



MINUTES

Ordinary Meeting

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

On Wednesday 26 July 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, M I Green, B C Hassan, A N Jones, F A Mann, R J Seymour and P A Townsend were in attendance and Crs K L May, L G Bonaventura and J F Englert (via teams) at the commencement of the meeting.

Also present was Mr S Owen (Chief Executive Officer) via Teams, Mrs J Ronald (Minute Secretary), Mr D McKendry (Executive Officer), Mr J Devitt (Director - Engineering & Commercial Infrastructure), Mr M Kelly (A/Director - Development Services), Mr J Carless (Director - Capital Works), Ms J McKay (Director - Community & Client Services), Ms A Hays (Director - Organisational Services), Mr M Sleeman (Manager - Corporate Communications & Marketing), Mrs K Verroen (Co-ordinator Corporate Governance) and Mrs G Hayles (A/Executive Support Officer).

The meeting commenced at 10:00 am.

Mayor Williamson noted that Council previously approved a Leave of Absence for Cr Bonaventura for today's meeting, however advised that Cr Bonaventura is now joining the meeting online via audio link (Teams).

Mayor Williamson also noted that Cr May and Cr Englert were absent due to attendance at the Developing Northern Australia Conference, however advised that both are now joining the meeting online via audio link (Teams), along with Mr S Owen (Chief Executive Officer) who was also at the same conference.

Council Resolution ORD-2023-190

THAT Council confirm the attendance of Crs K L May, L G Bonaventura and J F Englert at today's meeting by audio visual link as allowed under Section 254K of the *Local Government Regulation 2012*.

Moved Cr Mann

Seconded Cr Townsend

CARRIED UNANIMOUSLY

2. OPENING PRAYER

Pastor Colin Hardy of Life Impact Church Mackay led those present in Prayer.

3. ABSENT ON COUNCIL BUSINESS

Nil

4. APOLOGIES

Nil

5. CONDOLENCES

Cr Jones expressed condolences, on behalf of Council to the family of Daryl Wright, who passed away recently. Daryl was a former Daily Mercury photographer and also a Council Photographer for many years and was still using a camera at 74 years of age. He was sole parent in his later years and had two sons at home - Joshua and Alex.

Cr Jones expressed condolences on behalf of Council to the family of former Councillor Ruby Joan Byers who passed away recently. Joan was first elected to council at a bi-election in 1995 and during her time she represented Rural Division 1. Joan lived in Calen and was successfully re-elected for the 1997 term and continued to be a Councillor until 2008 before retiring. Joan's time was full of volunteering and giving back to her community and during this time, she awarded the 70 years membership badge with CWA. Sadly Joan's husband Athol passed away 12 months ago. Our thoughts are with her daughter Donna and the family.

Cr Seymour expressed condolences on behalf of Council to the family of Craig Menkins. Craig passed away recently after a long illness and was a giant of rugby league in Mackay and was a former coach of Westerns Suburbs Rugby League Club at Walkerston. Craig also ran for Council as a candidate in the 2020 elections. He was also a player in the inaugural 1995 North Queensland Toyota Cowboys. He was a community minded person and was very passionate about football and to his community. Our thoughts are with his wife Kacey, their family and his team mates.

6. CONFLICT OF INTEREST

Nil.

7. CONFIRMATION OF MINUTES

7.1. CONFIRMATION OF MINUTES - ORDINARY MEETING - 21.6.23

Council Resolution ORD-2023-191

THAT the Ordinary Meeting Minutes dated 21 June 2023 be adopted.

Moved Cr Mann

Seconded Cr Green

CARRIED UNANIMOUSLY

7.2. CONFIRMATION OF MINUTES - SPECIAL (BUDGET) MEETING - 21.6.23

Council Resolution ORD-2023-192

THAT the Special (Budget) Meeting Minutes dated 21 June 2023 be adopted.

Moved Cr Jones

Seconded Cr Mann

CARRIED UNANIMOUSLY

8. BUSINESS ARISING OUT OF PREVIOUS MINUTES

Nil

9. MAYORAL MINUTES

Nil

10. CONSIDERATION OF COMMITTEE REPORTS & RECOMMENDATIONS

10.1. DRAFT MINUTES - HERITAGE REFERENCE GROUP - 26 JUNE 2023

Author	Acting Manager Strategic Planning (Jay Rosenberg)
Responsible Officer	Director Development Services (Aletta Nugent)
File Reference	SPLP-031

Attachments

1. Draft Minutes - Heritage Reference Group - 26 June 2023 [**10.1.1** - 3 pages]

Purpose

To receive the draft minutes of the Heritage Reference Group meeting held on 26 June 2023.

Related Parties

Nil

Officer's Recommendation

THAT the draft minutes of the Heritage Reference Group meeting dated 26 June 2023 be received.

Council Resolution ORD-2023-193

THAT the draft minutes of the Heritage Reference Group meeting dated 26 June 2023 be received.

Moved Cr Mann

Seconded Cr Jones
CARRIED UNANIMOUSLY

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

Author	Director Community & Client Services (Janine McKay)
Responsible Officer	Director Artspace (Tracey Heathwood)
File Reference	Visual Arts Advisory Committee (VAAC)

Attachments	1. VAAC Minutes 19 June 2023 [10.2.1 - 4 pages]
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Purpose

Attached is a copy of the Visual Arts Advisory Committee (VAAC) minutes of 19 June 2023 for information.

Related Parties

N/A

Operational Plan Linkage

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

Officer's Recommendation

THAT the minutes of the Visual Arts Advisory Committee meeting held on 19 June 2023 be received.

Council Resolution ORD-2023-194

THAT the minutes of the Visual Arts Advisory Committee meeting held on 19 June 2023 be received.

Moved Cr Townsend

Seconded Cr Hassan
CARRIED UNANIMOUSLY

10.3. LOCAL DISASTER MANAGEMENT GROUP (LDMG) MINUTES - 3 JULY 2023

Author	Emergency Management Co-ordinator (Kristie Brown)
Responsible Officer	Director Community & Client Services (Janine McKay)
File Number	LDMG

Attachments	1. MINUTES - LDMG Meeting - 3 July 2023 [10.3.1 - 3 pages]
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Purpose

To present to Council the Local Disaster Management Group (LDMG) Minutes of the meeting held on 3 July 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 3 July 2023 be received.

Council Resolution ORD-2023-195

THAT the Minutes of the Local Disaster Management Group Meeting of 3 July 2023 be received.

Moved Cr Mann

Seconded Cr Green
CARRIED UNANIMOUSLY

11. CORRESPONDENCE AND OFFICER'S REPORTS

11.1. OFFICE OF THE MAYOR AND CEO

11.1.1. MAYOR'S MONTHLY REVIEW REPORT

Author	Mayor (Greg Williamson)
Responsible Officer	Mayor (Greg Williamson)
File Reference	DMRR

Attachments

1. Mayoral Monthly Report - June- July 2023 [11.1.1.1 - 7 pages]

Purpose

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

Related Parties

Nil

Officer's Recommendation

THAT the Mayor's Monthly Review Report for June/July 2023 be received.

Council Resolution ORD-2023-196

THAT the Mayor's Monthly Review Report for June/July 2023 is received.

Moved Cr Williamson

Seconded Cr Hassan
CARRIED

Cr Bella voted against the motion.

11.1.2. CHIEF EXECUTIVE OFFICER'S MONTHLY REVIEW REPORT

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

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

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

Related Parties

Nil

Officer's Recommendation

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

Council Resolution ORD-2023-197

THAT the Chief Executive Officer's Monthly Review Report for June 2023 is received.

Moved Cr Jones

Seconded Cr Mann
CARRIED UNANIMOUSLY

11.1.3. COUNCILLOR CONFERENCE ATTENDANCE - 2023 LGAQ ANNUAL CONFERENCE

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

Attachments

1. LGAQ Annual Conference - Program [11.1.3.1 - 13 pages]

Purpose

This report is to request Council approval for Mayor Greg Williamson, Deputy Mayor Cr Karen May, Cr Pauline Townsend, Cr Michelle Green and Cr Fran Mann to attend the Local Government Association of Queensland's (LGAQ) 2023 Annual Conference in Gladstone on 16 – 18 October 2023.

Related Parties

N/A

Corporate Plan Linkage

Financial Strength

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

Background/Discussion

The 127th LGAQ Annual Conference is being held in Gladstone on 16 – 18 October 2023 with speakers from King & Company, Local Government Association of Queensland (LGAQ), Blackall Tambo Regional Council, Isaac Regional Council, the Local Government Mutual Services and the Australian Local Government Association (ALGA).

The Conference offers local governments the opportunity to collaborate and share their knowledge, successes and learnings and provides a platform to introduce the local government sector's policy priorities for the year ahead and meet with trade exhibitors.

Mayor Greg Williamson, Deputy Mayor Cr Karen May, Cr Pauline Townsend, Cr Michelle Green and Cr Fran Mann have indicated their interest in attending.

Councils are allowed two (2) positions for Delegates (including the ability to vote on Conference Motions, and at the AGM), with other attendees considered Observers.

Given the listed attendees, it is recommended that the Mayor and Deputy Mayor be confirmed as the Delegates, with other Councillors registered with Observer status.

Consultation and Communication

Mayor and Councillors

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

Resource Implications

The cost for Conference registration, travel and accommodation is approximately \$2,200 per person.

Risk Management Implications

Nil

Conclusion

The 2023 LGAQ Annual Conference will provide an opportunity for Council to learn from the array of speakers and presentations and meet and network with council colleagues from across Queensland.

It is recommended that the Mayor and Deputy Mayor be confirmed as the Delegates, with other Councillors registered with Observer status.

Officer's Recommendation

THAT for the Local Government Association of Queensland's (LGAQ) 2023 Annual Conference in Gladstone on 16 – 18 October 2023 Council –

- a) Endorses Mayor Greg Williamson and Deputy Mayor Cr Karen May as the Council Delegates
- b) Approves for Cr Pauline Townsend, Cr Michelle Green and Cr Fran Mann to attend as Observers.

Council Resolution ORD-2023-198

THAT for the Local Government Association of Queensland's (LGAQ) 2023 Annual Conference in Gladstone on 16 – 18 October 2023 Council –

- a) Endorses Mayor Greg Williamson and Deputy Mayor Cr Karen May as the Council Delegates
- b) Approves for Cr Pauline Townsend, Cr Michelle Green and Cr Fran Mann to attend as Observers.

Moved Cr Mann

Seconded Cr Green
CARRIED UNANIMOUSLY

11.1.4. COUNCILLOR CONFERENCE ATTENDANCE - ALGWA STATE CONFERENCE

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

Attachments

1. ALGWA State Conference 2023 Preliminary Program [**11.1.4.1** - 6 pages]

Purpose

This report is to request Council approval for Cr Karen May, Cr Pauline Townsend and Cr Fran Mann to attend the Australian Local Government Women's Association (ALGWA) Queensland Branch 2023 State Conference in Brisbane on 3 – 4 August 2023.

Related Parties

N/A

Corporate Plan Linkage

Financial Strength

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

Background/Discussion

The conference has been planned for emerging and established public service leaders including elected officials within the local government sector.

The theme of the conference is “Perils and Possibilities (of local government)” and is designed to give delegates the inspiration and skills needed to recognise the potential in themselves, their workforce, and the community they represent as we travel through extraordinary times.

The ALGWA Annual General Meeting will be held as part of the Conference.

Consultation and Communication

Mayor and Councillors

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

Resource Implications

The total cost for travel, accommodation and attendance at the Conference is estimated at \$1,700 per person.

Risk Management Implications

Nil

Conclusion

The ALGWA Qld Branch State Conference will provide an opportunity for Council to learn from the array of speakers and presentations and meet and network with council colleagues from across Queensland.

Officer's Recommendation

THAT Council endorse the attendance of Cr Karen May, Cr Pauline Townsend and Cr Fran Mann at the ALGWA Qld Branch State Conference in Brisbane from 3 – 4 August 2023.

Council Resolution ORD-2023-199

THAT Council endorses the attendance of Cr Karen May, Cr Pauline Townsend and Cr Fran Mann at the ALGWA Qld Branch State Conference in Brisbane from 3 – 4 August 2023.

Moved Cr Mann

Seconded Cr Townsend
CARRIED UNANIMOUSLY

11.1.5. CHRISTMAS CLOSURE AND SCHEDULE OF COUNCIL MEETINGS 2023-2024

Author Executive Officer (David McKendry)
Responsible Officer Chief Executive Officer (Scott Owen)
File Reference Council Meetings Ordinary

Attachments Nil

Purpose

To finalise the dates for the last Council Meeting for 2023, the first Council Meeting for 2024, and also the meeting schedule for 2024.

Also, to confirm operations of the Council over the Christmas and New Year period.

Related Parties

Nil

Corporate Plan Linkage

Operational Excellence

Customer/Community Focus - Improving community wellbeing is a primary goal of our services to the Mackay region. This encompasses residents, businesses, visitors and investors. Council believes all members of the community play a crucial role in supporting the vision and strategic outcomes and we encourage community engagement.

Background/Discussion

With the pending Christmas and New Year 2023-2024 period consideration needs to be given to operations of Council and the associated Council meeting dates.

Formalisation is also required for the last Council meeting for 2023, first Council Meeting for 2024, as well as the meeting schedule for 2024.

The Christmas and New Year public holidays for 2023-2024 are as follows –

- Monday 25 December – Christmas Day public holiday
- Tuesday 26 December – Boxing Day public holiday
- Monday 1 January – New Year's Day public holiday

Therefore, this leaves three (3) working days between Christmas and New Year as non-public holidays (Wednesday 27, Thursday 28, and Friday 29 December 2023).

The period between Christmas and New Year is historically a time when most businesses other than retail in Mackay are closed. In line with the practice for many years, it is proposed to generally close Mackay Regional Council operations from close of business Friday 22 December 2023 to reopen Tuesday 2 January 2024.

During closed periods, required rostered minimum staffed crews, and on-call staff, would be available for any identified tasks and essential function areas, with water treatment plants etc fully staffed as per usual during this period.

Further to the above general closure the following would apply to key services –

Customer Service

The Call Centre would remain operational for all periods excluding the closure period inclusive (with after-hours services operating during this time for emergency calls)

Front Counter Services –

- Mackay Customer Service Centre will be closed in line with general Council closure, being from close of business Friday 22 December 2023 to reopen Tuesday 2 January 2024.
- Mirani and Sarina Customer Service Centres will be closed from close of business Friday 22 December 2023 to reopen Monday 8 January 2024 (essentially closed a further week)

Libraries

In the years prior to COVID-19, a Library remained open, however attendance numbers were low, and this practice was discontinued. For the Christmas and New Year holiday period 2021/22 a trial was undertaken where the Dudley Denny City Library opened on Wednesday 29 to Friday 31 December 2021 inclusive on reduced hours. Patronage was very low; therefore, all Libraries were closed during the 2022/23 period without concern raised by the community. For the coming 2023/24 period it is proposed to close all Libraries from close of business Saturday 23 December 2023, to reopen Tuesday 2 January 2024.

Community Halls

Community Halls will operate as per normal via Hall Managers.

For the Andergrove Community Hall, Council's Community Lifestyle manage this facility. Bookings can be made prior to Council closure (ie prior to COB Friday 22 December) for the closure period, and any enquiries made during the closure period, a response will be given from 3 January 2023.

Pools/Bluewater Lagoon

The Bluewater Lagoon and MARC will be open and available during this time with the exception of Christmas Day. Memorial Swimming Centre, Pioneer Swimming Centre, Mirani Swimming Centre and Sarina Swimming Centre will be operating on standard hours, with the exception of Christmas Day, Boxing Day, and New Year's Day.

Council Meetings

Under the provisions of the *Local Government Regulation 2012 (Regulation)*, section 257 requires that a local government must meet at least once per month. To meet this requirement, and accommodate the closure suggestions, the changes for meetings for December and January are proposed as:

- Last Ordinary Meeting 2023 - **Wednesday 13 December 2023** commencing at 10.00 am
- First Ordinary Meeting 2024 - **Wednesday 24 January 2024** commencing at 10.00 am
- For 2024 Ordinary Meetings, meetings would return to the normal schedule of commencing at 10.00 am on the fourth Wednesday of the month.
- All meetings are to be held in the Council Chambers, Administration Building 73 Gordon Street Mackay.

Consultation and Communication

Mayor, CEO, Directors

Community Lifestyle, Shared Services, Corporate Communications, Property Services

The Joint Consultative Committee (JCC) of relevant Council Union representatives has been consulted.

Consultation has been had with the Bank of Queensland and Smart Services Queensland in relation to the services from the Mirani office.

Public advertisement related to Council meeting changes is required as per section 254B of the *Regulation*, with the exact method of advertisement left to Council's to decide with website and a conspicuous place at its public office (ie official notice board) required as a minimum.

Other front counter and operational closures will be generally advertised and promoted.

Resource Implications

The closure between Christmas and New Year has been standard practice by the Council for a number of years without incident or impact.

