



MINUTES

Ordinary Meeting

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

On Wednesday 12 April 2023

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

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

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

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

1. ATTENDANCE

His Worship the Mayor, Cr G R Williamson (Chairperson), Crs M J Bella, L G Bonaventura, J F Englert, 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 J Ronald (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) and Mrs M Rogers (A/Manager - Corporate Communications & Marketing).

The meeting commenced at 10.00am.

2. OPENING PRAYER

Aux-Lieutenant David Dobbie of the Salvation Army led those present in Prayer.

3. ABSENT ON COUNCIL BUSINESS

Nil

4. APOLOGIES

Nil

4.2. LEAVE OF ABSENCE - CR GREEN

Council Resolution ORD-2023-80

LEAVE OF ABSENCE - Cr Green

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

Moved Cr May

Seconded Cr Mann

CARRIED UNANIMOUSLY

5. CONDOLENCES

Cr Williamson expressed condolences, on behalf of Council to the family of Cr Mann, whose mother has passed away recently. Mary Fordham and her husband Alan (deceased) were long time Pioneer Valley residents and business owners for 30 years in the Pioneer Valley.

Cr May expressed condolences, on behalf of Council to the family of Robin Pitcher who passed away recently. Robin was an overseer with the former Sarina Shire Council and volunteered for many community groups in the Sarina community including the Sarina museum and was part of the steering committee for the Sarina Community Bendigo Bank.

6. CONFLICT OF INTEREST

CONFLICT OF INTEREST - CR JONES

In accordance with Chapter 5B of the *Local Government Act 2009*, I Cr Alison Jones inform the meeting that I have a Declared conflict of interest in Agenda Item Nos 13.1 - MRC 2023-049 Pioneer Valley Mountain Bike Trails - Stage 1; No 13.2 MRC 2023-050 Pioneer Valley Mountain Bike Finch Hatton Trailhead and No 13.3 MRC 2023-051 Pioneer Valley Mountain Bike Finch Hatton Pump Track.

The nature of my interest is as follows:

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

The Particulars:

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

CONFLICT OF INTEREST - CR SEYMOUR

In accordance with Chapter 5B of the *Local Government Act 2009*, I Cr Russell Seymour inform the meeting that I have a Declared conflict of interest in Agenda Item Nos 13.1 - MRC 2023-049 Pioneer Valley Mountain Bike Trails - Stage 1; No 13.2 MRC 2023-050 Pioneer Valley Mountain Bike Finch Hatton Trailhead and No 13.3 MRC 2023-051 Pioneer Valley Mountain Bike Finch Hatton Pump Track.

The nature of my 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 - 22 MARCH 2023

Council Resolution ORD-2023-81

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

Moved Cr Bonaventura

Seconded Cr Bella

CARRIED UNANIMOUSLY

8. BUSINESS ARISING OUT OF PREVIOUS MINUTES

Noted.

9. MAYORAL MINUTES

Nil

10. CONSIDERATION OF COMMITTEE REPORTS & RECOMMENDATIONS

10.1. LOCAL DISASTER MANAGEMENT GROUP (LDMG) MINUTES - 6 MARCH 2023

Author	Emergency Management Co-ordinator (Kristie Brown)
Responsible Officer	A/Director Community & Client Services (Matthew Kelly)
File Number	LDMG
Attachments	1. MINUTES - LDMG Meeting - 6 March 2023 [10.1.1 - 4 pages]

Purpose

To present to Council the Local Disaster Management Group (LDMG) Minutes of the meeting held on 6 March 2023 for information purposes.

Related Parties

N/A

Corporate Plan Linkage

Priority: Community Health & Wellbeing

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

Officer's Recommendation

THAT the Minutes of the Local Disaster Management Group Meeting of 6 March 2023 be received.

Council Resolution ORD-2023-82

THAT the Minutes of the Local Disaster Management Group Meeting of 6 March 2023 be received.

Moved Cr May

Seconded Cr Englert

CARRIED UNANIMOUSLY

10.2. DRAFT MINUTES VISUAL ARTS ADVISORY COMMITTEE (VAAC)

Author	A/Director Community & Client Services (Matt Kelly)
Responsible Officer	Director Artspace (Tracey Heathwood)
File Reference	Visual Arts Advisory Committee (VAAC)

Attachments	1. VAAC Minutes 20 March 2023 [10.2.1 - 5 pages]
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Purpose

Attached is a copy of the Visual Arts Advisory Committee (VAAC) minutes of 20 March 2023.

Related Parties

N/A

Operational Plan Linkage

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

Background/Discussion

Acknowledgement – Cathy Knezevic. Cathy Knezevic sadly passed away in August 2022. Cathy Knezevic had made a significant contribution to the region's arts and cultural industry, including securing the significant donation of some 300 items from printmaker Tate Adams for the MRC Art Collection on the opening of Artspace Mackay. Cathy was also a past staff member of Artspace and the Libraries and later became a member of the Visual Arts Advisory Committee, serving on the committee for some seven years. Cathy was instrumental in the development and growth of the MRC artists' book collection.

In recognition of Cathy's significant contribution to the Visual Arts Advisory Committee the committee agreed, with Council's approval, to rename the Libris Awards (Artspace Mackay's biennial national artists' book prize) to the "Cathy Knezevic Regional Artists' Book Prize".

Officer's Recommendation

THAT the minutes of the Visual Arts Advisory Committee meeting held on 20 March 2023 be received.

AND THAT Council approves the renaming of the Libris Awards Regional Artists' Book Prize to the "Cathy Knezevic Regional Artists' Book Prize" in honour of Cathy's significant contribution to the Mackay Regional Council's artists' book collection.

Council Resolution ORD-2023-83

THAT the minutes of the Visual Arts Advisory Committee meeting held on 20 March 2023 be received.

AND THAT Council approves the renaming of the Libris Awards Regional Artists' Book Prize to the "Cathy Knezevic Regional Artists' Book Prize" in honour of Cathy's significant contribution to the Mackay Regional Council's artists' book collection.

Moved Cr Townsend

Seconded Cr Jones

CARRIED UNANIMOUSLY

11. CORRESPONDENCE AND OFFICER'S REPORTS

11.1. OFFICE OF THE MAYOR AND CEO

11.1.1. OFFICE OF THE MAYOR AND CEO MONTHLY REVIEW REPORT - MARCH 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 CEOs
Monthly Review [**11.1.1.1** - 27 pages]

Purpose

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

Related Parties

Nil

Officer's Recommendation

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

Council Resolution ORD-2023-84

THAT the Office of the Mayor and Chief Executive Officer's Monthly Report for March 2023 be received.

Moved Cr May

Seconded Cr Englert

CARRIED UNANIMOUSLY

11.1.2. COUNCILLOR CONFERENCE ATTENDANCE - OCEANIA NATIONAL OLYMPIC COMMITTEE AGM AND CONGRESS - CR MAY

Author	Councillor Support Officer – Pam Jaenke
Responsible Officer	Executive Officer – David McKendry
File Reference	Councillors General
Attachments	Oceania National Olympic Committee Sessions

Purpose

The report is to request approval for Cr Karen May to attend the Oceania National Olympic (ONOC) Annual General Meeting and Congress to be held in Brisbane from 17 – 18 April 2023.

Related Parties

Not applicable

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.

Background/Discussion

There are expected to be 200+ delegates from the national Olympic and Non-Olympic Committees, as well as the National Sporting Federations from the Oceania region, in attendance at the Congress.

Delegates include –

- 17 National Olympic Committees from the Oceania Region (15 from the Pacific Island nations)
- 7 Associate members from the Pacific Island nations
- ONOC Executive, Committees and ONOC Commissions
- Host NOC and Host NPC
- ONOC Athletes Commission
- International Olympic Committee (IOC) and Olympic Solidarity
- International Paralympic Committee (IPC)
- Organisation of Sports Federations of Oceania (OSFO)
- International and Regional Sports Federations
- Association of National Olympic Committees (ANOC)
- Oceania Paralympic Committee and Delegates from National Paralympic Committees
- Oceania Australia Foundation
- Commonwealth Games Federation and Commonwealth Games Australia
- Pacific Games Council
- International and Regional Partners and Agencies, such as ORADO, Sport Integrity Australia, United Nations, Pacific Island Forum, Pacific Island News Association, University of the South Pacific
- ONOC Staff and Organisational Team

Additional delegates from a number of stakeholders will include:

- Australian Federal Government / DFAT / PacificAus Sports & Team Up
- Queensland State Government

- Brisbane 2032 Organising Committee Members and Management Team
- Brisbane City Council and Municipal Councils that will host Brisbane 2032 events
 - Gold Coast City Council and Sports Attraction
 - Sunshine Coast Council
 - Toowoomba (TSBE)
- Victoria 2026 Organising Committee
- Additional Pacific Islands Delegations including:
 - B2032 Working Group / Specialist Interest Group Commission
 - Additional NOC & NPC delegates
 - Priority National Sports Federations from the 17 NOCs
- AUSTRALIA Partners
 - Sport Australia, Australian Institute of Sports, Queensland Academy of Sports
 - University and Academic Institutions in Southeast Queensland and New Zealand
 - Academic Placements / Centres of Excellence
- New Zealand Partners
 - NZOC (GA Delegates)
 - Paralympic New Zealand
 - Sport New Zealand
 - Ministry of Foreign Affairs & Trade
- Future Host Cities and Organising Committees for Olympic and Paralympic Games
- Future Host Cities of Commonwealth Games
- Future Pacific Games Hosts –
- Specialists / Presenters

Mackay Regional Council will be holding a display booth at the Congress.

Consultation and Communication

Mayor and Councillors

Resource Implications

The total cost for travel, accommodation and attendance at the Conference is estimated at \$1,600.

Risk Management Implications

Not Applicable

Conclusion

This is a great opportunity to network with ONOC committee members, representatives from numerous National and International Olympic and Athletic organisations, Federal and State Government representatives, Members of Parliament, and in particular assist to promote the Mackay Region.

Officer's Recommendation

THAT Council endorse the attendance of Cr Karen May at the Oceania National Olympic AGM and Congress in Brisbane from 17 – 18 April 2023.

Council Resolution ORD-2023-85

THAT Council endorse the attendance of Cr Karen May at the Oceania National Olympic AGM and Congress in Brisbane from 17 – 18 April 2023.

