Original Budget \$000	Annual Revised Budget \$000	Actual \$000
Opening balance as at 1 July	3,444,352	3,444,352	3,669,726
Net additions (including WIP) and contributed assets	107,995	111,168	12,717
Depreciation	(78,395)	(78,395)	(12,959)
Write off / disposed	(1,997)	(1,997)	(331)
Transfers to other asset classes	(133)	(133)	0
<b>Property, plant and equipment closing balance</b>	<b>3,471,822</b>	<b>3,474,995</b>	<b>3,665,242</b>

The bulk of Mackay Regional Council's assets are in the form of infrastructure, such as roads, drainage, water and sewerage and waste assets.

Significant parts of Mackay Regional Council's long-term financial forecast are focused on the construction, upgrade and renewal of these assets, with the associated capital expenditure recognised as work in progress (WIP) until projects are complete and assets are ready for their intended use.

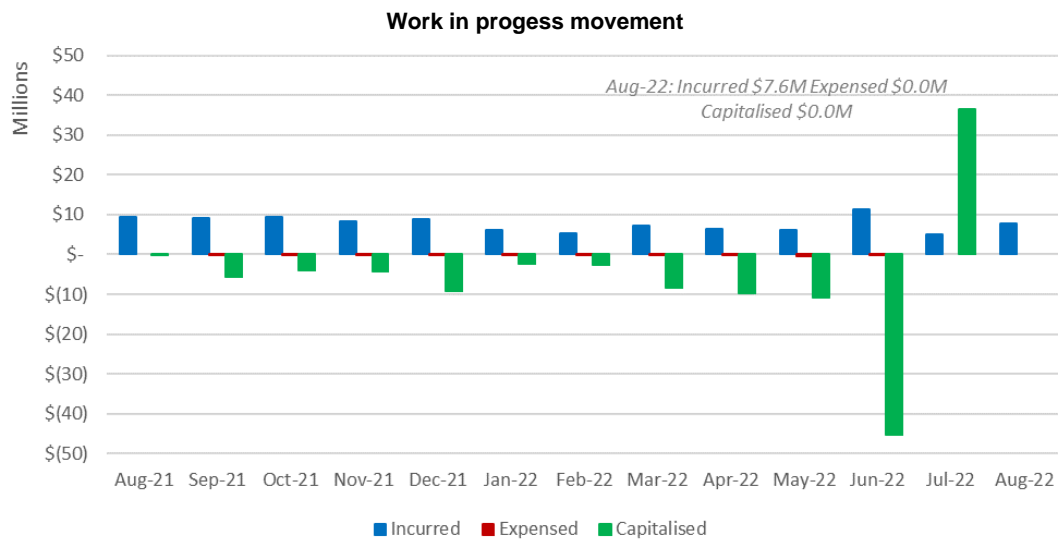
Refer to section 3.3 Council Projects Expenditure for current year budget estimates.

Total WIP as at the end of August represents \$150.6M, inclusive of current year additions. Of this, \$44.6M relates to projects complete, with assets in use. Mackay Regional Council employs a 90- day target from project completion through to capitalisation of detailed assets within the corporate asset register.

Project Phase	Actual \$000
Business case	2,016
Design	19,755
Construction	84,209
Projects Complete	44,616
<b>Total WIP</b>	<b>150,595</b>

Total Projects Complete \$000	Aged			
	> 90 days \$000	> 60 days \$000	> 30 days \$000	< 30 days \$000
44,616	36,005	2,202	1,091	5,318

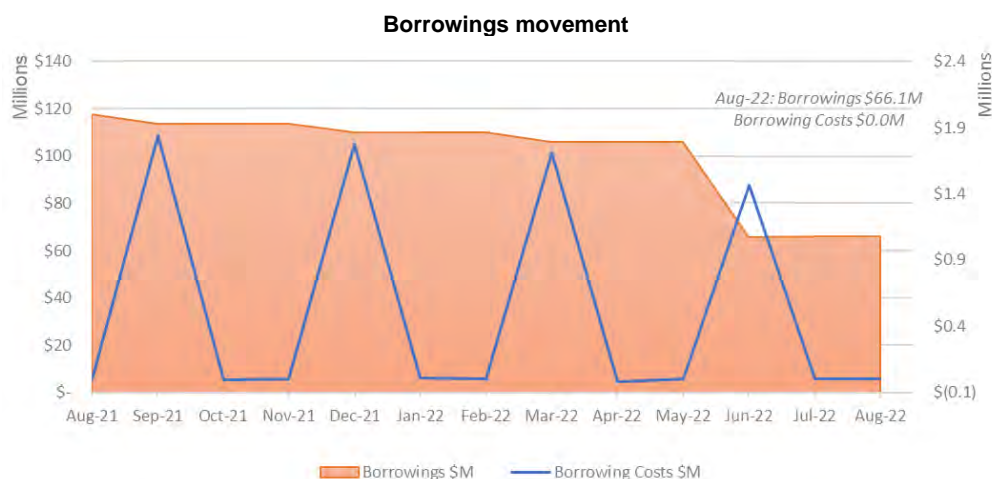
During June, Mackay Regional Council performed an end of financial year accounting adjustment (that was subsequently reversed in the following reporting period) to ensure the value of all assets in use were captured in our end of financial year result. The large values associated with this adjustment are reflected in below graph.



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

## 4.5 Borrowings

Loan borrowings are an important funding source for local government. They reflect that the full cost of infrastructure should not be borne entirely by present-day ratepayers, instead future ratepayers who will benefit from the infrastructure should contribute. Borrowing costs associated with the debt balance are recognised when the principal payments are made on a quarterly basis. At the end of August, Mackay Regional Council had \$66.1M in total loan borrowings outstanding. In line with the council debt policy, no new borrowings are forecast in the current financial year.



## 5 Cash Flow

### 5.1 Statement of cash flows

#### Statement of Cash Flows For the period ending 31 August 2022

	Annual Original Budget \$000	Annual Revised Budget \$000	Actual \$000
<b>Cash flows from operating activities</b>			
Receipts from customers	265,823	265,821	18,605
Payments to suppliers and employees	(195,026)	(194,937)	(35,707)
Interest income	1,992	1,992	613
Non-capital grants, subsidies, contributions and donations	9,981	10,012	1,228
Borrowing costs	(3,640)	(3,640)	0
<b>Net cash inflow from operating activities</b>	<b>79,130</b>	<b>79,248</b>	<b>(15,261)</b>
<b>Cash flows from investing activities</b>			
Payments for property, plant and equipment	(103,996)	(107,157)	(12,718)
Payments for intangibles	0	(12)	0
Payments for investments	0	0	(25,000)
Other capital income	0	0	7
Other capital expenses	(2,000)	(2,000)	0
Proceeds from sale of property, plant and equipment	1,257	1,257	99
Capital grants, subsidies, contributions and donations	36,512	28,950	417
<b>Net cash outflow from investing activities</b>	<b>(68,227)</b>	<b>(78,962)</b>	<b>(37,195)</b>
<b>Cash flows from financing activities</b>			
Repayment of borrowings	(13,168)	(13,168)	0
Repayments made on leases (principal only)	(41)	(41)	(11)
<b>New cash outflow form financing activities</b>	<b>(13,209)</b>	<b>(13,209)</b>	<b>(11)</b>
<b>Net increase / (decrease) in cash and cash equivalents</b>	<b>(2,306)</b>	<b>(12,923)</b>	<b>(52,466)</b>
<b>Cash and cash equivalents at beginning of the period</b>	<b>120,004</b>	<b>120,004</b>	<b>99,104</b>
<b>Cash and cash equivalents at end of the period</b>	<b>117,698</b>	<b>107,081</b>	<b>46,638</b>

## 6 Financial analysis

### 6.1 Key performance indicators

Ratio	Description	Target	FY2021	Unaudited	Amended	August
				FY2022	Budget FY2023	
						FY2023
Operating surplus ratio (%)	Extent to which operating revenues covers operating expenses (excludes capital items)	0% - 10%	2.2%	0.2%	0.2%	61.8%
Interest coverage ratio (%)	Extent to which operating revenues cover net interest expense	0% - 5%	2.4%	3.4%	0.9%	(0.5%)
Net financial liabilities ratio (%)	Extent to which net financial liabilities can be serviced by operating revenues	< 60%	6.1%	4.3%	8.6%	(53.4%)
Current ratio	Extent to which current assets cover current liabilities	Between 1 and 4	1.8	1.5	1.3	2.2
Asset sustainability ratio (%)	Extent to which the infrastructure assets are being replaced/renewed	> 90%	82.2%	65.4%	83.2%	55.4%
Capital expenditure ratio (times)	Extent to which capital expenditure exceeds depreciation.	> 1.1 times	1.2	1.3	1.4	1.0

The year to date results are indicative of business timing in the delivery of the annual budget and are anticipated to return to budget levels by the end of the financial year following finalisation of year end processes.

The actual asset sustainability ratio is consistently below target, which is reflective of the relative new age of Mackay Regional Council's asset base, primarily resulting from a period of high growth and a sustained period of NDRRA repairs. This in effect means the requirement to spend significant funds on renewals at this stage is relatively low, however this will be monitored in the future to ensure spend is sufficient.

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

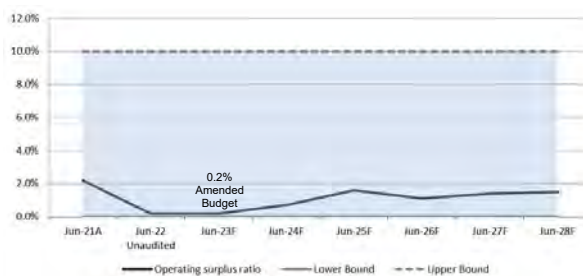
This report is prepared based on interim opening balances, pending finalisation of the accounts and QAO certification of the 2022 annual financial statements. Movements may still occur in the accounts through this process.



### Strategic Financial Report > August 2022

#### Operating surplus ratio %

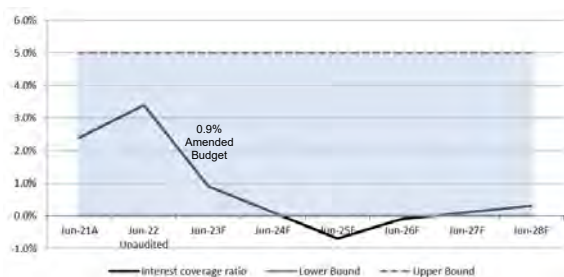
A percentage between 0% and 10% over the long term means Council is expecting to generate healthy levels of revenue with an ability to fund proposed capital expenditure and / or debt repayments.



#### Interest coverage ratio %

This ratio measures the extent to which operating revenues are committed to funding interest expense.

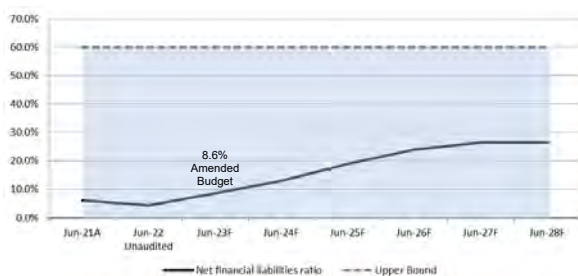
It is noted that Mackay Regional Council is expected to remain within target bounds indicative that the financial risk is being effectively managed.



#### Net financial liabilities ratio %

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

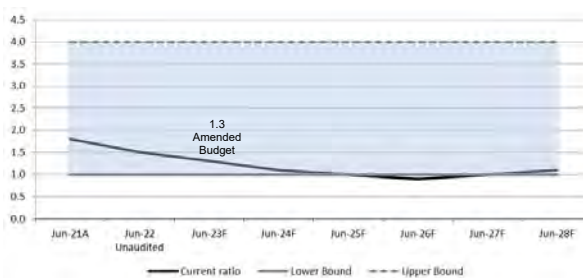
It is noted that Mackay Regional Council is expected to remain within target bounds indicative that the financial risk is being effectively managed.



#### Current ratio

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

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



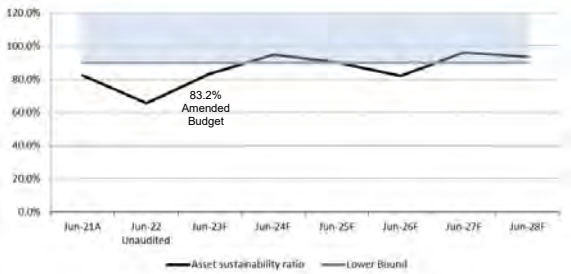


**Asset sustainability ratio %**

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

Mackay Regional Council is confident that although it does not reach the set target in the first few years of Councils' Long Term Financial Forecast, it does contribute to sustainable asset replacement over the long term.

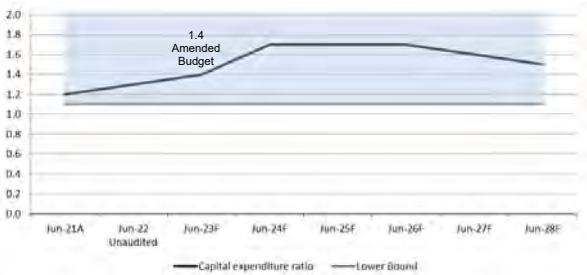
This ratio is also reflective of the relative new age of Mackay Regional Council's asset base following a period of high growth and a sustained period of NDRRA repairs. This means the requirement to spend significant funds on renewals at this stage is relatively low but will be monitored to ensure future spend is sufficient.



**Capital expenditure ratio (times)**

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

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





## 7 Budget analysis - Commercial businesses

### 7.1 Mackay Water Services

#### Income Statement For the period ending 31 August 2022

	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Budget \$000	YTD Actual \$000	YTD Variance \$000
Operating revenue	100,670	100,465	39,595	39,145	(450)
Operating expenses	40,587	40,397	7,810	6,709	(1,101)
<b>Earnings before interest, depreciation, dividend and tax</b>	<b>60,083</b>	<b>60,068</b>	<b>31,785</b>	<b>32,436</b>	<b>651</b>
Finance costs	1,459	1,459	19	6	(13)
Depreciation	28,417	28,417	4,736	4,927	191
<b>Earnings before dividend and tax</b>	<b>30,207</b>	<b>30,192</b>	<b>27,030</b>	<b>27,503</b>	<b>473</b>
Dividend and tax	25,266	25,266	4,211	4,211	0
<b>Operating surplus / (deficit)</b>	<b>4,941</b>	<b>4,926</b>	<b>22,819</b>	<b>23,292</b>	<b>473</b>
Total capital revenue and expenses	3,350	3,350	200	(50)	(250)
<b>Net result</b>	<b>8,291</b>	<b>8,276</b>	<b>23,019</b>	<b>23,242</b>	<b>223</b>
<b>% YTD Variance from YTD Budget</b>					
YTD Variance favourable of budget					
YTD Variance unfavourable, between 0% and 5% of YTD Budget					
YTD Variance unfavourable, more than 5% of YTD Budget					

**Mackay Water Services** is reporting an operating surplus of \$23M for the month of August, which is a \$0.5M favourable variance against YTD budget.

**Operating revenue** is \$0.5M under YTD budget at period end. All revenue categories are reporting below YTD budget with exception of rental income.

**Total expenses** (operating expenses, finance costs and depreciation) are reporting a favourable variance of \$0.9M against YTD budget at period end. All expense categories are reporting below YTD budget with exception of depreciation. Materials and services accounts for much of the variance, which is largely attributable to delays in recognition of forecast expenditure.

**Total capital revenue and expenses** are reporting an unfavourable variance of \$0.3M against YTD budget which relates largely to a decrease in the recognition of contributions from developers during the period and recognition of asset disposals.

## 7.2 Mackay Waste Services

### Income Statement For the period ending 31 August 2022

	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Budget \$000	YTD Actual \$000	YTD Variance \$000
Operating revenue	30,943	30,943	13,259	12,887	(372)
Operating expenses	19,861	19,862	2,925	2,526	(399)
<b>Earnings before interest, depreciation, dividend and tax</b>	<b>11,082</b>	<b>11,081</b>	<b>10,334</b>	<b>10,361</b>	<b>27</b>
Finance costs	816	816	5	4	(1)
Depreciation	2,435	2,435	406	310	(96)
<b>Earnings before dividend and tax</b>	<b>7,831</b>	<b>7,830</b>	<b>9,923</b>	<b>10,047</b>	<b>124</b>
Dividend and tax	4,887	4,887	814	814	0
<b>Operating surplus / (deficit)</b>	<b>2,944</b>	<b>2,943</b>	<b>9,109</b>	<b>9,233</b>	<b>124</b>
Total capital revenue and expenses	(100)	(100)	(17)	0	17
<b>Net result</b>	<b>2,844</b>	<b>2,843</b>	<b>9,092</b>	<b>9,233</b>	<b>141</b>

#### % YTD Variance from YTD Budget

YTD Variance favourable of budget
YTD Variance unfavourable, between 0% and 5% of YTD Budget
YTD Variance unfavourable, more than 5% of YTD Budget

**Mackay Waste Services** is reporting an operating surplus of \$9.2M for the month of August, which is a \$0.1M favourable variance against YTD budget.

