



AGENDA

Ordinary Meeting

**To be held at Council Chambers
Sir Albert Abbott Administration Building
73 Gordon Street, Mackay**

On Wednesday 13 December 2023

Commencing at 10:00 AM

ORDER OF BUSINESS

ITEM	PAGE
1. Attendance.....	4
2. Opening Prayer	4
3. Absent on Council Business	4
4. Apologies.....	4
5. Condolences.....	4
6. Conflict of Interest	4
7. Confirmation of Minutes	4
8. Business Arising out of Previous Minutes	4
9. Mayoral Minutes	5
10. Consideration of Committee Reports & Recommendations.....	5
11. Correspondence and Officer's Reports	5
11.1. Office of the Mayor and CEO.....	5
11.1.1. Mayor's Monthly Review Report	5
11.1.2. Chief Executive Officers Monthly Review Report - November 2023	6
11.2. Organisational Capability and Risk	7
11.2.1. Legislative Delegations.....	7
11.2.2. Adoption of Council Policies	10
11.3. Community Services	14
11.4. Planning, Growth & Sustainability.....	14
11.4.1. Facilitating Development in the Mackay Region Policy Review (Policy 81)	14
11.4.2. Amendment to Adopted Charges Resolution	18
11.4.3. Facilitating Development in the Mackay Region Policy – Northern Beaches Bowls Club Redevelopment - 2 and 14-20 Rosewood Drive, Rural View	23
11.4.4. DA-2018-165 Material Change of Use - Undefined Use (Sarina Beach Eco Village) including a Variation Request	29
11.4.5. Mackay Coast Our Future Study - Coastal Hazard Adaptation Strategy (CHAS)	47
11.5. Infrastructure and Operations.....	51
11.5.1. Lease Renewal - Eimeo Surf Life Saving Club.....	51
11.5.2. Lease Renewal - Eimeo Surf Life Saving Club Inc and Sunset Bay Outrigger Canoe Racing Association Club Inc	53
11.5.3. Lease Renewal - Mackay Riding for Disabled Association Inc.....	55


11.5.4. Draft Northern Beaches Community Hub Reference Group - Minutes - 22 November 2023	58
11.6. Corporate Services	59
11.6.1. Strategic Financial Report - November 2023	59
12. Receipt of Petitions	61
12.1. ePetition - Installation of a Boom Gate at the Eimeo Surf Lifesaving Club Carpark	61
13. Tenders	63
14. Consideration of Notified Motions	63
14.1. Notified Motion Areas of Interest	63
14.2. Notified Motion - Policies	65
15. Public Participation	67
16. Late Business	67
17. Confidential Reports	67
17.1. Approved Sponsorship Under the Invest Mackay Events Conference Attraction Program - November 2023	67
17.2. Approved Concessions Under the Facilitating Development in the Mackay Region Policy – November 2023	67
17.3. Sale of Land for Arrears of Rates Council Report	67
18. Meeting Closure	69
19. For Information Only	69
19.1. Development Applications - November 2023	69
19.2. Building Works Statistics - November 2023	70

- 1. ATTENDANCE**
- 2. OPENING PRAYER**
- 3. ABSENT ON COUNCIL BUSINESS**
- 4. APOLOGIES**
- 5. CONDOLENCES**
- 6. CONFLICT OF INTEREST**
- 7. CONFIRMATION OF MINUTES**

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

8. BUSINESS ARISING OUT OF PREVIOUS MINUTES

UPDATE ON QUESTIONS ARISING FROM COUNCIL MEETING – 22 NOVEMBER 2023

AGENDA ITEM	MATTER	RESPONSE
11.1.2	Chief Executive Officer's Monthly Review Report – October 2023	<p>Question on Notice - Cr Bella queried the storage of the ladders while in transit ie where are they to be stored and secured on the truck?</p> <p>Response The ladder for truck access designed and constructed by Council staff, please be advised that as part of the project was also constructed a frame to which the ladder is attached during transit</p> 
11.1.2	Chief Executive Officer's Monthly Review Report – October 2023	<p>Question on Notice - Cr Bonaventura queried Page 109 of the report regarding the economic indicators and the lots registered, is that per quarter or per month as it seems low.</p> <p>Response I confirm that the Lots Registered figures in the table represent the number of lots registered within the relevant quarter and is not a cumulative figure.</p>
13.2	MRC 2024-016 51861 Bus Stop Upgrade Program PTAIP/BSSP	<p>Question on Notice - Cr Bonaventura queried how many bus stops does this include?</p> <p>Response The program has 13 sites as per below locations: Site A: Napier Street Site B & C: Downie Avenue Site D: Bruce Highway Site E: Eimeo RD Site F: Peak Downs Highway Site G: Nebo RD Site H: Charles Hodge Avenue Site I: Kippen Street Site J: Bourke Street Site K & L: Anzac Avenue Site N: Annie Wood Avenue</p>

9. MAYORAL MINUTES

10. CONSIDERATION OF COMMITTEE REPORTS & RECOMMENDATIONS

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 - November- December 2023 [**11.1.1.1** - 7 pages]

Purpose

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

Related Parties

Nil

Officer's Recommendation

THAT the Mayor's Monthly Review Report for November/December 2023 be received.

11.1.2. CHIEF EXECUTIVE OFFICERS MONTHLY REVIEW REPORT - NOVEMBER 2023

Author	Chief Executive Officer (Scott Owen)
Responsible Officer	Chief Executive Officer (Scott Owen)
File Reference	DMRR
Attachments	1. FINAL - CEO Monthly Review Report - November 2023 [11.1.2.1 - 22 pages]

Purpose

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

Related Parties

Nil

Officer's Recommendation

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

11.2. ORGANISATIONAL CAPABILITY AND RISK

11.2.1. LEGISLATIVE DELEGATIONS

Author	Senior Governance Officer (Pam Currell)
Responsible Officer	Executive Manager, Ethical Standards, Audit & Risk (Anthony Bigby)
File Number	Legislative Delegations
Attachments	1. Legislative Delegation Register King & Co Updates [11.2.1.1 - 13 pages]

Purpose

To adopt the reviewed and updated Legislative Delegations Register.

Related Parties

There are no identified related parties.

Corporate Plan Linkage

Financial Strength

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

Background/Discussion

At the Ordinary Meeting of Council held on 27 September 2023, the delegations registers were adopted as per the requirement on local government to annually review the delegations to the Chief Executive Officer under section 257(5) and to incorporate the changes in the organisational structure.

Since that adoption, the King & Co Solicitors delegation updates have been received and incorporated into Council's Legislative Delegations Register in line with their recommendations.

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

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

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

The review process for the register included:

1. Incorporation/removal/amending in line with the legislative updates provided quarterly by solicitors King & Co via the LGAQ delegation service.
2. Undertake consultation with the associated programs to ensure the appropriate positions are allocated against the new/changed delegations.
3. Undertake management consultation on the amended delegation registers.
4. Emailing of the amended register to the Executive Leadership Team prior to adoption by Council.

The updated Legislative Delegations Register is attached and provides only for the King & Co Solicitors updates for easier read.

New, changed or deleted delegations are highlighted for ease of reading, including:

- New and changed sections/wording are in red; and
- Repealed and deleted sections/wording are ~~striketrough~~ and in red.

1. Mayoral Delegations

The Delegation Register to the Mayor was not amended therein has not been attached.

2. Legislative Delegations

This register has been updated with a number of new delegations and amendments being made, particular in relation to:

New Delegation Registers:

- *Petroleum and Gas (Production and Safety) Act 2004*
- *Waste Reduction and Recycling Regulation 2023*

New Delegations to Existing Legislation (due to changes in legislation or processes):

- *Aged Care Act 1997 (Cwth)*
- *Building Fire Safety Regulation 2008*
- *Environmental Protection Act 1994*
- *Fire and Emergency Service Act 1990*
- *Housing Act 2022*
- *Industrial Relations Act 2016*
- *Land Act 1997*
- *Stock Route Management Act 2002*
- *Tobacco and Other Smoking Products Act 1998*
- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulation 2011*
- *Planning Act 2016*

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

- *Waste Reducing and Recycling Regulation 2011.*

3. Waterfront Priority Development Area (PDA) Delegations

The delegation register was not amended therein has not been attached.

Consultation and Communication

Consultation has taken place with:

- Executive Leadership Team;

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

Resource Implications

The service provided by LGAQ is part of MRC's annual subscription. The Delegations Registers are prepared in-house by the Ethical Standards, Audit and Risk program and no additional expense is outlaid.

Risk Management Implications

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

Conclusion

It is recommended that Council adopt the updated Legislative Delegations Register.

Officer's Recommendation

THAT Council adopt the Legislative Delegations Register (Council to Chief Executive Officer);

11.2.2. ADOPTION OF COUNCIL POLICIES

Author Senior Governance Officer (Pam Currell)
Responsible Officer Executive Manager, Ethical Standards, Audit & Risk (Anthony Bigby)
File Reference 042 - Asset Management / 043 - Enterprise Risk Management / 104 - Councillor Acceptable Requests / 087 - Voluntary Mechanism for Stormwater Quality Management / 032 Coastal Erosion Protection Works / 107 - Councillor Advisors and Administrative Support Staff

Attachments

1. 042 - Asset Management [11.2.2.1 - 8 pages]
2. 043 - Enterprise Risk Management [11.2.2.2 - 6 pages]
3. 104 - Councillor Acceptable Requests [11.2.2.3 - 12 pages]
4. 087 - Voluntary Mechanism for Stormwater Quality Management [11.2.2.4 - 12 pages]
5. 032 - Coastal Erosion Protection Structures - Contribution & Cost Recovery [11.2.2.5 - 7 pages]
6. 107 - Councillor Advisors and Administrative Support Staff [11.2.2.6 - 6 pages]

Purpose

To present the following Council policies for consideration and adoption:

1. COU042 – Asset Management
2. COU043 – Enterprise Risk Management
3. COU104 – Councillor Acceptable Requests
4. COU087 - Voluntary Mechanism for Stormwater Quality Management
5. COU032 – Coastal Erosion Protection Works – Contribution & Costs Recovery

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

1. COU107 – Councillor Advisors and Administrative Support Staff.

Related Parties

Urban Development Institute of Australia (UDIA) – Mackay/Whitsunday Branch is a related party to COU087 - Voluntary Mechanism for Stormwater Quality Management.

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.

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.

Background/Discussion

Mackay Regional Council (MRC) has a process of reviewing policies and their associated corporate standards to ensure that they are relevant and up to date. The process involves a review by the responsible program

manager, circulation to the management team for consultation and final submission to the Executive Leadership Team (ELT) for review and endorsement by the CEO, prior to presentation to Council for adoption.

COU042 – Asset Management

This policy is a mandated policy by the Local Government Association of Queensland to ensure that assets owned and maintained by MRC are managed safely, effectively and efficiently such that an appropriate and consistent level of service is provided now and into the future.

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

This policy was briefed with Council on 6 December 2023.

COU043 – Enterprise Risk Management

This policy supports the implementation and maintenance of a formal integrated risk management system and creates an environment where all identified risk will be assessed utilising MRC's Risk Management Framework.

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

This policy was briefed with Council on 6 December 2023.

COU104 – Councillor Acceptable Requests

This policy is a legislative requirement to provide guidance to Councillors and Staff about the provision of advice to assist Councillors having appropriate access to information they require to fulfil their roles and make informed decision.

As part of its review and linkage this policy has been merged with COU107 - Councillor Advisors and Administrative Support.

This policy was briefed with Council on 6 December 2023.

COU107 - Councillor Advisors and Administrative Support is now not required and can be rescinded.

COU087 – Voluntary Mechanism for Stormwater Quality

This policy is a best practice policy which has been reviewed as part of MRC's policy review process.

Council Policy - Voluntary Mechanism for Stormwater Quality was first endorsed by Council in October 2014. It allows developers to make a payment to MRC in lieu of providing stormwater quality management infrastructure within their development and was introduced to address issues associated with post construction phase stormwater quality management. Payments made to MRC are to fund regional stormwater quality improvements. The mechanism rates were first introduced in 2014 and have not been revised since the endorsement of the mechanism, while the cost to implement regional stormwater quality improvements has escalated significantly.

This review of the Policy includes an increase of the rates using the PPI (Road & Bridge Construction Index – Queensland, index 3101) for the period between 2014 up to the present. In addition to the revision of the base rate, a payment increase provision has been included, similar to that applied to infrastructure charges. However, participation in the mechanism remains voluntary.

This policy was briefed with Council by the policy owners on 15 November 2023.

COU032 – Coastal Erosion Protection Works – Contribution & Costs Recovery

This policy establishes the circumstances under which MRC may be willing to act as lead agent for the planning, design, construction and maintenance of coastal erosion protection works. Foreshore erosion protection measures will only be utilised to protect essential constructed public infrastructure where it is both economic to do so and there is limited opportunity to relocate the infrastructure at risk.

The policy also establishes that protection of private property adjacent to coastal land is the responsibility of the private property holder. Notwithstanding, it establishes that although MRC has no obligation to do so, it may choose to assist multiple property owners by facilitating a single solution. Cost recovery arrangements are also outlined for such instances.

The policy has been reviewed as part of MRC's policy review process and is being adopted as an interim measure until a more detailed review can be undertaken.

This policy was briefed with Council on 6 December 2023.

Consultation and Communication

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

The review and draft amendments of COU087 - Voluntary Mechanism for Stormwater Quality Management were discussed with the UDIA Joint Working Committee and briefed with Council by the policy owners on 15 November 2023.

The remaining four policies as outlined above were briefed with Council on 6 December 2023.

Resource Implications

The implementation of this policy will not require additional resources beyond those currently budgeted. A planned comprehensive review of the policy and its implementation may identify further resources required into the future.