Moved Cr Englert

Seconded Cr Townsend

CARRIED UNANIMOUSLY

11.1.3. COUNCILLOR CONFERENCE ATTENDANCE REPORT - LGAQ COASTAL LEADERS FORUM - CR JONES

Author	Executive Support Officer (Pam Jaenke)
Responsible Officer	Executive Officer (David McKendry)
File Reference	Councillors General

Attachments

1. Councillor Conference Report Coastal Forum Gladstone [11.1.3.1 - 10 pages]

Purpose

To present a report to Council which includes information and outcomes resulting from attendance at the Local Government Association of Queensland (LGAQ) Coastal Leaders Forum by Cr Alison Jones on 11-12 August 2022 in Gladstone.

Background/Discussion

Council at its meeting on 27 July 2022, authorised the attendance of Cr Jones at the LGAQ Coastal Leaders Forum on 11-12 August 2022.

Attached are the details as presented following attendance at this Conference.

Officer's Recommendation

THAT the report on attendance at the LGAQ Coastal Leaders Forum by Cr Jones be received.

Council Resolution ORD-2023-86

THAT the report on attendance at the LGAQ Coastal Leaders Forum by Cr Jones be received.

Moved Cr Jones

Seconded Cr Bonaventura

CARRIED UNANIMOUSLY

11.2. COMMUNITY AND CLIENT SERVICES

11.2.1. COMMUNITY & CLIENT SERVICES MONTHLY REVIEW REPORT - MARCH 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 MARCH 2023 (1) [11.2.1.1 - 58 pages]

Purpose

Attached is a copy of the Community and Client Services Monthly Review for the month of March 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 the month of March 2023 be received.

Council Resolution ORD-2023-88

THAT the Community and Client Services Monthly Review for the month of March 2023 be received.

Moved Cr Townsend

Seconded Cr Jones

CARRIED UNANIMOUSLY

11.3. DEVELOPMENT SERVICES

11.3.1. MACKAY REGIONAL COUNCIL - LOCAL GOVERNMENT INFRASTRUCTURE PLAN 5 YEAR REVIEW

Author	Acting Manager Strategic Planning (Jay Rosenberg)
Responsible Officer	Director Development Services (Aletta Nugent)
File Reference	SPIP-007

Attachments

1. Mackay Regional Council LGIP 5 year Review Checklist April 2023 [**11.3.1.1** - 6 pages]

Purpose

To provide Council with the outcomes of the review of the existing Local Government Infrastructure Plan (LGIP), undertaken in accordance with the requirements of the *Planning Act 2016* (the Act) and the *Minister's Guidelines and Rules – September 2020* (MGR), to allow Council to decide whether to amend the LGIP, or to not amend the LGIP.

Related Parties

Department of State Development, Infrastructure, Local Government and Planning.

Corporate Plan Linkage

Live and Visit

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

Background/Discussion

Section 25(3) of the Act requires the local government to review its LGIP within 5 years of the LGIP being included within in the planning scheme. The existing LGIP was adopted by Council through an LGIP Amendment made in accordance with the Act at the Ordinary Meeting of 27 June 2018 and commenced as part of the Mackay Region Planning Scheme on 1 July 2018. The existing LGIP is required to be reviewed by 1 July 2023.

Section 25(4) of the Act requires that when reviewing the LGIP, the local government must follow the process in the MGR. Chapter 5, Part 5 of the MGR identifies the process for reviewing the LGIP in accordance with section 25(3) of the Act. Section 23.1 identifies how the review is required to be undertaken, as follows:

23.1 The local government must consider the accuracy, currency and relevance of the current LGIP by using the Review checklist to identify any non-compliance of the current LGIP with the matters under Part 6 of this chapter.

Following the completion of the review, section 23.2 and 23.3 of the MGR identifies the options and requirements for the local government, which must be undertaken:

23.2 After completing the review in accordance with section 23.1 the local government must decide –

- a. To make an LGIP amendment in accordance with Part 3 of this chapter*
- b. To make a LGIP in accordance with Part 4 of this chapter*
- c. Or subject to section 24, 25 and 26 of this part, decide not to make a LGIP amendment.*

23.3 The local government must within 20 days of completing the review write to the chief executive, advising when the review was completed, and the decision made under 23.2(a) or (b).

Council officers have reviewed the LGIP in accordance with section 23.1 of the MGR and have completed the review checklist (see Attachment 1). The review highlights that although the LGIP remains compliant based on its existing structure, there are a number of areas where the accuracy and currency of the existing content have been superseded, as follows:

- Planning assumptions (methodology) – existing population, dwelling, employment and non-residential development projections have been superseded by later Queensland Government Statistician's Office (QGSO) projections and Council's Mackay Growth Allocation Model (MGAM) updated in 2018 and 2020.
- Planning assumptions (demand) – existing infrastructure demand projections have been superseded by the update of the MGAM in 2020, which is currently being used for forward infrastructure planning.
- Planning assumptions (demand) – through normal business and planning processes the asset management plans and Long-term Financial Forecast have been updated since the initial development and adoption of the LGIP.
- Schedules of work – through development of some trunk infrastructure projects and ongoing infrastructure planning and budget processes, the forward planning program of trunk works has changed since the adoption of the LGIP.

Based on the outcomes of the review, the officer's recommendation is for Council to make an LGIP amendment in accordance with Chapter 5, Part 3 of the MGR, as per section 23.2(a) of the MGR.

The future amendment of the LGIP is not the subject of this report and will be undertaken as a separate process in accordance with the MGR.

Consultation and Communication

Councillors were briefed on the review of the LGIP on 15 March 2023.

The Strategic Planning program has consulted with the Transport and Drainage Infrastructure Planning, Mackay Water, Parks and Environment, Community Lifestyle and Finance program areas about the review of the LGIP and a potential future amendment of the LGIP.

Resource Implications

Through ongoing internal consultation, the potential future amendment of the LGIP has been identified with the relevant Council program areas since late 2020 and any resource requirements relating to the potential future amendment of the LGIP have been accommodated through existing resources and operational budgets.

Risk Management Implications

The completion of the LGIP review will ensure Council is complying with its legislative requirements under section 25(3) of the *Planning Act 2016*.

Conclusion

Council is required to complete a review of the existing LGIP by 1 July 2023 to comply with the legislative requirements of section 25(3) of the Planning Act 2016. Council officers have completed a review of the existing LGIP in accordance with the requirements of Chapter 5, Part 5 of the MGR using the Review checklist (Attachment 1). This review has considered the accuracy, currency and relevance of the existing LGIP using the Review checklist.

The review has identified that there are components of the existing LGIP that are no longer accurate or current, specifically in relation to the planning assumptions, alignment to asset management plans and long-term financial forecast and alignment to the scope, estimated timing and cost of planned future trunk works.

Following the review, in accordance with section 23.2 of the MGR, Council must decide to; either amend the LGIP, make a new LGIP or not amend the LGIP as per the specific requirements of the MGR. The review has highlighted that certain elements of the existing LGIP are no longer current or accurate. The officer's recommendation is to amend the LGIP in accordance with Chapter 5, Part 3 of the MGR.

Officer's Recommendation

THAT Council endorses the review of the existing Local Government Infrastructure Plan and the Review checklist, undertaken in accordance with Chapter 5, Part 5 of the *Minister's Guidelines and Rules* (September 2020).

AND THAT following the review of the existing Local Government Infrastructure Plan, under section 23.2(a) of the *Minister's Guidelines and Rules* (September 2020), Council resolves to make an amendment to the Local Government Infrastructure Plan in accordance with Chapter 5, Part 3 of the *Minister's Guidelines and Rules* (September 2020).

AND THAT, in accordance with section 23.3 of the *Minister's Guidelines and Rules* (September 2020), Council writes to the Chief Executive of the Department of State Development, Local Government and Planning, to advise that Council has completed its review of the Local Government Infrastructure Plan and the Council has decided to make an amendment to its Local Government Infrastructure Plan in accordance with Chapter 5, Part 3 of the *Minister's Guidelines and Rules* (September 2020).

Council Resolution ORD-2023-89

THAT Council endorses the review of the existing Local Government Infrastructure Plan and the Review checklist, undertaken in accordance with Chapter 5, Part 5 of the *Minister's Guidelines and Rules* (September 2020).

AND THAT following the review of the existing Local Government Infrastructure Plan, under section 23.2(a) of the *Minister's Guidelines and Rules* (September 2020), Council resolves to make an amendment to the Local Government Infrastructure Plan in accordance with Chapter 5, Part 3 of the *Minister's Guidelines and Rules* (September 2020).

AND THAT, in accordance with section 23.3 of the *Minister's Guidelines and Rules* (September 2020), Council writes to the Chief Executive of the Department of State Development, Local Government and Planning, to advise that Council has completed its review of the Local Government Infrastructure Plan and the Council has decided to make an amendment to its Local Government Infrastructure Plan in accordance with Chapter 5, Part 3 of the *Minister's Guidelines and Rules* (September 2020).

Moved Cr Englert

Seconded Cr Townsend

CARRIED UNANIMOUSLY

11.3.2. FACILITATING DEVELOPMENT IN THE MACKAY REGION POLICY REVIEW (POLICY 81)

Author Acting Manager Strategic Planning (Jay Rosenberg)
Responsible Officer Director Development Services (Aletta Nugent)
File Reference 081 – Facilitating Development in the Mackay Region Policy

Attachments

1. 081 - Facilitating Development in the Mackay Region Policy [11.3.2.1 - 32 pages]

Purpose

To present the amended Facilitating Development in the Mackay Region Policy No 81 (the Policy) for consideration and adoption by Council.

Related Parties

- Urban Development Institute of Australia (Mackay/Whitsunday Branch)
- Mackay Regional Chamber of Commerce
- Master Builders (Mackay)
- Housing Industry Association
- Resource Industry Network
- Real Estate Institute of Queensland
- Mackay Isaac Tourism

Corporate Plan Linkage

Invest and Work

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

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

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

Live and Visit

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

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

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

Background/Discussion

The Policy was first endorsed by Council on 3 December 2014 and became effective on 10 December 2014. The Policy has been reviewed and amended each year with the last amendment adopted by Council at its meeting on 9 February 2022.

