



MINUTES

Ordinary Meeting

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

On Wednesday 8 February 2023

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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.

1. ATTENDANCE

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

Also present was Mr S Owen (Chief Executive Officer), 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 Kelly (A/Director - Community & Client Services), Ms A Hays (Director - Organisational Services), Mr M Sleeman (Manager - Corporate Communications & Marketing) and Ms Kerri Verroen (Coordinator - Corporate Governance).

The meeting commenced at 10:00 am.

2. OPENING PRAYER

Reverend Dr Rosemary Dunn from the Anglican Church led those present in Prayer.

3. ABSENT ON COUNCIL BUSINESS

Nil

4. APOLOGIES

4.1. APOLOGIES

Nil

4.2 LEAVE OF ABSENCE - CR BELLA

Council Resolution ORD-2023-030

THAT Cr Bella be granted leave of absence for the Council Meeting on 22 February 2023.

Moved Cr Mann

Seconded Cr Hassan

CARRIED UNANIMOUSLY

4.3 LEAVE OF ABSENCE - CR MANN

Council Resolution ORD-2023-031

THAT Cr Mann be granted leave of absence for the Council Meeting on 22 March 2023 to attend the 2023 Local Government Heritage Conference.

Moved Cr Bonaventura

Seconded Cr Hassan

CARRIED UNANIMOUSLY

5. CONDOLENCES

Cr Williamson expressed condolences, on behalf of Council to the family, friends and work mates of Mark Callaghan, who passed away recently. Mayor Williamson noted that Mark was a former Parks and Environment employee who had retired last August after 32 years of service with the Parks and Environment Section. He commenced employment with the Pioneer Shire Parks Department in July 1990 and spent 11 years as a labourer maintaining the Gooseponds. Following that, he became an operator and for many of his final years of service drove a Tri-wing mower maintaining Slade Point, Andergrove and North Mackay. He took his responsibilities seriously and was very proud of the work he performed. He was a highly skilled operator whose efforts were missed from the day he retired.

Marks dedication, skills and ability were acknowledged at his induction into the Mackay Regional Council 25-year club in August 2015.

In his own time he was a skilled artist who enjoyed painting plants and flowering species, he also enjoyed motorbike riding.

He will be sadly missed by his three children and four grandchildren.

6. CONFLICT OF INTEREST

Nil

7. CONFIRMATION OF MINUTES

7.1. CONFIRMATION OF MINUTES - 25 JANUARY 2023

Council Resolution ORD-2023-32

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

Moved Cr Green

Seconded Cr May

CARRIED UNANIMOUSLY



MINUTES

Ordinary Meeting

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

On Wednesday 25 January 2023

ORDINARY MEETING - 25 JANUARY 2023

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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 Mr S Owen (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 Kelly (A/Director - Community & Client Services), Ms A Hays (Director - Organisational Services), Mr M Sleeman (Manager - Corporate Communications & Marketing) and Kerri Verroen (Coordinator Corporate Governance).

The meeting commenced at 10:00 am.

2. OPENING PRAYER

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

3. ABSENT ON COUNCIL BUSINESS

Nil

4. APOLOGIES**4.1. APOLOGIES**

Nil

4.2. LEAVE OF ABSENCE - CR SEYMOUR

THAT Cr Seymour be granted leave of absence for the Council Meeting on 22 February 2023.

Council Resolution ORD-2023-001**4.2 LEAVE OF ABSENCE - Cr Seymour**

THAT Cr Seymour be granted leave of absence for the Council meeting on 22 February 2022.

Moved Cr Hassan

Seconded Cr Mann

ORDINARY MEETING - 25 JANUARY 2023

CARRIED UNANIMOUSLY

5. CONDOLENCES

Nil

6. CONFLICT OF INTEREST

In accordance with Chapter 5B of the *Local Government Act 2009*, Cr Alison Jones informed the meeting that she had a Declared conflict of interest in Agenda Item 11.4.2, DA-2022-155 - Material Change of Use (Development Permit) for Undefined Use (Pioneer Valley Mountain Bike Track - Stage 1).

Cr Jones advised that the nature of her interest is as follows:

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

The Particulars:

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

In accordance with Chapter 5B of the *Local Government Act 2009*, Cr Russell Seymour informed the meeting that he had a Declared conflict of interest in Agenda Item 11.4.2, DA-2022-155 - Material Change of Use (Development Permit) for Undefined Use (Pioneer Valley Mountain Bike Track - Stage 1).

Cr Seymour advised that the nature of his interest is as follows:

My brother is a property owner in Finch Hatton.

The Particulars:

- (a) **The name of the related party is Michael Seymour.**
- (b) **The nature of my relationship with the related party is that of brother.**
- (c) **The nature of the related party's interest in this matter is property owner in Finch Hatton**

7. CONFIRMATION OF MINUTES

7.1. CONFIRMATION OF MINUTES - 7 DECEMBER 2022

Council Resolution ORD-2023-002

THAT the Ordinary Meeting Minutes dated 7 December 2022 be adopted.

ORDINARY MEETING - 25 JANUARY 2023

Moved Cr Mann

Seconded Cr Green

CARRIED UNANIMOUSLY**8. BUSINESS ARISING OUT OF PREVIOUS MINUTES****9. MAYORAL MINUTES**

Nil

10. CONSIDERATION OF COMMITTEE REPORTS & RECOMMENDATIONS**10.1. AUDIT COMMITTEE - MINUTES OF MEETING 01 DECEMBER 2022**

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

Attachments	1. Draft Minutes [10.1.1 - 9 pages]
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Purpose

To receive the draft final minutes of the Audit Committee (the Committee) meeting held on 01 December 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

MACKAY REGIONAL COUNCIL

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ORDINARY MEETING - 25 JANUARY 2023

Nil

Officer's Recommendation

THAT the minutes of the Committee meeting of 01 December 2022.

Council Resolution ORD-2023-003

THAT the minutes of the Committee meeting of 01 December 2022.

Moved Cr Bella

Seconded Cr Englert

CARRIED UNANIMOUSLY

ORDINARY MEETING - 25 JANUARY 2023

10.2. LOCAL DISASTER MANAGEMENT GROUP (LDMG) MINUTES - 5 DECEMBER 2022

Author A/Emergency Management Co-ordinator (Kristie Brown)
Responsible Officer Director Community & Client Services (Angela Hays)
File Number LDMG

Attachments 1. FINAL MINUTES - LDMG Meeting - 5 December 2022 [**10.2.1** - 4 pages]

Purpose

To present to Council the Local Disaster Management Group (LDMG) Minutes of the meeting held on 5 December 2022 for information purposes.

Related Parties

n/a

Corporate Plan Linkage

Priority: Community Health & Wellbeing

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

Officer's Recommendation

THAT the Minutes of the Local Disaster Management Group Meeting of 5 December 2022 be received.

Council Resolution ORD-2023-004

THAT the Minutes of the Local Disaster Management Group Meeting of 5 December 2022 be received.

Moved Cr May

Seconded Cr Englert

CARRIED UNANIMOUSLY

ORDINARY MEETING - 25 JANUARY 2023

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 - NOVEMBER & DECEMBER 2022

Author

Chief Executive Officer (Scott Owen)

Responsible Officer

Chief Executive Officer (Scott Owen)

File Reference

DMRR

Attachments

1. FINAL - Report for Office of Mayor CE Os - Monthly Review - November & December 2022 [11.1.1.1 - 26 pages]

Purpose

To provide Council with the Office of the Mayor and Chief Executive Officer's Monthly Report for the months of November and December 2022.

Related Parties

Nil

Officer's Recommendation

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

The following Questions were taken on Notice to be answered outside the meeting -

- Cr Bella referred to the funding for Bells Creek bridge and queried if it was for the Sarina Homebush crossing.
- Cr Townsend referred to the staff member who had received a psychological injury and queried if there was an update on the employees condition and what Council had been doing to support the employee.

Council Resolution ORD-2023-005

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

Moved Cr May

Seconded Cr Mann

CARRIED UNANIMOUSLY

ORDINARY MEETING - 25 JANUARY 2023

**11.1.2. COUNCILLOR CONFERENCE ATTENDANCE - 2023 LOCAL GOVERNMENT HERITAGE
CONFERENCE - CR MANN****Author**
Responsible Officer
File ReferenceCouncillor Support Officer (Pam Jaenke)
Executive Officer (David McKendry)
Councillors General**Attachments**

1. 2023 Local Government Heritage Conference Overview [11.1.2.1 - 4 pages]

Purpose

This report is to request Council approval for Cr Fran Mann to attend the 2023 Local Government Heritage Conference in Maryborough on 22 – 23 March 2023.

Related Parties

Local Government Association of Queensland (LGAQ)

Corporate Plan LinkageCommunity and Environment

Arts, Culture and Heritage – We invest in the Mackay region's arts and culture and protect the rich cultural heritage and history of our region in line with Council's Arts and Cultural Development Policy.

Background/Discussion

The 2023 Local Government Heritage Conference is being held in Maryborough on 22 – 23 March 2023 and is a partnership between the LGAQ, the Department of Environment and Science and Fraser Coast Regional Council as host council of the event.

The Conference will focus primarily on heritage protected under the *Queensland Heritage Act 1992* and local heritage places recognised in local heritage registers or local government planning schemes.

The program will consist of a range of interactive workshops, industry presentations, council showcases and a site tour showcasing local heritage-listed places and precincts.

Cr Fran Mann has indicated interest in attending.

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

Attendance at the Conference is complimentary, and the cost of travel and accommodation is estimated at \$1,700.

Risk Management Implications

ORDINARY MEETING - 25 JANUARY 2023

Nil

Conclusion

The 2023 Local Government Heritage Conference will provide an opportunity for Council to learn from speakers and presentations and meet and network with the LGAQ, State Government and council colleagues from across Queensland.

Officer's Recommendation

THAT Council approve Cr Fran Mann's attendance at the 2023 Local Government Heritage Conference in Maryborough on 22 – 23 March 2023.

Council Resolution ORD-2023-006

THAT Council approve Cr Fran Mann's attendance at the 2023 Local Government Heritage Conference in Maryborough on 22 – 23 March 2023.

Moved Cr Jones

Seconded Cr Bonaventura

CARRIED UNANIMOUSLY

ORDINARY MEETING - 25 JANUARY 2023

11.1.3. COUNCILLOR CONFERENCE ATTENDANCE - 2023 NATIONAL VOLUNTEERING CONFERENCE - CR ENGLERT**Author**
Responsible Officer
File ReferenceCouncillor Support Officer (Pam Jaenke)
Executive Officer (David McKendry)
Councillors General**Attachments**

1. Conference Program [
- 11.1.3.1**
- 2 pages]

Purpose

This report is to request Council approval for Cr Justin Englert to attend the 2023 National Volunteering Conference in Canberra on 13 – 14 February 2023.

Related Parties

N/A

Corporate Plan LinkageCommunity and Environment

Integrated Social Services - We bring together residents, community organisations, funders, researchers, and regional services to build a connect community. Volunteering is a core part of any community, and council is committed to raising the awareness of volunteering opportunities across the region.

Background/Discussion

The 2023 National Volunteering Conference is being held in Canberra on 13 – 14 February 2022 and is being presented by Volunteering Australia.

The Conference theme is 'The Future is Now' and will challenge delegates to explore how decision and actions taken today will build a better future for volunteering.

The program will include practical, strategic and research-focused sessions with multiple streams of breakout sessions. Innovate approaches to volunteer engagement from speakers with diverse expertise will form part of the program.

Cr Justin Englert has indicated interest in attending.

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 anticipated cost of conference registration, travel and accommodation is estimated at \$2,200.

Risk Management Implications

Nil

ORDINARY MEETING - 25 JANUARY 2023

Conclusion

The 2023 National Volunteering Conference will provide an opportunity for Council to learn from speakers and presentations, attend panel discussions and interactive workshops and take advantage of networking opportunities.

Officer's Recommendation

THAT Council approve Cr Justin Englert's attendance at the 2023 National Volunteering Conference in Canberra on 13 – 14 February 2023.

Council Resolution ORD-2023-007

THAT Council approve Cr Justin Englert's attendance at the 2023 National Volunteering Conference in Canberra on 13 – 14 February 2023.

Moved Cr Jones

Seconded Cr Hassan

CARRIED UNANIMOUSLY

ORDINARY MEETING - 25 JANUARY 2023

11.1.4. COUNCILLOR CONFERENCE ATTENDANCE - ANNUAL GROWERS FORUM - CR BONAVENTURA**Author**
Responsible Officer
File ReferenceCouncillor Support Officer (Pam Jaenke)
Executive Officer (David McKendry)
Councillors General**Attachments**

1. Program [11.1.4.1 - 2 pages]

Purpose

This report is to request Council approval for Cr Laurence Bonaventura to attend the Annual Growers Forum in Cairns on 20 – 21 February 2023.

Related Parties

N/A

Corporate Plan LinkageInvest and Work

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

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

Background/Discussion

Project Catalyst is hosting the 2023 Annual Growers Forum in Cairns on 20 – 21 February 2023 and brings together 150 canegrowers and partners to showcase innovation and practice change adoption in farming that improves productivity and reduces environmental impact on the Great Barrier Reef.

The Forum seeks to advance best practices, drive productivity and environmental success and sets the scene for grower focused presentations and discussions, networking and field trips.

Cr Laurence Bonaventura has indicated interest in attending.

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

Attendance at the Conference is complimentary, and the cost of travel and accommodation is estimated at \$1,400.

Risk Management Implications

MACKAY REGIONAL COUNCIL

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ORDINARY MEETING - 25 JANUARY 2023

Nil

Conclusion

The 2023 Annual Growers Forum will provide an opportunity for Council to learn from speakers and presentations and take advantage of networking and field trip opportunities.

Officer's Recommendation

THAT Council approve Cr Laurence Bonaventura's attendance at the 2023 Annual Growers Forum in Cairns on 20 – 21 February 2023.

Council Resolution ORD-2023-008

THAT Council approve Cr Laurence Bonaventura's attendance at the 2023 Annual Growers Forum in Cairns on 20 – 21 February 2023.

Moved Cr Townsend

Seconded Cr Hassan

CARRIED UNANIMOUSLY

ORDINARY MEETING - 25 JANUARY 2023

11.1.5. ADOPTION OF COUNCIL POLICIES

Author	Senior Governance Officer (Pam Currell)
Responsible Officer	Executive Officer (David McKendry)
File Number	047 - Right to Information, 093 Delegations
Attachments	<ol style="list-style-type: none"> 1. COU047 - Right to Information [11.1.5.1 - 9 pages] 2. COU093 - Delegations [11.1.5.2 - 7 pages]

Purpose

To present the following Council Policies, and where applicable, their associated Corporate Standard for consideration and adoption:

1. COU047 – Right to Information;
2. COU093 – Delegations.

Related Parties

There are no identified related parties.

Corporate Plan Linkage

Financial Strength

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

Background/Discussion

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.

COU047 – Right to Information

This policy is a best practice policy drafted as an audit recommendation for MRC compliance with its legislative obligations and functions under the *Right to Information Act 2009* and *Information Privacy Act 2009* to enable the public access to MRC documents.

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

COU093 – Delegations

This policy is a best practice policy drafted as an audit recommendation for MRC compliance with its legislative requirements relating to powers delegated under the *Local Government Act 2009*.

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

Consultation and Communication

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

ORDINARY MEETING - 25 JANUARY 2023

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. COU047 – Right to Information;
2. COU093 – Delegations.

Officer's Recommendation

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

1. COU047 – Right to Information;
2. COU093 – Delegations.

Council Resolution ORD-2023-009

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

- 1. COU047 – Right to Information;**
- 2. COU093 – Delegations.**

Moved Cr Bonaventura

Seconded Cr Townsend

CARRIED UNANIMOUSLY

ORDINARY MEETING - 25 JANUARY 2023

11.2. CAPITAL WORKS

11.2.1. CAPITAL WORKS MONTHLY REVIEW REPORT - NOVEMBER & DECEMBER 2022

Author
Responsible Officer
File Reference

Director Capital Works (Jim Carless)
Director Capital Works (Jim Carless)
Departmental Monthly Review Reports

Attachments

1. Capital Works Monthly Review Report - November & December 2022 [**11.2.1.1** - 37 pages]

Purpose

To provide Council with the Capital Works Monthly Review Report for the months of November and December 2022.

Related Parties

Nil

Officer's Recommendation

THAT the Capital Works Monthly Review Report for November and December 2022 be received.

The following Questions were taken on Notice to be answered outside the meeting -

- Cr Bella referred to the Koumala Water Treatment Plant and queried if data pre and post connection could be included in a Monthly Review Report.
- Cr Bonaventura noted that the public toilets at Riverside Link are out of service and queried when they would be back in service.
- Cr May referred to the Koumala Water Treatment Plant and queried if Council had undertaken any social media around the connection of the plant and if any feedback on water quality had been received.

Council Resolution ORD-2023-010

THAT the Capital Works Monthly Review Report for November and December 2022 be received.

Moved Cr Jones

Seconded Cr Green

CARRIED UNANIMOUSLY

ORDINARY MEETING - 25 JANUARY 2023

11.3. COMMUNITY AND CLIENT SERVICES

11.3.1. COMMUNITY & CLIENT SERVICES MONTHLY REVIEW - NOVEMBER & DECEMBER 2022

Author Director Community & Client Services (Angela Hays)
Responsible Officer Director Community & Client Services (Angela Hays)
File Reference DMRR

Attachments 1. CCS MONTHLY REVIEW NOVEMBER & DECEMBER 2022 [11.3.1.1 - 61 pages]

Purpose

Attached is a copy of the Community and Client Services Monthly Review for the months of November and December 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 the period November and December 2022 be received.

Council Resolution ORD-2023-011

THAT the Community and Client Services Monthly Review for the period November and December 2022 be received.

Moved Cr Townsend

Seconded Cr Hassan

CARRIED UNANIMOUSLY

ORDINARY MEETING - 25 JANUARY 2023

11.4. DEVELOPMENT SERVICES**11.4.1. DEVELOPMENT SERVICES MONTHLY REVIEW REPORT - NOVEMBER & DECEMBER 2022**

Author	Director Development Services (Aletta Nugent)
Responsible Officer	Director Development Services (Aletta Nugent)
File Reference	DMRR

Attachments	1. Development Services Monthly Review Report - November and December 2022 [11.4.1.1 - 24 pages]
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Purpose

To provide Council with the Development Services Monthly Review Report for the months of November and December 2022.

Related Parties

Nil

Officer's Recommendation

THAT the Development Services Monthly Review Report for November and December 2022 be received.

Council Resolution ORD-2023-012

THAT the Development Services Monthly Review Report for November and December 2022 be received.

Moved Cr Englert

Seconded Cr Green

CARRIED UNANIMOUSLY

ORDINARY MEETING - 25 JANUARY 2023

11.4.2. REQUEST TO WAIVE OUTSTANDING INFRASTRUCTURE CHARGES

Author Manager Development Planning and Engineering (Matthew Kelly)
Responsible Officer Director Development Services (Aletta Nugent)
File Reference DA-2009-208, DA-2009-208/A, DA-2017-4, DA-2017-4/A DA-2016-73, DA-2018-88 and DA-2021-228

Attachments Nil

To present for Council's consideration the waiver of indexation of infrastructure charges where a 12 month payment plan has been entered into by a landowner for the payment of unpaid charges and the wavier of a number of unpaid levied infrastructure charges.

Related Parties

- Mackay Regional Council
- Mackay Gymnastics
- Ozcare
- Russell J Hoskin
- Joshua W Kissier and Rhea M Clifford
- Jamie S Mussig
- Mount Blackwood Rural Fire Brigade
- QR Network Pty Ltd

Corporate Plan LinkageFinancial Strength

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

Background/DiscussionWaiving of Indexing for Payment Plans

Payment plans are available for a term of 12 months under the delegation of the Director Development Services. Requests for payment plans to date have generally been entered into by family businesses and small scale developments. During this 12 month term, charges continue to be indexed at a rate of 1.0648%. This indexing requires Council Officers to update the value of the regular payments. This creates confusion and further angst for the customer on the amount owed and requires additional administrative work for Council Officers. The value of the revenue collected via indexing in these circumstances is outweighed by the additional administrative work that arises.

Given the above, it is recommended that indexing where a payment plan has been entered into be waived.

Waiving of Adopted Infrastructure Charges for Development Approvals

There are a number of development approvals subject to levied and unpaid charges that Council Officers recommend are waived for various reasons. The following provides a summary of the particulars of each development approval and a justification for the waiver:

Application no:	DA-2009-208 and DA-2009-208/A
Applicant:	Mackay Gymnastics Incorporated

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Property owner:	Mackay Regional Council (as Trustee)
Address:	5 Snow Wright Court, Andergrove (L461/SP104856)
Description of development:	Material Change of Use – Sport and Recreation
Total infrastructure charge:	\$229,063.50
Justification for 100% waiver:	The land is owned by Mackay Regional Council and the Applicant is an incorporated association providing essential sporting services to the community. The waiver would be a consistent approach to previous waivers for community sporting groups including Mackay Netball Association (DA-216-93) and Kucom Theatre Inc (DA-2015-148).

Application no:	DA-2016-73
Applicant:	Caribbean Senepols
Property owner:	Russell J Hoskin and Joshua W Kissier and Rhea M Clifford
Address:	6454 and Lot 4 Mackay-Eungella Road, Netherdale (L4/RP712213 and L4/SP112245)
Description of development approval:	Development Permit – Material Change of Use – Rural Industry (Meat Packaging)
Total infrastructure charge:	\$1,799.99
Justification for 100% waiver:	The approval is for a specific small-scale family business which has now been abandoned.

Application no:	DA-2018-88
Applicant:	Jamie S Mussig
Property owner:	Jamie S Mussig
Address:	16 Chelmer Street, Eungella (L3/CP906309)
Description of development approval:	Development Permit – Material Change of Use – Expansion of existing Commercial Use (being a Class 10a Shed)
Total infrastructure charge:	\$2,801.09
Justification for 100% waiver:	The landowner has advised that the use has not formally commenced as the Class 10a Shed is being used for residential purposes only.

Application no:	DA-2021-228
Applicant:	Mount Blackwood Rural Fire Brigade
Property owner:	QR Network Pty Ltd - Lease No. 719624779 (whole of the lot) to The State of Queensland (represented by Public Safety Business Agency)
Address:	Lot 76 Robinsons Road, The Leap
Description of development approval:	Development Permit – Material Change of Use – Rural Fire Brigade Shed
Total infrastructure charge:	\$16,791.12
Justification for 100% waiver:	The Applicant is an incorporated association providing essential emergency services to the community. The waiver would be a consistent approach to previous waivers for community emergency service groups including Sunnyside Rural Fire Brigade (DA-2021-46).

Council has received a further request for the waiver of unpaid infrastructure charges as outlined below. Council Officers do not recommend that this request be supported.

Application no:	DA-2017-4 and DA-2017-4/A
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Applicant:	Ozcare
Property owner:	Ozcare
Address:	15 Charlotte Street, West Mackay (L103/SP203788)
Description of development:	Material Change of Use – Accommodation Units (Aged Care Facility with 120 Beds)
Total infrastructure charge:	\$2,616,549.52
Justification for 50% waiver:	<p>The Applicant was approved for a 50% waiver (\$1,308,274.76) in accordance with the Facilitating Development in the Mackay Region Policy in 2017. This approval was subject to the use commencing by 30 April 2020.</p> <p>The Applicant has since requested that the 100% discount be applied to waiver the net charge amount (\$2,616,549.52) and the remaining balance payable, namely \$1,308,274.76.</p> <p>The request for 100% waiver of infrastructure charges is not supported by Council Officers. The current version of the Facilitating Development in the Mackay Region Policy offers a waiver of up to \$1,000,000 for a development of this type, which is less than the 50% discount that has already been granted.</p>

Consultation and Communication

Consultation has taken place between the Development Planning and Engineering Program and each of the affected landowners.

The item was presented to Councillors and the Executive Leadership Team at a briefing on 21 November 2022.

Resource Implications

Other than Council Officer's time, should the recommendation be supported, a total of \$250,455.70 in adopted infrastructure charges would be waived. These monies would otherwise be budgeted for and used for the funding of trunk infrastructure projects as identified within Council's Local Government Infrastructure Plan Schedule of Works.

It is not possible to provide an accurate estimate of the loss of revenue through waiving indexing associated with payment plans. However, by way of indication, the waiver of indexation for the existing four payment plans amounts to a total of \$3,280.72. This amount is considered to have a negligible impact in context of Council's total collection of adopted infrastructure charges.

Risk Management Implications

Risks associated with this recommendation includes the loss of revenue of infrastructure charges being \$250,455.70. Should the recommendation not be supported, this would be inconsistent with prior decisions in relation to small scale and community developments where similar charges have been waived.

Conclusion

Consideration has been given to the circumstances of each development approval, with the recommendation in relation to the waiver as per the recommendation below. As Council continues to collect unpaid adopted infrastructure charges, future waivers may be presented to Council where the circumstances of the applications are like those contained herein.

Officer's Recommendation

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THAT Council:

1. Waive indexing of adopted infrastructure charges and headworks contributions where a 12 month payment plan has been entered into by a landowner; and
2. Waive 100% of the adopted infrastructure charges associated with DA-2009-208 and DA-2009-208/A, DA-2018-88 and DA-2021-228; and
3. Waive 100% of the adopted infrastructure charges associated with DA-2016-73; and
4. Refuse the request for 100% waiver of infrastructure charges associated with DA-2017-4 and DA-2017-4/A, with the balance infrastructure charges (\$1,308,274.76) to remain payable.

Council Resolution ORD-2023-013

THAT Council:

1. Waive indexing of adopted infrastructure charges and headworks contributions where a 12 month payment plan has been entered into by a landowner; and
2. Waive 100% of the adopted infrastructure charges associated with DA-2009-208 and DA-2009-208/A, DA-2018-88 and DA-2021-228; and
3. Waive 100% of the adopted infrastructure charges associated with DA-2016-73; and
4. Refuse the request for 100% waiver of infrastructure charges associated with DA-2017-4 and DA-2017-4/A, with the balance infrastructure charges (\$1,308,274.76) to remain payable.

Moved Cr May

Seconded Cr Townsend

CARRIED UNANIMOUSLY

ORDINARY MEETING - 25 JANUARY 2023

11.4.3. DA-2021-177 - RECONFIGURING A LOT - 1 LOT INTO 21 LOTS - 23-25 SCHMIDTKES RD, OORALEA

Author Senior Development Planner (Brogan Jones)
Responsible Officer Director Development Services (Aletta Nugent)
File Number DA-2021-177

Attachments Nil

Purpose

The purpose of this report is to recommend Councillors delegate to the Chief Executive Officer (CEO) the power under the *Planning Act 2016* to decide an application (refusal) that Council's current delegations specify is a decision that must be made by Council.

Related Parties

This report deals with a development application (Development Permit for Reconfiguring a Lot – 1 Specialised Centre Lot into 21 Lots) that is currently under assessment by Council. The related parties of that application are as follows:

- Landowner – Ooralea Farming Pty Ltd
- Planning consultant – Jewell Planning Consultants
- Engineering consultants – Paragon Consulting Engineers
- Other consultants – CDM Smith
- State government – State Assessment Referral Agency (SARA).

Corporate Plan LinkageLive 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 and Discussion

Council is currently assessing a development application (reference: DA-2021-177) for a Development Permit for Reconfiguring a Lot – 1 Specialised Centre Lot into 21 Lots over 23-25 Schmidtkes Road, Ooralea, formally described as Lot 4 on SP237101. The application is over the portion of the land that is zoned *Specialised Centre* under the Mackay Region Planning Scheme.

The State Assessment Referral Agency (SARA) has made their assessment of the application and has formally refused the application as detailed in their Referral Agency Response. SARA's reasons for refusal are that the proposed access arrangement to the Bruce Highway adversely impacts the function and efficiency of the State-controlled road network and increases the cost to the State of maintaining the State-controlled road network. In providing its response, SARA acted under s56(1)(c) of the *Planning Act 2016*, directing the assessment manager (Council) to refuse the application. Under s62 of the *Planning Act 2016*, the assessment manager must comply with the referral agency's response and also refuse the application.

Separate to SARA's refusal, Council is still required to make an assessment of the proposal against its assessment manager's assessment benchmarks. The assessment concludes the proposal does not achieve the development outcomes of the Mackay Region Planning Scheme. Specifically, the land is not able to develop as an integrated centre with an integrated built form and coordinated layout (as required by the scheme) if it is reconfigured into 21 individual lots. Further, it is not possible for Council to apply reasonable development conditions to ensure the development achieves the required development outcome.

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Council's current delegations specify any application that is recommended for refusal is required to be decided by Councillors at an Ordinary Meeting.

The application is currently in Decision Period (per the *DA Rules v1.3*) and needs to be decided by Council at its meeting on 25 January 2023. The applicant has now exercised their right under the *DA Rules v1.3* to 'stop the current period' which an applicant can do at any time during the application process for a combined period of 130 business days. The applicant has stopped the current period for five business days. The applicant is able to withdraw the stop notice at any time in which case the Decision Period (1 business day remaining) will recommence. As such, depending on the applicant's approach and timing, Council may be in a position where it must decide the application but will not have the time afforded to it to decide the application at an Ordinary Meeting as required by the current delegations.

The day after the applicant lodged their notice to stop the current period, they lodged a request to extend Council's decision period through to 31 March 2023. The applicant advised they are discussing access changes with the State and need time to do this. The applicant has also lodged with Council a request for pre-lodgement advice that deals with a substantially different development over the land and significantly changed access arrangements. It is the officers' view that the current application be decided and that the applicant continue discussions with Council and the State about the changed development with a view to lodging a fresh development application in due course.

On this basis, and for this development application only, it is recommended Council delegate to the CEO their decision-making power under s60(2) of the *Planning Act 2016*.

s60(2) To the extent the application involves development that requires code assessment, and subject to section 62, the assessment manager, after carrying out the assessment—

- a) must decide to approve the application to the extent the development complies with all of the assessment benchmarks for the development; and*
- b) may decide to approve the application even if the development does not comply with some of the assessment benchmarks; and*
- c) may impose development conditions on an approval; and*
- d) may, to the extent the development does not comply with some or all the assessment benchmarks, decide to refuse the application only if compliance can not be achieved by imposing development conditions.*

Consultation and Communication

The application is code assessable and was not required to be publicly notified as per the *Planning Act 2016*.

Early in the assessment of the application (on 21 January 2022) Council officers met with the applicant to discuss the planning concerns with the proposal (as outlined in the above assessment) and sought comments from the applicant as to how those concerns could be overcome. The same concerns raised at this meeting were included in a formal further advice notice given to the applicant. No outcome was offered that was consistent with the Mackay Region Planning Scheme.

Resource Implications

As outlined below, there is a risk the applicant could lodge an appeal against Council's decision to refuse the application in the Planning & Environment Court. Should this be the case, this would give rise to legal costs associated with Council's participation in the appeal proceedings.

Risk Management Implications

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There is a risk the applicant could lodge an appeal against Council's decision in the Planning & Environment Court. Should this be the case, due to their refusal, the State government would be a co-respondent alongside Council in any appeal. Any appeal would give rise to cost for legal representation for the duration of the appeal.

Conclusion

Based on the circumstances of this particular application, it is recommended, for this development application only, that Council delegate to the CEO their decision-making power under s60(2) of the *Planning Act 2016*.

Officer's Recommendation

THAT Council delegate to the Chief Executive Officer decision powers under the *Planning Act 2016* to decide the development application DA-2021-177 – Development Permit for Reconfiguring a Lot – 1 Specialised Centre Lot into 21 Lots located at 23-25 Schmidtkes Road, Ooralea - Lot 4 on SP237101.

Council Resolution ORD-2023-014

THAT Council delegate to the Chief Executive Officer decision powers under the *Planning Act 2016* to decide the development application DA-2021-177 – Development Permit for Reconfiguring a Lot – 1 Specialised Centre Lot into 21 Lots located at 23-25 Schmidtkes Road, Ooralea - Lot 4 on SP237101.

Moved Cr Englert

Seconded Cr Jones

CARRIED UNANIMOUSLY

ORDINARY MEETING - 25 JANUARY 2023

11.4.4. DA-2022-155 - MATERIAL CHANGE OF USE (DEVELOPMENT PERMIT) FOR UNDEFINED USE (PIONEER VALLEY MOUNTAIN BIKE TRACK - STAGE 1)

Author	Acting Coordinator Development Planning and Engineering (Cherise Ayling)
Responsible Officer	Director Development Services (Aletta Nugent)
File Number	DA-2022-155
Attachments	<ol style="list-style-type: none"> 1. Locality Plan 2. Proposal Plans 3. Referral Response
Date Received:	16 August 2022
Applicant's Details:	Mackay Regional Council C/- Veris Pty Ltd PO Box 158, MACKAY QLD 4740
Proposal:	Material Change of Use - Undefined Use (Pioneer Valley Mountain Bike Park - Stage 1)
Site Address:	Lot 11 Anzac Parade, Lot 21 Matthew Street, 17 Letchford Street, Lot 20 Zahmel Street and 101 Drew Street, Finch Hatton
Property Description:	Lot 11 on SP212243, Lot 21 on SP212248, Lot 1 on RP723999, Lot 20 on SP212248 and Lot 125 on CI282
Owner's Details:	Mackay Regional Council 101 Drew Co Pty Ltd Joseph R Mastropaolo and Caroline M Mastropaolo
Area:	91.96 hectares
Planning Scheme:	Mackay Region Planning Scheme v4.0
Planning Scheme Designations:	
Zone:	Township, Rural and Special Purpose
Assessment Level:	Impact
Submissions:	Three Properly Made and Two Not Properly Made
Referral Agencies:	Department of State Development, Infrastructure, Local Government and Planning
Recommendation:	Approved Subject to Conditions

Purpose

The Applicant seeks a Development Permit for a Material Change of Use for Undefined Use (Pioneer Valley Mountain Bike Park – Stage 1) at Finch Hatton (refer to Attachment 1 – Locality Plan). Stage 1 of the Pioneer Valley Mountain Bike Park will consist of the trail head and the start of the Mountain Bike Trail Network (refer to Attachment 2 – Proposal Plans).

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The Development Application triggered Impact Assessment and was subject to Public Notification. Council received five submissions relating to the proposed development; three Properly Made and two Not Properly Made. The relevant matters raised in submissions have been addressed through reasonable and relevant conditions.

The Development Application has been assessed in accordance with the legislative framework for Impact Assessment, including the *Planning Act 2016*, *Planning Regulation 2017*, Development Assessment Rules v1.3 and the applicable benchmarks contained in the Mackay Region Planning Scheme v4.0 (Planning Scheme). The Development Application is recommended for approval, subject to reasonable and relevant conditions.

Related Parties

- Mackay Regional Council (Applicant and Landowner)
- State Assessment Referral Agency (Referral Agency)
- 101 Drew Co Pty Ltd (Landowner)
- Joseph R Mastropaolo and Caroline M Mastropaolo (Landowner)
- Veris Pty Ltd – (Planner and 'care of')

Submitters

- Properly Made
 - Kerr Claxton
 - Patricia Julien on behalf of Mackay Conservation Group
 - Michelle Ready
- Not Properly Made
 - Jolene Robinson
 - Jayme Delaney

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.

Background/Discussion**Subject Site and Surrounds**

The subject site is located in the Finch Hatton township, approximately 63km west of Mackay. The development site comprises five lots with a total area of 91.96 hectares across a mix of zones being Rural, Township and Special Purpose.

The trail head for the Mountain Bike Park is located on Lot 11 on SP212243. This lot has direct road frontage to Anzac Parade and provides the main entrance to the Mountain Bike Park. A secondary access for vehicles and cyclists is also provided via Bagley Street. The site is provided with reticulated water, stormwater, electricity and telecommunications and will be serviced by an existing on-site septic tank system. The site currently contains the previous Cattle Creek Sugar Mill Administration Building which was refurbished for the purpose of this development.

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The Mountain Bike rail network will span across three Rural zoned lots, being Lots 20 and 21 on SP212248 and Lot 125 on C1282, having a total area of 86.5247 hectares. These lots are surrounded by Eungella National Park and Crediton State Forest which are both heavily vegetated with steep land containing several 'unmapped' waterways. Lots 20 and 21 are partially mapped and Lot 125 is entirely covered by the Bushfire Hazard and Landslide Hazard overlays.

Lot 1 on RP723999 is a 2,001m² parcel of land within the Special Purpose Zone. This lot contains an existing utility installation which is proposed to be retained. This lot has been included as part of the Development Application for the purpose of providing shuttle access to the Mountain Bike trail network via an existing access easement from Letchford Street.

Proposal

This Development Application seeks a Development Permit for Stage 1 of the Pioneer Valley Mountain Bike Park consisting of the trail head and the start of the Mountain Bike trail network. The trail head consists of parking for 47 vehicles, an additional two parking spaces for people with disabilities (PWD) and three car and trailer parking spaces. The trail head also provides a vehicle drop-off/pick-up zone and shuttle waiting bays. Vehicle access will be via Anzac Parade with upgrades to the intersection entry to allow for higher traffic volumes. A shared vehicle/cyclist access will be provided via Bagley Street with bollards at each end as this access is not intended for everyday vehicle use.

Other attributes of the trail head will be an amenities block, picnic area with shelters, maintenance shed, pump track, bike wash, entry statements, landscaping embellishments and recreational open space also intended for future events. The former Cattle Creek Administration Building will be retained and repurposed for community purposes.

The Mountain Bike trail network consists of single directional trails through natural vegetation with the exact location of the trails still subject to detailed design. Proposal Plans outline the approximate location of the trails to be constructed as part of Stage 1 (refer to Attachment 2 – Proposal Plans).

There is no built form proposed within Lots 20, 21 and 125, with minimal vegetation clearing and disturbance of earth to maintain the existing landscape as much as practicable. The natural formation of the land will be an advantage to the development and tracks will be designed to utilise and integrate with the natural landscape.

Referrals

The application was referred to the State Assessment Referral Agency (SARA) for assessment and approval as a Referral Agency. The SARA approved the application on 30 November 2022 (refer to Attachment 3 – Referral Response).

Planning Assessment:

Planning Act 2016 and Planning Regulation 2017

As per s45(5) of the *Planning Act 2016*, Impact Assessment is an assessment that:

- a) Must be carried out:
 - i) Against the assessment benchmarks in a categorising instrument for the development, and
 - ii) Having regard to any matters prescribed by regulation for this subparagraph, and
- b) May be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.

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

Mackay Isaac Whitsunday Regional Plan 2012

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

Mackay Region Planning Scheme 2017 Version 4.0

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

Assessment Benchmark	Code Compliance	Officer's Assessment
Strategic Framework	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The proposal generally complies with the Strategic Framework as demonstrated in the below assessment.
Agricultural Land Overlay Code	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	A further assessment has been provided below.
Biodiversity Overlay Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<p>The community need for the development has been demonstrated by the Mackay Region Mountain Bike Strategy Report, with the location being integral to the success of the development.</p> <p>The development will be located, designed and operated in a way to ensure minimal environmental impacts.</p> <p>Therefore, the proposal generally complies with the relevant assessment benchmarks.</p>
Bushfire Hazard Overlay Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<p>There is no built form development on land within the Bushfire Hazard or Buffer Areas.</p> <p>The Mountain Bike trail network is located within the Bushfire Hazard and Buffer Areas, however it is anticipated that the trails would not be in use during a bushfire event, the same as other public parks or nature reserves.</p> <p>To satisfy compliance with the Bushfire Hazard Overlay Code, plans detailing fire management lines have been submitted, with a recommended condition of approval requiring these trails to be implemented and maintained at all times to ensure public safety.</p>
Landscape Character and Image Corridor Overlay Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The proposed development has sufficiently demonstrated how native vegetation will be retained where practical and bike tracks will follow the natural contours of the land with excavation and filling to be minimal. Overall, the development is intended to integrate with and maintain the existing landscape.

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Assessment Benchmark	Code Compliance	Officer's Assessment
		<p>At the trail head location, car parking is provided so as not to visually dominate the frontage facing an image corridor. Existing landscaping along the frontage will be retained and protected with additional tree planting proposed to provide high quality visual amenity.</p> <p>Therefore, the proposal generally complies with the relevant assessment benchmarks.</p>
Landslide Hazard Overlay Code	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	A further assessment has been provided below.
Regional Infrastructure Overlay Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<p>The trail head site is partially covered by the Cane Railway Buffer Overlay, however there is no proposed development for a sensitive use on the subject site.</p> <p>Therefore, the proposal generally complies with the relevant assessment benchmarks.</p>
Township Zone Code	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	A further assessment has been provided below.
Special Purpose Zone Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<p>Lot 1 is within the Special Purpose Zone, which is intended to primarily accommodate utility installation, major electricity infrastructure and substation.</p> <p>There is no development comprising construction works or infrastructure on the subject site and there is an existing utility installation which will be retained. This lot has been included only for the purpose of providing shuttle access to the mountain bike trails via an existing access easement from Letchford Street.</p> <p>Therefore, the proposal generally complies with the relevant assessment benchmarks.</p>
Rural Zone Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<p>The proposed development provides a tourism activity that integrates with the visual amenity of the surrounding rural and natural landscapes and does not create fragmentation of agricultural land.</p> <p>Infrastructure and essential services are not required on Lots 20, 125 and 21 within the Rural Zone, as these sites form the trail network. There are no bike trails proposed to be within proximity to a property boundary.</p> <p>Therefore, the proposal generally complies with the relevant assessment benchmarks.</p>
General Development Requirements Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The trail head site is connected to reticulated water, road, electrical and telecommunication services and proposes on-site sewer. As such, the proposal is considered to generally comply with the Code.

Strategic Framework

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

Strategic Framework	Assessment
3.2.1 Regional strategic vision	The development is considered to comply as the proposal provides tourism development that capitalises on the region's unique natural areas and provides an appreciation of the natural environment.
3.2.2 Growth management and urban consolidation	The development is considered to comply as the proposal is a form of adventure based tourism development that relies on the natural environment.
3.2.3 Network of centres and industrial areas	Not applicable to this proposal.
3.3 Settlement pattern	The proposal does not conflict with the principles of urban consolidation.
3.4 Natural environment and regional landscapes	The development is considered to comply as the proposal has been designed to ensure that clearing is minimised. Further, the Applicant has advised that <i>"key environmental features such as significant trees, boulders and outcrops will be identified as points of interest along the trail network and incorporated into the design. The intent is that these significant features will be championed and create points of public interest"</i>
3.5 Strong communities	<p>The development is considered to comply as the intent of the proposal is to add to the liveability of the region by supporting healthy lifestyle options through the provision of open space and sports and recreation facilities. In addition, to protect and preserve the heritage of the area, the development seeks to incorporate the following:</p> <ul style="list-style-type: none"> • Maintain and refurbish the existing administration building that was utilised by the former Cattle Creek Sugar Mill; • Include a key heritage rail feature – the Kungurri Turntable; and • Retain and restore the Bin Shed.
3.6 Natural resource management	The proposal does not conflict with the strategic outcomes relating to natural resource management.
3.7 Transport	The proposal does not conflict with the strategic outcomes relating to transport.
3.8 Infrastructure	<p>The site is not located within the Priority Infrastructure Area. The development:</p> <ul style="list-style-type: none"> • Does not require the delivery of any trunk infrastructure to support the development; and • Can be suitably serviced by all necessary infrastructure.
3.9 Strong economy	The development is considered to comply as it provides tourism development to the region and maximises on the region's natural landscape character and environmental value areas.
3.10 Sustainability, climate change and natural hazards	The proposal does not conflict with the strategic outcomes relating to sustainability, climate change and natural hazards.

Agricultural Land Overlay Code

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The purpose of the Agricultural Land Overlay Code is to ensure that development on or near agricultural land maintains the productive capacity of the land for agricultural purposes. An assessment against the relevant Acceptable Outcomes and Performance Outcome is set out below.

Acceptable Outcome AO1.1 –

Agricultural land accommodates the following agricultural activities and uses that are ancillary, support or complement agricultural land:

- (a) animal husbandry; and*
- (b) cropping; and*
- (c) intensive animal industry; and*
- (d) intensive horticulture; and*
- (e) major electricity infrastructure; and*
- (f) out-building/s associated with an agricultural activity; and*
- (g) rural industry; and*
- (h) small-scale residential uses including dwelling house, dwelling unit, caretaker's accommodation and rural workers' accommodation; and*
- (i) utility installation other than a mail depot, sewerage treatment plant, waste (refuse) management facility or water treatment plant.*

Acceptable Outcome AO1.2 –

Development for uses not mentioned in AO1.1:

- (a) is located outside areas identified as Agricultural land class A and B and Locally important agricultural areas; or*
- (b) does not result in more than 2,000m² of land being taken out of agricultural production and:*
 - (i) occupies the same location as a previous non-agricultural use and/or co-locates with existing buildings; or*
 - (ii) is located on the least agriculturally productive part/s of the site²; or*
 - (iii) is not setback more than:*
 - (A) 24 metres from an arterial road; and*
 - (B) 12 metres from a sub-arterial road, collector street or access street.*

Performance Outcome PO1 –

Development utilises or maintains the productive capacity of agricultural land for agricultural purposes, unless:

- (a) an overriding need in the public interest is demonstrated; and*
- (b) no alternate sites (not on agricultural land) are available.*

The development area contains fragments of mapped Agricultural Land (both Class A and B and Locally Important Agricultural Areas). Although the proposal does not incorporate agricultural activities, it is considered that the construction of a Mountain Bike Park will create larger economic, environmental, and social benefits to the Mackay region. Further, due to the unique landscape required for a Mountain Bike Park, the development proposes minimal disturbance to the natural geology with no requirement for an Operational Works Permit. Therefore, the possibility of the land being used for agricultural purposes will not be undermined by the proposed development if the land was ever to return to agricultural use.

Landslide Hazard Overlay Code

(1) The purpose of the landslide hazard overlay code is to ensure that development:

- (a) on steep land is responsive to site constraints and limited to those areas where risk is low;*
- (b) on steep land is adequately protected from landslide hazard and does not increase the extent or severity of landslide hazard risk; and*
- (c) maintains the safety of people, property and hazardous materials (manufactured or stored in bulk) from the risk of landslide.*

An assessment against the relevant Acceptable Outcomes and Performance Outcomes is set out below.

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Acceptable Outcome AO1.1 –

Development, including driveways:

(a) is located on land that is demonstrated to have an existing natural or approved and constructed slope of 15% or less; or

(b) complies with a geotechnical design report that:

(i) demonstrates that the development, and areas surrounding the development, will have a “low” level of landslide risk in accordance with “Landslide Risk Management – Australian Geomechanics Journal”; and

(ii) ensures the long term stability of the development site; and

(iii) ensures the development will not be adversely affected by landslide activity originating on sloping land above the development site; and

(iv) is prepared by a suitably qualified geotechnical professional; and

(v) includes certification of the civil / structural design by a RPEQ.

Acceptable Outcome AO1.2 –

If a geotechnical design report is required in accordance with AO1.1(b), the risk level in relation to landslide affecting the development, and area surrounding the development, is certified as “low” at the completion of the development:

(a) by a suitably qualified geotechnical professional; and

(b) in accordance with “Landslide Risk Management – Australian Geomechanics Journal”.

Performance Outcome PO1 –

Development on steep land (with a slope of 15% or greater) is avoided unless it can be demonstrated the development area, and land immediately surrounding the development area, is adequately protected from landslide hazard.

There is no built form proposed on land within the Landslide Hazard Area. The Mountain Bike trail network is located within the mapped Landslide Hazard Area, however the natural formation of the land is to be retained wherever practical, with the natural terrain being paramount to the experience of the bike rider, and therefore critical to the success of the development. The trail network will provide access along a slightly modified, natural environment where required to enable level ground for mountain bikes. Due to the minimal modifications to the land in the Landslide Hazard Area, the provision of the geotechnical report has not been requested as part of this Development Application.

The Applicant has provided a set of Standard Drawings which outline specific designs to mitigate the risk of landslide. The Standard Drawings will form part of the development approval as approved plans and documents. These incorporate design methods and landslide mitigation measures using Gabions, Rock Armouring and Matting for varying conditions. Development conditions for erosion control in accordance with the Standard Drawings will be implemented.

Acceptable Outcome AO2.1 –

Development is located on the least steep part of the subject site.

Acceptable Outcome AO2.2 –

Existing vegetation is retained on land with a slope of 15% or greater.

Acceptable Outcome AO2.3 –

Paths, driveways and roads:

(a) are designed to:

(i) follow natural contours and have the minimum length necessary; and

(ii) minimise the number of crossings of water courses and drainage lines; and

(b) be sealed with asphalt, concrete or another type of hardstand where traversing a slope greater than 10%; and

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(c) do not traverse land with a slope exceeding 25%.

Performance Outcome PO2 –

Development on steep land incorporates measures to minimise landslide risk level for the development site and for areas immediately surrounding the development site without significantly altering the characteristics of the land.

The proposed development has sufficiently demonstrated how native vegetation will be retained where practical and bike tracks will follow the natural contours of the land with excavation and filling to be minimal. Further, the SARA have assessed the vegetation clearing components of the Development Application and have applied conditions to the Referral Agency Response relating to the maximum width of clearing for the shuttle road and bike trails. Overall, the development is intended to integrate with and maintain the existing landscape.

Township Zone Code

(1) The purpose of the township zone is to provide for:

- (a) small to medium size urban areas in a rural or coastal area; and*
- (b) a variety of uses and activities to service local residents, including, for example, business, community, education, industrial, open space, recreation, residential or retail uses or activities; and*
- (c) tourist attractions and short-term accommodation, if appropriate for the area.*

An assessment against the relevant Acceptable Outcome and Performance Outcomes is set out below.

Performance Outcome PO1 –

The zone primarily accommodates low intensity residential development such as dwelling house on large sites.

The trail head site is partly located within the Township Zone. The trail head is a low-intensity development within close proximity to existing uses for community facilities and non-residential activities, such as the Finch Hatton RSL, QLD Ambulance Services and the Pioneer Valley Showgrounds, contributing to the achievement of a cohesive town centre.

Acceptable Outcome PO10.2 –

In Finch Hatton, development provides a road connection between Bagley Street and Matthew Street.

Performance Outcome PO10 –

In Conningsby, Farleigh and Finch Hatton, development:

- (a) completes the internal road network by providing through connections between existing roads; and*
- (b) provides direct access to properties from the internal road network and not from State controlled roads.*

Acceptable Outcome PO10.1 and Performance Outcome PO10 are both proposed to be removed under the Mackay Region Planning Scheme – Proposed Major Amendment 3. Given this, no weight has been given to these provisions for the purposes of this application.

Other Relevant Matters related to Assessment

Mackay Region Planning Scheme 2017 – Major amendment 3 (Finch Hatton and Eungella township amendment)

The purpose of the Proposed Amendment is to better facilitate development opportunities in Finch Hatton that will support the Mackay Region Mountain Bike Strategy.

This development proposal is not in conflict with the proposed Planning Scheme Amendment.

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Public Notification and Submissions

Public Notification was undertaken in accordance with section 17.2 of the Development Assessment Rules, with three submissions considered Properly Made and two submissions considered Not Properly Made. Planning matters raised from all submissions were addressed as set out below.

Matter raised Submissions	How matters were dealt with in reaching the Decision
Proposal does not include a child's playground	<p><u>Applicant's Response:</u> It is noted that the proposed development is for a series of Mountain Bike trails. As such, the facilities provided at the trailhead are in support of this endeavor. The trailhead has been designed to cater for the community. The following facilities are proposed:</p> <ul style="list-style-type: none"> • Pump track • Picnic tables and shelters • Plaza area and bench seating • Amenities block • Sweeping grass areas intended to be utilised as an event space, noting these spaces would be used for picnics, ball games and the like outside of event days. <p><u>Assessing Officer Response:</u> Agree with Applicant's response. In addition, it is noted that there is an existing Playground across the road about 170m distance from the trail head.</p>
Available rentals converted to Air BnB accommodation, resulting in Township becoming unpopulated during times of no Mountain Bike visitors	<p><u>Applicant's Response:</u> The Planning Scheme regulates Short-term Accommodation and Home-based Business for a Bed and Breakfast. A Short-term Accommodation use in a township or Rural zone would require a Code Assessable Development Application.</p> <p>Whilst an increase in these accommodation types may occur, it is likely they will be subject to a Development Application and assessed by Council. All Development Applications are assessed on their individual merits and on a case-by-case basis, allowing Council to maintain an element of control over development in the township.</p> <p><u>Assessing Officer Response:</u> Agree with Applicant's response.</p>
Boundary encroachment into 1 Zahmel Street and 9 Bagley Street	<p><u>Applicant's Response:</u> It was identified during Public Notification that the site plan indicates the trail head will encroach onto 1 Zahmel Street and 9 Bagley Street. This has been identified as an inconsistency between the cadastral layers of MiMaps and the satellite imagery when it was overlaid with the site plan.</p> <p>The Applicant confirms that the proposed development will not impede upon 1 Zahmel Street or 9 Bagley Street and there will be a landscape buffer of 20m wide. An amended site plan was provided to Council on 24/11/22 to address this matter.</p> <p><u>Assessing Officer Response:</u> Amended Plan received and considered to satisfy the Submitter's concern.</p>
Adequate traffic management, car-parking and access	<p><u>Applicant's Response:</u> A detailed Traffic Engineering and Carpark Report was provided which provides a full analysis of potential traffic impacts, carparking and access, with the following recommendations:</p> <ul style="list-style-type: none"> • New intersection entry from Mackay-Eungella Road (Anzac Parade); • Car parking for 52 passenger vehicles in addition to allocated RV and trailer parking; and

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	<ul style="list-style-type: none"> • Overflow parking available to the existing grassed area located south of the proposed car parking, which could accommodate over 100 parked vehicles under a managed approach during events. <p>The Department of Transport and Main Roads (DTMR) has assessed the Development Application under the relevant State Codes and considered that the proposed access from Anzac Parade is of sufficient design and standard to support the proposed development.</p> <p><u>Assessing Officer Response:</u> The Traffic Engineering and Carpark Report and the Referral Agency Response from DTMR have been reviewed by Council. The report is considered acceptable and development conditions are recommended to this effect.</p>
Adequate Restroom Facilities	<p><u>Applicant's Response:</u> The Applicant provided Council with an Environmental Authority Supporting Information Report. The report discusses the proposed wastewater treatment system which will be provided on the trailhead site. The proposed trailhead will provide the following amenities:</p> <ul style="list-style-type: none"> • One female shower • One male shower • One disabled toilet/ shower combined • Three ambulant unisex toilets. <p>The Report outlines that these facilities will be of a sufficient size and standard to manage the day-to-day operations of the trail. When events are held on site, additional, temporary facilities will be brought to site to allow for the additional demand.</p> <p><u>Assessing Officer Response:</u> The Environmental Authority Supporting Information Report has been reviewed by Council. The report is considered acceptable and development conditions concerning the wastewater treatment system recommended.</p>
Environmental concern: Weed and Pathogen Control	<p><u>Applicant's Response:</u> Biosecurity matters including weed and pathogen control are regulated under the <i>Environmental Protection Act 1994</i> and <i>Biosecurity Act 2014</i>, legislation the applicant is beholden to with regards to these matters.</p> <p>The Environmental Assessment Report discusses various pathogens and biosecurity matters relevant to the subject site and the following recommendations have been extracted from Section 7.4 of the Report:</p> <ul style="list-style-type: none"> • Installation of bike and footwear cleaning stations at trail access points, and particularly between drainage catchments; • Monitoring and inspections along all project areas, including any ancillary areas utilised during construction; • Implementing necessary control measures, as outlined in the Department of Agriculture and Fisheries (DAF) weed fact sheets and or other relevant biosecurity management strategies when required; and • Wash downs off site or at designated locations, with sediment control devices in place. <p>A bike wash facility is provided for public use on site to assist with weed spread. Best practice as outlined within the recommendations of this report will be followed during construction and operation.</p>

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	<p><u>Assessing Officer Response:</u> The Environmental Assessment Report has been reviewed by Council and this report is considered acceptable. The <i>Environmental Protection Act 1994</i> and <i>Biosecurity Act 2014</i> applies to the Applicant in this regard.</p> <p>A bike wash facility forms part of the approved plans and will be provided as part of construction of the trail head.</p>
Environmental concern: Vegetation clearing	<p><u>Applicant's Response:</u> As part of the Development Application the applicant undertook the following actions:</p> <ul style="list-style-type: none"> Engaged an environmental consultant to undertake an Environmental Assessment Report. This included both desktop and field observations. Obtained a s22A Relevant Purpose Determination with regards to vegetation clearing. The proposed development was referred to the Department of Natural Resources, Mines and Energy (DNRME) with regards to environmental matters. DNRME provided Referral Agency Conditions on 17 November 2022, confirming the proposed development complies with the relevant State Codes. Demonstrated adherence to Avoidance and Minimisation Principles (discussed within sections 6 and 7 of the Planning Report). <p>Vegetation clearing is discussed in detail within Section 7.2 of the Environmental Assessment Report (Appendix 10 of the Planning Report) outlining a series of recommendations.</p> <p><u>Assessing Officer Response:</u> The Environmental Assessment Report has been reviewed by Council. The Report is considered acceptable and development is bound by Referral Agency conditions relating to vegetation clearing.</p>
Environmental concern: Impacts upon Flora and Fauna	<p><u>Applicant's Response:</u> An Environmental Assessment Report was provided as part of the application material. An ecological and environmental field assessment was conducted. The following statements are extracted from the Environmental Assessment Report and summarise its findings:</p> <ul style="list-style-type: none"> <i>No significant residual impacts for Matters of National Environmental Significance (MNES) are predicted...</i> <i>...no significant impacts are expected for regulated vegetation, wetlands and watercourses, endangered and vulnerable wildlife habitat, special least concern (nonmigratory) animal wildlife habitat, or to a waterway providing for passage of fish.</i> <p>In addition, the proposed development was referred to the DNRME who provided their Referral Agency conditions on 17 November 2022.</p> <p><u>Assessing Officer Response:</u> The Environmental Assessment Report has been reviewed by Council. The Report is considered acceptable and development is bound by Referral Agency conditions.</p>
Environmental concern: Bushfire and Emergency Management	<p><u>Applicant's Response:</u> The proposed development will result in ongoing trail maintenance including planned burns to reduce the overall risk. Within the National Park, the Queensland Parks and Wildlife Service (QPWS) and Finch Hatton Rural Fire Service implement planned burn programs and ongoing consultation between Council and QPWS will</p>

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	<p>ensure that the risk is effectively managed. It is anticipated that trails would be closed during planned burns and during times where there is a high risk of bushfire. Emergency access vehicles will be able to access the trails via fire breaks.</p> <p>A layout of the park and access points will be relayed to emergency services once the trails are operational. Council intends to install fire breaks with the assistance of the Finch Hatton Rural Fire Service. A plan will be prepared showing locations of the fire breaks and will be added to Council's property management plan.</p> <p><u>Assessing Officer Response:</u> The Environmental Assessment Report with regard to Bushfire Risk has been reviewed by Council.</p> <p>It is anticipated that the bike trails would not be in use during a bushfire event, the same as other public parks or nature reserves.</p> <p>A plan detailing fire management trails has been submitted and will form part of the approved plans and documentation. A recommended condition of approval requires the implementation and maintenance of the trails to minimise risk to users of the Mountain Bike Track.</p> <p>It is also noted that there is an Ambulance Station adjacent to the trail head should medical treatment be required.</p>
Environmental concern: Erosion Control and Landslide Hazard	<p><u>Applicant's Response:</u> It is important to note that only the trails themselves will be located within the Landslide Hazard Overlay. No physical structures (i.e., building slabs, etc) are planned within these areas.</p> <p>Erosion and landslide hazard management have been considered as part of this proposal. The Applicant has provided a suite of Standard Drawings which outline various construction methods. The Environmental Assessment Report discusses various methods of erosion control and landslide hazard mitigation methods. The following recommendations have been extracted from Section 7.5 of the Report:</p> <ul style="list-style-type: none"> • Implementing stability measures appropriate to the final trail design. • Avoid disturbance to potentially sensitive regional ecosystems and ecotones. • Implementing drainage formation where there is a steep gradient. The out slope must be clear of obstruction to allow water to flow off the track. • The trail is to be built with curves – i.e. there are to be no straight sections on the trail exceeding 20 m. • Where stones from within the corridor are displaced, these are to be collected and used for potential features or drainage. • Displaced timber is to be used as trail features. Any timber which has been cut is to be disguised or hidden from view of trail. • All erosion control methods (drains, rock, and stone positions) are to be inspected prior to (where predictable) and after a heavy rain event. <p><u>Assessing Officer Response:</u> The Environmental Assessment Report has been reviewed by Council. Further, the Applicant provided a set of Standard Drawings which outline specific designs to mitigate the risk of</p>

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	<p>landslide. The Report is considered acceptable, with the Report and Standard Drawings to form part of the approved plans and documentation.</p> <p>The trail will provide access along a slightly modified, natural environment where required to enable level ground for mountain bikes. Due to the minimal modifications to the land in the Landslide Hazard Area, the provision of the geotechnical report has not been requested as part of this Development Application.</p>
Potential costs to Mackay Regional Council Ratepayers	<p><u>Applicants Response:</u> The proposed development represents a significant investment by Mackay Regional Council in the Finch Hatton township. The project has been independently costed and appropriately budgeted for. Council has identified an opportunity within its operational budget for 2-3 full-time staff to maintain the trails and trailhead. This will be accommodated in the Parks & Environment Program operational budget.</p> <p>Council at the latest Community Engagement session in November 2022 indicated that Stage 1 will be in the order of \$7M.</p> <p>Whilst the proposed development will have an upfront cost, it is anticipated that the return on investment will outweigh this upfront cost.</p> <p>The potential benefits to the local and regional economy are discussed in more detail within the Mackay Region Mountain Bike Strategy and Section 6.1 of the Planning Report. The following statement is extracted:</p> <ul style="list-style-type: none"> • <i>As a conservative assessment, it is estimated that there is potential to attract 18,000 visitors annually to the region for mountain biking as a result of the Eungella Finch Hatton Trail Town, generating a minimum of \$6.048 million new income annually (excluding flow on benefits and income from growth of local participation). When coupled with multipliers from additional night stays, expenditure by accompanying partners/ children the initial investment could see a significant return many times this. Blue Derby in Tasmania has estimated that they now see a \$30 million annual return on an initial investment of \$3.1 million.</i> <p>It is expected that the proposed development will have an ongoing benefit to the Finch Hatton township and that of the broader Mackay region.</p> <p><u>Assessing Officer Response:</u> Agree with Applicant's response.</p>

Levied Charges

The following Levied Charge as applicable to the proposal has been calculated in accordance with the Adopted Charges Resolution dated December 2020.