**Operating revenue** is \$0.4M under YTD budget at period end. All revenue categories are reporting below YTD budget with exception of interest income.

**Total expenses** (operating expenses, finance costs and depreciation) are reporting a favourable variance of \$0.5M against YTD budget at period end. Materials and services accounts for much of the variance, which is largely attributable to delays in recognition of forecast expenditure mainly associated with contract payments and the Waste Levy.

**Total capital revenue and expenses** has seen no activity for the month of August, which is to be expected.

## 12. RECEIPT OF PETITIONS

Nil

## 13. TENDERS

Nil

## 14. CONSIDERATION OF NOTIFIED MOTIONS

### 14.1. REPEAL OF COUNCIL RESOLUTION - MATERIAL CHANGE OF USE - NATURE BASED TOURISM (SEVEN SELF CONTAINED RECREATIONAL VEHICLES) - IMPACT ASSESSABLE - LOT 1 MIRAN KHAN DRIVE, FRESHWATER POINT - LOT 1 ON SP251331 - DA-2021-221

<b>Author</b>	Executive Officer (David McKendry)
<b>Responsible Officer</b>	A/Chief Executive Officer (Angela Hays)
<b>File Number</b>	DA-2021-221

<b>Attachments</b>	Minute 11.4.2 - Council Meeting – 14 September 2022
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### Purpose

To present a Notified Motion by Cr Justin Englert related to repealing (or rescission) of a previously resolved Motion from the Council Ordinary Meeting of 14 September 2022 for the agenda item 11.4.2 Material Change of Use – Nature Based Tourism (Seven Self-Contained Recreational Vehicles) – Impact Assessable – Lot 1 Miran Khan Drive, Freshwater Point – Lot 1 on SP251331 – DA-2021-221.

### Related Parties

- Applicant and Landowner – Michael Lynch
- Applicant and Landowner – Lirelda Lynch
- Planning Consultant – Jewell Planning Consultants

### Submitters

#### Submitters (Properly Made)

- Patrick J McAuliffe
- Sandra A and William R Zunker
- Kerry and John Allison
- Tania A and Clint T Higgs
- Christine M and Rodney L Den Elzen
- Dion N and Jillian Manix
- Jan Sanders

#### Submitters (Not Properly Made)

- Damian and Donna Morton

#### Submitters (Properly Made Petition)

- Shianna Peacock (Head Petitioner)

### 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.

*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.

*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**

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

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

***THAT Council repeals resolution ORD-2022-274 resolved by Council at its meeting of 14 September 2022 as listed below –***

***THAT Council approve the Development Application for a Development Permit for Material Change of Use for a Nature Based Tourism Seven (7) Self-Contained Recreational Vehicle Sites at Lot 1 Miran Khan Drive, Freshwater Point, formally described as Lot 1 on SP251331, subject to the following conditions:***

***1. Plan of Development***

***The approved development must be completed and maintained generally in accordance with the Plan of Development and supporting documentation which forms part of this application, except as otherwise specified by any condition of this approval.***

***2. Approved Use***

***The approved use for Nature based Tourism is only for self-contained recreational vehicles sites only. Any structures proposed to be constructed onsite not shown on the plan of development will be considered a change to this approval and require further assessment.***

***3. Compliance with Conditions***

***All conditions must be complied with prior to the commencement of the use on the subject site, unless specified in an individual condition.***

***4. Notice of Intention to Commence the Use***

***Prior to the commencement of the use on the site for each stage of the development, written notice must be given to Council that the use (development and works) fully complies with the decision notice issued in respect of the use (please see attached notice for your completion and return to [development.services@mackay.qld.gov.au](mailto:development.services@mackay.qld.gov.au)).***

***5. Maintenance of Development***

***The approved development (including landscaping, car parking, driveways and other external spaces) must be maintained in accordance with the approved plans***

***and/or documents, and any relevant Council engineering or other approval required by the conditions.***

***6. Conflict between plans and written conditions***

***Where a discrepancy or conflict exists between the written conditions of the approval and the approved plans, the requirements of the written conditions will prevail.***

***7. Damage***

***The developer is responsible for the repair of any damage that is caused to Council's infrastructure as a result of the construction works associated with the proposed development. The developer must make any damage safe and then notify Council immediately. Council will make the decision as to who will carry out the rectification works and the timing for the completion of those works.***

***8. Compliance with Council Standards***

***All design and construction for the development must be in accordance with Council's Policies, Planning Scheme Policies, Standard Drawings and Standard Construction Specifications.***

***9. Length of Stay***

***Guests are not permitted to stay on the site any longer than a maximum of three (3) days.***

***10. General Amenity Provision***

***The use and or development must be managed so that the amenity of the area is not detrimentally affected, through the:***

- a) Transport of vehicles, materials, goods or commodities to or from the subject site.***
- b) Appearance of any building, works or materials.***
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.***

***11. Vegetation Clearing***

***Vegetation clearing is limited to the self-contained recreational vehicle sites and internal driveway only.***

***12. On-site Landscaping***

***Landscaping is to be provided generally in accordance with the approved plans and Council's Planning Scheme Policy – Landscape v1.1 and associated documents. Landscaping is to be provided prior to the commencement of use where the landscaping is located on the approved plans, and is to be maintained at all times.***

***13. Refuse Storage and Collection***

- a) Provision must be made on the land for the storage and collection of refuse and other solid waste generated by the development. This area must be drained and screened from view of neighbouring properties and road frontages.***
- b) Where serviced by Council's refuse collection service, the storage area must provide:***
  - i. an adequate manoeuvring area to enable a Council refuse truck to enter the site in forward gear, service the bins, and leave the site in forward gear after performing no more than a 3- point turn; and***

*ii. adequate vertical clearance to enable a Council refuse truck to service (empty) the bins.*

**14. Compliance with Council Standards**

*All design and construction for the development must be in accordance with Council's Policies, Engineering Design Guidelines, Standard Drawings and Standard Construction Specifications.*

**15. Invert Crossing and Driveways**

*Access to and from the development to Miran Khan Drive must be constructed in accordance with Mackay Regional Council standard drawing A3-08323, and to the council's satisfaction.*

*All driveways/internal roads must be sealed in order to prevent dust and noise impacts detrimentally impacting the surrounding environment.*

**16. Turtle protection lighting**

*External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority. In particular the design of any seaward facing lights must be designed to be 'Turtle Friendly'.*

**17. Minimum Development Level**

*Minimum ground level for the self-contained recreational vehicle ground must be 5.28m AHD (Defined Storm Tide Event) in accordance with the Nature Based Tourism Code.*

**18. Flood Impact and Stormwater Assessment**

*Prior to the lodgement of the Operational Works Development Application, the applicant must submit to Council for approval a Flood and Stormwater Impact Assessment in accordance with Council's Guideline for Preparation of Flood and Stormwater Drainage Catchment Reports. The assessment must:*

- a) model a range of design events up to and including the Defined Storm tide Event and 1% AEP (plus climate change) event accounting for the lot levels required by condition 17,*
  - b) demonstrate and justify the development does not cause an actionable nuisance offsite by changes to existing flood and stormwater conditions,*
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- The assessment must be reviewed and accepted by Council prior to lodgement of the Operational Works Application.*

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*Turning treatment analysis must be submitted with an Operational Works Application in accordance with Austroads Guide to Road Design Part 4: Intersection and Crossings. Treatment if warranted must be constructed prior to the use.*

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*All parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.*

**21. Parking Signs and Pavement Markings**

*A sign/signs and pavement markings must be provided directing drivers to the Recreational Vehicle parking.*

**22. Stormwater Drainage**

**Stormwater from the site shall be collected within the property boundaries and discharged to a legal point of discharge. Alternatively, all the stormwater emanating from the development must be retained on site.**

**23. Ponding and Diversion of Stormwater**

**Ponding of stormwater resulting from the development must not occur on adjacent sites and stormwater flowing onto the site must not be diverted onto other sites. The site shall be graded so that it is free draining.**

**24. Water Supply**

**The development must be provided with an adequate water supply. This water supply system must comprise the following:**

- a) components that are fireproof or non-combustible; and**
- b) is fitted with male camlock fire brigade tank fittings; and**
- c) connected to a constructed public road by a driveway with a maximum gradient of 12.5% and a minimum width of 6 metres (to be accessible to fire fighting vehicles); and**
- d) within 6 metres of a fire fighting vehicle parking area that:**
  - a. is level; and**
  - b. has a minimum area of 60m<sup>2</sup>; and**
  - e) is connected to a pump that is independent of mains electricity supply; and**
  - f) is located external to, and a reasonable distance from, buildings;** and
  - g) is located to ensure safe and efficient access during a fire event.**

**25. Site Emergency Management Plan**

**A Site Emergency Management Plan which addresses Flood and Bushfire events must be submitted to Council for approval prior to the commencement of use, that incorporates the following as a minimum:**

- a) How the stages of emergency will be managed (e.g. prior to event, at the event, following the event).**
  - b) Communication methods with visitors staying on the site.**
  - c) How an evacuation will be managed for visitors staying on the site.**
  - d) Where visitors will congregate on the site and how this area will be accessed ensuring that the land to be travelled is not flood prone or subject to bushfire risk. A diagram is to be provided demonstrating the safe evacuation route and evacuation location/meeting point as a minimum.**
- Note: Also refer to Acceptable Outcomes 9 and Acceptable Outcome 10 of the Nature Based Tourism Code.**

**26. Control of Light Spill**

**External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.**

**27. On site visitor management**

- a) The name and contact details of a nominated property manager are provided to Council. The property manager must:**
  - a. reside within 30 minutes travel time of the premises;**
  - b. remain contactable at all hours by phone to deal with complaints or visitor queries;**
  - c. be responsible to maintain and manage the premises in accordance with the Code of Conduct.**

- b) A professionally made, weather-proof sign is erected on the street frontage which:**
  - a. is approximately 0.3 square meter sign face area;**
  - b. displays the name of the property manager and their all-hours phone number.**
- c) A 'Code of Conduct' must be provided to all guests prior to occupancy which must include as a minimum:**
  - a. the maximum number of guests permitted to reside in the house at any one time, which cannot be more than eight persons;**
  - b. rules requiring residents to minimise noise and other activities which would disturb neighbours;**
  - c. an emergency/fire evacuation plan;**
- d) A record keeping procedure must be maintained and available for Council inspection, which records:**
  - a. details of each booking (guests, contact number etc);**
  - b. a copy of the signed acceptance of the terms and conditions document;**
  - c. details of any complaints received, time, date and the nature of the complaint.**
  - e) Information to visitors wishing to dispose of waste matter at waste points from recreational vehicles must be provided. The nearest dump point is at the Information Centre, Railway Square, Sarina. Information on sullage dump point sites in the region can be accessed through:**  
[https://www.mackay.qld.gov.au/facilities/fitness\\_and\\_health/caravans\\_and\\_motor\\_homes\\_sullage\\_sites](https://www.mackay.qld.gov.au/facilities/fitness_and_health/caravans_and_motor_homes_sullage_sites)

#### **ASSESSMENT MANAGER'S ADVICE**

##### **1. Infrastructure Charges Notice**

**Pursuant to the Planning Act 2016 and the State Planning Regulatory Provision (adopted charges) an Infrastructure Charges Notice relates to this Development Permit, and accompanies this notice.**

##### **2. Advertising Sign Approval**

**No advertising sign and/or advertising device can be erected without separate Council approval. An application to Council under Subordinate Local Law 1.4 must be made and approved prior to any such sign or device being erected.**

##### **3. Local Laws**

**The approved development must also comply with Council's current Local Laws under the Local Government Act 2009.**

##### **4. Hours of Work**

**It is the Applicant/owner's responsibility to ensure compliance with Section 440R of the Environmental Protection Act 1994, 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.**

##### **5. Dust Control**

**It is the Applicant/owner's responsibility to ensure compliance with Section 319 General Environmental Duty of the Environmental Protection Act 1994, which prohibits unlawful environmental nuisance caused by dust, ash, fumes, light, odour**



*or smoke beyond the boundaries of the property during all stages of the development including earthworks and construction.*

**6. Sedimentation Control**

*It is the Applicant/owner's responsibility to ensure compliance with Chapter 8, Part 3C of the Environmental Protection Act 1994 to prevent soil erosion and contamination of the stormwater drainage system and waterways.*

**7. Noise During Construction and Noise in General**

*It is the Applicant/owner's responsibility to ensure compliance with Chapter 8, Part 3B of the Environmental Protection Act 1994.*

**8. General Safety of Public During Construction**

*It is the principal contractor's responsibility to ensure compliance with Section 19 (2) of the Work Health and Safety Act 2011. 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 Work Health and Safety Act 2011. 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.*

**9. Contaminated Land**

*It is strictly the Applicant/owner's responsibility to source information regarding contaminated land from the Department of Environment and Heritage Protection, Contaminated Land Section as Council has not conducted detailed studies and does not hold detailed information pertaining to contaminated land.*

**FURTHER THAT Council refuse Development Application for a Development Permit for Material Change of Use for a Nature Based Tourism Seven (7) Self-Contained Recreational Vehicle Sites at Lot 1 Miran Khan Drive, Freshwater Point, formally described as Lot 1 on SP251331, on the following grounds -**

- 1. The proposal does not comply with the relevant provisions of the Strategic Framework.**
- 2. The proposal does not comply with the Purpose, relevant Overall Outcomes and relevant Performance Outcomes of the Rural Residential Zone Code.**

**ALSO THAT per Section 254H of the Local Government Regulation 2012 – Recording of reasons for particular decisions, that the following reasons are noted in support of Council not adopting recommendations from an advisor of the local government:**

- 1. The application does not provide for onsite management and supervision of the Self-Contained Recreational Vehicle Sites.**
- 2. Condition 27 in the Officer's Recommendation does not adequately ensure that the development will be undertaken in a way that prevents impacts on the environment or the rural residential amenity of the area.**
- 3. Overall, the development has the potential to have an unreasonable impact on the local residents.**

Further to Notified Motion provisions, also under Council's Standing Orders (and per section 262 of the *Local Government Regulation 2012*), the below is applicable:

*6.8.7 Repealing or Amending Resolutions*

*(a) A resolution of the local government or committee must not be repealed or amended unless notice of motion is given in accordance with the requirements of the Act (requiring five (5) days notice before the meeting).*

*(b) Where a motion (a **relevant motion**) to repeal or amend a resolution is defeated, a motion to the same, or like effect, must not be moved until at least 3 months after the date on which the relevant motion was defeated.*

*(c) Councillors present at the meeting at which a relevant motion is put may defer consideration of the relevant motion, however, consideration of the relevant motion must not be deferred for more than three (3) months.*

*(d) Where a resolution (a **later resolution**) of the local government or committee relates to a matter the subject of a previously passed resolution (a **previous resolution**), the previous resolution is amended or repealed to the extent that it is inconsistent with the later resolution.*

In support of this position, Cr Englert has advised that given the complexity of the application and report, that he misinterpreted a number of the proposed conditions (in particular proposed condition 27 – On site visitor management), and given the resolution was Carried with only a small margin (6-4) that his decision on the day would have been critical to approval or refusal. That being the case he would like the matter to be reconsidered by Councillors.

Section 254H of the *Local Government Regulation 2012 (Regulation)* requires the reasoning for particular decisions by Council to be recorded including a statement of the reasons for not adopting the recommendation or advice of an "advisor of the local government". An Advisor is defined to mean an employee of the local government whose duties include giving a recommendation or advice. In this case as proposed by Cr Englert, the Officers Recommendation from Planning staff to approve the development is proposed to be overturned by refusal, therefore recording of reasons is required. Cr Englert has advised his reasons as:

1. The application does not provide for onsite management and supervision of the Self-Contained Recreational Vehicle Sites.
2. Condition 27 in the Officer's Recommendation does not adequately ensure that the development will be undertaken in a way that prevents impacts on the environment or the rural residential amenity of the area.
3. Overall, the development has the potential to have an unreasonable impact on the local residents.

**Consultation and Communication**

Mayor, A/Chief Executive Officer, Director Development Services, Manager Development Planning and Engineering, Senior Legal Counsel, and Executive Officer.

The Applicants, Planning Consultant, and Submitters have all be advised of the pending repeal resolution, and therefore that no final decision has been made regarding Development Application DA-2021-221.

**Resource Implications**

Costs associated with the Notified Motion itself relate solely to the development of the associated Council report.

Other potential resource costs are covered in Risk Management Implications.

### **Risk Management Implications**

Risks associated with this matter include a reputational risk for Council in considering changing a position previously formally adopted and advised to the applicant and the community.

Also, the risk associated with changing the intended decision from a planning perspective. Advice received however is that until Council has issued the Decision Notice to the Applicant, that Council's decision making processes are still active, and could include revisiting the resolution. The Decision Notice for Development Application DA-2021-221 had not been issued when advice of the intended repealing resolution was received from Cr Englert, and has not subsequently been issued.