The current schedules of the Policy are listed below:

Schedule 1 – *Development within the Mackay Waterfront Priority Development Area (PDA)*

Schedule 2 – *Major industry development in the Industrial investigation zone*

- Schedule 3 – *Health, Aged care and Retirement living*
- Schedule 4 – *Tourism development*
- Schedule 5 – *Bio-futures industry development*
- Schedule 6 – *Community facilities*
- Schedule 7 – *Housing diversity*

Since the adoption of the first version of the Policy, a total of 67 applications have been approved through the Policy. The approved applications have a combined construction value of close to \$515 million which is modelled to generate \$1,217 million economic output and 2,315 construction jobs. If all approvals were to be constructed and completed in accordance with the timeframes and approval conditions, the following concessions would be realised:

- Infrastructure charge concessions - \$12.5 million (initial infrastructure charges were \$31.5 million)
- Service connection application discount - \$40,500
- Food/trade waste application discount - \$2,485
- Potential delayed payment for 31 applicants.

Monitoring of the status of approvals indicates that not all developments were completed within the two-year approval timeframe and the concessions to be realised are less than what has been approved. The ongoing monitoring is an important consideration of the Policy review as it allows for a more accurate representation of the concessions likely to be realised and reduces the risk to Council of approving disproportionate concessions and forfeiting excessive revenue.

The review of the Policy for 2022 commenced in September 2022 with an internal review of available data relating to the region's development activity, building approvals, construction, property sales, rentals and other statistics related to current and historical enquiries, applications and approvals under the Policy.

An initial Councillor Briefing was held on 23 November 2022 summarising the internal review of the Policy and presenting a number of suggested changes, including:

- Introducing a delegation to allow for the Director Development Services to approve smaller applications made under the Policy.
- Increasing the incentives in *Schedule 7 – Housing diversity* to further promote the development of a range of housing to help increase housing supply in the Mackay market.
- Changes to the geographical area for the applicable uses in *Schedule 4 – Tourism development* to broaden the scope of the applicable uses in all regional locations outside of the main urban area of Mackay.
- Inclusion of caretaker's accommodation within the applicable land uses in *Schedule 4 – Tourism development* when associated with a new development.
- Increasing concessions available for child care centre developments within *Schedule 6 – Community facilities* to promote the development of further child care spaces across the region.

Following the Councillor Briefing, an email was sent to key external stakeholders seeking feedback on the existing Policy and the suggested changes. Key stakeholders included:

- Urban Development Institute of Australia (Mackay/Whitsunday Branch)
- Mackay Chamber of Commerce
- Master Builders (Mackay)
- Housing Industry Association
- Resource Industry Network
- Real Estate Institute of Queensland
- Mackay Isaac Tourism

Stakeholder feedback

In response to the request for feedback, submissions were received from Urban Development Institute of Australia (Mackay Whitsunday Branch), Housing Industry Association and the Real Estate Institute of Queensland. Additionally, Council representatives held a meeting with Mackay Isaac Tourism to discuss Council's strategic approach to supporting the tourism industry.

The submissions all demonstrated support for the suggested changes to the Policy. Other comments were received as part of the feedback which covered a range of topics. A summary of this feedback is provided in the table below, with further commentary provided about how this has been considered for the review of the Policy.

Topic	Summary of feedback	Comments
Social and affordable housing	Consider whether the scope of the Policy can be expanded to improve incentivisation for social and affordable housing in the region.	The proposed increase to incentives from 50% to 100% in Schedule 7, will incentivise any affordable or social housing project (as related to the Applicable uses) where there is a requirement for a development approval (and infrastructure charges would be levied).
	The current need for social and affordable housing in Mackay should be investigated to inform the Policy.	Council is working with a number of stakeholders across the region as part of the Greater Whitsunday Housing Project to address critical housing issues and priorities across the region.
Schedule 7 – Housing diversity	Focus should be given to quality of proposed housing developments.	The Policy does not replace the function of the Mackay Region Planning Scheme (MRPS) with respect to assessment of development and achieving development outcomes. Introducing assessment criteria into the Policy about specific housing outcomes that are different, or additional to assessment criteria would be problematic to implement through the Policy.
	Consider whether the Policy can include criteria around the diversity and standards of housing – e.g. styles, quality of design/fixtures/fittings, character, suitability for pets and different numbers of bedrooms.	
	Add incentives for renovation of older properties, or conversion to dual occupancy.	The potential reduction in infrastructure charges provided through the Policy is relevant where there is a requirement for a development approval giving rise to the levying of infrastructure charges. Typically building works (e.g. renovations) are not assessable development and therefore the Policy would not apply. Incentives under the Policy may apply to Dual occupancy development through Schedule 7.
	Council should consider how housing diversity can improve property utilisation in Mackay – e.g. right type of housing for the needs of the residents.	The intended outcome is that the Schedule 7 incentives will promote the development of a more diverse range of housing products to offer greater choice in the market.
	Further community consultation should be taken to evaluate the effectiveness of the Policy for bringing housing diversity to the community	Noted. The effect of any changes will be monitored and considered further as part of the next review.
	Policy should not be limited only to eligible development that is code assessable.	Eligible developments that are code assessable and within the PIA are, for the purposes of this Policy, assumed to be

		supporting the development outcomes of the MRPS. If an Applicable use was proposed that was impact assessable development, the Policy provides for unique proposals to be considered by Council for incentives.
Application process	<p>Application process under the Policy is extensive – consider streamlining.</p> <p>Consider a separate policy for Schedule 7 to streamline the application process.</p>	The current process is intended to ensure that any approvals under the Policy are meeting the objectives and intent of the Policy. Support for applicants is provided through the Economic Development and Tourism program.
Infrastructure charges	<p>Consider reducing infrastructure charge rates for specific uses in the adopted charges resolution.</p> <p>Lower infrastructure charge rates are encouraged for all dwellings to drive housing development.</p>	The Policy is intended to respond to specific market and development conditions and through regular reviews can be tailored to respond.
Incentivise smaller lots	Additional reduction for smaller lots through the Adopted Charges Resolution.	This will be considered through a future review of the Adopted Charges Resolution.
Application of charges incentives when trunk infrastructure is being provided	Application of charge reductions is recommended to be applied before the application of any trunk infrastructure offsets.	This has previously been considered by Council and was not supported.
Scope of concessions	<p>Increase the maximum concession value to increase the number of projects incentivised.</p> <p>Allow for concessions for one-off special uses.</p>	<p>Further increases to concessions are being considered for targeted uses in Schedule 7 and within Schedule 6 for Child care uses.</p> <p>The Policy already includes provisions for alternative proposals to be considered within each schedule.</p>
Other grants or concessions	<p>Consider grants for house construction projects.</p> <p>Provide council rate concessions for first home buyers, e.g. 50% concession for the first 12 months after the completion of the residential dwelling.</p> <p>Offer \$5,000 grants for the first 200 new homes constructed per annum, payment to be made to the home owner.</p> <p>Reduce development application fees.</p>	These have previously been considered by Council and were not supported.

Proposed Amendments

In response to the internal review and the stakeholder feedback, there are a number of proposed amendments to the Policy, including:

- Introducing a delegation to allow for the Director Development Services to approve smaller applications made under the Policy where the combined value of incentives is less than or equal to \$20,000.
- Inclusion of the associated application fees for a Food License and Trade Waste application as part of the potential incentives within *Schedule 1 – Development within the Mackay Waterfront Priority Development Area* or *Schedule 4 – Tourism development*.

- Changes to the geographical area for the applicable uses in *Schedule 4 – Tourism development* to broaden the scope of the applicable uses in all regional locations outside of the main urban area of Mackay.
- Inclusion of caretaker's accommodation within the applicable land uses in *Schedule 4 – Tourism development* when associated with a new development.
- Increasing the concessions available for child care centre development within *Schedule 6 – Community facilities* to promote the development of further child care spaces across the region.
- Increasing the incentives in *Schedule 7 - Housing diversity* from 50% to 100%, to further promote the development of a range of housing to help increase housing supply in the Mackay market.

These proposed amendments are discussed further below.

Proposed delegation

In recognition of an increase in enquiries relating to smaller development proposals, the potential to introduce a delegated approval process was identified as a way to streamline the application and approval process and to reduce the internal resource requirements for smaller developments that meet all the current eligibility requirements.

It is proposed to introduce a new delegated approval process in section 11.0 to allow the Director Development Services to assess and decide applications under this Policy where the combined value of any financial incentives or discounts is less than or equal to \$20,000. The Director Development Services is proposed as the delegate as this directorate is responsible for the Policy, promoting economic development and tourism, and assessing development applications under the MRPS.

There would be no change to the existing approval process for applications where the combined value of any financial incentives or discounts was greater than \$20,000, specifically requiring approval of the Council at an Ordinary Council meeting.

Application fees – Food License and Trade Waste

Currently the Policy does not specify whether the associated application fee for obtaining a trade waste approval or food license is included in the potential incentives. It is proposed to discount the initial application fee to further reduce any financial barriers at the commencement of a new use. These application fees can range from approximately \$300 to \$900, depending on the proposed use.

Schedule 4 – Tourism development

Schedule 4 provides potential incentives for eligible development within appropriately zoned land in both rural and urban areas. For the rural areas, the existing Policy states that it applies to appropriately zoned land outside of the established urban areas of Mackay, Marian, Mirani, Walkerston and Sarina. To further expand the geographical area for the applicable land uses, it is proposed to extend this to all areas outside of the general Mackay urban area between Bakers Creek and Shoal Point. A figure has been created to further define the general Mackay urban area for the purposes of the Policy.

To ensure that where an ancillary use for a caretaker's accommodation is proposed with an eligible applicable use within Schedule 4, it is proposed to include Caretaker's accommodation to the table of Applicable Land Uses.

Schedule 6 – Community facilities

Schedule 6 provides for potential incentives for eligible community facilities development within appropriately zoned land. Availability of child care places remains a recognised issue across the region. To further promote the development of new child care centres and create additional places, it is proposed to increase the existing incentive from 75% to 100% for not-for-profit groups (equivalent to the incentive for a recognised charity) and from 50% to 75% for all other proponents. To help identify the different land uses and potential reductions in infrastructure charges a table has been added in section 3.1.

Schedule 7 – Housing diversity

Mackay is currently experiencing a significant housing shortage, with increased demand across all parts of the sector and very low rental vacancy rates of 1% or less since September 2020.