Risk Management Implications

During the entire period the associated key essential service areas are proposed to be staffed with minimal but appropriately sized crews. Most Council areas will also be serviced by on-call staff or similar if required, especially for emergency events.

Between set Council meetings, decisions are still able to be made under appropriate delegation, plus Council retains the ability to call a Special Meeting out of cycle to address any specific item if required and as may come up.

Conclusion

Regarding the Council meeting schedule, it is recommended that the last Council meeting for 2023 will be held on Wednesday 13 December 2023, with Wednesday 24 January to be confirmed as the first meeting for 2024 essentially following the normal scheduling of the 4th Wednesday of the month.

In relation to advertising for Council meetings, with website and publishing at Council's public office (ie official notice board) as a minimum, this is seen as satisfactory to advise the public subject also to release of a specific media statement for promotion through local media outlets generally.

Council operational and front counter service closures proposed will also be generally advertised.

Officer's Recommendation

THAT Mackay Regional Council's Ordinary Meeting schedule be resolved as -

1. Council's scheduled Ordinary Meeting for Wednesday 13 December 2023 commencing at 10.00 am being the last Ordinary Meeting for 2023.
2. For 2024 Ordinary Meetings, meetings would return to the normal schedule commencing at 10.00 am on the fourth Wednesday of the month, meaning that Council's first Ordinary Meeting for 2024 will be held on Wednesday 24 January 2024 commencing at 10.00 am.

3. All Ordinary Meetings to be held in the Council Chambers, Administration Building 73 Gordon Street Mackay, unless otherwise advised.

FURTHER THAT Per section 254B of the *Local Government Regulation 2012*, that public advertisement of Council meeting changes via the Councils website and posting of notices on official notice boards at Council offices, be undertaken of the meeting changes, supported by a specific media release.

ALSO, THAT Council notes the listed closure of Council services and functions during the Christmas and New Year holiday period 2023/24, with appropriate advertising and notice provided to the general public.

Council Resolution ORD-2023-200

THAT Mackay Regional Council's Ordinary Meeting schedule be resolved as -

1. Council's scheduled Ordinary Meeting for Wednesday 13 December 2023 commencing at 10.00 am being the last Ordinary Meeting for 2023.
2. For 2024 Ordinary Meetings, meetings would return to the normal schedule commencing at 10.00 am on the fourth Wednesday of the month, meaning that Council's first Ordinary Meeting for 2024 will be held on Wednesday 24 January 2024 commencing at 10.00 am.
3. All Ordinary Meetings to be held in the Council Chambers, Administration Building 73 Gordon Street Mackay, unless otherwise advised.

FURTHER THAT per section 254B of the *Local Government Regulation 2012*, that public advertisement of Council meeting changes via the Councils website and posting of notices on official notice boards at Council offices, be undertaken of the meeting changes, supported by a specific media release.

ALSO, THAT Council notes the listed closure of Council services and functions during the Christmas and New Year holiday period 2023/24, with appropriate advertising and notice provided to the general public.

Moved Cr Townsend

Seconded Cr Hassan
CARRIED UNANIMOUSLY

11.1.6. ADOPTION OF A REVISED ORGANISATIONAL STRUCTURE

Author Executive Officer (David McKendry)
Responsible Officer Chief Executive Officer (Scott Owen)
File Reference Organisational Structure

Attachments Nil

Purpose

To recommend to Council formal adoption of a revised organisational structure.

Related Parties

Relevant Unions (AMWU, TSU, ETU, PA, CFMEU, AWU and PPTEU)

Corporate Plan Linkage

Financial Strength

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

Operational Excellence

Our People and Culture - We have an engaged workforce who work together to ensure the delivery of strategic outcomes. We support our employees by providing a safe and healthy workplace, where self-improvement and innovation are fostered and rewarded. Council also involves a team of community volunteers to assist with its operation.

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

Background/Discussion

The establishment of Council's organisation structure is a legislative requirement under the *Local Government Act 2009* (Act) to be set by Council Resolution (to a Management level only) -

Division 2 Other local government employees ***196 Appointing other local government employees***

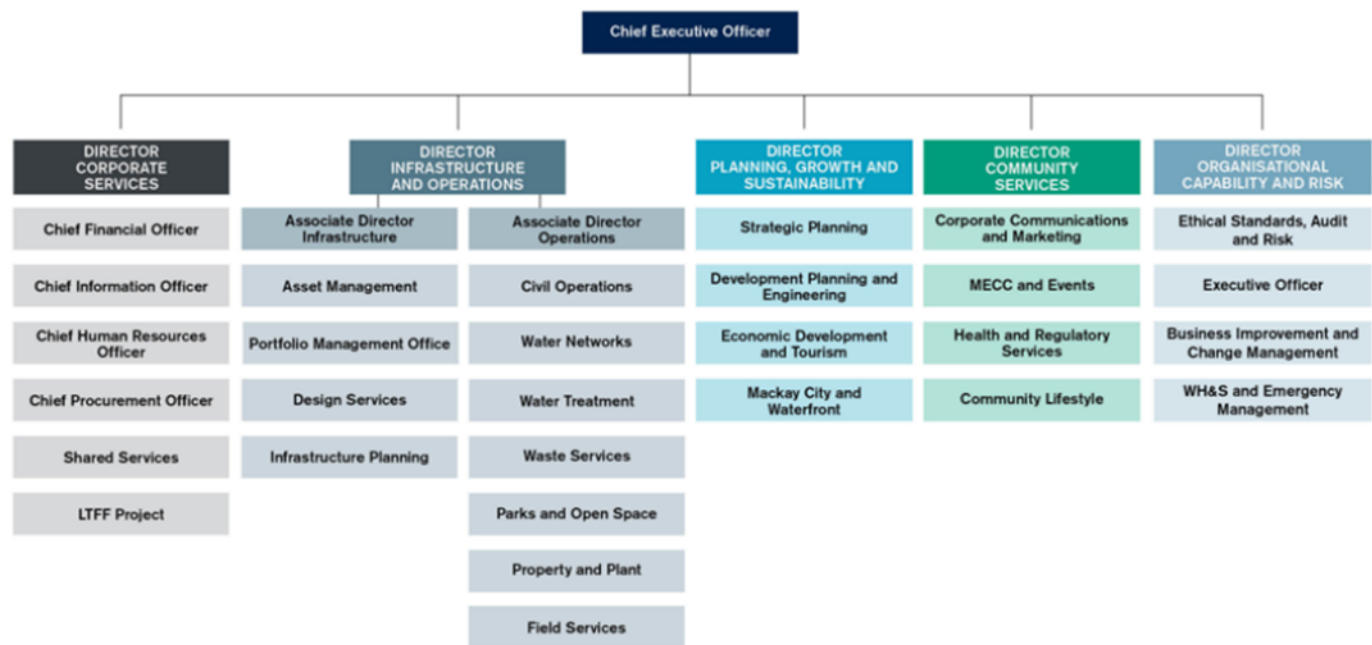
- (1) A local government must, by resolution, adopt an organisational structure that is appropriate to the performance of the local government's responsibilities.*
- (2) The local government may employ local government employees for the performance of the local government's responsibilities.*

Following a review of Council operations, and considering feedback and comments from Council's Employee Engagement Survey, a revised organisational structure was proposed that would prepare Council for tomorrow by streamlining the operations of today.

From observations, the current structure had a large number of functions and services spread across multiple directorates, which was considered to have a direct impact on accountability and delivery. In order to improve

accountability and delivery across Council, a need to evolve was identified. The Stage 1 proposal sees a realignment of Executive and Senior Management for a more functional delivery model, and for functional areas to merge as needed.

Accordingly the proposed structure is as below –



Following the full bedding down of any changes there is proposed a Stage 2. This will involve the opportunity to review the realigned organisation processes, and critically assess procedures and systems, whilst ensuring full consultation with Council, staff, and Unions.

Consultation and Communication

Councillors have been briefed on this proposal, with the tabling of this report formalising support for proposed changes.

All relevant Unions were updated on the proposed changes via an in-person and Teams session on Wednesday 14 June 2023 involving the CEO and Director Organisational Services. Most applicable Union Organisers were in attendance.

The proposed changes, and reasoning, were briefed to the Senior Leadership Team(SLT) on Wednesday 14 June 2023, followed by general communication to all staff. Directors and Managers also held individual sessions with Coordinators and teams.

Following 14 June advice, a communication site has been established on Council’s internet site. This site contains information video’s as released, and a range of frequently asked questions. A number of Teams discussions were also undertaken by the CEO inviting SLT and Co-ordinators/Supervisors, so as to directly and immediately answer any queries.

Moving forward will be the establishment of a change team to manage the implementation, ongoing communications, and Union consultation and employee engagement.

Resource Implications

Changes identified have been included within the 2023/24 Budget, however will continue to be monitored and adjusted where required.

Risk Management Implications

The management of the change process will be critical to the management of risks. This will see continued communication and engagement with staff.

Importantly some of the key principles for the transformation include no overall full-time employee (FTE) reductions in salaried staff. For any management changes, all appointments to newly created positions will be made through a fair and equitable merit-based recruitment process, coordinated by an external recruitment consultant.

Conclusion

The tabled new organisational structure is the result of a review of Council operations, consideration of a range of information including feedback and comments from Council's Employee Engagement Survey, and alignment of Executive and Senior Management, and function areas for a more customer focused delivery model.

It is recommended that Council formalises the new organisational structure.

Officer's Recommendation

THAT Council endorses the amended organisational structure as presented.

Council Resolution ORD-2023-201

THAT Council endorses the amended organisational structure as presented.

Moved Cr Mann

Seconded Cr Townsend
CARRIED UNANIMOUSLY

11.1.7. ADOPTION OF COUNCIL POLICY - TRADEABLE DEVELOPMENT RIGHTS

Author	Executive Officer (David McKendry)
Responsible Officer	Director Development Services (Aletta Nugent)
File Reference	091 - Tradeable Development Rights Policy

Attachments

1. Council Policy 091 - Tradeable Development Rights [11.1.7.1 - 10 pages]

Purpose

To present the Tradeable Development Rights Policy (COU091) to Council for consideration and adoption.

Related Parties

Nil.

Corporate Plan Linkage

Financial Strength

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

Background/Discussion

Mackay Regional Council (MRC) has a process of reviewing policies that involves an assessment by the responsible Program Manager, circulation to the Senior Leadership Team for consultation and final submission to the Executive Leadership Team (ELT) for endorsement prior to the presentation to Council.

The objectives of the Tradeable Development Rights Policy are to:

- provide alternative acceptable outcomes for the management and protection of rural zoned land affected by agricultural land overlays that comply with the relevant performance outcomes of the Planning Scheme.
- promote the protection and consolidation of agricultural land through the amalgamation of titles, whilst providing opportunity for rural landowners to realise value from titles by the trading of development rights that transfers a title right to a location that does not impact or diminish productive agricultural land.

Prior to presentation to Council for adoption, the Tradeable Development Rights Policy has been redrafted in line with policy review recommendations.

Consultation and Communication

As part of the review process consultation has been undertaken with relevant stakeholders including the responsible Program Manager, Director and ELT.

Resource Implications

Nil.

Risk Management Implications

Nil.

Conclusion

The Tradeable Development Rights Policy (COU91) is presented to Council for adoption.

Officer's Recommendation

THAT Council adopt the Tradeable Development Rights Policy (COU91).

Council Resolution ORD-2023-202

THAT Council adopts the Tradeable Development Rights Policy (COU91).

Moved Cr Jones

Seconded Cr Hassan
CARRIED UNANIMOUSLY

11.1.8. MOTIONS TO THE 2023 LGAQ ANNUAL CONFERENCE

Author	Executive Officer – David McKendry
Responsible Officer	Chief Executive Officer – Scott Owen
File Reference	Local Government Association of Queensland

Attachments	1. 2023 LGAQ Motion - Community Residences Exemption [11.1.8.1 - 2 pages]
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Purpose

To seek Council endorsement for the submission of a motion for consideration by the Local Government Association of Queensland (LGAQ) at the 127th Annual Conference to be held in Gladstone on 16 October 2023.

Related Parties

Local Government Association of Queensland (LGAQ)

Corporate Plan Linkage

Live and Visit

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

Background/Discussion

The 2023 LGAQ Annual Conference is being held from 16 - 18 October 2023 in Gladstone.

As part of the Annual Conference, Councils are invited to submit motions for consideration, and if supported by attending Councils, become an action for the LGAQ. Most actions involve lobbying activities to various levels of Government for legislative, funding and similar changes.

Any motions submitted need to have formal Council support by way of Council resolution, and the closing date for lodging motions for 2023 is 9 August 2023.

One matter has been identified as suitable for listing for consideration, being –

1. Request to rescind provisions of the *Planning Regulation 2017* making Community Residences Accepted Development

The attached Draft motion document is set out in the required template, and whilst self explanatory, the proposed Motion is –

Request to rescind provisions of the *Planning Regulation 2017* making Community Residences Accepted Development

That the LGAQ lobby the Queensland State Government to rescind relevant provisions in the Planning Regulation 2017 making Community Residences Accepted Development.

Consultation and Communication

- Mayor and Councillors
- CEO and Directors

Resource Implications

Simply submitting the motion has minimal resource implications.

Risk Management Implications

The matter the subject of the motion is looking to address identified risks and recommend improvements of benefit to the community.

Conclusion

It is recommended that Council submit the motion to the LGAQ for consideration at the 2023 Annual LGAQ Conference.

Officer's Recommendation

THAT Mackay Regional Council submits the following motion to the LGAQ for inclusion on the Agenda for the 2023 Annual LGAQ Conference:

1. Request to rescind provisions of the *Planning Regulation 2017* making Community Residences Accepted Development.

Council Resolution ORD-2023-203

THAT Mackay Regional Council submits the following motion to the LGAQ for inclusion on the Agenda for the 2023 Annual LGAQ Conference:

1. **Request to rescind provisions of the *Planning Regulation 2017* making Community Residences Accepted Development.**

Moved Cr Green

**Seconded Cr Hassan
CARRIED UNANIMOUSLY**

11.2. CAPITAL WORKS

Nil

11.3. COMMUNITY AND CLIENT SERVICES

Nil

11.4. DEVELOPMENT SERVICES

11.4.1. FACILITATING DEVELOPMENT IN THE MACKAY REGION POLICY - PIONEER VALLEY OUTDOOR TOURISM HUB - 18 DREW STREET, FINCH HATTON

Author	Principal Economic Development Officer (Nadine Connolly)
Responsible Officer	Director Development Services (Aletta Nugent)
File Reference	Facilitating Development in the Mackay Region Policy Applications

Attachments

1. Pioneer Valley Outdoor Tourism Hub - Proposed Plans [**11.4.1.1** - 5 pages]

Purpose

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

Related Parties

- Fishing Pty Ltd
- Marine Media Group Pty Ltd
- Pioneer Valley Outdoor Tourism Hub
- The Dark Horse Studio
- Green Tape Solutions
- Northern Consulting Engineers
- Planz Town Planning

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.

Skills, Training and Education - The Mackay region offers world-class educational and vocational opportunities for current and future careers.

Live and Visit

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

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

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

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

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

Background/Discussion

The Pioneer Valley Outdoor Tourism Hub development by Fishing Pty Ltd involves a Material Change of Use for Short-Term Accommodation at 18 Drew Street, Finch Hatton (Lot 18 on RP705468). The development (DA-2023-17) will result in the construction of a two-storey accommodation building which will cater for up to 19 people at one time. It will consist of three double rooms with shared facilities and four double rooms with ensuites on Level 1, and five single rooms with shared facilities on Level 2. A total of 12 onsite car parks have been provided with all parks being undercover. The facilities will also include ancillary reception, training, laundry, storage, staff amenities, kitchen, dining and workshop areas.

The Pioneer Valley Outdoor Tourism Hub aims to deliver a world-class tourism facility that will be used by visitors to region. As the development is adjacent to the Finch Hatton Mountain Bike Trails in the centre of Finch Hatton, the applicant anticipates the facility will be utilised by individuals and groups travelling to the area for mountain biking, as well as recreational fishing and other outdoor adventure activities. The property will also have dedicated secure boat parking.

Incentive Request

The applicant submitted an Expression of Interest under the Facilitating Development in the Mackay Region Policy (Policy) on 16 February 2023, and the subsequent Stage 2 Application was received on 4 June 2023. The applicant is seeking concessions under Schedule 4 Tourism Development which accommodates material change of use (MCU) for short-term accommodation uses.

The following concessions have been requested:

- a) 100% concession on infrastructure charges:
 - Infrastructure Charges = \$79,452.56
 - Requested concession = \$79,452.56
 - Charges payable = \$0

Under Schedule 4 Tourism Development of the current Policy (Version 9), infrastructure charges may be reduced up to 100% of the net charge amount (identified on the Infrastructure Charges Notice after the subtraction of any offsets or credits) to a maximum concession value of \$1,000,000 for tourism developments.