Risk Management Implications

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

Conclusion

It is recommended that Council adopt the following policies:

1. COU042 – Asset Management
2. COU043 – Enterprise Risk Management
3. COU104 – Councillor Acceptable Requests
4. COU087 - Voluntary Mechanism for Stormwater Quality Management
5. COU032 - Coastal Erosion Protection Works – Contribution & Costs Recovery

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

1. COU107 – Councillor Advisors and Administrative Support Staff

Officer's Recommendation

THAT Council adopt the following policies:

1. COU042 – Asset Management
2. COU043 – Enterprise Risk Management
3. COU104 – Councillor Acceptable Requests
4. COU087 - Voluntary Mechanism for Stormwater Quality Management
5. COU032 - Coastal Erosion Protection Works – Contribution & Costs Recovery

AND FURTHER THAT Council rescinds the following policy as it is no longer required:

1. COU107 – Councillor Advisors and Administrative Support.

11.3. COMMUNITY SERVICES

11.4. PLANNING, GROWTH & SUSTAINABILITY

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

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

Attachments

1. 081 - Facilitating Development in the Mackay Region [**11.4.1.1** - 32 pages]

Purpose

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

Related Parties

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

Corporate Plan Linkage

Invest and Work

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

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

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

Live and Visit

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

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

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

Background/Discussion

The Policy was first endorsed by Council on 3 December 2014 and became effective on 10 December 2014. The Policy has been reviewed and amended each year with the last amendment adopted by Council at its meeting on 12 April 2023.

The current schedules of the Policy are listed below:

- Schedule 1 – *Development within the Mackay Waterfront Priority Development Area (PDA)*
- Schedule 2 – *Major industry development in the Industrial investigation zone*
- Schedule 3 – *Health, Aged care and Retirement living*
- Schedule 4 – *Tourism development*
- Schedule 5 – *Bio-futures industry development*
- Schedule 6 – *Community facilities*
- Schedule 7 – *Housing diversity*

Since the adoption of the first version of the Policy, a total of 75 applications have been approved through the Policy (as of 22 November 2023). The approved applications have a combined construction value of over \$538 million which is modelled to generate over \$1,265 million economic output and 2,440 construction jobs. If all approvals were to be constructed and completed in accordance with the timeframes and approval conditions, the following concessions would be realised:

- Infrastructure charge concessions - \$12.9 million (initial infrastructure charges were \$32.2 million)
- Service connection application discount - \$45,500
- Food/trade waste application discount - \$2,485
- Potential delayed payment for 33 applicants.

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

The review of the Policy for 2023 commenced in September 2023 with an internal review of available data relating to the region's development activity, building approvals, construction, property sales, rentals and other statistics related to current and historical enquiries, applications and approvals under the Policy. Councillor briefings were held on 25 October 2023 and 27 November 2023 as part of the internal review.

Proposed Amendments

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

- *Purpose*, section 2.0 - update to correct reference to the Economic Development Strategy 2020-2025
- *General eligibility criteria – Timing of development*, section 9.1 - remove reference to reconfiguring a lot development as this is no longer included within the schedules.
- *Approval under this policy – When the notice lapses*, section 11.1b) - remove reference to reconfiguring a lot development as this is no longer relevant.
- *Schedule 4: Tourism development*, section 2.3 – remove reference to the urban areas of Marian, Mirani, Walkerston and Sarina from the applicable area, as the map included in Figure 1 identifies the applicable urban areas for the policy.
- *Schedule 7: Housing diversity*, section 1.0 – inclusion of additional information around the purpose, to result in increased densities and housing choices.
- *Schedule 7: Housing diversity*, section 2.5 – include reference to the Mackay Region Planning Scheme for the applicable land uses.

- *Schedule 7: Housing diversity*, section 3.1 – remove reference to the potential other reduction in infrastructure charges as this is no longer applicable, where the potential charges reduction is 100%.

Consultation and Communication

The following targeted stakeholders were invited on 31 October 2023 to provide their written feedback on the Policy:

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

A written submission was received from the UDIA (Mackay Whitsunday Branch), which was supportive of the existing policy. Additional comments, feedback and suggestions were also provided on other matters, however these are addressed within the current Policy or have previously been considered by Council.

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

Resource Implications

The proposed amendments to the Policy are relatively minor and do not change the intent or the potential incentives offered within the existing policy, so there is no change to existing resource implications. The current resource requirements of the Policy include:

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

Risk Management Implications

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

The proposed amendments to the Policy are relatively minor and do not change the intent or the potential incentives offered within the existing policy.

Conclusion

To continue to facilitate targeted economic development and growth outcomes, in alignment with Council's strategic priorities and planning objectives, it is recommended that Council adopt the amended Council Policy –

Facilitating Development in the Mackay Region – Version 10 as included in Attachment 1, to replace the current Policy.

Officer's Recommendation

THAT Council adopt the Facilitating Development in the Mackay Region Policy (Version 10) as a formal Policy of Mackay Regional Council commencing Monday 18 December 2023.

11.4.2. AMENDMENT TO ADOPTED CHARGES RESOLUTION

Author Executive Manager Infrastructure Planning (Jay Rosenberg)
Responsible Officer Director Planning, Growth & Sustainability (Aletta Nugent)
File Reference Proposed Adopted Charges Resolution 2023

Attachments

1. Proposed Adopted Charges Resolution December 2023 [**11.4.2.1** - 27 pages]

Purpose

To present the proposed Adopted Charges Resolution – December 2023 for consideration and adoption.

Related Parties

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

Corporate Plan Linkage

Invest and Work

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

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

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

Live and Visit

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

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

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

Background/Discussion

The existing Adopted Charges Resolution December 2020 (ACR 2020) was adopted by Council at its meeting of 9 December 2020. ACR 2020 is used to levy adopted charges as part of development approvals through an Infrastructure Charges Notice (ICN).

A number of amendments are proposed to the existing resolution as part of the proposed Adopted Charges Resolution December 2023 (ACR 2023) included as Attachment 1. The proposed amendments relate to the following:

- Lot size factor (section 5.1.2) – amendments to categories and factors that apply to the calculation of infrastructure charges for reconfiguring a lot developments, that will create residential lots less than 550m²;
- Calculating and re-calculating establishment costs (section 7.1 and 7.2.3) – include a new option for a contract price method that is based on an open tender process;
- Accommodation (short-term) (Schedule 1) – moving Nature-based tourism from the Specialised use adopted infrastructure charge category to the Accommodation (short-term) category and changing the rates and associated method for tents and caravan sites; and
- Minor formatting amendments.

These amendments are discussed further below.

Lot size factors

Lot registration data from the Queensland Government Statistician's Office (Queensland Treasury) shows that the average lot sizes for new residential lots developed across the Mackay region trended downward from a high of approximately 840m² in the early 1990s, to approximately 600m² in the 2015-2016 financial year. From then it has trended back up to approximately 720m² in the 2022-2023 financial year.

The Mackay Region Planning Scheme 2016 (MRPS) seeks to achieve a mix of residential lot sizes and densities across the range of residential zones, ranging between 200-300m² in the Medium density zones to 400m² and greater in the low density residential zone. For Emerging community zoned land, which represents the greenfield urban development areas, the planned density assumed by the MRPS and the associated infrastructure planning is 12 dwellings per hectare. Although there is variability within growth areas, with the average lot size currently at approximately 720m², the emerging development areas are not achieving the target of 12 dwellings per hectare. This results in an inefficient use of developable land and the associated trunk infrastructure.

To reflect the increased efficiency of smaller lots, section 5.1.2 of ACR 2020 already includes a Lot Size Factor which is applied as part of the calculation method for reconfiguring a lot development. This provides an effective discount of 10% for lots between 450m² and up to 550m² and 35% for lots less than 450m². This factor is applied to the relevant rate for a 3+ bedroom dwelling which is currently \$30,226.70. To further promote the development of a mix of lot sizes and increase the supply of more diverse subdivision developments within development areas, it is proposed as part of ACR 2023 to modify and increase the Lot Size Factor for lots less than 550m². The table below highlights the difference between the existing Lot Size Factor and the proposed changes.

Existing ACR 2020				
Lot size m ²	Lot size factor	Discount		Amount payable \$
		%	\$	
>550	1	Nil	Nil	30,226.70
450-459	0.9	10%	3,022.67	27,204.03
<450	0.75	25%	7,556.68	22,670.03

Proposed ACR 2023				
Lot size m ²	Lot size factor	Discount		Amount payable \$
		%	\$	
>550	1	Nil	Nil	30,226.70
550 ≤ 450	0.50	50%	15,113.35	15,113.35
450 < 300	0.25	75%	22,670.03	7,556.68
≤ 300	0.10	90%	27,204.03	3,022.67

As shown in the above table, the proposed changes to the Lot Size Factor will increase the number of categories and the factors applicable to lots less than 550m². The proposed factors have been developed to provide a pricing signal to the market to encourage smaller lots. It is not anticipated that the proposed changes to the Lot Size Factor will result in significant shifts in the median lot sizes in the region but likely to result in providing

greater diversity of lot sizes within subdivisions to include more smaller lots within the development, that will reduce the mean lot sizes and increase overall density.

The effective discount for lots $\leq 300\text{m}^2$ is recommended to be 90%, which recognises that despite efficiencies in providing infrastructure for smaller lots, there are still costs associated with providing trunk infrastructure. Further to this, the development of medium density residential development is also a potential development outcome that could achieve similar densities. For this type of development, discounts of up to 100% on the material change of use infrastructure charges may be approved by Council through a separate application and approval process under Council Policy 081 – Facilitating Development in the Mackay Region.

Importantly, the proposed changes to the Lot Size Factor will not change any of the existing requirements of the MRPS in terms of the suitability or appropriateness of smaller lots to be developed across the urban area. Therefore, the potential development outcomes from any changes to the lot sizes will still need to comply with all the relevant planning scheme requirements including lot size requirements.

Establishment costs

Section 7 of ACR 2020 includes provision for the establishment cost of trunk infrastructure to be determined through a first principles cost estimation process for infrastructure that is works and a land valuation method for trunk infrastructure that is land. Similar provisions also apply when the Applicant requests that the establishment costs be re-calculated in accordance with the Planning Act 2016. The current methods are consistent with the Planning Act 2016 and the relevant statutory guidance documents. The establishment cost is critical to understand the implications of any offsets or refunds that may apply to the levied infrastructure charges, which are applicable when the provision of necessary trunk infrastructure is also a requirement of the development approval.

In practice, experience has shown that the existing methods are not always the practical or the best way to determine the establishment costs for infrastructure that is works. The current method is essentially a planned cost based on project and unit-rate assumptions. With changing construction and market conditions, this method does not always reflect the current market conditions for the delivery of the trunk infrastructure. To provide greater flexibility, the proposed ACR 2023 at section 7.1 and 7.2.3 introduces the option to use a contract-price method that is based on an open tender process, or by way of agreement between parties. These proposed inclusions will provide greater scope for the Applicant and Council to calculate or re-calculate the establishment cost.

Accommodation (short-term)

Nature-based tourism uses are currently included in the Specialised uses Adopted Infrastructure Charge Category of the resolution (Schedule 1). This means that the assessment officer is required to undertake a first principles assessment of the infrastructure demands related to the development to determine which maximum adopted charge category and charge should apply for the use at the time of the assessment. Experience has shown that in most applications for Nature-based tourism, the category that is adopted is the same as for Accommodation (short-term), and the adopted charge applied is the same as for either a caravan or tent site or for a cabin with either 3+ bedrooms or 1-2 bedrooms. To provide greater clarity for the Applicant and for Council officers, it is proposed to include Nature-based tourism into the Accommodation (short-term) adopted infrastructure charge category.

The other proposed change for this category within Schedule 1 relates to changing the rate and adopted infrastructure charge for tents and caravan sites. Currently the following method is used for calculating the charges for a tent or caravan site in a tourist park:

- \$15,113.30 per 3 tent/caravan sites; and
- \$5,397.60 for each tent/caravan site after.

This method is generally consistent with Schedule 16 of the Planning Regulation and is intended to be implemented by dividing the total number of sites by 3, multiplying this by \$15,113.30 and then the remaining sites (where applicable) are multiplied by \$5,397.60. However, this method still creates some confusion for Applicants and Assessment officers, with varying interpretations. It is therefore proposed to use a single rate per tent/caravan site of \$5,037.77. This has been calculated as the unit rate from the current \$15,113.30 per 3 tent/caravan sites rate. This will result in a reduction in revenue for up to 2 sites of \$359.83 per site, up to a maximum total of \$719.66 per development application. When considering the low number of development applications for Accommodation (short-term) involving tents and caravan sites, the potential loss of \$719.66 in revenue is not considered substantial enough to not improve the simplicity and workability of the resolution.

Other considerations

Since the commencement of the ACR 2020, the State Government has updated the prescribed amount identified in Schedule 16 of the Planning Regulation 2017 in line with the method provided for within the Planning Act 2016. The effect of the indexation of the current maximum adopted charge in Schedule 16 of the Planning Regulation is that the prescribed amount has increased by approximately 2.8% since ACR 2020 was adopted. Increasing the maximum adopted charge has been considered. However, in acknowledging that the local development market has slowed in the last 12 months, with latest development statistics showing reduced annual lot approvals, lot registrations and building approvals, it is proposed that ACR 2023 maintains the existing adopted charge rates. This will represent an effective 2.8% discount to future levied charges across all development types.

Consultation and Communication

An initial Councillor Briefing was held on 25 October 2023 regarding potential changes to ACR 2020 including discussion about the potential changes to the Lot Size Factor and maintaining the existing adopted charge rates. Internal consultation has also been undertaken with the Economic Development and Tourism, Development Planning & Engineering and Strategic Planning Programs.