Further review of the Development Assessment Rules and Council's files shows that on 16 August 2022 the applicant, Jewell Planning, stopped the current period in accordance with s32. The current period was stopped until 21 September 2022.

### **Conclusion**

The resolution of Council made at its Ordinary Meeting of 14 September 2022 had not been formally advised to the Applicant by way of a Decision Notice when the request from Cr Englert regarding a repeal resolution was received. Advice received then that Council's decision making process had not yet been finalised with this legislative ability to receive and consider a repeal resolution, and subsequently reconsider the matter.

This report is simply providing the information as advised by Cr Englert and as allowed under both Council's Standing Orders, and the *Regulation*. The Officers Recommendation for this Notified Motion report is simply that Cr Englert's Notified Motions (including repealing resolution) be considered.

### **Officer's Recommendation**

***THAT Council repeals resolution ORD-2022-274 resolved by Council at its meeting of 14 September 2022 as listed below -***

***THAT Council approve the Development Application for a Development Permit for Material Change of Use for a Nature Based Tourism Seven (7) Self-Contained Recreational Vehicle Sites at Lot 1 Miran Khan Drive, Freshwater Point, formally described as Lot 1 on SP251331, subject to the following conditions:***

***1. Plan of Development***

***The approved development must be completed and maintained generally in accordance with the Plan of Development and supporting documentation which forms part of this application, except as otherwise specified by any condition of this approval.***

***2. Approved Use***

***The approved use for Nature based Tourism is only for self-contained recreational vehicles sites only. Any structures proposed to be constructed onsite not shown on the plan of development will be considered a change to this approval and require further assessment.***

***3. Compliance with Conditions***

***All conditions must be complied with prior to the commencement of the use on the subject site, unless specified in an individual condition.***

**4. Notice of Intention to Commence the Use**

*Prior to the commencement of the use on the site for each stage of the development, written notice must be given to Council that the use (development and works) fully complies with the decision notice issued in respect of the use (please see attached notice for your completion and return to [development.services@mackay.qld.gov.au](mailto:development.services@mackay.qld.gov.au)).*

**5. Maintenance of Development**

*The approved development (including landscaping, car parking, driveways and other external spaces) must be maintained in accordance with the approved plans and/or documents, and any relevant Council engineering or other approval required by the conditions.*

**6. Conflict between plans and written conditions**

*Where a discrepancy or conflict exists between the written conditions of the approval and the approved plans, the requirements of the written conditions will prevail.*

**7. Damage**

*The developer is responsible for the repair of any damage that is caused to Council's infrastructure as a result of the construction works associated with the proposed development. The developer must make any damage safe and then notify Council immediately. Council will make the decision as to who will carry out the rectification works and the timing for the completion of those works.*

**8. Compliance with Council Standards**

*All design and construction for the development must be in accordance with Council's Policies, Planning Scheme Policies, Standard Drawings and Standard Construction Specifications.*

**9. Length of Stay**

*Guests are not permitted to stay on the site any longer than a maximum of three (3) days.*

**10. General Amenity Provision**

*The use and or development must be managed so that the amenity of the area is not detrimentally affected, through the:*

- a) Transport of vehicles, materials, goods or commodities to or from the subject site.*
- b) Appearance of any building, works or materials.*
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.*

**11. Vegetation Clearing**

*Vegetation clearing is limited to the self-contained recreational vehicle sites and internal driveway only.*

**12. On-site Landscaping**

*Landscaping is to be provided generally in accordance with the approved plans and Council's Planning Scheme Policy – Landscape v1.1 and associated documents. Landscaping is to be provided prior to the commencement of use where the landscaping is located on the approved plans, and is to be maintained at all times.*

**13. Refuse Storage and Collection**

*a) Provision must be made on the land for the storage and collection of refuse and other solid waste generated by the development. This area must be drained and screened from view of neighbouring properties and road frontages.*

*b) Where serviced by Council's refuse collection service, the storage area must provide:*

*i. an adequate manoeuvring area to enable a Council refuse truck to enter the site in forward gear, service the bins, and leave the site in forward gear after performing no more than a 3- point turn; and*

*ii. adequate vertical clearance to enable a Council refuse truck to service (empty) the bins.*

**14. Compliance with Council Standards**

*All design and construction for the development must be in accordance with Council's Policies, Engineering Design Guidelines, Standard Drawings and Standard Construction Specifications.*

**15. Invert Crossing and Driveways**

*Access to and from the development to Miran Khan Drive must be constructed in accordance with Mackay Regional Council standard drawing A3-08323, and to the council's satisfaction.*

*All driveways/internal roads must be sealed in order to prevent dust and noise impacts detrimentally impacting the surrounding environment.*

**16. Turtle protection lighting**

*External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority. In particular the design of any seaward facing lights must be designed to be 'Turtle Friendly'.*

**17. Minimum Development Level**

*Minimum ground level for the self-contained recreational vehicle ground must be 5.28m AHD (Defined Storm Tide Event) in accordance with the Nature Based Tourism Code.*

**18. Flood Impact and Stormwater Assessment**

*Prior to the lodgement of the Operational Works Development Application, the applicant must submit to Council for approval a Flood and Stormwater Impact Assessment in accordance with Council's Guideline for Preparation of Flood and Stormwater Drainage Catchment Reports. The assessment must:*

*a) model a range of design events up to and including the Defined Storm tide Event and 1% AEP (plus climate change) event accounting for the lot levels required by condition 17,*

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***FURTHER THAT Council refuse Development Application for a Development Permit for Material Change of Use for a Nature Based Tourism Seven (7) Self-Contained Recreational Vehicle Sites at Lot 1 Miran Khan Drive, Freshwater Point, formally described as Lot 1 on SP251331, on the following grounds -***

- 1. The proposal does not comply with the relevant provisions of the Strategic Framework.***
- 2. The proposal does not comply with the Purpose, relevant Overall Outcomes and relevant Performance Outcomes of the Rural Residential Zone Code.***

***ALSO THAT per Section 254H of the Local Government Regulation 2012 – Recording of reasons for particular decisions, that the following reasons are noted in support of Council not adopting recommendations from an advisor of the local government:***



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2. *Condition 27 in the Officer's Recommendation does not adequately ensure that the development will be undertaken in a way that prevents impacts on the environment or the rural residential amenity of the area.*
3. *Overall, the development has the potential to have an unreasonable impact on the local residents.*

**Council Resolution ORD-2022-289**

***THAT Council repeals resolution ORD-2022-274 resolved by Council at its meeting of 14 September 2022 as listed below –***

***THAT Council approve the Development Application for a Development Permit for Material Change of Use for a Nature Based Tourism Seven (7) Self-Contained Recreational Vehicle Sites at Lot 1 Miran Khan Drive, Freshwater Point, formally described as Lot 1 on SP251331, subject to the following conditions:***

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***The use and or development must be managed so that the amenity of the area is not detrimentally affected, through the:***

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- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.***

**11. Vegetation Clearing**

***Vegetation clearing is limited to the self-contained recreational vehicle sites and internal driveway only.***

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  - i. an adequate manoeuvring area to enable a Council refuse truck to enter the site in forward gear, service the bins, and leave the site in forward gear after performing no more than a 3- point turn; and***
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***Prior to the lodgement of the Operational Works Development Application, the applicant must submit to Council for approval a Flood and Stormwater Impact Assessment in accordance with Council's Guideline for Preparation of Flood and Stormwater Drainage Catchment Reports. The assessment must:***

- a) model a range of design events up to and including the Defined Storm tide Event and 1% AEP (plus climate change) event accounting for the lot levels required by condition 17,***
  - b) demonstrate and justify the development does not cause an actionable nuisance offsite by changes to existing flood and stormwater conditions,***
  - c) Address the overland stormwater flow occurring into the proposed development from the upstream catchment will be managed***
  - d) be certified by a Registered Professional Engineer of Queensland (RPEQ).***
- The assessment must be reviewed and accepted by Council prior to lodgement of the Operational Works Application.***

**19. Turning treatment**

***Turning treatment analysis must be submitted with an Operational Works Application in accordance with Austroads Guide to Road Design Part 4: Intersection and Crossings. Treatment if warranted must be constructed prior to the use.***

**20. Vehicle Manoeuvring**

***All parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.***

**21. Parking Signs and Pavement Markings**

***A sign/signs and pavement markings must be provided directing drivers to the Recreational Vehicle parking.***

**22. Stormwater Drainage**

***Stormwater from the site shall be collected within the property boundaries and discharged to a legal point of discharge. Alternatively, all the stormwater emanating from the development must be retained on site.***

**23. Ponding and Diversion of Stormwater**

***Ponding of stormwater resulting from the development must not occur on adjacent sites and stormwater flowing onto the site must not be diverted onto other sites. The site shall be graded so that it is free draining.***

**24. Water Supply**

***The development must be provided with an adequate water supply. This water supply system must comprise the following:***

- a) components that are fireproof or non-combustible; and***
- b) is fitted with male camlock fire brigade tank fittings; and***
- c) connected to a constructed public road by a driveway with a maximum gradient of 12.5% and a minimum width of 6 metres (to be accessible to fire fighting vehicles); and***
- d) within 6 metres of a fire fighting vehicle parking area that:***
  - a. is level; and***
  - b. has a minimum area of 60m<sup>2</sup>; and***
  - e) is connected to a pump that is independent of mains electricity supply; and***
  - f) is located external to, and a reasonable distance from, buildings; and***
  - g) is located to ensure safe and efficient access during a fire event.***

**25. Site Emergency Management Plan**

***A Site Emergency Management Plan which addresses Flood and Bushfire events must be submitted to Council for approval prior to the commencement of use, that incorporates the following as a minimum:***

- a) How the stages of emergency will be managed (e.g. prior to event, at the event, following the event).***
  - b) Communication methods with visitors staying on the site.***
  - c) How an evacuation will be managed for visitors staying on the site.***
  - d) Where visitors will congregate on the site and how this area will be accessed ensuring that the land to be travelled is not flood prone or subject to bushfire risk. A diagram is to be provided demonstrating the safe evacuation route and evacuation location/meeting point as a minimum.***
- Note: Also refer to Acceptable Outcomes 9 and Acceptable Outcome 10 of the Nature Based Tourism Code.***

**26. Control of Light Spill**

***External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.***

**27. On site visitor management**

- a) The name and contact details of a nominated property manager are provided to Council. The property manager must:***
  - a. reside within 30 minutes travel time of the premises;***
  - b. remain contactable at all hours by phone to deal with complaints or visitor queries;***
  - c. be responsible to maintain and manage the premises in accordance with the Code of Conduct.***
- b) A professionally made, weather-proof sign is erected on the street frontage which:***
  - a. is approximately 0.3 square meter sign face area;***

- b. displays the name of the property manager and their all-hours phone number.*
- c) A 'Code of Conduct' must be provided to all guests prior to occupancy which must include as a minimum:*
  - a. the maximum number of guests permitted to reside in the house at any one time, which cannot be more than eight persons;*
  - b. rules requiring residents to minimise noise and other activities which would disturb neighbours;*
  - c. an emergency/fire evacuation plan;*
- d) A record keeping procedure must be maintained and available for Council inspection, which records:*
  - a. details of each booking (guests, contact number etc);*
  - b. a copy of the signed acceptance of the terms and conditions document;*
  - c. details of any complaints received, time, date and the nature of the complaint.*
- e) Information to visitors wishing to dispose of waste matter at waste points from recreational vehicles must be provided. The nearest dump point is at the Information Centre, Railway Square, Sarina. Information on sullage dump point sites in the region can be accessed through:*  
[https://www.mackay.qld.gov.au/facilities/fitness\\_and\\_health/caravans\\_and\\_motor\\_homes\\_sullage\\_sites](https://www.mackay.qld.gov.au/facilities/fitness_and_health/caravans_and_motor_homes_sullage_sites)

#### **ASSESSMENT MANAGER'S ADVICE**

##### **1. Infrastructure Charges Notice**

*Pursuant to the Planning Act 2016 and the State Planning Regulatory Provision (adopted charges) an Infrastructure Charges Notice relates to this Development Permit, and accompanies this notice.*

##### **2. Advertising Sign Approval**

*No advertising sign and/or advertising device can be erected without separate Council approval. An application to Council under Subordinate Local Law 1.4 must be made and approved prior to any such sign or device being erected.*

##### **3. Local Laws**

*The approved development must also comply with Council's current Local Laws under the Local Government Act 2009.*

##### **4. Hours of Work**

*It is the Applicant/owner's responsibility to ensure compliance with Section 440R of the Environmental Protection Act 1994, 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.*

##### **5. Dust Control**

*It is the Applicant/owner's responsibility to ensure compliance with Section 319 General Environmental Duty of the Environmental Protection Act 1994, which prohibits unlawful environmental nuisance caused by dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks and construction.*

**6. Sedimentation Control**

***It is the Applicant/owner's responsibility to ensure compliance with Chapter 8, Part 3C of the Environmental Protection Act 1994 to prevent soil erosion and contamination of the stormwater drainage system and waterways.***

**7. Noise During Construction and Noise in General**

***It is the Applicant/owner's responsibility to ensure compliance with Chapter 8, Part 3B of the Environmental Protection Act 1994.***

**8. General Safety of Public During Construction**

***It is the principal contractor's responsibility to ensure compliance with Section 19 (2) of the Work Health and Safety Act 2011. 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 Work Health and Safety Act 2011. Sections 20 (2) states that the person in control of the workplace is obliged to ensure that the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person.***

**9. Contaminated Land**

***It is strictly the Applicant/owner's responsibility to source information regarding contaminated land from the Department of Environment and Heritage Protection, Contaminated Land Section as Council has not conducted detailed studies and does not hold detailed information pertaining to contaminated land.***

***FURTHER THAT Council refuse Development Application for a Development Permit for Material Change of Use for a Nature Based Tourism Seven (7) Self-Contained Recreational Vehicle Sites at Lot 1 Miran Khan Drive, Freshwater Point, formally described as Lot 1 on SP251331, on the following grounds -***

- 1. The proposal does not comply with the relevant provisions of the Strategic Framework.***
- 2. The proposal does not comply with the Purpose, relevant Overall Outcomes and relevant Performance Outcomes of the Rural Residential Zone Code.***

***ALSO THAT per Section 254H of the Local Government Regulation 2012 – Recording of reasons for particular decisions, that the following reasons are noted in support of Council not adopting recommendations from an advisor of the local government:***

- 1. The application does not provide for onsite management and supervision of the Self-Contained Recreational Vehicle Sites.***
- 2. Condition 27 in the Officer's Recommendation does not adequately ensure that the development will be undertaken in a way that prevents impacts on the environment or the rural residential amenity of the area.***
- 3. Overall, the development has the potential to have an unreasonable impact on the local residents.***

Moved Cr Englert

Seconded Cr Hassan

Cr Englert noted that at the last Council meeting, he had spoken for the motion based on what he had understood however, after listening to the Councillors who spoke against the motion and speaking to other Councillors after the meeting, he realised that he had misunderstood the report. Cr Englert advised that he had not realised that the development application did not include the provision for on-site management and advised that the reasons provided why he could not support the application included the lack of supervision of the site and the impact on the environment and rural residential area. Cr Englert advised that personally, he had travelled extensively, and had observed that almost all unsupervised camping locations that he had seen on his travels included mess, stink and noise and he had observed people taking their toilet cassettes to the boundary of the site for dumping during the night. Cr Englert noted that he was appointed by Council to the Mackay Isaac Tourism Board and is supportive of unsupervised low cost camping but cannot support it being established next to homes.

Cr Seymour spoke against the motion noting that Council's RV Strategy should recognise these small RV parks are destinations to visit as well as promoting the region as the Barra capital. With accommodation in short supply, the creation of these RV parks are a step in the right direction, especially being so close to the coast line. Cr Seymour noted that Cr Englert is the Chair of the Mackay Isaac Tourism Board and Mackay Recreational Fishing Committee, with support of this application relating to both groups. Cr Seymour referred to the successful application in January 2021 for the wedding venue in Midge Point, which was the same zoning as that at Freshwater Point. Cr Seymour noted that those who own RVs are generally families and grey nomads who enjoy the outdoors and have a healthy respect for the environment.

Cr May spoke in favour of the motion noting that it is not just the seven sites to consider but the number of people who could be travelling in each RV, possibly up to 6 or 7, which potentially makes this a rather large development which could have a significant impact on neighbouring properties.

Cr Bonaventura spoke against the motion advising that he is struggling to understand what has changed since the last Council Meeting where Councillors approved a material change of use for a 7 site nature based tourism facility. Cr Bonaventura noted the conditions attached to the approval include a sealed internal road, 40m separate from side boundaries and 27 conditions. Cr Bonaventura noted that if this Material Change of Use had not been lodged with Council, it is possible that the owners could clear the block and have motor cross activities and noise, or a home based business. Cr Bonaventura thanked residents for providing their perspective but advised that Councillors need to consider the report by staff, including how well it meets Council's corporate objectives. Cr Bonaventura noted that the proposal was assessed under Council's strategic framework and reiterated the points that the decision was based on. Cr Bonaventura felt that the proposal would provide benefits to the Sarina region and agreed also, with the comments made by Cr Seymour.