It is noted that the Policy is discretionary and seeks to support projects that will deliver the greatest economic benefits to the region.

Also under Schedule 4 Tourism Development, water and sewage connection fees can be discounted by 50%, up to maximum of \$500 per service. This has been requested as part of the application for the water connection fee.

General Eligibility Criteria

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

Based on information provided by the applicant, the proposed development satisfies the requirements under the General Eligibility Criteria in Schedule 4 Tourism Development as follows:

Criteria	Eligibility
Timing of development Lots are registered within 2 years.	Commencement of construction – August 2023 Commencement of use – 30 June 2024
Non-Government Development	Yes
Infrastructure capacity	The applicant has advised all required urban services are already provided to the site, and no external or trunk infrastructure upgrades will be required to service the proposed development. As per the Infrastructure Charges Notice, no offsets are in place for DA-2023-17.

Specific Eligibility Criteria

Based on information provided by the applicant, the proposal satisfies the requirements under Eligibility Criteria in Schedule 4 Tourism Development of the Policy:

Criteria	Eligibility
Economic Investment There is no minimum capital investment for Schedule 4.	<ul style="list-style-type: none"> Estimated construction cost of development is \$4.5M. Estimated total capital investment of \$4.921M (plant, equipment, land, construction costs) Based on Council's economic modelling, a direct injection of \$4.5M (construction costs) will result in combined supply chain and consumption effects of \$3.85M, totalling \$8.35M economic impact. The applicant has committed to utilising local contractors and suppliers during construction of the development.
Employment Generation	<ul style="list-style-type: none"> The applicant has proposed that the development will generate approximately 19 FTE workers for the construction period. Post construction, the applicant anticipates the development will result in 23 direct FTE jobs by 2026. Based on Council's economic modelling, the project will generate 39 direct and 11 indirect jobs, totalling 50 jobs during construction and operation. The applicant has committed to utilising local contractors and suppliers during construction of the development.
Applicable Area Appropriately zoned land that supports applicable tourism uses.	The development is on appropriately zoned land located outside of established urban area of Mackay.
Applicable Land Uses The Policy applies to material change of use (MCU) for applicable land uses in Schedule 4 Tourism Development (Refer to the table in the Policy).	The development application applies to a Material Change of Use for short-term accommodation, which is consistent with appropriate land uses identified in Schedule 4 Tourism Development for developments located outside of the urban area.

Business and Regional Benefits

The applicant submits that the development will deliver immediate benefits to the Mackay region's economy, these being:

- The project will deliver new and additional short-term accommodation strategically located adjacent to key recreational facilities. This project will provide much needed accommodation for visitors to the region.

- The project will provide a new style of accommodation offering to the Mackay market, creating the potential to attract a greater range of tourists. In particular, the Pioneer Valley Outdoor Tourism Hub will target the adventure tourist market, attracting visitors utilising the Mountain Bike Trails, hiking and / or participating in recreational fishing.
- The project promotes the development of new tourism experiences, as well as supporting current tourism assets in the region. By adding to the range of accommodation offerings, visitors may increase their time in the region and increase their daily spend.
- The development supports increased business activity within the local construction industry, manufacturers and suppliers, and provides additional employment opportunities across various industry sectors.

Consultation and Communication

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

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

Resource Implications

a) Concessions on Infrastructure Charges

In accordance with the Infrastructure Charges Notice, the development gives rise to total infrastructure charges of \$79,452.56 (+ annual adjustments).

Under Schedule 4 Tourism Development, infrastructure charges may be reduced up to 100% of the net charge amount (identified on the Infrastructure Charges Notice after the subtraction of any offsets or credits) to a maximum concession value of \$1,000,000 for tourism developments.

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

Gross Infrastructure Charge (IC)	Credit Unit (Residential dwelling)	Net Infrastructure Charge (IC minus Credit)	Concession (%)	Concession (\$)	Charges Payable
\$103,633.92	\$24,181.36	\$79,452.56	100%	\$79,452.56	\$0

b) Service connection fee refund – water service

As per Schedule 4 Tourism Development, water and sewage connection fees can be discounted by 50%, up to maximum of \$500 per service. As there is no sewer service to this site, a refund of \$500 only applies to the water connection fee.

Risk Management Implications

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

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

Conclusion

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

The proposed development supports the desired outcomes of Schedule 4 of the Policy and aligns with Council's strategic vision for the region. The provision of concessions will facilitate the delivery of the project, resulting in jobs during construction, on-going jobs post construction and increased economic output for the region.

Officer's Recommendation

THAT the following Specific Incentives are approved under the Facilitating Development in the Mackay Region Policy for the Pioneer Valley Outdoor Tourism Hub by Fishing Pty Ltd, located at 18 Drew Street, Finch Hatton:

- a) Concessions of 100% (estimated at \$79,452.56) applied to the net charge amount on the Infrastructure Charge Notice (calculated following annual adjustments and subtraction of any offsets and credits) for DA-2023-17 at 18 Drew Street, Finch Hatton (Lot 18 on RP705468)
- b) Reduction in water service connection fees (50% discount to a maximum of \$500) applicable at the time when the fees would be payable for the activity.

AND THAT the approval of concessions is dependent on:

- c) The development must be completed and use commenced by 26 July 2025.
- d) No additional infrastructure costs incurred by Council (including establishment and bring forward costs).
- e) The developer utilising local contractors and suppliers.

Council Resolution ORD-2023-204

THAT the following Specific Incentives are approved under the Facilitating Development in the Mackay Region Policy for the Pioneer Valley Outdoor Tourism Hub by Fishing Pty Ltd, located at 18 Drew Street, Finch Hatton:

- a) Concessions of 100% (estimated at \$79 452.56) applied to the net charge amount on the Infrastructure Charge Notice (calculated following annual adjustments and subtraction of any offsets and credits) for DA-2023-17 at 18 Drew Street, Finch Hatton (Lot 18 on RP705468)**

- b) **Reduction in water service connection fees (50% discount to a maximum of \$500) applicable at the time when the fees would be payable for the activity.**

AND THAT the approval of concessions is dependent on:

- c) **The development must be completed and use commenced by 26 July 2025.**
- d) **No additional infrastructure costs incurred by Council (including establishment and bring forward costs).**
- e) **The developer utilising local contractors and suppliers.**

Moved Cr Green

Seconded Cr Townsend
CARRIED UNANIMOUSLY

11.4.2. MACKAY REGION RECREATIONAL VEHICLE STRATEGY

Author	Manager of Economic Development and Tourism (Teona Cousin)
Responsible Officer	Director Development Services (Aletta Nugent)
File Reference	Mackay RV Strategy

Attachments

1. Mackay Region Recreational Vehicle Strategy [**11.4.2.1** - 25 pages]

Purpose

To present the Mackay Region Recreational Vehicle (RV) Strategy for adoption.

Related Parties

- Otium Planning Group (Consultant)

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.

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

Background/Discussion

In October 2022, Council engaged Otium Planning Group to assist in the preparation of the Mackay Region Recreational Vehicle Strategy (the Strategy). The key objective of the Strategy was to design actions that would:

1. Attract a greater share of the RV market from both domestic and international travellers;
2. Provide economic benefit to the region and support other economic development strategies and tourism initiatives;
3. Encourage investment in the region to expand the range and number of RV sites in a sustainable way;
4. Develop the RV industry in collaboration with commercial and other operators;

5. Deliver an action plan that clarifies Council's role and recognises the different target markets.

In delivering the RV Strategy, Otium Planning Group conducted significant desktop research, site visits, community surveys, and internal and external consultation with staff, industry bodies, local operators, Councillors and the community. The draft Strategy document was released for public consultation from 16 June to 2 July 2023.

All internal and external feedback received during the engagement and consultation processes has been considered and the final Strategy is now presented for endorsement.

The final Strategy document aims to create a framework for Mackay region to become a well-known and popular destination for RV Travellers, offering a diverse range of RV stay options, within a supportive environment.

Consultation and Communication

Stakeholders from the following organisations were engaged throughout the development of the Mackay Region Recreational Vehicle Strategy (list not exhaustive):

- Mackay Regional Council
- Mackay Tourism Limited and member businesses
- Greater Whitsunday Alliance (GW3)
- Jayco Mackay
- Mackay Region Chamber of Commerce
- Regional Development Australia (MIW)
- Tourism Events Queensland
- Department of State Development, Manufacturing, Infrastructure and Planning
- Department of Tourism, Innovation and Sport
- Caravanning Queensland
- Campervan and Motorhome Club of Australia (CMCA)
- Australian Caravan Club Ltd
- Sunwater

Public engagement commenced in January 2023 with Otium Planning Group facilitating both one-on-one sessions and stakeholder engagement group sessions to gather the emerging themes to develop the Strategy.

Public comment was sought from 10 January to 9 February through a survey to capture feedback on the public's perceptions, based on their knowledge and experience of visiting the region with recreational vehicles. There were 240 formal survey responses received and considered. The survey identified the gaps and opportunities for improvement to encourage RV travellers to stay longer in the region. Feedback outcomes from the survey were presented to Councillors at a briefing on 15 March 2023.

Public engagement through a verbal survey was completed at a local caravan park with 14 responses received and considered. The engagement encouraged conversations on recreational vehicle ownership, location of preferred sites and observations on recreational vehicle accessibility in the region.

The draft Strategy was presented to the Councillors at a briefing on 24 May prior to being released for formal public consultation from 16 June to 2 July. The draft Strategy was also promoted at the Mackay Regional Council show stand from 20 June to 23 June, during the formal public consultation period.

There were 57 formal responses received and considered through this process. There was overall support for the draft Strategy. The primary themes relevant to the scope of the Strategy are identified below:

- recreational vehicle parking (preferably near the city centre);

- a need for free or low cost site development;
- an increase water and public dump points throughout the region;
- an increase in pet friendly sites; and
- an increase in demand for diverse site location development.

Officers are confident that the draft Strategy, as presented, addresses the feedback provided through the formal consultation process. The draft Strategy identifies four key strategic action areas:

- Marketing and Communications;
- RV Infrastructure;
- RV Site Development;
- Governance and Policy Framework.

Within each strategic action area there are specific actions that provide clear direction regarding future activities to support the growth of the RV industry in the region.

Resource Implications

Actions identified in the Strategy will be subject to future funding submissions and ongoing assessment of the economic environment and operational budget allocations of Council.

Risk Management Implications

There is a risk that the Strategy may create unrealistic community expectation and introduce costs to Council outside of the forecasted budget. This risk is appropriately mitigated by the Strategy Action Plan which prioritises a range of deliverables and designated stakeholders who are responsible for identified deliverables.

Conclusion

The Mackay Region Recreational Vehicle Strategy provides the framework to capitalise on opportunities, to become a well-known and popular destination for RV Travellers, encourages more investment across the range of stay options, and promotes our reputation as a “must stay” recreational vehicle destination.

Officer's Recommendation

THAT the Mackay Region Recreational Vehicle Strategy be adopted by Council.

Council Resolution ORD-2023-205

THAT the Mackay Region Recreational Vehicle Strategy is adopted by Council.

Moved Cr Jones

Seconded Cr Mann
CARRIED UNANIMOUSLY

11.4.3. DA-2023-35 - MATERIAL CHANGE OF USE - RESIDENTIAL CARE FACILITY - 24 LACHLAN STREET, MOUNT PLEASANT

Author Development Planner (Teagan Darvill)
Responsible Officer Director Development Services (Aletta Nugent)
File Number DA-2023-35

Attachments

1. Locality and Zoning Plans [11.4.3.1 - 3 pages]
2. Overlay Plans [11.4.3.2 - 2 pages]
3. Site Photos [11.4.3.3 - 6 pages]
4. Architectural Plans [11.4.3.4 - 7 pages]

Date Received: 8 March 2023

Applicant's Details: Leben Pty Ltd
C/- Urbis Pty Ltd
Level 32, 300 George Street
BRISBANE CITY QLD 4000

Proposal: Material Change of Use for Residential Care Facility

Site Address: 24 Lachlan Street, Mount Pleasant

Owner's Details: Leben Pty Ltd

Area: 840m²

Planning Scheme: Mackay Region Planning Scheme 2017 (version 4)

Planning Scheme Designations:

Zone: Low Density Residential Zone

Precinct: Not Applicable

Assessment Level: Impact

Submissions: Two Properly Made

Referral Agencies: Nil

Recommendation: Approved Subject to Conditions

Related Parties

- Land Owner and Applicant – Leben Pty Ltd
- Town Planning Consultant – Urbis Pty Ltd
- Other Consultants –
 - ITE Consulting
 - Faulkner and Chapman
 - Arcos Group
 - Mark Ciavarella Designs
- Submitter 1 – Donna and John Seymour
- Submitter 2 – Ashley and Nadine Miller

Corporate Plan Linkage

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.

Executive Summary

The Applicant (Leben Pty Ltd) has lodged a development application for a Residential Care Facility at 24 Lachlan Street, Mount Pleasant (formally known as Lot 30 on RP735537).

The proposed Residential Care Facility will utilise an existing two storey building currently used as a Community Residence. The Community Residence was constructed under the Community Residence exemption within the *Planning Regulation 2017* which permits such development without the requirement to obtain a Material Change of Use Development Permit. The development comprises a total of five units. No physical alterations or additions are proposed to the existing building as part of this application.

The development application was publicly notified as required by the *Planning Act 2016*. Council received two properly made submissions from nearby residents. Neither were in support of the proposal.

Based on the general compliance with the Mackay Region Planning Scheme v4.0 (the Planning Scheme), Council Officers are recommending that the proposed development application be approved subject to conditions.

Subject Site

The site is located on the corner of Lachlan Street and Shepherd Crescent and is located in proximity to Mackay-Bucasia Road. The property itself is located within the Low Density Residential Zone and is surrounded by predominantly single storey Dwelling Houses. Additionally, the site is adjacent to land within the Medium Density Residential Zone (which is predominantly single storey Dwelling Houses) and is located approximately 450 metres north to the Major Centre Zone (being Mount Pleasant Shopping Centre).

Refer to Attachment 1 – Locality and Zoning Plans and Attachment 2 – Overlay Plans.

Background / Discussion

Under the Planning Scheme, a Community Residence is defined as:

- (a) *means the use of premises for residential accommodation for:*
 - i. *no more than 6 persons requiring assistance or support with daily living needs; and*
 - ii. *no more than 1 support worker; and*
- (b) *includes a building or structure that is reasonably associated with the use in paragraph (a).*

The existing building located on the property was constructed under an exemption within the *Planning Regulation 2017*, which made development for a Community Residence Accepted Development, subject to meeting specific requirements outlined in Schedule 6.

The existing building is a two-storey building, with a total of five units. There are two units located on the ground floor (both two-bedroom units with full amenities including kitchen dining and bathroom) and three units located on the upper floor (another two two-bedroom units with full amenities and a studio unit). Both ground floor units have private patio and open garden area whilst all three units on the upper floor have private balconies. There are a total of nine bedrooms provided on site.

Additionally, a therapy pool (approximately 11m²) has been constructed on the ground floor towards the north of the site and a multipurpose room is located within communal space on the upper floor. Both elevator and stairwell access has been provided between levels.

Refer to Attachment 3 – Site Photos.

Proposed Development

The Applicant proposes the development of a Residential Care Facility. The definition of a Residential Care Facility under the Planning Scheme is:

the use of premises for supervised accommodation, and medical and other support services, for persons who:

- (a) can not live independently; and*
- (b) require regular nursing or personal care.*

Specifically, the proposed Residential Care Facility use will:

- Retain the existing building (no physical works are proposed);
- Increase the number of residents able to be accommodated on site to nine (an addition of three residents); and
- Increase the number of support workers that can be on site at any time from one to having no limit.

The application is to allow for increased intensity of the use beyond that allowed under the current exemption.

A comparison of the differences between the Community Residence use and the proposed Residential Care Facility use are outlined in the table below:

Component	Community Residence (existing)	Residential Care Facility (proposed)
Number of Residents	Maximum of six	Maximum of nine
Number of Staff	Limit of one at any time (maximum of 7 within 24-hours)	No Limit
Number of Carparking Spaces	Three Carparking Spaces (including one space for people with disabilities)	Four Carparking Spaces (plus one space for emergency services / bus drop off and pickup)

Access to the property has been constructed from Shepherd Crescent with two garages (both with two car parking spaces) oriented towards this frontage. As per the requirements of the Planning Scheme, a total of four car parking spaces (plus a bay for emergency service vehicles / bus drop off and pick up) are necessary. The full car parking spaces will be located within these two garages and the bay for emergency service vehicles / bus drop off and pick up is proposed in the driveway.

According to the Planning Scheme (Table 9.4.1.3.B), the rate of car parking spaces required to be provided calculated based on the number of beds (outlined as “nursing beds”). As such, the rate is calculated on one space per six nursing beds for staff and residents, and one space per nursing beds for visitors. This results in 1.55 spaces required for staff and residents and 2.25 required for visitors (rounded up to four).