The following targeted stakeholders were invited on 31 October 2023 to provide their written feedback on ACR 2020 and specifically the proposed changes to the Lot Size Factor:

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

A written submission was received from the Urban Development Institute of Australia (Mackay Whitsunday Branch). They provided their support for the proposed changes to the Lot Size Factor and retaining the adopted charges as per the existing ACR 2020 rates.

Resource Implications

The proposed amendments to ACR 2023 will not fundamentally change the way charges are levied and have the potential to improve the way in which establishment costs are determined, so is not expected to have any impact on Council resources.

Risk Management Implications

Depending on the proposed lot layouts and sizes, a reduction in charges revenue is likely as a result of the proposed changes to the Lot Size Factor. Where development achieves a greater development density, this will

result in more rateable properties and more people over the equivalent developable area. This will increase potential rates revenue, improve the utilisation of trunk infrastructure and provide a mix of lot sizes to support different markets, changing household sizes and supporting housing affordability. These potential benefits are considered to outweigh any loss in revenue that may occur in some instances.

Any proposed reconfiguration of a lot will still need to demonstrate compliance with the MRPS to ensure appropriate development outcomes are achieved. The take-up of developing smaller lots as a result of the amended lot size factor will be monitored to ensure appropriate outcomes are achieved.

The proposed change to the tent/caravan site charge rate may result in a reduction in charges revenue up to a maximum total of \$719.66 per development application. When considering the low number of development applications for Accommodation (short-term), this is not anticipated to have a significant impact on charges revenue.

Other proposed changes as part of ACR 2023 are not anticipated to have any risks.

Conclusion

The proposed amendments as part of ACR 2023 will support the desired development outcomes of the MRPS to achieve improved development and trunk infrastructure outcomes in new development areas. Other amendments will improve the workability of the adopted charges resolution for both the Applicant and Council.

Officer's Recommendation

THAT Council adopt the proposed Adopted Charges Resolution – December 2023, in accordance with section 113 of the Planning Act 2016, with a commencement date of 18 December 2023.

11.4.3. FACILITATING DEVELOPMENT IN THE MACKAY REGION POLICY – NORTHERN BEACHES BOWLS CLUB REDEVELOPMENT - 2 AND 14-20 ROSEWOOD DRIVE, RURAL VIEW

Author	Principal Economic Development Officer (Nadine Connolly)
Responsible Officer	Director Planning, Growth & Sustainability (Aletta Nugent)
File Reference	Facilitating Development in the Mackay Region Applications

Attachments

1. Northern Beaches Bowls Club - Redevelopment - Approved Plans [11.4.3.1 - 6 pages]

Purpose

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

Related Parties

- Northern Beaches Bowls Club
- Jewell Planning Consultants
- BRD Group
- Empire Engineering
- Core Building Certification

Corporate Plan Linkage

Invest and Work

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

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

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

Live and Visit

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 proposed development by the Northern Beaches Bowls Club Inc will include staged alterations and extensions to the existing Club located at 2 and 14-20 Rosewood Drive, Rural View (Lot 40 on SP254846, Lot 17 on SP308347 & Lot 0 on SP151924).

The construction cost for the redevelopment is projected to be \$14million which will include removing the existing driveway and creating an access point further east along Rosewood Drive, as well as increasing the club's GFA by 1,371m². The proposal involves:

- Increasing car parks from 129 to 180 spaces (+51 spaces)
- New gaming room
- Sports bar
- Café lounge
- Restaurant
- Kitchen
- Alfresco dining area
- Children's playground
- Mini golf, ten pin bowling
- Outdoor function and entertainment areas
- Board room and members facilities

The redevelopment will provide additional family facilities and activities for the Northern Beaches area of Mackay which will enhance the liveability of the region.

The development application DA-2006-109/C for a Material Change of Use (Other Change – Club) was approved on 17 May 2023. A minor change to reduce the setback of the shade structure over the bowling green was approved on 17 October 2023.

The development is scheduled to commence construction in January 2024 and should be operational by July 2025. The applicant anticipates the redevelopment will create 20 new FTE positions within the Club post construction with an additional 10-50 casual staff depending on season and events.

Incentive Request

The applicant submitted an Expression of Interest under the Facilitating Development in the Mackay Region Policy (Policy) on 11 July 2023, and Stage 2 Application was also received on 11 July 2023. The applicant is seeking concessions under Schedule 6 Community Facilities which extends to a Material Change of Use (MCU) for the redevelopment of a Club.

The following concession has been requested:

- a) 100% concession on infrastructure charges:
 - Infrastructure Charges = \$71,349.30
 - Requested concession = \$71,349.30
 - Charges payable = Nil

Under Schedule 6 Community Facilities in the current Policy (April 2023), infrastructure charges may be reduced by up to 75% of the net charge amount identified on the Infrastructure Charges Notice (following annual indexation and deduction of offsets or credits) to a maximum concession value of \$1,000,000 for a Not-for-profit group, such as the Northern Beaches Bowles Club Inc.

Council may consider reductions in infrastructure charges beyond these rates for applications that can demonstrate they will generate significant long-term economic benefits, job creation and have transformative outcomes that will diversify the existing economic base of the region.

General Eligibility Criteria

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

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

Criteria	Eligibility
Timing of development Lots are registered within 2 years.	Commencement of construction – January 2024 Commencement of use – July 2025
Non-Government Development	Yes
Infrastructure capacity	The applicant has advised that 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-2006-109/D.

Specific Eligibility Criteria

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

Criteria	Eligibility
Economic Investment Minimum capital investment in the development is equal to or greater than \$100,000 under Schedule 6 Community Facilities.	<ul style="list-style-type: none"> Estimated construction cost of the development is \$14M. Estimated total capital investment of \$17M (plant, equipment, land, construction costs) Based on Council's economic modelling, a direct injection of \$14M (construction costs) will result in combined supply chain and consumption effects of \$16.466M, totalling \$30.466M 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 200 local temporary workers for the construction period. Post construction, the applicant anticipates the development will result in 20 direct FTE jobs once operational. Based on Council's economic modelling, the project will generate 16 direct and 43 indirect jobs, totalling 59 jobs during construction. The applicant has committed to utilising local contractors and suppliers during construction of the development.
Applicable Area	Development is on appropriately zoned land in the urban area.
Applicable Land Uses The Policy applies to material change of use (MCU) for applicable land uses	The development application applies to a Material Change of Use for Other Change – Club, which is consistent with land uses identified in Schedule 6 Community Facilities.

in Schedule 6 Community Facilities (Refer to the table in the Policy).	
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Business and Regional Benefits

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

- The project involves the delivery of new community facilities that will benefit the Northern Beaches residents and the wider community.
- This development will add to the lifestyle and liveability of this growing area and complements the broader Northern Beaches Community Hub master plan.
- This project will allow the Club to continue its proactive approach to supporting charities and other sporting, recreational and community associations and initiatives.
- New facilities will allow the club to attract new event and entertainment opportunities (eg. larger bowling tournaments, indoor events such as boxing, kick boxing, and martial arts, etc)
- The project will create nearly 60 construction jobs over an 18-month period.
- The project will result in 20 FTE staff positions post construction.
- 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 and Engineering program has considered the development application through the statutory assessment provisions under the *Planning Act 2016*. As part of this assessment process, other relevant sections of Council were consulted.

The Director Planning, Growth & Sustainability has also considered this application and provided approval for the Expression of Interest to progress to a Stage 2 application.

A briefing was held with Council on 15 November 2023, to provide an overview of the Northern Beaches Bowls Club redevelopment project, and to seek direction on Council's position regarding concessions under the Policy for this development.

Resource Implications

a) Concession on Infrastructure Charges

In accordance with the Infrastructure Charges Notice, the development gives rise to total infrastructure charges of \$71,349.30 (+ annual adjustments).

The applicant is seeking 100% concession on charges, resulting in the following outcome:

Gross Infrastructure Charge (IC)	Applied Credit	Net Infrastructure Charge (IC minus Credit)	Concession (%)	Concession (\$)	Charges Payable
\$474,044.40	\$402,695.10	\$71,349.30	100%	\$71,349.30	Nil

Under Schedule 6 Community Facilities of the Policy, the applicant is only eligible for a reduction of 75% of the net charge amount identified on the Infrastructure Charges Notice (after annual adjustments and application of

offsets or credits) as they are a not-for-profit organisation. Only charities are eligible for 100% concession under the current policy.

Application of 75% concession will result in the following outcome:

Gross Infrastructure Charge (IC)	Credit Unit	Net Infrastructure Charge (IC minus Credit)	Concession (%)	Concession (\$)	Charges Payable
\$474,044.40	\$402,695.10	\$71,349.30	75%	\$53,511.98	\$17,837.32

The 75% concession would result in infrastructure charges payable of **\$17,837.32** (+ annual adjustments).

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.

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 use has not commenced within the recommended timeframe, the concessions will no longer be applicable and 100% of the applicable 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 6 of the Policy and will deliver regional economic benefits for residents of the Northern Beaches and surrounding areas.

The applicant is seeking 100% concession, however, the current Policy specifies a rate of 75% concession for not-for-profit organisations. While Council has the discretion to consider reductions in infrastructure charges beyond the nominated rate for applications, this development is not considered to provide sufficient transformative outcomes to warrant an exception to the Policy.

Officer's Recommendation

THAT the following Specific Incentive is approved under the Facilitating Development in the Mackay Region Policy for the Northern Beaches Bowles Club Inc Redevelopment located at 2 & 14-20 Rosewood Drive, Rural View, Mackay (Lot 17 on SP308347 and Lot 40 on SP254846):

- a) Concession of 75% (estimated at \$53,511.98) apply on the net charge amount on the Infrastructure Charge Notice (calculated following annual adjustments and application of offsets and credits) for DA-2006-109/D.

AND THAT the approval of concessions is dependent on:

- b) The development must be complete, and the use commenced by 13 December 2025.
- c) No additional infrastructure costs incurred by Council (including establishment and bring forward costs).
- d) The developer utilising local contractors and suppliers.

**11.4.4. DA-2018-165 MATERIAL CHANGE OF USE - UNDEFINED USE (SARINA BEACH ECO VILLAGE)
INCLUDING A VARIATION REQUEST**

Author Principal Development Planner (Dennis O’Riely)
Responsible Officer Director Planning, Growth and Sustainability (Aletta Nugent)
File Number DA-2018-165

Attachments

1. Locality Plan [11.4.4.1 - 1 page]
2. Structure Plan [11.4.4.2 - 1 page]
3. Referral Agency Conditions [11.4.4.3 - 26 pages]

Date Received: 20 December 2018

Applicant's Details: Della Brooks
C/- RPS Mackay
PO Box 1895
MACKAY QLD 4740

Proposal: Material Change of Use – Preliminary Approval for an Undefined Use (Sarina Eco Village) including a Variation Request

Site Address: Lots 1, 2 and 823 Sarina Beach Road, Sarina Beach

Property Description: Lot 1 on CI1905, Lot 2 on RP852611 and Lot 823 on C124111

Owner's Details: Della Catherine Brooks

Area: 147.78 hectares

Planning Scheme: Mackay Region Planning Scheme 2017, v3.1

Planning Scheme Designations:
Zone: Part Rural and Township

Assessment Level: Impact

Submissions: One submission and one petition (containing six signatures)

Referral Agencies: State Assessment Referral Agency

Recommendation: Approved subject to conditions

Related Parties Della Catherine Brooks (Landowner)
RPS Mackay (Planning Consultant)
Premise (Engineering Consultant)
Green Tape Solutions (Bushfire Consultant)
Referral Agency – State Assessment Referral Agency
Sharon Sellars – Head Petitioner / Submitter

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.

Executive Summary

The Applicant has applied for a Material Change of Use Preliminary Approval to develop the Sarina Beach Eco Village and has included a Variation Request to vary the effect of the Mackay Region Planning Scheme (Planning Scheme) for future development over the site.

The Sarina Beach Eco Village as proposed is a tourist and residential development on land fronting Sarina Beach Road and Sarina Inlet (refer to Attachment 1 – Locality Plan). The proposal includes the development of 160 residential lots over 37 hectares (ha) and 10.4 ha of tourism development. The remaining 100 ha of the site is proposed to remain undeveloped. The application is for a Preliminary Approval only, so the proposal plan shows the development concept which is subject to change when future applications are submitted to Council for assessment. The proposal includes a request to vary the effect of the Planning Scheme so that future Development Applications for tourism and residential uses are assessed as if proposed in the Tourism, Township, Rural Residential and Open Space zones as shown on the proposed Structure Plan (refer to Attachment 2 – Structure Plan).

Public notification of the application was undertaken and one submission and one petition containing six signatures were received requesting that access to the development be provided to existing residents of Antoney Lane. No changes are recommended to the proposed development because of the submissions. No submissions were received objecting to the proposal.

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

Sarina Beach is designated as a principal and tourist-oriented township in the Planning Scheme and the subject site is identified as appropriate for future development opportunities based on meeting demand and addressing infrastructure, environmental and other constraints. This report recommends that the area shown on the Structure Plan as Area 17 not be approved as residential development and remain undeveloped due to the environmental and hazard mapping over that part of the site. Alternative variations to those proposed by the Applicant are recommended to ensure that the changes align with the Planning Scheme. Continual negotiations have occurred with the Applicant since lodgement for an approval to be issued under the Planning Scheme resulting in the application being undecided for many years.

The application is recommended for approval, subject to conditions.