Section 120 of the *Planning Act 2016* provides that a levied charge may only be for additional demand placed upon trunk infrastructure that the development will generate. Although the site contains an Administration Building that was ancillary to the previous Cattle Creek Sugar Mill, it is noted that this building has been refurbished and will be utilised as part of the Pioneer Valley Mountain Bike Track for community purposes.

In accordance with the Mackay Region Planning Scheme, a Sugar Mill is defined as Special Industry and would attract a credit of \$75.60/m². This building is proposed to be retained as part of this Development Application and to be utilised for community purposes, with the applicable charge for Community Use also \$75.60m².

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Therefore, a credit/charge has not been applied to this building with the additional demand calculated only on the impervious area to be constructed as part of the development.

Levied Charge Calculation

Adopted Infrastructure Charge Category	Adopted Infrastructure Charge	Demand Units	No. of Demand Units	Gross Levied Charge Amount
Specialised uses (recreation facility)	\$81,000 Impervious Area (Less 20% service discount for no access to sewer)	\$10.80/m ² Impervious Area	7,500m ²	\$64,800.00
Gross Levied Charge Amount Total				\$64,800.00

Net Levied Charge Summary

Gross Levied Charge Amount Total	Applied Credit Amount Total	Net Levied Charge Amount
\$64,800.00	\$0.00	\$64,800.00

Offsets/ and Refunds

No offsets or refunds are applicable to this application.

NET LEVIED CHARGE AMOUNT - \$64,800.00 + annual adjustments

Statement of Reasons

1. Reasons for the Decision

The reasons for this decision are that the proposed development is generally consistent with the relevant provisions of the following codes of the Mackay Region Planning Scheme:

- Agricultural Land Overlay Code
- Biodiversity Overlay Code
- Bushfire Hazard Overlay Code
- Landscape Character and Image Corridor Overlay Code
- Landslide Hazard Overlay Code
- Regional Infrastructure Overlay Code
- Township Zone Code
- Special Purpose Zone Code
- Rural Zone Code; and
- General Development Requirements Code

2. Assessment Benchmarks Applying to the Development

Benchmarks Applying to the Development	Benchmark Reference
Mackay Region Planning Scheme (MRPS) 2017 Version 4.0	Agricultural Land Overlay Code 8.2.2.3.A
	Biodiversity Overlay Code 8.2.4.3.A
	Bushfire Hazard Overlay Code 8.2.5.3.A
	Landscape Character and Image Corridor Overlay Code 8.2.9.3.A

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	Landslide Hazard Overlay Code 8.2.10.3.A
	Regional Infrastructure Overlay Code 8.2.11.3.A
	Township Zone Code 6.2.23.3.A
	Special Purpose Zone Code 6.2.19.3.A
	Rural Zone Code 6.2.17.3.A
	General Development Requirements Code 9.4.1.3.A

3. Compliance with Benchmarks

Benchmark Reference	Reasons for the Approval despite non-compliance with Benchmark
Agricultural Land Overlay Code 8.2.2.3.A	The development area contains fragments of mapped Agricultural Land (both Class A and B and Locally Important Agricultural Areas). Although the proposal does not incorporate agricultural activities, it is considered that the construction of a Mountain Bike Park will create larger economic, environmental, and social benefits to the Mackay region. Further, due to the unique landscape required for a Mountain Bike Park, the development proposes minimal disturbance of the earth and natural elements with no requirement for an Operational Works Permit. Therefore, the possibility of the land being used for agricultural purposes will not be undermined by the proposed development if the land was ever to return to agricultural use.
Landslide Hazard Overlay Code 8.2.10.3.A	<p>There is no built form on land identified by the Landslide Hazard Area.</p> <p>The Mountain Bike Trail Network is located within the Landslide Hazard Area, however the natural formation of the land is to be retained wherever practical, with the natural terrain being paramount to the experience of the bike rider, and therefore critical to the success of the development.</p> <p>The Applicant has provided a set of Standard Drawings which outline specific designs to mitigate the risk of landslide. The Standard Drawings will form part of the development approval as approved plans. These incorporate design methods and landslide mitigation measures using Gabions, Rock Armouring and Matting, etc. Development conditions for Erosion Control, in accordance with the Standard Drawings will be implemented.</p> <p>The proposed development has sufficiently demonstrated how native vegetation will be retained where practical and bike tracks will follow the natural contours of the land with excavation and filling to be minimal. Overall, the development is intended to integrate with and maintain the existing landscape.</p>
Township Zone Code 6.2.23.3.A	The trail head site is located within the Township Zone. The trail head is a low-intensity development within close proximity to existing uses for community facilities and non-

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	residential activities, such as the Finch Hatton RSL, QLD Ambulance Services and the Pioneer Valley Showgrounds, contributing to the achievement of a cohesive town centre.
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Consultation and Communication

See public notification and submissions section of this report.

Resource Implications

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

Risk Management Implications

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

Conclusion

The reports and plans provided by the Applicant demonstrate that the proposed development will not have a detrimental impact on adjoining residents. The proposed development has been assessed against the Planning Scheme and all relevant assessment criteria. The Applicant has provided technical assessments in relation to drainage, stormwater management and on-site wastewater, and the resulting design of the development will ensure that the amenity of the surrounding area will not be adversely affected by the proposed development.

It is therefore recommended that the proposed development be approved subject to conditions.

Officer's Recommendation

THAT Council approves DA-2022-155 for a Material Change of Use (Development Permit) for an Undefined Use (Pioneer Mountain Bike Track – Stage 1) located at L 11 Anzac Parade, L 21 Matthew Street, 17 Letchford Street, L 20 Zahmel Street and 101 Drew Street, Finch Hatton, formally described as Lot 11 on SP212243, Lot 21 on SP212248, Lot 1 on RP723999, Lot 20 on SP212248 and Lot 125 on CI2822, subject to the following conditions and Assessment Manager's Advice:

1. Plan of Development

The approved Material Change of Use for Undefined Use (Pioneer Valley Mountain Bike Track – Stage 1) development must be completed and maintained generally in accordance with the Plan of Development (identified in the Table below) and supporting documentation which forms part of this application, except as otherwise specified by any condition of this approval.

Plan/Document Name	Drawing Number	Prepared by	Date
Illustrative Site Plan	721-0104-00-L-02-DR02 Rev. 03	Mackay Regional Council	24/11/2022
Stage 1 Trail Alignment Plans	Drawing 1 of 4	Mackay Regional Council	-
Stage 1 Trail Alignment Plans	Drawing 2 of 4	Mackay Regional Council	-
Stage 1 Trail Alignment Plans	Drawing 3 of 4	Mackay Regional Council	-
Stage 1 Trail Alignment Plans	Drawing 4 of 4	Mackay Regional Council	-

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Plan/Document Name	Drawing Number	Prepared by	Date
Finch Hatton Trail Alignment Staging Plan	Drawing 1 of 1	Council Mackay Regional Council	-
Fire Management Lines	-	Mackay Regional Council	-
Landscape Plans			
Title Sheet, Sheet Layout Plan and Drawing Schedule	721-0104-00-L-02-DR100 rev 03	Tract	12/04/2022
Legend	721-0104-00-L-02-DR101 rev 03	Tract	12/04/2022
Materials and Finishes Schedule and Planting Schedules	721-0104-00-L-02-DR102 Rev 03	Tract	12/04/2022
General Landscape Notes - Sheet 1	721-0104-00-L-02-DR103 Rev 01	Tract	12/04/2022
General Landscape Notes - Sheet 2	721-0104-00-L-02-DR104 rev 01	Tract	12/04/2022
General Landscape Notes - Sheet 3	721-0104-00-L-02-DR105 Rev 01	Tract	12/04/2022
Surface Finishes Plan - Sheet 1	721-0104-00-L-02-DR301 Rev 03	Tract	12/04/2022
Surface Finishes Plan - Sheet 2	721-0104-00-L-02-DR303 Rev 03	Tract	12/04/2022
Surface Finishes Plan - Sheet 4	721-0104-00-L-02-DR304 Rev 03	Tract	12/04/2022
Surface Finishes Plan - Sheet 5	721-0104-00-L-02-DR305 Rev 03	Tract	12/04/2022
Jointing Plan - Sheet 1	721-0104-00-L-02-DR401 Rev 01	Tract	12/04/2022
Jointing Plan - Sheet 2	721-0104-00-L-02-DR402 Rev 01	Tract	12/04/2022
Jointing Plan - Sheet 3	721-0104-00-L-02-DR404 Rev 01	Tract	12/04/2022
Planting Plan - Sheet 1	721-0104-00-L-02-DR601 Rev 02	Tract	12/04/2022
Planting Plan - Sheet 2	721-0104-00-L-02-DR602 Rev 02	Tract	12/04/2022
Planting Plan - Sheet 3	721-0104-00-L-02-DR603 Rev 02	Tract	12/04/2022
Planting Plan - Sheet 4	721-0104-00-L-02-DR604 Rev 02	Tract	12/04/2022
Planting Plan - Sheet 5	721-0104-00-L-02-DR605 Rev 02	Tract	12/04/2022
Landscape Details - Sheet 1	721-0104-00-L-02-DR901 Rev 03	Tract	12/04/2022
Landscape Details - Sheet 2	721-0104-00-L-02-DR902 Rev 02	Tract	12/04/2022
Landscape Details - Sheet 3	721-0104-00-L-02-DR903 Rev 02	Tract	12/04/2022
Title Sheet, Sheet Layout Plan and Drawing Schedule	721-0104-00-L-02-DR100 rev 03	Tract	12/04/2022
Standard Drawings			

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Plan/Document Name	Drawing Number	Prepared by	Date
Framing Plan member Schedule	STP21-0303 Dwg No. S.005 rev A	STP	22/02/2021
Footing Details	STP21-0303 Dwg No. S.006 rev A	STP	22/02/2021
Framing details	STP21-0303 Dwg No. S.007 rev A	STP	22/02/2021
Boulder Rock Crossing	WTMSTD-006-PNR Rev A	World Trail	22/02/2021
Rock Armouring	WTMSTD-007-PNR Rev B	World Trail	22/02/2021
Trail Widening – Gabion Support placement and Dimensions	WTMSTD-010-PNR Rev A	World Trail	22/02/2021
Raised Embankment Placement	WTMSTD-029-PNR Rev A	World Trail	22/02/2021
Raised Trail Tree Root Protection	WTMSTD-049-PNR Rev A	World Trail	22/02/2021
Vegetation Clearing	WTMSTD-033-PNR Rev B	World Trail	22/02/2021
Rock Walling – Up to 500mm	WTMSTD-034-PNR Rev B	World Trail	22/02/2021
Ballast Surfacing Placement	WTMSTD-045-PNR Rev A	World Trail	22/02/2021
Adjustable Rock Matting 1000mm	WTMSTD-051-PNR Rev A	World Trail	22/02/2021
Rock retaining Wall Up to 1000mm	WTMSTD-004-PNR Rev A	World Trail	22/02/2021
Sediment Control – Fibre Rolls Placement	WTMSTD-040-PNR Rev A	World Trail	22/02/2021
Sediment Control – Silt Fence Placement	WTMSTD-041-PNR Rev A	World Trail	22/02/2021
Sediment Control – Silt Fence Notes	WTMSTD-042-PNR Rev A	World Trail	22/02/2021
Imported Trail Surfacing Trail Surface Treatment	WTMSTD-063-PNR Rev A	World Trail	22/02/2021
Trail Sections – Mtb Green Classification	WTMSTD-057-PNR Rev A	World Trail	22/02/2021
Trails Sections – Mtb Green/Blue Classification	WTMSTD-058-PNR Rev A	World Trail	22/02/2021
Trail Sections – Mtb Blue Classification	WTMSTD-059-PNR Rev A	World Trail	22/02/2021
Trail Sections – Mtb Blue/Black Square Classification	WTMSTD-060-PNR Rev A	World Trail	22/02/2021
Trail Sections – Mtb Black Triangle Classification	WTMSTD-061-PNR Rev A	World Trail	22/02/2021

Supporting Documents:

Plan/Document Name	Drawing Number	Prepared by	Date
Traffic Engineering and Carpark Report	S4 Rev A	GHD	12/07/2022
Engineering Report	S4 Rev B	GHD	18/07/2022
Stormwater Management Plan	S4 Rev O	GHD	31/10/2022

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Revised Environmental Assessment Report (Stage 1 Trails)	511493 Rev 0	Aurecon	08/08/2022
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2. 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.

3. Maintenance of Development

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

4. 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.

5. 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.

6. 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.

7. Notice of Intention to Commence the Use

Prior to the commencement of the use on the site, written notice must be given to Council that the use (development and / or 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).

8. Ponding and Diversion of Stormwater

The developer must ensure that no ponding of stormwater resulting from the development occurs on adjacent sites and that no stormwater formerly flowing onto the site is diverted onto other sites.

9. Stormwater Drainage

Prior to use, stormwater from the site shall be collected within the property boundaries and discharged via an underground system to the discharge points as shown in the engineering report prepared by GHD dated 18 July 2022. Stormwater flow to the discharge point must be restricted to predevelopment flow rate. Stormwater flow exceeding the allowed flow must be detained on site.

10. Car Parking Requirements

The car parking area must be constructed, sealed, line marked and drained for a minimum of 52 car parking spaces including two car parking spaces for people with disabilities. This shall be undertaken

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generally in accordance with the approved Stormwater Drainage Strategy and the Traffic Engineering and Carpark Report.

The car parking must be designed in accordance with *AS/NZS2890.1:2004 Parking facilities Part 1: Off-street car parking* and *AS/NZS2890.6:2009 Parking facilities Part 6: Off-street parking for people with disabilities*.

The car park must be lit in accordance with *AS/NZS1680.2.1:2008 Interior and workplace lighting* and *AS/NZS1158.3.1:2005 Lighting for roads and public spaces*.

Any car park lighting and other outdoor lighting must comply with *AS 4282-1997 Control of the obtrusive effects of outdoor lighting*.

11. 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.

12. Parking Signs and Pavement Markings

Signage and pavement markings must be provided directing drivers to the car parking.

13. Use of Car Parking Areas

The areas set aside for parking, vehicle manoeuvring and loading and unloading, must not be used for the storage or placement of goods or materials.

14. Vehicle Manoeuvring

The car parking area must be designed to ensure all vehicles enter and exit the site in a forward manner when leaving the property.

15. Existing Services

The proposed development must connect Lot 11 SP212243 to the existing reticulated water services provided to the subject site. The plan showing the proposed water connection and meter location must be submitted prior to commencement of use.

16. Live Connections

Council's Water and Waste Services Department is to carry out all water connection and live sewer work to connect Lot 11 SP212243 at the developer's expense.

17. On-site wastewater

The method of on-site effluent disposal for the trail head location on Lot 11 SP212243 must be in accordance with the *Plumbing and Drainage Act 2018*.

Details of the wastewater treatment system to be installed must be in accordance with the approved Section 4.2.4 of the Engineering Report, prepared by GHD dated 18 July 2022, Revision B.

18. Direct Pumping from Reticulation System (Break Tanks)

Pumping direct from Council water mains for potable or firefighting supply is not permitted and, if required,

ORDINARY MEETING - 25 JANUARY 2023

break tanks must be installed in accordance with Council's Water and Waste Services Department and Fire Authority requirements.

19. Electricity and Telecommunications Services

Lot 11 SP212243 must be provided with electricity and telecommunications infrastructure.

20. Landscape Plan Required

Landscaping needs to be undertaken in accordance with the approved Landscaping Plans. Prior to construction works commencing the Irrigation System details need to be approved by Council's Parks and Environment Department.

21. Completion of Landscaping

All of the landscaping works shown on the approved plan must be completed before the commencement of the use on the site and be maintained at all times.

22. 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 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, waste water, waste products, grit or oil;
- d) Presence of vermin; and
- e) The locating of all service equipment, lighting, and air-conditioning units as to not cause nuisance to neighbouring properties.

23. Nuisance or Annoyance

The use must be conducted in such a manner so as not to cause nuisance or annoyance to persons or property not associated with the use.

24. Refuse Storage Area

All refuse storage areas on the site must be screened so as not to be visible from Anzac Parade (Mackay-Eungella Road), Finch Hatton and adjoining properties.

25. Event Management

Before holding an event at the site, the developer must:

- a) Obtain a Temporary Event Permit under Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.12 (Operating of Temporary Entertainment Event) a minimum of forty days prior to each event.

Or alternatively,

- b) Submit an Event Management Plan should sufficient detail be known on the number of events to occur each year, the number of attendees and how these events will be managed. The Event Management Plan is to be submitted a minimum of forty days prior to the first event. The details

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provided within the Event Management Plan are to generally align with Council's Temporary Entertainment Events – Guide for Applicants for Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.12 (Operating of Temporary Entertainment Event);

- c) Obtain approval for the Event Management Plan. This document will form part of the table of approved plans and documents; and
- d) Implement the recommendations of the Event Management Plan.

26. Maintenance of Bushfire Trails

The bushfire trails must be implemented and maintained at all times to a standard to minimise bushfire risk to users of the mountain bike tracks generally in accordance with the approved plans.

27. Erosion and Sediment Control

Soil and water management measures must be installed/implemented prior to discharge of water from the land, such that no external stormwater flow from the land adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and Council's Planning Scheme Policies).

28. Site Filling

Filling on site must be generally in accordance with the earthworks plans contained within the Engineering Report prepared by GHD and dated 18 July 2022. Filling of other parts of the site must be limited to the minimum amount necessary to enable the site to be free draining.

ASSESSMENT MANAGER'S ADVICE

1. Local Laws

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

2. 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.

3. 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

4. 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.

5. Noise During Construction and Noise in General

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

6. 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.

7. 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.

Cr Jones declared a Declared conflict of interest in this matter (as per Chapter 5B of the Local Government Act 2009) and left the meeting at 11:21 am.

Cr Seymour declared a Declared conflict of interest in this matter (as per Chapter 5B of the Local Government Act 2009) and left the meeting at 11:21 am.

Council Resolution ORD-2023-015

THAT Council approves DA-2022-155 for a Material Change of Use (Development Permit) for an Undefined Use (Pioneer Mountain Bike Track – Stage 1) located at L 11 Anzac Parade, L 21 Matthew Street, 17 Letchford Street, L 20 Zahmel Street and 101 Drew Street, Finch Hatton, formally described as Lot 11 on SP212243, Lot 21 on SP212248, Lot 1 on RP723999, Lot 20 on SP212248 and Lot 125 on CI2822, subject to the following conditions and Assessment Manager's Advice:

1. Plan of Development

The approved Material Change of Use for Undefined Use (Pioneer Valley Mountain Bike Track – Stage 1) development must be completed and maintained generally in accordance with the Plan of Development (identified in the Table below) and supporting documentation which forms part of this application, except as otherwise specified by any condition of this approval.

Plan/Document Name	Drawing Number	Prepared by	Date
Illustrative Site Plan	721-0104-00-L-02-DR02 Rev. 03	Mackay Regional Council	24/11/2022
Stage 1 Trail Alignment Plans	Drawing 1 of 4	Mackay Regional Council	-
Stage 1 Trail Alignment Plans	Drawing 2 of 4	Mackay Regional Council	-
Stage 1 Trail Alignment Plans	Drawing 3 of 4	Mackay Regional Council	-
Stage 1 Trail Alignment Plans	Drawing 4 of 4	Mackay Regional Council	-

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Plan/Document Name	Drawing Number	Prepared by	Date
		Council	
Finch Hatton Trail Alignment Staging Plan	Drawing 1 of 1	Mackay Regional Council	-
Fire Management Lines	-	Mackay Regional Council	-
Landscape Plans			
Title Sheet, Sheet Layout Plan and Drawing Schedule	721-0104-00-L-02-DR100 rev 03	Tract	12/04/2022
Legend	721-0104-00-L-02-DR101 rev 03	Tract	12/04/2022
Materials and Finishes Schedule and Planting Schedules	721-0104-00-L-02-DR102 Rev 03	Tract	12/04/2022
General Landscape Notes - Sheet 1	721-0104-00-L-02-DR103 Rev 01	Tract	12/04/2022
General Landscape Notes - Sheet 2	721-0104-00-L-02-DR104 rev 01	Tract	12/04/2022
General Landscape Notes - Sheet 3	721-0104-00-L-02-DR105 Rev 01	Tract	12/04/2022
Surface Finishes Plan - Sheet 1	721-0104-00-L-02-DR301 Rev 03	Tract	12/04/2022
Surface Finishes Plan - Sheet 2	721-0104-00-L-02-DR303 Rev 03	Tract	12/04/2022
Surface Finishes Plan - Sheet 4	721-0104-00-L-02-DR304 Rev 03	Tract	12/04/2022
Surface Finishes Plan - Sheet 5	721-0104-00-L-02-DR305 Rev 03	Tract	12/04/2022
Jointing Plan - Sheet 1	721-0104-00-L-02-DR401 Rev 01	Tract	12/04/2022
Jointing Plan - Sheet 2	721-0104-00-L-02-DR402 Rev 01	Tract	12/04/2022
Jointing Plan - Sheet 3	721-0104-00-L-02-DR404 Rev 01	Tract	12/04/2022
Planting Plan - Sheet 1	721-0104-00-L-02-DR601 Rev 02	Tract	12/04/2022
Planting Plan - Sheet 2	721-0104-00-L-02-DR602 Rev 02	Tract	12/04/2022
Planting Plan - Sheet 3	721-0104-00-L-02-DR603 Rev 02	Tract	12/04/2022
Planting Plan - Sheet 4	721-0104-00-L-02-DR604 Rev 02	Tract	12/04/2022
Planting Plan - Sheet 5	721-0104-00-L-02-DR605 Rev 02	Tract	12/04/2022
Landscape Details - Sheet 1	721-0104-00-L-02-DR901 Rev 03	Tract	12/04/2022
Landscape Details - Sheet 2	721-0104-00-L-02-DR902 Rev 02	Tract	12/04/2022
Landscape Details - Sheet 3	721-0104-00-L-02-DR903 Rev 02	Tract	12/04/2022
Title Sheet, Sheet Layout Plan	721-0104-00-L-02-DR100	Tract	12/04/2022

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Plan/Document Name	Drawing Number	Prepared by	Date
and Drawing Schedule	rev 03		
Standard Drawings			
Framing Plan member Schedule	STP21-0303 Dwg No. S.005 rev A	STP	22/02/2021
Footing Details	STP21-0303 Dwg No. S.006 rev A	STP	22/02/2021
Framing details	STP21-0303 Dwg No. S.007 rev A	STP	22/02/2021
Boulder Rock Crossing	WTMSTD-006-PNR Rev A	World Trail	22/02/2021
Rock Armouring	WTMSTD-007-PNR Rev B	World Trail	22/02/2021
Trail Widening – Gabion Support placement and Dimensions	WTMSTD-010-PNR Rev A	World Trail	22/02/2021
Raised Embankment Placement	WTMSTD-029-PNR Rev A	World Trail	22/02/2021
Raised Trail Tree Root Protection	WTMSTD-049-PNR Rev A	World Trail	22/02/2021
Vegetation Clearing	WTMSTD-033-PNR Rev B	World Trail	22/02/2021
Rock Walling – Up to 500mm	WTMSTD-034-PNR Rev B	World Trail	22/02/2021
Ballast Surfacing Placement	WTMSTD-045-PNR Rev A	World Trail	22/02/2021
Adjustable Rock Matting 1000mm	WTMSTD-051-PNR Rev A	World Trail	22/02/2021
Rock retaining Wall Up to 1000mm	WTMSTD-004-PNR Rev A	World Trail	22/02/2021
Sediment Control – Fibre Rolls Placement	WTMSTD-040-PNR Rev A	World Trail	22/02/2021
Sediment Control – Silt Fence Placement	WTMSTD-041-PNR Rev A	World Trail	22/02/2021
Sediment Control – Silt Fence Notes	WTMSTD-042-PNR Rev A	World Trail	22/02/2021
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predevelopment flow rate. Stormwater flow exceeding the allowed flow must be detained on site.

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Pumping direct from Council water mains for potable or firefighting supply is not permitted and, if required, break tanks must be installed in accordance with Council's Water and Waste Services Department and Fire Authority requirements.

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Landscaping needs to be undertaken in accordance with the approved Landscaping Plans. Prior to construction works commencing the Irrigation System details need to be approved by Council's Parks and Environment Department.

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- a) Obtain a Temporary Event Permit under Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.12 (Operating of Temporary Entertainment Event) a minimum of

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forty days prior to each event.

Or alternatively,

- b) Submit an Event Management Plan should sufficient detail be known on the number of events to occur each year, the number of attendees and how these events will be managed. The Event Management Plan is to be submitted a minimum of forty days prior to the first event. The details provided within the Event Management Plan are to generally align with Council's Temporary Entertainment Events – Guide for Applicants for Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.12 (Operating of Temporary Entertainment Event);
- c) Obtain approval for the Event Management Plan. This document will form part of the table of approved plans and documents; and
- d) Implement the recommendations of the Event Management Plan.

26. Maintenance of Bushfire Trails

The bushfire trails must be implemented and maintained at all times to a standard to minimise bushfire risk to users of the mountain bike tracks generally in accordance with the approved plans.

27. Erosion and Sediment Control

Soil and water management measures must be installed/implemented prior to discharge of water from the land, such that no external stormwater flow from the land adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and Council's Planning Scheme Policies).

28. Site Filling

Filling on site must be generally in accordance with the earthworks plans contained within the Engineering Report prepared by GHD and dated 18 July 2022. Filling of other parts of the site must be limited to the minimum amount necessary to enable the site to be free draining.

ASSESSMENT MANAGER'S ADVICE

1. Local Laws

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

2. 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.

3. 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

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4. 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.

5. 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*.

6. 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.

7. 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 Englert

Seconded Cr Mann

CARRIED UNANIMOUSLY

Cr Jones and Cr Seymour returned to the meeting at 11:26 am.

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11.5. ENGINEERING AND COMMERCIAL INFRASTRUCTURE**11.5.1. ENGINEERING & COMMERCIAL INFRASTRUCTURE - TRANSPORT & DRAINAGE MONTHLY REVIEW - NOVEMBER AND DECEMBER 2022**

Author	Executive Assistant (Robyn Smith)
Responsible Officer	Director Engineering & Commercial Infrastructure (Jason Devitt)
File Reference	MONTHLY REVIEW
Attachments	1. ECI - Transport Drainage Monthly Review - November and December 2022 [11.5.1.1 - 18 pages]

Purpose

Attached is a copy of the Engineering & Commercial Infrastructure – Transport & Drainage Monthly Review for November/December 2022.

Related Parties

N/A

Officer's Recommendation

That the Engineering & Commercial Infrastructure – Transport & Drainage Monthly Review for November/December 2022 be received.

The following Questions were taken on Notice to be answered outside the meeting -

- Cr Bella referred to the damage to a Telstra pit and queried if there was a post marking the location of the pit, was the pit level with the ground, was the cable underground and does Council have to pay for the damage.
- Cr Bella queried if Police had been contacted in relation to the incident of a B-Double hitting the mirrors of a sweeper.
- Cr Seymour referred to the incident of an oil cap falling from a grader and hitting the bull bar of a vehicle travelling behind and noted that if the incident had not been reported, the grader would have been working in the dust with the potential for the engine to be badly damaged, and queried if there is a service procedure undertaken when plant and equipment reach site.

Council Resolution ORD-2023-016

That the Engineering & Commercial Infrastructure – Transport & Drainage Monthly Review for November/December 2022 be received.

MACKAY REGIONAL COUNCIL

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Moved Cr Jones

Seconded Cr Mann

CARRIED UNANIMOUSLY

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**11.5.2. ENGINEERING & COMMERCIAL INFRASTRUCTURE - WASTE SERVICES MONTHLY REVIEW -
NOVEMBER AND DECEMBER 2022**

Author	Executive Assistant (Robyn Smith)
Responsible Officer	Director Engineering & Commercial Infrastructure (Jason Devitt)
File Reference	MONTHLY REVIEWS
Attachments	1. ECI - Waste Services Monthly Review November and December 2022 V 2 [11.5.2.1 - 15 pages]

Purpose

Attached is a copy of the Engineering & Commercial Infrastructure – Waste Services Monthly Review for November/December 2022.

Related Parties

N/A

Officer's Recommendation

THAT the Engineering & Commercial Infrastructure – Waste Services Monthly Review for November/December 2022.

Council Resolution ORD-2023-017

THAT the Engineering & Commercial Infrastructure – Waste Services Monthly Review for November/December 2022.

Moved Cr Hassan

Seconded Cr Townsend

CARRIED UNANIMOUSLY

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**11.5.3. ENGINEERING & COMMERCIAL INFRASTRUCTURE - WATER SERVICES MONTHLY REVIEW -
NOVEMBER AND DECEMBER 2022**

Author	Executive Assistant (Robyn Smith)
Responsible Officer	Director Engineering & Commercial Infrastructure (Jason Devitt)
File Reference	MONTHLY REVIEW
Attachments	1. ECI - Water Services Monthly Review - November and December 2022 [11.5.3.1 - 22 pages]

Purpose

Attached is a copy of the Engineering & Commercial Infrastructure – Water Services Monthly Review for November/December 2022.

Related Parties

N/A

Officer's Recommendation

That the Engineering & Commercial Infrastructure – Water Services Monthly Review for November/December 2022 be received.

The following Question was taken on Notice to be answered outside the meeting -

- Cr May queried if there had been any complaints received from the Sarina area during the recent rain event.

Council Resolution ORD-2023-018

That the Engineering & Commercial Infrastructure – Water Services Monthly Review for November/December 2022 be received.

Moved Cr Hassan

Seconded Cr Mann

CARRIED UNANIMOUSLY

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11.6. ORGANISATIONAL SERVICES**11.6.1. ORGANISATIONAL SERVICES MONTHLY REVIEW REPORT - NOVEMBER & DECEMBER 2022**

Author	Acting Director Organisational Services (Anthony Bigby)
Responsible Officer	Acting Director Organisational Services (Anthony Bigby)
File Reference	Departmental Monthly Review Reports

Attachments	1. Organisational Services Monthly Review Report - November / December 2022 [11.6.1.1 - 31 pages]
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Purpose

To provide Council with the Organisational Services Monthly Review Report for the months of November/December 2022.

Related Parties

Nil

Corporate Plan LinkageOperational 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 months of November and December 2022 be received.

Council Resolution ORD-2023-019

THAT the Organisational Services Monthly Review Report for the months of November and December 2022 be received.

Moved Cr Jones

Seconded Cr Mann

CARRIED UNANIMOUSLY

ORDINARY MEETING - 25 JANUARY 2023

11.6.2. STRATEGIC FINANCIAL REPORT - NOVEMBER 2022

Author	Manager Financial Services (Justin Rule)
Responsible Officer	Acting Director Organisational Services (Anthony Bigby)
File Reference	Strategic Financial Report

Attachments	1. November 2022 Strategic Financial Report [11.6.2.1 - 21 pages]
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Purpose

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

Chief Executive Officer, Directors, Manager Financial Services.

Resource Implications

MRC is forecasting an operating surplus of \$0.6M for the 2022/23 financial year following adoption of the September budget review by Council on 9 November 2022. The actual operating result for November 2022 is a favourable variance of \$6.3M against YTD budget.

Risk Management Implications

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

Conclusion

For the period ending November 2022, MRC reported a favourable operating variance of \$6.3M against YTD budget. Revenue is reporting above current month forecast for the reporting period, due to a large supplementary levy rated during the period. All other revenue categories report slight variances to YTD budget. Operating expenditure is reporting slightly under YTD budget.

ORDINARY MEETING - 25 JANUARY 2023

To date, \$37.3M has been expended in the delivery of Council Projects; \$36.4M capital expenditure and \$0.9M operational expenditure. Council projects includes accrued expenditure for works in progress and associated operational costs expended in the delivery of these works.

Officer's Recommendation

THAT the Strategic Financial Report for November 2022 be received.

Council Resolution ORD-2023-020

THAT the Strategic Financial Report for November 2022 be received.

Moved Cr May

Seconded Cr Jones

CARRIED UNANIMOUSLY

ORDINARY MEETING - 25 JANUARY 2023

11.6.3. STRATEGIC FINANCIAL REPORT - DECEMBER 2022

Author	Manager Financial Services (Justin Rule)
Responsible Officer	Acting Director Organisational Services (Anthony Bigby)
File Reference	Strategic Financial Report

Attachments	1. December 2022 Strategic Financial Report [11.6.3.1 - 21 pages]
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Purpose

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

Chief Executive Officer, Directors, Manager Financial Services.

Resource Implications

MRC is forecasting an operating surplus of \$0.6M for the 2022/23 financial year. The actual operating result for December 2022 is a favourable variance of \$7.1M against YTD budget.

Risk Management Implications

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

Conclusion

For the period ending December 2022, MRC reported a favourable operating variance of \$7.1M against YTD budget. Revenue is reporting above current month forecast for the reporting period, due to a large supplementary levy rated during the last period. All other revenue categories report variances to YTD budget. Operating expenditure is reporting under YTD budget, primarily in materials and services. All other expenditure categories are reporting above YTD budget.

ORDINARY MEETING - 25 JANUARY 2023

To date, \$43.4M has been expended in the delivery of Council Projects; \$42.2M capital expenditure and \$1.2M operational expenditure. Council projects includes accrued expenditure for works in progress and associated operational costs expended in the delivery of these works.

Officer's Recommendation

THAT the Strategic Financial Report for December 2022 be received.

Council Resolution ORD-2023-021

THAT the Strategic Financial Report for December 2022 be received.

Moved Cr Jones

Seconded Cr Mann

CARRIED UNANIMOUSLY

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11.6.4. LEASE RENEWAL - DOWS CREEK HALL COMMITTEE INC

Author Land and Property Officer (Jacinta Pollock Bonnett)
Responsible Officer Acting Director Organisational Services (Anthony Bigby)
File Number Current Securities Lease 283 16 Bourkes Road DOWS CREEK QLD 4754

Attachments 1. Dows Creek Hall Committee Robke [**11.6.4.1** - 1 page]

Purpose

To consider a lease renewal for Dows Creek Hall Committee Inc. at 16 Bourkes Road, Dows Creek known as Lot 140 on SP257950.

Related Parties

Dows Creek Hall Committee Inc.

Darryl & Grenda Robke

Corporate Plan Linkage

Live and Visit

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

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

Background/Discussion

The Dows Creek Community Hall was originally built and managed by the local Queensland Country Women's Association in 1932 and is now managed and maintained by the Dows Creek Hall Committee Inc. (DCHC) and they have held a lease over this premises since 2012.

DCHC hold entertainment events for the locals such as dancing, live music, meetings and associated activities.

In 2015 a sub-lease was established between DCHC to Darryl & Grenda Robke for an area of 283sqm for sugar cane farming purposes. The sub-lease was required due to a realignment of Bourkes Road where a portion of the Trustee land was divided by the road and contained sugar cane crops. Following the approval of the lease with DCHC, the sub-lease will also be required to be renewed and will be subject to the approval of the Department of Resources.

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

Therefore, Council is not required to tender this before renewing the lease on the property.

Consultation and Communication

Representatives of DCHC, Legal Counsel, Manager Property Services, Supervisor Land Operations, Land and Property Officer, and Commercial Lease and Property Officer.

Resource Implications

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

The lease to DCHC will be a standard 'Trustee' lease inclusive of rental in accordance with the Community Leasing Policy and other like conditions.

Risk Management Implications

Should the lease not be approved, the community and the region will not benefit from the opportunities that arise from this committee.

Conclusion

That approving a new lease to Dows Creek Hall Committee Inc, who have shown a long-term commitment to the land, its infrastructure and the local community is the most advantageous outcome for Council and the Community.

Officer's Recommendation

THAT Council -

- A. Resolves that an exemption applies under Section 236 (1) (b) (ii) of the Local Government Regulation 2012, "a local government may dispose of a valuable non-current asset other than by tender or auction if – the valuable non-current asset is disposed of to a community organisation."
- B. AND THAT Council approves a new trustee lease for Dows Creek Hall Committee on Lot 140 on SP257950, 16 Bourkes Road, Dows Creek for a period of ten (10) years with such lease to commence on 01/03/2023.

Council Resolution ORD-2023-022

THAT Council -

- A. Resolves that an exemption applies under Section 236 (1) (b) (ii) of the Local Government Regulation 2012, "a local government may dispose of a valuable non-current asset other than by tender or auction if – the valuable non-current asset is disposed of to a community organisation."
- B. AND THAT Council approves a new trustee lease for Dows Creek Hall Committee on Lot 140 on SP257950, 16 Bourkes Road, Dows Creek for a period of ten (10) years with such lease to commence on 01/03/2023.

Moved Cr Jones

Seconded Cr Mann

CARRIED UNANIMOUSLY

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11.6.5. CONTRACTUAL ARRANGEMENT TENDERING EXEMPTION - INFORMATION AND COMMUNICATION TECHNOLOGY SPECIALISED AND SOLE SUPPLIER ARRANGEMENTS

Author	Manager Procurement & Plant (Kylie Kavanagh)
Responsible Officer	Acting Director Organisational Services (Anthony Bigby)
File Reference	Procurement
Attachments	Nil

Purpose

The purpose of this report is to seek a Council resolution that the nominated information and communications technology suppliers are deemed as specialised or sole suppliers in accordance with Section 235 (b) of the *Local Government Regulation 2012* for Small, Medium and Large - Sized Contractual Arrangement:

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

Related Parties

The parties relating to this report are as follows:

- 12D Solutions Pty Ltd
- ACMA (Aust Communications & Media Authority)
- Acon
- Advam
- Akcelik & Associated Pty LTd
- AMFA
- Apple Developer Enterprise Program
- Argsoft Sales & Support Pty Ltd
- Art of Mentoring
- Arts Hub Australia
- Ass of Australian convention Bureaux inc
- Assurex Escrow Pty Ltd
- Aussie Telecom Pty Ltd
- Australian library & Information Assn
- Australian Network for Plant Conservation
- Australian Regional Tourism
- Australian Water Association
- Avdata Australia
- AvePoint AU Pty Ltd
- Axon Public Safety Australia P/L
- Azility
- Bai Communication (Broadcast Australia Pty Ltd)
- Bang the Table Pty Ltd
- Before You Dig Australia Ltd
- Benchmark Estimate
- Bentley Systems International
- BMT Eastern Australia Pty Ltd
- Botanic Gardens Aust & NZ Inc
- Bruel & Kjaer
- C.R. Kennedy

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- CAD Planners Pty Ltd
- Caravan Parks Association of QLD
- Caseware Australia
- Chemwatch
- Civil Survey Solutions
- Cohera-Tech Pty Ltd
- Community Info Support Service
- Cottonwood Software
- Council Direct
- CPA Australia
- CQ Point of Sale & PC Systems
- CVT Global Pty Ltd
- Datacom Systems Pty Ltd
- Devart
- Digital Education Services
- Diversity Council Australia
- Docker, Inc.
- Domainname.gov.au
- Economic Development Australia Limited
- EHS Data Limited
- Encodian Solutions Ltd
- Encyclopedia Britannica
- Enhansoft
- Environ data Weather Station Specialists
- Environmental health Australia (NSW) INC
- ESRI Australia
- Euclidean
- eWater Innovations
- FloodPlain Management Australia
- Forward Learning
- Friend of the Libraries
- Frontier Software
- Gartner
- GeoData Australia Pty Limited
- Glass's Information Services
- GoDaddy
- Google Play Store
- Grant Ready Pty Ltd
- GW3 (Greater Whitsunday Alliance Ltd)
- Happy Talk Media Pty Ltd
- Harbour Software
- Housing Industry Association Ltd
- IAP2
- Ibis Information Systems
- Infor Global Solutions
- Infor PS User Forum Inc
- Innovyz
- Insight Technology Solutions, Insight Enterprise Australia
- Institute of Public Works Engineering
- International Council Local Environmental
- InvarionRapid Plan Pty Ltd

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- INX Software Pty Ltd
- IPWEA National
- Jam Software
- JetBrains
- Joann (Creative bug)
- Kaon Security
- Kaon Security
- KnowBe4
- LAWMAC North Queensland (Local Authority Waste Management Action Committee)
- Lex Australia Ltd
- LG Assist ANZ
- Library Ideas
- LightLab International
- Live Performance Australia
- LivePro Australia
- Local Government Association of QLD
- Local Government Managers Australia QLD
- Locus Global
- Logicalis Australia Pty Ltd
- Ltech Australia
- Mackay & Whitsunday Locksmith
- Mackay Communications
- Mackay IT Network
- Mandalay Technologies
- Master Electricians Australia
- Master Plumbers Association of QLD
- Melbourne IT
- Message4U Pty Ltd
- MicroWay Pty Ltd
- Mincad Systems Pty Ltd
- Monkey3Media
- Mosquito and Arbovirus Research
- Muhimbi
- MyCommerce
- Nata-National Ass. Of Test Authorities
- National Library of Australia
- Natspec
- Navigo
- Nintex
- Nixon Communications
- Nixon Controls Pty Ltd
- North QLD Sports Foundation
- Nursery & Garden Industry Queensland
- Octief Pty Ltd
- Octief Pty Ltd
- Onemusic Australia
- OO-Soft
- Our Community Pty Ltd
- Outpost Central Pty Ltd
- Parks & Leisure Australia
- Patch My PC

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- Paul Hirning
- Peak Services
- Performing Art Connections Aust (PAC)
- Phonographic Performance Company of Aust
- Pitt & Sherry
- Planning Institute of Australia
- Pluralsight
- Promapp / Nintex Pty Ltd
- ProQuest
- Pukunui Technology
- Queensland Master Builders
- Queensland Tourism Industry Council
- RACQ
- Radio Frequency Barcode Systems Pty Ltd
- REPLAN
- Resource Industry Network
- SAI Global Australia Pty Ltd
- Sanzap Pty Ltd
- Scandit
- Schneider Electric
- SeatAdvisor Australia
- Securepay
- Seek Limited
- Sensei Project Solutions
- Shopify
- Skillsoft Asia Pacific Pty Ltd
- SMEC Australia
- Social Coil PTY LTD (UWORKING JXT)
- Sponsorship News Pty Ltd - Prickly Pair Media Pty Ltd
- Springshare LLC
- SQL Tools
- Stage Queensland Incorporated
- Standards Australia
- SuperChoice Services Pty Ltd
- Surebridge
- TeamViewer
- Technology One Limited
- Telstra Corporation Ltd Transferring to Telstra Limited (1/01/23)
- The Institute of Plumbing Inspectors QLD
- Thermo Fisher
- Timeless Technologies Pty Ltd
- Toastmasters International
- Towers Business Operating Trust (Amplitel)
- Transoft Solutions (Aust) Pty Ltd
- Transparent Language Inc.
- UDIA (QLD)
- Ultimate Positioning Group
- Ungerboeck Systems International Pty Ltd
- Uniqco International Pty Ltd
- Venue Management Association
- Vernon Systems

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- Waste Management Assoc of Australia
- Water Industry Operators Association
- Water Services Assoc of Australia
- Whitsunday ROC Limited
- Worley Parsons Services Pty Ltd
- WS_FTP ipswitch
- Zoho Corporation
- Zoo Business Media

Corporate Plan Linkage

Financial Strength

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

Background/Discussion

In previous years Council has procured specialist software that can only be maintained and supported by suppliers who have supplied this software, these would also include subscriptions for various memberships.

An annual review of the suppliers has been completed and summarised below. Approving these software suppliers as specialist or sole suppliers will permit the suppliers to be re-engaged to continue the provision of the required services on expiry of their existing agreed terms until such time as the mentioned software, subscriptions/memberships have been deemed as no longer suiting Mackay Regional Council's business needs.

Supplier	Description/Justification
12D Solutions Pty Ltd	12D Civil Works Modelling Software
ACMA (Aust Communications & Media Authority)	Australian Communications and Media Authority - Yearly license renewal, ACMA License, renewal notice # 502438140, Council site to Brewers Road, Sarina
Acon	Pride in Diversity Membership
Advam	Advam Payment Gateway
Akcelik & Associated Pty LTd	Traffic Management Software
AMFA	Advocacy, Informacy, Guidance/Consultancy, Training/Conferences/Workshops
Apple Developer Enterprise Program	Apple Developer Program
Argsoft Sales & Support Pty Ltd	ICT Infrastructure monitoring software
Art of Mentoring	Art of Mentoring platform subscription annual renewal - Subscription required to fulfill MRC's strategic leadership development objectives. This membership forms part of MRC's partnership alliance with Resource Industry Network.