Cr Englert exercised his right of reply noting that the Planning Scheme does support the application that he thought it was which was why he originally voted for it, but as Mayor Williamson said in his remarks at the last meeting, the Planning Scheme was not correct in meeting the needs of the community and I agree with this. Cr Englert advised that in hindsight he realised that he had made a mistake and was now trying to do what he could to make it right, and disagreed with the section of the report stating that in general families and grey nomads will frequent the site, believing that once it is known that it is unsupervised, it will be open to all.

Mayor Williamson advised that Council had taken external legal advice on Council's ability to amend its' resolution and this was able to be done at this stage because no certificate had been issued following the resolution of the last meeting.

**CARRIED**

Cr Bella, Cr Seymour, Cr Jones and Cr Bonaventura recorded their vote against the motion.

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**11.4.2. MATERIAL CHANGE OF USE - NATURE-BASED TOURISM (SEVEN SELF-CONTAINED RECREATIONAL VEHICLES) - IMPACT ASSESSABLE - LOT 1 MIRAN KHAN DRIVE, FRESHWATER POINT - LOT 1 ON SP251331 - DA-2021-221**

<b>Author</b>	Development Planner (Darryl Bibay)
<b>Responsible Officer</b>	Director Development Services (Aletta Nugent)
<b>File Number</b>	DA-2021-221
<b>Attachments</b>	Attachment 1: Locality Plan Attachment 2: Proposal Plan Attachment 3: Overlays
<b>Date Received:</b>	10 December 2021
<b>Applicant's Details:</b>	Michael and Lirelda Lynch c/o Michael Jewell of Jewell Planning Consultants
<b>Proposal:</b>	Material Change of Use – Nature Based Tourism (Seven Self-Contained Recreational Vehicle Sites)
<b>Site Address:</b>	Lot 1 Miran Khan Drive, Freshwater Point
<b>Property Description:</b>	Lot 1 on SP251331
<b>Owner's Details:</b>	Michael and Lirelda Lynch
<b>Area:</b>	9,879 m <sup>2</sup>
<b>Planning Scheme:</b>	Mackay Region Planning Scheme v3.1
<b>Planning Scheme Designations Zone:</b>	Rural Residential
<b>Assessment Level:</b>	Impact Assessment
<b>Submissions:</b>	Submitters (12 Properly Made) Submitters (2 Not Properly Made) Submitters (1 Properly Made Petition)
<b>Referral Agencies:</b>	Nil
<b>Recommendation:</b>	Approved Subject to Conditions

**Purpose**

This application seeks a Development Permit for a Material Change of Use for Nature Based Tourism on a Rural Residential zoned lot for seven self-contained recreational vehicle sites at Lot 1 Miran Khan Drive, Freshwater Point, more formally described as at Lot 1 on SP2511331. The application is Impact Assessable and was subject to public notification. Council received a total of 12 properly made submissions, one properly made petition and two not properly made submissions.

The application has been assessed in accordance with the legislative framework for Impact Assessment, including the *Planning Act 2016*, *Planning Regulations 2017*, Development Assessment Rules v1.3 and the applicable assessment benchmarks contained within the Mackay Region Planning Scheme v3.1.



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The application is recommended to be approved, subject to conditions.

**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.

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

**Related Parties**

- Applicant and Landowner – Michael Lynch
- Applicant and Landowner – Lirelda Lynch
- Planning Consultant – Jewell Planning Consultants

Submitters

- Submitters (Properly Made)
  - Patrick J McAuliffe
  - Sandra A and William R Zunker
  - Kerry and John Allison
  - Tania A and Clint T Higgs
  - Christine M and Rodney L Den Elzen
  - Dion N and Jillian Manix
  - Jan Sanders
- Submitters (Not Properly Made)
  - Damian and Donna Morton
- Submitters (Properly Made Petition)
  - Shianna Peacock (Head Petitioner)

**Background/Discussion**Subject Site and Surrounds

The property is located at Lot 1 Miran Khan Drive, Freshwater Point and is described as Lot 1 on SP251331 (refer to Attachment A - Locality Plan). It is zoned Rural Residential and has an area of 9,879m<sup>2</sup>. The subject site is currently vacant and is covered with trees and undergrowth. The lot is not serviced by Council sewer or water. There is overhead electricity available and telecommunications at a minimum by mobile. The lot frontage to Mira Khan Drive is 118m. There is a road reserve on the eastern side of the lot for a pathway however this is unconstructed.

The subject site is surrounded by similar rural residential land with a vacant lot to the east and a residential building to the north and west. To the south is reserve land zoned open space that leads to the beachfront.

Miran Khan Drive is a Minor Collector Street which is bitumen sealed. A traffic count undertaken by Council in November of 2021 counted 466 vehicles per day using the road. The allowable speed limit is 90k/hr.

Pre-lodgement Advice

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The landowner submitted a planning advice enquiry on 10 June 2021 regarding a Tourist Park. Basic planning information and level of assessment was provided in response by way of email.

Subsequently, the consultants Jewell Planning requested pre-lodgement advice from Council's Principal Development Planners on 11 October 2021. Council Officers reviewed the proposal, and provided the following feedback:

- The existing public walkway to the beach, adjoining the boundary of the site, is a positive; and
- The proposal will trigger Impact Assessment and will need to be assessed against all applicable Planning Scheme benchmarks.

#### Application Amendments

The proposal was originally for 20 sites. An Information Request was issued due to the proposal giving rise to inconsistencies with the zone. In response, the Applicant reduced the number of proposed sites to 15, 80m<sup>2</sup> in size, for self-contained Recreational Vehicles (Recreational vehicles) only. During the notification period, Council received 12 properly made submissions, two not properly made submissions and one properly made petition.

On review of the Planning Scheme and issues raised in submissions, Officers sent a Further Advice Notice to the Applicant recommending a reduction to the proposal to five sites as an appropriate scale of development for the site.

In response to the Further Advice Notice, the Applicant amended the development to seven sites, with a minimum size of 80m<sup>2</sup>, for Recreational Vehicles only.

#### Proposal

The proposal is for a Material Change of Use for Nature Based Tourism:

*"Nature Based Tourism is defined under the Mackay Region Planning Scheme (MRPS) 2017 as the use of premises for a tourism activity, including accommodation for tourists, for the appreciation, conservation of interpretation of:*

- (a) an area of environmental, cultural or heritage value; or*
- (b) a local ecosystem; or*
- (c) the natural environment.*

*Examples of Nature Based tourism: environmentally responsible accommodation facilities including cabins, huts, lodges, and tents."*

The proposal is as follows (see Attachment 2 – Proposal Plan):

- Setbacks are 10m from the frontage, 40m from the sides to rural residential zoned land or sensitive land uses and 1m from the rear boundaries.
- Maximum three consecutive night stay.
- Only self-contained recreational vehicles allowed.
- Site provides central refuse collection bin.
- No constructed facilities.
- Vehicle access limited to one entry/exit on lowest order road frontage and is a sealed road.
- On-site wastewater treatment system is not proposed.

#### Infrastructure Considerations

##### *Water*

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There is no reticulated water network at Freshwater Point. The Applicant proposes to utilise rainwater tanks and/or potable bore water for bushfire purposes. No potable water for use of guests will be provided.

#### *Sewer*

There is no reticulated sewer network at Freshwater Point. Due to the small-scale nature of the proposal, the provision of onsite effluent treatment is not required.

#### *Services*

The site can be connected to electricity and mobile telecommunication services. The Applicant has not indicated whether power will be provided to each individual site.

#### *Roadworks*

Recommended conditions of approval will require the construction of a new access point off Miran Khan Drive. The Applicant indicated in the Planning Report that the internal driveways will be constructed with gravel. To address potential dust nuisance and erosion control, it is recommended that a condition be imposed to seal the internal driveways.

Regarding the external road network, ss part of the Information Request for the proposal when it comprised 20 sites, Council requested a Traffic Impact Assessment (TIA) to determine the impact of the development on Miran Khan Drive.

As the number of sites have been reduced to seven, a TIA is not required. However, it is recommended that any approval include a condition that a turning treatment analysis must be submitted with a Development Application for Operational Works in accordance with Austroads Guide to Road Design Part 4: Intersection and crossings, and treatment if required by the analysis, must be constructed prior to the use.

#### Referral Agencies

The application did not require referral to the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP).

#### Legislative Framework

The application has been assessed in accordance with the provisions of Part 3 of the *Planning Act 2016* and its associated instruments, including Part 4, Division 4, Subdivision 2 of the *Planning Regulation 2017*, that apply to Impact Assessment.

#### Mackay Isaac Whitsunday Regional Plan

Detailed assessment against the Mackay Isaac Whitsunday not required as Part 2.2 of the Planning Scheme states that the Minister has identified that the Planning Scheme, specifically the Strategic Framework, appropriately advances the Mackay Isaac Whitsunday Regional Plan as it applies to the Planning Scheme area.

#### State Planning Policy (July 2017)

The July 2017 version of the State Planning Policy (SPP) is the current version which is integrated into Mackay Region Planning Scheme v3.1.

#### Planning Scheme

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The development application has been lodged and assessed against the Mackay Region Planning Scheme v3.1 (Planning Scheme). A detailed assessment against the key provisions of the relevant codes of the Planning Scheme is provided below.

Planning Scheme Assessment

The application has been assessed against the Strategic Framework and the following codes of the Planning Scheme:

- 1) Rural Residential Zone Code
- 2) Nature Based Tourism Code
- 3) General Development Requirements Code
- 4) Acid Sulfate Soils Overlay Code
- 5) Bushfire Hazard Overlay Code
- 6) Flood and Coastal Hazards Overlay Code.

A detailed assessment of the proposal against the relevant assessment benchmarks is provided below.

Strategic Framework

The proposal requires assessment against the Strategic Framework of the Planning Scheme. The Strategic Framework in its entirety represents the policy intent of the Planning Scheme.

*“Tourism development capitalises on the Region’s unique natural areas, inland forests, rural landscapes, coastal areas and islands.”*

The proposed development is considered to comply in that the proposal is for tourism development in the Mackay Region. The proposal provides a tourism facility that enables residents and tourists to experience the Region’s landscape character and environmentally important areas and is supported by transport infrastructure and related services.

Further to above, the following are relevant supporting key points from the Strategic Framework:

- *“Tourism opportunities range from activities showcasing natural assets in the region including mountains, forests, beaches, and reefs. These form the foundation for the further development of a vibrant and sustainable tourism industry that celebrates and supports the region’s unique qualities.”*
- *“Tourism opportunities are maximised in the Region. Tourism facilities enable residents and tourists to experience the region’s landscape character and environmentally important areas and is supported by short-term accommodation, transport infrastructure and related services.”*
- *“Ecotourism facilities in natural environments are encouraged to facilitate the management and appreciation of scenic, environmental, and cultural values.”*
- *“Development protects areas of environmental and cultural significance and heritage places & natural resources are protected to meet current and future needs.”*
- *“Rural residential development provides rural lifestyle options and does not compromise the environmental values of the landscape.”*
- *“Natural hazards are avoided or mitigated to reduce risk to life, property and infrastructure associated with the adverse coastal and natural hazard impacts.”*

Development Codes

*Rural Residential Zone Code*

The proposal is not readily consistent with the purpose or Overall Outcomes of the zone code. The purpose states the zone is to “provide for residential uses” and “provide for low intensity residential development”.

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Overall Outcome (3a) specifies “the predominant form of development within the zone is low intensity residential development such as dwelling houses” and “development for urban purposes...and other uses more appropriately located in urban areas, or the rural zone are not located in the rural residential zone”.

Overall Outcome (3d) specifies “development does not adversely affect the amenity of adjacent areas and uses, particularly residential uses and other sensitive land uses”.

In response to the above Overall Outcome, the proposed Nature Based Tourism comprising seven sites for Recreational Vehicles only is low in size, scale and intensity. The development maintains, enhances and responds to the features and the physical constraints of the land as it is not proposed to provide buildings and structures for the use. The proposed development can be reasonably conditioned so that it does not adversely affect the amenity of adjacent areas and uses, particularly residential uses and other sensitive land uses. On this basis, the proposed development integrates with the semi-rural amenity and landscape character of the local area and can be supported.

As discussed above, the use will specifically be for short-term stays for Recreational Vehicles. As a result, the use will not adversely impact the amenity of the surrounding rural residential area. To ensure the proposal is utilised for short-term stays only, a recommended condition seeks to limit the use to Recreational Vehicles for short term stays lasting no more than three days.

Acceptable Outcome 7 specifies a 10m setback to the development from a collector street (Miran Khan). The Applicant complies with the required setback for the Recreational Vehicle sites, with the maintenance of existing vegetation and landscape to lessen the impact of the development. No buildings are proposed for the development, with the sites only to be occupied by Recreational Vehicles. Therefore, the development avoids being visually dominant and overbearing when viewed from the road frontage.

#### *Nature Based Tourism Code*

The purpose of the Nature Based tourism code is “to ensure Nature Based tourism uses are appropriately located and designed in a manner which meets visitor needs, protects environmental and landscape values and the amenity of surrounding premises.” The proposal generally complies with this code, with an assessment provided below.

The Overall Outcome states:

- “(a) Nature Based tourism is low density, low intensity and sensitively responds to site characteristics*
- (c) Nature Based tourism is of a scale and intensity that is compatible with and subservient to its rural or natural setting and the preferred character of the local area*
- (d) Nature Based tourism does not adversely impact on the amenity of rural and residential areas”*

The proposed Nature Based Tourism comprising seven sites for Recreational Vehicles does not compromise the surrounding premises as the site is densely vegetated with limited clearing and the proposed site location is set back 40 metres to the boundaries. Thus, the proposal is low in density and intensity with no structures associated with the proposal. The scale and intensity are compatible with and subservient to the natural setting in the area. Compliance with the Overall Outcome is therefore achieved as it keeps the environmental and landscape values and the amenity of surrounding premises.

Table 9.3.12.3.B in the Nature Based Tourism code includes the following Performance Outcome 1 that applies to self-contained recreational vehicle grounds:

*“Development associated with nature-based tourism:*

- (a) is of a size, scale and intensity that minimises the potential for adverse noise, visual, privacy and traffic impacts on adjoining or nearby residential uses;*
- (b) is of a size, scale and intensity that is consistent with the character of the zone; and*
- (c) provides suitable open space and separation that meet the recreational, social and amenity needs of people staying onsite.”*

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The proposed Recreational Vehicle sites comply with the minimum area required of 75m<sup>2</sup> and setbacks of 40m from the common boundary. It is contended that the development is of a size, scale, intensity and design that minimises the potential for adverse impacts on adjoining or nearby residential uses. Furthermore, the proposed development is considered to be consistent with the character of the zone as detailed above in the Rural Residential zone code assessment, while providing sufficient scale for the social and amenity needs of people staying on site.

Performance Outcome 2 states that:

- “A nature or rural based tourism use incorporates site landscapes that:*
- (a) provide an attractive landscape setting for the enjoyment and appreciation of visitors; and*
  - (b) integrate the development into the surrounding landscape; and*
  - (c) maximise the retention of existing native vegetation in order to retain the landscape character of the area.”*

The Applicant proposes that the vegetation clearing will be the minimum required for the sites and the internal driveway. The internal design of the development has been cognisance of native vegetation on site and specific trees and natural features are preserved as a high priority. It is recommended that a condition be included as part of any approval to minimise or limit the clearing to the vehicle site and internal driveways.

Performance Outcome 4 states that:

- “Self-contained recreational vehicle grounds:*
- (a) are small-scale and compatible with the characteristics of the zone;*
  - (b) have limited amenities; and*
  - (c) are used for short-term stays only.”*

The Acceptable Outcome 4.1 suggests no more than 10 Recreational Vehicles are onsite at any time. The proposed seven sites comply with the code. Further, the proposal complies with Acceptable Outcome 4.2, Acceptable Outcome 4.3 and Acceptable Outcome 4.4 as it does not include the provision of amenities and will be used for short-term stays, a maximum of three days.

Performance Outcome 6 states that:

- “Vehicle access to, from, and within the site:*
- (a) is of a quality and durability suitable to the intended traffic volumes and loads; and*
  - (b) does not create or worsen any traffic hazard; and*
  - (c) provides all-weather access; and*
  - (d) does not have adverse effects on the amenity of the locality”*

The proposed development is generally consistent with this Performance Outcome. It is recommended that a condition be imposed that access to and from the development to Miran Khan Drive (specifically the vehicle crossover) must be constructed in accordance with Mackay Regional Council standard drawing A3-08323, and to the Council's satisfaction.

Acceptable Outcome 7.1 states that:

- “Development complies with the following:*
- (a) is located on land that is not subject to inundation during a DFE; or*
  - (b) the minimum ground level for self-contained recreational vehicle grounds is the highest of the following:*
    - (i) at or above the DFE; or*
    - (ii) at or above the DSTE relevant to the subject site”*

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The ground level in southern half of the site ranges from 4.5m AHD to 5.25m AHD. The DSTE for the site is 5.28m AHD and therefore, the filling required ranges from 0.78m to 0.03m in the southern half of property. The filling requirement is recommended as a condition of approval.