Subject Site

The 147 ha vacant site is located on the western side of the Sarina Beach township, approximately 12 kilometres east of Sarina. The subject site comprises three lots that have frontages to Sarina Beach Road, Antoney Lane, Ferries Terrace and the Sarina Inlet. The south-eastern corner of the land is known as Point Salisbury. A 4.5 ha area of Lot 2 on RP852611 that adjoins the existing residential development in Antoney Lane is zoned

Township and the remainder of the land is zoned Rural. The land adjoining the site to the west is zoned Rural Residential while the other boundaries of the site adjoin Sarina Inlet.

The subject site is heavily vegetated and ranges in height from RL 4m Australian Height Datum (AHD) on the coast to RL 97m AHD. Tracks traverse the site that have long been used by the public to obtain vehicle access to the northern banks of Sarina Inlet including Point Salisbury.

Background

No development applications or approvals are recorded for the subject site. Parts of the site have historically been used for grazing and aerial imagery shows that huts existed in the Point Salisbury area of the site in the 1960s. Under the Superseded Sarina Shire Planning Scheme, the entire site was included in the Rural zone.

In 2010, the developer made submissions to Council through the Planning Scheme drafting process suggesting that the subject site be designated for future development. Council's Planning Scheme identifies the site in the Strategic Framework as an appropriate area for tourism expansion.

Proposal

The Applicant is seeking a Material Change of Use Preliminary Approval for the Sarina Beach Eco Village, which is an Undefined Use. The Applicant describes the proposed Sarina Beach Eco Village development as a:

"Holiday destination and coastal lifestyle location of choice, featuring a sustainable village-style setting with a vibrant village heart and range of tourism, centre, community and residential activities surrounded by an extensive network of connected natural green spaces and the Sarina Inlet."

The Applicant has submitted a Structure Plan that demonstrates how the site is intended to develop over the next 20 years, which includes areas of residential, tourism and open space. The Structure Plan comprises areas of:

Type of Development	Area
Passive Open Space/Constrained Land	99.8 ha
Eco Village Green – Active Open Space	0.58 ha
Eco Village Centre Activities	2,000m ² GFA
Eco Tourism	10.4 ha
Low Density Eco Residential Type 1 - 800m ² minimum lots	62 Lots
Low Density Eco Residential Type 2 – 2000m ² minimum lots	83 Lots
Low Density Eco Residential Type 3 – 5000m ² minimum lots	15 Lots

The Structure Plan shows an indicative road network, including public roads to provide public access to the Eco Village Centre Activities and Eco Tourism areas and the beach. The Applicant's stated vision of a sustainable 'eco-village' is proposed to be achieved by parts of the development being provided with off-grid power production, rainwater harvesting and seeking Green Star ratings for future development on the site.

This Development Application includes a Variation Request to vary the effect of the Planning Scheme so that future Development Applications over the site are assessed as if the land is partly included in the Open Space, Tourism, Township and Rural Residential Zones.

Information Request and Further Advice

The original proposal submitted in 2018 included the development of 590 Dwellings on the site. Council Officers have been working with the Applicant through the Information Request stage and via Further Advice Notices to reduce the scale and density of the residential component and increase the tourism area. This has resulted in several changes to the Structure Plan since lodgement.

Referrals

The Development Application was referred to the SARA in relation to the development's impacts on Sarina Beach Road, being a State-controlled Road and clearing of native vegetation.

The SARA provided its referral agency response on 30 April 2019 (refer to Attachment 3 – Referral Conditions) approving the application, subject to conditions. The conditions approve the location of the main and secondary accesses for the development from Sarina Beach Road. A channelised right turn is required to be provided from Sarina Beach Road into the main access and a round-a-bout on Sarina Beach Road must be constructed at the secondary access, opposite Gum Street. A 2.5m wide shared path is conditioned to be provided along the Sarina Beach Road frontage of the site from the main access to the eastern boundary of the site. No conditions were imposed in relation to the clearing of native vegetation on the site due to proposed development avoiding regulated vegetation.

Planning Assessment:

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

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

In addition, s61(2) of the *Planning Act 2016* states that a Variation Request is an assessment that:

- a) Must consider:
 - i) The result of the assessment of that part of the Development Application that is not the variation request; and
 - ii) The consistency of the variations sought with the rest of the local planning instrument that is sought to be varied; and
 - iii) The effect the variations would have on submission rights for later Development Applications, particularly considering the amount and detail of information included in, attached to, or given with the application and available to submitters; and
 - iv) Any other matter prescribed by regulation.

Sections 29-32 of the *Planning Regulation 2017* prescribe the assessment benchmarks and matters impact assessment and a Variation Request must have regard to which has been the basis for this assessment.

State Planning Policy July 2017 – Water Quality

The Minister has identified that the Planning Scheme appropriately advances the State Planning Policy July 2017, as it applies in the planning scheme area other than for water quality. The assessment benchmarks for water quality apply where the Development Application is for:

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

- 2) Reconfiguring a Lot for an urban purpose that involves premises 2,500m² or greater in size and will result in six or more lots, or
- 3) Operational Works for an urban purpose that involves disturbing a land area 2,500m² or greater in size.

Assessment Benchmark	Officer's Assessment
Development achieves the applicable stormwater management design objectives outlined in tables A and B (Appendix 2) of the State Planning Policy July 2017.	Development conditions on future approvals will ensure compliance with the development outcomes of the State Planning Policy for the purposes of water quality.

Mackay Region Planning Scheme 2017

Strategic Framework

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

Strategic Framework	Assessment
3.2 Strategic Intent 3.2.1 Regional Strategic Vision	<p>The proposal is considered to comply, in that the development supports a lifestyle that is connected to natural areas and its unique coastal location. The development will provide increased employment opportunities in tourism and will assist in creating a diverse regional economy by capitalising on tourism opportunities in coastal areas of the region.</p> <p>The Applicant submitted an Economic Needs Assessment titled 'Sarina Beach Eco Village Need and Impact Assessment' dated 26 November 2019, prepared by RPS. The Needs Assessment assessed the impact of the development when the area of tourism proposed was just 6.35 ha whereas the current proposal is for 10.4 ha of tourism. The Needs Assessment found that the smaller proposal would facilitate a doubling of visitor nights to the area and up to 385 direct and indirect jobs through hotel operations and resident and non-accommodation tourist spend.</p>
3.2.2 Growth Management and Urban Consolidation	<p>Council's strategic intent states:</p> <p><i>The Principal coastal townships of Midge Point, Seaforth and Sarina Beach provide low intensity development and a range of non-residential activities that are located in a cluster to achieve a cohesive town centre. Sarina Beach, as both principal and tourist-orientated township, may offer future development opportunity based on meeting demand and addressing infrastructure, environmental and other constraints – noting the area bounded by the Sarina Beach township, Sarina Beach Road, Sarina inlet and rural residential land (opposite Herta Lane).</i></p> <p>The area nominated in the Strategic Framework for future expansion of the Sarina Beach township is the subject site. The Applicant also contends that the zoned area and potential greenfield expansion areas currently in Sarina Beach are smaller than most of the secondary townships it is intended to serve with very limited capacity for any growth.</p> <p>Sarina Beach is specifically identified by the Strategic Framework as both a principal and tourist-orientated township and expansion and development of the township is supported where demand can be demonstrated and adequate infrastructure is provided.</p> <p>It is considered that the proposal to increase the supply of residential land in Sarina Beach complies with the policy intent for Sarina Beach to function as a</p>

Strategic Framework	Assessment
	<p>principal township. The proposed development has been designed to limit the impacts on the natural environment by avoiding the removal of regulated vegetation. The site is far removed from the existing residential areas in Sarina Beach and will therefore not have a direct impact upon the amenity of surrounding residents. Future Development Applications will be required to comply with all overlay mapping on the site so that future development does not detrimentally impact on the amenity of the area and is not impacted by natural hazards.</p>
<p>3.2.3 Network of centres and industrial areas</p>	<p>The proposal includes the development of a 2,000m² Gross Floor Area (GFA) commercial centre as Eco Village Centre Activities. The area is intended to contain small-scale and low intensity Centre Activities and Community Activities required to serve the needs of tourists and residents of Sarina Beach, Campwin Beach and the surrounding area. The proposal represents 'out-of-centre' development because the centre is not identified in Council's network of centres. The Needs Assessment was submitted by the Applicant to address this non-compliance.</p> <p>The Economic Needs Assessment was prepared prior to negotiations with the Applicant on reducing the scale and density of the development when the density was proposed to be 431 residential Dwellings and 159 tourist Dwellings compared to the revised proposal of 160 residential Dwellings and 260 tourist Dwellings. Note that the number of residential Dwellings will further decrease to 140 as a result of the removal of Area 17 as part of assessment of the proposal against Overlay Codes later in this report.</p> <p>The assessment demonstrated that the combined resident and tourist population required 2,534m² of retail floor space. The Needs Assessment argued that if 2,000m² retail floor space is provided at Sarina Eco Village, the remainder of the demand will be directed to Sarina township and other major activity centres within the Mackay region. Using the calculation method in the Needs Assessment, the latest mix of tourism and residential development on the Structure Plan generates a retail floor space demand of 1,600m². It is considered reasonable that Council restricts the Eco Village Centre Activities to 1,000m² GFA and that as stated in the Needs Assessment, the remainder of the demand is likely to be absorbed by other locations. It is considered that a condition restricting the GFA to a maximum of 1,000m² will ensure that this approval does not provide for more retail floor area than what is required by the development. The 1,000m² GFA also aligns with the Centre Activities Code Acceptable Outcome (AO4) that nominates a maximum of 1,000m² GFA as acceptable for Centre Activities outside a centre zone. It should also be noted that some ancillary Centre Activities are likely to establish within the tourism zones on the site.</p>
<p>3.3 Settlement pattern</p>	<p>Although most of the site is zoned Rural and is outside the defined urban area, the site is not mapped as Good Quality Agricultural Land. The site is on the western edge of the Sarina Beach township. The development is a logical extension of urban development in the Sarina Beach principal township and will provide housing diversity by providing housing options in and around the Eco Village Centre Activities. The proposal also provides opportunities to provide tourist development to Sarina Beach which designated as a tourist-orientated township by the Planning Scheme.</p> <p>The Applicant has requested that the Planning Scheme be varied to allow Multiple Dwelling Activities and Short-term Accommodation uses to be provided in the Eco Village Centre Activities area at a maximum density of 1 Dwelling per 200m² where</p>

Strategic Framework	Assessment
	<p>above ground floor. This variation, in addition to the tourist accommodation proposed on site, will provide housing choice for smaller households in the area.</p> <p>It proposed to provide public access to the coastal foreshore to provide recreation opportunities to residents and tourists of the development and the public.</p>
3.4 Natural Environment and Regional Landscapes	<p>This Planning Scheme seeks to ensure that that areas of environmental significance are protected and conserved. The Applicant has prepared the Structure Plan to avoid endangered and of concern regional ecosystems, essential habitat, wetlands and watercourses and clearing that would result in a loss of connectivity, mapped regulated vegetation and areas of environmental significance. The Development Application has been assessed by SARA and approved subject to conditions.</p> <p>The proposal for eco-tourism facilities in natural environments are encouraged and it is considered that this proposal will facilitate the management and appreciation of scenic, environmental and cultural values. The proposal includes lookouts/viewing decks, walking tracks and pedestrian access to the beach within the passive Open Space areas.</p> <p>The Applicant has requested that the Planning Scheme be varied so that the Landscape Character and Image Corridor Overlay not apply to future Development Applications over the site. The scenic amenity of the coast should be protected particularly in the case of the subject site because it provides scenic views across Sarina inlet, particularly from Point Perpetua. The proposal to exclude the Landscape Character and Image Corridor Overlay as part of this variation is not recommended as discussed later in this report under the Landscape Character Overlay Code heading.</p>
3.5 Strong Communities	<p>The proposal will assist in providing housing affordability by increasing stock and providing housing choice. The Needs Assessment submitted by the Applicant noted that despite the increase in demand for smaller Dwelling types due to the ageing population and smaller households, detached Dwellings continued to increase as a share of Sarina's housing stock. The proposed development will help address this issue by providing housing diversity, particularly in the Eco Village Centre Activities area of the development. Areas for recreation and physical activity are proposed as part of the development which complies with this element of the Strategic Framework.</p>
3.6 Natural Resource Management	<p>The subject site does not contain any mapped agricultural land. The Structure Plan has been developed to preserve areas of vegetation and high value biodiversity. With the removal of Area 17 from residential development, it is considered that the proposed development complies this component of the Strategic Framework.</p>
3.7 Transport	<p>Sarina Beach is not currently serviced by public transport however future Development Applications will be required to consider public transport facilities when designing the development. The site is accessible from Sarina Beach Road which is a designated State-controlled road.</p>
3.8 Infrastructure	<p>The subject site is outside of the Priority Infrastructure Area.</p> <p>The Development Application has provided a strategy for delivering infrastructure throughout the development. A condition is recommended that requires any future development to provide access to reticulated water, electricity and telecommunications.</p>

Strategic Framework	Assessment
	The Applicant has proposed 800m ² minimum lot sizes for the Low Density Eco Residential – Type 1. A condition is recommended to require the minimum lot size to 1,000m ² to align the minimum lot size with the Township zone minimum lot size in the Planning Scheme. This is to provide the lots with additional area to accommodate onsite septic systems. The design of the systems must be submitted and approved as part of future Development Applications.
3.9 Strong Economy	<p>The proposal will help provide a strong economy by maximising the tourism opportunities available in the Region. A key Strategic Outcome of the Strategic Framework is that:</p> <p><i>Tourism facilities enable residents and tourists to experience the region's landscape character and environmentally important areas and is supported by short-term accommodation, transport infrastructure and related services.</i></p> <p>The development proposal takes advantage of the unique coastal location and scenic value of the subject site. The Development Application is structured so that future proposals for Short-term Accommodation and other tourism related uses are code assessable and supported at the site.</p>
3.10 Sustainability, climate change and natural hazards	<p>The Planning Scheme requires that development should avoid and mitigate risks to life, property and infrastructure.</p> <p>The subject site is mapped as Medium to Very High Bushfire Hazard on Council's Bushfire Hazard Overlay map. An assessment of the proposal against the Bushfire Hazard Overlay Code is included later in this report. Amendments are recommended to the Structure Plan enable compliance with this element, including the removal of Area 17 from residential development.</p>

Based on the above assessment and the recommended conditions of approval, the proposed development is consistent with the Strategic Framework.