Refer to Attachment 4 – Architectural Plans.

Public Notification and Submissions

The application was subject to public notification from 19 May 2023 to 19 June 2023. Extensions were required as Council's site inspection identified that notification signage on the Shepherd Crescent frontage had fallen and was not properly displayed. As such, the notification period was extended from the original end date of 13 June 2023 to fulfil the 15 business day requirements.

Total of two properly made submissions were received from nearby residents. Both submissions raised similar concerns which have been responded to below:

Matter raised Submissions	Officer's Comments
Traffic impacts and parking	<p>Submitters raised that as the existing area is predominantly low density residential development (being single story Dwelling Houses on single lots) and that the proposed development would result in a significant increase in the number of vehicles travelling to and from the site.</p> <p>Under the Planning Scheme, a total four car parking spaces (and an emergency service vehicle / bus drop-off bay) are required for a Residential Care Facility with nine "nursing beds". The proposed development has been able to demonstrate through submitted swept path plans, that a total of four standard vehicles (being B99) are able to be parked safely on the site (with emergency service vehicle / bus drop-off located in the driveway). It is considered the proposed development complies with the minimum number of onsite car parking requirements.</p>
Pedestrian safety	<p>Submitters raised that as there is no footpath currently constructed on Lachlan Street and Shepherd Crescent, and the increase in both parked and moving vehicles on the street may negatively impact the safety of pedestrians and cyclists in the area.</p> <p>As discussed above, the proposed development complies with the minimum number of onsite car parking spaces under the Planning Scheme.</p> <p>The existing streetscape for both Lachlan Street and Shepherd Crescent does not include an existing footpath or dedicated off road pedestrian/cyclist infrastructure. There are no immediate plans for Council to construct footpaths in this location.</p>
Inconsistency with zoning an existing development	<p>Submitters raised concerns that the Low Density Residential Zone is intended for, and currently facilitating, low density residential development and that the existing structure and the proposed Residential Care Facility use is inconsistent with what is currently located in the area.</p> <p>The existing building was constructed under an exemption within the <i>Planning Regulation 2017</i>, which permits a building for a Community Residence as Accepted Development (that is, does not require Council approval).</p>
Impacts of existing building on residential amenity	<p>Submitters raised concerns regarding the size of the existing building, and the reflection of light caused by the existing white painted structure, impacting adjoining neighbours. The existing building is noted to be resulting in an increase of both light and heat.</p> <p>The existing building was constructed under an exemption within the <i>Planning Regulation 2017</i>, which permits a building for a Community Residence as Accepted Development (that is, does not require Council approval).</p>
Overdevelopment and privacy concerns	<p>Submitters raised concerns that due to the size of the existing structure (being two storey in a predominantly one story area) and the current setbacks locating the structure close to boundaries, that there are privacy concerns for adjoining neighbours where backyards and habitable rooms are visible from the Residential Care Facility development.</p>

Matter raised Submissions	Officer's Comments
	<p>The existing building was constructed under an exemption within the <i>Planning Regulation 2017</i>, which permits a building for a Community Residence as Accepted Development (that is, does not require Council approval).</p> <p>A condition is proposed to locate privacy screening on existing windows in habitable rooms, being the Multi-Purpose Room on the northern elevation.</p>

Planning Assessment:Planning Act 2016 and Planning Regulation 2017

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

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

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

Mackay Isaac Whitsunday Regional Plan 2012

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

Mackay Region Planning Scheme 2017 Version 4.0:

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

Assessment Benchmark	Code Compliance	Officer's Assessment
Strategic Framework	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The proposal generally complies with the relevant assessment benchmarks.
Low Density Residential Zone Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The proposal generally complies with the relevant assessment benchmarks.
Multiple Dwelling Activities Code	Yes <input type="checkbox"/> No <input type="checkbox"/>	The proposal generally complies with the relevant assessment benchmarks. A further assessment against applicable non-compliances is included below.
General Development Requirements Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The proposal generally complies with the relevant assessment benchmarks.

The proposed Residential Care Facility application generally complies with the required Planning Scheme codes and the Strategic Framework. Where there were non-compliances, they were predominantly in relation to the built form of the existing building. As the building is existing and the application does not propose altering or adding to the existing structure, many of these non-compliances are not relevant to the application. Assessment has been undertaken against the Residential Care Facility as a use and the proposed increase in intensity from

the existing Community Residence use. Where non-compliances of the built form can be directly related to the intensification of the use, these have been assessed.

Multiple Dwelling Activities Code

The purpose of the Multiple Dwelling Activities Code is to ensure that Multiple Dwelling activities achieve relevant residential density objectives and provide high quality design and amenity outcomes (including outcomes that do not result in an overdevelopment of sites). The proposed Residential Care Facility generally complies with the assessment benchmarks of the Code. However, there is non-compliance with Acceptable Outcome 17, outlined below.

Performance Outcome	Acceptable Outcome	Officer's Assessment
PO17 Development maintains a high level of privacy between dwellings and for dwellings on adjoining sites.	AO17 Habitable room windows: (a) are: (i) offset so that they do not directly face habitable room windows or private open space of a dwelling on the site or on an adjoining site; or (ii) located a minimum of 9 metres from habitable room windows or private open space of a dwelling on the site or on an adjoining site, if they cannot be offset; or (b) are designed and/or treated in accordance with either of the following where (a)(i) or (a)(ii) above cannot be met: (i) a 1.8 metre high visual screen fence is provided where the habitable room windows are at ground level; or (ii) translucent glazing is used; or (iii) sill heights are a minimum height of 1.5 metres above ground level; or (iv) screening devices according with the following are used: A. fixed and permanently attached to the building; and B. solid and translucent or perforated with a maximum of 50% openings; and C. visually complements the development.	The Multi-Purpose Room (MPR) located on the northern side of the existing building is considered a 'habitable room' under the Planning Scheme. The existing room has two windows along the northern elevation that overlook existing open space and habitable rooms on adjoining development. The submitted architectural plans, and the existing building, do not include screening elements on these windows. A condition is recommended to require design elements / treatments on these windows consistent with examples outlined in AO17 and with the existing building.

Consultation and Communication

See public notification and submissions section of this report.

Resource Implications

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

Councillors were briefed on this application on 12 July 2023.

Risk Management Implications

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

Conclusion

The reports and plans provided by the applicant demonstrate that the proposed development is in general compliance with assessment benchmarks and requirements, and that the proposed increase in intensity will not have detrimental impact on adjoining residents.

Based on the general compliance with the Planning Scheme and the existing built-form of the Community Residence, Council Officers are recommending the proposed Residential Care Facility is approved, subject to conditions.

Officer's Recommendation

THAT Council approves the Application for a Development Permit for a Material Change of Use - Residential Care Facility at 24 Lachlan Street, Mount Pleasant, formally known as Lot 30 on RP735537, subject to the following conditions.

Approved Plan(s) and Document(s)

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

Plan/ Document Name	Drawing / Report Number	Prepared by	Date
Site Plan	TP02	Mark Ciavarella Design	01/03/2023
Ground Floor Plan	TP03	Mark Ciavarella Design	15/06/2023
Upper Floor Plan	TP04	Mark Ciavarella Design	01/03/2023
Roof Plan	TP05	Mark Ciavarella Design	01/03/2023
Elevations	TP06	Mark Ciavarella Design	01/03/2023
Sections	TP07	Mark Ciavarella Design	01/03/2023
Landscape Concept Plan	LP01	Faulkner & Chapman	22/11/2021
Engineering Report (Including Stormwater Management Plan)	211077	Arcos	02/03/23
Traffic Impact Statement Report	00115	ITE Consulting	07/03/2023

Condition	Timing
<p>1. Carry Out the Approved Development</p> <p>Carry out the approved development generally in accordance with the approved plan(s) and document(s), and the following:</p> <ul style="list-style-type: none"> a) The specifications, facts and circumstances as set out in the development application submitted to Council, including recommendations and findings confirmed within technical reports; and b) The below conditions of approval and the requirements of Council's Planning Scheme and the relevant Planning Scheme Policies; and c) Where a discrepancy or conflict exists between the written conditions(s) of the approval and the approved plans, the requirements of the written condition(s) will prevail; and d) Except where modified by these conditions of approval. 	At all times.
<p>2. Maintain the Approved Development</p> <p>Maintain the approved development generally in accordance with the approved plan(s), document(s), conditions of approval, and any other approval required by the conditions.</p>	At all times.
<p>3. Damage to Infrastructure and Land</p> <p>Notify Council immediately if any Council infrastructure or land is damaged as a result of construction activities occurring and have it repaired, replaced or reinstated at no cost to Council.</p>	At all times.
<p>4. Notice of Intention to Commence Use</p> <p>Return the attached 'Notice of Intention to Commence Use' confirming that the development complies with all conditions of the approval.</p>	Prior to commencement of use.
<p>5. Landscaping Plan</p> <p>Provide the landscaping generally in accordance with the approved Landscaping Plan.</p>	Prior to commencement of use.
<p>6. Street Numbering and Building Names</p> <p>Ensure street numbers and any building names are predominantly displayed at the road frontage of the site.</p>	Prior to commencement of use.
<p>7. On-site Services</p> <p>Screen with appropriate materials and/or landscaping all rainwater tanks, hot water tanks, gas bottles, air conditioners, clothes lines and the like from direct view of any adjoining neighbours, public space or any road frontage.</p>	Prior to commencement of use.
<p>8. Refuse Storage Area</p> <p>Locate all bins required as part of the Residential Care Facility within the refuse storage area outlined in the 'Bins' location shown on the approved plans of development.</p> <p>The refuse storage is required to have the following:</p> <ul style="list-style-type: none"> a) Contain an impervious surface area; and 	Prior to commencement of use.

Condition		Timing
	b) Contain sufficient space for the storage of adequately sized refuse and recycling bins; and c) Be screened so that they are not visible from the road frontage/s and adjoining properties.	
9.	External Lighting Install any external lighting in accordance with <i>AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting</i> .	Prior to commencement of use.
10.	Pedestrian Lighting Install lighting in any pedestrian areas that require illumination in accordance with <i>AS/NZS 1158.3.1:2020 Lighting for Roads and Public Spaces - Pedestrian area (Category P) lighting – Performance and Design Requirements</i> .	Prior to commencement of use.
11.	General Amenity Provision Ensure the use is managed so that the amenity of the area is not adversely affected through: <ul style="list-style-type: none"> a) The transport of materials or goods to or from the subject site; and b) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, water products, grit or oil; and c) The location of all service equipment, lighting and air conditioning units as to not cause nuisance to neighbouring properties. 	At all times.
12.	Electrical and Telecommunications Ensure the development is provided with electricity and telecommunications infrastructure.	Prior to commencement of use.
13.	Use of On-Site Car Parking Areas <ul style="list-style-type: none"> a) Ensure the area/s set aside for parking, vehicle manoeuvring and loading and unloading are not used for the storage or placement of goods or materials. b) Ensure the loading and unloading of vehicles, or vehicles waiting to be loaded or unloaded, and the delivery of goods to and from the premises are located entirely within the site and be conducted to cause minimum interference with other vehicular traffic. 	At all times.
14.	Stormwater Quality – Low Risk Development is to comply with Stormwater Quality Best Management Practices (SQBMPs) in accordance with Council's <i>Planning Scheme Policy – Healthy Waters</i> .	At all times.
15.	Lawful Point of Discharge Direct all stormwater from the site (including roof water) to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development. The lawful point of discharge for this property is the Lachlan Street road reserve via the existing stormwater outlet.	At all times.

Condition	Timing
<p>16. Privacy Screening</p> <p>a) Provide privacy screening or alternate treatments to the windows of the 'MPR' room, located on the northern elevation of the upper floor of the building.</p> <p>b) Ensure treatments consist of one or more of the following:</p> <ul style="list-style-type: none"> i) Sill heights at a minimum of 1.5m above floor level; or ii) Be treated with frosted or tinted glazing; or iii) Treated with some other form of alternative screening such as a permanent screening device, or otherwise as agreed to in writing by Council. 	<p>Prior to commencement of use</p>

Assessment Manager's Advice	
1.	<p>Infrastructure Charges Notice</p> <p>A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice, a copy of which is attached for reference purposes only.</p> <p>The amount in the Infrastructure Charges Notice has been calculated according to Council's Adopted Charges Resolution.</p> <p>Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The <i>Planning Act 2016</i> confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.</p> <p>The amount in the Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact Council for review of the charge amount prior to payment. The time when payment is due is contained in the Infrastructure Charges Notice.</p>
2.	<p>Environmental Nuisance</p> <p>Construction or operational activities, including but not limited to, the operation of mechanical plant and equipment, must not cause an 'environmental nuisance' within the meaning of the <i>Environmental Protection Act 1994</i> to any sensitive receptor as stated within Schedule 1 of the <i>Environmental Protection (Noise) Policy 2019</i>.</p> <p>It is the Applicant and owners' responsibility to ensure compliance with Section 440R of the <i>Environmental Protection Act 1994</i>, which prohibits any construction, building and earthworks activities likely to cause audible noise (including the entry and departure of heavy vehicles) between the hours of 6:30pm and 6:30am from Monday to Saturday and at all times on Sundays or Public Holidays.</p>
3.	<p>Local Laws</p> <p>The approved development must also comply with Council's current Local Laws under the <i>Local Government Act 2009</i>.</p>
4.	<p>Advertising Sign Approval</p> <p>No advertising sign and/or advertising device is to be erected without separate Council approval, where required. Where not meeting accepted provisions, an application to Council under <i>Subordinate Local Law 1.4</i> must be made and approved prior to any such sign or device being erected.</p>

Council Resolution ORD-2023-206

THAT Council approves the Application for a Development Permit for a Material Change of Use - Residential Care Facility at 24 Lachlan Street, Mount Pleasant, formally known as Lot 30 on RP735537, subject to the following conditions.

Approved Plan(s) and Document(s)

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

Plan/ Document Name	Drawing / Report Number	Prepared by	Date
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Condition	Timing
<p>1. Carry Out the Approved Development</p> <p>Carry out the approved development generally in accordance with the approved plan(s) and document(s), and the following:</p> <ul style="list-style-type: none"> a) The specifications, facts and circumstances as set out in the development application submitted to Council, including recommendations and findings confirmed within technical reports; and b) The below conditions of approval and the requirements of Council's Planning Scheme and the relevant Planning Scheme Policies; and c) Where a discrepancy or conflict exists between the written conditions(s) of the approval and the approved plans, the requirements of the written condition(s) will prevail; and d) Except where modified by these conditions of approval. 	At all times.
<p>2. Maintain the Approved Development</p> <p>Maintain the approved development generally in accordance with the approved plan(s), document(s), conditions of approval, and any other approval required by the conditions.</p>	At all times.
<p>3. Damage to Infrastructure and Land</p> <p>Notify Council immediately if any Council infrastructure or land is damaged as a result of construction activities occurring and have it repaired, replaced or reinstated at no cost to Council.</p>	At all times.

Condition		Timing
4.	Notice of Intention to Commence Use Return the attached 'Notice of Intention to Commence Use' confirming that the development complies with all conditions of the approval.	Prior to commencement of use.
5.	Landscaping Plan Provide the landscaping generally in accordance with the approved Landscaping Plan.	Prior to commencement of use.
6.	Street Numbering and Building Names Ensure street numbers and any building names are predominantly displayed at the road frontage of the site.	Prior to commencement of use.
7.	On-site Services Screen with appropriate materials and/or landscaping all rainwater tanks, hot water tanks, gas bottles, air conditioners, clothes lines and the like from direct view of any adjoining neighbours, public space or any road frontage.	Prior to commencement of use.
8.	Refuse Storage Area Locate all bins required as part of the Residential Care Facility within the refuse storage area outlined in the 'Bins' location shown on the approved plans of development. The refuse storage is required to have the following: <ul style="list-style-type: none"> a) Contain an impervious surface area; and b) Contain sufficient space for the storage of adequately sized refuse and recycling bins; and c) Be screened so that they are not visible from the road frontage/s and adjoining properties. 	Prior to commencement of use.
9.	External Lighting Install any external lighting in accordance with <i>AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting</i> .	Prior to commencement of use.
10.	Pedestrian Lighting Install lighting in any pedestrian areas that require illumination in accordance with <i>AS/NZS 1158.3.1:2020 Lighting for Roads and Public Spaces - Pedestrian area (Category P) lighting – Performance and Design Requirements</i> .	Prior to commencement of use.
11.	General Amenity Provision Ensure the use is managed so that the amenity of the area is not adversely affected through: <ul style="list-style-type: none"> a) The transport of materials or goods to or from the subject site; and 	At all times.