Performance Outcome 10 states that:

*“Self-contained recreational vehicle grounds incorporate infrastructure, services and utilities appropriate to its location and setting and are proportionate with its needs, including:*

- (a) reliable potable water supply; and*
- (b) treatment and disposal of sewerage and other waste water is managed in a way that will not cause environmental harm or pose a risk to public health”*

The proposed development is for seven sites and as shown in the proposal plan does not include amenities and is for Recreational Vehicles for short-term stays, a maximum of three days. Therefore, the Planning Scheme does not require the treatment and disposal of sewerage and other wastewater.

The Applicant will only supply water for bushfire purposes and not to supply to guests. This is considered acceptable when considering the short length of stay.

#### *General Development Requirements Code*

The proposal is generally consistent with the Overall Outcomes and relevant Performance Outcomes of the code.

The purpose of the General Development Requirements Code is to provide general requirements regarding infrastructure, amenity, safety and environmental standards for assessable development.

The proposed development will maintain all existing vegetation onsite where possible and practical to reinforce the tropical character of the region and maintain the natural amenity of the site.

Acceptable Outcome 1.2 suggests that if connection to Council's wastewater network is not possible, an on-site wastewater disposal system is provided. There is no reticulated sewer network at Freshwater Point and in this instance, the Applicant has advised that no onsite effluent system is required as the development does not include the provision of an amenities block. The nearest dump point is at the Field of Dreams in Sarina. A statement will be included listing of the available sullage sites in the region as part on site visitor management conditions.

Performance Outcome 3 states that

*“Drainage works are planned and designed to ensure that the adjoining land and existing upstream and downstream drainage systems are not adversely affected by development, taking into account:*

- (a) water sensitive urban design (WSUD) principles such as:*
  - (i) protect natural systems; and*
  - (iii) detention of stormwater instead of rapid conveyance; and*
  - (iv) minimise impervious areas; and*
  - (viii) protection of water related environmental values; and*
- (b) need for a stormwater system that can be economically maintained for the life of the system;*
- (d) location of discharge*

As identified in the Nature Based Tourism Code, the filling on site is to be conditioned. Any filling has to demonstrate the flood storage capacity onsite is maintained, no increase in the volume, velocity, concentration of flow path alignment of stormwater flows in the vicinity, and that there is no increase in the stormwater ponding on sites adjacent and nearby. The Applicant has not demonstrated this at any point in the application process.

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Therefore, a flood impact and stormwater assessment will be conditioned to demonstrate that the onsite filling does not increase flood impact off site.

*Acid Sulfate Soils Overlay Code*

Lot 1 is mapped as having acid sulfate soils. However, there will be little to no excavation, so the risk of encountering acid sulfate soils is extremely low.

*Bushfire Hazard Overlay Code*

The proposed development is generally consistent with the relevant Overall Outcomes and Performance Outcomes of the Bushfire Hazard Overlay Code. The site is partially mapped as being within the 100m buffer to a mapped 'High Bushfire Hazard' area on the western and southern sides of the site.

The proposed development is for temporary tourist accommodation. The Recreational Vehicle sites are not located within the bushfire hazard area but in the buffer area and additionally, the development will provide adequate measures to limit bushfire hazards, to be detailed in a Bushfire Management Plan in accordance with this code.

To ensure matters relating to bushfire are appropriately managed, conditions requiring a Bushfire Management Plan and a water tank supply system have been recommended.

*Flood and Coastal Hazards Overlay Code*

The site is within the Flood and Coastal Hazards Overlay due to the site being in the Erosion Prone and Storm Tide Inundation Areas.

The proposal does not include any permanent buildings or structures. Therefore, it is compliant with the development outcomes sought for the Erosion Prone Area.

The southern half of the site is subject to storm tide inundation. The ground level in southern half of the site ranges from 4.5m AHD to 5.25m AHD. The DSTE for the site is 5.28m AHD and therefore, the filling required ranges from 0.78m to 0.03m in the southern half of property.

Infrastructure Charges

An Infrastructure Charges Notice will be issued if the application is approved. The charges levied will be in accordance with Council's Infrastructure Charges Resolution dated December 2020. As such, the total charges will equate to approximately \$53,544.24. This has been calculated based upon the proposed number of self-contained recreational vehicle grounds only.

Public Notification and Submissions

The application was publicly notified in accordance with the requirements of the *Planning Act 2017*, and as a result, 12 properly made submissions, one properly made petition and two not properly made submissions objecting the proposal were received.

The principal views raised from the submissions are summarised and discussed below.

1. Amenity
2. Need
3. Environmental Impact
4. Traffic
5. Natural Hazards



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*Amenity*Submitter Concerns

Conflict with the purpose of the rural residential zone which is “to provide for residential uses and activities on large lots”. Submitters posit that the development and its size and scale will have an adverse impact on the privacy and amenity of existing low density residential uses established throughout the surrounding area of Freshwater Point as a result of noise, light, odour, smoke and traffic.

Applicant's Response

*“From the outset, it should be recognised that the proposal is for a small-scale, tourist orientated RV Park. A maximum of seven RV sites is provided, occupancy, at best, will average at approximately 50% throughout the year, with higher occupancy levels expected during the holiday periods. This equates to an average of less than ten Guests/campers that frequent the site. Campers that own RV vehicles are generally families and grey nomads that enjoy the outdoors and have a respect for the natural environment. Young “party goers” are not expected to frequent this type of development.*

*The Applicant is fully committed to preserving the rural amenity for neighbouring properties, as is demonstrated through the adjustment of camping sites from 20 to 15, to 7, the undertaking to remove the absolute minimum existing vegetation required for the development, and the orientation and siting of the sites, a clear 40m away from neighbouring properties. Also, the existing retained vegetation is considered to provide an appropriate buffer between the proposed development and neighbouring properties.*

*The Applicant is happy to accept a condition that an acoustic fence be provided to side boundaries to overcome any potential for offsite noise impacts.”*

Officers Comments:

The built form and designated sites are located 40m from site boundaries, with only the internal driveway located within this setback. Although the driveway is located within the setback, it is noted that the development is now down to seven sites thus, the development can be conditioned to not create adverse noise, visual and traffic impacts on adjoining of nearby residential uses and remains consistent with the character of the Rural Residential zone.

To ensure that the development continues to be managed so that the amenity of the area is not affected, a ‘general amenity’ condition has been recommended to form part of the conditions of approval. This requires that the use and or development must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) Transport of vehicles, materials, goods or commodities to or from the subject site.
- b) Appearance of any building, works or materials; and
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.

In addition, a condition detailing management of the use of the site has been recommended to handle requests or to resolve complaints in general.

It is acknowledged that the Applicant has suggested an acoustic fence could be provided but it is unclear what size, material or extent would be required, or what acoustic impact it would have without an acoustic study being undertaken and so it is not recommended to include such a condition.

*Need*Submitter Concerns

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Conflict with the need for additional tourism development in the locality. Submitters posit that the existing tourism developments established throughout the locality (i.e., Armstrong Beach Caravan Park) is sufficient for the existing demand, and that there is no need for additional tourism development to be established in the Freshwater Point locality.

*Applicant's Response*

*"From the outset, it should be recognised that the proposal is for a small-scale, tourist orientated RV Park. Guests/campers that own RV vehicles are generally families and grey nomads that enjoy the outdoors and have a healthy respect for the natural environment. It should also be noted that most of the matters raised by submitters related to issues of noise and amenity. These issues are discussed and addressed under a separate point in this letter.*

*In general, the proposal is deemed to be entirely compatible with the Overall Outcomes of the Planning Scheme and that the Nature Based Tourism facility will deliver a positive contribution to the subject site as well as the Freshwater Point region.*

*It is contended that the proposed development will increase the diversity of the regional economy, offering a new tourist experience to the region and strengthening the visibility and character of the local Freshwater Point area. The proposed development represents a regional recreational resource that will lead to a more vibrant and sustainable local tourism industry, celebrating the regions unique qualities and tourism assets. This benefit will not only be for Freshwater Point but also for the greater Mackay hinterland area. Short term accommodation provided by the development will also increase convenience and enhance tourist amenity in the local area. Furthermore, the proposed development is considered a sustainable rural industry as it increases visibility, awareness and appreciation of local tourism. Indirectly this adds to the strengthening and preservation of the rural residential culture and lifestyle of Freshwater Point and surrounds.*

*The proposed development will satisfy a specific demand within a unique locality. Given the nature of the proposed development and its catchment, it is contended that no other local location is better suited for this use. As such, the proposed development will enhance the liveability of the local rural community and will lead to increased economic opportunity for this locality.*

*With regard to scale, the Applicant has reduced the scale of the proposal and amended the plans to provide for seven RV sites and moved all sites, roads, services and amenities outside of a 20m wide side setback. Minimal removal of vegetation is proposed on a site which already has an abundance of existing vegetation."*

*Officers Comments*

As mentioned above, tourism opportunities range from activities showcasing natural assets in the Region including mountains, forests, beaches and reefs. These form the foundation for the further development of a vibrant and sustainable tourism industry that celebrates and supports the Region's unique qualities.

On 11 December 2019, Council resolved to adopt Major Amendment 1 to the Planning Scheme. This amendment commenced as part of version 3.0 of the Planning Scheme on 3 February 2020. The purpose and general effect of the Major Amendment was to provide opportunities for small-scale Recreational Vehicle grounds to establish in appropriate locations as new facilities or within existing tourist parks. This amendment was driven by a recognised need for this type of development within the greater Mackay Region.

*Environmental Impact**Submitter Concerns*

Conflict with the preservation of the natural environment including the foreshore outside of the development site. Submitters posit that the development will have an adverse impact on the local flora and fauna and overall biodiversity of the surrounding natural environment due to increased population, onsite infrastructure services,

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stormwater runoff and anthropological impacts such as unauthorised vehicle access and the taking of natural resources (e.g. collection of shells, wood, etc.) from the site and surrounds. Submitters also posit that pets should not be permitted.

Applicant's Response

*"The concerns listed above are 'emotional' concerns that can be addressed by conditions of approval. The Applicant has taken careful account of the desire to preserve the natural environment and all development will take place within the bounds of the law. No clearing has been proposed or will be undertaken on the adjoining esplanade area, as distinct to what has occurred on adjoining properties."*

Officers Comments

The proposed Nature Based Tourism comprising seven sites for Recreational Vehicles only does not compromise the ability of the surrounding premises as the proposal is low density, intensity and no structures are associated with the proposal. The scale and intensity is compatible with and subservient to the natural setting in the area. Conditions are recommended as part of any approval to minimise the environmental impact of the development are vegetation clearing, lighting, and code of conduct for visitors to the site.

Traffic

Submitter Concerns

In summary, the submitters had the following concerns in relation to traffic issues:

- a) Access – submitters stated that the current location of the site access is not appropriate in terms of visibility of the access and of oncoming vehicles. This issue mostly relates to concerns of vehicles, specifically long vehicles (caravans), causing delays when attempting a right turn onto the site.
- b) Increased Traffic – submitters expressed concern as to increased traffic volumes on Miran Khan Drive due to the addition of 20 new Recreational Vehicle sites in the area. Associated with this issue, is the risk of vehicles queuing on Miran Khan Drive as well as the increased risk to cyclists and pedestrians in the area.
- c) Other – A submitter stated that the current road infrastructure is already stressed and will not be able to handle the load of additional traffic from the proposed development. A submitter also voiced concern that there was no on-site visitor parking identified.

Further to the above submissions, a letter was also received from Traffic Plan Pty Ltd on behalf of a submitter/s. A summary of issues raised in this letter is provided below:

- a) Right Turn Conflict – The consultant stated that there could be up to 20 vehicles turning right into the site access during the PM peak hour based on stated assumptions. This peak could coincide with the existing PM traffic peak and subsequently cause a right turn conflict and associated disruptions.
- b) Speed Differential Conflict – The speed limit on Miran Khan Drive is 90km/h. The consultant assumes a speed differential of approximately 20km/h due to site visitors travelling at lower speeds as they look for the site entrance. The result could be an increased level of conflict.
- c) Crash Data – The consultant states that there have been 11 crashes recorded on Miran Khan Drive, 6 in the Freshwater Point area, over the past 17 years.

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- d) Road Geometry – The consultant states that there is a vertical curve (crest) on Miran Khan Drive that restricts available visibility of motorists travelling eastbound. This crest is located approximately 300m west of the proposed vehicle access to the subject site.
- e) Roadway width – The consultant states that the narrow roadway on Miran Khan Drive does not allow a vehicle intending to continue along the road to pass beside another vehicle waiting to turn right into a driveway or other access. Further, the construction of a BAR type turn treatment may be a potential solution.
- f) Steep Roadside Batter Slope – The batter slope is considered to be non-recoverable, meaning that a driver would not be able to control or manoeuvre a vehicle on this slope.
- g) Conclusion – the consultant concludes that all traffic related issues and perceived impacts should be comprehensively addressed and that a Traffic Impact Assessment (TIA) be undertaken for the proposed development.

Applicant's Response

*"The average traffic volumes expected for the site are summarised below:*

- Resident caretaker – maintenance/service trips maximum trips per day is five total ten (no longer proposed by the Applicant)
- Campers seven vehicles maximum trips per day is three total 21; and
- Visitors/service vehicles/other vehicles maximum trips per day is three total six.

*Based on the above assessment, it is contended that the proposed development will generate at an expected maximum, approximately 37 trips a day to and from the site. Given that the expected maximum is less than 100 vehicle trips per day, a detailed traffic assessment is not normally triggered, and the proposal should not exceed the capacity of the existing road network.*

*However, the Applicant is happy to accept a condition requiring that a TIA be undertaken and to construct a BAR type turn treatment, if required in the TIA."*

Officers Comments

Due to the site constraints (limited road width 5.5m approximately, poor sight distance, high speed 90km/hr speed limit) and the amount of through and turning vehicles, a turning treatment analysis must be undertaken in accordance with Austroads Guide to Road Design Part 4: Intersection and crossings.

The turning treatment analysis can be submitted with an operational works application, and treatment if warranted must be constructed prior to the use.

Note that a traffic volume of 466 vehicles per day (including 12.5% heavy vehicles) was recorded along Miran Khan Drive on the north side of Armstrong Beach (between Agatha Court and Coral Reef Court) in November 2021.

It is recommended to condition on any approval that a turning treatment analysis must be submitted with an operational works application in accordance with Austroads Guide to Road Design Part 4: Intersection and crossings, and treatment if warranted, must be constructed prior to the use.

Natural HazardsSubmitter Concerns

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Conflict with site suitability given the natural hazards mapped over the site. Submitters posit that the site is not suitable to support the proposed development given that it is impacted by the Acid Sulfate Soils Overlay, the Flood and Coastal Hazards Overlay and the Bushfire Hazard Overlay of the Planning Scheme. In particular, the following issues were raised:

- Drainage – The site drains towards ocean, and this may lead to a pollution impact on the beach and the bay. It may also lead to increased flow volumes onto neighbouring lots as well as increased ponding on neighbouring lots.
- Flooding – concern was raised that the subject site currently floods during the wet season. Also, that the subject site will be filled to a higher level than surrounding residential uses.

Applicant's Response

*"The development will not include any permanent structures that will be located within the Erosion Prone Area or below the DSTE. The site will not be filled and no changes to the natural drainage flows will occur as a result of the development. The future residence is located on the highest part of the site, adjacent to Miran Khan Drive (no longer part of the application)."*

Officers Comments

Though the subject lot is mapped as being an erosion prone and storm tide inundation area, the current proposal has no structures proposed on site. It is recommended that any approval include a condition that the minimum ground level for Recreational Vehicle sites be above DSTE.

The proposed development is for temporary tourist accommodation and the Recreational Vehicle sites are not located within the bushfire hazard area and additionally, the development will provide adequate measures to limit bushfire hazards (to be detailed in a future Bushfire Management Plan). A Bushfire Management Plan and a water tank supply system will be required for the development as part of a recommended condition of approval.

**Resource Implications**

There are no resource implications for Council arising from this recommendation.

**Risk Management Implications**

There is a risk that an appeal could be lodged by the Applicant or a submitter against Council's decision. This would give rise to cost implications, as Council would be required to participate in any appeal proceedings.

**Consultation**

During the assessment period, Council issued a formal Information Request to the Applicant seeking clarification and further material. The Applicant subsequently provided a formal response to Council's Information Request.

A Further Advice Notice was issued informing the Applicant that the proposed development was of a scale, intensity and design that will adversely impact upon the amenity of adjoining and nearby residential land uses in the locality. In response, the Applicant has provided an amended Plan of Development to address the matters raised. As a result, the scale of the development has been considerably reduced from the original 15 sites, down to seven.

As part of the Council in Community Day on 6 April 2022, Councillors and Council representatives met with submitters and local residents adjacent to the site.