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. Section 32 of the *Planning Regulation 2017* requires that variation requests are assessed against the Region Plan specifically. As the Planning Scheme advances the State and Regional strategies in the Mackay Isaac Whitsunday Regional Plan, the proposal is considered to generally comply with the Desired Regional Outcomes, associated specific objectives, land use policies and strategies of the Regional Plan.

Zone Codes and Overlay Codes

An assessment has been carried out against the benchmarks contained within the Overlay and Zone Codes of the Planning Scheme to the extent they are considered relevant. The outcome of the assessment of the Zone and Overlay Codes is summarised below.

Acid Sulfate Soils Overlay Code

The subject site is within the Acid Sulfate Soils Overlay and most of the land is mapped as being above 5m AHD. For the areas proposed to be developed that are 5m AHD or below, future Operational Works applications

will require the submission of an Acid Sulfate Soils Investigation Report that recommends appropriate management of Acid Sulfate Soils on the site.

Biodiversity Overlay Code

The site is within the Biodiversity Overlay and includes areas of Environmentally Significant Vegetation, Wildlife Habitat, Waterways and Wetland Buffer. The Applicant has included these areas in the Open Space zone, except for the Low Density Eco Residential – Type 2 in area 17 which contains an area of mapped Wildlife Habitat. The code requires that areas of high value Wildlife Habitat are retained. As discussed earlier in this report, a condition will be imposed requiring that area 17 be removed from residential development. This will ensure that the area of mapped Wildlife Habitat on the subject site is retained in accordance with the purpose of the code. All future Development Applications over the site will be required to comply with the Biodiversity Overlay Code.

Bushfire Hazard Overlay Code

The purpose of the Bushfire Hazard Overlay Code is to ensure that the risk to life, property, and the environment, because of bushfire, is mitigated to an acceptable or tolerable level. A Bushfire Management Plan (BMP) was submitted in support of the proposed development. The BMP made several recommendations to demonstrate compliance with the Overlay Code. Recommendations include the creation of Asset Protection Zones, removal of vegetation, water storage for firefighting and emergency fire trails to evacuate people to Sarina Beach Road and onto the beach.

However, the BMP does contain some non-compliances with respect to not providing development footprint plans, exceeding maximum driveway gradients and developing on land greater than 15%. These non-compliances relate primarily to the proposed residential layout on the south-eastern most portion, being denoted as area 17 on the Structure Plan. It is considered that to achieve compliance, extensive earthworks upon the hillside would likely be required to develop this area, potentially resulting in non-compliances with the Landscape Character and Image Corridor Overlay Code and the Landslide Hazard Overlay Code. It is therefore recommended that Area 17 not be approved for residential development given the uncertainty around an appropriate level of bushfire hazard risk. Overall, apart from Area 17, it is considered that most of the proposed development can implement appropriate measures to comply with the Bushfire Hazard Overlay Code. Future development applications will be required to demonstrate compliance with the Bushfire Hazards Overlay.

Landscape Character and Image Corridor Overlay Code

The entire subject site is mapped as Landscape Character and the Sarina Beach Road frontage of the site is included in the Image Corridor. The Applicant has requested as part of the Variation Request for the Landscape Character and Image Corridor Overlay to not apply to future Development Applications in the Tourism, Township and Rural Residential zones. This variation is not recommended for approval to ensure that the landscape character of the site is maintained. This means that any future Development Application will be required to be assessed against the Landscape Character and Image Corridor Overlay Code. This will ensure that the residential lots that develop along the Sarina Beach Road frontage of the site will need to maintain a minimum 5 metre wide landscaping strip to provide a high quality visual amenity when the site is viewed from street in accordance with the Overlay Code.

In addition, Area 17 of the development is located on a visually prominent hillside area that will detrimentally impact upon the natural visual character of the area, particularly when the site is viewed from the existing residential properties in Sarina Beach. Council's Planning Scheme seeks to protect the scenic amenity of the coast and this unique location is an important area to remain in its natural state. In order to maintain the natural

visual character of the site, Area 17 will be conditioned to be removed from the Low Density Eco Residential Type 2 and included in the Open Space area.

Landslide Hazards Overlay Code

The site contains mapped areas of landslide hazard and the Structure Plan shows that the proposed development generally avoids steep land. Area 17 of the development has slopes more than 15%. No geotechnical reporting has been undertaken by the Applicant to demonstrate that the proposal can comply with the performance outcomes of the Overlay Code. Given the slope of the land in Area 17 and the absence of geotechnical reporting, there is insufficient information to assess whether land developed for Dwelling Houses could comply with the requirements of the Overlay Code, and it is not clear whether on-site sewer services could be located on site. As noted earlier, Area 17 is not recommended for approval for residential development.

Flood and Coastal Hazards Overlay Code

The site contains some mapped Erosion Prone Areas and Storm Tide Inundation Areas, however the Structure Plan has been designed to generally avoid these areas. The proposal is considered to comply with the Overlay Code.

Rural Zone Code

The proposal conflicts with the Rural Zone in that it proposes the development of residential and tourism uses, which may include Multiple Dwelling activities and Centre activities on the subject site. A Variation Request, by its very nature, conflicts with the Purpose of the Zone Code of the subject site and an assessment has been carried out against the Strategic Framework to address this conflict.

Township Zone Code

The development of the area of the site currently included in the Township Zone for residential lots is generally supported by the current zoning of the site. As noted earlier, a condition is recommended that requires the minimum lot size in this area be increased to 1,000m².

General Development Requirements Code

The General Development Requirements Code provides general requirements regarding infrastructure, amenity, safety and environmental standards for assessable development. Whilst it has little relevance to assessing a Variation Request, it is important to ascertain that future development supported by the variation approval can meet the provisions of the code. The following is a summary of the proposed infrastructure provision for the development by the Applicant.

Water

The Applicant proposes potable and fire-fighting water be supplied by a combination of storage tanks and connection to town water. It is proposed that the Low Density Eco Residential Type 1 lots be directly connected to reticulated town water supply and Low Density Eco Residential Type 2 and 3 be provided with 100 kilolitre (kL) rainwater tanks to supply potable and firefighting water supply. The Applicant proposes that the tanks be filled with rainwater and supplemented by water trucks as necessary. It is proposed that the Eco Tourism area be supplied with potable and firefighting water supply from a private main reservoir with town water connection. The ultimate sizing and location of the reservoir is to be confirmed through future Development Applications.

Sewerage

Sewerage infrastructure is not available in Sarina Beach. All sewage is to be treated on site using both onsite treatment and package treatment systems. Low Density Eco Residential Lots - Types 1, 2 and 3 are to be

provided with onsite treatment. The Eco Tourism area is to be provided with a private packaged sewerage treatment plant that treats the effluent to Class A to be irrigated over parkland areas within the development. The design of the treatment is to be confirmed through future Development Applications. Separate geotechnical reports will be required to be submitted when Development Permits are submitted to Council for development of each stage.

Roads & Traffic

The Applicant has provided an indicative road hierarchy that shows the main access road into the site from Sarina Beach Road to the Eco Village Centre Activities area designated as a Major Collector road. The Applicant has proposed that the main access road be public from Sarina Beach Road to the beach, to provide public access to the beach. The secondary access and roads servicing the Low Density Eco Residential Type 1 are also proposed to be public roads. All other roads are proposed to be private infrastructure, however this is subject to assessment as part of future Development Applications. The SARA has provided conditions regarding both the main access and secondary access requirements onto Sarina Beach Road.

Stormwater

The Applicant has prepared a Stormwater Management Plan for the development which concluded that stormwater can be effectively managed. Future Development Applications will be required to address stormwater infrastructure design.

Electricity & Telecommunications

The Eco Tourism area is proposed to be connected to the grid connection via overhead powerlines. The Applicant proposes that the Low Density Eco Residential lots be provided with an off-grid energy solution for their power needs. This would require the installation of solar panels and battery storage. The Applicant's engineering report notes that this would require the provision of a 15kw solar panel system which would need to include a ground mounted assembly for each lot and a 85kWh of battery storage.

Infrastructure Summary

Council's Planning Scheme requires that development is provided with reticulated services where it is available to development sites. The subject site can connect to town water supply, electricity and telecommunications. The Applicant has stated that their vision is for the site to be a sustainable off-grid development where future Dwelling Houses are serviced by a combination of rainwater tanks, on-site septic and solar power, battery storage and back-up generators.

A condition is recommended that requires any future Development Application submitted to demonstrate that the development can connect to reticulated water, electricity and telecommunications. Developing an off-grid Dwelling House is an option available to all future residents of the development, however to ensure that all residents have access to safe, reliable and cost-efficient services, future development must connect to services where available.

Variation Request

The Development Application includes a request to vary the effect the Planning Scheme by approving the 'Sarina Beach Eco Village – DA-2018-165 Variation Request Table'. This document is the Applicant's specific request to vary the Planning Scheme for future development on the subject site. The table includes a Structure Plan

designation intent which sets out what is intended to develop on the various parts of the site and a statement on how the Planning Scheme should be varied to change levels of assessment for future Development Applications.

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

It is recommended that different variations from those sought be approved to ensure that the development aligns with Council's Planning Scheme. The table below shows the variation requested by the Applicant and the variation recommended because of the assessment of the application:

Structure Plan Designation	Applicants Requested Variation	Recommended Variation
Passive Open Space/Constrained Land	Open Space	Open Space
Eco Village Green – Active Open Space	Open Space	Open Space
Eco Village Centre Activities	Township Zone	Township Zone
Eco Tourism	Tourism	Tourism
Low Density Eco Residential Type 1	Township	Township
Low Density Eco Residential Type 2	Township	Rural Residential*
Low Density Eco Residential Type 3	Township	Rural Residential*

*Alternative variation to that proposed by the Applicant.

The alternative variation to include Low Density Eco Residential Type 2 and 3 Lots in the Rural Residential zone is recommended so that future development aligns with the Planning Scheme tables of assessment for Rural Residential land. If these areas were included in the Township zone as requested by the Applicant, future Development Applications for uses that are not appropriate for the area such as Service Station and Shop for example, would be code assessable, which is not intended to be developed in these areas.

The following requested variations are also not recommended for approval:

- Hotel being Code Assessable in the Eco Village Centre Activities area rather than Impact Assessable as per the Township Zone Tables of Assessment.
- Bar, Function Facility, Hotel, Indoor Sport and Recreation, Outdoor Sport and Recreation and Theatre being Code Assessable in the Eco Tourism area rather than Impact Assessable as per the Tourism Zone Tables of Assessment. These uses may be ancillary to a Resort Complex or other tourism uses which are supported under this Preliminary Approval in the Eco Tourism area.

Under section 62 (2) of the *Planning Act 2016*, Council must consider the effect the variations would have on submitters rights for later Development Applications. It is considered reasonable that the above uses should remain Impact Assessable, so that the ability of submitters to make comment on future development proposals is not restricted. In addition, it is reasonable that the proposed Township and Tourism areas accommodate the same Code Assessable uses as Council's Planning Scheme.

Variation request conditions are recommended to be imposed that requires the following:

- The Variation Request Table submitted by the Applicant not be approved and be replaced with the following variations:
 - The Structure Plan be amended so that the land use designations be included in the following zones:

Structure Plan Designation	Zone
Passive Open Space/Constrained Land	Open Space
Eco Village Green – Active Open Space	Open Space
Eco Village Centre Activities	Township Zone
Eco Tourism	Tourism
Low Density Eco Residential Type 1	Township
Low Density Eco Residential Type 2	Rural Residential
Low Density Eco Residential Type 3	Rural Residential

The colours on the Structure Plan must be amended so that the zone designation colours align with the Planning Scheme zones for ease of reading the Structure Plan. The Planning Scheme zone map will be amended to adopt the zones shown on the Structure Plan and the Tables of Assessment for the particular zone will apply to future Development Applications.

- ii) The minimum lot size of Low Density Residential Type 1 be a minimum 1,000m² to ensure that the minimum lot size aligns with the minimum lot size listed for Township zoned lots in the Planning Scheme. This is to ensure that there is sufficient area on each future lot for on-site septic disposal areas.
- iii) To facilitate development as shown on the proposal plan, the minimum Rural Residential lot size will be amended in Table 9.4.3.3.B of the Planning Scheme from 1 hectare to 2,000m² for Low Density Eco Residential Type 2 and from 1 hectare to 5,000m² for Low Density Residential Type 3.
- iv) An amendment to the Township Zone Acceptable Outcome 11.2 by adding a new (C) 1 Dwelling per 200m² where above ground floor in the area identified as Eco Village Centre Activities at Figure 6.2.23.3.A. This amendment is to accommodate the variation requested by the Applicant that Multiple Dwellings in the Eco Village Centre Activities area be allowed at a density of one Dwelling per 200m² of site area.
- v) An amendment to the Dwelling House Code Table 9.3.5.3 B – Dwelling house code – minimum primary road frontage setbacks – to note setbacks in the Low Density Eco Residential Type 2 and 3 be a minimum setback of 6m rather than 10m from access and collector streets. This amendment recognises that the proposed lots are smaller than regular Rural Residential zoned lots and will avoid the need to further Development Applications to be submitted where Dwelling Houses are proposed to be setback less than 10m from any of the proposed road frontages.
- vi) A note added that no overlay mapping has been amended and overlays will apply to all future Development Applications.