Condition		Timing
	b) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, water products, grit or oil; and c) The location of all service equipment, lighting and air conditioning units as to not cause nuisance to neighbouring properties.	
12.	Electrical and Telecommunications Ensure the development is provided with electricity and telecommunications infrastructure.	Prior to commencement of use.
13.	Use of On-Site Car Parking Areas a) Ensure the area/s set aside for parking, vehicle manoeuvring and loading and unloading are not used for the storage or placement of goods or materials. b) Ensure the loading and unloading of vehicles, or vehicles waiting to be loaded or unloaded, and the delivery of goods to and from the premises are located entirely within the site and be conducted to cause minimum interference with other vehicular traffic.	At all times.
14.	Stormwater Quality – Low Risk Development is to comply with Stormwater Quality Best Management Practices (SQBMPs) in accordance with Council's <i>Planning Scheme Policy – Healthy Waters</i> .	At all times.
15.	Lawful Point of Discharge Direct all stormwater from the site (including roof water) to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development. The lawful point of discharge for this property is the Lachlan Street road reserve via the existing stormwater outlet.	At all times.
16.	Privacy Screening a) Provide privacy screening or alternate treatments to the windows of the 'MPR' room, located on the northern elevation of the upper floor of the building. b) Ensure treatments consist of one or more of the following: <ul style="list-style-type: none"> i) Sill heights at a minimum of 1.5m above floor level; or ii) Be treated with frosted or tinted glazing; or iii) Treated with some other form of alternative screening such as a permanent screening device, or otherwise as agreed to in writing by Council. 	Prior to commencement of use

Assessment Manager's Advice

1.	Infrastructure Charges Notice
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Assessment Manager's Advice	
	<p>A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice, a copy of which is attached for reference purposes only.</p> <p>The amount in the Infrastructure Charges Notice has been calculated according to Council's Adopted Charges Resolution.</p> <p>Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The <i>Planning Act 2016</i> confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.</p> <p>The amount in the Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact Council for review of the charge amount prior to payment. The time when payment is due is contained in the Infrastructure Charges Notice.</p>
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3.	<p>Local Laws</p> <p>The approved development must also comply with Council's current Local Laws under the <i>Local Government Act 2009</i>.</p>
4.	<p>Advertising Sign Approval</p> <p>No advertising sign and/or advertising device is to be erected without separate Council approval, where required. Where not meeting accepted provisions, an application to Council under <i>Subordinate Local Law 1.4</i> must be made and approved prior to any such sign or device being erected.</p>

Moved Cr Seymour

Seconded Cr Townsend
CARRIED

Cr Bella and Cr Bonaventura voted against the motion.

11.4.4. DA-2023-20 MATERIAL CHANGE OF USE - EXTRACTIVE INDUSTRY - 86 BALNAGOWAN MANDARANA ROAD, THE LEAP

Author Senior Development Planner (Darryl Bibay)
Responsible Officer Director Development Services (Aletta Nugent)
File Number DA-2023-20

Attachments

1. Locality Plan [11.4.4.1 - 1 page]
2. Proposal Plan [11.4.4.2 - 10 pages]
3. Referral Agency Response [11.4.4.3 - 7 pages]

Date Received: 20 February 2023

Applicant's Details: LC Quarry Materials
C/ - Jewel Planning Consultants
PO Box 244
MACKAY QLD 4740

Proposal: Material Change of Use for Extractive Industry

Site Address: 86 Balnagowan Mandarana Road, The Leap

Property Description: Lot 3 on SP249122

Owner's Details: Anthony and Janelle M Agius

Area: 207.2 hectares

Planning Scheme: Mackay Region Planning Scheme 2017 Version 4.0

Planning Scheme Designations: Rural Zone

Assessment Level: Impact

Submissions: One Properly Made

Referral Agencies: State Assessment Referral Agency (SARA)

Recommendation: Approved Subject to Conditions

Related Parties

- Landowners – Anthony G Agius and Janelle M Agius
- Applicant – LC Quarry Materials
- Planning Consultant – Jewel Planning Consultants
- Other Consultants – Paragon Consulting Engineers Pty Ltd, Farmacist Pty Ltd
- Referral Agency – SARA

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.

Executive Summary

This development application seeks a Development Permit for a Material Change of Use for Extractive Industry at 86 Balnagowan Mandarana Road, The Leap described as Lot 3 on SP249122.

The development application was referred to the SARA for the assessment of the proposal's impact on State-controlled roads, corridors and infrastructure managed by the Department of Transport and Main Roads. SARA approved the application with no requirements.

The development application is Impact Assessable as the proposal exceeds the threshold of 5,000 tonnes of material per annum and was publicly notified. Council received one properly made submission. The submission has not raised any grounds that cannot be conditioned or that warrants refusal of the Application.

The Application is recommended for approval subject to conditions.

Subject site

The subject site is approximately 20km north-west of the Mackay Central Business District and has a total area of 207.2 hectares. The subject site includes hilly terrain, gradually falling from about 60m Australian Height Datum (AHD) in the north to about 45m AHD on the southern border.

The subject site is used for Cropping (Cane Farming). The west is mostly vegetated mountainous bushland, while the remainder of the site is surrounded by similar rural lots utilised for Cropping (Cane Farming). Approximately 670m to the north is the Bruce Highway and approximately 1,000m to the south is a large quarry located on an adjacent property.

A review of surrounding Dwelling Houses shows the nearest Dwelling House, being the owner's farmhouse, is approximately 500m from the proposed work site. Other surrounding Dwelling Houses are in a range of approximately 640m to 1.3km from the work site.

There are no reticulated water or sewer services available to the property other than electricity.

Refer to Attachment 1 – Locality Plan.

Proposal

The proposal is for an Extractive Industry which is defined by the Mackay Region Planning Scheme 2017 (the Planning Scheme) as the use of premises for:

(a) extracting or processing extractive resources; and

(b) any related activities including, for example, transporting the resources to market.

It is proposed that once the material has been extracted, the pit will be utilised as a farm dam to support the existing cane farm. On average, the pit will be excavated to a depth of 10m below the existing surface. Approval is sought for the extraction of less than 50,000 tonnes of material from the site per annum or over a period of up to 15 years from commencement of use, whichever occurs first. The applicant proposed to extract a total of 248,450 cubic metres which converts to approximately 372,675 tonnes.

Hours of operation will be Monday to Saturday 6am to 6pm, excluding public holidays. The extraction and removal will be by mechanical means, including an excavator (one full time staff) and a rotation of haul trucks for removal of the spoil material.

Refer to Attachment 2 – Proposal Plans.

Roadworks and Traffic

A new sealed minor access will be constructed to provide vehicle access to the proposed works area. The sealed site access will generally follow the standard details shown on MRC standard drawing A3-08323. The design vehicle that will be accommodated by the access is a truck and dog.

The access track within the subject site will be unsealed. Dust will be managed by spraying down the access track as needed with a water truck, and it is recommended this be included as a requirement in the conditions attaching to any development permit for the use. A bed level crossing will be constructed over the watercourse that is located on the northern side of the quarry, subject to a condition attaching to any development permit for the use. The details of the bed level crossing will be determined as part of a future operational works application.

Vehicle passing bays have been specified at each curve on the access track. The location of the passing bays ensures that there are adequate opportunities for vehicles travelling in opposing directions to pass each other safely.

A full Traffic Impact Assessment (TIA) has been prepared which states that the increase in traffic volume along Balnagowan Mandarana Road is within acceptable limits, being less than 5% of the 2023 Average Annual Daily Traffic (AADT). It is considered that 5% AADT would be of the order of 12 vehicles per day but not to the point where it exceeds lane capacity or intersection capacity requirements in the surrounding area.

The increase in Equivalent Standard Axels (ESA) is not within acceptable limits. Therefore, road degradation charges will be recommended as part of conditions of approval.

The Balnagowan Mandarana Road and Bruce Highway intersection has sufficient sight distances and there is sufficient geometry available for turning manoeuvres undertaken by the specified truck and dog combination.

Stormwater Management

The proposed works are located within the existing catchment that flows to the existing farm dam located on the subject site. It is proposed that an earthworks bund is constructed around the quarry and sediment basin to ensure that upstream stormwater flows (which are not sediment laden) are diverted around the area of disturbance. The finished bulk earthworks profile will generally result in discharge in a similar direction as the existing conditions. As such, the proposed dam will not significantly affect the existing stormwater catchment.

Referrals

The development application was referred to SARA for the assessment of the proposal's impact on State-controlled roads, corridors and infrastructure managed by the Department of Transport and Main Roads. On 11 April 2023, the SARA provided its referral agency response with no requirements relating to the application.

Refer to Attachment 3 - Referral Agency Response.

Planning Assessment:

Planning Act 2016 and Planning Regulation 2017

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

a) Must be carried out:

- i) Against the assessment benchmarks in a categorising instrument for the development, and
- ii) Having regard to any matters prescribed by regulation for this subparagraph, and

b) May be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.

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

Mackay Isaac Whitsunday Regional Plan 2012

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

Mackay Region Planning Scheme 2017 Version 4.0:

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

Assessment Benchmark	Code Compliance
Strategic Framework	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Rural Zone Code	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Agricultural Land Overlay Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Airport Environs Overlay Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Biodiversity Overlay Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Bushfire Hazard Overlay Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Extractive Resources and High Impact Activities Overlay Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Extractive Industry Code	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
General Development Requirements Code	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

A detailed assessment has been undertaken against the following codes:

- Rural Zone Code
- Extractive Industry Code, and
- General Development Requirements Code.

Rural Zone Code

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

PO15 states:

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

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

There are no Acceptable Outcomes (AO) to demonstrate compliance against the PO. An assessment against the PO is provided below:

The proposal was not accompanied by a Noise Impact Assessment Report as part of the application material.

The proposal is located 640m from the closest adjoining Dwelling House, located to the north. Amenity is ensured by limiting extraction methods to mechanical extraction only (no blasting), regulating hours of operation between 6am to 6pm, Monday to Saturday and regular use of water trucks on internal unsealed roads for dust management. Haulage traffic is proposed to comprise eight or less truck movements per day.

Therefore, with the implementation of recommended conditions, it is considered there will be minimal impacts on the adjoining and nearby sensitive uses.

Extractive Industry Code

The proposal generally complies with the intent of the Extractive Industry Code. An assessment has been undertaken for PO1 and PO2.

PO1 states:

“The extractive industry fulfils a demonstrated need for the resource in development projects in the region.”

AO1 states:

“The need for an extractive industry is demonstrated through a report which details the:

- (a) type of resource to be extracted and the nature of its use in development projects in the region; and*
- (b) proposed rate of extraction; and*
- (c) market demand for the resource.”*

There are major infrastructure and development projects currently underway in the Mackay region including the Mackay Ring Road. Further, the construction of the Walkerston Bypass is currently underway and due for completion in late 2024. There are also several upgrades and improvements to the Bruce Highway between Mackay and Proserpine.

These projects combined with other major private and public development across the region mean that the demand for material/fill can be reasonably expected and therefore justifies the need for this proposal. Therefore, the proposal complies with PO1 of the Extractive industry use code.

PO2 states:

“The extractive industry is located and operated to maintain public safety and minimise potential noise, dust, vibration and visual amenity impacts on nearby publicly accessible areas and sensitive land uses.”

AO2.2 states:

“Extractive industry operation areas are not located within 40 metres of any boundary.”

The proposal is setback 10m from the western boundary of the adjoining property, which is currently owned by the Applicant. Further, the proposal is considered acceptable as the nearest adjoining Dwelling House/sensitive use is approximately 640m to the north, and no publicly accessible area is within close proximity of the quarry site.

Conditions are proposed to be applied to address dust impacts and to ensure that potential noise impacts will be addressed and comply with PO2 of the code.

General Development Requirements Code

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

PO12 states:

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

It is proposed that the access track within the subject site will be unsealed. Dust will be managed by spraying down the access track as needed with a water truck. Development conditions are proposed to be imposed to address dust impacts from the proposal.

PO21 states:

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

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

AO21 states:

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

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

The proposal is located 640m away from the closest adjoining sensitive land use being a Dwelling House north of the subject site. Further, noise amenity is ensured by limiting extraction methods to mechanical extraction only (no blasting) and regulating hours of operation between 6am to 6pm Monday to Saturday. Haulage traffic is proposed to be restricted to eight or less truck movements per day, which will not have any discernible impact on neighbouring properties.

As the nearest adjoining sensitive land use is 640m to the north, it is considered that there is unlikely to be an impact from the operations. The proposal is recommended to be conditioned to reduce any impacts on the amenity of the area by imposing conditions relating to noise.

Public Notification and Submissions

The application was publicly notified a period of 15 business days and completed on 18 May 2023. Council received one properly made submission.

The table below details the various concerns raised by the submitter.

Matter raised submissions	Officer's comments
1. Use Definition There is no clarity as to whether the works is for farming or whether it is a Quarry.	<p>The proposal is for an Extractive Industry and is defined by the Planning Scheme.</p> <p>It is proposed that once the material has been extracted, the pit will be utilised as a 'farm dam' to support the Cropping (Cane Farm). It is acknowledged that the application material lodged as part of this application interchangeably utilises 'Quarry' and 'farm dam'. As part of the assessment, the anticipated impacts resulting from this proposal has been identified and solutions put forward to address these impacts. Conditions will be recommended accordingly to address the impacts anticipated from the proposal.</p>
2. Design Requirements of the Dam The submitter is of the opinion that the design does not lend itself to a farm dam. The design lends itself to a borrow pit/Quarry.	<p>The proposal is for an Extractive industry which is supported by engineering plans prepared by a Registered Professional Engineer of Queensland (RPEQ). The detailed design of the proposed earthworks and access arrangements will be undertaken in accordance with the requirements as set out in the Planning Scheme and related Planning Scheme Policies. The Applicant has provided evidence that the material expected to be extracted will consist of quality deco sand suitable for the building and development industry for the region.</p>
3. Extractive Industry Code The submitter is of the opinion that the Applicant has not adequately addressed the Extractive industry code.	<p>The proposal is for an Extractive industry and an assessment has been conducted for this land use. The assessment found that the proposal is generally consistent with the Extractive industry code and its purpose.</p> <p>The assessment benchmarks applicable to this proposal do not require the Applicant to demonstrate 'overriding community need'. The Extractive industry code requires</p>

Matter raised submissions	Officer's comments
	<p>that the proposal fulfills a demonstrated need for the resource for development projects in the region.</p> <p>There are major infrastructure and development projects currently underway in the Mackay region including the Mackay Ring Road and the Walkerston Bypass. There are also several upgrades and improvements to the Bruce Highway between Mackay and Proserpine. This combined with other major private and public development across the region means that the demand for material/fill can be reasonably expected, justifying the need for this proposal.</p>
<p>4. Landscape Character Overlay</p> <p>The submitter states that the hill can be seen from the Bruce Highway (similar to the other quarry 830m south). The Applicant has not adequately addressed the visual impacts that the proposed development will have.</p>	<p>The proposal has been assessed against the Landscape character and image corridor overlay code and is generally consistent with the outcomes of the code. The location of the proposal is situated partially inside the 'Landscape character area' overlay and is located at the base of the mountainous terrain. Further, the location of the proposal will be setback more than 600m from the road frontage. It has been determined that the location of the proposal will not be able to be viewed from Balnagowan Mandrana Road or adjacent properties and no visual impact will be present.</p>
<p>5. Traffic Impact</p> <p>The submitter refers to the Traffic Impact Assessment (TIA) that states that vehicle movements will not exceed 5% traffic volumes. Upon review of the modelling, it assumes that all traffic movements will be uniformly distributed throughout the operating hours. This is unlikely to be the case and more likely that a high volume of traffic will occur during peak hours of the day and consequently, has the potential to exceed the 5% traffic volumes.</p>	<p>A TIA has been submitted which states that the increase in traffic volume along Balnagowan Mandarana Road is within acceptable limits, being less than 5% of the 2023 AADT.</p> <p>Based on project demands and the distance to the urban areas, it is not expected that significant loading will exist on Council's road infrastructure. 5% AADT would be in the order of 12 vehicles per day but not to the point where it exceeds lane capacity or intersection capacity requirements in the surrounding area.</p> <p>It has been identified that the increase in ESA is not within acceptable limits. Therefore, a Pavement Impact Assessment will be recommended to ascertain the current status of the road pavement and the potential impacts as a result of this proposed development.</p>

Consultation and Communication

See public notification and submissions section of this report.

Resource Implications

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

Risk Management Implications

In the circumstances of refusal, there is a risk that an appeal could be lodged by the Applicant in the Planning and Environment Court against Council's decision. Alternatively, should the application be approved, there is the risk that an appeal could be initiated by submitters. Either outcome would give rise to costs for Council as it would be required to participate in any appeal proceedings.

Conclusion

The application is generally consistent with code and the overall intend of the Planning Scheme. Overall, there is sufficient justification to approve the development application and the issues raised in the submission have been addressed or can be conditioned. Therefore, it is recommended that the application be approved.