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Arts Hub Australia	Arts Hub Membership is connected to the governing bodies of the performing arts industries, provide us access to current resources, networking and news integral to managing a performing arts venue.
Ass of Australian convention Bureaux inc	Associate Membership of AACB, The Association of Australian Convention Bureaux (AACB) is the peak Australian Business events network that drives economic prosperity for Australia. The Association brings together Australia's most influential city and regional bureaus, dedicated to marketing The Mackay Region as a premier business events destination to domestic and international markets.
Assurex Escrow Pty Ltd	Escrow services - Licensing - IT - maintenance & support
Aussie Telecom Pty Ltd	Public Computer known state Software
Australian library & Information Assn	Member Number 032638.ALIA Institutional Membership is available to all library, information organisations and corporations that serve the library and information community in Australia (national professional body for libraries)
Australian Network for Plant Conservation	Re-new of membership for research purpose at the Mackay Botanic Gardens - provides a forum for the exchange of research, information and ideas with others active in Aust. plant conservation
Australian Regional Tourism	ART provides statistical and survey data relating to regional tourism as it impacts on regional economic development, it summarises grant funding for regional tourism projects that local government can apply for in terms of economic development, it offers networking opportunities, it advocates for regional tourism legislation and funding to state and federal government, it collates regional tourism articles and ministerial statements, and offers professional development opportunities
Australian Water Association	Individual Membership - Committee member of the AWA Industrial Water & Trade Waste Specialists Network
Avdata Australia	Data Management Fee - OEM Supplier
AvePoint AU Pty Ltd	Backup Software for SharePoint
Axon Public Safety Australia P/L	Axon body cameras - software & hosting
Azility	Energy Management Software (Local Buy Contract Expires 30/04/2022)
Bai Communication (Broadcast Australia Pty Ltd)	Mt Blackwood - license fee
Bang the Table Pty Ltd	Connecting Mackay subscription EngagementHQ Licence, EngagementHQ Subscription - Core, Project Finder - Custom (digital platform that host our Connecting Mackay website - This project hub is all about sharing your thoughts, staying informed and connecting with your community. Connecting Mackay offers an excellent way to get involved and stay up-to-date on council projects, initiatives and activities.)
Before You Dig Australia Ltd	Infrastructure Location - Referrals & membership fee
Benchmark Estimate	Benchmark Estimating Software

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Bentley Systems International	Water GEM and Water CAD Software
BMT Eastern Australia Pty Ltd	TUFLOW Modelling Software
Botanic Gardens Aust & NZ Inc	Membership Renewal - links more than 130 + botanic gardens. BGANZ is a 'not for profit' peak industry body formed to build and maintain links with relevant national and international bodies, to benefit members
Bruel & Kjaer	Software we use to interpret the readings from our sound level meter
C.R. Kennedy	Leica Cyclone REGISTER 360 is a mapping program of which C.R. Kennedy are the authorised seller & Annual SmartNetAus Subscriptions
CAD Planners Pty Ltd	MECC Floor Planning Software
Caravan Parks Association of QLD	Associate Tourism Member Annual Fees
CaseWare Australia	CaseWare IDEA
Chemwatch	Safety, SmartSuite Mobile Application
Civil Survey Solutions	AutoDesk AutoCAD Software
Cohera-Tech Pty Ltd	People Counter subscription fee at the Bluewater Lagoon (track attendances used in reporting including the monthly Organisational Services report)
Community Info Support Service	My Community Directory
Cottonwood Software	Specialist Campground Management Software
Council Direct	2022 Subscription
CPA Australia	CPA Membership Renewal - Certified Practising Accountant
CQ Point of Sale & PC Systems	SwiftPOS Licence, software upgrades, maintenance
CVT Global Pty Ltd	Telephone Call Accounting Software
Datacom Systems Pty Ltd	Firewalls
Devart	SQL Tool/Reporting
Digital Education Services	Annual subscriptions for a number of digital platforms which are available for customer use via 24-7 Online Library
Diversity Council Australia	Organisation Tier 3 Membership Subscription to DCA - Subscription required to fulfill MRC's strategic Diversity & inclusion objectives.
Docker, Inc.	Docker is a PaaS (Platform as a Service) solution that allows Mackay Regional Council Developers to use containers when developing custom built/coded solutions. Containers are small environments with allocated computer resources, that allow for developers to develop applications, test applications, and deploy applications across the business environment.
Domainname.gov.au	myh20.qld.gov.au Domain Name
Economic Development Australia Limited	EDA Corporate Membership - Annual membership for all MRC staff and Councillors to provide access to EDA newsletters, free webinars and membership prices on events and L&D opportunities.
EHS Data Limited	Monitor Pro (MP5) - Maintenance Period

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Encodian Solutions Ltd	Information Services is sourcing a Solution to use with Power Automate (Power Automate Microsoft Power Platform), to extract data from SharePoint Online Forms and export this data into a PDF Format. As you may know we have Smart Forms on Bruce which do a similar concept, the Form is completed then exported as a PDF for adding to ECM. The current solution we have for Bruce does not work with SharePoint Online, hence a new product is required. We will be utilising an Annual Enterprise subscription so our Data remains within Australia.
Encyclopedia Britannica	Online Encyclopedia Subscription
Enhansoft	ICT Management (SCCM)
Environ data Weather Station Specialists	Weather and Environmental Conditions
Environmental health Australia (NSW) INC	I'M ALERT Food Safety Subscription - online food safety training package. This enables MRC to have the training available on our website for free, for businesses and the public
ESRI Australia	GIS System software
Euclidean	Design/Survey Team Data Management
eWater Innovations	Stormwater Improvement Design - MUSIC HL Annual Maintenance
FloodPlain Management Australia	Floodplain Management Australia - Floodplain Management Australia is the peak national body for flood risk practitioners in Australia. FMA promotes wise management of development on floodplains and community awareness of flood-related issues, helping to reduce the risks of flooding to life and property. FMA represents the interests of Members at local, state and federal government levels. FMA provides professional development and information sharing opportunities for its members.
Forward Learning	Annual Subscription - Annual subscription for World Book eBooks
Friend of the Libraries	Membership renewal - Annual professional membership to National Friends of the Libraries body
Frontier Software	CHRIS21
Frontier Software	CHRIS21
Gartner	Annual Gartner ICT Industry Reports (Government Contract Exp 31/05/22)
GeoData Australia Pty Limited	GeoCadastre Software - Survey Office
Glass's Information Services	Internet Auto Edge & Internet AE RV Forecaster
GoDaddy	Domain names & SSL certificates
Google Play Store	Developer license
Grant Ready Pty Ltd	Grant Management
GW3 (Greater Whitsunday Alliance Ltd)	One year subscription contribution to the Grant Guru grant finding portal managed by GW3 on behalf of Councils: Greater Whitsunday Grant Finder Service.
Happy Talk Media Pty Ltd	2022 Subscription
Harbour Software	Council Minutes document creation

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Housing Industry Association Ltd	Annual membership - Housing Industry Association Limited (HIA), The HIA are a key stakeholder and building industry representative in the Mackay Region. MRC receives information on items affecting this industry and participate in professional development and other initiatives that support the industry
IAP2	IAP2 Australasian Membership, IAP2 are specialist providers of engagement training. The training is required for the Community Engagement team.
Ibis Information Systems	Rate Modelling System
Infor Global Solutions	Pathway Subscription
Infor PS User Forum Inc	Annual Membership for Pathway/IPS User Group
Innovyze	Infoworks - Sewer Edition
Insight Technology Solutions, Insight Enterprise Australia	Microsoft Enterprise Agreement
Institute of Public Works Engineering	IPWEAQ Technical Subscription - provides access to the valuable Engineering Library, Conference discounts, details of updated Standards and Specifications and industry new
International Council Local Environmental	Annual membership Fee (ICLEI) - ICLEI's Urban Agenda for Sustainable Development underpins Council's Environmental Sustainability Strategy 2017. Council's ICLEI membership enables access to a global technical resources library and professional networks from >1,500 cities/regions including 33 Australian members.
InvarionRapid Plan Pty Ltd	Traffic Planning Solution
INX Software Pty Ltd	InControl
IPWEA National	IPWEA Fleet subscription. This give Council access to training and guidance in support of Fleet Management within Council.
Jam Software	Treesize Professional
JetBrains	ReSharper - Programming Code Analysis
Joann (Creative bug)	Annual subscription for online craft database not offered through any other vendor
Kaon Security	IS Policy and Standards Suite
Kaon Security	IS Policy and Standards Suite
KnowBe4	Cyber Security Training - Annual Subscription
LAWMAC North Queensland (Local Authority Waste Management Action Committee)	Annual Membership
Lex Australia Ltd	Legal Office Software
LG Assist ANZ	This advertising package allows MRC to advertise into a local government specific candidate pool that is searching specifically for local government opportunities. Typically, these candidates have local government experience which is often a requisite capability for some MRC roles
Library Ideas	Annual Freegal Music Streaming Subscription / Vox Books (Audio Books)
LightLab International	Stage Lighting Software
Live Performance Australia	MECC – LPA Membership
LivePro Australia	Knowledge Management

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Local Government Association of QLD	LGAQ Annual Membership Subscription - this membership includes on-line services, delegation service, advice to Councillors and conference fee
Local Government Managers Australia QLD	Renewal of Member Subscription of LGMA - Annual subscription for a corporate membership
Locus Global	FME Desktop data conversion and integration software
Logicalis Australia Pty Ltd	1E Nightwatchman
Ltech Australia	LIMS1 Water Lab Software
Mackay & Whitsunday Locksmith	Security Key Management Software - Promaster key manager 8, including support & maintenance
Mackay Communications	Microwave Link Rental - Middlecreek Dam
Mackay IT Network	Professional Membership in Local ICT Group
Mandalay Technologies	Waste Management Software (Local Buy Contract Expires 19/03/2022)
Master Electricians Australia	Annual Membership Renewal - electrical safety system provider subscription that is utilised by Parks and Water Electricians and is specified for use by all MRC electrical contractors. & Safety Management System
Master Plumbers Association of QLD	Associate Council - Membership Renewal, The plumbing inspection department require the membership to keep up to date with notifications to the plumbing industry and reduced fees for some specific training such as backflow prevention.
Melbourne IT	Domain name - mackayregionalbotanicgardens.com.au
Message4U Pty Ltd	SMS gateway for bulk sending
MicroWay Pty Ltd	E-Learning needs Apps
Mincad Systems Pty Ltd	Circlly - mechanistic pavement design and analysis
Monkey3Media	Zappar Platform Licence - 12 Months, virtual reality app that we use for the 5th Lane artwork
Mosquito and Arbovirus Research	Mackay Regional Council Membership enables the Vector Control Program to keep up with the current mosquito control activities, methods, technology and mosquito borne arbovirus research and data
Muhimbi	PDF Converter for SharePoint
MyCommerce	Backup Software for computers in CCTV vans
Nata-National Ass. Of Test Authorities	2022 Subscription?
National Library of Australia	2022 Subscription? Mackay Regional Council Libraries (customer number 900699) Commencement Date: 1 July 2022 MRC Contact: Tayla Phelan 07 4961 9301
Natspec	NATSPEC Subscription - Membership provides access to NATSPEC and Auspec specifications used for day labour and contract project delivery as well as Development based project delivery
Navigo	OrgPlus Software
Nintex	Workflow in SharePoint
Nixon Communications	P2P Annual Maintenance - Botanic Gardens & Black Mountain site rental
Nixon Controls Pty Ltd	Annual Rental Communications Tower Black Mountain Mackay

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North QLD Sports Foundation	MRC Contribution - annual membership - The North Qld Sports Foundation (NQSFF) is a not for profit organisation with a formal board on which representative Councillors sit. Several of the North Queensland Regional Councils are members of the NQSFF. The NQSFF works with councils to enhance lifestyle for communities within the regions through joint funding (and/or grant funded) sports based programs.
Nursery & Garden Industry Queensland	Required for Mackay Natural Environment Centre Nursery accreditation (Nursery Industry Accreditation Scheme Australia (NIASA)).
Octief Pty Ltd	Asbestos Management Monthly Fees
Octief Pty Ltd	Asbestos Management Monthly Fees
Onemusic Australia	APRA Music licence for all of Council - Single Corporate Subscription - This licence covers all of Council for playing music at venues and events.
OO-Soft	Service Fee for Ecomp
Our Community Pty Ltd	Renewal of Annual Subscription - Smarty Grants platform, which is used for all grant programs
Outpost Central Pty Ltd	Subscriptions for Middle Creek Dam and the WASP logger - Related to a legislative requirement to monitor dam levels.
Parks & Leisure Australia	Annual Subscription - provides Sport and Recreation Team Members access to specialised information and discounted courses/activities
Patch My PC	Computer Patch Management Software
Paul Hirning	DeltaS Main Roads Cost Recovery Software
Peak Services	HR Assist Platform membership renewal
Performing Art Connections Aust (PAC)	MECC - PAC Membership is connected to the governing bodies of the performing arts industries, provide us access to current resources, networking and news integral to managing a performing arts venue.
Phonographic Performance Company of Aust	Mackay Regional Council Libraries - License Number #0425189. Annual licence fee to support the broadcasting of music and movies within the public library space
Pitt & Sherry	Asset Assyst Renewal
Planning Institute of Australia	Subscription - corporate membership to PIA as we regularly access professional development provided by this body for our planners.
Pluralsight	Online Training Portal for ICT topics
Promapp / Nintex Pty Ltd	Process Mapping Software
ProQuest	Subscription for Syndetics Unbound Base package that integrates with Aurora
Pukunui Technology	Moddle Hosting
Queensland Master Builders	Subscription to Master Builders in order to improve the working relationship between MRC and Master Builders, regular meetings takes place - providing information about happenings in the region

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Queensland Tourism Industry Council	Tourism Yearly Membership - Annual membership for MRC and Sarina Sugar Shed. It is a requirement of entry into Queensland Tourism Awards and also provides access to industry information and L&D opportunities.
RACQ	RACQ Fleet Membership. This is for all Fleet under 3.5 tonne.
Radio Frequency Barcode Systems Pty Ltd	Warehouse Barcode Systems
REMPAN	Online Tools and resources for economic development practitioners - Local Buy Contract Expires 30/04/2022
Resource Industry Network	Annual membership for Mackay Regional Council to demonstrate support for industry sector, receive updates (newsletters etc) and membership rates for attendance at events. Longstanding membership.
SAI Global Australia Pty Ltd	SAI Global Subscription - required to access Standards across Council
Sanzap Pty Ltd	Solus App - enables Library catalogue on Mobiles
Scandit	Scandit keyboard wedge license fees - 15 x licenses
Schneider Electric	Clear SCADA and Wonderware SCADA Software
SeatAdvisor Australia	Seat Advisor Monthly Ticket sales for month & or yearly (MECC & SSS)
Securepay	Monthly web payments for ticketing & online shopping (payment handling for Seat Advisor & Shopify)
Seek Limited	Recruitment Advertising - Seek continues to be Australia's primary recruitment advertising platform. Subscription required to fulfill MRC's strategic recruitment objectives
Sensei Project Solutions	Project, Portfolio & Work Management solution.
Shopify	Online shopping platform for selling products
Skillsoft Asia Pacific Pty Ltd	Learning Management System
SMEC Australia	Pavement Management System
Social Coil PTY LTD (UWORKING JXT)	Mackay Region Job Link Talent Community annual subscription
Sponsorship News Pty Ltd - Prickly Pair Media Pty Ltd	Associate Membership of AACB, The Association of Australian Convention Bureaux (AACB) is the peak Australian Business events network that drives economic prosperity for Australia. The Association brings together Australia's most influential city and regional bureaus, dedicated to marketing The Mackay Region as a premier business events destination to domestic and international markets.
Springshare LLC	LibStaffer - Subscription for rostering software for Libraries/Artspace
SQL Tools	SQL Diagnostic Manager
Stage Queensland Incorporated	Stage QLD memberships is connected to the governing bodies of the performing arts industries, provide us access to current resources, networking and news integral to managing a performing arts venue.
Standards Australia	Subscription
SuperChoice Services Pty Ltd	Single Touch Payroll for Superannuation Choices

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Surebridge	ICT Infrastructure and Software Annual Maintenance
TeamViewer	Remote Computer Sessions to support users
Technology One Limited	Finance 1 and ECM
Telstra Corporation Ltd Transferring to Telstra Limited (1/01/23)	Telephony and Data Maintenance and Support
The Institute of Plumbing Inspectors QLD	Corporate 5 Membership. Plumbing inspections department require the membership to keep up with the changes to regulations and proposed changes to legislation
Thermo Fisher	Comprehensive Support Plan for 3 x Items purchased from Thermo Fisher (serial #: 15120145, 15120483 & 15121939). An all-inclusive support plan that is designed for customers with sustained operations and delivers an essential blend of hardware and software support that will help you optimise productivity. Your organisation will benefit from the technical expertise across our service division in addition to a tailored, straightforward fixed price agreement for the maintenance and calibration of your equipment.
Timeless Technologies Pty Ltd	GFI Faxmaker extension for Exchange Server
Toastmasters International	Club memberships bi annually in March & September
Towers Business Operating Trust (Amplitel)	Rental space of Mt Blackwood repeater site
Transoft Solutions (Aust) Pty Ltd	ParkCAD and Auto TURN Software
Transparent Language Inc.	Transparent Language Online for libraries & KidSpeak included (Annual subscription for language platform which is available to customers via our 24-7 Online Library)
UDIA (QLD)	Corporate Membership Renewal (Mackay Regional Council) - allows us to receive information on issues affecting this industry and participate in professional development and other initiatives that support the industry. MRC also have a joint working committee with the UDIA that allows MRC to share information and work on initiatives to assist the development industry and Council to work better together.
Ultimate Positioning Group	Trimble Software for surveying
Ungerboeck Systems International Pty Ltd	EBMS Software yearly support and/or updates
Uniqco International Pty Ltd	Fleet Management Service Fee Annual Subscription. Fleet system that Council uses to Manage its fleet
Venue Management Association	MECC - VMA Andrew & Jemma Yearly Membership is connected to the governing bodies of the performing arts industries, provide users access to current resources, networking and news integral to managing a performing arts venue.
Vernon Systems	Collection Management System (Artspace) - annual support
Waste Management Assoc of Australia	WMRR membership subscription

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Water Industry Operators Association	WIOA Membership - Water Treatment - Subscription required to fulfill MRC's strategic Water Industry Worker Project objectives. This membership forms part of MRC's partnership alliance with Water Industry Alliance and regional Councils WIW Project.
Water Services Assoc of Australia	Annual Membership - Director of ECI authority.
Whitsunday ROC Limited	Contribution/Membership towards Greater Whitsunday Council of Mayors Operations
Worley Parsons Services Pty Ltd	WaterRIDE Software
WS_FTP ipswitch	FTP Software for secure file transfer
Zoho Corporation	ICT Support System
Zoo Business Media	On hold messages for phones. Annual charges, no further quotes provided or sourced to date.

Perpetual contractual arrangements with these specialised software and subscription/membership suppliers are necessary to ensure the existing corporate software applications and subscription/membership are up to date, correctly licensed, supported and maintained for the life of the software/membership.

Consultation and Communication

Consultation has been held with ICT, Governance and Safety, Director Organisational Services and Procurement and Plant to ensure the process to engage the suppliers as noted above, identifies Council's current systems' requirements while adhering to relevant legislation requirements.

Resource Implications

Council's relevant programs manage the ongoing financial component for each of the system providers. These costs have been included in the relevant programs' 2022 / 2023 Financial Year's operational budget.

Risk Management Implications

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

- Product Liability \$20,000,000.00
- Public Liability \$20,000,000.00
- Professional Indemnity As required
- Workcover As required by law

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

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Conclusion

Due to the specialised and customised nature of the nominated software, subscription, and membership suppliers, and to maintain system continuity, it is recommended that under s235(b) of *the Local Government Regulations* Council resolve that due to the specialised nature of the services that it is impractical and disadvantageous for Council to invite tenders and therefore can engage directly with the existing suppliers for the extension of existing services without first inviting tenders.

Officer's Recommendation

THAT pursuant to s235(b) *Local Government Regulations*, Council resolves that because of the specialist nature and customised software, it would be impractical and disadvantageous for Council to invite quotes or tenders for supply by suppliers other than the original suppliers, being the following nominated suppliers.

- 12D Solutions Pty Ltd
- ACMA (Aust Communications & Media Authority)
- Acon
- Advam
- Akcelik & Associated Pty LTd
- AMFA
- Apple Developer Enterprise Program
- Argsoft Sales & Support Pty Ltd
- Art of Mentoring
- Arts Hub Australia
- Ass of Australian convention Bureaux inc
- Assurex Escrow Pty Ltd
- Aussie Telecom Pty Ltd
- Australian library & Information Assn
- Australian Network for Plant Conservation
- Australian Regional Tourism
- Australian Water Association
- Avdata Australia
- AvePoint AU Pty Ltd
- Axon Public Safety Australia P/L
- Azility
- Bai Communication (Broadcast Australia Pty Ltd)
- Bang the Table Pty Ltd
- Before You Dig Australia Ltd
- Benchmark Estimate
- Bentley Systems International
- BMT Eastern Australia Pty Ltd
- Botanic Gardens Aust & NZ Inc
- Bruel & Kjaer
- C.R. Kennedy
- CAD Planners Pty Ltd
- Caravan Parks Association of QLD

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- Caseware Australia
- Chemwatch
- Civil Survey Solutions
- Cohera-Tech Pty Ltd
- Community Info Support Service
- Cottonwood Software
- Council Direct
- CPA Australia
- CQ Point of Sale & PC Systems
- CVT Global Pty Ltd
- Datacom Systems Pty Ltd
- Devart
- Digital Education Services
- Diversity Council Australia
- Docker, Inc.
- Domainname.gov.au
- Economic Development Australia Limited
- EHS Data Limited
- Encodian Solutions Ltd
- Encyclopedia Britannica
- Enhansoft
- Environ data Weather Station Specialists
- Environmental health Australia (NSW) INC
- ESRI Australia
- Euclidean
- eWater Innovations
- FloodPlain Management Australia
- Forward Learning
- Friend of the Libraries
- Frontier Software
- Gartner
- GeoData Australia Pty Limited
- Glass's Information Services
- GoDaddy
- Google Play Store
- Grant Ready Pty Ltd
- GW3 (Greater Whitsunday Alliance Ltd)
- Happy Talk Media Pty Ltd
- Harbour Software
- Housing Industry Association Ltd
- IAP2
- Ibis Information Systems
- Infor Global Solutions
- Infor PS User Forum Inc
- Innovyze
- Insight Technology Solutions, Insight Enterprise Australia
- Institute of Public Works Engineering
- International Council Local Environmental
- InvarionRapid Plan Pty Ltd
- INX Software Pty Ltd
- IPWEA National

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- Jam Software
- JetBrains
- Joann (Creative bug)
- Kaon Security
- Kaon Security
- KnowBe4
- LAWMAC North Queensland (Local Authority Waste Management Action Committee)
- Lex Australia Ltd
- LG Assist ANZ
- Library Ideas
- LightLab International
- Live Performance Australia
- LivePro Australia
- Local Government Association of QLD
- Local Government Managers Australia QLD
- Locus Global
- Logicalis Australia Pty Ltd
- Ltech Australia
- Mackay & Whitsunday Locksmith
- Mackay Communications
- Mackay IT Network
- Mandalay Technologies
- Master Electricians Australia
- Master Plumbers Association of QLD
- Melbourne IT
- Message4U Pty Ltd
- MicroWay Pty Ltd
- Mincad Systems Pty Ltd
- Monkey3Media
- Mosquito and Arbovirus Research
- Muhimbi
- MyCommerce
- Nata-National Ass. Of Test Authorities
- National Library of Australia
- Natspec
- Navigo
- Nintex
- Nixon Communications
- Nixon Controls Pty Ltd
- North QLD Sports Foundation
- Nursery & Garden Industry Queensland
- Octief Pty Ltd
- Octief Pty Ltd
- Onemusic Australia
- OO-Soft
- Our Community Pty Ltd
- Outpost Central Pty Ltd
- Parks & Leisure Australia
- Patch My PC
- Paul Hirning
- Peak Services

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- Performing Art Connections Aust (PAC)
- Phonographic Performance Company of Aust
- Pitt & Sherry
- Planning Institute of Australia
- Pluralsight
- Promapp / Nintex Pty Ltd
- ProQuest
- Pukunui Technology
- Queensland Master Builders
- Queensland Tourism Industry Council
- RACQ
- Radio Frequency Barcode Systems Pty Ltd
- REMPLAN
- Resource Industry Network
- SAI Global Australia Pty Ltd
- Sanzap Pty Ltd
- Scandit
- Schneider Electric
- SeatAdvisor Australia
- Securepay
- Seek Limited
- Sensei Project Solutions
- Shopify
- Skillsoft Asia Pacific Pty Ltd
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- Sponsorship News Pty Ltd - Prickly Pair Media Pty Ltd
- Springshare LLC
- SQL Tools
- Stage Queensland Incorporated
- Standards Australia
- SuperChoice Services Pty Ltd
- Surebridge
- TeamViewer
- Technology One Limited
- Telstra Corporation Ltd Transferring to Telstra Limited (1/01/23)
- The Institute of Plumbing Inspectors QLD
- Thermo Fisher
- Timeless Technologies Pty Ltd
- Toastmasters International
- Towers Business Operating Trust (Amplitel)
- Transoft Solutions (Aust) Pty Ltd
- Transparent Language Inc.
- UDIA (QLD)
- Ultimate Positioning Group
- Ungerboeck Systems International Pty Ltd
- Uniqco International Pty Ltd
- Venue Management Association
- Vernon Systems
- Waste Management Assoc of Australia
- Water Industry Operators Association

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- Water Services Assof of Australia
- Whitsunday ROC Limited
- Worley Parsons Services Pty Ltd
- WS_FTP ipswitch
- Zoho Corporation
- Zoo Business Media

FURTHER THAT the nominated list of current specialist ICT suppliers is reviewed and resolved annually by Council.

Council Resolution ORD-2023-023

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- Devart
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- Diversity Council Australia
- Docker, Inc.
- Domainname.gov.au
- Economic Development Australia Limited
- EHS Data Limited
- Encodian Solutions Ltd
- Encyclopedia Britannica
- Enhansoft
- Environ data Weather Station Specialists
- Environmental health Australia (NSW) INC
- ESRI Australia
- Euclidean
- eWater Innovations
- FloodPlain Management Australia
- Forward Learning
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- Happy Talk Media Pty Ltd
- Harbour Software
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- IAP2
- Ibis Information Systems
- Infor Global Solutions
- Infor PS User Forum Inc
- Innovyze
- Insight Technology Solutions, Insight Enterprise Australia
- Institute of Public Works Engineering
- International Council Local Environmental
- InvarionRapid Plan Pty Ltd
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- **Peak Services**
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- **Phonographic Performance Company of Aust**
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- **Pluralsight**
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- **Pukunui Technology**
- **Queensland Master Builders**
- **Queensland Tourism Industry Council**
- **RACQ**
- **Radio Frequency Barcode Systems Pty Ltd**
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- **Resource Industry Network**
- **SAI Global Australia Pty Ltd**
- **Sanzap Pty Ltd**
- **Scandit**
- **Schneider Electric**
- **SeatAdvisor Australia**
- **Securepay**
- **Seek Limited**
- **Sensei Project Solutions**
- **Shopify**
- **Skillsoft Asia Pacific Pty Ltd**
- **SMEC Australia**
- **Social Coil PTY LTD (UWORKING JXT)**
- **Sponsorship News Pty Ltd - Prickly Pair Media Pty Ltd**
- **Springshare LLC**
- **SQL Tools**
- **Stage Queensland Incorporated**
- **Standards Australia**
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- **Vernon Systems**
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ORDINARY MEETING - 25 JANUARY 2023

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- **WS_FTP ipswitch**
- **Zoho Corporation**
- **Zoo Business Media**

FURTHER THAT the nominated list of current specialist ICT suppliers is reviewed and resolved annually by Council.

Moved Cr Mann

Seconded Cr Hassan

CARRIED UNANIMOUSLY

ORDINARY MEETING - 25 JANUARY 2023

11.6.6. BUDGET REVIEW - DECEMBER 2022/23

Author Manager Financial Services (Justin Rule)
Responsible Officer Acting Director Organisational Services (Anthony Bigby)
File Reference Budget Review

Attachments

1. Statement of Income and Expenses - DBR 2022 [**11.6.6.1** - 1 page]
2. Statement of Financial Position - DBR 2022 [**11.6.6.2** - 1 page]
3. Statement of Changes in Equity - DBR 2022 [**11.6.6.3** - 1 page]
4. Statement of Cashflow - DBR 2022 [**11.6.6.4** - 1 page]
5. Key Financial Sustainability Metrics - DBR 2022 [**11.6.6.5** - 1 page]
6. Capital Summary - DBR 2022 [**11.6.6.6** - 1 page]
7. Project Movement List - DBR 2022 [**11.6.6.7** - 1 page]

Purpose

To present the 2022/2023 second quarter Budget Review.

Related Parties

Nil

Corporate Plan LinkageFinancial Strength

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

Background/Discussion

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

Following completion of the second quarter of the financial year, it is timely to review the budget, for any known variations at this time, to better reflect the forecasted closing position for the 2022/23 financial year.

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

OperationalRevenue

Category	Description	Amount	Comments
Net rates and utility charges	Rate, levies and charges	(\$210,380)	Additional supplementary valuations not originally budgeted for (less disputed amount).
Net rates and utility charges	Discount	\$21,038	Additional supplementary valuations not originally budgeted for (less disputed amount) which results in additional discounts.
Fees and charges	Application Fees	(\$167,000)	Additional income expected for Development Applications due to increased number of applications lodged.

ORDINARY MEETING - 25 JANUARY 2023

Fees and charges	Other fees and charges	(\$136,930)	Additional income expected for the following business units: Sugar Shed \$80K due to increase in ticket sales, Development Applications \$24K as a result of increased number of applications, Development Engineering \$20K due to increased survey plans lodged and Development Compliance Governance \$10K.
Fees and charges	Fines and Penalties	\$50,000	Reduction in income due to offline period while new parking enforcement technology was installed.
Fees and charges	Venues, events and cultural fees	\$241,330	Budgeted removed. No shows scheduled this financial year.
Recurrent grants, subsidies, contributions and donations	Government Grants and Subsidies	(\$185,054)	Increased income for Apprentices and Trainees due to the changes in revenue recognition \$108K. New funding for the Sarina Neighbourhood Centre and Sarina Neighbourhood Centre Emergency \$80K.
Recurrent grants, subsidies, contributions and donations	Contributions	(\$150,000)	Additional contributions collected as a result of DA Audits being undertaken.
Recurrent grants, subsidies, contributions, and donations	Non-Government Grants and Subsidies	(\$7,247)	Successful application for Declared Plants grant \$20K, offset by unsuccessful application of Festival of Arts grant \$12K.
Recurrent grants, subsidies, contributions, and donations	Donations	\$10,636	Reduction in donations compared to budget for the completed Festival of Arts Event.
Interest Received	Interest Received on Investments	(\$1,870,000)	Increase in anticipated income from investments.
Other recurrent income	Inventory Sales	(\$144,156)	Expected increased sales in Inventory as a direct result of increased visitors to the Sugar Shed.
Other recurrent income	Other recurrent revenue	(\$82,514)	Expected additional income expected for future shows at MECC, which is offset by the cessation of the NQ Port Maintenance agreement resulting in a reduction of budgeted income.
Other recurrent income	Commission earned	(\$37,879)	Income received for the Food & Wine Day that was not budget for.
Operational Income in Capital Projects	Various	(\$102,915)	Net operational movement across multiple capital projects.
Total operating revenue adjustments		(\$2,771,071)	

ORDINARY MEETING - 25 JANUARY 2023

Overall total revenue is forecasted to favourably increase by \$2.77M, with various adjustments to rates and utility charges, fees & charges, grants & subsidies, interest received, and other recurrent income.

It should be noted that adjustments to rates and utility charges, grants & subsidies and some fees and charges for events has a corresponding increase or decrease in expenses.

Expenses

Category	Description	Amount	Comments
Employee Benefits	Wages and salaries	(\$2,263,944)	Reduction due to staff vacancies across the whole of Council and the difficulty of recruitment in the current climate.
Materials and services	Consultants and services	\$1,157,775	Made up from the following: \$275K to support additional Elev8 training requirements, \$98k to conduct the Middle Creek Dam Risk Assessment, \$80K Mountain Bike Strategy, \$80K to complete the Australian Liveability Census (partially offset by wages savings), \$80K for External Recruitment due to the higher use of external advertising due to difficulties in recruitment, \$77K required for additional leachate transportation, \$75K Festival of Arts Event expenditure greater than budgeted (event tidy up), and various other smaller adjustments.
Materials and services	Contractors	\$757,480	\$220K required to engage contractors for mowing services due to staff vacancies, \$200K Sealed Road Maintenance for unbudgeted items including mowing and spraying, \$100K to begin works on Footpath Defects identified with Shepherd Camera Survey, \$81K for minor emergent works as identified through the financial year from TDIP and Councillor commitments, \$65K for the People and Culture team who have engaged external labour to cover vacancies, and other minor adjustments.
Materials and services	Repairs and Maintenance	\$468,589	Additional budgets requested for the following repairs and maintenance: \$100K for ongoing reactive maintenance at the Aquatic Centre, \$85K additional required for Sealed Roads heavy patching program, \$80K at the Dome Building for reactive maintenance required, \$76k at Bakers Creek due to failed screen repairs, and \$60K for lighting and maintenance works at the MECC building.

ORDINARY MEETING - 25 JANUARY 2023

Materials and services	Community entertainment and facilities	\$224,943	\$250K additional ticket income to be distributed to clients, slightly offset but the Festival of Arts Event expenditure less than budgeted.
Materials and services	Public utilities and electricity	\$64,892	Based on updated usage of water purchasing costing provided an additional \$64K will be required to meet current demands.
Materials and services	Other Materials and Services	\$58,294	Sarina Sugar Shed are budgeting an additional \$50K to reflect the additional COGS expense in line with anticipated increase in sales, an additional \$32K is being requested by Community Programs for the Children's Tour to Matsuura trip departing in June 2023. This is offset by Festival of Arts Event expenditure which was less than budgeted.
Materials and services	Advertising and marketing	\$50,680	Additional advertising requirements due to difficulties in recruitment.
Materials and services	Registrations and subscriptions	\$22,925	QWD Membership component not previously budgeted for - 50% Water, 50% Sewer \$18K.
Materials and services	Waste levy refund	\$2,621	Small budget adjustment to meet actuals.
Materials and services	Rates, fees and charges	\$1,087	Festival of Arts Event expenditure greater than budgeted.
Materials and services	Communications and IT	(\$5,916)	Festival of Arts Event expenditure less than budgeted.
Materials and services	Grants, subsidies, contributions and donations	(\$21,500)	\$15K for Invest Mackay Conference Attraction Program transferred to internal expenditure as the service will now be provided internally and \$7K Implementation of the Economic Development Strategy transferred to services expenditure.
Materials and services	Security	(\$38,890)	There are no Stadium Entrepreneurial Shows scheduled for the year, removal of budget \$24K and Festival of Arts Event expenditure less than budgeted \$18K.
Materials and services	Insurance	(\$42,147)	\$28K unbudgeted reimbursement received and a reduction in Workers Compensation Insurance due to vacancies \$22k.
Materials and services	Equipment and hire	(\$45,678)	Festival of Arts Event expenditure less than budgeted (event tidy up) \$67K savings. Additionally, there are no Stadium Entrepreneurial Shows scheduled for the year, removal of budget \$55K. These savings are offset by increased in budget of \$34K at Middle Creek Dam due to changes in regulations requiring increased mowing and slashing, \$20K for Wine & Food Day (event tidy up) and \$20K to meet additional Elev8 requirements.

ORDINARY MEETING - 25 JANUARY 2023

Depreciation	Depreciation and Amortisation	\$2,056,297	Adjustments to depreciation and amortisation based on expected movements throughout the financial year.
Operational Expenses in Capital Projects	Various	(\$87,329)	Net operational movement across multiple capital projects.
Total operating expenditure adjustments		\$2,360,179	

Operating expenditure is forecasted to increase overall by \$2.36M. The majority of the expenditure is associated with increases in contractors and utilities which is offset by decreased employee benefits costs due to staff vacancies.

	Original Budget \$'000	Current Amended Budget \$'000	December Budget Review Adjustment \$'000	Amended Budget \$'000
Operating Revenue	(278,056)	(278,614)	(2,771)	(281,385)
Operating Expense	277,327	278,045	2,360	280,405
Operating (Surplus)/Deficit	(729)	(569)	(411)	(980)

As a result of the above movements in revenue and expenses, MRC's forecasted operating surplus will increase to \$980K (a surplus increase from the September Budget Review by \$411K).

Capital Projects

- See detailed project listing attached

Project	Capital Expenditure Amount	Operational Expenditure Amount	Capital Income Amount	Operational Income Amount
New Project Adjustments	\$282,253	\$0	\$0	\$0
Existing Project Adjustments	\$15,691,888	\$29,169	(\$2,369,631)	(\$102,915)
Existing Project Savings/Cancel	(\$1,232,549)	(\$4,998)	\$5,000	\$0
Existing Projects Deferred	(\$10,645,506)	(\$111,500)	\$1,786,351	\$0
TOTAL	\$4,096,087	(\$87,329)	(\$578,280)	(\$102,915)

Capital projects expenditure is forecast to increase overall by \$4M. This is made up of savings and deferrals of \$12M offset by additional capital project expenditure \$16M. It should be noted that \$10.8M of expenditure is being deferred to next financial year in line with expected delivery timeframes.

Overall capital revenue is increasing by \$681k, this is as a result of net grant income adjustments from existing and deferral projects and proceeds from the disposal of assets.

ORDINARY MEETING - 25 JANUARY 2023

	Original Budget \$'000	Current Amended Budget \$'000	Dec Budget Review Adjustment \$'000	Amended Budget \$'000
Capital project budget	\$106,766	\$113,854	\$4,009	\$117,863
- <i>Capital Expenditure</i>	\$104,649	\$110,636	\$4,096	\$114,732
- <i>Operational Expenditure</i>	\$2,117	\$3,218	(\$87)	\$3,131
Capital Funding budget	(\$23,261)	(\$22,807)	(\$329)	(\$23,136)
- <i>Capital funding</i>	(\$22,912)	(\$22,411)	(\$226)	(\$22,637)
- <i>Operational funding</i>	(\$349)	(\$396)	(\$103)	(\$499)

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

Ongoing review of the capital program will continue throughout the year and changes identified will be reported to Council for approval.

Consultation and Communication

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

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

Resource Implications

The revised capital project expenditure program for 2022/23 has increased overall by \$4M to \$117.9M.

The operating surplus has increased to \$980K. This will continue to be monitored during the year and adjusted if required in future budget reviews.

Risk Management Implications

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

This budget review brings to account known variations to the original budget adopted on 22 June 2022 and adjustments throughout the year.

Conclusion

The December 2022 budget review amendments will be included in the current approved budget and become the current amended budget.

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

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

Council's current forecasted operating surplus is \$980K for the 2022/23 financial year. Costs and revenue will continue to be monitored.

ORDINARY MEETING - 25 JANUARY 2023

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

Officer's Recommendation

THAT the changes identified in the December Budget Review be adopted and become the approved amended budget.

Council Resolution ORD-2023-024

THAT the changes identified in the December Budget Review be adopted and become the approved amended budget.

Moved Cr May

Seconded Cr Hassan

CARRIED UNANIMOUSLY

ORDINARY MEETING - 25 JANUARY 2023

12. RECEIPT OF PETITIONS

Nil

13. TENDERS**13.1. MRC 2023-027 54465 PIONEER RIVER LEVEE - VALETTA GARDENS TO KAY COURT**

Author	Manager Major Projects (Michael Zimmerle)
Responsible Officer	Director Capital Works (Jim Carless)
File Number	MRC 2023-027 Pioneer River Levee Construction – Valetta Gardens to Kay Court
Attachments	Nil

Purpose

To present to Mackay Regional Council (Council) for approval MRC 2023-027 54465 Pioneer River Levee Construction – Valetta Gardens to Kay Court.

Related Parties

- Pentacon Pty Ltd
- Vassallo Constructions Pty Ltd

Corporate Plan LinkageLive and Visit

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

Background/Discussion

Council issued a Request for Tender (RFT) to provide for MRC 2023-027 54465 Pioneer River Levee Construction – Valetta Gardens to Kay Court, seeking submissions for the construction of reinforced concrete blockwork levee and earth levee together with the associated works such as construction of concrete pipe culverts, other drainage works, rock and gabion bank protection work, pavement works etc. along the bank of Fursden Creek discharging into Pioneer River extending from Valetta Gardens to Kay Court in Mount Pleasant.

The Pioneer River catchment extends from the Connors Range to the west, to the city of Mackay to the east, and is bounded by the Leila Creek and Murray Creek catchments in the north, and Bakers Creek and Isaac River catchments to the south. It includes the major tributaries of Cattle Creek, Teemburra Creek, Blacks Creek, Stockyard Creek, Macgregor Creek, Fursden Creek, Janes Creek and Gooseponds Creek. The total catchment area of the Pioneer River (excluding the Bakers Creek catchment) is approximately 1,560 km².

An earth levee was constructed along the northern bank of the Pioneer River, as part of the Valetta Gardens and Rivers Edge subdivision developments, leaving a 'missing link' of approximately 800m in length, between the subdivision and the Ron Camm Bridge.

This Project is being partly funded by the Federal Government's Preparing Australian Communities - Local Stream Grant.

ORDINARY MEETING - 25 JANUARY 2023

Tenders were invited on 7 October 2022, via Council's website, and on the Queensland Government's Procurement Transformation QTenders website.

The following submissions were received by the closing time of 10:00am, Tuesday 6 December 2022:

Tenderer	Location
Pentacon Pty Ltd	Mackay, Queensland
Vassallo Constructions Pty Ltd	Mackay, Queensland

An initial compliance check was conducted on 14 December 2022 to identify submissions that were non-conforming with the requirements of the RFT. This included compliance with contractual requirements and provision of requested information.

All submissions were progressed through to the qualitative criteria assessment on the basis that all terms, conditions and mandatory requirements of the RFT had been met.

During the evaluation, submissions were assessed against the nominated qualitative criteria. Specific criteria were weighted according to their importance as perceived and agreed by the evaluation panel. Relative weightings were published within the RFT.

The weighting attributed to each qualitative criteria was:

Criterion	Weighting %
Value for Money	40%
Tenderer's Resources and Personnel	15%
Relevant Experience	15%
Demonstrated Understanding	30%

Final prices submitted, excluding GST:

Tenderer	Price (Ex GST)
Vassallo Constructions Pty Ltd	\$6,132,534.62
Pentacon Pty Ltd	\$7,434,933.43

The qualitative criteria assessment was carried out by the evaluation panel on 14 December 2022 with the evaluation panel scoring the tenders according to the evaluation matrix.

Tender Information Requests (TIR) were issued to Vassallo Constructions Pty Ltd, including but not limited to:

- Obtaining further information / clarifications in relation to submitted qualitative criteria;
- Updated project timeline; and
- Negotiate and finalise statement of departures.

The responses were received within the requested timeframe, with the responses being reviewed by the evaluation panel. The final evaluation was completed 22 December 2022.

As per Council's purchasing policy, the evaluation panel applied the local preference price percentage offering the local supplier/s a price advantage. On this occasion the outcome was not altered.

ORDINARY MEETING - 25 JANUARY 2023

The evaluation panel completed a thorough review of Vassallo Constructions Pty Ltd's submission and additional information obtained and have assessed that Vassallo Constructions Pty Ltd have the expertise to deliver the works as required and provide the best value for money to Council.

Vassallo Constructions Pty Ltd, having managed projects located through the Mackay region have a proven track record to deliver projects budgeted up to \$100 million, while also committing to looking locally first when employing people for these projects.

The evaluation of the tender was conducted by:

Position	Department
Project Manager	Capital Works
Manager Transport and Drainage Infrastructure Planning	ECI
Contracts Officer	Procurement and Plant

Consultation and Communication

Consultation was conducted between Major Projects, Transport and Drainage Infrastructure Planning, Contracts and other relevant departments prior to the Request for Tender being released.

Resource Implications

The funding for this work is in the Capital Budget as follows:

Project 54465 – Pioneer River Levee Construction – Valetta Gardens to Kay Court;
2022 – 2023 Capital Budget of \$2,500,000 (including December Budget Review adjustment) and 2023 – 2024 Capital Budget of \$4,315,903

Total Combined Capital Budget of \$6,815,903

Description	Amount	Notes
MRC 2023-027 54465 Pioneer River Levee Construction – Valetta Gardens to Kay Court		
Expenditure to Date	\$179,329.01	<i>FY 2022-2023 only</i>
Commitments	\$ 6,787.66	
Contract Price	\$6,132,534.64	<i>Vassallo Constructions Pty Ltd</i>
Project risks	\$613,253.46	<i>Contingency allowed</i>
Council's costs	\$653,936.70	<i>Below the line costs for council includes management costs, Q leave and corporate overheads</i>
Estimated Cost of Project	\$7,585,841.47	
BUDGET		
Budget for 2022/2023 (inc December Budget Review allowance)	\$2,500,000	Original 2022/23 Budget \$1,095,103, increased to \$2,500,000 in the December Budget Review
Budget for 2023/2024	\$4,315,903	
Total Budget	\$6,815,903	
BALANCE	- \$769,938.47	<i>Budget over expenditure</i>

ORDINARY MEETING - 25 JANUARY 2023

Sufficient monies are available matching projected spend for 2022/23, including the allowance within the December Budget Review. Allowance will be made within the March Budget Review for the projected 2023/24 component in Long Term Forecast projections.

Risk Management Implications

Timing Risks

As per the funding agreement with the Federal Government, the construction and delivery of the project is to be completed by 30/06/2024.

This risk is mitigated by ensuring that the date for practical completion of the works as per the contract, is well within the above timeframe. The construction programme presented by the contractor will also be monitored regularly (during fortnightly site meeting etc.) to ensure that the works are completed within the date of practical completion.

Construction Risks

Construction risks for the project include working near existing properties, working in tidal zone and deep vertical earth cuts for concrete footings.

The mitigation of the construction risks will be carried out by:

- Council will be notifying and liaising with the affected residents
- Obtaining condition reports prior to the start of the construction works from the contractor for the affected properties and parklands and providing these condition reports to the affected residents
- Obtaining detailed work methodologies from the contractor for undertaking deep vertical earth cuts and working in tidal zone
- Geotechnical engineer to be engaged by the contractor to assess soil conditions and to approve the extent of deep vertical earth cuts allowable at any given time
- Avoiding works in the tidal zone during high tide
- Obtaining detailed traffic management plans from the contractor to limit the impact of the movement of materials and construction vehicles on the residents

Safety Risks

Measures taken to minimise safety risks are, utilising experienced relevant contractors for the works to ensure compliance with Workplace Health & Safety Legislation. A Safety Management Plan will be provided by the successful contractor and the delivery methodology (Safe Work Method Statement) will have to address any high-risk activity; both these documents will be reviewed by the council. Council will monitor the project to ensure that the risks are mitigated.

Conclusion

That awarding the contract to Vassallo Constructions Pty Ltd represents the most advantageous outcome and demonstrated value for money to Council. Vassallo Constructions Pty Ltd have the experience, capacity and resources to complete the works to the quantity and quality as required.

Officer's Recommendation

THAT Council award contract MRC 2023-027 54465 Pioneer River Levee – Valetta Gardens to Kay Court to Vassallo Constructions Pty Ltd for the re-measurable schedule of rates total of \$6,132,534.62 (excl GST).

ORDINARY MEETING - 25 JANUARY 2023

Question on Notice - Cr May queried if the budget deficit for this project was captured in the current budget review or if this would appear in the next review.

The Director for Capital Works Jim Carless, advised that he believed it may have already been captured but would confirm.

Council Resolution ORD-2023-025

THAT Council award contract MRC 2023-027 54465 Pioneer River Levee – Valetta Gardens to Kay Court to Vassallo Constructions Pty Ltd for the re-measurable schedule of rates total of \$6,132,534.62 (excl GST).

Moved Cr Englert

Seconded Cr Jones

CARRIED UNANIMOUSLY

ORDINARY MEETING - 25 JANUARY 2023

14. CONSIDERATION OF NOTIFIED MOTIONS

Nil

15. PUBLIC PARTICIPATION

Ms Rhonda Marriage addressed Council in relation to Westminster Lodge Retirement Village in Andergrove.

Mrs Liz Dreier addressed Council in relation to Westminster Lodge Retirement Village in Andergrove.

Mr Glen Dreier addressed Council in relation to Westminster Lodge Retirement Village in Andergrove.

16. LATE BUSINESS

Nil

17. CONFIDENTIAL REPORTS

The meeting did not close to the public.

17.1. LEGAL SERVICES MONTHLY REPORT

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-2023-026

THAT the Legal Services Monthly Report for November & December 2022 be accepted.

Moved Cr Bonaventura

Seconded Cr Mann

CARRIED UNANIMOUSLY

17.2. DRAFT MINUTES - INVEST MACKAY EVENTS AND CONFERENCE ATTRACTION PROGRAM ADVISORY COMMITTEE MEETING - 12 DECEMBER 2022

Confidential

ORDINARY MEETING - 25 JANUARY 2023

Confidential Report to be forwarded separately.

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

Council Resolution ORD-2023-027

THAT the draft minutes of the Invest Mackay Events and Conference Attraction Program Advisory Committee meeting dated 12 December 2022 be received.

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

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

AND THAT funding as recommended by the Invest Mackay Events and Conference Attraction Program Advisory Committee for Item 6.2 be approved.

AND THAT funding as recommended by the Invest Mackay Events and Conference Attraction Program Advisory Committee for Item 10.1 be approved.

Moved Cr May

Seconded Cr Hassan

CARRIED UNANIMOUSLY

**17.3. APPROVED SPONSORSHIP UNDER THE INVEST MACKAY EVENTS AND CONFERENCE
ATTRACTION PROGRAM - DECEMBER 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-2023-028

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

Moved Cr Green

Seconded Cr Hassan

CARRIED UNANIMOUSLY

ORDINARY MEETING - 25 JANUARY 2023

**17.4. APPROVED CONCESSIONS UNDER FACILITATING DEVELOPMENT IN THE MACKAY REGION
POLICY - DECEMBER 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-2023-029

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

Moved Cr May

Seconded Cr Green

CARRIED UNANIMOUSLY

18. MEETING CLOSURE

Meeting closed at 12:19 pm.

19. FOR INFORMATION ONLY

19.1. BUILDING WORKS STATISTICS - DECEMBER 2022

ORDINARY MEETING - 25 JANUARY 2023

19.2. DEVELOPMENT APPLICATIONS - DECEMBER 2022

Nil

ORDINARY MEETING - 25 JANUARY 2023

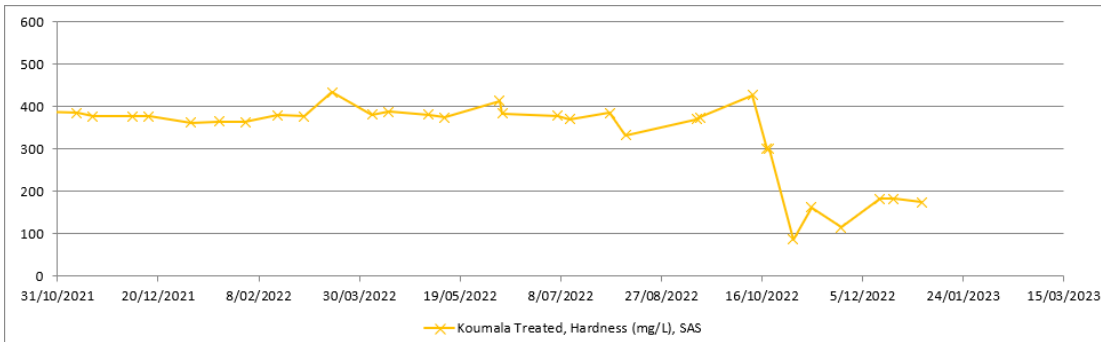
Confirmed on Wednesday 8 February 2023.

.....
MAYOR

8. BUSINESS ARISING OUT OF PREVIOUS MINUTES

8.1. BUSINESS ARISING OUT OF PREVIOUS MINUTES

UPDATE ON QUESTIONS ARISING FROM COUNCIL MEETING – 25 JANUARY 2023

AGENDA ITEM	MATTER	RESPONSE										
11.2.1 Capital Works Monthly Review Report – Nov & Dec 2022	Cr Bonaventura noted the public toilets at Riverside Link are out of service.	The new locks/hardware have arrived via air freight. The team is working with Woollams to get these installed ASAP.										
11.2.1 Capital Works Monthly Review Report – Nov & Dec 2022	Cr Bella queried if data pre and port Koumala Water Treatment Plant connection could be provided.	<p>As a direct result of the new softening process, the treated water for the community has seen a significant reduction in hardness to within the Australian Drinking Water Guidelines (ADWG).</p>  <table><caption>Table 10.10 Guideline values for physical and chemical characteristics (Continued)</caption><thead><tr><th rowspan="2">Characteristic</th><th colspan="2">Guideline values*</th><th rowspan="2">Comments</th></tr><tr><th>Health</th><th>Aesthetic</th></tr></thead><tbody><tr><td></td><td></td><td></td><td></td></tr></tbody></table>	Characteristic	Guideline values*		Comments	Health	Aesthetic				
Characteristic	Guideline values*			Comments								
	Health	Aesthetic										

		<table><tr><td>Hardness (as CaCO₃)</td><td>Not necessary</td><td>200</td><td>Caused by calcium and magnesium salts. Hard water is difficult to lather. < 60 mg/L CaCO₃ soft but possibly corrosive. 60-200 mg/L CaCO₃ good quality. 200-500 mg/L CaCO₃ increasing scaling problems. > 500 mg/L CaCO₃ severe scaling.</td></tr></table> <p>The hardness dropped from around 400 to below 200 (the Guideline value shown above), at the time the system came on line late last year.</p>	Hardness (as CaCO ₃)	Not necessary	200	Caused by calcium and magnesium salts. Hard water is difficult to lather. < 60 mg/L CaCO ₃ soft but possibly corrosive. 60-200 mg/L CaCO ₃ good quality. 200-500 mg/L CaCO ₃ increasing scaling problems. > 500 mg/L CaCO ₃ severe scaling.
Hardness (as CaCO ₃)	Not necessary	200	Caused by calcium and magnesium salts. Hard water is difficult to lather. < 60 mg/L CaCO ₃ soft but possibly corrosive. 60-200 mg/L CaCO ₃ good quality. 200-500 mg/L CaCO ₃ increasing scaling problems. > 500 mg/L CaCO ₃ severe scaling.			
11.2.1 Capital Works Monthly Review Report – Nov & Dec 2022	Cr May queried if social media was undertaken in relation to the Koumala Water Treatment Plant.	In December, a media update was released, and social media was undertaken.				
11.5.1 ECI – Transport & Drainage Monthly Review Report – Nov & Dec 2022	Cr Bella queried if Police had been contacted in relation to the incident of a B-Double hitting the mirrors of a sweeper.	MRC street sweeper and a fuel truck were travelling west. In Walkerston, the truck passed the sweeper on Kirkup Bridge clipping the driver's side review mirror. This was not reported to Police, however, was reported to Council's SafeLine at the time of the incident.				
11.5.1 ECI – Transport & Drainage Monthly Review Report – Nov & Dec 2022	Cr Bella referred to damage to a Telstra pit and queried if there was a post marking the location, was the pit level with the ground, was the cable underground and does Council have to pay for damages.	<p>There was no post marking the location of the Telstra pit. The pit was level with the ground. These incidents are reported to the service provider in the first instance and added into Council's InControl system.</p> <p>Following inspection and repairs being undertaken by the service provider, if it is considered that MRC is responsible for the damages, MRC is issued an invoice for the cost of repairs. MRC does have an option to defend the claim in the first instance if it can be substantiated that the service provider infrastructure is incorrectly protected or located.</p>				
11.5.1 ECI – Transport & Drainage Monthly Review Report – Nov & Dec 2022	Cr Seymour referred to incident of an oil cap falling from a grader and queried if there is a service procedure undertaken when plant and equipment reach site.	<p>The oil cap was hydraulic not engine. This incident occurred post the machine being serviced at MRC Workshop. This is not something that would be identified at a Pre-Start machinery check as this is a side gauge.</p> <p>All precautions are taken by the operator to mitigate this type of incident.</p>				

11.5.3 ECI – Water Services Monthly Review Report – Nov & Dec 2022	Cr May queried if there had been complaints received from the Sarina area during the recent rain event.	<p>Workshop current procedures are being reviewed.</p> <p>No formal complaints were received. The WWS Team had identified the problem areas in the Sewer Network prior to the event and provided portable toilets to houses that couldn't flush their own toilets. A total of eleven sewer related Customer/Work Requests were received for the Sarina area during the rain event.</p> <p>There was, unfortunately, one instance of sewage spilling inside a home. The resident phoned to advise that sewage was overflowing from the shower area and toilet into the spare room and hallway. Two Water Network staff members attended and cleaned up the areas involved.</p> <p>Overall, the Network handled the rain event quite well and all issues were dealt with well by the field crews.</p>
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Noted

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. THE OFFICE OF THE MAYOR AND CEO MONTHLY REVIEW REPORT - JANUARY 2023

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

Attachments

1. FINA L_- Report for Office of Mayor CE Os - Monthly Review - January 2023 [11.1.1.1 - 17 pages]

Purpose

To provide Council with the Office of the Mayor and Chief Executive Officer's Monthly Report for the month of January 2023.

Related Parties

Nil

Officer's Recommendation

THAT the Office of the Mayor and Chief Executive Officers Monthly Report for January 2023 be received.

Council Resolution ORD-2023-33

THAT the Office of the Mayor and Chief Executive Officers Monthly Report for January 2023 be received.

Moved Cr May

Seconded Cr Green

CARRIED UNANIMOUSLY



Office of Mayor and CEO

Monthly Review

Period – January 2023



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OVERVIEW

This report is for the Office of the Mayor and CEO (OMCEO) for January 2023.

- As at the end of January Council has reached 4 LTI's with a total of 65 days lost. There were no new LTI's during January. All incidents and reports of near misses continue to be reviewed of learnings and opportunities, with a focus during January/February being addressing heat stress for employees. In this regard, during December myself and a number of Directors attended work sites with Workplace Health and Safety Advisors talking to staff and handing out icy poles. This is a practice we will look to continue.
- Although on 1 February, reported in this report is the first Council in Community Day for 2023 undertaken by Councillors.
- With the appointment of Angela Hays as Director Organisational Services, advertising for the vacant Director Community & Client Services role has commenced closing 17 February.
- A focus for January has been Corporate Performance Planning in preparation for 23/24 plans and the annual budget. ELT have commenced work on the Organisational Strategy which will flow through to Program Plans/Operational Plan development.



Scott Owen
Chief Executive Officer

SAFETY

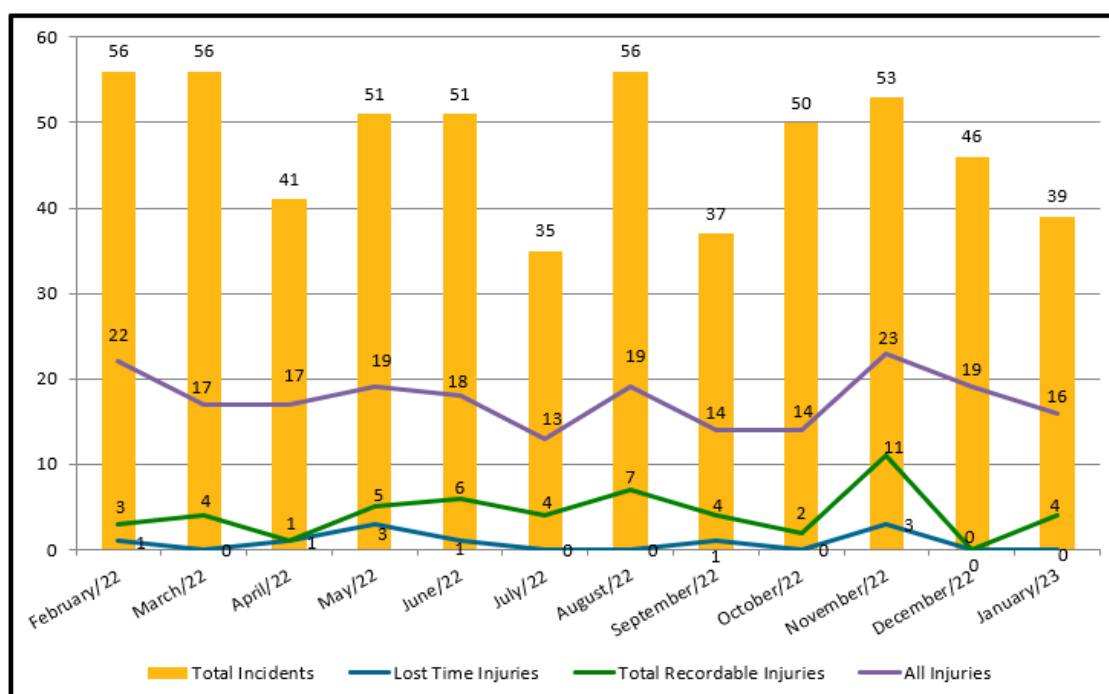
1.1. Lead Indicators

In January 2023:

- Forty-seven safety interactions were undertaken.
- Twenty-eight site safety inspections were undertaken.
- 100% of monthly action plan activities were carried out.

Thirty-nine incidents were reported involving MRC employees, contractors, and members of the public in January.

Incidents and Injuries



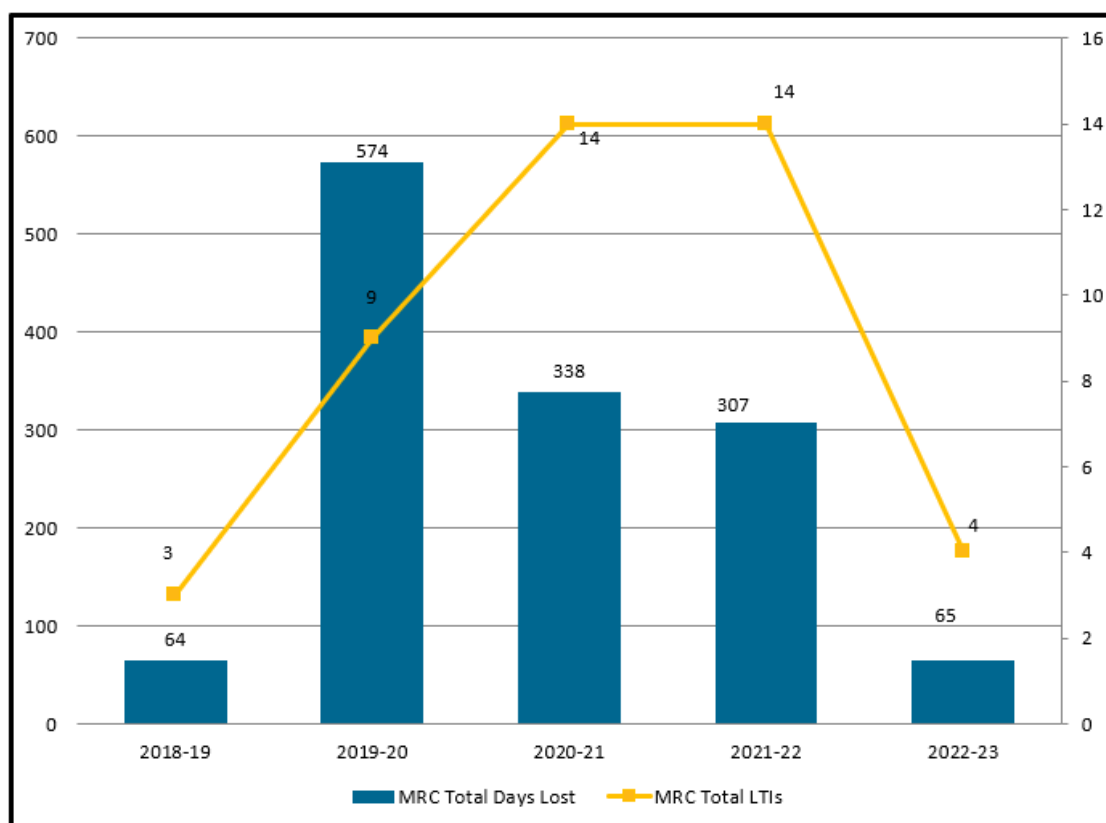
The following injuries to MRC employees were reported in January:

- Lost Time Injury, Suitable duties, and medical treatment injuries:
 - SDI – Strained muscles in foot while walking over uneven surfaces.
 - SDI – Noticed pain and lump on shoulder, after working with heavy timbers the previous week
 - SDI – While overtaking mower, NSM vehicle collided with mower, causing suspected whiplash.
 - SDI – Felt pain in fingers, suspected muscular stress injury.
- First aid and non-treatment injuries:
 - FAI – Inhaled potentially harmful fumes in control room.
 - FAI – Worker was adjusting snipper cord and received cut to finger

- NTI – Slipped on kerb and scrapped knee.
- NTI – Felt unwell after whipper snipping, suspected heat stress.
- NTI – While walking down corridor, hit accessory tray on whiteboard, causing bruise.
- NTI – Felt pain in elbow after undertaking manual lift on a stairway
- NTI – While inspecting kitchen, brushed arm against oven causing burn.
- NTI – Recent aggressive abuse in person and social medial posts relating to role, causing psychological injury
- NTI – Worker stopped to use restroom, NSM verbally abused worker and threatened him.
- NTI – While completing mowing maintenance, NSM became verbally abusive towards staff. Staff vacated the area.
- NTI – Tripped while walking across carpark, falling, and grazing hands.
- NTI – Tripped in meeting room, rolling ankle.