Since the introduction of *Schedule 7 – Housing diversity* in December 2020, and the increase in incentives to 50% in February 2022, only three applications for multi-dwellings have been approved with a further five applicants expressing interest in the Policy. This indicates that even though there has been an increase in demand for housing, the market is still predominantly developing traditional residential housing. While this type of housing is necessary, alternative options are also needed to increase the diversity and mix of housing (ie. types, quality and price) available to the market. With an increase in diversity, it is expected that housing at a range of price points would be developed.

To promote the development of alternative housing types, increase the potential viability of alternative development types and encourage the development of social housing projects, it is proposed to increase concession rates on infrastructure charges from 50% to 100%, while maintaining the maximum concession value at \$500,000. For the maximum concession amount to be realised by a single development it would need to include approximately 16 new three-bedroom dwellings, or 23 one-two bedroom units.

Consultation and Communication

Stakeholders were invited on 13 January 2023 to provide their feedback on the existing Policy, including suggested changes, with a response date of 31 January 2023. These stakeholders included:

- Urban Development Institute of Australia (Mackay/Whitsunday Branch)
- Mackay Chamber of Commerce
- Master Builders (Mackay)
- Housing Industry Association
- Resource Industry Network
- Real Estate Institute of Queensland
- Mackay Isaac Tourism.

Written submissions were received from the Urban Development institute of Australia (Mackay Whitsunday Branch), Housing Industry Association and the Real Estate Institute of Queensland. Additionally, a face-to-face meeting was held with Mackay Isaac Tourism on 24 January 2023. All stakeholders indicated their support for the proposed changes to the Policy. Additional comments, feedback and suggestions were also provided on a range of topics. Some of these are addressed within the current Policy or are supported by the proposed changes. Others are considered either out-of-scope for the Policy, or have previously been considered by Council.

Internal consultation has also been undertaken with the Economic Development and Tourism, Development Planning & Engineering, Strategic Planning and Health and Regulatory programs.

Resource Implications

The current resource requirements of the Policy include:

- The Economic Development and Tourism Program to act as a first point of contact. Responsibilities include: liaising with applicants; qualifying developments; consideration of business cases submitted by the proponent; determining the required level of facilitation and support; and preparing reports and other documentation pertaining to applications.
- Infrastructure programs to assess the impact of the proposed development on available infrastructure.
- Legal services may need to facilitate agreements in some circumstances where deferral of charges is requested.

- The Development Planning & Engineering Program to accelerate assessment of development applications for major projects.

The proposed amendments to *Schedule 6 – Community facilities* and *Schedule 7 – Housing diversity* may result in additional applications under the Policy which could impact resource requirements. However, it is unlikely that the impact will be significant within the next 12 months due to the nature and lead time for new developments arising from these changes.

Other amendments to the Policy are not anticipated to have a material impact on the number of applications or Council resources.

Risk Management Implications

Currently, a database of approved applications is presented as a monthly confidential report in accordance with Section 275 (1)(c) of the *Local Government Regulation 2012*. This monitoring and reporting process will continue to be undertaken and will provide for the regular monitoring of any applications received under the proposed changes.

In terms of the financial risks to Council, the main risk results from the increase in concessions on charges for developments applicable to *Schedule 6* and *Schedule 7*. Under *Schedule 6*, it is proposed to raise the concession rate for child care facilities from 75% to 100% for not-for-profit groups, and 50% to 75% for commercial operators, maintaining the maximum concession value of \$1,000,000. Under *Schedule 7* it is proposed to raise the concession rate from 50% to 100%, maintaining the current maximum cap of \$500,000 for each application. These proposed amendments will increase the potential concessions given by Council and, consequently, impact potential revenue raised through infrastructure charges. However, as housing diversity and child care facilities are strategic priorities for the region, it is considered that the potential loss of income is outweighed by the value provided by these developments. Furthermore, the risks are mitigated by the following:

- All Council approvals under the Policy are discretionary and are subject to the application process. This allows Council to evaluate the risks and benefits and ensure only developments that meet the objectives of the Policy are approved.
- The Policy is reviewed annually, or at any time Council deems necessary.

Conclusion

To continue to facilitate targeted economic development and growth outcomes, in alignment with Council's strategic priorities and planning objectives, it is recommended that Council adopt the amended Council Policy – Facilitating Development in the Mackay Region – Version 9 as shown in Attachment 1, to replace the current Policy.

Officer's Recommendation

THAT Council adopt the Facilitating Development in the Mackay Region Policy (Version 9) as a formal Policy of Mackay Regional Council commencing Monday 17 April 2023.

Council Resolution ORD-2023-90

THAT Council adopt the Facilitating Development in the Mackay Region Policy (Version 9) as a formal Policy of Mackay Regional Council commencing Monday 17 April 2023.

Moved Cr Englert

Seconded Cr Mann
CARRIED

Mayor Williamson, Crs Bella, Bonaventura, Hassan, Jones, Townsend, Englert, Mann and May recorded their vote for the adoption of the Policy.

Cr Jones recorded her vote against the adoption of the Policy.

12. RECEIPT OF PETITIONS

12.1. PETITION - PLANTING OF TURTLE NEST SHADING TREES - SEAFORTH

Author	Chief Executive Officer (Scott Owen)
Responsible Officer	Chief Executive Officer (Scott Owen)
File Number	Ordinary meeting

Attachments	1. Turtle Planting Petition [12.1.1 - 4 pages]
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Purpose

A petition was received by Council on the 20 March 2023 and relates to objections from residents to the loss of view and reported impact on property values from the planting of turtle nest shading trees and shrubs in central section of Seaforth from Sandfly creek to the swimming enclosure.

Related Parties

Listed petitioners per the attached petition.

Corporate Plan Linkage

N/A

Background/Discussion

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

1.7.4 Petitions (including e-Petitions)

(c) Where a petition is put to a meeting, no debate on or in relation to the petition shall be allowed, and the only motion which may be moved is that:

(i) the petition be received, and consideration stand as an order of the day for:

- the meeting; or*
- a future meeting; or*

(ii) the petition be received and referred to the Chief Executive Officer for consideration and a report to the local government; or

(iii) the petition not be received.

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

In this instance the applicable Council department (Development Services) has the associated information to address the Petition matter, and as such a subsequent report will be tabled at this meeting per the Standing Orders provision of 1.7.4 (c)(i).

Consultation and Communication

That the petitioners, through their lead petitioner, be informed of the outcome of the subsequent report once considered.

Resource Implications

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

Risk Management Implications

NIL.

Conclusion

It is proposed that as the petition meets the necessary requirement for consideration by Council. In this instance a report on the matter is able to be presented to this meeting for consideration and in line with Standing Orders.

Officer's Recommendation

THAT the petition be received.

FURTHER THAT the outcome of the Petition request be considered in a separate report.

Council Resolution ORD-2023-91

THAT the petition be received.

FURTHER THAT the outcome of the Petition request be considered in a separate report.

Moved Cr Jones

Seconded Cr Mann

CARRIED UNANIMOUSLY

12.2. RESPONSE TO PETITION - PLANTING OF TURTLE NEST SHADING TREES - SEAFORTH

Author	Senior Environmental Planner (Mark Ryan)
Responsible Officer	Director Development Services (Aletta Nugent)
File Reference	Seaforth

Attachments

1. Petition - Turtle Planting at Seaforth [12.2.1 - 4 pages]

Purpose

To provide Council with information in relation to a petition from Seaforth residents objecting to the proposed planting of vegetation to shade turtle nests between Sandfly Creek and the swimming enclosure at Seaforth.

Related Parties

- Petitioners (As per Attachment 1)
- Reef Catchments

Corporate Plan Linkage

Community and Environment

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

Live and Visit

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

Background

Reef Catchments (RC) approached Council in November 2022 to advise of an upcoming project to undertake planting of beachfront areas in the region aimed at providing increased shading for nesting turtles. The project required no funding or resourcing from Council, however the planting was proposed for Council managed land and therefore Council support for the project was required.

Officers within the Parks & Environment Program subsequently worked on this project with RC, to ensure that suitable species were used for the plantings and that the locations selected were appropriate. Throughout these discussions, the need for engagement with the relevant coastal communities was emphasised.

The locations ultimately selected for the project were Seaforth and Grasstree Beach, which were then the focus of the planning work for the project.

After confirmation of the species list with appropriate planting densities, along with the locations proposed, Council confirmed support for the project on 28 February 2023. In doing so, the need for robust community consultation was again confirmed.

The planting at Seaforth was scheduled for 26 March 2023, but this was put on hold following negative community feedback received in relation to the project. The petition was subsequently received by Council, which required Council to temporarily withdraw support for the project to allow for the petition to be considered by Council.

On 23 March 2023, RC advised that it would no longer be proceeding with any turtle nest shading projects.

Officers consider there is merit in projects that aim to provide shade along foreshores for turtle nests. There are other reasons why Council pursues vegetating or revegetate coastal areas. It is important to note that these projects are undertaken in our coastal areas and are likely to continue to do so. However, any project of this nature needs to be supported with appropriate community engagement.

Consultation and Communication

Council officers have had extensive engagement with RC in relation to the project. RC has undertaken engagement on the project with Seaforth residents.

Resource Implications

The project was proposed by RC utilising grant funding. Therefore, there are no resource implications arising from the project. However, the project was proposed for Council managed land, so Council support for the project was required.

Risk Management Implications

There is a risk that coastal communities may consider the outcome for this project as an indication that Council does not support the vegetation or revegetation of its foreshores. This is not the case, given projects of this type undertaken by Council in the past and Council's commitment to acting in response to vegetation vandalism on Council owned and managed land.

To manage this risk, Council should continue to pursue projects as it has in the past, in conjunction with appropriate consultation with the community.

Conclusion

The turtle nest shading project proposed by RC had merit. For any vegetation or revegetation project, it is necessary to ensure that appropriate community engagement is undertaken. In this case, RC have decided not to pursue the project and the head petitioner should be advised accordingly.

Officer's Recommendation

THAT Council advise the head petitioner that Reef Catchments has decided not to progress with the Turtle Shade Planting Project in Seaforth.

Council Resolution ORD-2023-92

THAT Council advise the head petitioner that Reef Catchments has decided not to progress with the Turtle Shade Planting Project in Seaforth.