Public Notification and Submissions

The application was publicly notified in accordance with the requirements of the *Planning Act 2016*, and because of this process, one submission and one petition containing six signatures were received. The matters raised in the submission are addressed below:

Matter raised Submissions	How matters were dealt with in reaching the Decision
<p><u>Access to the development from Antoney Lane.</u></p> <p>The submission requested that Antoney Lane road reserve connect to the proposed adjacent development to the west to provide access to Sarina Beach Road for existing residents of Antoney Lane.</p>	<p>The Applicant has not proposed vehicle access from Antoney Lane to the development and the SARA have assessed the application based on there being no connection. SARA have conditioned that a round-about be provided at the secondary access to the development, opposite Gum Street.</p>

<p>Residents of Antoney Lane have requested that vehicle access be provided to formalise an informal track that residents currently use through the subject site to gain access to their properties for caravans, boats and motorhomes. Residents have also advised that the garbage collection vehicle currently uses the informal track.</p>	<p>Residents of Antoney Lane gain access to Sarina Beach Road from an existing lawful intersection. Private property cannot be relied upon to gain access to Sarina Beach Road. If a connection to Antoney Lane was conditioned, this would not only provide access for residents of Antoney Lane, but also provide an additional access to Sarina Beach Road for residents of the new development. This would mean that the existing Antoney Lane access would need to be removed and would mean that residents of Antoney Lane would need to travel the 250m to the new round-a-bout to gain access to Sarina Beach Road. Access from the development site to Antoney Lane is not supported.</p> <p>If future Development Applications propose a connection and the removal of the existing Antoney Lane access in consultation with SARA and existing residents of Antoney Lane, this may be assessed as part of a future Development Application.</p>
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Infrastructure charges

There are no infrastructure charges associated with this Preliminary Approval. Infrastructure charges will be calculated in accordance with the policy in place at the time future Development Permit applications are submitted to Council. The site is outside the Priority Infrastructure Area and therefore Council may condition extra trunk infrastructure payment conditions on future Development Applications if applicable.

Consultation and Communication

See public notification and submissions section of this report.

Resource Implications

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

Risk Management Implications

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

Conclusion

The Application for a Material Change of Use Preliminary Approval for Sarina Eco Village on the subject site is recommended for approval, subject to conditions. The proposal to vary the effect of the Planning Scheme to allow future Development Applications over certain parts of the site to be assessed as if the land was included in the Township, Tourism, Rural Residential and Open Space zones is also recommended for approval.

The Strategic Framework sets the policy direction of the Planning Scheme. The subject site is specifically identified in the Strategic Framework as being an appropriate location for development opportunities, subject to meeting demand and addressing infrastructure, environmental and other constraints. It is considered that the Applicant has adequately demonstrated that the land can be serviced for the purposes of this Preliminary

Approval application. Following assessment of the environmental and natural hazard constraints of the site, the recommended conditions of approval require that Area 17 of the development be deleted from the proposal.

The Application seeks approval of the preliminary concept plans for the subject site. Any future Development Application submitted to Council will need to demonstrate compliance with Council's Planning Scheme through the provision of further engineering and technical reports.

Officer's Recommendation

THAT Council approves the application for a Material Change of Use – Preliminary Approval for an Undefined use (Sarina Eco Village) including a Variation Request at Lots 1, 2 and 823 Sarina Beach Road, Sarina Beach, formally described as Lot 1 on C11905, Lot 2 on RP852611 and Lot 823 on C124111, subject to the following conditions:

Approved Plans and Documents

Any future Development Application for a Development Permit relating to this Preliminary Approval must generally comply with the plan and supporting documentation referenced in the tables below and enclosed which form part of this approval, unless otherwise specified by any condition of this approval.

Plan to be Amended

Plan/ Document Name	Drawing Number	Prepared by	Date
Structure Plan	102915-07	RPS	13 October 2023

Documents Not Approved

Plan/ Document Name	Drawing Number	Prepared by	Date
Engineering Report	102915-07	RPS	13 October 2023
Bushfire Management Plan	PR23208	Green Solutions Tape	29 August 2023
Sarina Beach Eco Village – DA-2018-165 Variation Request Table'	102915-2 Version 6	RPS	NA

Material Change of Use – Preliminary Approval

Condition	Timing
<p>1) Carry Out the Approved Development</p> <p>Submit any Development Application associated with this Preliminary Approval, generally in accordance with the approved plan(s) and document(s), and the following:</p> <ul style="list-style-type: none"> a) The specifications, facts and circumstances as set out in the Development Application submitted to Council; and b) The below conditions of approval and the requirements of Council's Planning Scheme and the relevant Planning Scheme Policies; and c) Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written condition(s) will prevail; and d) Except where modified by these conditions of approval. 	At all times.

Condition	Timing
<p>2) Amended Plan(s) and/or Document(s) Required</p> <p>Submit an amended Structure Plan, incorporating the following:</p> <ul style="list-style-type: none"> a) Delete the Low Density Eco Residential – Type 2 in Area 17 and include the area in the Open Space Zone; and b) Amend Low Density Eco Residential – Type 1 minimum area to 1,000m²; and c) Amend Eco Village Centre Activities – maximum GFA to 1,000m²; and d) Amend the colours of the development areas on the Structure Plan to be in accordance with zone colours in Schedule 2 of the <i>Planning Regulation 2017</i>; and e) Amend the Legend to align with the notations on the attached Structure Plan. 	<p>Prior to the lodgement of any application for a Development Permit associated with the Preliminary Approval.</p>
<p>3) Plan(s) and/or Document(s) not approved</p> <p>Submit amended documents with any future Development Application for a Development Permit, incorporating the following:</p> <ul style="list-style-type: none"> a) Engineering Report prepared by a suitably qualified person that demonstrates that each area of the development is able to connect to reticulated: <ul style="list-style-type: none"> i) Water; ii) Electricity; iii) Telecommunications; iv) Roads; and v) Stormwater drainage. <p>The Engineering Report must demonstrate that the sewage for each area of the development is able to be treated onsite.</p> b) Provide a Bushfire Management Plan in accordance with the methodology in the <i>Queensland Fire and Emergency Services (QFES) Bushfire resilient communities document and Planning Scheme Policy – Bushfire</i>. The plan must demonstrate how the risks to public safety and the environment from the storage of hazardous substances on the site will be mitigated to an acceptable or tolerable level. 	<p>As part of lodgement of each application for a Development Permit associated with the Preliminary Approval.</p> <p>As part of lodgement of each application for a Development Permit associated with the Preliminary Approval.</p>
<p>4) Uses</p> <p>Ensure any Development Application seeking a Development Permit for a Material Change of Use under this Preliminary Approval is limited to any or all of the code assessable uses listed in the Table of Assessment for the following zones in the Mackay Region Planning Scheme:</p> <ul style="list-style-type: none"> a) Tourism Zone; b) Township Zone; c) Rural Residential Zone; and d) Open Space Zone. 	<p>At all times.</p>

Condition	Timing
<p>5) Develop in Stages</p> <p>a) Submit a Staging Plan demonstrating the order of development to occur, if staging is proposed.</p> <p><i>Advisory Note: The submission of a Staging Plan is not required should staging not occur.</i></p> <p>b) Obtain approval for the Staging Plan.</p> <p>c) Ensure any future development of the site is generally in accordance with the stages identified on the approved plans in consecutive order, unless otherwise agreed to in writing by Council.</p>	<p>Prior to the lodgement of any application for a Development Permit associated with the Preliminary Approval.</p> <p>Prior to the lodgement of any application for a Development Permit associated with the Preliminary Approval.</p> <p>At all times.</p>
<p>6) Referral Agency</p> <p>Ensure any Development Application seeking a Development Permit for a Material Change of Use under this Preliminary Approval for the Undefined Use (Sarina Beach Eco Village) complies with the conditions of the Referral Agency response dated 30 April 2019 (reference: 1901-9245 SRA or as amended).</p>	<p>At all times.</p>
<p>7) Currency Period</p> <p>In accordance with section 85(1)(a)(i) of the <i>Planning Act 2016</i>, the development has a currency period for six years unless written approval has been obtained from Council for an extension of this period under section 86 of the <i>Planning Act 2016</i>.</p>	
Variation Request Conditions	
<p>8) Pursuant to s61(3) of the <i>Planning Act 2016</i>, the Variation Approval is approved to vary the effect of the Mackay Region Planning Scheme 2017, or any subsequent Planning Scheme in effect for the Mackay Regional Council local government area as follows:</p> <p>a) Apply the following Planning Scheme zones:</p> <ul style="list-style-type: none"> i) Tourism Zone; ii) Township Zone; iii) Rural Residential Zone; and iv) Open Space Zone, <p>to Lot 1 on Ci1905, Lot 2 on RP852611 and Lot 823 on C124111 as shown on the approved Structure Plan.</p>	<p>At all times.</p>

Condition	Timing
<p>Any references in the Mackay Region Planning Scheme including a Code, Table of Assessment, Planning Scheme Policy or a Zone Map in respect to development of Lots 1 on Ci1905, Lot 2 on RP852611 and Lot 823 on C124111 is to be taken as referring to the Zones shown on the approved plan.</p> <p>Overlay mapping on the site has not been amended and Overlays will apply to all future Development Applications.</p> <p>b) Amend the Rural Residential Zone minimum lot size in Table 9.4.3.3.B of the Planning Scheme from 1 hectare to:</p> <p>i) 2,000m² for Low Density Eco Residential Type 2; and</p> <p>ii) 5,000m² for Low Density Residential Type 3.</p> <p>c) Add the following the Township Zone Acceptable Outcome 11.2 by adding a new (C) <i>1 dwelling per 200m² where above ground floor in the area identified as Eco Village Centre Activities on the approved Sarina Beach Eco Village Structure Plan</i>; and</p> <p>d) Amend the Dwelling House Code Table 9.3.5.3 B – Dwelling house code – minimum primary road frontage setbacks – to note the minimum setback for Dwelling Houses (including garages) in the Low Density Eco Residential Type 2 and 3 (Rural Residential) area is 6 metres from access and collector streets; and</p> <p>e) Low Density Eco Residential – Type 1 minimum lot area must be 1,000m²; and</p> <p>f) Eco Village Centre Activities – maximum GFA is 1,000m².</p> <p>Any Development Application seeking a Development Permit under this Variation Request is to be assessed against the version of the Mackay Region Planning Scheme in effect when the Development Application is properly made, as varied by this approval. To remove any doubt, the specific variations given in this approval prevail over any further amendments to the Mackay Region Planning Scheme.</p>	
<p>9) Rates Notation</p> <p>The following notation will apply to the parent lots and all lots created on the land.</p> <p><i>This lot forms part of land which is subject to a Variation Approval issued under the Planning Act 2016 (Council Reference: DA-2018-165). The Variation Approval is to be used in determining the category of assessment for development undertaken on the land. Development undertaken pursuant to this Variation Approval must comply with all relevant conditions.</i></p>	At all times.

Condition		Timing
10)	Currency Period In accordance with section 88(2)(a) of the <i>Planning Act 2016</i> , the development is to be completed within six years unless written approval has been obtained from Council for an extension of this period under section 86 of the <i>Planning Act 2016</i> .	At all times

Assessment Manager's Advice	
1)	Infrastructure Charges Notice Infrastructure charges will be levied in accordance with the policy in place at that time Development Applications are approved pursuant to this Variation Approval.
2)	Notation of Mackay Regional Council Planning Scheme Pursuant to Section 89 of the <i>Planning Act 2016</i> , Council will notate Schedule 4 of the Planning Scheme to reflect the Variation Approval.

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

Author	Acting Principal Engineer (Luke Ferguson)
Responsible Officer	Director Planning, Growth & Sustainability (Aletta Nugent)
File Reference	SPSW-034

Attachments

1. Mackay Coast Our Future - Coastal Hazard Adaptation Study [11.4.5.1 - 90 pages]
2. Register of Amendments - draft Mackay Coast Our Future Study [11.4.5.2 - 3 pages]

Purpose

For Council to consider adopting the 'Mackay Coast Our Future – Coastal Hazard Adaptation Study' following public consultation.

Related Parties

- Alluvium
- Local Government Association of Queensland (LGAQ)
- Department of Environment and Science

Corporate Plan Linkage

Community and Environment

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

Live and Visit

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

Background/Discussion

Mackay Regional Council received funding from the Queensland Government QCoast 2100 project (administered by the LGAQ) to develop a coastal hazard adaptation study. The Mackay Coast Our Future project will improve our understanding of coastal hazards and make the Mackay Region's coastline and coastal communities more resilient. The Mackay Coast Our Future – Coastal Hazard Adaptation Study (CHAS) provides a proactive plan to manage the impact of coastal hazards on the Region's communities, environment, cultural values and built assets.

The project was completed in line with the QCoast2100 guidelines in eight phases:

1. Plan for life-of-project stakeholder communication and engagement;
2. Scope coastal hazard issues for the LGA;
3. Identify areas exposed to current and future coastal hazards;
4. Identify key assets potentially impacted;
5. Undertake risk assessment of key assets in coastal hazard areas;
6. Identify potential adaptation actions;
7. Undertake socio-economic appraisal of adaptation options; and

8. Strategy development, implementation and review.

The key outcomes of each phase and the regional and location-specific implementation actions to adapt to projected future coastal hazards is provided in the attached Mackay Coast Our Future – Coastal Hazard Adaptation Study (see Attachment 1). The project is in the eighth phase, with this report considering the adoption of the study.