Each incident is investigated, and appropriate corrective measures implemented to reduce future risks.

Lost Time Injuries and Days Lost

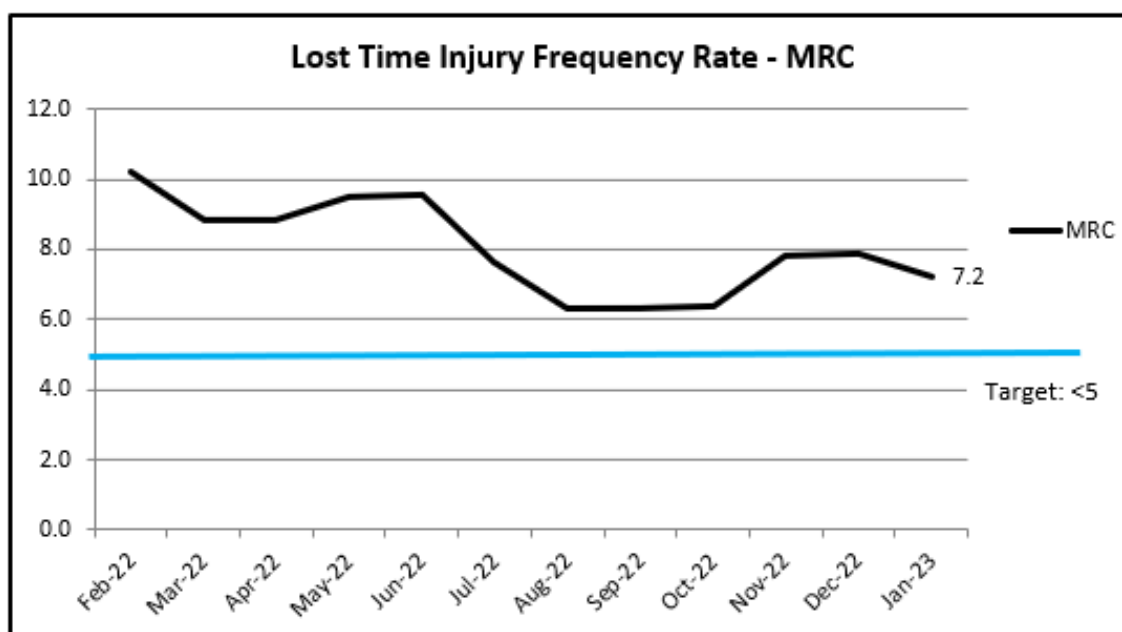


Department	2018-19		2019-20		2020-21		2021-22		2022-23	
	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost
Capital Works					1	10			1	23
Community & Client Services	1	18	1	3	2	14	2	31		
Organisational Services							2	139		
Development Services	1	33	4	154	6	166	4	16	1	37
Engineering & Commercial Infrastructure	1	13	4	417	5	148	6	121	2	5
Mackay Regional Council	3	64	9	574	14	338	14	307	4	65

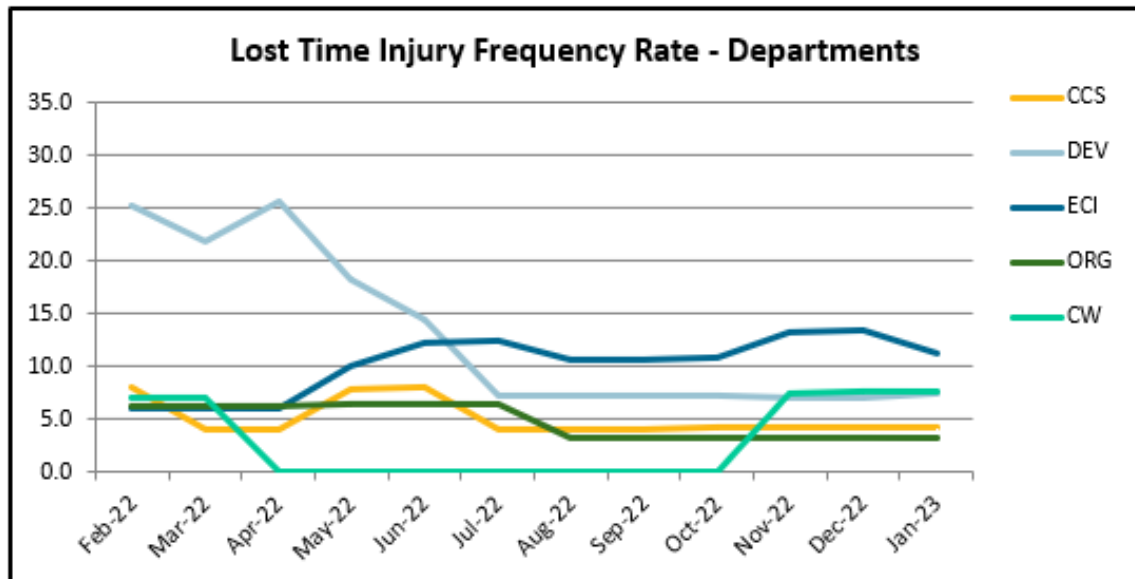
For the 2022-23-year, there have been four lost time injuries recorded:

1. While attending a mountain bike related conference, a worker fell from his bike, injuring hand. Resulting in 23 days lost as they recovered.
2. While inspecting drain, dogs have rushed from property, causing inspector to trip and fall, injuring their arm and hands. One day was lost as they recovered.
3. Driver lost control of utility on unsealed road and vehicle rolled, resulting in fractured ribs. Four days have been lost as they recover.
4. Worker suffered psychological injury; 37 days have been lost as they recover.

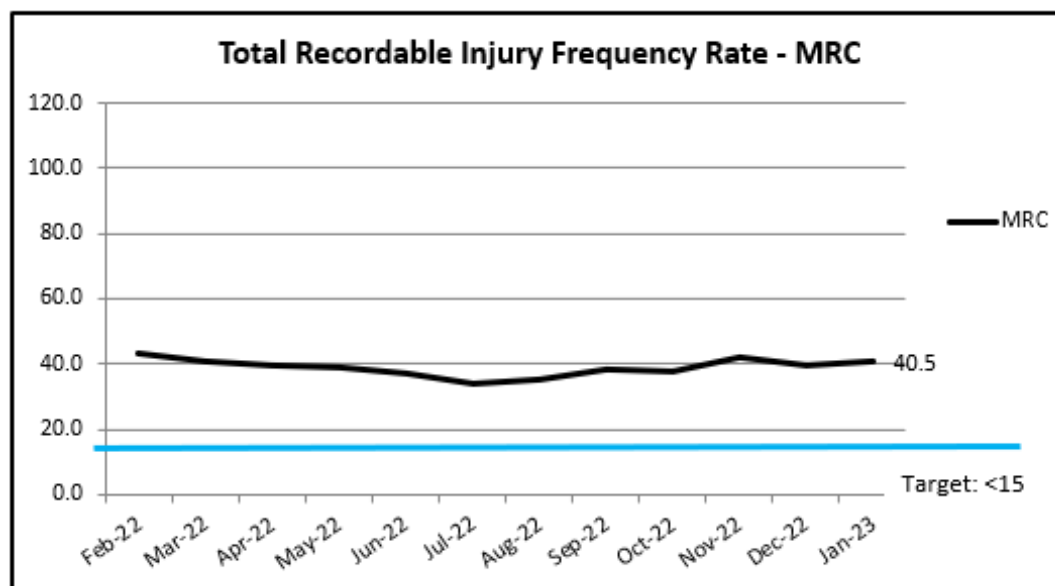
Injury Frequency Rates 12 month rolling average

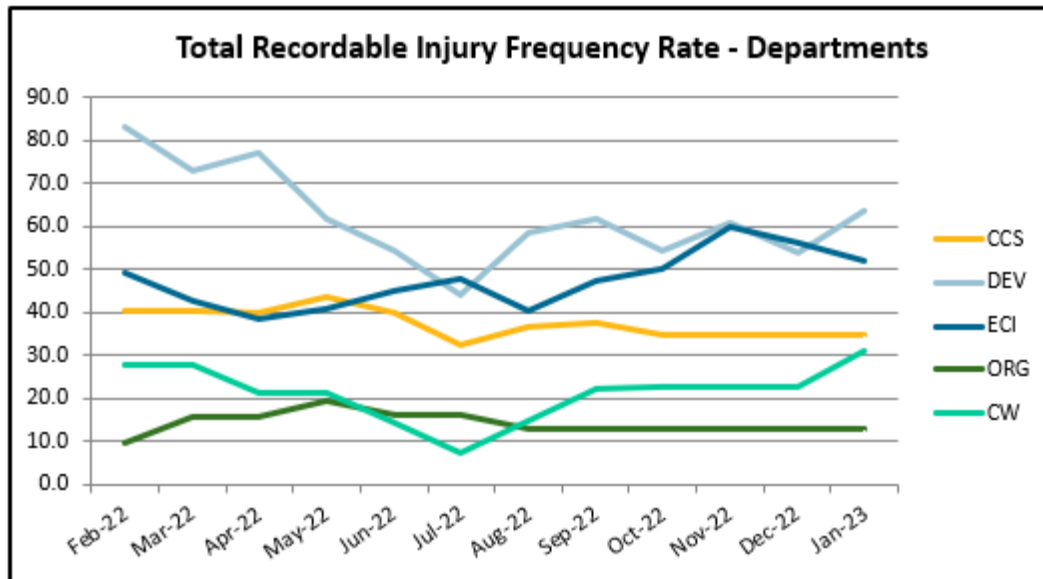


There have been four lost time injuries recorded in the 2022-23 year.

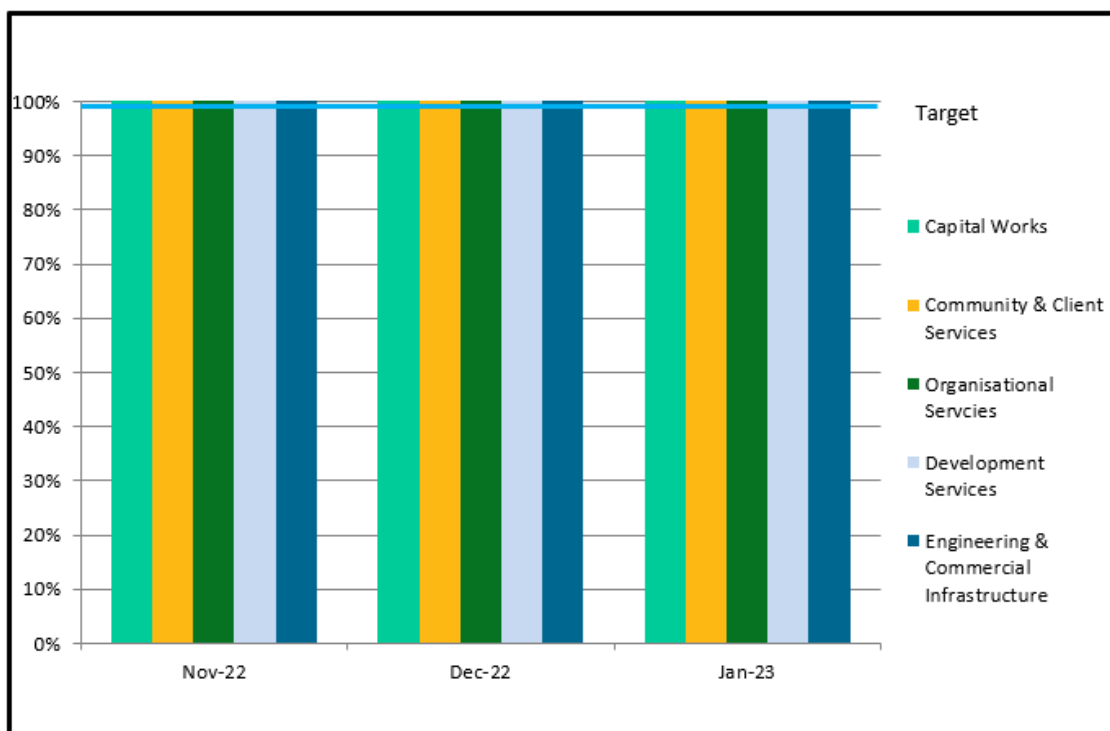


Total Recordable Injury Frequency Rates 12 month rolling average



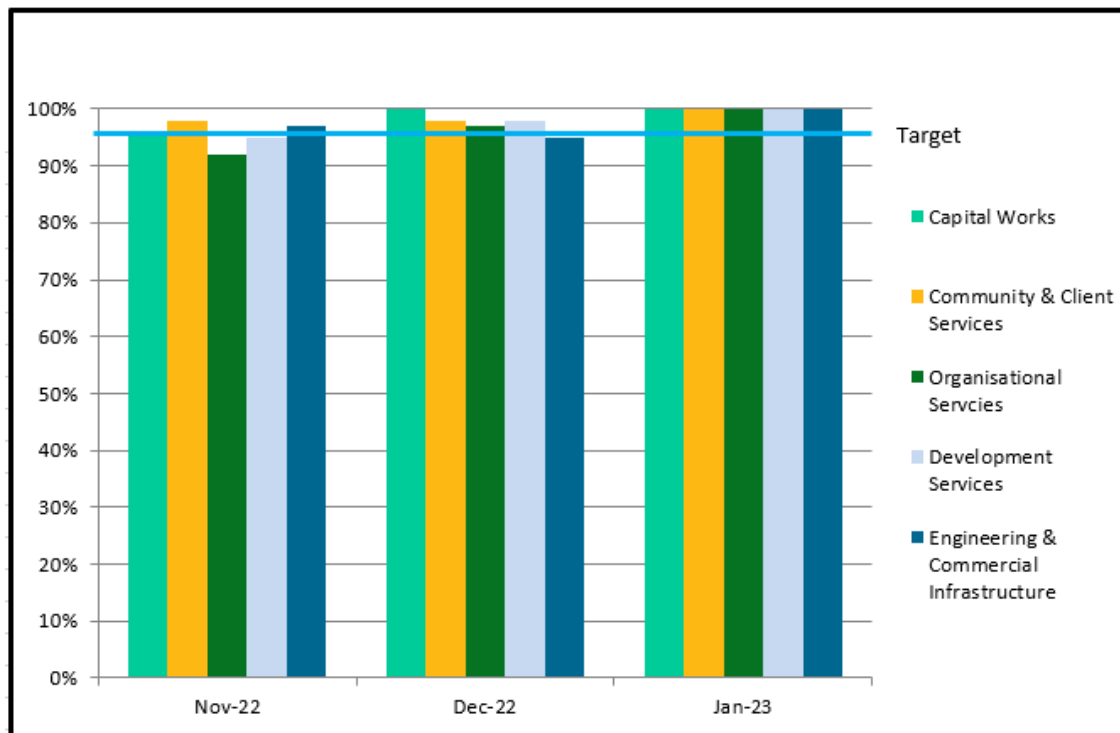


Site Safety Inspection Checklists



All site safety inspections were completed in January.

Monthly Action Plans

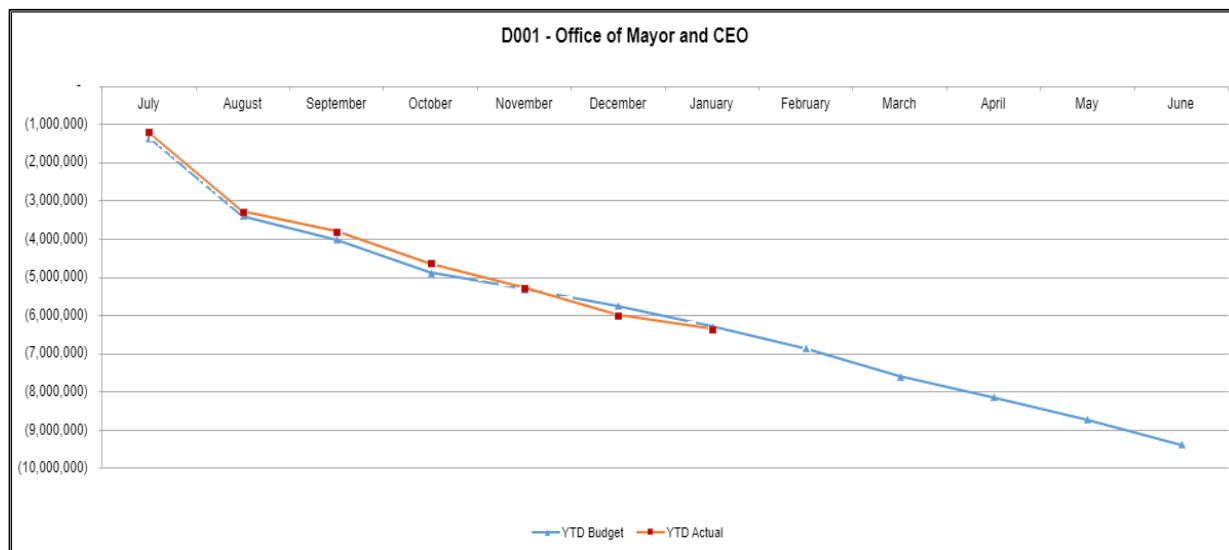


Monthly Action Plans (MAP) are planned safety-related actions allocated to work groups over a 12-month schedule and are developed in response to identified risks.

FINANCIAL PERFORMANCE – JANUARY 2023

Operating Result for D001 For the period ending 31 January 2023

	Annual Original Budget	Annual Revised Budget	YTD Budget	YTD Actual	YTD Variance	YTD Variance / YTD Budget	Program Manager Comments
	\$000	\$000	\$000	\$000	\$000	%	
D001 - Office of Mayor and CEO							
1.01 - Office of Mayor & CEO Management	(2,627)	(2,534)	(1,395)	(1,397)	(3)	0.22%	On Track
1.04 - Executive Office	(6,237)	(5,623)	(4,176)	(4,271)	(94)	2.25%	On Track
1.06 - Legal Services	(1,662)	(1,236)	(721)	(688)	33	(4.58%)	On Track
Operating Surplus / (Deficit)	(10,526)	(9,393)	(6,292)	(6,356)	(64)	1.02%	On Track



KEY INITIATIVES

3.1 Summary of key projects and initiatives

This section provides a summary of key initiatives linked directly to the Office of the Mayor and CEO for 2022/23.

Councillor Activities

Meetings/Briefings

For the month of January, the following Council meetings/briefings were co-ordinated:

- Ordinary Council Meeting – 25 January 2023
- Briefings – 25 January 2023
- Council In Community Day – 1 February 2023

Details of Council Meeting minutes, and recorded live streaming, are all available on Council's website.

Council in Community Day

Planning for the February Council in Community Day was undertaken, with the visit including the Mackay Football Park, the Great Barrier Reef Arena at Harrup Park, the Trudy Crowley Centre and the River Wharves as part of the Riverside Revitalisation Project, on Wednesday 1 February 2023.



Photo 1: Visiting Mackay Football Park with Daniele Khoury and Declan Carnes.



Photo 2: Visiting the Great Barrier Reef Arena.

Legal Services

Legal Services is currently working on 314 Matters spread across all Directorates as follows:

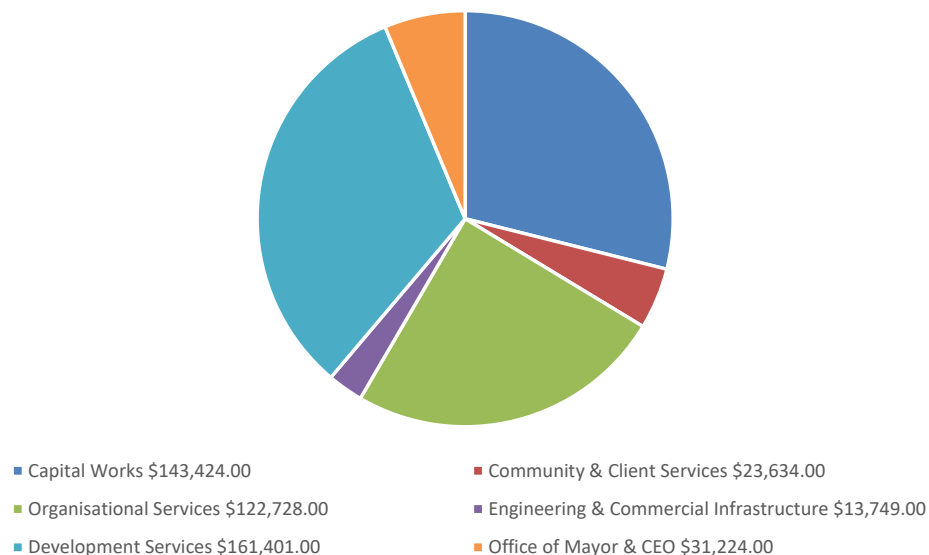
Directorate	Matter Type	No.	No.
Capital Works	Aboriginal/Cultural Heritage	1	37
	Disputes/Litigation	4	
	Drafting/Reviewing	1	
	General Advice	5	
	Land Acquisition	18	
	Leasing/Licencing	7	
	Native Title	1	
CCS	Aboriginal/Cultural Heritage	1	36
	Disputes/Litigation	3	
	Drafting/Reviewing	9	
	Regulatory Compliance & Enforcement (<i>particularly Warrants for overgrown properties and dangerous dogs</i>)	13	
	General Advice	9	
	Leasing/Licencing	1	
Development Services	Disputes/Litigation	3	35
	Infrastructure Agreements	3	
	General Advice	8	
	Land Acquisition/Disposal	2	
	Drafting/Reviewing	16	
	Leasing/Licencing	1	
	Land Tenure	1	
	Native Title	1	
ECI	Land Acquisition	17	73
	Disputes/Litigation	6	
	General Advice	21	
	Infrastructure Agreements	1	
	Drafting/Reviewing	20	
	Land Tenure	2	
	Leasing/Licencing	2	
	Native Title	1	
	Regulatory Compliance & Enforcement	3	
OM&CEO	Aboriginal/ATSI Cultural Heritage	1	36
	Land Acquisition/Conveyancing	1	
	Disputes/Litigation	10	
	Drafting/Reviewing	5	
	General Advice	19	
Organisational Services	Disputes/Litigation	11	97
	General Advice	26	
	Drafting Reviewing	12	

	Investigation	2	
	Land Acquisition/Disposal	5	
	Land Tenure	1	
	Leasing/Licensing	38	
	Native Title	2	
TOTAL CURRENT MATTERS			314

External Fees Paid

Total external legal fees and outlays paid for the financial year to date are \$496,160.00 broken down by Directorate as follows:

Fees Paid Financial Year to Date



External Grant Funding

External funding monies for 2022/23 to 31st January 2023 being actually received by payments to Council is \$11,180,761.65.

The major components received in January being:

- Department of State Development, Infrastructure, Local Government & Planning – Works for Queensland Round 4 - \$3,996,000.00
- Department of Transport & Main Roads – TIDS Program – Gorge & Boulder Rd - \$143,585.86

- Department of Infrastructure, Transport, Regional Development, Communication and the Arts – Festivals Australia – Illuminate \$45,861.00
- Local Government Association of Queensland – QWRAP Bidpool Funding – Water Industry Worker \$36,605.00
- Department of Children, Youth Justice and Multicultural Affairs – Global Grooves 2023 \$20,000.00

Successful funding applications during January include:

- Queensland Tourism & Events – Festival of Arts 2023 - \$10,000.00

GOVERNANCE

4.1 Workplace Health & Safety

- Incident Investigations undertaken.
- Health & Safety Committees met.
- Several safety bulletins and alerts developed.

4.2 Corporate Performance Planning & Reporting

Corporate Performance Planning is a current focus for ELT and SLT in preparation for 23/24 plans and the annual budget. ELT have commenced work on the Organisational Strategy which has resulted in updates being made to the Corporate Performance Planning and Reporting Framework.

In particular, the structure of the Organisational Strategy, consideration to remove the Directorate Plan layer of the framework.

Also, a more consistent approach to the setting of KPIs will be agreed and an update to the formatting of the Operational Plan.

The intended outcome of these updates include:

- Organisational Strategy will be more strategic and articulated in such a way that it is outcome focussed.
- Program Plans, which will form the layer directly beneath the Organisational Strategy through their operational layer will provide Programs and individuals, a clearer line of site through to the Organisational Strategy and Corporate Plan.

ELT will be conducting a workshop with SLT at the first Management Forum of the year, that aims to engage SLT on the changes and also the content of the Organisational Strategy.

The Organisational Strategy will assist in setting the scene for Program Plans to be developed January through to March, informing the Operational Plan 2023-2024.

4.3 Enterprise Risk Management

The annual review of enterprise risk remains a focus this month, with several reviews now complete. The outcomes to date include improved understanding of controls, their effectiveness and required risk treatments.

Risk appetite has also been workshopped with ELT with a view for finalising this month so that implementation can commence February.

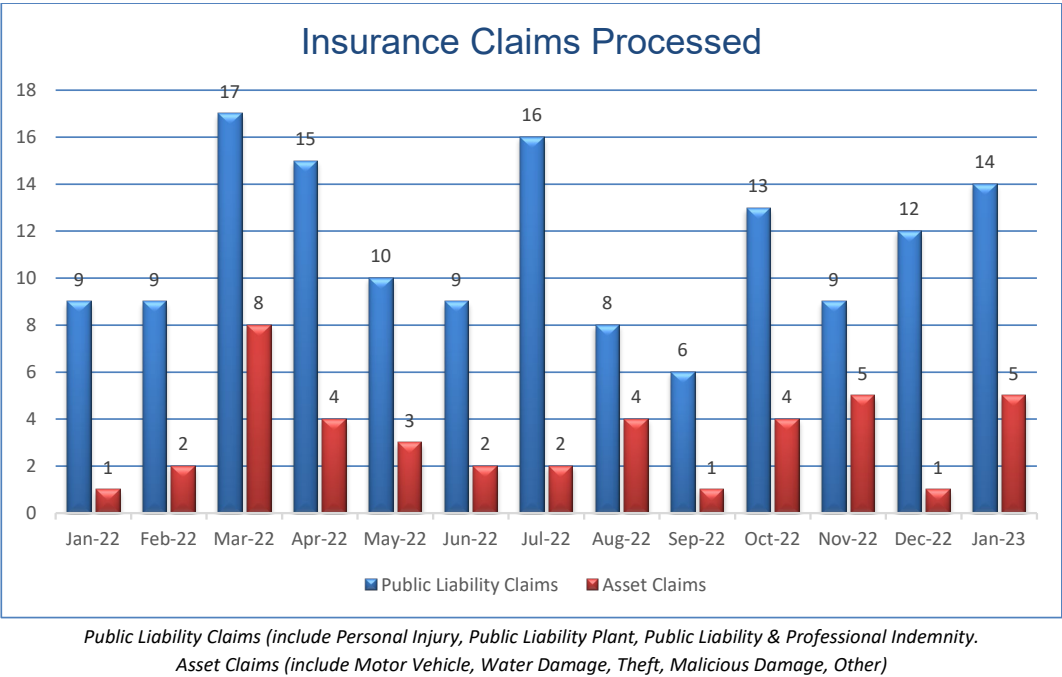
It is intended that undertaking this body of work now will assist in the organisation having an understanding of MRC risk appetite as enterprise risks continue to be reviewed. Additionally, an understanding of MRCs risk appetite will assist in the planning cycle for understanding risks and opportunities that MRC either have appetite for or not as business priorities are considered.

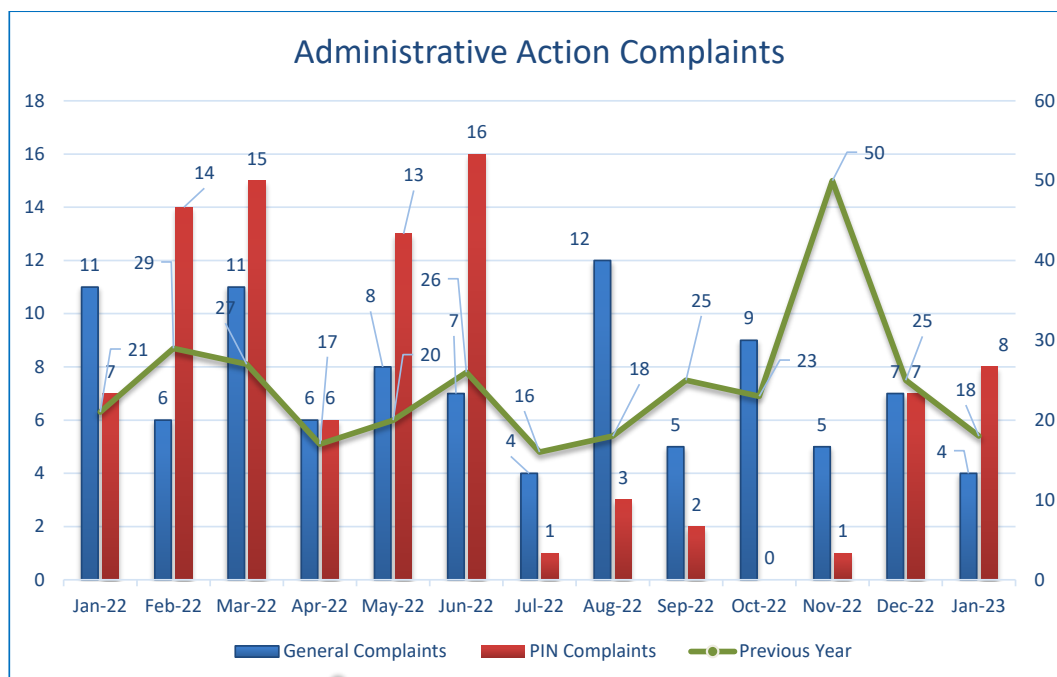
4.4 Business Continuity

The debrief exercise mentioned last month following the server room incident of last year has been considered and some draft materials to guide review activities with MRCs critical function owners and ELT being prepared.

Early in February, the outcomes of this assessment are set to be discussed and workshopped with ELT.

4.5 Corporate Governance





Right to Information (RTI) Applications Processed in November & December 2022	Documents Requested	Status
7 of 22/23	CCTV footage from CBD	✓

✓ In Progress	● Complete
---------------	------------

4.6 Internal Audit

2022/23 Internal Audit Plan – Progress Update			
Venue Management of MRC Aquatic Facilities (<i>Outsourced</i>)	●	Information & Communications Technology (ICT) – Cloud Management – (<i>Outsourced</i>)	✓
Asset Management – Acquisitions – (<i>Outsourced</i>)	●	Customer Request Management	●
Venue Management – The Stadium Operations	✓	Management Requests (<i>ad hoc requests as required</i>)	✓
Data Analytic Report Development	⊖	Follow Up of Previous Internal Audits	✓
The next Audit Committee is 23 February 2023			

✓ Review has commenced and is in progress.	⊖ Review is awaiting commencement.	● Review has been completed and has been / to be presented to the Audit Committee
--	------------------------------------	---

REGIONAL REPRESENTATIVE GROUPS

5.1 Greater Whitsunday Council of Mayors (GWCoM)

Joint group in conjunction with the Councils of Isaac and Whitsunday.

Membership involves the Mayor and CEO of each of the three (3) Councils, supported by various staff.

A CEO's Group has been established as part of the GWCoM's. The intent of this group is to handle the 'business' matters and look for possible synergies between Councils at CEO level and allowing focus on higher level and strategic issues for the region by the wider group.

The last CEO's Group meeting was held on 4 November 2022 as a precursor to the GWCoM's meeting with discussion on key agenda items.

The latest GWCoM's meeting was held on Thursday 17 November 2022 and attended by the Mayor of Mackay, Mayor of Isaac, Mayor of Whitsunday and the CEO's of Mackay and Isaac with an apology received from the CEO of Whitsunday.

The next GWCoM's meeting is scheduled for Thursday, 9 February 2023 in Moranbah.

5.2 Regional Queensland Council of Mayors (RQCoM's)

The Regional Queensland Council of Mayors Inc (RQCOMs) is focused on representing and ensuring the whole of Regional Queensland is heard and receives its fair share of recognition.

The following have been adopted by the executive –

Purpose – A Council of Mayors representing Regional Queensland

Mission – Influence Government policy to promote growth in Regional Queensland through investment in infrastructure and social development

The last meeting was held in October in Cairns alongside the LGAQ Annual Conference, with the next meeting scheduled for Thursday, 16 February 2023 in Brisbane.

11.1.2. ADOPTION OF COUNCIL POLICIES

Author	Senior Governance Officer (Pam Currell)
Responsible Officer	Executive Officer (David McKendry)
File Number	059 Receipt of Donations / 019 Confidentiality / 120 Naming of Infrastructure Assets / 066 Aboriginal and Torres Strait Islander / 003 Use of the Bluewater Lagoon

Attachments	1. 059 - Receipt of Donations [11.1.2.1 - 23 pages]
	2. 019 - Confidentiality [11.1.2.2 - 8 pages]
	3. 090 - Naming of Infrastructure Assets [11.1.2.3 - 12 pages]
	4. 066 - Aboriginal and Torres Strait Islander [11.1.2.4 - 4 pages]
	5. 003 - Use of Bluewater Lagoon [11.1.2.5 - 3 pages]

Purpose

To present the following Council Policies for consideration and adoption:

- COU059 – Receipt of Donations
- COU019 – Confidentiality
- COU090 – Naming of Infrastructure Assets

And to present the following Council Policies for rescission:

- COU066 – Aboriginal and Torres Strait Islander
- COU003 – Use of the Bluewater Lagoon

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 adoption.

COU059 – Receipt of Donations

This policy is a best practice policy drafted at the request of Council to provide clear parameters for the receipt of donations.

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

COU019 – Confidentiality

This is a best practice policy to meet the requirements of the *Local Government Act 2009* in assisting to identify information which is considered confidential and when it may be released.

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

COU090 – Naming of Infrastructure Assets

This policy provides a consistent and transparent approach to the naming of MRC's infrastructure assets in honouring individuals of the community for their contributions and achievements.

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

COU066 – Aboriginal and Torres Strait Islander

This policy was adopted by Council on 22 January 2020. This policy outlined Council's commitment to acknowledging the local first nations community prior to the development of the MRC Reconciliation Action Plan (RAP). As part of the policy review process, this policy was identified that this policy was no longer required.

As Council has implemented a RAP it is recommended that this policy be rescinded.

COU003 – Use of the Bluewater Lagoon

This policy was implemented to provide Council's position on the new aquatic facility. Within the review it was identified as not serving a purpose due to the endorsement of the Mackay Regional Aquatic Strategy.

This policy is now redundant and can be rescinded.

Consultation and Communication

As part of the renew process consultations been undertaken with relevant stakeholders including the responsible Program Manager, Director and ELT.

Resource Implications

The implementation and rescinding of the policies does not require additional resources beyond those currently budgeted.

Risk Management Implications

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

Conclusion

It is recommended that Council adopt the following policies:

1. COU059 – Receipt of Donations
2. COU019 – Confidentiality
3. COU090 – Naming of Infrastructure Assets

And that the following policies can be rescinded:

1. COU066 – Aboriginal and Torres Strait Islander

2. COU003 – Use of the Bluewater Lagoon

Officer's Recommendation

It is recommended that Council adopt the following policies:

1. COU059 – Receipt of Donations
2. COU019 – Confidentiality
3. COU090 – Naming of Infrastructure Assets

And that the following policies can be rescinded:

1. COU066 – Aboriginal and Torres Strait Islander
2. COU003 – Use of the Bluewater Lagoon

Council Resolution ORD-2023-34

It is recommended that Council adopt the following policies:

1. **COU059 – Receipt of Donations**
2. **COU019 – Confidentiality**
3. **COU090 – Naming of Infrastructure Assets**

And that the following policies can be rescinded:

1. **COU066 – Aboriginal and Torres Strait Islander**
2. **COU003 – Use of the Bluewater Lagoon**

Moved Cr Mann

Seconded Cr May

CARRIED UNANIMOUSLY

COUNCIL POLICY

RECEIPT OF DONATIONS

Program:	Governance & Safety
Date of Adoption:	9 December 2020
Resolution Number:	ORD-2020-340
Review Date:	9 December 2023

Scope

This Policy defines Mackay Regional Council's (MRC's) expectations with respect to the receipt of donations from a member of the public, community group or organisation.

Objective

The ~~purpose objective of this Policy~~ is to provide clear parameters for decision-making regarding the receipt of donations ~~and to define the requirements and process for consideration of such offers~~. This will ensure all decisions to either accept or reject ~~offers of~~ donations are made consistently within the core guidelines and values of MRC.

Policy Statement

This policy is to provide an understanding for a member of the public, community group or organisation, on how they can make a donation to MRC by either a monetary or non-monetary gift or contribution and to clearly understand MRC's requirements on its decision as to why a donation may or may not be accepted.

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

RECEIPT OF DONATIONS

Contents

1.0 Principles	3
1.1 Monetary Donation	3
1.2 Non-monetary Donation	3
2.0 Complaints	4
3.0 Definitions	4
4.0 Review of Policy	5
5.0 Reference	5

COUNCIL POLICY

RECEIPT OF DONATIONS

1.0 Principles

MRC appreciates all Donations; however, it does have the discretion to refuse a Donation if it that Donation is inconsistent with MRC's values or operational objectives.

This Policy does not address other forms of assistance that may be better defined as tied or untied grants, cash or in-kind support which could be part of a sponsorship or partnership arrangement, or other agreement in which benefits are exchanged between the parties as part of the agreement for the assistance. Such assistance and agreed exchange of benefits is usually arranged through a negotiated contractual agreement.

This policy must be read in conjunction with its associated Corporate Standards 059.1 Mackay Botanic Gardens Donations and 059.2 Artspace Donations.

1.1 Monetary Donation

A member of the public, community group or organisation may make a monetary donation to MRC by:

- contacting the Director of Organisational Services; or ~~theat~~
- ~~designated~~ donations boxes; ~~or located in~~
- ~~designated electronic donation devices. Artspace.~~

Depending on their suitability, monetary donations can be tied to specific areas within MRC for example:

- Mackay Regional Botanic Gardens
- ~~Mackay Ken Burgess~~ Orchid House at Queens Park
- Parks and Reserves
- Property Services
- Museums
- Artspace
- Libraries
- Youth/Neighbourhood Centres

The Director Organisational Services has authority to approve or refuse the receipt of the eDonation.

All documentation in relation to the receipt or refusal of the eDonation is to be recorded in MRC information management system.

Once the Deonation has been accepted and acknowledged by MRC, it is at the discretion of Director Organisational Services as to how the eDonation is managed, unless it has been donated for a specific purpose.

1.2 Non-monetary Donation

A member of the public, community group or organisation may make a non-monetary eDonation by contacting MRC for further direction.

These types of Donations may include, but not limited to:

COUNCIL POLICY

RECEIPT OF DONATIONS

- Plants - see associated Corporate Standard 059.1 Mackay Regional Botanic Gardens Donations attached hereto.
- Historical items/artifacts - see Council Policy 115 – Museum Collections.
- Artworks - see https://www.artspacemackay.com.au/get_involved/donate_now;
- Books; or
- Other donation for consideration by MRC.

The associated department Director with that Donation has authority to approve or refuse Donations.

Should the Donation be accepted and acknowledged by MRC, it will be at the discretion of that associated department Director as to how the Donation will be managed, unless it has been donated for a specific purpose.

2.0 Complaints

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

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

Complaints may be made as following:

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

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

In person at the following Council Client Services Centres:

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

3.0 Definitions

To assist in interpretation the following definitions shall apply:

Council shall mean all elected representatives including the Mayor of Mackay Regional Council.

COUNCIL POLICY

RECEIPT OF DONATIONS

Donation shall mean a monetary or non-monetary gift or contribution that is voluntarily ~~transferred-given~~ by a member of the public, community group or organisation to MRC without compensation or benefit, for the benefit of the community.

MRC shall mean Mackay Regional Council.

Tied Donation shall mean a donation tied to a specific purpose.

Untied Donation shall mean a donation not tied to a specific purpose.

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

- ~~Income Tax Assessment Act 1997~~
- ~~Human Rights Act 2019~~
- ~~Mackay Regional Botanic Gardens Donations Procedure~~
- ~~Artspace Gift Fund~~
- ~~MRC Policy 010 - Roadside Memorials~~
- ~~MRC Policy 041 - Gifts and Benefits~~
- ~~MRC Policy 080 - Memorial Monument and Plaque Requests Policy~~
- ~~Roadside Memorials Policy~~
- ~~Gifts and Benefits Policy~~ MRC Policy 115 – Museum Collections
- Corporate Standard 059.1 – Mackay Regional Botanical Gardens Donations
- Corporate Standard 059.2 – Artspace Donations.
- Collection Development Plan

6.0 Attachments

- Corporate Standard 059.1 – Mackay Regional Botanical Gardens Donations
- Corporate Standard 059.2 – Artspace Donations

COUNCIL POLICY**RECEIPT OF DONATIONS**

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1	New Policy		Council	04.07.12
2	Review of Policy	Amendments made	Council	16.12.15
3	Review of Policy	Amendments made	Council	25.10.17
4	Review of Policy	Update	Council	9.12.20
5	Review of Policy			

COU059 – RECEIPT OF DONATIONS

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

Page No. 6

CORPORATE
STANDARD

MACKAY REGIONAL BOTANIC GARDENS DONATIONS

Attachment 'A'

Program	Parks and Environment
Date of Endorsement	21 May 2020
Review Date	

1.0 Scope

This ~~policy standard~~ applies to an individual, group/s or organisation wishing to donate to the Mackay Regional Botanic Gardens Living Collection or make a financial donation or bequeath funds to the Mackay Regional Botanic Gardens.

2.0 Objective

~~The purpose of this Donations Guideline is to~~ To provide clear parameters for decision-making regarding ~~De~~donations and define the requirements and process for consideration of offers. This will ensure all decisions to accept or reject ~~offers De~~donations are made consistent with the core guidelines and values of the Mackay Regional Botanic Gardens.

3.0 Reference

- Human Rights Act 2019
- MRC Council Policy 059 – Receipt of Donations
- Mackay Regional Botanic Gardens Living Collections Policy

4.0 Definitions

To assist in interpretation the following definitions shall apply:

~~**Donation** shall mean a monetary or non-monetary gift whether made by a living benefactor or in a will of a benefactor as a donation.~~

Donation shall mean a monetary or non-monetary gift or contribution that is voluntarily given by a member of the public, community group or organisation to MRC without compensation or benefit, for the benefit of the community.

MRBG shall mean *Mackay Regional Botanic Gardens*.

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

CORPORATE
STANDARD

MACKAY REGIONAL BOTANIC GARDENS DONATIONS

To ~~allow-enable ante~~ individual, group/s or organisations to donate plants or funds towards the MRBG and to clearly understand why a ~~D~~donation may or may not be accepted.

A person, group or organisation considering donating to the MRBG should first consider if such a ~~D~~donation is intended for a specific purpose, or is given freely for the MRBG to allocate as it sees fit.

The MRBG has a strong preference for ~~D~~donations to the procurement of the Living Collection – our plant collection and display. Bequests, and all untied funds received will be allocated to a suitable current or future project. Other ~~D~~donations are considered on merit and the ability to accept and maintain such ~~D~~donations by the MRBG, based on this document's guidelines.

This Policy does not address other forms of assistance that may be better defined as tied or untied grants, cash or in-kind support as part of a sponsorship or partnership arrangement, or other agreement in which benefits are exchanged between the parties as part of the agreement for the assistance. Such assistance and agreed exchange of benefits is usually arranged through a negotiated contractual agreement.

This Corporate Standard must be read in conjunction with its associated Council Policy 059 – Receipt of Donations.

5.1 Suitability

It is acknowledged that some ~~D~~donations are deemed not suitable. This is due to:

- A ~~D~~donation to the Living Collection that does not match the MRBG Living Collections Policy, procurement schedule and guidelines.
- A ~~D~~donation having unsuitable key requirements for the MRBG to receive the ~~D~~donation. For example, a ~~D~~donation of a tree that requires permanent acknowledgement or that does not meet the policies of the MRBG, e.g. - a ~~D~~donation of a tree that requires a plaque to commemorate the ~~D~~donation, or a specific species to be located in a specific location requested – that does not meet the policies of the MRBG.
- Donations that may be considered offensive, inappropriate or that would be dangerous to display or maintain.

Once an item is accepted, donated and the ~~D~~donation acknowledged and received by the MRBG, it is at the discretion of the Curator as to the placement of the donated item and the timeframe that the item is displayed or maintained, unless otherwise noted in writing.

Due to age, illness, damage or unsuitability upon review, a donated item that reaches the end of its 'natural life' may or may not be replaced, upon consideration of the Curator with the guidelines outlined in this document.

For example – a family would like to commemorate a special event by purchasing and planting a tree on a specific date – a family gathering, a 100th birthday etc. The Curator can advise, if possible, of the location in the Gardens and a suitable species in line with the MRBG Living Collections Policy. A tree is then purchased by the donated funds

CORPORATE
STANDARD

MACKAY REGIONAL BOTANIC GARDENS DONATIONS

and with the assistance of MRBG ~~S~~staff, planted. A temporary sign or plaque may be displayed at the planting event; however, a permanent plaque may not be displayed, in line with the MRBG Signage Strategy.

After 15 years, the tree dies. It is at the discretion of the Curator whether the tree is replaced, in line with the (then current) MRBG Living Collections Policy, or best practice horticultural guidelines as decided by the MRBG.

The MRBG appreciates all offers but cannot accept every offer of a ~~D~~onation if it does not meet the specific requirements outlined in this document.

5.2 Plaques

Requests for plaques will only be considered for seats or on large infrastructure – for example: Picnic Shelters donated to the MRBG and must be in keeping with ~~the~~ MRBG Signage ~~Policy~~. The Plaque will appear on the seat or infrastructure at the time that the seat or infrastructure is put in place and donors may be contacted if in a future date that items needs to be replaced. If the original donor is not interested or is unable to be contacted, another donor may be sourced to fund replacement of the item, who would then be acknowledged as the donor of that item.

Plaques and permanent signage are not permitted for ~~D~~onations to the Living Collection.

5.3 Living Collections Policy

The MRBG Living Collections Policy (~~attached hereto and marked 'A'~~) establishes the criteria for the development of the living collections (the plants) housed at the MRBG. All ~~D~~onations to the Collections must meet the guidelines set out in the MRBG Living Collections Policy.

Following is a set of seven categories, which set down primary themes for the MRBG Living Collections. Collections may fall into only one of the following categories; others may be in more than one. The multi-layered composition of many existing collections adds to their potential for interpretation and research.

- (a) Geographical
- (b) Biological and Ecological
- (c) Taxonomic and Evolutionary
- (d) Ornamental and Landscape
- (e) Historical and Cultural
- (f) Conservation
- (g) Research

This means that not all ~~D~~onations of plants may be able to be accepted by or displayed in particular locations within the MRBG.

CORPORATE
STANDARD

MACKAY REGIONAL BOTANIC GARDENS DONATIONS

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.

7.0 Attachments

- Mackay Regional Botanic Gardens Living Collections Policy

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1	Conversion from IOG		Manager	21/05/20
2	Conversion into CS			

Annexure 'A'



Mackay Regional Botanic Gardens Living Collections Policy

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Document Control					
Version	Description	Date	Author	Review	
0.1	Living Collection Policy – Draft	19 October 2015	Richard Brown	Horticultural Group	Reference
0.2	Living Collection Policy – Review	9 th December 2015	Richard Brown	Horticultural Group	Reference
1.0	Living Collection Policy – Adoption	1 st January 2016	Richard Brown	Horticultural Group	Reference
2.0	Living Collection Policy – Review	15 th August 2017	Richard Brown	RB & AB	
3.0	Living Collection Policy – Review	19 th March 2018	Richard Brown	RB	

1. Statement of Purpose

This **Living Collections Policy (LCP)** establishes the criteria for the development and management of the living collections within the Mackay Regional Botanic Gardens (MRBG). This policy provides a consistent, methodical approach for the procurement of future living collection material.

The 2010 Master Plan provides a general overview of the current and proposed collections to be established onsite. Collection-specific **Garden Bed Management plans (GBMP)** are to be developed, as an adjunct to this policy.

2. Function

The need to consider the value of each specimen held within the MRBG is essential. This process is a fundamental aspect of any botanic gardens and of the utmost importance. Different collections will hold different values but should all meet specific criteria in order for them to be included within the site. The MRBG, by definition, needs to hold specific significance to the Central Queensland Coast (CQC) Bioregion and this should be considered at the forefront of any botanic acquisition. The function of this policy is to:

- Provide direction for the development and management of the MRBG's living collections and displays.
- Define the categories that all collections must fit into in order to keep the MRBG aligned to its mission.
- Determine the areas of management responsible for the many aspects of the collections, display, interpretation, integrity and security.
- Define the roles and desired outcomes of all collections so they can be used as a tool in the production of management and strategic plans.

Applied strategic planning will enable the MRBG:

- To identify resources required for development and future management of the MRBG.
- To produce defined living collections management plans and in turn develop horticultural maintenance programs for all collections and displays.

3. Living Collection Categories

The LCP will be guided by seven categories that set down primary themes for the collections. Collections may fall into only one of the categories; others may be in more than one. The multi-layered composition of many existing collections adds to their potential for interpretation and research.

Ultimately, plants that are identified to be housed at the Lagoons site must be suited to the on-site conditions available, such as soil type, sun and shade etc. Provision of special growing conditions may be considered for the inclusion for specific collections that are deemed to be of extreme importance. As this may involve creating unique conditions not found at the Lagoons site the cost

of construction and maintenance of such collections will only be considered with due care and planning.

Repeatedly 'unsuccessful' species (species repeatedly unable to be grown at the Lagoons site due to specific requirements) will only continue to remain part of the MRBG Living Collections if of *such significance* to warrant the extra care and upkeep associated with their procurement and maintenance.

The categories:

1. Geographical

A collection or display of plants based on a defined geographical area.

Some Geographical Themes:

- A representation of endemic plants found in a defined region;
- Plants from key vegetation regions;
- Plants with biogeographical connections;
- Plants of cultural significance to a region.

The MRBG's primary focus is on the Central Queensland Coast (CQC) Bioregion. The future Meadowlands area should have collections solely dedicated to this collection objective. Plants sourced for this collection require documented provenance in order to be added. Self-seeded propagules will be removed to maintain as pure a provenance history as possible.

Other collections based on geographical area may be developed but on a smaller scale and within specified sections within the MRBG. Additions to these collections should follow the same procedures for procurement as all others.

2. Biological and Ecological

Collections and displays of plants which grow together in biological or ecological communities defined by a range of environmental conditions.

Biological and Ecological Themes:

- Representatives of habitats existing within the site e.g. the Lagoons waterways.
- Characteristic plant associations of a particular ecological community (species interaction).
- The association between plants as found in their natural environment (Regional Ecosystems) and the details of these habitats (subtle landform differences).

A focus of those Regional Ecosystems most under threat in the CQC Bioregion for the conservation of threatened species and provenance from these communities is a vital role of the MRBG.

3. Taxonomic and Evolutionary

- A collection of plants which demonstrates principles of plant classification and evolution; or sub collections to compare taxonomic traits in a greater horticultural or thematic collection e.g. Lauraceae, Myrtaceae, Euphorbiaceae etc.

Taxonomic and Evolutionary Themes:

- Plants demonstrating selected principles or features of plant classification or evolution;
 - Plants from a defined taxonomic group and related taxa;
 - A reference collection of particular plant taxa;
 - Collections relating to evolutionary adaptations.
-

4. Ornamental and Landscape

A collection of plants grown for their ornamental and landscape qualities. A focus of the MRBG is to trial and promote species currently growing in the wild and not readily available in cultivation, as well as including cultivars (either hybrid or selected forms) and in some select gardens, latest plant releases to gauge their suitability in Mackay's climate.

Ornamental and Landscape Themes:

- Traditional or modern horticultural themes;
- Hybrids, cultivars and species grown for horticultural interest, trial or display;
- Plants, which are important to the landscape design which do not fit into any other categories.

Cultivars and hybrids will only be considered for use in specific 'display' gardens. Proposed cultivar and hybrid introductions will be investigated and monitored to ascertain whether they pose potential genetic contamination characteristics of species within the living collection. The risk for any non-provident species to become a "weed" should be assessed prior to its accession and continually throughout its time within the MRBG.

5. Ethnobotanic and Cultural

Plants which display historic or social values for past and present generations.

Ethnobotanic Themes:

- Plants that have heritage associations with the Mackay region;
- Plants which are remnants of the original vegetation before the MRBG was developed;
- Plants which are linked to the past and represent ethnobotanic, or heritage use;
- Plants which are important to represent key cultural groups;
- Plants of economic importance.

Modern ethnobotanic themes addressing sustainability and climate change will be addressed in future display and educational gardens.

6. Conservation

Plants which require conservation due to their status in line with state, national or international conservation strategies. Threatened species and remnant vegetation communities are also highlighted. This may also cover the conservation of 'old' cultivars and heritage plant collections.

Conservation Themes:

- Sufficient stock of known-provenance plants, with the maximum biological diversity available, to maintain a viable collection of rare or threatened plants in conjunction with other botanic gardens or institutions;
- Plants which are threatened in Australia or overseas;
- Remnant plant communities and those under threat due to climate change;
- Plantings which convey a conservation message;
- Plants necessary to provide food and shelter for identified wildlife at the MRBG.

BGCI and BGANZ charters focus attention on the increased preservation of threatened species by botanic gardens holding as many of these species as can be grown, from as diverse a genetic stock as is possible. Liaison between QPWS, other relevant organisations, and the MRBG are to be developed and will continue to determine the role that the MRBG perform in assisting with the conservation of threatened flora via ex-situ cultivation. This flora may one day be accessed to reintroduce threatened species of known provenance to a specific area or to assist with the inter-situ migration of species.

7. Research Collection

Specific collections that are assembled for scientific research.

Research Themes:

- Plants related to research projects undertaken by the MRBG or in collaboration with other organisations;
- Evaluation of horticultural practices or products;
- Plants with taxonomic interest to plant scientists, e.g. undescribed taxa held within various collections that over time could be a source of fertile material for herbaria.

Any plants that are to be procured or grown for the purpose of scientific research need to be justified by an appropriate scientific research proposal. This needs to include relevant hypotheses, methodologies and time frames.

The Coordinator and HRG will assess these proposals with the ultimate decision remaining with the Coordinator as to whether it is a suitable project to be undertaken at the MRBG.

4. Management and Development of Collections and Displays

The MRBG Master Plan 2010 outlines the key botanic collections proposed for various different areas within the site. The development of the gardens will mirror this plan as closely as possible although it is expected that there will be some minor deviations based on site constraints or management direction.

The process of individual collection planning, procurement, installation, accession and de-accession resides with the MRBG Coordinator, staff and Horticultural Reference Group.

Horticultural Reference Group (HRG): was reformed in 2008 from the remaining members of the original working group. It was developed to assist with flora selection for Stages 1 and 2 of the MRBG. The group plays an active part in the ongoing development, procurement and management of the collection through consultation with MRBG staff and key stakeholders. Please refer to appendix 1. for current members.

General Horticultural Guidelines and Specific Individual Collection Management Plans are to be developed in order to more specifically guide the horticultural maintenance of the collections as well as accession or de-accession of specimens.

Identified plants in the living collection that may cross-pollinate (genetically contaminate) naturally occurring plants to form hybrids, or different forms are to be monitored and may be deemed

inappropriate to the living collection. The source of this type of contamination can be cultivars as well as native species.

Monitoring of the adjacent blocks shall be carried out on an annual basis. Where weeds or genetically modified plants originating from the living collection are found, action must be taken to remove the source as well as the progeny.

5. Accession

When a plant has been identified as a suitable specimen to be included within the living collection of the MRBG it is essential that it is properly sourced and recorded to ensure the integrity of the collection and associated reference material.

Any new addition must be signed off by both the Team Leader and Coordinator as a suitable candidate along with a specific location identified for it to be placed within the gardens.

New acquisitions will be of known wild provenance where possible and of known identity or of known authentic cultivars.

The following guidelines *must* be followed:

- Plants and propagating material of wild collected Australian taxa to be with:
 - Date of collection
 - Full provenance details
 - Reliable and specific identifying an actual collection site
 - GPS coordinates with a nominated degree of accuracy (i.e. within 200m/500m etc.)
 - All relevant data required to complete the *Botanical Specimens for Identification* sheet for BRI;
 - Duplicate herbarium vouchers are required for any rare, threatened or unconfirmed botanic specimens - one to be lodged with Queensland Herbarium (BRI) and the duplicate for the MRBG reference herbarium. Back vouchering is acceptable and should be processed as soon as possible.
- Plants obtained as seed from other botanic organisations or accredited collectors should, where possible, be without danger of hybridisation and should be free of contamination from other species, particularly recognised or potential pest plants. It should also be accompanied by duplicate herbarium vouchers with all relevant data;
- Any cultivars, hybrids or selected forms can be linked to their origin and reflect the development of plant breeding or selection;
- Cultivars or hybrids of demonstrated authenticity (verified at source).

Plants will only be acquired from the following sources:

- Direct collection of propagating material. This collection process must follow the:
 - International Plant Exchange Network Code of Conduct for botanic gardens governing the acquisition, maintenance and supply of living plant material (see *Appendix 1*)
 and;
 - Queensland Department of Environment and Heritage Protection Code of Practice For the harvest and use of protected plants (see *appendix 2*)
- Requests and exchange from other botanic organisations and accredited collectors;
- Purchase from reputable nurseries or collectors able to provide necessary information;
- Donations from reputable sources (and in line with the MRBG Donation policy);
- Collections from 'historic' gardens and nurseries in certain specific cases.

- With a generalised place of origin to at least a 50km radius

The following will only be acquired in special circumstances and with full permission of relevant authorities, in order to display key themes and education:

- Permitted via permit agricultural taxa (*Musa* sp., *Saccharum officinarum* etc.)