Moved Cr Jones

Seconded Cr Townsend

CARRIED UNANIMOUSLY

12.3. PETITION - CHANGE TO STREET NAME - MCCARTHY STREET HAY POINT

Author	Chief Executive Officer (Scott Owen)
Responsible Officer	Chief Executive Officer (Scott Owen)
File Number	McCarthy Street, Roads - General

Attachments 1. Petition - Mc Carthy Street [12.3.1 - 3 pages]

Purpose

A petition was received by Council on the 23 March 2023 and relates to a request a Council Resolution to change the spelling of McCarthy Street to MacCarthy Street.

Related Parties

Listed petitioners per the attached petition.

Corporate Plan Linkage

N/A

Background/Discussion

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

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

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

Consultation and Communication

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

Resource Implications

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

Risk Management Implications

NIL.

Conclusion

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

Officer's Recommendation

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

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

Council Resolution ORD-2023-93

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

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

Moved Cr Jones

Seconded Cr Mann

CARRIED UNANIMOUSLY

12.4. PETITION - BITUMEN SEALING OF GRAVINOS ROAD, VICTORIA PLAINS

Author	Chief Executive Officer (Scott Owen)
Responsible Officer	Chief Executive Officer (Scott Owen)
File Reference	Petitions
Attachments	1. Petition to Mackay Regional Council - Bitumen sealing of Gravinosa Rd [12.4.1 - 6 pages]

Purpose

A petition was received by Council on 3 April 2023 and relates to the request for Gravinosa Road, Victoria Plains to be bitumened.

Related Parties

Listed petitioners per the attached petition.

Corporate Plan Linkage

N/A

Background/Discussion

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

1.7.4 Petitions (including e-Petitions)

(c) Where a petition is put to a meeting, no debate on or in relation to the petition shall be allowed, and the only motion which may be moved is that:

(i) *the petition be received, and consideration stand as an order of the day for:*

- *the meeting; or*
- *a future meeting; or*

(ii) *the petition be received and referred to the Chief Executive Officer for consideration and a report to the local government; or*

(iii) *the petition not be received.*

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

In this instance the applicable Council department (Development Services) has the associated information to address the Petition matter, and as such a subsequent report will be tabled at this meeting per the Standing Orders provision of 1.7.4 (c)(i).

Consultation and Communication

That the petitioners, through their lead petitioner, be informed of the outcome of the subsequent report once considered.

Resource Implications

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

Risk Management Implications

Nil

Conclusion

It is proposed that as the petition meets the necessary requirement for consideration by Council. In this instance a report on the matter is able to be presented to this meeting for consideration and in line with Standing Orders.

Officer's Recommendation

THAT the petition be received.

FURTHER THAT the outcome of the Petition request be considered in a separate report.

Council Resolution ORD-2023-94

THAT the petition be received.

FURTHER THAT the outcome of the Petition request be considered in a separate report.

Moved Cr Bonaventura

Seconded Cr Hassan

CARRIED UNANIMOUSLY

13. TENDERS

Cr Seymour and Cr Jones having declared a Conflict of Interest in Agenda Item Nos 13.1 - MRC 2023-049 Pioneer Valley Mountain Bike Trails - Stage 1; No 13.2 MRC 2023-050 Pioneer Valley Mountain Bike Finch Hatton Trailhead and No 13.3 MRC 2023-051 Pioneer Valley Mountain Bike Finch Hatton Pump Track, left the chambers at 10:54 am.

13.1. MRC 2023-049 PIONEER VALLEY MOUNTAIN BIKE TRAILS - STAGE 1

Author	Manager Major Project (Michael Zimmerle)
Responsible Officer	Director Capital Works (Jim Carless)
File Number	MRC 2023-049 Pioneer Valley Mountain Bike Trails - Stage 1
Attachments	Nil

Purpose

To present to Council for approval MRC 2023-049 Pioneer Valley Mountain Bike Trails - Stage 1.

Related Parties

The parties relating to this report are as follows:

- Dirt Art Pty Ltd
- TrailScapes Pty Ltd
- World Trail Pty Ltd as trustee for World Trail Unit Trust

Corporate Plan Linkage

Live and Visit

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

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

Background/Discussion

Mackay Regional Council (Council) issued Tender documents seeking an experienced contractor for the design and construction of sixteen (16) trails measuring 13.5km in Stage 1 of Pioneer Valley Mountain Bike (PVMB) Project in Finch Hatton.

Tenders were invited via Mackay Regional Council's website and on the Queensland Government's QTenders website on the 20 January 2023.

The following individual submissions were received by the closing time of 10.00am, 07 March 2023:

Tenderer's Name	Location
Dirt Art Pty Ltd	Opossum Bay, Western Australia
TrailScapes Pty Ltd	Malvern, South Australia
World Trail Pty Ltd as trustee for World Trail Unit Trust	Smithfield, Queensland

An initial compliance check was conducted to identify submissions that were non-conforming within the requirements of the Request for Tender (RFT). This included compliance with contractual requirements and provision of requested information.

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	10%
Relevant Experience, Innovation and Value Adding	40%
Key Personnel and Tenderers Resources	25%
Demonstrated Understanding	25%

Tendered Prices (Ex GST) following Tender Information Request (TIR) responses:

Tenderer	Price (Ex GST)
TrailScapes Pty Ltd	\$1,006,006.80*
World Trail Pty Ltd as trustee for World Trail Unit Trust	\$2,003,799.00*
Dirt Art Pty Ltd	\$4,701,045.00

* Pricing includes Provisional Sum for 6-month maintenance program

The final evaluation was completed 24 March 2023, with the evaluation panel reviewing final scoring and TIR responses. Based on the final scores from the evaluation, World Trail Pty Ltd as trustee for World Trail Unit Trust are the preferred tenderer.

The preferred tenderer demonstrated a high level of service in their submission including in-depth understanding of the project requirements. Their submission demonstrated to a high degree, previous relevant experience, innovation and value adding, above expectations.

World Trail Pty Ltd have nominated highly skilled resources and demonstrated their capacity to complete the works beyond the specified requirements of the RFT.

Resource Implications

These works form one of two stages of the Pioneer Valley Mountain Bike Project, being:

Stage One:

- Field Services Civil Works
- MRC 2023-049 Pioneer Valley Mountain Bike Stage 1 Trails
- MRC 2023-050 Pioneer Valley Mountain Bike Finch Hatton Trailhead
- MRC 2023-051 Pioneer Valley Mountain Bike Finch Pump Track

Stage Two:

- Remaining Trail Network including shuttle access.

The current funding allocation within the Capital Works budget for works associated with 10506 Pioneer Valley Mountain Bike Project is **\$26,968,827.00** (inclusive of previous FY, 22/23 FY through to 25/26FY LTFF budgets).

With the tendered prices and other costs associated with the delivery of Stage One works, there is a shortfall of **\$1,700,000.00** however, with the use of approved capital budget for all two Pioneer Valley Mountain Bike stages, a balance of **\$14,383,620.23** remains.

Description	Amount	Notes
MRC 2023-049 Pioneer Valley Mountain Bike Stage 1 Trails		
Expenditure to Date	\$3,958,385.00	

Description	Amount	Notes
Tender Amount	\$2,003,799.00	<i>World Trail Pty Ltd as trustee for World Trail Unit Trust</i>
Project risks	\$ 400,759.80	<i>20 % Contingency allowed</i>
Additional project costs	\$4,672,262.97	<i>Estimated amounts for Trailhead and Pump Track works including contingency</i>
Internal Civil Works	\$ 900,000.00	<i>Estimated amount conducted by Council's Field Services department</i>
Council's costs	\$ 650,000.00	<i>Below the line costs for council – Overheads, project management and supervision</i>
Estimated Cost of Project	\$12,585,206.77	
BUDGET		
Previous Budgets	\$ 3,398,032	
Budget for 2022/2023	\$ 1,947,000	
Budget for 2023/2024	\$ 4,823,795	
Budget for 2024/2025	\$10,000,000	
Budget for 2025/2026	\$ 6,800,000	
BALANCE	\$14,383,620.23	<i>Estimated budget surplus for future works</i>
		<i>Note: budget shortfall of \$1.7m for Stage One identified compared to Stage One Estimate</i>

Council is currently seeking external funding for the Project. If funding is not secured, a future budget adjustment will be requested when Stage Two works are finalised.

Risk Management Implications

The conditions of contract provide sufficient remedies and warranties to Council based on the risk profile of the services being provided.

Risks to Council for this project include the design and construction of mountain bike networks, cultural heritage, environmental and safety risks. These risks have been mitigated by:

- Council conducting a cultural heritage survey of the Stage 1 area prior to seeking tenders and ensuring that allowances are made within the contract for monitoring in any high-risk areas.
- Council conducting an environmental survey of the Stage 1 area when applying for the development application. Findings from the environmental survey informed the tender process and ensure that any sensitive areas are identified and treatments for these areas highlighted.
- Due to the specialised nature of building mountain bike trails, the evaluation criteria for the tenders were written to ensure that suitably experienced contractors are considered. The criteria focused on demonstrated relevant experience in the design and construction of mountain bike trails in environments similar to Finch Hatton, as well as what value the tenderer could add to project through innovation and social media outreach.
- Given the location of the works, World Trail Pty Ltd have provided an in-depth understanding of the project including firsthand knowledge of the local terrain, soils and environment through their engagement to Council for the ground truthing and design of the Stage 1 Trail Network.

Conclusion

That awarding the contract to World Trail Pty Ltd as trustee for World Trail Unit Trust represents the most advantageous outcome to Mackay Regional Council based their relevant experience, capacity, and highly skilled resources to complete the works to the quantity and quality as specified in the RFT.

Officer's Recommendation

THAT Council award contract MRC 2023-049 Pioneer Valley Mountain Bike Trails Stage 1 to World Trail Pty Ltd as trustee for World Trail Unit Trust for the total tendered price of \$2,003,799.00 (Ex GST) including a provisional sum for 6-months maintenance program.

Council Resolution ORD-2023-95

THAT Council award contract MRC 2023-049 Pioneer Valley Mountain Bike Trails Stage 1 to World Trail Pty Ltd as trustee for World Trail Unit Trust for the total tendered price of \$2,003,799.00 (Ex GST) including a provisional sum for 6-months maintenance program.