Previous community consultation identified that the community highly values the unique landscapes, features and natural beauty, natural ecosystems and wildlife, outdoor recreation, access to beaches and business, and work and education opportunities associated with the Region's coastline. Additionally, there is a strong preference for considering nature-based solutions as the primary/initial pathway for coastal hazard adaptation. Understanding community preferences and preserving these values has informed the development of adaptation pathways in the CHAS.

Prior to seeking community input on adaptation options, the project provided detailed information and fact sheets on coastal hazards and adaptation options. Coastal hazards include cyclones, erosion, temporary inundation from seawater due to big tides and storms (known as storm tide inundation), or longer-term inundation due to sea-level rise. The risks presented by coastal hazards depends on the likelihood of exposure and the vulnerability to exposure, which varies significantly between our coastal communities.

Adaptation pathway development considers the community's exposure to risk, including both public and private infrastructure, and how this risk profile will potentially change through time. Two horizons were considered for the risk assessment, including existing climate conditions and projected climate conditions for the year 2100. Coastal hazard information, which defined the nature and extent of potential exposure with either a 1% or 0.2% chance of occurring in any one year, were overlayed onto spatial datasets of key assets to identify coastal hazard exposure. The consequence of an asset being exposed to coastal hazards is dependent on how vulnerable the asset is to the exposure. For example, a road experiencing inundation has a much lower consequence than a house being inundated. The consequence of exposure was considered against three key consequence categories; place, planning and sustainability, community wellbeing and culture and the environment. How exposure will potentially impact these values determined the consequence rating from insignificant through to catastrophic. The likelihood of exposure was considered against the consequence of exposure to define coastal hazard risk across the region on a scale of low to very high. Coastal hazard risks are summarised for the Region's buildings and facilities, transport and utilities assets and planning scheme zones to provide a regional perspective. Of note, the number of houses at high risk to king tides across the region grows from approximately 50 to over 700 under projected 2100 climate conditions. The report also notes coastal communities with septic tank systems may be impacted.

As expected, coastal hazard risks increase with projected changes to climate conditions. At a regional scale, average annual damage (AAD) associated with combined coastal hazard impacts on built assets is estimated to increase from \$90 million in the present day to \$900 million by 2100 in the absence of mitigation.

A range of adaptation options are outlined within the general framework of avoid and accommodate, monitor and maintain, actively mitigate and managed retreat. Against this framework, adaptation themes are defined under region wide initiatives, planning and internal policy updates, maintaining and improving infrastructure and nature-based coastal management and coastal engineering.

In addition to region wide initiatives, community specific actions are identified as individual adaptation pathways for each of the Region's coastal communities. Adaptation responses are identified for the short-term, medium-term and long-term. Of note, managed retreat is identified as a long-term adaptation pathway for limited areas within Midge Point, Slade Point, Town and Far Beach, Bakers Creek, Dunnrock and Armstrong Beach. Across

several communities, short-term actions are monitor and maintain, with the exception of Cape Hillsborough, Haliday Bay, Shoal Point, Bucasia, Louisa Creek, Half Tide Beach and Salonika Beach, Grasstree, Campwin and Sarina Beaches and the Islands where 'avoid and accommodate' is nominated. Critically, at Slade Point, Harbour Beach, McEwens Beach and Armstrong Beach, actively mitigate is nominated.

The CHAS outlines 35 prioritised actions from high priority (within five years) through to long-term (implemented or reviewed within 20 years) for each of the Region's coastal communities. The majority of high-priority actions are region wide initiatives which apply to every coastal community that do not involve the implementation of physical works on the ground.

Consultation and Communication

The project has been informed through consultation with the community over 2022 and 2023. Engagement events and activities were undertaken in a range of virtual and in-person formats and included:

- Notification of the project in 2022 rates notice
- Community surveys during 8 June to 18 September 2022 and 17 November 2022 to 18 December 2022.
- Community drop-in sessions during June 2022, November 2022, February 2023 and October 2023
- Stakeholder workshops during November 2022 and February 2023.
- Targeted briefings with key industry stakeholders.
- Council briefings in May 2022, November 2022, January 2023, September 2023 and a workshop with Councillors in May 2023.

The draft Mackay Coast Our Future study was endorsed for public consultation at the Council meeting on 27 September 2023. Consultation was undertaken from Friday, 29 September 2023 to Sunday, 5 November 2023. Consultation included community drop-in sessions at Jubilee Community Centre, Sarina Beach Surf Life Saving Club, Eimeo Surf Life Saving Club, St Helens Beach, Mackay Surf Life Saving Club and at Caneland Shopping Centre as part of the Disaster Ready Saturday.

Ongoing consultation and communication activities have been supported by a permanent online presence on Council's Connecting Mackay online platform. The page facilitated an online survey inviting feedback on the draft document with the following statistics were recorded:

- 60 residents attended community drop in sessions
- 17 surveys (and 1 letter to Councillors)
- 627 web page visits
- 235 document downloads

Connecting Mackay also provides project status updates, links to fact sheets and hazard information to assist with achieving the objectives of the project.

Feedback received did not trigger material changes to the draft Mackay Coast Our Future Study, and a register of the changes to the document is provided in Attachment 2. General themes that arose from the consultation varied significantly, highlighting the diverse values that the community associate with coastal settings.

Resource Implications

The report identifies nine high priority actions recommended for implementation in the next five years. Of note, the first action is establishing roles and responsibilities within Council to support implementation of the CHAS, which will need to be considered upon endorsement of the final CHAS by Council.

The review of coastal management guidelines and implementation of local coastal plans for dune and vegetation protection and maintenance is identified as a high priority action across each coastal community.

Risk Management Implications

The CHAS identifies a range of adaptation options across the region and also identifies adaptation pathways for specific coastal areas. The CHAS includes managed retreat as part of the long-term adaptation pathway for limited areas within Midge Point, Slade Point, Town and Far Beach, Bakers Creek, Dunrock and Armstrong Beach. Managed retreat does not rely on actively mitigating against coastal hazards but rather supports movement away from areas exposed to an intolerable risk. The CHAS will be the first clear signal that Council will not actively plan for or commit to the protection of certain areas within some coastal communities. This has the potential to be received negatively by those affected communities and property owners.

The CHAS provides Council with the foundation for effective short-term decision making in line with long-term objectives. It also provides the existing community and potential future residents with critical information to make informed decisions about coastal hazards. In the absence of the CHAS, Council is at risk of making reactive decisions about managing coastal hazards that do not align to long-term objectives, does not represent efficient investment and potentially could generate other unintended consequences.

Conclusion

Adapting to coastal hazards is a shared responsibility for all stakeholders and the Mackay community. The CHAS represents the start of an ongoing and strategic approach to adaptation over time. Adaptation pathways will be continually informed by community input and ideas, new knowledge and monitoring the effectiveness of actions. Adoption of the Mackay Coast Our Future – Coastal Hazard Adaptation Study represents a significant milestone for long-term coastal hazard adaptation across the Mackay local government area.

Officer's Recommendation

THAT the Mackay Coast – Our Future, Coastal Hazard Adaptation Study be adopted.

11.5. INFRASTRUCTURE AND OPERATIONS

11.5.1. LEASE RENEWAL - EIMEO SURF LIFE SAVING CLUB

Author	Land & Property Officer (Jacinta Pollock Bonnett)
Responsible Officer	Acting Director Infrastructure and Operations (Jim Carless)
File Reference	Current Securities Lease 187 6 Eimeo Esplanade EIMEO QLD 4740

Attachments

1. Lease Area [11.5.1.1 - 1 page]

Purpose

To consider a lease renewal request for Eimeo Surf Life Saving Club Inc for a total area of approximately 544 square meters being Lot 1 on RP719065, known as 6 Eimeo Esplanade, Eimeo for a period of ten (10) years with such lease to commence on 1 February 2024.

Related Parties

Eimeo Surf Life Saving Club Inc
Eimeo Surf Life Saving Supporters Club

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.

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

Background/Discussion

Eimeo Surf Life Saving Club Inc (ESLSC) commenced their 20-year lease in February 2004, in which they were joint tenants with the Sunset Bay Outrigger Canoe Racing Association Club Inc (Outriggers) over 4 and 6 Eimeo Esplanade, Eimeo. In 2006/2007 the Outriggers transferred their interest in the lease over 6 Eimeo Esplanade, to ESLSC who then sub-leased to the Eimeo Surf Life Saving Supporters Club Inc.

ESLSC run multiple programs for a range of ages and abilities, as well as competitions and events with assistance from the Supporters Club.

The Nippers program provides a nurturing environment for young members to learn and develop valuable knowledge; from ocean awareness and surf safety to basic first aid and rescue techniques, combining education, physical activity and fun.

The Eimeo Albatross Nippers program commenced in the 2021 season, expanding the current Nippers program to be inclusive of kids with special needs. Eimeo is the only Albatross Nipper program outside of Southeast Queensland and the only one currently offered in our region.

Discussions between ESLSC and the Supporters Club have been positive and are agreeable to continue assisting each other by allowing shared usage when required for events. ESLSC have confirmed they wish to provide a new sub-lease agreement to the Supporters Club.

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.”

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

Therefore, Council is not required to tender this before granting a new lease.

Consultation and Communication

Representatives of Eimeo Surf Life Saving Club Inc, Manager Property Services, Supervisor Land Operations, Land and Property Officer, Land and Road Use Committee

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 community lease, inclusive of rental in accordance with the Mackay Regional Council's Community Leasing Policy and other like conditions.

Risk Management Implications

ESLSC provides ocean awareness and surf safety to a range of members within the community. 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 ESLSC and sub-lease to the Supporters Club, 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 applied 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 Eimeo Surf Life Saving Club Inc for a total area of approximately 544 square meters being Lot 1 on RP719065, known as 6 Eimeo Esplanade, Eimeo for a period of ten (10) years with such lease to commence on 1 February 2024.
3. Provides consent to a new sub-lease from Eimeo Surf Life Saving Club Inc to Eimeo Surf Life Saving Supporters Club on similar terms as the current sub-lease.

11.5.2. LEASE RENEWAL - EIMEO SURF LIFE SAVING CLUB INC AND SUNSET BAY OUTRIGGER CANOE RACING ASSOCIATION CLUB INC

Author	Land & Property Officer (Jacinta Pollock Bonnett)
Responsible Officer	Acting Director Infrastructure and Operations (Jim Carless)
File Reference	Current Securities Lease 187, Eimeo Esplanade, EIMEO QLD 4740

Attachments

1. Lease Area [11.5.2.1 - 1 page]

Purpose

To consider a lease renewal request for Eimeo Surf Life Saving Club Inc and Sunset Bay Outrigger Canoe Racing Association Club Inc for a total area of approximately 1337 square meters being Part of Lot 1 on SP192532, known as 4 Eimeo Esplanade, Eimeo for a period of ten (10) years with such lease to commence on 1 February 2024.

Related Parties

Eimeo Surf Life Saving Club Inc
Sunset Bay Outrigger Canoe Racing Association Club 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.

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

Background/Discussion

Eimeo Surf Life Saving Club Inc (ESLSC) and Sunset Bay Outrigger Canoe Racing Association Club Inc (Outriggers) commenced their 20-year lease in February 2004, in which they were joint tenants over 4 and 6 Eimeo Esplanade, Eimeo. In 2006/2007 the Outriggers transferred their interest in the lease over 6 Eimeo Esplanade and remained as a joint tenant over 4 Eimeo Esplanade for storage of their equipment.

ESLSC run multiple programs for a range of ages and abilities, as well as competitions and events. Their programs encourage members to learn and develop valuable skills such as ocean awareness, surf safety, basic first aid and rescue techniques.

Outriggers cater for all paddlers with experienced coaches to ensure maximum safety during training sessions. The club offers a relaxed environment to enjoy the sport of outrigger canoeing whether members wish to race competitively or to train to stay fit and healthy.

ESLSC and Outriggers are agreeable to continue the joint tenants Lease Agreement by allowing shared usage for storage purposes.

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.”

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

Therefore, Council is not required to tender this before granting a new lease.

Consultation and Communication

Representatives of Eimeo Surf Life Saving Club Inc and Sunset Bay Outrigger Canoe Racing Association Club Inc, Executive Manager Property and Plant, Supervisor Land Operations, Land and Property Officer, Land and Road Use Committee

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 community lease inclusive of rental in accordance with the Mackay Regional Council's Community Leasing Policy and other like conditions.

Risk Management Implications

ESLSC provides ocean awareness and surf safety to a range of members within the community, and Outriggers provide a safe environment for members to enjoy the outrigger canoeing sport. 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 ESLSC and Outriggers, 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 applied 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 Eimeo Surf Life Saving Club Inc and Sunset Bay Outrigger Canoe Racing Association Club Inc for a total area of approximately 1337 square meters being Part of Lot 1 on SP192532, known as 4 Eimeo esplanade, Eimeo for a period of ten (10) years with such lease to commence on 1 February 2024.

11.5.3. LEASE RENEWAL - MACKAY RIDING FOR DISABLED ASSOCIATION INC

Author	Land and Property Officer (Jacinta Pollock Bonnett)
Responsible Officer	Acting Director Infrastructure and Operations (Jim Carless)
File Reference	Current Securities Lease 171 & 172, 9-10 Loughnane Court, NORTH MACKAY QLD 4740

Attachments

1. Lease Area [11.5.3.1 - 1 page]

Purpose

To consider a Lease for Mackay Riding for Disabled Association Inc for a total area of approximately 2.43ha being part of Lot 1 on SP262693 and Lot 296 on CI3986, known as 9 and 10 Loughnane Court, North Mackay for a period of ten (10) years with such lease to commence on 1 January 2024.

Related Parties

Mackay Riding for Disabled 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.