Instigation and planning of field collections must be endorsed through the Coordinator. This will ensure allocations are applied evenly across all collections and that priorities are set and achieved.

The following will not be acquired:

- Plants that contravene the CITES agreement (Convention on International Trade in Endangered Species of Wild Fauna and Flora);
- Prohibited imports;
- Plants that could cause genetic contamination of species or introgression problems;
- Known or suspected agricultural and water weeds;
- Declared pest plants (Queensland's *Land Protection (Pest and Stock Route Management) Act 2002*;
- Plants that whilst not declared, are of potential or future environmental concern.

6. Recording

All plant specimens are to be recorded in the MRBG Living Collection database which is the central repository for information on species located at the MRBG.

The primary responsibility for the Living Collection database lies with the Coordinator and MRBG staff. Any plant specimen being accessioned or de-accessioned from the collection must be updated in the Living Collection Database within 28 days.

Back vouchering is acceptable although not preferred. In order for that to happen the following information is the minimum amount of data required to be captured in order for the plant to be accessioned and enter the collection:

- Date of collection
- Full provenance details
 - Reliable and specific identifying an actual collection site

Voucher specimens of all species in the living collection with provenance history are to be lodged with BRI. Duplicates are to become part of the MRBG Herbarium. Reference specimens are to be added to the MRBG Herbarium for species without provenance history but are not to be lodged with BRI unless identification is in question or the species is displaying weed potential. Specimen data is also to be added to the database, particularly ID's from BRI.

The botanical nomenclature used at the MRBG follows that which is accepted by the Queensland Herbarium. Changes are recorded within the system and used as soon as practical.

Labels

Plant labels are placed adjacent to each plant in order to pass information on to MRBG visitors. The minimum information requirement for each label is as follows:

- Scientific name,
- Family
- Common name/s
- Origin (CQCB Native, Native or Exotic)
- Cultivar or Native Cultivar (if applicable)

Labels are designed to display accepted botanic nomenclature and accepted common names for identification and education. Locally accepted common names are to be given priority.

***Mackinlaya
macrosciadea***

Mackinlaya

Apiaceae

NATIVE CQCB

Example of plant label without garden bed or accession number (not to size)

7. Deaccession

Deaccessioning occurs when specimens have been identified as:

- Having died or in a state of health that will lead to its death
- Has become unsafe and/or a danger to humans, infrastructure or other specimens with no practical way of repair
- Contracted a pest/disease that will ultimately result in the death of the specimen or spread to another specimen within the MRBG
- Having questionable authenticity/identification;
- A declared/listed weed species no longer suitable for display;
- No longer relevant to the MRBG Living Collection Plan guidelines.
- Tired, unattractive or past the point of appeal.
- Suitable for replacement with a more appropriate botanic specimen

Deaccessioning must be decided jointly by the Coordinator and Team Leader. All records should be updated including the reason for removal within 28 days of the deaccession.

Deaccession material should be, where possible, recycled via composting or other natural process. In certain instances deaccessioned material can be donated to other botanic gardens or interested parties.

8. Living Collection Management Plans

Living Collection Management Plans will record the management intent for each collection and display. The details within these plans will include:

- The objectives of the collection
- Documentation of maintenance;
 - Standards

- Procedures
 - Responsibilities
 - Schedules - daily, weekly, monthly and annual
- Approved species lists, numbers and locations for accession/deaccession
- Restoration Standards

As the norm, best practice horticultural and industry standards shall be used to maintain the MRBG Living Collection. This includes precautionary action to prevent weeds, pests, pathogens, and diseases entering or spreading in the site. This applies to importing plants, soils, potting mixes, mulches, and other materials, and when carrying out horticultural work within the site or when visiting collection sites. All imports should be held in a state of quarantine with no exceptions for a minimum period of two weeks to assess for potential problems. Full details of the quarantine procedure can be found in Appendix 1

A new collection should not be commenced or established unless resources are available and planned to undertake maintenance of or record accurately the new collection. This shall be jointly decided by the Coordinator and Team Leader.

9. Access

A botanic garden holds of wealth of knowledge, data and plant material. There will be opportunities to share this knowledge, data and propagules from the living collection and research. To allow for fair and transparent relationships, all relations must be stated via written guidelines e.g. a letter of permission signed by the Coordinator, or via ongoing relationships to be established via MoU with various groups/individuals signed by both the Coordinator and the group representative.

Information and data should be readily and freely available to other botanic gardens and government on request. Information and data requests from specialist interest as well as private and business interests are at the discretion of the Coordinator and should be documented.

Propagules from the living collection should be readily and freely available to other botanic gardens and government on request. Propagules from private and business interests must be via a letter of permission signed by the Coordinator or a MoU signed by both the Coordinator and the group representative.

10. Review

The need to review the LCP at regular intervals is essential. The Coordinator will carry out an annual review in the initial years of the development policy and then every 5 years from 2023. The timetable for review is detailed below:

Year	Action
2016	Adoption
2017	Annual review
2018	Annual review
2019	Annual review
2023	5 year review

11. Appendix

Appendix 1. Horticultural Reference Group (HRG)

Current members of the HRG as at June 2022:-

MRC Staff

- Curator Botanic Areas, Lisa Kermode
- Team Leader Botanic Areas, Carolyn Wilks
- Visitor Experience Officer, Simone Mellor

Non Staff Members

- Irene Champion
- Grant Patterson
- Meryl Ritchie

CORPORATE
STANDARD

ARTSPACE MACKAY DONATIONS

Attachment 'B'

Program	Community Lifestyle
Date of Endorsement	New
Review Date	

1.0 Scope

This Standard applies to individual, groups or organisation wishing to donate to Artspace Mackay (Artspace) or make a financial donation or bequeath funds.

2.0 Objective

To provide clear parameters for decision-making regarding ~~De~~donations and define the requirements and process for consideration of offers. This will ensure all decisions to accept or reject ~~offers-De~~donations are made consistent with the core guidelines and values of Artspace.

3.0 Reference

- [Human Rights Act 2019](#)
- MRC Policy 059 – Receipt of Donations
- MRC Policy 071 – Art Collection
- MRC Policy 088 – Artspace Mackay – Deductible Gift Recipient (DGR) Fund
- MRC Art Collection Development Plan

4.0 Definitions

To assist in interpretation the following definitions shall apply:

Donation shall mean a monetary or non-monetary gift or contribution that is voluntarily given by a member of the public, community group or organisation to MRC without compensation or benefit, for the benefit of the community.

Employees shall mean all persons directed employed by Artspace Mackay on a permanent, temporary or casual basis.

MRC shall mean Mackay Regional Council.

5.0 Standard Statement

This Corporate Standard must be read in conjunction with its associated Council Policy 059 – Receipt of Donations.

5.1 Monetary Donation

CORPORATE STANDARD

ARTSPACE MACKAY DONATIONS

Artspace seeks support through Donations, individual and corporate partnerships, grants and bequests with a view to raise funds for investment into the Mackay community. This valuable support funds ongoing educational community art programs, workshops, exhibitions and cultural events, as well as the acquisition of artworks for Mackay Regional Council's Art Collection which is stored and cared for at Artspace.

5.2 Donate Art

Artspace welcomes offers of artwork for the collection. Please contact Artspace Gallery Director to discuss your wishes in this regard as all artwork donations must comply with Mackay Regional Council's (MRC) current Art Collection Policy. If the Donation meets policy requirements and identified collection priority areas, gallery Employees may also assist in arranging a valuation of the work and assembling your submission to claim a tax deduction through the Australian government's Cultural Gifts program.

5.3 Make a Bequest

Making a bequest is a very special way to make a lasting contribution to art and culture in your community. If you are planning to make a bequest to the gallery, we invite you to discuss your intentions with us. Artspace Gallery Director and Employees can meet with you confidentially and work with you and your solicitor to enable your contribution through your estate. If you are considering the option of bequeathing Artspace a gift of artwork, please discuss this directly with the Gallery Director, as all art acquisitions must satisfy MRC's current Art Collection Policy.

6.0 Review of Standard

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

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

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

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date

COUNCIL POLICY**CONFIDENTIALITY**

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

Scope

This policy applies to all confidential information which is held by Mackay Regional Council (MRC) and must be adhered to by Councillors and Staff.

Objective

To assist Councillors and Staff to identify information which is considered confidential and when this information may be released.

Policy Statement

MRC holds information about a range of matters relating to Council business and to the residents of the Mackay Region.

MRC cannot always know in advance which information, if released, will cause negative outcomes for the MRC and its residents. To minimise risks MRC will preserve the confidentiality of this information to the fullest extent possible.

MRC will designate particular information or classes of information as “confidential”, to clarify that the information must be dealt with in a certain way.

This policy does not override MRC’s statutory obligations in respect to the use of information, and its obligations under the *Local Government Act 2009*, *Information Privacy Act 2009* or any other legislation or subordinate legislation to disclose or publish information where this is required by law.

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

CONFIDENTIALITY

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COUNCIL POLICY

CONFIDENTIALITY

1.0 Principles

1.1 Confidential Information

The following is a non-exhaustive list of classes of information that are deemed to be confidential to MRC until MRC resolves to the contrary:

- Commercial in confidence information, including where the release of information would affect a third party's competitive advantage; this is particularly relevant in a competitive tender situation;
- Information derived from government departments or Ministers that have been classified as confidential;
- Information of a personal nature or about personal affairs, for example the personal details of Councillors or Staff; names and/or addresses of complainants or witnesses; or decisions made about the same;
- Information relating to a property disposal or acquisition process where release of the information may prejudice MRC;
- Financial and legal analysis where the disclosure of that information may compromise MRC or someone else;
- Information relating to clients or customers of MRC;
- Information not owned or controlled by MRC;
- Information that could result in any action taken against MRC for defamation;
- Information involving legal advice to MRC about a legal issue or a matter before the courts; or anticipated to progress to court;
- Information that is expressly given to Councillors or Staff in confidence;
- Information examined or discussed at Council workshops or briefing sessions, unless the Chief Executive officer (CEO) or relevant Director declares that information (or part thereof) is not confidential;
- Information about:
 - The appointment, termination, or discipline of Staff;
 - Industrial matters affecting Staff;
 - The local government's budget;
 - Rating concessions;
 - Contracts proposed to be made by MRC;
 - Starting or defending legal proceedings involving MRC.
- Any documentation in relation to the preparation or amendment of the Planning Scheme and associated documents.

COUNCIL POLICY

CONFIDENTIALITY

- Information which is considered exempt information as per Schedule 3 of the *Right to Information Act 2009*.

It is acknowledged that some of the above classes of information may need to be disclosed from time to time for legal proceedings or in accordance with the *Right to Information Act 2009* and the *Information Privacy Act 2009*.

1.2 Confidential Information at Council Meetings

During Council meetings, other meetings of Council, Council workshops and briefings, Councillors will receive information which they know or ought to know is confidential. However, to assist the Councillors, the following applies:

- The CEO may make a declaration that information concerning a specific matter is to be treated as confidential to Council and that information will remain confidential unless or until Council resolves to the contrary;
- An item on a Council or Committee meeting agenda, including the information contained in the documentation or supporting material, that is declared confidential by the CEO is to remain confidential unless or until Council or the relevant Committee resolves to the contrary;
- Information examined or discussed at Council workshops or briefing sessions, unless the Chief Executive officer (CEO) or relevant Director declares that information (or part thereof) is not confidential;
- If the Mayor or a Councillor in a meeting asks that a matter be treated as confidential, Council will formally resolve as to whether all information concerning that matter is confidential;
- If Council resolves an item, including the information contained in the documentation or supporting material, is to be confidential it will remain confidential unless or until Council resolves to the contrary;
- If Council exercises its powers under the *Local Government Regulation 2012* to close a meeting to members of the public, all information in relation to the matters discussed during that closed meeting or the closed portion of the meeting is confidential, unless and until Council resolves to the contrary;
- Any information of a type deemed to be confidential (as per section 1.1) is presumed to be confidential to MRC and must not be released without seeking advice from Corporate Governance; and/or

If there is any doubt as to whether Councillors consider information to be confidential, it should be assumed that Council intends the information to be confidential until the doubt is resolved at a subsequent meeting of Council.

COUNCIL POLICY

CONFIDENTIALITY

1.3 Responsibilities of Councillors and Staff

Councillors and Staff must make themselves aware of the types of information MRC deems to be confidential and the personal responsibilities they have to ensuring there is no disclosure of this information by:

- Exercising due care when handling or using information acquired in their role with Council;
- Acknowledging that there will be information that must be treated as confidential because to release it would reduce public trust and confidence in the integrity of the Council;
- Acknowledging that disclosure of confidential information constitutes a breach of the *Local Government Act 2009* and this policy, and that an individual could face personal liability for damages caused to third parties;
- If uncertain, presume information is confidential, seek advice and/ or formally request access from Corporate Governance or the CEO prior to any release of it;
- Preventing disclosure of confidential information to any person or organisation, specifically:
 - Avoiding discussing confidential MRC information with family, friends and business associates; and
 - ensuring documents containing confidential information are properly safeguarded at all times – including materials stored at private or business residences.
- Not using confidential information to gain improper advantage for themselves or any other person or body; and
- Not using confidential information to cause harm or detriment to Council or any other person or body.

1.4 Release of Confidential Information

Any release of confidential information for any purpose to any person or organisation (other than to those who are entitled to the information, such as Councillors or Staff) is a breach of the *Local Government Act 2009*.

Release of information can include:

- Orally telling any person about the information or any part of the information.
- Providing the original or a copy of documentation or any part of the documentation that is marked confidential; or
- Paraphrasing any confidential information and providing that in writing or orally.

COUNCIL POLICY

CONFIDENTIALITY

When an external party is requesting access to Council records, a Councillor and/or Staff is to assume that all information produced, managed by or given to the MRC is assumed to be confidential. Access can only be provided to external parties either under the administrative access process or under the *Right to Information Act 2009* or *Information Privacy Act 2009*, where each application would be assessed on its merits.

1.5 Breach of this Policy

Legislation makes it clear that if a Councillor or Staff, during the course of their normal duties, receives information that is not available to the public, they must not misuse the information, particularly for personal gain.

A member of the public may make a complaint about a statutory breach by a Councillor or Staff of this provision by lodging a formal complaint in accordance with clause 2 below.

MRC has a process in place to deal with any breach of confidentiality and depending on circumstances, may refer the matter to the Crime and Corruption Commission or other appropriate authority; or, in the case of a Councillor, to the to the Office of Independent Assessor.

2.0 Formal Complaints and Review of Decision

Any complaints in relation to the breach of confidentiality or a decision regarding the outcome of a formal complaint will be assessed and managed in accordance with MRC's Administrative Action Complaints Policy or Public Interest Disclosure Policy, copies of which can be found on MRC's website.

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

Complaints may be made as following:

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

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

In person at the following MRC Client Services Centres:

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

Online - Disclose Portal (**MRC staff only**)

COUNCIL POLICY

CONFIDENTIALITY

3.0 Definitions

To assist in interpretation the following definitions shall apply:

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

Councillors shall mean an elected representative including the Mayor of Mackay Regional Council.

Council shall mean all elected representatives including the Mayor of Mackay Regional Council.

Human Rights Complaint shall mean a complaint about an alleged contravention of section 58-1 by a public entity in relation to an act or decision of the public entity. A human rights complaint will be in accordance with MRC's Administrative Action Complaint Policy.

Information shall mean any discussions, documents, emails, electronic data, pictures, video or knowledge.

MRC shall mean the Mackay Regional Council.

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

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 Regulation 2012*
- *Planning Act 2016*
- *Right to Information Act 2009*
- *Information Privacy Act 2009*
- *Crime and Corruption Act 2001*
- *Human Rights Act 2019*
- MRC - Code of Conduct

COUNCIL POLICY**CONFIDENTIALITY**

- Code of Conduct for Councillors in Queensland
- MRC Policy 046 - Information Privacy
- MRC Policy 047 - Right to Information

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1	Review of Policy	Amendments	Council	28.09.16
2	Review of Policy	Amendments	Council	27.05.2020
3	Review of Policy	Amendments		

COUNCIL POLICY**NAMING OF INFRASTRUCTURE ASSETS**

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

Scope

This Policy relates to the naming of infrastructure assets under Mackay Regional Council's (MRC's) control including but not limited to - roads, bridges, parks, open spaces, reserves, public facilities, footpaths, recreation paths and car parks and applies to Council and Staff of MRC.

Objective

This Policy provides a consistent and transparent approach to the naming of MRC's infrastructure assets to ensure that:

- Public consultation is undertaken where necessary and nominations received from the public are assessed against pre-determined criteria to ensure transparency;
- Any new names do not conflict with names presently in use;
- Any new names are not racist, derogatory, demeaning or likely to give offence;
- MRC's road network has an easily recognisable system of road names that assist both pedestrians and motorists and provides a safe traffic environment; and
- MRC's parks and reserves can be easily identified.

Policy Statement

The naming of infrastructure assets provides an opportunity to honour individuals of the community for their contributions and achievements that deserve recognition, as well as emphasising important landmarks, geographical features or history.

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

NAMING OF INFRASTRUCTURE ASSETS

Contents

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COUNCIL POLICY

NAMING OF INFRASTRUCTURE ASSETS

1.0 Principles

The naming of infrastructure assets may be instigated by the following circumstances:

- A request from a member of the community;
- As a result of new infrastructure assets being constructed as part of MRC works or new development.

MRC has no obligation to accept any name proposed by any group, entity, developer or individual. MRC reserves the right to allocate names in accordance with this Policy.

This policy must be read in conjunction with Corporate Standard 90.1 Commemorative Street Blades.

1.1 Request for naming or Renaming of an Infrastructure Asset

Renaming is discouraged however an infrastructure asset may be renamed under special circumstances with the below elements being considered to assist Council's decision:

- The person or body or entity after which the infrastructure asset was named has been discredited or dishonoured;
- There is strong community desire for the name change;
- The name is duplicated elsewhere in the MRC area;
- 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.

1.2 Commemorative Street Blades

Commemorative Street Blades will be considered as an opportunity to honour the region's citizens that made the ultimate sacrifice in service of the community or provided a historical or leading service for a prolonged period of 25 years or more to the local community. This includes ANZAC soldiers that served and gave their lives or persons associated with the region that provided a distinguished service and commitment to the local community.

Requests for Commemorative Street Blades including information provided as part of the request will be vetted by the Heritage Reference Group (HRG) before final approval by Council resolution.

Requests for Commemorative Street Blades must be accompanied by research and credible supporting material as detailed in the annexed Corporate Standard 90.1 Commemorative Street Blades.

COUNCIL POLICY**NAMING OF INFRASTRUCTURE ASSETS****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.

1.4 Naming within New Development

The naming of new assets created as part of a new development (i.e., road networks, parks or reserves) are to be included in the lodgement of the associated operational works application.

Infrastructure asset names will be approved as part of the application process and the sealing of the Survey Plan.

Approval of infrastructure asset names will be as per planning delegations for the approval of operational work applications.

1.5 Naming Rights for Sponsorship Purposes

Council will consider Naming rights (for sponsorship purposes) on a case-by-case basis. Naming rights are not considered permanent.

Any sponsor messages displayed at or on an MRC owned asset must be in accordance with MRC's requirements. MRC reserves the right to prohibit any requests if it deems the message to be offensive or discriminatory.

All requests for naming rights will be put to Council for resolution.

1.6 Nominations

Members of the public may submit at any time, naming ideas, for consideration. Submission for naming or renaming of an infrastructure

COUNCIL POLICY**NAMING OF INFRASTRUCTURE ASSETS**

asset (except for New Development which will be approved by delegated authority) must be made in writing and should include the following information:

- Name/s selected;
- Exact location and/or locality of the infrastructure asset; and

Any other relevant information pertaining to the suggested name/s in order to support the application.

1.7 Community Consultation

Where appropriate, community consultation will be conducted with relevant stakeholders when MRC proposes to name or rename an infrastructure asset.

The purpose of the consultation is to seek stakeholder feedback on the naming request in order for MRC and/or staff to make an informed decision on a naming proposal.

Public consultation is not required where a name is being assigned to new infrastructure created by way of New Development.

1.8 Approving Nominations

Nominations will be considered by MRC and after public consultation put to Council for resolution. The naming of infrastructure assets will be at the discretion of the Council.

Council may adopt, alter or reject any recommendation presented.

Unsuccessful recommended names and suitable unsolicited suggestions will be included in the "Approved Names Register" list of names that may be used in the future. This Register will be maintained by MRC's Geographic Information Program (GIS) in Shared Services.

1.9 Process After Approval

Following approval by Council, MRC shall as soon as practicable:

- Details updated in MRC records (i.e. Pathways).
- Erect appropriate signage; and
- Correspond with affected external organisations or individuals advising of the new or renamed asset.

2.0 Complaints

Any complaints in relation to this service 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.

COUNCIL POLICY

NAMING OF INFRASTRUCTURE ASSETS

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

Complaints may be made as following:

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

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

In person at the following Council Client Services Centres:

- MRC Mackay Office – 73 Gordon Street, Mackay
- 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:

Heritage Reference Group shall mean a group of community members comprised of heritage agencies, local heritage organisation representatives and Council staff who lead and advise Council on historical and cultural heritage matters for the Mackay region appointed Council.

Commemorative Street Blades shall mean street name signages distinguishable disquisable to Council's typical street sign as per Council approved standard.

Council shall mean all elected representatives including the Mayor of Mackay Regional Council.

Infrastructure Asset shall mean an asset owned or under the control of Mackay Regional Council which includes but not limited to roads, bridges, parks, reserves, public facilities, footpaths, bicycle paths, and car parks.

MRC shall mean Mackay Regional Council.

New Development shall mean a development which has been approved by MRC through the development assessment process.

Park means an area primarily used for recreational and managed by Council.

Public Facility shall mean any facility/building owned by or entrusted to MRC for use by the community for recreation, sport, cultural or community purposes, on a non-commercial or non-profit making basis.

Reserve shall mean land dedicated as a reserve as per the *Land Act 1994*.

COUNCIL POLICY

NAMING OF INFRASTRUCTURE ASSETS

Road is described as per section 59(2) of the *Local Government Act 2009*:

- (a) An area of land that is dedicated to public use as a road; or
- (b) An area of land that:
 - (i) is developed for, or has as one of its main uses, the driving or riding of motor vehicles; and
 - (ii) is open to, or used by the public; or
- (c) A footpath or bicycle path; or
- (d) a bridge, culvert, ford, tunnel or viaduct.

However, a **road** does not include –

- (a) a state-controlled road; or
- (b) a public thoroughfare easement.
- (c) a private road - Section 60(4) of the *Local Government Act 2009* states that a private road is a road over land which is owned by a person who may lawfully exclude other persons from using the road.

Road Name History means a register of all road names currently in use or where they have been approved for proposed developments. Information is also recorded where a road name has significant historical events or persons relevant to the Mackay region.

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 Regulation 2012*
- *Place Names Act 1994*
- *Human Rights Act 2019*
- *AS/NZS 4819:2011 – Rural and Urban Addressing*
- *AS 1742.5-1997 Manual of Uniform Traffic Control Devices - Part 5 Street Name and Community Facility Name Signs*
- MRC Corporate Standard 090.1 - Commemorative Street Name Blades

COUNCIL POLICY**NAMING OF INFRASTRUCTURE ASSETS****6.0 Attachments**

1. Corporate Standard 090.1 – Commemorative Street Name Blades

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1	New Policy		Council	28.02.18
2	Amendment		Council	13.05.22

CORPORATE STANDARD

COMMEMORATIVE STREET NAME BLADES

Attachment 'A'

Department
Business Unit
Date of Endorsement
Review Date

Development Services
Strategic Planning

1.0 Scope

This Corporate Standard applies to the approval of the use of Commemorative Street Blades within the Mackay Regional Council area.

2.0 Objective

To provide a framework and a consistent assessment process on the use of Commemorative Street Blades which honour fallen ANZAC soldiers within the Mackay Regional Council area.

3.0 Reference

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Place Names Act 1994*
- *Human Rights Act 2019*
- *Australian/New Zealand Addressing Standards – AS/NZS 4819:2011*
- *MRC Policy 090 - Naming of Infrastructure Assets*

4.0 Definitions

To assist in interpretation the following definitions shall apply:

Heritage Reference Group shall mean a group of community members comprised of heritage agencies, local heritage organisation representatives and Council staff who lead and advise Council on historical and cultural heritage matters for the Mackay region appointed Council.

Council shall mean all elected representatives including the Mayor of Mackay Regional Council.

Commemorative Street Blades shall mean street name signages distinguishable to Council's typical street sign as per Council approved standard.

New Development shall mean a development which has been approved by Council through the development assessment process.

Road is described as per section 59(2) of the Local Government Act 2009:

- (a) An area of land that is dedicated to public use as a road; or
- (b) An area of land that:

CORPORATE STANDARD

COMMEMORATIVE STREET NAME BLADES

- (i) is developed for, or has as one of its main uses, the driving or riding of motor vehicles; and
- (ii) is open to, or used by the public; or
- (c) A footpath or bicycle path; or
- (d) a bridge, culvert, ford, tunnel or viaduct.

However, a **road** does not include -

- (a) a state-controlled road; or
- (b) a public thoroughfare easement.
- (c) a private road - Section 60(2) of the *Local Government Act 2009* states that a private road is a road over land which is owned by a person who may lawfully exclude other persons from using the road.

5.0 Standard Statement

This standard is intended to fulfil the following objectives:

Designation of Commemorative Street Blades may arise from approval of a replacement of a current street blade. A request from Council or the community for an existing unnamed Road; or a new road being constructed as part of Council works or New Development must be read in conjunction with Council Policy 090 - Naming of Infrastructure Assets.

- 5.1 Request to designate a Commemorative Street Blade, either as new or to replace and existing regular street blade, are to be made formal application to Council.
- 5.2 Information and material to support a formal application to have a Commemorative Street Blade designated, where possible, should include details of:
 - Full Name, including Middle Name
 - Ranking and Battalion Number
 - Date and location of passing
 - Age
 - Location of burial or memorial
 - Family relations/ties in the Mackay Region
 - Information to address the assessment criteria in 5.5
 - Information must include references and copies from reputable sources to validate the history of the surname and linkage to the soldier identified.

**CORPORATE
STANDARD****COMMEMORATIVE STREET NAME BLADES**

- 5.3** Based on the details and research available/provided, the Heritage Reference Group (HRG) will conduct an assessment and evaluation process providing a recommendation to Council to accept or refuse the use of Commemorative Street Blades.
- 5.4** Requests for Commemorative Street Blades will need to be itemised as an agenda item to the HRG's next scheduled meeting (arranged quarterly).

Prior to the groups meeting, all members of the group must have access to the material and a suitable amount of time prior to consider the material.

The HRG will deliberate on a decision, in accordance with this policy, and will make a recommendation as a record within the minutes of the HRG meeting. HRG minutes will be endorsed by Council in the next scheduled Ordinary Meeting.

Applicant will be notified of the Decision from Council's Ordinary Meeting.

Applicant will be instructed on the next steps and actions to proceed forward.

5.5 Criteria for assessment

An application to replace an existing street blade with a Commemorative Street Blade will be subject to a set of criteria. The application is required to provide a response to each criterion in order to justify the use of Commemorative Street Blades.

- Provide a biography of the commemorated Surname in accordance with section 5.2 of this Standard;
- Demonstrate a connection to the Mackay region by providing information surrounding the history of the commemorated serviceman/woman. This may include nature of work, names of direct relatives, area of residence etc;
- Outline information detailing the commemorated serviceman/woman's accounts of their experiences during their enlistment; and
- Any other relevant information.

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.

**CORPORATE
STANDARD****COMMEMORATIVE STREET NAME BLADES**

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1	New Standard		Council	13.05.22

	COUNCIL POLICY	
	Aboriginal and Torres Strait Islander Policy	
	POLICY NO	066
	DEPARTMENT	Community & Client Services
	PROGRAM	Community Lifestyle
ADOPTED BY COUNCIL		22 January 2020, Recommendation ORD-2020-25

1.0 Scope

This policy provides a framework for Mackay Regional Council (MRC) Councillors and staff to build relationships with the local Aboriginal and Torres Strait Islander community in order to address issues affecting local Aboriginal and Torres Strait Islander people.

This policy will create avenues and develop pathways which connect MRC and the local Aboriginal and Torres Strait Islander community.

2.0 Purpose

This policy highlights the importance of ensuring MRC and Mackay communities are responsive to the issues affecting local Aboriginal and Torres Strait Islander people. It also reflects MRC's commitment to acknowledging the Traditional Custodians of this land and valuing input from Indigenous people.

3.0 Reference

- *Aboriginal Cultural Heritage Act 2003*
- *Anti-Discrimination Act 1991*
- *Human Rights and Equal Opportunity Commission Act 1986 (Cwth)*
- *Human Rights Act 2019*
- MRC Reconciliation Action Plan 2019-2022
- *Native Title Act 1993*

4.0 Definitions

To assist in interpretation the following definitions shall apply:

Aboriginal and Torres Strait Islander refers to the first Australians, the Aboriginal and Torres Strait Islander people.

Human Rights Complaint shall mean a complaint about an alleged contravention of section 58-1 by a public entity in relation to an act or decision of the public entity.

Traditional Custodians refer to the Traditional Aboriginal people of this area.

5.0 Background

The 2016 ABS statistics indicated that MRC area has a population of 112,798 people with the Aboriginal and Torres Strait Islander community making up 5.51% of the population. Aboriginal and Torres Strait Islander people represent 3.6% of Queensland's population.

Human Rights have been considered when preparing this Policy.

6.0 Policy Statement

MRC acknowledges the Traditional Custodians of this land, and recognises the culturally diverse nature of the local community.

MRC values its Aboriginal and Torres Strait Islander community and is committed to strengthening relationships with the local Aboriginal and Torres Strait Islander community and representative groups.

Where ever possible Council will encourage cultural practices that strengthen and support harmony between Mackay's people and the wider community. Council values the input from people into the decision-making processes at a local level and encourages their active participation.

MRC will continue to engage positively with Aboriginal and Torres Strait Islander community through such groups as the Reconciliation Action Plan Working Group and the Mackay Aboriginal Language Group.

MRC recognises the importance of having an Aboriginal and Torres Strait Islander Policy and Reconciliation Acton Plan that is aligned with community needs and broader developments at a national and state level.

6.1 Acknowledgement

Council will acknowledge the Traditional Custodians of the land at Statutory Council meetings with an Acknowledgement of Country spoken by the Mayor or his/her representative.

6.2 Policy Principles

MRC is committed to:

- working within the parameters of the *Native Title Act 1993* and the *Aboriginal Cultural Heritage Act 2003* that has been developed to acknowledge Aboriginal and Torres Strait Islander heritage. The Act provides for the effective recognition, protection and conservation of Aboriginal heritage.

In keeping with MRC's corporate plan, MRC celebrates the cultural richness of the Aboriginal and Torres Strait Islander.

- the principles of social justice and fair and equitable distribution of its resources to all residents including Aboriginal and Torres Strait Islanders who are an integral part of our local community.

6.3 Policy Objectives

MRC will:

- consider, wherever appropriate, the needs of the Aboriginal and Torres Strait Islander community in the planning and development of social and physical infrastructure in the community.
- encourage positive relationships with the Aboriginal and Torres Strait Islander community by utilising a facilitative approach through, and with the Aboriginal and Torres Strait Islander communities, including the development of partnerships with Traditional Custodians groups and community organisations.
- assist in the elimination of barriers to participation in society for Aboriginal and Torres Strait Islander people.
- provide opportunities for community and cultural development by the Aboriginal and Torres Strait Islander community for the Aboriginal and Torres Strait Islander Community.
- ensure services are accessible by Aboriginal and Torres Strait Islander people.
- support the development of training and employment opportunities for Aboriginal and Torres Strait Islander people.
- align its commitment to the national agenda for reconciliation and develop strategies to enhance and increase the process of reconciliation in Mackay region.

6.4 Human Rights Complaint

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 as per MRC's Administrative Action Complaints process.

7.0 **Review**


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

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

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

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
2	Review of Policy	Minor amendments	Council	26.10.16
3	Review of Policy	Amendments to Policy	Council – Attachment 11.6.9.3	22.01.2020

	COUNCIL POLICY	
	USE OF THE BLUEWATER LAGOON	
	POLICY NO	003
	DEPARTMENT	Organisational Services
	PROGRAM	Property Services
ADOPTED BY COUNCIL 22 January 2020, Resolution ORD-2020-25		

1.0 Scope

To advise the general public on the acceptable use of the Bluewater Lagoon.

2.0 Purpose

For the purpose of this policy, the use of the Bluewater Lagoon refers to Mackay Regional Council's (MRC) general position on the objectives and usage parameters in regard to the Bluewater Lagoon aquatic facility located at Caneland Park, Mackay.

3.0 Reference

- Local Law No. 4 (LG Controlled Areas, Facility and Roads) 2011
- Subordinate Local Law No. 4 (LG Controlled Areas Facility and Roads) 2011

4.0 Definitions

To assist in interpretation the following definitions shall apply:

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

Lagoon shall mean Bluewater Lagoon

MRC shall mean Mackay Regional Council.

5.0 Background

MRC's key objectives for the Bluewater Lagoon facility include:

- To operate a lagoon-style aquatic facility for the residents of the Mackay region to provide a safe alternative to beach swimming;
- To provide a facility that supports the education and learning of skills that not only save lives but provide a foundation for participation in a range of aquatic recreation, fitness and sporting activities;
- To attract (and retain) more workers and families to the region by increasing lifestyle attractiveness;

- d) To provide alternative recreational, social and lifestyle opportunities for residents and tourists, including senior citizens, people with disabilities and youth;
- e) To promote a healthier community;
- f) To provide a response to community demands and expectations;

6.0 Policy Statement

6.1 Mission Statement

"Delivering access to the Bluewater Lagoon, putting the community first and encouraging a high level of usage with a high level of satisfaction by users."

6.2 Intent

- a) To become the hub of physical and social activity by creating positive leisure experiences to promote overall attractiveness of the Mackay region;
- b) Recognise that the lagoon facility aims to deliver direct and indirect social and economic outcomes for the Mackay region;
- c) To provide a community hub to foster integration of the community, supporting the growth of the region and projecting a positive image to stimulate further population growth;
- d) To involve our community in the development of activities and events to promote a sustainable facility and to further enhance our region's social capital.

6.3 Usage Parameters

- a) The Bluewater Lagoon is intended to be used for community, health and recreational purposes;
- b) Activities that provide a range of skills and knowledge to develop water safety, survival and basic rescue skills;
- c) Activities and events, which aim for health, physical and social wellbeing are to be prioritised over activities and events that do not aim for this objective;
- d) Organised learn to swim, swim coaching and stroke correction lessons are not to be conducted at the Bluewater Lagoon, and should continue to operate from the facilities provided at public pool facilities or in private facilities;
- e) Facility and/or area hire which aim for health, physical and social wellbeing are to be prioritised over activities and events that do not aim for this objective.

7.0 Review of Policy

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

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

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

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
2	Review of Policy	Amendment to Policy	Council	26.10.16
3	Review of Policy	Amendment to Policy	Council - Attachment 11.6.9.1	22.01.2020

11.1.3. COUNCILLOR CONFERENCE REPORT - DISABILITY SPORTS AUSTRALIA CONFERENCE - CR GREEN

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

Attachments

1. DSA National Conference Report (2) [11.1.3.1 - 23 pages]

Purpose

To present a report to Council which includes information and outcomes resulting from attendance at the Disability Sports Australia Conference by Cr Green on 15 – 17 June 2022.

Background/Discussion

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

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

Officer's Recommendation

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

Council Resolution ORD-2023-35

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

Moved Cr Jones

Seconded Cr May

CARRIED UNANIMOUSLY

Conference Name **DISABILITY SPORTS AUSTRALIA (DSA) NATIONAL CONFERENCE**

Conference Date/Venue **University Sunshine Coast, QLD.**
15-17 June 2022

Report to Council by **Cr. Michelle Green**

Executive Summary includes Conference Overview/Objectives

The Disability Sports Australia National Conference is the headline event of the Sunshine Coast Sports Symposium and is the inaugural National Disability Sports Conference aiming to get more Australians with a disability more active, more often. The Conference brought together leaders in sport, disability, education, allied health, Government and community to discuss the importance of collaboration in breaking down the barriers to sport and physical activity participations of Australians with a disability.

The DSA Conference offered delegates the opportunity to tour the University of Sunshine Coast's multi-faceted sports precinct and in particular, their para-athlete program. Mackay Regional Council is currently exploring how to enhance elite athlete pathways/programs for local athletes, including a High Performance Gym. The conference provided a rich learning opportunity to investigate the USC's high performance centre and wrap around sporting performance services such as the biomechanics laboratory, exercise physiology capabilities and programs that support athlete well-being.

Speakers/Topics

DAY 1

UNIVERSITY SUNSHINE COAST (USC) TOUR

The first day of the Disability Sports Australian National Conference offered delegates the opportunity to tour the University of Sunshine Coast's (USC) multi-faceted sports precinct. The tour showcased the USC's state-of-the-art sporting facilities, performance critiquing resources and the advanced technology on offer at the campus.

Results and Learnings from the USC Tour

1. High Performance Athlete Program
2. High Performance Gym/Centre
3. Biomechanics Laboratory
4. The Cave – 2D and 3D Visual Learning

1. USC High Performance Athlete Program

USC has a highly regarded High Performance Athlete Program for both able-bodied and disabled athletes. Features of the holistically focussed program include:

- Provides athletes the opportunity to train and compete while gaining a degree.
- Recognises the importance of athlete well-being to ensure they can work towards gaining a career and cultivate their identity outside of their athletic achievements.
- Student-Athlete Coordinators assist students in the High Performance Athlete Program to manage their study and training workloads.
- The program affords students flexibility to fit tutorials and assessments around their training, travel and competition schedules.
- Provision of state-of-the-art training facilities
- Current revision of the qualifications on offer; USC want to capture emerging opportunities eg. Sport management/business qualifications in the lead up to Brisbane 2032 Olympics.
- Programs provide pathways for students, particularly disabled student-athletes, to study/train and then find employment with the university either during or post obtaining their qualifications, eg: exercise physiologists

USC believes they are successful at attracting elite pathway athletes because they offer:

- Great staff
- Great facilities
 - Stadium, pools, high performance gym are of international standards
 - Track and field facilities – are next to have standards raised
- Great mantras and wrap-around support of the student athletes
- Currently 300 student athletes and 15 regional athletes are part of the program

2. High Performance (HP) Gym/Centre

A key component of the HP Athlete Program is the High Performance Gym/Centre

- Only for High Performance Athletes in the student program or elite level teams
 - Sunshine Coast Lightnings (netball)
 - Australian Cycling Academy
 - Socceroos
 - AFL, NRL and Netball teams
 - Used many times for national and international teams as part of their training camps
- USC manages the bookings of the facilities
- Queensland Academy of Sport (QAS) services are here each day
- Capacity – can have 20-30 comfortably eg. 2 teams x 10 training at same time in the gym

- Comments made by our tour guides who are vision impaired Paralympian student/athletes
 - “Best HP gym ever used, very happy with the equipment and facility”
 - “Avoid dark colours or spaces for vision impaired athletes”
- 25m swimming pool in the HPC
 - Offers aqua-therapy
 - hot/cold plunge pool (used frequently)
 - water treadmill (used infrequently)
 - Hydrotherapy – water temperature 27-28 degrees Celsius
 - Public can use the pool
 - Underwater cameras installed for biomechanical assessment
- Community Gym and 50m swimming pool
 - Public and all student access



Photo: USC High Performance Centre Gymnasium

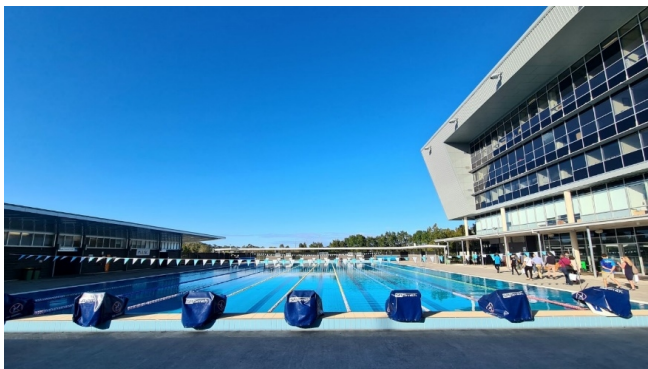


Photo: USC High Performance centre – 50m swimming pool

3. Biomechanics Laboratory

The following are the opinions of Colin, Biomechanist tour guide:

Q. Cr Green - What are the essentials of a Biomechanics Lab?

- Need a big, empty, flexible space
- High ceiling
- No windows – avoid natural light and reflective materials as much as possible as shiny things will be recorded as a reflective marker.
- At least 8 cameras – need to overlap to capture data
- Biggest force plate possible to capture the most accurate data
- Storage along the walls
- Desks – flexible working spaces
- Plug and play options for utilisation for as many varied pieces of technical equipment as possible.
- Difficult to capture running biomechanics if running surface distance is not adequate before and after the location of the force plate (acceleration/deceleration)
- Ideally located with other sporting training/testing/research facilities and staff



Photo: USC Biomechanics Laboratory

4. The Cave

USC's CAVE2 is a powerful visualisation tool that can immerse its audience in a limitless range of audio and visual content.

- Only one in Australia
- Most are used for research but at USC teaching is the core focus of the CAVE2.
- 2D and 3D application
- Researchers are finding that students are able to grasp difficult content and topics and engage with the learning materials in ways that deepen the learning experience:
 - Architecture students can “walk through” buildings
 - Paramedic students can simulate medical training in a loud, over-stimulating environment like the Gabba
 - Game design students can accurately map biomechanical movements



Photo: USC "The Cave2"

WHEELCHAIR RUGBY SHOWCASE MATCH & NETWORKING FUNCTION

Following the completion of the tour, delegates were welcomed to the DSA National Conference and invited to watch an exciting exhibition wheelchair rugby match and the opportunity to network.



Photo: USC Indoor Stadium – Wheelchair rugby showcase match

DAY 2

SPORTS TALK – INDUSTRY BREAKFAST

Disability Sports Australia (DSA) National Conference, co-hosted with Sunshine Coast Sports and Sunshine Coast Council, started with a breakfast served at the USC Stadium. Guest speakers shared their personal and professional experiences and the varied resources available on the Sunshine Coast and the opportunity for attendees to learn more about Disability Sports Australia

Speaker 1: USC Deputy Vice Chancellor (Academic) Professor Tim Wess

Professor Wess welcomed delegates to the conference and to the University of Sunshine Coast. Key points from Prof Wess' speech include the following:

- Exercise Physiology is fast growing discipline
 - Need to increase facilities to accommodate students
 - High Performance athlete program is growing year on year
 - Out of state athletes are coming to USC because of the offering of facilities and elite athlete education programs
- Para athlete students are given a range of opportunities, as well as giving other allied health students the opportunity to work with them in their own studies ie Occupational therapy and exercise physiology
- Next step for USC on the Para Sport journey will be creation of a Para Sport Hub with QAS partnership.

Welcome To Country

Lyndon Davis welcomed delegates to Kabi Kabi country and acknowledged the Kabi Kabi and Jinibara people.

Speaker 2: Councillor David Law

The Sunshine Coast is one of Australia's premier sporting destinations because of its numerous, high standard sporting facilities and moderate climate, with the University of Sunshine Coast offering a great environment to come to do sport and learning.

Cr Law spoke about a number of initiatives being delivered by the Sunshine Coast Council to improve access and inclusion for all:

- Beach access is a focus
- Biometrics - Revolutionary pilot project to make life easier for people living with a disability using modern mapping technology.
 - Collects and stores data regarding the accessibility of footpaths, retail areas, transport, etc and this data is then accessed via Council's website.
 - Driven by the Council's CEO
- Have an Inclusive and Accessible Strategy with a long-term framework

Speaker 3: Simone Pearce, Chair Sunshine Coast Sports and expert in Sports and Sports Governance

Simone opened by giving an overview of Sunshine Coast Sports, of which she is the Chair of the Board:

- Sunshinecoastsports.com.au
- Grassroots organisation that exists to support, enable, advocate and fundraise on behalf of sport in the Sunshine Coast and Noosa Councils.

- Focus is to build the capacity of athletes, coaches, officials and volunteers and to identify opportunities to champion and develop **sport for all** on the Sunshine Coast.
- Recent governance restructure - 9 skills-based Board Members

“Rewrite The Rules”

Simone then went on to speak of her own lived experiences of advocating for her daughter Grace, a disabled athlete, where there are regular challenges to overcome unconscious and conscious discrimination, Simone has become a passionate advocate for changing the rules of sport by looking through the lens of how we treat children in sport through discrimination.

Disability Discrimination Act and State Legislation

- *Treat people with a disability no less favourably than people without a disability*
- *Fail to make reasonable adjustments to provide for no less favourable treatment*

What does sport look like for people with a disability?

<http://sportsconflict.org/disability-sport-integration-inclusion/>

Often making adaptations is put in the “too hard basket”

Possible solutions:

- Change competition – using Personal Best as basis for meaningful, fair and engaged competition.
- Change the rules of mainstream team sports to be inclusive.
- What if sport looked like this:
 - Athletics – running side by side and competing against one another
 - Swimming – swimming side by side and competing against one another
 - Netball – playing on the court together with leeway e.g. defender must be 6 feet not 3 feet away
 - Rugby – A change to tackling rules e.g. can't tackle if wearing red shorts
 - Soccer – area of field in which they cannot be defended

Option 1 should always be *how can we change the rules* of the sport so a child with disability can compete in a meaningful, fair and inclusive way?

Option 2 how can we provide *side by side* competition if option 1 can't be done?

What if....*A child with a disability can turn up at any sporting event and enter the contest with an adjustment made to reflect their disadvantage in the contest....*

Speaker 4: Murray Elbourn, CEO Disability Sports Australia

Murray shared his extraordinary, personal life story and why he is a passionate advocate for sport for all.

- Born vision impaired but felt it has given him a lot of opportunities in his life.
- Sport was his way to be included and involved as a kid; his friends understood and adapted their play unconsciously to meet his needs. Feels this is not as available in modern life to kids – not as much free play or emphasis on sports.
- Pathway for him; mainstream sports to blind cricket (played for NSW) to Goalball (Australian Paralympics)
- Credits his amazing coach with empowering him in all facets of his life and sport has given him so many opportunities to make the most of himself and to interact with his world at a global level; why he is so passionate about sport and disability sports.
- Believes we must take away the ‘fear factor’ of disability and advocates for conversations to understand the individualisation of each person with a disability and believes adapting to their needs does not need to be difficult.
- Advises for the need to understand the differences between sensory, physical and intellectual disabilities.

Speaker 5: Hannah Dodd Dual Sport Paralympian

Hannah is a dual Paralympian in equestrian and wheelchair basketball and a dual degree holder – BSc Sport and Exercise Science and BSC Orthotics and Prosthetics.

She shared the story of her Athlete Journey

- Born with Spina Bifida and a condition that has evolved to C5-6 Quadriplegia
- She has endured many surgeries throughout her childhood, spending most of her first 4 years in hospital
- Grew up on a farm and riding horses is where she felt most happy. Riding horses was a form of therapy and gave her a sense of normalcy and inclusion. No-one knew she was disabled until she got off her horse.
- Hannah competed in able body Pony Club at local, state, national and international levels with some para exemptions later on.
- Watching the Sydney 2000 Paralympics was a light bulb moment for her to see people with a disability outside of the clinical setting.
- London 2012 was to be her first Paralympics competing in the equestrian.
- Transitioned to wheelchair basketball after London
 - Big shift from individual to team athlete mentality
 - Competed in Tokyo 2020 Paralympics in wheelchair basketball
- USC High Performance Athlete Program has helped her to develop her basketball
- Sport has been her pathway to inclusion and she has been an athlete for the better part of her life.

PANEL – Hannah Dodd, Murray Elbourn, Simone Pearce, Cr David Law

Key take-aways from panel discussion:

Simone Pearce – find the person in charge, from local business owners to heads of NSOs, and speak to them about how to change the rules or accessibility. Approach them with solutions not problems.

Cr David Law – Park Run is the very best model of what is possible in community – if we could bring that philosophy and mindset to sports and elite sports.



Photo: Panel Discussion - Hannah Dodd, Murray Elbourn, Simone Pearce, Cr David Law

KEYNOTE SPEAKER

Keiren Perkins OAM (CEO, Australian Sports Commission)

Keiren is best known as a dominating figure in the swimming pool. In early 2022 he became the CEO of the Australian Sports Commission. Keiren's keynote address touched on the work and vision of the ASC moving towards Brisbane 2032, however he delivered a frank and personal view of what he believes are the things we need to get right as a society, namely a focus on fun and positive participation for kids under the age of 14 to grow a larger participation pool from which to select our future elite athletes and volunteers.

ASC doing a lot of strategy work at the moment – Brisbane 2032 viewed as a spring board, not a finish line. Legacy work is a key focus.

ASC support 110 sports and advocate back to government for what is needed

- Creating and maintaining accessible sporting facilities is a key priority
- Have been providing investment to improve and build better facilities \$4M
- AIS in Canberra first class accessible facility
- *Accessibility is not a nice to have – must be interwoven in planning*
- More Australians involved in sport is a key pillar for ASC

Key initiatives of the ASC:

- Dedicated and inclusive team
- Modernised approach
- Support coaches and officials for people living with a disability
- eLearning content to build sector capability
- Sport Volunteering Maximum plan to involve people with disability in volunteering opportunities within sport. 130,000 volunteers needed to deliver key future events.

ASC apply same criteria funding levels to Paralympic and Olympic athletes to realise their sporting goals.

ASC funds the classification system.

Sport has the power to serve the greater purpose to provide connection.

Funding opportunities for infrastructure and facilities will be where they are needed and where they serve a as fit-for-purpose, long time legacy piece for communities.

ASAPD Australian Sporting Alliance for People with a Disability

- 9 sporting bodies/organisations working together to improve the lives of PwAD
- Collaborative approach
- Work a lot with health care – therapists etc to come into the sport disability space, increases referrals for people to take up sport opportunities
- Sport needs to be reflective of the community and inclusive and accessible sports/spaces/facilities need to be provided
- We need to “see people” to be inspired to participate
- NDIS – need pathways that community know what’s out there in their communities to participate. Sport is not a big target in the NDIS.
- Conversation and listening to the different stakeholders is key, the sector MUST be represented

Keiren’s Thoughts:

- Most important: 2032 will be remembered for how our athletes perform. He believes we need to pivot the dialogue – an enormous amount of events are coming and we already need to be performing well in how athletes, administrators, coaches and officials are developing. If we win more medals

than ever before, Brisbane will be remembered as a great games and inspire the next gen to participate in sport.

- A large participation base is the most important foundation because this drives volunteerism and a participation pool from which to choose future athletes and coaches from; drives the cycle.
- Below the age of 14 sport should be about fun, participation, improving technical skills and life skills. If the participation experience is a good experience, kids will stay in the sport. Poor experiences in organised sport have driven increase in social sport and a decrease in organised sport.



Photo: Keynote Speaker – Keiren Perkins OAM (CEO, Australian Sports Commission)

BREAK OUT SESSION 1 - LGAs and DSIPs

Panellists:

- Murray Elbourn (DSA)
- Phil Reeves (Active Queenslanders Industry Alliance)

Phil Reeves – ActiveXchange

Phil showcased ActiveXchange which puts their Data Science Team into the palm of an organisation. This digital platform aggregates and transforms complex and often fragmented data from across the sector into actionable and connected insights so each partner organisation is more informed and can make positive change happen faster. Users of ActiveXchange will be able to make highly informed decisions that can potentially revolutionise grant funding as it identifies where is the greatest need because of the accurate data supplied.

<http://activexchange.org>

- The SportsEye Network is now backed by Federal Government, opening up access for all sport organisations, venue operators and local governments, no matter size or experience with data.
- Launching in July 2022 - Roll out in QLD, move into other states once prototype is proven
- Issuing 35 organisations free licence to access
- Councils can access this info for a fee
- Outcomes with collaboration will come out after the roll out
 - Morton Bay Council part of reference group
- Movement study – hour on hour can get data of movements in National parks, parks, etc to capture usage data
- Census data, health data and other data sets will all be added in
- Other data sets can then be added in
- Orgs, Councils, gyms, Belgravia, etc capture usage data of facilities and this can be added into the data

Murray Elbourn – DSA

Murray reflects on the rise of the paralympics movement and the increasing number of interested participants. He presents a case study where DSA partnered with Blacktown City Council to help facilitate the best outcomes for all when revamping a \$100M recreation precinct. DSA can partner with Councils to create their own Disability Recreation Action Plans that will enable NDIS participants to be made aware of the funding and programs available to them to be involved in sport and recreation in their regions.

The Rise of Para-Athletes

- Greatest viewership ever during Paralympics Tokyo 2020 – gave inspiration and motivation for disability community to engage in sport
- DSA had more enquiries than ever - 49% increase in online traffic
- Built National Referral Hub to capture detail and enquiries to formulate a detailed approach
- Partnerships with 15+ universities
- Gathered 7 sports identified as best to support for development:
 - Goal ball
 - Murderball
 - Taekwondo
 - Judo
 - Badminton
 - Volleyball
 - Fencing

Case Study: DSA partnering with Blacktown City Council

DSA worked with Blacktown City Council to match funding as they were revamping a \$100M precinct

- Take things already planned in rebuild process and add \$30M funding to support those identified sports in this precinct – local, state, national programs now attracted athletes and coaches to build capacity in those 7 sports
- Has resulted in strong development of those 7 sports that they would have never had
- Local Council was key in developing this project
 - State sporting orgs
 - Disability organisations
 - Opportunity to collaborate to bring these projects to region

*****Disability Recreation Action Plan is essential for Councils to identify collaborations for projects.***

- Councils do not put sport into that plan therefore NDIS participants are not made aware of the funding and programs available to them to be involved in sport and recreation
- DSA can help Councils to facilitate those partnerships to create their own disability action plans

Council is backbone of community and outcomes are always much better when local Council is onboard. The importance of building relationships!

KEYNOTE SPEAKER 2

Robyn Smith OAM (Chair ASAPD and Member of International Paralympic Committee Governing Board)

Robyn gave a brief historical account of the changing narrative around athletes with a disability and outlined the barriers regarding classification of disabilities still continuing to be challenging both from a certification point of view but also regarding the geographical and financial challenges athletes face to be classified.

Commonwealth Games Gold Coast 2018

- Changed the narrative around parasports – a medal was a medal – para-athletes and athletes side by side in the competition
- Meant a lot to disabled athletes

Classification System Process as a barrier:

- Have to travel to Europe to get classification – very little funding left in training budget for development
 - Big barrier to participation for disabled athletes

- What can Australia do to have classification here? Enhances our education and future employment for our students
- Ensure ALL events that come to Australia are reflective of our community
 - Volunteer participation
 - The workforce involved
 - The competitors
 - If you see it, you can be it
 - Meaningful roles offered not just tokenistic
- Build the capacity to ensure above can be done.

BREAK OUT SESSION 2 - NATIONAL REFERRAL HUB

Panellists

- Murray Elbourn -DSA
- Graham Oades -NDSP Plan Managers
- Yvonne Snell -Special Olympics Australia
- Gary West-Bail - ASAPD
- Scott Chapman – Able Digital Wellness

1. NDSP National Referral Hub – Graham Oades and Gary West-Bail

While heavy on “how-to” content Graham and Gary advocate the benefits of having a National Referral Hub to help PwD collaborate with community and stakeholders such as NDIS to achieve sporting and recreational benefits that are supportive and sustainable while also injecting dollars back into the local economy and sports and rec organisations.

www.sports.org.au/refer

Why is it important to refer to NRH?

NRH can collaborate with their partners and community to support Australians with a disability through their sport and recreation journey in a holistic and sustainable way.

There are many \$\$\$\$ there in NDIS – only 70% of funds participants get is expended

- Many can't find or don't know of providers for the access to participate
- 25% of NDIS funding goes unexpended – very little is spent in sport and rec activities

- The benefits and opportunities for the individual and organisations is huge
- NRH can actively promote and organise clubs to tap into these funds
- Sport is not mentioned once in the original 150 page NDIS – National Disability Plan
 - ASADP Advocated that sport is included in the next 10 year plan, they have agreed
 - Hope is when creating an individual plan the question is asked” do you want to included sport or social recreation in your plan?”
 - ASDAP is creating a 45 minute course to help individual know what questions to ask.

For further information on how the National Referral Hub works, visit www.sports.org.au/national-referral-hub.

Adaption and Certification

DSA wants to work directly with nominated community sporting clubs and recreation programs to train and support them through being more adaptive and inclusive for Australians living with a physical, sensory or intellectual disability. From June 30, 2022 Clubs can be DSA certified through the Adaption and Inclusion certification course.

Other Points on National Referral Hub and DSA Adaption & Certification Course

- Engage NDIS delivery agency – local level and early childhood intervention
 - Start conversation around what does sport and community participation look like
 - Train NDIS managers to be aware of what's available
 - Next evolution is to reach out to GPs and hospital therapy teams to refer people (this is where the bulk of potential athletes can be accessed)
 - Engaging education and healthcare
- Reach 600,000 Australians with a disability (AwaD)
- Have 30,000 AwaD be more active within their communities
- Promote 5,000 AwaD to volunteer in sport and recreation
 - To see people with a disability in everyday life is really important and to understand the capability of people with a disability
 - Showcase they are very capable of being board directors, managers, marketing etc that sports orgs need
 - Taking fear factor away, enabling PwaD to be more confident and engaged in the sports sector and communities
- Certify 1,000 community sporting clubs and active recreation programs with the DSA Adaption and Inclusion Certification course
 - Grant last year to build National Referral Hub

- Build an adaption and certification online module certification for community sports clubs to complete
 - YMCA, Belgravia are onboard
- Re-define disability awareness in mainstream sport

2. Special Olympics Australia is for people with an intellectual disability – Yvonne Snell

Yvonne gave an evocative talk about the sporting pathways for people with an intellectual disability to create opportunities to develop friendships, courage, teamwork, confidence and pride.