Officer's Recommendation

That Council approve the Development Application for Material Change of Use for an Extractive Industry over land at 86 Balnagowan Mandarana Road, The Leap described as Lot 3 on SP249122 subject to the following conditions:

Approved Plan(s) and Document(s)

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

Plan/ Document Name	Drawing Number	Prepared by	Date
Site Plan	22-2493-DW-01	Jewel Planning Consultants	20/06/2023
General Layout	2435-02-SK01	Paragon Consulting Engineers Pty Ltd	19/09/2022
Quarry Intersection SISD	2435-02-SK02	Paragon Consulting Engineers Pty Ltd	19/09/2022
Quarry Road Intersection	2435-02-SK03	Paragon Consulting Engineers Pty Ltd	19/09/2022
Quarry Passing Bay	2435-02-SK04	Paragon Consulting Engineers Pty Ltd	19/09/2022
Quarry Area and Sediment Basin Plan	2435-02-SK05	Paragon Consulting Engineers Pty Ltd	19/09/2022
Quarry Area and Sediment Basin Sections	2435-02-SK06	Paragon Consulting Engineers Pty Ltd	19/09/2022
Bruce Highway Intersection SISD	2435-02-SK07	Paragon Consulting Engineers Pty Ltd	19/09/2022
Bruce Highway Intersection SISD	2435-02-SK08	Paragon Consulting Engineers Pty Ltd	19/09/2022
Bruce Highway Access	2435-02-SK09	Paragon Consulting Engineers Pty Ltd	19/09/2022

Condition	Timing
<p>1) Carry Out the Approved Development</p> <p>Carry out the approved development generally in accordance with the approved plan(s) and document(s), and the following:</p> <ul style="list-style-type: none"> a) The specifications, facts and circumstances as set out in the Development Application submitted to Council, including recommendations and findings confirmed within technical reports; and b) The below conditions of approval and the requirements of Council's Planning Scheme and the relevant Planning Scheme Policies; and c) Where a discrepancy or conflict exists between the written conditions(s) of the approval and the approved plans, the requirements of the written condition(s) will prevail; and d) Except where modified by these conditions of approval. 	At all times.
<p>2) Haulage Route Plan Required</p> <ul style="list-style-type: none"> a) Submit a Haulage Route Plan incorporating the following: <ul style="list-style-type: none"> i) Haulage route for the extracted material utilising Balnagowan Mandarana Road and the Bruce Highway and the type of truck being used to transport the material. b) Obtain approval from Council for the Haulage Route Plan in accordance with a) above. c) Implement the requirements and recommendations of the Haulage Route Plan. The approved Haulage Route Plan will form part of the approval. 	Prior to any approval for operational works.
<p>3) Maintain the Approved Development</p> <p>Maintain the approved development generally in accordance with the approved plan(s), document(s), conditions of approval, and any other approval required by the conditions.</p>	At all times.
<p>4) Damage to Infrastructure and Land</p> <p>Notify Council immediately if any Council infrastructure or land is damaged as a result of construction activities occurring and have it repaired, replaced or reinstated at no cost to Council.</p>	At all times.
<p>5) Notice of Intention to Commence Use</p> <p>Return the attached 'Notice of Intention to Commence Use' confirming that the development complies with all conditions of the approval.</p>	Prior commencement to use.
<p>6) Premises Hours of Operation</p> <p>Ensure the hours of operation are limited to 6.00am to 6.00pm Monday to Saturday excluding public holidays.</p>	At all times.
<p>7) Extent and limit of extraction</p>	

Condition		Timing
	<p>a) The extraction of material/spoil from the subject site is limited to:</p> <ul style="list-style-type: none"> i) Up to a maximum of 50,000 tonne per annum; and ii) Up to maximum of 372,675 tonnes in total; or iii) Up to 15 years from the commencement of use, whichever occurs first. <p>b) Ensure the limit of extraction is delineated by the plan titled General Layout dated 19 September 2022.</p>	At all times.
8)	<p>Blasting</p> <p>Extraction by blasting is not permitted.</p>	At all times
9)	<p>Extraction Method</p> <p>Extraction is to be undertaken by mechanical means and limited to one excavator at any given time.</p>	At all times
10)	<p>Access</p> <p>Construct a sealed rural access for access to Balnagowan Mandarana Road at the location shown on the approved plans, in accordance with Council's <i>Standard Drawing A3-08323 Typical Minor Access Details for Council Rural Roads</i>.</p>	Prior to commencement of use.
11)	<p>Sight Distance</p> <p>Provide calculations to demonstrate that the design vehicle sight distance for access to Balnagowan Mandarana Road and the Balnagowan Mandarana Road and Bruce Highway intersection achieves Safe Intersection Sight Distance (SISD) and Minimum Gap Sight Distance (MGSD) requirements in accordance with relevant Austroads standards. These calculations must be certified by a Registered Professional Engineering of Queensland (RPEQ) and submitted to Council for review as part of an Operational Works Application.</p> <p>Clearing within the Balnagowan Mandarana Road road reserve may be required to address any sight distance issues identified as part of detailed design. The extents of clearing required must be identified and submitted as part of the Operational Works Application.</p>	As part of any operational works Application.
12)	<p>Vehicle Manoeuvring</p> <p>Ensure the development allows all vehicles to drive forwards both when entering and leaving the property.</p>	At all times.
13)	<p>Stormwater Quality – Low Risk</p> <p>Develop and implement Stormwater Quality Best Management Practices (SQBMPs) in accordance with Council's <i>Planning Scheme Policy – Healthy Waters</i>.</p>	Prior to commencement of use.
14)	<p>Drainage Works</p> <p>Design and construct all necessary stormwater management and drainage works (internal and external to the land) required to satisfactorily drain the subject land. The subject land must be drained to the satisfaction of Council, incorporating:</p>	As part of operational works.

Condition	Timing
<ul style="list-style-type: none"> a) Drainage infrastructure in accordance with Council's <i>Planning Scheme Policy – Stormwater Design</i>; b) Ensure the dam does not affect the existing stormwater catchments; c) Provide detailed design drawings of all stormwater infrastructure required as a result of the development to Council for approval; and d) Carry out all works in accordance with the approved plan(s). 	
<p>15) Lawful Point of Discharge</p> <p>Direct all stormwater from the site (including roof water) to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development.</p> <p>The lawful point of discharge for this property is the open drain on the western side of Balnagowan Mandarana Road.</p>	At all times.
<p>16) Concentration of Stormwater</p> <ul style="list-style-type: none"> a) Ensure the development does not create ponding nuisances and/or a concentration of stormwater flows to adjoining properties. Stormwater formerly flowing onto the site must not be diverted onto other sites. The site shall be free draining. b) The runoff from upstream must not be mixed with the quarry operation area to ensure the quality of runoff downstream of the quarry satisfies the water quality objectives of the <i>State Planning Policy</i>. 	<p>At all times.</p> <p>As part of operational works.</p>
<p>17) Erosion and Sediment Control</p> <ul style="list-style-type: none"> a) Submit an Erosion and Sediment Control Program (ESCP) in accordance with Council's <i>Planning Scheme Policy – Healthy Waters</i>. b) The Erosion and Sediment Control Program must detail the devices and techniques used in every step of construction stage to manage and control erosion and sediments. It must also include the control measures taken to prevent erosion and sedimentation of stockpile areas. b) Obtain approval from Council for the Erosion and Sediment Control Program in accordance with a) above. c) Implement the approved Erosion and Sediment Control Program. 	<p>As part of any operational works Application.</p> <p>Prior to commencement of use.</p> <p>Prior to commencement of use.</p>
<p>18) Acid Sulfate Soils</p> <p>Submit, for approval by Council, a Site Based Acid Sulfate Soil Environmental Management Plan prepared by a suitably qualified professional if the proposed works trigger the State Planning Policy or Mackay Region Planning Scheme for acid sulfate soils.</p>	Prior to request for prestart meeting.
<p>19) Haulage of Fill/Spoil Material</p> <ul style="list-style-type: none"> a) Submit a Pavement Impact Assessment prepared by a Registered Professional of Queensland (RPEQ) identifying the impacts on the 	With the Construction Operational Works Application

Condition	Timing
<p>pavement condition of the Council controlled road in the identified haulage route due to increased heavy vehicle traffic movements associated with the bulk earthworks.</p> <p><i>Advisory Note: when measuring degradation, the road classification and its corresponding road standard under Council's desired standards of service must be applied.</i></p> <p>b) Obtain approval from Council for the Pavement Impact Assessment in accordance with a) above.</p> <p>c) Utilise the haulage route identified and certified in accordance with a) above for all truck movements associated with the bulk earthworks, unless otherwise approved by Council.</p>	
<p>20) Dust Management Plan</p> <p>a) Submit a Dust Management Plan incorporating the details and the frequency of the water truck for the access track internal to the subject site.</p> <p>b) Air pollution including dust generated by the Extractive Industry is managed within acceptable levels as outlined within the <i>Environmental Protection (Air) Policy 2019</i>.</p> <p>c) Obtain approval from Council for the Dust Management Plan in accordance with a) and b) above.</p>	As part of operational works.
<p>d) Implement the requirements and recommendations of the Dust Management Plan. The Dust Management Plan will form part of the approval.</p> <p>Dust suppression measures must be undertaken to ensure the dust does not cause a nuisance to surrounding areas and residents.</p> <p>All roads/storage area/external stockpiles/vacant or grazed areas must be maintained to avoid dust nuisance to any adjacent dwelling to the satisfaction of the Council.</p>	At all times.
<p>21) Fuel Storage</p> <p>Any storage of fuel onsite is to be in accordance with <i>AS1940-2004-Storage and Handling of Flammable and Combustible Liquids</i>.</p>	At all times.
<p>22) Weed Management</p> <p>In accordance with the <i>Biosecurity Act 2014</i> every person or organisation has a General Biosecurity Obligation to take all reasonable and practical measures to prevent or minimise the biosecurity risk.</p> <p>Weed management must be undertaken onsite in consultation with Council's Pest Management Officer and include:</p> <p>a) Regular spraying of invasive biosecurity matter to be conducted with appropriate chemical.</p> <p>b) No topsoil (up to 150mm deep) to be removed from site.</p>	At all times.

Condition		Timing
	<ul style="list-style-type: none"> c) Any contaminated material to be stockpiled on site and treated. d) All roadways, laneways and water courses to be kept weed free. e) Create and maintain a 10m weed free buffer zone around the perimeter of the site. f) Create a clean down area for machinery. This area is to be bunded and monitored for invasive biosecurity matter. If found it must be treated immediately. g) All equipment must be cleaned before leaving site. 	
23)	Safety and Warning Signage Safety and warning sign/signs must be provided, which communicate information about the facility-related safety issues and discourage unauthorised access. All signs must: <ul style="list-style-type: none"> a) Be satisfactorily visible, legible; b) Maintained at all times; and c) Located on the security fence. 	At all times.
24)	Site Rehabilitation At the completion of the approved extraction activity, rehabilitation of the construction area must be undertaken to the satisfaction of Council and include but not be limited to: <ul style="list-style-type: none"> a) Clean-up works including area of possible soil contamination by fuels or weeds etc. b) Landform and soil profiles which approximate those which were pre-existing on the site (excluding the dam areas and associated stormwater infrastructure). c) Monitoring for all aspects of the operations for 12 months d) Providing a stable and sustainable landform upon the cessation of operations. e) The disturbed areas are to be suitable for the future land use. 	After cessation of the extractive industry
25)	Operational Works a) Obtain an Operational Works – Development Permit for the following: <ul style="list-style-type: none"> i) Access ii) Stormwater; and iii) Earthworks. 	Prior to commencing any assessable works on-site.
	b) Submit a Construction Operational Works Notice to Commence Works for the following: <ul style="list-style-type: none"> i) Access ii) Stormwater; and iii) Earthworks. 	Prior to commencement of works.
Assessment Manager's Advice		
1)	Road Degradation	

Condition	Timing
	Council may be prepared to enter into an Infrastructure Agreement in relation to the works required due to accelerated maintenance caused by the haulage activities.
2)	Environmental Authority It is the Applicant/owner's responsibility to ensure all relevant Environmental Authority approvals are in place for any Environmentally Relevant Activity. Schedule 2 of the <i>Environmental Protection Regulation 2017</i> prescribes Environmentally Relevant Activities and their aggregate environmental scores.
3)	Environmental Nuisance Construction or operational activities, including but not limited to, the operation of mechanical plant and equipment, must not cause an 'environmental nuisance' within the meaning of the <i>Environmental Protection Act 1994</i> to any sensitive receptor as stated within Schedule 1 of the <i>Environmental Protection (Noise) Policy 2019</i> . It is the Applicant and owners responsibility to ensure compliance with Section 440R of the <i>Environmental Protection Act 1994</i> , which prohibits any construction, building and earthworks activities likely to cause audible noise (including the entry and departure of heavy vehicles) between the hours of 6:30pm and 6:30am from Monday to Saturday and at all times on Sundays or Public Holidays.
4)	Sedimentation Control It is the Applicant/owner's responsibility to ensure compliance with Chapter 8, Part 3C of the <i>Environmental Protection Act 1994</i> to prevent soil erosion and contamination of the stormwater drainage system and waterways.
5)	General Safety of Public During Construction It is the principal contractor's responsibility to ensure compliance with Section 19 (2) of the <i>Work Health and Safety Act 2011</i> . Section 19 (2) states that a person conducting a business or undertaking must ensure that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking. It is the responsibility of the person in control of the workplace to ensure compliance with Section 20 (2) of the <i>Work Health and Safety Act 2011</i> . Sections 20 (2) states that the person in control of the workplace is obliged to ensure that the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person.

Council Resolution ORD-2023-207

That Council approve the Development Application for Material Change of Use for an Extractive Industry over land at 86 Balnagowan Mandarana Road, The Leap described as Lot 3 on SP249122 subject to the following conditions:

Approved Plan(s) and Document(s)

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

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Quarry Area and Sediment Basin Sections	2435-02-SK06	Paragon Consulting Engineers Pty Ltd	19/09/2022
Bruce Highway Intersection SISD	2435-02-SK07	Paragon Consulting Engineers Pty Ltd	19/09/2022
Bruce Highway Intersection SISD	2435-02-SK08	Paragon Consulting Engineers Pty Ltd	19/09/2022
Bruce Highway Access	2435-02-SK09	Paragon Consulting Engineers Pty Ltd	19/09/2022

Condition		Timing
1)	<p>Carry Out the Approved Development</p> <p>Carry out the approved development generally in accordance with the approved plan(s) and document(s), and the following:</p> <ul style="list-style-type: none"> a) The specifications, facts and circumstances as set out in the Development Application submitted to Council, including recommendations and findings confirmed within technical reports; and b) The below conditions of approval and the requirements of Council's Planning Scheme and the relevant Planning Scheme Policies; and c) Where a discrepancy or conflict exists between the written conditions(s) of the approval and the approved plans, the requirements of the written condition(s) will prevail; and d) Except where modified by these conditions of approval. 	At all times.
2)	<p>Haulage Route Plan Required</p> <ul style="list-style-type: none"> a) Submit a Haulage Route Plan incorporating the following: <ul style="list-style-type: none"> i) Haulage route for the extracted material utilising Balnagowan Mandarana Road and the Bruce Highway and the type of truck being used to transport the material. b) Obtain approval from Council for the Haulage Route Plan in accordance with a) above. c) Implement the requirements and recommendations of the Haulage Route Plan. The approved Haulage Route Plan will form part of the approval. 	Prior to any approval for operational works.
3)	<p>Maintain the Approved Development</p> <p>Maintain the approved development generally in accordance with</p>	At all times.

Condition	Timing
the approved plan(s), document(s), conditions of approval, and any other approval required by the conditions.	
4) Damage to Infrastructure and Land Notify Council immediately if any Council infrastructure or land is damaged as a result of construction activities occurring and have it repaired, replaced or reinstated at no cost to Council.	At all times.
5) Notice of Intention to Commence Use Return the attached 'Notice of Intention to Commence Use' confirming that the development complies with all conditions of the approval.	Prior commencement to of use.
6) Premises Hours of Operation Ensure the hours of operation are limited to 6.00am to 6.00pm Monday to Saturday excluding public holidays.	At all times.
7) Extent and limit of extraction a) The extraction of material/spoil from the subject site is limited to: <ul style="list-style-type: none"> i) Up to a maximum of 50,000 tonne per annum; and ii) Up to maximum of 372,675 tonnes in total; or iii) Up to 15 years from the commencement of use, whichever occurs first. b) Ensure the limit of extraction is delineated by the plan titled General Layout dated 19 September 2022.	At all times.
8) Blasting Extraction by blasting is not permitted.	At all times
9) Extraction Method Extraction is to be undertaken by mechanical means and limited to one excavator at any given time.	At all times
10) Access Construct a sealed rural access for access to Balnagowan Mandarana Road at the location shown on the approved plans, in accordance with Council's <i>Standard Drawing A3-08323 Typical Minor Access Details for Council Rural Roads</i> .	Prior commencement to of use.
11) Sight Distance Provide calculations to demonstrate that the design vehicle sight distance for access to Balnagowan Mandarana Road and the Balnagowan Mandarana Road and Bruce Highway intersection achieves Safe Intersection Sight Distance (SISD) and Minimum Gap Sight Distance (MGSD) requirements in accordance with relevant Austroads standards. These calculations must be certified by a Registered Professional Engineering of Queensland (RPEQ) and submitted to Council for review as part of an Operational Works Application.	As part of any operational works Application.