Councillors were briefed on the application on 15 June 2022 and 17 August 2022.

**Conclusion**

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The report and plans provided by the Applicant demonstrates that the proposal will not have a detrimental impact on adjoining residents. The proposal has been assessed against the Planning Scheme and all assessment criteria. The Applicant reduced the number of Recreational Vehicle sites, and the resulting design of the development will ensure that the amenity of the surrounding area will not be adversely affected by the proposal.

It is therefore recommended that the proposal be approved, subject to conditions.

**Officer's Recommendation**

THAT Council approve the Development Application for a Development Permit for Material Change of Use for a Nature Based Tourism Seven (7) Self-Contained Recreational Vehicle Sites at Lot 1 Miran Khan Drive, Freshwater Point, formally described as Lot 1 on SP251331, subject to the following conditions:

1. Plan of Development

The approved development must be completed and maintained generally in accordance with the Plan of Development and supporting documentation which forms part of this application, except as otherwise specified by any condition of this approval.

2. Approved Use

The approved use for Nature based Tourism is only for self-contained recreational vehicles sites only. Any structures proposed to be constructed onsite not shown on the plan of development will be considered a change to this approval and require further assessment.

3. Compliance with Conditions

All conditions must be complied with prior to the commencement of the use on the subject site, unless specified in an individual condition.

4. Notice of Intention to Commence the Use

Prior to the commencement of the use on the site for each stage of the development, written notice must be given to Council that the use (development and works) fully complies with the decision notice issued in respect of the use (please see attached notice for your completion and return to [development.services@mackay.qld.gov.au](mailto:development.services@mackay.qld.gov.au)).

5. Maintenance of Development

The approved development (including landscaping, car parking, driveways and other external spaces) must be maintained in accordance with the approved plans and/or documents, and any relevant Council engineering or other approval required by the conditions.

6. Conflict between plans and written conditions

Where a discrepancy or conflict exists between the written conditions of the approval and the approved plans, the requirements of the written conditions will prevail.

7. Damage

The developer is responsible for the repair of any damage that is caused to Council's infrastructure as a result of the construction works associated with the proposed development. The developer must make any damage safe and then notify Council immediately. Council will make the decision as to who will carry out the rectification works and the timing for the completion of those works.

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## 8. Compliance with Council Standards

All design and construction for the development must be in accordance with Council's Policies, Planning Scheme Policies, Standard Drawings and Standard Construction Specifications.

## 9. Length of Stay

Guests are not permitted to stay on the site any longer than a maximum of three (3) days.

## 10. General Amenity Provision

The use and or development must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) Transport of vehicles, materials, goods or commodities to or from the subject site.
- b) Appearance of any building, works or materials.
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.

## 11. Vegetation Clearing

Vegetation clearing is limited to the self-contained recreational vehicle sites and internal driveway only.

## 12. On-site Landscaping

Landscaping is to be provided generally in accordance with the approved plans and Council's Planning Scheme Policy – Landscape v1.1 and associated documents. Landscaping is to be provided prior to the commencement of use where the landscaping is located on the approved plans, and is to be maintained at all times.

## 13. Refuse Storage and Collection

- a) Provision must be made on the land for the storage and collection of refuse and other solid waste generated by the development. This area must be drained and screened from view of neighbouring properties and road frontages.
- b) Where serviced by Council's refuse collection service, the storage area must provide:
  - i. an adequate manoeuvring area to enable a Council refuse truck to enter the site in forward gear, service the bins, and leave the site in forward gear after performing no more than a 3-point turn; and
  - ii. adequate vertical clearance to enable a Council refuse truck to service (empty) the bins.

## 14. Compliance with Council Standards

All design and construction for the development must be in accordance with Council's Policies, Engineering Design Guidelines, Standard Drawings and Standard Construction Specifications.

## 15. Invert Crossing and Driveways

Access to and from the development to Miran Khan Drive must be constructed in accordance with Mackay Regional Council standard drawing A3-08323, and to the council's satisfaction.

All driveways/internal roads must be sealed in order to prevent dust and noise impacts detrimentally impacting the surrounding environment.

## 16. Turtle protection lighting

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External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority. In particular the design of any seaward facing lights must be designed to be 'Turtle Friendly'.

## 17. Minimum Development Level

Minimum ground level for the self-contained recreational vehicle ground must be 5.28m AHD (Defined Storm Tide Event) in accordance with the Nature Based Tourism Code.

## 18. Flood Impact and Stormwater Assessment

Prior to the lodgement of the Operational Works Development Application, the applicant must submit to Council for approval a Flood and Stormwater Impact Assessment in accordance with Council's Guideline for Preparation of Flood and Stormwater Drainage Catchment Reports. The assessment must:

- a) model a range of design events up to and including the Defined Storm tide Event and 1% AEP (plus climate change) event accounting for the lot levels required by condition 17,
- b) demonstrate and justify the development does not cause an actionable nuisance offsite by changes to existing flood and stormwater conditions,
- c) Address the overland stormwater flow occurring into the proposed development from the upstream catchment will be managed
- d) be certified by a Registered Professional Engineer of Queensland (RPEQ).

The assessment must be reviewed and accepted by Council prior to lodgement of the Operational Works Application.

## 19. Turning treatment

Turning treatment analysis must be submitted with an Operational Works Application in accordance with Austroads Guide to Road Design Part 4: Intersection and Crossings. Treatment if warranted must be constructed prior to the use.

## 20. Vehicle Manoeuvring

All parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.

## 21. Parking Signs and Pavement Markings

A sign/signs and pavement markings must be provided directing drivers to the Recreational Vehicle parking.

## 22. Stormwater Drainage

Stormwater from the site shall be collected within the property boundaries and discharged to a legal point of discharge. Alternatively, all the stormwater emanating from the development must be retained on site.

## 23. Ponding and Diversion of Stormwater

Ponding of stormwater resulting from the development must not occur on adjacent sites and stormwater flowing onto the site must not be diverted onto other sites. The site shall be graded so that it is free draining.

## 24. Water Supply



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The development must be provided with an adequate water supply. This water supply system must comprise the following:

- a) components that are fireproof or non-combustible; and
- b) is fitted with male camlock fire brigade tank fittings; and
- c) connected to a constructed public road by a driveway with a maximum gradient of 12.5% and a minimum width of 6 metres (to be accessible to fire fighting vehicles); and
- d) within 6 metres of a fire fighting vehicle parking area that:
  - a. is level; and
  - b. has a minimum area of 60m<sup>2</sup>; and
- e) is connected to a pump that is independent of mains electricity supply; and
- f) is located external to, and a reasonable distance from, buildings; and
- g) is located to ensure safe and efficient access during a fire event.

## 25. Site Emergency Management Plan

A Site Emergency Management Plan which addresses Flood and Bushfire events must be submitted to Council for approval prior to the commencement of use, that incorporates the following as a minimum:

- a) How the stages of emergency will be managed (e.g. prior to event, at the event, following the event).
- b) Communication methods with visitors staying on the site.
- c) How an evacuation will be managed for visitors staying on the site.
- d) Where visitors will congregate on the site and how this area will be accessed ensuring that the land to be travelled is not flood prone or subject to bushfire risk. A diagram is to be provided demonstrating the safe evacuation route and evacuation location/meeting point as a minimum.

Note: Also refer to Acceptable Outcomes 9 and Acceptable Outcome 10 of the Nature Based Tourism Code.

## 26. Control of Light Spill

External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

## 27. On site visitor management

- a) The name and contact details of a nominated property manager are provided to Council. The property manager must:
  - a. reside within 30 minutes travel time of the premises;
  - b. remain contactable at all hours by phone to deal with complaints or visitor queries;
  - c. be responsible to maintain and manage the premises in accordance with the Code of Conduct.
- b) A professionally made, weather-proof sign is erected on the street frontage which:
  - a. is approximately 0.3 square meter sign face area;
  - b. displays the name of the property manager and their all-hours phone number.
- c) A 'Code of Conduct' must be provided to all guests prior to occupancy which must include as a minimum:
  - a. the maximum number of guests permitted to reside in the house at any one time, which cannot be more than eight persons;
  - b. rules requiring residents to minimise noise and other activities which would disturb neighbours;
  - c. an emergency/fire evacuation plan;
- d) A record keeping procedure must be maintained and available for Council inspection, which records:
  - a. details of each booking (guests, contact number etc);
  - b. a copy of the signed acceptance of the terms and conditions document;
  - c. details of any complaints received, time, date and the nature of the complaint.
- e) Information to visitors wishing to dispose of waste matter at waste points from recreational vehicles must be provided. The nearest dump point is at the Information Centre, Railway Square, Sarina.

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Information on sullage dump point sites in the region can be accessed through:

[https://www.mackay.qld.gov.au/facilities/fitness\\_and\\_health/caravans\\_and\\_motor\\_homes\\_sullage\\_sites](https://www.mackay.qld.gov.au/facilities/fitness_and_health/caravans_and_motor_homes_sullage_sites)

**ASSESSMENT MANAGER'S ADVICE**

## 1. Infrastructure Charges Notice

Pursuant to the *Planning Act 2016* and the State Planning Regulatory Provision (adopted charges) an Infrastructure Charges Notice relates to this Development Permit, and accompanies this notice.

## 2. Advertising Sign Approval

No advertising sign and/or advertising device can be erected without separate Council approval. An application to Council under Subordinate Local Law 1.4 must be made and approved prior to any such sign or device being erected.

## 3. Local Laws

The approved development must also comply with Council's current Local Laws under the *Local Government Act 2009*.

## 4. Hours of Work

It is the Applicant/owner's responsibility to ensure compliance with Section 440R of the *Environmental Protection Act 1994*, 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.

## 5. Dust Control

It is the Applicant/owner's responsibility to ensure compliance with Section 319 General Environmental Duty of the *Environmental Protection Act 1994*, which prohibits unlawful environmental nuisance caused by dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks and construction.

## 6. Sedimentation Control

It is the Applicant/owner's responsibility to ensure compliance with Chapter 8, Part 3C of the *Environmental Protection Act 1994* to prevent soil erosion and contamination of the stormwater drainage system and waterways.

## 7. Noise During Construction and Noise in General

It is the Applicant/owner's responsibility to ensure compliance with Chapter 8, Part 3B of the *Environmental Protection Act 1994*.

## 8. General Safety of Public During Construction

It is the principal contractor's responsibility to ensure compliance with Section 19 (2) of the *Work Health and Safety Act 2011*. 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 *Work Health and Safety Act 2011*. 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

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and anything arising from the workplace are without risks to the health and safety of any person.

9. Contaminated Land

It is strictly the Applicant/owner's responsibility to source information regarding contaminated land from the Department of Environment and Heritage Protection, Contaminated Land Section as Council has not conducted detailed studies and does not hold detailed information pertaining to contaminated land.

Mr Rod Den Elzen addressed Council advising that just over a year ago he and his wife purchased a block of land at Freshwater Point for their retirement and noting that it was zoned as rural residential, were confident that no one would be able to build anything except a residence. Mr De Elzen advised that he and his wife were very dismayed to see a proposal for a nature based tourism park and noted that there had been a lot of opposition from the local community, including 78 signatures and many emails forwarded to Council. Mr Den Elzen advised that he did not believe Council had listened to the locals with 78 signatures opposing this development a huge number considering the small community. Mr Den Elzen advised that as a businessman himself, he appreciated the value of business and opportunity, but could not see how a 7 site park could be financially viable or of benefit to the community and with several others, was prepared to take this matter further.

Cr May noted that there is no proposal to place a dwelling on the site presently and sought clarification that the report does not indicate that there is any proposal to do so at this stage.

The Director for Development Services Aletta Nugent, advised that the site is currently vacant but a dwelling could go on the site at any time without the need for a development permit, and reiterated that this proposal is for the 7 RV sites and does not include a dwelling.

Cr May queried how the developers proposed to manage the operations of the nature based tourism park if they were not on site.

The Director advised that there are conditions that relate to the ongoing management of the park and a number of those conditions relate to concerns that have been raised. The Director advised that she believes there was a requirement for someone to be within 30 minutes of the site in case there are any issues.

Cr Englert queried if, prior to the application or after it, there were any restrictions on where a dwelling could be built.

The Director advised that any dwelling would have to avoid the designated RV sites and noted that there are standard requirements for a dwelling around setbacks and the possible impact of any overlays.

The Director advised that this proposal had originally started out as 20 sites but based on an assessment against the Planning Scheme, the impacts of the development and the feedback from the community, Council has worked with the applicant to make a number of changes to the application, including reducing the number of sites from 20 to 7 and placing a number of conditions on any approval.

Cr Englert noted that it was his understanding that under the current application, if Council rejected it, the owner would have grounds to take Council to Court and potentially win.

The Director advised that if Council refused the application there would be the ability for an appeal to be launched by the applicant but conversely, if Council approved the application, there is an appeal right applied to the submitters. The Director advised that the officers have assessed the application and based on their professional opinion, have put forward what they consider a reasonable recommendation.

Cr Bonaventura queried if the appeal rights for the submitters dates back to the original lodgement or just from the recent application.

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The Director advised that anyone who had made a properly made submission through the formal submission process would have appeal rights.

**Council Resolution ORD-2022-274**

**THAT Council approve the Development Application for a Development Permit for Material Change of Use for a Nature Based Tourism Seven (7) Self-Contained Recreational Vehicle Sites at Lot 1 Miran Khan Drive, Freshwater Point, formally described as Lot 1 on SP251331, subject to the following conditions:**

**1. Plan of Development**

The approved development must be completed and maintained generally in accordance with the Plan of Development and supporting documentation which forms part of this application, except as otherwise specified by any condition of this approval.

**2. Approved Use**

The approved use for Nature based Tourism is only for self-contained recreational vehicles sites only. Any structures proposed to be constructed onsite not shown on the plan of development will be considered a change to this approval and require further assessment.

**3. Compliance with Conditions**

All conditions must be complied with prior to the commencement of the use on the subject site, unless specified in an individual condition.

**4. Notice of Intention to Commence the Use**

Prior to the commencement of the use on the site for each stage of the development, written notice must be given to Council that the use (development and works) fully complies with the decision notice issued in respect of the use (please see attached notice for your completion and return to [development.services@mackay.qld.gov.au](mailto:development.services@mackay.qld.gov.au)).

**5. Maintenance of Development**

The approved development (including landscaping, car parking, driveways and other external spaces) must be maintained in accordance with the approved plans and/or documents, and any relevant Council engineering or other approval required by the conditions.

**6. Conflict between plans and written conditions**

Where a discrepancy or conflict exists between the written conditions of the approval and the approved plans, the requirements of the written conditions will prevail.

**7. Damage**

The developer is responsible for the repair of any damage that is caused to Council's infrastructure as a result of the construction works associated with the proposed development. The developer must make any damage safe and then notify Council immediately. Council will make the decision as to who will carry out the rectification works and the timing for the completion of those works.

**8. Compliance with Council Standards**

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All design and construction for the development must be in accordance with Council's Policies, Planning Scheme Policies, Standard Drawings and Standard Construction Specifications.

**9. Length of Stay**

Guests are not permitted to stay on the site any longer than a maximum of three (3) days.

**10. General Amenity Provision**

The use and or development must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) Transport of vehicles, materials, goods or commodities to or from the subject site.
- b) Appearance of any building, works or materials.
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.

**11. Vegetation Clearing**

Vegetation clearing is limited to the self-contained recreational vehicle sites and internal driveway only.

**12. On-site Landscaping**

Landscaping is to be provided generally in accordance with the approved plans and Council's Planning Scheme Policy – Landscape v1.1 and associated documents. Landscaping is to be provided prior to the commencement of use where the landscaping is located on the approved plans, and is to be maintained at all times.

**13. Refuse Storage and Collection**

- a) Provision must be made on the land for the storage and collection of refuse and other solid waste generated by the development. This area must be drained and screened from view of neighbouring properties and road frontages.
- b) Where serviced by Council's refuse collection service, the storage area must provide:
  - i. an adequate manoeuvring area to enable a Council refuse truck to enter the site in forward gear, service the bins, and leave the site in forward gear after performing no more than a 3-point turn; and
  - ii. adequate vertical clearance to enable a Council refuse truck to service (empty) the bins.

**14. Compliance with Council Standards**

All design and construction for the development must be in accordance with Council's Policies, Engineering Design Guidelines, Standard Drawings and Standard Construction Specifications.

**15. Invert Crossing and Driveways**

Access to and from the development to Miran Khan Drive must be constructed in accordance with Mackay Regional Council standard drawing A3-08323, and to the council's satisfaction.

All driveways/internal roads must be sealed in order to prevent dust and noise impacts detrimentally impacting the surrounding environment.

**16. Turtle protection lighting**

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External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority. In particular the design of any seaward facing lights must be designed to be 'Turtle Friendly'.

**17. Minimum Development Level**

Minimum ground level for the self-contained recreational vehicle ground must be 5.28m AHD (Defined Storm Tide Event) in accordance with the Nature Based Tourism Code.