Special Olympics Australia focus on the following:

- Competition pathways
- More about providing opportunities for people with an intellectual disability to play sport in their local communities
- Young athletes' program – aged 2-8 with and without disabilities
- Club sport and competition pathway
- Inclusive sport in school
- Athlete leadership program
- Education for coaches and teachers (online and face to face – inclusive sport academy)
 - Education about intellectual disability
 - Feedback “we want to be inclusive but we don't know how”
 - Teaches how to modify programs to provide a welcoming environment
- Partnerships
- Unified program in schools so kids play together

3. Able Wellness Digital – Scott Chapman

Scott showcased the Able Wellness Digital App and how it can be used by PwD and their support network to enhance their mental, physical and emotional wellbeing in a personally curated online format.

- Online personal training programs for a varied range of disabilities
- Diet play learn and cook nutritious meals pared to ability
- Budgeting shopping for recipes, understanding measurements etc
- Mental health resources to apply healthy mental practices in everyday life
- Prepare a profile for every individual to share with support network to build a support network for everyone involved in the individuals support and care
- [Abledigitalwellness.com.au](http://abledigitalwellness.com.au)
- <http://vimeo.com/719780872>
- Referral hub is important for able digital wellness being able to supply content that is cost effective or free to make healthy choices and actions for people without access to these resources in their community

ATHLETE PANEL

The athlete panel capped off a diverse, educational and meaningful conference with 5 Paralympians sharing their personal take on what sport has meant to them, what experiences being involved in sport has provided throughout their lives, the barriers they face both as a PwD and as an athlete and what does true accessibility look like to them. Their answers are deeply insightful with many similar correlations between athletes.

Louise Sauvage PLY OAM

- Sport has been everything to her
- Still involved in sport
- Experiences to travel the world, make friends, life skills
- Gets even more of a buzz out of coaching and being part of someone else's journey
- Accessibility looks like everyday stuff is accessible
- Barriers – equipment costs (try to recycle chairs to others), difficult to get equipment just to try the sport, accessibility to facilities – scheduling and physical barriers
- Compliance Minimum is not good enough any more

Melissa Perrine OAM PLY

- Para-alpine skiing
- Started as a gymnast 4 years old – fixed development issues with spatial awareness (vision impairment)
- Tried many, many different sports
- Started out going to a come and try day essential for educating community these sports are accessible
- Only vision impaired kid at school and hometown
- Accessibility looks like not having to google a place before visiting ie stairs, bathrooms, etc It is having knowledge readily available and accessible without hunting through google or accessing a lot of questions – many people, esp low functioning just don't go anywhere because it is too hard
- Staircase with no contrast is a massive, dangerous barrier every single day to Mel.
- Barriers – needs a guide who can dedicated as much time to train as she can. Give as much time as elite athletes and given recognition. High cost of specialised race equipment for self AND guide and the cost of the guide. Travel costs x2

Chris Bond PLY OAM

- Murder ball, wheelchair rugby
- After acquired disability missing competitive team sport environment

- Advised to try swimming –
 - At AIS gym – rugby coach game in and suggested he try wheelchair rugby. Growing up playing rugby it was a natural fit
- Now works in sport, met partner another Paralympian, sport is everything in his life
- Barriers – choice (didn't have choice about what was available and how to access it), costs especially in high performance sport because it is so specific – big investment for parents and people to try a sport
- London 2012 – normalised para-athletes, had them up on billboards, telling their stories, making them “super human” was the marketing angle – inspiring and adds colour and entertainment rather than just “poor bloke in a wheelchair”. Employment opportunities for people with a disability significantly increased.

Blake Cochrane PLY OAM

- Limb deficiency all 4 limbs
- Swimming from very young age
- Never exposed to paralympic sport or disability sports – parents sheltered him and made him stay in the mainstream sport opportunities
- He advocates strongly for school programs and sport for exposure to disability sports
- Focus on fun and social involvement is very important as a kid
- A teacher at a swimming carnival put him on path to opportunities in swimming
- Come and try day at 17 – really started elite para-athlete journey
- Barriers – costs, universal access (no questions asked needed when you rock up)
- True inclusivity is when you don't need to have those conversations anymore
- Co-design from start to finish – giving feedback on the brief – to come in and try it – giving feedback at the end
- Accessibility starts at the airport
- One legacy item: add “and the Paralympics” every time we hear the Olympics Changing minds and perceptions of young people day over next 10 years and beyond

Katie Kelly PLY OAM

- Profound hearing loss (vision loss in later years)
- Triathlete – Paralympics Aged 37 when entered.
- Whole young life sport is where she felt included and different – nobody noticed. In the classroom she felt different.
- She would hide her disabilities until exposed to paralympic movement – it helped to empower her to embrace her disability
- Always worked in sport
- Barriers - Extra additional costs for athlete – need support and resources
- Service providers having flexibility to adapt to the needs of their clientele



Photo: Athlete Panel – Louise Sauvage OAM PLY, Melissa Perrine OAM PLY, Chris Bond OAM PLY, Blake Cochrane OAM PLY

INDUSTRY STALLHOLDERS

CERGE – Chris Kerrisk

Cerge is a companion app for customers with disability, parents, carers, and support workers to be assured of an inclusive experience and find accessible venues.

- For businesses, Cerge is a communications platform to deliver an inclusive experience to customers with disability and a marketing platform to promote their accessible features.
- Cerge allows customers with disability, parents, carers and support workers to communicate directly with service staff of their specific customer service preferences from app to Point of Sale upon arrival or up to 60 minutes beforehand.

<https://youtu.be/2kKwVDuahPo>

<http://www.cerge.app>

- Tapping into economic benefits for tourism, hospitality and NDIS funding within the community
- 6% visible disability – missing out on 60+% of psycho/social, intellectual and non-neurotypical disabilities
- Cerge can provide wrap around service to train organisation/businesses to use the app and serve customers with varied disabilities.
- Advises to highlight all the things a business does provide, no need to say exactly who they can service.

Cr. Green has continued to connect with Chris Kerrisk and through learning of Mackay Regional Council's dedication to improving accessibility and inclusivity for all, Chris has helped to facilitate Mackay as one of the likely 30 centres for Cerge to be rolled out in Belgravia Leisure Centres following a successful trial of the app in 12 venues managed by Belgravia Australia-wide in 2022.

DAY 3

FACILITIES TOUR

Sunshine Coast Recreation centre (Currimundi)

- Multi-purpose facility offering a vast array of activities for all abilities
- Numerous accommodation options for sporting teams, school camps and other organisations.
- Fully accessible accommodation catering to high-need disabilities
- Accommodation includes fully accessible kitchen and bathroom facilities
- Due to their accommodation facilities for PwAD, they experience high booking rates for para-athlete teams.

Sunshine Coast Stadium

Owned and run by Council

- About to undergo upgrade
- 35,000 did not trigger it but they have decided to install a sensory room and changing places amenities
 - Check out the Gabba sensory room
- Sense of arrival and user experience important
- Ralph Wheeler is the consultant
- Did research into corporate hospitality – move away from individual rooms, have one large space with 400 capacity and then move outside to comfortable seating. People in corporate seating are there to network.
- Need for medical rooms, ice baths/recovery facility

Sunshine Coast Sports Hub

- Sunshine Coast Institute of Sports – private lease space in the hub for an exercise physiologist
- Provides a service to Sunshine Coast athletes featuring wrap around therapies to support athletes.

Results/Learnings from Speakers and Facilities Tour

1. Inclusion is paramount and we must look for ways to challenge unconscious and conscious bias regarding PwAD. In the sporting context, options to consider can be

changing the rules of the competition, personal best measurements or creating opportunities for side-by-side competition that is fair and meaningful.

2. Sport is great for creating inclusion, improved wellbeing and social connections. There are opportunities for Councils to partner with organisations such as DSA to bring about improved outcomes for the whole community.

3. “If you can see it, you can be it” – the rise of para-sports through the changing narrative and positive exposure of para-athletes on the world stage.

4. The fundamental focus for children’s sport must be on fun, positive participation and social involvement. A large participation base is the most important foundation to develop because it drives volunteerism and a participation pool from which to choose future athletes and coaches.

5. Need to take away the “fear factor” of disability and understand the individualisation of each PwD and adapting to their needs does not need to be difficult. Understanding the differences between sensory, physical and intellectual disability is important.

6. Sport has not been a big focus for the NDIS. There is a need to create pathways so that community knows what is available to them to participate in sport and recreation.

7. Allied Health and Health Care is a rich environment to facilitate conversations to involve people in the disability sport space and provide referrals for sporting opportunities.

8. The legacy of the Paralympics 2032 must be lasting inclusivity.

9. The rise of digital platforms that enhance opportunities for participation and inclusivity and also accumulate and aggregate segmented data that drives highly informed decision making where the need is most identified.

10. The additional financial burdens para-athletes often face can be a barrier to entering sports or the sustainability of ongoing participation e.g. double the costs because of a support person, highly specialised and costly sporting equipment.

11. There are economic opportunities for Sports Tourism within the Para-athlete sector including training camps, accommodation and competition.

12. Paralympics Australia report that funding sport and physical activity has a positive economic return to the community:

- It represents 2-3% GDP, with direct employment of >240,000 Australians and over 1.8m volunteers.
- Every \$1 invested in sport produces a \$7 return.
- Sport creates \$83b in value per annum – Economic \$50b, Health \$29b, Education benefits \$5b.
- It delivers both jobs and growth to the economy.
- Engaging people with disability in sport is a good way of reducing costly preventable health disadvantage.
- Increased physical activity delivers \$0.5-\$1.9b in health savings in non-communicable disease.

Potential Applications for Mackay Regional Council

- ❖ Mackay Regional Council can look to other LGA's, notably the Sunshine Coast Council who have a strong and mature focus on initiatives to improve access and inclusion for all, such as:
 - Beach access
 - Utilising Biometrics (or similar) - revolutionary pilot project to make life easier for people living with a disability using modern mapping technology. Collects and stores data regarding the accessibility of footpaths, retail areas, transport, etc and this data is then accessed via Council's website.
 - Utilising digital platforms such as ActiveXchange to accumulate and aggregate segmented data to identify gaps and needs to drive informed decision making and successful grant funding.
 - Have an Inclusive and Accessible Strategy with a long-term framework
- ❖ Learnings and information sharing from other LGAs will provide valuable intel to create Mackay Regional Council's Accessible Communities Action Plan as identified in the Council Community Development Roadmap 2022-2025 with the actions led by a Strategic Committee.
- ❖ It is essential to have stakeholder consultation from the sector to co-design from start to finish the development of a new Accessible Communities Action Plan.
- ❖ The Greater Whitsunday Olympics Taskforce must have a focus on developing pathways for para-athletes and wrap around athlete support services such as the high performance centre.
- ❖ There have been innumerable learnings regarding the high performance centre from both an able bodied and disabled athlete perspective gleaned from experts at this conference that will provide valuable feedback for the business case, detailed design and management plan of the proposed high performance centre should it go ahead.
- ❖ Propose a Disability Recreation Action Plan (facilitated by DSA) for Council to identify collaborations for projects that are available to NDIS participants.
- ❖ Facilitate through Community Programs Team workshops or information sessions between NDIS managers, education, GPs and health care, sporting organisations and DSA to dispel myths about participation in sport and recreation and create pathways and opportunity for participation and volunteerism in our region.
- ❖ Mackay Regional Council could look for opportunities to partner/advocate with Mackay Isaac Tourism and Mackay Region Chamber of Commerce to capitalise on the QLD Government grant funding for the 2023 Year of Accessible Tourism to drive Mackay as a genuine accessible tourist destination.

Summary

The 2022 Disability Sports Australia National Conference offered the chance to do a deep dive into the world of the para-athlete and those who support, advocate and champion them. From children sports participation through to elite level athletes there remain barriers to inclusion and access. Councils can play a vital role in creating great community outcomes through meaningful collaboration with a mind-set that accessibility is not a nice to have but should be interwoven in planning from start to finish.

“Accessibility looks like not having to google a place before visiting.” – Melissa Perrine
OAM PLY

11.1.4. COUNCILLOR ATTENDANCE - ALGWA CONFERENCE - CR MANN & CR TOWNSEND

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

Attachments

1. Preliminary Program [11.1.4.1 - 1 page]

Purpose

This report is to request Council approval for Cr Fran Mann and Cr Pauline Townsend to attend the Australian Local Government Women's Association (ALGWA) 2023 National Conference in Cape Schanck, Victoria on 17 – 20 May 2023.

Related Parties

N/A

Corporate Plan Linkage

Financial Strength

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

Background/Discussion

The ALGWA 2023 National Conference is being held in Cape Schanck, Victoria on 17 – 20 May 2023.

With branches in every State and Territory in Australia, the national board is a collaborative body comprised of membership from each of the state branches, and seeks to strengthen networking, mentoring and innovative opportunities that encourage and support women in local government.

The Queensland Branch of the ALGWA provides networking opportunities for those interest in encouraging women's participation in local government and seeks to create networks and support groups and develop opportunities for members to grow their skill set both personally and professionally.

A Preliminary Program is attached with more details including keynote speakers to be released over the coming months.

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 total cost for attendance at the Conference, including registration, travel and accommodation is estimated at \$3,000 per attendee.

Conclusion

The Conference provides an excellent opportunity for Councillors to network with their peers to promote the importance of, and opportunities for women in local government.

Officer's Recommendation

THAT Council approve Cr Fran Mann and Cr Pauline Townsend's attendance at the ALGWA 2023 National Conference in Cape Schnack from 17 – 20 May 2023.

Council Resolution ORD-2023-36

THAT Council approve Cr Fran Mann and Cr Pauline Townsend's attendance at the ALGWA 2023 National Conference in Cape Schnack from 17 - 20 May 2023.

Moved Cr Jones

Seconded Cr Hassan

CARRIED UNANIMOUSLY

ALGWA 2023 NATIONAL CONFERENCE

17 – 20 May 2023

PRELIMINARY PROGRAM

Wednesday	Thursday	Friday	Saturday
Morning - Afternoon Daily program			
Evening - Networking Dinner			
Wednesday	Thursday	Friday	Saturday
Afternoon - Registration opens			
Evening - Welcome function			
Wednesday	Thursday	Friday	Saturday
Morning - Daily program			
Speakers, panels, workshops			
Afternoon - Optional afternoon itinerary			
Evening - Gala dinner			
Wednesday	Thursday	Friday	Saturday
Morning - Brunch and final keynote speaker			

11.2. COMMUNITY AND CLIENT SERVICES

11.2.1. COMMUNITY & CLIENT SERVICES MONTHLY REVIEW JANUARY 2023

Author	A/Director Community & Client Services (Matthew Kelly)
Responsible Officer	A/Director Community & Client Services (Matthew Kelly)
File Reference	DMRR

Attachments 1. CCS MONTHLY REVIEW JANUARY 2023 [11.2.1.1 - 46 pages]

Purpose

Attached is a copy of the Community and Client Services Monthly Review for the month of January 2023.

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 January 2023 be received.

The following Questions were taken on Notice to be answered outside the meeting -

- Cr Bella referred to the introduction of Cochineal insects to support control of Prickly Pear in the Wetland Walkabout area and noted that Prickly Pear is widespread in many beachside areas and queried if there were plans to release the insects throughout those areas.
- Cr Englert referred to the New National Warning System and noted that the new symbols are being used in the media and queried if Council would adopt the full Warning System and if so, when.
- Cr Bella queried if Council holds group meetings with local food providers to try to streamline the process of improving hygiene and business practices across the region.

Council Resolution ORD-2023-37

THAT the Community and Client Services Monthly Review for January 2023 be received.

Moved Cr Jones

Seconded Cr Mann

CARRIED UNANIMOUSLY

Community and Client Services Monthly Review January 2023



Community and Client Services

Monthly Review

January 2023

Contents

1. Highlights of the Month 3

2. Workplace Health & Safety 4

3. Financial Performance - January 2023 6

4. Community Lifestyle 8

5. Mackay Entertainment & Convention Centre and Events 24

6. Corporate Communications and Marketing 27

7. Emergency Management 36

8. Health & Regulatory Services 39

1. Highlights of the Month

Highlights during January 2023 include:

- A media campaign with a focus on the Opt-In Notifications on the Emergency Dashboard in early January proved timely with the severe weather event occurring. Subscriptions grew to 1,250 with a high usage of the Emergency Dashboard during the weather event. Efforts will continue to grow subscriptions across the region.
- Residents turned to Council's digital channels during the wet weather event in mid-January. There were nearly 97,000 visits to Council's website, compared to just under 62,000 in January last year. Council's Facebook following also spiked by 1424 during January, with most of those new followers coming on January 15 (151) and January 16 (850).
- This year's Mackay Australia Day Awards attracted a staggering 173 nominations across eight categories. A crowd of about 450 attended the gala awards night on Australia Day Eve, with Nigel Dalton named Citizen of the Year.
- Mayor Greg Williamson and councillors welcomed 86 new citizens at the MECC on Australia Day (January 26). Mackay's new citizens have come from 28 different countries around the world, but now call Australia home.
- There was plenty of Aussie pride on display at the ceremony, as well as 13 other council-funded events across the region. Council provided funding to 13 not-for-profit community groups to provide a wide variety of Australia Day events throughout our vast region.
- Summer Holiday Art Activities held at Artspace proved very successful, with 385 attending the sessions.
- The annual New Year's Eve River Party set 2023 off to a positive start, attracting more than 6,000 people to the event.
- Planning is already in place for the festival program which is set to be the biggest yet. Fringe event applications have now closed and there is an exciting collection of events popping up around the Mackay region.
- Council's Environmental Health Officers are working with local food providers to improve hygiene and business practices across the region.
- Cochineal insects were recently introduced to the Wetland Walkabout area with the assistance of Pest Management Officers to support the natural control of the invasive Prickly Pear plant species.



Matthew Kelly
A/Director Community & Client Service

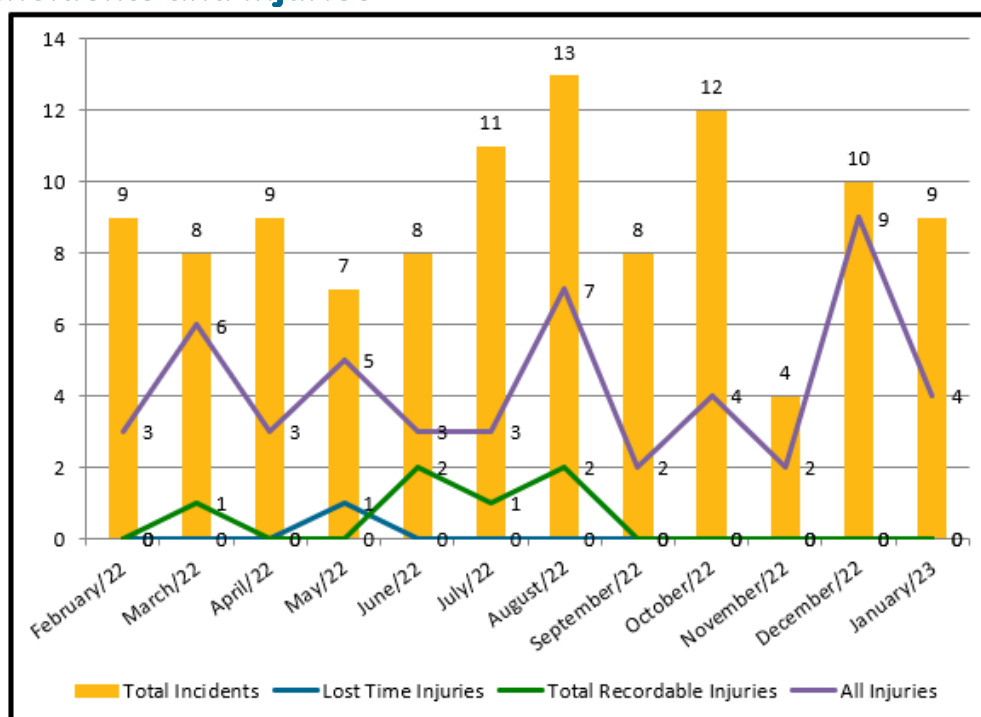
2. Workplace Health & Safety

In January 2023:

- Thirteen safety interactions were undertaken.
- One site safety inspection was undertaken.
- 100% of monthly action plan activities were carried out.

Nine incidents were reported in December, involving MRC employees, members of the public, or contractors.

Incidents and Injuries



The following injuries to MRC employees were reported in January:

- FAI – Inhaled potentially harmful fumes in control room.
- NTI – While walking down corridor, hit accessory tray on whiteboard, causing bruise.
- NTI – Felt pain in elbow after undertaking manual lift on a stairway
- NTI – While inspecting kitchen, brushed arm against oven causing burn.

The following near miss incident was reported in January:

- While using gurney, it has fallen over, and the electrical lead join has come into contact with water, earthing out and resulting in a small arc flash / fire.

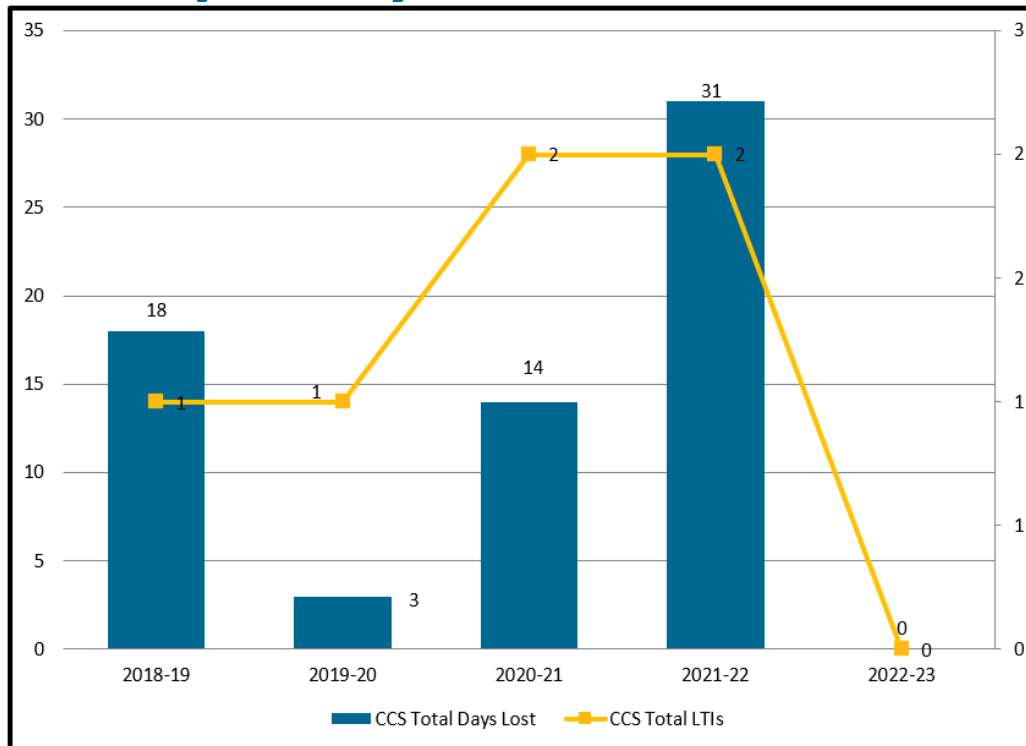
The following incidents involving a member of the public were reported in January:

- While demolishing wall, scraped thumb on metal edge of plaster wall causing a minor cut
- Children running in library, tripped, and collided with edge of shelf resulting in small cut
- Customer jammed finger under flexi door, resulting in cut
- NSM found in library outside operating hours.

Each incident is investigated, and appropriate corrective measures implemented to reduce future risks.

Community and Client Services Monthly Review January 2023

Lost Time Injuries & Days Lost



Department	2018-19		2019-20		2020-21		2021-22		2022-23	
	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost	LTI	Days Lost
Corporate Communications										
Community Lifestyle			1	3	1	13	1	21		
MECC & Events	1	18			1	1				
Emergency Management										
Health & Regulatory Services							1	10		
Community & Client Services	1	18	1	3	2	14	2	31	0	0

For the 2022-23 year, no lost time injuries have been recorded:

Glossary

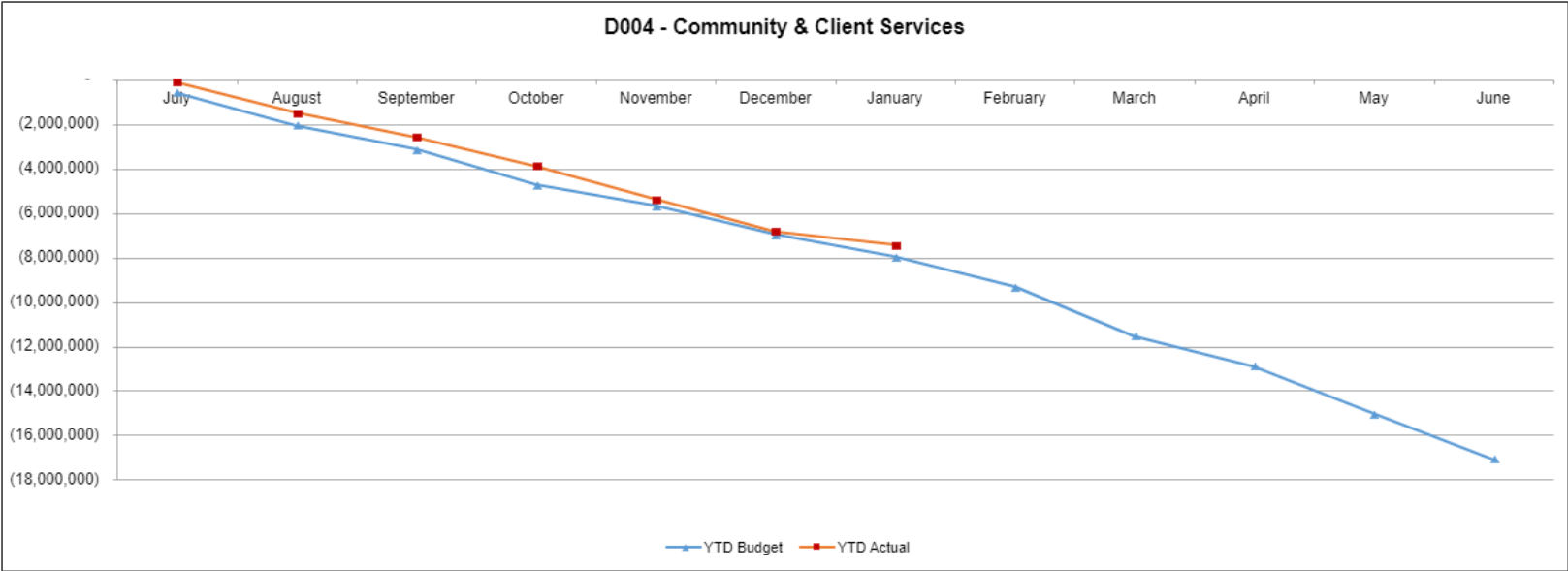
Incident	Any unplanned event resulting in or having a potential for injury or ill health.
Lost Time Injury (LTI)	Incidents that resulted in a fatality, permanent disability or time lost from work of one day / part of a day or more
Total Recordable Injuries (TRI)	Incidents that result in a Lost Time Injury (LTI), Suitable Duties Injury (SDI) and Medical Treatment Injury (MTI)
NTI	Non-Treatment Injury
FAI	First Aid Injury
MTI	Medical Treatment Injury
SDI	Suitable Duties Injury
LTI	Lost Time Injury

Community and Client Services Monthly Review January 2023

3. Financial Performance - January 2023

For the period ending 31 January 2023

	Annual Original Budget	Annual Revised Budget	YTD Budget	YTD Actual	YTD Variance	YTD Variance / YTD Budget	Program Manager Comments
	\$000	\$000	\$000	\$000	\$000	%	
D004 - Community & Client Services							
4.01 - Community & Client Services Management	(396)	(396)	(224)	(233)	(9)	4.02%	On track
4.03 - Community Lifestyle	(8,251)	(8,484)	(4,378)	(4,105)	273	(6.24%)	Positive variance due to vacancies
4.04 - MECC & Events	(3,268)	(3,246)	(1,696)	(1,620)	77	(4.54%)	On track
4.05 - Corporate Communication & Marketing	(1,789)	(1,797)	(1,030)	(900)	130	(12.62%)	Variance due to spreading
4.07 - Health & Regulatory Services	(3,225)	(3,052)	(884)	(797)	88	(9.95%)	Variance due to spreading
4.08 - Emergency Management	(92)	(108)	226	212	(14)	(6.19%)	Variance due to vacancies
Operating Surplus / (Deficit)	(17,021)	(17,083)	(7,986)	(7,443)	545	(6.82%)	



4. Community Lifestyle


4.1 Community Programs




Statistics

Activity	Numbers	
Number of external bookings in Jubilee Community Centre for the month		122
Total Jubilee Community Centre usage (internal/external)		196
Number of Enquiries across Community Programs team		347
Andergrove Community Hall	Regular Bookings	31
	Casual Bookings	8
Sarina Neighbourhood Centre meeting rooms utilisation	Services Utilising Centre	11
	Number of Client Support visits	118
Number of users of the Services Australia Access Point at Sarina Neighbourhood Centre		27
Number of Emergency Relief Assistance Packages provided by Sarina Neighbourhood Centre		0
Occasions of JP Services provided to community		6

* No Emergency Relief Vouchers have been provided as funding has been utilised. A new contract for the continuation of this program is now in place, allowing distribution of vouchers from February 1.

Community Development

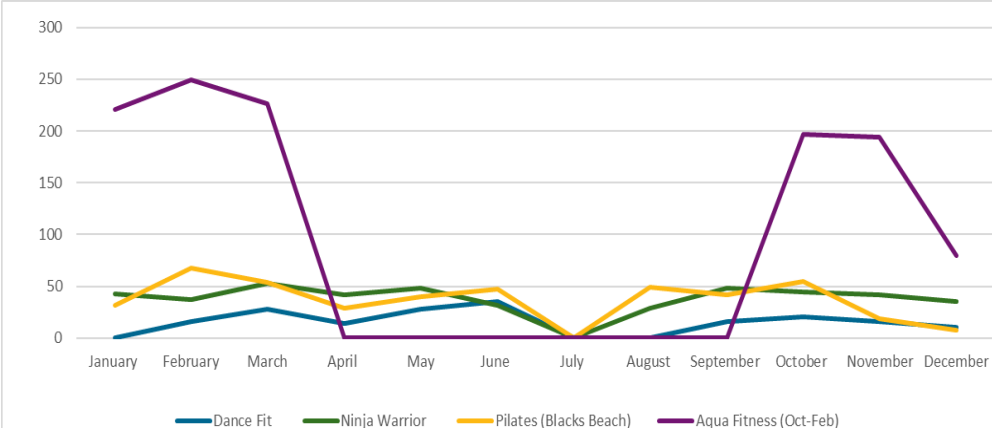
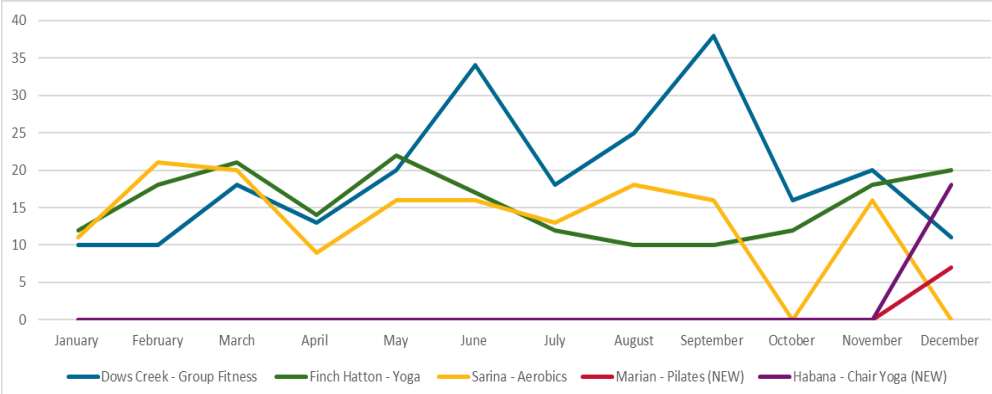
Activity	Comments
Dalrymple Bay Back-To-School Program	<p>Dalrymple Bay has again sponsored the Sarina Neighbourhood Centre Back-To-School Program, funding uniforms and books for those in the Sarina region struggling with financial stress. A total of 64 vouchers were processed through the centre to support students with their back-to-school needs.</p> 

Activity	Comments
Young Mayors nominations open	<p>Nominations for Council's inaugural youth council, in partnership with the Foundation for Young Australians, have now opened. Nominations are sought from young people aged 12-17 who would like to represent their peers on the youth council. Nominations close Sunday 5 March with shortlisting to occur the following week and campaigns to commence and run through March-April.</p> 
YOL1000 update	<p>The YOL1000 Backbone held a strategic planning workshop on Tuesday 31 January. The workshop laid the foundations to build a strategic plan to guide the next 12-24 months of the project, including the launch of the YOL1000 conversations outcome report.</p> 
Sarina Youth Centre – School holiday programming	<p>Sarina Youth Centre finished the school holidays off with a bang, with 84 visits and 6 new young people participating in the program activities on offer. Big hits with young people in the final 3 weeks of holidays included a weaving workshop and Sarina Sugar Shed excursion.</p> 

Community Meetings / Events / Interagency Meetings.

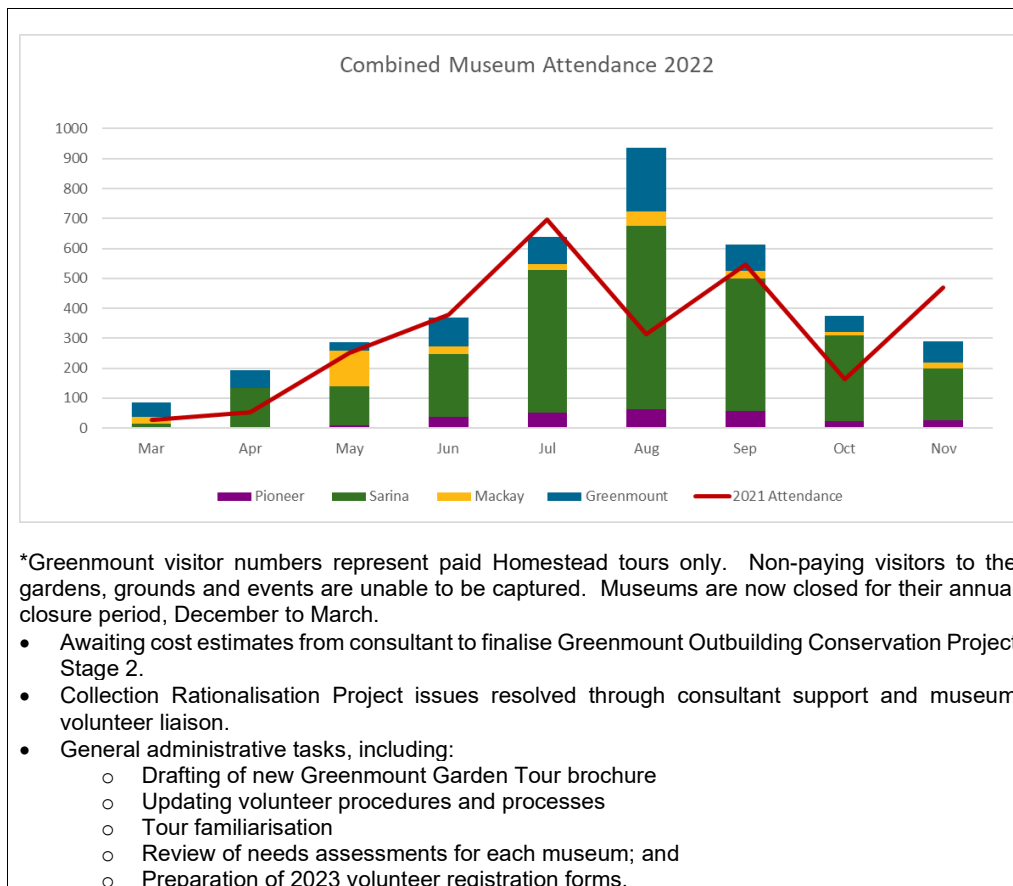
Activity	Comments
Disability Service Provider Network meeting	The first network meeting for 2023 was kicked off by the Disability Service Provider Network. The meeting focused on services providing an update on their capacity and service delivery, 2 new service providers that have recently established in the region attended this meeting.

Sport and Recreation

Activity	Comments
Active in the Regions	Active in the Regions funded by the North Queensland Public Health Network and administered by the North Queensland Sports Foundations <i>Move It</i> program delivers subsidised physical activities in our rural localities of Sarina, Pioneer Valley and Dows Creek. Participation numbers for Active in the Regions activities are reflected below.
	
Activate Mackay Region	Formerly <i>Active in the City</i> , this program is funded by Council and currently delivers subsidised activity programs in Mackay CBD, Blacks Beach and West Mackay.
	

Activity	Comments
Major Project Update	<p>South Mackay Sports Precinct – Revised draft Management Plan received. Team members are currently reviewing cost estimates before final plan is delivered.</p> <p>High Performance Centre and 50m Pool Shade Business Case – Re-scoping meeting being held in February with consultants to assess project outcomes to date.</p> <p>Facilities Audit Project – Project moving forward, with regular monthly meetings being held. Discussions held with CQU with intent to utilise students as on-the-ground auditors.</p> <p>Brewers Park Management Plan – Initial meeting with new committee to be held in February.</p>
Sports Expo	To date, there are 89 stalls registered for the expo, being held in February. Advertising of the event to the general public will commence beginning of February.

Museums



Junior Sporting and Arts and Culture Grant

No Junior Sporting Grants or Arts and Cultural Grants were received this month.

In-kind Assistance

Organisation	Event	Date	Support Provided	Amount
Banksia Scout Group	Australia Day Scouts Open Day	26/01/2023	10 general waste and 5 recycle bins, park hire fee	\$479.99
Sarina Surf Lifesaving Club	Sarina Beach Australia Day	26/01/2023	5 general waste and 5 recycle bins	\$200.24
Mackay Softball Association	May Day Softball Carnival	29/04-01/05/23	10 general waste bins	\$115.57
Mackay District Target Rifle Association	Mt Vince Rifle Range Maintenance	asap	mowing of bullet stop face with flail mower	\$2,000.00
Pioneer River Valley Hack and Pony Club	Official & Unofficial Show jumping Event	25-26/02/23	5 general waste and 5 recycle bins	\$200.24
				\$2,996.04

4.2 Libraries

Community Outreach



The Community Outreach team recommenced the Home Library Service in January. Volunteers and staff visited customers at home and in aged care facilities to collect the 1792 items loaned out over the Christmas period. This service collected deliveries from 108 customers throughout Sarina, Walkerston, Mirani, Mackay, including the beaches and Habana-Farleigh areas. In February, there will be an active push to promote the Home Library Service and a call out for recruitment of volunteers to assist in deliveries.

Digital Literacy & Young Adult



Five enthusiastic young adults had an upper arm workout as well as a great deal of fun while learning the finer points of stage and screen puppeteering over two days with Wild Puppets facilitating.

Young People's Services and First 5 Forever





As part of Council's January school holiday activity program, young people aged between 5 to 12 years old were invited to participate in First Aid for Kids. The First Aid for Kids sessions were fun, practical and covered the most common and important first aid skills every child should learn. These sessions proved extremely popular with children and their parents/carers, and we received very positive feedback and requests to hold these sessions again in the future.

Programs

	Program	Attendance	Specialised Activities	Attendance
Young People Services	Total Under Five Programs: 13 Total STEAM Club (Eight to 12 yrs): 1 Total five to 12 years Programs: 6	Total Under Five Program attendance: Children: 173 Adults: 154 Total STEAM Club (Eight to 12 yrs) attendance: 12 Total five to 12 years: Children: 70 Adults: 46	Outreach: • Connected Beginnings • Goodstart Rural View x 3 • Parent Session – Child Health	Outreach Children: 88 Adults: 28
Totals	Total Young People Services and F5F programs: 20	Total all attendance: Programs: 455 Outreach: 116	Advertised programs: 20	Programs cancelled: 4 (20%) Due to SAR and DDCL being closed due to water damage during extended rain event.
Community Outreach	Total programs: 44	1133		

	Program	Attendance	Specialised Activities	Attendance
Totals	Total Community Outreach programs: 44	Total all attendance: 1133	Advertised programs: 44	Programs cancelled: 0 (0%)
Digital Literacy & Young Adult Programs	Total programs: 25	338		
Totals	Total Digital Literacy & Young Adult programs: 25	Total all attendance: 338	Advertised programs: 20	Programs cancelled: 0 (0%)

Heritage Collection

10 information requests were received from clients with staff conducting 7 hours of research.

Library Operations

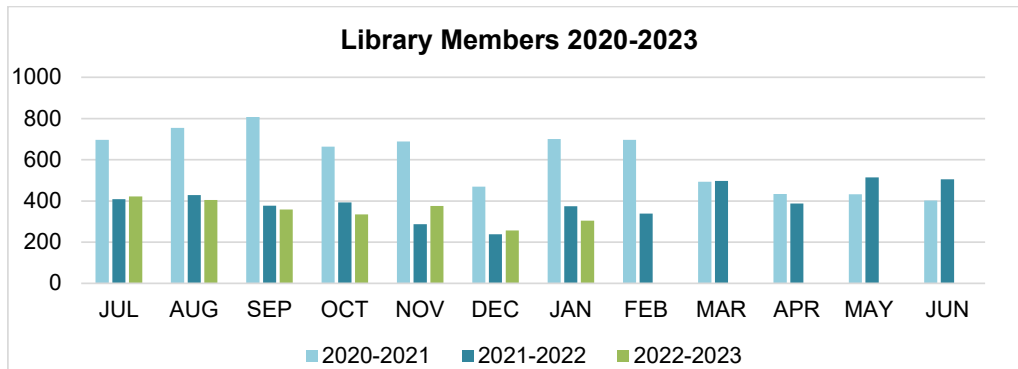
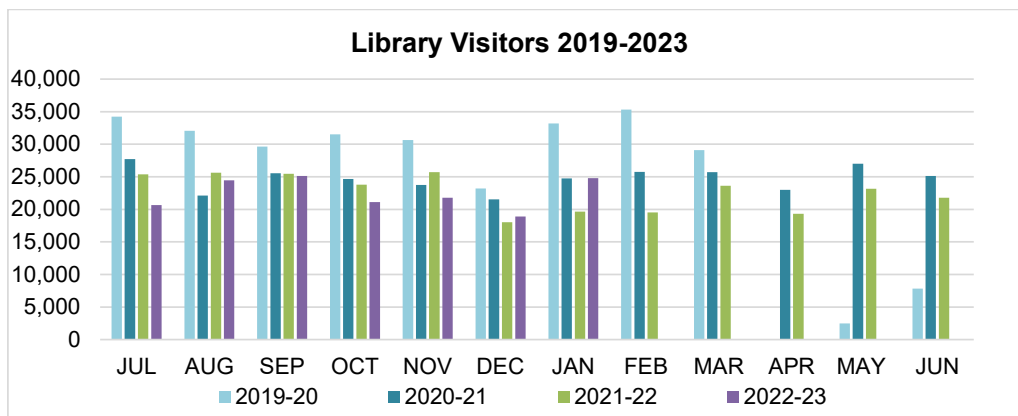
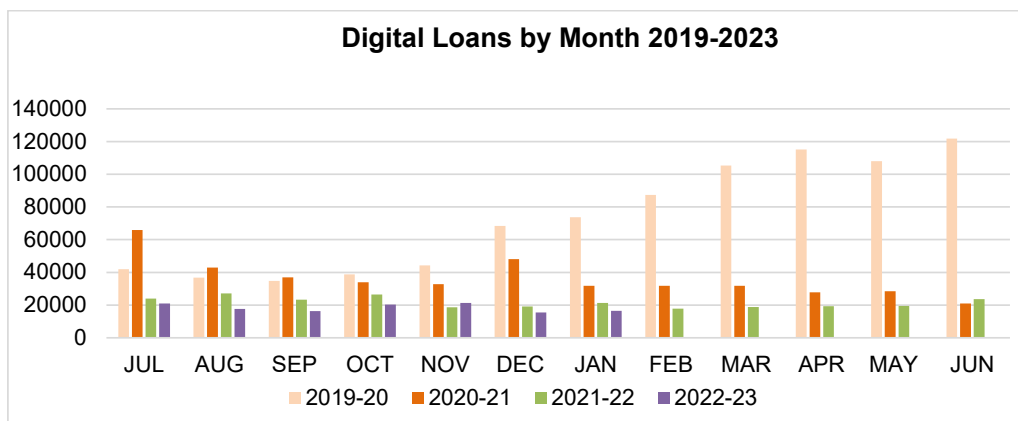
We can now confirm Dylan Mooney's work, titled '*Country & Belonging*' as the final design for Dudley Denny City Library's mural acknowledging the Yuwi Native Title Decision. A placeholder for the reveal of the mural has been tentatively set for 20 March 2023.

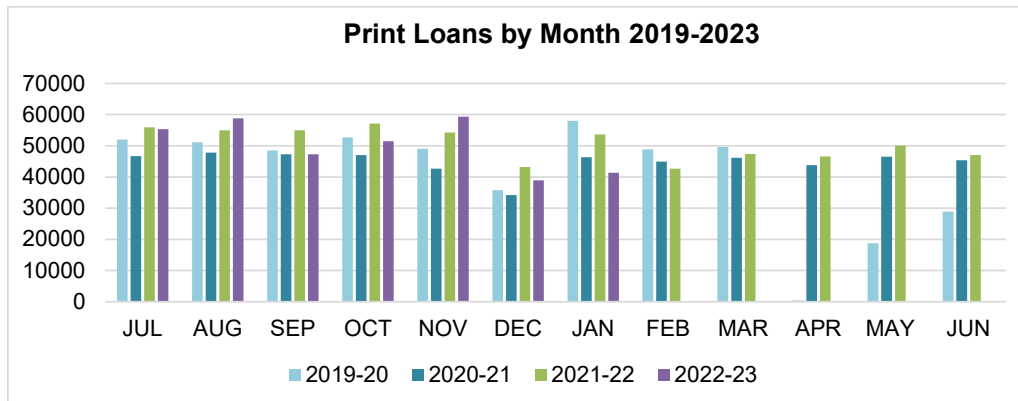
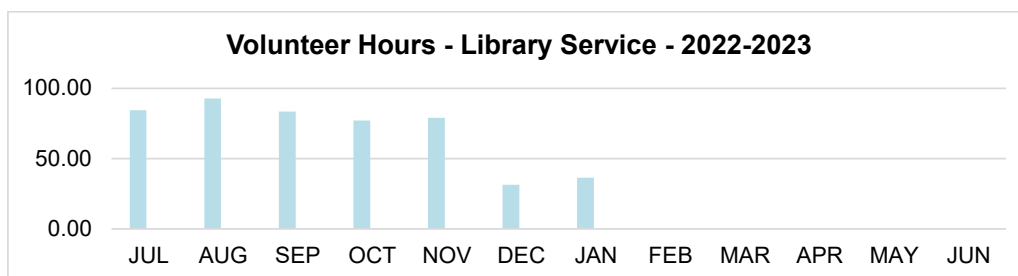
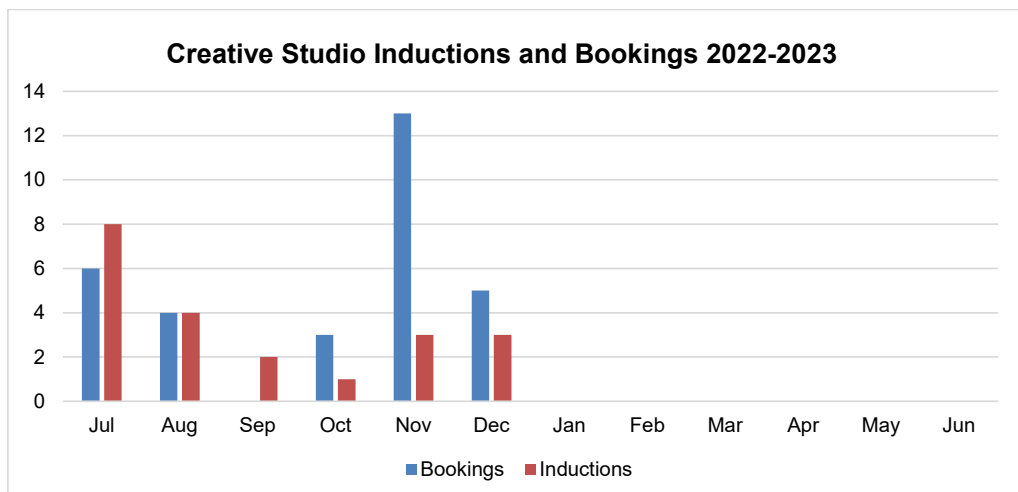


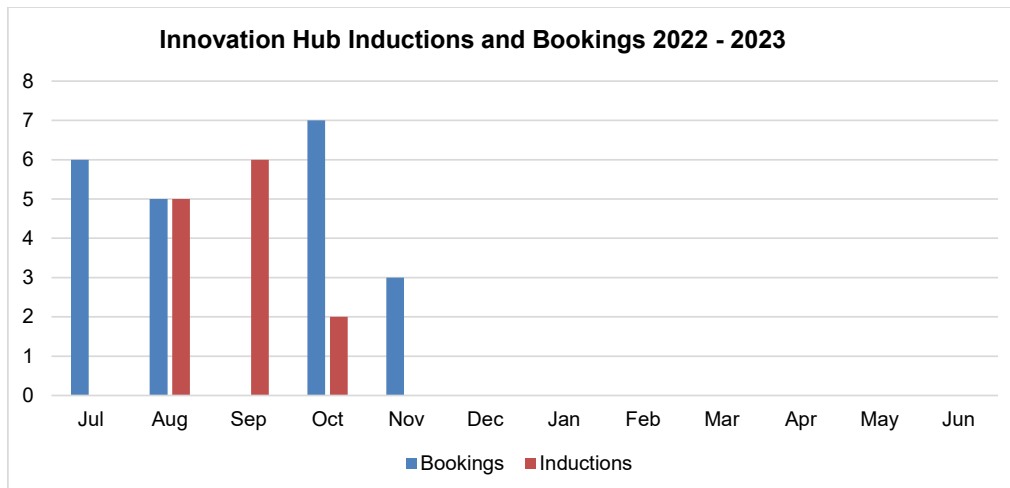
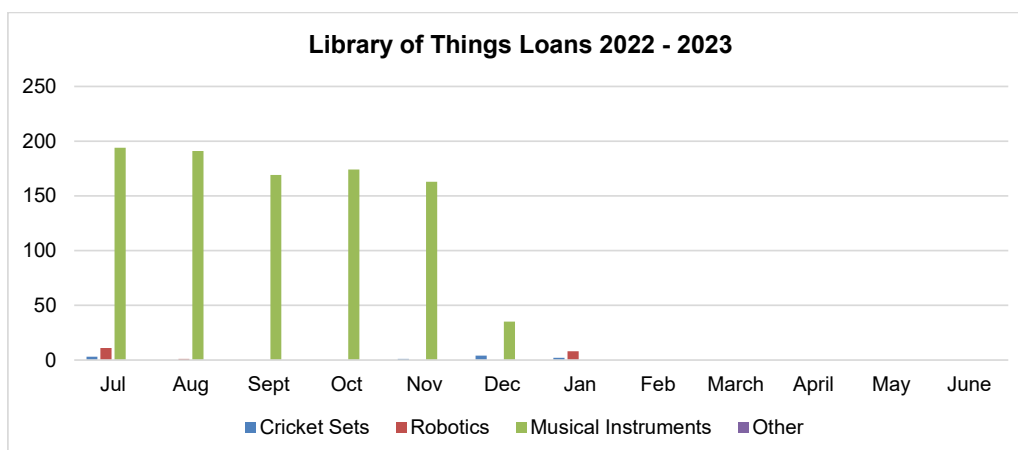
Digital mock-up of the mural - Country & Belonging, by Dylan Mooney

Home Library Service

Items loaned: 883
 Home Library Service Members: 84
 Select and Collect Members: 12
 Bulk delivers: 7
 New Members 6

New Library Members**Library Visitors****Digital Loans by Month**

Print Loans by Month**Volunteer Hours****Creative Studio**

Innovation Hub**Library of Things****Monthly KPI Update**

Service/Activity	Annual KPI	YTD Achievement	RAG Status	Comment
Library Membership	54,500	54,583	🟢	44.31% of community
Library Loans	1,000,000	609,832	🟢	Usage remains steady
Database Hits	75,000	38,375	🟢	Usage remains steady
Social Media Followers	8,000	Facebook: 8735 Instagram: 1674	🟢	Exceeding target




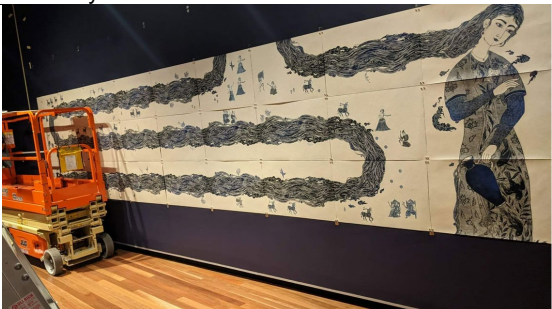
Community and Client Services Monthly Review January 2023

Service/Activity	Annual KPI	YTD Achievement	RAG Status	Comment
eNewsletter audience	19,400	19,469	●	Exceeding target
In-Person Visits	350,000	156,806	●	Visitation remains steady
Web + Catalogue Visits	300,000	226,867	●	Usage remains steady
Active Volunteer Hours	N/A	484.40	●	Volunteer hours remain consistent
% of Scheduled Programs Delivered	95% - 105%	95.62%	●	To date: 960 programs advertised with 42 cancelled due to attendance or presenter cancellations.
Number of new program initiatives	5	8	●	<ul style="list-style-type: none"> • 3D Print Your Heroes • Be Connected One-to-One • Bikernomics • Minibeasts • Better Together Housing • My Choir • Carers, Craft & Conversations • Author Behind the Book

* Note: Statistical data provided was compiled as of January 25.