Condition		Timing
	Clearing within the Balnagowan Mandarana Road road reserve may be required to address any sight distance issues identified as part of detailed design. The extents of clearing required must be identified and submitted as part of the Operational Works Application.	
12)	Vehicle Manoeuvring Ensure the development allows all vehicles to drive forwards both when entering and leaving the property.	At all times.
13)	Stormwater Quality – Low Risk Develop and implement Stormwater Quality Best Management Practices (SQBMPs) in accordance with Council's <i>Planning Scheme Policy – Healthy Waters</i> .	Prior to commencement of use.
14)	Drainage Works Design and construct all necessary stormwater management and drainage works (internal and external to the land) required to satisfactorily drain the subject land. The subject land must be drained to the satisfaction of Council, incorporating: a) Drainage infrastructure in accordance with Council's <i>Planning Scheme Policy – Stormwater Design</i> ; b) Ensure the dam does not affect the existing stormwater catchments; c) Provide detailed design drawings of all stormwater infrastructure required as a result of the development to Council for approval; and d) Carry out all works in accordance with the approved plan(s).	As part of operational works.
15)	Lawful Point of Discharge Direct all stormwater from the site (including roof water) to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development. The lawful point of discharge for this property is the open drain on the western side of Balnagowan Mandarana Road.	At all times.
16)	Concentration of Stormwater a) Ensure the development does not create ponding nuisances and/or a concentration of stormwater flows to adjoining properties. Stormwater formerly flowing onto the site must not be diverted onto other sites. The site shall be free draining.	At all times.
	b) The runoff from upstream must not be mixed with the quarry operation area to ensure the quality of runoff downstream of the quarry satisfies the water quality objectives of the <i>State Planning Policy</i> .	As part of operational works.
17)	Erosion and Sediment Control a) Submit an Erosion and Sediment Control Program (ESCP) in accordance with Council's <i>Planning Scheme Policy – Healthy Waters</i> . b) The Erosion and Sediment Control Program must detail the devices and	As part of any operational works Application.

Condition		Timing
	<p>techniques used in every step of construction stage to manage and control erosion and sediments. It must also include the control measures taken to prevent erosion and sedimentation of stockpile areas.</p> <p>b) Obtain approval from Council for the Erosion and Sediment Control Program in accordance with a) above.</p> <p>c) Implement the approved Erosion and Sediment Control Program.</p>	<p></p> <p>Prior to commencement of use.</p> <p>Prior to commencement of use.</p>
18)	<p>Acid Sulfate Soils</p> <p>Submit, for approval by Council, a Site Based Acid Sulfate Soil Environmental Management Plan prepared by a suitably qualified professional if the proposed works trigger the State Planning Policy or Mackay Region Planning Scheme for acid sulfate soils.</p>	<p>Prior to request for prestart meeting.</p>
19)	<p>Haulage of Fill/Spoil Material</p> <p>a) Submit a Pavement Impact Assessment prepared by a Registered Professional of Queensland (RPEQ) identifying the impacts on the pavement condition of the Council controlled road in the identified haulage route due to increased heavy vehicle traffic movements associated with the bulk earthworks.</p> <p><i>Advisory Note: when measuring degradation, the road classification and its corresponding road standard under Council's desired standards of service must be applied.</i></p> <p>b) Obtain approval from Council for the Pavement Impact Assessment in accordance with a) above.</p> <p>c) Utilise the haulage route identified and certified in accordance with a) above for all truck movements associated with the bulk earthworks, unless otherwise approved by Council.</p>	<p>With the Construction Operational Works Application</p>
20)	<p>Dust Management Plan</p> <p>a) Submit a Dust Management Plan incorporating the details and the frequency of the water truck for the access track internal to the subject site.</p> <p>b) Air pollution including dust generated by the Extractive Industry is managed within acceptable levels as outlined within the <i>Environmental Protection (Air) Policy 2019</i>.</p> <p>c) Obtain approval from Council for the Dust Management Plan in accordance with a) and b) above.</p>	<p>As part of operational works.</p>
	<p>d) Implement the requirements and recommendations of the Dust Management Plan. The Dust Management Plan will form part of the approval.</p> <p>Dust suppression measures must be undertaken to ensure the dust does not cause a nuisance to surrounding areas and residents.</p>	<p>At all times.</p>

Condition		Timing
	All roads/storage area/external stockpiles/vacant or grazed areas must be maintained to avoid dust nuisance to any adjacent dwelling to the satisfaction of the Council.	
21)	Fuel Storage Any storage of fuel onsite is to be in accordance with <i>AS1940-2004-Storage and Handling of Flammable and Combustible Liquids</i> .	At all times.
22)	Weed Management In accordance with the <i>Biosecurity Act 2014</i> every person or organisation has a General Biosecurity Obligation to take all reasonable and practical measures to prevent or minimise the biosecurity risk. Weed management must be undertaken onsite in consultation with Council's Pest Management Officer and include: a) Regular spraying of invasive biosecurity matter to be conducted with appropriate chemical. b) No topsoil (up to 150mm deep) to be removed from site. c) Any contaminated material to be stockpiled on site and treated. d) All roadways, laneways and water courses to be kept weed free. e) Create and maintain a 10m weed free buffer zone around the perimeter of the site. f) Create a clean down area for machinery. This area is to be bunded and monitored for invasive biosecurity matter. If found it must be treated immediately. g) All equipment must be cleaned before leaving site.	At all times.
23)	Safety and Warning Signage Safety and warning sign/signs must be provided, which communicate information about the facility-related safety issues and discourage unauthorised access. All signs must: a) Be satisfactorily visible, legible; b) Maintained at all times; and c) Located on the security fence.	At all times.
24)	Site Rehabilitation At the completion of the approved extraction activity, rehabilitation of the construction area must be undertaken to the satisfaction of Council and include but not be limited to: a) Clean-up works including area of possible soil contamination by fuels or weeds etc. b) Landform and soil profiles which approximate those which were pre-existing on the site (excluding the dam areas and associated stormwater infrastructure). c) Monitoring for all aspects of the operations for 12 months d) Providing a stable and sustainable landform upon the cessation of operations.	After cessation of the extractive industry

Condition		Timing
	e) The disturbed areas are to be suitable for the future land use.	
25)	Operational Works	
	a) Obtain an Operational Works – Development Permit for the following: <ul style="list-style-type: none"> i) Access ii) Stormwater; and iii) Earthworks. 	Prior to commencing any assessable works on-site.
	b) Submit a Construction Operational Works Notice to Commence Works for the following: <ul style="list-style-type: none"> i) Access ii) Stormwater; and iii) Earthworks. 	Prior to commencement of works.

Assessment Manager's Advice	
1)	Road Degradation <p>Council may be prepared to enter into an Infrastructure Agreement in relation to the works required due to accelerated maintenance caused by the haulage activities.</p>
2)	Environmental Authority <p>It is the Applicant/owner's responsibility to ensure all relevant Environmental Authority approvals are in place for any Environmentally Relevant Activity. Schedule 2 of the <i>Environmental Protection Regulation 2017</i> prescribes Environmentally Relevant Activities and their aggregate environmental scores.</p>
3)	Environmental Nuisance <p>Construction or operational activities, including but not limited to, the operation of mechanical plant and equipment, must not cause an 'environmental nuisance' within the meaning of the <i>Environmental Protection Act 1994</i> to any sensitive receptor as stated within Schedule 1 of the <i>Environmental Protection (Noise) Policy 2019</i>.</p> <p>It is the Applicant and owners responsibility to ensure compliance with Section 440R of the <i>Environmental Protection Act 1994</i>, which prohibits any construction, building and earthworks activities likely to cause audible noise (including the entry and departure of heavy vehicles) between the hours of 6:30pm and 6:30am from Monday to Saturday and at all times on Sundays or Public Holidays.</p>
4)	Sedimentation Control <p>It is the Applicant/owner's responsibility to ensure compliance with Chapter 8, Part 3C of the <i>Environmental Protection Act 1994</i> to prevent soil erosion and contamination of the stormwater drainage system and waterways.</p>
5)	General Safety of Public During Construction <p>It is the principal contractor's responsibility to ensure compliance with Section 19 (2) of the <i>Work Health and Safety Act 2011</i>. Section 19 (2) states that a person conducting a business or undertaking must ensure that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.</p>

Assessment Manager's Advice	
	<p>It is the responsibility of the person in control of the workplace to ensure compliance with Section 20 (2) of the <i>Work Health and Safety Act 2011</i>. Sections 20 (2) states that the person in control of the workplace is obliged to ensure that the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person.</p>

Moved Cr Green

Seconded Cr Bonaventura
CARRIED UNANIMOUSLY

11.4.5. SARINA BEACH LOCAL COASTAL PLAN

Author	Senior Environmental Planner (Mark Ryan)
Responsible Officer	Director Development Services (Aletta Nugent)
File Number	Sarina Beach Local Coastal Plan

Attachments	1. Sarina Beach Local Coastal Plan 2023 [11.4.5.1 - 81 pages]
	2. Sarina Beach Local Coastal Plan 2023 - Summary and Highlights [11.4.5.2 - 11 pages]
	3. Community Engagement Report - Sarina Beach Local Coastal Plan [11.4.5.3 - 53 pages]

Purpose

To seek Council's endorsement of the Sarina Beach Local Coastal Plan.

Related Parties

- Sarina Beach Progress Association (SBPA)
- Sarina Beach Motel
- Sarina Landcare Catchment Management Association (SLCMA)

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.

Financial Strength

Resilient and Agile Economy - Our long-term vision guides our planning for present and future needs, understanding the future implications of decisions made today.

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

The former Beach Plan for Sarina Beach was developed by the Sarina Shire Council in 2008 to assist with coastal management and rehabilitation works. Mackay Regional Council undertook to update this plan by developing a Local Coastal Plan (LCP) for Sarina Beach. The LCP describes the environmental and social values of the coastal unit, as well as the key threats and management issues. Key management measures include weed management, formalising a new beach access, revegetation to assist with dune stabilisation, investigating recreational opportunities and addressing illegal vehicle access to Sarina Beach and Johnsons Beach.

A copy of the LCP that is recommended for endorsement is included in Attachment 1, with the Summary and Highlights document in Attachment 2.

This report was presented to Council for consideration at the meeting on 21 June 2023 and was laid on the table. A briefing was held with Councillors on 12 July 2023 to discuss changes made to the LCP following public consultation and to answer any additional questions in relation to the LCP. Following the briefing, minor

amendments were made to the LCP to update the date of the document to 2023 and to clarify that any observation deck investigated in accordance with action 12.1 would only be constructed subject to budget availability and prioritisation as part of Council's annual capital works program.

Consultation and Communication

The community was consulted to obtain feedback on the draft LCP. The results of this engagement is summarised in the Community Engagement Report (September 2022) shown in Attachment 3. Where appropriate, feedback was considered and incorporated into the final LCP document.

Council was briefed on the draft LCP on 25 May 2022 and 30 November 2022. A further briefing was held on 12 July 2023 after this report was laid on the table at the Council meeting on 21 June 2023.

Resource Implications

Once the LCP is adopted, the management measures outlined in the plan will be incorporated into Parks & Environment Program operations, influencing the Program's operational budget and staffing requirements. The need for additional budget will be minimised through a scheduled work program utilising internal staff and existing levels of service.

Risk Management Implications

Significant community consultation has been undertaken as part of this project, contributing to public understanding and ownership of the LCP.

Conclusion

The Sarina Beach LCP has been finalised and is recommended for Council endorsement. The endorsed Plan will be uploaded to Mackay Regional Council's website and recommended activities will be incorporated into the operational activities of the Parks & Environment Program.

Officer's Recommendation

THAT Council endorses the Sarina Beach Local Coastal Plan.

The following attendees in the public gallery addressed Council:-

Meaghan Thompson, Owner of Sarina Beach Motel spoke against aspects of the report.

Terry Clarke, President, Sarina Beach Progress Association spoke against aspects of the report.

John Cassell, Secretary, Sarina Beach Progress Association spoke against aspects of the report.

Council Resolution ORD-2023-214

THAT Council endorses the Sarina Beach Local Coastal Plan.

Moved Cr May

Seconded Cr Green
LOST

Mayor Williamson, Crs May, Englert, Hassan and Cr Green voted for the motion.

Crs Bella, Bonaventura, Jones, Mann, Seymour, Townsend voted against the motion.

Cr Jones advised that she would like to move an alternate motion. Mayor Williamson advised that he would now accept the alternate motion.

Council Resolution ORD-2023-215

THAT in accordance with section 254H of the *Local Government Regulation 2012*, the following are recorded as reasons in support of a decision made at a local government meeting inconsistent with a recommendation or advice given to the local government by an advisor of the local government –

- 1. A viewing platform is not required at this site as there is an existing viewing area at Captain Blackwood Drive**
- 2. The existing viewing area at Captain Blackwood Drive has elevation that commands extensive views of the surrounding coastline.**
- 3 Maintaining views from the Captain Blackwood Drive is noted in section 14.1.**

FURTHER THAT Council endorses the Sarina Beach Local Coastal Plan subject to action 12.1 being amended to read “Formalise an additional beach access between SAR01 and SAR02”.

FURHER THAT action 14.1 being amended to “High “priority.

Moved Cr Jones

Seconded Cr Bella
CARRIED

Mayor Williamson, Crs Bella, Bonaventura, Jones, Mann, Seymour, Townsend voted for the alternate motion.

Crs May, Englert, Hassan and Green voted against the alternate motion.

11.5. ENGINEERING AND COMMERCIAL INFRASTRUCTURE

11.5.1. CONTRACTUAL ARRANGEMENT TENDERING EXEMPTION 'TRILITY PTY LTD' - SOLE SUPPLIER ARRANGEMENTS

Author	Executive Assistant (Robyn Smith)
Responsible Officer	Director Engineering & Commercial Infrastructure (Jason Devitt)
File Reference	Water Treatment Plant
Attachments	Nil

Purpose

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

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

The continuation of critical services with this existing contractor who is developing the platform to Council's requirements to ensure Council can accurately analyse information in a timely manner.

Related Parties

The parties relating to this report are as follows:

- TRILITY Pty Limited

Corporate Plan Linkage

Financial Strength

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

Operational Excellence

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

Background/Discussion

Water Treatment has a number of treatment plants within its Program that treat potable water and wastewater. These sites are run on Programmable Logical Controllers (PLCs) with Supervisory Control and Data Acquisition (SCADA) being utilised for the user interface for monitoring and controlling the plants. SCADA Data from the running and monitoring of the sites, plus sample test results are often utilised to optimise the operations of each of the plants. Currently this is being completed by manual data extraction and analysis, sometimes outsourced to consultants.

The procurement and implementation of Artificial Intelligence Software specifically for Treatment Plants provides an opportunity to optimise Council's Wastewater and Drinking Water Treatment facilities. A software package

with a broad analysis of variables is able to undertake this task of optimisation at a level not possible by individuals and across multiple facets, including electricity usage for pumps and aeration blowers, chemical usage for a number of treatment functions and protocols for the operation of filter backwashing, and all have the potential for operational savings and extended equipment life.

The project drivers are primarily cost savings through resource efficiency, asset optimisation and reduced chemical and electrical consumption. Secondary to this is the ability of the software to assist operators and engineers in the running and future planning for the plants.

A Business Case was prepared and supported by the Executive Leadership Team (ELT) in early 2022 to implement KOIOS Datalytix due to its lower capital investment cost to Council, the ability to roll it out to 19 treatment sites and potential for significant return on investment. The expected timeframe to implement this is six months from procurement. This option is expected to save Council savings over five years, net of project costs.

If the project does not proceed, Council would need to utilise additional cost and human resources and/or consultant costs to provide a similar level of optimisation.

By approving the below supplier as a specialist supplier, it will permit the supplier to be re-engaged to continue the provision of the required services on expiry of their existing agreed terms or until such time as it is deemed as no longer suiting Mackay Regional Council's business needs.

Supplier	Description/Justification
TRILITY Pty Limited	KDX Software as a Service Agreement Agreement Details

Consultation and Communication

Consultation has been undertaken with the following:

- Relevant Water Services Program Managers
- Chief Operating Officer Water & Waste Services
- Director Engineering & Commercial Infrastructure
- Manager Procurement & Plant
- Manager Information Services

Resource Implications

Council's Relevant Programs manage the ongoing financial component for the service provider. These costs have been included in the 2023/2024 Financial Year's Operational budget for the relevant Programs.