**18. Flood Impact and Stormwater Assessment**

Prior to the lodgement of the Operational Works Development Application, the applicant must submit to Council for approval a Flood and Stormwater Impact Assessment in accordance with Council's Guideline for Preparation of Flood and Stormwater Drainage Catchment Reports. The assessment must:

- a) model a range of design events up to and including the Defined Storm tide Event and 1% AEP (plus climate change) event accounting for the lot levels required by condition 17,
- b) demonstrate and justify the development does not cause an actionable nuisance offsite by changes to existing flood and stormwater conditions,
- c) Address the overland stormwater flow occurring into the proposed development from the upstream catchment will be managed
- d) be certified by a Registered Professional Engineer of Queensland (RPEQ).

The assessment must be reviewed and accepted by Council prior to lodgement of the Operational Works Application.

**19. Turning treatment**

Turning treatment analysis must be submitted with an Operational Works Application in accordance with Austroads Guide to Road Design Part 4: Intersection and Crossings. Treatment if warranted must be constructed prior to the use.

**20. Vehicle Manoeuvring**

All parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.

**21. Parking Signs and Pavement Markings**

A sign/signs and pavement markings must be provided directing drivers to the Recreational Vehicle parking.

**22. Stormwater Drainage**

Stormwater from the site shall be collected within the property boundaries and discharged to a legal point of discharge. Alternatively, all the stormwater emanating from the development must be retained on site.

**23. Ponding and Diversion of Stormwater**

Ponding of stormwater resulting from the development must not occur on adjacent sites and stormwater flowing onto the site must not be diverted onto other sites. The site shall be graded so that it is free draining.

**24. Water Supply**

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The development must be provided with an adequate water supply. This water supply system must comprise the following:

- a) components that are fireproof or non-combustible; and
- b) is fitted with male camlock fire brigade tank fittings; and
- c) connected to a constructed public road by a driveway with a maximum gradient of 12.5% and a minimum width of 6 metres (to be accessible to fire fighting vehicles); and
- d) within 6 metres of a fire fighting vehicle parking area that:
  - a. is level; and
  - b. has a minimum area of 60m<sup>2</sup>; and
- e) is connected to a pump that is independent of mains electricity supply; and
- f) is located external to, and a reasonable distance from, buildings; and
- g) is located to ensure safe and efficient access during a fire event.

#### 25. Site Emergency Management Plan

A Site Emergency Management Plan which addresses Flood and Bushfire events must be submitted to Council for approval prior to the commencement of use, that incorporates the following as a minimum:

- a) How the stages of emergency will be managed (e.g. prior to event, at the event, following the event).
- b) Communication methods with visitors staying on the site.
- c) How an evacuation will be managed for visitors staying on the site.
- d) Where visitors will congregate on the site and how this area will be accessed ensuring that the land to be travelled is not flood prone or subject to bushfire risk. A diagram is to be provided demonstrating the safe evacuation route and evacuation location/meeting point as a minimum.

Note: Also refer to Acceptable Outcomes 9 and Acceptable Outcome 10 of the Nature Based Tourism Code.

#### 26. Control of Light Spill

External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

#### 27. On site visitor management

- a) The name and contact details of a nominated property manager are provided to Council. The property manager must:
  - a. reside within 30 minutes travel time of the premises;
  - b. remain contactable at all hours by phone to deal with complaints or visitor queries;
  - c. be responsible to maintain and manage the premises in accordance with the Code of Conduct.
- b) A professionally made, weather-proof sign is erected on the street frontage which:
  - a. is approximately 0.3 square meter sign face area;
  - b. displays the name of the property manager and their all-hours phone number.
- c) A 'Code of Conduct' must be provided to all guests prior to occupancy which must include as a minimum:
  - a. the maximum number of guests permitted to reside in the house at any one time, which cannot be more than eight persons;
  - b. rules requiring residents to minimise noise and other activities which would disturb neighbours;
  - c. an emergency/fire evacuation plan;

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- d) A record keeping procedure must be maintained and available for Council inspection, which records:
  - a. details of each booking (guests, contact number etc);
  - b. a copy of the signed acceptance of the terms and conditions document;
  - c. details of any complaints received, time, date and the nature of the complaint.
- e) Information to visitors wishing to dispose of waste matter at waste points from recreational vehicles must be provided. The nearest dump point is at the Information Centre, Railway Square, Sarina.

Information on sullage dump point sites in the region can be accessed through: [https://www.mackay.qld.gov.au/facilities/fitness\\_and\\_health/caravans\\_and\\_motor\\_homes\\_sullage\\_sites](https://www.mackay.qld.gov.au/facilities/fitness_and_health/caravans_and_motor_homes_sullage_sites)

**ASSESSMENT MANAGER'S ADVICE****1. Infrastructure Charges Notice**

Pursuant to the *Planning Act 2016* and the State Planning Regulatory Provision (adopted charges) an Infrastructure Charges Notice relates to this Development Permit, and accompanies this notice.

**2. Advertising Sign Approval**

No advertising sign and/or advertising device can be erected without separate Council approval. An application to Council under Subordinate Local Law 1.4 must be made and approved prior to any such sign or device being erected.

**3. Local Laws**

The approved development must also comply with Council's current Local Laws under the *Local Government Act 2009*.

**4. Hours of Work**

It is the Applicant/owner's responsibility to ensure compliance with Section 440R of the *Environmental Protection Act 1994*, 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.

**5. Dust Control**

It is the Applicant/owner's responsibility to ensure compliance with Section 319 General Environmental Duty of the *Environmental Protection Act 1994*, which prohibits unlawful environmental nuisance caused by dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks and construction.

**6. Sedimentation Control**

It is the Applicant/owner's responsibility to ensure compliance with Chapter 8, Part 3C of the *Environmental Protection Act 1994* to prevent soil erosion and contamination of the stormwater drainage system and waterways.

**7. Noise During Construction and Noise in General**

It is the Applicant/owner's responsibility to ensure compliance with Chapter 8, Part 3B of



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**the *Environmental Protection Act 1994*.**

#### **8. General Safety of Public During Construction**

**It is the principal contractor's responsibility to ensure compliance with Section 19 (2) of the *Work Health and Safety Act 2011*. 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 *Work Health and Safety Act 2011*. Sections 20 (2) states that the person in control of the workplace is obliged to ensure that the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person.**

#### **9. Contaminated Land**

**It is strictly the Applicant/owner's responsibility to source information regarding contaminated land from the Department of Environment and Heritage Protection, Contaminated Land Section as Council has not conducted detailed studies and does not hold detailed information pertaining to contaminated land.**

**Moved: Cr Bonaventura**

**Seconded: Cr Jones**

Cr Bonaventura thanked staff for working with the submitters over a period of time and also with the developer of the site to try to come up with something that is workable. Cr Bonaventura advised that he believed 7 sites was reasonable and noted that it was probably not a viable business at this stage, but if someone builds their own house and lives on the site, it could derive them a small income, noting that the proposal provides more accommodation options for those travelling.

Cr Hassan spoke against the motion, noting that even taking into account the officers recommendations and the conditions imposed, this was still a small community and following community consultation there was a significant amount of negative feedback and is concerned about the negative impact the development may have on this community. Cr Hassan advised that she was not confident of the benefit to the community and how Council would ensure compliance.

Cr Englert spoke in favour of the motion noting that he was very torn especially given the significant community objection to the development application, but felt there was no justifiable reason to vote against the motion, noting that there are significant conditions to the application. Cr Englert acknowledged the concerns of the community but felt that if the application was rejected the owner has the right to appeal, as do the submitters, and logically there would be a significant financial loss to Council if we went to Court so while personally against the proposal, there is no reason within our Policy to vote against it.

Cr May spoke in favour of the motion noting that she was also very torn but noted that in any planning matters, the officers need to make assessments against the codes and overlays that sit within the Planning Scheme and noted that if there is any benefit, it is that the development has been reduced from 20 sites to 7. Cr May advised that she does have some concerns around no one being on site to manage the development but noted that community consultation was very thorough and included a visit by Councillors to listen to residents on a Council in Community Day, which is why officers worked with the applicant to find a solution that met the planning requirements. Cr May noted that saying no to a planning development without having the grounds is not something that Council can do and advised that she had spoken to residents on the telephone yesterday and appreciates their concerns.

Mayor Williamson noted that this matter has been well discussed and well consulted but advised that he cannot support it, noting that it was very difficult for him to say this as Mayor and in terms of the officers recommendations but the officers are bound by the Act and Council's Planning Scheme. Mayor Williamson

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advised that in his view, the Planning Scheme has got it wrong in this area of land at Freshwater Point and regardless of whether it can make money or not, which is not the concern of Council, the concern is one of a community issue. Mayor Williamson apologised to staff who are bound by the Planning Scheme but advised that he could not support this motion.

**CARRIED**

**Mayor Williamson, Cr Mann, Cr Hassan, Cr Green recorded their vote against the Motion.**

**15. PUBLIC PARTICIPATION**

Nil

**16. LATE BUSINESS**

Cr Mann noted that Zonta Mackay would be celebrating its' 30th birthday on Friday night and 30 years on, still have two foundation members involved, who have done a lot of work in raising the profile of Zonta and raising funds. Cr Mann noted that she and Cr Hassan are both members of the organisation and look forward to many more years with the club.

Cr Jones advised that she had recently attended the Living under the Act training which was excellent educational training, and reiterated her desire to continue to advocate on behalf of Aboriginal and Torres Strait Islander people. Cr Jones encouraged all Councillors to undertake this educational training.

Cr Green offered a shout out to the Resources Centre of Excellence and the work they did in attracting the STEM Pump Space 2021 Pilot Program, which saw some 50 students participate in the four day program. Cr Green advised that American astronaut Susan Kilrain had travelled from the United State of America to participate and educators were amazed at the level of talent displayed by the students.

**17. CONFIDENTIAL REPORTS**

THAT the meeting be closed to the public in accordance with the *Local Government Act 2009 (Section 254J of the Local Government Regulation 2012)* to discuss matters relating to:-

Confidential Item	Reason for Meeting Closure
Item 17.1 - Appointment of Chief Executive Officer	(a) the appointment, discipline or dismissal of the Chief Executive Officer
Item 17.2 - Legal Services Monthly Report - August 2022	(e) legal advice obtained by Council or legal proceedings involving Council (g) negotiations relating to a commercial matter involving Council for which a public discussion would be likely to prejudice the interest of Council (h) negotiations relating to the taking of land by the Council under the <i>Acquisition of Land Act 1967</i>
Item 17.3 - Approved Sponsorship Under the Invest Mackay Events and Conference Attraction Program - August 2022	(c) the Council's budget
Item 17.4 - Draft Minutes - Invest Mackay Events and Conference Attraction Program Advisory Committee Meeting - 5 September 2022	(c) the Council's budget
Item 17.5 - Approved Concessions Under Facilitating Development in the Mackay region Policy - August 2022	(c) the Council's budget

**Moved Cr Jones**

**Seconded Cr May**

**CARRIED**

11:35 am - The meeting be closed to the public.

THAT the meeting be reopened to the public.

**Moved Cr Jones**

**Seconded Cr Green**

**CARRIED**

11:38 am - The meeting reopened to the public.

#### **17.1. APPOINTMENT OF CHIEF EXECUTIVE OFFICER**

**Confidential**

*Confidential Report to be forwarded separately.*

This report is **CONFIDENTIAL** in accordance with the Section 254J (3) (a) of the *Local Government Regulation 2012* which permits the meeting to be closed to the public to discuss a matter relating to **the appointment, discipline or dismissal of the chief executive officer.**

#### **Council Resolution ORD-2022-290**

**THAT** following an extensive recruitment process Council resolves to authorise the Mayor to make the appointment of a new Chief Executive Officer pursuant to section 194(1) of the *Local Government Act 2009*, noting that the preferred candidate is considered to be a suitably experienced and qualified person.

**FURTHER THAT** the Mayor be authorised to complete the contract of employment in line with the requirements of section 194(4) the *Local Government Act 2009* and Council's standard management employment contract.

**Moved Cr Mann**

**Seconded Cr Jones**

**CARRIED**

#### **17.2. LEGAL SERVICES MONTHLY REPORT - AUGUST 2022**

**Confidential**

*Confidential Report to be forwarded separately.*

This report is **CONFIDENTIAL** in accordance with the Section 254J (3) (e) of the *Local Government Regulation 2012* which permits the meeting to be closed to the public to discuss a matter relating to **legal**

**advice obtained by Council or legal proceedings involving Council including for example, legal proceedings that may be taken by or against Council.**

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

This report is **CONFIDENTIAL** in accordance with the Section 254J (3) (h) of the *Local Government Regulation 2012* which permits the meeting to be closed to the public to discuss a matter **relating to negotiations relating to the taking of land by the Council under the *Acquisition of Land Act 1967*.**

**Council Resolution ORD-2022-291**

**THAT the Legal Services Monthly Report for August 2022 be accepted.**

Moved Cr Hassan

Seconded Cr Townsend

**CARRIED**

### **17.3. APPROVED SPONSORSHIP UNDER THE INVEST MACKAY EVENTS AND CONFERENCE ATTRACTION PROGRAM - AUGUST 2022**

**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-2022-292**

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

Moved Cr Mann

Seconded Cr Townsend

**CARRIED**

### **17.4. DRAFT MINUTES - INVEST MACKAY EVENTS AND CONFERENCE ATTRACTION PROGRAM ADVISORY COMMITTEE MEETING - 5 SEPTEMBER 2022**

**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-2022-293**

**THAT the draft minutes of the Invest Mackay Events and Conference Attraction Program Advisory Committee meeting dated 5 September 2022 be received.**

**Moved Cr May**

**Seconded Cr Townsend**

**CARRIED**

**17.5. APPROVED CONCESSIONS UNDER FACILITATING DEVELOPMENT IN THE MACKAY REGION  
POLICY - AUGUST 2022**

**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-2022-294**

**THAT the concessions approved under the Facilitating Development in the Mackay region are noted.**

**Moved Cr Mann**

**Seconded Cr Hassan**

**CARRIED**

**18. MEETING CLOSURE**

Meeting closed at 11:38 am.

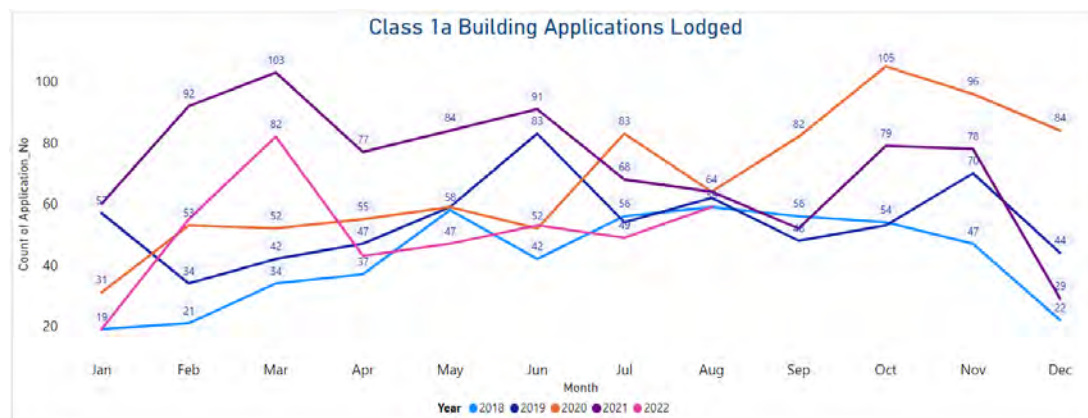
**19. FOR INFORMATION ONLY**

**19.1. BUILDING WORKS STATISTICS - AUGUST 2022**

Class	Description	Total August 2022	Total Value of Proposed Works	Average Proposed Floor Area (m2)	Total August 2021	YTD
Class 1A	A single dwelling being a detached house, or one of a group of two or more attached dwellings, each being a building, separated by a fire-resisting wall, including a row house, terrace house, town house or villa unit	59	\$20,551,014	169	64	408
Class 1B	A boarding house, guest house, hostel or the like with a total area of all floors not exceeding 300m2, and where not more than 12 people reside, and is not located above or below another dwelling or another Class of building other than a private garage	0			0	4
Class 2	A building containing 2 or more sole-occupancy units each being a separate dwelling	0			0	2
Class 3	A residential building, other than a Class 1 or 2 building, which is a common place of long term or transient living for a number of unrelated persons. Example: boarding-house, hostel, backpackers accommodation or residential part of a hotel, motel, school or detention centre	0			0	4
Class 4	A dwelling in a building that is Class 5, 6, 7, 8 or 9 if it is the only dwelling in the building	0			0	0
Class 5	An office building used for professional or commercial purposes, excluding buildings of Class 6, 7, 8 or 9	1	\$100,000	0	3	12
Class 6	A shop or other building for the sale of goods by retail or the supply of services direct to the public. Example: café, restaurant, kiosk, hairdressers, showroom or service station	7	\$5,845,475	722	16	38
Class 7A	A building which is a car park	0			0	0
Class 7B	A building which is for storage or display of goods or produce for sale by wholesale	2	\$1,388	2,775	2	11
Class 8	A laboratory, or a building in which a handicraft or process for the production, assembling, altering, repairing, packing, finishing, or cleaning of goods or produce is carried on for trade, sale or gain	1	\$1,200,000	1,388	0	12
Class 9A	A health care building, including those parts of the building set aside as a laboratory	0			0	1
Class 9B	An assembly building, including a trade workshop, laboratory or the like, in a primary or secondary school, but excluding any other parts of the building that are of another class	1	\$30,000	0	2	11
Class 9C	An aged care building	0			0	0