4.3 Artspace Mackay

Exhibitions



Activity	Comments
Asia Pacific Contemporary: Three decades of APT Main Gallery, Artspace Mackay 2 December 2022 – 5 February 2023	 <p>Presented by Queensland Art Gallery Gallery of Modern Art, Asia Pacific Contemporary: Three Decades of APT profiles key moments from the gallery's flagship exhibition series looking to contemporary art in the Asia Pacific Region. Works of art commissioned or collected from APT1 (1993) through to APT9 (2018-19, display APT's embrace of contemporary art in all its forms—from the ceremonial to the conceptual, and the deeply personal to the resolutely social.</p>
Niloufar Lovegrove: Too Little, Too Much Foundation Gallery, Artspace Mackay 25 November 2022 – 5 February 2023	 <p>Niloufar Lovegrove's practice is heavily influenced by motifs from her Persian upbringing. Creating visual narratives that combine her central Queensland lived experience and Persian storytelling Too Little, Too Much focuses on water, and associations the artist draws with natural disasters including drought and flood.</p>

Activity	Comments
Ryan Vella: Underground Spandex Foyer Gallery, Artspace Mackay 25 November 2022 – 5 February 2023	 <p>Local illustrator Ryan Vella has been creating graphic style illustrations for over two decades, reaching national recognition in 2004 when he illustrated John Birmingham's 'He Died with a Felafel in his Hand.' Drawing on recent work Underground Spandex showcases Vella's intricate line drawings of comic characters in graphic, narrative scenes.</p>
Focus on the Collection: Formed Foyer Gallery, Artspace Mackay 25 November 2022 to 5 February 2023	 <p>Visual responses to colour theory, shape and space link work from the Mackay Regional Art Collection in Formed. Across ceramic, artists' books and printmaking, the way artists consider these areas is highlighted.</p>

MRC Art Collection

Activity	Comments
MRC Art Collection Acquisitions and Online Engagement	<p>Work from the Council Art Collection was exhibited in 1 collection exhibition over January, debuting never before shown recent acquisitions in the exhibition <i>Formed</i>. The Council Art Collection online received 245 page views in January with users from Australia, New Zealand and South Korea accessing the site. 11.4% of viewers were new visitors to the site. Currently there are 839 artworks published on the Collection Online site, over 65% of the total Art Collection.</p>

Public Programs - January

Activity	Comments
Summer Holiday Art Activities 3 – 22 January	 <p>Summer Holiday fun continued with free art and craft activities for people of all ages and abilities. Families have been making masks – demonstrated by this wonderful small herd of cattle pictured. 385 people attended in January.</p>
Conversations with Art 1pm, Friday 20 January	 <p>Conversations with Art invites participants to have a casual conversation about the artworks on display. It's not an art theory lesson but encourages people to share their interpretations, deconstruct the works, consider themes and possible techniques by the artist. In January, a total of 14 people attended.</p>

Activity	Comments
Book of the Month Volunteer workshop 10:30am, Tuesday 24 January	 <p>We held a volunteer training workshop in artwork handling for our upcoming Book of the Month program which begins in February. It will offer gallery visitors an opportunity to be shown through the pages of an artist book from the Mackay Regional Council Art Collection. Each month a different book will be featured. The January training was for Feb's feature work – The Seven Deadly Sins by Juli Haas. 8 volunteers attended the January training.</p>




Monthly KPI Update

Service / Activity	Annual KPI	YTD Jan 2023	Jan		Comments
Visitors: Artspace	20,000	18079	1,357	★	Above KPI target
Web Visits	14,000	8,568	1,012	★	On target
Total Number of e-Newsletter Subscribers	1,800	1,863	1,863	★	In January there were 3 new subscribers, numbers remain above KPI target
Facebook Subscribers	6,600	8,893	201	★	Combined total for Artspace and Rock Paper scissors Facebook pages. Above KPI target
Exhibitions	12	11	0	★	Exhibitions continued during the month of January. On target.
Public Program Participants	5,000	9,591	407	★	407 people participated in public programs during January. Above KPI target.
Public programs (Inc. tours, BMA Kidspace, workshops, etc.)	140	60	2	★	2 public programs were delivered during January. On target.
Volunteer hours	1,200	1,593	171.50	★	Exceeding target

5. Mackay Entertainment & Convention Centre and Events

	Target	as at JAN		Comments
Number of Performances fully cost recovered	50%	58%	★	Exceeding Target
Minimum number of catered functions (excluding performances)	120	56	★	On Track
Average attendance at events	Auditorium 260	427	★	Exceeding Target
	Foyer/space 100	158	★	Exceeding Target
	Halls 300	597	★	Exceeding Target
	One Hall only 100	110	★	Exceeding Target
Number of non-utilised days	200	63	★	On Track
Number of Performances at the MECC	180	136	★	On Track
Number of Conferences/Expos	14	6	★	On Track
Number of Events with Attendance from outside Mackay Region LG area (Post Code Data)	30	40	★	Exceeding Target
#Events at BB Print Stadium	10	18	★	Reached target
#in Attendance at BB Print Stadium	10000	7875	★	On Track
Number of Student Attendances	1,000	422	★	On Track
Number of workshops > Youth	6	4	★	On Track
Number of engagement workshops/activities	6	6	★	Reached target
Yearly occupancy of facility	65,000	59,577	★	On Track
Customer Hire Satisfaction	90%	95%	★	Exceeding Target
Number of regional events assisted through either financial or in-kind assistance	6	11	★	Reached target
Number of regional events ticketed	8	3	★	On Track
Friends of the MECC Volunteer Hours	N/A	3542		

Activity	Comments
Overview	<p>A highly productive month at the MECC with majority of operational and technical teams working through annual shutdown maintenance and annual safety checks to position the centre for a successful year.</p> <p>Catering, Festivals and Sales and Business Development have utilised the time to formalise and implement strategies for the coming calendar year of events, including delivery of a number of Program Plan action such as the Friends of the MECC Growth Plan, big data analysis to implement customised and engaging service to our community.</p> <p>Three events delivered to top off the month, with the Australia Day Awards and Citizenship Ceremony a highlight for the Mackay community.</p>
Performances	<ul style="list-style-type: none"> • Teeny Tiny Stevies
Conferences / Expos / Meetings / Dinners	<ul style="list-style-type: none"> • 2023 Australia Day Awards Gala Event • Citizenship Ceremony > Australia Day
Sales and Business Development	<p>The Marketing & Engagement team has been busy working on the promotion of upcoming MECC presents season for 2023 including Misogyny Opus – Not Now, Not Ever.</p> <p>The MECC has proudly partnered with international songwriter Karen Jacobsen and the Queensland Symphony Orchestra for a new stage production, Misogyny Opus.</p> <p>Misogyny Opus, composed by Ms Jacobsen, transforms Julia Gillard's historic speech (word for word) into a ground-breaking composition that will debut at the MECC.</p> <p>The performance will be supported by musicians from Queensland Symphony Orchestra and will premiere at the MECC and potentially tour Queensland.</p>
Operations	<p>The Operations team have completed scheduled end of year maintenance for both wings of the centre to position the venue for a successful and busy calendar year.</p> <p>More than 120 Friends of the MECC have registered for friends training hosted on 31.01.23. The training provides the need-to-know information for the wonderful volunteer group on current customer service standards, emergency evacuation information and an opportunity to meet staff and other volunteers,</p>
Technical	<p>The technical team continues working through a substantial shutdown maintenance and venue cleaning list. This includes the electrical test and tag of somewhere around 1100 items across the MECC, Foodspace and BB Print Stadium. Three days of annual rigging inspections of all our overhead rigging systems across the venue by Theatre Safe Australia has now been completed.</p> <p>The team is working on delivering planned capital projects this financial year. Set to take delivery of a new north foyer stage, mobile drape kit, dance floor, technical networking switches and various other production items to assist with the high level delivery of production services for our clients. The team is also part way through the installation of new colour temperature variable, energy efficient LED house light fixtures, with the convention centre halls now complete, and with the north foyer install to follow soon creating a more sustainable future for the centre.</p>

Festivals & Events	<p>The festivals team successfully delivered the annual New Year's Eve River Party to set 2023 off to a positive start. Attracting more than 6,000 people at the event the team was excited to see families coming back out to celebrate another great year and surrounded by family and friends. Our friends from Bikini Bottom were certainly a crowd favourite with kids smiling ear to ear.</p> <p>Hitting the ground running in January, the festival program is set to be the biggest yet. Fringe event applications have now closed and there is an exciting collection of events popping up around the Mackay region. Festivals is now finalising the program content ready to be designed and printed for the launch in April 2023.</p> <p>Applications will open shortly for performers, food vendors and market stalls.</p> 
Social Stats Facebook  	<p>In the last 28 days:</p> <ul style="list-style-type: none"> •The MECC Facebooks posts have reached 83 411 •The MECC Facebook page received 60 new page likes and 74 new followers •The MECC Instagram page has reached 30 469

6. Corporate Communications and Marketing



Local heroes recognised at council's Australia Day Awards

2023 Mackay Citizen of the Year Nigel Dalton's impact on the community has been immense. From teaching children road rules, teenagers how to stay safe online or at schoolies, or redirecting disengaged youth from reoffending, his work saves lives and makes our community a better place. He was named the **2023 Mackay Regional Council Citizen of the Year** at the Australia Day Awards Gala at the MECC on Australia Day Eve (January 25)

Also recognised on the night was **2023 Young Citizen of the Year Keira Brown**. She is an active member and current coordinator of the Valley District Youth Council who volunteers countless hours to run events, fundraise and support her community.

The **2023 Lori Burgess Community Volunteer of the Year** is Mackay Riding for the Disabled coach of 30 years **Jody Burrows**.

This year's awards attracted a staggering 173 nominations across eight categories. A crowd of about 450 attended the gala awards night. Other awards presented included:

- Arts and Culture Award: Alison Richardson
- Environmental Achievement Award: Dr Judith Wake
- Community Group Award: Pioneer Valley Machinery Preservationists Society
- Senior Sports Award: Brenda Windsor; and
- Junior Sports Awards: Connor Parish.

New citizens welcomed on Australia Day

Mayor Greg Williamson and councillors welcomed 86 new citizens at the MECC on Australia Day (January 26).

Our new citizens have come from 28 different countries around the world, but now call Australia home.

There was plenty of Aussie pride on display at the ceremony, as well as 13 other council-funded events across the region.

Council provided funding to 13 not-for-profit community groups to provide a wide variety of Australia Day events throughout our vast region. Two of the events were held over from last year when they were postponed due to COVID-19.

The other 11 were funded through an expression of interest grants process for 2023.



Residents turn to council's digital channels during wet weather event

Our tropical weather can be uncertain, but what can be assured is residents are turning to digital channels for information during events.

There were 96,854 visits to Council's website during January, up from 46,335 visits in December and 61,839 in January last year.

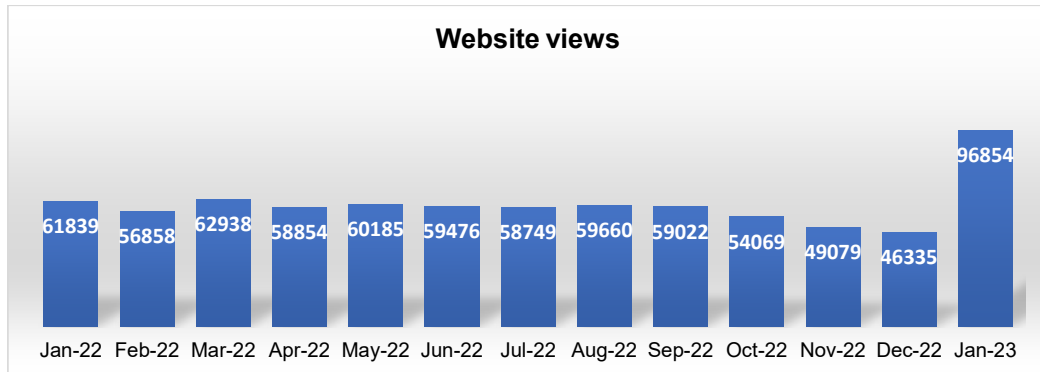
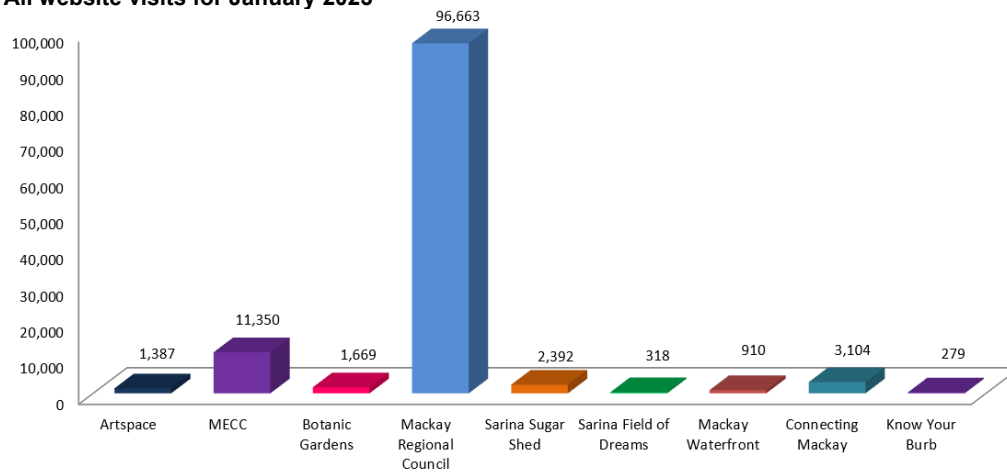
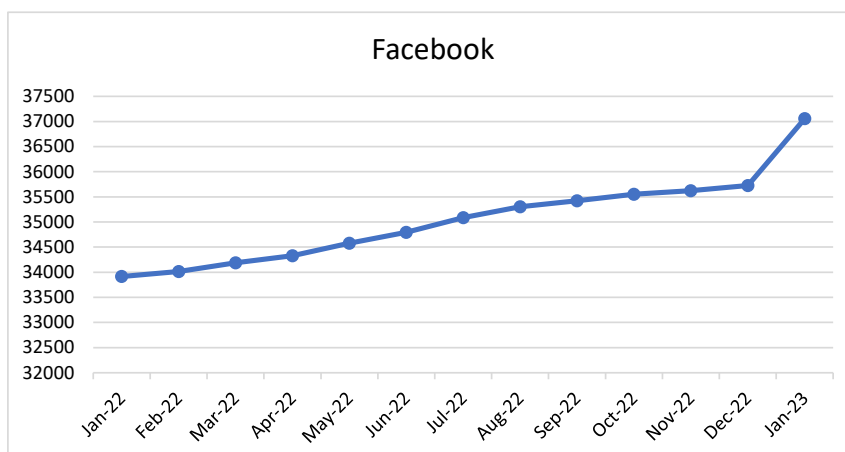
Those figures do not include visits to our Disaster Dashboard.

Most of that increased traffic can be attributed to the wet weather event in our region during the month.

Similarly, our Facebook following spiked by 1424 during January to now sit above 37,000.

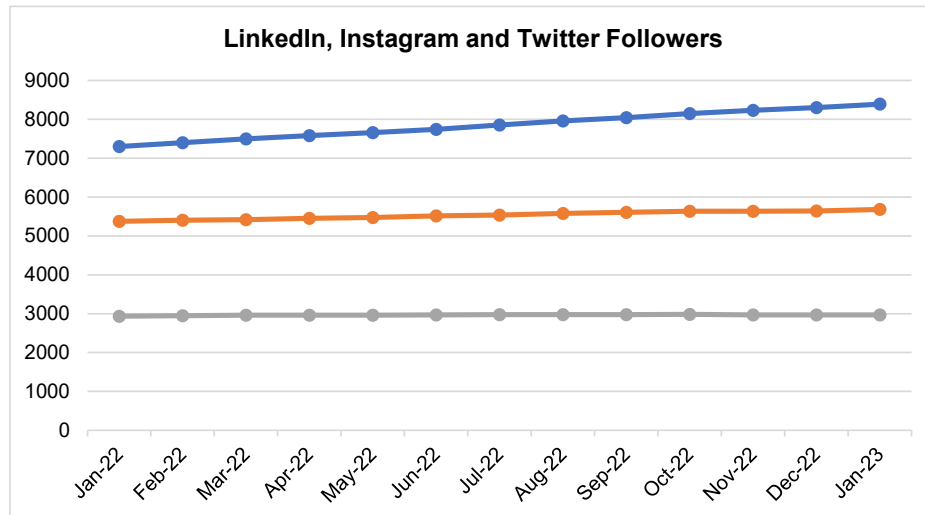
Most of those extra followers were gained during the rain event in mid-January, with 151 new followers on January 15 and 850 new followers on January 16.



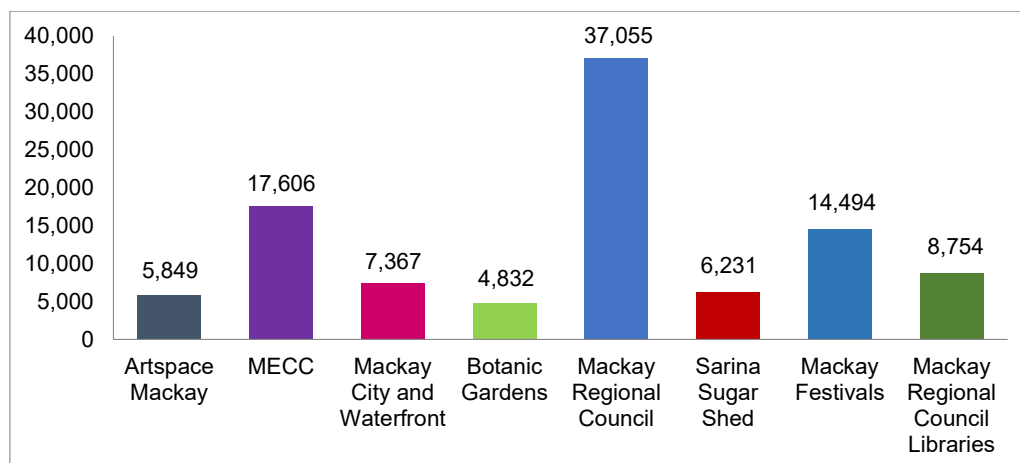
Council website visits for January 2023**All website visits for January 2023****Council Facebook followers for January 2023**

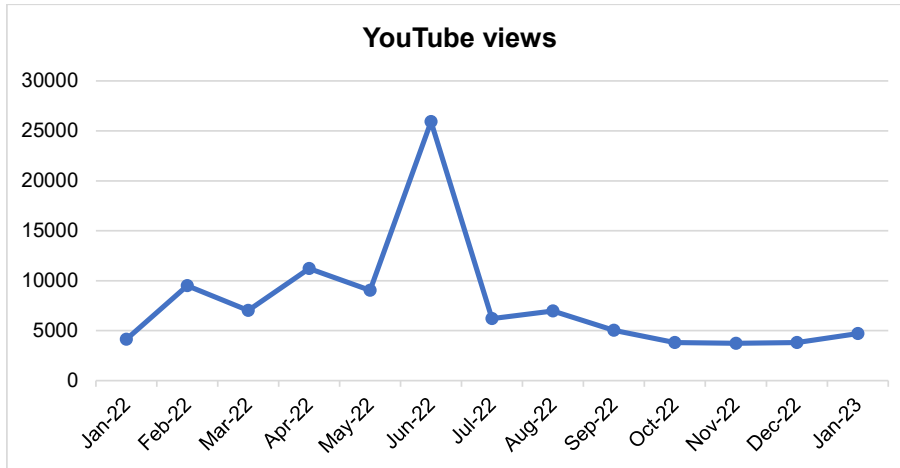
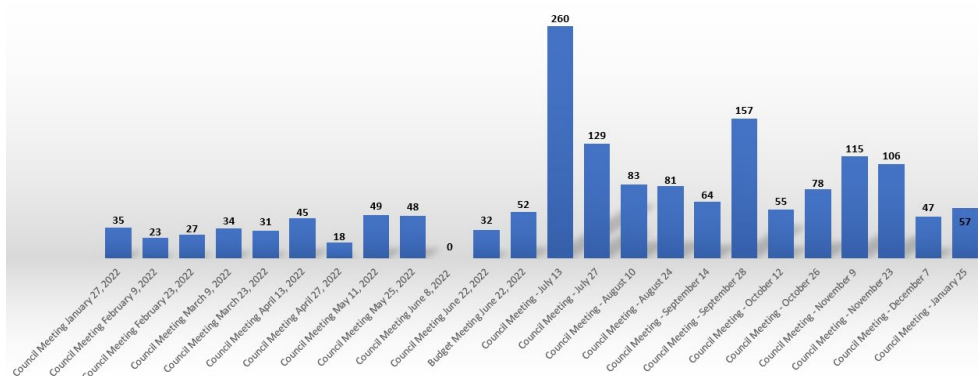


Community and Client Services Monthly Review January 2023

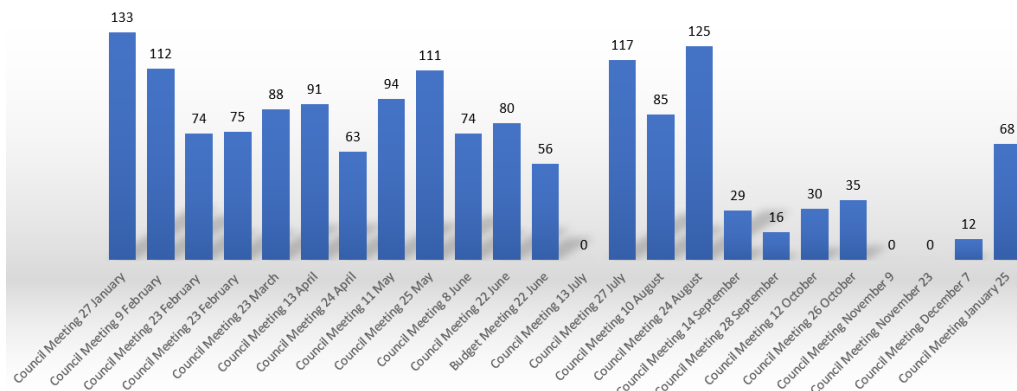
Council Social for January 2023**eNewsletter Subscribers**

Publication	December 2022	January 2023
Artspace Mackay	1860	1852
Botanic Gardens	1135	1137
Council Connect	3402	3402
Library	18,695	18,858
Recreation Services	1059	1060
Mackay Planning	1222	1223
Connecting Mackay	2853	2853
Sarina Sugar Shed	920	920

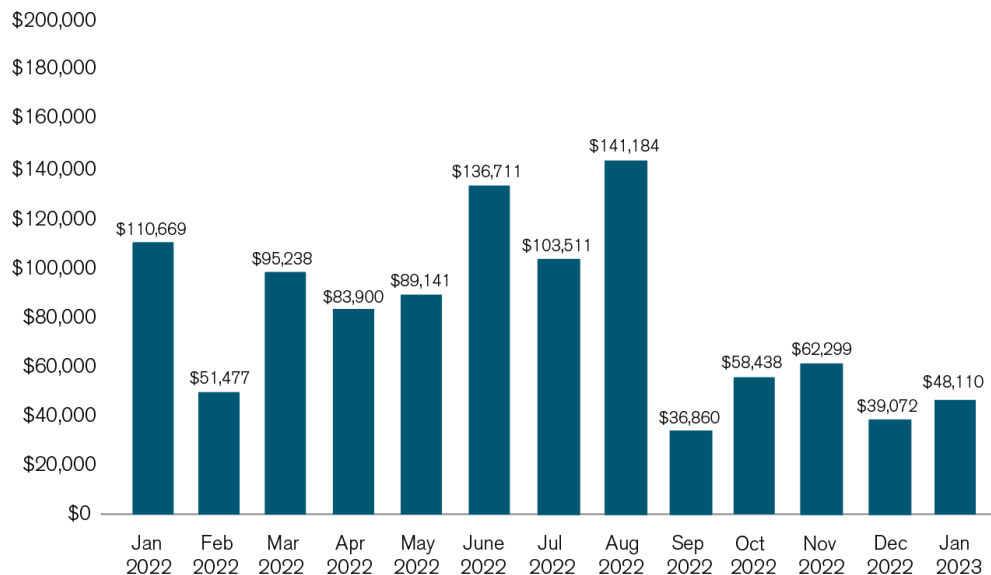
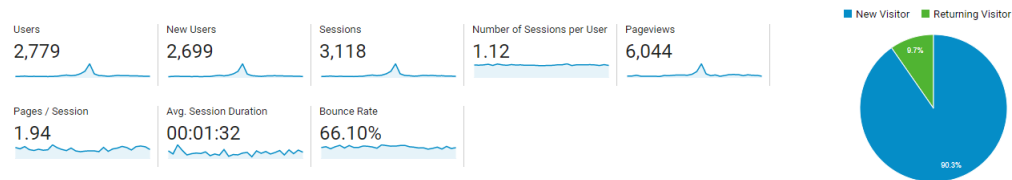
Facilities' Facebook followers for January 2023

MRC YouTube views for January 2023**Council Meeting Live Stream – January 2023 – YouTube**

Note: June 8, 2022, meeting live stream failed to record on YouTube.

Council Meeting Live Stream – January 2023 – Facebook

Note: November 9 and November 23, 2022, meetings live streams failed to record on Facebook.

Advertising spend across council**Connecting Mackay**

Page ?	Pageviews ?	Unique Pageviews ?	Avg. Time on Page ?
	6,044 % of Total: 100.00% (6,044)	4,657 % of Total: 100.00% (4,657)	00:01:38 Avg for View: 00:01:38 (0.00%)
1. /floodplain-risk-management-plan	561 (9.28%)	501 (10.76%)	00:02:20
2. /mackay-regional-recreational-vehicle-rv-strategy/survey_tools/mackay-region-rv-traveller-survey	516 (8.54%)	341 (7.32%)	00:03:03
3. /	432 (7.15%)	290 (6.23%)	00:01:00
4. /mountain-bike-trails	331 (5.48%)	283 (6.08%)	00:01:48
5. /mackay-regional-recreational-vehicle-rv-strategy	282 (4.67%)	211 (4.53%)	00:01:01
6. /68929/widgets/337962/documents/220686	205 (3.39%)	138 (2.96%)	00:02:07
7. /68929/widgets/337962/documents/220688	137 (2.27%)	96 (2.06%)	00:02:11
8. /68929/widgets/337962/documents/220689	112 (1.85%)	73 (1.57%)	00:01:06
9. /mackay-regional-recreational-vehicle-rv-strategy?tool=survey_tool	107 (1.77%)	86 (1.85%)	00:00:28
10. /seaforth-esplanade	98 (1.62%)	85 (1.83%)	00:01:47

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Community Engagement

<p>Mackay Vehicle Region Recreational Strategy Consult connectingmackay.com.au/mackay-regional-recreational-vehicle-rv-strategy</p>	<p>Our Economic Development team are in the process of developing a Recreational Vehicle (RV) strategy for the region. A Connecting Mackay page has been created for the project. The page includes a short survey for the public to complete, which will assist with the development of the Strategy. The survey will be open for a total of four weeks and will close Wednesday, February 8.</p> <p>The Economic Development team, along with the consultants, will be holding two face-to-face sessions for our local operators and industry bodies to capture their feedback for the new strategy. We have placed corflute signs and flyers around the caravanning and camping sites, our camping web pages for Mirani and Seaforth have been updated to include the link to the Connecting Mackay page, and digital billboards, a media release and social media have also been used to promote the strategy. A second round of consultation will be completed when the draft strategy is completed.</p>
<p>Mackay CBD footpath renewals (6 sites) Inform Connecting Mackay page not active yet</p>	<p>Vassallo Constructions will be delivering the City Centre footpath renewals. There are six locations for the renewals, as per below:</p> <ul style="list-style-type: none"> • Victoria St (btw Milton and Peel streets) • Victoria St (btw Peel and Wellington streets) • Gordon St (btw Gregory and Wood streets) • Victoria St (btw Macalister and Gregory streets) • 2 James Street; and • 2 Milton Street. <p>Council and Vassallo Constructions have been meeting with directly affected businesses to discuss how the works will be completed. Temporary pedestrian access will be arranged for the works. The works are expected to start early February, weather permitting. A Connecting Mackay page will be created for the projects and stakeholders will be updated throughout the works. A media release was completed for the award of the tender.</p>
<p>Encroachment Policy Inform Connecting Mackay page not active yet</p>	<p>The new encroachment policy was approved late last year. The new policy details how council will handle encroachments around the region. The first location to be assessed under this policy will be Ocean Ave at Slade Point. A notification letter has been mailed to property owners and letterbox dropped to residents who back onto the Ocean Avenue Reserve informing them that surveyors will be in the area to survey and identify the boundary of the reserve. Any property owners who are identified to be encroaching will be contacted by council's Property Service team to work through the process.</p>
<p>Pioneer Valley Mountain Bike Trails – Stage 1 DA approval Inform</p>	<p>On Wednesday, January 25, Council approved the development application for stage one of the mountain bike park in the Pioneer Valley. A press release was issued to inform the wider community, and emails were sent to key</p>

connectingmackay.com.au/mountain-bike-trails	stakeholders and project followers. The Connecting Mackay page was updated, and it was published on council's social media pages.
Sarina Beach draft Local Coastal Plan (LCP) Inform connectingmackay.com.au/sarina-beach-draft-local-coastal-plan	The community engagement report was uploaded to Connecting Mackay and an email was sent to stakeholders informing them the report was now available to view.
Pioneer River flood levee Inform Connecting Mackay page not active yet	The tender for the Pioneer River levee was awarded at January's council meeting. The successful tender was Vassallo Constructions. Notification letters will be sent to property owners and residents informing them how the works will be completed prior to them starting. A media release was completed for the award of the tender. A Connecting Mackay page will be created prior to the works starting.
Mackay Coastal Hazard Adaptation Plan (CHAS) Inform and consult connectingmackay.com.au/future-coast	Four wave tank workshops will be presented by consultants Alluvium as part of the Mackay Coast Our Future study. These will be conducted in Mackay, Seaforth, Armstrong Beach and Eimeo. In the lead-up to the engagement sessions in early February, a media release, social media, a project update email to the project's subscribers and articles in council eNewsletters have been released. A video demonstrating the wave tank has been used in promotion. An email promoting the workshops has been distributed by Community Development to their email distribution list to progress associations and community groups. The project is expected to be completed mid-2023.
Northern Beaches Community Hub Inform, consult and involve connectingmackay.com.au/northern-beaches-community-hub	Construction is under way to prepare the Northern Beaches Community Hub site. The hub will offer a meeting place and improve facilities for the Northern Beaches community. During January, nearby residents received a notification letter to advise of a water interruption due to civil works being undertaken by Field Services, which occurred on January 20. Signage stating that stage one is coming soon is active on Council's digital billboards.
Owen Jenkins Drive barbecues and picnic shelters Inform, consult and involve connectingmackay.com.au/owen-jenkins-drive-park	Sarina Beach residents, the local progress association and Sarina Surf Lifesaving were advised of upcoming works being undertaken by BH Building. As part of the works, three existing single barbecues will be replaced with two double hot plate barbecues. An additional two picnic shelters with picnic settings will be installed along with one disabled car park. A Connecting Mackay web page, media release and social media were used to promote the upgrade to the park. The project is expected to be completed during April 2023, weather permitting.
Griffin St Mackay WMR - firefighting augmentation Inform and consult connectingmackay.com.au/griffin-street-water-main-upgrade	A letter has been issued to local residents to advise of upcoming water main upgrade works. The works, undertaken by Field Services, will improve firefighting capacity in the area. A Connecting Mackay web page has been developed. The project is expected to be completed during April 2023, weather permitting.

Sunset Park swing set replacement Inform Page not created for this project	The swing set at Sunset Park in Eimeo has reached the end of its design life. After consultation with the community, the swing is being replaced with a like-for-like replacement, softfall sand surfacing and concrete edging. The park will still be accessible during the works. The works are expected to be completed by the end of February. Letters have been sent to nearby residents; corflutes have been erected onsite, and the works have been published on council's social media pages.
Caneland Station bus interchange project Inform connectingmackay.com.au/mangrove-road-bus-interchange	RoadTek returned to Mangrove Road on Monday, January 16, to complete the remaining stage one works; the bus station laydown and landscaping works. These works are being completed at night to minimise disruption to surrounding businesses. A notification letter was sent to nearby residents and businesses and the Connecting Mackay page was updated. These works are expected to be completed by February, weather permitting.
Completed projects	
Gold St LATM Inform Page not created for this project	The two intersections, Gold and Shakespeare streets and Gold and Evan streets recently underwent threshold treatments. These works were completed in a few days under traffic control. A notification letter was sent to all residents in the street informing them of the works.
Bakers Creek Community Hall park playground Inform connectingmackay.com.au/bakers-creek-community-hall-park-playground-revitalisation	Works included the construction of concrete edging around the perimeter of the playground and new soft fall sand. A letter had previously been sent to residents.

7. Emergency Management

Severe Weather Event January 2023

The Mackay region was impacted by a severe weather event in mid-January which saw approximately 1,094mm fall over the Finch Hatton area over seven (7) days. The Mackay Local Disaster Management Group (LDMG) were activated for 16 days, with the current activation status being ALERT. Over this time:

- Flood warnings were in place for the Pioneer River for Major flooding in Mirani and Moderate flooding in Mackay
- Preparations were in place for potential low-lying flooding in the Mackay CBD and Cremorne area with two Emergency Alerts issued for these areas
- No reports of property or home inundation were received
- The SES received 95 storm related jobs, mainly leaking rooves and sandbagging and 4 x flood boat call outs
- Major impacts to the region were localised over road flooding and damage to roads
- The Middle Creek Dam Emergency Action Plan was activated to ALERT status on standby as the Dam was spilling over the spillway. However, levels remained relatively low and nil impacts were observed to downstream residents
- Sunwater activated the Teemburra, Kinchant and Eungella Dam Emergency Action Plans varying degrees with controlled releases occurring due to storage levels. Nil impacts were observed to downstream residents
- Council installed Flood Gates as a precautionary measure at key points around the Mackay CBD in preparation for the predicted flood levels
- Eungella Range had received significant impacts which resulted in landslips and damage over the road, rendering the township at the top of the range isolated. Council and the SES conducted resupply operations to the township over four (4) days for essential goods and medicines
- Transport and Main Roads arranged for geotechnical assessments of the road and deemed the range road safe for commuter use on a limited basis; and
- Disaster Relief Financial Arrangements has now been activated for Mackay LGA from the Queensland Reconstruction Authority. This is for Counter Disaster Operations and Reconstruction of Public Assets.

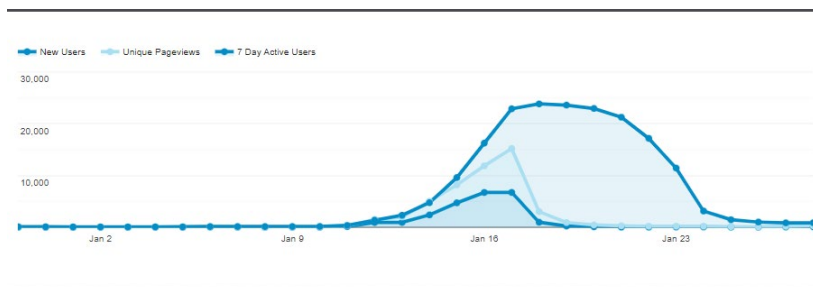
Operations are now moving towards the Recovery Phase. Although not large in regional impact, the severe weather event afforded an opportunity for the Emergency Management Team to test its Guardian IMS database, flood cameras, accuracy of the recently completed Flood Classification Level project of the River Alert Stations and various Local Disaster Management Sub Plans. A number of other Council Programs also had the opportunity to test their emergency plans, flood gate installation, flood modelling, communication and program connectivity.

The Emergency Management Team would like to thank everyone involved in the response efforts and to know it was truly appreciated.

Emergency Dashboard

Council commenced a media campaign with a focus on the Opt-In Notifications on the Emergency Dashboard in early January. The timing could not have been more perfect as the campaign commenced prior to the severe weather event. Prior to the campaign, and severe weather event, the Emergency Dashboard had just over 700 subscribers. This has now grown to 1,250 subscribers in the space of 3 weeks.

Further to this, analytics of the Emergency Dashboard has shown that public usage of the Emergency Dashboard was high during the severe weather event. At its peak, there were 23,834 viewers of the dashboard.



Mackay Unit SES Operations

January has been a very busy month with our recent weather event being a test of our abilities. We had 95 tasks in total across the Mackay Region mostly storm related issues leaking roofs and gutters and a couple of sand bagging tasks to stop run off water entering the homes. 4 x flood boat operations, 1 of which turned into a long line task over the swollen creek to get resupplies to people at Yalboroo.

We assisted the LDMG and Mackay Regional Council with several resupply efforts up the Eungella Range over a 4-day period.



Mirani crew delivering resupply to Eungella

SES Operational Capability

Function	Members / teams available	Notes
Flood boat	17 Teams	1 team = 2 members
Storm damage	96 Members	Teams usually 2-4 members
Chainsaw	30 Members	1 team = 2 members
Working at heights Roof	52 Members	1 team = 4 members
Working at heights ground only	7 Members	1 team = 4 members
Vertical rescue	8 Members	Team size varies on task parameters. Operational performance target is 10 members per team
Land search	70 Members	Team size varies on task parameters
Traffic control	54 Members	Team size varies on task parameters, but usually 2-4 members

Incident management	45 Members	Team size varies on task parameters
ATV & 4X4	20 Members	1 Team = 2 Members
Swift Water	22 Members	Teams usually 2-4 members

Current SES Membership for Mackay Unit

- 170 active members, 23 reserves
- 4 new members (probationary)
- Recruitment campaigns are ongoing in Midge Point and Calen, 6 new applications

Mackay Regional SES Unit Hours

The following indicates hours completed by volunteers across various functions.

Group	Operational	Training	Maintenance	Admin	Community Engagement	Total
Calen	0.00	0.00	3.00	1.45	0.00	4.45
Mackay	744.33	19.30	50.30	21.00	0.00	834.93
Mirani	146.15	62.00	11.75	3.15	0.00	223.05
Sarina	12.00	2.50	2.50	5.00	0.00	22.00
Armstrong Beach	2.00	0	0	0	0	2.00
Midge Point	0	0	6.00	1.00	0	7.00
DLC North	79.45	0.00	0	11.15	0.00	90.60
DLC South	25.00	0.00	0	8.00	0.00	33.00
DLC Central	37.00	0.00	0	12.00	0.00	49.00
TOTAL	1045.93	83.80	73.55	62.75	0.00	1264.03



Mackay SES Unit was fortunate to get some equipment from the Energizing Queensland project being thermal cameras, first aid mannequins, battery chainsaws and floating mannequins for flood boat training.

8. Health & Regulatory Services

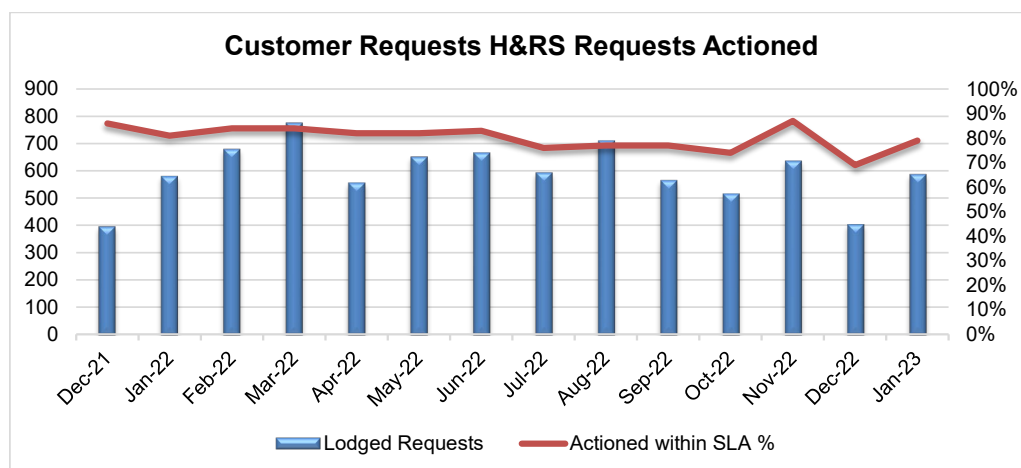
Overview

All service areas, including environmental health, environmental protection, pest management, vector control, development compliance, animal management, regulated parking and local laws have actively been responding to requests for service and assistance from the community and taking action to ensure public health, safety, order, equity and environmental values are being maintained.

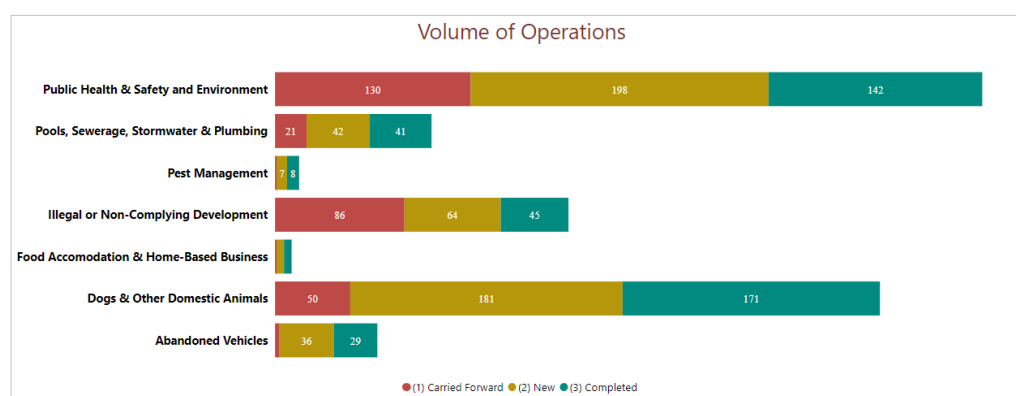
Customer Requests

Throughout January 2023, 589 requests for service were received, compared with 406 requests for December 2022.

79% were completed in nominated timeframes for this month. Health and Regulatory Services aim to complete 85% of requests for service within nominated timeframes, however, depending on the circumstances of each individual matter and the speed at which compliance can be achieved using compliance processes, timeframes for completion can be influenced.



Customer Request Status Tracking – Total 919



Animal Registrations - Number of Dogs & Cats Registered

The total number of animals registered at the end of January 2023 is **16,442**.

Animal Type	Renewed Registrations	New Registrations	Total Registrations
Cat	2,352	342	2,694
Dog	11,953	1,795	13,748

Proactive Patrols

Proactive Patrols are conducted at times when dog owners are most likely to be walking with their pets.

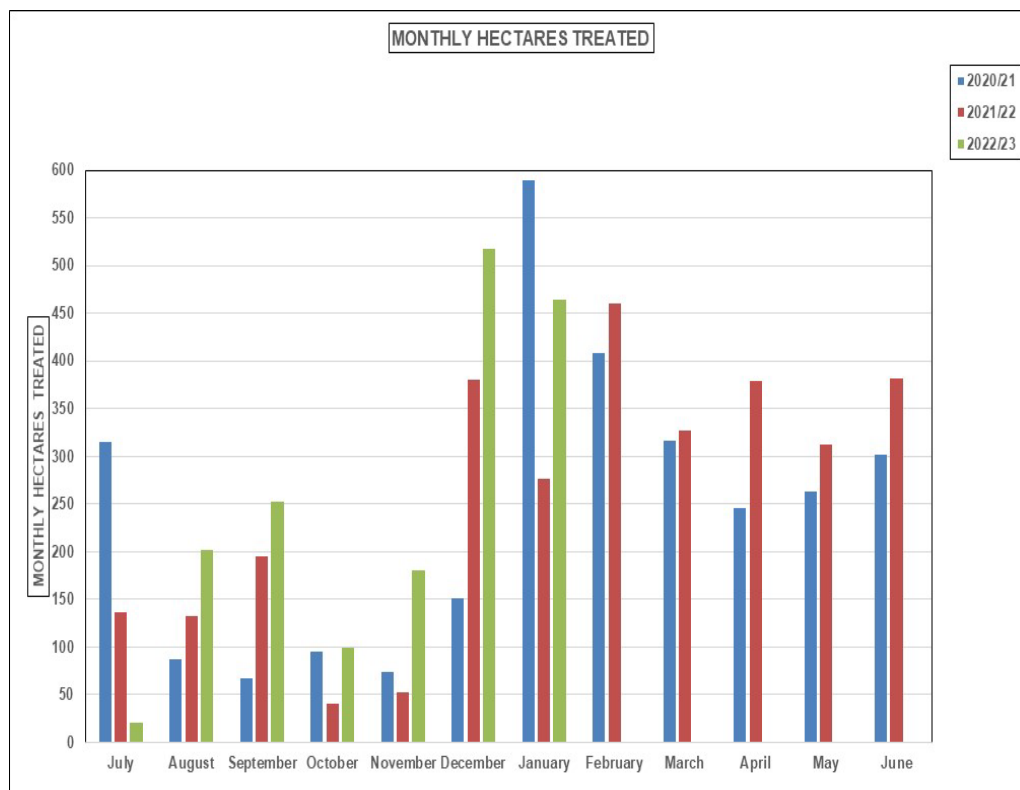
During January, 13 patrols were conducted across the region at locations including Bucasia, East Mackay, Glenella, Mackay CBD, Mackay Harbour, Rural View, Shoal Point, South Mackay, West Mackay, Andergrove, Slade Point, Blacks Beach, Dolphin Heads, Eimeo, Marian and Sarina.

81 dogs were identified on leash, 9 people were cautioned and provided education at South Mackay, Slade Point and Andergrove. No people were issued an infringement for their dog not being on a leash.

Vector Control

The table below represents the mosquito control work carried out by the Vector Control team in January 2023.

Sites Inspected	Sites Treated	Hectares Treated
68	57	464 Ha






Licensing and Approvals Summary for January 2023

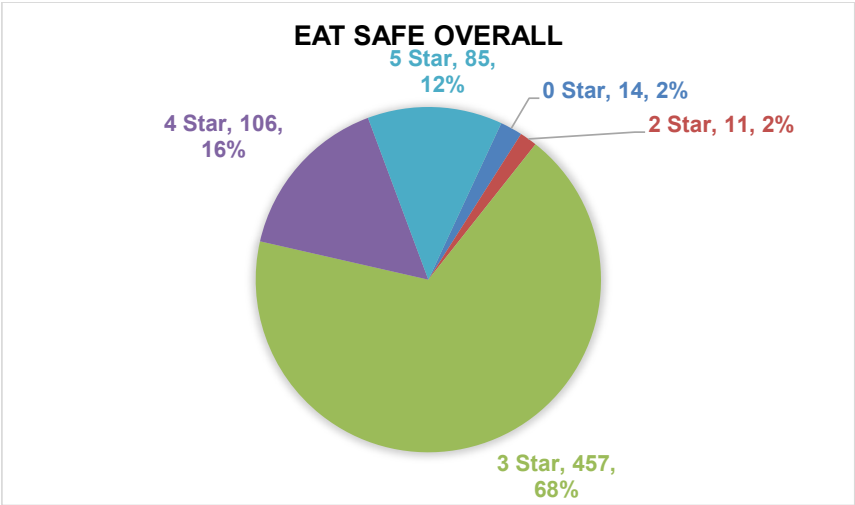
Premises	Premises Inspected	% Compliant	% Non - compliant	Applications Approved
Public Swimming Pool				1
Caravan Park	2	50%	50%	1
Total	2			2

Premises	Premises Inspected	5 Star	4 Star	3 Star	2 Star	0 Star	Applications Approved
Food Business	27	5	8	8	3	3	4

Star Meanings:

	Excellent performer – Excellent record keeping, procedures, cleanliness and sustainable food safety practices.
	Very good performer – Very good cleanliness, food safety practices and some records and procedures.
	Good performer – Good level of compliance and overall acceptable standard. Clean and meeting legislation.
	Poor performer – Low level of compliance, more effort required. I.e. Very unclean premises, poor hygiene practices.
NO STAR	Non-compliant performer – A general failure to comply, with major effort required to rectify issues. Critical non-compliances. I.e. Very unclean premises, poor hygiene practices, incorrect temperatures and presence of pests and vermin.

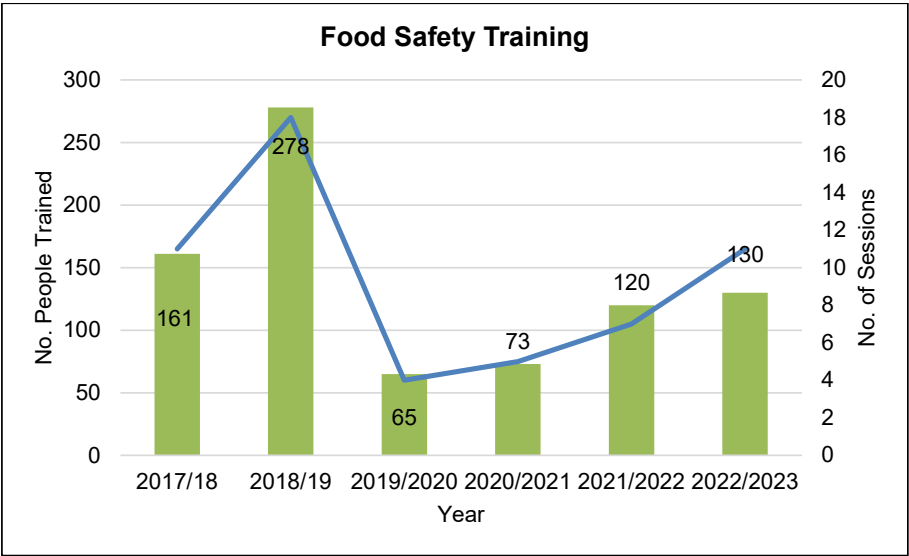
Note – Officers actively work with business operators to achieve compliance using appropriate regulatory tools.



The last few months have seen a decline in food safety at food businesses. Businesses have not maintained food safety as a high priority. Businesses have been affected by staff shortages; however, food safety must remain the highest priority. Environmental Health Officers continue to work with businesses to achieve higher food safety standards.

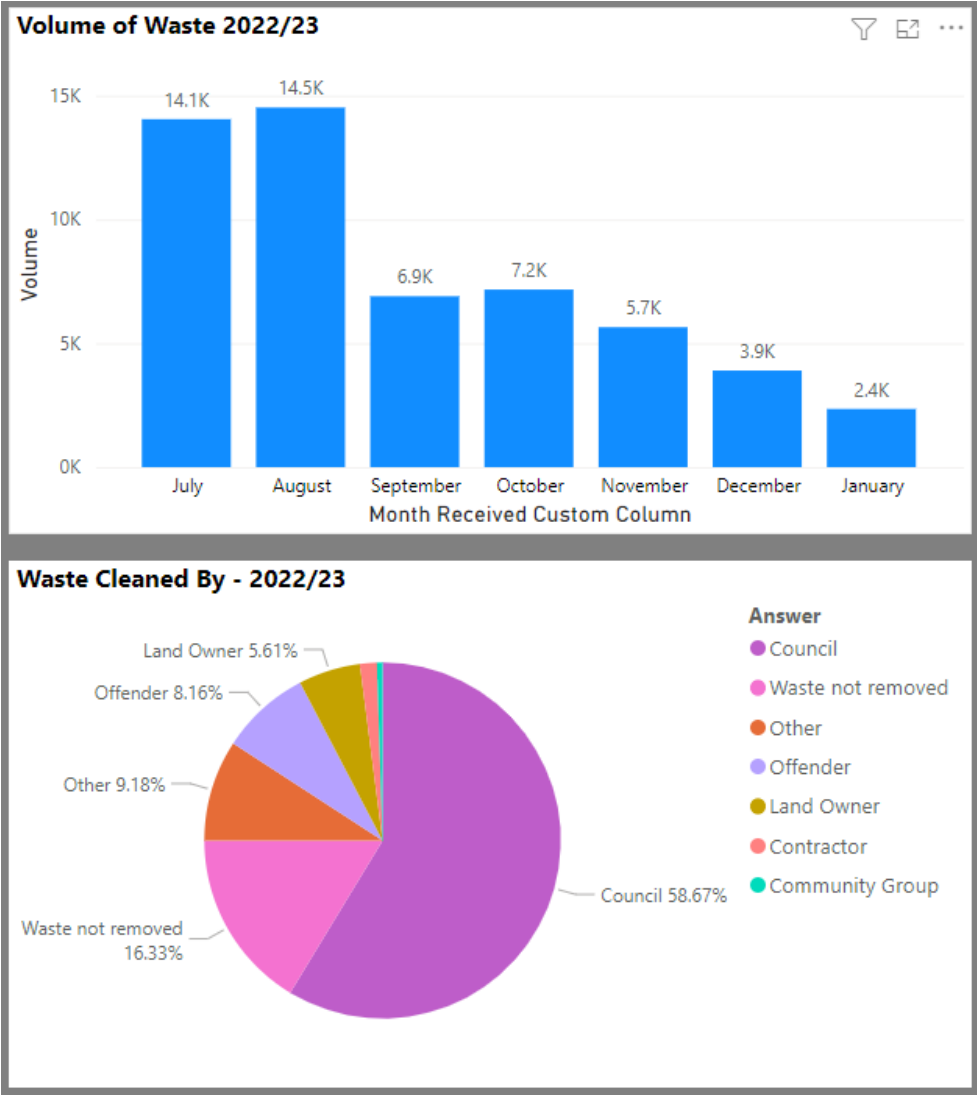
Education and Training Sessions

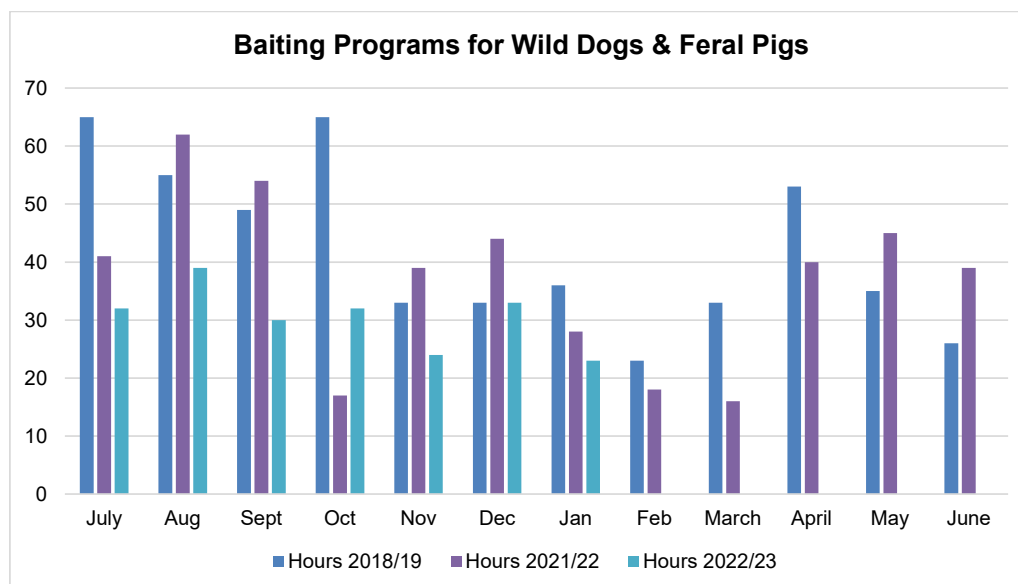
Food training sessions are conducted for non-profit organisations and for festival and events. Summary of sessions conducted: -



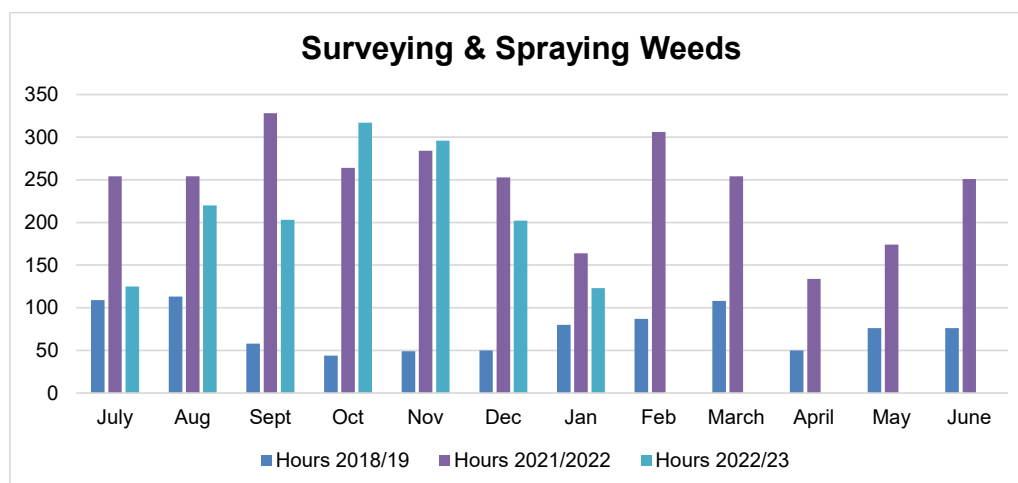
Illegal Dumping and Littering

Improved collection of information relating to illegal dumping and littering now allows a more comprehensive analysis of the volume (litres) of waste dumped each month and who has taken action to clean up dumped waste.



Pest Management

The hours noted above include preparation activities and conducting baiting sessions. Baiting is not conducted in wet weather due to the ineffectiveness.



Surveying and spraying are conducted on roads. Surveying is also conducted on private property throughout the region.

Points of interest:Cochineal insects and Prickly Pear

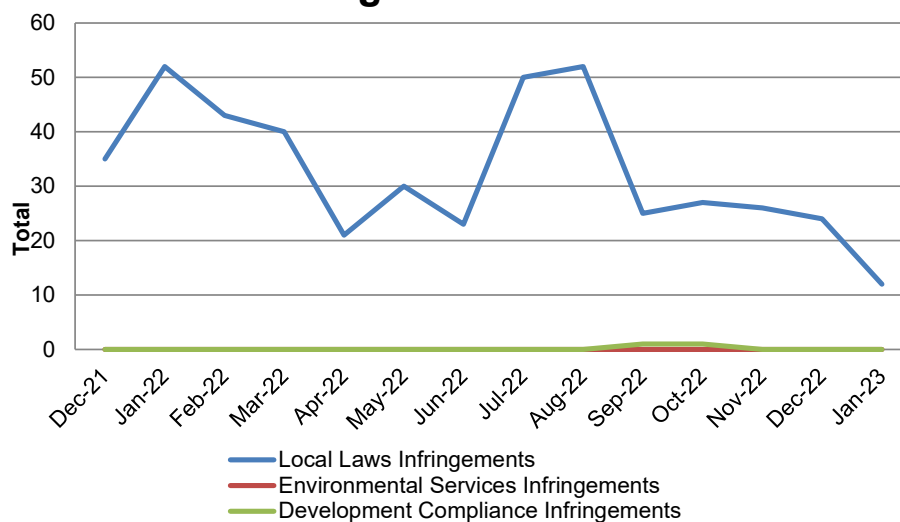
Cochineal insects were recently introduced to the Wetland Walkabout area. Pest Management Officer assisted the landowner and property manager to introduce the insect to a large Prickly Pear. Wetland Walkabout is dedicated to educating people about what can be achieved with careful management.



Monthly Infringements Activity

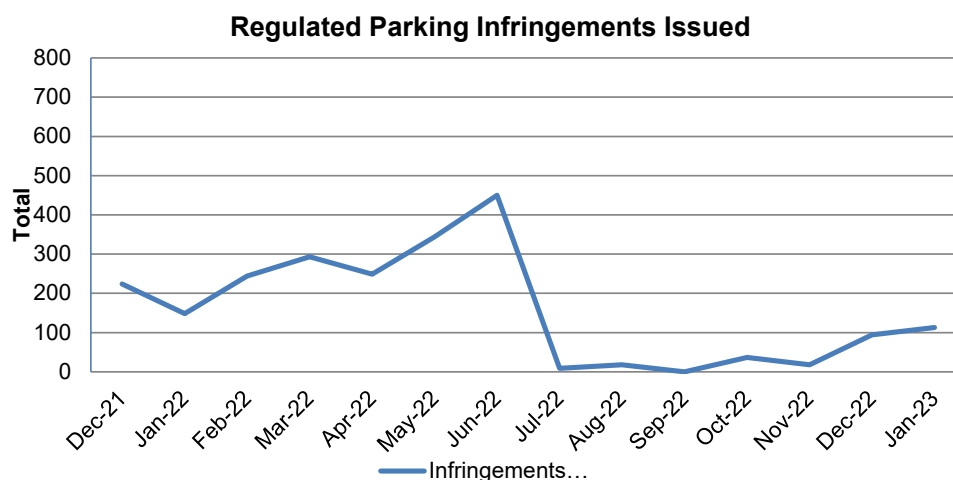
The graphs below provide a summary of infringement activity for Health & Regulatory Services over the past 12 months.