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

Background/Discussion

Mackay Riding for Disabled Association Inc (MRDA) were granted a 20-year lease in January 2002, over Lot 1 on SP262693 and Lot 296 on CI3986, both previous landfill sites.

MRDA provide both recreational and therapeutic horse-riding programs for children and adults with disabilities. Many students are referred to MRDA by physiotherapists involved in the special education units at local schools. The riding program is an integral part of the rider's ongoing exercise and education, promoting confidence and self-esteem.

Coach's design and execute a workable program which includes classical equestrian principles as well as games which focus on promoting body awareness and improvements in posture and control, encouraging decision-making, participation and concentration. MRDA are committed and should the lease not be approved, the community would not be able to benefit from the opportunities that arise from the activities of the organisation.

Due to the previous landfill use at the sites, Council's Waste Services team have been investigating the quantity of landfill and level of rehabilitation required at the sites. At the expiry of the leases in 2021, it was decided to grant a two-year licence agreement, with a right for Council to terminate early if Council's Waste Services team required the sites for rehabilitation. MRDA have reached out to Council to advise the licence agreement limits their ability to apply for funding opportunities and their preference at the expiry of the licence is to enter into a new 10-year Lease. A new 10-year Lease is consistent with Council's community leasing policy.

MRDA have been co-operative in allowing Council's Waste Services team access to the sites when testing has been required.

Waste Services, Property and Plant, and Legal Counsel have been consulted, and parameters have been determined for MRDA to enter into a Lease, with the ability for Council to give notice to MRDA to vacate the sites when Council requires use of the sites for rehabilitation.

The lease will be a standard "trustee" lease inclusive of rental in accordance with Council's Community Leasing Policy and other like conditions. Additional clauses relating to specific use and the previous landfill use of the sites will be included in the lease.

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. MRDA currently occupy the sites and is a community group for the purposes of the exception in Section 236 (1) (b) (ii) of the Local Government Regulation.

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

Therefore, Council is not required to tender this before granting a new lease.

Consultation and Communication

Representatives of Mackay Riding for Disabled Association Inc, Executive Manager Property and Plant, Supervisor Land Operations, Land and Property Officer, Legal Counsel, Waste Services Coordinator, Project Manager Waste Services

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

MRDA provides recreational and therapeutic horse-riding programs for children and adults with disabilities. Should the lease not be approved, 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 MRDA, 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 and the community.

Officer's Recommendation

THAT Council

1. Resolves that an exemption applied 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 Riding for Disabled Association Inc for a total area of approximately 2.43ha being part of Lot 1 on SP262693 and Lot 296 on CI3986, known as 9 and 10 Loughnane Court, North Mackay for a period of ten (10) years with such lease to commence on 1 January 2024.

11.5.4. DRAFT NORTHERN BEACHES COMMUNITY HUB REFERENCE GROUP - MINUTES - 22 NOVEMBER 2023

Author Executive Support Officer (Annette Eckart)
Responsible Officer Acting Director Infrastructure and Operations (Jim Carless)
File Reference SPLP-017 Northern Beaches Community Hub

Attachments

1. 231122 - NBCH - Reference Group meeting MINUTES [11.5.4.1 - 5 pages]

Purpose

To receive the draft minutes of the Northern Beaches Community Hub (NBCH) Reference Group meetings held on 22 November 2023

Related Parties

Related Parties include members of the NBCH Reference Group, as listed in the attached minutes.

Corporate Plan Linkage

Live and Visit

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

Background/Discussion

Council established the NBCH Reference Group in January 2021. The aim of the NBCH Reference Group is to provide a forum for the Northern Beaches community, relevant community groups and stakeholders to provide their views on the plans for the NBCH, in keeping with the most efficient use of public funds and resources.

A project status update was provided to the group. Minor design revisions to the current master plan, resulting from matters raised at the last reference group meeting as well as relevant council staff consultation, were presented. It was also confirmed that stage 2 and 3 will remain future works.

Communication of the project to promote the community's awareness has been primarily done through the Connecting Mackay web page. The reference group members were encouraged to promote the Connecting Mackay web page to colleagues and the community, including subscription to the project's dedicated eNewsletter.

Consultation and Communication

The minutes of the meetings were approved by the NBCH Reference Group Chair and will be circulated to the NBCH Reference Group members.

Conclusion

That the draft minutes of the NBCH Reference Group meetings held on 22 November 2023 be received.

Officer's Recommendation

THAT the draft minutes of the NBCH Reference Group meetings held on 22 November 2023 be received.

11.6. CORPORATE SERVICES

11.6.1. STRATEGIC FINANCIAL REPORT - NOVEMBER 2023

Author	Financial Accounting Co-ordinator (Jena Prinsloo)
Responsible Officer	Director Corporate Services (Angela Hays)
File Reference	Strategic Financial Report

Attachments

1. November 23 Strategic Report Final 05 12 2023 [**11.6.1.1** - 19 pages]

Purpose

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

Related Parties

Insert Related Parties here

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, Chief Financial Officer.

Resource Implications

MRC is forecasting an operating deficit of \$5.4M for the 2023/24 financial year. The variance of the actual operating result for YTD November 2023 against YTD budget is an unfavourable variance of \$782K, this variance is in the 3% to $\pm 4.99\%$ range.

Risk Management Implications

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

Conclusion

For the period ending November 2023, MRC reported an unfavourable operating surplus variance of \$782K against YTD budget. Operating revenue is reporting slightly below YTD budget, with a favourable variance in grants and subsidies received of \$308K; and unfavourable variances in rates and charges of \$488K, and sales, contracts and recoverable works of \$384K. Higher than anticipated expenditure across council is largely attributable to materials and services of 1.9M, specifically repairs and maintenance (\$872K), contractors (\$775K), and electricity (\$448K). This has been offset by a favourable variance of \$1.28M in employment benefit expenses due to ongoing employee vacancies.

To date, \$43M has been expended in the delivery of Council Projects; \$41.9M capital expenditure and \$1.1M operational expenditure. Council projects includes accrued expenditure for works in progress and associated operational costs expended in the delivery of these works.

Officer's Recommendation

THAT the Strategic Financial Report for November 2023 be received.

12. RECEIPT OF PETITIONS

12.1. EPETITION - INSTALLATION OF A BOOM GATE AT THE EIMEO SURF LIFESAVING CLUB CARPARK

Author	Chief Executive Officer (Scott Owen)
Responsible Officer	Chief Executive Officer (Scott Owen)
File Number	Petitions
Attachments	1. E-petition - Cynthia Hegerty - Eimeo Surf Lifesaving Club Boom Gate at carpark [12.1.1 - 3 pages]

Purpose

A petition was received by Council on the 13 November 2023 and relates to a request to install a boom gate at the Eimeo Surf Lifesaving Club carpark.

Related Parties

Listed petitioners per the attached petition.

Corporate Plan Linkage

N/A

Background/Discussion

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

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

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

Consultation and Communication

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

Resource Implications

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

Risk Management Implications

NIL.

Conclusion

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

Officer's Recommendation

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

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

13. TENDERS

14. CONSIDERATION OF NOTIFIED MOTIONS

14.1. NOTIFIED MOTION AREAS OF INTEREST

Author	Acting Executive Officer (Kerri Verroen)
Responsible Officer	Chief Executive Officer (Scott Owen)
File Number	Council Policies, Notice of Motion
Attachments	N/a

Purpose

To present a Notified Motion as presented by Cr Martin Bella, Cr Laurence Bonaventura, and Cr Russell Seymour.

Related Parties

- MRC Councillors

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 clause 6.3 of Council's Standing Orders, any Councillor can request that a matter be included on a Council meeting agenda. This matter was discussed at the Council's Ordinary Meeting on 22 November 2023 and was Lost.

Councillors Bella, Bonaventura, and Seymour have requested that a Notified Motion as below be represented to Council –

THAT the Chief Executive Officer undertake for consideration by the newly elected Council at its first Ordinary Meeting the formulation of a proposed operating guideline and structure for Councillors linked to individual areas of responsibility and interest.

The Notified Motion in effect is Council setting a framework for involvement of Councillors in both Council business and linkage to the community, and as such may result in changes to supporting Council Guidelines and Policies.

In support of the Notified Motion, Councillors Bella, Bonaventura, and Seymour have provided the below –

The proposed operating guideline should include specific areas of responsibility and interest which align with such things as experience, interest etc. This would also include being the “face of council” with regard to activities in that specific area.

This would also provide a clear pathway for resident requests, and enable councillors to have better insight in subject knowledge of a specific and defined area.

As presenters of the Notified Motion it is believed that this is essential in preventing the confusion that has reigned both within and outside council during this term.

It is also believed it will go some way to preventing “councillor shopping”, and mixed messages being given to residents, for whatever reason by councillors.

This report has been re-tabled due to the confusion around the voting at the last Council meeting and due to a Councillor being unexpectedly absent when it was presented.

Consultation and Communication

Mayor and Councillors.

Resource Implications

Work has already commenced in line with the Operational Plan which is to build a strategic framework for Councillors. This will include a presentation of various options available that the elected Council will consider for formal adoption or change as required.

Risk Management Implications

Risk mitigation measures will form part of the assessment and recommendations presented in any overall operating guideline or framework.

Conclusion

Councillors are able to request a Notified Motion be presented for consideration of Council on any matter. In relation to this particular issue, work has already begun investigating options with the view to presenting a recommended position for the newly elected Council.

Timing could align with tabling at the first Ordinary Meeting of the newly elected Council in 2024.

Recommendation

THAT Council considers the Notified Motion by Councillors Bella, Bonaventura, and Seymour of –

THAT the Chief Executive Officer undertake for consideration by the newly elected Council at its first Ordinary Meeting the formulation of a proposed operating guideline and structure for Councillors linked to individual areas of responsibility and interest.

14.2. NOTIFIED MOTION - POLICIES

Author Acting Executive Officer (Kerri Verroen)
Responsible Officer Chief Executive Officer (Scott Owen)
File Reference Council Policies, Notice of Motion

Attachments Nil

Purpose

To present a Notified Motion as presented by Cr Martin Bella.

Related Parties

MRC Councillors

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 clause 6.3 of Council's Standing Orders, any Councillor can request that a matter be included on a Council Ordinary Meeting Agenda.

Cr Bella, has requested that a Notified Motion as below be presented to Council:

That Policies to be brought to council for adoption are to be presented to councillors for consideration and evaluation no less than 2 weeks before it is to be presented to an Ordinary Meeting.

Further, that a briefing/discussion be held with councillors in this time at earliest point reasonably possible.

This briefing is to cover, but not be limited to;

- *History of the policy*
- *Need for the policy (what it is designed to achieve)*
- *Consideration as to whether this is best practice to achieve the intended outcome. Whether the policy complements or conflicts with any other policy.*
- *Possible unintended consequences/associated effects of the implementation of said policy.*

The Notified Motion in effect is Council setting a framework for involvement of Councillors in both Council business and linkage to the community, and as such may result in changes to supporting Council Guidelines and Policies.

In support of the Notified Motion, Cr Bella has provided the below –

Policies are the “instruction Manual” of council. They ensure that there is consistency and equity across instances dealt with in the area the policy is responsible for.

While every decision requires careful thought and consideration, the thought, background, and consideration involved in the formulation of a policy ensures that much of the work has already been done by officers.

Owing to the undeniable importance of policies, they must therefore be carefully considered by elected members before implementation or renewal.

This cannot be done if insufficient time and opportunity to investigate are given. It can be said that rushed decisions are rarely good decisions.

This motion has its eyes firmly fixed on giving new councillors next term every opportunity to have the time to make considered decisions while coping with the immense load of new information put before new councillors.

Consultation and Communication

Mayor and Councillors

Resource Implications

Internal resources

Risk Management Implications

Risk mitigation measures will form part of the assessment and recommendations presented in any overall operating guideline or framework.

Conclusion

Councillors are able to request a Notified Motion be presented for consideration of Council on any matter. In relation to this particular issue, work has already begun investigating options with the view to presenting a recommended position for the newly elected Council.

Recommendation

That Council considers the Notified Motion by Cr Bella of -

That Policies to be brought to council for adoption are to be presented to councillors for consideration and evaluation no less than 2 weeks before it is to be presented to an Ordinary Meeting.

Further, that a briefing/discussion be held with councillors in this time at earliest point reasonably possible.

This briefing is to cover, but not be limited to;

- History of the policy*
- Need for the policy (what it is designed to achieve)*
- Consideration as to whether this is best practice to achieve the intended outcome. Whether the policy complements or conflicts with any other policy.*
- Possible unintended consequences/associated effects of the implementation of said policy.*

15. PUBLIC PARTICIPATION

16. LATE BUSINESS

17. CONFIDENTIAL REPORTS

17.1. APPROVED SPONSORSHIP UNDER THE INVEST MACKAY EVENTS CONFERENCE ATTRACTION PROGRAM - NOVEMBER 2023

Confidential

Confidential Report to be forwarded separately.

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

17.2. APPROVED CONCESSIONS UNDER THE FACILITATING DEVELOPMENT IN THE MACKAY REGION POLICY – NOVEMBER 2023

Confidential

Confidential Report to be forwarded separately.

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

17.3. SALE OF LAND FOR ARREARS OF RATES COUNCIL REPORT

Confidential

Confidential Report to be forwarded separately.

This report is **CONFIDENTIAL** in accordance with the Section 254J (3) (g) of the *Local Government Regulation 2012* which permits the meeting to be closed to the public to discuss a matter relating to **negotiations relating to a commercial matter involving the Council for which a public discussion would be likely to prejudice the interests of the Council**.

18. MEETING CLOSURE

19. FOR INFORMATION ONLY

19.1. DEVELOPMENT APPLICATIONS - NOVEMBER 2023

19.2. BUILDING WORKS STATISTICS - NOVEMBER 2023