Moved Cr Englert

Seconded Cr Townsend

CARRIED UNANIMOUSLY

13.2. MRC 2023-050 PIONEER VALLEY MOUNTAIN BIKE FINCH HATTON TRAILHEAD

Author	Manager Major Projects (Michael Zimmerle)
Responsible Officer	Director Capital Works (Jim Carless)
File Number	MRC 2023-050

Attachments	Nil
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Purpose

To present to Council for approval MRC 2023-050 Pioneer Valley Mountain Bike (PVMB) Finch Hatton Trailhead.

Related Parties

The parties relating to this report are as follows:

- JMac Constructions Pty Ltd

Corporate Plan Linkage

Live and Visit

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

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

Background/Discussion

Mackay Regional Council (Council) issued tender documents for the construction of the Finch Hatton Mountain Bike Trailhead located at Lot 11, SP212243, Anzac Parade (Mackay-Eungella Road), Finch Hatton.

Tenders were invited via Mackay Regional Council's website and on the Queensland Government's QTenders website 31st January 2023.

The following individual submission was received by the closing time of 10.00am, 07 March 2023:

Tenderer's Name	Location
J. MAC Constructions PTY LTD	Mackay, Queensland

An initial compliance check was conducted to identify submissions that were non-conforming with the requirements of the Request for Tender (RFT). This included compliance with contractual requirements and provision of requested information.

Qualitative Evaluation

The evaluation panel scored the tenders according to the evaluation matrix. Submissions were assessed against the nominated qualitative criteria. Specific criteria were weighted according to their importance as perceived and agreed by the panel. Relative weightings were published within the RFT. This assessment was carried out by the evaluation panel 13th March 2023.

The individual weightings of the qualitative criteria attributed to each respective package were as follows:

Criterion	Weighting %
Value for money	25%
Relevant Experience	25%
Key Personnel and Tenderers Resources	20%
Demonstrated Understanding	30%

Tendered Prices (Ex GST) following Tender Information Request (TIR) responses:

Tenderer's Name	Price (ex GST)
J. MAC Constructions PTY LTD	\$3,851,928.79

The final evaluation was completed 24th March 2023.

Resource Implications

These works form one of two stages of the Pioneer Valley Mountain Bike Project, being:

Stage One:

- Field Services Civil Works
- MRC 2023-049 Pioneer Valley Mountain Bike Stage 1 Trails
- MRC 2023-050 Pioneer Valley Mountain Bike Finch Hatton Trailhead
- MRC 2023-051 Pioneer Valley Mountain Bike Finch Pump Track

Stage Two:

- Remaining Trail Network including shuttle access.

The current funding allocation within the Capital Works budget for works associated with 10506 Pioneer Valley Mountain Bike Project is **\$26,968,827.00** (inclusive of previous FY, 22/23 FY through to 25/26FY LTFF budgets).

With the tendered prices and other costs associated with the delivery of Stage One works, there is a shortfall of **\$1,700,000.00** however, with the use of approved capital budget for all two Pioneer Valley Mountain Bike stages, a balance of **\$14,383,620.23** remains.

Description	Amount	Notes
MRC 2023-050 10506 Pioneer Valley Mountain Bike Finch Hatton Trailhead		
Expenditure to Date	\$3,958,385.00	
Tender MRC 2023-050	\$3,851,928.79	<i>JMac Constructions Pty Ltd</i>

Description	Amount	Notes
Project risks	\$ 385,192.88	10 % Contingency allowed
Additional project costs	\$2,839,700.10	Estimated amounts for Trails and Pump Track works including contingency
Internal Civil Works	\$ 900,000.00	Conducted by Council's Field Services department
Council's costs	\$ 650,000.00	Below the line costs for council – Overheads, project management and supervision
Estimated Cost of Project	\$12,585,206.77	
BUDGET		
Previous Budgets	\$ 3,398,032	
Budget for 2022/2023	\$ 1,947,000	
Budget for 2023/2024	\$ 4,823,795	
Budget for 2024/2025	\$10,000,000	
Budget for 2025/2026	\$ 6,800,000	
BALANCE	\$14,383,620.23	Estimated budget surplus for future works
		Note: budget shortfall of \$1.7m for Stage One identified compared to Stage One Estimate

Council is currently seeking external funding for the Project. If funding is not secured, a future budget adjustment will be requested when Stage Two works are finalised.

Risk Management Implications

Risks to Council for this project include community liaison, working in close proximity to other works on site, existing services and assets, environmental and safety risks.

As the trailhead is located on the old Cattle Creek Mill site, there is a risk of uncovering abandoned infrastructure. These risks have been mitigated by:

- Council holding an onsite tender briefing meeting to provide information to prospective tenderers while describing the scope of works of the project. This includes the possible requirement of working in close proximity with the Pump Track contractor and Council's Field Services' crew.
- Council providing results and reports from investigations that have been conducted around geotechnical and contaminated land through the tender process.
- Council has held, and will continue to do so, community update sessions on the project, as well as providing project updates through Connecting Mackay website.
- Ensuring that the Contractor communicates with surrounding properties where works may impact these properties, as well as managing any issues through a Stakeholder register.
- Ensuring that the Contractor has environmental and safety management systems in place when conducting the works on site.

The conditions of contract provide sufficient remedies and warranties to Council based on the risk profile of the services being provided.

Conclusion

That the contract MRC 2023-050 Pioneer Valley Mountain Bike Finch Hatton Trailhead be awarded to J Mac Construction Pty Ltd as the only tenderer and a locally based company. JMac Constructions Pty Ltd has demonstrated knowledge of the local area and will involve local businesses in completing this package of work.

Officer's Recommendation

THAT Council award contract MRC 2023-050 Pioneer Valley Mountain Bike Finch Hatton Trailhead to JMac Constructions Pty Ltd for the lump sum tender price of \$3,851,928.79 (excl GST).

Council Resolution ORD-2023-96

THAT Council award contract MRC 2023-050 Pioneer Valley Mountain Bike Finch Hatton Trailhead to JMac Constructions Pty Ltd for the lump sum tender price of \$3,851,928.79 (excl GST).

Moved Cr Englert

Seconded Cr Bonaventura

CARRIED UNANIMOUSLY

13.3. MRC 2023-051 PIONEER VALLEY MOUNTAIN BIKE FINCH HATTON PUMP TRACK

Author	Manager Major Projects (Michael Zimmerle)
Responsible Officer	Director Capital Works (Jim Carless)
File Number	MRC 2023-051

Attachments	Nil
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Purpose

To present to Council for approval MRC 2023-051 Pioneer Valley Mountain Bike (PVMB) Finch Hatton Pump Track.

Related Parties

The parties relating to this report are as follows:

- TKK Service Pty Ltd t/a Bike Tracks Australia
- JMac Constructions Pty Ltd
- TrailScapes Pty Ltd
- World Trail Pty Ltd as trustee for World Trail Unit Trust

Corporate Plan Linkage

Live and Visit

Live, visit and play – a diverse mix of accessible space to live, visit and play:

Eco-tourism adventure and leisure – a world-famous tourism destination, providing eco, adventure and water-based sport recreation and leisure opportunities

Background/Discussion

Mackay Regional Council (Council) issued tender documents for the design and construction of the Pioneer Valley Mountain Bike Pump Track which will be located at Lot 11, SP212243, Anzac Parade (Mackay-Eungella Road), Finch Hatton.

Tenders were invited via Council's website and on the Queensland Government's Procurement Transformation QTenders website 03 February 2023.

The following submissions were received by the closing time of 10.00am, 07 March 2023:

Tenderer's Name	Location
TKK Service Pty Ltd t/a Bike Tracks Australia	Marian, Queensland
J. MAC Constructions PTY LTD	Mackay, Queensland
TrailScapes Pty Ltd	Malvern, South Australia
World Trail Pty Ltd as trustee for World Trail Unit Trust	Smithfield, Queensland

An initial compliance check was conducted to identify submissions that were non-conforming with the requirements of the Request for Tender (RFT). This included compliance with contractual requirements and provision of requested information.

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	20%
Relevant Experience	30%
Key Personnel and Tenderers Resources	15%
Demonstrated Understanding	35%

Tenderers were provided a budget amount of \$400,000 to complete the design and construction of the Pump Track.

Prices received, excluding GST:

Tenderer's Name	Price (ex GST)
TrailScapes Pty Ltd	\$344,538.00
TKK Service Pty Ltd t/a Bike Tracks Australia	\$395,583.00
World Trail Pty Ltd as trustee for World Trail Unit Trust	\$400,000.00
JMac Constructions Pty Ltd	\$404,118.75

The evaluation panel completed an exercise to compare the total lineal and square meterage of the proposed concept design to highlight best value for money to Council. TKK Service t/a Bike Tracks Australia offered the best value for money based on total lineal meterage followed by World Trail Pty Ltd.

The evaluation scoring was finalised 24 March 2023, with the evaluation panel reviewing final scoring and TIR responses. Based on the final scores from the evaluation, TKK Service Pty Ltd t/a Bike Tracks Australia are the preferred tenderer.

They have the relevant experience, capacity, and skilled resources to complete the works to the quantity and quality as specified in the RFT.

Resource Implications

These works form one of two stages of the Pioneer Valley Mountain Bike Project, being:

Stage One:

- Field Services Civil Works
- MRC 2023-049 Pioneer Valley Mountain Bike Stage 1 Trails
- MRC 2023-050 Pioneer Valley Mountain Bike Finch Hatton Trailhead
- MRC 2023-051 Pioneer Valley Mountain Bike Finch Pump Track

Stage Two:

- Remaining Trail Network including shuttle access.

The current funding allocation within the Capital Works budget for works associated with 10506 Pioneer Valley Mountain Bike Project is **\$26,968,827.00** (inclusive of previous FY, 22/23 FY through to 25/26FY LTFF budgets).

With the tendered prices and other costs associated with the delivery of Stage One works, there is a shortfall of **\$1,700,000.00** however, with the use of approved capital budget for all two Pioneer Valley Mountain Bike stages, a balance of **\$14,383,620.23** remains.