Class 10A	A private garage, carport, shed or the like	98	\$5,642,251	97	109	764
Class 10B	A structure being a fence, mast, antenna, retaining or free standing wall, swimming pool or the like	29	\$1,489,323	1,738	37	186
Class 10C	A private bushfire shelter	0			5	0
Sundry	Demolition residential/commercial/industrial, class n/a, class s/s	2	\$48,200	N/A	0	15
<b>Totals</b>		<b>200</b>	<b>\$34,907,650</b>	<b>6,889</b>	<b>238</b>	<b>1,468</b>

Description	Total August 2022	Total Value of Proposed Works	Average Proposed Floor Area (m2)	Total August 2021	YTD
New building or structure	129	\$169,593,434	175	151	1,006
Change of building classification	4	\$2,537,000	136	0	8
Demolition	3	\$70,200	N/A	8	55
Repairs, alterations, additions	29	\$5,198,514	192	31	199
Swimming pool and/or pool fence	29	\$1,695,901	N/A	31	163
Relocation or removal	0			1	4
<b>Totals</b>	<b>194</b>	<b>\$179,095,049</b>	<b>501</b>	<b>222</b>	<b>1,435</b>





**19.2. DEVELOPMENT APPLICATIONS - AUGUST 2022**

## Development Application Received

App No.	Code / Impact	Address	Applicant	Description	Officer
DA-2011-323/C	Code	Lot 912 Aviland Drive SEAFORTH	Betaboard Australia Pty Ltd	Change Application (Minor) - Amendment of Plans and Change to Condition 141 Split Zone Lot in to 23 Village Lots & 1 Balance Rural Residential Lot	Darryl Bibay
DA-2019-135/A	Code	55-59 Micheltore Street PAGET	Champion Engineers	Generally in Accordance - Material Change of Use - High Impact Industry and Reconfiguration of a Lot - 2 High Impact Industry Lots into 3 Lots	Brogan Jones
DA-2019-161/A	Impact	197 Maggiolo Drive PAGET	Mt Tyson Holdings Pty Ltd	Change Application (Minor) - Change to Conditions 1 & 4 Combined Application for Material Change of Use (Industry Activities including Warehouse, Low Impact Industry and Medium Impact Industry) & Showroom & Hardware & Trade Supplies Reconfiguration of a Lot - Access Easement over Lot 35 on SP247919	Brogan Jones
DA-2022-137	Code	16B Ian Wood Drive DOLPHIN HEADS	AAA Planning & Consultancy	Material Change of Use - Outbuilding (Exceed Site Coverage and Overheight)	Darryl Bibay
DA-2022-138	Code	9 Begonia Court BEACONSFIELD	Anne S Boe	Boundary Realignment - 3 Residential Lots into 2 Lots	Lachlan Deon
DA-2022-139	Code	66-72 Gateway Drive PAGET	WHF Group Pty Ltd	Material Change of Use - Warehouse	Lachlan Deon
DA-2022-140	Code	89 Trevaskis Road FARLEIGH	Kenneth R Green and Glenice I Green	Boundary Realignment - 2 Rural Lots into 2 Lots	Lachlan Deon
DA-2022-141	Code	10 Balnagowan Mandarana Road THE LEAP	Geoffrey I Reddacliff	Material Change of Use - Dwelling House (Secondary Dwelling)	Ricardo Bijos
DA-2022-142	Code	2 Webster Road SARINA	AAA Planning & Consultancy	Material Change of Use - Outbuilding (Exceed Site Coverage)	Darryl Bibay
DA-2022-143	Code	Lot 17 Westlake Drive THE LEAP	David S Westlake and Beryl P Westlake and Sean E Westlake and others	Boundary Realignment - 2 Rural Lots into 2 Lots	Lachlan Deon
DA-2022-144	Code	263 Sugarshed Road ERAKALA	Brendan A Vassallo	Boundary Realignment - 3 Rural Lots into 3 Lots (Tradeable Development Rights Policy)	Lachlan Deon
DA-2022-147	Code	619 Devereux Creek Road DEVEREUX CREEK	AAA Planning & Consultancy	Material Change of Use - Shed (Exceed Site Coverage and Overheight)	Darryl Bibay
DA-2022-149	Code	2 Gorman Street BAKERS CREEK	Sherren L Taylor	Reconfiguration of Lot - 1 Residential Lot into 2 Lots	Darryl Bibay
DA-2022-150	Code	585 Farleigh-Habana Road HABANA	VC Hornick Builder Pty Ltd	Material Change of Use - Caretaker's Accommodation	Rachel O'Brien
DA-2022-151	Code	105 Coleshill Drive ALLIGATOR CREEK	Jared L Barrow and Tiffany A Barrow	Material Change of Use - Dwelling House (Bushfire Overlay)	Ricardo Bijos
DA-2022-152	Code	476 Bridge Road WEST MACKAY	Holistic Property Group	Material Change of Use - Hospital and Health Care Services	Brogan Jones
DA-2022-153	Code	4934 Mackay-Eungella Road FINCH HATTON	Susann L Vetma	Material Change of Use - Boundary Setback for Dwelling House	Rachel O'Brien
DA-2022-154	Code	77 Wood Street MACKAY	AAA Building Consultants	Material Change of Use - Dwelling House Extension (Heritage & Neighbourhood Overlay)	Lachlan Deon
DA-2022-155	Impact	11 Anzac Parade FINCH HATTON	Mackay Regional Council	Material Change of Use - Undefined Use (Pioneer Valley Mountain Bike Park - Stage 1)	Cherise Ayling
DA-2022-156	Code	11-27 Archibald Street PAGET	Angelo A Sorbella and Salvatore M Sorbello	Reconfiguration of a Lot - 2 Industrial Lots into 19 Lots	Lachlan Deon
DA-2022-157	Code	10 Shamrock Road BALBERRA	AAA Building Consultants	Material Change of Use - Dwelling House Extension (Rural Zone)	Rachel O'Brien
DA-2022-158	Low Risk	105 Commander Parade BUCASIA	Cougar Homes	Material Change of Use - Boundary Setback and Site Coverage for Community Residence	Rachel O'Brien
DA-2022-159	Code	1000 Kuttalul Mount Jukes Road MOUNT JUKES	Sabrina Rampi	Material Change of Use - Tourist Attraction (Farm Based Tourism)	Brogan Jones
DA-2022-160	Code	Lot 1 Bruce Highway BAKERS CREEK	Southlink Industrial Pty Ltd	Material Change of Use - Service Station	Lachlan Deon
DA-2022-161	Code	18 Byron Street MACKAY	Kangmin Lu	Material Change of Use - Multiple Dwellings (3 Units)	Daniel Walsh
DA-2022-162	Code	14 Byron Street MACKAY	Kangmin Lu	Material Change of Use - Multiple Dwellings (3 Units)	Daniel Walsh

DA-2022-163	Code	27-29 Production Drive PAGET	Sky's The Limit Access Pty Ltd	Combined Application - Reconfiguring a Lot – 3 Lots into 2 Lots and Material Change of Use – Medium Impact Industry	Lachlan Deon
DA-2022-164	Code	13 Jardine Drive ERAKALA	AAA Planning & Consultancy	Material Change of Use - Exceed Height and Boundary Setback and for Shed	Darryl Bibay
DA-2022-33/A	Code	650 Devereux Creek Road DEVEREUX CREEK	Marius Johnson and Cornelia J Johnson	Change Application (Minor) - Amendment to Plans Material Change of Use - Dwelling House (Secondary Dwelling)	Lachlan Deon

## Development Applications Entering Decision Making Period

App No.	Code / Impact	Address	Applicant	Description	Officer
DA-2022-104	Code	61 Gordon Street MACKAY	Mackay Regional Council	Material Change of Use - Extension to Existing Lawful Community Use (Artspace Mackay)	Dennis O'Riely
DA-2022-105	Code	69 Broad Street SARINA	Mackay Regional Council	Material Change of Use - Replacement of Existing Community Care Centre (Sarina Youth Centre)	Lachlan Deon
DA-2022-106	Code	42-44 Production Drive PAGET	Holt Holdings Pty Ltd and Harleo Pty Ltd and McDermott Investment Holdings Pty Ltd	Material Change of Use – High Impact Industry (Transport Depot)	Lachlan Deon
DA-2022-126	Code	8 Lloyd Street WEST MACKAY	Development Planning & Approvals	Material Change of Use - Extension of Dwelling and Construction of New Carport	Darryl Bibay
DA-2022-128	Code	83 Coleshill Drive ALLIGATOR CREEK	AAA Building Consultants	Building Work - Front Boundary Setback	Ricardo Bijos
DA-2022-129	Code	8 Weigands Road ALEXANDRA	Rapid Building Approvals	Material Change of Use - Proposed Shed - Front and Side Boundary Setback	Darryl Bibay
DA-2022-131	Code	4A Rural View Drive RURAL VIEW	Scott A Thorburn and Trudy Thorburn	Material Change of Use - Dwelling House (Boundary Setback)	Darryl Bibay
DA-2022-132	Code	Lot 19 Exmoor Road BLOOMSBURY	AAA Planning & Consultancy	Building Work - Dwelling House (Bushfire Hazard Overlay)	Ricardo Bijos
DA-2022-136	Code	34 William Street SOUTH MACKAY	Linda G Devonshire	Material Change of Use - Home Based Business	Ricardo Bijos
DA-2022-137	Code	16B Ian Wood Drive DOLPHIN HEADS	AAA Planning & Consultancy	Material Change of Use - Outbuilding (Exceed Site Coverage and Overheight)	Darryl Bibay
DA-2022-138	Code	9 Begonia Court BEACONSFIELD	Anne S Boe	Boundary Realignment - 3 Residential Lots into 2 Lots	Lachlan Deon
DA-2022-139	Code	66-72 Gateway Drive PAGET	WHF Group Pty Ltd	Material Change of Use - Warehouse	Lachlan Deon
DA-2022-141	Code	10 Balnagowan Mandarana Road THE LEAP	Geoffrey I Reddacliff	Material Change of Use - Dwelling House (Secondary Dwelling)	Ricardo Bijos
DA-2022-142	Code	2 Webster Road SARINA	AAA Planning & Consultancy	Material Change of Use - Outbuilding (Exceed Site Coverage)	Darryl Bibay
DA-2022-147	Code	619 Devereux Creek Road DEVEREUX CREEK	AAA Planning & Consultancy	Material Change of Use - Shed (Exceed Site Coverage and Overheight)	Darryl Bibay
DA-2022-150	Code	585 Farleigh-Habana Road HABANA	VC Hornick Builder Pty Ltd	Material Change of Use - Caretaker's Accommodation	Rachel O'Brien
DA-2022-153	Code	4934 Mackay-Eungella Road FINCH HATTON	Susann L Vetma	Material Change of Use - Boundary Setback for Dwelling House	Rachel O'Brien
DA-2022-154	Code	77 Wood Street MACKAY	AAA Building Consultants	Material Change of Use - Dwelling House Extension (Heritage & Neighbourhood Overlay)	Lachlan Deon
DA-2022-157	Code	10 Shamrock Road BALBERRA	AAA Building Consultants	Material Change of Use - Dwelling House Extension (Rural Zone)	Rachel O'Brien
DA-2022-81	Code	14-20 Rosewood Drive RURAL VIEW	Mentmore 1 Pty Ltd and Mentmore 2 Pty Ltd	Reconfiguration of a Lot - 1 Lot into 2 Lots	Dennis O'Riely
DA-2022-93	Code	12-38 Cooks Lane BAKERS CREEK	Atb Morton Pty Ltd	Material Change of Use - Warehouse	Lachlan Deon

## Development Applications Finalised

App No.	Code / Impact	Address	Applicant	Description	Officer
<b>Approved Subject to Conditions</b>					
DA-2008-254/A	Impact	4856 Mackay-Eungella Road FINCH HATTON	Michael F James and Marlene L James	Other Change – Material Change of Use – Addition of Food and Drink Outlet to Existing Approval for Material Change of Use (Shop, Warehouse, General Industry and Repair Workshop) AND Reconfiguration of a Lot (Boundary Realignment).	Emma Langford
DA-2019-135/A	Code	55-59 Micheltmore Street PAGET	Champion Engineers	Generally in Accordance - Material Change of Use - High Impact Industry and Reconfiguration of a Lot - 2 High Impact Industry Lots into 3 Lots	Brogan Jones
DA-2019-151/A	Code	56 Nelson Street MACKAY	Deborah L Green	Change Application (Other) - Multiple Dwelling Units (3)	Lachlan Deon
DA-2020-150	Code	Lot 4 Melba Street ARMSTRONG BEACH	Robert Dunn and Albin R Woolcock	4 Lots into 67 Village Residential Lots	Daniel Walsh
DA-2021-193	Code	115-155 Maggiolo Drive PAGET	Mackay Land Holdings Pty Ltd	Reconfiguration of a Lot – 1 High Impact Industry Lot into 5 Lots	Lachlan Deon
DA-2021-223	Impact	13 Blacks Beach Road BLACKS BEACH	Kordia Solutions Australia	Telecommunications Facility	Daniel Walsh
DA-2021-54/A	Code	171 Gardiners Road HABANA	AAA Planning & Consultancy	Change Application (Minor) - Extend the shed by 16m, overall site coverage to be 444m² Material Change of Use Dwelling House (Outbuilding)	Daniel Walsh
DA-2022-103	Code	Lot 922 Dawson Boulevard RICHMOND	Richmond Hills Estate Pty Ltd	Reconfiguration of a Lot – 2 Emerging Community Lots into 4 Lots	Ricardo Bijos
DA-2022-108	Code	Lot 1 Benson Road ALLIGATOR CREEK	Kylemore Pty Ltd	Boundary Realignment – 7 Rural Lots into 7 Lots and Access Easement x 2	Lachlan Deon
DA-2022-111	Code	79-83 Dozer Drive PAGET	Gibb Group C/- Bnc Planning	Material Change of Use - Warehouse & Reconfiguration of a Lot (Boundary Realignment)	Lachlan Deon
DA-2022-116	Code	31 Danmaar Drive HABANA	AAA Planning & Consultancy	Material Change of Use - Outbuilding (Boundary Setback and Oversize)	Lachlan Deon
DA-2022-120	Code	27 Erinagh Drive BALNAGOWAN	Patio World	Material Change of Use - Setback for Patio (Rural Zone)	Ricardo Bijos
DA-2022-140	Code	89 Trevaskis Road FARLEIGH	Kenneth R Green and Glenice I Green	Boundary Realignment - 2 Rural Lots into 2 Lots	Lachlan Deon
DA-2022-51	Code	195 Victoria Street MACKAY	National Retail Group	Material Change of Use – Shop (2 Shop Tenancies)	Lachlan Deon
DA-2022-53	Code	1 Zahmel Street FINCH HATTON	David C Camilleri and Michelle L Camilleri	Material Change of Use - Food & Drink Outlet	Brogan Jones
DA-2022-80	Code	169 Plateau Road CREDITON	David Woodland and Peter Woodland	Reconfiguration of a Lot - Boundary Realignment - 2 Rural Lots into 2 Lots	Lachlan Deon
DA-2022-82	Code	11A Owen Jenkins Drive SARINA BEACH	Michael S Kelly	Boundary Realignment - 3 Residential Lots into 2 Lots	Daniel Walsh
DA-2022-83	Code	1 Napier Street SOUTH MACKAY	Zandabay Pty Ltd	Material Change of Use - Childcare Centre	Lachlan Deon
DA-2022-85	Impact	47 Palm Avenue SEAFORTH	Northside & Seaforth Congregations	Material Change of Use - Dwelling House	Ricardo Bijos
DA-2022-92	Code	1353 Midge Point Road MIDGE POINT	Nicholas Egglestine	Reconfiguration of a Lot - 1 Rural Residential Lot into 2 Lots	Daniel Walsh
DA-2022-94	Code	106 Eaglemount Road BEACONSFIELD	Griffith Group Pty Ltd	Material Change of Use - Childcare Centre	Daniel Walsh
DA-2022-98	Code	1125 Mackay-Habana Road HABANA	Brendan S Schembri	Material Change of Use - Outbuilding (Boundary Setback for Oversize & Overheight Shed)	Emma Langford
<b>Negotiated Decision</b>					
DA-2013-299	Code	11-27 Archibald Street PAGET	Mackay Haulage Company	Material Change of Use - Warehouse, Bulk Store, and Expansion of Transport Depot	Brogan Jones

Confirmed on Wednesday 12 October 2022.

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MAYOR