Risk Management Implications

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

- Public Liability \$20,000,000.00

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

Conclusion

Due to anticipated financial cost savings and environmental benefits to Council of using the nominated supplier, it is recommended that under Section 235(b) of *the Local Government Regulations* that Council resolve that due to the specific nature of the service that it is impractical for Council to invite tenders.

Officer's Recommendation

THAT pursuant to *Section 235(b) Local Government Regulations*, Council resolves that because of the specific nature of the service, it would be impractical and disadvantageous for Council to invite quotes or tenders for the supply by suppliers other than the original supplier.

- TRILITY Pty Limited

Council Resolution ORD-2023-208

THAT pursuant to *Section 235(b) Local Government Regulation 2012*, Council resolves that because of the specific nature of the service, it would be impractical and disadvantageous for Council to invite quotes or tenders for the supply by suppliers other than the original supplier.

- TRILITY Pty Limited

Moved Cr Hassan

Seconded Cr Mann
CARRIED UNANIMOUSLY

11.5.2. CONTRACTUAL ARRANGEMENT TENDERING EXEMPTION - 'METROCOUNT' - SOLE SUPPLIER ARRANGEMENTS

Author Manager Transport & Drainage Infrastructure Planning
Responsible Officer Director Engineering & Commercial Infrastructure (Jason Devitt)
File Reference Information Services Applications General

Attachments Nil

Purpose

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

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

Related Parties

The parties relating to this report are as follows:

- Metrocount

Background/Discussion

In previous years Council has procured specialist software & equipment that can only be maintained and supported by the manufacturer and supplier of this equipment.

Given the company is not serviced by a Local Buy supply contract and is the manufacturer, repairer and developer of supporting software it is recommended to approve this supplier as a specialist or sole supplier. This will permit the suppliers to be re-engaged to continue the provision of the required services on expiry of their existing agreed terms until such time as the mentioned equipment and software have been deemed as no longer suiting Mackay Regional Council's business needs.

Supplier	Description/Justification
Metrocount	RoadPod VT 5900 PlusB and accessories RidePod BT 5926 PlusB and accessories Metrocount Executive Software

Perpetual contractual arrangements with this supplier are necessary to ensure the existing Traffic Classifier equipment and software can be maintained, replaced and repaired for the life of the assets.

Consultation and Communication

Consultation has been held with Procurement and Plant to ensure the process to engage the supplier as noted above, identifies Council's current requirements while adhering to relevant legislation requirements.

Resource Implications

Council's Transport & Drainage Infrastructure Planning (TDIP) program manages the ongoing financial component for identified supplier. These costs have been included in the 2023/2024 Financial Year's operational budget for maintenance works and capital budget for asset replacement.

Risk Management Implications

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

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

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

Conclusion

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

Officer's Recommendation

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

- Metrocount

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

Council Resolution ORD-2023-209

THAT pursuant to s235 (b) of *Local Government Regulation 2012*, Council resolves that because of the specialist nature of the equipment and software, it would be impractical and disadvantageous for Council to invite quotes or tenders for supply by suppliers other than the original supplier, being the following nominated supplier.

- **Metrocount**

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

Moved Cr Townsend

Seconded Cr Hassan
CARRIED UNANIMOUSLY

11.6. ORGANISATIONAL SERVICES

11.6.1. LEASE RENEWAL - YAMADI YUMI META ASSOCIATION

Author	Land and Property Officer (Jacinta Pollock Bonnett)
Responsible Officer	Director Organisational Services (Angela Hays)
File Reference	Current Securities Lease 300 Loughnane Court NORTH MACKAY QLD 4740

Attachments

1. YYMA Aerial View [11.6.1.1 - 1 page]

Purpose

To consider a lease renewal request for Yamadi Yumi Meta Association Inc for a total area of approximately 365 square meters being part of Lot 1 on SP262693, known as 6 Swayne Street, North Mackay for a period of ten (10) years with such lease to commence on 1 September 2023.

Related Parties

Yamadi Yumi Meta Association Inc.

Corporate Plan Linkage

Live and Visit

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

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

Background/Discussion

Yamadi Yumi Meta Association Inc (YYMA) provides quality culturally appropriate Home, Community and Aged Care Services to aged and younger disabled people from Aboriginal, Torres Strait Islander and Australian South Sea Islander backgrounds and their carers', within the Mackay district.

In 2002, YYMA approached Rotary Club of Mackay West Inc who were the lease holders of this parcel of land at the time, for a sublease and consent to erect a storage shed for their bus/vehicles to be stored. The Rotary Club were in agreeance and the shed was erected in mid-2002. This agreement was in place for ten (10) years when the Rotary Club decided to surrender the lease in 2012, and the YYMA were granted a ten (10) year lease in 2013, which is due to expire 31 August 2023.

YYMA have advised the association still requires the premises to store their buses/vehicles and wish to proceed with renewing their lease for a further ten (10) year period.

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

Therefore, Council is not required to tender this before approving a new Lease Agreement.

Consultation and Communication

Representatives of Yamadi Yumi Meta Association Inc, Legal Counsel, Manager Property Services, Supervisor Land Operations, Land and Property Officer, and Commercial Lease and Property Officer.

Resource Implications

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

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

Risk Management Implications

YYMA provide services to Aboriginal, Torres Strait Islander and Australian South Sea Islander's and should the lease not be renewed, both our community and region would not be able to benefit from the opportunities that arise from such a community group.

Conclusion

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

Officer's Recommendation

THAT Council

1. Resolves that an exemption applies under Section 236 (1) (b) (ii) of the *Local Government Regulation 2012*, “a local government may dispose of a valuable non-current asset other than by tender or auction if – the valuable non-current asset is disposed of to a community organisation”; and
2. Approves a new lease for Yamadi Yumi Meta Association Inc for a total area of approximately 365 square meters being part of Lot 1 on SP262693, known as 6 Swayne Street, North Mackay for a period of ten (10) years with such lease to commence on 1 September 2023.

Council Resolution ORD-2023-210

THAT Council

1. **Resolves that an exemption applies under Section 236 (1) (b) (ii) of the *Local Government Regulation 2012*, “a local government may dispose of a valuable non-current asset other than by tender or auction if – the valuable non-current asset is disposed of to a community organisation”; and**
2. **Approves a new lease for Yamadi Yumi Meta Association Inc for a total area of approximately 365 square meters being part of Lot 1 on SP262693, known as 6 Swayne Street, North Mackay for a period of ten (10) years with such lease to commence on 1 September 2023.**

Moved Cr Townsend

Seconded Cr Jones
CARRIED UNANIMOUSLY

11.6.2. LEASE RENEWAL - MACKAY CONTRACT BRIDGE CLUB INC

Author	Land and Property Officer (Jacinta Pollock Bonnett)
Responsible Officer	Director Organisational Services (Angela Hays)
File Reference	Current Securities Lease 80, 414 Shakespeare Street, WEST MACKAY QLD 4740

Attachments

1. MCB Aerial View [11.6.2.1 - 1 page]

Purpose

To consider a lease renewal request for Mackay Contract Bridge Club Inc for a total area of approximately 1012 square meters being part of Lot 449 on SP112233, known as 414 Shakespeare Street, West Mackay for a period of ten (10) years with such lease to commence on 1 December 2023.

Related Parties

Mackay Contract Bridge Club Inc

Corporate Plan Linkage

Live and Visit

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

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 Contract Bridge Club Inc (MCB) have leased the site since 1979, inviting people from across the region's various communities to learn to play and compete in Contract Bridge.

Every four years, MBC hosts the Barrier Reef Congress event which alternates between Mackay, Yeppoon, Townsville and Cairns. The next scheduled event for Mackay is in May 2024. This is a gold-point event, attracting players from all over Australia and overseas. MCB promote the Mackay Region in their advertising brochure for the event.

MCB have advised the club still requires the premises to continue playing and completing in Contract Bridge and wish to proceed with renewing their lease for a further ten (10) year period.

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

Therefore, Council is not required to tender this before approving a new Lease Agreement.

Consultation and Communication

Representatives of Mackay Contract Bridge Club Inc, Legal Counsel, Manager Property Services, Supervisor Land Operations, Land and Property Officer, and Commercial Lease and Property Officer.

Resource Implications

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

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

Risk Management Implications

MCB have been located on this site since 1979, welcoming people from across the region to play and compete in Contract Bridge. Should the lease not be renewed, both our community and region would not be able to benefit from the opportunities that arise from such a community group.

Conclusion

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

Officer's Recommendation

THAT Council

1. Resolves that an exemption applies under Section 236 (1) (b) (ii) of the Local Government Regulation 2012, "a local government may dispose of a valuable non-current asset other than by tender or auction if – the valuable non-current asset is disposed of to a community organisation;" and
2. Approves a new lease for Mackay Contract Bridge Club Inc for a total area of approximately 1012 square meters being part of Lot 449 on SP112233 known as 414 Shakespeare Street, West Mackay for a period of ten (10) years with such lease to commence on 1 December 2023.

Council Resolution ORD-2023-211

THAT Council

1. **Resolves that an exemption applies under Section 236 (1) (b) (ii) of the *Local Government Regulation 2012*, "a local government may dispose of a valuable non-current asset other than by tender or auction if – the valuable non-current asset is disposed of to a community organisation;" and**
2. **Approves a new lease for Mackay Contract Bridge Club Inc for a total area of approximately 1012 square meters being part of Lot 449 on SP112233 known as 414 Shakespeare Street, West Mackay for a period of ten (10) years with such lease to commence on 1 December 2023.**

Moved Cr Green

Seconded Cr Townsend
CARRIED UNANIMOUSLY

11.6.3. COMLINK AUSTRALIA LTD - LEASE RENEWAL

Author	Land and Property Officer (Jacinta Pollock Bonnett)
Responsible Officer	Director Organisational Services (Angela Hays)
File Reference	Current Securities Lease 289 9 Loughnane Court NORTH MACKAY QLD 4740

Attachments

1. Comlink Aerial View (1) [11.6.3.1 - 1 page]

Purpose

To consider a lease renewal request for Comlink Australia Ltd for a total area of approximately 858 square meters being part of Lot 1 on SP262693, known as 6 Swayne Street, North Mackay for a period of ten (10) years with such lease to commence on 1 September 2023.

Related Parties

Comlink Australia Ltd

Corporate Plan Linkage

Live and Visit

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

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

Background/Discussion

In 2000 Council entered into a lease with Rotary Club of Mackay West Inc, who formed an agreement with Mackay Golden Years Bus Service to establish their facility and commence service deliveries prior to being an incorporated body. The services provided by Mackay Golden Years (later to become HTM Community Transport Inc.) grew and there became a requirement for more space.

When Rotary surrendered their lease in 2012, HTM approached Council for a lease agreement over part of the area, with the remaining area leased to Yamadi Yumi Meta Association Inc. Council approved the ten (10) year lease which commenced in 2013, however due to financial difficulties, HTM assigned the lease to Comlink Australia Ltd (Comlink) in 2017.

Comlink is a non-profit organisation delivering health and wellbeing services to help people live and age well in their homes and communities. Comlink provide home care packages, home support and transport services, allowing people to live independently in their own home for longer.

Comlink have advised the association still requires the premises to store their vehicles and wish to proceed with renewing their lease for a further ten (10) year period.

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

Therefore, Council is not required to tender this before approving a new Lease Agreement.

Consultation and Communication

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

Resource Implications

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

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

Risk Management Implications

Comlink provide home care packages, home support and transport services to elderly members of the Mackay region, and should the lease not be renewed, both our community and region would not be able to benefit from the opportunities that arise from such a community group.

Conclusion

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

Officer's Recommendation

THAT Council

1. Resolves that an exemption applies under Section 236 (1) (b) (ii) of the Local Government Regulation 2012, "a local government may dispose of a valuable non-current asset other than by tender or auction if – the valuable non-current asset is disposed of to a community organisation;" and
2. Approves a new lease for Comlink Australia Ltd for a total area of approximately 858 square meters being part of Lot 1 on SP262693, known as 6 Swayne Street, North Mackay for a period of ten (10) years with such lease to commence on 1 September 2023.

Council Resolution ORD-2023-212

THAT Council

1. Resolves that an exemption applies under Section 236 (1) (b) (ii) of the *Local Government Regulation 2012*, "a local government may dispose of a valuable non-current asset other than by tender or auction if – the valuable non-current asset is disposed of to a community organisation;" and
2. Approves a new lease for Comlink Australia Ltd for a total area of approximately 858 square meters being part of Lot 1 on SP262693, known as 6 Swayne Street, North Mackay for a period of ten (10) years with such lease to commence on 1 September 2023.

Moved Cr Jones

Seconded Cr Green
CARRIED UNANIMOUSLY

11.6.4. STRATEGIC FINANCIAL REPORT - JUNE 2023

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

Attachments	1. Strategic Financial Report - June 2023 [11.6.4.1 - 22 pages]
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Purpose

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

Related Parties

Nil

Corporate Plan Linkage

Financial Strength

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

Background/Discussion

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

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

Consultation and Communication

Chief Executive Officer, Directors, Acting Manager Financial Services.

Resource Implications

As part of the 2023/2024 budget, a report on the Estimated Financial Position for 2022/2023 was provided. The report suggested the actual operating result would be ~\$0.8M deficit at financial year end based on the projections available at the time of writing the report.

The final financial position will be provided in August after closing of all end of financial year requirements. The current operating deficit for the period ending June 2023 is ~\$2.5M. Financial movement is still anticipated through the finalisation of year-end accounting entries. This includes validation and finalisation of accounts and the recognition of expenditure associated with provision movements post this report. There is no new material information known at the time of writing this report.

Risk Management Implications

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

Conclusion

For the period ending June 2023, MRC reported an unfavourable operating variance of \$3.0M against YTD budget. Operating expenditure is reporting above YTD budget, primarily in materials and services and employee benefits. Revenue is reporting above current month forecast for the reporting period.

Capital expenditure is reporting above YTD expenditure, with \$109.8M to date expended in the delivery of Council Projects (\$107.1M capital expenditure and \$2.7M operational expenditure) with a number of projects being delivered ahead of schedule. Council projects include accrued expenditure for works in progress and associated operational costs expended in the delivery of these works.

Projects with multi-year delivery timeframes will be reviewed for budget carry overs to 2023/2024 financial year.

Officer's Recommendation

THAT the Strategic Financial Report for June 2023 be received.

Council Resolution ORD-2023-213

THAT the Strategic Financial Report for June 2023 is received.

Moved Cr Williamson

Seconded Cr Jones
CARRIED UNANIMOUSLY

12. RECEIPT OF PETITIONS

Nil.

13. TENDERS

Nil.

14. CONSIDERATION OF NOTIFIED MOTIONS

Nil.

15. PUBLIC PARTICIPATION

Nil

16. LATE BUSINESS

Nil.

17. CONFIDENTIAL REPORTS

17.1. APPROVED CONCESSIONS UNDER THE FACILITATING DEVELOPMENT IN THE MACKAY REGION POLICY - JUNE 2023

Confidential

Confidential Report was forwarded separately.

Council Resolution ORD-2023-214

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

Moved Cr Mann

**Seconded Cr Hassan
CARRIED UNANIMOUSLY**

17.2. APPROVED SPONSORSHIP UNDER THE INVEST MACKAY EVENTS AND CONFERENCE ATTRACTION PROGRAM - JUNE 2023

Confidential

Confidential Report was forwarded separately.

Council Resolution ORD-2023-215

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

Moved Cr Mann

**Seconded Cr Hassan
CARRIED UNANIMOUSLY**

17.3. DRAFT MINUTES - INVEST MACKAY EVENTS AND CONFERENCE ATTRACTION PROGRAM ADVISORY COMMITTEE - 3 JULY 2023

Confidential

Confidential Report was forwarded separately.

Council Resolution ORD-2023-216

THAT the draft minutes of the Invest Mackay Events and Conference Attraction Program Advisory Committee meeting dated 3 July 2023 be received.

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

AND THAT funding as recommended by the Invest Mackay Events and Conference Attraction Program Advisory Committee for Item 4.2 be approved.

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

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

Moved Cr Hassan

Seconded Cr Townsend
CARRIED UNANIMOUSLY

17.4. SALE OF LAND FOR OVERDUE RATES & CHARGES - 2023

Confidential

Confidential Report was forwarded separately.

Council Resolution ORD-2023-217

THAT pursuant to section 140(2) of the *Local Government Regulation 2012*, Council sells the land described below in “Schedule A – List of Properties” for overdue rates and charges; and

THAT Council delegates to the Chief Executive Officer its power to take all further steps under Chapter 4, Part 12, Division 3 of the *Local Government Regulation 2012* to effect sale of the land or to end the sale procedures if appropriate.

Moved Cr Mann

Seconded Cr Townsend
CARRIED UNANIMOUSLY

18. MEETING CLOSURE

Meeting closed at 11:28 am.

19. FOR INFORMATION ONLY

19.1. DEVELOPMENT APPLICATIONS - JUNE 2023

Nil

19.2. BUILDING WORKS STATISTICS - JUNE 2023

Nil

Confirmed on Wednesday

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MAYOR