Description	Amount	Notes
MRC 2023-051 10506 Pioneer Valley Mountain Bike Finch Hatton Pump Track		
Expenditure to Date	\$3,958,385.00	
Tender MRC 2023-051	\$ 395,583.00	TKK Service Pty Ltd t/a Bike Tracks Australia
Project risks	\$ 39,558.30	10 % Contingency allowed
Additional project costs	\$6,641,680.47	Estimated amounts for Stage 1 Trails and Trailhead works including contingency
Internal Civil Works	\$ 900,000.00	Conducted by Council's Field Services department
Council's costs	\$ 650,000.00	Below the line costs for council – Overheads, project management and supervision
Estimated Cost of Project	\$12,585,206.77	
BUDGET		
Previous Budgets	\$ 3,398,032	
Budget for 2022/2023	\$ 1,947,000	
Budget for 2023/2024	\$ 4,823,795	
Budget for 2024/2025	\$10,000,000	
Budget for 2025/2026	\$ 6,800,000	
BALANCE	\$14,383,620.23	Estimated budget surplus to undertake future works
		Note: budget shortfall of \$1.7m for Stage One identified compared to Stage One Estimate

Council is currently seeking external funding for the Project. If funding is not secured, a future budget adjustment will be requested when Stage Two works are finalised.

Risk Management Implications

The conditions of contract provide sufficient remedies and warranties to Council based on the risk profile of the services being provided.

Risks to Council for this include the design and construction of pump tracks, working in close proximity to other works on site, community liaison, environmental and safety risks. These risks have been mitigated by:

- Developing the evaluation criteria for the tenders to ensure that suitably experienced contractors are considered. This was done by requiring the tenderers to submit relevant examples of their previous works, as well as providing a concept design of a pump track for this project.
- Informing tenderers in the tender documents of the possible requirement of working in close proximity of others and to make allowance in their methodologies and price.
- Ensuring that the Contractor has environmental and safety management systems in place when conducting the works on site.
- Council has held, and will continue to do so, community update sessions on the project, as well as providing project updates through the Connecting Mackay website.
- Ensuring that the Contractor communicates with surrounding properties where works may impact these properties, as well as managing any issues through a Stakeholder register.

Conclusion

That contract MRC 2023-051 Pioneer Valley Mountain Bike Finch Hatton Pump Track be awarded to TKK Service Pty Ltd t/a Bike Tracks Australia as it presents the most advantageous outcome and value for money to Mackay Regional Council based on their relevant experience, capacity, and resources to complete the works to the quantity and quality as specified in the RFT.

Officer's Recommendation

THAT Council award contract MRC 2023-051 Pioneer Valley Mountain Bike Finch Hatton Pump Track to TKK Service Pty Ltd t/a Bike Tracks Australia for the lump sum tender price of \$395,583.00 (excl GST).

Council Resolution ORD-2023-97

THAT Council award contract MRC 2023-051 Pioneer Valley Mountain Bike Finch Hatton Pump Track to TKK Service Pty Ltd t/a Bike Tracks Australia for the lump sum tender price of \$395,583.00 (excl GST).

Moved Cr Englert

Seconded Cr Mann

CARRIED UNANIMOUSLY

Cr Jones and Cr Seymour returned to the chambers at 11:05 am.

13.4. MRC 2023-038 GRAFFUNDER STREET AND GOLDSMITH STREET, ROAD IMPROVEMENT PROJECT

Author	Manager Contract Services (John Cumming)
Responsible Officer	Director Capital Works (Jim Carless)
File Number	MRC 2023-038
Attachments	Nil

Purpose

To present to Council for approval MRC 2023-038 Graffunder Street and Goldsmith Street, Road Improvement Project.

Related Parties

The parties relating to this report are as follows:

- Durack Civil Pty Ltd
- Seaforth Civil Pty Ltd
- Vassallo Constructions Pty Ltd

Corporate Plan Linkage

Financial Strength

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

Background/Discussion

Mackay Regional Council (Council) issued tender documents seeking a suitably qualified contractor to complete works for various kerb and channel reconstructions and linemarking installations works at three (3) sites within the Mackay region.

- Site 1 – Project No. 51661 – Graffunder St Kerb, South Mackay Left CH 303 to CH429;
- Site 2 – Project No. 51666 – Graffunder St Kerb, South Mackay Left CH 429 to CH439; and
- Site 3 – Project No. 51778 - Goldsmith and Evans Street Intersection Safety Improvement, South Mackay & Evans Street and McIntyre Street Intersection Safety Improvement, South Mackay.

Tenders were invited on 25 November 2022, via Mackay Regional 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 24 January 2023:

Tenderer	Location
Durack Civil Pty Ltd	Moranbah, Queensland
Seaforth Civil Pty Ltd	Mackay, Queensland
Vassallo Constructions Pty Ltd	Mackay, Queensland

Final submitted pricing, after all tender information requests were issued, and received, excluding GST:

Tenderer	Price (Ex GST)
Vassallo Constructions Pty Ltd	\$671,960.02
Durack Civil Pty Ltd	\$836,840.96
Seaforth Civil Pty Ltd	\$996,678.16

Resource Implications

The funding for these works is planned over two financial years; with construction to commence in 2022/2023 and continue into 2023/2024.

Description	Amount	Notes
MRC 2023-038 Graffunder Street and Goldsmith Street, Road Improvement Project		
Expenditure to Date	\$21,242.80	<i>Actuals FY22/23 as at 27/03/2023</i>
Contract Price	\$671,960.02	<i>Vassallo Constructions Pty Ltd</i>
Project risks	\$67,196.00	<i>10% Contingency allowed</i>
Council's costs	\$82,298.93	<i>Below the line costs for council</i>
Estimated Cost of Project	\$842,697.75	
BUDGET		
Budget for 2022/2023	\$447,786.76	
Budget for 2023/2024	\$182,873.07	<i>*Note: budget for #74069 is the pre-works budget only</i>
BALANCE	(\$212,037.92)	<i>Over expenditure</i>

Additional funds required have been requested in the March Budget Review for any work planned for FY2022/2023 and the Long Term Financial Forecast (LTFF) for any work planned for FY2023/2024.

Risk Management Implications

Project risks have been assessed and include community engagement, traffic management and others, will be managed by the staff and contractor throughout the project as required.

Conclusion

That awarding the contract to Vassallo Constructions Pty Ltd represents the most advantageous outcome and demonstrated value for money to Mackay Regional Council based on their submitted price.

Officer's Recommendation

THAT Council award contract MRC 2023-038 Graffunder Street and Goldsmith Street, Road Improvement Project to Vassallo Constructions Pty Ltd for the part lump sum and part remeasurable schedule of rates tender price of \$671,960.02 (excl GST).

Council Resolution ORD-2023-98

THAT Council award contract MRC 2023-038 Graffunder Street and Goldsmith Street, Road Improvement Project to Vassallo Constructions Pty Ltd for the part lump sum and part remeasurable schedule of rates tender price of \$671,960.02 (excl GST).

Moved Cr Bonaventura

Seconded Cr Hassan

CARRIED UNANIMOUSLY

13.5. MRC 2023-041 CULVERT REHABILITATION PACKAGE

Author Manager Contract Services (John Cumming)
Responsible Officer Director Capital Works (Jim Carless)
File Number MRC 2023-041

Attachments Nil

Purpose

To present to Council for approval MRC 2023-041 Culvert Rehabilitation Package.

Related Parties

The parties relating to this report are as follows:

- Seaforth Civil Pty Ltd

Corporate Plan LinkageFinancial Strength

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

Background/Discussion

Mackay Regional Council (Council) issued tender documents for the rehabilitation works on seven (7) culvert sites within the Mackay Regional Council (Council) area, as follows:

- Site 1 – 57235 Walsh Avenue, Seaforth - culvert rehab CUL362015 - CH460
- Site 2 – 57236 Mount Martin Loop Road, Mt Martin – culvert rehab CUL143847 – CH4590
- Site 3 – 57237 Farleigh Habana Road, Farleigh - culvert rehab CUL257294 - CH2410
- Site 4 – 57238 Geeberga Buthurra Road, Kuttabul – culvert rehab CUL366313 – CH5990
- Site 5 – 51683 Midge Point Road, Bloomsbury - culvert rehab CUL 267226 - Ch 5058
- Site 6 – 51684 Geeberga Buthurra Road, Mt Ossa - culvert rehab CUL (no ID) – Ch 15156
- Site 7 – 51687 Kunapipi Road, Bloomsbury - culvert rehab CUL 267243 Ch 1423

Tenders were invited on 16 December 2022, via Mackay Regional 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 14 February 2023:

Tenderer	Location
Seaforth Civil Pty Ltd	Mackay, Queensland

Final submitted pricing, after all tender information requests were issued, and received, excluding GST:

Tenderer	Price (Ex GST)
Seaforth Civil Pty Ltd	\$1,283,425.53

Resource Implications

The funding for these projects is for FY2022/2023 and FY2023/2024. There are insufficient funds for the projects to proceed and additional budget of \$721,870.67 is being sought in the March budget review.

Description	Amount	Notes
MRC 2023-041 Culvert Rehabilitation Package		
Expenditure to Date	\$138,608.86	<i>As at 27/03/2023</i>
Contract Price	\$1,283,425.53	<i>Seaforth Civil Pty Ltd</i>
Project risks	\$128,342.56	<i>10% Contingency allowed</i>
Council's costs	\$149,294.47	<i>Below the line costs for council</i>
Estimated Cost of Project	\$1,699,671.42	
BUDGET		
Budget FY 2022/2023	\$521,584.75	
Budget FY 2023/2024	\$456,216.00	
BALANCE	(\$721,870.67)	<i>Budget shortfall</i>

Risk Management Implications

The duration for this project has been estimated at 21 weeks total for the seven (7) sites.

Risks to Council associated with this contract include community liaison, working in and around vehicular traffic, existing services, and environmental risks. These will be managed by the contractor in close consultation with Council staff.

Conclusion

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

Officer's Recommendation

THAT Council award contract MRC 2023-041 Culvert Rehabilitation Package to Seaforth Civil Pty Ltd for the fixed lump sum component and a component based on a Schedule of Rates or Priced Bill of Quantities either of which is subject to Remeasurement tender price of \$1,283,425.53 (excl GST).

Council Resolution ORD-2023-99

THAT Council award contract MRC 2023-041 Culvert Rehabilitation Package to Seaforth Civil Pty Ltd for the fixed lump sum component and a component based on a Schedule of Rates or Priced Bill of Quantities either of which is subject to Remeasurement tender price of \$1,283,425.53 (excl GST).