Infringements Issued



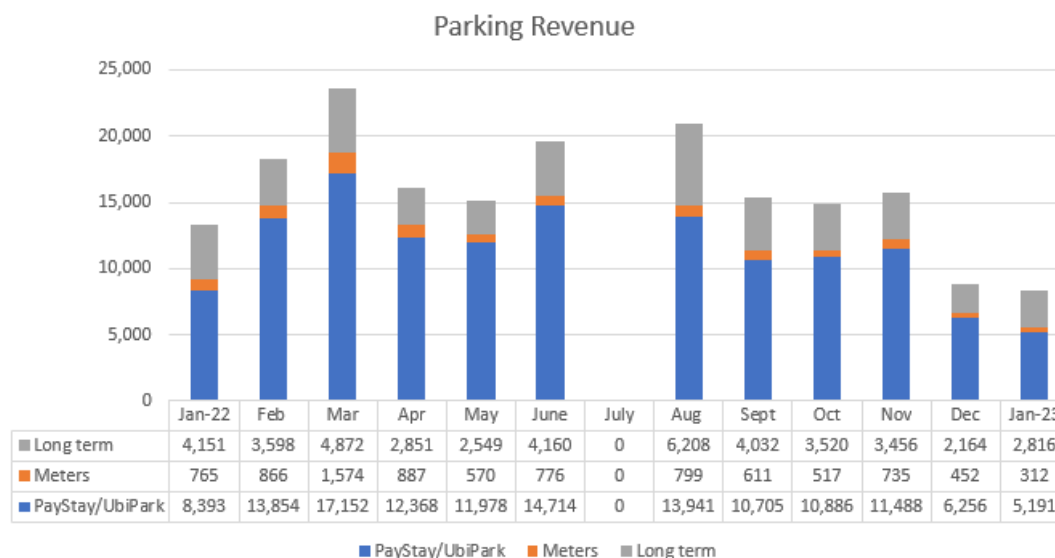
January 2023

Local Laws Infringements	Environmental Services Infringements	Development Compliance Infringements
<ul style="list-style-type: none"> Animal not registered within 14 days (4) Animal wandering at large (3) Fail to comply with compliance notice (3) Fail to comply with dangerous dog conditions (2) 	<ul style="list-style-type: none"> Nil 	<ul style="list-style-type: none"> Nil



Officers regulate 2525 on street car parks, off street car parks, loading zones and car parks designated for disabled people, daily. The new operating platform for checking parking compliance continues to be developed. The infringement issuing component of the platform is now allowing Officers to issue infringements from mobile devices using a registration plate recognition camera.

Off Street Car Parking – PayStay



All payment platforms for off-street parking have declined in comparison to January 2022.

11.3. DEVELOPMENT SERVICES

11.3.1. DA-2006-168/D CHANGE APPLICATION (OTHER CHANGE) - MATERIAL CHANGE OF USE AND RECONFIGURATION OF A LOT TO CREATE 80 RESIDENTIAL LOTS, 2 DRAINAGE LOTS AND 1 BALANCE LOT

Author	Development Planner (Lachlan Deon)
Responsible Officer	Director Development Services (Aletta Nugent)
Application Number	DA-2006-168/D
Attachments	Attachment 1: Locality Plan Attachment 2: Proposal Plans Attachment 3: SARA Response
Date Received:	30 September 2020
Applicant's Details:	Carlisle Coast Developments Pty Ltd C/- Jewell Planning Consultants PO Box 244, MACKAY QLD 4740
Proposal:	Change Application (Other Change) from Material Change of Use and Reconfiguration of a Lot to create 103 village lots and common property and Material Change of Use for Environmentally Relevant Activity (ERA No 15(b)) to Material Change of Use and Reconfiguration of a Lot to create 80 residential lots, 2 drainage lots and 1 balance lot (in 4 stages)
Site Address:	Lot 44 Midge Point Road, Midge Point
Property Description:	Lot 44 on RP749218
Owner's Details:	Carlisle Coast Developments Pty Ltd
Area:	43.18 hectares
Planning Scheme:	Mackay Region Planning Scheme v3.0
Zone:	Rural
Assessment Level:	Impact
Submissions:	Four properly made submissions
Referral Agencies:	Department of State Development, Infrastructure, Local Government and Planning
Recommendation:	Approve Development Application DA-2006-168/D subject to conditions

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

- Carlisle Coast Developments Pty Ltd
- Jewell Planning Consultants
- Owen Consulting

- Paragon Consulting Engineers Pty Ltd
- Earth Environmental
- Country-Wide Water Pty Ltd
- Submitter: Jennifer and Darren Duncombe
- Submitter: Robert and Jo-Anne Farrell
- Submitter: Shirley Farrell; and
- Submitter: Haley Moran-Green

Assessment of Application

The Applicant seeks a Change Application (Other Change) to an existing approval for a Material Change of Use and Reconfiguration of a Lot to create 80 residential lots, 2 drainage lots and 1 balance lot (in 4 stages) at Lot 44 Midge Point Road, Midge Point. The application triggered Impact Assessment and was subject to public notification. Council received four properly made submissions objecting to the proposed development. The relevant matters raised in submissions can be addressed through reasonable and relevant conditions.

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 and the applicable benchmarks contained in the Mackay Region Planning Scheme v3.0 (Planning Scheme). The application is recommended for approval, subject to conditions.

Subject Site and Surrounds

The subject site is located at Lot 44 Midge Point Road, Midge Point more formally described as Lot 44 on RP749218. The site is within the Rural Zone and is predominately vacant land with an approved Dwelling House on the property. The site has the ability to connect to Council's reticulated water network. There is no reticulated sewer in the locality and as such, onsite wastewater systems are required for the treatment of effluent. The subject site adjoins a number of properties, with the southern frontage along Bundesen Avenue being developed for residential purposes (see locality plan in Attachment 1).

Background

DA-2006-168

An application for a Material Change of Use and Reconfiguration of a Lot to create 103 village lots and common property and Material Change of Use for an Environmentally Relevant Activity (ERA No 15(b)) was refused by Council on 20 May 2009. The Applicant subsequently appealed Council's decision to the Planning and Environment Court where the development was approved on 27 October 2010.

OW-2017-25

An application for Operational Works (bulk earthworks) was approved subject to conditions on 9 November 2017. The works have been substantially started and as such, the approval remains current until such time that the works are considered completed.

Infrastructure Considerations

Water

The site is within the Midge Point reticulated water service area with the development required to connect. The existing water service has the capacity to cater for the proposed development.

Sewer

The development is proposed to be serviced by individual onsite wastewater treatment systems owned and operated by the individual property owners. The Applicant has provided two separate Onsite Waste Water Management Reports which identify the appropriate sizing and design guidelines for the systems. Both reports identify that the proposal can appropriately cater for 4 bedroom Dwelling Houses in accordance with the *AS/NZS 1547:2012 – On-Site Domestic Wastewater Management and the Queensland Plumbing and Wastewater Code* subject to obtaining a Permit under the *Plumbing and Drainage Act 2018*.

Stormwater

Standard conditions are recommended to address stormwater matters.

Roadworks

Internal roads are required throughout the site to service the proposed lots. Access is to be obtained from Bundesen Avenue where intersection works will be required at both entrances to the site.

Proposal

The Applicant is seeking a Development Permit to change an existing approval to a Material Change of Use and Reconfiguration of a Lot to create 80 residential lots, 2 drainage lots and 1 balance lot (in 4 stages). Specifically, the change proposal includes:

- A reduction in proposed residential lots from 103 lots to 80 lots
- Removal of common property to allow for freehold titles
- Removal of a sewerage pump station replaced with individual on-site sewerage systems
- An increase of minimum lot sizes to 1,005m²
- Incorporation of firebreaks into properties; and
- Modernising of conditions consistent with Council's Planning Scheme and Planning Scheme Policies.

See the Proposal Plan included in Attachment 2.

Referral Agencies

The application was referred to the State Assessment Referral Agency (SARA) for assessment and approval as a Concurrence Agency. The SARA approved the application on 27 May 2021 (see Attachment 3).

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 Regional Plan is 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 2012* as it applies to the Planning Scheme area.

Planning Scheme

The relevant instrument is the Mackay Region Planning Scheme v3.0 as the application was made on 30 October 2020.

Planning Notations

The approval is not required to be notated in the Planning Scheme under section 89 of the *Planning Act 2016* as it is not a Variation Approval, a Superseded Planning Scheme Approval or considered to be substantially inconsistent with the Planning Scheme.

Town Planning Assessment

The Applicant provided the following materials:

- Planning Assessment Report, which included the following specialist reports and supporting information:
 - Development Plans prepared by Jewell Planning Consultants
 - Site and Soil Wastewater Evaluation Report prepared by Country-Wide Water Pty Ltd; and
 - Engineering Services Report prepared by Owen Consulting.
- Applicant's response to the Information Request, which included:
 - Bushfire Report and Vegetation Mapping prepared by Earth Environmental
 - Footpath Plan prepared by Owen Consulting
 - Civil Works Drawings prepared by Owen Consulting
 - Site Based Stormwater Management Plan and Report prepared by Owen Consulting; and
 - Water Analysis Report prepared by Paragon Consulting Engineers.
- Applicant's response to the submissions made during the public notification period.
- Applicant's further response to matters raised during the assessment (received 1 March 2022) which included:
 - Proposed land application areas for onsite wastewater installations prepared by Country-Wide Water Pty Ltd.
- Applicant's response to Further Advice Notice issued by Council on 26 April 2022 which included:
 - Secondary foundation Investigation and On-Site Wastewater Management report by Ground Environments.

In addition to the materials provided by the Applicant, the submissions made regarding the application during the public notification period were considered.

All of the above material has been considered in the assessment of the application.

Planning Scheme Assessment

The application has been assessed against the following within Planning Scheme:

- Strategic Framework
- Acid Sulfate Soils Overlay Code
- Agricultural Land Overlay Code
- Biodiversity Overlay Code
- Bushfire Hazard Overlay Code
- Flood and Coastal Hazards Overlay Code
- Landscape Character and Image Corridor Overlay Code
- Rural Zone Code
- General Development Requirements Code
- Healthy Waters Code
- Reconfiguring a Lot Code.

Strategic Framework

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

Strategic Framework	Assessment
3.2.1 Regional strategic vision	The development is considered to comply in that the proposal provides increased coastal living opportunities for the community.
3.2.2 Growth management and urban consolidation	The development is considered to comply as the proposal provides a continuation of existing township style allotments within an existing coastal living style community.
3.2.3 Network of centres and industrial areas	Not applicable to this proposal.
3.3 Settlement pattern	The development integrates with the existing residential areas of Midge Point and facilitates additional housing choice. The proposal does not conflict with the principles of urban consolidation.
3.4 Natural environment and regional landscapes	The land has been cleared under a previous approval for Operational Works. The balance land will be dedicated to the State for environmental protection.
3.5 Strong communities	The development provides additional choices for housing diversity and a range of lot sizes.
3.6 Natural resource management	The balance land will be dedicated to the State for environmental protection. The footprint of the development has been cleared in accordance with an existing development approval.
3.7 Transport	Midge Point does not have a public transport route. The development will be serviced by roads consistent with Council's standards, the Planning Scheme and Planning Scheme Policies.
3.8 Infrastructure	The site is not located within the Priority Infrastructure Area. The development: <ul style="list-style-type: none"> Does not require the delivery of any trunk infrastructure to support the development; and Can be suitably serviced by all necessary infrastructure which is to be provided during the Operational Works stage of the development.
3.9 Strong economy	The development will provide additional employment opportunities to a less accessible part of the region and increase local economic growth.
3.10 Sustainability, climate change and natural hazards	The development is subject to current standards and policies which account for natural hazard impacts such as flooding and storm tide inundation events.

Biodiversity Overlay Code

The purpose of the Biodiversity Overlay Code is to ensure that development maintains the ecological integrity of significant vegetation and wildlife habitat areas, natural waterways and natural wetlands. An assessment against the relevant Acceptable Outcome (AO) and Performance Outcome (PO) is set out below.

AO 1.1 - Development avoids areas of ecological significance as follows:

- reconfiguring a lot does not increase the number of lots encroaching on environmentally significant vegetation and wildlife habitat areas and waterways and wetlands; and*
- buildings and constructed outdoor parking, recreation or storage areas avoid environmentally significant vegetation and wildlife habitat areas and waterways and wetlands.*

PO1 - Development is located, designed and operated to maintain ecological integrity and functionality within, adjoining and near the site by:

- retaining high value vegetation and habitat areas, waterways and wetlands; and*
- mitigating environmental and amenity impacts; and*

- (c) maintaining stormwater and hydrologic characteristics; and*
- (d) managing access for vehicles, pedestrians, domestic animals native fauna and fish passages; and*
- (e) rehabilitating degraded areas and improving regional ecological connectivity by providing habitat linkages between areas of ecological significance.*

The number of lots adjoining environmentally significant vegetation has been reduced from 30 in the original approval to 27 per the proposed change. The proposed lots will include a covenant to create a fire break area over the allotments adjoining the balance land (Lot 83) and environmentally significant vegetation. This covenant will restrict the construction of any buildings and structures as well as the growth of any vegetation that may impact on the vegetation on the balance land.

Bushfire Hazard Overlay Code

The purpose of the Bushfire Hazard Overlay Code is to ensure that development in areas subject to bushfire hazard is located and designed to minimise the risk of harm to people and property. An assessment against the relevant Acceptable Outcomes (AO) and Performance Outcomes (PO) is set out below.

AO1.2 - Buildings and structures are located:

- (a) to avoid areas of very high, high and medium bushfire hazard; and*
- (b) in the area of the site with the lowest bushfire risk; and*
- (c) to achieve a minimum setback from hazardous vegetation of 20 metres; and*
- (d) so that elements least susceptible to fire are closest to the bushfire hazard.*

PO1 - The safety of people and property are maintained by:

- (a) avoiding development in bushfire hazard areas; or*
- (b) assessing and mitigating the risk of people living or working in bushfire hazard areas; and*
- (c) mitigating the risk of bushfire through:*
 - (i) siting of buildings; and*
 - (ii) providing adequate access for fire-fighting / other emergency vehicles and safe evacuation; and*
 - (iii) providing an adequate and accessible water supply system for fire-fighting purposes.*

The proposed development will be serviced by sealed roads with reticulated water connections, limiting the risk of bushfire hazard and allowing for quick evacuation if required. There are two proposed access points to Bundesen Avenue for evacuation if required. The site has been largely cleared in accordance with an Operational Works approval.

AO5 - Reconfigured lots:

- (a) are not long and narrow in shape; or*
- (b) do not include rear / battleaxe lots.*

PO5 - Reconfigured lots provide adequate opportunity for evacuation.

The proposed rear and battleaxe lots do not have excessive access handles that would put the landowners at risk in the event of a bushfire. The roads to the development will be adequately sealed and will be suitable for evacuation purposes.

AO6 - In areas zoned Rural and Rural residential, building envelopes are identified:

- (a) to separate the location of future buildings from bushfire hazard areas in accordance with the separation distances required by AO1.2 and AO2.1; and*
- (b) with a minimum area of 1,000m² and minimum dimension of 18 metres.*

PO6 - Reconfigured lots in bushfire hazard areas provide a building envelope that is:

- (a) adequately separated from bushfire hazard area; and*
- (b) large enough to accommodate a dwelling house, outdoor recreation area and on site wastewater treatment system (where not connected to a reticulated sewerage network).*

The proposed subdivision includes a minimum lot size that can accommodate a Dwelling House, outdoor recreation area, and an onsite wastewater treatment system. Council's mapping shows a significant amount of bushfire risk over the development land, however this land has been cleared in accordance with an Operational Works approval. Therefore, the risk is no longer as significant. A firebreak is included in the proposal which will provide future Dwelling Houses with a further buffer in the event of a bushfire.

AO7.1 - Cul-de-sacs / non-through roads are not provided in bushfire hazard areas unless the cul-de-sac is provided within an alternative access linking the cul-de-sac to other through roads.

PO7 - Roads enable the following during bushfire events:

- (a) safe evacuation of residents, employees and other people within bushfire hazard areas; and*
- (b) access for fire fighting vehicles.*

The roads within the development enable the safe evacuation of residents as all roads will be sealed and connected to Bundesen Avenue with two access points. The roads will be constructed to Council standards including fire hydrant systems where required (to be designed at the Operational Works stage).

Flood and Coastal Hazards Overlay Code

The purpose of the Flood and Coastal Hazards Overlay Code is to ensure that development in areas subject to inundation in riverine and local flood events and/or located in coastal hazard area is planned, designed and constructed to minimise risk of hazards to people and property. An assessment against the relevant Acceptable Outcome (AO) and Performance Outcome (PO) is set out below.

AO1.1 - The minimum floor level for habitable rooms (new buildings and extensions to existing buildings) in dual occupancies, dwelling houses and dwelling units is the highest of the following:

- (a) 300mm above the DFE; or*
- (b) 300mm above the DSTE relevant to the subject site; or*
- (c) the minimum floor level, as follows:*
 - (i) Mackay urban area – RL 5.4m AHD; or*
 - (ii) Midge Point – RL 5.0m AHD; or*
 - (iii) Seaforth, Haliday Bay, Ball Bay, Louisa Creek, Half Tide Beach, Salonika Beach, Grasstree Beach, Sarina Beach, Freshwater Point and Armstrong Beach – RL 5.3m AHD; or*
- (d) in addition to (c) above, an additional 600mm is provided for higher wave effects and run up in the foreshore area (the foreshore area shall be taken as extending inland for a minimum of 100 metres from the higher of toe of the frontal dune or Highest astronomical tide); or*
- (e) 225mm above natural ground level; or*
- (f) 300mm above the greater of top of the kerb level or the crown of the adjacent bitumen road.*

PO1 - Habitable rooms in, and essential infrastructure such as electricity supply, telecommunications and water supply servicing, dual occupancies, dwelling houses and dwelling units have acceptable levels of flood immunity.

An Operational Works approval over the site has resulted in the construction of the proposed development land to approximately 5m AHD which is in accordance with AO1.1(c)(ii), demonstrating compliance with the assessment benchmarks.

Rural Zone Code

The Rural Zone Code primarily seeks to provide for a range of rural activities, residential uses that support rural activities and intensive rural activities and other uses that cannot be located in urban areas. The zone also contains undeveloped land providing ecological and habitat value. The zone does not accommodate development for urban purposes where residential uses are limited to those which support the use of land for rural activities. An assessment against the relevant Acceptable Outcomes (AO) and Performance Outcomes (PO) is set out below.

PO1 - The zone primarily accommodates rural activities.

The subject site has a current Material Change of Use and Reconfiguration of a Lot approval (DA-2006-168) to create 103 village lots and common property and Material Change of Use for Environmentally Relevant Activity (ERA No 15(b)). The proposed change is for a Material Change of Use and Reconfiguration of a Lot to create 80 residential lots, 2 drainage lots and 1 balance lot (in 4 stages). The proposed changed lot layout is shown in Attachment 2. This proposed layout will reduce the number of lots lessening the potential impact from the original proposal. Whilst the proposal does not provide for rural activities, it is relevant that the rural capabilities of the land has been lost due to the current approvals. The proposal, in its current form, does not further diminish the loss of rural land any more than the existing approvals.

PO2 - The zone accommodates small scale residential uses, such as dwelling houses, caretaker's accommodation and rural workers accommodation, which support the use of land for rural activities.

As mentioned above, whilst the proposal does not provide for rural activities, it is relevant that the rural land has been lost due to the current approval. The proposal, in its current form, does not further diminish the loss of rural land any more than the existing approval.

AO4 - The following uses are not located on land within the Rural zone, including within the Investigation area precinct (precinct no. RU1):

- (a) centre activities, outdoor business activities and other commercial uses; and*
- (b) community activities and other community uses; and*
- (c) industry activities and other industrial uses; and*
- (d) multiple dwelling activities, non-resident workforce accommodation, short-term accommodation, relocatable home park, tourist park and other residential uses not associated with a rural activity; and*
- (e) recreation activities and other formal recreation uses; and*
- (f) other uses that extensively compromise the rural amenity and landscape character of the area.*

PO4 - Development for urban purposes and other uses more appropriately located in urban areas are not located in the Rural zone, including within the Investigation area precinct (precinct no. RU1). The Ooralea investigation area is not sequenced for development before 2026. The Richmond and Sarina east investigation areas are not sequenced for development before 2031. The Rosella investigation area is not sequenced for development in the life of this planning scheme.

The subject site has an existing approval for 103 lots to which regard has been given to. While this is inconsistent with the Rural Zone, the existing approval remains current and is for a larger number of lots than the current proposed change. The proposed change will reduce the number of proposed lots and modernise the approval consistent with Council's current standards and policies.

General Development Requirements Code

The purpose of the General Development Requirements Code is to provide general requirements regarding infrastructure, amenity, safety, and environmental standards for assessable development. An assessment against the relevant Performance Outcome (PO) is set out below.

PO30 - There is no increase in the number of people living or working on a flood prone site, except where the premises are occupied on a short-term or intermittent basis.

The subject site has been filled in accordance with an Operational Works approval to approximately 5m AHD in accordance with requirements set out per AO1.1 of the Flood and Coastal Hazards Overlay Code.

Reconfiguring a Lot Code

The purpose of the Reconfiguring a Lot Code is to ensure that reconfiguring a lot development provides:

- (a) diverse, accessible, sustainable and liveable residential neighbourhoods;*
- (b) accessible and efficiently serviced industrial areas; and*
- (c) lots with high levels of usability and amenity for the intended use.*

An assessment against the relevant Performance Outcomes (PO) is set out below.

PO1 - The reconfigured lots achieve / provide for the outcomes sought by:

- (a) the relevant zone code; and*
- (b) any relevant local plan; and*
- (c) any approved development framework plan; and*
- (d) road hierarchy overlay; and*
- (e) Planning scheme policy - open space; and*
- (f) trunk infrastructure in accordance with the local government infrastructure plan.*

Compliance with the zone code is not strictly achieved, however this can be addressed through conditions attaching to the Material Change of Use approval that limit the type of development occurring on the subdivided land to residential development.

PO8 - Each lot complies with the following elements identified in Table 9.4.3.3.B:

- (a) minimum lot size; and*
- (b) maximum average lot size; and*
- (c) maximum lot size; and*
- (d) minimum frontage width.*

The proposed development adjoins existing Township Zone lots and the sizing of the allotments reflects this. The proposed minimum lot sizes can support an onsite wastewater system and a Dwelling House. The Township Zone minimum frontage width is 20m, and minimum lot size is 1,000m² as per Table 9.4.3.3.B in the Planning Scheme. The majority of the proposed lots achieve the minimum frontage width, and all of the 80 proposed lots achieve the minimum lot size of 1,000m² in the Township Zone.

In contrast, only 1 of the 25 existing adjoining lots along Bundesen Avenue achieve the minimum lot size for the Township Zone, with most existing lots being 800m² or less. The proposed lots by comparison have a larger footprint than existing lots in the surrounding area to efficiently utilise an onsite wastewater system and accommodate a Dwelling House.

PO10 - Rear residential lots:

- (a) are limited to instances where they are necessary; and*
- (b) contain a usable area that is suitable to accommodate the amenity of the area; and*
- (c) provide adequate access to the usable area; and*
- (d) maintains a high level of amenity for the lot, adjoining lots and the surrounding area.*

There are two rear residential lots proposed as part of this development with a minimum lot size of 1,211m². The lots contain a satisfactory usable area for a future Dwelling House and on-site wastewater treatment system.

PO11 - Irregular shaped lots contain a usable area that:

- (a) is suitable to accommodate the intended use; and*
- (b) enables the intended use to maintain the amenity of the surrounding area.*

The irregular shaped lots contain suitable space to construct a Dwelling House and onsite wastewater treatment system. There are only a limited number of irregular shaped lots included in this development proposal.

PO16 - Where on-site wastewater treatment is required, the following is considered and addressed:

- (a) the number of existing on-site domestic water treatment plant systems in the locality; and*
- (b) the soil type, land slope, hydrology and hydrogeology of the site and the locality; and*
- (c) the proximity of the proposed system to surface waters and ground water; and*

- (d) rainfall and other climatic conditions; and
- (e) the cumulative effect of the proposed and existing systems in the locality on water quality; and
- (f) any relevant ground water protection plan.

The proposed lots will rely on an onsite wastewater management system to achieve effluent disposal associated with the proposed residential nature of the development. The applicant has provided two Onsite Wastewater Management Reports which identify that the proposed lots can appropriately facilitate a Dwelling House and the Onsite Wastewater Management System. Conditions regarding the building size and land application size have been recommended.

Infrastructure Charges

Infrastructure charges will be as per an infrastructure agreement and subsequent deed of amendment dated March 2021. As such, the total charges will equate to approximately \$1,877,707.20.

Submissions

The application was publicly notified in accordance with the requirements of the *Planning Act 2016* and four properly made submissions were received.

The principal matters raised in the submissions are summarised and discussed below:

1. Drainage and flooding
2. Traffic
3. Construction disruptions
4. Streetlighting
5. Safety, security, privacy
6. Sewage issues
7. Land clearing; and
8. Non-progression of development.

1. Drainage and flooding

Submitter Concerns

- Filling activities on the site will cause flooding on surrounding lots.
- The temporary drain abutting the rear of the Dwelling Houses along Bundesen Avenue is inadequate.

Applicant's Response:

- The development site has been filled in accordance with an Operational Works approval.
- A Site Based Stormwater Management Plan addressing the State Planning Policy (SPP) stormwater quality requirements was undertaken by Owen Consulting as part of an Information Request response. This assessment has reviewed the hydrology and hydraulics of the site for pre-development and post development scenarios and investigated the impact of the proposed development on downstream properties and receiving waters.
- The proposed drainage plan aligns with the existing overland flow paths. During major storm events (Q50 to Q100) the internal road network will direct the site's local overland flow (Q100 minus Q2) within the road carriageway to the proposed legal points of discharge. The minor storm event (Q2) will be captured by the internal stormwater network (pits and pipes) and directed to the legal points of discharge.
- The current drain running parallel with Bundesen Avenue will be increased to a 12.5m wide drain with an increased capacity.
- To satisfy the conditions of the existing Operational Works approval, the drainage channel aligned to the rear of the allotments fronting Bundesen Avenue and between the allotments and the development site has been sized to convey 1% AEP (Q100) stormwater sheet flow from the Bundesen Avenue allotments and Bundesen Avenue full road width. The proposed development access road, termed 'Road 1' will delineate

the extent of the drainage channel, with the extent of the drainage channel's most upstream end being on the north-western (opposite) side of Road 1. The longitudinal gradient of the drainage channel directs stormwater to the north-west, as is the pre-development case, towards Jimmys Rock Road.

- A condition will be applied by Council specifying that there is no worsening with regards to flooding on adjacent properties.

Officers' Comments:

- The Site Based Stormwater Management Plan has been reviewed by Council.
- A minor amendment to the Site Based Stormwater Management Plan has been proposed to include the relocation of the bio-retention basins and to amend reference to the drainage channel adjoining existing Dwelling Houses along Bundesen Avenue.
- The proposed Site Based Stormwater Management Plan is considered acceptable and will be conditioned accordingly.

2. Traffic

Submitter Concerns

- Disruption to existing access and parking arrangements for lots adjoining development access roads.
- Increased traffic volumes due to the increase of allotments.

Applicant's Response:

- Residents located adjacent to the Road 1 and Road 2 entrances to the proposal currently have, and will maintain, frontage to Bundesen Avenue and Roads 1 and 2.
- The application proposes to decrease the approved number of Dwelling House lots from 103 down to 80 resulting in a decrease in vehicle traffic.
- The traffic catchment for the segment of Road 1 between proposed lot 54 and Bundesen Avenue is approximately 41 freehold lots. The traffic catchment for Road 2 is approximately 45 freehold lots. Council's standard drawing A3-3617 Access Street (Urban) stipulates that an access street can have a catchment of up to 75 lots. As such, the applicable road hierarchy for the road segments is an Access Street. Subsequently, there will be no restrictions for normal Dwelling House access to Roads 1 and 2 from the existing adjoining lots.
- As Road 1 and Road 2 connect the development to Bundesen Avenue, it is permissible to also consider them as performing the function of a Minor Collector Street and therefore a pavement width of 7.5m has been adopted. The designed road width is 20m which allows for a generous pavement width of 7.5m and verge width of 6.25m. This design allows for better manoeuvrability around vehicles that are parked on street and there will be ample space for parking and driveways.

Officers' Comments:

- The land currently utilised by the submitters for access is owned by the developer.
- The impacted landowners will have alternative access arrangements following the development of Road 1 and Road 2.
- The increased local traffic is a consequence of any residential development, for which there is an approval existing on the site already for a larger number of lots (103). The proposed change to the existing approval will reduce the number of lots to 80, and subsequently reduce the potential impact of local area traffic.

3. Construction disruptions

Submitter Concerns

- General concerns regarding dust and noise.

Applicant's Response:

- The subject site has received imported fill under an existing Operational Works approval, approved in November 2017. The import, placement and compaction of the fill material was completed following removal of vegetation (grasses) and topsoil. The topsoil has been spread to areas where earthworks have been

completed and stockpiled on-site for future use. This filling represents the largest portion of required earthworks that have now been completed for the site. In future there will only be minimal site earthworks associated with construction of roads, in compliance with the relevant standards.

- Future Operational Works will be conditioned to ensure compliance with all relevant standards including dust mitigation, noise levels, hours of operation and speed limits.

Officers' Comments:

- Any work conducted on site is subject to Council's requirements in accordance with the *Environmental Protection Act 1994*, conditions of development and Council's local laws.

4. Streetlighting

Submitter Concerns

- Submitters expressed concerns regarding future street lighting that may affect their residences.

Applicant's Response:

- Street lighting and signage comply with the requirements of Council's Planning Scheme Policy SC6.5 - Engineering design guidelines – geometric road design.

Officers' Comments:

- Agree with Applicant's response.

5. Safety, security, privacy

Submitter Concerns

- Submitters are concerned that the addition of 80 new lots to the area will bring with it increased population and subsequent increased crime/community safety issues.

Applicant's Response:

- All planning scheme requirements and/or State Government codes relating to safety and security will be strictly adhered to.

Officers' Comments:

- Agree with Applicant's response.

6. Sewage issues

Submitter Concerns

- A query was raised as to the proposed sewage systems for the development i.e. will it be BIO Cycles or septic systems?
- Concerns that the increase in septic systems will result in environmental health issues.

Applicant's Response:

- It is proposed to install single individual aerobic wastewater treatment plants to cater for all wastewater produced by the future Dwelling Houses on each future lot.
- The designed effluent disposal method will be detailed with all required relevant information and installation criteria on the site specific effluent design plan. That is to say, the method of effluent disposal will be site specific and detailed in depth on the plumbing and drainage design plans that relate directly to each individual site location.

Officers' Comments:

- In the reports submitted by Country-Wide Water Pty Ltd and Ground Environments Pty Ltd along with subsequent site plan exhibiting proposed system placement, it has been demonstrated that the geology of

the proposed lots can cater for onsite wastewater systems. It will be the responsibility of new land owners to ensure that the integrity of their system is not impacted by Dwelling House design or ancillary outbuildings.

- There are no mapped (registered) bores within proximity to the development area.
- Town water connections are available, and therefore there is no complete reliance on bore water for consumption within the general area.

7. Land clearance

Submitter Concerns

- A query was raised as to the clearing of vegetation on site and existence of fauna and flora.

Applicant's Response:

- The subject site has received imported fill under an existing Operational Works approval, approved in November 2017. The import, placement and compaction of the fill material was completed following removal of vegetation (non-remnant trees and grasses) and topsoil. The topsoil has been spread to areas where earthworks have been completed and stockpiled on-site for future use.
- Regarding the remaining vegetation that has not been cleared, a Vegetation Mapping and Bushfire Report was prepared by Earth Environmental in response to Council's Information Request. The report notes that the mapped regional ecosystems are mostly incorrect except for some of the area that is not subject to the proposed development. The conclusion is that no remnant vegetation is affected by the development.

Officers' Comments:

- Clearing was in accordance with the requirements from State agencies on the original approval, and as per the existing Operational Works approval.

8. Non – progression of development

Submitter Concerns

- A submitter commented that the proposed development has been ongoing for over ten years without ever progressing or coming to fruition.

Applicant's Response:

- The developer has full intention of progressing with this development.

Officers' Comments:

- The Applicant can continue the construction of the development until the approval lapses or the development is completed.

Other relevant matters

In accordance with section 45 of the *Planning Act 2016* the Assessment Manager has considered no further matters as part of the assessment of the application.

Risk Management Implications

Potential risks include costs involved if an appeal is lodged (appealing a refusal or conditions of the approval), impacts on nearby residents if the conditions do not adequately mitigate the risks and compliance risks if there is non-compliance with conditions.

Conditions are recommended to mitigate impacts on adjoining residents and to provide a better development outcome than what is delivered through the current approval.

Consultation

Council Officers have discussed information requirements and amendments to conditions with the Applicant and its consultant during the time that this application has been lodged with Council. Input has been obtained from various relevant Council programs to better inform amendments to existing conditions.

The application was discussed with representatives from various Council Programs since the date of lodgement of the proposal, and again following the four submissions being received.

Conclusion

The reports and plans provided by the applicant demonstrate that the proposed development will not have a detrimental impact on adjoining residents. The proposed development has been assessed against the Planning Scheme and all relevant assessment criteria. The Applicant has provided technical assessments in relation to drainage, stormwater management and on-site wastewater, and the resulting design of the development will ensure that the amenity of the surrounding area will not be adversely affected by the proposed development.

It is therefore recommended that the proposed development be approved subject to conditions.

Officer's Recommendation

THAT Council approves the application for a Development Permit for Reconfiguration of a Lot (Other Change) for a Material Change of Use and Reconfiguration of a Lot to create 80 residential lots, 2 drainage lots and 1 balance lot (in 4 stages) located at Lot 44 Midge Point Road, Midge Point, more formally described as Lot 44 on RP749218, subject to the following conditions and Assessment Manager's Advice:

RECONFIGURATION OF A LOT CONDITIONS

1. Plan of Development

The approved reconfiguration of land creating **80 Lots** must generally comply with the Plan of Development (identified in the Table below) and supporting documentation which forms part of this application, except as otherwise specified by any condition of this approval.

Drawing Number	Title of plan	Revision	Prepared by	Date
19-2233-DW-07	Survey Proposal Plan	B	Jewell Planning Consultants	23-12-2022
201773-DA-002	Footpath Plan	B	Owen Consulting	2021

2. Amended Plans Required

The approved plans of subdivision must be amended to comply with the following matters:

- Provide alternative bioretention areas that are not be located in the Area B buffer identified by DERM or within the required fire break buffer.**
- Remove the 'common property' in the Northern corner of the site.**

The amended plans must be lodged with Council for written approval prior to the lodgement of Operational Works application.

3. Compliance of Conditions

All conditions must be complied with prior to the endorsement of the plan of subdivision, unless specified in an individual condition.

4. Landscape Plan Required

A detailed site and Footpath Landscaping Plan must be prepared by a qualified Landscape Designer and must be submitted with Operational Works Approval application. The plan must show for all areas identified on the approved plan of development the following:

- a) **Landscape specification of sufficient detail so that landscape works are to be carried out;**
- b) **Plant schedule detailing number of plants, species, pot size and height at planting;**
- c) **Details of soil and mulch types, including depths, areas of turf, garden edges and paving finishes; and**
- d) **The details of the irrigation system and backflow prevention device.**

Any proposed landscaped works within Council's Road Reserve must comply with Council's Planning Scheme Policies.

5. 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 specifications.

6. **Deleted**

7. 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 condition will prevail.

8. **Deleted**

9. **Deleted**

10. **Deleted**

11. Contributions Payment Timing – Endorsement of Survey Plans

All contributions and charges must be paid prior to the date of endorsement of the Plan of Survey at the rate applicable at the time of payment.

12. Transfer of Lot **83 (Balance Area)**

Proposed Lot **83** must be transferred as shown on the proposal plan to the State as a Reserve for Beach Protection and Coastal Management, at no cost to Council.

13. Street Signs / Names

Prior to Council issuing a development permit for Operational Work, street names are to be provided to Council for approval.

14. Contract of Sale

The developer is required to include in the contract of sale for each allotment:

- a) **Any future Onsite Wastewater System must be an Advanced Secondary Quality Disposal System in accordance with *Foundation Investigation & On-Site Wastewater Management Report* provided by Ground Environments.**

- b) **Usage of the Land Disposal Area associated with On-Site Wastewater Management System is to be kept to a minimum. Effluent Disposal Areas are to be non-trafficable by domestic vehicles.**

A notation of each will be made Council's rates notation system

15. On-site Wastewater Disposal

Any future Dwellings must be able to be provided with an Onsite Waste Water Treatment System and effluent disposal area that is in accordance with AS/NZS 1547:2000 On-site domestic-wastewater Management.

Onsite Wastewater treatment system is to be in accordance with *Foundation Investigation & On-Site Wastewater Management Report* provided by Ground Environments.

16. Electricity Services

The development must be provided with underground reticulated power. The developer must provide to Council, prior to the endorsement of the Plan of Subdivision, one of the following:

- a) **A copy of a Certificate of Electrical Supply from the Distribution Network Service Provider (Ergon Energy); or**
- b) **A copy of a Certificate of Acceptance from the Distribution Network Service Provider (Ergon Energy).**

Any substations, ring main units and distribution cabinets, must be located clear of footpath areas and parkland areas.

17. Telecommunications Services

The development must be connected to reticulated telecommunications.

The developer must provide to Council, prior to the endorsement of the Plan of Subdivision, one of the following:

- a) **Signed Telstra Agreement; or**
- b) **Telstra Telecommunications Network Infrastructure Provisioning Confirmation; or**
- c) **NBN Co. Certificate of Practical Completion; or**
- d) **A receipt for the works that are to be completed (NBN or Telstra).**

All above ground installations must be located clear of footpath and parkland areas.

18. Streetlighting

Streetlighting must be provided in accordance with Council's **Planning Scheme Policy – Geometric Road Design and the relevant current Australian Standards.**

19. Damage

Any damage which is caused to Council's infrastructure as a result of the construction and / or establishment of the proposed development must be repaired immediately.

20. Internal Street Works

All internal roads must be designed and constructed as kerb to kerb bitumen sealed roads as detailed below:

- a) **Access Street - Standard Drawing No. A3-3617**
- b) **Undivided carriageway 6.0m wide within a 15m wide road reserve**
- c) **1.5m wide concrete footpath generally in accordance with the approved plans**
- d) **Traffic calming to be provided in accordance with Council's Engineering Design Guidelines and Council standard drawing A3-08415B**
- e) **Intersection treatments to be provided in accordance with Council's Engineering Design Guidelines and Council standard drawing A4-00184B**

21. Street works - External

- a) Provision of two intersections onto Bundesen Avenue at locations shown on drawing **19-2233-DW-07** and in accordance with Council's **Planning Scheme Policy – Geometric Road Design and the relevant current Australian Standards**. The intersection works are to include the following:
 - i) Construction of intersections from Bundesen Avenue to 5metres past the southern drainage reserve (Lot 81 and Lot 82),
 - ii) Modification to kerb and channel, services and line marking within Bundesen Avenue.
 - iii) Provision of splitter islands in accordance with Council standard drawings A4-156 and kerb and channel kerb returns.
 - iv) Intersection lighting.
- b) Adjoining property owners affected by the works must be consulted during the design process.

22. Stormwater

All stormwater for the approved development must be controlled, with provision being made for the following:

- a) External catchments
- b) Inter-allotment drainage; and
- c) Downstream Drainage to a lawful and practical point of discharge which has been nominated as the existing gully adjacent to the south eastern side of the development.

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

23. Stormwater Design

Stormwater drainage for the site must be designed in accordance with Council's **Planning Scheme Policy – Stormwater Drainage Design** and the Queensland Urban Drainage Manual (QUDM) and include the following:

- a) Stormwater drainage from the site for the minor storm event (1 in 5 year ARI) must be collected within the site and discharged via an underground system to the legal point of discharge.
- b) Stormwater drainage from the site for the major storm event (1 in 100 year ARI) must be contained within the road and drainage reserves to the legal point of discharge.
- c) The proposed rear allotment drainage adjacent to the rear boundaries of the existing Bundesen Avenue allotments must be designed for the major storm event (1 in 100 year ARI).
- d) Roofwater must be piped directly to the swale drains.
- e) Gross pollutant traps must be located within the site prior to discharge outlets and are to be private assets.

24. Drainage – rear boundary to street

Except where otherwise approved by Council, allotments must be drained from the rear boundary to front street in accordance Council's Standard drawing A3-870. Attention is drawn to preferred footpath and allotment slopes as follows:

Footpath slope:	Preferred	1:50
Allotment Slope:	Minimum	1:200
	Maximum	1:12

Filling is to be provided where applicable in accordance with Council's **Planning Scheme Policy – Site Regrading**.

25. Earthworks

Development Levels

- a) Filling must be provided where applicable in accordance with Council's **Planning Scheme Policy – Site Regrading**.
- b) The minimum finished surface level **of new allotments** must be at or above **5.0m** AHD.

26. Site Based Stormwater Management Plan - High Risk

Council's Stormwater Quality Risk Classification has classified this development as high risk as defined in Section 1.5 of Council's **Planning Scheme Policy – Healthy Waters**. The SBSMP must be submitted to Council for approval at the time of submission of the Operational Works applications.

Assessment of other components of Operational Works applications cannot be finalised until the SBSMP is approved first. If provided, Stormwater Quality Improvement Devices must be located within the site and must be of a private nature.

28. Water Supply

A water reticulation system must be provided in accordance with Council's Planning Scheme Policy – Water and Sewerage (CTM Water Alliance).

29. Live Connection Work

Mackay Water is to carry out all water connection work at the developer's expense.

30. Visual Screen Fence

A visual screening fence between the drainage reserve and all existing and proposed residential allotments is required to be constructed.

- a) **The visual screening fence on the southern side must be a maximum height of 1.8 metres, unless a similar standard of fencing currently exists. Furthermore, the fence must be tapered to a height of 1.2 metres within 6 metres of the front alignment and is to be at least 50% transparent above 1.2m unless otherwise agreed to in writing by Council. The total cost of this fencing to be met by the Developer.**
- b) **The screening fence on the northern side of the drainage reserve must be a maximum height of 1.5 metres and be a pool style fencing with a minimum of 50% transparency.**

31. Street Planting

Street planting must be provided in accordance with Council Policy, with a plan submitted to Council for separate approval by Council.

32. Staging

- a) The staging of the development may be undertaken generally in accordance with **the approved plans**, and be as follows:

i) Stage 1

Stage 1 will include the development of **24** lots, and the compliance with the following conditions:

- A) 12. Transfer of Lot **83**
- B) Transfer of Lots 81 and 82 in gross to Council,
- B) 21. Streetworks – External, **and**
- C) 30. Visual Screen Fence

Stage 1 is to be completed before the commencement of Stages 2, 3 and 4, unless otherwise approved by Council.

ii) Stage 2

Stage 2 will include the development of **18** lots.

Stage 2 is to be completed before the commencement of Stage 3, unless otherwise approved by Council.

iii) Stage 3

Stage 3 will include the development of **22** lots.

Stage 3 is to be completed before the commencement of Stage 4, unless otherwise approved by Council.

iv) Stage 4

Stage 4 will include the development of **16** lots.

- b) Each stage **is** to be fully serviced, including but not limited to connections to the external road network, water, and stormwater quality and quantity devices. Any Operational Works submission must include demonstration that each stage can be adequately serviced before the allotments within each stage can be created.

33. Deleted

Material Change of Use Conditions

34. Residential Setbacks

The design and siting of Dwelling Houses and Residential Storage Sheds on the approved lots must be in accordance with the requirements of the Queensland Development Code.

35. Delete

36. Approval Specifics

The approval permits the use of the proposed allotments for residential purposes (i.e. Dwelling Houses and ancillary **structures** only)

37. Delete

ASSESSMENT MANAGER'S ADVICE

1. 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 nuisance 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.

2. 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.

3. 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.

4. 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*.

5. General Safety of Public during Construction

It is the principal contractor's responsibility to ensure compliance with Section 31 of the *Workplace Health and Safety Act 1995*. Section 31(1)(c) states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace are safe and without risk of injury or illness to members of the public at or near the workplace.

It is the responsibility of the person in control of the workplace to ensure compliance with Section 30 of the *Workplace Health and Safety Act 1995*. Section 31(1)(c) states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

6. Contaminated Land

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

7. 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.

8. Acid Sulphate Soils

Where the works required involve the following:

a) land below RL 20m AHD and development will involve the excavation of 500 cubic metres or more of soil or sediment at or below 5m AHD; or

b) land at or below RL 5m AHD and the development will involve filling the site with 500 cubic metres or more of material,

then the proposal must be assessed for Acid Sulfate soils in accordance with *SPP 2/02 Planning and Managing Development in Acid Sulphate Soils*. If Acid Sulfate soils are identified, treatment and management measures must be implemented in accordance with *SPP 2/02 Planning and Managing Development involving Acid Sulfate Soils*.

Council Resolution {resolution-number}

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Development Levels

- a) Filling must be provided where applicable in accordance with Council's Planning Scheme Policy – Site Regrading.
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- a) The staging of the development may be undertaken generally in accordance with the approved plans, and be as follows:**

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 - B) 21. Streetworks – External, and**
 - C) 30. Visual Screen Fence**

- Stage 1 is to be completed before the commencement of Stages 2, 3 and 4, unless otherwise approved by Council.**

- ii) Stage 2**

- Stage 2 will include the development of 18 lots.**

- Stage 2 is to be completed before the commencement of Stage 3, unless otherwise approved by Council.**

- iii) Stage 3**

- Stage 3 will include the development of 22 lots.**

- Stage 3 is to be completed before the commencement of Stage 4, unless otherwise approved by Council.**

- iv) Stage 4**

- Stage 4 will include the development of 16 lots.**

- b) Each stage is to be fully serviced, including but not limited to connections to the external road network, water, and stormwater quality and quantity devices. Any Operational Works**

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4. 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*.

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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.

8. Acid Sulphate Soils

Where the works required involve the following:

a) land below RL 20m AHD and development will involve the excavation of 500 cubic metres or more of soil or sediment at or below 5m AHD; or

b) land at or below RL 5m AHD and the development will involve filling the site with 500 cubic metres or more of material,

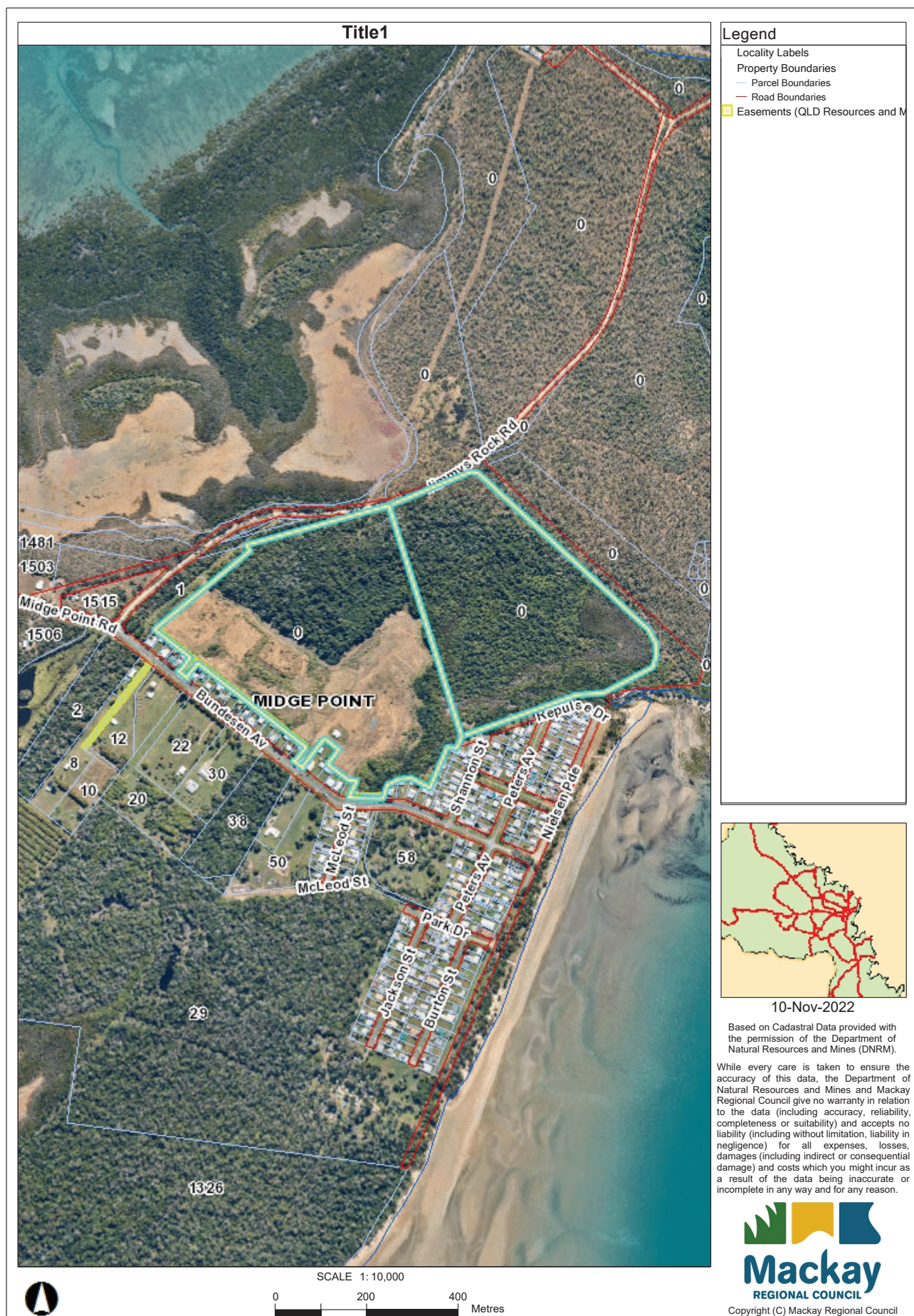
then the proposal must be assessed for Acid Sulfate soils in accordance with *SPP 2/02 Planning and Managing Development in Acid Sulphate Soils*. If Acid Sulfate soils are identified, treatment and management measures must be implemented in accordance with *SPP 2/02 Planning and Managing Development involving Acid Sulfate Soils*.

PROCEDURAL MOTION

THAT the motion be laid on the table pending a further briefing to Council.

CARRIED

Cr Bonaventura and Cr Bella recorded their vote against the Motion.





RA6-N



SARA reference: 2020-19380 SRA
Council reference: Carlisle Coast Developments Pty Ltd
Applicant reference: 19-2233

27 May 2021

Chief Executive Officer
Mackay Regional Council
PO Box 41
MACKAY QLD 4740
council@mackay.qld.gov.au

Attention: Daniel Walsh

Dear Mr Walsh

SARA response—Midge Point Road, Midge Point

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 28 April 2021.

Response

Outcome:	Referral agency response – with conditions
Date of response:	27 May 2021
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Change Application (Other) from Material Change of Use and Reconfiguration of a Lot to create 103 Village lots and common property AND Material Change of Use for Environmentally Relevant Activity (ERA No 15(b)) to Material Change of Use and Reconfiguration of a Lot to create 86 Residential Lots, 2 Drainage Lots & 1 Balance Lot.
SARA role:	Referral agency
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 - Development impacting on state transport infrastructure

2010-19380 SRA

Schedule 10, Part 17, Division 3, Table 5, Item 1 - Reconfiguring a lot in a coastal management district
Schedule 10, Part 17, Division 3, Table 6, Item 1 - Material change of use involving work in a coastal management district

SARA reference: 2010-19380 SRA
Assessment Manager: Mackay Regional Council
Street address: Lot 44 Midge Point Road, Midge Point
Real property description: Lot 44 on RP749218
Applicant name: Carlisle Coast Developments Pty Ltd
c/- Jewell Planning Consultants
Applicant contact details: PO Box 244
Mackay QLD 4740
michael@jewellplanning.com.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 *Development Assessment Rules*). Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Fletcher Smith, Senior Planning Officer, on (07) 3452 7048 or via email MIWSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Isaac Harslett
A/Manager, Planning and Development Services (SEQ South)

cc Carlisle Coast Developments Pty Ltd c/- Jewell Planning Consultants, michael@jewellplanning.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions
Attachment 5 - Approved plan

2010-19380 SRA

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (A copy of the plan referenced below can be found at Attachment 5).

No.	Conditions	Condition timing
Development Permit for Reconfiguring a Lot		
Schedule 10, Part 17, Division 3, Table 5, Item 1 - The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	Lot 89 (Balance Area) must be carried out generally in accordance with the following plan: (a) Survey Proposal Plan, prepared by Jewell Planning Consultants, dated 30/09/20, Drawing 19-2233-DW-01 and revision A.	Prior to submitting the Plan of Survey to the local government for approval.

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Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the <i>State Development Assessment Provisions</i> (SDAP), version 2.6. If a word remains undefined it has its ordinary meaning.
2.	<p>The following advice is provided on behalf of the Department of Environment and Science:</p> <p>Section 115B of the <i>Coastal Protection and Management Act 1994</i> 'Surrendered land to be dedicated for coastal management purposes' sets out how land identified in a land surrender requirement is to be dealt with to effect the surrender. The basic requirements are:</p> <ul style="list-style-type: none"> the plan of subdivision under the Land Titles Act 1994 giving effect to the surrender must dedicate the surrendered land for coastal management - the plan of subdivision must show the land specified in the land surrender requirement as a single lot and clearly marked 'To be surrendered to the State for coastal management purposes' on registration of the plan of subdivision the surrendered land is dedicated as a Reserve under the Land Act 1994 (Land Act) for coastal management. <p>Local government are generally the most appropriate trustee of public use land as they are in the best position to manage the land. Trustees are appointed under the Land Act by the Minister for that Act, and are recorded in the Land Titles Register. The trustee has a duty of care for the trust land and is responsible for:</p> <ol style="list-style-type: none"> acting on behalf of the State as the legal guardian of the land, and managing the trust land to achieve the purpose of the trust. <p>As trustees, local government may develop local laws to govern public use of the land. The trustee may also develop a land management plan for the Reserve. Land management plans provide a tool to guide future site management (refer to https://www.dnrm.qld.gov.au/__data/assets/pdf_file/0014/110426/land-management-information-kit.pdf). DES can provide support and guidance with respect to the coastal management components of any land management plan. The plan should:</p> <ul style="list-style-type: none"> recognize the land's vulnerability to erosion and/or tidal encroachment identify management priorities (including social) and critical areas (e.g. areas of high biodiversity value or highly susceptible to erosion or inundation) requiring specific attention manage impacts from the use of the reserve including by provision of controlled public access to the foreshore rehabilitate any degraded areas. <p>The main objectives of managing beach protection and coastal management reserves are to allow natural coastal processes to continue on land vulnerable to shoreline movements, and minimise detrimental impacts on coastal resources. This is achieved by retaining the land in a relatively natural state and free from permanent or non-expendable development.</p>

2010-19380 SRA

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the SARA's decision are:

- The development complies with State code 6: Development impacting on state transport infrastructure. Specifically, the development:
 - o is located a sufficient distance from the nearest state transport corridor and unlikely to result in any impact to the safety or efficiency of the network
 - o does not require the provision of public passenger transport infrastructure given there is no surrounding infrastructure in the vicinity of the site.
- The development complies with State code 8: Coastal development and tidal works Specifically, the development:
 - o is generally located outside the erosion prone area and is of a sufficient distance from the coastline
 - o has been designed to avoid matters of state environmental significance.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- *Human Rights Act 2019*
- Planning Regulation 2017
- the SDAP, version 2.6, as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system.

Attachment 4—Representations about a referral agency response provisions

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2010-19380 SRA

Attachment 5—Approved plan

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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 Bella noted that the Sports Expo will be held on Sunday with members of All Abilities in attendance to hand out promotional brochures.

Cr Mann advised that she had attended a Special Olympics Queensland leadership camp on the Sunshine Coast with a Special Olympics Mackay athlete who is a member of the leadership team.

Cr Townsend noted that February is Ovarian Cancer Awareness Month with the goal of highlighting risk factors and educating women.

Cr May highlighted two upcoming events - Red Rose Rally in memory of Wendy Sleeman and Remembering Shandee which commemorates 10 years since the murder of Shandee Blackburn.

Cr Bonaventura advised that the Sports Expo would be held at the Mackay Entertainment and Convention Centre this Sunday, with the introduction of 'quiet hour' for those with sensory perception issues.

Cr Hassan thanked Council for welcoming the nurses from Timor Leste at the morning tea today and noted that Rotary had presented them with 1,200 birthing kits to take home.

Cr Seymour noted that it was hoped that next years' Sports Expo would include more recreational activities in an effort to increase stallholder numbers.

17. CONFIDENTIAL REPORTS

The meeting did not close to the public.

17.1. DISPOSAL OF COUNCIL LAND - 41 CALEN MOUNT CHARLTON ROAD, CALEN

Confidential

Confidential Report to be forwarded separately.

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

Council Resolution ORD-2023-38

THAT Council approves the sale of 41 Calen Mount Charlton Road, Calen, known as Lot 4 on RP711950 through the auction process with Blacks Real Estate; and

THAT the Chief Executive Officer be given delegation to negotiate a sale price on behalf of Mackay Regional Council.

Moved Cr Jones

Seconded Cr Bonaventura

CARRIED UNANIMOUSLY

18. MEETING CLOSURE

Meeting closed at 10:49 am.

19. FOR INFORMATION ONLY

Nil

Confirmed on Wednesday 22 February 2023.

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MAYOR