Moved Cr Bella

Seconded Cr Townsend

CARRIED UNANIMOUSLY

13.6. MRC 2023-047A 90591 MACKAY BLUE WATER LAGOON RESURFACING

Author	Manager Contract Services (John Cumming)
Responsible Officer	Director Capital Works (Jim Carless)
File Number	MRC2023-047a
Attachments	Nil

Purpose

To present to Council for approval MRC 2023-047a - #90591 Mackay Blue Water Lagoon Resurfacing.

Related Parties

The parties relating to this report are as follows:

- Beau Corp Pty Ltd
- PWI Contracting Pty Ltd trading as Aquatic Project Solution

Corporate Plan Linkage

Financial Strength

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

Live and Visit

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

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

Background/Discussion

Mackay Regional Council (Council) issued tender documents seeking a suitable qualified contractor for the design and construct of the resurfacing of three (3) lagoons at the Mackay Blue Water Lagoon. The works are time critical, with significant reputational implications for late delivery.

The works are to design and install a Polyvinyl Chloride membrane system to replace the existing Quartzon finish to reduce the maintenance requirements relating to construction joint caulk replacement and surface erosion / delamination of the existing surfacing.

Tenders were invited on 23 February 2023, via Mackay Regional Council's website and on the Queensland Government's Procurement Transformation QTenders website.

There were no submissions received by 10:00am, Tuesday 14 February 2023 even though the Tender was downloaded by 29 businesses (some of these businesses might have just been interested to see what the proposed works were).

Section 226 (1) of the *Local Government Regulation 2012* (Qld) provides that Council, as a local government, cannot enter into a large-sized contractual arrangement (being a contractual arrangement with a supplier that is expected to be worth, exclusive of GST, \$200,000.00 or more in a fiscal year) unless the local government first invites written tenders for the contract. Since there were no submissions received from the Tender, Council

released the Tender as a Request for Quotation to three parties that displayed an interest to Council after the Tender closed.

A Request for Quotation for MRC 2023-047a 90591 Mackay Blue Water Lagoon Resurfacing was advertised on 17 February 2023, via the Queensland Government's QTender website as a restricted quote to:

- Aquatic Projects Solutions;
- Beau Corp Pty Ltd; and
- Splashpools.

The following submissions were received by the closing time of 10:00am, Friday 24 February 2023:

Tenderer	Location
Beau Corp Pty Ltd	Currumbin, Queensland
PWI Contracting Pty Ltd trading as Aquatic Project Solutions	Smithfield, Queensland

An initial compliance check was conducted on 27 February 2023 to identify submissions that were non-conforming with the requirements of the Request for Tender (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 criterion was:

Criterion	Weighting %
Relevant Experience and Demonstrated Understanding	25%
Resources and Personnel	15%
Availability	30%
Value for Money / Price	30%

Final submitted prices, after all TIRs (Tender Information Request) received, excluding GST:

Tenderer	Price (Ex GST)
PWI Contracting Pty Ltd trading as Aquatic Project Solutions	\$1,057,987.00
Beau Corp Pty Ltd	\$2,332,235.00

The following Tender Information Requests One (1) were sent to:

Beau Corp Pty Ltd, requesting:

- Further information regarding qualitative criteria.

and

PWI Contracting Pty Ltd trading as Aquatic Project Solutions, requesting:

- Confirmation of ABN and Trading Name;
- Further information regarding qualitative criteria; and
- Negotiating Statement of Departures.

TIR Two (2) was issued to PWI Contracting Pty Ltd trading as Aquatic Project Solutions to:

- Request clarification on technical information;
- Provide a more detailed methodology and program; and
- Provide updated pricing schedule in a more detailed format.

A meeting was conducted, with PWI Contracting Pty Ltd trading as Aquatic Project Solutions and members of the evaluation panel to discuss the details of TIR Two (2).

Further details were requested of the Tenderer and clarity was provided on Council's expectations. Meeting minutes were issued in a separate email to all parties.

All responses were received within the requested time limit, with all responses being reviewed by the evaluation panel. The final evaluation was completed 31 March 2023 and final TIR revised pricing concluded.

Reference checks were conducted for PWI Contracting Pty Ltd trading as Aquatic Project Solutions indicating they have previously provided quality resurfacing works for multiple companies and projects. The detailed reference checks indicated PWI Contracting Pty Ltd trading as Aquatic Project Solutions have suitable experience and have also demonstrated their ability to work within project scope, and to meet budget expectations on previous projects.

The evaluation of the tender was conducted by:

Position	Department
Supervisor Projects and Operational Compliance	Property Services
Contracts Project Manager	Capital Works
Contracts Officer	Organisational Services

Due to the complex nature of the works, the following personal reviewed the TIR submissions and attended the meeting with PWI Contracting Pty Ltd trading as Aquatic Project Solutions:

Position	Department
Project Contracts Coordinator	Capital Works
Project Manager	Capital Works
Supervisor Projects and Operational Compliance	Property Services
Contracts Coordinator	Organisational Services
Contracts Officer	Organisational Services

Consultation and Communication

Consultation was conducted between Contract Services, Property Services, Procurement and Plant and all other relevant departments prior to the Request for Tender being released.

Resource Implications

The funding for these works is in the 8.05 Capital Budget Job No. 90591.

Due to time constraints, with the lead time of the lining product and the Blue Water Lagoon closure timeframes, the project will be staged. The stages are as follows:

- Stage 1 – 2023 Winter Closure – Investigation Works to all pools & relining of the Children's Pool.
- Stage 2 – 2024 Winter Closure - Relining of the Main Lagoon & Top Lagoon.

With the expenditure incurred to date, including provisions for Council management costs and contingency, the estimated project cost exceeds the total combined allocated budgets in FY 22/23 and FY 23/24.

The estimated budget shortfall of **\$445,663.55** will be incurred in FY23/24 and FY24/25 and this will be addressed through a budget adjustment request in the FY22/23 March Budget review & LTFF allocations.

The additional budget is required to be able to award the Contract in time to allow construction of Stage 1 to proceed during the 2023 winter lagoon closure.

Description	Amount	Notes
MRC 2023-047a 90591 Mackay Blue Water Lagoon Resurfacing		
Expenditure to Date	\$173,461.60	As at 29/03/2023
Contract Price	\$1,057,987.00	PWI Contracting Pty Ltd trading as Aquatic Project Solutions
Project risks	\$105,798.70	10% Contingency allowed
Council's costs	\$175,661.14	Below the line costs for council including BWL refilling costs.
Estimated Cost of Project	\$1,512,908.44	
BUDGET		
Budget FY 2022/2023	\$257,232.00	
Budget FY 2023/2024	\$810,000.00	
BALANCE	-\$445,676.44	<i>budget shortfall</i>

Risk Management Implications

Risks to Council associated with this Contract include supplier delays with membrane materials from overseas, community liaison, possible contingent activities related to repairs to existing services, including environmental and safety risks.

The mitigation of these risks will be carried out by:

- The Contract will be structured to allow for completion over two winter seasons, to mitigate the possible delaying effects of:
 - Investigations of existing services revealing more rectification required than envisaged at time of tender.
 - Overseas materials supply delays resulting in risk of exceeding the closure period for construction completion.
- Provision of additional Contractor specialist resources, if required.
- Extension of Contractor working days and / or hours of work beyond that nominated.
- Council officers will work closely with the Contractor and Asset Owner to ensure minimal delays occur.
- Council will carry out media releases and letter drops with project information and notification with construction timelines.
- Tenderers have been made aware of the known existing services and constraints to allow their costing and methodology to comply with risk control activities associated with this project.
- The successful Contractor must develop site specific Management Plans
- Measures taken to minimise safety risks are utilising experienced Contractors for the works and compliance with Work Health and Safety Legislation.

Conclusion

That awarding the contract to PWI Contracting Pty Ltd trading as Aquatic Project Solutions represents the most advantageous outcome and demonstrated value for money to Mackay Regional Council and have the experience, capacity, and resources to complete the works to the quantity and quality as specified in the RFT.

Officer's Recommendation

THAT Council award contract MRC 2023-047a 90591 Mackay Blue Water Lagoon Resurfacing to PWI Contracting trading as Aquatic Project Solutions for the fixed lump sum component and a component based on a Schedule of Rates or Priced Bill of Quantities, which is subject to remeasurement as detailed, for the tender price of \$1,057,987.00 excluding GST.

Council Resolution ORD-2023-100

THAT Council award contract MRC 2023-047a 90591 Mackay Blue Water Lagoon Resurfacing to PWI Contracting trading as Aquatic Project Solutions for the fixed lump sum component and a component based on a Schedule of Rates or Priced Bill of Quantities, which is subject to remeasurement as detailed, for the tender price of \$1,057,987.00 excluding GST.

Moved Cr Jones

Seconded Cr Hassan

CARRIED UNANIMOUSLY

14. CONSIDERATION OF NOTIFIED MOTIONS

Nil

15. PUBLIC PARTICIPATION

Mr Brian Larkman addressed Council in relation to the street guttering on McKenney Street, South Mackay and provided photos to Council.

16. LATE BUSINESS

Nil

17. CONFIDENTIAL REPORTS

THAT the meeting be closed to the public in accordance with the *Local Government Act 2009 (Section 254J of the Local Government Regulation 2012)* to discuss matters relating to:-

Confidential Item	Reason for Meeting Closure
Item 17.1 Draft Minutes - Invest Mackay Events and Conference Attraction Program Advisory Committee - 13 March 2023	(c) the Council's Budget

Moved Cr Jones

Seconded Cr Mann

CARRIED UNANIMOUSLY

11.00am - The meeting was closed to the public.

THAT the meeting be reopened to the public

Moved Cr Bonaventura

Seconded Cr Englert

CARRIED UNANIMOUSLY

11.16 am - The meeting reopened to the public.

**17.1. DRAFT MINUTES - INVEST MACKAY EVENTS AND CONFERENCE ATTRACTION PROGRAM
ADVISORY COMMITTEE - 13 MARCH 2023**

Confidential

Confidential Report to be forwarded separately.

This report is **CONFIDENTIAL** in accordance with the Section 254J (3) (c) of the *Local Government Regulation 2012* which permits the meeting to be closed to the public to discuss a matter **relating to Council's budget**.
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-2023-87

THAT the Draft Minutes be accepted.

Moved Cr Englert

Seconded Cr Mann

CARRIED UNANIMOUSLY

18. MEETING CLOSURE

Meeting closed at 11:19 am.

19. FOR INFORMATION ONLY